

0000122010



UC SOUTHERN REGIONAL LIBRARY FACILITY



Eng^d by W. H. Lizors

Litho by R. Gibb. Is.

சென்னை நகரம்.

CRIMINAL TRIALS

IN SCOTLAND,

FROM A.D. M.CCCC.LXX XVIII TO A.D. M.DC.XXIV,

EMBRACING THE ENTIRE

REIGNS OF JAMES IV. AND V., MARY QUEEN OF SCOTS,
AND JAMES VI.

COMPILED FROM THE ORIGINAL RECORDS AND MSS.

WITH

HISTORICAL NOTES AND ILLUSTRATIONS,

BY

ROBERT PITCAIRN, ESQ.

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT. AND HON. F.S.A. PERTH, &c.

VOLUME FIRST—PART FIRST.

EDINBURGH:

WILLIAM TAIT, PRINCE'S STREET; AND
LONGMAN, REES, ORME, BROWN, GREEN, AND LONGMAN, LONDON.

M.DCCC.XXXIII.

PRINTED AT THE BANNATYNE CLUB PRESS BY BALLANTYNE AND CO.

CRIMINAL TRIALS

IN SCOTLAND,

FROM A.D. M.CCCC.LXX XVIII TO A.D. M.DC.XXIV,

EMBRACING THE ENTIRE

REIGNS OF JAMES IV. AND V., MARY QUEEN OF SCOTS,
AND JAMES VI.

COMPILED FROM THE ORIGINAL RECORDS AND MSS.

WITH

HISTORICAL NOTES AND ILLUSTRATIONS,

BY

ROBERT PITCAIRN, ESQ.

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT. AND HON. F.S.A. PERTH, &c.

VOLUME FIRST—PART SECOND.

EDINBURGH:

WILLIAM TAIT, PRINCE'S STREET; AND
LONGMAN, REES, ORME, BROWN, GREEN, AND LONGMAN, LONDON.

M.DCCC.XXXIII.

PRINTED AT THE BANNATYNE CLUB PRESS BY BALLANTYNE AND CO.

TO

THE RIGHT HON. THE LORD JUSTICE-CLERK,

AND TO

THE HON. THE LORDS COMMISSIONERS

OF

THE HIGH COURT OF JUSTICIARY,

THIS FIRST VOLUME

OF

A COLLECTION

OF THE EARLIEST RECORDED PROCEEDINGS BEFORE

THE

SUPREME CRIMINAL TRIBUNAL OF SCOTLAND;

COMPILED

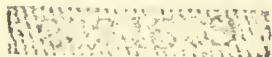
BY THEIR LORDSHIPS' PERMISSION, AND UNDER THEIR SANCTION,

IS MOST RESPECTFULLY DEDICATED,

BY

THEIR LORDSHIPS' OBLIGED AND FAITHFUL SERVANT,

THE EDITOR.



PREFACE.

THE EDITOR has at length the satisfaction of having brought the present Collection of the earliest Criminal Proceedings in Scotland, of which authentic memorials are now preserved, to a conclusion. This task has occupied several years of laborious exertion, which, it must be admitted, has been severer than might at first have been anticipated; but, when the difficulties he had to grapple with, and the repulsive materials from which these volumes have been compiled, are candidly considered, it will readily be allowed that the undertaking required no ordinary exertion of application and perseverance.

It has all along been the Editor's anxious study to furnish the Public with a copious selection from these ancient Records, (the earliest, perhaps, as well as the most remarkable, in this department, of which any country in Europe can now boast,) in a scrupulously faithful and accurate manner, without using even the slightest liberty with the phraseology or structure of the original text. His editorial labours, therefore, have been confined chiefly to the selection of the most remarkable Cases, and the addition of such collateral historical

and antiquarian illustrations as the nature of the subject seemed to demand, or his more important professional exertions, which, during the whole of this period, also happen to have been of a severe and laborious description, allowed him to make.

The present work was first suggested by the late lamented SIR WALTER SCOTT, whose attachment to the early history, literature, and antiquities of his native country are so universally known and appreciated, that his name may now be said to be indissolubly identified with them. The idea and plan of such a work as the present had, many years ago, occurred to that truly great man; and, at one period, he had himself contemplated the publication of the most remarkable of the ancient Criminal Cases of Scotland, combining the facts of each with all the correlative circumstances, worked up into a popular and narrative form. From this undertaking, however, he was diverted by his numerous avocations and literary engagements, but chiefly from the consideration that many years must necessarily have been consumed in acquiring all the requisite stock of materials and information, before he could commence the composition of such a work. Both previous to, and shortly after the institution of his favourite literary Association, the BANNATYNE CLUB, he encouraged the Editor to attempt the publication of the present Collection; but, being diffident of his adequacy to so important and extensive an undertaking as had at first been contemplated by SIR WALTER SCOTT, it was proposed by the Editor that he should, in the first place, carefully investigate the Records and MSS. belonging to the Court, and make pretty extensive Selections from the earlier portion of the reign of King James VI., in the

manner that appeared to him likely to be the most accurate, and, at the same time, the most practically useful.

These Selections were accordingly made and subjected to the critical examination of Sir Walter Scott and of Thomas Thomson, Esq., Deputy Clerk Register of Scotland, now his successor as President of the Bannatyne Club, together with the outlines of the plan which seemed to be best calculated to make the proposed Collection as useful as possible, as a work of reference. With a few modifications, these learned individuals concurred in advising the publication of the work, in the form in which it is now found. The patronage of THE LORD JUSTICE-CLERK and the Lords Commissioners of the High Court of Justiciary, THE LORD PRESIDENT of the Court of Session, THE LORD CHIEF COMMISSIONER of the Jury Court, BARON HUME, and many other eminent individuals, whose names rank highest in the profession of the Law, as well as in the literature of this country, was liberally and readily granted in furtherance of the work.

The BANNATYNE and MAITLAND CLUBS, also, and many other literary and Antiquarian friends, having subscribed to the projected publication, the Editor felt that he could not, in gratitude, any longer decline undertaking the remaining risk and responsibility, great though they, from the outset, appeared to him to be. It was clear to all, however, that no adequate compensation could reasonably be expected for the expenditure of time and labour, and the large pecuniary advances which must necessarily be involved in the undertaking of so very extensive an engagement, unless many of the members of the principal Legal Bodies should come forward in support of the Editor,

after the publication of the preliminary Parts of his projected work. This hope, unfortunately, has not hitherto been realized.

These explanations appear to the Editor to be in some measure called for, in consequence of his having been frequently and freely censured by many of his friends, as if he had rashly and unadvisedly incurred so very heavy a responsibility, and as if he had wilfully sacrificed so many years to intense application on pursuits so little likely to yield a corresponding return for the labour and expense bestowed. Without farther intruding on the reader's patience these personal concerns, he trusts he has shown satisfactorily, that he had the best grounds for expecting a more favourable result. In the face of at least the extreme probability of suffering considerable pecuniary loss, after the time when the first two or three Parts were published, he is conscious that he has in no wise shrunk from the fulfilment of any part of the obligations under which he conceived and felt himself to lie towards those who so liberally and disinterestedly came forward to support the present work, but has steadfastly brought it to a termination, under circumstances of considerable difficulty and discouragement.

It belongs to his subscribers and to the public to judge in what manner he has succeeded in redeeming his pledge, in faithfully laying before them these remarkable relics; and whatever disappointment he may unintentionally have occasioned, in the discharge of his difficult task as an impartial Editor, it will, he trusts, be imputed to no lack of zeal or industry on his part. In the course of any voluminous work of a historical or antiquarian cast, and especially one of the nature of the present, which embraces so wide and va-

ried a range, it must naturally be expected that an Editor, notwithstanding the exercise of the utmost care and vigilance, must, in many instances, fall short in affording satisfactory elucidations of obscure historical events, local or provincial occurrences, and other incidents of a minute description, of long forgotten superstitions, and similar vestiges of former ages. The reader's indulgence is requested in all such instances. Even those whose previous studies and habits have not rendered the difficulty of conducting investigations of this description quite familiar, will, on reflection, perceive, that much patient industry must be exercised in ascertaining and settling even one solitary fact, or a single obscure or controverted point.

The grave nature of a work conducted on the plan of the present, it may be farther noticed, entirely precluded the possibility of reducing any portion of it into a "popular" form, so as in any manner to compete, in point of interest, with works of fiction, or the lighter and more fascinating literature of the day. Such a work may indeed still be considered as a *desideratum*; but, in the Editor's humble opinion, it would require to be executed by a master-mind, such as his who suggested this publication. The merit of a Collection on the present plan appears to be, that the reader should be presented with all the facts, circumstances, and details, in the graphic and masculine language of the times when they actually occurred. All the requisite materials are thus afforded for arriving at a sound opinion as to the real complexion and merits of the case—and it only remains farther for an Editor to put the reader in possession of such contemporaneous documents and State Papers, &c., from authentic sources, as may tend to throw additional light on the original, though frequently

obscure and quaint, Record. Prefatory notices to the various remarkable Trials, and copious explanatory foot-notes, were likewise found to be necessary to aid the modern reader towards the better understanding of these Records : which, being expressed in the vernacular and now almost forgotten Scottish of centuries long gone by, evidently appeared to stand in need of occasional glosses.

It is, perhaps, hardly to be expected that the circulation of a work so quaint and antiquated as the present should be general or widely extended. The language alone is apt to deter many from patiently gleaning views of the state of society and manners of these periods, which are very imperfectly known or understood ; indeed to many they are only familiar through the medium of works of fiction and romance. But to the lawyer, the historian, the antiquary, and the genealogist, especially, this compilation will be found to be of considerable practical utility, as it abounds with ample materials for the prosecution of their favourite studies ; while, at the same time, the more general reader will at every turn meet with varied portraiture of national manners, customs, and the superstitions of bygone ages, which might in vain be searched for elsewhere.

The reader will find in the Appendices to the several reigns, and also scattered over the whole Collection, valuable Selections from the various PUBLIC RECORDS, and especially from those of the Privy Council, Great Seal, Privy Seal, Lord High Treasurer's Accounts, &c., in which are contained very important historical materials. The Editor has also deemed it proper to present a considerable body of State Papers, Original Letters, and similar illustrative documents,

procured from various sources, which, as will be observed, have uniformly been specified.

It would be as presumptuous, as it seems uncalled for, to attempt an historical account of the origin and progress of the Criminal Tribunals of Scotland. These have already been so fully and satisfactorily treated of by Baron Hume and by the other Institutional writers, that any attempt to offer new or additional remarks were equally vain and fruitless.

On the suggestion of several friends, the binder has been directed to preserve the annexed NOTICES, which were originally prefixed to the various Parts of this work, for the purpose of exhibiting the order and manner of publication, as well as to account for the anomaly of postponing the printing of those Criminal proceedings which occurred during the earlier reigns of King James IV. and V., and Mary Queen of Scots, till the conclusion of the series.

To render consultation of the work as easy as possible by readers of every class, a very copious GENERAL INDEX has been constructed with great care and labour, and at a considerable additional expense.

GENERAL REGISTER HOUSE,
25th March, 1833.

PROSPECTUS

OF

A COLLECTION OF ANCIENT CRIMINAL TRIALS,

SELECTED FROM THE BOOKS OF ADJOURNAL OF THE HIGH COURT OF JUSTICIARY OF SCOTLAND,
AND OTHER ORIGINAL RECORDS;

BY

ROBERT PITCAIRN,

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT., AND HON. F.S.A. PERTH, &c.

THE importance of the RECORDS of the HIGH COURT OF JUSTICIARY IN SCOTLAND has hitherto been very little known, excepting to the comparatively few, who have made the investigation of the Legal Antiquities of Scotland a peculiar study. The difficulty experienced in deciphering these Ancient Registers, (which are scattered over a voluminous collection of Court Books, &c., and are nearly unintelligible to a great proportion even of those educated to the profession of the Law,) and the great labour and time to be expended in examining and selecting such portions as may be useful in practice to the Lawyer, or interesting to the lovers of History, Genealogy, and Antiquities, &c. as well as for the more popular purpose of general information and entertainment; have hitherto prevented any attempt at a regularly Chronological Series of our Ancient Criminal Trials and procedure.

The only portion of these valuable Records known to the public, has been imperfectly exhibited, in Collections of ABRIDGED CASES, by Mr Arnot, and Mr Maclaurin; and from occasional notices contained in our Institutional Writers. Mr Arnot's Abridgement of a few remarkable Cases, was professedly prepared by him to illustrate some of the more prominent features in the history, manners, customs, and superstitions of the people of Scotland; and not to exhibit an accurate or satisfactory digest of those interesting and important remains, as they are to be found in the Records. However entertaining and instructive Arnot's Compilation may be, in other respects, it gives only a partial, and, in many instances, far from a faithful transcript, even of the Trials of which he has presented a brief outline; and it may be safely said, that all have received a high colouring from his peculiar notions, both in politics and religion. Mr Maclaurin's Arguments and Decisions, on the other hand, were collected, with a view 'to the advancement of jurisprudence, and (to) be useful also to many gentlemen not bred to the law, who are called upon, by the constitution, to serve as jurymen.' Owing to the nature of his plan,

he has noticed only fifteen cases which had occurred before the commencement of the eighteenth century.

The present Editor has been induced to undertake a Collection upon a more regular plan, and on a more extended scale, than have hitherto been attempted; and in this he is encouraged by the liberal sanction and countenance of the Right Honourable the LORD JUSTICE CLERK and of the LORDS COMMISSIONERS OF THE HIGH COURT OF JUSTICIARY, who have granted free access to all Books and Papers of the Court which it may be necessary to consult. He has also been honoured by the countenance of the Right Honourable the Lord President of the Court of Session, Baron Hume, the Keeper and Commissioners of the Society of Writers to his Majesty's Signet; and likewise of Sir Walter Scott, Baronet, the President, and Thomas Thomson, Esquire, Deputy-Clerk Register of Scotland, Vice-President of THE BANNATYNE CLUB (who, indeed, originally suggested the idea and plan of this work); by the support of the Members of that Club, of the Members of THE MAITLAND CLUB, recently formed in Glasgow for similar purposes, as well as of many whose names rank high in the profession of the Law, and in the literature of the country.

The earliest portion of the ANCIENT CRIMINAL RECORDS OF SCOTLAND now extant, commences so far back as 7th Nov. 1493, in the sixth year of the reign of KING JAMES IV.; and although at that remote period, and during the subsequent reigns of KING JAMES V. and QUEEN MARY, the memorials to be obtained are unfortunately brief, yet notices do frequently occur, both highly characteristic of the state of society, and illustrative of the history, jurisprudence, literature, institutions, language, manners, customs, and superstitious of those periods.

In the meantime, it has been arranged, that the Part to be first published, shall consist of a portion of the many interesting and important proceedings and Trials which occurred during the reign of KING JAMES VI.; and, after that Volume is concluded, Selections from the earlier portion of the Record will next be printed. By adopting this order of publication, an opportunity will be afforded, for more minutely investigating and illustrating the most ancient volumes of the Record; and, if the Collection be favourably received, and other circumstances permit, it is in contemplation to extend it to the commencement of the last Reign. Copious INDICES, Tables of the Justiciars of Scotland, a Glossary of obscure Law terms, and an Appendix containing illustrations, selected from the Records of Privy Council, the Privy Seal, and the Treasurer's Books of Scotland, and from other original documents, will accompany or be interspersed with the Collection.

It is proposed, that this work shall be published in Parts, consisting of not less than the third part of a Volume each, as speedily as may be consistent with strict accuracy, and with the Editor's professional engagements. The impression, which is to be limited, will be executed by Messrs BALLANTYNE & Company, in their best manner, from a new fount of types, upon paper manufactured expressly for the use of this work, by Messrs Dickinson & Company of London.

THE FIRST PART will be ready for delivery to Subscribers, early in the month of May next. Such progress has been made by the Editor in arranging the materials collected by him during a period of several years, that the remaining Parts will be published at regular intervals, until the Collection is completed.

The price of each Part, which shall contain two hundred pages of letter-press, not to exceed Fifteen shillings to Subscribers.

SUBSCRIPTIONS will be received by the Publishers, WILLIAM TAIT, 78, Prince's Street, and JOHN STEVENSON, 87, Prince's Street, to either of whom, or any of the Booksellers in Edinburgh, London, and Dublin, and in the principal towns throughout the United Kingdom, the names of Subscribers are requested to be forwarded, as early as convenient, so as to regulate the extent of the impression.

GENERAL REGISTER HOUSE,
31st March, 1829.

NAMES OF SUBSCRIBERS

ALREADY FORWARDED TO THE PUBLISHERS.

THE RIGHT HON. CHARLES HOPE, LORD PRESIDENT OF THE COLLEGE OF JUSTICE.
 THE RIGHT HON. DAVID BOYLE, LORD JUSTICE CLERK.
 THE HON. DAVID MONYPENNY, LORD PITMILLY, one of the Senators of the College of Justice, &c.
 THE HON. DAVID HUME, one of the Barons of the Court of Exchequer, &c.
 HIS GRACE THE DUKE OF BUCCLEUCH AND QUEENSBERRY.
 THE RIGHT HON. LORD MONTAGUE.
 THE BANNATYNE CLUB, (One Hundred Copies.)
 THE MAITLAND CLUB, (Fifty Copies.)
 (Subscribed from the general Funds of these Clubs.)
 LIBRARY OF THE FACULTY OF ADVOCATES, EDINBURGH.
 LIBRARY OF THE SOCIETY OF WRITERS TO HIS MAJESTY'S SIGNET.
 LIBRARY OF THE SOCIETY OF SOLICITORS IN SUPREME COURTS.
 LIBRARY OF THE FACULTY OF PROCURATORS, GLASGOW.
 LIBRARY OF THE SOCIETY OF PROCURATORS, PAISLEY.

MEMBERS OF THE BANNATYNE CLUB, IN APRIL, 1829.

SIR WALTER SCOTT OF ABBOTSFORD, BART. PRESIDENT.

The Earl of Aberdeen.	William Bell, Esquire.
Right Hon. William Adam, Lord Chief Commissioner of the Jury Court.	John Borthwick, Esquire.
Sir William Arbuthnot, Baronet.	William Blair, Esquire.
James Ballantyne, Esquire.	Rev. Philip Bliss, D. C. L.
Sir William MacLeod Bannatyne.	George Brodie, Esquire.
Lord Belhaven and Stenton.	The Duke of Buccleuch and Queensberry.
George Joseph Bell, Esquire.	John Caley, Esquire.
Robert Bell, Esquire.	James Campbell, Esquire.
	Hon. John Clerk, Lord Eldin.

- William Clerk, Esquire.
 Henry Cockburn, Esquire.
 David Constable, Esquire.
 Andrew Coventry, Esquire.
 James T. Gibson Craig, Esquire.
 William Gibson Craig, Esquire.
 Hon. George Cranstoun, Lord Corehouse.
 The Earl of Dalhousie.
 James Dennistoun, Esquire.
 Robert Dundas, Esquire.
 Right Hon. William Dundas, M.P. Lord Clerk
 Register of Scotland.
 Henry Ellis, Esquire.
 Charles Fergusson, Esquire.
 Robert Ferguson, Esquire.
 Lient.-General Sir Ronald C. Ferguson.
 The Count de Flahault.
 Hon. John Fullerton, Lord Fullerton.
 Lord Glenorchy.
 The Duke of Gordon.
 William Gott, Esquire.
 Sir James R. G. Graham, Baronet.
 Robert Graham, Esquire.
 Lord Gray.
 Right Hon. Thomas Grenville.
 The Earl of Haddington.
 The Duke of Hamilton and Brandon.
 E. W. A. Drummond Hay, Esquire.
 James M. Hog, Esquire.
 John Hope, Esq. Solicitor-General.
 Cosmo Innes, Esquire.
 David Irving, LL.D.
 James Ivory, Esquire.
 Rev. John Jamieson, D.D.
 Robert Jameson, Esquire.
 Sir Henry Jardine, Knight.
 Francis Jeffrey, Esquire.
 James Keay, Esquire.
 John G. Kinnear, Esquire.
 Thomas Kinnear, Esquire, [Treasurer.]
 The Earl of Kinnoul.
 David Laing, Esquire, [Secretary.]
 The Earl of Lauderdale.
 Rev. John Lee, D.D.
 The Marquis of Lothian.
 Colin MacKenzie, Esquire.
 Hon. J. H. MacKenzie, Lord MacKenzie.
 James MacKenzie, Esquire.
 James Maidment, Esquire.
 Thomas Maitland, Esquire.
 Gilbert Laing Meason, Esquire.
 The Viscount Melville.
 William Henry Miller, Esquire.
 The Earl of Minto.
 Sir James W. Moncreiff, Baronet.
 John Archibald Murray, Esquire.
 William Murray, Esquire.
 James Nairne, Esquire.
 Macvey Napier, Esquire.
 Francis Palgrave, Esquire.
 Henry Petrie, Esquire.
 Robert Pitcairn, Esquire.
 John Richardson, Esquire.
 The Earl of Rosslyn.
 Andrew Rutherford, Esquire.
 The Earl of Selkirk.
 Right Hon. Sir Samuel Shepherd. Lord Chief
 Baron of Scotland.
 Andrew Skene, Esquire.
 James Skene, Esquire.
 George Smythe, Esquire.
 The Earl Spencer, K.G.

John Spottiswoode, Esquire.	Thomas Thomson, Esquire, [Vice-President.]
The Marquis of Stafford.	W. C. Trevelyan, Esquire.
Major-General Stratton.	Patrick Fraser Tytler, Esquire.
Sir John Archibald Stewart, Baronet.	Adam Urquhart, Esquire.
Hon. Charles Francis Stuart.	Right Hon. Sir George Warrender, Bart.
Alexander Thomson, Esquire.	The Venerable Archdeacon Wrangham.

MEMBERS OF THE MAITLAND CLUB, IN APRIL, 1829.

THE RIGHT HONOURABLE THE EARL OF GLASGOW, PRESIDENT.

Robert Adam, Esquire.	David Meikleham, Esquire.
Robert Aird, Esquire.	William Meikleham, Esquire.
John Bain, Esquire.	W. H. Miller, Esquire.
Joseph Bain, Esquire.	William Motherwell, Esquire.
Robert Bell, Esquire.	Alexander MacDonald, Esquire.
John Carrick, Esquire.	William Macdowal, Esquire.
Henry Cockburn, Esquire.	Andrew MacGeorge, Esquire.
James Dennistoun, younger, Esquire.	Donald Macintyre, Esquire.
John Dillon, Esquire, Glasgow, [Vice-President.]	Alexander MacNiell, Esquire.
James Dobie, Esquire, Beith.	Robert Pitcairn, Esquire.
Richard Duncan, Esquire.	J. C. Porterfield, Esquire.
John Eadie, Esquire, [Treasurer.]	Edward Piper, Esquire.
James Ewing, Esquire.	Hamilton Pyper, Esquire.
Kirkman Finlay, Esquire.	P. A. Ramsay, Esquire.
John Fullarton, Esquire.	William Robertson, Esquire.
James Hill, Esquire.	Sir Walter Scott of Abbotsford, Baronet.
Laurence Hill, Esquire.	James Smith, Esquire.
John Kerr, Esquire, [Vice-President.]	John Smith, Esquire.
R. A. Kidston, Esquire.	John Smith, Esquire, Youngest.
G. R. Kinloch, Esquire.	William Smith, Esquire.
David Laing, Esquire.	George Smythe, Esquire.
John Gibson Lockhart, Esquire.	John Strang, Esquire.
James Maidment, Esquire.	Sir Patrick Walker, Knight.
J. H. Maxwell, Esquire.	William Wilson, Esquire.
	John Wylie, Esquire, [Secretary]

-
- JOHN ANDERSON, Esquire, F.S.A. Scot., Writer to his Majesty's Signet.
James Anderson, Esquire, Solicitor at Law.
Charles Baxter, Esquire, Writer, Edinburgh.
Patrick Boyle, Esquire, Principal Clerk of the Court of Justiciary.
John Trotter Brockett, Esquire, F.S.A. Lond. and Newcastle.
Robert Brown, Esquire, Writer to his Majesty's Signet.
James Burn, Esquire, F.S.A. Scot., Writer to his Majesty's Signet.
Charles Cowan, Esquire, Valleyfield, Pennycaik.
John Craig, Esquire, of Ballewn, Honourable East India Company's Service.
William Dallas, Esquire, Maitland Street.
James Davidson, Esquire, Keeper of the Records of the Court of Session.
James Donaldson, Esquire, of Broughton-Hall.
John Douglas, Esquire, Writer, Glasgow.
Henry Home Drummond of Blair-Drummond, Esquire, M.P.
William Pitt Dundas, Esquire, Advocate.
John Elder, Esquire, Writer to his Majesty's Signet.
Daniel Fisher, Esquire, F.S.A. Scot., Solicitor of Supreme Courts, Edinburgh.
John Fraser, Esquire, Advocate, Sheriff-Substitute and Commissary-Depute of Stirlingshire.
James John Fraser, Esquire, Writer to his Majesty's Signet.
John Gordon of Cluny, Esquire, M.P.
James Graham of Leitchtown, Esquire, 26, Pitt Street.
Humphrey Graham, Esquire, Writer to his Majesty's Signet.
John Hamilton Gray, Esquire, F.S.A. Scot., Advocate.
Donald Gregory, Esquire, Assistant Secretary to the Society of Antiquaries of Scotland.
Sir William Hamilton of Preston, Baronet, Professor of Universal History in the University of Edinburgh.
Robert Handyside, Esquire, Advocate.
Alexander Henderson, Esquire, Edinburgh.
James Hill, Esquire, W.S. Keeper of the Register of Sasines, Glasgow.
James Hopkirk, Esquire, Advocate.
John Glassford Hopkirk, Esquire, LL.B. Writer to his Majesty's Signet, Edinburgh.
Robert Jamieson, Esquire, F.S.A. Scot., General Register House, Edinburgh.
Robert Jameson, Esquire, Sheriff and Commissary-Clerk of Clackmannanshire.

- James Keith, Esquire, M.D. Edinburgh.
- John Lennox Kincaid, Esquire, younger of Kincaid.
- Edward Lothian, Esquire, F.S.A. Scot., Advocate, Edinburgh.
- William H. Lizars, Esquire, F.S.A. Scot., Edinburgh.
- James MacAllan, Esquire, Writer to His Majesty's Signet.
- John Mackean, Esquire, Writer to his Majesty's Signet, and Accountant.
- Duncan MacNeill, Esquire, Advocate, Sheriff-Depute of Perthshire.
- Charles MacDowall, Esquire, Advocate.
- Mr Andrew Milligan, General Register House, Edinburgh.
- Thomas M. Moffat, Esquire, Solicitor at Law.
- John Shank More, Esquire, F.S.A. Scot., Advocate, Edinburgh.
- William Morehead of Herbertshire, Esquire.
- James Morrison, Esquire, Banker, Stirling.
- William Patrick, Esquire, Writer to his Majesty's Signet.
- Messrs Phin and Pitcairn, Writers to his Majesty's Signet.
- Alexander Pitcairn, Esquire, F.S.A. Perth, General Register House, Edinburgh.
- John Pitcairn of Pitcairns, Esquire, F.S.A. Scot.
- Arthur Pollok, Esquire, Merchant, Glasgow.
- George Woolley Poole, Esquire, Solicitor, London.
- Alexander Pringle of Whitebank, Esquire, F.S.A. Scot., Advocate, Edinburgh.
- John Anderton Robertson, Esquire, Writer to his Majesty's Signet.
- Patrick Robertson, Esquire, Advocate, Edinburgh.
- John Sawers, Esquire, Writer, Stirling.
- Charles Kirkpatrick Sharpe, Esquire, Edinburgh.
- Thomas Sharpe, Esquire, Coventry.
- John Smythe, Esquire, Advocate, Edinburgh.
- William Stewart, Esquire, Writer to his Majesty's Signet.
- James Swan, Esquire, F.S.A. Scot., Writer to his Majesty's Signet.
- David Thomson, Esquire, Clerk to his Majesty's Signet.
- Mr Abram Thomson, Edinburgh.
- Hugh Tod, Esquire, Writer to his Majesty's Signet.
- Thomas Trotter, Junior, Esquire, W.S. Edinburgh.
- William Trotter of Ballendean, Esquire, F.S.A. Scot.
- Henry Wight, Esquire, Advocate, Edinburgh.
- Richard Woolley, Esquire, Wester Dalry House, Edinburgh.

IN PRESENTING to the Public THE FIRST PART of the ensuing Collection of Criminal Trials, the Editor begs leave to acknowledge, with gratitude, the distinguished encouragement with which he has been honoured, from the first outset of the work, and without which he could not have persevered in so laborious a task, with any degree of satisfaction or confidence.

The compilation of this work was projected for the purpose of giving publicity to the most important portions of the Ancient Records of the Supreme Criminal Tribunal of Scotland, and of placing beyond the risk of destruction, the most interesting of the *Causes Celebres* of that Court ; materials of great value alike to the historian and the lawyer, and possessing no ordinary attractions for almost every class of readers. It therefore becomes necessary that all such Selections be exhibited with scrupulous accuracy and fidelity, which alone can stamp authenticity and value on any publication of this description.

To account for the apparent meagreness of the Part now published, it may be stated, that many of the public Records of Scotland during the minority of King James VI. are imperfect, and have perhaps been wilfully destroyed ; for, besides the disturbed state of the country, and other obvious causes, which might satisfactorily account for the loss of volumes of Registers, there is but too good reason to conjecture, that portions of the National Records were, in some instances, purposely suppressed by one or other of the prevailing factions. This circumstance has induced the Editor to be more copious in his extracts than he would otherwise have been ; as every gleanings may elucidate some historical point, or illustrate some features of national character, customs and manners, hitherto but imperfectly known.

At this period, the original ‘Books of Adjournal,’ properly so called, must have been carelessly kept; and the Clerk has recorded the proceedings of the Court in a very brief and unsatisfactory manner. In many instances, the ‘Minute Books’ alone have been preserved, from which the proper Record of the Court was usually framed, aided by the ‘Dittays,’ evidence of witnesses, and other productions. To the Editor it therefore seemed imperative to preserve all notices of any importance, even though they should be brief. The subsequent portions of the Record are much more perfect, and they greatly increase in interest as it advances.

With regard to the antiquity of the language, which must at first sight prove somewhat embarrassing, it may be remarked, that after the accession of King James VI. to the English Crown, it gradually assimilates itself to the dialect then used in England. In no case has the ancient orthography been altered, with the exception of the contractions, the retaining of which would have been useless, as well as extremely perplexing to a general reader.

The earliest existing Record of Justiciary, during the minority of King James VI., is preceded by this curious memorandum: ‘*Nota.* Fra the hinderend of August, 1568, to the secund day of Marche, in the famin yeir, na Dyettis of Justiciarie haldin, be reffoun of the peft and Regentis being in Inglande.’

GENERAL REGISTER HOUSE,

1st *May*, 1829.

THE EDITOR has been enabled to offer to the Public, the SECOND PART of the Criminal Trials, which occurred before the High Court of Justiciary, during the Reign of King James VI., sooner than he had anticipated ; and it is hoped, that this *Livraison* will prove greatly superior, in interest, to the Part already published, which embraces merely the earlier and more defective portion of the Records, in that King's minority.

After this time, the proceedings of the Supreme Criminal Tribunal of Scotland merely begin to assume a more regular form, and the Record to exhibit a pretty accurate abstract of the objections to the relevancy of the Indictments, and to mark many of the other peculiarities observable in the forms and pleadings before this Court.

It is proper to notice here, that it has been the settled plan of the present Collection, to give a scrupulously faithful view of the whole of the proceedings which took place in each of the Cases selected, in the precise form in which these occur in the Books of Adjournal ; excepting in various minute particulars, indispensably necessary to be adopted, for the sake of unity and of more lucid arrangement. No modern 'Reports,' it is conceived, however accurately they might be framed, could convey, whether to the Lawyer or the general enquirer, so clearly and so forcibly, the many peculiarities which are connected with these ancient proceedings ; and at the same time indicate the gradual steps, by which our present system and forms have been modelled. When these are very prolix or uninteresting, they shall no doubt be curtailed ; but this shall be done with a

sparing hand, and in such a manner, as clearly to point out each of such departures from the Record.

Owing to an embarrassing *hiatus* in 'the Books of Adjournal,' arising through the loss of at least one large Volume of the Records of the Court of Justiciary, (from October 1591 to May 1596,) the Editor deemed it incumbent on him, to make pretty extensive researches into other Public Records of Scotland, of the same period. But, perhaps, in his anxiety to render this Collection as perfect as his opportunities and ability permit, he may have incurred the censure of some, whose pursuits do not usually lead them into such investigations. He trusts, however, that the space occupied by these illustrations of National History will not be grudged, and that the extracts he has made may be generally acceptable.

At the suggestion of some of his friends, the Editor has prepared, in illustration of this and the former Part, a Fac-simile plate, containing a few exact specimens of the MSS. from which the present Selections have been formed. Should these be generally considered as interesting, occasional Fac-similes of Royal Letters, &c. will be delivered, with each succeeding Fasciculus of this work.

GENERAL REGISTER HOUSE,

1st July, 1829.

SINCE the publication of the former Part of this work, the Editor has arranged and greatly enlarged a Collection of Original Papers, formed by him during the last two years, illustrative of the mysterious and hitherto inexplicable History of the CONSPIRACY of JOHN EARL OF GOWRIE and his brother, against King James VI. ; which will be found to embrace a body of valuable and authentic information, on every point connected with the transaction ; and a great portion of which is entirely new to the public, having been recovered from numerous Records, contemporary MSS. and similar original sources.

So much has been written, and conjectured, on that remarkable event, that, in presenting to the public, for the first time, correct transcripts of the various Criminal proceedings which were instituted after the Conspiracy, it appeared to be the duty of the Editor, to accompany them with a Collection of such authentic Documents as are still preserved ; and for that purpose, to use every exertion, in investigating the public Records, and all the repositories of MSS. to which he had access. The result has been highly satisfactory ; and it is hoped, that, from the discoveries now made, unquestionable materials are provided for elucidating this hitherto dark passage of Scottish History.

The Editor is of opinion, that the publication of these Papers, in their original form, is more in unison with the spirit of the present work, than had he drawn up a fresh Narrative or Dissertation, accompanied by proofs and illustrations. He has accordingly adopted this plan, so as to leave the reader to draw the obvious conclusion from the evidence now afforded. In every instance, the sources from which each of the Papers has been procured are carefully noted ; as it is essential, in matters of historical importance, to observe the minutest accuracy.

A concise and popular Account of Gowrie's Conspiracy has recently been published, in Constable's Miscellany, Vol. XLIII., by the Reverend MR PARKER

LAWSON, M.A. ; to which reference may be made for a clear outline and detail of the leading facts. The reader will also find much valuable information in MR MORISON'S ingenious and able paper, in the Transactions of the Literary and Antiquarian Society of Perth ; where he has incontestably proved the reality of the Conspiracy against King James VI., even from the facts then published ; having brought to the examination of the subject an impartial and unbiassed mind, with a perfect knowledge of the localities of the scene. The Editor would particularly refer the enquirer to Mr Morison's ' Summary of the Evidence on the Gowrie Conspiracy, with Plans of Gowrie House,' as a valuable companion in examining the history of this remarkable event.

The other portions of this Number will, it is hoped, be found superior in interest to the preceding Parts.

It was intended that this Part should have been accompanied by a fac-simile Plate of the SIGNATURES of the principal persons mentioned in the History of this Conspiracy, taken from Original Autographs ; but circumstances prevent this, until the publication of the next *livraison*. Another Plate, also, containing a fac-simile of the LETTERS of ROBERT LOGAN of Restalrig, recently discovered among the Warrants of Parliament, is in the course of being prepared. Both will be delivered with the ensuing Part, as early in January next as possible.

The Editor has again the pleasure of acknowledging the kindness of CHARLES KIRKPATRICK SHARPE, Esquire, who has liberally presented a curious Engraving, executed by himself, very closely resembling the original Wood-cuts in the curious Tract, reprinted at Part II., page 213, ' NEWES FROM SCOTLAND, declaring the damnable life of Doctor Fian, a notable Sorcerer,' &c. The binder is desired to insert this Plate in Volume I. to face page 213.

GENERAL REGISTER HOUSE,

12th October, 1829.

THE Collections relative to THE CONSPIRACY of JOHN EARL OF GOWRIE, and his brother, are concluded in the present PART. If the Editor has indulged in too copious Illustrations of this very remarkable historical event, he has been led into the error by the discovery of many important original documents, which, as he humbly conceives they tend to establish, beyond a doubt, the truth of this much controverted point of History, he deemed it his duty to present to the public, in this work.

Instead of attempting to sum up the evidence now laid before the Public, taken in connexion with the numerous Histories, Accounts, and Theories, already in print, the Editor leaves it to the reader to draw his own conclusions. He will consider his labours amply repaid, should the future Historian be thereby led to a clearer view of the origin, and progress, of the rash and ill-advised plot of these misguided but highly talented young Noblemen, and of the fatal catastrophe which so speedily overwhelmed them, in the premature execution of their mad attempt.

The natural restlessness, and irritability, of KING JAMES, and the very peculiar circumstances in which, on his return to the capital, after the tragical issue of the Conspiracy, he found himself placed, seem to have induced him to endeavour, to the utmost of his power, to counteract the almost unparalleled attempt made by the Ministers of Edinburgh; who greedily availed themselves of this opportunity, to inflame the public mind, and to turn the tide of popular feeling in

favour of GOWRIE, who was universally idolized by the Presbyterian party, as their future leader, against the strenuous efforts then making, by James and the Court, for the permanent restoration of Episcopacy.

The steps taken by the King, for this purpose, were most injudicious; and they certainly proved the very means of spreading the disbelief of the Royal Narrative more widely. To this cause alone, indeed, may be attributed the scepticism which then prevailed, and which has so generally, even down to these times, occupied the public mind. His Majesty's advisers, by indiscreetly attempting to prove too much, and to leave no circumstance unexplained, afforded plausible grounds, for the deepest suspicions of the correctness of the whole statement. James, when too late, found this to be the case, and experienced, to his cost, the sagacity of Domitian's bitter reflection, as recorded by Suetonius, "*conditionem Principum miserrimam aiebat, quibus de Conjuracione comperta non crederetur, NISI OCCISIS!*"

The noted distich, which Calderwood, in his MS. Church History, states to have existed in his times, and which, he says, was painted above an ancient Chimney-piece in the Castle of Ruthven, (now called Hunting Tower), may perhaps be considered as worthy of memory.

VERA DIU LATITANT, SED, LONGO TEMPORIS USU,
EMERGUNT TANDEM QUÆ LATUERE DIU.

A Fac-simile PLATE of the commencement, termination, and subscriptions, of three of the LETTERS of ROBERT LOGAN of RESTALRIG, which occur at Vol. II., page 322, accompanies this Part.

GENERAL REGISTER HOUSE,
25th January, 1830.

THE present PART of this Work will, it is hoped, prove more generally attractive, being of more diversified interest, than any of the preceding portions ; and the Editor believes he does not promise too much, when he adds, that the subsequent Parts must equally surpass the present, as well in point of curiosity as in historical importance.

After the accession of King James VI to the English throne, the Judicial proceedings in Scotland were necessarily conducted with greater minuteness, and were recorded with stricter accuracy, than formerly ; for the various public functionaries, in every department, were liable to be frequently called upon for full reports of individual Cases ; either to gratify his Majesty's craving for whatever was new and curious, or to enable him to judge of the expediency of pardoning or condemning the unhappy persons whose fate must needs be sealed by the unenviable exercise of his royal prerogative. To this circumstance, then, it may perhaps be attributed, that the Records of the Supreme Criminal Tribunal of Scotland, begin to be kept with greater clearness, and their authority and value to be proportionally enhanced.

In Cases of peculiar importance, the Editor has always been anxious to afford all the elucidation within the limited range of his reading and observation, by laying before the reader such illustrations as appeared to him necessary to the better understanding of those Trials ; and especially, to put the reader in possession of ORIGINAL and contemporaneous PAPERS, which generally afford the clearest and best explanation of the many remarkable events which so frequently occur in the course of this Work. He trusts that many of the Documents now for the first time presented to the public, from sources not generally accessible, may be deemed worthy the attention of the lover of History.

It is much to be regretted, that the tragical story of the Murder of SIR THOMAS KENNEDY of Culzean, knight, Tutor of Cassillis, &c. by the MURES OF AUCHINDRANE, which is now rendered imperishable by the pen of the greatest living writer, could not be inserted in the present Part, owing to the chronological arrangement of the book. The Editor did not, in the meantime, consider himself at liberty to publish that most extraordinary Trial as a *separate* volume; but, having his materials for PART VI in considerable forwardness, he is ready to publish that *Fasciculus* at a much earlier date than previously notified, should such be the desire of the public.

The present Series of Trials, during the reign of King James VI, will be completed in four additional Parts, making in all nine Parts, or three large Volumes. Owing to the difficulty of collecting the requisite materials, the publication of the leading trials which occurred in the reigns of King James IV, King James V, and Queen Mary, shall be deferred till after Part VIII is circulated. Should the Editor's health, and his professional engagements, then permit, a new Series of Trials, modelled into the shape of Reports, and in a more modern form than the present, will be commenced. The lengthened pleadings, &c. during, and subsequent to, the reign of Charles I, entirely preclude the idea of continuing the work in the *original* form; which, however useful and interesting such a mode of editing a book of this class may prove, during the earlier period of the history and practice of our Criminal Tribunals, would be cumbrous and useless at a more recent date, when there could be no excuse for continuing the obsolete, and now almost forgotten style of these pleadings, which could yield no pleasure, and but little additional information, to the general reader.

GENERAL REGISTER HOUSE,

12th April, 1830.

THE EDITOR has the satisfaction of presenting the present PART rather earlier than he had anticipated.

Since the last *Fasciculus* was circulated, he has been favoured with communications from several individuals, who have taken an interest in the progress of this Work, suggesting various improvements; but he is chiefly indebted to the Public Press, for numerous practical hints, of which, in preparing this portion of the Collection, he has amply availed himself.

Amongst other alterations of the original plan, the prefixing of Introductory Notices to leading and remarkable Cases, on a more extended plan than the Editor had at first deemed advisable, has now been adopted. The difficulty of collecting authentic materials for explaining and illustrating such obscure and long-forgotten events, has necessarily occasioned great additional research and expense; and had he not previously made pretty extensive inquiries relative to some of these Trials, and especially, the extremely interesting one of MURE OF AUCHINDRAYNE, this Part must have been delayed for some months longer.

In what manner these intended improvements have been executed, it does not become the Editor to judge. He sincerely wishes that this very arduous task had fallen into abler hands; but still has the pleasure of reflecting, that he has spared neither time nor labour in his endeavours to make the Work as complete as its proposed limits admit. Those who have had the greatest experience in carrying on researches of this description, will be the readiest to make all liberal and proper allowances, for such unavoidable defects as must be expected to accompany inquiries, in their nature so very extended and obscure.

The very remarkable Case of THE MURES OF AUCHINDRAYNE is one of such interest, that it may perhaps be fairly considered as altogether unparalleled in the annals of crime. That Trial, and the illustrative matter accompanying it, have necessarily occupied a large portion of this *livraison* ; but the Editor hopes it will prove as generally interesting, as the plots and crimes of these extraordinary men are unequalled.

In the course of his researches for elucidating the facts and events attending that Case, (which have been actively prosecuted during the last three years,) the Editor fortunately discovered, among the valuable MSS. belonging to the Faculty of Advocates, Edinburgh, an HISTORICAL and GENEALOGICAL ACCOUNT of the principal Families of THE NAME OF KENNEDY. This History illustrates, not only the lives and characters of the actors in that shocking tragedy, but the deadly FEUDS then prevalent in CARRICK, to an extent which could scarcely have been anticipated. Had the information to be obtained from these singular Memoirs been made use of in this Collection, it would have encroached too much upon the limits now assigned to it, and caused the suppression of other interesting Trials. The Editor therefore has, by the liberal permission of the Curators of the Advocates' Library, preferred publishing THE HISTORY OF THE KENNEDIES as a separate work ;—and, with this view, has, for a considerable time past, been engaged in preparing it. A limited impression only has been struck off ; and it is expected to be completed before the first of August next.

It is trusted, that, upon the whole, this PART will be found much more generally attractive than any of the preceding ; as it abounds in historical incidents, and in Trials of deep and universal interest.

GENERAL REGISTER HOUSE,
19th July, 1830.

IN the period embraced by the present PART, the principal Trials, of peculiar interest, which occurred before the High Court of Justiciary, were those against the ROMAN CATHOLICS and JESUITS, for hearing and celebration of the Mass, for maintaining the Supremacy of THE POPE, for declining THE KING's authority, and for devising treasonable Plots against the person of his Majesty, &c.

The REBELLION OF THE EARL OF ORKNEY, and his son, also occupied a prominent portion of the Criminal proceedings during this time; and the Editor has amassed a considerable collection of historical materials, illustrative of that remarkable treason; all of which are now, for the first time, laid before the public, being taken from original and authentic documents.

Another REBELLION IN THE WESTERN ISLANDS of Scotland was likewise suppressed within this time, relative to which the reader will also find that suitable illustrations have been given.

Besides these leading Trials, a number of very remarkable Cases occur in this PART for Murder, Fire-raising, Perjury, Slaughter and Houghing of Oxen and Sheep, &c., Piracy, Incest, Oppression, Witchcraft, Poisoning, Subornation of Witnesses, Uttering 'treasonable, blasphemous, and damnable speeches' against the King, Fire-raising in Coal-pits, Hamesucken, Mutilation and Demembration, Egyptians or Gipsies abiding within the realm, &c.

It is trusted that the present Number may be considered as important and interesting as any of those forming the preceding Volumes.

GENERAL REGISTER HOUSE,
25th October, 1830.

THE present PART closes this COLLECTION of the leading TRIALS which occurred before THE HIGH COURT OF JUSTICIARY, during the eventful reign of KING JAMES VI.

PART VIII. contains numerous Cases of considerable interest and novelty, and throws much light on various public transactions, and also on many of the private occurrences of the period immediately preceding the demise of that monarch. There are, however, so many remarkable Trials contained in it, that it would encroach too much on the limits of a brief notice, to recapitulate a few of the leading Cases.

Having collected a great mass of materials, in the course of preparing the present work for publication, the Editor has selected from them a number of ORIGINAL PAPERS, believing that they would be esteemed a suitable accompaniment to this concluding Volume. He has, therefore, printed them in an APPENDIX, which will be found materially to illustrate many of the preceding Trials. Among others, he has been so fortunate as to have discovered the only documents which remained to clear up the extraordinary Trial of MR THOMAS ROSS, a poor Clergyman of a very respectable family, but a maniac, who was mercilessly put to death, under form of Law, by the special warrant of King James VI, for *writing* a Pasquil against the Scottish Nation. This pasquinade, it may here be remarked, was neither printed nor in anywise circulated by the author, but was simply affixed to the door of St Mary's Church, Oxford; from which it was almost instantly taken down by a student, and delivered to the Vice Chancellor, who transmitted it, without delay, to Court.

The remainder of the APPENDIX will be delivered with the INTRODUCTORY PART, which embraces the Criminal procedure during the reigns of KING JAMES IV, KING JAMES V, and QUEEN MARY.

The Editor does not, at present, expect to finish that arduous undertaking until the month of November or December, 1831. It is his intention to prepare accurate Indexes, which will be delivered, along with Title-pages, &c. for the whole work. When concluded, the Collection will form THREE large VOLUMES.

In reply to several enquiries, the Editor begs to notify, that he purposes to close this COLLECTION OF TRIALS with PART IX.

GENERAL REGISTER HOUSE,
15th December, 1830.

SINCE the publication of the EIGHTH PART of this Collection, about the close of last year, the Editor has again carefully examined the entire Books and Papers of the High Court of Justiciary, from the earliest existing Criminal Records, in the reign of KING JAMES IV, down to the conclusion of the reign of MARY QUEEN OF SCOTS.

Although the first view of these documents presented a most discouraging aspect, the Editor deemed it to be an imperative duty, not only to scrutinize every vestige of information to be obtained from them, but to undertake a very extensive and laborious examination of all the contemporary Records and other ancient MSS. which might be expected to illustrate so interesting a portion of the public and domestic History of this country.

The meagreness and imperfection of the historical materials of this eventful period of eighty years, so far as they have hitherto been laid before the public, are universally acknowledged. Every attempt therefore, however feeble, which tends to throw additional light on the Annals of Scotland, during these three remarkable reigns, must be considered of more or less importance, according to the authenticity and genuineness of the sources from whence the information has been procured, and the fidelity with which it is communicated.

In the prosecution of this humble, though extremely laborious and responsible task, the reader will find that the Editor has strictly adhered to the plan which he originally proposed, by communicating the result of these researches in the precise form in which the various entries are made in the Public Records.

Owing to the importance of the additional historical materials which have been discovered by the Editor, in the prosecution of these minute researches, he found it to be impracticable, consistently with his duty to the public, to condense the whole of these three reigns within the narrow compass of one PART, without at the same time entirely suppressing a great mass of valuable matter. Had he rashly adopted such a resolution, the present Collection would have been extremely imperfect and unsatisfactory, at those very periods, where, chiefly, a store of authentic and indisputable facts, drawn from the Public Records of the country, still remained to be greatly desiderated.

The concluding portion of the TRIALS which occurred during the reign of KING JAMES V, and those of the eventful reign of MARY QUEEN OF SCOTS, together with historical APPENDICES, a copious INDEX, &c., will be contained in a SUPPLEMENTARY PART. As the work is in a state of forwardness at press, it is expected that the SUPPLEMENT will be ready for publication in the month of February next, which will close the present arduous undertaking.

GENERAL REGISTER HOUSE,
1st November, 1831.

THE concluding portion of the present COLLECTION has occupied the anxious attention of the Editor, for a period of above twelve months beyond the time he had been led to anticipate, when the NINTH PART was published.

Fortunately, the Editor had, during the progress of this WORK, amassed a great variety of materials from authentic sources, illustrative of many important events connected with the history of the reigns of KING JAMES V. and MARY QUEEN OF SCOTS; which eventually have proved of much use, in elucidating the Criminal proceedings of these reigns. Besides availing himself of these, however, he found it necessary to consult many of the public Records, the MSS. in the Library of the Faculty of Advocates, and other Collections of original documents, which required a considerable expenditure of time, besides much minute, laborious, and persevering research.

The result of these investigations is now laid before the Public; and it is perhaps not too much for the Editor to hope, that, in the view of rendering this work as complete as possible, the Subscribers may concur with him in thinking, that the additional time, thus expended, has not been altogether unprofitably employed.

In fulfilment of the proposal made at the commencement of this arduous undertaking, a very copious and elaborate GENERAL INDEX is now given along with this Part, which will be found to comprehend all that is practically useful to those who are likely to consult this Collection, whether for general reading and information, or for purposes of legal, historical, antiquarian, or genealogical investigation.

Owing to the interest excited by the large Collections made by the Editor, and the body of evidence which has been published in some of the former Parts of this work, in reference to GOWRY'S CONSPIRACY, he has deemed it his duty to render the whole still clearer and more generally acceptable, by endeavouring to procure accurate Plans of the scene of that remarkable transaction. This he has fortunately been able successfully to accomplish, and that, too, from the most authentic source of information; as his friend MR DAVID MORISON, Secretary to the Literary and Antiquarian Society of Perth, had occasion, a few years ago,

to get drawings and ground-plans made, from surveys and sketches taken on the spot, previous to the pulling down of Gowry House, in the year 1807, to make way for the Prison and County Buildings, in Perth. These Plans accompany Mr Morison's ingenious Dissertation, which has been published in that Society's Transactions. The ultimate views of THE RUTHVENS and their associates, in embarking in so hazardous a plot, will likely for ever remain as inexplicable a mystery as hitherto ; but whatever may be considered by the future historian to have been the probable schemes of these rash youths, it is perhaps not arrogating too much to affirm, that the field of enquiry may now be considered as greatly narrowed ; and that the circumstances, as well as the truth and reality of that Conspiracy, may henceforth be considered as matters of historical certainty.

To the politeness of FRANCIS GRANT, Esquire, S.A., the Editor is indebted for the use of the accompanying valuable engraving of GOWRY HOUSE, which was carefully prepared, under his own inspection, from the only authentic sketch of that memorable place which is known to exist.

With regard to the contents of this SUPPLEMENTARY PART, there will be found, in addition to many curious and valuable Trials of a miscellaneous description, a considerable accession of original historical materials, illustrative of the progress of THE REFORMATION OF RELIGION IN SCOTLAND ; a very important APPENDIX to the reign of KING JAMES V., compiled with the strictest care from the valuable Records of the Privy Seal, and the Accounts of the Lord High Treasurer of Scotland ; proceedings against the PAPISTS, JESUITS, &c. ; and numerous original and interesting Documents relative to the Murders of DAVID RICCIO and KING HENRY DARNLEY, &c., many of which are now for the first time laid before the public.

Owing to the manner originally adopted in publishing this work, it has been found necessary to divide the FIRST VOLUME into TWO PARTS. Particular directions for the Binder are printed on the back of the prefixed Title, to prevent the possibility of mistakes being committed in the arrangement of the Book into separate Volumes.

GENERAL REGISTER HOUSE,
25th March, 1833.

CRIMINAL TRIALS

AND OTHER PROCEEDINGS BEFORE THE

HIGH COURT OF JUSTICIARY.

THE earliest Volumes of the Criminal Records of Scotland, now extant, are the two ancient MSS. still preserved in the Library of the Faculty of Advocates, Edinburgh. It is probable they had been acquired by the Curators of that excellent institution, by purchase, at the sale of some Collector of the last century, into whose possession they must have found their way by very improper means, at a period when such documents were considered of no importance.

Although these Volumes chiefly consist of the proceedings of the Justice-aires of Lauder, Jedburgh, Selkirk, Peebles, Edinburgh, Dumfries, Kirkcudbright, Air, and Wigton, yet as they abound in numerous particulars, highly illustrative of the history, manners, and habits of those portions of Scotland during the reign of KING JAMES IV, the Editor has considered it necessary to give at large every remarkable Case which occurs in them.

It may be noticed here, once for all, that the Books of Adjournal and Minute Books of the Supreme Criminal Tribunal of Scotland, as well as the Records of the Justice-aires, &c. at these remote periods, were kept in an obscure forensic Latin. This circumstance, added to the well-known difficulty of deciphering the ordinary MSS. of these centuries, and the fact of the Books now preserved being generally mere scrolls and *memoranda*, written with many contractions, and evidently during the hurry of the Court proceedings, have hitherto rendered the task of examining them, and presenting the public with the more important cases, a labour of a peculiarly irksome and repulsive kind. Fortunately, however, entries have in many instances been made in the forcible vernacular of the period, and original Warrants and Letters have also been recorded, or have been found, after diligent search, among the loose papers belonging to the Court. Many of these are alike curious as specimens of our language, and valuable as historical documents.

After deliberate consideration, it has been deemed proper, and most likely to be acceptable to the great bulk of readers, to give a close technical translation¹ of such portions of the Records as are conceived in Latin, excepting where very remarkable phrases or terms are made use of; but in all such cases the original expressions are given in foot-notes. In every instance, where the vernacular is employed, or where quotations are necessarily given, the same scrupulous fidelity has been observed as in the subsequent parts of this work.

In Parlamento excellentissimi Principis ac domini nostri metuendissimi domini JACOBI IV Dei gracia Regis Scotorum Illustrissimi, tento et inchoato apud Edinburghe, die Lune sexto die mensis Octobris, anno domini 1488. Per Commissarios subscript. viz. COLINUM COMITEM de Ergile, Dominum Campbele et Lorne, Cancellarium Scocie; PATRICIUM DOMINUM HALIS, Magistrum Hospicij supremi domini nostri Regis; ROBERTUM DOMINUM LILE, Magnum Justiciarium Scocie; ALEXANDRUM HUME de eodem Magnum Camerarium Scocie; WILLELMUM KNOLLIS Preceptorem de Torfichin, Thesaurarium, militem, et multos alios Commissarios in hac parte.

High Treason — Intercommuning with the English, &c. — Fighting against the King at ‘the Field of Stirling.’

[In consequence of the loss of the early Volumes of the Books of Adjournal, it becomes necessary, in order to render the present Collection as complete as possible, to investigate from other authentic sources the proceedings which took place immediately after the accession of KING JAMES IV. Fortunately the Records of Parliament, of the Great and Privy Seals, and the Books of the High Treasurer of Scotland, afford some notices of the steps which were taken against the partisans of the deceased KING JAMES III. These shall be given here at length; but as the leading circumstances connected with them must of course be minutely discussed in Mr TYTLER’s correct and impartial History of Scotland, it is only further necessary to lay before the reader such documents as do not fall within the plan of that learned gentleman’s truly valuable work.

JAMES STEWART *first* EARL OF BUCHAN, whose *sobriquet* was *Hearty* JAMES, was the brother uterine of KING JAMES II. He married Margaret, the heiress of Sir Alexander Ogilvy of Auchterhouse, by whom he got that barony and the heritable sheriffship of the county of Forfar. On the fall of Lord Boyd, in 1471, he was made Lord High Chamberlain of Scotland; and, in 1473, went as ambassador to France. He was made Warden of the East Marches on his return. Having participated in ‘the Field of Stirling,’ he became obnoxious to the vengeance of the successful party; but he had the good policy to submit and sue for his Majesty’s clemency, which he obtained, and was received into his favour. Although he was subsequently charged with having entered into a conspiracy with John Ramsay, Lord Bothwell, and Sir Thomas Tod, in 1491, to deliver his Prince into the hands of KING HENRY VIII, the circumstance is rather unlikely, for he was no party to the Inden-

¹ Proper names and untranslated words are uniformly given in the same form as in the Record.

ture.¹ It rather seems to have been a *ruse* on their part, to induce Henry to give credit to their plot, and to advance the money required by them. This nobleman died before Feb. 6, 1499-1500, when his son is styled Alexander Earl of Buchan.²

Owing to the historical importance of this and the following cases, they are given here in their original form, divested only of the usual contractions, which are extremely perplexing to an ordinary reader.]

Oct. 6.—Quo die, JACOBO COMITE BUCHANIE sepe vocato, per summocationem regiam et tenorem eiusdem sub testimonio Magni Sigilli regii desuper directam ad respondend. dicto domino nostro Regi, in presenti Parlamento, super certis proditoriis actionibus in dicta summocatione contentis, et per tenorem eiusdem : Quo Jacobo Comite Buchanie, sic sepe vocat. et non comparente, dominj commissarij continuarunt dictam causam summocationis ad craftinum, ad decimam horam cum continuacione dierum, in eadem forma et effectum ut nunc est, absque preiudicio parcium.³

Oct. 7.—Continuatur ad craftinum, ut supra.

[*Coram nobilibus Dominis COLINO COMITE DE ERGILE, Domino Campbele et Lorne, Cancellario Scocie, LAURENCIO DOMINO OLIPHANT, JOHANNE DOMINO DRUMMOND, ROBERTO DOMINO LILE, ANDREA DOMINO GRAY et JOHANNE DOMINO GLAMMIS, Commissionariis Parliamenti et Jusliciaris, &c.*]

Oct. 8, (*die Mercurii*).—Continuatur ad craftinum, in eadem forma ut nunc est, absque preiudicio partium.

[*Per supremum dominum nostrum REGEM in propria persona.*]

Oct. 9, (*die Jouis*).—Quo die, JACOBUS COMES BUCHANIE cepit se ad Remissionem dominj nostri Regis ante dicti, pro proditorio aggressu in regnum Anglie Regi eiusdem : AC pro proditoriis communicatione et laboracione cum prefato REGE ANGLIE, pro importacione certorum Anglicorum ad destructionem regni et ligiorum Scocie, et pro instigacione et causacione dicti Regis Anglie in propria persona cum suis armis et copia virorum in regnum Scocie aduenisse : ET pro proditoriis arte parte et consilio datis et exhibitis Andree Episcopo Morauien., Alexandro Domino Forbes, Johanni Domino Bothuile, Johanni Rofs de Montgrenane, Johanni Murray de Tuchadam, Stephino Lokart de Cleghorne, et Jacobo Hommill sciffori, in Fabricacione commissionis et certorum Munimentorum Regi Anglie per Johannem Dominum Bothuile et Henricum Wyot Anglicanum delatorum, ad frangend. pacem et treugas per quondam patrem supremi dominj nostri Regis et Parliamentum et Regem Anglie unitas,

¹ See Notice prefixed to the Forfeiture of LORD BOTHWELL, Oct. 9, 1488. ² The following characteristic entry occurs in the High Treasurer's accounts :—1502-3, Feb. 17. 'Item to YE KING to put in pe caudil, at the heving of Erle of Buquhanis sone, xiiij l.' It is probable that the King had become god-father or sponsor for the child.

³ At the second diet THE KING is present in person, with a great concourse of Lords spiritual and temporal. See *Acta Parl.* II. 199, &c.

DOMINUM BOTHUILE, personaliter apprehensum, si eius presenciam commode habere poteritis, alioquin apud Castrum de Bothuile, et ad crucem fori burgi nostri de Lanark, per publicam proclamacionem, ita quod huius summonicio ad eius noticiam veresimiliter pervenire poterit ; quod compareat personaliter coram nobis in nostro proximo Parlamento, tenendo apud Edinburghe, die Mercurij, octavo die mensis Octobris proxime futuro, cum continuacione dierum, ad respondend. nobis, in prefato nostro Parlamento, pro proditoriis seductione et ductione quondam JACOBI (III) REGIS SCOTORUM, patris nostri defuncti, contra commune bonum rempublicam et Regni nostri, faciendo eum opprimere suos Prelatos, Barones, burgenfes et ligeos, per communem vendicionem et empcionem Justicie, ad eorum finalem distructionem ; vigore cuius, mercatores alienigine, ad regnum nostrum aduenien. erant omnino distructi et depredati, sic quod nulli al(ieni?) pro refectione regni non audebant dictum regnum intrare : AC pro proditoriis arte, parte, consilio et assistencia datis et exhibitis JACOBO COMITI BUCHANIE, in proditoriis aggressu et passagio in regno Anglie : ET pro proditoriis comunicacione et laboracione cum prefato REGE ANGLIE, pro importacione certorum Anglicorum ad distructionem regni nostri et legiorum nostrorum : ET pro proditorie arte et parte cum dicta Comite Buchanie, in causacione et instigacione dicti Regis Anglie, in quantum in eo fuit, ad intrand. dictum regnum nostrum, in propria persona, cum armis et copia virorum, pro distructione nostra et ligeorum nostrorum : AC pro proditoriis ingressu et passagio in Anglia, per ipsum Johannem factis, diuersis vicibus : ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis ANDREE EPISCOPO MORAUIEN., JACOBO COMITI BUCHANIE, ALEXANDRO DOMINO FORBES, in Fabricacione cuiusdam Commissionis et certorum Munimentorum REGI ANGLIE, per vos Johannem et HENRICUM WYOT, *Anglicanum*, delatorum, ad infringend. pacem et treugas per dictum quondam patrem nostrum et Parlamentum eius et Regem Anglie initas, contra commune bonum et rem publicam, et ad perpetuam distructionem regni ; virtute cuius, guerra super vna parte regni nostri proclamata, et diuersi ligei illius partis depredati, occisi, et incendium passi sunt : ET pro proditoriis delacione dicte Commissionis et Munimentorum ad Regem Anglie, ad perpetuam subiectionem regni nostri obediencie Regis Anglie : ET pro proditoriis arte, parte et consilio Fabricacionis cuiusdam Commissionis, et eiusdem missionis COMITI NORTHUMBRIE et DOMINO WILLELMO TYLDARE, *Anglicano*, militi, continen. quod ipsi virtute dicte Commissionis et potestatis darent Remissiones omnibus Scotis partem Anglicorum contra nos et fideles legios nostros capientibus : ET pro proditoriis arte, parte, et consilio datis et exhibitis dictis personis, in causando dictum quondam patrem nostrum diuersa Appunctuamenta et Concordias, subscriptione manuali dicti quondam patris nostri subscript., nobis tunc

Principi, pro communi pace et tranquillitate regni premiss. frangere et ab eisdem resilire, que diuersis vicibus erant promissa et per vos et (quemlibet) vestrum fracta et non obseruata; ratione cuius fractionis, Comites de Huntle, Erole, Marchell et Dominus de Glammis eius opinionem reliquerunt, et ad loca propria accefferunt: ET pro proditoriis arte, parte, et consilio datis et exhibitis dictis personis, in consulendo predictum quondam patrem nostrum ad exeund. Castrum de Edinburghe cum armis et copia virorum, post diuersa Appunctuamenta per ipsum apud Blaknes et alubi condita per ipsum fracta, ad inuadend. nos eius filium, tunc Principem, apud Striuelin: ET super aliis quam pluribus criminibus et proditoriis transgressionibus per ipsum Johannem contra nos et regnum nostrum inique perpetratis, juri parend.: INTIMAN. dicto Johanni, quod siue dictis die et loco cum continuacione dierum comparuit siue non, nos nichilominus in premissis, Justicia mediante, procedemus: Et presentes literas debite execut. et indorfaciones earundem reddite latori: Et vos qui presentes executi fueritis sitis ibidem dicto die, coram nobis, portan. vobiscum Summonicionis vestre testimonium in scriptis, pro dimissis seu ipsos testes. Ad quod faciendum vobis et vestrum cuilibet in hac parte, coniunctim et diuisim, plenariam committimus potestatem. DATUM sub testimonio Magni Sigilli nostri APUD EDINBURGHE secundo die mensis Augusti, anno regni nostri primo.

Post cuiusquidem Summonicionis lecturam, idem vicecomes probauit in presenti Parlamento dictam Summonicionem legitime executam, per indorfacionem suam et certos testes in eadem indorfacione contentos, in iudicio, ad hoc inibi per ipsum productos et juratos, videlicet, Johannem Hamiltoune de Wodhall et Patricium Hammiltoune; cuius indorfacionis sic est tenor.

Indorfaciones sive Executiones Summonicionis Forisfacture.

THE vj day of þe moneth of August, the 5ere of God J^m.iiij^c.lxxxviij 3eris, I CARRIK, Pursewart, personaly past to the cheif chemis¹ of Bothuile, and þare summond JOHNE LORD BOTHUILE to comper before our souerane lorde, personaly, in his Parliament to be haldin at Edinburgh, the viij day of October nixt tocum, with continuacione of dais, to ansuere to his bienes upone all the poyntis and articlis and crimez of Tressoune contenit in þir our souerane lordis lettrez: Before thir Witnes, Johne of Hammiltoune, Patric of Hammiltoune, Johne Baxtare, and James Echiftoune. AND þane, one the morne, the vij day of August, I the said CARRIK, Pursewart, past to þe merkat corse of Lanark. and þare, be oppin proclamacione, summonde and warnit the said JOHNE LORD BOTHUILE to comper, personaly, before our souerane lorde in his Parliament forsaid, to ansuere to his hienes to all the poyntis, articlis and crimez of Tressoune contenit in þir our souerane lordis lettrez, and estir þe tenour of þe samyn: Before thir Witnes, George Aitkynsoune, Williame Forster, bailzeis of Lanark, Thomas Were, and Johne Mowate, with vtheris diuerse. IN witnes hereof I haue fet to my Signet.

Quo JOHANNES DOMINO BOTHUILE sepe vocato, vigore predictae Summonicionis et per tenorem eiusdem, ad respondendum dicto domino nostro Regi, in presenti Parlamento, super omnibus proditoriis actionibus in dicta Summoni-

¹ Mansion-house, chief dwelling. O. Fr. *chefinez*, (*chef mez*, i. e. *chef maison*.)

cione contentis, et non comparente, legitimo tempore diei expectato, ordine et processu, continuacione dicte Summonicionis, per Dominos, Barones et Burgorum Commissarios super scriptos, hunc usque iudice procedi, visis et Intellectis, Colinus Comes de Ergile Dominus Campbele et Lorne, Cancellarius domini nostri Regis, et eius nomine, de suo expresso mandato, requisivit et petiit a dictis Dominis, Baronibus et Burgorum Commissariis, sua sensimenta et Decreta Parliamenti, penes processum dicti Johannis Domini Bothuile, si ipse fuit culpabilis in proditoriis accionibus pronominatis in dicta Summonicione contentis: Quibus Dominis, Baronibus et Burgorum Commissariis regni sui statibus deligenter et mature auisatis inuenerunt, et unusquisque pro seipso deliberavit, quod dictus DOMINUS BOTHUILE fuit culpabilis in omnibus proditoriis actionibus in dicta Summonicione contentis, excepto tempore de Blaknes. Et ideo datum fuit pro iudicio sine Laudo Foriffacture, per os Alexandri Dempstar Judicatoris Parliamenti, in modo et forma sequen. in vlgari.

Judicium sive Laudum Foriffacture.

THIS Court of Parliament schewis for law, and I gif for Dome, that sforfamekle as it is fundin be sensment of Parliament, that JOHNE LORD BOTHUILE has committ and done Tressoune agane oure souerane lord THE KING and his realme, in all the poyntis and articlis aboune writtin, contenit in the Summondis maid pairappone, except the tyme of the Blaknes: That pairfore he has Forfalt to our souerane lord the King his lif, landes,¹ officez, gudis movable and vnmouable, and all vtheris his possessionis pat he haid within the realme of Scotlande, euermare to remaue with oure said souerane lord, his airis and suceffouris, for his Tressoune and offence. And that I gif for DOME.

[*Coram REGE personaliter ibidem sedente.*]

High Treason — Field of Stirling, &c.

[JOHN ROOS or ROSS of Mountgreenan was Advocate to JAMES III. Warrant was granted, Jul. 2, 1488, for his apprehension, and he was at the same time summoned for the traiterous pursuit of the Prince (JAMES IV) to beyond the Bridge of Stirling, and for there making Burnings, 'hereschips,' and slaughters, on Jun. 10, being the day preceding the Battle of Sauchie. The Castle of Keir, to which the Prince had retired, was at the same time burnt by the King's adherents, with the Place of Airth, &c.²

There seems to be nothing additional worthy of mention, as to the Lord Advocate's case, excepting that he does not appear to have been restored to the King's confidence. His estates were conferred on Patrick Hume of Fastcastle; and James Henderson of Fordell succeeded to his important office of Lord Advocate.]

Oct. 14, (*die Martis.*)—Quo die³ comparuit in Iudicio CARRIK Signifer, vicecomes in hac parte, et presentauit quandam Summonicionem regiam, sub tes-

¹ On Oct. 14, the Parliament confirmed a grant of the Lordships of Bothuill and Creichtoun to *Patrick Lord Halis*, Master of the Household; and on Oct. 17, they were erected into the Earldom of Bothuill, &c.

² See *Reg. Mag. Sig.* XII. 64.—*Treat. Accounts.*

³ This case had been continued from time to time, from Oct. 8 preceding.

timonio Magnj Sigilli regij sibi directam, super Summonicione JOHANNIS ROSS DE MONTGRENANE, coram prefato domino nostro Rege et tribus regni sui statibus ibidem congregatis ; cuius Summonicionis tenor sequitur et est talis.

Summonicio Forisfacture contra Johannem Ross de Montgrenane.

JACOBUS dei gracia Rex Scotorum, Vicecomiti et Balliuis suis de Are, necnon Lyonj Regi Armarum, Rothiffay, Rossè, Snawdoune, Merchmonde, Heraldis ; Vnicorne, Ormonde, Carrik, Montrose, Signiferis ; Hectori Meldrum, Willelmo Campbele, Claugeris ; Symoni Spardoure, Donaldò Malynny et Georgeo Schaw, Curforibus, vicecomitibus nostris in hac parte ; salutem. Mandamus uobis et precipimus, quatenus summoneat, legitime et preemtorie, coram testibus, JOHANNEM ROSS de Montgrenane personaliter apprehensum, si eius presenciam commode habere poteritis, alioquin apud Montgrenane et locum sue habitacionis, et ad crucem fori burgi nostri de Are, et ad crucem fori burgi nostri de Irwin, per publicam proclamationem ; ita quod hujusmodi Summonicio ad eius noticiam verefimiliter peruenire poterit, quod compareat personaliter coram nobis, in nostro proximo Parlamento, tenendo apud Edinburghe, die Jouis, nono die mensis Octobris proxime futuro, cum continuacione dierum, ad respondend. nobis in prefato nostro Parlamento pro suis proditoriis arte, parte, consilio et assistencia datis et exhibitis JACOBO COMITI BUCHANIE, Stephano Lokbert de Cleghorne, et Thome Fotheringhamo de Powry in extraportacione et ductione quondam patris nostri cum armis et copia virorum apud Blaknes, pro nostra et nostrorum finali distructione, attento quod nos eo tempore prout omni alio extitimus parati perimplere Appunctuamenta per ipsum nobis missa, promissa, et subscriptione eius manuali subscript., consilio eius fracta, prorupta et spreta, quamobrem Comites de Huntle, Erole, Merchell et Dominus Glammis eum dictum Johannem Rossè et eius opinionem reliquerunt, et ad loca propria redierunt : ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis, in preparamento et aramento campi bellici contra nos apud Blaknes, in quo nouiter appunctuatum extitit : ET pro complicitate Appunctuamentorum prius premissorum, dictus Jacobus Comes Buchanie, Willelmus Dominus Rothuen, Thomas Fotheringham de Powry, Willelmus Murray de Tulybardin dabantur fide-iussores et obsides : AC pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis ad prorumpend. dicta Appunctuamenta, pro communi tranquillitate pace et concordia regni inita, postquam dictus quondam pater noster ad castrum de Edinburghe peruenit : ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis et Andree Episcopo Moranien. in missione et destinacione Johannis Domini Bothuile in regno ANGLIE ad REGEM eiusdem, pro proditoriis importacione ipsius et ligeorum suorum ad distructionem nostram et legiorum nostrorum et Corone regni Scocie subiectionem perpetuam legiancie et obediencie dicti Regis Anglie : ET pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis, in consulendo dictum quondam patrem nostrum ad exeund. Castrum de Edinburghe, cum armis et copia virorum, ad inuadend. nos, tunc existentem Principem, apud Striuelin : ET pro proditoriis fugacione et profecutione nostre persone extra pontem de Striuelin, ibi Incendia, depredaciones et occisiones facien. : NECNON pro proditoriis arte, parte, consilio et assistencia datis et exhibitis dictis personis, in faciendo patrem nostrum contra nos se eregere, ad distructionem nostre persone, in preparamento et aramento campi bellici, apud Striuelin, vndecima die mensis Junij vltimi elapsi, post diuersas Concordias et Appunctuamenta inter nos et patrem nostrum inita, ad que semper eramus, prout tunc prompti, genibus flexis, inter bella optulimus perimplere, et consilio suo fracta et perturbata ; cuius consilio, cum aliis, in inicio belli dictus quondam pater noster campum reliquit, et in manus vilium personarum incidit, et occisus fuit : INSUPER, pro proditoriis arte, parte et consilio Occisionis eiusdem, suis proditoriis consilio, ductione, et gubernacione : ET super aliis quampluribus criminibus et proditoriis transgressionibus, per ipsum JOHANNEM ROSS contra nos et regnum nostrum inique perpetrare, jurj parend. : INTIMANDO dicto Johanni, quod sue dictis die et loco cum continuacione dierum comparuerit sue non,

nos nichilominus in premissis, iusticia mediante, procedemus. Et presentes literas debite executas et Indorfaciones earundem reddite latori: Et vos qui presentes executi fueritis sitis ibidem dicto die coram nobis, portantes vobiscum Summonicionis vestre testimonium et nomina testium in scriptis pro premissis seu ipsos testes: AD quod faciendum vobis et vestrum cuilibet in hac parte coniunctim et diuisim plenariam committimus potestatem. DATUM sub testimonio Magnj Sigilli nostri, apud Edinburghe, secundo die mensis Julij, anno regnj nostri primo.

Post cuiusquidem Summonicionis lecturam, idem vicecomes probauit dictam Summonicionem legitime executam, per suam indorfacionem, et certos testes in eadem indorfacione contentos, ad hoc inibi in iudicio productos et iuratos, videlicet Nigellum Campbele, Hugonem Flemyn, Walterum Kide, Thomam Young, Johannem Montgumery et Robertum Fergushill de eodem; cuius indorfacionis tenor sequitur.

Indorfaciones five Executiones Summonicionis Forisfacture.

THE xij day of the monethe of August, the 3ere of God (I^m.iiij^c.)lxxxviij 3eris, I CARRIK, Purfewant, and scheref in þat parte, personaly past to þe Chemis of Montgrenane, and þare summond, chargeit and warnit Johne þe Ros of Montgrenane to comper before our fouerane lord in his Parliament to be haldin at Edinburghe the ix day of the monethe of October nixt to cum, with continuacioune of dais, to anfuere to his hienes apone all þe pointis, articlis and crimez of Treffoune contenit in our fouerane lordis lettrez: Before þir Witnes, William Campbele, Hew Flemyn, Thomas young, and Walter Kid, with vtheris diuerse. THE samyn day, I þe said CARRIK past to þe merkat corse of Irwin, and þare be oppin proclamacioune summond þe said Johne the Ros of Montgrenane to comper before our fouerane lord þe saidis day and place, to anfuere to his hienes apone the poyntis and articlis contenit in þir lettrez: Before þir Witnes, Johne of Montgumry broþer to the Lord of Montgumry, Johne of Montgumry of Giffyn, Robert of Fergushill of þat Ilke, and Johne of Fergushill, with vtheris diuerse. THE xvj day of þe monethe of August, I CARRIK, Purfewant, past to the merkat corse of Are, and þare be oppin proclamacioune summond and chargeit the said Johne the Ros to comper before our fouerane lorde, at day and place aboune writtin, to anfuere to all poyntis and articlis contenit in þir lettrez: Before thir Witnes, Johne Campbele of Schankistoune, Ferguse Fergushoune of Kilkerrane, Andro Busby alderman of Are, James Campbele of þe Brownside, with vperis diuerse. In witnes hereof I haue set to my Signet.

Quo Johanne Ros sepe vocatus, per dictum Summonicionem et tenorem eiusdem, ad respondend. dicto domino nostro Regi in presenti Parlamento, super proditoriis actionibus in dicta Summonicione contentis, et non comparen. legitimo tempore diei expectato, ordine et processu continuacionum dicte Summonicionis per Dominos, Barones, et Burgorum commissarios huc usque iudice procedi, visis et intellectis, Colinus Comes de Ergile, &c. Cancellarius dicti domini nostri Regis et eius nomine, de suo expresso mandato, requisivit et peciit a dictis Dominis, Baronibus et Burgorum Commissariis sua sensimenta et Decreta Parliamenti, penes processum dicte Summonicionis, si dictus Johannes Ros de Montgrenane fuit culpabilis in proditoriis actionibus prenominatis, et in dicta Summonicione contentis: Quibus Dominis, Baronibus et Burgorum Commissariis deligenter et mature auisatis, inuenerunt, et vnusquisque pro seipso, deliberauerunt, quod dictus JOHANNES ROSS fuit culpabilis in omnibus proditoriis actionibus

preminatis in dicta Summacione contentis, exceptis factis apud Abirdene: ET ideo datum fuit pro Judicio siue Laudo Forisfacture, per os Alexandri Dempstar Judicatoris Parliamenti, in modo et forma sequen. in vlgari.

Judicium siue Laudum Forisfacture.

THIS Court of Parliament schewis for law, and I gif for Dome, that forfamekle as it is fundin be fensment of Parliament, that JOHNE THE ROSS OF MONTGRENANE has committ and done Treffoune agane oure fouerane lorde þe King and his Realme, in the pointis and articlis abone writtin, contenit in þe Summondis maid þairapone, except þe wyrkingis maid at Abirdene, That þairfore þe said Johne þe Ross has forfalt to our fouerane lorde þe King, his lif, landis, officis, gudis movable and vnmovable, and all vtheris his possessionis quhatsumuer he haid within þe realme of Scotlande, euermare to remane with our said fouerane lorde, his airis and successouris, for his Treffoune and offence. And þ' I gif for DOME.

High Treason.

Eodem die, CUTHBERTO MURRAY de Cokpule¹ sepe vocato, per Summacionem regiam et tenorem eiusdem sub testimonio Magnj Sigilli regij defuper directo, ad respondend. personaliter dicto domino nostro Regi, in presenti Parlamento, super certis proditoriis actionibus in dicta summacione contentis; et non comparend. continuatur ad crastinum videlicet decimum quintum mensis instantis Octobris, cum continuacione dierum, in eadem forma ut nunc est, absque preiudicio parcium.

Regulations for the due Administration of Justice.

[ONE of the earliest public Acts of the first Parliament of King James IV² throws much valuable light on the energy and vigour recommended and enforced by the advisers of the young King, whose personal activity and zeal in the discharge of all the functions of the royal office are well known and acknowledged. It is preceded by the following brief resolution,³ which, as is generally allowed, he fulfilled even to the letter. 'It is avist and concludit, anent the furthe putting of justice throw all the Realme, that our fouerane lord SHALL RIDE IN PROPER PERSONE about to all his AIERIS: And þat his JUSTICE fall pas with his hienes, to minister justice, as beis thocht expedient to him and his Counsaile for the tyme.'

As the future proceedings frequently refer to the discharge of the important duties intrusted to the Lords and Barons named, it has been considered necessary to lay before the reader the particulars, which as usual are concisely stated.]

Oct. 17.—'ANENT the stanching of Thift, Reff, and vtheris innormitez throw all þe realme, thir LORDIS vnder writtin has maid faithe and gevin þar

¹ This case was continued from time to time; but, from the imperfect state of the Records, it does not appear whether he was forfeited or not. The probability is that he was not, otherwise so much delay would not have been granted him. ² *Acta Parl.* 1488, cap. 9. ³ *Ib.* cap. 8.

bodily aithis to our fouerane lord, in this his Parliament, that þai and ilkane of thame fall diligently, withe all cure and befinace, ferche and feik quhar ony sic trespaffouris ar fundin or knawin within þar boundis, and tak þame and justify¹ þame, or mak þame be fend to our fouerane lord to be justifit : And þai fall haue pouere of our fouerane lorde, vnder his quhite walx, to tak and punys the saidis trespaffouris but fauouris, according to justice : And als, to gif þame pouere to caufe vtheris finale Lardis within þar boundis to mak faith elik wise, and to rise and assist to þame in the takyne of þe saidis trespaffouris.

BARONS appointed to search for and punish trespassers.

THE LORD HALIS and ALEXANDER HUME for *THE MERSE, LOUDIANE*, þe Wardis of *HADINGTOUNE, LINLITHOW* and *LAUDERDAILE*.

THE LORD HALIS for *KIRCUDBRYCHT* and *WIGTOUNE*.

THE ERLE OF ANGUSE for the scherefdome of *ROXBURGHE, SELKIRK, PEBLIS, LANARK*.

THE said ERLE and THE LORD MAXWELL for *DRUMFRESE*.

THE LORD KENNYDY for *CARRIK*.

THE SCHEREFF OF ARE for *AEE*.

THE LARD OF CRAGY for *KILE*.

THE LORD OF MONTGUMMERRY for *CUNYNGHAME*.

THE ERLE OF LEUENAX, THE LORD LILE, MATHEW STEWART, for *RENFREW, THE MONKLAND, LENZHEY, BOTHULE, GLASGW, KILBRIDE, AVANDAILE*.

And the forsaid LORDIS and the LORD OF MONTGUMMERRY for *DUNBARTANE, THE LEUENAX, BUTE, and ARANE*.

THE SCHEREFF OF STERUILINE and JAMES OF SCHAW for *STERUELINSCHIR*.

ARCHIBALDE EDMANSTOUNE for *MENTEITHE* and *STRAITHEGARTHENAY*.

THE CHANCELLAR, THE MAISTER OF ERGILE, for *ERGILE*, þe half of *LORNE, KNABDANE, KYNTYRE* and *COWALE*.

DUNCANE CAMPBELL, NEILE STEWART and EWYNE CAMPBELL, for *DISCHER, TOYERE, GLENURQHAR, RANNOCHE, APNADULE, GLENLYOUNE, GLENFALLOICHE*.

THE ERLE OF ATHOLE and ALEXANDER ROBERTSOUNE for *ATHOLE*.

THE LORDE DRUMMONDE for *STRAITHERNE, BUCHEQUHEDERE, and DUNBLANE*.

THE LORD OLIPHANT for þe Lawlande of þe Scherefdome of *PERTHE, STRATHEBRAVNE*, and the bishoprík of *DUNKELDENE*.

THE LORD GRAY, THE LORD GLAMMYS, THE MAISTER OF CRAUFURDE for *ANGUSE*, Hie land and Law land ; and to sit with þe JUSTICIS of the Regalite, &c.

THE ERLE MARCIALL for *THE MERNIS*.

THE ERLE OF HUNTIE, THE ERLE OF EROLE, THE LARD OF INUERRUGY fra the Monthe northe fra Inuernesse, in

THE SCHEREFF OF FIFF and þe LORDE LINDESAY for þe scherefdome of *FIFF*.

Forfeiture of the Earl of Lennox, his son the Master of Lennox, and Lord Lyle, recalled.

[SHORTLY after the coronation of James IV, the leaders of the party who had unsuccessfully opposed him while Prince, at the Field of Stirling, precipitately organized a Conspiracy against him,

¹ Execute them ; put them to death, after legal trial.

under the pretence of revenging the late King's death. For this purpose they hoisted the bloody shirt of James III as their standard, and appealed to the sympathies of the people. The attempt appears to have been premature, and proved abortive; for John Earl of Lennox, and Robert Lord Lyle, the Earl Marischall, Lords Forbes and Crichtoun, with the Master of Huntley, &c. were totally overthrown, in the month of October 1489, near Touch, at the Talla Moss, being about sixteen miles from the town of Stirling. THE KING, however, with singular leniency, speedily restored them to his favour, and spared their estates.

Reference may be made to *Mr Tytler's* valuable Historical work¹ for a full account of all these transactions, which are likewise related by *Buchanan, Lesley, &c.* which last authority states,² that 'ane greit number of the Lennox men wer flane, and findry of the Barronis, sic as the Lords (Lairds) of Kileroucht and utheris, tane and hangit thairfoir.'³ *Sir James Balfour* informs us, that this 'Laird of Kilerenche' was 'Chieffe of the Galbraithes.'⁴

It has been thought that the reader would prefer to have before him the King's warrant for recalling the Forfeitures which had taken place. The Act of Parliament itself may be seen in the new and valuable Edition of the Acts of the Parliaments of Scotland, printed under the care of *Thomas Thomson, Esquire*, the present Deputy Clerk Register.]

JUN. 26, 1489.—PRECEPTUM REGIS *pro extraccione processus Comitis de Leuenax, Roberti Domini Lile, et Mathej Stewart.*⁵

REX,

CLERK OF OUR REGISTRE. Wit 3e, that fforfamekle as it is now fundin and declarit be the thre estatis in this oure Parliament, that þe Procefs of Forfaltour led apone oure coufingis JOHNE ERLE OF LEUENAX, LORD DERNELY, MATHO STEWART his sone and apperand are, ROBERT LORD LILE, in our Parliament haldin laft of before, in our burghe of Edinburghe, is fundin and declarit of nane avale, as þe Act of Parliament maid now þairapone proportis: It is oure Will, and we charge 3ow, that 3e herfore, incontinent eftir the ficht of þir our lettrez, tak furthe þe said procefs of Forfaltour of 3our bukis of Parliament, and deliuer þe sammyn to þe said JOHNE, MATHO, and ROBERT, and distroy þe sammyn procefs, in sic wise, þat it be neuer sene in tyme tocum. And this one na wise 3e lef vndone: Halding þir our lettrez subscriuit with our hande for 3our werrande. Writtin at Edinburghe, the vj day of Februare, the 3ere of God J^m.iiij^c.lxxxix 3eris, and of our regne the secunde 3ere.

[JAMES R.]

Dilecto clerico nostro MAGISTRO RICARDO MUREHEDE, Decano Glasgauen. Clerico Rotulorum nostrorum et Regiftri ac Consilij, &c.

¹ *Tytler's Hist. of Scotland*, IV. 345, &c. ² *Bannatyne Club's Edit.* 4to, 1830, p. 60. ³ The want of the Criminal Records prevents us from ascertaining who these persons were. ⁴ *Annales*, I. 215. ⁵ This was done by Act of Parl. Feb. 5, 1489-90. Vid. *Acta Parl.* II. 217.

CURIA *supremi domini nostri* REGIS, (*tenta apud*)¹ *burgum de* LAUDIR, *die Jovis, septimo die mensis Nov(embris), anno Millesimo) quadringentesimo Nonogesimo tercio, coram nobilibus dominis* (ROBERTO DOMINO LYLE *et* LAUREN)TIO DOMINO OLIPHANT, *Juslicariis supremi domini* REGIS, *ex (parte australi aque de) Forthe.*

Letters of General Remission,

GRANTED BY KING JAMES IV. TO THE INHABITANTS OF BERWICKSHIRE,
THE MERSE, AND LAUDERDALE.

JAMES, be the grace of God King of Scottis, to all and fyndrie oure Justicis, Justice clerkis, Crounaris, and thare deputis, and utheris oure officiaris, liegis, and subditis, (quhome it) efferis,² quhais knowlege thir oure lettres fal cum, greting. For famekil as We grantit, of before, generale Remissionis to all and fyndrie oure liegis and subditis, inhabitant the boundis of the Sherefdom of Berwic, the Merse, and Lawdirdale, for all crimez and actionis committit be thame, in ony tyme bigane, before the day of oure Coronatioune : And as zit, ane pairt of oure liegis has nocht rasit thare Remissionis thareupoune : WE heirfoir, of our speciale grace and favouris, has Respectit,³ Remittit, and Forgevin, and be oure Lettres speciale Respectis, Remittis, and Forgevis for evirmare, all and fyndrie oure liegis and subditis, inhabitant the boundis of oure Sherefdom of BERUIC, THE MERSE, and LAWDIRDAL, of quhat estate, degre, or conditione thai be of, to be unattachit, unarrestit, unperfewit, unfolowit, ony maner of way, in all tyme to cum, be ony of our officiaris, liegis, or subditis foirfaidis, for ony crimez, offensis, reffis, herschippis, slauchteris, birnyngis, murthir, trefonis, or uthir trespaffis quhatfumevir, committit or done ony maner of way, before the date of oure Coronatioune foirfaide, be ony of our liegis or subditis forfaid. QUHAIRFOR, We charge straitlie and commandis you, all and fyndrie oure liegis and subditis forfaid, that nane of you tak upoun hand, to attach, arrest, perfew, or folow ony maner of way, ony of our liegis or subditis forfaid, for ony crimez of trefone, offensis, or trespaffis quhatfumevir, committit or done be thame, or ony of thaim, in tyme bigane, before the day of our Coronatioune forfaide, in ony tyme to cum. As ze wil answere to us thareupoune, and undir all the hieft payne, charge, and offens that ze or ony ane of you may committ or inryn⁴ agane our Majesté riall,⁵ in this present ; dischargeing you and ilk ane of you of your officis in that pairt, be thir oure Letres : GEVIN undir oure Privé Sele, at Dingvale, the xxiiij day of October, the zere of God I^m. iiij^c. nynty thre zeris, and of our regne the sext zere.

¹ The words within parentheses are supplied from similar entries. The commencement of the volume is much decayed and destroyed by damp, &c.

² Whom it concerns ; to whose knowledge, &c.

³ Respected.

⁴ Literally run into ; incur.

⁵ Royal.

Slaughter.

Nov. 9, (*dies Sabbati*,¹ viz. *tercia dies Itineris*.)—THOMAS BROUNE, in Langtoun, convicted of art and part of the slaughter of umq^{lc} Thomas Achinfoune.—BEHEADED.²—James Broune in Langtoun was put to the horn, &c. for the same crime; and his cautioner, William Amere, son of Robert A. in Todrik, was americiated in L.20 for his non-appearance.—(Nov. 12.) ROBERT DOUGAL in Langtoun was BEHEADED for the same slaughter.

Hamesucken — Stouthreif.

Nov. 12.—WILLIAM COKBURNE, son and heir of the Laird of Langtoun, and nine others, permitted to compound for art and part of the forethought felony and ‘Hamesukin’ done to Robert Sleich, his wife and children, at the Place of Oxinden: And also, for Stouthreif of a bonnet and ‘quhyngare’ from the said Robert, at the same time.

Killing Hares in forbidden time.

WILLIAM COKBURNE,³ son and heir of the Laird of Langtoun, came in the King’s will for flaying of Hares, during the forbidden time.

Stouthreif from the Laird of Spottiswood, &c.

Nov. 13.—SYMON FURDE in Toftis, and Thomas Furde of Lital Harlaw, and six others, came in the King’s will, for forethought felony and ‘Hamesukin’ done to James Spottiswode of that Ilk, George and Adam Spottiswode, at the Place of Spottiswode: And also, for art and part of the Stouthreif of three lances from the said persons, at the same time.—The Master of Hume and George Hume of Wethirburne became cautioners for the satisfaction of the King and parties. (Americiated L 4 each.)⁴

Slaughter—Forethought Felony.

JAMES SPOTTISWODE, junior, Adam S. and Thomas Wod, got a Remission for art and part of the cruel Slaughter of umq^{lc} Thomas Burne, in the town of Blythe: And also, for art and part of the forethought felony done to Alexander Hog.—The Laird of Spottiswood became surety for satisfying the parties.

¹ SATURDAY or *Sabbath*, the Jews’ day of rest. SUNDAY is universally translated in ancient documents, especially legal writings, *dies Solis* or *dies Dominica*. Want of attention to this circumstance has led to frequent errors and mistatements.

² ‘MEM^o. Quod de bonis Thome Broune datur in elimofina uxori et prolibus, ij. vaccas, le rov. . . cornum, cum utensilibus domino Regi pertinent.’

³ This case took place on the same day with the preceding.

⁴ This fine was probably to the King. The parties would not be so easily dealt with. It may be taken for granted that all entries of similar ‘amerciaments’ and fines, in the Record, were merely to the Crown, *in modum pœnæ*, without reference to the ‘affythment’ or compensation to be made to the private party, which was matter of private negotiation or of reference to arbiters mutually chosen.

Felony done to the Laird of Blyth.

JAMES SPOTTISWODE, junior, and Robert Steill came in the King's will for the forethought felony done to James Weddale of Blyth. The Laird of Spottifwood became cautioner to satisfy the parties. Amerciated L.3 for each.

Forethought Felony.

Nov. 14, (*sexta dies Itineris.*)—THE LAIRD OF SPOTTISWODE, Adam and James, his sons, and George, his brother, came in the King's will for the forethought felony done to William Knox and Cuthbert Forfter, at Ryecluche. The Laird became surety to satisfy the King and parties. Each amerciated in L.2

'Afflictio juvenis, pro Interfectione in octennio commissa.'

[The following case of a boy of eight years of age being punished by public flogging at the parish church of Legerwood, until blood should be drawn from him, is so remarkable, that the Editor has deemed it best to give the precise words of the Record, the force of which would be much weakened by any translation. In all similar instances, wherein the ordinary technical phraseology of the Books of Adjournal has been departed from, he has uniformly followed the same rule.]

Nov. 14.—*Quo die THOMAS GOTHRASOUNE juvenis in judicio fatebatur Interfectionem Johannis Smythe, filij Thome Smy^t: Quapropter ordinatur per Justiciarium, Vicecomes Dominus de Corfby ad hoc juratus, affligere eundem Thomam, pro hujusmodi Interfectione, apud Ecclesiam de Ligertwode, in cujus parochia dict. Interfectio fuit commissa, in die solempni, usque ad effusionem sanguinis; quia dictus Thomas Gotthrasoune commisit dictam Interfectionem in octennio, et in hac etate non poterat ad mortem pro crimine justificari.'*

CURIA *Itineris Justiciarie de JEDWORTHE, inchoata die Lune, Nov. 17, 1493.*

Intercommuning with the English.

Nov. 19, (*die Martis, tertia die Itineris.*)—WALTER TALZOUR 'Baro de Hassindene,' permitted to compound for Intercommuning with the English.—The Laird of Bucluche became surety for the entry of the said Walter, at the next Justice-aire.

Treasonably being with the Duke of Albany.

THOMAS TURNEBULE, in Gathouscot, produced a Remission for his treasonably being with Alexander formerly Duke of Albany;¹ and specially, at the Burgh-Mure of Edinburgh.

¹ Brother of King James III, and uncle to King James IV; and who treasonably conspired against his brother. After having escaped from Edinburgh Castle, in 1479, he fled to France, and was for-

Intercommuning with Archibald Armstrang.

WALTER ROBSONE, in Harden, came in the King's Will for Intercommuning with Archibald Armstrang, being at the horn for the Slaughter of *the Laird of Eldmere*.—Walter Ker became surety.

Treasonably being with the Duke of Albany, &c.

RALPH ANYSLE produced a Remission for his being treasonably with Alexander formerly Duke of Albany; and also with Richard Reid, Englishman, before the date of his Remission: Also, for art and part of the treasonable Stouthreif and 'Herefchip' made at the Place of Spittale of xxiiij oxen and cows, and vj horses and mares, with goods and utenfils worth x^{xx} li.,¹ from the tenants thereof.—Andrew Ker of Fairnyhirft became surety.

Bringing in the English of Tyndale.

SYMON 5OUNG, in Rouchlee, produced a Remission for art and part of the theftuous and treasonable inbringing of the Englishmen of Tyndale to the 'Herefchip' of Thomas Leipdene and Mathew Michelfoune, dwelling in Humdolee.—Andrew Ker of Farnyhirft became surety to satisfy the parties.

Intercommuning with the Thieves of Levyn.

Nov. 20.—WALTER SCOT of Edschaw permitted to compound with the Treafurer for his treasonably Intercommuning with the Thieves and Traitors of Levyn.

Treasonably being with the Duke of Albany.

PATRICK MOW produced a Remission for his treasonably being with Alexander formerly Duke of Albany.

Forethought Felony — Stouthreif.

WILLIAM TAYT in Cesfurde-manys, and Robert Burne his cousin-german, came in the King's Will for art and part of the forethought felony done to Thomas 5oung, by way of Murder, at the ford of Cale:² And also, for Stouthreif of a horle, a faddle, a bow, with a fatchel and purse,³ and 20 f. being in the said purse.—Sir Robert Ker, knyght, became surety. Each americiated in 40 f.

feited, Oct. 4 of that year. In 1482 he went to England, swore fealty to King Edward IV, and assumed the Title of King of Scotland. The King, his brother, shortly afterwards forgave him; but he once more proved a traitor; and, after having given up the Castle of Dumbar to the English, again retired to England. On Jul. 22, 1484, he was routed at Lochmaben; but escaped to France, leaving the Earl of Douglas, &c. prisoners. He was a second time forfeited, Oct. 1, 1487, and his estates were finally annexed to the Crown. This turbulent Prince was killed at a tournament in Paris, in 1485.

¹ Ten score, L.200.

² See Mar. 2, 1494-5.

³ 'Cum pera et loculo.' Pera usually

denotes a poke, budget, or bag for provisions, &c.

Slaughter — Stouthreif.

JOHN MURRAY, (residing) with Walter Ker in Cesfurde, produced a Remission for art and part of the Slaughter of William Auchinlek : *Item*, for the Stouthreif of five elms of white woollen cloth from David Wodes man, during the time of the Rebellion of Alexander Duke of Albany.

Treason — Intercommuning with the Duke of Albany — Taking Prisoner and exacting Ransom, &c.

ADAM KIRKTOUNE, in Craling-mylne, produced a Remission for treasonable outputting and inputting, and common Theft, common Reset and common Treason, before the date thereof : *Item*, for his treasonably being with Alexander late Duke of Albany : *Item*, for the treasonable carrying off of a shoe-maker in Jedworthe¹ to the English ; and causing him to be redeemed for L.40.—Dand² Ker of Farnyhirft became surety to satisfy the party.

Bringing in the English and Plundering Minto, &c.

WILLIAM GRYMYSLAW, at the Kirk of Hassindene, permitted to compound for art and part of the treasonable bringing in of the English of Tynedale to the ' Herefchip' of 100 cows and oxen, 100 sheep, 20 horses and mares, and fundry utensils, furth of Mynto : *Item*, for his treasonably Intercommuning with the Thieves of Levyn.—Walter Scot of Howpasslot became surety for satisfying the parties.

Concealing ' pas-pennys' found in Minto-Kirk.

NOV. 21.—JOHN SINCLARE in Mynto, and four others, came in the King's Will for treasonably concealing and Stouthreif of x^{xx} ' pas-pennys'³ pertaining to the King, found in the Kirk of Mynto.—The Laird of Bethroule and William Langlandis became their sureties.

' Hereschip' of Harehede—Resetting Traitors of Leben.

WALTER SCOT of Howpasslot allowed to compound for treasonably bringing in William Scot, called *Gyde*, John his brother, and other Traitors of Levyn, to the ' Herefchip' of Harehede : *Item*, for theftuously and treasonably Resetting of Henry Scot, and other Traitors of Levyn : *Item*, for the treason-

¹ Jedburgh. ² Andrew. ³ These were likely to be ten score ' paces' or ' *Nobillis of pais*,' English gold coins or Nobles, which are frequently mentioned in our old Acts of Parliament. The term *pace* seems to have reference to their *weight*, q. d. Heavy Nobles, Nobles of weight. Although found in the *Kirk* of Minto, there is no reason to suppose they were *Pace* or *Easter-offerings*. There is no doubt that this *posse* was ' treasure-trove,' accidentally turned up and concealed by Sinclare ; and as such it belonged to the King ; who, on the other hand, could have had no claim to pious Easter-offerings, made in grateful remembrance of the Resurrection. See also Nov. 9, 1502.

JEDWORTHE.

able Stouthreif of forty oxen and cows, and two hundred sheep, from the Tenants of Harehede, at the same time.—Robert Scot of Quhitchester became surety for his entry at the next Justice-aire.

Stouthreif—Slaughter—Common Theft.

PETER HALL, in Newbiggin, produced a Remission for theftuously concealing of a target (shield) made of tanned hide,¹ and a sword, from John Hall and Edmund Hall, furth of Newbiggin: *Item*, for art and part of the Slaughter of John Henrifoune in Lyntounlee: *Item*, for stealing six ewes² from Thomas Henrifoune, dwelling in Jed-Forest: *Item*, for the Slaughter of the said Thomas: *And* for common Theft, before the date of his Remission.—David Anyfle became surety to satisfy the parties.³

[JOHN LORD DRUMMOND, deputy and lieutenant of JOHN LORD GLAMMIS, and ROBERT LORD LILE, Justiciars on the South parts of the Forth.]

Burning of Mynto—Sheep-straling, &c.

Feb. 26, 1594-5, (*secunda dies Itineris*).—GILBERT SCHEVIL, in Bethroul, produced a Remission for Burning of Mynto: *Item*, for being art and part with Alexander late Duke of Albany: *Item*, for stealing fourteen sheep, 'zowis,' (ewes,) &c. &c.—The Laird of Bedroule became his cautioner.

Slaughter, &c.

JAMES PILMURE, in Ednem, produced a Remission for theftuously waisting of the goods of George Smythe, at the time he lay with his wife:⁴ *Item*, for the Slaughter of Alan Glasgw.—Ralph Ker became surety to satisfy the parties.

Treasonably bringing in the Thieves of Leven, &c.

Feb. 28, (*dies Sabbati*).—HECTOR LAUDIR, brother of the Laird of Todrig, produced a Remission for treasonably bringing in of Willoc Elwalde, Rolland Elwalde, and five brethern of the Arnstrangis, Traitors of Levyn, to the 'Herfchip' of Quhitmur: *Item*, for art and part of the Stouthreif of V^{xx}⁵ cows and oxen, and the whole household goods from the Tenants of Quhitmur, at the same time: *Item*, for Treasonably bringing in the Forstaris and other Thieves of Levyn to the Pot-Loche of Selkirk, &c. &c.—Robert Scot, son of Walter of Edschaw, became suretie to satisfy the parties.

¹ 'Unius tergoris corticati.' ² Ovium le zowis. ³ At the end of the proceedings of this Aire, there is the following entry: 'SUMMA totalis extractus Itineris, V^c.iij^{xx} xv lib. xviiiij f. iij d. (L.575, 18s. 4d.)' ⁴ In Adultery, 'tempore quo concubuit cum uxore ejus.' There are numerous entries to the same effect, both in the Criminal Records and in the Register of the *Privy Seal*, where Remissions frequently occur for this offence.

⁵ Five score.

Slaughter of Sir George Farnylaw, chaplain.

ROGER LANGLANDIS, Sir Robert Ker, kn^t, and John Rutherford of Edgarstoune, often called to enter Roger Langlandis to underly the law for the Slaughter of Sir George Farnylaw, chaplain, under the pain of L.20, for which they had become bound to the Sheriff of Roxburgh, as they confessed in judgement; and not appearing, they were amerced in the said sum: And it was ordained, that the said Roger shall be denounced Rebel at the horn; and all his goods to be escheated to the King.

Slaughter.

THOMAS RUTHERFURD, son of Nicholas R., denounced Rebel, and all his goods ordained to be escheated, for not underlying the law for the Slaughter of Duthac Rutherford.—John R. of Edgarstoune, his cautioner, amerced L.40 for his non-appearance.

Theft—Stouthreif—Bringing in the Thieves of Leven, &c.

Mar. 2, (*quarta dies Itineris*).—ALEXANDER TURNBULE, son of Andrew of Dridane, produced a Remission for the theftuous Refet of Adam Howatsoune and Robert Jakfoun in the Thefts committed by them; and specially, in the Theft of six ewes (‘*5owis*’) from James Ker, furth of Fastheuche: *Item*, for art and part of treasonably bringing in the Thieves and Traitors of Levyn upon Thomas Myddilmaft, in Ploro; and Slaughter of his wife, and two sons, called Ninian and John: *Item*, for art and part of the treasonable Stouthreif, from the said Thomas Myddilmaft, at the same time, of xj horses and mares, price 100 merks; xliij oxen and cows, price L.88, &c.—(the specification is so remarkable that the remainder of the charge is given in the original terms of the Record)—‘*ij le siandis armorum,*¹ precium L.20; xl lib. auri et argenti;² fex coeliarium argenteorum,³ precium 6 marc.; una magna duodena vasorum staneorum,⁴ precium L.7; fex togarum virorum,⁵ precium L.8; xj togarum subuncularum feminearum,⁶ precium L.22; xij flammearum,⁷ precium L.12; v cadurecarum,⁸ precium L.10; v arcium,⁹ precium 50 f.; vj lancearum,¹⁰ vj bipenium,¹¹ precium L.2, 10 f.; 2 annullorum aureorum,¹² precium L.5; iij le *tykis de feddirbeddis*, precium L.5; xxij parium linthiaminum,¹³ precium L.11; xxij coopertorium de le *worset*,¹⁴ precium L.10; xvj lodicum,¹⁵ precium L.6; xx trinaclium,¹⁶ precium

¹ Suits of mail or armour. ² Gold and silver coin. ³ Silver spoons. ⁴ A great dozen of tin or pewter flagons or vessels. ⁵ Men's gowns. ⁶ Women's kirtles. ⁷ Scarfs or veils. ⁸ Generally understood to be blankets or coverlets; but in this instance the term seems to be figuratively used for a sort of shield or target. ⁹ Hand-bows. ¹⁰ Lances. ¹¹ Halberts or Pole-axes; ‘*Jeddart-staffis*.’ ¹² Gold rings. ¹³ Pairs of linen sheets. ¹⁴ Blankets; worsted coverlets. ¹⁵ Sheets. ¹⁶ Perhaps *crinaclium*, hair-pins, or bodkins. The Editor never met with this word before, and he does not find it in *Ducange* or the other Glossaries.

20 f.; v gladiorum,¹ precium L.5; unius dacre corej frimiti,² precium L.3; ocrearum cellarum³ et aliorum bonorum utenfilium, precium L.5; quinque capparum Flandrie,⁴ precium L.2, 10 f.; duarum telarum panni gerfij,⁵ precium L.10; trium telarum panni linej,⁶ precium L.3; v boxarum, precium L.2, 10 f.; quatuor le *cofferis*, precium 26 f. 8d.; quinque duplij camentorum bistmiti,⁷ precium L.2, 10 f.; trium ulnarum panni Anglicani,⁸ precium L.3; trium manitergiorum,⁹ precium 6 f.—Robert Scot of Quhitchester became surety to satisfy the parties.

Forethought felony—Wounding—Stouthrief.

DAVID TAIT, brother of William in Cesfurdmanys, came in will, for art and part of the forethought felony done to Thomas Young, and cruelly Wounding him, at Cail,¹⁰ under silence of night; and for Stouthreif from him, at the same time, of his horse, saddle, bow, pair of spurs, ‘quhinzeare,’ purse, and xx f. of silver therein.—The said William became surety to satisfy the King and party.

CURIA *Itineris Justiciarie de LIDDALISDALE, inchoata Mar. 2, 1494-5.*

The Earl of Bothwell and the Laird of Hallrule amerced, &c.

WILLIAM ELWALDE.—Patrick Earl of Bothvile and Lord of Liddalisdale, and George Turnbule of Hall-Rule,¹¹ Captain of Hermitage, called as lawful sureties of the said William, as they received him in Indenture from the Coroner;¹² and not compearing, they were amerced in xl.—On the same day, they were also amerced for the non-appearance of eighty-five others, Elwaldis, Armstrangis, Wighames, Crofares, viz. to the extent of L.850; among the rest appear *Archibald Armstrang, Cole Wighame, &c.*

Slaughter—Intercommuning with a Rebel.

Mar. 3, (*quinta dies Itineris*.¹³)—ROBERT SCOT of Quhitchestir permitted to compound for the Slaughter of Adam Craufurde: And for Resetting, supplying, and Intercommuning with Alexander Jardine, being at the horn.—The Laird of Buckluche become surety to satisfy the parties.

¹ Swords. ² One *daker* of tanned hides. A *daker* of hides consists of *ten skins*. ³ Riding greaves or boots. ⁴ Flanders caps. ⁵ Webs of grey (worsted) cloth. ⁶ Webs of linen cloth. ⁷ The Editor can form no idea of the nature of these articles. There must surely have been some extraordinary mistake on the part of the transcriber, in copying the *items* from the Dittay. ⁸ Three elns of English cloth. ⁹ Handkerchiefs. ¹⁰ See Nov. 20, 1493. ¹¹ Aula de Roule. ¹² A *co^{re}*. ¹³ *Viz. terciâ Martij Carnisprivij,* (in *Leut.*)

Resetting a Rebel—Slaughter of the Laird of Elmere.

ELIZABETH THOMSOUNE, in Corrisheuche, permitted to compound for Resetting Joiffe Glenquhin, being at the horn for the Slaughter of the Laird of Elmere.

Expenses of the Aire of Jedworthe.¹

SUMMA Totalis extractus de Jedworthe, (Exceptis bonis efcaetis),	.	.	xv ^c .lxxxiiij li. ²
ITEM, pro expensis DOMINI JUSTICIARII, tempore Itineris,	.	.	xiiij li.
ITEM, pro expensis DOMINI THESAURARII, et Abbatis de Dunfermling COMPOSITORUM, ³	.	.	xxviij li.
ITEM, pro expensis DOMINI CAMERARII compositoris,	.	.	xiiij li.
ITEM, CLERICIS JUSTICIARIE,	.	.	vij li.
[Summa Expenfarum, lxiiij li.]			
ITEM, pro hospitio Domini Justiciarij,	.	.	xxvj f. vii d.
ITEM, pro hospitio Domini Thesaurarij,	.	.	xl f.
ITEM, pro hospitio Domini Abbatis de Dunfermling,	.	.	xx f.
ITEM, pro hospitio clericorum,	.	.	xx f.
ITEM Fratribus de Roxburgh, in elemosina Regis,	.	.	xl f.
ITEM, pro firma Domus Affise,	.	.	xx f.

[Summa HOSPITIORUM, viij li. vj f. viij d.]

SUMMA totalis Extractus, expensis deductis, I^m.V^c. xiiij li. xiiij f. iiij d.

(Vij^c. xxxiiij li. except. Liddisdale.)

BONA, presentis Itineris de Jedworthe.

Matho Gothrafone, in Mow,	.	.	j cow, vij gait.
Jok Wricht, in Lyntoune,	.	.	j mere, j pot.
David Wricht, in Lyntoune, brothir to Dik Wrycht,	.	.	j cow, j nag.
Jolme Turnbule, Sande Turnbulis brothir of Bellentyne, callit <i>blind Johne</i> ,	.	.	ij ky.
Johne Turnbule, callit <i>Cafe</i> , in Nethir Bonechestir,	.	.	iiij ky.

[CURIA *Itineris Justiciarie de SELKIRK, inchoata die Mercurij, quarto die mensis Martij, 1594(-5.) Coram JOHANNE DOMINO DRUMMONDE, deputato et Locum-tenente JOHANNIS DOMINI GLAMMYS, et ROBERTI DOMINI LILE, Justiciariorum s. d. n. Regis, ex parte australi aqua de Forthe.]*

Sheep and Horse-stealing.

Mar. 5.—DAVID TURNBULE, son of the Laird of Quthope, in Erneheuch, produced a Remission for art and part of the Stouthreif of xiiij ewes ('5ouris') from Ninian Murray, furth of Kershop: *Item*, for Stealing a white horse furth of Innerlethane, from Thomas Forest, &c.—Walter Scot of Tusche-law became surety for satisfiing the parties.

¹ Reference may be made to the Appendix to this reign, for many interesting notices connected with the Justice-aires. ² L.1583. ³ The Compositors for each Aire were formerly appointed by the Privy Council.

Stouthreif from the Tower of Howpaslot, &c.

JAMES TURNBULE, brother of the Laird of Quhithop, produced a Remission for art and part of the Thift of xvij ewes furth of Bowhill, from Robert Blacdene, in company with Walter Dalgiesch : *Item*, for art and part of the Stouthreif of iron windows,¹ doors, and ‘crukis’ furth of the Tower of Howpaslot, pertaining to the Laird thereof.²—The Laird of Quhithop became surety to satisfy parties.

Burning the Place of Fastheuch—‘Herschip’ of Hangitschaw, &c.

ANDREW TURNBULE, ‘calvus’ (bald), produced a Remission for art and part of Burning of the Place of Fastheuch, and Stouthreif of certain horses, cattle, and other goods furth thereof : *Item*, for the theftuous Refetting of the Traitors of Levyn, coming with them to the Place of Hangitschaw ; and for Stouthreif of eight horses, and goods and utensils therefrom, to the value of l^o l.—The Laird of Quhithop became surety to satisfy the parties.

Resetting Traitors of Leven, &c.—Oppression—Intercommuning with the English—Slaughter, &c.

Mar. 5.—JOHN SCOT OF DALLORIANE allowed to compound for art and part of the Refetting of John Rede and John Scot (Scot-Stow, in Tufchellaw) in his theftuous deeds ; and specially, the time that the said John (Scot)-Stow stole a ‘drift’ (drove) of sheep from Thomas Johnstone, furth of Quhithop : *Item*, for treasonably Refetting Hector Armstrong, a traitor of Levyn, in his theftuous deeds and treasons, &c. &c.³ *Item*, for common Oppression of the lieges, in taking and plundering them of their horses and goods, by his own authority : *Item*, for Intercommuning with the English, in treasonable manner : *Item*, for common Reset of the Thieves of Liddaliddaile, Eskdale, and Ewisdale : *Item*, for Slaughter of one called Colthride, &c. &c.—Robert Scot of Quhitchester became surety to satisfy the parties.

Horse-stealing from the Earl of Angus’s Servants, &c.

Mar. 6.—ADAM SCOT, in Auldmisschop, suffered to compound for Stealing two horses from the servants of the Earl of Angus, coming to Heremitage : *Item*, for the theftuous and treasonable Refetting of the Traitors of Levyn in their Thefts and Treasonable Deeds, &c. &c.—Walter Scott of Howpaslot become surety to satisfy the parties.

¹ ‘Fenistrarum ferrearum ;’ perhaps the phrase may denote *stanchcons*, or rather the strong iron frame-work built or soldered into the solid masonry, beyond the casement. It was not usual to glaze iron work.

² Walter Scot.

³ There is a long catalogue of similar crimes of no interest.

Slaughter.

WILLIAM CLERK, at the Kirk of Ettrick,¹ produced a Remission for the Slaughter of Robert Hay, Gilbert Cokburne, Thomas Lovel, and Gilbert Kermichel.—David Pringil of Torwodlee became surety to satisfy the parties.²

Precept in favour of Sir Thomas Turnbule.

JUSTICE, It is our will, and for certane considerationis movyng us, We charge you, þat 3e charge nocht, nor compel our lovit knycht, SIR THOMAS TURNBULE, to fynd fouerte, in our Justice air, for satisfacionne of party, for ony actionne þat he may be accusit of, committit before our Coronacionne. And þis Precept be you sene and understandin, delyver þe samyn agane to þe berar. GEVIN undir our signet, at Linlithgw, þe xxv day of Februaire, and of oure regne þe vint 3ere.

[JAMES R.]

Bond by Walter Scott of Bukcleuche.

[THE following document is given here, as a specimen of the forms of such writings at this early period. They are only occasionally inserted at length in the Record, in remarkable cases, and in many instances contain the signatures of the parties.]

APUD EDINBURGHIE, *Maij xvij*, 1498.—IN presence of þe Lordis of Counsale, WALTER SCOT OF BUKCLEUCHE is becommyn plege and fourte for þe entre of Georg 3oung, takin by Rinzeane of Rupfurde, Hew of Douglace, and þare compliceis, furthe of MYNTO toune; contenit in a Bill of complaynt gevin in be þe fader Walter, þat he fall entir þe saide Georg 3oung, in þe next Justice-are of Jedworthe, þe thrid day of þe samyn, till undirly þe law, apone þe actionis and crime3 til be imput be þe saidis Rinzeane and Hew, and þair compliceis; undir þe pain of xl li.

[CURIA *Itineris Justiciarie de PEBLIS, inchoata die Lune, xij die mensis Novembris*, 1498, coram JOHANNE DOMINO DRUMMOND.]

Nov. 15, (*quarta dies Itineris*.)—JOHN TWEDY OF DRUMMELZARE and five others came in the King's Will for art and part of the Oppression done to Oswald Portewis and Jonet Flemyn his spouse, in ejecting them furth of their fet in Uvir Kingildurris.—The said John became surety to the King and parties. Each fined in five merks.

Barbarous Oppression, &c.

Nov. 16.—ALEXANDER SCOT, in Hoptoune, allowed to compound for Oppression done to Andrew Tal3our, in riding his mare to death: *Item*, for

¹ 'Apud Ecelesiam Foreste' (viz. de Ettrick.) ² 'SUMMA totalis Extractus de SELKIRK, ij^o.xxxv li. Summa Expenfarum, xxxvi li.—Summa Hospitiorum, iij li. xiiij s. iij d.—Summa totalis Extractus, expensis deductis, ij^o.iij li. vj s. viij d.'

PEBLIS.

Oppression done to Thomas Elphinstoune, in striking his cow till she died : *Item*, for Oppression done to a child¹ of the Laird of Adamlande, in striking him till he could not rise : *Item*, for forethought felony done to Thomas Elphinstoune, in Manniflande, and hurting him.—William Bel, in Peblis, became surety to satisfy the parties.

Stealing out of the Kirk of Innerleithen.

DAVID TAIT, son of Roger Tait, produced a Precept of Remission for art and part of the Stealing of a golden signet (seal), a gold ring, two silver girdles,² nine veils³ of 'lawne,' 'holland-claithe,'⁴ and other goods, to the value of xx li., from John Turnbule, brother of the Vicar of Innerlethane, furth of the Kirk of Innerlethane : *Item*, for art and part of the Theft of xij merks of gold and silver from Sir Williame Jurdane, furth of the said Kirk.—David Tait of Pryn⁵ became surety to satisfy the parties.

Stouthreif.

JAMES HUNTARE and Gilbert Huntare, sons of the Laird of Polmude, convicted of art and part of the Stouthreif of half a 'fudder' of hay from Thomas Frefal and his brothers, furth of Nethir Mynzeane.—Walter Huntare, son and heir apparent of the Laird of Polmude, became surety to satisfy the King and party, viz. each of them v li.

Resetting a Traitor — Fire-raising.

Nov. 18, (*dies Sabbati, sexta dies Itineris.*)—THOMAS MYDDILMAST of Grevestoun produced a Respite for Resetting of James Elwalde and his accomplices, during the time the said persons committed Fire-raising and Burning of a 'Pele'⁶ in Bothil, together with goods and utensils to the value of iiij^{xx} li.⁷ belonging to William Hair : And for being art and part of the said Burning of the Place and goods foresaid, being in the hands of our lord the King for the time, by reason of Ward.—Sir John Hay of Snaide, kn^t, Sheriff of Peblis, became surety.

Stouthreif of the Earl of Angus's lance.

SIR WILLIAM COKBURNE of Scraling, knight, came into THE KING'S will for art and part of the Stouthreif of a lance from a certain man of the Earl

¹ Cuidam proli. ² Or zones; 'cingulorum.' ³ Perhaps scarfs; 'flammearum.' ⁴ Fine linen cloth, originally imported from the Low Countries. ⁵ Pirn. ⁶ *Peills*, or *Peylls*, were places of strength or fortifications, generally constructed on natural or artificial eminences; and must have been very numerous in Scotland. The name, however, is often applied to Roman forts or *castella*. They seem to have been chiefly of use to retire to in cases of sudden attack or invasion, as, from their size and strength, they could not sustain a protracted siege. ⁷ Fourscore pounds.

of Angus ; which had been his own lance, and was previously stolen by the said man from his servant, the same day.

Slaughter.

EDWARD COKBURNE produced a Remission for the Slaughter of Roger Twedy, in company with the Laird of Hemyrlande.—William Cokburne of Hemyrlande became surety to satisfy the parties.

Slaughter—Stouthreif—Mutilation during Parliament.

SIR WILLIAM COKBURNE of Scraling, kn^t, James his brother, and John Pattonfoun, in Kingildurris, produced a Remission for art and part of the Slaughter of Walter Twedy, son of John Twedy of Drava, in Peblis : *Item*, for art and part of Stouthreif of a sword and shield from the said Walter, at the same time : *Item*, the said William and James, for forethought felony done to Andrew Twedy, within the town of Edinburgh, during the time of Parliament ; and for Mutilating him.—Sir William became surety to satisfy the parties.

Burning of Cobantoune — Slaughter, &c.

NOV. 19.—WILLIAM MURRAY of Newhall produced a Remission for art and part of the treasonable inbringing of John Douglas, Traitor, furth of England, the time he committed Fire-raising, Burning, and ‘ Herefchip’ upon the town and lands of Covantoune ; extending in damages to the value of ij^m merks and upwards, about thirty years last bypast : *Item*, of art and part of the Slaughter of William Boware, at the same time.—John Earl of Morton became cautioner to satisfy parties.—The said William was amerced in x l. as cautioner for his own appearance, and xl l. for the appearance of Alexander, John, Thomas, and William, his sons, all of them having failed to enter.²

Stouthreif—Cattle-stealing.

(*ITER Jusficarie de EDINBURGHE, Feb. 26, 1501-2.*)—WILLIAM TAIT, alias *Foule-thowmys*.—David Pringil, in Tynneis, became surety to Mr Richard Laufoun for his entry at the next aire of Peblis, to underly the law for art and part of the Stouthreif of xxvj oxen from William Murray, furth of the lands of Halis, in Lothian, under the pain of xl li.³

¹ 2000 merks. ² ‘ SUMMA totalis hujus Extractus, ij^c.lxxx li.’

³ There is nothing worthy

of being noted of the proceedings of this Aire, which was of short duration.

[*ITER Jusficiarie de JEDWORTHE, inchoata die Lune, ultimo die Octobris, 1502, coram ANDREA DOMINO GRAY, Jusficiario, f. d. n. Regis, ex part australi aque de Forthe.*]

Adultery, &c.

Nov. 4, (*dies Veneris*,^{*} *tercia dies Itineris*.¹)—JAMES DAUIDSONE, in Sprouftoune, produced a Remission for the theftuous waisting of the goods of John Cordonar, during the time he lay (in Adultery) with the said John's wife.—William Cranftoune of that Ilk became surety to fatisfy the parties.

The Laird of Cavers americiated, &c.

Nov. 6, (*dies Sabbati*.^{*})—ROBERT SCOTT, son of John Scot, in Dallo-raine, called *Bellit Robin*.—William Douglas of Caveris, surety for the said *Robin*, was americiated for his not entering to underly the law.²—Scot to enter next air.

* Sunday, if
4th Nov. was d
Veneris, (Frid
See Note of Pit
on page * 15.
W.S.

Stouthreif of Oxen and Horses.

WALTER SCOT of Edschaw produced a Remission for art and part of the Stouthreif of viij oxen from Robert Laudir : *Item*, for the Stouthreif of iiij horses and fundry other goods from him at the same time.—John Scot of Valis became surety for the fatisfaction of the parties

Slaughter.

RICHARD JAK, junior, in Auld Roxburghe, convicted of art and part of the cruel Slaughter of Thomas Dum.—BEHEADED.

Horse and Sheep-stealing — Burning of Hirdmanstoune, &c.

DAVID SCOT, called *Ludy*,³ in Stirkschawis, produced a Remission for art and part of the Theft of a horse, price xl s., and fundry household goods, value xl s., from John Spedane furth of Blakhalche : *Item*, for art and part of the Theft of xl sheep ('wedderis') from John Spedane and Andrew Michelfone furth of Blakhalche : *Item*, for art and part of the treasonable in-bringing of the Robsonis, Doddis, and Charlis, Englishmen, to the Burning of Hirdmanstoune, belonging to Adam Ruthirfurde : And for art and part of the Stouthreif of v horses and mares, price xx l., from the said Adam at the same time : *And* for the Burning of certain corns, extending to ij^c bolls, price of each boll 3s. The losf sustained in Burning the houses of Hirdmanstoune extending to x l.⁴

¹ John Colthrid, in Rutherfurde, was the same day convicted of art and part of the cruel Slaughter of John Jakone and James Jakone, and beheaded. ² There is no mention made of the nature of his crime. ³ See Nov. 9 and 10, 1502. ⁴ It is likely there must be an error in the Record here, or that the fire had been very partial, and confined to a small part of the barns or other offices.

ITEM, for art and part of the treasonable in-bringing of Archibald Arnefrang, Ninian Arnefrang, David Turnbull of Bonecheftir, and other Traitors of Levin and Liddalisdale, to the Burning of the places of Thomas Young, Thomas his son, William Johnefone, and Symon Leich in Cragend of Mynto; and for the Burning of seven horses belonging to them, at the same time; the los̄s sustained in Burning the foresaid Houses, and goods therein, being to the value of xli.: ITEM, for art and part of the treasonable in-bringing of the said Traitors to the ‘Herefchip’ and Stouthreif of xvj oxen and cows, iiij horses and mares, from the said Tenants of Mynto, ij cows from Margaret Urd, ij mares from Gilbert Johnefone, j mare from Symon Leiche, together with fundry other goods to the value of xl li., plundered from the said Tenants at the same time.—William Turnbull of Mynto became surety to satisfie the parties.

Slaughter.

Nov. 7.—GEORGE TURNBULL, in Wyndis, and twenty others of the name of Turnbull, (among others *Blew Johne.*) Alan Davidfone, tawbonare,¹ George Turnbull of Hawroull, Mark Ker of Dolphinstoune, Thomas Turnbull of Bethroull, &c., were amerced in xl l. for each of these persons failing to enter and underly the law for art and part of the cruel slaughter of Robert Oliuer.

Stealing Horses, Cattle, and Sheep — Resetting Rebels, &c.

[THIS portion of the Register of the Justice-aire of Jedburgh affords numerous instances of the activity of the family of the OLIVERS in Stryndis, who appear to have made the most of the recent Michaelmas moon, the Goddess of the Borderers in their ‘Herefchips’ and forays! The most interesting and curious of these entries are those which follow, though other Murders, Stouthreifs, and ‘Herefchips,’ to a considerable extent, are also recorded.]

DAVID OLIUER in Stryndis, called *David na gul Preijf*, produced a Remission for art and part of the Theft of xij oxen and cows from Sir David Hume, kn^t, furth of Lawmer-mur: *Item*, for art and part with Thomas and Andrew Grymislaw in their theftuous deeds; and for Resetting them at the time they were at the horn: *Item*, for art and part of the Theft of a mare from John Douglas, furth of Jedworthe: *Item*, for art and part of the Theft of two horses and a mare, price of each viij merks, from William Pary, John Jamefone and Belly Ruffel, furth of Nesbit: *Item*, for art and part of the Theft of xx sheep, price of each vj s. from George Dowglas furth of Trowis.—Andrew Ker of Farnyhirst became surety to satisfie the parties.

Sheep-stealing.

ROBERT OLIUER in Stryndis and David Oliuer there, produced a Re-

¹ Player on the *tawbroun*, *talbron*, or *tabberne*; a kind of drum.

miffion for art and part of the Theft of xxxvj ewes (' 5owis,') xl fheep, and xxv fheep, from William Ker furth of Dernewik-mure.—Andrew Ker of Farnyhirft became furety to fatisfy the parties.

Sheep and Cattle-ftcaling — Slaughtering.

ROBERT, JOHN (brother of Ingram), and DAVID OLIUER in Stryndis allowed to compound, by virtue of a Remiffion, for art and part of the Stouthreif of ij^c fheep from the Tenants of Jedworthe, Rowcaftell, Langtoun, and Bethroull: *Item*, the faid *Robert* and *John* for art and part of the Theft of vij oxen and cows from Philip Ormiftoun, furth of Maxtoun: *Item*, the faid *Robert* for art and part of the cruel Slaughtering of John Moffet: *Item*, for art and part of the Stouthreif of xxxij oxen and cows, ij^c ' 5owis' and ' wedderis,' iv horfes and mares, and fundry other goods to the value of xl li., from John and Robert Barnifader, furth of Kelfhop: *Item*, for art and part of the cruel Slaughtering of Robert Brig, at the fame time: *Item*, for Treafon of old and new.—Mark Ker of Dolphinfoun became furety for John Oliver, to fatisfy the parties; and Andrew Ker of Farnyhirft for the others.

Stcaling Horses and Cattle — Stouthreif, &c.

LONG JOHN OLIUER, LITTLE JOHN O., and DAVID O. in Stryndis, were allowed to compound, by virtue of Remiffion, for Stouthreif of vj oxen, price of each xxx f., &c.¹ ' Unius eque,² precium x marc.; unius olle,³ precium xxxij f.; alterius, precium xvij f.; unius toge de *Rowane-tanne*,⁴ precium iij li.; unius le *kirtill* de *braid red*,⁵ precium iij li.; alterius fubuncle, le *kirtle*, *braid rede*, precium iij li.; unius toge bronej,⁶ precium xl f.; iv flamearum,⁷ precium xxx f.; ij parium linthiamini,⁸ precium xx f.; ij lodicum,⁹ precium x f.; unius le *covering*, precium v f.; quinque ulnarum pannj, le *fmale quhite*,¹⁰ precium xx f.; ij le *farhis*,¹¹ precium x f.; unius deploidis,¹² precium xxx f.; unius paris galligarum de *cariffay*,¹³ precium x f.; et aliarum rerum utenfilium ad valorem vij li.; a Martino Wode extra Quhitefelde: Et pro arte et parte Oppreffionis facte dicto Martino eodem tempore.—Mark Ker (of Dolphinfoun) and Andrew Ker of Farnyhirft became fureties.

Intercommuning, &c. with the Duke of Albany.

Nov. 8.—ROBERT ANISLE (near Dolphinfoun?) produced a Remiffion

¹ The rest of the enumeration is so curious, that it is proper to give it in the words of the Record.
² A mare. ³ A pot. ⁴ A gown of Rouen tawny, (of orange colour.) ⁵ Of broad red cloth.
⁶ A brown gown. ⁷ Veils or scarfs. ⁸ Linen sheets. ⁹ Bed-sheets.
¹⁰ 5 Elms of small (narrow) white cloth. ¹¹ Shirts. ¹² A doublet, *quafi vestis duplex*.
¹³ A pair of kersey *galligafkins*, ' shankis,' or hose.

for art and part with Alexander Stewart, formerly Duke of Albany, in his treasonable deeds, 'Herefelips,' and Stouthreifs.

Stouthreif — Slaughter, &c.

ROBERT OLIUER, in Lufruthir, Robert O., brother's son of David, James Oliuer, burgess, and Robert Walche in Mervynnis-law, produced a Remission for art and part of the Stouthreif of ij^c sheep, price 100 merks, xxix cattle, price three score merks, four horses, price xij l., and fundry other goods and utensils, value xx l. from John and Adam Barnisfader, furth of Kelfhop: *Item*, for art and part of the cruel Slaughter of Robert Brig and Adam Barnisfader at the same time.—Ralph Ker of Prymfydoche became surety for satisfiing the parties.

Stouthreif — Sheep and Cattle-stealing.

RALPH ANISLE, near Dolphinstounne, produced a Remission for art and part of the Stouthreif of I^c sheep, x oxen and cows, from John Smyth, furth of Glengelt.—Mark Ker of Dolphinstounne surety to satisfy the parties.

Stouthreif in Company with the Armstrangis — Fire-raising, &c.

HECTOR LAUDIR, in Clerklandis, produced a Remission for art and part of the Stouthreif of xl cattle from John Scot furth of HODUM-HOUSE, in company with *the Armstrangis*: *Item*, for art and part of the Burning of the Place of QUIITSLAIDE, &c. &c.—John Scot in Walis became surety to satisfy the parties.—Robert Scot of Stirkfehawis also became his surety, for being art and part of the Stouthreif of three score '5owis'¹ from John Thomfone furth of Hertberne, &c. &c.

Sentence of Death against the Oliveris.

A DOME, *in falt of borowis*,² *gerin apone þe OLIUERIS, as followis.*

THIS COURT schawis for law, That forsamekill as ROBERT OLIUER in þe Stryndis, David Oliuer þar, Martine Oliuer þar, and Mathow Oliner þar, has committit diverse Reiffis, Herefelippis, Slaughtaris, and Stouthis; for þe quhilkis þai have takin þame till oure soverane lordis Remissioun, and has refusit to fynde sufficient fouerteis for satisfiacionne of parteis, as law will, efter þe forme of law: That þarfore the Sheref of Roxburcht, fall tak the saidis Robert, David, Martine and Mathon, ande put þame in presone and sure keping, as he will answer, for þe space of fourty days; at the ische³ of þe quhilk terme ande ende of xl dais, þe saidis fourteis being unfundin, as said is; þat þe saidis Robert, David,

¹ Ewes.

² Caution, surety.

³ Expiry, termination.

Martine and Mathow be had to þe Gallowfe and HANGIT quhill þai be dede. And þat I gife for dome.

MEMD. þat þe faidis Robert Oliuer, David Oliuer, Martine Oliuer, ande Mathou Oliuer war deli-
verit to þe faid Sheref, incontinent eftir þe faide DOME, to be keptit and demanit as faid is, eftir þe
forme of þe Dome forefaide.

Slaughter — Stouthreif — Taking Ransom, &c.

JOHN FAULO, in Litildene, produced a Remission for art and part of the cruel Slaughter of David Henrifone, at the Kirk of Maxtoun: *Item*, for art and part of the Stouthreif of xx oxen and cows, v horses and mares, and I^e sheep, from Alan, John, and William Henrifone, furth of Murhouflaw, in company with Thomas Grymiflaw and his accomplices, the King's Rebels and at the horn.—George Fawlo of Wellis became surety to satisfy the parties.—He also produced another Remission for art and part of the treasonable taking of Thomas, John, Alan, and Thomas Henrifone, junior, furth of Murhouflaw, in company with the King's Rebels, viz. the Ruthirfurdis, and carrying them to Christopher Milburne and Bertholomew Mylburne, English-men, and detaining them there for the space of three months: *And* for art and part of redeeming them, viz. 'ransomyng' at the rate of xx l. Scotch money: *Item*, for art and part of the Stouthreif of four score oxen and cows, ij^e sheep, from the faid Thomas, &c., furth of the Place of Murhouflaw, price of each cow ij merks, price of each ox ij merks, price of each sheep iiij s., &c. &c.—Walter Haliburtonne became surety to satisfy the parties for the 'ransomyng' of the faid persons; and Alexander Lord Hume, for the faid goods.

Bringing in the Traitors of Levin — Hereschip of Syntounne.

Nov. 9.—DAVID SCOT, called *Lady*,¹ produced a Remission for art and part of the treasonable inbringing of the *Armstrangis*, Traitors of Levin, to the 'Hereschip' and Stouthreif of nine score oxen and cows, xx horses and mares, and fundry other things to the value of xl merks, from the Tenants of Syntounne.—He became surety, of consent, to satisfy the parties.

Slaughter — Stouthreif of Cattle, &c.

JAMES GRAY in Fawlishope, and William Dun in Qubitmer, produced a Remission for art and part of the cruel Slaughter of Anthony Tayt: *Item*, for art and part of the Stouthreif of iv horses from the faid Anthony, at the same time: *Item*, for art and part of the Theft of eight score of sheep from George Tait, furth of Pyrme, and xl sheep furth of Gaithope, &c. &c.: *Item*, of a horse

¹ For farther notices of this worthy, see Nov. 6 and 10, 1502.

and eighty sheep from William Cleghorne : *Item*, of eight score and fix ‘hoggs’¹ from George Tayt and his Tenants, furth of Pyrne and Sithop : *Item*, xvij ‘gayt’² from John Cleghorne : And other goods to the value of xl f.—James Ker of Lintoune became surety to satisfy parties.

Slaughter—Resetting ‘Hob the King,’ and ‘Dand the man,’ &c.

WILLIAM KER in Qubhitmere, James Elwande³ there, and Alexander Gray in Grenehede, produced a Remission for art and part of the cruel Slaughter of John Furde, in the town of Selkirk. Ralph Ker of Prymsfydloche became surety to satisfy the parties.—PATRIK GRAY, with Ker and Elwalde, produced a Respite for Resetting the sons of William Elwalde, ‘Hob’⁴ the King, and ‘Dand’⁵ the man, in their treasonable deeds ; and specially, in the Theft of nine score of sheep furth of Tweddale and Laudirdale.—James Ker of Lintoune surety to satisfy parties.

Concealing ‘Paife Penneis.’

ROBERT LOFTHOUS⁶ in Lyndene, CONVICED of concealing certain ‘paife penneis’⁷ to the value of x merks, on his own Confession.—BANISHED furth of Scotland. To remove within xl days, under pain of ‘tinfal’⁸ of his life.

Oppression — Stouthreif — Convocation, &c.

Nov. 10, (*dies Jovis*).—ADAM DOUGLAS, and Robert, Henry, Symone, and George D. in Swynfyde, his brothers, permitted to compound for art and part of the Oppression done to William Colvile of Ravinnisrag, Robert Boyd, and John Kennedy, in taking and detaining them upon Levin,⁹ and destroying iij horses belonging to the said persons, at the same time : *Item*, for art and part of the Stouthreif of a sword, a shield, a purse,¹⁰ and xl. therein, from the said William Colvile at the same time : *Item*, for Convocation of the lieges, and coming upon Sir William Colville of Uchiltre, in Hordane,¹¹ wishing to slay him on forethought felony.—Ralph Ker of Prymsfydloche, surety to satisfy the parties.

Oppression done to the Laird of Ochiltree.

ROBERT and HENRY DOUGLAS, brothers, permitted to compound for

¹ Sheep of one year old. ² Goats. ³ Elwalde. ⁴ A familiar Border abbreviation for Robert, not *Halbert*. ⁵ Andrew. ⁶ Now *Lofus*. ⁷ See Note to Nov. 21, 1493. ⁸ Loss. ⁹ A district of Lancashire, then infamous for its ‘*Traitouris*’ and ‘*lymmaris*,’ who made numerous raids and forays every year on the least protected parts of the Scottish Borders. To do justice to the Borderers of the Scottish side, they were to the full as active as their Southern neighbours, and frequently penetrated as far as the heart of Yorkshire, and the adjacent counties. ¹⁰ ‘*Unius Mancipij*,’ which generally denotes a deed of conveyance, or title-deed. In the present instance, it may be figuratively put for some sort of purse or scrip. It is more probable, however, that the word has been erroneously transcribed from the Dittay by the clerk, in place of *marcupij*, (or *marcupij*, as it was sometimes written,) a purse. ¹¹ Harden.

my note on p.
is confirmatory
W.S

art and part of the Oppression done to Sir William Colvile of Uchiltre, in occupying, labouring, and manuring his lands of Farnesyde and Hardane, and taking and keeping his Houſe or *Pele*,¹ in Hardene, without any Leaſe or title of law : *Item*, for the Theft of iij oxen from the ſaid Sir William Colvile, furth of Synlawis.—Ralph Ker of Prynfydloche became furety to ſatisfy the parties.

Reſet — Intercommuning with the Armſtrangis, &c.

ADAM SCOT, in Hawcheſteris, produced a Remiſſion for art and part of the theftuous Reſetting of fix ſcore ſheep ſtolen by the Laird of Mynto from George Ruthirfurde, furth of Langnewtoun and Sandyſtanis : *Item*, for Reſetting, ſupplying and intercommuning with Archibald and Ninian Armſtrang, William Scot, and their accomplices, the Kingis Rebels.

Hereſchip of Syntoun — Slaughte, &c.

DAVID SCOT, (callit) *Lady*,² produced a Remiſſion, for art and part of the treſſonable in-bringing of the ‘ Armſtrangis,’ to the ‘ Hereſchip’ and Stouthreif of nine ſcore of oxen and cows, xx horſes and mares, and other goods and gear, to the value of xl merks, from the Tenants of Syntoun : *Item*, for art and part of the cruel Slaughte of George Newtoun and George Caveris, at the ſame tyme.—He became furety, with conſent of party.

Sheep-stealing — Stouthreif, &c.

DAVID SCOT, (callit) *Lady*, produced a Remiſſion for art and part of the Stealing of three-ſcore ſheep (‘ wedderis’), price of each vj ſ. viij d., from Ralph Ker, furth of Bradmedowis : *Item*, for art and part of the Stouthreif of vj oxen and cows, and other goods and gear to the value of x merks, from William Atkin, and John his ſon, furth of Hanyng.—William Turnbull of Mynto became furety to ſatisfy the parties,

Oppreſſion done to the Laird of Uchiltre.

JOHN DOUGLAS, brother to the Laird of Bon-Jedworthe, William his brother, James Douglas in Swynſide, Jolm, Adam,³ and Jolm⁴ his brothers there,⁵ James Douglas in Onſtoun, George Douglas in Swynſide,⁶ John Davidſone in Bank, William and George, ſons of the ſaid John, Criſtopher Davidſone, John Riddale, junior, of that Ilk, James Davidſone, ſon of Richard, convicted of art and part of Oppreſſioun and Convocation of the lieges, and coming upon Sir William Colvile of Uchiltre, kn^t, at his lands of Hardane-hede, in the year 1502.

¹ See Nov. 18, 1498, *Note*. ² See Nov. 6, 1502, &c. ³ ‘ *Remiſſio*.’ ⁴ It was not unusual to call two or more ſons by the favourite family name, which often occasions much confuſion and embarraſſment to genealogiſts, in preparing family hiſtories.

⁵ ‘ *Remiſſio*.’ ⁶ ‘ *Remiſſio*.’ ⁷ ‘ *Remiſſio*.’ ⁸ ‘ *Remiſſio*.’

The Master of Angus amerced, &c.

Nov. 12, (*dies Sabbati*.)¹—DAVIDSON, alias *Grace behind him*. George, Master of Angus, often called to enter Davidfone, *alias Grace behind him*, 'prout receipt eum in Portuferio,¹ et in defectu executionis sui in amerciamento est primum lter.—Amerciat x li.'

*Sabbati stands
aturday. W.S.*

Burning the Place of Riddale, &c.

Nov. 14, (*dies Lame.*)—DAVID TURNBULL of (in ?) Toftis, allowed to compound under a Remission for Resetting, supplying, and intercommuning with Robert Turnbull, called *Muriale*, the Kingis Rebel, and at his horn; and specially, at the time of the Burning of the Place of the Laird of Riddale, and Stouthreif of twenty-four score of sheep, two cows, and sundry other goods and utensils; the loss sustained in the Burning of the said Place, and 'Herefehip' of the forsaid goods and utensils, from the said Laird of Riddale, extending to 200 merks: AND also, of the Slaughter of a black horse at the same time, price x l., pertaining to Robert Scot: *Item*, for art and part, along with the said Robert Turnbull and his accomplices, at the time of the Burning of the said Place, and 'Herefehip' of the foresaid goods.—John Turnbull of Toftis became surety to satisfy the parties.

Resetting Richard Armstrang, &c.

PATRIK SCOT, son of Adam in Hardwodhill, produced a Remission, for Resetting Richard Armstrang, called *Skaw*, in his Thefts: and specially, in stealing 200 sheep from David Hoppringill, furth of Fechane, in company with Alexander Scot.—Walter Scot of Howpasslot, and Robert Scot of Stirkschawis, became sureties to satisfy the parties.

Stouthreif—In-bringing Sir John Musgrave, Englishman, &c.

ADAM TURNBULL, in Hornishole, now in Chalmerlane-Newtoun, produced a Remission for art and part of the Stouthreif of four-score sheep, ('wedderis,') from Ralph Ker and William Wode, furth of Bradmedowis: *Item*, for art and part of the treasonable in-bringing of SIR JOHN MUSGRAVE, *Englishman*, and for Intercommuning with him at the said time, in treasonable manner, &c. &c.:² *Item*, for art and part of the Stouthreif of eight score sheep ('zowis' and 'wedderis,') furth of Hundalishop, &c.: *Item*, five score sheep from William Turn-

¹ L. B. *Portiforium*. This signifies he received him in *Porteous*, or roll. *Porteous*, *portuass*, *portouse*, or *portase*, generally denoted a Breviary or Mass-book, from its being portable; but it was of old chiefly used, in Scotland, to signify a Roll of Dittays or criminal Indictments, which was given up by the Justice Clerk at each Aire to the Coroner, that the parties might be duly cited. The term is still used in practice, and 'the Porteous-Roll' is to this day regularly made up for each Circuit.

² The catalogue of crime which follows is of no interest, being petty Thefts of sheep, &c.

JEDWORTHE.

bull, furth of Aikwode, &c. : *Item*, three score sheep ('zowis' and 'wedderis,') from the Abbot of Kelfo and Ralph Ker, furth of Caldfehelis : *Item*, of art and part of the treasonable in-bringing of *Archibald* and *Ninian Armstrong*, to the Stouthreif of ten score oxen and cows, and four score horses and mares from James Newtounne, furth of Syntonne.—The said James became surety, &c. *Item*, for art and part of the Stouthreif of xvij oxen and cows, price of each 2 merks, a doublet,¹ a sword, and xl s., two horses, price of each 5 merks, xl sheep ('wedderis,') price v s. vj d., three score sheep, price of each v s. vj d., from John Quhite, furth of the Hospital of St Leonard, near Peblis, at fundry times.—Walter Scot of Howpallot became surety to satisfy the parties.

Burning of Selkirk—'Hereschip,' &c.

ADAM TURNBULL, in Hornishole, now in Chalmerlane-Newtounne, produced a Remission for art and part of the treasonable in-bringing of SIR JOHN MUSGRAVE, *Englishman*, to THE BURNING OF SELKIRK and 'Hereschip,' and Stouthreif of goods therein, to the value of 1000 merks, from the Inhabitants and tenants of the said town.—George Turnbull of Hawroull and Bertholemew Turnbull in Rowflat, became sureties to satisfy the parties.

Stouthreif—Horse-stealing—Resetting, &c.

NICHOLAS RUTHIRFURDE produced a Remission for art and part of the Stouthreif of two horses from the Priores of Haddingtounne : *Item*, for the Stouthreif of a 'caldrone'² from the wife of Richard Ruthirfurde : *Item*, of a cow from Lawrence Pile : *Item*, for Stealing 5 horses from the Earl of Huntlie : *Item*, for Stealing a horse from Thomas Hall.—John Ruthirfurde of Hundole, and Thomas his brother, became sureties to satisfy parties.—He also produced a Remission for himself and Thomas R. in Grange, for Resetting, supplying, and Intercommuning with THE RUTHIRFURDIS, the Kingis rebels.

Stealing Horses from the Army at Norhame.

NICHOLAS RUTHIRFURDE, in Hindole, produced a Remission for art and part of the Theft of five horses from the Kingis Army of Norhame.—John Ruthirfurde (of Hundole?) became surety to satisfy the parties.

'Hereschip' of Fastheuche and Hangingeschaw, &c.

PHILIP TURNBULL, in Quhithop, and David Turnbull, in Carlingpule, produced a Remission for art and part of the treasonable In-bringing of the Thieves and Traitors of Levin to the 'Hereschip' and Stouthreif of the goods being in Fastheuche and Hangingeschaw, belonging to John Murray, &c. &c.

¹ 'Unius deplodis;' q. d. *duplex vestis*.

² 'Unius cacobi, le caldrone.'

Resetting the 'Armstrangis' and the Son of the Laird of Tuschelaw.

PATRICK TURNBULL, in Walchope, produced a Remission for Resetting, Supplying, and Intercommuning with Archibald and Ninian Armstrangis, and William Scot, son of David Scot of Tuschelaw,¹ in their Stouthreifs, Slaughters, Burnings, and other crimes committed by them.

Slaughter—Burning of Bernehill—'Hereschip' of Merecluche—Resetting Rebels, &c.

PETER TURNBULL, in Bonechestir, produced a Remission for art and part of the cruel Slaughter of James Ruthirfurd, son of Adam, at the Kirk of Hawick: *Item*, for art and part of fortifying of the treasonable Burning of the Place of Bernehill, and also of twelve score bolls of oats, six score bolls of bear,² and sixty bolls of wheat, pertaining to George Ruthirfurde of Langnewtoune: *Item*, for art and part of the 'Hereschip' of xxv oxen, xxviiij cows, xvj 'young nolt,'³ and three score sheep, from the said George: *Item*, for art and part of the Burning of iij horses, viij mares, and sundry other goods, to the value of xx l., at the time of the Burning of Bernhill, pertaining to the said George: *Item*, for art and part of Stouthrief of xl oxen and cows, v horses and mares from John Grymislaw, furth of the Place of Camys, in company with the King's Rebels, viz. being Turnbullis, and at the horn, for art and part of the cruel Slaughter of James Rutherfurde: *Item*, for art and part of the treasonable In-bringing of sundry English to the 'Hereschip' of Merch-cluche and Stouthrief of iv horses and sundry goods and gear from Robert Laudir, furth of Merecluche: *Item*, for art and part of taking the said Robert at the same time, and detaining him in Bewcastill, in England, until he redeemed⁴ himself: *Item*, for art and part of the Stouthrief of eight score and six sheep ('hoggis'),⁵ from George Tait and his Tenants, furth of Fichop: *Item*, for art and part of Stouthrief of xvij goats, and sundry goods and utensils, from John Cleghorne, to the value of xl s. furth of Lethanehoip: *Item*, for art and part of the Theft of xl sheep ('zowis,')⁶ from Williame Cleghorne, furth of Lethanehope: *Item*, for art and part of the Burning of xxvj bolls of bear and xl bolls of oats, pertaining to George Ruthirfurde of Langnewtoune, in his Place of Sandyftanis, in company with John Turnbull of Mynto and his accomplices: *Item*, for art and part of the Stouthrief of twenty four score sheep from the said George Rutherfurde, furth of the said Place of Sandyftanis: *Item*, for Resetting, supplying, and intercommuning with Mark Turnbull and John Turnbull, the Kingis Rebels.—Adam Turnbull of Bullirwell surety to satisfie parties.

¹ For the fate of a future LAIRD OF TUSCHELAW, and that of the celebrated JOHNNIE ARMSTRANG, see May 16 and 18, 1530. ² Barley. ³ Young cattle. ⁴ Ransomed. ⁵ A year-old sheep, before losing its first fleece. ⁶ Ewes.

Burning and 'Hereschip' of Borthuicksheills.

Nov. 15, (*dies Martis*.)—EWMUND ARMSTRANG,¹ in Liddalisdale, and George and Hector, his brothers, there, compeared by the King's command, and were accused of art and part of the Burning and 'Hereschip' of Borthuicshelis, viz. iij^{c2} sheap, iij^{xx3} oxen and cows, xx horses and mares, and fundry goods and ntenfils, to the value of I^c merks, from Mark Ker of Dolphingstoun and the Tenants thereof.—They found Hector and George Armstrangis, brothers, as their fureties for satisfying the parties.

Stealing a Stallion from the Earl of Levinox.

GEORGE ARMSTRANG, brother of Hector, in Liddalisdale, compeared, and was accused of art and part, along with one called Douglas, in his Thefts; and specially, in the Theft of a brown curfour,⁴ price xxx 'Angel Nobillis,' from the Earl of Levinox, furth of Edinburghe.—He found Hector, his brother, cautioner to satisfy parties.

Sacrilege—Plundering the Kirk of Jedworthe.

ROBERT RUTHIRFURDE, in Todlaw, produced a Remission for art and part of the Theft of certain 'cuscheis of silk,'⁵ sheets, linen cloths, 'fustiane,' 'scarfs,'⁶ and other clothes, furth of the Kirk of Jedworthe.—Robert Turnbull of Blindhalche became furety to satisfy parties.

Forethought Felony, &c.

ALEXANDER WYNDIS OF THAT ILK, convicted of the forethought felony done to Philip Faula, on S^t Mary's day: *Item*, of art and part of the forethought felony done to the said Philip, in riding to Branxhame.—Robert Scot americiated xl l. for his non-appearance to underly the law.

Stouthreif and Hereschip of Oxen, Horses, &c.

WALTER TURNBULL, in Branxhame, produced a Remission for art and part of the Stouthreif of eight score and eight oxen and cows from Patrick Murray and John Murray, furth of Carterhalche: *Item*, for art and part of the 'Hereschip' of fundry goods and utenfils, to the value of three score merks, from the said Patrick and John, furth of Carterhalche: *Item*, for art and part of the 'spuilzie' of ij horses, price xl l., from the said John, furth of Carterhalche, in company with the Traitors of Levin.—George Turnbull of Hawroull and Robert Scot of Stirkshawis, became fureties to satisfy the parties.⁷

¹ See May 18, 1530, &c. ² 300. ³ 60; three score. ⁴ Stallion. ⁵ Probably cushions, on which to place their Mass-books, &c. ⁶ Or surplices; 'flammarum.' ⁷ 'SUMMA Totalis hujus Extractus (viz. Itineris Justicie de JEDWORTHE), ljm.V^c xlj li.' (L.2541.)

CURIA *Itineris Justiciarie, inchoata apud burgum de SELKIRK, die Jovis, xxvij die mensis Nouembris, 1502; coram ANDREA DOMINO GRAY, Justiciario, &c.*

Sheep-stealing—Stouthreif.

Friday. Nov. 28, (*die Veneris.*)—WALTER SCOT, son of Walter Scot of Edschaw, permitted to compound, under a Remission, for art and part of the Theft of four feore sheep, price of each 5*l.*, from William Ker, furth of ȝare, &c.: *Item*, for art and part of the Theft of three feore sheep, from Robert Broune and John Turnbull, furth of Selkirk, &c.: *Item*, for common Theft and Treason.—James Scot, in Askirk, surety to satisfy parties.—He was likewise permitted to compound, under another Remission, for art and part of the Theft of three feore sheep, from the Abbot of Kelfo and Ralph Ker, furth of Caldfehelis. Robert Scot of Stirkschawis became surety to satisfy parties.—He was also allowed to compound, under a third Remission, for art and part of the Stouthreif of four feore sheep (‘wedderis’) from Ralph Ker, furth of Braidmedowis, &c.—Surety the same as above.

Violent occupation of the Lands of Thirlestane.

Sunday. Nov. 30, (*die Sabbati.*)—WILLIAM SCOT, in Thirlestane, came in the King’s Will for art and part of breaking the King’s Protection upon Sir Patrick Crechtoun of Cranstoun-Riddale, in occupying and labouring his fet or assedation of Thirlestane, without a lease, from the said Patriek.—Walter Scot of Buccluche surety to the King and party.¹

CURIA *Itineris Justiciarie, inchoata apud burgum de PEBLIS, die Lune, xxj die mensis Novebris, 1502.*

The Laird of Horne-Huntaris-Landis.

THE LAIRD OF HORNE-HUNTARIS-LANDIS being often called for fuit and prefence due for the said landis, and not compearing, was amereciated in defect of fuit.²

CURIA *Itineris Justiciarie, tenta in Pretorio burgi de EDINBURGHE, die Sabbati, quarto die mensis Februarij, 1502-3, coram ANDREA DOMINO GRAY, Justiciario, &c.*

¹ ‘SUMMA totalis hujus Extractus, I’xv li.’ ² ‘SUMMA totalis hujus Extractus, Iij’ li.’ There were no cases of any interest; but a number of persons were fined for not giving suit and presence, among whom the instance which is noticed is the only remarkable one.

Slaughter of Edward Huntare of Polmude.

Feb. 4.—GILBERT TWEDY, John Beres, and Andrew Chancellor.—John Twedy of Drummelgear, Walter Twedy in Hawmyris, and William Twedy there, became fireties conjunctly and severally for the entry of the said Gilbert, &c. at the next Aire of Peblis, on the second day thereof, before the said Justiciar, to underly the law for art and part of the cruel Slaughter of Edward Huntare of Polmude, under the pain of 1^o merks for the said Gilbert, xl. for the said John, and xl. for the said Andrew.—The said Laird of Drummelgear declared in Judgement before the said Justiciar, that he had carried the said Gilbert, &c. to the Tolbooth of Stirling, afterwards to the Tolbooth of Peblis, and likewise to the Tolbooth of Edinburghe, to underly the law for art and part of the cruel Slaughter of Edward Huntare of Polmude; and that they were prepared to underly the law, where and when it should please our soveraign lord the King, for the same Slaughter: And that the dilating of the said matter should not tend to their hurt. Upon which he asked an act of Court.

Slaughter.

GEORGE DIKISONE, in Peblis, declared in judgement that he had formerly entered in the Tolbooth of Edinburghe, afterwards in Peblis, and again in Edinburghe, to underly the law for art and part of the cruel Slaughter of Symon Dikifone: And protested, that the dilating of this matter should not tend to his prejudice; and that he was ready to underly the law, when and where it should please our soveraign lord the King: And thereupon asked an Act of Court.



CURIA *Itineris Justiciarie, inchoata apud DRUMFREIS, die Martis, Aug. 13, 1504, coram ANDREA DOMINO GRAY, Justiciario.*

Slaughter of a Chaplain.

Aug. 15, (*tercia die Itineris.*)—ROBERT GRERSOUNE, in Drumfreis, produced a Precept of Remission for art and part of the cruel Slaughter of Sir John M^cbrair, Chaplain, in the Town of Drumfreis.—William Douglas of Drumlangrig became firety to satisfy parties.

Burning the Town of Dumfries.

Aug. 17.—GILBERT THOMESONE, CONVICTED of the theftuous taking of merchandize from the merchants of DRUMFREIS, at the time of the BURNING thereof: *Item*, for art and part of the theftuous taking and concealing of xlv sheep furth of Schellop: *Item*, of Common Theft, and common Refet of Theft.—HANGED.

Treason — Intercommuning with the Thieves of Eskdale.

ADAM BATY, CONVICTED of art and part with the King's Rebels, at the horn, being of 'Eskale' (Eskdale), in their Thefts and Treasonable deeds : And for favoring, supplying and assisting them in their Thefts : And of common Treason, of new.—HANGED.

Intercommuning with the 'Armstrangis' on 'Skir-Thurisdag.'

THOMAS SCOT in Prestif-dikis came in will for Intercommuning with the Armstrangis, the King's rebels, being at his horn, on Thursday called 'Skir-Thurisdag,'¹ in the year 1504.—Sir Adam Murray, kn^t, became surety to the King.

Destroying the Woods of Lochmabane, &c.

JAMES MONSE,² near Lochmabane, came in the King's Will for destroying the Woods of Lochmabane, Bukrig, Heichrig, Rammerfkalis, and Rowkell-park.—Gavin Murray, brother of the Laird of Cokpule, became surety to the King and party, iij li.

Intercommuning with the Duke of Albany.

ROBERT RAMSAY, in Rammerfkalis, produced a Remission for being with Alexander late Duke of Albany, in his 'Herefclips' and evil deeds.

Salmon-Fishing in Close time.

JOHN PATTONSOUN, in Tasseholme, CONVICTED of Fishing (Salmon) in the water of Annand, during the prohibited time, was amerced in v l.—William Jarding, called 'braid-fuerd,' surety to the King and party.

Slaughter of the Laird of Dunwedy.

JOHN JARDING, in Sibbald-befyde, produced a Remission from the King, for art and part of the cruel Slaughter of Thomas Dunwedy of that Ilk, at his Place of Dunwedy.³—ROBERT BRIG, living with Alexander Jarding, also pro-

¹ SKYIR-THURISDAY, (*Maunday-Thurfdag* of the English Church,) the Thursday before Good Friday. It is also called *Holy Thurfdag*, which is the proper derivation of the term, from E. *fkere* and A. S. *fkir*, clean, pure. It was instituted in commemoration of the washing of the disciples' feet by our Saviour; and some have thought the English term thence originates, i. e. *dies Mandati*, '*Mandatum novum de vobis*,' &c.: But it rather seems to take its name from the *Maunds*, i. e. hand-baskets, in which the provisions, alms, and offerings to the poor were carried.

² This name appears to be the same with that now known as *Mounsey*. It is a singular coincidence that Dr Mounsey, who sprung from the lowest origin in the vicinity of Lochmabane, lived to become proprietor of the estate of Rammerseales, &c. here described.

³ The Lairds of the family of *Dunwiddie* were, unhappily, like many others in these unsettled times, subjected to the violence of their neighbours. Only eight years afterwards, (about 1512,) 'The Laird Dinwiddie was slayne in Edinburgh by two perfones, who eschaped by taking the Sanctuarie of Holyroodhoufe, a saufgaird much respected in those days.'—*Anderson's MS. Hist. Adv. Library.* Sir James Balfour adds, 'by the JARDANS.'—*Annales*, I. 235.

duced a Remission for being art and part in the commission of the same crime.—The said Alexander Jarding became surety to satisfy the parties.

Slaughter of the Laird of Mouswald.

THOMAS BELL of Curre.—The Laird of Castelmilk being often called to enter Thomas Bell of Curre to underly the law for art and part of the cruel Slaughter of the Laird of Mouswald, under the pain of I^c l., was amerced for his non-appearance. The said Thomas denounced at the horn.—STEPHEN JOHNSTONE was also denounced Rebel for not appearing to underly the law for the same crime; and William Purdum portioner of Myddilbe was amerced, as his surety, in xl l.

Stouthreif of Horses, &c.

ROBERT DUNWEDY, son of the Laird of Dunwedy, and Gavin Johnstone, were admitted to our sovereign lord the King's composition, for art and part of the Stouthreif of four horses price xl l., two candlesticks, one goblet, with sundry other goods worth xx l., from Bartholomew Glendunwyne, in company with the Laird of Johnstone and his accomplices.—Sir Thomas Kirkpatrick of Clofbarne, kn^t, became surety for the said Robert; and Adam Johnstone of that Ilk became surety for the said Gavin, to satisfy parties.

Resetting a Common Thief.

NICHOLAS DUNWEDY, in Dunwedy, called *Gait-fut*,¹ Convicted of Resetting Adam Corry, common Thief, in his theftuous deeds.—HANGED.²

Special License, Respite, and Protection to the Tenants, &c. of the Archbishop of Glasgow, until his Return from Rome.

[THE following document will on all accounts be deemed interesting. It is thus entitled in the Record, 'Hæc est vera copia Respectuacionis Episcopi Glasguen., &c.' Notices of a very great many 'Speciale Respuyttis' of this description are to be found in the Register of the Privy Seal, but comparatively few are engrossed at length in the Register. The purpose of obtaining such Licenses was, not only that they should serve the individuals concerned as passports in foreign countries, but that they and their vassals might be fully protected in their persons and properties, until a reasonable time after their return to Scotland, (usually *forty* days.) This device effectually prevented them from being pursued criminally and put to the horn during their absence, and also operated as a bar to judgments passing against them by default in civil cases.

Notices of some similar Protections are preserved in the APPENDIX to the Trials during this and subsequent reigns.]

Ang. 28.—SPECIALE RESPUYT *in favor of the 'men, kin, tenentis,*

¹ Goat foot.
(L.1887.)

² 'SUMMA totalis hujus Extractus, (viz. Itineris de Drumfreis,) I^mviiij^clxxxvij l.'

factouris and servandis' of Robert Archbishop of Glasgou, and especially for the slaughter of unquhile Thomas Ruthirfurde within the Abbay of Jedworthe.

JAMES be the Grace of God King of Scottis. To all and findri oure Wardanis, Lordis of Counsale and Sessioune, Justices, Sheriffis, Chalmerlanis, Justice-Clerkis, Crownaris, and pair deputis, Proveftis and baillies of borowis, and all upiris our officeris, leigis and subditis, spirituale and temporale, quhome it efferis; to quhais knowlage thir oure Lettres sal cum, greting. WIT YE, that forsamekle as ane maist reverende faider in Gode, and our traift consalour, ROBERT ARCHIBISCHOP OF GLASGW and Commendatour of oure Abbay of Jedworthe, is now, of oure speciale Licence, benevolence, and fredome, to pass to þE COURT OF ROME, in certane materis and chargis of ouris: And for þe fulfilling of his Pelgramage and upiris errandis he has pair ado, WE have pairfore takin þe said maist reverende fader his Metropolitane Kirk of Glasgw, þe Dene, Cheptour, Vicaris-generalis and Chanonis of the samyn, þe said Abbay of Jedworthe and convent pairof, and all and findri þe Kirkis, landis, rentis, possessionis, tendis,¹ fructis, revenus, possessionis, priuilegis, rychtis, fredomis, castellis, towris, fortaliceis, maner placis, grangis, wodis, lowis,² fischingis, orchatis, medois, and al vþir proffletis and dowetis³ quhatsumevir pertenyng pairto; his Denis, Chalmerlanis, firmaouris, factouris, procuratouris, iutromettouris, his men, tenandis, ande servandis, pair takis, malingis, cornis, catell, and all and findri pair guidis, movabill and unmovabill, sprituale ande temporale, quhatsumever þai be, within our realme; undir oure speciale protectione, mentenans, defenfe, suple ande saifgarde. AND atoure,⁴ We have RESPUTT, ande be þir oure Lettres, in þe law and by þe law, speciale Resputis, all actionis, causis and querelis quhatsumevir, belanging ws or any vþir persone or personis, movit, or to be movit, aganis þe faide maist Reverend fader, his men, kyne, tenentis, frendis, familiaris, factouris and servandis: And specialie, ane Reverend fader in Gode, and our traift consalour, ANDRO BISCHOP OF MURRAY, ane Reverend fader ANDRO ABBOT OF CULROSE, his Abbay and convent, Andro Blacader of þat ilk, Schirris Johne Forman of Ruthirfurde, Baldrede Blacader, knychtis; Adam Blacader, Johne Heriot, Charlis Blacader, Schir Johne Scherare archdene of Rosse, Master Archibalde Layng vicare of Colmonel, Thomas Kennedy of Bargany his fermour, Jonet Layng his sifter, Schir George Akinhede, Schir William Wilkinfone, Schir Robert his broþir, David Congiltoune, Malcum Blair, Dame Elizabeth Edmonstoune lady of Tullyallane, Patrik Blacader hir sone and aire, Johne Maxwell of Nethir Pollock, Johne Maxwel his sone, Alane Stewart of Cardonalde, Patrik Colquhyn of þe Glene, David Brofe⁵ of Clakmannane, kny^t, Johne Naper of Merchaniſtoune, Eufame Formane, Thome Hunter, William Manderſtoune in

¹ Teinds, tythes.² Lochs, lakes.³ Duties.⁴ Moreover.⁵ Brois, Bruce.

DRUMFREIS.

Hertfide, Patrik Bigholme, Patrik Heriot, George Heriot his broþr, Johne Cokburne, Johne Bully, George Douglace of Bone-Jedworthe, Andro Douglas, Johne Douglas, Robert Douglas, William Douglas, Maſter Stevin Douglas, David Forſithe of þe Dikis, Johne Douglafe in Jedworthe, Margaret Blacader lady of Carnſchallo, Johne Maxwel hir ſone and aire, Johne Raſtoun of þat ilk, Johnē Maxwel of Aikinhedde, Schir Johne Rankin Vicare of Girwane, Maſter Johne Blacader Perſone of Kirkpatrik-Flemyng, Schir Patrik Blacader Perſone of Ranpatrik, David Douglace in Jedworthe, James Douglace in Vulſtoun, Maſter Thomas Murhede Perſone of Lyne, Schir Andro Marſchell his fermour, Robert Blacader ſone and apperand aire to Andro Blacader of þat ilk, George Hume of þe Spote, James Weir, Hew Weire his ſone, Hew Weire elder, William Huchonſone, Thom Huchonſone his ſone, Thome Smyth, Andro Clerkſone, Johne ſoung, Stevin Lythgw, Johne Grahame, Lowen¹ Cadzeu, Thomas Tuedy, Johne Huchonſone, Peter Loky, Johne Twedy of Drummelzare, Marc Trumbill, Adam Trumbill of Philophauche, Williame his ſone and apperande aire, James Turnbule in Kirkhop, James Trumbill in Gargonno, Robert Murhede, Johne Adamſone, Robert Scot in Hanyng; and all and ſindrie utheris his men, kyne, tenentis, factouris and ſervandis, alſe weil at² ar nocht ſpecefit as ſpecefit, pair beneficeis, landis, takis, malingis, rentis, poſſeſſionis and gudis, to ceſe and reſt fra þe day of þe paſſing of þe ſaid maſte Reverend fader furthe of oure realme, quhill³ his retornyne and comyne agane in þe ſame, and fourti dais paireſtir. AND mare-atoure,⁴ We have EXEMIT,⁵ and be þir our letteris, ſpecialie Exemis al þe perſonis abone expremit, alſe weil nocht nemmit as namyt, fra al comperence to Juſtice-airis, Chalmerlanis-airis, Wardane-courtis, Seſſionis, Sheref-courtis, and al uthir Courtis, for all þe time abone writtin. And inlikwiſe, We have RESPUYT, and be þir preſentis in þe law and by þe law, ſpecialie Reſputis all þe foreſaidis perſonis and all utheris, alſe weile nocht nemmit as nemmit, quhilkis ar or ſal happin any tyme to cum, induryn þis oure Reſpuit, to be indictat, attechit or accuſit for þe ſlauchtir of unquhile Thomas Ruthirfurde, committit and done within our Abbay of Jedworthe; or for art and part, aſſiſtence, rede, counſale or being in þe ſame, remanyng, or way-paſſing with þe ſlaier or ſlaieris, or for lying furthe and non-entre to our lavis fore þe ſame; or for gadering and convocatioune of our liegis, þe ſaid tyme, or þeireſtir; and for al cryme, actioun, and cauſe þat may be input to þame, or any of thame tharthrouch; exceppand⁶ þame þat ſlew the ſaid Thomas with pair handis, to be unattachit, unarreſtit, uncallit, unconvenit, unſummonit, unchalhangit, unvexit or trublit, in þe law, or by þe law, in pair perſonis, þar borowis,⁷ landis, and gudis quhatſumevir, for oure unlawis of

¹ Perhaps for Lowrie; Laurence. ² As well those that (or who). ³ Until. ⁴ Furthermore. ⁵ Exempted. ⁶ Excepting, saving. ⁷ Cautioners, sureties.

non-comperence to our lawis, or ouny uthir maner of way for þe said slauchtir, and actionis foresaid, or any part or pont¹ þairof, as said is. AND also, Refplacis and continuis þe puttin of þame, and ilkane of þaim to our horne, for non comperence to underlie our lawis for þe said slauchtir, or ouny pont of þe premissis, induring all þe tyme of þis our speciale Respuyt. QUHARFOR, We charge stratlie, and commandis all and findri oure officiaris, liegis, and subditis foresaidis, þat nane of 3ou tak apoune hande, til do or attempe ouny thing incontrare, or breking of þis our speciale Licence, protectiounne, and respuyt, for all the tyme abone expremit, under all þe heaft pane,² charge, and offence, þat 3e and ilkane of 3ou may committ and inrine,³ aganis our maieste, in þat part: Thir oure Letteris, fra þe day of þe passing of þe said maist Reverend fader furthe of our realme, quhil his retornyne and cumyn agane within þe famyn, and fourty dais þaireftir to indure, as said is: Providing allvais, þat þis our Respuyt, nor exemp-tiounne, sal nocht extende to na crymis, quhilkis falbe committit eftir þe dait of þe fame. GEVIN undir our Prevay Sele, at Drumfreis, þe xxviij day of August, þe 3ere of Gode ane Thousande five hundrethe and foure 3eris, and of our reigne þe xvij 3ere. AND nochtwithstanding þis oure Respuyt, We wil þat all þe per-sonis contenit in þe famyn, except þai þat passe with þe said maist Reverend fadir, in propir persone, sal ansuer to al partiis apoune dettis, in quhat Court þai be convenit, except oure aune propir dettis.

JAMES R.

Treason — Wounding (Slaughter?) of the Laird of Craiganis.

[JOHN MASTER OF MONTGOMERY (or of EGLINTOUN, as he is styled in the Peerages) was the second, and then surviving son, of Hugh *third* Lord Montgomery, a distinguished nobleman, who had been a strenuous supporter of the Prince at the Field of Stirling, and for his services was afterwards created Earl of Eglintoun. The crime for which the Master was here summoned, was for the Wounding of William Cuninghame of Craigends. The Master of Eglintoun was killed on the streets of Edinburgh, April 28, 1520, in the memorable Feud between James *first* Earl of Arran and Archibald *sixth* Earl of Angus, best known by the *sobriquet* of *Cleanse the Causeway*.

The authority for the nature of the crime for which the Master was charged, is the following brief notice from Sir James Balfour's treatise, '*De jure Prælationis Nobilium Scotie*.'⁴ 'ITEM, I find that Johne, Maister of Montgomerie, is summonit to underlay the lau and cenfur of Tressone, for the wounding of Villiam Cuninghame of Craiganis.']

Jan. 20, 1505-6.—Quo die, JOHANNE MAGISTRO MONTGUMRY, sepe vocato per literas Summonicionis domini nostri Regis, ad respondend. super certis proditorijs accionibus in dicta Summonieione contentis; et non comparen. continuatur ad diem Martis, tertium diem mensis Februarij proximo futuri, cum continuacione dierum et horarum.⁵

¹ Point.

² Highest pain.

³ Literally *in-run*, incur.

⁴ *Carmichael's Tracts*, p. 89.

⁵ *Acta Parl.* II. 262.

High Treason.

(Jan. 20.)—Quo die, DONALDO MAKRANALD BANE, sepe vocato per literas Summonicionis domini nostri Regis ad respondend. super certis proditorijs actionibus in dicta Summonicione contentis; et non comparen. continuatur ad diem Martis, tertium diem mensis Februarij proximo futuri, cum continuatione dierum et horarum.¹

High Treason—Assisting Donald of the Isles, &c.—Fire-raising and ‘Hereschips’ in Badenoch.

[As the various Feuds, Treasons, &c. connected with the Isles fall to be treated of at large in Mr GREGORY’S History of the Hebrides, it is unnecessary to enter on the subject in this place. It may, however, be proper to remark, generally, that Macleod and Donald Ila’s fathers married two sisters. The former married Lady Katherine Campbell, in 1498, and the latter (Angus Macdonnel, natural son and heir of entail of John Earl of Ross and Lord of the Isles), Lady Mary Campbell, the seventh and fifth daughters of Colin first Earl of Argyle. In the Appendix to the Trials which occurred during the reign of King James IV, the reader will find many interesting notices in relation to this and other similar cases.]

Feb. 3.—TORCULANE (TORQUILL) MAKCLOIDE OF THE LEWIS.—The quhilk day, in Parliament, sittande onre souerane lorde THE KING, his thre Estatis the famyne tym gaderit, Johnne Ogilby, Scheref-deput of Inuernes, present ane letter of Summondis vnder þe quhit walx and testimoniale of þe Gret Sele, of þe quhilk þe tenour followis, with þe tenour of þe executione þairrof execute be þe faide scheref-deput.

Summonicio Forisfacture Torculani Makcloide de Lewis.

JACOBUS Dei gratia Rex Scotorum: Vicecomiti et ballivis suis de Inuernese; necnon dilectis nostris Bute, Ormonde, Signiferis; David Tempilmane, Duncano Riche, Jacobo Muschete, Ricardo Broune, Johanni Coupare, Nuncijs, et eorum cuilibet conjunctim et diuisim, vicecomitibus nostris in hac parte, salutem. Mandamus vobis et precipimus, quatenus summoneatis legitime et perentorie coram testibus, TORCULUM M^cCLOIDE DE LEWIS, personaliter, si eius prefenciam commode habere poteritis, si autem apud suum proprium locum habitacionis, si ad eundem tutus pateat accessus, ve alioquin apud Crucem foralem Burgi nostri de Inuernes per publicam proclamationem, sic quod diete Summonicionis notitia ad eius aures deuenire poterit, quod compareat personaliter coram nobis seu nostro Justiciario, in nostro proximo Parlamento, tenend. in pretorio Burgi nostri de Edinburghe tercio die mensis Februarij proximo futuro, si dies illa juridica fuerit, alioquin proxima die juridica inde sequente, hora caufarum, cum continuatione dierum, ad respondend. nobis seu dicto Justiciario, pro proditorijs arte, parte, et assistencia factis et exhibitis DONALDO YLA, bastardo filio quondam

¹ *Acta Parl.* II. 262. No farther notice of this case occurs.

Angufij de Infulis, eciam baftardi filii quondam JOHANNIS DOMINI DE INSULARIS, capiendo fecum parte inuadendo ligeos noftros Dominij noftri INSULARUM, et diftruendo eofdem bellico modo, ad effectum et finem ut idem Donaldus effet DOMINUS dicti Domini de INSULARIS : ET pro proditorio deliberacione dicti Donaldi LAUHLANO MAKLANE de Dowart, et poft pofitione deliberacionis eiusdem nobis, contra noftro mandata : AC proditorie Inuafionis et Combustionis noftrorum ligeorum, in Badzenach, in fefto Natiuitatis Domini in anno Domini Millefimo quingentefimo tercio, et aliorum noftrorum ligeorum diuerfis temporibus : ET pro proditorijs Incendiis et Rapinis predictis et alijs diuerfis temporibus, bellico et hoftili modis factis : ET eciam pro prodicione facta per dictum Torculum in offencione noftre regie maieftatis, in Rapina et detencione a noftro Officiariis, in executione eorum officij, noftro Literarum, viz. cuiufdam Summonicionis emanate ad instantiam noftro contra dictum Torculum et directe Gilpatrick Cori noftro Nuncio et officario in hujusmodi executione, exiftent. viceffimo feptimo die menfis vltimi elapfi ; et alterius Summonicionis eciam emanate ad instantiam noftro directe Vicecomiti et Balliuis noftro de Inuernes fuper dictum Torculum, fuper diuerfis proditorijs actionibus, contra dictum Torculum : ET pro proditorijs factione et compofitione Ligarum cum diuerfis noftro ligeis, et eciam cum noftro Rebellibus contra noftro auctoritatem regiam, in Inuafione noftro regni et ligeorum noftro in diuerfis Depredacionibus et Combustionibus, Rapinis, et Homicidijs, et alijs criminibus : ET vltorius, ad fubeuendum magnam Affilam, fecundam formam accusationis et Indictamenti defuper conficiend. : Intiman. dicto Torculo quod fide dictis die et loco cum continuatione dierum comparuerit fide non, nos nichilominus feu dictus noftro Iufticiarius premitis, iufticia mediante, procedemus et procedet : Et vos qui prefentes executi fueritis fitis ibidem dicto die, haben. vobifcum Summonicionis veftre testimonium et hoc breve : Ad quod faciend. vobis et veftrum cuilibet coniuictim et diuifim in hac parte committimus potestatem. DATUM fub testimonio Magni Sigilli noftro Apud Edinburghe, decimo tercio die menfis Decembris anno regni noftro decimo octauo.

Indorfatio five Executio dicte Summonicionis.

THE xxiiij day of ye moneth of December, the 5ere of God J^m.V^c. and v 5eris, I JOHNE OGILBY Scheref-deput of Inuernes, paff with thir our foueraue lordis lettres, and foycht TORCULANE MAK-CLOIDE of ye Lewis, and becaufe I cuth nocht apprehende him perfonaly, uor pair was na fure paffage to me till his duelling place, I paff to ye merkat croce of ye Burgh of Inuernes at xj houris befor nune, and pair be oppin proclamatioune maid at ye merkat croce, I fummonde, varnit and chargin the faide Torculain Makeloid of ye Lewis to comperre befor our fouerane lorde ye King or his Iuftice in ye tolbutth of Edinburghe, ye thrid day of Februar nixt tocum, in ye hour of caufe, with continuacionne of dais, to anfuere to our fouerane lord or his Iuftice, for ye treasonabil art, parte and affiftans takin and done with DONALDE ILLA, baftarde fone to Angus of ye Ilis, baftarde, takand pairt with him and

Inuadande our fouerane lordis liegis of þe ILIS and distroyeand thaim, to þe effect þat þe said Donalde suld be LORD OF þe ILIS ; and apone all punctis and articulis in þir our fouerane lordis lettres, and eftir þe forme of þe famyn ; and þis I did befor þir Vitnes, Johne of Chalmer, Robert Innes, Alexander Michelfone, Johne Auchinlek Alderman of Inuernes, Johne Cuthbert, Johne Vaus, Ballies of þe said burgh, James Donaldfone, Alexander Anderfon, Henry Auchinlek, Paterfone, Johne of Ruthirfurde, Sir Villiam Paterfone Perfone of Balliefkan, and Sir Jo ke Chaplane and Notar public, with operis diuerse ; and for þe mare vitniffing of þis execufione I haue affixit my fignet to þir presentis.

The quhilk execucioune was provit be þe faide Scheref-deput and his twa witnes, þat is to fay, Johne of Rutherfurde and Alexander Patonefone. The quhilk citacioune, Summondes and execucioune beande rede and lauchfully previt, as faid is, þe said Torcule Makcloid beande oft tymes callit and nocht comperit, lauchfull tym of day biddin, the ordour and proceffe of þe faide Summondis at lenthth sene, harde and vnderstande, and lauchfully procedit ; in þe name and behalf of our fouerane lorde, Maister James Henrifone, Aduocat to his hienes, askit and inquirit, in his name and autorite and of his speciale commande, at þe Lordis, Baronis, and Commissariis of Burrovis, thare warde and censinent of Parliament, gif the faide Torcule M'cloide hade committit and done Tressone till our fouerane lorde and his realme, in þe punctis and articulis abone writtine : THE quhilkis Lordis and Estatis beande auifit, ripelye wardit and deliuerit, þat þe faide Torcule Maccloide has committit and done opin and manifest Tressone, in thir punctis efter folloing, contenit in þe faide Summondis, That is to fay, for the tressonable art, part and assistence gevin and done be him to Donalde Yla, bastarde sone of vmquhile Anguse of þe Ilis, alsua bastarde sone of vmquhile Johne Lord of þe Ilis, be Insurrectione and takand his part,¹ to þe intent that þe faide Donalde suld tak apone him þe KINGIS propirte, and to be LORD OF THE ILIS : AND for þe tressonable deliuering of þe said Donalde to Lauchlane Maklane of Dowert, to þe intent forsaide. AND for þe tressonable withhalding of him fra his hienes, and non deliuering of him in contrar þe commande of his diuerse Lettres directe to him þairapone. AND for þe tressonable Reving² and withhaldin of his hienes Lettres fra his Officiarie of Armez, callit Gilpatrik Cor, quhilk execute þe famyn apone the xxvij daye of October last bypast : And for þe tressonable (making of) Ligis and Bandis³ with our fouerane lordis Rebellis, in tressonable wise, as is contenit in þe Summondis befor exprenit. And tharefter it was gevin for Dome, be þe mouthe of Johne Jardin, Dempstar of Parliament for þe tym, in forme and maner as efter followis :

Dome or Sentence of Forfeiture.

This Court of Parliament schawis for law, and I gif for Dome, that Torcule Makcloide of the Lewis has committit and done Tressone agane our fouerane lorde and his realme, in þe speciale pointis of Tressonis and crimez forsaidis,

¹ The following words are deleted from the Record.
and Bonds, binding the parties to mutual assistance in all their quarrels, &c.

² Taking by violence.

³ Leagues

contenet in the fummondis ; for the quhilkis he has forfalt till our fouerane lorde his life, his landis,¹ his gudis, offices, and all vther his possessionis quhatfumeuir he hade within þe Realme of Scotlande or Ylis, euermar to remane with our fouerane lorde, his aieris and succellouris, for his tressonabile offence : And þat I gif for DOME.

Slaughter of a Messenger at Arms — Conbocation, &c.

(Feb. 3.)—JOHN LINDISSAY OF WAUCHOP.²—Robert Lorde Crechtoune of þe Sanquhare, Scheref principall of Drumfrefe, presentit ane Lettir of Summondis vnder þe quhite walx and testimoniale of þe Grete Sele ; of þe quhilk the tenour followis, with þe tenour of þe executione þairof, execut be þe said Scheref principale.

Summonicio Forisfacture Johannis Lindissay de Wauchop.

JACOBUS Dei gratia Rex Scotorum : Vicecomiti et Baliuis suis de Drumfrefe, salutem. Mandamus vobis et precipimus, quatenus summoneatis legitime et peremptorie coram testibus, JOHANNEM LINDISSAY DE WAUCHOP, personaliter, si eius presenciam commode habere poteritis, sin autem apud locum sue habitationis, si ad eundem tutus pateat accessus, alioquin per publicam proclamacionem apud Crucem fori Burgi nostri de Drumfrefe, quod compareat personaliter, coram nobis seu nostro Justiciario, in nostro Parlamento tenend. in pretorio Burgi nostri de Edinburghe, tercio die mensis Octobris proximo futuri, si dies illa Juridica fuerit, alioquin proxima die Juridica inde sequen., hora caufarum cum continuacione dierum, ad respondend. nobis seu dicto nostro Justiciario, super proditorijs arte et parte crudelis Interfectionis quondam Bertholomei Glendynwyne, Officiarij et Vicecomitis nostri in hac parte, et quondam Simonis Glendynwyne sui fratris in sua committua, in executione suj officij Vicecomitis nostri in hac parte, nostrasque literas haben., ad distringendum et namandum terciam partem terrarum de Wauchop, quondam Mergrete, sponse quondam Johannis Lindissay, patris ipsius Johannis pertinen. : ET pro suis proditoriis arte et parte Conuocationis et congregationis nostrorum liegiorum, pro commiffione hujusmodi Homocidii super predictis Bertholomeo nostro Vicecomite et officiaro et Symone, in executione dicti officij Vicecomitis nostri in hac parte : ET pro sua proditoria confectione Ligarum seu Obligationum, cum nostris subditis, and ligeis contra

¹ Mar. 6, 1507-8. Charter by James IV. at Edinburgh, granted 'ODONI (Y) MAKKY in Strathnaverne, pro fidei et gratuito seruicio Regi impenso, ac in posterum in refistacione et inuasionem Rebellionum Regis impendendo,' &c. of the lands of Assent and Ladoelchogithe, in the shire of 'Inuernyse,' pertaining to the King, in consequence of the forfeiture of Torquel Makeloid, formerly of Lewis, for his lifetime, with power to let the same, &c. *Reg. Mag. Sig.* XIV. 464. ² In *Sir James Balfour's Treatise*, 'De jure Prælationis Nobilium Scotorum,' he remarks, 'In the penult of October, in anno 1505, John Lindesay of Vauchope ves forfaltit for the cruel Slaughter of one Bartholomou Glendinning, Mellinger, and Simon his brother, quha ver poynding the lands or three pairts of the lands, at the instance of Margaret umquhill sponse to Johne hes father.' *Carmichael's Tracts*, p. 89.

nos et nostrum regnum, in quantum in eo est, omnino vsurpando : Ac committendo super nostros veros ligeos Depredaciones, Rapinas, et Incendia, proditorio modo, infra vicecomitatos nostros de Drumfreshe et Roxburgh, aliasque regni nostri partes, in quammagnum nostre autoritatis detrimentum, et predictorum ligeorum nostrorum dispendium et grauamen: Inuadendo regnum nostrum hostili et bellico modis : Et super alijs in premissis sibi obiciendis et proponendis remansuris, et jure parituris : Intiman. dicto Johanni quod siue dictis die et loco cum continuatione dierum comparuerit siue non, nos nichilominus, aut dictus noster Justiciarius in premissis, justicia mediante, procedemus et procedet : Et vos qui presentes executi fueritis sitis ibidem dicto die, haben. vobiscum Summonicionis vestre testimonium et hoc breve. DATUM sub testimonio Magni Sigillj nostri Apud Linlithgow, vicesimo die mensis Junij, anno Regnj nostri decimo septimo.

Indorsatio siue Executio prefate Summonicionis.

The fevin day of pe moneth of Julij, the 3er of God I^m.V^c. & v 3eris, I, ROBERT LORD CRICHTONE OF THE SANQUHAR, Scheref principel of Drumfres, past to pe merkat croce of Drumfres with pir our fouerane lordis Lettres, and at pe command of pe samyn, be opin proclamacione, summond *Johne Lindysay of Vauchop*, to comperre personaly befor our fouerane lord and his lordes Justice at Edinburgb, or quhar it fal happin pain to be for pe tyme, the third day of October nixt to cum, in pe hour of caufe, with continuatione of dais, to ansuere to our fouerane lord or his Justice, apone all punctis and articulis contenit in pir our fouerane lordis Lettres, and estir pe tenour of pe samyn. And this I did befor thir Vitnesis, Robert Dalzell, Williame Cwynnghame, James Carrutheris, Robert Makbrare, Eduarde Crichtone, Nichol Nelfone, David Gluver, and Johne Barbour : And for pe mare vitneffinge hereof, I haf set to my signet, 3ere, day, and place forsaid.

IN name and behalf of our fouerane lorde, Maister James Henneffone, Advocate till (his) hienes, askit and inquirit, in his name and autorite, and of his speciale commande, at the Lordis, Barouns, and Commissaris of Burrowis, thare warde and censment of Parliament, geif the said Johne Lindissay had committit and donne Tressoune till our fouerane lorde and his Realme, in pe pointis and artikillis abone writtin ? The quhilk Lordis and Estatis, beande avisit riplie, wardit and deliuerit, that pe fade **JOHNE LINDISSAY** has committit and donne opin and manifest (Tressoune) in thir pointis eftir following, contenit in the fade Summondis ; that is to say, in pe cruel Slauchtir of vinqhile Bertilmow Glendinning, our fouerane lordis Officiare and Scherref in pat part, and of Symone Glendinning, his broþer, being in his eumpany, in pe executione of his office, in pe distringeing of (the) thrid part of pe landis of Wauchop, pertening to Margrete, the spouse of vinqhile Johnne Lindissay, his fader : And for the tressonabill Convocatione and gadding of our fouerane lordis liegis, for the committing of the Slauchter of pe saidis Bertilmow and Symone, officiaris and Schereffis forsaide : And for the tressonabill makin of Liges and Bandis, with diuerse our

fouerane lordis vntrew liegis, committande upone our fouerane lordis liegis Reffis, Spulzeis, Herefchippis, and Rafande fire, in trefsonabill wife, within þe fcherefdomes of Drumfrefe and Roxburghe, and Invaidande his realme and liegis in maner of batale and trefsonabill wife: As is contenit in þe faide Summondis maid þair-uppone.—And þaireftir it was gevin for Dume, be the mouthe of *Johanne Jardane*, Dempfstar of Parliament for the tyme, in forme and maner as eftir followis.

DUME.—This Courte of Parliament schawis for law, and I geif for Dume, that Johanne Lindiffay of Wauchop has committit and done Trefhone agane our fouerane lord and his realme, in þe speciale pointis and crimez foresade, contenit in þe fade Summondis; for the quhilkis he has Forfalt till our fouerane lorde his life, his landis, his gudis, his officis, and all vper his possessionis quhatfumeuir he hade within þe Realme of Scotlande, euermare to remane with our fouerane lorde, his airis, and fuceffouris for his fade trefsonabill (crimes) foresade: And þat I gefe for Dume.

High Treason.

[JOHN OIG¹ MACGILLEOUN or MACLEAN of Lochbuy was the son of Hector, and grandson of John Macgillecoun of Lochbuy, who lived in the reigns of King James II and III. John Oig married a daughter of Macdougall of Lorn, and was connected with the Macleods of Herries and Lewis, among which families there had been repeated intermarriages. The Indictment is not preserved; but it may pretty safely be inferred that his crime consisted in being art and part with Torquil Macleod and others, in attempting to set up the Bastard Donald de Yla as LORD OF THE ISLES.² This case was frequently continued; and owing to the deficiency of the Records, it does not appear whether or not it was insisted on. The probability, however, is, that he was restored to the King's favour. Among other notices which occur in the High Treasurer's books, there is expended, Jan. 21, 1506-7, as follows.—'Item, to MAKLANE OF LOCHBOY, xiiij lib.'³

Maclean, with his two eldest sons, are known to have been 'killed in a family Feud betwixt them and the Macleans of Dowart.'⁴ For the particulars of these Feuds, &c., the reader is referred to Mr GREGORY'S work before noticed.]

FEB. 6.—Quo die, JOHANNE MAKLANE DE LOCHBOY, sepe vocato per Literas Summonicionis Domini nostri Regis ad respondendum super certis Proditijs accionibus in dicta Summonicione contentis; et non comparen. continuatur ad diem Martis, tertium diem mensis Februarij proximo futuri, cum continuacione dierum et horarum.

CURIA JUSTICIARIE, in pretorio burgi de EDINBURGHE, die Martis, xv die Februarij, 1507, coram ANDREA DOMINO AVANDALE, Justiciario.

Stouthcreif by way of 'Mummpu.'

Feb. 15, 1507-8 —EDUARD SYMSOUNE convicted of art and part of the

¹ Young John.

² See Feb. 3, 1505-6.

³ *Compt. Thes.* General Register House.

⁴ *Douglas's Baronage*, p. 370.

Stouthreif, by way of 'mummyn,'¹ under silence of night, of certain fums of money, extending to fix score merks, or thereby, from Sir Donald Moffet, Chaplain, furth of his chamber, near the Kirk of Craggy.—HANGED.

[*Andreas dominus Avandale, et Alexander Laudir, Prepositus de Edinburghe, Jusficiarii et Locum tenentes deputati ANDREE DOMINO GRAY, Jusficiarij Generalis.*]

Slaughter and Hereschip at the Place of Innermessane, &c.

Jun. 16, 1508, (*die Veneris.*)—DONALD MOLE MAKALESTER, convicted of art and part of the cruel Slaughter of John Russell, Patrik Weddale, and fundry other persons at Innermessane, and of the 'Hereschip' of their goods furth of the said Place at the same time : *Item*, of art and part of the Stouthreif of fundry oxen and cows from Perfone² M^cMartyne, in Kintyre : *Item*, of common Stouthreif and common Oppression of the lieges.—HANGED.

Stouthreif by way of 'Mummyng.'

ADAM MURE, Convicted of art and part of Stouthreif, by way of 'Mummyng,'³ having his face muffled, under silence of night, of a certain sum of money from Sir Donald Moffett, Chaplain, furth of his chamber, near the Kirk of Cragy : *Item*, of art and part of the Stouthreif of two horses from William Wallace, furth of Drumboy.—HANGED.

[*Alexander Comes de Huntlie, Jusficiarius.*]

Theft—Resetting Thieves and Traitors, &c.

Oct. 9, (*die Lune.*)—CUTHBERT LAUDER, of Todrik, Convicted of art and part of the Theft and concealment of two horses from Alexander Turnbull, furth of Braidlé : *Item*, of the theftuous Resetting of Alexander Cranstoune, common Thief, in his Thefts ; and of art and part with him therein : *Item*, of the theftuous Resetting of Williame Oliver, common Thief, in his Thefts : and of art and part with him therein : *Item*, of supplying and Intercommuning with Symon Turnbull and Robert Turnbull, the King's Rebels, and being at his horn ; and of art and part with the said Rebels in their Thefts and Treasonable deeds ; and of the Treason done to the King and his kingdom on that account : *Item*, of Common Theft and Common Reset of Theft : *Item*, of common outputting and

¹ During the festivities of THE NEW-YEAR, it was customary for parties to go about in disguise, accompanied by music. They were freely allowed to enter houses and exhibit their *Mummings* or drolleries, dancing and singing, &c. These morrice-dances have long since ceased in Scotland ; and even the last vestige of these 'Mummeries,' the *Guisards* of Edinburgh, and a few other places, have nearly expired. The facilities which these licentious festivities afforded to commit robberies, induced a severer measure of punishment, in cases of delinquencies of this *dishonourable* sort, whilst murderers, &c. were allowed to compound for their atrocious crimes. ² Parson. ³ See Feb. 15, 1507-8.

inputting in theftuous and treasonable manner: *Item*, of common Treason with the faids Robert and Symon, the King's Rebels.—DRAWN and HANGED, and all their goods, moveable and immoveable, lands and possessions, escheated to the King.¹

CURIA *Itineris Justiciarie de* KIRKCUDBRIGHT, *Andreas Dominus Gray,*
Justiciarius, &c.

Oppressing Lady Cardines, &c.

Oct. 14, (*die Saboti*).—NINIAN M'CUCCLOCHT of Cardines came in the King's will for art and part of the infraction of two Protections, granted in favour of Elizabeth Levinox, in the occupying and labouring her third (terce lands) of the Lands of Cardines.—He was also admitted to compound for art and part of the Oppression done to the faid Elizabeth, in 'Reiving' from her 1500 'zowis, wedderis,' and younger fleep, pertaining to her by reason of her half, through the decease of unq^{lc} James M'culloch of Cardines; and of the Stouthreif thereof: *Item*, for the 'Spuilzie' of the lands pertaining to the faid Elizabeth, by reason of her terce and conjunct Infestment of the lands and barony of Cardines and Kirkmabreck; and Stouthreif of her rents: *Item*, for Oppression done to the faid Elizabeth, in breaking up the doors of her barn, within the faid lands; and for the Stouthreif of her corns and household goods, extending to xl l.—The faid Ninian became surety to satisfy the parties.

Oppressing the Lieges.

Oct. (16?)—MARTIN BURNET, in S^t John's Clauchane, Convicted of common Oppression of the lieges, in the execution of his office.²—REMITTED by the Lords.³

Common Theft and Pickery.

[FROM markings on the margin of the Record, it appears that the Sentence originally recorded against this infirm old Highlander had been 'SUSPEN.'; which marking was afterwards deleted, and 'SUBMERSUS' substituted; and finally, the latter was struck out, and 'BANNITUS' inserted, through the clemency, no doubt, of his Judge or the King. It may be interesting to remark here, that the punishment of death inflicted upon females, at this early period, and for more than two Centuries afterwards, was, universally, drowning; and in cases of very heinous crimes, burning at the stake. It was deemed highly indelicate and shocking to expose females to any other mode of execution than these, until the 'Maiden' was invented, when females of rank were sometimes beheaded. Owing to the helpless infirmity of this old man, it seems to have been considered an act of humanity to put him to death by drowning; but it is probable that the King, who was noted for kindness to the aged and infirm, had ordered his sentence to be commuted to *Banishment*.]

¹ There is added to this entry, 'NOTA, quod omnia prescript. commiss. post datam sue Remissionis.'
probably as a Messenger-at-arms.

³ 'RE^R per dominos.' It may be *Respited*.

² Pro-

MICHAEL DOW¹ M^cALZERACHE, Convicted of Common Theft and ‘Pikry.’²—BANISHED furth of the Sheriffdome, because he was aged and decrepid, and was only convicted of (Stealing) ‘schevis, tedderis, huikis, and faccis.’³—And to remove from the Shire, within eight days; and never to return, under the pain of death.

Slaughter of the Laird of Dalzell, &c.

Nov. 18, (*die Jovis, quarta die Itineris.*)—DAVID GLENDUNWELL.—The Laird of Garrules⁴ often called to enter the said David, as he became surety for his entry, under the pain of xl l. to the King’s officer, for art and part of the Slaughter of William Dalzell of that ilk⁵ and John Carmichell; and not appearing, he was amerced in the said sum. The said David was denounced Rebel at the horn, and all his goods were escheated to the King.

Tearing the King’s Letters, &c.

NINIAN M^cCULLOCHE of Cardines.—John Murray of Cokpule and Alexander M^culloch of Myrtoun became sureties for the entry of the said Ninian, along with himself, under the pain of 200 merks, to underly the law for treasonably taking and tearing the King’s Letters, and for other crimes imputed to him; and not comparing, they were amerced in the foresaid sum.

Oppressing the Laird of Caly.

JOHN GORDONE, of Lochinver, produced a Signature of Remission for art and part of the Oppression done to Mr William Levinox of Caly, in detention of the lands of Plumtoun and Trunzeartoun waste, &c.

Oppression — Hurting.

JOHN GORDONE, of Lochinver, and Helifus⁶ Gordone, in the parish of Kirkpatrick, produced a Signature of Remission for art and part of the forethought felony and Oppression done to Makadam, in the parish of Kollis, servant of the Laird of Gaitgirthe, and hurting him: And the said John, for Common Oppression of the lieges.—The Laird of Lochinvar surety.⁷

¹ *Niger*, ‘Dhu,’ or black. ² *Pickery*, petty theft. ³ Sheaves, *tethers*, (halters, or ropes,) hooks and sacks (bags.) ⁴ Gairlies. ⁵ See the Notes from the *Privy Seal Record*, appended to this reign.—‘In September, or thairby, there was a great fray betwix the LORD MAXWELL and the LORD CRIGHTON OF SANCHAR, where the Lord Crichton was chafed with his companie from Drumfreis, and THE LAIRD OF DALLYELL and young Larde Crauchley, with dyverse vther, were slayne.’—*Anderson’s MS. Hist. Adv. Library.* See also Apr. 5, 1513.—*Sir James Balfour* also notices this Feud in these terms: ‘This zeire, at Drumfreis, ther was a grate feicht betuix the Lords Maxfwoll and Sanquhare and ther frindes and followars; quherin the Lord Sanquhare was ouerthrowen, and maney of his frindis killed.’—*Annales*, II. 231. ⁶ Elias? ⁷ At this period a considerable

Killing Salmon in Close-time.

JOHNE GORDONE, of Crago, Convicted of art and part of the flaying of Salmon in prohibited time, in the water of Wr. Amerciated.—The Laird of Lochinvar became surety to the King and party.¹

Oppressing the Abbot of Dundrennan's Officer, &c.

Oct. 19.—JOHN MAGGE (M'GHIE), of Plomtoun, Convicted of art and part of Convocation of the lieges, in company with the Laird of Bomby, during the time of the Court, at the *Standande-plane*, in Drumdranan, held by the said Laird, in the year 1504: *Item*, of art and part of the Oppression done to Sir William Schankis, Monk, casting him down from his horse during the time of the said Court: *And* of art and part of the Oppression done to Andrew Denis, Officer of the Abbot of Drumdranen, taking and detaining him against his will, until the conclusion of the said Court. Fined vj merks.—The Laird of Bomby, and the said James for himself, conjunctly and severally, became surety to the King and party. 'Iij li.'

ALAN and JOHN MAKCLELANE, in Kirkcudbrycht, were fined x merks each for the same crime.—PETER MUR, of Balmagachane, William Levinax, younger of Caly, Alexander Porter, brother of the Laird of Lag, Peter Levingstoun, and nine others, were likewise fined iiij merks each, excepting Peter Mur, who was delivered *gratis* to the Sheriff.—The Laird of Bomby became surety, along with themselves, to the King and party.

Oppression — Killing Salmon — Burning a Wood, &c.

WILLIAM LEVINOX, younger of Caly, admitted to compound, by virtue of a Remission, for his forethought felony and Oppression, done to Thomas Mageiche at the Kirk of Girtoun, coming upon him in warlike manner, and besieging him in the foresaid Kirk, in the year 1504: *Item*, for the Slaughter of 'rede-fische' (Salmon) in the prohibited time, in the water of Fleit: *Item*, for the theftuous depredation of the Wood of Rowkithe, and for Burning thereof.—The Laird of Bomby surety to satisfy parties.

Stouthreif of Gascony Wine — Oppression.

JOHN MAKCLELANE, in Kirkcudbrycht, convicted of art and part of the Stouthreif of two 'hoghedis' of Gafgony wine from Patrick Forfter;² and of the Oppression done to the said John at the same time.—The Laird of Bomby surety for the King and party.

number of Cases occur against dependents of the Laird of Lochinvar, for Acts of Oppression and Assault. He generally appears as cautioner. None of these are of any interest, saving in the instances which have been selected. ¹ 'ij li.' is marked on the Record. ² See p. * 55.

Oppressing Sir Gavin Kennedy, knight.

Oct. 21, (*die Saboti.*)—DAVID KENNIDY, of Cragnele, Thomas Makgermory, and Robert Park, Convicted of art and part of the Oppression done to Sir Gavin Kenydy, kn^t, by putting plough in his lands of Cumstoune; and for ploughing thereof, without any Lease from the said Sir Gavin: *Item*, for art and part of the Oppression done to a servant of the said Sir Gavin, called Maerore, and hurting him at the same time. They were fined, viz. the said David in x merks, and the other two in v merks each.—David Kennide of . . . surety to the King and party.

Stouthreif of Gascony Wine — Forging the King's Letters — Cattle-stealing — Oppression, &c.

[As the following Case is the only one where the proceedings of an Assise, at so early a period, are fully detailed, the Editor has thought it proper to insert the original entry, in the precise terms in which it is made in the Record. This is likewise one of the few instances, which the Editor has met with, of *twelve* persons sitting on an Assise. Assises generally consisted of eleven, thirteen, fifteen, or more persons; but, excepting in a very few cases, they appear, from the earliest period, to have had an odd number. The purpose of this regulation obviously was, that, in the event of an equality of votes, for acquitting, or for finding the panel guilty, there might always be a decided majority; it being altogether inconsistent with the origin and nature of an Assise, that the Chancellor should be allowed the privilege of a casting Vote.

The case itself is rather remarkable, and more pains than usual have, evidently, been bestowed on the framing of the entry of the proceedings in the Record.]

ASSISA electa super DOMINUM DE BOMBY et criminibus sibi impositis.

Schir Gavane Kennedy,	The Larde of Dalbaty,	David Sinclar,
The Larde of Gaitgirthe,	Robert Langmur,	Schir Alex. McCulloch,
The Larde of Cardinis,	Johne Crechtoune of Hartwode,	Johne Marhede of Bulles,
David Craufurde of pe Kerfe,	George Langmur,	Johne Slowane of Garoche.

Quequidem Assisa, deligenter et mature avifati, deliberaverunt super nonnullis de criminibus eidem Wilelmo impositis, ut sequitur. WILELMUS MAKCLELANE de Bomby Convictus fuit de arte et parte rapine duarum le *hoghedis* vini Gasconie a Patricio Forstar, in Kirkeubrycht; et de Oppressione facta eidem, eodem tempore: *Item*, de arte et parte proditorie ffinctionis unius Litere f. d. n. Regis, capiendo Signetum ab una antiqua Litera, et affigendo Signetum uni Litere pro relaxacione ANDREE DOMINI HERES a cornu Regis: *Item*, de arte et parte rapine certorum boum a Patricio Harpar de M^ckilquhade, extra Bardrochate: *Item*, de arte et parte precogitate ffelonie et Oppressionis facte Patricio Makelelane de Myddilthride, venien. super eum et volen. eum interficere, ex antiqua malicia: *Item*, de arte et parte rapine auri et argenti, extenden. ad xx li. et ultra, pertinen. quondam D. Johanni Afchemane, Capellano, in A.D. 1507, ultimo elapfo: *Item*, de parte Oppressionis facte D. Willelmo

(Schankis) Monacho,¹ profternendo five projiciendo eum extra fuum equum, tempore detencionis Curie per ipfum Will. tente apud le *Standande-flane* in Dundranane, contra voluntatem Abbatis: *Item*, de parte Oppreffionis facte Andree Denis, officario dicti Abbatis, tenendo eundem ad ferviend. in dicta Curia, contra ejus voluntatem, ufque ad finem dicte Curie: *Item*, de arte et parte Oppreffionis facte Ville de Kirkcubricht et comunitati ejufdem, in empzione vini et diverforum bonorum et merchandiciarum, venien. ad dictam Villam et Portum de Kirkcubricht, antequam Villa et comunitas defervite fuerunt, et contra voluntatem comunitatis; quequidem merchandicia, vinum et alia bona, fuftinere debuerunt dictam Villam et comunitatem: *Item*, de comuni Oppreffione dictis Ville et comunitati ea occasione facta: *Item*, de comuni Oppreffione legiorum domini noftri Regis de aliis modis.

SUPER quibus criminibus, et multis aliis criminibus de quibus Affifa minime determinarunt, licet in Indictamentis continebatur, et defuper dictus Will. exiftat accusatus, DOMINUS JUSTICIARIUS, cum confensu et avifamento Dominorum Compoftorum, fuorum Affefforum, RESPECTUAT eundem Willelmum ufque ad diem craftinum ejus accufacionis fequen. sub plegiacione iij^m marc.²—Et in dicta die craftina, Plegius dicti Will., ob non introitum ejufdem, in hujufmodi fumme americiatus eft.³

CURIA *Itineris* (de WIGTOUNE,) *inchoata die Lune, xxiij Octobris, 1508, coram ANDREA DOMINO GRAY, Juficiario f. d. n. Regis, ex Aufrali aque de Forthe.*

Burning of Drumskey and Ardwell.

Oct. 24, (*die Martis*.)—GILCRIST BARBOUR MAKKINZE produced a Signature of Remiffion for art and part of the Fire-raifing and Burning of Drumskey and Ardwell, in company with the Laird of Garthlane.—Sir Alexander Makcullochit furety to fatisfy parties.

CURIA *Itineris* (de AIRE,) *inchoata die Lune, penult. Octobris, 1508, coram ANDREA DOMINO GRAY, &c.*

Fend between the Mures and Cunynghames.

Nov. 3, (*die Veneris, quarta dies Itineris*.)—PATRIK BOYDE, brother to the Laird of Rowalloun, Neill Smyth, in Gardrum, and twenty-five others, CONVICTED of art and part of Convocation of the lieges againft the Act of Par-

¹ See Oct. 19, 1508.
vj f. viij d.' (L.3083, 6s. 8d.)

² 3000 merks.

³ ' SUMMA totalis hujus Extractus Iij^oiiij^{ss}ij li.

AIRE.

liament, coming to the Kirk of Stewartoun, in company with John Mure of Rowallan, for the Office of Parish Clerk of the same Kirk, against Robert Cunynghame of Cunynghamhede and his servants, in the year 1508.—The Laird of Rowallan and Andrew Arnot of Lochrig became sureties to satisfy parties, as the Lords should declare their pleasure.¹

Oppressing the Young Laird of Busby, &c.

JAMES MUR, brother of the Laird of Rowalloun, CONVICTED of art and part of the forethought felony and Oppression done to John Mowat, junior, Laird of Busby, and Andrew Stevinstone in the Town of Stewartoun, in company with the Laird of Rowalloun. Fined v l.—The Laird of Rowalloun surety to the King and party.

Convocation — Oppressing Lady Cunynghamhead, &c.

ROBERT CUNYNGHAM of Cunynghamhede, Convicted of art and part of Convocation of the lieges against the Act of Parliament, coming to the Kirk of Stewartoun, in Convocation, against John Mur of Rowallane and his men, for the Office of Parish Clerk of the said Kirk, in the year 1508: *Item*, of art and part of the Oppression done to Elizabeth Rosse Lady Cunynghamhede, in occupying and manuring her third part of the lands of Cunynghamhede and Bonnallay; and of thereby breaking the King's Protection (i. e. 'sauvgarde') upon her, in the year 1503: *Item*, of art and part of the Oppression done to the Abbot and Convent of the Monastery of Kilwynning, and to Hew Earl of Eglintoun, their tenant, in the 'spuilzie' of the Teind-sheaves of the lands of Mydyltoun, in the parish of Perthoun, and of breaking the 'sauvgarde' of our soveraign lord the King upon the said Earl of Eglintoun, in the year 1508.

Convocation against the Laird of Rowallan.

THOMAS WALLACE in Clonsche, Convicted of art and part of Convocation of the liegis against John Mur of Rowalloun and his men, &c. Fined according to the will of the Lords.—Robert Cunyngham of Cunynghamhede surety to the King and party.²

Oppressing Lady Crechdow — 'Spuilzie,' &c.

Nov. 5, (*die Saboti, quinta die Itineris*.)—JOHN SCHAW of Haly, William Schaw dwelling with him, and eight others, were permitted to compound for art and part of the Oppression done to Margaret Mongumry Lady Crechdow,

¹ 'Amerciat. xl s. pro unoquoque,' marked on the Record; which, of course, refers to the fine payable to the Crown only. ² 'ijj li. pro unoquoque.'

coming to her Place, about the feaft of ‘ Mydfummer,’ cafting her goods furth of her houfe ; and for the ‘ fpuilzie’ of fundry of her goods at the fame time, ftriking her fervants ; and for breaking of our fovereign lord the King’s ‘ faufgarde :’ *Item*, of Oppreffion done to the faid Margaret, in ejecting her furth of her houfe and Place of Garelauche, cafting down a ftack of hay and deftroying it, and alfo cafting down a ftack of bear,¹ containing feventy ‘ thraifis,’² and thereby damaging the grain : *Item*, of fhutting up her ‘ gudis,’³ viz. fixty-five ‘ foumes’⁴ furth of her faid third part, fhutting them up without ‘ pindande’ them in a ‘ pyndfalde :’⁵ *Item*, of breaking his Bond of caution to keep the peace towards the faid Margaret, by cafting a ftone out of a window, and breaking the faid Margaret’s head, and ‘ felling’ her :⁶ *Item*, for common Oppreffion of the King’s lieges.—David Craufurde of Kerfe furety to fatisfy the party.

Slaughter.

JOHN SCHAW of Kerfe produced a Remiffion for art and part of Slaughter of John Boyde with a ftone.—David Craufurd of Kerfe furety to fatisfy parties.

Throwing down the Place of Burnfute—Wamesucken, &c.

JOHN SCHAW of Kerfe admitted to compound for art and part of the forethought felony done to Duncan Fergusfoune, young Laird of Kilkerrane, in coming to his Place of Burnfute, and throwing down and breaking into the houfes of the faid Place ; and for (forcibly) keeping the lands of Burnfute wafte, for the fpace of one year : *Item*, for the forethought felony done to Andrew Maknacht, and for ‘ Hamfukkin,’ coming to his Place and ‘ ftabbit’ his⁷ with ‘ qubingaris’ and fwords : *Item*, for the forethought felony and Oppreffion done to John Boyde,⁸ wifhing to flay him at the time of the Slaughter of umq¹⁰ Millhenze.—David Craufurde of Kerfe furety to fatisfy parties.

Winding the fitting of the Bailie Court of Carrick.

DAVID CRAUFURDE OF KERSE, David C. younger, John Craufurde ‘ proctour,’ Thomas Galbraith, David Campbell of Clovingall, Peter Rankin of Schelde, William his fon, Albert Carthkert, Alan Carthker⁹ of Drumrowane,

¹ A kind of barley. ² A *thraive*, or *threave*, generally confifts of twenty-four fheaves, including two *flocks*, or *fhocks*, of any kind of grain. ³ Live ftock. ⁴ A *foum* of grafs feems to have been various in different parts of the country ; e. g. as much as one cow or five (fometimes eight or ten) fheep can pafure.

⁵ Luckily, the Clerk of Court had been pofed in rendering this and many other articles into the ufual Law Latin, by which means the vernacular is occasionally introduced. ‘ *Pindande*’ the ftock in a ‘ *pyndfalde*,’ is what might ftill be properly called ‘ *penning* them in a pin-fold.’ It has no relation to *poinding* or diftraining the ftock, as might at firft glance appear. ⁶ The words of the Record are forcible ; ‘ *projeiando unam lapidem extra quamdam finetram et caput ipfius Margarete fringendo—et, in vulgari, “felde hir.”*’ ⁷ Obliterated in Record.

⁸ See the preceding cafe.

⁹ *Sic.* Cathcart.

AIRE.

Efplane Craufurde, and James Barbour, came in the King's will for art and part of Convocation of the lieges, coming to the Court of the Bailliary of Carrick, on occasion whereof the Bailie,¹ on account of the 'inconvenientis' which might arise by serving the Brieve of the Laird of Killhenze,² resumed the said Brieve; and thereby, for impeding the said Bailie from holding his Court.—John Schaw of Kerse surety to satisfy parties and the King. (David Craufurde of Kerse was amerced 5l., and each of the others 40s.)

Oppression — Wamesucken — Casting a Boy into the Fire.

Nov. 6.—CUTHBERT ROBISOONE in Auchintebir, convicted of art and part of the Oppression done to Arthur Farnlie, at his own house, striking him, and casting his son in the fire—Sir David Kenydy surety to the king and party. (He was fined five merks.)

Spuilzie — Oppressing the old Lady Home, &c.

Nov. 10.—HEW EARL OF EGLINTOUN produced a Remission for art and part of the 'spuilzie' of xij horses, 'butis, spurris, fuerdis,' and other goods from Arthur Boyde, and other servants of the old Lady of Home, at the time of the wounding of the said Arthur: *Item*, for art and part of the Convocation of the lieges to the number of sixty persons, and the Oppression done to the old Lady of Home, in spuulzie of xxiiij cows furth of Gallovny: *Item*, for the Oppression done to the said Arthur, coming upon him and hurting him, and taking him to the Place of Estwode; and detaining him therein, in prison.—The Earl became surety to satisfy the parties.

Spuilzie.

Nov. 11, (*die Veneris, ultimo die Itineris.*)—JOHN HAMMYLTOUNE in Bargany, produced a Remission for art and part of the spuulzie 'certarum menfarum Irlandie cilanidarum correorum,' corn, bear,³ pots and pans,⁴ from men dwelling in Cregforgufe: ⁵ *Item*, for art and part of the 'spuilzie' of four horses, eight cows, and four oxen from John Thomfoune, furth of his lands of Knokminfchoche.—Alexander Kenydy, young Laird of Bargany, became surety to satisfy the parties.⁶

¹ Hew Earl of Eglintoune.

² Reference may be made to the HISTORY OF THE KENNEDIES, Edin. Quarto, 1830, in illustration of this and all matters connected with the history of Carrick, and of the numerous feuds which unhappily abounded there, until a pretty recent date. ³ A kind of barley.

⁴ Patellas.

⁵ Carrick-Fergus?

⁶ 'SUMMA totalis Extractus, Ij^miiij^lxxxix li.' (L.2489.)

CURIA Justiciarie de EDINBURGHE, inchoata die Lane, xxv die mensis Novembris, 1508, coram ANDREA DOMINO GRAY, &c.

Slaughter — Felony done to Sir William Scott, jun. knight.

Nov. 25.—JOHN BIKERTOUNE of Casche, and Archibald his brother, Convicted of art and part of the cruel Slaughter of David Scot, near the Kirk of Stramyglo: *Item*, the said John of art and part of the forethought felony done to Sir William Scot, junior, kn^t, and his accomplices, at the same time.—WARDED in the Castle, by the Justiciar.

[ALEXANDER COMES DE HUNTILIE *et* ARCHIBALDUS COMES DE ERGILE, *Justiciarij.*]

Transporting Cattle to England — Slaughter — Burning the Place and Milln of Newby, &c.

Jan. 26, 1508-9, (*die Veneris.*)—WILLIAM CARRUTHERS in Clonhede, Convicted of treasonable outputting¹ of five score and five cows and oxen from the Laird of Newby and his Tenants, in company with Andrew Johnestoun and the Traitors of Levin: *Item*, of art and part of the Slaughter of Robert Hude at the same time: *Item*, of art and part of the outputting of xl cows and oxen to the parts of England, and also of vther xl cows and oxen at another time, from the said Laird of Newby and his Tenants: *Item*, of art and part of the Slaughter of an infant of two years old at the same time, in company with the said Andrew, &c.: *Item*, of the treasonable Burning of the Place and Mylne of Newby, in company forefaid: *Item*, of common Treason, common Theft, Refet of Theft and of Traitors.—SENTENCE. To be drawn and HANGED: And that he shall forfeit all his lands and goods, moveable and immoveable, &c.

Slaughter of the Laird of Glendinning, &c.

PATRICK DUNWEDY, in Eskdale, Convicted of art and part of the Slaughter of the Laird of Glendunwin; and of treasonably going furth of Scotland to the parts of England; and of treasonably remaining in England: *Item*, of common Theft, and common outputting and inputting of goods, between the kingdoms of Scotland and England.—HANGED, and all his goods escheated as above.

Rape of the Earl of Levenax's Daughter.

Feb. 13.—JOHN FLEMING, son to the Laird of Boghall.—John Lord Fleming, often called (as surety) to enter the said John to underly the law for art and part of the Rape or Ravishment of Margaret Stewart, daughter of

¹ Transporting the cattle to England. This crime was at all times visited with very heavy punishment; for, during the wars with England, the Southern provinces were at any rate drained of provisions, owing to the necessity of keeping considerable forces on the Borders, to watch against sudden invasion, &c. The frequent famines in Scotland rendered such regulations expedient at all times, but more especially during the time of war.

Mathew Earl of Levinax;¹ and for all action which could be imputed to him by reason of the said Ravishment, and intromission with her at the time thereof: And not compearing, the said Lord was fined in the penalty of 500 merks.—John Flemyn was denounced Rebel at the King's horn, &c.

[*Andreas dominus Gray Jusficiarins Generalis.*]

Slaughter.

Sep. 1, 1509, (*die Sabboti.*)—PATRICK M^cCLELLANE of Gilestone, Alexander Legait, Thomas M^cClellan in Wigstone, John M^cLyn miller, and James M^cCulloche, were denounced Rebels, and put to the horn by public proclamation, &c., as fugitives from the law, for art and part of the cruel Slaughter of George Frere; and for not entering to underly the law, for the said Slaughter, and other crimes to be imputed to him. And this was done by Warrant of the King, under his sign-manual, following:

REX,

MEST^r JAMES HENRISON, We charge you þat incontinent eftir þe sycht of þis Precep, þat 3e put PATRYK MAKLELLANE and his complices to be put to oure horne, eftir þe tenor of our down gyfin upon hime, in to our towbylht of Edynbrycht: Ande þis 3e liff nocht oundon, as 3e wyl anfore to ws.
JAMES (R).

Sep. 3, (*die Lune.*)—They were of new denounced Rebels at the market cross of Edinburgh, &c.

'Hereschip' — Fire-raising — Slaughter of the Lairds of Sintoun, Fentoun of that Ilk, &c.

Nov. 19.—ANDREW CROSSAR, Convicted of art and part of the Slaughter of Robert Scot of Sintoun: *Item*, of the treasonable inbringing of Englishmen, and Traitors of Levin to the 'Hereschip' and Burning of Blindhauche: *Item*, of art and part of the Slaughter of Adam Turnbull of Chalmerlane-Newtoun, and Adam Turnbule, called *Gabirlenzeis*; ² and of in-bringing of Traitors and Englishmen to the said crimes: *Item*, for the treasonable in-bringing of Englishmen and Traitors to the 'Hereschip' done upon Alexander and James Chalmer: *Item*, of art and part of the cruel Slaughter of John Fentoun of that Ilk: *Item*, of art and part of the Theft of a grey horse, and fundry other goods, from

¹ Lady Margaret Stewart, eldest daughter of Mathew 2d Earl of Lennox, got a charter from John second Lord Fleming, her husband, of the lands of Biggar and Tbankertoun, Mar. 12, 1508-9, *Reg. Mag. Sig.* xv, 90. They were soon afterwards divorced, (perhaps the marriage was never regularly solemnized), for she resigned the lands in his favour, Oct. 26, 1516, and was then designed, '*olim reputate sponse dicti Joannis.*' She afterwards married Alexander Douglas of Mains; and Lord Fleming married, for his third wife, Agnes Somerville. His first wife was Eufamia, fifth daughter of David Lord Drummond. Lord Fleming was Great Chamberlain of Scotland, Ambassador to France, &c., and was assassinated, while hawking, by John Tweedie of Drummelzier, Nov. 1, 1524.—See this Collection, Aug. 18, 1525, Apr. 7, 1529, &c. ² *Ritson* explains 'Gaberlunzie' to be 'a wallet,' that hangs on the side, or *loins*; and hence the word came to denote an itinerant beggar, tinker, &c. who carries a wallet.

Thomas Bell in Baginw : *Item*, of common Treafon, common Refet of Theft, common Theft, common outputting and inputting within the kingdoms of Scotland and England, in treasonable manner.—Drawn and HANGED.

CURIA *Juficiarie tenta die Jovis, Nov. xxij, 1509, Coram ANDREA DOMINO GRAY, Juficiario Generali, et in hac parte Regalitatis Glasguen., fpecialiter confitute per Commiffionem Jacobi Glasguen. Archiepifcopi, defuper concefs.*

Slaughter.

ALEXANDER LECPREVIK, junior of that Ilk, Alexander Cuningham, John Alanefoun, and John Lindefay, Convicted of art and part of the cruel Slaughter of George Hammiltoun, committed upon forethought felony.—BEHEADED.

ASSISA *elect. et jurat. fuper eifdem perfonis.*

Alexander Comes de Huntlie,	Patricius Crechtoune de Cran-	Dominus de Ennoche,
Johannes Dominus Hay de Zefter,	foun-Riddale, miles,	Dominus de Corry,
Ad. Hepburne de Craggis, miles,	Willelmus Scot de Baluery, miles,	Johannes Ramfay in Petgorno,
Alexander Lauder de . . . , ¹ miles,	Jobannes Somervile de Cambuf-	Dominus de Warrefoun,
Duncanus Forfter de Skip Inche,	nethan, miles,	Dominus de Damphoy,
miles,	Willelmus Douglas de Drumlan-	Alex. Levingftoun de Halhill,
Alexander Hepburne, miles,	rik,	Baro de Dalzel-Nefbit.

‘ Confratri fuo Johanni Laufone.’

JOHNNE,

I PRAY 3ou paffe to my Lorde, ande haife 3e bukis with 3ou, anentis 3e unlawis pertening to 3E LARDE OF LECPREVIK and his complicitis, and put it furth of 3e bukis with his avife : And bring me word as 3e do ;² for MY LORDE EGLINTOUNE will not ende quhill he haf 3our actis diftroit.—ITEM, 3e fall difcharge 3ir unlawis, becaus 3ai have componit with MY LORD THESAURAR, and he has gevin commande.

Ita eft THOMAS DICKSOUNE.

[*Robertus Dominus Erskin, Juficiarius deputatus.*]

Slaughter.

Nov. 24, (*die Saboti.*)—HUGH WALLACE.—Cuthbert Earl of Glencarne, often called to enter Hugh Wallace to underly the law, for art and part of the Slaughter of vniq^{le} George Hammyltoune, under the pain of lxxx li, and not compearing, was americiated in the faid fum : The faid Hugh denounced at the horne, and all his goods efcheated.

HUGH LINDESAY, Andrew Hart, Alexander Robertfon, Robert Wight, and Robert Bar. The Laird of Dunrod americiated in the fums of ij^c marc., lxxx li., lxxx li., lxxx li., lxxx li., for the non-appearance of thefe perfons for the fame Slaughter.—Hugh, Earl of Eglintoune, was alfo americiated in four fums of lxxx li., each for non-appearance of Alexander Dalglesche, John Craumond, John Lckprevik, and Paul Blakfurd.—And Alexander Lindefay, Younger of Corfbasket, in lxxx li. for non-appearance of David Anderfoune, *alias Davidfoune*,

¹ Bass ?

² What you do ; or, perhaps, as soon as you do so.

for the said Slaughter. All the above persons were denounced Rebels and put to the horn, and all their goods escheated.

MEM^o. pat my LORD THESAURAR sende¹ for *John Laufoune*, and gart him bring þe buik our² to my Lord (BISHOP) of ABIRDENIS stair; ande gaif him command, befor my Lord of Abirdene, to put out þe wnlawis aboue writtin, becaus he had componit with þame for þe wnlawis; and bad him tak ane memorriall of *Maister Thomas Dikfoune*, pat he had commandit, &c.

Messenger deprived for Failing in the discharge of his Duty.

Oct. 17, 1510.—JOHN COWPAR, Messinger.³

APUD *Edinburghe*, Oct. xvij, 1510.—THE quhilk day, þe Justice and Lordis of Counsale Ordanis þat oure fouerane lordis armys⁴ be takin fra Johne Cowpar, sumtyme Messinger to our saide soverane lord; and he to be deprivit, ande nevir to ber armys for all þe dayis of his life, in exempill of uthiris: Becaus it is undirstandin and considerit be þe saidis Lordis, that he has faltit richt gretumlie in the executionne of his office, in dyuerse actionis; and specially, for his hie contemptiounne done, quhare he was warnit in jugement, þe xvj day of October instant, to hane comperit þis day before þaime; he beande oftymes callit and non comperand: That þairfore, he salbe put in presoune, but⁵ delay; and þare to remane unto þe tyme þat our soverane lord have declarit and schawin his mynd þairintill. And for þe fulfilling hereof, the saidis Lordis has gevin scharp commande ande charge to LYOUN KING OF ARMYs.

[*Andreas dominus GRAY, Justiciarius Generalis.*]

Taking a Bribe to acquit a Murderer.

Nov. 4, (*die Lunæ*).—PATRICK AGNEW, Sheriff of Wigtoun, came in the King's will, for art and part of Usurping his authority, without Commission for that effect, by putting Thomas Porter to the knowledge of an Affise, and accusing him, '*per coloratam justificatam*,'⁶ for the Slaughter of John M^cmyane, committed by the said Thomas: And for taking 'feyis' and money to purge the said Thomas of the said Slaughter, he being guilty thereof. And '*per coloratam justificatam*,' purging him of the said crime.—Fined v merks.

Slaughter.

GILBERT M^cARTHUR, Convicted of art and part of the Slaughter of unq^le John Edgar.—BEHEADED.

Intercommuning with the English, &c. &c.

JOHN NEILSOUNE, alias *Suppit-out*, Convicted of art and part of the

¹ Sent. ² Over. ³ See Dec. 6, 1510. ⁴ The Blazon or arms borne officially by each Messenger 'at arms'; inferring at the same time deprivation and degradation from his office. ⁵ With-out. ⁶ It is doubtful whether 'by a coloured judgment,' or 'under colour of justice' is meant to be expressed here. Perhaps the phrase may imply, getting up a mock trial, in defraud of justice.

Theft and concealment of three horses ('naggis') furth of Fischuk, in company with fundry Englishmen,¹ &c. &c. : *Item*, of his treasonably being and remaining in the kingdom of England, without a Licence from the King or Guardian (of the Marches) : *Item*, of Intercommuning with the English, in theftuous and treasonable manner : *Item*, of treasonable inbringing of fundry Englishmen, at various times, within the Kingdom of Scotland, to 'Spuilzies,' 'Herefchippis,' Fire-raifings, Slaughters, Thefts, &c.—DRAWN and HANGED.

Cattle-Stealing.

Nov. 6.—PATRIK M^cCLELLANE of Gilstoune, Convicted of art and part of the Stouthreif of xx oxen from Patrick Agnew, Sheriff of Wigtonne, and his servants, under filence of night.—BEHEADED.

Proclamation for regulating the Proceedings of the Justice-Aire of Jedburgh.

[THE following Document (which is given literally as it appears on the face of the Record) is highly interesting, being so minutely illustrative of the form of procedure before THE JUSTICIARS, at the AIRES held throughout the Kingdom. Although apparently framed for the Aire of JEDBURGHE, there seems no doubt that this PROCLAMATION was Circular, and addressed to every district of Scotland, and was probably adopted by all the Sheriffs and Baron-Bailies, in their Courts.

The occasional occurrence of such Papers as the present, which have evidently been preserved by mere accident, tends to impress the mind of the enquirer with the conviction that, however brief and disjointed the early Records of the Courts of Justiciary confessedly are, their proceedings must have been conducted with the strictest regard to form and solemnity.

It would appear that one of the *practical* uses of keeping any Record, beyond a mere list of the Cases which occurred at the Justice-Aires, was to enable the Clerks of Court to settle their Accounts for the fines and amerciements, &c. with the Lord High Treasurer, to whom they were answerable for all such sums. Beyond this there seems, originally, to have been no intention of keeping a regular record of the official proceedings of the Court, excepting the preservation of an accurate roll of those who were defaulters, or who had been put to the horn, or came in the King's will for offences committed by them. This circumstance sufficiently accounts for the brief manner in which all the entries are made in the early Books of Adjournal, at a time, too, when little importance was attached to the preservation of minute evidence, or of the details of procedure in each individual case.

As all the Dittays, confessions, and depositions were doubtlessly preserved, along with the Interlocutors of the Justiciars, the documents produced, and the Verdicts of the Assises, &c., the Clerks of Justiciary could readily furnish Extracts and Acts of Court, when required. In the absence of these materials, however, we have now very imperfect ideas of the precise details which took place in particular Trials. Hence the peculiar value of such documents as the following Proclamation, which has fortunately been preserved. It may be worthy of notice, that THE KING himself was present during the whole of this Aire, which indeed he bound himself to do in every instance by one of the earliest of the Acts of his Parliament, which was passed immediately after the period of his Coronation.]

'WE Command and charge, in our Soverane Lorde THE KINGIS name, and

¹ The other crimes of this individual, who was nicknamed Suppit-out, *i. e.* Swept out, (*souppit*,) are not necessary to be specified, being of no interest.

JEDWORTHE.

his Justice, here now present, þat na maner of personis tak upon hande to invaid ane ane uthir, for alde sseide¹ or new, now cumand to þis present Aire, or passande þairfra, and induring þe tyme þairof, under þe pane of dede: And þat na maner of personne or personis beir wapinis,² except kniffis, at þair beltis, bot alanerlie³ our Sovereane lordis Houshalde, the Justice, Constable, Marschell, Compofitouris, þair men and houshalde, Shereff, Crounaris, and þair deputis, under þe pane of escheting of þe Wapinis, and punishing of þe personis beraris þairof, as efferis. AND certifieng all personis, þat na alde Signitouris of Remiffiounis, wantande þe Gret Sele, or Remiffiounis nocht ordourlie procedit be þe Selis; þat is to say, first be þe Signet, syne⁴ þe Privé Sele, and þe Gret Sele, falbe admittit; with certificatioun, quha enteris uthirwayis, þai fall nocht be admittit. AND þat all personis, plegis⁵ for ony personis duelling within þis sherefdome, quhilk hes committit ony Slauchtir within þis sherefdome or without, or dilatit for art and part þairof, and als all plegis for ony personis duelling out-with þis sherefdome, quhilk hes committit Slauchtir within þis sherefdome, or dilatit for art and part þairof, þat þai enter þe personis þat þai ar plegis for, now, in þis present Aird, till⁶ underlie þe law, under þe panis þat þai ar bundin⁷ for þair entré (sic as þe Slauchtir of *Sir William Colvile of Uchiltré, John Carmichell,* and þe *Larde of Dalzell*.) Becausé þai ar warnit lauchfullie for þe entre of þe personis, be þe Proclamatioune of þe Aire, and summoning and warning of all plegis to enter þe personis þat þai ar plegis for þair entre, as said is. AND þat na victualis be faulde of derrer price na⁸ þai war viij dais befor þe cuming of THE KINGIS grace to þis toune and þis present Aire, undir pane of eschetin of þe vittalis, and punishing of þe personis sellaris þairof; and þat vittalis be brocht to þe market for redy money. AND þat na lugeing nor stabillis be sett or takin be ony personis, of derrer price nai þai war sett and takin at utheris Justice Airis obefor; and quhafa dois, it falbe dittay to Justice-Aire. And attoure, cassis⁹ and adnullis all Contractis and promittis of takin and settin of houffis of derrer price nai þai war wont to be sett, in uthir Justice-Airis hald in þis burghe of Jedworthe of befor.⁷

THIS are þe punctis¹⁰ of þe DITTE to be inquirit.

In the first, gif¹¹ thay kene¹² ony Trefoune to þe KINGIS personne or þe realme?

Item, gif þair be ony Slauchtir or Murthur?

Item, gif þair be ony slyer-raising or Byrnyng within þe realme?

Item, gif þair be ony Revising of wemen?

Item, gif þair be ony Thift?

¹ Ancient feud.

² Weapons.

³ Excepting only.

⁴ Then; next.

⁵ Sureties; cautioners.

⁶ To.

⁷ Bound.

⁸ Than.

⁹ Lat. *cassare*; to break, &c.

¹⁰ Points.

¹¹ If.

¹² Know.

Item, gif þair be ony Reif?

Item, gif þair be ony Reflet of Thift?

Item, gif þair be ony Outputtaris or Inbringaris of wtheris memmis gudis?

Item, gif þair be ony fforthocht ffelonis or Opprefforris of þe KINGIS leigis, be onywais?

Item, gif þair be ony Refettis, fupleis, or intercommonis with þe KINGIS Rebellis?

Item, gif þair be ony Culçouris,¹ nycht-walkaris, or Sornaris?²

Item, gif þair be ony Wichecraft or Soffary³ wfyt in þe realme?

Item, gif þair be ony Convocatioune or gadering of our foverane lordis liegis?

Item, gif þair be ony þat flais rede-fifche⁴ in forbodin tyme, or finoltis⁵ in mill-dammis?

Item, gif þair be ony distrevaris or pelaris of grene wode?

Item, gif þair be ony flayaris of deyr, be stalking, within wthir Lordis parkis?

Item, gif þair be ony þat manteinis opin trespaffouris?

Item, gif þat ony wfs flaffe-mettis,⁶ meforis,⁷ or wechtis?⁸

Item, gif þair be ony þat takis Thift-but?⁹

Item, gif þair be ony strikaris of flaffe mony?

Item, gif ony perfoune bringis hame pufioun,¹⁰ and quhow þai wfe it?

Item, gif ony passis in England, without þe Kingis Licenfe, in tyme of weire?

Item, gif þair be ony Goldfmyth þat makis flaffe mextioune?¹¹

Item, gif þair be ony Ligis or Bandis¹² maid within burghes? or gif ony burges ridis or routis with ony Lorde or Larde, to landward? or gif he be bundin to ony Larde in manrent?

Item, gif ony felis halkis or hundis?

Item, gif þair be ony brekaris of orchattis or doucattis,¹³ or çardis?¹⁴

Item, gif þair be ony trew brekaris,¹⁵ or ony þat fettis upone affurance with Inglifmen, in tyme of weir?

Item, gif þair be ony þat felis wthir mennis pitis¹⁶ out of þair ftankis?

Item, gif þair be ony distroyaris of uthir garis?¹⁷

Item, gif þair be ony Mutulatioun or difmembring of ony perfoune?

Item, gif þair be ony þat lysis with wthir mennis wiffis, and distrois þair gudis?

Item, gif þair be ony hurdis fundyne wndir þe erde?¹⁸

¹ From the verb, to *Culye*, to cajole. A cheat or swindler. ² Who took free quarters, and spoiled the poor and defenceless. ³ Withcraft or soerey. ⁴ Salmon. ⁵ The young fry of salmon. ⁶ Such as 'elwands;' measures of length. ⁷ Measures of capacity. ⁸ Weights. ⁹ Theft-boot. ¹⁰ Poison. ¹¹ Mixture of metals; alloy. ¹² Leagues or Bonds. ¹³ Dovecots. ¹⁴ Gardens. ¹⁵ Truce-breakers. ¹⁶ Peats; turf. It is likely, however, from the '*ftankis*' or ponds being mentioned, that the word ought to have been written *picis* or *pikis*, for pikes. ¹⁷ This is likely to have been *cunynçaris*, rabbit warrens, but improperly transcribed. ¹⁸ Hoards or *poſes* found under ground.

JEDWORTHE.

- Item, gif þair be ony flaaris of haris in snaw ?
- Item, gif þair be ony within burghe þat purchesse lordschip, in oppreffioun of his nychtboris, or to pley with þame at bare ?¹
- Item, gif þair be ony Malt-makaris þat fellis malt ane put to þe mark . . . ?²
- Item, geif þair be ony persoun þat has (fals or fenzeit ?) money of þe realme ?
- Item, geif ony persone brekis money without þe Kingis Licence ?
- Item, geif þe Merchandis bringis hayme bulzeoun, accordin to þe Actis of Parliament, and geif þe custumaris and cunzeouris dois þair diligence pairto, according to þe saidis Actis of Parliament ?
- Item, anentis Cordynaris, geif þai fellis shone and butis and pantounis³ þan is contenit in þe actis of Parliament, þat is to say, a pair of mennis⁴ solit shone for xij d. ; a pair of double solit shone xvij d. ; a pair of⁵ ij f. ; a pair of butis vj f. ; wemen and childoris shone for viij d. þe pair, and utheris geir accordin to þair pricis.
- Item, geif Berkaris⁶ fellis þair ledder,⁷ according to þe saidis pricis ?
- Item, geif ony Baxtaris⁸ makis ony conventionis and gaderingis, and brekis þe afflis⁹ to þaim be þe Officeris of þe toune ; or italis þe toune and baikis nocht eftir þe pricis þat is gevin ; or ellis haldis abak ande fulfillis nocht þe famyn ?
- Item, geif þair be ony Masterfull beggaris ?
- Item, geif þair be ony nichtbouris within burghe þat usurpis agane¹⁰ þe Officeris maide in burghe ?
- Item, geif ony malt-makaris of Leithe, Edinburghe or uthir placis, fellis þair malt, unput to þe mercat of þe burghe. And geif þai tak mair þane a boll of beir for a chalder making ?
- And geif þair be ony þat pakis, or pelis, or honfis wol, skin, hidis, outwith þe hede-burghe, sik as Leithe, and uther unfré Portis and placis ; or takis away þe gudis, uncustumyt ?

CURIA Jusficiarie de JEDBURGHE, inchoata die Martis, Novembris xvij, 1510, coram ANDREA DOMINO GRAY, Jusficiarario f. d. n. REGIS ex parte Australi aque de Forthe.

[THE chief incident connected with this *Aire*, which the Editor recollects, is the remarkable occurrence related by Bishop Lesley,¹¹ who quaintly informs us, that ‘THE KING raid furth of Edinburgh, the viij of November one the nycht, weill accompaneit, to the Watter of Roulle ; quhair he tuik divers brokiu men, and brocht them to Jeduart ;¹² of quhom sum wes justifeit :¹³ And the principallis of the

¹ Plea or litigate at the bar. ² This evidently ought to have been ‘oneput (or *wieput*) to ye market.’ ³ If they sell shoes, boots, or pantons (*pattens*), at mair or at greater price than is contained, &c. ⁴ ‘Singill’ soled shoes. ⁵ Pantounis. ⁶ Barkers, tanners. ⁷ Leather. ⁸ Bakers. ⁹ The assise set to them, &c. ¹⁰ Against. ¹¹ The Original Scottish copy printed by the *Bannatync Club*, quarto, 1830, p. 81. ¹² Jedburgh. ¹³ Executed.

trubillis cum in lyning claythis,¹ with nakitt fordis in thair handis, and wyddyis² about thair neckis,³ and pat thame in the Kingis will; quha wes fend to divers Castellis in Ward, with findrie utheris of that cuntry men, also, Quhair throuhout, the Bourdouris wes in greiter quietnes thairefter. THE KING thairfra passit to Perth, quhair Justice-Airis wes haldin the rest of that winter.⁴—*Sir James Balfour* contents himself with remarking, generally, that ‘THE KING this zeire, 1511, applays himselfe quholly to the suppreffing of Rebels, and the administratioune of justice one robbers, outlawes, and such lyke.’⁵]

Lady Buccleuch americiated.

Nov. 19.—BELDE⁵ ROBIN SCOT.—The Lady of Bukeleuche⁶ called as lawful surety of *Belde Robin Scot*, as she received him in Indenture from the Coroner;⁷ and not compearing, was americiated the fourth day of the Aire. The said Robert denounced at the horn, and his goods escheated.

Slaughter.

WILLIAM KER in Quhitmere, and James his brother.—Andrew Ker, son of Ralph Ker of Primfydloch, often called to enter the said William to underly the law for art and part of the Slaughter of John Broune, under the pain of 100 merks; and not compearing, was americiated in the said sum: And failing the goods of the said Andrew, that the said Ralph shall be distrained, becaufe he bound himself to make his son sufficient for the said americiament.—The said William denounced at the horn, and his goods escheated to the King.

Slaughter of Sir William Colvile of Uchiltree, knight.

Nov. 20, (*die Mercurij, quarto die Itineris.*)—GEORGE HALIBURTON, Mark Ker of Dolphinstoun often called to enter the said George to underly the law, for art and part of the Slaughter of (Sir) William Colvile of Uchiltre (kn^t), and Richard Ruthirfurde, under the pain of 100 merks; and not compearing, was americiated in the said sum. The said George denounced at the horn, and his goods escheated to the King.

Slaughter of the Laird of Falahill.

Nov. 22, (*die Veneris, quinta die Itineris.*)—ANDREW KER of Gate-

¹ Linen clothes. ² Halters; literally *wythies*, which were sometimes employed for hanging the Border Thieves, at an early period.

³ The following interesting illustration of this humiliating practice is perhaps the most extraordinary which can now be cited: 26th Oct. 1629, ‘ROBERT ABRACHE, and MARGREGOUR, and grait lymer, quha haid bene auis or twyfe forgewin and remittit be HIS MAJESTIE for his Oppressioun, wpon loupe of amendment, zit he continewit still in his knawrie: And efter thair wes mekill searching maid for him in THE HIELANDIS, and all his freindis chargit to apprehend, come in to PERTH this day, being Twysday, and preaching day efter sermone, and fell down on his kneis, and ane tow (*rope*) about his neck, and offerit his suorde be the point to THE CHANCELLAR OF SCOTLAND, quha refusit to accept of it, and commandit the Bailleis to ward him: Lykeas they instantlie wardit him, and patt baith his feitt on the gade, quhair he remanit.’—*Mercer and Fleming’s MS. Chronicle*, Adv. Library.

⁴ *Annales*, l. 234.

⁵ Bald-headed.

⁶ Elizabeth, daughter of Walter Ker of Cefsford, and relict of Philip Rutherford, younger, of that ilk.

⁷ There is no indication of his crime.

felaw.—James Ker of Quhitrig, and Lancelot Ker, fone of Andrew Ker, often called, as fureties, to enter the faid Andrew, to underly thè law, for art and part of the Slaughter of John Murray of Falohill, under the pain of 100 merks, &c. as above.

Slaughter of the Laird of Falahill.

THOMAS SCOT, brother of Philip Scot of Aidschaw.—William Scot in Hawik, George Scot in Goldelandis, and David Scot in Quhithauche, often called to enter the faid Thomas to underly the law, for art and part of the Slaughter of John Murray of Faulohill, under the pain of 100 merks; and not compearing, they were americiated in the faid fumm. And failing the goods of the faid fureties, if infufficient for the amount of the faid americiament, that the goods of William Scot in Fynwik, and John Scot of Hanyng, fhall be diftrained, becaufe they obliged themfelves to make the forefaid fureties fufficient.—Thomas Scot was denounced at the horn, and all his moveable goods efcheated to the King.

Burning of Branxholm and Ancrum — Intercommuning with English Traitors, the Armstrangis, &c.

Nov. 24, (*die Saboti, sexta dies Itineris.*)—JOHN DALGLESE produced a Signature of Remiffion for art and part of the Theft of xvj cows and oxen from John Scot: *Item*, for the traitorous Intercommuning with Symon Turnbull and his accomplices, Englifhmen, in treasonable manner: *Item*, for Refetting of William Dalglefe, common Theif, in his Thefts; and fpecially during the time of the Theft of eighty fhcep from Thomas Murray: *Item*, for treasonable inbringing of *Black John Rouclefche*¹ and his accomplices, traitors of Leven, to THE BURNING OF BRANXHAM; and ‘Herefchip’ of horfes, oxen, grain, and other goods, extending to ‘vj^c markis:’ And for the treasonable Intercommuning with the faid Traitors, in their treasonable deeds: *Item*, for Intercommuning with ‘*the Armftrangis*’ at the time of THE BURNING OF ANCRUM, and at other times: *Item*, for Theft and concealing xx oxen and cows from John Scot, furth of Northhous: *Item*, for Refetting the faid Rebels, at the time of the Theft of four horfes from Philip Faulo and his neighbours, furth of Quhitchefter-holme: *Item*, for Refetting *William Dalgles* and *Symon Dalgles*, Thieves and Traitors of Levin, in their Thefts and treasonable deeds: *Item*, for common Treafon, common Theft, and common Refet of Theft, before the date of his Remiffion.—And becaufe he could not find fureties to fatisfy the parties, judgment was given that he fhould be WARDED by the Sheriff forty days—and if he could not find fureties in the mean time, that he fhould be HANGED.

¹ Roughcliffe, or Rowcleff?

Intercommuning with a Rebel.

ROBERT DALGLES, in Howdane, produced a Remission for Refetting, supplying, and Intercommuning with *John Davidfone*.

Resetting Thieves and Rebels.

THOMAS DALGLES, in Braidhauche, produced a Signature of Remission for art and part of the theftuous Refetting of *Symon Dalgles* and his accomplices, the time of the Theft of five horses from David Hoppringle of Tynnes, price of one of them xx merks, and of the rest of them xl merks: *Item*, for the theftuous Refetting of *Walter Dalgles* and his accomplices, the time of the Theft of xvj oxen from the said David, furth of Bochill.¹—Judgment was given that he should be WARDED as above—and if he could not find surety in the mean time, that he should be HANGED.

'Hereschip' of the Laird of Cruikstoun, &c.

THOMAS and WILLIAM DALGLESE, in Braidhauche, produced a Signature of Remission for art and part of the Stouthreif and 'Hereschip' done upon the Laird of Cruikstoun and his tenants, and Stouthreif from them of lxxj oxen and cows, xiiij horses, and heifers, and household goods, to the value of 'xl markis.'—Judgment given as above.

Horse and Cattle Stealing — Stouthreif — 'Hereschip.'

ROBERT HAW (HALL?) in Hevesyde² produced a Respite for art and part of the Theft of four horses and heifers, and household goods to the value of fifty 'markis,' from William Jackfoun, furth of Ruthirfurde: *Item*, for art and part of the Theft and concealment of a horse, value xx l. from Adam Edgar, furth of Bassindene: *Item*, of a saddle, 'le bridill, cadurce,³ a pare of splentis, a fuerde, a bukler,' price ten 'markis': *Item*, 'vnus subuncule,⁴ vnus toge,⁵ lodicum lintheamimum,⁶ and other household goods to the value of ten merks, from the said Adam, furth of his house, at the same time: *Item*, for the Theft and concealment of two oxen from Thomas Johnesoun and Dongall Wilfoune: *Item*, of the Theft of a cow and eleven 'hoggis'⁷ from the Laird of Boyne-Jedworthe and Sir Henry Vallas, &c. &c.:⁸ *Item*, of the Stouthreif of five horses and heifers, gold and silver, and household goods to the value of iij^c merks, from William Jackfoun, &c. &c.: *Item*, of art and part of the 'Hereschip' of a horse, household goods, and a 'bag-pipe,' price 20 merks, from George Weyr: *Item*,

¹ Bowhill?² Heavyside.³ It is doubtful what this word is intended to mean. It primarily signifies a coverlet, and is supposed to apply to a sort of shield or target.⁴ A woman's kirtle.⁵ Gown.⁶ Linen sheets.⁷ Sheep of a year old, before shearing their first fleece.⁸ What follows is of no interest.

SELKIRK.

of Refetting, fupplying, and intercommuning with the King's Rebels, being at the horn, &c. &c. : *Item*, of theftuouſly breaking the houſe of William Rutherfurde, in Nether Chetto.—And becauſe he could not find ſureties to ſatisfy parties, SENTENCE was pronounced, that he ſhould be WARED by the Sheriff for forty days—and if, in the mean time, he did not find ſureties, that he ſhould be HANGED.

Deforcing a Meſſenger — Oppreſſion, &c.

Dec. 6, (*die Iovis, xiiij die Itineris.*)—ALISONE CUTHBERT, in Ednem, James Tynkler, and fifty-five others reſiding there, CONVICTED of Deforcement and diſobedienc, done to John Couper¹ Meſſenger at Arms, Sheriff in that part, coming to the lands of Ednem with the King's Letters, for pointing James Edmonſtoun of Ednem, for a certain ſum of money due to Jonet Edneſtoun : And when the ſaid ſheriff in that part had diſtrained ſheep and oxen for the ſaid ſum, the foreſaid perſons came in warlike manner, to the number of two hundred perſons, and deforced the ſaid ſheriff : *Item*, for Oppreſſion done to the ſaid Jonet, and Adam Home her ſpouſe, in hindering them from labouring and manuring her lands of Ednem, and thereby breaking the King's Letters of Protection.—SENTENCE. That the foreſaid perſons ſhall be put in ſure priſons for the ſpace of a year and a day—and their lives to be at the King's will ; and all their moveable goods to be eſcheated to the King.

Treafon — Art and part with the Duke of Albany.

Dec. 9, (*die Saboti, vltima² die Itineris.*)—JOHN MURRAY, alias *Blak Johnne*, permitted to compound for art and part with Alexander Duke of Albany, in his treafonable deeds.—David Hoppringill and Mr John Murray became ſureties to ſatisfy the parties.³

CURIA *Itineris Juſticiarie de SELKIRK, tenta die Lune, ix Decembris, 1510, coram ANDREA DOMINO GRAY, Juſticiario, &c.*

Destroying the Woods in Ettrick-Foreſt.

Dec. 11, (*die Mercurij, tertia die Itineris.*)—WALTER SCOT of Howpaſſot, the LAIRD OF CRANSTOUNE, and thirty-four others, CONVICTED of deſtroying the Woods of Ettrick-Foreſt. Each of them fined ' iij li.'

A great many ſimilar Cafes occur for deſtroying the Woods in ETTRICK FOREST, and on the Water of BORTHWICK, at this time ; for which offence many of the leading proprietors were convicted, ſuch as the Hoppringills of Smalham, Tynnes and Torwoodlee, Ker of zare, John Murray (the Sheriff), &c.

¹ See Oct. 17, 1510.
(L.1527.)

² Viz. xvi.

³ ' *Summa totalis hujus Extractus, I^m.V^c.xxvij li.'*

The Aire terminated on Dec. xiv, *die Saboti*, being the sixth day of the Aire, but there are no entries of any importance.¹

CURIA *Itineris Justiciarie de PEBLIS, tenta die Saboti, xiiij Decembris, 1510, coram ALEXANDRO GUTHRIE de eodem, milite, Justiciario deputato Andree domini Gray, &c.*

Slaughter of a Common Thief.

Dec. 18, (*die Jovis, v die Itineris.*)—GEORGE TUEDY delated of art and part of the Slaughter of William Young; and being accused thereof, the foresaid Justice depute, with the counsel and advice of the Lords then fitting as Assessors to him, because it clearly appeared that the said William had been and was a common Thief, as was proved by sundry of the King's Letters, under his signet and subscription-manual, for taking the said William, &c., and that he had been slain in the commission of Theft and crimes: Therefore, the said George was acquitted of the crime of the foresaid Slaughter; and command was given to the Justice Clerk, that the said George should never, thereafter, be taken or indicted for the same.²

CURIA *Itineris Justiciarie de EDINBURGHE, coram ANDREA DOMINO GRAY, Justiciario, inchoat. die Saboti, viij Februarij, 1510-(11.)*

Slaughter.

Feb. 11, (*die Mercurij, iv die Itineris.*)—GILBERT CAMEROUN produced a Signature (of Remission) for art and part of the Slaughter of John Flemyn of Torbeddo: *Item*, of the Stouthreif of a sword, a 'bukler, a bonet,' and a French crown from him, at the same time.—John Murhede, in Batheat, and Thomas Douglas, in the said parish, became sureties to satisfy the parties.

Perjury — Wilful Error on Assise.

Feb. 12, (*die Jovis.*)—ALEXANDER BERTOUNE, Robert Lumly, and xv others, Assisors, CONVICTED by a Great Assise (Grand Jury) of Wilful Error and rash swearing, finding John Laufoun, George Corntoun, Florence Corntoun, Edmund Cokburne, and Andrew Atkin, quit and free of the disturbance³ done to John M^cferland;⁴ and finding the said John M^cferland to be convicted and

¹ The 'summa totalis' is not inserted. (L.156, 16s. 8d.)

² 'SUMMA totalis, Extractus, Flvj li. xvj f. viij d.'

³ 'Quittos et immunes de *perturbacione* facta.' These words are usually rendered 'disturbance' in the old Records. The crime was probably mutual Assault, arising out of Feud between the Laird and the townsmen of Dumbarton.

⁴ Probably Sir John Macfarlan of that Ilk, or of Arrochar, who, according to Douglas's Baronage, was killed at the Battle of Flodden, and, as is understood, was knighted on the eve of the battle.

guilty of disturbance done to the said John Laufoune and his accomplices, as is fully contained in the Roll of the Constabulary Court; by favor and partial means.—SENTENCE. That all their moveables, as well cattle as other goods, shall be *escheated* to the King: And that they shall be *imprisoned* for year and day, and farther, at the King's Will: And that they shall be perpetually INFAMOUS and PERJURED.

Oppressing the Laird of Niddry Marischal—Battery pendente lite.

Feb. 19, (*die Jovis, xj die Itineris.*)—SYMON PRESTOUNE of that Ilk, and John Littill, his man, came in the King's Will for art and part of the Oppression and forethought felony done to Archibald Wauchope of Nudry-Marschell and his men, making Convocation on Aug. 5, 1495, with warlike arms, to the number of sixty persons, and hindering him from coming to his own Place (of Niddry) from the Kirk of Penneuk; before judgement was pronounced between the said parties by the Lords of Council.—The Laird of Prestoun became surety to the King and party, for himself and the said John. (Fined x l. and v l.)

Oppressing the Laird of Bass, &c.

Feb. 25, (*die Mercurij, xv die Itineris.*¹)—THOMAS DICSOUNE, at the Monastery of Hethingtoun,² Luke Hepburne, and William Bracanrig, there, came in the King's will, for art and part of the Oppression done to Robert Lauder of Bassle, coming under silence of night to the lands of Qubitecastell, and casting down the House built there by the said Robert.—The said Thomas, &c., and Patrick Hepburne of Beynstone, became sureties to satisfy the King and party. (Amerciated xv merks.³)

CURIA *Itineris Jusficiarie, inchoata die Lune, xx die mensis Octobris, 1511, coram ANDREA DOMINO GRAY, Jusficioario, &c.*

Treasonably taking the Castle of Lochdown, &c.

Oct. 30, (*die Mercurij, viij die Itineris.*)—WILLIAM CRAUFURDE, son of William Craufurde of Lefnorys, admitted to compound for art and part of the treasonable taking of the King's Castle of Lochdown from Sir David Kennedy, kn^t, (Captain thereof,) and 'Herefchip' and Oppression done to the said David, in 'Herefchip' of the said Castle: And for Refetting, supplying, and

¹ This Aire lasted nineteen days, and terminated on Monday, Mar. 3. 'SUMMA totalis hujus extractus, vij xxxvij li. iij s. iij d.' (L.738, 3s. 4d.) ² Haddington. ³ In this and all other similar instances where the amerciamento is marked, it is a fine to the King. The composition with the party was a matter of private settlement or reference.

Intercommuning with the King's Rebels, being at the horn, viz. David Craufurde (of Kerfe,) John Schaw (of Keris,) and the 'Crechtounis.'—The Laird of Gaitgirth became surety to satisfy the parties.

Treasonably taking the Castle of Lochdown.

ALAN CARTHCART of Clowlynan, John Craufurde of Drongane, and five others,¹ were admitted to compound for the treasonable taking of the Castle of Lochdowne, as above.—Alexander Kennydy, young Laird of Bargany, surety, &c.²

Cruel Oppression — Stouthreif, &c.

Nov. 4, (*xj die Itineris.*)—HEW EARL OF EGLINTOUNE, Thomas Montgomery in Kilbride, John Montfoide, younger of that ilk, and seven others, admitted to compound for art and part of Convocation of the lieges, and for art and part of the forethought felony and Oppression done to John Scot, burges of Irvin; and of Stouthreif of pots and 'pannis, plattis, and pewdir weschell,'³ from the said John, furth of his house, extending to xx l.: *Item*, for the forethought felony and Oppression done to the said John and his wife, coming to his house, and cruelly striking his wife with 'bauche straikis,' at the time of the Stouthreif of the said goods: *Item*, for forethought felony and Oppression done to the said John, taking him into the Tolbooth of Irvin, and conducting him to the lodging of the said Laird (of Montfoide?), and detaining him there for the space of six hours against his will; and then conducting him to the said Tolbooth as a Thief, and putting the said John in the 'stokkis,' and incarcerating him therein: And for the Oppression done to the said John's wife, at the said Tolbooth, tearing her hair, cruelly striking her, and pulling out her hair in great quantities.—The said Earl and the Laird of Montfoide became sureties, conjunctly and severally, renouncing the benefit of division, to satisfy the parties.⁴

CURIA *Itineris Jusficiarie de WIGTOUNE, inchoata die Saboti, vij Novembris, 1511, coram ANDREA DOMINO GRAY, Jusficiario, &c.*

The Coroner of Wigton to produce Deforciers in Court, &c.

Nov. 14.—'þe JUSTICE commandit Archebald M'Cullocht, Cronuar, to bring in judgement to morne⁵ *Henry Neleson, Johne Tait, William Neleson*, till vnderly þe law for þe Deforcing of our souerane lordis Officiar,⁶ vnder þe pane of punishing of him with siclike punitioun as thai said be pvnift.'

¹ Persons of no note. ² Several other Cases occur at this Aire for the same crime; but the parties were of no consequence. ³ Pewter vessels. ⁴ The Aire terminated Nov. 6, *xij^o die Itineris.* ⁵ SUMMA totalis Extractus, vij^oxxvj li. vj s. vij d.' (L.S26, 6s. 8d.) ⁶ To bring into Court to-morrow. ⁶ Messenger at arms.

Slaughter.

Nov. 18, (*die Mercurij, nona die Itineris.*)—NEVIN M^cKELLO and Patrick M^ckinerofche. ‘MED. pat þe Scheref-deput, Mungo Murray, at þe command of þe Justice, relaxt Nevin M^ckello and Patrik M^ckinerofche fra þe proces of þe horne, and gaif þaim þe wand of pece,¹ for þe Slauchtir of Alifoun M^cgillhaffis dochtir.’²

CURIA *Itineris Justiciarie de Kirkcudbricht, inchoata die Veneris, xxj Nov. 1511, coram ANDREA DOMINO GRAY, Justiciario.*

Theft from the Abbot of Dundrennan.

Nov. 23, (*die Saboti, ij die Itineris.*)—JOHN STORY, in Dundranane, admitted to compound for art and part of the Theft of 300 merks and a gold chain from the Abbot of Dundranene: *Item*, for art and part with Eduard Story, common Thief, in his Thefts; and specially, the time of the Theft of a box from the said Abbot: *Item*, for treasonably going out of the kingdom, and remaining in England: *Item*, for common Theft and common Reset of Theft.—The Laird of Bomby became surety to satisfy the parties.

Oppression — Striking a Sheriff or Messenger, &c.

Nov. 27, (*die Jovis, v die Itineris.*)—MASTER WILLIAM LEVINAX of Caly produced a Signature of Remission for being art and part of the forethought felony and Oppression done by him to Roger Gordoun of Garlarg, the King's Sheriff in that part, having the King's Letters in his hands to summon the said Mr William, at the instance of John Gordoun of Lochinvar, striking the said Sheriff in that part with a staff, and drawing his ‘quintzeare’ upon him: *And* of art and part the contempt and treason thereby done to our sovereign lord the King: *And* of theftuously destroying the Woods belonging to the Laird of Lochinvar.—The said Mr William, and William, his son and heir apparent, became sureties to satisfy the parties.³

‘Raid of Drumfresc, at Lammes-ebyn’ — Slaughter.

Nov. 29.—THE quhilk day, JOHNNE LORDE MAXWELL oblist him, þat betuix þis and Candilmes nixt to cum, þat he sal plese my lorde Secreter and his clerk for þair feis of þe Selis and writingis undir þe Signet, of all þe personis being at þe Raid of Drumfresc at Lammes-ebyn, and Slauchtir committit at þat tyme; betuix þis and Candilmes nixt to cum, &c. And þis to be extendit in þe

See Notice to Oct. 11, 1531, and Jul. 23, 1566, *Note*. ² ‘SUMMA totalis hujus Extractus, vij^lix li.’ (L.759.) ³ This Aire terminated Dec. 3, *x die Itineris*. ‘SUMMA totalis Extractus, vij^llxiiiij li. xij f. iij d.’ (L.764, 13s. 4d.)

best forme, decret, and þat lettres be direct pairupoun. Domini Abirdene, Ca.,¹ Ergile, Errole, M. James Henryfoun, Scot de Balwery.

=====

CURIA *Itineris Justiciarie de Edinburghe, inchoata die Martis, xxvij Aprilis, 1512, Coram ALEXANDRO LAUDER de Blythe, milite, Preposito de Edinburghe, deputato ANDREE DOMINI GRAY, Justiciarii.*

Forgery — Making false Money.

JOHN SYMONTOUN of that Ilk.—Robert Menzeis of that Ilk, John Tuedy of Drummelzar, James Lokart of Le,² and Richard Broune of Cultermanis, were often called to enter the said John, to underly the law for art and part of treasonably ffabricating and making False money within the kingdom; as they became sureties, conjunctly and severally, under the pain of 1000 merks, renouncing the benefit of division: And not compearing, they were amerced in the said sum.

WILLIAM INGLIS of Langlandhill.—Robert Menzes of that Ilk often called as surety to enter the said William, to underly the law, for art and part of treasonably making the said false money, under the pain of 100 l.: And not compearing, he was amerced in the said sum.

[*Andreas Dominus Gray, Justiciarius.*]

(Jul. 23.)—The Lairds of Symontoun and Langlandhill were Respited for three months, from Jun. viij, for the above crime.

REN,

WE grant and gevis full Licens and fredome, be þir our lettres, to JOHNE SYMONTOUN OF THAT ILK and WILLIAM INGLIS OF LANGLANDHILL, now beand wndir accufatioun of crime of Treafone for ffalfe Money, to analy,³ fell, and wodset⁴ þair landis, heretage, and gudis, in all or in part, to qubatfumeuer personis, as thay fall think expedient, to furnis expense for puttin of þair airis⁵ in þair landis and heretage, and outredding of toumis aucht⁶ to ws be þair airis for compositioun, and doing of þair wthir neidfull erandis; and to pafs at large quhare þai pleife within our realme, without ony arrest or accufatioun for þe said crime, for þe space of Thre monethis; to mak penny of þair landis and gudis, as said is. AND alse, we gif licens to all our liegis to by⁷ or tak in wadset fra þe saidis John and William, or athir of þame, þair landis or gudis; and will and grantis þat þe alienatioun and felling þairof falbe na cause of recognitioun nor forsaltour of þair landis, nor dangir nor tkayth nawyis to þe byaris nor fellaris, nochtwithstanding þat þai stand now wndir accufatioun of þe said crime of Treafone. AND alse, gif þe said Johne and Williame pleis to put þair fonnis and apperand airis in fee of þair landis, We fall refflaue resignatiounis þairof, in favour of þair airis, or gif⁸ Confirmationis apoun þair awin Charteris, safar⁹ as is halding of Ws, in þe sickrest¹⁰ forme þat can be devisit. ATTOUR,¹¹ We, of our special favouris and grace, Remittis and Dischargeis, for ws and our succelbouris, in favor of þe saidis airis, all proces of fforsaltour and of our horne, quhilk, be rigour of law, nicht be led apone

¹ Cancellarius, viz. Alexander Stewart, Archbishop of Saint Andrews, natural son of King James IV by Margaret Boyd. He was slain at Flodden. ² Lee, in Lanarkshire. ³ Annailzie. ⁴ Wadset. ⁵ Heirs.
⁶ Owing. ⁷ Purchase; buy. ⁸ Give. ⁹ So far. ¹⁰ Surest; securest. ¹¹ Moreover.

EDINBURGHE.

þe saidis Johne and William for þe faide crime of Trefone, sa þat eftir þair decefe þair airis may succed to þaim in þair landis, heretege, and gudis, and entir þairto be coursfable brevis of our Chapell,¹ sielik and alsf lauchfully as and² þai had nocht committit þe said crime, nor had nocht bene wndir accufationn þairof. AND alsf, We grant and gevis, and for ws and our successoris renuncis, quhitclamis, and difchargeis to þe airis of the saidis Johne and William, and þair assignais, all our escheit þat we or our successoris mycht have of þair said landis and gudis for þe said crime of Trefone, gif³ þe processf þairof war led apoune þame; and all rycht, interes, titill, and clame of rycht, petitour, and possessor þat We or our successoris hes, or ony wyfe mycht have, þairto. þat is to say, to þe said Johnis airis and þair assignais, þe escheit of his landis and gudis; and to þe faide Williamis airis and þair assignais, þe escheit of his landis and gudis; becaus þe saidis airis maid compositioun with our Thezaurar for þe faunyn, and pait⁴ founis of mony þairfor to him in our name. GEVIN wndir our Preivé Seill, at Edinburghe, þe viij day of Junij, þe 3eir of God I^m.V^c.and xij 3eris, and of our regne þe xxxiiij 3ere.

Feud between the Maxwells and the Creichtons — Slaughter of the Laird of Kirkpatrick, while at the Worn, &c.

[THERE seems to be no doubt that the deadly Feud and Slaughter, which form the subject of the following solemn proceedings, arose out of the Battle between the MAXWELLS and CREICHTOUNS on the Sands of Dumfries, in the month of July, 1508. These families were indisputably the most powerful Barons of Nithsdale, and had long been at enmity with each other. The vigorous measures adopted by KING JAMES IV had for a considerable time restrained them from proceeding to personal hostilities, but at length they suddenly broke out into open violence, having apparently challenged each other to the field, to decide their quarrel by force of arms. *Bishop Lesley* gives a short but striking account of this affair, which it is thought proper to quote here.—‘Thair wes a gret gadding the xxx day of Julij, betuix the LORD MAXWELL and the LORD CREYCHTOUN OF SANCHAR, quhair the Lord Creychtoun⁵ was chaiffit with his company fra Drumfreis, and the Laird of Dolyell and the young (Laird) of Crauchlay flane, with divers utheris, quhairof thair appered greit deidly feid and bludithed; bot THE KING tuk sic ordour, partlie be justice and partely be aggrement, that the hole cause was suddanlye quyeted and stanchid.’⁶

Robert, *third* Lord Maxwell, fell at the fatal Field of Flodden. On the other hand, his antagonist, Robert, *second* Lord Crichton of Sanquhar, ancestor to the Earls of Dumfries, survived many years. His son, William, the *third* Lord Crichton of Sanquhar, was stabbed to death in the house of the Governor of Scotland, the Duke of Chatelherault, by the Lord Sempill; and his great grandson, Robert, the sixth Lord, was executed at Great Palace Yard, Westminster, Jun. 29, 1612, for being accessory to the far-famed Murder of John Turner, a Fencing-master, who had thrust out one of his eyes, while they were practising together, with his foil.⁷

SIR WILLIAM DOUGLAS of Drumlangrig, one of the parties more immediately concerned in the present case, was likewise a very powerful Baron, being an ancestor of the noble house of Queensberry. He married Elizabeth, daughter of Sir John Gordon of Lochinvar, and fell at Flodden, Sep. 9, 1513.

So great a sensation did this case make, that it was evidently the immediate cause of the subsequent ‘Act anent the Resflet of Rebellis,’ &c., to which the reader is particularly referred.]

¹ Brieves from Chancery. ² An; if. ³ If. ⁴ Paid. ⁵ *Sir James Balfour* merely says, ‘the LORD SANQHARE was ouerthrowen, and many of his frindis killed.’ *Annales*, 1. 231. ⁶ *Lesley’s History*, BANNATYNE CLUB’S Edit. Quarto, 1830, p. 78. ⁷ It is asserted that his lordship bore his misfortune patiently, until, happening to be at the court of Henry the Great of France, the King enquired ‘How he had lost his eye?’ ‘By the thrust of a sword,’ replied his lordship.—‘Does the man yet live?’ rejoined the King. From that hour he is reported to have determined on putting Turner to death—who not being his equal, he resorted to the horrible expedient of assassination, which was effected by a fellow of the name of *Robert Carlyle*, who, with the assistance of an accomplice, pistolled the unfortunate fencing-master.—See *State Trials and Peerages*, &c.

APUD *Edinburghe, xxiiij Septembris, anno Domini M. Vc. xij^o.* SEDERUNT *Domini subscripti,*
(*REGE presente,*)

ARCHIBALD, ERLE OF ANGUSE,	ANDRO, LORD GRAY,	ANDRO, LORD AVANDALE, *
ALEXANDER, ERLE OF HUNTLE,	WILLIAM, LORD BORTHUIK,	ROBERT LAUDER of ye Bass, kn ^t . *
ARCHIBALDE, ERLE OF ERGILE,	GEORGE, MASTER OF ANGUS, *	WILLIAM SCOT of Baluery, kn ^t .
MATHO, ERLE OF LENNOX,	JOHNE, LORDE DROMONDE, *	JOHN CULQUHOUN of Luse, kn ^t . *
WILLIAME, ERLE OF ERROLE,	ROBERT, LORD ERSKINE,	JOHNE SOMERWELL of Camnethane, knycht, *
WILLIAME, ERLE OF MARSCHELL,	HENRY, LORD SINCLERE,	ADAM HEPBURNE of ye Craggis, knycht, *
JOHNE, ERLE OF CRAWFURDE,	GEORGE, LORDE SETOUN,	WILLIAM KEITH of Inberrugy, kn ^t .
WILLIAM, ERLE OF MONTROS,	JOHNE, LORD HAY OF ZESTIR,	ROBERT DOUGLAS of Lochlevin, kn ^t .
CUTBERT, ERLE OF GLENCARNE,	ALEXANDER, LORDE ELPHINSTOUN,	
JOHNE, ERLE OF ATHOLE,	ANDRO, LORD HERES,	

ANENT the Supplicationne gevin in to þe KINGIS hienes be WILLIAM DOUGLAS OF DRUMLANRIG, desiring þat þe actioun of cryme imput to him and utheris his men and frendis, for þe Slauchtir of umquhill ROBERT CRECHTOUNE OF KIRKPATRICK, fuld be put to þe delinerance of þe Lordis of Counsale; quhether, gif þe saide actionne fuld be put til ane Assise, confidering, þat þe said umquille Robert was at our soverane lordis horne, and his Rebell þe tyme of his slauchter? Like as, at maire lenthe, is contenit in þe said supplicatioune. AND in likewise, anent þe Complaut gevin in be ROBERT LORD CRECHTOUN OF 3E SANQUHAR,¹ and þe kyn and frendis of þe said umquhill Robert, desyrand, þat þe said actioun of cryme of þe said Slauchtir fuld be put to þe knaulege of ane Assise, and na fensment² nor deliverance to be maide be þe Lordis of Counsale þairvpoune. THE LORDIS OF COUNSALE forsaide, in presence of þe KINGIS hienes, þe refonis and allegations of bathe þe said partijs, sene, herde, and undirstande Decretis and Deliveris, þat þe criminale actioun of þe saides Slauchtir, contenit in our soverane lordis Lettres and Complante, fuld be put to þe knowlege of ane Assise, befor þe KINGIS grace, or his Justice, criminalie: AND als, deliveris, þat our Soverane lorde may inquire and spere³ at his Counsale, quhere it plesis his hienes, and cause be discussit be his Counsale, quhethir gif þe said umquhill Robert Crechtoune was at his horne or nocht, the Lettres of Respett for aucht dais, grantit be our soverane lorde to þe saide umquhill Robert, and þe Relaxationne of him fra þe horne, induring þat tym; and als, þe Lettres of þe denouncing of þe said umquhill Robert, gevin of new be þe KINGIS grace þaireftir, to denunce him of new þe KINGIS Rebell, þe said viij dais being past, and nthir aucht dais þaireftir following; at lenthe sene, herde, and confiderit, þe LORDIS foirsaide, Findis and Deliveris, þat þe saide umquhill Robert was þe KINGIS REBELL, and at his horne, þe time of his Slauchtir.

The forsaid Lord Crechtoune, and þe Larde Drumlanrige, ar baithe content, þat þe LORDIS OF COUNSALE forsaide be poum þis Assise.

¹ The reader is referred to the Appendix for numerous illustrations of this and many other Trials, which occur in the course of the present Collection. ² Verdict. ³ Ask.

EDINBURGHE.

[CORAM *f. d. n.* REGE *et* *Andrea domino Gray, ejus Jusficiario.*]

Sep. 27, (*die Lune.*)—The Court of Jusficiary, in the Case between ROBERT LORD CRECHTOUN and his men, on the one part, and WILLIAM DOUGLAS OF DRUMLANRIG and his accomplices on the other part, was continued till tomorrow, without prejudice of parties.

[*Alexander Lauder, Jusficiarius deputatus.*]

Sep. 28, (*die Martis.*)—Continued to Thursday next, and it was publicly proclaimed, that none of the Assise of the Lords elected thereon shall retire from the town, until the said day, and deliverance (of their Verdict.)

Sep. 30.—THE LORDS declared as follows, having been first sworn upon the Assise, in the present cause, and thereafter elected by the King to give counsel to him as afore said.

MAGNA ASSISA.

ARCHIBALDE, ERLE OF ANGUS, &c. (*viz.* the others above named, excepting those marked thus †, they being twenty-one in all.)

VERDICT of the Assise, and Judgment following thereon.

ANENT þe accusatiounne maide apoun WILLIAM DOUGLAS OF DRUMLANRIG, JOHNE FERGUSSOUNE of *Cragdaroch*, THOMAS FERGUSSON his sone, and þair complices, ffor art and part of þe Slauchtir and Murthure of unq^{ll} Robert Crechtoun of Kirkpatrik, and cryme of Tressone and Lese-maiesté, allegit apoun þe said William, Johne and Thomas, and þair complices; þe LORDIS forsaide, Findis and Deliveris, and consalis þe KINGIS hienes, þat þe said allegit crimes be na Dittay: And þat Lettres be writtin of Discharge; and Inhibitoun be gevin and direct to Justice and Justice Clerk, be our souerane Lorde, and till all utheris officiaris, þat name of þame tak in Dittay, attache, arrest, or accuse þe said WILLIAM DOUGLAS, or his complices forsaide, for þe saide actionn, and na crime be imput to þame þairapoun, because it was funde obefore be þe saide Lordis, þat þe said unq^{ll} Robert, þe tyme quhen he was flane, was oure souerane lordis REBELL, and at his horne, and for uthir resonable cause, moving þe saide Lordis; except FERGY FERGUSSOUN and ROBIN FERGUSSOUN, to quham þis declaratioun and consall fall nocht extende, and þaim to be punist, as is contenit in þe decret and deliverance, be certane of þe said Lordis þairapounne.

SEDERUNT, *ultimo die Septembris, anno domini 1^m. J^c. xij.*

James Archebischope of Glasgw,	Alexander Lauder of Blyth, (kny ^t .)	Maister Patrik Panthere, Secreiar
Andro Bischope of Murray,	Provest of Edinburghe,	till our souerane Lorde,
David Bischope of Galloway,	Maister Gavane Dumbar, Archi-	Maister Robert Formane, Dene of
Andro Bischope of Carnes,	dene of Sanct Androis,	Glasgw,
George Bischope of þe Ilis,	Maister Gavane Douglas, Provest	Maister James Henrifoun, Justice
Archibald Earl of Angus, &c. ¹	of Sanct Gelis Kirk of Ed ^r .	Clerk.
John Priour of Sanct Androis,		

¹ The remainder of the Great Assise last mentioned follows, excepting William Keyth of Inverrugy.

**Act anent ' the Resset of Rebellis, and Personis being at our
soverane lordis horne.'**

THE Lordis, Prelatis, (and) Baronis abone written, with avise of þe KINGIS hienes, hes Statut and Ordanit, þat becaufe of þe RESSET OF REBELLIS, and personis being at our souerane Lordis HORNE, is gretlie vsit within this reahne, in contrare his Lawis and diverse Statutis maid be his hienes and his progenitouris; and be þe said Lawis and Statutis, nocht alanerly¹ þe said Rebellis and personis, being at þe horne, fuld be punist and justifijt² to þe deid, bot als well þe ressettaris, supplearis, and manteinaris of þam. AND it is thocht rycht odious and hevvy to oure souerane lorde and his Lordis foirfaidis, þat ony resset, supple, favour, intercommonyn or assistence fuld be gevin to the saidis Rebellis; and quha þat ressettis, supplis, or intercommonis with þam to be punist to þe rigoure, according to þe Lawes and Statutis made obefore. AND gif ony personis happins to committ Slauchter apone þe said Rebellis and personis being at þe horne, þe tym of þe takin or apprehending of þam, salbe na punct of Dittay; bot þe slaaris of þam to be revardit and thankit þarfore. AND gif ony persone takis or apprehendis ony persone Rebell or fugitive, at þe kingis horne, and bringis þe famyn to his hienes or his Justice, þat persone, Rebell or at þe horne, till³ have na Remissionn of þe KINGIS hienes, without speciale consent of þe personis takaris of him; and to be revardit be þe KINGIS grace, be þe gevin of þe half of þe vnlaw of þe persone fugitive, or at þe horne, or his plegeis was unlawit or amerciast obefor, or be þe gevin of þe half of his eschet gudis, or ȳper pairt þairof as salbe thocht (just) be þe KINGIS hienes. AND as to þe revarding or gevin of Remissionis till indure for þe space of thre ȳeris nixt to cum, to þe quhill tyme þe KINGIS grace of his benevolence hes consentit; and þe remanent of þis Statut till indure perpetually, or quhill it be ȳperwais divisit be þe King, his Gret Counsaile, or be þe Parliament. ITEM, in likewise it is Statut and Ordanit, þat in tym to cum, anent personis REBELLIS, and being at þe horne, and beis takin and apprehendit be ony of our souerane lordis legis, and kepit xxiiij houris eftir þat he be takin, and þe takaris or apprehendaris of him haiffand him in sure keping, ȳper⁴ in Castell, his strent, or ȳper sure place; or quhar þe takaris or apprehendaris ar maisteris of pover,⁵ quharthrow þe said Rebell or fugitive at þe Kingis horne may nocht evaide and eschape, and þat be noturly⁶ knavin or vndirstand, it fall nocht be lafull to þe kepar, apprehendar, or taker of him, nor to na ȳper private persone to sla him, bot bring him to þe law to be justifit be þe lawis of þe realme. AND gif it hapnis þat ony persone, Rebell or fugitive at þe horn, be flane efter þe said twenty foure houris, he beande in firmance⁷

¹ Only. ² Executed, after legal trial. ³ To. ⁴ Either. ⁵ Force. ⁶ Notoriously, publicly known or understood. ⁷ Sure custody; imprisoned.

or fure keeping, as said is, þe flaaris of him, uþerwayis na¹ in forme of justice and ordour of law, be þe KINGIS Justice, or uþeris havande pover of his hienes or his Justice, þat þai be reput and haldin as men-flaaris,² exceptande, gif ony persons, kyn, or frendis of þe said persone being Rebell, or at þe horne, wald reif³ þe said Rebell or persone being at þe horne, quharthrou he may nocht be furely brocht to þe KINGIS hienes or his Justice; and in þat cace, he may be lefully slane but⁴ accusatioune.

[*Mathens Comes de Lennax, et Alexander Lauder de Blyth, miles, Justiciarii deputati Andree Domini Gray.*]

Attempting to free a Prisoner from Dunbar Castle.

Nov. 5.—EUGENIUS M^cGRUME, dwelling with William Lauchlanfon; and Andrew Williamsoun, dwelling with Alister Roresoun, Convicted of art and part of the treasonable making of Bond and League with *Mulmory Mulwane*, in Arroche,⁵ and one called *Duncanfoun*, and sundry others in LOCHABIR and CLANQUHATTANE, for the treasonable taking and abduction of *Ferquhard M^cyntosche* furth of the CASTLE OF DUNBAR, the said *Ferquhard* being in the said Castle, in prifon and ward; and of coming to the said Castle to the said Ferquhard, for taking and carrying the said Ferquhard furth thereof.—HANGED.

[*CURIA Justiciarie, tenta apud burgum de EDINBURGHE, die Veneris, Nov. xij, 1512, coram Georgeo Domino Setoun,⁶ deputato ANDREE DOMINI GRAY, Justiciarij ex parte Australi aque de Forthe.*]

Slaughter of the Laird of Grerstoun.

JOHN DEKESOUNE, in Grerstoune,⁷ and John, his son, convicted of art and part of the Slaughter of George Myddilmast of Grerstoune, committed on forethought and culpable felony.—BEHEADED.

ASSISA.

The Larde of Haukfehawis,	Andro Glenquhome of the Wra,	Johne Elphinstoun of Hendirifoune,
The Larde of Furde,	Rob. Crechtoune of the Quartar,	Johne Wily of Bonytoun,
John Portwife of Gernkirk,	John Haldane,	James Broune in Peblis,
George Geddes,	Gilbert Barde of Poffo,	Patrik Paterfoune,
James Bailze of Chapelgil,	Wm. Inglis of Langlandhill,	Adam Tuedy.

[*Andreas dominus Gray, Justiciarius.*]

Murder.

Nov. 23.—HUGH and ARCHIBALD POWOK, and Charles Patonfoun,

¹ Than. ² Homicides. ³ Carry him off by force. ⁴ Without. ⁵ Arrochar?

⁶ The names '*Archibald et Mathco de Ergile et Lennox*' are deleted. It is likely they had been present, but were afterwards called away to attend the Privy Council. ⁷ See May 31, 1513.

convicted of art and part of the Slaughter of David Rede, by way of Murder ; and for their being at the horn for the said Slaughter.—BEHEADED.

ASSISA.¹

The Larde of Houfloun,	The Lard of Gerwefwode,	The Larde of Dunlope,
The Larde of Kilbirny,	The Larde of Dalzell, ²	The Larde of Caldwell,
Johne Nefbet of Dalzell,	William Dunlope,	Adam Mailwin,
The Larde of Comiskeyth,	George Cokburne,	Patrik Hepburn.
Bartilmo Dalzell,	James Biffait,	

[*Willielmus Comes Errolie et Alexander Lauder*³ *Prepositus de Edinburghe, Justiciarij Deputati.*]

Slaughter of the Laird of Corsintoun.

[THE following Case is of a kind which, unhappily, was but too frequent in the district where the Slaughter took place, and, indeed, prevailed over a large portion of Scotland. The reader is referred to *The Historie of the Kennedyis*,⁴ for illustrations of a similar nature ; which curious fragment the Editor has recently published, being anxious to preserve from the risk of destruction by fire, &c. so remarkable a memorial of the History of a populous and powerful district of this country, at no very remote period.

Having enquired into the subject of the Slaughter of the *Laird of Corsintoun*, little more information can now be obtained than what is contained in the following interesting paper, which has been recovered from the valuable Register of the Privy Seal.⁵

GENERAL REMISSION to the *Lairds of Lefnorijs and Skellingtoun*, &c. for the Slaughter of the *Laird of Corsintoun*.

JAMES, be the grace of God, King of Scottis. To all and findry our Scherffis, Justice Clerkis, Crownaris, and pair deputis, and all vberis our officiaris, liegis, and fubditis quhom it efferis, (to) quhais knowlege þir our Letteris fall cum, greting. WIT 3E, þat, fforfamekle as *Andro Campbell*, ane of þe principall committaris of þe Slauchter of vmquhile PATRIK DUNBER of *Corsintoun*, committit at þe *Kirk of Cumnok*, wes takin and justifijt⁶ for þe sammyn ; and *Duncane Campbell* and *John Stille*, alfu committaris of þe said Slauchter, ar fugitiue fra our lawis, and put to our horne þairfor ; and þe remanent of þe perfonis specaly dilatit of art and part of þe said Slauchter has optenit our Remiffioun for þe sammyn : AND becaufe þe said Slauchter was committit at THE KIRK, one Sondag, þe tyme of Mefs, quhenne þe parrochinaris war gadderit, and ane grete multitude of þaim ar dilatit of art and part þairof, WE haue, of our speciale grace, REMITTIT, and be þir our Lettereꝝ frely Remittis, to WILLIAME CRAWFURD of *Lefnorijs*, ALEXANDER CAMPBELL of *Skellingtoun*, parrochinaris of þe said Kirk, and generally to all þe remanent of þe parrochinaris

¹ This is one of the few instances where the Assise consisted of fourteen or any other *even* number, which was commonly avoided, in case of an equal number of Assisers voting ; for the Chancellor had no casting vote. ² Robert (or William) Dalzell of that Ilk ? See note to Apr. 5, 1513. ³ Sir Alexander Lauder of Blyth, knight. ⁴ Quarto, Edin. 1831, with Illustrations and Notes by the Editor. ⁵ *Reg. Secr. Sig.*, Vol. VI. ⁶ Executed ; put to death after legal trial.

EDINBURGHE.

parof, and vtheris our liegis, being pair affemblit þe tyme of þe committing of þe faid Slauchter, all actionne and cryme þat may be imput to þaim, or ony of þaim, for þe faid Slauchter, art or part pairof, and all thing þat may ony wife follow pairupoun alanerly : And difchargis þaim and ilkane of þaim for ener, be þir oure Lettrez, except þe principale committaris of þe faid Slauchter, fugitif and at oure horne for þe fammyn, and þe vthir perfonis, quhilkis war in fpeciale dilatit of art and part pairof, and has optenit our Remiffionis pairupoune, as faid is. **QUIAREFORE** We charge, fratly, and commandis zow, all and findry our Justicis, Scheriffis, Justice Clerkis, Crownaris, and pair deputis, and all vtheris our officiaris, legis, and fubditis forefaidis, þat nane of zow tak apoune hand to refaiff in Dittay, arrest, accufe, follow, truble, perfew, or proceid aganis þe faid William Crawford, Alexander Campbell, or ony vtheris our liegis, except before exceptit, for þe faid Slauchter, art or part pairof, or ony thing þat may follow pairapoune in our Justice-aris, or ony vtheris wayis, or to do ony thing incontrare þis our Generale Remiffiounne be ony maner of way in tyme cummyng ; vnder all þe hieft pane, charge, and offens þat ze and ilkane of zow may committ and irin¹ aganis our Maieftie, in þat part, difcharging zow all our officiaris forfaidis, prefent and tocum, and zour deputis of zour officiaris² for ever, be þir our Lettrez of Generale Remit, quhilkis We will haue þe ftrenth and effect of our Remiffiounne, felik as and þe fammyn war gevin to þaim all fpecially nemmit þerein be our Lettrez vndir our Grete Sele, without ony impediment, reuocatiounne, or agane-calling quhatfumenir. **GEVIN** vndir our Priue Sele, at Edinburghe, þe fevin day of Januar, þe zere of God I^m.Vc.xij zeris, and of oure regne þe xxv zere. [JAMES R.]

It seems quite unnecessary to add any thing farther to this Case, the parties concerned being so well known.]

Dec. 6.—**ROBERT CAMPBELL** of Schankiftoune denounced Rebel and put to the horn, and all his goods efcheated, for not underlying the law for the Slaughter of Patrick Dunbar of Corfintoune.³—**Johne Stewart** of Torboltonne, cautioner for his entry, was americiated in 100l. ; and becaufe his goods were not diftrainable, the goods of the Sheriff of Aire to be diftrained therefor, becaufe he took the faid John as surety forefaid.

GEORGE and **JOHN CAMPBELL**, brothers of the faid Robert, alfo denounced, &c., as above ; and the Sheriff of Air's goods to be diftrained for 200 merks of americiament.—**ANDREW BOMBY** is alfo denounced, and the Laird of Schankiftoun americiated 40l. as his cautioner.—**JOHN CAMPBELL**, Parifh Clerk of Cumnok, replegiated by the Archbishop of Glasgou's Commiffary (Mr Richard Boithville) to his Regality.

¹ Incur ; literally run into.² Offices ?³ See also Dec. 9, 1512.

Murder in Edinburgh Castle — Breaking Ward, &c.

Dec. 7, (*die Martis*.)—ANDREW ADAMESOUNE, *alias Weymis*, Convicted of art and part of the Murder and Slaughter of Thomas Peblis, in the Castle of Edinburgh: *Item*, of the Theft of xxvj l. and a silver merk, at the same time: *Item*, for treasonably breaking his prison in the said Castle, and going furth of Ward.—BEHEADED. His head to be put upon the West Port, and his hands and feet fixed upon the Ports of the four Burghs nearest to Edinburgh.

[*Jacobus Comes de Arane Dominus Hammyltoune, Justiciarius deputatus specialiter constitut.*]

Slaughter of the Laird of Corsintoun.

Dec. 9, (*die Jovis*.)—JAMES CAMPBELL of Clewis denounced Rebel, &c. for the Slaughter of Patrick Dunbar of Corsintoun.¹—George Campbell of Cefnok, surety for the said James, was amerced 200 merks.

ANDREW CAMPBELL in Strade, Andrew C. in Wodhead, and William Craufurde, were also denounced, &c.; and George Campbell of Watterhede, Mathew C. in Trinzean, George C. of Cefnok, and George Craufurde of Beaux, their sureties, were amerced 200 merks for each of them. The following Warrant is engrossed in the Record.

REX,

CLERK of oure Justiciary. It is our will, and we charge ȝow, þat ȝe defeise,² and draw furth of our Adjornall, George Campbell of Cefnok, George Craufurd of Beaux, and Matho Campbell, quhilkis ar unlawit as plegis for þe non-entire of William Craufurd, sone to William Craufurde of Lefnoris,³ James Campbell, Andro Campbell in Straide, and Andro Campbel in Wodhede, dilatit of þe Slachter of wmq^{lc} PATRIK DUNBAR OF CORSYNTOUN. AND alsua, þat ȝe draw furthe of our said buke all wþer perfouns þat ar undir panis for þe said Slachter, and þare fouerteis, and þat ȝe defeise þaim þairof, becaus þai haif maid compositioun with ws þairfore. For þe quhilk caus, we REMITT, forgevis, and dischargis þe fornemmit perfonis and þair fouerteis of þe saide unlawis and panis be þir presentis, subserivit with oure hande, AT EDINBURGH, þe vij day of Januare, and of our regnne þe xxv ȝere.

JAMES R.

[*Alexander Lauder de Blyth, miles, Justiciarius deputatus.*]

Oppression — Wounding — Breaking a Safe-conduct.

Jan. 8, 1512-13.—HENRY BEG, Englishman, dwelling in Bervik, and Richard Barro, Englishman, his servant, Convicted of art and part of the Oppression done to Alexander Angus of Hoprig: And of the cruel Hurting and Wounding of him, under silence of night, by way of Murder; and of the concealing thereof: And of breaking the King's Safe-conduct granted to the said Henry, by committing the foresaid Hurting and Wounding.

¹ See Dec. 6, 1512.
&c. of the same period.

² Discharge, free, acquit. This word frequently occurs in Warrants,

³ He is also stated to be brother of George Craufurd of Beaux.

ASSISA.

James Edmoftoun of Ednem, Henry Congiltoun of that Ilk, Thomas Louranfoun of that Ilk,
Alexander Moubray of Cammo, George Lile of Stannepeth, William Newtoun of that Ilk.¹

[*Patricius Crechtoune de Cranfoun-Riddale, Justiciarius deputatus.*]

Slaughter.

Mar. 8, (*die Martis*).—CHARLES MURRAY was denounced Rebel and put to the horn, for not underlying the law for being art and part of the cruel Slaughter of Alexander Biglande.—John Lindfay, formerly of Wauchop, now of Barcloy, americiated 100 merks for not entering the said Charles, as he had found surety to the Steward of Kirkcudbrycht, for that effect.

Absentes ab Assisa.

William McClellane of Bomby, William Sinclare of Auchinfranko, Richard Carnis of Barnbanchill,
Thomas Tait of Barnbarrache, Ninian Glendunwyne of Partoun, Patrick Forfter.²

Wounding in the King's Chamber.

Mar. 11.—JOHN MAKBRAK denounced at the King's horn, for not entering to underly the law for art and part of Wounding Thomas Drummond, in the King's Chamber. (On the margin,) 'Ista denunciacio fuit de speciali mandato domini nostri REGIS.'

[*Archibaldus Comes de Ergile, Jacobus Comes de Mortoun, Georgius Dominus de Setoun, et Alexander Lauder de Blyth, miles, Prepositus de Edinburghe, Justiciarii deputati, Andree Domini Gray, Justiciarii specialiter constitut.*]

Slaughter of Dalzell of that Ilk, &c. — Feud between Lords Maxwell and Crechtoun of Saughbar.³

Apr. 5, 1513, (*die Martis*).—ROBERT GRAHAM of Gillesbe denounced Rebel and put to the horn, and all his goods to be escheated; and James Johnestoun of that Ilk, his surety, americiated 100l. for his not entering to underly the law for the Slaughter and striking of William Dalzell of that Ilk,⁴ John Carmichell, young Laird of Carmichell, John Weyr, John Lokky, and Robert Bertoune; according to the form of a Decreet Arbitral.⁵

THOMAS JOHNESTOUN of Gartno, William Johnestoun young Laird of Gartno, David J. brother of John in Bartycupane, Adam Scot of Tuschelaw, and James

¹ Nine other persons of no rank are also specified. ² Six others of no note. ³ See Sep. 24 and 30, 1512, &c. ⁴ Either there must be a mistake in this Record of Justiciary or in the Peerages, as to the Christian name of this person. *Wood* states, that *Robert Dalzell* of Dalzell 'was killed at Dumfries, in a skirmish betwixt Lords Maxwell and Crichton, 30th July, 1508;' and that *Robert* of D. was witness to a Charter in 1511.—*Wood's Peerage*, I, 311. See also Nov. 18, 1508. ⁵ This entry is very obscurely expressed. It does not appear from it which of these parties were struck, and which of them were slain; or whether they were all struck and slain.

Johneftoun of Skare, were alfo denounced Rebels, &c. for the fame crime ; and the Laird of Johneftoun, their furety, americiated in 100 merks for each of them.—John Johneftoune of Wamfray was americiated 40l. for not entering *Edward Moffet of Hewck*, who was likewife denounced, &c.

JAMES *alias Jak* BATY, Andrew his brother, Ronald Graham at the Water of Corry, and Patrick fon of Walter Graham, were denounced Rebels, &c. for the fame crimes. JOHN MAXWELL called *France*, Officer¹ of Lord Maxwell, was proved to be fick, and Lord Maxwell became furety for his entry, at the next Juftice-aire of Dumfrefe, under the pain of 100 merks.

Slaughter of stray Oxen.

GEORGE M'CULLOCHE, fon of Archibald, Symon Makeubin, and Andrew Akymane, were denounced Rebels, &c. for not appearing to underly the law for art and part of the Slaughter of nine oxen, ftraying upon the lands of Glenlufe.

Slaughter.

GEORGE JOHNSTOUN of Auchinbork, and William, called *Foule-durris*, were denounced Rebels, &c. for art and part of the Slaughter of Iwe Corry, fervant of Sir Alexander Kirkpatrick, kn^t.—James Johneftoun of that Ilk, his furety, was americiated in 200 merks, for their not entering to underly the law.

[*Alexander Lauder de Blyth, miles, Justiciarius Deputatus.*]

Slaughter of the young Laird of Attiquane.

Apr. 9, (*die Sabbati*).—THOMAS KENNEDY of Bargany,² Alexander³ and John his fons, Rolland his brother, Thomas Fergusfoune brother of the Laird of Kilkerane, John Colville fon of William, and fix others, were ordained to be denounced Rebels, and all their moveables to be efcheated, for their not entering to underly the law, for art and part of the cruel Slaughter of George Kennedy, fon and heir apparent of George Kennedy of Attiquane.—Execution of horning delayed till Friday nixt, with confent of George K. of Attequyne. David Earl of Caffillis became furety.

[*Andreas Dominus Gray, Justiciarius, &c.*]

Apr. 20, (*die Mercurij*).—David Craufurde of Kerfe, and Thomas Corry of Keldwode, americiated 100l. for not entering the Laird of Bargany, who was put to the horne along with the others.

¹ A Herald or Pursuivant. The Wardens of the Marches, and many of the greater Barons, had Heralds in their train, who were made use of on all solemn occasions, and especially at marriages, feasts, and funerals, &c. 'FRANCE' was the name of this Officer, in like manner as Albany, Marchmont, &c. of the Royal Heralds. ² 'Respicitur de processu, cornu de mandato Regis, quia postea americiatur.' ³ He is styled his 'fon and heir apparent' in a subsequent entry.

[*David Comes de Cassillis, Justiciarius deputatus.*]

Sheep and Cattle Stealing.

Apr. 26.—RICHARD POTT, in Eskdaill, convicted of art and part of the Theft and concealment of four cows, from George Purwes and Roger Hunter, furth of Carterhope : *Item*, of the Theft of 30 sheep from the Tenants of Carterhope : *Item*, of the Theft of 16 sheep from the said Tenants : *Item*, of the Theft of 50 sheep from the Laird of Halkfelawis : *Item*, for Common Theft.—HANGED.

NOMINA ASSISE.

Dominus ¹ de Amisfelde,	Dominus de Manerstonne,	Dominus de Damhoy,
Dominus de Tallo,	Dominus de Keldwode,	Dominus de Corsfurde,
Dominus de Gerweswode,	Willelmus Ker de gair,	Dominus de Kirk. ²

[*Georgius Dominus Setoun, Justiciarius Deputatus.*]

Common Theft and Reset of Theft.

May 25.—EDWARD JOHNSTOUN, sone of John in Crukitmone, and John Reid, (dwelling) with Mathew Graham, convicted of Common Theft and Common Reset of Theft.—HANGED.

NOMINA ASSISE.

Rogerus Kirkpatrik de Knok,	Robertus Neilson de Madinpap,	Willelmus Colvile de Ravinnif- erag,
Willelmus Cunyngham de Cra- ganis,	Dominus de Bennifyde, ³	Ricardus Carlile.

Slaughter of the Laird of Greifton.

May 31.—WILLIAM DEKESOUNE, son of umq¹ John Dekesoun,⁴ convicted of art and part of the Slaughter of George Myddilmest of Greifton,⁵ committed by the said William, John his father, and John his brother, upon forethought and culpable felony : *Item*, for being at the horn for the said Slaughter.—BEHEADED.

ASSISA.

Thomas Lowis of Menner,	Gilbert Berde of Poffo,	Thomas Wyly of Bonytoun,
Ninian Paterfoun of Caverhill,	John Elphinstoun of Hendirftoun,	James Levingftoun of Girifwode,
John Caverhill of Foulage,	William Were of Newtoun,	John Carmichell, Cap ^t of Craufurde. ⁶

[*Archibaldus Comes de Ergile, Justiciarius, ' in hac parte.'*]

Common Theft and Treason.

Jun. 4.—ANDREW STORY and Thomas Gillespy convicted of common Theft and common Treason ; and George Walch of common Theft.—HANGED.

¹ Laird. ² The others are Mr James Gifferde and five tenants. ³ This is not unlikely ' Bemerfyde' (Haig), but it is very indistinctly written. Seven others (tenants) were on this Assise.
⁴ See Nov. 12, 1512. ⁵ He is called ' of Greifstoun' in the former Trial. ⁶ Six others, in Peblis, &c., but of no note. These lists of Assisors have been inserted in the present Collection from the importance of preserving the names. In many instances the occurrence of an Assise of Barons has been the sole cause of selecting the case.

ASSISA.

Andrew Ker of Fernihirst,	Mark Ker of Dolphinstoune,	Robert Turnbull of Blindhauche,
Andrew M ^c Dowell of Garthlone,	Walter Scot of Linfelar,	John Craufurde of Drongane,
John Tuedy of Drummelzeir,	Walter Scot of Howpafloit,	John Charteris of Amisfelde,
Thomas Cranftoun,	Ralph Ker,	John Charteris, his uncle. ¹

[*Alexander Lauder de Blyth, miles, Justiciarius deputatus.*]

Slaughter.

Jun. 28, (*die Martis*).—MALCOLM DRUMMONDE and his accomplices, dilated of art and part of the Slaughter of Gilfillan Crechtoun.

ABSENTES AB ASSISA.

Andrew Murray of Abircarny,	Robert Maxtoun of Cultoquhay,	Patrick Scot of Munze,
John Moncreif of that Ilk,	Robert Barclay of Stercovy,	John Crechtoun of Blakburne,
David Chalmer of Strathy,	John Kynnard of Inchefture,	Andrew Monorgun of that Ilk,
Andrew Currar of Logymegill,	Patrick Butter of Gormok,	Nefe ² Ramfay of Bamf,
Hector Bruce of Colpmalindy,	W ^m Edmonstoun of Duntreth,	James Rofs, son of the Laird of
Robert Boyd of Petkindy,	Thomas Spens of Kinspindy,	Craigy,
Robert Nory of Buchquhopill,	John Muncreif in Little M.,	John Cochrane of Pitfour. ³

Stouthreif of Pirated Goods.

Jun. 30.—ANDREW MYLAR, in Kingorn, americiated for not entering to underly the law for art and part of Stouthreif and plundering of the goods and ships ‘harried’ and taken by Thomas Chahner and his men, belonging to the Merchants of Crailluond and Rufto.⁴

[*CURIA Itineris Justicie de WIGTOUNE.*⁵]

Stouthreif — ‘Hereschip’ — Reset, &c.

Jul. (*die Martis ij^o die Itineris*).—DUGALL and PATRICK MAKCLENOCHQUIEN convicted of art and part of the ‘Hereschip’ of four ‘thraif’ of corn, and four ‘car-fadillis’ and ‘carris’ from William Makdowell, furth of Arnechene in Carrik: *Item*, of art and part of the forethought felony done to Thomas Kennydy, and Hurting him: *Item*, the said *Dugall* of art and part of the Theft of a cow from Little Allan M^cge, furth of Herrenwod: *Item*, for his Refetting, supplying, and intercommuning with Thomas Kalelane and James M^cAlexander, Rebels, and at the horn,⁶ &c. &c.—HANGED.

¹ Andrew Charteris was also on the Assise. ² The first of this ancient family was *Neffus* de Ramsay, who flourished 1226. This *Neffs* was served heir to his grandfather, Oct. 5, 1507.—*Doug. Baronage*, 552. In the Appendix of Extracts from the *Privy Seal Records*, he is called *Neifche*.
³ They were, as usual, fined L.10 each. ⁴ Rostock, in the Duchy of Mecklenburg, and Stralsund, in Pomerania?
⁵ There is reason to apprehend that some mistake has occurred in rebinding the Volume in which these entries are contained; and that the date of this Aire was probably about the year 1510. No dates are mentioned by which this blunder can be thoroughly rectified. ⁶ Several others were Hanged for similar crimes; and many convicted in killing of ‘*red-fjêche*’ (salmon) in close time.

Oppressing Sir David Kennedy of Leswalt, &c.

(*Die Martis iij^o die Itineris.*)—PATRICK MUR, in Wigtonne, and Nicholas Frefle, and Thomas Mur, dwelling with him, allowed to compound for art and part of the Convocation of the lieges, and for the forethought felony done to Sir David Kenydy of Leswalt, kn^t, coming upon him whilt he was preparing himself to hold his Court upon his heritage of Leswalt, Monybrig, and Balquhony, in warlike manner, with invasive arms, and hindering him from holding his Court: *Item*, for art and part of the ‘Herefchip’ of cloaks and other goods from the servands of the said Sir David, at the same time: *Item*, of the breaking of the Acts of Parliament, in riding and going furth of Burgh in Convocation, in ‘*routing*,’ in company with the Sheriff (of Wigtonne): *Item*, for contempt done to the King, in taking one called *Laug M^{cke}* furth of the ‘flokis,’ wherein he had been placed by Symon M^cCristin, Sberiff depute, for Hurting a Spaniard.—Sir Alexander M^cculloch became surety to satisfy the parties.

The said Patrick also compounded for ‘Herefchip’ and Oppression done to Andrew Mure, in ‘Herefchip’ of his goods bequeathed to him by his father: *Item*, of five oxen from John Makcym: *Item*, of forethought felony done to Symon M^ccristine, in Wigtonne, by chasing him with a drawn ‘quhinzeare’: *Item*, for ‘Herefchip’ of a grey horse from Alexander Boide: *Item*, of five score sheep and upwards from Andrew Dunbar, furth of Dorry in Mochrum: *Item*, for Common Oppression of the lieges: *Item*, for art and part of the ‘Herefchip’ and Oppression done to Archibald Mure, Tutor to Margaret Mure, in ‘Herefchip’ of ten score bolls of victual from him, furth of Kikrane and Killegown, price of the boll iiij s., and twenty score ‘thrafis’ of fodder, price ij d. (each.)—Sir Alexander Makculloch became surety to satisfy the parties.

Oppression — ‘Herefchip,’ &c.

PATRICK AGNEW, Sheriff of Wigtonne, and Alexander Makmechane, dwelling with him, permitted to compound for the Oppression done to Thomas Makdowell and Roger M^ccrochat, in causing them to build his dikes¹ with their ‘petis,’² and to plough and harrow³ his lands, in the years 1504, 1505, 1506, 1507, and 1508; and for common Oppression thereby done to them: *Item*, for the same Oppressions done to James Kennyde, Mariota Makkevin, &c.:⁴ *Item*, for the Oppression done to the said persons, in plundering each of them of a ‘fwyne’ yearly, during the said years.—The Laird of Lochinver became surety to satisfy the parties.

He also found the same surety to compound for the ‘Herefchip’ of a ‘junent’ (*i. e.* ox used for tillage) from John Makrowat, in the Forest of Buchan: *Item*,

¹ Turf fences or divisions.

² Peats, turfs.

³ ‘Arare et harpicare.’

⁴ Sixteen others.

for the Oppression done to Thomas Makwilliam, in taking and 'harrying' from him ten bolls of barley.

He, together with George Cruksbank and Thomas Mure, in Wigtoun, also compounded for art and part of the Oppression done to Thomas Kennydy in Wigtoun, in 'Herefchip' from him of a young riding horfe; and for striking the said Thomas Kennedy.

Oppressing the Lairds of Ardwell and Leswalt, &c.

NEVIN AGNEW allowed to compound for art and part of the forethought felony and Oppression done to Archibald M^cculloch of Ardwell and William Adair of Kingate, coming upon them in warlike manner, wishing to slay them, at their own Places: *Item*, for the Stouthreif of a horfe from John M^cNefche: *Item*, for the Stouthreif of an ox from Gilbert Adair, furth of Athquak: *Item*, for the Stouthreif of an ox from Jonkin¹ M^cculloch, furth of Auchquork: *Item*, for the Oppression done to Sir David Kennedy of Leswalt, in casting his hay out of his barn in Calzocht: *Item*, for the breaking of the King's Protection upon him:² *Item*, for the Stouthreif of certain 'tymmer'³ of two houfes, with the windows and doors thereof: *Item*, for the Stouthreif of an ox from Thomas Bell: *Item*, for Common Oppression of the lieges; and specially, of the Tenants of Leswalt.—The Sheriff (Patrick Agnew) became surety to satisfy the parties.

Stouthreif — Oppression — 'Herefchip.'

PATRICK MURE and Nicholas Frefale⁴ permitted to compound for Stouthreif and Oppression done to James Portar of Lag, and Archibald Mure, in the 'Herefchip' of ten score bolls of wheat,⁵ price of each boll iiij s.: *Item*, the said Patrick, for Oppression done to William M^clellane Laird of Bomby, by occupying, and labouring and manuring the Crofts of the said William, near Wigtoun, for two years past; and for the 'spuilzieing' of iij l. of annual rent of certain lands pertaining to him, for the said space: *Item*, of the 'spuilzieing' of the farms and profits of the said lands from the said William for the foresaid space, extending yearly to xx bolls of bear:⁶ *Item*, for the Oppression done to Andrew Dunbar, in occupying of his fet of Denry, in the barony of Myrtoun.—Sir Alexander M^cculloch became surety to satisfy the parties.

Oppression — Namesuckin — Stouthreif, &c.

THOMAS MURE, 'talzour,' in Wigtoun, allowed to compound for the

¹ A familiar nickname, on the Borders, for John, as *Jock* is now. *Wilkin* was, in like manner, often used for William; *Dand*, or *Dande*, for Andrew; *Hob*, for Robert; *Hab* or *Habbie* for Halbert, &c.

² Viz. granted to Sir David. ³ Timber; wood-work. ⁴ Fraser. He and his brother Thomas, 'in Wigtoun,' compounded for the stouthreif of a *jument*, or ox used for tillage, furth of the barn of Skellore.

⁵ 'Frumenti,' which was uniformly used to denote the grain from which the finest loaves were made. ⁶ Barley.

forethought felony done to Duncan Makke, drawing his sword, and wishing to slay him: *Item*, for the Oppression and ‘*Hamsukkin*’ done to Christiane Gibfoune, striking her and breaking up her doors: *Item*, for forethought felony and Oppression done to a Merchant of St Andrews, drawing his sword, coming upon him, and putting him to flight: *Item*, for the theftuous breaking up and opening the cellar of Rankin Mur, and taking therefrom victual and other goods: *Item*, for the Stouthreif of a cow from M^ckeyn, furth of Kerowoltok: *Item*, for common Oppression of the lieges, common ‘*Brigancie*,’¹ and in taking and ‘reiving’ from them malt, corn, and other goods.—Sir Alexander M^cculloch became surety to satisfy the parties.

Prebventing a Court from being held, &c.

PATRICK AGNEW, Sheriff of Wigtonne, Nevin Agnew, John Adair, Alexander M^cmychin, George Crukschank, Thomas Portar, and Patrick Agnew, servant of the said Sheriff, convicted of art and part of Convocation of the lieges with warlike arms, ‘*jakkis and splentis*,’ contrary to the Acts of Parliament, and of the Oppression done to Sir David Kennydy, kn^t, coming to Lefwalt, and hindering him from holding his Court.—Each of them fined x merks, and the Sheriff became surety for himself and the others.

Oppression — House-breaking — Stouthreif.

PATRICK MURE, in Wigtonne, permitted to compound for art and part of the Oppression done to Betoun M^ckewin, spouse of Gilbert M^cke, in casting her goods furth of her ‘*mailing*’:² *Item*, for the Oppression done to Mr Richard Akinhede, Vicar of Wigtonne, breaking up the doors of his chamber, and keeping him furth thereof: *Item*, for common Oppression of the lieges.—Alexander M^cculloch of Mertoun became surety to satisfy the parties.

THOMAS MURE, his servant, Nicholas and Thomas Fresale, in Wigtonn, compounded for the above crime, and for casting the said Mr Richard’s servant and his goods, over his stair: *Item*, the said Thomas and Nicholas for stealing a grey horse.

Stouthreif — Oppression — ‘*Brigancie*.’

THOMAS FRESALE allowed to compound for the forethought felony done to (John) M^cke, merchant in Wigtonne, and Hurting him: *Item*, of the Stouthreif of his ‘*quhinzeare*,’ at the same time: *Item*, of common Oppression of the lieges, by way of common ‘*Brigancie*.’—Sir Alexander M^cculloch of Myrtoune became surety to satisfy the parties.

¹ Fr. *Briganderie*, equivalent to what we term Highway Robbery, &c.

² ‘*Affedationem*.’

Slaughter — Stouthreif — Mutilation.

PATRICK AGNEW, George and George Cruksbank produced a Remission for art and part of the Slaughter of Patrick M^{ke}, and Thomas M^{ke} : *Item*, for the Stouthreif of seven cows from John M^{ke} of Myrtoune : *Item*, for the forethought felony done to the said John and his men, and for wounding him.—The Sheriff became furety.

They, along with Alexander Makmechane, produced another Remission for the Mutilation of umq^{le} John Makke of Myrtoune of his thumb : *Item*, for the Slaughter of umq^{le} Patrick and Thomas Makke : *Item*, for the Stouthreif of 7 cows, with their calves, from the said John.—The Sheriff of Wigtoune furety.

Cattle-stealing.

PATRICK AGNEW, Sheriff of Wigtonn,¹ compounded for art and part of the Stouthreif of four cows from Thomas Cunyngham, in Carrik.—The Laird of Orchertoune became furety to satisfy the parties.

Stouthreif by an Adulterer.

JOHN MAKTER, formerly in Carrik, now in Pennygham, convicted of the Stouthreif of the goods of Patrick M^cCulgean the time he lay (in Adultery) with Christian M^ccord his wife.—BANISHED furth of the shire of Wigtoune, and to depart within eight days.

Stouthreif and Barking of Wood.

JOHN MAKLUMPHARE, in Kirkmerin, dwelling with the Abbot of Saulefet, convicted of Stouthreif of the Wood of Garthlone, and of the barking thereof.²—Others were americiated iij l. each for the same crime, committed in the woods of Barrinrauer, Glenfiche, and Crofchre.

Intercommuning with Rebels.

JOHN MAKOSHEN, in Innermessane, convicted of Intercoummning with Thomas M^clellane and Neill Nelefoun, Rebels, and at the horn. Fined xx merks.—The Laird of Garthlone became furety to the King.

Slaughter.

THOMAS PORTAR, convicted of art and part of the cruel Slaughter of John Makmyane.—BEHEADED.

¹ The conduct of the Sheriff of Wigtonn, as exhibited in this and the preceding cases, affords a melancholy picture of the state of society at that period. The hereditary Judge, and highest legal functionary in the district, appears to have vied with the most desperate of the Border thieves in the commission of all sorts of crimes; expecting, doubtless, that his high office and influence would sufficiently protect him from merited punishment for his odious oppressions. ² 'Remittitur quia pauper.'

Oppression — Stouthreif — Convocation.

(*Die Jovis, ir die Itineris.*)—GILCRIST MAKKINZE, in Killas, permitted to compound for art and part of the forethought felony and ‘Hamefukkin,’ done to one M^ccarbere, dochter, spouse of Andrew M^cylbride, and striking her: *Item*, for the Stouthreif of vj cows and oxen furth of Kirkin^brek, from the Tenants of the Laird of Ardwell: *Item*, for the Oppression done to Duncan M^ceullane in holding goods and his wife from his society and company: *Item*, for forethought felony done to Andrew M^cullocht of Ardwell, and searching for him for his slaughter: *Item*, for Convocation of the lieges in great numbers, contrary to the Acts of Parliament, and for the forethought felony and Oppression done to Sir David Kemydy kn^t. drawing his sword and wishing to slay him: *Item*, of common Oppression of the lieges, by common ‘brigancie’ and otherwise.—The Laird of Killuffer¹ became surety to satisfy the parties.

Oppressing the Burgh of Wigtoun — Hamesuckin.

DOMINICK M^cCLELLANE and Symon Makerstin, allowed to compound for art and part of Convocation of the lieges, and going forth of Burgh in convocation² to the Place of Myrtoun: *Item*, for the Stouthreif of certain oxen, horses, and sheep, from John M^cke of Myrtoun, at that time: *Item*, for the Stouthreif of bear³ and oats from the said John, furth of his barn, and destroying the door of the said barn.

The said *Symon* was also permitted to compound for art and part of the forethought felony, Oppression, and ‘Hamefukkin’ done to John Kells, coming upon him, wishing to slay him: *Item*, for the Oppression done to M^ccalvin-dochter, wife of . . . Acarfane, and cruelly striking and beating her: *Item*, for common Oppression done to the neighbours⁴ of Wigtoun, arresting and troubling them at the Courts, because they would not be his men: *Item*, for breaking of the Acts of Parliament, because he is the Laird of Bomby’s man.⁵

The said *Dominick* allowed to compound for Stouthreif of two oxen from Thomas Makke, furth of Torhous; and for the forethought felony and Oppression done to him and his brother, at the said time, wishing to slay them.

They were both likewise permitted to compound for Oppression done to the Community of Wigtoun, in taking the best merchandise coming in ships to the said Burgh, and keeping thereof in their cellars: *Item*, for Oppression done to the said neighbours, in gathering the profits of the Town and ‘burrolandis,’ and common liberty of the said Burgh and community.

¹ M^cCulloch of Killaisor?² In another part of the Record there is added this translation,‘*le rouitting.*’³ Barley.⁴ ‘*Vicinus,*’ usually translated ‘nichtbouris,’ *i. e.* inhabitants,

townsmen.

⁵ ‘*Ex eo quod est vir Domini de Bomby.*’

Stouthreif — Oppression — ‘Brigancie.’

DUNCAN M'KE, in Wigtonne, permitted to compound for art and part of the forethought felony done to John Murhede, in Wigtonne, and putting him to flight (for his Slaughter): *Item*, of the Stouthreif of a ‘brew caldrone’ from John M'ke, in Librek, furth of his houfe; and for forethought felony done to him fundry times, wishing to flay him; and for the breaking of the King's (Letters of) Protection: *Item*, for the forethought felony done to Symon M'cristin, in Wigtonn, coming upon him for his slaughter: *Item*, for common Oppreffion of the lieges, and specially of the Tenants of Librek, by way of common ‘Brigancie’: *Item*, for art and part of the Oppreffion done to John M'ke, in Librek, in casting down the ‘dike’ of his bear-croft.¹—The Laird of Lochinver became surety to satisfy the parties.

Demembration — Breaking Lawburrows.

THOMAS MAKDOWELL, son of Rolland in Qulitherne, Etht Robifoun, and Robert Afchennay there, allowed to compound for art and part of the forethought felony and Oppreffion done to Johnne Makke, in Librek, coming upon him in the town of Qulitherne, and cruelly wounding him: *Item*, for the Mutilation of the said John, and demembering him of an eye: *Item*, of breaking the Lawburrows formerly found between the said parties.—AND the said *Robert*, for art and part of the Oppreffion done to John Makke, in Librek, in occupying and manuring two merklands of his fet in Libreck, extending yearly to lxxx bolls of meal and xx bolls of bear, in profits: *Item*, for breaking the King's Protection.

Stouthreif from the Bishop of Galloway, &c.

PATRICK WAUS, of Irfalk, and William Grahame, living with him, were allowed to compound for the Stouthreif of fix silver ‘tasses’ or drinking cups² from the lord Bishop of Galloway,³ near Wigtonne: *Item*, for the Stouthreif of certain oxen and cows from the executors of unq⁴ Mr Alexander Waufe: *Item*, for the Oppreffion done to the Bishop of Galloway, in ‘hochin’⁴ his oxen: *Item*, the said *Patrick*, for art and part of the Oppreffion done to John M'gilwyan, in Qulitherne, in the detention of his croft,⁵ called Our Lady croft, for the space of xij years, after he had bought the same from M'calphin-dochter; the annual loss thereby arising extending to five merks.—*Item*, the said *Patrick*, for art

¹ Barley-field. ² ‘Tassarum argenti.’ ³ ‘Candidecase.’ This person was DAVID ARNOT, son of John Arnot of that ilk, by Katharine Melvil, daughter of the Laird of Carnbee, in Fife. He was successively Archdean of Lothian, Provost of Bothwell, and Abbot of Cambuskenneth; from which Abbacy he was translated to the See of Galloway, in 1509, on the advancement of *James Bethune* to the Archbishopric of Glasgow. In a few years afterwards he got the Abbacy of Tungland *in commendam*. His stile was ‘David Candidæ Case Regifque Capellæ Striilingen. Epifcopus.’
⁴ Houghing, hamstringing. ⁵ A piece of cultivated land adjoining to the dwellinghouse.

WIGTOUNE.

and part of Convocation of the lieges: *Item*, for the forethought felony and Oppression done to Sir David Kennedy, kn^t, coming upon him at his lands of Lefwalt, at the time of his holding his Court, and hindering him from holding the same: *Item*, for the Stouthreif of certain cloaks and other goods from the fervants of the said Laird, at the same time.—The Laird of Torhous became surety, along with the said Patrick.

Burning of the Place of Dunskey.

DUNCAN M^cKE produced a Respite for his being art and part of Burning the Place of Dunskey.¹—The Laird of Lochinver became surety.

Oppression — Preventing a Court from being held.

NINIAN EDGAR, young Laird of Creaken; Thomas Waus, brother of the Prior²; George M^cullocht, young Laird of Durchdery; Patrick Murray, young Laird of Brochtoun; the Laird of Killaster-M^cullocht; Wchtreid M^cdowell of Mondork, and twenty others, described as living with³ the Sheriff and the Abbot of Saulfet, &c., came in the King's Will, for art and part of Convocation of the lieges, and of art and part of the forethought Oppression done to Sir David Kennedy, and hindering him from holding his Court at Lefwalt — The Sheriff of Wigtoun, Duncan Makke, in Wigtoun, and Nevin Wigtoun, became sureties for the young Laird of Creaken; Alexander Gordoun of Auchrow for the Lairds of Ardwell and Corfwell; and the Laird of Garthlone for the Laird of Mondork and Thomas Acoltane, &c.

Riding furth of Burgh 'in routing.'

ALEXANDER AHANNAY, brother of the Laird of Sorby and burges of Wigtoun, came in will for art and part of the above Convocation, &c.: *Item*, for riding furth of burgh in warlike manner in 'routing,' and for thereby breaking the Acts of Parliament.—Thomas A., in Capirnache, Fergus M^cdowell, young Laird of Derregill, and seven others, also came in will for the same crime.

The Lairds of Mochrum and Bordland fined.

JOHN DUNBAR, of Mochrum, and Patrick Hammyltoun, of Bordland, americiated xli. each, for not appearing to underly the law for all crimes to be imputed to them.

Slaughter.

PATRICK M^cCLELANE, of Gilestoune, and Andrew and John M^cclelane,

¹ See the Appendix to this reign, for various illustrations of this treasonable crime.
Whithern, George Vause?

³ Followers, servants, and retainers.

² Of

&c., denounced Rebels, and their cautioners amerced 100l. for each, for their not entering to underly the law for the Slaughter of Robert Mur.

Stouthreif — Cattle and Horse-stealing, &c.

JOHN MAKKE, of Myrton, allowed to compound for art and part of the Stouthreif of xij oxen from Adam M^cNele, furth of Librek: *Item*, for the Stouthreif of a horse from William Kennydy: *Item*, for the Stouthreif of certain goods of Donald M^cgillis: *Item*, for common Oppression of the lieges dwelling in Pennigham. He also produced a Respite for art and part of the Burning of the Place of Drumkey.—Sir Gawin Kennydy became surety to satisfy the parties.

Oppression — Stouthreif, &c.

ANDREW DUNBAR allowed to compound for art and part of the common Oppression done to Walter M^ccullocht, in his farms, in the year 1505; taking three cows from the said Walter's mother, to remove from his farm of Corfdochquhan, and for not removing therefrom, but hindering her servants from labouring her farms: *Item*, for the Oppression done to the said Walter, in occupying the houses of the said farm for the space of four years last past, and destroying her crops (and stock), viz. to the value of six score bolls of bear and oats, fifteen score of sheep, and forty cows and 'queys': *Item*, for Oppression done to the said Walter, in taking his horses and riding them to Kirk and market where he pleased, and killing one of them: *Item*, for the Stouthreif of the 'tymmer' of two of his houses, within the said Walter's lands of Corfdochquhan: *Item*, for forethought felony done to the said Walter and his 'hird,'¹ called Patrick M^ccrache, coming upon the said Patrick on the road towards the Kirk, chasing him, and breaking the King's Protection granted to the said Walter: *Item*, for the forethought felony done to the 'plewmen'² of the said Walter, coming upon them in warlike manner with a 'lanee-staf,' and putting them to flight; and for hindering them from ploughing the said land: *Item*, for the Oppression done to John M^cgillhosche,³ coming upon him, and chasing him: *Item*, for common Oppression of the lieges, by seizing their 'bestial'⁴ and otherwise.—John Dunbar of Mochrum became surety to satisfy the parties.

Oppressing the Sacrist and Subdean of the Chapel Royal.

PATRIK MURHEDE came in will for the Oppression done to the Sacrist and Subdean of the Chapel Royal, in the 'spuilzie' of the Teind sheaves of Stow.⁵

¹ Herd; shepherd. ² Ploughmen. ³ Now called Mucklehose, or Maclehose. ⁴ 'Animalia.'
⁵ 'SUMMA hujus Extractus, ix^o.lxxix li.' (L.979.)

APPENDIX,
ILLUSTRATIVE OF THE TRIALS WHICH OCCURRED DURING THE
REIGN OF KING JAMES IV.

I. ILLUSTRATIONS SELECTED FROM THE REGISTER OF THE PRIVY SEAL OF SCOTLAND.

THE historical value of the Public Records of Scotland has long been universally admitted ; but comparatively few are qualified, and still fewer are inclined, to undergo the extreme drudgery of wading through a mass of ancient MS. volumes in quest of original and authentic information. The task which the Editor had imposed upon himself seemed to demand of him greater exertions than could reasonably be expected of any author whose opportunities were less limited. In this view, and to redeem his pledge, he has carefully examined the entire Records of the Privy Seal, and the Accounts of the Lord High Treasurer, so far as they embrace the period of these early reigns ; and without enlarging on the obvious value of the new materials thus collected, he now begs to lay before the reader the result of an anxious and careful scrutiny. In accomplishing this desirable object, the limits of this work have necessarily been considerably encroached on, but it is hoped no one will deem the labour mispent, or the additional space thus occupied misemployed. The Editor only grudges that he could avail himself, in this work, of so small a portion of the information which these invaluable Registers afford.

The reader is once more referred to MR TYTLER'S truly valuable Historical work, in illustration of such passages as do not occur in the ordinary Histories of Scotland.

Jul. 2, 1488.—Respite to PATRIK OF DUNBAR, sone and apperand are to Patrik Dunbar of Kinkunqubare, Ferguse M^ddowell, Johnne M., and Johnne Smythe, for art and parte of þe **S**lauchter of vmqubile Patrik Mackowloche (M^cCulloche) : For ix 5eris to cume to indure.

Oct. 19.—Precept of Remiffioun¹ to HUCHOUNE WALLACE of Smethifloun for arte and parte of þe **R**efe of certane gudis out of þe Barony of Erlifloun, apoune Walter and Mychel Makmyllane, &c., vnto þe day of oure fouerane lordis Proclamatione, maid at Lanark ; þat is to fay, þe xxix day of August, precedand þe date þairof.

¹ It is to be understood that all the Remissions in the *Privy Seal* Record which are quoted in these extracts, were merely PRECEPTS. The Remission was, in one sense, incomplete, until it had passed the Seals.

Oct. 19.—Remission to HUCHOUNE WALLACE, broper to Johne Wallace of Cragy, ‘in eadem forma et de eadem data.’

Jan. 28, 1488-9.—WILLIAM MENTETH OF THE KERSE, Archibald of Menteth, his broper, Alex^r M. ‘for thaim, thair kyn, and frendis on the ta parte, and ROBERT BROISSE OF ARTHE, Alexander, Lucas, and Robert Broiffe, for thaim and brether, kyne, and frendis one the tother parte,’ bound themselves to abide by the Sentence of the Lordis of Council, ‘tuiching þe making of amendis for þe **Slaughter of unquhile Johne, the Broise of Arthe,** and tuiching þe making of amité, luf, and tendirnes to be haid betuix the parties, in tyme to come.¹

Jan. 27, 1491.—Remission to JOHNE TEMPILTOUNE for þe **hiltwisc obwtuttin** and away-takin of þe **gudis** of unquhile George Campbele of Lowdounne, **the Scheref of Art,** þe tyme he was Stewart to the said Scheref; and specialy, þe tyme þat þe said Scheref was seyk, and for all crime, actione, and accusatioun þat may be input, &c. (*Apud Arc.*)

Dec. 7, 1492.—Remission to WILLIAM CUMMYNG,² for art and part of the counfel and assistaunce afforded by him to ALEXANDER LORD GORDOUNE, in preparing **the Field of Dunkeld** against THE KING; and for all other crimes preceding this date, ‘proditoria Tradicione in personam REGIS, Murthuro, Raptu mulierum, communi furto, et actione regia contra eundem Willielmum proponenda, penes quandam boxam,³ aurum, argentum et jocalia in eadem contenta, et alia jocalia, exceptis.’⁴ (*Apud Abirdene.*)

Nov. 9, 1493.—Remission to WILZAME GORDOUNE, sone to George Erle of Huutle, for the **Slaughter** of unquhile Robert Stewart, &c.

Jan. 23, 1493-4.—Remission to ‘EDUARD TAYT, for the thiftwisc **breking of the Kirk of Wenditland,** and takin away of certane gudis, gold and silver, fra Sir Wilzame Jurdane, &c.’

Feb. 15.—Remission to JOHNE HERREIS, in Bereley, for þe **Keife of certane halkis**⁵ owt of DUNDRANANE; and binding þe men kepanð þaim, &c. (*Apud Kirkcudbright.*)

Apr. 27, 1494.—Remission maid to ALEXANDER LORD GORDOUN for þe **Birnyng** of þe Place of **Ardeudracht, in Buchane;** and for all actione and cryme may be input to him tharfor, &c. befor þe xij day of December, 1492, Murthure and Revifching of women exceptit. (*Apud Aberdene.*)

Jul. 6.—Remission to JOHNE FORSTER OF NUDRE, Henry his bruper, and Johne Lethame, for art and part of þe **Slaughter** of Will of Dundas and Duncan Dundas; and for all vper actionis to þe date hereof.

Dec. 28.—Remission to JAMES WARDLAW OF RICARDTOUN, and John his brother, for art and part of the **Slaughter** of William and Duncan Dundas, committed upon the caufeway of the **Wigh street of Edinburgh,** in THE KING’S presence. (*Apud Edinburgh.*)

Mar. 5, 1494-5.—Remission to ROBERT SCOT OF DALORIAN, and David Lawder, for thare tressonable **Intercommuning** with diuerse personis, THE KINGIS **Rebellis;** and for assistaunce and **Resetting** of thaim, &c., previous to Nov. 7, 1493.

Apr. 6, 1495.—Remission to CUTHBERT GORDOUNE, for þe **Forthocht selony** done be him

¹ This Notice has been obtained from the *Acta Dominorum Concilii*, a work printing under the Scottish Record Commission. It abounds with interesting materials. ² From other entries in the Register, the Editor believes that this person was Sir William Cummyng of Innerellochy (knight), ‘*alias* MERCHEMOND HERALD.’ On Sept. 18, 1507, he and Christian Prestounne, his wife, got a Charter to the lands of Easter Cullessy, in the shire of Fife. ³ This unquestionably refers to the box containing KING JAMES III’S money and jewels, as to which so much enquiry was afterwards made. ⁴ Thomas Lowsone got a Precept in the same terms as the above. ⁵ This offence was always punished with severity. All the Princes of the STUART Family were passionately fond of the sports of the field; and from numerous entries in the Treasurer’s Accounts, it appears that Hawks of fine breeds bore a very high price, which were deemed of sufficient value to be presented to Kings and Princes.

APPENDIX.

apone Duncane Makadam, in þe burgh of Are, þe tyme of þe Ayre þairof, &c., vnto þe xvj day of November, 1493. (*Apud Kirkeudbrycht.*)

Feb. 9, 1496-7.—Remission to ARCHIBALD and JOHNE OGILVY, sonnys to James Lord Ogilvy of Erlé, for art and part of the **Slaughter** of vmq^{le} James Lindisfay, sone to Dauid L., &c.

Jun. 10, 1497.—Respite to DAVID HUME OF WEDDERBURNE, and diuerse vperis perfonis, to the nowmer of 1^c (100) names, for the masterfull distructionne, **Birnyng**, and casting downe of the **Place of Churestone**, pertenyng to Williame Wallace of Cragy: AND for the **Rcif** and **Stouthē** of the gudis and inficht being in the famyn, for þe tyme; and for al maner of crime þat may be imputt to þe said perfonis, in þat mater alanerly. (*Per subscriptionem Regis.*)

Aug. 7.—Remission to DAVID CARMYCHELL and Johne Inglis, for arte and parte of þe cruel **Slaughter** of vmqhile James Lindesfay: AND for þair tressonable passing in Ingland, and **commonyn with Englismen**, and being at þe KINGIS horne, &c. (*Apud Norehame.*)

Nov. 17.—Respite to PATRIK M^cKOWLOCHE (MacCulloch), for art and part of þe **Murther** and **Slaughter** of vmq^{le} Archibald M. of Arduale, committed ‘vnder silence of nycht,’ &c.

Jan. 26, 1497-8.—Remission to HUGH ROSE OF KILRAWOK, and eleven others, for art and part of the cruel **Slaughter** of Alexander and John Noble, a Chaplain called Schir Maurice, and William Gawane, committed within the Kirk-yard of the Cathedral Church of Rosf. (*Apud Inuernys.*)

Mar. 31, 1498.—Remission to JOHNE NELESOUNE, and vther thre perfonis, duelland in Culrossschire, within þe scheresdome of Perth, for the **Forthocht felony** done be thaim, in company with Robert Stewart, apone Sir Andro Mafoune, ABBOT OF CULROSSE, and his complices, at Blarchall: AND for forthocht felony done be the said Johne Nelesoune apone Robert Rede, at the Abbay of Culrose. ‘*Deliberat. per Dominum,¹ Patricio Blacater militi.*’

May 9.—Remissionne to WALTER BUCHANAN OF þAT ILK, Patrik his bruper, and Johnne Blare, for þair inobediens and contempcionne done to þe KINGIS henes, in þe **remayn** diuerse tymes fra his **Hostis** aganis his ennemyis of Ingland, &c.

Jun. 12.—Remissionne to THOMAS GALBRAITH of Balkindroche, James his bruper, and Andro Wawane, for art and part of þe **Slaughter** of Johnne Myllare.

Jul. 11.—Remission to RICHART WERE, and viij perfonis with him, for art and part of the **Slaughter** of vmq^{le} Nicholl Were, duelland in Halhill; committit apoune forthocht felony.

Nov. 11.—Remissionne to CUTHBERT BLARE, and vper viij perfonis, for þe **Forthocht felony** done be þame apone Alexander Pidcon (Punton?) of þat Ilk,² and William his sone, &c. (*Per subscriptionem Regis.*)

Dec. 10.—Remission to WIL OF DOUGLAS OF CAVERIS, and Wil and Archibald Dowglas, for thre tressonable **Entercommonyn with þe Rebels of Lebin**, &c.

Jan. 20, 1498-9.—A Lettre of Remitt and forgevinnes to JOHNE OF DUMBAR, sone and apperand are to Johnne of Dumbar of Moehrum, and to his seruitouris, Wilzam Flemyn, and James Makcowloche, and Johnne Core, quhilk war with ELIZABETH KENNEDY þat tyme seho **tuik away certane money**, extending to þe sowme of xliij li. gold and siluer, a siluer sele, and vper small gere, had be hir in keping of a R(everend) fader in God, G(eorge Vaus) **Bisshop of Galloway**, &c.

Feb. 14.—Remission to LITTLE JOHNE RORYSOUN, with þe Larde of Snayde, for þe **Forthocht felony** done be him apone Donald Fergusoun of Yle, &c. (*Apud Dumfresc.*)

¹ Viz. George Schaw, Abbot of Paisley, Lord High Treasurer.

² There was a family in Ayrshire of the name of *Pitcon*; but from subsequent entries, it would appear this individual was Punton or Pontoun of that Ilk.

Feb. 18.—Remission to ALEXANDER JARDING, grandson ('nepoti') and heir of John J. of Apilgerthe, William, his brother, Nicholas, sone of Humphrey J. of Bawgray, Edward J. and Nicholas, his son, &c. for **Forthocht felony** done to the servant of Alexander Kirkpatrick and THE INHABITANTS OF DRYFEHOLME, &c. (*Apud Drumfryfe.*)

Remission to JOHN HUTOUNE, in þe Syde, Gawine and John Dryfedale, and four others, 'for þare being aganis þe KINGIS hienes in þe **Wattell and Feylð** committit **besyde Striuelin**, one *Sanct Barnabes day*; and for all crimes and actionis þat may be imput to þaim þairthrow, &c. vnto þe xxvj day of Januare, 1488-(9) 3eris alanerly. (*Apud Drumfryfe.*) 'Spectan. Domino de Cokpule.'

Feb. 25.—Remission to THOM HUCHONSONE and John Carynis, in þe Copwod, for arte and parte of þe **Byrnyng of Lochfergust**, belangand to þe Larde of Bondby (Bomby,) &c. (*Apud Drumfryfe.*)

Mar. 2.—Remission to WIL5AME ADARE OF KILHELT, and Thomas Adare, for the **Forthocht felony** done apon Andro M^cdowell of Elrig.

Mar. 4.—Remission to SIR ALEXANDER M^cCULLOCHE OF MERTOUNE, kn^t, and xxvj others, for art and part of the **Burning and 'Wereschip'** of **Dunskey and Ardwell**, in company with the Laird of Garthlane (Garthland.) (*Apud Wigtoun.*)

Remission to (SIR) ALEXANDER M^cCULLOCH OF MERTOUNE, and xxix vper personis, for arte and parte of the **Burning and Kefing of Dunskey and Ardwell**, in company with þe Larde of Garthlane, and all vper actionis done be þame vnto þe date hereof.¹

Mar. 13.—Remission to CUTIBERT LORD KILMAWRIS, and xx^{ti} vper personis, for arte and parte of þe **Forthocht felony** done be þame apoune Gilbert Dunlop of Haupland: AND þe violent **hurting** of Downald Robifoune, cummand fra þe KINGIS Hoist:² AND for al vper actionis, &c. done and committit þe tyme þai take þe **TOLBUYTHE OF IRWIN**; and al actione and cummyng þairapoune, þat day except.

Apr. 5, 1499.—Remission to WIL5AME TRUMBULL of Mynto, and to Archibald T., sone to vmq^{le} John T., for the **Slauchter** of vmq^{le} John of Rutherford: AND for þair trellonable passing and **Remayning in Ingland**, &c. to þe day of þe makin hereof. (*Apud Striuelin.*)

Aug. 18.—Remission to ANDRO BLACATAR OF THAT ILK, and Niniane Nesbit, for the **Forthocht felony** done be thaim apoune PHILP NESBIT OF WESTER NESBIT, and John his bruper, Patrik Nesbit in Mongois Wall, &c.: AND for þe cruell **Slauchter** of vmq^{le} þe said John Nesbit, and Philip Nesbit in Mongois Wall, apoune forthocht felony committit: AND for þe **Spuizing** of þair gudis, &c.: AND of all crimes þat in onywise may be imput to thaim for the committing of the said Slauchter and forthocht felony, in **the Kingis Palace**, and residence, quhare his hienes was personalie present: AND of þe Gift to þe said Andro and Niniane and þair airis of the eschete of all gudis, movable and vnmovable, landis, &c. pertaining to the KINGIS hienes, be the occasion of the said Slauchter, &c.

Nov. 6.—Remission to WILLIAM BLAKHALL OF THAT ILK, for the **Slauchter** of Patrick Tal5our *alias* Richartfoun, dwelling in Inuerowry, &c. (*Apud Spynie.*)

Feb. 3, 1499-1500.—Remission to WILLIAME HAKKET OF PETFURANE, Thome Haket his sonne, and Thome Lathangy, for art and part of the **Slauchter** of Robert Carnys.

Feb. 20.—Remission for PATRIK M^cGREGARE, remittand him the **Slauchter** of vmq^{le} Gillaspay M^cNelufe, &c.

¹ This seems to be the same with the preceding, but is entered in Scottish, &c.

² Host, army; probably in returning from the 'Feylð' committit besyde Striuelin.'

APPENDIX.

Feb. 27.—A Respite to JHONE M'BRAR OF LOCHBO and al his complices, for þe **Werschypp of Chyri Mansour**: For a zere; exceptand Trefone. (*Per Subscriptionem* REGIS.)

A Respite to LACHLANE M'LANE OF DOWARD, Johne M'Clane of Coil, Donald M'Clane eym¹ to þe faide Lauchlane, and þair complices, 'in simili modo quo antedicta.' (*Per Subscriptionem* REGIS.)

Jun. 9, 1500.—Remission to GILLEISE MAKPAULE (M'Phaill) and Patrik Makbane for art and part of the **Slauchtir, Birnyng, Rabyng, and Oppressioun** vponne the Kyngis lieges, in LOCHABIR.

Aug. 17.—A Letter of Gift to ADAM BARDE, *Loekmanne*,² of þe Gift of twa merkis worthe of land, liand nixt Drogane, within þe scherefdome of Are, for al þe dais of his life; for his **Seruite of Lokmanschip** to (be) done as vse and custum is, in tymes bigone, withe all proffittis pertenyng pairto.

Oct. 16.—A respite to DAVID LINDISSAY for his tressonable being with **Alexander** vmq^{le} **Duke of Albany** &c. and for al vper actionis committit be him vnto þe day of þe Kingis Coronatioune: AND for þe **Forthocht Felony** and **Wamesukkin** done apon Andro Carmichell, Alex^r. Dikifoun, and Schir Johne Carmichell, Chapellan, done after þe tyme of þe faid Coronatioun, &c.: '*Duratur. pro xix annis.*'

Jan. 14, 1500-1.—Protectione for SCHIR BALDRED BLACATER his landis and gudis, 'in communi forma; pro toto tempore vite fue duratur. &c.'

A Letter maid to þe LORD DRUMMOND and SCHIR WILLIAME MURRAY OF TULERARDIN, knicht, þare kyn, men, frendis, and fernandis, for hertlynes to be had amangis þaim in (tyme) to cum, Renuncand and forgevand to þe faid kin and frendis of baithe þe faid parties, al actions and crimes of þe **Birnyngis of þe Kirk of Moneward**, and **Slauchter** of þe KINGIS liegis at þ^r tyme,³ **Rebis**, **Resettis**, and **Intercommuning** with þe perfonis beand at þe Kingis horne for þe faid crimes, and al vper maner of actionis concerning þat mater, or þat may be imput to þaim: Chargeand þe JUSTICE and Justice Clerkis consider þe perfonis being in þe Rollis, inditit for þe actiones abone expremitt belangis, and baithe the faidis partiis, and inditit þairfore, þat þai distroy and adnul þe famyn; and in tyme to cum, to tak name of þe faidis perfonis in dittay, nor accuse, in judgement nor vtwithe, in ony wife; dischARGEING þe faidis officiaris of þare officis in þat parte, concerning þe faid actionis.

Jan. 23.—Remissioun to WIL⁵AME SCHORT for þe **thiftwise distruction** of þe gudis of Patrik Boyis, **the tyme he lay with his wiffe**.⁴

Jan. 25.—Remissioun to ROBERT MURE, sone to Adam Mure of Caldwell, knicht, for þe **Slauchter** of vmq^{le} Patrik Boure: AND for þe **Forthocht felony** done aponne the Lard of Rafftoun.⁵

Feb. 20.—A Respite and Licence to ANDRO MALUILL **to pas in pilgrimage to Sanct James in Galicia**, &c.: To endure fra þe secund day of March next to cum, quhil⁶ his returnyn and cumming hame again within the realme, and xl dais þaireftir.

¹ Uncle. ² Hangman, executioner. See *Dr Jamieson's Dictionary*, &c. ³ Old *Pitscottie* thus notices this horrible affair. 'In the mean tyme THE DRUMMONDIS BURNT THE KIRK OF MONIVAIRD, quhairin was six scoir of MURRAYES, with their wives and childraine; and few escaped thairfra, bot war all aither burnt or slaine, except on (one) David Murray. Quhilk fact THE KING punished condignlie, thairefter; for he headed (beheaded) monie of the principall actouris thairof, at Stirling.—*Lindsay's Hist. Dalryell's Edit.* i. 249. Reference may be made to *Douglas's Peerage*, 1st edition, voce PERTH, for an ample account of this cruel and atrocious act. He adds, that WILLIAM, MASTER OF DRUMMOND, was apprehended and sent prisoner to *Stirling*, where he was tried, convicted, and executed, in 1511. ⁴ These entries are very frequent in the Records of Justiciary and Privy Council. See also Oct. 13, 1505. ⁵ Ralston of that Ilk. ⁶ Until.

Mar. 17.—Remission to DAVID HUME OF WEDDERBURNE, kn^t, and eight others, for art and part of the **Slaughter** of John Lowdoune. (*Apud Edinburghe.*)

Mar. 20.—Remission to ARCHIBALD HESLIHOP, vtherwais callit *Sehir Suythe*, for pe **Resset** of the **Ruthirfurdis**, pe Kingis REBELLIS, and pair complicis, being at his horne : And for **assistance** gevin to paine, in felling of met and drink to jame, pe tyme pai war at pe horne ; and al erime pat may be imput to pe said Archibald in ony wife pairfor, alanerlie makand satisfactiounne to pe partiis complezeand.

May 2, 1501.—Respite to JOHNNE OF KINCAID for the **Slaughter** of vmq^{le} David Mafone and for all vther actionis, &c. : For ane zere efter the date hereof.

May 11.—Remissionne to WILLIAM MURRAY and George Tayt, for the **Slaughter** of Archibald M^ckowloche of Ardwell, committit apon forthocht felony, &c.

Jun. 14.—Lettre to Schereffis in that parte for to summond THE ARMESTRANGIS, to the nombir of lxx, to comperre at SELKIRKE, the xxj day of Junij, to vndirly the lawe for the **Slaughteris** of Johnne Blacburne, &c. : Certifying thame, that and¹ thay comperre nocht the said day, thai falbe demneit the Kingis Rebelles, and put till his horne, &c. (*Per subscriptionem REGIS.*)

A Letter to THE ERLE OF BOTHVILE, as the Kingis Lieutenant, to raise the **Kingis leges** for to pafs vpoun the saidis **Armistrangis**, REBELLIS, thare assistaris, parte-takariss, and refettaris, and to perfewe thame to deid ; and to tak thare gudes, as eschete, qubarefumeuer thai ma be fundin : And giff ony perfonis nocht beand at the horne beis fundin takand thare parte, that thai maa be perfwit, takin or slain, as the principallis, withoute ony cryme to be imput thareffore, in tyme to cum ; AND proclamationne to be maid, that nanne of the Kingis lieges Resset thaim, or vper wais support thame, vnder the pane of deid. (*Per subscriptionem REGIS.*)

Ang. 5, 1501.—Respitt to MORISE BUCHANNAN, sone to Walter B. of pat Ilk, Patrik bruper to pe said Walter, Johnne, and Morise B. Androfounne, for art and part of pe **Slaughter** of vmq^{le} Johnne Dormondfounne, for pe quhilk thai ar at oure fouerane lordis horne, &c. unto the day of the making of the said Respitt, &c. : To endure for iiij monethis nixt to cum, eftir the date hereof, and farther, for the Kingis will to endure.² (*Per subscriptionem REGIS.*)

Dec. 7.—Remission to WILLIAM HAY (MASTER OF ERROL), son and heir apparent of William Earl of Erle, and three others, for **Stouthreif** of 31 **Oxen** from Sir William Keithe of Inuervgy kn^t.—WILLIAM CRAUFURD OF FEDERAY, Gilbert Hay, and five others. also got Precepts of Remissionne for the same crime. (*Apud Abirdene.*)

Mar. 2, 1501-2.—Remissionne to JAMES STEWART of Garhill, for the **Slaughter** of vmq^{le} Andro Caldale, &c. to the date hereof.

Mar. 21.—Letter to ALEXANDER ERLE OF HUNTIE, THOMAS LORDE FRASER OF LOVATE, and WILLIAME MONRO OF FOWLIS, makand jame or twa of jame, conimmetlie, pe said Erle beand ane, Commissaris to **sett** pe KINGIS **Laudis** of **Lochabre** and **Mawmore**, liand within the scheref-dome of Inuernies, for pe terms of fyve zeris, entarand at pe terme of Witsunday nixt to cum, to trew menne, for pe plenynging pairrof, and expelling of brokin-menne furthe of pe samyn ; and to sett pe landis of **Cogath**, **Assent**, and all vper ferme-landis pat pertenit to **Torquell Makloid** of **Lewis**, and now being in pe Kingis handis throw pe being of pe said TORQUELL his Rebell, fugitive for pe lawis, and at his horne for al pe tyme pat pai fall happin to be in pe handis of his hienes, be ressoune soirsaid ; with power to gif a parte pairrof to gude trew menne, for pair gude seruice, for pe sp^{ace} as pe said ERLE sal think expedient for pe KINGIS honour. (*Apud Striueling.*)

¹ An, if.

² 11th April, 1500, a. r. 14, Precept of Remission was granted to them for the said crime.

APPENDIX.

May 22, 1502.—Remission was granted to ALEXANDER WELLEM OF WODWRAY, for his treasonably abiding from the Kingis Raid at Aptounne, &c.

May 28.—Respitt to ALEXANDER LORD HUME, and diuerse vper personis, spirituale and temporale, contenit in þe samyn, þare men, kynne, freyndis, allya, ténnandis and seruandis : To endure for xl dais efter þe said Alexandris hame-cummyne.¹ (*Apud Edinburghe.*)

Sep. 14.—Respitt and Affouerance to EWIN Alanfone for his being at þe Kingis horne, and for all vper actionis, to cum sansfite to þe KING, his LORDIS OF COUNSALE, or to þe ERLE OF HUNTLEIE, to Strlín, or ony vper places : To endure for xx dais.

Feb. 13, 1502-3.—Lettre maid to SCHIR JOHNE RAMSAY OF TRARINZEANE, knycht,² makand him Capitane of þe Place and Palace of Linlithgw, and Repare of þe Parke, loche, medois, warde, garding, and garde of þe samyn, for al þe space of nyne 3eris ; with power to mak Constables, jevellouris,³ portaris, and oper officiaris nedeful for þe keping of þe said place, park, loche, medois, warde, garding and þarde : FOR þe keping of þe quhillkis, oure fouerane lorde assignis to þe said Sr (Johne) the fovne of xxiiij li. land, þat is to fay, ten pund land of Kyncavil, and xiiij li. land of þe Northe akiris, land within þe lordeschip of Linlithqwfchire, with the all dewiteis and proffittis, as vper Capitannis had of before ; with power to mak subtenandis in þe faides landis.

Feb. 21.—Remission to JAMES MARSCHALE, for the Slaughter of *Thomas Scherewynd*, committed four years since. (*Apud Edinburghe.*)

Feb. 25.—Respitt to ROBERT HERISE, sone and apperand are to George Herise of Tarrachty, George and Robert H. bruder and sone to the said Robert, and Thomas Skalis, for the Oppressioun done to James Crechtounne of Frenract knight, in the Hozebyng⁴ of certane horse of his, &c. : To indure for the space of xl dais, and þaireftir induring oure fouerane lordis will, quhill⁵ þai be warnit of foure dais ; with this claufe, relefcheing of þaim of þe horne, taking of þaim to þe KINGIS pece, and geving þaim of þe wand þairof.⁶

May 11, 1503.—Respitt maid to MAISTER DUNCANE MAKKE, Andro Akerfane, Lital Gilbert Makke, and Johne Clerk Makke, for art and part of þe Birning of þe House and Place of Dunskey, in cumpany with Alexander Mculloch of Mertounne, knight : AND for art and part of þe Deif of certane gudis being pairin þe samyn tym, &c. : To endure for xix 3eris. *Apud Kirkcudbright, per binas Signaturas subscript. per REGEM.*

May 15.—Respitt for JOHNE MAKKE OF MYRETOUNE, and fyve v3eris, for art and part of þe Birning of þe House and Place of Dunskey ; and for all crime þat may be imput to þaim or ony of þame, for þe said actionne of ffyre allanerly : To endure for þe space of xix 3eris. (*At Wigtounne.*)

Jul. 3.—Remission to JOHN STEWART MAKARCHBALD, and 59 others, for art and part of the Assistance giben by them to Deill Stewart,⁷ in his Thefts and Stouthreifs. (*Apud Perth.*)

Aug. 11.—Precept maid to JAMES LORDE HAMMILTOUNE of þe Office of Justry (JUSTICIARY), within the boundis and Sic of Aranc ; with power to gefe Remissionis and Respittis to al personis Inhabitantis þe samyn, for al crimes, except Treffounne in þe KINGIS perfounne : To endure for all the dais of his life.

Aug. 25.—Remissionne to THOMAS MAKNARE for arte and parte of þe Birning of þe Wous and Place of Wepme : AND for arte and parte of þe Slaughter of vmq^{le} David Men3eis, Johne Men3eis, Johne Kirkpatrik, Andro Dal3ell, Thomas Makeulloche, and Thomas Myllare :

¹ He was frequently employed in Negotiations with England between 1495 to 1501. See *Rymer's Fœdera*, xii. 518, xiii. 45, 64, 92. *Wood's Peerage*, i. 733, &c.

² The forfeited LORD BOTHWELL. See this Collection, Oct. 8, 1488, &c. vol. i. p. * 4.

³ Jailers. Fr. *jaillieur*.

⁴ Houghing, ham-stringing.

⁵ Until

⁶ For the illustrations of this ceremony, see Nov. 18, 1511 ; Oct. 11, 1531, *Notice* ; and Jul. 22, 1566, *Note*.

⁷ Several other Remissions were granted for the same offence at various dates.

AND for all vpir actionis, &c., Treffonne in þe Kingis perfonne, Murthure, and Reffaffing of womene except. (*Apud Edinburghe.*)

Oct. 2.—Remiffion to JOHN MYRETOUN OF RANDESTOUNE, for art and part of the **F**orbible **A**bduction ('**R**aptus')¹ of Elezabeth Sym, relict of John Elder in Kingisbermys. (*Apud Cowper.*)

Nov. 2.—Remiffion to JOHN SPENS OF LATHALLAND, for cafting down and **d**estroying the grain of Baward, belonging to *Sir Andrew Wod of Largo kn*; and thereby **o**ppreffing the faid Andrew: AND for **S**puilzie of the **T**reind **S**trades of the faid grain.

Nov. 2 and 14, and Dec. 10.—Remiffions to ALEXANDER INGLIS OF TERVET, Johne Mailvile of Carnbe, John his fon, Laurence Schethun, and five others, for art and part of the **O**ppreffion done to Thomas Butlaire of Rungalli, in eating and deftroying certain grain belonging to the faid Thomas. (*Apud Cuprum.*)

Nov. 28.—Remiffion to ADAM SCOTT in Tufchelaw for treasonably breaking Prifon, and his Warde within the Caftle of Edinburghe. (*Apud Edinburghe.*)

Dec. 14.—Remiffion to PATRICK DUNBARE OF KILCONQUHARE, for **R**esetting Patrick his fone and heir apparent, and Fergus Makdowell, the time they were at the **h**orn; and for **I**ntercommuning with them. (*Apud Struelin.*)

Sep. 9, 1504.—Remiffion to THOMAS TAYT, fone of William Tayt in the Parifh of Culvene, for art and part of the **B**urning of **B**arsalloche: AND for art and part of the **S**laughter of John Sinclair, in the year 1402 (1502?) (*Apud Drumfreſe.*)

Dec. 10.—Remiffion to MARK KER OF DOLPHINSTOUN, and three others, for forethought felony done to John Rutherford and others. (*Apud Jedburghe.*)

Remiffion to ROBERT OLIUERE, called *Rob with þe dog*, for treasonable **I**ntercommuning and affiffing David Olimere, called *Na-gude-Preiff*, and John Olimere, called *Cageare*, being at the horn. (*Apud Jedburghe.*)

Jul. 20, 1505.—Respitt maid to VMFRA BELL, and lxxxiiij vperis, for all maner of actionis, crimes, and offenfis quhatfumeuer, done be þain in ony tyme bigane, on to þe day þai gat þe KINGIS grace, in his Juftice-Are of Drumfreife, immediatlie haldin eftir þe **K**aid of **E**skdale: To endure for þe Kingis will. (*Subſcript. per REGEM.*)

Oct. 11.—Remiffion to Sir Williame Fraſere of Phillorthe kn', for Refetting, fupplying, and intercommuning with fundry of the King's Rebels. (*Apud Abirdene.*)

Oct. 13.—' Preceptum Remiffionis ANDREE WARNOCHE, pro **C**ommuni **L**itigatione cum ligeis REGIS, et pro **C**ommuni **O**ppreffione racione Dicte Litigacionis: ET pro **R**apina vnus le *bugestaff*² tempore dicte Litigationis: ET pro furtiva diftructione bonorum quondam Johannis Michel, tempore quo concubuit cum fua vxore, &c. (*Apud Lanark.*)³

Oct. 24.—Remiffion to ALEXANDER PANTOUNE, for the **f**orethought felonies done by him to Henry Forbes of Kynnellare, vniq^{le} Malcolm Forbes, and the Chamberlain of Arbro', and their accomplices, at Mekte Echtfy: AND for the **H**urting of Alexander Kay: And for art and part of the felony and '**W**amesukkin' done to the Laird of Owdny:⁴ AND for the forethought felony and

¹ '**R**aptus,' which at this period did not fignify Rape, but '**r**eiffing,' or forcible abduction. ² This feems to have been ſome warlike inſtrument, a *bill*; apparently from O. Fr. *bouge, bougrou, bouge*, which, however, is interpreted to be a bolt or arrow (javelin) with a great head.—*Cotgrave*. The bugestaff is likely to have been a ſort of poll-axe or '*Jeddart-staff*.'—See alfo *Dr Jamieson*. ³ The preſent entry is rather ſingular, and it has been thought proper to insert it as it occurs in the Record. See theſe extracts, Jan. 23, 1500-1. ⁴ On Aug. 10, 1511, Rannald Owdny of that ilk, and Isobella Pantoune, his ſpouſe, got a Charter from the Crown of the lands and mill of Owdny, &c. *Reg. Secr. Sig. IV. f. 184.*

APPENDIX.

Oppression done to the servants of the Laird of Tulydeff: And for Oppressing the said Laird, and **M**utilating certain calfs belonging to him: AND for **S**touthreiff of a sheep from David Thomfone: And for common Oppression, &c. (*Apud Abirdene.*)

Oct. 31.—Remission to ANDREW TULYDEFF OF THAT ILK, for **O**ppression done by him to William Turing of Foverne, in destroying his ploughs and certain houses, &c. (*Apud Abirdene.*)

Nov. 6.—Remission to ROBERT ARBUTHNOT OF THAT ILK, and three others, for **C**ommon **O**ppression done by them to vmq^{le} Elizabeth Sibbald LADY BALGONY, and Sir ANDREW LUNDY of Balgony, kn^t. (*Apud Brechin.*)

Nov. 10.—Respitt maid to DAVID BONARE, for þe **S**lauchter of vmquhile Thomas Multrare of Markinche: To endure for half a 3ere next to cum. (*Subscript. per REGEM.*)

Nov. 23.—Respitt to JOHNE MAKLANE OF LOCHBOY, and all his kynne, frendis, tennandis and fernandis, for all maner of actionis vnto þe day of þe date of þis Respitt, and for twa monethis to endure. (*Subscript. per REGEM. Apud Edinburghe.*)

Dec. 18.—A Respitt maid to THOMAS STORY for his tressonable passing, **R**euerting, and duelling within þe realme of **E**ngland, baith in tyme of pece and weire, without Licence of þe KINGIS hienes, &c.: To endure for þe space of nyntene 3eris next to cum. (*Subscript. per REGEM.*)

Jan. 4, 1505-6.—A Remitt maid to HEW LORD MONTGOMERY, John his bruder, John Montfoid, Robert Ruffale, Walter Lyne, and Edward Maxwell, for all action and cryme þat may be impute to pain of þe **R**esset, and **s**upple, **i**ntercommoun with þe saidis **R**ebellis, of ony tyme bigane. (*Subscript. vt supra.*)

Eo die.—Lette of Remit maid to ARCHBALD ERLE ERGILE, COLYNE MAISTER OF ERGIL, and xxxj vperis personis, þair fernandis, for þe **R**esset, **i**ntercommoun, and **s**upple gevin to þe said **M**aister of **M**ontgomery, George Railstone, and James Strueling, þe Kingis Rebellis foirfaid. (*Subscript. vt supra.*)

Jan. 23.—Lette maid vndir þe Priue Sele, direct to LAUGHLANE MAKGILLEONE OF DOWARD, and ix vtheris landit menne within þe ILIS, chargeand pain þat þai have na intrometting nor difponyng withe ony Kirkis, fermes, malis, proffittis pertenand to **J**ohne **B**ischop of **D**lis and **C**ommentatere of **D**roolmekill, without tak or Licence of hym; and als prayand pain to help and supple þe said Bischop, his factouris and feruandis, in þe gadering and vptakin of þe famyn. (*Subscript. per REGEM.*)

Jan. 29.—Lette of Remitt maid to DONALD MAKRANALD VANE, and generally to all vper personis, his tennandis, duelland apone his propir landis, and all his familiaris and feruandis now being with hym in howshald, Remittand to him þe rancour of þe Kingis hart and all action þat he has or may have again þame or ony of þame for all maner of crimes of **T**ressoun, **S**lauchter, **F**ire, **R**eif, or vper actionis or offensis quhatfumeuir, committit or done be þaim or ony of þaim, in ony tyme bygane, before þe day of þe dait heirof. (*Apud Edinburghe, Subscript. per REGEM.*) ‘*Gratis Comiti de Ergile.*’

Feb. 22.—Remission to THOMAS LAW, junior, in Glasgw, for art and part of the **C**hest, ‘*vnus paris oraculorum de le curell,¹ cum vno annulo auri,² et vno le pendes cinguli,³ from Isobella Huchonfone.* (*Subscript. per REGEM.*)

Apr. 18, 1506.—Remission to WILLIAM LORD BORTHUIK and eleven others for the **S**touth-

¹ Coral mass-beads. See these Extracts, Mar. 11, 1506-7.

² Gold ring.

³ Pendants, or hanging ornaments belonging to a zone or girdle.

rief of certain 'halkis,' furth of the **Roch of Erntrag**, pertaining to Sir Oliver Sinclare of Rosling kn^t; and for the **Mutilation** of William Adamfone. (*Apud Edinburghe.*)

Apr. 24.—Respitt maid to **JOHNE ERLE OF CRAUFURD** to pas in his **pilgrimage to Sanct Johne of Ameas**, or vper pairtis beyond sey; fra his passing furthe of his realme quhill¹ his againe cummyn in þe sammyn and fourety dayes paireftir. (*Subscript. per dominum REGEM, apud Edinburghe*)

May 10.—Remission to **WILLIAM BROVNE** alias *Gilliam Tawbornare* for the **Slaughter** of Patrick Harpare. (*Apud Edinburghe.*)

May 28.—Remission to **GILBERT TUEDY** for art and part of the **Slaughter of Edward Muntare of Polmuðe**, committed six years sience. (*Apud Peblis.*)

Jun. 4.—Respitt maid til **ANDRO WODE OF LARGO**, knyecht, for þe **Keiff of ane anker and tabyll** fra vmq^{le} Johne of Bonkill, in þe sea; and for all vper actionis and crymis committit be him vnto þe day of þe dait hereof. (*Apud Edinburghe, per signaturam manu REGIS subscript.*)

Jun. 11 and 16.—Remission to **SIR SYMON PRESTOUNE OF THAT ILK**, kn^t, Alexander Naper, and Robert Douglas, for art of the **Oppression** done to **JOHN LORD SOMERVEL**, and John S.: **AND** for art of **breaking the King's Protection**, granted to them in occupying the Lands of Guttaris and Gilmertoun: **AND** for the **Stouthrief** of certain horses furth of the lands of Gilmertoun; and for all action, &c. (*Apud Edr.*)

Jun. 22.—Saufconduct maid to (**SCHIR**) **WILLIAM TYRWIT**, kn^t, **INGLISMAN**, & xvj Inglisemen with hym, to cum in **Pilgrimage to Sanct Píntian**.² (*Subscript. per REGEM, apud Edinburghe.*)

Jul. 1.—Remission to **ANDREW CHANCELLARE**, and Johne Bere, for absconding with the 'bludy-hand' with Gilbert Tuedy, after the **Slaughter of Edward Muntare of Polmuðe**, committed by the said Gilbert; and for art and part thereof. (*Apud Lanark.*)

Jul. 16.—Respitt maid to **DONALD MAKEWIN MAKKAROLY OF CLANLAYNE**, for all maner of actionis; to endure for xl dais next after þe next fest of Lammes. (*Subscript. per REGEM, apud Edinburghe.*)

Nov. 12.—Remission to **ADAM TURNBULE** of Bullirwell, for **Resetting**, Supplying, and Intercommuning with **William Turnbule of Hynto**, and Mark, Edward, and Walter T., his accomplices, being Rebels and at the horn. (*Apud Jedburghe.*)

Jan. 3, 1506-7.—Lettre of Licence made to **ARCHIBALD ERLE OF ERGILE**, and **HEW LORD MONTGUMERY** to **Intercommoun**, and gif **Ressett**, supple, and fortify with mete and drink, **GEORGE RAILSTOUNE** and **JAMES STRIUELING**, beand at þe Kingis horne for þe **hurling** of William Cunyng-ham, **Crownar of Kenfrew**, in þe executione of his office; and als with **JOHNE**, MASTER OF **MONTGUMRY**, sone and apperand aire to þe said **HEW**, quhill þe next fest of Palme Sondag. (*Subscript. per REGEM, apud Edinburghe.*)

Jan. 4.—Remission to **LAURENCE COWTIS**, in Ruthvene, for art and part of the treasonable **Insurrection against the King**, coming with **ALEXANDER**, EARL OF **HUNTIE**, then **LORD GORDOUNE**, in an Army at **Dunkeld**. (*Apud Edinburghe.*)

Jan. 28.—Respitt to **ARCHIBALD** and **JOHNE HERIOT** for art and parte of þe **Slaughter of vmq^{le} Johne Hentoune, of that ilk**: To endure for a 3ere; and forþer, for þe Kingis will. (*Subscript. per REGEM, apud Edinburghe.*)

¹ Until. ² Such Warrants were by no means infrequent at this period. Many Nobles and Lairds of Scotland also obtained leave to go in Pilgrimage to Canterbury, (to the shrine of St Thomas a Becket,) and to France and Spain, &c.

APPENDIX.

Feb. 8.—Respitt maid to **JOHNE KENNEDY OF BLAREQUHAN**, knight, Adame Rede of Starquhite, and Maister Vchtred Adunnale, to pas in pair **Pilgramage to Sanct Thomas of Canterbury**,¹ in England, and **Sanct Johne of Ameas**, in France; fra pair passing furth of pis realme quhill² thare returnyn agane in pe samyn, and xl dayis paireftir. (*Apud Edinburghe.*)

Feb. 28.—Remission to **SIR JOHN FORMAN**, knight, and xxiiij others, and all other perfons being in company with the **ARCHBISHOP OF GLASGOW** and the said John, in the **MONASTERY OF JEDBURGHE**, the time of the **Slaughter** of Thomas Rutherford, for the said Slaughter; and for the ‘**Hereschip**’ of certain goods from the said Thomas, committed by the said perfons in the said Monastery, at the time foresaid. (*Per Signetum datum ad requisitionem domini REGIS.*)

Mar. 11.—Remission to **THOMAS LAW**, junior, for the **Stouthric** ‘*vnus le pendes zone, ponderis dimedie vneie argenti*’³ from Elizabeth Huchefoune. (*Apud Striueling.*)

Apr. 5, 1507.—Passport to **BERNARD DROMONE**, Trumpetter, and four others, his companions, to come from **BONONIA** to serve **THE KING** with their trumpets and musical instruments.⁴ (*Subscript. per Regem apud Edinburghe.*)

May 31.—Letter of Bailzery to **JOHNE MAISTER OF ATHOLE**, makand him Bailze of all and findrie pe landis, rentis, and possessionis with pair pertinentis, pertenying to vmq^{le} **ALEXANDER ROBERTSOUNE OF STROWANE**, and now to **THE KINGIS** hienes, threw resfoune of Ward, &c. (*Subscript. per Regem.*)

Jul. 6.—Remission to **JOHN M^cPERSONE**, for art and part of the **Burning of the Place of Weme**, and **Homicide** committed therein, in company with **NEILL STEWART**: And for all other actions committed previous to Jul. 1, 1503, &c. (*Apud Perth.*)

Jul. 7.—Remission to **JAMES MUSCHET OF CULGARTHE** for the **theftuous destruction** of the goods of James Robefoune, the time he lay with his wife: And for **forethought felony** done to the said James; and for **Murtung** him: And for the **Oppression** done by him to **SIR JOHN HALDANE** of Glennegafe, kn^t, and **THE LADY OF MERCHAME**, in casting down and destroying the aqueduct of **LANERK**: And for **common Oppression** of the lieges. (*Apud Perth.*)

Aug. 18.—Respitt to **SIR JOHNE LUNDY OF PAT ILK** to pas in **Pilgramage to Sanct Johne of Ameise**: and taking his ‘barnys, men, tennentis, &c., under his ferme pece and speciall Protectionn.’

Sep. 8.—Letter maid to **ALEXANDER ERLE OF HUNTLEIE**, in pis forne.

JAMES, be pe grace of God, King of Scottis. To al and findrie our officiaris, liegis and subdittis, &c. Forfamekil as We grantit and gaue of before to **MERGRET**, pe sifter of **ALEXANDER OF PE ILIS OF LOCHQUELCH**, knyght, indurand our will, our landis of Scalpa and Torrea, with pare pertinence, extending to four merkis wrocht⁵ of land, lyand in Strawrochille,⁶ and pe landis of Morournycht, extending als to foure merkis wrocht of land; and pe landis of Vugoworrrw, extending to vper foure merkis worth of land, lyand in Trauternes: Quhilkis Mergret hes applyit and subiectit hir persone, landis, and gudis, quheper in lauchfull mariage or aper wayis, We knaw nocht, to **DONALD MAKCARLE MAKLAUHLANE DONE**, quhilk has assistit to onre **Rebell TORKILL MAKCLODE OF LEWIS**, passand with him, committand Reif, Spulzie, and Oppressioun apon our trew liegis; quharfor it plesis ws nocht pat pe said Mergret or he haf any profit of our landis. **HEREFOR**, We haue grauntit, gevin, and confermit, and be thir our Letteris, gevis, grauntis, and confermis pe said tuelff merkis wrocht of

¹ The Shrine of St Thomas a Becket. ² Until. ³ See these Extracts, Feb. 22. 1505-6. ⁴ This is given merely as a specimen of numerous similar entries. James IV. gave great encouragement to Minstrels, having often from fifty to sixty in his pay at one time, as officers of his Household. He seldom travelled without Minstrels, ‘Tale-Tellaris,’ &c. ⁵ Wroucht, or worth; *valor*. ⁶ Strathardale?

laund of Scalpa, Torrea, Morroumycht, and Wngoworro, with par pertinence, induring our will, to our traift coung and counsalour, **Alexander, Erie of Huntly, Lord Gordoun and Baidzenacht**, and to his assignais, to be brukit, disponit, gevin, or assignit be him to quhat perfonis of þe ILIS or aperis he plese, þat wil do him and ws service pairfor. **QUHARFOR** We charge straitlie, and comandis ʒow, all and findrie our officiaris, liegis, and subdittis forsaid, þat nane of ʒow tak apon baund to lat,¹ stop, trubil, inquiet, or molest our said coung or his assignais, in þe brouking, josing, and vsing of þe said landis, induring our will, and quhill we gif our special Letteris in contrare; vndir al þe hieft pane, and charge, and offence ʒe or ilk ane of ʒow may committ or inryne² agane our Maiesté in þat part. **GEVIN** vndir our Prive Seil, AT ED^R, þe viij day of September, and of our regne þe xx ʒere.

[JAMES R.]

Sep. 13.—Remission to **JOHN LORD OLIPHANT**, and two others, for art and part of the **Oppression** done to **JOHN LORD DRUMMOND**, by destroying and casting down the dikes between the lands of Drymane and Balloche: And for **forethought felony** don to vmq^e **JOHN EARL OF BUCHAN**, done within the burgh of Perth, after the **Slaughter** of James Oliphant of Arqubelsie, committed by the said Earl and his accomplices: And for all other Oppressions, forethought felonies, actions, and crimes, &c. (*Apud Edinburghe.*)

Sep. 14.—Respitt to **JAMES ERLE OF ARRANE**, Lord Hammyltonne, at his passing ‘in þe realme of FRANS and vþer parteis bezonde þe sey, on certane chargis and erandis of ouris and his awin; and alse, in **Pligramage to Sanct Johne of Aincas**, and vþer placis: We haf parfor takin vndir our ferme pece, special Protectioun, mantenance, supple, defence, and Saufgard, our said coung, his men, kyn, surname, tennentis, &c., and in speciale our louittis ane Reuerend fader in God, **DAUID, BISCHOP OF ERGILE**, and James Hammyltonne of þe Schaufeild, kn^t,’ &c.

Sep. 16.—Remission to **JOHN THOWLESS**, in Breclin, for the **Slaughter** of Alexander Meill, committed ‘on suddantie,’ by the stroke of a ‘*golf-club*.’

Oct. 10.—Remission to **PATRICK DUNBAR**, son and heir apparent of Patrick D. of Kilquhonquhare, and two others, for the **Slaughter** of Patrick Makculloche, committed by them in the town of Wigtoune, ten years ago. (*Apud Edinburghe.*)

Dec. 18.—Remission to **ALEXANDER GARDIN** for the **Slaughter** of John Jamefoun, within the *Fortalice of Panmure*, by throwing a stone at him, 22 years since. (*Apud Striuelin.*)

Jan. 24, 1507-8.—Protection and Respitt to **JOHN ERLE OF CRAWFORD**, Lord Lindefay, Respittand him for all **actiounis**, &c. fra þe day of þe date hereof, vnto his returning within þe realme, and xl dayis pairrestir.

Mar. 4.—Remission to **JOHN INCHE** for **Intertcommunung with George, Earl of Rothes**, the King’s Rebel, and at the horn. (*Apud Edinburghe.*)

Mar. 11.—Remission to **JOHNE GORDON OF LOCHINVER** for art and part of the **Reif of a marr** from John Makmulane of Arindavacht, &c. (*Apud Edinburghe.*)

Apr. 6, 1508.—Respitt to **ARCHEBALD HUCHONSOUNE** of þe ILYS and xxviiij vþeris (because of pair grit lawbouris, deligence, and gude and thankfull service done be his hienes in þe persewing and taking of **Auchane Duncane Dowdson, Sorle**, his sone, and **Donald Mule Makalester**, his **REBELLIS**, and being at þe horne; and for þe bringing and deliuering of paim to be maid to his gude grace, or to quham he ordanis pame to be deliuerit, be his writingis) for þe **Slaughter** of vmq^l Donald Huchonsoune, vþerwayis called *Galdlauche*, bruder to þe said Archebald: AND for all vþeris **Slauchferis**, **Wereschippis**, **Birningis**, **Kellis**, **Murtheris**, &c., before þe date of þis Respitt; for

¹ Let; hinder.² Incur.

APPENDIX.

the space of 19 ȝeris. Providing allways, þat gif his said Rebellis beis nocht brocht, &c. þis Respute to be of nane avale, &c. (*Subscript. per dominum REGEM, apud Edinburghe.*)

Apr. 20.—Remissionne to JOHN CHENE OF ESSILMONT, Henry and Johne his breȝer, and Johne Balluny, for þe **forthocht felony** done be þame apoune Duncane Forbes, in þe Gallogate, within burgh of ABERDENE; And for þe **Keff** of swerdis and vther wapianis fra þe said Duncane and his feruitouris, þe sammyn tyme: And for all vþer crimes, &c.

Apr. 29.—Commissiounne to ANDRO BISCHOP OF CATHNES, Ronald Alanfoune of Ylanebigerne, and Alexander Mcclode of Dunvegane, and to twa of þaim, conjunctly, to **set** þe landis of þe **Lewis and Wattines in Sky**, þat pertenit to TORQWYLL MCCLODE OF þe LEWIS, and now to þe Kingis bienes, be ressonne of his sforfatour, &c.; for the term of five ȝeris. (*Apud Dunfermeling.*)

May 30.—Licence to 'PATRIK LORD LINDESAY OF þe BIRIS, and Jhone Lindesay of Petervvy, kny^t, his sone and apperand air, to pass in þe realme of FRANCE, in þare **Pilgrimage to Sanct Thon of Amcys** and vþeris pairtis beyond þe sey.' To endure for þe tyme of fevin ȝeris. (*Apud Edinburghe.*)

Oct. 17.—Remission to HARBERT MAXWELL OF KIRKCONWELL, Andrew Alane, and two others, for the **Stouthreiff** of a log¹ from the Debateable land between the said Harbert and John Herijs of Maby: AND for the **treasonable Conspiracy** made by them, in Convocating the lieges, with JOHN LORD MAXWELL and his accomplices, upon ROBERT LORD CRECHTONE, Sheriff of Drumfreise, and his Deputes, &c.² (*Apud Kirkcudbrycht.*)

Oct. 21.—Remission to THOMAS BUK for the **treasonable Conspiracy** committed by him in Convocating the lieges, with JOHN LORD MAXWELL and his accomplices, **against** ROBERT LORD CRECHTOUNE (OF SANQHARE), the **Sheriff of Drumfreise**, his Deputes, friends, and servants, and hindering him in the execution of his office: AND also for art and part of the **Slaughter** of WILLIAM DALSELL OF THAT ILK, and JOHN CARMICHELL, the **Deputes** of the said SHERIFF, and of others slain at the same time: AND for all other crimes done by him, day and place foresaid: AND for **Oppression** done to Mr John Huchefone, putting violent hands on him, and **Spulzic** of certain teind sheaves from him: AND for the **Stouthreiff** of certain oxen, to the number of four score, from James Lindesay; AND for **common Oppression, &c.** (*Apud Kirkcudbrycht.*)

Nov. 3.—Remission to JOHN KENNEDY, son of JOHN LORD KENNEDY, for the **Stouthreiff** of a horse from Fergus Fergusfone: AND for the Stouthreiff of another horse from THE COUNTESS OF EROLE, his mother: AND for forethought felony done to Duncan Kennedy: AND for **Resetting** SIR WILLIAM COLUILE OF VCHILTRE, kn^t, and other **Rebels** at the horn, &c. (*Apud Are.*)

Nov. 4.—Remission to THOMAS KENNEDY OF BARGANY for art and part of the **Stouthreiff** of eight oxen from Jonnet Lokkert, relict of Henry Kennedy, &c. (*Apud Are.*)

Jan. 2, 1508-9.—Lettre maid to ROBERT LORD CRECHTOUN OF SANCHARE, makand mencionne, þat becaufe þe KINGIS bienes vnderstandis, and kennis wele, þat þe said Robert maid and set a Court to be haldin at DRUMFREISE, þe last day of July, for Ministratiounne of justice to certane personis within þe bondis of his office; and þat he mycht, nor durst nocht cum to þe said Burgh to hald þe said Court, without warnyng, support, and supple of his frendis, as well apperit fra³ his **Deputis war trucilly slane**, in þe executione of his office, and halding of his said Court; and þat þe personis cuming with þe said Robert to þe sammyn, come in þe strengthin of him in þe executione of his office, and furthputtin of þe Kingis anclorit , and nane vþerwayis: THAT pairfor, it is þe KINGIS mynde and will, þat þe said Robert, nor nane vþer persone nor personis þat come with him to þe said Court, be

¹ 'Ligni.'² See TRIALS, Vol. I,   77, &c.³ From the fact that.

attechit, arefuit, or accusit be þe JUSTICE, Justice Clerk, &c., for **Condoratioun** of þe Kingis liegis **Slauchter**, **Resc**, or ony vþer maner of crime or actione, committit or done be him or þaim þe said tyme, or be ony occasioun or ony vþer thing þat mycht follow þairupone; bot will þat þe samyn ceife fra euer, in tyme to cum.¹ (*Apud Sanctandros.*)

Jan. 18.—Respitt made to THOMAS LYN, burges of Edinburgh, for þe **Slauchtir** of vniq^{le} SCHIR LANCELOTE PATONSOUN, CHAPPELLAIN,² quibilk happinnit be negligent cure and medicine þat þe said Thomas tuk one him to cure and hele þe said vniq^{le} Schir Lancelote of þe infirmite of þe grantgor,³ þat he was infekkit with. To endure for xix ȝeris. (*Subscript. per dominum REGEM, apud Edinburghe.*)

May 3, 1509.—Respitt maid to MALCOLME M^cCLOID OF RYSEY for all maner of **actiounis**, **crimes**, and **offensis** quhatsumeuier, committit and done be him in ony tyme bigane, before þe day of þe dait hereof, to be vnhurt, &c. for þe space of sex monethis nixt to cum eftir þe day of þe date hereof, and forþer, during þe KINGIS will, to þe effect þat he may in þe mentyme cum to þe KING and þe LORDIS of his CONSALE to do his leifull erandis, without arrest or trubill in ony wife. (*Subscript. per dominum REGEM, apud Edinburghe.*)

Nov. 7.—Remission to SIR HENRY WARDLAW OF TORRY, kn^t, and Michael Stratheny of that Ilk, for **common Oppressioun** committed by them: AND for **Resetting**, Intercommuning, and supplying **REBELS** at the King's horn: AND for **Stouthtreif**, &c. (*Apud Coupare.*)

Remission to GEORGE PITCARNE, for **Oppressioun** and **forethougth felony** done to John Bikertoun.

Nov. 9.—Remission to DAVID BALFOURE, in Petcullo, and David, his son, for **Intercommuning** with GEORGE EARL OF ROTHES, being at the horn, &c.

Nov. 11.—Remission to WALTER HERIOTE OF BURNTURK, for his disobedience and contempt, and treasonable **Abiding** from the King's Army against the **English**, conveened at **Aytoun**; and for all other actionis, &c. (*Apud Coupare.*)

Nov. 14.—Precept of Remission to HENRY PITCARNE OF DRUMGY, for treasonably **Abiding** from the King's Army against the **English**.

Nov. 16.—Precept of Remission to JOHN TERVET OF THAT ILK, and Elias Tervett, his uncle, for his disobedience and contempt in **Abiding** from the King's Army at **Aytoun**:⁴ AND for common **Oppressioun** of the lieges, &c.

Dec. 2.—Precept of Remission to ALEXANDER KER OF STRALOCHE, for art and part of the **Burning of the Place of Uene** and **Homicide** therein committed, in company with the King's Rebels, &c. (*Apud Edinburghe.*)

Feb. 2, 1509-10.—A Lettre of **Rehabilitatioun** maid to ALEXANDER LEKPREUIK in pis forme: FORSAMEKLE as þe said Alexander wes accusit for art and part of þe cruell **Slauchter** of vniq^{le} George Hammyltoun, and wes convict of þe sammyn be ane Affise, and þairfor Dome wes gevin in þe Tolbuth of Ed^r, þat þe said Alex^r fuld be dampnit to dede for art and part of þe said Slauchter, &c.: AND now, for certane gude causis and vther confideracionis moving our mynde, We haif Reabilitit⁵

¹ See above, Oct. 17 and 21, 1508; and also TRIALS, Vol. I, * 77.

² This Churchman seems to have been one of the old leaven, chronicled by honest *George Marioreybanks*, thus:—'In the year of God 1533, Sir Walter Coupar, Chaipleine in Edinburghe, gate a pynte of vyne, a laiffe of 36 vnce vaight, a poek of aite-meill, a pynte of aill, a scheipe hede, ane penny candell, and a faire woman, for ane xvij penny grote.'—*Annals of Scotland*, p. 5.

³ Lues Venerea.

⁴ A number of others got Remissions for the same offence; among whom are Sir Andrew Kynmynmonthe of that Ilk, knyght; William, his brother; David Spens of Wolmerstoun, John Betoune of Balfour, Alex. Lathreise of Orky, &c.

⁵ Rehabilitated; restored. L. B. *rehabilitare*.

APPENDIX.

þe said Alex^r to his gude fame and honour, and als he maid him lauchfull, be þir our Letteris, to excerfe all lauchfull dedis, in judgement and outwithe, and to bruke and joife all dignateis, officis, landis, rentis, possessionis, and gudis, als fre as he did before þe committing þe said Slauchter. (*Subscript. per REGEM, apud Edinburghe.*)

A Licence, Protectione, and Respitt maid to MAISTER PATRIK BLAKATER, Archidene of Glasgw, to pas to þe realme of France to besy the Scules, and to vper pairtis beyond þe fey. (*Subscript. per REGEM, apud Edinburghe.*)

Feb. 10.—A Lettre maid to MARIONE OF YLIS, dochter to **Malcranalð Bayne**,¹ at þe instance and requeste of þe ERLE OF ANGUSE, of þe Gift of foure merk land of Cortynvale, lyand in þe lordschip of KYNTIRE, fre of all males and gefowmes and dewiteis; for hir life tyme. (*Apud Striueling.*)

Apr. 12, 1510.—A Respitt maid to LAUCLANE M^cGILLANE, his kynnismen, familiaris, and seruandis, faufly to cum to þe KINGIS presence to Striuelin, or quhare it fall happen to be for þe tyme, for expedicioun of his erandis þat he has ado; and surely to returne agane quhare he come fra. To endure for xl dais. (*Apud Striuelin, subscript. per REGEM.*)

Apr. 19.—A Respitt to GEORGE LORD SEYTOUNE, gevand him Licence to pas in quhat pairtis he plesis outwith þe realme, with quhat personis, his kynnismen or seruandis he likis, for þe tyme: For the space of thre yeris, &c. (*Subscript. per REGEM, apud Striueling.*)

Apr. 22.—ADAM RUTHIRFURD, sone to v^mq^{le} George R. of Langnewtoun, got Letters of Rehabilitation, viz. Forfamekill as he wes apprehendit and takin rede-hand committand Thift and crimes apone oure liegis, and pairfor wes put in oure Castell of Edinburgh in fermance and presoune, and wes kept in oure said Castell be þe space of thre quartaris of ane yere with þe mare² to have bene justifit³ for þe said Thift, and for Slauchteris and vper grete crimes committit and done be him of before, 'neuertheles We movit of pete,' &c. (*Subscript. per REGEM apud Edinburghe.*)

May 10.—Respitt to ROBERT ELWALD OF REDEHEUCHE, and nine others,⁴ faufly and surely to cum to þe KINGIS presence, and faufly and surely to remane and abide for þe expedicione and doing of þair materis, concernyng gude reule to be had and kept in þe cuntre, &c. To endure for thre mouethis. (*Subscript. per REGEM apud Striueling.*)

May 26.—A Respitt to all and sindry þe Tenentis and inhabitantis of þe landis and lordschip of **Liddisdale**, faufly and surely to cum to þe KINGIS hienes to Edinburghe, &c., concerning gude reule to be had and kept within þe saidis pairtis, &c. To endure for a moneth.

Jul. 4.—Precept of Remission to GILLASPY DOW, (Bailze of Troutiones,) John Makgillermartyue, and sixty-three others, for Common Oppression of the liegis: AND for Resetting, supplying, and Intercommuning with the King's Rebels: AND also for Fire-raising, &c. (*Apud Inuernys.*)

Jul. 9.—Precept of Remission to GEORGE FALCONARE OF HALKERTONE and Robert F. for Common Oppression of the lieges, &c. (*Apud Inuernys.*)

Precept of Remission to ANDREW KYNNARD OF THAT ILK, dwelling within the thire of Inuernys, for Supplying, Resetting, and Assistance given by him to THE KING'S REBELS, being at the horn: And for all other crimes and actions, &c. (*Apud Inuernys.*)

¹ See Trials, I. 4 45, Jan. 20, 1505-6.

² And upwards.

³ Executed.

⁴ Thre Elwalds, two Nixsones, two Croseris, two Hendersonis, and Alexander Armestrang.—On Nov. 20 thereafter, they, along with Sym and George Armestrang, James Forestare, Jaffray Blakburn, and all and sindry vtheris, the Inhabitantis of Liddisdale, got a Respite 'to be vnpunyst in thair personis for xix yeris,' (*apud Jedburghe.*) for all crimes previous to that date.

Jul. 15.—Precept of Remission to SIR JAMES CRECHTONE OF FRENDRACHT, kn^t, and xvij others, for their treasonable Absence from the Army at Aytoun, where THE KING was in proper person, to resist THE ENGLISH, &c. (*Apud Edinburghe.*)

Jul. 24.—Respit maid to þe LORD OF SANCT JHONIS, in double forme, and to xxiiij personis, his houshold men, to pas to the Court of Rome, the Rhodis,¹ and vþer partis.

Nov. 27.—Commission to ADAME ERLE BOITHUILE, LORD HALYS, and ADAM HEPBURNE OF CRAGGIS, and to pair BAILZEIS, to inbring all maner of personis, trespassouris, committaris of quhatsumeuer crimes within the boundis of þe scheref dome of Norburghe and lordschip of **Widdisdale**, and within ony vther landis, boundis, roymes, and Bailzerijs pertenying to þe said Adam Erle Boithuile, quhilkis ar fugitive fra þe lawis: AND gife þai may nocht be apprehendit, þat þai eschete pair gudis, and inbring þe sammyn; and gife neid beis, to **Virne** pare housis, and SLAA þaim þat beis apprehendit; and þe laif to BANYS þe realme, þe quhilkis ar fugitiue. (*Subscript. per REGEM, apud Jedburgh.*)

Jan. 12, 1510-11.—Precept of Remission to THOMAS MURRAY, son of vmq^le John Murray of Balloche, for the **Slaughter** of George Murray, committed xj years since. (*Apud Edinburghe.*)

Jan. 16.—Lette of Reliabilitioun to PATRIK McLELLAN OF GILESTONE,² sayand, þat þe KINGIS grace Reabillis þe said Patrik to his wardly honouris, digniteis, and vþer priuilegis, and lauchfully to succaid to his fader and vþeris his predecessouris, nochtwithstanding þe Dome gevin þat þe said Patrikis hede fuld be strikin fra his body, for þe **Reif and Stouthe** of xx^{ti} oxin and ky fra Patrik Agnew, Scheref of Wigtonne, and his seruandis, vndir silence of nycht, &c. (*Apud Edinburghe.*)

Aug. 22, 1511.—Remission to PATRICK LESLY, son of Andrew, for art and part of **Casting down and spuilzie of the Place of Keme**, and taking THE LAIRD OF TULYDEFF furth of the Place of Ranfloune. (*Apud Edinburghe.*)

Oct. 15.—Precept of Remission to MR WILLIAM LEVENAX OF CALY, for **Indading and Hurtung** Roger Gordoune, sheriff in that part, who came with THE KINGIS letters to cite him. (*Apud Edinburghe.*)

Oct. 27.—Precept of Remission to ROBERT GORDOUNE OF GLENNE, for **supplying and Assistance** afforded to his brother Alexander, Refetting him and drawing him out of the realm, as a fugitive, for the **Slaughter** of JOHN DUNBAR OF MOCHRUM. (*Apud Edinburghe.*)

Nov. 1.—Precept of Remission to CUTHBERT EARL OF GLENCARNE, and five others, for art and part of the **Slaughter** of Alexander Makfarly, in Bute, &c. (*Apud Are.*)

Et die.—Precept of Remission to WILLIAM CUNYNGHAME MASTER OF GLENCARNE, and xxix others, for **Resetting and Intercommuning** with THE KINGIS Rebels. (*Apud Are.*)

Nov. 19 and 28.—Respit maid to DONALD MAKCLAUCHRANE³ for art and parte of þe **Slaughter** of Robert Fargoune of Brakanfide, and Alexander Fargoune, &c. To endure for 19 years, with power to þe Scheriffis of Edinburghe and Drumfreife to releifche him fra þe horne, and deliver him þe wand of pece,⁴ &c. (*Apud Edinburghe.*)

Jan. 26, 1511-12.—Precept of Remission to GEORGE HALIBURTOUNE for art and part of the **Slaughter** of **William Coluile of Echiltre**, and Richard Ruthirfurd, &c. (*Apud Edinburghe.*)

¹ The Knights Templars had their principal establishment in the Island of Rhodes. Their possessions in Scotland were considerable, but their lands were feued out to vassals. Many considerable properties are still held of the superiors of these 'Temple lands,' as they are called. ² See the proceedings against him in Trials, I. * towards the close of the reign of King James IV. ³ Sic. See Jun. 3, 1512, of these extracts. ⁴ For explanation of this ceremony, see Nov. 18, 1511; Oct. 11, 1531, (*Notice*); and Jul. 23, 1566, (*Note*).

APPENDIX.

Jun. 2, 1512.—A Generale Remitt of þe KINGIS speciale grace maid to þe PROVEST, balzeis, confale, and comunité of **Abirdene and Inhabitantis** of pair landis and fredome, Remittand þaim all actiones, transgressionis, crimes and offensis quhatsumeur, committit or done be þaim before þe date hereof, &c. in þe forme of þe Lettre grantit to þe BURGHE OF DUNDE.

Jun. 3.—A Respitt maid, of THE KINGIS speciale grace, to MAISTER ALEXANDER KENNEDY, for his treasonable fenzeing¹ of the Kingis subscripcioun-manuale, subscriuand ane Respitt to Donald Mcclachrane,² for **Slaughter** and vper crimes, of þe quhilk he wes delatit. (*At Edinburghe.*)

Jun. 12.—A Lettre maid to þe Inhabitantis (of) the **Dis of Bute and Cunrap**, and also to þe Inhabitantis of þe towne of **Mosay**, remittand þaim all actionis, &c. committit and done be þaim ony tyme bigane, before þe date hereof (Treatone in þe Kingis perfone, Murthure, Fire, and Reuising of women exceptit.) *At Edinburghe.*

Sept. 25.—Gift to THOMAS DUNWEDE, þe sone and aire of vmq^{le} Thomas D. of þat Ilk, of þe Ward, all landis, &c. quhilk pertenit to þe said unq^{le} Thomas,³ &c.

II. ILLUSTRATIONS OF THE REIGN OF KING JAMES IV, SELECTED FROM THE ACCOUNTS OF THE LORD HIGH TREASURER OF SCOTLAND.

[THE value, in a historical point of view, as well as the extreme curiosity, of the Accounts of THE LORD HIGH TREASURER OF SCOTLAND, is known only to the comparatively few individuals who have found leisure, perseverance, and opportunity to consult their truly remarkable contents; for hitherto no connected view of them has been made public.

In attempting a brief selection from the interesting stores of information which is to be gleaned from these Volumes, the Editor has felt it extremely difficult to refrain from the insertion of much extraneous matter of intense interest. The frequent deviations from the strict plan and spirit of this Appendix, in which he has indulged, will show the reader the value of the materials contained in the Treasurer's Accounts. It is hoped, however, that ample selections may one day be printed at the Public expense, under the Record Commission; for no private individual can ever be expected to undertake the labour and cost of such a work, which, however valuable in itself, could never be expected to defray even a moderate share of the outlays which must necessarily be expended in the publication of such a work.

To save occupying additional space, the reader is referred, generally, to the preceding TRIALS, which are more or less illustrated by the following Extracts. For the sake of those whose pursuits have not led them to the examination of such matters, a few brief notes are added, which, it is hoped, will prove not

¹ Counterfeiting, forging.

² See above, Nov. 19 and 28, 1511.

³ Who was slain at the Place of Dunwedy. See this Collection of Trials, I. * 40.

unacceptable. The selections have purposely been made as diversified and entertaining as the narrow bounds of this work permit.]

1488.—ITEM, quhen þe KING com furth of Sanct Johuiston, for a barrell of aill at þe Blakfurde,	xij s̄.
<i>Item</i> , for carying of clathin fra Scone, efter þe Coronatioun,	xv s̄.
Aug. 5.— <i>Item</i> , to Patrik Johnson, to The Playaris of Wythquow, þat playit to þe KING,	v li.
Aug. 20.— <i>Item</i> , Quhen þe KING past to Lanerike to þe Ayre, gevin him self xx ^{li} Vnicornis, ¹	xvij li.
<i>Item</i> , for a horsse bocht to þe KING at LANERIK, ²	x merkis.
<i>Item</i> , þe famin tyme to Johne of Schaw ³ to spend at his (the King's) command,	xx li.
<i>Item</i> , in Lanerik to Dansaris and gysaris, ⁴	xxxvj s̄.
<i>Item</i> , þe JUSTIS ⁵ costis, þe tyme of þe Ayre of Lanerike,	lvj li. ij s̄.
Sep. 1.— <i>Item</i> , to þure wyfis of Ballinreke, þat had þare gudis tane away be JOHNE STEWART; at þe Kingis commande, thre Vnicornis,	ij li. xiiij s̄.
Sep. 3 and 6.— <i>Item</i> , Quhen THE KING raid to þe Ayre of Dundie, ⁶ various costly dresfes were made for him, too numerous and lengthened to admit of selection in this place.	
Sep. 7.— <i>Item</i> , in DUNDIE, to the King him self,	xxvij li.
Oct. 3.—IMPRIMIS, for ix COYT ARMOURIS to þe Warroldis and Purcyfantis, price of ilk peyce, sylk, gold, aysure, and þe makin of þaim, v li.; <i>summa</i> of þe ix,	xlv li.
<i>Item</i> , for thre elne and d. (one half) of baryandre tarter ⁶ to be STANDART to þe KING, quhen he raide to the Mur of Glescow, price of þe elne xvij s̄.; <i>summa</i> ,	ij li. ij s̄.
<i>Item</i> , for gold, aysure, siluer, and colouris til it, and wyrkin ⁷ of it,	vj li. xvij s̄.
<i>Item</i> , for thre vnee of sylkis to frenzeis ⁸ til it, price,	xiv s̄.
<i>Item</i> , þairefter for v quartaris of tarter to þe KINGIS BANERE, price,	xxij s̄.
<i>Item</i> , for golde, siluer, aysure, and oder colouris til it, and wyrkin,	vij li. xvij s̄.
<i>Item</i> , for thre BANNARIS TO þe TRUMPATIS, ⁹ tarter, golde, siluer, and oder colouris, price of ilk peyffe, ¹⁰ with þe makin, v li.; <i>summa</i> of þe thre,	xv li.
<i>Imprimis</i> , got for liuerayis to vij Wensmen ¹¹ of þe KINGIS, agane ¹² the Coronatioun, for xx½ elne velwos, ¹³ to be vij GOWNIS to þe said Wensmen, price of þe elne ij li. v s̄.; <i>summa</i> ,	ijj ^{xx} vj li. xij s̄. vj d.
<i>Item</i> , for xij elne of blak fatin, to be þame vij DOUBLETTIS, price of þe elne xxxvij s̄.; <i>summa</i> ,	xxij li. xvj s̄.
<i>Item</i> , for floein and stentin ¹⁴ to þe famin doublettis,	xxvj s̄. vij d.
<i>Item</i> , for v½ elne blak claiht to be vij þare of HOSE to þaim, price of þe elne xv s̄.; <i>summa</i> ,	iiij li. ij s̄. vj d.
<i>Item</i> , for vij elne of cotonyt quhit claiht, to lyne þe sam hose,	x s̄. vij d.
<i>Item</i> , for makyne of þame in Sanct Johuestoun, ¹⁵ þe sam tym,	vij s̄.

¹ A gold coin first struck in the Reign of James III, which took its name from the figure of an unicorn supporting a shield with the Scottish arms. *Cardomet* says it usually weighs 48 grains.

² That county has long been famed for the excellent breed of its horses.

³ Of Sauchie, formerly his Keeper.

⁴ Morrice-dancers.

The last vestige of these customs is to be found in Edinburgh, whose *Guisards* go about with masks, or 'fause faces,' and shirts worn above their clothes, singing and asking money. The custom has almost expired, and is now entirely confined to young boys. Their Christmas carols are quite forgotten.

⁵ The Justice.

⁶ This is evidently

TARTAN, which it would appear was chequered with gold, silver, azure, and other colours.

⁷ Working.

⁸ Fringes.

⁹ Still customary with our state-trumpets.

¹⁰ Piece.

¹¹ Benchmen.

¹² Against, pre-

paratory to

¹³ Velvet.

¹⁴ A sort of lining and buckram stuff, for stiffening the dress.

¹⁵ Perth.

- Item*, at *Michelmes*, agane þe *Parliament* haldin in October, *imprimis* for xiiij½ elne of fuf-teane to be DOUBLATTIS to ix *Wensmen*,¹ price of þe elne, iij š. ; *summa*, ij ti. vj d.
- Oct. 6.—*Item*, to *Engliſ John the Fwte*,² at þe KINGIS commande, thre royfe nobillis,³ v ti. viij š.
- Nov. 1.—*Item*, quhen THE KING raid to the *Ayre of Lancker*, fundry drefles, &c.
- Jan. 3, 1488-9.—*Item*, ‘ agane þe Parliament haldin eftir zule,’ (nine Henfemen are again furnished with ‘ fide (*long*) gownis,’ ‘ dowblattis,’ and ‘ hoyfe.’ And they afterwards get their ‘ Witfonda leuerrais,’ confifting of ‘ zallow dammyfk doublatis,’ ‘ Inglis grene gownis,’ and ‘ cayrfay hoyfe.’ It is unneceffary to enumerate the lengthened entries, which are made at full length in the Accounts.
- Feb. 11.—*Item*, to *Scuttl John* þe ENGLISE FULE, at þe Kingis commande, v royfe nobillis, ix ti.
- May 31.—*Item*, in Edinbur⁴ to gif *Doly John the Fule of Englande*, þat brocht ij ſpanzeallis to þe KING, x markis.
- Item*, to him, vj ti. xiiij š. iiij d.
- Jun.—*Item*, to CUNNYNGHAME the ſingar, at þe Kingis commande, a demy, xiiij š.
- Jul. 1.—*Item*, to WILZEAM SANGSTAR of Lithqow, for a ſang bwke⁴ he brocht to þe KING, be a Precept, x ti.
- Jul. 10.—*Item*, to *Engliſ Pyparis* þat come to þe Caſtell zet and playt to þe KING, xij demyffe, viij ti. viiiij š.
- Aug. 4.—*Item*, for the expenſis maide, at THE KINGIS commande, vpone *Deyff Lutkin*⁵ and his folkis, quhen thai come firſt to *Stirling*, thair coſtis in *Stirling*, and thereafter in *Lythgow* and *Edinburgh*, at dyuerſe tymes, and for horſſe to thayne to ryd betwene, xij ti.
- Item*, for the coſtis maid in Edinburge vpon xxxvj of his folkis that wes takin in *Leyth*, ay quhill thai wer juſtifeit,⁶ xxxvj ti.
- Item*, to the famin *Densse menne*,⁷ at thair way-paſſing be THE KINGIS commande, ij ſ. viij š.
- Aug. 31.—*Item*, to PATRIK JOHNSON and his fallowis þat playt a play⁸ to þe KING in *Lythqw*,⁹ ij ti. xij š.
- Sep. 3.—*Item*, to *Scuttl John*, þe ENGLISE FULE, þat brocht japis¹⁰ to þe KING, at his commande, x ti.
- Jan. 1, 1489-90.—*Item*, to þe KING, in his bed,¹¹ in þe mornyng (*New Year*) x angellis, xij ti.
- Jan. 6.—*Item*, on UPHALY DA¹² to þe KINGIS offrande,¹³ xviiij š.
- Item*, to þe *King of Beure*,¹⁴ þe ſame da, xviiij š.
- Feb. 22.—*Item*, for Spardour¹⁵ to paſſe to *Bedworth*, to gar provyde for THE JUSTIS¹⁶ coſtis, again¹⁷ the *Ayre*, x š.
- Item*, to Ker Meſſinger to paſſe to *Lancrik*, for to gar provyd for THE JUSTIS to the *Ayre*, v š.

¹ They were alſo furniſhed with ‘ Galbertis’ and ‘ hoſe.’ ² English John, the fool, or jester. He ſeems to have been a favourite. ³ Rose Nobles, English gold coins, of the value of 36s. each, of the money then current in Scotland. ⁴ Of what value would not this ‘ SANG BWKE’ be now conſidered! ⁵ 1489, Jun. 26, AN EMBASSY WAS SENT BY JAMES IV TO DENMARK, for a renewal of the ancient alliance; and alſo claiming damages for injuries committed by ‘ LUTHKIN MERE (Danish Pirate) and his complices, within our ſouerane lordis Watter.’—*Acta Parl.* ⁶ Executed. ⁷ An Embaſſy had been returned by the KING OF DENMARK, accompanied by a number of the Pirates, who were delivered up to be executed. It does not appear what terms were made. ⁸ There are many inſtances in the ſame Record of plays having been performed before the KING and Court, at this very early period. ⁹ At this time the SPANISH AMBASSADOR WAS RESIDENT AT COURT; and it is probable that there was another Embaſſy from ENGLAND. ¹⁰ Monkeys, apes. It is proper, however, to remark, that the word likewiſe ſignifies *trinkets* or *toys*; and alſo *jests* or *drolleries*. THE KING had a conſiderable collection of wild beaſts preſented to him at different times, and probably kept a regular MENAGERIE for his amuſement: A former gift with which *Gentill John* had been entrusted was two *spaniels*. ¹¹ There was regularly an offering of this ſort each NEW YEAR’S morning, and commonly a ‘ caudill.’ ¹² EPIPHANY, the Maniſtation of our Saviour to the Gentiles; TWELFTH-DAY. ¹³ Offering. ¹⁴ This perſonage was THE KING elected on Twelfth-night, being the individual in whoſe portion of the cake a *Bean* was found. The ſame practice ſtill prevails in England, but a ring is now uſed in place of the bean. See *Brand’s Popular Superſtitions*, (*Ellis’s Edit.*) *Dr Jamieson’s Dict. v. Bane*, &c. ¹⁵ One of the King’s Meſſengers-at-Arms. ¹⁶ Juſticiar’s expenses. ¹⁷ Againſt; preparatory to.

- Feb. 27.—*Item*, to THE KING, in Edinburgh, or¹ THE LORDIS raide to the *Ayre of Lanerth*, xvij li.
- Jul. 17, 1490.—*Item*, on Sunday, in Edinburgh, in þe THE^s (Thefauraris) INNIS quhen þe KING saw þe *Processioun*, til² him iij Vnicornis, iij li. xij s.
- Item*, on Monunda, þe morne efter, fend til him with þe PROVEST OF MEFFANE³ xvj Vnicornis, xiiij li. viij s.
- Jul. 23.—*Item*, on Fryda, in Dundee, to þe KING, to gif the *Frausche menne that playtt*, xx^{ti} Unicornis, xvij li.
- Nov. 22.—*Item*, to Ormond to passè in THE NORTHLAND to proclame the *Ayris*, ij li.
- Item*, to *Daue Strathaweiking*, JUSTICE CLERK, to passè to reslave the dittay thare, iij li.
- Jan. 1, 1490-1.—*Item*, to *Blind Mary*,⁴ (on 'New Yere da'), xvij s.
- Jan. 2.—*Item*, for ij elne grene cayrfay,⁵ and iij elne cotton quhyt to *Sande Fwle*, till a coynt,⁶ and þe makine of it, xix s.
- Apr. 5, 1491.—*Item*, to WALLASSE⁷ pat tellis þe geistis⁸ to þe KING, xvij s.
- Apr. 14.—*Item*, to *Domínico*,⁹ to gif þe KING leve to lat him blud, xvij s.
- Apr. 15.—*Item*, til a man pat come to Lythgow to lat þe King blud and did it nocht, xvij s.
- Jul. 16.—*Item*, to þe *Spanzcartis* pat DANSYT before þe KING on þe cawfay of Edinburgh before þe THE^s. Iwgeing, xxx Unicornis, xxvij li.
- Aug. 30.—*Item*, to the *Wangman of Edinburgh*, to cum to LYTHGOW to hang a *Theif of Levin*, quhilk he had¹⁰ efter to Edinburgh, v s.
- Oct. 24.—*Item*, til a fallow brocht þe KING ij *wolfs*, in Lythgow, v s.
- Item*, on *Sanct Johnnis daj*, to *Gysaris* pat dansit to þe KING,¹¹ - - -
- Jul. 24, 1494.—*Item*, to passè to summond *Sir John of þe Isles*¹² of TRESSONE in *Kintyre*; and for þe expensis of þe wites, vj li. xij s. iij d.
- Item*, to speid þe ERSE LADE,¹³ to by him clathis, xvij s.
- Nov. 8.—*Item*, to pafs fra *Aberdene* with þe extractis of the *Airis* to MAKINTOSCHE, and ROOSE of *Ballochgowne*, and to M^rKYE, xx s.
- Item*, to pafs to *Bute* to bring þe wites of þe execution of *Sir John of His* summondis, xl s.
- Dec. 12, 1496.—*Item*, to WATSCHOD þe TALE TELLARE and WIDDERSPUNE þe TALE TELLARE, togidder, xvij s.
- Mar. 31, 1497.—*Item*, gevin to þe *Abbot of Unrressoun*, for his reward, at þe KINGIS command, v li. viij s.
- Apr. 10.—*Item*, to Johne Hert, for bering a pare of Monicordis¹⁴ of þe KINGIS fra Abirdene to Striuelin, ix s.
- Apr. 19.—*Item*, to the tua filhelaris pat fang *Graysteil*¹⁵ to 3E KING, ix s.
- Jun. 8.—*Item*, to þe MAISTER OF HOMES man, pat brocht tithingis of the *Katel of Dunse*, v s.
- Item*, pat famin day to Stevin Nesbit, *Lang Patrik Home's* man, for siclike tithingis bringing to þe KING, xlij s.
- Jul. 6.—A number of Payments at and previous to this date were made to the *Duke of York* and the *Duchess of York* (PERKIN WARBECK.)¹⁶ Various payments also regarding MONSSE, (*Mons Heg.*)¹⁷

¹ Before, previous to, *etc.* ² Given to. ³ Methven. ⁴ BLIND HARRY, the Minstrel, had a regular pension out of the King's Privy purse. This notice of a handsel is inserted to show the King was not unmindful of the Minstrel.

⁵ Kersey. ⁶ These coats were party-coloured, green and white, or black and white, &c. ⁷ The same day another payment of xvij s. is made to BLIND HARRY. ⁸ Jests, tales, *L. Gesta.* ⁹ He was one of the Minstrels. ¹⁰ Carried. ¹¹ About this time there are payments for 'playing swerdis,' 'gluves,' 'justing speris,' &c. ¹² SIR JOHN CANOCHSONE of Isla and Kintyre, Lord of Glens in Ireland, who, with three of his younger sons, were executed in Edinburgh, 1500. From him descended the Earls of Antrim, &c. Reference may be made to *Mr Gregory's* work on the Isles, in explanation of this and of all other matters connected with THE ISLES. ¹³ Highland lad. ¹⁴ A one stringed instrument. ¹⁵ An ancient Popular Romance. The King gave great encouragement to Tale-Tellers and Minstrels, who perpetually appear in every part of the Accounts. ¹⁶ See *Mr Tytler's* History of Scotland for the most authentic account of King James IV.'s proceedings in relation to that impostor. ¹⁷ See *Transactions of the Society of Scottish Antiquaries.*

APPENDIX.

- Aug. 7.—*Item*, giffen to þe KING to play at þe Cartis with þe SPANZARTIS, at Þoreme,¹ xx
Vnicornis, xvij li.
- Aug. 15.—*Item*, to Robin Kere, to furniſſe þe gunnis pat ʒeid² with þe KING to þe Raib at
Aytoune, x Vnicornis, and xij li. xij ſ. xxj li. xij ſ.
- Aug. 21.—*Item*, pat famyn nycht, to Dandé Doule,³ be THE KINGIS command, to walk⁴ one
þe Sandis, for to wait one þe Englise ſchippes, xvij ſ.
- Aug. 24.—*Item*, to Johnſtoune, þe Chamerlanis man, pat broclit titthingis of the ſkaling⁵ of
the Engliſmen, ij ſ.
- Sept. 1.—*Item*, to a woman with þe GRANTGORE⁶ pair (at St John's Kirk of Dalrye, when
THE KING⁷ was on a Pilgrimage to 'Cuthbirne'), ij ſ. vj d.
- Sept. 18.—*Item*, to þe werkmen (of Dunbar) to bring hame Houſe and þe opir Artailzeri,
to gide þaim fra Dalketh, xxij ſ.
- Sept. 23.—*Item*, (in Striuilin) giffin be þe KINGIS (command) to the Duc of Somerside,
x Vnicornis, ix li.
- Dec. 10.—*Item*, to Dauid Prat þe Payntour,⁸ in compleit payment of þe ALTAR PAYNTING,⁹
as reſting awand to him, ij li. ix ſ.
- Mar. 10, 1501.—*Item*, to Duncane Riche, to paſſe to þe MAISTER OF ANGUSS with þe Þor-
toure¹⁰ of Eskdale, vj ſ.
- Apr. 10.—*Item*, giffin to þe blind wif pat hed her eyne ſchorne,¹¹ xij ſ.
- May 23.—*Item*, to Maſter William Dunbar,¹² in his PENSIOUN of Martymes bipaft, be
command of ane Precept,¹³ v li.
- Dec. 28.—*Item*, be þe Kingis command, to Johne Anderson, that wantis feit and handis,
xiiij ſ.
- Item*, þe famyn nycht to þe KING, to play at þe bylis with Johne Anderſone, pat wantis feit
and handis,¹⁴ xiiij ſ.
- Feb. 5, 1502-3.—*Item*, to ane man to paſſe to þe ERLE OF ATHOLE with þe KINGIS writings,
to ſtop the halding of his Air befor þe Kingis Juſtice Air, vj ſ.
- Jun. 26, 1503.—*Item*, to Robin Hude of PERTH, be THE KINGIS command, iiij Fr. cr., lvj ſ.
- Aug. 6.—*Item*, to Johne Auchlek, for gilting of þe QUENIS bukkilles, and boſes of þe QUENIS
bridill and harnefing þat wes brynt in Dalketh, ij li. ij ſ.
- Item*, to Johne Auchlek, goldſmyth, to gilt ane pair of ſpuris for þe KING, xv ſ. 6 d.
- Item*, for to gilt þe Kingis ceptre (Sceptre), ij Hary Nobles, ij li. ij ſ.
- Aug. 7.—*Item*, by the Kingis commande, to Sir Johne Hume, to hanket ENGLISMEN, v li.
- Aug. 8.—*Item*, þe viij day of Auguſt þe KING was ſpouſit,¹⁵ and giffin to him, quhilk he laid
one þe buke, vj demyis and v ſ. quhit ſiluer, iiij li. v ſ.

¹ At this time THE KING was at the SIEGE OF NORHAM. A number of payments occur for carriage of guns, 'gun-
ſtanis,' 'ledin pellokis,' 'irne pellokis' (cannon-balls), &c. ² Went. ³ A great favourite of the King's,
who ſeems to have encouraged JAMES IV in HORSE-RACING, betting, &c. ⁴ Watch; *waulk*. ⁵ Dispersion.

⁶ *Lues Venerea*. On Oct. 2, following, there is another payment 'to thaim that hed the grantgore in Liulithquho, and
many others occur of the ſame deſcription. ⁷ JAMES IV. returned by 'Kyle,' 'Kilmarno,' and 'Glasgo,' to 'Striue-
lin.'

⁸ There are numerous payments to him, both before and after this date. ⁹ In the CHAPEL ROYAL
at Stirling. ¹⁰ *Porteons-Roll*. ¹¹ This was likely one of JAMES's attempts in leech-craft, to couchl the eyes
for cataract. The phraſeology is moſt ominous of 'evil ſucceſs.'

¹² The Poet. The frequent payments to
POETS, MINSTRELS, &c. &c. in almoſt every page of theſe Accounts, abundantly refutes the calumnie charge brought
againſt King James IV, for having neglected DUNBAR and others. His expenditure, on the contrary, was *extremely*
lavish; and conſidering the ſtate of his finances, may ſafely be termed *prodigal*. A ſlight inſpection of theſe intereſt-
ing accounts will more than ſatisfy the moſt prejudiced reader, that ſuch reports have ariſen ſolely from idle ſurmises.

¹³ On Dec. 20, another quarter's penſion is entered, 'quhilk was payit to him *after he com furth of ENGLAND*.'

¹⁴ This is one, out of hundreds of ſimilar inſtances of the King's urbanity. JOHNE, however, ſeems to have been more
than match for his Maſtey.

¹⁵ This unqueſtionably fixes the day of the Marriage; which, with the total diſre-
gard to Chronological detail which diſfigures the pages of our earlier Hiſtorians, has been hitherto doubtful. The
Editor has, perhaps, drawn too largely on the entries under this date, but their extreme curioſity will amply plead
his apology.

<i>Item</i> , to put in his caudill and þe QUENIS caudill, ¹ ij Fr. cr.	xxviiiij s̄.
<i>Item</i> , pat famyne day to þe <i>Heraldis</i> , be THE KINGIS commande, xl Fr. cr.	xxviiiij li.
Aug. 9.— <i>Item</i> , þe ix day of August, efter the <i>Marriage</i> , ² for xv elne claith of gold to the <i>Comites of Surry</i> , OF ENGLAND, quhen seho and her dochter LADY GRAY clippit the KINGIS berde, ilk elne xxij li.	iiij ^c xxx li.
<i>Item</i> , for xv elne of damas gold, be THE KINGIS commande, to þe said <i>Lady Gray</i> OF ENGLAND, ilk elne xij li.	J ^c lxxx li.
<i>Item</i> , for v elne Inglis claith to WALTER CHEPMAN, ³ ilk elne xxxiiij s̄.	viiij li. x s̄.
Aug. 10.— <i>Item</i> , to MAIST ^r . JAMES HENRISOUNIS ⁴ man, of bridil siluer ⁵ of ANE HORS giffin for THE QUENE, for hir hors were <i>brynt in Dalketh</i> ,	xiiij s̄.
<i>Item</i> , to the BISCHOP OF GLASGOIS man of bridal siluer, siclyke,	xiiij s̄.
<i>Item</i> , to LORD AVENDALES man of bridal siluer, siclike,	xiiij s̄.
<i>Item</i> , to ERLE OF ERGILES man of bridil siluer of ane hors giffin to þe KING,	xiiij s̄.
<i>Item</i> , to the man pat brocht THE HORS fra the <i>King of England</i> , v Fr. cr.	iiij l. x s̄.
<i>Item</i> , to þe carturis of Leith brocht þe <i>Quenis gear</i> ⁶ to Edinburge fra Dalketh, xxij cartis, ilk cart vj s̄.	vj li. xij s̄.
<i>Item</i> , be þe KINGIS command, giffin to <i>James Hog</i> for dighting of þe fuordis, þat lest ⁷ at þe <i>Turnaying</i> of FASTINGIS EVIN, and for dighting of harnes,	xxiiij s̄.
<i>Item</i> , for xxiiij elne hollande claith giffin to þe ARCHBISCHOP OF YORK, ⁸ be þe Kingis command, ilk elne x s̄.	xij li.
Aug. 13.— <i>Item</i> , to viij <i>Inglis Menstralis</i> , be þe KINGIS command, xl Fr. cr.	xxviiij l.
<i>Item</i> , to þe <i>Trumpetis of England</i> , xl Fr. cr.	xxviiij l.
<i>Item</i> , to þe <i>Inglis Spelair</i> that playit the superfalt, ⁹ v Fr. cr.	iiij l. x s̄.
<i>Item</i> , to þe QUENIS foure <i>Menstrales</i> pat remanit with her, x Fr. cr.	vij l.
<i>Item</i> , to þe INGLISE <i>Menstrale</i> pat passit away, and THE KING fend for him agane,	vij l.
<i>Item</i> , to þe THRE <i>Menstrales of Berwik</i> , ix Fr. cr.	vj l. vj s̄.
<i>Item</i> , to þe <i>Bere ledair</i> ¹⁰ of England, viij Fr. cr.	v l. xii s̄.
<i>Item</i> , to þe ERLE OF ONFURDIS tua <i>Menstrals</i> ,	v l. xij s̄.
<i>Item</i> , to the <i>Thre Gysaris</i> that PLAYIT þe PLAY, xxx Fr. cr.	xxi l.
<i>Item</i> , to the <i>Five Howd Menstrales</i> , xl Fr. cr.	xxviiij l.
<i>Item</i> , to the <i>Portair of England</i> , to by him ane hors, viij Fr. cr.	v l. xij s̄.
<i>Item</i> , to þe <i>Collerare of England</i> , lxxx Scottis Ridaris,	lxxxiiij l.
<i>Item</i> , for ane cowp of siluer ouergilt to him, ¹¹	x l.
Aug. 21.— <i>Item</i> , payit to John Mayne, bowar, for lx <i>justing</i> ¹² <i>speris</i> at þe <i>Marriage</i> , ilk pece iiij s̄.	ix l.

¹ Invariably practised at Marriages and Christenings, 'at heving the barne.' The Accounts abound with such offerings in every expedition of James IV.

² The enquiring reader is referred for an extremely interesting and minute contemporaneous account of THE MARRIAGE OF JAMES IV, and of the Journey of his QUEEN, MARGARET, daughter of HENRY VII of England, to Scotland, by JOHN YOUNG, *Somerset Herald*, who was an eyewitness of the whole proceedings. *Leland's Collectanea*, IV, 258.—See also *Fabian's Chronicles*, II, 232. *Hall's Chron. Lesley, Buchanan, and Drummond*. The forthcoming volume of *Mr Tytler's History* (V.), will doubtlessly give the whole details, in his usual masterly style.

³ This is selected for the purpose of remarking, that THE KING was by no means negligent in the encouragement of the arts. CHEPMAN was an extensive merchant and burgher of Edinburgh, as well as the EARLIEST SCOTTISH PRINTER. It is highly probable, from the frequent occurrence of his name, that he held some respectable Office in the Royal Household. The list from which this dress is selected, is titled 'Pro S. r. vitoribus.'

⁴ Afterwards Sir James Henderson of Fordell, King's Advocate, &c. ⁵ Bridle money. ⁶ In this sense, the gear means her baggage, &c. ⁷ Lasted; remained. ⁸ THOMAS SAVAGE, Canon of York and Dean of the Chapel Royal, was consecrated Bishop of Rochester in 1492. In 1496 he was translated to the See of London, and in 1501 to York. He was accompanied by the Bishop of DURHAM, William Sever, Abbot of St Mary's, York, who had been consecrated Bishop of Carlisle in 1496, and was, in 1502, translated to the See of Durham.

⁹ A great many payments are made to this rope-dancer and his man, who were pensioned by the King.

¹⁰ Bear-leader. ¹¹ These large extracts, it is hoped, may suffice to excite the reader's curiosity to investigate this invaluable Record.

¹² Tilting, jousting.

APPENDIX.

<i>Item</i> , sex score speris for Turnaying pe said tyme, ilk pece iij s̄.	xviij l.
<i>Item</i> , for ane blak burdounne spere,	v s̄.
<i>Item</i> , to Robert, Cultelar, for xxiiij suordis, xlj lang and xij schort suordis, pe said tyme, for Turnaying , ilk pece x s̄.	xij l.
<i>Item</i> , for xxx spere hedis, pe said tyme,	xxx s̄.
<i>Item</i> , for seven score virales and diamandis for speris, ilk pece vj d̄.	ij l. x s̄.
Aug. 28.— <i>Item</i> , payit to Johne of Burgownis wif, for iij elne pefance, and tua elne double kirsp, quhilk wes tane to pe grathing of pe MADIN, pe day pe QUENE come in Edinburghe, ¹	xiiij s̄.
Sep. 1.— <i>Item</i> , payit to James (Dog) to cartaris and pynouris, for carying of beddis-clathes and hingingis fra pe CASTELL to pe ABBAY, and othir places,	xxvj s̄.
<i>Item</i> , to pe said James he laid doune for stray to beddis, and for strowing of pe ABBAY CLOSE with girfe, ² pe tyme of pe MARIAGE,	xxxv s̄.
<i>Item</i> , to pe said James he gaif, at diuerse tymes, for xliij turse ³ of bent, ilk turse iij s̄.	vj li. vj s̄.
Sep. 3.— <i>Item</i> , for vij laid ⁴ of bent,	xxj s̄.
Sep. 4.— <i>Item</i> , ane pair of tympanes ⁵ to pe KING,	xxiiij s̄.
Sep. 11.— <i>Item</i> , pat samyn day be pe KINGIS command to pe ITALIENE LASE pat danfit,	xxx Fr. cr.
<i>Item</i> , for v elne blew damas, to be ane goune to hir, be pe KINGIS command, ilk elne xxiiij s̄.	vj li.
Sep. 12.— <i>Item</i> , pe xij day of September, for iij ¹ / ₂ elne rede taffetj to be cote armouris to the Weraldis , the tyme of the Marriage , ilk elne xvj s̄.	lvj s̄.
<i>Item</i> , for l buke of gold, bocht in Dundee be James Rollok, to pe said COTE ARMOURIS,	v li. v s̄.
<i>Item</i> , for making of pe said COTE ARMOURIS,	vij li.
Sept. 19.— <i>Item</i> , be pe KINGIS command, to pe Englische Payntour ⁶ quhilk brocht pe figuris of pe King, Queen, and Prince of England , and of our Quene , ⁷ xx fr. cr. (French Crowns) xiiij li.	
<i>Item</i> , to ane man to pas to Streuelin for hatale ares and suordis , and to cum agane pat nycht, ix s̄.	
Oct. 24.— <i>Item</i> , to the Weraldis for pair compoficione of pe eschet of pe Barres quhen CRISTOFERE TAILZOUR faught,	vj l. xiiij s̄. liij d̄.
Oct. 31.— <i>Item</i> , in Couper of Fiff , THE LORDIS ⁸ being at the Justice Air pair, to ane mane to pas to Lynlithq ^w to pe KING with pe Lordis myndis anent the Carle of Rothes ,	vij s̄.
<i>Item</i> , do. 'anent the Lord Lindsay ,'	vj s̄.
Nov. 22.— <i>Item</i> , to Robert, Cultellare, for xvj suordis for turnaying, ilk pece x s̄.	viii l.
<i>Item</i> , to Muncur, armorar, for ane paire of cufchingis, brafes, and mending of pe KINGIS harnes, at pe Tournaying , v Fr. cr.	ij l. x s̄.
<i>Item</i> , to Johne Mayne, boware, ⁹ for xxvij speris,	liij s̄.
<i>Item</i> , for thre red speris, ¹⁰	ix s̄.
Jan. 9, 1503-4.— <i>Item</i> , pat samyne day, be pe KINGIS command to Schir Johne Mufsegrave , INGLEISEMAN, xx Fr. cr.	xiiij li.
Jan. 11.— <i>Item</i> , for iij elne tanne damefe to Sir Johne Mufsegrave , to ane doublet, ilk elne xxvj s̄.	ij li. xvij s̄.
Jan. 13.— <i>Item</i> , for xiiij day of Januar to Maitter Thomas Diksoun, for pe expense maid on pe	

¹ See YOUNG'S Account, in *Leland's Coll.*, before referred to.² Dried meadow bay, or gorse.In numerous other instances it is entered as 'rasches to the chalmers,' viz. *rushes*.³ Trusses, bundles.⁴ Loads.⁵ Timbrels; perhaps a pair of Kettle-drums. King James IV was an expert musician, and there are frequent entries of various kinds of instruments having been purchased for his own use.⁶ In *Walpole's Catalogue of Painters*, an artist of the name of JOHN MAYNARD is stated to have assisted *Toregiano*, as a Painter, in the planning of the Monument to be erected for Henry VII. Perhaps the Seal-Engraver of Henry VIII, JOHN DE MAYNE, was the same individual. The only Painter who is said by *Walpole* to have been employed by Henry VII, was *John Mabuse*, or *Mabuesius*; but it is by no means likely that he could be the person. MAYNARD, therefore, it is thought, was the Painter who accompanied the Marriage train, in charge of the Portraits presented by the KING of ENGLAND to his son-in-law. So far as the Editor knows, there are now no traces of his works in Scotland.⁷ It is probable that this PAINTER remained in Scotland in full employment for two months, for under date Nov. 10, 1503, occurs this entry of a *propyne* to 'Mynour ye Englise Payntour, quhen he passit away, l Fr. cr., xxx li.'⁹ Bow-maker.¹⁰ The above are given as specimens of the entries of this sort, which are very numerous.

<i>Item</i> , to Johne Forman he laid doune for mending of þe KINGIS lectdecamp, ¹	iiiij s̄.
<i>Item</i> , to ane man quhilk tuke tua Theris in MENTETH, and brocht to Edinburghe; quhilk wer justifiyt, vij Fr. cr.,	v li. xij s̄.
Aug. 9.— <i>Item</i> , for mailzeis ² to þe KINGIS leg splentis, ³	xx s̄.
<i>Item</i> , for ane pair leg splentis to þe KING,	xlij s̄.
<i>Item</i> , for tua gret bukларis bocht to þe KING agane þe Raid of Eskdale ,	xxvij s̄.
<i>Item</i> , to Martin Bailze of þe hors schoing, be the Kingis command,	v li.
<i>Item</i> , to þe Armouris pat brocht þe KINGIS leg splentis, of drink-filuer,	ij s̄.
<i>Item</i> , to Sir Johne Home,	x li.
<i>Item</i> , to ANDRO STEWART, þe Duke of Albany's sone , vi Fr. cr.	iiij li. iiij s̄.
Aug. 13.— <i>Item</i> , in Drumfrese, to Menstrales to fe þaim horsis to Eskdale , and syne agane to Drumfreise,	xlij s̄.
Aug. 14.— <i>Item</i> , to þe PYPARIS of Drumfrife,	xiiij s̄.
Aug. 17.— <i>Item</i> , to þe man hangit the Theris at the Hullirbus,	xiiij s̄.
<i>Item</i> , for ane raip ⁴ to hing þaim in,	vij d̄.
Aug. 18.— <i>Item</i> , to ane gyde ⁵ to pas with Sir Thomas Alane to Edinburghe for wyne to þe KING, in Eskdale ,	ix s̄.
<i>Item</i> , payit to James Redeheuche he gaif to an Inglife man, to pas to Lord Dacre for prouifione, in Canonby ,	xv s̄. vj d̄.
Aug. 19.— <i>Item</i> , to ane Inglifeman brocht ANE DEIRE to þe KING fra Lord Dacre ,	xxvij s̄.
<i>Item</i> , to þe Priour of Carliles tua men that brocht present and mavafy ⁶ fra þe said PRIOUR to þe KING,	lvj s̄.
<i>Item</i> , to tua wifis brocht aill to þe KING, fra Sir Johne Musgrave ,	xxvij s̄.
Aug. 20.— <i>Item</i> , to Hew Munreif that come to Canonby fra þe QUENE, ⁷	lvj s̄.
<i>Item</i> , to Sir Johne Musgrades man that blew the hunting ⁸ to þe KING,	xiiij s̄.
Aug. 21.— <i>Item</i> , to þe man that hangit the Theris in Canonby , be the Kingis command, xiiij s̄.	xiiij s̄.
<i>Item</i> , to tua ENGLISE wemen that sang in þe KINGIS pailzeoune, ⁹	xxvij s̄.
Aug. 22.— <i>Item</i> , for ane hors to þe cartair that hed his hors dede at the Hullirbus, drawand þe pailzeounis, be the Kingis command, ¹⁰	iiij li.
Aug. 23.— <i>Item</i> , in Lochnabane to þe KING to play at þe Cartis ¹¹ with Lord Dacre , xlvj s̄. viij d̄.	xlvj s̄. viij d̄.
Aug. 24.— <i>Item</i> , THE KING come to Drumfreise furth of ESKDALE , (to) the JUSTICE and LORDIS to þe Justice Air pair, and remanit at þe said AIR, xxij dayis, to þe JUSTICES expensis ilk day xl s̄,	xlvj li.
Aug. 25.— <i>Item</i> , to þe KING at cartis with Lord Dakir ,	vij li.
Aug. 31.— <i>Item</i> , be THE KINGIS command to SIR ALEXANDER JERDENE and his men, for þe taking of Gib Undesay and other tua with him, eftir the tenour of þe Proclamatioune,	xxx li.
Sep. 2.— <i>Item</i> , to James Tailzour to pas to feche the Armstrangis to þe KING,	xiiij s̄.
Sep. 8.— <i>Item</i> , to þe Freris of Drumfreis xiiij s̄, ¹² and of Wigtoune ,	xiiij s̄.
Sep. 11.— <i>Item</i> , to Johne Goldmyth, for the turfing of THE ORGANIS in Eskdale , ¹³	xlij s̄.
<i>Item</i> , to þe PIPARIS of Drumfreise,	xxvij s̄.

¹ Fr. *Lit du camp*; a portable bed he carried with him to the field, and in all his journeys and hunting excursions.

² Flexible mail for the back parts and joints of the limbs.

³ Greaves.

⁴ Rope.

⁵ Guide. Before high-

roads were cut, travelling must have been, in all senses, a serious undertaking in those lawless districts.

⁶ Mahnesey wine.

⁷ **THE QUEEN** at that period appears to have kept up a constant and anxious correspondence with her absent lord.

⁸ Hunt's up, or some favourite hunting air on the bugle.

⁹ The royal tent; *pavilion*.

¹⁰ These Accounts

abound in almost every leaf with similar acts of generosity and consideration for the poor and unfortunate.

¹¹ Numerous entries of this nature run through the whole accounts.

¹² It is unnecessary to cite each payment of this sort,

which were profusely bestowed wherever the King went.

¹³ The King seldom left home without preparations for hunting, music, archery, golf, &c., and **THE ORGANIS** always accompanied him, when he was to be stationary, for some time, at any place.

APPENDIX.

Sep. 12.— <i>Item</i> , to þe Franche fmyth to þe KINGIS hors shoing, fene þe KING com fra Edin- burgh,	xxviii s. vj d.
Sep. 13.— <i>Item</i> , to Sir Richard Champleys Menstrales, ¹ INGLISE MEN, that playit to þe KING,	lvj s.
<i>Item</i> , to William Cunnyngames wif, in Drumfreife, for þe KINGIS bele chere, ²	x li.
Sep. 14.— <i>Item</i> , in Lochmabane to ane pur man that all þe COURT tuk his hay fra him, be THE KINGIS command,	x s.
Nov. 16.— <i>Item</i> , for tua dofane BARRIT BOLTIS ³ for þe KING,	xvj s.
<i>Item</i> , for xij blent ⁴ boltis,	iiij s.
<i>Item</i> , for ane pund corfe-bow threid,	ij s.
<i>Item</i> , for ij pair wyndefe cordis for corfe-bowis,	vj s.
Jan. 24, 1504-5.— <i>Item</i> , for ane CORSE-BOW and ane WATER-DOG to þe KING, ⁵	vi li.
<i>Item</i> , þe said day to ANE TALE TELLER, that tellit Tales to þe King, ⁶	ix s.
Feb. 1.— <i>Item</i> , to James Hog, for dichting of viij fuerdis, binding of pair handis, agane Fastingis Evin to þe Turnaying, 'dichting of ther steil fadilles with ymree, tua tré axes, and tua spere hedes,	iiij li. ij s.
Feb. 2.— <i>Item</i> , to the Gisaris that danfit to þe KING and QUENE, be the Kingis command, vij Fr. cr.	iiij li. xvij s.
Feb. 3.— <i>Item</i> , payit to Robert, cultellar, for vj gilt dagaris to þe KING, grathing of þe Kingis fehapis, ⁷ and couering of þe samyn, grathing of fuordis, fehethtis, and beltis to paim, binding of fuord handis with silk and cordis of silk to þe King, fene Mydfomer bipaft, of findry prices, as his compt bill proportis,	vij li. x s.
<i>Item</i> , to 3e said Robert for iiij lang fuordis for the Barres, ⁸ and iiij sehort fuordis for Turnaying at Fastingis Evin, ilk pece x s.,	iiij li.
<i>Item</i> , for xxvj fokket hedis for þe BAR and TURNAYING,	xxvij s.
<i>Item</i> , for xxiiij VIRALES and DIAMANDIS for justing speris,	xij s.
<i>Item</i> , for lj SPERIS for þe said Turnaying, ilk pece ij s.,	v li. ij s.
<i>Item</i> , for ane ax-fehac, ⁹	xviiij d.
<i>Item</i> , for xij cotis and xij pair hofe, half Scottis blak and half quhit, ¹⁰ to xij (Morris) dansaris. be the More ¹¹ Taubroneris devise, agane Fastingis Evin, be THE KINGIS command, ¹²	xij li. ij s.
Feb. 9.— <i>Item</i> , to þe Armorar that put one the Kingis harnes,	xij s.
Feb. 10.— <i>Item</i> , payit for vj elne grene taffeti to Pate Sinclair to ane rouer for his horsis at the Turnaying at FASTERINGIS EVIN, ilk elne xv s.,	iiij li. x s.
Feb. 23.— <i>Item</i> , to Alex. Herffe to loufe þe KINGIS stoþe, ¹³ quhilik wes tane quhen he was Abbot of Unresoun, ¹⁴	vj li. viij s. viij d.
Sep. 14.— <i>Item</i> , to þe four Italicne Menstralis, and the More taubronar, to see paim hors to Pöblis,	xxviiij s.
<i>Item</i> , to ane Inglifeman and ane woman that wer spuilzeit ¹⁵ passand to Quhitherne, be ane Inglifman and ane Scottis man, quhilik wer justifeit zairfoir, in Lochmaben,	xiiij s.

¹ The number of minstrels belonging to the King's household at this period, was *thirty-one*. Their names and salaries are regularly stated. ² Fr. entertainment; vulgarly 'belly cheer.' ³ Ribbed arrows or *quarrells* for his cross-bows. It may, however, imply that they were *barbed*, though that was an unusual shape for *quarrells*, which were square in the points. Had the word been written *berit* or *boirit*, it would signify sounding or whistling arrows. ⁴ Mixed, of various sorts. ⁵ The King seems to have been hawking, almost daily, near Linlithgow, Falkland, &c. On Nov. 15, there is a curious entry, 'ITEM, to ane man passit in ane Loch, and rasit dukis (wild-ducks) to ye Halkis, be the Kingis command, ij s. iiij d.' The water dog was evidently to pick up the game brought down by the 'boltis.' ⁶ Such payments are very frequent. ⁷ Scabbards. ⁸ The BARRACE or LISTS for the Tournament. ⁹ Hatchet, or axe-shaft? ¹⁰ *Motley*; party-coloured; black and white. ¹¹ Moorish or black drummer. A *Morian*. ¹² On the margin, 'for gisaris.' ¹³ A silver drinking-cup. ¹⁴ This affords a very remarkable instance of the manners of the times, and of the revels sanctioned by long usage during the *daft days*.—The KING himself mingled freely in all the sports, and gained for himself the love and admiration of his people, being remarkably dexterous in all amusements, games, and manly exercises. ¹⁵ Spoiled; robbed.

- Sep. 17.—*Item*, to þe crukit Vicar of Drumkreise¹ that sang to þe KING in Lochmabane, be THE KINGIS command,² xiiij s̄.
- Oct. 5.—*Item*, to thre men to pas to þe SCHEREF OF ED^B. with Alane Furwas, quhilk was justefyit, vij s̄.
- Aug. 2, 1506.—*Item*, payit to Andro Aytoun he gaif to þe men that hed þe Erschmen³ fra Striueling to Edinburghe, quhilkis þe Erlc of Huntly tuke, and turfit þe mannis heid,⁴ xiiij s̄.
- Oct. 20.—*Item*, to Ruthirfurd, Messenger, to pas to þe JUSTICE, to warne him of þe balding of þe Aires, v s̄.
- Dec. 31.—*Item*, to xxx dofane⁵ of bellis for dansaris,⁶ delyuerit to Thomas Boswell, iij li. xij s̄.
- Jan. 1, 1506-7.—*Item*, giffin to diuerse Menstralis, schawmeris, trumpeteris, taubrounaris, fithclaris, lutaris, clarschaaris, and piparis, extending to lxxix perfonis,⁷ xlj li. xj s̄.
- Jan. 3.—*Item*, to ane man passand to þe BESCHOP OF CAITHNES with þe Kingis Letteris, for redding of pame passit in the Lewis, with MAKY, xiiij s̄.
- Feb. 16.—*Item*, to Wantonnes⁸ that sang to THE KING, xiiij s̄.
- Item*, to Wantonnes that THE KING fecht and gert hir sing in THE QUENIS chamer, xiiij s̄.
- Feb. 17.—*Item*, to þe Quene of þe Cauongait,⁹ xiiij s̄.
- Mar. 6.—*Item*, to Wantonnes and her tua marrowes¹⁰ that sang with hir, xiiij s̄.
- Dec. 22.—*Item*, for iij Prentit bukis to þe King, tane fra Andro Millaris wif, l s̄.
- Jan. 1507-8.—*Item*, to þe Dast Queyn of þe Canongait,¹¹ xiiij s̄.
- Jan. 22.—*Item*, to ane Bestour, be the Kingis command, v s̄.
- Item*, to Graysteill Lutar, v s̄.
- May 12, 1508.—*Item*, to Inglife Cuddy pat brocht in ane nakit gyse in þe clofe,¹² be the Kingis command, xxxvj s̄.
- Jun. 19.—*Item*, to the Erlc of Ergile to gif to þe men that tuke þe men pat brynit Dunermessane, vij li.
- Aug. 3.—*Item*, to Jobne Beg, Messinger, to charge Lord Haywell and the Ward of Dohnestoune to Ward, ix s̄.
- Item*, to ane oper to pas to Lord Cresthtoun of Sanquhar,¹³ with þe Kingis writing, ix s̄.
- Feb. 9, 1511-12.—*Item*, to ane fallow, becaufe þe KING pullit furth his twit, xiiij s̄.
- Feb. 25.—*Item*, to Kynnard, þe barbour, for tua teith drawin furth of his hed be þe KING,¹⁴ xiiij s̄.
- Feb. 27.—*Item*, to pas with Letteris to summond þe Ward Symontoune¹⁵ and his complices for crymes of Tresoune and ane ASSISE to pas pairupone, xiiij s̄.
- Jun. 27, 1512.—*Item*, to Andro Armestrang to pas with Letteris to Musgreif, xxvij s̄.
- Apr. 24, 1513.—*Item*, to summond þe Lord Haywell¹⁶ and þe Ward of Dohnestoune, x s̄.

¹ There are many payments to this person, who appears to have been in great favour with THE KING. ² The King shortly after this returned to Edinburgh, and went to the North. ³ Highlanders. ⁴ Trussed or packed up the man's head, to be fixed on the Ports of some burgh or castle. ⁵ Thirty dozen. ⁶ Morrice-dancers. ⁷ It has already been remarked how liberal the King was in his establishment of this sort, which consisted of musicians from various countries. Besides his usual French and Italian Minstrels, he kept an Organist, e. g. 1512-13, Feb. 15. ⁸ *Item*, to Guilzeame, Organar, Frencheman, and his v complices, French Menstralis, xxv li. v s.' Juliana Drummond and the Italians had a payment of xxxv li. the same day for their quarter's wages. ⁹ Wantonnes. ¹⁰ She is elsewhere called 'the auld Queen,' and 'callit ye Quene of Mail.' ¹¹ Companions. ¹² It would appear from this entry, that she was a poor maniac and a privileged pensioner. ¹³ A naked mask, brought by English Cuddy, or Cuthbert, into the Palace Yard of Holyrood. ¹⁴ For this and the preceding entries, see the Trials, Vol. I, * 77, &c. ¹⁵ The King's skill in surgery and leech-craft was considered unequalled in these times, and he was extolled by contemporary writers, who assert that he was consulted by physicians and surgeons in desperate cases. The present instances seem to savour of frolic only, probably arising from a foolish wager with some of his courtiers. ¹⁶ See Trials, Apr. 27, 1512, &c., Vol. 1, * p. 76. ¹⁷ Robert Maxwell, son of John Lord Maxwell, got a Charter of the Stewardship of Annandale, on his father's resignation.—*Reg. Mag. Sig.* xviii. 173.

CRIMINAL TRIALS
AND OTHER PROCEEDINGS BEFORE THE
HIGH COURT OF JUSTICIARY.

IT is an unfortunate circumstance that the regular series of THE BOOKS OF ADJOURNAL does not commence till the 18th day of November 1524, in the twelfth year of THE REIGN OF KING JAMES V; for unquestionably a variety of very important Trials must have taken place during his minority. No doubt, the public business of the country received a fatal shock from the disastrous consequences of Flodden-Field, and it would be long ere matters became settled after that unhappy day, when so many of the Nobility, and the flower of the principal families of Scotland, fell along with their King.

The Editor has endeavoured, to the utmost of his abilities, to fulfil the pledge he made at the outset of this undertaking, by entering into a very extensive and laborious examination of all the early Records and Collections of MSS. within his reach, so far as connected with the objects of this present work. In his zeal to preserve all that is important, and that bears on the history, manners, and customs of Scotland, he fears he may have encroached equally on his limits and on the patience of the general reader, whose pursuits, perhaps, do not lead him to attach much value to what will be greatly prized by the historian and antiquary. The result of these researches he now begs to submit in the illustrative Notes and Appendix to this Reign, in the hope that they will meet with the candid consideration of all.

What was remarked in the brief Notice prefixed to the Reign of JAMES IV, and to that Appendix, is equally applicable to the present portion. It may be observed, that the Extracts from the Records of the Privy Council, which are here given in chronological order, at the end of this and the other reigns, lie scattered over a number of volumes, and are blended with Precepts of Charters, Gifts, Presentations to Benefices and Offices, Legitimations, Licenses, Safe-conducts, &c.; of which, a number of the more important papers have been selected. To save the repetition of facts and illustrations contained in THE APPENDIX to this reign, the reader is referred, generally, to its contents.

CURIA JUSTICIARIE *Supremi domini nostri* REGIS *tenta et inchoata in Pretorio de Edinburghe, per honorabilem virum WILELMUM SCOT de Baluery, militem, deputatum nobilis et potentis domini COLINI COMITIS ERGADIE, domini Campbel et Lorne, Justiciarii Generalis Supremi domini nostri Regis, die Sabbati,¹ xxvj^o die mensis Nouembris, anno domini M^oV^oxxiiiij^o: Sectis vocatis et Curia affirmata.*

Justice Clerk Sworn into Office.

QUO die, in prefencia dicti domini Justiciarij, NICHOLAUS CRAUFURD DE OXINGANG, Clericus Justicie, tactis sacrosancti Dei Evangeliiis, suum juramentum prestitit corporale, ad fideliter ministrand. in suo officio Clerici Justicie, juxta suam conscienciam et discrecionem.

Slaughter of the Laird of Ryland.

Nov. 18, 1524.—Jacobus Crechtoune de Frendrancht, miles, sepe vocatus ad intrandum ROBERTUM STEWART DE LATHERIS, ad fubeundum legem pro arte et parte crudelis interfectionis quondam Jacobi Stewart de Ryland; prout ipse plegius devenit pro ipsius introitu, sub pena 1^o li. Et non comparen. in amerciamento dicte summe; et quod dictus Robertus ad cornu supremi domini nostri Regis denunciatur, et omnia bona sua, mobilia et immobilia, suo vsui eschaetur. Et hoc redditum fuit pro judicio.²

[*Jacobus Prestoune, burgen. et Presiden.³ burgi de Ed^r Justiciarius Deputatus.*]

Murder of the Treasurer of Edinburgh.

Jan. 7, 1524-5, (*die Sabbati.*)—THOMAS HAMMYLTOUN, called '*vsfauyt*,⁴ William Were, William Were, his brother's son, and Gawin Hammyltoune, were denounced Rebels, &c. for the Murder of Mr James Haliburtone, burges and Treasurer of Edinburgh.—(Maij 11, 1525.) Weir of Stanebyris⁵ became surety for William, his son and heir-apparent, and Weir, also his son, that they should underly the law, on xv days' warning, for Intercommuning with Thomas Hammyltoun and William Weir, Rebels.

Common Theft, Murder, Rape, &c.

Jan. 30.—JOHN STEILL, alias *Kempy Steill*,⁶ Adam and Richard Bell, convicted by an Assise, and HANGED for common Theft and Refet of theft, and

¹ See Note to Nov. 9, 1493. ² It has been thought proper to insert the two entries which occur in the regular Books of Adjournal, although perhaps immaterial in themselves, for the purpose of affording a specimen of the manner in which the Record was then kept. ³ Provost. ⁴ Unsacred, unhallowed. ⁵ His Christian name not given. See Feb. 4, 1525-6, from which it would appear he was shortly afterwards Murdered. ⁶ Kempy denotes a person given to strive or contend for the mastery; a champion ('campion' in old writings), a wrestler, &c.

of common Murder and Rape : And for Intercommuning with the English thieves and traitors.

ASSISA.¹

Alex. Kirkpatrick of Kirkmichaell, knt.	William Ballie of Bakbe,	Alexander Pennycuke,
Johne Pennycuke of that Ilk,	Alex. Dalmahoy of that Ilk,	Thomas Hammyltoune,
Alex. Crechtoun of Newhall,	The Lard of Hanginschaw,	Johne Douglas, David Vache,
James Maitland of Auchingaffil,	The Lard of Comiltoune,	Thomas Bynné of that Ilk.

Bond by the Border Barons to assist the Earl of Angus, &c.

APUD ED^b. *xxvij Martij, anno I^m V^cxxv^{to}. In hospicio domini Cancellarii. SEDERUNT, Cancellarius, Episcopus Cundidecase, Comes Angusie, Abbates de Abirbrothok, Saucte Crucis,, Dominus Flemyng, Clericus Justiciarie (Nicholans Craufurd de Oxingang), Magister Adam Otterburne.*

THE quhilk day, ARCHIBALD ERLI OF ANGUSE, in presence of þe Lordis above writtin, fware þat he fuld lelely and treuly serue in to THE OFFICE OF WARDANERY AND LIEUTENENTRY OF THE BORDOURIS, and to stanche Thift, Reiff, Slauchter, and al vtheris inconvenientis committit vpon our soverane lordis trew liegis; after þe forme and tenour of þe Commiffioun gevin to him þairupone.

Comperit *Andro Ker of Cesfurde, Walter Scot of Bukleuche, Andro Ker of Farnyhirft, Mark Ker of Dolphinstoune, George Rutherford of Hundolee*, and fware þat þey, be þaim self, kynne, freyndis, seruandis, and pairt-takaris, and al þat þai may raise and stere,² fall lelely³ and treuly serue ARCHIBALD ERLI OF ANGUSE, ryde, gang, and serue him at þair possibill power, in to þe office of Wardanery and Lieutenentry, for stanching of Thift, Reif, Slauchter, and inconvenientis, and for þe executione of justice, and furth-bering of THE KINGIS autorite. *The Lard of Hunthill, the Lard of Bethrowll, the Lard of Wellis, James Ker of Merfingtone, James Murray of Faulchill, William Kirktonne, the Lard of Haldane, Walter Scott of Syntoune, Robert Scott of Allanehauche*, fware to þe effect above writtin.

In presence of þe Lordis comperit Andrew Ker of Cesfurde, Walter Scot of Bukleuche, Andro Ker of Fernyhirft, Mark Ker of Dolphinstoune, þe Lard of Hundolee, þe Lard of Hunthill, þe Lard of Bethrowll, þe Lard of Wellis, James Ker of Merfingtone, James Murray of Fawlohill, William Kirktonne, þe Lard of Haldane, Walter Scott of Syntone, Robert Scot of Allanehalche, *David Hoppringill*, in Gallofchelis, *Adam Scot* in Truschelaw, and *Robert Scott, Tutor of Howpajlot*, and of their avne consentis has bund and oblist þame, and ilk ane of þame, to rise with þair kynne, freyndis, seruandis, part-takaris, and all þat þai may steir, with Archibald Erli of Anguse, Lieutenant, for þe furth-putting of all

¹ This is the first recorded Assise in these books. It may be remarked, that the two Assises immediately following also consisted of *thirteen* persons. ² Stir up, influence. ³ Loyally.

LIDDISDALE MENNE, ESKDALE, and EWISDALE, þare wiffis and barnys, now duelland within þe boundis of TEVIDALE, ETTRIK-FOREST, and boundis adjacent þairto, and hald þaim furth of þe famyne in tyme to eum. AND attour¹ þe forfaidis perfonis hes bundin and oblist þame, and ilk ane of þame, for þame self, vndir þe pane of tinfale² of lyfe, land, and guddis, þat gyfe³ oney of þare men, kynnisemen, feruandis, tenentis, adherentis, affisteris, þairt-takaris, or duellis within þare heritagis, rovmys, baylþeryis,⁴ takis, or stedings, committis ony trefpas, sic as Slachteris, Murtheris, Tresonis, Revifingis, Spulzeis, Thifts, or vper crymes, þe forfaidis perfonis fall bring in þe committeris þairof befor þe said LIEUTENENT, or his deputis, to vndirly þe law for þe said crimes; þai beand requirit þairto, vponne xx dais; or ellis, fall within þe said xx dayis after þai be requirit, put þe saydis perfonis, þare wiffis, þare barnys, furth of þe cuntré, and hald þaim furth of þe famin, and eschete þare gudis, to be deliuerit to þe þairti dampnagit. And þis BAND to endure quhill þe feist of Candilmes nixt to eum; and þe said Act to be extendit anent Slachteris, þe committeris þairof beand put to þe Horne.

ATTOUR, þe Lordis will and declaris þat þe landit men and Heidifinen⁵ of TEVIDALE,⁶ Sherefdom of SELKIRK, ETTRIKE FORREST, and boundis þairof, now beand and absent,⁷ [‘sall obserue and keip þe famin Band, ficylke as and (*if*) they had compeirit and obleift thaim thairto’] in every poynte, efter þe forme and tenour þareof, and vndir þe panys contenit þairintill.

IN presens of þe Lordis of Counsal comperit GEORGE LORD HUME, *the Lard of Coldoinknollis*,⁸ *the Lard of Polworthe*, *the Lard of Cranstone*, *the Tutour of Wedirburne*, *the Tutour of Langtoun*, *the Lard of Suyntone*, and fuore þat þai fuld lelely⁹ and trewly ferue ERLI OF ANGHOUSE in þe officis of Wardenrie and Lieutenery, with þame selfis, þair kynne, freyndis, feruandis, men, tenentis, and all þat þai may raise and stere, quhen and quhat tymes þai falbe requirit be him or his deputis þairto; or fall ryde, gang, assist, and suplé þe said Erle, in stanching of Thift, reiffis, flachtaris, and vper inconvenientis, and in pecifing of þe cuntré, exercicioune of justice, and furth-putting our soverane lordis autorité: And þairupone gaif þair bodely athis.

IN presens of þe Lordis of Counsale forsaid, comperit George Lord Hume, þe Lard of Coldaine knollis, þe Lard of Polworthe, þe *Lard of Corby*, þe Lard of Suyntone, þe Tutour of Wederburne, þe Tutour of Langtone, of þare avn consent Band and Obleift þame, and ilkane of þame, to ryse with þare kyne, freindis, men, feruandis, þairt-takaris, and all þat will do for þame, with Archbald ErlI

¹ Moreover. ² Loss; from the verb to *tynne*. ³ If. ⁴ Bailiaries. ⁵ Chiefs, heads of Clans.
⁶ Teviotdale. ⁷ There is an evident omission here. The words within brackets, which follow, are supplied to fill up the sense, they being taken from another similar passage in this remarkable document.
⁸ Hume of Cowdenknows. ⁹ Loyally.

of Angus, Wardane and Lieuetenant of þe Eift and Myddill Marchis, for pacyfing of þe cuntré, perfewing of theffis and tratouris, exercicioune of iuftice, and furthe-putting of þe cuntry, of þE KINGIS autorité, quhen and alfe oft as þai falbe requirit be him or his deputis þairto. And attour, þe forfaisdis perfonis has inlikwyfe bundin and obleft þaim, and ilkane of þaim for þaim felf, vnder þe pane of tinfale of lyfe, landis, and gudis, gyf ony of þair kynnifinen, feruandis, tenentis, adherentis, afifteris, pairt-takaris, adherentis,¹ pairt-takis or duellis within þair heritagis, rovmys, bailzeryis, takis or ftedingis, committis ony trefpaffis, fic as Slaughtaris, Murthuris, Trefonis, Revisingis, Spulezeis, Theftis, or vþer crimes, the forfaisdis perfonis fall bring in þe committeris, and þare, of before þe faid Lieuetenant and his deputis, to vnderly þe law for þe faid crymes, þai beand requirit þairto apone xx dayis; or ellis, fall within xx dayis eftir þai be requirit, put þe faidis perfonis, þair wyffis, þare barnys, furth of þe cuntré, and hald þaim furthe of þe famin, and efchete þair gudis, to be delynerit to þe pairti dampnaffit. And þis Band to endure to þe first of Candilmes nixt to cum; and þe faid Act to be extendit anent Slauchteris, þe committeris þareof beand put to þe horne, &c.

ATTOURE, þe Lordis will and declaris, þat þe remanent of landit men and Heidis-men þat is duelland within þe MERSE and LAUDERDALE þat comperit nocht, and oblift þame in þis Act before written, fall obserne and keip þe famin Band, ficlike as and² þai had comperit and oblift þaim þairto in euery poynt, efter þe forne and tenour þareof, and vndir þe panys contenit þairintill.

Jurisdiction in Maritime Cases.

May 4, 1525.—THE quhilk day comperit Williame Andirfone, burgefs of Edinburghe, in prefens of my Lord Justice and Lordis of Counfale, and becom cautionar and fourtie for þe fchip callit ‘þE FLEAND GAIST³ OF ANSTERDAM,’ þe merchandis, marinaris, and gudis being in þe famyne, now being in þe Port and havyne of Leithe, þat þe faid fchip, merchandis, marynaris, nor gudis, fall nocht be remouit nor transportit furth of þe famyne, vnto þe tyme þe pley⁴ be decided betuix þe SKIPPARIS and marynaris of þe faid fchip, and þe MERCHANTIS OF COWPER and SANCTANDROIS, and ROSS HERALD, before þe Lordis of Counfale.

[*Colinus Comes Ergadie, &c., Jusiciarins Generalis.*]

Jurisdiction of the Bailies and Sheriff of Edinburgh — Offices of Sheriffship of the City and County, in Criminal Matters.

The famyne day, in prefens of my LORDIS JUSTICE and of COUNSALE, comperand James Prestoune, Prefident (Provost) of þe burghe of Edinburghe, and

¹ This word is repeated. Perhaps for ‘adheris.’ ² As if. ³ The flying ghost or spirit of Amsterdam. ⁴ Law-plea; litigation.

BALLIES of þe famyne, one þat ane pairt, and Patrik Barone, Sheref deput of Edinburghe, in þe name and behalf of þe principale SHEREF þairof; and of þair avne fré will appointit and aggreit, in þis wyfe; That is to say, QUHAT time ony Theif or trespassour beis apprehendit within þe fredome and jurisdictione of þe burghe of Edinburghe, and beis convict of ony cryme, þat þe said PRESIDENT (Provost) and BALLIES fall vfe þe OFFICE OF SCHEREFSCHIP pertenyng to þair office, in þat caise; and convoy þame fouerly to þe place quhare þai suld be justifyt,¹ and remain þairat quhill² þai be dede. AND inlikwise, þe said SCHEREFF of Edinburghe and his deputis, quhare ony Theif or trespassour beis apprehendit outwithe þe fredome of þe said burghe, and presentit before þe Justice or his deputis in judgement, gif þai be convict, be ane Assise, of quhatsumeuer cryme, þat þe said Schereffs fall vfe his office of Scherefschip pertenyng to þair office vpone þe said trespassouris, and convoy them fouerly to þe place quhare þai salbe ordanit to be justifyt, and remane þairat quhill þai be dede.

Slaughter of the Laird of Lochland.

Jun. 13.—GILBERT EARL OF CASSILLIS, David Hynde, James Mure in Ballochtoyll, Gilbert Kennedy, 'þe Provestis sone,' and John Montgomery in Balfagart, were acquitted by an Assise of art and part of the cruel Slaughter of Martin Kennedy of Lochland.

THE EARL OF ARGYLE presided at all the diets of this case, wherein almost every KENNEDY³ of any consequence was called, as art and part; together with a very long catalogue of the usual allies and followers of the house of CASSILLIS; such as Robert Grahame of Knokdoliane, Thomas Corry of Keldwood, John Mure of Auchindrane, Bartholomew Craufurde of Kerse, David and Duncan his brothers, &c., for all of whom the Earl of Cassillis became surety, that they should appear and answer at the bar for that crime, and also for the Slaughter of Gilbert Makilwraithe.

ASSISA.

Johne Mure of Arrochill,	Walter Maxwell of Aikhede,	Adam Stewart of Daldowdy,
Alexander Douglas of the Manys,	James Grahame of Bankell,	George Colquhoun,
Johne Maxwell of Stanelie,	Robert Calender of Ballinchoiche,	Martyne Mure of Bogend.
James Stewart of Tuedy,	Johne Striueling of Kere, kny ^t ,	Johne Stewart of Halrig,
Thomas Railstoun of that Ilk,	Hew Douglas, burgess of Ed ^r ,	Thomas Abirnethy in Glencorse.

The Earl of Cassillis afterwards compounded with the King for the *unlaws* in which his followers were found liable, which must have amounted to a very large sum. The original Warrant is still preserved,⁴ and is given here as a specimen of such documents.

¹ Put to death, executed. B. Lat. *justificare*. ² Until. ³ For illustrations of all matters connected with this subject, and, in general, with the Feuds, &c., of Ayrshire, Wigton, &c., the reader is referred to *History of the Kennedies*, Quarto, Edin. 1830. ⁴ Orig. MSS. belonging to the High Court of Justiciary.

REX,

JUSTICE CLERK, Wit 3e our weilbelouit coufing and counfalour, GILBERT ERLE OF CASSILLIS, hes composit with ws for all vnlawis in pe quhilkis he was adiugitt, for nonentré of his breþer, and all vperis his freindis and feruandis, before our Justicis or þair deputis, in our Towbuth of Edinburghe, quhatsumeuier dais, to haue vndyrlyin our lawis for Slauchtiris and crimis quhairof þai wer delatit, contenit in our Adiornale, vnto þe day of þe date heirof; and hes reffaut fra him payment for þe famyn, at þe making heirof: And Difchargis him of all þe saidis vnlawis, be þir presentis, for euer. IT is our will herfor, and We charge 3ow, þat incontinent þir our Letteris fene, 3e draw all þe saidis vnlawis furth of our said Adiornale bukis, and defese¹ þe famyn, 3e trepand þir our Letteris for 3our Warrant. SUBSCRUIT w^t our hand at Edinburghe, þe xvij day of Junij, þe 3ere of God I^m.V^c.xxvj 3eris, and of our regne þe xiiij 3ere. JAMES R.

Slaughter — An Assise directed not to depart from the Tolbooth, until they had either acquitted or 'fyllit' the Pannel.

JUN. 21.—WILLIAM CARNYS of Orchartoun, and vtheris, his complicis. —James Johnesoun, mafer, comperit in presence of þe Lard of Bahuery, Justice, sittand in Jugement in þe Tolbuth of Edinburghe, and Thesaurare, and said þat þe Chancillar and Lordis of Counsale commandit þe Justice, þat he suld causè þe Assise chosin vpoun William Carnys of Orchartoun, and vtheris his complicis, delatit of þe Slauchtir of William Langmuir, proceid, and depart nocht furthe of þe Tolbuthe, quhil þai had owþ^r maid þame quyte, or fyllit þame of þe said Slauchtir.

Piracy — Plundering goods from a Ship in Leith.

AUG. 14.—CAPITANE JAMES COKBURNE, Alexander Schort, David Logane, David Muschet, David Davidstone, and Thomas Logane, convicted and HANGED, as Pirates, for plundering certain goods and merchandize from Annand Peirfoun, dwelling in Norway, and his mariners, out of his ship in the harbour of Leith. John Gardner acquitted by the Assise.

Slaughter of John Lord Fleming² — A Minor released from his Bond of Cautionary to enter a Pannel.

AUG. 18.—THE following curious Supplication, with the deliverance indorsed thereon, is preserved among the Warrants of Court.

' MY LORDIS of Counsal and Auditouris of Chekker, vnto 3our l. huimlie menis and shewis I, 3our feruitour, GEORGE GEDDES OF CUTHILLHALL: That quhare *William Tuedy*, ane scolar, wes delatit of airt and pairt of þe Slauchter of vinquhile JOHN LORD FLEMING, and is innocent pairrof, considering, þe time of þe committing of þe famin, he wes at þe scule in Edinburghe: And becaus I duell among his frendis, þai sollist and tistit³ me to be fouerté for him, for his entre to þe law: And becaus he durst nocht comper, he being innocent, for feir of his parti,⁴ I am vnlawit for his nonentre befor þe Justice; howbeit, as I traif, I suld nocht haue bene reffaut fouerte, nor suld nocht haue bene vnlawit, considering I wes and is of lefs-age,⁵ within xv 3eris, and may nocht nor suld nocht be fouirte,

¹ Discharge.

² See Appendix to this reign, &c.

³ Enticed.

⁴ Adversary; prosecutor.

⁵ In minority.

of þe law. HEIRFOR I befek ʒour l. to haue confideratioune herof, and gif command to þe Justice Clerk to draw me out of þe Adiornal, fua þat I be nocht pondit¹ for þe said vnlaw. According to justice, and ʒour anfuér I befeik. [Indorsed] *Apud Edinburghe, xvij Augusti, anno I^m. V^o.xxv*
 THE LORDIS Ordanis, þat becauße þis complenar is of lefs-aige, þat þairfor þe Clerk of Justiciary discharge him of þe fouerte fundin be him in þis mater, for þis vnlaw, and put him furth of his bukis.

CLERICUS REGISTER. ALEX. CAMBUSTH. R. GLASGU. JA. DECANUS ABD.

Slaughter of the Laird of Stonebyres.

Feb. 4 et 12, 1525-6.—LINDSAY, Rector of Colbintoune, finds caution (Robert Lord Lyle) for his entry before the Justiciar, on Feb. 19, to underly the law for art and part of the cruel Slaughter of . . . Weyre of Stanebyris.

Feuds between the Lairds of Amysfeild and Kirkmichaell.

Mar. 19-20.—JOHN CHARTERIS of Amysfeild, Robert and John, his fons, Gilbert and John Greir, brothers of the Lairds of Craufurdton and Ile, Robert Charteris, brother of the Laird of Amysfeild, and thirty-seven others, found caution to underly the law on May xxix, in the Tolbooth of Edinburgh, for the cruel Slaughter of Roger Kilpatrick, fon and heir apparent of Sir Alexander K. of Kirkmichaell, kn^t: And for the Mutilation of the said Sir Alexander.

Mar. 24.—SIR ALEXANDER KIRKPATRICK of Kirkmichaell, knight, Robert, John, and William, his fons, found caution (Roger K. of Knok) to appear the same day, to underly the law for all crimes to be imputed agaiust them by John Charteris of Amysfeild.—He also became surety for the entry of William his brother, Henry K. junior, and Alexander his brother, Mr Cuthbert Welthe, and twenty-two others, the same day.

Slaughter of the Laird of Auchinherby.

Jun. 26, 1526.—HUGH EARL OF EGLINTOUNE, delated for art and part of the Slaughter of Edward Cunynhame of Auchinherby. John Lindsay of Dunrod, his cautioner, fined for the Earl's non-appearance, in 100 l. The cautioners of Archibald Craufurd of Hanyng, Archibald Montgomery Master of Eglintoune, James Montgomery, brother to the Earl, Mr William Montgomery, and others, were fined in the like fums—for their absence. The principals were denounced rebels.

Stouthreif of the King's Artillery.

Jul. 11.—ROBERT BRUCE of Erthe, and Mr Thomas Bruce and James Bruce of Muungowellis, his brothers, received the King's Respite for art and part of the Stouthreif of certain mangonels¹ and Artillery coming from THE

¹ Pounded; distrained. ² O. Fr. *mangonel*—an engine for slinging or darting stones, large arrows, &c. with prodigious force. They seem to have been used long after the invention of artillery.

CASTLE OF STIRLING to the King's Majesty, at his burgh of Edinburgh, for the defence of his person : And for art and part of the Stouthreif of the King's Letters from his Officers ; and laying violent hands upon them.

Stealing the King's Crown and Jewels.

Jul. 11.—WALTER DRUMMOND, Acquitted by an Affise of art and part of the theft and concealment of THE KING'S CROWN from his Crown-room, with the precious stones therein contained, furth of the Palace or Monastery of HOLYROOD.¹

Slaughter of the Laird of Auchinbarvy.

Aug. 1.—HUGH EARL OF EGLINTOUNE ; Archibald Montgomery, his grandson and heir apparent ; Mr William, his son ; and James, his brother, find caution (Mr John Campbell of Lundy) to underly the law at the next Justice-aire of Air, for art and part of the Slaughter of Edward Cunynghame of Auchinbarvy.

Aug. 4.—Thomas Craufurd, heir of Auchinamys ; James Monfode, heir of the Laird of Monfode ; John Frifell of Knok ; John, his son ; and twelve others, procure the Earl for their cautioner, that they should appear and answer for the same crime.

High Treason — Field of Melrose — Common Theft, &c.

Aug. 9.—JAMES ELWALD, Convicted for treasonably coming, in company with Sir Walter Scott of Brauxhelme, kn^t, and with the Traitors and Thieves of England and Scotland, against the King and his Lieutenant at MELROSE ; and for common Theft and Refet of theft.—HANGED.

Slaughter of the Laird of Cefurd.

Aug. 14.—The following Warrant is preserved among the Papers of the Court. Alexander Hoppringill, in Torfoufe ; John, James, George, and Adam, his sons ; James, his sister-son ; George Chesholme of that Ilk, and eight others of no note, found caution to appear on 13th.

JUSTICE CLERK, Wit 3e, it is understand to *my Lord of Anguse* and to *the Lard of Farnyherf, Mark Ker*, and pe laif² of pe frendis³ of pe LARD OF CEFURD,⁴ that pir perfonis vndirwrittin, delatit of art and parte of pe Slanchter of THE LARD OF CEFURD, ar innocent pairof, and wer nocht at pe committing of pe famyn : That is to fay, William Sklater, Dutho Paterfone, William Peblis, Thomas Peblis, Mongo Williamfone, Thomas Dickefone, Johne Bard of Possò, Alexander Bard, Thomas Bard, Niniane Bard, Alex^r Horfbruck of pat Ilk, Johne Gyffane of Cardrono, Thomas Myddilmeft of Gre-

¹ James Kirkaldy of the Grange, Francis Ramsay of Foxtoun, John Rankelour of that Ilk, and others, were on this Assise. ² The rest, or remainder. ³ Blood relations. ⁴ Andrew Ker.

vistoune, William Tuedy, and James Cokburne. 3E fall pairfore draw pe faidis perfonis and pair fourteis furth of pe bukis of Adiornale, pat pai be nocht accufit nor trublit for pe faid actionne. AND alfe, pat 3e defeife¹ in pe Adiornale, William Peblis, vnlawit pis laft Monunday for nonentré of Mongo Williamfone before pe Justice, becaufe pe faid Mongo enterit pis Teuifday before pe Justice, in pe Tolbuth of Edinburgh, and hes fundin new fouerte for his entre agane pe thrid day of pe nixt Justice-air of Peblis, or vpone xv dayis warning. 3e keband pis Warrant, fubferiuit with my hand, AT EDINBURGH, pe xiiij day of Auguft, the 3ere of God Im.Vc. twenty and fex 3eris. W^s. THE^s.²

Forethought felony — Slaughter.

Aug. 17.—ROBERT KILGOUR, Convicted of art and part of the forethought felony, committed when vniq^{le} Sir John Kilgour, his brother, and he cruelly flew John Gibfone and Thomas Wilfone, his fervant, Aug. 12, 1526.—Aug. 23. He was ordained by the EARL OF ANGUS, Lieutenant of the East and South Marches, to be BEHEADED.³

High Treason — Rebelling war against the King's Lieutenants.

Oct. 24.—ANDREW CRECHTOUNE of Craufurdton, John Crechtoune of Kirkpatrick, and forty-fix others, were denounced Rebels, and put to the horn, for not appearing to underly the law for Convocatioun of the lieges in great numbers, armed in warlike manner, &c., and coming upon Archibald Earl of Angus, and James Earl of Arran, his Majesty's Lieutenants, near the Church of Linlithgow, being there for the time in the King's service, and exercifing his authority; and treasonably invading them and other faithful lieges for their slaughter and destruction.

High Treason — Invading the Earl of Arran, &c.

Dec. 19.—JOHN LORD LINDESAY of Byris.—Sir William Scot of Balwery, kn^t, became cautioner for the entry of Lord Lindesay of Byris, on the third day of the Justice-air of Fife, or elfewhere, on xv days warning, for art and part of Convocation of the lieges at the Burgh of Stirling, on the 1st, 2d, and 3d days of September laft: And for art and part of holding private Councils at the faid burgh, on the faid days: And for art and part of the forethought felony and invafion made at Linlithgow, on the faid 3d September, upon James Earl of Arran and his part-takers, there affembled for the prefervation and defence of the King's perfon.

Abiding from the Raid (of Liddisdale) against the Border Thieves.

[WITHOUT at all entering into the cause or consequences of THE RAID here referred to, which the Editor considers quite unnecessary in this place, the facts being so well known,⁴ he has thought that

¹ Discharge.

² Willielmus Thesaurarius, viz. Sir William Scott of Palwerie, Justice Depute and Treasurer.

³ On the margin 'DECOLLATUR,' which proves that the sentence was carried into execution.

⁴ See the forthcoming Volume of Mr Tytler's History.

the following curious extract from *Anderson's* MS. History of Scotland¹ will be as interesting to the reader as it is highly illustrative of the manners and spirit of these troublesome times. It seems a pretty close version of *Buchanan's* account of the same event, but the quaintness of the Scottish style adds much to its point.

' THAIR chancit, in the beginning of this RAID,² ane thing worthie of memorie, quhill, for the noveltie of the fact, I wald not pretermit. Thair was ane man of law³ birth in *Johne Stewartis*⁴ flabill and in alfe law office, ane horskeiper. This man, eftir the Slauchter of his maister, wandering about and wift not quhat to do, in end, with constant mynd, interpryfit ane heicher attempt than accordit aither for his stait or birth: For, passing to Edinburcht to the destinat reveng⁵ of his maisteris death, in the way he chanced to meit with a man of lyk fortoun to himself, and ane of the fervandis of the same Hous, and inquiryt of him, " Gif he sawe James Hammiltoune the Bastard⁶ in the towne?" Quho confessing he saw hime—" Sawe thow him (said he) most wnthankful cretour—and wald not slay that moift wicked man, quho flew our guid maister! Away! To the gallous with thé!"—This mekill spokin, passing furth the way, he was bent to com directlie to Court.

' Thair was in the wtter clois⁷ of the Palace to the number of two thowfand men in arnes, of DOUGLASS and HAMMILTOUNES dependaris, bound to the Raid quhair of we spak. This revenger of his maisteris Slauchter keipit still⁸ his eye and mynd upone HAMMILTOUN, regarding no more else; quho haveing ane cloick about him, vnarmed, passing furth of the clois, com vnder the long volt⁹ of the entres;¹⁰ the revainger, awaiting him in the obscure and narrow throit quhair the zetis¹¹ ar hung, flew wpone him, and gawe him sax woundis (quhair of sum pearfid almost to his vitall pairtis; wtheris James efchewed, be bowing¹² his bodie and obiect¹³ of his cloick), and incontinent lap¹⁴ in amangis the rest of the throng.

' Grit fture arrayfe¹⁵ incontinent, for sum HAMILTOUNES suspectit that this crnell turnes was done be THE DOUGLASSIS, quho as zit had not forzet¹⁶ the auld malice; so that the twa factionnes had almost fallin to it be the earis. In the end, the fture sumquhat fettled. All men within the clois (were) commandit to stand by wtheris fydis¹⁷ about the wallis of the clois. The stryker was fund, and the bludie knyff still in his hand. Inquiryt, " Quhairfra he com, and quhat was his buffines thair?" Quhill as his ansueris war flowand, he was caryid to priffoune, quhair the tortur (was) presented vnto him. He confessèd, incontinent, that he had done the deid to reveng his maisteris Slauchter, lamenting onlie that so honest attempt had turned to nathing. Being verrie feueirliche tormentid, he wald not confes that ony man was in Conspiracie with him. In end, he was condamed, caryid about the Towne naikid, and brodit¹⁸ with hot irnes in all pairtis of his bodie. He nevir, in word nor countenance, gawe ane dollorous signe. Quhat tyme his right hand was cut aff, he said, " It was moir lichtlie punisheit than it deservid, ffor that it had not obayit ane stout stomack!"

This circumstance was too remarkable to escape the attention of *Leslie*, who briefly says,—' Ane great conuentione of the Lordis being in Halyrudhous with THE KING, the xvij of Junij, thair com ane fempill¹⁹ lyk man, being fume tyme feruand to THE ERLE OF LENNOX; and in the mids ane great confluence in the Abbay clofe, furionlie and disperatlie struk SIR JAMES HAMMILTOUN, knyecht, with ane quhingsear in the Wambe,²⁰ thre findry strais, to the left;²¹ albeit²² that the said Sir James deit nocht of thay straiskis. The man beand suddantie takin, confessit the deid, without ony repentaunce, crying, " Fye on the feibill hand quhill wald not do that thing the hart thoct, and wes

¹ Advocates' Library, Jac. V, 2.2. fol. 282, b. ² THE RAID OF LIBDISDAILL against the THIEVES, where the Earl of Angus ' HANCIR 12 of thame that war takin, and keipit also mony for pledgis; quhome also, for that thair freindis wald not abstene from Roberie, within fewe monethis eftir, he Execut.' ³ Mean; low. ⁴ John Earl of Lennox, slain at the Field of Linlithgow. ⁵ Revenging. ⁶ Sir James Hamilton, natural son of the Earl of Arrau. ⁷ Outer close, or inclosure. ⁸ Ever; constantly. ⁹ Vault; archway. ¹⁰ Entrance. ¹¹ Gates. ¹² Bending; inclining. ¹³ Interposition. ¹⁴ Leapt. ¹⁵ Literally, a great *dust* arose. ¹⁶ Forgotten. ¹⁷ To stand side by side; in single file. ¹⁸ Pricked; thrust at. ¹⁹ One of low or obscure birth; a plebeian. ²⁰ Bely. ²¹ Hilt; handle. ²² Although; nevertheless.

determinatt to do l” And being inquyrit “ Qubat he wes, and quha had caufit him to do the fame ?” Anfuertit, “ he wes ane fervand of God, fend be him to do that deid.” And albeit he wes put to grite paynes, dailie, be the fpace of ane moneth thaireftir, wald nevir gif ane uther anfuert. Thairfor he wes hangit, and his heid fixeit upoun the Port of Edinburgh.’¹]

Jul. 29, 1527.—RICHARD LORD INNERMEITHE and JAMES LORD OGILUY americiated for not appearing to underly the law for remaining from the laft Raid made by the King upon the (Border) Thieves.² New Letters were ordained to be iffued for their appearance ; and, in cafe of failure, that their whole moveables be efcheated, &c.

Abiding from the Border Raid.

Jul. 29.—JOHN LORD GLAMMYS americiated for the fame crime, and for Refetting Gawyn Lyoun and others his accomplices, Rebels.

Slaughter of the Earl of Caffillis.

Oct. 5, (*die Sabbati.*)—HUGH CAMPBELL OF LOWDOUNE, Sheriff of Air. James Earl of Arran was americiated 100 l. for not entering the Sheriff of Air to underly the law for the cruel Slaughter of Gilbert Earl of Caffillis. Campbell was denounced Rebel, and all his moveables ordained to be efcheated.—George Craufurd of Lefnorijis, and William his brother, John Campbell of Cefnok, Bartholomew Craufurd of Kerfe, David and Duncan his brothers, John Craufurd of Drongane, John and William his fons, with a great number of others, found caution to underly the law for this crime, on the third day of the next Justice-aire at Air.³—DAME ISSABELLA WALLACE, LADY LOWDOUNE, alfo accused for the fame crime, was proved to be fick by Sir William Bankhede, her Curate, and two witneffes.

Subading the Sheriff of Fife in a fenced Court.

Oct. 8.—GEORGE RAMSAY of Clatty, John Betoune of Balfour, James Betoune of Melgun, Johne Grahame of Claverhouse, and others, found caution to underly the law at the next Justice-aire of Fife, for Convocation of the lieges to the number of 80 perfons, and in warlike manner invading JOHN LORD LINDESAY, Sheriff of Fife, in the execution of his office, in a fenced Court within the Tol-booth of Cowper, the doors being flut, and the Affife inclofed ; and for breaking up the faid doors. David Abbot of Abberbrothock obliged himfelf to relieve John Wardlaw of Torry of his cautionry.—MR GEORGE BETOUNE, Rector

¹ BAN. CLUB Edit. ; 1830 ; p. 139.

² Many others of less note were cited for this offence, until the year 1528. It is unnecessary, however, to multiply farther instances of the like entries, excepting where the rank of the parties renders them interesting.

³ Numerous entries occur of persons cited for this crime ; and, failing to appear, they were all denounced rebels, &c.

of Glasgow, dilated of the same crime, was replegiated by the Commissary of the Archbishop of Glasgow.—DAVID FETHY of Incheok, David Cokburne of Tretoune, and John Betoune of Balijs-craggis americiated for non-appearance, and ordained to be summoned of new, &c.

Slaughter.

Oct. 14.—JOHNE JOHNSTOUN of that Ilk, John, Andrew, and Rolland Bell, William and Mathew Johnstoune, found caution to appear before the Justiciar, to underly the law for the cruel Slaughter and Murder of Symon Arnestrang. James Douglas of Drumlangrig became cautioner.—Sep. 23. Failing to appear, they were all denounced Rebels, &c.

Intercommuning with the Sheriff of Air.

Nov. 23.—WILLIAM CUNYNGHAME of Glengarnok, Mungo Mure of Rowallane, John Hammylton of Colmyskelthe, James Wallace of Carnale, Adam Wallace of Newtoun, John Foulartoune of Corbie, and others, were americiated for not appearing to underly the law for Intercommuning, assisting, resetting, and supplying Hugh Campbell of Lowdoune, Sheriff of Air and his accomplices, Rebels, and at the horn, &c. Their moveables were ordained to be escheated, &c.

Intercommuning with the Sheriff of Air.

WILLIAM CUNYNGHAME, MASTER OF GLENCAIRN, John C. of Caprintoune, David C. of Bertaneholme, Robert C. of Aket, William Wallace, Tutor of Cragy, George Roffe of Hanyng, John Lokert of Bar, John Craufurd of Dron-gane, George Rede in Dandelly, and Quintin Schaw, Tutor of Keris, found caution to appear before the Justiciar on Dec. 4, for Intercommuning, &c. with the Sheriff of Air.

Importing and Uttering Forged Money.

Mar. 14, 1527-8.—GEORGE CABALL, Convicted by an Affise of treasonably importing ffalse and fforged pennies into the kingdom from Flanders and other places; and of using them in his merchandize and otherwise.—SENTENCE. To be drawn to the gallows and HANGED until dead, and his head to be placed on an iron pike, and fixed on the east gable of the Tolbooth of Dundee. His body to be quartered, and each quarter to be suspended by an iron chain, and affixed upon each of the principal ports of that burgh, thereon to remain as a perpetual example to others. All his goods, moveable and immoveable, were ordained to be escheated.

Slaughter — Deadly Feud.

Jul. 28, (*Apud Striueling*.)—ALEXANDER KENNEDY OF BARGANY, and Hugh his son, John Mure of Auchindrane,¹ and James his brother, Gilbert Kennedy of Kirkmichall, James K. of Blarequhane, Sir David Blacater, Curate of Girvane, Thomas Corry of Keldwod, Thomas K. of Coiff, Alexander K., brother of James of Knokdone, Alex. K. of Glentig, William Abbot of Corfragwell, Gilbert K. of Barnaclannochane, Mr Walter K., James K., son and heir-apparent of Patrick of Drummellane, John K., son and heir-apparent of Gilbert of Kirkmechell, Thomas K., son of Alex. of Bargany, Hugh K., son of Thomas of Dunneyne, David K., brother of the Laird of Kirkmechell, Alex. K. of Jet, Thomas K. of Dunneyne, John K. of Bennane, Mungo Eklis of that Ilk, Patrick K. of Drummellane, &c.² (in all seventy-five persons,) dilated for art and part of the cruel Slaughter of vniq^{le} Robert Campbell in Lochfergufs, Alexander Kirkwod, and Patrick Wilfone.

MR WALTER KENNEDY, Rector of Douglas, David his brother, James K., Thomas Bofwell, Sir George Davidson, John K., William Wricht and Duncan Makrimnyll, Chaplains, and George Berclay, Parish-clerk of . . . , were replegiated by Sir Robert Wemys, Chaplain and Commissary of Gawin, Archbishop of Glasgow, and found caution to underly the law for the above crime.

JOHN KENNEDY of Bardrochat, Thomas Murdoch of that Ilk, James Kennedy, brother of the Rector of Douglafs, James Makrimnyll of Barneill, and seven others, found caution to underly the law for the same crime, at the Justice-aire of Air, &c.³

Intercommuning with a Rebel.

Aug. 27.—JAMES LORD OGILUY, James Ogiluy of Cukistounne, David Gardin of Leys, and John Ogiluy of Innerquharite, americiated for not appearing to underly the law for Refetting, supplying, and intercommuning with Sir Alexander Spense, Monk of Cowper, his Majefty's Rebel.

Proclamation to pass to the Raid of Temptallounne, &c.

PROCLAMATION,⁴ *made at the Market-Cross of Edinburgh, Sep. 10, 1528.*—We do ȝow to wit, þat fforfamekill as ane grete pairt of our fouerane lordis liegis wer commandit be his Letteris to cum to his hienes, to STRIU-ELING, to have convoyit his grace to Edinburghe, and pairefter to haif remanit

¹ Ancestor of the notorious Auchindrane, who has been 'doomed to everlasting fame' by *Sir Walter Scott*, in his *Ayrshire Tragedy*. ² The others are individuals of less note. ³ Other persons are cited for this Slaughter at subsequent diets of Court, and denounced rebels, &c. ⁴ It is certified in the Record, that this Proclamation was publicly made at the market-cross of Edinburgh, Sep. 10, 1528.

for þe space of xx dais, or to haue past quhare his grace and Lordis of his Counsaile plesit. AND now his grace, with avise of his saidis Lordis, has tane purpose to remove toward Temptalloune, or vperis places thocht to him expedient : Quharefor I command and charge in our fouerane lordis name all and findry his liegis, quhilkis wer chargit be his Letteris be oppin proclamatioune of before, þat þai adress and mak þaim redy, bodin in þair best wife, and be in þis tovne of þis nixt Thurisday, at evyne, þe xj day of September instant, to pass on Friday þe xij day of þe said moneth with þe KINGIS grace and Lordis of his Counsaile, quhare þai sal think expedient, vnder the panys contenit in his first Proclamatioune forsaid ; and nochtwithstanding ony Letteris of Licence gevin in þe contrare ; certifying þaim þat hes gottin ony sic Letteris of Licence þat name of þaim salbe admittit, bot þair eschete salbe disponit vpon. And þat þe Tovne of EDINBURGHE and LEITHE furnise cariage with vittallis to pass with þe KINGIS grace and his ARMYE, for furnissing of þe samyn as efferis ; and þai fall haue thankfull payment þairfor.

Assisting the Earl of Angus in raising Siege of Newark.

Sep. 26, (*die Sabbati.*)—GEORGE NESBET of Dalzell,¹ George Crow of Restoune, James Ramsay in Fouldene, and William Redepethe, junior, were americiated for not appearing to underly the law, for their riding with their friends, tenants, and servants, and fortifying and assisting Archibald, formerly Earl of Angus and his accomplices, for raising the siege of the Castle of Newark ; and for art and part with him therein, contrary to the King's Proclamations, &c.

Intercommuning with Rebels — Burning Castle of Broadick, &c.

FERGUS M^cDOWELL OF FREWCHE, Thomas M^cD. of Mondork, and Thomas Makeavat, found caution to underly the law at the next Justice-aire of Wigtoone, for Refetting, supplying, and intercommuning with Archibald and Robert Stewart, sons of the Sheriff of Bute, Rebels, and at the horn for the Slaughter of George Tayt ; and for the Burning and destruction of the Castle and Place of Braidwik, in Arran, belonging to the Earl of Arran.—In a Warrant from the King which follows, dated Sep. 25, the Justice is directed to take caution of these persons, ' because of our Generale Raid now denisit to be vpon þe xx day of October nixt to cum, for recouering of þe said Castell of Temptalloune.'

Oppression — Chasing Deer — Mutilation, &c.

Oct. 21.—GEORGE KER of Lyntoune, Mr Thomas Ker of Sounderland-

¹ He was denounced rebel on Sep. 28.

Slaughter — Deadly Feud.

Jul. 28, (*Apud Strineling*.)—ALEXANDER KENNEDY OF BARGANY, and Hugh his son, John Mure of Auchindrane,¹ and James his brother, Gilbert Kennedy of Kirkmichall, James K. of Blarequhane, Sir David Blacater, Curate of Girvane, Thomas Corry of Keldwod, Thomas K. of Coiff, Alexander K., brother of James of Knokdone, Alex. K. of Glentig, William Abbot of Corfragwell, Gilbert K. of Barmaclannochane, Mr Walter K., James K., son and heir-apparent of Patrick of Drumnellane, John K., son and heir-apparent of Gilbert of Kirkmechell, Thomas K., son of Alex. of Bargany, Hugh K., son of Thomas of Dunneyne, David K., brother of the Laird of Kirkmechell, Alex. K. of ȝet, Thomas K. of Dunneyne, John K. of Bennane, Mungo Eklis of that Ilk, Patrick K. of Drumnellane, &c.² (in all feventy-five persons,) dilated for art and part of the cruel Slaughter of vniq^{le} Robert Campbell in Lochfergufs, Alexander Kirkwod, and Patrick Wilfone.

MR WALTER KENNEDY, Rector of Douglas, David his brother, James K., Thomas Boswell, Sir George Davidfone, John K., William Wricht and Duncan Makrinnyll, Chaplains, and George Berelay, Parish-clerk of . . . , were replegiated by Sir Robert Wemys, Chaplain and Commissary of Gawin, Archbishop of Glasgow, and found caution to underly the law for the above crime.

JOHN KENNEDY of Bardrochat, Thomas Murdoch of that Ilk, James Kennedy, brother of the Rector of Douglafs, James Makrinnyll of Barneill, and seven others, found caution to underly the law for the same crime, at the Justice-aire of Air, &c.³

Intercommuning with a Rebel.

Aug. 27.—JAMES LORD OGILUY, James Ogiluy of Cukiftoune, David Gardin of Leys, and John Ogiluy of Innerquharite, americiated for not appearing to underly the law for Refetting, supplying, and intercommuning with Sir Alexander Spense, Monk of Cowper, his Majesty's Rebel.

Proclamation to pass to the Raid of Temytalloune, &c.

PROCLAMATION,⁴ *made at the Market-Cross of Edinburgh, Sep. 10, 1528.*—WE do ȝow to wit, þat sforfamekill as ane grete pairt of our souerane lordis liegis wer commandit be his Letteris to eun to his hienes, to STRIUE-LING, to have convoyit his grace to Edinburghe, and pairefter to haif remanit

¹ Ancestor of the notorious Auchindrane, who has been 'doomed to everlasting fame' by *Sir Walter Scott*, in his *Ayrshire Tragedy*.

² The others are individuals of less note.

³ Other persons are cited for this Slaughter at subsequent diets of Court, and denounced rebels, &c.

⁴ It is certified in the Record, that this Proclamation was publiely made at the market-cross of Edinburgh, Sep. 10, 1528.

for þe space of xx dais, or to haue past quhare his grace and Lordis of his Counsaile plefit. AND now his grace, with avise of his saidis Lordis, has tane purpose to remove toward Temptalloune, or vperis places thocht to him expedient : Quharefor I command and charge in our souerane lordis name all and findry his liegis, quhilkis wer chargit be his Letteris be oppin proclamatioune of before, þat þai adress and mak þaim reddy, bodin in þair best wife, and be in þis toвне of þis nixt Thurisday, at evyne, þe xj day of September instant, to pass on Friday þe xij day of þe said moneth with þe KINGIS grace and Lordis of his Counsaile, quhare þai sal think expedient, vnder the panys contenit in his first Proclamatioune forsaid ; and nochtwithstanding ony Letteris of Licence gevin in þe contrare ; certifying þaim þat hes gottin ony sic Letteris of Licence þat nane of þaim salbe admittit, bot þair eschete salbe disponit vponе. And þat þe Tovne of EDINBURGHE and LEITHE furnise cariage with vittallis to pass with þe KINGIS grace and his ARMYE, for furnishing of þe samyn as efferis ; and þai fall haue thankfull payment þairfor.

Assisting the Earl of Angus in raising Siege of Newark.

Sep. 26, (*die Sabbati.*)—GEORGE NESBET of Dalzell,¹ George Craw of Restoune, James Ramsay in Fouldene, and William Redepethe, junior, were americiated for not appearing to underly the law, for their riding with their friends, tenants, and servants, and fortifying and assisting Archibald, formerly Earl of Angus and his accomplices, for raising the siege of the Castle of Newark ; and for art and part with him therein, contrary to the King's Proclamations, &c.

Intercommuning with Rebels — Burning Castle of Broadick, &c.

FERGUS M^cDOWELL OF FREWCHE, Thomas M^cD. of Mondork, and Thomas Makeavat, found caution to underly the law at the next Justice-aire of Wigtonne, for Resetting, supplying, and intercommuning with Archibald and Robert Stewart, sons of the Sheriff of Bute, Rebels, and at the horn for the Slaughter of George Tayt ; and for the Burning and destruction of the Castle and Place of Braidwik, in Arran, belonging to the Earl of Arran.—In a Warrant from the King which follows, dated Sep. 25, the Justice is directed to take caution of these persons, ‘ because of our Generale Raid now denifit to be vponе þe xx day of October nixt to cum, for recovering of þe said Castell of Temptalloune.’

Oppression — Chasing Deer — Mutilation, &c.

Oct. 21.—GEORGE KER of Lyntonne, Mr Thomas Ker of Sounderland-

¹ He was denounced rebel on Sep. 28.

hall, James Ker in Farnylee, and nine others, were amerced for not appearing to underly the law for art and part of the Oppression done to William Cokburne of Ormiston, coming to his Park of Ormiston under silence of night, armed with lances and other invasive weapons, breaking up the gates thereof, and with bows and dogs chafing and wounding 'his parkit deir.' And also, for invading and wounding his servants the keepers of the said Park: And for the mutilation of one of his servants, called Thomas Anderson.—New Letters were ordained to be issued for their appearance, under the pain of rebellion, &c.

Caution for Partizans of the late Earl of Angus.

Nov. 20.—'GEORGE HUME OF SPOT comperit in prefens of þe Lordis of our souerane lordis Secrete Counsaile, and for þe frething¹ and releving of DAVID RAYNTOUNE OF BYLLE out of Warde furth of þe CASTELL OF EDINBURGH, þe said George become souerte for him, þat he sal in al tyme cuming lelely² and trewly serue our souerane lord, and þe lord Hume, vnder þe pane of twa thousand merkis.'

(Nov. 22.)—'IN prefens of þe Lordis of Counsaile, comperit Nicholace Ramsay of Dalhouffy, and James Towris of Innerleyth, kny^t, and become cautioners and fuerteis, coniuetlie and feueralie, for PATRIK HUME, broþer germane to Alexander Hume Tutour of Wedderburne, that sforfamekill as þe saidis lordis has chayngit þe said Patrikis Ward furth of þe Castell of Edinburghe, to þe Tovne of þe samyn; tharefor, þat þe said Patrik fall remane in Warde within þe said Tovne of Edinburghe, and nocht remove pairfra, nor assist to Archibald Douglase, sumtyme Erll of Anguse, nor his part-takariss, nor write nor send to þame na maner of way; and fall keip the said Warde quhill he be fred be þe Kingis grace and Lordis of his Counsaile, vnder þe pane of ij^m merkis. And þe said Patrik fall ansuer for na manis dedis bot his avne dedis.

Abiding from the Host at Temptalloun, &c.

Dec. 16.—JOHN SITLINGTON of Stanehouse, John Wilfone of Cruglin, Alexander Mcquochin de Dalquhit, John Fergusone of Cragdareache, and sixty seven others,³ denounced Rebels and put to the horn, for their abiding from the King's host and army at Temptalloun.—A number were pursued at this period, for abiding from this army of 'Dowglas and Temptalloun,' and the previous army at Stirling.

Intercommuning with Rebels in Carrick, Butc, and Arran.

Jan. 15, 1528-9.—JOHN NEILSONE of Crageaffy, and Michael and John

¹ Freeing; absolving. ² Loyally. ³ They were all Galloway and Wigton Lairds—among them the Lairds of Balmagie, Garlies, Larg, Barclay, Creachane, Torhouse, Andrew Agnew the Sheriff of Wigton, &c.

Neillfone his coufins, were denounced Rebels and put to the horn, &c. for not underlying the law for Refetting, Supplying, and Intercommuning with his Majesty's Rebels, in Carrick, Bute, and Arran: And for Oppreffion done to the Laird of Mochrum, coming to his dwelling place of Mochrum, and breaking up the doors and windows, &c.

Convocation of the lieges — Oppreffion, &c.

Feb. 15.—WILLIAM ANSTRUTHER, George Symmer, and thirty-eight others, fund John Anstruther of that Ilk as thair cautioner, that they fhould appear at the next Juftice-aire of Fife, to underly the law for art and part of Convocation of the lieges: And for Oppreffion done to Mr David Lindefay, and invading him for his Slaughter. And for taking and incarcerating him in the Tower of Anstruther, and detaining him therein againft his will.

(Feb. 27.)—JOHN ANSTRUTHER of that Ilk, and John Strang younger of Balcauky, fund caution to anfwer for the above crimes.

Fire-raifing — Burning of Coufand.

Feb. 25.—PATRIK CHARTERIS of Cuthilgurdy found caution (Robert Mawll of Panmwre) for his entry before the Juftice, to underly the law for art and part of the Fire-raifing and Burning of the village of Cowfand, and houfes thereof: And for the plundering of certain oxen, cows, and other goods, from the Tenants thereof, and from William Lord Ruthvene.—(Feb. 28.) JOHN CHARTERIS, brother to Cuthilgurdy, and eleven others, found furety to anfwer for the fame crime.—(Mar. 1.) The King granted Warrant to remit this cafe to the Juftice-aire of Forfar.

Slaughter of John Lord Fleming.

Apr. 7, 1529.—JOHN TWEDY of Drummelzeare, John Tuedy dwelling with him, Thomas T. in Olivere Caftell, David T., James T. in Kilbochoche, and James T. in Wray, found furety (John Lord Hay of Yefter) for their appearance at the Juftice-aire of Pebles, to underly the law for art and part of the cruel Slaughter of John Lord Flemyng. This furety was taken by Warrant of the Lords of Privy Council, and with confent of Malcolm Lord Flemyng, becaufe they were at the horn.

JAMES TWEDY junior of Drummelzeare, John Vache of Kyngfyde, David Newtoun of Michelhill, and eight others, found caution (Sir Walter Scott of Brauxholme, knt.) to anfwer at the fame time and place for the above crime.¹

¹ May 17, 1530, he and three others procured Letters of Refpite, and found caution to fatisfy the party at the next Juftice-aire of Peebles.

Treasonably assisting the Earl of Angus, &c.

Apr. 16.—ADAM NESBIT of that Ilk, and Philip Nesbit his son, were denounced Rebels and put to the horn, and all their moveable goods to be escheated, for not appearing to underly the law for Refetting, Supplying, Intercommuning, and Assistance given and afforded to Archibald, formerly Earl of Angus, (George Douglas) his brother, and (Archibald Douglas his) uncle, Rebels, in their treasonable deeds.

(Apr. 21.)—DAVID HOPE and William Inglis, were Convicted by an Assise, and HANGED for their treasonable assistance given to Archibald, formerly Earl of Angus, &c. as above. *Item*, the said David, for art and part of the treasonable detention of the Castle of Temptalloune against our sovereign lord's authority.

Convocation of the lieges — Rescuing a Felon, &c.

Maii 5.—ROBERT GUDEFALLOW, John Jardin of Dyke, John and Alexander Jardin, and 19 others, denounced Rebels, and put to the horn for not underlying the law, for Convocation of the lieges in great number, coming upon the servants of Malcolm Lord Flemyng, in the execution of their office, by virtue of Royal Letters directed to him, to search for and take Edmund Rutherford, and present him before the Justice to underly the law for certain crimes; and rescuing the said Edmund, &c.

Common Theft, &c.

May 5.—JOHN RUTHERFORD, son of Edmund Rutherford in Auchincorthe, Convicted by an Assise of common Theft, Refetting of Theft, outputting and inputting, &c. and HANGED.—THOMAS DAVIDSOUN Convicted and HANGED for the same crimes.

Caution for the Laird of Drumlanrig.

Jul. 31.—‘ THE quhilk day James Douglas of Caveris, Sheriff of Teviotdale, in presens of þe Lordis of Counsaile, become fouerté for JAMES DOUGLAS OF DRUMLANRIG, þat he suld nocht evade nor eschew furthe of Warde out of þe Castell of Edinburghe, vnder þe pane of I^mli., quhill it wer þe KINGIS plesour.’

Lord Maxwell's Bond to present felons to trial, &c.

Jul. 23.—‘ In presens of þe KINGIS grace and Lordis of Secreit Counsaile, ROBERT LORD MAXWALL, Wardane of þe West Marchis, tuke vpon hand to entir *Hector Scot*, *George Scot of þe Bog*, and vperis pair complices, quhais names salbe gevin to him in bill, committaris of þe Slauchteris of James Paterfoun and Williame Cleghorne in Langlandhill: And for þe Refe and Herfchip

of certane horffis and gudis at Peblis and in Tueddale, laitlie, and vpoun þe Capitane of Edinburghe, at þe Catflak, in þe Forest of Ettrik, before our fouerane lordis Justice in þe Tolbuthe of Edinburghe, vpoun þe ferd day of August, for þe faidis Letteris : Or ellis, to put þain out of þe MARCHE, and hald þain furth of þe famine ;—and in þat cace sal restore þe gudis takin be þame or ony vþeris complenzeand vpone ony perfonis duelland within þe boundis of his Wardanery, according to his Band, and sene þe date þairof : Prouiding alwais, þat þe perfonis þat enteris falbe accusit for na thingis before þe day of þe date of his Band, and acceptatioun þairof.

Stouthreif — Oppression — Sheep-stealing.

Aug 5.—JAMES GUTHRY, Captain of the Castle of Crechtoune, americiated for not underlying the law for art and part of the Stouthreif and Oppression done to William Borthwick of Crukstoune, in ‘ reiving ’ from his servant and shepherd of 100 sheep, being at the grazings upon the lands belonging to John Lord Hay of Yester. New term assigned, under the pain of rebellion, &c. —Andrew Purves and ten others found security to appear at the Justice-aire of Edinburgh, to answer for the same crime.

Convocation — Deadly Feud between the Lairds of Edmonstoun and Nidry = Marischall.

Aug. 30.—PATRIK COCKBURNE of Newbigging, James Cockburne of Langtoun, Gilbert Wauchope of Nudry Marfchall, and Gilbert his son, John Pennycuke of that Ilk, John Lile of Stanypethe, Andrew Heriot of Trabrovne, Mr George Hay of Mynzeane, Patrick Sydeferf of that Ilk, the young Laird of Skowgall, and James Stewart of Cragyhall, Convicted by an Affise of art and part of Convocation of the lieges upon John Edmonstoune of that Ilk.

GEORGE LORD HUME americiated for not entering John Hume and ninety-eight others (chiefly Trotters, Brounfields, and Dickfons,) by virtue of the Bond for good rule of his country, to underly the law for art and part of Convocation of the lieges upon Gilbert Wauchope of Nudry Marschell, in company with John Edmonstoun of that Ilk.

ROBERT LAWDER, the young Laird of Bafs, William Dewar of that Ilk, Thomas Vernour of Auchindinny, and Thomas his son, Cockburne of Newhall, and fourteen others, were americiated for not appearing to underly the Law for Convocation of the lieges coming with the Laird of Nudry against the Laird of Edmonstoune.

Liberating a Thief — Taking Theft-bute.

Sep. 30.—DAVID POLLOK of that Ilk found Robert Lord Maxwell as

Cautioner for his entry at the Justice-aire of Renfrew, to underly the law for letting to liberty a Thief called *Stobhill* out of his prifon, after having taken *Thift-bute* from him.

Assurance between the Lairds of Dundas and Nudry-Marisshall.

Apr. 4, 1530.—‘ JAMES DUNDASS of pat Ilk, in prefens of þe said Justice, for him, his kynne, freyndis, feruandis, adherentis and pairt takaris, and al þat he mycht let,¹ Affouerit ² GILBERT WAUCHOPE of Nudry Marschell, Thomas Wauchope and pair kynne, freyndis, tenentis, feruandis, adherentis, and pairt takaris, vnto þe ix day of Maij nixt to cum ; and held up his hand hereto,³ and band (and) oblist him to obserue and keip þe said Affouerance, vnder þe pane of I^mli. And hereupoun þe said Lard of Nudry askit aue act.’

Assisting Thieves and Rebels.

May 15.—DAVID TURNBULL of Wauchope, Walter Turnbull of Howay, John Lile of Stanypathe, Philip Nesbet of that Ilk, Patrick Lumniflene of Blererne, John Edingtoune of that Ilk, and Robert Haig of Bemeryfyde, denounced Rebels, and put to the horn for not entering to underly the law, for assistance given and afforded to Thieves and Malefactors in violation of their Bonds.

Slaughter of Lord Fleming.

SIR WALTER SCOTT of Branxholm, kn^t, come in the King’s will (for the Slaughter of JOHN LORD FLEMING.)¹—(May 17.) He was americiated for not entering John Vache of Kingfyde, David Newtoun of Machelhill, and four others, for the same crime, who were all denounced Rebels, &c.

High Treason — Bringing in Englishmen — Theft, &c.

[A STRIKING feature of this period of history, was the disjointed state of civil society. On the Borders, especially, the most lawless excesses were committed, almost with impunity; and at length matters had come to such a pitch, that THE KING found it necessary to levy an army, and to march along with them in person to these districts. It may be remarked, that the robberies and ‘ herefchips’ daily committed, were not confined to outlaws and desperadoes, or ‘ broken men,’ as they were termed, belonging to no Clan, but persons of good family joined in the general foray, and among others, THE LAIRDS OF HENDERLAND and TUSCHELAW² distinguished themselves by the most reckless and daring Treasons and Robberies.

It is unnecessary to enlarge on this subject, which is notorious, and has long been matter of history. According to the Editor’s usual plan, however, such contemporary notices as can now be gleaned, shall, without farther remark, be laid before the reader; as the adoption of this method, in his opinion, affords the most vivid picture of the transactions recorded. In *Anderfon’s MS. History*,⁶ it is merely remarked, that ‘ The rest of the 3eir was moir peciabil, bot the bauldnes of THEIUIS was never a

¹ Hinder.

² Gave assurance to.

³ Swore, or gave his solemn oath.

⁴ See Apr. 7, 1529, &c.

⁵ See May 18, 1529.

⁶ Advocates’ Library; chiefly compiled from Buchanan, &c.

quhit repressid. Quhairfor THE KING caufid hang, pe 18 of May, *Williame Cokburne of Hinderland*, and *Adame Scott of Tuschilaw*, Theivis apprehendit, in Ed', to terrifie wtheris.' But the Original of *Bishop Lesley's*¹ History is rather more explicit. 'In the famyn moneth of May, the xvj day, thair wes ane greit conventioun of the Lordis with THE KING, in Edinburgh; and the King himself presentlie sittand in judgement. *The Laird of Hinderland*, callit *Cokburn*, and *Adame Scot of Tuschelaw*, quha wes callit KING OF THEIVIS, was accuset of Thift, refett and maineteyning of Thevis, slauchter, and uther crymes, and conviet thairfor and heidit; and their heidis fixit upoun the Tolbuith of Edinburg.'²

Without citing farther extracts, in this place, reference may be made to the Notice prefixed to the following article, where some interesting particulars are preserved in connexion with the same subject.]

May 16.—WILLIAM COKBURNE of Henderland, Convicted (in presence of THE KING) of High Treason committed by him, in bringing Alexander Forestare and his son, Englishmen, to the plundering of Archibald Someruille: And for treasonably bringing certain Englishmen to the Lands of Glenquhome: And for common Theft, common Refet of Theft, outputting and inputting thereof.—SENTENCE. For which causes and crimes he has sforfeited his life, lands, and goods, moveable and immoveable; which shall be escheated to the King.—BEHEADED.

The following Original Warrant was found among the loose papers belonging to the Court, and is given here, as throwing farther light on the sequel to these extraordinary transactions.

GUBERNATOR,

JUSTICE CLERK, We grete 3ow weill. Forfamekill as *Williame Cokburne*, sone and heir of vmq^{lc} *Williame Cokburne of Hinderland*, hes merit³ him to ws, pat he is havelie hurt throu pe haifty justyfeing⁴ of his said fader, and sforfaling of him pairthrow: And pairfore defyres to have pe autentik copy of pe DOME and SENTENCE gevin aganis his said fader, and of all actis and protestatiounis takin be him at pat tyme; sa pat he may prouide for sum remeid pairin. QUHARFORE, 3e fall geif to him, vpoun his expensfis, pe autentik copy of pe Dome, Sentence, and procefs led and gevin aganis his said fader in maner soirsaid, to pe effect abone writtin. As 3e will ansuere to ws pairuponne, kepand jis Precept for 3oure Warrant. SUBSCRUIT with oure hand, At Edinburgh, pe xxij day of Januar, the 3eire of God ImVxlj 3eris.

JAMES G.⁵

Taking Black Maill.

Maill 18.—ADAM SCOT of Tuschelaw, Convicted of art and part of theftuoufly taking *Black-maill*, from the time of his entry within the Castle of Edinburgh, in Ward, from John Brovne in Hoprow: And of art and part of theftuoufly taking *Black-maill* from Andrew Thorbrand and William his brother: And for art and part of theftuoufly taking of *Black-maill* from the poor Tenants of Hopcail3ow: And of art and part of theftuoufly taking *Black-maill* from the Tenants of Eschefscheill.—BEHEADED.

¹ Quarto, Printed for Bannatyne Club, 1830, p. 141.

² *Sir James Balfour* also notices the circumstance, but as is often the case in his Annals, gives a wrong date, viz. Jul. 27, and *Calderwood's*

MS. Church History makes the same mistake.

³ Complained.

⁴ Execution; putting to death.

⁵ James, Governor of Scotland, viz. JAMES EARL OF ARRAN, Lord Hamilton, REGENT.

Border Barons — Neglect to fulfil their Bonds, &c.

[IT is necessary for the right understanding of many of the proceedings which follow, that the reader should bear in mind the public events which gave rise to so remarkable a step as the levy of a large Army, under the command of THE KING in person, for the sole purpose, apparently, of suppressing a handful of BORDER THIEVES. In the preceding Trials, however, it has been seen that the state of the Borders of Scotland was so lawless, and the Chiefs so refractory and turbulent, that nothing short of the strongest coercive measures was likely to be of the least service towards restoring a better state of society among the Borderers.

The open Treason and revolt of THE EARL OF ANGUS, and the constant jarring and jealousies among the Barons, rendered the appointment of a Lieutenant inexpedient. It was therefore deemed necessary, for establishing tranquillity, that THE KING in person, accompanied by a very strong force, should suddenly march towards the Borders, and quell, by the strong arm of the law, all those who had not willingly come forward and given their Bond, with sureties under heavy penalties, to ‘keip gud reule within their respectiue boundis.’ The particulars now drawn from the Records of the Supreme Criminal Court are of considerable historical importance, and to the genealogist as well as the historian, must afford valuable information.

*Bishop Lesley*¹ gives this brief but striking narrative. After detailing the execution of the *Lairds of Henderland* and *Tuschelaw*, he proceeds: ‘The fame day THE ERLE BOITHUELL wes convict for manteyning of thame, and for certain uther crymes; and thairfoir wes in the Kingis will: For the quibilkis, the King caufit Ward him in the Castell of Edinburgh. Thairefter he wes fend in Murray; and laft, banieft Scotland; fua that he travellit to Venice, quhair he remanit during the Kingis lyve tyme. Alfua, the *Lord Maxwell*, *Lord Hume*, *Larde Balcleuch*, *Farnyhirft*, *Pollock*,² *Johneftoun*, *Mark Ker*, and uther principallis of THE BORDOURIS, wes convict be Afllyffis, and all put in Warde; quhair throwcht the Bordouraris keipit better reule thairefter, fa lang (as) the King wes one life.’

Sir James Balfour,³ after mentioning the proceedings against Earl Bothwell, says, ‘this fame yeir, lykwayes, THE KING impriffons the *Lords Maxwell* and *Hume*, with the *Lairds of Buccleuch*, *Fernihurft*, *Pollard*,⁴ *Johnfon*, and *Marke Ker*, as CHEIFFES of the Brokin men in the Borders; and becauffe they had winked at their willanies, and giuen them way; quheras they, by ther pouer and authoritye, might have refrained them.’ *Anderfon*⁵ also remarks: ‘The 17 day of the Callendis of May, eftir lang difputatioun in Counfall, continewit till nicht, THE KING Wardit the *Earle Bothuell*, *Robert Maxwell*, *Walter Scott*, and *Mark Ker*, within the Castell of Edinburgh, and all the honest men⁶ of *Marche* and *Teviotdail*, heir and thair throw the cuntry, ffor that he beleivid that thay secreitlie fould rayfe weir betuixt the realmes.’⁷

After having perused the preceding brief remarks, the reader will be enabled more fully to appreciate the following valuable particulars communicated in the Record.]

May 18.—The following perfons found surety to enter, when required, before the Justice, to underly the law for all crimes to be imputed to them: And for which they submitted themselves to the Kingis will: And also, for not doing their utmost diligence to fulfil their Bonds, &c.

¹ Original History from which the Latin version was translated, printed for the *Bannatyne Club*, 1830. ² It is likely that this is a mistake for ‘*Polwort*,’ (Alexander Hume.) *Sir James Balfour* states the name ‘*Pollard*,’ (Pollart.) ³ *Annales*, I., 261. ⁴ Polwart. ⁵ MS. Advocates’ Library. ⁶ Men of substance and consideration. ⁷ Viz. of England and Scotland, their lawless proceedings on the Borders, &c. There seems to have been good reason for apprehending such a result; which would assuredly have occurred but for the vigorous measures thus resorted to.

BARONS AND LAIRDS OF ROXBURGHE.

Robt Scott, Tutor of Howpallot,	John Scott of Burthauch,	George Rutherfurde of Hundolee,
Geo. Douglas of Bone-Jedworth,	John Scott of Robertoun,	Nicholas Rutherfurde, his son,
James Douglas of Cavers,	Adam Kirkton of Stewartfeild,	Adam Greymflaw of Newtoun,
Andrew Ker of Gradane,	George Ormiston of that Ilk,	William Turnbull of Mynto,
Lancelot Ker of Gaitfchaw,	John Cranftoun of that Ilk,	Symon Scot of Fenyk,
Walter Ker of Cesfurde,	Philip Scot of Edfchaw,	George Fawlo of Wallis,
William Scot of Haffindene,	Robert Scot of Allanehalis,	George Ker, Tutor of Cesfurde.

BARONS AND LAIRDS OF BERWICKSHIRE.

Walr Halyburtonne of Mertounne,	Robert Franche of Thornydykis,	The Laird of Redepethe, ¹
William Cokburne of that Ilk,	Ninian Thornfyde of East Nesbet,	Robert Lauder of that Ilk,
Philip Nesbet of that Ilk,	Sir N ⁿ Setounne of Tulibody, kn ^t ,	John Swyntounne of that Ilk,
Oliver Edgare, Tutor of Wedderlie,	Alexander Ellen of Butterdene,	Jasper Cranftounne of Corfby.

JOHN HUME of Coldaneknowis came in the King's will, for intercommuning with James Ker, rebel, and was Warded in the Castle of Blaknefs.—GEORGE LORD HUME was americiated 500 merks for not entering George Hume of Aytounne.—PATRICK LUMMISDENE of Blenerne came in will for intercommuning with George and Archibald Douglas, Rebels, and was Warded in the Castle of Blacknefs.—ALEXANDER HUME of Polwort was Warded within the Castle of Dumbartane.—DAVID RAYNTOUNE of Bille was Warded within the Castle of Dumbartane.—GEORGE LORD HUME was Warded within the Castle of Edinburgh.

WILLIAME TURNBULL of Mynto, in presens of þe KINGIS Grace, and Lordis of his Counsaile, promittit, and band and oblist him, efter þat Alexander Berthilmow had gevin in his Supplicacioune, makand mentioun, þat þair wes certane horse and vþeris gudis stollin fra him, vnder silence of nycht, be certane of þe Turnbullis, duelland one þe Watter of Rowle, and in speciale, be ane callit Turnbull of Catlie, for quham þe said Lard of Mynto become plege and fouerte in þe last Justice-are of Jedburghe, for gude reule to be had be him in tyme cuming: Like as his Band in þe buke of Adjornale for þe said . . . , fchewin and producit þairvpoun proportis, þat he suld mak restitucioune of þe saidis guidis, or tak and bring him to oure souerane lordis lawes; and failzeing pairof, to byrne his house, expell and hald him furth of þe cuntre.'

May 19.—The following Barons and Lairds found caution to enter before the Justice, on a warning of fifteen days, to underly the law for all crimes to be inputed against them; viz.

BARONS AND LAIRDS OF PEEBLES-SHIRE.

John Lord Hay of Zester, ²	John Tuedy of Drummelzeare, ³	Mr John Hay of Smeithfeild,
William Murray of Romannose,	William Guvane of Cardrono,	Patrick Portuus of Halkfchawis,
William Stewart of Trakware,	William Vache of Dawik,	Alexander Tayt of Pyrne.
Tho. Myddilmaist of Grestounne,	John Sandelandis of that Ilk.	

¹ John Lile of Stanypethe also found security.
found caution to the extent of 500 merks each. These sums, it will afterwards be seen, were rigorously exacted from the defaulters.

² Amount of caution, L.1000.

³ The remainder

BARONS AND LAIRDS OF SELKIRKSHIRE.

Rob. Turnbull, Tutour of Philiphauche, Patrick Murray of Fawlohill, William Hunter of Polmude,¹
 Andrew Baroune, John Vache, Robert Watfone.

Slaughter.

May 20.—JOHN CUNYNHAME of Caprintoune, Alex. C. of Luglane, Adam Stewart of Schawtoune, Adam C. of Clavanis, and fourteen others.—Their cautioners were americiated for not producing them to underly the law, for art and part of the cruel Slaughter of John Tod.—(May 21.) They were denounced rebels, along with David Bofwell of Auchinleek, for this crime.—(May 23.) Hugh Campbell of Lowdoune became surety for John Gibfone and eight others, to appear and underly the law for the same slaughter, at the Justice-aire of Air.

Forethought Felony and Oppression, &c.

May 23.—WILLIAM CUNYNGHAME of Glengarnok, David C. of Robertland, and thirty-seven of their followers, found caution to appear at the Justice-aire of Air, to underly the law for art and part of the forethought felony and oppreffion done to Gabriel Sympill, lying in the high-way, 'in feir of weir,' near Ormysheuche, awaiting his arrival, for his Slaughter, of forethought felony and old Feud.

[*Archibald Earl of Argyle, Justice-General.*]

Willful Error on an Assise.

June 25. (*apud Striueling, die Sabbati.*)—The LAIRD of PHILLORTH,² the young Laird of Buchquhane,³ Mr Andrew Tulydef,⁴ Alexander Lefly of Kincragy,⁵ William Spens of Bodom,⁶ Patrick Keith of Inchegarnock,⁷ Henry Leflye of Buchanistoune,⁸ John Chalmer,⁹ William King of Bourtry,¹⁰ Archibald Keyth of Northfeild,¹¹ James Ord in Banff,¹² Andrew Bruce of Braklamure,¹³ and William Quhite in Aberdour,¹⁴ found caution to appear before the Justiciar at Edinburgh, Aug. 5, to 'thole' a great Assyse for their unjust Acquittal of John Dempster of Auchterlefs, and his accomplices, delated for art and part of the cruel Slaughter of Patrick Stewart, and of certain persons, for the Mutilation of William Downy.—Aug. 5. They found caution to underly the law at the next Justice-aire of Aberdeen.

The Laird of Johnstoun's Offers to the King.

Aug. 9.—'THE quhillk day, in prefens of þe KINGIS grace, Robert Char-

¹ Caution, L.1000. ² Alexander Fraser, who found George Gordoune of Geicht as surety for him to the extent of L.1000. ³ 1000 merks. ⁴ 500 merks. ⁵ 500 merks. ⁶ 1000 merks.
⁷ 1000 merks. ⁸ 500 merks. ⁹ 500 merks. ¹⁰ 1000 merks. ¹¹ 1000 merks.
¹² 500 merks. ¹³ 500 merks. ¹⁴ 500 merks.

teris of Amysfeild, and Walter Scot of Branxholme, kn^t, become fouerteis for JOHNE JOHNSTOUN OF THAT ILK, that, forfamekill as his hienes admittit þe faid Johnnis OFFERIS gevin to his hienes, subserivit with his hand, þat þai fuld entir him agane, within xv dais warnyng, quhare þe KINGIS grace plefit, or before his Justice, to be accusit, gif he failzeis of ony of his Offeris: And bayth þe faidis Lordis has subserinit þir presentis with þair handis, day and zere forfaid, before þir witnis, Robert Lord Maxuell, Malcolme Lord Flemyng, Williame Hammiltoune of Sanchare-Lindefay, and me, notar vnderwrittin, with vperis diuerse.'

Letting two Thieves escape from Ward.

Aug. 17. (*apud Linlithgow*.)—JOHN LORD HAY OF ZESTER became in the Kingis Will, for negligence committed by Mr John Hay his brother, in outputting Adam Nyksone, and one called Elwald, common Thieves,¹ given to him in custody by the King, in name of the faid Lord Hay of Zester, as Sheriff-principal of Peebles.—The Justice commanded him to Ward within the town of Linlithgow, until his Majesty's will should be declared.

Slaughter of the Laird of Castlecary.

Aug. 19. (*apud Linlithgow*.)—JOHN KERE convicted of the Slaughter of vmq^{le} Archibald Levingstoun of Castlecary.—BEHEADED.

Slaughter of the Laird of Duffus.

Sept. 3.—MR THOMAS STEWART, Treafurer of Caithness, Mr Andrew Petre, Vicar of Wick, Mr John Irland, Sir John Symfone, William Murray, senior, and Hugh Grot, chaplains, Mr John Thomson, Rector of Olrik, Sir David Rede, and Sir William Irwin, chaplains, found caution (John Earl of Athole) to appear at the Justice-aire of Inverness, to underly the law for art and part of the cruel Slaughter of William Sutherland of Duffhouse (Duffus),² and other persons slain at the same time.

Slaughter of the Laird of Meldrum.

Oct. 10. (*apud Dundee*.)—JOHN MASTER OF FORBES found caution (John Lord Forbes) for his appearance, along with Ninian Forbes, John Caldore,

¹ On Aug. 27, Mathew and William Nyksone, Robert Nobill, and *Robert Elwald*, were convicted of common theft at Linlithgow, and HANGED. ² 'The same zeir of God (1529), Andrew Stuart, BISHOP OF CATTEYNES, vpon some conceived displeasure which he had received, moved the CLANGUN to kill the Laird of Duffus in the town of Thurso, in Catteynes. Vpon this accident the hail dyocie of Catteynes wes in a tumult. The Earle of Southerland did assit the Bishop of Catteynes against his aduersaries, by reason of allyance contracted betuixt the houses of Huntley, Southerland, and Atholl,' &c. *Sir R. Gordon's Hist. of the Family of Sutherland*, p. 102.

and Donald Makky, at the Justice-aire of Aberdeen, to underly the law for art and part of the cruel Slaughter of Alexander Setoune of Meldrum.¹

On August 27, the following persons were americiated for not appearing to enter on the ASSISE of JOHN LORD FORBES, for the same crime.

Wm. Gordoune of Auchindone,	J. Gordoune of Culquhodilftane,	William Gordoun of Auchinge,
William Lyonne of Colmelegy,	Alexander Troup of Begihill,	John Dempfstar of Ouchterlefs,
John Dempfstar of Murehoufe,	David Crukfelank of Durllee,	Thomas Colpland of Vdauche,
Gilbert Dalgarns of that Ilk,	Patrick Meldrum of Edane,	Thomas Tullo of Moncoffer,
Robert Downe of Raty,	Walter Ogiluy of Cragbone,	Andrew Orde of that Ilk.
The Laird of Knox,	The Laird of Auchnacoy,	

Feud between Crawfordds and Kennedies.

Nov. 29, (*apud Perth*).—JOHN BRYANE and Allan Cathcart found John Crawford of Drongane, and Quintine Schaw, Tutor of Keris, to appear at the Justice-aire of Air, to underly the law for art and part of the Theftuous stealing of sixty oxen and cows from James Kennedy of Blarequhanne, from his lands of Halfpennylands, and sixty more from his lands of Schenvene.

Crawfordds and Kennedies — Cattle and Horse Stealing, &c.

Dec. 5.—JOHN KENNEDY of Giletree, Patrick Mure of Cloncard, and fifty-eight others, found James Kennedy of Blarequhanne as surety for their appearance at the Justice-aire of Air, to underly the law for art and part of the theftuous Stealing, under filence of night, from John Craufurd of Kerehill and his subtenants, forth of his lands and dwelling of Kerehill, six score oxen and cows, ij^c sheep, and six horses and mares: And for common oppreffion thereby done to the said John and his subtenants.—JAMES KENNEDY of Blarequhanne also finds Patrick Mure of Cloncard as his surety to appear and answer for the same crimes.

Intercommuning with Rebels.

Dec. 5.—PATRICK MAXWELL of Newark, William Striueling of Glorat, Mariota Maxwell, Lady Bardowy, Andrew Striueling of Bankere,² Margaret, John, and Stephen Spreull, Thomas Culquhoune of Kirkton, and John, his brother, fund surety to appear at the Justice-aire of Dumbarton, to underly the law for Intercommuning with Alan Hammiltoune of Bardowy, Alan Grahame, and Hugh Grey, Rebels and at the horn, for art and part of the Slaughter of Alexander Hamilton, young Laird of Auchinhowy, and Keffane Williamfoun, his servant.³

¹ The Master of Forbes afterwards confessed this Slaughter on the scaffold. See his Trial, I. p. 183 *

² At the same diet he also found surety to underly the law for the Slaughter of John Makcalpy, at the same Justice-aire.

³ Ninian, Lord Ross, John Cochrane of that Ilk, John Houstoune of that Ilk, Walter Galbrayth of Garscaddane, and George Buchanan of that Ilk, were americiated for not entering on the Assise.

Slaughter of the young Laird of Conhaithe.

Dec. 15.—WILLIAM SINCLARE of Auchinfrank,¹ Roger Gordoune, and George Neilfone, found furety (James Douglas of Drumlanrig) to underly the law, at the Justice-aire of Dumfreis, for art and part of the Slaughter of Harbert Maxwell, young Laird of Conhaithe.—(Feb. 1, 1530-1, *apud Edinburgh*.) JAMES MAXWELL, brother to Robert M. of Conhaithe, failed to appear and underly the law, for art and part of the cruel Slaughter of John Chalmer. Robert Lord Maxwell, his cautioner, was americiated 100 merks.—(Feb. 4.) He was denounced Rebel and put to the horn.

[*Archibald, Earl of Argyle, Justice-General.*]

Murder of James Inglis, Abbot of Culross.

[THE following Trial excited great interest at the time, and is thus recorded by *Bishop Lesley* in his valuable History :²—‘ Apoun the first day of Marche, in the same year, THE ABBOT OF CULROSE, callit *James Inglis*, was creually flaine be THE LORD (LAIRD) OF TULLYALLAN and his fervendis ; amangis the quhilkis thair was ane Preist, callit SIR WILLIAM LOUTHIAN, quha, beand comprehendit,³ the said *Sir Williame*, one the xxvij day of the same moneth, apoun ane publick skaffald, in the toune of Edinburgh, was degradit, THE KING, QUENE, and a greit multitude of people beand present ; and he presentlye delyverit to the Erle of Argyle, heid Justice : And one the nixt day thaireftir, the saide TULLYALLANE and he wes heidit thaireftir :—*Sir James Balfour*⁴ is not so minute, merely noticing the circumstance thus. ‘ *The Laird of Tullihallane* was behedit the first day of Marche, for killing *Mr James Inglis, Abbot of Culrosse* ; and with him a *Mounck* of the same Abbey, a cheiffe author of the Abbot’s slaughter.]

Mar. 28, 1531.—JOHN BLACATER of Tulyalloune, and William Louthiane (formerly Sir William, degraded from his orders), Convicted by an Affise of art and part of the cruel Slaughter of James Inglis, Abbot of Culrosse, committed upon forethought felony.—BEHEADED.

Murder of the Abbot of Culross—Sanctuary of Torpheckin.

(Mar. 28.)—ROBERT MANDERSTOUNE, James Mechell, and Williame Hutoune, were accused of the same Murder, and were acquitted of forethought felony at the time of the Abbot’s Murder. Wherefore they were restored to the privilege of the Sanctuary of Torpliching by the Justice General, and judicially delivered to George Lord St John, Master of the said Sanctuary.

Common Theft.

Mar. 28.—PATRICK DOWGLASS, David Blynskale, and Andrew Elwald, Convicted of Common Theft.—HANGED.

¹ Beatrix Gordoun, his spouse, was also delated for the same crime, and pleaded sickness, Feb. 1, 1530-1. ² The Original Scottish MS., from which the Latin version was compiled has recently been printed by THE BANNATYNE CLUB; Quarto; 1830. ³ Apprehended; taken. ⁴ *Annales*, I., 261. The Editor does not find the particulars of this Slaughter detailed by any of our historians, nor can he discover the causes which led to the Murder. It is obvious, however, from the quotations already given, that it had excited an intense interest at the time.

Caution to enter the Laird of Branxholm in Ward.

Mar. 27.—SIR JAMES HAMMILTOUNE of Fynnert, kn^t, became surety (in like manner as Robert Lord Maxwell and John Johnestoune of that ilk had become to the King for the entry of John Scot, son and heir of Walter Scot of Syntoun, and William Scot, son and heir apparent of Robert Scot in Allanehalehe, being now in Ward within the Castle of Borthuik,) for SIR WALTER SCOT of *Branxholme*, *knicht*, to enter him in Ward within the said Castle, whensoever it pleases the King, under the pain of 500 merks. And the said Sir Walter bound himself to free Sir James of his caution and pledge.

Notice relative to 'Johnnie Armstrong' — Common Theft — Reset of Theft, &c.

[THERE have already been laid before the reader¹ various particulars relative to THE BORDER RAID, led by the King in person. Among other interesting circumstances connected with the Expedition, perhaps none is more remarkable than the capture and execution of the famous JOHNNIE ARMSTRANG. The Editor begs to refer to the *Minstrelsy of the Scottish Border*² for a general outline of the History of the CLAN or sept of ARMSTRONG, a lawless and disorderly race, which for a long period kept both sides of the Border in a ferment. It is only necessary to notice here, that the Chief of this Clan was the LAIRD OF MANGERTOUN. Johnnie Armstrong (commonly styled of *Gilnockie*) was brother to the LAIRD, and resided near Langholm, in Gilnockie Tower, at the Hollows, a place still resorted to, and highly distinguished for the romantic beauty of its scenery.

The state of the country adjoining the Borders was such that KING JAMES V considered it necessary to raise a large Army, and to proceed in person to execute vengeance upon 'the Theives and lymmaris,' and to bind down the Barons to observe 'gude reull within thair boundis.' This he executed to such good purpose, that it is still proverbial in these districts, that for a long time after that Expedition he 'made the rafch bufs keip the kow!'

In relation to JOHNNIE ARMSTRANG, it is somewhat singular that the circumstances, as they are detailed in the popular ballad or song, are substantially correct; and there cannot now be a doubt that he was most basely betrayed and put to death, even without the mockery of a form of Trial.³

As the most striking and forcible manner of laying the facts before the reader, the Editor thinks it proper in this place to subjoin some graphic accounts, as given by early writers. The first which need be cited is that contained in *Anderson's MS.*⁴ After noticing the proceedings against Earl Bothwell, &c. he states as follows:—

'Himself (the KING) about the moneth of July,⁵ gathering togidder about aucht thowfand men, tuik jorney to repres THE THIEVES. And passing forward with grit expeditioun, campid wpone the watter Ewes.⁶ Not far fra that duelt JOHNE ARMSTRANG, ane Capitane of ane factioun of Theives. This companioun was so feirfull⁷ to his nichtbouris that evin Englifmen, many mylis within the contray, payid tribut⁸ wnto him. *Maxwell* himself feirid his power, and socht all meanes posibill for his distructioun. Johne, intyfid be THE KINGIS servandis, forzeting to seike a Letter of Protectioun, accompanied with fiftie horsmen, wnarmed, cuning to THE KING, lichtit wpone sum outwatches, quho alledging thay had taikin him, brocht him to THE KING; quho presentlie cawft hang him, with a great number of his complices. The authoris of his slauchter brooted⁹ that he had promised to mak certane myllis in Scotland¹⁰ subject to England, gif he war honorid and recompensid for the turne; quhill as England,

¹ See Notices to May 16, and May 18, 1531.

² *Sir Walter Scott's Poetical Works*, Svo. 1821, I. 107, &c.

³ 'About this tyme, THE KING marches to the feilds with his Army, surwayes the Borders, apprehends 48 of the principallest rogues and cutthrottis, with their leader JHONE ARMSTRANGE, and hanges them all.' *Balf. Annales*, I. 261.

⁴ Advocates' Library.

⁵ A mistake. It was in May.

⁶ 'Even' interlined.

⁷ Terrible; an object

of fear or dread.

⁸ Black maill.

⁹ *Bruited*, reported.

¹⁰ Part of the Debateable land, extending several miles.

be the contrair, was verrie glaid of his death, being delyuerid of a capitall enemy. Sax of his complices war reservid for hostagis; and for¹ that the keiping of thame stude in no feid, after they had imprisoned them a few monethis, they cawfid execut thame also; and futid new pledgis of theife that remaynid at hame. Thay of LIDDESDAILL refusung their awin howffis, past into England bag and bagaidge, and be daylie incurfiounes ranfactit the contreyis lying neir vnto thame.

‘Within fewe dayis eftir, THE KING, reffaveing hostages for the Nobilmen, releivid themefeluis furth of waird; of quhom Walter Scott, to gratiffie THE KING, slew *Robert Johnston*, ane verrie crewall Thief; quhairbe he incurid deidlie feid with that Hous, quhilk continewit, to the grit harme of baith the Clanes, long eftir.’

Calderwood's account of the matter is hardly so minute,² being as follows:—

‘In the month of Julie (1531)³ THE KING went with ane Armie of 8000 men to EWESDAILE to aprehend and punith Theeves. JOHN ARMISTRANG, a notable Theefe, who had compelled the English to pay him *Black-male*, and was terrible to the *Lord Maxwell* himself, when he was comming to THE KING, intifid be some courtionrs, bot without a fave conduct, he was intercepted by 50 horsemen lying in an ambush, and brought to THE KING, as if he had bein aprehendit by them against his will. He and a great number of his companie war hanged one grouing trees. His takers, to make him the more odious, alledged that he had promised to raunder so manie miles of Scotith ground nixt adjacent to the Borders, bot the English war well content to be ridd of him. The LIDDISDAIL people fled into England, bot troubled the countrie with RAIDES.’

The accurate *Bishop Lesley*⁴ gives but a brief narrative of the event. He says—

‘All this summer THE KING tuik greit care to paciefie the Bordouris, and punice the Theivis and Oppreffoures being thairon. And to that effect, in the moneth of Junij, he past to THE BORDOURIS with ane great Army; quhair he caufet xlvij of the maist nobill Theivis, with *Johnne Armestrange* thair Capitane, be tane; quha, being convict of Thift, reiff, slauchter and treasfoun, war all hangit apoun growand treis; and thair wes ane notabill Thiff brint, quha had brunt ane hous with ane woman and mony her barnis⁵ being thairintill. Yet *George Armeffrange*, broder to the said Johanny, wes pardonit and reservit levand to tell of the rest, like as he did; quha, within proces of tyme, wer aprehendit be the King, and puniest accordinge to thair desertis.’

But the most circumstantial and curious relation is that given by *Lindesay of Pitscottie*, with which this notice shall be closed.

‘To this effect he gave charge te all Earles, Lordis, Barrones, frieholderis and gentlemen to compeir at Edinburgh with ane monethis victuall, to pas with THE KING to daunton the THEIVES OF TEVIDAILL AND ANNERDAILL, with all vther partis of the realme. Also, the King desired all gentlmen that had doggis that wer gud to bring thame with thame to hunt in the saidis boundis; quhilk the most part of the Noblmen of the Highlandis did, fik as the Earles of Huntlie, Argyle, and Atholl, who brought thair deir-houndis with thame, and hunted with his Majestie. Thir Lordis with many other Lordis and Gentlmen, to the number of tuelf thousand men, assemblit at Edinburgh, and thairfra went with the Kingis grace to Meggatland, in the quhilkis boundis war flaine, at that tyme, aughteine fcoir of deir.

‘Eftir this hunting THE KING hanged *Johnne Armstrang, Laird of Kilnokie*, quhilk monie Scottis menne heavilie lamented, for he was ane doubtit⁶ man, and als guid ane Chiftane as evir was vpon THE BORDERIS, aither of Scotland or of England. And albeit he was ane lous leivand man, and sustained the number of xxiiij weill horfed able gentlmen with him, yitt he nevir molested no Scottis man. Bot it is said, from the Scottis Border to New Castle of England, thair was not ane of quhatfoever

¹ In regard that; considering. ² CHURCH HIST. MS. Adv. Lib. David I. 2. 31, Vol. I. ³ He follows *Buchanan*, &c. The date was May 1530. ⁴ Bannatyne Club Edit. printed from Orig. MS. of the Scottish copy, from which the Latin translation was made. *Quarto*, 1830. ⁵ Children. ⁶ Redoubted.

estate bot payed to this Johne Armstrang ane tribut, to be frie of his cumber, he was so doubtit in England. So, when he entred in before THE KING, he cam verrie reverentlie with his forsaid number, verrie richlie apparrelled, trusting that in respect he had cum to THE KINGIS grace willinglie and voluntarie, not being tane nor apprehendit be THE KING, he fould obtaine the mair favour. But when THE KING saw him and his men so gorgeous in thair apparrell, and so many braw men vnder ane tirrantis commandement, throwardlie¹ he turned about his face, and bad tak that tirrant out of his sight, saying, ‘ Quhat wantis yon knave that a King fould have?’ But when *Johne Armstrange* perceived that THE KING kindled in ane furie againes him, and had no hope of his lyff, notwithstanding of many great and fair offeris quhilk he offered to THE KING; that is, that he fould sustene him self with fourtie gentlemen, ever readie to awaitt vpoun his Majestie’s service, and never to tak a pennie of Scotland, nor Scottis man; seconddie, that thair was not ane subject in England, Duik, Earle, Lord, or Barroun, bot within ane certane day he fould bring ony of thame to his Majestie, either quick or dead! He, seing no hope of THE KINGIS favour towardis him, said verrie proudlie, ‘ I am bot ane fooll to feik grace at ane graces face! Bot had I knawin, Sir, that yea would have takin my lyff this day, I fould have lived vpoun the Borderis in disphyte of KING HARIE and yow baith!—for I knaw KING HARIE wold down-weigh my best hors with gold to know that I war condemned to die this day!’ So he was led to the scaffold, and he and all his men hanged. This being done, THE KING returned to Edinburgh the xxiiij day of Julij, and remained meikle of that winter in Edinburgh.’

The place where this execution took place is still pointed out to strangers, being at *Carlenrig Chapel*, about ten miles above Hawick, on the high road to Langholm. *Sir Walter Scott* adds, ‘ the country people believe, that, to manifest the injustice of this execution, the trees² withered away! *Armstrong* and his followers were buried in a deserted churchyard, where their graves are still shown.’³

With the following interesting extract from the Books of THE PRIVY SEAL of Scotland, the Editor will conclude this Notice, which has extended to a greater length than he had anticipated.

‘ (Jul. 8, 1530.)—ANE LETTRE maid to ROBERT LORD MAXWELL, his airis and assignais, ane or ma, of pe GIFT of all gudis movabill and vnmovabill, dettis, takkis, obligationis, foymes of money, giftes of nonentres, and vperis quhatfumeuer, quhilkis perteneit to vnuquhill JOHNE ARMSTRANGE, bruper to *Thomas Armstrang of Mangertoune*, and now pertenyng to our soverane lord be refoune of eschete throw JUSTIFYING of pe said vnuq¹ JOHNE to pe deid for Thift committit be him, &c. (*At Preijstij-hauche, per Signaturam REGIS et Thesaurarij manibus subscript.*)’

It is hardly necessary to remark, that the persons who oecnr in the following memorandum, preserved in the Justiciary Records, must have been taken long after this remarkable transaction.]⁴

Apr. 1.—JOHN ARMESTRANG, ‘ *alias Blak Jok,*’ and Thomas his brother, Convicted of Common Theft, and Reset of Theft, &c.—HANGED.

Oppression and frauds committed by Messengers at arms.

Apr. 29.—JOHNE ADAMSOUN, David Lowry, and twenty-three others, Messengers at arms, ‘ CONVICT be ane Affise, for commoun Oppressioun done be pain to our soverane lordis liegis, in executioun of pair offices, mony and diuerse wais: And specialie, quhen pai mak summondis vpone personis to pass vpone Inquestis or Affise, pai fell, takkis buddis⁵ and rewardis of Gentill menne, and cauffis pain to abide at hame; and in defalt of sufficient novmer, pe personis pat

¹ In displeasure, in a *thrawin* or *crabbit* humour, frowardly. ² The growing trees on which they had been hanged. ³ *Minstrelsy*, i. 120. ⁴ See Trials of various of the Armstrongs, Oct. 30, 1535, Feb. 21, and Mar. 13, 1535-6. ⁵ Take gifts or bribes, corruptly.

rafe Letteris tynis¹ þe famyne and þair geir, costis, and expensis maid vpone þe famyne: And þai funmond and cauffis cum furthe povr and simple perþons þat has na thing to gif þame to lat þaim abid at hame, quhilkis has na knaulege to decide vpone ony doutsum materis: And for commone Oppressouris of our fouerane lordis liegis, in taking of buddis and rewairdis, mair þan pertenis to þame, be refone of executioun of þair office.'

Messenger falsifying his Execution — Taking bribes, &c.

ANDROW MARSAR, Messenger, 'CONVICT be ane Assife for þe ressaveing of our fouerane lordis Letteris fra Johne Striueling of þe Kere, kn^t, for to put in his pleuche in þe landis of Kynloch, and to remove all vperis þairfra; and ressaunt worth the xx li. for his laubouris. Quhilk executioun he grantit to haue maid, and indorfate þe samyn vpone þe saidis Letteris, and put his signete þairto: And þaireftir, be vper sollicitatioun, come in presens of þe Lordis of Counsaile, and grantit þe said indorfatioun, and denyit þat he maid þe Executioun. For þe quhilk, þe saidis Lordis, herand him grant his avne falsset, gart put him in þe Castel of Edinburghe as ane faltour, becaus in þair presens he grantit his avne falsset, as said is.'

Masterful Reiving and Oppression by a Messenger.

ANDROW MURRAY, Messenger, 'CONVICT for art and part of þe Maisterful Refe and Oppressioun done to Johne Maxwell in þe Haltoun of Ogiluy, in þe maisterfull refe fra him of ane blak horie and ane mare furth of þe Haltoun of Ogiluy, and had þame away, and sald and disponit þaim as he plesit.'

'Dome' against Messengers who were 'fugitive from the Law.'

WILLIAME CRISTESOUNE and eleven others, being 'fugitive from the law,' the following 'Dome,' or sentence, was pronounced against them.

SENTENCE against the fugitive Messengers.

'THE LORDS Ordanit, þat fforfamekill as þe saidis perþonis quhilkis wer fugitive þe said day, and comperit nocht, þat þai haue tynt,² and fall tyne, þair offices, and neuer to brouk nor vse þe samyn in tyme to cum; and þat oppin proclamatioun be maid at þe Mercate croce of Edr, one Mononday uixt to cum; chargeing þaim, þat nane of þaim exerce nor vse þair officis in tyme cuming, becaufe þai wer chargeit to haue comperit befor þe Justice or his deputis þe said day, to haue vnderlyin ane Assyfe, and sailzeit þairintill. And als, þat Letteris be writtin to charge þe saidis perþonis quhilkis wer Officiaris, to comperre and vnderly þe law, before þe Justice or his deputis, in þe Tolbut of Edr, þe xxvij day of Maj nixt to cum, for certane cymes to be imput to þaim, vudir þe pane of rebelloun, and putting of þame to þe horne. And gif ony of þaim beris our fouerane lordis Armis,³ or makis

¹ Lose.

² Lost.

³ Each Messenger-at-arms had a badge called his *blazon*, on which was prominently stamped the Royal Arms. This official badge, together with his baton, or 'wand of peace,' as it was termed, he required openly to produce and exhibit at all poudings, and in cases of deforcement, &c., in proof of his office. See Nov. 18, 1511; Oct. 11, 1531, (*Notice*); and Jul. 23, 1566 (*Note*), for farther particulars.

Executioune of ony maner of Letteris or chargis in tyme to cum, thai falbe tane incontinent, HANGIT and drawin, and demanit as oppin traytouris, and vfurperis of our fouerane lordis autorité. And that þe faidis perfonis be callit before our fouerane lordis Justice or his deputis, þe faid xxvij day of Maii nixt to cum, to vndirly þe law for certane crimes to be imput to þame, as faid is. ITEM, it is statute and ordanit, þat all Officiaris þat reffaus ony Letteris of panyis or lauborrowis, þat incontinent eftir þair executiounne þairof, deliuer þaim again to þe Justice Clerk indorfate; with certificatiounne to þaim, þat and¹ þai failþe þairintill, þat our fouerane lordis Letteris falbe tane fra þame incontinent, and (þai) fal tyne þair officis for euer in tyme to cum.'

Violence committed by the Prior and Convent of Pittenweem— Slaughter.

[THE prosecutions and the Feuds which are noticed in the three subsequent entries, arose from the following circumstances, which, being illustrative of the spirit of these times, the Editor thinks it may be interesting to state rather more fully than usual. The assignees to the tack of the mill and eighty acres of the lands of Pittenweem, having sued before the Lords of Council, their Lordships, with consent of John, the PRIOR, and Mr Robert Forman, Dean of Glasgow, the USUFRUCTUARY of PITTENWEEM, ordained that Andrew Wood, and failing him, one of the King's Officers, should gather the corns growing on the lands, until the final decision of the suit. The King's Officer (Lawrence Bickerton, a Messenger-at-Arms) attempted to serve his Letters upon THE PRIOR, on Sep. 7th, who directed him to delay taking any steps for cutting down the crop until the next day. In the meantime, the Prior set off for Edinburgh; and on Bickerton's return on the 9th, the Sub-Prior and Convent threatened him in the most violent manner. He reports in his *Execution of Deforcement*, that they said 'þai wald deforce him, and baid him depairt, or ellis his feit fuld be worthe xxiiij pair of handis!' On the 11th, he again went to gather and lead in the corns, when he found the Sub-Prior and his servants busily engaged in reaping them, and who again threatened personal violence. He returned on the 12th and 13th, but there being 'lot Religiufe menne and preiftis, hynis,² wifis,³ and barnis, quhilkis war nocht risponfale to our fouerane lord, gef he had takin deforce,' he desired them to send for Andrew Wood of Pittenweem, John Brown of Anstruther, the Laird of Balcasky, or some other 'risponfale' persons to stop him, so that he might indorse his Deforcement, and depart—which they plainly refused. He therefore, on the 14th, got *William Dischinton of Ardrosse*, James Sandelandis of Cruvy, and other nine persons, to assist him in the execution of his Letters, 'with xl wiffis and fallowis, or þairby, to fcheir and leid þe faid cornis;' when the Prior and Convent, with 'þair complices to þe nowmer of thre hundrethe perfonis, bodin in feir of weir, wyth hagbutis, culveringis, croce-bowis, hand-bowis, fperis, halbertis, axis, and fwerdis, come in arrayit batell, wyth convocatiounne, and ringing of þair commounne bell,' fell upon them, and 'fchote diuerse pecis of artilþeary' at them. Bickerton then formally exhibited his Letters, and required security from the Prior to the extent of 500 merks, should he choose to retain the corns—or, on the other hand, offered the Prior security for 1000 merks, if the crop was reaped under authority of the Letters. All terms, however, were rejected by the Prior—and on the Messenger and his party retiring, they again 'fchote artilþeary' at them, and hurt several of them. And thus they 'maisterfullie deforfit him, in the executiounne of his office, quharypoun he brak his wand, and tuk witnes,' &c. These facts are luckily preserved in the Letters and executions; which, however, are by far too prolix to be inserted in this Collection.]

Oct. 11.—WILLIAM DISCHINTOUN of Ardrosse, James Sandelandis of Cruvy, Thomas Wemyis of Vnthank, William Gourlaw of Kyncrag, John Lundy

¹ An; if.

² Hinds.

³ Women.

of Stratherlie, Mr Thomas Meldrum of Segy, William Luminifdene of Ardré, John Mailnile, the young Laird of Carnbee, and forty-five others, were denounced Rebels and put to the horn, and all their goods escheated, for not underlying the law for art and part of the cruel Slaughter of James Borthuik, John Anderfone, and John Balzeart. The respective cautioners were, at same time, amerced for their non-entry.

Oppression — Convocation — Deforcing a Messenger, &c.

ALEXANDER SWAN, and above eighty others, found caution to underly the law at the next Justice-aire of Fife, for art and part of the Oppression done to John Gourlaw, in wounding him; for Convocation of the lieges, and forethought felony done to William Dischingtoun of Ardrossé, invading him for his Slaughter; and for Deforcing Laurence Bickertoun, the King's Officer.

Oppression — Mutilation — Deforcing a Messenger, &c.

JOHN ROWLL, PRIOR OF PITTINWEME, Patrick and Bartholomew Forman and six other Canons, Mr Alexander Ramsay Rector of Muckert, Sir James Ramsay and three other Chaplains, and John Blaccader Parish clerk of Sawling, were replegiated by Mr John Williamsoun, Commissary to the Archbishop of St Andrews; and found Sir John Sinclare of Dridane as his cautioner, that justice should be duly administered.

Jonet Lady Glamis.

Nov. 29.—SILVESTER HADDANE of Kelour, John Ogilvy of Balnagrow, William Blare of Balgillo, Patrick Gardin of that Ilk, and six others, amerced for not appearing, and passing on the Affise of JONET LADY GLAMMYS.¹

Cattle-stealing.

Dec. 19.—MICHAEL SCOT Convicted of art and part of the Theft and concealment of xxij oxen and cows from the Lord of St John's and his poor Tenants, furth of the Lands of Falhouse.—SENTENCE. To be SCOURGED through the burgh of Edinburgh; and afterwards led to the tron thereof, both of his ears to be cut off; and to be BANISHED for the whole term of his life: And never to return therein, under the pain of death.

Violently seizing King's Letters from a Messenger.

Jan. 22, 1531-2.—JOHN LORD LILE found James Betoune of Melgund surety for his entry before the Justice, on Feb. 2, next to come, to underly the law for the violent feizing of the King's Letters from Cuthbert Hew, purchased

¹ See Jan. 31, 1531-2, &c. and Jul. 17, 1537.

upon the Slaughter of Alexander Hew, his brother; and for detaining thereof in defraud of law; after being required thereto by Robert Champnuy, Messenger.

Lady Glammys — Using Charms against her Husband, &c.

Jan. 31.—JONET LADY GLAMMYS found John Drummond of Innerpeffery as surety for her appearance at the next Justice-aire of Forfar, to underly the law for art and part of the Intoxication¹ of JOHN LORD GLAMMYS, her husband; and of Refetting Patrick Charteris, Rebel, and at the horn.

Feb. 2.—WILLIAM FOWLARTOUNE of Ardoch, David Striueling of Brecky, John Bruce of Fyngask, William Drummond of Abernyte, the Lairds of Cullerny, Parbroithe, Petfurane, Balmaschennax, Duncany, Culluthy, Pyotstoun, Gagy, and Roucht, Henry Ramfay of Laweris, and Alexander Drummond of Carnock, were americiated for not appearing to pass on her Assise.

Feb. 26.—WILLIAM LORD ROTHUENE, Lawrence Lord Oliphant, the Lairds of Moncreiff, Tulybardin, Culluthy, Innernyti, Anstruther, Petcur, Petkindy, Inchesture, Clatty, Gorthy, Cultoquhay, Kelly, Ouchterley (Auchterless?), Balluny, and Thomas Berclay of Rynd, were americiated for not appearing this day to pass upon LADY GLAMMYS'S Assise.²

Caution for the sure keeping of the House of Adrintoun.

Feb. 2.—(APUD EDINBURGHE, *in camera domini REGIS infra Palacium suum Sancte Crucis, die secundo mensis Februarij, viz. in festo Purificationis B. Marie Virginis.*) ‘THE quhilk day þe KINGIS grace, in presens of þe Chancellor, Bisshop of Galloway, Lord Flemyng, and diuerse vperis Lordes, callit Nicholace Craufurd, Justice-Clerk, before him, and ressaunt *Alexander Home* souerte for þe sure keeping of þe HOUSE OF ADRINTOUNE, in tyme of peax, during þe tyme of þe Takkis pat he sal happin to get pairof of þe *Lard of Bassè*; swa þat na falt falbe imput to þe Lard of Bassè be þe Kingis grace, anent þe keeping of þe said Houffe, induring all þe tyme of þe said Alexanderis Takkis pairof.’

Oppression — Clouding — Flutilation.

Mar. 23.—DAVID KINCAID in Cottis, natural son of David K. of Cottis, Patrick and David, his natural sons, Thomas Robefone, Alex. Wilson, and Patrick Kincaid, found caution (Henry Wardlaw of Kilbabertoun) to appear before the Justiciar, May 7, and underly the law for art and part of the fore-

¹ It is supposed that this must refer to the alleged dealing of that unfortunate Lady in enchanted drugs, filtres, poison, and charms, &c. ² This repetition of Assisers, being all men of considerable rank and station, suffering themselves to be fined in default of their appearance, speaks strongly in favour of the popular feeling against the steps adopted to take away the life of Lady Glammis. See her Trial, Jul. 17, 1537.

thought felony and Oppression done to John Petcarne, servant to Sir James Towris of Innerleith, kn', setting upon him in the burgh of Edinburgh, and cruelly Wounding him in sundry parts of his body, in peril of his death: And for art and part of feloniously Wounding and Mutilation of James Wilsone in his right arm.—Nicholas Ramfay of Dalhouffy, Sir James Sandelandis of Caldor, kn', George Prestoun of that Ilk, William Lauder of Haltoune, Sir William Sinclair of Roslyne, kn', John Pennycuke of that Ilk, and Alex. Dalnahoy of that Ilk, were amerced for not appearing to enter on this Assise.—May 7, Robert Logane of Cotfeild became cautioner for their entry on Jul. 10, when the case was put off till Jul. 31 and Aug. 7.

(Aug. 7.)—SENTENCE. David K. Warded in the Castle of Edinburgh for the Mutilation of Wilson, and David, junior, and Patrick also warded within the Castle.—JAMES WILSONE and David Walter were also warded for Hamesfuckin and Oppression done to David Kincaid, junior, in the village of Dene.

Usurpation of the King's Authority — Imprisonment — Theft, &c.

Apr. 23, 1532.—ROGER CHARTERIS denounced Rebel, and his goods ordained to be escheated, for not appearing this day to underly the law for art and part of the Usurpation of his Majesty's authority, in violently taking Edward Craufurd, burges of Edinburgh, John Wilson, his servant, and umq^{le} Robert Wardlaw, upon the Common-mure of the burgh of Edinburgh, and forcibly leading them to the Castle of Temptalloune, and detaining them therein in firmance: And for art and part of Reiving from them three horsis, with saddles, bridles, &c. and 5 l. in money.

Oppression done to Laird of Congelton.

May 6.—SIR PATRICK HEPBURNE of Wauchtonne, kn', John Hepburne, son of Luke H., and others, dilated for art and part of the forethought felony and Oppression done to the Laird of Congiltoune, Sir Henry Hay, chaplain, and others, his servants.—The Lairds of Cragmelour and Swyntonne, Alex. Home of Polworth, and William Dowglafs of Quhittingeame, and three others, were fined for not appearing on the Assise.—John Hepburne was denounced Rebel, &c.

Slaughter.

Jul. 3.—ROLLAND LINDESAY, ALAN LOKHERT OF LEE, and William Mofinan, CONVICTED of art and part of the cruel Slaughter of Ralph Weir.¹—BEHEADED.

¹ Sir George Weir, chaplain, was replegiated by the Archbishop of Glasgow to underly the law for the same crime. John Lord Erskin became cautioner that justice should be administered.

Slaughter.

Jul. 8.—WILLIAM BROTHERSYDE Convicted of art and part of the cruel Slaughter of Thomas Smythe.—BEHEADED.

Mutilation — Minor sent beyond Sea to the Schools, &c.

Jul. 9.—JOHN INGLIS of Kilmany, Alexander his son and heir-apparent, John Mailuile young Laird of Carnebee, and others, dilaited of art and part of the Mutilation of John Clerk. In consequence of the following remarkable writing, William Inglis, a minor, was ordained ‘to pass furth of judgement without finding of ony new fouerte to vnderly the law.’

JAMES, be ye grace of God, King of Scottis. To our Justice General, &c. in pat pairt, and to all vperis our officeris, lieges, and subiectis quhatsumever, to quhais prefens þir our Letteris sal cum, Greeting. WIT 3e ws to have specialie Respett and Licenciat, and be þir our Letteris Levis and Licenciatis our louit *Williame Inglis*, sone to Johne Inglis of Kilmany, to pass in ye pairtis beyond ye sey to ye sculis,¹ with his eme² Walter Ramsay; and þare to remane and abyde for ye space of vij 3eris. And þairfore, will pat he be nocht callit nor accusit for ye allegit Mutilatioun of Johne Clerk, becaufe of his less-age³ and innocence he standis in, being bot ane barne, quhom we have sene brocht in our presence, and vnderstandis him delatit bot of his malice, considering his youthhede. CHARGEING 3ow Herefore, all and findry our officeris, liegis, and subiectis forsaidis, þat nane of 3ow tak vpone hand to call, arrest, or jorney þe said Williame Inglis nor his fouerteis for ye allegit cryme forsaid, during his away-biding and xv dayis þairefter. Dischargeing 3ow of 3our offices in þat pairt, be þir our Letteris. GEVIN vnder our Signete, and subseriuit with our hand, at our Castell of Strueling, þe vij day of Aprile, and of our regne þe xix 3ere. [JAMES R.]

Burning of the Place of Lag — Theft — Oppression, &c.

Jul. 27.—GILBERT GREIR, in Bardamache, Peter and Robert Greir, his brothers, dilaited of art and part of the Fire-raising and Burning of the Place of Lag, under silence of night, in company with John Bell, alias *Jony*, Andrew, his brother, Rolland Bell and their accomplices, common Thieves and Traitors of England and Liddifdail: And for the theftuous Stealing from John Greir-son of Lag, at the same time, of a horse and all his gudes, valued at 500 merks: And for art and part of the forethought felony and Oppression done to Alex. Castellaw, and others, servants of the Laird of Lag, and cruelly Wounding them, in peril of their lives.—Patrick, Master of Halis, became surety for their entry to underly the law at the next Justice-aire of Drumfreife.

Intercommuning with the Earl of Angus, &c.

ADAM LINDESAY, of Dowhill, found caution to underly the law, at the next Justice-air of Fife, for Refetting, Intercommuning, and Assistance given and afforded to Archibald, late Earl of Angus, and Archibald Douglafs, his uncle, Traitors and Rebels—after their forfeiture, &c.

¹ Schools.

² Maternal Uncle.

³ Minority.

Banishment.

Aug. 8.—ROBERT LEKPREVIK¹ Banished, by Warrant of the King, furth of the Kingdom of Scotland. He was sworn, in Judgment, to remove within xl days, under pain of death.

Treasonably Intercommuning with the Earl of Angus.

Nov. 8.—KATHERINE RUTHIRFURD, Lady Trakware, was denounced Rebel, and all her goods ordained to be escheated, for not appearing this day to underly the law, for treasonable assistance given to Archibald, formerly Earl of Angus, George and Archibald Douglas, his brother and uncle; and for Refetting, supplying, and Intercommuning with them, and daily conversing with them, within the kingdom of England, and secretly in Scotland, &c.

Abiding from the Raid to the West Marches.

Feb. 8, 1532-3.—SYMON M'CULLOCH, of Myreton, and a number of Galloway and Ayrshire Lairds, were denounced Rebels, for treasonably abiding from the Host and Army to the West-Marches, towards England, with the King's Lieutenant, on Jan. 5 last.—Many produced certificates of sickness, Licences from the King and Lieutenant, and were discharged.—The following is a specimen of the Licences which were usually granted on such occasions:—

LICENCE for *Mr William Montgomery of Stair.*

REX,

WE, vnderstanding þat our louit MAISTER WILLIAM MONTGOMERY of þe Stare, is feik, and may nocht mak travell without danger of his life; and þat his sone and apperand are, with his houthald, according to his estate, is to depart to our BORDOURIS, wiþe our derrest broþer, James Erle of Murray, our Grete Wardane and Lientenant, for þe defence of our realme, and resisting of our ald inemys of Ingland: HEREFOR We grant and gevis Licence to þe said Maister Williame to remane and bide at hame fra þis our Oist and Armye, now devifit to pass to þe Bordouris þe v day of Januare instant, to þe effect forsaid: And he fall incur na danger nor skayth throw his remanyng and away-biding fra þe samyn, in his persoune, landis, or gudis; and fall nocht be callit nor accufit pairfore: Dischargeing all our Officiaris present and to cum; þat is, our Justice, Justice Clerk, and Thesaurare, and all vperis our Officiaris and Ministeris of Court pairof, and of pair officis in þat pairt: And for his non-comperance to our said Oist and Armye, We, be þe tenour hereof, dischargis all calling or accusatioun þat may follow pairpoune, nochtwithstanding ony our Letteris or Proclamatiounis maid or to be maid to þe contrar: Anent þe quhilkis, We dispense with, be þir presentis, subseriuit with our hand, AT EDINBURGHE, þe secund day of Januare, the 3ere of God I^m.V^c. xxxij 3eris, and of our regne þe xx 3ere.

[JAMES R.]

It has also been thought proper to preserve the following remarkable Act of the Privy Council, which is engrossed in the Books of Adjournal.

The Declaratioun maid be the Lordis of Council, 'quhat is ane substancial man.'

APUD ED^a., ix Feb., anno I^m.V^c. xxxij, in Hospicio domini Cancellarii:

¹ Probably the Scottish printer. It is likely that his crime was printing and selling Heretical books.

SEDERUNT, *Cancellarius, Candidecase, Cambuskynneth, Kynlofs; Domini Erskin, Sympill, Clericus Registri, Jacobus Hammiltoun, Johannes Campbell, Rotulator, M. Ad. Otterburne, Nicholaus Craufurd, Jacobus Laufon, et Franciscus Bothuile.*

THE Lordis of Counsale, for declaratioun of þe Actis and Proclamacionis maid be þe Kingis grace and Lordis of his Counsale, charging all Baronis, firehaldaris, and vþeris substanciis men of þis realme to cum to his BORDOURIS, quarterly, for defence of þis realme, Findis and Declaris þat ane man, havand in his possessioune ane hundreth pundis worth of gudis, steilbow¹ and ferm of þat zere alanerlie except, is haldin and reput ane substanciis man; and is haldin to vnderly þe charge of þe Actis and Proclamacionis.

Fire-raising — A woman sentenced to be drowned.

Apr. 26, 1533.—JONET ANDERSONE Convicted of art and part of Fire-raising and Burning of a byre of the Laird of Rosslythe, and sixty oxen and eleven cows therein.—DROWNED.²

Murder — Stouthreif.

May 12.—HENRY BIKKERSTOUNE Convicted of art and part of the cruel Slaughter and Murder of Robert Sym, committed at Struther, in Fife, near Clatty-dene: And of Stouthreif from him of certain goods, at the same time.—BEHEADED

Letter from the King as to 'the ordour of Justice-Courtis.'

Jun. 16.—William, Bishop of Aberdene,³ Treasurer, presented the following LETTER from THE KING; which was ordained to be recorded.

REX,

JUSTICE and Justice Clerk. Forfamekill as þe ordour of our Justice Courtis ar gretumly⁴ abulit, be continuaciounis and dischargis þairof, and siclike, be dischargeing of fouerteis for entering of personis at our saidis Courtis, and of personis to enter to þe samyn, dischargeing þe vulawing of þare fouerteis, quhilkis passis vnder our subscripcioun and vþirwise: WE, for remede hereof, Will and alsé Commandis and chargis 5ow, þat 5e, for uane our writingis, command, or priuate takinnis, mak na continuaciounis of our saidis Courtis, nor stop nor lat⁵ to hald þe samyne, nor discharge ony fouerteis to enter ony personis to our saidis Courtis and dais of law, or of ony personis to enter to þe samyne; nor 3it discharge þare fouerteis and vulawing of þame for ony our Letteris, command and charge message, or priuate takyne, in ony tymes cuning; without 5e haif þe avise and consent of our Thesaurar exprefs þareto, be his hand writ or plane consent, vnder þe payne of tyufale⁶ of 5our Officis. GEVIN vnder our Signete, and subscriuit with our hand, At Edinburghe, þe first day of Februaire, and of our regne þe xxⁱⁱ 5ere. [JAMES R.]

¹ Goods and 'stocking,' the property of the landlord, then by no means uncommon, to encourage the industry of the poor farmers.

² The Editor has frequently had occasion to remark that this was the ordinary punishment of females for crimes of lesser magnitude. In cases of Murder, Treason, Witchcraft, &c. women were BEHEADED OR BURNT at the stake, according to their rank and aggravation of the offence, &c.

³ William Stewart, son of Sir Thomas Stewart of Minto.

⁴ Greatly.

⁵ Hinder; *let*.

⁶ Loss; deprivation.

Destroying Salmon-fishings on the Riber Dee.

Jun. 21.—JOHN MANGELOUS¹ in Treif, Sir John Irland, Chaplain, and three others, delatied of art and part of the Oppression done to Henry Bishop of Whitehorn, Commendator of Dundranane and convent thereof, in breaking their ‘dooks,’² and Fishing in the water of Dee, under silence of night, and destruction of the ‘fymmeris’³ and ‘hekkis’ thereof: And for striking their servants. Robert Lord Maxwell was fined for their non-appearance, &c.

[*Archibald Earl of Argyle, Justice General.*]

Fire-raising — Destroying ‘Poynd-faulds’ — Deadly Feud.

Jul. 29.—JOHN LORD FORBES, John Master of Forbes, his son and heir apparent, William, his brother, William F. of Corffinday, and William Stewart of Portarftoune, find surety to appear at the next Justice-air of Aberdeen, to underly the law for art and part of the treasonable Fire-raising and destruction, under silence of night, of certain ‘poynd-faldis,’⁴ belonging to George Earl of Huntlie, built of wood, for the preservation of his cattle, in his Forest of Coriny.⁵

Murder of the Laird of Craiganis and his servant.

Aug. 19.—SIR JOHN SYMPILL, Vicar of Erkin, accused of art and part of the cruel Slaughter of William Cunynghame of Craiganis and Robert Alanefoune, his servant.—The Archbishop of Glasgow replegiated the pannel to his Church Courts.—John Brisbane of Bischoptoune became surety for the due performance of justice.

[*Archibald Earl of Argyle, Justice General.*]

Murder of the Laird of Craiganis and his servant.

Aug. 20.—JOHN LORD SYMPILL, Robert Master of Sympill, his son and heir apparent, Gabriel S. of Ladymure, his brother, and William, his son,⁶ John Stewart of Barsquyh,⁷ John Sympill of Foulwod, John Sympill, young Laird of F.,⁸ Mathew Sympill,⁹ and a great number of others, found surety to appear before the Justice, on Nov. 17, to underly the law for the Slaughter of the Laird of Craiganis and his servant.—(Nov. 17.) The Justice General appointed Robert Lord Maxwell and Thomas Scot of Pitgorno to be his deputies

¹ Probably a clerical error for Mangelaus, (Menelaws?) ² Probably Cruive-dikes. ³ Sometimes written simmer; the beams on which the *hecks* or spars, formed like a horse-rack, were fastened. The *heck* was regulated to be of a certain width, to permit the fry and smaller fish to escape for breeders to keep up the stock in rivers, &c.

⁴ Pin-folds; pens for sheep.

⁵ May 10, 1536, the parties found caution to underly the law at the next Justice-aire of Aberdeen.

their caution was 1000 merks each.

⁷ Barscube.

⁸ 500l. each.

⁹ 1000 merks.

for trying this case.—(Nov. 18.) A number of persons were denounced rebels, and put to the horn, &c.—(Nov. 20.) The Justices took surety of Lord Sympill, &c. to underly the law before the Justice, at the next Aire of Renfrew.

Murder of the Laird of Craiganis and his servant.

Nov. 12.—ALEXANDER PYNCArtouNE and John Bryntschele Convicted of art and part of the cruel Slaughter of the Laird of Craiganis and his servant.—BEHEADED.

Stouthreif — Clan-Gregor.

Nov. 15.—MALCOLM M'COULE-KERE M'GREGOUR, Duncan and Patrick, his brothers, accused of Stouthreif, in company with sundry Rebels of THE CLAN GREGOUR, in October last, of xl cows, from Alexander Earl of Mentethe, and William Master of Mentethe, his son, furth of their lands and possessions. Failing to appear, they were denounced Rebels, and put to the horn, &c.

Feud between the Cunynghames and Sempills.

Nov. 20.—ALEXANDER CUNYNGHAME, son and heir apparent of William Master of Glencarne, Andrew, his brother, David C. of Robertland, Robert C. of Auchinberry, Robert C. of Aket, and William his son, Adam C., Tutor of Laglane, John Campbell of Ardoch, Thomas Craufurd of Auchinamys, and thirty others, found caution, (viz. the Master of Glencarne, William C. of Glengarnock, John C. of Caprintoune, . . . C. of Cunynghameheid, Gabriell C. of Craganis, David C. of Robertland, and Robert C. of Aket,) to underly the law at the next Justice-aire of Renfrew, for Umbefetting the High-way, by way of Murder, to WILLIAM LORD SYMPILL, lying in wait for his Slaughter, with a great company, between his Castle of Sympill and his Place of Lovell, on the fifth and seventh days of August last.

Feud between the Cunynghames and Sempills.

WILLIAM CUNYNGHAME of Glengarnock, David C. of Robertland, and Robert C. of Auchinhervy, with sixteen others, found caution to underly the law at the same Justice-aire, for art and part of the forethought felony and Oppression done to Robert Snodgersè, Mark Sympill, and Patrick Young, coming with convocation of the lieges to the number of 100 persons, in warlike manner, on the (3d ?) day of September last, within the lands of the said Robert, and forcibly seizing and imprisoning him, &c.—The parties, both Cunynghames and Sempills, were bound over to keep the peace, under the pains of 5000, 2000, and 1000 marks each, according to their respective ranks.

Manifest and Wilful Error on Assise.

NOV. 22.—BERTHOLOMEW HERYS Convicted for Manifest and Wilfull Error, in his procuring or being with others his colleagues upon the Assise of John Makilrewy, James Makgee, and John Scailis, and declaring them to be acquitted and innocent of art and part of the Theft and concealment furth of the chamber of Sir James Macbraar, Chaplain, within the burgh of Dumfreis, in the month of October 1532, of a box containing 400 l. in gold, and jewels worth 100 l., or thereby; together with fundry Letters, Charters, and other evidents belonging to Thomas Macbraar, burges of Dumfreis, and entrusted by him to the custody of the said Sir James.—To be INCARCERATED for year and day; and farther, during the King's pleasure. All his moveables to be escheated.

[*Archibald Earl of Argyle, Justice General.*]

Hindering the Wardens of the Marches, &c. from apprehending Rebels, &c.

FEB. 5, 1533-4.—THOMAS KIRKPATRIK of Clofeberne, Gilbert and Cuthbert Greir, brothers to the Laird of Lag, (John Greirfone,) William Johnestoun, *alias Wylkyne*, of Eschefchellis, and four others, become in his Majesty's will for Refetting, Supplying, and Intercommuning with John Blythe and sixteen others, Sep. 27, 1533, being servants of Sir Alexander Kirkpatrik of Kirkmichaell, kn^t, and all Rebels to the King: AND for assistance afforded to the said Rebels the same day, with Convocation of the lieges in great numbers, armed in warlike manner, and hindering ROBERT LORD MAXWELL, Steward of Kirkcudbrycht, and WARDEN OF THE WEST MARCHES, and Ninian Crechtoun, SHERIFF OF DUMFREIS, from apprehending the said Rebels, by virtue of his Majesty's Letters directed to them; and thereby they could not be delivered up to justice, conform to the laws of the realm. THE Laird of Clofberne, Wylkyne Johnestoun, and Cuthbert Greir were INCARCERATED in the Castle of Edinburgh. The others found surety.

[*William Earl of Montrose, John Lord Erskin, Sir James Hammiltoun of Fynnert, knight, and Mr James Lawfoun, Provost of Edinburgh, Justiciars specially constituted by Commission, &c.*]

Slaughter of the Laird of Craiganis and his servant.

FEB. 23.—JOHN STEWART, Cousin of the Laird of Barskib, Mathew Sympill, servant of the Laird of Stanlee, and James Kirkwod, dwelling at the Kirk of Kilbarchane, CONVICTED of art and part of the cruel Slaughter of William Cunynghame of Craiganis, and Robert Allanesoun, his servant — BEHEADED.

Persons amerced for being absent from the Assise.

Alexander Drummond of Carnok,	John Galbrayth of Polgave,	John Grierfone of Lag,
Mungo Lindefay of Ballull,	Pat. Buchquhannane of Stanyflat,	Eduard Synclare in Lefuaid,
Humphrey Galbrayth, Tutour of Culcreuch,	James Edmonstoun, uncle of the Laird of Duntreithe,	William Stewart of Trakware.

GABRIEL SYMPILL was proved to be sick, by Sir Patrick Brysfoune, Curate of Lochuinzeocht, and witnesses. William Lord Sympill (his brother) became cautioner for his entry.—(Apr. 29, 1534.) Lord Sympill was fined 1000 merks for his non-entry; and the said Gabriel denounced Rebel, &c. and all his moveable goods to be escheated.

(Feb. 26.)—ROBERT MASTER OF SYMPILL was denounced Rebel and put to the horn, for not appearing to underly the law; and all his moveables to be escheated, &c. William Lord Sympill was fined 1000 merks for not entering his son.

Slaughter of the Laird of Craiganis and his servant.

Feb. 26.—WILLIAM LORD SYMPILL, John Sympill, senior in Auchlodmont, John Cunynghame junior, Robert Sympill brother of the Laird of Foulwod, Murdoch Sympill, Robert Spreull, William Crag in Syde, and Patrick, John, and Robert, his brothers, were all ACQUITTED by an Assise, for art and part of the Slaughter of the Laird of Craiganis and his servant: And for Refetting, Supplying, and Intercommuning with David Sympill, son of the said Lord Sympill, John Sympill junior in Auchlodmont, William Lufe (Love), Ranald Lufe, John Spere, and . . . Gyllis, Rebels and at the horn for the said Slaughters; and with others their accomplices, being also at the horn for the same Slaughters.

ASSISA.

John Lord Lindefay of the Byris,	The Lard of Riddale,	Edward Sinclare of Drydene,
George Lord Hume,	Charles Mowat of Busbie,	William Vache of Dawik,
Alex. Dalmahoy of that Ilk,	Arch. Dowglafs of Cafchogill,	William Murray of Romannose,
Archibald Farnely young Laird of Braid,	John Cranstoun of that Ilk,	Robert Dowglafs of Pumfrastoune.
	James Ker of Merfingtoun,	

The following persons were amerced for not passing on this Assise.

Absentes ab Assisa.

The Laird of Amysfeild, Andrew Ker of Grenehede, James Ker of Lyntoune, George Hoppingill in Sanct Johnnis Chapell, Mr George Hay of Minzeane, Robert Borthuik of Rasclaw, the Laird of Prentado, James Bowmaker of Cardone, the Laids of Fawfide, senior and junior, James Hoppingill of Tynnes, Walter Lekky of Croy, Richard Lekky of that Ilk, Mr Thomas Ker in Sounderlandhall, and the Laird of Howpasslot.

In consequence of this acquittal, the following Supplication was presented to THE LORDS OF PRIVY COUNCIL, and granted by their Lordships on the same day.

SUPPLICATION for Gabriel Cunynghame, son and heir of the deceased Laird of Craiganis, to bring the above ASSISE to Trial for Wilful Error, &c.

MY LORDIS OF COUNSALE, vnto your l. humelic menis (*complaints*) and schawis we your seruitouris,

GABRIEL CUNYNGHAME, sonne and air of vmq^{le} William Cunyngham of Craganis, and þe remanent of þe kin and freindis¹ of the said vmq^{le} William. THAT quhair WILLIAM LORD SIMPLE and his complices, beand putt to the knowlege of ane Assise, for art and part of þe creull Slauchter of þe said vmq^{le} William; and for Intercommuning, maintainance, and resett of þe slaaris of þe said vmq^{le} William, is quytt be þe said Assyse, wrangoullie and injustlie to our grate apperand² scaithe and dampnage,³ considering his officiar and houghald men wis fylit.⁴ QUHAREFOR, we beseke 3our l. þat we may have ane command to þe Justice Clerk to gif ws þe names of þe persounis quhilk past vpoune þe said Assise, sua þat we may found our actiounes vpoune þaim for þair Manifest and Wilfull Errour. According to justice, with 3our ansvuer humilie we besek. [*Indorsed.*] APUD EDINBURGHE, *penultimo Fe^{ri} anno, Sc. xxxij.* *Fiat ut petitur.* J. GUDE, de mandato Dominorum.

Slaughter of the Laird of Craiganis and his serbant.

Feb. 28.—JOHN SYMPILL of Foulwod. The following persons were americiated for not appearing to pass upon his Assise for being art and part of the same crime.

The Young Laird of Bargany,	John Leuenax of Wodhede,	John Crenstone of that Ilk,
Charles Mowat of Butbye,	John Buchquhannane, son of	Eduard Synelare in Lessuaid,
The Young Laird of Gereswod,	Rob ^t B. of Drummakill,	Thomas Makdowell in Stederig,
Robert Baillie of Gervestoune,	W ^m . Edmonstoun of Duntreithe,	John Houstoune of that Ilk.

[*Archibald Earl of Argyle, Justice-General.*]

Judicial Arbitration for the Compromise of certain Wounding, Mutilation, Invasion, &c.

Apr. 14, 1534. (*Apud burgum de Striueling.*)—THE quhilk day, comperit in judgement before þe said Justice, DAVID SOMERVILE 3OUNG LAIRD OF PLAYNE, one þat ane pairt, and DAVID SCHAW OF CAMMYSMORT, one þat vþer pairt; quhilkis wer compromittit, bund, oblist and suorne be þe faithis and treuthis in þair bodeis, þe Haly Euangellis tuichit, to abyde, vndirly and fulfill þe sentence, decrete, and deliuerance of þir personis vndirwritten: That is to say, ane nobill and miehty Lord, Williame Erle of Montrose, Lord Grahame, honorabill menne, James Coluile of Ester Wemys, Johne Striueling of þe Kere kny^t, Robert Bruce of Erthe, Alexander Schaw of Sauchy, Maister Robert Creichtoune, Pronest of þe College Kirk of Sanct Gele of Edinbur^t, and George Schaw of Knokhill, or ony thre of þame, chosin for þe pairt of þe said David Schaw; Nobill and miehty Lordis, Hew Lord Somerville, Alexander Lord Levingstoune, Alexander Lord Elphingstoun, Niniane Setoune of Tulibody kny^t, Williame Lawder of Haltoune, Williame Mentethe of West Kerse, Maister Alexander Levingstoune of Donyphace, and John Somerville of Cammethane, or ony thre of þame, chosin for þe pairt of þe said David Somerville, JUGIS ARBITRATORIS, and amicabill compositouris chosin betuix þe saidis parties to know and decide: THAT IS TO SAY, in speciale anent þe Hurting and Mutilatioun of

¹ Blood-relations.

² Manifest, evident.

³ Loss, or hurt and damage.

⁴ Found guilty.

þe said Dauid Somernile, allegeit to be committit be þe said Dauid Schaw and his complices, and anent þe Inuasioune of þe said David Schaw, allegit to be committit vpon him be þe said David Someruile and his complices, þat samyn tyme; and generally, anent all vperis depatis,¹ cauffis, querelis, actiounis and contrauerfis quhatsumener, movit be ather of þe saidis pairties aganis vperis, in ony tymis bygane, vnto þe day of þe date heirof: And þe saidis Jugis, or ony thre of þame chosin for ather² of þe saidis pairteis, fall convene and meit in þe Paroche Kirk of þe burcht of Striueling, þe first day of December nixt to cum, and tak þe saidis actionis and debatis in þame and vponne þame, and commune³ pairintill; and deliuer in þe samyn betuix þat day and þe feste of þe Purificatioune of our Lady, callit Candilmes, nixt immediatle þairefter following: And with power to þame to proragate and contynew þe geving of þair Sentence for sic space as þai sal think expedient: AND in cace of discord, baithe þe saidis pairteis hes chosin, with þair avise and consentis, ane nobill and mighty lord, Johne Lord Erfkine, honorabill men, John Campbell of Lundy kuy^t, Mr James Foullis Clerk of our souerane lordis Register, Thomas Scot of Petgorno, and Nicholace Craufurd of Oxingangis, Clerk of our souerane lordis Justiciary, ourmen,⁴ all in ane voce to decide with þe saidis Jugis in þe saidis materis and debatis: And however the saidis Jugis and ourmen, or þe maist part of þame, Decretis and Deliueris in þe premisses, baith the saidis pairteis ar oblist and fuorne, as said is, to stand and abyde þairat, but⁵ reuocatioune, appellatioune,⁶ or reclama-tiounne: And gif ony of þe saidis ourmenne sal happin to decefe in þe menetyne of þe geving of þe Decrete and deliuerance in þe saidis debatis, the remanent being one life,⁷ sal haif power to decide and deliuer with þe saidis Jugis in þe samyn, siclike and alse lauchfully as þai wer all one life: And quhilk of þe saidis pairteis þat will nocht abide and fulfill þe said Decrete and Deliuerance, estir þe geving þairof, bot passis þairfra, the pairty nocht abidand þairat nor fulfilland þe samyn, fall content and pay to þe pairty keband and abidand þairat þe said Decrete, þe forme of I^m li. vsuale money of Scotland, in name of þame,⁸ for costis, skaythis, and expenses sustenit, and þat sal happin to be sustenit be him þairthrow, but fraude or gile.⁹ AND baith þe said pairteis consentit and ordanit þis compromit to be infert in þe buke of Adiornale, and þe Clerk of Justiciary to gif to þame þe autentik copiis and extractis of þe samyn.

Common Theft, &c.

[It is unnecessary to specify the very numerous cases of the description of the following, which occur very frequently in every period of the Record. The pannels, about the period of this Trial, were almost all Elwalds, Turnbills, Armstrongs, and other Border Thieves, and the Record seldom gives any detail. Where details are entered into, such cases are uniformly selected.]

¹ Debates, differences. ² Either, viz. each. ³ Commune. ⁴ Oversmen, umpires. ⁵ Without.
⁶ Appeal. ⁷ In life. ⁸ Penalty. ⁹ Honourably, without fraud or guile.

Sept. 30.—JOHN TURNBULL, alias *Black-fow*, Convicted of Common Theft, outputting and inputting thereof.—HANGED.

Waylaying the Laird of Nudry-Marishall, &c.

Jan. 15, 1534-5.—SIR PATRICK HEPBURNE of Wauchtoune, kn^t, Patrick Qubitlaw of that Ilk, the Lairds of West Fortoun and Este Crag, George Sinclare of Hiefeild, Adam, Alexander, and John Hepburne, brothers of the Laird of Wauchtoune, Patriek his son and heir apparent, and twenty-six others, found furety to underly the law on Feb. 12, for art and part of ‘Umbefetting’ the high-way to Gilbert Wauchope of Nudry-Marshell, for his slaughter.—(Feb. 12.) The Archbishop of St Andrews repledged Mr William Hepburne, and other two Priests, accused of the above crime. Thomas Cokburne of Clerkintoune, and others, were fined for not appearing to pass upon this Affise.

Willful Error on Assise.

Jan. 15.—ALEXANDER INNES younger of that Ilk, James, son of Robert Innes of Rothnakenzie, Thomas Urquhart, Sheriff of Cromarty, John Drummond of Innerpeffery, and others, were called upon to underly a grand Affise, for their unjust acquittal of Robert Dwne of Rate, of certain points and crimes for which he was indieted.—Their cautioners were ‘unlawed’ in the fums of 500, 300, and 200 merks each, according to their respective rank, for their non-entry this day.

Stouthreif — Oppression, &c.

Apr. 7, 1535.—HUGH LORD SOMERVILE fund furety (William Chancellare of Quodquene¹) to underly the law at the next Justice-aire of Lanark, for art and part of the Southreif and Oppression done to John Tweeddale in Carnewethe, in reiving from him two cows: And for art and part of the Stouthreif from the said John, of all his horses, mares, oxen, cows, and all his crops, viz. corn, oats, straw, fodder, hay, togedder with all his goods and utenfils.

Feud between the MacLeans and Clanranald.

Jun. 4.—‘THE quhilk day, in presence of þe Chancellar and Lordis of Counsale, HECTOR M’GILLANE of Doward comperit and consentit þat þe fouerteis þat were fouerteis for him of before, for his entre before þe Justice þe said day, and he as fouerte for his tua breþer, and þe remanent of þe persons contenit in our fouerane lordis Letteris, rasit vpon him at the instance of þe CLANRAN-

¹ See his Trial for Slaughter, April 24, 1536.

NALD, fuld stand siclike fouerteis as þai wer before, vnto the x day of Junij instant; efter þe forme of our souerane lordis vþeris Letteris, vnder his signete and subscriptione-manuale, direct þairupone to þe Justice-Clerk: AND þat þe saidis Letteris direct vpoun him ‘ fuld stand in effect, quhill þe said day, as þai wer of before, and he to remain within the burcht of Edinbur^t in þe menetyme.’

Intercommuning, &c. — Murder of the Laird of Glorat.

Jul. 20.—PATRIK COLQUHOUN and Mr Adam C., fons of Sir John C. of Lufs, kn^t, and twenty-five others, (among whom were Andrew Cunynhame of Drumquhassil and William C. of Fenyk,) found surety to underly the law at the next Justice-aire of Dumbarton, for refetting, Supplying, Intercommuning, and Assisting Humphrey Galbrayth, and his accomplices, Rebels and at the horn for the cruel Slaughter of William Striueling of Glorat.¹—Donald Macdow and six others denounced Rebels, &c.; Sir John Colquhoune of Lufs and Donald M^cmanys were proved to be sikk; and Humphrey Colquhoune, Parish Clerk of Lufs, Mr Adam C., pensioner of Lufs, and David C., clerk, were replegiated by the Archbishop of Glasgou.

Absentes ab Assisa.

Wm. Edmonstoune of Duntrethe,	Patrik M ^c gregour,	Walter Park of that Ilk,
John Sympill of Foulwod,	James Freland of that Ilk,	Wm. Flemyng of Barrouchane,
Robert Sympill, his brother,	James Stewart of Ardgoware,	George Flemyng of Kilmacolme,
John Maxwell of Stanelie,	Geo. Montgomeie of Skelmorlie,	Thomas Kelfo of Kelfoland,
James Park of Gilbertfield,	Ninian Stewart, Sheriff of Bute, ²	Hugh Railstoun of that Ilk.

The above persons, and thirtein others of no note, were americiated, for not appearing this day to pas upon the Assyse.

Unlawfully denouncing Lord Scampill Rebel, &c.

Jul. 30.—JOHN LORD LIE, and James Soutar his seruant, put to the horn, &c. viz. The said James for not appearing to underly the law for Ufurpation of his Majesty’s authority, in putting certain Letters to execution against WILLIAM LORD SYMPILL, demanding caution of him to underly the law for being art and part of the Slaughter of John Crawford of Previk, &c., and thereupon denouncing him Rebel, caution having been previously found by him: And the said Lord, for art and part of causing his seruant to execute those Letters, &c.

Stouthreif — Piracy — Murder.

Aug. 30.—ALEXANDER JOHN CANOCHSONE, Angus Elyauch his brother, Gillespy Maktarliche his seruant, Gillespik Donoche his son, Makeay³ of

¹ Reference may be made to the Appendix to this reign for many illustrative circumstances.

² William his son was among those who were also fined.

³ His Christian name not inserted.

Sanday, Maknachtene More, Officer of the West parts of Kyntyre, Eweyr Makcay of Auchincris, Officer of Kintyre, and thirty-three others (chiefly *Mackays*), were denounced Rebels, and put to the horn, &c., for not appearing this day to underly the law for art and part of Stouthreif from Andrew Mure, citizen of Glasgow, and his servants, of a small vessel called a 'Pickard schip,' with goods therein of the value of 300 l., furth of the Port of Portersfche: ITEM, for art and part of the cruel Slaughter of John Mure, his son, and other four persons, his servants; and Hurting and Wounding of the said Andrew, to the hazard of his life: ITEM, for art and part of the Stouthreif and Oppression done to the said Andrew and his servants, in reiving from them, furth of the Port of Lochriddene, of a great boat, and certain goods therein of the value of 50 merks: ITEM, for art and part of the cruel Slaughter and Murder of two servants of the said Andrew, being in the said boat: ITEM, for art and part of the cruel Slaughter and Murder of Andrew Mure, son and heir of the said Andrew, and other four persons his servants, coming upon them whilst they were sleeping in a small vessel, being in the station or Road-stead of Sanday, belonging to the said Andrew, loaded with merchandize and other goods brought from Ireland; committed upon the 15th day of July last: ITEM, for art and part of Stouthreif from the said Andrew, his son and servants, of 100 l. in money and merchandize.

Cattle-stealing — Taking prisoners, &c. — Stouthreif.

Oct. 30.—CHRISTOPHER ARMESTRANG,¹ Archibald his son, Ingram Armestrang, Raitoun, Robert and Archibald Armestrang there, John Elwald, called *Lewis-Johne*, William, son of Alexander Elwald, and Robert Carutheris, servants to the Laird of Mangertoune; Thomas Gray, John Forrestare, called *Schaik-buklar*, Ninian Gray his servant, Thomas Armestrang in Greneschelis, *Lang Penman*, servant of one called *Dikkis Wille*, Ninian, son of the said Christopher, Thomas Armestrang of Mangertoune,² and Symon Armestrang, called *Sym the Larde*, were all denounced Rebels, and their whole goods, moveable and immoveable, to be escheated, &c., for not underlying the law this day for art and part of Stouthreif under silence of night, on Jul. 27 last, from John Cokburne of Ormiston, furth of his Lands of Craik, within the shire of Roxburghe, of seventy 'drawand oxin'³ and thirty cows: *And* for art and part of traitorously taking and carrying off three men-servants of the said John, being the keepers of the said cattle, and detaining them against their will for a certain space: *And* for art and part of the Stouthreif from them of their clothes, 'quhin-

¹ See notice prefixed to Trial Apr. 1, 1531; and also Feb. 21, and Mar. 13, 1535-6. ² Brother of the celebrated Johnny Armestrang, and Chief of the Clan. ³ Oxen used for draught, such as ploughing, &c. From numerous other entries they appear to have been much used for agricultural purposes.

gearis,¹ purfes, and certain money therein : *And* for breaking of their Bonds made to the King.

[*Sir James Colvile of East Wemyss, kn', Sir John Mailuile of Raithe, kn', and William Hammiltoun of Sanquhar-Lindesay, Justices constituted by special Commission.*]

Inbasion — Hamesuckin.

Jan. 24, 1535-6.—SIR PATRICK HEPBURNE of Wauchtoun, kn', and James Cragifwallis his fervant, CONVICTED of art and part of coming upon James Sinclare, within the lands of Stevinstoune, with drawn swords, and invading him for his Slaughter : And for forethought felony and Hamesuckin done to the said James, setting upon him in the House of Quarrelpittis, and besieging him therein.²

JOHN MARTYNE in the Monastery, and Cuthbert Newtounne, were also CONVICTED of art and part of the Hamesuckin done to James Sinclare, coming to the House of Quarrelpittis in company with the Laird of Wauchtounne, and besieging him therein.

[*Sir James Hammiltounne of Fynnert, kn', Justice specially constituted.*]

Mutilation.

Jan. 26.—JOHN FORBES of Petstego, Alexander, his son and heir apparent, and John and William, also his sons, Alexander F. of Dalmanache and John his brother, John Cawdale, son and heir apparent of James C. of Aislone, and *seventy* others, were denounced Rebels and put to the horn, and all their goods, &c. to be escheated, for not appearing to underly the law for art and part of the Mutilation of Michael Fraiser, John Fraiser, Mr Robert Anderfounne, William Crawford, John Scot, John Gordon, and David Chene : And for art and part of forethought felony, and other crimes.

Slaughter of the Laird of Scottistounne.

Feb. 11.—MR ROBERT GALBRAITHE found caution to underly the law before the Justice on Feb. 23, for art and part of the cruel Slaughter of William Crechtounne of Scottistounne, under the pain of 5000 merks.—(Feb. 23.) Found caution of new, to appear on Mar. 27.—(Mar. 27, 1536.) He was replegiated by the Archbishop of St Andrews.

Cattle and Sheep-stealing — Burning of Howpaslot — Treasonably assisting the Armstrongs, &c.

Feb. 21.—SYMON ARMESTRANG,³ Convicted of art and part of the Theft

¹ Whingars.

² Sentence is not recorded.

³ See Oct. 30, 1535, and Mar. 13, 1535-6.

and concealment of two oxen from the Laird of Ormiftoune, furth of the lands of Craik, and a black mare from Robert Scott of Howpaflot, furth of the lands of Wolcleuche; committed during the time he was in the King's Ward, about Lammas 1535. ITEM, of art and part of the Theft and concealment of five feore of cows and oxen from the faid Laird of Ormiftoune, ftolen furth of the faid lands of Craik; committed by Alexander Armeftrang, called *Evil-willit Sandé*, and his accomplices, in company with Thomas A. alias *Grenefchelis*, and Robert Carutheris, fervants of the faid Symon, and certain Englifhmen, at his command, common Thieves and Traitors, on Jul. 27, 1535. ITEM, of art and part of the traitorous FIRE-RAISING and BURNING OF THE TOWN¹ OF HOWPASLOT: And of art and part of the Theft and concealment the fame time of fixty cows and oxen belonging to Robert Scot of Howpaflot and his fervants; committed by Alexander Armeftrang, in company with Robert Henderfoune alias *Cheys-wame*,² Thomas A. alias *Grenefcheles*, his fervants, and their accomplices, common Thieves and Traitors, of his caufing and affiftance, during the time he was within the King's ward, upon Oct. 28, 1535. ITEM, of art and part of the Theft and concealment of certain fheep from John Hope and John Hall, the King's fhepherds, furth of the lands of Braidlee in the Forest;³ committed during the time he was within the faid ward: ITEM, for art and part of the treafonable affiftance given to Alexander Armeftrang, called *Evill-willit Sandy*, a fworn Englifhman, and fundry other Englifhmen his accomplices, of the names of ARMESTRANGIS, NIKSOUNIS, and CROSARIS, in their treafonable acts.—SENTENCE. To be drawn to the gallows and HANGED thereupon: And that he fhall forfeit his life, lands, poffeffions, and all his goods, moveable and immoveable, to the King, to be difpofed of at his pleafure.

Common Theft — Murder — Fire-Raising, &c.

Mar. 13.—JOHN ARMESTRANG, alias *Jony in Gutterholis*, and Christopher Henderfon, CONVICTED OF COMMON THEFT, Refet of Theft, Outputting and Inputting, in England and Scotland: And of art and part of treafonably in-bringing Englifhmen, common Thieves, and Traitors, within Scotland, and committing common 'Herefchip' and Stouthrief, Murder, and Fire-raifing.—SENTENCE. To be drawn to the gallows and HANGED as Traitors: And all their goods, moveable and immoveable, to be efcheated to the King.

Common Theft, &c. — Murders — Fire-Raising, &c.

FINLAY JOHNSTOUNE Convicted of Common Theft, &c. of old and new. ITEM, of art and part of treafonably bringing the furnames of GRAHAMIS

¹ It is probable that, in this instance, Farm-town only is implied. ² Cheese-belly. ³ Viz. of Etrick.

and ARMSTRANGIS, Englishmen, DIK THE DEVILLIS BAINNIS, common Thieves and Traitors, within Scotland, committing Slaughters, Murders, Fire-raifings, and 'Herefchips,' upon the King's poor lieges.—SENTENCE. To be drawn to the gallows and HANGED thereupon as a traitor; and all his goods to be efcheated, &c.

Murder.

JOHN FISCHERE, in Leithe, Convicted for the Murder and Slaughter of Janet Symfone.—SENTENCE. To be HANGED upon the gallows: And thereafter, to be beheaded; and his head to be affixed upon the gate of St Andrews. All his goods were ordained to be efcheated.

[*Sir James Colvile of East Wemyss kn't., specially constituted by Commission.*]

Stouthreif of Title-Deeds — Oppression, &c.

Mar. 31, 1536.—WILLIAM COKBURNE of Scraling,¹ became in the King's will for art and part of the Stouthreif of a box, under silence of night, from Patrick Atkin, burges of Edinburgh, and certain evidents therein contained, pertaining to Alexander Crechtoun of Newhall, and in the custody of the said Patrick for the time, in the year 1528. *Item*, for art and part of the Violent occupation of the Lands of Kirkrighill, belonging to the said Alexander, for four years preceding Mar. 12, 1533. *Item*, for art and part of the Oppreffion done to the said Alexander in the Violent occupation of his said lands from Mar. 12, 1533 to Whitfunday 1534. *Item*, for art and part of the Oppreffion done to the said Alexander in the overthrowing of a 'faill-dyke'² built on the said lands. *Item*, for art and part of the Oppreffion done to the said Alexander, in inputting and keeping seven score of cattle and sixty horses and mares in the meadow of the said lands, and pasturing and destroying the said meadow, in August last, 1535. *Item*, of breaking three several Letters of Protection granted by the King to the said Alexander. *Item*, for common Oppreffion done to the said Alexander in the premises.

The following remarkable Letter from THE KING is taken from the original, preserved among the Warrants of Court.

REX,

TRAISt counfalouris, We grete you weill, and hes refanit your writingis anent þe LAIRD OF SCRALING; and thinkis your avise and counfel best, anent the publishing of dome gevin aganis him. Quhair 3e mentione of ane Minut

¹ JOHN LAIDLAW, his servant, was Convicted of destroying the fall-dyke, pasturing the horses and cattle, and infringing the three several Letters of Protection. - His sentence is not recorded. - WILLIAM DUNCAN, and three others, his tenants, were convicted of the two last points, and *fined* 10*l.* each. ² A Turf division-wall or fence, for separating one field from another.

send,¹ We have sene nane. Therfor, We pray you, þat 3e tak þat travel to pafs to him and declair quhow it standis, sua þat his lyf and guddis are in our handis. Gif he cummis in will, We wilbe gracious to him; sfailzeand þairof (We) fal cause justice be kept: And þairefter þat 3e write to vs his ansuir, as 3e will do Vs singlar plesour. GEVIN at Craufurdjone, þe xxix day of Marche, and of our regne þe xxij 3eir. JAMES R.

(Indorsed) To our traift counsalouris, our CONTROLLAR and THOME SCOT.²

Slaughter of the Laird of Cormestoun.

Apr. 24.—WILLIAM CHANCELLARE of Quodquene,³ Robert his brother, and James C. americiated in 300 merks for not underlying the law for art and part of the Slaughter of Thomas Ballie of Cormestoune. Their cautioners were Hugh Lord Somerville and Richard Broune of Cultermans.—‘AL þir personis of þe Chancellaris, eftir þai wer vnlawit, enterit in jugement for þe said crime, and maid quyte⁴ be une Affise þairof.’

[*Archibald Earl of Argyle, Justice-General.*]

Slaughter of the Laird of Meldrum.

Apr. 26.—JOHN, MASTER OF FORBES,⁵ John Strathauchin, the young Laird of Lethinturk, William Stewart of Portarstoune, Patrick Forbes, burgefs of Abirdene, and Robert Forbes in Sunnany, produced a Remission from the King for art and part of the cruel Slaughter of Alexander Seytoun of Meldrum. John Lord Forbes, George Earl of Huntlie, William Forbes of Corffinda, James, his son and heir apparent, and Alexander Forbes of Brux, became cautioners to satisfy the parties for Affythment of the Slaughter.

Besieging and Burning the House of Davy, &c. — Slaughter of twenty men, women, and children — Stouthreif — Resetting and Intercommuning with the Mackintoshes, Rebels, &c.

May 11.—JAMES GRANT OF FREWCHY, John Grant of Ballindalloche, and John Grant of Culcabok, found surety to the amount of 1000 merks each, to underly the law at the next Justice-aire (Inverness?) for art and part of the assistance given to Hector Makintoshche and vinq^{le} William, his brother, at the time of the Besieging of the Place and House of Davy, within Strathnaverne, belonging to James Ogilvy: And for the treasonable Burning of a great part of the Houses and buildings thereof, and the houses and buildings of the tenants of Dyke, Ardrossere, and other lands: *And* for the Slaughter of women, men, and

¹ Sent. ² Thomas Scott of Pitgorno. ³ See I, * 169. ⁴ Acquitted. ⁵ See his Trial, I, * 163, &c. He confessed his guilt of this Slaughter on the Scaffold. See also the concluding article of *Appendix* to the Trial of JONET, LADY GLAMMIS, I, * 193.

children, to the number of twenty persons : *And* for Stouthreif and ‘ Herefchip’ furth of the said Place and houses, and from the ground of the said lands, of all the grain, cattle, victual, goods, utensils, and household stuff, to the value of 12,000 li. committed by the saids Hector, William, and their accomplices, in the year 1534 : *AND* for Refetting, supplying, intercommuning, and assistance given and afforded to the saids Hector, William, and their accomplices, after they were denounced Rebels, &c.

Hamesucken — Oppressing the Dean of Murray.

May 27.—WILLIAM DOUGLAS of Bone-Jedburgh, Thomas Macdowell of Maccaristounne, and John Moll of that Ilk, found caution to the extent of 1000 merks each, and Robert Douglas, and Andrew Makbrek, 300 merks each, to underly the law at the next Justice-aire of Jedburghe, for art and part of the Oppression and Hamesuckin done to Mr Alexander Dunbar, Dean of Murray, and his servants, coming upon them under silence of night, May 26 instant, at 11 o’clock ; they being for the time in the company and house of the said Dean, and besieging him and his servants therein, and invading them for their Slaughter.

Oppression — Fire-Raising — Stouthreif, &c.

May 30.—NICHOLAS LERMONTHE in Fluris, and Andrew his brother, having obtained Respites, found caution to satisfy the parties, for their being art and part of the Oppression done to Sibella Corfby and James Gray, scourging them, and Burning their house : *Item*, for theftuously breaking a house in the town of Smalem, and stealing goods therefrom, in company with Cuthbert, Andrew and Charles Dowglas, Rebels, Thieves, and Traitors : *Item*, for Oppression done to John Edmonstounne of that Ilk, keeping his five merk lands of Ednem waste for nine years, and cruelly Wounding and Hurting his servants : *Item*, for Stouthreif and concealment of eighty sheep furth of the lands of Raburne, from the poor Tenants thereof.

Theft — Reset of Theft, &c.

JUN. 8.—JOHN ELWALD, alias *Jok Unhappy*, Convicted of Common Theft, Reset of Theft, &c.—HANGED.

Slaughter.

Jul. 17.—SIR ROBERT LOGANE of Restalrig, kn^t, found caution (to the extent of 1000 l. Gilbert Wauchope of Nudry Marschell, and James Forestar of Medowfeild being sureties,) to underly the law at the next Justice-aire of Edinburgh, for art and part of the cruel Slaughter of Adam Purdy.

Safe Keeping of the Spey Tower, &c. of Perth.

Jul. 24.—The PROVOST, Bailies, Council, Deacons of Crafts, and community of the BURGH OF PERTH, by their procurators, ‘ Band and oblist paim to his hienes, þat þai fall fausly and surely keip, vpone þair expensis, þare SPEY TOWRE, and all vperis strenghts and fortalices within þe said burgh, fra all infestacioune, or inlowping of hostile affalzearis or brokin personis, to our fouerane lordis obeifance, quhill his returning again within his realme, and farthir at his plesour; as þai þe saidis Provost, baillies, dekinnis of craft, counsale and comunité of þe said burghe will ansuer to his grace þairupoun, and vndir þe payne of tinfale of þair liffis, landis, and gudis.’

Lady Traquair not to Intercommune with the Douglasses.

Aug. 11.—‘ John Hume of Coldane-kuollis, Williame Stewart of Trakquare, and Thomas Ker of þe Zare, are becumin pleggis and fouerteis, coniuictlie and feueralie, for KATHARINE RUTHERFURDE, Lady of Trakquare,¹ that scho fall frathinfurthe² obserue and keip gude rewl; And in speciall, fall nocht write nor send ony writingis to þe DOWGLASSIS, our fouerane lordis Rebellis, now being in England, or Intercommune with thame any maner of way: And fall enter her personne in Warde, in quhatsumener place it fall pleise þe Kingis grace, or his lordis Regentis in his absence, quhen scho beis requirit þairto, vpon xv dais warnyng, vndir þe pane of ij^m li.’

Oppression — Violent occupation of a Fishing.

Aug. 14.—PATRICK, LORD GRAY, found James Skryngeour, Constable of Dundee, as cautioner for his entry before the Justiciar on Oct. 31, to underly the law for art and part of the Stouthreif and Oppression done to Sir Henry Luvell of Ballumby, kn^t, on Jan. 28 last, in the occupation of his fishing of Dundervisheide, on the water of Tay, (lying to the east of the Castle of Bruchty) under the pain of 1000 l.—‘ All þir personis chargit to comperre, be þe Justice and Justice-Clerk, in jugement, þe last day of October nixt to cum, to pass vpone þe ASSISE of Patrik Lord Gray, ilk personne vndir þe pane of I^o li.’

The Lord Saltoun,	The Lard of Nudry Marfchel,	The Lard of Petkinde,
The Lord Ruthuen,	The Lard of Robertland,	Thomas Wyntoun of Stricht-
The Lord Vchiltre,	The Lard of Kelle, ³	martyne,
The Lord Levingstoun,	Alex. Fowlartoun of þat Ilk,	The Lard of Kere.
The Lard of Newark,	The Lard of Monorgund,	

¹ This Lady was the youngest daughter of Philip, and the sister and heiress of Richard Rutherford of that Ilk. She was married to James Stuart, the founder of the family of Traquair (natural son of James, Earl of Buchan), by Papal Dispensation, Nov. 9, 1505. Her husband fell at Flodden. William was their son and heir. ² From thenceforth. ³ Probably Kelly, in Fife.

(Oct. 31.)—‘ THE Lords Regentis and Justice continewit þe actioun of cryme depending betuix þe Lord Gray and Lard of Ballumby to þe thrid day of þe nixt Justice-aire of Forfare, or vpoun xv dais warning, becaufe þe said Lord Gray productit in iugement before þame ane Respect¹ grantit to him be þe Kingis grace, quiliik þai wald obey.’

(Jan. 16, 1536-7.)—Lord Gray was proved to be sick and unable to appear.—ROGER CHARTERIS, and five others, were put to the horn for this crime, and all their effects to be escheated, &c. (Apr. 17, 1537.)—They were denounced Rebels, and put to the horn. (Jul. 12.)—ROBERT FRESSELL, Thomas Gray, and David LEKKY, denounced Rebels for the same crime; And for coming to the fishing diverse times, threatening his servants, breaking and destroying his boats and nets, and firing at them from the Tower of Bruchty.

Waylaying Lady Luss for her Slaughter, &c.

Aug. 16.—WALTER MAKFARLAN found John Naper of Kilmahew and John Buntyn of Ardoche, as cautioners for his entry at the next Justice-aire of Dunbertane, to underly the law for art and part of Convocation of the lieges in great numbers, in warlike manner; and besetting the way to Margaret Cunyng-hame, relict of vmq^{le} Sir John Culquhoun of Lufs, kn^t, and David Farnely of Colmistoun, being for the time in her company, for their Slaughter; and for other crimes.

Oppression — Stouthreif of a Waggon, &c.

Aug. 25.—MARIOTA HUME, COUNTESS OF CRAUFURDE,² Patrick Creichtoun of Camnay, and seventeen others, found caution (the Lairds of Keir and Cranstoun), to underly the law before the Justice, on Nov. 24, for art and part of the Stouthreif and Oppression done to John Moncur of Balluny,³ in feizing from him of a ‘ wayne,’ or waggon, with four oxen and two horses. (Nov. 24.)—They became in his Majesty’s will, and found Sir John Striueling of Kere, kn^t, and John Creychtoun of Ruthvennis, as cautioners to satisfy the parties.

Slaughter of a Chaplain.

Sep. 20.—JOHN, LORD LILE,⁴ and William, Master of Lile, his son, and

¹ Respite. ² Sister of Alexander, *second* Lord Hume, and widow of John, *fifth* Earl of Crawford, who was slain at Flodden, where he had a chief command. Lord Hume led the van, along with the Earl of Huntley, and was one of the few who escaped. ³ See Dec. 12, 1536. ⁴ John, *fourth* Lord Lyle, who married Grissel Betoun, daughter of David Betoun of Creich, and niece of James, Archbishop of Glasgow. William, Master of Lyle, is not mentioned in the Peerages, and must have died previous to August 29, 1541, when JOHN, his son, and heir apparent, got a charter of Novodamus of the Barony, on his father’s resignation. *Reg. Mag. Sig.* xxvii. 188. John Lord Lyle died without male issue, leaving only one daughter, *Jean*, who married Sir Neil Montgomery of Lainshaw, and the title thereupon became extinct.

their accomplices, dilated for art and part of the Slaughter of Sir John Penny, chaplain.¹

Casting down a Mill, &c.

Oct. 16.—HENRY ATKINSONE of Sleichhouffis, Robert Brovnefield, and Hugh Wod came in his Majesty's will for the Oppression done to Elizabeth and Alison Hume, the heireffes of Fast Castle, and to Sir Robert Logane of Restalrig, and Sir Walter Ogilvy of Dunlugus, their husbands, for their interests, in casting down the Mill of Hutoune, on August 24 last, and filling up the Mill-dam thereof: And for Stouthrief furth of the said Mill, of the 'mylne irnis (irons) and the mylne graithe.' Sir John Stirling of Keir, William Craufurd y^r of Lefnorijis, and John Lile of Stanypethe became cautioners for their satisfying the King and parties.

Selling Victual and Sheep to the English.

Oct. 20.—PATRICK BROVNEFIELD in Halflingtonne convicted of breaking the general Proclamation, in felling of a boll of victual in England: And WILLIAM HOPPRINGILL in Toftis, convicted of felling thirty sheep to the English. Caution was found to enter them in ward in any of his Majesty's Castles as might afterwards be directed.

Theft of a silver 'peece.'

Oct. 31.—ANDREW DEMPSTAR, convicted of art and part of the Theft and concealment of a silver 'peece'² from the tavern of Robert Bertoune, in the burgh of Edinburgh.—HANGED.

Keeping of the Castle of Edzearstoun.

Nov. 8.—WALTER KER OF CESFURDE, Warden of the Middle Marches, bound himself to keip THE CASTLE OF EDZEARSTOUN, on receiving the profits of the lands for his trouble; and also to apprehend Robert Ruthirfurde, rebel.

Slaughter of the Laird of Westhall, &c.

Nov. 14.—JOHN BANNATYNE OF COREHOUSE, Thomas his brother, James Hammiltoun of Stanehouse, and nineteen others, found caution to underly the law, at the Justice-aire of Lanark, for art and part of the cruel Slaughter of John Grahame of Westhall, Robert and John Grahame.—Some other persons were denounced Rebels, &c. for not appearing.

¹ It is probable that the matter was compromised, as no farther notices occur of this case.

² 'Vnius taffie argenti;' a drinking-cup; a wassail-bowl.

Slaughter of the Laird of Linhouse — Rape (Forcible Abduction).

Nov. 14.—THOMAS WEIR OF BLAKWOD, and John Campbell, alias *Cok*, found caution to underly the law, at the next Justice-aire of Lanark, for art and part of the cruel Slaughter of Archibald Tenent of Leuenax (now Linhouse): AND for art and part of Ravishing the wife of Robert Hammiltoun, dwelling at the Chapel of St Bride.

Oppressing and Wounding the Countess of Craufurd, &c.

Dec. 12.—JOHN MONCUR of Balluny,¹ and Mariota (*May*) Dowglafs, his spouse, and four others, found caution to underly the law, at the next Justice-aire of Perth, for Oppression done to Mariota (*May*) Countess of Craufurd, in breaking up the foil and ditches of her lands of Potento, and Wounding the said Countess in the throat: AND for common Oppression.—Robert Carnegy of Kynnaird, George Arrot of that Ilk, and George Halyburtoun of Petcur, were amerced for absence from the Assise.

Feud between Lord Hume and the Laird of Edmonstoun.

Dec. 19.—GILBERT, WILLIAM, and THOMAS HWME, came in the King's will for Convocation of the lieges in great number, armed in warlike manner with lances, bows, and arrows: AND for art and part of the Hamesuckin, besetting of the way, forethought felony and Oppression done to John Edmonstoun of that Ilk, coming to his lands and heritage of Ednem, and invading him and his servants for their Slaughter, and cruelly Hurting and Wounding . . . Wychtman with a lance, in peril of his life.—John Hwme of Coldenknollis became surety for the appearance of the said Thomas Hwme at the next Justice-aire of Berwik.

SUPPLICATION of William and Gilbert Hume to the Lords REGENTS.

MY LORDS REGENTS, vnto your l. humilie menis and schawis, we your seruitouris, WILLIAM HUME and GILBERT HUME: þat quhar, we come in þe Justice wil, for þe tulzē² þat happynnit betuix MY LORD HUME and þe LARD OF EDMONSTONIS seruandis; for þe quhilk we wer put in þe Castle of Edinburghe, and þair haldin, of lang tyme bigane; and hes spendit all þat we had, and couth get to borrow at frendis; and now, for falt of our necessaris, ar in parrel of our livis: THEREFORE we beseke your l., for Goddis sake, fene we ar pouer men, and hes no vper landis nor guddis to sustene ws, þat se will caus ws to be put to liberte and fredome, þat we may pas among our frendis to get our mete and drink, for our service; we findand fouirté to entir agane in þe said Castell, quhenne eur se pleis, vppone xv dais warnyng, vnder sic panis as we may find. And your anfuer humilie I (we) beseke.— (*Indorsed*) APUD EDINBURGHE xvij^o Februarii, anno I^o V^o xxxvij^o. THE LORDS REGENTIS Ordanis þe Justice Clerk to tak sicker³ fouerté of þir complenaris, þat þai fall obserue and keip gud reul in tyme cumyng, aþer⁴ of þaim vndir þe pane of V^c hundreth merks: And also, þat þai fall entir within ward in þe Castell of Edinburghe, or ony vper Castell within þe realme, quhen it plesis þe KINGIS

¹ See Aug. 25, 1536.² A broil, scuffle, or quarrel.³ Sure caution.⁴ Either, each.

grace, or þe faidis Lordis REGENTIS in his absenee, apoune xv dais warnyng, vnder þe faid pane: Quhilk fouerte beand fund, þat þe Justice Clerk writt to þe Capitane, Constable, and Keparis of þe faid Castell of Edinburghe, to put þe faidis complenaris to liberté.—ERLL OF HUNTLEY, ERLL OF MONTROSE, ERLE OF MAXWELL, ‘JOHNE BANNATYNE,’¹ 5e fall tak þe Lard of Melloftanis fouerté, efter þe forme of þis *deleas*,² and kep þis for varrand.³

THO. SCOTT.³

Oppression — Inbasion — Wounding — Mutilation.

JAN. 30, 1536-7.—GILBERT EARL OF CASSILLIS, Fergus Makdowall of Frenche, John Kennedy younger of Drummellane, Alex. K. of Glentig, James K. of Knokdone, and twenty-three others, found furety to underly the law at the Justice-aire of Air, for art and part of the Mutilation, besetting the way, forethought felony, Oppression, and breaking the King's Proclamation in his absenee; and coming upon John Dunbar of Blantyre, and his four servants, within the burgh of Air, upon Dec. 9 last, to the number of fifty persons, armed in warlike manner, cruelly invading them for their Slaughter, Wounding three servants of the said John, and Mutilating two of them in the hand and thigh.

Oppression — Mutilation.

HECTOR, GEORGE, and DAVID DUNBAR, Hugh Hammiltoune, and John Gillis, found caution to underly the law at the next Justice-aire of Air, for art and part of the forethought felony, common Oppression, and Mutilation of Peter Rankin, coming upon him and James his brother, within the burgh of Air, upon Dec. 8 last, and cruelly invading them for their Slaughter, of forethought felony.

Sheep-stealing — Inbringing of Englishmen, &c.

APR. 17, 1537.—ANDREW HALL, called *Fat-fow*, and William Hall, called *Wantoune pyntill*,⁴ denounced Rebels, &c. for not underlying the law, for art and part of the Theft of certain sheep from William Dowglace of Bone-Jedburghe and his neighbours: And for art and part of the inbringing of certain Englishmen to the Place of the said William Dowglas of Cunzeartoune, and for art and part of Stealing certain corns furth thereof.—Perfy, Cuthbert, and John Hall, called *Wyde-hoife*, and John Bennet in Schank, found caution to underly the law for the same crimes, at the next Justice-aire of Roxburghe.

‘Girnalling’ of Victual — Selling Sheep to Englishmen.

MAY 30.—JAMES RIDDALE, burgess of Jedburghe, convicted of art and

¹ The family of Bannatyne (of whom was descended the now famed George Baunatyne), long held office as Clerks of the Court.

² This is the only instance this phrase is used in the Record. It is an order to *delete*, or blot out the old act of cautionery from their books.

³ Of Pitgormo, Lord Justice Clerk.

⁴ See Aug. 11, 1537, where it appears that these persons were afterwards slain by THE DOUGLASES.

part of breaking the Act of Parliament in 'girnalling' of victual. Delivered over to the Captain of Edinburgh Castle to be kept in ward.—ANDREW RIDDALE convicted, at the same time, of Selling three scores of sheep called 'hoggis'¹ to Englishmen, contrary to the King's Proclamations. Also WARDED.—They both found caution, to the extent of 500 merks each, to appear before the Justice on 1st, and afterwards on 11th days of June, when they were permitted to compound with the Treasurer.

Ravishing (Forcible Abduction.)

JUN. 10.—THOMAS KENNEDY, son of Thomas Kennedy of Knokreoch, found James K. of Blarequhanne as his cautioner, that he should underly the law at the next Justice-aire of Air, for art and part of the 'Revissing' Katherine Kennedy, daughter of vmq^{le} Alexander Kennedy, Girvane-manys.

Withholding the Rents of Orkney and Shetland, &c.

JUN. 15.—BARBARA STEWART, William, her brother, and eleven others, dilated for art and part of the Stouthreif and detention from MARGARET LADY SINCLARE² of the rents of her lands and lordship of Scheitland: AND for art and part of Stouthreif from the tenants and inhabitants of the Lordships of Scheitland and Orknay of their marts, hides, fwine, sheep, meal, butter, oil, and malt. Ordained to appear on Jun. 23.—(Jun. 23.) Denounced Rebels, and all their goods to be escheated.

Besetting the Abbot of Melrose — Oppression, &c.

JUN. 22.—JOHN HUME of Coldaneknowis found caution (James Ker of Merfingtoune) to underly the law at the next Justice-aire of Berwick, for Besetting the way, of forethought felony, and for Oppression done to ANDREW ABBOT OF MELROSE, on Jun. 15, lying in wait for his Slaughter, with Convocation of the lieges to the number of 120 persons, between Mofs-Roploche and the Monastery of Melrose.

Stouthreif — Oppression — Wounding.

JUN. 25.—ROBERT TURNBULL, alias *Febill Hob*, denounced Rebel and put to the horn, &c. for failing to underly the law for art and part of the violent Theft and Stouthreif from Sir Walter Ogilvy of Dunlugus, kn', furth of his fet of the lands of Colbrandispethe, of 20 head of cattle or 'nolt:' And for art and part of the forethought felony and Oppression done to William Bell,

¹ Sheep of a year old, which have not been shorn.

² Perhaps Lady Margaret Sinclair, the third daughter of George, *fourth* Earl of Caithness, and wife of William Sutherland of Duffus.

William Small, and Andrew Stevinfoune, his servants, cruelly wounding and hurting them with lances.—Six others were fined for not appearing to underly the law for the same crime.

[*Archibald Earl of Argyle, Justice General.*]

Treasonable Conspiracy against the King's Life—Conspiring the Destruction of the Scottish Army at Bedburgh.

[THE fate of THE MASTER OF FORBES has long been matter of History, and the details have been recorded with more or less accuracy by *Buchanan*,¹ *Lesley*,² *Sir James Balfour*,³ and *Pinkerton*;⁴ and *Arnot*, in his Collection of Criminal Trials,⁵ has devoted more than usual space to the discussion of this, the introductory, Case of his Abridgement; which, however, he confuses in his ordinary manner, and colours it with his peculiar views. As *Mr Tytler's* History enters so minutely into all the leading public events, it is unnecessary for the Editor to attempt even the briefest outline of the circumstances. The only mention which it is deemed necessary to be given, in this place, is the following passage, taken from *Calderwood's* History of the Church of Scotland;⁶ and the reader will find appended to the Trial three important illustrative Papers. These documents contain all that is requisite, in the mean time, towards the formation of a clear opinion of the nature and merits of this remarkable Case.

‘JOHN MASTER OF FORBES,⁷ be the persuasione of THE EARLE OF HUNTLEIE,⁸ who had seduced one of his servants called *Strachene*⁹ to reveale and forge a CONSPIRASIE intendit by his Master, was perfewed and convict be ane Assise, as having some yeers before fought, with THE DOUGLASSES, to slay THE KING. It was true he marraied THE EARLE OF ANGOUS his sifter; bot it could not be proven sufficientlie and clearlie, nither by Wittness or other evidences, that ever he had such a purpose. It was knowne that the greatest part of the ASSISE was corrupted be the *Earle of Huntlie*. THE MASTER OF FORBES was Beheaded the 10 of Julie 1537; and *Strachene* the revealer was Banished, because, as was aledged, he had concealed the Treafoune maney yeeres. Howbeit, the people judged not THE MASTER OF FORBES to be guiltie of that Treafoune, quhich was laid to his charge; yet, did they not lament for his death, because he had bein guiltie of manie grivious offences otherwayes. THE KING seemed to repent of this fact soon efter, for he received one of his bretheren into Court, and the other he restored to his brother's patrimonie, and procured to him a good marraige.’

There is only one circumstance farther which need be noticed, viz. that the Master of Forbes, notwithstanding of his sentence, was BEHEADED and quartered, &c. his relations having been spared the more ignominious part of the sentence. *Wood*, in his Peerage, following *Arnot's* account of the matter, relates that he was HANGED and quartered, &c. *Leslie*, however, informs us, that ‘he was heidit and quarterit at Edinburgh, and his heid and quarteris affixt apoun the Portis’—and *Balfour* says, that ‘be the mediatioun of some frindis, he had that favor to be beheadit and quarterit.’ On the scaffold he denied the Conspiracy against THE KING;¹⁰ but acknowledged that he deserved to

¹ *Buchanan*, xiv, 53. ² *Lesley*, Ban. Cluh's Edit. p. 154. ³ *Annales*, I, 267. ⁴ *Hist. of Scotland*, Quarto, II, 345. ⁵ *Trials*, p. 1. ⁶ MS. Advocates' Library. ⁷ He was the eldest son of John, sixth Lord Forbes, by Christian, daughter of Sir John Lundin of that ilk. LORD FORBES, as will be seen from the accompanying Papers, was also accused of the same Conspiracy, and was for a long time Warded in the Castle of Edinburgh; but, ultimately, he received a free exculpation from every charge of guilt. He died anno 1547. ⁸ George, fourth Earl of Huntley, who was slain at the BATTLE OF CORRICHIE, when his army was overthrown by the Queen's forces under the Earl of Murray, Oct. 28, 1562. ⁹ See Jul. 20, 1537, of this Collection. ¹⁰ *Pitcottie* says, he ‘swore vpon the scaffold that he was innocent of these crymes of Treasoun quhairof he was convict; but he knew weill it was the innocent Slauchter of the Laird of Meldrum quhilk had brocht him to that poynt.’—*Lindsay's Chronicles*, II, 353.

die for the Murder of THE LAIRD OF MELDRUM.¹ The Editor again begs to refer the enquiring reader to *Mr Tytler's History*, where, doubtless, he will find a lucid narrative of the whole circumstances connected with this remarkable Trial.]

Jul. 14.—JOHN MASTER OF FORBES,² ‘Convictus de arte et parte proditorie Conspirationis et abhominabilis ymaginationis Interfectionis et distructionis nobilissime persone serenissimi domini nostri REGIS, per bumbardam siue machinam bellicam, le *culwering* vulgariter appellat., ipso domino REGE tunc temporis in suo burgo de Abirdoniis existen. pro executione et administratione iusticie in borialibus partibus sui regni, ipsius necem proditorie conspiran. et imaginan. ITEM, pro arte et parte proditorie Seditiois orte infra vltimum EXERCITUM f. d. n. REGIS, pro defensione regni aduersus arma Anglorum, super Limites regni, tempore belli, apud Jedburghie expectan., proditorié Conspiran. et ymaginan. vnus partis Exercitus Scotorum distructione, pro defensione regni Scotie contra perfecutiones et incurfiones veterum inimicorum Anglie apud pefat. Limites moram trahen., in eminentem perditionem totius dict. Exercitus Scotorum et apparens dampnum et destructionem f. d. n. REGIS, totius sui regni Scotie ejsdemque reipublice. AC pro proditoria auxilia et supplemento pefatorum inimicorum Anglie.

NOMINA ASSISE *elect. et admiss.* super pefato Johanne Magistro Forbefs, viz.

Robertus Dominus Maxwell,	Alexander Leslie de Petcapill,	Jacobus Gareoch de Kilstare,
Willelmus Magister de Glencarne,	Johan. Pantonne de Petmeddene,	Georgius Leslie de New Leslie,
miles,	David Duncanfone de Standand-	Johannes Cvmyng de Culter,
Johannes Mailluill de Raith, miles,	stanes,	Karolus Dempstare,
Johannes Hume de Coldennowis,	Willelmus Leslie de Boqubane,	Willelmus Leslie de Coclarochy.
Georgius Cranfurd de Fedderatt,	Nicholaus Rose de Auchlossin,	

LAUD *siue* SENTENTIA FORISFACTURE reddita contra prenommatum Johannem Magistrum Forbese, per os Willelmi Carwod sectatoris³ dicte Curie, prout sequitur in vulgari.

IT is fundin by the said Assise, that JOINE MAISTER FORBESE hes committit art and part of þe tressonable Conspiratione and abhomynabill ymaginatioun of þe Slauchter and distructione of oure soverane lordis maist nobill persone be schott of culwering, oure said soverane lord being for þe tyme in his burghie of Abirdene, for executioun and administratioun of iustice in þe North partis of his realme: AND for art and part of þe tressonable seditione raising amang oure soverane lordis last OIST and ARMY, being at Jedburghie, for defence of his realme aganis þe ARMY OF ENGLAND, in tyme of weir; tressonable conspirand

¹ *Wood's Peccage*, I. 592. He got a remission under the Great Seal for the Murder of ALEXANDER SETON of MELDRUM, Oct. 10, 1530. *Reg. Mag. Sig.* XXV. 364. See also various entries in this Collection, and in the Appendix to the present reign.

² The case being so remarkable, the text is given untranslated from the Record. The DOOM being inserted ‘*in vulgari*,’ we have thus the entry in both forms.

³ ‘Dempstare,’ q. d. *doomsfer*, whose office it was to pronounce the sentence.

and ymaginand þe distructionne of ane part of þe ARMY OF SCOTLAND, being for þe defence of þe realme aganis þe perfecionis and incurfionis of þe auld inymeis of Ingland, being vpon þe saidis Bordouris, in apperand tynfall of þe hail Army of Scotland, and apperand skaith and distructionne of our soverane lord, his realme, and Commone-weill of þe samin, for þe tressonabill help and supplé of þe saidis inymeis of Ingland.—For þe quhilk tressonabill crimes, the said Johne Maister Forbes hes forfeitit to our soverane lord his life, landis, and gudis, movable and vnmovable : And fall be harlyt and drawin trow þe cassay of Edinbur^t, and HANGIT¹ on þe galloufe to þe deid, and quarterit and demanyt as ane traytour. And þis I gif for dome.

PAPERS ILLUSTRATIVE OF THE MASTER OF FORBES'S TRIAL.

I. JUDICIAL CHALLENGE *of the Master of Forbes, as a Traitor and Conspirator, by George Earl of Huntley.*

At EDINBURGHE, þe xj day of Junij, the 5ear of God I^mV^c and xxxvij 5eris. IN presens of þe KINGIS grace and LORDIS OF HIS COUNSALE vndirwrittin ; that is to say, ane maist Reverend and Reverend faderis in God, Gawyne Archibishop of Glatgou, Chancellare, James Bisshop of Rosse, William Bisshop of Dunblane ; Venerabill faderis in God, David Abbot of Abirbrothok, Robert Abbot of Halyrndehoufe ; Noble and mighty lordis, Hew Erle of Eglintoune, David Erle of Craufurd, George Erle of Rothes, John Lord Erskin, Malcolm Lord Flemyng, Walter Lord of Sanct Johnnis, Johne Lord Lindesay, Hew Lord Someruille, Thomas Erskin of Breching, Secretare, James Coluile of Este Wemys, Johne Campbell of Lundy, knychtis, COMPERIT ane nobill and mighty lord, GEORGE ERLLE OF HUNTLIE, &c. one þat ane parte, and JOHNE MAISTER OF FORBES one þat vper parte, and þare þe said Erle delatit þe said MAISTER (OF) FORBES to our soverane lord of þis cryme of Tressoun and Lese-maieftié eftir following ; That is to say, Ye said MAISTER OF FORBESE had imagynit and conspirt HIS HIENES dede² and Slauchter, be ane schot of ane small gwne or culuering within þe burgh of Abirdene. Quhilk cryme þe said MAISTER OF FORBES denyit, and said it wes nocht of verité ; and offerit him to defend þe samyn with his body. And becaufe þe said ERLE OF HUNTLIE allegeit þat sic wordis wer said to him, and þe saiaris pairof wer nocht present ; bot þat he suld bring ane laudit or gentill manne³ sayaris of þe saidis wordis to þe KINGIS grace, to avow þat þai said þir wordis, and þat at the þe day nemmit be þe KINGIS grace : And sailzeing pairof he hes tane vp þe plege.⁴

¹ *Sir James Balfour*, in his quaint manner, gravely remarks, that the Master of Forbes ' had sentence to be hanged and quartered ; but, by the mediation of some friends, had the fauor to be beheaded and quartered !' *Annales*, I. 268. ² Death. ³ Sic. ⁴ This mode of impeachment was generally done in form of a solemn challenge, in presence of THE KING and his

THE quhilk mater being put to þe avifement of þe CHANCELLARE and LORDIS being present for þe tyme, for þe odioufnes of fa heiche ane crime, and þairwith being avifit, and þai referrand þare counsale and avife agane to his hienes, in quhais prefens þe said GEORGE ERLE OF HUNTLIE hes bundin and oblist him, his landis and heretage, vnder þe pane of twenty thousand markis, to bring þe said landit or gentill manne, dilataris and fayaris of þe cryme forsaid, before our said fouerane lord or his Justice in Edinburghe, or quhat vþer place he plefis to affigne, þe first day of July nixt to cum. AND þairfor þe saidis Lordis of Counsale Ordanis ane Herald, or vþer officiare, to pass, and command and charge þe said MAISTER OF FORBES to enter his persoune within þe CASTELL OF EDINBURGHE, vndir þe pane of Tresoune; and þair to remane quhill þe said day, or ellis þat he, within þe said space, find sufficient cautioune¹ and souirté to þe said Justice Clerk, þat he fall compere þe said first day of July, before our fouerane lord or his Justice, to defend þe said mater, as accordis vpon þe law, vnder þe pane of xx^m markis: AND alsé, to command and charge þe said JOHNE MASTER (OF) FORBES, þat alsé lang as he remanis within þe burghe of Edinburghe, þat he cum na nerrare þe KINGIS grace bot to þe Nether boll² of þe famyn, quhill þe said day, vndir þe pane of Tresoune: And gif it plefis þe KINGIS grace to cum to þe said burghe ony tyme within þe said day, þe said JOHNE MAISTER OF FORBES being within þe said burghe, fall remane within his housse and lugeing during þat tyme, and fall nocht cum furth of þe famyn sa lang as þe KINGIS grace beis within þe said burghe: AND gif þe said MAISTER OF FORBES passis, ony tyme betuix þis and þe said day, furth of þe said burghe, þat he cum nocht neir to þe KINGIS grace, within thre mylis, vndir þe pane forsaid.

(Dec. 11, 1537.)—II. BOND OF CAUTION *taken by Warrant of the Lords of Privy Council, that John Lord Forbes, and William Master of Forbes, should not escape from the Castle of Edinburgh.*

IN prefens of þe Lordis Chancellor, Prefident, and Lordis of Counfall, Comperit WALTER INNES OF TOUCHIS, Robert Orrok of pat Ilk, James Forbes of Carnebo, John Forbes of Drumdochty, and Williame Forbes of Ardmurdo, become plegeis and fouerteis, coniunctlie and feuerallie, renunciand þe benefice

PEERS. The challenger, after 'delating' or charging the accused person of Treason, &c., threw down his gauge, or gauntlet, which the accused, if he denied the charge, took up; and 'offerrit to defend the famyn (his assertion of innocence) with his body.' In absence, or failure of sufficient proof, THE KING frequently referred the matter to duel or 'Singular Combat,' as it was then termed, exclaiming, 'God defend the richt!' This Contest, like many other ordeals of a similar description, was founded on a deep knowledge of human nature; and seemed necessary, in these barbarous times, for the well-being of Society. The self-possession and innocence of the one party, and the boisterous arrogance, and confusion of the other, frequently, indeed generally, produced a termination favourable to the ends of substantial justice. Numerous instances could easily be adduced, if necessary, of the Judicial Combat having been authorized by Royal authority in Scotland.

¹ His cautioners were John Lord Forbes and John Forbes of Pitslego.

² The Nether-Bow Port.

of diuifoun, to þe Justice Clerk, in our fouerane lordis name, for JOHNE LORD FORBES, and WILLIAME MAISTER OF FORBES his sone, now being within þe *Castell of Edinbur'*, in Warde, that þai fall nocht efchew nor depart furth of þe said *Castell of Edinbur'*, bot fall remane þairintill, as in fré Warde, quhill þai be fred furth of þe famin be þe KINGIS grace, vndir þe pane of Ten thousand markis.—*Et hoc plegium captum fuit ex mandato Dominorum Consilii.*

(Apr. 10, 1538.)—III. WARRANT to allow William Maister of Forbes free Ward within the Town of Edinburgh.

REX,

JUSTICE CLERK, fforfamekle as We hane changit þe Ward of WILLIAME FORBES, sone and apperand aire of JOHNE LORD FORBES, now beand in oure *Castell of Edinburghe*, to cum and remane in ward in oure Toune of Edinburghe: QUHAREFOR, We charge ʒow, þat incontinent eftir þe sycht hereof, ʒe tak sicker fouertie and sufficient¹ þat þe said Williame fall keip and remane in Ward within þe said Toune, and haue² him honestlie þairin, and nocht to depairt þairfra without our speciall Licence granted and had þairto, vndir þe pane of Ten thousand merkis. SUBSCRUIT with oure hand, at Edinburghe, þe x day of Aprile, and of our regne þe xxv ʒere.³

JAMES R.

Conspiring the King's Destruction, by Poison — Treasonably Intercommuning, &c. with the Earl of Angus, &c.

[ONE of the most remarkable passages in the history of the reign of King James V, is the detail of the proceedings so rancorously adopted and put in execution against JEAN or JONET DOUGLAS, LADY GLAMMIS. The Editor considers it as due to the memory of a noble, and, as he conscientiously believes, a much injured Lady, whose character has met with an undue measure of severity from Historians, to enter rather more fully than usual into a statement of the facts of her case. It is probable that this injustice has arisen from the circumstance of its having been usual for succeeding writers to take for granted all statements made in the earlier Chroniclers and Historians, without farther examination; and thus, until *Mr Pinkerton* and *Mr Tytler* adopted a very different course, errors the most glaring were perpetuated, and handed down from one author to another.

Jonet Lady Glammis was the *second* daughter of George Master of Angus, (eldest son of 'the great Earl,' best known by the name of '*Bell-the-Cat*,') by Elizabeth, second daughter of John *first* Lord Drummond. The reader may be reminded, that the undaunted old Earl of Angus, having remonstrated against the rashness and imprudence of KING JAMES IV accepting the challenge of the EARL OF SURREY to fight, received what he deemed an unpardonable affront from his sovereign, who taunted him for his counsel, and proudly told him, if he was afraid, he was at liberty to go home. Retiring in disgust from the field of battle himself, and, as is related, with tears of indignation, he generously left all his followers with his two eldest sons, who both fell at FLODDEN FIELD, with two hundred gentlemen of their name. Bell-the-Cat, broken-hearted, thereupon withdrew from the world, and died the following year, 1514, at the Priory of Whithorn, in Galloway.⁴

¹ John Forbes of Pitslego and George Meldrum of Fyvie (Fyvie), 10,000 merks. ² Behave, conduct himself.
³ Anno 1538. ⁴ *Wood's Peerage*, I, 134. *Pinkerton's Hist.*, &c.

The unfortunate lady who was the victim in the following Trial, married John *sixth* Lord Glammiss, who died Dec. 12, 1527, leaving issue by her, John *seventh* Lord Glammiss, then a youth. He was long involved in the consequences of his mother's misfortunes,¹ and *Elizabeth*, married to Ross of Craigie.² She appears soon afterwards to have married Archibald Campbell, who is styled by Historians 'of Kepneith.' This gentleman appears to the Editor to have been Archibald Campbell of Skippinche (Skipnish), who was the second son of Archibald *second* Earl of Argyle. He obtained a Charter of the lands and Keepership of the Castle of Skipynche or Skipnish, Aug. 13, 1511, from King James IV.³ The Editor does not recollect to have met with the title of *Keipmech* in any of the Public Records, and thinks it extremely probable that Campbell of Skipnish was the second husband of Lady Glammiss. At all events, it is very unlikely that a high-born Lady of so distinguished a family as that of DOUGLAS would stoop to a matrimonial alliance with a small Highland Laird, unconnected with any Noble family. It is proper, however, to state, that the Editor has no proof to adduce in support of this surmise. Being possessed of a masculine mind, and a large measure of that undaunted courage, which so long characterised the Douglasses, she generously, but imprudently, braved the King's Proclamations, which strictly forbid all persons, of whatever degree, from 'intercommuning' with, or giving food, raiment, or shelter to the Earl of Angus, and other Traitors and Rebels, under pain of death.

It must be borne in mind, that Archibald, *the sixth* Earl of Angus, Chancellor of Scotland, who was forfeited in Parliament, Sep. 5, 1528, along with George, his brother, and Archibald, his uncle, was brother-german to Lady Glammiss, who was closely attached to him alike by the bonds of natural affection and of private friendship. With the unquenchable fidelity of a sister's love, she afforded her brothers and their uncle all the assistance in her power, and speedily drew down upon herself a portion of the implacable vengeance which KING JAMES V had sworn against THE DOUGLASSES, it being known that he had taken a deep and solemn vow, that while he lived they should never find refuge in Scotland. This Nobleman, on the death of his first wife, Lady Margaret Hepburn, second daughter of Patrick *first* Earl of Bothwell (who died in childbed in 1513, without surviving issue), married, Aug. 6, 1514, MARGARET of England, QUEEN DOWAGER of JAMES IV, within eleven months after the fatal field of Flodden. The indecent haste with which this match was got up, and the ambitious views of the Douglasses, who through this means obtained the custody of the young KING's person, in reality accelerated their downfall, by exciting against them the jealousies of a powerful faction of the Nobility. THE KING having made his escape out of ANGUS's hands, in July, 1528, the forfeiture of the Earl, his brother, and uncle, followed speedily after the meeting of the earliest Parliament, Sep. 4, 1528. It cannot be disguised that the violent and openly treasonable conduct of the Earl and his faction after this period was by no means calculated to restore him to royal favour, or to reconcile him to his injured countrymen. Having made many incursions into his native country, he retired into England, and became a pensioner of HENRY VIII, who, in 1532, settled an annuity of one thousand merks Sterling upon him. The subsequent restoration of the family, after the death of KING JAMES V, is well known, and the outline of the history of his after life is unnecessary to be touched upon here, as being entirely foreign to the present subject.

So early as Dec. 1, 1528, she was summoned to answer before Parliament, along with *Patrick Hume of Blacater*, *Hugh Kennedy of Girvanmanys*, and *Patrik Charteris*, for art and part counsel, assistance, &c., afforded to the Earl of Angus, in convocating the lieges for eight days immediately preceding Jun. 1, for invasion of the King's person. This Summons of Treason was continued to Jan. 18, 1528-9, when the matter, so far as LADY GLAMMISS was concerned, seems to have been dropped, for on the next diet, Jan. 22, her name no longer appears. In a few years afterwards, on Jul. 1, 1531,⁴ we find that Gawayne Hammiltoune got a Gift from the Crown of the escheat of

¹ See his Trial, Jul. 18, 1537.
p. 115, and Appendix, pp. 582 to 590.

² For some particulars of that devoted family, see this Collection, Vol. III,
³ *Reg. Mag. Sig.* xvii, No. 33.

⁴ See Extracts from the *Privy*

Seal Record, in the Appendix to this reign, under that date.

all the goods, heritable and moveable, which had pertained to JONET LADY GLAMMIS, and had been forfeited on account of her 'Intercommuniyng with our foueraue lordis Rebellis, or for ony vpir crymes,' &c. On Nov. 29 of that year, Haldane of Kelour and several others were fined for not passing upon her Assise; and on Jan. 31, 1531-2, John Drummond of Innerpeffery¹ became surety for her entry at the next Justice-aire of Forfar, for art and part of taking the life of her husband, John sixth Lord Glammiss, 'per intoxicationem,' which probably was meant to signify the employing of drugs, charms, or enchanted potions. This shifting of the ground, in relation to the charge of crime alleged against her, seems to have proceeded from the repeated refusal of the Barons to come forward as Assisors or Jurors on her Trial, and from the fear on the part of the public prosecutor that the Case would break down for want of legal and satisfactory proof of her being guilty of any Treason. Such suspicious circumstances naturally lead us to infer that her real crime was the political offence of her being a true-hearted DOUGLAS, and as such a contumacious despiser of the Royal tyranny, which would attempt to force her to deny succour to her oppressed brothers and uncle, and other 'Rebels.' As Lord Glammiss died Dec. 12, 1527, it is highly improbable that all legal proceedings would be allowed by the advisers of the Crown to be totally suspended for nearly four years against one who was, at any rate, obnoxious to THE KING. There were never awaiting enough of officious spies about the Scottish court to ferret out the truth of even the shadow of suspicion of crime against those who were unhappy enough to lie under its ban; and had there been any just ground of accusation, Lady Glammiss's career would have at once been cut short.

In farther corroboration of the feelings of the Barons, in relation to the innocence of Lady Glammiss, it may be stated that, on Feb. 2, 1531-2, Fullerton of Ardoch, and a number of other Lairds, were americiated for refusing to pass upon another Assise, which her prosecutors had again caused to be summoned for her trial. And once more, on Feb. 26, Lord Ruthven, Lord Oliphant, &c., were fined for the same cause, as may be seen from the various entries, under these respective dates, in this Collection. Owing to the imperfect state of the Criminal Records, no farther notice of this ill-used lady can now be procured until the day of her Trial, when unprincipled Witnesses appear to have been brought forward, who gave false testimouy; upon which the Jury were compelled to return a Verdict of guilty, 'without any substanciall ground or proyf of mattir.'²

With regard to the articles of Dittay, they are only two—treasonably Conspiring and imagining the King's Slaughter or destruction by poison, and treasonably assisting, supplying, resetting, intercommuning, and fortifying Archibald, Earl of Angus, and George Douglas, his brother. The popular story, which originated in the blunders and fables of some of the Chroniclers and Historians of the age of MARY and JAMES VI, has hitherto been, that the Lady Glammiss was burnt for WITCHCRAFT! The Records leave no room for imagining that such formed any part of the charges adduced against her. Assuredly, had it been possible to bring forward such an accusation, we may infer that it would have been strenuously urged against her, to secure the popular voice in favour of THE KING; and, above all, *it would have been prominently recorded in the Dittay, and also in her Sentence.* Mr Pinkerton, deluded by the frequent repetition of this fable, indulges himself by entering into extenuation of the conduct of JAMES V, for sanctioning the prosecution of Lady Glammiss for the imaginary crime of Witchcraft; and other authors, otherwise respectable, have fallen into the old vice of the earlier Historians, who have immemorially been in the habit of perpetuating each other's errors, by indolently taking for granted all that their predecessors had stated, without being at the pains of examining for themselves Records and documents which were at all times within their reach.

Perhaps the fabulous story in regard to a charge of WITCHCRAFT having been brought against

¹ Sir John Drummond of Innerpeffery, third son of Sir John first Lord Drummond, was the father of this individual, who married Margaret Stewart, Lady Gordon, natural daughter of KING JAMES IV, legitimated by Letters under the Great Seal, Feb. 1, 1558-9.

² Letter from Sir Thomas Clifford to KING HENRY VIII. *Mus. Brit.*, Caligula, B. iii, 187. Pinkerton's Hist. II, 318. See also this Collection, I. * 198.

Lady Glamis, may have originated in the preceding attempt to fasten upon her the pretended guilt of taking away her first husband's life by charmed drinks or drugs. This, however, took place many years before her execution. A more plausible reason for reporting that she dealt in Magic or Witchcraft may have been the barbarous manner of her death; for, she having died at the stake, it is not unlikely that the popular report, fifty years, or even a century afterwards, would be that she was 'Burnt for a Witch.' In all cases of Treason and Murder, as well as in those of Witchcraft, Sorcery, &c., females of rank were invariably *burnt at the stake*, until a comparatively recent date, when decapitation was sometimes granted, in particular instances. In crimes of an inferior description, such as Theft, &c., females, and often infirm old men, were *drowned*. From not attending to this circumstance, and as Witchcraft was uniformly punished by burning at the stake down to the commencement of the eighteenth century, it was natural for the more modern Historians, who were well aware of the manner of her death, to repeat what they had met with in the pages of earlier Chroniclers, &c.

There is one circumstance which strikes the Editor as affording a very extraordinary feature in these proceedings. The truly amiable MAGDALENE QUEEN OF SCOTLAND, who had only arrived from France on May 19, died on July 7, 1537; which plunged THE KING and the nation into the deepest sorrow. Never did a Queen-consort commence her reign under happier auspices, and with so entire a love of all her subjects. JAMES V had to all appearance abandoned himself to grief for her loss, and had retired from the pleasures of the Court and from all his usual sports and employments, when suddenly, 'in the very crisis of domestic and national affliction,'¹ these rigorous proceedings were adopted and perpetrated, with feelings of private revenge and hatred altogether abhorrent to human nature. Had such a course been previously determined upon by the advisers of the Crown, certainly the time was the worst that could possibly have been chosen; for even had this excellent Queen survived, Lady Glamis must either have been put to death by BURNING AT THE STAKE during the midst of the festivities which followed her Marriage and Public Reception, or at the very moment of the celebration of her Funeral Obsequies! The whole complexion of this shocking tragedy bears such savage traces of a furious and unmanly revenge against a noble and unprotected female, who was the only individual of her family on whom they could lay their hands, that it can hardly be compared with any other event, either in ancient or modern history.

The Editor need scarcely apologize for appending a few notices, which he considers as necessary towards the full understanding and illustration of so remarkable a Trial, and so painful a passage of the History of Scotland.]

Jul. 17.—JONET DOUGLAS LADY GLAMMYS, 'Comieta de arte et parte proditorie Conspirationis et imaginationis Interfectionis, sine distructionis, nobilissime persone serenissimi domini nostri REGIS, per pessimum venenum lie *poysone*. ITEM, pro arte et parte proditorie assistentie, supplementi, receptationis, intercommunicationis et fortificationis ARCHIBALDI olim ANGUSIE COMITIS, et GEORGII DOUGLAS ejus fratrum, proditorum et rebellium, in proditorio modo.—COMBUSTA.

NOMINA ASSISA *electe jurat. et admiff. super prefata Joneta Domina Glammys, viz.*

Johannes Comes Atholie,	Wil. Kirkpatrick de Kirkmychell,	Johannes Mailuill de Raith, miles,
Johannes Comes Buchanie,	Joh ^s Creichtoune de Ruwennis,	Jac. Towris de Inuerleith, miles,
Robertus Dominus Maxwell,	Jacobus Ker de Merfingtoune,	Dauid Barclay de Matheris,
Wil. Magister de Glencarne, miles,	Gilbertus Comes de Caffillis,	Johannes Edmonstoun de eodem,
Johannes Hume de Coldenknowis,	Willelmus Dominus Sympill,	Wil. Makelellane, Tutor de Bondby.

¹ Letter from Sir Thomas Clifford to KING HENRY VIII, B. iii., 187. Pinkerton's Hist II, 348.

SENTENTIA FORISFACTURE *reddita contra prenominatam* JONETAM DOMINAM DE GLAMMYS, *per os* *Willielmi Carwod, sectatoris dicte Curie, prout sequitur in vulgari.*

IT is fundin be þe said Affise, That JONET DOUGLAS LADY OF GLAMMYS hes commitit art and part of þe tressonabill Conspiratioune and ymaginatioune of þe Slauchter and destructioun of our fouerane lordis maist nobill persone be poysone : And for art and part of þe tressonable affistance, supplé, resset, intercommonyng and fortifying of ARCHIBALD, sumtyme ERL OF ANGUSE, and GEORGE DOUGLAS, hir brether, Traytouris and Rebellis, in tressonabill maner. —FOR þe quhilkis tressonable crimes, þe said Jonet Lady of Glammys hes foirfallit to oure fouerane lord, hir life, hir landis, gudis movable and vnmovable : And þat scho fall be had to Castell hill of Edinburghe, and þair BRYNT in ane fyre to þe deid, as ane Traytour. AND þat I gif for Dome.

PAPERS ILLUSTRATIVE OF THE TRIAL OF JONET LADY GLAMMYS.

I. NARRATIVE *taken from the History of Scotland, by David Scott of the Inner Temple.*¹

The Lady Jane Dowglass, &c. accus'd for Conspiring to Murder the King.

AT this time, the LADY JANE DOWGLASS, sifter to *Archibald Earl of Angus* (who then liv'd an exile in England), was the most celebrated beauty in the nation. She was of a middle stature, not too fat; her face of an oval form, with full eyes; her complexion extremely fair and beautiful, with a majestick mein. Besides all these perfections, she was a lady of singular chastity, her mind wanting none of those perfections a mortal creature could be capable of. Her modesty was admirable, her courage was above what could be expected in her sex; her judgment solid, her behaviour affable and engaging to her inferiors as well as equals: And as she was descended from one of the most ancient and illustrious Families in the kingdom (tho' at that time eclips'd,) she had been married to JOHN LYON LORD GLAMES, a most worthy young Nobleman of noble birth, but died soon, and left this young lady with one son: And tho' still mistress of her perfections and a plentiful jointure, yet continued a widow for some years after her husband's death. During which time, several of the first Nobility of the Kingdom had courted her; but she was not so much inclined to marry for wealth and title, as for merit; so that she plac'd her affection on one *Archibald Campbell of Kepneath*, who commanded the Third Regiment in the King's Army, to whom she was married, to their mutual satisfaction. Mean time *William Lyon*, a near relation of her first husband, having made violent addresses to her, and seeing that she was married to this gentleman, became almost distracted upon the disappointment: But though he had lost her in marriage, yet did not forbear his addresses to her in an unlawful way, and continued to importune her to consent to his designs; which she refused with the utmost disdain, and told him, that she had treated him with the respect due to the relation of her

¹ Folio, Westminster, printed by J. Cluer and A. Campbell, in King's Street, near the Abbey, 1727. Though no authorities are cited by the author on the margin, his account bears marks of having been collated with *Drummond of Hawthornden's* History, which is fuller on the subject of this Trial than any other. From his residence in London, he had, probably, access to State Papers, &c. from which his Narrative had been compiled. It has been deemed advisable to print it here, as the book is but little known; and indeed it only professes to be an impartial compilation from previous Histories and Chronicles.

² There seems to the Editor to be no doubt that this gentleman was *Campbell of Shipynche or Shipness*, as formerly surmised. See the Case of JOHN LORD GLAMMYS, Jul. 18, 1537.

first husband and child, and not out of any regard to his own person or merit; but, since she found that he had such designs, she hated the sight of him, and assured him that she never would comply with such abominable crimes.

This resolute denial, so distracted him, that he upbraided her with ingratitude for the great love he had for her, and told her, since he had lost so much time in vain, he would study to banish her from his thoughts. But his violent love, or rather lust, turn'd to as violent hatred; so that after that he never visited her, but studied revenge. Thus his passionate love being succeeded by vengeance, he took some time to invent a plot against her life, which he resolved to sacrifice to his resentment: And at last found out the most horrid contrivance that Hell could suggest. He accus'd the Lady, her husband, and one *John Lyon*, an aged Priest, and his own near relation, of having a design to poison THE KING. Whereupon they were apprehended and confined prisoners in THE CASTLE OF EDINBURGH, their goods seiz'd, and a strict charge given to the Judges of the Justiciary to proceed to their Trials.

Mean time the accuser, *William Lyon*, having too ready access to THE KING'S ear, studied all means to aggravate the crime; and that he might dispose THE KING to treat them with all possible cruelty, he represented that the Family of *the Douglasses* had been always dangerous and troublesome to his predecessors, and even to himself and his kingdom: And reminded him of the insolent behaviour of *Archibald Earl of Angus*, brother to the prisoner, in the time of his Majesty's minority, whose practices were so dangerous, that by a public Decree he was banish'd the kingdom as a disturber of the peace of his native country: That since that time he was become the subject of KING HENRY OF ENGLAND, his Majesty's greatest enemy; and was now the cause of all the Inroads made by THE ENGLISH into Scotland: And since he could not be restor'd to his honours and fortune without great difficulty, revenge had incited him to plot all the mischief he could against THE KING'S person, and who could be employ'd in such wicked designs more true to him than his own sister, who by the ties of blood was oblig'd to secrecy; and had employ'd her in that Conspiracy, thinking that her sex, character and birth, would make her the less suspected: Therefore advis'd his Majesty, that if he had any regard either to his interest or safety of his person, it was necessary to extirpate that race, which produc'd nothing but monstrous Rebels; and especially that woman, whom, if he spar'd, he put it in her power to accomplish her wicked designs.

THE KING, being ignorant of the malice which *William Lyon* bore to the Lady, order'd that she, her husband, and Chaplain, should be speedily brought to their Trial, without any regard to their birth or characters. And *the Lady Jane* was brought to the Bar, according to custom, to hear what she could say for her self. And having made particular answers to the questions propos'd by the Judges, she imagin'd that her danger proceeded from her relation to *the Earl of Angus*; and with the greatest courage and confidence imaginable, she deliver'd the following SPEECH.

Lady Jane Dowglays her Defence at the Bar.

‘ THOSE that hate my brother are enrag'd, because he is not in their power, that he might fall a sacrifice to their malice; and they now discharge their spite upon me, because of my near relation to him; and to gratify their revenge with my blood, they accuse me of crimes which, were they true, deserv'd the severest death. But, since it is the only prerogative of God to punish men or women for the faults of others, which belongs to no judge on earth, who are oblig'd to punish every one according to their personal crimes, you ought not to punish in me the actions of my brother, how blamable soever. Above all, you ought to consider if those things I am accus'd of have the least appearance of truth; for what gives the greatest evidence either of the guilt or innocence of an impeach'd person is their former life. What fault could any hitherto lay to my charge? Did any ever reproach me with any thing that is scandalous? Examine into my former conversation; for vice hath its degrees as well as virtue, nor none can attain to a perfection in either, except by long practice; and if you can find nothing reprobable in my conduct, how can ye believe that I am arriv'd all of a sudden to contrive

this Murder, which is the very height and perfection of impiety? I protest I would not deliberately injure the most despicable wretch alive. Could I then make the Murder of my Sovereign, whom I always reverenc'd, and who never did me wrong, the first essay of my wickedness? None are capable of such damnable and unnatural actions, except such as are in desperate circumstances, or such as are hurried into Plots by reward or revenge. My birth, and condition of life, puts me beyond the suspicion of the first of this kind; and for the latter, since I was never injur'd by THE KING, how can I be suspected to thirst for revenge?

'I am here accus'd for purposing to kill THE KING; and to make my pretended crime appear more frightful, it is given out that the way was to be by poison. With what strange impudence can any accuse me of such wickedness who never saw any poison, nor know I any thing about the preparation of it? Let them tell where I bought it, or who procur'd it for me? Or though I had it, how could I use it, since I never come near THE KING's person, his table, nor Palace? It is well known, that, since my last marriage with this unfortunate gentleman, I have liv'd in the country, at a great distance from the Court. What opportunity could I have to poison THE KING?

'You may see by those circumstances, which give great light in such matters, that I am entirely innocent of those crimes I am charg'd with. It is of the office of you Judges to protect injur'd innocence: But if the malice and power of my enemies be such, that, whether guilty or innocent, I must needs be condemn'd, I shall die cheerfully, having the testimony of a good conscience; and assure yourselves, you shall find it more easy to take away my life than to blast my reputation, or to fix any real blot upon my memory.

'This is my last desire of you, that I may be the sole object of your severity, and that those other innocent persons may not share in my misfortunes. Seeing my chief crime is that I am descended of THE FAMILY OF DOWGLASS, there is no reason that they should be involv'd in my ruin; for my husband, son, and cousin, are neither of them of that Name or Family. I shall end my life with more comfort if you absolve them; for the more of us that suffer by your unjust Sentence the greater will be your guilt, and the more terrible your condemnation, when you shall be tried at the great day by the Almighty GOD, who is the impartial Judge of all flesh.'

The Judges represent the Case of Lady Jane to the King.

This SPEECH was deliver'd with such courage, and free from fear, that the Judges were extremely astonish'd at her heroick behaviour; and when they had consider'd what she had said in her own defence, they delay'd the Sentence, and sent two of their number to THE KING, to represent to him, that, though the Witnesses had prov'd the Articles of Impeachment, and that according to the laws of the land, upon the Evidence, she deserv'd death; yet, upon a serious consideration of the whole circumstances of the matter, they could not perceive the least probability of her guilt: They were afraid lest the rigour of the law in this case should prove the height of injustice,¹ therefore they wish'd rather that equity and mercy should take place, it being more safe to absolve a criminal than to condemn an innocent person: That time alone could discover the truth of the matter, by making known the characters of those Witnesses who had sworn against her, whether they were men of honesty, or had been bribed to accuse her: That nothing was more advisable than to delay the whole affair for some days, which could be no danger to THE KING, since those persons were not to have their liberty; and when there appear'd any clear proof of their guilt, they might suffer according to the law. As for themselves, they were tied up to the form and letter of the law; it belong'd only to his Majesty to temper and moderate their Sentence by his clemency: Upon which account, they address'd themselves to him, since in such cases wherein the life, honour, and effects of persons of distinction are concern'd, all possible caution was necessary.

¹ Summa justitia summa injuria.

The King's Answer to the Judges.

THE KING, who was naturally merciful, had easily complied with this request of the Judges, had not *Lyon* (who contriv'd the bellish plot, and then fear'd that if they escap'd his wickedness would be discover'd) prevail'd with THE KING to return this Answer to the Judges: That the exercise of Justice was a considerable part of the Royal dignity, which he had entrusted them with when he made them Judges: That it belong'd to their Office to preserve the Innocent and punish the Guilty: That the Book call'd *Regiam Majestatem* contain'd all the forms and rules which ought to determine them in such cases: Wherefore, he gave them full power to proceed in that matter, according to justice and the Laws of the land; and said, he knew nothing that could hinder them from doing their duty like men of judgment and honour.

Lady Jane Executed.

With this answer, those that were sent to wait upon THE KING return'd to the Exchequer, (where the Court of Justice then sat,) and reported to the rest of the Judges what THE KING had given them in charge. Whereupon the Judges gave Sentence against the Lady, according to the Law. She heard the Sentence pronounc'd without the least signe of terrour or concern. On the day appointed for her Execution, she suffer'd on THE CASTLE-HILL OF EDINBURGH; where she appear'd with so much beauty and little concern, that all the spectators were so deeply afflicted for her, that they burst out with tears and loud lamentations for her untimely end, and were so confident of her Innocence, that they design'd to rescue her: But THE KING'S Officers and Guards being present, hinder'd their attempting any thing that way.

Thus died this most noble Lady, whose death was lamented by all that knew or beheld her, except the most inhuman barbarian who brought her to this lamentable end.

The next day after her death, HER HUSBAND (Archibald Campbell) design'd to make his escape out of *the Castle of Edinburgh*, being let down over the walls by a rope, which happening to be too short, or broke, he fell upon the rocks, where he was dash'd to pieces.

THE KING seem'd much concern'd after the Execution of *Lady Jane* and the death of her husband, and caus'd release the old Gentleman her Chaplain. But yet, THE YOUNG LORD GLAMIS was still kept in the Castle, till after THE KING'S death.

William Lyon confesses his crime, and flies from justice.

After this most virtuous and excellent, as well as beautiful, Lady fell a victim to her inhuman lover, he began to reflect on his wickedness, and was so fill'd with horror that he was not able to endure the lashes of his troubled conscience. He lamented his crimes when it was too late, and having such confidence in THE KING'S mercy, he confess'd the whole matter secretly to him. But finding THE KING abhor'd such wickedness, he fled from the Court, knowing that he could not escape being punish'd according to his crimes; and departing from Scotland, he soon after died in *Flanders*, in great misery.¹

II. NARRATIVE from 'The History of the Houses of Douglas and Angus, by Master David Hume of Godscroft.'

'THE KING'S anger still continued against them (the DOUGLASSES) in such sort, that nine years after, in 1537, he was contented that *Jean Douglas Lady Glames*, (who was *Angus*' Sister,) should be accused by false Witnesses, condemned, and execute. The point of her accusation was, that she, and her Husband, (*Archibald Campbell* then,) and her Sonne, and an old Priest, had gone about to make away the King by Witchcraft. Their servants were tried and racked, but confess'd nothing; the Accuser, *John Lyon*,² a kinsman of her first husband, when he saw how they were like to be

¹ Folio, Edin. Printed by Evan Taylor, Printer to the King's most excellent Majesty, 1644, p. 261. ² 'William' on the margin. It will be seen, from the other proceedings, that William was this person's name.

used, and that the House of *Glames* would be ruined, repenting of what he had done, confessed to the King that he had wronged them; but it did no good.

‘ She was burnt upon the *Cafle-hill*, with great commiseration of the people, in regard of her noble blood, of her husband, being in the prime of her years, of a singular beauty, and suffering all, though a woman, with a man-like courage; all men conceiving that it was not this fact, but the hatred the King carried to her brothers, that had brought her to this end. Her husband, seeking to escape over the wall of the Castle, fell, and broke his leg, and so died. Her sonne was kept in prison, because he was so young that the law could not strike against him.

‘ Others were committed to Ward, as *Sir George Hume of Wedderburne*, who was *Angus* his sister’s son, to *Black-Nesse*, for whom his mother, *Dame Alison Douglas*, coming often to entreat the King for him, though he always used her courteously, and gave her good countenance, and that almost onely to her of all their friends: So that his language was by way of excusing, without deniall; yet he could obtain nothing, till a little before his death, about the Rode of *Fawla*, when hee began to misse their service, then he set him at libertie. His implacabilitie did also appear in his carriage towards *Archbald of Kilspindie*, whom he, when he was a childe, loved singularly well for his ability of body, and was wont to call him his *Gray-Steel*.

‘ *Archbald* being banished into *England*, could not well comport with the humour of that nation, which he thought to be too proud, and that they had too high a conceit of themselves, joynd with a contempt and despising of all others. Wherefore, being wearied of that life, and remembring the King’s favour of old towards him, he determined to try the King’s mercifulness and clemency. So he comes into *Scotland*, and taking occasion of the King’s hunting in the Park at *Stirling*, he casts himself to be in his way, as he was coming home to the Castle. So soon as the King saw him afar off, ere he came near, he guessed it was he, and said to one of his Courtiers, yonder is my *Grey-Steil*, *Archbald* of *Kilspindie*, if he be alive. The other answered, That it could not be he, and that he durst not come into the King’s presence. The King approaching, he fell upon his knees, and craved Pardon, and promised from thence forward to abstain from meddling in public affairs, and to lead a quiet and private life. The King went by, without giving him any answer, and trotted a good round pace up the hill. *Kilspindie* followed, and, though he wore on him a secret, or shirt of mail for his particular enemies, was as soon at the Castle-gate as the King. There he sat him down upon a stone without, and entreated some of the King’s servants for a cup of drink, being wearie and thirstie: But they, fearing the King’s displeasure, durst give him none. When the King was sat at his dinner, he asked what he had done, what he had said, and whither he had gone? It was told him that he had desired a cup of drink, and had gotten none. The King reproved them very sharply for their discourtesie, and told them, That if he had not taken an oath that no *DOUGLAS* should ever serve him, he would have received him into his service, for he had seen him sometime a man of great abilitie. Then he sent him word to go to *Leith*, and expect his further pleasure. Then some kinsman of *David Falconer* (the canonier that was slain at *Tantallon*,) began to quarrel with *Archbald* about the matter, wherewith the King shewed himself not well pleased when he heard of it. Then he commanded him to go to *France* for a certain space, till he heard farther from him. And so he did, and died shortly after. This gave occasion to the King of *England* (*Henry VIII.*) to blame his nephew, alledging the old saying, *That the King’s face should give grace*. For this *Archbald* (whatsoever were *Angus’s* or *Sir George* his fault) had not been principal actor of any thing, nor no counfeller nor stirrer up, but only a follower of his friends, and that noways cruelly disposed.

‘ He caused also execute *Sir James Hamilton* of *Evendale*, for divers reasons: But that which incensed him most, was his Correspondencie and secret trafficking and meeting with the banished *DOUGLASSES*, especially with *Sir George*, whom he met with in the *Park-head*, as the King was

informed. There was no man that he could hear had but received them into his house, but he caused apprehend, and execute the rigour of the law upon them. He caused the Laird of *Blackader* bring in *John Nisbet* of the *Spittel*, and made him to be execute to death, for receiving (as was alledged at least) the Earl of *Angus* into his house.

‘ These many Executions, proceeding from many Reports and Delations given to him, bred great suspicion in his mind; all the woods seemed full of Theeves. Many were put to death for the DOUGLASSES; this was a token that they had many favourers: many were offended by these executions, and so many ill-willers, by being offended. So his suspicion against the Nobility was daily increased; his jealousy grows, cares multiply, his mind is disturbed, which would not suffer him to sleep sound, but troubled his head with dreames and fanfies.’

III. NARRATIVE, from *Bishop Lesley's History of Scotland*.¹

IN this summer was tane THE LADY GLAMMES, sister to the Erle of Angus, and *David Lyoun* hir husband, and brocht to the town of Edinburgh, and wer accusit and convict be ane Assyse for Conspiracie of THE KINGIS deid. And the said lady was brint, and hir husband hangit thairfor.² The LORD GLAMMES, her sone, was convict for knowlege and Conspiracie of the famin, and thairfor forfaitit of his landis, and condampnit to dee. Bot because he wes younge and tendir of aige, THE KING spairit his lyff, and committed him to perpetuall preform; quhair he remainit during THE KINGIS liff tyme, in the Castell of Edinburgh.

Shortlie thairefter, JOHNE MAISTER OF FORBES, and eldest sone to the Lord Forbes, quha had maryit the said *Lady Glammes* sister, was accusit in Edinburgh, and convict be ane Assyse for the like Conspiracie of THE KINGIS deid; and thairfor wes heidit and quarterit at Edinburgh, and his heid and quarteris affixt apoun the Portis. The *Lord Forbes*, his fader, being suspectit thairfor, wes halden in ward in the Castell of Edinburghe; bot he wes thairefter releifit.

IV. NARRATIVE from ‘*The Genealogie of the House of Drummond*.’ Unpublished.³

ANOTHER daughter of GEORGE MASTER OF ANGUS, with Lady Elizabeth Drummond, was Jean Douglas, Lady Glamis, married to John Lord Glamis, called to a by-name, ‘ Cleanse the Cause.’ In the year 1537, she was accused, by suspected witnesses, (if not false,) that she and her sone and some others had gone about to take away King James the Fifth his lyfe by witchcraft; whereupon she was brunt upon the Castle Hill of Edinburgh, with great commiseration of the people, in regard of her noble blood and singular beautie, she being in the prime of her age, and suffering with a masculine courage, all men conceaveing that the King’s hatred to her brothers had brought her to that end.

Her sone John, who was next lord, was also condemned and forfaitit; yet, because he was a minor, reserved in prison untill he should be of age to have his sentence put in execution. Bot after the King’s death, in anno 1542, he was againe restored to his lyfe, estate, and honor, and was father to John Lyon, Lord Glames, Chancellor of Scotland, whose sone was Patrick, the first Earle of Kinghorn, and married to Anna Murray, daughter to John, then Laird of Tullibardine, begot upon Catharine Drummond, daughter to David Lord Drummond; this Patrick, the first Earle, was grandfather to Patrick, now Earle of Strathmore and Kinghorn.

¹ *Bannatyne Club's* Edit. 1830, p. 154. ² These unpardonable errors show strongly how little is to be relied even on the most accurate of our old Historians in matters of this description. A mistake inadvertently made by one was sure to run through all future Histories, without examination.

³ GENEALOGIE OF THE HOUSE OF DRUMMOND, Quarto, 1831, p. 145. Preparing for Private circulation from the *Strathallan MSS.* &c. The Editor is indebted to the learned Gentleman who conducts the publication of this Family History, for the present extract.

The families lineally descended of this Lady Glames, besides Strathmore, are Duke Hamilton, Earle of Caillies, Earle of Morton, Lord Spynie.

V. NARRATIVE from *Calderwood's MS. History of the Church of Scotland.*

JEANE DOUGLASS LADIE GLAMES, and sifter to the Erle of Angus, was indicted and convict be ane Assise, having, with her second husband, *Gillespich Campbell*,¹ her son, ane old Preeft, and *John Lyoun*, her first husband's kinsman, fought to have killed THE KING with Poyson. Howbeit, they dwelt far from Court, and nothing could be extorted from their frinds or fervents, quhich anie wife might serve againest them; yit war they tortured and committed to the Castell of Edinburge.

JEANE DOUGLASS was burnt upon the 5 day after the beheading of THE MASTER OF FORBES. Her death was greatlie lamented be the people, for her nobilitie, her youth, her beautie, her courage at her death, but most of all, because it was judged that hatred against her bannished brother, rather then guiltiness of anie crime committed, had brought her to that end. Her husband, *Gillespich Campbell*, while he pressed to escape out of the Castell be a cord over the wall, the end being short, he brake all his bonds,² and died. His sone, a simple youth, scarce lyable to suspicioune for such a crime, was detained imprisoun during THE KING's life; and after, restored to his patrimonie.

The accuser was one *William Lyoun*, a kinsman. He repented, too late, of the calamitie he had brought upon such a noble Houfe, be his calumnies; and confessed his wicked purpose to THE KING. Bot THE KING relented nothing notwithstanding, either of his rigour, of the punishment, or of the forfaltour of the Lands.

Archibald Douglajs of Killspindie,³ quhen he loved singularlie for his abilitie quhen he was a child, and called him his *Grayfeele*, had come into the countrie secretlie, and fallen doun upon his knees before him, and craved pardoune, quhen THE KING was returning from the Park of Stirlie to the Castell; bot THE KING past by! This gave occatioune to KING HENRIE of England to blame his nephew, and to alledge the commoun saying, 'a KING's face should have grace.' The Earle of Angus sifter-son, *George Hume of Wedderburne*, he committed to warde in Blackneffe, and determined him in award;⁴ till a littell before his death, that he had need of service at FALA RAID, quhen THE KING fett him at libertie, and gave him a white horse of rare speed. Bot for⁵ this present, his wraith against THE DOUGLASSES was implacable.⁶

VI. NOTICE from *Anderson's MS. History of Scotland.*

ABOUT this tyme, the LADIE GLAMES, hir sone *the Lord Glames*, of 16 seiris of aidge, hir husband, *Archibald Campbell of Keipnech*, ane barbour, and a Preift, war accusid for Treffoun, in the Tolbuith of Ed^r. The said *Ladie* was condamet and Brunt.

Schort quhyle eftir, followid aue wther judgment,⁷ in considerationn of the parentadge accusid, the novatie of the cryme, the creweltie of the cryme and executionne, most miserabill. JOANE DOUGLAS, sifter to *the Earle of Angus*, *Johne Lord Glames* wyff, as is in maner forsaid, was accusid that scho, hir husband, and sone was to poyson THE KING, was brunt. Hir husband being Wairdit in the Castell of Ed^r, thinking to brek (Waird) and com away, be ane tow,⁸ the fame was schort: He fell and brak all his banes, and died.⁹

VII. NOTICE from *Sir James Balfour's Annals.*

THIS seire, also, THE LADY GLAMISE, sifter to *the Erle of Angus*, and her husband, *David Lyone*,¹⁰

¹ *Buchanan*, in his History, generally designates Archibald Earl of Argyll, *Gillespich*. ² Bones. ³ See this narrated at length in *Hume's History of the House of Douglas and Angus*. Edin. 1743, ii, 107. ⁴ Fine for his return, &c., for which he had forfeited his Bond. ⁵ Notwithstanding. ⁶ *Calderwood's History of the Church of Scotland*, MS. Adv. Library. ⁷ He precedes this brief notice by an account of Lord Forbes's Treason. ⁸ Rope. ⁹ *Anderson's MS. History of Scotland*, Adv. Library. ¹⁰ *Lesley's* blunder repeated.

wer arrann'd for Treffone againt THE KING's perfone. The Lady was brunt, and her husband was haggitt,¹ and her sone, THE LORD GLAMISE, was forfaulted, bot his lyffe was spared; becausse he, knowing, did not reweill his mother's defeinges, and was sentenced to perpetuall prisone.²

VIII. LETTER from Sir Thomas Clifford to King Henry VIII.³

MR PINKERTON having repeatedly quoted this Letter in his History, as being illustrative of the proceedings against THE MASTER OF FORBES and LADY GLAMMIS, the Editor deemed it proper to procure a Transcript of so valuable a document, proceeding, as it does, from the pen of such an eminent individual as *Sir Thomas Clifford*. Through the polite attention of *Frederic Madden, Esquire, F.A.S.*, the Editor is enabled to lay before the reader all that is applicable to these Cases. Mr Madden remarks, that this interesting Paper 'is a copy by *Sir Thomas* himself, inclosed in a Letter from him to the Lord Privy Seal (*Cromwell*), the latter of which is dated from Berwick Castle, 26th July (1537.) The chief object of his Letter to THE KING is to inform him of THE KING OF SCOTS' secret visit to *Dunbar*, and provision of ordnance there and at other places. In consequence of which, *Sir Thomas* represents the defenceless state of Berwick, and desires aid and means of resistance in case of attack. The only portion of the Letter which refers to the execution of THE MASTER OF FORBES, &c., is the last paragraph.'

'As for vther newes occurrant in Scotland, on Saterday the xiiijth day of this month instaunt, THE MAISTER OF FORBOSE, sone and heir to the Lord Forbofe, was attached of Treason againt THE KINGIS perfon; of such mattir as he at his deth dyd tacke vpone hyme þat he was sackles⁴ off. Howbeit, he was the same day drawin, bedyt, and quartered in Edynburgh.

'And on Tewfday nixt followinge, THE LAYDY GLAMMES, suster to TH' ERLE OF ANGUYSH, was brint in Edynburgh for Treason layd vnto hir charge againt THE KINGIS perfon; as I can perceyue, without any substanciall ground or proyf of mattir.

'Ther is remaynyng in Wayrd,⁵ by THE KINGIS comaundement, THE LORD FORBOSE, William Forbofe, his couffine germayne, the Lord Glammes, the Lord of Wetherburn, Hewe Douglas, Esquier, the Lord⁶ of Whytingham, Petter of Carmyghell, the Lord⁷ Glaybarve, Robert Dowgles, Mr Davy Straywham,⁸ with diuers vther.'

Concealing the Lady Glammiss's treasonable Conspiracy against the King's life, by Poison.

[THE circumstances attending the following Case have already been fully explained in the preceding Trial of JONET LADY GLAMMYS, which renders farther remark unnecessary in this place.

On Jun. 15 preceding, this entry occurs in the Books of Adjournal:—'The quhilk day, DAVID, ERLE OF CRAUFURD, ROBERT DOWGLASE OF LOCHLEVIN, THE LARD OF LAWMOND, and ARCHIBALD CAMPBELL OF SKIPYNCHIE,⁹ ar becumin pleggis and fouerteis, coniunctlie and feueralie, vndir þe pane of *tuenty thousand markis*, þat þe LORD GLAMMYS fall remane in Warde, within þe Castell of Edinbur', and fall nocht eschaip nor eschew furth of þe famyne, quhill he haue þe KINGIS grace Licence, vndir þe said pane.'

The reader is already aware that JOHN *seventh* LORD GLAMMYS, although sentenced to be executed, was merely imprisoned during the life of KING JAMES V. He was, no doubt, but a youth at that time; but it was the jealous policy of THE KING, reckoning on the revengeful spirit of the times, to put it out of the power of this young Lord to be tempted to avenge his mother's cause and his own,

¹ Both *Leslie* and *Balfour* fall into these gross mistakes. ² *Sir James Balfour's Annales*, I, 267. ³ *MSS. Cotton*. British Museum, *Calig. B.* iii, f. 183. ⁴ Innocent; guiltless. ⁵ Ward; prison. ⁶ Laird. ⁷ Laird of Glenbervy. ⁸ Strathachin, or Strauchane. ⁹ The same individual, it is believed, who married LADY GLAMMIS, and who was killed on the rocks of the Castle of Edinburgh, in attempting to effect his escape from ward. This entry confirms the Editor's conjecture as to this person's identity.

either by secret Conspiracy against his life, or by an open appeal to the King's known enemies. Notwithstanding of the public acknowledgment of the young Lord's innocence, his estates were most unjustly annexed to the Crown, by Act of Parliament, Dec. 3, 1540. After the death of KING JAMES V, he brought a formal process of Reduction of his Forfeiture, which was legally rescinded, and his estates and honours were restored by Parliament, Mar. 15, 1542-3.

After his being thus restored, Lord Glammys married *Jonet Keith*, second daughter of Robert Lord Keith, and sister of William *fourth* Earl Marischal; and died anno 1558.]

JUL. 18.—JOHN LORD GLAMMYS, Conuictus de arte et parte proditorie Concelationis et non reuelationis proditorie Imaginationis et Conspirationis distructionis nobilissime persone serenissimi domini nostri REGIS, per venenum pessimum, per dictam quondam Dominam Jonetam, ejus matrem, conspirat. et imaginat., et eidem Johanni often. et demonstrat.: ET pro arte et parte cum dicta quondam Joneta, ejus matre, in dict. criminibus proditionis.

NOMINA ASSISE elect. jurat. et admiss. super prefato Johanne Lyoun, Domino de Glammys, viz.
 Robertus, Dominus Maxwell, Johan. Mailuill de Raith, miles, Hugo, Magister de Eglintoune,
 Hugo, Dominus Somervil, Johan. Hume de Coldenknowis, Johan. Striueling de Kere, miles,
 Will. Magist. de Glencarne, miles, David Berclay de Matheris, Andreas, Dominus Vchiltre,
 Jacobus Gordoun de Lochinver, Gilbertus, Comes de Cassillis, Jacob. Towris de Inuerleith, miles,
 Ninian. Creichtoun de Bellybocht, Georgeus, Dominus Seytoune, Alexander Frafer de Phillorthe.

SENTENTIA FORISFACTURE data aduersus premominatum Johannem, Dominum de Glammys, per dict. sectatorem, prout sequitur in vulgari.

It is fundin be aue condigne Assise, That JOHNE LORD OF GLAMMYS hes committit art and part of þe tressonable conceling and nocht reueling of þe tressonabill Conspirationoune and imaginatione of þe distructionne of oure souerane lordis maist nobill perfoune be poyfoune, ymaginat and conspirat be vni^{le} JONET LADY GLAMMYS, his moder, to quhome he consentit and was art and part with hir pairintill; as at mair lenth is contenit in þe Dittay, &c.—FOR þe quhilk caussis he hes forfaltit to oure souerane lord his life, landis, and gudis, movable and vnmovable, and fall be HANGIT and DRAWN, and demanyt as aue Traytour.

Treasonably concealing the Master of Forbes's Conspiracy to Slay the King.

[IN the preceding Trial of JOHN MASTER OF FORBES, the reader has seen that JOHN STRATHAUCHIN, or STRACHANE, was implicated with him in the same crime. Without recapitulating that case, the Editor merely inserts a short paragraph explanatory of the matter,¹ which, so far as Strachane was concerned, seems tolerably correct.

¹ About the time that this embassy² was dispatch'd, the King was alarmed with many false reports of PLOTS against his life; and some villainous persons took opportunity to work up THE KING'S suspicion to a belief of their horrid contrivance. The first person that was sacrific'd to that villainous re-

¹ *David Scott's Hist.*, Folio, *Westminster*, 1727, p. 344.

² Cardinal Beaton and Maxwell, who were sent Ambassadors to France to conclude a Marriage with Mary of Lorraine.

venge was *John Forbefs* (MASTER OF FORBES), eldest fon to the *Lord Forbefs*, the Chief of that Name; a young man of great courage and good education, but had liv'd a vicious life, and had entertain'd one *Straghan* as a companion in his debauchery. This *Straghan* took opportunity to desire the gift of something from *John Forbefs*, which not being convenient for him to give, he excus'd himself. Upon which, *Straghan* was so offended, that he strove to be reveng'd on him; and knowing the EARL OF HUNTLY to be at variance with JOHN FORBESS, he went to *the Earl* and accus'd him of having for a long time design'd to murder THE KING: And by this means found false evidences to swear to what he alledg'd, that *Mr Forbefs* was resolv'd to assassinate THE KING, so that by his death THE DOWGLASSES might be restor'd to their ancient possessions, titles, and honour. Whereupon *John Forbes* was impeach'd, and by the testimony of those false witnesss, found guilty of death by the laws of Scotland; and was beheaded.

‘THE KING was so much concern'd for this Nobleman's death, that he banish'd *Straghan*, and restor'd the second brother of the *Lord Forbes* to his brother's estate and honour: And, in token of his favour, made him one of his Bed-chamber; and the third brother was, by THE KING's interest, married to a lady of great fortune.’]

Jul. 20.—JOHN STRATHAUCHIN, son and heir apparent of Thomas Strathanchin of Lethinturk, accus'd of being a participator in the Master of Forbes's treason, having become in THE KING's will, the following LETTER, declaring the royal pleasure, was entered on the books of Adjournal, and sentence pronounced accordingly.

‘JAMES, be ye grace of God, King of Scottis. To all and fundry our lieges, and subditis, quham it efferis, (to) quhais knaulege pir our Letteris fall cum, greting: Forfamekill as JOHNE STRATHAUCHIN, sone and apperand are to Thomas Strathanchin of Lethinturkis, is becum in oure will, for arte and parte of ye trefonabill conceling, ymaginacioune and deuising of our destructioun and Slauchter, be vmquhile JOHNE MAISTER OF FORBES, with ane culvering, and vther trefonabill dedis and wordis committit be ye said vmq^{ie} Johne; ffor ye quhilkis he was conuict and justifyt to ye dede for ye famyne. WE, herefore declaring our WILL and vtter mynd anent ye said Johne in ye premisses, be ye tenour hereof, decernis, declaris, and ordaris him to pass and remane in Warde, beyond ye Watter of Dee, in quhat pairtis he pleis, indaring our will: AND gif We, in proper personne, happenis to resort or cum beyond ye said Watter, ye said Johne to hald and outdraw him fra ws be ye space of xij mylis. CHARGEING zow, herefore, all and fundry our liegis and subditis, quham it efferis, that nane of zow tak vpone hand to do or attempt ony thing incontrar violatioune or breking of his our declaratioune of oure mynd and will anent ye said Johne, concerning ye premisses; and to suffer him to joise and brouk peciabilly, and to remane beyond ye said Watter, in Warde, in maner forsaid, during ye space forsaid, aboue writtin, vnder all ye hieft pane, charge, and offence pat ze and ilk ane man¹ commit and irin² agane our Maiesté in pat pairt. SUBSCRUIT with our hand, and vnder our signete, At Halyrudehonse, ye xvij day of July, and of our regne ye xxiiij zere.’

[JAMES R.]

Besetting the way — Hurting and Wounding, &c.

Aug. 8.—MICHAEL ANDIRSOUN, John and Andrew Fortoun, and Walter Balwarde, amerced for not entering themselves to underly the law for art and part of besetting the way to Mr Alexander Spens and Mr John Spens,

¹ Must consequently, thereby.

² Literally, run into, incur.

brothers, the sons of David Spens of Wolmerstoune, on June 28 last; and invading them for their Slaughters, within the burgh of Cowper: And for art and part of Hurting and Wounding them at same time.

Convocation of the Lieges — Invasion — Wounding, &c.

Aug. 8.—DAVID SPENS of Wolmerstoun, Mr Alexander, George, Robert, and Mr John, his sons, Andrew Spens, brother of John S. of Maristoun, Andrew Lindesay, son of William L. of Pyotstoun, Sir Alexander Spens, chaplain, and ten others, found surety¹ to underly the law at the next Justice-aire of Fife for art and part of Convocation of the lieges to a great number, armed in warlike manner, and Befetting the way to George Arthe of Smetoune and his sons,² Invading them for their Slaughter, and cruelly Wounding Nicholas, George, and Sir Walter Arthe, to the great effusion of their blood; committit within the burgh of Cowper, on Jul. 28 last, of forethought felony.³

Mutilation.

Aug. 9.—JOHN CUNYNGHAME of Caprintoune, David Boswell of Auchinleck, George Dowglas of Pennyland, and twenty-six others, found caution to underly the law at the next Justice-aire of Air, for art and part of the Mutilation of John Sampfoune, of the thumb of his right hand, of forethought felony.

Slaughter — Burning of Cumzartoun.

Aug. 11.—MR ROBERT DOUGLAS, brother to the Laird of Bone-Jedburgh, Mr William Ker, Rector of Auld Roxburgh, George Ker of Lintoune, Gilbert Ker, young Laird of Greneheid, Thomas Macdowell of Makcarstoune, and eight others, found caution to underly the law at the next Aire of Roxburgh, for art and part of the cruel Slaughter of William and Andrew Hall.⁴—(Aug. 13.) PERSY HALL and others,⁵ found caution to the same effect, to answer for the crimes formerly imputed to them; and for the Burning of Cumzartoune.

Treason — Intercommuning with the Earl of Angus and other Traitors.

Aug. 16.—ALEXANDER HUME, Convicted of the treasonable Assistance afforded by him to Archibald, formerly Earl of Angus, and George Douglas, his brother, Traitors and Rebels to the King: And specially, at the time of the Burning of Colbrandispethe and Auldhamstokis, the said Traitors being with

¹ David Spens, younger of Wolmerstoun, is one of the cautioners. ² John, George, Sir Walter (chaplain), Thomas, and Allan.

³ Other indictments against several persons followed from the same squabble, unnecessary to be here detailed.

⁴ See Apr. 17, 1537.

⁵ See Ibid.

the English Army : And for Intercommuning with the said Rebels in a treasonable manner : And for Intercommuning with other rebels, not being traitors.—
BEHEADED.

Oppression — Treasonably assisting the Earl of Angus, &c.

Aug. 22.—JOHN MATHESONE, junior, Convicted of art and part of the forethought felony and Oppression done to John Lummidale, dwelling in Clegborne, coming upon him at North Berwik for his Slaughter : AND for art and part of the Oppression done to William Cokburne, coming upon him in the Harbour of North Berwik for his Slaughter, Committed after Christmas last. ITEM, for art and part of the treasonable assistance and Intercommuning with Archibald, sometime Earl of Angus, George Douglas, Little Alexander Jardin, William and Thomas Baty, George Downy, and others their accomplices, Rebels and Traitors, informing them in a treasonable manner of the secrets of the kingdom of Scotland, after the date of his Remission.—BEHEADED.

Concealing the Lady Glammis's Conspiracy against the King — Poisoning the Earl of Rothes, &c.

Aug. 22.—JOHN LYOUNE, senior, in Knokeany.

[THE importance of this and the following Trial, as appendages to those of LADY GLAMMIS, &c. demands that the Editor should extract the entries from the record *literatim*, so that the reader may be in possession of the minutest facts, as they are expressed in the technical phraseology of the period. It is unnecessary to offer any farther observations on these proceedings, which are now for the first time made public.]

LAUD *five* JUDICIUM FORISFACTURE *datum super quondam Johannem Lyoune.*

JOHANNES LYOUNE, senior, in Knokeany, Convictus de arte et parte proditorie concealationis et non revelationis proditorie et abhominabilis Conspirationis et ymaginationis distructionis nobilissime persone Supremi domini nostri REGIS, per (pessimum) venenum, vulgo le *poysone*, ymaginat. et Conspirat. per quondam JONETAM DOMINAM DE GLAMMYS, ejus filium, et eorum complices ac participes ; quibus proditoribus dict. Johannes assistebat, supplementum, fauorem et auxilium prebuit et exhibuit in eorum nequissimis, peruersis, et proditoriis Conspirationibus et ymaginationibus pro distructione dict. ferenissimi domini nostri REGIS, per dict. proditores ymaginat. et conspirat. : Et pro arte et parte cum eis in eisdem. ITEM, pro arte et parte proditorii vsus et intromissionis cum dict. pessimo veneno le *poysone* pro distructione COMITIS DE ROTHES, in proditorio modo, contra Statuta et Acta Parliamenti, penas in eisdem contentas incurren. et deseruier. — PRO quibusquidem criminibus et calumpniis dict. JOHANNES LYOUNE florifecit suam vitam, terras, et possessiones suas qual-

cumque, ac omnia bona sua mobilia et immobilia domino Regi eschaet. ET TRAHITUR et DECOLLATUR.—Et hoc judicium sive laudum redditum et prelatum fuit per os Willelmi Carwod, sectatorem dicte Curie.

Making and selling Poison — Concealing Lady Glamis's Treason.

Aug. 22.—ALEXANDER MAKKE, Convict de arte et parte proditorie confectionis, intromissionis et venditionis veneni, le *poysone*, contra Statuta et Acta Parlamenti, penas in eisdem incurren. : AC etiam pro arte et parte proditorie concealationis et non reuelationis de dict. proditorio veneno, ipso cognoscente ex dicto Johanne Lyoune effectum propter quem ordinatum et emptum fuit : ET pro arte et parte cum dicto Johanne in dictis suis proditoriis actionibus.—PRO quibusquidem criminibus auris dict. Alexandri abscindatur, et erit BANNITUS extra omnes partes Scotie, preter Vicecomitatum de Abirdene ; et ibidem manebit omnibus diebus vite sue ; et quod' exhibit dict. Vicecomitatum, sub pena mortis. ET hoc redditum fuit pro judicio, per dict. sectatorem.

Slaughter.

Aug. 31.—WALTER LYNNE, Convicted of art and part of the cruel Slaughter of Patrick Mowat, committed on forethought felony.—BEHEADED.

Wilful Error on Assise — Imprisonment for year and day, &c.

Oct. 23.—THOMAS LAWRISTOUNE OF THAT ILK, John Ramsay of Halhoulé, Henry Wardlaw of Kilbairtoun, and four others, were tried by a grand jury,² who found that they had ' wilfullie and manifestlie errit, periurit and þame selff manfworne, in purgeing and declaring of JOHN PENNYCUKE OF THAT ILK, Alexander, his bruthir, James Creichtoun, and James Lawfoun, quyte and but crime,³ of þe Mutilatioune of Roger Tuedy in Lyntoun of his tholme⁴ of his right hand, thay being vpone þe Assise of þe saidis personis in ane Court of Justiciarie, haldin in þe tolbuith of Edinburghe, þe ferd day of October, þe 3ear of God I^mV^c. xxxvj 3eris ; and þai seand with þare propir ene þe said Rogeris tholme schewin before þame, for þe vudir part cutit away and mutilat ; and sua, hes manifestlie and Wilfullie erryt. SENTENCE.—And þarfor, all þair movable gudis fall be þe Kingis ESCHETE ; and þai haue incurrit þe NOTE OF INFAMITI : And þair personis to be PRESONIT for ane 3eir and day, and farther, induring þe Kingis Will.

Convocation of the lieges — Stouthreif — Oppression.

Oct. 26.—ANDREW KER in Auld Roxburghe, William Ker in Stok-

¹ Non ? ² ' Per magnam Assisam ;' by ' ane gret Assise.' ³ Acquitted and free from crime. ⁴ Thumb.

struther, and Thomas, his son, with *sixty-five* others, came in the King's will¹ for art and part of Convocation of the lieges, to the number of two hundred persons, armed in warlike manner, with targets,² splentis,³ and other invasive arms, on Aug. 2 last; and for art and part of the Stouthreif and Oppression done to Helen Ruthirfurd of that Ilk, and her poor Tenants, coming to her lands of Hurdhouse and Theifknowis, lying on the marches of her barony, and the lands of Rutherfurd, and Stouthreif from her and her tenants of sixty 'sled-full'⁴ and sixty 'cart-full' of 'hader.'⁵

Besetting the Laird of Auchinamys for his Slaughter.

Nov. 13.—SIR JOHN WALCAR, Chaplain, dilated of art and part of Befetting the way to Thomas Craufurd of Auchinamys, at his Fislhing of Cart, and Invading him for his Slaughter, in company with William Lord Sempill, and his accomplices. He was replegiated by Gawin, Archbishop of Glasgow, to his Regality.

Slaughter of the Lairds of Pardowy, Lettir, and Ballindroicht.

Nov. 15.—COLIN CAMPBELL of Auchinhowye, Convicted of art and part of the cruel Slaughter of Allan Hammiltoun of Pardowy, Robert Striueling of Lettir, and Andrew Striueling of Ballindroicht, committed of forethought felony, in company with Colin Campbell, younger, his son, William Campbell, his servant, John Campbell, his grandson and heir-apparent, John Roger, his servant, and Charles Campbell, his porter.⁶—BEHEADED.

Sedition and Insurrection in the Burgh of Air.

Jan. 19, 1537-8.—JOHN CRAUFURD of Drongane, came in the King's will for art and part of the Sedition and Infurrection made between the neighbours and the Inhabitants of the burgh of Air: And for art of the common Oppression of his neighbours.—William Craufurd, young Laird of Lessnoriis, and John Lokert of Bar, became cautioners to satisfy the King and the parties.

Hamesuckin and Oppression of the Laird of Bargany in Air, &c.

Jan. 19.—ALEXANDER LOKERT, burghes of Air, Convicted of art and part of Convocation of the lieges in great numbers, within the burgh of Air, in

¹ By a marking on the margin of the Record, it appears that Andrew Ker was fined 40 li, William and Thomas in 20 li. each, and the rest in 20 s. each. ² 'Cum *cadurcis*.' It is by no means clear what is signified by this term, which, literally, denotes a *coverlet*; but it is likely to be used figuratively for some kind of shield or targe.

³ Armour for the legs, chiefly used by horsemen.

⁴ Sledges full. ⁵ Heather, heath. ⁶ Hugh Lord Somervill, Robert Bruce of Bynning, and Hugh Montgomery of Hessilheid, were americiated for not passing upon this Assise.

Autumn laft, againft the tenor of the Acts of Parliament : AND for art and part of the Hamefuckin and Oppreffion done to Alexander Kennedy of Bargany, his near neighbour, at the fame time ; coming to his houfe, within the burgh of Air, in warlike manner, with invafive weapons, and throwing ftones at his windows and doors, and breaking and deftroying the fame. AND for art and part of the Sedition and Infurrection made between the neighbours and the Inhabitants of the burgh of Air : AND for common Oppreffion of his neighbours.

Taking captibe, &c. — Ejection from certain lands — Murder.

Feb. 21.—THOMAS CRAUFURD of Auchnames and Archibald Preftonne came in the King's will for the compulfion and taking captive of Sir Thomas Craufurd, Chaplain, againft his will, to the Place of Auchnames, and for detaining him therein in captivity and fubjection, for a certain fpace, ufurping thereby his Majefty's authority.—He alfo came in the King's will, along with Thomas Rowane, for art and part of the unjuft Ejection and outputting of Margaret Lufe (Love), widow, and John Paterfon, her fon, furth of their fet of the lands of Kibbillftoune, within the lordfhip of Auchnames. Hugh Montgomery of Heffilheid, the Mafter of Glencairne, and the Laird of Robertland, became cautioners to fatisfy the King and parties.—THE fame day, THE LAIRD OF AUCHNAMES, James, his brother, along with Preftonne and Rowane, received the King's Refpite for the cruel Slaughter and Murder of John Quhite, committed of forethought felony. Craufurd of Hanyng became furety for the fatisfaction of the parties.

Treasonably affifting James Douglas of Parkheid.

Mar. 21.—JOHN TUEDY, in Lyntoun, convicted of art and part of the treasonable affiftance given to James Douglas, formerly of Parkheid : And for art and part of ' way-putting' him ;¹ he being fufpected of certain crimes of High Treafon, and fugitive for the fame ; of the affiftance, caufing, and counfel of the faid John.—Delivered in Ward to the Captain of Edinburgh Caftle.

*SUPPLICATION by Jonet Pollok, Spoufe of John Tuedy.*²

SOUERANE LORD, vnto your gracious hienes humilie menis and hevelie complais and fchawis I your graces fenuitric JONET POLLOK, fpous of *Johne Tuedy*, in Lintoun, That quhare my fad fpous is hevelie trublit in your graces Ward, in ye Caftell of Edinbur³, for caullis pat he is innocent of, as will God, falbe heireftir clerly vndirftand to your grace ; and he is stratly kepit in prefon, and is daily at gret expenfis, and I haf na erdly gudis to gif him, bot it⁴ I beg at frendis : And laitly, my Lord of Morton lies put me furth of my maling,⁴ pat fuld haf fuffenit my fad fpous and me, and our x (ten) barnis. HEREFOR, I befeke your l. nobill grace to haf royth and pietie⁵ of my fad fpous, and gif command to ye Capitan to kepe him in fré Ward, he fudand ficker fouerté⁶ pat he fall nocht elchaip nor

¹ Effecting his escape. ² Orig. among Warrants of the Court. ³ Excepting what. ⁴ A small piece of ground for which mail or rent is paid. ⁵ Ruth and pity. ⁶ Sure caution or surety.

eschew 3our graces Ward; and I and my ten barnis fall pray dailie for prosperité of 3our nobill grace bath in faule and body, for our listymis. And 3our gracious ansuer huimlie I befeke, for þe reward of God.—(*Indorsed*) APUD ED_R. *primo Augusti, anno* 1^mV^c. xxxvii^o. THE KINGIS grace Ordanis þe Justice-Clerk to ressaue souerte of þis complenar, vndir gret panis;¹ quhilk sovrite being fund, Ordanis þe Capitane to put him to fré Ward within þe Castell.

JAMES R.

WARRANT *from the King to put John Tuedy to liberty, &c.*

REX,

JUSTICE-CLERK, It is our will and we charge 3ou þat incontinent estir þe sicht heirof 3e cause JOHNE TUEDY, now being in Warde within our Castell of Ed^r, be lettin furth of þe famin to liberté; and tak souerté of him as 3e think expedient, þat he fall entir agane befoir our Justice, or his deputis, or within ony Castell of ouris, quhen he beis requirit, vpoun xv dayis warning, vndir certane gret panys; 3e keipand þis for 3our Warrant. SUBSCRUIT with our hand, At Lynlythg^w, þe secound day of Februar, and of our regne þe xxvj 3eir (1538-9).

JAMES R.

Leasing-making punished capitally.

Mar. 26, 1538.—WILLIAM SCOT Convicted of art and part of transgressing and breaking the Act of Parliament against Leasing-makers, for eschewing of discords between THE KING and his faithful BARONS, and lieges; incurring thereby the pains of the said Act.—HANGED.

Murder — Stouthreif.

Apr. 15.—JOHN HENDIRSOUNE Convicted of art and part of the cruel Murder of Hendirfone, coming upon him at Crukstounhauche, on the water of Heremyte, and cruelly Murdering him: And for Stouthreif from him of his cloathes, certain English Nobles,² and his sword.—HANGED.

Stealing wool from live sheep.

Apr. 15.—JOHN CORRY Convicted of art and part of the Theft and concealment of certain wool taken off seven live sheep, under silence of night, within the Place of Wrichtis-Houfis, near Edinburgh.—His EARS CUT OFF, and to be afterwards SCOURGED through the burgh.

Lord Forbes's Treason, &c.

[It is extremely probable that the wretched individual, whose piteous 'Supplicationne' follows, was the person who betrayed JOHN MASTER OF FORBES, and who was, through the influence of *the Earl of Huntley*, the immediate cause of that young Nobleman's execution.

This document, which was found among the mass of loose papers and Warrants belonging to the Court, is so remarkable, that it has been thought proper to preserve it in this place. The reader is referred to the Trial of the Master of Forbes in this Collection.]³

Apr. 26.—MAIST souerane and gracious Prince onder God, MAISTER DAUID STRATHAUCHIN,⁴ huemly menys, quhair I ame allutterly hereit⁵ and

¹ '1^m li.' marked on the Warrant.
I, * 183.

⁴ See Apr. 26, 1536.

² A coin of the value of 6s. 8d. English.

⁵ Ruined; literally, plundered, or 'harried.'

³ Trials,

distroyit in my gudis, throcht my expensis futfastly¹ making' in Ward and lamit in my persoune, be tormenting,² invollwyng my self in det for furnesing of me and tuay fernandis ; suay þat my wyf and x barnes ar hungerit and forfarne,³ and hes tayne apoune credence,⁴ becaus I had nay vperwayis to furnes of my awyne, xxxv li. ; quhairthrocht, and in my defalt of payment þairof, canne get nay mair, bot manne peryse for wanting of lyvyse fuyd,⁵ wythout your gracious hines put remeid heirto : Befeking, in maist lamentabill maner, fen suay is, þat of your greit meir mercy (your) wald suffir me to pass hayme, ondir sic souerteis as pleisif your hienes to tak, þat I may cause onder fowmes of money till enter and onderly your lawis, for ony manner of crymes ; or þanne, because of my greit necessité and pouerté, þat your nobilnes wald put me wyth ony honest persone þat may furnes my expenses for my seruice, onder syclyk souerteis, onder fowmes þat I fall nocht remvf, bot hyde and onderly all chargis þat may be imput to me, as knawis God, quhome to I comitt my haile cause, and to your maist grationse nobilnes to dispone as 3e think cause ; quhome for, fall my daly deuocione and prayer be for prosperité bayth of saule and body.—[INDORSED.] APUD STRIBLING, *xxvij^{to} Aprilis anno Domini I^mV^c.xxxviij.* THE KINGIS grace Ordanis the Capitaine and Keperis of þe Castell of Edinbro', to put MAISTER DAVID STRADAQUHNE, now being in the said Castell, to liberté and fredome, swa þat he may pass to þe burght of Dundé, thare to remaine in Warde, induring his grace will ; fuerte being first funding to þe Justice Clerk, and actitate in þe bukis of Adiurnale, that he sal nocht breik his Ward of þe said burght, vnder the paine of ane thowfsand pundis ; the said Capitaine taking ane tikat⁶ subseruiit with the Justice Clark and the souerteis funding ;⁷ and the Justice Clark keping this charge for his and the said Capitane Warrant.

JAMES R.

Convocation — Wounding — Stouthreif — Oppression.

Oct. 2.—RICHARD LAUDER and twelve others denounced rebels, &c. for not underlying the law for art and part of Convocation of the lieges, to the number of 100 persons, armed in warlike manner : And for art and part of besetting the way to Andrew Cunynghame, sone of Sir William Cunynghame knt. Master of Glencarne : And for cruelly Wounding and Hurting him : And for Stouthreif from him of his sword, 'quhingar,' belt, and purse, and certain money therein : And also, for art and part of his Majesty's authority in taking and detaining James Cunynghame, servant to the said Andrew, and putting him in the Stocks for twenty-four hours in subjection and captivity, he being a free man ; thereby usurping the King's authority, &c.

¹ Truly, really. ² He was put to *the torture*, repeatedly, to extort Confession. ³ Famished, like to perish. ⁴ Credit. ⁵ Necessary food or sustenance. ⁶ Ticket, bond. ⁷ The cautioners found. These were Alexander Stralbauchin of Brigtonne, and Henry Ramsay of Lawis.

Convocation — Spuilzie of Teind-sheaves — Wounding, &c.

Nov. 7.—GEORGE LORD HUME,¹ Stephen Howat, and five others, found caution to underly the law at the next Justice-aire of Berwick, for Convocation of the lieges to the number of *sixty* persons, armed in warlike manner, upon Sep. 10 last, coming upon Thomas Lowry and Robert Lummisdene, and other tenants of Stichell, whilst leading the Teind sheaves of the Abbay of Coldinghame, belonging to them by reason of their Lease, and 'Spuilzie' of the said sheaves; and for Hurting and Wounding the said persons.

Resetting Border Thieves and Rebels — Breaking 'the Band.'

Nov. 7.—WALTER KER OF CESFURD, James Douglas of Caveris, George Ruthirfurd of Hundolé, John R. of Hunthill, and Andrew Ker of Dolphingstone, CONVICTED of art and part of the favor and assistance afforded to Robert Ruthirfurd, George R. called *Cokburne*, and John R. called *Jok of the grene*, and their accomplices, Rebels and at the horn; permitting them to pass within their bounds continually, for divers years past: For not using their utmost diligence to hinder them from committing sundry Slaughters, Stouthreifs, Thefts and Oppressions upon the King's poor lieges; nor ejecting the said Rebels, their wives and children, from their bounds and bailliaries, but knowingly suffering them to pass within their limits, and to remain therein beyond the space of twelve hours, to commit sundry crimes during the time of their passing and reset within the shire wherein they dwell: And for not concurring with their friends, men, tenants, servants and adherents, against the said Rebels, and pursuing and apprehending them, that they might be delivered up to the laws, and put to death: Nor keeping the said Rebels furth of the said limits; thereby breaking, transgressing and violating their Obligation and 'Band' to the King, and incurring the pains contained in the said 'Band.'

Usurping the King's authority — Setting a Murderer free.

Nov. 8.—ALEXANDER FORBES of Brux, and Alexander Forbes of Tolleise, found surety to underly the law at the next Justice-aire of Aberdeen, for art and part of Usurping the King's authority, in taking and detaining John Makanedoy, after the Slaughter of Christian Bowmané Lady of Bruxis, for the space of four days 'red-hand' after commission of said Slaughter: And for disposing of his goods, which belonged as an escheat to the King: And for putting the said John to liberty.

¹ The Earl and twenty others came in the King's will for Hamesucken and Convocation of the lieges to the number of 200 men, taking the Teind-sheaves furth of the barn-yard of James Kirkcaldy of Grange, his Majesty's treasurer, and factor for the Abbacy of Coldinghame, carrying off and destroying seventeen chalders of corn and Teind-bear (barley.)—The Laids of Coldenknowis, Aytounne, and Cranstoune, became surety for them.

Treasonable Intercommuning with the Earl of Angus.

Dec. 16.—ANGUS DINGLAY came in the King's will for art and part of the treasonable assistance, supply, and Intercommuning with Archibald formerly Earl of Angus, his brother, and their accomplices, Rebels and traitors, being at the horn; going with the said Rebels, and Intercommuning with them in Berwick: And for revealing and declaring to them the secrets of the kingdom of Scotland; THE KING being then in France.

Commencement of the Reformation of Religion in Scotland — Heresy — Using Heretical Books, &c.

[THE Criminal Records do not afford us the extent of information which might have been expected upon the important subject of THE REFORMATION OF RELIGION IN SCOTLAND; but from them, and from the Register of the Privy Seal, &c., very interesting notices are to be met with. The reader will find that the Editor has amply availed himself of both of these sources. Referring generally to the well-known and valuable Historical works of *the Reverend Dr M'Crie*, *Keith's* and *Calderwood's* Church Histories, *Knox's* History of the Reformation, &c., for narratives of the persecutions against the early Reformers, the Editor shall merely annex a variety of contemporaneous and early authorities, for the purpose of exhibiting interesting reports of individual cases, in so far as they are illustrative of those proceedings which appear in other parts of this Collection. The labours of *Dr M'Crie*, *Dr Cook*, and others, who have entered into a full discussion of this remarkable portion of the history of our country, have long since met with the unqualified approbation of all who have turned their attention to the study of Church History, whether considered as a separate science, or as intimately connected with the political aspect of these eventful times.

It may be advantageous to prefix to the earliest notice which occurs in the Books of Adjournal, such Papers as have been selected by the Editor for the illustration of this subject; referring the reader more generally to the other materials which follow in the course of this work. This method may perhaps be more practically useful than inserting them among miscellaneous documents in a general Appendix.

Many readers may feel gratified by the following particulars, connected with some of the Narratives which are given in this work.

In 'OBSERVATIONS UPON A HOUSEHOLD BOOK OF KING JAMES V,' by Henry Ellis, Esq.,¹ published in a recent volume of the *Archæologia*, he remarks, 'The presence of THE KING himself at Edinburgh,² at an *auto-da-fé*,' is likewise noticed on the first of March, 1539, '*Accusatio hæreticorum*

¹ *Archæologia*, xxii. 7.

² He returned to Linlithgow on the night of the 2d March. *Ibid.*

et eorum combustio, apud Edinburgh REGE presente. He further informs us, that this happened 'when KELLER and BEVEREGE, two Dominican friars, *Sir Duncan Simson of Stirling*, a priest, *Robert Forrester*, a gentleman of that town, and *Thomas Forest*, Canon regular of St Colms on the Forth, and Vicar of Dolar, in Perthshire, suffered upon the Castle-hill. A short contemporary comment upon this event, occurs in an Original Letter from *the Duke of Norfolk* to *Lord Cromwell*, preserved in the British Museum, dated Berwick, Mar. 29, 1539. Complaining of the bigotry of KING JAMES V, his Grace says, 'Dayly commeth unto me some gentlemen and some Clerks, wiche do flee out of Scotland, as they said, for redyng of Scriptures in Inglilhe, saing, that if they were taken, they sholde be put to execution. I give them gentle words; and to some money. Here is now in this town, (Berwick,) and hath be a good seafon, she that was wife to the late *Capitayne of Donbar*,¹ and dar not retorne for holding our waies, as she saithe. She was in Englonde and sawe QUEENE JANE. She was *Sir Patrick Hamilton's* daughter, and her brother wes brent in Scotlande iij or iiij years past.'

The other numerous instances of persecutions, for 'HERETICAL OPINIONS,' as they were then termed, though interesting in themselves, are already fully detailed by the authors before named, to whose works reference may be made.]

I. NARRATIVE of the proceedings against David Straiton, of the House of Lawriestowne, Mr Norman Gourlay, and others,² Aug. 27, 1534.

IN the month of August (1534) THE BISHOPS, having gotten fitt opportunitie, renewed their battell aganeft Jesus Christ. DAVID STRATILON, a Gentelman of the House of Lawrestowne, and MR NORMAN GOWRLAY, was brought to judgement in the Abby of Halyrudhoufe.³ THE KING him self, all cloathed with reid,⁴ being present, grait painis war taken upon *David Stratoun* to move him to recant and burn his Bill;⁵ bot he, ever⁶ standing to his defence, was in end adjudged to the fire. He alked grace at THE KING.⁷ THE BISHOPS anfwred prouddie, that 'the King's hands war bound, and that he had no grace to give to such as were by law condemned.' So was he, with *Mr Norman*, after dinner, upon the 27 day of August, led to a place beside *the Rude of Greenside*, between Leth and Edinbrug, to the intent that the inhabitants of Fife, seeing the fire, might be striken with terrour and feare.

David Straitoun at the first hated the Preefts onlie for their pride and avarice. *The Bishop of Murray* exacted of him the tenth fish. His anfuere to his servants⁸ was—'If they would have that which his servants had gotten, it war reassoun they should come and reive it quhair they gott the flock.' And, as was constantlie affirmed, he caused his servants cast the tenth fish in the sea againe. Procefs of Cursing was laid aganst him; which, quhen he contemned, he was fummoned to answer for Herefie. He had bein befor verie stuborne, and despised all reading, speriallie of good purpoffes; now, he delighted in nothing bot reading, albeit he could not read him self, and exorted everie man to peace and concord, and to the contempt of the world. He frequented much the companie of *John Arskine, Laird of Dun*,⁹ a man marvlonlie enlightened, in respect of these times. When *the Laird of Lawer-*

¹ See Extract from *Cald. MS.*, Aug. 1534. Dame Katharine Hamilton. ² *Calderswood's Church History*, MS. Adv. Library. See also *M'Crie's Reformation*, I, 353. *Pitscottie*, p. 150. *Knox*, p. 21. *Spotswood*, p. 66.

³ Their accuser was James Hay, Bishop of Ross, Commissioner of Cardinal Beaton. ⁴ The usual Judicial dress in Criminal cases, which is still red. See *Fore's Book of Martyrs*, Fol. Lond. 1596, p. 896. ⁵ The form of recanting. See the close of this article, p. * 211. ⁶ Constantly. ⁷ *Pitscottie* thus relates this proceeding: 'They condemned *David Stratoun* because he would not aljure and burne his faggot, quhilke they war verrie earnest to have done; and THE KING himself procured (pleaded) for his lyff, quhilke the Bischopis grantit, if he would burne his faggat, quhilke the said *David* o nawayes wold doe. Quhairfor *the Vicar* (Dean Forret, see articles II, III, and IV,) and he war both brunt. I know no cans quhy, bot that this *David* wold not pay his teindis thankfullie to his Personne. And also *Mr Norman Galloway* (*Gourlay*) was brunt, becaus he was in the East-land and cam home and married ane wayit, contrair the forme of THE POPE's institutionn, becaus he wes ane Preist, to quhom it was not permitted to marrie; bot if he had had ane thousand whores he had never beine quarrelled!'

⁸ *Fore* attributes this act to Mr Robert Lawsons, Vicar of Eglishrig. ⁹ Afterwards Superintendent of Fife.

stoune, being then a young man, was reading to him upon the New Testament, he chanced to read this sentence of our master, 'he that denieth me befor men, I will denie him in the presence of my ffather and befor his Angels;' at quhich words, as one revived, he sudentlie cast himself upon his kneis, and extended his hands, and looking constantlie with his visage toward pe Heaven a reasonable time, he burst furth at lenth in these words,—'O Lord, I have bein wickied, and justlie may thow abstract thy grace from me; bot Lord, for thy mercies sake, lett me never denie thee nor thy truth, for feare of death or bodilie pain!' The issue declared that his prayer was not powered out in vaine.

Mr Normand was a man of reasonable erudition and knowledge, although it was joynd with weaknefs. He had said thair was no Purgatorie, and that THE POPE was not a Bilhop, but an Anti-Christ, and that he had no jurisdiction in Scotland. *James Hay, Bishop of Rossè*, satt in judgement, as Commissioner to *James Beattone, (Arch)Bishop of Sanct Andrews*. as Mr Fox relateth.

To that diet was summoned others also, of whom some compeared in the Abbay Kirk of Halirud-houfe, abjured and publickly burnt the Bills. Others compeared not, bot fled out of the countrie. *Adame Dayes*, or *Dales*, a shipwright, that dwelt on the North side of the bridge of Leith, was one of the number. *Henrie Carnes*, skipper in Leith, fled out of the countrie to the Eastern Seas. *John Stewart*, indweller in Leith, died in exile. *Mr William Johnstoune*, Advocat, fled out of the countrie; returned in the time of GOVERNOUR HAMMILTOUNE: *Reid, Bishop of Orkney*, bought his houses (being confiscat) with a small soume; so that it was thought great favour that he gott the use of ane chamber; bot after his death he gott no buriall, nather in Church nor Church-yard. *Mr Hendrie Henderfone*, Schooll-master of the Grammer Schoole of Edinbrugh, was after summoned; and in the end, for non compeareing, was condemned as *contumax* and Heretick. He died in England. *Sir William Kirkie*, Preeft, whither he compeared and abjured or fled, we can find no certaintie.

Mr Fox¹ referreth to this time *Sir James Hammiltoune* of Linthgow, Shiriff, and his sister, *Katharine*.² James Hammiltoune was accused as one that maintained the oppinions of *Mr Patrik*, his brother, to whom THE KING gave counsell to depairt and not to compeare; for in case he compeared, he could not help him, because THE BISHOPS had perswaded him the cause of Heresie did nowayes apertaine to him.³ And so *James* fled, was condemned as ane Heritick, his goods and lands confiscat and disposed wnto others. His sister *Katharine* appeared; and being accused of Heresie, to witt, 'that her owne works could not save her,' she granted; and after long reasoning betwene her and *Mr John Spens* the lawyer,⁴ she concludit in this manner, 'Work heir, work there, quhat kinde of working is all this? I know perfectlie that no kinde of workes can save me, bot onlie the works of Christ, my Lord and Saviour!' THE KING, hearing these words, turned him about and laughed, and called her wnto him, and caused her to recant, because she was his aunt. And so she escaped.

A woman of Leith was detected upon this occatioun. Quhan the Midewife, in time of her labour, bid her say, 'Our Ladie help me!' She cried 'Christe help me! Christe helpe me, in whose help I trust!' She was also constrained to recant, and escaped without confiscation of her goods, because she (was) married.

The publick CEREMONIE OF RECENTING in these times, was to beare a faggot of drie sticks, and burne it publickly; to signifie that they war destroying that quhich should have beine the instrument of their death.

II. NARRATIVE of the proceedings against *Friar John Keillor, Dean Thomas Forret, Friar John Beverage, Duncan Simson, and Robert Forrester*.⁵

IN February, the year 1539, or, as others account, the beginning of the year, the 25 of March, 1538, JOHN KILLOR, Blak Frier, DEAN THOMAS FORRET, Vicar of Dolor and Channon Regular, JOHN

¹ *Fore's Martyrs*, p. 895.

² 'The spouse of the Captaine of Dunbar.'—*Fore*.

³ That it did not fall

under his prerogative.

⁴ Mr John Spens of Condy, afterwards King's Advocate.

⁵ *Calderwood's Church*

Hist. MS. Advocates' Library.

BEVERAGE, Blak Frier, and DUNCAN SIMPSON, a Preift at Stirline, a Gentleman, called ROBERT FORRESTER, in Stirline, war summoned be THE CARDINALL (Beaton) and the Bishop of Dumblain. At the day of their appearance, they were condemned to the death, without any place for recantation; because, as was alledged, they were Herefiarchs or Chief Hereticks, and teachers of Herefie; and especially, because many of them were at the briddell and mariage of a Preift who was Vicar of Tillibodie,¹ beside Stirline, and did eat flesh in Lent at the briddell.² They were cruelly Murdered wpon the Cattle hill of Edinburgh, the last of February.³ That crueltie was used be the Cardinal, the Chancelour, the Bishop of Glasgow, and the incestuous Bilhop of Dumblain.

FRIAR KILLOR fet forth the History of Christ's passion in form of a Commedie,⁴ quhich was acted at Stirline in THE KING'S presenee, upon Good Fryday, in the morning; in the quhich all things were so livly expressed, that the very simple people underfood and confessed that as the Preifts and obstinate Pharisies perswaded the people to refuse Christ Jesus, and causit Pilate to condemn him, so did the Bilhops and men, called Religious, blind the people, and perswaded Princes and Judges to persecute such as profess Christ Jesus his blessed Gospell. This plain speaking so inflamed them thairefter, that they thirsted ever for his blood.

THE VICAR OF DOLOR said to his servant, *Andrew Kirkie*, that 'he never heard a more heavenly speech all his lifetime, than out of the mouth of a Frier KILLOR, quhen he was imprisoned in the Castle of Edinburgh;' but *Andrew* could not remember the words. *Buchanan* sayeth that 5 were burnt at that time, 9 recanted, and many fled out of the country, of the quhich number he him self was one. The names of the recaunters we have not set doune in our History; only be report we hear of *Walter Cousland*, merchant in Stirline, and *James Watson*, merchant, who burnt their faggots;⁵ but as for the *Vicar of Dolor*, burnt at this time, we will set doun a fuller Historie of his life and death than hath been yet extant.

DEAN THOMAS FORRET, Vicar of Dolor, preached every Sunday to his parochiners the Epistle or Gospell, as it fell for the time; quhich then was a great novelty in Scotland to see any man preach, except a Black Frier or a Gray Frier; therfor the Friers invyed him, and accused him to the *Bishop of Dunkell*, in whose diocesis he remained, as ane Heretick, and one that shewed the mysteries of the Scriptures to the vulgar people in English, to make the Clergie detestable in the sight of the people. The *Bishop*, moved by the Friers' instigation, called the said *Dean Thomas*, and said to him, 'My joy,⁶ *Dean Thomas*, I love you weill, and therfor I most give yow my counsell how yow shall rule and guid your self.' To quhom *Thomas* said, 'I thank your lordship heartily.' Then the *Bishop* began his counsell on this maner: 'My joy, *Dean Thomas*, I am informed that ye preach the Epistle or Gospell every Sunday to your parochiners, and that yow take not the cow⁷ or upmost cloath from your parocheners, quhich is very prejudiciall to the Churchmen; and therfor, my joy, *Thomas*, I would (you took) your cow and upmost cloath as other Churchmen doeth; or els, it is to much to preach every Sunday, for in so doing ye may make the people think that we should preach likeways! But it is enough for you quhen ye find any good Epistle or any good Gospell, that setteth forth the libertie of the Holy Church, to preach that and let the rest be!' *Thomas* answered, 'My lord, I think that none of my parocheners will complain that I take not the cow nor the uppermost cloath, but will gladly give me the same, together with any other thing they have; and I will give and communicate with them any thing that I have; and so, my lord, we agree right weel, and there's no discord among us. And quhere your lordship sayeth, it is to much to preach every Sunday, indeed I think it is to litle, and also would wish that your lordship did the like!'—'Nay, nay, *Dean Thomas*,' said my lord,

¹ Thomas Cocklaw. ² See *Foze*, p. 1154. ³ *Foze* adds, 'Where they that were first bound to the stake godly and marveilously did comfort them that came behinde.' ⁴ One of the Mysteries or Moralities, which were so popular, among the Clergy as well as the people, during the Holidays. ⁵ Recanted. ⁶ My joe, a familiar expression in use among very intimate friends. See this dialogue in *Foze*, p. 1153. ⁷ 'The mortuarie and the chrisome.' See Note at the end of the next article, p. * 214.

‘let that be, for we are not ordained to preach.’ Then said *Thomas*, ‘Quhere your lordship biddeth me preach quhen I find any good Epistle or a good Gospell, truly, my lord, I have read the New Testament and the Old, and all the Epistles and Gospels, and among them I could never find an evill Epistle or an evill Gospell; but if your lordship will shew me the good Epistle and the good Gospell, and the evill Epistle and the evill Gospell, then I shall preach the good, and omitt the evill!’ Then spake my lord stoutly, and said, ‘I thank God, that I never knew quhat the Old and New Testament was! Therfor, *Dean Thomas*, I will know no thing but my Portuife¹ and my Poutificall!’ Of these words arose a proverb, quich is common in Scotland, ‘Ye are like *the Bishop of Dunkeld*, that knew neither the New nor the Olde lawe!’—‘Go your way,’ said my lord, ‘and let be all these phantasies; for if ye persever in these erroneous opinions, ye will repent quhen ye may not mend it!’ *Thomas* said, ‘I trust my cause be just in the presence of God, and therfor I pass not much quhat do follow thereupon!’ So my lord and he departed at that time. But soon after a summond was directed, as we have heard.

III. MEMOIR of *Dean Thomas Forrett, Vicar of Dolor.*

THOMAS FORRETT, Vicar of Dolor, was a Gentleman of the House of *the Laird of Forrets*, in Fife. His father was Master Stabler to KING JAMES IV. After he had got some beginning in the Rudiments, he went to Culen² and learned his gramer, (and) be the help of a rich lady was sustained ther at schools. After he returned he was made a Channon in SANCT COLME’S INCHE, and was a fervant Papist. Ther fell out a debate betwixt THE ABBOT and *Channons* about their portion due to them: for their maintainance. They got the Books of the foundation that they might understand the better of quhat allowance was due to them every day. *The Abbot* took the book from them, and gave them a Volume of *Augustine’s* to read and study in stead of it. ‘O happie and blessed was that book,’ said he many a time after, quhairby he came to the knowledge of the truth. He converted the younger Channons; but ‘the old bottells,’ he said, ‘would not receive the new wine!’ Therafter he was made *Vicar of Dolor*. He taught his flock the ten Commandments, and shewed them the way of their salvation to be only by the blood of Jesus Christ. He penned a litle Catechise,³ quich he caused a poor child answer him, quhen any faithfull brother came to him, to allure the hearts of the hearers to embrace the truth; quich indeed converted manie in the countrie about. He rose at six in the morning, and studied till twelve; and after dinner till supper, in Summer. In Winter he burnt candle till bed-time. When he visited aney sick person in the Paroch that was poor, he would carie bread and cheefe in his gown-sleeve to the sick person, and give him silver out of his purse, and feed his soul with the bread of life. He was very diligent in reading the Epistle to the Romans, in the Latin tongue, that he might be able to dispute against the adversaries. He would get three chapters perquire⁴ in one day, and at even gave the booke to his fervant *Andrew Kirk* to mark quhair he went wrong in the rehearsing; and then he held up his hands to Heaven, and thanked God that he was not idle that day.

He was diverse times summoned before *the Bishops of Sanct Andrews and Dunkell* to give account of his doctrine; but he gave such reasons and answers that he escaped, till that cruel *Cardinal David Beton* got the upper hand.

Quhen he was brought to the place of Execution *Frier Harbukell*⁵ biddeth him follow him. ‘Say, I beleive in God,’ sayeth the Frier. ‘I beleive in God,’ sayeth he. ‘And in our Lady,’ sayeth the Frier. ‘I beleive as our Ladie beleaveth,’ said he. ‘Say,’ said the Frier, ‘I beleive in God and in our Lady.’—‘Cease,’ said he, ‘tempt me not! I know quhat I should say as well as ye, thankis be to God!’ So he left him, and tempted the rest after the like mauer. In the mean time, while he was saying to the people, ‘I never ministered the Sacrament but I said, as the bread entereth into your

¹ Mass-Book or Breviary.

² Cologne.

³ Catechism.

⁴ Off the book, *par coeur*.

⁵ Arbuckle.

mouth, so shall Christ dwell by lively faith into your hearts!—‘ Away! away!’ said one standing beside, with his jack¹ on him, ‘ we will have no preaching here!’ Another taketh the New Testament out of his bosome, and holdeth it up before the people, and crieth, ‘ Herefie! Herefie!’ Then the people cried, ‘ Burne him! Burne him!’ He cried with a loud voice, first in Latine, then in English, ‘ God be mercifull to me a sinner!’ After that, first in Latine, then in English, ‘ Lord Jesus, receive my spirit!’ After that, as his manner was to end with some Psalms, in his prayer, he began at the 51 Psalm, in Latine, ‘ *Miserere mei, Deus, secundum magnam tuam misericordiam,*’ &c. and so continued till they pulled the stool from under his feet, and so wirried² him; and after burnt him.

This information *Mr John Davison* received from his servant *Andrew Kirkie*, by a Letter, quhich he translated in Latine in his Catalogue of the Scottish Martyrs. He addeth farther, that quhen the PARDONERS would come to his Kirk, to offer pardon for money, he would say, ‘ Parochoners, I am bound to speak the truth unto yow! That is but to deceave yow. There is no pardone for our sins that can come to us either from *Pope* or any other, but only be the blood of Christ.

Quhen *the Abbot of Sanct Colme’s Inche* would say to him, ‘ Will ye say as they say, and keep your mind to your self, and save your self?’—‘ I thank your lordship,’ said *the Vicar*, ‘ ye are a freand to my body, but not to my soul! Befor I deny a word that I have spoken, ye shall see this body of mine blow away first with the wind, in ashes!’

When on of the number was wirried and burnt before him, he said, when it was told him, ‘ Yea, he was ane wyllly fellow, he knew there were many hungry folks coming after him, and he went befor to cause make readie the supper!’ Thus ended this faithfull servant of God, invyed be the Clergie for his good life, diligent preaching of the word, and sparing the cow and uppermoist cloath, that is the mortuarie and the chrisome.³

IV. DEANE THOMAS FORRET,⁴ *Vicare of Dollour, brunt in Edinburghe.*⁵

A lytle before this tyme one Deane Thomas Forret, Channon Regular and Vicar of Dollour, by fyde Striveling, a verie vprycht man and one of good lyfe and converfation, efter a moneth or two of imprifonment, was brought furth and accused afore the Prelatis and Churchmen in Edenbrughe for sum poyntes of Heresies, (as they thocht in those dayes,) whereof the heads were read and proponed by *Mr Johne Lawder*, the accuser, as follows. *The Accuser.* Fals Heretick! Thow sayes it is not

¹ The *jack*, Fr. *jaque*, was a kind of short coat of mail. ² Strangled him, at the stake. ³ In order that the reader may be fully aware of this shocking exaction of the Roman Catholic Priests, as then practised in the case of THE CORPSE-PRESENT, the Editor cannot do better than give *Dr M’Crie’s* lucid explanation. ‘ The beds of the dying were besieged, and their last moments disturbed, by avaricious Priests, who laboured to extort bequests to themselves or the Church. Not satisfied with exacting tithes from the living, a demand was made upon the dead. No sooner had a poor husbandman breathed his last than the rapacious Vicar visited the family.’—‘ The *corpse-present* was demanded by the Vicar, and seems to have been distinct from the ordinary dues exacted for the interment of the body and deliverance of the soul from Purgatory. This perquisite consisted in country parishes of the *best cow* which belonged to the deceased, and the *uppermost cloth* or covering of his bed, or the finest of his body-clothes. The “corp-present kow” answers to “the hereyeld horse,” which was paid to the landlord (superior) on the death of his tenant.’—*Life of John Knox*, i, 23, 349.

‘ And als the Vicar, as I trow, He will not fail to tak ane kow
And upmaist claith, thocht babis them ban, From ane purie selie husbandman;
Quhen that he lyes for til de, Having small bairnis twa or thré,
And hes thre ky withouten mo, The Vicar must have ane of tho,
With the gray cloke that happis the bed, Howbeit that he be purelye cled:
And gif the wyfe de on the morne, Thocht all the babis suld be forlorne,
The uther kow he elickis away, With hir pure cote of roploch gray:
And gif within twa dayis or thré, The eldest chyld happis to de,
Of the third kow he will be sure. Quhen he hes all then under his cure,
And father and mother baith ar deid, Beg mon the babis, without remeid.’

Chalmers’s Sir D. Lyndsay’s Works, iii, 105.

⁴ After this was prepared, the Editor observes that *Pitcottic* has the same interesting account of *Dean Forret’s* Trial, almost in the same words, p. 353, &c.

⁵ *Anderson’s History of Scotland*, MS. Adv. Library.

lesum to Kirkmen to tak pair Teyndes, and offringes, and corse presentis,¹ thocht we hawe bein in vfe of them constitute be þe Kirk and King, and allso our Holy Father þe Pape hes confermed þe same? *Deane Thomas Foret.* Brother, I said not so; but I said it was not lesum to Kirkmen to spend þe patrimonie of þe Kirk as they doe, as on whoores, ryotous feasting, and on faire wemen, and at playing at cairdis and at dyce; and nather þe Kirk weill menteaned, nor þe people instructed in God's Word, nether þe Sacrements dewlie ministred vnto them, as Chryft commanded.—*The Accuser.* Dar thow deny þat whilk is oppinlie knowen in the countrey! That thow gave againe to thy parochinaris þe cow and þe vpmast cloathes,² saying, thow haid no ryecht to them?—*Deane Thomas.* I gave them againe to them þat haid more³ need of them than I.—*The Accuser.* Thow fals Heretick! Thow learned all thy parochiners to say þe Pater noster, þe Creed, and þe ten Commandements in Englifch, which is contrare to all acts⁴ þat thay fould know which we say.—*Deane Thomas.* Brother, my people are so roode and ignorant⁵ they vnderstand no Latine, so þat my conscience moved me to pitie there ignorance, whilk provoaked me learne them þe wordis of there salvation in Englifch; that is, the Ten Commandements, whilk are þe law of God, whereby they mycht observe þe same. I teached them the Beleeff, whereby they mycht know there faith in God, and Jesus Chryft his sone, and (of)⁶ his death and resurrection (for thame). Mairover I teached (and learned thame) the Lords owen prayer⁷ in þe mother tongue, to þe effect þat they fould know to whome they fould pray, and in whose name they fould pray, and what they fould ask and desyre in prayer, whilk I beleefe to be þe paterne of all prayer.—*The Accuser* said, Why did thow that? By our actis and ordinaunces of our Holy Father þe Pape?—*Deane Thomas* answered, I follow the acts of our Maister and Saviour Jesus Chryft, and of þe Apostle Paule, who sayeth in his doctrine to þe Corinthians,⁸ that he haid rather speak fyve words to þe vnderstanding and edefeing of his people, then ten thousand in a strainge tongue whilk they vnderstand not.—*The Accuser* said, Where finds thow that?—*Deane Thomas* answered, in my book heir in my fleife.

Then þe *Accuser* start with a bend⁹ to þe Vicare, and pulled þe book out of his hand (fleife), holding (it) vp to þe people, saying with a lowd voyce, behold, Sirs, he hes the booke (of Herefie) in his fleife, þat makis all þe din and play in our Kirk! Brother, said þe *Vicare*, God forgive yow! Ye could say better, if ye pleased, nor¹⁰ to call the book of þe Evangell of Jesus Chryft the booke of Herefie! I assure yow, deare brother, þat thair is nothing in this buke but þe lyfe, Latter Will and Testament of our Maister and Saviour Jesus Chryft, penned by þe four Evangelists, for our wholsom instruction and confort.—*Accuser.* Knowes thow not, Heretick, þat it is contrare to our acts and expresse commands, to have a New Testament or Byble in Englifche, (quhilk is enough to burne thé for)? Then the counfall of the Clargie gave sentence on him to be Brunt, for the vseing of the same buik, the New Testament in Inglis.

For these, and þe lyke sentences, was he taken to þe Castell Hill in Edenburgh and most vmerciullie BRUNT.

V. NARRATIVE of the Proceedings against Hieronymus (Jerome) Russell and Ninian Kennedy.

AFTER that this crueltie was used in Edinburgh upon the Castle hill, the rest of the *Bishops* behoved to shew them selves no less fervent to suppress the light than did the *Cardinal*. Ther wer two apprehended in the diocie of Glasgou, HIERONYMUS RUSSELL, a Gray Frier, a young man of a meek nature, quick sprit, and good understanding, and one (NINIAN) KENEDIE, quho had not past the eighteenth year of his age; a man of good witt, and excelling in Scotith Poetrie.¹¹ *Mr John Lauder,*

¹ See Note to the preceding article. ² See the above-mentioned Note. ³ 'More mister nor I had.' *Pitscottie.* ⁴ *Pitscottie's* reading is better, 'oure actis, that thay sould know what they say.' ⁵ 'Barbarous,' *Pits.* ⁶ This word and the following are in *Pitscottie's* version. ⁷ 'The Dominicall Oratioune.' *Pits.* ⁸ 1 Cor. chap. xiv. v. 19. ⁹ Bound, spring. ¹⁰ Than. ¹¹ *Knor*, p. 22, says he was 'of excellent ingyne for Scottische Poetry.' See also *Spotswood*, 67. *Keith*, 9.

Mr Andrew Oliphant, and *Frier Mertman*, were sent to assist *the Bishop of Glasgow*, at least to stir him up to dip his hands in the blood of God's servants. N. KENNEDIE, at the first, was faint, and wuld gladly have recanted; but quhen space was denyed to him, the Spirit of all comfort began to work on him, the inward comfort began to burst forth, als weel in visage as in tongue and word; for his countenance began to be cheerfull, and with a joyful heart and loud voice he uttered thir words upon his knees. 'O Eternall God, how wonderfull is thy love and mercie quhich thou beareth unto mankind, and unto me the most miserabill wretch and captive¹ above all others; for even now, quhen I would have denyed thee and thy Son, our Lord Jhesus Christ, and so have cast my self into everlasting damnation, thou, by thy own hand, hath pulled me out from the very bottom of Hell, and made me to feel that heavenly comfort, quhich taketh from me that ungodly fear quhairwith before I was oppressed. Now I desire death: Do quhat yow please: I praise my God I am readie!'

These Godles tyrants, the servants of Satan, railed upon godly and learned HIERONYMUS. He answered, 'this is your hour and pour² of Darknes! Now sit ye as Judges, and we stand wrongfully accused, and more wrongfully to be condemned; but the day shall come quhen our innocence shall appear, and ye shall see your own blindness to your everlasting confusion. Go forward and fill the measure of your iniquitie!'

While the servants of God thus behaved themselves, a variance ariseth betwixt *the Bishop* and the beasts quhich came from *the Cardinal*. *The Bishop* said, 'I think it better to spare these men than to put them to death.' The dotting³ Doctors said, 'Quhat will ye do, my lord? Will ye condemn all that my Lord *Cardinal*, other *Bishops*, and we have done? If so, ye do shew your self enemy to the Church and us, and so we will repute you, be ye assured!' The faithless man, affrayed, adjudged the innocents to die, according to the desire of the wicked.

The meek and gentle JEROME RUSSELL comforted the other with many comfortable sentences; oft saying unto him, 'Brother, fear not! More mightie is he that is in us, than he that is in the world! The pain quhich we shall suffer is short, and shall be light; but our joy and consolation shall never have an end; therfor let us strive to enter in by that same strait way quhairby our master and Saviour hath entered in before us. Death cannot destroy us, for it is destroyed already by him for quhose sake we suffer! With these, and the like comfortable sentences, they passed to the place of Execution, and triumphed over death and Satan.

Thus did these cruell beasts intend nothing but Murder throughout all the quarters of this realme, so far had that blinded and vitious man, THE PRINCE—most vitious, I say, for he nether spared man, wife, nor maid, after his marriage, more than he did befor; and had given himself to obey the cruell appetite of these bloody beasts—that he had made a solem vow, that none should be spared that was suspected of Heresie, though he wer his own son!

Using Books suspected to be Heretical.

JAN. 10, 1538-9.—ROBERT FORESTARE, brother to Thomas F. of Arngibboune,⁴ William F., son to John F., burges of Stirling,⁵ Walter Cosland,⁶ David Grahame,⁷ and James Watfoune,⁸ found surety (Alex. F. of Killennuke, the Laird of Arngibboune, and Robert, his heir apparent, John Cragyngelt of that ilk, John F. and Arch. Spittell, burges of Stirling,) to underly the law 'for breking of his hienes Proclamaciones, in haifing and vsing of sic BUKES as ar suspect of HERESY, and ar defendit (prohibited) be THE KIRK.'

¹ Caitiff. ² Power. ³ Doating. ⁴ Caution, 1000 merks. See the Notice prefixed to these Narratives. That which refers to Robert Forester is on p. * 210. Reference may also be made to *Dr M. Crie's* works, &c. ⁵ 500 merks. ⁶ 500 merks. ⁷ 300 merks. ⁸ 300 merks.

Messengers-at-arms deprived for ignorance, &c.

[THE oppressions and irregularities committed by Notaries and Messengers-at-Arms, during the reign of King James V, were frequently visited with the most exemplary punishment, and in most of these cases, they were accompanied by deprivation of office. Frequent instances of this have already been given in this Collection, but the Editor cannot refrain from introducing in this place, a piteous ‘Supplication,’¹ by one of them, to the Lords of Privy Council, as an example of the lamentable straits to which some of these unlucky functionaries must have been reduced, pending the necessary enquiries into their conduct.—‘MY LORDIS OF COUNSALE, vnto 5our lordschepis huimlie menis and sehewis I 5our feruitour, PATRIK DUNCANSONE,² notar publict, That qubare 5our l. ordanit me to produce befor 5ou my prothogoll buke,³ quhilk I did; and senfyne,⁴ at 5our command, I haue remanit in pis toun, and hes fallin in hevy infirmitie, and my expensis failzeit; and, as I traift, my gudis at hame wafted and sperpalit,⁵ throu my absence, becaufe I departit fa schortlie to pir pairtis, and left nane to ouerluke pe famin: And albeit I haue happynnit reklefely to vary in pe daif of my Instrumēt, pe effect pairof is of verité; and (I) nenir committit sic negligence of befor, bot (am) repute and hakdin in all pe cuntré qubare I duell, ane trew and autentice⁶ manne. QUHAREFOR I befeke 5our l. that, for pe confideratioun foifaidis, 5e will deliuer me my said Prothogoll, and licent me to pafs hame, sen my expensis is failzeit, and myself feiklie and evill disposit. And 5our anfuēr huimlie I befeke.—[INDORSED.] APUD EDINBURGH, *tercio Decembris, anno Im. V^o. xxxvij.* THE LORDIS Ordanis pis complenare to comper befor pe Justice Clerk or his deputis and fynd fouertie, pat he fall comper befor our souerane lordis Justice or his deputis, and vndirly pe law for all sic crymes as salbe imput to him, pe thrid day of pe nixt Justice-aire of pe schire, or souner, vpoune xv dais warnyng, vndir pe pane of ane hundrethe pundis; and pe fouertie beand fundin,⁷ pe Lordis ar contentit pat he depairt hame as he pleife.’]

Feb. 26, 1538-9.—JOHN GAIRLEY and fifteen other Messengers-at-Arms Convicted of common Oppression of the lieges, in the false and unjust exercise of their office—frustrating them in their just actions, through their ignorance.

THOMAS THOMSOUNE and sixtene others were likewise deprived of their offices for the same cause.

Heresy — Keeping and Using Prohibited Books.

Feb. 28.—MARTYNE BALKESKY⁸ found caution to appear and underly the law on Mar. 7 next, ‘for breking our souerane lordis Proclamatioun, in vsing and haifing of sic bukis as ar defendit (*prohibited*) be pe said Proclamatioun, vndir pe pane of ane thousand pundis.’—Mar. 7. He came in the King’s will, and found Sir John Campbell of Calder, kn^t, Arch^d Williamfoune, burges of Edinburgh, and Robert Hoppringell, burges of Peebles, as his cautioners, under the ‘pane of ij^m li., that he fall abide and fulfill YE KINGIS grace plefour and will.’

¹ From the Original preserved among the Warrants of Court. ² Or Robertson. ³ *Protocol*—an official Register, into which each Notary was bound to insert an exact copy of each Instrument drawn up by him. Any violation of this book (which bore faith in judgment) was deservedly punished with severity; indeed, the offence was considered as an act of Perjury. ⁴ Since that time.

⁵ Dilapidated, scattered. O. Fr. *Esparpillé*. Lat. *Spargere*. ⁶ *Tenty*; careful. ⁷ Walter Ogilvie of Boyne became cautioner for him. ⁸ See Remission, &c. in Appendix to this reign.

SUPPLICATION of *Martyne Balkefky* to the Lords of Privy Council.¹

MY LORDIS of Counsaile, vnto your l. huimlie menis and schewis I, your feruitour, MARTYNE BALKESKY, burges of Edinburgh, That quhare I wes laitlie put in strait Ward within þe Castell of Edinburgh, for quhat falt or cause I knaw nocht; bot allanerlie,² because I refusit to deliuer my MATYNEBUKE to þe *Officiall of Louthiane*, at his first command; howbeit, in þat instant tyme, but³ ony delay, I offerit þe samin to him: Quhareupon I merit⁴ me to þe KINGIS grace, and his lienes referrit þe said mater to *my Lord Coaljutour of Sanctandrois*, and declarit his mynd þairintill to him, to be determinit be your l., conforme to iustice. HEREFOR, I beseke your l. to haue consideratioune (of) me; and sen I wes never reput ane gret trespassour, that ȝe will ordand me to be lattin to fredome; and þaireftir, I fall find sufficient cautioune and fouerté, in presenee of your l., to enter befor quhatsumeir JUGE, spirituale or temporall, at ony terme or diet, sic as ȝe pleise to set and anfuere, for ony maner of falt þat may be impute to me, anent þe denying of my buke to þe said Officiall. And your anfuere huimlie I beseke.—[Indorfed.] APUD EDINBURGHE, *xvj Decembris, anno I^m. V^c. xxxviij.* THE LORDIS Ordanis þis complenare te fynd sufficient cautioune to þe JUSTICE CLERK, þat he fall compeire befor our fouerane lordis Justice or his deputis, quhen and quhare he falbe chargit, to vndirle þe law for breking of þe Kingis grace Proclamatioune, anent þame vfind bukis dischargeit be þe said Proclamatioune, vndir þe pane of I^m. ti. And þe said securitie and cautioune beand fundin, THE LORDIS Ordanis him to be relaxt furth of Ward, and put to fredome.

Slaughter.

Mar. 17.—FERGUS MAKDOWELL of Freuche produced a Respite from the King for art and part of the cruel Slaughter of John Makculloche, in Mochrame, of forethought felony.—Gilbert, Earl of Cassillis, became surety to satisfy the parties.

Oppression — Hamesuckin — Cattle-stealing — Stouthreif, &c.

ALEXANDER MAKCULLOCHE of Cardenes, John M'cuffe, William Makskalye, Gilbert M'culloche, and . . . Gilchrist, came in the King's Will for art and part of the forethought felony and Oppression done to Archibald Carnis and Henry his son, coming upon them with great Convocation of the lieges, armed in Warlike manner, within the Sanctuary of the Parish Church of Anvethe, and cruelly Hurting and Wounding the said Henry, to the effusion of his blood; committed upon Jan. 12 last. *Item*, for art and part of the Stouthreif and abstraction from Gilbert Regall, furth of his set of the lands of Drummuklok and barn thereof, 100 bolls of horse-corn, and 20 bolls of oats; committed within the last three years past.—Delivered in WARD to the Captain of Ed^r. Castle.

The said Alexander also became in will for Stouthreif from James Makane of sixty sheep, five cows, and one mare, furth of Ardwell: *Item*, from Thomas Makmore of a black horse and a mare, furth of Kirknabrek: *Item*, from Sir Adam Snerles, Chaplain, of seven head of cattle, furth of Camray: *Item*, for forethought

¹ This Supplication had previously been presented, and deliverance passed thereon, on Dec. 16, 1538. Reference may also be had to the Notice and Papers relative to the rigorous proceedings adopted against the early Reformers, I, * 209, &c. ² Alone, only. ³ Without. ⁴ Com-
plained.

felony, Oppreffion, and Hamefuckin, done to John Makculloche, on his lands of Auchinlare : *Item*, for Stouthreif from him of eight oxen and a cow, from various of his lands : *Item*, from Gilbert Ker, of a horfe : *Item*, for Oppreffion of the faid John Makculloche, deftroying a plough, and Wounding his fervants, &c. &c. *And* for common Oppreffion of the lieges.—James Kennedy of Blarequhan, and William M'clellane, Tutor of Bundby (Bomby), became fureties for his fatisfying the parties, according to law.

Willfull Error on Affise.

ALEXANDER STEWART of Garulefe (Garlies), John Murray of Broch-toun, the Lairds of Garthland, Miretoun, Murdoch, Blairquhan, Roffie-Bonar, the Tutor of Bondby, and others of lefs note, found caution to underly the law at the next Justice-aire of the fhires where they refided, for Manifest and Voluntary Error on Affise, declaring *Alexander M'Culloche of Cardernefs* and his accomplices innocent and acquitted of art and part of the Mutilation of Henry Carnis, of forethought felony : *And* for declaring *Fergus M'cdowell of French* and his accomplices innocent and acquitted of the Murder of Andrew Schankis, and fundry other crimes of Oppreffion.

Stouthreif and Housebreaking, in time of Plague, in Perth, &c.

Apr. 21, 1539.—GILBERT BLAIR, brother of Alexander Blair, burges of Perth, Constantine Ferguffoune, Sir John Luivell, chaplain, Sir Henry Eldare, and Sir William Daidfoun, found caution to underly the law at the next Justice-aire of Perth, for forethought felony and Hamefuckin done to the Keepers of the Gates of Perth, in time of the plague, coming upon them under filence of night, on Oct. 24 laft, ftriking and Hurting them in peril of their lives : *And* for breaking into and plundering feveral houfes and chambers, by way of Theft and Stouthreif.

Slaughter.

May 22.—WILLIAM JAMESOUN, called *Wantoun Will*, Convicted of art and part of the Slaughter of John Forbes, coming upon him at Prefstoun-panny, and flaying him with a ftone.—BEHEADED.

Slaughter of the Laird of Turnberry.

[THE following Case affords an illustration of the expediency of having the whole of the Warrants and loose papers belonging to the High Court of Jufticiary carefully examiued, arranged, and bound up for future confultation. The great mass of fuch documents entirely precludes the poffibility of the Editor, or any other private individual, confulting them. They have, apparently, for more than a century, been put into bundles, without the fmalleft reference to date or fubject; and it would certainly require many months to reduce them to order. It feems obvious, that among thefe Papers many documents muft exift, highly illuflrative of the Criminal proceedings which took place for a great

period of time, and might even throw light upon many obscure points connected with the History of Scotland. A number of ROYAL LETTERS and WARRANTS, bearing the sign-manual of King James V, have already been found, which, it may be remarked, are seldom engrossed in the Record; for, doubtless, the Clerks of Juticiary could, at the time they were granted, easily refer to them when required. In the present instance, the original scroll of the 'Dittay,' the 'Supplication,' and King's Letter had been left in the Volume, and they have accidentally survived the changes and chances of nearly three centuries. They are given here as a specimen of the information which we might have expected in every Trial, had these Records been always valued as they now are.

In many Cases of the greatest importance we may still expect considerable light to be reflected from these documents, when properly arranged.]

May 23.—JAMES REID Convicted of art and part of the cruel Slaughter of John Reid of Trumberry, coming upon him and flaying him of forethought felony.—BEHEADED.¹

DITTAY.—JAMES REID, 3E ar indict and accenfit for art and pairt of þe felonne and cruell SLAUCHTER of vmq^{le} John Reid of Trumberry, cumand vpone him in his avin landis of Darndougall, in company with 3our fader Johne Reid, and 3our complices, to þe nowmer of ix perfonis, one þe xxiiij day of Aprile laft bipaft; and cruellie flew þe faid vmq^{le} Johne, apoun auld feid and forthocht felony, and be way of Hamefuckine: þat 3e comitit þe faid Slauchtir vpon prouifoune and foirthocht felony, 3e being at þe Wappin-fchawing in Are, quhen all 3our nychtbouris left þair jakkis behind þaim, 3e faid 3e wald nocht leif 3our jak behind 3ou, for 3e wald hane ado with 3our jak and wappinnis at hame: þat 3e comitit þe faid recent Slauchter vpoun auld feid and foirthocht felony, 3e þe faid James and 3our faidis complices, at Whitfunday laft bipaft, fett vpone þe faid vmq^{le} Johne, at þe Leyn-heid of þe Schaw, for his slauchter; and quhen he efchaipit fra 3ou, and quhen þair was ane concord and way dewifit to be had betuix 3ou, 3e faid 'þair fuld be may'² betuix 3ou, quhill³ ane of 3our skynniss wes cutit.' ITEM, one þe Sounday before þe committing of þe faid Slachter, 3our fader cumand fra þe Kirk of Machlyne faid to Johne Vdart, þat he could get na way drefsit betuix him and þe faid vmq^{le} Johne, for þe heicht of his fonnis: And þairefter 3e and 3our faid complices lay continewlie on þe Mofs of Darndougall, awaitand þe faid Johne for his slauchter, fra þe Monunday quhill Furifday,⁴ þat 3e flew him: And on þe day befoir, 3e flew his ferwandis doggis þat fkeyit⁵ 3ou quhare 3e lay: And quhen 3e faw him cumand, 3e, þe faid James, and 3our bruper, ranne befoir 3our fader and flew him; and 3e war hurt and woundit in þe meyntyne, and had fled with þe remanent, war nocht 3e war hurt, and paffit to ane bauk,⁶ and was fundin be James Logane, Sheref-depute of Are.

¹ This is the entire entry in the Record.

² For *mair*, more.

³ Until.

⁴ From

Monday to Thursday.

⁵ *Descried*, detected.

⁶ *Balk*, which generally denotes a reserved ridge, or stripe of grass between tilled lands, such as are very common to this day in many parts of England, where each alternate ridge is left in pasture.

LETTER *by King James V. to the Justice, &c.*

REX,

JUSTICE, Thefauret, and Justice Clerk, Ve greit 5ow weill. Forfaymekill as it is hwmely menit to vs be our lout JAMES RAID in Helar, that quhair pair ves ane Slauchter committit in his defens, and becaufe our Scheref of Air-principale is frend to pe manne pat is flayne, he hes fend hymme to be justefeit by 5ow, and hes summond an Affise of pe contré quhair pe allegit cryme ves committit, bot tendis¹ to tak certane priuat particular perfones pat var takkaris and conwoyaris of hymme to 5ow to be on his Affise, and so to put hymme to deid, he beyng innocent, be ane suspect Affise. OUR VILL is heirfor, and ve charg 5ow, gif it be as is befoir reherfüt, pat 5e superfeid for xx or xxx dayis, quhill² ane infuispect Affise may be gottin; and keip hymme in firmans; or put hinme vnder grit fouerteis in pe meyne tyme. And pis 5e failt nocht to dow, kepanð pis for 5our warrand. Subferuiut with our hand, at SANCT ANDROIS, pe xij day of Maii, and of our regnne pe xxvj 5eir. JAMES R.

SUPPLICATION *by James Reid to the Justice, &c.*

MY LORD JUSTICE, Justice Clerk, and 5oure Deputis, vnto 5oure l. huimlie menis³ and sehewis I 5our seruitour *James Reid*, sone to Williame Reid in Clare: That quhare, laitle, I wes gangand vpoune my said faderis maling⁴ of Clare, perteing to MY LORD OF MELROS, liand in pe lordschip of Kilismure, within pe scherefdom of Air, vefyand⁵ pe famen, and my said faderis gudis⁶ gangand pairon, traifing na troubell of ony perfonis, bot to have leuit vnder Goddis peax and pe Kingis: Neuirtheles, Johnne Reid in Cogertoune, his wife, sonnys, and complices, to pe nowmer of ten perfonis, bodin in feir of weir, come iij mylis fra pair avne houffis, vponne auld feid and forthoet felony, and be way of Hamesfukkin inuaidit and perfewit me and my said fader and his seruandis for his slauchter, and chaceit him and his catale and ws of⁷ his said maling: And in pe chaceing of ws pa hurt me in my bak: And quhenne we turnit agane to defend ws, pe said Johnne, in his awin defalt, and oure pure defence, happynit to get ane straik, my vnwitting; throw pe quhilk he is deid, and my inemeis and vnfrendis of verray malice allegeis pat I haue pe wyte⁸ pairrof, quhilk is nocht of verité, hes callit me pairfore before your l. to put me to cummyr⁹ and troubill, without ony lauchfull or reffonabill caus. HEIRFORE I befeke your l., for Goddis sake, of remeid.¹⁰ And seu¹¹ I am ane pouer child,¹² innocent of pe said crime, and hes na manne to do for me, bot God and 5our l., and knavis nocht pe personis patt fuld be vpoune my Affise, that 5e avise wele quhame¹³ 5e put paironne; and caus þame, be pair grete aithis, declare gif þai be kin frendis or allia to my party or his frendis, and hes gevin þame partial counsale in my contrare; and do me justice, and cauffe ane man of Law speik for me, as 5e will haue thank reward and merit of God, and of 5our awin faulis pairfore. AND 5our anfuere huimlie I befeke.¹⁴

Convoying and Supplying of Friar William Kelour.¹⁵

REX,

JUSTICE CLERK, 5e fall deliuer pe *tua menne of Abirdene*, 5e ane callit JAME ANDERSOUNE, and pe vder JOHNE MWDY, furthe of our Ward,¹⁶ quhilkis war put in pe samyne, for convoying and suppleing of FREIR WILLIAME KELOUR; pe saidis perfonis fyndand 5ow sufficient cautioune till entir

¹ Intends, means.² Until.³ Complains.⁴ 'Mailling,' a small farm held on payment of certain

mails or rent.

⁵ Inspecting.⁶ Live stock.⁷ Off.⁸ Blame.⁹ Difficulties. E. *Cumber.*¹⁰ For remedy or redress.¹¹ Since.¹² A 'puir Cheill,' a poor lad or fellow.¹³ Whom.¹⁴ There is no indorsation or 'deliverance' on this Petition—but from the fatal words 'CONVICT,' 'DECOLLAT,' being twice entered in the body of the Record and on the margin, there seems no doubt of his having been Beheaded.¹⁵ Orig. among Warrants of Court. See Papers as to proceedings against suspected Heretics, Jan. 1538-9.¹⁶ A

similar Warrant was granted by the King on March 25 preceding.

agane, ony tyme þai be requirit, betwix þis and All Hallowmefis nixt command, onue fyftene dayis warnyng, be 3ou, or þair Ordinar;¹ vndir sic fowmes as 3e think expedient; Prouiding, þat þe faid John Mudy pafs nocht beuorth² þe watter of Tay, vndir fouerteis ficlyk. Subfcriuit AT SANCT-ANDROIS, þe feird³ day of Junij, and of our regne þe xxvj 3eir.

JAMES R.

Oppression — Imprisonment of the Commissary of Caithness.

JUN. 6.—WILLIAM SUTHIRLAND of Duffois⁴ Convicted of art and part of the taking of Sir Alexander Gray, Commissary of Caithness, leading him to the Place of Querrelwod, pertaining to the said William, and keeping him in ward and captivity from the vigil of Christmas to Saint John's day following, he being the King's free man; thereby usurping the King's authority. ITEM, of art and part of forcibly carrying back the said Commissary against his will from the said Place of Querrelwod to the burgh of Elgin, and delivering him to the Dean of Caithness, (Sir Alexander Sutherland); also thereby Usurping the King's authority.—ALEXANDER SUTHIRLAND and fix others were Convicted of laying violent hands on the said Commissary, in the outer bedchamber of the Dean of Caithness, committed on Dec. 20 last: AND for violently taking the said Commissary furth of his lodgeing in the house of Archibald Stronoche, in the burgh of Elgin, undir silence of night, he being in his naked bed; and leading him to the said Dean's chamber, and detaining him in captivity therein till the vigil of Christmas, &c. *Item*, of art of carrying him back by force from Querrelwod to the burgh of Elgin, &c. WARED in the Castle of Edinburgh.

SIR ALEXANDER SUTHERLAND, Dean of Caithness, and four other Churchmen, were replegiated by Patrick Bishop of Murray.—Mr JOHN SUTHERLAND and James Vrqhard of Alderne found surety to vnderly the law for the above crimes, at the next Justice-aire of Elgin.

Using a false and forged Instrument.

JUN. 13.—THOMAS CHARTERIS of Kinfawny's Convicted of art and part of using a forged and false Instrument, made by his consent and counsel, being an acquittance or discharge of a certain large sum of money assigned by THE KING to James Ross his servant, due to his Majesty by the decease of Alexander Bishop of Murray, as his heir; or granted to THE KING by the privilege of THE POPE.—WARDED in Edinburgh Castle, during the King's pleasour; and all his moveables to be escheated.

¹ The before-mentioned previous Warrant contains this clause, 'and alſua to compeir befor þe Bishop of Abirdene þair Ordinar, quhat tyme þai be requirit be him.'

² To the northward of.

³ Fourth.

⁴ He found caution on Jun. 7, that he should remain in free Ward within the Castle of Edinburgh, 'and nocht eschaip nor depart furth of þe said Castell, quhill he be freid be þe KINGIS grace, vnder þe pain of I^mli.'

SUPPLICATION to the Lords of Privy Council.¹

Jun. 14.—MY LORDIS of Counsaile vnto your l. humilie menis and thewis I your feruitour, *Thomas Charteris of Kynfaunes*, that quhair I am laitlie imput in þe Castell for sobir² caufis, as I vnderstand, and baldin in to ane house; and þe Capitane, Constabill and Keparis of þe Castell will nocht suffer my feruandis to cum and repair to me, to þe effect þat þai may minister to me in meit and drynk and all vper necessaris; howbeit, I am content to fynd cautionne þat I fall nocht evaid furth of þe said Castell, vndir sic panis as your l. thinkis expedient. QUHAIRFORE, I befeik your l. of remeid, and þat 3e will gif command to þe Capitane, Constabill, and Keparis of þe Castell, to put me to fré Ward within þe said Castell, I fyndand cautionne þat I fall nocht evaid furth of þe famyne vnder sic panis as your l. fall think expedient, and to suffer my feruandis to cum and minster to me like as vperis fré Wardaris hes within þe said Castell. And your ansfuer humilie I beleke.—(*Indorsed.*) APUD EDINBURGHE, xiiij^{to} Junii anno I^mV^cxxxix. *Fiat vt petitur*, Cautionne being fundin to þe Justice Clerk, vndir þe pane of I^mli.

Suffering English Thieves and Captives to escape.

Jul. 21.—ALEXANDER HEPBURNE of Quhitsum got a Remission for permitting and suffering Clement and Robert Hall, brothers, and Thomas Pot, Englishmen, to depart furth of his place of Richartoun, they having been delivered in custody to him as captives and Thieves.—WILLIAM COKBURNE of Chollie and Stephen Bukles came in the King's will for suffering Anthony Pot, Englishman, in like manner to escape.

Breaking into the Tower of Ernside — Stouthreif, &c.

Jul. 24.—WILLIAM CUMING, Margaret Dowglafs, and four others, were denounced Rebels, and put to the horn, for art and part of Convocation of the lieges in great number, armed in warlike manner, coming to the place and Tower of Ernside, and breaking up the doors and gates thereof, and entering therein: AND for Stouthreif from Alexander Cuming, son and heir apparent, and the curator of Thomas Cuming of Ernside, his father, of all the goods and utensils in the said house: And for deteution from him of the said Place and Tower: And for Stouthreif from him furth of the messuage thereof, of one hundred and fifty-six bolls of corn, with the straw, eight oxen, and two horses: And for Common Oppression, &c.

Laird of Macfarlan and Walter Macfarlan of Ardeische.

Jul. 27.—DUNCANE MACFARLANE OF THAT ILK, procured surety to the amount of 1000 li. in terms of the King's permission, contained in the following Warrant.³ The cautioners were Sir Johne Campbell of Lundy, kn^t, Sir

¹ From the Orig. among the Warrants of Court. The purpose of printing this Paper, is to show, practically, the manner in which what was termed 'free Ward' was obtained, for the accomodation and comfort of prisoners, whose offences were not very heinous; and who had influence enough to find high security, that they would not attempt to escape, if this indulgence should be granted to them. ² Trivial, trifling. ³ From Orig. among the Papers of the Court.

Johne C. of Calder, kn^t, Johne C. of Glenvrquhar, Colyne C. of Ardkynglas, James C. of Lawaris, Archibald C. of Glenlioune, and Arthure C. of Ardgarthmay.

REX,

TRAIST coufing and counfalour, We grete ʒou hertlie weill. Forfamekill as we wrait to ʒow of before to reffawe DUNCANE MACFARLANE of þat Ilk, to keip him furely in ward, quhil ʒe had vper command of ws in þe contrare. Now, it is our wil and mynd þat he be in fré ward with ʒow as ʒe think expedient, he findand fouirté to our Justice-Clerk, vudir þe pane of ane Thousand ti. nocht to brek ward; quhilk gif he dois, it falbe impute na falt nor cryme to ʒow. GEVIN vudir oure Signet and subferiuit with oure hande, At Falkland, þe xxv day of July, and of our regnne þe xxvj ʒeire.

JAMES R.

(Addressed) To our traist coufing and counfalour JAMES LORD OGILUY.

In a short time afterwards, as appears from another Royal Warrant which is still preserved among the Papers of the Court of Justiciary, a similar indulgence was granted to WALTER MACFARLAN OF ARDLEISH, of whom were descended the families of Gartartan and Ballaggan, &c.¹ He was son of Sir John Macfarlan of that Ilk, kn^t, by his second Marriage, with a daughter of Herbert, first Lord Herries, and uncle to Duncan M. of that Ilk. The Warrant runs thus:

REX,

JUSTICE-CLERK, We grete ʒou weill. In hope þat WALTER MACFARLANE, now being in fure Ward within oure Castell of Edinburgh, fall caus his frendis in þa partis do gude feruice to ws in it, committit to þame, We haue ordinit þe Capitane of oure said Castell to let him to fré ward within þe famin, he findand fouirté, firft, to ʒou, vudir þe pane of Thré Thousand pundis, þat he fall nocht efchew furth of our said Ward: Quhilk ʒe failt nocht to tak of him; and þaireftir caufe him be put to fré Ward as said is. As ʒe will anfuer to ws þairpoune. Subferiuit with oure hand and vudir oure Signet At SANCTANDROIS, ʒe vij day of Auguft, and of oure regnne ʒe xxvj ʒeire.

JAMES R.

Another Warrant was two months afterwards addressed to the Justice-Clerk, which, however, does not indicate the crime for which the parties were imprisoned. It is likely the offence was of a treasonable description; at all events, it was very serious in its consequences to the parties concerned.

REX,

Justice-Clerk, It is our will, and we charge ʒou þat ʒe reffawe fouerté of DUNCANE M^cFARLANE vnder þe pane of ane Thousand pundis, and felyke of WALTER M^cFARLANE vnder þe pane of Tua Thousand pundis, þat þai fall entir agane within ony Castell we pleife, vpoun xv dayis warning: And þat ʒe reffawe iij or iiij perfonnis, ilk ane for þair awin pairt, fouirté for þe said Walter; and þe said fouerté being fundin, þat ʒe caufe þame (to be) fred furth of Ward, and late þaim þas hame, to þe effect þat þai may do ws gud feruice in our nixt Justice-aire to be haldin in Dumbartane. And þis ʒe failt nocht to do; keipand þis our Precept for ʒour Warrant. Subferiuit with our hand, and vudir our Signet, At Falkland, þe tent day of October infant, and of our regne þe xxvij ʒeir.

JAMES R.

(Oct. 13.)—Andro Lord Awendale, Henry Lord Methwene, and Sir Johne Hammiltoune of Fynmart, became fureties for Walter M. of Ardleifche,

¹ See *Douglas's Baronage*, p. 95.

for 3000 li. (Oct. 24.)—Sir Johne Campbell of Lundy, kn^t, became surety for Duncane M. of that Ilk, under the pain of 1000 li. in implement of the King's Precept.

Fire-raising — Burning the Town of Ardochbeg — Sorning.

Oct. 4.—JOHN M^cROBERT M^cFARLENE,¹ Duncan Dow M^cKippoune, and Duncan M^cKillop, Convicted of art and part of Fire-raising and of Burning the Town of Ardochbeg, and for common Theft and 'Sornung.'—HANGED.

Besieging the House of Summerdail — Slaughter, &c.

Dec. 16.—JOHN M^cEWIN M^cGILLEBREID, Gillepatrick M^cferquhar, Tormat M^cdonald, Alexander M^cgilbetoune Makane of Raza, and fifteen others, dilated for 'þe Asségeing of Alexander Makcloid of Dunvegane in his House of Summerdail, in þe moneth of Maii last bipast, and Slauchter and Refe committit þe þame þat samyn tyme vpone him and his tenentis; and vþeris grete crimes contenit in þe Letteris.'—Johne M^cclويد of Mynzenes, in the Isle of Skye, became surety for the again-bringing of the Letters duly executed and indorfed, on Mar. 6, 1539-40.

Books of Adjournal.

[THE loss of THE BOOKS OF ADJOURNAL,² during an eventful period of nine years, embracing the close of the reign of KING JAMES V, and the commencement of that of MARY QUEEN OF SCOTS, is singularly unfortunate, as many important public events are known to have taken place, and, during such stirring times, there would doubtless be numerous Trials. All the traces now remaining of the proceedings which took place before the High Court of Justiciary, must be gathered from the necessarily meagre notices which occur in the '*Liber Plegiationis s. d. n. Regis et Regine*,' wherein memoranda of the Bonds of Caution, or surety found by persons accused of crimes, were engrossed. As will be seen, the Editor has, as usual, availed himself of all the information which he could glean from these and other authentic sources; but, in all those instances, the authority is uniformly quoted. The narrow bounds into which the Editor must compress this information, demand that these notices shall be

¹ On Jan. 7, 1539-40, Robert M^cgilphatrik M^cferlane, '*in warda existen. infra Castrum de Dunbertane*,' found surety to underly the law for all crimes which might be laid to his charge at the next Justice-aire of Dumbartan. The nature of his crime is not alluded to. ² It is very probable that there are two Volumes lost, perhaps only one. The series of Volumes, as indicated by the oldest markings, is very incomplete, and many of the Books which now remain are the scroll or jot-books, from which, with the assistance of the Dittays, &c. the Record was afterwards made up.

condensed as much as possible, leaving it to the enquiring reader to refer to the various original sources of information indicated in this work.]

Robert Maister of Sympill.

Mar. 2, 1539-40.—THE quhilk day WILLIAME LORD SYMPILL, of his avne consent, fforamekill as our souerane lord of his speciale grace and favouris hes grantit his Remiffiounne to ROBERT MAISTER OF SYMPILL, sone and apparand are to Williame Lord Sympill, now being furth of his realme, fugitiue fra his lawis, and at his home for certane grete crymes, Prouiding þatt he fall na maner of way cum nor repare within þe realmes of FRANCE nor SCOTLAND, without he obtene his gracis Licence and beneuolence þairto : Tharefore, þe said Williame Lord Sympill is becumen, and, be þe tenour of þis present Act, becumis plege and souirté to oure souerane lord, and his Justice Clerk in his name, þat þe said Robert fall, fra þe tuenty of Marche instant, abstene fra cuming and reforting within þe saidis realmes of Scotland and France, and all þe boundis pairof, any maner of way, without speciale Licence of our said souerane lord, vndir þe pane of Five Thowfsand pundis : And gif þe said Robert failzeis ony maner of way herein, it falbe reput to him aue poynt of Trefoune, and fall incur þe panys þairrof, and to be pvnist þairfor at our souerane lordis will.¹

Caution for Douglas of Parkhead's son.

Mar. 11.—JAMES EARL OF MORTON, George Douglas of Pennyland, John Inglis of Langlandhill, and Mungo Inglis of Wintermure, became fureties for WILLIAM DOUGLAS, in terms of the following Warrant.

REX,

JUSTICE CLERK and your deputis, it is our will, and we charge you, þat incontinent eftir þe sicht hereof se refiäue sufficient cautionne and souirté of WILLIAME DOWGLASE, sone naturale of *James Dowglase, suintyme of Parkhede*, þat he fall remane with our cousing James Erle of Mortoune, and in his seruice, quhare he plesis, as in our Ward ; and nocht to eschew þe famyne, vndir þe pane of Vti., and register þe famyne in þe Bukis of Adiornale. As se will ansuer to vs þairupoune ; kepand þis our writing for your Warrant. SUBSCRUIT, with our hand and vndir our Signete, at Edinburghe, þe xxvij day of Februaire, and of our regne þe xxvij 3ere. [JAMES R.]

Caution for two Sons of Cuming of Altyre.

Mar. 13.—ALEXANDER CUMING and James his brother, sons of Alex. C. of Alter (Altyre,) 'now being in Warde within þe Castell of Edinbur', found

¹ There is this marking subsequently inserted on the margin—'Deletur de Mandato Domini Gubernatoris, per suam subscriptionem manualem et signetum.'

surety that they ‘fall remane be-Northe þe Northe Watter of Esk, in Warde, induring our fouerane lordis will,” under the pain of 1000 merks.

Caution for Robert, Christina, and Duncan Macfarlan.

May 10, 1540, (*apud Dunbertane.*)—ROBERT M^cFERLANE, ‘in Ward within þe Castell of Dunbertane,’ found George Striueling of Glorat, John Sympill, young Laird of Foulwod, and Donald Campbell of Ardintené, as sureties for him (100 merks), that ‘he fall obserue and keip gude reull in tyme cuming, and compere and vndirly þe law, eftir þe forme of our fouerane lordis writing direct to þe Justice Clerk.’—Jun. 12, (*apud Edinburghe.*) William Master of Glencairne became surety (100l.) for CRISTINA M^cFERLANE; and also, on Jun. 30, (300 merks) for DUNCAN M^cFERLANE, to the same effect. They are both described as then being ‘in Ward within þe Castell of Dunbertane.’

Forestalling and Regrating.

Aug. 6.—PETER BUNTYNE found caution to underly the law ‘for þe Oppressiounne done vppone our fouerane lordis liegis, awaytand be þe way vppone nolt, scheip, horse, and catall þat ar cumand to faris and mercatis to be sold pairin, and byand þe samin fra avnaris pairof; and paireftir, bringand þame to þe samyn mercatis, forstalland and regratand thame to our fouerane lordis liegis, takand pairfor ane grete and exorbitant price, to þe vnuerfale skayth of þe cuntre.’—JAMES GEDDES became in will for ‘bying of xiiij scheip þe said day cumand to þe Houfe of þe Myre, and forstalling of þe mercate.’ He found surety that the sheep ‘falbe furthcumand to þe KINGIS proffeit and behufe.’

High Treason — Treasonable Conspiracy with the Douglasses against the King's Life.

Aug. 16.—No traces appear in the Criminal Records of the Trial of SIR JAMES HAMMILTON OF FINNART, KN^t. The event, however, is one so prominent in the History of the country, and Sir James was a person of such notoriety, that it seems proper to preserve some brief notice in this Collection. ‘The Bastard of Arran’ was principal Steward to KING JAMES V, and had been very high in favour with his royal master. His character appears to have been eminently distinguished by personal valour, intrigue, and tyranny. Letters of *Legitimation* had been granted to him so far back as Jan. 20, 1512-13;¹ and through the influence of his father JAMES, the *first* EARL OF ARRAN, and THE KING'S personal favour and friendship, he acquired very extensive Estates.

¹ Other Letters were afterwards granted to himself and to *Andrew* and *James*, his natural children by Mariot Stewart; and also to *Alexander*, another natural son, Nov. 2, 1539. Reference may be made to the APPENDIX for numerous circumstances illustrative of these events.

One of the greatest stains on his otherwise cruel and ambitious career, was the treacherous Murder of THE EARL OF LENNOX at the Field of Linlithgow, Sep. 4, 1526, after that distinguished Nobleman had surrendered himself prisoner.

Without entering on a sketch of any portion of his life, which more properly belongs to the Historian, the Editor merely refers to the following quotation. *Bishop Lesley*¹ also remarks, that, ' befoir his executione, he proteffit before God, that he had not offendit THE KING ; bot affirmit, that gif he had bene als guid a fervant to GOD as he was to the King, he had not dyet so shamfully ; and confessit that he defervit that deith, becaus he offendit God oftymes for pleasour of the King ; and theirfore prayit every one to taik exempill of his doingis !'

He married *Margaret Levingstoun*, Lady of Easter Wemyss. He was executed as a Traitor at Edinburgh, August 16, 1540 ; and his immense estates were Forfeited, and bestowed upon numerous Courtiers. In 1543, his son James obtained a recall of the Forfeiture.

' ABOUT the same tyme JAMES HAMMILTOUN, SCHEREF OF ²LINLITHGOW,³ and cowling german to SIR JAMES HAMMILTOUN (OF FINHART, bastard brother to the *Earle of Arrane*,) com to Scotland, eftir long banishment, quhill as he avovid to accuse Bastard James be law, purchessing Licence to com in the contrey for a certane space ; and vnderstanding quhat dainger baith himself and those that profess the pure doctrine of the pure Gospell stude in, fend his sone to THE KING, being in jorney towardis Fyff, quho com to him befoir he boited⁴ and frauchtit. The man, suspitious of natour with baschfull newis, affirmeing that it stude him to no les nor⁵ his lyff, perrelous to the hail realme, wyles he prevented⁶ the deid be punishment of the Tratur.

' THE KING, quho haillid to Fyff, fend the young man back againe to the Exchequer ; quhair he commandit *James Leirmonth*, his Maister Houthald, *James Kirkealdie*, Grit Thesaurer, baith men of sum Religioun, and *Thomas Eryskine*, ane earnest Papeist, Secretar, to convene, willing thame to credeit that heirer as him self ; and thairwithall tuik ane knawin ring from his finger, and fend to thame as ane pievie taikin. Thay, consulting vpon the mater, apprehendit *James Hammiltoun*, immediatlie efter his dinner, and reddie to depart hame to his awin hous, caryid him to the Castell, and impressid him. Thay, vnderstanding be thair exploratouris,⁷ that THE KING was moveid, vpon fute,⁸ to releive him, befydis the commoun dainger of the contrey, fleiring thame feluis, gif ane factius puissant man, ignominidlie vlid, fould escaip scot-frie, not ignorant how bitterlie and crewellie he wald reveng himself ; repairing with all expeditionn to Court, agmenting all thingis alse suspitiouslie as thay possibillie could, the present dainger, his mischevous naturall,⁹ his reddie wit, and grit substance, perfwadit THE KING not to releive a man baith craftie and bandd, and now provockid be ignomie, vntryid. Quhairvpon, THE KING past first to Edr., from thence to Seytonn, commanding in the meintyme to present *Sir James Hammiltoun of Finhart* to judgment ; quhilk, according to the custome of the realme appointid, he was convict and Beheidit. Eftir his death (he was) quarterid, and his quarteris hung wp wpon the publick pairtis of the Towne, in Awgwft 1540.

¹ *Banquet Club Edit.* Quarto, p. 158. ² *Buchanan*, Book XIV, cap. 57, gives a similar account of these transactions with this Narrative, which is taken from *Anderson's MS.* Adv. Library. See also *Keith's Hist.* p. 11, and *Pitscottie*, p. 385, &c. ³ See Papers prefixed to Notices relative to Reformation of Religion, Jan. 11, 1538-9, I, p. 209, &c. The Sheriff was brother of Patrick Hamilton the Martyr, to whose execution 'the Bastard Arran' had been mainly accessory. ⁴ Boited, took ship to cross the Forth. ⁵ Than. ⁶ Prevented. ⁷ Spies, emissaries. ⁸ Suit ; influence used. ⁹ Dispositions, genius, bent.

The crymes laid aganis him war, that he wpon a day determinid to brek vp THE KINGIS Chalmer to slay him; (and) that he had previe conferencis with THE DOWGLASSIS, declaird enemyes of the realme. His death, becans of his former wickid lyff, was lamentid of verrie fewe, except of his awin freindis and the Preiflis, who had fixt the hoip of the suretie of thair haif estait in him.

Eftir this tyme, THE KING begaane to suspect the Nobilitie. Solicitude pinchis his troublid mind; quihilk wnfettillid, was trublid in the nicht be visounes; quhair of ane is repoirtit of, verrie notabill. He thoct he saw Sir James Hammiltoun of Finhairt com vpon him with a naikid sword, and first cutid his right arme, and nixt his left from him; and eftir he had threatned, eftir schort space, also to tak his lyf, he evanifchid. As he awalkid in ane feir, and renouled vpon the event of the dream, schort space eftir, he was adverteized that baith his fones war deceifid, the ane at Sanctandrois, the wther at Striueling, on ane day, and almost in ane hour.

Slaughter of a Friar.

Dec. 14.—FRIAR WILLIAM ROTHUENE found Robert Robertfone of Strowane surety for his underlying the law at the next Justice-aire of Perth, for art and part of the cruel slaughter of Friar Alexander Sloune.

Caution for Sir Walter Scott of Branxhelme, knight.

Mar. 11, 1540-1.—WILLIAM EARL OF GLENCAIRN, John Hume of Coldane knollis, George Meldrum of Fivy, James Twedy of Drummelezear, Mark Ker of Littilldeane, Andrew Ker of Dolphingtoun, George Ker in Fawdounfyde, James Ker of Mersingtoun, Ninian Creichtoun of Bellyboucht, Adam Johnestoune of Corry, and John Carmichaell of Medowflatt, became Cautioneris for THE LAIRD OF BRANXHELME, 'now being in Warde within þe Castell of Edinburghe, þat he fall remane in Warde within þe burghe of þe famyne, and nocht to depairt þairfra, without he obtene Licence of our fouerane lord, vndir þe pane of xx^m. merkis.'

(Aug. 8, 1541.)—Caution was again found, that he, 'within viij dayis nixt eftir he be chargit, pass and remain in þe pairtis of MURRAY, and vtheris be-Northe þe Watter of Spey, as in our fouerane lordis Warde, induring his will; and nocht to eschaip furth of þe famyne,' under the pain of 20,000 merks.—(On the margin)—'Deletur de Mandato domine nostre REGINE, per suam subscriptionem, domini GUBERNATORIS, et Signetum dicte Regine.'

Caution for Johnstoun of that Ilk.

Mar. 13.—JOHNE JOHNSTOUNE OF THAT ILK found caution that 'he fall remane in Warde within þe Tovne of Dunbertane, and þat he fall nocht evaid nor eschew þairfra, ay and quhill he get oure fouerane lordis discharge in þe contrare, vndir þe pane of x^m. merkis.'¹

¹ His cautioners were William Lord Creichtoune of Sanchare; the Lairds of Littledene, Coldane knollis, Mersingtoun, Dolphingtoun, and Fawdounside, David Scot, son and apparent heir of Sir Walter Scot of Branxhelme, kn^t; William Kirkpatrick of Kirkmichael; William M^clellane of Nwn-toune, Tutour of Bondby; Alex. M^cculloch of Carderness; Adame Johnestoune of Corry; John Hammiltoune, called 'John of Cliddisdale'; John Haitlie of Mellostanes; and Colin Campbell of Ardkinglass.

(May 3, 1541, *apud Jedburgh*.)—He again found caution that ‘ he fall vse and repare ane myle about þe Tovne of Dunbertane, as in our fouerane lordis warde,’ under the pane of 10,000 l. Among others of the new cautioners were William Stewart of Trakware, John Mow of that Ilk, Walter Ker of Cesfurde, Robert Scot of Howpaslot, and Gilbert Ker of Grenehede.—(Nov. 24 and Dec. 4.)—THE KING’S WARRANT was granted for again allowing him free Ward within the same limits, under the pain of 10,000 merks.

Caution to pass furth of the realm.

Mar. 13.—‘ PATRIK CULQUHOUN, now being in Warde within þe Castell of Edinburghe,’ found Thomas Stewart of Gawstoune cautioner or surety for him, ‘ þat he fall pass furth of þis realme within þe space of xxx dais, and remane furth of þe samyn at þe plesour of þe KINGIS grace, vndir þe pane of V^c. merkis.’

Caution for the Laird of Blackadder.

May 5 and 6, 1541, (*apud Jedburgh*.)—JOHN HUME of Blacader found surety that ‘ he fall remane within þe Tovne of Dunbertane, fredom pairof, and ane myle about the samyn, and nocht to extend þe boundis pairof, quhill our fouerane lord gif vthir command in þe contrare,’ under the pain of 20,000 l.—His sureties were similar to the preceding, with the addition of William Cokburn of that Ilk, John Hoppringill of Smallerraig, George H. of Torwodlee, Robert H. of Blyndlee, Adam Johnestoune of Corry, George Nesbett, baroune of Dalzell; John Lummidene, young Laird of Blenerne; Andrew Haliburtoune, young Laird of Mertoune, and Thomas Ker of Jare.

Caution for the Young Laird of Tuliduby.

Jun. 28, 1542.—JOHN STRIUELING, son and apparent heir of John S. of Tuliduby, ‘ now being in Warde within þe Castell of Edinburghe,’ found David Kincaid of the Cottis, Constable of the Castle of Edinburgh, &c., sureties that ‘ he fall obserue and keip his Warde within þe burghe of Edinbur^t, and nocht eschew furth of þe samyn, quhill¹ he be fred be our fouerane lord, vndir þe pane of ij^c merkis.’

Oppression — ‘ Colping,’ Forestalling and Regrating of Markets.

Jul. 7.—JOHN CLERK, in Drumcorse, and a number of other persons in the shires of Linlithgow and Lanark, found caution to underly the law for ‘ Colping,² Forestalling, and Regrating’ and for common Oppression of the lieges in buying and selling oxen, cows, and sheep.

¹ Until. ² ‘ *Couping*’ is a phrase still in use to denote bargaining, bartering, or exchanging one commodity for another, or for money. A ‘ horse-cowper’ is a term universally employed in Scotland for one who deals in horses.

APPENDIX,

ILLUSTRATIVE OF THE TRIALS WHICH OCCURRED DURING THE
REIGN OF KING JAMES V.

I. ILLUSTRATIONS SELECTED FROM THE REGISTER OF THE PRIVY SEAL OF SCOTLAND.

REFERRING to the observations which are prefixed to the APPENDIX to the preceding Reign, the Editor has merely to Remark, in this place, that in order to save the necessity of numerous repetitions and copious Notes, he has thought it preferable to refer the reader, generally, to the TRIALS, &c., most of which will be found to be more or less illustrated by the following extracts. The General INDEX, to be inserted at the conclusion of this work, must ultimately render such references entirely unnecessary.

Aug. 23, 1515.—Ane Respit,¹ maid be avife of þe GOVERNOUR,² to Donald of the Blis of Hochalch, knygt., and with him vther thre scoir of personis, his kynnismen, freindis, or servandis, for all maner of actionis and crimes bigane, to cum and repare to ED^R, or ony vjer place within þe realme, to commoune with þe said GOVERNOUR, and do þair eirrandis, and returne agane; for þe space of lx dayis next to cum eftir þe dait hereof.

Sept. 6.—A Respit maid to LAUHLANE MAKCLANE OF DOWARD, and ALEXANDER *alias* Aljifer MAKCLOID OF DUNVEGANE, and all and findry þair servandis, landit men, gentilmen, and zemen, þat assistit and tuke part wyth þaim, for þair trefonable art, part, assistence, and supplé gevin in þe trefonable Segeing and taking of þe Kingis Castellis and Houses of Carnegog and Dunskaitþ, and trefonable withhaldin of þaim aganes his authority and command; for þair trefonable maintenance, assistence, consale, favouris, and suplé gevin be þaim to Donald Blis of Hochalche, knygt., and his compliceis, in þare trefonable crimes, &c. Vnto þe first day of Januare nixt to cum eftir þe date hereof to indure.

Sept. 23.—A Respit to MATHO MAKNACHT OF DUNGENCHE, for arte and parte of þe Schlauchtir of vinq^{lc} John of Dunbar of Hochrum, committit and done be (SCHIR) ALEXANDER GORDOUNE OF KENMURE, KNYGT, with quham þe said Matho was in cumpany: To endure for a zere.

Sept. 25.—Respit to ALEXANDER LORD GORDOUNE to cum to the Governouris presence, or quhare he plesis, and to pas and repas with xl or fifty men, in houshald; for þe space of sex monethis next to cum.

Oct. 26.—Respit to JOHNE ERLE OF LEVINAX, Lord Dernlie, and generalie to all his kyn, freindis, men, tenants, and servandis, quairener þai be within þe realme, that abideis faithfullly at

¹ Another Respite was granted on Nov. 8 following, in the same terms.

² JOHN DUKE OF ALBANY.

the opinioun of the Governour, in þe KINGIS name, and kepis lele and afald¹ pairt to hym for all maner of actiounis, &c. committit or done be hym or pame in ony tyme bigane. For five 3eris.

Oct. 28.—Lettre to HEW ERLE OF EGLINTOUNE, makand him and his assignais Reparis ouerlearis, correkaris, and suplearis of the Isle of **Utill Comeray**, þe dere, cunyngis² and wild beftis being pairin, quhill þe KINGIS perfyte age of xv 3ere; becaus ROBERT HUNTARE of Huntarestoune, Forrestar of heretage of þe said ILE, is nocht of power to resist þe personis þat waittis þe famyn, without suplé and help, &c.

Dec. 1.—Remission to JOHN MAKKENZE OF KYNTALE, William Dingwell of Kyldun, and two others, for treasonably **Taking and Keeping** THE KING'S **Castle of Dingwale**, with the Artillery and goods therein, &c.

Dec. 7.—Respitt to ANDRO RETRA OF BALNOCARD, for art and part of þe **Slaughter** of David Blare;³ committit thre 3eris syne with þe mare.⁴ For thre 3eris.

Dec. 11.—Respitt to JAMES ERLE OF ARANE, Lord Hammiltoune, with his honorable Howshald, to cum to þe burgh of Edr, or ony vper part within þe realme, and pare to remane and **commune with the Lord Governour**, and LORDIS OF COUNSALE, and solist and do his leiffull eirrandis he hes ado; and faulie and fuirelie to pas and repas, with his said howshald, &c. To endure þe space of xx^{ti} days. (Subscript. manibus DOMINI GUBERNATORIS et DOMINORUM CONSILII, viz. COMITIBUS, Cravurdie, Huntlie, Levenax, Rothes, Eglintoune, Cassillis; DOMINIS, Flemyng, Cancellarij, (Episc.) Duublanan., Rossé, Lyndefay, Erskyne, Maxwell, Prioris S. Andree, Abbatis S. Crucis, Archidiaconi S. Andree et Postulati de Dunfermlyng.)

Jan. 16, 1515-16.—Lettre maid to KATERYNE FYNNE, for hir gude and thankfull service done in þe **Nursing, fostering, and keeping** of vmq^{le} þe KINGIS bruper, **Alexander Prince of Scotland**, for all þe dayis and termes of hir lyf, of x li., &c.

Jan. 29.—Respitt to ROBERT ELWALD OF REDEHEUCHE, Williame of Lanerokstanis, his bruper, Henry Nikfoune, James Forestare in Grenehauche, and Adam Crofer, and with pame vperis xi personis. þare kynnismenne, freindis, or servandis, for all maner of actiounis, &c.

Feb. 2.—Respitt to DAVID RAMSAY, bruper to Neilche Ramfay of Banffe, for art and part of þe **Slaughter** of vmq^{le} David Blare,⁵ committit in Essindy thre 3eris syne, &c.

Feb. 3.—Letter to ROBERT LORD MAXWELL, conferring on him ' þe office of **Stewartry of Kirkcudbright**, and **keeping** of our **Castell of Treife**, with þe landis, fychingis, feis, and dewiteis pertening pairto; for þe termes of nynetene 3eris, wythout ony paing⁶ of males or dewiteis pairfor.

Feb. 4.—Remission to ROBERT LORD CREICHTOUNE OF SANCHQUHARE, JAMES LOKART OF LEY, Edward Creichtoune in Libree, John C., brother german of umq^{le} Robert of Kirkpatryk, Robert C., son of umq^{le} John in Eliok, Patrick C., son of umq^{le} John in Carco, and seven others, for the **Slaughter of James Douglas**, committed within the burgh of Edinburgh, on forethought felony; AND also to JOHN HARE in Glenquory, John H., son of Nicholas, and Donald H. in Garglenuie, for the **Slaughter** of John Dwne, committed within the barony of Sanchquhare on forethought felony.

Feb. 8.—Respect to NINIANE CREICHTOUNE, bruper germane to vmq^{le} Robert C. of Kirkpatrik, and George C., for þe **forthocht felony and Slaughter** of vmq^{le} **Robert Fergussonne of Braconspeid**, and Alexander F., bruper to vmq^{le} Johne F. of Cragdarrancht. For six 3eris.

To die.—Remission to GEORGE BUCHQUHANNANE, grandson and heir apparent of Walter B. of that ilk, Thomas and Walter B., and Walter Blare, for treasonably **Besieging**, taking, and

¹ Sincere; literally, one-fold, single.

² The deer and rabbits.

³ See these Extracts, Feb. 2, 1515-16.

⁴ And farther at the Governor's pleasure.

⁵ See these Extracts, Dec. 7, 1515.

⁶ Any payment of

rent, &c.

detaining the **Castle of Dunbertane** from the KING, and his keepers thereof:¹ And for **Fire-raising** and Burning the gates and doors of **Grenok**, and certain buildings within the lordship of **THE MONASTERY OF KILWYNNING**.

Mar. 6.—Remission to **GEORGE FORMAN** in Kilmany, specially named in the Signature of Remission granted to **JOHN EARL OF LEVENAX**, for art and part of the treasonable **Besieging**, taking, and detaining the King's **Castle of Dunbertane** from the King and his Keepers thereof: AND for the **Slaughter** of John Buße, committed within the lands of Kilmeny.

Mar. 7.—Speciale Protectionne to **JOHNE MAKCANE OF ARDNAMURCHANE**, Alexander Johne Caynochis-fone, Donald Makrannald Wane, Nele Maknele of Geya, Angus Johne-Dowison of pe Loupe, **familiaris and serbandis to Coline Erle of Ergile**. To endure for pe **GOUVERNOURIS** will.

Mar. 28, 1516.—Remission to **JAMES SMYTHE**, indweller in Jedburghe, for the **Slaughter** of John Pagine, **Stage-player**,² committed nine months since.

Apr. 8.—Respect to **WALTER OGILUY**, and Johne Syme his serband, for pe **Slaughter** of Johne Piot, **Crowner Depute** within the scherefdome of **FORFARE**. For thre zeris.

Apr. 14.—Remission to **JAMES MAKCALZENE**, burgess of Edinburgh, for his treasonably **Exporting gold and silver**, coined and uncoined; and for treasonably **Clipping and Cutting** the coin of the realm, &c.

Apr. 16.—Remission to **DAVID KYNLOCHE**, as an assister and participator with **Archibald Earl of Angus**, Lord Douglas, in the High Treason committed by him.³

Eo die.—Remission to **HENRY ANDERSOUNE**, in Newale, and seven others, as assisters and partakers with **Archibald Earl of Angus** in his treasonable facts, viz. for **High Treason** committed by them against the **King's proper person**, and his brother the **Duke of Ross**, persuading and using their utmost care and diligence to take them furth of **THE CASTLE OF STIRLING**, during their minority, where they had been placed, and were ordained to be kept, by the advice and consent of the Governor and three Estates of the realm, in Parliament: And for all other crimes, &c.

Oct. 19.—Remission to **DAVID WEMIS OF THAT ILK**, and xxxij others, for art and part of the **Slaughter** of William Moffet, committed on forethought felony.

Oct. 27.—Remission to **GEORGE HAITLIE OF BRUMEHILL**, and Thomas Cranston of Doddis, for their treasonable art, part, and **Assistance** given to viii^{le} **Alexander Lord Hume**,⁴ in his treasonable Intercommuning with **THE KING'S REBELS**, Thieves, and Traitors,⁵ &c.

Oct. 28.—Letter to **ROBERT LORD MAXWELL**, makand him **Capitane and Kepar** of the

¹ James Muschet of Colgarthe, and seven other servants of John Earl of Lennox, also got a Remission, of this date, for the same crime. ² *Histrionis*. He may have been a *Mummer* or *Buffoon*. The mention of 'Playaris' are frequent in the old Records, Treasurers' Accounts, &c. ³ Many others were Remitted for the same offence, but, except in the cases of persons of distinction, it seems unnecessary to enumerate them. ⁴ **ALEXANDER LORD HOME**, and his brother *Mr William Home*, were beheaded at Edinburgh, Lord Home on 8th, and his brother on the following day, 9th October, 1516, and their heads were affixed on the Tolbooth. As a specimen of the contempt which our older writers seem to have entertained for chronological accuracy, *Lesley* (p. 107.) mentions the 8th, *Buchanan* (xiv. 7.) says the 11th, and his authority is followed by *Crauford* in his Officers of State (p. 324.), &c., and *Sir James Balfour* (I. 245.) fixes the 26th day of October, 1516. *Pitcottie* and others do not mention any date. The Peerages follow *Lesley's* authority. See *Hood's Peerage*, I. 735, &c. Those who are most familiar with the Chronicles, will easily recollect more serious discrepancies in matters of much greater moment. On Jul. 21, 1520, George Home, brother to the deceased Lord, came to Edinburgh with a great company, and in presence of the Provost took down the heads of his two brothers from 'the Tolbaithe gavell, quhair thay war fixt with iron.' They returned on the 25th, and 'causit solempne funeral and obsequies be maid in the *Black Fryers*, for the saulis of the saidis *Lord Hume* and his bruder; quhairat thair wes greit offeringis and banquetis maid, and returnit hame to thair awin dwellingis.' *Lesley*, 116. See also these Extracts, Oct. 12, 1528. ⁵ Several other Remissions were granted for the same crime to persons of no note.

Castell of Lochmabane, with þe pertinentis, gevand him power, portaris, and gevillouris ¹ to deput, &c.

Oct. 30.—Respitt to LAUCHELANE MAKINTOICHE, and to þe nowmer of xl personis with him, for all crimes and offensis committit be him or þe saidis personis; and to cum and commounce with the Gouvernour and Lordis of Counsaile, anent all materis he and pai hes ado; and to pas and repaßs oue horfbak or one fute surelie, without harme, &c. To indure for þe space of xl dayis next eftir þe dait þairof.

Oct. 31.—Remission to ANDREW TOICHOICHE (of Monyvaird?), Laird of the fourth part of the Lands of Maggye, specially named in the Signature of Remission of JAMES EARL OF ARRAN, Lord Hamiltoun, &c., for withholding and **Detaining the Castle of Hamiltoun** against THE REGENT'S authority, &c.

Eo die.—Remission, with consent of the Governor, and the Ratification of the three estates of Parliament, to THOMAS HUNTARE,² for art and part of **Besieging and taking the Castle and Place of Glasgaw**, breaking and taking THE KING'S ARTILLERY, and warlike stores therein: AND for treasonable Convocation of the lieges, 'in feir of weir,' against the foresaid CASTLE AND TOWN OF GLASGOW, and THE LORD GOVERNOR, representing the person and authority of THE KING.

Nov. 8.—Respitt to WILLIAM ELWALD OF LARESTANIS (Laverockstanis), and seven others, and generalie to all vperis pair kinne and freindis of the **Clannis and Surnames of Elwald**, and als to þir vper persones pair kynnismen, &c. for quham pai war bundin and hes deliuerit plageis, viz. James Forrestare and forty-seven others, for all manner of crimes of **Tresount, Slauchter, Kellis, Mersschippis**, &c. For þe space of ane 3ere.³

Mar. 12, 1516-7.—Remission to ALEXANDER MAKLOID OF DUNVEGANE, and all his kinmen, friends, and servants, &c. for their assistance and supply given to **Donald of the Isles of Morhailch**, knight, at the time of his being with ALEXANDER LORD HUME, in his treasonable deeds: AND for all other crimes, offences, and actions whatsoever, without any exception.

Eo die.—Remission to LAUCLAN MAKCLANE OF DOWART, Donald Makelane, Gillewin Maknele of Barra, Dulleife Makwidy of Vlva, Neill Makkymna of Moifues, and Lauchlan Makclane of Argour, and all their **Kinsmen**, &c. in the same terms as above.

Mar. 14.—Remission to JOHN MAKCLANE OF LOCHBOY, and all his kinmen, &c. as above.—On Mar. 8, he got a Gift of the rents and duties of THE KING'S lands of **Trere**, to be held by him during the office of THE GOVERNOR, for his good and faithful service done and to be done, and for inbringing THE KING'S Rents of the Southside of Ardmurehe, excepting such lands as pertained to John Maknele of Ardmurechane.

Apr. 8.—Respitt to ALEXANDER TROTTARE, and six others, for pair treasonable art, parte, and Assistance gevin be þaim to vni^q Alexander Lord Hume, his breper and complicis, for treasonable Conspiracionis contrare þe KING, his derrest couging, Tutour and Governour, and his realme, and vperis pair evill dedis; and for all vperis treasonable actionis, &c. without exceptionne. To indure for þe space of xix 3eris.

Apr. 24.—Remission to SIR WILLIAM CUNNYNGHAME, KNT. MASTER OF GLENCARNE, son and heir apparent of Cuthbert Earl of Glencarne, and xxvij others, for the cruel **Slauchter of Mr Mathew Montgomery**, Archibald Caldwell, and John Smyth, committed on forethought felony: AND for the **Murking of John (Master of) Montgomery**, son and heir apparent of Hugh Earl of Eglingtonne, &c.

¹ Jailers. O. Fr. *javilleur*.

² Many others got similar Remissions, &c. for the same crimes.

³ A great

number of NYKSOUNIS, HENDERSOUNIS, &c. got a similar Respitt on Nov. 20, 1516.

APPENDIX.

May 18.—Respitt to all and findry þe KINGIS LEGIS of the Clannis and Surnanis of Armstrang and Talzour, and all pair kynnismenne, freindis and seruandis, and vperis dependand vpone pairm of þe Clannis of **Widdisdale**, now **Duelland in the Debatable Land and Waddis**, þat will deliner to þe GOVERNOUR sufficient plegis to remane for gude reule, quhair þat falbe assignit: To indure for þe space of a ȝere next to cum.

Oct. 3.—Respitt to WILLIAME BORTHIUK OF CRUKSTONE for þe **Slaughter** of vmq^{le} Vchtred Kincaid. To indure quhill þe first day of Aprile nixt to cum.

Jul. 21, 1522.—Remission to WILLIAME COKBURNE, 'son and heir apparent'¹ of Williame C. of Langtonne, for art and part of the treasonable **Slaughter of Sir Anthony Darsee de la Basti, kn̄t.**,² GUARDIAN AND LIEUTENANT within the bounds of LOUTHANE AND MERSE: AND for assisting the committers of the said Slaughter, after committing thereof: AND for absconding with them, 'red-hand': AND for art and part of assisting vmq^{le} ALEXANDER LORD HUME, &c.

Oct. 23, 1523.—Remission to MR JAMES KYNINMONT for the **Slaughter** of vmq^{le} Alexander Kincaid, &c.

Mar. 18, 1523-4.—Remission to John Retray of Leichehill, for the **Slaughter of John Creichtoun of Invernyte**.

Sep. 6, 1524.—Lettre to ROBERT GIB of þe Gift of the **Seruite of Steropmanschip**³ to the King, during þe KINGIS will.

Sep. 11.—Letter to ROBERT LORD MAXWELL, and JAMES STEWART, brother germane to Andro Lord Avandale, 'at þe takin of our autoritie riall and gouernment of our realme apou our self,' makand þe said Robert **Principale Capitaue**, and þe said James **Principale Lieutenant**, for all þe dais of pare lifes, of our **Garde, Bande, and Company of Wageouris**,⁴ baith FUT-MEN and HORSE-MEN.

Nov. 14.—Respitt to JAMES TWEDY, sone and apperand aire to John Tuedy of Drummelzare, and to vperis xvij personis, for þe cruell **Slaughter of vmq^{le} Johne Lord Fleming**, and tressonable Taking and **Presouping of Malcome Maister of Fleming**, his sone and are, þe Kingis fr̄e man, in priuate Presoune: AND for **Keif** of certane gudis fra þame and pare seruandis, þe samyn tyme: For þe space of ane ȝere to indure.

Nov. 22.—Lettre to ELIZABETHE LERMONTHE, þe relict of vmq^{le} MAISTER JAMES WISCHART OF PETTERROW, **Clerk of Justiciarie and Advocate** to þe KINGIS grace, and to þe said Elizabethe small faderles barnis, to help to put þame to profit, for þe said vmq^{le} Maister James gude and thankfull seruice done to þe KINGIS hienes, and his derrest moder, þe QUENIS grace, of the **GIFT of the Mariage of Johne Wijchert**, sone and are of þe said vinqhill Maister James; and failȝeing of þe said Johne be deces vnmarijt, þe mariage of ony vper are or aris, &c.

¹ These words are struck out of the Record. ² This French knight had been appointed Lieutenant and Warden of the East Borders on the execution of THE EARL OF HOME, which gave great offence to the Scottish nobility, who naturally felt jealous of the appointment of foreigners to offices of such distinction. In the absence of the Governor, in France, the Homes got up a mock *Siege of the Castle of Langholm* for the purpose of drawing out the Lieutenant. Their plot succeeded, for *De la Bastie* left *Dunbar* with a pretty strong force, but fell into the hands of *David Home of Wedderburn*, who surprised and killed him and four other Frenchmen, and affixed his head on the Tolbooth at DUNSE, on Sep. 19, 1517. See *Lesley*, p. 110; *Balfour*, i. 245; and *Pitscottie*, p. 307, which last author, in his usual quaint style, informs us, that 'being ane stranger, and not knawing the ground weil, he laired his hors in ane mos; and thair his enemies cam vpoun him, and slew and murdered him verrie vn honestlie; and cutted aff his head and carried with thame. And it was said that he had long hair plett in his neck, quhillk David Home of Wedderburne knitt to his saidle-bow and kept it.' The Scottish writers strangely disfigure the name of this distinguished individual. He is called Bawty, De la Beauté, Bautie, and finally, old *Pitscottie* distances them all, by dubbing him TILLIBATIE! ³ Stirrup-holder. ⁴ Hired or waged soldiers; troops serving for pay.

Nov. 22, 1525.—Precept of a Letter to NICHOLAS CRAUFURD OF OXINGANGIS, making him Justice Clerk.

Feb. 21, 1525-6.—Remission to JOHN KEITH OF RAVYNNISCRAIG, and Thomas Dalgarnoch, for their treasonably Abiding from THE KING'S Armies at Fiodoun, Wierk, and Sulway: AND for art and part of the Slaughter of Gawin Murray, Andrew Stratoune, William Forbes, and John Smythfoune, &c.

May 12, 1526.—Respett to ALEXANDER HOPPRINGILL OF BURNHOUS, John H. of pat Ilk, James and George, sones to pe said Alexander, James H. in Newbotill, and Charles Murray, for pe Slaughter of vmq^{le} Williame Thomefone: For xix 3eris.

May 30.—Respett to JOHN MURRAY OF STROWANE, David his broder, Jone sone of Patrik M. in Dunfally, Andro M. of Abirochill, Williame M. son of vmq^{le} Alex. M., Jobne M. son of David of Lochland, and Jobne Moyll 3oungar, for pe Slaughteris of vmq^{le} Newin Dewar and David Phillane: For pe space of xix 3eris.

May 31.—Respett to CHARLIS LOWRY for pe Slaughter of vmq^{le} Walter Newlandis of that ilk, &c.: For pe space of xix 3eris.

Jun. 6.—Respit to JAMES TUEDY, sone and apperand air of Johne Tuedy of Drummelzar, Johne pe Vaiche of Kingfide, James Tuedy of Kirkball, David Newtounne of Michellhill, Williame Portnife of Glenkirk, and twelve others, for pe Slaughter of vmq^{le} John Lord Fleming, committit apone forethocht felony: For xix 3eris. (*At Strueling.*)

Jul. 11.—Respett to JOHNE LOGANE OF BALUEY, Walter his sone and apperand aire, Robert L. also his sone, and seven others, for pair tressonabill Asssegging, taking and withhalding of pe KINGIS Castell and fortalice of Dumbertane fra his servandis, Keparis pairof, &c.: For pe space of xix 3eris.

Eo die.—Respitt to GEORGE BUCHQUHANNANE OF PAT ILK, and xxij vperis, extract furth of our Respitt of JOHNE ERLE OF LEVINAX for his tressonabill Asssegging, taking and withhalding of our souerane lordis Castle and Fortalice of Dumbertane fra his servandis, Keparis pairof.

Eo die.—Respitt to (SCHIR) JOHNNE COLQUHONE OF LUCE, knycht, and Patrik Colquhone, for the same crimes.

Jun. 18.—Respitt to GILBERT ERLE OF CASSILIS, Lord Kennedy, &c., James and Thomas K. his brethir, Hew K. of Girvenmanys, John, George, and Alexander his brethir, David Kennedy, eme¹ to pe said Erle, James K. of Knokdone, Johne K. of Giltre, Patrik Ahannay of Sorby, Berthilmo Craufurd of Kerfe, Robert, and Duncane his bruper, Williame Cunynghame of Boquhane, Robert Grayme of Knokdoleane, Gilbert his bruper, Johne Kennedy of Culzane, Gilbert K. of Balmaclannoch,² Johne Bard of Killhenze, Patrik Muir of Cloncard, Johne Muir of Auchindrane, John Muir his man, John Muir of Wodland, Thomas Corry of Kelwod, Thomas his sone, Richert Makgee of Myrtonne, Thomas Davidfone of Grenane, Thomas his sone, Johne Eklis of pat Ilk, James M^cerynell of Barneile, James Muir of Byngart, James Blair of Midill Auchindrane, Alexander M^cdouell, Tutour of Garthlon, John Kennedy of Benone, Johne Ross of Drumgrange, Gilbert Kennedy, pe Proveflis sone, Ferguse Makdowell of Freuche, and two hundred and thirty-three others, for pe Tressonabill Slaughter of umq^{le} Cornelius de Machetema, Ducheman,³ in pe tyme of pe feit of our PARLIAMENT; and for all cryme and actiounne pat may follow pairupoune: AND for pe Slaughter of umq^{le} Martyne Kennedy, and Gilbert Makilwraithe: AND for pe Intercummyng with our Rebelis being at our horne, &c. to pe dait heirof. For xix 3eris to indure.

¹ Uncle.

² Balmaclannochan.

³ See Jul. 17 following.

Jun. 19.—Remission to ROBERT BERTOUNE of Ouer Bertoune for his treasonable absence from THE KING'S ARMY with JAMES EARL OF ARRAN, for recovery of the Castles of Hume and Wedderburne. AND for his absence from the Army with THE KING and ARCHIBALD EARL OF ANGUS for taking the House of Colbrandispethe, &c.

Jun. 20.—Precept of Remission to SIR PATRICK HEPBURNE OF WAUCHTOUNE, KN^T, Patrick Quhitlaw of that ilk, John Hepburne of West Fortoun, William H. of Crag, Mr John H. and four others, and James Wawane of Stevinfloune for their treasonable art and part and Assistance given to umq^{le} David Hume of Wedderburne, his brothers, and accomplices.

Jun. 22.—Precept of a Letter of Confirmation to ROBERT LORD MAXWELL, of the Offices of Stewardry of Annandale and Kirkcudbright, and the Keepership of the Castles of Lochmahane and Troif; with the lands, fees, &c. thereto belonging.

Jun. 25.—Respet to JAMES DOWGLAS OF DRUMLANRIG, James Gordoune of Lochinver, and xxxvij vperis, pair kynnismen, freindis, and seruandis, for arte, parte, and Assistance given to Alexander Forester, and vperis his complices, Theffis and Traitoris duelland apone Herbin, in pair treflonable dedis: AND for þe Slauchter of Thomas Maclellane of Bomby,¹ committit apone forthocht felony, within the Town of Edinburgh, &c.: For xix 3eris.

Eo die.—Letter of Gift of þe Eschete of þe above personis to James Maitland of Auchingaffill and Michell Makquhan, burges of Edinburgh, coiunctlie and feuarlie.

Jun. 28.—Remission to THOMAS SINCLAR and John Hume, BAILIES OF HADINGTOUNE, and generally, the Council and community, &c. thereof, for their treasonable art, part and assistancie given by them to umq^{le} David Hume of Wedderburne, his brothers and accomplices, &c.

Eo die.—Respett to ROBERT LAWDER of þe BASSE for his treasonable assisting and manteinyng of umq^{le} David Hume of Wedderburne, being convict of Trefone, þe Kingis Rebell, &c.: AND gevand full Licence to þe said Robert to remaine at hame fra all Parliamentis, &c. and to pass in þe pairtis bezond Sey, owþer þe fey or land, ony space and tyme he plesis: For nyne 3eris, &c.

Jul. 1.—Respet to JAMES ERLE OF ARANE, HEW ERLE OF EGLINTOUNE, ANDRO LORD AVANDALE, HEW CAMPBELL OF LOWDOUNE, WILLIAM WALLACE, TUTOUR OF CRAGY, and JAMES HAMMYLTOUNE OF FYNNART, knycht, with mony vperis to þe nowmer of V^m or Vj^m 2 sa mony as þe said Erle of Arane will verify, be his hand write, and mak faithe pairupoune, pertenis, or ar menne or seruandes to him or paim, ffor þe tressonable arraying of Batell, Insurrectione, and Feilding aganis John Duke of Albany, &c. Tutour to þe Kingis grace, Protectour and Gouvernour of his realme, cummand with þe KINGIS auctorite, and his BANER being displayit for þe tym, at Rittperochill, besyde Glasgw; and for all cryme pat may follow pairupoune: AND for all vper Tresonis, Slauchteris, &c. in ony tyme bigane, Trefone in þe Kingis persone, and arte and part of þe Slauchter of bmq^{hile} Edward Cunynghame of Auchinbarby alanerlie except. For þe space of xix 3eris.

Jul. 2.—Remission to SIR JAMES SANDELANDIS OF CALDOR, kn^t, Robert Bruce of Auchinbowy, Richard Grahame, and twelve others, for the cruel Slaughtre of James Somerville, committit on forethought felony.

Jul. 9.—Remission to JOHN HALKHEDE OF PETFURANE, Charles Denneffoune, William Spittall of Lewquhat, and twenty others, for the Slaughtre of John Greff, committed on 'fuddantie.'

¹ *Sir James Balfour* says that he was slain by Sir John Campbell (of Calder); which person *Lesley* confounds with the Laird of 'Maclane' (Maclellane.) *Annales*, I, 258. *Lesley*, p. 136. See also these Extracts, Nov. 12, 1529.

² Five thousand or six thousand.

Jul. 16.—Respitt to CUTHBERT ERLE OF GLENCAIRNE, Williame, Maister pairof, James C. his broder, Robert C. of Aikheid, Robert Boyd of Portincorfe, Robert C. 5oung Lard of Watterstoune, Williame C. of Polquharne, John C. of Caprintoune, Alexander C. of Laiglane, Edward Mure of Middiltoune, David C. of Bertaneholme, Williame C. of Craiganis, Williame C. of Cunynghameheid, Mungo Mure of Rowallane, Williame C. of Glengarnok, and Robert Boyd in Kilmernok, for pair trefonable art and part of **Assceging of þe Castell of Strineling**, in company with **JOHNE DUKE OF ALBANY**, þan Gouvernor of þis realme, þe KINGIS maitt noble persone being pairin, in his tendir aige: **AND** for pair trefonable intrometting with þe KINGIS persone at þat tyme, in company with þe said **Johne Duke of Albany**, his Tutour, he being immediatlie to succede to him,¹ and nocht able² be þe law, to have his persone in keping: **And** for pair trefonable arraying of aue **Feld and Battale** aganis þe said **Johne Duke of Albany**, his Tutour, Protectour, and Governour of his realme, and presentand his person, at **Rittcorshill besyde Glasgw**: **And** for pair trefonable **Assceging**, taking, and Withhalding of his **Castell of Dunbertane** fra his grace and his seruandis, keparis pairof. **AND** for all vperis crymes of Trefone, Lese-maestrie, actionis, transgressionis, crymes and offensis quhatsumeuer, committit or done be þe saidis personis, or ony of pain, in ony tym bigane, vnto þe day of þe dait heiroy, without ony exceptione. For þe space of xix 5eris.

Jul. 17.—Respett to **WILLIAM LORD SYMPLE**, **ROBERT MAISTER SYMPLE**, David and Williame, sonnys to þe said Lord, Gabriell his brother, **Johne S.** in Auchinlodmont, **Johne** his sone, **Johne S.** of Brigend, **Robert S.**, Williame Fleming 5oung Lard of Baruchane, and **Johne Tyndale** of þe Laughe, and thirtein others, for þe trefonable **Slauchter of Cornelius de Machetema, Ducheman**,³ at þe Tolbuthe of Edr, in tyme of **PARLIAMENT**, &c. For þe space of xix 5eris.

Jul. 22.—Remission to **ROBERT GENTILMAN** and three others, for trefonably fortifying and detaining the **Castle of Strineling**, after **THE KING** had summoned it to be delivered up by his **HERALD**, he being personally present to receive the said Castle, &c. (*Apud Jedburgh.*)

Jul. 31.—Respitt to **DAVID SPOTTISWOD** for þe trefonable **Condorcattoune** of our souerane lordis liegis, and vperis **Rebellis, Traitoris and Inglismen**; Ridand throw þe realme; **Segeand the Castell of Strineling** and **Palace of Linlithgw**; arrayand **Battell** aganis **JAMES ERLE OF ARRANE**, aue of þe **REGENTIS** of þe realme, &c.

Aug. 2.—Letter to **JAMES EARL OF MORAY**, making him **Lieutenant General of the Northern parts of the kingdom**, viz. **THE SHIRES OF ABIRDENE, KYNCARDIN, BANF, ELGIN, FORESE, NARNE, INUERNYS**, and all other bounds from **THE NORTH WATER** to **WYK** in **Cathnes**. For five years; and farther at the King's pleasure.

Aug. 6.—Respitt to **JOHNE LINDESAY OF COLBYNTOUNE**, Rolland L. his broder, and four others, for pair trefonable **Wesset** and **Intercommonyng** with **ROBERT FORESTAR** and vperis, **Rebellis** and **Traitoris**, duelland vpon **Levin**, in pair trefonabill dedis: **AND** for þe cruell **Slauchter** of **Williame Weir of Stanchyris**, committit be way of Murthir, vndir sylence of nycht, in þe Channone-gate of Edr.: **ATTOUR** Respettis generally all his liegis and subditis þat hes ony wife Reflet or Intercommitt with þe said **Johne** and his compliceis, þai being his **Rebellis** and at his borne. For xix 5eris.—**And** with command to þe Scheref of Lanerk, &c. to relax þe said **Johne**, &c. fra þe procefs of þe borne, and rellave þaim to þe peax, and gif þaim þe wand pairof,⁴ &c.

Aug. 8.—Remission to **JAMES EARL OF MORAY**, Mr Mowat of Buchquhelly, Nicholas Rofs, son of **John Rofs** of Auchlossin, and eight others, for art and part of the **Industion** and taking of

¹ Being the person next in succession to the Crown.

² Lat. *habilis*, viz. being unfit; incapacitated.

³ See

Jun. 15, 1526, of these Extracts, Vol. I, p. * 236.

⁴ For an explanation of that ceremony, see this Collection of Trials, Oct. 11, 1531, *Notice*; Jul. 23, 1566, *Note*; and Nov. 18, 1511.

APPENDIX.

umq^{le} **Alexander Earl of Huntlie**, THE KING'S LIEUTENANT, within the Burgh of Perth, in company with umq^{le} **WILLIAM ERLE OF ERROL**, &c.

Aug. 16.—Respet to **MALCOLM LORD FLEMING**, James Murray of Fawlohill, Gilbert Broune of Thrapland, Andro Broune of Hartre, Richard B. of Cultermanis, Patrik Portuife of Halkschaw, Walter Hunter of Polmude, Robert his broder, Thomas Kincaid of pat Ilk, James Kincaid pe Lard of Crymperamp, Robert K., Johne Murray of Lewinshope, William M. of Sundhope, Johne M. pe *grysse*, William Boyd of Bathinheucht, Robert his broder, Williame Carwod of pat Ilk, Williame Murray of Romannos, James Sandelandis of Boyll, and sixty others, ffor pair *tresonable Intercommounyng* with *Alexander Forester*, *Jonkin Storie*, and vperis pair complices, *Englismen and Tratouris*, duelland vpon *Leburn*; and *Kesset* of pajm within pe realme, in tyme of *Ueir*, in tresonable wyfe. For pe space of xix zeris.

Aug. 17.—Comission of Justiciary to **ROBERT LORD MAXWELL**, constituting him *Justiciar* within the limits of his Office of Warden of the *West Marches*: For five years; and farther at THE KING'S pleafure.

Sep. 5.—Remission to **WILLIAM EARL OF MONTROSE**, and xxix others, for art and part of the *Slaughter of Charles Murray*, and others slain in his company.

Oct. 18.—Respet to **ROBERT STEWART OF MYNTO** for his being with umquibule **JOHNE ERLE OF LEUNAX** in pe *Feild of Linlithgow*.

Oct. 19.—Remission to **NICHOLAS RAMSAY OF DALHOUSY** for the *Slaughter of George Ramsay his brother*; committed upon 'fuddantie.'

Oct. 25.—**REX**, We promitt faithfullie, be pir our Lettres to our louit familiar **ARCHIBALD DOWGLAS**,¹ our Thesaurer, for his gude and thankfull seruice done to ws, that quhat tyme and how sone **JOHNE LORD LINDESAY**, now being vnder summondis at oure instance, for poyntis of Tresoune imput to him, beis convict pairof, and Dome of Forfaltour gevin vpon him, his landis and gudis, that we fall pan incontinent gyff to pe said Archibald, his airis and assignayis, our hale *Escheit of the said Johne Lord Lindesayis landis and gudis*; and fall infest pe said Archibald, his airis and assignayis, heretabillie, in all landis and annuellis with pair pertinentis haldin be pe said Johne of ws immediatlie; and fall present pe said Archibald in tenent heritable to pe said Johnnis vper oure-lordis,² now haldin be him of pame, and fall mak him be infest of pe famyn; and fall mak him alswa be anfuert of our escheit of all pe said Johnnis movable gudis, takkis, steidingis, obligationis, and vperis quhatsumuer: And pan as now, and now as pan, We gyf be thir presentis to pe said Archibald, his airis and assignayis, oure haill escheit of pe said Johnnis landis and gudis to be disponit at pair plesoure, in cace pe said Johne beis fforfalt, as said is. **GEVIN** vndir our Priue Sele, and subscruiit with our hand, At Edinburghe, pe xxv day of October, and of our regne pe xiiij 5eir. [JAMES R.]

Oct. 28.—Remission to **DAUID DOUGLAS OF PETTINDREICHE** and fifteen others for their *treasonable Kessetting* and *Intercommuning* with **Duncan Cumyn** and his complices, Rebels and at the horn, &c.

Dec. 27.—Remission to **ADAM LINDESAY OF DOWHILL** for *High Treason* committed by him, by his persuasion, labour, care, and diligence to take the King and his deceased brother the **Duke of Ross** furth of the *Castle of Stirling*, where he had been placed with the advice and consent of his Tutor John Duke of Albany and the three Estates of the realm: AND for *treasonable Conuocation* with **David Hume of Wedderburne**, his brothers, and their accomplices, Rebels and at the horn, &c.

¹ The noted Sir Archibald Douglas of Kilspindie, Lord Provost of Edinburgh, &c. For some notices of this remarkable person, who the King, in his youth, called his '*Grey-swill*,' see Vol. I, p. * 195. Reference may also be made for Hume of *Godscroft's* History.

² Over-lords, superiors.

Jan. 10, 1526-7.—Remission to DAVID BALFOUR OF BURLIE and xv others for their treasonable art and part of **Preparing, &c. the Field of Battle near Linlithgow.**

Jan. 19.—Remission to PATRICK OGILVY OF INCHEMERTINE and xvj others for being with unq^{le} **Dauid Hume of Weddirburne, &c.** (*Apud S. Andream.*)

Eo die.—Remission to ALAN JAMESON, for **Abiding** from THE KING'S ARMY with THE GOVERNOR, at **Dunglas, Bonkhill, and other parts in the Merse.**

Jan. 20.—Remission to THE BAILIES AND COMMUNITY OF DUNDEE for **Intercommunung** with Andrew Cariage-man, David Blantire, and other **Rebels**: AND for the **Slaughter** of Gilbert Lindefay.

Jan. 24.—Remission to WILLIAM MASTER OF RUTHUENE and five others for treasonably **Besieging the Castle of Rothissay and Burning the town of Bute.** (*Apud Balmerinloch.*)

Jan. 28.—Remission to WALTER BONAR OF KELTY, and two others, for **forethought felony and Oppression** done by them to ANDREW ROLLOK OF DUNCROWE and others his accomplices, in coming to the Parish Kirk of Dunnyne, and for **Wurting** Gothrey Wilsoune, at the same time.

Jan. 30.—Remission to JOHN OGILVIE OF INNERQUHARITE and xvij others for **Abiding** from the **Raid at Uerk.** (*Apud Perth.*)

Jan. 31.—Respitt to PATRIK BUCHQUHANNANE, Walteris son, Duncane B. Walteris sone, Alex. B. Patrikis son, Johne Makintailour, Patrik B. Johnnis son, Patrik B. Johnne Walteris sone, Johne Malcome of Lanysis son, and five others, for **pare treasonabill art, part, and assistance** gevin be pame to George Buchquhannane and Robert B. and vperis pare compliceis, our **Rebellis**, being at our horne, in pare trefonabill dedis: And for **pe trefonabill rasing of fyre** in pe landis of **Arrouchgushir**, pertenying to McFarlane: AND for **pe crewall Slaughter** of Johne Laurencefone and certane vperis being with him in his company, committit apoune forthocht felony within pe Tonne of Tonghe: AND for **pe Reiff, Spuilzie, and Werpung** of pe said Tonne of **Towghe** pat samyne tyme, &c.: For xix 3eris. (*Apud Perth.*)

Mar. 1.—Lettre to PATRIK SINCLARE, makand him **Maister of Hunting to the King**; and gevand him pairfore, 3eirlie, pe soume of xl li.

Feb. 5.—Remission THE PROVOST, BAILIES, AND COMMUNITY OF PERTH, for art and part of the **Burning of the Place and houses of Cragy, &c.**

Apr. 11, 1527.—Respitt to JAMES HAMMILTOUN OF INNERWIK, Johne of Newtounne, and four others, for pair trefonable **Arrayung of Batell** aganis pe GOVERNOUR, at **Kittirocc-hill** beside GLASQW.

Apr. 17.—Remission to JAMES STEWART OF TWEDY for art and part of preparing the **Field of Battle near Linlithgw.**

Apr. 23.—Lettre to ROBERT LORD MAXWELL, now being WARDANE OF PE WEST MARCHIS, gevand him full power within pe boundis of his Wardanry to **tak Inquisitionne vpon** **Christ**, Resfett of Thevis, Slauchter, with all vpir poyntis concernyng his poware of WARDANRY, during all pe tyme pairof, &c.

Apr. 30.—Lettre to (SCHIR) JAMES SANDELANDIS OF CALDOR, kny^t, Ratifiand pe Licence gevin to him afore to pass for pe completing of his **Pilgrimage at Rome**: And ratifiand siclike pe dispositiounne maid be him of his sonis Mariage, &c.

May 2.—Respitt to ANDRO GALBRAYTH OF CULCREUCHE and xlvj vperis, for pair trefonable **criming** aganis pe KING in array of **Batell** beside **Linlithgw.**

APPENDIX.

May 14.—Respett to **JOHNE DAUIDSONE**, burgesse of Edinburghe, for **halding furtþr of James Erle of Arane at the Pethir-Bow (Port, of EDINBURGH.)**

Eo die.—Remission, **WILLIAM LEVINGSTONE OF KILSYTHE**, for his treasonably coming against **John Duke of Albany**, THE KING'S TUTOR, and against the Royal authority, at **Bittercors-hill, near Glasgou**, his Majesty's STANDARD being displayed, &c. (*Apud Striuling.*)

May 16.—Respett to (SCHIR) **WILLIAME SINCLARE OF ROSLING**, kn^t and viij vperis, for þare tresonable Remaning fra **Sulway**.

May 18.—Respett to **HENRY CONGILTOUNE OF PAT LK** and xvij vperis, for art, part, and Assistance gevin be þame to **George Lord Hume**, &c. (*At Dalkeith.*)

May 20.—Remission to **WILLIAM GRAHAM, MASTER OF MENTEITHE**, for his treasonably **Abiding from the Army at Sulway**, &c. (*Apud Striuling.*)

May 22.—Lette to (SCHIR) **JAMES HAMILTOUNE OF FYNNART**, knicht, makand him **Capitane of the Castell of Dunbartane**, for ix zeris.

May 22 and 27.—Lette to **ANDRO LORD AVANDALE**, in double forme, of þe **Keeping of the Castell of Dunbartane**; ane of þaim for þe space of nyne zeris, and ane vper for þe space of xix zeris.

May 23.—Respett to **WILLIAM BORTHUIC OF CRUKESTONE**, for art and part of þe **Slauchter of Vthred Kincaid**.

May 25.—Respett to **WILLIAME CUNYNBURGHE OF SKOWLAG**, for art and part of þe treasonable **Arrayng of ane Field and Batell agane þe KING**, beside **Minlithquhow**.

May 28.—Respett to **ANDRO HERIOT OF TRABROUNE**, and xiiij vperis, for þe samyn actione, &c.

Eo die.—Respett to **WILLIAM DOUGLAS OF QUHITTINGHAME**, and xiiij vperis, for þe said actione, &c.

May 31.—Remission to **JAMES RAMSAY OF COKPENNE**, for treasonably **Intercommuning with George Lord Hume** and his accomplices.

Eo die.—Respett to **PATRIK HALIDAY**, in þe Barony of **Cambufnethane**, for þe **tresonable Resettng of vmq^{le} Thomas Hammitoun**, alias *Vnfanit*: For xix zeris.

Jun. 1.—Lette to **HECTOUR MAKILLEON OF DOWARD**, sone and air of vmq^{le} **Lauchlane M. of Doward**, chargeing þe **SCHEREF OF INUERNES** and his deputis and officiaris of þe King to command **Colyne Erle of Ergyle**, **Sir Johne Campbell of Calder**, kn^t, his broþer, þair complicis, &c., þat þai mak na Oisting, Conuocatioun of þe KINGIS liegis, or Invasioun apone þe said Hectour, his kynne, freyndis, and seruandis.

Jun. 2.—Respett to **EDMOND RUTHIRFURDE OF AUCHINGORTHE**, and Johne his sone, for þe **Rebisng¹ of Helene Murray**, committit be þe space of viij zeris syne: To endure for nyne zeris.

Jun. 15.—Respett to **ALEXANDER CAMPBELL OF BLAIRSKEITHE**, for þe art, part, and assistence gevin be him to **JAMES ERLE OF ARANE** and vmq^{le} **JOHNE ERLE OF LENNAX**, in **Arrayng of Batell agane John Duke of Albany**, &c.

Aug. 14.—Respett to **JOHNE BANNATYNE OF CORIIOUS**, and lxij vtheris, for þe **Mutilatioune of Walter Weir**, committit vpone fudandtie.

¹ Forcible abduction. Rape or Ravishing, in the modern acceptation, was then termed 'FORCEING.'

Nov. 28.—Remission to WILLIAM BORTHUIK, in Johnstone, and ix others, for treasonably **Intercommunung with and assisting THE KING'S Rebels, Thieves, and Traitors**, affording them meat and drink, &c.: For one year.

Eo die.—Remission, THOMAS MASTER OF BORTHUIK, and ij others, for the same crimes.

Dec. 6.—Remission to SIR WILLIAM SINCLAR OF ROSLING, kn^t, for treasonably **Abiding from the Army at Sulway**.

Dec. 12.—Respet to ALEXANDER MURE, and four vperis, for pair treasonable Remaning and **Byding fra the Oist and Army of Sulway**: For xix 3eris.

Dec. 22.—Lettre to GILBERT ERLE OF CASSILLIS, of all his movable gudis pertening to þe KINGIS grace, as his eschete, throw committing of **Willfull Erroure in the scrving of ane Breiff**, purchest be Williame Cunyngname of Langlane, apone þe landis of Knokgulzane, &c.

Feb. 3.—Remission to GILBERT TURING OF FOVERNE, and xj others; Alex^r Leslie, sone of the Laird of Petnamwne, Thomas Reid of Collestoune, James Creichtoune of Frendraucht, and xxj others; Patrick Chene of Effilmont, and xv others; John Forbes of Petlego, William Hay of Laisk, and xij others; Gilbert Dalgarno of Garnostoune, Gilbert Gray of Scheves; James Johnstoune of that Ilk, George Gordoune of Geicht, and iiij others; Alexander Crag of Cragfintray, &c. &c., for **Abiding from the Armies at Sulway and Uerk**. (*Apud Abirdene.*)

Feb. 7, 1527-8.—Remission to THE PROVOST, Bailies, community, burgesseis paying 'scot and lot,' and their servants, actually residing within THE BURGH OF ABIRDENE and burgh marches thereof, for their treasonably **Abiding from the Armies of Sulway and Uerk**, and other Raids. (*Apud Abirdene.*)

Mar. 31, 1528.—Remission to ALEXANDER DRUMMOND, formerly of CARNOK, and Alex. D. his servant, for treasonable **Assistance** given to Archibald, formerly **Earl of Angus**, his brother and uncle, &c.: AND for treasonably **Revealing the King's secrets**.

May 26.—Respitt to ANDRO HEREIS, bruper to WILLIAME LORD HEREIS, Andro Cotwart, William Carleill, and James Hereis, for þe treasonabill **Raising of Fyre** within þe realme, **Birnyng of þe Heile of Inokschenech**: **Slaughter** of vniql^e Patrik Hereis: AND **Intercommung with Englishmen**, in tyme of Weir: For xix 3eris.

Jul. 1.—Remission to HUGH CAMPBELL (OF LOUDOUNE) SHERIFF OF ARE, and xxxij others, for their treasonably coming against THE KING in '**Arrayit Battell**,' near the burgh of **Linlithgw**, on Sep. 3, 1526: AND for treasonably **Abiding from the King's Armies at Sulway and Uerk**: AND for art and part of the **Slaughter of Gilbert, Earl of Cassillis**.¹ (*Apud Striuling.*)

Eo die.—Remission to JOHN CRAUFURD OF DRONGANE, George Campbell of Glasnok, David Cathcart of Douchray, and John Clerk, for the same crimes.

Oct. 12.—Remission to WILLIAM COKBURNE and three others, for **treasonably Resetting and Intercommunung** with Patrick Cokburne of Newbiggin, his brothers and servants.

Eo die.—Remission to ROBERT HAIG OF BEMERSYDE and John Atkinfoune, for their treasonably **Besieging the Castle of Stirling and Palace of Linlithgw**.²

Eo die.—Remission to GEORGE COWPAR, for the **treasonable Convocation** of the lieges with his Rebels and Traitors, and the **English**, riding through the kingdom of Scotland in hostile manner,

¹ See *Historie of the Kennedies*; Edin. Quarto, 1830. *Leslie, Balfour's Annals, Pinkerton, &c.* ² See these Extracts, Jul. 31, 1536. Numerous other entries occur in other parts of this Collection.

APPENDIX.

and Besieging the Castle of Strivling and Palace of Linlithgow, and Waging War against James Earl of Arran: AND for treasonably taking down the heads of Alexander Earl of Home, and Mr William Home, his brother, from the Tolbooth of the Burgh of Edinburgh, &c.¹

Oct. 28.—‘Respitt and Saufgarde’ to ‘SCHIR JOHNE CAMPBELL OF LUNDY, kn^t, Johne his sone and apperand air, Finlay C. of Corfwell, Johnne Mcgilhauche his gudbruper,² &c., and pare men, tennentis, &c.,’ becaufe he was ‘now to pass in our Ambassate and seruice to pe partis of Flaunders.’ (*At Sanct Androis.*)

Dec. 1.—Remission to ANDREW SIBBALD and Williame Robertsoune, for treasonably Abiding from THE KING’S Army for Besieging the Castle of Crumplalloune.

Dec. 28.—Respitt to JOHNNE DUNLOP, for his treasonable art, parte, and Assistance gevin be him to Archibald, sumtyme Erie of Angus, his broper and eme,³ and pare complices.

Jan. 4, 1528-9.—Remission to GEORGE LORD SEYTOUNE and vj others, for their treasonably abiding from THE KING’S Army at Sulway.

Mar. 3.—Remission to SIR WALTER SCOTT OF BRANXHELME, kn^t, for his treasonably breaking Ward from the Castle of Blakness.

Mar. 8.—Remission to WILLIAM CARMICHAELL OF THAT ILK and three others, for art, part, and Assistance given to Archibald, late Earl of Angus, his brother and uncle, &c.

Apr. 4, 1529.—Respitt to HECTOURE MAKINTOSCHE, CAPITANE OF CLANQUHATTANE, and Alane Keire, for pe trefonable art, part, and Assistance gevin be jame to Archibald, sumtyme Erie of Angus, his broper, and eme, &c.

Apr. 6.—Remission to PATRICK HEPBURNE, MASTER OF HALIS, for treasonable Assistance given to George Lord Hume, and David Hume of Wedderburne, his brother, &c.

Eo die.—Remission to JAMES EDINGTOUNE, and x others, extracted from the Signature of Remission of PATRICK EARL OF BOITHUILE, for their treasonably assisting George Lord Hume and umq^{le} David Hume of Weddirburne, his brothers and accomplices, being THE KING’S Rebels, and at his horn.

Eo die.—Precepts of Remissions were also granted to MR WILLIAM BROUNE, TUTOUR OF COLSTOUNE, and four others, and to George Fawside of that Ilk, for the same crime.

Apr. 7.—Remission to WILLIAM DOUGLAS OF QUIHITTINGHAME and James D. his fervant, for treasonably Intercommuning, refetting, and assisting Archibald, late Earl of Angus, George D. his brother, and Archibald their uncle.

Eo die.—Remission to ROBERT LAUDER OF BASS, and xj others, for the same crimes.

Eo die.—Remission to THE BURGH OF DUNBAR, for the same crimes.

Apr. 8.—Remissions to JOHN LORD HAY OF JESTER, and iiij others, and to William Hay of Tallo, for the above crimes.

Apr. 27.—Remission to MR JOHN BANNATYNE and William Flemynge, his fervant, for their treasonable Assistance given to Archibald, formerly Earl of Angus, George his brother, and Archibald his uncle, and their accomplices, &c. (*Apud Strivling.*)

Jun. 3.—Remission to PATRICK HUME, brother-german of Alexander Hume, Tutor of Weddirburne, for all crimes committed prior to this date, High Treason only excepted. (*Apud Hadingtoun.*)

¹ See these Extracts, Oct. 27, 1516, *Note.*

² Brother-in-law.

³ Uncle.

Et die.—Respitt to JAMES LORD OGILUY OF ERLIE and xxxij vper perfonis, for art and part of þe **S**lauchter of vmq^{le} David Skeppar: For xix ʒeris.

Jun. 11.—Respitt to HEW KENNEDY OF GIRVANEMANYIS, for his treasonable art, parte, and assistance gevin be him to Archibald, sumtyme **C**erle of Anguse, his eme and broper, and þare compliceis: To indure for þe space of five ʒeris; swa þat¹ þe said Hew was in Fraunce, within twa monethis, and þare remane at his grace plesour. (*At Jedburgh.*)

Jun. 12.—Respitt to JOHNE MAILLILE, Robert Clerk, and Schir Thomas Thomfoune, for art and part of þe **S**lauchteris of vmq^{le} Johnne Wallanche² of Petkedy, Andro Traill, and Alexander Wemyis; committit vponne auð freid and foirthocht felony: For xix ʒeris. (*At Jedburgh.*)

Jun. 22.—Respitt to MATHEW HAMMILTOUNE, sone to Robert H. in Myleburne, and Duncane Dundafs, bruper-germane to James D. of Newlistoune, for art and part of þe **S**lauchter of vmq^{le} Adam Nisbet of that ilk, &c.

Aug. 5.—Respitt to JAMES GRANT OF FREUCHY, his kynnismen and seruandis being in his company; to þat effect, þat he may cum to OUR SOUERANE LORD, and commoun with him and his THESAURER, and mak waís for outred and payment of his laderis dettis, and sormes of money quhillis he resit awand to our souerane lord: For þe space of tua monethis nixt eftir his cuming. (*At Striuling.*)

Sept. 20.—Letter of Licence to DAME JONET DOUGLAS LADY GLAMMIS,³ and PATRICK CHARTERIS OF CUTHILGURDY to pass to the pairtis beyond sey, in their Pilgrimage, and vtheris leiffull besynes, &c.

Oct. 28.—Letter constituting ARCHIBALD EARL OF ERGYLE Justice General, within the whole realm of Scotland, and Master of the King's Household; for life. (*Apud Drumfreijè.*)

Oct. 30.—Remission to NINIAN CREICHTOUNE OF BELLEBOCHT, for treasonably Abiding from the Army at Sulway; and for all other crimes, Treason, &c., committed within one year last past being only excepted. (*Apud Drumfreijè.*)

Nov. 6.—Respitt to JOHNE GRAHAME, within þe scherefdom of Lanark, for þe **S**lauchter of vmq^{le} James Hebingstoune of Belstane: To indure vnto þe xxv day of December nixt to cum.

Nov. 8.—Remission to SYMON JOHNSTOUNE OF POWDENE, for all crimes before this date, Treason, &c. excepted. (*Apud Drumfreijè.*)

Nov. 12.—Remission to JAMES GORDOUNE OF LOCHINVER, and xxxix others, for the cruel **S**laughter of Thomas Makrellane of Bombe.⁴ (*Apud Quithorne.*)

Dec. 1.—Remission to HENRY M^cCULLOCHE OF KILASERE, for the **S**laughter of Andrew M^ccalloune: AND for treasonably abiding from the Army of Tamtalloun, &c. (*Apud Wigtoune.*)

Dec. 6.—Remission to HERBERT MURRAY, uncle of the Laird of Brochtoun, for Abiding from the Army of Tamtalloun. (*Apud Wigtoune.*)

Jan. 11, 1529-30.—Precept of Remission to PATRICK CULQUHONE, son of Robert C. of Caudredaue, for the **S**laughter of Duncan M^cAlester M^cGibboune, &c.

Jan 12.—Respitt to JAMES EDMONSTOUNE OF DUNTREITHE, and ix vperis, for Abiding from the Oist and Army of Tamptalloune, &c.

¹ Provided; or, on condition that. ² Vallance. ³ See her Trial, Jul. 17, 1537, I, * 187, &c. ⁴ Bomby. See these Extracts, Jun. 25, 1526, and other parts of this Collection.

APPENDIX.

Feb. 2.—Respitt to ALLANE STEWART in Kirkcoune, and xliij vperis, for pare trefonable Remanyng fra the Oist of Sulway,¹ &c. : For pe space of xj zeris to indure. (*At Glasgw.*)

Feb. 21.—Respitt to JAMES GRANT OF FREUCHY, and JOHNE M^cKINZE OF KINTALE, makand mentionne, pat pe saidis James and Johnne ar to cum to pe burgh of Edinburghe, or to ony burgh or part of pe realme, quhar it fall happin our souerane lord to be for pe tyme, and pare to solist and expaid with his hienes and his Thesaurer, pair lefull erandes and besynes : And pairfor his grace Respittis pe saidis James and Johnne for all manner of actionis committit or done be þame in ony tyme begane, vnto pe day of pe dait heirof, and till indure vnto pe saidis perfonis returnyng to þare cuntré, and x dayis þaireftir. (*At Struiling.*)

Feb. 24.—Respitt to HECTOUR M^cCLANE OF DOWART, his kyn, freindis, &c. to pe novmer of fourty perfonis, for all manner of actionis, alswete Trefloune as vperis crymes, quhill pe xxv day of May next to cum, to commoune with ws (THE KING). ‘ This Respitt bavand strenthe fra pe day of pe said Hectouris furthcumyng of his Howse of Dowart, cummand agaitwartis to þe KINGIS grace, quhill pe said xx day of Maj.’² (*At Dundé.*)

Apr. 8, 1530.—Licence to WILLIAM ABBOT of our Abbay of CORSRAGWELL, Commendatere of Halywode, and Tutour to GILBERT ERLE of CASSILLIS, his CHEIF, to pass in France and vper partis beyond sey, to do his Pilgrimage, &c. ; and granting a Respite and Saufgarde to him, his kyn, frendis, men, tenentis, &c.

May 22.—Respitt to THOMAS MACKLELLANE OF GILSTOUNE, and xj vperis, for pare trefonable remanyng, and at hame biding fra pe Oist and Army of Sowlway : AND for pe Slaughter of vmq^{le} George Langmuir : For xix zeris.

Jun. 12.—Respitt to MALCOME FORBES in Bulquhame, Johnne his sone, and Johnne Anderfoune, for pare Interramonyng and assisting with George Keyth, our souerane lordis Rebess : For xix zeris. (*At Scone.*)

Jul. 8.—Lettre maid to ROBERT LORD MAXWELL, his airis and assignais, ane or ma, of þe GIFT of all gudis movabill and vnmovabill, dettis, takkis, obligationis, sovmes of money, giftes of nonentres and vperis quhatsumeuer, quhilkis pertentit to vmq^{hill} Johnne Armstrang,³ bruper to THOMAS ARMSTRANG OF MAYNGERTOUNE, and now pertenyng to our souerane lord, be refoune of eschete, throw Justifying of the said vmq^{hill} Johnne to the deid for Thiff, committit be him, &c.’ (*At Preisfshauche, per Signaturam REGIS et Thesaurarij subscript.*)

Aug. 2.—Respitt to GEORGE NESBETT OF DALZELL for pe trefonabill art, part, and Assis-tance gevin be him to Archibald, sum tyme Erle of Angus, his bruper and eme, &c. : For xix zeris. (*At Struiling.*)

Oct. 7.—Lettre to all and findry þe perfonis, men and wemen, INHABITANTIS OF LIDDISDALE, gevand þame fre liberte, protectionne, faculté and fredome to pass and repare to all Mercatis, &c. and alsé full Licence and fredome to brouk and joifs peceabilly all and findry þare auld heretage, &c. þai plesand þe Lordis of þe ground, for pe saidis stedingis and rovnis, as efferis. (*At Dundé.*)

Oct. 9.—Remission to THE INHABITANTS OF LIDDISDALE, for whom PATRICK EARL OF BOITHUILE gave his Bond and security to exhibit, excepting GEORGE SCOT OF BOG and his accomplices of Crammald, Fire-raisers, for their trefonable deeds, and Conspiratices against the royall authority, for inbringyng of Rebels of Scotland and Englishmen within the realme, &c. (*Apud Dundé.*)

¹ A great number respited, at this time, for the same offence. ² These words are added to the Respite, which is engrossed in the Record at full length. ³ The redoubted JOHNNE ARMSTRANG. See Notice regarding him I, * 152.

Oct. 10.—Remission to JOHN MASTER OF FORBES and four others, for their treasonably Abiding from THE KING'S Army at Sulway and Uerk: And for the Slaughter of Alexander Seytoun of Meldrum, &c.¹ (*Apud Dundé.*)

Dec. 1.—Letter to MALCOLM LORD FLEMING, constituting him and his heirs Sheriffs principal of Tweeddale and Pechlis. (*Apud Perth.*)

Dec. 9.—Remission to ALEXANDER GRAY OF BALLEGARNO, and Robert Gray in Bowhouse, for art and part of the cruel Mutilation of David Cramby, junior: AND for Inbasion of the said David, and David his father, violently dragging them out of their house, under silence of night: AND for common Oppression, &c. (*Apud Perth.*)

Jan. 4, 1530-1.—Lettre to TORKILL (TORQUILL) MAKNELE, Chief and principale of the Clan and Surname of Maknelis, of pe GIFT of pe malis, fermes, proffittis, and dewiteis of all and findry pe landis pat pertenit to vmq^{le} GILLECALLUM M^cNELE OF GAEYA, liand within pe Sherefdom of Terbert; with the Nonentry and Relief, &c.

Jan. 21.—Remission to JOHN STRATHAUCHIN, son and heir apparent of Thomas S. of Lentruck, for art and part of the cruel Slaughter of Alexander Seytoun of Meldrum and JOHN KING, son and heir apparent of William King of Bourty: AND for art and part of the Besieging of the Castle of Wildrummy, 'Wereschip,' and 'Spulzie' of goods, and Slaughter committed at the time of the said Siege.

Apr. 28, 1531.—Lettre to MATHEW ERLE OF LEVINAX, his airis and assignais, makand pame Capitainis of the Castell, stenthe, and fortalice of Dunbertane, for xix 3eris, begynnand at pe feitt of Witfonday, in pe 3ere 1531, &c.

Jun. 7.—Respitt to JOHNNE BOYD, Chalmer-child² to Archibald Douglas, and John Boyd, son to Gilbert Boyd, for pe trefonable art, part, and Assistance gevin be pame to Archibald sumtyme Erle of Angus, George Douglas his proper, and pe said Archibald his eme,³ &c. (*At Striuling.*)

Jun. 8.—Remission to ALEXANDER JOHN-CANICHISSONE OF DUNNEVAIG and GLYNNIS, and three others, for their treasonable Fire-raising and Burning the houses of the lands of Rosucithe, Meucnar, Cragucithe, and sundry others within the realm, with Burnings, Slaughters, and Wereschips of the lieges, Inhabitants thereof: And for High Treason, &c. to this date.⁴

Eo die.—Remission to HECTOR MAKCLANE OF DOWARD, and others for the same crimes.

Jul. 1.—Lettre to GAWYNE HAMMILTOUNE and his airis, &c. of pe GIFT of all gudis movabill and unmovabill, dettis, takkis, Obligationis, gold, filuer, foymes of money, &c. quhilkis pertenit to JONET LADY GLAMMIS, and now pertening or onywife fall happin or may pertene to our fouerane lord be refoune of Eschete, throw hir being fugitive fra pe law, and at pe home, or conuict for Intercommounyng with our soueraue lordis Rebellis, or for ony vpir crymes, &c.⁵

Oct. 12.—Respitt to HECTOR M^cCLANE OF DOWALD⁶ (Dowart,) and to als mony as beis with him in cumpany to pe novmer of xl personis, or within, faulie to cum to our fouerane Lord and pe LORDIS OF COUNSALE for making of gud wayis anent the reule of the cuntre, &c.: For lx dais nixt to cum efter pe day of pe dait heirof.

Feb. 11, 1531-2.—Respitt to DONALD M^cALEXANDER M^cMURQUHE, and xv vpiris, being

¹ See his Trial for High Treason, &c. I, * 183, &c. He confessed his guilt of the Laird of Meldrum's Slaughter on the Scaffold. ² Page, or groom of the chamber. ³ Uncle. ⁴ See *Mr Gregory's Work on the Isles.*

⁵ See I, * 187, &c. ⁶ Dec. 8, 1531. Another Respite for him, 'and sa mony of his kin, &c. as he plesis to bring with him, &c. for to commounne and treit apoune sic materis as concernys ye weile of ye realme, and pacyfying ye samyne: For xl days.

APPENDIX.

in cumpany with RORY M^cKINZE at þe Slauchter of vmq^{le} Dingvate of Kildun, committit be him : AND Spulze and away-taking of þe said Williamis gudis and geir at þe tyme of þe committing of þe said Slauchter : AND for art and part þairof and the said Spulze : AND for all actionis, &c. befor þe cuming of þe said Rory to our fouerane Lordis seruice, þat is to fay in the zeire of God I^m.V^c.xxvij : For xix ȝeris to indure.

Sep. 1, 1532.—Remission to JOHN HUME OF BLACATER, John Nesbitt in Spittale, Hector Furd, and John Focart, senior, his servants, for their treasonably **Intercommuning**, &c. with Archibald, formerly Earl of Angus, his brother and uncle, and their accomplices, &c. : AND also for Intercommuning with and assisting our enemies **the English**, &c. : PROVIDED that the said John comes to THE KING, along with Alexander his brother, and purges himself of the **Slaughte of David Falconar** ; and shews to THE KING, so far as he knows, who were the slayers of the said David. (*Apud Falkland.*)

Oct. 12.—Lettre of Exemptione to JOHNNE BANNATYNE, Clerk and Writar to our fouerane lordis Signet, fra all passung to ony our Oistis, Weiris, congregatiounes, and assembleis, and fra all walking, warding, waching, paying of taxtis, or extentis, within our burghes of Edinburghe or vtwith¹ in tyme cuming, during all his lifytyme, &c.—he being ‘ now of gret age, feiklie and corpulent in his perfonne, and hes sustenit and as ȝit sustenis diuerse infirmiteis in his leggis and vper pairtis of his body, cumin of cauld throw his ythand² and deligent lawbouris maid in our Jus-tice-airis haldin in tyme of winter,’ &c.

Dec. 15.—Respitt maid to JAMES STEWART OF CRAGYHALL, and ij seruandis, for þare tre-sonabill **Intercommuning** and assistance gevin to our fouerane lordis **Rebellis**, &c. For xix ȝeris. (*At Linlithqw.*)

Jan. 9, 1532-3.—Respitt to THOMAS DONALDSOUNE M^cKINZE, and v vperis, for **commoune Theft**, outputting and inputting : AND for art and part of þe thiftus **Steking and conceling** fra GEORGE ERLE OF HUNTLEIE of certane wyld horsis and merys furth of þe landis of Bra of Mar (Braemar.)

Mar. 17.—Remission to ARCHIBALD EARL OF ARGYLE, and lxxxxij others, for their trea-sonable **Fire-raising**, with his **Standard unfurled**, in the **Islands of Mule, Teyre (Cyree), and Horberne** : THE KING and his Council having dispensed with the general Act, on condition of THE EARL satisfying the kin of Donald Ballo M^clauchin, Donald Crum M^ccowane, and Farquhar M^cSevir, and others having lawful claims.³ (*Apud Melrosc.*)

Mar. 21.—Respitt to ALANE M^cCLANE, sone to vmq^{le} Lauchlane M^cgillane of Doward, for þe tresonabill **Rasing of Fyre** and Birnyng of Houffis in the **Ile of Mull** : AND þe **Slauchter** of Johnne M^cgillane, sone to Johnne M. of Lochboy, and vperis : For xix ȝeris to indure.

Aug. 4, 1534.—Remission to JAMES HAMMYLTOUN OF STANEHOUS, for his treasonably coming ‘ in feir of weir,’ with banners unfurled, at **Ritterorshill**, against **John Duke of Albany**, Governor of the realm : AND for all other crimes, (excepting Treason, &c. Intercommuning with Archibald Earl of Angus and his accomplices, and assisting James Hammyltoun, the slayer of Thomas Flegeare ; common Oppression and Brigancy, and destroying the Woods within the lordship of Dowglas, &c.) (*Apud Lanark.*)

Dec. 5.—Remission to JOHN GRANT OF CULCABOK for certain actions committed by him, (High Treason, Slaughter, and Mutilation, after the making of the Act, and assistance given to Hector Makintosche and his accomplices, being alone excepted.) (*Apud Elgin.*)

¹ Outwith.² Eident ; constant, unremitting.³ See *Mr Gregory's History of THE ISLES.*

Jul. 10, 1535.—Respitt to **JOHNE CHARTURIS**, sone to vni^q^{le} **Johne C.** of Cuthilgurdy, for all crimes, Trefoun in þe KINGIS perfonne alanerly except; and to indure for v 3eris: Providing allwais, þat þe said **Johne** remane furth of this realme and the realme of England, &c. (*At Striuling.*)

Jul. 26.—Respitt to **DONALD M^cKY** and to all perfonis **INHABITARIS** of þe Landis of **STRATHNAVERNE**, Athir, Anchqubilis, and Ardurenis, within þe scherefdom of Inuenys, for all actionis, crymes, &c. Trefoune in oure souerane lordis perfonne alanelie except: For our souerane lordis will to indure.

Jul. 28.—Remission to **JAMES GRANT OF FREUCHY**, and iij others, for their treasonably Abiding from the Armies at **Sulway and Werk.** (*Apud Striuling.*)

Sep. 6.—Precept of a Charter to **DAUID ARMSTRANG**,¹ son of Herbert, *alias* **Habye** Armstrang, of the v merk lands of old extent of Park, lying in **Edwisdale**, and shire of **Drumfreife**; proceeding upon the personal resignation of **Robert Lord Maxwell.** (*Apud Crammald.*)

Oct. 29.—Remission to **ROBERT GRAHAME OF THORNOK**, Adam Grahame his brother, and Herbert Corry, for art and part of the cruel Slaughter of **George Kirkpatrick**, committed on forethought felony. (*Apud Striuling.*)

Nov. 28.—Remission to **WILLIAM KIRKPATRIK OF KIRKMICHAELL**² for Intercommuning with Sir Alexander K. of K., kn^t, his father, and his accomplices, **Rebels**, &c. (*Apud Drumfreife.*)

Dec. 2.—Remission to **THOMAS KIRKPATRIK OF CLOISBURNE** for Intercommuning with **Rebels**, &c. (*Apud Drumfreife.*)

Eo die.—Lette of Gift to **WILLIAME LORD RUTHVENE** of all guidis movabill and vnmovabill, &c. quhillis pertenis to **George Gorthy** of þat ilk, and to Sir William Stoby, Chaplane of Gorthy, **Eschete** throw being of þe saidis perfonis fugityve fra þe law, and at þe horne for þe Slaughter of **Robert Murray of Newralw**, &c.

Dec. 6.—Remission to **JOHN GREIRSOUNE OF LAG** for treasonably Abiding from the Army at **Sulway.** (*Apud Drumfreife.*)

Eo die.—Remission to **THOMAS FERGUSSOUNE OF CRAGDARROCH**, for all crimes committed prior to this date, &c.

Mar. 1, 1535-6.—Respitt to **JOHNE, THOMAS, and JAMES CRANSTOUNE**, breper, for art and part of þe Slaughter of **Andro Reidpeth of Deringtoun:** For xix 3eris. (*At Sanctandrofe.*)

Mar. 3.—Precept of Remission to **THOMAS FOTHERINGHAME OF POWRY** for art and part of the Slaughter of **Walter F.,** &c. (*Apud Falkland.*)

Mar. 11.—Lette to **GEORGE ERLE OF HUNTLE**, his airis and assignais, of þe Gift of all guidis, movabill and vnmovabill, cornis, catale, &c. gold and siluer, cunzeit and vucunzeit, jowallis, and vperis quhatfumeuir quhillkis pertenis to **Johne Forbes of Pitslego**, Alexander F. of Kynnaldy, his sone and apparand air, **Johne F., Williame F., Alexander F.** of Dalmannoche, **Johne** his bruper, Alexander, sone of **David F., Patrik**, sone to **Johne F., Johne**, sone to **George F., Andro Schand** in **Tormare**, **Johne Cawdale**, sone and apperand air to **James C.** of **Aslovne**, **John Farare**, servand to þe Lard of **Pettlego**, **Duncane** his sone, **Thomas and Johne Hoggis**, and **Alexander Makferfane**, now pertenung to our souerane lord as his eschete, throw being of þe saidis perfonis his **Rebellis**, and at his horne, as fugitiue fra his lawes, for art and part of þe cruell **Mutillatioun, Murtung, and Wound**:

¹ See Notice relative to *Johnnie Armstrong*, I, * 152; and also the Gift of his Eschete, I, * 245.

² James

Kirkpatrick and xxj others got another Remission for the same crime.

APPENDIX.

ing of Michael Frazer and Johne Frazer, vpoune auld fleid and forthocht felony: AND als, of þe Gift of þe vnlawis, in þe quhillkis **Johne Maister of Forbes** was adiugit for nonentre of þe said Johne F. of Petlego, and þe said Johne for nonentré of þe said Alexander his sone, and þe vparis perfonis, Rebellis forfaisdis, and of Jobne Schand, feruand to Andro Schand, Sr Gilbert Hunter, Chaplane, and diuerse vperis perfonis: And als, of þe Gift of diuerse vperis vnlawis efchetis, panis of Lawborrowis, and fomves of money, as at lenth is contenit in þe said Lettre. (*At Striuling.*) ‘Compositio iij^m (4000) merkis.’

Apr. 5.—Remission to THOMAS FAIRBARNE in Gordoune myll, Alexander his brother, and Cuthbert Cranftoune in Manys, for art and part of the **Slaughter of Andrew Kildupeth of Strulaw**, &c. (*Apud Striuling.*)

Apr. 11.—Remission to GEORGE EARL OF ROTHESE, James and John Lesley, brothers, Andrew Balfowre of Montquhanny, William Lesley Captain of Rothesse, Robert Lesley of Kymnard, James and William Lesley in Hechame, brothers, Robert Arnot of Wodmylne, Walter Paterfoun of Drummure, Patrick Balfowre in Denmylne, and forty-four others, for treasonably abiding from the **Armies of Werk and Temptalloune**, &c.: AND also, discharging them and their cautioners of all pains and americiaments for not appearing before the Justiciars at the **Monastery of Lundoris and Reidinche**, near the same, committed on May 17, 1532. (*Apud Falkland.*)

Apr. 19.—Respitt to WILLIAM JOHNSTOUNE in Fouldurris, and vij vperis, for þare trefonable Raifing of Fyre within þe realme, and Birnyng of þe Toune of Kirkmaquho. For xix 3eris, and forder for our fouerane lordis will to indure. (*Apud Striuling.*)

Apr. 23.—Remission to WILLIAM COKBURNE OF SCARLING, for treasonably **Assisting David Hume of Wedderburne**, &c. (*Apud Striuling.*)

Apr. 25.—Gift to SCHIR PATRICK HEPBURNE OF WAUGHTOUNE, knycht, of all gadis, movable and vnmovable, &c. quhillkis pertenit to him of befor, and now to THE KING, be reffoun of efcheit thron his being **Condict be an Assise**, Jan. xxiiij last bipast, of certane crymes committit vpon James Sinclare, bruder to þe Lard of Rolling, and his complices being with him. (*At Falkland.*)

May 6.—Remission to JOHN ROSS OF CRAGY, and ix others, for treasonably **Abiding from the Army at Sulway**, &c. (*Apud Striuling.*)

May 9.—Remission to PATRICK HEPBURNE OF WAUGHTOUNE, kn^t, Patrick his son and heir apparent, Williame H. of Est Crag, John H. of West Fortonne, Patrick Qubitlaw of that ilk, John Carkettill of Finglenne, and fifty-seven others, for art and part of the treasonable **Intercommuning**, Resetting, &c. and assisting **David Hume of Wedderburne**, and his accomplices, the King's Rebels, &c. (*Apud Striuling.*)

May 20.—Respitt to GEORGE ELPHINSTOUNE, son and apperand air to Johne Elpbinstoune. of Hinderstoune, and Thomas E. his bruper, for art and part vpoune forthocht fellowne of þe cruell **Slaughter** of vmq^{lc} Thomas Mure; committit be þame in þe **Auld-toune of Airdene**. For xix 3eris. (*At Striuling.*)

Jul. 16.—Remission to MARGARET LADY SINCLAIR, and xj others, for their treasonably **Abiding from the Army at Temptalloune**: AND for Usurping THE KING's authority, **Conuocation** of the lieges, **common Oppression**, &c. (*Apud Falkland.*)

Jul. 20.—Remission to JAMES TUEDY, son and heir apparent of John T. of Drummelzeare, and xv others, for treasonably **Assisting David Hume of Wedderburne**, his brothers and accom-

plices: AND for the **Slaughter** of **John Lord Fleming**, committed upon forethought felony. (*Apud Pittinweme.*)

Jul. 23.—Remission to **ANDREW WOD OF LARGO**, John and Robert his brothers, Andrew and Thomas Wod, fons of Andrew Wod in Pittinweme, Andrew Wod his fervant, Alexander Spense of Lathallane, John Lundy of Stratharlie, James his brother, and twelve others, for all actions, &c. prior to this date, High Treason excepted. (*Apud Pittinweme.*)

Aug. 15.—Remission (**SCHIR**) **JOHNE MAILUL OF RAITHE**, kn^t, James Kirkcaldy of Grange, Williame Berclay of Touche, John Mailul of Westir Touche, John and Patrick K., brothers of the Laird of Grange, and eight others, for all crimes, excepting Treason, &c. prior to this date. (*Apud Striuling.*)

Aug. 28.—Lettre of Gift to **DAUID ARMSTRANG**, callit þe *Lady*, Andro A., fone and are of vmq^{le} Symon A. of Qubitehauche, and to Mertyne A., bruper to the said Dauid, þare airis and assignais, of all gudis, movabill and vnmovabill, dettis, &c. quhilkis pertenit to þe said vmq^{le} Symon, and now to our foverane lord be refoune of **Eschete**, throw justifying of þe said vmq^{le} Symon to the **deid** for crymes committit be him. (*At Striuling.*)

Sep. 1.—Respitt to **ALEXANDER FORESTER**, fone of Johne Forester of þe Newtoun, for art and part of þe imput¹ cruell **Slaughter** of vmq^{le} Andro Leirmoutht, citinar of Sanctandrofe: For xix 3eris. (*At Abbottshall.*)

Jan. 28, 1536-7.—Respitt to **LANCELOT GRAY**, for art and part of þe cruell **Slaughter** of vmq^{le} Adam Purdy, faldlaire, burges of Edinburghe: And of **Disremembering** of William Purdy, his bruper, of his rycht ee; and **spoliatioun** of his fuerd; committit and done aponne suddante, &c.: For ix 3eris. (*At Parisé, per Signaturam manu REGIS subscript.*)

Apr. 28, 1537.—Remission to **ANDREW MUNCUR OF SLANIS**, Alexander his brother, and Andrew their baillard brother, **ROBERT MAILUILE OF HERVISTOUNE**, and three others, for art and part of the cruel **Slaughter** of **John Drimme**. (*Apud Montevele.*)²

Jun. 6.—Respitt to **JOHNE VAUSE OF MANY**, and Maister Johne Gordoune, for art and part of þe **Slaughter** of James Lionne: AND **Mutilatioun** of Alexander Ruthirfurd, ane of þe **Baillies** of **Abirdene** for þe tyme, Maister Eduerd Menzies, and William Turnbull: AND **Deforcing** of þe **Probest** and **Baillies** pair of in executione of þare office, in chargeing of þe said Johne to pas to þe Tolbuthe of þe said Burghe, for trublaunce done be him: AND for **commoun** **Oppressioun** done be him and þe saidis Maister Johne, Alexander (Knowis) and Williame (Gordoune), vpoune our foverane lordis liegis, &c. For sex monethis to indure.

Jul. 15.—Respitt maid to **JONETT PYOTT**, þe sponse of Williame Sinclare in þe Myresyde, for art and part of þe **Slaughter** of vmq^{le} **Maister George Lindesay**: AND of þe **Mutilatioun** of Patik L., committit vpoune forthocht felony, and passing away with þe committaris pair of with þe bludy hand. For xix 3eris.

Nov. 7.—Respitt to **ROBERT LAUDER OF BASS**, and v 3eris, for þe **tresonabill Intercomonyng** with **Englismen**, in tyme of Weir, &c. For xix 3eris. (*At Striuling, 'v^e merkis.'*)

Nov. 12.—Lettre of Gift to **ARCHIBALD ERLE OF ARGILE**, his airis and assignais, ane or ma of all þe gudis, movabill and vnmovabill, dettis, &c. quhilkis pertenit to **CHARLIS CAMPBELL OF BARGOUR**, and now to our foverane lord, be refoune of **Eschete**, throw being of þe said Charles fugitive fra þe law and at þe horne, or convict for art and part of þe **Slaughter** of vmq^{le} **Alanc Wammyltoun** of **Wardoway**, Robert Striueling in Cadder, and **Andro Striueling** of **Banker**. (*At Linlithgw, 'ij^e ti.'*)

¹ Imputed, alleged.

² Probably *Montivillars*, a town in the department of Lower Seine, France.

APPENDIX.

Dec. 9.—Remission to JOHN VAUSE OF MANY, for all actions, &c. committed by him prior to this date, Treason, &c. only being excepted. (*Apud Falkland.*)

Dec. 12.—Lettre of Gift to ROBERT MAISTER OF MAXWELL, his airis, &c. of all takkis, fledingis, and wodfettis, within þe Ouer parrochin of Ewis, quhilkis pertenit to vmq^{le} Symon Armstrang of Oubithaugh, justifiyt for certane crymes committit be him. (*At Linlithgw.*)

Dec. 18.—Lettre of Gift to (SCHIR) JOHNE STRUCLING OF þE KEIR, knycht, his airis, &c. of all þe gudis movabill, dettis, &c. takkis, fledingis, cornis, catale, &c. quhilkis pertenit to vmq^{le} COLIN CAMPBELL OF AUCHINOWIE, justifiyt for art and part of þe Cruell Slauchteris of vmq^{le} Alan Hammyltoone of Wardowic, Robert Strucling of the Uetter, and Andro S. in Ballindroicht, and being at þe home for þe saidis Slauchteris, (excepan þe cornis, catale, and gudis intromettit with be JOHNE LORD ERSKIN, Schereff of Strucling, for our fouerane lordis vse.)

Dec. 29.—Letter of Gift to JONET LOGANE, relict of vmq^{le} JOHNE WALLACE OF CRAGY, in consideratioun þat scho is of oure kin and blude, and hes nocht to leif vponne, howbeit scho wes dotit substantiounlie be vmq^{le} our derrest fader of gude mynd, quham God assoilze, be payment of large sowmes of money for hir tocher: thairfoir feing now þat þe landis and Iordschip of Cragy ar fallin in oure handis be reffoune of Wlardt, We, willing þat þe said Jonet be nocht alluterlie destitute of hir leving, hes gevin, &c. þe sowme of fourty merkis of Pensoun zehirle, &c. (*At Linlithgw.*)

Jan 6, 1537-8.—Respitt to ROBERT and JOE HAMMYLTOUNE, for art and part of þe Slauchter of Johne Campbell of Pasfortour: For xix zenis. (*At Linlithgw.*)

Mar. 23.—Lettre of Gift to THOMAS KENNEDY, sone and apperand are to Alex. K. of Bargany, his aires, &c. of all gudis, movabill and vnmovabill, dettis, &c. quhilkis pertenit to vmq^{le} James Kennedy in þe Schallauch of Glentig, and now Eschete, because he, and Neil Boyd his seruand, vponne þe . . . day of Marche instant, vponne auld scid and forthocht feloune, cruelly slew vmq^{le} Patrik Mcilivrik at Cragneil, and for bricking of our fouerane lord his ffessis and arrestis, and for Deforcing of his Officiaris, &c.

Mar. 27, 1538.—Respitt to ROBERT and JOHNE RAMSAY, for þare tresonabill counselling of the tresonabill wordis and langage herd spoken be þame be NYCHOLACE RAMSAY OF DALHOUSSY OF þE KINGIS grace: AND for Resetting, suppleing, and intercommonyng with his Rethellis, &c. For xix zenis.

May 8.—Lettre to ROBERT LORD MAXWELL, Grete Admirall, makand mentioun, þat his hienes hes direct him to þe pairtis of FRANCE, for þe sure conboying and accompanyng of his derrest fallow the Queene to this his realme fra þe said realme of FRANCE; that pairfore his hienes, willing þat his said coung, nor name vpir Capitane, gentilman, skipper, warmanne, or maryner, and all vpir personis passand in his cumpany in his seruice, incur ony damage, hurt, or skaith pairby, Will and Grantis, and of his autorite ryal and kingleie power, for him and his successeouris, perpetnallie confirmis, That gif it happinnis his said coung, or ony of þe saidis personis passing in his cumpany, to deces, or be flane ony maner of way, in þat cayce he gevis frelie to þame, and euery of þame, þare Wardis, relevis, and marriages, to þe vtilite and weile of þare airis, to be applyit to þe behufe of þare airis and þare barnis, &c. (*At Leyth.*)

Jul. 23.—Respitt to JAMES FORSYTHE OF NYDE, for art and part of þe Slauchter of vmq^{le} Thomas Sandfurd: For xv dais to indure; providing þat þe said James pass furth of the realme within xv dais nixt eftir he be chargit pairto: and nocht to returne agane within þe sammyn, quhill he obtene his gracis Licence þairupoune.

Sep. 13.—Precept of Legitimation to MURDOCH M^cGILLEOUNE and CHARLES M. natural sons of John Macgillecounne of Lochbooy. (*Apud Linlithgw.*)

Oct. 13.—Letters of Rehabilitation to RICHART ROLLOK, burges of Dundee, dilatit of certane poyntis of *Weresp*, and *Abiurit and Connict* pairrof, restoring, reponing, and reintegrating him to his gude fame, heretage, gudis, and wardlé¹ honouris, without reproche, murmur, detractiounne, blasphematiounne to be maid or done pairthrow to him, in word or deid, be ony maner of way, in tyme cuming. (*At Abirbrothok.*)

Oct. 31.—Remission to THOMAS LICHTOUNE OF VLLISHAVIN, for the *Slaughter* of Andrew Tait, &c. (*Apud Falkland.*)

Dec. 13.—Remission to THOMAS TURNBULL OF RAWFLAT, for art and part of the *Oppression done* to William Scott of Wassindane, in breaking up a box belonging to the said William, in the house of Mr Nicholas Ruthirfurd, within the burgh of Edinburgh, and for theftuously abstracting therefrom two Letters of Reversion of the lands of Coppitrig, with an instrument, belonging to his wife.

Dec. 23.—Respitt to WILLIAME CUNYNGHAME OF AKINBAR, for all actionis done be him befor þe dait heirof, Tresounne, &c. except: For xix 5eris.

Jan. 13, 1538-9.—Remission to JAMES GORDOUNE OF LOCHINVER, William G. of Crauchlew, Andrew Agnew Sheriff of Wigtonne, George M^cculloche of Torhoufe, David Gordounne, John G. called *Johne of Qulithorne*, William Carnis young Laird of Orcharde, and twelve others, for art and part of the *Slaughter of Thomas MacCleshauc of Bomby*, committed eleven years lastbypast, in the burgh of Edinburgh, &c.

Jan. 24.—Precept of a Charter of Confirmation by JAMES V, of a Feu Charter granted by Robert Abbot of Holyrood, to OLIVER SINCLARE OF PITCARNIS, and Katherine Belleudene his spoufe, whom failing, to James S. his natural son,² &c. of the Barony of Ahammer (Allhammer) alias Qulithkirk, with the pertinents, within the constabulary of Haddingtonne and shire of Edinburgh; dated, 'apud Monast. S. Crucis prope Edinburghe,' Jan. 17, 1538.

Feb. 16.—Remission to MR ADAM OTTIRBURNE OF RIDHALL, for *Abiding from the Army of Suluay*, &c. (*Apud Linlithgw.*)

Mar. 6 and 8.—Letters of Gift to WALTER COWSLAND burges of Struiling, and Robert Cant burges of Edinburghe, of their avne eschete gudis, pertening to þe Kingis grace, be resounne of *Eschete*, throw being of þe saidis Walter and Robert *Abiurit of Weresp*. (*At Linlithgw.*)

Mar. 12.—Lettre to MARTYNE BALKESKY³ remittand to him þe eschete of all his gudis, &c. throw cumin in will of þe said Martyne, befor þe Justice, for breking of our fouerane lordis Proclatiounne, in *habing and vsing*, eftir þe making pairrof, of certane Inglis (*Wercical*) bukis, contenit in þe sammyu.

Mar. 13.—Lettre to MR JAMES FOULIS OF COLINTOUNE, Clerk of Register, of þe Gift of þe gudis, &c. with þe advocatiounne and donatiounne of þe Chaplaurie, foundit at SANCT FRANCIS ALTAR, within þe College Kirk of SANCT GELE IN EDⁿ, with þe richt of þe Patronage pairrof, quhilkis portenit to JOHNE BROUNE, burges of Edinburghe, now *Eschete* throw being of þe said Johne dilatit, accusit, and *Abiurit of certane tymes and poyntis of Weresp*.⁴

¹ Worldly, temporal. ² He afterwards got Letters of Legitimation, Jan. 13, 1538. *Reg. Secr. Sig.* xii. 59.

³ See Notices, &c. regarding him, I * 217.

⁴ On Apr. 7 thereafter, he also got a Gift of certain of Broun's tenements, &c. in Edinburgh, which had been escheated for the same cause.

APPENDIX.

Mar. 24.—Lettre to **JOHNE COWANE**, burges of Striuling, and **Jonet Tennent**, his spouse, of pe Gift of all gudis, movabill and vnmovabill, landis, &c. quhilkis pertenit to **WILLIAME FORESTER**, fone and apperand are to **Johne F.** burges of pe said bureht, **Eschetit throw Abiuratione** of pe said **Williame** for certane poyntis of **Weresy**, confessit be him in jugement. (*At Linlithqw.*)

Jun. 8, 1539.—Lettre of Gift to **MR HENRY LAUDER**, Aduocat to our soverane lord, of all gudis movabill, dettis, takkis, &c. quhilkis pertenit to **ANDRO HVME OF NYNWELLIS**, and now to the King, be refoune of **Eschete**, throw being of pe said **Andro Condict of Wilfull Erroure**, in ferving of pe Breif impetrate be **Adam Nesbitt**, fone and are of vmq^{le} (**Philp**) **Nesbitt** of pat Ilk. (*At Sanctandrois.*)

Jun. 17.—Remission to **ALEXANDER M^cCULLOCHE OF CARDIRNESS**, for treasonably **Abiding from the Army at Wierk**. (*Apud Falkland.*)

Jul. 3.—Respitt to **ALANE M^cGILLESPIK M^cCONDACHY OF BALLEMANACH**, for art and part of pe **Slaughter** of vmq^{le} **Johne M^ckilzich;ere-fone**, &c. : For xix 5eris. (*At Falkland.*)

Sep. 8.—Remission to **ALEXANDER LOKKART OF WIKITSCHAW**, and iij others, for art and part of the **Slauchter** of **James Hammyltoune**, &c. (*Apud Striuling.*)

Sep. 9.—Lettre of Gift to **HELENE**, **Agnes**, **Jonet**, **Margaret**, **Katheryne**, **Elezabeth**, **Ifobell**, and **Marjonne SWYNTOUNE**, dochteris to **Johne S.** of pat Ilk, coniunctlie, and pair airis, of all gudis movabill, dettis, &c. quhilkis pertenit to pe said **Johne**, **condict of Wilfull Erroure**, &c.¹ (*At Striuling. Compositio, l^oxxxij t. vj s. viij d.*)

Sep. 19.—Respitt to **EDUERD SINCLER OF STROME**, **Magnus S.** of **Werfettir**, **Johne S.** of **Tollop**, **Williame S.** of **Houfe**, **Olyver S.** of **Helwra**, **James Cragy** of **Burgh**, **Johne C.** of **Bankis**, and twenty-four others, and generally to all their kynnishen, freyndis, &c. within pe **ILIS OF ORKNAY AND ZETLAND**, being with pame in company at pe committing of ony crymes, and art and part with pame pairintill, in ony tyme bigane, befor pe day of dait heirof : ffor art and part of pe **Conuocatioune** and gadering of our souerane lordis liegis in arrayt **Batell** aganis **vinguill Johne Erle of Cathnesse** : AND for art and part of pe **Slauchter** of pe said **vinguill Johne**, his freyndis, seruandis and pair-takariss, being with pame in company, at pat tyme : AND for all vperis **Slauchteris**, **Mutilationis**, **Oppressionis**, &c. : Trefoune in our souerane lordis awin propir perfoune allanerlie except. For xix 5eris. (*At Striuling.*)

Sep. 21.—Lettre to **ADAM LINDESAY OF DOWHILL**, of pe Gift of all gudis, movabill and vnmovabill, &c., quhilkis pertenit to **ALEXANDER RAMSAY OF KYNMONT**, **Eschete** throw being of pe said **Alexander** **condict of the Slauchter** vpoune . . . **Berkeley**, new recentlie done. (*At Falkland.*)

Oct. 15.—Remissio **THOME SINCLARE** et **ELIZABETH NESBITT**, sue sponse, pro arte et parte **Mutilationis et Decembrationis** **Roberti Hendirfoune**, **de suis testiculis**. (*Apud Falkland.*)

Oct. 19.—Remission to **JAMES KIRKCALDY OF GRANGE**, and his three brothers, for all **crimes** committed prior to this date, **Treason**, &c. excepted. (*Apud Falkland.*)

Nov. 23.—Respitt to **WILLIAME GOURLAY OF KINCRAIG**, **Mr Andro** his bruper, and three others, for art and part of the **Slauchter** of vmq^{le} **James Borthuik** and vperis, committit at **Pettinweme** : For xix 5eris. (*At Pebliis.*)

Dec. 1.—Remission to **JOHN BUCHQUHANNANE OF GARTNAVERTANE**, for all **crimes** committed prior to this date.

¹ See above, Jun. 8, 1539, where the same offence is recorded.

Dec. 24.—Remission to HEW EARL OF EGLYNTOUNE, Hew Master of Eglintoun, Neill Montgomery of Langschaw, Charles Mowat of Bubby, John Craufurd, brother of the Laird of Kilbirny, and twenty-eight others, for treasonably **Abiding from the Army of Sulway**: And for all crimes committed prior to this date, Treason, &c., excepted. (*Apud Linlithqw.*)

Dec. 26.—Lettre to MAISTER THOMAS BELLENDENE OF AUCHNOWINSHILL (Auchnoull), makand him Clerk of our soueraue lordis Justiciarie, for all pe dais of his lyfe. (*At Linlithqw.*)

Jan. 3, 1539-40.—Remission to THOMAS HUNTER, for his treasonably going between **Robert Bishop of Ross**,¹ then **Abbot of Holyrood**, on the one part, and **Archibald**, formerly **Earl of Angus**, and unq^{le} Archibald Douglas, his uncle, Traitors, on the other part, for the despatch of certain their affairs. (*Apud Linlithqw.*)

Jan. 10.—Respitt to JOHNE GUTHRE OF BALNABRECH for pe **Mutilatounne** of vmq^{le} Patrik Annand, &c.: For xix 5eris.

Jan. 12.—Remission, ALEXANDER M^cCLOYD OF DUNVEGANE,² and xxij others, for treasonably **Kesetting**, &c., vmq^{le} **Dabid Hume of Wedderburne** and **Donald His of Lochelsche**, kn^t, their brothers and accomplices, &c. (*Apud Linlithqw.*)

Jan. 18.—Lettre to JOHNE LAWSOUNE, makand him Curatour, gydour, and gouvernour to Patrik Neilloun, quhill is dait, and hes na wit to gyde him self; for pe weile and proffit of him and his barnis, quhill GOD fend him witt and knowlege to rewle and gyde him self, his barnis, and guidis, and mend him of pe faid infirmité. (*At Linlithqw.*)

Feb. 11.—Respitt to HECTOR M^cCLANE OF DOWART, for all crymes committit be him in ony tyme bigane, vnto pe dait heirof: For xix 5eris.

Feb. 24.—Remission to GEORGE MELDRUM OF FIVY, and iiij others, for all crimes committed by him prior to this date.

Feb. 28.—Lettre to OLIVER SINCLARE OF PITCARNIS, makand him **Capitane and Keeper of the Castell** and fortalice of **Temptallounne**, for all pe dais of his life; with pe landis of pe Manis of Temptallounne, with pe landis of Reidfyde, medois, and cunyngaris: PAYAND pe faid Oliuer, 5erie, to our fouerane lord I^lx merkis of male, alanerlie.

Mar. 4.—Remission to GEORGE SINCLARE, brother-german of John S. of Blaufe, for art and part of the **Slaughter of William Creichtounne of Scottistounne**.

Mar. 5.—Remission to ROBERT CHARTERIS OF LOCHTOUNE, for the **Slaughter of William Charteris**.

Mar. 10.—Remission to THOMAS BLAIRE OF BATHYOK, for treasonably **Abiding from the Army at Sulway**. (*Apud Linlithqw.*)

May 27, 1540.—Ane Protectionne, Saufgarde, and Respitt to OLIVER SINCLARE OF PITCARNIS, Katheryne Bellendene his spous, pair men, tennentis, and fernandis: **To iudure quhill the said Oliueris returning agane fra the F^lis**, and xl dais pairistir. (*At Sanctandrois.*)

May 29.—Remission to THOMAS CRAUFURD, CAPTAIN OF CRAUFURD-JOHNE, for treasonably **Abiding from the Army at Sulway**.

¹ ROBERT CAIRNCROSS. He was formerly Provost of the Collegiate Church of Corstorphine and Chaplain to JAMES V, and held the office of Lord High Treasurer. Having also obtained the *Abbacy of Fearn*, he resigned it in favour of his relation, James Cairncross, a Clerk of the See of Glasgow. ² For all matters connected with THE ISLES, reference may be made to *Mr Gregory's* work.

APPENDIX.

Jun. 4.—Remission to JOHN CRUMMY, for treasonably withholding and defending the Palace and Place of Linlithgow against THE KING and his authority, he being present in proper person, with displayed banners, &c. : AND for firing cannons, &c. against THE KING and his company, and the place wherein he then was, within the burgh of Linlithgow, &c. (*Apud Falkland.*)

Jun. 11.—Lettre of Gift to HEW CRAUFURD, fone and are apperand to Laurence C. of Kilbirny, of all gudis, movabill and vnmovabill, &c., quhilkis pertenit to pe said Laurence, Eschete for falsceing and kenzeing of ane proces of Apprising, led at his instance aganis Johne Cunynghame. ('Ic. merkis' of Composition.)

Jun. 12.—Remission, ALEXANDER OGILUY OF THAT ILK, for treasonably Abiding from the Army at Sullway.

Jun. 12.—Remission to LAURENCE CRAUFURD OF KILBIRNY,¹ for treasonably Abiding from the Army at Wierk; and for all other crimes, Treason excepted.

Jul. 18.—Precept of Charter to JAMES BANNATYNE, Writer to the Signet, of a tenement in the Cowgate of Edinburgh, &c., escheated to THE KING by reason of the Heresy of Mr Henry Wendersounne, late TEACHER OF THE HIGH SCHOOL OF EDINBURGHE, of which he was convicted before the Spiritual Judge. (*Apud Pellety.*)

Aug. 13.—Lettre of Gift to OLIVER SINCLARE (OF PITCARNIS) of all gudis, &c. quhilkis pertenit to Sir David Buchesone, Prouest of Rosling, escheated throw being pe said Sir David absurit of certane poyntis of Heresy.

Aug. 16.—Remission to ALEXANDER M^cALESTARE OF LOWPE and ij others, for treasonably Abiding from the Army at Sullway.

Sep. 15.—Lettre of Gift to JAMES ERLE OF ARRANE of pe non-entres, malis, fermis, &c. of pe landis and Barony of Hamptounne, &c. &c., with pe releif pairof quhen it fallhappin. (*At Glammys.*)

Eo die.—Lettre of Gift of pe Gift maid be PATRIK ERLE BOTHUILE, Lord Halis, to vmq^{le} (Schir) James Hamptounne of Fynnart, knyght, of pe nonentres, males, &c. of Estir and Westir Blairmukkis, &c., in scherefdome of Lanerk, quhilk pertenis to our fouerane lord, be resoune of Eschete throw Forfaltour, led vpon pe said vmq^{le} James for certane crimes of Tresoun, &c.²

Eo die.—Lettre of Gift of pe Eschete of Over and Nethir Braco, Fynnart, &c. to JAMES ERLE OF ARRANE, quhilkis pertenit to (Schir) James W. of Fynnart, knyght, haldin be him as tenandrijs of pe said Erle and Alexander Schaw of Sauchquhy, and now pertenes to our fouerane lord, &c.

Sep. 26.—Remission to GEORGE GORTHY OF THAT ILK, Tristram his son and heir apparent, and George and John, also his sons, for the Slaughter of Robert Murray of Drumdelwane, &c.

Eo die.—Lettre of Gift to ROBERT DURY OF PAT ILK of pe takkis and stedingis of pe landis of Lufcar, Eviote, Killerny, Kynnedder, &c. in regal. of Dunfermling and sh. of Fyff; quhilkis pertenit to (SCHIR) JAMES COLUILE OF EST WEMYS, knyght, and now to pe KING be resoune of eschete, throw being of pe said James convict of certane crymes of Tresoun and Lese-majeste, &c. (*At Falkland.*)

Sep. 29.—Remission to WALTER LESLIE, son and heir apparent of Alex. L. of Kynmury, for the Slaughter of Patrick Kettray of Kinballoch. (*Apud S. Andream.*)

¹ On Jul. 30, 1540, he obtained leave 'to sell, analie, or wodset ane part of his landis of Kilbyrnie' and 'Garnok.'

² See some notices relative to his Forfeiture, Vol. 1, p. * 227.

Nov. 23.—Lettre of Gift to **OLIUIERE SINCLARE** (OF **PITCARNIS**) of all gudis, &c. quhilkis pertenit to Archibald Douglas of Garfchogill, Williame his sone, Johnne D. and Johnne Esfy, and all vperis pare complicitis, Rebels, and fugityvis fra the lawis, for nocht finding fouerté to vndirly þe samyn, for þe art and part of þe cruell **Slauchter** of vniq^{le} **Maister Hector Sinclare, Marsoune of Kilsbrude.** (*At Halyrudhoufe.*)

Dec. 8.—Remission to **ROBERT MAULE OF PANMUIR**, for treasonably **Abiding** from the **Army of Sulway.**

Feb. 3, 1540-1.—Remission to **WILLIAM STEWART OF TODLAW**, for treasonably **Abiding** from the **Army at Redburgh** and upon the **Marches** of the kingdom, gathered quarterly for resisting of our Enemies of England, &c.

Feb. 6.—Respitt to **JOHNE MOWE OF PAT ILK**, and xix vperis, for art and part of þe **Slauchter** of Williame Burne, sone to Robert Burne in Prymysydoche, committit at þe Kirk of Mow: For thre 3eris.

Eo die.—Lettre of Gift to **OLIUIER SINCLARE OF PITCARNIS** and Johnne Tennent of þe Carnys of þe takkis of þe Kirk of Abircorne, now pertenying to our souerane lord be refoune of escheit, throw **Justifying** of vniq^{le} (**Schir**) **James Hammploune, sumtyme of Fynnart, knyght**, to þe deid for certane crymes of Trefoune.¹ (Compositiō ‘V^c merkis.’)

Mar. 8.—**WARRANT** to make a third **SIGNET**, in lieu of that which was stolen.

SECRETAR, Because We vnderstand þat it is necessar þare be thre small **Signetis** for seruice in our **Sessioune, Justice-airis**, and for ourre **aboue directionis**, Our **WILL** is heirfor, and We charge 3ou, þat incotinent estir þe sicht heirof, 3e cause mak **ANE THIRID SIGNETE**, in place of it þat wes stollin, to be vsit in our seruice, as said is: And to reforme þe vperis thre Signetis, grete and small, as falbe thocht expedient be þe Lordis of our Counsaie. And for þe maire securité of 3our Warrant, We ordand þis ourre charge to be insert in þe Bukis of our Counsaie, to be extract to 3ou in forme of Act. Subscriuit with our hand, and gevin vudir our Priué Sele, **AT LINLITHQW**, þe vij day of Marche, and of our regne þe xxvij 3eire.

Mar. 13.—Remission to **SIR JAMES SANDELANDIS OF CALDOR**, knyght, for his treasonably **Resetting**, &c. vniq^{le} **Archibald Douglas of Kilsperdy** and his servants, Traitors and Rebels at the horn: **AND** for taking two horses from the said Archibald.

Mar. 18.—Remission to **WILLIAM LORD SYMPILL**, Robert Master of Sympill his son, Gabriel S. his brother, Danid and John S., and William Pencartoune, for all **crimes committed** prior to this date, Treason, &c. excepted. (*Apud S. Andream.*)

Mar. 22.—Remission to **ARCHIBALD ILIS**, alias *Archibald þe Clerk*, Alexander Mcconill Gallich, and twenty-eight others, for the treasonable **Fire-raising** and **Burning the Castle of Allane-donnaud** and boats thereat:² **AND** also of the ‘**Weisship**’ of **Kculochow and Trouternes**: This Remission was declared by **THE KING** to be null, unless they observed good rule in time to come.

Mar. 30, 1541.—Respitt to **JOHNE WILLIAMSOUNE**, and fifty vperis perfonis, kynnismen and allya of vniq^{le} **Hector Macintosh** for all **actiōis and crymes** committit be þame befor þe day of þe dait heirof, Trefoune in our souerane lordis perfoune alancly except: For xix 3eris to indure.

Apr. 9.—Respitt to **ALEXANDER BANYS**, for art and part of þe **Slauchter** of **Schir William Stebirsoune**, Chaplane, committit vponne þe Linkis of Kinerag, be þe space of ix 3eris or pair-by. For xix 3eris. (*At Struiling.*)

¹ See I. 227.

² See *Mr Gregory's Work on the Isles.*

APPENDIX.

Apr. 20.—Lettre of Tak to OLIVER SINCLARE OF PITCARNIS, his airis and assignais, of all and findry our fonerane lordis landis and *Lordschippis of Orkney and Zetland*,¹ and of all pe *Dits*, partis, boundis, and fischingis pairof, and all pair pertinentis; togidder with pe *Constabulary and Keying of the Castell of Kirkwall*: AND als makand pe said Oliuere, and his airis male, *Iustices, Scheriffis, Admirallis, and Baillics* of all and findry pe forfaidis landis and lordschipis, baith be fey and land: For thré zeiris nixt to cum eftir pe feist of Lammes last bypast: PAYAND gerlie thre thovsand merkis, at Beltane and Lammes, be equal portionis. (*Apud Striueling.*)

May 24.—Respitt to SCHIR RICHARD PURVES, Chaiplane, for pe *Slaughter of Henry Newlandis*, done and committit be him in his pure defens. For xix zeiris. (*At Striueling.*)

Jun. 4.—Respitt to CHARLES CAMPBELL OF SKERINGTOUNE, Colin C., sone of vmq^{le} Colin of Auchinhowye, Williame C. and Johnne Roger, for pare trefonabill biding and remanyng fra our fonerane lordis *Army and Raid of Sulway*: AND for pe *Slaughteris of Alan Hammyltonne of Bardowe*, Robert Striueling of Bankere, and Andro S. in Ballingtrocht: For xix zeiris. (*At Striueling.*)

Jun. 9.—Remission to JOHN LEVINGSTONE, son of James L. of Waranehill, for the cruel *Slaughter on forethought felony and 'auld fheid'* of ARCHIBALD BALLIE OF HOWGAIT, who slew the said John's father. (*Apud Striueling.*)

Jun. 14.—Remission to ALAN LOKART OF LEY, for *Abiding from the Army at Werk*: AND for *Slaughter* of Ralph and David Weir, &c. (*Apud Striueling.*)

Jul. 13.—Respect to JAMES SINCLARE, for art and part of pe *Slaughter* of vmq^{le} William Creichtounne of Scottistounne, &c.: For thré zeiris.

Jul. 25.—Lettre of Gift to OLIUERE SINCLARE OF PITCARNIS of pe *Marriage of William Sinclare*, sone and are of vmq^{le} Alexander S. of Dunbethe; and failzeing him be deces vnumaryt, pe *Mariage* of ony vper ane. (Composition 'Ie merkis'.)

Ex die.—Remission to JOHN LINDESAY OF COVINTOUNE, Robert his brother, Harbert Johnestounne, son and heir apparent of Harbert J. of West Raw, and five others, for treasonably *Abiding from the Raid of Werk*, &c.

Oct. 21.—Lettre of Gift to OLYVER SINCLARE OF PITCARNIS of pe *Eschete* of Robert Dikfoune in Bouchrig, and seven other Dikfommis, fugityve fra pe law and at pe horne, for pe *Slaughter of John and Edmund Gradant*, and two others their brothers.

Dec. 31.—Lettre of Gift to NORMOND LESLIE, his airis, &c., of all gudis, &c., being within pe *Castell of Est Wemys*, quhilkis pertenit to JAMES COLUILE OF EST WEMYS, kny^t, Escheit throw being of pe said James fugityve fra pe law for certane crymes of *Treason and Lesmaieste*, of pe quhilkis he wes convict in Jugement.

Jan. 1, 1541-2.—Respitt to SCHIR ALEXANDER ELISOUNE, Chaplane, for art and part of pe *Slaughter* of George Biffet, committit vpoune suddanté: For xix zeiris.

Feb. 8.—Remission to JOHN LAUSOUNE, John Scot, John Myllar, and John Scot senior, for their treasonably befieging and breaking up the gates and doors of the *lodging belonging to James (Archbishop) of Sanctandrois*,² situated in the Black Friar's Wynd, within the burgh of Edinburgh, for his capture and apprehension, he being within the said lodging at the time, &c. (*Apud Falkland.*)

¹ See these Extracts, Aug. 31, 1542. ² JAMES BETOUN, who, according to *MacFarlan's MS.*, was 'the sixth and youngest son of James Beaton of Balfour, by Marjory Boswal his wife, daughter to Sir David Boswal of Balmuto.' He died in the time of harvest, 1539. *Sadler's Letters. Keith's Cat. of Bishops*, p. 36.

Feb. 21.—Remission to DONALD McALESTER OF LARGIS, in Kytire, John his son and heir apparent, Rannald Boy, Archibald and John Makrannald Vane, and twenty-four others, for their treasonably *Abiding from the Raid of Sulway*: And for all other crimes, &c.

Mar. 6.—Respitt to MORISE DALRIMPILL, David Kennedy, and Thomas Hornour, for þe *Rebisung of Fouet Creichtoune, callit Lady Melvotoune*, and having carnale daile with hir be þe said Morise, incontrare hir will: For xix 3eris. (*At Sanctandriis.*)

Mar. 12.—Respitt to WALTER PORTUIS for þe *Slauchter* of David Oliner in Montcowper, committit apoune suddanté be þe space of ten 3eris, or þairby: For xix 3eris. (*At Petlethy.*)

Mar. 16.—Lettre makand DAVID CREICHTOUNE OF NAUGHTANE, *Capitane and Repare of the Castell of Edinburgh*, for his lifetime—iiij^c markis to be pait to him 3erlie, in his fee.

Apr. 14, 1542.—Remission to ANDREW MURRAY of Blakbarony, for his treasonable art, part, assistance, *Reset*, &c. afforded to vmq^{le} Archibald Dowglas, and Isobella Hoppar his spoufe, the time the said Archibald was *Kechel and Traitor*. (*Apud Striueling.*)

Apr. 30.—Remission to HECTOR McCLANE OF DOWARD, Donald his brother, and John Mcclane of Ardgoure, for *Abiding from the Raid of Sulway*: AND for difobedience thewn to David Wod of Crag, Comptroller to the King, whilft he was in THE ISLES for setting the King's lands, and absenting themselves from his presence: AND for all other crimes, &c. High Treason alone excepted. (*Apud Sanctandriis.*)

Eo die.—Letter of Regrefs to DAVID PITSCOTTY, great grandfon¹ and successor of *Finlay Pitscotty of Loncardy*, on the fourth part of the Haltoun of Loncardy, in the shiire of Perth, alienated by the said Finlay to Sir Andrew Qubitheid.

May 6.—Commission to ARCHIBALD STEWART, CAPTAIN OF DUNNYVAIG, making him Ruler and *Gobernor within the boundis of Dley*,² with power to execute the *Office of Sheriff* thereof; during the King's pleasure.

May 10.—Commission to ALEXANDER MASTER OF GLENCARNE, making him Ruler and *Gobernor within the boundis of Kytire*; with power to hold *Sheriff and Justiciary Courts*, &c.

Jun. 11.—Remission to JAMES NASMYTH, burgefs of Linlithq^w, for treasonable art, part, and assistance afforded to umq^{le} Sir James Hammiltoune of Hynuart, knight, in his treasonable acts and deeds. (*Apud Striueling.*)

Aug. 31.—Lettre of Tak to OLYVER SINCLARE OF PITCARNIS, his airis, &c. of the landis and *Lordschippis of Orknay and Setland*, and all þe *Plis*, &c.³ for five 3eris fra þe feist of Lammes 1543: Payand 3erlie 3000 merkis, at Beltane and Lammes.

Sep. 1.—Respitt to GILBERT FORDYCE, for þe *Slauchter* of vmq^{le} Williame Donaldsone, *alias Brounhill*, committit xij 3eris syne within þe Gryrth⁴ of Halyrudhous, apoun sudanté.

Sep. 19.—Remission to MATHEW WINDEGAITIS, for the *Slauchter* of Robert, *alias Hob*, Olyver. (*Apud Cowper.*)

Oct. 2.—Respitt to ALEXANDER LAUDER, for þe *Slauchter* of vmq^{ll} Thomas Broullare; committit reklelie with þe schot of ane culvering, ane 3eire syne or þairby: For xix 3eris.

Nov. 4.—Respitt to DAVID SCHAW, and George Dreghorne, for þe *Slauchter* of umquhile *Doshune Striueling of Keir, knyght*, &c.: For xix 3eris.

¹ *Pronepotis.*

² See Mr Gregory's work for illustrations of these and other matters connected with THE ISLES.

³ See these Extracts, Apr. 20, 1541.

⁴ Sanctuary.

APPENDIX.

Nov. 26.—Lettre of Gift to EDWART STEWART of all gudis, &c. quhilk pertenit to Johnne Smithe in Smithistoune, escheite throw pe said Johnis being absent and **Remanynng fra pe Oist and Army** denifit and ordanit to pas to pe **Est and South Bordsouris** of pe realme, for expulsioune of our ald inymeis furth of pe famin.

II. ILLUSTRATIONS OF THE REIGN OF KING JAMES V, SELECTED FROM THE ACCOUNTS OF THE LORD HIGH TREASURER OF SCOTLAND.

[THE Editor presents here to the reader the result of a laborious and patient investigation of another portion of the truly valuable Records of the Lord High Treasurer of Scotland's Accounts. If, in his eagerness to bring to light much important historical matter, he has erred, by collecting too many particulars, strictly speaking, unconnected with the nature of this work, it is hoped that even those who are least inclined for such enquiries, will readily excuse the indiscretion. It has long been the Editor's conviction, that the real complexion of great public events are often most clearly understood and displayed by the investigation of such authentic sources as the public Records. The intricacy and extent of these documents, however, are such as to discourage, or altogether to deter, the generality of authors from even making the attempt at so serious an undertaking.

It has been thought best merely to add a few brief explanatory Notes, because the dates in general indicate the Trials illustrated by this and the preceding Appendices.]

Jul. 23, 1515.—ITEM, deliuerit be Master George Langmure, in pe Compt-giffaris name, to ALEXANDER CHALMOUR, PAYNTEOUR,¹ for ane hundrethe and xl **Payntit Armys to the Obsequijs of our souerane lord KING JAMES THE FERD,**² quham God assölse, pis day deliuerit in SANCT GELIS KIRK, price of ilk pece tuelf pennys, *summa* vij li.

Item, deliuerit be pe Compt-giffar to MY LORD GOVERNOUR, to offer at the **Mass**³ of the forsaid Obsequijs, xiiij s.

Jul. 29.—*Item*, to ane rynnare⁴ at⁵ bure ane Letter to Kethe Marfchell, for my **Lord Marschell**, xvj d.

Jul. 30.—*Item*, at ane estir none, to Dauid Cameroune, Johnne Langlandis, and James Biffatt, Officiaris, to pas at the post with my LORD GOVERNOURIS **Letteris** to my LORDIS CHAMMERLANE,⁶ MAXWELL, and to **Strueling**, with all deligence, betuix jame, l s.

Jul. 31.—*Item*, to Johne Balfoure, officiare, to pafs with thre Letteris and credence⁷ of my LORD GOVERNOURIS, with deligence, to pe LORDIS ERSKINE, FLEMING, and LARD OF KEIRE, for **Keiping of the Kingis grace**, xiiij s.

¹ See Mar. 15, 1517-18 of these Extracts.

² See Vol. I, p. * 120, Notes, for some similar illustrations.

³ FUNERAL MASS and Requiem for the repose of the late KING's soul.

⁴ Runner; courier.

⁵ That; who.

⁶ It would at first sight appear that this was probably JOHN, second LORD FLEMING. ALEXANDER, third LORD HOME, having embraced the Queen-Dowager and Angus's party long previous to this date, it might reasonably be supposed he must have been, ere this time, deprived of the office of LORD GREAT CHAMBERLAIN. By a subsequent entry, however, Aug. 23, 1515 (q. v.), it appears the HOME was at that time Chamberlain.

⁷ It was necessary that a messenger entrusted with such important affairs should be enabled to exhibit the fullest Credentials and the Warrant of the Governor and Privy Council.

Item, to Duncan, cartar, to pafs with xxiiij horfis, makand vj cartill, chargit with **two culver ring=nyante**, gvn=flanis, gvn=powdir, and certane hacbufchis,¹ ovt of Edinburghe to **Wintoun**, and returnyt þe famyn day, ilk cart on þe day ix s., *summa*, liij s.

Item, to ten pynouris² at bure x hacbufchis, x s.

Aug. 2.—*Item*, to Johne Langlandis, officiare, for to pafs with diligence till **DUNDE** and **FORFARE**, to charge all sensabill personis meit my lord Governour, þe ferd³ day of August,⁴ xvj s.

Item, to tua rynnaris, þat past with Letteris to Dalkeithe, Newbottill, and Lestalrig, for help of **Orin** to the gunnys, ij s. iiij d.

Item, to Dokane (Duncan), cartare, for xj cartis quhilkis lauborit ane hale day, **careand Gunnys, gun=stanys, powdir, colferis, and vthir Artalzey** out of the **CASTELL** and **ABBAY** of **EDINBURGHE** to **LEITHE**; lauborand ane hail day, ilk cart on þe day ix s., *summa*, iiij li. xix s.

Aug. 6.—*Item*, to Johne Langlandis for to pas with iiij **Letteris** to the **Schirreffis** of **ROXBURGHE**, **BERWIC**, **PEBLIS**, and **SELKIRK**, to canse þe **KINGIS** liegis be in **Edinburghe** the **xv** day of **August**, with xx dais victuallis—for his wagis, xiiij s.

Item, to Gilbert Rutherford, James Biffat, and David Lowry, Messingeris, to pas with xvj **Letteris** for þe famyn cause to þe **Schyris** of **FORFARE**, **KINCARDIN**, **FYFF**, **DUNDE**, **COWPARE**, **BERWY**, **PERTHE**, **MENTETHE**, **CLACKMANNANE**, **STRATHERNE**, **KINROSS**, **KILE**, **CUNYNGHAME**, and **RENFREW**, as þe Breuiat beris—for þar wagis, liij s.

Aug. 7.—*Item*, to David Purves, Mafer,⁵ for to pafs erandis of my **LORD GOVERNOURIS** to the **Lord Dakere**, in **England**—for his wagis, to gud compt,⁶ lvj s.

Aug. 8.—*Item*, to xij **cartaris** and xvij **cartis** ane hundrethe and xx **pynouris** and ix **gadmen**,⁷ being **careand** the **Artalzey** fra **Edinburghe** to **Streueling**, and returnand agane, in viij dais labour, as þe Compt maid pairuppone beris in it, lvj li. xvj s. x d.

Item, for þe wagis of vj horfis, and v feruitouris with pame, **quhilkis careit gun=stanis** þe famyn tyme, in foure dais, xlvj s.

Item, to Sande Jakfone, Duncan Smyth, and tua feruitouris with pame, to waite one the **Cartis** abuff writin, xxviiij s. iiij d.

Item, þe famyn day, and þe xiiij day of August þairefter, to Dokane, cartar, Thome Brauwed, and Johne of Cunyngham, for fyve cartis in vj dais, and to William Gogar, beand with pame v dais, with ane cart, bringand with pain out of **Glasgw** to **Edin** **two hail gunnys** and ane **brokin**, ilk cart one þe day, ix s., *summa*, xv li. xv s.

Aug. 9.—*Item*, to Petir Gilleis, Frencheman, to pay xix pynouris quhilkis labourit in þe **Palice** a day, ilk man viij d.⁸ *summa*, xij s. viij d.

Aug. 10.—*Item*, to **ILAY HERALD**, and a Monk of Newbottill, quhilk wes acquaint in **England**, to pass with **Letteris** of my Lord Governouris to þe **Lord Dakere**, in **England**, vj li. vj s.

Aug. 17.—*Item*, deliuerit to Mathew Auchinlek, goldmyth, to mend þe hiltis of þe **KINGIS** **Sword** of **Honour**, twa vncez of silner, price of ilk vnce fourtene schillingis; ane ducat of wecht to þe gilting of þe famyn hiltis, and ane lycht Franche crovne for his labouris, *summa*, iiij li. xij d.

Aug. 20.—*Item*, to Galtere Robertfone, deliuarit to ane feruitour of þe **LARD** OF **CESFURD**,⁹ **quhilk** come with **nouelties** fra þe **Army** to my Lord **GOVERNOUR**, xvij s.

Item, to ane rynnare, to pas to **Dundee** with **Letteris** to þe **BALLIES** pairof, to **speid** in **thare** **folkis** to the **Army**, iiij s.

¹ Hagbuts, or Harquebusses. ² Pioneers. ³ Fourth. ⁴ Numerous similar entries for the expense of couriers despatched to various parts of the Kingdom. ⁵ Macer. ⁶ This phrase often occurs in the Accounts, and seems to signify an *interim* payment made until final accounting. ⁷ Drivers furnished with *gads*, having sharp points to *goad* on the oxen. ⁸ The above entries are given as a specimen of this early part of the Treasurer's Accounts, which, however, are so very bulky as to prevent the possibility of any such Extracts being given in a connected manner. They are, however, very interesting, and replete with minute and curious historical materials. ⁹ One of the Wardens of the Marches.

Aug. 23.—*Item*, to Johne Balfoure, messingere, for to pass with Letteris of Summondis of **Forfaitour on the Lord Chawmerlane**, to his expensis, xx s.

Aug. 24.—*Item*, to James Wallace and Dauid Lowry, Officiaris, conjunctlie and feuerallie, **the Letteris of Summondis on the Lord Hume** and his foure brepir, and on **DAND¹ HERIOT OF TRABROUNE** to comperre the xxij day of October nixt pairetir, to here pame be **Forfaitur** for causis, and ane generall Letter for Captioun—to ilkane of pame xiiij s., and to ane rydand man for to pass with paim, wele horfit, xiiij s., *summa*, xliij s.

Item, for the hyre of tua led horfis for to pass with the said Officiaris, xx s.

27.—*Item*, to Francheoise Ferquhare, feruitour to **Schir Anthone Darsy**, and in his name, for to pay xv gunnaris for to pass his day to **the Castle of Dunbar**, ilk man tua crownis of wecht, in part of payment of pare wagis, to gud compt, xxvij li.

Sep. 4.—*Item*, to **Hyounne Herald** for to pas to the **Lord Dakkire** with writingis, to his expensis, iij li. x s.

Item, to Dauid Cameroun for to pass to the day of Crew, and erandis to the **Lord Dakkire**, to his expensis, xliij s.

Item, to Johne Langlandis Letteris to call the **LORD HUME** his brepir and pare complicez for the **Malding of Blacater**, and to leif the samyn, deliuerit to his expensis, and iij Witnes to pass with him, xxx s.

11.—*Item*, to **DAUID LINDESAY²**, **Kepare of the Kingis grace**, takand fourty poundis in pensioune, 3erelie; deliuerit to him in pairt of pament pairof, to gud Compt, x li.

Item, to **Hyounne Herald** for to pass, the secund tyme, erandis of my **LORD GOVERNOURIS** in England, to the **Lord Dakkire**, to his expensis, iij li. x s.

12.—*Item*, to Duncan, cartare, for his cart laubrand in **carrying of Artalzery**, harnes, halbertis, pikkis, and speris, vj dais betuix the **ABBAY** and the **CASTELL OF ED³**, as wes content in Capitane Bukkatis³ Compt maid pairon, iij li. xvij s. viij d.

14.—*Item*, to Duncan, cartare, and his marrowis⁴ **passand to Glasgw** with xv cartill, makand lx horfis, for **twa rauobnis**, and for powdir and vpir **Artalzery**; fra the xiiij day forsaid, inclusue, to xx day of the samyn exclusue, makand fyve dais, ilk cart on the day ix s., *summa*, xxxiiij li. xv s.

Item, to xij feruitouris quilkis helpit the samyn cartis, ilk man on the day viij d., *summa*, iij li.

15.—*Item*, to Dauid Cameronne, and four other Officiaris, to pass with lxxvij Letteris to the **Lordis, Schirreffis, Baronis, and Medismen⁵** of the maist parte of the realme, to provid for xl dais Victualis apone iij dais warnyng; and for certane Lordis and Hedismen for to cum towart my **LORD GOVERNOUR** with diligens—deliuerit to the forsaidis Officiaris to mak pair expensis, and to hyre pame horfis, becaufe pair avne horfis sum wes slane, sum wes burfyne,⁶ sum crukkit, sum soppit⁷ be consideratione, amangis paim, vij li. ij s.

16.—*Item*, at fyve houris in the mornyng, to **Hyounne Herald**, for to pass with my **LORD GOVERNOURIS** Letteris to the **Lord Dakkire**, beand in **Carlise**, to his expense, iij li. x s.

Item, to Johne Adamstone for to pass with tua Letteris of my **LORD GOVERNOURIS**, ane to the **QUENE**, beand in **Blacater**, and the topir to **Dauid Ker of Fernyhurst**; to his expensis, xiiij s.

29.—*Item*, to Johne Adamstone, Officiare, for to pas with **MONS⁸ DE PLANIS**, **Ambassiatour to the King of Franch**, and Master James Ogiluy to the **Queene** and **Lord Dakkire**, and forthir⁸ eftir pare directionis, deliuerit to his expensis, to gud Compt, xx s.

30.—*Item*, to **Hyounne Heraldis** wif, for supporting of hir in the said **LYONIS** absens, beand

¹ The common familiar abbreviation for Andrew. ² Afterwards SIR DAVID LINDESAY of the Mount, LION KING OF ARMS. ³ One of the Frenchmen. He is called 'JOHANNE BOUSKAT, Commissioner of the Artalzery,' Feb. 4, 1515-16. ⁴ Fellows, companions. ⁵ Chiefs. ⁶ Broken-winded. ⁷ Perhaps swapped or swapped, i. e. exchanged for other horses, on paying a difference or consideration. ⁸ Farther, as he might be directed by them.

in England, in v li.; and pe xx day of December pairefter to his self v li., makand in pe bail x li. in part of pament of his fee, to gud Compt, x li.

Oct. 1.—*Item*, to James Wallace tua Letteris of my Lord GOVERNOURIS for the **Lordes in Strueling**, Reparis of pe Kingis persone, for gude reule to be put in STRUELING, auent the Pestilence, deliuerit to his wagis, x s.

Oct. 14.—*Item*, to Dowgall Campbell, deliuerit be pe LARD OF KERE in pe name of pe Compt-giffare, for certane expensis pe said Dougall maid on **Marinaris** quhilkis he had with him in the **Gabriel**, for pe supporting of **MAKKANIS HOUSE**, quhen it wes first to be **Segit be Schir Donald Blis**, withiu pe tyme of pis Compt, xxxij li. vj s. viij d.

Oct. 20.—*Item*, to David Cameroune for his passage with **MASTER JAMES HAY**, before pis day, to **Warbottill** in England; and for his passage pis day with diligens and my lord GOVERNOURIS Writings to the **Quene**, beand in Harbottill, deliuerit to him, xlij s.

Oct. 23.—*Item*, to thre **Witness** quhilkis come out of **TAVIDALE** to preif pe executionne of aunc **Summondis** (of **Forfeiture**) maid on pe **LORD HUME and his brether**, xx s.

Oct. 25.—*Item*, to Duncan Riche and certane vpiris beraris, for falt of Officiaris, xxvj **Letteris** for sa mony **SCHIRREFFIS** and **STEWARTIS** of pe haill realme for putting doune of **Sedward-stadis**, and for vsing of spheris, axis, halbertis, bowis, and culueringis, deliuerit to par wagis, xlij s.

Oct. 27.—*Item*, to Johne Balfoure and vpiris beraris to pafs to pe **Schirreffis** of **DUNBERTANE**, **STRIUELING**, **LITHQW**, **RENFREW**, and **LANARK**, for to warne pare schyris for pe **haunc-bruing** of the **Artaltery** out of **Glasgw**, xxvij s.

Oct. 28.—*Item*, to Duncan Riche for to pafs with my Lord GOVERNOURIS Letteris to **SETOUNE**, **DUNGLASS**, **FASTCASTELL**, and endlangis pe **Cost**, with diligens, for to garc mak **Beil-fyris**¹ and east² **Sunnys**, for noueiteis of the **Triumphe** the **King of France** gat in **Lumbardey**, to his expense, xx s.

Oct. 31.—*Item*, to Hare Laufone for to pafs with diligens to my Lord GOVERNOUR, day and nycht, towart **Wammylstone** with pare Writing at come fra pe **VNDER-CAPITANE** OF **DUNBAR**, auent pe **Rasing of Fyre** be the **Kingis** **Rebellis**, for his wagis, xx s.

Nov. 4.—*Item*, for wax deliuerit to David Anderfoune for **Selys** to certane **Letteris** of **Forfactoure**, iij s.

Nov. 20.—*Item*, for wax quhit and reid he bocht to pe **SELYIS** of certane **Letteris** of **Forfactour** and vperis concernyng my Lord GOVERNOUR, xv s.

Dec. 1.—*Item*, to James Nesbit, mafare, for to pass with the **King of Francis** **Ambassiatour** to the **Lord Dakkire**, and for till vse pe said **Ambassiatouris** directionne, for his expensis, to gud compt, deliuerit xxxvij s.

Dec. 6.—*Item*, to Patrik Reoche, messingere, for to pafs with my lord GOVERNOURIS writingis to the **King of France** **Ambassiatour**, beand with the **Quene** in **Warbottill**, in **INGLAND**, for his expensis,³ xxxij s.

Dec. 27.—*Item*, to Duncan Riche for to pafs with Writingis of the **King of Francis** **Ambassiatouris** in **Ingland** to the **Quene** and **King of Englandis** **Commisssonaris**, beand in **Morespethe**, to his expensis and wagis, xlij s.

Jan. 31, 1515-16.—*Item*, be my lord GOVERNOURIS command, to pe **BAILZEIS** OF **SELKIRK** to pay pair **Taxt**, becaus at that war hereit¹ be **Thedis** and **Pestellence**, xv li.

Feb. 4.—*Item*, to Johanne Boufkat, *alias* **Bukkat**, **Francheman**,⁵ **Commissioner** of pe **Artaltery**, be my lord GOVERNOURIS command, gevin pairon to furnis certane cartis and **cariage** of cer-

¹ Beil-fires, Bonfires, see *Dr Jamieson's Dictionary* for the origin of the term. ² Shoot, discharge. ³ Numerous payments are made, which prove a constant correspondence, at this time, between the Queen, the French Ambassador, Sir Anthony Darsy, &c. ⁴ Harried, plundered. ⁵ See Sep. 12, 1515, &c. of these Extracts.

APPENDIX.

tane Artaltery out of Glasgow and Dumbertane to EDINBURGHE, eftir his compt pairon, in lxxxj Franche crownis of wecht, *summa*, lxxij li. xvij s̄.

Feb. 18.—*Item*, pat famin nycht, in Linlithqw, my lord GOVERNOUR beand pair, to ane man with horse pat passit with clois Letteris apone þe nycht to **Monsr. de Planis**¹ to Edinburghe, at post, viij s̄.

Item, pat famin nycht, to ane horsman pat passit with clois Letteris to the Scheref of Stri- uiling, at xj houris, x s̄.

Feb. 19.—*Item*, pat famin nycht, to Hans gunnar, quhilk hyrit ane horse to ryd to Striuiling, at post, for hakbussis and stanis,² xij s̄.

Item, to Johnne Balfoure, Officiare, to pafs to Edinburghe with clois Letteris to the Amba- sator of Franche, at midnycht, x s̄.

Feb. 20.—*Item*, to ane man pat passit with ane Lettir of my lord GOVERNOURIS to Captane Jonet, to gar the Artaltery be moband fra the fawhirk, ij s̄.

Item, to ane man pat passit to THE SCHEREF OF STRIUELING, with ane Letter of my lord GOVERNOURIS³ to gare all the Oxyn of that schire be reddy for drawin of the Artaltery, iij s̄.

Mar. 4.—*Item*, bocht and send to the vj Rokkaris and Pbrtis of the KINGIS and vni- quihle my LORD DUKIS, his broperis, xxiiij elne of Rowane ruffat, to be thame Gownis, price of ilk elne xvj s̄. *summa*, xix li. iij s̄.

Item, to border and enf of þe famin gownis, iij elne weluofe, price of ilk elne, l s̄. *summa*, vij li. x s̄.

Item, to ane man pat bure ane Letter of Respekt to THE MASTER OF HALIS for þe In- cummyng of the Etwaldis,⁴ iij s̄.

Mar. 18.—*Item*, to Cristeane Cokburne, ane of the Princis vniquihle Rokkaris, iij elne of Rowane ruffat and half ane elne of weluofe, to be hir ane Soune, price of þe elne of ruffat xvj s̄., and of þe ½ elne of weluofe, xxv s̄., iij li. ix s̄.

Item, for xvj elne of claithe, callit mylk and watter, to be iij Almos Gownis and hudis for the Kingis Almos, one CENA DOMINI,⁵ price of ilk elne iij s̄. *summa*, iij li. iij s̄.

Item, for þe fassome of þe saidis iij gownis and hudis, viij s̄.

Item, to ane man and horse to turf thame and þe said claithe furth of Edr to Striutling, iij s̄.

Item, to Henry Dempitare, quhilk gais to þe iij Almosaris iij pursis, and ilk ane iij s̄. *summa*, xvj s̄. viij d.

Item, to ane feruitour to pas with clois Letteris to SCONE, DUPLYNE, ALUAY, DUNBLENE, and RUTHVENE, for pare Sells to be put to ane Commissionne⁶ to pas with the Ambassatoris to Ingland, x s̄.

Item, to ane feruitour to pafs with Letteris, at þe post, to my LORDIS OF ERROLE, MAR- SCHELL, THE ELECT OF ABIRDENE,⁷ and to þe Commissar of Abirdene, anent the Gadering⁸ be- tuij the Erle Erroll and Lord Gordoune, xiiij s̄.

Apr. 10, 1516.—*Item*, gevin to Robert Hert, to ride (to) þe Capitanis of Douglas and Campsthoune, with tua Preceptis of my lord GOVERNOURIS to cause þame cum to Dunbar, xiiij s̄.

Item, to Gilbert Rooche to pas to Ingland with Letteris of my lord (GOVERNOR), at Post, to Monsr. Planis, to Annivek,⁹ xxxviij s̄.

¹ The French Ambassador. ² Bullets; gun-stones. ³ He was in Glasgow on the 21st, and in Linlith- go on 24th. Until the next extract, Letters were continually passing between him and the French Ambassador, &c.

⁴ The Etwalds, notorious Border Thieves. The name is now extinct. ⁵ See illustrations of this cus- tom in Sir Walter Scott's *Antiquary*, last edition. These entries are regularly repeated annually, with additional gowns, purses, and money for the 'ALMOSARIS,' or the King's BEDESMEN, for each year of the King's age. It is only necessary to advert to such entries once, as the varieties which occur are generally very trifling, being chiefly additional furnishings for the Bedesmen, &c.

⁶ Numerous other Messengers, sent for the same purpose to other Barons, &c.

⁷ Alexander Gordon, third son of James Gordon of Haddo, ancestor of the Earls of Aberdeen. He died of a hectic fever, Jun. 29, 1518, having enjoyed the See only a short time.

⁸ See Jun. 3, 1516.

⁹ Alawic.

- Apr. 15.—*Item*, to my LORD CHANCELLAR to gif Lord Dakkaris man in the CASTELL, iij French crownis, xliij s̄.
- Apr. 23.—*Item*, to my lord (GOVERNOR) to play with my Lord Legat, in SANCTANDROSS, at the dīsc, x lycht Fr. cr^a, vij ti.
- Apr. 28.—*Item*, to my lord GOVERNOUR to play at the clesc,¹ (chess?) in SANCT JOHNNESTOUNE, xliij s̄.
- Apr. 30.—*Item*, &c. to play at the dīsc, in ix Fr. cr., vj ti. vj s̄.
- May 12.—*Item*, to James Stewart of Ardgowane and Johne Watfone, to pay part of expensis of the Kingis schippis in Dunbertane, be my lord GOVERNOURIS command, to gud compt, lxij ti.
- May 20.—*Item*, for the heging of Buttis in the Abbay,² be my lord GOVERNOURIS command, xliij s̄. vj d.
- Jun. 3.—*Item*, within nycht, to ane seruitoure pat passit to Ed^r, for to stop the Gadaring betuix the Erll Marschall and Lord Forbes,³ in Abirdene, xliij s̄.
- Jul. 1.—*Item*, to Dauid Purvese, for to pass, be my Lord GOVERNOURIS command, to Berwik with Monsr La Fayette⁴ xxvij s̄.
- Jul. 21.—*Item*, to Johnne Adamfone, to pass with vij clois Letteris⁵ and ane patent Letter of my Lord GOVERNOURIS to pe Barones and Lardis of Howtheane, for ane Assise apone the Maisteris of Glencarne and Montgoury, xvj s̄.
- Aug. 8.—*Item*, to Johnne Balfour and to Biffatt, quhilk warnit the Lardis nerrast Edinburgh to ryd with my Lord GOVERNOUR, quhen he raid to Striueling with the Inglis men to se the KING, iij s̄.
- Aug. 21.—*Item*, to THE ERLE OF ARGYLE, Justice, remanand at the Aire in Dundee⁶ xx dais, ilk day xl s̄. xl ti.
- Item*, to THE CHANCELLARE remanand in Dundee in lykwyse xx dais, ilk day lvij s̄., *summa*, lvij ti.
- Item*, THE THESAURER remanand siclyk, ilk day xxx s̄., *summa*, xxx ti.
- Aug. 31.—*Item*, to Dauid Lowry, at passit with Letteris of my Lord GOVERNOURIS to the Lord Haywell and to the Lord of Cestford, to kep the Bordouris, at na man fuld pass to ENGLAND without speciale Writings and Licence, xxiiij s̄.
- Sep. 24.—*Item*, to Dauid Lowry, to pass with ane Letter of our fouerane Lordis, to poynd ryriij Lordis and Lardis absentis fra pe Assise of Montgoury and Kilmawris, on SOUTH HALF FORTHE, xlii s̄.
- Item*, to John Langlandis, to pass on NORTH HALF FORTHE, to poynd xvij Lordis and Lardis absentis fra the saidis Assise—and deliuerit to him pe Extract of the Aire of Dundee to gif pe SCHIRREFF-PRINCIPALL, for distrenzeing of the fanin, xxvij s̄.
- Sep. 29.—*Item*, deliuerit to pe said Langlandis, lxxvij letteris to gif to pe Lordis and Lardis in FYF, STRATHERNE, and ANGOUSE,⁷ to keip pe vj and ix dayis of October in Ed^r, and to pass to the Bordouris pairstir, ('Pait before.')
- Nov. 1.—*Item*, to Dauid Purvese, maser, quhilk raid with my lordis Letteris to Werbie, with Clerence,⁸ and pairstir to Carlele to Lord Dacre, at my lordis command, lvj s̄.
- Nov. 5.—*Item*, to ane Johnne Murray, quhilk tuk Symone Burne, and (quho) ves justkpit, pe half of the Eschet gevin to him, vj ti. xij s̄. iij d.

¹ The word is erroneously written 'clesc' in the Record.

² Building of temporary BUTTS for Archery.

³ See Mar. 18 preceding. ⁴ LA FAYETTE, the Duke of Albany's Messenger. See *Pinkerton*, II, 161, &c. ⁵ A

great many others dispatched. Duncan Riche was entrusted with Letters for 'xxv Lordis.' ⁶ These entries occur yearly, where the Expenses of the Aires form part of the usual expenditure. This is given as a specimen of the rest. 'COMPOSITORIS' also generally attended, to compound for Remissions, Respites, Escheats, &c. &c.

⁷ Similar Letters were sent all over the kingdom. ⁸ CLARENCEUX, one of the English Kings at Arms. Thomas Benolt was appointed to this office, Nov. 20, 1510; *obit* May 8, 1531.

APPENDIX.

- Nov. 12.—*Item*, to Boyntaus, fiddlar,¹ *de mandato Domini*, be Maister Gualter, *primo die*
 PARLIAMENTI, x li.
- Nov. 22.—*Item*, to Wallafe, quhilk raid on þe nycht to Lord Dacre, be command of Monsr.
 Labawte, xxviiij s.
- Dec. 17.—*Item*, to Robert Hait, to sommond Lord Zestir, SCHIRREFF OF HATHINGTOWNE,
 and dinerse vtheris, quhilk kepit nocht the day off Trew with Monsr. Labawte, xviiij s.
- Jan. 3, 1516-17.—*Item*, to Eycht ('messinger') to ryd agane to Coldingham, Dwnse, and
 Lawder, for executung of our soneerane lordis Letteris on George Howme, *de Mandato Guberna-*
toris, xviiij s.
- Jan. 9.—*Item*, to Eicht, &c. &c. to *erse* (*search*) and seek George Howme, with fouerteis,
 vnder payne of Hornyng, xiiij s.
- Jan. 18.—*Item*, in Perth, to DAVID LINDESAY, the Kingis Wschare, for his Martimeis
 fee,² *de Mandato*, xx li.
- Jan. 19.—*Item*, to Clarence manne, quhilk brocht ane Finche out of Ingland to Faulkland
 to my lord GOVERNOUR, xxviiij s.
- Jan. 27.—*Item*, for þe CHANCELLARE Expensis in the Aire of Perth, remanand pair
 xxiiij dais, ilk day iij li., *summa*, lxiiij li.
- Item*, for þe JUSTICE expensis, þe said tyme, li.
- Item*, for the THESAURARIS expensis, the said tyme, xxx li.
- Item*, for LORD ERSKYNNIS expensis, þe said tyme, xxx li.
- Item*, for þe JUSTICE-CLERKIS expensis, in lyk wyfe, xxiiij l.
- Feb. 16.—*Item*, gevin to MAISTER GAWIN DUNBAR, the Kingis Master, to by necessar
 thingis for the Kingis Chamber, ix li.
- Mar. 1.—*Item*, to James Nesbyt, þat samyn day, for expensis of himself and ij Thevis that
 he brocht out of Dunbrattan to my lord GOVERNOUR, and had agan, xliij s.
- Mar. 22.—*Item*, deliuerit to Gilbert Reaucht, messinger, xij Letteris to warne all THE LORDIS
 AND BARRONIS OF THE VEST LAND to be in ED^R, at the Colar of Cockhyllis taking, quhen
 þe FRANCHE ANBASSATOUR come,³ xxviiij li.
- Apr. 23.—*Item*, deliuerit be MONS^R LABAWTEY to Johnne Langlandis, Letteris of our soue-
 ran lordis to somond and charge all the Thevise and brokin men out of Tweedale and Gisdalle
 to thair awin cuntre; quhilk Letteris war Proclomit at þe Mercat-corsis of RONBROCHIT, SELKIRK,
 and JEDWOD, xx s.
- Item*, gevin to Robert Balze, for floring of the Lordis Haw in Davidis Towre of the
 Castel, in ED^R,⁴ *de mandato Gubernatoris*, x s.
- ITEM, *de mandato domini*, at Cragingalt, to xxv werkmen herand þe hail Munitione, viz.
 pikkis, halbartis, billis, matokkis, spadis, schwis, halbrikkis, with splentis, fra the Capitanis Towr
 to the Solwe-house (Gun-house), an hail day and I half, ilk man viij d. on the day, *summa*, xxv s.
- Item*, to xiiij pynouris, quhilk drew the Artillery in the Castell, at the Kingis cumin to
 this towne, iij s. viij d.

¹ One of the Ordinary MINSTRELS. ² These payments occur, termly, in every account. ³ A number of splendid dresses are entered in the accounts at this period, preparatory to this grand solemnity. Offerings were made in ST GILES'S KIRK, all the 'hangyn,' or Tapestry, was brought from Stirling, and extensive repairs were made on the Palace of Holyrood. The dresses consist of 'Clayth of Gold,' 'crammasy sattin,' 'purpoure vellous,' 'blak vellous,' 'gray vellous,' 'carrowit sattin,' 'blak trailze,' 'braid blak taffatis,' and 'reid taffatis.' One of the dresses, May 25th, is entered thus: 'ITEM, bocht fra Evangelist, xviiij elne thre quartaris and ane half of blak vellous, to be JAKKIS, THE SECRET, and vtheris his campaneonis hoggotounis (*haquetons*), price of the elne xlvij s., *summa*, xlvii li. viij s. iiij d.

⁴ There are numerous other payments for trein werk (wooden or timber work) for THE GRET HAW WINDOIS IN THE CASTELL, 'gret gestis, doubill dalis, &c. for 'THE MYD CHAMER,' 'THE KINGIS KECHING' (kitchen), and 'THE NEW COURT KECHIN,' in 'DAUIDIS TOURE.'

- May 11.—*Item*, to Johne Adamfone, quhilk raid to **Honkiff to my Lord Angouse** with our foueran Lordis letteris, x s̄.
- May 16.—*Item*, to ane manne pat passit to the **Erle of Craufurd** with my l. GOVERNOURIS Letteris; quhilk wes **ded** or he come to Dundé,¹ vij s̄.
- May 17.—*Item*, to Johnne Langlandis, quhilk raid with deligens, on þe nycht, to þe **Cardane of the Mydill Marche**, to be in EDINBURGH þe xx day of Maij, with my l. G^s. Letteris, deliuerit be **Monsr. Labawte**, xv s̄.
- Jun. 15.—*Item*, bocht to Colene Campbell, **THE KINGIS fernitour, at the Queenis cumin to ED^R**, vj elne of grene Birgem fettene, price of þe elne xij s̄., *summa*, iij li. xvij s̄.
- Item*, for iij quarteris and 1 half of blak vellous to begary þe said Collere cott, price xl s̄. viij d.
- Item*, for half an elne of fusteane to lyne the body of his cot, xij d.
- Item*, for iij elne of black gray to þe famin, price v s̄. iij d.
- Item*, for making of the coit, iij s̄.
- Item*, for half an elne of Inglis reid to be Collein hoise, x s̄.
- Item*, for lynyng and making of the hoise, ij s̄.
- Item*, for 1 bonat and 1 ruban to þe famin, for Colin, xij s̄.
- Jun. 19.—*Item, de mandato Dominorum*, gevin to the **Inglise man that presentit the Clapth of gold come out of Englaud to THE KINGIS grace, in the Castell**, x light crounis, vij li.
- Jul. 5.—*Item*, deliuerit to Johnne Langlandis ane Letter, be command of the Lordis of Consell, to pass for **SCHIR PETER CREHTOUNE for deliuering of the Queenis gere out of the Wardrop**, x s̄.
- Jul. 11.—*Item*, pat famin nycht, at xj houris lait, to ane boy of **Monsr. Labawte**, quhilk passit Estwart to þe famin effect, (viz. for þe **Barronis and Gentlemeue to be in ED^R incontinent, beif bodin**.) v s̄.
- Jul. 14.—*Item*, to **Lord Dacraris manue**, be command of **THE LORDIS OF CONSELL**, gevin him iij lycht crounis, *summa*, lvj s̄.
- Jul. 16.—*Item*, be command of **THE LORDIS**, gevin for **bittaling of the Bark to pass abowt to the West Sey**, quhilk come fra my lord out of **Brattanhe**, xx li.
- Item*, to Johnne Herkyll, be command of **THE LORDIS OF CONSALL**, for **taking of ane Theiff**, quhilk wes hangit one þe Burrowmvre, v li.
- Aug. 21.—*Item*, to Johnne Adamfoune, quhilk raid to Peblis to somond ane **Assise for the Hard of Cruystoune**, xiiij s̄.
- Item*, to the **Falconeris that passit to France with my Lord Gouvernouris bakkis and merkeounis**, be his command, for all expensis, wittualis, and fraucht, l li.
- Aug. 25.—*Item*, to þe manne pat brocht þe **merlownis fra the Hard of Spot** to my l. GOVERNOUR; and pairefter deliuerit tham to the **Falconeris quhilk passit to France**, for xij dais waigis, xij s̄.
- Item*, to **MAISTER GAWIN DUNBAR, the Kingis Maister**, for expensis maid be him in **reparaling of the Chamer in the quhilk the King levis² now in the Castell**, iij li.
- Item*, be my l. GOVERNOURIS Precept, gevin for **furnessing of the Schippis**, and for cablis and wittalis, Vj^o.xvij li.
- Item*, gevin to my lord GOVERNOUR, in monie, as his Precept and acquittance beris vpoune þe famin, **at the West Sey**, ij^m.ij^c. and l li.
- Item*, for ij gret lokkis and keyis, with flottis and flapillis for the **Kingis Chamer, he remanand in Craigmillar**,³ xij s̄.

¹ See Wood's Peerage, (1, 378) Alexander, sixth Earl of Crawford, is stated to have died in anno 1517. From this entry it is likely that he died on May 14 or 15, 1518.

² The chamber in which the King is taught; the School-room.

³ This and the following entry were selected to mark the fact of THE KING'S residence at *Craig-*

APPENDIX.

Item, to Robene Purvese, for schoyne, howfis, breddil, and helteris bocht for the Kingis mwele, xx s. vj d.

Item, for twa small stok-lokkis in Cragmillaire, v s. ij d.

Item, for ij gret lokkis bocht for ij zettis in Cragmyllare, be command of MONS^a LABASTY, quhen the King was thair, xij s.

17.—The xvij day of September obijt Labastye.¹

Oct. 6.—*Item*, to pe Reparis of Mons. Labastye's lugeing, *ex mandato Dominorum*, before Schir James Leirmonth, xl s.

Dec. 26.—The Summondis of Treasounne apoun Wedd'rburne.

Item, deliuerit to Dauid Loury and to Johnne Langlandis, Messingeris, pe Summondis of Treasounne direct apoun pe Laird of Wedd'rburne, and his complices to comere in Edinburghe pe xvijij day of Februar nixt paireftir,² xliij s.

Feb. 18, 1517-18.—Hume and Wedd'rburn, the Lettirs direct for the Raid in the Merse.³

Item, deliuerit to Gilbert Reauche, Letteris of our fouerane lordis to haif to pe Scheriffis of MENTETHE, STRATHERNE, PERTHE, and CLAKMANNANE, at⁴ pe Lordis, Baronis and btheris substancious men suld mett my Lord Arran, Regent and Listenent, in LAUDER, pe xxj day of Marche nixt hereftir; vnder pe pane of lif, landis, and gudis, to pain pat comperit nocht,⁵ xxv s.

Mar. 6.—*Item*, to Andro Dalmahoy, ane Precept to warne all pe Gentilmennis Orfn, within pe Constabulary of HADINGTOUNE and EDINBURGH,⁶ to keip pe xvij ('xxj') day, xvijij s.

Item, to Dauid Cammeroune, 1⁷ Lettre to be speid to pe Lord Dacre, xliij s.

Item, for I tow of xxiiij faldome,⁸ bocht to draw the Sunnys with for pe said Raid⁹ in the Merse, xiiij s.

Item, to (Robert) Borthuik, Master Gunnart,¹⁰ to furnyse thingis for pe Sunnys, be command of pe Lordis, I s. ii.

10.—*Item*, for aile to the Waiche (watch) that nycht my lord Regent lugit in Lauder, to ane part of the Fuitband, viij s.

Item, pat samyn nycht to pe Franche Talbanaris and Menstralis, that work and playit all that nycht, in aile, viij s.

15.—*Item*, ane horse to DAUID WAICHE that bure the Ensenze, *de mandato domini* REGENTIS, xxviij s.

millar. The cause of his removal has been recorded by *Bishop Lesley*, who states, that 'THE QUENE being in Ingland, heiring of the departing of THE GOVERNOUR furth of Scotland, returnit to Edinburghe, the xvij day of Junij, with ane quiet trayne; bot wes nocht admittit to vissie THE KING in the Castell; quhill, in August thaireftir, *becaus thar wes sum feir of THE PEST* in the Castell, THE KING wes transportit to the *Cragmillar*, quhair THE QUENE vissiet him oftymes. Bot thair-through rais ane greit suspition that he suld have bene stollin away be her into INGLAND; and thairfoir he wes brocht againe to the Castell of Edinburch, and wes keptit thair to the returning of THE DUKE.' *Bannatyne Club's Edit.* p. 109. Extraordinary precautions were accordingly adopted, and many payments are made for articles for the King's use and diversion. See also *Pinkerton*, II, 168.

¹ Messengers were dispatched to all parts of the country, and the Session and Parliament summoned. See I, * 235. *Pinkerton*, II, 170, relying on former authorities, fixes the date Sep. 19. See also *Buchanan*, B. xiv, 10; *Lesley*, p. 110; *Balfour*, I, 245; and *Pitscottie*, 307.

² It is unnecessary to add the other entries for summoning Witnesses, Assise, &c. &c. They are numerous, and prove that the utmost vigilance and activity were employed to bring the Murderers speedily to justice.

³ These and the preceding notices appear to have been entered merely as explanatory *memoranda*, without any reference, excepting to the subsequent expenditure in the Account.

⁴ That.

⁵ Others were sent to the various shires, &c.

⁶ Notifications and warnings for attendance, &c. were sent to LAUDER, HATHINGTOUN, and PEBLIS.

⁷ A favourite abbreviation for 'ane' at this period.

⁸ A rope of twenty-four fathoms.

⁹ It is unnecessary to multiply entries of a similar description. It appears that there were two RAIDS. The carters were allowed wages for 'the first Raid ix dais and vij dais furth at the vthir Raid.'

¹⁰ This person founded a great many Guns in the reigns of KINGS JAMES IV and V, all of which he quaintly inscribed thus—(See *Lesley*, p. 81. *Balf. Annals*, I, 232, &c.)

MACHINA SUM SCOTO, BORTHUIK FABRICATA ROBERTO, JACOBO QUARTO REGE JUBENTE PIO.

<i>Item</i> , to Schir Johnne Hammyltoune, for gaddering of his first Band, ¹ and for his gaddering of pame in pe cuntreth, in expensis,	x li.
<i>Item</i> , to Selir Johnne Hammyltoune, for his double pay,	lj li.
<i>Item</i> , for pe said Schir Johnnis Ensenze,	vj li. iiij s.
<i>Item</i> , to iij ^c and ix Fut men in his Band,	iiij ^c and ix li.
<i>Item</i> , to Capitane Glenne for his double pay,	xxv li.
<i>Item</i> , for his Ensenze,	vj li.
<i>Item</i> , to an hundrethe and ij Fut men in his Band,	I ^c ij li.
<i>Item</i> , to Capitane Glenne v deid pais, ²	v li.
<i>Item</i> , to pe Master of the Artailzerye,	I ^c li.
<i>Item</i> , for pe Kingis Baner, in all costagis, viz.: iiij elne of double cassattis of Turkey, price of pe eln xx s., <i>summa</i> ,	iiij li.
<i>Item</i> , iiij vnce of reid and grene filk maid in frenzeis, price of pe vnce and werkmanfchip, vj s. viiij d., <i>summa</i> ,	xxvj s. viij d.
<i>Item</i> , for ij bukis of fyne gold, price of pe buk, iiij li., <i>summa</i> ,	vij li.
<i>Item</i> , to the Papirtour ³ for his werkmanfchip,	v li.
<i>Item</i> , for ane caife to turfe and keip pe said Baner,	iiij s.
<i>Item</i> , to pe Constable of Dunde, Bannerman to the King, ⁴ for his fee, <i>de mandato Dominorum</i> ,	I ^c li.
<i>Item</i> , pat samyn day to Marchmond Herrold, ⁵ quhilk raid with cloisc Letteris of the Lordis to Londin, in expensis,	xxx li.
18.— <i>Item</i> , to Schir Johnne Hammyltonis Fut-Band, at pair agane-cumin in Sowtray, for par supper pair,	xxij s. vi d.
<i>Item</i> , to Capitane Glennys Fut-Band, in likewise, pat nycht to par supper, par wagis beand lpendit,	vij s.
<i>Item</i> , to Schapany, ⁶ Herrold of France, <i>de mandato Dominorum</i> , I ^c cronis of wecht, <i>summa</i> ,	lxxxx li.
<i>Item</i> , pairattour, ⁷ in ane purse of lycht cronis,	v li.
<i>Item</i> , to Schir James Hammyltoune ⁸ quhilk passit that tyme to France, <i>de mandato Dominorum</i> , for his expensis,	I ^c li.
May 21, 1518.— <i>Item</i> , for a Lettre of Summondis rasit vponne my Lord Drummond for pe violence committit apone Andro Coschaw,	vj s. viij d.
Jun. 23.— <i>Item</i> , to Alexander Kermage, messinger, quhilk summond pe Eric of Rothes and Master of Hudesay to be in EDINBURGH within iij dais nixt pairestir, vudir pe pane of Treafoune,	vij s.
<i>Item</i> , to Cochran, pe Herrold of Denmark, ⁹ be command of pe Lordis,	I ^c xlv li.
Aug. 1.— <i>Item</i> , to my Lord Arran, Regent and Listerent of the Mersc, be command of pe Lordis, takand monethly in wagis, I ^c and l li., in complete pament of fevin monethis and ane half,	

¹ These mercenaries were then termed 'BANDIS OF WAGEOURIS,' in contradistinction to the irregular troops who were bound to perform military service, by virtue of Feudal tenure, &c. ² Seemingly the pay of five soldiers, who had died. ³ Probably 'Alexander Chalmour.' See Jul. 23, 1515, of these extracts. ⁴ The family of Scrymgeour, Constables of Dundee, enjoyed the honourable Office of heritable Banner-bearers to the King; which post of carrying the ROYAL BANNER, they could only claim in the event of the KING's actual presence in the field of battle, or when his Banner was borne before his Regent. The Heritable Standard-bearer bore the GREAT STANDARD of SCOTLAND in Battle, in all Wars where it was ordered to be unfurled, whether the King or his Regent, or merely his Lieutenant or General, were personally present. See Apr. 30, 1523, of these extracts. ⁵ On Jul. 22 preceding, he got for his year's fee xx li., and 'for making of his expensis throcht England to my lord Governour, 1 li.' ⁶ Champanzee. ⁷ Over and above. ⁸ Of Finnart. ⁹ Christiern II, King of Denmark, an ancient ally, had applied for a force of 1000 Highlanders to assist him in subduing his rebellious subjects of Sweden. The demand was parried, on the score of the disturbances which had broken out on the Borders of Scotland, &c.

APPENDIX.

fra pe first day of October, to pe myddis of pe moneth of Maij, within pe tyme of pis Compt, 1m^e xxvii. : And pairetir for **Lord Audestale**,¹ xxvij li.

27.—*Item*, deliuerit to Robert Hart, Messinger, a Lettre of our fouerane lordis to summond pe **ERLIS OF ANGUSE and LEVENOX**, plegis for **Lord Creichtounne and Lord of Drumlanrig** for breking of **Mauborowis**, ilkane apone vthir, to be in **EDINBURGH** pe vj day of September nixt cumis, xxviiij s.

Sep. 4.—*Item*, to Henry Wardlaw of Kilabertoune, for ane of his, quhilk wes slayne vndir **THE GRETE GWNE** at pe **Raid of Weddiburne**, iiij li.

[AN unlucky *hiatus* occurs in the Volumes of THE TREASURER'S ACCOUNTS between this period and the year 1523.]

Apr. 2, 1523.—*Item*, deliuerit to Johne Adamfone pe Kingis Letteris, to be proclamit in **HADINGTONE, DALKEITHE, DUNBAR**, and vjir places necessar, within pe saidis boundis, pat all maner of men prepare painn, in pare best fallone bodin, and follow haistelic quhairreir thair first see ony **Wakis of fyre, for resisting of Inglismen**, x s.

Item, to Johne Langlandis to be proclamit in **SELKIRK, LAUDER, ROXBURGHE, and FOREST OF ETRIK**, xiiij s.

Item, siclike, in **EDINBURGH, LINLITHQW, and PEBLIS**, x s.

29.—*Item*, at x houris lait, deliuerit to Robert Hart, messinger, ane Letter subseriuit with pe **LORDIS**, aduertesand my **Lord Arrane** that the **Inglis men** war cumand to sege **Blacader**; and raid pat nicht at pe post to him, gevin to pe berare, viij s.

Item, siclike Letteris to my **Lord Chancellor**,² vj s.

Item, siclike Letteris to pe **Erle of Mortounne, Deuobattill**, and to pe **Mardis** of pat quarter, iij s.

Item, pat samyn nycht, fend Johne Langlandis to pe **Lord of Weddiburne**, aduertesand him pat my **Lord of Arrane** and **succuris suld haist thaim to him**, be command of my **Lord Grossole**,³ and **LORDIS** being in **EDINBURGH** for pe tyme, vij s.

30.—*Item*, pat samyne nicht fend for the **Baner** to **Dundé**, and for pe **CONSTABILL**⁴ and his seruitoris to haist pame to **Hadingtounne** to my **Lord of Arrane**,⁵ vij s.

Jun. 7.—*Item*, fend ane clofe Lettre vnder pe Signete to my **Lord Chancellor**, schewand, pat the **Inglismen** war to cum, and gaderand fast, ij s.

Item, fend to Kynnele, for aduertising of my **Lord of Arrane**, pat the **Inglismen** war cumand and enterand within the realme, xxx d.

Jun. 10.—*Item*, gevin to **Albany Herald** ane Lettre, &c. to charge the **Erle of Leuenay** to rese fra all gadering and Assesging of the **Palice of Glasgw**, xxviiij s.

Jun. 15.—*Item*, to ane man pat past with pe **OFFICIALE OF LOUTHIANE**, Letteris to **LAUDER** to be execut in pe **KIRK**, quhilkis Letteris war takin be the **gait** and the **man hostit** and **fleit**,⁶ iij s.

¹ A number of other payments are made to the CONSTABLES OF WEDDERBURNE and EDRINGTON, and for victualling these CASTLES, &c.

² James Beaton, Archbishop of St Andrews.

³ Pinkerton, II, 212, calls this personage 'GOUZOLLES, denominated Captain of Milan.'

He was joined to JOHN fourth LORD ERSKINE in the custody of the KING, and 'with a guard of thirty-three Frenchmen was also to attend the QUEEN.' His appointment by Albany excited much disgust on the part of the nobles, who saw each fresh installation of foreigners into posts of dignity, with increased indignation. See also Oct. 16, 1529, of these Extracts, where he is called 'THE DUKE OF MILLANE.'

⁴ The Stryngeours were heritable ROYAL BANNER-BEARERS. See Note to Mar. 15, 1517-18, of these Extracts.

⁵ A great many similar messengers were dispatched, unnecessary to be enumerated in this place.

⁶ Threatened and terrified. Repeated instances of violence done to public Officers occur in these Records.

- Jul. 6.—*Item*, ane Lettre chargeing þe COMPTROLLARE to provide victuallis for iiii^j persons to þe CASTELL OF ED^B. for keping the samin fra Inglisemen, ij s̄.
- Jul. 16.—*Item*, reslaüt xiiij Letteris direct to ALL þe PRELATIS OF þe REALME, for generale Processionis to be maid for the weilfare of the realme, prosperitie of our souerane lord, and sure hayne-cuming of my Lord Gouvernour; for all þe Lettris fra TAY, North, xxviiij s̄.
- Item*, þe vthir half on South half FORTHE, &c. xxviiij s̄.
- Sep. 20.—*Adventus Domini Gubernatoris*, *xv^o die mensis Septembris, anno domini 1^m.V^o.* xxiiij^o.
- Sep. 25.—*Item*, to Carrick Herald, *de mandato Cancellarij*, quhilk convoyit Clarence,¹ INGLISMAN, to Dunbertan, xl s̄.
- Sep. 26.—*Item*, to ane man pat past with secreit chargis of my Lord GOVERNOURIS to Ingland,² xl s̄.
- Oct. 18.—*Item*, to Johnne Gourlaw to arrest all the Schippis in Leithe; and als to warne and charge all þe Hattmen, baith of Leithe and Cannogatt, to haue aill and malt reddy for the Camp, ij s̄.
- Oct. 22.—*My Lord Gouvernour departit toward New Werk (die) Jouis, xxiij^o Octobris*, and pat samyn day deliuerit to Johnne Scrimgeour, maser,³ ane Lettre direct to þe Scherellis of PERTHE, STRAITHERNE, MENTETHE, CLAKMANNAN, KINROSS, FIFE, pat all abill men within þa boundis follow my lord GOVERNOUR,⁴ &c. xl s̄.
- Oct. 28.—*Item*, ane Lettre to be execute and proclamit in LEITHE, &c.⁵ pat na Northland men retorne oure the Water, to⁶ þe agane cuming of my lord GOVERNOUR fra þe Camp, vnder the pane of deid, v s̄.
- Nov. 3.—*Item*, deliuerit to Androu Dalmahoy, þe LORDIS ANSUERE of the Erie of Surreis Lettre, to be sped to my lord GOVERNOUR to þe CAMP, gevin to him, x s̄.
- Apr. 17, 1524.—*Item*, deliuerit to my Lord Grossolez⁷ þe tyme of my lord GOVERNOURIS last remanyng in France, 1^oix^oxxiiij li. ij s̄. vj d.
- Item*, to James Crechtoune of Cranstoune-Riddale, CAPITANE OF þe CASTELL OF ED^B, for expensis maid be him apoune þe sustentatioune of Donald of the Hils, Patrik Wilfoune, Camoufe, Francheman, and dinerse vperis being in Ward, &c. xli li. xv s̄.
- Aug. 25, 1525.—*Item*, for ane horse to bere þe KINGIS Mail⁸ to Peblis, gevin to David Bonar, xx s̄.
- Oct. 8.—*Item*, gevin to þe INGLISMAN pat brocht Blawin Hornis,⁹ Ieschis, and dog-collaris, fra the King of England, lx Vnicornis.
- Item*, to David Lowry ane Lettre to sommond the Erie of Craufurd, *de mandato Dominorum*, xx s̄.
- Nov. 19.—*Item*, deliuerit j Lettre to David Cammeion to warne THE LARD OF HENNERLAND¹⁰ and ADAM SKOT¹¹ to fynd plegis, xx s̄.
- Nov. 23.—*Item*, deliuerit to James Kinloch j Lettre to somond Lord Ogiluy and his complices to be in ED^B, Dec. xij^o. to vndirlye the law for David Gardinis Slauchter, xx s̄.
- Dec. 16.—*Item*, deliuerit to him ane Lettre to sommond Schir James Wammilton to vnderlie þe law, xiiij s̄.

¹ Clarenceux King of Arms. See Nov. 1, 1516, of these Extracts and Note. ² A great many warrants were likewise dispatched to the different SHIRES and RELIGIOUS HOUSES, to furnish all their carriage-horses and draught-oxen for the great Gums, &c. 'tentis and pailzeonis,' provision, &c. &c. ³ Macer. ⁴ Similar Letters were dispatched to the other Sheriffdoms. The 'Feriaris' (ferry-men) of LEITH, KINGHORN, and QUEENSFERRY, were interdicted from raising 'ony fraucht bot the auld fraucht, vnder the pane of deid.' And tenants, &c. under the same penalty, to take only the old prices for corn, straw, &c. ⁵ The 'Caiggearis and fischearis of Mysselburghie, Gulane,' &c. were ordered, 'that thai haue, ilk day, thare fische to the Camp.' ⁶ Until. ⁷ See Apr. 29, 1523, of these Extracts. ⁸ Portmanteau. ⁹ Hunting Horns. ¹⁰ William Cokburne of Henderland. ¹¹ Of Tuschelaw. They were both executed for their crimes, on May 16 and 18, 1530. See 1, * 144, &c.

APPENDIX.

Jan. 1, 1525-26.— <i>Item</i> , pat nycht, eftir supper, in Hummu , ¹	xx li.
<i>Item</i> , bocht for Petro-Seris giftis, pat samin day, of Kingis ,	xxxj li. iij s.
Feb. 16.— <i>Item</i> , gevin to ANE ENGLISEMAN, messinger, Lettres of Ansuer to the Erle of Westmurland and Doctour Magnus, de mandato , ²	xxviiij s.
Jun. 29.— <i>Item</i> , gevin for eggis to bithkir the Castell ,	xv s. vj d.
<i>Item</i> , for ballis in Crummisse rache-puyll , ³ quhen þe KINGIS grace playt with þe LORD GLAMMISE ,	xx s.
Jul. 10.— <i>Item</i> , gevin to the Empriouris Perseward , at þe King and Lordis command,	xxx li.
Jul. 17.— <i>Item</i> , gevin at þe KINGIS command, till puyre wintis pat come gretand apone his grate, for eggis takin fra þame be his seruandis, ⁴	xx s.
Jul. 22.— <i>Item</i> , gevin, in Jedburghe , to þe Inglis Herrot , at þe King and Lordis command,	l li.
Aug. ?— <i>Item</i> , deliuerit to the Gray Freris , for lxiii vnice siluer, stolin fra the King , and rebelit to thaim in Confessioun ; be the KINGIS Precept, to þe men pat had the said siluer werk in wed, ⁵	xx li.
Aug. 7.— <i>Item</i> , for velnus to bind the Kingis Sworde handis and to be ane glube till his saire hand, with makin and fevin (<i>sewing</i>) filk,	xx s.
Sep. 8.— <i>Item</i> , to Gourley and Hoge , messingeris, to summond þe ERLE OF CASSILLIS , þe LORD SIMPILL , and vperis contenit in ane Summondis of Tressoun , for pair expensis,	vj li.
Oct. 16.— <i>Item</i> , to Kinloch and Echt , messingeris, ane Summondis of Tressoun apone þe ERLE OF CRAUFURD , þe LORD LINDSAY , and vpiris,	iiij li.
Dec. 6.— <i>Item</i> , gevin to William Cristefoun , messinger, to fommond Witnes , vndir gretar panis, to preif þe breking of Lawborrowis be þe LORD SIMPILL vpoun the LARD CALDWELL ,	xx s.
Mar. 1, 1526-7.— <i>Item</i> , to John Drummond , callit the Kingis Kemp , ⁶ be his precept,	xv li.
Mar. 14.— <i>Item</i> , to the SECRETARIS seruand, to geif a Inglisman pat brocht Letteris fra the Duke of Richemont ⁷ to the KINGIS hienis, compleirand on the Armestrangis, Crosaris, and Pkesoris , with vperis,	iiij li.
Apr. 19, 1527.— <i>Item</i> , to Petir Ra , pat brocht writingis fra the Duke of Richemont, &c.	ij li.
<i>Item</i> , to the Nurise that gaif the King soulk , ⁸ be his Precept,	iiij li.
Apr. 25.— <i>Item</i> , to a Fule , callit Silke-mowband , ⁹ at þe KINGIS command,	xx s.
May 12.— <i>Item</i> , to Cristefon , messingeir, to summond the Lard Ardrose , his son, and pair complices, to vndirly þe law for þe Kybing ¹⁰ of the Kingis Letteris , and to summond ane Affise, &c.	xxviiij s.
May 20.— <i>Item</i> , to James Biffait , messinger, with a Lettre direct to MENTETH, STRATHERN, CLAKMANNANE, and KYNROSS , with iij clofe Letteris to the ERLE MONTROSE, LORDIS GLAMMIS and OLIPHANT , to conuene at ED^R , þe xv day of Junij , with pair houshaldis, to ryde on the Threillis , ¹¹	xxx s.
Jun. 1.— <i>Item</i> , to Champnay , messingeir, to summond the Lard Cullypalloune to vndirly þe law for þe Slauchter of John Greiff ,	xiiij s.

¹ See this Collection, I, * 114, &c. ² Another Messenger was dispatched on 1st March. ³ The game of TENNIS, called caiche pell, caiche, kache, &c. in the old Records, was a very favourite game at the Scottish Court, during this and the preceding reign. There are numerous traces of it through the whole of these Accounts. The curious and valuable Registers of *Aberdeen* also abound in similar notices. ⁴ From another entry, on Jun. 29, it would appear that the servants had invented a foolish sport for the young King's amusement, being a mock Assault of a Castle, the missiles on both sides being eggs. It may easily be imagined, in what a plight both victors and vanquished would be after a cessation of hostilities. ⁵ In pledge, or pawn. ⁶ The King's CHAMPION. ⁷ On Mar. 8, his servants, who were entrusted with ten couples of 'rachis' (bounds), got fifty pounds for their 'servandis.' Their first achievement was to worry three sheep, for which the owner, 'a pure woman,' was paid xx s. ⁸ The King's Wet-nurse. ⁹ Probably so nicknamed for his dexterity in making grimaces. ¹⁰ Tearing in pieces. ¹¹ Other Messengers were sent in different directions. See notice of this Raid against the ARMSTRONGS, &c. I, * 152, &c. Reference may also be made to the preceding Appendix.

- Jul. 25.—*Item*, to a Inglifman pat brocht **Lettres fra the King of England** to the Kingis grace, xl s̄.
- Item*, given to William Lyell, be þe KINGIS Precept, for **lynt, calc, and corne distroyit be his seruantis at the Hunting**, vi s̄.
- Item*, to James Biffit, to summond **GEORGE BORTHUIK OF COLYNELAW** to vndirly þe law for **Slauchter of vniq^{le} Philp Nesbittis dochter**, vii s̄.
- Jul. 31.—*Item*, gevin to **DENE DAVID JAMESOUNE, Sacristane of Newbottill**, in recompense of a gilt **challier stollin furth of the Abbay of Newbottill**, THE KINGIS hienes being pair, be þe KINGIS Precept, xv li.
- Aug. 12.—*Item*, to Peter Ra, Inglifman, pat brocht writingis to **THE KING fra the Duke of Richemontis Consaill**, iij li.
- Item*, to Cristefon, to pas to Perth; William Duncan, to pas to Schir James Hammyltoun; James Biffait, to summond **the Lord Bukleuche for Tressoun**, for pair expensis, xlvij s̄.
- Aug. ?—*Item*, to þe **LARD OF SPOT**, in recompense of **Vittalis furnist be him to the Castellis of Hume and Weddierburn**, and for cornis pat wes brint and distroyit be þe **LARD OF WEDDIRBURN**, for his dampnage and scaith; be deliuerance of þe **LORDIS OF CONSAILL**, I^c li.
- Item*, to **LORD MONTGOMERY, Justice**, remanand continuallie at **the Airis of Forfar, Perth, and Cowpar**, fra þe ferd day of Januar to þe xxij day of Februar, to his expensis, I^{xx} li.
- Item*, to þe **BISCHOP OF GALLOWAY**, ane of the **Compositouris** at þe said Airis, lx li.
- Item*, to **THE THESAURAR**, and vþir **Compositouris**, for his and pair expensis, **the Kingis grace beand diuerse denaris thair**, I^{lxxxiiij} li.
- Item*, to **NICHOLE CRAUFURD, Justice-Clerk**, xli.
- Item*, to **(SCHIR) WILLIAM SCOT OF BALWERY, kny'**, remanand continuallie, in absence of þe Justice, I^c li.
- Sep. 6, 1529.—*Item*, to **DINGVALE**, Purfevant, pat past with wrytingis of þe Lordis of Secrete Counsale to **the Erie of Northumberland**, xxx s̄.
- Item*, to **ILAY, Herald**, pat past with **THE LORD HUME**, for **expelling of John Hume of Blacater**,¹
- Sep. 18.—*Item*, to Champnay, messinger, pat past with **THE KINGIS** wrytingis to warne ane condigne **ASSISE** to convene þe xij day of Oct., betuix **the Lord Drummelzar and the Lord Fleming**, xxv s̄.
- Sep. 22.—*Item*, delinerit to Robert Monypenny, smith, tane fra² Maister Adame Ottirburn, xvj stane v lib. of Spanze irne, to mak **pikkis and mattokis for carying of the Cannone that past in the Isllis**, price iij li. x s̄.
- Sep. 24.—*Item*, deliuerit to Andro Edgare tua ellis of Parife blak, to be (ane cloik?)³ to þe King, to ryde to **the Hunting in Hergotland**, price, elne, xxx s̄., (*summa*) iij li.
- Oct. 16.—*Item*, to ane seruand of Mr Johne Chefolmis pat **presentit bowis and arrowis to THE KING**, xx s̄.
- Item*, to **the Duke of Millane**,⁴ at þe Kingis command, xli s̄.
- Nov. 24.—*Item*, gevin to **THE LORD FLEMING**, at **THE KINGIS** command, in maner of **tochyir to his sistir**, iij^c li.

¹ The sum is torn out. ² It may here be remarked that this phrase throughout these Accounts merely denotes the articles to be *purchased* (not literally *taken*, which implies force) from certain persons. In many instances, were this circumstance not kept in view, an ordinary reader would infer that **THE KING** had often seized upon the property of burgesses, &c., and had afterwards, on their importunity, remunerated them for the violence he had employed. The quaint language employed in these Records requires considerable attention, and a minute knowledge of the phraseology of the period, to appreciate their full import.

³ Under date Oct. 2 there is another payment to the same person, for 'twa elne pylie gray to be ane cloik to the King, xxvj s. viij d.—*Item*, for schoring of the samyn, iij d.'

⁴ It is probable that this personage was 'MY LORD GROSOLEZ,' or 'GOUZOLLEZ,' who occurs under date Apr. 29, 1523 (q. v. and *Note*.)

APPENDIX.

- Jan. 8, 1529-30.—*Item*, for carying of the *Paillieonis*¹ fra Peblis to *Meggotland*, (to 'THE HUNTING') and agane, iij li.
- Item*, for ane elne and ane half of trailze, for ane goune of blak veluot, lynnit with claitth of gold, gevin to the *Ambassiatour of Ingland*,² vj s̄.
- Mar. 14.—*Item*, to THOMAS QUERTOUN (Wharton), seruand to be *Erle of Northummirland*, pat come for redrefs and remanit, Ie. li.
- Item*, to DAVID LINDESAY,³ pat past with him, xv li.
- Item*, to *Malcolme the First*, be ane Precept of THE KINGIS, thre elnis ruffate, price xxxvj s̄.
- Item*, fyve quarter of trelze, price vj s̄.
- Item*, to THE ITALIANE, pat come with be *Archidene of Sanctandrois*, xl li.
- Item*, to JOHNE HORSLIE, Inglifman, be THE KINGIS command and Lordis of Counsale, xx li.
- Item*, to Thome Marfchale, CUKE, passand with the *Secretar to Ingland, Franche, Italie, &c.* x li.
- Item*, to DINGVALE, Herald, pat past with THE SECRETAR, xij li.
- Item*, to Anthone, TALBONAR, at be Kingis command, xv li.
- Item*, to THE SECRETAR, *Ambassiatour*, I^m.iij^c.xxxiiij li. vj s̄. viij d̄.
- May 12, 1530.—*Item*, to Hoge, messinger, pat past in Ingland with THE KINGIS writingis, xij li.
- May 25.—*Item*, to Ormond, Purfevant, and ERGILE, messinger, to pass in the *Blis*, at THE KING and Lordis command, xi li.
- Item*, to the *Egyptianis that dansit before the King*, in HALYRUDHOUSE, xl s̄.
- Jun. 1.—*Item*, deliuerit to THE LARD OF BUKCLEUCH, for the taking of *Penman*, tua elne and half of claitth of siluer, price elne ix li., *summa*, xxij li. x s̄.
- Jun. 18.—*Item*, to Hecht, (Echt, messinger,) pat past to THE LARD OF SANDELANDIS for be tua *Scottis Theiffis*, x s̄.
- Jun. 26.—*Item*, xxiiij halbartis for THE KING, price pece vj s̄. viij d̄., *summa*, viij li.
- Item*, deliuerit to David Bonar for THE KINGIS grace, thre *letacamp beddis*,⁴ ane in Striueling, ane in Edinburghe, the thrid in be Wardrop of Edinburghe, be Johnne Drummond, price xx li.
- Jul. 6.—*Item*, to ane Purfevant pat past to Peblis, Selkirk, and vpir placis with THE KINGIS Letteris, *dischargeing all maner of personis of resetting of the Theiffis gudis*,⁵ xx s̄.
- Item*, to ILEY, Herald, pat come fra THE KINGIS grace to stop the *Freyis*, (against those) pat past fra THE ARMY, &c.⁶
- Jul. 20.—*Item*, gevyn to GAWYNE HAMMILTOUN and his company to ryd to *Melrose*, v li.
- Jul. 21.—*Item*, for twa lang malis, with twa lang braissis to pame, to cary the *Kingis Letitacamp and Stule*⁷ to the *Oist*, of findry prices, iij li. xiiij s̄.
- Item*, for cairfay, to covir pe said stule pat past to be *Oist*, price viij s̄. vj d̄.
- Item*, for ane *steile-honet*,⁸ price x s̄.
- Aug. 2.—*Item*, to KYNTYRE, Purfevant, pat past to be *Erle of Northummirland* with directionis of THE KINGIS, iij li.
- Item*, to OLIPHANT, Purfevant, pat past with be said Gawyne to *Melrose*, xx s̄.
- Item*, to MARCHMOND, Herald, to pas with Letteris to Aberdene, to Arrest the *Sey-Rebaris* (Pirates), iij li.

¹ The Royal Pavilions. These entries are noticed to mark the event of this great HUNTING. ² It is unnecessary to specify all the furnishings, among which are 'aucht dosane of poyntis,' 'vij' and 'xvij martrik skynnys,' &c. Numerous dresses of 'gownis,' 'cloikis,' 'mantillis,' &c. were made for THE KING at this period of 'veluot,' 'silk,' 'satyn,' &c. ³ Sir David Lindesay of the Mount. ⁴ O. Fr. *Lit du camp*. The King invariably took one of these to his Hunting excursions and to the Field of Battle. ⁵ Several similar payments. ⁶ The sum obliterated. ⁷ His 'Stule of eise.' ⁸ A great variety of similar entries at this period.

Aug. 8.— <i>Item</i> , to Williame Mure, pat past in Annauderdale and Cedidale, to warne þe LARDIS pairof to bring in their plegeris agane þe xxv day of August, and presoneris,	xl s.
<i>Item</i> , to Williame Stratherne, messinger, pat past in þe West cuntre to summond ane Afflie, and to summond James Wallace of Carno for Tressoure,	xl s.
<i>Item</i> , to Johne Parduyne, maser, to summond certane Lordis to be vpone þe Lord Hay of Westeris Assise, þe xxv day of August,	xxx s.
<i>Item</i> , to Gawane Hamilton, and vperis, seruandis of þe KINGIS, pat brocht the Abbot of Melrosis schrip to Linlithqw, attour ¹ v li. gevin of before,	iiij li. x s.
<i>Item</i> , gevin to JAMES GORDOUNE OF LOCHINVER for his Remissionne, and vpiris thretty perfonis, his kynnismen, ² as þe KINGIS Precept beris,	l ^e li.
<i>Item</i> , to the Hokman ³ of ED ^R , pat come to Linlithqw þe xxv day of August to hang certane Theifis,	xiiij s.
<i>Item</i> , for baching ⁴ of the said Theifis,	vij s.
<i>Item</i> , to þe LARDE OF JOHNSTOUNE and Edward Maxwell, for taking of ane Theif and bringing of his heid to ED ^R , in contentatioune of l ^e li. grantit be þe KINGIS grace to pame,	l li.
Aug. 15.— <i>Item</i> , to the France Ambassiatoure, for his rewarde,	ij ^e li.
<i>Item</i> , to Agnes Qulite, for his lugeing, þe tyme he wes in Dundie,	iiij li.
<i>Item</i> , to MARCHEMOND, Herald, that past in France the Kingis erandis,	l li.
Aug. 23.— <i>Item</i> , to King Cristall, ⁵ servand,	xx li.
Aug. 29.— <i>Item</i> , to ane servand of Schir Williame Chir, Inglishmanne, that come for Walkis,	vj li.
<i>Item</i> , to ane PURSEVANT, to pass to convey þe said Inglishmanne, with twa Walkis, send fra þe KINGIS grace to þe said Schir Williame,	iiij li.
Sept. — <i>Item</i> , to ane Pursewart to pass with Letteris to þe Larde of Bukleuche for þe apprehending of þe slaaris of Maister Johnne Balfoure,	xx s.
Oct. 1.— <i>Item</i> , to ane boy pat ranne furthe of Dundee to ED ^R , for ane summondis onne þe Lord Forbes,	iiij s.
Oct. 2.— <i>Item</i> , to þe INGLIS BOWARE, for bolwis to the King,	vj li.
<i>Item</i> , to þe SECRETARE, the tyme of his first passage to Rome in Ambassatry, ⁶	vj ^e lxxvj li. xiiij s. iiij d.
<i>Item</i> , to him sen sine, in parte of payment of ane Precept of vj ^e li.	ij ^e li.
<i>Item</i> , to furnyse þe necessaris of the Place of Temptalloune, be þe LORDIS Precept,	xx li.
Oct. — <i>Item</i> , to MAISTER JOHNNE BELLENTYNE, be þe KINGIS Precept, for translating of the Cronykill, ⁷	xxx li.
<i>Item</i> , to Mathow and Arché Hammyltoune for þe Eschet of Robene Murrays meune of Hogg, gevin to pame be þe KINGIS grace, and cost agane ⁸ be THE THESAURARE, for	l li.
<i>Item</i> , for thre cariage horfis to tursse the Arrese-werkis quilkis hang in the Abbay, þe KINGIS Bolwis, Arroewis, and vpir geir of þe Wardrob, to Striueling agane Paische, ⁹	xviiij s.
<i>Item</i> to Johnne Bog, to mak ane passage doune fra the Castell of Striueling to the Park,	v li.

¹ Over and above. ² This seems a very extraordinary measure, unless it can be interpreted to indicate, that L.100 was remitted to him of the amount of his Composition. ³ The Hangman, or public executioner. See *Dr Jamieson's Dict.* and *Sir Walter Scott's Novels* for explanations of the term. ⁴ Watching. ⁵ See Note to Jun. 16, 1532, of this Appendix. ⁶ There is no date affixed to this and the six following entries, which commence the accounts of 'Money at the command and Precepts of THE KINGIS, debursit to sundry personis.' ⁷ These payments continued for a considerable time. In the next account other entries are made, see Oct. 4, 1531, &c. Many similar traces of THE KING'S liberal patronage of literary men are to be found in these records. ⁸ Re-purchased. ⁹ A number of other payments for transporting geir of the Wardrob, &c. &c. These entries occur annually at Paische, or EASTER, and often at Christmas, &c.

APPENDIX.

Nov. 2.— <i>Item</i> , to the Duke of Albanyis servand þat brocht the grete horse to þe KINGIS grace,	I ^c xx ti.
<i>Item</i> , to þe Franche Armoure þat come with him,	xl ti.
Nov. 12.— <i>Item</i> , in Sanct Johnnestoune, to Hoge, messingere, to pafs to apprise the Lord Forbesis landis,	xl s̄.
Dec. 18.— <i>Item</i> , to Adam Stewart, messinger, to pafs to RENFREW, KYLE, CUNYNGHAME, &c. to warne for the Armys, and passage in the Flis,	xxv s̄.
Dec. 25.— <i>Item</i> , to ane HERALD, to ride furth of Strueling to ED ^r , to convoy Carlel, Inglis Herald, to Strueling, to þe KINGIS grace,	ij ti.
<i>Item</i> , to þe said Carlel for his wage, with the taik of the Heraldis, on NEW-3ERE-DAY, ¹	x ti.
<i>Item</i> , to him, quhilk remanit here fra New-3ere-day to Palme Sunday, ²	xl ti.
Dec. — <i>Item</i> , to the said Dauid (Bonar) for xij double hankis of gold, quhilkis war deliuerit to DAUID LYNDESAYIS WYF, ⁴ to selw the Kingis sarkis, þe price of ilk hank x s̄.	vj ti.
<i>Item</i> , be þe said Nichol Carneorfe to DAUID LYNDESAY, Herald, ij elnis blak veluot, price of þe elne lv s̄.,	vij li. v s̄.
<i>Item</i> , to him vj elnis Paroife blak, price of þe elne xl s̄. ⁵	xij ti.
Feb. 9, 1530-1.— <i>Item</i> , to Duncan Riche, to pafs with ane Summondis of Tresoune to the Merne of the Flis, to be execute in Invernes,	.....
Mar. 1.— <i>Item</i> , to Wilzame Qubite, messinger, to pas with Letteris to Sanctandros for apprehending of Johne Blakater of Cullyallane, ⁶	xiiij s̄.
Mar. 16.— <i>Item</i> , to Williame Mure, messinger, to pafs with Letteris to þe BISCHOPPIS of SANCTANDROIS and BRECHINE, to cum to Ed ^r for degradatioune of ane Priest, ⁷	.....
<i>Item</i> , to ane boy to rynne to THE BISCHOP OF DUNBLANE with siclyke letteris,	ij s̄.
Mar. 27, 1531.— <i>Item</i> , to Andro Hammyltoune, messinger, to pafs with Letteris to þe Erlis of Ergile, Montroife, and þe Lord Erkin, ⁸ to convene in Ed ^r for Justifying of the Lord of Cullyallane,	xij s̄.

‘ROBENE HUDE.’⁹

Apr. 5.— <i>Item</i> , þe v day of Aprile, for vj quarteris gray taffate of Jeynes, to be ane part of þe KINGIS Robene Hudis Baner, price of þe elne xij s̄. vij d̄.	xxij s̄. vj d̄.
<i>Item</i> , for vj quartaris 3ALLOW taffaty to þe said Baner, price of þe elne xvj s̄.	xxiiij s̄.
<i>Item</i> , for vj quartaris REDE taffaty to þe said Baner, price of the elne xij s̄.	xix s̄. vj d̄.
<i>Item</i> , for ane quarter QUHITE taffate, to be Corfis to þe said Baner, price pairof,	ij s̄. iiij d̄.
SUMMA of þe Baner,	ij ti. ix s̄. iiij d̄.
<i>Item</i> , at þe KINGIS command, to Johnne Bog and Johne Lawfoune, to be þame liberayis to pass wíthe the Kingis Robene Hude, v elnis gray veluet, to be þame twa Doublettis, price of þe elne ij ti. v s̄.	xvj ti. v s̄.
<i>Item</i> , for vi elnis lyning sustiane to pare Doublettis, price of the elne ii s̄. vj d̄.	xv s̄.

¹ The usual ‘LARGESSE’ given to the Heralds on each recurrence of that happy day. ² Payments made at same time to ‘Messingeris of Middilburgh, vij li.’—‘Habringtoun, Inglisman, June 6, v li.’—‘the Frenche Ambassiatoure, Jul. 30, xxxvj li. iiij s. vjd.’—‘Horslie, Inglisman, Aug. 2, xx li.’—‘Garis, Inglisman, quhilk came with writings fra my Lord Dacres to the King, iiij li.’—‘Alex. Mure, Herald of Denmark, Aug. 2, xxx li.’ ³ Other payments made ‘for warnyng of the cuntre,’ and to ‘provide for schippis and vthir veschell’ for the ‘passage to the Flis.’ See *Mr Gregory’s work* for the particulars of this Expedition. ⁴ ‘JONET DOUGLAS.’ See these EXTRACTS, Mar. 1537-8. A great number of similar entries occur for sums paid her for embroideries, &c. ⁵ This is entered among the ‘LEUERAYIS AT THE FEIST OF ZULE.’ ⁶ For the Murder of James Inglis, ABBOT OF CULROS, the same day. See I, * 151. ⁷ Sir William Louthien. *Ibid.* ⁸ Messengers were also dispatched for the ‘Lorde of Montgomery, the Erle of Mortoune, and Lord Seytoun.’ ⁹ So many notices have occurred, in the course of this Collection, relative to ROBIN HOOD GAMES, that the Editor thinks the following extracts will be acceptable to all readers. Reference may be advantageously made to *Brand’s Popular Superstitions* (*Ellis’s Edit.*), *Dr Jamieson’s Diet.*, and *Sir Walter Scott’s Works*, though it may be affirmed that the present are the most interesting and minute which have hitherto been laid before the public.

APPENDIX.

<i>Item</i> , for vj quartaris canvese, to stent pare Doublettis, pe price	ij s̄.
<i>Item</i> , for twa skerlett Bonettis to pame,	ij li.
<i>Item</i> , for ix quartaris srenche gray, to be pame twa pare of Woise, price of the elne	xxxviij s̄.
xvi s̄.	
<i>Item</i> , for vi quartaris blew to lyne pare Hoise,	vj s̄.
<i>Item</i> , for iij elnis gray taiffety to draw pare hoise, price of pe elne xvi s̄.	xlvi s̄.
SUMMA of pis liffray,	xxiiij li. xi s̄.
<i>Item</i> , to JAMES ERSKYNE, the Kingis Robeyn Wode, x quartaris gray fatyne, to be him	
ane Doublett, price of pe elne xxxiiij s̄.	iiij li. v s̄.
<i>Item</i> , for kenvese to it,	xviij d.
<i>Item</i> , for quhyt fustiane to lyne it with,	vij s̄.
<i>Item</i> , for makeine of it,	iiij s̄.
<i>Item</i> , for ane elne surage gray, to be him ane pair of hoise, price	xvj s̄.
<i>Item</i> , for ij elnis taffate, to draw pame and nerf pame,	xxiiij s̄.
<i>Item</i> , for half ane elne and ane nale gray fatyne to couir pe hypis of pame, price of pe elne	
xxxiiij s̄.	xix s̄. j d.
<i>Item</i> , for blew to lyne pe faid hoise,	iiij s̄.
<i>Item</i> , for makeine and cwting of pame,	vij s̄.
SUMMA of pis liffray,	vij li. xi s̄. vij d.

[A great variety of other costly 'liuerayes' occur under the same date, but no mention is made of ROBIN HOOD. It is probable that they were all procured on the same occasion.]

May 20.—*Item*, to DAVID LYNDESAY, Herald, be pe KINGIS Precept, xiij elnis blak fatyne to be him ane gowne, price of pe elne xxxij s̄.

Item, for iij elnis blak weluet, to begarie pe famyne gowne, price of pe elne lij s̄, vij li. xvj s̄.

Aug. 4.—*Item* to Gourlaw, messinger, to pass to Menteithe and vthir places with Letteris TO WARNE pe GENTILMENNE of pe cuntré to the Kingis Hunting in Hregotland,¹ xx s̄.

Oct. 4.—*Item*, to MAISTER JOHNE BALLENTYNE, be THE KINGIS Precept, for his translati^{ng} of the Cronicles, xxx li.

Item, pairefter, to pe faid Maister Johne, be pe Kingis command, vj li.

Oct. 5.—*Item*, pe v day of October, to ANE ENGLISMAN ('*Inglise Ambassiatour*')² pat brocht writingis to pe KINGIS grace, quhom to his grace gaiff presence in KIRKCALDYE, xl li.

Item, to Maister George Forestar in Leith, to mak pe faid Englismannis expensis, in Leith and Kingorne, for ane day, at his cuming to pe KINGIS grace, xlvi s̄.

Oct. 19.—*Item*, to ANE ENGLISMAN, quhilk come with writingis to pe LORDIS fra the Erse of Northumberland, v li.

Oct. 28.—*Item*, be ane Precept, to ane auld saiffet man, in Striueling, callit ALANE STEWART, in almoufe, xiiij li. vj s̄. viij d.

Item, be ane Precept, to ane purr man, quhais horse fell our the Castell wall of Striueling, and brak his nek,³ iiij li.

Item, be pe KINGIS Precept, to William Duncan, Purceband, quhilk was hurt in Middisdale, ridand, be the Thelis, and his horfe tane fra him, v li.

Dec. 8.—*Item*, to Carliss, Herald off England, be pe Lordis command, quhilk come with writingis to pe KINGIS grace and pe LORDIS, xxx li.

Item, to pe faid Thomas Scott,⁴ ('*Ambassiatour*,') to be ane part of ane riding cote, iiij¹/₂ elnis blak weluett, price of pe eln lij s̄, summa, xj li. xiiij s̄.

¹ Many other messengers sent to different parts of the country.

² On the margin, '*ENGLIS AMBASSIATOUR*.'

³ These entries are selected to notice the generosity of THE KING, whose acts of beneficence appear in almost every page of these Accounts.

⁴ He is above styled one of the 'Commissionaris on ye Bordouris,' along with the LORD OF BALWERY, SCHIR JOHNE CAMPBELL OF LUNDY knycht, and THE LORD OF AMISFIELD. On the margin, opposite this entry, is '*SCOT, AMBASSIATOUR*.'

APPENDIX.

Jan. 12, 1531-2.—*Item*, to David Blyth, Pursebant, to pas to Lundone with Letteris to the King of England, for ane CONDUCT to pe AMBASSIATOURIS, xxv li.
'Ambassiatouris in France.'

Feb. 24.—*Item*, to SCHIR THOMAS ERSKYN OF HALTOUN, kny^t, Secretare and Ambassiatour in France, to his ORDINARE expensis in FRANCE, pe space off foure monethis, ilk moneth estimat to xxx^{ij} dayis, ilk day havand to his ordinare expensis as said is, viij frankis, ilk frank extending to x s. vj d. in Scottis money. *Summa* of pe frankis ix^lx frankis; *summa* of pe Scottis money extending to v^ciiij li.

Item, to my said Lord Secretare, be ze KINGIS speciall command, to his EXTRAORDINARE, lxxxix Angell nobillis, pece extending to xxxij s.; *summa*, l^xlij li. viij s. And alswa to his extraordinare maid in finance iij^cxv frankis iijj fowfe, ilk frank x s. vj d.; *summa* of pe frankis, in Scottis money, l^{xv} li. ix s. vj d. *Summa totalis* of pis EXTRAORDINARE, iij^cvij li. xvij s. vj d.

Item, to my Lord Bischope of Ross, Ambassiatour, pe samyn tyme, to help to his furnessing iij^c frankis, price of ilk frank, in Scottis money, x s. vj d. *Summa* of pir frankis, in Scottis, extendis to vj^lxxx li.

Item, to DAVID LYNDESAY, Herald, to his expensis passing with pe faidis AMBASSIATOURIS iij^c frankis, *summa*, l^v li.

Item, to Johne Bog passand with certane Worsis and Wundis send be pe KINGIS grace to Madame Dobinze, to his expensis iij^cxl frankis,¹ *summa*, l^cxxvj li.

Apr. 2, 1532.—*Item*, to Henry Kemp, quhilkis he deburfit for pe Kingis sone,² gotten vpon ELIZABETH SCHAW, and his nurse expensis, xx li.

Item, to pe GENTILL WOMANE pat fostirrit pe Kingis sone, xl s.

May 11.—*Item*, for graithing of the Ambassiatouris Iugene of Flandres, 'quhilk brocht the Emprouris Collar to pe KINGIS grace,'³ as ane Bill gevin be Maister Johne Scrymgeour Maister of Werk, beris, iij li. vj d.

Item, to pe said Ambassiatour, to his revard, iij^c. fifty Angell nobillis, *summa*, iij^c li.

Item, to the Herald of Flandres,⁴ callit BURGUNZE HERALD, to his revard, l^c li.

Item, for tway purffis to putt pe said money in, viij s.

Item, to the young man that sang with the Ambassiatoure foirlaid, xx li.

Item, to pe gudewyfe of pe housfe quhare pe Herald of Flandres was ligit, for hir houfe-maill pe tyme of his beyng pare, iij li.

Item, to Carlill, HERALD, quhilk come with writingis to pe KINGIS grace and LORDIS, and remanit on his ansuer quhill pe Parliament, xl li.

24.—*Item*, to Butc, PURSEVANT, to pass to Lundone with writingis to the King of England, xl li.

Jun. 16.—*Item*, to the King of Cipir ('CIPRE,')⁵ l^c li.

Jul. 4.—*Item*, to ALEXANDER MURE, quhilk come with writingis fra the King of Denmark, xl li.

¹ A great many more payments are made for dresses, provision for the horses, and 'iijj doggis to my Lord OBINZE;' xl li. to GUILLIAME, Franche post, &c. &c. ² JAMES ABBOT OF KELSO AND MELROSE, a pupil of George Buchanan. On Oct. 8, 1534, he got a charter of the Estates forfeited by the Earl of Angus, *Reg. Mag. Sig.* xxv. 241. Obiit 1558, sine prole. His mother was of the family of Sauchie. ³ These words are inserted, in larger letters, on the margin. ⁴ In this and the other instances 'SPANZE' had been written and 'FLANDRES' substituted.

⁵ 'CIPRE' on the margin. It does not appear, from any other entries in these Accounts, who this kingly personage was. The Editor is inclined to believe that the 'KING,' 'the PRINCE,' and 'the MORE,' belonged to one or more of the numerous bands of GYPSIES or BOHEMIANS, who infested various countries of Europe at and previous to this period, in such overwhelming numbers, as eventually to call down upon them the cruel, but perhaps necessary, severities which continued to be practised against that devoted race for nearly two centuries after this time. For numerous interesting particulars relative to this remarkable people, see this Collection, III, 590, &c. 'KING CRISTALL,' mentioned under date Aug. 23, 1530, of this Appendix, was likely another of these artful wanderers.

- Jul. 20.—*Item*, to CARLILL, HERALD, l li.
Item, to BUTTE, Pursevant, to pass with writingis in England, and departit with pe said
 CARLILL, INGLIS HERALD, pe xx daye of Julij, xxxvj li.
 Jul. 21.—*Item*, to pe PUIR WOMANE quhilk had hir housband slane with ane gwnne schot
 furth of pe Castell, xl s̄.
 Aug. 11.—*Item*, be pe KINGIS command to the Prince of Cipre, xl li.
Item, pe famyne day to the More, be pe KINGIS command, xxx li.
 18.—*Item*, furnisshit be pe KINGIS command to my Lordis BISCHOP OF ROSS and SECRETAR,
 Ambassatouris in France, and to pe LARD OF GAWISTOUNE and DAVID LYNDESAY, HERALD,
 being with Jame, I^mV^c frankis for twa monethis expensis; off pe quhilk to my Lord Bishop of Ross,
 xvj^r frankis; to my Lord Secretar, vi frankis, to pe Lard of Gawistounne, ij^c frankis; and to David
 Lyndesay, I^c frankis; price of ilk frank maid in finance with Hew Dowglafs, Nicholl Carnecorse, and
 Paterfoune, burgesfis of Edinburgh, x s̄. vj d.; *summa*,¹ vij^clxxxvij li. x s̄.
 Sep. 18.—*Item*, for ane Lute with the taitse, and ane dofane of stringis by,² coft in GLASGW,
 and fend with Troilus to pe KINGIS grace in Anuerreca, xl s̄.
Item, to pe forfaisd Troilus to turfe pe famyn, vj s̄.
 Sep. 27.—*Item*, for carrage of pe KINGIS bed to the Hunting in Glenarknay; and for
 cariage of pe famyn out of ED^R. to SANCTANDROSE to the Hardoun, xx s̄.
 Dec.—*Item*, be pe KINGIS Precept to Maister Dobne Dorchy,³ v elnis tanny chamlett,
 price of pe elne xj s̄., lv s̄.
 Jan. 1531-2.—*Item*, be pe KINGIS Precept, to CRISTIANE RAE, quhen scho was Quene of
 Bane,⁴ iijj¹ elnis rissillis blak, price of pe elne xxvj s̄. vij d. vi li.
Item, to hir ane elne veluett, price liij s̄.
 Feb. 23.—*Item*, to twa cartis, pat ane to turfe pe blak kist with the Chapell graith to STRI-
 UELING, and pat vpir with the Arrese hugaris, iij li. xij s̄.
Item, for ane lok mending and ane new kee to the Blak kist that kepis the Reliques, xvj d.
Item, for ane bott⁵ of irne, and leid to zett pe famyn, to pe Compt-houfe darre,⁶ ij s̄.
 May 17, 1532.—*Item*, to Duncan Reche, PURSEVANT, to pafs with Letteris to pe BISCHOP
 OF SANCTANDROIS to aduertese him of the Changein of the diett off the Accusatioun of the
 Lutheranis, x s̄.
 Jun 9.—*Item*, for ane trentall of Messis for the Kingis grace, in Quithorne, xxx s̄.
Item, to pe CHAPLANE distributour of pe famyn, ij s̄.
 Aug. 11.—*Item*, to xij CHEPLANIS to say Mess for the Kingis grace aloir OURE LADY OF
 PAISLAY, xij s̄.
 Aug. 21.—*Item*, to Schir Johne Jordane ('Cheplane') to the Almouse,⁷ xvij li.
Item, to him, in compleit payment the Kingis Almouse, fra pe xxij day of August 1432 to
 pe day of his compt, (Sep. 26, 1533,) takand ilk moneth xvj li., liij li.
 Dec. 2, 1532.—*Item*, to pe INGLISE BOWAR, for ane Dofane of Bowis and vj dofane of
 Arrovis deliuerit at pe KINGIS command to Alexander Canosoun; and for iijj dofane of Arrovis
 deliuerit to pe KINGIS grace, for his adue schuting, xx li.

¹ *Summa trium foliorum precedentium*, (all expended for AMBASSADORS, HERALDS, &c.) iijm^x li. viij s. xj d.

² Over and above, besides; *forbye*.

³ See also Aug. 5, 1535, for another entry relative to the KING'S DWARF. He also gets 'doublat, hoise, and bonnat,' on this occasion, for his 'ZULE LEURAY;' and on Sep. 27 preceding he had a payment of xl s. The Editor is of opinion that this is the individual DWARF for whom the well known Poem in the Bannatyne MS., entitled 'ANE LITTL INTERLUDE OF THE DROICHS PART OF THE PLAY,' was written.

⁴ There have already been given some instances of the KING OF BANE in the course of this Collection. The custom was similar to that still observed in England on *Twelfth Night*. See I, * 115, and Note, &c. The Editor does not recollect to have elsewhere met with a notice of the QUEEN OF BANE.

⁵ Bowit, bolt.

⁶ A number of other entries about the Blak kist and Reliques. ⁷ On Jun. 9, xij li. were paid him for the same purpose. The public ALMS given by KING JAMES V, at this period, was *Sixteen pounds, monthly*, besides his numerous benefactions and private charities. See Aug. 21.

APPENDIX.

Jan. 9, 1532-3.— <i>Item</i> , to þe MAISTER OF FORBES, be þe KINGIS command,	xl li.
<i>Item</i> , be þe KINGIS Precept to Johne, þipar of Sanct Johnestoune, in Toqher ¹ with KATHERINE SINCLAIR,	l ^c xxxij li. vj s. vij d.
Feb. 11.— <i>Item</i> , for ane trentall ² of Messis done for the Britonaris saulis quhillkis perist at the Port of Airc,	xx s.
Feb. 11.— <i>Item</i> , to Patrik Kincaid, MAISTER BROVSTAR,	xvj li. v s.
Apr. 12, 1533.— <i>Item</i> , to Schir Henry Hunter, for the Kingis Dirige singand, in STRIUELING,	xij li.
<i>Item</i> , for mending of the Organis, in Striueling,	ij li.
Apr. 12.— <i>Item</i> , to þe L. L. ³ be þe KINGIS command,	l ^e li.
May 13.— <i>Item</i> , to Walter Cunynghamis wyfe in Striueling for ane how quhillk the Kingis grace slew with ane culvering,	xl s.
May 15?— <i>Item</i> , to Maister Hector Boice, Principall in ABIRDENE, for þe tane ⁴ half of his PENSIONE; and þe vpir half pairt be þe Comptrollar,	xxv li.
Jun. 16.— <i>Item</i> , to Williame Haldane and Williame Brovne, for the Slauchter of vmq ^l e DIK RICHERTSOUNE, ane commone Theiff, and taking of ane vther Theiff callit BARTILMEW TAILSEOUR,	xxx li.
<i>Item</i> , to MAISTER JOHNE BALLANTYNE for ane new Cornikle gebin to the Kingis grace,	xij li.
<i>Item</i> , to him in part of payment of þe Translacione of Titus Lencus,	vij li.
Jul. 26.— <i>Item</i> , to Williame Vdward be þe KINGIS Precept, be David Bonar, for claise tane fra ⁵ him be þe Kingis command to ane Gentill woman, ('S. D.')	⁶
<i>Item</i> , delinerit to my lord Secretar in þe QUENIS COLLEGE to do secret materris of the Kingis,	iiij li.
Aug. 24.— <i>Item</i> , to MAISTER JOHNE BALLANTYNE in part of payment of þe Translacione of þe secund buke of Titus Lencus, ⁷	vij li.
Aug. 28.— <i>Item</i> , to Robert Hoillie, Inglisman, quhillk come with writtingis fra þe ERLE OF NORTHUMBIRLAND, complemand on the brek of the Boudouris, ⁸	x li.
Sep. 5.— <i>Item</i> , to David Blyth, PURSEVANT, quhillk past to Lundoune crandis of certane Merchandis of Ed ^r , and send with him Lettres to the King of Ingland, schewand þe complaynt of our Boudouraris vpoune þe ENGLISMENNE,	vj li.
<i>Item</i> , to David Creichtoune of þe Gardrobe, to see tua careage horsis to turfe þe Kingis hed and vper graithe to the Hunting in Athole, and for þe space of vij dais pairt to remane; to ilk horse on þe day ij s., ⁹ <i>summa</i> ,	xxvij s.
Sep. 7.— <i>Item</i> , to ane boy to pass furthe of Sanct Johnestoune with Writtingis to the Legat in Ed ^r ,	v s.
<i>Item</i> , to George Leiche to pass to the Kingis grace in Inuerrera,	vij li.
<i>Item</i> , to ane man to pass to convoy him,	xxvij s.
Sep. 15.— <i>Item</i> , to Jame Litiijohnis seruand, to pass with butis and schoune to the Kingis grace, in Ergile,	xx s.
Sep. 16.— <i>Item</i> , to ane boy to ryn with ane Lettre to my Lord Chancellor to cause him haist to Ed ^r ,	ij s.

¹ Tocher, dowery, or Marriage-portion.² *Tricentalis*. Three hundred MASSES.³ The LADY L., oneof the King's Mistresses. This must have been either the Lady Lochleven, (Margaret, daughter of John, *twelfth* Lord Erskine, and mother of the REGENT MURRAY,) afterwards the wife of Sir Robert Douglas of Lochleven—or Elizabeth, daughter of John, *third* Earl of Lennox, who bore to the King, Adam, Prior of the Charterhouse at Perth. There are many payments to this individual.⁴ The one half.⁵ Purchased.⁶ These initials are on

the margin. The extract is made to notice the number of such entries for dresses, trinkets, &c. &c.

⁷ The Anti-

quary need scarcely be reminded that both the Chronicles and Translation of Livy have been admirably edited by THOMAS MAITLAND, Esq., Advocate, in Three Volumes Quarto.

⁸ Many messengers passed between the coun-

tries on the same business. It is unnecessary to multiply entries here.

⁹ Several other payments.

Sep. 18.—*Item*, to Williame Cristefoune, messinger, deliuerit Lettres to þe Scherriſſis of FORFAIR, ELGYNE, FORESE, KINCARDINE, INUERNES, CROMERTIE, NARNE, ABIRDENE, and BANFF, to be proclamit within þair boundis, chargeing all men, betuix lx and xvj ȝeris, mak þame reddye, vponne xxiiij houris warnyng, to pas bodin, &c. with the Kingis grace or his Lieutenant, with viij dais wittalis, vnder þe pane of tynsale of þair lyvis, landis, and gudis. AND alſua deliuerit Letteris to þe ERLES OF MURRAY and HUNTLIE, LORDIS SALTOUNE and OGILWY, chargeing þame to cum with diligence to avise for defence of the realme aganis the enemyis of Ingland,¹ liij s.

Sep. 21.—*Item*, to Cuthbert George, messinger, to pas with Letteris to the Erle of Northumbirland,² xli s.

Sep. 24.—*Item*, to Williame Duncane, messinger, to pas with Lettres to þe LARD OF BILLE, chargeing him to keip surcle his House of Bille, vnder þe pane of downcaſting of þe samyn, and tinfall of his heritage, xliij s.

Oct. 25.—*Item*, to Adam Stewart, messingire, to pas and summond þe Lady Weddirburne and þe Lady Traquair to comeire in Edr, on Nov. viij, to heir þame accuſit of tressonabill Intercommoung and assistance done to ARCHIBALD sumtyme ERLE OF ANGUSE and his complices, oure fouerane lordis Rebellis; and to summond ane Assise of þe sechiris quhaire pai duell, to beire witnessing pairpoune; and to his wage, xx s.

Nov. 12.—*Item*, to Cuthbert George, messingir, to ryd with Letteris direct to þe Scherref of Air and Bailze of Bile to bring ARCHIBALD CURRE, in Sandefurde, before þe Lordis of Counsaill in Edr, on Nov. 21 instant, to anſuer at oure fouerane lordis instance for þe Intrometing with ane purse of money extending to vij^e li. quhilkis pertenet sumtyme to Inglismenne that drovnt oure the coist of Air: And als, deliuerit to him, siclik, Letteris chargeing þe PROUEST and BAILLIES of þe burgh of AIRE to bring Robert Nele, Johne Fallisdaill, and Thomas Stevinstoune, to anſuer þe day and place afoir expremit, for þe samyn cause, and to his wage, xxvij s.

Dec. 7.—*Item*, deliuerit to Andro Disclintoune, messingire, Letteris to þe WARDANIS OF þe EIST AND MYDDELL MARCHIS, to charge all liegis within þaj boundis to await vponne the Incomung of ane Army of Inglismen, and resist the same, &c.: AND als charging all Baronis and gentill men havand Castellis or strengthis, opir in keping or heretage, to defend þame, abyding haistly reskew of þe KINGIS Army: AND deliuerit to him Letteris to þe CONSTABILL OF HADINGTOUNE, to warne all personis within þe boundis of his Office to be in Hadingtonne þe x day of þis moneth, weill bodin, &c. to byd our souerane lordis cuming þe space of viij dais; and to his wage,³ xxvij s.

Dec. 16.—*Item*, to ane seruant of my LORD HVMIS, quhilk come with Writingis to þe KINGIS grace, and tythingis fra the Bordouris, iij li.

Item, to Johne Mortoune, quhilk brocht Wrytingis fra the Wardane of the Myddill Marchis to þe KINGIS grace, at þe Kingis command,⁴ xli s.

Dec. 26.—*Item*, to Adam Stewart, with ane Missive Lettre to þe LARD OF SPOTT; and alſua to him Letteris to þe MAISTER OF HALIS for Byrning of Balis;⁵ and ane Lettre to be proclamit at findrie Burrowis, in Lotheane, for furnesing of wittalis; and to his wage,⁶ x s.

Dec. 28.—*Item*, to SYM PENNANGO to pas with Letteres to þe LARD OF BALCLEWCHIE and vperis, aduertisand þame of þe Inglismenne cuming to the House of Bille,⁷ iij li.

¹ Many similar entries, unnecessary to be given here. ² He was sent again on Oct. 23. ³ Messengers were dispatched to all parts of the kingdom prior to this date, with Letters to Barons, &c. ⁴ In consequence of these 'tythingis,' fresh Proclamations were issued, calling on the liegis to be in Edinburgh on Jan. 5 next, with twelve days' provisions, &c. ⁵ Bonfires or bale-fires. ⁶ Letters were also dispatched to the LAIRDS OF BRANXHOLME, FARNSYHURST, MARK KER, and WARDANIS OF THE MYDDILL MARCHIS forment Ingland, ALEXANDER HUME, vintquahle TITOR OF WEDDIRBURNE, JOHNE HUME OF BLACATER, WILLIAME COKBURNE OF THAT ILK, and LORD HUME, chargeing thame to be in Edinburgh the last day of this instant moneth. ⁷ On Dec. 29, Proclamations of new issued for the BARONS, &c. of Edinburgh, Lanark, and Peblis, &c. to be in Edinburgh, on Apr. 8,

APPENDIX.

Jan. 13, 1532-3.—*Item*, to Johne Gurlaw, messingeir, Letteris to charge þe ABBOTTIS OF KELSO, DRYBURGHE, MELROSE, and JEDBURGHE, to remane in thair Abbacyis, substantiuslie accompanyit, weill bodine, &c. for defence of the realme,¹ xx s̄.

Jan. 27.—*Item*, to Williame Mure, messingeire, quhilk raid at þe poist to NEWBOTTILL, MELROS, and CAULDSTREME, to cause prouisioun be maid for Resaving of the Franche Ambassatour callit STEPHANUS AQUEUS,² xxv s̄.

Feb. 10.—*Item*, deliuerit to Daid Blair to pas with Letteris to Johne Canosoun and Lord Maclane, to cause pame cum to þe KING, weill accompanyit, for defence of the realme, v ti.

Feb. 28.—*Item*, to Johne Brovne, skippar in Leithe, for þe fraucht of his schip in þe quhilk my Lord of Aberbrothok, Ambassatour, past in Fraunce, I^cxlvi ti. xiiij s̄. iiij d̄.

Item, to Herchmond, HERALD, quhilk past with þe forsaid Ambassatour, xl ti.

Mar. 1.—*Item*, to Williame Mure, to pas with ane charge fra þe LORDIS to þe LARD OF DUNDASS for kepung of the House of Anchegarby,³ vj s̄.

Mar. 13.—*Item*, to Johne Cobe, to pas with Letteris to þe ABBOTTIS OF NEWBOTTILL and MELROSE and Prioress of CAULDSTREME, for Resaving of the Legat, xx s̄.

May 28.—*Item*, to Williame Cristefoune to pas to CAULDSTREME with Writtingis fra þe FRAUNCHE AMBASSATOURIS to be send to the Erle of Northumberland, xx s̄.

Jun. 13.—*Item*, to Ormond, PURSEVANT, to pas in the Dis with Writtingis of þe KINGIS for the Ingis Schipe quhilk Maclane take,⁴ viij ti.

Jun. 22.—*Item*, to ane boy to rynne to NEWBOTTILL, with ane Writting, schewand þat the Ambassatour, BEWES, and the Commissionaris, wauld be with him on the moune, viij d̄.

Item, to Alexander Mure, quhilk brocht Writtingis fra the King of Denmark, to his rewarde, xxx li.

Item, to James Murray to pas to CAULDSTREME, at þe poist, all nycht, with ane Writting to þe Prioress to provide for Monsr. Bewes and the Commissionaris, xx s̄.

Jun. 24.—*Item*, to Andro Dischintoune to pas to CAULDSTREME at þe poist with ane Writting fra MONSOUR BEWES to þe ERLE OF NORTHUMBERLAND, for ane Conduct to our Commissionaris, xx s̄.

Jun. 27.—*Item*, to MAISTER JOHNE LAUDER to pass to Rome in the Kingis crandis, maid in synance, v^c frankis, ij^clxij ti. x s̄.

Item, gevin to him at his departing, to by him Horsis and vperis necessaris,⁵ xl ti.

Item, to MY LORD MAXWELL for his seruice done hounne the Bordour, be þe KINGIS consideratioune, and Precept pairpoune, ij^cxxxij ti. vj s̄. viij d̄.

Jul. 11.—*Item*, to Johne Gurlaw, to pas at þe Poist to þe KINGIS grace with Letteris fra þe LORDIS, certefeing his grace of the hame cumming of the Commissionaris, xiiij s̄.

Jul. 16.—*Item*, to Ar^d Hoge to pas with Letteris to the Newcastle to the Commissionaris of England, ij ti.

Jul. 24.—*Item*, to Ormond, PURSEVANT, to pas with Letteris to Johne Canosoun and Maclane for the Kingis Schipe, x li.

Item, to þe WALISMAN (Welchman⁶) quhilk come heir, propynit, callit Dantes Griffon, I^c ti.

with thirty days' victuals; those of Fife, Forfar, Perth, &c. on Feb. 7, with thirty days' provisions; Inverness, Aberdeen, &c. on Mar. 9.

¹ Other Religious Houses, North of the Forth, &c. were commanded 'to send thair Houshaldis to the Bordour, with the next Quarter.' In other districts the lieges were ordered to accompany their 'Weismene,' (Chiefs,) as soon as 'thai be warmit be BELIS, (bonfires,) or vthirwayise.' ² On Feb. 15, a macer was dispatched to Pittinweme to get a 'schipe reddy within vj dais for careing of the ABOT OF ABERBROTHOK AMBASSATOUR to the partis of FRANCE.'

³ Other proprietors and Captains of CASTLES, &c. got similar commands. ⁴ Messengers were also sent to Orkney, &c. 'to desist fra all making furthe of WEIR-SHIPIS in contrair the ENGLISHMEN, for weill of Peace.'

⁵ Many other payments for dresses, freight 'of ane litill Schip in the quhilk he past in FLANDRES,' &c. ⁶ See Oct. 21, 1531.

<i>Item</i> , for ane purse to put þe said money intill,	iiij s̄.
Jul. 25.— <i>Item</i> , to David Dronane to pafs with Letteris to þe Scherreffis of ED ^B , BERVIK, PEBLIS, ROXBURGHE, and SELKIRK, and to þe Burrobis of DUNBAR, &c. chargeing all maner of men be reddy vponne xxiiij houris warnyng, with xx dais wittalis, for Resisting, &c.: AND als Letteris to be proclamit at DUNBAR, HADINGTOUNE, and LAUDER, chargeing all perfonis on þe COISTSYDE to aduert that na Ingliſe Schipe arrive thairuponne, and to his wage, ¹	xx s̄.
Jul. 29.— <i>Item</i> , to ane boy to rynne with Writtingis to þe KINGIS grace, in Sanct Johneſtoun (Perth),	iiij s̄.
Aug. 4.— <i>Item</i> , to ane boy, &c. &c. in Falkland,	ij s̄.
<i>Item</i> , to Williame Mure, to pafs with ane Lettre to be proclamit at SELKIRK, PEBLIS, and MOFFAT, that na man hunt in Megotland, ASKDALE-MURE, TWEDE-MURE, &c. bnto þe KINGIS cuning, ²	xx s̄.
Aug. 6.— <i>Item</i> , to Castellaw, to pas with Letteris to be proclamit at þe Bordouris, for ane ro dais abſtinance, ³	xiiij s̄.
Sep. 26.— <i>Item</i> , to Andro Hammiltoune, to pafs with Letteris, chargeing þe WARDANIS OF þe MYDDILL MARCHIS and þe LARD OF BUCHCLEUCHE ⁴ to raise the cuntre to pass, bponne the Chriſtis, to releif þe Gentillmen laillie takin be þame, and pair gudis—and to his wage,	xvij s̄.
SUMMA totalis expensarum Regiariorum, (THE KING'S HOUNDS), ij ^c lxx li. xij s̄. ix d.	
Oct. 7.— <i>Item</i> , to James Flewð, INGLISMAN, be þe LORDIS command, at his waypassing,	vj li.
Oct. 10.— <i>Item</i> , to GEORGE HERIOT, Goldfmyth, ⁵ for mending of ane of þe Kingis siluer stolpis, ⁶	viiij s̄.
Nov. 30.— <i>Item</i> , to MAISTER JOHNE BALLENTYNE, be þe Kingis precept, for his laubaris done in translating of Latin,	xx li.
Dec. 31.— <i>Item</i> , þe last day of December, deliuerit to SCHIR MICHELL DYSART, and his marrovis, ⁷ be þe KINGIS Precept, to be thair May-Crittis, agane New-ſcit-Day, xv elnis bukrain, rrid and zallow, price of þe elne xxx d.	li.
Jan. 3, 1533-4.— <i>Item</i> , deliuerit to þe KINGIS grace, quhilk his hienes gair to ane Irland clairschochar, ⁸	x li.
Jan. 7.— <i>Item</i> , to Cuthbert George, to pafs with Writtingis to caus THE ERLE OF MURRAY cum to ED ^B to advise apone the Ambassatouris Depesche,	iiij li.
Jan. 22.— <i>Item</i> , to MAISTER JOHNE DROCHT, be þe Kingis Precept, to be him ane Schute and ane Wugstoun, vj elnis ferge, price of þe elne x s̄.	iiij li.
<i>Item</i> , to be him ane Doublet, an elne double worfet, price	xxvj s̄. viij d.
<i>Item</i> , to be him ane pair Haise, iij quarteris franche gray, price	x s̄. vj d.
<i>Item</i> , to be him ane Bonet, price	xviij s̄.
Feb. 19.— <i>Item</i> , to James Murray, to pafs with Writtingis to þe ERLE MONTROISE and SCHIR JAMES HAMMILTOUNE, chargeing þame to keip the day of Justice betuix the Synpills and the Cunynghamis, ⁹	xx s̄.

¹ Similar Proclamations were made throughout the whole kingdom, and 'for RESISTING OF THE ENGLIS SCHIPPIN.'

² Large payments made to James Colville of East Wemyss, COMPTROLLER, for his services at Newcastle, 'to TREIT THE PEACE,' and to THE SECRETARY for 'his super expensis quhen he was in Fraunce,' and for JOCALIS (jewels) gevin be him siudrie tymes to THE KINGIS grace.

³ On Aug. 18, a Proclamation to be made that this cessation from hostilities should be 'kepit, quhill the x day of September.'

⁴ Similar Letters sent to LORD MAXWELL and THE LAIRDE OF JOHNSTONE. ⁵ Probably grandfather of the celebrated GEORGE HERIOT, the founder of the Hospital. ⁶ Stoups, flacons. ⁷ Fellows, companions. ⁸ An Irish (Ersche, or Highland) player on the Clairschaw, which was a kind of Harp. *Monipennie* says, 'The strings of the clairschoes are made of brassewire, and the strings of the harps of sinews.'

⁹ *Scot's Chron.* pp. 5, 6. It is proper to mention, that 'clarschepipes' were also used. See *Watson's Coll.* ii. 6. ⁹ See I. * 166, &c., for notices relative to these deadly Feuds, which caused a great excitement in the country.

APPENDIX.

Mar. 25, 1534.— <i>Item</i> , to Adam Stewart to pas with Letteris to LORD JESTIR to caufe him bring certane Thebis quhilk he tuke, to be Justifreit, and to his wage,	xiiij s.
Apr. 18.— <i>Item</i> , to Rothesay, HERALD, to pas to þe ERLE OF ROTHESE to Resaue the Castell of Sanctandrois, ¹	xxxiiij s.
Apr. 27.— <i>Item</i> , to Rothesay, HERALD, deliuerit Letteris to Dundee, Perth, Sanctandrois, Dunfermeling, &c. to inbring thair Tactis for furnesing of Wagouris: ² AND Letteris, elikuife, for Wapinschawingis: Alfua deliuerit to him Letteris for Bulwerkis and defensis to be maid at DUNDEE, SANCTANDROISE, CARALE, PETTINWEME, ANSTRUTHIR, DYSART, KIRKAULDY, KINGORNE, and INNERKETHING; and to his wage, ³	v li.
May 4.— <i>Item</i> , to ane man quhilk come fra þe PRIORESS OF CAULDSTREME with Writtingis now cumin out of Fraunce to MONS ^R BEWIS, AMBASSATOUR, ⁴	v s.
May 26, 1534.— <i>Item</i> , to DAUID LINDESAY, WERALD, passand with þe saidis Ambassatouris, to his expensis, ij ^c frankis, <i>summa</i> , ⁵	l ^v li.
Jun. 14.— <i>Item</i> , to Malcolme Gourlaw, deliuerit for x carage horsis tursand þe KINGIS Pajouris to the Hunting, þe space of ix dayis; and ane horse quhilk brocht the Bed ⁶ furth of Striuling,	ix li. ij s.
Jul. 3.— <i>Item</i> , to þe ARCHIDENE OF DURAME, Inglis Ambassatour, quhilk come for Confirmatioure of the Pece ⁷ to his reward, ane hundreth Angell nobillis, <i>summa</i> ,	l ^{iv} li.
<i>Item</i> , to Maister Magnus, siclyke, Ambassatour,	ij ^c li.
<i>Item</i> , for twa pursis of crammely fatin to put þe said money in till,	xxviiij s.
<i>Item</i> , to the Inglis Notar, ⁸	xxx li.
<i>Item</i> , to Berwik, HERALD,	l li.
<i>Item</i> , to þe b Archearis that schot with the Kingis grace, ⁹	xxv li.
Jul. 9.— <i>Item</i> , to þe ABBOT OF KINLOSS, quhilk past to LONDON to resabe the King of England aithe (oath) apone the Confirmatioure of the Peace,	l ^{xlvij} li.
<i>Item</i> , to Maister Adam Otterburne, passand to LONDON for treting of the Pece, and pair remanand fra xxvj day of November to þe third day of Junij last bipast, to his expensis,	vi ^c li.
Aug. 27.— <i>Item</i> , deliuerit to Johnne Murray ane blak bonet, to cobir ane Steil-Bonet to THE KINGIS grace, price pairof,	xij s.
<i>Item</i> , to be ane tippet to the said bonet, and ane ryding tippet to ane vpir Bonet, ane elne taphety of þe cord, price pairof,	xx s.
<i>Item</i> , deliuerit to THE KINGIS grace ane Relict of Sanct Dutha, set in siluer, weyand xxxvj vnce iij grote wecht, price of þe vnce iij s., <i>summa</i> ,	xxvij li. xvij s. iij d.
<i>Item</i> , for making of þe famyn,	v li. ix s.
Aug. 31.— <i>Item</i> , to Johnne Drummond, wrycht, for bringin of the thre Cannons furth of Drumkreis, in all expensis,	l ^{xvij} li. xvij s. iij d.

¹ Two Messengers-at-arms accompanied him.² Hired soldiers; mercenaries. This was the first step towards the formation of a standing Army. Considering the precarious character of troops formed of raw levies of country men bound to military service, and the indifferent manner in which they were equipped, it is truly extraordinary how such bodies should have been able to withstand the onset of the well appointed and disciplined forces of THE ENGLISH. When these circumstances are kept in view, the rout of the Scottish Army at FLODEN ceases to be matter of surprise.³ Similar commands sent to THE EAST AND WEST COASTS, &c. throughout the kingdom.⁴ Large payments were made at this period to the 'Ambassatouris,' MONS^R. DE FLURIE, MONS^R. BEWES, 'and with thame THE ALMANE,' (German.)⁵ Large payments made to the SECRETARY during his Embassy to France. The rate of his personal charges was viij franks, or iij li. iij s. *per diem*.⁶ The 'Lettacamp,' (*lit-du-camp*), regarding which numerous entries are to be found in this and the preceding Appendices.⁷ PINKERTON, II. 325, asserts, that 'the ORDER OF THE GARTER was remitted to JAMES by the hands of Lord William Howard, brother of the Duke of Norfolk; and the young monarch soon after received that of THE GOLDEN FLEECE from the EMPEROR, and that of St MICHAEL from FRANCIS. See the Appendix, I, * 289, under date Jul. 13, 1537.⁸ The Prothonotary.⁹ Many other instances of the King's urbanity are to be found in these extracts. The present probably arose out of a challenge to the five best Archers in the Ambassador's train.

Sep. 3.—*Item*, to Edward Stewart, *Falconar*, to mak his expensis, and thre servandis, passin with *Walkis* to the King of England, lvj li. xij s. iij d.

The Expensis maid upon the Schip and Marymaris feis, sene sene come to DUNBERTANE.

Item, in primis, to xij marinaris pat wes send hame fra pe Schip, be pe space of thre oulks wagis fra pe thrid day of September (1534), xvij li.

Item, payt in Glesgow to xiiij men quibilk war left with pe schip to bring the King out of Argyle, for ane monethis wagis, begynnand pe said thrid day of September,¹ xxviiij li.

Item, to ane seruand of COCLEUS, quibilk brocht fra his Maister ane Buik, intitulat, to his reward, l li.

Oct. 11.—*Item*, to Thomas Myllar, carter, to pass to fetche ane brokin Gun of THE LORD MAXWELLIS furth of the Langholme, to be brocht to ED^r to pe melting, delinerit to him, v li.

Item, to THE LORD MAXWELL, be Lordis Auditouris of Chekar command, for pe vj Gunmaris wagis remanand with him at pe Bordouris, quibilk wes omittit in our last Comptis, xl li.

Oct. 21.—*Item*, to JAMES GREFOUND, *Walismar*,² commandit be pe Lordis to be gevin at his departing toward Flanderis, lx li.

Item, to MY LORD MAXWELL, for pe Keeping of the House of Arntage and Kewling of the Inhabitantis of *Widdisdale*, be pe space of sevin monethis, viz. fra pe last day of Nouember to pe fyrst day of Julij, havand in pe moneth I. li., Vjic. li.

Oct. 22.—*Item*, ane Bonet to James Stewart, price xx s.

Item, to be ane Cobre to THE KINGIS graces dochter, iij elnis veluet, price pairof pe elne lij s., *summa*, vij li. xvj s.

Item, to be hir ane Kirtill, x quarteris fatyue, price of pe elne xxxij s., *summa*, iij li.

Item, to lyne pe samyne, v $\frac{1}{2}$ elnis fustiane, xxij s.

Item, to be hir sarkis and heid claittis, vj elnis Holane claitt, price of pe elne vj s. *summa*, xxxvj s.

Oct. 24.—*Item*, send to THE KINGIS grace with George Steill, xij dosane Luyt stringis, price of ilk dosane v s., *summa*, iij li.

Item, send with pe said George certane fyne Picturis of Flanderis, coft fra Johne Browne, to THE KINGIS grace, price pairof, xvij li.

Item, vij fyne Drinking glassis for THE KINGIS grace, xlij s.

Nov. 23.—*Item*, to be schabing claittis to THE KINGIS grace, iij elnis smol Holland claitt, price of pe elne xiiij s., *summa*, xlij s.

Dec. 28.—*Item*, (in Striuling) for iij $\frac{1}{2}$ elnis and ane quarter sad grene, to cobir the *Mantraris*³ in the Kingis Study, price of pe elne xiiij s. iij d., *summa*, iij li. iij s. iij d.

Item, to certane May Cobonis to the Kingis grace to pass in *Maskire*, xxiiij elnis *Scottis* quhyte, price pairof, v li. xviiij s. vj d.

Item, to be pe tothir half of pe saidis Cobonis, xiiij $\frac{1}{2}$ elnis *Scottis* blak, price pairof xj li. xvj s.

Item, to Robert Spittall, for makyng of pe saidis Cobonis, iij li.

Dec. 29.—*Item*, deliuerit to pe KINGIS grace, in Streuling, to play at the Cartis, xliij li.

Jan. 13, 1534-5.—*Item*, send with Weddail, futeman to pe KINGIS grace, in Striueling, ane dosane *Wote* stringis and xij hankis of small wyre, price pairof, xx s.

Item, to Thomas Rynd, goldfnyth, for certane *Goldir* werk, coft be William Hammiltoune to pe KINGIS grace agane *New Zere* *Hes*, as ane Compt, subseriuit be pe said William, beris, I^c.xxiiij li. xij s.

¹ These two entries form the commencement of the Account, which occupies five folios, and amounts to L.502, 13s. 11 $\frac{1}{2}$ d. There are no interesting *items*, the payments being for wages, victuals, timber, cables, &c. No date is affixed to the general account, but it appears to have been rendered early in October, 1534. ² 'GREFFON,' or Griffin. See Jul. 24, 1533. ³ Desks, O. Fr. *Letrin*, *letrin*.

APPENDIX.

<i>Item</i> , for garnesing of ane buist ¹ for brententis ² to þe KINGIS grace, siluer, and fassboun, xxxij s̄.	
Jan. 31.— <i>Item</i> , for vij dofane of Whit stringis to þe Kingis grace, deliuerit to Maister John Coldoun,	lvj s̄.
Jul. 28, 1535.— <i>Item</i> , to x careage horfis, tursand the Kingis gravis Pallzeonis to the Hunting in Hlegotland, be þe space of xvij dayis, ilk horfe apone þe day ij s̄., <i>summa</i> ,	xviiij li.
<i>Item</i> , to Malcome Gourlaw, for his avne wagis, tursand and stentand the saidis Pallzeonis,	xx s̄.
<i>Item</i> , to iij careage horfis, tursand the Walbertis, ³ at þe said Hunting, be þe space of xvj dayis,	iiij li. xvj s̄.
Aug. 5.— <i>Item</i> , to the Droiche, ⁴ be my Lord Thesauraris command, to law his clathis fra the tailzeouris,	xx s̄.
Aug. 15.— <i>Item</i> , to David Dronar, to pass with ane charge to MY LORDIS MAXWELL and FLEMING, to help meting with the Inglis men for Liddisdaill,	xxxiiij s̄.
Aug.— <i>Item</i> , furnest to the Ambassiatouris, to vpset þe inlaik ⁵ of þe iiij ^m . Crovis gevin be his grace, extending to v s̄. of euery Crovne, quhilk extendis in þe hail to I ^m . frankis, <i>summa</i> pairof,	v s̄. li.
<i>Item</i> , to perfumes þe hail fynance quhilk þe TOVNE OF ED ^m . suld haue furnest, þat wantit ij ^c . frankis, <i>summa</i> ,	I s̄. li.
Oct. 1.— <i>Item</i> , to James Lindesay, FALCONAR, to pass with Walkis to the King of Ingland, to his expensis,	lx li.
<i>Item</i> , to þe said James, for his childeris expensis, þe tyme his hienes wes at the Hunting in Hlegotland,	vi li.
Nov. 2.— <i>Item</i> , to KATHERINE HAMMILTOUNE, be þe KINGIS gravis command, in compleit payment of þe sovme of lxxx li. for hir Artillery,	xxx li.
<i>Item</i> , be þe KINGIS gravis command, to RICHART HUME, Inglis manne, quhilk suld mak Violis to the Kingis grace, to by stufe for þe samin,	xx li.
Dec. 24.— <i>Item</i> , to . . . Makeaw, Nureis, be þe KINGIS gravis command, to hir reward for fastering of þe KINGIS gravis Dachter,	xiiij li. vj s̄. viij d.
<i>Item</i> , to þe ENGLIS BOWAR, for ane Dosan of Bowis, deliuerit be him, at þe Kingis gravis command, to ane servand of Johne Canochsonis,	vij li.
Dec. 29.— <i>Item</i> , to þe LORD ERSKYNNIS sone, ⁶ quhilk past in France,	xx li.
<i>Item</i> , to George Wallace, for outredding of the Kingis gravis schip towart Weip, and fra thyne to Burdeous, payand his Marynaris half hyre in hand, and þe remanent in DEIP; as þe said George compt particularye beris,	I s̄. xij li. iiij. s̄. x d.
Dec. 30.— <i>Item</i> , to MY LORD SECRETAR, to his expensis returnand throo Ingland to my Lordis Ambassiatouris in France,	iiij ^c . li.
<i>Item</i> , to my Lord ABBOT of KYNLOSS, quhilk he gait to the Inglis currou, ⁷ at þe KINGIS gravis command,	iiij li.
<i>Item</i> , to þe said ABBOT, to his expensis enmand throw Ingland with MY LORD SECRETAR, deliuerit be my Lord Thesaurar in France, I s̄. xlvi frankis, <i>summa</i> ,	lxxiiij li.
Jan. 19, 1535-6.— <i>Item</i> , to Rielhart Hume, Inglifman, ⁸	xl li.
Feb. 1.— <i>Item</i> , for ane App to þe KINGIS grace,	vj li.

¹ Buist; chest, box. ² Unctments, (ointments.) Probably perfumes, &c. ³ Hunting spears, &c. ⁴ THE DWARF. This personage was in great favour at Court, and had a regular pension and liveries, which regularly appear in these Accounts. ⁵ To balance the deficiency. ⁶ It does not appear which of the sons of John, fourth Lord Erskine, this alludes to. ⁷ Probably the *Courier*, who brought the Letters of Safe Conduct to pass through England. ⁸ Who had been employed to make 'Violis' to the King. See Nov. 2, preceding.

- Feb. 18.—*Item*, to be ane schort coit to **LORD JAMES**,¹ vj quarteris blak satyne, price of þe elne, xxx s. xlv s.
- Apr. 26, 1536.—*Item*, fend to þe KINGIS grace, with Schir Constantyne Abannay, ane dofane **Wote stringis**, price vj s.
- Sep. 24.—*Item*, to **BUTT, PURSEVANT**, to pas to summond ane Assise to the **LORD WUME and LARD of EDMESTOURE**, xx s.
- Sep. 25.—*Item*, to James Bissatt, Messinger, to pas with Letteris to þe PROVEST AND BAILLEIS OF DUNDEE AND SANCT JONESTOUNE to serche and feik **JOHNE BLACAT** and **GEORGE LUWETT**, suspect of the Mangring of the Image of Sanct Francis; and to his wage, xx s.
- Item*, to Ercht, messinger, to pas and charge þe LARD OF DUNDAS and CAPITANE OF DUNBERTANE to kep suirlic the **Lardis of Blacadir and Johnestoun**, xx s.
- Oct. 10.—*Item*, to Peter Thomefoune, to pas and summond the **LORD WUME and LARD EDMESTOURE**, xl s.
- Oct. 18.—*Item*, be þe Kingis gravis Precept and speciall command, gebir at his gravis departing, to thre seruandis þat seruis þe **LADYIS IN COWPAR**, to be þame thre Gownis,² xix elnis ruffatt, xj li. viij s.
- Oct. 31.—*Item*, to James Coluill, messinger, to pas with Letteris, chargeing ALL þe GENTILMEN within þe schereffdom of **LYNLYTHQUHOW, STRUETING, PERTHE, and MENTEITHE** to pas with MY LORDIS REGENTIS to the Assseging of **Edzarstoun**,³ xx s.
- Nov. 2.—*Item*, delinerit to Schir Henry Balfoure, Chaplane, to be gebir in **Almorse** to the pure houshalderis to pray for the Kingis gravis prosperus returnyng,⁴ viij li.
- Nov. 12.—*Item*, to Arthe, messinger, to pas with Letteris to þe **ERLE OF MORTOUNE, Erle of Marshell, Abbot of Newbottill, Abbot of Melrose, and Lord Seytoun**, for ane **Conventioun**, to be had in **EDB**, þe xvij day of þe samyn monthe,⁵ xiiij s.
- Nov. 15.—*Item*, to Johnne Coib, messengeir, to pas to summond ane Assise upoun the **Therif callit Maidlaw**, quhilk was tane be my LORDIS REGENTIS in þe toune of **JEDBURGHE**, xx s.
- Nov. 29.—*Item*, þe pennult day of Nouember, deliuerit to þe said **Sr Henry**, to þe effect forsaid, x lib.
- Item*, be command of MY LORDIS REGENTIS, to **Malcolmetsche**, halding in **Ward** in the **Castell of Edinburghe**, for gude rewill of þe cantré, to his expensis, x lib.
- Dec. 21.—*Item*, to **PATERSOUNE, PURSEVANT**, to pas and summond ane Assise to the **LORD WUMIS MENNE**, vj s. viij d.
- Jan. 1536-7.—*Item*, be my LORD REGENTIS command, to **ROBENE HART, alias Nothesay Werauld**, in recompense of his travell at the Kingis first departing, becaus he was at þat tyme bot wagit to **Lundoun**, xx li.
- Jan. 26.—*Item*, to **RAE, Inglisman**, quhilk come for ane **Conduct** to **Kaufl Saidlar, INGLISMAN**, iij li.
- Feb. 24.—*Item*, to **RAE, Inglis Purschbant**, be þe command of my Lordis Regentis, iij li.
- Mar. 6.—*Item*, to **RAE, &c.**, be þe command, &c. xl s.
- Mar.—**PURSUIVANTS** and Messingers got large payments to pas with Letters to **THE BARONS, &c.**, 'for thair honest preparing agane the Kingis gravis hame-cumyng,' &c.
- Apr. 1. 1537.—*Item*, to **THE CHAPELLANIS OF LAWRETE**, to pray for the Kingis grace, xiiij s.

¹ The King's natural son, afterwards Earl of Murray, Regent of Scotland.

² They were again summoned on Nov. 7, following.

³ They also got 'doublattis,' 'hoise,' and 'bonettis,' to correspond.

⁴ A number of messengers were sent with similar warnings to 'THE MAISTER OF ARTALZERIE,' to the 'Lard of Cesfurd, to ly about Edzarstoun'—'to cans OXIN be redy at ye cuming of YE GUNNIS within thair boundis,' &c.

⁵ Prayers appear to have been publicly offered throughout Scotland.

⁶ Other summonses sent in various directions.

APPENDIX.

Apr. 15.—*Item*, to RA, Inglis Purfevant, quhilk come with Writtingis fra the Duke of Northfolk for deliuerance of þe CHARLTONIS, xxx s.

Apr. 23.—*Item*, to Rothersey Warrold, to pas to Ingland to þe KINGIS grace, being pan in France, with Writtingis fra MY LORDIS REGENTIS, xl li.

Item, to Vmfray Murdoche, to pas with þe said Rothersey to LONDOUNE, and to returne agane with sic nouvelles and instrucionis as plesis þe said Rothersey to fend with him, xv li.

Apr. 25.—*Item*, to RAE, Inglifinan, quhilk brocht Writtingis fra the Duke of Northfolk to my Lord Regentis, ij li.

Item, to William Mure, messinger, to pas and charge THOMAS KIRKPATRIK OF CLOSEBURNE, to present twa Theiffis,¹ takin be him in þe Tolboithe of ED^W. þe ix day of Maij, and to his wage, xx s.

Item, to Thomas Hammiltoun, mafer, for his lauboris done in Serching of the Heretikis in the West land, xxx s.

May 19.—*Item*, to þe said RAE, Inglis Purfevant, quhilk brocht Writtingis, ij li.

May 25.—*Item*, to Cuddy George, messingeir, to pas to summond the Henne of Aire to compeir befor þe LORDIS, anent þe geir of þame quhilk was conbirt of Heresy, xx s.

Item, deliuerit to Williame Mure, Letteris to þe SCHERREFFIS of Kincardin, Drumfrefe, Sterling, Peblis, Selkirk, Perth, and Abirdene, xl s.?

‘THE QUEENIS GRACE (QUEEN MAGDALENE’S) ENTRAY IN EDINBURGHE, AND CORONATIOUNE.’

Item, siclik Letteris to þe Scheriffis of Edinburghe, principall, and within þe Constabillrie of Hadingtoun and Beruic,² for the Conuocatioun of the Baronis to the Queenis grace entray in Edinburghe and Coronatioun; and to his wage, xx s.

Jul 7.³—*Item*, to ane Mafer to pas to Leith, to charge Wallace to haue his Schip reddy, viz. þe MARY WILLYBE, incontinent, to the Raid, ij s.

THE QUEENIS GRACIS TYREMENT.⁴

Item, to ane PURSVANT, to pas till DUNDE, to charge þe INHABITANIS pairof to bring thare Blakis⁵ to Edinburg, incontinent, for the Queenis Tyrement, xv s.

Jul. 8.—*Item*, deliuerit to Payntouris, for iiij^o. Armys at the Queenis Obit, xl li.

‘THE QUEENIS OBIT, NONO JULIJ.’⁶

Jul. 9.—Great quantities of Black ‘Scottis Claity’ and ‘Franche Blak’ were purchased for ‘GOWNIS, COITIS, and HUDIS,’ and ‘BONETTIS,’ &c. to the retainers and servants of the Court. As the subject is so remarkable, pretty copious selections shall be given.

Item, refauit fra Maister Adam Ottirburne, thretty elne Holland claity, deliuerand to James Scrymgeour, to be Valis to the Franche Ladyis, price elne viij s., xij li.

Item, xxij elne QUHYTE SATYN to be Croccis upon the Vcluet, price elne xxviiij s., *summa*, xxxj li. vj s. vj d.

¹ By another entry, on May 25 following, he was ordered to deliver ‘NINIANE DUNWEDY and his marrow, vnder the pane of putting to the horne.’ These were the twa Theiffis alluded to. ² All the other Sheriffs got similar notices. ³ There can be no doubt that this was the day of the Queen’s death. Without multiplying authorities, see Jul. 7, 1539, &c., of this Appendix. The date of the Obsequies, performed in Jul. 1538, is carelessly left blank.

⁴ Interment; Funeral obsequies. For many curious particulars relative to the amiable QUEEN MAGDALENE, see *Mr Pinkerton’s History*. *Mr Tytler’s* researches also may be expected to throw much light upon the History of this period. *Pinkerton*, following *Buchanan’s* authority, fixes Jul. 7 as the day of Queen Magdalene’s death. *Leslie*, p. 153, says, ‘Scho deceisist the xth day of Julij, and was buryit in the Abbay Kirk of Hallyrude-hous.’ ⁵ All authors are agreed that the public regret was so great, that this was the first occasion of a general PUBLIC MOURNING. Indeed *Buchanan*, who was an eye-witness, says it was the first instance of MOURNING DRESSES having been worn by the Scots, ‘which even now, after forty years, are not very frequent, although public fashions have greatly increased for the worse.’—*Buch.* Book XIV, 52.

⁶ This date refers to the period when ‘Master Thomas Marioribankis’ entered into office as Clerk to Robert (Cairncross), Abbot of Holywood, Lord High Treasurer. The furnishings for the FUNERAL OBSEQUIES were expended under different heads; the ‘Broadstar,’ or embroiderer; the ‘Maister Stabillar,’ &c. had each the charge of their own respective departments.

<i>Item</i> , aucht elne veluet deliuerit to the Tapesar , ¹ price elne l s., <i>summa</i> ,	xx li.
<i>Item</i> , xxvij Holland claith, price elne ix s., <i>summa</i> ,	xij li. xij s.
<i>Item</i> , ten elne vterfyne ² to be ANE GOUNE to ane Frache Prest , COIT and HUDE,	xij li. vj s. vij d.
<i>Item</i> , tua pund sex vnce of blak fewin silk to be Frengis to the Quenis Cobure , ³	ix li. xv s.
<i>Item</i> , tua grete hankis of gold to the Browdster ,	xliij s.
<i>Item</i> , ⁴ sex Grete Armys ⁵ and sex small, price of pe Werkmanfchip and sewing of pe Grete Armys ,	ij li.
<i>Item</i> , for pe small Armys ,	xxx s.
<i>Item</i> , for making of twa Crois , ane grete and ane small,	xv s.
<i>Item</i> , syftene elne grete frengis , ⁶	xv s.
<i>Item</i> , twenty aucht elne small frengis ,	xvij s. vij d.
<i>Item</i> , aucht knoppis and fassis ⁷ making, price,	vij s.
<i>Item</i> , to my Lord Thesaurar ij steikis ⁸ blak Veluet , contenand xliij eln, price eln lvj s.	lxx li. vij s.
<i>summa</i> ,	
<i>Item</i> , mair to him, vij elne ij quarteris and ane naill blak veluet,	xxj li. xvij s. vj d.
<i>Item</i> , xix elne small Holland claith ,	xij li. vj s.
<i>Item</i> , fra MASTER FRANCISE BOITHUILIS WYFE , to the Quenis Tyrentent , ^x elne Purpure befuct, price elne ij li., <i>summa</i> ,	xxx li.
<i>Item</i> , foure elne of Frache blak , to be ane Fute Mantill and ane harnessing to the Kingis Grace Huse , price elne xxx s., <i>summa</i> ,	vj li.
<i>Item</i> , tua elne bukram, to lyne pe said Fute Mantill about pe bordouris,	vij s.
<i>Item</i> , tua elne tua quarteris Frache blak deliuerit to Patrik Sklatar to cobir ane Sadill to pe KINGIS grace,	ij li. x s.
<i>Item</i> , five elne frengis of blak silk to pe famyn fadill ,	vij s. vj d.
<i>Item</i> , fra William Keris wyfe , sex elne Scottis blak to be Harnessingis to Mulatis , v li. ij s.	
<i>Item</i> , thre quarteris Scottis blak to complete furth pe said harnessingis ,	xij s.
<i>Item</i> , tua dofane cordis of silk, price of ilk dofane ij s. vij d. to knyt pe Harnessingis of the Kingis sadill ,	v s. vij d.
<i>Item</i> , four dofane carddis ⁹ to fessin pe claith apon pe harnessingis ,	xliij s.
<i>Item</i> , sax blak beltis to pe sex Mulatis ,	v s.
<i>Item</i> , thre elne canves to lyne pe teis of pe Mulatis ,	iiij s.
Jul. 10.— <i>Item</i> , to the Kingis Tapesar for pe Ribbonis and Vestmentis þat war maid for pe Quenis Tyrentent , viz. lx elnis, price elne vij d., <i>summa</i> ,	xl s.
<i>Item</i> , to pe Quenis Vestmentis , liij elne ij quarteris blak . . . ¹⁰ bukram, price elne xl d., <i>summa</i> ,	ix li.
<i>Item</i> , for half ane pund blak threid to him pe famin day ,	ij s. iiij d.
<i>Item</i> , half ane elne Cranmesy Satyne ,	xl s.
<i>Item</i> , deliuerit to ROBERT HARVAR , fernitour to my said Lord , ¹¹ to the Quenis Tyrentent , xx elne j quarter blak veluet, price elne lvj s.,	lvj li. xliij s.
Jul. 11.— <i>Item</i> , deliuerit to pe KINGIS grace, in pe Abbey , ane Pissant of Haisyr ¹² and ane Wudskeule , ¹³	xl s.

¹ The person who had charge of the Tapestry and hangings. ² Probably a kind of superfine cloth. ³ There are furnishings of additional silk from various merchants, amounting in all, with the above Funeral Pall, &c. to L.85, 13s. 9d. ⁴ This and a number of the following entries are in 'THE BROWDSTARIS Compt.' ⁵ Coats of Arms for the Funeral Pall and Canopy, &c. ⁶ Fringes. ⁷ Knobs and tassels or bunches. ⁸ Webs, pieces. ⁹ Silk cords or strings. ¹⁰ These left blank in the accounts. ¹¹ ROBERT (CARNCORSE) ABBOT OF HOLYROOD, Lord High Treasurer. This part of the Accounts was given in 'by me MASTER THOMAS MARIORBANKIS, as Clerk to ane venerabill fader in God, Robert,' &c. ¹² A sort of gorget or defensive armour of mail for the neck. ¹³ This and the other Tournaying weapons were delivered by 'William Smeithbeird,' Armourer.

APPENDIX.

<i>Item</i> , for grathing and dighting of twa Pissanis of Mailze to be KINGIS grace, and ane Habergeoun ¹ of Mailze , with ane certane nalis ourgilt to ane pair of Brigantynis , ²	x s.
<i>Item</i> , for beiring of xxij Schillingis ³ and ane Blak stand of Harnes to be Ablay ,	vij d.
<i>Item</i> , for ane Grete Suerde bering to the Abbay and fra be Abbay agane,	xvj d.
<i>Item</i> , for dighting and grathing of four Dosane of Walbertis , quhilkis be KINGIS grace had apone be Sey with him, ⁴	xlvij s.
<i>Item</i> , for be dighting and grathing of twa Dosane Jedburgh-stallis ,	xxiiij s.
<i>Item</i> , for grathing and dighting and tynnyng of ten Twa-handit Suerdis ,	l s.
<i>Item</i> , for dighting of (ane) ane handit Suerde ,	ij s.
<i>Item</i> , for be grathing of ane Rappere ,	ij s.
Jul. 12.— <i>Imprimis</i> ⁵ ane steik ⁶ of Blak Ueluet contenand xxj elne j quartar and 3 quartar, price of pe elne lvj s., <i>summa</i> ,	lix li. xv s.
<i>Item</i> , fauld ane steik of Scottis blak , contenand xxvij elne, price elne xvij s., <i>summa</i> ,	xxv li. iiij s.
<i>Item</i> , mair to my Lord Treasaur ane steik of Rowan ⁷ blak , contenand xxij elne $\frac{3}{4}$,	xxxvij li. xij s.
price,	
<i>Item</i> , deliuerit to Thomas Arthure to be ane Coit with slabis to the Kingis grace, ij elne ij quartaris, of fyne Parise blak , price elne ij li., <i>summa</i> ,	xj li. v s.
<i>Item</i> , to lyne be foirfaid Coit with, iiij elne $\frac{1}{2}$ of fyne blak Taffatyis of cord, price elne xx s., <i>summa</i> ,	iiij li. x s.
<i>Item</i> , to Dauid Jongar , furrour , ⁸ for Hymnybaris and part of Onhyte skynnis to lyne tua Solonis with thare Hudis to the Ladyis of Honour .	iiij li. xiiij s.
<i>Item</i> , deliuerit to be Master Almosar ⁹ be Dene Johne Wilfoun ,	lxxx li.
Jul. 13. <i>Item</i> , to ane boy to pas to MELROSE and DRYBURGHE to warne be ABBOTTIS to the Queenis gracis Tyrment , ¹⁰	ij s.
<i>Item</i> , gevin in arlis ¹¹ of thre steik ¹² of Clayth of Gold cost to the Kingis grace in LYONS , and quhilkis his grace ressaunt agane in Parise ,	ij ^c li.
<i>Item</i> , cost to his grace, siclik, in LYONS , twa grete lyaris of Turke (Turkey) werk , ¹⁵ price pairof,	lxxxx li.
<i>Item</i> , cost siclik xij Couertouris for Burdis , ¹⁴ price of ilk pece iiij li., <i>summa</i> ,	xlviij li.
<i>Item</i> , for MY LORD ERSKYNIS superexpensis , be tyme he was in ENGLAND , for Stallacioun of be KINGIS GRACE in the Ordur of the Gartene , send vnto his grace be his vnclie be KING OF ENGLAND : ¹⁵ as wes particularie examinat apone be Compt gevin in be pe said Lord , xlix li. xvij s. xd.	
The Queenis nyne pagis and three Alakayis got black Doublatis , Hoisfe , and Bouettis . ¹⁶	
Jul. 15.— <i>Item</i> , to Thomas Arthuris seruand , callit Thomas Crag , to be the Kingis grace ane Ryding Coit , four elne of fyne Parise blak , price elne ij li., <i>summa</i> ,	xij li.
<i>Item</i> , to lyne be foirfaid Ryding coit , fyve elne of blak taffatyis of cord, price elne xx s., <i>summa</i> ,	v li.
Jul. 16.— <i>Item</i> , to Thomas Arthure , ane elne of Parise blak to be the Kingis grace Schane , ¹⁷	l s.

¹ Habergeon. It is sometimes written *Hawbirscheunc*, and *Auberchoune*; being a coat of chain mail, wanting the sleeves. ² Armour for the thighs and limbs. ³ Javelins. ⁴ When he went to France on his matrimonial expedition. ⁵ This forms the commencement of another branch of these Accounts. ⁶ Piece or web. ⁷ Rouen, in Normandy. ⁸ Furrier. ⁹ This payment to the Almoner was for charitable purposes. ¹⁰ Messengers dispatched to the other Religious Houses. ¹¹ *Arrha*, an earnest penny. ¹² Pieces or webs. ¹³ Probably mats or Turkey-carpets. ¹⁴ Table-covers. ¹⁵ See Jul. 3, 1534, of this Appendix, 1, * 283. Although the repayment of Lord Erskine's 'superexpensis' is entered here, the date of THE KING'S Investiture must have been a considerable time previous to this time. ¹⁶ It is unnecessary to give the details here. ¹⁷ Shoes.

<i>Item</i> , deliuerit to Robert Gib be þe said Patrik (Sklatar) to þe KINGIS Grace and sadill coberit with Blak of the new fassone, furnyft with gyrthis and ledderis to þe famin sadill,	xl s̄.
price,	
<i>Item</i> , for ane Harnessing of blak ledder, coberit with blak of the Franche fassone, ¹	xx s̄.
price,	
<i>Item</i> , for twa pair of girthis and wamebrafis ² for Armyn sadillis,	vij s̄.
Jul. 18. <i>Item</i> , to Thomas Crag, fyve elne Paris blak, to be þe KINGIS grace and Ryding	
Coart with ane Wude, price elne 1 s̄., <i>summa</i> ,	xij li. x s̄.
<i>Item</i> , thre elne and 3 quarter of Parise blak to be þe KINGIS grace and Ryding Coart, price	
elne 1 s̄., <i>summa</i> ,	ix li. xv d.
Jul. 19. <i>Item</i> , fevin quarteris, ane naile lefs, of fyne Parise blak, to be þe KINGIS grace and	
pair of Waise and ane Maill, price elne iij li., <i>summa</i> ,	v li. xv d.
<i>Item</i> , tua elne and ane quarter of Taffatys of cord, to lyne þe KINGIS grace ane pair of	
Hoise,	xlv s̄.
Jul. 22.— <i>Item</i> , tane fra Mungo Tennand to be the Kingis Dule-Coit and Wude, ³ and for	
þe making of þe famin,	x s̄.
<i>Item</i> , for poyntis to þe tua Coitis and doublete,	xvj d.
Jul. 24.— <i>Item</i> , coft ⁴ fra Henry Lillie, and deliuerit to þe said Tapesar, twa steikis ⁵ of Double	
Dampostage ⁶ to hing about the Quein, qubair þe VELUET hang,	vj li.
<i>Item</i> , fra Thomas Todynar, &c. ⁷ thre steikis xiiij eln ane quarter of Double Dampostage to	
hing as said is,	xj li. x s̄.
<i>Item</i> , fra Johne Dowgall fevyn elne Millant ⁸ fustiane at þe LORDIS command, to put in	
the Chapell in the Palace, price elne v s̄., <i>summa</i> ,	xxxv s̄.
<i>Item</i> , fra þe said Johne, s̄y faldome cordis ⁹ to þe samyn effect,	xij d.
Jul. 28. <i>Item</i> , to WILLIAM EDBE, Tapesar to þe KINGIS grace,	xx li.
Jul. 30. <i>Item</i> , to GILLIAM the Queenis Furrour,	xx li.
Aug. 4.— <i>Item</i> , to Johne Gourlay, to pafs with thre cloise Writingis to þe KINGIS grace at	
Temptalloun,	vij s̄.
<i>Item</i> , to Johne Forfythe, to pafs to Banff, Elgyn, Fores, Invernys, and vpiris placis neidful, to	
Discharge the Erie of Murray of his Lieutenandrie in the North partis, to his expensis,	1 s̄.
Aug. 18.— <i>Item</i> , to MASTER ALEXANDER BRAND, Keipar of the Glammys ¹⁰ & Baky, xl li.	
Aug. 20.— <i>Item</i> , to PATRIK WEMYS, to gif among the Franche men and women at thare	
departing to France,	iiij ^c li.
<i>Item</i> , four elne 3 quarteris of gray, to be Hoifling to þe KINGIS Standertis of his Letta-	
camp,	xj s̄. j d.
Aug. 21.— <i>Item</i> , deliuerit to William Calderwod, for ane pair Organis to þe Kingis grace	
Chapel, price of pame,	lxvj li. xiiij s̄. iiij d.
<i>Item</i> , to MASTER GEORGE BUCHQUIHANNAN, at þe KINGIS command,	xx li.
Aug. 22.— <i>Item</i> , to Williame Smeithberd, for þe meuding and grathing of tuelf steile Sadillis	
of þe KINGIS,	iiij li. iiij s̄.
<i>Item</i> , for bukkillis, pendasis, ¹¹ and vpir geir tane ¹² be Robert Gib,	iiij li. ij s̄.

¹ A number of similar entries, but too minute to be noticed here. ² Literally *Belly-bands*. Preparations for the Tournament are strangely mingled with the funereal trappings. ³ The mourning Coat and Hood.

⁴ Purchased. ⁵ Webs, pieces. ⁶ *Dr Jamieson*, on the authority of *Cotgrave* and *Roguesfort*, considers this 'to have been a kind of Temming or taminy, from O. Fr. *Ostade*.'—'A demy ostade, cut in panes like a Spanish leather jerkin,' *Cotgrave*.

⁷ In consequence of the sudden and unusual demand, the purchases were made from a great variety of tradesmen. ⁸ Milan. ⁹ Six fathoms of cords or ropes. ¹⁰ After the execution of Jonet Lady Glammys, and the Forfeiture of her sou. ¹¹ Pendants. ¹² Purchased.

APPENDIX.

Aug. 24.—*Item*, refault fra Williame Haw, threttene elue vterfyne, to be four ~~Fute-Mantillis~~ Mantillis and four ~~Warnessingis~~ Warnessingis to be Franche ladyis faddillis, price elne xxiiij s., *summa*, xv li. xij s.

Item, tuelfe elne Franche blak, to be thre of the gretast ~~Fute-Mantillis~~ Mantillis and thre ~~Warnessingis~~ Warnessingis to be gretast Ladyis, price of pe elne xxxiiij s., *summa*,¹ xx li. viij s.

Aug. 25.—*Item*, to Biffate, Messinger, to pafs to GLASGW, and vper places in pe WESTLAND, for ~~Marsis~~ Marsis to the ~~Queenis Ladyis~~ Queenis Ladyis, xx s.

Item, deliuerit to the ~~Tapesar~~ Tapesar he my Lord Thefaurar, xx li.

Aug. 28.—*Item*, fyve elne Parife blak, to covir ane ~~Littar~~ Littar of ane ~~Ladyis~~ Ladyis,² price elne xxxiiij s., *summa*, viij li. x s.

Item, aucht feoir and aucht ~~Bukkillis~~ Bukkillis to be foirfaid ladyis, price of the pece viij d., *summa*, v li. xij s.

Item, ane hundreth ~~Pendissis~~ Pendissis³ and sex, price of pe pece vj d., *summa*, iij li.

Item, gevin for pe ~~Wernessing~~ Wernessing of the Pendessis, plaittis, and bukillis, xxij s.

Item, for making ane covering to the ~~Chariot~~ Chariot, x s.

Sep. 4.—*Item*, gevin to PATRIK WEMYS, Master Houshald, xxij Crownis; to my LORD SECRETAR, vj Crownis, to gif ane part of the ~~Franche men~~ Franche men, at thare way-passing, *summa*, xxviij li.

Item, gevin to my LORD SECRETAR, pat he deliuerit to the ~~Franche Labendar~~ Franche Labendar and hir husband, at pare away-passing, xl s.

Item, to twa ~~seruandis~~ seruandis of the ~~Queenis~~ Queenis (quhilkis) war nocht of mynde to have departit, and now defyris to depart; and now it is ordanit be pe Lordis of Counsale of Chekkar, ilkane of pame to have sex Crownis, *summa*, xij li.

Sep. 14.—*Item*, gevin to Patrik Wemys, to gif the ~~Tapessery man~~ Tapessery man that past to ~~Franche~~ Franche, (France,) vj li.

Sep. —*Item*, to TWA DOCHTERIS of the ~~Lady Glanmuis~~ Lady Glanmuis⁴ twa pair doubill solit schone, price of pe pair ij s. ij d., *summa*, iiij s. iiij d.

Item, gevin to pame twa ~~Mursis~~ Mursis,⁵ ij s. viij d.

Item, tane fra James Corby, an elne of blak to be ~~Waise~~ Waise to pame, xx s.

Item, gevin to David Hoppingill, to pay for pare ~~lugeing~~ lugeing and ~~meit~~ meit, sa lang as pai remanit in ED^B, and pe said Davidis expensis to ryde with thame to ~~Wadingtoun~~ Wadingtoun and ~~Northberwick~~ Northberwick,⁶ xx s.

Sep. 17.—*Item*, deliuerit to sex ~~Franche Ladyis~~ Franche Ladyis, sex ~~Sadillis~~ Sadillis, xij li.

Item, fyve new ~~Sadillis~~ Sadillis to be Franche Ladyis, furnyft with brydillis, harnessing, and girthis, price of ilk sadill iij li., *summa*, xv li.

Item, ane pair of ~~Girthis~~ Girthis to ane ~~pligate~~ pligate, price, ij s.

Item, deliuerit to ane ~~Francheman~~ Francheman ane ~~sadill~~ sadill, to ryde with the ~~Franche Ladyis~~ Franche Ladyis, price, xl s.

Item, to diuerse men and wyfis in pe Cannongate, for pe ~~lugeing~~ lugeing of the ~~Franche men~~ Franche men pat past away, in part of payment of ane Bill particularye writtin and subscriuit with Master Johne Cowdanis hand, lxxxvij li. viij s.; payit pairof to pe saidis men and wyfis, lxxx li.

SUMMA totalium ~~Expensarum~~ Expensarum (a Junij iiij ad Sep. xxviij, 1537),

iiij^vvij^{xxxvij} li. xvij s. j d. ob.

¹ Various similar entries.

² A number of other 'littaris' for the French ladies occur in these Accounts.

³ Pendants.

⁴ What the names of these unfortunate young ladies were, the Editor has not been able to discover. The Peerages mention only one daughter of John, sixth Lord Glamis, ELIZABETH, married to *Ross of Craigie*; but it is probable that the Ladies mentioned here were daughters of Lady Glamis by her second marriage with Campbell of Skipnish, who was killed in attempting to escape from the Castle of Edinburgh about the period of LADY GLAMIS'S EXECUTION. See I, * 187, and the preceding Appendix, &c.

⁵ A most munificent donation! It will afterwards be seen, that the King and Queen regularly took up their abode at GLAMIS CASTLE during part of the Hunting season; and doubtless the rents of the large possessions belonging to the young Lord were seized upon by the Crown whilst this young Nobleman was imprisoned in Edinburgh Castle, from which he was not liberated until after the death of KING JAMES V.

⁶ It is extremely probable that these young ladies were given in charge to the Prioress of North Berwick, to be brought up as Nuns in that Monastery.

SUMMA totalium Expenfarum (ad supportationem Expenfarum Regis in Fran-	
cia. ¹)	vij ^{ix} xl ^{ix} li. vij s. vij d.
Sep. 19.— <i>Item</i> , gevin to Anthonie Barbour, Franche man, for the grathing and bowelling of the Quenis grace. ² quham God affolzé, ³	iiij li.
<i>Item</i> , cost be Thomas Arthur, auchtene elne vterfine, to be four Franche Ladyis Dule Schuris, maid of pe fassoune of Preiftis Gownis, price elne xxiiij s., <i>summa</i> ,	xxi li. xij l.
Mar. 1537-8.— <i>Item</i> , to JONET DOWGLAS, the spouse of Dauid Lindesay of the Monthe, ⁴ at pe KINGIS grace command, as pe Precept beris,	xl li.
Apr. 1538.— <i>Item</i> , to KATHERINE BELLEDENE, ⁵ for dettis awand to her be pe QUENIS grace the Kingis moder, at his gracis command, becaus he tuke pe det on him,	Vj ^e . lxxv li. xiiij s. iiij d.
<i>Item</i> , deliuerit to Johne Mofmanne, to mak aine square Chenze of Gold to pe KINGIS grace, with Knoppis,	liiij li.
<i>Item</i> , tane of pe said Jhonis avne gold, to compleit the said chenze with, quhilk weyit quhen it wes reslaüt agane fra him. mair þan he reslaüt, ix Crownis of wecht,	ix li.
<i>Item</i> , to him for Making of pe said Chenze,	iiij li.
<i>Item</i> , for mending of the Kingis Ordour and Target,	xiiij s.
<i>Item</i> , for gold to it, mair þan he reslaüt,	xx s.
<i>Item</i> , for mending of aine Coupe of siluer and pe gilding of it,	xl s.
May.— <i>Item</i> , for xiiij elne $\frac{1}{2}$ elne Onbite Venyre Sating ⁶ to be aine Gohne to his grace, quhilk was lynyt with freis, claithe of gold, and pafsmentit; pe quhilkis lynyng and pafsmentis war tane furthe of pe Warddrop: price of pe elne of pe fating, xxxiiij s., <i>summa</i> ,	xxij li. xix s.

MARRIAGE OF KING JAMES V TO MARY OF GUISE.

“*Expensis debursat, at the Kingis command, vpoun pe (iiij) TRUMPETOURIS, (iiij) TABELNARIS, (‘ijj QUHUSLARIS’) and vperis pat past in pe Schippis to France, ‘for haue-bringing of the Quene.’*” The dresses, &c. were very superb, and ‘*Lebreray Claithis*’ were also provided for *Serbaunts of the Royal Household*, with ‘*GUNNARIS, ‘SCHALMERIS, MINSTRELS, &c. and including ‘ix PAGIS, iiij ALLACAYIS, iij MULITARIS, v TRUMPETOURIS, and iiij ARMORARIS.*’ The particulars, though very interesting, are too voluminous even to admit of selection. On adding up these expenses, they are found to amount to

I^m. ije. xviiij li. xvij s. vd.

Item Dresses for ‘the Kingis grace dochter,’ being ‘ane Kirtill and Goune of pe Frence (French) fort’ of ‘blak fatyne of Venise,’ ‘blak veluet to wat’ (walt) it, and to ‘mak hir hude of pe Frenche fort,’ with linings of ‘*erammeff fatyne, &c.*’; and for ‘ane chafferrone of gold Parife werk, quhilk weyit in gold x Crownis and ane half,’ amounting in whole to

xlj li. ij s. x d.

Item, to Johne Gourlaw, for pe passing with pe KINGIS Letteris to pe Quenis-Lerry and Leith,⁷ for Proclamatioune making till all *Marineris and Schipmenne to compe in Leithe*, pe thrid day of Maij, and reslaif pair Wagis for passing in France, in pe KINGIS SCHIPPIS, for *Haue-bringing of the Quene,*

iiij s.

¹ This Account immediately follows the other, and contains the receipts of the New Tax on the Spirituality and Temporality, imposed on them to meet the KING'S expenditure in FRANCE. The amount of William Bishop of Aberdeen's expenditure, from Sep. 12, 1536, to Sep. 27, 1537, as appears by his Account, which precedes the two former, was L.3627, 11s. 5 $\frac{1}{2}$ d.

² These words have been deleted by another hand, and ‘ANATOMAT (anatomizing?) and laubouris made aenentis THE QUENIS’ are interlined.

³ The charges for spices, &c. fall under the Household department. AS SELECTIONS FROM THE HOUSEHOLD BOOKS OF JAMES V. are in the course of publication by some Members of THE BANNATYNE CLUB, it is unnecessary to give any extracts from that source.

⁴ See these Extracts, Dec. 1530, and *Note*.

⁵ This person seems to have been an Embroiderer, and has many very large payments made to her during the present reign.

⁶ The furnishings to this Gown, two doublets, and hose, the particulars of which occupy three folios, amounted in all to L.174, 5s.—Another ‘COIT OF PURPOUR SATING’ and ‘browdiring’ cost L.125, 19s.—but the *items* are too numerous to be noticed here.

⁷ Similar notices were sent to ‘Abirdene, and vther partis betuix Leith and Abirdene, to cause the laud mienne cum to Leith and ressaue thair wagis,’—and for ‘iiij Gunnaris’ from Dunbar. And warnings were also sent to the Barons ‘till cum to SANCT-ANDROIS TO THE QUENIS LANDING.’

Jun.—Large payments for *Dresses to the King*, and for ‘careing¹ and schipping of pe Kingis geir and clething fra Edinburghe to Sanctandrois, and geir bocht to pe Kingis grace’—Dresses to ‘M. Jane, the Kingis dochter, and her Nureife, Normond Leslie,’ &c.—‘Tappesschere, Comparalionis, and jornais, and vther Justing geir’—‘Munitionis cost be Johne Bertonne in France,’ (extending to iiij^c. xviiij li.)—Gold Rings, anamaling, dyamontis, and goldsmith work, among which ‘ane Terget of Gold, with ane Marmadyne in it of dyamontis, of pe KINGIS awin gold,’ the workmanship of which cost iiij li., &c. &c.—The total expenditure of that month was 1^l. vj^c. xx li. xx d.

Jun. 23.—*Item*, to Johne Paterfone, Purfevant, for passing with Letteris to Couper, Falkland, Kircaldy, Dunfermeling, ane Edinburghe, to caus honest reparating be maad for the Queenis Entering, [QUEEN MARY OF GUISE’S PUBLIC ENTRY,] xiiij s̄.

Jun.—PE KINGIS GRACE BOWARE, sen Witfonday last bypast, viz.

In primis, deliuerit to Johne Tennand, thre *Bellak-bowis*, for pe Irne of ilk bow x s̄., price of ilk bow xx s̄., *summa*, iiij l̄ x s̄.
Item, to pe KINGIS GRACE felse, ane Irne of ane *Bellak-bow*, x s̄.
Item, to pe KINGIS GRACE felse, in HALIRUDHOUSE, ane *dosane braid Arrowis*, xx s̄.
Item, &c. ane *bow*, with ane *dosane Arrowis*, xx s̄.
Item, to Johne Tennand, at TEMPTALLOUN, tua *dosane of Arrowis*, xl s̄.
Item, to pe KINGIS GRACE, pair, ane *dosane Arrowis*, xx s̄.
Item, for pe *feathering*² of thre *dosane Arowis*, xxx s̄.
Item, deliuerit to Johne Tennand, ane *bow* to pe KINGIS GRACE,³ xx s̄.

Jul. (7).—‘The Expenfis debursate vpoune the Queenis *Sauill-Mes* and *Dirige*, quhom God affoilzē.’ (See the particular articles, under the date Jul. 7, 1537, being the day of her death.)

Item, to Schir Thomas Cragy and ane vper with him, for making of iiij *dosane of Armes*, iiij li.
Item, to pe *Well-mante*, xviiij s̄.
Item, to the *How-penny*, deliuerit to Dauid Lindesay, *Hyounn Weraid*, ane *coune* of wecht, xx s̄.

Item, to *Chaplanis* bring at the *Dirige* and *Sauill-Mes*, the tyme of the *Obsequis*, ilk *Chaplane* havand ij s̄., extending to vij^{xx} x, (150,) *summa*, xv li.

Jul.—The ‘*Kingis Tapescherie*, and vperis his geir’ were transported ‘furthe of SANCTANDROIS to EDINBURGHE, Cowper, Falkland, Dyfart, Dunfermeling, and Linlithqw,’ at various times during the present month. No minute dates are preserved in this Account. The expense of ‘*tursing*,’ ‘*grathing* pe *Mulatis*,’ ‘*fraucht*,’ &c., amount to xlix li. ij s̄. iiij d.

The expenfis debursate vpoune pe ‘*Carrage of the Queenis geir*,’ (A few of the *Items* of which Account follow,) lxij li. j s̄. ix d.

Item, to Alexander Naper, for mending of the Queenis *Sadill* and her *Cherist*, in Sanctandrois, xiiij s̄.

Item, for carying of *bedding* and *coferis*, with lynnyng *claitis*; and ane *coffer* of pe Maister *Stabiller* to pe *Quene*; ane *chiar* and ane *buird*⁴ to pe *Quene*, fra Sanctandrois to Couper and Falkland, and fra Falkland to Ravynnitheuche and Dunfermeling, pe space of iiij dayis, ilk day ij cartis and iiij horfis, pe price of pe cart on pe day ij s̄. vj d., and pe horse on pe day, ij s̄., *summa*, liij s̄.

Item, for carying of pe said geir furthe of Dunfermeling to pe Ferry, v horfis, ilk horse xviiij d. vij s̄. vj d.

Item, for carying of the *Dantes of Honouris beddis* fra Dunfermeling to Edr, iiij s̄.

Item, for iiij elnis grene veluet, to be pe *covering* of ane *sadill* to the *Huse*,⁵ xiiij li.

¹ Carrying; transporting. ² Feathering. ³ These *Items* are selected to remark the quantities of bows with which THE KING was constantly supplied, of which the above is only one instance. ⁴ A chair of state and table. ⁵ The Queen’s Fool was a French woman, named SERAT, who appears to have been in great favour at Court. See Aug, 1538, Apr. 16, 1540. The party-coloured dress of the Court Fools, both male and female, was

<i>Item</i> , for xiiij vnce ȝallow filk to be frenȝeis to þe faid fadill and harnessing, price of þe vnce v ȝ., <i>summa</i> ,	iij li. v ȝ.
<i>Item</i> , for wirking of þe faid frenȝeis,	xv ȝ.
<i>Item</i> , for x elnis of blak veluet, deliuerit till Patrik, faidlar, to be ane cōbering of ane sādill and ane fute-mantill to ane of hir ladyis,	xxvj li.
<i>Item</i> , for iij elnis ½ elne braid gray, to lyne þe faid mantill with,	viiij ȝ. ix d.
<i>Item</i> , for xv vnce ½ vnce of filk, to be frenȝeis,	iij li. xvij ȝ. vj d.
<i>Item</i> , for wirking of þe faid frenȝeis,	xv ȝ.
The 'Expenfis deburfate vpoune <i>Madaunt Montrulis</i> cariage furthe of Sanctandrois, and vpir expenfis maid on hir feruandis,' amount to	lxxiiij li. ij ȝ. xj ½ d.
<i>Item</i> , to Robart Davidsonne, for feching of <i>Walkis</i> furth of þe ILLIS fra <i>Merclane</i> ,	v li.
<i>Item</i> , to Johne Halden, in Kircaldy, for twa <i>Malconis</i> bocht fra him in Falkland,	viiij li.
<i>Item</i> , for vj elnis of Parife blak, to be <i>Maister George Balquhannane</i> ane <i>Goune</i> , at the <i>Queenis Grace Centre</i> in EDINBURGHIE,	x li. xvj ȝ.
<i>Item</i> , for iij elnis of blak fatyne, to lyne þe forder quarteris and slevis of þe faid Goune, price of þe elne xxxiiij ȝ., <i>summa</i> ,	iiij li. xviiij ȝ.
<i>Item</i> , for vj elnis of blak veluet, to be him ane Hugtome cote, ¹	xvj li. xvj ȝ.
<i>Item</i> , MAISTER GEORGE BALQUHANNANE, be ane speciall Precept, at þe KINGIS command,	xx li.
<i>Item</i> , deliuerit to Johne Coib, messingeir, for passing with our fouerane lordis Letteris to þe WARDANE OF þe WEST MARCHIS till charge all Borderaris and vperis pat utane mak <i>Mercate</i> with <i>Englis</i> mēite, in þai partis, nor commoune nor intermell with þaim, becaus of the <i>Pestilence</i> , new rissin bþour the <i>Bordouris</i> ,	xxiiij ȝ.
<i>Item</i> , to Alexander Hutonne, messingeire, for passing with siclike Letteris to þe WARDANE OF þe EIST AND MYDDILL MARCHIS,	xx ȝ.
<i>Item</i> , to Johne Paterfone, Purfevant, passand with siclike Letteris to Dunbar, Hadingtonne, Leithe, Edinburghe, Kingorne, Kirkcaldy, Dyfart, and all pairtis of þe Sey-coist, baithe on þe Southe fyde and Northe fyde of Forthe, that na <i>Englishten</i> be sey runtand be ressaunt,	xxviiij ȝ.
Besides the ordinary <i>Liberitis</i> , are <i>Dresses</i> , &c. for ix PAIGIS, iij ALLAKAYIS, x GRUMIS OF THE STABILL, v GRUMIS OF THE QUENIS STABILL, &c., but too lengthened to be inserted here.	
SUMMA totalis mensis Julij,	ij ^m . j ^e . v li. iij ȝ. iiij d.
Aug.—Payments for the KING and QUENIS cariage to Linlithqw and to the <i>Muntis</i> , amounting to	lxxxiiij li. v ȝ. v d.
<i>Item</i> , for vij elnis ½ elne grene Birge Satyne, to be the <i>Queenis Fule</i> ² ane <i>Goune</i> , price of þe elne, x ȝ., <i>summa</i> ,	iiij li. xv ȝ.
<i>Item</i> , for v elnis ½ elne ȝallow birge Satyne, to be hir ane <i>Kirtill</i> , price of þe elne x ȝ., <i>summa</i> ,	lv ȝ.
<i>Item</i> , for vj quarteris of fusteane, to be þe bodyis to þe Kirtill, and lyne þe bodyis of þe Goune with,	v ȝ.
<i>Item</i> , for ij elnis ½ elne blaid blak gray, to lyne þe Kirtill with, price of þe elne xxviiij d. <i>summa</i> ,	v ȝ. iiij d.
<i>Item</i> , for iij elnis of grene bukreme, to lyne hir goune with, price of þe elne ij ȝ., <i>summa</i> ,	vj ȝ.
<i>Item</i> , deliuerit to Johne Mofman, to mak ane <i>Cross</i> of gold to set <i>diamant stanes</i> in, vij Angell nobillis, vj lycht <i>Franchie</i> crownis, <i>summa</i> ,	xvj li. iiij ȝ.

green and *yellow*. So far as the Editor recollects, this is the only instance in history of a FEMALE BUFFOON, or FOOL, for the amusement of the Court.

¹ O. F. *hocqueton*, a sort of sleeveless jacket; a cassock. ² 'SERAT,' a female. See Jul. 1538, and Apr. 16, 1540.

APPENDIX.

<i>Item</i> , for pe faffonne of pe said Croce,	v li.
<i>Item</i> , to Harmond Leslie , at pe KINGIS command,	xl li.
<i>Item</i> , to Johne Fifebeare, for merchandice tane ¹ be Madame Montrule , at pe KINGIS command, be ane Precept,	xxxvij li. vj d.
<i>Item</i> , to William Hill, for mending of pe MVNICIONIS ² in the Toure of the Abbay , at pe Kingis command,	v li. x s̄.
<i>Item</i> , to Johne Creiche, skippar, in compleit payment of pe fraucht of his Schip quhilk past in Denmark for pulderis and Gunnis ,	vij li.
Sept.— <i>Item</i> , deliuerit and gevin to Williame Smebeird, for dychting of Swerdis, rappersis, harnessing, streik-sadillis, Bedburcht-stabis, and vperis Wappinis , to pe KINGIS grace, deliuerit to Robert Gib and Johne Tennand,	xxij li. v s̄.
<i>Item</i> , deliuerit to William Eidve, Tapeschere, for furnyffing of the Franche Purcis ³ Expensis sene pe Quenis gracis hame-cuming, and hir husband and pair servandis expensis: and for hir Medyfys , in lykewyse, for ane monethis expensis, maid be him at pe KINGIS gracis command,	xxj li.
<i>Item</i> , gevin to Duncan Campbell of Drumfad, for ane horse of his pat wes flane turfand pe KINGIS Tennesgune out of Glenfinlass , at pe KINGIS grace command and Precept, v li. vj s̄. viij d.	
<i>Item</i> , to Schir James Inglis , Chaplaue, singand for the Saull of King (James) the Chrid in pe Abbay of Cambskynne ,	xij li. vj s̄. viij d.
Sep. — <i>Item</i> , to v Falconaris , quhilkis passit in Franche with Walkis , xx eluis of Franche couleur de Roy , ¹ to be pame Cotis ,	xiiij li.
Oct. —‘The Carriage of pe KINGIS and Quenys gefr fra Edr to Striuling , &c. amounts to	xix li. xvij s̄.
Nov. —‘The Expensis debursit one the Quenys grace and hir Ladyis , ‘ Lady Jane , ‘ Lord James Abbot of Kelso , ⁵ &c., are curious, but too lengthened to admit of particular notice. Similar entries also occur, with Liveries , &c. in the following and other months of these Accounts.	
Dec. — <i>Item</i> , to Thomas Ryne, goldfmyth, for Chenzis of gold , gold ryngis, tabillatis, and vpir goldin werk deliuerit be him to pe KINGIS grace, agane New Zeris Mess , and gevin in New Zeris Giftis ,	ij ⁶ xxxix li. xix s̄.
<i>Item</i> , to Johnne Kyll, goldfmyth, for thre Chenzis and twa hartis of Gold, deliuerit, as said is, at New Zeris Mess , &c.,	xxij li.
<i>Item</i> , to Johnne Mofnan, goldfmyth, for certane tabillatis, chenzies of gold, and ryngis and ftanys, ressaunt pe tyme foresaid,	lxij li. x s̄.
<i>Item</i> , to him for pe making of the Grete Basing of Gold , weyand x pund wecht ane vnce and ½ ane vnce; ⁶ and making of ane Schip, twa brasillatis, and making and tranflating of diuerse chenzies and ringis of pe KINGIS gracis, and eking ⁷ of gold of his awin,	lxxiiij li. x s̄.
<i>Item</i> , for ane grete raise of ledder to pe Grete Basing of gold , lynit with zallow ,	xxxvj s̄.
<i>Item</i> , for x eluis of blak Rubanis , ⁸ to hyng tabellatis gevin in New Zeris Mess be pe KINGIS grace,	x s̄.
Jan. , 1538-9.— <i>Item</i> , deliuerit to ane Inglismanne pat come fra pe Bordouris with Writingis twiching the Ballatt maid of the King of England ,	iiij li.
Feb. — <i>Item</i> , deliuerit to twa Inglismenne pat brocht Writingis to pe KINGIS grace, pe tane fra the Counsalc of Zork , and pe toper fra Schir William Everis ; pe tane x li., and pe vpir iiij li., <i>summa</i> ,	xiii li.

¹ Purchased. ² The Artillery and fortifications. ³ The Queen's Nurse, who came along with her suite from France. The attentions paid to Foster-mothers and their families in those days are well known. ⁴ It is written colourderoy. ⁵ In September preceding he is styled ‘**LORD JAMES, NOW PRIOR** of Sanctandros.’
⁶ On enquiring of **HIS MAJESTY'S GOLDSMITH**, what the cost of such a piece of plate of the plainest workmanship would now be, the Editor was informed that the lowest charge would, at the present price of Gold, amount to L.788, 10s. ⁷ Eking, adding. ⁸ Black ribbons.

Marche.—*Item*, to Helene Rofs, to cover ane **Mating Buke** (Matin or Prayer Book) to pe **QUENIS** grace, iij quarteris $\frac{1}{2}$ quarter of Purpue welvot, and to be ane polk¹ to pe famin, price of pe elne, iij li. x s., *summa*, iij li. xv d.

Item, for $\frac{1}{2}$ elne half quarter of Reid dammefe (damask) to lyne pe faidis polk and covering with, xxij s. vj d.

Item, to David Chepman, for **Wyrding and laying** about the said buke with **Gold**, x s.

Item, gevin to Helene Rofs, for viij singill bankis of gold, to **botour** the said buke and polk, and be knoppis pairto, and for silk to string pe said polk with, and werkmanship of all,² iij li. x s.

Mar. .—*Item*, deliuerit to Johnne Patersone, for pe making of ane **caise** to the **Kingis** grace **Herod of Honour**, at Johnne Tennandis command, iij li.

Mar. 1.—*Item*, deliuerit to Archibald Heriot, messinger, to pass and serche pair gudis **quhiskis** war **Ahunit** and **declarit** **Meretikis**, in Edinburch and Strueling, xvj s.

Mar. 3.—*Item*, **DRESSES** to the **Erle of Levenay** twa sisters, in Linlithgow, of ' blak welvot, blak fating, twa Franche Hattis, twa Govnys of Freife, and twa Kirtillis of Sating bordourit with welvot, twa collaris of welvot perlattis, twa habuttis, and twa litill collaris,' amounting to xv l. xiiij s.

Mar. 9.—*Item*, to **MUNSURE LASSENZE**, pe Franche man, pe ix day of Marche, **quhilk** come first in **Scotland** attir **Rule** fra the **King** of **France**, in ane purse knoppit with gold, iij^c li.

Item, gevin to **MUNSURE DE MORANVELAY**, **Maister** **Houshald** to the **Duke** of **Swiise**, in ane vpir siklike purse, iij^c li.

Item, for pe twa purse, viij s.

Item, gevin to the **Persebant** pat come furth of **FRANCE**, callit **De la Plume**, xl li.

Mar. 25, 1539.—*Item*, to be **Schon**³ to pe **KINGIS** grace, v quarteris of **Quhite** welvot, price of pe elne iij li., *summa*, iij li. xv s.

Item, v quarteris blak welvot to be felone to his grace, price of pe elne liij s., *summa*, iij li. v s.

Item, to be **dryng** **curchissis**⁴ to the **Kingis** grace **hed**, ix quarteris of **Holand** elaithe, xiiij s. vj d.

Item, send to Linlithgow be **Katheryne Bellendene** to pe **QUENIS** grace, **twa pound** of **selwing** **Gold**,⁵ price pairof, xxiiij li.

Item, ane pound of **selwing** **silver**, xiiij li. vj s.

Item, ix vnce of **blak** **Maryse** **silk**, liij s.

Item, xvj **lang** **bobennis**, price of pe pece v s. iij d., *summa*, iij l. v s. iij d.

Item, xvj **schort** **bobennis**, ladit at vj s. viij d., *summa*, v l. vj s. viij d.

Item, iij boltis of **Maryse** **rubanis**,⁶ ilkane contenand xiiij elnis $\frac{1}{2}$ elne, price of pe elne viij d. for fark collaris and handis, *summa*, xxix s.

Item, xvj elnis of **quhite** **small** **rubennys** for **Govnis**, price pairof, viij s.

Mar. 27.—*Item*, to the **Englische** **Herold** pat come with **Writings** fra the **King** of **Eng-**
land, x li.

Item, to **Mdsgra**, **Persebant**, **quhilk** come in with pe said **ENGLISE** **HEROLD** pat **famin**
tyme, vj li.

Item, send to Strineling, agane **Paiche**, vij elnis $\frac{1}{2}$ elne of **lycht** **blew** **Purpue** **welvot**, to be ane
Gowne to **Sane**, the **Frencche** **Dreche**,⁷ price of pe elne lv s., *summa*, xx li. xij s. vj d.

Item, for ane elne iij quarteris of **blew** **taffiteis** of **cord**, to lyne pe said **gowne** with, xxxj s. vj d.

¹ *Poke*, bag.

² There are various entries of the same kind for the King and Queen's books.

³ Shoes.

⁴ Curches, caps. There are also many entries for towels 'to rub the Kingis hede,' and 'to dry the Kingis hede.' It appears that JAMES V. regularly bathed his head; and that he used all manly sports and exercises to brace his frame.

⁵ The Editor has only thought it necessary to give a few instances of the QUEEN'S taste for Embroidery. The quantities of gold and silver thread, silk, &c. sent her, often monthly, amply prove her great industry, and the numerous works of embroidery and tapestry which she and her Ladies of honour must have executed.

⁶ Ribbons.

⁷ A French FEMALE DWARF. There was also a MALE DWARF, called 'JOHNE YE DORCHE,' or 'DROICHE.'

APPENDIX.

- Item*, for fustaine to lyne þe slevis and body of hir Goune, price pairto, iij s. ix d.
- Item*, for ane elne of grene to lyne hir Kirtill, and blak grey to stuff þe plyise of hir goune with, x s.
- Mar. 31.—*Item*, delinerit to Johnne Young, Brovdistar,¹ iij elnis $\frac{1}{2}$ elne of CRAMMACY SATING, to the stand² of Claph of Gold wirkand to the Kingis Chapell, price of þe elne iij l. x s., *summa*, xij l. v s.
- DRESSES were given to Lord James of Kelso, Lord James of Sanctandroise, and Lady Jane 'þe KINGIS GRACE SONNIS AND DOCHTER.' The dresles for 'my Lordis' consist of 'Gownis of gray Sating of Venyfe,' 'Coitis with slevis of Purpure Welvot,' 'waltit with gray welvot,' 'Hoife of Riffillis blak lynit with blew,' having 'blak Taffiteis to draw þame with,' twa welvot Bonnetis with Pafmentis of silk, and ane Marrabas Bonett, 'Beltis and gartanis of taffiteis,' 'blak welvot selhone.' There was only charged the 'waling' for a 'Nycht-goune' of Lady Jane of 'blak taffiteis and welvot,' and 'lyning of þe famin goune with cotonaris, and þe foir breiftis with mertrik fabill.' The amount was lxxxvij l. xv s. viij d.
- Apr. —*Item*, wrocht be Katheryne Bellendene, to the Kingis Burnall, of variant colorit welvot, xiiij knoppis and stringis effering pairto, quhilk tuke x vnce of sewing silk, price of þe vnce vj s. iij li.
- Item*, to Duncane Cvainghame, for furnyng of stringis of Bowis to þe KINGIS grace, viij li.
- May —*Item*, for vj quarteris of grene velvot, to be ane cover to our grete Hating Buke of þe KINGIS grace, clefplit with gold, quhilk he gat fra MY LORD SECRETARE, and to be ane polk³ zill keip þe famin in, price of þe elne iij li. v s., *summa*, iij li. xvij s. vj d.
- Item*, for iij quarteris of Reid dammese, to lyne þe said polk and þe breddis⁴ of þe Buke, price pairto, xxvij s.
- Item*, for twa dowbill hankis of sewing gold, to be knoppis to þe said polk, and bordour þe mouthe of it, price of the hank xx s., *summa*, xl s.
- Item*, to Helene Ros, for making of þe knoppis and stringis to þe said polk, and making of þe polk and covering pairto, x s.
- Item*, for twa Writing Bukis of parchment, bought to his grace in Falkland, viij s.
- THE KINGIS personal expences this month, for 'Kingis, goldin werk, dyamontis, chalfferonis and chenzeis of gold, smalle chenzeis and tabillatis, to gif away among the Gentill wemene,' amount to, iij^cxi li. xix s. iij d.
- Item*, to Thomas Arthuris fernand, till haue to Sanctandrois, xij elnis $\frac{1}{2}$ elne of Reid crammessy welvot, to be ane Goune to Gresmore till⁵ hir Marriage, price of þe elne viij li., *summa*, l^vvij li.
- Item*, the other furnishings for her 'Kirtill of quhite welvot,' and 'Gownis and Kirtillis to the Erle of Levenay twa sisters,' amount to ij^cxj li. xvij s.
- Item*, delinerit to twa pure wemene, for ij ky, the tyme that the Manne was Burnt for Heresy in Cupper, price of þe ane xl s., and þe vper kow l s., *summa*, iij li. x s.
- Jun. —*Item*, to þe FALCONERIS, for hame-bringing of Walkis furthe of Cathness, at þe KINGIS command, x li.
- Jul. 7.—THE EXPENSIS debursit vpoune þe Suffrage of Quene Magdalene, quhame God affoilzéd:⁶
- Item*, deliuerit to the Payntour, for vj dosane of Armes to put about þe QUEIR, and vpoune TORCHIS and CANDILLIS, price of ilk dosane xx s., *summa*, vj li.
- Item*, to þe ERLE OF MURRAY till offer the Powpenny xx s.
- Item*, to þe TAPISCHERE, to by nalis to hng up the Welvot and blak claithe; and pynouris taking vp and doune þe famin, vj s.

¹ Embroiderer.² Suit or set.³ Poke, bag.⁴ Boards.⁵ Preparatory to.

Item, to þe COLLEGIS and Chapellanis that sang *Verige and Saule-Mess*, extending to ij^cx Chapellanis, ilkane havand ij s., *summa*, xxj li.

Item, to the Belman, ij s.

Jul. — ‘THE Expensis deburfit be JOHNNE BERTANE vpoune þe KINGIS Schip callit the *Salamander*, fra hamecuming of þe QUENYS grace pat now is, to þe feist of Witfonday last,’ amount to l^clv li. xj s. x d.

Aug.—‘THE expensis deburfit vpoune the *litill new Bark*’ consist of charges for making the ‘*fanikynnis, Ansenzeis, stramaris, and banaris* ;’ painting the ‘*Armys and facis* about þe said bark, colouring of þame with gold and asure, and painting of hir mastis, salis, and airis, with oley colouris :’ Making of þe KING and QUENYS ‘*Chalmeris* ;’ ‘*carving of þe carvit werk* ;’ and ‘*vittalling of the Unicorn* and furnishing of hir, þe tyme scho past furth to seek the *Pyrottis*.’ The amount is, ij^cxxij li. viiij s. xj d.

Item, for ij quarteris of ane vnce siluer eikit¹ to ane siluer stolp² for inbringing of the Kingis Collatioune, quhilk weyit ix^{xx} xv vnce ij quarteris,³ deliuerit in Strineling þe vj day of Aprile, xj s. vj d.

Item, for werkmanschip of ilk vnce of þe said stolp, ij s. xix t. xj s. vj d.

Item, for ane siluer *Quhissill* with ane lang chenge, quhilk wes gevin at þe KINGIS command to the *Patrouer of the Schippis*, weyand xj vncis ij quarteris of ane vnce, ix li. ij d.

Item, for þe fassoune of þe famyne, ij li.

Sep.—*Item*, to vj FALCONARIS þat brocht þe *Walkis furth of Cathrass* to þe KINGIS grace, xxiiij elnes of Colouderoy to be þame Coitis,⁴ price of þe elne xvj s. xix li. iiij s.

Sep. 21.—*In the first*, send to *Madame Gresmar* to mak pamentis, at þe KINGIS command, iij pund wecht of schwing gold, price of þe pund xij li., *summa*, xxxvj li.

Item, to the *Lady Lochleuin*⁵ in contentatioune of ane Pensoun awing to hir zeriele, be ane Precept, vj^clxvj li. xiiij s. iiij d.

THE KING and QUEEN passed from ‘*Strineling to Glenarknay*’ ‘*to the Hunting of Glen-synlawis*.’

Oct. 5.—*Item*, gevin to Johnne Mosman for making of the *Quenis Crowne*, and furneing of flanis pairto, quhilk weyit xxxv vnce of Gold of Mynde,⁶ xlv li.

Oct. 6.—*Item*, to OLIPHER SINCLARE at þe Kingis command to the *Warkis at Tamtalloune*,⁷ lxxj li. xiiij s. iiij d.

Oct. 9.—*Item*, to pay ane FRENCHMAN, quhilk was hurt with the schot of ane gune in the *Spirth*, and mvtilat of his finger, in Affithment, xxij li.

Item, to Williame Schaw, in part of payment of I^mj^clxxiiij li. xiiij s., restand awand to him for the *new Tapesscherpe* brocht last furth of *Flanderts*, lxxiiij li. xiiij s.

Item, gevin to ane boy þat come fra LUNDOUNE, fra the *Dutche Mynouris*,⁸ in drink-siluer, xxij s.

Nov.—*Item*, gevin to HECTOR M^cINTOSCHE, to mak his expensis quhen he brocht *Dauid Rattray* furth of *Colmkylf*, ij li. viij s.

Item, ‘þe Expensis deburfit vpoun þe Munitionis and Craftesmen wirkand pairon, within þe CASTELL of ED^r,’ from Nov. 17, 1538, to Sep. 17, 1539, amount to I^miiij^clxxxiiij li. xj s. viij d.

¹ Added, for repairing. ² *Stowp* or *flagon*. ³ The modern cost of the plainest silver-plate of this weight would amount to L.102, 6s. ⁴ The prices of making and furnishings, &c. are elsewhere charged. ⁵ One of the King's Mistresses. She was Margaret, daughter of John, *twelfth* Lord Erskine, and wife of Sir Robert Douglas of Lochleven, and bore to the King, JAMES EARL OF MURRAY, afterwards REGENT OF SCOTLAND. ⁶ Gold from the Royal Mine, furnished for this and other similar purposes. There are many payments to ‘FRANCHE MYNOURIS’—and Flemish and German miners were also employed in considerable numbers, at and previous to this date, in the Mines at Craufurd-Mure. There are instances of charges for interpreters ‘to pass with thame, quhill thai terne the langage.’ ⁷ Many other payments were made for the same purpose. ⁸ Some of the numerous Dutchmen and other foreigners who were employed in the Royal Gold and Silver Mines at Craufurd-Mure.

APPENDIX.

Dec. 12.—*Item*, to *Johnne Leslie*, sone to *pe ERLE OF ROTHES*, to by him clathis with, at *pe KINGIS* command,¹ xiiij li. vj s. viij d.

Dec. 20.—*Item*, to *Thomas Melvillis Wiffe*, in *Falkland*, at *pe KINGIS* command, for *kepning of certane Pettis*,² and *nurifing of pe famyn*, vij elnis fyne *Frenche blak* to be hir ane *gowne* and ane *kirtyll*, price of *pe elne* xxxij s., *summa*, xj li. xvij s.

Item, to *walt pe famin*, and to *begary pe breift of hir gowne*, vj *quarteris blak veluet*, *summa*, ij li. xvij s.

Dec. 31.—*Item*, *gevin to Thomas Rynde*, *goldfmyth*, for *goldin wark tane fra*³ *him be pe KINGIS* grace to *geve in New-zeris-Gittis*, *pe pennult and last dayis of December*, in *chenzeis*, *tabullatis*, *ringis*, *stanis*, *carkannis*, *schafferonis*, and *vper goldin wark*; *deliuerit to pe KINGIS* grace in *Linlythqw*, ij^clxxxij li. ij s.

Item, for *golden werk sauld be him to the Queenis* grace, j^cxlx li. xij s.

Item, *gevin to Johnne Mofmane*, *goldfmythe*, for *siclyk deliuerit be him to pe KINGIS* grace, ij^v li. xiiij s.

Item, for *siclyke geir to pe QUEENIS* grace, lxxxxvj li. vs.

SUMMA of the King and Queen's personal expences, for *drefs*, *goldfsmith-work*, &c. *this month*, viij^mvj^l li. viij d.

Jan. 3, 1539-40.—*Item*, *deliuerit to Thomas Arthure* (*Master Tailor*) to be *ij Play Cotis agane*⁴ *Uphalyday*, vij elnis half elne *REID*, and vij elnis half elne *ALLOW*, *Taffitefe of cord*, price of *pe elne* xvij s., *summa*, xij li. x s.

Item, *deliuerit to him to be anc syde*⁵ *Cape to anc of the Mayaris*, vj elnis *PURPUR* *Taffitefe of cord*, and ane elne of *REID* *Taffitefe* to be anc *Wude*, price of *pe elne* xvij s., *summa*, vj li. vj s.

Item, *deliuerit to him to draw the Tails of the saidis Play Cotis*, twa elnis *REID* and *ALLOW* *Taffitefe of twa threid*, price of *pe elne* ix s., *summa*, xvij s.

Item, *gevin for xv elnis bukrem to lyne pe saidis Play Cotis withe*, price of *pe elne*, ij s., *summa*, xxx s.

Item, *deliuerit to Thomas Arthure for making of pe saidis Play Cotis and Cape*, xx s.

Jan. 6.—*Item*, *gevin to Johnne Mofmane for pe making of anc Belt of Gold of the Mynde to the Queenis* grace,⁶ *weyand xix vnces half vnce*, xv li.

Item, for ane *Sapher* to *pe said Belt*, v li.

THE QUEEN'S CORONATION.

Jan. 7.—*Item*, *gevin to pe Secristane of pe KINGIS* Chapell for *carriage of the Chapell gair fra Striueling to Linlythqw at Swle*, and *fra Linlythqw to Edinburghe at the Queenis Coronatioun*,⁷ as his *byll of compt beris*, v li. vj s. viij d.

Jan. 15.—*Item*, for *making and fassoun of the Kingis Crowne*, *weyand ij pund wecht x vnces*, and *pair of Gold of pe Mynde xlj vnce quarter vnce*, xxx li.

Item, for *xxiiij stanis pairto*, of *pe quhillkis pair was ij grete Garnettis and anc grete Amerot*,⁸ price of *pe ij*, vj li.; and price of *pe pece of pe vpir xix stanis*, xiiij s., *summa*, xix li. vj s.

'*This Crowne deliuerit to the King in the Palace of Walyrudchous*, *pe viij day of Februar following*.'

¹ This individual gets numerous presents at different times. He was the fourth son of George, *third* Earl of Rothes; and was taken prisoner by the English, and ransomed from Henry VIII, Jul. I, 1543, on payment of 200 marks sterling. The celebrated *Norman Lesley*, Master of Rothes, was his brother by a former marriage.

² These Pets consisted of Parroquets, monkeys, peacocks, swans, &c. &c.

³ Purchased.

⁴ Against.

⁵ Long.

⁶ These charges are merely for the workmanship, the Gold having been provided from the Royal Mine.

⁷ There are also numerous entries for carriage of 'Geir of the Wardrop, Tapeschery, &c. fra Linlythqw to Edinburghe,' on occasion of THE CORONATION.

⁸ Emerald.

- Item*, gevin to him for ane King, ane Turques, deliuerit to þe KINGIS grace, þe xxiiij day of Januar, iiij li.
- Jan. 21.—*Item*, deliuerit to Thomas Arthure to be þe KINGIS graces Rob:Knyall, Kirtill, and Wode, xxxviij elnis Purpur Veluet, lxxiiij li. x s̄.
- Item*, for xxvj dofan spottit Arming (Ermine) to lyne þe Kirtill with, price of þe dofane xl s̄.,
summa, liij li.
- Item*, for xiiij dofan of þe said Arming to complete the Kait and Wode with, xxviij li.
- Item*, deliuerit to the Queenis graces Talzour ane fleke¹ of Purpur Veluet, contenand xxij elnis half elne, to be hir Rob:Knyall, price of þe elne iij li. x s̄. lxxviij li. xv s̄.
- Item*, x elnis quhyte Taffitese of cord to lyne it with, price of þe elne xx s̄., *summa*, x li.
- Jan. 22.—*Item*, gevin to Williame Purvese for dog-chençeis, rache-cuppelis, and mending of the Knok,² vij li. xiiij s̄.
- Item*, to Johnne Dowglafs of Authornedene,³ for certane Treis tane fra him to the Kingis Schippis furth of his Wod, xx li.
- Jan. 25.—*Item*, gevin to ORMONDE, Prusevant, and Alex. Hutoune, Messinger, for passing with clofe Writtingis to the Lordis and Ladyis to cum to the Queenis Coronatioune, þe xxv day of Januar, iiij li. viij s̄.
- Item*, to William Hardy, messinger, for passing with ficylke Lettres to the Erle of Huntlye and his Lady, the Erle Marschell and his Lady, in þe NORTHLAND, xxij s̄.
- Item*, gevin to twa Officiaris of Armes þat passit in ANGUSE, þe WESTLAND, NORTHLAND, and vper pairtis, to warne the Dammes to cum to the Coronatioune, iij li. vj s̄.
- Item*, to þe JUSTICE CLERK and TRESAURER CLERK for pair expensis passing to þe BORDOUR at the Meting of the Commissiounaris of England, being furth x dayis, ilk day xl s̄.,
summa, xx li.
- Jan. 31.—*Item*, to Thomas Arthure to be iij Jornayis and iij Comparisonis to the Kingis grace, xx elnis blak Armosing Taffitese, price of þe elne xxxvj s̄., *summa*, xxxvj li.
- Item*, for twa pund wecht twa vneces quarter vnec black sewing silk to be knoppis and tassiss⁴ to þe saidis Comparisonis, price of þe vnec v s̄. viij li. xj s̄. iiij d.
- Item*, for xxviij elnis half elne blak Brodery Veluet to þe Jornayis,⁵ price of þe elne x s̄.,
summa, xiiij li. xv s̄.
- Feb. 7.—*Item*, to couer iij Steill-sadillis to þe KINGIS grace, iiij li. xvj s̄.
- Feb. 14.—*Item*, gevin to Lord Maywall, for being and mending of þe (Castle of) Werenytag, at þe KINGIS command, Ic li.
- Item*, to him for ane hors of the Lord Carlilis, brocht to þe KINGIS grace, xxvj li. xiiij s̄. iiij d.
- Item*, gevin to Rothissay, Werald, for bankating of the Inglisman, at Zule, þat brocht þe hors to þe KINGIS grace, v li. x s̄.
- Item*, gevin to Johnne Mofman, to pay for ane pece of vntwrocht Gold of the Mynde,⁶ quhilk was send to the Duke of Guyse, in France, xliiij s̄.
- Feb. 21.—*Item*, gevin to Normond Wesley, at þe KINGIS command, xx li.
- Feb. 26.—*Item*, gevin to Williame Schaw, in complete payment of 2466 Crownis of þe sone xvij s̄., for Tapeschery brocht hame be him to the Kingis grace, as his Compt and Precept direct pairupoune beris, ane thousand Crownis of wecht, *summa*, Imj^c li.

¹ A web or piece. ² Clock. ³ Hawthornden. This property did not pass out of the Family of Douglas until long after this period. ⁴ Knobs and tassels. ⁵ There are numerous other furnishings of 'lynyngis, pointis, frençeis of silk,' &c. The dresses to THE LADY JANE, (the King's natural daughter,) and all the numerous dependers of the Court, were very splendid and costly. The whole expenditure of this year fills a large Volume. ⁶ Numerous instances may be found in these extracts of large pieces of solid GOLDEN ORE being sent as presents, or else purchased for satisfying THE KING'S OWN curiosity.

Item, gevin to James Bessat for passing with ane Writing to DUNBAR, to caus prouisioune be maid to resauē Rauff Sadillar, INGLISMAN, x š.

Feb. 27.—*Item*, deliuerit to Robert Gib, to kepe þe Þornais, Comparisounis, and harnes- ingis, ane grete coffer, price, ij li. vj š.

Mar. 16.—*Item*, gevin to Johne Mosman for þe mackin and fassoune of ane pair of Bedis to þe KINGIS grace, weyand xvij vnces gold of his graces awin gold, deliuerit of before to þe said Johnne, in Ridaris, Angel-nobillis, and Roif-nobillis, xv li.

Mar. 22.—*Item*, gevin to Johne Zoung, Brodistar, for stuff and Broudering of lxiiij pece of Crownis, Pames ('JACOBUS QUINTUS,')¹ and Chrissillis, set vpoun twa Tynnakillis of Tanny Ueluct, quhilk wes þe lynyng of ane Soluue of Clathe of Gold of þe KINGIS, price of þe pece x š.,
summa, xxxij li.

Item, for vj elnis bukrem to lyne þe saidis Tynnakillis with, price of þe elne ij š. viij d.,
summa, xvj š.

Item, for xxvj elnis of Rubennis² to þame, price of þe elne viij d.,³ *summa*, xvij š. iiij d.

Item, for brodering of ane Vestment of Tanny Ueluct with xiiij Pames, Crownis, and Trissillis, vij li.

Item, for cammes to stuff þe orpheis⁴ of þe famin,⁵ v š. iiij d.

Item, for stuff and brodering⁶ of iiij Armes to þe saidis Tynnykillis and Vestment,⁷ vj li.

Item, for brodering of ane Comparissoune of his graces, with billis of siluer rynnand aboute it, x li.

Mar. 24.—*Item*, for þe fassoun of lxvij vnces ekit to the Kingis grace Chenze, of þe quhilk pair wes xvij vnces of gold of þe Mynde; and ane Chenze quhilk wes bocht for ane hundreth x li., chargeit in Junij following, be ane Precept, and for þe fassoune of ilk vnce v š.,⁸ *summa*, xvj li. xv š.

This CHENZE deliuerit in Striueling to þe KINGIS grace þe last day of Marche.⁹

Item, gevin to MAISTER ROBERT FORMAN to by him ane Coit-Armour, at his Creatioun Persewant, at þe KINGIS command, x li.

Item, gevin to þe CHAIFLANIS OF þe KINGIS CHAPPELL, being in Edinburcht at the Queenis Coronatioun, fra þe xiiij day of Februar inclusive to þe xij day of pis instant monethe, to þe number of xj personis, ilkane havand one þe day ij š., *summa*, xxx li. xvj š.

Item, gevin to DUMMY CARPITANE¹⁰ to by his clathis, at þe KINGIS command, vj li.

Item, to MY LORD SECRTAR, to geve ane Duche man þat come fra the Palsgraif and his Countes with ane Writing to þe KINGIS grace, xliij li.

Item, to Arthur Sinclair for þe rest of his Comptis for the Duche hors brocht furth of Denmark,¹¹ at þe KINGIS command, xliij li. xix š. iiij d.

Apr. 10, 1540.—*Item*, gevin to Maister Andro Kinkaldy, for expensis debursit be him vpoune Officeris fend with Writtingis to warne the Ladyis to cunte to the Queenis Coronatioun, and for þe cariage of ane coffer of þe KINGIS grace fra Linlythqw to Ed', ij li. x š.

Apr. 16.—*Item*, deliuerit to þe Frenche Telzour, to be ane Cote to Scrat the Queenis

¹ See a curious instance of a similar entry, Mar. 26, 1541, of this Appendix. ² Ribbons. ³ There are also charges for 'xvj elnis frenzeis,' iiij sets of 'kuoppis,' 'fassis,' and 'stringis of silk.' ⁴ This is evidently O. Fr. *orfèverie*, gold embroidery, which is often written *orfrage* and *orphray* in ancient writings. ⁵ Charges for 'bukrem,' 'rubennis,' &c. ⁶ Embroidering. ⁷ There are other furnishings too numerous to be detailed. ⁸ Made by Johne Mosman. ⁹ There were likewise furnished other CHENZES, bracelatis, &c. to a considerable amount, also made of the King's awin gold. ¹⁰ Probably a dumb favourite at Court. ¹¹ KING JAMES V, like the other Princes of the Stuart family, was passionately fond of fine Horses, and had a most extensive variety of all kinds. He sent messengers to Spain, Denmark, France, England, and Flanders, &c. for the purchase of stallions and brood-mares; and besides this, received from foreign Princes, and from his own and the English nobility, numerous presents. Besides the Grooms and under-stablers, there often appear in these Accounts payments to above twenty 'children in the Stabill,' (Stable-boys, &c.) for liveries and wages. There are no data to ascertain the extent of THE ROYAL STED, but the number of servants employed may lead to a pretty accurate conjecture.

Wite,¹ vj quarteris DEME-GRANE, and vj quarteris FRENCH ȝALLOW, price of þe elne of demme-grane xiiij s., and price of þe elne of ȝallow xx s., *summa*, iij li. vj s.

Item, to be hir ane **Kirtill** and ane **Wude**, vj elnis grene Birge Sating, price of þe elne x s., *summa*, iij li.

May 10.—*Item*, deliuerit to Katheryne Bellendene,² till complet ane **Sark** to þe **KINGIS** grace, sewit with gold and siluer wark, half ane dowbill hank of sewing gold, price pairof, xij s.

BIRTH AND BAPTISM OF JAMES, PRINCE AND STEWARD OF SCOTLAND.

May 11.—*Item*, gevin to James Bissatt, messinger, for passing with certane clofe Writtingis to warne certane **Lordis** and **Ladpis** to be in **SANCTANDROIS** at the **Birthe** of my **Lord Prince**, xx s.

May 14.—*Item*, gevin to George Steill, for þe fraucht of ane **Bot** to **SANCTANDROIS**, at **Witfounday**, with **Tapescherie** and **Claithe** of gold, and certane vperis small expensis deburfit be him for cariage of þe **Tapescherye** at findry tymes; as his compt gevin pairuponne beris, iij li. xij s. iij d.

Item, gevin to Thomas Tulloche, for cariage of certane of the **Wardrop gait**, (geir,) deburfit be him, xxij s.

Item, gevin to him for ane horse-cariage with certane geir at the **Birthe** of my **Lord Prince**, x s.

Item, gevin to þe **TAPESAR**, for diehting and grathing of þe **Tapeschery**, and making of ane **Paill**³ about the **Princes Bed** of **State**, and for certane vperis thingis, xj li. x s.

Item, to Andro Mansiounne, **Frenche** man, for making of my **Lord Prince Cradyll**, and stuff furnesit be him pairto, xij li.

Item, gevin to **Balfar Howstar**, **Ducheman**, and **Richard Wardlaw**, to pass to **Campbell**, to serche the **Metallis** and ore of siluer,⁴ xij li. iij s.

Item, to **Johnne Paterfoune**, for making of ane case to the **Kingis Boy** of siluer, xl s.

May 21.—*Item*, deliuerit to **Thomas Arthure**, to be ane **Cote** and ane pair of **Brekis** to þe **KINGIS** grace for the **Ser** (sea), x elnis Reid crammeslye veluet, price of þe elne vij li., *summa*, lxx li.

Item, for v vneces **Paurentis** of gold to it, viij li. xv s.

Item, for **pointtis** to þe **Cote** and **Brekis**, and ane **tulat** to þe **Cote**,⁵ iij s.

Item, send to **Sanctandrois** with **Johnne Beg**, xv elnis qulyhte tassitefe of **Janis**, to be **Seruittis** to hald the **Torchis** at the **Baptyme** of my **Lord Prince**, vj li.

Item, gevin to **Johnne Paterfoune**, for ane **Caise** to the **Quenis Scepture** (**SCEPTRE**), xiiij s.

May 22.—*Item*, gevin to ane man to pass with clofe Writtingis furth of **SANCTANDROIS** þe xxij day of **May**, to the **Eric Marschell** and the **Eric Huntlie**,⁶ xxiiij s.

Item, þe samyn day, gevin to **James Bissatt** to pass with **Letteris**, and denunce in all partis in **LOTHIANE** and þe **MERSE**, the **Birthe** of my **Lord Prince**, xxij s.

Item, to **Alexander Hutoune**, &c. to all partis of þe **Waifland** and **Southland**, to warne the **Lordis** and **Barronis** to cum to the **Baptyme** of my **Lord Prince**, iij li.

May 25.—*Item*, gevin to **George Elphinstoune** to pass to þe **KING OF ENGLAND** with þe aduertisement of the **birthe** of my **Lord Prince**, xl li.

Item, gevin to **Schir Thomas Cragy**, **Chaiplane**, for **Painting** of the **Armes**, furnesing of **cammefe** and vper stuff pairto, at the **Baptyme** of my **Lord Prince**, xij li. vj s. viij d.

Item, to **Johnne Paterfoune**, for making of iij **krasis** to the **Kingis Siluer** wark put in þe **Schippis**, xlij s.

Jun. 1.—*Item*, gevin for ane **Chenze**, deliuerit to **Johnne Mosman** to melt with vper **Gold** to be the **Kingis grete Chenze**, lxx li.

¹ See Jul. and Aug. 1538. ² There are numerous previous entries of gold and silver thread to sew and embroider the King's 'SARKIS' throughout the whole Accounts. ³ Pavilion. ⁴ Silver ore. ⁵ There are many other similar outlays. ⁶ This appears to have been THE PRINCE'S Birth-day.

THE KING'S EXPEDITION TO THE ISLES.

Jun. 3.— <i>Item</i> , to þe TAPESAR, to hing the Kingis Chalmer in the Schip, xvij elnis half elne French grene,	xv li. xv s.
<i>Item</i> , to couer ane stwle of rise of þe KINGIS graces, for the Schip, ij elnis half elne tanny Veluet,	vj li. xvij s. vj d.
Jun. 4.— <i>Item</i> , to be curtingis and ane couer to þe KINGIS Bed in the Schip, xxv elnis iij quarteris blak dames,	xliij li. xv s. vj d.
<i>Item</i> , to be Strumaris to the Kingis Schippis, ix score elnis reid and zallow sey; and till complete þe famin, xv elnis ferge,	xliij li. v s.
<i>Item</i> , to William Smeberd, to lync þe KINGIS grace Gorjettis and Gibuts of Plate, half ane elne blak Veluet, ¹	xxvij s. vj d.
Jun. 4.— <i>Item</i> , to Ra, Perfewant, Inglifmane, quhilk brocht Writtingis fra þe Capitane of Berwyk,	ij li. vj s.
Jun. 6.— <i>Item</i> , to þe ENGLISMAN quhilk came fra the Admarall of Ingland with Writtingis,	x li.
<i>Item</i> , to þe man that came fra Oneyll with ane Hors to þe KINGIS grace,	xj li.
<i>Item</i> , deliuerit to Malcolme Gourlaw to þe Rennold Lethome, Page, that passit in France with the Erle of Murray, to be him ane Cote with slevis, vij elnis blak Veluet, ²	xix li.
<i>Item</i> , at þe KINGIS command, xx Crownis of þe sone,	xxij li.
<i>Item</i> , to Williame Stratherne, messinger, to pass to DUNBERTANE, IRWING, and AIR, with Letteris to charge þame to send Botis and Schippis with Victualis to meit þe KINGIS grace in the His þe vj day of Julij nixt to cum; and to remane in Dunbertane and þe Levinax for inbring of þe rest of þe Air, ³	ij li. vj s.
Jun. 7.— <i>Item</i> , gevin to Maister Andro Quhytelaw, for fraucht of ane Bote furth of Leithe to Levynnis mouthe with þe Siler wark, and for cariage pairof to SANCTANDROIS, at the Baptyme of my Lord Prince,	iiij li.
Jun. 8.— <i>Item</i> , send to SANCTANDROIS, to be ane Couer to my Lord Princes Creddill, iij elnis half elne crammessy veluet,	xxiiij li. x s.
<i>Item</i> , to be ane vper Couer pairto, vij elnes reid veluet of grane, ⁴	xxij li. xv s.
Jun. 10.— <i>Item</i> , to be Ansenzeis ⁵ to the Schippis, xvj elnis reid and zallow taffitese of cord,	xiiij li. viij s.
<i>Item</i> , to be þe Croces pairof, iiij $\frac{1}{2}$ elnes quhyte taffitese of Janis,	ij li. vj s. vj d.
<i>Item</i> , to be ane Couer and Curtungis to the Kingis bed in þe NETHER CHALMER in þe SCHIP, xvij $\frac{1}{2}$ elnes Grene dames,	xxxij li. v s.
<i>Item</i> , to be Frenzeis pairto, ane pund and half pund wecht Grene silk, extending to xxiiij vnces,	vj li.
Jun. 12.— <i>Item</i> , for þe making of vj Standartis, quhilkis wes deliuerit to Johnne Bertone to þe Schippis,	xl s.
<i>Item</i> , gevin to him for þe making of iij Top-claitthis and iij Flaggis,	xl s.
<i>Item</i> , for Arrow-headis, deliuerit to Johnne Tenant,	xliij s.
<i>Item</i> , to Schir Johnne Kylgour, for Painting of twa stand of Warness to þe Kingis grace,	xxx s.
<i>Item</i> , to Myredoch Striueling, Patefar, ⁶ to pay for þe making of the Unis (ovens) in þe SCHIPPIS,	vij li. iiij s. viij d.

¹ A variety of other similar entries for furnishing and repairing warlike dresses and arms. ² The same person got doublet, cloke, hoise, and gartennis, with a blak veluet bonat, and 'Ane tergat to his bonat,' cost ij li. xvj s.

³ The residue or balance of the Escheats due to the Crown from the preceding Justice-aire of Dunbarton.

⁴ Fringes of red silk and blankets of white fustian also provided.

⁵ Ensigns; standards.

⁶ Pastry-cook.

Item, deliuerit to Johnne Mofman, for making of twa gret Chandolaris, twa Colupis with coveris, and ane spwne to my Lord Prince, with ane morfare to þe KINGIS grace Culbering, quhilk wes of filuer, deliuerit to him of before, þe iij, xxiiij, and xxvj dayis of May last bipaft; þat is to say, ane siluer stop, weyand xij pund wecht twa vnces; ane vper S top, weyand viij pund xij vnce; ane Water Pot, weyand xxvij vnces; twa Percis with feit, weyand lxij vnces, quhilk extendis to xxvj pund wecht and vij vnces; and to him for euerilk vnce wiking, iij s., *summa*, lxiij li. ix s.

Item, for twa roddis to þe Chandolaris, v s.

Item, gevin to him for þe making of ane Oubissill of gold to þe Kingis grace, weyand iij ½ vnzis, 2 ½ Vnicornis wecht, deliuerit to his grace þe iijij day of Junij, iij li. viij s.

Item, to William Myllar, for twa drauchtis of Palzconis, and ane draucht of bedding, fra þe Abbay to Leithe, to be put in the Schippis, iij s.

Item, gevin to Johnne Dikfoune, Ross Herald, for his expensis passing to the Emprfour, in money and cletthing, lxxv li.

Item, to (Schir) David Lindsay of the Mount (LION KING OF ARMS) and Jonet Douglafs,¹ be ane Precept, Vj^llxvj li. xij s. iij d.

Jun. 28.—*Item*, to Rothissay Herald, for his expensis passing with Writtingis to Schir Williane Cberis, be deliuerance of þe LORDIS, þe xxvij day of Junij, iij li. viij s.

Item, to Johnne Paterfoun, for passing with clofe Writtingis fra þe QUENIS grace to (THE KING in) the Bils, iij li.

Jun. 29.—*Item*, to þe Tapesar, for þe fraucht of ane Bote with the Tapeschery fra Sanct-androis to Leith, v li. xij d.

Jul. 7.—*Item*, the expensis deburfit vpoun the Suffrage of Quene Magdalene, quhome God affolze; in þe first gevin to þe Belman þe vij day of Julij, iij s.

Item, to ij xv Chaplanis, ilkane ij s., *summa*, xxj li. x s.

Item, gevin to the Offering, xxij s.

Item, to þe TAPESAR, for furnesing of nalis and hinging of the Blak Clatthe, and pinoris feis, x s.

Item, for vj dofane of Armes, ilk dofane xx s., *summa*, vj li.

Jul. 10.—*Item*, to Johnne Paterfoun, at his returnyng fra the Bils, in complete payment of his wageis, iij li.

Jul. 18.—*Item*, deliuerit be Thomas Arthure to þe QUENIS grace, in Pittheby, at þe KINGIS command, xj ¼ elnis Tanny taffitese of xij threid, xxv li. vj s. iij d.

Item, to be skalbartis to þe KINGIS Kaperis, v quarteris Blak velnet,² iij li. xv s.

Item, to mak Frenzeis to his grace Swerd-handis, iij vnces blak sewing filk xv s., and Warkmanschip iij s., xvij s.

Jul. 27.—*Item*, gevin to the Lady Maistres for expensis deburfit be hir for covering of my Lord Princis Cradill, gilt nalis pairto, and vperis expensis,³ viij li. xij s.

Jul. 30.—*Item*, to Johnne Mofman, goldfmyth, for þe making of ane Oubissill of Gold of Mynde, weyand iij ½ vnzes half Vnicorne wecht, with ane Dragounne ananulit, deliuerit to þe KINGIS grace þe penult day of Julij, iij li.

Jul. 31.—*Item*, to Andro Michelfoune ane gowne of Parise blak, viij li. xj s.

Item, ' ane Cote of Serge, ' Bonat, ' &c. ' This Icuray wes gevin to him for bringyng of tithingis to the Kingis grace of the Patruite of my Lord Prince.'

¹ His wife.

² Such charges are very frequent in these Accounts. The scabbards are covered from time to time with such materials as might suit the King's fancy and the fashion of the day.

³ Numerous entries of furnishings

to the King, Prince, Lady Jane, &c.

⁴ On this day ROTHISSAY HERALD was despatched to London. He got a Gown of ' Armosy blak Taffitese,' L.15, 6s.—a ' Doublat,' L.9, 15s.—for his expenses, 40 Crowns of the Sun, L.14.

APPENDIX.

Item, gevin to Robert Blak, mafer, for passing to DUNBAR, TAMPTALLOUNE, and PE BASS, to conboy the *Weland-men thair*,¹ xiiij s.

Item, gevin to him for passing with ane clofe Writting to PE BASS to ane *Weland-man* to send to *Kintyre* for *James Carochis brother*, x s.

Aug. 2.—*Item*, to Johnne Barbour to be *Walk-hudis* to PE KINGIS *Walkis*, iij skynnis, xl s.

Aug. 6.—*Item*, to Johnne Paterfoune, *Perfewant*, for passing with *Letteris* with deligence to warne certare *Barronis in August and Fernis* to cum to EDINBURGHE PE XV day of Jis monethe,² l s.

Aug. 12.—*Item*, to *Butt, Persewant*, for passing with ane clofe Writting to Allane Stewart in Lorne, iij li. vj s.

Aug. 13.—*Item*, gevin to Johnne Mosman for $v\frac{1}{4}$ vneces siluer to be ane *Clam-schell* to kepe PE KINGIS grace *Walk mete*,³ iij li. xvij s. xj d.

Item, for PE fassoune and gilding of it, xl s.

Aug. 14.—*Item*, gevin to Johnne Tefart, *Croce-bow-makar*, for *stringis and windess-cordis* to PE KINGIS graces *Croce-bowis*, iij li. x s.

Aug. 16.—*Item*, to Robert Blak, mafer, for sunmonyng of ane *Assise* to *Schir James Hammystoune*; and for *Wyne brocht in* to the *Lordis* being vponne his Inqueist, . . . xv s. x d.

Aug. 20.—*Item*, to ane *Tanny Baber hat* to PE KINGIS grace, v s.

Item, for twa vneces half vnec siluer *Pasmentis* to ane *Skyu cote*, (*Buff-Coat* or *Jerkin*), with fyde *tasletis*, iij li. vij s. vj d.

Item, for ane *dofan siluer buttonis* to it,⁴ xvij s.

Aug. 27.—*Item*, to be ane *Gowne, cote, and dowblat* to *Lord Robert, the Kingis grace sone*, $xv\frac{1}{2}$ elnis gray *Sating relsé*, price of PE elne xxxij s.,⁵ xxiiij li. xvj s.

Item, to cover ane *fadill and harnesing* to *Lord James of Kelso*, iij elnis blak *veluet*,⁶ xj li.

Item, gevin to *Johnne Grote* for *fraucht of his schip* send be PE *Quenis* grace *farth* of *Sanctandrois* to *Orknap* to PE KINGIS grace with *Writtingis*, xx li.

Item, to *Florence Cornetoune*, *quhilk* he deliuerit to *James Scrymgeour* at his *passing* to *France* with *tithandis of my Lord Printis Patuiste*, xj li.

Item, to PE *LARD OF CREICH*, in parte payment of his *Tocher* with *Madame Grismore*, at PE KINGIS command, iij^cxxxij li. vj s. viij d.

Item, to *Robert Moffet*, in PE *Grantoune*, for PE *inbringing* of thre *Thebise quhilk wes Justiffit*, ix li.

Aug. 30.—*Item*, gevin to *Archibald Stewart* to pay iij *Gunnaris* ane monethis wage in the *Castellis of Dunnewik*, and *Mand Lochbrun*, in *May*, at PE KINGIS command, ix li.

Item, to *Schir George Clapertoune*, *Maister Elimozinar*, to the *Kingis grace Almous*, *per tempus Compoti*, extending *vklike (weckly)* to iij li, ijeviij li.

Item, to *Jonet Logane, Lady Cragy*,⁷ xxvj li. xij s. iij d.

Item, gevin to *Johnne Tenent* to *furnese the Kingis Purse*, *per tempus Compoti*,⁸ (viz. Sep. 17, 1539, to Sep. 2, 1540,) Imiij^cxxviij li. xix s. viij d.

Item, to *William Purves, Knock-makar*⁹ and *smyth*, for his *Penfoune* *grauit* to him be PE KINGIS grace, *vnder his Grete fele*, xx li.

¹ These were the Hostages given for observing 'guid reule' in THE ISLES. ² 'Close writtings' sent to Lords Seytoun, Zester, Somervill, Earls of Altran, Cassillis, and Eglentoune, 'to cum to Edinburge.'
1542 of these Extracts, &c. ³ See Jul. ⁴ A number of other dresses, &c. to the King, apparently for Field sports. 'Thir clathis send to Falkland the xx day of August.' The Queen also gets dresses, 'riding cloke,' &c. and a charge for 'xxij Halk hudis' occurs on the same page.

⁵ It is unnecessary to enumerate all the other furnishings.
⁶ 'THE ERLE OF LEUNAX SISTER' gets a Gowde, L.45, 10s., Kirtill, L.11, 18s., &c. &c. this month, (20th.)

⁷ There are many payments to this Lady. ⁸ There is usually a monthly charge for 'the Purs.' In a few instances, such as the present, the Treasurer entered the gross amount at the end of the year. ⁹ Clock-maker

<i>Item</i> , to the Gentill woman that wes laithly Drise to my Lord Prince, for hir service and reward, be pe Kingis Precept, ¹	xl i.
SUMMA totalium Expensarum (a Sep. 17, 1539, ad Sep. 2, 1540,) xxx ^m ix ^c lxij li. v s. x d.	
SUMMA of ' the Munitionis and Craftismen' ² wirkand pairapoun, within pe CASTELL OF EDINBURGHE, LEITHE, &c., for the same period,	Im ^v cxij li. xvij s. xj d. ob.
<i>Item</i> , gevin to tua pynouris for doune-taking of xxx CHALMERIS ³ of pe Heid of Daudis Towris, (IN THE CASTLE OF EDINBURGH,) and carting of pe famin with vthir Chalmeris and Munitione, eftir the Coronatione, to be had again to LEITHE,	xl s.
<i>Item</i> , gevin to the carteris for doun-taking of pe famin to Leithe, extending to viij draucht, price of pe draucht ij s. vj d., <i>summa</i> ,	xx s.
Sep. 19.— <i>Item</i> , to Alexander Hutoune for passing with Writtingis furthe of Edinburghe to Glamis to pe KINGIS grace,	xxij s.
Sep. 24.— <i>Item</i> , gevin to ane Perservant pat dwellis in Leithe to pas to Lanark and summond James Dowglass of Parkheid for Tressoure,	xij s.
<i>Item</i> , gevin to Ormond, Perservant, ⁴ for bringing of tyhandis to pe Kingis grace of pe taking of George Macfarlane, and for his passing agane at his grace command to the His,	xj li.
Sep. 25.— <i>Item</i> , gevin to George Carmichaell for ane pece of Gold of the Mynde ⁵ deliuerit be him to pe KINGIS grace of befoir, in SANCTANDROIS, weyand twa vnces quarter vnce grote wecht, price of pe vnce vj li. viij s., <i>summa</i> ,	xv li. iij s.
THE expensis vpoune pe furneing of pe (fide) Hauknay Wors and (viii) Walkis send to the King of France, the Dolphyn, and Duke of Guers, with Johne Bog, ⁶ iij ^c lxxij li. v s. x d.	
Oct. 2.— <i>Item</i> , gevin to Schir Johne Campbell to furneis his expensis in passing to the Imperatour with Writtingis,	iij ^c xxx li.
<i>Item</i> , to the Imperatouris serband quhilk brocht Writtingis to pe KINGIS grace,	lv li.
Oct. 7.— <i>Item</i> , to pe man pat tuke George Macfarlane, at pe KINGIS command,	xliij li.
<i>Item</i> , to the Frenchman that brocht the Wors to pe KINGIS grace furth of France, ij ^c xx li.	
<i>Item</i> , to his serband pat kepit pe said hors,	xxij li.
Oct. 9.— <i>Item</i> , deliuerit to Johne Mofman xij vnces quarter vnce siluer to be ane Relique to ane Bane of Sanct Mahago,	ix li. iij s. iij d. ob.
<i>Item</i> , gevin to gilt pe said Relique with, twa Rois-nohillis,	v li. vj s.
<i>Item</i> , gevin to him, to be ane Relique to ane Bane of Sanct Andriane of May, vj vnces quarter vnce Gold of Mynde,	xl li.
<i>Item</i> , to him for making of pe famin,	vj li.
<i>Item</i> , gevin to him for making of pe vper Relique of Sanct Mahago,	iij li.
<i>Item</i> , to Johne Paterfone for making twa Catissis to the said Reliquis,	xxij s.
Oct. 11.— <i>Item</i> , gevin to Johne Mofman, for making of the Princis Armes vpoun Schir James Hamiltonis Chapell gair, pat is to say, ANE CROCE OF SILUER, TWA CHANDELARIS, ANE HALI-WATER-FATT ⁷ with ANE STYK, TWA CROWETTIS, ANE BELL, ANE BOIST TO KEIP HOISTIS IN, ⁸ and ANE COUER TO SERUE FOR PE PAX, all deliuerit to Thomas Dudingstoune, Maister of Howthald to my Lord Prince, and for mending of twa haconis, ⁹	xx s.

¹ At this period the King's Advocate had only L. 10 per annum of Salary. ² The particulars of this branch of the public Accounts occupy 35 pages; but though they are very interesting, it is not possible to give suitable extracts in this place. Only two entries need be noticed here, which immediately follow this article. ³ A small piece of ancient Ordnance. ⁴ Chambers are mentioned by some of the early Dramatists, and sometimes in the Stage-directions of Battle-Scenes, we find, 'Chambers are let off in the distance.' ⁵ He had been despatched, along with Walter Macfarlane, to Kyntyre, to the Master of Glencairn, on Sep. 4. ⁶ There are numerous similar entries which prove that, during this reign, Gold was found in pretty large masses in 'the Mynde' at Crawford-Muir. ⁷ The various items for harnessing, five saddles, dresses for Bog, and 'vij childerin (lads) that passit in France with the said hors (horses) and halkis.' The *items* occupy above three pages. ⁸ A vat or vessel to hold Holy-water. ⁹ A box to keep the Host or Eucharist. ¹⁰ Flagons.

APPENDIX.

Oct. 13.—THE Expensis deburfit vpoun þe four *Waldknays* send to the *Dolphin* of France, and vpoun þe FRENCH PAIGE callit LAPONSE, at his departing to France,¹ . . . ij^cxliij li. v s. vj d.

Item, to ane seruant þat passit to þe *Gloumes* fra þe LORDIS with Writtingis to þe Kingis grace, xxij s.

Nov. 7.—*Item*, deliuerit to Johne Mofinan to garneis ane *Vair-tuithe*² to my Lord Prince, ane vnce twa *Vnicorne* half *vnicorne* wecht of Gold of Mynde, viij li. viij s.

Item, to him for making of þe *famin*, xl s.

Item, for gilding of an litill *garnefing* of ane *Worne* to my Lord Prince, iij s.

Nov. 15.—*Item*, to Thomas Arthuir, for furneing of cleything to Schir Johne Campbell of Lundy, kny^t, at þe KINGIS command, quhen he departit to the *Imperatour*, I^c li.

Item, to Maister Robert Forman, *Ross Herald*, to by him clathis, passing with þe said Schir Johne in company, xxiiij li.

Item, to Thomas Vdward for ane *blak furring* of *cunyng* (*cony*, *rabbit*) *skynnis*, thre *Bowis*, thre *dofane Arowis*, and ane *quaver brocht furth of Ingland*, deliuerit to David Ferry and Johne Tennent, xx li. xvij s.

Nov. 19.—*Item*, to Alexander Hwtoune to pas and *poind the Lord Maywall* for certane *dettis*, xxij s.

Item, to Williame Hardy for his expensis passing to warne þe LAIRDIS OF LOTHIANE to ryde to the *Bardour* with the Kingis grace, xiiij s.

Dec. 15.—*Item*, to William Hardy to pas to the *Blis* and tak *Seysing of MacKauys landis*, v li.

Dec. 19.—*Item*, gevin to þe young *Tapescher*, for *carriage of the Tapescherie* to *Gloumes* and *vperis* places, vj li. xiiij d.

Dec. 28.—*Item*, fend to *Strueling* to be ane *Gowne* to *Seratt*, vij *elms* grene *Veluet*, xxj li.

Item, fend to begary it with vj *quarteris* *zallow Veluet*, iij li. vij s.

Dec. 31.—*Item*, gevin Johne Mofinan for *chenzeis*, *ringis*, *tabulattis*, *bracelattis*, *targettis*, and *vper* gold wark *refaut* fra him in *Strueling*, þe KINGIS grace being present, to be gevin in *Peruere Giltis*, iij^x li.

Item, gevin to (Charlis) Murray, for xx *Waldkuttis*³ brocht furth of (Duc)heland⁴ be him, price of þe pece half *Angell* nobill, *summa*, xvij li.

Jan. 9, 1540-1.—*Item*, gevin to ane *Ducheman* þat pleyit⁵ before þe LORDIS, to mak his expensis, xl li.

Jan. 20.—*Item*, gevin to the *Prothonotar*, seruant to þe QUENIS grace, at his departing to France,⁶ xliij li.

MEMP, deliuerit to Johne Mofman, in þe ABBAY OF HALYRUDHOWS, þe xxj day of Julij last bipast, þe KINGIS grace being present, þis *Gold-wark and Jewellis* astir folowing, *quilk* wes of WILLIAM HWMES ESCHETE; þat is to say, Thre *Chenzeis*, with ane *brokin chenze*, xj *Bedis of gold*, l *Bedis of Ammatist*, with v *Goldis of Franche crowntis*, twa *Cloktis*, thre *small buirdis* of *beltis*, *hed* and *pendes* of *gold*, vij *ringis*, thre *hingaris*, ane *croce*, ane *hart*, twa *colleris*, ane *lefart*, and ane *small belt*, all *weyand* xxvij *vnce* half *vnce*, deliuerit to him, with *vper* gold wark, to be *meittit in ane grete Ingot*,⁷ price of þe *vnce* vij li. x s., *summa*, ij^cxliij li. v s.

AND þe *famin* tyme deliuerit to þe KINGIS grace, in ane *box*, þe *litill Copburd* of *siluer*, with certane *stomokkis*, *perle-bedis*, *beltis*, and *vper* *small gair* contenit in þe *saidis* *boxis*.

¹ The *items* are too numerous to be noticed.

² Probably used instead of a coral for cutting the young Prince's

teeth. ³ Nagbuts. This is selected to remark, that great quantities of nagbuts, culverins, and all kinds of Artillery and ammunition, were imported from Holland, Germany, Denmark, &c., in 1540, 1541, and 1542. The small arms were often in *ninety-nine* number at a time, perhaps from restrictive regulations in these countries, only suffering their exportation if under 100 in number.

⁴ Holland.

⁵ Litigated.

⁶ See Apr. 21, 1542,

of these Extracts. ⁷ Fr. an *Ingot*, or *wedge* of gold.

Feb. —	<i>Item</i> , send to Falkland , to þe QUEENIS grace, with Alexander Kempt, to be hir anc	
Solwe ,	xv elnis Purpur veluet,	lij li. x s.
	<i>Item</i> , to be anc Kirtill , ix½ elnis Quhyte Dames of þe grete flour,	xix li.
Feb. 3.—	<i>Item</i> , send to hir grace twa pund wecht sewing gold, ¹	xxiiij li.
	<i>Item</i> , gevin to Andro Watfone and Schir Johne Kylgour, for þe making of four Bancris	
to the Trumpettis ,	and furneing of stuff pairto,	xl li.
Feb. 4.—	<i>Item</i> , to ane Ducheman pat haid his schip brokin in Sauctandrois with þe KINGIS	
Colis ,		xxij li.
	<i>Item</i> , to the Cuntes Wallentynis serband,	xliij li.
	<i>Item</i> , gevin to the Freir that come furthe of Grece ,	xliij li.
Feb. 9.—	<i>Item</i> , 'the Cypensis vponne my Lordis the Kingis sonis,' 'LORD JOHNE ' and	
'LORD ROBERT ,' ²	for dresles, &c. unnecessary to be specified.	
Feb. 20.—	<i>Item</i> , gevin to Robert Hart, to deliuer to ane fernand of the Imperatouris , pat	
brocht	Writtingis to þe KINGIS grace,	xxij li.
	<i>Item</i> , gevin to Johne Moffettis sone and his seruand quhilk brocht Sweet-matis and Kense	
Wync ³	to þe KINGIS grace,	xj li.
Mar. 11.—	<i>Item</i> , to Johne M ^c caffie, messinger, for his expense to turs certane clois Writ-	
tingis	of þe KINGIS graces to the Gentilmenn of the Isis and vther Weslandmen ,	xliij s.
Mar. 26, 1541.—	<i>Item</i> , to Johne Paterfoune, for ane cais to ane flacone of Aquavite , ⁴	v s.
	' The Gaie ' ⁵ (geir) furnesit to the Kingis Chapellis of Streueling and Walprudhous .	
In the first	deliuerit to Johne Young, iij½ elnis Raid Dames, to be anc Pendakill to þe Chapell in	
þe Abbay ,		vii li. xiiij s.
	<i>Item</i> , for þe Browdery and Warmaneschip of thre Jesus wrocht with Crowne of thorne,	
thre Names	of Jacobus Quintus , ⁶ with the Kingis Armes and Crowne aboue the heid, and	
thre Unicornis	berand the samir, price of all,	vij li.
	<i>Item</i> , to Walter Moneur, for fraucht quhilk he debursit at þe QUEENIS cunying fra the	
Slawmes ,	and passing agane to þe GLAWMES ,	ij li. vj s.
	<i>Item</i> , gevin to Adam Stewart, to deliuer to þe ERLE OF MURRAY in France ,	
		iiij ^c lxxxviiij li. xvij s.
Apr. 2.—	<i>Item</i> , deliuerit to Johne Bertane, to be ane Cote , hois , and brekis , to the Mitill	
Turk , ⁷	twa elnis of RAID and vj quarteris of SALLOW ,	ij li. xvij s.
	<i>Item</i> , to be him ane Doblat , x quarteris RAID and SALLOW Birge fating,	xxv s.
	<i>Item</i> , for ane bonet to him,	xv s.
	<i>Item</i> , for making and lyning of his elathis,	xxj s.
Apr. 6.—	<i>Item</i> , to ANE FRENCHMAN , callit Latusche , at his passing in France ,	I ^c li.
	<i>Item</i> , to Maister Alexander Gordoune , at his passing to France ,	I ^c li.
	<i>Item</i> , to ane seruand of James Lindfayis , for his expensis in hame-bringing of Wakis furthe	
of Murray ,		vj li. vij s.

¹ This is selected to repeat former observations, that the **QUEEN** must have passed much of her leisure hours in **EMBROIDERING** in Gold and Silver. In almost every month of these Accounts there are large payments for furnishings of Gold, silver, and silk thread, &c. On Feb. 12, another charge is made for 'xx½ dowbill hank of sewing gold, xxij li. xj s.' It is unnecessary to multiply similar entries, which are very frequent, and the quantities are usually two or three pounds weight at a time. ² In another entry this month, he is styled 'LORD **ROBERT** OF **HALYRUBIOUS**.' Such entries occur almost monthly. ³ Sweet-meats and Rhenish wine. ⁴ *Eau de vie*, French Brandy? ⁵ The other furnishings consist of Abbis, emmettis, towellis, altar towellis with croces of fyue silk, behis, corporallis, vj tynne crowettis of the fassonne of siluer, ane caip of clayth of gold, and ane caip of blew dames with sternis (*stars*) of gold. ⁶ See the entry, Mar. 22, 1539-40, of this Appendix. ⁷ Several notices occur of this individual. He was probably a **DWARF**, or **BUFFOON**, as would appear from the nature of the dresses given him from time to time. His name, however, is never mentioned. Several **Dwarfs**, male and female, were entertained at the Scottish Court, and had regular pensions and liveries assigned to them.

APPENDIX.

Apr. 19.—*Item*, gevin to JAMES HAMMILTOUNE, sone to James Hammiltoune, burgheile Scherif of Linlithgow, to furneis his fader (furth) of þe realme, ii^c li.
Item, to the DUCHEMAN fernandis to the Lord of the Faír, j^cxxxij li.

BIRTH AND BAPTISM OF ARTHUR DUKE OF ALBANY.

Apr. 24.—*The Expensis debursit on my Lord Prince, and at the Partibite of my Lord Duke.* In the first, þe xxiiij day of Aprile, deliuerit to Johnne Tenent, viij elnis quhyte Tessites of twa thredis, to be SERUETTIS to hald the Caudillis, at the Baptising of my Lord Duke, iiij li.

Apr. 26.—*Item*, deliuerit to Johnne Mosman, to gilt twa heiche standand Cowpis pat wer maid at þe Nativité of my Lord Prince, and now send to Strueling, x Roife nobillis, xxvj li. x s̄.

Item, gevin to Johnne Paterfoune, for twa Caris to þe saidis Cowpis, and ane caee to ane Chalir of my Lord Princes, maid of before, xlvj s̄.

Apr. 27.—*Item*, gevin to Thomas Richartfone, for xij boltis of cammes¹ deliuerit to Johnne Bertone, to be falis, xlvij li.

Item, deliuerit to him, for þe fraucht of his Schip and Maruallis wage, passand with the Kingis grace to the Ilis, lxxiiij li.

Item, to THE HEROLDIS, þe tyme of þe Baptising of my Lord Duke, xj li.

Item, to James Stevinfoune, for vj Rapperis and twa paintit clathis deliuerit be him to þe KINGIS grace, vij li. xiiij s̄.

Item, to Rothissay Wrold, for his expense passing to Jedburghe, to prepar þe luggeingis and furneing to þe LORDIS, and remanyng pairpoune (at THE AIRE), vj li. xv s̄.

Item, to MARGARETE SCOTE, for hir lawbouris being with my Lord Prince, v vlcis, xxx li.

Item, to Johnne Forestar, BOWER, for Arrowis Hedis, gaynzeis,² and quaveris, fra þe ij day of May 1538, to þe iij day of Febrnar last, xiiij li. vij s̄. vij d.

DEATH AND BURIAL OF ARTHUR DUKE OF ALBANY.

Apr. 29.—*Item*, to Andro Zare in Strueling, for ane Cap of leid that my Lord Duke wes burijt in, xiiij s̄.

Item, gevin to Peter Buntynne, for passing with Letteris to þe SCHEREFFIS and BURROIS of þe WESTLAND, for Wapinschawing, l s̄.

Item, to Johnne Paterfoune, for passing with fielyke Letteris to þe NORTHLAND, iij li. xiiij s̄.

May 5.—*Item*, gevin to William Stratherne, for passing fra þe LORDIS, being in Jedburcht, to þe KINGIS grace, in Struiling, with deligence, xl s̄.

Item, gevin to ANE ENGLISMAN pat cam fra the Wardane of the Middill Marchis of Ingeland to þe LORDIS, being in Jedburcht, xliij s̄.

May 22.—*Item*, to Johnne Mortoune, for his labouris passing to þe LANGHOPE for þe LORD MAXWELL, for inbringing of Hiddisdale to the Airis, iij li.

DEATH OF JAMES DUKE OF ROTHSAY, PRINCE AND STEWARD OF SCOTLAND.

May 25.—*Item*, to be twa Fute-mantillis and twa harnessingis to þe QUENIS grace, xx elnis Blak Veluet,³ lv li.

Item, to be four Fute-mantillis and four harnessingis to four of hir Ladys, xl elnis blak veluet, l^cvj li. xiiij s̄. iiij d.

Item, a variety of Harnessingis, frenzies, gilding of bukellis, pendeflis, &c. &c. amounting in all to the sum of iij^clvij li. vij s̄. ob.

¹ Webs or pieces of canvass or Sail-cloth.

² For cross-bows.

³ This expenditure is under the head of

'Expensis debursit vpoun THE QUENIS Stabill and Ladyis,' for the Month of May.

May 26.— <i>Item</i> , fend to Striueling to THE COWNTES OF ARROLL, ¹ to be hir aue <i>Dule Weid</i> , vj elnis syne Paryse blak,	xv li.
<i>Item</i> , fend to hir pe famin tyme, four elnis vper Frenche blak,	vj li. viij s.
<i>Item</i> , gevin to <i>Cresche Willie</i> , at pe KINGIS command,	xl s.
<i>Item</i> , to pe GRAY FRERIS in JEDBURCHT, to pe help of the reparatioune of thair Place, (the Monastery of Jedburgh),	xx li.
May 28.— <i>Item</i> , to twa boyis pat passit to Striueling with thre <i>Dozen quik qualyris</i> , ² carpandyis, ³ and vper small gair brocht hame be Hanis Anderfoune,	ix s.
<i>Item</i> , gevin to Johnne Paterfoune, for passing with Letteris to ABERDEN, and vper BURROWIS in pe NORTHLAND, for haure-bringing of <i>Habokbuttis</i> , ⁴	xxij s.
Jun. 23.— <i>Item</i> , gevin to pe <i>Maister Cook</i> , to support him for expensis maid pe tyme of his sekeneis,	xij li.
<i>Item</i> , to the <i>Frenche Doctour</i> , at his passing to FRANCE,	xliij li.
<i>Item</i> , to Johnne Caynis, for pe fraucht of thre <i>fiddes of scid</i> , ⁵ turfit furth of Leithe to <i>Sauctandreis</i> , at pe KINGIS command,	ij li.
<i>Item</i> , gevin to pe QUENIS grace (Queen Margaret) <i>Price</i> , quhame God affolzé, at hir departing to FRANCE,	xxxiiij li.
<i>Item</i> , to Johnne Paterfoune, for passing to Dunkell to summond MAISTER ADAME OTTERBURNE, and to pas in pe NORTHLAND with Letteris to the <i>Prelatis</i> , and with Letteris to the <i>Schereffis and Burrowis</i> , for <i>Expelling of Egyphtanis</i> ,	ij li.
<i>Item</i> , to Robert Blak, to summond the <i>Lord Houn</i> ; and passing with siclyke Letteris to pe MERSE, TEVIOTDALE, and LAWDIANE,	xl s.
<i>Item</i> , to Robert Hart, for passing to the Westland to pe PRELATTIS with siclyke Letteris, and for <i>Expulsione of Egyphtanis</i> ,	ij li. ij s.
Jun. 24.— <i>Item</i> , to ane Inglisman, pat come with <i>Writtingis fra the Bordouris</i> ,	ij li.
Jun. 28.— <i>Item</i> , to William Champnay, for passing with twa close Writtingis to the <i>Erle of Arrane and Lord Hentyng</i> ,	xiiij s.
Jul. 5.— <i>Item</i> , deliuerit to George Steill, to be fend to <i>Crawfurd-Johne</i> , ⁶ to hing betuix pe TAPESCHERIE and pe wallis, for saving pairof, vj ^{xx} elnis Bertane cammes,	vij li.
<i>Item</i> , to bind pe TAPESCHERIE with, xxx fawdome of cord,	v s.
<i>Item</i> , to pe JUSTICE CLERK, at his passing to England, to mak his furnesing,	l s.
Jul. 6.— <i>Item</i> , to Malcolme Gourlaw to mend the <i>Paizonis</i> fend to CRAWFURD-JOHNNE, ane flane of small cordis, price,	xiiij s.
<i>Item</i> , to mend pe said Paizonis, four elnis Bertane cammes,	v s. iij d.
Jul. (7.)—The expensis debursit vpone the <i>Suffrage of Quene Magdalene</i> , quham God affolzé. <i>In the first</i> , for nalis, clekis to hing pe clathis, and pynouris for dighting pairof, and to pe Belman,	xiiij s.
<i>Item</i> , to Schir Johnne Stirk to be distribut amang pe <i>Chaplanis</i> ,	xxij li.
<i>Item</i> , to pe ERLE OF BUCHANE to offer,	xxij s.
<i>Item</i> , to Andro Watfoun, Paintour, for pe <i>Painting</i> of v dusan <i>Armes</i> ,	v li.
Jul. 9.— <i>Item</i> , gevin for pe fraucht of ane bote at midnycht to turs ane writting to the <i>Carrinaill</i> , in haist,	x s.
<i>Item</i> , to Johnne Cob to pas with ane Writting with deligence to pe KINGIS grace to CRAWFURD-JOHNNE,	xxij s.

¹ Lady Helen Stewart, daughter of John third Earl of Lennox. She married, 1st, William fifth Earl of Errol; and 2dly, John tenth Earl of Sutherland.

² Quails.

³ Perhaps O. Fr. *carpendu*, pomme de car, the apple called a shorte-start? *Cotegrave*.

⁴ Great quantities appear to have been purchased for the use of the King's troops, besides those obtained by burgesses, Nobility, &c.

⁵ A FIDDER of lead 'contains neerly sexscore and aucht stane.' *Shene, de Verb. Sig.* It is elsewhere stated to consist of eight pigs, every pig 'three-and-twenty

stone and a half.' *Cowel*. See also *Dr Jamieson*, v. FUDDER.

⁶ During the Royal visit there.

APPENDIX.

- Jul. 11.—*Item*, to Schir Scot callit the Sanct,¹ at þe KINGIS command,² xxij š.
Item, to Schir William Layng, be ane Precept abone þe ordinar admittit to him in my Lord
Prince Walus, for his Leveray Clathis, xij li. vj š. viij d.
Item, to the Auð Maistres, be ane Precept, at þe KINGIS command, xx li.
Item, to Williame Stratherne, for passing with clofe Writtingis to conbete the Temporall
Lordis, xxij š.
Jul. 13.—*Item*, for cariage of the Tapescherie (Tapestry) furthe of Edingburcht to Craw-
furd-Johne, xxx š. vj d.
Jul. 15.—*Item*, to Johne Cob for passing with clos Writtingis to þe LORD BORTHWYK and
CAPITANE OF DUNBER; and with letteris to þe Schereffis of Berwyke, Roxburcht, Peblis, and Sel-
kirk, for Wapinschawing, xxxiiij š.
Jul. 20 ?—*Item*, to Thomas Vdward for ane barrell of fokkettis,³ delinerit to Thomas Ham-
myltonne, to þe KINGIS grace, ix li. vij š. vj d.
Item, gevin to Thomas Softlaw for Stenting of the raumes at the Buttis⁴ in STRIUEL-
ING, viij š. viij d.
Item, to William Purves for mending of my Lord Princes Knok; and for grathing of þe
KINGIS grace Knok, making of ane new bell, with ane kist lokkit and bandit to put hir in; xij pair
of Rache-cuppillis;⁵ and for expensis maid be him passing to SANCTANDROIS and fra thyne to STRI-
UELING; as his Ticket of Compt gevin pairupoun beris, v li. ij š.
Item, ane clos Writting sent fra þe Lordis to þe KINGIS grace, xxij š.
Item, to ane Inglisman pat brocht Writtingis fra þe BORDOURIS, and remanit vpoune his
ansuer, iiij li. viij š.
Jul. 22.—*Item*, for cariage of þe fame furthe of Crawford-Johne to Edr, xxvij š.
Item, to þe FRENCHIE TAPESCHER for thre hors cariage of Tapescherie furth of Striueling to
Crawfurd-Johne, and for crukis, nalis, and vperis expensis, xlij š. vj d.
Jul. 24.—*Item*, to Schir James Wammyltonis wyffe, quhillkis wes þe prices of cornes fawld
to hir, being vpoune þe Manis of Toliculture, pertenyng to þe LAIRD OF ESTER WEMYS, lxxx li.
Item, Maister Johne Lawder for his (labouris) in Writting of Directionis to the Cowrte of
(Monte) for promotioun of þe Abbayis of Coldinghame (and) Helros to þe KINGIS grace
Sonis, 6
Item, deliuerit to George Carmichaell, sone to þe CAPITANE OF CRAWFURD, for thre buce
of Gold⁷ quhillk he deliuerit to þe QUENIS grace, the tyme schawes in Crawford-Johne, price
of þe vnce, vj li. viij š., *summa*, xix li. iiij š.
Jul. 26.—*Item*, for cariage of þe Tapescherie furth of Crawford-Johne to Cragnethaue, and
fra thyne to Peblis and Edr, and furth of Edr to Striueling, xxxvij š.
Item, for thre hors cariage furth of Edingburcht to Striueling with Tapescherie quhillk suld
habe passit to the Huntis, xvij š.
Item, for cariage of the Hailjanis to Crawford-Johne, þe vj day of Julij, and remanit furth
xj hors to þe xxv day of þe famin, takand ilk hors on þe day ij š., *summa*, xix li. xvj š.
Item, to Johne Bog for expensis maid be him vpoun thre Sangweleris⁸ quhillk

¹ The celebrated Papist, who fasted forty days on several occasions both in Scotland and at Rome, &c. ² Pro-
bably this was during or immediately subsequent to his voluntary confinement in Edinburgh Castle, until he should
have proved he was a Holy person by fulfilling his vows of fasting. ³ Some kind of preserves or comfits?

⁴ Stretching the canvas at the Butts, for the practice of archery.

⁵ Dog couples.

⁶ The ends of the lines

obliterated. ⁷ A specimen of a mass of Gold ore from the Royal Mine. His sister Elizabeth, daughter of Sir

John Carmichael, was one of the King's Mistresses, by whom he had JOHN, PRIOR OF COLDINGHAME, &c. See pre-
ceding article. She afterwards married Sir John Somerville of Cambusnethan. The PRIOR was father to the noted

Francis Stewart, Earl of Bothwell.

⁸ Wild-Boars; Fr. *Sangliers*. See Aug. 15 following.

coure furth of France to þe KINGIS grace; awayting vpoune þame xiiij dayis, and turfing of þame to Falkland, vj li. xj s.

Aug. . . .—*Item*, gevin to þe ERLE OF ERGYLE for Reuursatioun of all and findrie þe landis, lordschippis, and dominionis, quhilkis pertent to þe airis of vni^qle Mackane in the Dis, and now pertenyng to ARCHIBALD ERLE OF ERGYLE heretable, be Alienationne, and resignit be him in our souerane lordis handis *ad perpetuam Remanentiam*, v^m li.¹

Item, gevin to Ross Werald, for making of his expensis, passing to the King of Ingland with Writtingis, xxij li.

Item, to Harmond Lesley, for ouergeving of þe Gift grantit to him be þe KINGIS grace of Archibald Douglas and William Douglas Eschetes, in complete payment of iij^e merkis, lxxxix li. vj s.

Item, to Helene Rosse, to þe help of hir dochteris Marriage, at þe KINGIS grace command, xij li. viij s.

Aug. 15.—*Item*, for making of ane Pale of tynnter within þe PARK OF FALKLAND to the Sangwileris,² xvj li. xvj s.

Item, to Williame Forrest, for thre pair of grete dog irlis for Drir-doggis, ouergilt with gold, with pair Collaris of Purple Veluet, stutit with giltung stuthis;³ and for Arrow-hedis furnesit be him to þe KINGIS grace, iij li. vj s.

Item, to Schir George Clapertoune, Maister Elmosinar, to þe KINGIS grace Arrowis, iij^e vij li.

Item, to him in augmentatioun thereof, lxij li. xij s. iij d.

Item, to Jonet Logane, Lady Craigy,⁴ xxvj li. xij s. iij d.

Item, to Johnne Merzoun, in complete payment of his lawbouris, warkmanschip, and furneing of the Register Hous biggit within the Castell of Edinburgh, abone þe sowme of ane hundredh and twenty pundis tane allowance in þe last Chekker; conform to þe CONTRACT maid betuix him and þe CLERK OF REGISTER pairvpoune, lclxxx li.

Item, gevin to Charlis Danielfoun for expensis debursit be him vpoun the Theking of the Dungeoun and Keeching Tour in the Castell of Blaknes, with brwne⁵ and dovet;⁶ and for thre stok-lokkis to þe Dungeoune, iij li. xix s. vj d.

Aug. 17.—*Item*, to Thomas Wdward, for Bowis, stringis, and arowis, deliuerit be him to þe KINGIS grace, Johnne Tenent,⁷ George Steill, and Thomas Softlaw, at his grace command, xxx li. viij s.

Item, deliuerit to Johnne Moffetis seruant, Conservator in Flanderis, send hame be him at þe KINGIS grace command, to complete ane Chalmir of the Antique Historie, (in TAPESTRY-WORK,) 273 Crownis of þe sone, iij^e li. vj s.

Item, to Patrik Lindfay for vij Steill saddillis and ane ring deliuerit to þe KINGIS grace, xxij li. ij s.

Item, to Johnne Clerk, Jak-makar, for ane Dak deliuerit be him to þe KINGIS grace, couerit with Veluet, xxiiij li. xiiij s.

THE ROYAL HOUSEHOLD.⁸

Sep. 7.—*The expensis* debursit vpoun þe KINGIS SERVANTIS, ORDINARIS, for thair Leberay Mathis, *per tempus Compti*, (Sep. 2, 1540, to Sep. 7, 1541.) *In the first*, gevin to the Compter, Johnne Lellie, Swaris; Oliver Simlar, Henry Kempt, Copparris; Dauid Wod of þe Crag, Andro

¹ L.5000. ² Wild-Boars. See Jul. 26 preceding. ³ Studded with gilded studs. ⁴ This Pension is regularly paid, and is always entered among the 'ELIMOSINA.'

⁵ Broom; *planta genista*. ⁶ Turf.

⁷ There is another charge of vij li. xij d. to Johnne Forestar, bowar, for Arrowis, the same month. ⁸ The concluding entries, under this department, at the close of the reign of KING JAMES V, are so interesting, and contain mention of so many persons whose names have long been familiar to the Historian and Antiquary, that the Editor has deemed it proper to give the payments at large. He believes such an enumeration is likely to be acceptable to readers of every class, as it affords such minute details of the internal economy of the Royal Palace, &c.

APPENDIX.

Wod of Largo, **Carbouris**; and pe Laird of Craigy, **Ischer of the Inner-Chalmer-Dur**; ilkane of pame xx li., *summa*, lxxli.

Item, to James Leremont and Patrik Wemys, **Maisteris of Howshald**, ilkane of pame l li., and to the Clerk of **Cypensis**, xx li. *summa*, lxx li.

Item, to James Aikinheid, Archibald Campbell, zentan in the **Wyne-Sellar**; Stevin Dudingfoun, (servand,) in his faperis place, **Maister of the Silber Weschell**; Robert Gib, **Squyar of the Kingis Stabill**; and Thomas Marschell, **Maister Cuke**; ilkane of pame xx li., *summa*, lxi.

Item, to William Baird, James Wod, **Ischeris of the Uter-Chalmer-Dur**; Normond Lesley, Patrik Kircaldy, Johnne Guthre, and James Watfoune, zenten in the **Kingis Chalmer**; Johnne Tennent, zentan in the **Wardrop**; Schir George Clapertoun, **Clymasinar**; Schir David Cristefoun, **Stewart**; Schir George Scott, **Abbreuatour of the Buktis**; Schir Johnne Jurdane, **Clymasinaris Preist**; and Johnne Hay in the **Kingis Panmetrie**; ilkane of pir personis, xij li. vj s. viij d., *summa*, lxi li.

Item, to Walter Moncur, zentan in the **Braidhous**; James Murray, zentan in the **Ail Sellar**; David Blantyre, zentan in the **Grete-Lairdnar**; Thomas Hammiltoune, zentan in the **Spicehous**; James Richartfoune, zemen in the **Petty-Lairdnar**; James Edmonstoun, Johnne Bog, Robert Purves, Andro Michelfoune, zenten in the **Stabill**; Johnne Sprotty, snyth; Johnne Purves, zentan of the **Abery**; David Hay, **Sumpturman**; Johnne Lawfoun, **Ischer of the Wall-Dur** and **Colhare**; George Gibfoun, **Maister Barster**; George Ogilvy, **Comptroller Clerk**; Peter Hammyltoun, **Courte Maister Cuke**; Schir Johnne McCall, **Catour**; Johnne McCall, **Pultrentan**; ilkane of pame xij li. vj s. viij d., *summa*, lxxli.

Item, to Alexander Kempt, Alexander Quhite(law, Murdo M'kenze and (Andro) Drummond, **Erbnets in the Kingis Chalmer**—ilkane of pame xij li. xij s. iij d.; and William Duchall, **Botel-man**, xij li. vj s. viij d., *summa*, lxxij li.

Item, to Gilbert, (in Myfchettis place,) **Erbne in the Wyne Sellar**; Thomas Murray in the **Ail-Sellare**; William Bell, **Erbne in the (Grete) Lairdnar**; Kellis, **Erbne for the Weschell**; Gawyne Wane, **Erbne for the Silber Weschell**; Murdo Striueling, **Patesar**; Johnne Barbour, Thomas Tulloche, **Erbnets in the Wardrop**; Troylus, **Patryk Clerk**, **Erbnets that kepis the Desertis**; Malcolmne Gourlaw, **Tailjour in the Wardrop**; William Galbrayth, **Erbne of the Kecheing-Durc**; Johnne Angus and David Kircaldy, in Montis place, **Erbnets in the Kingis Kecheing**; Johnne Cliddisdale, **Erbne in the Spicehous**; William Nycholl and James Dunkane, **Erbnets in the Courte Kecheing**;—ilkane of pame takand x li., *summa*, lxx li.

Item, to Andro Angus, and Inuerrugy in David Kircaldyis place, **Under Erbnets in the Kingis Kecheing**; and to Patrik Anderfoune in the **Braidhous**—ilkane of pame v li., *summa*, xv li.

Item, to twa **Turne-braches** in pe **KINGIS KECHEING**, and twa in pe **COURTE KECHEING**, ilkane of pame xxvj s. viij d., *summa*, v li. vj s. viij d.

Item, to Patrik Crummy and James Bog, **Porteris**, ilkane of pame x li., *summa*, xx li.

Item, to Mawse Atkinfoun, **Labendnar**, for hir **Leveray clathis**, xij li. vj s. viij d.

THE EXTRAORDINARIS IN PE KINGIS HOUS, FOR PAIR LEVERAY CLATHIS.

In the first, to George Steill, pe Laird of Camskeithe, Schir Mychaell Difart, pe **Perfoune of Difart**, Schir William Drummond, pe **Frenche Potingar**, pe **young Laird of Grange** in Angus, Edward Stewart, Johnne Charterhous, and Nycholl Claphane, ilkane of pame xx li., *summa*, lje li.

Item, to Richart Carmichaell, George Ormistoune, James Schrymgeour, **Chefman Falconer**, and Nycholl Arthe, ilkane of pame xij li. vj s. viij d., *summa*, lxxvj li. xij s. iij d.

Item, to Johnne Richartfoun, Johnne Monteithe, Johnne Murray that scruis the **Desertis**,
ilkane of þame v li., *summa*, xv li.
Item, to Johnne Drummond, **Maister Wrycht**, in contentatioune of his Leveray clathis, xx li.

THE ORDINARIS IN THE QUENIS HOUS.

In the first, to Walter Scrymgeour, **Maister Ischer** in the **Quenis Chalmer**, for þis zere
and þe zere precedant, ilk zere xiiij li. vj s. viij d., *summa*, xxvj li. xiiij s. iiij d.
Item, to Johnne Moncreif, Alexander Lindsay, and Gilbert Moncreif, **Ischeris** in the **Quenis**
Chalmer, ilkane of þame zere lie, be þe said space, xiiij li. xiiij s. iiij d., *summa*, lxxxviij li.

THE ORDINARIS IN MY LORD PRINCE HOUS.

In the first, to Thomas Dudingstoune, **Maister Woushald**; þe Auld Laird, **Maister Ischer**,
and his sone; ilkane of þame for þair leueray clathis xx li., *summa*, lx li.
Item, to Schir William Layng, **Maister Clymossinar**; and Maister Allane Laymond, **Stew-**
art; ilkane of þame xiiij li. vj s. viij d., *summa*, xxvj li. xiiij s. iiij d.
Item, to Cristiane Baxster, **serband to Lady Danc**, xiiij li. vj s. viij d.
Item, to þe four **Rokkeris**¹ and the **Labendar**, (Laundress,) ilkane of þame vj li. xiiij s. iiij d.,
summa, xxxiiij li. vj s. viij d.
Item, to Mont, **Maister Coke to my Lord Prince**, x li.
Item, to Alexander Orknay, **Foreman** in his **Recheing**, liij s. iiij d.
Item, to Patrik Marschell, **Patesar**, v li.
Item, to Patrik Henderfoun, in the **Ail-Sellar**, and James Mkefoune, in the **Pannerie**,
ilkane of þame x li., *summa*, xx li.
Item, to Johnne Dowehall in the **Cap-hous**, xij li.
Item, to William Crummy, **Portar**, vj li. xiiij s. iiij d.
Item, to William Methvene, **Keper** of the **Siluer beschell** and **Colezare**, vj li. xiiij s. iiij d.
Item, to Thomas Stroupe, **serband to Lady Danc**, x li.

THE ORDINAR FEIS AND ZERELIE PENSIONIS.

In the first, gevin to the **6 Italianis** (MINSTRELS) for þair twa Leverayis in þe zere, takand
ilk Leueray vj li. x s., *summa*, lxxv li.
Item, to the four **Menstralis** þat playis on the **Wecalis**, for þair zere lie Pensione, payit
quarterlie, takand ilkane xl li., *summa*, lxl li.
Item, to þe four **Menstralis** þat playis vpoune the **Trumpettis** of **Werre**, ilkane takand xx li.,
summa, lxxx li.
Item, to þe twa Toddeis that playis bpoune the **Swische Taborn**,² ilkane takand xx li.,
summa, xl li.
Item, to Hanis Cocherane, **Maister Gunner**, for his Pensione, l^r li.
Item, to Johnne Byris and James Law, **Gunnerris**, for þair feis, ilkane havand x li.,
summa, xx li.
Item, Robert Murray, **Munber**, for his Pensione for vphalding of þe Laid (lead) of þe
PALICES OF **HALYRUDHOUS** AND **LINLYTHQV**, xx li.
Item, to George Balgray, for **keping** of the **Palice** of **Walrudhous**, vj li. xiiij s. iiij d.
Item, to Schir Alexander Boyd, **Chaplane** of **Saunt Leonardis**, for ane hous mayll occu-
pyit be Johnne Drummond to þe **KINGIS WARK**, pertynyng to his Chapelanrie, l s.

¹ The Nursery-maids who 'rocked' the Prince's cradle. ² This, and many other similar notices, which the Editor has since met with, confirms the interpretation which he formerly gave of THE SWESCHE, in Vol. I, JAC. VI.

APPENDIX.

	<i>Item, to Thomas Arthure, Maister Tailour to þe Kingis grace, for his fee,</i>	lxvj li. xij s. iij d.
	<i>Item, to the Queenis Maister Tailour, for his fee,</i>	xx li.
	<i>Item, to James Lindfay (Maister Falconar), for his fee,</i>	lxvj li. xij s. iij d.
	<i>Item, to Maister Johnne Schrymgeour, Maister of Mark, for his fee and leveray clathis,</i>	lx li.
	<i>Item, to Thomas Mereleyis, Maister Cordiner to þe Kingis grace, for his fee,</i>	x li.
	<i>Item, to Johnne Goung, Brodestar, for his fee,</i>	x li.
	<i>Item, to vmq^e Dauid Ferry (Furrouer) for ane half 3eris fee, becaus he deceffit within þe 3ere, v li., and to Patrik Bell, Furrouer, for þe vþer half 3ere, v li., summa,</i>	x li.
	<i>Item, to William Ra, Cultekkar, for his fee,</i>	x li.
	<i>Item, to Schir James Nycholfoun, Maister of Mark in Striueling, for his fee,</i>	xij li. vj s. viij d.
	<i>Item, to Johnne Burnhill, (Brownhill,) Maister Masour, for his fee,</i>	xx li.
	<i>Item, to Schir James Inglis, Chapelane, singand for the sawle of King James the Thrid</i>	
in þe	ABBAY OF CAMBUSKYNNETHE,	xij li. vj s. viij d.
	<i>Item, to James Bannityne, Writter of the Casualeis, and Maister Thomas Kene,¹</i>	x li.
	<i>Item, to the Kingis Aduocat for his fee,</i>	xl li.
	<i>Item, to the Aduocat for the Pober,</i>	xx li.
	<i>Item, to the Wardane of the Middill-Marches, for his fee,</i>	1 ^c li.
	<i>Item, to the Wardane Deputis of the Este-Marches,</i>	1 ^c li.
	<i>Item, to the Wardane of the West-Marches þis 3ere for his fee, and þe twa 3eris last pre-</i>	
cedent,		ij s. iij d.
	<i>Item, to my Lord Methven, Maister of Artelheris, for his fee,</i>	1 ^c li.
	<i>Item, to Maister James Scott,² for his Pensioune,</i>	xij li. vj s. viij d.
	<i>Item, to Maister William Meldrum, for his Pensioune,</i>	xl li.
	<i>Item, to Johnne Bannatyne, Writtar, for his lawbouris,</i>	v li.
	<i>Item, to Patrik Sklater, Maister Sadillar to þe Kingis grace, for his fee,</i>	x li.
	<i>Item, to Thomas Softlaw, Swerd-slipper, for his fe in making of his grace skalbertis, withoute</i>	
ony vþer	payment,	xx li.
	<i>Item, to Raphaell (Cassanis Hispan3eart) for his Pensiou, grantit to him be þe Kingis</i>	
grace,		xx li.
	<i>Item, to Walter Cvnyngame's wiffe in Striueling, for vphalding of the Park dikys (of</i>	
Striueling)	þis 3ere,	xx li.
	<i>Item, to the Coupter, for his fee þis 3ere,</i>	.....³
	<i>Item, to Maister Alexander Gordoun, for þe Martymes terme last bipast of his Pensiou, 1 li.</i>	
	<i>Item, to Maister James Foulis, Clerk of Register, for his fe,</i>	xij li. vj s. viij d.
	<i>Item, to Maister Thomas Bellendene, for his laubouris diting the Rollis,</i>	xij li. vj s. viij d.
	<i>Item, to Schir Alexander Scott, PROVEST OF CORSTORPHING, for his lawbouris diting the</i>	
Rollis,		xij li. vj s. viij d.
	<i>Item, to the Thesaurer Clerk, (Schir George Marfchell,) for his fee,</i>	xij li. vj s. viij d.
	<i>Item, to Maister James Scott, (Writtar of the Rollis,)</i>	vij li.
	<i>Item, to George Gude,</i>	vij li.
	<i>Item, to Maister William Mowbray,</i>	v li.
	<i>Item, to Johnne Wallace, (Writtar to the Rollis,)</i>	v li.

¹ In the preceding Accounts, Thomas Maben was the senior 'Writer.'² In the corresponding entries of former years, 'Maister Thomas Scott, JUSTICE CLERK, for his lawbouris in the Chekkar,' was inserted here. It will be observed that 'Maister James Scott, Writer of the Rollis,' occurs below.³ Obliterated. The entry in the preceding Account was for two years' payments, 'modesfyit with the Lordis, at the command of the Kingis grace Writting, ilk yere Vc. merkis, summa, vjc. lxxvj li. xij s. iij d.'

<i>Item</i> , to Stevin Hendirfo une,	v li.
<i>Item</i> , to Thomas Sinclare,	v li.
<i>Item</i> , to Schir George Richertfoune, (<i>Kepar of the Kollis</i>),	v li.
<i>Item</i> , to Johnne Perdovene, <i>Maser</i> , for his lawbouris in pe Chakker,	v li.
<i>Item</i> , to Florence Corntoune, for his Penfion for ordouring of pe KINGIS Wark <i>concerning the Schippis</i> , and keping of pair gair,	xl li.
<i>Item</i> , to Johnne Ker, <i>Maister of the Salamander</i> , ¹	xl li.
<i>Item</i> , to William Danielstoune, <i>Kepar of the Palace of Wintthow</i> , in Schir Thomas Johnnestonis place,	xx li.
<i>Item</i> , to Maister David Bonar, for his Penfionne for ouergeving of pe pley ² of pe Vicarage of Panbryde, at pe KINGIS grace command,	xx li.
<i>Item</i> , to Maister Andro Quhytelaw, for his Penfionne for ouergeving of his Tak to Alexander Quhitelaw, ('his 5oungeit broder,') at pe KINGIS command, 5erelie grantit to him, (quhill) his grace provide him ane benefice,	xxvij li. xij s. iij d.
<i>Item</i> , to William Fowlis, <i>Schir of the Chekkit-hous Dur</i> ,	l s.
<i>Item</i> , to Peris Rowane, <i>Sunnar</i> , for his Penfionne pis 5ere, enterit be ane Precept,	xl li.
<i>Item</i> , to Charles Murray, <i>Maister of the Kingis Maris</i> , (Brood-mares,) for his fee, liij li.	
<i>Item</i> , to David Orrok, for keping of the Castell of Cragnethane, ³ fra pe secund day of September, pe 5ere of God 1540, to pe famin day of September, 1541 5eris, includand ane hale 5ere, takand ilk day for his ordinar wage, for him self, his fervand, and hors, iij s., <i>summa</i> ,	lxxij li.
<i>Item</i> , to George Tod, <i>Portar</i> in pe said Place, be pe space foresaid, takand ilk day xvj d., <i>summa</i> ,	xxiiij li.
<i>Item</i> , to Maister Johnne Daidfoune, to geve to Qnintyne Were, Johnne Mylhous, Malie Hill, and to Atkin Gardnar, all <i>serbandis in Pathane</i> , (Craignethane,) in complete payment of pair wagis restand vnpayit be Andro Bowe, to pe last day of August, 1541,	x li. xix s. viij d.
<i>Item</i> , to Jonet Browne, quhilk wes restand awing to hir be vmq ^{le} Schir James Hammiltoune, for feding of vij Oxin,	v li. xij s. iij d.
<i>Item</i> , gevin to pe twa <i>Sunnaris of the Castell of Durabertiche</i> , for pair feis pis 5ere to cum,	xx li.
<i>Item</i> , to William Purves, (<i>Knoch-makar and Smyth</i>), for his Penfionn pis instant 5ere, xx li.	
<i>Item</i> , to Andro Lorymar, for his fe pis 5ere and pe last 5ere, quhilk was ommyttit and nocht tane allowance of, ilk 5ere x li., conforme to his Gift admittit,	xx li.
<i>Item</i> , to Robert Blak, <i>Maser</i> , for his fe pis 5ere and pe last 5ere, quhilk wes omittit and nocht tane allowance, ilka 5ere v li., <i>summa</i> ,	x li.
<i>Item</i> , gevin to Hary Ra, Inglifman, quhilk come with <i>Writtingis</i> to pe KINGIS grace fra the King of England,	xv li. viij s.
<i>Item</i> , gevin to <i>Sakkis that playis vpon the Vcolis</i> , to pay for his sonis buirdis, ⁴ for pair Lammes terme last bypast, be ane Precept at pe KINGIS command,	vj li. xij s. iij d.
<i>Item</i> , gevin to Johnne Tofart, <i>Croce-haw makar</i> , for stringis, windessis, windes cordis, deliuerit be him to Johnne Tenent,	vj li. iij s.
<i>Item</i> , gevin to Johnne Atkynnis Wyffe, in Striueling, for meit and drink furneist to vmq ^{le} (<i>Schir</i>) <i>Jantes Hamiltoune of Fynnart</i> , knycht, pe tyme he remanit pair vpoune pe binging of the New Wark in Striueling, at pe KINGIS command, be ane Precept,	lxv li.
<i>Item</i> , to the <i>Compter</i> , for his super expensis in his last Comptis, as pe famyn (schawin heirwith) beris,	iiij ^m . ij ^c . lxxvj li. xij s. v d.

¹ One of the King's Ships.
HAMILTON of Finnart, knight.

² Law-plea.

³ Forfeited to the Crown on the execution of SIR JAMES

⁴ This payment was regularly made for a considerable period.

APPENDIX.

- SUMMA of the Expences of the Royal Household, above stated, *exclusive* of the last article, iij^m. j^c. lvij li. viij s. iij d.
- THE Expensis of the Airis of Kirkcudbright, (Oct. 22 to Nov. 9,) Wigtoun, (Nov. 9 to 23,) and Roxburgh, (Apr. 30 to May 21, all inclusive,) sen þe last Chakker, (the particular *items* of which are detailed,) vij^c. lxxxxix li. xvij s. vij d. ob.
- Item*, to Johnne Broune, Maister of the Lyoure,¹ for his fe in þe 3ere bigane, and na allowance tane þair of, becaus he wes in BURDEOUS for þe tyme, in þe KINGIS seruice, xl li.; and for þis instant 3ere vþir xl li., *summa*, lxxx li.
- Item*, gevin to JAMES BERTOUNE and HARY BERTOUNE, sonis to vmq^{le} ROBERT BERTOUNE OF OUR BERTOUNE, Thesaurar and Comptrollar to þe KINGIS grace for þe tyme, in complete payment of þe 3erlie Penfoune grantit to þame be þe KINGIS grace for all þe dayis of þair lyfe, or ay and quhill þai and aper of þame be beneficit, as his grace thinkis expedient, &c. And becaus ELIZABETHE CRAUFURD, þe relict of þe said vmq^{le} Robert, and Robert Mowbray, *alias* Bertoune of Bernbowgall, his sonne and executouris to him, hes quyteclamyt and dischargit all foomes of money awand be our fouerane lord to þe said vmq^{le} Robert, and superexpendit in his Comptis þe tyme he wes Thesaurar and Comptroller, as is contenit in þe Chekker Rollis, lxxx li.
- Item*, to Arche Pennycuke, Maister of the Unicorn,² for his fee, xl li.
- Item*, gevin to ELIZABETH HUME, dochter to vmq^{le} William Hume, to hir Marriage, and to þe perfonne þat happynis to complet mariage with hir, lxxv li. xij s. iij d.
- Item*, to Johnne Lowise, Jule,³ and his moder, conforme to þe KINGIS grace Letteris of Gift maid þairupoune, for þis 3ear alanerly, x li.
- SUMMA omnium Expensarum hujus Compti, xxxvj^m. iij^c. liij li. xix s. ij d. ob.
- The Expensis maid and deburfit vpoune the Munitiounis and Craftismen wirkand þairon, within þe CASTELL OF EDINBURGHE,⁴ and vþiris places, I^m. j^c. lxx li. vij s. vj d. ob.
- Sept. 9.—*Item*, gevin to James Scrymgeour, at his passing to France, l^c. x li.
- Item*, deliuerit to him to geve thre Falconeris þat passit with þe Walkis in France, lxxv li.
- Item*, gevin to þe QUENIS grace Maister Houshald and his wyffe, at þair departing to FRANCE, ij^c. xx li.
- Sept. 13.—*Item*, gevin to William Stratherne, for his expensis passing with twa clofe writings to Walter MacFarlane and MacGregour with deligence, xliij s.
- Oct. 3.—*Item*, gevin to ane Ducheman⁵ for two Pysantis of Mailze, twa Pansis of mailze, twa pair of Cressantis of mailze, xiiij Crownis of þe sone; x Walkryggis but heid-gair and Tesslotis, x Crownis of the sone; twa Walkryggis, with Heid-gair and Tesslottis, iij Crownis of þe sone; twa stand of Barnes, with Glubis and Waggingis, ane Collar of Steill, and ane Pysant of melze, xiiij Crownis of þe sone; all þis gair deliuerit to William Smythberd,⁶ *summa*, xlvi li. iij s.
- Oct. 10.—*Item*, to Adame Logane, sone to Robert Logane,⁷ to by him an Horse and to furneis him clathis, passing to the King of England with Walkis, xxij li. xij s. iij d.
- Item*, to Caldwellis, Falconer, quhill passit with þe famyne Halkis, to by him ane hors, and furneing of his clathis, xxij li. xij s. iij d.

¹ One of the Royal Vessels of War.² Another of the King's Vessels of War.³ The Court Fool or Buffoon.⁴ One of the entries is as follows:—'ITEM, the penult day of Julij, resaut be Johnne Drummond fra Florence Corintoun, ij^c. ane less (199) Estland buird to the Schrouding of the Register Houcs; and gevin to the pynouris for baring of the samin to the cartis and carting thair of, iij s. ITEM, gevin to the Carteris, for carriage of the samin to the CASTELL, extending to xix draucht, xlvij s. vjd.'⁵ He also, on Oct. 10, got xxij li. for 'three schorte Culueringis, ane Swerd, ane lang Culuering, and ane sadjll, deliuerit to ye Kingis grace.'⁶ This is one specimen of the numerous entries for DEFENSIVE ARMOUR, which KING JAMES V. and his father had a singular passion for collecting, of the finest workmanship, from foreign countries; as well as what could be produced, of every possible pattern, in Scotland. Their collection of Armour for the TOURNAMENT was equally remarkable, with all kinds of Jedburgh-Staffs, pikes, Cross-bows, &c. &c. The nature of the Armour here enumerated, has frequently been explained in the course of this work.⁷ On Dec. 22, Robert Logane, YOUNG LAIRD OF RESTALRIG, got expensive dresses of 'blak Damese' and 'Sating,' &c. It is likely he was the person here mentioned.

<i>Item</i> , gevin to Thomas Arthure, for furnesing of Clathis of Reid and zallow to twa Futenten pat passit with pe Halkis forefaid,	vij li. vij s. j d.
<i>Item</i> , gevin to Caldwellis, for thre monethis Wageis to him, his servandis and x Walkis, xix li. xj s.	
<i>Item</i> , to mak pair expensis to pe KING OF ENGLAND with pe saidis Halkis,	xxxiiij li.
Oct. 15.— <i>Item</i> , to David Blythe, to pafs in Ingland for ane Conduct to the Ambassa- touris,	xx li.
<i>Item</i> , to ane servand of pe CARDYNALLIS, quhillk brocht Writtingis to pe KINGIS grace furthe of France,	xxij li.
Oct. 16.— <i>Item</i> , for hinging of the Tapescherte in HALYRUDEHOUS, and down-takin of pe famin,	vij s.
Oct. 22.— <i>Item</i> , gevin to JOHNNE LESLYE, broder to MY LORD OF ROTHES, to by him Clathis to his Mariage,	li.

DEATH OF MARGARET, QUEEN DOWAGER OF SCOTLAND.

[THE date of QUEEN MARGARET'S DEATH has long been a doubtful and controverted point, and is now, for the first time, settled from indisputable authority. It is only necessary to notice a few of the earlier writers, as the later authors merely perpetuate their errors. *Bishop Lesley* states, that immediately after the 'Quene moder' had stood 'Godmoder' to PRINCE JAMES, (which event he dates 1539,) she 'passit to Methwen, to remane thair with hir husband; quhair scho tuik seiknes, and schortly eftir deceassit; and wes buryit in the Charter-Hous Kirk, at PERTH, in King James the Firstis graif, with greit honour and pompe-funeralle, THE KING him selfe and mony Nobill men being thair present.' BANNATYNE CLUE'S *Edit.* p. 157.—*Balfour* falls into the same blunder. *Annales*, I, 270.—The above entry in the Treasurer's Accounts is confirmed by 'THE CHRONICLE OF PERTH,' which has recently been printed for THE MAITLAND CLUB. 'QUEEN MARGARET, mother to King James the Fyft, deceisit on Sanct Munokis day, in Methuen, 1541 yeiris; bareit in the Charter hous, besyde Perth, the Kingis Maestie, Nobilitie, and Barronis being present.' *Chron. of Perth*, p. 2.—It is proper to add, that there are two Scottish SAINTS in the Calendar for October, ST MONON, martyr, at Arduena, A.D. 404, Oct. 18—and ST MARNOK, Bishop and Confessor, who died at Kilmarnock, A.D. 322, Oct. 25. The former of these, however, is the likeliest date of the two, from the various entries, and from the time which must have been employed in preparing the Funeral Ceremonies and 'DWLE' dresses.]

<i>Item</i> , gevin to pe MAISTER CWKE, to be him ane Dole Weid, ix elnis French blak, xiiij li. viij s.	
<i>Item</i> , to ANE FRENCHAMAN, callit Howefone, for v dusane Walk-hudis, xx pair Walk-bellis, and twa Glubis, xxxv Crownis of pe sone,	xxxvij li. x s.
Oct. 26.— <i>Item</i> , to ane Officiair pat passit wilhe ane Writting fra pe JUSTICE CLERK to pe LORD MAXWALL, for continevatourne of ane Colvrt of Justiciarie,	xxij s.
Oct. 30.— <i>Item</i> , delieverit, to be pe KINGIS grace ane Dole, ¹ Sowane, Wuid, and Cote, ² xj elnis half elne Paryse blak, price of pe elne 1 s., <i>summa</i> ,	xxvij li. xv s.
<i>Item</i> , for ix elnis blak freis, to lyne pe Cote all throcht,	xxxvj s.
<i>Item</i> , for pointis and ane tolat to SANCT JOHNSTOUNE, ³	iiij s. iiij d.
<i>Item</i> , for twa Dole Bonettis to his grace,	xl s.
<i>Item</i> , to be his grace ane Ryding-Cote, four elnis Paryse blak,	x li.
<i>Item</i> , Paryse blak, to be his grace ane Ryding Clarke, ⁴	vij li. xj s. x d. ob.
<i>Item</i> , to Robert Blak, to pafs and proclame ane Justice Courte in Jedburgh, to be haldin pe xxij day of November nixt to cum,	xxij s.

'THE QUENIS TYREMONT.'

Nov. 1.—*In the first*, gevin to Alexander Hwtoune, to pas and warne pe ERLES OF HUNT-

¹ O. Fr. *Dueil*, mourning weeds. *Cotgrave*. ² On Oct. 15, the King got 'SKALBERTIS to his SWERDIS of blak Veluet.' On 21st, there was delivered to the King in 'THE ABBAY, xv elnis of blak Veluet of Janis, quhillk wes send to the QUENIS grace, xlv li.' On 25th, 'ane COTE, with slevis of blak Veluet, ane DOWBLET of blak Sating,' with other furnishings of blak. ³ Perth—where Queen Margaret was buried. ⁴ There are other furnishings of 'lyningis,' 'pasmentis,' 'schone,' (shoes,) and 'LYARIS and twa CUSCHEONIS of French blak.'

APPENDIX.

- LIE, MARSCHELL, MURRAY, and vperis Lordis and Gentilmen in þe NORTH to cum to the **Queenis Tyremont**, xliij s.
- Item*, to Robert Blak, siklyke Letteris to þe ABBOTTIS OF Newbottill, Melros, Lord Zefter, and vperis Lordis and Gentilmen in Lothyane, xxvj s. viij d.
- Nov. 2.—*Item*, to Henry Kempt, to caus **ða Suffrage for Obene Magdalynre**, quham God affolþe, xj li.
- Nov. 5.—*Item*, to Ormond, Purfewan, for passing with siklyke Letteris to FYFFE, STRAITH-ERNE, and MENTEITHE, xliij s.
- Item*, to Johnne Cob, for passing with siklyke Letteris to þe ERLE OF CASSILLIS, LORD SYMPILL and ROSS, and vper Gentilmen in þe WESTLAND, xliij s.
- Nov. 11.—THE QUEEN and her 'LADYIS OF HONOUR' got **Dwle Wedis and Mourning Dressis** furnished on Nov. vij, ix, and xj, which appear to have been sent to Falkland. It is unnecessary to repeat them here.
- Item*, gevin to Patrik Bell, FURROUR, for **Farringis** and warkmanschip furnest to the **Queenis** grace and þe **Dwle Wedis** foresaid, as his Compt beris, xxx li. iij s.
- Item*, to Archibald Leythe, for Furringis deliuerit be him to þe QUEENIS grace, to þe effect foresaid, xxiiij s.
- Nov. 14.—*Item*, gevin to William Straitherne, for passing with Letteris to DUNBERTANE, Renfrew, Irwin, and Air, to charge þe Gentilmen of þe Schyris pass with the **Erle of Glenkarne to Kyntyre**, xliij li.
- Item*, to Alexander Hutoune, for passing to **McGregour** and Allane Stewart of Baquhidder, with twa clofe Writtingis, iij li.
- Item*, gevin to Archibald Heryot, for passing with Letteris to **Selkirk** to bring in certane eschete gudis of þe KERRYS, that **slew the Probost** pairof, xx s.
- Nov. 16.—*Item*, gevin to Thomas Arthour, (Master Tailor,) for making xv **Clakis** to the **Queenis** grace and **þir Ladyis**,¹ ilk Cloke iij s., *summa*, iij li.
- Nov. 19.—*Item*, gevin for **ane Dwle**, of Scottis blak, to **Johnne Leslye**, sone to þe ERLE OF ROTHES, iij li. ix s. iij d.
- Nov. 19.—*Item*, gevin to ORMOND, Purfewan, to pas with Letteris to warne þe Barronys to ryde with the **Kingis** grace to the **Bardouris**,² xliij s.
- Nov. 28.—*Item*, to Archibald Heryot, for passing with Letteris to the **Wardane of the Myddill-Marcheis of England**, iij li. vj s.
- Nov. 29.—*Item*, to be the **Turk**³ ane Cote, v½ quarteris demmegrave, and v½ quarteris Zallow,⁴ lvj s. ix d.
- Nov. 30.—*Item*, gevin to Thomas Ahannay, for his expensis passing to PERTHE with þe QUEENIS **Ladyis Clakis**, xj s.
- Item*, deliuerit to Johnne Mofman, for **Chenreis of Gold** and vper **Gold** wark, brocht furth of FRANCE be him, and deliuerit to the **Queenis** grace, iij c. xxvj li.
- Dec. 15.—*Item*, deliuerit to the **Tapescher**, to cover þe Stavis (Posts) of **ane Bed** to þe KINGIS grace, and hing aboute þe samyn, xij¼ elnis **Crammossye Ueluct**, lxxxix li. vij s. vj d.
- Item*, to (be) Frenzeis to þe said Bed, ix grete hankis **schwing Gold**, ix li. xvij s.
- Item*, to þe TAPESCHER, for his warkmanschip and making of þe Frenzeis to þe said Bed, and making of the **Clathis of Stayt** following,⁵ vj li.

¹ 'FUTE MANTILLIS' of 'Paryse' and 'Frenche blak' were provided, on Nov. 3, for THE QUEEN and her LADIES OF HONOUR, with 'HARNESINGIS,' &c., and similar furnishings were also made for THE KING, &c.

² Other messengers, dispatched with similar Letters.

³ Probably the same individual who is elsewhere styled 'The Littill Turk,' one of the Court Dwarfs. From the quality of the dress, he appears to have been a Jester or Buffoon, whose *molly* dress was green and yellow.

⁴ He also got a doublet and hose of 'blak fustiane and Scottis gray.'

⁵ It is unnecessary to enumerate these, for although they are interesting, they are too numerous to admit of insertion.

- Dec. 21.—*Item*, deliuerit to Thomas Arthur, to be ane Dwle Gowne, Cote, and Huid to þe KINGIS grace, xvj $\frac{1}{2}$ elnis Paryfe blak Sating,¹ xvij s. ix d.
- Dec. 23.—*Item*, deliuerit to Dauid Blyth, to by him ane **Dwle-Cote, Wudd,** and **Wois**, and to mak his expensis passing with the Embassatouris in England, xx ti. iij s.
- Item*, gevin to George Lelye, sone to þe ERLE OF ROTHES, to by him clathis agane 3wle, xx ti.
- Item*, to Maister James Bonar, quhilk he gave for **Cedronis** and **Garrattis** to þe KINGIS grace, iij ti. vj s.
- Item*, to þe men þat brocht þe **Syre-Falconis** to þe KINGIS grace, xliij s.
- Dec. 24.—*Item*, to þe **Currcheis** to **Lady Jane** for hir **Dwfe**, four $\frac{1}{2}$ elnis Holland clayth, and four $\frac{1}{2}$ elnis round Holland clayth, iij ti. xiiij s. vj d.
- Item*, deliuerit to þe TAPESCHER, to be four **Clathis of Stait**, to bring the **Chapell** and þe KING and QUEENIS **Chalmerris**, xlvij elnis Frenche blak, lxxij ti.
- Item*, to Johnne Young, **Broddester**,² to be **Pendiphillis** and **frontellis** to þe KING and QUEENIS **Altar**, vij $\frac{1}{2}$ elnis Frenche blak, xj ti. v s.
- Item*, to be **Coberingis** to the **Lettronis**³ in þe **CHAPELL**, xij elnis blak Birge Sating, price of þe elne x s., *summa*, vj ti.
- Item*, gevin to Johnne Young, for twa **Crucifixis** of silk browdery wark, and twa **Inragis** of our **Lady** and **Saint Johne**; for making of þe coveringis of þe **Lettronis**, withe **fassis** of silk and furneing pairto; and making of all þe foresaid **Chapell** gair, xvij ti. vij s.
- Item*, gevin for waving of vj $\frac{1}{2}$ vnces blak silk, deliuerit to Thomas Softlaw, to bind the **Kingis Swerd-handis** withe, ix s. ix d.
- Item*, gevin to Johnne Mosman, for ane **Clamb-schell** of siluer to put **Twirch powder**⁴ in, weyand thre vnces, price of þe vnce xvj s., and for þe warkmanschip, xiiij s., *summa*, iij ti. ij s.
- Item*, for ane vper **Clamb-schell** to put **Walk meit** in,⁵ weyand vij $\frac{1}{2}$ vnces grote wecht; and for þe warkmanschip, xx s., *summa*, vj ti. xiiij s.
- Dec. 29.—*Item*, gevin to Petir Thomefone, for his expensis passing to **Lundyne** to the **Embassatouris** withe deligence, xxij ti.
- Item*, deliuerit be Thomas Arthur to þe **LADY CRAGY**, to be hir **Dwfe-Gawne**, **Kirtill**, and **Wudd**, vij elnis Paryfe Blak,⁶ xij ti. xij s.
- Jan. 3, 1541-2.—*Item*, to mend the **Queenis Cheriote**, vj $\frac{1}{4}$ elnis blak Veluet, xvj ti. xvij s. vj d.
- Item*, for v quarteris auld **Crameffy Sating**, to mend þe lynyng of þe famin, iij ti.
- Item*, to Helene Rofs, to mak **Frenzeis** to þe said **Cherpat** of blak silk, iij ti. v s. iij d.
- Item*, for ane renze of worset to þe **Lady Cragis** **brydill**,⁷ iij s.
- Item*, gevin to Johnne Cranstoune, for bringing of twa **Cherbis** to þe KINGIS grace, vj ti. xiiij s. iij d.
- Jan. 10.—*Item*, to the **Wispanzert Gentslmar** þat is withe **RAPHAELL**,⁸ x ti.
- Item*, to þe said **Raphaell**, at þe KINGIS grace command, x ti.
- Item*, to Alexander Wicht, cultellar, for v gilt **Quhingaris**, ane **Irdburgh-staff**, twa **Spair-hedis**, ouergilt, and four **Duggeoun-stokkis**,⁹ vij t. xvj s.
- Jan. 11.—*Item*, to Jakkis and his collegis, **Armoraris**, for ane **lycht Wames**, with dowbill **TESLETTIS**, and ane **STELE-BONET** to þe KINGIS grace, deliuerit to Robert Gyb, xiiij ti. ix s.

¹ Many other furnishings.² Embroiderer.³ Desks. O. Fr. *Lectrin*, letrin.⁴ It is uncertainwhether this is *touch* and priming powder, or *tooth-powder*, though the Editor believes the latter to be the proper reading, as a Clam-shell would not make a ready flask for priming a culverin, &c. See under Feb. 15, 1541-2, following.⁵ This was a favourite ornament of the KING'S. He appears to have been eminently skilled as a Falconer, and indeed in all the sports of the field and manly exercises.⁶ She also got 'ane RIDING CLOKE,''**DWLE CWRCHEIS**,' consisting of 8 elns of 'Holland clath,' 'ane FUTE-MANTILL and HARNESING,' with⁷ **ARMING** (Ermine) to lyue hir Huid and taill of hir Gowne,' amounting to xxij li. iij s. additional.⁸ There is much interesting expenditure, for furnishings to the Royal Stables, &c. at this period, but too lengthened to be given here.⁹ Raphaell Cassanzeis.⁹ Stocks or handles to Dudgeon-daggers.

APPENDIX.

- Item*, to Robert Crag, for ane Collar of gold sett with Perle, brocht hame be him to þe QUENIS grace, xvij li. xij s.; and for Bonettis, fwerd-beltis, sewing-silk, and vper gear, xiiij li. xij s.,
summa, xxxij li. iiij s.
- Item*, gevin to Williame Calderwood, for ane pair of Organis, deliuerit to the Chapell in Walsrudhous, lx li.
- Jan. 24.—*Item*, to Schir David Murray of Balwaird, kny^t, in recompance of his landis of DUDINGSTOUNE, tane in to the new Park besyde Walsrudhous, iiij^c li.
- Item*, to Dame Mayne, in þe Cannogait, for dettis awing to hir be Barbara Stewart, at þe KINGIS command, l li.
- Jan. 31.—*Item*, to Peter Thomfone, for his expensis passing to Lurdynre to the Embassatouris, with deligence, xxxiiij li.
- Item*, to Johnne Cob, for passing with clofe Writtingis to the Capytane of Dunbar and Priores of Wadingtoun, xij s.
- Feb. 2.—*Item*, gevin to Helene Rofs, for ane Pours to putt iij^c Crownis in, quhilk wes gevin to the French Embassatour, xiiij s.
- Feb. 14.—*Item*, gevin to the Quenis Paintour,¹ to by colouris to paint with, in Falkland, xj li.
- Feb. 15.—*Item*, gevin to Johnne Mosman, (goldsmith,) for twa Walk-bellis of Gold to þe KINGIS grace, weyand xiiij $\frac{1}{2}$ Vnicorne wecht, price of þe vnce viij li., *summa*, xiiij li. x s.
- Item*, gevin to him for making of pame, xxij s.
- Item*, gevin to him for ane Pennare of siluer, to keip Pyke-trithe in,² to þe KINGIS grace, xxvij s., and making of it, xiiij s., *summa*, xliij s.
- Item*, gevin to him for Chenyris, Tabulattis, Tergattis, Bracelattis, Kingis, Stanis, and Perles, furnesit pairto, iiij lxxxvij l. iiij s.
- Item*, gevin to Thomas Rynd, for sielyke Gold-wark, ij lxxix li. vj s.
- Mar. 5.—*Item*, gevin to Alexander Hutonne, to pas to þe Lord Maxwell with the Portups³ of the Justice Courte of Annardale,⁴ xxij s.
- Mar. 6.—*Item*, to be close Cobris to the Steill-sadillis, v dufane and four Basane⁵ fkynnis, viij s. x d.
- Mar. 10.—*Item*, gevin for Clathis furnesit to Thomas Dury, Clerk to Lord Dantes, x li. viij s. j d.
- Mar. 13.—*Item*, to be ane Pycht Gowne to Maistres Margarete, syster to þe ERLE OF LEVINAX, ix elnis Lylis worfet, vj li. xiiij s.
- Item*, for Hertrykkis and blak (Sable) skynnis, to lyne þe said gowne with,⁶ ij li. x s.
- Apr. 24, 1542.—*Item*, gevin to Charlis Murray, for ane Bardit (Barbed) Warnesing to the KINGIS grace Hors, xxij li.
- Item*, gevin to him for lxxxix Wagbuschis, deliuerit to þe Mvntioun Hous, price of the pece xiiij s., *summa*, lxix li. vj s.
- Item*, to the Prothonotar, and ane vper fervand of the QUENIS, at pair passing to FRANCE,⁷ xxxiiij li.
- Item*, to Hallot, Page, to furneis his expensis to France,⁸ xxxiiij li.
- May 5.—*Item*, gevin to the Quenis Paintour, for ane monethis wage, fra þe thrid day of þis moneth to be paid to him monethlye, as it cummis vpone þe day, to ij s. vj d. for him and his fervand, ij li. x s.

¹ The name of this individual cannot be traced in the Record. He was for a considerable time in the constant service of the Queen, and receives many large payments.

² See Dec. 24, 1541, preceding.

³ The Porteous Roll.

⁴ Usually written 'Annanderdail.'

⁵ Bison.

⁶ A variety of other furnishings,

'blankettis, lynnyng schetis, boystaris, Arres-wark for a bed-cover,' &c.

⁷ See Jan. 20, 1540-1, of these Ex-

tracts.

⁸ He also got costly dresses, previous to his departure.

- May 12.—*Item*, fend to SANCTANDROIS, to be ane Gowne to THE LADY ERROLL, agane her Marriage, xiiij elnis reid Veluot of grane, xlv li. x s.
Item, to be hir ane Kirtill, vij $\frac{1}{2}$ elnis Purpure Sating, xxij li. x s.
 May 22.—*Item*, to be fend to SANCTANDROIS, to be Clathis to SERAT, the Queenis Hwle, thre elnis dimmegrave, and thre elnis 3allow, vj li. xvij s.
Item, to Ross, HEROLD, at pe KINGIS command, for his lawbouris awaytand vpone the French Ambassatour, the tyme he wes heir, x li.
Item, gevin to Peter Rofs, for turfing of Letteres to the Duke of Pomer,¹ vj li. xij s.
 May 24.—*Item*, to be ane Cote and ane pair of hois (for pe KING) of pe Statuere falloune; and to jeit the Cote with thre vanis aboute the Taill, xj elnis blak veluet of Janis,² xxxij li.
Item, to ane Inglifinan pat broecht Writtingis to the Embassatouris, vj li. xij s.
 May 27.—*Item*, to Katheryne Belleudene, to be ane Seibr to put above THE KINGIS Harnes, twa elnis Purpure tessites, withe thredis of gold, xl s.
Item, for rubennis of silk pairto, ix d.
 Jun. 1.—*Item*, gevin to Thomas Wallace, Talzour, for making of THE QUENIS grace Doble Cowris and hir Ladyis, and furnesing maid be him pairto, x li. xj s. viij d.
 Jun. 7.—*Item*, to Johnne Caldwellis, for his expensis passing in NORROWAY for Walkis to THE KINGIS grace, xxij li.
Item, gevin to Johnne Mwre, for his expensis passing to gyd the said Johnne in Norroway, xj li.
Item, gevin to THE LAIRD OF BRUNTSTONE, for his expensis passing to France, at THE KINGIS command, with four Hars, l^c x li.
Item, to pay for pe Fraucht, and boyis to kepe pame, xx li.
Item, to THE LAIRD OF STEVINSOUNE, for his expensis passing to FRANCE pe famin tyme, xxxij li.
Item, deliuerit to ANDRO WOD OF LARGO, at THE KINGIS command, be ane Precept, to redeme Landis, as his grace lies gevin him command, ij^m li.
 Jun. 17.—*Item*, deliuerit to the French Spotygar, at his passing to FRANCE, xxxij li.

REGALIA—THE KING'S AND QUEEN'S CROWNS.

- Jun. 27.—*Item*, gevin to THE CAPITANE OF CRAWFURD, for fyve score xij $\frac{1}{4}$ vnce smalt- ing Gold of Mynd, price of the vnce vj li. viij s., quhilk wes deliuerit to Johnne Mofnan and dis- ponit vpone THE KING and QUENIS graces CROWNIS, weyand, the Kingis Crowne, xlj $\frac{1}{4}$ vnce; the Queenis Crowne, xxxv vnce; and to eyk, ane grete Chenze to his grace, xvij vnce, and ane Belt to pe QUENE, weyand xix $\frac{1}{2}$ vnce, vij^xvij li. viij s.
 Jun. 28.—*Item*, to the Queenis Paintour, for his Wageis fra pe last of May, ij li. x s.
 Jun. 30.—*Item*, gevin to the LORDIS ERSKIN and RUTHVENE, for supporting of thair Ex- pensis passing to the Hardouris, ilkane 200 merkis, and to pe JUSTICE CLERK 100 merkis, ij^cxxxij li. vj s. viij d.
Item, to David Creichtoune, CAPITANE OF pe CASTELL OF EDINGBURCHT, for Expensis maid vppone MATHOW HAMMYLTOUNE, EWYNE McNEILL VANE, THOMAS GRAY, and ANDRO HAMMYLTOUNE, (State Prisoners,) be pe space of ane 3ere, lx li.
 Jul. —*Item*, reffluit fra Alexander Quitelaw, ane Clammeschell of siluer, weyand vij vnce half grote wecht, to mak ane new Schell to keip pe KINGIS Walk ureit,³ and eikit to pe famyne twa vnce 3 $\frac{1}{2}$ grote wecht; and to be ane floppell to ane felchell to keip the Kingis grace Twithe powder, xxxix s.
Item, gevin to him (Johnne Mofnan) for making of pame, xx s.
 Jul. (7.)—*Item*, The Queenis (Magdalenes) Berige celebrated as usual.

¹ Pomerania.² Many other furnishings, &c.³ See Aug. 13, 1540, of these Extracts, &c.

APPENDIX.

Jul. 7.—*Item*, gevin to **Ornand**, PERSEWANT, for his Expenfis passing to warne þe Lairdis of Struelingschyre and Lothyane to ryde with þe **QUENIS** grace þe tyme sche passit forth of Strueling to **Peblis**, xxij s̄.

Jul. 8.—*Item*, gevin to Thomas Ramsay, Falconar, for his Wageis remanyng in Edinburcht vpon the setting of the **Kingis** grace **Walkis**, iij li. viij s̄.

Jul. 10.—*Item*, gevin to the **Queenis** **Paintour**, for his wageis to Aug. first nixt to cum, (the same being paid monthly,) iij li. x s̄.

Item, to William Smythberd, for dighting of **THE KINGIS** grace **Justing Harnes** and gilt Harnes, Steill Sadillis, Roundellis for Speris, Schaifronis for Horsis, &c. xx li.

Jul 11.—*Item*, gevin to Johnne Bertoune, for expenfis maid vponne the **Grete** **Entourne**,¹ Jul. xj, 1541, at hir passing to France with the **Cardinall**; and paying of Marynall wages, &c., except hir victaling, lxxlix li. xxij d.

Jul. 13.—*Item*, deliuerit to þe **KINGIS** grace, in **PEBLIS**, ane **King** with ane grete **Saphire**, (**Sapphire**), xvj li. x s̄.

Item, gevin to Johnne Paterfoune, for ane Kaife for vj **Grete** **Petes** (Silver Plate), xvj s̄.; and for ane Kaife to iij small **Petes** with ane cover, x s̄.; and for twa Kaifis to twa **Lavaris**² of **Siluer**, xx s̄., *summa*, xlviij s̄.

Item, to þe **CAPITANE** OF **DUNBAR**, for sustenyng of **Johnne** **Moydart** in meit and drink fra þe feist of Candilmes, 1540, to þe feist of Lammas, 1541, xlv li.

Jul. 14.—*Item*, gevin to Peter Thomesoune, for his expenfis passing to the **Counsall** of **Sork** with deligence, xv li. viij s̄.

Item, gevin to Johnne Merlzone, in complete payment for the **Biging** of the **Register** **Hous** in **THE CASTELL** OF **EDINBURCHT**, aboue þe fowme promittit him in the Contract, becaus the werk wes ekit,³ xxij li.

Item, gevin to Frances Aykman, for **Droggis** furnesit be him to þe **KINGIS** grace, and to **Maisteres** **Margarete**, at his grace command, lxxiij li. xvj s̄.

Jul. 16.—*Item*, for cariage of **THE PALZEONIS** to the **Hunting**, and Hors wage, fra þe vij of þis moneth, ix li.

Item, gevin to William Hardy, passing to Dunfermling with ane clofe Writting to þe **BISCHOPPIS**, being pair, to cum to Edinburcht to **roubay** the **Queenis** grace, &c. xxij s̄.

Jul. 17.—*Item*, gevin to Robert Spittall, for making of þe **QUENIS** **Dwle** **Wabytis** and hir **Ladyis**, xxij li. ix s̄. vij d.

Jul. 18.—*Item*, to ane boy, to pass with ane Writting of my **Lord** **Secretaris** to Dumfermling to **THE LORDIS**, being pair, iij s̄.

Jul. 20.—*Item*, to Robert Blak, for passing with Letteris fra þe Lordis to **Scdburcht**,⁴ xxij s̄.

Item, to Raphael Hyfpanzert, for his pensioune, xx li.

Jul. 21.—*Item*, gevin to Adam Grymillaw, to furneis (hire) him ane Hors to þe **KINGIS** grace, xliij s̄.: And at his returnyng agane furth of **Argyle**, xliij s̄., *summa*, iij li. viij s̄.

Item, to Petir Thomesoune, for his expenfis passing with deligence eftir the **Maister** of **Hous** **hald**, xxvj li. viij s̄.

Jul. 26.—*Item*, gevin to þe **LAIRD** OF **SWYNTOUNE**, be deliuerance of þe **LORDIS**, for ane **Hous** **quhilk** wes tane fra **Schir** **William** **Cberis**, and he wes causit to mak redres pair of be þe **Lordis** **Commissioneris**,⁵ xxxiij li.

¹ One of the Royal Vessels of War.

² Lavers.

³ Because additions were made to the work. There are many entries of payments to account of this building in former parts of the Accounts. See also Aug. 16, 1542.

⁴ The same day Letters were despatched to 'THE BISCHOPPIS, PRELATIS, and LORDIS, throucht all THE WESTLAND and NORTHLAND.' And during the remainder of the month a great stir was made, in summoning all the Barons, &c. 'for suppleing of THE BORDOURIS,' &c.

⁵ The Laids of Aytoune and Swyntoune were WARDEN-DEPUTES OF THE EAST MARCHES at this time, having regular Pensions for their services.

- Jul. 29.—The **Expensis of the Brint Island**, and THE KINGIS grace **Schippis**, *per tempus Compti*, iij^lxxvj li. xvj s. xj d.
- Item*, to Alexander Orrok of Sillibawbe, in **Tachir-gude** with Barbara Falconer, dochter to vmq^{le} Dauid Falconar, at **pe KINGIS** command, becaus the said vmq^{le} Dauid wes flane in his grace feruice,¹ j^lxxxij li. vj s. viij d.
- Item*, to Adam Fornan, for passing with Writtingis to the **Counsall of Sark**, and tharefter to Londyne, to the Maister of Houshald, xxvj li. viij s.
- Item*, to ane Inglifman quhilk brocht ane Writting fra **Schir William Eberis** to **pe LORDIS**, (of Privy Council,) iij li. vij s.
- Aug. 7.—*Item*, deliuerit to Charlis Murray, to be ane **Ausenze**,² x elnis raid and zallow Tefites of cord, and twa elnis quhite Tefites of Janis, to be **Craces** pairto, x li. viij s.
- Item*, to Thomas Gybfoune, karter, in parte of payment of the **carriage of certane Artelzeric** to **pe HEREMITAGE**,³ l s.
- Item*, to James Law, to by ane salt hyde to **couer the Polder** pat passit pair, and twa pulderbaggis, xij s. viij d.
- Item*, gevin to Dauid Purves, mafer, for passing with Letteris to the **Marsc**, to proclame and charge all inhabitantis pair of pat haid fled, to pass hame agane for defense of **pe cuntré**, xl s.
- Item*, gevin to Robert Blak, for passing with ane Writting to **pe LAIRD OF BASSE**, to Charge him to **kepe Edringtonne**, xiiij s.
- Item*, to Thomas Dalmahoy, to mak his expensis passing with **pe Artelzeric** to **pe HEREMITAGE**, xxij s.
- Aug. 10.—*Item*, gevin to Johnne Cob, passing to charge **pe Carteris** in Leithe, Hadingtounne, North Berwyk, and vperis places in Lodiane, to be redy within xxiiij houris warnyng,⁴ xxij s.
- Item*, gevin to twa Inglifmen, quhilkis wer in Cowper-of-Augus and Newbottill, ilkane four Crownis of **pe sone**, viij li. xvj s.
- Item*, to the Inglifman quhilk brocht Writtingis last fra the **Counsall of Sark**, iij li. viij s.
- Aug. 12.—*Item*, gevin to William Champnay, for passing with Letteris to Dunbertane, Glasgw, Air, Irwiue, and Quhitherne, to charge pame fend pair **Schippis** and boittis, with vperis Veschellis, to **carry men furth of the His**; and with vperis Letteris to **pe Schereffis**, to charge pame be redy vpoune fax houris warnyng,⁵ lv s.
- Item*, to Peter Thomfoune, for passing to **Londyne** with Writtingis to the Maister Houshald, xxxij li.
- Item*, deliuerit to Walter Scrymgeour,⁶ to be ane **Ausenze**, and **Craces** pairto, &c. viij li. xix s.
- Item*, gevin to Johnne Mofman, quhilk he gawe to ane man pat brocht **two Fals Conzearis** to Edenburcht, xx s.
- Aug. 15.—*Item*, gevin to Archibald Heriot, for passing with siclike Letteris⁷ to **pe Lord Zester**: And with Letteris, to proclame in **Caldinghame** pat all Tenentes and Frehaldares of **pe** famin pass and remane pair for defence of **pe Place**,⁸ xxij s.
- Item*, gevin to Johnne Forstar, Bowar, for Arrowis to **pe KINGIS** grace; and ane Bow, ane Braiffe, ane Glvffe, and ane dusane Arrowis, to **pe QUEENIS** grace, deliuerit to Olinere Sinclare and Johnne Tenent, fra Apr. 3 to Jul. 30, inclusive, x li. xv s. vj d.
- Aug. 16.—*Item*, to Robert Blak, for passing with Letteris to **pe Schereff** of Hadingtounne, and

¹ At the Siege of Tamtallon.² Ensign, Standard.³ Prior to the Battle of Haddenrig.⁴ Charges

were also despatched to all the Shires to be in readiness.

⁵ Messengers sent with similar charges to all theother Sheriffs. ⁶ Constable of Dundee, heritable Royal Standard-Bearer.⁷ Letters had been sent 'with

diligence,' by many Messengers, to all the Nobility, &c.

⁸ The Monastery. In the counties adjoining the

BORDERs, the Barons, &c. were enjoined 'nocht to ryde' Forays into England, individually, but to await the arrival of the Army, &c.

APPENDIX.

Inhabitantis of þe Schyre, to passe within fax hours to **Waldor**, and await vponne þe LIEUTENANT,¹ xxij s̄.

Item, to Bessie M'caw, **Murice to Lady Jane**, be ane speciall commande of þe Kingis grace, siclik as scho gatt serlie of before, x li.

Item, gevin to Anthone Brissett, **Surrurgant**, for laubouris done be him to þe QUEENS grace, at þis tyme alanerly, xx li.

Item, to George Leche, William Qubite, George Fothringham, and Danid Robertsoune, **Surrurgantis**, passand to þe BORDOURIS for curing of all perfonis þat hapnit to be hurt be **Ingis meunc**, xij li.

SUMMA totalium **Expensarum** (a Sep. 7, 1541, ad Aug. 16, 1542, being the total expenditure of the preceding year,) xxiiij^m iiij^c lxxxiiij li. xj s̄. x d. ob.

SUMMA of 'the **Abbitioinis**,' I^m ij^c lxxxx li. xiiij s̄. ij d̄.

A few of the articles only can be selected in this place, although many of them would be found to be extremely interesting to the Historian and Antiquary.

(Mar. 18, 1541.)—*Item*, gevin to certane pynouris, for monting and drawing of the famin ('ane dowbill Caluering,' newly founded) to the Craigheid,² to be seyit³ and schott: And for the drawing of the Pece cassine (cast) before the last Chakar to be sehote witle hir, v s̄.

Item, for indrawing of the famin within the **Abbitioone-Haus**, eftir þai wer sehote and seyit, iij s̄.

Item, gevin to Andres Mensioune, for **Grabing of the Kingis grace Armes**, with VNICORNES, THRISSILLIS, and FLEURDELYCES vponne the famin Pece; and graving of the dait of þe Zere vponne the mouthe pairof; and vponne the graving of Armes, Thrissillis, and Flourdelyces vponne sundry vperis Peces, sett in tawk be Johnne Drummond⁴ to him, xiii li. vj s̄. viij d̄.

(Sep. 9.)—*Item*, gevin for xl new **Rammes**⁵ to þe **Auld Culverringis** quhilkis wes fund in THE CASTELL rouffit,⁶ and the Rammes brokine, vj s̄. viij d̄.

Item, for thre chopinnis Vle de Olyve for clenzeing þairof, vj s̄.

(Oct. 3.)—*Item*, Johnne Drummond and his servandis passit to DALHOWSE-WODE and cuttit xiiij^{xx} pece of Birk, to be ʒokkis and fyre-wode, and tenne treis of elme to be navillis to quhelis; and gevin for the carriage of pair wark-lymes to þe Wode, and hame-bringing of the famin, x s̄.

(Mar. 27, 1542.)—The Expenfis debursit vponne the **Pulder-Hylne** and craftifmen, fra Mar. 27 to Aug. 6, xlix li. xij d̄.

The Expenfis debursit vponne the **Wark of the Register Haus**,⁷ (*summa*), xxxviij li. vj s̄. x d̄.

Item, to William Fandik, Ducheman, **Makar of Arne Gunnis**, fra his entere to Wirk in þe CASTELL, quhilk wes þe xxvij day of August lastbypast, to þe xxj day of December (1541) inclusive, quhilk tyme he deceffit, havand vnkliie xvij s̄., *summa*, xv li. vj s̄.

¹ The same charges sent to the Sheriffs of Linlithgow, Peebles, and Selkirk, &c. ² It is believed this refers to the CALTON-HILL, probably at the place where Nelson's monument now stands. ³ Proved. ⁴ The Master-Gunner. ⁵ Ram-rods. ⁶ Rusted. ⁷ See Jul. 14, 1542 of these Extracts, &c. The other entries referring to this important building were merely payments to account; but they possess no interest otherwise than as viewed in connexion with a work of national utility.

CRIMINAL TRIALS

AND OTHER PROCEEDINGS BEFORE THE HIGH COURT OF JUSTICIARY.

Slaughter of the Laird of Keir.

Jan. 5, 1542-3.—DAVID SCHAW found surety (Johne Ker, son of Andrew Ker of Fernyhirst) to underly the law at the next Justice-aire of Stirling, for art and part of the cruel Slaughter of SIR JOHN STRUETING OF KERE, KN^t.—Alexander Schaw of Sauchy bound himself to relieve Ker; and Alexander, brother of David Schaw, obliged himself to relieve both of them of their cautionry.

Slaughter of the Laird of Auchinfranko.

Jan. 11.—JOHN MAKNACHT OF KILQUHANNITE (being then at the horn) found surety to underly the law at the next Justice-aire of Kirkcudbright for art and part of the cruel Slaughter of WILLIAM SINCLARE OF AUCHINFRANKO.—(Apr. 17, 1543.) Andrew Herys, brother of William Lord Herys, became surety for his appearance to answer for the said crime.

Caution for Lord Glamis — Lady Glamis's Treason, &c.

[THE incidents connected with the Cases of JONET LADY GLAMMIS, and JOHN LORD GLAMMIS, her son, have already been treated of so fully, in a former part of this Collection,¹ that it is unnecessary to recapitulate in this place. It is proper, however, that the reader should bear in mind, that LORD GLAMMIS's Forfeiture was afterwards openly rescinded in Parliament, Mar. 15, 1542,² and that his lordship was restored to his dignities, lands, &c. The reasons assigned are too remarkable to be omitted in the present Collection. They were as follows. 'BECAUS, þe said pretendit proces, Act of Adornale, and Sentence of Forfaltour, was led and gevine be vertu of þe said Lordis CONFESSIOUN, maid be him be just dredour and for feir of his lif: Quhilk dredour mycht fall³ in ane constant man; ⁴ becaus þe said JHONE LORD GLAMMIS was preronit in þe CASTELL OF ED^{rb}, destitute of all consale of his frendis, and presentit to þe Pynebankis,⁵ seand vperis of perfite aige and stark⁶ of perfoune put on þe said Pynebankis; and he beand þair scharplie examinat, for dredoure (and) preroning of his body, maid þe said pretendit Confessioune. Be vertu of þe quhilk Confessioune, na vper sufficient probatioune beand led, þe personis þat past vponne þe said Assise fand, and deliuerit as is abone writtine, and geve þe said pretendit Sentence, in maner forsaid. AND als, becaus the said pretendit Confessioune, be vertu of þe quhilk þe said pretendit proces, Act of Adjornale, and Sentence of Forfaltour was led, þe said Confessioune was maid be þe said Jhone Lord Glamis in his minorité, nocht knawand þe perrale þat was to follow þairupoune, and without þe auctorité and consent of his Curatouris, þai nocht beand callit for þair enteres þairto, as þai aucht to haif bene, of þe law. AND

¹ See.

² Vid. *Acta Parl.* II. 422.

³ Occur, happen.

⁴ A Guiltless or innocent person, 'a true

man,' even though he were by nature a person of firm purpose.

⁵ The Rack, for Torture.

⁶ Strong

als, þe said Lord Glammys was fraudfullie indusit be vmq^{le} THOMAS SCOTT, JUSTICE-CLERK, and vperis familiaris to our said vmq^{le} (fourane lord), to mak þe said pretendit Confessioune, sayand to him, þat his lif, landis, gudis, movabill and vnmovabill, suld be saif to him; and þat na proces nor Sentence of Forfaltour fould be led aganis him; howbeit he maid þe said Confessioune, as wes clerlie and sufficientie previt befor my said Lord Governour, and thre Estates forsaid, be þe Depositionis of diuerse famoufe¹ Witnessis, sworne and examenit in faice of Parliament.]

JAN. 18.—JOHN LORD GLAMMYS² and GEORGE LYOUNE,³ his brother, ‘now being in Warde within þe Castell of Edinburghe,’ found surety that they ‘fall obserue and keip þare Warde within þe burgh of Edinburghe, and tua myle about þe samyn, and nocht evaid nor brek þe samyn, quhill⁴ þai haue speciale Licence and command of þe Lord GOVERNOUR, vnder þe pane of X^m markis.’—Their cautioners were Robert Dowglafs of Lochlevin, Arch. D. of Glenbarvy, William D. of Bone-Jedburghe, and John Carmychaell of that Ilk.

Betoune of Capildra committed to Ward.

MAR. 9.—ARCHIBALD BETOUNE OF CAPILDRA found Sir Walter Scott of Branxhelme, kn^t, and James Dowglafs of Drumlangrig, as his sureties, in terms of the following Warrant:—

GUBERNATOR,

MY Lord Governour Ordanis ane masef to pass and charge ARCHIBALD BETOUNE OF CAPILDRA, þat he, within vj houris nixt eftir he be chargeit, pass to þe TOVNE OF DALKEITHE, þare to remain in Warde,⁵ vpon his avne expense, and ane myle about þe samyn, vnto þe tyme he be fred be ws: And þat he send na writingis to þis Tovne to na maner of personis, vndir þe pane of Treffoune. SUBSCRUIT with our hand, At Edinburgh, þe ix day of Marche, þe zeir of God I^m.Vc. and xliij zeris: And to fynd souertie for his remanyng in þe said Tovne, and ane myle about þe samyn, vndir þe pane of iij^m ti.

Wounding Mr Gawin Dunbar, Treasurer of Ross, &c.

MAR. 12.—MR MUNGO MONYPENNY, ARCHIDEAN OF ROSS, found surety (David Berclay of Cullerny) to underly the law at the next Justice-aire, for art and part of the Oppression done to MR GAWIN DUNBAR, TREASURER OF ROSS, coming upon him, in company with Robert, Bishop of Ross, and his accomplices, in the Cathedral Church of Ross; and laying hands upon him, and cruelly Wounding him, to the effusion of his blood.—Michael Gudlad, dwelling with the Bishop of Ross, also found caution to answer for the same offence.⁶

Oppression—Besieging the Place of Fren draucht—Wounding, &c.

MAR. 15. — ALEXANDER LESLIE, YOUNG LAIRD OF WARDERIS,

¹ Reputable, of good fame. ² On the margin, ‘DELETUR de mandato domini GUBERNATORIS, per suum Preceptum, sub sua subscriptione manuali.’ See the Trials of LADY GLAMMIS and JOHN LORD GLAMMIS, &c., I. * 187, 198. ³ No mention is made of this individual in the Peerages. ⁴ Until. ⁵ On Mar. 20, 1542-3, he found surety to ‘pass and remane in Warde within þe Scherefdome of Fiffe.’ ⁶ SIR THOMAS HAISTY, Monk of Bewlie, (then at the horn,) found caution to underly the law at the next Aire of Inverness, for the same crime, and for Stouthreif of certain goods from Mr Gawin Dunbar.

George Crechtoun of Conze, and *sixty-eight* others, found caution to underly the law, at the next Justice-aies of Aberdeen and Banff, for Convocation of the lieges, armed in warlike manner, in great numbers, coming to THE PLACE OF FRENDRACHT, belonging to William Crechtoun of Fren draucht, and expelling and beating his fervants, Mutilating Martin Abirnethy and John Rofs in their left hands, and cruelly Wounding John Lemman, William Smythe, and Alexander Abirnethy, to the effusion of their blood, &c.

Convocation, &c. at Fren draucht — Slaughter.

Mar. 15.—WILLIAM LORD ABIRNETHY OF SALTOUNE, Alex. Abirnethy of Nathirdull, and *forty-four* others, found surety to underly the law at the next Justice-aire of Banff, for art and part of Convocation of the lieges, armed in warlike manner, with a great force, in ambush (*cum magno exercitu le buschment*) in the houses, out-houses, and barns of the Place of Fren draucht, for the Slaughter of George Crechtoun of Conze and James Crechtoun, being in the said Place, for their Slaughter; AND for the Slaughter of Robert Crechtoun with a gun (*cum vno magonale lie gwme*.)

Caution for Oliver Synclare of Petcarne.

Apr. 21, 1543, (*apud Palacium S. Crucis*.)—Gilbert Earl of Cassillis became surety to enter OLIUERE SYNCLARE OF PETCARNE before the Governor, Lords of Council, or Justiciar, whenever he shall be required, on premonition of xv days, to underly the law for certain crimes to be imputed to him.¹

Fomenting jealousies between the late King and his Barons, &c.

May 10.—MR DUNCAN MAY found Mr John Spense of Maristoun surety to underly the law, before the Justice, on Jul. 6, for Consulting with and frequently giving false information to the late KING JAMES V, for the purpose of deceiving him; thereby occasioning vehement suspicions between him and his Earls, Barons, and lieges; and for causing in him great apprehension and fear for his Slaughter and destruction.—May 13. WILLIAM SMYTH, *alias Chefman*, also found caution (James Lindesay, falconer,) to answer for the same crimes.

Slaughter of the Rector of Kirkbride.

Jun. 17.—JAMES DOUGLASS OF DRUMLANGRIG found surety to appear

¹ 'NOTA—This Oliver Sinclair was favourite to KING JAMES V, who gave him the Command of the Army ag^t England, which offended the Nobilitie, and was the occasion of their defeat at SOLON or SOLLOWAY MOSS. It seems, after the KING's death, he was called to account, which is the common fate of favourites.'—*MS. Abr. of Books of Adjournal*, Adv. Library, M. 5. 14. The reader will find numerous notices of this personage in the *Appendix* to this reign.

on Jul. 24, to underly the law for art and part of the Slaughter of Mr Hector Sinclare, Rector of Kirkbride.

**Stabbing with knives in a fenced Court — Convocation, &c. —
Sedition — Bearing a Standard called ‘ the Haly Gaist.’**

Aug. 17.—MUNGO TENENT, burges of Edinburgh, Francis his son, and thirteen others, citizens of Edinburgh, found high caution (from 1000 to 500 merks each, according to their several ranks) to underly the law before the Justice on Oct. 10, for ‘ þe contemptiounne done to þe QUENIS grace autorité, in drawing of knyffis in þe said Tolbuthe, vpon þe . . day of August instant, in ane defensat Court, in presens of þe PROVEST and BALLIES of þe said Burghe, sit-tand for þe tyme in jugement, inuading and hurting ilkane vperis¹ for þare slauchter : And for Seditiounne, with Conuocatiounne of our souerane lady þe QUENYS liegis, maid within þe said burcht, with ane displayit ansenzé,² quhilk pai call þe HALY GAIST : And for þe contemptiounne of my lord GOVERNOURIS command and charge, he being þair present in propir persoune, gevin to þame he Johne Cob, messinger, at my said lord GOVERNOURIS command.’

Caution for Dean Forman of Holyroodhouse — Heresy.

Nov. 3.—‘ DENE WILLIAME FORMAN, Chanane of Halyrudelhoufe,’ found surety, ‘ vndir þe payne of I^m li., þat he fall vpon þe xv day nixt eftir þe day of þe date hereof, pass and enter his persone agane in Warde within his chalmer within þe Palice of Halyrudelhoufe, quharein he wes in Warde of before ; and remane þairin, as in Warde, vndir þe said payne.—(Nov. 17.) Cau-tion found of new to enter upon Dec. 6 next, under the same penalty. There is a Note on the margin, ‘ *Deletur, quia posuit eum in manibus DOMINI CAR-DINALIS, in custodia.*’

Caution to return to Ward when required.

Dec. 28.—ANDREW JOHNSTOUN OF ELPHINGSTOUN, ‘ now being in Warde of my lord Governouris command to remain within þe burcht and Cha-nongate and Portis pairof,’ was allowed by Precept to depart home, provided he returned ‘ as in Warde, at quhat tyme or how sone he falbe requirit be my lord GOVERNOUR þairto, vpon twa dais warnyng.’ Caution found to the amount of 2000 merks.—(Jan. 19, 1543-4.) He was freely discharged.

Laird of Quhittingeame freed from Ward.

Jan. 19, 1543-4.—WILLIAM DOWGLASS OF QUHITTINGEAME relaxed and freed from Ward within the bounds of Edinburgh and Canongate, ‘ quhare he now remanis.’

¹ Each other.

² Ensign; standard.

Abiding from the Raid of Glasgow.

Apr. 27, 1544.—JOHN YOUNG, in Lefwaid,¹ found caution to underly the law on May 10, for remaining from the QUEEN'S Army for the recovery and besieging of the Castle of Glasgou,² held against her authority and the lord GOVERNOR'S, by Mathew Earl of Leuenax and their accomplices, against the tenor of the Proclamations.

Escape of the Captain of Edinburgh Castle from Ward.

Nov. 4.—JAMES HAMMILTOUNE OF STANEHOUSE, Captain of the Castle of Edinburgh, having been suffered to escape by JOHN and GEORGE TENENT, they found Mr Alexander Levingstoune of Donyphace as their surety that they should underly the law for non-deliverance of the said Captain, and for putting of him to freedom, &c. in terms of the following Warrant.

GUBERNATOR,

JOHNE BANNATYNE, We haue causit put furthe Johne Tenent and George Tenent furthe of þe Letteris, quhare þai wer chargeit to deliuer þe CAPITANE OF þe CASTELL vndir þe pane of putting of þame to þe horne; quhilk proces we discharge, becaufe þai ar content to vnderly þe law for ony crime may be imput to þaim þairthrow. HEREFOR, 3e fall ressaue fikker souirté for þame to vnderly þe law þairfor, vpone xv dais warnyng. SUBSCRUIT w' our hand, At Edinburghe, þe thrid day of Nouember, the 3ere of God I^m.V^o.xliij 3eris. [JAMES G.]

Abiding from the Raid of Gladis-muir.

Nov. 5.—JOHN SUERD (Sword) and nine others found Alexander Bruce, younger of Erthe, as surety for them, that they should underly the law on Nov. 24, for abiding from THE QUEEN'S Army, at Gladismuir, on Oct. 4 last; each under the pain of 100 merks.

Treasonably assisting the Earl of Glencairn at Glasgow-muir.

Feb. 5, 1544-5.—SIR ANDREW HERIOT, Chaplain in Glasgou, found caution to underly the law at the next Justice-aire of Lanark, for treasonably coming with THE EARL OF GLENCARNE and his accomplices against the lord GOVERNOR upon the Common-muir of the burgh of Glasgou.—(Feb. 14.) He again found caution to the same effect.

Abiding from the Raid of Coldinghame and the West Marches.

Feb. 8.—JOHN CRAUFURD OF GIFFERTLAND and John Craufurd of Birkhede found surety (Colin Campbell of Ardkinglas) to underly the law at the next Justice-aire of Air, for abiding from THE QUEEN'S Army along with the lord GOVERNOR at Coldinghame, for Besieging the Place thereof, and expelling the enemies of England furth thereof.—ALEXANDER THOMSONE, in Helys,

¹ Others are afterwards charged for the same offence. to this reign, in relation to this and all the other RAIDS.

² See numerous entries in the Appendix

found caution for abiding from the same Raid, to have met at THE WEST MARCHES. Several others called for the same offence.

Abiding from the Raids of Ancrum and Coldinghame.

May 18, 1545.—JOHN BLARE and Patrick his son, both then at the horn, found surety to underly the law for Abiding from THE QUEEN'S Armies at Alerum (Ancrum), Feb. 27, and Coldinghame, on Dec. 31; and from other Raids.

Abiding from Ancrum-moss and Coldinghame.

May 29.—DUNCAN DRUMMOND and John D. his brother found caution (David Lord Drummond) to underly the law at the next Justice-aire of Dumbarton, for Abiding from the Army at Alerum-moss and Mure, and for Befeging the Kirk and Steeple of Coldinghame.

Treasonably Assisting and Intercommuning with the English.

Jun. 8.—SIR DAVID NESBET, Chaplain, at the horn, found caution (Robert Broun of Blakburne) to underly the law at the next Justice-aire of Berwick, for art and part of treasonably Assisting and Intercommuning with our ancient enemies the English.

Slaughter of the Captain of Doune.

Jul. 3, (*apud Linlithgw.*)—JOHNE MORE, being then at the horn, found Robert Master of Grahame as surety for his underlying the law at the next Aire of Perth, for art and part of the cruel Slaughter of James Stewart, Captain of Doune.

Slaughter — Mutilation — Wounding.

Dec. 22.—WILLIAM MURRAY, (at the horn,) son and heir apparent of W^m M. of Romannos, John his brother, and . . . Thomfone, found surety¹ to underly the law at the next Aire of Peebles, for art and part of the cruel Slaughter of Sir Alexander Innes, (Chaplain); and for Assisting in the Mutilation and Wounding of James Geddes.—(Jan. 21, 1545-6.) William Murray of Romannos found surety for the same purpose.—(May 20, 1547.) The Laird of Romannos again found caution to underly the law for the same crime, and for the Slaughter of Sir Martin Ewmond, (elsewhere called 'Newman,') also a Chaplain.

Raid of Dumfries for Besieging Lochmabane Castle.

Jan. 21, 1545-6.—JOHN PERESOUN, in Petdinny, found John Strang, younger of Balcaisky, surety for his underlying the law at the next Aire of Perth,

¹ Sir Walter Scott of Branxholme, kn^t, Patrick Murray of Fawlabill, *alias* of Philiphalche, and Alexander Tayt of Pyrne, were his cautioners.

for abiding from THE QUEEN'S Army assembled by the GOVERNOR at Drumfreife, for Besieging and recovering the Castle of Lochmabane.

Slaughter of the Laird of Glorat's Brother.

Mar. 3.—JOHN SYMPILL OF FOULWOD, and John S. his son and heir apparent, Robert S. of Nobilstoune, and William his brother, and three others, found caution¹ to underly the law, at the next Justice-aies of Dumbarton and Renfrew, for art and part of the cruel Slaughter of Walter Striueling, brother of George Striueling of Glorat.

Caution for the young Laird of Calder.

Mar. 29, 1546.—JOHN SANDELANDIS, son and heir apparent to Sir James S. of Calder, kn^t, found surety (James Forestar, young Laird of Corstorphin, Alex. Lauder of Haltoune, Robert Douglas of Pumfraistoune, Robert Mowbray of Bornbowgall, John Pennycuke of that Ilk, and George Prestoune of Cragmelour) for his entry within the Castle of Edinburgh, upon twenty-four hours warning, under the pain of 10,000 li. ; and that he 'fall remane in Warde, in þe mene tyme, in þe place of Corstorphin Colege, tovne, and ʒardis þairof.'—This was afterwards deleted by command of the GOVERNOR, in terms of the following Warrant :

GUBERNATOR,

JUSTICE and Justice-Clerk, We grete ʒou weill. Forfamekill as our louit JOHNNE SANDELANDIS, ʒOUNG LARD OF CALDOUR, fand fouirté to entir in Warde quhenne ener we chargit him, vpon xv dais warnyng, vnder grite panis : And now we haue gevin and grantit oure Letteris of Licence to þe said Johnne to pas to þe partis of FRANCE, and þair remane ane certane space, as þe said Licence mair fullelie proportis. Theirfore, we faythfullie promittis to þe said Johnne, that he fall nocht be chargeit to entir in þe said Warde, nor ʒit his fouerteis falbe vnlawit for nonentre of him in Warde, quhill his returning and hame-cuming agane within þe realme of Scotland, and xl dais þairestir. OURE WILL is heirfore, and we charge ʒou, þat incontinent estir þe fycht heirof, ʒe mak ane Act in þe bukis of Adiornall of our promyse and obliffing aboue-writtine, maid be ws in maner foirsaid, anent þe said Johnne and his fouerteis, towart þe said Warde ; swa þat he or þai incur na danger for his nonentré in þe said Warde, during þe said space : Providing alwayis, þat þe said Johnne estir his hame-cuming agane within Scotland entir agane in Warde quhen he beis chargeit be ws, vndir þe panis contenit in þe Act ellis² maid þairupoune, and his said fouerteis to staud to þat effect alanerlye ;³ and þe famin Act to haue na strength during þe said Johnnis remaning bezond sey,⁴ bot alanerlie estir his returning agane within þe realme of Scotland, as said is. THIS ʒe do, as ʒe will anfuer to ws þairupoune ; kepand þis writting for ʒour Warrant. SUBSCRUIT with our hand, At Sanctandrois, þe xxix day of September, the ʒeir of God I^mV^o xlvi ʒeris.

JAMES G.⁵

Assisting the Laird of Ormistoun and the young Laird of Calder to escape from Ward.

Mar. 29.—JAMES LAWSONE OF HIERIGGIS, and two others, found cau-

¹ Allan Lord Cathcart and John Blare of that Ilk. ² Already. ³ Alone, only.
⁴ Beyond sea. ⁵ From the Original, preserved among the Warrants of Court.

tion to underly the law for art and part of the assistance afforded to William Cokburne of Ormiston and the young Laird of Calder, in breaking their Ward furth of the CASTLE OF EDINBURGH.

Treasonable Fire-Raising — Stouthreif, &c.

May 31.—JAMES GALL, Thomas Thrift, and Sir James Thrift, Chaplain, found caution (Archibald Douglas of Killpindie) to underly the law, at the next Aire of Perth, for treasonable Fire-raising, and Burning the houses and dwelling-place of Alexander Skrymgeour of Balbegys: AND for Burning Jonet his daughter: AND for Stouthreif of his Title-deeds and goods, &c.

Slaughter of the Laird of Culzeane.

Jul. 8.—ANDREW LUFÉ (Love,) being at the horn, found surety to underly the law, at the next Justice-aire of Air, for art and part of the cruel Slaughter of JOHN KENNEDY OF CULZEANE.

Abiding from the Raid of Dumbarton.

Oct. 7.—PETER GAMMYLL, dwelling in Brayhede of Corsehill, being at the horn, found caution to underly the law at the next Justice-aire of Air, for Abiding from the QUEEN'S ARMY, convened by the lord GOVERNOR at the burgh of Dumbarton, for Besieging and recovery of the Castle thereof.

Deforcing a Messenger-at-arms.

Jan. 13, 1546-7.—JAMES ORMISTOUNE OF THAT ILK found William Linlithgow of Drygrange as surety for him that he would underly the law, at the next Justice-aire of Roxburgh, for Deforcing James Sandelandis, Messenger-at-arms, in execution of Letters purchased by John Abbot of Jedburgh; and for Seizing and Tearing of the said Letters.

Abiding from the Raid of Saint Andrews.

Feb. 28.—JAMES BARTILMO, in Curry, found caution to underly the law, on Mar. 15, for contemptuously Abiding from the Queen's Army, contrary to the Proclamation, ordaining the inhabitants of Lothian to convene at SAINT ANDREWS, for Besieging and recovering the Castle of Saint Andrews.

Slaughter of the Baron of Tulymet.

Mar. 1.—JOHN CHARTERIS OF KINCLEVIN, John and David Charteris, brothers-german of Thomas C. of Kynfawnis, John Cochrane younger of Petfour, and four others, found the Laird of Kynfawnis as surety for their underlyng the law, on Mar. 15, for the cruel Slaughter of John Ayfoune, baron of Tulymet.—THE LAIRD OF KYNFAWNIS and five others, along with David

Chalmer of Seggydene, and Thomas his son and heir apparent, also found caution to underly the law for the same crime.

Casting down and breaking an Image of Saint Magdalene.

[IT may seem surprising to many readers, that so few instances occur in the Criminal Records, of proceedings against such of the early Reformers, in Scotland, as in their furious zeal defaced and overthrew so many splendid Religious Houses. In the Appendix to this and the preceding Reign, however, the reader will find many interesting notices, which have been obtained from other authentic sources, unnecessary to be recapitulated in this place. Among others which might easily be cited, the following is so remarkable, that the Editor thinks it an apt illustration of the spirit of individual Reformers, some of whom were, from constitutional timidity and other causes, compelled to recant; but afterwards, even in the face of tortures and the cruelest death, adhered to the Reformed faith. The tyrannical but vigorous manner in which the Popish clergy dealt with the first outbreakings of 'the Heretics,' as is already familiar to all, was unable to quench the faith of those good men; to whose fearless exertions, under God, we mainly owe the religious freedom which this country presently enjoys. The reader may refer, with advantage, to *Dr M'Crie's* last (5th) Edition of the Life of John Knox; where, in the Appendix to Vol. I., he gives many interesting particulars of the 'SCOTTISH MARTYRS.'

'WALTER STEUART, brother to *Andrew Stewart Lord of Ochiltrie*, was accused before BISHOP DUMBAR OF GLASGOW, in Marche (1533), for CASTING DOUNE ANE IMAGE IN THE KIRK OF AIRE. He recanted his oppinionns, after long dealling with him. Bot in his returning hame, he drowned in the Watter of Calder; so that, falling from his horse, none could rescue him. At lenth, getting hold of a great stane in the watter, he cried to his frinds and exorted them that they (should) take example by him not to redeeme life by recanting of the truthe; for experience there proved it would not be sure. He protested he was there to die in the trnth which he profesed; and that being sorie for his recantatioun, he was assured of the mercie of God, in Christ. He willed them to remember this work of God to their onne proffit. Being overcome and drawne from his grip of the stane, (he was) drowned, notte being able to rescue him in the deep whither he was caried. Howbeit the watter was not deep quhair he first fell. *George Guide*, one of the cheeff Clerks of the Colledge of Judges in Edinbrugh, riding behind him upon the same horse, was saved.']

Mar. 16.—STEPHEN BELL found Robert Mowbray of Bernbowgall as surety for his underlying the law on Mar. 29, for Casting down and Breaking AN IMAGE OF SAINT MAGDALENE, within the Chapel of the town of Lany; and for other crimes contained in his Letters.

Abiding from the Raid of Lauder.

Mar. 25, 1547.—WILLIAM BROWN, and forty-seven others, (all at the horn,) found Sir Neil Montgomery of Langschaw, kn^t, as surety for their entry to underly the law, at the next Aire of Lanark, for Abiding from the Queen's Army convened at LAUDER, in Sep. 1545, for resisting our ancient enemies the English; and for other crimes contained in their Letters.

Assythment for Mutilation referred to the Treasurer.

Mar. 26.—THOMAS KENNEDY OF KNOKDAW, and David and Fergus

his fons, found Sir John Lawmond of Innerynne, kn^t, ‘ that pai for þame felffis and pair complices fall affythe, fatefy, and pleife *Robert Cathcart of Carletoune*,¹ for þe Mutilatioune committit be þame vppone him ; and alfe fall pleife þe Lord of Bargany in all behalffis, and his rycht, actionne, and interes in þe premissis, as my lord of Dunkeld, Thesaurer, fall pleife to modefy, vndir þe pane of ane thousand pundis : Quhilk modificatioune falbe insert in þe bukis of Adiornale, and to haue þe strength of ane Act pairof.’²

Barbarous Slaying of Cattle — Destroying two Houses, &c.

Jul. 24.—ALEXANDER CUMMYNG OF ALTER found surety (John Earl of Sutherland) for his entry ; and he became cautioner for John and Hugh C. his son and brother, and ten others, to underly the law on Aug. 9, for art and part of cruelly Cutting the backs of eleven oxen and cows with their swords, and thereby slaying them, belonging to Alexander Vrqubard of Burrisgardis : AND for casting down and destroying two houses built on his said lands.— (Aug. 1, *apud Sanct Androis*.) Continued to the Aire of Elgin, for the above and other crimes of Oppression, &c.

The Laird of Dalhoussy to remain in Ward, &c.

Feb. 5, 1547-8.—NYCHOLACE RAMSAY OF DALHOUSSY found caution to the amount of 10,000 merks, that he ‘ fall remane in Waird, in sic place as my Lord GOVERNOUR fall command him to, and nocht depart furth of the famin, without his Licence had and obtenit pairuponne.’—John Lord Borthuik, John Cranstoune of that Ilk, Andrew Johnnestoune of Elphinstoune, Eduard Sinclare of Drydene, and John Ramfay of Hawis were his sureties, whom George his son and heir apparent bound himself to ‘ freithe, releif, and keip skaithles.’—Mar. 4. He found caution of new³ to remain in Ward ‘ within þe boundis of Fife, induring my Lord GOVERNOURIS will : AND þat his sone and air fall keip þe HOUSE OF DALHOUSSY fra all inyureis, salang as possibill is ; and falbe reddey and obedient to my lord Governour, as he fall pleife command and charge ; and þat he falbe reddey to serue my said lord Governour with all his folkis, freindis, and tenantis, quhen he beis requirit : And þat þe said Nycholl fall entir agane in Waird within þe Castell of Edinburghe or Blaknes, within thre dayis nixt after he be chargeit pairto, be our souerane lady, my lord Governour, or pair Letteris.’

Straling a Gold Chain, &c.

Mar. 15.—JOHN CARKETTILL OF FYNGLENNE found caution to underly

¹ See May 10, 1549. ² Richard Maitland of Lethingtoun, John Sinclare of Herdmanstoune, and James Herrot of Trabroune, became bound to the extent of 1000 li. each. ³ See May 10, 1549.

the law, on Apr. 14, for Stealing a gold chain and silver girdle from Johan Richertsfoune, relict of John Manchane, burghers of Edinburgh, furth of her house in Edinburgh, in February last.—Continued to May 15.

Assisting the Rebels in Castle of Saint Andrews.

Mar. 24.—JOHN CASTARIS, citizen of St Andrews, found caution to underly the law at the next Justice-aire of Fife, for Assisting the Rebels in the Castle of Sanctandros,¹ and being in company with them ; and for other crimes contained in his Letters.

Abiding from the Raid of Portincraig.

Mar. 26, 1548.—MR JOHN ARNOT, burghers of Edinburgh, found caution to underly the law for Abiding from the Army of Portincraig, for resisting our ancient Enemies the English.

Detaining the House of Scrabister — Seizing the Fruits and Teinds of the Bishoprick of Caithness, &c.

Mar. 30.—ROBERT BISHOP-ELECT OF CAITHNESS,² Sir John Mathefoune Chancellor of Caithness, Hercules Barculay Rector of Cannisby, and three others, found GEORGE EARL OF ERROL surety for their underlying the law on Apr. 30, for Stouthreif, taking and detaining from Mr Alexander Gordoune Postulate of Caithness,³ the House and Place of Scrabister : AND for seizing upon the fruits, teinds, and other emoluments of THE BISHOPRICK OF CAITHNESS : AND for breaking THE QUEEN'S Protection granted to the said Mr Alexander, his servants and tenants of the said Bishoprick.

Treasonably Assisting the English.

Apr. 14.—GEORGE HOPPRINGILL OF TORWODLIE found surety to underly the law on May 29, for treasonable Assistance afforded to our ancient enemies of England, giving and taking Assurance from them ; and for other crimes contained in his Letters.⁴

¹ Numerous notices of Remissions, &c., to individuals for their adherence to THE MASTER OF ROTHES, Kirkealdy of Grange, and others, implicated in detaining the Castle of St Andrews against the royal authority, and for the Murder of CARDINAL BEATON, will be found in the Appendix to this reign.

² He was brother to the Earl of Lennox, but never was in Priest's orders. Owing to the part he took with his brother against THE EARL OF ARRAN, Governor of the kingdom, he absconded with him. Having embraced the Protestant faith, he afterwards got a gift of the Priory of St Andrews—succeeded to the Earldom of Lennox in 1576, which in 1579 he resigned to his grand-nephew, ESME STEWART LORD D'AUBIGNY ; and subsequently obtained for himself the title of EARL OF MARCH.—See *Douglas's Peerage*, *Keith's Bishops*, &c.

³ Son of George Earl of Huntly. ⁴ On Oct. 9 following, Cuthbert Cranstoun of Maynis found caution for the same offence, and several others were summoned. Many other instances may be found in the Appendix to this reign.

Abiding from the Raid of Langholm.

May 30.—GILBERT LAW, in Eifter Ogill, found caution to underly the law at the next Aire of Forfar, for his contemptuously Abiding from the Queen's Army at Peebles, Jun. 30 last, for Besieging and recovery of the House and fortalice of Langholme, taken and detained by our ancient enemies of England.

Assisting the English — Keeping the House of Bukcane.

Jun. 5.—ROBERT HOPPRINGILL OF BLYNDLEY, and five others, found the Laird of Torwodley as surety for their underlying the law at the next Aire of Selkirk, for treasonable Assistance, giving and taking Assurance with our ancient enemies the English, and keeping the House of Bukcane (Buckholm ?) belonging to James Hoppringill of Tymes, and pasturing the lands thereof.

Treasonably Assisting the English.

Jun. 20.—CUTHBERT CRANSTOUN OF DODDIS found George Lord Hume surety for himself, Cuthbert Howlatsonne, and fourteen others, to underly the law on Jul. 31, for treasonable Assistance given to our ancient enemies the English.¹

Abiding from the Raids of Langholm, &c.

Aug. 13.—JOHN STRATHAUCHIN, in Kincragy, (at the horn,) found caution to underly the law at the next Aire of Aberdeen, for contemptuously Abiding from the QUEEN'S Armies convened at BIGEAME (Birgeame), LANGHOLM, SANCTANDROIS, and HADINGTOUNE, for resisting our ancient enemies the English, and for defence of the kingdom.

Caution for the Laird of Lethingtoun.

Aug. 14.—RICHARD MAITLAND OF LETHINGTOUNE found George Lord Seytounne, as his surety, that he would enter within the Castle of Edinburgh, or elsewhere, when and where it might please the lord Governor, on forty-eight hours warning: And that the said Richard shall remain a good and faithful subject, and remain within the kingdom, and have no intelligence with our ancient enemies the English—under the pain of 10,000 l.

Keeping the Castle of Saint Andrews against the Queen.

Aug. 27.—JOHN SIBBET (at the horn) found Andrew Lundy of Balgony cautioner for his underlying the law at the next Justice-aire of Fife, for art and part, along with Norman, formerly Master of Rothes, James Kirkcaldy of Grange,

¹ A number of others, persons of no note, found caution to answer for the same crime.

and their accomplices, in detaining the Castle of St Andrews against the Queen and Governor and their authority.¹

Abiding from the Raid of Gladismuir.

Nov. 21.—JAMES ASCHYNNANE in Elyok (at the horn) found surety to underly the law, at the next Aire of Kirkeudbrycht, for Abiding from the QUEEN'S Army, ordained to convene upon the Muir of Gladismuir, Aug. 20 last.

Abiding from the Raid of Mussilburgh.

Nov. 21 and 30.—MATHEW DOUGLAS, YOUNG LAIRD OF MANIS, found John Cragingelt of that Ilk, and ROBERT MONTGOMERY of Makbehill, and John M. found Gilbert Earl of Cassillis surety for their underlying the law at the Justice-aires of Dumbarton and Air-Douglas; viz. for abiding from several Armies of the Queen, and the other parties for abiding from the Army appointed to convene at Mussilburgh. They were all at the horn, and caution was allowed to be received, for their appearance, by Warrant of the Privy Council.

Professing the Doctrines of the Reformation — Alleged High Treason — Case of Judicial Murder.

[AMONG the too frequent instances of JUDICIAL MURDER, which unhappily disfigure our early Scottish Annals, the Case of SIR JOHN MELVILLE OF RAITH is perhaps one of the most remarkable, although the circumstances have been hitherto but little known. *Knox* and *Buchanan* are the only early Historians who take any notice of this Case; but even they have barely related the fact of his execution. It is not improbable, that the particulars having been matter of notoriety in their days, they had, on that account, deemed it unnecessary to enter very minutely into the details,² which would doubtlessly be fresh in the memory of all their contemporaries. In this manner, much valuable information has, in many instances, been irretrievably lost to posterity, through the author's fear of being accused of prolixity in rehearsing events which every one was then presumed to know as well as himself.

The Editor having had the original of the following interesting GIFT, dated Feb. 12, 1562-3, pointed out to him by *Thomas Thomson, Esquire*, Deputy Clerk Register of Scotland, he felt so much interested in the apparent iniquity of the death and forfeiture of this virtuous man, as to be induced to make a pretty extensive enquiry into the facts attending his Trial, of which, however, no traces are now to be found in the mutilated and imperfect Criminal Records of that period.

The truly learned and indefatigable *Dr M'Crie*, in his illustrations of the History of the Reformation³ in Scotland, after commenting on the rigorous and tyrannical conduct of THE REGENT ARRAN, and his brother the *Archbishop of St Andrews*, against those Barons and gentry who were the most distinguished favourers of the Reformed opinions in Religion, states, that, instead of attempting to prosecute them for Heresy, they rather preferred to bring them to Trial for alleged crimes against the State. Among others who were banished, and had their estates forfeited, he instances *Cockburn of Ormiston* and *Crichton of Brunston*; and he then shortly notices the present case, thus—‘SIR JOHN

¹ On Sep. 12, 1548, SIR JAMES AUCHINLECK found John, Master of Glencairn, as surety for him to underly the law for the same crimes—and others also were charged from time to time. Reference may likewise be made to the Appendix, where numerous other instances will be found.

² See *Knox's Historie*, p. 82; *Buch.* I, 302.

³ *Dr M'Crie's Life of John Knox*, (third Edit.) I, 164.

MELVILLE OF RAITH, a gentleman of distinguished probity, and of untainted loyalty, was accused of a traitorous connexion with the enemy; and although the only evidence adduced in support of the charge was a Letter written by him to one of his sons then in England, and although this Letter contained nothing criminal, yet was he unjustly condemned and beheaded.¹

Bishop Leslie, and others of our Historians and Chroniclers, are entirely silent on the subject; but fortunately several MS. authorities concur in the accounts which they have respectively given of this disgraceful tragedy. According to the Editor's usual plan, he begs to lay these before the reader, as the best mode of enabling every one to form an impartial opinion, from contemporaneous or early sources.

The first authority which shall be cited is that of *Johnston's MS.*,¹ where the subject is thus introduced:—'THE Slauchter of WILLIAME LORD CREICHTOUN, ane Baroun of Parliament, was as the *fiyff* prefaidg of their² futur tyrrannie, quho was slayne in THE GOVERNOURIS awin Hous, almaist in his awin sicht, be ROBERT SEMPLE; bot the committer of the Slauchter was exeamed be intercessioun of the *Bisshopis* harlot, quho was *Semple's* dochter. The *Archbisshop*, in the lait KINGIS lyf-tyme, maid professioun of the pure Religioun to thois quhom he moit trustit; bot, eftir his death, he ran heid-longis in all kynd of vyce. Amangis many wtheris his harlotis, he interteayned this Harlot *Semple*, nather bewtiful, of gude fame, or wtherwayis in any fort notable, except his awin kynfman, and followed him as scho had bene his lauchfull wyffe. The *sewind* was the death of JOHNE MELUILL, ane nobill man of Fyff, quho was ane of THE KINGIS moit familiaris, quhois Lettres fend and writtin to ane certane Englisman, recommending vnto him ane freind of his, takin Pressoner, war intercepted. Althocht pair was no suspitioun of any crime conteaned in thame, 3it (was) the wrytid Lettre and wrytter pairof harlid to judgment. His landis gewin to DAUID (HAMILTON), the Governouris sounger sone, maid the punischnent moir filthie. The arme of theise infamous deidis twitchid bot a fewe, the invy many, bot the example perteneit almost to all.'

The next authority is that of *Anderson's MS.*, the author of which narrates the event in these terms:—'IN this meantyme³ (but others writ pat it was the Winter before) did þe LARD OF RAITII moit innocentlie suffer, and after was forfalted, becaufe þat he writ a Bill to his sone, *John Melvin*, who then was in England, which was alleged to have been found in þe HOUSE OF ORMESTON.⁴ But many suspected þe pranks and craft of one REIN₅EAN COKBURNE, now since called CAPTANE REIN₅EAN, to whome þe said Letter was delivered. But howsoever it was, þe cruell beafts, the *Bisshop of Sant Andrewes* and the *Abbot of Dumfermling*, ceased not till þat þe heid of the Gentleman was stricken frome him; especiallie, becaufe þat he was knowen to be one þat vnfaynedlie favoured þe trewth of GODIS word, and was a great freind to those þat were in þe CASTELL OF SANT ANDREWES, of whose deliverance, and of GODIS wonderfull working with them during þe tyme of pair bowndage, we may now speak, least that in suppressing of so notable work of GOD we mycht justlie be accused of ingratitude.' &c.

*Calderwood*⁵ likewise notices *Sir John Melvill's* murder in similar terms.—'IN this year (*circa* 1550) JOHN MELVILL, LAIRD OF RAITH, in Fife, ane aged man, and of great account with KING JAMES V., was Beheaded for writing a Letter in favours of a captive to ane Englisman, his own Bastard son,⁶ as is reported, Prisoner for the time to the Englisman, to whom he recommended him. Although ther was not the least suspicion of any fault, yet lost he his head. The letter, as was alleged, was found in THE HOUSE OF ORMISTONE. Manie suspected the craft and pranks of *Ninian Coekburne*, afterward called *Captain Ninian*, to quhom the said Letter was delivered. Howsoever it was, the cruell beafts, the Bishop of Sanct Andrews and the Abbot of Dumfermling,

¹ *Johnston's MS.* Hist. of Scotland, Adv. Library, chiefly compiled from Buchanan, &c. during the reign of King James VI. ² The Regent and his brother. ³ Immediately after the taking of Broughtie Craig from the English. ⁴ On its being recovered out of the hands of the English Army. ⁵ *Calderwood's MS.* Church Hist., Adv. Lib. I. 308. ⁶ Referring to the captive, who was his natural son.

ceased not till the head of the Nobleman was stricken from him; especially, because he was knowne to be one that unfeignedlie favoured the truth. They were not content of his death, till that he was Forfaulted also, and his patrimonie bestowed upon *David Hammitone*, THE GOVERNOUR'S youngest son.'

The following VERSES on the LAIRD OF RAITH'S EXECUTION, by *John Johnstone*,¹ may also be considered interesting by many readers, when viewed in connection with these desultory notices.

JOHANNES MALVILLUS, RETHIUS,

Nobilis Fifanus, Jacobo V. Regi, olim familiarissimus, summa vitæ innocentia, ob puræ Religionis studium, in suspicione falsi criminis, iniquissimo judicio sublatus est, Anno Christi, 1548.

Quidnam ego commerui? Quæ tanta injuria facti?
 Hostis ut in nostrum fieviat ense caput?
 Idem hostis, judexque simul. Pro crimine, Christi
 Relligio et fædo crimine pura manus.
 O secla! O mores! Scelerum sic tollere pœnas
 Ut virtus secleri debita damna luat.

It only remains to mention, that there is some doubt with respect to the date of this event, as several of the preceding authorities class it with occurrences of the year 1550. The following quotations, however, from the LORD HIGH TREASURER'S ACCOUNTS, seem to fix it with tolerable precision.

'Dec. 3, 1548.—*Item*, Writtingis to þe Lairdis of Balmowto, Balwery, Petfyrrane, and to all þe Lairdis and Gentilmen of FYF,² to be heir, (in Edinburgh,) Dec. v^{to}, vpoun þe LAIRD OF RATHIS ASSISE, xxij s. vj d.

'Dec 5.—*Item*, to Adame M^cCullo, Purfewant, fend agane to FYF to summond ane Assise to the Laird of Raith: And to execute Summoundis of Treffoun vpoun þe Laird of Petmillé and Mr Henry Balnavis, to þe xxj day of Februar, xxxiiij s.'

The enquiring reader is referred to much interesting matter relative to the persecutions of the early Reformers, in the last Edition of *Dr M^cCrie's* valuable work on the Reformation.³]

GIFT by Mary, Queen of Scots, in favour of 'Johnne Meluile, son of vmquhile (Schir) Johnne Meluile of Rayth' (knycht), of all Reversions which belonged to his deceased father, previous to his Forfeiture.

MARIE, be the grace of God, Quene of Scottis. To all and findrie oure liegis and subdittis quhome it efferis, quhais knowlege thir oure Lettres falcum, greting. Witt 3e ws to haue gevin and grantit, and be thir our Lettres gevis and grantis To our louitt, JOHNNE MELUILE, sone of vmquhile JOHNNE MELUILE OF RAITH, KNYT, his airis and assignais, all and findrie Reuerfiones, maid be quhatfumeuir personis to the said vmquhill *Johnne Meluile*, his fader, gudeschir, or ony vperis his predecessouris, vpoune quhatfumeuir landis, annuelrentis, or vtheris rowmes and possessionis aunaleit be thame or ony of þame, to quhatfumeuir personis, thair airis and assignais: Quhilk Reuerfionis pertentit to the said vmq^{le} Johnne, as his proper evidentis and heritable richtis, for redemptioun of

¹ *Johnstoni Heroes*, Lugd. Bat. 1603, pp. 28, 29. ² There is another entry for summoning 'diuerse BARONIS OF LOUTHIANE.' ³ *Dr M^cCrie's* Life of John Knox, *passim*, and especially the Note appended to Vol. I. of the *Fifth* Edition, respecting SCOTTISH MARTYRS.

þe faldis landis, annuelrentis, rowmes, and possessionis, and now pertenis to Ws, and ar become in our handis, be reffone of Efcheit, throw þe pretendit DOME OF FOIRFALTOURE and Decreit led and gevin aganis the said vinq^{le} *Johnne Meluile* ffor certane allegit crymes of Treaſoune, allegit committit be him, quhairof he wes convict and juſtifeit to the death : Like as, at mair lenthe, is contenit in 3e fald pretendit Dome of Foirfaltoure and Decreit gevin aganis him thairupoune. TO BE HALDIN and to be hade all and findrie þe foirnemmit Reuerſions to the said *Johnne Meluile*, his airis, and affignais, with all and findrie commoditeis, fredomes, proffittis, and richtius pertinentis quhatſumeur, pertening, or richtiuſſie may pertene þairto. With power to the said *Johnne Meluile*, his airis, and affignais, to redeme and quytout the faldis landis, annuelrentis, rowmes, and possessionis, fra the pretendit heritable poſſeffouris thairof reſpectiué, and all vtheris quhome it efferis, be vertew of þe faldis Lettres of Reuerſiounis, reſpectiué ; and to vſe þe ſamyn to þat effect, ſiclike, and als frelie in all thingis as þe ſaid vinq^{le} *Johnne Meluile* might haue done before þe ſaid pretendit Dome and Decreit of Foirfaltoure ; and þe ſamyn being redemit and quitout, be vertew of þe Reuerſionis foirfaldis, We Ordane new Infeſtmentis to be gevin to the said *Johnne Meluile*, his airis, and affignais, off all and findrie Landis, annuelrentis, rowmes, and possessionis quhatſumeur, alſwele haldin of Ws as of quhatſumeur vtheris Superiouris thairof, within þis oure realme, nochtwithſtanding þe pretendit Foirfaltour foirfald ; and with all and findrie vtheris commodittis, fredomes, and priuilegis apertening thairto, ffrelie, quietlie, weale, and in peax, bot ony Reuocatioune, obſtacle, impediment, or agane-calling quhatſumeur. QUHAIRFORE, We charge ſtraitlie and commandis 3ow, all and findrie oure liegis and ſubdittis foirfaldis, that nane of 3ow tak vpoune hand to mak ony impediment, latt, or diſtrublance to the ſaid *Johnne Meluile*, his airis, and affignais foirfaldis, in the peceable brouking, joſing, vſing, intro-metting, and diſponing vpoune all and findrie þe foirnemmit Reuerſionis, efter the forme and tennoure of þir oure Lettres, vnder all hieaft pane and charge þat efter may follow. GEVIN vnder oure Prinie Seile, At Edinburghe, the twelff day of Februare, the 3eir of God I^m.V^c. threfcoir twa 3eiris, and of our reigne þe twenty ane 3eir.

Per Signaturam manu s. d. n. REGINE ſubſcriptum.

Abiding from the Raid of Gladismure.

Apr. 13, 1549 — WILLIAM RUTHVENE OF BALLENDENE found William Lord Ruthvene as ſurety for his entry, on May 14, to underly the law for contemptuouſly Abiding from the Queen's Army ordained to conuene at Gladif-

muir,¹ Aug. 20. laft, for Befieging the town of Hadingtoun, and for recovery thereof out of the hands of our ancient enemies, the English.

Slaughter of the Laird of Cuthilgurdy, &c.

THOMAS BLARE OF BALTHYOK, and Thomas his fon, John Moncur of Balluny, and nine others, found furety² to underly the law, on May 14 next, for art and part of the cruel Slaughter of Sir Henry Dempftare, Chaplain, John Charteris of Cuthilgurdy, Richard Brown, Alexander Charteris, Alexander Gray, John Pullour, and Robert his fon; and for all other crimes contained in their Letters.—SIR ROBERT OISTILLARE was replegiated by the Vicars-General of St Andrews; and Thomas Broun *alias Theif* was replegiated by Patrick, Bishop of Murray, perpetual Commendator of Scone.

Murder of Ross of Craigtoun, Lady Ballunye, &c.

THOMAS CHARTERIS OF KYNFAWNIS found furety³ to underly the law, on May 14, for the cruel Slaughters and Murders of James Rofs of Cragtoun, Gilbert Moncreif, and Margaret Douglafs Lady Ballunye; and for other crimes contained in his Letters.—(May 14.) Several others were likewise put to the horne, &c. for the fame crimes.

Mutilation — Hurting and Wounding.

May 10.—DAVID KENNEDY, and Thomas his brother, fons of Thomas K. of Knockdaw, were Respited for Mutilating Robert Cathcart of Carletoune⁴ of his left hand, and Hurting and Wounding him in the face: And for Convocation of the lieges in Jan. 1546-7. Robert Master of Sympill became cautioner for fatisfying the parties.

Slaughter.

May 13.—JAMES WOD OF BONYNGTOUNE delated of art and part of the cruel Slaughter of Mr Hugh Guthre.—Proved to be fick. Richard Maitland of Lethingtoun became furety for his entry at the next Aire of Forfar.

Inbading the Master of Sempill for his Slaughter.

May 27.—JOHN MUIR OF CAULDWELL, William, Archibald, Robert, Hector, and James Muir, his brothers, and twenty-fix others, Convicted of Inbading ROBERT MASTER OF SYMPILL, and his fervants, armed in warlike man-

¹ Andrew Schaw of Sornbeg got a Remission for his absence from another Raid at Gladismure, in September following.

² William Moncreiff of that Ilk.

³ David Bruce of Kynnard.

⁴ See Mar. 25, 1547, for farther particulars of this Case.

ner, near the Place and Tower of Cauldwell; and putting them to flight, for their Slaughters; committed of forethought felony, on Apr. 9. last.

Absentes ab ASSISA Domini de Cauldwell, &c.

Ninian Lord Rofs,	William Wallace of Ellerflie,	The Laird of Lufs,
The Laird of Stanelie,	William Wallace of Johnestonne,	George Buchquhannane of that Ilk,
Mathew Dowglas of Manis,	The Laird of Balvey,	James Mortonne of Walkinhaw. ¹

Murder of two Pregnant Women — Stouthreif, &c.

May 28.—WILLIAM WALDY, William Gracy, and James Fothringehame, Convicted of art and part of the cruel Slaughter and Murder of Helen Striueling Lady Ullishavin, spouse of James Stratoune, and Jonet Sawlie, her servant, within the Place of Dullady; committed under silence of night, of forethought felony, on Apr. 24 last; the said Helen and Jonet being pregnant at the time of the said Murder: AND also of breaking up the chests of the said James Stratoune; and stealing and reiving, furth of the said Place and chests, all the goods and jewels contained therein.—HANGED.²

Parricide — Murder of Lady Ullishaven.

May 29.—JOHN LICHTOUNE OF VLLISHAVEN denounced rebel, and put to the horn, as fugitive from the law, for the Murder of the said Helen Striueling, his mother, and Jonet Sawlie, her servant.

Supplying the English at Broughty-Craig, &c.

July 2.—EGIDIA GRAY, sister of James Gray in Buttingask, put to the horn for not underlying the law for her treasonable Intercommuning, refet, assistance, and supply afforded to our ancient enemies the English, being in the fortalices of Bruchty-Craig and Brakan-hill.—(July 3.) JONET HUME, relict of Andrew Gray in Dvynnalde, found John Hume of Coldenknollis as surety for her entry, at the next aire of Forfare, for the same crime.

Supplying the English at Lauder — Common Treason.

Jul. 18.—WILLIAM LAUDER, in Lauder, Convicted of the treasonable Intercommuning, refett, supply, and assistance given to our ancient enemies the English, being within the Fortalice near to the burgh of Lauder; continually furnishing them with meat and drink, from the time of the building thereof, in the month of . . . 1547: AND for leading and conducting the said English to the foresaid Fortalice, and other places at their will, to the spoiling, waisting, and destruction of the kingdom, and conquest thereof; revealing and shewing to our said enemies the secrets of the kingdom: AND specially, for carrying and fend-

¹ Each of these persons, along with the Laird of Craighernard, was fined L.20.

² See May 10, 1550.

ing Letters and clofe writings of SIR HUGH WILLEBY, and other Englishmen, within England and Scotland, in a treasonable manner: AND for common Treason.—BEHEADED.

Usurpation — Imprisoning a Messenger and Witnesses.

Aug. 13.—THOMAS MAWLE OF PANMURE, John and Robert his brothers, David his cousin, Henry Ramsay of Panbride, James Strauthauchin of Balwiffye, and sixty-seven others, denounced Rebels, and put to the horn, for not underlying the law, for Convocation of the lieges to the number of 200 persons, armed in warlike manner, coming to the lands of Pannethy, belonging to Thomas Douglas and Elizabeth Liddale his spouse; and there, on Jun. 12 last, hindering the execution of a Precept of ejection ordained to be executed against the Tenants; and cruelly invading the Officer and witnesses, and forcibly taking them captive to the Place of Pannmure, and detaining them in prison, under captivity, Ufurping thereby the QUEEN'S authority.

Intercommuning with the English at Broughty.

Nov. 26.—MR JAMES BETOUNE denounced rebel, and put to the horn, &c. for not underlying the law, for treasonably going to the Fortalice of Bruchty, kept by our ancient enemies the English: AND for Intercommuning, speaking, and treating with SIR JOHN LUTERALE, Captain thereof, for the subversion and subjugation of the whole country adjoining the said Fortalice; Committed in the months of June, July, and August, 1548.

Abiding from the Host at Edgebuckling-brac, &c.

Nov. 28.—ROBERT BETOUNE OF CREICHE, and MICHAEL BALFOUR OF BURLIE, became in Will for Abiding from the Queen's Army at EGEBUKLENEBRA,¹ on Sep. 5. last, convened for resisting our ancient enemies of England, and for defence of the kingdom: AND for their retiring from the Army convened upon the Muir of Rosling, upon Oct. 20, before the expiry of the term assigned, without Licence obtained from the GOVERNOR; notwithstanding the Proclamation of Oct. 30. last, that no Baron nor Laird should retire therefrom, without special Licence.

GUBERNATOR,

JUSTICE CLERK and your deputis, we grete you weil: Forfamekill as we haif

¹ *Hume of Godscroft*, in his History of the House of Douglas and Angus, quotes a fragment of a doggerel rhyme made upon THE EARL OF ARGYLE'S expedition against THE EARL OF ANGUS (*Bell the Cat*), which was popular in his day. It mentions this place.

'The Earl of Argyle is bound to ride From the border of EDGE-BUCKLIN-BRAY,
And all his Habergeons him beside, Each man upon a sonke of stray.

They made their vow that they would slay,' &c.

Remittit, forgevin, and dischargit to our louittis ROBERT BETOUNE OF CREYCH and MICHAEL BALFOUR OF BURLE, þe Will in quhilk þai becom befor our fouerane ladeis Justice and his deputis, in þe Justice Court haldin in þe Tolbuith of Edinbur þe xxvij day of November last bipast, for þair Remaining fra þe Raid diuifit to conuene at Egebuchlenbray, þe fift day of September last bypast. QUHAIRFOR we charge you, þat incontinent eftir þe sycht heirof 3e deleit and put furth of þe bukis of Adionale þe Act maid, quhair þe saidis perfonis becom in Will, as said is: As 3e will anfuere to ws þair-upone; kepand þis writing to your Warrant. SUBSCRICIT with oure hand, At Falkland, þe xvij day of Februare, þe 3ere of God I^m.V^c.xlix 3eris. JAMES G. JOANNES THE^s.

Fire-raising, by a female, punished by Branding and Banishment.

Dec. 10.—ISSOBELLA M^cFERLANE Convicted of art and part of treasonable Fire-raising and Burning of the dwelling-house of Jonet Glas, in Wester Kirrewachter, on Sep. 1 last, under silence of night, together with all the victual, cattle, and goods therein; thereby committing public Treason and common Oppression.—SENTENCE. To be BRANDED on the cheek, and thereafter to be BANISHED from the stewartry of Stratherne, under pain of Drowning.

Resetting a Traitor and Englishmen — Fire-raising.

Dec. 16.—WILLIAM NEWTOUNE OF THAT ILK, John his brother, and seven others, found caution to underly the law on Feb. 3 next, for Resetting Cuthbert Newtoun, Traitor, and several Englishmen in company with him: AND for Burning the house of Mathew Dollace, in Over Saltoun, &c.

Intercommuning with the English at Broughty Castle.

Dec. 20.—JOHN LORD INNERMEITHE dilaited of treasonably going to the Fortalice of Bruchty, kept by our ancient enemies the English, and Intercommuning and treating with SIR ANDREW DUDLEY, Captain thereof, for Fire-raising and plundering the country and lieges.—David Master of Craufurd became firety for his entry, on Jan. 27 next.

The following persons were anerciaded for not appearing to pass on this Affise, viz. JOHN LORD GLAMMYS, Symon Prestoun of that Ilk, Alexander Grahame, young Laird of Southfeild, the Lairds of Restalrig, Sherehall, Lundy, Kynfawnis, Lugtoun, Wauchtoun, and Carnok.¹

Crimen Falsi — Interlining Signet Letters.

MARIOTA OGILUY, dilaited of Falsifying and causing the interlineation of her Majesty's Letters, under the Signet, dated Dec. 3, anno regni 1 (1543), and for adding upon the margin of the conclusion thereof, 'William Murray his spous,' and for using the faue Letters.

¹ Their names are not specially entered in the Record.

ABSENTES *ab Affisa Mariote Ogiluy.*

John Erskin of Dvne,	The Laird of Inrichty,	William Sinclare of Myreside,
Symon Prestounne of that Ilk,	John Scrymgeour, Constable of	The Laird of Restalrig,
William Ruthvene of Ballindane,	Dundee,	Patrick Hepburne of Wauch-
James Crawford of Auldbar,	Robert Sinclair of Litill Blair,	towne,
George Falconar of Findowne,	Dauid Gardin of Leis,	The Laird of Carnok,
Dauid Wod of Craig,	Alexander Wallein ¹ of Wodwra,	The Laird of Lundy,
James Wod of Bonyntoune,	. . . Oliuer of Gagy,	The Laird of Lugtoun.
William Murray of Banheid,	The Laird of Bahamone,	

Jan. 27.—William Master of Craufurd, as surety, was amerced for her non-appearance this day; and she was denounced Rebel, &c. and all her moveables were ordained to be escheated.

Waylaying — Invasion — Oppression.

Mar. 3, 1549-50.—MARGARET HUME, Prioress of North Berwick, was replegiated by the Official of St Andrews, within the Archdeanery of Lothian, to underly the law for the Waylaying and Invasion of Alexander Oliphant of Kellé (Kelly) for his Slaughter, and for other crimes of Oppression committed against him and Alexander Gourlay of Kincraig.—Alexander Hume in (of) North Berwick became surety for her appearance at the Court of the said Official, within the Collegiate Church of St Giles, (Edinburgh,) on Apr. 30 next.—MR ALEXANDER WOD, Vicar of North Berwick, was also replegiated.

Hamesucken — Oppressing the Prioress of North Berwick, &c.

ALEXANDER OLIPHANT OF KELLE (Kelly) amerced for not entering Florimont Strang in Kellé, and five others, to underly the law, for art and part of the forethought felony, Hamesuckin, and Oppression done to MARGARET Prioress of North Berwick and her servants, coming to her lands of Grange, lying within the shire of Fife, in the month of June last, and besetting the way to the said Prioress and her servants for their Slaughter; and besieging them within the Mansion-house of the said lands. ‘*DELETUR de mandato domini GUBERNATORIS et THESAURARII, per eorum Preceptum.*’—JOHN SPENS, John and Alex. Gibsoun, and John Sinclare, ‘defyrit proces, and pame to be put to þe knowlege of ane Assise; and þat na Assise wer summond, nor na pairty compeirit to perfew þame for þe saidis allegit crymes, tuke instrumentis, and protestit for remeid of law.’—The Laird of Kelly, and twenty-one others, found Alexander Lindsay, Captain of Fynnevin, surety for their appearance, on Apr. 16, 1550.²

¹ Probably Vallene or Vallance.

² From the above notice, it would appear that the matter was compromised, through the interference of the lord Governor; but, on May 8, 1550, the Case was referred to the Justice-aire of Fife immediately following. John Blacater of Tullyalloune became cautioner for their entry.

Treasonable Fire-raising, &c. — Intercommuning with the English — Receiving English Pay — High Treason, &c.

Mar. 17:—RICHARD LATYMER OF THAT ILK Convicted of treasonable FIRE-RAISING and BURNING THE TOWN OF DURRISDEIR, in company with SIR HENRY QUHERTOUNE, (*Wharton*.) Englishman, and his accomplices, in the month of March 1547: ITEM, for art and part of treasonable Fire-raising and Burning of the lands of AUCHINCASSEL and TIBBERIS, in company with the said *Henry Quhertoune*, Englishman, and of art and part of the violent Stouthreif and ‘Herreschip’ of the poor Tenants of these lands, ‘reiving’ from them five thousand oxen, cows, and sheep, together with all their goods, utensils, and household stuff, to the value of 3000 l. or thereby; committed in the month of December 1547: ITEM, for art and part of treasonable Fire-raising and Burning the Town and lands of AMISFIELD, in company with the said *Sir Henry* and his accomplices, Englishmen; and for art and part of the violent Stouthreif and ‘Herreschip’ of the poor Tenants of the said lands, reiving from them 4000 oxen, cows, and sheep, and burning their whole grain; committed during the time of Autumn 1547: ITEM, for art and part of the treasonable Fire-raising and Burning the houses, grain, and victual of *William Wauch* at BRIGTOUNE, extending to the value of 300 merks, in Spring-time 1547-8: ITEM, for art and part of the Theft and concealment of xxiiij^{xxi} oxen and cows from *Sir James Douglas of Drumlanrig, knight*, in company with THE BELLS and the English, manifest Thieves and Traitors, furth of the lands of KIRKHOIP; and driving the said cattle to England, and there disposing of them; committed in Summer 1549: ITEM, for art and part of the Theft and concealment of 80 oxen and cows from *Johu Johnstoune of that Ilk* furth of his lands, in company with the English, leading the said cattle to England, and there selling and disposing of them, in time of Autumn 1547: ITEM, as a common Thief and Traitor, part-taking against THE QUEEN and Kingdom of Scotland, and receiving daily pay from the English; and specially, from THE WARDEN OF THE WEST MARCHES OF ENGLAND, during these times of War: ITEM, for common Theft, common Refett of Theft, Outputting and inputting, in a theftuous manner, between the Scottish and English: And for a common Traitor.

SENTENCE.—To be drawn to the Gallows and HANGED; And his body to be quartered: And that his heritages, lands, and possessions, and all his goods, moveable and immoveable, shall be forfeited and Escheated to THE QUEEN, and applied to her use.

¹ Twenty-four score, or four hundred and eighty. This is perhaps one of the most atrocious cases of treasonable and wholesale robbery on record. It is mentioned, generally, in various of the Historians and Chroniclers, but as they give no new information, it has not been deemed necessary to make any quotations.

Purchasing high-priced French Wines.¹

Mar. 21.—ROBERT HATHWY, John Sym, and James Lowrie, burgesſes of Edinburgh, came in the Queen's will for breaking the Proclamation of Jan. 8 laſt, ordaining that none of the lieges ſhall preſume to purchaſe 'Burdeous (Bordeaux) wynis' dearer than 22 li. 10 s. for each 'tyme' (tun,) and 'Rochell wynis' dearer than 18 l. per tun; by purchaſing 'Cunzeok (Cogniac?) wynis' at 25 l. for each tun.—Twenty-one others are charged, of which number ten came in will, and were fined in ſums ranging from 40 merks to 40 s.; fix refuſed to find caution, and five were fugitive from the law, thereby incurring the pain of rebellion. A few others were replegiated to the Regality of Canongate.

Burning the Towns of Dalkeith and Newbottle — Treason, &c.

Mar. 24.—JAMES DEWAR, at that time a captive in England, found caution (James Lawſon of Humby) to underly the law at the next Juſtice-aire of Edinburgh, for art and part of the treaſonable Fire-raiſing and Burning the Towns of Dalkeith and Newbottill, in company with Sir James Wilfurd, General of Hadingtoun, and the Engliſh, in the months of and December 1548; and for purſuing William Ewtoune (Newtoun) of that Ilk for his Slaughtering; and for other crimes contained in his Letters.

High Treason — Oppreſſion — Hameſucken — Fire-raiſing

Mar. 24.—WILLIAM NEWTOUNE OF THAT ILK, Robert and Alexander Quidlaw, and five others, found caution² to underly the law at the next Juſtice-aire of Edinburgh, for treaſonably Reſetting Robert Newtoun; and for other crimes of High Treason; and for Oppreſſion and Hameſuckin done to Mathew Dewar, in the month of June 1548, treaſonably coming to his houſe in Saltonne and Burning thereof, with the whole goods therein.

Slaughtering — Ravishing — Imprisoning, &c.

Mar. 27, 1550.—JAMES and JOHN CRAUFURD, ſons of Hugh C. ſenior, Robert, George, and Hugh C. ſons of William C. of Barquhorn, John Beg and John Brovne, having preſumably found caution (George C. of Lefnoreſe) to underly the law for the cruel Slaughtering of William Mathy and Finlay Sym; and for Ravishing (forcible abduction) of Agnes Craufurd Lady Lefnoreſe, and detaining her in captivity for a certain ſpace; and for purſuing and invading Alexander Neſbet for his Slaughtering, of forethought felony, and ancient fleud; and for other crimes contained in his Letters: Failing to appear, the Laird of

¹ See May 4, 1555. A number of intermediate Cases of the ſame deſcription likewise occur, where high fines were exacted. It is, however, conſidered unneceſſary to cite each individual inſtance.

² Patrick Hepburne of Wauchtoune and Mark Ker of Dolphintoune.

Lochnoreis was americiated, and they were all denounced Rebels and put to the horn.—JAMES DUNBAR and Andrew Porter were also denounced for the same crimes; and David Cranford of Kerfe was americiated for their non-entry.

Slaughter — Privileges of the Sheriff of Peebles.

Apr. 30.—DUTHO¹ STEWART Convicted of art and part of the cruel Slaughter of Thomas Forestar, burgess of Peebles.—BEHEADED.

‘Compeirit Nychol Quhippo, ane of þe Scheref-deputis of Peblis, and protestit, þat howbeit he enterit þe said Dutho before þe said Justice-depute to vnderly þe law for þe said Slauchtir, at command of THE QUEENIS Letteris, and for feir of þe panis contenit þairin, That þe entre of þe said Dutho fuld nocht hurt nor preunge our fouerane ladiéis Commiffiounne granted to þe SCHEREF of Peblife and his deputis for iustefeing and pvniffing of personis committeris of sic crymes as is contenit þairin; and þairupoune took instrumentis.’

Slaughter of a son of the Laird of Cauldwell.

May 5.—PETER HOWSTOUNE, brother-german of the Laird of Howstoune, Patrick H. uncle of the said Laird, Peter H. in Park, Patrik H. porter (janitor) of Howstoune, and nine others, found caution (Alexander Earl of Glenearne, Lord Kilmawres) for their entering, on Jun. 5 next, to underly the law for the cruel Slaughter of Robert Muir, son of John Muir of Cauldwell, (on the second day of April last, under silence of night; committed on ancient fleud and forethought felony.)²

(Jun. 14.)—ARCHIBALD HOWSTOUNE was tried for the above crime, and BEHEADED.³

Murder of Lady Ullishavin and her servant.

May 10.—JAMES SCHORISWOD and twelve others found caution to underly the law, on Jul. 8, for the cruel Slaughter and Murder of Helen Striueling Lady Ullishavin,⁴ and Jonet Sawle her servant.

Assisting the English Soldiers in the Castle of Waddington.

May 16.—ALEXANDER GIBSOUN, in Mekilrig, produced a Remission from THE QUEEN for fortifying, assisting, and partaking with our ancient enemies of England in persecuting the Queen's lieges; and in carrying gun-powder⁵

¹ Duthaens.

² Patrik Muir of Anistoune, Robert Cathcart of Carloune, Duncan Kennedy of Dalquharrane, and John K. of Dunnymuk were present, and some of them were sworn as Assisors.

³ Unfortunately, the particulars of this case are not narrated in the Record.

⁴ See May 28, 1549, and the APPENDIX to this reign. Their victims were both in a state of pregnancy at the time of the murder.

⁵ *Pulueris* in the Record. It is, however, proper to state, that this word may have been intended to denote *flour*, although such interpretation is unlikely.

and victual to the Fortalice of Hadingtoun, and taking assurance with the said enemies for the subversion of the kingdom, for the space of two years past, or thereby.—JAMES SAMPSOUN and three others, having been charged for the same crimes, produced the following Warrant :

GUBERNATOR,

JUSTICE, Justice-Clerk, and your deputis, We greit you weill. Forfamekill as it is our will, and for certane reffonabill causes and considerationis moving us, we charge you, that ye proceed and do justice vpon *Robert Watsoun*, James Sampsonne, George Rauff, and George Tait,¹ *Tenantis and Seruantis* to our cousing ALEXANDER LORD HUME, in your Justice Court set be you to pame, to vnderly the law this xvj day of Maij instant, for all kynd of actionis and crymes committit be paim in tymes bipast, contenit in the Letteris raisit aganis pame pairament, except for pair taking of Assurance with our auld inymeis of England, and Assisting to pame in any maner of way, in tymes bigane; for the quhilkis, we will that ye be nocht persewit; And dischargis you of all proceeding aganis paim pair of, and of your offices in that part, be this presentis. SUBSCRIVIT with our hand, AT EDN, the xvj day of Maij, the zeir of God 1^m.V^c. and fifty zersis. JAMES G. JOANNES THE².

Treasonably assisting the English, &c.

May 23.—JOHN DIKSOUNE, formerly in Belchester, and ROBERT TROTTER,² were denounced Rebels, &c. for not underlying the law for their Treasonably Taking Assurance, Assisting, Fortifying, and plain Partaking with our ancient Enemies, the English, and revealing to them the secrets of this kingdom, &c. Walter Ker of Cesfurd, and Alexander Lord Hume, their cautioners, were amerced for their non-appearance.

[*George Earl of Errol, Lord High Constable.*]

Jurisdiction of the Lord High Constable — Stouthreif — 'Umbersetting the gait' — Mutilation, &c.

Jun. 17.—GILBERT M^cTEYR Convicted of art and part 'of Umbesetting' the way to John Nycholson, on Monday Jun. 16 instant, at 'Sanct Androis' Port,³ near the COLLEGE of the Holy Trinity, where he was quietly returning from the burgh of Edinburgh, and cruelly invading him for his Slaughter: AND for Mutilation of the said John of three fingers, and the thumb of his right hand: AND for Stouthreif and plundering ('reiving') from him of his horse sword, two cloaks,⁴ and sundry other goods.—BEHEADED.

Assisting the Escape of English Prisoners of War.

Jun. 26.—HENRY BELL and ANDREW MATHESOUNE were denounced rebels, &c. and Patrick Hakket of Pitfirrane, their cautioner, was amerced, for their not appearing to underlying the law, for art and part of treasonably conduct-

¹ 'In Westmanis.'

² Cristina Brovnfeild, his wife, was proved to be pregnant, and unable to travel.

³ The Editor does not recollect of having elsewhere met with the name of this PORT. It must have stood beyond the foot of Leith Wynd.

⁴ *Collobiorum.*

ing three English prisoners, called John Cuk, Richard . . . , and John Stevin-foune, being in their custody at the time, to the North Queensferry, in treasonable manner, in the month of November last, under silence of night, where they theftuously entered a boat belonging to Florence (Cornetoune?) which they carried off, and absconded in the same.¹

Slaughter.

JUN. 28.—DONALD M^cKY OF FAR, Neill M^cane Moir, Rory M^cane Moir, Murdoch M^cane More, John M^cane More, and Torinat M^cane More, brothers, and Donald Dow M^ccorkill, charged for the cruel Slaughter of Alexander M^cane Rofs, Alexander M^cillemychell, Torinat Makalexander, and five others. Alexander Rofs of Balnagowue was americiated for not reporting and delivering to the Clerk of Justiciary, the Letters, which had been purchased by the wives, children, parents, and friends² of the deceased, duly executed and indorsed.

Feud with Lord Stewart of Uchiltree, &c.

JUL. 15.—JOHN LOKHART OF BAR, John³ his brother germane, Charles Campbell of Skeringtoun, and William his brother, were denounced rebels and put to the horn, and their cautioners⁴ americiated for not appearing to underly the law for pursuing Andrew Lord Stewart of Uchiltree for his Slaughter, on May 25 last, on old Feud and forethought felony, &c.—HUGH LOKART, brother german to the said Laird of Bar, was replegiated by the Archbishop of Glasgow, to answer for the same crime.

Breaking the Castle of Hamilton for the escape of a Heretic, &c.

JUL. 16.—JOHN LOKART OF BAR, John his brother german, and Charles Campbell of Skeringtoun, were denounced rebels, &c and their cautioners⁵ americiated, for their not appearing to underly the law, for their causing, assistance, ratihabition, &c. and for the help afforded by them to Mr *alias* SIR JOHN M^cBRAIR, formerly Canon of Glenluce, in breaking Ward furth of the lord Governor's Castle of Hammiltoun, where he was imprisoned, being charged for fundry great and odious crimes, Heresies, &c. ; coming to the foresaid Castle in the month of May last, under silence of night, and taking the said Mr or Sir John therefrom, and conducting him to the Mansion House of Bar and other places, as contained in the Letters.

¹ Laurence Marsar of Awdy became surety for the entry of ROBERT STEWART, in Dunfermling, on Aug. 11, 1750, to underly the law for the same crime, at the next Justice-aire of Fife. ² Kinsmen.

³ The name is repeated twice. It was then usual to give two or more sons the favourite or prevailing family name, so as to hand it down to remote posterity. The reader is referred to the Appendix to this and the former Reign for illustrations of these and similar feuds. ⁴ James Dalrumpill of Stair, and William Campbell, brother of the Laird of Cesnok. ⁵ Mathew Campbell, junior, Sheriff of Air, and George Campbell of Cesnok.

Sacrilege — Spoliation of Churches and Altars — Destroying Choral Stalls, glazed windows, &c.

Jul. 16.—JOHN LOKART OF BAR and Charles Campbell of Bargour denounced rebels, and their cautioner¹ americiated, for their not appearing to underly the law for their theftuous and violent carrying off, depredation, Stouth-reif and Spoliation furth of fundry Parish Churches, Religious Houses and Chapels, within the shires of Lanark, Renfrew, and the stewartries of Kyle, Carrick and Cuninghame, of fundry Eucharistic chalices,² Altars, and ornaments of the Mass :³ AND also, for casting down and breaking choral stalls and other stalls, and glazed windows, &c. in the years 1545, 1546, 1547; and 1548 ; as specially contained in the Letters.

Intercommuning with the English in Haddington.

Aug. 8.—GEORGE HEPBURNE, in Athelstanefurd, got THE QUEEN'S Remission for treasonably Intercommuning with *Sir James Wolfurd, General of Haddingtonne*, and other ENGLISHMEN with him in Haddingtonne, in June 1548, and continually from that time until the expulsion of the Englishmen therefrom ; supplying them with sheep, oxen, and victual, and thus plainly participating with and assisting them, and enabling the said Englishmen to hold out the said Town longer against the Queen and the lord Governor, to the subversion and destruction of the kingdom : AND also, for his treasonably dwelling under assurance with the said Englishmen for the foresaid space.—JOHN, JAMES, and ADAM BAGBIE, in Athelstanefurd, were likewise denounced Rebels for the said crime ; and Patrick Hepburne of Waughtonne, their cautioner, was americiated for their non-appearance.

Slaughter of Lord Crechtounne of Sanchar.

[THE remarkable event which forms the subject of the following proceedings, is mentioned by all the earlier historians, who, as usual, vary extremely in their chronology. *Lesley*⁴ says, under the year 1553, ' At same tyme, THE LORD SYMPILL slew⁵ THE LORD CREYCHTOUN OF SANCHAR, in the *Governouris* awin Hous, apoun a sudden, within the Toun of Edinburgh. For the quhilk he was taken and put in the Castle of Edinburgh, and had bene execut thairfoir, war not the gret laboris maid be the *Lorde Sancharis* freindis, for faultie of his lyf, through ane aggrement that was labored betuix thame, be moyence of the *Bisshop of Sanctandrois*, and utheris his freindis at the tyme.' *Pitscottie*,⁶

¹ Archibald Earl of Ergyle, Lord Campbell and Lorn, &c. ² Sacramental or Communion Cups.

³ Owing to the unfortunate loss of the Books of Adjournal at that period, this is the first entry now remaining, relative to the earliest breaking out of the Reformation in Scotland. ⁴ Bannatyne Club Edition, p. 248.

⁵ ' Stabs to death,' *Balf. Annales*, I, 301. He assigns the year 1552 as the date of the catastrophe. ⁶ *Pitscottie*, 8vo Edit. p. 511.

however, animadvert sharply on the scandal of compounding for so heinous a crime, and states that ‘no correctioun was maid thairfoir, becaus he (Lord Sempill) was *the Bischopis* guid-father.’¹ Bot the plague of God left never *the Bischopis* hors thaireftir, becaus they left the publick fault unpunished, conforme to justice. Yit *the Governour* wes weill obeyed in all thingis; quhill, at the last, he and his brother the Bischope begonthe to grow greidie, and held Justice-airis throche all Scotland, under pretext of justice, to fill thair bagis and boxes with money; for thair compositiones wer alike to Theiffis and leall men, with thair lawes. They scaffed throche all Scotland, opprestand the leal men als weill as the Theiff, for thair particular commoditie.’

The parties concerned in this affair were ROBERT *third* LORD SEMPILL, who married, 1st, Issobel, daughter of Sir William Hammilton of Sanquhar; and 2dly, Elizabeth Carlyle, a daughter of the Family of Torthorwald. He had extensive possessions and honourable offices, having, besides his patrimonial inheritance acquired Darnley, Cruikston, &c. after the forfeiture of *Mathew Earl of Lennox*, and held the offices of Governor of the Royal Castle of Douglas, Sheriff of Renfrew, &c. He afterwards fought against the Queen at the battle of Langside, and obtained the Abbacy of Paisley, on the forfeiture of Lord Claud Hamilton. There seems to be no doubt that he owed his life to his daughter’s corrupt influence over the Archbishop, who swayed his brother the Regent. The injured relations of the murdered Lord, finding themselves compelled to yield to the force of circumstances, were induced to give the use of their names, as concurring in the application for pardon.

WILLIAM *third* LORD CREICHTON OF SANQUHAR, who was slain by him in the Palace of the Duke of Chatelherault, Governor of Scotland, and, according to *Buchanan*, almost in his presence, married Elizabeth, daughter of *Malcolm third Lord Fleming*.]

Sep. 6.—ROBERT MASTER OF SEMPILL became in her Majesty’s Will, for art and part of the cruel Slaughter of William Lord Crechtounne of Sanchare, committed within the Lodging or Hall of the Lord Governor, in Edinburgh, on June 11th last.

DECLARATIO VOLUNTATIS *Domini Gubernatoris, per eum, nomine* REGINE, *super dicto Roberto pro dicto crimine declarata, apud Ed^l, Sep. 10 instantis, in domo Reverendissimi in Christo patris Joannis Archiepiscopi Sanctiandree.*

THE quhilk day þe said nobill Prince, at þe eirnist requeist, desire, and sollicita-

¹ His daughter, ‘Lady Gilton,’ was concubine to John Hamilton, Archbishop of St Andrews, by whom he had one son, John Hamilton of Blair. See also *Buchanan*, Book xv, p. 65, who states that

tionne of MARIE QUEENE OF SCOTLAND, DOWANER, eftir þat his grace wes defyrit þairto be þe wife, kin, and frendis of vni^q^{le} WILLIAME LORD CRECHTOUNE, Declaris þat þe QUENIS pardoune vnder þe Greit Seall falbe geuin and granted to þe said Robert, for þe Slauchter of þe said Williame, and extendit in þe largest form, with all clauffis neidfull; and falbe fred furth of þe CASTELL OF ED^R þe morne, and put to libertie; and within xv dais eftir þe said day of his departing furth of captivité, fall enter his persoun within þe boundis of þe Scherefdomes of Kincardin, Forfar, and Perth, be-Eist þe Watter of Tay, and þair remane in Ward, as þe QUENIS Warder, induring my lord Governouris Will: And fall keip his Waird, and nocht depairt þairfra without his graces Licence, vnder þe pane of xx^m markis, to be payit to oure souerane lady, and hir Thesaurare: And fall find sufficient fourtie for fulfilling of þis Will, or ¹ he depairt furth of þe said Castell of Ed^r. IN Witnes heerof, his grace hes subseriuit þir presentis.²

JAMES G.

THE famin x day of September, Henry Lord Methvene, þe Laird of Johnnestoune-Wallace, þe Laird of Blakwod, þe Laird of Barrochane, þe Laird of Kynfawnis, the Laird of Mynto-Stewart, Williame Hamiltoune of Humby, Andro Hamiltoune, Capitane of Dumbertane, Robert Hamiltoune of Briggis, and þe Laird of Lundy, become plegis and fourteis, coniunctlie and feueralie, for þe said Robert Maister of Simpill, for fulfilling of þe said Will in all poyntis, vnder þe said pane of xx^m markis.

Murder of a Woman by her Husband.

Sept. 19.—WILLIAM TOD, burgefs of Edinburgh, Convicted of art and part of the cruel Slaughter and Murder of Elizabeth Adamfoune, his wife, committed under silence of night, in his house, within the said burgh, in Oct. 1548. —BEHEADED.

Slaughter by the Clan Cameron.

Sept. 27.—EUGENIUS M^cDONALD M^cEWIN, CAPTAIN OF GLENCAMROUNE (Clan-Cameron), Donald M^callane M^cane, and fourteen others, delaited of the cruel Slaughter of John Roye M^callane M^ccoule *alias* Stewart, and John Dow M^cewin *alias* Camroune.—Donald Campbell of Yhtirachyme, their cautioner, for delivering Letters duly executed, &c. was fined for not producing them.

the entreaties of *Sempill's* daughter saved his life. The reader will find numerous notices of these persons in the APPENDIXES to this and the preceding reign. See likewise *Notice*, I. * 340.

¹ Ere, before. ² On the margin: 'Hoc actum deletur, de Mandato domini Gubernatoris: Quod Mandatum vnicuique Declaratione Voluntatis extant in ciltula.'

Oppression — Sorning — Taking Black-Mail.

Oct. 3.—JAMES GULANE and JOHN GRAY, Messengers-at-arms, Convicted for taking and apprehending John Cathro, and receiving *Black-mail* from him for his liberty: *Item*, for Common Oppression and Sorning upon the lieges, forcing and compelling them to pay Black-mail.—HANGED.

Abiding from the Raids of Langholme, &c.

Oct. 7.—GEORGE GALLOWAY in Auchmuir, Convicted of Abiding from the Queen's Armies ordained to convene at Langholme, Haddingtoun, and Edinburgh, on Apr. 13 last, for resisting our ancient enemies the English, and for besieging the Fortalices remaining in the hands of the said enemies.¹

Murder — Adultery — Oppression — Sacrilege.

Nov. 5.—MR JOHN ELPHINSTOUNE, Rector of Innernocht, dilated of art and part of the cruel Slaughter and murder of Thomas Cult in Auld Aberdeen, under silence of night: AND for theftuously waisting and destroying the goods of William Lowfoune, burgess of Aberdeen, for the space of ten years, during which time the said Mr John lay in Adultery with Jonet Colestoune, spouse of the said William: AND for Oppression done to Mr Duncan Burnet, Rector of Methlik, in 'Umbefetting' his way within his lodging in the Chanonry of Aberdeen, and Cathedral Church thereof, where he was for the time celebrating Matins and Divine service, invading and striking him to the ground several times with '*roungis*' and '*battounis*,' &c. He was replegiated by the Vicar of Innerkip, Commissary of the Bishop of Aberdeen, and Jan. 21 next was assigned by the Justice for his entry to underly the law.

Deforcing Messengers-at-Arms.

Nov. 14.—GEORGE RAMSAY, FIAR OF DALHOUSSY, became in Will, in his person and moveables only, for art and part of the Violent Deforcing of Archibald Hereot and Roger Tempiltoun, Messengers-at-arms, in the execution of their offices, by virtue of the QUEEN'S Letters; and James Maxwell, under a Decree of the Lords of Council, in the month of October last; and for violently taking certain goods from them, after they had been distrained for the fums therein contained.—Patrick Hepburn of Wauchtonne became surety for him.

'Umbesetting the Gait' — Convocation — Mutilation, &c.

Nov. 14.—ALEXANDER BRODYE OF THAT ILK, Lauchlan Malcolm-foun, and *one hundred and twenty-five others*,² were denounced Rebels, &c., for not underlying the law for 'Umbesetting' the way of ALEXANDER CUMMYNG

¹ Sentence is not recorded.

² The only person of note in the list is John Hay, son of the Laird of Park. The enumeration of the rest could hardly be interesting to any one.

OF ALTER (Altyre), and his fervants, between his Place of Alter and the lands of his Lease of Balnafery, for his slaughter; committed on forethought felony, by way of Hamefuckin: AND for the cruel Invasion of the said Alexander and his fervants, for their Slaughter, and putting them to flight, with their accomplices, in great numbers, on horse and foot: And for the cruel Mutilation of Alexander or Allester Adefoun, flegear, one of the said Alexander's fervants; committed in August last.—Their cautioners were unawed or amerced for their non-appearance, viz. Alexander Dunbar of Cunnok, Patrick his son and heir apparent, Alexander Vrquhard of Burriſgardis, John Grant of Ballindalloch, James Dunbar of Tarbert, and Robert Dunbar of Durris.

The following Warrant is afterwards recorded, remitting these sums.

GUBERNATOR,

JUSTICE CLERK and your deputis, We grete you weil. Forfamekill as Lauchlane Malcomefoune, William Leslie, sone to George Earl of Rothes,¹ Charles Vrquhard, &c.,² being chargit to find sicker fourtie þat þai fuld comperre befor þe Justice or his deputis in þe Tolbuyth of Ed^r, þe xiiij day of Nouember, þe 5eir of God I^m.V^c. and fifty 3eris, to vnderly þe law for Vmbesetting of þe gait of ALEXANDER CUMMYNG OF ALTARR, and laying of ane grete bufclement³ of futemen, bodiu in feir of weir, to þe nowmer of aucht feir;⁴ and for maisterfull setting vpoune þe said Alexander and his seruandis, and causing of þe said grete bufclement to breke halalie togidder⁵ vpoun þe said Alexander and his seruandis; and chafing of the said Alexander and his seruandis, for þair slaughter, to þe Place of Alter to þe space of ane myll or þairby: AND for þe crewall Hurting and Wounding of his seruandis, and leving of þame for deid: AND for þe crewale Mutilationne of Allaſter Adefoune, flegeour,⁶ vpoun auld feid and foirthocht felony, and breking þairthrow of þe Actis of Parliament, ſtand Alexander Dumbar of Cunnok, Patrick Dumbar, his sone and apperand air, James Dumbar of Tervett, Alex^r Vrquhard of Burriſgardis, fouerteis for entré of þame befor þe said Justice þe said day: AND ALS, þe saidis Alex^r, Patrick, James, Robert, and Alex^r becom ilkane fouerteis for vperis for entré of þame þe famy day: AND becaus þai onne na wife comperit þe said day, to þe effect abone writtin, þai wer vnlawit and adiugit in diuerse ſowmes of money: Quhilkis vnlawis oure ſouerane lady, with our auisè, and with auisè of her said Theſaurare, hes REMITTIT and forgevin to þame; as þe Remit maid þairupoune beiris. OURE WILL IS HEIRFOIR, and We charge you, þat incontinent eftir 3e ſycht heirof, 3e deleit and put furth of þe bukis of Adiornall all Actis maid, quhair þe said Alex^r Dumbar, Patrick Dumbar, James Dumbar, Robert Dumbar, and Alex^r Vrquhard, wer vnlawit for non-entre of þame and þe perſonis abone writtin, þe said day: ſwa þat þai be nocht trublit þairfoir in tyme cuming. As 3e will anſuer to ws þairupoune, keþand þis oure Precept for your Warrant. SUBSCRUIT with our hand, and with þe said Theſaurare hand, At Edinbur^t, þe xj day of Februare, the 3ere of God I^m.V^c. fifty ane 3eris.

JAMES G. JOANNES THES. Gratis.

Intercommuning with the Laird of Caldwell and his son, Rebels.

Jan. 15, 1550-1.—ALEXANDER PARK OF BAGRAY became in Will for Reſetting, Supplying, Intercommuning, &c. with John Mure of Caldwell and William his son, being rebels and at thè horn; and for furniſhing the said rebels

¹ He is omitted in the preceding list, and was probably charged separately. ² The remainder of the names follow. ³ Ambuscade. ⁴ 160 persons. ⁵ To burst forth in a compact body from their ambush. ⁶ Perhaps this denotes *flesher*, or butcher.

with meat and drink in November last, and fundry other times before and since.—WARD^ED in the Castle of Edinburgh.

Intercommuning and supplying Rebels with meat and drink.

Jan. 24.—ALEXANDER and WILLIAM GALBRAITHE, Thomas Craig, and John M'kane came in Will for Refetting, Supplying, Intercommuning, &c. with William Cunynghame in Carneferne, rebel and at the horn, and for supplying them with goods, meat, and drink in November last, and fundry times before and since.—Robert Cunynghame of Mongrenane and James C. of Rofs became cautioners for their entry, at the next Aire of Dumbarton, to underly and fulfil the declaration of the said Will.—William M'kaue and William M'caichny fail to appear, and their cautioners are unlauded.

Common Theft.

Feb. 6.—JOHN STRIUELING, YOUNG LAIRD OF TULYDUVY, Convicted of common Theft.—HANG^ED.

Treasonably Supplying the Master of Rothes, a Traitor.

May 4, 1551.—ALEXANDER PRIOR OF PLUSCARDIN delated of treasonably Intercommuning with, Refetting, and Supplying Norman Leslie, formerly Master of Rothes, a convicted and declared Traitor and Rebel, and at the horn for his treasonable deeds, committed in the months of December and January last, and other times specified in the Letters.—Replegiated by Mr James Strath-auchin, Rector of Fethircarne, and Commissary of Patrick Bishop of Moray, and Jul. 3 assigned for his underlying the law in the Chapter house of Moray.—James Dunbar of Tarbett became surety for his entry, &c.

Piracy punished by Hanging in Chains.

May 6.—JOHN DAUIDSOUN Convicted by an Assise of the Violent Piracy of a French ship of Bourdeaux, in October last: And also for certain other crimes of Piracy stated in his Indictment: And for common Piracy.—HANG^ED in irons,¹ and his moveables escheated to the Queen.

Intercommuning with the Master of Rothes.

May 26.—JOHN GRANT OF BALLANDALLOCH got a Remission for

¹ 'Laqueo suspendi ad mortem, usque ad sui corporis consumptionem, adjudicatus fuit.' This is the earliest notice in the existing Books of Adjournal of exposing the body of a criminal in chains, to be consumed piecemeal by the action of the elements. The brevity of the Record merely leads us to infer that this Pirate's body was hung in chains, and within flood-mark near Leith, which was for a long period afterwards the common place of execution for pirates, as at present on the banks of the River Thames. There are, however, few similar instances on record.

Intercommuning, resetting, and supplying Norman Leslie, formerly Master of Rothes, rebel and traitor, convicted and declared in Parliament, and being at the horn for his treasonable deeds.

Abiding from the Convention at the Borders.

Jun. 10, (*apud Peblis*.)—PATRICK HEPBURNE OF BOLTOUNE Convicted of breaking the Queen's Proclamation, in absenting himself and abiding from the Convention made by the lord Governor at the MARCHES towards England, for the reformation of crimes, &c., committed therein.

Riding with the English — Fire-raising — Slaughters, &c.

Jun. 27.—JAMES PATERSON, in Johnniecleuche, and Stephen Paterfoun, in Kisthill, found caution to underly the law at the next Justice-aire of Hadingtoun, for constantly riding with our ancient enemies the English, and leading them to many places where the goods of the Queen's lieges were; and thereby causing them to carry them away, to the extreme 'Herefchip' of the said lieges: And also for causing sundry Fire-raifings, Slaughters, Stouthreifs, and Raids in various parts of the kingdom.

Intercommuning, &c. with the Master of Rothes.

Aug. 18.—ALEXANDER DUMBAR OF CUMNOCK denounced rebel, &c. and all his moveables ordained to be escheated, and his cautioner¹ also was unlawed, for his not underlying the law this day, for treasonably Intercommuning, resetting, and supplying Norman Leslie, formerly Master of Rothes, the Queen's convicted Traitor and Rebel, declared in Parliament, also being at the horn; committed within the burgh of Fores, and the Place of Grangelhill, belonging to Robert Dumbar, publicly furnishing him with meat, drink, and lodging, in the months of December and January last.—ALEXANDER VRQUHARD of Burriſgardis, JAMES DUMBAR of Cumnok, and ROBERT DUMBAR of Grayngelhill, came in the Queen's Will, and found caution for satisfying her Majesty.

Lord Lovett, Archibald Campbell of Calder, Alexander Doles of Castra, Robert Murray in Fyndorne, and Alex^r Falconer of Lethane, americiated for not appearing to pass on their Assise.

Treason — Fighting against the Governor at Ancrum Muir.

Sep. 10.—THOMAS HAITLIE, brother of the Laird of Mellestanis, Parish Clerk of, dilated for treasonably coming with the late SIR RALPH EVERIS, and sundry others our ancient enemies of England, in battle

¹ Alexander Vrqhard of Burriſgardis.

array, bearing the English Red-Cross, against James Earl of Arran, Governor of the kingdom, at Ancrum-Muir; thereby striving to the utmost of his power, that the same should be subjugated by our said enemies; and for other crimes specified in his Letters.—He was replegiated by the Archbishop of St Andrews, and Nov. 27 was assigned for his underlying the law, &c.

Treasonably supplying the English in the Castles of Hume, Lauder, Roxburgh, &c.

JOHN HAITLIE in Fawnis, William Haitlie in Reidpethe, Cuthbert Myretoun in Mellestanys, and Christopher Richerdoun there, came in Will for the above crimes: And for treasonably remaining under the assurance of the said enemies of England continually from the battle of Pynké-cleuche, in Sep. 1547, till the recovery of the Castle of Hume, in Dec. 1548; publicly carrying the foresaid English Red-Cross, as the subjects of England, to sundry Fire-raifings, depredations, and incurfions made upon the lieges of Scotland, riding and marching, and publicly assisting, fortifying, and participating with the said English, being then in the Castles of Hume, Lauder, and Roxburgh: And for furnishing them with victual and other necessaries, and thereby enabling them longer to hold out the said Castles, &c.—John Hume of Coldaneknowis became cautioner for the satisfaction of parties.

Making and Selling Light Bread.

Sep. 17.—THOMAS CRAIG, baker, burgefs of Edinburgh, came in Will for common Oppression of the lieges, in the years 1545, 1546, 1547, 1548, 1549, 1550, and 1551, in making and felling his bread or loaves of the price of 4d. less in weight, from three to four ounces, than is ordained by the Statutes of the Provost and Bailies of Edinburgh.

The following DECLARATION of the LORD GOVERNOR'S WILL is afterwards recorded.

(GUBERNATOR,)

JUSTICE CLERK. Forfamekill as Thomas Craig, baxter in Ed^t, in ane Justice Court haldin in pe tolbuith of Ed^r, pe xvij day of September lastbipast, become in Will to our fouerane ladeis Justice, for certane poyntis of Oppressiounne, quhairof he was fundin culpabill: Qubilk Will, We, as Tutour to our fouerane lady, with anife of hir Thesaurer, hes modefit and fixit to pe fovme of V^c markis. QUIHAREFORE We, as Tutour foirsaid, charge 30w, pat incontinent eftir pe sicht heirof, 3e insert pe said Will in 3our buke of Adiornale, and mak pis our writing to 3our Warrant. SUBSCRUIT with our hand, At Lindithqw, pe xxj day of October, the 3eir of God I^m.V^c. and lj 3eris.

JAMES G. JOANNES THES.

Abiding from the Convention at Dumfries.

Oct. 6.—ALEXANDER DUNLOP OF THAT ILK came in Will for contemptuously remaining at home from the Convention of the Lords, Barons, &c.

within the bounds of the shire of Air, Bailleries of Kyle, Carrick, and Cunyng-hame, at Drumfreife, for there holding a Justice-aire on Jul. . . last; and thereby breaking the Proclamations made thereanent.—Neill Montgomery of Langschaw became cautioner that he should satisfy the Queen.

Remaining under Assurance of the English.

JOHN SKOWGALL of that Ilk, and Robert Knowis of that Ilk, got a Remission for their treasonably remaining under Assurance of our ancient enemies of England, in time of war.¹

Convocation — Invasion of the Provost of Glasgow, &c.

Oct. 8.—THE LAIRD OF BISCHOPTOUNE and others dilaited of Convocation of the lieges, and Invasion of Andrew Hammiltoun, Provost of the city of Glasgow, for his Slaughter, and other crimes contained in the Letters.

ABSENTES *ab* ASSISA *domini de* *Bischoptoune.*

Robert Dennistoun of Cowgrayne, Robert Simpill of Nobilstoun, Mr John Stewart,
John Bountene of Ardocht, John Hammiltoun of Fergullie, Hugh Craufurd of Kilbirny.
Robert Naper of Kilmahew, William Cunyng-hame, Tutor of
Alex. M'caulaw of Ardencapill, Craganis,

Murder of a Frenchman — Stouthreif, &c.

Nov. 3.—THOMAS LITIL-JOHNNE Convicted of art and part of the cruel Slaughter and Murder of a Frenchman called John Porqueir, servant of Captain de la Mote Rouge; committed in the month of September last, in Clatty-dene, in the shire of Fife: And for the Stouthreif from him at the same time of 100l. of Scottish money, extending to 200l. Turonesè French money, which he was carrying to the Castle of Bruchty-craig, for the payment of the wages of certain foldiers, subjects of the King of France, being then at the said Castle.—HANGED and afterwards BEHEADED; and his head fixed on the Port of the burgh of Couper.

ANOTHER unfortunate *hiatus* takes place at this period, by the loss of a Volume of THE BOOKS OF ADJOURNAL, from December 18, 1551, to April 19, 1554; being apparently that which had originally been numbered 'Sevint Buik.' In the absence of this information, the Editor again begs to refer the reader to THE APPENDIX, where it will be found that neither pains nor labour have been spared by him in his endeavours to remedy all such defects.

¹ A number of persons, chiefly persons of no rank, were charged for this offence; but it is unnecessary to enumerate such instances. See THE APPENDIX, &c. for many other examples.

The following remarkable document was obtained by the Editor from the 'LIBER STATUTORUM BURGI DE EDINBURGHE,' when engaged in searching the Archives of the City of Edinburgh for Papers for the present Collection. It may not inaptly be inserted in this place, as being highly illustrative of the disturbed state of society at that period, when the reader may recollect many instances of Feuds and even of pitched battles between the Barons having frequently been fought on the public streets of the metropolis.

ACT of the *Provost, Bailies, and Town Council of the City of Edinburgh,*
'*Auent (lang) Walpynnis in buithis,*' Mar. 4, 1552.

ITEM, it is statute and ordanit be the Provist, Baillies, and Counfall of this Burgh, becaus of the greit slaichteris and utheris cummeris and tulzeis done in tyme bygane within this burgh, and apperandlie to be done, gif na remeid be provydit thairto; and for eschewing thairof, that ilk maner of persone, merchandis, craftifinen, and all utheris occupyaris of buthis or chalmeris in the Hie-gait, outhet heych or laych, that thay have long valpynnis thairin, sic as hand-ex, Jedburgh-flaif, hawart, (halbart?) jawalyng, and siclyk lang walpynnis, with knaipfehawis and jakkis; and that thay cum thairwith to the Hie-gait, incontinent efter the commoun bell rynging, or that thay se ony cummaris of Slauchteris, tulzeis, or apperance thairof, and concur with the Officiaris of this burgh for stanching thairof; under the pane of ten pund, to be tane of ony personis that failzeis heirin, within viij dayis nixt heireftir. AND for observing heirof, that ilk Baillie mak ferching, anis in the moneth, through all his quarter; and quhair he fyndis ony persones difobeyand this statute, that he poynd thame for the said vulaw.

Slaughters — Stouthreifs — Fire-raising, &c.

Apr. 19, 1554.—PETER DWNE, formerly dwelling in Saltoune, got a Remission for art and part of the cruel Slaughter of James (George) Abirnethy, in Sep. 1548: ITEM, for art and part of the Slaughter of James A. junior, brother of the said George, upon the Water of Tyne, in June 1550; committed of forethought felony: ITEM, for art and part of the Stouthreif of a horse from James Fynlafoune furth of the lands of Saltoune, in Oct. 1552: ITEM, for Stouthreif of a mare, in company with James Dewer, from Walter Tod, furth of the lands of Newhall, in August 1550: ITEM, for Stouthreif of two oxen from James Bagbie, furth of the lands of Byris, in the year 1551: ITEM, for Stouthreif of a horse from William Sinclair, furth of the lands of Abirlady, in August 1550: ITEM, for the Theft and concealment of two oxen from the

Laird of Bernys, in September 1550 : ITEM, for treasonable Fire-raising and burning of certain corn belonging to John Hammyltoun of Rysholme, in his barn of Saltoune, which grew on the farm in Saltoune, formerly belonging to the said Peter, and disposed to the said John, on account of the said Peter being at the horn, and his effects escheated to the Queen ; committed in December 1550 : ITEM, for treasonable Fire-raising and burning the whole corns of four plough-gates of land, with the whole Teind-sheaves of the parish of Ormystoune, being in the barn-yards of Ormystoune, extending to 160 bolls of wheat, at iiij l. per boll, 480 bolls of oats, at xxix s. per boll, 240 bolls of barley, at liij s. iiij d. per boll, 60 bolls of pease, at liij s. iiij d. per boll ; together with the whole corns of three ploughgates, and the whole Teind-sheaves of Cranstoun and Tovnstallis in the barn-yards thereof, extending to 120 bolls of wheat, 400 bolls of oats, 200 bolls of barley, and 60 bolls of pease, which belonged to unquhile Sir Walter Scott of Branxholm, kn^t, and Dame Jonet Betoune, his relict, committed on the first night of December 1550 : ITEM, for the treasonable Fire-raising and burning of the Milns of Muffilburghe, belonging in lease to the said Dame Jonet Betoune, and destroying and laying waste the same, committed in company with our ancient enemies the English and the Traitors of Scotland, by the space of three years, viz. in 1547, 1548, and 1549 : AND for common Theft, and common Treason, as well of old as of new.

INTERLOCUTOR and SENTENCE.—‘ And becaus þe said Peter Dwne culd get na sufficient fouerteis to fynd for him for Assythment of parteis of þe gudis and skaythis aboue spacificit, THE JUSTICES þairfor decernit him to be kept in sure Ward, within þe said Tolbuth of Edinbur^t quhill þe said fouerte wer fundin be him, sua þat he fand þe samyne within fourty dais heireftir : AND failzeing of fynding þairof, þe saidis fourty dais being bipast, DOME wes gevin vpoun him to be justifeit and execute to þe deid for þe said crimes, nochtwithstanding his Remissionne, conform to þe law.¹

Slaughter committed by an alleged Madman or Furious person.

May 7.—JASPER LAUDER, dilaited of art and part of the cruel Slaughter of John Balcaiky, in Ratho, committed on May 1, instant.

COMPERIT Johne Lord Borthuik, prolocutour for þe said Jasper Lander, and allegit þat he fall nocht be put to þe knaulege of ane Affise for þe allegit Slauchter of vni^l Johne Balcaiky, becaus þe tyme of þe committing þairof, and lang of befoire, and as zit, continualie, þe said Jasper hes bene furious and wantand þe vse of resoune, doand in all þe said tyme, viz. be þe space of xvj zeris last bipast, furious and daft² dedis ; lyke as at lenthe is contenit in ane Inventour

¹ The probability is that this man was unable to provide sureties to redress the enormous injuries he had inflicted, and that his life was justly forfeited to the offended laws of his country. No future entry indicates his fate. ² Insane ; fatuous.

heir present to schaw :¹ And sua, as furious during þe said space, commonlie haldin and repute, as is notourlie kuawin, nevir questioune, trubill, nor occasiounne being betuix þe parteis, and sua is comparit of þe law to ane infant, pupill, or beist, wantand þe vse of resoune, as said is ; quharethrow he culd nocht contract, trespas, or do ony sic deid as were obligatorious,² quherbj he mycht be oblist³ to pvnishment of his personne, likeas he mycht nocht oblise him in his gudis :⁴ And pairfoir, aucht nocht to be put to þe kuawlege of ane Assise, as said is, conforme to þe common law, as is contenit in Lege, *Durius de officio Presidis*, and hes bene practicat vpon James Irwin and vperis furious personis.

THE JUSTICE DEPUTE assignis þe tent day of Maii instant for geving of Interloquitour vponne þe said Exceptiounne and allegeance ; and in þe meyntyme, continewis þe said mater in þe famin forme, force, and effect as is now, but⁵ preiudice of party.

Maii 10.—Convicted and BEHEADED, notwithstanding of the foresaid allegeance, in respect that the Inventory above mentioned was not produced.

Mutilation of the Laird of Knowis.

JUN. 17.—ROBERT LAUDER, in Tynninghame, and five others, came in Will for the Mutilation of Robert Knowis of that Ilk of the fore-finger of the left hand ; committed in the month of March last.—Adam Hepburne of Smetoun, and Patrick Qulitelaw of that Ilk became sureties to fatisfy the Queen and parties.

COPIA LITERE *Regine Dotarie concess. in fauorem Roberti Lauder, &c.*

JUSTICE and Justice Clerk and 5our deputis. IT is our Will, and for certane resonable causis and considerationis moving ws, we charge 5ou, incontinent estir sycht heirof, 5e ressaue in Will Robert Lander, in Tynninghame, and his complices, for þe Mutilationne of Robert Knowis of þat Ilk, takand sufficient souerte of 5ame for Assythment of our will and þe party ; discharginge 5ou of all calling and proceeding aganis þame pairfor, or for ony vper crimes quhairfor þai ar delatit, and hes fundin souerté to vnderly þe law befor 5ou þe thrid day of Julij nixt to cum, or ony vper day or dayis quhatsumuir, quhill⁶ þe returning of þe said Robert and his complices within our realme furthe of þe pairtis of FRANCE, and fourty dais þairefter, and of 5our offices in þat pairt in þe meyntyme ; becaus þe maist pairt of þame is now in reddynes to depart to þe saidis pairtis of FRANCE, to þe seruice of our derrest fader THE MAIST CRISTIN KING. As 5e will answere to ws pairuponne. GEVIN vndir our Signet, and subscriuit be our derrest moder THE QVENE DOWRIAR AND REGENT of our realme, At Edinburgh, þe xv day of Junij, þe 5eir of God 1554 5eris, and of our regune þe xij 5eir. [MARIE R.]

Jul. 3.—A number of other accomplices came in will ; and others were replegiated by the Archbishop of S^t Andrews.⁷

Forging 'Bawbeis' and 'Half-bawbeis.'

JUN. 22.—PETER CHAPLANE, Convicted of treasonably forging and

¹ Unluckily the Inventour was not produced. It would appear that they had entirely failed in their proof, from the fatal result which has been recorded. ² Obligatory ; binding. ³ Obnoxious ; liable to. ⁴ Effects ; personal estate. ⁵ Without. ⁶ Until. ⁷ See Jul. 3, following, &c.

adulterating the Queen's coin of the realm, called 'bawbeis' and 'half-bawbeis.'—HANGED.

Receiving the Sacrament while under Excommunication.

JUN. 26.—GABRIELL SYMPILL OF CRAIGBAIT found surety to appear at the next Aire of Renfrew, to underly the law for sustaining the process of Excommunication for year and day, by virtue of Letters of the Official of Glasgow, for not paying certain sums of money to Catherine Gilmour; and for receiving the Sacrament, while under the said Excommunication.¹

Forging false money like 'Bawbeis,' &c.

JUL. 3.—HELEN PATERSOUNE, Convicted of casting, making, and forging false money, like 'bawbeis' and 'half-bawbeis.'—HANGED.

Convocation — Hamesucken — Slaughter.

SIR JOHNE HOWDENE, Chaplane in Dunbar, was replegiated by the Archbishop of S^t Andrews, for Convocation of the lieges, and Invading David, James, Christopher, Andrew, and George Humes, sons of vniq^{le} William Hume of Prandergait, within the Town of Dunbar, by way of Hamefuckin, for their Slaughter, of forethought felony: And for the Slaughter of Nichol Burne, in December last.²

Wounding — Mutilation — Slaughter.

ROBERT KNOWIS OF THAT ILK, John K. his son, John Mortoune, and John Skowgall were replegiated by the Archbishop of S^t Andrews, for being art and part of the Hurting and Wounding of Hugh Lauder, in Dunfe, in sundry parts of his body, and Mutilating him of his right arm: And for the cruel Hurting and Wounding of Christopher Sked in his right shin-bone; committed in March last.³—GEORGE BALD, parish Clerk of the Church of S^t Martin, near Hadingtonne, was also replegiated for the Slaughter of Richard Hepburne, *alias Reid Reché*.⁴

Exporting wheat, &c. to Flanders.

JUL. 4.—WILLIAM BROWN and Adam Nicholfoune produced Remissions for transporting wheat, flour, and corn⁵ to Flanders, against the Proclamations, &c.—Others were replegiated to the Regalities of S^t Andrews and Holyrood, &c.

¹ See Apr. 26, 1555. ² The Humes, &c. afterwards found surety to answer for similar Convocation and besetting Robert Lauder and others, and Wounding them, &c. on Dec. 21 last, at the next Aire of Edinburgh. ³ Sir William Knollis, Chaplain, was replegiated to the same Regality, on Jul. 5. ⁴ Red Richie, or Richard. See Jul. 5. ⁵ The law was severe for such offences.

Convocation — Hamesucken — Invasion.

Jul. 5.—HENRY CONGILTOUNE, Tutor of Congiltoune, James his brother, and four others, Convicted for coming, in April last, to the Town of Congiltoune, and there, by way of Hamefuckin, cruelly Invading William Chyrnside and James Flemyng, his servant, in his dwelling-house.—John Hume of Blacader, cautioner for satisfying the Queen and parties.

Slaughter — Wounding.

WILLIAM CHYRNSIDE and James Flemyng, his servant, Convicted of the Slaughter of Richard Hepburne, committed vpon suddantie on Apr. 20 last, he being ‘ane reddare :’¹ AND also for Wounding Mr Thomas Congiltoune at the same time, to the effusion of his blood.—(Aug. 16.)—BANISHED from the kingdom : and not to return, without special Licence, under the pain of death ; —James Cokburne of Langtoune became surety that they should depart within fifteen days, ‘And þat in þe meyne tyme of þe saidis xv dais, that they fall nocht resort nor repair within þe boundis of Eift Lowthiane, vnder þe pane of V^c. merkis.’

Slaughter.

Jul. 11.—ANDREW HUNTER, in Dyfart, Convicted of the cruel Slaughter of William Williamfoune, in Wester Wemys ; committed in July instant.—BEHEADED.

[*John Paterfoune alias Snawdorne Herald, Justice-Depute.*]

Convocation — Hamesuckin.

Jul. 11. (*apud Jedburghe.*)—JOHN GORDOUNE OF LOCHINVER, JOHN G. of Barskeoche, ROGER G. of Cuyll, DAVID G. of Markbrek, ROGER G. of Hardland, Mr Malcolm M^cCulloch, Gilbert M^cdowell of Machirmoir, Elifeus G., servant of vniq¹⁰ Symon G., and Patrick M^ckee of Larg, found surety to underly the law at the next Aire of Kircudbrycht and Wigton, for Convocation of the lieges in warlike manner, on Jun. 5. last, coming by way of Hamefuckin to the house of Michael M^ccrakene, burges of Wigton, and seaching for him for his Slaughter ;² and for other crimes contained in their Letters.

Slaughter.

(*Ibid.*)—ALEXANDER STEWART, son and heir apparent of ALEX. S. OF GARLEIS, M. M^ccrakene, and five others, found the Laird of Garleis surety for their underlying the law at the next Aire of Wigton, for art and part of the

¹ One who interferes in a quarrel as mediator. The ‘*redding-fraik*’ is proverbially the deadliest in an affray.

² The cause of this Feud may be seen from the next Case.

cruel Slaughter of Symon Gordoune, and the Mutilation of Elifeus G., his servant.

Slaughter of the Laird of Leidereif and his Son.¹

Aug. 4.—JOHN BUTTIR of Gormok denounced rebel, and put to the horn for not underlying the law for art and part of the cruel Slaughter of George Drummond of Leidereif, and William his son.—John Crechtoun of Strathurd and James Hering of Glaschune, his cautioners, were accordingly americiated.

Convocation — Inbading Baillics of Cupar — Breaking Ward, &c.

Aug. 18.—JAMES TURNBULL, Deacon of the Wrights of the burgh of Cupar-in-Fife, Andrew Layng, Deacon of the Flethers, John Burrell, flesher, and Laurence his sone, inhabitants thereof, came in Will for art and part of Convocation of the lieges of all the Crafts within the said burgh, armed in warlike manner, on the public street thereof, on Apr. 9. last : AND for disobeying Robert Williamfoun and Allan Jamefoun, Baillies thereof, who admonished and commanded the said Craftsmen, and each of them, in name of the Provost and remanent Baillies, and in their own names, to disperse and retire to their houses : AND for Invasion of the said Baillies, with brandished swords, for their Slaughters. ITEM, for making a Contract (' Band') and Obligation, binding them, and each of them, to participate, concur, rise, and fortify each other against the Provost, Baillies, council, and the rest of the community, not being Craftsmen : ITEM, for Convocation of the lieges, Craftsmen, coming to the Tolbooth of Cupar, after citation served upon them by the Officers to compear before the said Provost and Baillies, to answer for the Hurting and Wounding of the said Baillies ; and after they had entered in judgment, and had been accused for the said crime, and convicted by the Assise thereof, for their contemptuously going out of the said Court, without the leave of the said Provost and Baillies ; thereby breaking the Ward thereof ; committed on Apr. 10. last : ITEM, for Convocation of the whole body of Craftsmen of the said burgh, in the month of June last, when Nicholas Arthe had entered upon pannel, to be accused in the said Tolbooth for Convocation and disturbance made by him in the said burgh, before the Baillies thereof, sitting in judgment ; and during the progress of the same, interrupting the proceedings of the said Court, with great clamour, without leave asked or obtained ; and thereby impeding the administration of justice : ITEM, the said *James Turnbull* and *Andrew Layng*, for contempt and threatening of David Lyndesay, Pursuivant, on Jul. 26. last, mocking him with injurious words, in the discharge of his office, while executing the Queen's Letters passing upon a Decreet of the Lords of Council, at the Market-cross of the said burgh, com-

¹ See the Notice and Papers relative to this affair, I, * 371.

manding the said persons, and the remanent Deacons and Craftsmen of the said burgh, to obey the Provost and Baillies thereof as their competent Judges; as is more fully contained in the said Letters—declaring, that their Proclamation contained idle fables, and that they would force tears to be shed for the said execution.

DECLARATIO *Voluntatis* REGINE *penes nonnullos Artifices burgi de*
COUPER-IN-FIFFE.

(Sep. 19.)—THE quhilk day, in presence of the said Justice-depute, Comperit *Andro Layng*, dekin of the Fleischeouris, *James Turnbull*, dekin of the Wrychtis of the burcht of Cowper, *Johnne Burrell*, fleischeoure, and *Lawrence Burrell* his sone, quha in ane Court of Justiciare haldin in the said Tolbuith of Edinbur^t the xvij day of August last bipast, become in Will to oure souerane lady, and hir Justice in hir name, for diuers Convocationis and inobedience committit agane the Prowest, Baillies, Counsale, and autorité of the said burcht of Cowper; like as in the Act of pair becuming in the said Will at mair lenthe is contenit. AND pair the said Justice-depute, in Jugement, befor the saidis personis, declarit our souerane ladeis Will foirsaid in the said mater, in maner following; and commandit pame to obserne, keip, and fulfill the samin: THAT IS TO SAY, the saidis personis, and ilk ane of pame, within xlviij houris nixt eftir pair hame-cuming to the said burcht, fall compeir in presence of the Prowest, Baillies, and Counsale pair of, in the Tolbuith of the samin, in Jugement; and pair, of pair awin consentis, act, and oblige pame, and ilkane of pame, to keip gude rwle within the said burcht, and be obedient to the Prowest, Baillies, and Counsale pair of, now present, or sal happin to be for the tyme, in all thingis, conform to the lawis and consuetude of this realme: AND gif it sal happin pame, or ony of pame, to be fundin inobedient to the Prowest, Baillies, Counsale, and officiaris of the said burcht, present and to com, or to mak ony Convocatioun or gadding of Craftisfen within the said burcht or outwith, or to assist to ony vpiris in making of sic Convocatioun and gadding, for disobeying of the saidis Prowest, Baillies, Counsale, or vpiris officiaris of the said burcht, or onywise incontrar pair autorité, and pai, or ony of pam to be convict pair of; in pat cause, pai or ony of pame that happinis to be convict, to be BANIST the said burcht perpetuallie, and of pair reddiest gudis incontinent pair estir to pay to the Commoune Werk of the samin the sowe of ten pundis money of this realme, without fauoris: AND gif pai, or ony of pame, failzies in making of the said Act and Obligatione, in maner forsaid, the failzearis or failzear fall, within the samin houris, returne agane to the burcht of Edinbur^t, and pair remane in our souerane ladies Waird, or ony vpir Waird pat fall pleis hir grace, ay and quhill the QUENIS grace haif declarit hir Will; vnder the pane of rebellious, and putting of pame to the horne, and escheiting of pair gudis movable.

Slaughter of the young Laird of Querrell.

Oct. 26.—ROBERT HENRY, alias *Deill among us*, Convicted of art and part of the cruell Slaughter of Thomas Biffate, young Laird of Querrell.—BEHEADED.

Slaughter by Drugs or Poison.¹

Oct. 30.—HENRY CONGILTOUNE, Patrick his brother, and William Lille, found surety² to underly the law at the next Aire of Edinburgh, for art

¹ See Appendix to this reign.

² Robert Fairlie of Braid.

and part of the cruel Slaughter, by intoxication,¹ (the use of potions, drugs, or poison?) of Oliver Congiltoune, son and heir of umq^{lc} Robert Congiltoune of that ilk; committed in June last, in the Place of Kynneir.

Intercommuning with the Laird of Ballagane.

Nov. 14.—GEORGE CRAWFURD of Lefnoreis became in Will for Intercommuning with Duncan Hunter of Ballagane, being rebel and at the horn,² under silence of night, on one occasion only, in August last.—Sir Hugh Campbell of Lowdown, kn^t, became surety to satisfy THE REGENT—and that the said George should remain in the Town of Edinburgh, until the Declaration of the said Will.—The same day, JOHN CRAUFURD of Drongane found surety to underly the law at the next Justice-aire of Air, for Refetting, Intercommuning, and supplying the Laird of Ballagane, John his brother, Herbert H. in Baitfurd, and three others, rebels, &c. for the same crime.—JAMES EKLIS OF THAT ILK likewise came in Will for Intercommuning with the said Herbert.

ABSENTES *ab* ASSISA *Dominorum de Lefnoreis et Eklis.*

John Lokkert of Bar,	Alexander Cuninghame of Hill,	Neill Montgomery of Langfchaw,
John Campbell of Lochlie,	Hugh Montgomery of Hesselheid,	Thomas Kennedy of Bargany,
Rob. Grahame of Knokdoleane,	Geo. Kennedy of Balmaclenochane,	John Mure of Auchindrane,
Rob. Campbell of Kin5ecluche,	David Boswell of Auchinlek,	James Mure, his brother.

Convocation — Hurting and Wounding.

Nov. 16.—JOHN LYND S AY OF COBYNTOUNE,³ John his natural brother, James Someruille brother⁴ of the Laird of Cobyntoune, Alexander Lyndfay of Northflat, and eighteen others, came in Will for Convocation of the lieges to the number of 200 persons, armed with lances, ‘culveringis,’ bows, and other invasive weapons, on Sep. 28 last, before sun-rise; coming to the barn-yard of Mr John Someruille, Rector of Libertoune’s glebe; and for the cruel Hurting and Wounding of Robert Myllar, fervant of the said Mr John, in his neck and other parts of his body, to the effusion of his blood, and danger of his life.—John Lord Someruille⁵ became surety for the Laird, who became cautioner for the others, towards satisfying the Queen and parties—and that he shuld remain in the town of Edinburgh, until the Queen’s Will was declared, and the royal Licence granted for his departure.

Mutilation.

MR JOHN SOMERUILLE, Rector of Libertoune, and Michael S. his brother,

¹ *Per intoxicationem.* The same phrase was used in the case of LADY GLAMMYS, where the means employed are believed to have been poison and drugs. See I, * 158, &c. ² For the Slaughter of John Greirsoune in Beochane, and Andrew G. in Bagrahill. ³ See Nov. 22, 1555, &c. for farther particulars as to these Feuds. ⁴ Probably a brother-uterine, by another marriage.

⁵ He is named *James* in all the Peerages, &c. *Hugh*, the preceding Lord, died *anno* 1549.

Parish Clerk of Carnwethe, were replegiated to the Regality of Glasgow, for Mutilation of John Wilfoun, and other crimes contained in their Letters.—**HUGH SOMERUILE** brother of **LORD SOMERUILE**,¹ **John S.** alias *Johne of Begair* (*Biggar*) **Symon Fyfeheare**, and eight others, found surety (**James Douglas of Drumlangrig**) to underly the law for the said Mutilation, at the next Aire of Lanark.

Slaughter.

NOV. 20.—**PATRIK DUNBAR**, young Laird of Cumnok, denounced rebel and put to the horn, along with **David Dunbar** his serwant, and **James Ogilvy**, for not underlyng the law for the Slaughter of **Thomas Russell**; committed in **Jan. 1553-4**, in the house of **Archibald Alexander**, in **Balnageiche**. **JOHN EARL OF SUTHERLAND** was americiated in 200 li. and 400 merks, for not entering them to underly the law.—(**Jan. 31, 1554-5.**) **George Dunbar of Cumnok**, **John Chisholme** sen., and **John C. jun.**, found **Sir George Meldrum of Fivy**, knt., as surety for their underlyng the law for the said crime, at the next Aire of **Elgin and Forres**.

Slaughter of a Son of the Laird of Altyre, &c.

ALEXANDER DUNBAR OF CUMNOK, Patrik the young Laird of Cumnok, and thirty-four others,² were put to the horn for the Slaughter of **James Cummyng** in **Dollacebrachty**, (son of **Alex. C. of Altyre**.³)—Their cautioners were americiated for their non appearance.⁴ **Sir Alexander Duf** Chaplain was replegiated by the **Bishop of Moray**.—**James Earl of Morton** was americiated for not producing the Letters duly executed and indorsed, purchased by the blood-relations of **James Cummyng**, &c.—(**Jan. 31, 1554-5.**) The Laird of Cumnok and **Nicholas Gilzeane** in **Monachy**, found **Sir George Meldrum of Fivy**, knt., as surety for their entry at the next Aire of **Elgin and Forres**, to underly the law for art and part of the Slaughter of the said **James Cummyng**, and **Wm. C. in Presley**, **Patrick C. in Dummeyne**, **Andrew Mearreis** in **Dolacebrachty**, **Canit** (**Kenneth** or **Canute**?) **Dow** in **Bank of Murray**, and **Fynlay Rannalfoune**, Officer of the said **Alexander**; committed on **Jul. 19** last, at **Chunerny**.

Fire-raising — Burning houses and sheillings.

PATRICK GRANT, brother of **John Grant** of **Ballindalloch**, found the Laird as surety for his underlyng the law at the next Aire of **Elgin and Forres**, for **Fire-raising**, and burning certain houses and sheillings on the lands of **John Grant** of **Karroyne**, called **Rownay** and **Clochetlace**, committed in **June** last.

¹ This person was brother of **James**, sixth Lord Somerville, and was the ancestor of the Family of Spittal.

² The only persons of note were **James** and **John Vrqhard**, brothers of the Laird of **Burrisgardis**.

³ See **Jan. 30, 1554-5.**

⁴ From 100 l. to 40 l., according to their rank.

Slaughter of the Laird of Leidcrieff and his Son — Feud between the Drummonds and Blairs, &c.

[As, in reference to the numerous DEADLY FEUDS which, unhappily, both preceding and subsequent to this period, convulsed the state of civil society in Scotland, the Editor is, through the kindness of his friend, *David Laing, Esquire*, enabled to lay before the reader an interesting extract from THE HISTORY OF THE FAMILY OF DRUMMOND, which has just been printed, under his superintendance, for private distribution only.

In various parts of this work, it may be seen that the various families of the Blairs of Balthayok and Ardblair, the Charteris' of Kinfaunis and Cuthilgurdy, the Drummonds, and several other Barons and Lairds in those parts of Perthshire, were constantly involved in Feuds with each other, and occasionally with burgesses and citizens of Perth, &c. One of the most deadly of these domestic broils is contained in the following PAPERS, which have lately been taken from the Originals, still in the possession of Henry Home Drummond of Blair Drummond, Esquire, and of which, so far as the Editor is aware, no memory is elsewhere preserved. Without specially noticing the numerous other Trials and proceedings in this work connected with such Feuds, the Editor begs merely to refer to them generally.

The subject is thus introduced in the body of the history¹ above mentioned:—‘GEORGE DRUMMOND, the sone of John, succeeded, who apparently purchased the lands of Newton of Blair, for he is the first whom we understand to have been styled *George Drummond of Blair*. He married Jannet Halyburton of Buttergask; he had to him two sones, George, who succeeded, and William Drummond. George Drummond, the father, and William, his youngest sone, were both treacherously killed together, at an unhappy rencounter by the,² upon the 3d of June, 1554; but most of them that were present, or guilty of the Slaughter, were either brought to publick Execution, or by their submissions and satisfactions made their peace with the parties wronged, as appears by their applicationes extant.’ The PAPERS above referred to follow.

1. SUMMONS for apprehending and bringing THE LAIRD OF GORMOK³ and his accomplices before THE QUEEN AND PRIVY COUNCIL, Jun. 13, 1554.

MARIE be þe grace of God, Queine of Scottis, to oure shiref of Perth and his deputis, and to our louittis, Archibald Campbell, Thomas Drummond, messengeris, our schariffis specialie constitute, greting: fforfamekle as it is humlie merit and complenit to ws be oure louittis, the wiffe, barnis, kin, and friendis of vmquibile GEORGE DRUMMOND OF LEIDCRIEF, and Williame Drummond his sone, vpoun WILLIAME CHALMER OF DRUMLOCHIE, Williame Rory, George Tullydaf, Williame Chalmer, &c., George McNesker, fidlar, his howshaldmen; Robert Smyth (and Cotters,) tennentis to þe Laird of Drumlochie; Johnne Blair of Ardblair, Andro Blair, Thomas Blair, his sonis, David McRaithy, his houshald man, Patour Blair, (and two others,) tennentis to the said laird of Ardblair; Williame Chalmer in Cloquhat, Alexander Blair, half bruther to Johnne Buttir of Gormok, Williame Buttir, Daud Blair of Knokmaheir, Johnne Blair, Patrik Blair, his sonis, Williame Young of Torrence, and Thomas Robertson, tennentis to þe said Laird of Gormok; quhilkis, with þair compleces, with convocatioun of oure liegis to þe nomer of lxxx personis bodin in feir of weir, with jakkis, coittis of mailze, steil-bonettis, lance staffis, bowis, lang culveringis, with lychtit lunttis,⁴ and vpirris wappinis invafue, recentlie vpoun Sounday þe thrid day of Junij instant, befoir none, off þe counfaling, denyng, causing, sending, command, affitence, forteseing, and ratihabitoun of þe said Johnne Buttir of Gormok, come to þe said vmquibile George Drummondis, PERROCHE KIRK OF BLAIR, to haif flane him þe said vmquibile Williame his sone, and vpirris being with him in company: And becaus þai culd nocht cum to þair pernerfit purpois, þai passit to the Laird of Gormokis PLACE OF GORMOK, and þair dynt

¹ Page 118.

² Left blank.

³ The reader will find that he was denounced Rebel on Aug. 4 preceding,

for not underlying the law, as being art and part of this Slaughter. See I, * 367.

⁴ Matches.

with him, and fend furth spyis to await vpon þe said vmquhile George and his cumpany, quhen þai come furth of his Place of Blair: And being aduerteist be þe saidis spyis, þat he wes cumin furth of his said Place, þai with þair compleces with þe said Laird of Gormokis howfbaldmen and feruandis, bcdin in feir of weir, of his causing, sending, deuising as said is with convocatioun of oure lieges to þe nomer of lxxvi personis, þe samin day, at twa houris or þairby eftir none, ischit furth of þe said Laird of Gormokis Place foirsaid, and vmbeset þe gait to þe saidis vmquhile George and Williame, his sone, quhair þai wer dowblate allane at þair pastyme play, and at þe row-bowlis¹ in þe Hie Marcate gait beside þe KIRK OF BLAIR, in sobir maner, traisting na truble nor harme to haif bene done to þame, bot to haif leuit vnder Goddis peax and ouris, and þair crewellie slew þame, vpon auld Feid and forthocht felony, set purpois and provisioun, in lie contemptioun of oure auctoritie and lawis, gif sãbe. OURE WILL IS HEIRFOIR, and we charge ʒow, straitlie, and commandis, þat incontinent þir oure letteris sene ʒe tak sicker souertie of þe saidis personis and þair compleces, committaris of þe crymes abouewrittin, in maner foirsaid, samony as þe saidis complenaris will mak faith befor ʒow, wer arte and parte þairof, and gevis þair names to ʒow in bill,² that þai fall compeir and vnderly oure law for þe samin befor oure Justice or his deputis, in oure tolbooth of Edinburcht, þe thrid day of Julij nixt-tocum, vnder þe panis contenit in oure Actis of Parliament: And þat ʒe charge þame personalie, gif þai can be apprehendit; and sailʒeing þairof, be oppin proclamatioun at þe mercate croce of þe said heid burcht of oure shyre, quhair þai duell, to cum and find þe said souertie to ʒow, within sex dais nixt eftir þai be chargeit be ʒow þairto, vnder þe pane of rebelloun and putting of þame to oure horne: The quhilk sex dais being bipast, and þe said souertie nocht fundin to ʒow in maner foirsaid, that ʒe incontinent þairafter denunce þe disobeyaris oure rebellis, and put þame to oure horne; and escheit and inbring all þair movable gudis to oure vse, for þair contemptioun. AND als, þat ʒe summond ane Assis heirto, ilk persoun vnder þe pane of fourty pundis: As ʒe will answer to ws þairupoun. The quhilk to do we commit to ʒow, conjunctlie and senerallie, oure full power, be þir oure lettiris, deliuering þame be ʒow, deulie execute and indorfate agane to oure Justice Clerk. GEVIN vnder oure Signete, at Edinburcht, þe xij day of Junij, and of oure regne þe twelft ʒeire. (1554.) *Ex deliberatione Dominorum Consilij.*³

II. THE OFFERIS *offerit be the Laird of Gormok, &c., to Young George Drummond of Blair, for the Slauchtir of his Fathir.*

THIR ar þe OFFERIS quhilk þe LORDIS OF GORMOK, DRUMLOCHYE, and ARBLAIR, and þar Collegis OFFIRIS to MY LORD DRUMMOND, and to þe soun of vmquhill George Drummond, his wyf and barnis, kyne and frendis, &c.:—

ITEM, *In primis*, To gang, or caus to gang to þe four heid Pilgromagis in Scotland.

Secundlye, To do suffrage for þe sawll of þe deid, at his Paroche Kirk, or quhat vþir Kirk þai pleyis, for certane ʒeris to cum.

Thridlye, To do honour⁴ to þe kyne and frendis, as offeris, as ws is.

Ferdly, To aslyth, þe partye is content to gyf to þe kyne, wyf, and barnis, I^m. [1000] merk.

Fyftlye, Gif þir Offiris be nocht suffreyent thocht be þe partye and frendis of the deid, we ar content to vndirlye⁵ and augment or pair,⁶ as resonabill frendis thinkis expedyent, in sô far as we may lessumlie.⁷

III. ANSWERIS *by my Lord Drummond, &c., to the above OFFERIS.*

THIR ar þe ANSWERIS þat MY LORD DRUMMOND, his kyne and frendis⁸ makis to þe OFFIRIS presentlye gevin in be þe Lardis of Gormok, Drumlochy, and Arblair, vycht þar collegis:—

¹ A game similar to what is now termed *Bowling*. ² Roll. ³ In the original document this is followed by the attestation of JAMES BANNATYNE, notary-public, that the messenger had duly published the said Letters, &c.

⁴ Referring to the homage usually exacted in those days, viz.—The culprit appeared before the nearest in kin, (the avenger of blood,) or the Chief of the Family, and in presence of the other blood-relations of the deceased, having a halter round the neck, and, after kneeling, he offered his naked sword by the point, humbly asking forgiveness, &c.

⁵ Submit.

⁶ Reduce.

⁷ Lawfully; conform to law.

⁸ Kin and blood-relations.

ITEM, As þe first, secund, and thrid artickill, þai ar þa generall and sempil in þe self, þat þai requyr na ansver.

Item, As to þe ferd artickill, offring to þe kyne, frendis, wyf and barnis of Georg Drummond Im. [1000] merk for þe committing of þa heych, crewell, and abomenabill Slaychtiris and Mwtillationis, of fet purpos, devyfit of ald be þe Lard of Gormok, and Georg Drummond his sone, nor nane of his frendis nevir offending to þame, nather be drawing of blud, takin of Kirkis, takis, stedingis, or rowmis our ony of þair hedis,¹ or þar frendis; þa, in respect heirof, my Lord Drummond, his kyne, frendis, the vyf and barnis of Georg Drummond, cane on naʋayis be content heirwyth.

IV. THE OFFERIS of *Williame Chalmer of Drumlochye for hym self, Williame Chalmer his Cousing, George Twyldaf, Williame Chalmer, Johne Fydlar, James Key, Johne Burry, Johne Wod, his Seruandis.*

IN ÞE FIRST, þe said Williame OFFERIS to compeir befoir MY LORD DRUMMOND, and þe remanent frendis of vmq¹⁰ George Drummond, and þair to offer to his lordschip, and þe party, ane nakit fwerd be þe poynt; and siclike to do all vþer honour to my lord, his hous and frendis, þat fall be thocht reafonabill in siclike caifes.²

Item, Offeris to gif my Lord and his airis his BAND OF MANRENT, in competent and dew forme, sik as may stand with þe Actis of Parliament and lawis of þis realme.²

Item, Becaus throw extrame persecutioun be þe lawis of þis realme, þe said Williame hes nother landis, gudis, nor money, he þairfoir Offeris his sonis Mariage to be mareit vpon George Drummondis dochter, frelie, without ouy Tochir: And siclike þe Mariage of þe said Williame Chalmer, his coufing, to þe said George syster.

Item, the said William Offeris hym reddy to ony vþer thing quhilk is possabill to hym, as pleis my Lord and frendis to lay to his charge, except his lyfe and heretage.

V. *The Layrd of Drumloche, Band of Manrent.*

BE IT KEND till all men be þir present lettiris, me WILLIAME CHALMIR OF DRUMLOCHIE, that fforfamekle as ane noble and mighty lord, DAUID LORD DRUMMOND, and certane vþeris principalis of the four brancheis and maist speciall and nerrest of þe kin and freindis of vmqhile George Drummond of Leidereif, and Williame Drummond his sone, for þame selffis, and remanent kin and freindis of þe saidis vmqhile George and Williame, hes remittit and forgevin to me þair Slauchteris, and gevin and deliuerit to me þair Letteris of Slanis þairvpoun; and þat I am obliff, be vertew of ane contract, to gif þe said noble lord my Band of Manrent; as þe saidis Contract and Lettir of Slanis, deliuerit to me, fullerie proportis: THAIRFORE to be bundin and obliff, and be thir present lettiris, bindis and oblissis me and my airis, in trew and aufald⁵ BAND OF MANRENT to þe said noble and mychty Lord, as CHIEF to þe saidis vmqhile George and William his sone, and þe saidis Lordis airis, and fall tak þair trew and aufald part, in all and findry þair actionis and caufis; and ride and gang with þame þairin, vpoun þair expensis, quhen thay require me or my airis þairto, aganis all and findry personis, our Souerane Lady, and þe auctoritie of this realme alanerlie exceptit: And heirto I bind and oblis me and my airis to þe said noble and mighty Lord, and his airis, in þe fraiteff forme and ficker⁴ file of Band of Manrent þat can be deuifit, na remeid⁵ nor exceptioun of law to be proposit nor allegit in þe contrair. IN witnes of þe quhilk thing, to þir present Lettiris and Band of Manrent, subferiuit with my hand, my feil is hungiu, At Edinbureht, þe fist day of December, þe 3eir of God ane thousand five hundreth fiftie aucht 3eris, Befoir þir Witneffis, Andro Rollok of Dunerub,⁶ James Rollok his sone, Johnne Grahame of Gormok, Maister Johnne Spens of Condy, and Laurence Spens his bruther, with vtters diuers.

WIL3AM CHALMIR of Drumloquhy.

¹ This circumstance is still considered as most insulting and oppressive by the tenantry in many parts of Scotland.
² See No. V. ³ True, sincere; literally *one-fold*, in contradistinction to *double*, deceitful, &c. ⁴ Sure, secure.
⁵ Remedy, plea in the contrary, &c. ⁶ Ancestor of Lord Rollo.

It seems unnecessary to add any thing to the melancholy picture which is here given, as to the frightful consequences which, necessarily, must have been produced on the general state of society in this country, by the perpetual occurrence of such barbarous contentions.]

Dec. 12.—PATRICK BLAIR, in Ardblair, and Robert Smyth in Drumlochy, *alias Henry*, Convicted of the Slaughter of George Drummond, and William his son.¹—BEHEADED.

On Nov. 16 preceding, George Gordoun of Scheves, James Gordoun of Lefmore, and Gilbert Gray of Scheves, found caution to underly the law at the next Aire of Aberdeen, for Refetting, Intercommuning, and Supplying *William Chalmer of Drumlochy* and his complices, rebels and at the horn, for the foresaid Slaughter; and for affording them meat, drink, and other necessaries, in the months of July and August last.

Hurting and Wounding.

Dec. 19.—ALEXANDER HOPPRINGILL OF CRAIGLETHE, and George his son, convicted of art and part of the Oppression done to David Hoppringill, son of Alex. H. of Trynlieknowis, in Hurting and Wounding him to the effusion of his blood in great quantity, committed on Jul. 15 last, he being for the time in the 'hauche' of the water of Caldae, near Trinlieknowis, keeping his father's cattle.—Walter Riddell of that Ilk became surety for them.

Slaughter — Invasion — Wounding — Mutilation.

Jan. 31, 1554-5.—ALEXANDER CUMMYNG OF ALTER, John Cummyng called *Franche Johue*, John Cuke alias *Blak dog*, John Cummyng Owre, Thomas Tailzeour in Tulyduvy, and John T. in Socothe, found JAMES EARL OF MORTOUNE as surety for their underlying the law at the next Aire of Elgin and Forres, for art and part of the cruel Slaughter of Alexander M'gilleife, at the Parish Church of Edynkilzie; committed in March 1553, of forethought felony: AND also, for art and part of 'Umbefetting the way' of Patrick Dunbar young Laird of Cumnok,² and his servants, between the West side of the water of Duvy and the hill of Clumnerny; committed upon Jul. 19 last; and there cruelly Invading them for their Slaughter; and for Wounding the said Patrick in his leg; and for Mutilating Hugh Myll, his servant, of his right leg; and for Hurting and Wounding sundry other of his servants, in divers parts of their bodies.

Slaughter — The Pannel before Conviction permitted to assign a Reversion to Lord Gray.

Feb. 4.—NICHOLAS RAMSAY Convicted of art and part of the cruel

¹ See I, * 367.

² See Nov. 20, 1554, &c.

Slaughter of Patrick *alias Pawtoun* Henry. BEHEADED.—(On the margin of Record,) ‘NOTA. þe said Nycholl before his Convictioun, maid þe LORD GRAY, in Jugement,¹ his cessioner and assignay, *in vberiori forma*, to þe Reuerfioun maid to him be Alexander Raa, anent þe lowfing fra him of ane foirland in þe burcht of Perth, befid þe Fische-mercat.’

Fire-raising — Burning of Corns.

Feb. 9.—ROBERT PATERSOUN Convicted of Fire-raising and burning the corns of Sprowstoun, belonging to JAMES COMMENDATOR of the Monasteries of CALCO (Kelfo) and MELROSE ; committed in the month of November last.—HANGED.

Forging a Discharge in the name of an Italian, &c.

Apr. 1, 1555.—WILLIAM LAWDER, Thomas Fothringhame, and Robert Melville, came in Will for Forging and Falsifying a counterfeited Letter of Acquittance, dated at Edinburgh, Oct. 12, 1550 ; whereby Francis Cafar, Italian, discharged the said Thomas of the sum of fifty golden Crowns of the sun. Which acquittance was subscribed by the said William, as a Notary Public ; and was afterwards found to be false and forged, before the Lords of Privy Council, and a Decreet pronounced at the instance of Martin *alias Mawryne* Oliuer, fervitor to THE LORD DOSELL, Lieutenant of *the King of France*, dated Feb. 24 last : AND the said *Thomas*, by the procurement of the said William, for causing the said false acquittance to be forged and subscribed, and using the same : AND the foresaid Robert for his inventing, causing, counsel, art, part, and assistance given to the foresaid William and Thomas.—SENTENCE. To be considered INFAMOUS in all time coming, and their testimony never to be thereafter received : And that they should never enjoy any dignities, offices, or honors, either in judgement or outwith the same : And to be BANISHED from this kingdom, and never to return without THE QUEEN’S special Licence : And all their moveable goods to be Escheated.

Receiving the Holy Sacrament while under Excommunication.

Apr. 26.—WILLIAM CUNYNGHAME OF LAGLAND found James Hamiltoun of Fynnert knt., as surety for his underlying the law at the next Justice-aire of Air, for infringing the Acts of Parliament, in bearing sentence of Excommunication for year and day, and receiving the Holy Sacrament, while in that state.²

¹ In Court. ² See Jun. 26, 1554. There are many similar instances of prosecution for this offence, which was deemed one of a heinous and aggravated nature, especially previous to the Reformation, when the consequences of Church censures were very formidable. See APPENDIX, &c.

Convocation — Oppressing the Laird of Innes.

Apr. 30.—ALEXANDER PRIOR OF PLUSCARDIN, Mr David Dunbar Dean of Murray, Sir Thomas Rofs Chaplain, and Alex. Dunbar Parish Clerk of Raffert, were replegiated by Patrick Bishop of Murray, for Convocatioun of the lieges, and Oppressing the Laird of Innes and his servants, in the month of January last : Sureties, James Dunbar of Tarbert, and Alex. D. of Cumgie.—Gawin Dunbar Rector of Roskyne, and James Dunbar Parish Clerk of Cunnok, were replegiated by the Bishop of Rofs, the Archbishop of Glasgow, &c.

Convocation — Sacrilege — Invading the Prior of Pluscardin, &c. in presence of the Holy Sacrament — Hurting and Wounding.

May 2.—WILLIAM INNES OF THAT ILK, and thirty-two others,¹ found John Lord Borthuik surety for their underlying the law at the next Aire of Elgin and Forres, for Convocation of the lieges to the number of eighty persons, armed in warlike manner, and coming within THE CATHEDRAL CHURCH OF ELGIN, during Vespers, and there cruelly Invading ALEXANDER, PRIOR OF PLUSCARDIN, Mr David Dunbar, Dean of Murray, Alexander D. of Conze, James D. of Tarbert, and sundry others of their friends, for their Slaughters, in presence of the Holy Sacrament : AND also Hurting and Wounding James D., son of the Laird of Tarbert, and Alexander Swyne, in sundry parts of their bodies ; committed upon ancient feud, certain purpose, and forethought felony, on Jan. 1 last : AND for other crimes contained in the Letters.

Feud between the Dunbars and Inneses, &c.

JAMES DUNBAR OF TERBERT, David Dunbar of Bennagefeld, Jasper Waufe of Lochslin, and ten others, found surety to underly the law at the next Aire of Elgin and Forres, for Convocation of the lieges, in warlike manner, to the number of sixty persons, under silence of night, and coming to THE CATHEDRAL CHURCH OF MURRAY, and there Invading William Innes of that Ilk and his servants for their Slaughters, on Jan. 1 last ; committed upon ancient feud, forethought felony, certain purpose, and provision.

SUPPLICATION of the ASSISORS to THE QUEEN, with her deliverance thereon.

THE quhilk day comperit GILBERT MENZEIS, sone and apperand air to Thomas Menzeis of Pitfoddellis, Prowest of Abirdene, in name and behalf of Alexander Jaffray, baxter, Johne Arelay, cordinar, Alexander Reid, tailzeoure, for þame and þe remanent þeir Craftifmenne of þe burecht of Abirdene, and gais in þis SUPPLICATIOUNE vnderwrittin, maid be þame to þe QUENIS grace, DOWARLARE and REGENT OF SCOTLAND, deliuerit and subferiuit be hir grace, in maner following ; and desyrit þe famin to be regefrat and infert in þe buikis of Adionale, and to be admittit be þe Justice-Prineipall :

¹ Among the number are James Innes of Monbenys, John Innes, brother of James Innes of Dranye, Andrew, son of James Innes of Lewcharis, Andrew Innes, alias ' *Cow the jegat,*' Andrew Innes, called ' *the scolar,*' &c.

The quhilk desyre þe said Justice-depute thoct reffonable ; and þairfore ordauit þe said Supplicationone and þe QUENIS grace deliuerance and anfuer geuin þairupoune to be regefrat and infert in þe saidis bukis of Aliornale, and hes admittit and admittis þe famin ; off þe quhilk Supplicationone and deliuerance þe tennour followis :

‘ MADAME, vnto 3oure grace huimlie menis,¹ We, Alexander Jeffray, baxter, Johnne Arclay, cordinar, Alexander Reid, tailzeoure, for ws and þe remanent puir Craftifmen of þe burcht of Abirdene : THAT quhair we ar new fummond to pas vpoune þe Assise betuix þe INNESSES and DUNBARRIS, like as we haue bene, diuerse tymes, þis 3eire, fummond of befoir, be 3oure gracis Purfewantis and Messingerris, to pas vpoun Assise in actionis distant fra ws fourty, fifty, and lx of mylis, þat we know na thing þair of mair nor þai þat duellis in Jherusalem :² And swa, Ma dame,³ we ar heuely trublit and herreit⁴ heirthrow, be fail,⁵ abfve, and misfordour of þe said Purfewantis and Messingerris þat will nocht fummond Lordis, Lairdis, and Barronis, as wes wount to be done in all tymes bigane, past memour of man, quhill⁶ þis instant 3eir bigane, þat þai haue brocht of ane new vse, by⁷ 3oure gracis mynd, as we beleif, to fummond puir burges men and puir craftifmen, and specialle of 3oure said burcht of Abirdene, quhilk hes bene foure or five tymes heir sen þis tolmond, and all alluterlie⁹ herreit þairthrow. QUHAIRFOIR we befeike 3oure grace, þat we þat ar puir inhabitantis of 3oure said burcht may haue 3oure grace pardoune and exemptionone to remane and bide at hame, nochtwithstanding þe Summondis þat ar to cum vpoun ws, wont¹⁰ it be for actionis done within þe said burcht, or thre mylis about þe famin : And 3oure gracis anfuer heirupoune huimlie we befeik.—(Sic retroferibitur) APUD *Edinburcht primo Maii anno Im V^clv^{to}*. FIAT vt petitur. MARIE R.

Selling French Wines at too high a price.

May 4.—GEORGE HUME, residing in the Town of Leithe, Walter Cant, and thirteen others, indwellers there, and burgeses of Edinburgh, found surety to underly the law at the next Aire of Edinburgh, for Selling French Wines¹¹ at higher prices than fixed by the Queen’s Proclamation of Dec. 7 last, under the pain of forfeiture of their whole moveable goods, viz. for each tun of ‘ *Burdeoufe*’¹² and ‘ *Angew*’¹³ Wine 20 l., and in retail at x d. per piunt ; ‘ *Rochell*,’ ‘ *Scherine*,’¹⁴ and ‘ *Cune3eoche*,’¹⁵ 16 l., and in retail viij d. per pint.

Slaughter and Wounding of French Soldiers — Jurisdiction and Privilege of the Church Courts.

May 22.—MR MARK KER and THE LAIRD OF COLDINGKNOWIS dilaited for the Slaughter of vmq¹⁶ . . . de la Vigne : And for Hurting and Wounding of . . . Lespine, ‘ *corporale of CAPITANE GAL3EARTTIS COMPANY*,’¹⁶ . . . Bruflie in sundry parts of his body, and other Frenchmen ; committed at Newbottill, in April last. ‘ *COMPERIT* Maister Mark Ker, in presence of þe saidis Justice-deputis, and desyrit to be replegit, as he þat wes ane Kirkman, to his Juge Ordinare ? ‘ And þe Laird of Coldinknowis offerit him redde to vnderly

¹ Humbly complain. ² We know no more of than they who dwell in Jerusalem. ³ And so, Madam. ⁴ Pillaged. ⁵ Failure in duty. ⁶ Until. ⁷ Against, contrary to. ⁸ Twelve months ; this year past. ⁹ Altogether, entirely. ¹⁰ Unless, excepting. ¹¹ See Mar. 21, 1549-50. ¹² Bourdeaux. ¹³ Anjou. ¹⁴ Rochelle and Sherry, or Xeres. ¹⁵ Cogniac ? ¹⁶ See repeated notices of these persons in the Appendix.

þe law for þe faidis crymes—and þai bayth proteffit þat þair fouerteis be relevit, becaus þai wer reddy to entir.⁷

DEBATE as to the Jurisdiction of certain Church Courts.

JUN. 1.—COMPERIT *Maister James Balfoure*, Official of SANCTANDROIS, within þe Archedenerie of Lowthiane, vnder protestatioune, þat þe said Maister Markis comperance in þe said Justice Court hurt nocht þe estate nor prinilege of þe Kirk; and, as Ordinare to þe said Maister Mark, defyrit him to be replegit, *verbo*.—COMPERIT alsua *Sir William Bannatyne*, Chaplane, as Commissar to þe ARCHEBISCHOPE OF GLASGW, be his Commissiounne producit in Jugement, speciallie constitute, and þairby defyrit þe said Maister Mark to be replegit furth of þe said Justice Court, for þe said cryme, to þe Jurisdictionne of þe said Archebischepe; and in caise þe said Justice-depute wald nocht suffer him to be replegit be virtew of þe said Commissiounne, proteffit þat þe samin hurt nocht þe said Archebischepe in his jurisdictionne soirfaid.—Mr James Balfoure and *Maister David McGill*, vnder protestatioune þat þai admit nocht þe Justice to gif Interloquitour vpoune þe allegeances following, *nisi quantum de jure*, allegit þat þe said Maister Mark fuld be replegit to þe jurisdictionne of þe Archebischepe of Sanctandris, and aucht to be preferrit in replegiatioune to þe Archebischepe of Glasgw, be resoun he hes producit ane Testimoniale of his Ordour of Crownebennet,¹ berand þat he wes Scolare in þe dyocy of Sanctandris: And als allegit, þat he wes borne within þe said dyocy, in þe Castell of Edinbur^t, and maid residence continwalle within þe samin dyocy, viz. within þe Place and toun of Newbottill or Ed^r: And als, þat þe allegit cryme he wes to be accusit of wes committit within þe said dyocy of Sanctandris: And forther allegit, þat he hes na Benefice within þe dyocy of Glasgw; and þat he hes demittit þe Benefice of Massindew,² in Jedburgh, qubairby þe said Bischope of Glasgw allegit him to be ordinar to þe said Maister Mark; like as he presentlie, in presence of þe said Justice Depute, dimittis þe samein: And attour,³ offerrit þe Laird of Haldane cautioune for justice to be done, &c., and askit instrumenttis vpoune þe allegeances and Offir soirfaidis.

High Treason — Swearing fealty to the Protector of England, &c.

MAY 24.—GEORGE WAUCHOPE, burgess of Lander, produced a Remission for taking assurance upon himself and the other Inhabitants of the Town of Lawder, in October 1547, during the time of the building of the Fortalice of Roxburghe, with THE ENGLISH PROTECTOR, and LORD GRAY, his Lieutenant General; giving and granting his Bond and faith under his hand, that he and the other INHABITANTS OF LAWDER should be faithful subjects to THE KING OF ENGLAND; and giving his oath of fealty, for observing the same: Which Bond was thereafter fulfilled, by his daily treasonable riding in company with the said English, consulting and guiding them, as often as occasion required, against her Majesty's subjects, to their subversion and ruin. ITEM, for his treasonably leading THE PROTECTOR OF ENGLAND with his ARMY, immediately after THE BATTLE OF PYNKECLEUCHE, in October 1547, to the said Town of Lauder, therein to remain in Castles, &c. and leading them, in bodies, to various parts of the country, for the destruction and slaughter of the lieges thereof. ITEM, for his leading, refetting, supplying, intercommuning, and participating, continually, during the whole of the years 1552 and 1553, with Sir Walter Ker

¹ Having taken his degree; *Baccalaureus*?

² *Maison Dieu*.

³ Furthermore.

of Cesfurde, Sir Andrew Ker of Hirfell, and Sir John Ker of Pharnihirst, kn^{ts}, their servants and accomplices, the Queen's Rebels and at her horn, against the Acts of Parliament. ITEM, for his treasonably guiding the said ENGLISH PROTECTOR, THE EARL OF WARWIK, LORD GRAY, and THE ENGLISH ARMY, immediately after the Battle of Pynkécleuche, in the year 1547, they then being in England, to the Castlehill of LAUDER, being the Queen's proper lands, where the said English foldiers built a Fortalice, and fortified the same with warlike stores, to be kept against THE QUEEN'S lieges; and for inventing, treating, and consulting with the said English thereupon. ITEM, for treasonably delivering to RALPH BRUIER, Captain of the Fortalice of Roxburgh, and other Englishmen, being therein, an hundred daggers, with all kinds of grain which he could obtain; and assisting and participating with them for the keeping and protection thereof. AND also, for treasonably revealing and shewing to the General at the Fortalice of Lauder, and to other Captains of Fortalices, during the time of their remaining in Scotland, all the secrets of this kingdom, which he had or could procure, to the hurt and lesion thereof, and to the advantage of the said English: And for riding and going with them, for obtaining their ends, in all their deeds and conspiracies against the kingdom of Scotland, as if he had been a native Englishman.

Slaughter of a Messenger at Arms.

Jun. 7.—JOHN BLAKCATER, servant to THE EARL OF BOTHWILE, was denounced Rebel and put to the horn, and William Moncreif of that Ilk, his cautioner, was amerced in the sum of 500 merks, for his non-appearance to underly the law for art and part of the cruel Slaughter of James Lewis, Messenger at arms.

Selling Victual and Flesh in England.

Jun. 17.—MUNGO HUNTER, in Chirneside, Convicted of breaking the Acts of Parliament in carrying flesh into England.¹—Robert Richartfoun and six others in Fuldene, and Patrick Gibfoun in Coldinghame, came in the Queen's Will for transporting Victual into England; and Alexander Crawford, and two other butchers in Coldinghame and Aytoun, came in Will for carrying flesh into England.² A number of others were replegiated to the Regality of Dalkeith, were denounced Rebels, or came in Will for similar crimes, about this period.

Remarkable Case of Piracy by Englishmen — Oppression, &c.

Jul. 3.—HILBERT STALFURDE, in Kentshire, in þe Toune of Der-

¹ George Lord Seytoun became his cautioner.

² Cautioners to satisfy the Queen—George Ramsay of Dalhoussy, John Hwme of Hutounhall, and Alexander Hwme of Manderstoune.

ingtounne, Capitane ('*gra.*')¹; Thomas Man in Northphok, borne within þe tounne of Elfin,' and twenty-seven others, ('*gra.*') CONVICTED by an Assise,² chofen and fworn by their own consent, of Piracy and Oppression done to the Queen's liege subjects, and to others, foreigners, in friendship and league with this kingdom, and navigating hither: and of coming upon them with a certain armed vessel called 'KAIT OF LYNNE' at the times respectively following, in her Majesty's seas, whilst the said lieges were making for the harbour of Leith, and by piratical force boarding their vessels, and reiving and spoiling them of the goods under specified, viz. ON Jun. 23 last, furth of 'ane hulk' of the town of Stateyne, then being in the harbour of Leith, a rope or 'kabill' containing 90 'fadumms,' three or four 'pistolettis,' together with certain sailor's drestes and canvass: ITEM, on Jun. 25 last, furth of a ship belonging to Robert Orknay, Scotfinan, 34 'boundis'³ of hemp,⁴ seven barrels of the finest flour,⁵ with nine pieces of wax: ITEM, on Jun. 20 last, of a ship of Adam Nycholfoune, in which Mr George Halkheid was for the time, twenty pieces of 'fatyne' and 'dammeffe':⁶ Which goods the said persons judicially Confessed that they had stolen, and that they had fitted out their armed ship without any Licence or protection from their Prince, contrary to the common law of Nations.—SENTENCE. That they shall be HANGED as Pirates: And that their ship, with the foresaid goods, and all that was therein at the time of capturing the same, shall be escheated to the Queen.

LIST of the other PIRATES, with their punishment or acquittal.

John Hupgame, borne in Northphok, and now duelland in Lyn, (*Suspen.*); Thomas Baxter, borne in Newcastle, now duelland in Lyn, (*Suspen.*); Edmond Williamesone, in 5orkschire, borne in Kirkbemorfyde,⁴ duelland in Twedmond, in Northumberland, (*Gra.*); Anthony Fittelace, borne in Welfchire, now in Berrick, (*Gra.*); George Barrat, in Vngle, in Northhantounschire, now in Northhame, (*Gra.*); Johnne Wifdome, borne in Angliberry-hill, within v myle to Bristo, now foldiour in Berwik, (*Suspen.*); Williame Prince, borne in Birkinfchire, now in Berwik, (*Gra.*); James Golf,⁸ borne in Hamfchyre, now in Berwik, (*Gra.*); Phillope Withelak, borne in Denfchire, now in Berwick, (*Gra.*); Johnne Neillwing, borne in Northphok, now in Lyn, (*Suspen.*); Nycholace Phillope, borne in Lyncumfchire, within þe tounne of Bowstounne, in Lyn, (*Suspen.*); Mathow Crosfurde, borne in 5orkschire, now in Lyn, (*Suspen.*); Williame Vnthane, borne in Hartfurdeschire, now in Berwik, (*Gra.*); Edward Wrycht, borne in Listerfchire, now in Berwik, (*Gra.*); Robert Ra, borne in Carlile, now in Berwik, (*Gra.*); Robert Swentounne, borne in 5orkschire, now in Berwik, (*Gra.*); Williame Bourfchaw, borne in Tynebriche, in Kentfchire, now in Berwik, (*Gra.*); Williame Lamb, borne in Gloifsterfchire, now in Berwik, (*Gra.*); Edward Campbell, borne in Newcastle, now pair, (*Gra.*); Johnne Hall, borne in Northphokschire, now in Hunfoune, (*Suspen.*); Rolland Kaif, borne in Lundoun-

¹ The enumeration and description of these panels are so remarkable, that it has been thought proper to append them to the Trial in a smaller type. Prefixed to each name on the margin is the word '*Suspen.*' or '*Gra.*' (*gratia*), the first denoting those who were HANGED, and the latter those who were afterwards PARDONED, or their sentence commuted. The two last, being Minors, were not convicted. ² With the exception of William Lynlythgow of Drygrance, they were burgesses and residents in Edinburgh and Leith. ³ Bundles? ⁴ *Canapis* (*cannabis*?) ⁵ *Farine siliginis*. Pliny uses *farina siliginica* in this sense, though *siligo* denoted an inferior or light sort of corn, yielding less nutriment than wheat. ⁶ Satin and damask. ⁷ Kirkby-on-the-muir-side? ⁸ Gough?

schire, now pair, (*Gra.*); Johnne Woddorat, borne in Kentfchire, now in Swakle, (*Suffen.*); Symoune Mawfter, borne in Northphokfchire, now in Lyn, (*Suffen.*); Robert Achefoune, borne in Newcastell, now in Lyn, prenteife, (*Suffen.*); Johnne Mortoune, borne in Chefchyre, now in Berwik, (*Gra.*); John Moir, borne in Warwikfchire, now at Lundoune, (*Minor*); George Steill, borne in Gillfland, now in Norhame Castell, (*Minor*)¹

English Pirate — Oppression.

Jul. 6.—THOMAS STILBERRY, ‘ skipper’ of the fhip called KAIT OF LYN, born in Linconfchyre, in Litiltoune, now in HULL, Convicted of the fame crimes of PIRACY, &c.—HANGED.

Wounding the Deputy-Keeper of the Queen’s Park.

Aug. 21.—ROBERT FIDDES, fon of James Fiddes in Preiftisfield, Robert Bertilmo, and George Fokert, Convicted of art and part of Hurting and Wounding of William Ahaumay, fervant of the Laird of Craigemyllare,² being his deputy in keeping THE QUEEN’S PARK, near Edinburgh; committed fuddenly, on Jul. 6 laft.

Ratihabition of Slaughter, Wounding, &c. — Imprisoning — Usurpation of the Queen’s authority.

Nov. 8.—DAME MARIOTA MONTGOMERY, LADY SYMPLE,³ Came in the Queen’s Will⁴ for Ratihabition⁵ of the Slaughter of Gilbert Rankyne in Lecheland, committed by the fervants of the faid LADY, Mar. 17, 1553, under filence of night: AND for Ratihabition of the cruel Hurting and Wounding of John Fynné, and Mutilation of his arm; and for Hurting and Wounding of John Roger in fundry parts of his body, to the effufion of his blood, committed at the fame time—by Refetting of her fervants, who had committed the faid crimes, red-hand,⁶ that fame night, within THE CASTLE OF LAVEN, immediately after the perpetration thereof: AND alfo for Ratihabition of the taking and apprehending of Humphry Malcolmeffoun and Archibald Scherare, they being conducted by her fervants on the fame night to the Caftle of Laven, feeing the received them into her faid Caftle: ITEM, for Incarceration and fubjection of the faid perfons in the forefaid Caftle by the fpace of twenty-four hours, without food or drink; thereby Ufurping the Queen’s authority.

¹ The laft two were not convicted, owing to their minority.

² Simon Prestoune of that Ilk.

³ This lady is called LADY *Margaret* MONTGOMERY in *Wood’s Peerage*. She was eldeft daughter of HUGH *first* EARL OF EGLINTOUN; and was, at the time of this Trial, relict of WILLIAM *second* LORD SEMPILL, who died *anno* 1548. There feems no doubt that her name was *Mariota*, ſhe having been named after her mother, Mariota Seytoun, Miſtreſs of Borthwick, and ſiſter of George Lord Seytoun. *Wood’s Peerage*, I, 499, and II, 493.

⁴ On the margin, ‘DELETUR, quo ad partem REGINE, per preceptum.’

⁵ Law Lat. *ratihabere*, confirmare, pro rato habere.

⁶ This is ſometimes termed ‘with the *bluidy hand*,’ i. e. taken or detected in the very fact.

ASSISA super Domina Mariota Montgomery Domina Sympill.

Johne Stewart of Fowbar, Willame Wallace of Elrifley, Willame Cunynghame of Cunynghame-
Allane Houftoune, in Fowbar, Patrik Glenne, bruper to James, heid,
Robert Lindefay of Dunrod, Patrik Howftoune of pat Ilk, John Schaw of Berragane,
James Glenne of the Bar, Daud Lyndfay, in Glasgw, Matho Galbrayth.
John Simpill of Fulwod, Hectour Stewart, in Raife,

John Campbell of Skippynche became surety for satisfiing the parties—and also for the entry of EWFAME STEWARTE, at the next Aire of Renfrew, to underly the law for art and part of the Slaughtre of the said Gilbert Rankyne.¹

Convocation — Damnsucken at the Monastery of Paisley.

Nov. 9.—MATHEW STEWARTE OF BARSCUBE, John Brisbane of Bifchoptoune, William Park and Thomas Brisbane, their servants, Thomas, son of John Marchell in Rowchbank, William his brother, William Brisbane, servant of Lord Sympill, John Stewarte, son of Jonet at the Brigend of Paisley, and Willame Allaneftoune at the mill of Farmalkyne, found John Lord Erskyne as surety for their entry, at the next Aire of Renfrew, to underly the law for Convocation of the lieges to the number of twelve persons, armed in warlike manner, and for coming to THE MONASTERY OF PASLAY, by way of Hamefuckin, and there Invading John Hammyltoune, son of John H. of Ferguslie, ‘grynter’² of Paslay, for his Slaughtre; and for Mutilating him of his arm, committed on July 26 last: And for sundry other crimes contained in their Letters,—John Allaneftoune was denounced Rebel, and put to the horn for not appearing.

Convocation — Invading James Lord Somerville.³

Nov. 22.—WILLIAM BAILLIE OF BAGBIE, Nicholas his brother, Michael Shorte his servant, and three others, were replegiated by James Earl of Mortoune, to his Regality of Dalkeyth, to underly the law on Jan. 17 next, for Convocation of the lieges to the number of six score persons, armed in warlike manner, and Invading JAMES LORD SOMERVILLE for his Slaughtre; committed on Oct. 1 last. William Symontoune of that Ilk became surety.—JAMES and JOHN DALZELL in Knowhobill, replegiated to the Regality of Boithuile by Archibald Earl of Angus; Robert Dalzell of that Ilk being surety for their entry, and James Douglas of Todhillis for the due administration of justice.—JOHN SYMONTOUNE, Parish Clerk of Symontoune, and Robert Dalzell, Parish Clerk of Dalzell, replegiated by the Archbishop of Glasgow.—JOHN MYRE of

¹ See Jan. 14, 1555-6.

² *Granitarius*, one who keeps a store of Grain, a grain-dealer, or

girnall-keeper. ³ See also Nov. 16, 1554, &c. for notices of these Feuds.

Annestoune, and forty-two others, found surety to underly the law for the same crimes at the next Aire of Lanark.

Feud between Lord Somerville and Lindsay of Cobynetoune.

Nov. 22.—MR JOHN SOMERUILE, Rector of Libertoune, Michael S., Parish Clerk of Carnweth, Mr William S., Vicar of Kirkbane, Thomas S., Rector of Quodqwene,¹ and John Carmichael of that Ilk, Parish Clerk of Carmichael, were replegiated by the Archbishop of Glasgow to underly the law before his next head Court, for Convocation of the lieges to the number of 100 persons, and hindering John Lindesay of Cobynetoune from coming to the head Court of the shire of Lanark, committed on Oct. 1 last.—James Lord Somerville became surety for the due administration of justice.—JOHN SOMERUILE, brother of Lord Somerville, Parish Clerk of Quodqwene, was also replegiated by the Archbishop of Glasgow; Archibald Earl of Angus became surety for his entry, and for the due administration of justice.—JAMES CHANCELLARE in Newmaris, and sixty-eight others, found James Lord Somerville, Murray of Cokpull, and John Carmichael of that Ilk, as sureties for their entry at next aire of Lanark, to underly the law for the same crimes.

Mutilation of the Laird of Craigingelt and his Son.

Nov. 26.—MR ALEXANDER LEVINGTOUNE OF DONYPACE found William Lord Levingtoun as surety for their entry at the next Justice-aire of Stirling, to underly the law for art and part of the Mutilation of John Cragyngelt of that Ilk, and Robert his son, of their left arms; committed within the burgh of Stirling, on Aug. 21 last.—(Jan. 8, 1555-6.) HENRY LIVINGSTON in Falkirk, William and Thomas his sons, and his three servants, found caution (the Laird of Doniphace) to underly the law at the following Aire of Stirling, for same crime.

Hurting and Wounding.

Nov. 28.—ROBERT SOMERUILE,² brother-german of James Lord S., came in the Queen's Will, for art and part of the cruel Hurting and Wounding of John Lyndesay, natural brother of the Laird of Colbynetoune, to the effusion of his blood; committed suddenly, on Jul. 7 last.

Oppression — Invasion, &c.

JOHN LYNDSAY OF COBYNETOUNE, James Johnstoune of Westraw,

¹ They were also replegiated the same day by the Archbishop of Glasgow, for the Hurting and Wounding of John Lyndesay, natural brother of the Laird of Colbyntoune, to the effusion of his blood; committed on Jul. 7 last, on forethought felony, Lord Somerville cautioner. ² See Nov. 22, 1555, *Note*, &c. Reference may also be made to the Appendix.

and James Moffat, fervant to the Laird of Cobyntoune, CONVICTED of the Oppreffion done to John Someruille, brother-german to James Lord Someruille, in cruelly Invading him at Romefchaw, and chafing him to the dwelling-houfe of John Haithweye, officer of Archibald Earl of Angus in Gaitfyde, befetting the faid houfe, and Invading the faid John for his flaugter; committed ‘vpoune fuddentie,’ on Sep. 24 laft.

Abiding from the Raid of Lauder, &c.

Dec. 17.—ALEXANDER GILLIES in Glenkirk, came in Will for contemptuoufly remaining from the Queen’s army conveyed at Lawder, May 14 laft, to concur with and affift George Earl of Huntlie, Gilbert Earl of Caffillis, and James Earl of Mortoune, having her highneffes Commiffion to punifh and reprefs certain crimes and Slaughters committed upon the Borders of the kingdom; againft the Proclamations made thereanent.—James Twedy of Drummelgear became cautioner.—John Lyle of Stanypethe, John Naper of Ballekinrane, and a number more, came in THE QUEEN’S will for the fame crime. William Giffert of Sherehall, the Laird of Gorrandaill, Lekky of Croy, and Mr Thomas Bonar, &c. were denounced Rebels, and put to the horn for not appearing to underly the law for the fame crimes.

Intercommuning with the Laird of Ardwell, rebel, &c.

Dec. 19.—SIR JAMES M’CULLOCH, in Annyk, replegiated by the Bifhop of Whithorne, for art and part of Refetting, Supplying, and Intercommuning with M’Culloch of Ardwell, and Finlay M’Culloch, rebels and at the horn, for the cruel Slaughter of Patrick More, &c. The Laird of Lochinvar (John Gordoune) furety.—Thomas M’Clellane Tutor of Bombey, Michael M’C., his brother, Gothray M’Culloch of Ardwell, John M’C. in Barholm, Ninian Glendonynge in Partoune, Richard M’Ky of Myretoune, and John Akingeane, found caution¹ to underly the law at the next Aire of Wigtoune and Kirkeudbrycht, for the fame crime.

Common Theft — Resett of Theft, &c.

Jan. 3, 1555-6.—JOHN ROBSOUNE, alias *Paulis Joh*, Convicted of Common Theft, Refett of Theft, outputting and inputting thereof, &c.—HANGED.

Hurting and Wounding the Laird of Quhitefurde.

Jan. 7.—CHARLES POLLOK, (TUTOR OF THAT ILK,) Robert and David Pollok, and four others, Convicted of the Oppreffion done to John Quhitefurde

¹ The Laird of Lochinvar and Sinclare of Auchinfranco.

of that Ilk, in Hurting and Wounding him on the Lands of Grenehillis ; committed on Aug. 14 laft, on ancient Feud and forethought felony.—Alexander Earl of Glencarne and Robert Lord Sympill became fureties for fatisfying the Queen and party.

Oppreffion — Hurting and Wounding the Tutor of Pollock.

JOHN QUHITEFURDE OF THAT ILK, James his brother, and Archibald Baillie, Convicted of the Oppreffion done to the faid Charles (Pollok, Tutor of that Ilk), in Hurting and Wounding him on the faid day on the forefaid Lands.—Robert Lord Symple became furety to fatisfy the Queen and party.

ASSISA.

Johne Muir of Caldwell,	Alexander Levingfloune of War-	Johne Menteith, (<i>f.</i>)
Johne Symple of Foulwod, (<i>f.</i>) ¹	randhill, (<i>f.</i>)	Gawin Baxter in Bothuile, (<i>f.</i>)
Arch. Muir, bropr to Caldwell,	Hew Craufurd of Kilbirny,	James Glenne of pe Bar,
Johne Maxwell of Foulbar, (<i>f.</i>)	James Baillie, yr of Carphin, (<i>f.</i>)	Johne Craufurd of Craufurdland,
Thomas Craufurd in Newtoune,	John Fairlye of pat Ilk,	James Mowat, fone to Charlis.
	Pat. Hammiltoune of Dalferf, (<i>f.</i>)	

Convocation of the lieges — Inbafion, &c.

Jan. 8.—JOHN CUNNYNGHAME OF GLENGARNOK, Cuthbert C. of Cochrane, and Alex. C., his brothers, John C. of Croy, and thirty-two others,² found caution³ to underly the law at the next Justice-aire of Air, for Convocation of the lieges to the number of thirty perfons, armed in warlike manner, and coming under filence of night, in July 1554, by way of Hamefucken, to the house of Humphrey Galbrayth in Eifter Glenne, breaking up the doors thereof, entering the fame, and fearching for him for his flaugther ; committed on forethought felony.

Oppreffion — Wounding — Mutilation.

HUMPHREY GALBRAYTH in Edinbellye, Walter G., brother of the Laird of Gartfchadden, James G. in Balquharne, and ten others, found caution⁴ to underly the law at the next Justice-aire of Dumbartane, for Oppreffion done to John Cunynghame of Glengarnok and Cuthbert his brother, in Hurting and Wounding them ; committed on Aug. 10 laft, on forethought felony ; and for Mutilation of the faid Cuthbert of the thumb of his right hand.

¹ Those marked (*f.*) '*filed*,' or found the pannels guilty. ² Among the number are Gilbert Clerk, stage-player, (*histrionem.*) On Feb. 28, 1555-6, John Browne, player, (*histrio*, which may, perhaps, be intended to denote a *mountebank* or *buffoon*.) in Avendale, found Sir James Hammyltoune of Crawford-Johne surety for his underlyng the law at the next Aire of Lanark, for the Mutilation of John Weir, in Birkwod, of his right hand. ³ David Cunnyngame of Robertland and the Laird of Glengarnok. ⁴ George Buchquhamaue of that Ilk, and James Galbrayth of Kilcreuche.

Oppression — Inbasion.

JAMES GALBRAYTH OF KILCREUCHE, Walter his brother, James G. in Balquharne, John G. his fervant, Humphrey, son of John G. in Bolgair, Humphrey G. in the Glenne, Humphrey G. in Bellye, and thirty-seven others, found caution¹ to underly the law at the next Aire of Dumbartane, for Oppression done to John Lyle in Wester Kilfaffet, coming to his house in July 1554, of the causing, hounding, assistance, and ratihibition of James Galbrayth of Balquharne; and for breaking up his doors, under silence of night, and Invading him for his slaughter.

Slaughter.

Jan. 14.—ANDREW MONTGOMERY, Malcolm Allanesoune, Andrew Park, and Allan Terbert, produced a Respite for art and part of the cruel Slaughter of Gilbert Rankyne, in Lecheland, committed on Mar. 17, 1553, &c.² The Earl of Glencarne, and John Campbell of Shippynche, became cautioners for fatisfying the parties.—They also found caution to underly the law at the next Aire of Renfrew, for the Murder of the said Gilbert, and for forethought felony.

Remission for a Slaughter — Replegiation.

Feb. 12.—WILLIAM NEWTOUNE OF THAT ILK, and John N. in Newtounne, produced a Remission for art and part of the cruel Slaughter of John Crummy, burges of Hadingtounne; committed on ancient feud, forethought felony, &c. in Oct. 1545. Patrick Sydeferf of that Ilk, and Henry Ogill of Hartre-wod, became cautioners for fatisfying the parties.—George Newtounne, in Muffilburgh, was Replegiated for the same crime, by the Commendator of Dunfermeling, to his Regality of Muffilburgh.

The Laird of Knockdoleane denounced for Slaughter.

Mar. 4.—ROBERT GRAHAME OF KNOKDOLEANE denounced rebel and put to the horn as fugitive from the law, for the Slaughter of Duncan M'gilwrik; committed in Nov. 1554, on forethought felony.—He was again denounced on Apr. 11, 1556

Stealing a Silver Dish of the Queen Regent's.

Mar. 30, 1556.—DAVID MVRE in the Craig, within the shire of Air, found John Schaw of Haly as cautioner for his entry at the next Justice-aire of Air, to underly the law for art and part of the Theft and concealment, furth of

¹ Edmund Buchquhannane of Spittale, George Buchquhannane of that Ilk, James Galbrayth of Balquharne, and the Laird of Kilcreuch. ² See Nov. 8, 1555.

the house of JOHN LORD MAXWELL, from her highness THE QUEEN REGENT, in the month of August last, of a silver dish¹ marked with the said Queen's Arms, and being her private property.—JOHN EDZARE, burgeis of Dumfreis, found firety² to underly the law at the next Aire of Dumfreis for the same crime; and MARJORY CUNYNGHAME, his wife, was denounced Rebel, and her moveables confiscated as fugitive from the law.—(May 4, 1557.) She was allowed to come in the Queen's will.

Drumlangrig's Brother denounced for Slaughter.

Apr. 14.—JOHN DOWGLAS, in Steppis, son of James D. of DRUMLANGRIG, James Douglas, Andrew Paterfoun, and Thomas Doby, were denounced rebels and put to the horn for the Slaughter of William Dalzell, brother to Robert Dalzell of that Ilk; committed on May 8, 1555.—John Johnnestoun of that Ilk, their cautioner, was unlauded for their non-appearance.

Hamesucken — Hurting and Wounding, &c.

May 5.—DAVID SEYTOUNE, son of unq^{le} William S. of Rungawy, Convicted for coming by way of Hamesuckin to the lands of Innerteill, on Feb. 18 last, and cruelly Hurting and Wounding of William Allerdesse, stone-mason, and Henry Buttir, in their heads and breasts, to the effusion of their blood: AND for casting Mathew Marshell into the Water of Innerteill.—George Lord Seytoun became firety along with him for satisfying the Queen and parties.—(May 7.) LORD SEYTOUN became caution for his entry 'to suffer þe Declaratour of þe said Justice,' &c. A number of others found caution on May 6, to underly the law at the next Aire of Fife for the same crimes.

Forging, erasing, and falsifying a Charter, &c.

May 18.—ANDREW DRUMMOND OF BALLECLONE Convicted by a condign Assise of art and part of fforgeing and falsifying a Charter of seufarm, pretended to have been granted by ALEXANDER, ARCHBISHOP OF ATHENS AND OF THE ISLES OF SCOTLAND, and perpetual Commendator of the Monastery of Inchechaffray,³ of the lands of Balleclone, with the pertinents, excepting three

¹ The words of the record are '*vnus parapcidis argentei*.' PAROPSIS is used by *Suet.* and *Petron.* to denote a silver dish to serve up meat in.

² Uchtred Edzare of Nether Inglistoun, &c.

³ This individual was the second son of JOHN LORD GORDON by Margaret Stewart, natural daughter of KING JAMES IV, (by Margaret, eldest daughter of John Lord Drummond.) Having been elected by the Chapter ARCHBISHOP OF GLASGOW, and afterwards set aside by THE POPE, who nominated James Beaton, Abbot of Aberbrothok, he got the titular ARCHBISHOPRICK OF ATHENS (*in partibus Infidelium*); was consecrated BISHOP OF THE ISLES, Nov. 26, 1553; and got the Commendatory of INCHAFFRAY. In 1558, he was translated to the See of GALLOWAY, embraced the Reformed Religion, and died in *anno* 1576.

ploughgates thereof, which he and Henderfoune, parchment-maker, erased and altered from the first original Charter, granted to the said Andrew, &c. in the year 1553.—SENTENCE. To be publicly led with his hands tied behind his back to the Market-Cross of the burgh of Edinburgh, and there to have HIS RIGHT HAND STRUCK OFF and fastened on a pole: AND thereafter to be BANISHED from the kingdom for life, and to be perpetually reckoned as INFAMOUS: And all his moveables to be escheated to the Queen.

(Jun. 13.)—HARY DRUMMOND OF RICARTOUNE became surety 'that he shall departe furthe of his realme within xv dayis nixt eftir þe day and dait of þis Act; and nocht to returne within þe samyn, without oure souerane ladeis Licence had pairupoune, under þe pane of ane thousand merkis.'

Stealing the Queen's sheep from her Park, Edinburgh.

May 18.—THOMAS BULLERWELL, 'delaittit of þe thiftuous Steling of certane scheip fra þe QUENIS grace furthe of hir Park of Ed', wes ordanit by þe Justice depute, of his awin consent, to departe furthe of þis realme, within xxⁱⁱ dayis nixt eftir þe dait heirof, and to remane furth of þe samyn as BANIST; and nocht to returne pairin, without oure souerane ladeis Licence had pairupoune, vnder þe pane of deid.'

Oppression — Inbasion, &c.

May 28.—JOHN SOMERVILE OF CAMNETHANE, William his brother, John S. in the Grene, and Alexander his brother, and others, dilaited of art and part of the Oppression done to Robert Hammyltoune, in Garryne, on Apr. 4 last, in chasing him from Cambusnethane wood to the water of Clyde, to the boat or 'cobill' of Heleife.

ABSENTES ab ASSISA domini de Cambusnethane, &c.

Neill Montgomery of Langschaw,	William Sympill of Thridparte,	George Brown of Colstoune,
Hugh Montgomery of Hiffelheid,	John Mre of Caaldwell,	Gilbert Wauchope of Nvdrye-
James Hammyltoune, Wodfyde,	Robert Ker of Kerrisland,	Marfcheale,
William Sympill of Cathcart,	James Montgomery of Brvme-	Hugh Montgomery of Stane, ¹
Walter Pettigrew of Ouer Cottis,	land,	Robert Ker of Trearnie.

(May 29.)—THE pannels were Convicted by an Assise, except the Laird of Camnethane, who did not enter on pannel.—SENTENCE was not recorded.²

Slaughter.

Aug. 3.—JOHN HYVIESOUNE, tailor, Convicted of the cruel Slaughter of Andrew Howefoune, in West Nvdry; committed in July last, under silence of night.—BEHEADED.

¹ Montgomery of *Stair*. At and previous to this period, the name was written Stene and Stair indifferently. ² Only the Scroll-books of this period are preserved.

ELGIN AND FORRES.

[THE following interesting Excerpts have been procured from the *Earl of Haddington's*¹ *MS. Collections*, Advocates' Library, (A. 422.) The first article is prefixed to a Copy of Proceedings of THE JUSTICE AIRE OF ELGIN AND FORRES, held and begun at the burgh of Elgin, on Monday, Aug. 17, 1556, before JOHN ERSKINE OF DYNE, Justice-depute. This Aire terminated on Oct. 17, 1556, being the twenty-first day of the sittings.

The reader is referred to a similar document, which has been published, as in reference to THE JUSTICE-AIRE OF JEDBURGH, in a former part of this work;² and it may be considered a matter of some curiosity to note the difference in the styles of these Proclamations. Of course, it must be understood that such intimations as these would run in the same terms, in reference to all the other Justice-aires of the kingdom, at the periods to which they respectively belong.

It may be noticed that the general complexion of the Cases which were tried at this Aire were trivial. The only entries possessing any interest follow the Proclamation, which is here given entire.]

PROCLAMATIO.

WE command and charge, in oure souerane ladeis name, his darrest moder þe QUENE DOWARIARE AND REGENT of hir realme, and hir Justice-principall and hir deputtis heir present; That na maner of persone or persones cummand to this present Justice-aire, remanand þairat, or passand þairfra, invaid ony of thame vtheris, ather for auld Feid or new, wunder þe pane of deid: AND þat na maner of persone nor persones beir vther wappinnis bot sehort knyffis at þair beltis, except the Justice, Scheref, Crouneris, and þair deputtis, officiaris, houf-hald, and servendis, vnder þe pane of escheitting of þair Wappinnis and pvneiffing of þair persones, be wairding or vtherwayes, at the will of our souerane ladies darrest moder and Justice. AND that all maner of victuallis, sic as flefche, fische, meitt, fowale, and vther necessaris, be brocht to þe mercat and fauld for reddie money, for the prices following; and that na pryces pairof, nor zit þe lugeing, bedding, stabulling, or vtheris quhatfumevir asiamentis and necessaris for lugeing and furneiffing of our souerane ladeis leigeis, be rasit or hichtit³ vponne thame; bot that þe famin be fauld and furneiffit of þe pryces following. That is to say, þe laif⁴ of guid sufficient quheit breid, for sustentation of þe QUENIS Maiesteis Houfhald and remanent Nobill men, of xxij vnces wecht, iiij d.
The pynt of Burdeous⁵ vyne, xij d.
The pynt of fine Scherand or Amzerk⁶ vyne, x d.
The quairt of guid Aill, to be fauld for viij d.
The best mutton bowik,⁷ for vj š.

And vther nocht sa guid, to be fauld vnder that pryce, as it is of avail.⁸

The pryce of ane guifs, xvij d.
þe muirfoull, iiij.
The capone, to be fauld for xij d.

¹ The celebrated THOMAS, first EARL OF HADDINGTON, who held the important offices of Lord Advocate, President of the College of Justice, Principal Secretary of State to KING JAMES VI, &c. &c. ² I, * 64. ³ Increased in price. ⁴ Wheaten loaf. ⁵ Bourdeaux. ⁶ Probably

Zeres, or Sherries-sack. ⁷ Carcase. ⁸ Worth.

The peifs of pultrie,	vj d.
Gryt chikkinnis,	iv d.
The gryfe, ¹	xij d.
Four eggis, for	j d.
The kid, for	ij s. iiij d.
The carcage of þe best beiff, to be fauld for	xxxvj s.

And vtheris wnder, vpone smallar pryces, as it is of availl.

The peck of horfe-corne that is guid,	vij d.
The threafe of fodder,	vij d.
The pund of caudill, of þe fynest and fairest saif, for	vij d.
The leid of peittis, ²	ij d. ob.

And that þair be guid cheir throw all þe toune for Gentillmen and

þair servendis, for xij d. at þe melteithe, ³	xij d.
The furneist bed, on þe nycht, and that to freithe the chalmer, ⁴	iiij d.
The stabill-fie, for aue horfe, xxiiij houris,	j d.

Vnder the pane of confiscatioune of all þe guidis of þe brekeris þairof. And that nane of oure souerane ladeis leigis tak vpone hand to eitt, distroy, or stramp doune ony growand cornes with þair horflis, or oppinlie or privatlie to carry or tak away ony schorne coirnes and sêheves of þe fieldis; with certificatioun to þe awneris of þe said horfe, that it salbe lesum⁵ to þe awnaris of þe saidis coirnis to tak and hald þe saidis horflis quhill⁶ thay be payit, for þe first falt x s., the secund falt xx s., and þe thrid falt, þe famin salbe escheittit to our souerane ladeis vsê. AND in lykvaife, WE Command and chairge all maner of perfones, that nane of thame tak vpone hand to sêheir ony growand coirnis, with certificatioune to thame and³ thay do in the contrair, it salbe lesum to ony perfones to tak and apprehend thame with þe saidis coirnes, and bring thame to our souerane ladeis Justice to be pvneist with all rigour, conforme to þe lawis and conswetud of this realme. AND gif ony persone or personis brekis þis present Proclamatioun, thay salbe callit in this present Justice-aire þairfoir, and for commoun Oppressouris of our souerane ladeis pure leigis thairthrow, and pvneist thairfoir to the rigour: AND Ordanes the Pronest and Bailzeis of this burche to searche and seik þe brekeris of this Proclamatioun, and bring and present thame to þe Justice, that thay may be puneist for þair demereittis, as accordis.

Lord Lobat ordained to apprehend and present Rebels, &c.

Aug. 31. (*Apud Elgin.*)—The quhillk day, sforfamekill as it pleasit þe QUENIS grace to releif furth of Waird and put to libertie, ALEXANDER LORD

¹ Pig.
dinner.

² Load of peats, or turfs, for firing.

⁴ To be the whole charge of the apartment.

³ Each meal, at the principal *meal-tide*, or
⁵ Allowable; lawful. ⁶ Until. ⁷ If.

ELGIN AND FORRES.

FRASER OF LOVET, vpon expectationne that þe said Lord fall perfew, tak, and apprehend at his vttir power, all hir grace Rebellis and fugitiues fra þe last Aire of Inuernes, and in speciall, Allaister M^cane M^cVarrin, Tormet M^cwane, Jhonne Duncane M^cauchin, Kenzeocht Roy M^cauchin, Murquho Boy, Jhonne M^cgillespik M^cewir, and James M^chutchoune Bayne, and vtheris refortand within his boundis or partis ewist¹ þairto. Thairfoir þe said LORD, as principall, and JHONNE, ERLE OF SUPERLAND, and WILLIAM INNES OF THAT ILK, as cautioneris and souerteis for him, hes obleift thamefelffis, coniunctlie and feuerallie, vnder þe pane of Ten thowfand merkis, that þe said Lord fall enter þe saidis personis to hir grace betuix this and the feast of Allhallowmefis nixttoom, gif thay may be apprehendit; at þe leift, he fall enter him selff at þe said feist to hir Grace, quhair scho fal happin to be for þe tyme, to anfuer vpon his diligence in executiounne heirof. And the said LORD is obleift to releif tham.

Inquisitio Generalis, seu Magna Assisa Vicecomitatus de Elgin et Fores.²

Wilelmus Innes de Eodem,	Joannes Annand, in Elgin,	Jacobus Dunbar de Tarvet,
Alexander Dunbar de Cumnok,	Robertus Dunbar de Durris,	Alex. Vrquhard de Burrisfairs,
Alex. Cumming de Ernesyde,	Andreas Supirland de Greifschip,	Alexander Innes de Caibo,
Alexander Supirland de Duffus,	Alexander Anderfoune,	Mr Alex. Dowglafs, Prepositus de
Alexander Dunbar de Conzie,	David Dowglafs de Erlifmyll,	Elgin, ³
Wilelmus Leslie de Akinway,	Jacob. Supirland, alias Garratyne,	Wilelmus Dumbreek de Vrcane,
Joannes Innes, senior, in Elgin,	Joannes Hay de Park,	Robertus Innes de Innermarkie,
Wilelmus Dumbrek de Frefeild,	Wilelmus Cuming,	Wil. Gadderare, burgen de Elgin,
Patricius Boyne, in Fores,	Wilelmus Auldeorne,	Joannes Comes de Supirland,
Walterus Leslie de Kynnynrie,	Alex. Vrquhard, mercator in Forres,	Jacobus Innes de Drymye.

James Urquhard engages to deliuer up his two brothers.

Sep. 2.—The quhilk day, JAMES VRQUHARD obleift him selff to tak, present, and delyuer ane of his tua brether, Jhonne Reoche Vrquhard or Rore Vrquhard, to þe QUENIS grace, betuix this and Sanct Androis day, to be vseit at hir graceis pleasour; and to do þe famin at his extreme power; and fall, at þe said Sanct Androis day, enter and present him selff befoir þe Quenis grace to justifie his promeis foirsaid. And for his reentrie, at that day, hes fundin cautioneris JHONNE ERLE OF ATHOLL, JHONNE ERLE OF SUPIRLAND, Jhonne Hay of Park, and Hucheoune Murray of Abirrescorse, coniunctlie and feuerallie, vnder þe pane of ane thowfand pundis. Prowyding alwayis, that gif he chances to slay ane of thame, it fall nocht be imput to him as ane cryme, bot falbe

¹ Nearest.² The following List of the 'Magna Assisa,' or GRAND JURY of Elgin and Forres, having been preserved, it has been thought of sufficient interest to be inserted here.³ It is probable that one of the ASSISE is omitted here, by mistake, the number being incomplete.

eftemit as executionne of his promeis, becaus he hes þe Quenis command pairto.

ERLE OF ATHOLL.

JOHN HAY OF PARK,

ERLE OF SUPIRLAND.

with my hand led at þe pen be Schir Jhonne

HUCHEOUNE MURRAY OF ABIRSCORSE.

Gibfoune, Noter publict, at my command.

Caution for the Laird of Cumnock.

ALEXANDER DUNBAR OF CUMNOK, Sheriff of Elgin and Forres, found James Dunbar of Tarbet cautioner for him, under the pain of 1000 merks, to appear before the Queen, at Aberdeen, on Sep. 26 instant.

Abiding from the Raid of Abirtarf — John Muidertach.

NOV. 16.—JAMES HAY, in Fyndachtie, came in Will for treasonably abiding from the Queen's ARMY ordained to convene with JOHN EARL OF ATHOL, the Queen's Lieutenant, at ABIRTERF, on Aug. 6, 1555, to repreſs JOHN MODERATE¹ and other Rebels.—John Hay of Mukhaldis, ſon of the Earl of Errol, became ſurety along with him for the ſatisfaction of the Queen.

THE DECLARATION of the Queen's Will vpoun James Hay, in Fyndauchtie.

(NOV. 27.)—THAT forſamekill as þe QUENIS grace, in reſpect of þe ſaid Will, may diſpone vpoune þe life, haill landis, and gudis, movabill and vnmovabill, of þe ſaid James at hir pleſoure; neuerþeſels, þe ſaid Juſtice depute, of hir ſpeciale command, temperand juſtice with mercy, FOR HIR WILL, of þe ſaid James awin conſent and acceptand þe ſamyne, Declaris, decernis, and ordanis þe Tak, ſteding, and aſſedatioune of þe landis of Fyndauchtie, lyand within þe ſchereſdome of Banſ, perteing to þe ſaid James, maid to him be vmq^{le} þe Parſoune of Rathvene for þe tyme, of þe dait, at Edinbur þe ferd day of Maij, þe zeire of God I^m.V^c. and xlvij zeris, pertenis, and fall pertene to hir grace, to be viſit and diſponit be hir, with all rycht and kyndneſ þat þe ſaid James had, hes, or onywyfe may haue pairto, for all zeris and termes þairof to ryune, or ony vperwiſe, in tyme cuning, at hir pleſour; ſiclyke, and als ſrelie as þe ſaid James mycht haue viſit. occupiit, and diſponit þairoune, in ony tyme bigane: AND als, Ordanis þe ſaid James, of his awin conſent, to remoif, devoid, and red him ſelf, his ſeruandis, and gudis furthe of þe ſamin, and to deciſt and ceife fra all forder intromiſſioun pairwith, within xv dais nixt eftir þe dait beirof; and fra thyne furth to deciſt fra all moleſtatioune of quhatſameuir perſonne or perſonis it ſal happin hir grace to diſpone þe ſame to, vnder þe pane of deid: And þe premiſſes being obſeruit, kepit, and fulfillit be þe ſaid James, and na vpirwiſe, diſpenſſis with þe ſaid James vpoune his life, and REMITTIS þe ſamin to him: And als, gevis and diſponis to him ze reſt of all his gudis, movabill and vnmovabill quhatſameuir, to be diſponit at his pleſoure.

Forging and uttering 'Bawbeis.'

NOV. 17.—HENRY WYND, burgeiſ of Dyſart, Convicted of treasonably ſtriking² falſe and ſforged money, called *Balbeis*,³ and iſſuing them among the

¹ See Appendix to this reign. The perſon here alluded to was the noted JOHN MUIDERTACH, *i. e.* John (Macdonald) of Muidart. Reference may alſo be had to *Gordon's* History of Sutherland, *Mr Gregory's* work on THE ISLES, &c. ² Coining. At this period the coins of Scotland were *struck* or forged with the hammer, which gave unſhapely and irregular edges to them. ³ BAWBEES.

liegis in July, August, September, October, and November last.—BEHEADED, ‘*ex gratia Regine Dotarie.*’

Convocation — Searching for Douglas of Kilspindie,² &c.

NOV. 19.—ROBERT BISHOP OF DUNKELD, Suffragan of St Andrews, William Creychtoun of Drylaw, Parish Clerk of Holyrood, and Mr Alexander Creychtoun, Vicar of Innervik, were replegiated by Mr James Balfour, Official of the Archbishop of St Andrew’s, to underly the law for Convocation of the lieges, to the number of fourteen score, (280 persons,) armed in warlike manner, and searching for Archibald Dowglas of Kilspindy, (Provost of Edinburgh,) for his Slaughter, at the Town of Abirlady; committed on Aug. 18 last; and for other crimes contained in the Letters.—Alexander Lord Hume and John Hume of Coldinknowis, became cautioners for the due administration of justice.

Convocation — Searching for Douglas of Kilspindie, &c.

NOV. 19.—ALEXANDER LORD HUME, George Nesbet, of that ilk, John Cranftoun, son of Cuthbert C., and John Edzeare of Weddirlie, found caution to underly the law for the above crimes, at the next Aire of Berwick.—HERBERT MAXWELL, burgher of Edinburgh, and JAMES STEVINSOUN OF HIRDMANSCHEILLES, were on the same day convicted as art and part of the same crimes.

Bringing in Englishmen — Stouthreif of Horses and Cattle, &c.

NOV. 24.—JOHN JOHNNESTONE, called *Johne of the Quawis*, Andrew, David, and Edward his brothers. John Jardane of Apilgirth was amerced for not reporting and delivering the Letters duely executed at the instance of William J. in Preiftidikis, Walter his brother, and John his brother’s son, to take caution for the above persons underlying the law for treasonably bringing MARKE GRAHAME, William G., called *Alleis Willie*, George G., called *Paulis Geordy*, and other ENGLISHMEN, to the number of sixty persons, armed in warlike manner, in the month of June last, to the lands of Cummergirth; and for Stouthreif and ‘Herefchip’ of eight score of cows and oxen, four horses, &c.

Sacrilege — Stealing Chalice and Church Ornaments, &c.

DEC. 7.—ADAM SINCLARE, son of James Sinclare of Ley, and Henry Elder, cook, convicted of art and part of theftuously breaking into the PARISH KIRK OF FORESE, and stealing and concealing furth thereof, ‘and lokfast lwmys³

¹ This crime was frequently punished by STRANGLING AT THE STAKE and BURNING, which, it is supposed, is here alluded to as having been commuted, by the special grace of the QUEEN DOWAGER, to beheading.

² See May 19 and Jun. 18, 1557, and Appendix, &c.

³ Literally *looms*, e. g. chests, &c.

being pairintill', of fundry fums of money, in gold and filver, together with certain Chalices and Ornaments of the said KIRK, and other goods being therein, belonging to the Queen's lieges; committed with umq^{le} Thomas Ramfay, common Theif, in November laft, under filence of night.—SENTENCE. The said Adam to be DROWNED, ' *ex speciali gratia Regine* :'¹ And the said Henry HANGED.

Forging, and not revealing, the striking of false 'Testanis,' &c.

Dec. 7.—WILLIAM NASMYTH, ' being accufit of arte and parte of þe ffeuzeing, fforgeing, and striking of certane ffals Testanis,² v f. pecis; AND of arte and parte with William Hendirfoune, in þe Potterraw, pairintill; being with him in cumpany þe tyme he ftruik þe said Testanis, and nocht reweland þe famin, &c.—was at þe QUENIS grace command, be þe said Justice Depute, of his awin consent, BANIST furth of þis realme; and to remane furth of þe famin, as banist, and nocht to returne pairintill, without onre fouerane ladeis Licence had þairuponne: And to departe furth of þe famin within xxxⁱⁱ dais nixt efter þe dait þairof, vnder þe pane of deid.—Michaell Nafmyth, feruand to my lord (Archebifchop) of St Androis, become fourtie for him, þat he fall fulfill þe premissis, vnder þe pane of xl lib.'

Murder — Slaughter — Taking the Fortalice of Akirgill, &c.

Dec. 23.—GEORGE EARL OF CAITHNESS presented a Remiffion from the Queen for art and part of the cruel Slaughter and Murder of Henry Leslye and his fon, a youth, and other fix perfons, the Queen's lieges, along with them, being in a certain boat loaded with victual, oppofite the place of Girnego, by William Crukefhanck fenior, James Sinclare called *Litill Jamé*, James Wawane and Thomas Frafer, his fervants, of his caufing, command, affiftance, and ratihabition: AND for Stouthreif and Spuilzie of the said victual, carrying the fame to the place of Girnego, and finking the said boat. ITEM, for art and part of the cruel Slaughter and Murder of Sir John Symfoune by Archibald Keith, ' in þe Weik,'³ his fervant, of his command, affiftance, refett, and ratihabition. ITEM, for art and part of the cruel Slaughter of Hugh Neilfoune, in Strathvlze, by Donald Robfoune, of his counfel, &c. by way of Hamefuekin, in his own houfe. ITEM, for art and part of Convocation of the lieges in great number, and treasonably befieging the Houfe and FORTALICE OF AKIRGILL, belonging to WILLIAM EARL OF MARCHEALL, and violently expelling John Scarlet the

¹ Perhaps owing to his youth, or at his own request. This was the ordinary capital punishment inflicted upon women.

² So called from the *teste* (tete) impressed on them, *testoons*, five shilling pieces.

³ The town of Wick.

Keeper thereof, and placing his servants therein. ITEM, for treasonably Usurping the Queen's authority by taking Alexander Keyth, her free liege, and Incarcerating him in his Place of Girnego, and detaining him therein in close custody for a long space. ITEM, for treasonable Usurpation of the Queen's authority, by taking David Sinclair his brother, Bailie of the Bishop of Caithness, and Incarcerating him in the said Place, for a long space. ITEM, for Refetting, Supplying, and Intercommuning with Andrew Sutherland young Laird of Clyne, Andrew son of William S., of Bulbister, William S. called *Fathir War*, and others their accomplices, rebels and at the horn for the Slaughter of William Murray, Captain of the Queen's House (Castle) of Barrow. ITEM, for the cruel Slaughter of William Auld in Scarmclet, committed 'on suddenty.' ITEM, for art and part of Disobeying the Queen's Precept to present and produce Kenneth Farquhartson and Gawin Williamessone before the Justice or his Deputies, at the last Aire of Inverness, to underly the law for their crimes. ITEM, for art and part of the violent occupation and fishing of a fourth part of the Salmon-Fishing of the Water of Thurso, for the space of four years, or thereby, viz. 1553, 1554, 1555, and 1556, pertaining for the first two years to Laurence Master of Oliphant, by reason of the Gift of his Nonentry granted to him by the QUEEN, and for the two last years belonging to him in heritage; and for violently detaining from the said Master the whole fish thereof, extending yearly to three *lasis* of Salmon, the common price of each last, yearly, being 100 li. ITEM, for treasonable Usurpation of the Queen's authority, coming with displayed Banner and Convocation of 2500 men, in 'plain Battle,'¹ at the Water of Elmisdene, against THE QUEEN'S LIEUTENANT and her authority; committed in the year 1544.

Killing Game with 'culberingis' and 'pistolettis.'

Jan. 28, 1556-7.—WILLIAM WAUCHOP, son and heir apparent of Gilbert of Nvdry-Marcheale, Edmund Nycholfoune, miller in Diriltoune, and five others, found surety² to underly the law at the next Aire of Edinburgh, within the Constabulary of Hadingtoun, for breaking the Acts of Parliament in slaying Wild fowl (game) with 'culveringis' and 'pistolettis,' from May 1552 to November last 1556, inclusive.—A number of other persons were called for the same offence, and were replegiated to various Regalities, or found caution to underly the law at the next Justice-aire of their respective shires.

Stouthreif of Gold and Silber work, &c.

Feb. 1.—ALEXANDER KYLE, goldsmith, son to John Kyle, goldsmith,

¹ In open battle array, with standards unfurled, &c.

² Gilbert Wauchop of Nudry-Marcheale, Patrick Hepburne of Wauchtoun, and James Hereote of Trabroune.

burgefs of Edinburgh, ‘delatit of þe Stowthe-reif, vnder fylence of nycht, vponne New-zeir-ene, viz. þe laft day of December laftbiþaft, fra Robert Rynd, alfua goldfnyth, and his feruand boy called James Weir, in his name, at þe faid Robertis chalmer ftair-fute, befeyde þe Buttir-trone, off ane litill coffir, and in þe famyn xij gold ryngis, viij of þame fet with ftanis, fex filuer ryngis, foure fyluer fþvnis, foure hearttis of gold, ane fyluer quhoffill,¹ and dinerfe vþeris fylner and gold werk: Off his awin confent is BANNIST for þe faid cryme, and Ordanit be him to departe furth of þe famin within xx^{ij} daxis nixt eftir þe dait-heirot: And nocht to returne agane pairto without Remit² and Licence of þe QUENIS grace, vnder þe pane of deid.’

Slaughter.

Feb. 3.—ROBERT BERCLAY and DAVID M’CAIG, both in Caprintoune, Convicted of art and part of the cruel Slaughter of John Clerk, committed at the Place of Caprintoune on Jan. 8 laft.—BEHEADED.

(Jun. 18.)—‘Robert Berculay in Caprintoune, of his awin fre motive will, Convict of þe Slauchter of vmquhile Johnne Clerk in Caprintoune consentis to be BANYST, in prefens of Johnne Clerk, fone to þe faid vmq^{le} Johnne: And als þe Justice Decernis him to be Banyft, and to pas furth of þis realme within xx^{ij} dais nixt heireftir; and nocht to returne pairintill agane without fpeciale Licence of þe Quenis grace, vnder þe pane of deid.’

Slaughter committed by a Minor.

Feb. 23.—JOHN PEIRSOUN, cook in Bele, dilated of the Slaughter of Archibald Lyle, fervant of the Laird of Bafs.—John Lyle of Stanypeth producet ane Bill and requeift gevin in be him to þe QUENIS grace, with ane delyuerence vponne þe bak pairot, fubferiuit with hir grace hand.

MADAME, Vnto your grace, humilie menis and felawis I, your feruitour, JOHNNE LILE OF STANY-PETH, fader bruper,³ and remanent kyn and freindis of vmq^{le} Archibald Lile, feruand⁴ to þe LARD OF BASS: That, quhair Johnne Peirfoune, cuke in Bele, recentlie, vponne þe thrid day of Januar infant, cruelly Hurt and Woundit þe faid vmq^{le} Archibald with ane greit key, in his heid, quhair of he lay continewalie, be þe fpace of aucht dais, or pairby, paireftir, quhill his harnis blaknit,⁵ and fyne deit of þe famin; and fua crewellie flew hym, in maner foirfaid: For þe quhilk cryme he wes takin reid-hand,⁶ and put in prefoun in þe pite⁷ of Beill, and paireftir brocht and pute in warde in þe Tolbuith of Ed^r: And fyne⁸ we obtenit Letteris, and pairby caufit fummand ane Affife of honest and vnfulpect perfonis of þe fherefeldome of Ed^r, within þe fcherefeldome, within þe conftabillarie of Hathingtoun, and four-half-about, to compeir befor þe Justice and his deputies, in þe tolbuith of Ed^r, þe xix day of

¹ A silver whistle or call, then in common use. Even during the last century, these whistles were still preserved and occasionally used in some old families, in place of the modern custom of ringing bells to call servants. The whistle gradually gave way to silver hand-bells, and these in their turn were superseded by the introduction of bell-pulls into each room.

² Remission.

³ Paternal uncle.

⁴ This does not imply that he

was a menial servant, but merely that he was in his train or retinue.

⁵ Literally, until his brains mortified.

⁶ Taken in the fact; red-hand, or ‘with the bloody hand,’ as it was termed.

⁷ Pit; the Laird of Beill having,

in common with other petty Barons, the privilege of PIT and CALLOWS.

⁸ Then; afterwards.

Januare instant, to haif past vpoune þe Affise of þe said Jhone Peirfoune for þe said crewell Slauchter : At þe quhilk day, estir þe presenting of þe said Jhone Peirfoune in judgement, in ane fensit Court of Justiciarie, vpoune ane frevell¹ exceptionne maid for him, allegeand þat he wes nocht of lauchfull age of xxj 3eris, and pairfoir þat he culd nocht be pte to þe knowlege of ane Affise for þe said crewell Slauchter, We culd get na iustice vpoune hyme, nor Affise callit and hyme pte to þe knowlege of þe famyn for þe said cryme, howbeit þe said Jhone Peirfoune is ane abill man of peirfoune, of þe age of xvij 3eris, with þe mair;² and pairfor, as we vndirstand, aucht to be pvnit for ony crymes committit be hyme. HEIRFOIR we besaik 3our grace to haif consideratioune of þe premisses, and pairfore to gif command to þe Justice, Justice clerk, and pair deputtis, to minister, and caus be ministrat, iustice vpoun þe said Jhone Peirfoune for þe said crewell Slauchter, and to pte hyme to þe knowlege of ane Affise for þe famyn, nochtwithstanding þe said exceptionne and allegeance ; as þai will anfuere to 3our grace at pair vtermaist : And 3our graces anfuere rycht humilie we besaik.—(Indorsed.)—APUD LINTHQU^w, xx^o mensis, Jan^{rii} 1556. THE QUENIS grace, being informit of þe Petitioune of þe complenaris within contenit, Ordanis þe Justice to tak ane ordour in this compleit, conforme to þe vse, consuetude, and lawis of þis realme, sua þat þe saidis complenaris haif na just caus of compleit heirestin, in þis behalf : As 3e will anfuere to hir grace pairupoune.

(Mar. 15.)—Convicted by an Affise.³

Treasonably Forging and Uttering False 'Loranes.'

Apr. 10, 1557.—THOMAS ANDERSOUNE 'pvderare'⁴ Convicted of art and part of treasonably Fabricating and forging the Queen's coin called *the Lorane*, and uttering the same among the lieges ; committed in the months of May, June, July, and August last.—HANGED.

Abiding from a Warden-Raid or 'Day of Trew.'

[THE following entries occur in the Scroll-book, which being so characteristic, they are inserted here at length. They evidently refer to the Raid at LOCHMABANE-STANE,⁵ and show, in a very graphic manner, the distracted state of the country, while, at the same time, they afford a vivid picture of the actions of the parties concerned.]

May 12.—JOHNE CRECHTOUNE, TUTOUR OF SANCHARE, allegis þat þe HOUSE OF SANCHARE was neuer in vse to keip ane WARDANE RAID sene⁶ þai war WARDANIS þame selffis. ITEM, secundly, allegis þat he is nocht hakin,⁷ be vertew of þe Proclamatioune, to haif past to þe said Raid, becaus he is nocht ane landit manne.

ROBERT JOHNSTOUNE OF COTTIS, Robert Moffet of Grantoune, Robert his sone and apperand air, and Thomas Moffet of Knok, allegis þat, vpoune þe xv day of Februar last bipast, quhilk is þe nycht befor þe day of Meting contenit in þe Proclamatioune, þai being in reddyne, and haifand pair horsis sadillit, to cum to þe said day of Trew, Jok Johnstoun, callit *the Galzeart* ; Jok J., bruper to

¹ Frivolous.

² And more ; and upwards.

³ The SENTENCE is not recorded.

⁴ Pewterer.

⁵ See the two following Cases.

⁶ Since the time.

⁷ Sic. The Editor never before

met with this word. It may, however, be a mere clerical error for 'habill,' or 'abill,' (Lat. *habilis*.) liable ; subject to.

Wille of Kirkhill; Wille Grahame, callit *ſingand Willie*; Ade Armſtrang of Hairlaw, and Criſtie Armſtrang, callit *the Bull*, and þair complices, come to þe Winter-cleuch about mydnycht, and þair tuke away þe hale gudis¹ being þair-npoune, pertening to James Johnſtoun, fader to þe ſaid Robert of þe Cottis, extending to the nowmer of xij^{xx} ſcheip and þe keparis þairof; and þe affray³ cumand to þe eiris of þe ſaidis perſonis, þai, for reſkewing and recouering of þe ſaidis gudis, with þair ſeruandis and freindis, followit þe drift⁴ quhill⁵ þe ſaid xvj day of Februar, at viij houris befor none, and red⁶ ane pairt þairof; and in defald⁷ of ſufficient power to follow for recouering of þe reſt of þair gudis, war conſtreuyt to leiſ þe perſute: And þanne maid þaim to cum fordwart fra þe fray to þe day of Trew, quhill þai come to þe Watter of Annand, quhilk was ſa greit, that þai mycht nocht ride it; and þair remanit quhill þai gat fure word þat þe WARDANE was returnyt, and þe day of Trew ſchot.⁸

JOHNE JARDANE OF APILGARTE allegis, þat at þe ſaid day of Trew he raid to þe Watter of Anuan to haif paſt fordwart with þe WARDANE to þe day of Trew, and þan þe Watter was ſa greit, þat he mycht nocht ride it without danger of his life; and gif he had paſt about be ane vþer way, and wald paſs ony tyme cuming, he durſt nocht, for feir of his inemys, without he had ane grite cumpany with him.

Abiding from the Raid at Lochmaben-stane.

ROGER KIRKPATRICK OF CLOSEBURNE, William K. of Kirkmichaell, and Thomas K. of Freirkerſe, got Remiſſion from the Queen, dated at Ed', May 11 iſtant, for abiding from the Army ordained to conuene at LOCHMABEN-STANE, on Feb. 16 laſt, to meet the WARDEN before ſunriſe, ' to paſs fordwart with him to þe day of Trew, for Meiting of þe WARDANE OF ENGLAND.'

Abiding from the Raid at Lochmaben-stane.

May 14.—ALEXANDER STEWARTE OF GARLEISE, John Dunbar of Mochrame, John Gordoune of Barkeoche, John M^cculloch of Torhouſe, John Jardane of Apilgerth, Robert Moſſett ſenior and junior of Grantoune, Thomas Moſſet of Knok, Robert Johnneſtoun of Coittis, and John Creychtoun, Tutour of Sanchare, found caution⁹ to underly the law at the next Aire of Dumfreis, for Abiding from the Queen's Army ordained to conuene at Lochmabene-ſtane, &c.

Searching for Douglas of Kilspindy for his Slaughter.

May 19.—JOHN DIKSOUNE OF BELCHESTER, and Robert Dikſoune of

¹ Stock of ſheep. ² Twelve ſcore. ³ Hue and cry. ⁴ Drove, or flock. ⁵ Until.
⁶ In this ſenſe it means recovered. ⁷ Default. ⁸ Expired; paſt. ⁹ John Gordoune of Lochinver, Murray of Cokpule, and William Kirkpatrick of Kirkmichaell.

Bouchrig, found surety (Alexander Lord Hume) to underly the law, at the next Aire of Berwik, for Convocation of the lieges, to the number of fourteen score (280 persons), armed in warlike manner, and searching for Archibald Douglas of Killspindy for his Slaughter; committed at Abirlady, on Aug. 18, 1556.¹

Hamesucken — Wounding the Provost of Edinburgh, &c.

JUN. 18.—NICOLAS RYND, tailor, burges of Edinburgh, Convicted of cruelly coming upon Archibald Dowglas of Killspindy, Provost of Edinburgh, within his own lodging within the said burgh: And for cruelly Hurting and Wounding the said Provost with his poignard,² in the shoulder, to the effusion of his blood in great quantity: AND als for the cruel Hurting and Wounding of John Boyd junior, his servant, with his poignard, upon his left breast, and in his mouth and back, within the said Provost's lodging, his master; committed by way of Hamesuckin on May 9 last.

THE DOME *gevin vpoune Nicholl Rynd, tailzeoure.*

The Justice depute, of þe command of þe Quenis grace, modefeand and temperand þe rigour of þe law towarte þe pvnishment of þe said Nicholl for þe saidis crymes, Decernis and Ordanis him, of his awin consent, vpoune Monunday nixtocum, to cum in presens of þe Prowest, baillies, and counsale of þe said burcht of Ed^t, at þe mercate-croce þairof, betuix xj and xij houris befor nyne, and þair publictly, with his heid discoverrit,³ in his lynning claithis, bair-futtit, and in þe maist reuerend and humyll maner, fall doune vpoune his kneis, and ask for-gifness and pardoune of God, þe Quenis grace, þe said Prowest, baillies, counsale, and communitie of þis bur^t, of his offence aboue writtin, confessand þe samin and declarand his repentance þairof: AND als decernis and ordanis þe said Nicholl to haue tynt and foirfaltit, and be þe tennour heirof, foirfaltis him of his libertie and fredome of þis bur^t. AND to be BANIST and exilit furth of þe samin, and nocht to hant nor repair within þis bur^t, nor vse ony fredome þairof in ony tyme cuming, vnder þe pane of deid: AND als Ordanis þe Prowest and baillies of þis bur^t to put þis act to executioun.

Slaughter of the Laird of Bynning.

JUN. 21.—ROBERT LEVINGSTOUN in Lynlythqw, and John Knowis, servant of the Bishop of Ross, found surety⁴ to underly the law at the next aire of Lynlythqw, for the Slaughter of Robert Bruce of Bynning, committed in February I^mV^cxl . . . on forethought felony, &c.

¹ See Nov. 19, 1556; and the following entry, Jun. 18, 1557.
is called a 'QUHINȝEARE,' which is commonly translated *pugio* in this Record.

² *Pugione*. In the *Dome* it is called a 'QUHINȝEARE,' which is commonly translated *pugio* in this Record.

³ Bare, uncovered.

⁴ Thomas Ross of Prestoune, and Robert Hammyltoune of Briggis.

**Sacrilege — Breaking into the Church of St Mary of the Lowis
for the Slaughter of Sir Peter Cranstoune, &c.**

Jun. 25.—ROBERT SCOTT in Bowhill, Parish Clerk of St Mary de Foresta, with consent of Mr Henry Lauder, Queen's Advocate, was replegiated by Sir John Scott, Chaplain and Commissary of the Archbishop of Glasgow, for Convocation of the lieges to the number of 200 persons, armed in warlike manner, and coming to the Church of St Mary of the Lowis, and breaking up the doors thereof, and searching for Sir Peter Cranstoune therein for his Slaughter, upon ancient feud and forethought felony; committed on Apr. 16 last. Robert Scot of Bonyntoune became cautioner for administration of justice.—ROBERT SCOT of Allanehauche, Adam Scot of Burnefute, and William his son, Thomas Scot of Hanyng, Walter Scot, young Laird of Syntoune, Robert, William, and James, his brothers, Walter Scot, son of William Scot of Hardane, James Orbistoune of that Ilk, Robert Scot of Thirlestane, Robert Scot of Howpallate, and several others, were amerced for not appearing; and were ordained to be charged of new to underly the law, under the pain of rebellion, &c.

Horse-stealing — Common Theft, &c.

Jul. 26.—PAUL ANDESOUNE¹ Convicted of art and part of the Stealing and concealing from Thomas Cummynglame, in Ledome, of a 'forit balsonit horse,'² furth of the lands between Ledoune and Lethisheid; committed on the vigil of Whitfunday last: And for Common theft of old and new.—HANGED.

Treasonable Trafficking and Corresponding with the English, &c.

Jan. 7, 1557-8.—SYMONE HERYNG Convicted of treasonably going to the kingdom of England and to the Town of Berwick, five times, in the years 1554, 1555, 1556, and 1557, without Licence obtained from the Queen, the Regents, or the Warden (of the Marches): And for disclosing the secrets of this kingdom, in as far as he knew the same, and giving his counsel, to the hurt of the country and disturbance of the lieges thereof, to Sir Thomas Quhartoun, LORD QUHARTOUNE, (Wharton,) Englishman, an enemy to Scotland, and to other Englishmen, the ancient enemies thereof, and receiving rewards from the said Lord Quhartoune and other Englishmen therefor. ITEM, for the treasonable making and writing with his own hand, on July 3 last, and delivering a Letter to John Heryng, his son, to carry to the Town of Berwick to the said LORD QUHARTOUNE, containing the points and treasons following, *de verbo in verbum*, viz. 'FOR newis, pir schippis pat is enmit to Leyth is menne of weir and Scottis

¹ Perhaps AUDESON or *Adieson*, now Addison.

² A sorrel-coloured horse, which also happened to be 'bawsonit,' or marked with white on the face.

‘ merchandis. þir Menne of Weir is Franchemenne, brocht in twa pryffis¹ with þame. COUNTIE RINGRAIF cumis in Scotland, and beis Lieutenant to þe KING OF FRANCHE. THE QUENE hes said pannelie, þat þe KING OF FRANCHE will nocht waige² Scottifinnenne, bot lat þame vfe þe auld maner.³ Thair wes five pryffis ; thré of þame is had in Franche. THE QUENIS dyet is to remane in Newbottill twa or thre dais, and þane to cum Eist, in þis cuntre. THE LORDIS ar all evill content with hir, the quhilk I throw⁴ falbe hard of beleif credence.’ ITEM, for common revealing or shewing to our ancient enemies of England the secrets of this kingdom, to the hurt thereof, in treasonable manner.—HANGED.

Treason — Carrying Letters to the English, &c.

JOHN HERYNG, son of the said Symon, Convicted of treasonably going by command of his father, on June 21 last, and on three other occasions during the past year, with his father’s Letters, and twice with his treasonable intelligence, without Letters, to SIR THOMAS QUHARTOUNE, an Englishman, and enemy of this kingdom, and revealing and shewing to him such secrets thereof, as tended to the loss and injury of the state. ITEM, for art and part of treasonably making the aforefaid Letter on July 3 last, containing the points and treasons above expressed; and for treasonably receiving and delivering the same, with his father’s credentials. ITEM, for being art and part, along with his said father, in all his treasons, directions, and revealing the secrets of this kingdom to the said LORD QUHARTOUNE and other Englishmen: And for common revealing and shewing the secrets thereof to the English.—HANGED.⁵

Hurting and Wounding — Invasion.

Jan. 10.—ROBERT JOHNNESTOUNE, son of unq^{1c} William J., burges of Edinburgh, Convicted of art and part of the Hurting and Wounding of John Morefoune, junior, with a ‘ quhinzeare’⁶ on his head, to the great effusion of his blood: And for Invasion of the said John for his Slaughter, and Hurting and Wounding him in his left arm, to the effusion of his blood in great quantity; committed upon ancient feud, forethought felony, and provison, at Sandepottis,

¹ Prizes. ² Pay the wages of the Scottish soldiers. ³ Perform their accustomed Military service, by virtue of their Feudal tenures. ⁴ *Trow*, trust. ⁵ From the conclusion it would appear that both father and son had been put to *torture*, to draw from them such things as they had kept back in their Confession, regarding the extent of their treasonable dealings: ‘ *Et propterea dicti Symon et ejus filius tanquam publici Proditores cruciari adjudicabuntur.*’ On the margin there is merely inserted, ‘ CONVICT. ET SUSPEN. ;’ but it is likely they were drawn and quartered. ⁶ A short sword, slightly bent or curved; a kind of cutlass. It is probably the same with the English *whiniard*, or back-sword, and is usually translated *pugio* (poignard) in the Record. From the nature of the wounds inflicted with that instrument, it must have been one used for striking or cutting, as well as for stabbing, for which last purpose, alone, the poniard or dagger is fitted.

between the burgh of Edinburgh and Leith, on July 27 laft.—James Johnnestoune of Kellobank became surety to satisfy the Queen and party. Warded in the Tolbooth of Edinburgh, under the pain of 1000 merks.

Hurting and Wounding.

JOHN MORESOUNE, junior, Convicted of art and part of the Hurting and Wounding of Robert Johnnestoune with ‘ane irne schule’¹ on his head, to the effusion of his blood in great quantity; committed ‘on suddanty’ at the Market-cross of Edinburgh, in the month of January 1551.—John M., senior, burghers of Edinburgh, became surety to satisfy the Queen and party.² Warded in the Tolbooth of Edinburgh under the pain of 1000 merks.

Slaughter.

Feb. 16.—ALEXANDER DUNLOP OF THAT ILK found surety (Neil Montgomery of Langschaw) to underly the law at the next Justice-aire of Air, for art and part of the cruel Slaughter of Andrew Dunlop, his son; committed in July laft.—John Stewarte of Hawrig, John his brother, in Burnehous, Charles Pollok Tutor of Pollok, Thomas Sprewle of Cowdoune, John Maxwell of Boisfeild, John Stewarte of Bogtonne, and John Nevene of Kirkwod, and some others, were amerced for abience from this Affise.

Perjured Notary — Forging an Assignation, &c.

May 5, 1558.—DAVID FETHYE, alleged Notary, Convicted of art and part of ‘falsing’ and forging an Assignation, as if made by Margaret Arbuthnot, daughter and one of the heirs of umq^{le} John A. of Brichtie, spouse of John Ogiluy, bearing, that the said Margaret constituted umq^{le} William Dischingtonne, fiar of Ardross, and Elizabeth Creychtonne, his spouse, and the heirs procreated of their marriage, whom failing, the heirs of the said William whomsoever, her cessioners and assignees, in and to a Reversion made by James Arbuthnot of that Ilk to the said umq^{le} John, and his heirs and assignees, under redemption, of the lands of Balmakin, containing xx 166 merks 8 s. 10 d., dated at Denefyd, Aug. 17, 1538, and subscribed thus, ‘MARGARET ARBUTHNOT, with ‘my hand led at pe penne be David Fethie, Notare—Ita est, David Fethye, ‘Notarius in premissis manu sua,’ although the said Assignation was really made, forged, and subscribed by the said David long after her decease, as confessed by him before the Lords of Council. ITEM, for giving false testimony and perjuring himself; he in his first examination deponing, that he saw the said Margaret touch the pen, after the said John Ogiluy had subscribed the same; and

¹ Iron shovel or spade.

² Sentence is not recorded.

being thereafter examined, deponing, that he never saw her touch the pen, nor did he see the said John subscribe.—SENTENCE. His RIGHT HAND to be struck off on the block, at the Market-cross of Edinburgh: And to be BANISHED from the kingdom, and to be perpetually reckoned as INFAMOUS: And all his moveables to be escheated to the Queen.

Masterful Oppression — Wounding a Bailie of Leith, &c.

May 10.—ROBERT SANDIS in Leith, and John Pyott there, 'CONVICT of arte and parte of þe felloune and maisterfull Oppression done to Walter Cant, Baillie of Leith, cumand vponne him, vnder sylvence of nycht, efter þe dounpassing of þe sone, quhair he wes vponne þe sehoir of Leith, in sobir maner, as become ane officer berand auctorité of ane Toune or burcht, belevand na evill of ony perfounis, bot to haue levit vnder Goddis peax and our fouerane ladeis; and perfewing of þe said Walter for his flauchter, in þe mentyme, quhen þe said Baillie wes cawfand fend for ane officiar to put Hannis Myllare in Waird, quha þare, in presens of þe said Baillie, had hurte and woundit ane Duche mariner callit in his face and diuerse vperis pairtis of his body, and þair with swerdis, buklaris, Jedburcht stalffis, and vperis wappynnis invasiue, crewellie hurte and woundit þe said Walter in his left hand, to þe greit effusioune of his blude; the said Walter þanne, as Baillie of þe said Toune of Leithe, being in executioun of his office, and deforeing him þairin: AND als of þe reving and taking, at þe leist prenatlie convoying of þe said Hannis Myllare, quha had committit þe cryme foirsaid in presens of þe said Baillie, in maner aboue writtin, fra þe said Walter, he being commandit to remane quhill þe officiaris of þe said toune fuld haue cumin to him to haue wardit or presentit him to our fouerane ladeis Justice or his deputis, to haue vnderlyne þe law and pvnish for his dimeritis, conforme to þe lawis: And swa, forfeit and mantenit þe said Hannis Myllare in committing of þe cryme aboue spacificit, and wes arte and parte with him þairintill; and withholding of him fra þe lawis and pvnishment for þe crymes aboue writtin.'—Andro Sandis and George Chalmer, in Leith, came in will for the same crime.

Wamesuckin — Besieging the House of Penkill, &c.

May 23.—THOMAS KENNEDY OF BARGANY, John and Alexander, his son and brother, David K., son of the Laird of Bennane, William Cauldwell, and seventeen others, found Sir Hugh Campbell of Loudoune, kn', surety for their underlying the law at the next Justice-aire of Air, for Convocation of the lieges, armed in warlike manner, and coming by way of Hamefucken to the dwelling-house of Adam Boyd of Penkill, and Invading him, his wife, children, and servants, for their Slaughter, and besieging them in the said house: And for Hurt-

ing and Wounding Kennedy, his wife, with stones; committed on January 29 laft.

Abiding from the Raid of Dunse and Langtoun.

Jul. 2.—ROBERT STEWARTE in Neillstounefyd, found surety for his entry at the next aire of Renfrew, to underly the law for contemptuously abiding from the Queen's Army, ordained to convene at Dunfe and Langtoun, on Apr. 18 laft.

Abiding from the Raid of Lauder.

[AMONG a great many others of less note who were charged with Abiding from this Raid, Alexander Muir of Skaithmuir, Walter Forrester of Durrisdale, John Quhitefurde of Myltoun, William Baillie of Cornestoun, James Lokert of Lee,¹ James Auchinlek of Twedy, John Muir of Nesbet,² John Somernile of Camnethane, Robert Park of Gilbertfeild, John Hamnyltoun of Pedderisburne, David H. of Boithuilshauche, Andrew H. of Lekprevik, Gawin Murray of Udstoun,³ Stephen Dudingstoun of Sandfurd, Thomas Grundistoun of Kyngask, Andrew Luudy of Stratharlie, William Spittell of Lewchat, Alexander Mortoun of Randerstoun, John Seytoun younger of Lathreise, James Spens of Lathalland, James Ballingall of Riggis, James Lochmalony of that Ilk, Alexander Pitblado of that Ilk, William Ballingall of that Ilk, William Archibald of Blakhall, Archibald Dudingstoun of Pitkappill, Alexander Barculay of Syde,⁴ James Wischert of that Ilk, William Lyell of Murthill, Alexander Pyote of Fovertie, Gilbert Auchinlek of that Ilk, David Ogiluy of that Ilk, David Fentoun, grandson of the Laird of Ogill, James Skrymeour of Balbeuchtie, John Kynneir of Henderstoun, came in the Queen's will, found caution to answer at the Justice-aires of their respective shires, or were proved to be sick. Some of them were replegiated to Regalities, &c. Between this date and the month of October following, during which period the above names occur, no Declarations of the Queen's Will or Sentences are recorded.]

Jul. 7.—JOHN LEVINGSTOUN OF CASTLECARY, came in Will for contemptuously abiding from the Queen's Army, ordained to convene at the burgh of Lauder, on April 1 laft.

Slaughter.

Sep. 13.—JOHN GARDEN in Penbrek, in Glenmuir, Convicted of art and part of the cruel Slaughter of James Reid in Halfpennyland; committed in August laft, on ancient feud and forethought felony, &c.—BEHEADED.

¹ 'The Lard of Ley allegis, that at the tyme of THE RAID he hurt his leg, in sic fort, that he mycht nother ride nor gang to the Raid; theirfor fend his fernandis.' ² 'Allegis that he is feik in the GRAVEL, and was nocht at the Raid, and mycht nocht ride, and is vnable of his body and guttis, and flopping at his hart—and nocht subflantius; and hes bene sua be the space of thir five zeiris bigane; like as, be inspectioun of his body, may be confiderit.' ³ 'Allegis that he is past the yeiris, and nocht able of his body, and is ramburfin (ruptured), thairfor he is nocht able to pass thairto, and is impotent of his perfoune, and fend his sone for him.' The above entries are from a *Scroll Book*, and are given as a specimen of the excuses which were then urged for absence. Other notices of a similar description have already been given in the course of the present Collection, which renders it unnecessary to cite more instances in this place. It may be remarked, however, that the Treasurer was usually inexorable in his demands for such offences, and exacted very heavy sums for Compositions, owing to the exhausted state of the public coffers. ⁴ Proved to be mad.

PERSEWARIS, Ro^t Crawford of Clollellane, The Laird of Auchinkreif, Mr Alex^r Skayne.
FOIRSPEKAR, (or 'Prelocoutour,') Mr Johnne Dunbar.

ASSISA.

James Dalrumpill of þe Stair,	Johnne Bannatyne of Coig,	Moreife Dalrumpill in Waterfyd,
Will. Kirkpatrik of Kirkmychaell,	Wm. Kennedy, sone to þe Laird	William Steuarte of Dundufe,
Johnne Campbell of Schankftoune,	of Cove,	Ja. Cunyngame in Carmalloche,
Thomas Stewart of Gauftoune,	Wm. Anderfoune in Clofburne,	Jo. Cunyngame in Quhitehill,
Dauid Kennedy of Culþene,	Hew Campbell, bruper to þe Laird	Patrik Boyle in Blakland.
Roger Kilpatrik of Clofburne,	of Shankftoune,	

Treasonably bringing in the English — Burning Kirkmichaell, &c.

Oct. 29.—CHRISTOPHER JOHNNESTOUNE in Mylbank, Patrick J. in Watterheid, William J., called *William the Skowpare*, Robert J. in Hilhouffis, and their accomplices, dilated for treasonably bringing in Richard and Fergus Grahame, brothers, and others of our ancient enemies of England, to the number of 500 persons, to the town and lands of Kirkmichael, and Burning thereof; and for other crimes charged in the Letters. Alexander Kirkpatrick, brother of William K. of Kirkmichael, fined 500 merks for not reporting the Letters purchased by the Laird of Kirkmichael duly executed, &c.

Slaughter — Mutilation.

Nov. 16.—JOHN SKRYMGOUR, son of James S., Constable of Dundee, David Fentoune, fiar of Ogill, Mr David Abirerummy of Gourdy, and nine others, found caution to underly the law at the next aire of Forfar, for art and part of the Slaughter of William Currou, son of Andrew Currou of Logymekill, and for the Mutilation of Thomas Currou of his right hand; committed on ancient feud and forethought felony, on August 15 laft.—ANDREW FALCONER, brother of the Laird of Kynnabir, was denounced rebel, &c. and his cautioner anerciatiated for his non-appearance—and James Fentoun, brother of David, was proved to be sick.

Slaughter of a Chaplain, committed by a Priest.

Jan. 13, 1558-9.—SIR DAVID COLUILE, preift of the diocese of St Andrews, Replegiated by the Commissary of the Archbishop, to underly the law for the Slaughter of Sir Thomas Small, chaplain; committed in September laft, on forethought felony. Sir Walter Bunsch, chaplain, became surety.

Wilfull Fire-raising — Burning Barley, Oats, Wheat, &c.

Feb. 15.—ALEXANDER HWME, brother of Cristell Hwme of Barro, and Margaret Hwme his sifter, found surety¹ that they should underly the law

¹ Sir John Hwme of Coldinknowis, and Cristel Hwme of Barro.

at the next aire of Berwick, for the cruel Fire-raifing and destruction of five 'stakkis' of barley, one 'stak' of barley and oats, and one 'stak' of wheat and pease, extending to sixteen score 'thravis,' computed at nine score bolls, belonging to George Wauchop, burgess of Lauder, being in his 'barne-3aird;' together with a dwelling-house and barn; committed upon Sep. 26 last, under silence of night.—(Mar. 18, 1561-2.) Cautioners fined 700 merks for not entering pannels; who were both duly denounced rebels, and put to the horn, &c.

Stealing from the Queen Dowager's Chief Cook.

Feb. 27.—ALEXANDER ROSS, servant to Isobell Kynghlassie, spouse of Thomas Marschell, chief Cook to THE QUEEN DOWAGER, Regent of Scotland, delated of theftuously stealing, in company with the said Isobell, from the fore-said Thomas, furth of a chest or 'sehryne,' in his chamber in the burgh of Perth, of a box with 420 merks therein; and together with two silver goblets, called 'siluer pecis,' and twelve silver spoons, and sundry other goods; committed on Dec. 7 last.—John Ross of Cragy, his cautioner, unlawed, and the said Alexander ordained to be cited again to underly the law, under the pain of Rebellion.

Intercommuning with an Englishman.

May 8, 1559.—'JAMES JULE, fuintyme in Drumfreife, for Intercommuning with Maister Ninian Manwell, Inglismanne, vpoun preuie besynesse, send be his wife furth of England vnto him, off his awin consent decernit be þe Justice to be BANIST þis realme perpetualie, and to departe within xx dayis; and nocht to returne agane within þe samin, without Licence of our foueranis Lord and Lady, vnder þe pane of deid.

Slaughter of Sir David Forbes, knight, in Ward.

JAMES BRYDIN, son of Ninian B. in Ruthirfurde, and William Allane, and Thomas his brother there, found John Stewarte of Traquair furety for their entry at the next aire of Roxburgh, to underly the law for art and part of the cruel Slaughter of Sir David Forbes, kn^t, under the custody of the Tutor of Pitcur, within the burgh of Rutherford; committed on Mar. 1 last.

Preaching the Doctrines of the Reformation at Dundee & Montrose.

May 10. (*apud Striueling*.)—PAUL METHWENE was denounced rebel, and put to the horn as fugitive, &c., and George Luvell, burgess of Dundee, his cautioner, was amerced, for his not appearing to underly the law for Usurping the authority of the Ministry of the Church, and for taking upon himself the service thereof, not being lawfully admitted thereto, at the feast of *Pasche*, viz.

on Mar. 26 laft, and daily for the fpace of three days immediately preceding the faid feaft, and continually thereafter, adminiftering the Sacraments of the Altar to feveral of the lieges within THE BURGHS OF DUNDEE and MONTROSE, and fundry other places, in a manner far different from the divine and laudable ufe of the faithful Catholic Church : And alfo for Convocation and gathering of the lieges within the faid burghs, at the time forefaid, he not being admitted or approved of by the Ordinaries of thefe places ; and without their licence, haranguing and preaching to the faid lieges, and perfuading and feducing them to his erroneous and feditious doctrines and Heresies ; thereby Ufurping the King and Queen's authority, and ftirring up the lieges to commit Sedition and Tumults, contrary to the Proclamations.

Preaching the Doctrines of the Reformation at Perth, &c.

(May 10.)—FRIER JOHN CRISTESOUNE and WILLIAM HARLAW denounced rebels, as fugitive, &c. and their cautioners, *John Erskine of Dune* and *Patrick Murray of Tibbermuir*, were amerced, for their not entering to underly the law for their Ufurping the authority of the Church, in taking at their own hands the Miniftry thereof, &c. as above, within THE BURGH OF PERTH, and other places adjoining, within the fhire of Perth.

Preaching the Doctrines of the Reformation at Ayr.

(May 10.)—JOHN WILLOK denounced rebel for the fame caufe, for preaching, &c. within THE BURGH OF AIR. Robert Campbell of Kynzeleuche, his cautioner, was at fame time amerced.

[ANOTHER unfortunate *hiatus* occurs in the series of THE BOOKS OF ADJOURNAL, from this date, to the close of the reign of Mary Queen of Scots. There is good ground for conjecturing, that many of the public Records of this kingdom, embracing from the earliest period of the Reformation downwards to the years of the reign of King James VI, had long ago been wilfully destroyed, apparently for the purpose of suppressing evidence of the many religious and political struggles which occurred during these eventful years. The only materials now left are three small quarto volumes of the scroll-books, kept by one of the under Clerks of Court, marked ' 12 Book,' from Mar. 12, 1560-1, to May 13, 1562 ; ' Aucht Buik,' from May 19, 1563, to May 19, 1564 ; and ' Nynt Buik,' from May 24, 1564, to Mar. 6, 1565. Besides these, there is a scroll Caution book, irregularly kept, from Jun. 18, 1563, to Nov. 25, 1566. Although the notices which can now be gathered from these books are meagre, they are in many respects valuable.

The Editor has, as usual, availed himself of the other Records,¹ so far as they elucidate the Criminal proceedings of that period.]

Wounding Lady Pittendreich's Servants.

Mar. 12, 1560-1.—JAMES HAY OF MAYNE, George Monro of Dalcarthy, Alexander Guthrie in Elgyne, and seven others, burgeses of Elgyne, delatit for Convocatioune of our souerane ladeis lieges, to be nowmer of viij^{xx} (*eight score*) personis, or pairby, be viij day of Januar lastbipast, bodiñ in fere of weire, incontrare be Actis of Parliament, and setting vpoun Alexander Robertfoune in Pittendrech, &c. tenentis and seruandis to Elizabeth Douglas Lady of Pittendreyche, and hurt and woundit paim in diuers partis of pair bodeis, to be gret effiounne of pair blude, and left be fadis Alexander Robertfoune and Alexander Henry (in Brovnfyde) liand for deid, vpoun ald ffeid and foirthocht felony, &c. Guthrie and two others to answer att the next aire of Elgin and Forres.—(Apr. 30.) Amerciated for non-appearance, (and denounced rebels)

Slaughter.

Mar. 13.—WILLIAM RAMSAY, Convicted of art and part of the Slaughter of Richard Henryfoune, 'fervitour' to the Master of Sinclair; committed at the west end of the town of Dyfert, on 7 March instant.—BEHEADED.

PRELOCUTORS, John Forret of that Ilk, Cuthbert Ramfay, burges of Edinburgh.

ASSISA, John Anstruther of that Ilk, Andrew Farny of that Ilk, William Bonar of Rossy, Andrew Murray of Balvaird, Mr James Wemys, and others of less note.

Slaughter & Mutilation of two Sons of the Laird of Logy-Megill.

Mar. 17.—JAMES FENTOUNE OF OGILL, James Lyoun of Easter Ogill, and seven others, found David Earl of Craufurd surety for their entry on Apr. 30, to underly the law for art and part of the cruel Slaughter of William Currou, and Mutilation of Thomas Currou, sons of Andrew Currou of Logy-Megill; committed within the burgh of Dundee, in August 1588.

PRELOCUTOURIS for be pannell, Mr Johne Abircrummy, Mr David Quhytelaw, The Laird of Creych.

PERSEWARIS, Andro Currou of Logy-Mekill, Stevin his sone, Mr Robert Creychtoun.²

The pannells were all respited,³ & found caution to satisfy the Queen and parties.

¹ The reader is referred to THE ACTS OF PARLIAMENT, edited by *Thomas Thomson, Esq.*, where much valuable historical matter, illustrative of the History of this reign, is preserved. It was found to be impossible to select the portions which relate to Criminal matters.

² He took instruments that he 'comperit as Advocate for þe QUEENE, and hir interes alanerlie.'

³ Apr. 30, 1561.

(May 13, 1562.)—The pannels came in the Queen's will.

PRELOCOUTOURIS for þe pannel, þe Maister of Wark, Mr Jhone Abirerumbye.

PRELOCOUTOURIS for þe þerfearis, My Lord Ogilbye, The Lard of Innerquharité, The Laird of Clovay, The Lard of Rossé, The Lard of Monquhanye.

(JUN. 10, 1563.)—David Earl of Craufurd became cautioner for his entry in Ward, in Edinburgh, on xv days warning, under the pain of 1000 merks.

Robin Hood — Abbot of Unreason — Lord of Inobedience.

JUL. 20, 1561.—ROBERT HANNAY, smyth; James Cowper, tailzeour; Thomas Jolmestone, cordiner; Andro Henderfone, sward-flipper; Andro Riche-manne, cuke; William Clerk, talburnar;¹ James Fawfyid, talburnar; Johne Cok, tailzeour: Patrik Mow, talboner, and Alexander Biffet, taburner. THE quhilk day, James Cowper, tailzeour, come in Will for arte and parte of þe chefing² of George Durye in ROBERT HUDE, vþerwayis calland and nemmand him LORD OF (IN)OBEDIENCE (MISRULE), amangis þe Craftifinen and þair feruandis, within þe burgh of Edinburgh, in þe moneth of Apryll last bypast, forefeand and affistand to him incontrair þe tennour of þe Act of Parliament, and for breking of þe said Act: ITEM, for breking of þe Proclamatioun of þe Provest and Bailleis of Edinburghe, maid for observing of þe said Act, forbid-dand all þe Inhabitantis of þis burgh, þat nane of þame suld tak vpoun hand to cheife ony sic persone in Robene Hude, Abbot of Vnreasone, or ony vþer name within þe said burgh: ITEM, for Convocatioun of our souerane ladies liegis, in cumpany with þe said George Durye, callit Lord of (In)obedience, to þe nowmer of persones, bodin in feir (of weir), with ane displayit handsenzé,³ hal-brownis, jakkis, culveringis, morriounis,⁴ twa handit swardis, cotis of malzé, and vþeris wapynniss invasive, vpone Soneday þe xij day of Maii last bypast, in cum-panye with certane brokin men of were, betuix thré and four houris eftir none, cumand within þe burghe of Edinburghe, enterand at þe Eist Porte þair of, and passed to þe Trone þair of, quhair þai wer met be ane parte of þe Bailleis, coun-sale, and officiaris of þis burghe, and chargit be þame to pas abak, and devyid þame of þe said burghe, for eschewing trouble and misfordour in þe famyn: And, nochtwithstanding þe said charge, violentlie and contempnandlie passand forward to þe said Castell-hill, and returnand agane to þe Portis of þe said burghe; vland þe famyn be ische and entre, at þair plesour, makand plane rebelloun and inobe-dience aganis þe Magistratis of þe said burgh.

Thomas Johnstone, in Will for breking of þe said Act of Parliament and Proclamatioun maid be þe Magistrates, *vt supra*.—*Andro Hendirfone*, in Will for breking þe said Act and Proclamatioun foirsaid.—ITEM, þe said *Andro*

¹ A drummer, or player on the *talbron* or *tawburn*.

² Choosing.

³ Ensign; banner.

⁴ Morions.

(Henderfone) Convict of þe making of þe said Convocatioune and rebellion aganis þe Magiftratis, in maner foirfaid.—*Jhone Cok*, ffylit for breking of þe Act of Parliament in chefing of þe said LORD OF INOBEDIENCE, and breking of þe Proclamatioun maid be þe Magiftratis, in maner foirfaid, alanerlie.¹—*Andro Richeman*, Convict for affiftence to þe said Lord of Inobedienc and his complices, in breking of þe said Act and Proclamatioune; and furneffing of þame of meit and drink.—*James Fawfjid*, *Patrik Mour*, *Alexander Biffett*, Convict of þe breking of þe said Act, Proclamatioun, convocatioun, and rebelloun foirfaid, conforme to þe Dittay.

Rioting in Edinburgh — Choosing a ‘Lord of Inobedienc,’ &c.

Aug. 8.—JAMES FRASER, faidlar; Andro Hammiltoun, cuttlair; Nicol Young, tailzeour; Nicol Rynd, tailzeour; Willeam Morefone, Andro Gottirfone, FYLIT be ane Affyife of Intercommonyng with George Durye, tailzeour, vperwayis callit LORD OF (IN)OBEDIENCE, and vperis his collegis, prentiffis,² and feruandis to þe Craftifemme within þis burgh, being our fouerane ladeis rebellis and at hir horne, put þairto be hir Letteris, in defalt of finding fouirtie to vnderly þe law for breking of þe Act of Parliament, in cheifing of þe said Lord of (In)Obedienc, tymult, and ryfing aganis þe Magiftratis of þe said burgh, be way of rebelloun, and vperis crymes contenit in þe faidis Letteris, in þe moneth of July laft bypaft and Auguft instant. AND ALS, þe faidis perfonis, and *Walter Wawane*, *James Henderfone*, fiefcheour, *Hary Quhyte*, cordiner, *Alexander Scott*, *Thomas Erwin*, goldfmyth, *Dauid Kynloch*, *Patrick Schang*, FYLIT be þe foirnemmit perfonis of Affyife, for difobeyance of þe Proveft, Bailleis, and magiftratis of þe burgh of Edinburgh, and auctorité þairof, vpone þe xxj day of July laft bypaft, quhen þe feruandis and prentiffis of þe Craftis þairof, wer affegeand and invadand þe faidis Proveft and Bailleis in þe tolbuyth of þe said burgh, be abstracting and withdrawing of þame felffis fra þe help, fupporte, frething, and releving of þame, and for faiftie of þair lyves, and fortefeing and participatioune of þe faidis Proveft and bailleis, to ftenche and repreß þe said tymult, and taking and apprehending of þe faidis perfonis, Craftis-childer,³ and prentiffis, committeris þairof; lyik as they aucht to haue done, of þair aythis, quhen þai were creat burgeffis of þis burgh, and bundin dewtie.

Hurting and Wounding — Hamesuckin.

Aug. 22.—JAMES LOCKHERT OF ÞE LEY found caution for his entry and twenty-three of his tenants, &c. at the next aire of Lanark, for ‘þe crewall Hurting and Wounding of John Hammiltoune in Henschaw, be way of Hamesuckin.’

¹ Only, alone.

² Apprentices.

³ Literally *children*; lads, youths.

Slaughter of Lady Ulleshaven.

Dec. 1.—JAMES SCHORISWOD delatit for arte and parte of þe crewell Slauchter of vinq^{1e} Helene Stirling, Lady Ulleshevene.¹

PRELOCUTOURIS for þe pannel, Mr George Strang, James Crawmound of Aldbar.

The quhilk day comperit in jugement James Stratoune, and James Lychtoun, Parfone of Dunloppy; and þai being requirit be þe said James Schorifwod, gyf þai wald perfew him of his lyfe for þe said Slauchter? Anfuerit, þat þai wald perfew him for þe samyn. And þairupon þe said James Schorifwod askit ane Act of Court and instrumentis, and protestit þat þe said Parfone fuld tyne his benefice, conforme to þe lawis.

THOMAS GUTHRE of Kynbach protestit for his dampnage and skayth sustenit be him, þat infasar as he wes chargit be þe Letteris to vnderly þe law, and þat na party comperit to perfew him, that he mycht recouer þe samyn, ovther vpon þe officiar executour of þe Letteris or party; and þairupoune askit infrumentis.

Horse-stealing.

Dec. 1.—WILLIAME CADENHEID Convicted for art and part of ‘þe thefteous Steling of ane blak cut-tailit horse fra þe Erle Marfchell, and ane gray horse fra James Anderfoun; quhairwith he wes tane reid-hand.’—HANGED ‘on þe gallowfe of þe Burrow-mure.’

Oppression — Imprisonment — Extorting Ransom.

Dec. 5.—ROBERT INNES OF INNERMARKY, John Innes of Auchluncarye, and seven others, found furety (‘Jhone Erle of Suthirland’) to underly the law at the nixt aire of Elgin and Forres, ‘for þe Oppressiounne done to Schir Alexander Robertfone, cumand with þair complices, bodin in feir of weir, in þe moneth of July last bypast, to þe Haltoune of Lambryid, and þair maisterfully take him furth of þe samyn, and had and cariit him with pame to þe Place of Plewlandis, quhair þai held him in strait prifoun and Captiuite be þe fpace of four dayis; quhill² Marioun Ogiluy, Lady Innermarky,³ his maistres, threw þe feir scho take, quhen þe said Robert, hir son, bofit⁴ and send her worde, “þat he fould send þe said Schir Alexanderis heid to hir,” gaif to him þe sum of ij^c. merkis in hand, and vther twa hundreth merkis to be payit at Candilmes and Witsonday, with þe zeirlic terce⁵ of Vgftoune and Plewlandis, for þe said Schir Alexanderis ransome and latting of him to libertie; vsurpand þairthrow our souerane ladeis auctorite.’

¹ See Trials for this barbarous Murder, I, * 344, 350, &c., and Appendix.

² Until.

³ Mother of the Laird.

⁴ Threatened.

⁵ The *terce*, or third, due to her as widow.

‘ Ombesetting the way’ — Wounding — Mutilation.

Dec. 6.—THOMAS HARROT, in Coisland ; Cristeane Carfra, his spous ; Henry C., elder, in Redinghill ; Henry, his young son ; John and James C., in Standanstone ; and Bessye Litster, ‘ dilatit for Ombesetting of þe gait, vnder silence of nycht, in þe moneth of August, 1568 ʒeiris, to Robert Dowglass, in Duchrye, vnder þe Laird of Bafs, be way of Brigancy, quhair he wes passand fra þe town and landis of Poppill hame to his awin dwelling-place in Dowchrie, besyid þe dwelling-houfe of þe said Henrye Carfra, at þe peth-fute of Stenypeth, callit Ridinghill, and þair crewelly invadit þe said Robert for his Slauchter, and hurte, and wondit him in diuerse partis of his body, to þe gret effusioune of his bloode ; and hes Mutilat him of his thrid finger of his rycht hand, and left him lyand for deid ; vpon ald ffeid, provisioune, and foirthocht felony and sett purpoise.

PRELOCUTORIS for þe pannell.

Mr Alexander Skene, My Lord Borthwik, The Laird of Traquair, My Lord Bothwill.

Continued to Jan. 15, Lord Borthwik and James Earl of Bothwell, cautioners.—(Jan. 15, 1561-2.)—James Someruill of Humby became cautioner for their entry at the next Justice-aire of Edinburgh.

Hamesucken — Wounding — Child-Murder.

ROBERT DOWGLASS, in Dowchry, under the Laird of Bafs, and Margaret, his daughter, ‘ dilatit of þe cunning, with þair complices, vpon þe fyft day nixt eftir þe feist of Lambes, (August 6th,) 1561 ʒeiris, vnder silence of nycht, be way of Hamesuckin, to þe duelling-houfe of Henry Carfra, in Ridinghill, he þan himselff being departit þairfra, convoying of sum freindis quhilkis þat day had bene with him in company, and þair ferchit and socht þe said Henrye for his Slauchter ; and þe said Thomas þan beand standand in fober maner, dowlatt alaue,¹ without armour or wapnis, accompaniit with his wyff and Bessye Litster alanerlie, befor þe said Henryis dur,² traisting na harme, &c., þe said Robert Dowglass lyecht³ of his horse, and without ony occasioun invadit þe said Thomas for his Slauchter, and hurte and wondit him in his left arme and face, to þe effusioun of his blood in grite quantitie : And þat same tyme crewelly strak þe said Thomas spous, with iudrie strekis with fute and hand, scho beand grite with barne ; throw þe quhilkis strekis scho pairtit with barne at hir hamecoming.’

They ‘ offerit þame to ane Assyise, and desyrit na continewatioun ;’ but the same procedure took place as in the foregoing case.—The Laird of Quhittinghame became surety for them.

¹ Unarmed, defenceless. Having only his coat or doublet on.

² Door.

³ Alighted.

Convocation of the lieges in Kirkwall.

Dec. 9.—MR ALEXANDER DICK, PROVOST OF ORKNAY, Schir Magnus Ramfay, Chaiplaine, Schir Duncane Ramefay, Chaiplaine in Orknay, found caution,¹ this day; and (on Dec. 5) Edward Sinclair, bruder to þe Lard of Roslyng, and ten others, Mr Magnus Halcro, William Halcro, Nicoll Chalmer, and Freir Frances Bothwell, also found caution to underly the law on April 15 next, ‘ for Convocatioune and gaddering of our fouerane ladeis legis, to þe nomer of iij^{xx} (*four score*) perfonis, in þe moneth of September lastbypast, ischeid owt of þe CASTELL OF KIRKWALL, and cumand to þe Tonne þairof, and ferchit and focht Henry Sincler of Strone and Mr William Mudy for pair Slauchter, &c., and vperis crymes contenit in þe Letteris direct þairupoune.’—After having been continued from time to time, the Cafe was at length (May 13, 1562,) referred to the Justice-aire of Orknay.

Common Theft and reset of Theft.

‘ WILL ELLOT, callit *Woddir-nek*; Petir Trumbill, callit þe *Monk*; ² and Henrye Blak, in Softlaw, Convict to be HANGIT for Commoun Thift and Commoun reffett þairof.’

Convocation of the lieges — Invasion — Wounding, &c.

JOHN EDGER OF WODDIRLYE, Richard, Oliphar, James, and George Edger, and Robert Hude, ‘ deletit of Convocatioune of our fouerane ladeis liegis, to þe nomer of iij^{xx} (*three score*) perfonis, bodin in feir of weir, with jakis, swordis, steil-bonettis, daggis, culveringis, and vperis wappingis invasive, contrair þe Act of Parliament, vpone þe xvij day of September last bypast, cumand to þe landis of Rawburne, lyand within þe scherefdome of Berwik, pertening to David Spottifwode of pat Ilk, in heretage; and pair invadit and perfewit Jhone Vllafone, James Hog, Jhone Wody, and þe remanent þe said Daudidis tenantis of þe said landis for pair Slauchteris, dingand and birfand þame with dinerse bafe³ strekis, chaisfand þame within þair awin malingis ⁴ ane grit space, doand þat wes in þame to hane flane þame, vpone sett purpoise, provisioune, and foirthocht felony, specifit in þe Letteris direct þairupoune.’

ASSISA.

The Larde of Blacader,	George Trotter of Prentonene,	The Lard of Blanerne,
The Larde of Spott,	Robert Hyme of Redheuch,	The Larde of Bafs,
George Home of Broxmouth,	Mr Richard Spottifwod,	The Lard of Innerwike. ⁵

VERDICT.—The said Larde of Woderley and his collegis being on panale, wer ACQUIT, be declaratioun of þe said hail Assyise, of þe foirfaidis crimes.

¹ George Crawford of Lefnoeis. ² See notices regarding them in Extracts from THE LORD HIGH TREASURER'S ACCOUNTS, in the *Appendix* to this reign. ³ Perhaps for *bauch*. ⁴ *Mailings*, small possessions. ⁵ The other four Assisors were only feuars.

JOHN SWYNTOUNE OF THAT ILK ; William Redpeth of that Ilk, elder and younger ; the ' Barroume' of Dalzell ; Thomas Nisbit, his brother ; the Laird of Lochirmachus ; George and Alexander, brothers of John Forrester of Gammelfcheillis, and fixty others, found furety to underly the law at the next Aire of Berwick for the fame crimes.

Slaughter ?

Dec. 13.—SCHIR JAMES HAMMILTOUNE OF CRAWFORDJOHNE, kn^t, and John Gudelett, in Strabrok¹ (delatit for the Slaughter of vmq^{le} George Hammiltoune ?)

PRELOCOUTOURIS for þe pannell, Mr Daid Borthuik, Mr Jhone Mofcrop, The Laird of Garlis, My Lord Levingstone, The Abbot of Deir, My Lord Gray.

PERSEWAR, Agnes Murray, relict of vmq^{le} George Hammiltoune.

James Hammiltoune of Kincapill protestit that he producit the Letteris, dewlie execute and indorfat ; and the said Schir James protestit that the said James producit the Letteris.—Andro Hamilton of Siluertone-hill, fouerté for the entré of Schir James, and Schir James for fouirte of Jhone Gudelett, the xxix day of Januar nixtocum.—(Jan. 29, 1561-2.) Continued to Feb. 25 ; the Laird of Calderwood and Sir James being ' fouirteis.'—(Feb. 25.) Remitted to the next Aire of Lanark ; the Laird of Trabroun and Sir James became cautioners.

Slaughter.

Dec. 15.—JHONE GLEDSTANIS OF COKLAW (dilaitit for the Slauchter of vmq^{le} Thomas Peblis and Williame Bell.)

PRELOCOUTOURIS for þe pannall, My Lord Home, The Larde of Coldinknowis, The Larde of Cranstone, Mr Jhone Abirerumby, Williame Trumble alias *Proffit*, Robert Scott of Bonyngtone.

PERSEWARIS, Adame Bell, for Wm. Bell, &c., Alex. Hoppingill of Trinlinknowis, Jhone Ofwald.

The Aduocat producet the Lettir vnderwrittin, and desyrit þe famyn to be registrat ; quhair of the tennour followis.

REGINA,

ADUOCATTIS, We greit 3ow weill. Forfamekill as Jhone Gledstanis of Coklaw hes fund ficker fouertie that he fall compeir befor our Justice and his deputis in þe Tolbuith of Ed^r þe xv day of December instaut, to vnderly þe law for þe Slauchter of vmq^{le} Thomas Peblis and William Bell, and diuerse vperis crymes contenit in þe Letteris direct þairupone, as þe famyn beris. OURE WILL is heirfoir, and we charge 3ou þat 3e affist and concur to þe purfute of þe said Jhone for þe crymes contenit in þe saidis Letteris þe said day, and se þat justice be done þairin, conforme to þe lawis of þis realme : As 3e will anfuer to ws þairupone. Subferiuit with our hand, at Halyrudehoufe, þe xij day of December, and of our regne þe xix 3ere. [MARIE R.]

¹ In a great many instances the names of the pannells, &c. are regularly noted in these Scroll-books, which were evidently intended merely as Memoranda for the Clerk, from which to extend the proceedings, aided by the Dittays and other warrants, into the proper Records of the Court. The crime may be inferred from the designation of the pursuer.

(Mar. 16.)—The Justice-principall being present, *Archibald Naper of Merchinstone* maid fayth in jugement that he fuld vse þe office of Justice deputrie lelilie and trewlie, as efferis.—Continued to Mar. 26 ; William Cranstone of that Ilk cautioner.¹

Theft committed by an alleged Idiot and Minor.

Dec. 16.—JAMES GUYLD, indicted for Stealing, &c., as after specified.

PRELOCOUTOURIS for the pannell,

Mr Thomas M^ccalzeane, Mr Alexander Sim, Mr Jhone Moscrope, Mr David Maitland, Archibald Douglas of Kilspindie, Andro Murray of Blakbarronye.

PERSEWARIS, Neill Layng, Maister George Hackett.

Continued to Dec. xxij.—(Dec. 23.)—MR ALEXANDER SYM, as prelocoutour for James Guyld, beand callit to vnderlye þe law vpone his lyff, allegit that he is minor, within þe 5eiris of xvij þeir ald, as it may be considerit be inspectione of his face, lyik as he is in deid, and salbe profin gyff neid beis ; and þairfoir aucht nocht to vnderly ane Assyse vpone his lyif, nor to thoill² jugement þair-upone, noþer³ be þe Commoun law, nor Municipale law, or vse of þis realme. And attour⁴ þe barne him selff is ydiot of natur, nor hes nocht þe knowlege to decerne þe perrell and þe feir of deid ;⁵ and þairfoir aucht not for to vnderly ane Assyse, as said is, of lyif : And forder, is subdewit⁶ to ane malancolius hvmour, naturallie descendand from his progenitouris, swa þat he is mair desyrus to dee nor to leif,⁷ as be experience is notour, be samekill þat his fader exponed him selff findré tymes to þe perell of deid, and wald haue drowned him selff in þe North Loch, wer nocht he wes releved þairfra be nyctbouris ; and fyelyik Maister Walter Guyld, his fader bruder, occupiit with þe same hvmour, slew him selff in Paris. And þairfoir, þe said James, beand bayth minor, and approche-and mair to pupillaritie nor⁸ maioritie, and occupiit with þe said hvmour, mair willing to dé nor to leif, and haifand na cuyr⁹ of deid, aucht not to vnderly þe law for þe lybellit pretendit cryme, and aucht not to perise,¹⁰ suppois he wald peris, *quia non auditur perire volens*. And eikis¹¹ allegeance, þat þe same boy ranne findrie tymes nakit to Ingland, and left his claythis¹² behind him ; and swa may be vnderstuid þat he hes this said hvmour, as said is ; and offeris him to preif þe said allegeance sufficientlie.¹³

THE JUSTICE Findis, be Interlocoutour, þat þe said mater fould pafs to Assyse, nochtwithstanding ony allegeance, because of þe practik fene of befoir.

¹ No farther trace appears in the Record. It is probable that Remission had been obtained, or that the case was remitted to the next Justice-aire. ² Suffer. ³ Neither. ⁴ Moreover.
⁵ Death. ⁶ Subjected, liable to. ⁷ To die than to live. ⁸ Than. ⁹ Care. Lat. *cura* ; viz. reckless, indifferent, or careless of death. ¹⁰ Perish. ¹¹ Adds. ¹² Clothes.
¹³ This Trial has been selected chiefly on account of the remarkable phraseology employed by the pannel's ' Prelocoutour,' and from the curious enumeration of the articles stolen, as detailed in the Verdict.

VERDICT. James Guild, Convict,¹ be deliuerance of þe said Affyise,² of arte and parte of þe thiftius Steling and taking furth of þe purse of Elizabeth Danielstoune, þe spous of Neill Layng, hingand vnder hir aprone, in þe moneth of Apryill, vpoun ane Monunday, ane mercat day of Edinburgh, scho being vpone þe Hie Streit, standand at þe crame³ of Willeam Speir, indweller in þe said burgh, in comoning with him, þe tyme of þe putting of ane string to ane penner and yncome quhilk scho had coft fra þe said cramer, of ane signet of gold; ane vther signet of gold, fett with ane corneleue; ane gold ring, fett with ane grite sapheir; ane vther gold ring, with ane sapheir formit like ane harte;⁴ ane gold ring, fett with ane turquihase;⁵ ane small dowble ring of gold, fett with ane dyanomnt, and ane rubye, ane ald (*old*) Angell-Nobill, and ane Cuffett dukett.⁶

[*Archibald Earl of Ergyle, Justice General.*]

Rioting to restore the Popish Religion, &c.

Dec. 24.—MAISTER WILLIAM BALFOUR, indweller in Leyth, found caution to appear on the last day of December, under the pain of 1000 li., to underly the law for the crimes following:—(Dec. 31.) CONVICTED by an Affise⁷ ‘off arte and parte of þe contrauenyng and breking of our souerane ladeis Proclamatioun, maid in þe moneth of August last bypast, eftir hir hienes arrivell within þis realme; chargeing in effect, all and findrie hir legis, be opin Proclamatioun, at þe mercate-croce of Ed^r and vperis places neidfull, that þai and euery ane of þame fuld contene þame selffis in quietnes, keip peax and ciuile societie amangis þame selffis; and in þe meyntyme, quhill⁸ þe Estatis of þis hir Maieftis realme mycht be assemblit, and þat hir hienes had takin a finale ordour be þair avise and publict consent, þat nane of þame tak vpone hand, privatlie nor opinlie, to mak ony Alteratioun or immouatioune of þe state of RELIGIONE, or attemp ony thing aganis þe forme quhilk hir Maieftie fand publicklye and vniuersalie standand at hir Maieftis arryving within þis realme, vnder þe pane of deid; with certificatioun, þat gyff⁹ ony subiect of þis realme fuld cum in þe con-

¹ No traces are left on record of the fate of this poor creature; but it is likely that the punishment was trivial, and that his relations would be bound over, under penalties, for his future good behaviour.

² Thirteen burgesses. ³ The last remnant of the booths of the Cramers of St Giles’s Church, Luckenbooths, &c., were pulled down about twenty years ago, to widen the High Street. ‘The Cramers’ formed part of a small alley on the North side of the Cathedral.

⁴ These were favourite love-tokens among all ranks, varying, of course, in value. ⁵ Turquois. ⁶ Ducat. It has frequently been remarked, in the course of the present Collection, that the burgesses, as well as the nobility and gentry, were possessed of plate and jewellery to an extent greatly beyond what is now usual—and perhaps this may be accounted for from the difficulty of investing the large capital which many merchants and burgesses acquired in business or otherways. So ostentatious were the burgesses and their wives, that many legislative enactments were required to repress their passion for dress and finery. A reference to these sumptuary laws may prove not uninteresting to the curious inquirer into the manners and customs of this country.

⁷ They appear to have been burgesses of Edinburgh. The only names of any note were The Laird of Spottiswod, Mr James Watsone, Mr Michael Cheisholme.

⁸ Until. ⁹ If.

trare heirof, he fuld be eftemit and haldin ane Seditious perfone, and rafer of Tumult, and þe faid pane fuld be execute aganis him with all rigour, to þe exemple of vþeris ; as þe faid Proclamatioun mair fullerie proportis ;—be committing of þe opin and manifest crymes and offenfis eftir fpecificeit, þe tymis eftir mentionat, *respectiue*, in maner following. IN þe firft, In þe moneth of Nouember laft bypaft, as ane Seditious perfone and rafer of Tumult, contrair þe tenuour of þe faid Proclamatioun, faid opinlie and planelie in my lord of Inuermethis Place of Reidecaftell, that ‘ þe RELIGIOUN NOW REFORMIT,¹ and miniftratioun of þe Sacramentis according to Godis Word and inftitutioun, within þis realme, wer not of God, nor zit conforme to his Word ; and þairfore þe famyn and þe Holy Communioun fuld be vterlie aboliffit within twa 3eiris nixt eftir þe dait of þe faid Contract ;’ and þairupone contractit and maid ane Wodfet with þe Lard of Wateris. ITEM, þe faid Mr William CONVICT be þe faid Affyife as controuener of þe faid Proclamatoun, be refone he accompanit with certane wicked perfones, fawaris of difcord and raferis of Tumult, vpon fett purpois, come to þe Parroche Kirk of Edinburgh callit SANCT GELIS KIRK, quhair Jhone Carnys wes examinand þe commoun pepill of þis burgh, befoir þe laft Communioun miniftrat þairin, according to þe ordour takin and appointit be þe Minifter, Elderis, and Deacones of þe faid Kirk ; and þe faid Jhone, beand demanding of ane pover woman, ‘ Gyff scho had ony hoip of faluatione be hir awin gud werkis ? þe faid Maifter William, in difpytefull maner, and with thrawin continance,² having na thing to do at þat tyme in þe faid Kirk bot to trubill þe faid Examinatioun, faid to þe faid Jhone þir wordis, ‘ Thow demandis of þat womane þe thing quhilk þow nor nane of thy opinioun allowis nor kepis !’ And eftir gentill admonitioun made be (to) him be þe faid Jhone, he faid to him alfwa þir wordis, ‘ Thou arte ane verray knaif, and þi doctrin is verray falfe, as all 3our doctrin and teiching is !’ And þairwith lade his hand vpon his wapnes, and provokand battell ; doand þairthrow, purpoillie, þat wes in him to haif refit Tumult amangis þe Inhabitantis of þis burgh. ITEM, þe faid Maifter Willeam is CONVICT for breking of þe faid Proclamatioun, infafar as he, vpon þe tent day of December, in prefens of ane grite multitude and nowmer of pepill within þe Tolbuyth of Edinburghe, herand fum Gentilmen fpekand of þe Lordis Supper was þan to be miniftrat þe Sunday nixt eftir, in þe faid Kirk, faid þir wordis, ‘ Is þat 3our Communioun ? The Devill birft me quhen euir it cumis in my belly ! And þe Devill birft þame in quhais belly it cumis, ffor it is ane verray Devill !’ ITEM, þe faid Mr Willeam wes CONVICT be þe faid Affyife of (being) ane Commoun and manifest blaſphemer

¹ This extreme zeal may have originated from the notoriety of the Public Disputation between JOHN WILLOX, the Reformer, and JOHN BLACK, a Dominican Friar, which had been keenly maintained for two days, in summer 1561. *Balf. Annales*, I, 325 ; *Leslie*, p. 295 ; *M. Crie’s Knox*, &c. ² With twisted or distorted countenance, *i. e.* in derision, twisting his features, or making wry faces.

of God and his Haly Evangell ; and for ane feditious perfone and ane commoun auctour¹ pairof.²

PROTESTATION *by an Assisor exempted from passing on Assises.*

THE quhilk day, the said *Majster James Watfoune*, burges of Edinburghe, being callit to pas vpon þe ASSISE of þe said Mr Willeam Balfour, compeirit in jugement befor þe said Justice, and allegit þat he fuld nocht be compellit to pas vpon þe said Assise, be resoune he wes ane perfone priuilegit and exemit : And þairfore protestit þat albeit þe Justice compellit him at þis tyme to pafs vpon þe said Mr William Assise, that þe samin fuld nocht hurt nor preiuge him anent his priuilege and exemptionne, towart þe passing vpon þe Assis of vþeris personis to be callit and persewit criminalie befor þe Justice, in tyme cuming.

Privilege of Exemption from passing upon Assises and Inquests granted to the Inhabitants of Perth.

Feb. 17, 1561-2.—THE quhilk day James Anderfone, burges of Perth, comperit befor þe Justice-depute, and þair productit our fouerane ladeis Letteris vndirwrittin, vnder hir signet, and subscriuit be vmq^{lc} her derrest moder, þe Quene Dowriar and Regent of hir realme, and vmq^{lc} Gilbert Erle of Cassillis hir Thesaurare for þe tyme ; and for him self and in name and behalff of þe Provest, Bailleis, counsale, and communitie of þe BURGH OF PERTHE, and desyrit þe samyn to be obeyit : Quhillk desyir þe said Justice-depute thocht resonabill, and þairfoir admittit and obeyit þe samyn ; off þe quhillkis Letteris þe tennour followis.

MARIE, be þe grace of God Quene of Scottis. To all and findrie our Lieutenentis, Wardanis, Admirallis, Justices, Justice Clerkis, Scheriffis, Stewartis, Bailleis, Crouneris, þair deputis, Provest, Aldermenne, and Bailleis of our burrowis and cieteis, and all vþeris our Officiaris, Jugis, Ministeris of our lawis, liegis and subdittis quhatfumeir, to quhais knowlege þir present Letteris fall cum, greting : Forfamekill as it is vnderstand to ws þat our BURGH OF PERTH is ane dry Toune, far distant fra þe See or to ony vþer parte pairof, and þe haill traiffick and change standis be Craftismen þat daylie and continewalie labouris with þair bodeis, quha hes na vþer to leif on : And þat in þis trublus tyme bypast þe Inhabitantis pairof hes bene put to grite and exhorbitent expensfis, be summunding and compelling of þame, at all tymes, to cum furth of our said burgh, quhen þai ar chargit, and compeir befor our Justice, his deputis, and vþeris, jugis and Ministeris of our lawis of our realme, in passing vpoun Assyis, Inquestis, and vþerwyis ; throw þe quhillk þai ar put to povertie, and may not indure sic chargis in tyme cuming. For eschewing of þe quhillkis, and willand þat þai be vfit in semlabill maner in tyme cuming as þe Inhabitantis of our BURGH OF DUNDE, quha ar of grit pffiance,⁴ situat in mair commodius parte nor⁴ our said Burgh of Perth, hes Exemit and be þir our Letteris Exemis all and findrie þe INHABITANTIS within our said Burgh of Perth and fredome pairof, in all tyme cuming, fra all comperance befor 5ow our said Justice, Justice Clerkis, Scheriffis, Stewartis, Bailleis, Crouneris,⁵ Provestis, Aldermen and Bailleis of our Burrowis, or ony vþer Jugis within our realme, and passing vpon Assyis and Inquestis in quhatfumeir actionnis and caussis, Criminales or Ciuile, committit be quhatfumeir perfone or persones within our said realme ; acceptand⁶ alwayis, gyff þe saidis crymes be committit within our said burgh of Perth, or ane myill þairabout alanerlie :⁷ And will and grantes þat þe saidis Inhabitantis nor

¹ Author. ² The following marking is made on the margin, 'EXTRACT and sent to THE REGENT, in Maij 1569.' ³ Fr. *puissance* ; power, wealth. ⁴ Than. ⁵ Crowners, Coroners. ⁶ Excepting. ⁷ Only.

nane of þaim, for þair remayning and byding at hame fra þe saidis Afflyis and Inqueistis fall incur na danger nor skaith in þair perfones, landis or guidis, in ony wyis, and fall not be callit nor accufit þair-foir, noþer criminalie nor ciuilie in tyme cuming, notwithstanding ony Letters, Proclamationis or chargis quhatfumeuir maid or to be maid in þe contrair, in ony perfones contenit pairintill; anent þe quhilk we dispens with þame and ilk ane of þaim be þir our Letteris; dischargeing 300 and ilkane of 300, and all vperis our Officiaris, Jugis, ministeris of our Lawis, liegis, and subjectis quhatfumeuir present and to cum off all fummunding, chargeing, atteitfcheing, arreitfing, calling, following, poinding, distrenzeing, vnlawing, trubling, or intrometting with þe saidis Inhabitantis, or ony of þaim, þair landis or guidis, in all tyme cuming; dischargeing 300 and ilkane of 300 vperwyis þarof, and of 300 office in þat parte, be þir oure Letteris. GEVIN vndir our Signet, and fubferiuit be our derrest moder, Marie Quene-Drowriar and Regent of our realme, At Edinbur^t þe nynt day of Junij, the 3eir of God I^m V^c. lviij 3eiris, and of our regne þe xiiij 3eiris. MARIE R. GILBERTUS THE^s.¹

The Laird of Gradane admitted to Free Ward, &c.

ANE COPY of ane LETTIR concernyng þe Lard of Gradane.

REGINA,

WE vnderstanding þat ANDRE KER OF GRADANE, now being in Ward within our burgh of Edinbur^t, in þe quhilk he enterit himself, at our command, for keping of gude rewl; and feing his obedience, and gude mynd he beris to continew pairin, and willing to do ws seruice as he salbe requirit: THAIRFOIR, and vperis cauffis and motiounis moving ws, We will, grant, and consentis, be þir presentis, þat his Ward be transportit furth of our said bur^t to þe Abbay of Newbottill, or ony vper parte four myill about our burgh of Edinbur^t, and þair to remane at fré Ward, siclyk as he is oblist to do within Edinbur^t: And will and grantis þat he nor his fouerteis found be him for his remayning within our said bur^t of Edinbur^t fall not be fummound, callit, nor accufit for his departing furth of þe samyn, or breking of his Ward þairthrow, notwithstanding ony Actis or statutis of ouris maid in þe contrair, anent þe quhilkis we dispens be þir presentis; provyding alwayis, þat his fouerties fund of befor for keping of his ward within our said bur^t of Edinbur^t, remane bund þat he fall not eschew nor departe furth of þe said Abbay of Newbottill, or boundis above expremit, vnder þe panis specifeit in þe former Actis and bandis þairupoune. SUBSCRUIT with our hand, and under our Signet, At Lynlythqw, þe xxvj day of Januar, and of our regne þe xx 3eir. MARIE R.

Treasonable Slaughter and Murder — Poisoning, &c.

[IN *Insula vocat. HALIE-BLUDE IILL, (Aisle)*² *loco pretorii de Edr coram Archibaldo Neper de Merchinstone, Justiciario deputato.*]

Mar 16.—MR ADAME COLQUHOUNE, Convicted of art and part of the treasonable Slaughter and Murder of umq¹⁶ Robert Rankin, household servant to Patrick Hamiltoun in Bogfyid, by Poison and Intoxication³ thereof: And also, of the treasonable Intoxication of the said Patrick, his step-father, and Jonet, alias Jeane Boyde, his mother, endeavouring and intending to slay them by that secret method of Poison or Intoxication, administered by him to them in their

¹ Gilbert, fourth Earl of Cassillis, Lord High Treasurer of Scotland.

² The Court continued to sit in the Kirk of St Giles for a considerable period, probably until the building of the new Tolbooth was finished.

³ Intoxicationem ejusdem. The same remarkable phraseology was used in the Case of LADY GLAMMIS and others of this and the preceding reigns.

dwelling-place of Bogfyid, in the month of January laft.—SENTENCE. To be taken to the Gallows at the Caſtle-hill of Edinburgh, and HANGED thereon until he be dead ; and immediately thereafter his body to be BURNT to aſhes : And all his goods, moveable and immoveable, lands, heritages, annualrents, tacks, office, places, bonds and poſſeſſions whatſoever, pertaining or which might pertain to him, to be Eſcheated to the Queen.

PRELOCOUTOURIS for þe pannale, Alane Cathcarte ; The Larde of Caprintone, ſounger.

ASSISE.

Robert Boyd of Portincorfe,	Jhone Crawford of Crawfordland,	Hew Wallace of Maryfurd,
William Cunynghame of Cunyng- hameheid,	James Hammiltone of Wodfyid,	Hew Montgomery of Heffilheid,
Jhone More of Rowallane,	James Affinlofs of þat Ilk,	Jhone Fairlye of þat Ilk,
Stevin Trane, burges of Irwin,	Robert Cunynghame of Auchin- harvy,	Patrik Montgomerie of Giffine, William Cunynghame of Hackett. ¹

Baptiſing and Marrying, in ‘ the faſhion of the Papiftry.’

Mar. 17.—SIR JAMES ARTHURE came ‘ in Will, for arte and parte of þe breking of þe Quenis grace Act and ordinance, made in hir laſt Parliament, eftir hir grace arryving within þis hir grace realme, be þe awyife of þe Lordis of hir hienes Counfall : And for Baptiſſing of þe faſhion of þe Papiftry Jhone Milleris barne, in Baquhatftane, callit Andro Miller ; witneſſis to þe ſaid barne wer Andro Ruſſale in Falkirk parochine, Alexander Arthure in Slamanane parochine, and Mege Arthure, in Sanct Ninianis parochine, in þe moneth of November laſt : AND for Baptiſſing of ane barne, callit William Lichbody, ſone to Daud L. in the ſame maner ; witneſſes, Willeam Salmond in Baquhatftane, Robert Ker in Glentoir, and Jonet Weddell, in the ſame moneth : And for baptiſſing ane barne, callit William Boid, ſone to Robert Boid in Weſtir Blairlin ; witneſſis, Willeam Boid in þe Monkland parochine, Jhone Ker þair, Aleſone Ker þair, in þe moneth of Februar laſtbypaſt. ITEM, in Will for þe Baptiſſing of other thre barnes quhais names, faderis, nor witneſſis he remembers nocht. ITEM, in Will for þe Mariing of Jhone Thomeſone in þe Monkland parochine, in þe alde and abhominabill Papift maner, with Margaret Quhitlaw, in þe parochine of þe Schottis, the ſaid Jhone byvand maid ane band and promiſs to ane vþer woman, and þe ſaid Margaret had maid ane promiſe to ane vþer man, and bayth the ſaidis perſones levand þair awin parochines for þe cauſis foirſaid, and mariit be þe ſaid Sir James, in maner foirſaid, þai not beand proclamit thryife in þe Kirk, as aucht and ſould haue bene done, in þe moneth of November laſtbypaſt.²

¹ By markings on the margin it appears that the whole of the Assise, with the exception of the two last, ‘ fylit’ the pannel, who muſt have been a perſon of conſiderable rank, in Ayrſhire. ² The following notice is inſerted on the margin:—‘ EXTRACT and ſeud to þe REGENT, in May, 1569.’

Forcible Abduction — Alleged Rape and Ravishing.

Apr. 20, 1562.¹—WILLEAME KINCAID, Jhone *alias Gyrie* Kincaid, Jhone Stewart of Cragyhall, Gelis Seitoun Lady Cragyhall, his spouse, James Kincaid at þe West Port,² Andro Mowbray, and Jonet Lyntoune, his spouse, and Jhone Inglis, taverner.—THE PROVEST OF EDINBURGH comperit, and productit þe Letteris, and desyrit þe fouirté to be relevit; and als protestit, þat justice mycht be done vponne Willeame Kincaid and his complices for þe allegit Reviffing of Jonet Aldioye; in respect, gyff ony sic Reviffing wes maid, it wes done to þe skayth and sklander of þe Toune; and refusit always³ to be persewar.

Comperit *Jonet Aldioy*, and Mr Alexander Mauchane, for him selff, and in þe name and behalf of þe remanent of þe kinne and freindis, and declarit, for-famekle as our fouerane ladeis Letteris wes refit at the instance of þe Aduocat, for certane allegit crymes of Deforcing (and) of Revecing of Jonet Aldioye, declarit, þat þair wes na cryme committit be William Kincaid and his complices, bot þat scho past furth of þis burghe of hir awin fré will, to contract mariage with þe said Willeam; quhilk is ellis⁴ contractit and compleitit, conforme to hir promeife maid lang of befoir: And þairfoir, wald not persew þe saidis Letteris in ony maner of way. The Advocattis oft tymes callit, and not compeirand, the Justice-Deputtis take instrumentis þat þair comperit na manne to persew.

THIS Case was nevertheless continued to the next Aire of Edinburgh, the sureties being, My Lord Sempill, Thomas Levingstoun of Hanyng, the Laird of Towche, George Home in Restoune, John Levingstoune of Prestoune, and the Laird of Innerleyth.

Hurting a pregnant Woman — Child-Murder.

Apr. 23.—HELENE BRUCE, and John Wilfoun, her son, found caution to underly the law at the next Aire of Edinburgh, for the ‘crewell Hurting of Jonet M^cNech, and dinging of her be þe hair, and possing of hir with their feitt; quhairthrow scho pairtit with barne.’

Abiding from the Raid of Jedburghe.

Apr. 30.—THOMAS PATERSONE OF CAVERHILL, indicted to ‘vnderly þe law for þe remanyng and byding of þe said Thomas contempnandlie⁵ fra our fouerane ladeis Hoift and Raid, ordanit to meit hir derrest cousing and brother, JAMES LORD STEWARTE,⁶ þe xij day of November last bypast, and fra thine⁷ to pas forward with him to the burghe of Jedburghe, þair to remane be þe space of xx^{ty} dayis, and to resave sic directione as falbe gevin to him, for quietnes

¹ Continued from Apr. 15. ² Thomas Kincaid was proven to have been furth of the realm at the time of executing the Letters, viz. March 21. ³ Nevertheless; at all events. ⁴ Already.

⁵ Contemptuously. ⁶ Afterwards Earl of Murray and REGENT. ⁷ Thence.

of þe cuntré; incontrar þe temour of þe proclamatioun maid pairupoune. Compeirit James Paterfone, ȝounger of Cauerhill,¹ and producit ane writting in forme of Testimoniale, quhilk he allegit to be written and subseruit be Jhone Allane, allegit Curat² and Minister of þe parochine of Menner, for þe tyme; notefeand, þat þe said Thomas Paterfone of Canerhill labouris in ane hevy and continewell sicknes, instantlie, lyik as he has done sen þe moneth of December lasthypast, swa þat he may not ryise furth of his bed without ane staff and help of his seruandis, &c.—Denounced rebel, and his son americiated 100 l. for his non-appearance.

Abiding from the Raid of Jedburgh.

Apr. 30.—WILLIAME BURNET OF BARNIS denounced rebel for the same offence, and William Portwife of Halkschaw, his cautioner, americiated in 100 l. for his non-appearance. A Testimonial from the same 'alegit Curat and Minister,' as in the preceding case, was disregarded, though presented by William B., younger of Barnis, his son, stating his father to have been 'of þe aige of thre scoir ane ȝeiris, labouris in any hevy and continewall feiknes of þe poplicie,³ lyik as hes done be þe space of four ȝeiris lasthypast; quhairthrow he is not abill to travell to his parroche Kirk to heir þe Devyne seruice.'

Abiding from the Raid of Jedburgh.

GEORGE RAMESAY OF DALHOUSSY being callit for þe said cryme, gaif in þis allegeance following: þat at þe tyme of þe Conventioun and Raid appointed to be at Jedburgh, tyme libellit, and haill space pairof, þe said George wes vnabill, vexit with sic distreffis in his persone, þat he mycht nocht onnawwis travell, noþer on horse nor fute to na space; be refone his haill left fyid wes sua occupiit and trublit with evill and maling⁴ humouris, sic as he came nocht declair nor specify, þat his haill arme, fingeris, and leg, on þat fyid, wer impotent, quhairthrocht þat he mycht not move þe same; and speciallie, þe said arme wes sa dolorus one to him, þat he mycht gett na rest pairof be nycht nor be day; and þairthrow and be vexatioun pairof wes drevin in ane fevir, and become verray feik, and mair vnabill in his persone, and þairfoir wes not astrickit,⁵ being impotent, as said is, to cum to þe said Raid, or biddin þairat, sen na man is bund to impossibilitie. And tuiching þe QUENIS grace chargis, he, willing to obey þe samyn at þe vttermoist of his power, send his seruandis and housfald, sic as wald and fuld haue gane with him, gyff he had past þair personalie,

¹ Cautioner for his entry.

² Perhaps a Papist, or one not recognised by the Ordinary; or the Testimonial may have been informal, not regularly witnessed, &c.

³ It does not seem very clear whether *palsy* or *sciatica* is here meant to be indicated.

⁴ Malign.

⁵ Astricted, bound.

weill provydit and furneift, as apertentit to þe caus, in cumpanye with William Ramefay of Polting, his coufing, to avait vpon MY LORD JAMES, now ERLE OF MAR, Lieutenant for þe time of þe Proclamatioun libellit, &c. THE JUSTICE hes continewit þe geving of the Interlocutour vnto þe xij day of May nixt to cum.—Sureties for his entry, William Ramfay of Poltoun, and Cuthbert R., burgefís of Edinburgh.

(May 12.)—George Ramefay of Dalhouffy difasentit to þe continavatioun, and offerit him ready to vnderly þe law, infantlie; and nochtwithftanding, at þe command of THE QUENIS grace and þe faid Justice Depute, fand fourte (to enter again on May 14.)¹

The following document is recorded at the end of a subsequent volume of the Record; and from the Cafe being afterwards referred to as a precedent, it would appear that the Licence had then been fully admitted. It has been thought of fufficient importance to be printed, to show the reader the form of fuch writs.

LICENCE to the Laird of Dalhouffye to abide from Raids, &c.

REGINA,

WE, vnderftanding þat our weilbelouit feruitour GEORGE RAMSAY OF DALHOUSSEY is corpolent, fubieft to feiknes and infirmitie, and may nocht weill indure trawell without danger of his life; thairfor, and for diuerfe vper reafounabill cauffis and confiderationis moving ws, be þe tennour hereof grantis and gevis LICENCE to þe faid George to remane and byde at hame fra all and findry our Hoftis, Raidis, Weiris, and Affembleis qubatsmeuer, diuifit or to be diuifit within our realme, or outwith the famyn. And als, hes Exemit, and be þir our Letteris Exemis him fra all comperance and paffing vponne Affyiffis, Inqueiftis, or bering of Witneffing, in all actionis criminall, befoir qubatsmeuir Juge or Jugeis within our realme, for all þe dayis of þe faid Georgis lyftyme; and will and grantis þat the faid George þairfor fall incur na danger nor fkaith in his perfoune, landis, nor gudis, nor falbe callit for þe famyn, criminalienor ciuillie, nochtwithftanding qubatsmeuir actis, ftatutis, lawis, proclamatiounis, or chargeis qubatsmeuir, in generall or in fpeciale, maid or to be maid in þe contrair heirof, or ony panis contenit thairintill; anent the quhilkis We difpenfe be þir presentis. Difchargeing heirfor all and findry our Justice, Justice-Clerk, Wardanis, Lieutenentis, Scheriffis, Stewartis, Baillies, Crownaris, Proueftis, Bailleis and Eldermenne of Burrowis, and all vtheris Jugeis and minifteris of our lawis, prefent and to cum, thair deputtis, off all atteicheing, arreiffing, fummondng, calling, following, vnlawing, or proceding aganis þe faid George Ramfay, his perfoune, landis, or gudis, in ony wayis for þe premissis, and of þair offices on þat pairte for euir, be þir presentis. Prowyding alwyife, that the faid George Ramfay of Dalhouffye furneife and fend his honorabill houfhald, with ane of his fpeciale freindis, weill fourneift, conforme to þe Proclamatiounis to be maid þairupoune. SUBSCRUIT with our hand, and vnder our Signet, AT ED^s, þe xiiij day of Januar, the 3eir of God I^m.V^c.lxij 3eiris.

(MARIE, R.)

Abiding from the Raid of Jedburgh.

WILLIAM CUNYNGHAME OF CUNYNGHAMHEID charged for the fame crime, and his fon, ‘the 3oung Lard,’ amerciaded for his non-entry to underly the law.

¹ Owing to the imperfection of the scroll-book, it does not appear what sentence followed; but from the following LICENCE being recorded, &c. it is probable that he was fully acquitted.

Abiding from the Raid of Jedburgh.

ROBERT HUNTER OF POLMUDE, Leonard Dowglas of Harwod, John Douglas (in Baddis) his son, John Gudelaitt of Strabrok, William Portwife of Halkfchaw, and six others, acquitted by an Assise for the said crime.

ASSISA.

Alexander Horsburghe of þat Ilk,	William Murray of Romannos,	Jhone Pennycuke of þat Ilk,
Jhone Cokburne of þe Glenne,	George Tait of Pyrne,	Jhone Houstounne in Lany,
Mr Robert Wynrame in Gogar,	Ja. Wynrame in Gogar-milne,	William Vaiche of Kingfyid,
Jhone Stewart in Cragyhall,	Dionese Elphinston of Henderstone,	James Feddes in Preiftisfeild,
George Dundas of þat Ilk,	Alex. Woidlaw ¹ of Kilbabertone,	Robert Scott, burges of Peblis.
Alexander Creichtone of Newhall,	Robert Fairlie of Braid,	

THOMAS HAMMILTOUNE of the Grange, beside Levingftoun, Thomas Sandelandis in Murehoufkykis, and five others, found the Laird of Calder surety for their entry on May 12, 'to vnderly deliuerance of þe said Assyise. ITEM, þe anfuersis of þe parteis þat cum in Will, and vperis of þe said pannell, written in ane throuch,² in paper.—(May 12.)—James Stevinstoun of Hirdmanscheillis became surety for their entry on Jun. 15 next.³

Conbocation — Feud with the Laird of Balthayok.

May 2.—JOHN CHARTERIS OF KINFAWNIS, David his brother, and thirty-nine others, found surety to underly the law, on May 15, 'for arte and parte of þe Convocatioun of our souerane ladeis legis, to þe nowmer of xxiiij personis, and cuming vpon þe Lard of Batheok (Thomas Blair) and his complices, and geving of þame iniurius wordis; and diuerse vperis crymes spacificit in þe Letteris.' He protested, 'þat þe finding of þe souerté to þe day foirsaid be na preiudice to him, becaus he is ane Parroche-Clerk;⁴ and siclyik protestit, þat þe finding of þe souertie for þe saidis perfones preinge not þe privilege of þe Regalitie of Scone, within þe quhilk þai dwell; bot þat þai may be replegit þe day foirsaid as pis day.'

Feud with the Laird of Kinfawnis — Slaughter.

THOMAS BLAIR OF BATHEOK; Alexander Blair, apperand of that Ilk; William, Patrick, and John B., sons to the said Thomas; Alexander Blair, Tutour of Balmyill; Thomas, son to Alexander Blair, younger of Batheok; William Kymmmond of Hill, Thomas Frisell of Kynnell, Williame Haldene of Kelour, John Moncur of Chapelton, James Monorgane, apperand of that Ilk, and forty-one others, found Gilbert Monorgan of that Ilk, and John Kynnard of Inchesture, sureties for thair entry on May 15, 'to vnderly þe law for þe crewell

¹ Wardlaw?

² A leaf or broadside of half a sheet.

³ No farther traces of this and the following Cases occur, owing to the loss of an intervening scroll-book.

⁴ And therefore, as a Churchman, was alone liable to the jurisdiction of the Church Courts.

Slauchter of vmq^{le} Alexander Raa, burges of Perthie, and diuerse vperis crymes contenit in þe Letteris.’

Hamesucken — ‘vnmereyfull’ Slaughter.

May 6.—WILLIAM FERGUSONE and William Wrycht, both in Restalrig, were convicted by an Assise ‘of arte and parte of þe crewell and vnmereyfull Slauchter of vmq^{le} Jhone Borthwick in Restalrig, at þe bak of his awin gard pair, be way of Hamefucken, vpone ald ffeid, sett purposis, provisiõne, and foir-thoicht felonye, vpone þe xx day of Apryill lastbypast.’

PRELOCUTORIS for þe pannall, The Larde of Largo, elder; Mr Alex. Syme.

PERSEWARIS, My Lord Borthwick, The Lard of Trabrone, Mr David Borthuik of Adestoune,
The Lard of Hirdmestone, George Newton.

SENTENCE. That thay ‘falbe had to þe Castell-hill of Ed’, and pair pair HEIDIS strikine fra pair bodeis WITH ANE SWORD:’ And þat all pair gudis movable fall pertene and be inbrocht to our souerane lady, as hir escheatt.

Slaughter.

May 9.—JOHN SIBBETT (SIBBALD)² delaited for art and part of the cruel Slauchter of Archibald Ballingall in Bunzeoune, in September 1560, between Balquhard and Bunzeoune, in the shire of Fife, besetting his way; committed on forethought felony.

PERSEWARIS, William Ballingall of that Ilk and David, brothers of vmq^{le} Archibald.

PRELOCUTORIS for þe persewaris,
Mr William Scott, Mr Jhone Pitcarne,
Walter Heriot of Ramornye.

PRELOCUTORIS for þe pannale,
The Lard of Balgony, The Lard of Lundy, yr,
Mr David M^egill, Mr Alex. Mauchane.

The quhilk day bayth þe saidis parteis defyrit our souerane ladeis Writting to be infert in þe Bukis of Adiornall, and defyret þe autentik copy pairof.

REGINA,

JUSTICE CLERK and your deuttis, We greitt you weill. Forfamekill as þe nynt day of Maii nixt to cum is assignit to our louitt Jhone Sibbett, to vndirly our lawis in þe Tolbuyth of our burgh of Ed’, for arte and parte of þe Slauchter of vmq^{le} Archibald Ballingall, bruder germane to Williame Ballingall of þat Ilk; and for summunding of ane Assyise agane þe said day, our vperis Letteris ar direct to þat effect. AND seing þe said Jhone penitent, of will and mynd to mak satisfactiõne to þe kin and freindis of þe said vmq^{le} Archibald, according to his puffance and habilitie. THAIRFOIR it is our will, and We desire you to refaue þe said Jhone in will at þe said day, and to latt him to libertie and fredome, as our free liege man, to þe effect þat he may labour for him selff, and aggré with his partye.⁵ And failzè not heirin, as 3e will anfuere to ws pairupone; kepend þir presentis for your Warrant. SUBSCRUIT with our hand, At Sanctandros, þe xij day of Apryill, 1562. [MARIE R.]

Mr William Scott of Balwery ‘exponit, in name and behalff of þe saidis

¹ This is the first instance where the Editor has, in the earlier Records of this Court, met with the mention of a sword having been employed by the public executioner, by order of the Justiciar, for decapitation. It is by no means improbable that death had been inflicted on the murdered man by that instrument, and that the Judge, to make the punishment still more striking, had judicially ordered the self-same weapon to be used for their decapitation. ² The name was at this period indiscriminately spelt *Sibbett* and *Sibbald*. ³ This case savours strongly of bribery of the Crown Officers,

persewaris, þat William Ballingall of þat Ilk, Alefone Gowray, his moder, David B., brouper of vniq^{le} Archibald B., nerrest kin and freindis of þe said vniq^{le} Archibald, wer informit þat þe said Jhone Sibbett had impetrat ane writting of þe QUENIS grace, productit be him, ordaning þe Justice, Justice Clerk, and his deputis, to refave þe said Jhone in hir grace will, vponne sinister informatioun; and that becaus, as he allegit, þe said Jhone, be him selff, his kin and freindis, had socht to haif satisfeid þe pairtye for þe said slauchter, at þe vttermoist of þair power, and þai on nawyis will accept þe samyn; albeit þe said William and freindis wes ay reddy, lyik as þai ar zit prowyn presentlie to haue haid commonyng and acceptit gud wyis, at þe sicht of freindis, for þe said Slauchter; thairfoir protestis for remeid of law aganis þe said Writting, as impetrat vponne fals narratioun.—To þe quhilk answert Mr David M^gill, as prelocutour for þe said Jhone Sibbett, þat nochtwithstanding ony Writting þat he had impetrat be our souerane (lady), he acceptis þe offir of þe partye, and is content at þe sycht of freindis, to do þe vttermoist of his power for Assythment¹ of pairtye.—Allegis Jhone Sibbett, þat nochtwithstanding his innocence of þe ald ffeid² contenit in his accusatioun, hoipand surelie þe QUENIS grace to try his innocence þairof, he *simpliciter* cumis in will for þe Slauchter committit vponne ald ffeid and foirthocht felony; and vnder protestation for ciuile defensis aganis þe pairtye.

He was accordingly received in Will, and found Robert Lundy of Balgony, Mr William Lundy, fiar of that Ilk, and David Sibbett of Lethome, to satisfy the parties.

Murder of the Laird of Frude.

May 11.—PATRIK HUNTER, John Hunter, Burgefs of Edinburgh, John Burn, in Over Possö, George Paterfone, in Hairfane, and William Glen, seruant to the Laird (of Frude), were Acquitted of art and part of the cruel ‘Murther and Slauchter of vniq^{le} James Twedy of Frude, in þe house of William Tuedy, burgefs of Edinburghe, in þe moneth of December last by past; committit vponne ald ffeid,’ &c.

PRELOCUTOURIS for þe pammale, Mr Jhone Moscrop, The Lard of Carmichaell, The Lard of Cultermanis, My Lord Sempill, Jhone Haye.

PERSEWARIS, James Twedy of Frude, W^m Twedy, The Laird of Traquhair, The Lard of Coilstoune.

MR CHARLES GEDDESE, Robert Fockert, and William Blaklaw, were denounced rebels and put to the horne, and Sir John Maxwell of Terriglis, kn^t, their surety, was americiated for their non-appearance to underly the law for the same crime, which is stated to have been committed within James Twedy's chamber or hall, within the burgh of Edinburgh, the Laird being seated at the time in a chair before the fire, sleeping; and that his Murderers attacked him

¹ A composition made with the kin of a slaughtered person as a *solatium* for the loss of the life of their deceased relation. ² Old feud.

in that defenceless state, and mortally wounded him before he could raise himself up, or parry their blows.

Taking Theft-boot — Allowing a Thief to escape.

May 13.—ALEXANDER MAXWELL OF TELING found Sir William Bruce of Erlishall, kn^t, surety for his entry on Jun. 28, to underly the law 'for taking of Thift-bute and Compositioun fra Andro Cufiye, ane Theif; and latting of him to libertie.'

[THE Scroll Court-book, from May 13, 1562, to May 17, 1563, has been lost. The succeeding Volume, which is a small quarto, is marked 'Aucht Buik,' and extends from May 17, 1563, to May 17, 1564.]

Celebrating the Mass — Attempting to restore Popery at Kirk-Oswald, Maybole, Paisley, &c. — Convocation, &c.

May 19, 1563.—JOHN ARCHIEBISCHOP OF SANCTANDROIS,¹ and forty-seven others, charged for the crimes after specified, viz.—

ROLL or *List of the rest of the persons on pannel.*

Maister Jhone Mcquhyne, elder,	Schir Jhone Coluile, Vicar of	Jhone Gordone of Barkeocht,
Maister Andro Daudifone,	Cathcart,	Schir Thomas Montgomery,
Dene Willeam Lepar,	Maister Mathow Flemyng,	Schir William Tailzefer,
Freir James Jhonestone,	Schir Daudid Fergufone, Curat of	Schir James Carfane,
Alexander Somervell,	Neilstone,	Daudid Kennedy, bruper to William
Maister Jhone Mcquhene, 3ounger,	Robert Galbrayth of Garfcaddene,	Kennedy of Brunstone,
Schir Jhone Hammiltone, Vicar	Henry Houstone,	Geo. Kennedy of Barclannochane,
of Paflay,	Sir Andro Burell,	Willeam Hammiltone, Tutour of
Schir Jhone Craig,	Archibald Mure,	Cammiskeyth,
Schir Jhone Home,	Maister Jhone Hammiltone, Sub-	Daudid Boyd,
Schir Jhone Elder,	chantour of Glasgow,	Jhone Lymburner,
Schir Jhone Vere,	Patrik Jakfoun, in Renfrew,	Alexander Wodburne,
Schir Jhone Broune,	Schir William Winzett,	Maister Alexander Lummidane,
Schir Jhone Dunlop,	Gabriell Maxwell of Stanlie,	Dene Gilbert Kennedy,
Dene Daudid Brenche, ²	Malcum, Prior of Qubithorne,	Dene Michael Dewer,
Schir Thomas Robefone,	Hew Kennedy of Blairquhyn-	Schir Williame Allefone,
Schir Jhone Lytil,	nequhy,	Schir James Kennedy,
Schir William Harbertfone,	Maister Robert Crychtone, Par-	Schir Thomas Mure.
Schir Robert Hill,	fone of Sauchar,	

'THE ASSYISE FYLIS and CONUICTIS the fadis Hew Kennedy of Blair-

¹ John Hamilton, natural son of James, *first* Earl of Arran, well known as the author of a Catechism printed at Saint Andrews, 1552. After the battle of Langside, from which he vainly attempted to dissuade the Queen, he fled to Dumbarton Castle. He afterwards fell into the Regent Moray's hands, on the Castle being surprised and taken, and was hanged, at Stirling, Apr. 1, 1570. ² He is afterwards called *Brancc*.

quhynnye, Malcum, Commendater of Quhithorne, David Kennedy, S^r Thomas Montgomery, and S^r William Tailzefeir, off þe controuentione of our fouerane ladeis Act and Proclamationne, chargeing all hir leigis, þat euery ane of þaim fuld contene þaim selffis in quietnes, keip peax and ciuile societie amangis þame selffis, and þat nane of þame tak vpone hand, prinatlie nor opinlie, to mak ony alteratioun or innouation of þe STAIT OF RELIGIONE,¹ or attempt ony thing aganis þe forme quhilk hir grace fand publictlie and vniuerfallie standing at hir arrywell within þis realme: THAT IS TO SAY, þe said *Hew Kennedy* and *David Kennedy*, be making of Conuocatioun of our fouerane ladeis liegis, to þe nowmer of twa hundreth perfonis, bodin in feir of weir, with jakkis, speris, gunnis, and vþeris wapnis inuafue, of þair causing, command, fortefeing, and ratihabitoun, vpone þe aucht, tent, and ellevint dayis of Apryill lastbypast, cumand to þe PARROCHE KIRK OF KIRKOSUELL and COLLEGE OF MAYBOILL, *respectiué*, and þair opinlie maid Alteratioun and Innouatioun of þe said STAIT OF RELIGIONE quhilk our fouerane lady fand proclamit, and uniuersallie standing and professit at hir arryvel within þis realme, ministrand and abufand on þair pretendit maner, irreuerentlie and indecentlie, þe SACRAMENTIS OF HALY KIRK, namelie, þe Sacramentis of þe Body and blood of our Lord Iesus Christ, vþer wyis and eftir ane vþer maner, nor þe publict and generall ordour of þis realme: AND þe said *Malcum Commendatour of Quhithorne*, *Schir Thomas Montgomery*, and *Schir William Tailzefeir*, ministrand and abufand, on þair pretendit maner, irreuerentlie and indecentlie, in þe moneth of Apryill foirfaid, in þe PLACE OF CONGILTOUN, the Sacramentis of Haly Kirk of þe Body and blood of our Lord Iesus, vþerwyis and in ane vþer maner nor þe publict and generall ordour of þis realme, refasit and professit at our fouerane ladeis arryvell, contentit in þe said Proclamationne: And þat in respect of þair Confessioun of þe samyn in iugement.

SENTENCE.—Thairfoir þe saidis Malcum Priour of Quhithorne, S^r Thomas Montgomery, and S^r William Tailzefeir, were adiugit to be put in WARD within þe CASTELL of DUMBARTANE.² And þe saidis Hew Kennedy and David Kennedy to be put in Ward within þe CASTELL OF EDINBURGH, thair to remain during þe will and plesour of our fouerane lady.

ASSISA.

Jhone Maxwell of Terriglis, kn ^t .	The Scheriff of Air,	The Lard of Rowallane,
Andro Lord Stewarte of Vchiltry,	The Lard of Cunynghameheid,	Hew Cunynghame of Watterfloun.
The Lard of Lochinvar,	Hew Wallace of Carnell,	James Chalmer of Gaitgirth,
The Lard of Glengarnok,	The Lard of Crawfordland,	Jhone Dumbar of Michryme, ³
The Lard of Caprintoun, 3ounger,	Mr Jo. Fullertone of Dreghorne,	Gawane Dumbar of Baldtone.

¹ See Oct. 1, 1563, &c.

² 'My Lord Flemyng grantis the resset of the Priour;' &c., 'to be enterit in Ward within the Castell of Dumbertane.'

³ It is believed this was the Laird of Mochrum.

THE same day, JHONE ARCHIEBISCHOP OF SANCTANDROIS,¹ Maister Jhone M^cquhyne, elder, Maister Andro Daudifone, Dene Willeam Lepar, Frier James Jhoneftoun, Alexander Somervell, Mr Jhone M^cquhyne, 5ounger, Schir Jhone Hammiltone, Curat of Paslay, Schir Jhone Craig, Schir Jhone Elder, Schir Jhone Vry, Schir Jhone Broune, Schir Jhone Dunlop, Dene Daud Brance, become in Will to our fouerane lady, for Conuocation of hir hienis liegis in þe moueth of Apryill lastbypast, in þe TOUNE OF PASLAY, Kirk, Kirk-5ard, and Abbay Place pairof, openlie, publiclie, and plainlie tuke auricular Confessioun of þe saidis personis in þe saidis Kirk, Toune, Kirk-5aird, Chalmeris, barnis, middingis, and killogeis² pairof; and pairthrow makand Alteratioun and Innouatioun in þe STAIT OF RELIGION, quhilk our fouerane lady fand publictlie standing and professit at hir Maiesties arryvell within þis realme foirfaid, miniftrand and abufand, irreverentlie and indecentlie, þe Sacramentis of Haly Kirk, namlie, þe Sacramentis of þe Body and blood of our Lord Jesus, vþerwyis and efter ane vþer ordour nor þe publict and generall ordour of þis realme wes þe tyme of þe QUEENIS Maieftis arryvel foirfaid.

INTERLOCUTOR. And pairfoir, þe saidis personis fand fouirtie pat pai fuld entir in þe WARDIS efter speeifit, pair to remane during our fouerane ladeis plefour: That is to say, þe said *Archiebischop of Sanctandros*, within þe CASTELL OF EDINBURGHE; the said *Alexander Somervell*, within þe TOUNE OF PERTHE; þe said *Mr Jhone M^cquhyne, elder*, within þe TOUNE OF SANCTANDROIS; the said *Freir James Jhoneftoun* and *Mr Andro Daudifoun*, within þe TOUNE OF EDINBURGHE; þe said *Curat of Paslay*, within þe TOUNE OF SANCTANDROIS: AND þe remanent persones foirfaidis, DISCHARGIT of our fouerane ladeis grace, in respect pai fand fouirtie pai fuld not in ony tyme cuming controuene þe said Act.

The said *Mr Jhone Mcquhene, 5ounger*, become in our fouerane ladeis Will, for controuenyng of þe said Act and Proclamatioun, in miniftring of þe Sacrament of þe Lordis supper in þe Place and parochin of ROSDEW, in þe PLACE OF PASLAY, þe tymes foirfaidis *respectiué*, efter our foueranis arryvell foirfaid.—The said *Thomas* alias *Schir Thomas Robefone* in Will to our fouerane lady, for controuenyng of þe act and Proclamatioun in Patrick Jackfonis hous, in REINFREW, and in þe Place of GARSCADDANE, in þe Levenax, þe

¹ In a Caution book, which fortunately has been preserved, the following entry is recorded: 'APUD *Edinburgh*, xxvj^o Julij, anno, 8^c. lxiij^o. THE quhilk day, *Williame Simpill of Thridparte*, and *Michaell Nasmyth of Possò*, became plegis and fouerteis, coniuertlie and feuerallie, for ane maist reuerend fader in God, JHONE ARCHIEBISCHOP OF SANCT ANDROIS, now being in our fouerane ladeis Ward within THE CASTELL OF ED^B, for his becumin in hir Will to hir Justice, for his controuenyng of hir Adiornale and Proclamation vnder writtin, as at mair lenth is contenit in þe Actes of Adiornale maid pairupone, That he fall nocht controuene the Ordinance and Proclamatioun maid be hir grace anent þe RELIGIONE quhilk hir Maestie fand publiclie and vniuersalie standing at hir arryvall within þis realme furth of þe partis of France: And on na wyis publiclie nor privatlie mak innouatioun or alteratione pairof, or attempt ony thing aganis þe famin, vnder þe pane of Thre Thowfsand pundis. (*Sic subscribitur*) WILLIAM SYMPYLL of Thridpart, MICHAELL NASMYTH of Possò.'

² Kilns for drying grain and malt.

tyme foirfaid, in ministring of þe faid Sacrament, &c.—The faid *Schir Jhone Lytill*, in Will for þe cryme foirfaid, done be him þe moneth aboue writtin, in his awin chalmer, in þe PLACE OF HALKET, and in þe faid Patrik Jakfonis hous in RENFREW.—The faid *Schir William Harbertfone*, in Will for þe cryme aboue writtin, committed be him þe tyme foirfaid, in þe house of James Grahaime in GLASGW.—The faid *Mr Willeam Wynzett*, in Will for þe foirfaid cryme, done be him in þe hous of Dauid Lyndfay in GLASGW, þe tyme aboue writtin; and pairfor in Ward in þe TOUNE OF SANCTANDROIS.—The faid *Schir Robert Hill*, in Will for þe cryme foirfaid, done be him in þe house of Jhone M'knair in PROVANE, þe tyme foirfaid.—The faid *Schir Jhone Coluill*, in Will for þe cryme foirfaid, committed be him þe tyme aboue writtin, within þe parroche Kirk of CATHCART.—The faid *Mr Matho Flemyng*, in Will for the famyn cryme, committit be him þe tyme and maner foirfaid, within þe toune of RUGLENE.¹—The faid *Schir David Fergusone*, in Will for þe famyn cryme, committit be him within þe Parroche Kirk of NEILSTONE, þe foirfaid tyme.—The faidis *Robert Galbrayth of Garfeaddene*, *Henry Houftoun Schir Andro Burrell*, *Archibald Mure*, *Mr Jhone Hammiltoun*, Subchantour of Glasgw, *Patrik Jackfoun* in Renfrew, *Gabriell Maxwell of Stanelie*, in Will for þe cryme foirfaid; and pairfoir þe faid Henry Houftoun wes put in Ward in þe toune of KINGHORNE, þe faid Lard of Stanelie in þe toune of COWPER, þe faid Subchantour in SANCTANDROIS, and all þe remant REMITTIT.—The faid *Mr Robert Crychtone*, parfone of Sanchar, in Will for þe cryme foirfaid, committit be him in þe Parroche Kirk of SANCHAR, þe tyme foirfaid; and pairfoir in Ward in þe burghe of PERTH.—The faidis *Jhone Gordou* of Barskeocht, and *Schir James Carsane*, in Will for þe famyn cryme, committit þe tyme and maner foirfaid, in þe PLACE OF BARSKEOCHT; and pairfoir þe faid Jhone in Ward in BRECHIN.—The faid *George Kennedy* of Blarquhynnoch, in Will for þe foirfaid cryme, committit in his awin Place, be Dene Adame Maxwell; and REMITTIT be our fouerane lady.—The faid *Willeam Hammiltone*, Tutor of Cammiskeyth, *Majster Mathow Nesbit*, *David Boyd*, *Jhone Lyburner*, *Alexander Wodburne*, in Will for þe famyn cryme, committit in maner and tyme foirfaidis, in þe Place of CAMMISKEYTH; and pairfoir þe faid Willeam in Ward in MONTROISE.—The faid *Schir Alexander Lummsdail*, in Will for þe famyn cryme, and REMITTIT—*Dene Gilbert Kennedy*, *Dene Michell Dewer*, *Schir Willeam Allefone*, *Schir James Kennedy*, *Schir Thomas Mure*, REMITTIT of þe faidis crymes be our fouerane lady.

Murting the Laird of Closeburne — Slaughter.

May 19.—JOHN CARRUTHERIS OF HELMONDIS (Holmaines), George

¹ Rutherglen.

and William his sons, Edward Irrewine of Bonfchaw, David Irrewine of Robgill,¹ William Bell of Alby, Gavane Jhonestone of Perisbehall, Symone his son, William Jhonestone of Hayhills, and others, their accomplices, delatit of the ‘ Hurting of the Laird of Clofeburne (Roger Kirkpatrick), and crewell Slauchter of þe remanent perþones foirfaidis,’ viz. vmq^{le} John Kilpatrik in Rig, Edward his brother, John K. in Schelgeir, Peter M^{ke}ne in Lynkelandis, John Roger in Bartilmefland, David Anderfon in Coffodole, and Andro M^{ke}nek in Clofburnetoune.—Sir James Hammiltone of Bairfurd, kn^t, americiated for not ‘ again-bringing’ the Letters duly executed, &c.

Slaughter.

May 23.—PATRICK ROBERTSONE OF DULCABANE, ‘ delatit of þe Slauchter of vmq^{le} Alex^r Reid, tuke him to his Remiffione, and fand James Campbell of Ardkindlas, with him selff, fouerties, conjunctlie and feueralie, for affythment of partye, as law will.’

Oppression — Casting down Houses, &c. — Houghing Cattle, &c.

Jun. 3.—HARY HEPBURNE, and Eighty-seven others, ‘ cietineris of Brechine,’ found caution to underly the law at the next Justice-aire of Forfar, ‘ for þe allegit Connociation of our fouerane ladeis liegis, to þe nomer of iij^c perþonis, or þairby, bodin in feir of weir, vpone þe xvj day of Marche last by-past, command to þe dwelling houffis of Johue, Hew, and Alexander Downy, tennentis and feruandes to Robert Cullese of Bannamvne (Balnamoon), dwell and within þe barony of þe famyn, and ferchit and focht þame for þair Slauchteris, and crewelly strak and dang þame, with rungis² and Stallffis, mony blaw³ and bloody strekis; and þaireftir keift⁴ þair houffis doume, cuttit and distroyit þair plewis⁵ and harrowis, and schamefullie hocht⁶ and flew þair gudis⁷ and scheip, to gret quantitie.

Feud between the Citizens of Brechin and Tenants of Balnamoon.

ROBERT CULLESE OF BALNAMVNE, John Smyth, and sixty-two others, ‘ tennentis and feruandis to þe faid Lard,’ found Johu of Erskine of Dvme surety for their entry at the next Aire of Forfar, to underly the law ‘ for þe Connociationne of our fouerane ladies liegis, to þe noumer of ane hundreth perþones, or þairby, bodin in feir of weir, vpone þe xvj day of March last by-past, vnder fylence of nycht, cumand to þe Burrow-Rudis of þe cietie of Brechine, and ferchit

¹ Celebrated of late years as the farm of the Poet *Robert Burns*. ² Bludgeons, cudgells; *rung* generally denotes a huge shapeless stick, such as an undressed branch, &c. ³ *Blaw*, discoloured.

⁴ Cast. ⁵ Ploughs. ⁶ *Houghed*, hamstrung. ⁷ Live-stock; cattle. This species of vindictive malice was but too common in these times of lawless violence. Many similar instances may be found in this Collection; but, unfortunately, they are too numerous to need special reference in this place. The retaliation will be seen in the next Case.

and focht certane Inhabitantis þairof for þair Slauchteris, and destryoit þe turvis¹ beand vpoun the said Muir.'

Forgery? — 'Falsing' an Instrument?

JUN. 26.—SCHIR CONSTENE MILLER (Notar publict?) his RIGHT HAND wes adiugit to be strikine fra his body, at þe Mercate-croce of EDINBURGHE, vpone ane scaffold, at ane stowp:² And he to be BANIST þis realme perpetualie; and neuir to returne within þe famyn agane, vnder þe pane of deid.³

Witchcraft.

AGNES MULLIKINE, *alias* BESSIE BOSWELL, in Dunfermeling, wes BANIST and exilit for Wichecraft.⁴

Horse-stealing — Guiding English Thieves, &c.

JUN. 30.—LYELL HALL Convicted by an Assise 'off arte and parte of þe thiftuous Steling and conceiling fra Alexander Lord Home, furth of his landis of Gordoune, in þe moneth of July, the 3eir of God I^mV^lvij 3eris, of four horfis: ITEM, of þe thiftuus Steling fra Thomas Cranstone, bruthir sone to þe Gudemanne of Thirstane-mauis, in þe moneth of August, þe 3eir of God forsaid, of ane gray horfe, price xl merkis: ITEM, of Commone Thift, commone Reflett of Thift, outputting and inbringing betuix cuntré and cuntré, commone gyde to INGLIS Thevis.'—SENTENCE. 'To be 'HANGIT on þe Borrow-muir of Edinburghe quhill he wer deid.'

ASSISA.

Jhone Home of Coldinknois, kn', Andro Ker of Fawdonfyid, Harrie Daidfone of Camis,
Andro Home of Nynewellis, Jhone Hoppringill of Muirhoufe, Thomas Hunter of Halkburne,
Ralf Halyburtoun of Muirtoun, Jhone Home of Carrelfyid, James Carnecorfe of Allanechaw.⁵

'Umbesetting the gait' — Hurting and Wounding.

JUL. 6.—PATRICK EVIOT OF BALHOUSSEY, John Rofs of Cragye, James his brother, John Cargill, William Morefone, and William Rofs, found caution ('My Lord Ruthvene') to underly the law at the next Aire of Perth, for 'arte and parte of þe Vmbefetting of þe gaitt to Andro Ramsay, burges of Perth, and Hurting and Wounding of him in diuerse partis of his body.'

'Umbesetting the gait' in Perth, &c.

ANDRO RAMESAY, burges of Perth, and fourteen others, found caution

¹ *Turfs*, or peats, in the process of drying or *winning*. ² Block. ³ The nature of his crime is not specified; but, from the measure of his punishment, it is likely to have been the Forgery of a Notarial Instrument or other Writing. See Feb. 5, 1563-4. ⁴ This is the earliest existing Case, in the Records of the High Court, of this nature; and it is almost the only instance of so mild a sentence having been pronounced. See the *Appendix*. ⁵ The rest are burgresses of Edinburgh, &c.

(Lord Ruthvene) for their entry at the next Aire of Perth, to underly the law for ‘ Vmbefetting of the gait to James Rofs, broper to þe Lard of Cragy, within þe burgh of Perth, and Invasioun of him for his Slauchter, in þe moneth of Januar lastbypast.’—‘ Mr Clement Lytill, prelocoutour for James Rofs, and þe rest of his collegis vpoune þe pannell, askit instrumentis, þat Andro Ramesay, burges of Perth, grantit he wes put to þe horne, and allegit he wes relaxit pairfra, and schew na thing pairupone : And þe said Mr Clement allegit, þat he suld not haif place to persew, quhill he schew þe samyn.’—INTERLOCUTOR. The Justice ordanis þe said Andro and þe rest contenit in þe Letteris of Hornyng, quhilkis ar put to þe horne, to remane in Warde quhill þai schaw þair Relaxatioun.

Slaughter.

Jul. 7.—JAMES WOD OF BONYNGTOUNE, William his brother, and Alexander Guthrie, Messenger, found Lord Ruthvene cautioner for their entry at the next Aire of Forfar, to underly the law for ‘ arte and parte of þe Slauchter of vmq^l Mr Hew Guthrie, vnder þe Castell-wall of Brechin, in þe moneth of Februar 1548 ȝeiris ; vpone ald fheid, sett purpoise, provisone, and foirthocht felony. Cristeane Rettray,¹ and William Tyrie, ‘ now hir spous,’ pursuers, ‘ passis fra þe persute of þe Larde at þis tyme ; quhairupone þe Lard tuk instrumentis.’—The said William Wod ‘ askit instrumentis þat he requirit þe Lard, his bruder, to rede þe speciall Remissione grantit to him and þe said Willeam and vperis for þe said Slauchter, to þe effect þat he mycht vse þe samyn. The said Lard ‘ anfuerit þat he had already producit ane Remissione sufficient for þe said Willeam for þe said cryme.’—Mr John Hepburne in Brechin and John Low became sureties along with the said William for Assythment of party.

Conbocation — Woughing and slaying Cattle.

Jul. 14.—WILLIAM CRANSTONE OF THAT ILK, James his brother, and George Wodderat, in Lawder, found caution² to underly the law at the next Aire of Selkirk, for ‘ arte and parte of þe cuming to þe steding of Williamishoip, pertenying to Alexander Hoppringill of Craiglethe, and serchit and socht him for his slauchter ; and crewelly hocht³ and slew thré noltt.⁴

Hamesucken — Woughing and slaying Cattle.

ALEXANDER HOPPRINGILL OF NEWHALL, George his brother, and George his son, found surety⁵ to underly the law at the next Aire of Selkirk,

¹ Probably widow of the deceased. ² The Laird of Hundelie (Rutherford), William Scott of Tuschelaw, and Walter Scott, ‘ apperand’ of Tuschelaw.

³ Hamstrung.

⁴ Cattle.

⁵ John Hoppringill of Talleknowis (Trinlieknowis ?) and George Hoppringill of that ilk.

for ‘Conuocatioune of our fouerane ladeis liegis, in þe moneth of July 1556 3eris, cumand to þe fleding of Hawtherne, pertening to William Cranstone of þat Ilk, in heretage, and be way of Hamefuckin, hocht, flew, and deftroiyt xl ky.’¹

Stouth and Resct of Stouth — Resetting Englishmen, &c.

Jul. 20.—WILLIAM SCOTT OF TUSCHELAW and his accomplices, having been accused by the QUEEN’S Advocate of ‘Stowthe and Reflett of Stowthe,’ Robert Elliot of Bellelie was americiated for not ‘again-bringing’ the Letters duly executed and indorfed.—And the Laird of Tuschelaw was likewise americiated for not again-bringing the Letters, &c. purchased by THE QUEEN’S Advocate against ROBERT SCOTT OF HORSLEHILL, ‘to vnderly þe law for þe Resetting of Inglistenne, and Thiftuus Steling of certane Oxin.’

Mutilation.

Jul. 21.—ALEXANDER HOPPRINGILL OF CRAIGLETHE, and George, his son, found Alex. H. of Tulleknowis² surety for their entry at the next Aire of Selkirk, to underly the law for the ‘Mutilatione of Jhone Scott of his rycht arme.’

An Heiress finds Caution not to Marry ‘ane cheif Tratour, or vther brokkin man of the cuntre.’

Sep. 13, (apud ED^A.)—The following remarkable Bond is recorded in the Caution-book, (*‘Liber Plegiacionis,’*) which, fortunately, has been preserved. ‘THE quhillk day, Thomas Borthik of Pryncado and Michael Borthik of Glengelt become plages and fouerteis, coniuinctlie and feueralie, for MARIONE CARUTHERIS, ane of þe twa heretrices OF MOWSWALD, that scho fall not MARIE ane CHEIF TRATOUR nor vper BROKKIN MAN of þe cuntre, nor joyne hir self with ony sic persone, vnder þe pane of ane Thousand pundis. IN witness heirop þe faidis fouerteis hes subscriuit þis Act with þair handis, day, 3eir, and place foirfaidis. (*Sic subscribitur*) MYCHELL BORTHIK of Glengylt. THOMAS BORTHIK of Pryncado.’

Carrying Pistolets, &c. — Tumult at Holyroodhouse.

Oct. 1.—ANDREW ARMESTRANG and George Rynd, burgesles of Edinburgh, found surety to underly the law, on Oct. 24 instant, for art and part of breaking THE QUEEN’S Acts and Proclamations, in carrying fundry ‘Pisto-

¹ *Kine*, cows. This barbarous act seems to have been in more than tenfold retaliation for the act contained in the former Trial.

² Afterwards styled ‘Triulingknowis.’

lettis' within the burghs of Edinburgh and Canongate : AND for Convocation of the lieges, at the Palace of Holy-Rood, and invading fundry of the Queen's domestic servants therein ; and for other crimes stated in their Dittay.— (Oct. 24.) Continued to Nov. 13. Patrick Cranstoun was also charged to compare the same day.

Celebrating the Mass within the Chapel of Holyrood — Raising Tumult for Altering the Religion, &c.

CHRISTIAN PYNEKERTOUN, the spouse of James Roger, and twenty-one others, ' delatit for arte and parte of the cunning to be CHAPELL of our soweran ladeis PALICE OF HALYRUDEHOUSE, vpon the aucht day of August, the 5eir of God aboue writtin, and pair oppinlie making Alteratioune and Innovatioune of THE STAIT OF RELIGIOUN, quhilk our soweran lady fand publictlic and vniuersalye standing and professit at hir arryving ; ministrand and abusand, of pair pretendit maner, irreuerentlie and indecentlye, the SACRAMENT of be Body and blude of our Lord Jesus, vpirwayis and eftir ane vpir maner nor the publict generale ordour of our soweran ladeis realme ;¹ like as, pai haif violat and transgressit be commandement of be said Proclamatioun, publictlic, daylie, and continewalie, eftir pair inordinat appetyte and plesour : And swa, becuming commoun manifest transgressouris, violatouris, and brekaris of our sowerane ladeis Proclamationis, and as seditious perfonis, raseris of Tumult and publict Vproir aganis the commoun peax and quietnes of the realme : And swa, aucht to be adiugit and pvnesit to the deid with all rigour.'—Continued to Nov. 13. The names of the rest of the pannels may perhaps be considered interesting, though persons moving in the lower ranks of society.

Johne Aldinfoun,

Harie Zoung, baxter,

Thomas Clerkfoun,

Dauid Logan, baxter,

William Gilcreifoun,

Andro Kennedy, merchand,

William Brocas, snyth,

Walter Scot,

Katherine Bryife,

Helene Jolnestoun,

Adame Alane, merchand,

Bessie Hill,

Agnes Aytoun,

Bessie Tod,

Henrye Ker,

Margaret Galloway,

Jonet Ramfay, be relict of Hec-
tour Blacater,

Iffobell Currou,

George Smyth, faidlar,

Johne Clerkfoun, baxter,

Johne Paterfoun, kaife-maker.

Mr John Moserpe became surety for the entry of *Cuthbert Murray*, ' now being at be faill,² befor be Justice or his deputtis, vponne xv dayis warnyng eftir his hame-cuming.' *Archibald Treinche*, *Jonet Chalmer*, his spouse, and *John Broune*, merchant, were denounced rebels, &c. and their cautioners unlauded.³

¹ See May 19, 1563. ² On a sea-voyage. ³ No farther notice of this Case occurs. After Nov. 8, a blank of nineteen pages is left in the book, apparently for the purpose of entering proceedings between that date and Jan. 8 following, which had probably been noted in another Memorandum book, or by another Clerk on loose sheets of paper now lost.

Commendator of Kilwinning freed from Ward.

Oct. 3.—GAWANE COMMENDATOR OF KILWYNNING presentit the Quenis Maiesteis writting, and desyrit the samyn to be registrat in the bukis of Adjornale ; off the quhilk the tennour followis.

REGINA,

WE, for certane caussis moving ws, grantis and gevis Licence to Gawane Commendater of Kilwynning to departe out of the Toun of Striuling and certane spaces pairabout, quhairn he is now presentlie Wardit at our command, and to pas and do his lesul besuefs quhair he plesis, within pis our realme : And willis and grantis that he nor his fouerteis fall incur na danger pairthrow, nor to be callit nor accusit pairfoir ; and to pat effect willis and commandis pe Justice Clerk, or vperis refaveris of pe said fouerteis, to deleit pe actis of pe samyn furth of pair bukis, for keping of pe said Ward, be pis our writting, subscriuit with oure hand, AT STRIULING, pe xxvj day of September, 1563.

MARIA R.

Conuocation — Wounding — Mutilation.

Oct. 30.—DENE JOHNNE DWRIE,¹ Monk in Dunfermling, was ‘replegit be David Durye, sone, and apperand air of pe Lard of Dwrye, baillie of pe Regalitie of Dunfermling, who assigne pe penult day of November,² delatit of pe Conuocationne of our souerane ladeis liegis, to the nowmer of xxiiij persones, bodin in feir of weir, &c., vpoun pe xxiiij day of July instant, vndir seilence of nycht, and setting vpoune David Murray in Kerse, and Anthoune Ruderfurd, vpon pe HIE STREIT OF ED^R quhair pai were gangand to pair beddis, to pe Chalmer of pe young Abbot of Dumfermeling, in sobir and quiet maner, &c. ; and pair Invading thaim for pair slauchteris, and crewalye Hurt and Woundit the said Anthoune in four findry partis of his heid, in his craig,³ in his right leg, at pe kné, and diuerse vperis partis of his body, to pe greit effussion of his blude ; and mvtilat and maid him impotent of his said rycht leg ; and left him lyand for deid : And als, crewalye Hurt and Woundit pe said David Murray in his heid and diuerse vperis partis of his body, to pe greit effussion of his blude ; and Mutilat and demembrit him of his left arme.’—JAMES and ARCHIBALD MOWBRAY, brothers of John M. of Barnebowgall, Robert and James Bertane, brothers, and Patrick Thomsoun, son of Thomas T., burgesis of Edinburgh, Richard Thomefoun, son of Edward T., baker there, and Thomas Henderfoune, ‘*Maister of the Fense-scole,*’ were denounced rebels, &c., and all their moveables escheated, for art and part of the said crime, and their cautioners unlauded for their not entering to underly the law, &c.

¹ Jul. 16, 1577, JOHN DURIE, ‘Minister of Christis Evangell, samtyme ane of pe Conuentuall Brethir’ of the Abbacy of Dunfermling, and Josua his son, got a pension of L.66, 13s. 4d. for their lives, in lieu of his ‘*habuit-siluer,*’ and other dues, from Robert Pitcairn, Commendator of Dunfermling, which was confirmed by King Ja. VI, Jan. 23, 1579.—*Reg. Mag. Sig.* XXXV, 138. ² Mr William Scot of Balwerye being surety ‘pat justice fall be ministrat and done.’ ³ Throat.

**Conuocation — Wounding — Mutilation — Deforcing an Officer —
Imprisoning, &c.**

Jan. 8, 1563-4.—JOHN CARMICHAELL OF THAT ILK, John his son and heir-apparent, Archibald his brother, James Johnestone of Westraw, and thirty-one others, delatit of arte and parte of Conuocatione of our fouerane ladies liegis to be noumer of ane hundreth perfonis, or þairby, bodin in feir of weir, with jackis, speris, fwerdis, steil-bonettis, and vþeris wapnis invaſiue, incontrair þe tenour of þe Actis of Parliament, vpone þe nynt day of November laſtbypaſt, come vpoun Thomas Hammiltoun, Officer of þe ſherifdome of Lanark, Jhone Jhoneſtone, ſone to vmq^{1e} Halbert Jhoneſtone of Weſtraw, and Jhone Wod of Stoniefyd, as witneſſis and aſſiſteris to him, in furth-ſetting of our fouerane ladeis auctoritie, at þe Cruikbaitt, quhair þe ſaid Officier was gangand and dryvand ten heid of nolt, to haif apprifit þaim at þe Mercate croce of Lanark, be reſſone þe Watteris wes grate, and þai mycht not wynne þe nerreſt way; and þair maifterfully reſt þe ſaidis guidis fra þe ſaid Officier, and þairthrow deforcit him in executioun of his office and of þe ſaid Precept: In takin quhair of he brak his wand of peax¹ vpone þame, and tuke witneſſis þairupone: And incontinent ſett vpone þe ſaidis Jhone Jhoneſtone, Mr Archibald Hammiltoun,² and Jhone Wod, and inuadit þaim for þair ſlauchteris; and crewelly Hurte and Woundit þe ſaid Jhone Jhoneſtone with ane ſpeir throw his rycht hand; and als hurte and woundit þe ſaid Mr Archibald with ane ſpeir in at his henche,³ and furth at his fundement; and ſielyk, hurte and woundit þe ſaid Jhone Wod in þe bak fyid of his heid, and dememberit him of ane pece of his neiſe, quhairthrow he wantis þe rycht vſe þairof, eftir he was tane and holdin priſoner to þaim, and in diuerſe vþeris partis of þair bodeis, to þe effuſione of þair bloode in grite quantitie, and left þe ſaid Mr Archibald lyand for deid; vpone ald ſſeid, ſett purpois, proviſione, and forthocht felonye: And þaireftir tuke þame priſoneris and captines, and reſaut þair wapnis fra þame, and held þame at þair plesour: And ſpeciallie, tuke þe ſaid Jhone Jhoneſtone captine and priſoner with þame to þe Place of Carmichaell, pertening to Jhone Carmichaell of þat Ilk, quhair he and þai held him in priſone, be þe ſpace of xvj houris or þairby; and þaireftir brocht him to Lowthiane, quhair þai held him be þe ſpace of five dayis or þairby; and ſyne, vpon þe ſaid xv day of November, tranſported him agane furth of Lothyane to þe Place of Cobyntoun, pertening to Jhone Lyudeſay of Cobintown, quhair he and þai held him be þe ſpace of thre dayis or þairby: And laſt of all, vpone þe xix day of þe ſaid moneth tranſported him furth of þe ſaid Place to Carmichaell, quhair þe ſaid Lard and þai held him be

¹ See Jul. 23, 1566, *Note*; Oct. 11, 1531, *Notice*; and Nov. 18, 1511, for ſome illuſtrations of this official ceremony in caſes of deforcement.

² See Jan. 10, 1563-4.

³ Haunch.

þe space of thré dayis or þairby: Vfurpand þairthrow our fourane ladeis auctorite.

The Lard of Stanehous vnlawit for nocht agane-bringing of þir Letteris vpon þe Lard of Cobingtone.

PERSEWARIS (Jhone Jhonestone, Jhone Wod) PRELOCOUTOURIS—Dauid Hammiltone, sone to my lord Dukis grace; The Lard of Stanehous, The Lard of Lemmyngtone, The Lard of Prestone, Arch^d Hammiltone of Muretoune.

PRELOCOUTOURIS for þe pannal—The Earl of Mortone, The Lord Somervell, Gawane Carmichaell, 3oung Kittinuir, Mr Tho. M^cCalzane, Mr Jhone M^cScrope.

The prelocoutouris for þe pannale and pairtye defendand, allegit þat þai fuld not be put to ane Assyise for þe allegit deforcement contenit in þe said Letteris, vnto þe tyme þe said deforcement were first ciuile discuffit; be refone þat, of þe daylie practik of þis realme, all deforcementes before þai be Criminalie persewit ar decydit befor þe Cinill Juge. To þe quhilk answert þe persewaris, and oure fouerane ladiis Advocattis, fayand, þat þe said deforcement aucht to be decydit befor þe Justice, in respect of þe libell, conforme to þe Letteris, without ony decisione þairof befor ony Ciuile Juge; be refone þat þe said deforcement is libellit to be committit with Connociatione of our fouerane ladeis liegis, with foirthocht felony and Oppressione, all concurrand.—Quhairupone ather of þe pairteis desyrit INTERLOCOUTOUR, *hinc inde*.

THE JUSTICE DEPUTE, with avyise of þe Assyfouris¹ continewit the furth-geving of þe Interlocoutour quhill Monunday nixt to cum: AND decernit to proceed vpon þe remanent crimis contenit in þe saidis Letteris.

ITEM, þe prelocoutouris for þe pannale and defendouris allegit þat na proces may be led agains þame for þe allegit taking and prifoning of Jhone Jhonestone, becaus na wrang wes done to him þairby, be refone he wes not, þe tyme of his allegit taking and prifonyng, oure fouerane ladiis fré liege manne; but wes þan, and be þe space of . . . 5eris of-befoir; continewalie, and þan instantlie, our fouerane ladiis Rebell and at hir horne, demuncit and put þairto be vertew of hir Letteris in default of finding of lauborrowis that² falbe harmeles and skaythles of him, vnder certane panis contenit þairin: And, for verefeing þairof, producit þe saidis Letteris indorfate, in Jugement; and allegit, þat þai mycht lefully haif takin and prifonit him as our fouerane ladiis rebell, and vfit and handlit him mair extremelie, gyff þai plesit. To the quhilk it was answert be þe persewaris and our fouerane ladeis Adnocattis, that þai on na wyis affirmand þe execution of þe said Hornyng to be of veretic, allegit, þat þe said Jhone Jhonestone, þe tyme þairof, wes minor and of lefs-aige, nocht *doli capax*, and thairthrow þe executioun þairof mycht not extend to preinge him in þe

¹ ASSESSORS. These were Lords of the Privy Council, &c. Their names are seldom given in the Books of Adjournal, as it is believed they took the duty by turns daily.

² Left blank.

perfute of þis action ; specialie, in consideratione þat be þe space of aucht or ten zeiris, or þairby, he wes repute and haldin our fouerane ladies fré liege, hauand na pairty to perfew him vpone þe said Hornying, and did and exercit all lefull actis, enter him selff in jugement and owtwith without obiectione of þe said proces of Hornying ; and þairfoir, proces mycht be led be þe Justice depute aganis þe said pairty perfewit for taking and apprehending of him conforme to þe tennour of þe said Letteris.

THE JUSTICE DEPUTE, with avyise of þe Assessoris, continewit þe Interlocutour vpone þe said allegiance and ansuer quhill Monunday nixt to cum, Ordanis souirté to be tane be þe pairty perfewit for þair entré to þe said day to heir þe saidis Interlocutouris pronuncit.

‘ JAMES ERLE OF MORTOUNE, Lord of þe Regalitie of Dalkeyth, replegit þe said *James Jhonestoun of Westraw*’ to his Regality—and, with consent of parties, fixed the third day of the next Aire of Dalkeith. James Lord Somervell, surety, &c.

The Laird of Carmechaell unlawed for non-entry of *Robert Twedy*, his servant, and *John Hunter* in Brigtonn-dyik, who were each denounced rebels, &c.

(Jan. 10.) THE Laird of Carmichael, his sons, two servants, and three others, came in Will ‘ for Conuocation of oure fouerane ladeis liegis, and Hurting and Wounding, vpone suddentie, of Mr Archibald Hammiltone, Vicar of Sanct Cuthbertis Kirk befyde Edinburghe, and Jhone Wod of Sonnyfyid, to þe effusione of þair blood, vpone þe nyut day of November last bypast.—THE JUSTICE Ordained them ‘ to pass and enter þair personis in Ward, vpone þe North syid of þe WATER OF SPEY, within xx dayis nixt eftir þe dait heirof ; and þair remane in Ward during our fouerane ladiis Will. AND siclyik, þe said *James Jhonestone of Westraw*, of his awin consent and fré will, oblist him to enter in Ward within þe boundis foirsaidis, within þe same space,’ &c.

James Lord Somervell became surety for their entry at the next Aire of Lanark, to underly the law for all the other crimes contained in the Letters.

The Laird of Carmichael, &c. ‘ ar aetit and oblist, of þair awin consent, to remane and keip þe said Ward ; and not to purchase our fouerane Ladiis Licence to returne furth of þe samyn for þe space of zeir and day nixt to cum, with(out) consent and avyise of my Lord Duke of Chettelaralt had and obtenit pairupone,’ &c.

False Notary — Forging an Instrument, &c.

Feb. 5.—SIR JAMES COWDENE, Notar Publict, Convicted by an Assise ‘ as ane ffalser, for þe ffals sforgeing, making, and ffeinzeing of ane pretendit Instrument, writtin and subscriuit be his hand, and vudir his signe-manuale, in fawouris and at þe instance of Maister Nicoll Ruthirfurd : In respect that the

faid Sir James confessit, in Jugement, in presence of the faid Justice and Assyise, þe making of the faid Instrument, and þat the famyn wes ffeinzeit and ffals; and that he wes solistit, tyistit,¹ and perswadit be þe faid Maister Nicoll to do the samyn. ITEM, the faid MR NICOLL RUTHIRFURD² Convict be þe faid Assyise of plaine and manifest ffalset, and as ane ffalser, in arte and parte with þe faid Sir James in his ffalset in making and ffeinzeing of the faid ffals Instrument, throw his perswasihoune, solistatioune, and tyisting of the faid Sir James to mak þe samyn in his fawouris: And þat, in respect that he confessit his solistatioune and tyisting foirfaid, and that he wes the diuyfare and inventare of the faid ffalset.—ORDANIT to pas in Ward within the Tolbuothe of Edinbur^t quhill þe Justice wer forthir awyfit vpoune þair punisfchement.³

Forging and Uttering False Coin, &c.

THOMAS PEBLIS, Goldsmith, sone to vmq¹⁰ Mr Jhone Peblis, burges of Edinburgh, CONVICT be deliuerance of þe Assyise foirfaid off arte and parte of þe trefonabill making, contrifuting, and ffeinzeing of þe Irnis⁴ vnder writtin of our souerane ladiis cunze,⁵ that is to say, Of þe prenting irnes of ane TESTANE, ane HALFF-TESTANE, ane NON SUNT, and of ane LYONE callit þe HARDHEID: And of þe trefonabill cunzeing, prenting, and striking with þe faid Irnis off diuerse fals Testonis, half Testonis, Non suntis, and Lyones callit Hardheidis; and Owtputting þairof, as for our souerane ladiis trew CUNZE, amang hir liegis, dislauand þame þairwith þis lang tyme bygane; spiciallie, in þe monethis of August, September, October, November, December, and Januar last bypast. To þe TAKIN,⁶ vpone þe nynt day of Januer last bypast, eftir þat þe faid Thomas had put owt certane of þe ffals Lyonis foirfaidis, callit Hardheidis, to ane pover woman, as for þe price of ane burding of coillis, scho come to þe mercate of þis burcht, þairwith to by⁷ sic thingis as wes necessar to hir; quhair scho wes tayntit⁸ with þe saidis ffals Lyonis: And þe faid Thomas being nemmit be hir to be hir warrand, and deliuerer of þe faid ffals conze to hir, David Symmer and vper Bailles of þe burecht of Edinburcht come with hir to þe faid Thomas chahner, within þe samyn, to serche him for tryell of þe veretie; quhair he held þe dur of his faid Chalmer cloise vpone him, and wald not suffir þame to entir, quhill⁹ þai brak vp þe dur þairof vpone zou (him), and enterit perforce þairin; and þe faid Thomas being inquirit, ‘ Gyff he had gevin þe faid pover woman þe saidis

¹ Enticed. ² He is styled in the forged Deed along with Margaret R., ‘ executouris to vmq¹⁰ Jonet Rutherford;’ and seems to have been a relative of George R. of Hondelye, in favour of whom the forged Deed was concocted, for the purpose of restoring to him, as heir at law of Jonet R., the lands of Woodhall, in the barony of Reidhall, and shire of Edinburgh. ³ No farther notice is taken of these Cases in the Record.

⁴ The *Irons* or dies from which the Coins were struck. ⁵ Coin.

⁶ In token or proof whereof.

⁷ Buy, purchase.

⁸ Charged, accused, *attainted*.

⁹ Until.

Lyonis, be þe fãidis Bailleis, for þe price of hir coillis? Confessit þe samyn: AND his chalmer being ferchit, þair wes diuerse of þe fãidis irnis, alswell funkin and vnsfunkin, togidder with þe fãidis ffals Testanis, Non funtis, and Hardheidis, fundin in þe samyn; and confessit to be gravin and maid be him and his collegis; and als, þe said Thomas had cassin diuerse vperis of þe fãidis Irnis and fals money þe tyme he held his chalmer, in his clofett; lyik as he confessit þe same in prefens of þe Justice Clerk: And þat in respect of his Confessione maid in Jugement, in prefens of þe said Justice Depute þe said day.

SENTENCE.—To be HANGIT on ane geibet, at þe Mercate-croce of Edinburgh, his heid to be strykin fra his body, and his body QUERTERIT; and his HEID and MEMBERIS to be put and hungin on þe maist patent PORTIS OF EDINBURGHE. And þat all and findrye his gudis, movabill and vnmovabill, money, gold, siluer, merchandise, takkis, roumes, stedingis, rentellis of landis, reuerfionis, bandis, heretagis, annuelrentis, possessionis, and vperis his heretabill rychtis and lyferentis, fuld pertene to our souerane lady, and be in hir handis, be refone of escheatt, &c.; and þat he hes sfoirfalt þe samyn for euir.

‘Unbesetting the gait’ — Slaughter.

Mar. 14.—ANDREW SINCLARE, *alias* Myllare, at the Mylne of Trottoch, within the sberifdom of Forfar, was replegiated to the Regality of Keryemuir¹ by Archibald Dowglas, baillie of Archibald Earl of Angus, delatit of þe Slauchter of vmq^{le} Robert Smyth, at þe Myll of Trottoch, in Vmbesetting of his gait at þe Bitter-burne, lyand betuix þe Tounne of Dundee and þe said mylne, in þe moneth of December last bipast; and þair sþraik and punscheit þe said vmq^{le} Robert vndir his feit, and left him lyand for deid: Of the quhilkis sþraikis he neuer convalesst, bot within ten dayis þaireftir deceisit þair of; and sþwa wes crewaly flane be the said Andro, vpoune auld ffeid and foirthocht felonye.’

PERSEWARIS, Johne Smyth, eldest sone to vmq^{le} Robert; Archibald Smyth, brother-sone.

[*Archibald Earl of Argyle, Justice-General.*]

Murder — Common Theft — Resett — Sorning.

Mar. 15.—JAMES M^cDORMOND, Johne M^cGrassycht, and Malcum M^cClarene, Convicted by this Assise of ‘Murthour, Commoun Thift, Resett, and Sorning.’

ASSISA.

Wm. Cwninghame of Glengarnok,	Alex. Abircrumby of þat Ilk,	Robert Haldene,
J. Bucquennane of Camroune,	Johne Murray of Iaichlaw, ²	Alexander Drummond of Megour,
John Bucquennane alias Walter- sone,	Walter Berclay of þat Ilk, James Mentyth,	Williame Drummond of Balloche, Dioneyse Dog,
The Lard of Drumquhassill, ²	Walter Bucquennane of Drum- nakill,	Andro C., ³ seruand to Drum- quhassill.
. . . Bucquennane of Lany,		

¹ Mar. 28 was assigned to administer justice, &c.

² ‘Cwninghame.’

³ Id.

Coining false 'Balbeis' (Bawbeis).

Mar. 20.—MAISTER DUNCAN FORBES OF MONYMUSK, and Johne Forbes of Petfligo, his brother, found fureties (Alex. Home of Manderstoune, and Johne Lumisdene of Blauerne) that they 'fall compeir befor our fouerane and Lordis of Counfale, vpoune xv dayis warnyng, as thay be chargeit thairto, to fē forther tryell taiken anent the allegit cunzeing of ffalfe cunzeit Balbeis; ilkane of the saidis perfonis vnder the pane of ane Thowfand markis, conforme to the deliuerance gevin be THE QUENIS grace thairupoune.'

Slaughter.

Mar. 22.—CHARLES JARDANE, Malye, Agnes, and John Harknes, in Toddelmuir, 'Delatit of the Slauchter of vmq^{le} Adame Spens, vpoune Feb. xvj, I^mV^lxij, vpoun the thrid of the landis of Cumrew, lyand within the Sheref-dome of Drumfreife'—'in default of non-comperance of þe Assyise, THE JUSTICE continewit the perfute pairof to the thrid day of þe next Justice-aire of (Dumfreis,) &c.

PERSEWAR, Johne Spens, fathir-brothir to vmq^{le} Adame, as ane of his kin and freindis.

PRELOCUTORIS for the pannell,

Mr Clement Litill, The Lard of Drumlangrik, The Lard of Apilgirth.

PRELOCUTORIS for the perfewar,

The Lard of Torry, The Lard of Elphinstoune, Rob. Johnestoun of the Cottis, Jhone J. of Cragaburne.

Magistrates of Edinburgh for setting a Prisoner at liberty.

Jun. 6.—MAISTER JOHNE SPENS,*¹ DAUID SYMMER (Somer), MR ROBERT GLEN,* (Bailies,) Eduard Houpe, James Barroune, Alexander Park, (Treasurer,) Mr Johne Marioribankis,†² Alexander Naper, Archebald Grahame, Allane Dikkesoune, Michael Gilbert, Alexander Bruce, Mr Johne Prestoune, James Adamesoune, Cuthbert Ramfay,* (Councillors,) and Alexander Guthrie,* ('Commoun scribe of Ed^r'—*Town Clerk*?) delated for 'arte and parte of the putting to libertie of Williame Paterfoune, burges of þe said Burgh, furth of Warde of þe Tolbuthe of Edinbur^t, eftir þe said William had recentlie hurt vmq^{le} Nicoll Young, he being lyand in perrell of deid; like as, he, within xxiiij houris eftir his putting to libertie, deceffit of þe said hurting.'³

PERSEWARIS, The Quenis Aduocattis, Robert Young, faper; John and William, brejer, Johne 5., writer, James 5., cutlar, (James 5., feruand to Mr Johne Abircrumbye;) Archibald Naper of Merchamestoune, and the remanent kyn and freindis of vmq^{le} Nicoll Young, taillour.

PRELOCUTORIS for the pannal, Mr Dauid Borthwik, Mr Thomas Mcalzeane.

Mr Dauid Borthwik askit instrumentis (that) the saidis perfonis comperit as prelocutouris for þe perfones perfewaris.

¹ Those marked * were 'Dischargeit be þe patty and Aduocattis.' ² Those marked † were bound over to underly the law at the next Justice-aire, or to appear before the Justice, whenever they should be required, on xv days' warning. ³ See Aug. 11, 1564.

Archibald Dowglas of Kilspindie, Prowest of þe burcht of Edinbur^t, became fouertie for þe entrie of Maister Jolme Spens, &c. befoir þe Justice or his deputtis þe tent day of Junii instant.—Mr Robert Creychtounne askit instruments vpone þe productionone of þe QUENIS grace LETTER, and desyrit þe samyn to be registrat ; quhairof the tennour followis.

REGINA,

JUSTICE, Thesaurer, Justice-Clerk, Aduocattis : fforfamekle as þe day affixt for persewing at our instance, and oure Aduocattis, off þe BAILLIES AND COUNSALE OF EDINBURGH, for putting to libertie and fredome furth of onre Ward þe committeris of þe SLAUCHTER of vmq^{le} NICOLL ȜOUNG, burges of Edinburge, vnpwrist, in contemptioun of our auctorité, is þe sext day of Junij nixt to cum, in our Tolbuith of Ed^r : QUHAIRFOR, sen þe said actioun tendis heichlie to oure honour and auctorité royall, and als to þe greit hurt of þe pure freindis of þe said vmq^{le} Nicoll, it is our Will, and we charge Ȝou, þat Ȝe with all diligence awyise with þe said actioun, and Lettres direct þairupoun ; and at þe day affixt þairto, proceed and do justice in þe said mater, conforme to þe law and justice without ony delay or continuatioun. As Ȝe will answere to ws vpoun þe executioun of Ȝoure offices, ffor it is our will and mynd þe samin be done. SUBSCRUIT with oure hand AT EDINBUR^r þe last day of Maij, the Ȝeir of God I^mV^lxiiiij Ȝeiris. (MARIE R.)

DAUID SYMMER, for him self, askit instrumentis that the Justice depute declarit, that he and the remanent his collegis vpoun þe pannall fuld haif bot fax prelocoutouris.—The Lard of Merchamestonne declarit, that he wald persew na man vpone þe pannall vpoune his lyfe, bot Dauid Symmer allanerlie ; and that, because he is surelie perswadit, alswede be writting as commoning hed betuix him and the said Dauid, that he was culpabill of the crymes contenit in the Letteris.—Johne Ȝoung, &c. askit instrumentis that thai comperit nocht as prelocoutouris foirfaidis to persew þe pannall, or ony of þame, of þair lyves ; bot allanerlie ¹ insafar as þe actioun is hurtfull to þe freindis of vmq^{le} Nicoll Ȝoung, remittand þe persute þair of, of þe QUENIS grace actioun, to hir hienes Aduocattis ; bot insafar as þe Letteris beris ony actioun of pairtye, concerning þe freindis ² of þe said vmq^{le} Nicoll, þat þai wald persew þe samin aganis þa mony of þe pannalls as þai wald name. Vpoun þe quhilkis þe personis persewit askit instrumentis.

Mr Dauid Borthwik allegit that THE JUSTICE-CLERK mycht nocht be Clerk in this mater, nor voit ³ thairintill, becaus he and the Lard of Merchamestonis wyfe wes sifter and brethir bairnis, ⁴ and that thair wes bairnis betuix the said Lard and his spous.—THE JUSTICE, be his Interlocutor, fand the Justice-Clerk was Ordinare, ⁵ and mycht nocht be removit.

The said Mr David allegit, *dilatarié*, that the fumondis is þa generall that the samin can nocht pas to ane Assise, becaus it condiscendis *de nullo genere criminis Capitalis*, in speciall, that may ressaif ane particular dyet. He also askit instrumentis, in name of *Alexander Guthré*, that the Advocattis and persewaris past fra the persutt of the said *Alexander Guthré*.—THE JUSTICE, Thesaurer, and

¹ Only.

² Blood-relations.

³ Vote.

⁴ Cousins-german.

⁵ Judge-Ordinary.

Aduocattis, requirit Alexander Guthré, Commoun Scribe¹ of Edinburghe, in our foueran ladeis name, to exhibit and produce befor þame, incontinent, the commoun Buke quhairin the Actis auent the releuing of Williame Paterfoune ar contenit.

The said Mr David allegit, that thair can be na accusatioun heir toward þe perfones on þe pannell, becaus thir Baillies ar Jugeis Ordiner, havand power of incarceration; and insofar as thai ar accusit of the out-letting of this man, as the summondis is libellit, it contenis na cryme; becaus it is nocht libellit, that this man lattin furth is nowther convict of ony Homicide, or fugitiue fra THE QUENIS lawis, as in veritie he is nother convict nor callit vpon that crime; and in caise he wer perfewit, the man mycht entir and indure the lawis of this realme: Becaus Slauchter may be committit in a mannis defence, and he is able² to vnderly the law for the famyn, as oft hes bene practifit.³ And thairfor, the perfones on the pannale can on navis be perfewit, except it wer libellit that the said man ovt-lattin wer owther convict or fugitive. Repetit the same allegeance toward *Mofcrope*.

Maister Thomas M^ccalzane⁴ allegit the libell wes nocht relevant, becaus it is foundit vpon the allegit latting out of Ward of *Patterfoun* and *Mofcrope*, aganis the Baillies and Counsale of Edinburgh, without ony qualificatioun how latting out of Ward is ane cryme to thame; but allanarlie qualifiand to that effect, that thairthrow thai sehew thame selfis fawouraris of þe saidis *Paterfoun* and *Mofcrope*, and contemnit thairthrow THE QUENIS auctorité, in hynderance of justice, &c.: Quhilkis qualificatiounis contenis na cryme, without it wer said thai assistit to the cryme. And the latting out of Wardouris is na contempt nor vsurping of THE QUENIS auctorité, in perfones that hes THE QUENIS auctorité of prenoning, and inputting and outputting, as the Baillies of Edinburgh hes, and hes bene in continuall possessioun thairof, past memorié of men; nocht libelland, that thai extendit⁵ thair powar, havand sic.⁶ And allegit, hynderance of justice can nocht be ane cryme, speciallie as is libellit, quhair it is nocht libellit that the principale caus is nocht discussit. And quhair it is allegit, that the famin wes aganis the lawis, thair is na sic lawis; and desyrit to knaw the famyn, and aganis quhat law thai contravenit, and quhat pwnifinent the law requiris. And attour, allegit, that thair wes *fraus neque dolus* libellit, at the leist sufficientlie qualifeit, quhilk may induce ony cryme.

The perfewaris, Robert Young, father, and Johne Young, brother, of the said vmq¹⁰ Nicoll, gaif thair aithis⁷ *de calumpnia*, that thai hed gude actione to per-

¹ Town-Clerk.

² *Habilis*; liable.

³ Decided, as a *practique*, or precedent.

⁴ Af-

terwards Lord Cliftonhall, father of the celebrated Enfame Macalzeane, who was burnt, for Witchcraft, in the succeeding reign. See II, 247, &c.

⁵ Exceeded.

⁶ Having such.

⁷ Oaths.

few all the perſones contenit in the act producit, viz. Mr Johne Spens, David Symmer, Mr Robert Glenne, Bailleis ; James Barroune, James Adamefoun, Edward Houpe, Alexander Park, Mr Johne Preſtounne, and Cuthbert Ramfay.

The Aduocattis anfweris, that the libell is ſpeciale, and relevant aneuch,¹ and ſuld be putt to the knowlege of the Affiſe, nochtwithſtanding the ſaidis allegeances, in reſpect of the ſame libell, and of ane Act producit be the Aduocat, and ſubſeruiit be Alexander Guthré, of the dait the xv day of Marche 1563.

(Jun. 10.)—THE JUSTICE, be awyife of his Affeffouris, REPELLIS the allegeances aboue writtin.—The pammal proteſtit for remeid of law.

Maifter Thomas Mcalſane, prelocutour for *James Barroun*, and the remanent pammal perſewit, as being vpoun the Counſale² of Edinburghe, by³ the Baillies, that had Jurisdictionne of inputting and outputting of perſones ; allegit, that inſafar as thay ar perſewit, being vpone the counſale of the latting out of the perſones libellit, and can nocht be repute to thame as ane cryme, that thair ar nocht ſubject to vnderly an Affyſe for that deid, as allegit criminall, becaus the deid to the quhilk thair ar allegit to haif gevin counſale, is nocht certane to haif bene criminale of the ſelf ; ffor it followis nocht, that quhan thair is ane man lattin out of perſonne, that thairfore thair is ane cryme committit ; bot the preſumptioun is in the contrair, quhair ane Juge Ordinar lattis out ony perſonne, that thairfore it is nocht lauchfullie done ; And this caus is nocht to be to thame that gevis counſale in latting out of manifſt Thevis, or committing of Thift or Slauchter ; ffor to commit Thift and Slauchter, or to gif counſale pairto, is cryme of the ſelf, except it be done be auctorité ; and thairfor, gevand counſale be ordour of juſtice, and in the performing thairof, thair can na cryme follow vpone the counſale-geving to the demandaris vpoun the releving of the manne requyrit be the Juge Ordinaris ; according to the diſpenſatiounne of the Commoune Law, in Lege, *nullus, &c. de regulis juris*—vthirwayis thair fall ane greit inconuenient, that thair fall na counſale be gevin to Jugis Ordinaris, quhilkis in this cuntré vſis nocht to handill greit cauſſis without counſale. And forther, in all tymes bygane, thair wes neur manne accuſit of ony cryme for counſale-geving to ony Juge-Ordinar, requyring counſale in exerceing of his office. And this perſute is ane noveltie.

David Symmer aſkit instrumentis for him ſelf and his collegis, Baillies, that Johne Young, prelocutour for the perſewaris, allegit, that the Counſale ordanit the Baillies to putt the pairteis libellit to libertie ; as the Act maid thairupoune beris ; and acceptit the ſaid allegeance, inſafar as the ſamin maid for him and his collegis, Baillies.

Maifter David Borthuik, prelocutour for the haill pammél, allegit, that this

¹ Enough.

² Town-Council.

³ *Forbye* ; beſydes.

fact and accufatione aucht nocht to be put¹ to the pannal as ane cryme, becaus thai being Jugeis-Ordinaris ouer lyffe and memberis, and incarcerationne in presone, vnderstanding the wond² nocht to be mortall, becaus it wes in sic ane place as thair apperit na danger of deid³; and zit, for mair securitye, according to thair accustomit vse, in caisis of hurt nother quhair deid wes nocht followit, nor Homicide committit, thay lett the man to plege, vndir souertie of his reentré, vndir the pane of ane Thowfsand pundis; quhilk pane oure fouerane ladeis maiestie hes caufit to ressaif, to be vsit at her plesour, as the pane of the cautionne: And thairfor, allegit, that hir Maiestie, in effect, hes appreit the ordour vsit be the Bailleis and perfones vpoune the pannale, in the releving and committing to plege of the said *Williame Paterfoun*, and can haif na forther cryme to lay to the charge of the saidis Magistratis and Counsale; and thairfor, aucht nocht to be putt to the knowlege of ony Assise: And producit and schew THE QUENIS Aduocateis acquittance and discharge, in THE QUENIS grace name, vpone the ressaif and aggreance for the said sowne. And as to the latting out of *Moserope*, producit THE QUENIS grace command and Precept for putting of him to libertie. —The said Mr Dauid Borthuik askit instrumentis, that John Young, writer, producit certane Actis of Parliament anent Slauchteris.

The said Mr Dauid allegit, that thair is na cryme qualifeit in the Summondis producit be the persewaris, that may be imput to the Assyise; becaus the releving of *William Paterfoun*, in maner and be ordour as it wes done, is na cryme nor offence, nor yit aganis the lawis, onther Ciuile or Mvnicipall, bot wes done according thairto; becaus the Magistratis accusit ar Jugeis-Ordinaris, havand power of lyve and membris, Shereffis, with presone, &c.: And insafar as the said Williame was tane and committit to presone for ony allegit cryme, in caise it had bene of Homicide, lyke as thair wes nane thame actuale committit. bot onlie in *simpliciter* Hurting, as wes thoct and belevit commonlie to all men, thay mycht of thair office, having kepit him attour⁴ ane nycht and ane day, (lyke as he wes kepit be þe space of four or fyve nychtis,) haif put him to libertie, vndir cautionne and plege, to haif vndirlyne the lawis; lyke as, in trewth, insafar as he wes gevin to libertie, the samyn wes done vndir sufficient cautionn for his reentré agane, lyke as thai haif bene in wfe be virtew of thair officis and jurisdiction, in siclik caissis and offenslis, to haif lattu men to plege, speciallie quhair the actuale deth followit nocht, past memor; lyke as thai, and all vtheris Jugeis Ordinaris, aucht to haif done of thair offices, according to the Mvnicipale Law, conformit with the Commoun Law. And thairfor, it is na cryme, nor fuld nocht be putt to the knowlege of ane Assyise; vthirwayise, na persone that had woundit ony man mycht be put to libertie and fredome, quhill⁵ the wound wer

¹ Imputed.² Wound.³ Death.⁴ Above, over, more than.⁵ Until.

hail, incontrar all lawis. And attour,¹ thair is na cryme as zit, becaus the said *Williame Paterfoun* is nowther conuict nor fugitiue fra þe Law; and swa is nocht ane Homicide, infafar as he is nocht conuict.

ITEM, allegit the said Mr David, thay being Jugeis Ordinaris, as is aboue writtin, viz. Sheriffs, to be sufficient inquisitionne; and found, that the wond was nocht mortall, baith be thair awin judgement and be inquisitionne and informatioun of Maisteris Chyrurgianis, famous men,² quhairby thai fand, that the wond was nocht mortall, and thairfor, fand that thai aucht of thair dewetye to latt the said Williame to libertie, vnder cautionne; and mycht haif bene compellit be ordouris and reffoun thairto.

Cuthbert Ramsay askit instrumentis, that nowther the pairtye nor THE QUENIS Advocattis wald accuse him. *Alexander Park* allegit that he was nocht vpon the Counsale, bot wes allanerlie Thefaurer and ingadderare of the Commoune-gude.

The Aduocattis askit instrumentis vpon the productione of the Protestatione maid be Maister Johne Spens and Maister Robert Glenne, Baillies, of the dait the xv day of Marche 1563 (4); and desyrit the samin to be schewin to the Assyise, quhairof the tennour followis.

PROTESTATIONE be *Maisteris Johne Spens and Robert Glenne, Baillies*. THE quhilk day, in presens of David Symmer ane of the Baillies, James Barroune, James Adamesoune, Eduard Houpe, Alexander Park, Maister Johne Prestoun, and Cuthbert Ramsay, of the Counsale, *Maister Johne Spens* and *Maister Robert Glen*, Baillies, disassentit to þe outlatting of *William Paterfoun* furth of Ward; and Protestit, þat in caise *Nicoll Zoung* deceiffit of þe straik, and þe said Williame Paterfoun fugitiue fra þe lawis pairfor, that the burding and damage þat mycht follow pairupone mycht be laid vpon þe consentaris to his libertie; and þat þai nor THE GUDE TOUN,³ fredome and libertie pairof, wer nocht in danger, in respect of þis pair Protestatione and refusale foirfaid. And heirupone askit instrumentis.

ITEM, allegit the said Mr David Borthuik, that the latting of *Paterfoun* to pledge, procedit vpon ane Decrete in presens of THE BAILLIES and Counsale, gevaris pairof, be sufficient inquisition and tryell accustomat to be taikin within the Burcht, in siclik caissis; quhilk Decrete is repute as the veritye, quhill⁴ the Reductione thairof; and swa, fen the said Decrete standis in strenth, and the gevaris thairof nocht decernit be thair Juge-superiour to haif done wrang, nor zit the samyn reducit, this Criminall caus, nocht being Ciuilye decydit, aucht nocht to pas to ane Assyise.

The Lard of Marchamestoun askit instrumentis, that he persewit na man except *David Symmer*, as he protestit of befoir. David Symmer allegit, that the thing that he is accusit of wes done be ordinance and awyise of the Counsale;

¹ Moreover. ² Credible men; of good fame, &c. ³ Edinburgh has been for a very long time designated 'THE GUID TOUN,' but the origin of the appellation is not clear. ⁴ Until.

and that he wes ane officiare to the Counsale;¹ and thairfor, the thing that he did was at thair command. And for verefeing of his alleigeance, productit ane Decrete—and thairfor proteffit, quhatfumeuer danger he incurrit, the Counsale fuld releif him pairrof.

The Aduocattis past frome the perfute of *Maisteris Johne Spens, Robert Glenne,* and *Cuthbert Ramsay*: Eikand,² that this few noumer³ can never suf-fir the law, nor be decernit to haif committit the cryme libellit, nor the few noumer can nocht ordand.⁴ It is the Common Law and Mvnicipall writtin law, quhair na slauchter is committit, to lat the perfoun to plege. *Item*, the Affyise aucht to acquit thame, becaus vpone allegit ordinance thir personis of Counsale on pannall hes na power to lat *Paterfoune* to libertie, nor mak ordinance; becaus the leift of the noumer that can mak ordinance mon⁵ be fevine perfonis. Johne Young wryter, prelocutour foirfaid, acceptis this alleigeance.

It is allegit for the parte of David Symmer, that he aucht to be acquit of all cryme; becaus, gif ony he did, the fame at the ordinance of the Counsale wes done; quhilk he wes obleift to obey, as the Ordinance beris.

ASSISA *dict. personarum* (*Symmer*,⁶ *Barroune, Houpe, and Adamefoune.*)

Maister Archibald Grahame, ⁷ (<i>ac.</i>)	Maister James Lyndfay, ⁹ (<i>f.</i>)	Eduard Kinkaid, (<i>f.</i>)
Patrik Hardy, (<i>ac.</i>)	Oldame Fullarton, (<i>ac.</i>)	Thomas Toddman, (<i>ac.</i>)
Johne Spottifwood, ⁸ (<i>f.</i>)	James Carmychaell, (<i>f.</i>)	Johne Wilfone, (<i>f.</i>) ¹¹
Harbert Maxwell, (<i>f.</i>)	James Forrett, (<i>f.</i>)	
James Johnestoune, (<i>ac.</i>)	Thomas Henrye (<i>f.</i>) ¹⁰	

VERDICT. David Symmer, ane of the Baillies of the burcht of Edinbur^t, wes Convict be the haill perfonis chosin and sworne vpone his Affyise, off the putting to liberty furth of Ward of the Tolbuith of Edinbur^t of *William Paterfoune* burges pairrof, being takin and apprehendit *reid-hand*, for the crewale Hurting and deidlie Wounding of vniq^{le} Nicoll Young taillour, and putt in Ward for the faid cryme, in the faid Tolbuith, at the instance of the faid vniq^{le} Nicollis father and brethir, be the Baillies of the faid burcht, within thre or four dayis nixt eftir the committing of the faid cryme: The faid vniq^{le} Nicoll being than continualie, fra the tyme of his deidlie hurting, lyand in perrell of deid pairthrow; Like as, he within xxiiij houres, or thairby, eftir the putting of the faid William to libertie, deceffit, in the faid Hurting and Wounding: And swa, doand the famin, without command or auctorité of our soueran lady, or consent

¹ He seems to have been presiding Magistrate, and as such pleaded that he was merely the organ of the Bench. ² Adding. ³ The Minority. ⁴ Have no power to ordain or decree.

⁵ Mnst. ⁶ The Assise unanimously found him guilty. ⁷ Those marked (*ac.*) voted for the acquittal of Barroune, Houpe and Adamefoun.

⁸ Those marked (*f.*) voted for filing these persons, *i. e.* finding them guilty. ⁹ Chancellor. ¹⁰ He voted for the acquittal of Houpe.

¹¹ Voted for the acquittal of Barroune. It has been thought proper to preserve the state of the vote in this remarkable case, which has been preserved in this form.

and adwyise of the pairteis foirfaidis, beaud reddie to perfew, and havand speciale interes thairin, partialie and wilfullie, in defraude of justice, to haif bene execute vponne the said William, incontrair the lawis and practik of this realme.

INTERLOCUTOR. And pairfor deliuerit be the Justice Clerk, and his deputis, in the handis of the Prowest, and Maister Johnne Spens, ane of the Baillies of the said bureht, to be surelie kept as thai wald answer to our souerane ladye.

(JUN. 21.)—JAMES BARROUNE, JAMES ADAMESOUNE, and EDUARD HOUBE, be the Assyise foirfaid wes Conuict of the said cryme committit in maner aboue reherfit. Adame Fullertoun, for him selff, and the remanent perfonnes foirfaid that wer acquit, askit instrumentis thairof. The pronunceatioun of this deliuerance continewit to the morne.

(JUN. 22.)—This day the pronunciatioun of the deliuerance of the said Assyise wes schawin and declarit to be pannall; quhairupoun the said pannall askit instrumentis, and protestit for remeid of law, and for thair releif in this actione of Wilfull Errour: And siclyk, that they fuld be hard to gif in, the morne,¹ thair Protestationnis in writt. The morne assignit be the Justice for giving in thairof.

PROTESTATION *by the Pannell, against the Verdict of the Assise.*

JUN. 23.—DAVID SOMER, BAILLIE OF THE BUR^t OF ED^r, *James Barroune, James Adamesoune, Eduard Houpe*, of the Counsaile of the famin, PROTESTIS, fforfamekill as the perfonnes of the Assyise Conuict criminalie thame for þe allegit out-letting of Williame Paterfoune out of Presoune: Quhillk Conuictioun and deliuerance of the said Assyise is wrangullie, wilfulye, and partialie gevin; and pairfor Protestis aganis thame for WILFULL ERROUR and wrangus and partiale deliuering, aganis all Law, ordour, and custome of þis realme: And in respect, þat it wes baith allegit, and evidentlie schewin to þame, þat þai mycht lesunlie² haif lattin þe said Williame furth vponne cawtioune, baith be þe Mvnicipall Law of this realme, expresse writtin in þe Maiestie,³ be the Commoune and Ciuile Law, and be the immovable vse and practik of this Bur^t, obseruit in sic caissis, be the Provest and Baillies of þe famin, in all tymes bypast, and be all þe Scheriffis of this realme: And, thairfor, Protestis, that þai may haif actione, in tyme and place, to all þe saidis Assyifoures, for Wilfull Errour on þame, or ony of thame, at particulare dyettis, to vnderly the law for wilfull breking and contraueing of the Lawis of this realme, and for manifest Periurie, deliuering aganis þe Law of the realme, praetik pairof, and pair conscience: AND als, PROTESTIS þat thay may haif actione aganis thame for all coiftis, skaitthis, dampnage, and entres þai may incur or sustene, in þair bodeis, perfonnes, or gudis, throw occasiounne of the said wilfull Conuictiounne. And desyris this Protestatiounne to be infertit in þe Bukis of Adiornall. *Item*, PROTESTIS, that the said Conuictiounn be nocht preiudiciall to þame, nor aþer of thame aþentis the perfute of Alexander Achefoune and Johnne Westoune for releuing of thame, according to ane Act maid be þe saidis twa cautioneris, þe xv day of March, 1563 3eris; but that þai may perfew þe saidis cautionaris for þair releif, conform to þe famin.

THE same day, *Eduard Hoip* PROTESTIT, that in respect, þat he had allegit of befoir to þe Assyise, befoir their furtlganging,⁴ that he disaffentit to þe lattin furth of William Paterfoune furth of Warde; and in respect þat James Soung, cultellar, ane of þe perfewaris, oppinlie at the bar, had

¹ To-morrow. ² Lawfully. ³ Regiam Majestatem. ⁴ Before their 'going furth' of the Court, to the Assise-room, to consider the verdict which they ought to pronounce.

panelie confessit in prefens of the Lordis pe Justice, Justice Clerk and Assyse, that he hard the said David disassent to pe putting of the said William to libertie, and pat he offerit him to preif,¹ be pe remanent of the Counfall, that he disassentit pairto; Thairfor, insofar as the said Assyise hes fflyit and Conuict him, PROTESTIT for Wilfull and manifest Errour, remeid of law, and for costis, skaitthis, damage, and interes that he salhappin to sustene or incur pairthrow, Criminalie or Ciuille. And pair-upoune askit instrumentis.

MEMORANDUM. Quhair James Barroune and his complices of the pannell, in the face of my Lord Thesaurar, the haill Assyise, and Clerkis of the famin, Protestit for the names of thame quha consentit and disassentit to thair Convictione, off intent to reduce the famin, and mak Errour thairof, as he allegit, MAISTER JAMES LINDSAY, Chancellor of the Assyise, in name of the haill Assyise thair present, Protestit, gif ony man of the Assyise wald confess that he disassentit to the said Conuictione, or wald oppin ony secrete ressones or disputationis amangis thame, quhairby ony malice or disfaouour mycht be had to ane of the Assyise by ane vther,² that he suld be haldin and repute perjure and defameit; and that becaus the haill Assyise and Clerkis of the famin war sworne vpoune the Halie Ewangell, vpoune thair awin motyve will, to keip secrete the famine. Quhairupoune the said Mr James tuke instrumentis.

Shrey-straling — Common Chest — Resett, &c.

JUN. 12.—HOB SCOT, callit of *Colyford*; Johnie Scot, callit *Mr Johnie the Clerk*; Mark Elliot, callit of *the Hill*; Johnie Henderfoune, callit *Johnie the Falser*;³ and Robert Paterfoun, in *Gilmertoune*, ‘Convict and HANGIT.’⁴

ASSISA.

The Lard of Hinderfoune,	Patrik Cranfoune, burges of	Johnie Scot, in Bradmedois,
Andro Sklaier, burges of Edin-	Edinburghe,	Williamie Scot of Tufchelow,
burghe,	Andro Armeistrang,	Adam Scot of Bonyngtoun,
James Gyffort, in Lyntoune,	Richert Paterfoune, in Drumfreife,	Johnie Mitchelfoune, in Lefswaid,
Williamie Borthuik of the Hall,	Johnie Newlandis, in Edinburghe,	Michael Nafmyth of Possö.

‘Umbersetting the gait’ — Invasioun, &c.

JUN. 15.—PATRIK HOUSTOUNE OF THAT ILK; Peter, Mr William, John, and William, his brothers-german; William H., burges of Dumbertane; John H., in Kirkpatrik; John H., elder, in Dumbertane; John, his son; and Alexander Houstoune, delatit of Convocatione of our fouerane ladeis liegis and Invasioun of the said Andro for his slauchter; and housing of him in ane Houfe within the toun of Dumbertane.

PERSEWAR, Andro Hammitoune of Cochno.

PRELOCUTOURIS for the pannell, The Lard of Cwnyngameheid; Mr Jhone Porterfield of pat Ilk; Johnie Schaw of Broiche; Mr Richert Strang; Mr Jhone Abirerumby.

PRELOCUTOURIS for the persewaris, Claude Hammitoune, sone to my lord Duik; James II. of Cruikwell; Johnie H. of Staneloufe; Alex^r II. of Myrretoune; James Noble of Ferme.

¹ Prove. ² To one individual on the Assise more than another. ³ Forger. ⁴ There is no marking on the Record indicative of the nature of their crimes, which, however, may be pretty accurately conjectured.

Andro Hammiltoun declarit, vpon his aith, he wald perfew the said Lard of Houftoune, Mr Williame and Johne, his brother, of the *first* poynt of the Letteris allanerlie. *Item*, the Laird, his saidis twa brether, and Williame, alswa his brothir, vpon the *secund* poynt allanerlie: And all the perfonen on pannell for the *thrid* poynt.—The *last* poynt contenit in the Letteris, tuiching the Conuocatioun, &c., is fundin to be put to the Assyise.

ASSISA *prefutarum personarum*.¹

Johne Colquhoun of Luce,	Robert Colquhoun of Camstro-	Williame Levingstoune of Jerwif-
David Berklay of Ladyland,	dane,	wod,
Robert Lord Boyd,	Williame Smollett, burges of	Andro M ^r ferlane of Arrochare,
James Glenne of the Bar,	Dumbertane,	Johne Cwynynghame of Drum-
Johne Someruille of Cambusne-	Walter Buchquhennane of Drum-	quhassill.
thane,	makill,	

VERDICT. The hail fornemmit perfonen on pannell, except Johne Houftoune, elder, in Dumbertane, CONVICED be the said Assyise of cuming vponne Andro Hammiltoune of Cochno, within þe bur^t of Dumbertane, vpon þe xvij day of Marche lastbypast, quhair the said Andro wes beset vponne the Hie-gait pair of, and with drawin swardis invadit him, and compellit him to tak ane Houfe for defence of his lyffe, vponne subdantye.²

Slaughter of the young Laird of Grenelawdene.

‘ALEXANDER HAITLIE, eldest sone to the Gudman of Lambden; Johne, his broder, Robert Lowry, in Reidhall,’ Acquitted by an Assise of the Slaughter of viii^{le} Stevin Brounfeild, younger of Grenelawdene.

PERSEWARIS, Stevin Brounfeild of Grenelawdene, fader; and William B., broper.

PRELOCUTOURIS for the Pannall,

The Commendater of Jedburgh; Andro Ker of Faudounfyde; The Laird of Trabroune; Mr Tho. M^rcalzane; Mr Johne Moserpe; Cuthbert Cranftoun of Thirlestane-manys.

PRELOCUTOURIS for the Persewaris,

Adame Brounfeild of Hardakeris; Alexander B. in Eistfeild; Patrik B. in Haffiltoune-manys; Alexander B., broper to þe said Adame; Alexander Brounfeild in the Manys.

The pannall askit instrumentis that Stevin Brounfeild, elder, declarit that thair wes na actioun of deidlie ffeid betuix him, his freindis, persewaris, and the said pannall and thair freindis.

Conuocation on South Inch of Perth — Wounding, &c.

Jul. 8.—ANDRO RAMSAY, burges of Perth;³ Robert Pittilo, and James

¹ The *Absentes* were Mongo Lyndfay of Bahull, Robert Buchquhannane of Balloch, Hew Crawford of Kilburny, Johne Cwynynghame of Glengarnok, Alex. Park of Bagray, Mr Johne Wod of Galestoune, Louk Strinling of Ballagane, and James Edmeftoune. This is one of the smallest Assises on Record. There are numerous instances of *thirteen* persons being on Assises such as that in the preceding Case of the Scots, but very few of so small a number as *cleren*.² Suddenly; on a sudden; Lat. *subito*.³ See Jul. 6, 1567.

Rynd there, and ten others, delatit of arte and parte of Conuocatioune of our fouerane ladeis liegis, bodin in feir of weir, and crewale Hurting and Wounding of Williame Morefoun, feruand to the Lard of Cragy for the tyme, vpon the South Inche, befȳde the bur^t of Perth, in the moneth of Januar, 1562, after that he was tane and holdin in thair handis, in his heid, breking of his collar-bane and schulder-blaid; and freking of him throw his left arme and in his breift, aboue his left pap, to the effusioun of his blude, and hurting of him in his said arme, quhairthrow he hes nocht the habilitye thairof that he had of befoir; committit vpon subdantye.

PERSEWAR, Williame Morefoune; Maister Robert Creychtoun, Aduocat.

PRELOCOUTOURIS, Johne Rofs of Cragy; James, his brother; Patrik Eviot of Balhouffye.

The pairtie passit fra the perfute of Andro Ramfay, James Daidfoune, and Johne Chaip; and deponit his aith, that he had just cause to persew the remanent on pannall.

ASSISA.

Williame Kynnynmonth of Hill, Alexander Blair of Balthyok, Johne Blair of Melgynche,
Johne Lyndefay of Alyth, Alexander Blair of Freirtoune, Williame Chalmer of Segydene.¹

VERDICT. James Rynd, burges of Perth, FYLIT.²

Slaughter — Undue execution of the Dittay.

Aug. 11.—ROBERT PATERSONNE, burges of Ed^r; Laurence Symfoune, taillour thair; Katherine Paterfoune, his spous; Arthour Granger, thair; delatit of the Slaughter of vmq^{le} Nicoll ȳoung, taillour.³

PERSEWARIS, Robert ȳoung, fader; Johne, broper; and the remanent kyn and freindis, &c.

Robert Paterfoun and Arthour Granger askit instrumentis that the persewaris aboue writtin passit fra thair perfute.

The said Johne ȳoung (taillour) vnlawit in the panis contenit in the Actis of Parliament, for nocht productioun of the Letteris, dewlie execute and indorsate, vponne Robert Moscrope; in respect that mentioun is maid, that he wes ferfit and socht within THE BUR^t OF ED^r, and chargeit at the Mercat-croce of Ed^r; and chargeit at the *Mercat croce* thairof, having his duelling place for the tyme within JEDBURGHE. The said John protestit for his releif of the Officiare, executour thairof.⁴—The Laird of Pennycuke became surety for the entry of Symfoune and his spoufe, at the next Aire of Edinburgh, &c.; and the parties mutually took out *Lawburrows* agaiust each other that they should be ‘harmeles and skaithles of thame and all that thai may latt,’ &c.

¹ The other seven were burgesses of Perth.

² The rest were ACQUITTED.

³ See the

proceedings against the Magistrates of Edinburgh, &c., Jun. 6, 1564.

⁴ A protest is accordingly recorded, ‘because he himself was ignorant of the Lawis, and maid expensis vponne William Barrye, Messinger, for putting of the saidis Letteris to dew executione; and insafar as thai wer nocht dewlie execut, the falt thairof wes in the said Williame and nocht in him; that thairfore, he mycht haif his releif,’ &c.

Mutilation — Old Feud.

Sep. 20.—**JOHNE GORDOUNE**, in the Park; **Alexander G.**, of Traquhane; **James**, his sone; and **Robert Levingstoune**, delatit of the Mutilatioune of **Robert Macteir**, feruand of **Thomas M^cClellane** of Bomby, of his thomb of his right hand, and vtheris crymes contenit in the Letteris direct pairupoune; committit be thame vpoune the thrid day of August lastbypast, vpoune auld ffeid and foirthocht felonye.

PERSEWARIS, Tho. M^cClellane of Bomby; Ro^t Forrester, burges of Kirkeudbrycht; Ro^t M^cTeir.

PRELOCOUTOURIS for the Persewaris, My Lord of Cassillis; Hew Kennedye, his faper broper; The Lard of Drummellane; The Tutour of Bomby; Maister Thomas M^cclellan.

PRELOCOUTOURIS for the Defendaris, Mr Johne Mofcrop; The Lard Lochinvar; Johne Schaw of Haly; Hew Wallace of Tarall; The Lards of Lammyngtoune and Skraling.

The Letteris wes Cassin, becaus pai wer nocht dewellie execute and indorfate.

Slaughter.

Oct. 12.—**JOHN HENRYE**, in Striuling; **James H.**, younger, thair; and **Johne H.**, sone to **James H.**, elder, thair, delatit of the Slauchter of vmq^{le} **Johne Rae**, in Bukeburne, (Bannockburne?) within the scherefdom of Striuling.

PERSEWARE, Jonet Mersehell, relict of the said vmq^{le} **Johne Rae**.

PRELOCOUTOURIS for the perseware, The Lard of Luce (Luss); My Lord Boyd; The Lard of Duntreith; The Lard of Manis.

PRELOCOUTOURIS for the defendaris, The Lard of Fordell; Mr Henrye Kinrofs; Mr Richard Strang; Mr Edward Henderfoun; The Lard of Lany.

Maister Henrye Kyrofs, ane of the prelocoutouris foirfaidis, askit instrumentis vpoune the electiome of the faidis fyve prelocoutouris, and that the Lard of M^cfarland assistit to the perfute. And als askit instrumentis vpoune the indorfatioune of the Letteris product and executioun thairof, in the moneth of Junij, as the indorfing thairof beris; quhilk Executioune wes maid befor the committing of the said Slauchter: *Item*, allegit that the said **Johne Henderfoun** was within the aige of tuelf 3eir,¹ and wes nocht *capax (doli)*, nor habill² to vnderly the law thairfor.—**VERDICT**,³ ‘**ACQUITTIS**.’

Subasioin — Hurting and Wounding, &c.

GEORGE GORDOUNE OF SCHEUES, knycht, **George Gordoune**, 3ounger of Geycht, **James Cheyne**, &c. (eighteen others), delatit of the crewale Invasioun of Maister **William Con** of Auchry, and Hurting and Wounding of him in

¹ On the margin, ‘**PUER** and **DISCHARGEIT**, becaus he wes within xij 3eir.’ ² Liable; Lat. *habilis*. ³ Henrye Levistoune of Grenezardis was the only *Laird* on this Affise. Robert Seytounne of Tullebody, Robert Drummond of Carnoke, Robert Forester of Boquhane, and Walter M^cCawlay of Ardincapill, were amerciaded for being absent. The rest were persons of no note.

dinerse pairtis of his body, to the greit effusioune of his blude ; and striking and dinging with brydill of Johne Paterfoune, George Broune, and Alexander Troupe, his cottesis ; and vtheris crymes, at lenth expremit¹ in the Letteris direct thairuponne.

PERSEWAR, Maister William Conne of Auchrye.

PRELOCUTOURIS for the Perfewar.

PRELOCUTOURIS for the pannall.

My Lord of Cassillis, My Lord Borthuik,
The Lard of Cokpill, Hew Kennedy of Bar-
quhyuaye.

Mr Tho. McCalzane, Mr Daudid Borthuik,
George Baird of Auchmaddy, Mr Tho. Gordoune.

And becaus sufficient nowmer of Barronys and Pearis compeirit nocht to pafs vpoun the Affyise of the saidis Lairdis of Geycht, elder and zonger, the Justice ordanit fouerties to be reffaut of thame for thair comperance the thrid day of the next Justice-aire (Aberdeen), or soner, vpoune xv dayes warnyng, to vndirly the law for the saidis crymes.

VERDICT. ‘Acquittis’ James Cheyne and the other pannels. ‘The Lard of Pittindrych, George Johnestonne of Creychtmond, Mr Duncan Forbes of Monymusk, and John Forbes of Fynzeak,’ were the only Barons on the Assise.

ABSENTES *ab Assisa.*

James Dempfere of Auchterles,	George Leslie of Touche,	James Stewarte of Brig,
Mr Tho ^s Keir of Cowelaraquhy,	William Leslie y ^r of Wardres,	Mr Johne Craig of Craigisuntray,
The Lard of Balhagartye,	The Lard of Delgatyne,	Alex. Bucquhane of Auchnacoy,
The Lard of Cynache,	John Seytounne of Auchinhal,	Patrik Leyth of Harthill,
. . . . Leslie of that Ilk,	William Auchinlek of Schethin,	Johne Caddell of Aflowne,
Wm. Gordoune of Auchindoune,	Patrik Mowat of Boquhally,	Willieme Leslye y ^r of Barres. ²

Invasion — Hurting and Wounding — Hamesucken.

Oct. 14.—MAISTER ARCHEBALD DOWGLASS, and Johne D. in the Eifschell, delatit of the crewall Hurting and Wounding of Jonet Wischert, spows to Maister Thomas Weddell, in hir rycht hand of twa fyngaris thairof: AND Hurting and Wounding of Elizabeth Hutchesoune, spous to Charlis Burdeaulx, in hir rycht hand, specialie in hir thown thairof; committit be thame vndir silence of nycht vpoune the xvij day of July lastbypast, be vay of Haimfuekin, in absence of thair said spowflis; quhairthrow the saidis Jonett and Elizabeth wilbe mutilat; to the effusioune of thair blude.

PRELOCUTOUR for the pannall, Maister Thomas Westoune.

The said Maister Thomas (Weddell) producit THE QUENIS grace writing, and askit instrumentis thairupoun, desyring justice conforme thairto: And alsse proteffit for remeid of law.

¹ Expressed; Lat. *exprimere*.

² The names of a number of others of less note were also handed over to the ‘Thesaurar,’ to levy the usual fines. These, as appears from *the Register of the Privy Seal*, and other Public Records, were very rigorously exacted. The proceeds were usually gifted to some retainer of the Court in compensation for salaries, &c.

(REGINA,)

JUSTICE, Justice Clerk, and your deputis, We greitt you wele. Forfamekle as the xiiij day of October infant is assignit to Maister Archebald Dowglafs and Johnne Dowglafs in pe Schelis ffor to vndirly owre law for pe crewale Invasioun, Hurting, and Wounding of Jonet Wischert, spous to Mr Thomas Weddell, and Elizabeth Huchefoune, spous to Charlis Burdaux, within our bur^t of Edinbur^t, as at mair lenth is contenit in our Lettres direct pairpoune: Quhairfor it is our will, and we charge you to proceed at pe said day, and do justice to pe saidis complenaris, but ony delay, nochtwithstanding ony Writing direct or to be direct in pe contrair. As ye will answer to ws pairpoune. Subferiuit with our hand, AT EDⁿ pe xiiij day of October, 1564. MARIA REGINA.

Protestis the said Mr Thomas Weddell, that nochtwithstanding that *Thomas Johnestoune* was nocht summond in his Letteris, that he past fra his perfute. Stevin Storye in Plefance was americiated for not producing the same.—Continued to Oct. 16 and 17; on which last date they were Replegit, be Interlocoutour, to the Regalitie of Dalkeyth be Thomas Dowglafs, burges of Ed^t, and baillie thairof.

Wounding — Scourging naked people with bridles, &c. — Cutting the backs of Cattle, &c.

Oct. 17.—JOHNNE GREIRSOUNE OF HALYDAYHILL, Roger and Mathow¹ his brether, Gilbert M^cGub, and Thomas Mammarfoune, delatit of the Hurting and Wounding of Elizabeth Creychtoun, spous to Robert Chertouris of Aitrowane, in diuerse partis of hir body, to the greit effusioune of hir blud; and stryking of thair seruandis, being nakit, with brydillis and sward-beltis, and breking of the bakkis of thair gudis;² and vtheris crymes at lenth expremit in the Letteris direct thairpoune.

PRELOCOUTOURIS for the Perfewaris.

PRELOCOUTOURIS for the Pannall.

Jo. Creychtoun of Ryhill, The Lard of Skraling, The Lard of Keris, Mr Johnne Moserope,
Mathow Campbell of Lowdoune, knyecht, Harbert Anderfoune, Cuthbert Greir,
The Lard of Frendraucht, W^m Symontoune of The Lard of Garleife.

Hardingtoune.

The said Mr Johnne Moserope askit instrumentis, that the Tutour of Sancquhare producit our souerane ladeis Lettres in Jugement; and being inquiryt 'Gif he, Robert Chertouris, and his spous, perfewaris, wald byde at the executione thairof? Affirmit the famin. Quhairpoune the said Mr Johnne askit instrumentis; and als that the saidis Lettres, safar as Mathow Greirfoune and Johnne Morefoune were contenit therein, was nocht dewlie execute nor indorfat vpon thame, becaus thai wer chargeit be the executour thairof be oppin proclamatione at the Mercat-croce of the bureht of *Drumfreife*, and the saidis perfonas ar indwellaris within the stewartrie of *Kirkudbrycht*, as the perfewaris thame felfis confessit. The said Mr Johnne defyrit the first and last poyntis of the saidis Letteres to be red in presens of the Assyise. *Item*, askit instrumentes

¹ 'Dischargit.'² Live-stock, cattle.

that the said Johne Greirfones accusatioune fuld be onlye vpon the *frist* poynt thair of, and the saidis Roger Greirfoune, Gilbert M^cGub, and Thomas Mammarfoune vpon the *last*.

ASSISA.

Peter Denum of Crechane, Nineane Cwynnyngham of Craig- Robert Menzeis of Auchinfell,
Gil^r Roreffoune in Kirkeudbright, nestane, Jo. Satlingtounne of Auchinskeche.

And becaus na nowmer of Assyise wes fundin, the Justice continewit this actionne to the xiiij day of Februar nixt to cum; and Cuthbert Greirfoune, Tutour of Larg, is plege for thair entré thairto.

ABSENTES, The Maister of Glenkardine (Glencairne,) Robert Kirkpatrick of Brakoch, John Edzare of Ingliftoune, Andro Cwynnyngame of Birkfehaw, and fifteen others, who were all amerced for not entering on the Assise.

Slaughter of the Laird of Hassindene.

Oct. 21.—WILLIAME ELLOT of HORSLEHILL, Robert, Gawane¹ and Arche,² Williame Elliot, bastard sone to vmq^{le} Robert Elliot, James Scot, sone to Walter Scot in Hassindene, delatit of the Slauchter of vmq^{le} DAVID SCOT OF HASSINDENE; committit vpoun xvij day of October instant.

PERSEWARIS, The Lard of Balcleuche, (The Quenis Aduocattis.)

PRELOCUTOURIS for the Persewaris.

PRELOCUTOURIS for the Pannall.

The Gudman of Thirlstane, Tho^s Scot of Edene, The Lard of M^cKerfoune, W. Douglafs of Cruik, Walter Scot of Edfehaw, Tho^s Scot of Hanyng, The young Lard of Edmistoune, Alex. M^cDowgall, The Gudman of Tufchelow, of Steidrig, Mr George Dowglafs.

My Lord Justice Clerk askit instrumentis, that the pannall aboue writtin defyrit thair persewaris to be putt vpon thair Assyise; becaus thai knew befor the tryell of the cryme thai wer delatit of: And protestit, that albeit the Justice depute, be awyise of his Assessouris, for the present tyme consentit heirto, that the same in tyme cuning fuld be na preparatiue.—VERDICT and SENTENCE. ‘Fylit—Decollat.’³

Striking a pregnant Woman — Child-murder.

Nov. 29.—WILLIAME HARROTT in the Cannongait, delatit of the stryking and dinging with his handis and feit Katherine Hay, being greit with chyld; off the quhilkis straikis scho tuke bed, and continuand in the pane and dolour thair of, pairtit with chyld; and swa wes crewalye slane be him in hir wamb.—Replegiated to the Regality of Halyrudehouse.

Condonation — Invasion of the Laird of Camlarg, &c. in a Fenced Court of the Sheriff of Air.

Dec. 12.—BARNARD FERGUSSON OF KILKERAN,⁴ Thomas⁵ and

¹ ‘Acquit.’ See May 31, 1565, &c.

² ‘Pner—dischargeit.’

³ Excepting in the case of Gawane and Arché.

⁴ For accounts of this and other similar Feuds, see HISTORY OF THE KENNEDIES, quarto, Edin. 1830.

⁵ Thomas Fergussonne and those marked * were discharged *simpliciter*.

David his brothers, and fifty-one others, delatit for Convocationne of our fouerane ladeis lieges, vpon the last day of July lastbypast, bodin in feir of weir, &c. to the nowmer of ane hundreth perones, incontrair the tenour of the Actis of Parliament, and cuming within the Tolbooth of Air, quhair Robert Crawford of Clolynane, John Dunbar of Blantyre, and Robert Campbell of Ovirtonne, the Schereff deputtis of the scherefdome thairof wes sittand in judgement, in ane fenfit Court, for administration of justice; and thair, oppinlie, in plane face thairof, eftir injurious wordis betuix thame, crewalie invadit Johne Crawford of Camlarg, and vtheris being with him in cumpany, with drawin fwerdis and stavis for thair slauchteris; and thairthrow trublit the said Court, and stoppit the saidis Scheref deputis to minister justice in the actionn and caussis contenit in the Letteris criminall direct pairuponne, then depending before thaim.—The other pannels of note follow:—

Thomas Ferguffoune in the Traif,	G. Kennedy of Balmaclannochene, Olipher and Robert, his fons,
Hectour F. spous to Agnes Crawford,	Robert Blair, his houshald man,* Gilbert K. of D., 5ounger,
Niniane F. his son,	Duncan Kennedye of Dalquharne, Matho K., seruand to Jonet K.
William F. of Auchinfoule,*	Andro Graham, his houshald man, Hew K., fone to pe Gudman of
Duncane F. of Glenbowar,	Wm. Cunynghame of Clonkard, Bogend,
Walter Kennedy, fone to Drmn-	Dauid Kennedye, alias <i>the Page</i> ,* Gilbert K., fone to Sir Hew of
nellane,	Johne Kennedye of Drumnellane, Girwanmanis.

Gilbert Erle of Cassillis americiated for not entering Patrik Kennedye, younger of Dalgerrok, and seven others, to underly the law.—As Baillie of the Regality of Corfrawgall, he desired to replegiat Thomas Ferguffoune in the Traif.—Continued to ‘Thurifday nixt,’ Dec. 14.

PRELOCUTORIS for the pannell.—Mr Thomas McKelzeane, Mr Johnne Mofcrope, James Muir, brother to the Laird of Auchindrane, Johne Schaw of Halye, The Laird of Keris, Williame Cwnyng-lame, 5ounger of Caprintonne.

(Dec. 14.)—THE JUSTICE, be Interlocutour, ordinit that the said Thomas Ferguffoune in Travis be nocht replegit to the said Regalitie, becaus thair wes na writtis, actis, nor na vther reasonabill caus proponit that the famin wes befoir ane Regalitie.—My Lord Cassillis protestit that the Interlocutour pronunceit pairaient be nocht preiudiciall to his Regalitie foirfaid.

ASSISA.

The Laird of Carnall,	George Kessane,	James Dunlope of pat Ilk,
Johne Cathcartof Carltonne,	Johne Montgomerye in the Flatt,	Johne Blare of Myddil Auchin-
The Laird of Entrekin,	Johne Schaw of Grimmer,	drane,
George Corry of Kelwood,	Thomas Scot of Hanyng,	Williame Inglis of Scheill.

(Dec. 15.)—VERDICT. The saidis Hectour, Thomas and Barnard Ferguffoune FYLIT of arte and parte of the Convocationne, &c. Continued as to the rest to the next Justice-aire of Air.

Assaulting in the Sheriff Court of Apr, &c.

(Dec. 15.)—**JOHNE CRAWFURD OF CAMLARG**, David and Quintine his brothers, were 'FYELIT' by the above Assise for the same crime.

PRELOCUTORIS for the pannell,

The Lard of Kelwod,

The Lard of Lefnoreife,

Maister David McGill.

Fifty-four others were also charged ; the most remarkable of whom were,

Will. Crawford of Drummishoy,	David Craufurd of Kerfe,	John Power of Siluerwod,
David Crawford, his brother,	W ^m Cathcart of Drummifnoddane,	George Logan of Brounhill,
Allane Cathcart of Drumgowane,	Williamme Cathcart of Wodheid,	Adame Dunbar of Barcurroch,
Da. Cunynghame of Polquhirne,	Al. Cwynnghame of Montounhill,	Cuthbert Dunbar, his brother,
Williamme C., his brother,	Williamme Cathkart of Watterheid,	George Neisbet, in Tempelland.

The remainder of the pannell were remitted to the next Justice-aire of Air.

Stealing Money — Scourging and Banishment.

Jan. 12, 1564-5.—**PATRIK CAMPBELL**, cuke and feruand to Dame Katherine Olyphant, Lady of Kelye, delatit of the theftuos breking of ane Bonetkaife, pertening to the said Dame Katherine, being in hir chalmer on the Northe fyde of Ed^r, and theftuos Steling and conceeling fra hir, furth thairof, of ffyftie pundis of Seottis TESTANIS, ane Portugal DUCAT, and xx^{ij} schillingis of vthir money.—**SENTENCE.** To be SCOURGEIT throwch the Toune, and BANEIST the realme during THE QUENIS will ; and to departe furth of the famin within ten dayis nixt heireftir ; and never to returne within the famin, without speciale Licence of the Quenis Maiestie, vnder the pane of DEID.

Wounding a Bailie of Renfrew in Execution of his Office.

Mar. 5.—**PATRIK JAKSOUNE**, burges of Renfrew, and Sir Williamme Jakfoune, his brother, FYELIT by an Assise of arte and parte of the Invading of Adame Hall, ane of the Baillies of Renfrew, with drawin fwerdis, and Hurting of him, to the effusioun of his blude, in his rycht hand, vpon the six day of Nouember lastbypast, within the burcht of Renfrew, he beand in executioun of his office of Baillie vpon the said Patrik, in putting of him in Ward within the Tolbuth of the said Bureht, quhill ¹ he had fundin lawborrowis that Johne Quhyte in Abbotfynche fuld be skaithles of him, as law wald.

Wounding and Mutilation of the young Laird of Kincaid, and 'Malcolm Lyncaid,' his Brother.

Mar.² .—**JOHNE STRIULING OF CRAIGBERNARD**, John his sone and apperand air, Duncane, Williamme, and Walter, brothers german to the auld Lard, Williamme, bastard brother to the young Lard, and nineteen others, delatit

¹ Until.

² The date is not prefixed, but it must have been between Mar. 8 and Mar. 13.

of the Invasioun of JAMES KYNCAID, son and apperand air to James Kyncaid of that ilk, and Malcum Kyncaid his brother, within the Toune of Glesgw; and Hurting and Wounding of the said James in his heid, in perrel of his lyffe: AND Hurting and Wounding of the said Malcum in diuerse partis of his body, and Mutilatioun of him of his left arme, and making him impotent thairof; vpoune auld ffeid and foirthocht felonye; committit in the moneth of Februar 1563.—DESERTED. Protestis Mr Johne Ruthirfuird, that the dissenting of this Court be nocht prejudicial to THE QUENIS actioun.

Selling Wines at high Prices.

Mar. 20.—JAMES ZOUNG, cutlare, burges of Ed^r, and twenty-two others, delatit of breking of the Actis of Parliament anent WYNIS, in selling thairof, &c. Their Cases were continued from time to time, and the offenders fined.

Adultery — Incest.

Apr. 6, 1565.—MAISTER JOHNE CRAIG, Parfone of Kincardin, and Margaret Mowat, spous to Johne Craig of Craigisfyntay, delatit of the committing of the fylthie and horrible cryme of Adultery, ather of thame with vtheris,¹ sen the moneth of December 1562, and nychtlie and continualie senfyne.

PRELOCUTOURIS for the pannale,

Mr Richert Strang, Mr Alex. Sym, Mr Thomas Bannatyne, Archebald Dempstar, Mr Frances Chyne.

Askit instrumentis vpoune the productione of the sentence of Devorcement, of the dait the xvij day of November, 1562.—Continued to Monunday, the nynte of Apryle instant.

(Apr. 9.)—Comperit the saidis Mr Johne Craig, and Margaret his spous, and askit instrumentis, thay requyrit and defyrit proces in the actioun aboue nemmit; and in caise the Justice wald continew the said mater, that thai allutterlie² disassentit thairfra; protestand alwayis, that the continuacione thairof be na wyfe prejudiciall to thair defenffis now vfit, or to be vfit be thaim in ony tyme thaireftir.—Continuit to Thurisday, the xij of Apryle instant.

Maister Johne Craig, Persoune of Kincardyne, and Margaret Mowet, allegit spouse to Johne Craig of Craigisfintray, beand personalie in Jugement, and callit be vertew of our fouerane ladeis letteris, purchest be Mr Johne Spens of Condy, and Mr Robert Creychtoun of Eliok, hir hienes Aduocattis, to vnderly the law for the Adultery committit be ather of thame with vtheris, in the moneth of November 1562 yeiris, and daylie, monethlie, and continuallie senfyne, the said Margaret being the spous of the said Johne Craig, and nocht lafulie divorceit; and as for Incest, scho being the said Mr Johnnis brother-sonis³ wyffe. It wes

¹ With each other.

² Entirely, altogether.

³ Nephew's.

allegit be the saidis Mr Johne and Margaret, and their prelocoutouris, that na proces aucht to be led in the said Court of Justiciarye aganis thame, be vertew of the saidis Letteris, for the said allegit crymes of Adulterye and Infeft; becaus vpon the xvij day of November 1562, the saidis Margaret and Johne Craig, befor the said allegit Adultery and Infeft committit be the saidis Maister Johne and Margaret, atler of them with vtheris, libellit in the saidis Letteris, were lauchfully Devorceit and separatit be Sentence irreuocabill, pronunceit and gevin be Mr Johne Ramsay, Minister of Abirdour, and Thomas Crystefoune, Minister of Gemrye, havand sufficient Commiffiounne to gif the famin. And for verefeing of thair said allegeance, produceit the said Sentence, signatit¹ and subfcriuit in forme, as eftir followis.

SENTENCE OF DIVORCE, *proceeding on the ground of IMPOTENCY.*

TILL ALL AND SINDRY Professouris of Goddis moift holic Gofpell and Ewangellis, quhome thir presentis fall to-cum, MAISTER JOHNE RAMSAY, Minister of Aberdour, and THOMAS CRYSTESOUNE, Minister of Gemrye, defyrit peax, mercye, and grace, throw Jesus Cryft, our onlie Lord and Saviour. FORSAMKILL as it wes lamentable expouit to ws be ane discrete woman, callit *Margaret Mowat*, dochter to Patrik Mowat of Buchquhelle, that scho maid ane Contract and Band of Mareage with ane callit *Johne Craig*, sone to vmq^{lc} Thomas Craig in Cragistene, zit, nochtwithstanding, the foirsaid *Johne* accompaneit nocht with pe said *Margaret* be mytuale cobabitatiounne, like as in mareage is requyrit; be reafoune the said *Johne* is knawin to be IMPOTENT, as scho allegit: And thairfor scho obtenit ane Summondis, directit be Adame Herrot vnto ws, to cans lauchfulie summond, warne, and charge the said Johne, personalie apprehendit, or at his Paroche Kirk, on Sounday, quhilk wes the fyfteint day of the moneth of Nouember, to compeir befor ws in the Paroche Kirk of Gemrye, to heir and se cognitiounne takin in the said mater be ws, quho had the Commiffiounne for the tryell of the said mater: And to heir and se cognitiounne taikin, in sic fort, that the said *Johne* suld be separatit, pairtit, and devorceit fra the foirsaid *Margaret*, gif he wes knawin to be impotent frome his natiuitye, as said is. FOR the tryell and testificatiounne of the quhilk, sum certane famous² and godlie Witnefis wer gifin to ws, in bill;³ quha, being examinat be ws and sworne, deponit, all be thair aithis, that the foirsaid *Johne* wes IMPOTENT fra his natiuitye, and culd nocht accompany with his pairtye, as is afoir specifeit, and as at mair lenth in the Letter of the Examinationne of the saidis Witneffes is contentit. THAIRFOR, we, havand respect to the endis and principale caus quhairfor mareage was institute and ordanit, conforme to the trew and infallibill Word of God, quhilk wes jis, ‘to awoyd fornicatiounne and to the procreationne of childrene:’ And considerand the said *Johne*, quha is nowper abill to satisfye and sufficientlie content pe said Margaret, nor na vper womane, as wes sufficientlie proven be sufficient Witneffis, vn suspect, as said is, nowper zit is abill to remane and accompany with his said spous be mytuale cobabitatiounne, as at mair lenth in our Summondis, to pe procreationne of childrene, WE, the saidis Maister Johne Ramsay and Thomas Crystefoune, Ministeris foirsaidis, with consent of our Elderis, deaconis, and Ministeris assenblit in the said place for the tyme, hes pronunceit, decretit, and decernit, and be the tennour of thir presentis, pronunceis, decretis, and decernis the saidis personis, *Johne Craig* and *Margaret Mowatt*, to be SEPARATIT, PAIRTIT, and DEVORCEIT, and be the tennour of thir presentis SEPARATIS, PAIRTIS, and DEVORCEIS the saidis persones, ilk ane of thame, frome the Holie band of Mareage, from hencefurth dissoluit, relaxit, and lowsit,⁴ in sic fort, as thocht the same had nevir bene estemit; AND becaus thair is nathing obiectit nor laid to the said *Margaretis* charge, We pro-

¹ Signed, sealed.

² Persons of good fame or reputation.

³ Roll.

⁴ Loosed.

nunce hir to be fré to fancifye hir body agane in to Mareage, gif¹ scho pleis. IN WITNESS to this our Decrete and Sentence irreuocabill, subscruiit with our handis, our signettis is affixit heirunto, AT GEMRYE, the xvij day of this monethe of Nouember, the 3eir of God I^m.V^c.lxij 3eiris, afoir thir witneffis, Williame Keith in Myddiltoune, Johne Donaldfoune, Roberte Selpe.

JOHNE DONALDSOUNE, with my hand at the penne, led be

Thomas Cristesoun, Minister of Gemrye, Witness,

ROBERT SELPE, w^t my hand at the pen, led be Thomas

Cristesonne, Minister of Gemrye, Witness,

WILLIAM KEYTH, in Myddiltoune, w^t my hand.

MAISTER JOHNE RAMSAY, Minister.

Ita est THOMAS CRISTESOUNE, Minister

de Gemrye, sub meis signo et signeto in

similibus et consuetis vsitat.

The Case was finally transmitted to the next Justice-aire of Aberdeen, but there is no marking on the Record to indicate the decision of the Justiciar.

Umbesetting the Way — Horse-stealing.

Apr. 28.—MR JAMES BIRNY, in Pitlurg, having failed to find caution to fulfil THE QUEEN'S Will, to which he had submitted himself, was WARDED in the Tolbooth of Edinburgh, for art and part of Convocation of the lieges, 'bodin in feir of weir,' on Feb. 4 last, and Umbesetting the way to Alexander Trowp, in his passing along the highway near the Mill of Bedcarye, (he being lame and unable to resist,) along with John Smyth, his fervant, and there cruelly Invading them with lances and 'Jedburcht ftawis'² for their Slaughter: AND also for Stoutlireif and stealing from the said Alexander of his black horfe, worth 100l., upon which he then rode.—(Apr. 30.)—He found caution to fulfil THE QUEEN'S Will.

[*Archibald Earl of Argyll, Lord Campbell and Lorne, Justice-General.*]

High Treason — Conspiracy to seize the Queen's person, &c.

[THE following proceedings give a different view of this part of the life of the noted JAMES EARL OF BOTHWELL from that which has hitherto been related by Historians. Without at all entering upon so extensive a field of controversy, the Editor has merely to refer the reader to the labours of *Robertson, Hume, Laing, M'Crie*, and other modern writers, for their various statements of the facts which are reported to have occurred immediately before THE MARRIAGE of MARY QUEEN OF SCOTS with DARNLEY. The subject will, it is hoped, be soon taken up by *Mr Tytler*, in the course of his historical work; where, from the masterly and accurate manner in which that learned and impartial author has already treated many of the most obscure and controverted points in the earlier history of Scotland, much light may be expected to be thrown upon the whole of this extremely entangled and intricate reign.

In reference to this remarkable individual, the Editor begs here to lay before the reader two very interesting extracts, which, after investigation, he procured from the Kirk Session Records of *the Parish of Canongate*, from whence, it may be remarked, several important historical events may be verified or illustrated. The story of BOTHWELL'S first Marriage, and the subsequent cruel Divorce, May 7, 1567,³ are already well known. This event is thus recorded in these Registers among the *Marriages*, under date, Feb. 24, 1565-6, 'JAMES ERLL BODUELL—JANE GORDOUN.' And in the

¹ If.

² Staves.

³ See Account of this Divorce, in Appendix to *Robertson's Hist.* No. XX, &c.

Record of *Proclamations of Banns*, the same day, the following entry also occurs: 'JAMES ERLLE BODUELL—JANE GORDOUNE,¹ sifter to þe ERLLE OF HUNTLEIE, 1, 2, 3.² Ma(rried) in our awen, (viz. Kirk of Canongate.)

These events are also fully treated of by *Knox, Buchanan, Lesly*, (in his Defence of Queen Mary,) *Melvil, Spotswood, Keith, Goodall, Tytler, Chalmers*, &c. The enquiring reader will also find much useful and important information in the Collections of State Papers, &c. by *Anderson, Haynes, Murdin*, and in the numerous Works of later Collectors.]

May 2.—JAMES EARL OF BOITHUILE, Lord Creychtoun and Halis, &c.³ was denounced rebel and put to the horn, and all his moveable goods to be efcheated, as fugitive from the law, &c.; and Gilbert Ker of Prymfyde-Loch, and William Hepburne of Gilmertoun, cautioners for his entry this day, were americiated for his non-appearance to underly the law for the crimes contained in the following Letters, purchased by Mr John Spens of Condy and Robert Creychtoun of Eliok, the Queen's Advocates.

SUMMONS OF TREASON *against James Earl of Bothuile, &c.*

MARIE, be the grace of God, Quene of Scottis, To our louittis Adame M^cculloch, Marschemont Herald, Messingeris, our Schereffis in that parte, coniunctlie and feueralie, specialie constitute, greting. Forfamekill as it is humilie merit and schewin to ws be our louittis, familiar clerkis and counfalouris, Maisteris Johnne Spens of Condy and Robert Creychtoun of Eliok, our Aduocattis, THAT quhair it is of veritie, that upone the xxvj day of the monethe of Marche, or thairby, in the 5eir of God I^mV^clxij 3eiris, JAMES ERLE BOTHWILE Lord Halis and Admirall of our realme, being laitlie reconciliat and agreit with JAMES ERLE OF ARRANE, vpone sic debatis and contraverseis as had happinnit amangis thame of-befoir, precogitat, confaut, and conspyrit the treasonabill purpos and interpryise heireftir mentionat aganis our nobill perfoume, and did that wes in him to bring the famin to pafs, and to have persuadit our said cousing to have assifit and tane parte with him in his maist treasonabill interpryise, vsand sik wordis, argumentis, and persuasionis, as he thocht mycht best serue for the purpoise: THAT IS TO SAY, The said JAMES ERLE BOTHWILE, the day foirsaid, proponit and earnestlie defyrit our said cousing to confert and assit to him in this maner, saying, ' I knaw 3e haif innemies in Court

¹ This accomplished lady, who was the third daughter of George, *fourth* Earl of Huntly, Lord High Chancellor of Scotland, six years after the date of her divorce, was married (2dly) to Alexander Earl of Sutherland, on Dec. 13, 1573. The Earl having died, Dec. 6, 1594, she married (3dly) Alexander Ogilvy of Boyne, whom she also survived. She died May 14, 1629, in the 84th year of her age. For the particulars of the life of this Lady, see *Gordon's Hist. of the Family of Sutherland*. Sir Robert Gordon, the author of that work, as well as John, *twelfth* Earl of Sutherland, the Hon. Alexander, and the Hon. Adam Gordon, were her sons by her second marriage. Reference may also be made to *Wood's Edit. of Douglas's Peerage*, &c. ² Viz. proclaimed for the first, second, and third times, according to the rules of the Church. ³ 'William Hebborn (*Hepburn*) of Gilmertoun' became surety for his entry this day, by an Act dated Mar. 6, 1564-5.

‘ pat stoppis 3ow of 3our desyre at þe QUENIS MA^{TEIS} hand, quha will nevir
 ‘ ceife quhill¹ þai have destroyit 3ow and 3our faderis Houfe ; bot and² 3e will
 ‘ vse my counsale, I fall fynd þe meyne to eschew þe haille wreck þairof, and bring
 ‘ 3ow to 3our purpose. And this way fall we wirk. Howfone þe QUENIS
 ‘ Maieftie cumis vpone þe South syde of þe Watter of Forth, quhilk wilbe
 ‘ schortlie eftir Pasche,³ we fall prowde and keip in cunpany famony freindis,
 ‘ feruandis, and parttakaris, as falbe abill, quhenne hir MA^{TIE} is at þe HUNTING
 ‘ vpone þe feildis, or vperwayis passand hir time mirralie, to execute þis pur-
 ‘ poise : That is to say, We fall cutt in pecis famony of hir counsalouris, fer-
 ‘ uandis, or vperis þat will mak ws resistance, and fall tak hir self with us cap-
 ‘ tiue, and haif hir to þe CASTELL OF DUMBERTANE, and pair keip hir surelie,
 ‘ or vpirwyife demayne hir persoun at 3our plesour, quhill scho aggré to quhat-
 ‘ fumeuir thing 3e fall desyre !—Saying also, ‘ This thing is maist easie to be
 ‘ done, quhenne hir MA^{TIE} falbe drawin furth of þe PALICE OF HALYRUDE-
 ‘ HOUSE to pas hir tyme vpoune þe feildis, in quiet maner : And gif 3e tak ony
 ‘ feir to execute this interpryise, be reafoune of þe hafard or difficultye þairof,
 ‘ 3e fall onlye bot stand and behald me put all thingis foirsaid to executioun ;
 ‘ and I fall quiklie execute and performe the premiffis ! AND swa the said ERLE
 BOITHWILE treasonablie preconfauit, precogitat, and proponit the deathe, at the
 leift the captiuité, emprefoning, away-taking, and withholding of our persoune,
 aganis our will ; and als solistit, tyistit,⁴ and did that wes in him to have maid
 our said coufing affifter and parte-takare thairintill, had nocht bene the grace of
 God, quhilk of his infinit piete, lufe, and favour that he hes to the conferuatioune
 of our persoune and Commoun-wel of our cuntré, wald nocht suffir the said maist
 treasonabill interpryise to tak effect ; bot rather movit the hert of the said JAMES
 ERLE OF ERRANE, our coufing, incontinent thaireftir to cum and revele the
 famin to ws, for the tyme being in FALKLAND. AND IT IS OF VERITIE also,
 that the foirsaidis ERLIS OF ARRANE and BOITHWILE, in the beginning of the
 moneth of Apryle nixt thaireftir, being baith personalie constitute befor ws and
 THE LORDIS of our SECRETE COUNSALE, the said ERLE OF ARRANE, our
 coufing, declarit the haille purpose foirsaid, and awowit the same vpone the said
 ERLE BOITHWILE : And eftir that he had maid fayth with ane solempnit⁵
 aithe, that his allegeance wes trew, he offerit to preve the famin vpone the said
 ERLE BOITHWILE be quhatfumeuir maner it suld seme expedient to ws and
 Lordis of our Secrete Counsale to appoynt. AND becaus the said ERLE BOITH-
 WILE maid him to deny⁶ the famin, it wes nocht thocht expedient be ws and
 Lordis of our Secrete Counsale, and als be the ernift desyre of baith the parteis,
 that baith thair persones suld be committit to ward in sure keping within our

¹ Until.² But if.³ Easter.⁴ Enticed.⁵ Solemn.⁶ Denied.

CASTELL OF EDINBURGHE, and thair commandit to remane quhill we and our Counfall foirsaid had be all lauchfull meanis inquirit and maid fure tryall of the veritie of the premisses. AND IT IS OF VERITIE, also, that with all possible diligence thaireftir, baith the saidis ERLIS wer constitute and put IN WARD within our Castell foirsaid, thair to have remanit as said is; and in the meyne tyme quhen diligent inquisitionn was makand to have done justice in the said mater, the said ERLE BOITHWILE, as said is, being delatit of Treafoune and constitute in Ward, to haif bene anfuerable thairfor according to the lawis of our realme, he, knowing him self maist giltye, and his conscience bering record aganis him, vpoune the last day of August nixt thaireftir, treasonable and contemptandlie brak his Ward and prefone of our Castell of Edinburghe foirsaid, and departit furth of the samin to his libertie, eschapand tharby the pvneifchement that was dew vnto him for the crymes of Lese-maieftie foirsaid, and thairthrow hes declarit him culpabill and accusabill of the foirsaid treasonabill CONSPIRACIE that he wes of before dilatit and accusit of: AND als, he being, as said is, constitute in Ward and vnder the suspitionne and accusatioune of cryme of Lese-maieftie, nocht abyding the lauchfull tryell thairof, bot breking his Ward in maner foirsaid, hes committit plane and manifest Treafoune, to his awin grete infamye and schame, and in hie contemptiounne of ws, gevaud occasiounne to vtheris to commit the like horribill crymes, gif this remane vnpvneift.

PROTESTATION by Alexander Hepburn of Quhitsu against Sentence of Fugitation and Outlawry being pronouncet against the Earl of Bothwell.

THE samin day, comperit in judgement of the said Justice Court, befor the geving of the said Dwme, ALEXANDER HEBBURNE of *Quhitsu*, and gave in this PROTESTATIOUNE, in writt, subserinit with his hand, and desyrit the same to be registrat; quhairof the tennour followis.

I, ALEXANDER HEBBURNE OF QUHITSUM, seruant and kynnisman to JAMES ERLE BOITHWILL, my Cheif, PROTESTIS solempnitie in his name, that sen þe said Erle is allegit summond to this day to compeir befor our sonerane ladeis Justice, and to vnderly hir hienes lawes for certane allegit crymes of Treafoune and Lese-maieftie contenit in the Summondis direct thairupoun: And nochtwithstanding his innocence and mynd and will to have þe tryell pairof, dar nocht compeir, for feir of his lyffe at this tyme and place, be reafoune of the grete conventionne of his innemeis and vnfreindis within this bur^e at this tyme, quhome he feris to attempt his Slauchter and destructionne be way of dethe, and quha hes declaret þaim selfis innemeis to him laitlie of befor; that his non-comperance be nocht haldin nor reput as fugityve fra our said souerane ladeis lawis, rebell nor culpabill of the saidis crymes, be reafoune that he dar nocht compeir for just feir and dreadour that mycht fall (happen) in ane constant manne; as well apperis be the grete gathering maid at this tyme in þe contrair, of þe caufing of his innemeis and vnfreindis, þat suittis his lyffe and distructionne vniustlie; bot that he may be haid heireftir, at tyme and place fure and convenient, and the causis of the said feir ceifand, to offir him self to ane Assyise for the saidis allegit crymes, and byde the tryell pairof. AND siclik, Proteftis, that quhateuir be done and procedit aganis the said ERLE, this day, be nocht preiudiciale to

him, his fame, lyff, landis, honour nor gudis, for the causis foirfadis; And defyris this my Protestatione to be infert in the Bukis of Adioruale, and for the extract pairof, vponne my expenffis.

ALEX^R. HEBBURNE OF QUIHITSUM.

And in likwyfe the said Maister Johne Spens of Condy, Aduocat to our foueran lady and perfewer of the said actione, in hir name Proteffit in the contrair, as eftir followis.

PROTESTATION *of the Queen's Advocate, 'in the contrair.'*—COMPERIT Maister John Spens of Condy, Aduocat to our fouerane lady, and allegit þat þe said ERLE culd pretend na juft caus of his absence, nor juft feir þat mycht fall in ane constant manne; specialie, be reafoun þat he is perfewit be the ordour of justice; and þat feir þat he hes of justice to be doune is nocht juft feir of the law; And thairfoir, can nocht be excusit, bot manne be haldin fugityve fra our foueran ladeis lawis; namelie, confidering þair wes na conventionne of his vnfreindis þair, bot þe Justice and Memberis of Court, sittand with his Assellours, in quyet maner. And þairfor, Protestis þat he be haldin as culpabill of the crymes contenit in the Letteris, and that he may incur all vþeris panis, quhilk towart our foueran lady, of hir lawis and practik of the realme, he may incur.

Wasting Lord Elphinston's goods, &c. — Adultery.

May 4.—ALEXANDER DRUMMOND OF MEDOPE, of the thifteous destructione, steling, intrometting, wasting, disþoning, and conceling from Robert Lord Elphinstoune, in the moneth of December, or thairby, the 5^eir of God I^mV^olxij 5^eiris, and monethlie, 5^eirliche, and continualie fensyne, his gudis, geir, and money, in grete quantitie, extending above the fowme of twentie thowfsand pundis; throw the occasioun of the Adultery committit be him with Margaret Drummond, sþovs to the said Lord, at the tyme foirfaid. The said Alexander askit instrumentis that he dislassentit frome the continuatione, and desyrit justice, conforme to THE QUEEN'S grace writting; and siclik, askit instrumentis, that the Lord Elphinstoune purgeit him of all thiftuous dedis spacificit in the Letteris.—Continued to the Justice-aire of Linlythgow, Robert Lord Elphinstoune having become surety for his entry.

Convocation — Invading the Commendator of Ardchattan.

May 5.—ROBERT INNES OF INUERMERKIE, delatit off Conuocatione of our fouerane ladeis liegis, to the nowmer of iij^c perfones, bodin in feir of weir; cumand to the Manys of Plewlandis, and Invasiounne of Johne Commendatour of Ardchattan, for his Slauchter and vtheris crymes. Alexander Innes of Crombye become surety for his entry at the next Aire of Elgyne and Fores.

Mutilation of the Laird of Borg.

May 9.—GEORGE LORD SEYTOUNE, and John Seytounne of Cawraldstoune, his brother, James S., son of vniq^{le} John S., of Lathrisk, Alexander S., brother of Walter S. of Tullebody, and George S., in Tranent, were denounced

Rebels, and put to the horn, and all their movables ordained to be efcheated ; and Hugh, Earl of Eglintoune, and Walter Seytoun of Tullebody, were americiated for their not entering the faid perfons to underly the law for art and part of the Mutilation of Francis Dowglas of Borg of his right arm and left hand, at leaft of the middle finger therof ; thereby rendering him impotent of the fame.

Slaughter of the Laird of Haffindene.

May 31.—GAWANE ELLOT OF HORSLEHILL,¹ William Ellet of Lameftone, and Williame Ellet, callit *Gawenis Willie*, of Fallinefche, continued to third day of the next Aire of Roxburghe.² James Dowglas of Cawerfe, and William Dowglafs of the Cruke, were americiated for not entering the faid William of Lameftaue and Gawenis Willie, who were denounced rebels, &c.—(Dec. 4.) Robert Young, feruand to the Lard of Pharneherft, comperit in iugement, and producit this writing eftir following, defyrand the famin to be inferit in the Buke of Adjornale, and proteftit he mycht have the extract heirof, autentiklie ; quhairof the tennour followis :—

REX ET REGINA,

WE vnderftand pat our louit Williame Ellet of Horliehill wes BANISCHIT of our realme for pe arte and parte of pe Slaucher of vni^q^e Dauid Scot of Haffindene, for his lyvetyme ; and ffand foner teis pairfor : Nochtwithftanding ye quhilk, WE, for diuerfe cauffis and confiderations moving ws, be pe tennour heirof, gevis and grantis LICENCE to pe faid William to refort and cum hame agane within our realme, and to remane thairintill as our fré liege, in tyme cuming, nochtwithftanding pe faid Banifchement : And will and grantis pat he nor his fourteis fall nocht be callit, fummond, nor accufit pairfor, nor incur ony danger or fkaith pairthrow, in his perfoun, landis, or gudis ; nochtwithftanding ony Actis or ftatutes, maid, or to be maid, in the contrair ; anent pe quhilkis we difpenfe be pir prefentis : Difcharging heirfor our Justice, Justice Clerk, Advocattis, and all vperis Jugeis within our realme, of all calling, perfewing, trubling, or intrometting with the faid Williame, his fouerteis, pair landis or gudis, for his returning and remaining at hame, within our realme, as faid is, and of pair offices in that parte, for euir, be pir prefentis. Subferiuit with our hand, AT ED^B. pe xxiiij day of September, the 3^eir of God I^m.V^c.lxv 3^eiris.

MARIA R. HENRY R.⁵

Treasonable Intercommuning with the Duke of Chattellarault and other Rebels — Taking wages to ferve againft the Queen, &c.

Oct. 26.—ALEXANDER MONCREIF, fon to Williame Moncreif of THAT ILK, JAMS ROSS, and DUNCANE ROBERTSOUN, feruand to the faid Alexander, dilatit off arte and part of the treasonabill and vnlawfull fupplé, affiftance, intercommuning with James Duke of Chattellarault, James Erle of Murray, Alexander Erle of Glencarne, Andro Erle of Rothies, Andro Lord Stewart of Vehiltrie, Gawin Commendator of Kilwynning, James Kirkealdy of the Grange, Maif-

¹ See Oct 24, 1564. ² John Somerville of Brounhill became his surety. ³ See some interesting particulars as to the Marriage of MARY QUEEN OF SCOTS and DARNLEY, in the Notice, 1* pp. 478 and 488, &c.

ter James Haliburtoun, Prouest of Dundé, and vtheris, our foueranis lordis and ladeis Rebellis, and being denunceit thair ennemeis, and at thair horne, for thair wilfull and manifest contemptiounne & diffobediencie in non-compering at ane certane day, to ansuer to sic thingis as fuld be laid to thair charge: And this wes done and committit vpon the xij, xiiij, xiiij, xv, xvj, and all the dayis of this instant moneth, quhill¹ Sounday, the xxij day of the famin: AND for arte and parte with thaim in thair wikkit and rebellious dedis. *To the taikinne*,² the fame wes CONFESSIT be thaim, in prefens of the Lordis of Counsale. ITEM, for arte and parte of the vnlawfull putting of thame félf in armes, as raifit Men of Weir aganis our foueranis and thair auctorite, in wageis, vnder WILLIAME MONCREIF OF THAT ILK, ȝOUNGER, and JAMES KIRKCALDY OF THE GRANGE, without owther command or Licence of our saidis foueranis; taking wageis to ferue thame aganis our foueranis, thair realme and faithfull subiectis; expres aganis the lawis of the realme, and incurrand the panis contenit thairintill: And this wes committit be thaim the tyme foirfaid: *To the taikinne*, thair past to Ingland vpon the xv day of this instant, and thair remanit with the saidis Rebellis and thair Capitanis, in armes, quhill the xxij of this instant, that thair wer takin reid-hand:³ And in speciale, the said Alexander gat xx lib. for his monethis wages, and the said James x l.; and gaif fayth thairfor they fuld ferue as thair wer commandit be the saidis Capitanes.

VERDICT. The Assise FYLIT the said ALEXANDER and JAMES of the whole points, and the said DUNCAN of the first point of the Dittay.—SENTENCE. The saidis ALEXANDER MONCREIF and JAMES ROSS to be HEDIT and QUARTERIT: And the executioun delayit at the KING and QUEINE'S Grace commandement.⁴ The said Duncan Robertsoune to be SCURGEIT through this Toune of Ed', without forther pvneishment in his persoune or gudis.

Treasonably abiding from the Raid of Stirling.

Oct. 26.—RICHARD BLYTH, burges of Dundee, found surety to underly the law at the next Aire of Forfar, for treasonably abiding from the Army ordained to meet at Stirling, in August last.

Slaughter — Borderers received as Cautioners.

Nov. 7.—GILBERT LAUDER, in Quhithlaid, delatit of the Slaughter of viii^{le} George Wedderat (burges of Lauder, vpon the said George's lands and croft, lying near the Water of the said burgh); committed vpon the xxviiij

¹ Until.

² In *token* or testimony whereof.

³ *Red-hand*, in the fact.

⁴ They were in the meantime ordered to be strictly WARED in the Castle of Edinburgh.

day of September last by past (upon old feud, certain purpose, and forethought felony.)

PERSEWARIS. Andro Wedderat, faper-broper; The auld Lard of Coldinknowis.

PRELOCOUTOURIS for the said Gilbert, The Maister of Borthwik; The Lard of Pharniherft; Mr Johne Moserope, Walter Ker of Dolphingtoune; The Lard of Lawder.

PRELOCOUTOURIS for the pursuaris, The Lard of Coldinknollis; The Lard of Sefurd; The Lard of Innerwik; Thomas Ker of Merfingtoune; Andrew Ker of Fawdounfyde.

The said Lard of Coldinknowis askit instrumentis that the said Lard of Lawder would perfew in this caus; and siclik, that the Justice reffavit BORDOURARIS as fouerteis for the said Gilbert, Protestand, that gif the lik caus wes to be intentit or perfewit before them, that siclik fouerteis may be reffavit to that effect. The Aduocattis askit instrumentis of the dait of the Respett producit, quhilk wes at Ed^r the secund of Nouember 1565; and that the same frae the said dait to the feist of Michalmas theireftir¹ fuld onlie indure.

Having pleaded his Respite, he found Sir Thomas Ker of Pharniherft, Kn^t. and Walter Ker of Dolphingtoune, to satisfy the parties.

Slaughter of the Earl of Bothwell's seruant—Jurisdiction of the Lords of Session.

Dec. 7.—ALEXANDER and OLIPHER SINCLAIR, brothers of William Sinclair of Hirdmanstoune, were denounced Rebels, and put to the horn, &c.; and the said William was unlauded, as their surety, for their not underlying the law, for art and part of the cruel Slaughter of Walter Murray, seruant of James Earl of Bothuile, Lord Creychtoune, and Halis, &c.; committed Aug. 25. last, on old feud, certaine purpose, provision, and forethought felony.

Dec. 8.—WILLIAM SINCLAIR OF HIRDMANSTOUN, Johnne Prett, Mathew S. in Mylnetoune, Alex. S. in Saltoune, Johnne Hog, and Robert Fyffe, also dilatit of the Slaughter of vmq^{le} Walter Murray.

PERSEWARIS, Adame and Williame Murrays, brothers to vmq^{le} Walter.

PRELOCOUTOURIS for the pannall, My Lord Borthuik; Mr Tho. M^ccalzeane; The Lard of Wauchtoune; The Lard of Trabroune; The Lard of Butterdene; The Gudman of Broxmouthe.

PRELOCOUTOURIS for the perfewaris, The Comptroller;² The Lard of Traquair; The Gudman of Hangitfehaw; The Lard of Coldinknowes; Adam Wauchope of Caikmuir.

Allegis the prelocoutouris for the pannale, that na proces aucht to be led aganis thaim this day; becaus, of³ the law, the famin is haldin and aucht to be obseruit—and that LORDIS OF SESSIOUNE fittis nocht, and spicialie in this caus, being Criminale. And the Aduocattis allegit in the contrair, in respect of the Alteratioune of Religioune. The Aduocat askit instrumentis vpoune the propositionne of this allegiance be Mr Thomas M^ccalzeane.

¹ Sept. 29.

² Sir William Murray of Tullibardine.

³ By, or according to the Law.

THE JUGE, nochtwithstanding this allegeance, fyndis that he may proceed. The Assessoris and Lordis at pronouncing heirof, were my Lord Atholl, the Erle of Huntlie, the Secretar, the Justice Clerk, the Erle of Mortoune.

The prelocutouris foirfaid protestit for reneid ;¹ and askit instrumentis that the prelocutouris for the persewaris declarit thai wald insist to the perfute of this caus : And that the Erle Boithuile declarit he culd nawyise insist to the defence of the Lard of Hirdmanstoune in this mater, be resoune the famin is his awin caus, and that his seruand is slane ; and zit, be reasoune of the commoning betuix him and the said Lard, he will nocht presentlie persue him his self.—Continued.

(Dec. 20.)—The persewaris askit instrumentis that the interlocutour wes gevin that thai suld have judgement of their peris.²

ASSISA.

The Lard of Dalmahoy,	Ja ^s . Stevinfoune of Hirdmanfelch,	The Lard of Johnestoune,
William Weche of Dawik,	James Lethmonth of the Craig,	The Lard of M ^c Kerfoune,
William Newtonne of that Ilk,	George Tait of Pirne,	- - - Paterfoun of Caverhill.
Johne Lindfay of Cobingtonne,	Geo. Haliburtoune of Walstruther,	
D. ³ Elphingfoune of Hinderfoune,	Jo. Aitoun, burges of Haddingtonne,	

The pannell askit instrumentis that they renunce any fauour of this Writting producit, desyring na delay of proces ; and makes fayth, (that) thai nor nane in thair names wes pureffaris thairof. My Lord Justice Clerk askit instrumentis, that the persewaris and defendaris desyrit baith proces, nochtwithstanding THE KING and QUEIN's grace Wrytting producit ; and thairfor protestis, in my Lord Justice Principale, his awin and the Assessoris names, that na fault be imput to thaim, seeing thai are willing to obey the famin. The said Mr Thomas protestit, that albeit the perfones foirfaid be admitted and sworn to pas vpon their Assyise, that famony thairof as ar Gentilmen be haldin for na Barronis.

VERDICT. 'Acquit the hail.'

Mutilation — 'Umbersetting of the Hie-gait' — 'Brigancye.'

Dec. 11.—ROBERT BROUN, maltman, FYLIT of the Hurting and Wounding of Archibald Blakwod in his rycht arne ; and Mutilatioun of his myd-fynger of his rycht hand, be Umbersetting of his Hie-gait betuix Leyth and Edinburgh ;⁴ committed vpon suddantie, vponne the sext of December instant : And ACQUITTIS him of the lying at wait, be way of Brigancye, &c. and Spoliatioune of his cloik.—SENTENCE. To be putt in Ward within the Tolbuith of Ed^r. The Assyise askit instrumentis that the perseware disallentit fra the perfute of Mutilatioune for this time.

¹ Redress. ² Peers, equals in rank. ³ Dynneise, *Dionesius*. ⁴ Many similar Cases occur in the Criminal Records at various periods ; some of them are mere Highway robberies, whilst, on the other hand, a large proportion of them evidently arose either from private feuds between the parties, or the mere love of mischief and adventure.

Slaughter of the Laird of Colpna.

Oct. 12.—ALEXANDER LYOUN and Mairiorye Vrquhard, his spous, ACQUITTED by an Affise of the Slaughter of John Wod.

PERSEWARIS, Alexander and Gilbert Woddis, breper to þe said vmq^{le} John.

PRELOCOUTOURIS for the persewaris.

My Lord Ogilvy. the Lard of Bonyngtoun,
The Perfoune of Wretoun, The Lard of Many,
Sir Hew Kennedye.

PRELOCOUTOURIS for the pannall.

Mr Edmond Hay, My Lord Boithwile,
George Wifchert, Dauid Lyoune,
Matho Hepburne.

The said Mariorye producit in Jugement ane Act of Court of the Sherifdome of Abirdene, vnder signe and subcriptionne of Williame Bruce, Notar and Clerk of the said Court, berand the contentis of ane Discharge subferiuit be our fouerane lord and lady, that the Shereff and his Deputtis fuld navyife proceid vpoune the said Mariorye in calling of hir to vndirly the law for the cryme foirfaid ; in respect quhairof, sche allegit that na proces fuld be led agains her in this Court.

ASSISA.

William Gordoun of Sauchquhyn,	Johne Blakhall, in Tippertie,	William Chalmer of Fedderauch,
Robert Fowlis of Ochertowle,	Patrik Cheyne of Effilmonthe,	Alexander Jeffrey, in Culter,
Alex. Tulledaff of Ranneftoun,	James Forbes, in Kildrymmie,	Alex. Burnet of Leyis, 3ounger,
William Cheyne of Arnage,	Alex. Gordoune of Abirzeldy,	James Pantoune of Tullemaid,
Thomas Chalmer of Tulykerye,	James Gordoune of Crechye,	William Raithe, in Effilmonthe.

Act of the Sheriff's Court of Aberdeenshire.

CURIA Vicecomitatus de Abirdene, tent. in Pretorio ejusdem, decimo die mensis Septembris, anno Domini 1565, per Georgium Biffet, Vicecomitem deputatum dicti vicecomitatus, pro Tribunali seden.: Sectis vocatis et Curia legitime affirmata.

The quibilk day, Mairiorye *alias* Margaret Vrquhard, spous to Alexander Lyoune, burges of Abirdene, being presentit in jugement to have bidden þe law for allegit art and pairt of þe crewale Slauchter of vmq^{le} Johne Wod of Colpna, comperit Andro Lard, mellinger, Shiref in þat pairt, with ane Letter vnder þe subcriptionnis and signet of our fouerannis KING and QUEEN of Scotland, dated at Strueling þe seuent day of September instant, and of þair regnis þe first and xxiiij zeris ; and inhebeit, be virtew þairof, þe said Schiref deput and all vperis of ony proceeding contrare þe said Margret *alias* Mariorye, for þe allegit cryme aboue written, vnto þe thrid day of þe Aire to be haldin within Ed^r ; as in þe saidis Letteris, at mair lenth, is contenit. Quhilkis Letteris þe said Schiref deput instantlie obeyit ; and Gilbert Menzies of Couly, burges of Abirdene, become cautioner and fouertie to enter þe said Mariorye *alias* Margret, the said thrid day of þe Aire, eftir þe forme and tennour of the saidis Letteris, vnder þe pænis contenit in þe famin : And þe said Alexander Lyoune become obleift faythfulie to releif him of þe famin. Quhairupoun þe said Andro (Laird) and Mariorye Vrquhart and Gilbert Menzies *hinc inde* desyrit Act of Court and instrumentis.

EXTRACT. De libro Curie Vicecomitatus Aberdonensis, per me scriba ejusdem subscript. ITA EST
W^{ms} BRUCE, Notius pubus et scriba dicte Curie, pro tempore, ad hoc, sua manu.

Abiding from the last Raid of Stirling.

Jan. 2, (1565-6.)—THOMAS HUNTER, in Eifter Bengour, delatit of the treasonabil remaning and byding at hame fra our foueraneis Oist and Raid, or-

danit to convene at Strinling, the last of September lastþipast, incontrair the tennour of the Proclamatioune maid thairupoune.

PRELOEUTOURIS for the pannale.

John Aikenheid; Mr Thomas Mcalzean; The Lard of Bynning,

Mr Johne Henderfoune of Bengoure; Robert Hammiltoune of Inchmauchan.

Allegis Mr Thomas Mcalzeane, that he fuld nocht be putt to þe knowledge of ane Assyise for byding frae the Raid proclamit to the last day of September lastþipast, &c., nochtwithstanding his nocht being thairat, becaus all sic chargeis to cum to Raidis hes ane ciuile vnderstanding; swa that thair extend nocht to all maner of persons, sic as pure folkis and vnhabill persons: And it is of veritye, that the said Thomas is ane pure fermorare, havand onlye aucht oxingang of land of Bengour, pleneist with his maisteris gudis¹, ffor the quhilk he payis xl bollis wittuale, viz. meill and malt; thairfor wes nocht subiect, &c. And attour,² allegit that the said Thomas wes vnhabill in his persoun to ferue in weirfare, be reasoune that he at Beltane³ last-wes, or sehorthlie thaireftir, havand four horse stol- lin frae him latlie of before, being in Ed^r for serfing⁴ and trying of the famin in the hous of Eduard Kinkaid besyde the West Port, fell our the bakfyde of the tournepyke⁵ thairof vpoune his bak; quhairthrow he wes so menzeit,⁶ that he was vnhabel for weirfare, or ony sic travell seruand thairto; as is wele knawin, and fal be vereseit quhen neid beis. And attour, his maister, Mr John Henderfoune, laird of the saidis landis, takand ordour for setting out of his seruandes to the said Raid, within the tyme of the said Proclamatioune, vnderstanding the said Thomas inhabilitie that he wes bot ane puire fermorare, cawfit him furneise ane habill man, callit Thomas Crow; quhilk Thomas past to the said Raid, and kept the Proclamatioune foirsaid. In respect of the quhilkis, he fuld nocht incur the panis contenit thairin, nor pass to the knowlege of ane Assyise; becaus he offerris him to preif this allegeance, nocht onlie be Johne Mowbray, Parson of Inchmauchan, Minister of his Paroche Kirk, heir present, bot als be vther famous⁷ persons that kuawis the veritye heirof: And denyis nocht his being absent, be the occasioun foirsaid; and becaus it wes practiket⁸ in siclik caiss to the Lard of Dalhouffy, and according to equitye and conscience.—The Adnocat⁹ auferis, that in caise this allegeance were of veritye, the famin aucht to pass ane Assyise, na vther probatioune aucht to pass heirupoune; and that thair is na sic practic vsit in sic caissis, as is allegit.

THE JUSTICE Repellis the allegeances, and ordanis the matter to pass to ane Assyise.—Continewis to the morne.

¹ Viz. a 'Steil-bow tenant.' ² Moreover. ³ May-day, O. S. For notices of the Superstitions formerly practised, by kindling fires, &c. See *Dr Jamieson's Dict.* &c. ⁴ Searching, investigating. ⁵ A circular, or rather *spiral* staircase, is still termed a *turnpike* stair, in Edinburgh, and some other parts in Scotland. ⁶ Maimed, mangled. ⁷ Persons of good fame and reputation. ⁸ A decided point, or *pratique*. ⁹ Mr John Spens of Condy, Queen's Advocate.

(Jan. 3.)—DISSERT,¹ becaus James Struiling, Donatour to the Gift of his Eschete, is with him aggreit and fatsifeit.

Abiding from the last Raid of Stirling.

Jan. 3.—ANDRO BALLINGALL, in Drunbarro, dilatit of the remaning fra the Raid ordanit to convene at Struiling, the last of September lastbypast. —My Lord of Fliik,² allegeand him to haif speciall command of THE KINGIS Maiestie to the effect vndirwritin, commanding the Justice depute and Clerks of Justiciarie present to continew the actionne of Andro Ballingall quhill³ the morne.—My Lord Lindesay allegit, that it was THE KINGIS grace and plefour that the said puir man had justice, without delay or continewatioune ; like as he fuld verefy ; and thairupoun askit instrumentis.—Continued ‘ to the morne.’

PERSEWARIS,

Mr Jolne Spens ; Alexander Balfour, Donatour ;⁴ Mr James Balfour, Parson of Fliik, affister.

PRELOCOUTOURIS for the pannell, The Lord Lindesay, Mr Richert Strang, Mr Thomas Scot.

(Jan. 4.)—Allegit Mr Richert Strang, prelocoutour for the pannell, that the Summondis is nocht relevant, nocht conteneand ony relevant caus to infer the conclusiounne, nor to infer the defendar, exprellie being ane purelye man, nader wes comprehendit vnder the Proclamatiounne, in respect that sumtyme Proclamatiounnis ar maid vponne Barrones, sumtyme vponne all subiectis ; nor zit contenis the narratiue of the Summondis ony pane spesifeit in the said Proclamatiounne : And in causis Criminell, lybellis aucht to be maist cleir and relevant ; and gif this perfute wes Ciuile, the Summondis culd ressaue na proces, far les in this Criminall casus. And it is notour to the Justice Clerk and his deputtis, that the Letteris aucht to contene the verray forme of Proclamatiounne, that the offenderis may knaw quhow to vse thair defenffis thairanent : For it may stand, that the said Proclamatiounne beris within sextie and sextene ; and the defender is past that dait lang before the famin.—Anfueris the Aduocat, that the allegeance is nocht relevant, in respect of the summondis, quhilk referris to the Letteris of the Proclamatiounne and executiounne thairof, presentlie product.

The said Mr Richert allegit, that the summondis is nocht relevant to the said Proclamatiounne, in ony part ; and the defendar is nocht subjectit to anfuer to the said Proclamatiounne now product, as ane part of the Summondis. It is allegit, that the said Andro aucht nocht to be put to the knawlege of ane Assyise, becaus he is ane pure fermourer, nocht habill and of zeiris to pas to the Raid, and he fend his sone, being ane sufficient man of armour, quha past with the first of the Army, and remanit with the last ; and offeris to preif the famin sufficientlie.

¹ Deserted.
Jun. 26, 1512.

² John Waddell, Parson of Fliik, one of the Ordinary Lords of Session ; admitted

³ Until.

⁴ Donator to the Gift of his escheat. Much iniquity arose from the system of granting ‘ Gifts of escheat ’ to retainers of the Court, who were needy, and almost always inexorable.

—The Aduocat anfuerit, that the famin aucht hail togidder to pafs to ane Affyife.

The faid Mr Richert allegit, that the famin eild¹ and remanuing² aucht to be proven be Witneffis, for instructing of the Affyife; in respect that the Affyife is fummond be the Aduocattis, and for tryell of the Dittay. *Item*, vnder proteftationne that the defender grantis na cryme nor offence, allegit for the defender, that our fouerannis lord and lady, be thair Writting, fubferiuit with thair handis, and vnder thair Signet, willit and grantit that the defender fuld nocht be callit for abfence fra the faid Raid, and that he incur na fkyath in his perfoune nor gudis; difchargeing the Justice, Justice Clerk, Aduocattis, &c. : As the Difcharge producit, beris. And thairfoir allegit, that na procefs aucht farther to be led in this caufe, and vñs the faid Writting for difchargeing of the faid Justice, Justice Clerk, and Aduocattis aboue writtin, at this tyme allanerlie.—The faid Mr James Balfour askit instrumentis vpoun the tennour of our fouerannis Writting; and gif the faid Andro will byde Affyife, conforme to the narratyve of the famin? *Item*, askit instrumentis, that he inquiryt at the partye and my Lord Lindfay, his prelocutour, gif he wald byde Affyife, conforme to the faid narratyve, and that of the remanent, or at the leift of that pairte, that his fone wes in Drumfreis or³ our fouerannis departit furth thairof?—Anfuerit, that the faid defender, of the law, is nawyife fubiecit to anfuer to interrogatiounis of pairtye. Proteftis the faid Mr Richert, that the defenffis foirfaidis be difenffit in ordour, as thair ar proponit—and proteftit for the reft of his defenffis quhen neid beis.

(Jan. 31.) My Lord Lindfay became furety for his entry at the next Aire of Fife, to underly the law, &c.

Abiding from the Raids of Stirling.

Jan. 4.—JOHNE COKBURNE OF WESTER NEWTOUNE, delatit for his treasonabill remaining and byding at hame fra thair Maieftis Oiftis and Raidis, ordanit to conuene at Striuling the xxviij and laft dayis of Auguft and September laftbipaft, incontrare the tennour of thair Proclamatiounis.

PERSEWARIS, the King and Queen's Advocates; Patrik Anstruther, donatour of the Efcheat.

PRELOCUTOURIS for the faid Johne,

The Lard of Scraling,	Mr Alexander Syme,	Mr Robert Auchmowtye,
Mr Williame Scot,	Johne Auchmowtye, burges of Ed ^r ,	Johne Cockburne in Leyth.

Allegis the faid Mr Alexander, that the faid John aucht nocht to be putt to knowlege of ane Affyife, becaus he is outwith the aige of lx zeiris; and als in respect of the exemptiounne of our Souerannis Maieftye, of the dait Jun. 8, 1557, of hir regne the xv zeir; and in lyk maner, producit ane vther Writting, fubferiuit

¹ Age; viz. the pannel's time of life.

² Abiding from the Raid.

³ Ere, before.

be our foueraunis lord and lady, difchargeand the Justice, and vtheris thairin, off all proceeding aganis him, &c. off the dait the xxvi day of December 1565.—Affignis Thurifday nixttocum, with consent of pairtye, to the said Johne, for probatioune of the prouifionn contenit in our fouerane ladeis Licence, vnder hir Privie feale, to remane fra all Oiftis, Raidis, and Armeis, during his lyftyme, &c.

(Jan. 10.)—Proteftis Mr Alexander Syme, prelocutour, that the allegeances maid this day be difcuffit, tuicheing the prouifionne contenit in the laft Licence; and als proteftis, that in caife he preve nocht the defence contenit in the Act, that he may be hard to fey forther, and preif the famin; and alfe, proteftis for ane vther terme, gif neid beis.¹

(Jan. 11.)—The said Johne producit certane Witneffes, quha wer admittit and deponit in the said mater; and the famin mater being continuit be the Justice to this day and Court, vpoun Interloquitour, gif ane vther terme fuld be affignit be the Justice, to the said Johne Cokburne to fummond ma² Witneffis thairin: Mr Robert Creychtounne, ane of the saidis Aduocattis, togidder with the said Patrik, donatour foirlaid, beand comperit in iugement, in this Court, to heir and fe the said Interlocutour pronunceit be the said Justice-depute, the said Patrik, in prelens of the said Aduocat, exponit and declarit, that it wes now comin to his knowlege, and clearlie vnderftand to him, that the said Johne Cokburne fend for him³ to the saidis Armeis, Robert Wat, wele bodin and furneift, as said is, conforme to the Proclamatioune maid thairupoun, and had fatisfeit and fulfillit the prouifione of his said Licence; and thairfor, with consent of the said Aduocat, renunceit the said actiounne, and forther perfute of the said Johne thairin: And consentit that all proces fould ceife aganis him for the famin, in tyme cuning.—Quhairfor the said JUSTICE-DEPUTE, with the consent of the saidis parteis perfewaris, difchargeit the said Johne of the said actiounne; and decernit him fré thairof, and all forther proces to ceife thairin, in tyme cuning.⁴

Concealed Murder.

Jan. 18.—ROBERT AITKYNE, delatit of the Murthour of Johne Robertfoune in Abirdene, through striking of him with an fchip-hammer, behind his bak, on his hed, within his awin barne; and thairefter, beleving him to be deid, lokkit his barne dur, mynding,⁵ eftir concealing of his deid, to have bureit him in the nycht.

PRELOCUTOUR for the said Robert, David Primrofe.

¹ The names of five *Witnesses* were given in, as having been sworn. ² More. ³ As his substitute. ⁴ Others were cited for the same offences, and were pursued as rigorously as in the above instances, chiefly on the procurement of the Donators of the escheat; who, in addition to their pecuniary interest, had frequently private piques to revenge against the pannels, being generally persons of opposite factions. ⁵ Intending, purposing.

Robert Aitkyne requyrit instrumentis, that he offerit himself in the KING and QUENIS Maiesteis Will.

VERDICT. It is fundin be Assyife, that the said Robert crewalye, in the moneth of December lastbipast, Hurt and Woundit Johne Robertsoune in Abirdene, be way of concelit and hid Murthour, in perrell of deid.

SENTENCE.—To be had to the Mercat-croce of Ed^r, and thair, vponne ane scaffall, HIS HEID to be strikin fra his bodie.

Demembration -- Cutting off a person's Ears.

Jan. 26.—ADAME TWEDY OF DRAWEY, delatit of the cutting of Robert Rammage luggis,¹ and demembring of him thairof.

PERSEWARIS, Robert Rammage, and Williame Rammage, his brother.

Pleaded THE KING and QUENIS Remission. 'The dait of this Remission of the Gudman of Drawayis, Nov. 30, 1565.'—The Persewaris askit instrumentis, that thair nevir perfewit the said Adame of his lyffe, bot onlye for amendis² to be maid for the cryme. William Twedy of Drummelzeour became surety to fatisfy parties.

Hurting and Wounding.

Feb. 12.—ANDRO ARMESTRANG, James Young, cutlar, Williame Johnnestoune, Bowar,³ and Thomas Broune, Cordiner, burgefis of Edinburghe, delatit of the Hurting of FREIR JOHNE BLAK, betuix his schulderis, to the effussioune of his blude.—Continewis to Monunday nexttoem; and Ordanis the pannale to remane within the famin (Ward) quhairin thair wer of befor: Quha hes acceptit the famin.

PRELOCOUTOURIS for this pannale,

Maister David Borthwik,

Mr Thomas Mcalane,

Mr Johne Scharpe,

Mr Alexander Sym,

Mr Richart Strang,

Mr Clement Litill.

(Feb. 18.)—The prelocoutouris askit instrumentis, that thair wes ane command, be deliuerance of the Lordis, producit in jugement; be vertew quhairof, thair wer charget to assist the perfonas perfewit, in proeuring for thame anent thair lauchfull defenffis, vnder the pane of depriatioune contenit thairin. They also 'askit instrumentis,' that they requyrit the Aduocat to sweir the Dittay.—The Aduocat, Mr Robert Creychtoune, askit instrumentis, that the Justices, be thair Interlocoutour, declarit that he was nocht haldin to sweir the said Dittay. Mr David Borthwik askit instrumentis vponne the contentis of the Dittay, and that na deid proceedand is qualifeit therein. James Young askit instrumentis vponne the Adnocattis Declaratioune, anent his purgatioune maid be *Freir Johne Blak*.

¹ Ears.

² Assittment, or compensation to the private prosecutor for the personal injury sustained by him.

³ Bow-maker. See July 4, 1566.

VERDICT. The Affyife FYLIS *William Johnnefoune*, bowar, off arte and parte of the Hurting & Wounding of Freir Johme Blak, to the effufioun of his blnde, vpone the fyift day of Januar laftbypaft, betuix aucht and nyne houris at evin, in the Cowgait, betuix Nwyderis Wynd and the Freir Wynd, vppone fuddantye; in refpect that his awin Confefsioun beris, that he brocht *Richert Arow-maker* to his awin hous, and dicht¹ him thairin, and gave him ane clene cloke hame with him, and fend him on the morne the faid Freir Blakis clok: And ACQUITTIS him of the remanent poyntis of the Dittay.

Transporting of victuals to Berwick, &c.

Feb. 23.—ANDRO LITSTER in Fouldene, Williame Bathkatt thair, Jhonne Thin thair, fernandis to Dalhoufye, & James 5ounger, fernand to Rikkertoun, delatit of Transporting of wittuallis furth of the realme to Berwik, and vtheris forbiddin pairtis, incontrair the Actis of Parliament.—The Laird of Dalhoufye became surety for their entry, on May 24, nixtocum.

Hamesuckin—Subading Lord Saltoun, &c.

Feb. 28.—MR THOMAS KEIR, Johne Farquharfoune of Newtoun, and twelve others, delatit of the Convocatioun of our fouerane lordis (and ladies) liegis, and be way of Hamefuckyn, Invading of the LORD SALTOUNE and his fernandis. Mr Thomas Mcalgame, prelocoutour, proteffit in name of the pannale, for thair expenffis, be reafoun thair comperit, and wer in reddines to vnderly ane Affyife; lyke as ane fufficient nowmer thairof wes heir, fummond to that effect.—The Advocat askit instrumentis, that he for the present difassentit fra the perfute of this caus, becaus as he fufpectis collufioun betuix the pairteis; and thairfoir wald fummond, quhen he plefit, ane unfufpect Affyife to this effect.

Horse-Stealing from Lady Edmiftoun.

Mar. 4.—PARESE SIMPILL delatit of the Steling fra THE LADY EDMISTOUNE of four horfe.—The Lady Edmiftoun difassentis fra the perfute of the faid Pareis.

PRELOCOUTOURIS for this Pareis.

Johne Edmiftoun, Niniane Stewart, Johne Simpill, fone to the Lord Simpill.

John Simpill of Blenefchelis became caution for the entry of the faid Pareis at the next Justice-aire of Edinburgh.

Slaughter—Jurisdiction of the Lord High Constable.

Mar. 5.—JAMES BOG, delatit of the Slaughter of vniq^{lc} George Hamil-

¹ Wiped; cleaned. The more intelligible phrase 'wefch (*washed*) the blude af his face,' is deleted, and the above words have been interlined.

tonne, son of William Hamiltoune of Pardovane, committed on suddantye, in the month of January last.

PERSEWARIS, the Lard of Pardowane, father, brether, kyn, and friendis.

PRELOCOUTOURIS for the said James, Mr David M^cGill; Mr John Scharpe; The Lard of M^cKerfoune; The Lard of Swynfoune; Capitane Anfruther; Walter Ker.

PRELOCOUTOURIS for the perfewaris, The Lard of Prestoune, the Lard of Keir.

The pannel produced a Respite, dated¹ Feb. 22, 1565, for the space of 19 years.

Protestis M^r David M^cGill, that the entrie of James Bog in this Court, benawyife prejudicial to the Regalitie, in respect of the committing of the Slauchter libellit within the famin; and that the fouerteis fundin to this effect, to THE CONSTABILL and his deputtis, incur na danger. And siclik, Williame Henderfoune, Constabill depute, protestit, that his entre fairfaid be nawyife prejudicial to his office.—Mathew Sinclare of Lochirmalcus, Williame Ridpeth, of that Ilk, and Andrew Ridpeth, his uncle, became cautioners for the satisfaction of the parties.

THE last of the Scroll-Books of Adjournal during the reign of MARY, QUEEN OF SCOTS, (some of which, as formerly noticed, have fortunately been preserved,) ends on Mar. 5, 1565-6. A few gleanings, however, of considerable historical interest, have been obtained from a Caution Book, (*‘Liber Plegiationis S. D. N. REGINE,’*) which extends from Jun. 18, 1563, to Nov. 25, 1566. No other fragments of the Criminal Records can now be found, from the period of the last of these dates to the close of Mary Queen of Scots’ reign, July 29, 1567. The Trials which took place during the minority of KING JAMES VI, as given in the sequel of this Collection, carry forward the chronological series of the Records of the High Court of Justiciary of Scotland.

In one of the MS. Abridgements preserved in the Library of the Faculty of Advocates,² the following notice occurs, in reference to this period:—‘MR THOMAS CRAIG fits as Justice deput for the most part; only *Naper of Merchistoune* fits the two first months. And *Sir Simon Prestjoune of Craigmillar* had a Commission to be Justice General for a short time, viz. from 22 Jan^{ry}, 1565, to the end of the next Feb^{ry}. The reason seems to be, that at that time, *Argyle* had joined the discontented Lords who had took arms after HENRY DARNLIE’S Marriage with THE QUEEN, chiefly because he had been proclaimed KING without taking the advice of the Great Lords, or asking the consent of the States of the Kingdom.—Vid. *Home’s Hist. of the Douglasses*, in Earle Mortoune’s life, p. 287; and *Spots. Hist. ad. ann. 1564*, p. 190, *et seqq.*’

¹ At Edinburgh.

² MS. Coll. Adv. Library, M. 5. 14, p. 66.

[*Mr Thomas Craig, Justice Depute.*]

Treasonable Conspiracy — Imprisoning the Queen in her Palace of Holyrood — Murder of David Riccio, &c.

[THE minute circumstances attending the bold but unmanly Conspiracy for the Murder of THE QUEEN'S favourite, DAVID RICCIO, have been so frequently detailed, that it is not the Editor's intention to intrude any lengthened observations upon the reader's notice, in this place. It will be found that, in the text as well as in *the Appendix* to this reign, many interesting particulars have been collected, which are now for the first time laid before the public, equally illustrative of this Treasonable and atrocious fact and of the subsequent Murder of KING HENRY (Darnley.)

Reference may be advantageously made to the Collections of *Anderson* and *Keith*, and to the Histories of *Laing*, *Robertson*, *Chalmers*, &c. for many important PAPERS, each of which throw additional light on the disastrous consequences resulting from this bloody and barbarous transaction.

The following Trials of THE LAIRD OF CAMBUSHMICHAELE and his two associates, and of HENRY YAIR, have fortunately been preserved in *Sir Ludovick Stewart of Kirkhill's MS. Collections*.¹ As was formerly observed, the original Criminal Records of this period have long since been destroyed; but it would appear, that the Volume in which these Trials was inserted must have been extant in the reign of Charles I, when this eminent Lawyer flourished. From the same source also, the Editor has recovered the following brief *Memoranda*, containing particulars,² which are thought of sufficient importance to be preserved along with the Trials to which many of these circumstances relate.

‘ ANE COMPENDIOUS NOTATION of *matters interpryfed and done sen* þE QUEEN'S MA. *comeing out of FRANCE to this her graces realme, þe 19 Augustij, 1561.*³

‘ IN the first, the Slaughter of þE EARLE OF HUNTLY wes vpon þe 28 day of October (1562), at Brunalfoure, (*the Battle of Corriehie.*)

‘ THE EARLE OF LENNEX came to Scotland þe 21 day of September 1564, and his restoring wes in þe Tolbooth of Edr by ane Parliament haldine þe . . . day of . . . 1564.

‘ The Hame-comeing of MY LORD DARNLEY, his son, out of England, wes þe 12 day of Feberij, 1564-(5.) He wes made Duke, Earle, Lord, and Knycht, in the moneth of Jully, and wes Cronnit be THE QUEEN'S MA^{TIE} with þe CROUNE OF MATRIMONY, vpon þe 28 of þe said moneth: And vpon þe morne, his Mariage wes with þE QUEEN'S grace, in þe Abbay of Hallyroodhous, with the Mefs,⁴ and came to Preaching twa Sundays nixt þairafter; and never after, vnto deceife.

‘ The Lords underwrittine were BANISHED for not consenting to the forsaide Mariage. Ther reason wes, becaufe þE QUEEN wold not grant to þe establisshing of þe true RELIGION, and they remainit in *England* thrie moneths, or þairby.

‘ *The names of the Lords, Barrons, and principall Gentlemen, that depairtit to England.*

‘ James Duke of Casteleherault, James Earle of Murray, Alexander Earle of Glencairne, Robert Lord Boyd, Lord Vchiltrie, Gawine Commendator of Kilwining, Earle of Rothes, Archbald Earle of Argyle. (but he remainit in Argyle,) Sir William Kirkaldie of Grange, kny^t, Monypenny of Pitmillie, younger.

· The quhilkis Lords fould have been fforfaulted in ane Parliament quhilk wes halden at Edr þe 18 day of March 1564-(5), THE KING not reforting þairto, but playing him where he thought best. On þe quhilke þe Earle of Huntly fould have been restored, quhilk be þe Slaughter of SEINZOUR DAVIE (‘ R1510,’⁵) ane Italian, who fould have bein made ane Lord and ane Laird vpon þe morne, wes stayit and continwit. The said Slaughter wes committit vpon þe 9 of March, at even, be thir perfons follow-

¹ *Robert Milne's MSS. Adv. Library, W. 3, 18, pp. 74 and 75.*

² *Sir Lud. Stewart's MS. Collections, ib. p. 359.*

³ ‘ This taken out of the 3d Vol. of Hope and Durie's Practiques, last leafe thairof.’ *R. Milne's note.*

⁴ See *Notice* prefixed to Jun. 14, 1567.

⁵ *R. Milne's note.*

ing, viz. James Earle of Mortone, Patrick Lord Ruthven, who tore him out of THE QUEEN hir armes, William Maister of Ruthven, Patrick Lord Lindsay, Sir William Maitland of Leithingtoun, kny^t, Secretar to our foverane lady, Mr James McGill of Rankeillour-Neather, Clerk of Register, with pair assisters, kinn, freindis, and fervants. Quhilk SEINȝIOR DAVIE they flew in THE QUEEN'S Chamber, and in hir graces prefence.

‘ And þe LORDIS quhilkis of befoir wer Banished, vpon þe morne they came to Ed^r, and they got pair peace fra þe QUEEN'S grace. And þairefter her grace fled to *Dunbar* and guydit þe countrie, and Banished þe saidis LORDS quhilk were þe Slayers of þe said SEINȝIOR DAVIE, and put þaim furth of þe realme.

‘ For the quhilke Slaughter *Thomas Scot of Camfmjchaell*, schereffe depute of Perth, and *Henry zair*, fervants to my Lord Ruthven, were HANGED and QUARTERED.

‘ To the quhilke Slaughter THE KING constitute (*consentit*?) and went with þaim to þe QUEEN'S grace Chamber; and þairefter denyed þat he consentit þairto, quhen þe LORDIS were out of þe realme, bot said he wes compellit be þaim to consent þairto, or else they would have slaine him.

‘ THE NATIVITIE and birth of our noble PRINCE wes in THE CASTLE OF ED^r þe 17 Junij, at ij hours, in þe year of our Lord 1566. His Baptiseing wes in Stirling, be THE BISCHOP OF ST ANDREWS þe 10 of December, þe forsaid year. THE KING OF FRANCE and þe QUEEN OF ENGLAND, be þe Ambaxattis, being witnessis, to witt, MONSEOR DE BREAME (for þe King of France,) and þe EARLE OF BEDFURD for þe Quein of England. The said Quein sent ane Funt of Gold to his Baptiseing, with operis great Gifts were given at þe said Baptiseing. The said Monfeor de Breame namit him, be command of þe King of France, CHARLES; the said Erle of Bedfurd namit him, be command of þe Queen of England, JAMES, quhilk we retein.

‘ THE KING came not to þe said Baptizme, bot many of þe LORDES waitit vpon þe EARLE OF BOTHWELL quhilk were present at þe said Baptizme. THE KING went to Glasgou soon after, and remained pair quhill Januarij. And þan þe QUEEN'S grace and þe LORDS quhilke were þair, in þe Court, went for him to bring to Ed^r 1566.

‘ Att þe said Baptizme þe LORDS quhilke were Banished for þe Slaughte of SEINȝIOR DAVIE were relaxit, and came home to this countrie. THE LORD RUTHVEN are (is) in England.

‘ THE KING remained and lay in þe KIRK OF FEILD, and divers tymes þe QUEEN came to sie how he did, he being very sick, 1566-(7). He being in his bed þe 9th Feb^r at twa in þe bell after midnycht, wes blawine in þe air, and þe hail lodging, William Tailzeour being also murdered with him, who wes his fervant, in anno 1566-(7).

‘ THE EARLE OF MURRAY departit to FRANCE, within ane moneth after þe said Slaughter.

‘ THE PRINCE wes sent to þe LORD ERSKINE in STIRLING þe 8 of March, þe year of God 1567; and he delyverit þe Castell of Ed^r to her grace þe same day, quhilk thee gave in keeping to *Schir William Cockburne of Scirling, kny^t*, who keipit þe famin till þe 22 of Appryll, and þan *Schir James Balfour of Pittendreich, knicht*, Laird of Burghley, was made Captane þairof.

Without attempting to collect into one view the various information which is scattered through the Appendix to this reign, so far as is illustrative of many of the important matters connected with these tragical proceedings, the Editor begs merely to refer to these, in addition to the numerous Collections of State Papers and Histories which treat of the Life and times of MARY QUEEN OF SCOTS. The forthcoming Volumes of *Mr Fraser Tytler* may safely be consulted for an impartial summary of that eventful and hitherto doubtful period of Scottish History, which, it is confidently expected, will receive much new and important light from that author's critical acumen and patient research.

It may be mentioned here that in these Records, and other authentic documents, the name of Queen Mary's Secretary was DAVID RICCIO, not ‘ RIZZIO,’ as his name has vulgarly been written, almost uniformly, by all our popular Historians.]

Apr. 1.—THOMAS SCOTT OF CAMBUSMICHAELL, Shereffe Depute of Perth,¹ William Harlaw, and John Mowbray, burgeffes of Edinburghe.²

ASSYSE.

The Laird of Langtoun,	Alex. Home, burges of Edr,	James Nicoll, Baillie,
The Laird of Whytelaw,	William Forrester, in Leith,	John Hamilton, merchant,
Andro Hamilton of Cochma,	Walter Cant, ther,	The Laird of Cambusnethan,
The Laird of Skirling,	Cuth. Ramfay, burges of Edr,	Alexander Bruce, barges of
A. Stewart, Tutor of Castelmilk,	William Fouller, Baillie,	Edinburgh.

William Fouller and James Nicoll, Baillies, protestit, pat pair passing upon this Assyse be na ways prejudiciall to them, nor their offices³ in tyme cuning.

VERDICT. The quhilk day, the said Thomas Scott, William Harlaw, and John Mowbray, were Convict and Fyllit be the said Assyse of airt and pairt of the unlesum and treasonable Wacheing, warding, and halding in captivitie, with Convocatione of our foveran ladyes leidges, bodin in feir of weir, alse weill in seeret armour as with jakis, steill-bonnettes, gunnes, pistolets, swords, bucklers, Jedburcht-staffis, Halberts, and vperis wapnis invasive, be themselves and vtheris in pair names, of pair causeing, command, assistance, devysing, sending, and ratihabitone, of our said SOVERAN LADYES maist nobill persone, within hir maist seeret Chamber of her PALACE OF HALYRUDHOWSE, immediatelie and continuallie fra the comitting of the crewall and treasonable Slaughter of vmq^{le} Secretar DAVID RIZEW, quhilke wes upon the nyuth day of March last bypast,⁴ to the space of xlvij houres nixt paireftir, treasonable and maist awfullie stoping hir HIENES to use hir libertie in the meanetyme: Lykas, also, she hade bein haldin be pairm in prifon as jit, maist treasonable and wickitlie, had not bein that, be the provifione of God, she pairefter fred and delyverit hir selfe furth of pair hands, in maist sober and quiet maner, under silence of nycht; and, with grayte hafart of hir lyfe, past to hir CASTELL OF DUMBAR, for faittie thereof: And this they did upon set purpose, prouisioun, and foirthought felony.

And pairfor, DOME wes given and pronouncit be the mouthe of the Dempfter of the said Court, at command of the said Justice-depute, that pe said *Thomas* fould be HANGIT quhill he were deid, drawin, quarterit, and demaneit as ane traitour; and all his guidis, moveable and unmoveable, lands, heretages, annual-rents, takis, offices, steidings, possessiones, and uthers whatsumeuer, to be FORFAULTIT, and Escheit to our foverane ladyes use, at her pleasure.⁵

¹ 'He was HANGED and QUARTERED.'—*Spotswoods Hist.* p. 195.

² They were both spared at 'intercession of Earle of Bothwell.'—*R. Milne.*

³ As being two of the Baillies of Edinburgh, at the time of the trial.

⁴ 'MONS^r SINGNIOR DAVID ves flane in HALYRUDHOUS, pe ix day of Merche, anno 1565.'(6.)—*Kirk Sessio Records of Canongate.*

⁵ Mar. 31, 1566, *Item*, to SNAWDOUN, Herald, &c. passand of Edr, with Lettres to serche, &c. pe escheit gudis pertening to THOMAS SCOTT of Cambusmichaell, being in captivitie, and to be accusit of certane pointis of *Trejjone*, off pe quhillis he wes conuict and justicet to pe deid, iij li. xvj s. *Treas. Acc.*

High Treason — Treasonable Conspiracy against the Queen and Privy Council, &c. — Murder of David Riccio.

Apr. 1.—HENRIE YAIR,¹ delaittit of Treafone following.²

ASSISA.

Lawrence Symfon, burges of Ed ^r ,	Robert Ker, merchant in Ed ^r ,	Wm. Anderfone, candlemaker,
John Gilbert, goldsmith,	Alexander Haistie, there,	Alexander Bruce, in Edinburghie,
Thomas Ewing, goldfmyth,	John Watfon, merchant there,	Allan Dickiefone, ther,
Gilbert Scowgall,	James Forrett, there,	William Rae, cutler,
Capitane Robert Lawder,	Edward Litle, merchant ther,	Robert Eviot, in Mertoun.

VERDICT. The quhilk day the said *Henry Yair* wes Convict and Fyllit be ane Assyse, of airt and pairt, assistance, fortifeing, supplying, ratihabitoun, and concealling of the treasonable Conspiracie, convocatione, and gadding of our soveranes leigeis, to the number of fyve hundreth perfonen, hoddin in feir of weir, alfeweill in secreit armour, as with jaks, steill-bonnetes, gummes, pistoletis, swords, buklers, Jedburcht-staues, halberts, and vtheris waipones invasiue; and entering therewith, treasonable, within pair MAJESTIES PALLICE OF HALLY-RUIDHOUS, purposlie to have put violent hands on our SOVERANE LADIES maist nobill perfone, haldin and demaneit the famyne at ther pleasure; and siclyke, to haue flane or otherwayes demaneit, as they thought expedient, THE LORDS of hir hienes SECREIT COUNSALL and SESSIONE, and vtheris hir Ministers and Officiars, being within hir Pallace and in her fervice for the tyme; and pat upon the nyuth day of March last bypast, under silence of night, at aught houres at even or pairby, it being the tyme of Parliament current. AND for performing this pair maist wicked and ungodlie purpose, they then maist treasonable rushit and enterit within pe said PALLACE, tuike the famen at pair own hands, rest the keyes pairof fra the Porters, clost the yetis, and made paimselfes as principalls and maisters pairintill, our soverane Lady being for the tyme in her maist secreit Chamber pairof, att hir quietnes, having na feir nor dreidour of hir subjects, to whom hir grace at all tymes had been maist beneficiall,³ guid, and mercifull; and pair maist crewallie, with drawin swords, whingers, bendit pistolls, and vthers wapones invasiue, perfewit and invalidit umq^{le} Secretar DAVID RICCIO, hir hienes familiar fervaund, pan in companie within hir hienes Chalmer forsaid, and slew him treasonable and unmercifullie, in presence of our said SOVERANE, and pat violent hands in our SOVERANE LADYES maist nobill perfone, in defence and faitie of the said umq^{le} DAVID; held, deteinit, and preffit the famen maist awfullie and treasonable, till they had committit pe said Slaughter in hir presens, as said is, hir MAJESTIE being pan great with chyld; giveand to hir hienes

¹ 'Somtyme a Preist.'—*R. Mylne's MS.* See Notice to preceding Trial. Having renounced Popery, he became one of LORD RUTHVEN's retainers. See *Keith*, 334. ² 'For accession to David Riccio's Murder, 9 March, 1566. Wes hanged and quartered. Spotswood's Hist. p. 195.'—*R. Mylne's MS.* ³ Beneficent.

occafion, throw dreadour and difpleafure ſhe conceavit, be the fight of the ſaid crewall Slaughter and maner pair of, and be the detaining and thriſteing of hir awn perfone in violent maner, as ſaid is, to pairt with hir birth: AND immediatlie therafter, feirſchit and fought the ſaidis Lordis, Miniſters, and Officiars being within the ſaid PALLACE, to haue flaine them; and ſwa had don, had not bein the pleaſure of God they eſcapit:¹ AND ſwa, ſeing themſelues diſapoyntit in þat behalfe, through pair evaſion, at pair pleaſure, in treaſonable maner, detainit and held captiue the remanent Lords, Miniſters, and officiars within the ſaid PALLICE, fra the ſaid hour, at aught, while² tua hours after midnight, þat ſamen night, continually; upon ſet purpoſe, proviſion, and foirthowght felony. ITEM, for airt and pairt of the unleſum and treaſonable Warding and halding in captivitie, with Convocation foreſaid, boding in feir of weir, as ſaid is, be himſelfe and uthers his complices, of our SOVERANE LADYES maift noble perfone, within hir ſaid Chalmer of hir PALLACE OF HALYRUDHOUS forſaid, immediatlie and continuallie frae the committing of the ſaid crewall treaſonable Slaughter, quhilk wes at the tyme forſaid, to the ſpace of forty-aught hours nixt therafter; treaſonable and maift auſullie ſtoping hir HIENES to uſe hir libertie, in the meanetime: Lykeas alſo, ſhe had bein halden be them in priſone as yit, had not bein that, be the proviſione of God, ſhe therfor fled and delyverit hirſelfe furth of ther hands, in maift ſober and qwyet maner, under ſilence of night; and with great hazart of hir lyfe, paſt to THE CASTELL OF DUMBAR, for ſaiftie of hir lyfe; upon ſet purpoſe, proviſion, and foirthowght felony.

And theirfore, DOME was given and pronuncit be the mouth of the Dempſter of the ſaid Court, att command of the ſaid Juſtice Deput, that the ſaid *Hendrie* ſould be HANGIT while he were deid; drawin, quarterit, and demaneit as ane traitor; and all his moveable and vnmmoveable lands, heretadges, annualrentis, tacks, offices, ſteidingis, poſſeſſiouns, and uthers whatſomever, to be FORFALTIT and Eſcheat to our ſoverane, to be uſed and diſponed be hir MAJESTIE, at hir pleaſure.

Warding the Queen in Halvrudchouse, &c. — Murder of David Riccio.

Apr. 6, 1566.—THOMAS TAIT, David Aikinheid, Johne Kafs, Thomas Paterſoun, Nicoll Galwey, Johne Cochrane, and Gilbert Weche,³ induellaris in Dalkeyth, John Hunter in Cowſland, Alexander Hoge in Dalkeyth, Williame Archebald in Muſſilburcht, James Cuthbertſoune, Johne Mowe, Johne Stevin-

¹ 'Their names wes Huntlie, Argyle, Bothwell, Sutherland, Cailhnes, Lords Flemyng and Levingſton,' &c.—See *Spotswood's Hist.* p. 194. Item, *Home of Godſcrof's Hist.* p. 292. *R. Mylne's MS.* Note. ² Until. ³ Veitch.

foune, and Adame Watfoune, induellaris in Dalkeyth, found furety to underly the law, 'vpoune sex dayis warning, ffor the treafounabill wacheing, warding, and Imprifoning of our foueran lady within hir PALICE OF HALYRUDHOUS.— (Apr. 8.) JOHNE SMYTH, elder in Coufland, found furety in like manner for the fame crime.

Abiding from the Raid of Crawford-Dowglas.

Apr. 8.—WILLIAME GOLLOK in Peblis, found furety to underly the law, on Apr. 23 instant, for treasonably Abiding from the King and Queen's Army, ordained to conveen at Crawford-Dowglafs, on Oct. 7 laft.

Imprifoning the Queen in Holyroodhouse, &c.

Apr. 10.—GEORGE SCHEWES in Fentoun, Williame Levingtoun in Dirltoun, and Johne Craike in Gulane, found Andro Commendater of Jedburgh, and others, fureties for their entry, on fix days warning, to underly the law 'ffor the treasonabill Wacheing, warding, and imprefoning of our foueran lady within hir Palice of Halyrudehoufe.'

Murder of 'Senzeour David' (Riccio).

JUN. 1.—THE *Supplicatioune of WILLIAME QUHITE, cordiner in the Cannogait.*—SOUERANNIS lord and lady, vnto your MAIESTEIS, and Lordis of your Maieftis maift honorabill PRIUE COUNSALE, huimlie menis and fchewis I your feruitour *Williame Qwhite*, cordiner in the Cannogait: That quhair I gave in my Supplicatioun to your Maieftis of befoir, fchewand, that for feir (of) being focht at my houfe, the morne eftir your hienes cuming to this Toun,¹ furth of Dumbar, I efchewitt,² and durft nocht compeir befoir your MA^{TEIS} and Counfale, to anfuer to sic thingis as fuld be laid to my charge; albeit in veritie, as be my vper Supplicatioune I notefeit and declarit pat I wes nocht prefent at þe SLAUCHTER of SENZEOUR DAVID, your hienes Secreter,³ nor zet wes of counfale, arte nor parte of þe famin, nor neuir knew pairof, quhill⁴ *Alexander Carpentyne* aduerteift me in my awin houfe of the famin; and come nocht out of my awin houfe pat nycht: And offerit me to find cautioune to vnderly the law þairfor: Quhilk your graceis and Lordis of your Counfale ordanit to be reffaut; and I immediatlie þaireftir fand þe famin to þe Clerk of your hienes Counfale: Nochttheles, I as zit can nocht be relaxit fra þe horne, bot baith my fouerté ftandis, and I remane at the horne. HEIRFOIR I befeik your MA^{TIES} and Lordfchipis, that ze will ordand⁵ Letteris to be direct to relax me fra þe procefs of horne led

¹ Edinburgh.
and afterwards deleted.

² Escaped; absconded.

³ The word 'feruand' had been first written,
⁴ Until.

⁵ Ordain, decree.

vpone me, in maner foirfaid, reffane me to þe peax, and gif to me þe wand pairof,¹ becaus I have already fundin cawtionne to þe faid Clerk of Counfale, in maner aboue writtine : And ʒour hienes anfuer huimlie I befeik.²

APUD ED^B, *primo Junij, anno 1566.*—THE LORDIS OF SECRETE COUNSALE Ordanis the Justice-Clerk and his deputtis to reffave fouirté of this complener, that he fall compeir and vnderly the law eftir þe forme of this Bill, the thrid day of the Aire, or foner, vpoune xv dayis warning, vnder the pane of ane hundreth pundis : And þe faid fouirté being fundin, Ordanis Letteris to be direct to relax him fra þe horne. HUNTLIE. JAMES STEWART. MAR. BOITHWELL. ATHOILL. CAITHNESSE.

‘JOHNE HART,³ indueller in the Cannogait, became plege and fouerte,’ &c., in obedience to the above deliverance.

Murder of ‘Senʒour David Riccio.’

Jul. 2.—JAMES ʒOUNG, cutler, burges of Edinburgh, and Thomas Broune, cordiner there, found surety ‘that thai fall compeir befor the Justice, or his deputtis, the third day of the nixt Justice-aire of Edinburghe, or fouer, quhenne and quhair it fall pleisè our fouerannis lord and lady, vpone xv dayis warning, to vnderly the law ffor arte and parte of all counfaling, devising, and actuale deid, of the Slauchter of vmq^{le} SENʒEOUR DAUID RICCIO ; after the forme and temmour of thair Supplicationne gevin in to the Lordis of Secrete Counfale thairupoune, and vudir the panis contenit in the Actis of Parliament : And this fouerté wes reffaut be command and deliuerance of the faidis Lordis.

SUPPLICATIONNE for James ʒoung, cutler, and Thomas Broune, cordiner.

VNTO ʒOUR MA^{teis} and LORDIS OF SECRETE COUNSELL, vnto ʒour lordschipes humblie menis⁴ and fehewis, we ʒour graceis feruitouris, JAMES ʒOUNG, cutler, burges of Ed^f, and Thomas Broune, cordiner pair : That quhair, upone þe nynt day of March lastbipast, the tyme of þe Slauchter of vmq^{le} SENʒEOUR DAUID RICCIO, within ʒour MA^{teis} Palice of Haltryndehoufe, we wer in our awin houffis at supper, ignorant of the thing attemptit, quhill⁵ þe Commoune-Bell rang : At quhilk tyme we past in cumpany with the Prowest, as mony ma did, to þe ABBEY, and þat fame nycht returnit agane and past to our beddis within our awin houffis. On the morne, being Sounday, we wer befor noyne⁶ in the Kirk, and eftir noyne wes in our awin houffis. Vpoune Monunday in the morning, being comandit be Alexander Cuke, officiare, we past to þe Abbay, and remanit all day quhill nycht. This is þe simpill and plane trewth of our pairties. And þairaftir, at þe QUENIS MA^{teis} returning fra DUNBAR to þis burcht, being informit þat HIR HIENES was specialie offendit with ws, for feir absentit our felves ; and swa wes putt to the horne. HEIRFOR, we befeke ʒour MA^{teis}, fen we ar innocent of all counfaling, diuifing, and actuale deid of þe faid Slauchter, and is content to vndirly þe law pairfor, that

¹ A rebel was relaxed from the horn by the symbolical delivery to him of ‘the wand of peax’ (peace); which, on the contrary, was broken asunder by a Herald, Pursuivant, or Messenger-at-Arms, in cases of *deforcement*, &c. Each Messenger of the present day, on his appointment, still receives a small rod tipped with silver, having the King’s blazon, &c. A movable ring, or slide, is so constructed as to slide from one end to the other. When deforced, the Officer pulls out his baton, or rod, and, in place of snapping it asunder, slips the ring before described from one end to the other, before witnesses, and publicly announces his *deforcement*; which he afterwards certifies in a regular ‘Execution,’ *i.e.* official attestation of the fact. See also Nov. 18, 1511, and Oct. 11, 1531, *Notice*, for other particulars relative to the ‘WAND OF PEAX.’ ² ‘I ressaut na souertie, (*Signed*) J. HAY.’ ³ Probably father, uncle, or near relation of ANDRO HART, the well-known Printer. ⁴ Complains; literally, makes *moan*. ⁵ Until.

⁶ Before noon; at the morning service.

your MA^{tes} will gif command to your Justice Clerk and his deputies, to resseve fouertie of ws, that we fall comper and vnderly pe law pairfor, the thrid day of pe nixt Justice-aire of Ed^r, or soner, vpoune xv dayis warning, vnder the panis contenit in pe Actis of Parliament; And pe said fouirtie being fundin, that we may have Letteris to relax ws fra pe said proces of horne led vpoun ws in pe said mater, resseve ws to your MA^{tes} peace, and gif to ws pe wand pairof.¹ And as for remaning in pe said ABBEY the said Monunday, insofar as your hienes is offendit pairwith, we submit ws in your gracious will and mercye. And your gracious anfuer huimlie we besek.—APUD ED^r, *secundo Julij*, 1566 THE LORDIS OF SECRETE COUNSALL Ordanis the Justice Clerk and his deputes to resseve fouirtie of thir James young and Thomas Broune, that pai fall compeir and vnderly the law the thrid day of the nixt Justice-aire of Ed^r, or soner, vpoune xv dayis warning, efter pe ferme of pair Supplicationone, and vnder the panis contenit in pe Actis of Parliament: And the said fouirtie being fundin, Ordanis Letteris to be direct to relax jame fra pe horne. HUNTLIE. JAMES STEWART. JO. ROSSEN.²

Murder of David Riccio.

Jul. 4.—WILLIAM JOHNSTOUNE, bower,³ burges of Edinburghe, found Robert Campbell of Kinzeanclench surety for his entry at the next Justice-aire of Edinburgh, &c. to ‘vnderly the law efter the forme of this Supplicationone vnder-written,’ &c. The Supplication and deliverance are *verbatim* the same as in the case of young and Broune.

Murder of Secretar David Riccio.

Jul. 10.—ANDRO ARMESFRANG, burges of Edinburgh, found surety to vnderly the law, conform to the following Supplication and deliverance of the Lords of Secret Council.

SUPPLICATIONE for Andro Armesfrang, burges of Edinburghe.

MY LORDIS of Secrete Counsele, vnto your lordschipes huimlie menis and schewis, I your seruitor, Andro Armesfrang, burges of Ed^r, that quhair estir pe Slauchter of vng^{le} SECRETAR DAVID RICCIO, committit within our fouerannis Palice of Halyrudelous vpone pe nynt day of Marche lastbipast, I (as mony ma⁴) chanceit to pas to pe said Palice, and to be present at the Wache⁵ kepit pairin, albeit I wes navyise of pe counsale, diuising nor foirknowledge of pe said Slauchter, nor present at pe actuale deid of pe famin: for pe quhilk I am content to abyde pe law. This is pe sempill trewth of his parte; and zit, hering pat our foueran was offendit with me at hir graces returning from Dumbar, for feir I absentit my self, and swa was putt to pe horne. HEIRFOR, I besek your lordschipes that I may have command to pe Justice Clerk and his deputtes, to resseve fouerte of me, that I fall compeir and vnderly pe law the thrid day of pe nixt Justice-air of Ed^r, or soner, on xv dayis warning, quhen and quhair it fall pleis our fouerannis for all connsaling, devyng, and arte and parte of pe actuale deid of pe said Slauchter, vnder the panis contenit in pe Actis of Parliament: And the said fouirtie being fundin, that I may have Letteres to relax me fra pe proces of horne led vpone me in pe said mater, resseve me in our fouerannis peax, and gif to me pe wand pairof: And your answer, &c. APUD ED^r, *x^o Julij anno I^m V^c lxxv^o*. THE LORDIS OF SECRETE COUNSALE Ordanis the Justice, Justice Clerk, and his deputtis, to resseve fouertie of this complenar, after pe forme of pis Supplicationone. And pe said fouirte being fundin, Ordanis Letteris to be direct to relax him fra pe horne, in maner desyrit.

ARGYLE. JAMES STEWART. MAR.

¹ See note to Jan. 1, 1566, &c.
See Feb. 12, 1565-6.

⁴ Many more.

² JOHN LESLY OF ROSS, the well known Historian, &c.

⁵ Watch, or guard.

³ Bow-maker,

Murder of ' Sencor Dauid Riccio, &c.'

Jul. 23.—GEORGE TOD in Dirltoun, and Alexander Robertfoune there, found Alexander Hammiltoun of Innerwik furety for their entry at the next Justice-aire of Edinburgh, ' or soner, quhen and quhair it fall pleife our fouerrannis lord and lady, vpoune xv dayis warning, to vnderly the law for art and parte of the crewale Slauchter of vniq^{le} SENEOUR DAUID RICEIO: And treasonabill Wacheing, warding, and imprefoning, of our foueran lady within hir Palice of Halyrudehoufe.'—Andro, Commendater of Jedburgh, band and obleift him to freyth, releve, and keip skaithles the said Alex^r Hammiltoun of the cawtioune aboue writtine, and all panis that he fall happin to incur thairthrow.

Caution for the Parson of Renfrew.

July 26.—MAISTER ANDRO HAY, Perfoun of Renfrew, found Hew Wallace of Carnall furety for him, ' that he fall remane in fré Ward within the burcht of Dunbar, and twa mylis round about the famin; and fall on nauywife efchaip nor efchew, vnder the pane of ffyve Thowſand merkis, conforme to the King and Quenes Precept direct thairupoune to the Justice Clerk.'—'*Deletur ex Precepto Regine.*'

(Sep. 7.)—He found caution to enter and underly the law, ou xv days' warning

(Jan. 29, 1566-7.)—JUSTICE CLERK, We greit 3ow, pat incontinent eftir the ſycht heirof 3e delete *Maifter Andro Hay*, Perfoune of Renfrewis, cautioner, out of 3our bukis, ſua pat pair be na mair memorie pairof, and pat na forther executione paſſ pairupoun, bot þe ſamine to remane as for3ett¹ for eur; keptand þis our Precept for 3our Warrant. AT LYNLYTHGW, þe xxix of Januar, 1566.

MARIA R. FIAT.

Murder of ' Secreter Dauid Riccio,' &c.

Jul. 31.—RICHERT CRANSTOUN of Skaittiffuſs, found William Newtoun of that Ilk, furety for his entry at the next Justice-aire of Edinburgh, within the Conſtabulary of Haddingtoun, &c. ' to vndirly the law, ffor the ſlauchter of vniq^{le} SECRETER DAUID RICCIO, committit vpoune the nynt day of March laſtbipaſt: And Wacheing and Warding of our ſouerrannis lord and ladyis maift nobill perfounis, within hir awine Palice of Halyrudehoufe.'

Caution for the Laird of Ormiston.

Aug. 3.—JOHN COKBURNE of Ormeſtoun found Thomas Hammiltoun of Prietiſfield, burgeſs of Edinburgh, Cautioner for his entry at the next Justice-aire of Edinburgh, &c., to underly the law for all crimes to be imputed to him, by Warrant of the Lords of Council.

¹ Forgotten.

Counterfeiting and Uttering 'Lyonis vtherwise callit Hardheidis.'

Aug. 14.—'ANDRO JAK, burges of Abirdene,' found surety (500 merks to underly the law at the next Justice-aire of Aberdeen, for arte and parte of the treasonabill Counterfutting of thair hieneffis cumze,¹ callit the prent of LYONIS, vperwyife callit *Hardheidis*;² and hamebringing pairof furth of vthir realmes, and outputting of the famin amangis thair subjectis, in contrair the Actis of Parliament.

(Nov. 11.)—John Robertson, James and John Ewyne, and George Burnet, burgeses of Aberdeen, found caution to vnderly the law for the same crime.

Convocation — Inbading Laird of Pharnyherst.

Aug. 20.—ALEXANDER, LORD HOME, Alexander Home of Manderstoune, Alex. H. of Hutounhall, Marke Home, sone to the Lard of Coldinknowis, William Trotter in Foulshetlaw, and James H. in Chyrnefyde-manys, found surety to underly the law at the next Justice-aire of Berwick, 'ffor Conuocatioun of thair hieneffes liegis to the nowmer of ane Thowsand perfones, bodin in feir of Weir, at twa findry tymes in þe moneth of September, or thairby, 1564; off the cawfing, fending, command, and ratihabitoun of Dame Katherine Ker, Lady Pharnyherst: And cuming to the grund of the landis of Keilling, with thair pertinentis, and vtheris adjacent thairto, lyand within the scherefdome of Roxburcht, ffor Invasioun and persewing of Sir Thomas Ker of Pharniherst, kny', and vtheris, his kyn, freindis, and servandis; at the leift trubling (the peax) of the cuntré, lyke as thai trublit and brak the famin.'

Slaughter.

Sep. 18.—WILLIAM LAUDER, brother german of Gilbert Lauder of Balbardie, found caution to underly the law at the next Justice-aire of Berwick, for the cruel Slaughter of George Wedderat, burges of Lauder, committed in the month of September, 1565.—(Sep. 19.) Robert, and Richard, son and heir apparent of Robert Lauder of that Ilk, and Robert Lauder, son of umq^{le} Thomas Lauder in St Leonardis, found caution to answer for the same crime.

Caution for the Laird of Brighouse.

Sep. 24.—JAMES WODDERSPVNE of Brighous, now being in Ward within the Palice of Halyrudehouse, found surety (Williame Lauder of Haltetoune) that he fall re-enter in Ward, within twentye dayis nixt eftir he be requyrit be our souerannis, in quhat place thai pleise, vnder the pane of Fyve Thowsand pundis.

¹ Coin. ² *Hardits*, *hardies* or Lions, copper coins, then of the value of three halfpence, but they were afterwards depreciated to one penny by Regent Morton. See Appendix to this reign, for severe examples made on forgers and importers of base money.

Convocation — Invasion — Mutilation.

Sep. 25.—ROBERT and JOHN SANDIS, indwellers in Leith, George and Johne Chalmer, Thomas Dikfoun, George Pantoune, and James Lychtman, found John, William, James, and Adam Logane, and William Lyndfay, in Restabrig, and Robert Vause, in Leith, surety for their entry on xv days warning, to underly the law, after their return from Lochbrune,¹ for Convocation of lieges, and Invading Captain William Blacader, *alias Capitane Williame*,² for his slaughter, and Mutilating James Donaldfoune his servant.—(Oct. 7.) Alexander Dikfoune, in Currie, found caution to answer for the same crime.

'Umbesetting the gaitt' to Lord Oliphant.

Nov. 14.—LAURENCE BRUCE of Colpmalindeis found Sir Hew Kenne-dye of Girwanmaynis, kn^t, surety for his entry, on Nov. 27, to underly the law for art and part of Convocation of the lieges, and 'Umbesetting the gaitt' to Laurence Lord Oliphant for his slaughter.

Treasonable Murder of King Henry — Seizing the Queen's person and Imprisoning her in the Castle of Dunbar — Compelling her to Marry the Earl of Bothwell, &c.

[As the circumstances connected with these horrible transactions are already so familiar to all who are in any measure conversant with the history of Scotland, it is considered unnecessary to collect from all the scattered sources the various voluminous Papers which elucidate the whole particulars. It is enough to refer the reader to *Lainy's* elaborate Dissertation, *the State Trials*, *Anderson's* Collections, *Keith's* History, &c. Unfortunately, no traces of Trials for this crime now remain in the Books of Adjournal; but the following brief abstract appears in *Sir Ludovick Stewart's* Collections.³ The *Acts of Parliament*⁴ ought likewise to be examined, in farther illustration of the subject, and of all the Trials for Treason and the numerous Forfeitures and Restorations during this and the subsequent reigns.

In THE APPENDIX to this reign, also, the reader will find a great variety of interesting and minute information regarding DARNLEY'S Murder.

The Kirk Session Records of Canongate thus quaintly notices the event: 'THE KING(IS) grace blaven vp v^t bud'⁵ in þe KIRK OF FEILD, the x of Februar 1566-(7.) It is worthy of notice that the same Session Records preserve the following highly interesting minutes of the Solemnization of the Marriage between King Henry and Mary Queen of Scots.

(From the MINUTES of the Kirk Session Record of Canongate.) Jul. 21, 1565.—'THE quhilck day Johne Brand, Myuifter, presentit to þe KIRK ane Writtine,⁶ writtine be þe Justice Clark⁷ hand, defyrine þe KIRK OF þe CANNOGAIT and Myuifter þairof to proclame HARIE DUK OF ALBAYNYE, Erle of Rois, &c. one þe one part, and MARIE be þe grace of God QUENE OF SCOTTIS,⁸ fonerane of this realme, one þe vpair part. The quhilck þe KIRK ordans þe Minister so to do, with inuocatione of þe name of GOD.'

¹ A celebrated station for herring fishers, in Ross-shire. Ullapool is its principal harbour. ² See his Trial, Jan. 14, 1567.

³ *Stewart's MSS.* Adv. Lib. (among *R. Milne's MSS.*) W. 3. 18, p. 31.

ed by Thomas Thomson, Esq. Deputy Clerk Register.

⁵ Powder, gunpowder.

⁶ Writing.

⁷ Sir

John Bellenden of Auchnoll.

⁸ The pen has been drawn through the words 'or SCOTTIS.'

(From the Register of PROCLAMATIONS, Kirk Session Records of Canongate.) Jul. 29, 1565.—
‘HENRY DUK OF ALBANY, Erl of Rois, MARIE be the grace of God QUENE fouerane of pis realme
—1, 2, 3.¹ Ma(rried) in pe CHAPELL’ (of Halyruid.)

(From the Register of MARRIAGES, Kirk Session Records of Canongate.) Jul. 29, 1565.—
‘HENRY AND MARIE KYNG AND QWEINE OF SCOTIS,’ &c.

The fate of the leading parties connected with DARNLEY'S Murder is well known. In reference to Nicholas Howbert, otherwise called *Paris*,² the Frenchman, he suffered death on Aug. 16, 1569, as appears from the Lord High Treasurer's Accounts,³ where charges are made for sending two of the quarters of his body to Perth and Dundee, and his head and one of his legs to St Andrews. His Confession and examination are given at full length in the Appendix of Documents illustrative of Darnley's Murder. They are dated at St Andrews, Aug. 9th and 10th, 1569. These important Papers were obtained from the Originals, which are signed on each leaf by *Paris*, and are still extant.⁴ But for the apparently accurate form in which they have been published by *Mr Laing*, the Editor would have deemed it proper to have had them collated carefully with the original MS., preserved in the *British Museum*.

Before concluding this brief notice, the Editor begs to call the attention of the historical enquirer to an extremely interesting NARRATIVE, written by JAMES EARL OF BOTHWELL, embracing his personal history after his flight from Scotland in 1567, his adventures upon the coast of Norway, &c. It has recently been printed from the original in the Royal Library at the Castle of Drottningholm, in Sweden, and was presented by Messrs Henry Cockburn and Thomas Maitland to the Members of the Bannatyne Club, under the title, ‘LES AFFAIRES DU CONTE DE BODUEL, L'AN. M.D.XXVIII.’⁵ An English translation also lately appeared in the *New Monthly Magazine*,⁶ in which work the authenticity of the document is fully established.]

(Apr. 12, 1567.)—JAMES ERLE OF BOTHWELL,⁸ James Orneftoun of pat Ilke,⁹ Hob Ormiftoun, his father-brother, Patrick Wilfoune, William Murray, Sim Armstrang, callit *Wantoune Simie*, Pareis¹⁰ Frenchman, (dilated) ffor the Murther of KING HENRIE, our fouerane lord's father, for feizing of THE QUEEN'S perfonne at the *Foul-brigis*, and Imprifoning of hir perfonne in THE CASTELL OF DUNBAR, and compelling her to compleit Mariage with him—for stuffing and halding of the said Castell, &c.

(Apr. 12.)—(SCHIR) PATRICK HEPBURNE OF WHYTECASTELL, kny^t, for airt and pairt of the Murther of THE KING, our fouerane lordis father, and vther crymes immediatlie preceeding.

High Treason — Murder of King Henry, &c.

[THE Case of CAPTAIN WILLIAM BLACKADER has not been noticed by *Laing*, although he has otherwise treated so fully of the proceedings against the Murderers of KING HENRY. The author of

¹ Proclaimed for the first and second times; the *third* time of asking is deleted. ² The *sobriquet* of ‘French Paris’ seems to have arisen from the place of his nativity; for he styles himself ‘Parisien’ in his Confession. See *Laing*, II, 270.

³ See APPENDIX, No. I, under dates Aug. 16 and 18, 1569. *Laing's* Hist. II, 32. ⁴ *British Museum*, Calig. B. IX, fol. 370, and Calig. C. I, fol. 318.

⁵ Quarto; privately printed for THE BANNATYNE CLUB, 1829. Copies may be seen in the *Brit. Mus.*, *Adv. Library*, and other public Libraries, &c.

⁶ See Letter from Mr Granberg, in *New Monthly Mag.* XIII, 521-537.

⁷ *Stewart* omits to insert the date. This was the first ‘diet’ assigned to the pannels, as appears by the *Treas. Acc.*

⁸ See also *Acta Parl.* Fol. edit. for numerous particulars explanatory of the proceedings adopted against him.

⁹ See his Confession, Dec. 13, 1573, immediately previous to his Execution, in *Laing's* Hist., II, 291; taken from *Anderson's MSS.*

¹⁰ This man's name was ‘*Nicholas Howbert, dict Paris.*’ See his Confessions in App. and *Laing's* Hist. II, 270, 281, &c.

‘ The Historie of King James the Sext,¹ from whose work *David Craufurd of Drumsoy* compiled his spurious ‘ *Memoirs of the Affairs of Scotland,*² narrates the circumstance very briefly, in these words : ‘ That fame verie nycht³ of hir transporting,⁴ tua men were tayne as suspect of THE KING’S Murther. The ane was callit *Sebastion de Villour*, a Frenchman of nation ; the uther was *Capten William Blakater*. This Capten shortly efter was put to the knowlege of a Juré, and was convict ; bot at his death wald nowayis confes himself giltie of THE KINGIS Murther. The uther escaipit.’

Birrel, in his ‘ *Diarey,*⁵ informs us, that ‘ the 24 day of Junij *Capitane William Blacketer* was drawin backward, in ane cairte, from pe Tolbuith to the Crollé, and ther wes hangit and quartred, for being on THE KING’S Muither.’ It will be seen by the Appendix to this reign, that his legs and arms were sent to Stirling, Glasgow, Perth, and Dundee, on Jul. 26, 1567.⁶ His quarters were fixed on the Tolbooth of Edinburgh, &c.

The following has been obtained from *Stewart’s MS.*⁷ Although the memorandum he has preserved is very brief, it has evidently been extracted from the Books of Adjournal, along with the preceding Trial of *Scott* and *zair*,⁸ &c.]

JUN. 14.—CAPTAINE WILLIAM BLACADER wes Convict and Fyllit be ane Assyße of airt and pairt of the crewill, odious, treasonable, and abominable Slaughter of THE KING’S father, vnder silence of night, in his awin ludging within the Burgh of Ed^r, beyde the (Kirk of) Field : And of the treasonable raising of fyre within the samyn, with ane great quantitie of Powder ; throw force of the whilk, the said hail lodging wes raisit and blawin in the aire, and THE KING (HENRY) crewallie and treasonable flaine and distroyit be the said Captaine ; vpon fet purpose, prouisioun, and foirthought felonie : And this he did vpon the nyynth day of Feberij, 1567. For the whilke cryne the said Captaine William wes execute.⁹

High Treason — Murder of King Henry.

[*Mr Thomas Craig, Justice-Depute.*]

[ALTHOUGH the following Case properly belongs to the reign of KING JAMES VI., it has been thought preferable to insert it here, rather than in the Appendix. No remarks seem requisite, for the DEPOSITIONS, &c. give a full narrative of the parts which they individually bore in this shocking tragedy. *The Lord High Treasurer’s Accounts* contain several notices, of which the following may suffice, in this place.

Dec. 14, 1567.—‘ *Item*, to Walter Bynmyng, Paynter, for Paynting and making of xvj ARMES¹⁰ to þe Parliament, for þe FORFALTOUR of James Erle

¹ Printed for the *Bannatyne Club*, and Edited by Thomas Thomson, Esq. Quarto, 1825, p. 15.
² First published, 8vo, Lond. 1706. *Mr Malcolm Laing* had the merit of publishing his detection of this impudent literary forgery.
³ *Birrel* says, ‘ the 17th day of June.’
⁴ The conducting of MARY QUEEN OF SCOTS to Lochleven Castle, June 14, 1567.
⁵ Page 10.
⁶ *Birrel* appears to be a month behind in his chronology ; indeed his dates are seldom, if ever, to be trusted.
⁷ *Sir Lud. Stewart’s MS.* Adv. Library, p. 47.
⁸ See I, * 481.
⁹ One part of the ceremony of Forfeiture consisted in the Traitor’s degradation from his honours and heraldic distinctions, by reversing, erazing, and tearing in pieces his Armorial bearings, &c.
¹⁰ ‘ He went to death folemlie denying the fact. See *Craufurd’s Memoires*, p. 41.’ *R. Mylne’s Note.*

Boithuile, (James) Ormiftoun of þat Ilk, Johnne Hepburne of Boltoun, Johnne Hay, 5ounger of Tallo, viij li.²

Various payments for summoning Assises, &c. this month. Afterwards these remarkable entries are made.

Jan. 13, 1567-(8).—‘*Item*, to Johnne Broune, meffinger, and ane boy, paffand of Ed^r with clois Writtingis, togidder with þe HEID of *Powrie*, LEGGIS of *Johnne Hay*, 5ounger of Tallo,¹ and *Johnne Hepburne* of Boltoun, to be affixit on 5E PORTIS of Glasgw, Hammiltoun, Dunbertane, Air, and Wigtoun, iiij li. ijš.

‘*Item*, to ane boy paffand of Ed^r to Leith, Hadingtoun, and Jedburcht, with pair LEGGIS to be affixt, xxij š.

‘*Item*, to thre boyis paffand of Ed^r with þe rest of pair ARMES and LEGGIS, to þe Burrowis of Perthe, Dundee, Abirdene, Elgin, and Inverness, to be affixt, lv š.

‘*Item*, for crelis² and turfing³ of þe saidis heidis, leggis, and armis; and candle for paking þairof, x š.’

The important Documents which are appended to this Trial, contain almost all the additional authentic materials which can now be obtained for clearing up this atrocious Murder.]

JOHNE HEPBURNE callit of BOLTON, Johnne Haye apperand of Tallo, Williame Powrie, and George Dalgleish, being present in judgement in the said Court, to be accusit of the Dittay after specifit, were putt to the knowlege of the persons underwritten, quhilk were lawfully summoned to pass upon pair Affize, choifin and admittit be thamselues, and fworn to deliver upon the points of the said Dittay, viz.

ASSISA.

John Lockart of the Bar,	William St Clair in Gosfoird,	James Freeman, burges of Ed ^r ,
The Laird of Caprinton,	Laird of Gastoun,	Heughe Brown, þair,
James Campbell of Chankfoun,	Robert Gray, burges of Ed ^r ,	Charles Geddes,
Heugh Wallace of Carnell,	John Stoddart, þair,	John Watfon,
The Laird of Mochrum,	Williame Strang,	James Ackman.

VERDICT. And immediatly aftir the chefing and swering of the saidis personis of Affys, as use is, the foresaid John Hepburne, John Haye, William Powrie, and George Dalglishe, being accusit be dittay, oppinly read in judgement, of the crymes following; and efter the reding, alswa in jugement, of certain answeris and Depositionis maid be thame of before, at particular examinationis of þame upon þe saidis crymes, quhilks þai recognoscit, and confessit to be of verity, in presence of the saidis personis of Affys; the said personis of Affys removit furth of the said Court, and all togidder convenit and ressonit upoun

¹ Robert Kirkealdie, Porter of the Castle of Edinburgh, afterwards got a payment of L.57 for his expenses while in Ward, viz. from Sep. 10, 1567.

² Willow baskets.

³ Conveying.

the pointis of the said Dittay, togidder with þe saidis Depositionis; and syne being pairwith rypely avyfit, reinterit in þe said Court of Justiciarie, and pair, in presens of the said Justice-depute, be pair deliverance, pronouncit and declarit be þe mouth of the spekir, John Lockhart of the Bar, chancilar of the said Assys, fand and deliverit the saids Johne Hepburne, John Hay, William Powry, and George Dalglissh, to be culpable, fylit, and convict of art and part of the cruel, shamefull, treasonabill, and abhominabill Slauchter and Murther of unquhill THE KINGIS grace, fader to our soverane lord, in his awin ludging for the tyme, within the burgh of Edinburt, besyde the Kirk of Field, quhair he was lyand in his bed, taking the nychts rest, treasonably risand fyre within the fame, with ane grite quantitie of poudre; through force of the quhilk, the said hail lugen wes raifit and blawin in the air, and his grace was murderit trefonably, and maist cruelly flane and destroyit by þame þerein: And als, for art and part of the crewall Slauchter and Murther of unquhill William Tailzor, his graces fervitour, and unquhill Andro Macaig, trefonably, throw raising of the said fyre, as said is; committit in the cumpany with JAMES, sumtyme ERLE BOTHWELL, now rebell, and declarit traitor in Parliment, and at the Horn, in the moneth of Februarie last bypast, under seilence of nycht, upon sett purposes, provisioun, and forthought felonye.

SENTENCE. And thairfoir the said Justice-depute, be dome, pronouncit be the mouth of Andro Lindefay, dempstar of the said Court of Justiciarie, decernit, ordanit, and adjudgit the saidis Johne Hepburne, Johne Haye, William Powrye, and George Dalglissh, to haif committit the crymes of Trefoun and Lese-Majestie; and as manifest Traytours, to be demanit as followis; that is to say, the said *Johne Hepburne, John Hay, William Powrye*, to be HANGIT to the deid on ane gibbet at the Mercat Croce of Edinburt; and pair HEDDIS, LEGGIS, and ARMIS to be cuttit from pair bodies, and put up and hangin (as for example) on the Portis of Edinburgh, and vther Portis of the principall Borrowis of þis realme, and pair bodies to be BRYNT and consumit in fyre, besyde the said gibbett. AND the said *George Dalgleish* to be HANGEIT to the deid, and his HEID to be cuttit fra his bodye, and put upon the Port of Edinburgh. AND siclyke, decernit and ordanit the saidis perfonis, and ilk ane of þame, to haif foirfaltit and tynt all and fundrye pair landis, heritages, possessionis, talkis, steddingis, lyferentis, actionis, debtis, and all vtheris pair guds, moveables and unmoveables, to be inbrocht, and remaine with our soverayne lord, as his escheat.

Extractum de libro Actorum Adjournalis S. D. N. Regis, per me Johannem Belleuden de Auchinoule, militem, Clericum Jusficiarie ejusdem generalem, sub meis signo et subscriptione manualibus.

JOHANNES BELLEUDEN, *Clericus Jusficiarie.*

DOCUMENTS ILLUSTRATIVE OF THE MURDER OF KING HENRY DARNLEY.

I. THE DEPOSITIONS OF WILLIAM POWRIE.¹

1. *Apud Edinburgum, 23 Junii, An. Dom. 1567, in presentia Dominorum Secreti Concilii.*

WILLIAME POWRIE, borne in Kinfawnis, servitor to þe *Erle Bothwell*, deponis, that þe sam day þe KING wes slane at night, þe ERLE BOITHWELL, accompanyit with *James Ormestoune* of pat ilk, *Hob Ormestoune*, his fader bruther, *John Hepburne of Bolton*, and *John Hay*, 3ounger, 3eid togidder to ane counfele in the nether hall of þe said *Erle Bothwell's* ludgeing in þe *Abbey*, about four houris eftirnone, or þairby, and remanit pairin twa houris, or þairby; quhat þai did or said, he knowis not.

Item. Deponis, þat *John Hepburne of Bolton*, at ten houres at evin, commandit the deponar and *Pat Wilfoune* to tak up ane carriage of twa maills, the ane ane tronk, and þe vthir ane ane leddirin² mail, quhilks were lyand in the said nethir hall, quhilks the deponar and the said *Pat* put on and chargit upon twa horses of my Lordis, the ane being his fown³ horse, and cariit the same to the 3et⁴ of the enteres of the Black Friers, and þare laid the same down, quhair þe *Erle Bothwell*, accompanit with *Robert Ormestoune* and *Paris*, called *French Paris*, and vtheris twa quhilks had cloakes about þare faces,⁵ met the saidis deponar and *Pat Wilfoun*. And þat 3oung *Tallo*, the *Lard of Ormestoune*, and *John Hepburne of Boltoun*, wes awaitand vpon þe deponar and *Pat Wilfoun*, within the said 3et; and þat þare the saidis three perfouns within the said 3et, reffanit the saids twa charges, quhilks the deponar knew to be pulder,⁶ because the same wes in fundry polks,⁷ within the said mail and tronk: And þe deponar and said *Pat Wilfoun* helpt þame in with the same; and the powder being taken from þame, the said *John Hepburne of Bolton* sent this deponar for candell, and þat he coft six halpenny candell fra *Georde Burnis* wife in the *Cowgate*, and deliverit to the said *Johne*: and þat þe saids perfouns reffavaris of the powder, had ane towel with them, with ane littil licht candell; and the saids perfouns within the said 3et oppynit the tronk and mail, and tuck out the polks with the powder: and everie ane of þame tuck yane upon his back, or under his arm, and carryit the same away to the back-wall of the 3aird þat is next the trees; and pair the said *Lard of Ormestoune*, *Johne Hepburne of Boltoun*, and 3oung *Tallo*, reffavit the pulder fra þame, and wald suffer the deponar and his marrow⁸ to pafs na furdar. And quhen the deponar and his marrow came bak againe to the said Frier 3et, the twa horsis that carryed the said mail and tronk war away, and 3it þay carryit the saids mail and tronk again to the *Abbey*, and as þay came up the *Black Frier Wind*, THE QUEENES grace was gangand before þame with licht torches: And þat the deponar and his marrow being cumin to the said Erles ludging in the *Abbey*, thai tarryit þare ane hour or mair, and þan the said *Erle* came in, and immediatly tuk aff his claythes þat wer on, viz. a pair of blak velvet hoife, truffit with silver, and ane doublet of satin of the same maner; and put on ane vthir pair of black velvet hoife, and ane doublet of canwes, and tuk his side rideing cloak about him, and incontinent paf furth, accompanyt with *French Paris*, the deponar, *Georde Dagleish*, and *Pat Wilfoun*, and came down the turnpike, and along the back-wall of THE QUEENES garden, quhill þai came to the back of the *Cun3ie-houfe*,⁹ and the back of the *Stabillis*, while thay came to the *Cannogate*. And deponis, þat as þai came by the gate of THE QUEENES South-garden, the twa sentinellis þat stude at the 3et þat gangis to the uttir cloifs, speirit at þame, 'Quha is þat?' And þai answert, 'Friends.' The centinell speirit, 'Quhat friends?' And þai answert, 'My Lord *Bothwell's* friends.'

Item. Deponis, þat þai come up the *Canongate*, and to the *Nether-bow*, and findand the *Bow*¹⁰ steikand,¹¹ *Pat Wilfoun* cryet to *John Galloway*, and desyrit him to opin the *Port* to friends of my Lord *Bothwell*; quha came anc. oppynit the port, and þai enterit, and 3eid up abone *Baffyntines*¹²

¹ Anderson's Collection, II, 165.

² Leathern trunk or portmanteau.

³ Soum or soun; a sumpter

horse.

⁴ Gate.

⁵ This was termed being 'missillit,' i. e. muffled, masked.

⁶ Gun-powder.

⁷ Bags.

⁸ Companion.

⁹ Mint.

¹⁰ The Nether-Bow Port.

¹¹ Shutting.

¹² The celebrated early Scottish Printer.

houfe on the fourth-side of the way, and knockit at ane flaire, and callit for *the Laird of Ormeftone*, and *Robert Ormeftone*, and nane anfwerit pame: And þai þan flippit down ane clofs beneith *the Frier Wynd*, and come to the 3et at *the Black Friers*, and enterit in at þat 3et, and 3eid quhill þay come to the back-wall and dyke, quhair the deponar and *Pat Wilfon* left the utheris perfouns before expymit,¹ with the powder, as faid is; and þaire *the Erle Bothweille* paft in over the dyke, and bad the deponar, *Pat Wilfon*, and *Georde Dalgleifh* tarry still þair while he come backward to them. And funder deponis, þat þai tariit þare half an houre, and hard nevir din² of any thing, quhill³ at laft my lord, accompanyit with 3oung *Tullo*, and *Johne Hepburne* of Boltoune, come to the deponar, and vtheris twa perfons being with him, and evin as my lord and thir twa comes to the deponar and his marowis at the dyke, thair hard the crak,⁴ and thair paft away togidder out at the Frier 3et, and funderit⁵ quhen þai came to *the Cowgate*, pairt up *the Blackfrier Wynd*, and pairt up the cloifs which is under *the Endmyllis Well*; and met not quhill þai came to the end of *the Bow*, and 3eid down ane cloifs on the north fide of the gait,⁶ to haif loppin⁷ the wall of *Leith Wynd*; and þair my lord thought it over heich,⁸ and came again aback to the Port, and caufed cry upon *John Galloway*, and faid þai war friends of *my Lord Bothwells*. And *John Galloway* rufe⁹ and let them furth; and fyne¹⁰ þai paft down *St Mary's Wynd*, and down the back 3airds of *the Canongait*, and to the faid *Erles* ludgeing; and as þai paft THE QUEEN'S Guards before fpecifyit, fum fentinells fpeirit¹¹ at þame 'Quha þai war?' and þai anfwerit, þai war 'Friends of my *L. Bothweill*:' And als fpeirit 'Quhat crak þat was?' And þai anfwerit, 'þai knew not;' and þat the fentinells bid them, if þai were fervandis of my *L. Bothweill*, to gang þair way.

My lord come into his ludgeing, and immediately callit for ane drink, and tuk off his cloathes incontinent, and 3eid to his bed, and tariit in his bed about half an hour, quhen *Mr George Hackett* come to the 3et, and knocks, and desired to be in; and quhen he came in, he appeared to be in ane greit effray, and was black as any pik, and not ane word to fpeik. *My Lord* enquirit, 'Quhat is the matter, man?' And he anfwerit, 'THE KINGIS houfe is blawn up, and I trow THE KING be flayn!' And *my lord* cryet, 'Fy, treafoun!' And þan he raife and pat on his claiths. And þarefter THE ERLE HUNTLEY and mony came in to my lord, and þai 3eid into THE QUEEN'S houfe.

Item. Deponis, þat upon the nixt nicht efter, my lord defyrit þis deponar, *Pat Wilfon*, *Georde Daglifh*, *the Laird of Ormeftoune*, and *Hob Ormeftoune*, *John Hepburn*, and 3oung *Tullo*, to keip thair tongues cloifs, and þai fuld nevir want fo long as he bad, and þat he fuld fend the deponar and *Pat Wilfon* to *the Armitage*,¹² and þat þai fuld be honeftly fultainit. And being inquiryt, Gif this deponar, at my *Lord Bothwells* defyre, focht ane fyne lunt¹³ of any of the Suddartis?¹⁴ And anfwerit, þat he did the fame, and gat a piece of fine lunt, of half a faddome, or þareby, fra ane of the Suddartis, quhais name he knawis not, and deliverit to *Johne Hepburne* of Boltoune, upon Saturday before THE KINGIS Slaughter.

2. *Apud Edinburgum, 3 Julii, An. Dom. 1567, in presentia Dominorum Secreti Concilii.*

WILLIAM POWRIE, re-examined, deponis, þat the carage of the tronk and mail contenit in his former Depofitioun, were carryed by him and *Pat Wilfone*, upon ane gray horfs þat pertained to *Herman*, page to my lord, at twa fundry tymes; and war carryed and conveyed by þaim into the place containet in his former Depofition. And þat at *the Frier-Wynd-fute*¹⁵ þis deponar faid to *Pat Willfon*, at the conveying of the laft carriage, thir words, 'JESU, *Pat*, quhattin ane gaitt is þis we are gangand? I trow it be not gude!' And he anfwerit, 'I trow it be not gude; but weil,¹⁶ bald 3our tongue!'

Item. Deponis, Quhan the deponar and *Pat Willfon* come to the Frier 3et with the laft convoy, and

¹ Expressed. ² Noise. ³ Until. ⁴ Explosion. ⁵ Separated. ⁶ Street. ⁷ Leapt.
⁸ High. ⁹ Arose. ¹⁰ Then. ¹¹ Enquired. ¹² The Castle of Armitage or Hermitage. ¹³ Match.
¹⁴ Soldiers. ¹⁵ At the foot of the Frier-Wynd. ¹⁶ Hist! Hush!

laid the fame down, *Robert Ormestoune* come furth, and said thir words. ‘ This is not gude like ! I trow this purpois will not come to this nycht ! I will in and se quhat pai are doing.’

Item. jaireftir, quhen the powlder and greaith¹ was carryed inwart, the Deponar tarryand at the dyke,² *the Laird of Ormifoun* of pat ilk came again, and said to *John Hepburne* and young *Tallo*, thir words, (Paris Frenchman being with him,) ‘ Be GOD, it is fair in field, cum of it quhat will !’ And bade the deponar and *Pat Wilfon* gang their way : And at the same tyme pat he deponar and *Pat Wilfon* laid down the last carriage at the said *Frier Gait*, *the E. Bothweill* came unto thame utwith the Frier 5et, accompanyit with thre more, quhilks had pare cloaks, and mulis³ upon pair feet.

Item. Deponis, pat the saidis *Johnne Hepburne* of Boltone, upon Saturday at evin, befor THE KINGIS Slauchter, brought the mail and tronk quhairin the powlder was, to *the E. of Bothwiles* ludgeing, and laid in the fame in the neither hall : and the deponar declaris, pat at the last horse cariage he bare up ane toome⁴ poulder barrel to the same place pai carriet the pulder, and pat he wist not how nor be quhome the fame came in *the Erle Bothweilis* ludging in *the Abby*.

Item. Deponis, pat upon the morne eftir THE KINGIS Slauchter, viz. Mononday, *John Hepburne* of Boltoun gat ane gray horse, *Mr Young Tallo* ane broun hors fra my *L. Bothweill*.

Item. Inquirt, Gif *William Geddes* Deposition, being red to the deponar, was trew ? Declarit the fame was all trew, except the deponar remembers not quhidder he bad and connsulit this Geddes not to be fund on the gut⁵ pat nycht or not.

THIS is the trew copy of the DEPOSITIONS of the said William Powry, maid in prefence of the Lords of Secreit Counfall, concordand and agricand with the principal remainand at the office of Justiciary, collationat be me, Sir John Bellenden of Auchnoule, Clerk of oure souerane lordis Justiciarie, witnessing my sign and subfeription manual. JOANNES BELLENDEN, *Clericus Justiciarie*.

II. THE DEPOSITION OF GEORGE DALGLEISH.

Apud Edinburgum, 26 Junii, An. Dom. 1567, presentibus Comitibus de Mortoun et Athol, Preposito de Dundee et Domino de Grange.

GEORGE DALGLISH, seruande in the Chalmer to *the Erle Bothwell*, of the aige of 27 3eiris, or pareby, &c., deponis, pat he Sunday THE KING was slayne at nycht, *the E. Bothwell*, accompanyit with the *Laird of Ormifoun* of pat ilk, *Hob Ormestoune*, his fader-bruther, *Johnne Hepburne* of Boltone, *Johnne Hay of Tallo*, 5ounger, war togidder in the neither hall of the said *Erle*’s ludging in *the Abby*, about four houres in the eftirnone, and remained parein ane hour and a half ; and quhat pai did knaws not, be reffoun the deponar remainit for the maist pairt in my lord’s chalmer.

Item. Deponis, pat my lord, his maister, came to his chalmer about 12 hours at evin, or pareby, and tuke of his clayths, and chingit his hois and doublet, viz. ane pair of hoifs, stoeket with black velvet, pafementit with silver, and ane doublett of black fatin of the same maner, and put on ane vther pair of black hoifs, and ane canwes dowblett white, and tuke his sife riding cloak about him, of sad Inglish claith, callit the new colour. And incontinent *the Erle, French Paris, William Powry*, seruitor and porter to the said *Erle, Patt Wilfoun*, and the deponar, 3eid⁶ down the turnpike⁷ altogidder, and endlong the bak of THE QUENE’S garden, quhill 3ow cum to the Cungie-houfe,⁸ and the bak of the Stabillis, quhill 3ow com to *the Cannogate*, foreanent *the Abby* 3et.⁹ And depones, as pay came by the entry of THE QUENE’S South garden, ane of the sentinels pat stude at the 3et pat gangis to the utter clois,¹⁰ speirit¹¹ at thame, ‘ Quhais that ?’ pai answerit, ‘ Friends.’—‘ Quhat friends ?’ ‘ Friends to my *Lord Bothwell*,’

Item. Deponis, pai came up *the Canogait* to *the Nethir Bow*, quhillk wes steikit,¹² and pat *Patt Wilfoun* cryit to *John Galloway*,¹³ and bid him come down and oppin the Port and let pame in, and

¹ *Graith*; materials. ² Wall. ³ ‘ *Mullis* ;’ slippers; that their footsteps might not be easily heard.
⁴ Empty. ⁵ Perhaps for *gait*, street or way. ⁶ Went. ⁷ Spiral staircase. See I * 471. ⁸ Mint.
⁹ Gate. ¹⁰ That leads to the outer close, or yard. ¹¹ Enquired. ¹² Shut. ¹³ The porter, or janitor.

pat pai tarriet ane gude quhile or¹ *Galloway* came down to let pame in, and speirit at pame, ‘ Quhat did yow out of pair beds pat tyme of night ?’ And estir pay enterit within the Porte, pai 3eid up abone *Baffyntines* houfe, on the south-side of the gait, and knockit at ane dur beneth the Sword-flippers, and callit for the *Lard of Ormesfounes*, and one within anwerit, he was not pare : And pai passit down a cloifs beneth *Frier Wynd*, and enterit in at the zet of the *Black Friers*, quhill² they come to the bak wall and dyke of the *Town-wall*, quhair my lord and *Paris* past in over the wall, and commandit pe deponar, *William Powry* and *Patt Wiljoun*, to remayne stil quhill pai came till pame, and quhatevir pay hard or saw, not to flur or depart quhill he cam againe : And pat pis deponar and the uther twa tarreit pair half an hour or pareby, and in the meyn time hard no din of any thing, quhill at last my lord, accompanyit with *John Hay*, 3ounger of *Tallo*, *John Hepburne* of Bolton, come to the deponar, and his company, pai hard the crack, and past all away togidder out at the *Frier zet*, and funderit in the *Cowgait*. My lord, *Johnne Hepburne*, and *Pat Wiljounne*, *William Powrie*, and the deponar, 3eid up ane wynd be-est³ the *Frier Wynd*, and crossit the *Hiegait*⁴ at the *Nether Bow*, to haif loppin the wall at *Leith Wynd*, bot thair thocht the wall over hich, and came agane to the *Port* ; and my lord cauffit cry upone *Johnne Galloway*,⁵ and said, pai were fervands of my lord *Bothweill* ; and pat he rufe and oppyuit the wickit : Quha it wes pat rufe, ignorat : And fyne pai passit down *St Mary Wynd*, and down the back of the *Cannygait*, and to the said *Erles* ludging, and enterit be the same turnpicke pat pai cam furth at. And as pai passit by THE QUENE’S gardens, ane of the sentinels speirit, ‘ Quha pai war ?’ And pai anwerit, pai war ‘ Friends of my lord *Bothweill*.’ And so soon as my lord came in his ludging he cryit for ane drink, and incontinent pareftir tuke off his claythes and 3eid to his bed, and lay be the space of half ane hour or pareby. And pat *Mr George Hacket* came to the chalmer about half ane hour estir my lord lay down. Quhan he came in, he apperit to be very effrayit, and my lord speirit, ‘ Quhat is the matter, man ?’ And he anwerit, pat he ‘ Heard at the *Kirk of Field* like the schot of ane cannoun, and, as I hear say, THE KING’S houfe is blown up, and I trow THE KING be slayne !’ And incontinent my lord raise and put on his clayths, that is to say, the fame hoifs and dowblet pat he had on upon Sunday, quhilks wer passaments with siluer ; and sa fone as my lordis clayths was on, he departit furth of the chalmer, and the deponar remanit fill in the chalmer.

THIS is the trew copy of the DEPOSITIONE of the said GEORGE DALGLISH, maid in presence of THE LORDIS before exprimit, concordand and agreeand with the principall remaying at the office of Justiciare, collationat by me Sir John Bellenden, knight, clerk of our soveraigne lordis Justiciary, witneffing my signe and subscrption manual. JOANNES BELLENDEN, *Clericus Justiciaræ*.

III. DEPOSITION OF JOHN HAY, 3OUNGER OF TALLO.

Apud Edinburgum 13 die mensis Septembris, An. Dom. 1567, in presence of my Lord Regent, the Erles of Morton and Athol, the Lairds of Lochlevin and Petarow, Mr James Magyll, and the Justice-Clerk.

THE quhilik day, JOHN HAYE, 3OUNGER OF TALLO, being examinait anent THE KINGIS graces Murther, grantit and confessit himself culpable pareof ; and as he wald anwer before God, deponit and declarit the *Erle Bothwele* his masters pairt of the same, sa far as the deponar knew, in manner following : that is to say, THAT upon the 7 day of Februar last bypast, before THE KINGIS Murther, *therle Bothweil*, within his chalmer in his ludging in the *Abbey of Halyrudhous*, schew to the deponar the purpose of THE KINGIS Murther, sayand their words, or siclyk, ‘ *Johnne*, this is the mater ! THE KINGIS destructionn is deysfit, and I mon⁶ reveill it unto ye, for an⁷ I put not him down, I can not haif an lyfe in *Scotland*. He will be my destructionn ! And I reveill this to the as to my friend ; and gyf 3ow reveill it again, it will be my destructionn, and I fall feik this thy life first !’ And parwith he

¹ Ere, before. ² Until. ³ To the Eastward of.
Keeper of the Nether-Bow-Port, who is frequently alluded to.

⁴ High Street.

⁶ Must.

⁵ The Porter or under-
⁷ If.

gave the deponar also diverse admonitions, and also fair promises to keip the matter secret, and to take part with him in THE KINGIS Slaughter, as he had devisit; and pat hereafter, at evin, in the presence of *John Hepburn*, callit of Bolton, the said *Erle* proponit the samyn matter to the deponar, quhilk *John Hepburn* was on the counsaill pair of before. And *therle Bothwell* said to the deponar, 'I have devisit it in this manner, and ye shall do the same;' that is to say, he said in presence of *James Ormiston* of pat ilk, and the said *John Hepburn*, thir words, 'The poulder man (*myf*) be laid in the house under THE KINGIS chalmer, quhair THE QUEENE suld lye, in an barril, gyf it may be gottin within the barril, and the same barril shall haif an boill at the nether end hereof, and an tre, holit and howkit like an troch, put to the boill of the barril, and an hunt¹ hereupon, quhilk shall be fyr it at the far end, and the unfyrit end laid in the boill of the barril in the pulder.' And this purpos suld haif been put in execution upon the Saturday at night, and the matter fayllit pat nycht, becaus all thingis war not in redynes pairfor.

Item, Deponit, pat upon Sunday herefter, about thre or four houres afternone, in *therle Bothwell's* nedder house in *the Abbaye*, the said *Erle*, *John Hepburn* of Bolton, and the deponar, devyfit pat my lord suld gang up to the said *Laird of Ormiston's* chalmer (like as he did) sua sone as it was mirk,² and pat here past with my lord, quyet on fute. *John Hepburn* of Bolton, the deponar, and *Ade Murray* met here, and sum utheris quham the deponar remembers not, at the said *Laird of Ormiston's* flairefute of his chalmer, above *the Bow*, on the fourth-syde of the gait,³ and pat my lord commandit the said *Ade* and utheris to pass to *Mr John Spensis*, and remayne here quhill he came to here: And pat my lord, *John Hepburn* of Bolton, and the deponar, enterit in the said *Laird of Ormiston's* chalmer, quhair here fand the said *Lard*, and *Hob Ormiston*, his fader bruther, and an bruther of the *Lards*, quhais name the deponar knaws not, and was put to the dur; and pair here consullit quhat gait⁴ here suld gang to THE KINGIS house, becaus here had not tane purpos pairupon of before; and syne here seid all down togidder to *the Black Freir* seit, and he said *Lard of Ormiston* seit in throw the ald howfis and wallis, and past and opynitt the said *Freir*-set to my lord, the deponar, and the rest foresaid. And pat my lord and the deponar seit up and down *the Kowgate*, quhile *Wille Powry* and *Pate Willson* brocht the powder, quhilk was brocht, at twa sundry times, furth of *the Abbay*, from *the Erle's* ludgeing: And pat the same was in a tronk and an mail, and was brought upon *Hermanis* naig, and pat the powder was reffavit in at *the Black Freir* seit be the said *Lard of Ormiston* and *John Hepburn* of Boltown, and pat the samyn was born in be *Wille Powry*, *Pate Willson*, and the saids *Lard of Ormiston*, *Hob Ormiston*, and the deponar, in the trunk and mail. And hereftir the powder pat was in the trunk was taken furth of the same, and put in polks,⁵ and the powder pat was in baith the tronk and mail was caryit to THE KINGIS house in polks.

And it is of veritie, that *Paris*, the *French man*, was in the nedder house, under THE KINGIS chalmer, and had an key of the back-dowr, and then the said *Lard of Ormiston* past in at the said dur, and spake with the said *Hob*, his fader bruther, and with the said *Paris*, being both therein, and fand the time convenient, and came furth again, and tauld the samyn to the said *Erle* and his company; and pat here had with here alswa a tre and a powder barrel, for to have done as said is: But the barrel was so meikle,⁶ it could not be gottin in at the duur: And here here tuk all the polks and carried here within the said laich house, and temit⁷ here on the flour in an heip, and the polks weir taken furth again. And pat my lord was in the house afoir, and had left the said *Paris* herein, and the said *Hob* standand at the dur awaitand upon here coming: And pat the said *Lard of Ormiston* said to the said *John Hepburn*, 'Se ken now quhat ye haif to do, quhen all is quyet abone 5ow! Fyre the end of the hunt, and cum 5our way!' And hereftir the said *Lard of Ormiston* past his way, with *Hob* with him and *Paris*. *John Hepburn* and he deponar taryit still within the said laich house a certain space; and *Paris* lockit the back dur, and the dur here passit up the turnpike to THE KINGIS chalmer, quhair

¹ Match.² Dark.³ Street.⁴ Way, road.⁵ Bags.⁶ Large; bulky.⁷ Emptied.

THE KING, THE QUENE, and þe *Erle Bothwell*, and vthers were, and passit up to þame, levand behind him the said *John Hepburn*, and the deponar lockit in the said nedder houfe: And as the deponar believes *Paris* shew the *Erle Bothwell* that all things were in readines, and fyne sone þareftir,¹ THE QUENE and THE LORDIS returnit to the *Abbey*, *my lord Bothwell* being in her cumpany. And þareftir the *Erle Bothwell*, accompanyit with *Paris* and *Georde Dalglissh*, came to the back ȝard; and the said *Hepburn*, quha had twa keyis of the back dur, lichtit the lunt, and came with the deponar, and lockit the durris after þame, and fand the *Erle of Bothwell* in the ȝaird, quha speirit at þame, ‘Gyf they had done that quhilk he had biddin þame, and fyrit the lunt?’ And þai answerit, ‘þat it was done.’ And eftir *my lord* and thai tarryit in the ȝaird ane lang tyme; and quhen *my lord* saw þat þe matter came not hastily to pass, he was angre, and wald have gen in himself in the houfe; and the said *John Hepburn* stoppit him, saying thir wordis, ‘Ze neid not.’ And *my lord* said thir wordis, ‘I will not gang away quhile I see it done.’ And within ane schort space it fyrit, *my lord*, *John Hepburn*, the deponar, and *Paris* being gangang at the fute of the aley in the said ȝard. And quhen they saw the houfe riseand, and hard the crack, they ran their way, and come down the *Wynd* fra the said *Freir ȝett*; and þat *my lord* þareftir past to the wall at *Leith Wynd*, to have past over it, but becaufe he thocht it over lich, he sturrit pairwith, and came back again to the *Nedder Bow*, and past furth at the *Port*, after *Johnne Hepburne* had cried upon *John Gallaway*, porter, and cauffit him oppin the *Port*; and that the saids *John Hepburn* and *Georde Dalgleissh* passit afore with *my lord*, and sone þarefter the deponar and *Paris* followit; and the deponar passit to his bed, in *John Hepburns* in the *Canongait*, and *my lord* passit to his awin ludgeing to the *Abbey*.

IV. THE DEPOSITION OF JOHN HEPBURN, CALLED ‘JOHNNE OF BOWTOUN.’

Apud Edinburgum 8 die mensis Decembris, An. Dom. 1567, in presēce of my Lord Regent, the Erle of Athol, the Lord Lindsay, the Lard of Grange, and the Justice-Clerk.

THE quhilk day, JOHNNE HEPBURNE, callit *Johnne of Bowtoun*, being examiuit upon THE KINGIS Murther, grantit himself culpable and gilty þairof: and as he wald answer before God, deponit and declaryt the *Erle of Bothweile* his maisters part of the famyu, so far as the deponar knew in this matter, that is to say; The first tyme þat evir the *Erle of Bothweile* spake þis matter of THE KINGIS Murther to the deponar, was ane day or twa aftir the bringing of the powder furth of *Dunbar*; at quhilk tyme he said to the deponar in this manner, ‘Thair is ane purpos dividit amongs sōme of the Noblemen, and me amongs the rest, þat THE KINGE fall be slane; and that every ane of us fall send twa servandis to the doing þarof, owther on the fields, or otherwise as he may be apprehendit!’ And þan desirit þe deponar to be ane of the entrepryfers for him: Quhais answer was, ‘þat it was ane evil purpos, and ȝit, becaus he was servand and counsignance² to his lordshyp, he wald do as vtheirs wald, and put hand to it.’ One the morne þareftir, he callit *James Ormiston* of that ilk, the deponar, and *John Hay*, ȝounger of Tallo, and break the purpos to þame; and maid the like declaratioune to þame, þat vthir Noblemen had had as far enteres as he in þat matter: And þai maid to him evin sic answer as he had done. Quether *my lord* had schewed þame þe purpos of befor or not, þe deponar knawes not. Swa every day þare was tauking amongis þame of the famyn purpos, quhill within twa dais before þe Murther, þat the said *Erle* changed purpos of the slaying of THE KINGE one the feildes, becaufe þan it wald be knawn, and schew to þame quhat way it mycht he usit better be þe pulder. And on the Sunday, in the gloming³ before nicht, þe 9 daie of Februar last bepast, the deponar send þe said *Johnne Hayes* man for ane tome⁴ poulder barrel to the man quhilk *Johnne Haye* had cost⁵ the same fra, þat dwells above *Sandie Bruces* cloise-heid. At evin *my lord* suppit in *Maister Johnne Balfour’s* hous, quhare the *Bisshop of Argyle* maid the banket: And eftir supper *my lord* came up the gait, and þai all with him to the said *Lard of Ormestonis’* chalmer; quhair þe deponar and *Johnne Haye* past in, and

¹ And then, soon thereafter.

² Cousin-german.

³ Twilight, dusk.

⁴ Empty.

⁵ Purchased.

fand the said *Lard* and *Hob Ormifoun* his fader bruther; and as þe deponar rememberis, þat was the first time þat *Hob* knew of þat matter, and þair þai spake togidder, and my lord schewit þame þe maner: And the deponar, the said *Lard of Ormifoun*, *Hob Ormifone*, and *Johne Haje*, past to the fute of the *Black Freir Wind*, haveing sent away *Wille Powry* and *Pate Wilfone* for the poulder. And before þar cõmning furth of the said chalmer, *my lord* departit with his fervandis; quhair þe deponar knawes not. And the saids foure being togidder, as is befoir wryttin, at the fute of the *Freir Wind*, the said *Willie Powry* and *Pate Wilfone* cum agane with the poulder, quhilk was brocht at two times in ane tronk and ane mail; and þai carreit it in at *Black Freres zet*: And quhen þai war changing þe pulder furth of the tronk in polks, my lord come and speirid ‘Gyf all was redy?’ And bad þame haift before THE QUEENE cum furth of THE KINGIS house; for gyf she come furth before þai wer reddy, þay wald not find sic commodity. And þan þe pulder being put in polks, the saids *Lard of Ormifone*, *Hob Ormifone*, this deponar, *Johne Haje*, *Willi Powry*, and *Pate Wilfone* turfit¹ up the ponder to THE KINGIS house, and fand *Paris* at the dur, quha openit the samyn; and þay assayit to haue taken in the said barrell, and it wald not gang in at the dur; and þan þai liffit the samyn, and brocht it back to the zaird, and had in the poulder, and tuning it furth of the polks in ane bing and heip upon the flur, evin directly undir THE KINGIS bed. And þan þe said *Laird of Ormifone*, *Hob Ormifon*, and *Paris*, past away, and left the deponar and *John Hay* within the said house; quhilks tarryit þerein quhill efter twa houres after mydnight, and þan tuk ane lunt, with ane litle tre² quharon it lay, and placit þe same, þe ane end in the poulder, and fyr it þe vtilir end, and cam þair way, and lookit þe thre duris behind þame: And at þair cuming furth to the zaird, þay fand *my lord Bothwell*, *Geordie Dalgleish*, *Pat Wilson*, and *Willie Powry*: And my lord speirit at them, ‘Gyf þay had done all things as was ordourit?’ And þai said, ‘5ea?’ And þai tarryit upon ane quarter of ane hour þaireftir. And my lord thoecht lang,³ and speirit ‘Gyf þair was ony part of the house þat they mycht fe the lunt, gyff it was burnand anouch?’ And þai said, ‘þare was nane but ane wundo quhilk wes within þe clois?’ And as they war speeking upon it, the house begouth to take fyre and blew up; and þai ran away, and cum up *Black Freir Wind*, and zeid down ane clois to haif gottin over the broken wall at *Leith Wind*, but my lord thoecht it over heich to loup, because of his fair hand; and sfa returnit to þe *Neddir Bow*, and walkynit⁴ *John Galloway*, portar, quham þai gart cum down and opin the zet: And *Willie Powry*, *Paris*, and *John Haje*, zeid evin down the *Canonngait*, and *my lord*, the deponar, *Pat Wilson*, and *Georde Dalgleish*, zeid down *Saint Mary Wind*, and behind the zairds unto my lordis ludging in the *Abby*. And in þair by-ganging, twa of the watchis spirit,⁵ ‘Quhat þai were?’ and þe deponar answerit, ‘We are servandis of the *Erle Bothweill*, gangand to him with news out of the town.’ And sfa my lord passit to his bed, and þis deponar lay down in ane bed in þe hall. And sone þareftir *Mr George Hackett* came in, quha told, þat the house of the *Kirk of Field* was blawn up in the hair,⁶ and THE KING flain. And within short space þair-after my lord *Huntley* came in, and *my lord Bothweill* raifs and put on his clathis, and passit into THE QUEENIS house. And the deponar tarryit sum tyme þareftir, and cumand furth, fand the *Abbay-zeit* cloist; and þan þe deponar fand the said *John Hay* in his bed in *John Hepburns*, and lay down with him.

Item. Deponis, þat þare wes fourteen fals keys maid for oppyning of all the lockes of the dures of THE KINGIS ludgings at the *Kirk of Field*; quhilk the deponar, eftir the committing of the said Murther, keist⁷ in the *Quarie-hole* betwix 5e *Abbay* and *Leith*.

THIR ar þe true copies of the Depositionis of the said JOHN HAY, 5ounger of *Tallo*, and JOHN HEPBURNE, callit of *Boutoune*, maid in presence of MY LORD REGENT, and THE LORDS before mentionit, in manner befoir expremitt, concordant and agreand with the originalis, quhilks are remainand

¹ Conveyed, carried.² A piece of wood, hollowed out into the shape of a trough, to hold the train or match.³ Grew impatient.⁴ Awaked from his sleep.⁵ Watches or sentinels enquired.⁶ Air.⁷ Cast, threw.

in the Justiciarie, collationate be me Sir John Bellenden of Auchinoul, knight, Clerk of our soverane lordis Justiciary.

JOHANNES BELLENDEN, *Clericus Justiciarie.*

V. THE CONFESSION OF JOHN HABROUN,¹ YOUNG TALLA, DAGLEISH AND POWRIE, *upon quhome was Justice execute the 3d of Januarie, the year of God 1567.*

JOHN (HABROUN) of *Bowton* confessit that nyne was at the deid doing, my L. Bothwell, the lord of Ormifloun, Hob Ormifloun, himself, Talla, Dagleish, Wilson, Pourie, and French Paris; and that he saw na moe, nor knew of na other companies.

Item. He knowis nat other but that, that he was blowin in the ayre; for he was handilit with na mens' handes, as he saw; and if he was, it was with others and not with tham.

Item. As touching *Sir James Balfour*, he saw not his subsciption; but I warrand you he was the principall counfallar and deviser.

Item. He sayd, I confesse it is the veray Providence of God that hes brought me to his judgement; for I am led to it as an horse to the stall, for I had schippis providit to flie, but could not escape.

Item. He sayd, let no man do evill for counfall of great men or thayr masters, thinking thay shall save tham; for surely I thought that night that the deid was done, that although knowledge should bene gotten, na man durst have sayde it was evill done, feing the hand writtis, and acknowledging THE QUEENIS minde thairto.

Item. Speaking of THE QUEENE in the Tolbuith, he said, God make all weill, but the langer deirt² is hydden, it is the stronger. Quho lives, our daithes will be thought na newis!

Item. Hinneft,³ he confessit, he was ane of the principall doers of the daith, and thairfoir is justly worthy of daith; but he was assurit of the mercy of God, quho callit him to repentance.

ITEM. TALLA confessit, *ut supra*, agreing in all pointes as concerning the parsons, number, and blowing in the ayre.

Item. He affirmit, That in *Setoun*, my Lord Bothwell callit on him, and sayd, 'Quhat thought you quhen thou saw him blowen in the ayre?' Quho answerit, 'Alas! my lord, quhy speak ye that? For quhen ever I heare sic a thing, the wordes wound me to death, as they ought to do you!'

Item. That same tyme he saw *Syr James Balfour* put in his owne name and his brother's unto my Lord Bothwell's Remission.

Item. He knew of the deid doing three or four days or⁴ it was done, or thereby.

Item. He sayd, 'After that I came to the Court, I left the reading of God's worde and imbrafit vanitie; and thairfoir hes God justly brought this on me.'

Quhairfoir, let all men flee evill cumpany, and to trust not in men; for redy are we to imbrace evill, as redy as hardes⁵ to receive fyre. And further, in the Tolbuith he requyrit *John Brande*, Minister of the Congregation, to passe to my Lord *Lindsay*, and say, 'My lord, hartily I forgeve your L., and als my lord REGENT, and all others, but specially tham that betrayit me to you; for I know if ye could have favit me ye would; desiring you, as ye will answer before God in the latter day, to do your diligence to bring the rest, quho was the beginners of this worke, to justice, as ye have done to me; for ye know it was not begunne in my head. But yit praifes God that his justice hes begunne at me, by the quhilk he hes callit me to repentaunce!'

ITEM, DAGLISHE sayd, 'As God shall be my judge, I knew nothing of THE KINGES daith befoir

¹ Vid. *Buchanan's Detection*, English Edition, &c. ² Dirt; *stercus*. ³ Finally. ⁴ Ere, before.
⁵ *Dr Jamieson* interprets this word to denote 'that part of boiled food that adheres to the pot,' (in which *souens*, porridge, &c. have been prepared.) The Editor believes the phrase here signifies 'as brands for the burning,' in the Scriptural sense. From O. F. *hars* or *hardes*; twigs, *rice*, brushwood, &c. It is now almost obsolete.

it was done ; for my *Lord Bothwell* gangand to his bedde, after the taking of of his hofe, quhilke was flockit with velvet, *French Paris* cum and roundit¹ with him ; and thairefter he taryed on me for other hofe and claithis, and his riding cloke and fworde, quhilke I gave him ; and herefter cum up the gait to the *Lord² of Ormifouni's* lodging, and taryit for him ; and therefter that, he paffit to ane Wynd befide the *Blacke Fryers*, and cum to the flope of the dike, quhair he gart me stand still ; and as God thal be my judge, I knew nathing quhill I heard the blaft of powder : And after this he cum hame, lay downe in his beid, quhill *Mr George Hakit* cum and knockit at the doore. And if I dye for this, the quhilke God judge me gif I knew maire, quhat thal be done to thame quho was the devisers, counfallars, fubscribers, and fortifiers of it ?

VI. THE DEPOSITION OF THOMAS NELSON,³ 'CUBICULAR' TO KING HENRY.

THOMAS NELSON, fumtyme fervand in the chamber to wmqhull KING HENRY, of guide memory, of Scotland, examinat upoun his confcience, declaris that he was actuall fervand to THE KING the tyme of his Murthour and lang of befoir, and came with him frome Glasgou, the time THE QUEENE convoyit him to Edinburgh.

Item. The deponar remembris it wes dewyfit in Glasgou, that THE KING fuld haif lyne first at Craigmyllare : bot, becaus he had na will thairof, the purpois wes alterit, and conclusioun takin that he fuld ly befide the Kirk of Feild : At quhilk tyme this deponir belevit evir that he fuld haif had the Duikis houfe ;⁴ and knew na uther hous, quhill THE KING lychtit, at quhilk tyme he paff directlie to the said Duikis houfe, thinking it to be the lugeing preparit for him : Bot the contrare was then fehawin to him be THE QUENE, quha convoyit him to the uthir hous ; and at his cuming thairto, the fehalmir wes hung, and ane new bed of black figurat welwet standing thairin. The keyis of the lugeing wes partlie standing in the durris, and pairtie deliverit to this deponir be Robert Balfour, awnir, all except the key of that dur, quhilk paffit through the fellare and the town wall, quhilk culd noht be had, and thairfore Bonkle in the fellare said, he fuld clois it weill aneuch within ; quhilkis keyes wes keppit and ufit be this deponir and utheris, THE KINGIS fervandis, quhill THE QUENIS cuming to the lugeing : At the quhilk tyme, the key of the laich chalmir nudir THE KING, quhair sche lay tua nytis, viz. the Wednisday and Fraday befoir his Murthour, with the key of the passage that paff toward the gardin, wer delieverit in the handis of Archibald Betoun, as the deponir remembris ; quhilk Archibald wes yfcheare of THE QUENIS chalmer dour : Befoir quhilk tyme of THE QUENIS lying in the KINGIS lugeing, the tua nytis above namyt, sche canfit tak down the uttir dour that cloist the passage towart beith the chalmeris, and caufit use the famyn dour as a cover to the bath fatt,⁵ quherin he wes baithit : And sua ther wes na thing left to stope the passage into the saidis sehalmir, bot only the portell durris. As alſua, sche canfit tak down the said new blak bed, ſayand, it wald be ſulzeit⁴ with the bath ; and in the place thairof, fett upe ane auld purple bed, that wes accuſtomat to be carit ; and the saidis keyis that wer deliverit in the handis of Archibald Betoun remanit ſtill in the handis of him and utheris that awaitit upoun THE QUENE, and nevir wer deliverit agane to THE KINGIS fervandis : For ſche fett upe ane grein bed, for hir ſelf, in the ſaid laich chalmir quherin ſche lay the ſaids tua nytis, and promiſt alſua to haif bidden thair upoun the Sounday at nyt. Bot eftir ſche had tareit lang and intertenit THE KING verey familairlie, ſche tuk purpoife, (as it had bene on the ſuddan,) and departit, as ſche ſpak, to gif the maſk to Baſtyane, quha that nyt wes mareit hir fervand, namelye, the ſaid Archibald Betoun ; and ane Paris Francheman havand the keyis of hir ſehalmir, quherin hir bed fluid in, as alſua of the passage that paff toward the garding : For quhen THE QUENE wes thair, hir fervandis had the keyis of the haill houſs and durris at hir commandement ; for upoun the nyt ſche ufit, with the lady Rereis, to ga furth to the garding, and ther to ſing and uſe paſtyme. Bot fra the firſt tyme that ſche lay in

¹ Whispered.
Cecil's hand.

² Laird.

⁴ Hamilton-house.

³ Anderson's Collections, IV, 165. The Original is marked with Secretary

⁵ A bathing vat.

⁶ Soiled, sullied, tarnished.

that lugeing, THE KINGIS fervandis had nevir the key of hir said schalmir agane. THE QUENE being departit towart Halyrud hous, THE KING, within the space of ane hour, past to bed, and in the chalmer with him lay wmqhill William Taylyour. This deponir and Edward Symonis lay in the litill gaylery, that went dervict to fowth oute of THE KINGIS schalmir, havaud ane windo in the gawill throw the Toun-wall, and befyde thame lay William Tailzeir's boy; quhilks nevir knew of ony thing quhill the hous quherin they lay wes fallin about thame; oute of the quhilke, how sone this deponir could be red,¹ he fluid upoun the rwynous wall quhill the pepill convenit, and that he gat claitlis and sua departit, quhill on the Monounday at efter none he was callit and examinat; and amangis utheris thingis, wes inquiret about the keyis of the lugeing; this deponir febew that Bonkle had the key of the fellare, and THE QUENIS fervandis the keyis of hir schalmir: quhilk the laird of Tulybardin hering, said, 'Hald thair, heir is ane grund.' Eftir quhilk wourdis spokin, thai left of and procedit na farther in the inquisition.

VII. DEPOSITIONS OF (FRENCH) PARIS, SERVANT TO THE S(COTCH) Q(UREEN), AND PRESENT AT THE MURDER OF HER HUSBANDE.

1. *S'ensuyt* ² *la Declaration et Deposition de NYCOLLAS HAUBERT, diet PARIS, Pareisien, touchant la Morte et Meurtre du feu ROY HENRY D'ESCOSSE; au Meurtre duquel le dit Haubert estoit present, avec le Conte de Boduel et les autres ses adherens: Ceste Deposition fut suiete à Sainet Andrieu, sans ce que le dit Paris fut contraint ni interrogué, de son propre mouciment et voulloir pour s'en descharger comme il deist, et ee le ixme. jour d'Aouyl, 1569.*

Et primierement, il deist,

JE confesse icy, devant Dieu et le monde, que le Mercredy ou le Jendy après dîner de la sepmaine donet le dict meurtre du feu ROY fut commis, moy estant en la chambre de LA ROYNE à *Kerkafield*, en compaignye de plusieurs aultres attendant LA ROYNE, qui estoit à la chambre du ROY, *Mons. de Boduel* vint à la chambre de LA ROYNE là où j'estois, et me deist en l'aureille, '*Paris*, ie me trouve mal de ma malladye que tu sçais qui est mon flux de sang, ne sçais-tu point quelque lieu la ou ie porray aller faire mes affaires?' 'Ma foy, ce diet-ie, je ne fut jamais icy qu'à ceste heure-cy, mais ie m'en vois chercher quelque lieu.' La-dessus ie trouve ung eoing ou trou entre deux portes, et le va dire; '*Mons^r. venez-vous-en, fy vous estes otant presé!*' Et estans la dedans, ie ferme la porte sur nous, et luy oste sa robbe, commençant à le destascher. Il me regarde, et me demande comment ie me portoys? luy disant, que ie me portoys bien, la grace à Dieu et à luy, me tenant pour bien recompense du service que luy avois faict de m'avoyer faict donner l'estat de varlet de chambre ches LA ROYNE. Il me respondist, que ce n'estoit pas asès, et qu'il me feroit davantage. Je luy dis, que ie me contentois, et que ie ne pouvoys davantage à la maison de LA ROYNE, voyant mon equalité, et que ie me contentois. Il me dict que ie me ne chommeroy de rien que ie luy dise, car disoit-il, Tu m'ais faict bon et loyal service depuis qu tu m'a servy; car ie sçay que tu as couvert mon deshonneur que tu avois occasion de fouller quant tu vins de mon service hors d'*Angleterre*. *Mons^r. ce diet-ie, ie nay faict que tor de serviteur. Et bien, ce diet-il, pour autant que ie t'ay trouvé fydelle serviteur, ie te veulx dire vne chose, mais il te fault garder sur ta vie que nul ne le sache. (Mons^r. ce di-ie) il n'apertient au serviteur quant le maistre luy dit quelque chose de le reveler, et s'y est chose que vous pensés que ie ne puise garder, ne me le dictes point. Sçais-tu (ce diet-il) que c'est; c'est que fy ce ROY-là qui est la d— a jamais les pieds sur nous aultres Seigneurs, il nous vult dominer et estre cruel, et de nous autres Seigneurs ne le voullons pas souffrir, et aussy ce n'est la façon de ce pais, et pour cela nous avons conclud nous aultres de le faire fault—de dedans ceste maison en l'air avecques de la pouldre, de oyant ie ne le dis mot ains baillé la vene basse mon sens et mon cueur ce tourne de*

¹ Extricated from the ruins.

² *British Museum*, CALIG. B. IX, fol. 270.

l'avoyr ouy ainfy parler. Il me regarde, me demandant que ie pense? Mons^r. (ce di-ie) je pense à ce que vous me dictes, qui est une grand chose. Qu'en pense-tu? (ce dit-il) Que j'en pense, Mons^r? (ce di-je) vous me pardonnerez fy ie vous die selon mon povvre esprit ce que i'en pense. Que veulx tu dire? (se dit-il), tu veulx prescher. Non, Mons^r, vous orres. Et bien (se dit-il) dis, dis! Mons^r. (ce di-je) depuis cinq ou six ans que ie vous ay fait service, ie vous ay toujours veu en grands troubles, et n'ay fceu jamais voyr d'amis qui ayent fait pour vous; maintenant, Mons^r. vous estes hors de tous ces troubles, la grace à Dieu, et plus en court à ce que tout le monde dict que jamais; pour ma part, ie voye que chascung vous fait la court, petis et grands, mais ie ne scay pas que vous rit qui vous veult veoyr aultrement, ie ne scay pas vous estes du pais Mons^r. Davantage l'on diet que vous estes le plus grand terrien de ce pays icy, et aussy que vous estes marie qui est l'heure quant vng homme prend ce ply la que il ce fault arester ou jamais. Maintenant, Mons^r. fy vous entreprenes ceste chose-là qui est grande, ce sera le plus grand trouble que vous eustes jamais, par dessus les aultres, car chascun cryera 'ha harault!' sur vous, et vous le voyres. Et bien (cedit-il) as-tu fait? Vous me pardonnerez, Mons^r. s'il vous plaist, fy ie vous ay die selon mon povvre esprit (ce di-ie). Et beste que tu es (ce dict-il) pense-tu que ie fay cecy tout seul de moy mesme? Monsieur, ie ne sçay pas comment vous le faictes, mais ie sçay bien que ce sera le plus grand trouble que vous eustes oncques. (Ce dict-il) et comment sera-ce? car i'ay disia *Leddington* qui est estymé l'ung des meilleurs espricts de ce pais-cy, et qui est l'entrepeneur de tout cecy; en apres j'ay Mons^r. *d'Argyle* mon frere, Mons^r. *de Honthye*, Mons^r. *de Morton*, *Ruthen*, et *Lindesay*. Ses trois-là une foys ne me fauldront jamais, car j'ay parlé pour leur grace; et ay tous les signes de ceulx-cy que ie t'ay nommes, et aussy avons envie de le faire dernièrement que nous fumes à *Cragmiller*, mais c'est que tu es un beste et povvre d'esprit, qui ne merite d'entendre chose de consequence. Ma foy, Monsieur (ce di-ie) il est vray, car mon esprit n'est point pour telle chose, mais bien pour vous faire service à ce que ie porray, et bien bien Mons^r. ilz vous porront bien faire maistre et principall de ce fait-là, mais quant ce sera fait ilz porront aussy mettre le tout sur vous, et les premiers qui cryeront 'ha harault!' apres vous, et les ceulx qui vous boutteront le premier à mort, s'ilz peuvent. He! Mons^r., ie vous prie m'en dire d'ung que vous ne m'aves point nommé; ie sçay bien que cestuy-la est aymé en ce pais du commuen peuple, et aussy de nous autres *François*, que quant il gouvernoyt l'espace de deux ou trois ans, il n'avoyt point de troubles au pais, tout le monde ce portoit bien, l'argent corroit, maintenant on ne peut veoyr homme qui ait moyen, et ne voyt-on que troubles; cestuy-la est sage et fy a des amys allies. Qui est cestuy-la? (ce me dict-il). Cest Mons^r. (ce di-ie) *Mons^r. le Conte de Morra*: je vous prie me dire quelle part cestuy-la prend? (Ce dit-il), il ne se veult point meller. Mons^r. (ce di-ie), il est sage. Adonc *Mons^r. de Boduel* retourne la teste vers moy et me deist, *Mons^r. de Morra*, *Mons^r. de Morra*, il ne veult n'ayder ne nuyre, mais c'est tout ung. Bien, bien, Mons^r. (ce di-ie) il ne le faicte sans cause, et vous le voyrez. La-dessus il me commande de prendre la clef de la chambre de LE ROYNE à *Kirkcaldie*. Je luy dis, Mons^r. vous me pardoneres, s'il vous plaist, pour autant que ie suis estrangier, et aussy que ce n'est mon estat, l'huyffier me porra demander que i'en veulz faire et-il aura raison. Et pourquoy (ce dit-il) n'est-tu vallet de chambre de LA ROYNE? Il est vraye, Mons^r. (ce di-ie) mais vous sçavez qu'à la maison d'ung Prince chaque officier à son office, et entre les autres l'huyffier a le sien, l'estat duquel est de garder la clef de la chambre. Pourquoy donc (ce dict-il) t'ay-je mis à la chambre de LA ROYNE fy non pour en tyrer du service? Helas! Mons^r. (ce di-ie) c'est bien pour vous faire service à ce que ie porrois, mais je pensois en moy mesme sans rien dire (le craignant) si j'eusse pensé telle chose, iamais la chambre ne m'eust chambree. La-dessus il s'en alla de moy de ce trou ou coing-la, ou il avoit fait ses affaires. Luy étant party de moy, je prens mon manteau et mon espee et m'en voys pormener dans la grand esglise, et pensoys en beaucoup de fortunes que j'avoys du passé eschapiés de luy, et commencois à remercier Dieu qui n'avoit delivré d'aveques luy, luy demandant du bon cuer d'estre hors de sa compaignie pour autant que ie congnoyffois ses vices fort terribles, et princi-

pallement ung donet l'on dict que j'en fais sy bon serviteur, me reportant à Dieu, qui congnoit ce que luy en ay dict, comment ce seroyt sa ruyne. Plus de six ans il y a, et qu'il soit ainfy qu'on demande au *Lard de Petincereif*, qui a ouy parler pourquoy je fortis de son service hors d'Angleterre: il me battist et me tormentast à coups de pied sur le ventre, pour me faire faire chose que ie n'avoys envie de faire, donet il m'en à remercié en *Escosse*, que j'avoys couvert son honneur la ou j'avoys occasion de le fouller. Apres avoir penté à tout cela pour me refouldre de ce faict meschiant que j'avoys entendu et qu'il m'avoit dict, ie demande à mon Dieu, qu'il me conseillaist voyant le faict sy grand il estoimoit mon esprit; et que sy à ceste heure-la *Mons^r. de Croque* eust esté en ce pais, ie n'eusse point esté en ceste peine icy. Quant ie vis qu'il ny avoit aultre remede que d'avoyr patience, et qu'il ny avoit chemin pour m'en aller sy non par *Angleterre*, la ou j'eusse esté prins et arresté per faulte de passeport, et aussy que cest trahayson contre le Prince au serviteur de s'en aller sans congé, et aussy que ie ne sceu prouver pourquoy ie m'en allois sy non per *Mons^r. de Bodvel* qui ne m'eust jamais advoue; voyant comme chascun peut penser que cela gyfoit beaucoup à son honneur, et à des aultres Seigneurs à ce qu'il me disoit. Or doncques ce chemin-la ne me vallut rien, je me refoulz dessus ung poynt que sy ce meurtre ce seroit de brief c'estoit ma ruyne, pour autant que ie cognoyffois l'homme qui n'eust jamais failli de moy commander, et s'il y auroit dix ou douze jours entre deux, j'auray esperance de bien faire, car s'il va navire de quelque coste que foyt, qu'en *Angleterre* j'estoys delibere de me desrober pourquoy ie me refoulz au fortier de l'esglise de scavoyn de luy quant ce seroyt. De Vendredy doncques ie m'en vois à luy à fortier de sa chambre, comme il alloit chez LA ROYNE, et aussytot qu'il me veist il me demande sy ie avoys prins ceste clef. Je luy dis que je regarderoys a le faire; il me dict que je ne faillisse dont point, car c'estoit à Dymanche qu'ilz vouloyent faire à mettre leur faict en execution. A ceste heure-la je fors d'avecques luy plus fasche que jamais, et m'en vais sur le chemin du petit *Leith* tout expres pour trouver navire; et quant ie fus a moytie chemin ie dyfoys en moy-mesme, or est-il bon a voy que tu as l'esprit bien perdu, pour autant qu'il ny a plus que de main entre deux, quant ores le vent seroyt bon, as-tu la puissance de louer ou fretter une navire tout seul ou expres: la-dessus ie m'oste du grand chemin et me destorne à part, priant Dieu de me conseiller, car de faire bruyt de cela j'estoys morte. Ceste jour-la, ce passé en ce point, et aussy le Samedy toute la matynée. L'apres disner il me demande encores ceste clef; je luy dis, *Mons^r.*, hélas! comment le feray-je? Pourquoy (ce dict-il) qui t'en gardera? N'es-tu pas serviteur de LA ROYNE? Il est vray, *Mons^r.*, mais ce n'est point mon estat de prendre les clefs. Mais dy moy (ce dict-il) et pourquoy? Une fois ie ne le veulx rien commander en ce faict-la. J'ay des clefs assez sans toy, car il n'y a porte ceans donet je n'ay le clef, car *Mons^r. Jacques Balfor* et moy avons esté toute la nuycete pour veoyr et chercher le meilleur endroit et passage pour executer nostre affaire, et pour trouver bonne entree; mais ceste qui tu es une beste, car ie ne te veulx employer en ce faict-la, car j'ay des gens assez sans toy, et aussy que je scay que tu n'as point de cuer. La-dessus ie entre en la chambre de LA ROYNE, la ou *Marguerite* et quelques aultres estoient attendantz LA ROYNE, qui estoit en la chambre du Roy. Adonc le bruyt vint incontinent que LA ROYNE s'en alloit à *l'Abbaie*; tout le monde fort hors de sa chambre, et moy le dernier, prenant la clef de la dict chambre, et m'en vois à *l'Abbaie* apres elle, la ou je trouve *Mons^r. de Bodvel*, qui me demande sy j'avoys ceste clef. Ouy, *Mons^r.* (ce di-je). Il me commande de la garder. Au bout d'une heure *Marguerite* me prie d'aller à *Kirkcaldie* querir une couverture de Maytres à la chambre de LA ROYNE, ce que je fais et prens ung garson avecque moy et entre en la dict chambre, en presens de *Sande Duram le jeune*, et le porte-faix du Roy, et fais emportier la dite couverture, le dict *Duram* me demande la clef. Je luy dis que ce n'estoit pas à moy à la donner, mais bien à l'huyffier, luy pryant de me pardonner. Bien, donc (ce dict-il) puisque ne le me voulez donner. La-dessus ie m'en vins à *l'Abbaie* à la chambre de LA ROYNE et delivre la couverture à *Marguerite*, ceste jouer-la de Sabmedy estant ainffy passé, je m'en alloys me coucher.

Le Dymenche matin ie me leve à six heures, et m'en vois promener dedans le parc, et en ung

vallon ie me metz à prier Dieu, et luy demander conseil de ce fait mefehant, car ie n'ay fceu trouver aultre moyen que de laiffèr couller l'eau du ruffeau qui estoit fy ord, en apres m'estant resolu, ie m'en retourne a l'Abbay, la ou ie trouve troys officiers de LA ROYNE, et m'en allay desieufner quant et culx, et m'en revins a neufue heures à la chambre de LA ROYNE, la ou l'oye nouvelle que *Monsr. de Morray* venoit prendre son congé de LA ROYNE pour aller veoyr Madame sa femme : moy entendant ceste parole l'aperfen incontynent qu'il le faisoit pour se destorner de se fait mefehant. La-dessus ie m'en allois me pormener *Lafiarik* et m'en vois soubvenir des paroles que j'avoys dictes du dict *Seigneur de Morray* à *Monsr. de Bodvel* ; et aussy ce qu'il m'en avoit respondu. A ceste heure-la ie dis en moy mesme, O *Monsr. de Morray* tu es homme de bien, pleust à Dieu que tu sceus mon cueur, je n'auray pas tant de mal que j'ay ! Et ayant bien pensé je m'en revins à la chambre de LA ROYNE, la ou elle alloit disner auz noces de *Bafien* ; toutesfoi je m'en allay disner à la ville et apres disner me pormener ; et estant revenu, j'entendis que LA ROYNE alloit souper chez *Monsr. d'Argylle*, la ou j'estois derrier elle luy servant desicant ; et comme elle lavoyt ses mains apres souper, elle me demande, fy t'avoys osté la couverture de Maytre de sa chambre au logis du ROY ? Je luy dis qu'ouy. Lors les seigneurs se levent de table, donc *Monsr. de Bodvel* m'appelle, et me mène seul avecques luy au logis de sa mere, la ou il ne fust gueres qu'il s'en alla au logis de *Lard d'Ormiston*, parler à luy et à son frere *Hobe*, et nous prend tout troys avecques luy et s'en va à *Cougait* et parle à *Jehan Hay* et à *Jehan Hepbron*, qu'il trouve à la rue. Apres avoir parle à eux, il s'en va tout seul et moy au logis du ROY, et à mye chemin au logis il me dict, or sçais-tu qu'il y a, tu t'en yras à la chambre de LA ROYNE à *Kirkefield*, et quand *Jehan Hepbron*, *Jehan Hay*, et le *Lard Ormiston* entront, et qu'ilz auront fait ce que ilz ont envie de faire, tu fortyras et t'en viendras à la chambre du ROY, ou tu t'en yras la ou tu voudras. Helas ! *Monsr.*, (ce di-je) vous me commandes ma mort ! Et pourquoy (ce dict-il) te commande-je de faire quelque chose ? Il est veritable, ce di-je, *Monsr.*, mais ie sçay bien que cest ma mort. Mais dis moy pourquoy (ce dict-il) fy ie te commandois de faire ce que les aultres font, tu le pourroys dire, mais ie sçay bien que tu n'as point de cueur ; une fois les aultres n'ont que faire de toy, car ilz entront bien fans toy, car ilz ont des clefs assés ; il n'y a porte ceans donet ilz n'en ayent les clefs. Bien, *Monsr.* (ce di-ie) ie m'y en voys. La-dessus il se departe de moy et s'en vais au logis du ROY, et entre en sa chambre, la ou estoit LA ROYNE et aucuns des Seigneurs, et ie m'en vins à la petite court, entre à la cuisine demandant une chaudielle au cufsynier, que j'alumis. Sur ces entre faitz, voicy *Jehan Hepbron* et *Jehan Hay* qui entrent en la chambre, la ou i'estois et portoys de la pouldre dedans des fazz qu'ilz misrent au milieu de la dict chambre. En ce fayfant, voycy *Monsr. de Bodvel*, qui furvient et parle au culx dyfant, ' Mon Dieu que vous faictes de bruyt ! on oyt d'enhault tout ce que vous faictes !' Et ainfy me regarde, et me demande ce que le fayfoys, et que ie m'en allasse à la chambre du ROY apres luy ; ce que je feis, et me trouve aupres de *Monsr. d'Argylle*, avec qui *Monsr. de Bodvel* parloit, et le dict *Seigneur d'Argylle* m'accaroysfloyt et me touche sur le dos sanz me dire mot. Et n'estant en la chambre du ROY la longueur d'une pater noster que LA ROYNE s'en va vers l'Abbaye et monte là ou estoit les nocces ; et moy ie m'en vois en ung coing la ou *Monsr. de Bodvel* me vint trouver, me demandant ce que j'avoys d'ainfy faire la myne, et que fy ie la fayfoys ainfy devant LA ROYNE, qu'il m'accoustroit en telle façon que ie ne fus iamais. Ie ne m'en soucy pas (ce di-ie) que vous faictes de moy à ceste heure-cy, vous priant me donner congé de m'aller coucher, car ie suis mallade. Non, ce dit-il, veulx que vous veniez avecques moy ; voulez vous laiffèr ces deux gentil-hommes-là *Jehan Hay* et *Jehan Hepbron* ? Helas ! *Monsr.*, ce di-ie, que feres vous davantage pour moy, car mon cueur ne me peult servir à telle chose ? Je veulx que vous venies (ce dict-il), or bien donc *Monsr.* (ce di-ie) allons. La-dessus il s'en va à sa chambre changer d'habillemetz et prend le tailler et moy avecques luy, et s'en va au jardin du logis du ROY, la ou le tailler demene à la muraille. Et moy aupres, le dict *Seigneur de Bodvel* s'en va à la porte du jardin, et puis revint vers nous, la ou *Jehan Hepbron* et *Jehan Hay* s'en veindrent et incontynent comme ilz avoyent parlé à

luy, voyla comme ung tempeste ou ung tonnoyre qui va eslever, de la peur que j'eu ie cheus en terre les cheveux dreflés comme allaines, dyfant, hélas ! Mons^r. qu'est ce cecy ? Il me dicte, je me fuis trouve à des enterprises grandes, mais iamais entreprise ne me fait fy grand peur que cesty-cy. Je luy dis, per ma foy, Mons^r., de telle chose que cecy il n'en viendra iamais bien, et vous le voyres ! O beste ! (ce dit-il) me menacent de me fraper de sa dague, mais ne la tire point. Là-dessus il commence à s'en aller bien viste, et nous apres luy, et s'en cuydoit aller per *Leyth Wynd*, mais il ne sceut. Il envoya donc *Hepbron* parler à portier pour ouvrir la porte, et qu'aussy le monde comencoyt à venir, il s'en va per derrier le *Cannongait*, et *Jehan Hay* et moy nous en allafmes la grand rue. Je difoys à *Jehan Hay* à telle chose que cecy n'en adviendra iamais bien. Il est vray (ce dit-il) nous avons bien offensé Dieu, mais il n'y a remede, il se faulte monstrer verteux et prier Dieu. Hélas ! (ce di-je) Mons^r. m'a menacé de me frapper de sa dague, mais je voudrois bien qu'il l'eust fait pour mon honneur. Paris, ce dict-il, prenes en patience, car vous congnoyflés bien l'homme. Là-dessus ie m'en allay coucher dans mon liet et luy au sien, mais je ne fçay ou, moy ellant levé le Lundy matin envyron sept ou huit heures, je m'en vins à la chambre du dit *Seigneur de Bodvel*, et incontynent qu'il me voyt il me demande que j'avoys à faire la mine ? Je luy dis, que j'avoys que jamais or n'y argent ne me remettroyt en point que l'estoys. Pourquoi ? (ce dict-il) Porce, Mons^r, que ie fçay bien que je fera pris pour le principall de ce fait-cy. Ha ! ouy (ce dict-il) tu es bien homme que ie voudrois bien prendre pour ung tel fait. Là-dessus il s'en va en bas en une chambre, et m'envoye querir par le dit tailler la ou il avoit en la chambre le *Lard Ormeston*, *Hobe Ormeston*, *Jehan Hepbron*, *Daglijêhe*, *Porrey* et moy.

Mons^r. de Bodvel me demande, que j'avoys à faire telle mine, et fy j'avoys promis quelque chose au Roy, et s'il estoit mon maistre ? Non, Mons^r. (ce di-ie.) Et voye-tu point (ce dict-il) ces gentil-hommes, qui ont terres, rentes et revennes, femmes et enfans, et ont tout voutu abandonner pour me faire service ! Et si tu pense avoir offensé Dieu, le peche n'est en toy, cest a moy, car je t'ay commandé, et tu ne feroys estre repris de ce fait, car ce font les Seigneurs mesmes de ce pais, avec moy, qu'avont commis le cryme, et voudrois qu'il meust cofle oo...escus et ne t'en avoyr iamais parlé. Per ma foy, Mons^r. (ce di-ie) ie la voudrois bien, or bien *Paris* il se fault monstrer verteux, et pour toutes les irheues du monde, il ne fault rien dire ; et s'y vous avez envie de vous en aller, vous vous en yres bientoft. Et du depuis ie l'ay demandé congé plus d'une demye douzaine de fois, et ne le fçue iamais avoyer ; et voyla tout ce que ie fay touchant ce fait.

2. *A Sanct Andre¹ le dixieme jour d'Aouft, 1569, Nicholas Howbert, diet Paris, à esté interrogé sur les articles et demandes qui s'ensuyvent, &c.*

Et premierment,

INTERROGUE, Quant premierment il entra en credit vers LA ROYNE ? Responce, que se fust comme LA ROYNE estoit à *Callendar* allant à *Glasgow*, qu'alors elle luy bailla une bourse la, ou il avoit environ 3 ou 4 cens escus, pour la porter à *Mons^r. de Boduel* ; lequel, apres avoir recon la dicte bourse sur le chemyn entre *Callendar* et *Glasgow*, luy dict que le diet *Paris* f'en allast avecques LA ROYNE, et qu'il se tint pres d'elle, et qu'il regardast bien à ce qu'elle feroit, luy dyfant, que LA ROYNE luy donneroyt des lettres pour les luy porter. LA ROYNE estant arruë à *Glasgow*, luy dict, je t'envoyray à *Lislbouurg*, tiens-toy prest, et ayant demeure la deux jours avecques la diet dame, laquelle escript des lettres et luy les baille, dyfant, vous direz de bouche à *Mons^r. de Boduel* qu'il baille ces lettres qui f'adressent à *Mons^r. de Ledington* à luy mesmes, et qu'il parle à luy, et voyes le parler ensemble et regardes la façon de faire, et quelle mine ilz feront, car c'est, ce difoyt-elle, pour favoyr lequel est meillieur pour loger LE ROY à *Craigmillier* ou à *Kirkasfeld*, affin d'avoyr bon air ; car, f'il logoyt à

¹ This second Examination of French Paris is preserved in *the British Museum*, CALIC. C. 1, fol. 318. It is given here in the original form, the same as the preceding.

l'Abbaye, LE PRINCE pourroyt bien prendre sa maladie, à cause que ses serviteurs ne pourroyent leur en garder d'aller veoyr LE PRINCE : en oultre qu'il dict au dict de *Boduel* que LE ROY la vouloyt baifer, mais elle ne pas voullu de peur de sa maladie, chose que *Rerefs* en tefmoigneroyt bien. Et plus (ce dict-elle) vous direz à *Monsr. de Boduell* que je ne va jamais vers LE ROY que *Rerefs* n'y est, et voyt tout ce que je fais. *Item*, LA ROYNE luy dict, ' *Paris* hastes-vous de revenir, car je ne bougeray dicy jusques au temps que vous m'aures raporté la responce l'

Estant le dict *Paris* arryvé à *Lislebourg* trouve le dit de *Boduel* en son logis à *l'Abbaye*, lequel luy dist, ha ! *Paris*, tu es le bien venu. *Monsr.*, ce dict-il, voycy des lettres que LA ROYNE vous envoie, et aussi à *Monsr. de Liddington*, vous pryant de les luy delivrer, et que je vous vis parler ensemble, pour veoyr vos façons de faire, et comment vous vous accordiez ensemble. Fort bien, ce dict-il, car j'ay ce jourdhuy parlé à luy, et luy a donné une haquenee. Le lendemain le dict *Paris* dict qu'il vint au logis du dit de *Boduel* par trois fois le chercher à 8, 9 et 10 heures, et ne le sceut jamais trouver ; mais à la fin *Powrye* le portier luy dist, qu'il l'allast chercher à la haulte ville, que peraventure il le trouveroyt en quelqz lieu au conseil ; et l'ayant cherché, il voyt venir une troupe de gens de vers le *Kirkseild*, la ou estoit le dict *Seigneur de Boduel* et *Monsr. Jacques Balfour*, coste a coste ensemble, lequelz f'en alloient d'isner au logis du dict *Monsr. Jacques*. Le dict *Paris* prya *Monsr. de Boduel* de le despecher vers LA ROYNE. Apres d'isner (ce dict-il) je le feray ; et quant il retourna querir sa despesche apres d'isner, il trouve le *Seigneur de Boduell* et le dict *Monsr. Jacques* seulz, teste a teste, en une chambre ; et le dict *Seigneur de Boduel* qui escrivait de sa propre main ; et apres avoir fait, il dist à *Paris*, voyla ta responce, retourne t'en à LA ROYNE et me recommends bien humblement à sa bonne grace, et luy dictes que tout yra bien, car *Monsr. Jacques Balfour* et moy n'avons dormis tout la nuyte ains avons mis ordre en toute, et avons apreste le logis, et dictes à LA ROYNE que je luy envoie ce dyamant que tu luy porteras, et que f'y j'avoymon cueur je le luy enverroye trefvullentiers, mais je ne l'ay pas moi. Va t'en à *Monsr. de Liddington* et luy demandes f'il veult rescrire à LA ROYNE, ce que le dict *Paris* fist, et le trouve à la chambre des comptes, et luy demande f'il plafoyt rendre la responce aux lettres de LA ROYNE que *Monsr. de Boduel* luy avoyt baillies. Ouy (ce dit-il) et la-dessus il prend du papier incontinent et escript, et ayant fait le dict *Paris* luy dict que LA ROYNE l'avoit commande de luy demander, lequel des deux logis feroit le millieur pour LE ROY, car elle ne bougeray dela jusqu'à ce qu'il l'auroit raporté sa responce. Le dit *Liddington* luy respondit, que le *Kirkseild* feroit bon, et que le dit *Seigneur de Boduel* et luy avoyent advise ensemble la-dessus. Ainly le dict *Paris* partit pour son aller à *Glasgow* vers LA ROYNE ; et estant de retour à *Glasgow* et avoyr fait son messaige, qui luy estoit donné des dix Seigneurs de bouche, LA ROYNE luy demande, s'il avoyt veu parler *Messieurs de Boduel* et *Liddington* ensemble ? Dict que non, mais que *Monsr. de Boduel* luy avoyt dict qu'ilz avoyent parlé de bon visage ensemble, et que le dict *Sieur de Liddington* estoit du tout à luy, et que le logis estoit prest. *Item*, comme elle retournoyt de *Glasgow* vers *Lislebourg* avec LE ROY à *Kalendar*, il f'adressé ung homme de *Monsr. de Boduel* au dict *Paris* et luy baille une lettre pour la presenter à LA ROYNE, ce qu'il feist, laquelle luy demanda, s'y l'homme estoit seur ? Je pense, ce dit-il, Madame qu'il n'eust voullu vous envoyer homme qu'il n'en fust seur. La-dessus en f'en allant coucher elle rescript une lettre, et y meist dedans ung anneau et la luy bailla pour la bailler au dict homme porteur, chose qu'il feist, pour la rapporter au dict *Sieur de Boduel* ; apres LA ROYNE et LE ROY estans à *Lythkour*, elle dict au dict *Paris* qu'il vouloit mettre *Guilbert Cowlle*, Vallet de chambre ches LE ROY, pour ce qu'il estoit de bon esprit, afin de veoyr ce que LE ROY feroit, car elle ne ce fyoyt point à *Sande Duram*. Du dict lieu *Jehan Hay* fust par elle despesché vers *Monsr. de Boduel*, auquel elle parla assés long temps, en apres aussy *Paris* avec des brassieletz au dit *Sieur Boduel* (le dict *Paris* arryvent à *Lislebourg* luy baille les brassieletz) lequel Siens estoit prest de monter à cheval pour aller trouver LE ROY et LA ROYNE, avec lequel le dict *Paris* retourne au devant du ROY, lequel ils conduyrent jusques à son logis à *Kirkseild*.

Interrogué, S'il favoyt aucun priveauté entre LA ROYNE et *Monsr. de Boduel*, durant le temps que LE ROY gyfoit à *Kirkafeld*? Respond, que *Monsr. de Boduel* luy avoyt diet que toutes les nuytz *Jehan Hepbron* feroyt le guet foubz les galleries à *Sancte-Croyx*, cependant que *Lady Rerefs* yroyt bien taird le querir pous l'amener à la chambre de LA ROYNE, luy deffendant, affavoyr à *Paris*, sur la vie de ne dire que sa femme estoit avecques luy.

Interrogué, S'il favoyt de l'entrepris du Meurtre du ROY depuis son arryvement à *Kirkafeld* jusques au jour de l'exécution? Respond, que non aultrement que ce qu'il en a desjà depofé en sa Deposition faite le neuvieme de ce mois, en adioustant que le jour que *Monsr. de Boduel* luy avoyt communiqué le faict de Meurtre du ROY, qui fust le mesme jour que LA ROYNE couchait au logis du ROY à *Kirkafeld*, (ainfy comme il y en souvient fort bein) et comme le dit *Paris* vouloyt dresser le liet de LA ROYNE en sa chambre, qui estoit droyt foubz la chambre du ROY; ainfy que *Monsr. de Boduel* luy avoyt commandé, lors qu'il parloyt avecques luy au trou la ou il le destafchoyt pour faire ses affaires, le diet *Sieur de Boduell* deffendist au dit *Paris* de ne dresser le liet de LA ROYNE droict foubz le liet du ROY, car je y veulx mettre la pouldre en cest endroyt-là, ce dit-il. Et ceste mesmes nuyt-là, apres que le liet fust dressé en la chambre de LA ROYNE; ce que je fis au mesme endroyt la ou il me fust deffendu par le diet de *Boduel*, LA ROYNE me dist, 'Sot que tu es, je ne veulx pas que mon liet foyt en cest endroyt-là, et de faict le feist oster!' Par lesquelles parolles, j'ay aperceu à mon esprit qu'elle avoyt cognoissance du faict. La-dessus je prins la hardiesse de luy dire, 'Madame, *Monsr. de Boduel* ma commande luy porter les clefs de votre chambre, et qu'il a envie de y faire quelque chose; c'est de faire saulter LE ROY en l'air par pouldre, qu'il y fera mettre!' 'Ne me parle poynt de cela ceste heurecy,' ce diet elle, 'fais en ce que tu voudras!' La-dessus je ne l'osoyz parler plus avant. A ceste heurecy je commence à confyderer que j'estoys employé en ce faict meschant, auparavant par parolles couvertes et desguysées estant envoyé de *Glasgow* vers *Monsr. de Boduel*, pour scavoyr lequel des logis estoient le meilleur, et par ce aussy qu'il m'a respondu alors, quant il me renvoye vers LA ROYNE, vous la dires, sy elle vous demande ce que je fais, que j'ay veillé toute ceste nuyt et *Mr Jacques Balfour*, pour aprester le logis du ROY. Estant interrogué, Sy LA ROYNE passoyt plus oultre ceste nuyte sur ce purpos? La diet que non, mais le pressoyt apres plus fort que jamais de parler à elle de pourpos de *Monsr de Boduel*, de sa femme, et de aultres choses. Et estant couchee ne dormoyt point toute la nuyte, ains escryvoit des lettres au diet *Sieur de Boduel*, et les envoye par le diet *Paris* au *Sieur de Boduel*, environ onze à douze heures de nuyt, mains riens de creance. Et ayant delivré ceste lettre au diet *Sieur de Boduel*, il rescrip estant au liet, et en baillant la responce au dit *Paris*, il luy diet, 'Dictes à LA ROYNE, que je dormiray point que je ne escheve mon entrepris, quant je debuoyz trayner la picque toute ma vie pour l'amour d'elle!'

Et estant de retour vers LA ROYNE, Vendredy au matin, luy ayant racompté ces mesmes parolles que luy avoyt dictes *Monsr. de Boduel*, 'Et bien, *Paris* (ce diet-elle en ryant) il n'en viendra jamais, sy Dieu plaist à ce pnynt-là!' Et ce dyfoyt-elle estant au liet. Et comme elle s'abilloyt, le dit *Paris* prend les deux clefs de la chambre de LA ROYNE, selon le commandement du dit *Sieur de Boduel*, et les luy aporte. Lequel ayant faict fortir toute le monde de sa chambre, prend le clef d'ung coffre qu'il avoyt en sa pochette, et apres avoyr ouvert le dit coffre, en tire des aultres clefs contrefaictes toute neufues, et en regardant les unes aupres des aultres, diet à *Paris*, ha! ouy, elles sont bien; raporte celles-là, et il remeist les contrefaictes dedans le coffre.

Estant interrogué, S'il scavoyt qui avoyt fait et baillé les clefs contrefaictes au dit *Sieur de Boduel*? Respond, qu'il n'en favoyt rien, sy non que le dit *Sieur de Boduel* luy dist, qu'il avoit toutes les clefs des portes de ce logis-là, et que luy et *Maistre Jacques Balfour* avoyent esté tout une nuyt pour chercher et favoyr la meilleure entree, comme il a desjà depofé. Mais cependant que le diet *Paris* estoit absent avecques les clefs, *Archibald Bethon*, huysfier, demande les clefs pour laisser fortir LA ROYNE au jardin, et ne les pouvant trouver, LA ROYNE en fust faché, et diet tout haut à *Paris* à son

retour, ‘ *Paris* pourquoy aves-vous emporté les clefs de ma chambre ? Lequel ne luy respondit mot fur l’heure ; mais apres la, trouvant a part luy dist, ‘ Ha ! Madame, pourquoy m’aves vous dict devant le monde que j’avoys pris les clefs de votre chambre, voyant que vous faves bien le pourquoy ? ’ ‘ Ha ! ce dit-elle, *Paris* c’est tout nung ; ne te fonceye, ne te fonceye ! ’ ‘ Et d’autant qu’il en pourroyt avoyr bon fouverance, il dict, que ce Vendredy la nyxt LA ROYNE coucha encores au logis du ROY, et luy renvoya derechef porter des lettres au dict *Sieur de Boduel*.

Interrogué, S’il avoyt rien entendu de ce propos le Sabmedy au matin ? Respond que non, fy non que LA ROYNE deist en presence de ceulx de sa chambre, qu’il y avoyt eu quelque querelle entre le ROY et *Monsr. de Sancte-Croix*, lequel avoyt bon moyen à ceste heure-la de tuer LE ROY, car il n’y avoyt en la chambre alors qu’elle pour les departir : Et dict oultre, qu’apres d’ifner, le dict *Sieur de Boduel* luy commande de prendre la clef de la chambre de LA ROYNE, chose qu’il n’avoyt envie de faire ; mais comme LA ROYNE fortoyt de sa chambre, elle le regarde, et luy commande de prendre la dit clef. Et au foyr, LA ROYNE estant à l’*Abbaye*, elle envoie le dit *Paris* vers *Monsr. de Boduel*, luy commandant luy dire de bouche : ‘ Allez vous en à *Monsr. de Boduel*, et luy dictez, qu’il me semble qu’il feroit le mieulx que *Monsr. de Sancte Croix* avec *Guillaume Blakatre* allent à la chambre du Roy, faire ce que le dict de *Boduel* scait, et qu’il parle à *Monsr. de Sanct Croix* touchant ce purpos, car il feroit myeux ainfy qu’aultrement, et pour ce n’en feroit qu’ing peu prifonnier dedans le chasteau.’ Apres avoyr le dict *Paris* racompté ce fait à *Monsr. de Boduel*, il luy dict, ‘ Je parleray à *Monsr. de Sanct Croix*, et puis j’yray parler moy mesmes à LA ROYNE.’ Le dit *Paris* n’a fouverance d’aultre chose que se feist ce jour-là, mais le reste est contenu en sa premier Deposition, jusques à ce que LA ROYNE arryva en l’*Abbaye*, et *Monsr. de Boduel* l’estant ansfy retiré en sa chambre avec le dit *Paris*, survint *Monsr. de Honteley*, en compaignye de deux ou troys serviteurs, et ce par le chemin derrier l’*Abbaye* qui menie droyt au logis de feu *Monsr. de Ruthuen* ; et apres qu’ilz avoyent parlé en l’oreille ensemble, comme *Monsr. de Boduel* avoyt desia commence de changer ses habillemetz, le dict (*Monsr.*) de *Boduel* deist apres au dit *Paris*, que *Monsr. de Honteley* l’estoyt offert d’aller avecques luy, mais qu’il ne le vouloyt mener. Quant et luy, et apres que *Monsr. de Honteley* se fust party pour aller coucher, le dict de *Boduel* prend le tailler et *Paris* avecques luy, comme il est dict en sa premiere Deposition.

Le Lundy matin, entre neuf et dix heures, le dict *Paris* dict, qu’il entre dans la chambre de LA ROYNE, laquelle estoyt bien close, et son licet la tendu du noyr, en signe de deuil, et de la chandelle allumer, dedans ycelle la ou *Madame de Bryant* luy donnoyt à desieufner d’ung oeuf frais, la ou aussy *Monsr. de Boduel* arryve et parle à elle secretement, soubz courtine. Ce jour-là Lundy, se passé ainfy sans ce que le dict *Paris* parle à elle. Mardy, au matin, elle se lene ; et le dict *Paris* estant entré en sa chambre, LA ROYNE luy demande, ‘ *Paris*, qu’as-tu ? ’ — ‘ Helas ! ce dict-il, Madame, je voys que chascun me regarde de costé. ’ — ‘ Ne te chaille, ce dict-elle, je te feray bon vyfayge, et personne ne t’oferoyt dire mot ! ’ Cependant elle ne le dict chose de consequence, jusques à ce qu’elle vouloyt aller à *Seton*, alors elle luy demanda de prendre une cassette ou il y avoyt des corceletz d’escus, que le Thresorier luy avoyt aporté de *France*, pour la porter à la chambre de *Monsr. de Boduel*, qui estoyt à ceste heure-là logé dedans le *Pallays*, au dessus de la chambre la ou ce tenoyt le Conseil : Et puis apres, luy commanda de prendre son coffre des bagues et le faire porter au *Chasteau*, et le delivrer entre les mains du *Sieur de Skirling*, pour lors Capitaine soubz *Monsr. de Boduel*, chose qu’il feist : En apres, elle voyant le dict *Paris* tout fashé, elle pressoyt souvent de faire service à *Monsr. de Boduel*, ce qu’il n’avoyt envie de faire, ains demandoyt souvent son congé ; et voyant cela, à la parfin elle luy dict, ‘ *Paris*, allez-vous consoller avecques *Mr Jacques Balfour* ; cest ung homme d’esprit, je m’y suis consolle par plusieurs foys et me consolle de present.’

Item. Interrogué, Du premier pryveauté qu’il a cognu estre entre LA ROYNE et *Monsr. de Boduel* ? Respond, que c’estoyt alors que le dit de *Boduel* conduysoit LA ROYNE vers *Glasgow*, quant elle alloyt querir LE ROY. A *Callender*, apres souper, assez tard *Lady Rerefs* vint à la chambre de *Monsr.*

de *Boduel* et voyt le dict *Paris* la, et demande que faict ce *Paris* icy? Cest tout ung, ce dict-il, *Paris* ne dyra chose que je luy deffend de dire! Et la-dessus elle l'amene à la chambre de LA ROYNE. Cery cestoyt le foyr devant que le lendemain LA ROYNE l'envoya la bourse par *Paris* au dict *Sieur de Boduel*.

Item. En oultre, il dict et declare, qu'environ le temps que le dict de *Boduel* fust faict Duc, LA ROYNE lui bailla le buffett et vesselle de l'argent de MONSIEUR LE PRINCE la ou estoit ses armoyries pour la porter à *Monsr. de Bothuile*; le quelluy dict, que cestoyt pour en faire oster la marque de PRINCE, et y mettre la sienne, ce qu'il delyvra à ung qui a espoufè une *Marguerite Hepbron* (mais il ne scait bonnement son nom) lequel comme il luy dict il le debuoyt bailler à *Mr Jacques Balfour* pour le faire faire.

Item. Il dict et confesse, que la nuyt au paravant que LA ROYNE fust ravie et enleevee du dit *Sieur de Boduel*, que *Monsr. d'Ormifoun* vint parler à LA ROYNE bien secretement à *Lythquow*: la-dessus LA ROYNE escrypt une lettre par le dict *Paris*, et par ce qu'il ne scavoit bien le chemyn, LA ROYNE le feist conduire par le dict *Ormifoun* chez *Monsieur de Halton*, la ou le dict *Sieur de Boduel* estoit en bonne compaignie, et mesmes les Capitanes couches aupres de luy et daultres: Et trouvant le dict *Sieur de Boduel* endormye les veille, et luy dict, Monsieur, voyla des lettres que LA ROYNE vous envoie. Et bien, *Paris*, ce dit-il, couche toy la ung peu; cependant je m'envoys escryre, et apres avoir escrypt, il dict au dit *Paris*, 'Recommendes me humblement à la Majestie, et luy dictes que j'yray aujourd'hui la trouver sur la chemyn au pont.'

Item. Estant interrogué, S'il savoyt pourquoy *Joseph* s'en alla de ce pays? Respond, que LA ROYNE lui dict, *Paris* il fault que tu controuves quelque chose en ton esprit pour faire peur à *Joseph*, afin qu'il s'en aille: et voyant qu'il ne pouvoit rien faire, elle luy dict, je feray faire une lettre que tu perdras derrier luy pour luy faire peur; mais luy ne pouvant ce faire elle, le feist dire par le *Justice-Clerk*, comme il peust, qu'il eust à comparoistre au Parlement, chose qu'il l'affrayast grandement, et courut ça et la demandant son congé; enfin LA ROYNE baille neuf vingtz escus à *Paris*, pour les bailler à *Joseph*, afin qu'il s'en allast, ce qu'il feist; et ainsi ayant receu la dict somme, il s'en alla.

Item. Dict. que *Jehan Hay* souvent apres la mort du ROY le conseylloyt et le confortoyt bien, et qu'aulture ne le consolloyt, sy non que souvent comment *Monsr. de Houteley* le voyant deffaict, le demandoyt, *Paris*, qu'as tu?

THIS is the trew copy of the Declaration and Deposition of the said NICHOLAS HOWBERT als *Paris*, quhair of the principall is markit every leif with his awin hand. And the same being red againe in his precence, he avowit the same, and all partes and clauses thair of to be undoubtedtie trew.

Ita est ALEXANDER HAY, *Seriba Secreti Consilii S. D. N. Regis ac Notarius Publicus.*

VIII. EXTRACT OF LETTER FROM LORD HUNSDON TO SIR WILLIAM CECIL.¹

WHEREIN he says, he received a letter of the 23 of August, with the Q. MAJESTY'S letter, and my LADY LENNOX packet; and touching *Paris*, he was put to death a fortnight since, and so was *Stewart*, who was King of Herald's,² which had determined to kill THE REGENT; but he was forgiven for that, and was burnt for Conjuratiou and Witchcraft.

¹ Dated Berwick, Aug. 30, 1569. *Anderson's Notes of Letters in the Paper Office.* *Laing's Hist.* II. 269.

² This matter is thus chronicled by two contemporaneous authorities. 'This same day (Aug. 2, 1568), about 2 in the afternoon, Sir William Steuarte, Lyone King of Arms, departed out of Edinbarghe to Dumbrittan Castell, being suspect of Conspiracy against the Life of THE REGENT, the Earl of Murray.'—*Birrel's Diary*, p. 17. 'In this samin mounthe, Sir William Steuarte, Lyone King of Armes, was transported from Edinburgh Castle to Dumbrittane, and ther committed to close prisonne, for Conspyring to take the Regent's lyffe by Sorecery and Necromancey, for which he was put to death.'—*Sir James Balfour's Annales*, I, 345. No mention of these proceedings occurs in the Books of Adjournal—but about this time the *Treasurer's Accounts* notice many prosecutions against *Witches*, four females having been tried between May 16 and Aug. 12, 1569, for this imaginary crime.

IX. LETTER FROM REGENT MURRAY TO QUEEN ELIZABETH.¹

PLEASE it your Majestie,

I HAVE of lait reffavit three Letters of your hienes, the first by my servent *Alexander Hume*, the next from ane *Mr Tho. Flemyng*, and the third be my lord Governour of *Berwicke*, for the differing² of the executioun of death upoun ane Paris, Francheman. . . .

As to that quhilk your Majestie writes of ane *Paris*, a Franchman, partaker with JA. sumtyme E. BOTHWELE, in the murther of THE K. my soverains fader, trew it is, that the said *Paris* arrivit at Leyth about the middes of June last; I at that tyme being in the North partes of this realme, far distant; Quhair upoun it followed, that at my returning, after diligent and circumspect examinatioun of him, and lang tyme spent in that behaulf, upoun the xvi day of August bypast, he sufferit death by order of law; so that before the receipt of your hienes letter, be the space of 7 or 8 dayes, he wes execute.³ Otherwyfe, your Majesties requisitioun towardis the diferring of his executioun, by way of death, fuld have been maist willingly obeyed; the same bringand with it sa gude reason. Bot I trust his testimonie left sal be fund sa authentik, as the credit thair of fall not seame doubtfull, neyther to your hienes, neyther to thame quha be nature hes graiteft cause to desire condigne puiffment for the said Murther.

X. THE CONFESSION OF THE LAIRD OF ORMISTON.⁴

The Castle of Edinburgh, 13th of December, 1573.

THE quhilk day *Johne Brand*, Minister at Hallyrnidhouse, being sent to the LAIRD OF BLACK ORMISTOUNE, to give him comfort, be the promiss of God's word offereit to sinners; and alsua, to requyre the said Laird to glorifie God, in shawing of the truth, &c.: After lang conference, and prayers made, above the space of ane hour, or theirby, the said *John Brand*, Minister, said unto him, 'Sir, althocht I am trewlie perswadit that the hail trewth ye have shawen me of this matter, yit, becaufe divers and greater doubts are passit of you, and alsé the memorie of men are bot weak, theirfoir, gif ye thought guid, I wald wryte certaine of they things, breifeley, that you have spoken.' Quha answerit, meiklie, 'For God's faike doe the famen; wreit even as I shall speike. As I shall answer unto God, with whom I hope this night to fowp,⁵ I shall declaire unto you the hail, from the beginning unto the end of my pairt.' *First*, I confes that *the Earle Bothwell* shew that famen wickit deid unto me, in his own chalmer in *the Abbey*, on Fryday before the deid wes done, and requyred me to take pairt with him therein, becaufe, as he alledged, I wes ane man of activeness, (alace theirfor!) quhair I utterly refusit, and said, God forbid, bot, gif it were upon the field, to fight with your Lo. unto the death, I fould not feir my skinn cutting. Then the said Earle said unto me, 'Tuihe, Ormistoune! Ye need not take feir of this, for the hail Lords hes concluded the famen langfyne, in *Craigmiller*, all that wes ther with THE QUEEN; and nane dar find falt with it, quhen it shall be done.' Efter the quhilk, I departit hame to *Kaitis Tames*,⁶ quhilk was *Thomas Henderson's* house, in Edinburgh, for his mother was called *Kait*: being in part feik, I lay down in my bed, and lay all Saturday, chiefie for that cause, beleivand that way to have put off that evil hour: And swa, I knew na farder of it quhill⁷ Sunday at night, quhere I, being in my chalmer in *the Black Frier Wynd*, gangand beltit in ane gown, *John Hepburne* and *John Hay of Tallo* come unto me, and said, 'THE QUEENIS grace and Lords are past up to sie THE KING, and my Lord is standand at *the Black Frier Wynd* fute, and bids you come to him incontinent.' Quhere⁸ I layd my gown from me, and taik ane ryding clock, becaufe I

¹ Undated. *Anderson's Notes, ibid.* ² Deferring. ³ It is thus recorded in *the Treasurer's Books*, Aug. 16, 1569. 'Item, to ane boy passand of Sanctandrois to Dundee and Perth, with *two quarteris* of THE BODIE of vmq^{le} PARIS, *Francheman*, being justseit to the deith, viij s.'—'Item, to ane boy passand of Sanctandre to Ed^r with THE HEID and ane LEG of the said PARIS, *Francheman*, vj s. viij d.' ⁴ *Anderson's MSS.* ⁵ Sup. A figurative expression, borrowed from Holy Scripture. ⁶ Kate's Thomas, a common designation at that time for servants and persons of low birth, especially in the Border counties. ⁷ Until. ⁸ Whereupon.

believit all had bein weill anewche now agreit, feing they had passit up to visit him : And cuming, at the first I mist the said *Earle*, for he had comiten upe amuther cloffe to feik me himselfe, in my awn chalmere ; and thair he fand my coufing *Hob*, quhom he brought with him ; and thairafter, met togidder in the middis of the Wynd, wha tuilke me againe ; and we all passit up to *the Freier Yaird*, through the flape,¹ quhair *Parcys* and *Archie Betoun* com and met us, and said all wes ready preparit for the setting of the lunt : And they all enquiryt, how it should be set to ? And, after diverse speakingis, I said, ' Take ane piece of lunt of thrie or four inch lang, and kindle the ane end of it, and lay to the cold end, and it wald burn syne to the train, and swa will blow up.' Efter the quhilk, *THE QUEINE* passing hame, *the Erle Bothwell* said, ' Speid, and clois all the duris !' for they had 13 fals keys of the lodging maide, and givin, as they said to me, be him that ancht the house. Efter the quhilk I departit incontinent, and came not nearer, as I shall answer befor God, nor² the duir. And as I was cumand hame, it strake ten hours, wher then I passit to *Katis Tames* hous, to avoyd suspitioun, that na man should say I was at the deid doinge ; for I was an hour and mair in my bed or the blast and crak was.

Being requyrit be the said Minister, ' Gif he knew not that *THE KING* was utherways handilit be menes handes, for it is commonlie spokin he was brought furth and wirryit !' Quha answerit, ' As I shall answer to my God, I knew nothing but he was blawin up ; and did enquiry the samyn maist diligentlie at *John Hepburne* and *John Hay*, and all that tarreit behind me ; quha swore unto me, they never knew nae uther thing bot he was blawin up ; and swa I think it was ane work done be God for the punishment of money wickit men, quhairof I am ane, and ane great sinner before God, for the quhilk I ask God mercy.

Thirdly, Being requyrit, Gif he knew na farder hereafter ? ansrit, At the Pasche³ thairafter, when the brute begouth to rys upon us, and all cryit, ane vengeance upon them that slew *THE KING*, it prickit my conscience, and I come unto *the Erle Bothwell* in his chamber, and said to him, ' Quhat Devill is this now, my lord, that every body suspectis you of this deid, and cryes ane vengeance for the samen, and few or no uther spokin of bot yow ! Aneuther thing you said to me !' Quha ansrit, ' I shall let you see sune thing that I had for me !' Quha lute⁴ me see ane Contract subferyvit be four or fyve handwrittes, quhilk he affirmit to me was the subscription of *the Erle of Huntlie, Argyll, the Secreter Maitland*, and *Sir James Balfour*, and alleaged that mony mae promisit, wha wald assist him gif he were put at. And thairafter read the said Contract ; quhilk, as I remember, containit thir words, in effect : ' THAT, for samikle it was thought expedient and maist profitable for the common wealth, be the haill Nobilitie and *Lords* underfubferyvit, that sic ane young fool and proud tirrane should not reign nor bear reull over thame ; and that for diverse causes, thairfoir, that thays all had concludit that he should be put off, by ane way or uther ; and quhosoever should take the deid in hand, or do it, they should defend and fortifie it as thamselfis ; for it should be every ane of their awin, recknit and halden done be themselfis.' Quhilk writting, as said *Erle* thew unto me, was devyfit be *Sir James Balfour*, subferyvit be them all ane quarter of ane year befor the deid was done.

After the quhilk, I never spake to the said *Erle* of it quhill the day he gate his Assyse ; quhaire the said *Erle*, standing at the barr, luiking down and sad lyke, I plukit upon him and said, ' Fye ! my lord, what Divill is this yee are doand ! Your face shawes what ye are ! Hald up your face, for Godis sake, and luik blythlie ;⁵ ye might luik swa and ye were gangand to the deid ! Allace ! and wo worth them that ever devyfit it ! I trow it shall gar⁶ us all murne !' Quha ansrit me, ' Had⁷ your tongue ; I wald not yet it wer toe do !' I have ane out-gait fra it,⁹ cum as it may ; and that ye will know belyve !¹⁰

Forder, the tyme when my brother was hurt be *the Laird of Seffaird*,¹¹ first com word to me, that

¹ A *slap*, or broken part of the wall.

² Than the door.

³ Easter.

⁴ Let, permitted.

⁵ Cheer-

fully. ⁶ Force, or make us all mourn.

⁷ Hold.

⁸ I would not that it were yet to do.

⁹ I have

a way of escape from it.

¹⁰ Presently ; by and by.

¹¹ Probably *Sesfuid* (*Cessford*) in the original.

they war slayne; and than thair came ane Bill¹ from thamselffis, and said they wer onley hurt, and wald not die: But ane thing did them mair evill than the hurting, viz. that ane commoune bruit was risen, that I was at THE KING'S Slaughter, and theirfoir desirit me to get fume guid way to purge myselfe, that it pafs na farder, or else ye have done with it. Quhilk Bill I tuik and gave to the *Erle Bothwell*, wha tuik it and gave it to THE QUEIN; and she tuike it and gave it to the *Erle Huntlie*, thair present, wha read it; and thairafter turnit unto me, and turnit her back, and gave an thring² with her shoulder, and passit away, and spake nothing to me. This is the hail thing I knaw, ather affoir or eftir, as I fall ansuer to my God, with whom I hope to supe.

Efter the quhilk, being inquyred, Gif ever THE QUEIN spake unto him at any tyme, or gif he knew what wes THE QUENIS mynd unto it? Anfrit, As I shall ansuer to God, shoe spake never to me nor I to hir of it, nor I knaw nathing of hir part, but as my *Lord Bothwell* thaw me: For I will not speike bot the trewth for all the gold of the earth, quhilk I desyre you, guid Minister, bear record hearof as ye have written, quhilk I pray yow read over to me: Let me alswa see it. Quhilk I did, affoir³ *Archibald Douglass*, Constabill of the Castle, and *George Towers of Bristo*, with uthers divers gentlemen and servants being in the chalmer.

Quhilk beand done, he said, for God's sake, sit down⁴ and pray for me, for I have bein ane greit sinner utherwyfe, for the quhilk my God this day is punishing me; for of all men on the earth, I have bein ane of the proudest and heich myndit, and maist filthie of my body, abusing myself dyvers ways. Bot specially, I have shed innocent blood of ane *Michael Hunter* with my awin hands. Allace theirfoir! Because the said *Michael* havand me lyeing upon my back, haveing ane fork in his hand, myght have slayne me gif he pleasit, and did it not; quhilk of all things grieves me maist in conscience. Alswa, in a raige, I hangit a poor man for an horfe; with mony uther wickit deids: for the quhilk, I aske my God mercy: For its not mervell that I have bein wickit, for the wickit companie that ever I have bein in, bot speciallie within thir feaven yearis bypast, quhilk⁵ I never saw twa guid men or ane guid deid, bot all kind of wickednefs; and sit my God wald not suffer me to be lost, and hes drawn me from them, as out of hell, and hes given me lazer⁶ and space, with guid companie, to repent; for the quhilk I thank him, and is assurit that I am ane of his elect.

Thir words, with mony mae, cryand continually unto his God, even to the very end, cryand, 'My Lord Jesus! sweit Jesus! have mercy upon me, as you have had upon uther finners!' in sick sort, that he was, to the appearance of man, ane of the maist penitent finners that hes bein sein this lang tyme, and may be comptit ane example of God's mercies to all penitent finners.

XI. TRIALS OF THE EARL OF BOTHWELL, THE EARL OF MORTOUN, &c.

THE reader may be once more referred to the Collections by *Anderson*, &c., for farther illustrations of the Murder of Darnley. In the new edition of the State Trials,⁷ the proceedings in the Trial of THE EARL OF BOTHWELL may be found, but in a modernized and mutilated form. *Laing*, in his History, also gives a brief notice of the mock Trial of Secretary *Maitland of Lethington*,⁸ and he has likewise preserved the memory of many other minute points, which cannot be noticed in this work. Reference may likewise be made to *Laing's History*⁹ and *Bannatyne's Journal*,¹⁰ for the Confession of THE EARL OF MORTON, on Jun. 2, 1581, the day of his execution, in which works are detailed the interesting Conference which took place between him, *Mr John Durie*, and *Mr Walter Baleanquell*, immediately before he suffered.

¹ Billet, letter.
all which time.
Hist. II, 298.

² Shrug.

⁶ Leisure.

⁹ *Ibid.* II, 323.

³ Before, in presence of.

⁷ *Howell's and Cobbett's State Trials*, 8vo, Lond. 1809, I. 902.

¹⁰ Edited by J. G. Dalryell, Esq. Edin. 8vo, pp. 493 to 518.

⁴ Kneel; a common phrase.

⁵ During

⁸ *Laing's*

CRIMINAL TRIALS
AND OTHER PROCEDURE BEFORE THE
HIGH COURT OF JUSTICIARY.

CURIA JUSTICIARIE S. D. N.¹ REGIS tenta et inchoata, in pretorio
burgi de Edinburghe, &c. per honorabilem virum Magistrum Thomam
Craig, Justiciarium deputatum nobilis et potentis domini, Archibaldi
comitis Ergadie domini Campbell et Lorne, Justiciarij Generalis dieti
S. D. N. Regis, totius regni sui, vbilibet constitut.
Sectis vocatis et curia affirmata.—INTRAN.

§ *laughter.*

March 15, 1568-9.²—GEORGE HEPBURNE of Elftanefurd, Adame Hep-
burne of Kingstounne, Adame Nicholfoun in Hailis, Adame
Lamb in Elftanefurd, and seventy-four others.

Delatit³ off arte and parte⁴ of the slauchter of vniql⁶ Johnne Geddes, feruitour
to James Erle of Mortounne, committed in the moneth of⁵ last bypast;
and vtheris crymis contenit in the lettres direct thairupoune.

Alexander Hoy in Lyntoune, *alias Lard Hoy*, and a number of other fureties
were fined, for non-appearance of the pannells: those not appearing, were or-
dained to be denounced rebels and put to the horn, and all their moveable goods
to be escheated, &c. The procedure is not inferted.⁶

¹ Supremi (serenissimi) domini nostri. ² It is proper to observe at the outset of the work, that by the
mode of reckoning in Scotland at this period, the year uniformly commenced on the 25th, and ended
on the 24th day of March. This practice was universally observed, until the beginning of the seven-
teenth century, when the style was changed by an express enactment, and the year was thenceforward
declared to commence, (especially in all public writings and instruments) with the 1st day of January,
from and after January 1, 1600. The want of attention to this fact, has led to many mistakes in the
quotation of dates, &c. ³ Accused, denounced. Law Lat. *delatare, deferre.* ⁴ Being accessory to.
⁵ Left blank. ⁶ See Apr. 26, & Mar. 6, 1569.

Appointment of Serjeand of Justiciary.

April 5. 1589.—RICHART BYNNING producit ane Gift, vnder our fouerane lordis priue seile, for vseing and exerceing of the office of Serjandschip in the Courtis of Justiciarie, then vacand and pertening to our said foueraine lord, throuch deceife of Johnne Pennycuke, last possessour thairof; conforme to the quhilk Gift, he desyrit the said Justice to admit him in the office thairof: Quhilk desyre being thocht reasonabill be him, the said Rychert wes sworne and admittit, &c.

Slaughter.

April 5.—MARK HOME and William Home, sonis of John Home of Col-dinknowis, Thomas Stevinfoun and Thomas Lyndesay, their servants, and others.

John Home of Carroldfyde, and Nicholas Carnecroce of Calfhill, as pledges for the entry of the above pannels, to underly the law, for art and part of the cruel slaughter of Alexander Haitie, natural son of John Haitie of Mellerstanis, on Feb. xxij last, were fined for their non-appearance; and the pannels ordained to be denounced, and their goods escheated, as fugitives from the law.

Keeping the Bar of the Court of Justiciary—Magistrates of Edinburgh.

April 18.—The quhilk day, comperit Adame Fowlertoune, Baillie¹ of the burch of Edinburch, and protestit in name and behalf of the Pronest² and toune thairof; becaus he wes this day requyrit be the Justice Clerk, in name of my Lord Regent, to keip the bar, in place of the Scheref of Edinburch, quha fuld serue and deput officeris to that effect: That thairfoir, his seruice maid this day, conforme to the said command, fuld nocht induce ane preparatiue³ to thaim, in tymes cuming.

Slaughter.

April 18.—ALEXANDER ACHESOUN of Goffurd, Thomas Miller his seruand, Patrik Low, Henrye Cauldwell, Andro Moffett, Nicholl Achesoune.

Delatit of arte and parte of the slauchter of vmq^{le} Johnne Sinclair in Abirladye.

¹ One of the Magistrates, equivalent to Alderman, *ballivus*. ² Chief Magistrate or Mayor, *prepositus*. The Provost and bailies of Edinburgh themselves, had Criminal jurisdiction within the liberties of the city; and on account of their office, protested against their being called upon to preserve order in absence of the Sheriff, who, they pleaded, was the proper officer to attend to this duty.

³ Should not serve as a precedent against them.

PERSEWARIS.

The relict, with Thomas and Williame Sinclaris, sonis; and the kyn and freindis of vmq^{le} Johnne Sinclare in Abirladye.

PRELOCUTORIS for this pannell.

The Lard of Trabroune, The Lard of Balwerye,
The Lard of Boquhayne, The Barroune of Fingask,
Mr Alexander Syme, Mr Johnne Scharpe.

The prelocutouris askit instrumentis, that the (King's) Aduocat comperit nocht conjunctlie, to perfew the pannell. The case was continued against 'Achefoun and his seruand to the fyft day of Maij nixtocum. Plegiis, Domino de Ormestoune et dicto Alex. Achefoune.' The other four were dischargit be the Justice and his Assessoris,¹ in respect of thair youth.

Hurting and Wounding, &c.

April 18.—WILLIAME SINCLARE in Goffurd mylne, Johnne Sinclare, his sone, Robert Sinclare, bruder to the said Williame, Adame Lerthmonth in Abirladye, Thomas Sinclare, sone to Johnne Sinclare in Abirlady, Williame Sinclare, his bruther.

Delatit of the hurting and wounding of Johnne Reid in his heid, to the effi-foune of his blude; and stryking of Johnne Lowrye, with diuerse bauch² straikis.

All thir personis foirfaidis ar dischargit be the haill persewaris, contenit in the vtheris lettres direct thairvpoune, except Johnne Lowrye and Johnne Reid, quhilkis persewis the saidis Thomas and William Sinclaris, brotheris, for the offence and crymes comuittit and done vnto thame.

PRELOCUTORIS for thir twa Sinclaris on pannell.

Archebald Dowglas of Killspindie,	The Lard of Blanter,	Olipher Sinclare,
Peter Hay of Melgynche,	The Maister of Sinclare,	Mr Henrye Kinrofe.

The said Williame Sinclare at the mylne and Johnne his sone, askit instrumentis, that thai come nocht to perfew the said Alexander Achefoun of his lyfe; bot to defend the lyfes of thair freindis that ar persewit on pannell.

The Prelocutouris for the haill vther pannell, askit instrumentis, that they wald nocht persew the Sinclaris, bot defend the lyfe of the said Alexander thair freind, persewit be the saidis Sinclaris; quhom thai vnderstude to be innocent of the cryme quhairof he wes accusit.—Continued to the fyft of Maij nixtocum; Plegio, Olivero Sinclare. On which date (May 5,) it was recontinued to the Justice-air of Edinburgh, 'tertio Itineris, vel premunitione xv dierum.'

Slaughter.

April 26.—ADAME HEPBURNE of Kingstoune, and twenty-two others.

¹ From numerous similar entries in the course of the Record, it is evident that some of the Lords of the Privy Council, commonly sat in judgement with the Justiciar, as Assessors. The King himself was often present, as may be seen from many of the subsequent entries. ² Violent, deadly blows.

Dilatit of art and part of the slaughtur of vniq^{le} Johnne Geddes, servitour to James Erle of Mortoune, &c.¹

Thir perfonis ar all difchargeit, at command and confent of the Erle of Mortoune, and partye perfewaris; be ane tekett, prefentit in judgement to the Justice Clerk, be Mr Archibald Dowglafs.

Slaughter.

May 6.—GEORGE SKIRWING in Traprane, Mr James Arnot in Lyn-toune, Patrik Sydeferf, younger of that Ilk, and forty-four others.

Delatit of the flauchter of vniq^{le} Johnne Geddes, &c. (as above.)

The Erle of Mortoune proteffit, in caufe the perfonis of Affyife acquit the perfonis on pannell, of the crymes contenit in dittay, that thai thairfoir incur wilfull error.²

VERDICT. All thir perfonis ar acquit of arte and parte of the crymes contenit in the Dittay³ be the Affyife.

Mutilation, &c.

May 10.—RICHERT MEGOT in Howpis, James Doby, flefcheour in Edinburgh.

Delatit of the mutilatioune of Johnne Farer of his left hand, and vtheris crymes contenit in the lettres direct thairvpoune.

PERSEWARIS of this pannell.

Johnne Farer, fone to Thomas Farer,
Chriftiane Harrat (in Ravelrig.) his moder.

Their PRELOCOUTOURIS.⁴

Alexander Wardlaw of Currehill,
James Somerville of Humbye.

VERDICT. The Affyife, for the maift parte, be thair deliuerance, fylis and conuicts Richert Megot in the Howpis, and James Doby, of airt and part of the hurting and wounding of the faid Johnne Farer in his heid, abune the vane organe,⁵ and in the foirpairt thairoff: And hes cuttit his left lug:⁶ And hurting and wounding of him alfwa, in his left arme and diuerfe pairtis thairof, to the effioune of his blude in greit quantitie; committit at the Waft end of the burcht of Edinburgh, at Lowreis-dykis, vpoune the tent day of Januar lafbypaft,

¹ See March 15, 1568. ² This iniquitous practice of protesting against the Assise for wilful error, in case they acquitted the pannell, was justly complained of as a very heavy grievance. It was not formally abolished by the Legislature until the reign of Will. and Mary. Vide Acta Parl. IX. 45, 13 Apr. 1689.—Hume on Crimes, Edit. 1819. I. 410. Instances frequently occur in the Record, of heavy fine and imprisonment following a verdict pronounced in the face of such a Protest. They were tried in presence of an Assise, but generally submitted to his Majesties will, rather than permit the case to go to trial.

³ The Indictment, Law Lat. *indictamentum*. ⁴ No Prelocoutouris are marked for the pannell. ⁵ The *vein-organ* is usually considered to be the flank or iliac veins; but in this case, and in many others on record, the term seems also to have been used at this period to denote the jugular vein. ⁶ Ear.

vpoun suddantie, &c. ; continuand thair delyuerance, anent the mutilatioune, to the thrid day of August nixtocum.¹

Abiding from the Raid of Brechin.

May 13.—WILLIAME RAMSAY of Mwrye.

Delatit for remaning fra the Raid² ordanit to have convenit at Brechine.³

Continued to the Justice-air of Perth. ‘Plegio, Wilehmo Scot de Baluerye, tertio Itineris, vel premonitione xv dierum.’

Slaughter—Battle of Langside.

May 13.—JOHNNE SIBBALD in Kirklandhill, John Girdwod in Newbigging.

Delatit for the slauchter of vniq^{le} James Barclay at the Langfyde, &c.

PRELOCUTORIS for this pannell.

Alexander King, Mr Richert Strang, Hew Cokburne, brother to Scraling ;

The affise sworn in this case, (amongst whom is Robert Tynto of Crympcramp,) consists of only eleven, who ‘acquit’ the pannell.

Slaughter—Battle of Langside.

May 21.—JOHNNE WILSOUN in Bordland, Johnne Armour there, and eleven others.

Dilatit for the slaughter of James Ballanye in Prestoune, James Douglas soldier (militis stipendiarij,) and William Purwes, servant of Alexander Home of Manderstoun, at Langfyde, in the county of Renfrew, xij. May 1586.

Hugh Erle of Eglintoune as surety for these pannells, is americiated for their non-appearance, in the sum of iij^c. xx lib. ; and the persons on pannell ordained to be denounced rebels, and all their goods escheated,⁴ &c.

Slaughter.

May 26.—HENRY CONGILTOUNE, tutour of Congiltoune, Andro Congiltoune, his bruder, Andro Reidpeth in Deringtoune, Thomas Reidpeth, his sone, Adame Nicolfoun in Hailis, Thomas Liddell in Smetoune, John James thair, and Robert Neisbet.

Delatit of art and part of the slauchter of vniq^{le} John Geddes,⁵ and vyeris

¹ See August 3. ² The gathering of the King's army, oist, or host. The usual signification of this word, is, an *inroad*, hostile incursion or invasion ; and generally implies, that the parties concerned were mounted on horseback. ³ By Acts of Privy Council, Apr. 20, and May 16, 1659.

⁴ Confiscated. ⁵ See Mar. 15, 1568.

crymes contenit in the lettres.—Continued to Jul. xxvj. Plegijs Thomas Fawfyde de eodem, Domino de Reidpeth, &c.

Fine of Court—High Treason—Battle of Langside.

July 5.—ALEXANDER KINGRAGGE in Auld Lundoris.¹

Quo die, Joannes Arnot in Wodmylne, sepe vocat. tanquam plegius, ad intrand. Alexandrum Kincragye in Auld Lundoris commoran. coram Justiciario f. d. n. Regis, fuifue deputatis, prefatis die et loco; ad fubeundum legem, pro illius proditoria venientia cum fuis complicitibus, cum conuocatione fubditorum domini f. d. n. regis ad munerum perfonarum, more bellico armat. in comitiua cum diuerfis f. d. n. regis confpiratoribus, in instructa acie feu bello, cum vomentis curricularis² et extenfis vexillis, contra f. d. n. regem et chariffimum fuum confanguineum Jacobum comitem Morauien. dominum Abirnethie, &c. regni fui ac fubditorum fuorum Regentem, apud Langfyde, xij die menfis Maij anno lxvij; et ibid. perfonas dicti Domini Regentis aliorunq; fidelium Confiliariorum et fubditorum, pro fuis interfectionibus et diftructione crudeliter et proditorie invadendo; necnon pro crudeli interfectione quondam Jacobi Bally in Preftoune, Jacobi Dowglas militis ftipendiarij et Willelmi Purwes feruitoris Alexandri Home de Manderftoune, eadem tempore prefcript. commiff. Prout in literis regijs defuper direct. plenius continetur. Et non comparen. amerciatus fuit idem Joannes Arnot, tanquam plegius predict., in penis contentis in Actis Parlamenti: Necnon decretum et adjudicatum fuit, per dictum Justiciarium deputatum quod predictus Alex. Kincragye ad cornu f. d. n. regis denunciatur et quod omnia eorum bona mobilia vfui fue ferunitatis applicabuntur feu efchaetabuntur tanquam fugitiuus a fua lege pro dicto crimine.

Abiding from Raid of Brechin—Protest.

July 6.—WILLIAM RAMSAY of Mwrye.³

Comperit and askit instrumentis, that he presentit him self on pannell, and offerit him reddye to vnderly the law, for ony cryme that mycht be imputt⁴ to him. And in respect that he was fummond be owr fouerane lordis lettres to this day, and that na perfewar comperit to that effect, protestit that he mycht have actionne aganis the purcheffaris of the faidis lettres, and that his fouerte fundin be him of befoir incur na danger, &c.

¹ See May 21, 1569.—The Editor inserts this entry at length, to show the mode in which the earlier record is kept; and which was adhered to for a considerable time, in so far as relates to the marking of fines, &c. ² Cannon or pieces of ordnance mounted on wheeled carriages. ³ See May 13. ⁴ Imputed.

Sheep-Stealing.

July 14.—ACHILLES HENDERSONNE.

Delatit of the thiftuous steling of ix lambes fra the perfonen contenit in dittay, quhilkis he confest in jugement to be of veritie.

VERDICT. The Assyise fylit and convict the foirfaid Achilles of the thiftuous steling of the saidis lambes, in respect of his confessiounne foirfaid; and alsé of commounne thift.—DOME gevin, that he of his awin consent is baneist the boundis of Sanct Margrettis paratheine,¹ Edinburgh, and scherefdom thairof, and scurgeit throwch the toune. ‘FLAGELLAT.’

Mutilation and Demembration.

Aug. 3.—RICHERT MEGOT in Hoipis, and James Dobyé in Edinburgh.²

The Justice, with bayth the parteis consent, allows Robert Abirnethe in Cornehousé to be received on the Assise, in absence of Patrick Loutfut at the West Port of Edinburgh, (who was ‘unlawit’ in xl lib.)

Comperit allwa in jugement, in presence of the said Justice-depute, Nowye Buyffat, dekyn of Scherurgianis,³ and producit this writting following, quhilk bayth the parteis foirfaidis defyrit to be infert and regiftrat in the buikis of Adiornale; quhairof the tennour followis.

TESTIMONIAL of the Chirurgianis.

APUD Edinbur^t. xxvij^o. die mensis Junij, Anno Domini millesimo quingentesimo sexagesimo nono. The quhilk day, at findry tymes befor, at þe queist¹ and defyre of my Lord Justice Clerk, wes prentit befor me Nowye Buyffat dekyn, Robert Henrysoune, Patrik Hardy, and Alex. Tuedye, churgeanis and burgefiss of Edinburgh, my breder,⁵ ane callit Johnne Farer, quha wes hurte vpoun the left arme, on the elbok, on the arme beneth, and on the hand; to have our jugementis, quhidder that the said Johnne suld be mutulat or no of the saidis hurtis and woundis þan being hail: Eftir lang consultatiounne and ernist advyement, we fand the said Johnne nather to be mutulat nor impotent of his arme nor hand; bot þat it wald be daylie better, gif he wald make laubouris vpoun it: And þis we testefie be þis our hand wrytis and subfcriptiounne to all and findry to quhome it efferis, day, zeir and place foirfaidis.

NOWY BYSSAT, Dekin of the Churgeanis.

ROBERT HENRYSOUNE, w^t my hand.

ALEX. TUEDY, w^t my hand.

PAT^r. HARDY, w^t my hand.

VERDICT. Efter productionne of the quhilk wryting, the hail Assyise foirfaid being removit furth of Court, and being well and ryplie adwyfit with the famin, reenterit again in jugement; and be thair delyuerance pronunceit be Eduard Paterfoune, (at the Quarrelhoiles,) chancellor, ffand the said Richert Megot and James Dobyé to be convict of the crewale hurting and wounding of the said Johnne Farer in his heid abone the vane organe, and in the foir part

¹ Parochin, parish.

² See May 10.

³ Surgeons, Old Fr. *Chirurgiens*.

⁴ Requisition.

⁵ Brethren in profession.

thairof and cutting of his left lug ; and hurting and wounding of him alswa in his left arme in diuerse pairtis thairof, to the effusioune of his blude in greit quantitie ; committit at the west end of the burch of Edinburgh, at Lowriesdykis, vpoune the tent of Januar 1568 : and acquittis thaim of the mutilatioune and hail remanent poyntis contenit in the lettres and dittay.

(On the margin) xvij Aprilis 1571. This pane and contentis of the amerciaiment, in fà far as concernis the King, is deleit, be precept and command of the thefaurer.

Trason—Theft—Spuilzie.

Nov. 18.—JOHNE LEYIS.

CONVICt and filit be Asslyfe, off arte and parte of the cuming, with conuocatioune of the lieges of this realme, to the nowner of thre hundreth peronis, bodin in feir of weir,¹ with jakkis,² speris, steilbonnettis, culueringis³ and vtheris wappinnis *inuafue*, incontrair the Actis of Parliament, vpoune the . . . day of Januar 1568 ; in weirlike manner, with feit and wageit suddartis,⁴ and meu of weir, to the castell, towre, fortalice, and place of Wauchtoune, being in keping for the tyme of Johnne Carnichaell younger of that Ilk, at the speciale command of our foueran Lordis derrest Regent ; and thair maist awfulie perfewit, assaultit, and assegeit the said castell, tour, fortalice, and place, and crewalie flew vny^{1e} Johnne Geddes,⁵ hurt and woundit Archebald Dowglas, Thomas Gardner, and Johnne Angus, garytour⁶ in Wauchtoune, be schottis of culueringis and vtherwyife in diuerse pairtis of thair bodeis, to the greit effusioune of thair blude, in perrell of thair lyves ; vpoune fett purpois and prouisioune : AND for arte and parte of the vmbefetting⁷ of the gait to Johnne Murdo, taillour burges of Edinburgh, and Mawfe M-Katke, his spouse, at the Craikhill, quhair thai wer cumand furth of the toune of Dunbar, to thair awin duelling-place in Edinburgh ; and thair invading thame for thair slauchteris ; cutting of the said Mawfe purse, quhairin wes gottin xxxv Crownis of the sone, sex Angell-nobillis, twa Roife-nobillis, ane Harye-nobill, ane Portugall-ducat, xvij pece of diuerse sortis of Scottis cunze of gold, ane xliij f. pece, twa Inglis Testanis,⁸ foure pundis money, ane chenze of gold,⁹ weand twa vncis and ane half or thairby ; thre Obligationis contenand diuerse sownes of money awand to the said Johnne : And als, spulzeit and rest¹⁰ fra him self, ane soir hewit¹¹ horse, with his hail harnesing, extending to the awaill of fourescoir pundis ; with his awin cloik and hatt, ane

¹ In warlike array. ² Short shirts or coats of mail. ³ A large kind of musket. ⁴ Feed (waged) and hired soldiers. ⁵ See Mar. 15, 1568, &c. ⁶ Warder, watchman or sentry of the tower or battlements. Fr. *garité*. ⁷ Besetting, blocking up of the high road and attacking. ⁸ Testoons, so called from the *teste* or head which was impressed on them. ⁹ A gold chain. ¹⁰ Spoiled and took by violence. ¹¹ Sorrel or reddish coloured horse.

fwerd, ane quhingear,¹ ane purfe with fyve pundis of quhyte filuer² contenit thairintill: And led and convoyit him as captiue and presoner to the toune of Hammiltoune (Haddingtoun?) quhair he wes put in stokkis, and thairefter compellit to pay ranfoume. This was done in the moneth of Januar, the yeir of God, I^m.V^c.lxvij yeiris.

SENTENCE. For the quhilk, he wes be Dome, pronouneit be the mouth of the dempfter, ordenit and adiugeit to be had to the Castle-hill of Edinburgh, and his heid to be strikin frome his body; and all his movabill gudis to be eschetit, and inbrocht to our souveran lordis vfe.

Treason—Slaughter—Resetting—and Intercommuning.

Nov. 24.—GEORGE HEPBURNE of Elstanefurd.³

PROLOCUTORIS.

Mr Edmund Hay,

Mr Thomas Bannatyne,⁴

My Lord Lyndsay.

VERDICT. The hail perfones of Assyise Acquittis the said George off arte and pairt of the slauchter of vmq^e Johnne Geddes, and hurting and wounding of diuers^e vtheris; committit at the sege of the place and fortalice of Wauchtoune, in the moneth of Januar lastbypast, be Andro Hepburne, sone naturale of the said George, of his causing, sending, resetting,⁵ command, assistance and ratihabitoune:⁶ And of arte and parte of the intercommoning,⁷ resetting and suppleing with Harye Hepburne of Fortune, Patrik Hepburne of Kirklandhill, and thair complicis, rebellis and declarit traitouris, in plane parliament, for certain crymes of Treasoun and Lese-maiestie, committit be thame; Off the quhilkis thai wer conuict in Parliament: And als, for resetting and intercommoning with Andro Hepburne, his sone foirfaid, the tyme of his being denuncit rebell, and att the horne for the cryme foirfaid: And for arte and pairt of the slauchter of vmq^{le} James Ballanye in Prestoune, James Dowglas, suddart, and Williame Purwese, fernetour to Alexander Home of Manderstoune, at the Langfyde, vpoune the xij day of Maij 1568, committit of his causing, hounding, sending, command, assistance and ratihabitoune.

¹ A short sword or *hanger*. ² Being small change in silver, probably reserved by him for defraying the expenes of his journey, the more valuable store being entrusted to his wife; in hopes that, if they fell in with thieves by the way, they would not molest his better half. It is not unlikely, that in this, as in many other similar cases, 'the grey mare was the better horse.' ³ See Mar. 15, 1568, &c. ⁴ Afterwards Lord Newtile, one of the Senators of the College of Justice, and brother of the now celebrated GEORGE BANNATYNE,—in honour of whose invaluable compilation of Scottish Poetry, THE BANNATYNE CLUB, recently formed, has been named. In a MS. of George Bannatyne the following notice occurs:—'Maister Thomas Bannatyne, my bruder, deceisit the xij of August, 1591 yeiris, being of the aige of li. yeiris, and one of the Lords of the College of Justice, &c. He left of chyldryne vij souns and four dochteris,' &c. ⁵ Receiving, harbouring. ⁶ Confirmation, Law Lat. *ratihabere, confirmare*. ⁷ Holding conference or intercourse with one who had been denounced rebel against the king.

Slaughter.

Dec. 1.—JOHNNE, alias JOK ALLANE, in Stow of Woddell.

CONUICT be Assyife of the crewall slauchter of vmq^{le} George Kay, smyth, within the toune of the Stow, in the moneth of Nouember lastbypast, vpoun the xij day of the famin moneth. ‘DECOLLAT.’

PERSEWARIS.

Johnne Blakye in Mortounhall.

Johnne Broun taillour in Edinburgh.

Treason—Convocation of the Lieges—Battle of Langsyde.

Dec 6.—JOHNNE BROUNE of Carsleuch.¹

Dilated of art and part of convocation of the lieges, bodin in feir of weir, and coming to the lands of Langfyde, &c. ; and for the cruel slauchter of James Ballanye in Prestoune, &c. Came in the King's and his Regent's will for these crimes ; and found Thomas Maclellane of Bombye cautioner, &c.

Treason—Slaughter—Abiding from the Raid of Hawick. &c.

Dec. 6.—JOHNNE CARKEITTILL of Marcle, George Carkeittill, his sonne.

Indytit bayth for arte and parte of the slauchter of vmq^{le} James Ballanye in Prestoune, &c. as above : And als for remaning fra the Raid² and oist³ ordanit to convene at Hawik, vpoune the xvij day of October lastbypast ; incontrair the proclamatioune maid thairupoune.

PROLOCUTORIS.

The Lard of Innerleyth,
Mr Edmond Hay,

The Lard of Dalhowsye,
Alexander King,

Johnne Logane of Coitfeld,
Alexander Home.

The Justice, in respect of the non lauchfull summonding of Johnne Carkeittill younger, and allegiance proponit in his name, defertis the count fra his parte, and supersedes all proceding aganis him, *pro loco et tempore*. Quhairupoune he askit actis and instrumentis.

ASSISA.

Johnne Sydferfe of that Ilk,
Thomas Fawfyde of that Ilk,
George Dundas of that Ilk,
Olipher Sinelare in Quhyte Kirk,
Johnne Finlawson of Killeyth,

Patrik Creychtoun of Lugtoun,
Patrik Moncpenny of Pilrig.
Walter Hall in Prestoune,
Williame Monerief, younger of
that Ilk,

James Johnstoune of Westraw,
James Ramfay of Cokpen,
Williame Reidpeth, younger of
that Ilk,
W^{me}. Paterfoune, burges of Ed.

Dec. 8. VERDICT. This Assyife, in ane voce, be thair deliuerance, filis and conuictis the said Johnne Carkeittill, of his contempnabill remaning and byding at hame fra our fouerane Lordis Raid, ordanit be his hienes lettres of proclamatioune to have convenit at Hawick, vpoune the xvij day of October lastbypast ;

¹ See July 5, 1569.

² Gathering of the King's army.

³ Hoist.

incontrair the tennour thairof and publicationne maid of the famin: And acquittis the said George of the hail (other) crymes contenit in the Dittay. The deliuerance heiroyf, pronunceit be Olipher Sinclare, chancellare of the said Assyfe, in prefens of the Justice, octauo Decembris, anno prescript.

George Home of Aytoune, Robert Fairlie of Braid, Johnne Pennycuke of that ilk, James Home in Dunbar, Francis Dowglas of Spittell, William Lauder of Haltoune, James Home, younger of Coldinknowis, George Heriot in Langnuldrye, Williame Scot of Balwerye, Mathow Sinclare, bruder to the Lard of Roiflin, (and nine others,) ilk ane of thaim, *respectiue*, wer vulawit in the panis of xl pundis, for non-comperance, to pafs vpoune the said Assyife, viz. ij^c.xl lib.¹

Convocation of the Lieges—Oppression, &c.

Dec. 13.—JOHNNE BROUNE, sone to Johnne Broune in Mollance, Williame Kurour in Blakerne, Johnne M'Kinstry in Grange, Johnne Smyth elder thair, Johnne Smyth younger, his sone, thair.

VERDICT. The perfones of Assyife, be thair deliuerance, in ane voce, filis and conuictis the saidis Johnne Broune, &c., off arte and parte off the conuocationne of our foueran lordis liegis, to greit nowmer; bodin in feir of weir, with lancis, stalffis, swardis, and quibingearis; incontrair the Act of Parliament, and cumand to the ground of the lands of the Bordland, for away-taking of the hay being thairon; and thairefter best² and dang Catherine M'Ke, spous to Robert Levingstone of Lytill Airdis, with bauch straikis,³ in findry pairtis of hir body, at the watter fyde of De, within the famin landis of the Bordland; committit vpoune suddantie, in the moneth of Januar, the yeir of God, I^m.V^c.Lxiiij yeiris: For the quhilk, thai wer fynit with the thesaurer.

Protest.

Dec. 16.—JAMES STEWART, bruther to the Lard of Traquair.

Mr David Borthwik, prelocutour chofin for the pairt of the said James, askit instrumētis, that the said James offerit him felse reddye to vnderlye ane Assyife, for all crymes in the lettres purchest in his contrair. The (King's) aduocat, Mr Johnne Spens, being present in judgement, declarit that he wald navyisē perfew, &c., thairfore (the pannel) protestit, &c.

Adultery.

May 11, 1570.—PATRIK VRQUHARD.

¹ This latter notice has been preserved, on account of the names of the 'Assyfouris,' and to show the practice of the Court at this period.

² Beat, *basted*.

³ Violent or deadly blows.

Delatit of the filthie and abhominabill cryme of Adulterye, committit be him with Jonet Daidfoune, spous to George Hopper, burges of Edinburgh.

PRELOCOUTOURIS.		HIS PRELOCOUTOURIS.
Mr Johnne Scharpe,	Walter Mawer,	The Lard of Spot,
Gilbert Thornetoune,	Walter Lowfoune.	The Lard of Ormiftoune,
The Scheref of Murray, younger,	PERSEWAR.	The Lard of Braid.
Alexander Donaldfoune,	George Hopper burges of Ed ^r .	

VERDICT. The Affyife, be thair deliuerance, pronunceit and declarit be the mouth and speking of James Young (cutlare in Edinburgh) chancellor, stand and delinerit the said Patrik, to be culpabill fylit¹ and conuict of arte and parte of the vsing and bering of familiare and priuat cumpanye, at findry tymes, be the space of ane yeir or thairby lastbypast, with Jonet Daidfoune, lauchfull mareit wyfe to George Hopper, burges of Edinburgh; conuerfand and abufand his body with hir, in the filthie and abhominabill cryme of Adulterye, within the said Georgis awin duelling hous, and vtheris priuie places at his pleffour: And specialie, in the monethis of Januar and Februar lastbypast, quhen he (George) was absent furth of this realme and cuntre, and depairtit to the pairtis of England, for wyning of his leving, in the honest and lefull traffique of merchandice: The forsaid Patrik, than and diuerse tymes ofbefoir, alsuele be day as nycht, in priuat and publict maner, hes conuerfit, usit, hantit, and reparit with the said Jonet Daidfoune, spous to the said George Hopper, in his duelling hous foirsaid, and vtheris secrete and priuie places, abufand thair bodies ather of thaim with vtheris,² in the foirsaid filthie and abhominabill cryme of Adulterie: And in the meyn-tyme, hes thiftuoufflie stolin, spendit, waiflit, delapidat, consumat and putt away the said George Hopperis money, gudis, geir, alsuele being within his merchand buith, as hous foirsaid, for the tyme, at his pleffour, to greit quantitie.

‘ CONVICTUS ET WARDAT.’³

Fire-raising—Spuilzie, &c.

May 12.—JOHNNE COMMENDATOUR OF THE MONASTERY OF SAULSYDE,⁴ Johnne Johnnestoune in Lowringis, Thomas Johnnestoune, and Cuthbert Johnnestoune, brothers of the said Commendatour.

Caution is found for their entry before the Justice or his deputies, on the third day of the next Justice-air of Drumfreife, or elsewhere, on premvntion of xv

¹ Found guilty; literally, defiled; in opposition to another forensic term, ‘clangeit,’ *i. e.* cleansed, ‘fund clean and acquit,’ or ‘alloilzied.’ ² With each other. ³ Convicted and imprisoned (*warded*). A blank is left in the Record, for insertion of the final sentence. ⁴ Johnne Johnnestoune; Soul-seat, Sedes Animarum, in Dumfries-shire. See June 26, 1572.

days; to underly the law, ‘pro arte et parte Cumbustionis et Incendij diuerfarum domorum, Johanni Johnnestoune filio Roberti J. de Craigaburne et Roberto J. de Newtoune pertinen.; Spoliationisque diuerforum bonorum in eisdem domibus pro tempore existen.; aliisque criminibus in literis regijs desuper direct. specificatis; secundum formam et tenorem earundem et sub penis in Actis Parliamenti contentis.’

Adultery.

June 14.—WILLIAME CARNEBYE, baxter-burges of Edinburgh.

PERSEWAR comperand,
Patrik Browne, indueller in Edinburgh.
His PRELOCUTOR.
Johnne Lowrenstoune.

PRELOCUTORIS for the said Williame,
Mr Johnne Moscrope, Mr Henrye M’Calzane,
James M’Call, William Fiddes,
Nicol Rynd, Walter Wawane, taillour.

Maisteris Johnne Spens and Robert Creychtoun of Eliok, Aduocatis for our souerane lord, being oft and diuerse tymis callit, comperit nocht.

VERDICT. The Assyise, be thair deliuerance, pronunceit and declarit, be the mouth and speking of James Dalzell (at the West-port of Edinburgh) chancellor, ffand and deliuerit the said Williame to be culpabill, fylit and conuict of arte and part of the vseing and bering familiare and privat cumpany, diuerse and findry tymes with Jonet Strang, lauchfull spous and mariet wyfe to Patrik Browne, indueller in Edinburgh, vnder the castell wall thairof, conuersand and abusand his body with hir in the filthie, vyle, and abhominabill cryme of Adulterie, within the said Patrikis awin duelling house and place, within the said burgh, vnder the said castell wall thairof, in the house of Catherine Scot in Ryplochis wynd, within the famin burgh, and diuerse vtheris priue partis and places, at thair plesour, alsuele be day as nycht, in the monethis of October and Nouember, the yeir of God I^m.V^c.lxvij yeiris, December and Aprile lastbypast; the said Williame hauing Jonet Paslay to his awin lauchfull spous and wyfe on lyve: And in the meyne tyme, hes thiftuonslie stollen, spendit, wastit, delapidat, consumit, and put away the said Patrikis gudis, geir, money, and victuallis to greit quantitie, and thairthrow causit the said Patrik to skail¹ his house and familie thairof, and hes putt him self thairby to vtter rewyne, hereschip,² and pouerte, &c.

And thairfoir wes put in ward within the said Tolbuith of Edinburgh, quhill³ ordour had bene takin heiranent.

Fines of Court.

July 5.—‘MD. The hail vnlawis preceding this dait, wer extractit and

To *displenish* his house and disperse his family. ² Utter ruin, destitution, and poverty. ³ Until.

delyuerit to the thefaurer, xix Auguſti 1570; the fowmes quhair of extendit to Ix^m.j^c.xx ib.; by¹ the amerciamentis of perfounis adiugeit for flauchter of Geddefe and Afflege of Wauchtoune.²

[Hearing of Mass, &c.]

Sept. 4.—DAME MARYE DE PYERIS LADY SEYTOUNE,² and Robert Seytoun, hir fone.

The lady, befor the calling of the Affyife, allegeit that ſcho fuld nocht be putt to the knowledge thair of in this caus, without hir huſband, quha being hir heid, wer warnit to this effect.—Mr Johnne Spens (King's) Aduocat, allegit in the contrair, be reaſoun that in this maner of proceeding criminalie, ſcho mycht be put to Affyife in reſpect of hir offence, without warning maid to hir huſband foirſaid.

The Juſtice findis, nochtwithſtanding the allegeance foirſaid, forther proces to be vſit.

The ſaid lady proteſtit for remeid of law. The ſaid lady, and Robert hir fone foirſaid, befor the admiſſioun and acceptatioun of Affyife, in preſence of the ſaid Juſtice-depute, offerit thame ſelfis in our ſoueran lordis will, and to my Lord Regentis grace in his name, in maner following, that is to ſay³

Murder.

Oct. 4.—Mr JOHNNE KELLO, miniſter of Spot.⁴

Committer of the murthour of vmq^{le} Margret Thomeſoun his ſpous; committit be him within his awin lugeing in the town of Spot for the tyme, be ſtrangling of hir with ane towale, vpoun the xxiiij day of September laſtbypaſt, befor noyne.

SENTENCE. For the quhilk he wes adiugeit be dome pronunceit, to be hangit to the deid, and thaireftir his body to be caſſin in ane fyre and brint in aſſis; and his gudis and geir quhatſumeuir (pertening to our ſoueran lord) to be conſiſcat, &c.

¹ L.9,120, beſides, over and above the fines, &c.

² Second wife of George, fourth Lord Seytoun, a French lady, who came to Scotland with Mary of Lorraine.

³ A blank left here in the Record. The Record affords no information of the nature of the crime. It may, however, be conjectured, from the religious tenets of the Wintoun family, that they were put upon their trial for intercommuning with and reſetting Jeſuites, or hearing maſſ ſaid, &c.

⁴ 'The Confession of Mr Johnne Kello, miniſter of Spott, together with his repentance made vpon the ſcaffold befor his ſuffering, the fourt day of October 1570,' was 'Imprinted at Edinburgh, be Robert Lekpriwick' (1570 Herbert's Ames.) Richard Bannatyne has inserted the whole Tract in his Journal, p. 39, which is well worthy of perusal. Kello was a person of considerable note, and of much religious profession. The circumstance of the murder, his subsequent deep contrition, his confession and execution, made a great stir at the time. These are noticed by Calderwood and several other writers.—Bartilmo, Barbara, and Bessie Kello, 'sone and dochteris to vmq^{le} Mr Johnne Kello,' got a gift of his escheat 'throw the said vmq^{le} Mr Johnne being convict and justifeit to the deid, for the crewell and odious Murthure of vmq^{le} Margaret Thomesoun his spous.' Regist. Secr. Sig. Oct. 5, 1570.

Theft.

Oct 10.—JOHNNE GOVANE, feruitour to Mr Richard Strang, aduocat.

Delatit of the steling fra James Kinroife of Kippanroife, of his purse, within the parochie-kirk of Sanct Geill in Edinburgh, in time of fermond, upon the xvj day of Julij lastbypaft.

ASSISA.

James Elphinstoun, bruder to the Lord Elphinstoune,	Johne Striueling callit of Butis,	Michaell Elphinstoun, bruder to the Lord Elphinstoune,
James Prestoune, apperand of Waylafield,	James Striueling of Auchyle,	Harye Balfour, fernand to the Erle of Mar,
Robert Porterfield, feruand to the Erle of Murray, ¹	James Richardfoune in Edinr.	George Drummond, apperand of Balloch,
Robert Halden of Bellyfoule,	William Weir, cordiner there,	Thomas Drummond, feruand to the Lady Richardtoune.
James Striueling in Striueling,	James Drummond, master stabler to the Lord Drummond,	

By a memorandum, preserved on the margin of the record, it would appear that Govane was 'ACQUIT.'

Treason—Convocation of the Lieges, &c.

Oct. 31.—JOHNNE RAIT, bruder to William Rait of Halgrene, Robert Rait in Tippertie, Robert Neilfoune at the Kirke of Arbuthnot, Alexander Duncane, feruand to the said William Rait, Mr Johnne Fowlertoune, and James Fowlertoune, sonis to Richard Fowlertoune in Claffingdrum, Johnne Rait in Sallieflat, Robert Wifchert and Johnne Riche, feruandis to the said Robert Rait, Thomas Rait in Pittkellie, Gilbert Lepar and Andro Lepar brether (brothers,) George Falconer in Ballandro, Johnne Rait in Berwyne (Bervie,) Johnne Fettes, David Irwyne, George Rait in Furrathie.

Delatit of the MAKING OF ANE RAGMENT AND RYME IN NAME OF JOHNNE THE COMMUNE-WELE, and divulgatioune thair of, with conuocatioune, &c.; and chesing² of ROBERT HUDE and ABBOT OF UNREASOUNE,³ within the parochin of Arbuthnot and vtheris pairtis *respectiue*, in the bounds of Mernis; and diuerse vtheris crymes, at length contenit in the lettres direct thairupoune.

PRELOCUTOURIS for this pannell.

Alexander Manchane, The Lard of Covingtonne, Alexander Guthrye of Kincoldrum,
William Rait of Halgrene, Johnne Lindfay of Fairgirth.

¹ It may be noticed here, that the term 'feruand' was at this period frequently, indeed usually, employed to signify secretary, clerk, a dependent or follower of a nobleman, &c.; not merely a domestic 'feruitour.' The clerks of lawyers, writers, notaries, &c., were uniformly styled feruitours or feruands, as were pages, henchmen, and dependents, in the train of the great. ² Choosing. ³ The popularity of these personages is too well known to stand in need of any explanation. For an abstract of the history of the Robin Hood games, and choosing of an Abbot of Unreason, reference need merely be made to Dr Jamieson's Dictionary, and the writings of Sir Walter Scott.

The advocattis foirfaidis askit instrumentis, that infafar as the lettres quhairby the pannell is callit contenis Treafonne, thay wald only speik in this caus for thair defence, at command of ane delyuerance and charge of the lordis direct to that effect; and thairfoir protestit, &c.—Mr Johne Spens, aduocat for the King, askit instrumentis, that he comperit to perfew at command of the Regentis Precept.

Replegiation to the Regality of Aberbrothock.

Eodem die predict. ROBERTUS RAIT, Robertus Wischart, Joannes Richie et Joannes Fettes dilatat. de arte et parte invasionis Willelmi Sibbald, fratris Davidis Sibbald de Cair, pro ejus interfectione, et crudelis vulnerationis ejusdem in suo capite, ad magnam sui sanguinis effusionem, per omissionem tormenti minoris, *lie bent pistolet*; et in mortis periculo eam relinquendo, vltimo die mensis Aprilis, vltimo elapso, apud montem, *lie Sanct Gilbertis-hill* commiss. prout in literis regis desuper direct. plenius continetur. Per Archibaldum Guthre balliuum in hac parte Georgij Commendatarij Monasterij de Abirbrothok, virtute commisionis ejusdem, Replegiati¹ extiterant ad privilegium et jurisdictionem sui Regalitat, quasi infra bondas ejusdem commorantes; assignando tertium diem proximi itineris dicti Regalitat vel alibi super premonitione xv dierum, pro eorum comperentia, ad subeundum legem pro dicto crimine. Plegio, Alexandro Guthre de Kincoldrum, pro eorum introitu ad subeundum legem pro dicto crimine, et predictus Willelmus Rait de Halgrene plegius deuenit pro administratione Justitie in premissis, secundum formam juris.²

VERDICT. The Assyse acquit the haill pannell foirfaid, except the replegeit persones foirfaidis, of all crymes contenit in thair dittay; and acquit thaim alsua of the crymes of treafonne mentionat in the samin: Quhairupoune testimonialis wer writtine to the parteis.

Slaughter—Mutilation.

Oct. 31.—JOHNE ALEXANDERSOUNE, William, Gilbert, Andro, and Roger Sibbald in Cornetoune, brether to David Sibbald of Cair, William Barrye in Newtoune, David Strathachin at the mylne of Thorntoune, John Sibbald in Casteltoune, Robert Barrye sonne to the said William, John Watt in Boyburne, David Sibbald of Cair, Catherine Striueling in Casteltoune.

¹ The Bailie or Judge of every Regality, &c. having the privilege of criminal jurisdiction, was entitled, on finding surety for the due administration of justice, to appear at the bar of another Regality and even at the bar of the Supreme Court and claim the person of the pannel, if resident within his bounds. This was often the occasion of much injustice and oppression; for, though liable to be called to account for their conduct, the privacy of their proceedings, their distance from the seat of government, and the frequently disturbed state of the country, often prevented the circumstances from reaching the ears of the officers of the crown, excepting in very flagrant instances. ² This entry has been inserted at length to show the mode of procedure, &c.

Delatit of the slauchter of vmq^{le} Petir Rait, bruther to Robert Rait of Tibberta, and mutilatione of the said Robert of his rycht and left handis; committit in the moneth of Julij lastbipast.

William, Gilbert, Andro and Roger Sibbald, and William Barrye came in the Kings will for the said crimes, and found John Strathauchin of Thornetoune, firety for satisfaction of the parties: David Sibbald of Cair binds himself to relieve him of his cautionry.

PRELOCOUTOURIS for the pannell.

Mr Johnne Scharpe,
The Lard of Balgonye,

The Lard of Kynmeir,
The Lard of Rankelour,

The Lard of Lathene,
Robert Lundye of Conland.

Mr Johnne Scharpe, as prelocoutour foirfaid, askit instrumentis, that Robert Neilfoun and Robert Rait perfewaris comperand, declarit in prefence of the said Justice-depute, that the foirfaid Catherine wes innocent of the crymes contenit in the lettres, and that thai in respect thairof wald nocht perfew hir, bot dischargeit hir *simpliciter*; and thairfoir protestit, that quhatsumneuir fouerte wer fundin at desyre of the Justice, for hir comperance to underly the law for the famin, the thrid day of the nixt Justice-air, or soner, vponne xv dayes warning, that the famin be nawyise prejudicialle to hir, nor scho astrictit to entir or compeir to that effect, for the caus foirfaid.

VERDICT. The Assyise in ane voce, without diferepance, acquit the foirfaidis sex personis on pannell of the slauchter and crymes contenit in dittay, quhairof thai wer accusit in jugement; and protestit for thair testimoniallis.

Slaughter.

Nov. 4.—WILLIAM CWINNINGHAME of Aiket, William Fergushill and Florence Crawford, his seruandis, Johnne Raburne of that Ilk.

Delatit of the slauchter of vmq^{le} Johnne Mure of Cauldwell.

PRELOCOUTOURIS for the pannell, My Lord Prowand, Mr David Borthwick.

The famin prelocoutouris askit instrumentis, that thay presentlie behovit to speik in defence of the persones accusit, in respect of the lettres purchest be the Kings aduocattis, and of thair declaratioune maid in jugement, that thay wald insist in persute of this cause.

Mr Johnne Spens of Condie, ane of the foirfaidis advocattis, askit instrumentis, that he, be ane precept and wryting subferyuit be my Lord Regent, wes chargeit to perfew the saidis persones, and conforme to the command thairof, wald proceed to proces; quhilk wryting he desyrit to be insert in the buikis, for his warrand quhairof the tennour followis.

ADVOCATTIS. It is our will and we charge ȝow, pat ȝe perfew our Souerane Lordis lettres raisit aganis William Cwninghame of Aiket, and Johnne Raburne of pat Ilk, and pair complicis, ffor arte

and parte of þe slauchter of vni^q^{le} Johnne Mwre of Cauldwell, at þe day contenit pairintill, but¹ delay or differring: As 5e will anfuere to his Maiestie and ws þairvpoune. Subferiuit with our hand att Edinburgh, the thrid day of Nouember, 1570.

MATHOW, REGENT.

The samine day comperit Williame Edmestoune, in prefens of my Lord Justice and his deputtis, in iugement, and exposit and declarit, that fforfamekill as Williame Cwninghame of Aiket, and Johnne Raburne of that Ilk, his gudfone,² and remanent perfonis on pannell, be thair awin meane and informatiounne, at the leift be informatiounne of vtheris in thair names, off thair causing, had purchest lettres at the instance of our fouerane lordis advocattis, vpoune thaimselffis, for the slauchter of vni^q^{le} Johnne Mwre of Caldwell, kny^t. committit and done be vni^q^{le} Alexander Cwninghain younger of Aiket, and be thair caus, command and ressett off bludie hand, the said William for the intertenement of his gudfomme, quha wes actouris, factouris, and principale committaris of the famin be thaim, the tent day of September lastbypast, vpoune the Erle of Caffilles landis callit the Bordlandis; and thairwith, have causit charge thaimselfis to find fouerte to vnderly the law for the said slauchter in the tolbuith of Edinburgh, befor the Justice or his deputtis, the ferd day of Nouember instant; as alswa causit ane Assyfe to be summoned to that effect, of sic perfones as thai best pleasit, bayth suspect and nocht knawand the veritie: To the persute of the quhilk caus, Robert Mwre now of Cauldwell, fomme to the said vni^q^{le} Johnne wer nevir warnit nor requirit, nor gave information to the raising of the saidis lettres, nor had knowlege thairoff: And the said Johnne Raburne duellis within the Regalitie of my Lord of Sanct Johnne, and in hurt and preiudice of the preuelege of the said Regalitie, hes declynit thairfra, and tane him to the ryaltie to this effect: And thairfoir, allegit, that my Lord Justice nor his deputtis heir present, fuld nocht put the said William Cwninghame of Aiket, and the said Johnne Raburne of that ilk to the knowlege of the said Assyfe, be vertew of the saidis lettres; the said Robert Mwre nevir being warnit nor requyrit to the persute thairrof; and as he understode, the assurance betuix the Lordis vnrun-out: In the meyne tyme thairfoir protestit, gif my Lord Justice or his deputtis did in the contrair, that the famin wer nocht preiudiciale to the said Robert Mwre; bot that he, for his interes, mycht in all tyme heireftir persew the said William and his complices now on pannell, for the slauchter of the said vni^q^{le} Johnne his fader: and that na declaratiounne of the Assyfe, nor purgatiounne of the said Williame thairrof, fuld be reput nor haldin sufficient, nor testimonye of the Justice declaring the famin; and that speciallie of the late practik, laithie auctorifit in the contrair. Vpoune the quhilk premisses, the said William requyrit actis, &c.

¹ Without.

² Son-in-law.

ASSISA.

John Cwninghame of Camlarge,	Patrik Houftoun of that ilk,	Patrik Hammiltoune of Gartla-
Mr Johnne Porterfield of that ilk,	Johnne Maxwell younger of Ne-	uoch,
James Stewart, fone to the Lord	ther Pollok,	Johnne Hammiltoune in Po-the-
Ouchiltre,	George Hamiltoune, tutour of	hill,
The Lard of Lamirtoune,	Bordland,	Adam Schaw of Welvod,
Johnne Crawford of Craiglynsche,	David Hammiltoune of Gairewis,	Patrik Gemmill of Tempillhoufe,
Johnne Schaw of Grenok,	Williame Hammiltoune of Rot-	Johnne Campbell in Sanding.
George Maxwell of Newwerk,	tinyairdis,	

VERDICT. This hail Affyife, in ane voce, without diferepance, acquit the foirfaidis perfewaris on pannell.—Quhilk declaratioune being maid and pronouneit be the mouth of Mr Johnne Porterfield, proteftationis wes maid for thair teftimonialis.

Respite for abiding from Raid of Linlithgow.

NOV. 4.—JOHNNE LYELL in Foulfurdleis.

Ad respectuacionem, pro ipsius proditoria domi remanentia ab exercitu f. d. n. Regis apud Lynlythqw, secundo Augusti ultimo elapso convenire ordinat. ; contra tenorem Proclamationis desuper direct. de data xvj Septembris 1570.

PERSEWAR, Robert Neibett in Bracanriggis.

Forgery of the Regent's Signature.

NOV. 6.—THOMAS BARRYE, messinger, (Unicorn Pursuivant.)

Convict be Affyife of the falseing,¹ fenzeing, forgeing, and counterfuting of the manuale subscriptione and hande wryte of our fouerane lordis derrest gudfchir² and lauchfull tutour, Mathow Erle of Levenox Lord Dernelie, &c. Regent to his hienes, and of his realme and liegis, at findry times fen the acceptatioune of the office of Regentrye : And speciale, of falseing and treafouabill counterfuting of his grace subscriptione, in the moneth of September lastbipast, maid and done be him selfe, in subferying of aue Signatour,³ concerning the confirmatioun and ratificatioune of his office of Unicorne Purservandfchip,⁴ allegeit maid and grantit to him of befoir, be our fouerane lordis derrest moder the Quene : And also, in treafonnabill counterfuting of his grace subscriptione to aue vther lettre, directit be his grace, in our fouerane lordis name, chargeing Sir Walter Ker of Branxhelme knycht, Sir Thomas Ker of Pharnyherft knycht, and vtheris contenit thairintill, to mak payment of thair mailes and deweteis, allegeit awand be thaim to his hienes : As at mair lenth is mentionat and contenit thairintill : This done

¹ Falsifying. ² Grandfather. ³ A writ bearing the King's sign-manual, and being a warrant for a charter passing the seals, granting or confirming lands or office, &c. ⁴ Unicorn pursuivant.

in October lastbipast : As his depositionis and confessioune, with the said Signatour and lettres counterfuitit and treasonable falsit be (him) beris.

SENTENCE. For the quhilk caus, dome wes gevin and pronunceit, be the mouth of James Yule dempstar, that the said Thomas rycht hand falbe strickin and cutit of, and himself to be baneift of the realme during all the dayis of his lyfe ; and neur to returne agane within the famin, without speciale licence of our foueran lord, had and obtenit thairto.

Slaughter.

Nov. 9.—Schir WILLIAM CRANSTOUNE of Doddo, Commissar of Lauder.

Delatit of the slauchter of vniq^{le} James Brounlie. ‘ Plegio Joanne Cranstoune de eodem, tertio Itineris de Beruik, vel super (premonitione) xv dierum.’

Abiding from the Raid of Linlithgow.

Nov. 27.—ALEXANDER KENNEDYE of Drumquharne, and Patrik Kennedye of Ciduane.

Delatit for remaining fra the raid ordanit to convene at Lynlythqw, the second day of August lastbipast.

Perfewit be Thomas Kennedye of Barganye, as donatour (of their escheit) and the advocattis.—Continued to the Justice-aire of ‘ Air, tertio Itineris vel premonitione xv dierum. Plegio, Georgio Campbell de Skeldoune.’

Oppression—Convocation of Lieges, &c.

Nov. 30.—Mr WILLIAM BALFOUR in Leyth, Johnne Younge taillour thair, and seventene vthers, ‘ skymaris,’ ‘ litstaris,’ and ‘ cordineris.’

Delatit of findry crymes of Oppressioun committit be thaim, with convocatioun, &c. vponne Florence Balfour.—Continued to the Justice-aire of Edinburgh, tertio Itineris vel premonitione xv dierum. Plegiis, M. Willelmo Naper de Wrychtishoufis et Joannes Young. This fouerte reslauit at command of my Lord Regentis grace.

NOTA.—Johnne Carwod, and Thomas Thomfoune suddartis,¹ wer dischargeit, be ane precept of my Lord Regentis grace, direct to the Justice, becaus thai wer in the Kingis service.²

Treason, &c.—Raid of Linlithgow.

Dec. 2.—Mr JAMES PAWTOUNE, minister.

Delatit of the treasonabill assistance maid and gevin be him to George Erle of Huntlie, Archebald Erle of Argyle, and diuerse vtheris conspiratouris againis our

¹ Soldiers.

² And therefore liable to be tried by a Court-martial.

foueran lord, in erecting and setting vp ane vther auctoritie nor¹ his bieneffis ; and furneffing and fending of Archibald Robefoune, in his name and vpoun his expensis to the toune of Lynlythqw, for the awancement of the foirfaidis confpiratouris treasonabill interpryfis : And ficlyke, for remaning fra the Raid ordanit to conuene at Lynlythqw, the fecund day of Auguft laftbipaft.

Comperit Mr Robert Creychtoune advocat, as perfewar, and produceit my Lord Regentis Precept and command direct to him, for perfute of the faid Mr James ; quhilk he defyrit to be red in jugment.

The Justice, in respect of the faid Mr James office of ministrie, and of my Lord Regentis grace command, ordanit that pairt of the lybell, qualeseit for his remaning fra the Raid to be deleit ; and that na proces be vfit aganis him for the famin.

Comperit Mr Williame Henderfonne, feruand to the Lard of Lochlevyn, and Proteffit in name of his faid maister, quha is baillie constitute of that pairt of the Regalitie of Sanct Androis, within the Baronye of M·K² (M·Carfchyre?) quhair the faid Mr James duellis and makis his residence, that the continewatioune heirof prejugue nocht his priuelege nor iurisdictione thair of ; in respect that he presentlie is willing and reddye to replege the faid Maister James, conforme to his Commiffiounne, gif the Justice will consent thairto : And heirvpoune, askit actis and instrumentis.

‘ Continuat. tertio Itineris de Perth, vel premonitione xv dierum. Plegio, Joanne Reid de Aikinheid, pro suo introitu, ad fubeundum legem pro dicto crimine, in proditoria sua assistentia vt predicitur, tantum.’

Slaughter—Langside—Raid of Linlithgow.

Dec. 4.—MATHOW HAMMILTOUNE of Philipstoune.

Delatit of the slaughter committit at the Langfyde, and for remaining fra the Raid ordanit to conuene at Lynlythqw, the fecund day of Auguft laftbipaft.

Continued to the Justice-air of ‘ Lynlythqw, tertio Itineris vel premonitione xv dierum. Plegio, Joanne Dowglas de Walterstoune.’ Johne Fowlis, burges of Lynlythqw, his cautioner, is fined 100 marks for non-appearance of the pannel, who is ordained to be put to the horn, and his moveables confiscated as fugitive from the laws.

A bidding from Raids of Langside, Biggar, &c.

Jan. 4, 1570-1.—JAMES SPENS in Glendukye, Williame Ruffale in Glaslie, and Johne Dick elder in Eifter Cartmoir.

Delatit for remaning fra the Raids of Langfyde, Beger, Strueling, Lynlythqw,

¹ Than.

² Obliterated.

Brechin, and vtheris, in the auld and new Regentis tymes; contenit in the lettres maid thairupoune.

Thir thre, at command and defyre of James Lyndfay, donatour (to their escheit,) wes discharget and the Court desert.

The Justice ordained them to find caution to appear and underly the law, on xv Feb. next: John Wardlaw in Leyth being cautioner.

Abiding from Raid of Linlithgow.

Jan. 30.—MATHO HAMMILTOUNE of Philipstoune, Mr Johnne Cockburne, citiener¹ of Brechin.

Delatit for remaning fra the Raid, ordanit to convene at Lynlythqw, the second day of August lastbipast.

Discharget be writingis of my lord Regentis grace, quhilkis wer producit in judgement and admittit.

Treason—Abiding from Raid of Linlithgow.

Jan. 31.—JOHNNE HAMMILTOUNE of Perdwye (Bardowie,) and Robert Tripnay in Branzeitt.

Walter Striueling of Ballagane, is fined in I^l. lib. for non-appearance of the pannels, for whom he had become surety, that they should enter themselves before the Justiciar this day, and underly the law, for the traitorous detention of the tower or fortalice of Perdwye against the King and his Regent: And also, for their remaining at home from the Raid at Lynlythqw, the second day of August last, &c.

The Justice ordained the pannels to be denounced rebels and put to the horn, and all their moveable goods to be confiscated.

Incest and Adultery.

Feb. 2.—JAMES BONAR, marinare, and Agnes Boner, his sifter.

CONUICT be Assyise of the filthie, vyld and abhominabill Incest and Adulterie, committit be ather of thame with vtheris,² in abusing of thair bodeis togidder; in respect of thair awin confessioune maid thairof. ‘CONUICT and BRINT.’

Treason—Abiding from the Raid of Langside.

Feb. 12.—DAVID RAMSAY of Jordanstoune.

Delatit for remaning fra the Raid of Langfyde; treasonabill assistance maid

¹ Citizen, or indweller, probably implying that he was not a ‘burgess,’ or freeman, which is the usual description of a merchant or tradesman, who is ‘free of the burgh.’

² With each other.

and gevin to the Erle of Huntlie, and diuerse vtheris crymes, at lenth contenit in the Lettres direct thairupoune :—Quhairof he wes ACQUIT be Assyise.

Murder of the Regent Murray.

Feb. 28.—CRISTEANE SCHAW, the relict of vniq^{le} David Hammiltoune of Boithuilehauch.

Delaitit of arte and pairt of the murthour of vniq^{le} James Erle Murray, Lord Abirnethe, Regent, &c., be hir speciale causing, lunding, fending, diuifing, re-
fetting, command, affistane and ratihabitoune, &c.—Continued to the Justice-
air of ‘ Lanerk, tertio Itineris vel premonitione xv dierum. Plegio, Roberto
Roife de Thornetoune pro introitu ejusdem.’

Slaughter.

March 5.—MR ROBERT WYNNAME, Collector of Fyff.

Delaitit of arte and parte of the slauchter of vniq^{le} Henrye Cairnis, cietiner of Sanct Androis ; (committed in the month of December last.)

Comperit Margret Spens, the relict of the said vniq Henrye, George Spens hir bruder, Thomas Inglis in Auldlistoune, and Mr Robert Creychtoune, Aduocatt, concurrand togidder, for perfute of the said vniq^{le} Mr Robert Wynnam, and chusit the prelocoutouris following, viz.

PRELOCOUTOURIS for the perfewaris.

The Lard of Balwerye, The Lard of Pittandro,
The Lard of Pitmillie, James Maling,
Patrik Schewes.

PRELOCOUTOURIS for the pannell.

Mr Johnne Scharpe, Mr Richard Strang,
The Lard of Ornestoune, The Lard of Haltoune,
The Lard of Trabroune, J^{rs}. Somerville of Hombye.

Comperit Patrik Lerthmonth of Dairfy, knycht, Prouest of Sanct Androus, and produceit ane Infeftment, Charter and Commiffioun, maid to him be Johne Archebifchope of Sanct Androus, togidder with our foueran lordis Charter of Confirmatione ; quhairby he, as Stewart, Baillie and Justice generale, within the boundis of the said Regalitie, vpoune the north syde of the Watter of Forth, speciallie constitute, defyrit the said Mr Robert to be replegeit from the said Justice Court, as duelland within the famin boundis ; and offerit cautioune of Collerayth,¹ as accordis.

Mr Robert Creychtoune, Aduocat to our foueran lord, Protestit, in caise the Justice wald, conforme to the saidis Charteris and Infeftmentis produceit, suffir and permit the said Mr Robert to be Replegeit, that the Replegiatioune thair of fuld nawyise preiuge the Kingis priuelege, in quhais handis the haill benefice of Archebifchoperik and rycht thair of quhatfumeuir presentlie is becuming ; and

¹ Caution or surety, that justice shall be lawfully administered.

alkit instrumentis, that he allutirlic¹ difassentit fra the Replegiatioune of the foirsaid caus.

The Justice, efter inspectiounes had of the said Charteris and Infeftmentis produceit and being ryiplie adwyfit, thinkand the desyre of the said Patrik, as baillie foirsaid, to be reasónabill; ordanis cautionne to be fundin for administratioune of Justice within this tolbuith and the mater heiroy to be replegeit; dispenfand with the place, *vt infra*.—Peter Bruce of Erlisshall, becomes cautioner for due administratioun of justice.

Jamesucken—Abduction, &c.

March 23.—WILLIAME OLIPHANT in Kellye-myhais, and Johne Oliphant in Over Kellye.

Petrus Oliphant de Pettoccer plegius devenit ad intrandum Will. Oliphant et Joh. Oliphant coram Justiciario suisve deputatis, tertio die proximi Itineris Justiciarie de Fyffe, vel alibi, vbi et quando placuerit sue serenitati, super premonitione xv dierum; ad subeundum legem, pro arte et parte conuocationis legiorum f. d. n. regis, ad numerum sexaginta personarum, more bellico armat., et per modum lie *Hamefuchyn* venien. ad domum habitationis Patricij Smyth infra civitatem Sancti Andree situat. et ibidem ostia predictae domus confringendo, Jonctamque Smyth ejus filiam, pro tempore in lecto dormienti, extra eandem domum manu forti et violenter capiendo, rapiendo et abducendo, ipsamque in captiuitate per longum spacium postea detinendo, auctoritatemque regiam inde vsurpando; xxv die mensis Januarij vltimo elapsi commiss. : Secundum tenorem Literarum desuper direct. et sub penis in Actis Parlamenti contentis.

Slaughter.

April 6, 1571.—LOWEIS LUMMISDENE in Dyfert and Johne Lummisdene his sone.

Delaitit of the slauchter of vniq^{le} Dauid Erle, taillieour in Dyfert; committit at the Kirk of Dyfert, vponne the nynt day of Julij lastbipast

PERSEWAR.	PRELOCOUTOURIS
Iffobell Spindye, relict of the said vniq ^{le} Dauid.	for the pannell.
Hir PRELOCOUTOURIS.	Mr Alexander Sym, Mr Richard Strang,
Johne Stevinsone, and Mr Robert Crechtonne,	The Lard of Trabroune, The Lard of Blanerne,
Aduocat, insifand in the persute thairof.	William Murray.

VERDICT. The Assyse acquit the pannell.

It is worthy of remark, that Andro Forester, minister, one of the Assise, ‘protestis, (that) his comperance hurt nocht his priuelege’:² And ‘Mr Alexander

¹ Entirely, altogether.

² *i. e.* He pleads ‘his cloth,’ being a clergyman.

Sym askit instrumentis, that the said Sir George (Strathauchin, another of the Affise) declarit and allegit, that he fould nocht pass vponne Assyise, in respect of the woirdis, '*quod non licet nobis interficere quemquam*;' and thairfoir, that he fuld voit conforme to his said declaratioune.¹

[*Curia Justiciarie tenta in pretorio Ville de Leyth.*²]

Oppression—Convocation of the Lieges—Wamesucken.

NOV. 12.—JAMES ROISE, bruder to Johne Roise of Craigy, Alexander Moncreif in the Kirktoon of Malare, Williame Morefoun, Williame Roise bruder to the said Lard of Cragy, Johnne Roise feruand to vmq^{le} James Roise in Maitlandis, Lancelot Moncreif feruand to the said Lard of Cragy, . . . Rettray appearand of Kinvaid, Johnne Berclay of Strowye, George Stewart of Ardinculye, Olipher Rettray, Hew Moncreif in Hiltoun, Robert Broune in Cragy, Mark M'Kye in Cragye, Walter Murray thair, David Ruthwene in Kirktonne, Walter Moncreif and Andro Moncreif fouis to Hew Moncreif, Johnne Moncreif sone to Alexander Moncreif in Kirktoon of Maler, Alexander Marschell, Johnne Murray, Johnne Roise of Cragye, Williame Lord Ruthwene, and Henrye Lord Methwene.

George Gib of Lumphay, and Patrik Anderfoun in Newtyild, as plegeis and fouerteis conjunctlie and feueralie actit in the buikis of our fouerane lordis, For agane bringing of his hienes lettres, purchest be Laurence Lord Oliphant, Petir Oliphant of Twringis, and diuerse vtheris thair colligis, spacificit complenaris thairin; togidder with our fouerane lordis advocattis for his hienes interes, to tak fouertie of James Roise, &c. (above-mentioned) that thay fall compeir and vnderly our fouerane lordis lawis befoir the Justice or his deputtis, day and place foirfaidis: For conuocationne and gadding of our fouerannis liegis, to the nowmer of twa hundreth personis, bodin in feir of weir,³ vponne the xxij day of September lastbipast, vpon the landis pertening to Lawrence Lord Oliphant, callit the landis of Duplene and Abirdalgy, lyand within the therefdome of Perth; and thair, perforce, takand Johnne Mwle feruand to William Oliphant, Thomas Millar at the kirk of Duplene and dyuerse vtheris complenaris in the saidis lettres,

¹ It being commanded, 'Thou shalt not kill,' Sir George protests, that if he be compelled to 'pass upon Assise,' he would Acquit the pannell, according to this his forced interpretation of the sixth commandment.

² The Court of Justiciary is held within the Tolbooth of Leith, from this date, to the 8th day of August, 1572. The entry immediately following in the record, is dated at Stirling, on the 15th day of August; and that is succeeded by an entry, dated 'in pretorio de Ed. xxj Octobris;' after which period, the Court is regularly held in the Tolbooth of Edinburgh. The Record appears to be very defective at this period, and is probably only the Minute-Book of the procedure which then took place.

³ Arrayed in warlike manner.

furth of thair awin howffis and vtheris partis, quhair thay wer doand thair lefull biffines for the tyme ; ledand thame as captiues and prefouaris to the toum of Perth, quhair thai held and detenit thame bundin in irlis, within strait prefou and captiuitie, be the fpace of tuentie dayis with the mair ;¹ vfurpand thairthrow our fouerane lordis auctoritie vpoun thame, thay being his fre lieges : And for affegeing of the place of Duplene, the famin day ; purpoffie to haue flane Laurence Lord Oliphant, and vtheris complenaris contenit in the faidis lettres ; vpoune auld feid² and floirthocht ffellonye : And for ficlyke conuocatioune, cumand to the place and fortalice of Malare, lyand within the fherefeldome of entering perforce thairin, ftryking and dinging³ of Jane Hepburne, fpous to the faid Petir,⁴ and violentlie putting hir out of the famin, in the moneth of July lafbipaft : And for diuerfe vtheris crymes contenit in the faidis lettres : Efter the forme and tenour thairof, and vndir the panis fpecifeit in the famin. Being oftymes callit, in iugement, to haue produceit the fame lettres dewlie execute and indorfat, that iuftice mycht haue been miniftrat thairon, conforme to the tenour of the faid Act, and vnder the panis thairin contenit : And the faid lettres nocht being produceit as faid is, lauchfull tyme of day biddin ; the faid Iuftice-depute decernit and adjudgeit the faidis George Gib and Patrik Anderfoun as plegeis and fouerteis foirfaidis, coniuunctlie and feneralie, in the panis and vnlawis contenit in the faidis lettres ; quhilkis panis the foirfaidis perfonis delatit be vertew thairof of the crymes above expremit,⁵ or thair fouerteis mycht haue incurrit for thair nocht comperance the faidis day and place, to haue vnderlyne the law for the famin, in caife the faidis lettres had been produceit in the faid Court of Iufticiarie, dewlie execute and indorfat, as faid is ; that is to fay, for non-productionne of the faidis lettres, dewlie execute and indorfat vpoun the faidis James Roife, bruder to the Lard of Cragye, being ane gentleman laudit, in the fowme of ane hundreth pundis ; vpoun the faid Alexander Moncreif in the Kirketoun of Maler, being ane gentilman vlandit, in the fowme and pane of ane hundreth markis ; for the faid William Morefoune, being ane gemane,⁶ in the vnlaw and pane of xl lib. &c. (each being fined according to his rank in the above proportions.) The Lord Ruthuene and vtheris, callit, be vertew of the lettres raifit at the Lord Oliphantis inftance, askit inftumentis, (that) thay wer reddye to vnderly the law for the crymes thairin contenit ; and offerit thaim felfis to the knowlege of ane affyife for the famin : And proteftit, in refpect of the faid Lord Oliphantis declaratioune, maid in iugement, that he wald nawyife perfew thaim thairfoir ; that thairfoir thai may haue coifts, fkaith and expenfis modefeit, &c.

¹ And more, and longer.
Turingis.

² Ancient feud, enmity.
⁵ Expressed, *caprimere*.

³ Beating.

⁴ Peter Oliphant of

⁶ Yeoman.

Slaughter.

NOV. 12.—PETER OLIPHANT of Twringis, Johnne Oliphant, notary public, Lawrence Oliphant, son of Thomas O. portioner of Williamstoune, James Oliphant servant of the said Peter O., Johnne Menteyth and six others, servants to Lord Oliphant, &c.

Laurence Lord Oliphant, cautioner for the entry of these pannels to appear before the Justice or his deputies, this day, to vnderly the law for the cruel slaughter of vni^{le} James Roife, lawful son of vni^{le} Thomas Roife of Maitlandis, committed upon the 20 day of September last: is fined in the summs of I^c. lib., vii^c. markis, and viij^{xx}. lib. for thair non-appearance: And the Justice adjudged the pannels to be denounced rebels, and all their moveable goods to be confiscated to the Kingis use, as fugitives from the law.

Abiding from the Raid of Leith.

NOV. 22.—WILLIAME LORD BORTHUICK, Williame Borthuik in Hal-kernocht, Johnne Borthuik of Rilifchaw, Adame Wauchope of Caikmuir, Johnne Yule of Garmiltoune.

Continued to the Justice-aire of Edinburgh, ‘tertio Itineris, vel premonitione xv dierum; ad subeundum legem, pro eorum domi remanentia, ab exercitu f. d. n. regis, apud Leith, primo die mensis Octobris ultimo elaps. convenire ordinat.’

NOTA.—Thir persons (following) being summond and indorsat vponne, wer drawin and delet furth of the executione of the lettres be Johnne Lawfoune, quha confess him to have reffavit command of the thesaurer to that effect: George Ramsay of Dalhowfie, Creychtoun of Benefoune, Henrye Ogill of Hartramwod, Johnne Hay of Tallo, James Hammitoune of Sammelfoune, Francis Dowglas of Langnudrye, Oliver Ramsay of Poltoune.—NOTA. Alwa, na executione wes maid vponne Quhittingem, James Dundas of Newlistoune, my Lord of Torphechin, James Cochrane of Balbachlaw, Robert Bruce of Bynning, Archibald Tennent of Williamstoune, and James Woddirpoune of Brighous; nochtwithstanding thair being within the bodye of the lettres foirfaidis, as principallis.

Abiding from the Raid of Leith.

NOV. 23.—JAMES SCRYMGEOUR of Dudhop, Johnne Strathachin of Claypottis, David Fentoun of Ogill, George Skymmer of Balzordye, James Scrymgeour of Glafwell, Sir John Carnegy of Kynnard, Johnne Carnegy of Seytoune.

The above persons, (and others of lesser note) found caution for their appearance at the Justice-aire of Forfar, ‘tertio Itineris vel premonitione xv dierum:’ to underly the law for their abiding at home from the Raid ordanit to have convenit at Leyth. on the first day of October last.—The said James Scrymgeour of

Glawfull protestit, that this cawtioune preinge him nocht anent his laughfull defensis; considering, he fend his sone and air,¹ sufficientlie furneist, being of habilitie, conforme to the proclamatioune.

Abiding from the Raid of Leith.

Nov. 24.—PETIR BALFOUR of Bandone, George Ramfay of Clettie, David Balfour of the Kirktoone, David Seytoun of Ringavy, Thomas Walker in Drone, James Rankyne in Marifland, and Johnne Danzell in Fostertoune.

Delatit for remaning fra the Raid foirfaid. The first three came in the Kings will and were ‘dischargeit thaireftir;’ Seytoun of Ringavye ‘dischargeit pro loco et tempore;’ Walker ‘dischargeit;’ and Rankyne and Danzell ‘continued to the Justice-air of Fyffe tertio Itineris, vel premonitione xv dierum. Plegio, Roberto Scot de Balbartoune.’

Slaughter.

Nov. 29.—DAVID LINDESAY of Berneyardis, Jonet Ogilvie his spouse, (*non comparen.*) and Thomas Jak in Tannadyce.

Delatit of the slauchter of vmq^{le} Johne Fentoune.—Continued to ‘xv day of Januare nixtocum.’² Plegijs, Patricio Ogilvye de Inchemartyne et Andrea O. de Mygwye.’

Abiding from the Raid of Leith.

Nov. 30.—JAMES DRUMMOND of Ochterardour (‘dischargeit,’) Malcum Drummond of Bordland (‘dischargeit,’) Andro Toscheoch of Monyvaid (‘licence,’) James Chesholme of Cromlikis (‘dischargeit be the thefaurer,’) Williame Bonar of Keltie, (‘Perth, tertio Itineris, &c.’) James Edmonstoune of Ballintoun, (‘licence,’) Patrick Gray of Ballegernocht, (‘licence,’) Johnne Kymard of Inchesture, (‘dischargeit.’)

Delatit for remaning fra the Raid foirfaid.

Abiding from the Raid of Leith.

Dec. 4.—WALTER WOD of Balbegenocht, Alexander Ugftoune of Foddercarne, George Arbuthnot in Bernehill,³ Henrye Grahame of

¹ Heir. ² This case was afterwards continued to the Justice-air of ‘Forfare, tertio Itineris, vel premonitione xv dierum;’ when ‘the pameill protestit, this continewatioune preinge nocht thair Replegiatioune, and defenslis quhatfumenir, to be alleget in the contrair.’ ³ ‘Kinkardin, tertio Itineris, vel premonitione xv dierum.’

Morphye, Robert Grahame his fader, Johnne Mideltoune of Kilhill, Johnne Strathachin of Moubodo, Archebald Wod of Wodstoune, Robert Falconer of Ballandro, David Stratoun of Cragy, Charlis Dempstar of Balraye.¹

Delatit for remaning fra the Raid foirfaid.

Treason—Assisting Rebels in withholding the Town of Edinburgh.

Dec. 28.—ALEXANDER GUTHRE burges of Edinburgh.

Delatit of the assistance maid and gevin be him to the rebellis, withhaldaris of the toune, in fortefeing, strenthing and detening thairof aganis our soveran lord and his auctoritie.—Plegijs, Robert Rynd et Johanne Fergussonne burgen. de Ed^e. coniunctim et diuifim. To the last day of Januar nixtocum; and thaireftir continewit to the penult day of August.

Abiding from the Raid of Leith.

Feb. 15, 1571-2.—HENRYE BALMANNO.

Delatit for remaning fra the Raid ordanit to conuene at Leyth the first of Julij lastbipast, being ane of the Quarter Raidis.

Comperit in iugement Patrik Lord Lindfay of the Byris, and in presence of the forsaid Justice, and haill personis than chosin to pass vpoune the Assyse of the said Henrye, Declarit and confest, that he being lieutenant to our soveran lord, constitute for the tyme, permittit and gave speciale and fre licence to the said Henrye to remane and hyde at hame fra the said oist² and raid, ordanit to conuene the tyme foirfaid; nochtwithstanding the lettres of Proclamatione maid thairupoun, in maner aboue writtin: Vpoune the quhilk declaratioune and confessiounne, maid be the said Lord in iugement, as said is, the foirfaid Henrye and George Logan (in Leyth) ane of the nowmer of Assyse, askit actis and instrumentis.

VERDICT. The Assise, all in ane voce, in respect of the declaratioune foirfaid, Acquittis.

[Celebration of the Mass, &c.]

Mar. 13.—MR ARCHIBALD CRAWFURD, parfoun of Eglisfame, Mr Robert Cuninghame.

Crawford's case is continued to the Justice-air of 'Air, tertio Itineris, vel premonitione xv dierum; ad subeundum legem (pro) arte et parte criminis sequen.³ Plegio, Wilelmo Cwninghame de Caprintoune.'

¹ 'All dischargeit in respect of Licences schawin and produceit.' ² Host, army. ³ A blank is left for insertion of an abstract of the 'Dittay,' or Indictment. The crime is likely to have been celebration of Mass, as in the following case.

The other pannel is ‘ Abfoluit and difchargeit, in refpect of the executione of the lettres ; quhairby he is nocht fundin lauchfulie fummoud.’

Ydolatry—Celebration of the Maff, &c.

Mar. 13.—JASPAR MONTGOMERIE and Johnne Mafoune, dwelling at Eglintoune, Schir Johnne Muir, dwelling at Kilmarnok.

Hugh Earl of Caftillis, and Charles Mowet of Busbye, are fined, the former in xl lib. and the latter in lxxx lib., às Cautioners for the above pannels, for their non-appearance ‘ ad fubeundum legem, pro crimine abhominabilis et detestabilis Ydolatrie per ipfos et eorum aliquem commiff., in miniftratione Sacramentorum, contra verum feu rectum Verbi Dei institutionem ; Miffafque infra fortilicium de Eglintoune in menfe Nouembris, diuerfis temporibus agendo ; et Matrimonium inter diuerfas perfonas incaftitati et vili inceftu datas contrahendo et communiter folemnizando ; popuhunque ignarum eorum more Papifticali abutendo.’ —The Juftice alfo ordained the pannels to be denounced rebels, and their moveable goods to be confifcated to the King’s ufe, as fugitives from the law.

Abiding from the Raid of Leith.

Mar. 14.—SIR WILLIAME HAMMILTOUNE of Sanquhar, knycht.

Hew Wallace of Carnale, wes vnlawit in the pane of ane hundreth pundis, for non-reporting and agane-bringing of the lettres dewlie execut and indorfat, purcheft be the Kingis aduocattis ; to tak fouertie of Sir Williame Hammiltoune, to vnderly the law, for remaning fra the Raid, ordanit to conuene at Leith the first of October laftbipast, for affeiging of the burch of Ed^r. ; as he that becam fouerte to that effect.

Slaughter.

Apr. 24, 1572.—GEORGE CRAW in Eift Reftoune.

Alexander Howe of Manderftoune ‘ wes vnlawit in the panis of ane hundreth markis, conforme to the actis of Parliament,’ for failing to produce our foueran lordis lettres dewlie execute and indorfat, purcheft be the Kingis aduocattis, to tak fouerte of George Crow to vnderly the law for flauchter of vmq^{le} George Duidas, the Lord Methwene, and vtheris contenit in the faidis lettres.

Furnishing Victual to Rebels in Edinburgb.

Apr. 24.—ROBERT THOMSOUN in Dalnaboy, Thomas Haiftie in Gogar, and twenty-three others, chiefly farmers and millers in Gogar, Currie, Langhirdmeftoune, Over Crawmond, &c.

All thir perfones foirfaidis becomie in will for arte of the furnefing of wittuale

to the *Rebellis detenaris* of the burch of Ed^r. fen the dait of the proclamatioune maid in the contrair ; and thairfoir fand the fouerties nemit, as plegeis for fatiffactiounne of the King and his hienes Regent for the famin will.—Eight others, being put to Assyisè for the said cryme, wer Acquit thairof.’

Treason.

Apr. 29.—DAVID HAMMILTOUNE, seruand to Boithuilehauch.

Indytit of findry crymes of Treasoune, speciallie mentionat in the Dittay maid thairvpoune, quhilk James Millar hes in keping, &c. ; Convict be Assyisè et ‘SUSPEN.’—A blank is left for the special verdict, or a detail of the Indictment ; but, unfortunately, there is only opposite to the blank the following memorandum : ‘The Cannongait men. Ye Dittay to be cravit from James Millar.’

Abiding from the Raid of Leith.

May 9.—ALEXANDER CAMPBELL of Knokname.

Delatit for remaning fra the Raid and army ordanit to convene at Leyth the first of October lastbipast, ffor affegeing of the burch of Ed^r.—Plegio, Carolo Campbell de Skeldoune, to the xiiij day of Maij instant : And at the famin day, be command of the Regentis Grace, the Court herof, for his pairt, wes desert.

Celebration of the Mass.

May 20.—SCHIR JOHNNE LERTHMONTH.

Thomas Lertlmonth, sumtyme seruand to the Abbot of Jedburghe, wes vn-lawit in the panis of fourtie pundis, for non-reporting and agane-bringing of lettres dewlie execute and indorsat, purchest be the Aduocattis, to tak fouerte of S^r. Johnne L. his bruther, to have vnderlyne the law the saidis day and place, ffor fying and miniftratiounne of the Mefs, being excommunicat, &c.

Stouthreif—Resett and Theft.

Maij 20.—JOHNNE THOMESOUN in Hagbray, Michael Scot in Vogarie, Johnne Auchinlek thair, Johnne Briggs thair, Williame Briggs, his sone, thair, and Petir Hering in Craufoune.

Delatit of assistence, resett, and intercommuning with Hob Ewart of the Schawis and Ade his bruther, commoune thevis ; and specialie, resettand thaim withiu thair awin houffis,¹ gevand thaim meit, drink, and vtheris necessaris, thay being newlie cumin furth of Ed^r. for the tyme. ITEM, for arte and pairt of the steling, be way of stouth-reif, resettting, conceling, detening, and withhalding

¹ ‘This point delayit.’

fra James Rutherford and Adame Ainslie, burgeffis in Ed^t. off four pakkatis of fcheip-fkynniss, reft and ftollin be the commoune thevis foirfaidis, quhilkis the faidis perfones reffett and fecretlie concealit and kept the famin within thair houffis, be the fpace of fyve dayis and nychtis; committit xxvj°. Aprilis vlt°. elaps.: And ftall furth of ane of the faidis pakkatis, the fowme of xxxv lib.—Continued as to Scott, to the Justice-air of ‘Ed^t. tertio Itineris vel premonitione xv dierum, plegio Abbotifhall feniore.’

VERDICT. The Affyife, in ane voce, Acquit the fyve perfones foirfaidis of the laft point of Dittay, anent the fkynniss and filuer, thairin contenit.

Treason—Conspiracy against the Regent—Slaughter, &c.

Jun. 13.—JAMES DALZELL burges of Ed^t., George Robefoun tailliour, James Chalmer thair, Thomas Brad,¹ Michaell Rynd thair, Andro Young in Ed^t., Thomas Michell tailliour thair, Johnne Nwtale thair, Johnne Haie thair, Thomas Crawford, Mr Patrik Biffett thair, Thomas Dikfoun furrour thair, Alex^r. Soufie thair, Alex^r. Bow thair, George Rynd thair, Williame Thomfoun thair, Robert Allane thair, Murdo Pryour thair, Johnne Sympfoun thair, William Cokke alias Saltraig, Robert Smyth thair, Johnne Kirk, Williame alias Schir W^m. M’Ke thair, Johnne Quhytehill, Andro Wardlaw feriand, and Williame Osburne drummar.

All Conuict and Fylit be Affyife, off arte and pairt of thair treasonabill cuning in cumpany to the feildis with Capitanis Halkerftoune, Lauder, and vtheris conspiratouris and inobedient fubiectis to our foueran lord, to the nowmer of vj^c. (600) perfones, bodin³ in armes, with displayit baners; firft, to the Burrow-muir of Ed^t., quhair thai invadit Capitan Ramfay and vtheris the Kingis lieges for thair flauchteris; and nocht cumand to thair intent,⁴ come agane to the bak of Craigingall, quhair thai invadit maift awfulie my Lord Regentis grace. representand our foueran lordis perform, be vertew of his Office of Regentrie, and vtheris his hienes fubiectis for thair flauchteris: AND for arte and part of the flauchteris of vniq^{le} Thomas Trynche flefcheour, Richard Crawford and Johnne Barbour; committit vponne the tent of Junij instant.

Celebration of the Mass.

Jun. 26.—JOHNNE JOHNESTOUNE alias Schir Johnne Johnneftoune, Commendator of Salfat.⁵

¹ ‘Deliverit to Capitan Home, at command of the Regent.’ It is likely he was delivered over to serve as a soldier. ² ‘Deliverit to Capitan Home, at command foirsaid.’ ³ Arrayed, furnished. ⁴ Not succeeding in their enterprise. ⁵ Sausseat, *Sedes-Animarum*, a Monastery in Dumfries-shire.

Delatit for ministratioune of the Mefs and of the Sacramentis in the Papifticall maner.—Continued to the Juftice-air of ‘ Drumfreife, tertio Itineris, vel premonitione xv dierum. Plegio, Jacobo Johnneftoune de Kellobankis pro ejus introitu: Et Symon Johnneftoune obligavit feipfum ad releuandum dictum Jacobum.’

Assisting of Rebels in Castle of Edinburgh.

Jul. 8.—OLIPHER SINCLARE, bruther-germane to the Lard of Roifling.

Andro Lindfay, javelour¹ of the Tolbuith of Edinburgh, and Johnne Loche, licht-horfman, wer vnlawit as fouerteis, coniunctlie and feuerallie, in the panis of ane hundreth markis, ffor non-reporting and agane-bringing of lettres dewlie execut and indorfat, purchest be the Kingis Aduocat, to tak fouertie of Olipher Sinclare, to vndirly the law, for affiftance maid and gevin be him to the rebellis withhaldaris of the burch and Castell of Edinburgh and vtheris contenit in the lettres direct thairupoune.

Slaughter of the Captain of Clanranald.

Jul. 9.—JOHNE DOW MACKEWYNE WICKEWYN, Doule Oig MacCoule MacCondoquhy Roy, Donald MacCayne MacCondoquhy Roy in Bar, Ewyne MacWilliam MacCayne Dow in Auchinlytht, and above thirty others.

Hugh Lord Frafer of Lovete, and Lachlan M’Yntofche of Dunnachtie, are fined in xl li. for each of these persons, for thair non-appearance, to vnderly the law, for art and part of the slaughter of vniq^{le} Donald Dow MacCoule Wickewyn, Captain of Clanranald. The principal parties ‘adjudgeit to the horne.’

Treason—Intercommuning with Earl of Huntly, &c.

Jul. 17.—GEORGE WILKIE, portioner of Sauchtonhall, and Robert Wilkye, his fone.

Delatit of arte and part of the treasonabill reffetting, fupple, and intercommuning with George funtyme Erle of Huntlie, Williame Kirkaldy funtyme of Grange, knycht, Sir James Balfour funtyme of Pettindrych, knycht, and diuerse vtheris Conspiratouris within the Toune of Edinburghe, at thair awine duelling houffis, and diuerse vtheris pairtis of the cuntre; affiftand and takand pairt with thaim in thair treasonabill deidis; committit monethle and continewale, fen the tyme of thair foirfaltour, quhilk wes in Majj 1571.—ITEM, for arte and pairt of the treafounabill furneffing and wittualling of the said burch and foirfaltit

¹ Jailor, gaoler. Old Fr. *javilleur*.

Traitouris, withhalderis thairof, with malt and vtheris viwaris ;¹ takand money thairfoir and felland the famin als frelie to the faidis rebellis as² thai wer the Kingis lieges ; nochtwithstanding the Kingis grace proclamationis maid in the contrair : Committit in Marche, Aprile, Maij, Junij laftbipast, and Julij instant.

VERDICT. For the quhilkis crymes, the faidis perfones being put to the knowlege of the Assyife vnderwrittin,³ the said George wes Acquit, and his sone foirsaid Fylit of the famin.

Mutilation.

Jul. 18.—CRISTEANE GUDSONNE, spous to Andro Burne in Leyth.

Delatit of the mutilationne of Williame Broume burges of Edinburgh, of his (formest) finger, be byting thairof.—Plegio, Magistro Joanne Logane de Scheref-brayis, to the aucht day of August nixt-to-cum ; (on which day the case was continued to the Justice-air of Edinburgh, tertio Itineris, vel premonitione xv dierum.)

Slaughter.

Jul. 19.—JAMES TUEDIE burges of Peblis, Johnne Wychtman, Mairtyne Hay, and Johnne Bowr thair, and Thomas Johnnestoune, sone to Thomas Johnnestoune of Craigburne.

Delatit of arte and pairt of the crewale slauchter of vniq^e Johnne Dikkefoune of Wynkstoune ; committit within the toun of Peblis the first of Julij instant.

PRELOCUTOURIS for the Perfewaris.

PRELOCUTOURIS for the Defendaris.

The Lord Zester,	The Lard of Blauerne,	The Lard of Skraling,	Alex ^r . Home of Manderstoune.
Williame Twedye,	Williame Dikkefoune,	The Lard of Cobingoune,	Mr David M ^r Gill,
Patrik Dikkefoune.		Alex ^r . King aduocat,	James Dowglas of Wellis.

Blauerne askit instrumentis, that he will nocht assist the perfute of this caus aganis Martyne Hay, becaus he hes mareit his kynniswoman ; bot he will perfew the remanent.

VERDICT. The Assyife, in ane voce, but ony discrepance, Acquittis the hail perfones on pannell of the slauchter foirsaid.

Contravening King's Proclamation, &c.

Jul. 22.—ANDRO GREY in Corstorphin.

Conuict and Fylit be Assyfe, for contraventionne and breking of the Kingis Proclamationne, be hame-bringing of his gudis to the Cragis of Corstorphin,

¹ *Vivers*, victuals.

² As if.

³ The only persons of landed property in this Assise are Alexander Wardlaw of Currehill, and Alexander Dalmahoj of that Ilk ; the rest are feuars, &c.

eftir that the famin wes takin away be himself of befoir : This wes committit the tent of Julij infant. ‘ Conuict. et in varda positus.’

Celebration of the Mass, &c.

Jul. 26.—SCHIR JOHNNE RAMSAY,¹ Frere Thomas Aitken,² Schir Archibald Fairbarne,³ Williame Ormiftoun,⁴ Robert Achefoun in Wodenlie,⁵ Dene Johnne Schaw,⁶ Schir Johnne Blak.⁷

Delatit for contravening of the Actis and Miniftratioune of Sacramentis in the Papifticall maner.—Continued to the Justice-air of Edinburgh, tertio Itineris, vel premonitione xv dierum.

Celebration of the Mass, &c.

Jul. 26.—SCHIR THOMAS KER in Auld Roxburch.

Andro Ker of Hetoune, wes vnlawit in the pane xl pundis, for none-entre of Schir Thomas Ker, to vnderly the law for Miniftratioune of the Sacramentis in the Papifticall maner ; and for fying of Mefs : And als, the said Schir Thomas wes adiuageit to be denunceit Rebell, &c.

Treason—Murder of the King (Henry Darnley), and of the two Regents.

Jul. 28.—MR JAMES HAMMILTOUNE.	Plegio, Sr James Hammiltoune,	. . .	j ^m li. ⁸
Williame Weir of Auchtyefardell,	. . . Plegio, Domino de Corhous,	. . .	j ^m li.
Johnne Bannatyne of Corhous,	. . . Plegio, Domino de Lammingtonne,	. . .	ij ^m li. ⁹
Arthour Kneland of Knowhobhill,	. . . Plegio, Domino de Kneland,	. . .	v ^c markis. ¹⁰
Gawin Baxter in Boithuile,	. . . Plegio, eodem Kneland,	. . .	v ^c markis.
Adam Muir of Kitemuir,	. . . Plegio, Domino de Carmichaell, feniore,	. . .	v ^m markis. ¹¹
Johnne Levingftoune of Belftane,	. . . Plegio, Cobington,	. . .	j ^m li.
James M ^c Quharye of Auchtule,	. . . Plegio, Corhoufe,	. . .	v ^c li.
Robert Allane of Corffurd,	. . . Plegio, eodem Corhoufe,	. . .	v ^c li.
Robert Tueddel of Bankheid,	. . . Plegio, eodem,	. . .	v ^c li.
Williame Lokhart in Corffurd,	. . . Plegio, Quintigerno Lokhart de Ley,	. . .	v ^c li.
Alexander Dalzell of Kype,	. . . Plegio, Sr James Hammiltoune,	. . .	v ^c markis.
Thomas Fowlis of Brownfyfde,	. . . Plegio, Fowlis de Colentoune,	. . .	v ^c li.
Thomas Inglis of Murdestoune,	. . . Plegio, Will. Wallace de Johnestoune,	. . .	ij ^m li.
James Baillie of Carphin,	. . . Plegio, Domino Dalzell,	. . .	ij ^m li.
Robert Dalzell of that Ilk,	. . . Plegio, Cobingtonne,	. . .	ij ^m li.
Williame Kneland of that Ilk,	. . . Plegio, Dalmahoy,	. . .	ij ^m li.
Johnne Stevinfoun of that Ilk,	. . . Plegio, Domino de Ernok,	. . .	ij ^m li.

¹ Plegio, Patricio Cokburne filio Jacobi Cokburne de Langtounne. ² Plegio, Johanne Dikfoun in Ednem. ³ Plegio, Domino de Touch. ⁴ Plegio, Will^c. Dawfoune in Leyth. ⁵ Plegio, Richardo Brounfeld in Payinfoune. ⁶ Plegio, eodem Richardo. ⁷ Plegio, Thoma Aitken predicto. ⁸ Finds security to the extent of L.1000. ⁹ L 3000. ¹⁰ 500 markis. ¹¹ 5000 markis.

Mongo Lokhart of Cleghorne,	Plegio, Jarwefwod,	ij ^m li.
James Weir of Blakwod,	Plegio, S ^r James Hammiltoune,	v ^m markis.
Williame Levingtoun of Jarwefwod,	Plegio, Cleghorne,	ijj ^m li.
Robert Hammiltoune of Newhous,	Plegio, S ^r James Hammiltoune,	j ^m li.
James Lokhart of Ley,	Plegio, Hugone Montgomeryede Heiflop,	v ^m li.
James Robertoun of Ernok,	Plegio, Domino de Mynto,	ij ^m li.
Stevin Lokhart of Wicketfchaw,	Plegio, Domino de Ley,	j ^m markis.
Gawyne Lokhart of Kirkwod,	Plegio, S ^r James Hammiltoune,	v ^c markis.
Johne Somerulle of Cambufnethan,	Plegio, Scraling,	v ^m li.
James Maxwell, younger of Calderwood,	Plegio, S ^r James (Hammiltoune,)	ij ^m li.
Thomas Baillie, tutour of Jarwestoune,	Plegio, Carphin,	v ^c markis.
Gawin Hammiltoune of Ardie,	Plegio, Ernok,	ij ^m li.
Johne Hammiltoune of Pedderftoune ; Johne and Thomas Hammiltoun his fonis, }	Plegio, Johanne Dunbar de Barmuir,	j ^m li.
Johne Crawford younger, baillie of Monkland,	Plegio, Carnell,	j ^m li.
David Forfyth of Dykis,	Plegio, eodem Carnell,	j ^m li.
Williame Baillie of Lamintoune,	Plegio, Ernok,	iiij ^m li.
Thomas Levingtoun of Halhill,	Plegio, Lamingtoun,	v ^m li.
Gawin Hammiltoune of the Hill,	Plegio, Banhard eldar,	j ^m li.
Robert Ra younger, noter,	Plegio, Capitan Lambye,	(left blank.)
James Maxwell of Calderwod,	Plegio, Jacobo Maxwell fno filio,	v ^m li.
George Hammiltoun younger of Prefsoune,	Plegio, Hugone Wallace de Carmyre,	ij ^m li.
Arthur Hammiltoune of Parkheid,	Plegio, Carnall,	j ⁿ li.
Johne Millar in Mylneleuch,	Plegio, Mynto,	(left blank.)
Williame Grenefchelis of that Ilk,	Plegio, Ernok,	j ^m markis.
Thomas Weir of Kirktonne,	Plegio, Jacobo Dowglas de Todhoilis,	j ^m li.
Patrik Hammiltoune in Hammiltoune,	Plegio, Ley,	v ^c li.
Johne Hammiltoune in Merytoun,	Plegio, Cultermanys,	v ^c li.
Williame Hammiltoune in Corkallan,	Plegio, eodem,	ij ^c li.
Johne Hammiltoune of Stanehous,	Plegijs, Skraling et Carnall,	j ^m markis.
Alexander Were of Halcraig,	Plegio, Todhoilis,	j ^m markis.
James Hammiltoune, fumtyme of Wodhall,	{ Plegiis, Forfyth de Dykis et Alexander Home, rectore de Spot,	ij ^m li.
Bartilmo Robertoune in Hammiltoune,	Plegio, Ernok,	(left blank.)

This perfones being delatit for arte and pairt of the slauchteris and murthour of vmq^{le} the King and twa Regentis : Fand *respectiue* fouerties vudir the panis aboue writtin, to the thrid day of the nixt Justice-air of Lanark, or fouer, vppone xv dayis warning.

The saidis Johnne Hammiltoune of Stanehous and Patrik Hammiltoune, askit instrumentis, that thai offer thaim selfis presentlie to vnderly the law for the saidis crymes.—Lochlevin tuik instrumentis, that he, as perfewar, wes reddy to perfew thaim and all vtheris suspect and giltie of the said cryme.

Slaughter.

Jul. 31.—WILLIAME KER of Ancrum, Johnne Home, fone naturale to

Johnne Home of Craufstane, W^m. Henflie of Fawlay, Jok Pyle of the Raw, George Pyle his bruder, George Pyle in Mylneheuch, Andro Hall of the Sykis, and Jok Hall callit *Perseis Joh*.

Richard Rutherford, proueft of Jedburgh, wes vnlawit for non-reporting of lettres dewlie execute and indorfat, purchest be the kin and freindis of vniq^{le} James Henrye, burges of Jedburgh, and James Mitchell, and (be) the proueft himfelf, and the baillies, counsale, and commonitie of the said burch, to tak fouertie of Williame Ker, &c., to vnderly the law, for arte and pairt of the slauchter of the saidis perfonis, committit the xv day of Junij laftbipast; viz. in the pane of j^c li. for the said Williame Ker, j^c markis for the said Johnne Home, and xl pundis for ilk ane of remanent perfonis foresaidis.

Refusing to appear before the Regent and Council.

Aug. 8.—HENRYE LOVELL OF BALUMBIE elder, Johnne Lovell fear of Balumbie, and James Meluile in Eifter Forrye.

Lettres being produceit be the partye, quhair the said Henrye wes denunceit rebell and at the horne, for his non-comperance before the Regent and Counsale; the said Henrye was thairfoir put in ward, and thairefter deliuerit to my Lord Thesaurer, to be kept in sure firmance and custody; as he wold answere to the Regent thairvpone: Quhairvpone instrumentis were takin.—Continued as to the others to the Justice-air of Fyffe, tertio Itineris vel premonitione xv dierum: Plegijs, Powrye Ogilvye (for Johnne L.) vnder the pane of ij^m li., vnder protestatioune it prieuige nocht his regalitie; et Will^o. Muncreif de eodem.

[*Curia tenta in pretorio de Strueling, 'cum consensu partium.'*]

Piracy—Resett and selling of stolen goods, &c.

Aug. 15.—WALTER COWSLAND, sone to Robert Cowsland, burges of Strueling.

Delatit of the assistance maid and gevin be him, to Harye Balfour, perat,¹ be thiftuous resset of diuers^e guidis and geir, rest and spulzeit be the said Harye, be way of commoun Peracie, furth of the raid of Burdeaux,² from findry the Kingis confidderat freindis:³ And wes art and part with him in his reif and spulzie⁴ of the saidis gudis, be way of Peracie, as said is: And eftir felling of the saidis stollin gudis, he, with the said Hary, past away with the schip and pryise, quhairin the saidis gudis wer takin, furth of Kirkaldye, vnto the raid of Abirdene; quhair thai, for cullouring of their Piracie and for feir of cuning

¹ Pirate.
&c.

² The Roadstead of Bourdeaux.

³ Allies or confederates, by leagues of amity,

⁴ Robbery and feizing by violence.

thairof to Leyth, fank and drownit the said schip: And for diuerse vtheris crymes of Peracie, at lenth spcifeit in the Lettres thairof.

Quhairof he was ACQUIT be Assyise.

PRELOCUTORIS for this pannell.

Robert Cowfland, fader to the defender, Robert Ramfay, George Nicholl.

[*Curia tenta in pretorio de Edinburghe.*]¹

Assisting Rebels detainers of Edinburgh.

Oct. 29.—ELIZABETH INGLIS, spous to vinq^{le} Capitan James Moffet.

Capitan Johnne Spreule wes vnlawit in the pane of xl pundis, for non-reporting of lettres purchest be the Kingis Aduocat, to tak fouerte of Elizabeth Inglis, spous to vinq^{le} Capitan James Moffat, to vnderly the law, for assistance maid and gevin to the rebellis, detenaris of the burch of Edinburghe.

NOTA. Himself is donatour heirto.

Slaughter.

Oct. 29.—THOMAS BAILLIE, in Sanct-Johnnis-Kirk.

James Lockhart of Lay becomes pledge for the entry of Thomas Baillie, to underly the law for art and part of the slaughter of James Johnnestoune of Westraw, committed in the month of January last; before the Justice or his deputies at the Air of 'Lanark, tertio Itineris, vel premonitione xv dierum.'

Witchcraft.

Dec. 29.—JONET BOYMAN, spous to Williame Steill.

Delatit of diuerse crymes of Wichecraft.² 'CONUICT AND BRINT.'

Hearing of Mass.

Dec. 29.—ALEXANDER CREYCHTOUN of Newhall.

Delatit for hering of the Sacramentis to be ministrat in Papistcill maner, within his awin place of Newhall, yerlie and monethlie, sen the tyme of his last conuictione, quhilk wes in Januar lxxvij yeris: incontrair the Actis of Parliament.

VERDICT. Fylit be the Assyise, in respect of his awin conuictione (confessionne?) 'CONUICT AND WARDIT.'

Comperit Capitain Robefoune, and protestit in name of James Douglas, that this his conuictione preinge nocht his eschete, quhairof he hes the gift.

¹ The trials after this date are all held within the Tolbooth of Edinburgh, whatever inserted in the Record.

² No particulars

Slaughter.

Feb. 3, 1572-3.—JAMES MERSER in Westir Auldye, Johnne Ireland in Reigheild of Auldye, Johnne Merfer in Craigtoun of Auldye, and Thomas Bell in Schanwell.

Delatit of the slauchter of vinq^{le} Robert Inglis in Medoheid.

PRELOCOUTOURIS for the pannell.

PERSEWARIS.

The Lard of Balwerie,	The Lard of Bamff,	Catherine Spens, relict,	Thair PRELOCOUTOUR.
Mr Richard Strang,	Johnne Ruffale,	Johnne Inglis, bruder, and	Niniane Thomefoune.
Mr Malcum Merfer,		fevin fatherles barnis.	

Mr Richard Strang, prelocoutour foirfaid, askit instrumentis of the executioun of the lettres ; as thai beir : And allegeit, in respect of non-delinerance of copeis to twa of the principallis contenit in the fadis lettres, the executioun nocht to be dewlie maid conforme to the Act of Parliament ; nochtwithstanding the offir maid of ane copy, and refuse of the samin.

The Justice Repellis this allegiance, in respect of the Executionne.¹

The prelocoutouris for the pannell allegeit, this James Merfer, being ane gentilman of the Lard of Aldeis house, hes nocht ane sufficient nowmer of Assyise, in peris ;² and without his peris, conforme to the Act of Parliament, he aucht nocht to be put to the knowlege thairof.

The Justice findis this Assyise sufficient for the pannell, in respect of the caus and parteis present persewaris and defendaris.—‘ All four Acquit.’

The same day James Fergusoun of Dirlullych, *alias Barroun Fergusoun*, is fined for non-appearance of Williame Narne, sone of George N. of M-Karrie, James his brother, and Patrik Bell, brother of Johnne Bell in Schammar ; and Patrik Fergusoun of Stroyrnuk, and Donald Stewart of Dalwongie are fined for non-appearance of James Welkie and Patrik Stalker, servants of . . . Merfer of Auldye, for art and part of the above slaughter, ‘ et lesionis vulnerationisque Catherine Spens, ejus spouise in diuersis sui corporis partibus, ad magnam sanguinis ejusdem effusionem, illam ex partu pueri sui masculi abortam facien., et crudeliter eundem inde interficien., in mense Octobris vlt. elaps. sub noctis sylventio,’ &c.

Assisting Rebels in Castle of Edinburgh.

Feb. 4.—EDWARD KINKAID maltman in Edinburgh, James Vr flescheour, Niniane Arneill flescheour, Johnne Moffat yair, Johnne Wilfoun maltman, Johnne Lowrie maltman, Edward Paterfoun yair, Thomas Wynrame yair, Johnne Gray fische-monger, Patrik Gardner flescheour, and Audro Bartane.

Delatit for assistance maid and gevin to the Lard of Grange and vtheris de-

¹ The official attestation of a messenger at armes, that the letters were lawfully intimated by delivery of a copy for the party, or leaving the same at his dwelling-house, &c. ² His equals in rank, his peers.

clarit tratouris, in keping, strenthing, fortefeing, wittualing and withhalding of the burch and Castell of Edinburgh, in contrair our foueran lord and his hienes auctoritie.

Continewit to the nyxt day of Februar instant. At that diet of Court, the pannels came in the King's will, excepting Moffatt, whose case was continued to the third day of the ensuing Air; and the thesaurar clerk grantit him to be satisfieit as to Kinkaid.

Assisting Rebels in Castle of Edinburgh, &c.

Feb. 4.—JAMES FLEMING.

Delatit for furneing the rebellis within the Castell of Edinburghe, with a great quantity of wine, flesh, fish, malt and other victuals, and receiving from them false and adulterate money or counterfuitit cunze, and passing thereof amongst the lieges; committed in the months of August, September, October, November, and December last.

Andrew Fischeare, burges of Edinburgh, is fined in xl lib. for his non-appearance, and Fleming ordained to be denounced, &c.

Slaughter.

Feb. 6.—ARTHUR FORBES, son of Arthur Forbes of Reres, and Henry Forret.

Walter Scot of Branxhelme, and Alexander Forbes of Petflego, fined in ij^c li., ij^c markis, and ij^c markis, for non-appearance of these persons, to underly the law for being art and part of the slaughter of vniq^{le} Mr Johnne Wod, committed on the xv day of April 1570: The principal parties adjudged to be denounced rebels, and their moveables escheated, &c.

Treason—Conspiracy against the Regent, &c.

Feb. 9.—ALEXANDER HAISTIE, Andro Gotterfoun snyth, Johnne Gairland sclater, Thomas Galloway officer, William Forsyth cordinar, Patrik Cowper tailliour, James Hammiltoun skynner, Johnne Mayne, elder, merchand, and Petir Thomesoun.

All thir personnes were convict of the hail crymes contenit in the auld lettres, maid in Leyth; and for cuming to the Craigis, with the remanent, vpon the tent of Junij lastbipast; purposlie to have slane my Lord Regent and vtheris, his faythful subiectis for the tyme.

ITEM, the said Petir Thomesoun fylit and convict of ryving² of the nobill mennis armes.

¹ Tearing in pieces.

[*Mr Thomas Bannatyne, Justice-Depute.*¹]

Reset and Intercommuning with Rebels, &c.

Feb. 23.—PATRIK LORD GRAY, James Scrymgeour constabill of Dundie, Alexander Maxwell of Teling and David Maxwell his sone and air.

Johnne Lovell fear of Balumbie, being oftymes callit for production, and agane bringing of the lettres dewlie execute and indorfat, purchest be the Kingis Aduocattis to take fouertie of Patrik Lord Gray, &c., to vnderly the law ffor reflēt and intercommuning with Henrye Lovell of Balumbye, Patrik and David Lovellis his sonis, and vtheris, being denunceit rebellis and at the home; and nocht produceand nor reportand the famin, wes thairfoir vnlawit in the panis following, viz. for the said Lord Gray, in the pane of²

Slaughter—Field of Langside.

Feb. 27.—THOMAS BAILLIE, in Sanct Johnis Kirk.

Delatit of the slauchter of vniq^{le} James Ballanye and vtheris; committit at the Laungfyde, the xiiij of May anno lxxvij (1568).

Plegio, Alex. Home to the morne. Postea, dischargeit and the Court desert, with consent of Carmichaell, donatour.

Slaughter of Regent Lennox, &c.

March 4.—JOHNNE MONCUR in Dunglas, and Patrik Heriot thair.

Delatit of the slauchteris of Mathow Erle of Leuenox Regent, George Dundas and Williame Schaw; and vtheris crymes.

Williame Reidpeth fear of that Ilk, fined in xl. pundis, for nocht produceing and agane bringing the lettres dewlie execute, &c.

Incest.

March 31, 1573.—MARIOUNE REID.

Delatit of arte and pairt of the abhominabill cryme of Incest, committit with Gilbert Young in Barnaught; being his wyfe, and knawing perfytlie hir said spous to have lyue in ffornicatioune with Jonet Reid hir sifter, of befoir, and ane barne procreat betuix thaim; and scho admoneist be the Kirk, to abstene thairfra.

Plegio, Johanne Reid de Freyndlasheid, to the morne; and thaireftir, continewit vudir fouertie to the thryd day of the Justice-air of Air, or soner, vpoune xv dayes warning.

¹ Mr Thomas Bannatyne appears, in this Record, for the first time, as a Judge, on Feb. 17. He is to be considered as the officiating Justice-Depute after this date, unless the contrary is noted. Vid. Nov. 24, 1569. ² A blank is left here.

Sucest.

March 31.—GILBERT YOUNG in Barnaucht.

Delatit for the same crime.—Johne Reid of Freyndalsheid, his cautioner, is fined for his non-appearance; and Young ordained to be denounced rebel, and his moveables confiscated, as fugitive from the Law.

Assisting Rebels in Town and Castle of Edinburgh.

April 1.—JOHNE WATSOUN, smyth, burges of Edinburgh.

Delatit of arte and part of the assistance maid and gevin be him to the traitouris and rebellis withholderis of the Town and Castell of Edinburgh; and vtheris crymes, contenit in the Lettres direct thairvpoune.—Ad remissionem, pro crimine. Plegio, Thoma Atchefoun burgen. burgi de Edinburgh, ad satisfaciend. partibus in se conquerentibus, secundum formam juris.

Assisting Rebels in Town and Castle of Edinburgh.

April 2.—WILLIAME HUCHESOUN, skyimer, burges of Edinburgh, and Criteane Barroune, (alias Gudefoune,) his spous.

Delatit of assistance maid and gevin to the rebellis withholderis of the Town and Castell of Edinburgh. Huchefoun 'ad remissionem pro crimine. Plegio, Johanne Gilbert fabro aurario ad satisfaciend. partibus et ad relevand.'

PRELOCUTOR for Criteane Barroune, Mr Alexander Sym.

This Prelocutor askit instrumentis, that he acceptit the summondis and all partis thair of, as it is qualeseit; protestand, that he wald nocht compeir for hir husband; and alleget, that feing na body perfewis this actioun bot the Kingis Aduocat, desyris, befor further proces, that he will gif his ayth gif he hes just caus to perfew the said Criteane for this caus, quhilk he alleget aucht to be gevin, in respect of the dittay is nocht sworne of befor; and in caise he refusit to gif the famin, that na proces aucht to be vsit anent hir persute this day.—Answeris the Aduocat, he fuld gif na ayth, nor is nocht haldin to gif the famin in na criminale actioun; and specialie in crymes of Lefe-maieftic.¹—Answeris Sym, he aucht to gif the famin, in respect of the natour of the caus and simplicitie of the woman; quhilk hes nocht occurrit of befor; and als in respect of the Commonne Law berand, that in all caussis, the persewar being requyrit, na thing aucht to proceed, quhill² he the persewar gif his ayth that he hes caus to perfew.—The Aduocat, in respect of the practik of the realme and municipale law, allegit in the contrair; and specialie, in respect hir husband hes takin remissionem for the famin cryme, quha is conjunct persoun with hir.

¹ Treason.

² Until.

The Justice be Interloquitour, Findis forther proces to be vsit, nochtwithstanding the allegeances fairfaidis.

Sym, as prelocutour fairfaid, allegeit this mater aucht nocht to pas to the knowlege of ane Assyise anent the persute of Cristeane Barroun, becaus scho is callit, principalie, for remaning within the burch of Edinburgh the tyme lybellit; quhairin gif scho remanit, scho remanit with hir husband, beand vnder his obedience; by¹ quhome scho had na remaning; ffra quhome, scho be na law wes haldin to depart, nor culd nocht leve in na place by² him, having na thing to leve vpoun: Attour,³ feing that hir husband hes gottin ane Remiffioun, scho being ane part of his body, the famin Remiffioun aucht to comprehend hir: Alwaysis,⁴ aganis hir, be na law, persute can now be deduceit, for ony caus contenit in the Summondis; specialie, in respect of the commoune practik of this realme in spulzeis, that albeit⁵ wemen be at the spulze, thay can nocht be persewit thairfoir, hir husband being on lyf: And specialie, in respect that thair is na particuler deid, for the quhilk the woman is callit for the famin: Lyke as, thair is na deid in the summondis, that can fall vpoun hir;—*igitur, ut supra*.—Anfuerit the Aduocat, the mater aucht to pas to ane Assyise, in respect of the natour of the caus libellit aganis hir and hir husband, bayth;⁶ ffor the quhilk caus he has takin Remiffioun him self and vsit the famin: Specialie, that nowder⁷ sho nor hir husband were haldin to abyde in this Toune, bot haldin to depart furth thairof, conform to the Proclamationis maid thairvpoun; *ac tenta est etiam, quod delictum est personale et in solidum*, and strykis vpoun all committaris thairof, alsuele woman as mau.

Anfueris Sym, that in respect of the same anfuer maid be the Aduocat, na proces can be led aganis hir now, hir allane;⁸ bayth becaus thai ar callit coniunctlie; and swa, being coniunctlie callit, and be the deid, *vnum corpus et vna caro*: And as to the allegeance, that thay wer bayth chargeit to depart, it is anfuerit as ofbefoir,⁹ that gif he had departit and nocht scho, it mycht have bene ane cryme; but feing he remanit and nocht scho, na law can mak hir to incur ony cryme: And feing my lord Aduocat hes maid this allegeance, desyris that he will give his ayth, give he hes iust caus to propone the famin; And gif he refusis, that this mater aucht nocht to proceed ony forder.—Anfueris the Aduocat, in respect of the anfueris maid ofbefoir, specialie, in respect she is nocht onelie callit for remaning with hir husband, bot for diuerse vtheris capitale crymes contenit in the summondis, sic as furnitour¹⁰ of meit, drink, &c.¹¹ And

¹ Besides, *forbye*.

² Without, apart from, *but*, independent of.

³ Besides, moreover.

⁴ At all events.
Individually, by herself.

⁵ Although.

⁶ Besides, also, together.

⁷ Neither.

⁸ Individually, by herself.

⁹ Before, formerly.

¹⁰ The act of furnishing or providing.

¹¹ To the rebels.

as to the defyre of the ayth, nane fuld be gevin, in respect of the anfueris maid of befoir.

Attour, the said Mr Alexander allegeit, the crymes contenit in the Summondis can nocht pass to inqueist aganis hir perfoum for the said caus, to wit, that thair is na cryme that can fall competentlie, in the perfoum of the said woman; and feuerallie,¹ na thing aganis hir, vpoun hir awin speciale deid and fact: And the principale pairt of the crymes is allegeit to be committit, be the causing and consent of thaim; quhairof na thing can be laid to the charge of the said Cristeane, scho having na command nor assent of hirself, bot of hir husband being on lyve, quhilk is hir heid; and fwa, scho can nocht be accusat vpoun na command nor causing, and thairfore, aucht nocht to pas to inqueist; speciale of² the said Remissionne grantit to hir husband for the haill crymes, at least Lese-maiestie, quhilk comprehendis all and produceit in Jugement; feing he hes takin vpoun him, quha had it in deid, the haill causing and command, vnder quhome scho culd nocht, in ony wyse, consent nor command.—Anfuerit the Adnocat, it fuld be Repellit, in respect of the Summondis as it is libellit, and crymes of Lese-maiestie specefeit thairintill.

The Regentis grace ordanit, be his Precept, this Court to be desert, as eftir followis.

Apr. 8.—Johnne Sym comperand, proteffit for his relief, as fouerte, quhilk he becom for entre of the said Cristeane.³

The said Cristeane askit instrumentis of hir entre, and thaireftir produceit ane Supplicatioune,⁴ with my Lord Regentis grace deliuerance, maid and subferyuit be his grace thairvpoune; quhairof the tennour followis.

APUD HALYRUDEHOUS, septimo Aprilis, anno, &c. (1^m.V^c.) lxxij^o. My Lord Regentis grace Ordanis þe complenar to present þis supplicatioune to þe Justice, Justice clerk, and his deputtis, and þame to continew and superfeid all forder persewing of þis complenar for þe caus within mentionat. As þay will anfuer to his grace þairvpoune.

Conforme to the quhilk, the said Cristeane defyrit the said Justice to obey the famin; quhilk he thinkand reasonabill, obeyit the said deliuerance, and desert the Court heirof.

Slaughter.

May 6.—LAWRENCE LORD OLIPHANT.

Delatit of the slaughter of vniq^{le} James Roife. Plegio, the Maister of Marchcall, to the thrid day of the mixt air of Perth, or xv dayis warning.

NOTA. This continewatioune wes in default of Assyse nocht comperand.

¹ Separately, as an individual.
entry on this diet.

² On account of.
⁴ Bill, or Petition.

³ She is named 'Gudefoune' at her

Fire-raising—Sheep-stealing, &c.

May 8.—WILLIAME DONALD and James Oliphar, fomtyme feruandis to Blak Ormestoune.

Delatit of the treafounabill burning of Sr Andro Kerris coirnis; and for thif-tuous steling of nolt, schein, and vtheris gudis, as the dittay beris. Quhair of they wer bayth Conuict be Assyise, and Hangit.

Holding of the Abbey and Place of Paisley, &c.

JUL. 23.—RICHARD SMYTH, Alexander Clerk, Williame Paule, W^m Robertsoune, James Brok, Johnne Dunlop, Patrik Zettis, James Forthik, James Clerk, W^m Fleming and W^m Layng.

All convict, for haudding of the Abbey and Place of Pasley, incontrare our fouerane lordis lieges; and aganis the tennour of his charge, direct be his lettres. ITEM, this Alexander Clerk Conuict of the slauchter of Johnne Cawldwollis, in Gawynnis-Westir; and of taking his purse, money, sword and bukлар.¹

Forgery and falsing of an Instrument.

JUL. 16.—Schir DAVID ANDERSOUNE in Glasgow, and Schir Johnne Crawford, notar.

Delatit of the Forgeing and falseing² of ane instrument.

PERSEWAR.
Marioune Myllar.

PRELOCUTOURIS for this pannell.
Mr Edmund Hay, Mr Johnne Frude.

VERDICT. The Assyise Conuicts and fylis the said Sir Johnne³ of the steling of the Instrument from Marioune Millare, contenit in the first poynt of Dittay; and of the fecund, towartis the fenzeing and forgeing famin Instrument; and of the thrid, contenit in the dittay: And the Assyise, quhill Saturday, delayit their iugement vponne Sir David Anderfoune, viz. the xvij day of Julij.

JUL. 18.—The Assyise, in respect of the Confessioune maid thaireftir of the said Sir Johnne, Acquit the said Sir David Anderfoune of the crymes specifeit in the Dittay.

CURIA JUSTICIARIE S.D.N. REGIS, tenta in pretorio de Edinbur^t, tertio Augusti anno, &c. (I^m V^c) lxxij^o per nobilem et potentem dominum Archibaldum Comitem Ergadie, dominum Caupbell et Lorne, Justiciarium generalem, &c.

Treason.

Aug. 3.—Mr JAMES KIRKALDYE and James Cokke (Cokkie), gold-smyth, burges of Edinburgh.

¹ Sentence not recorded. ² Falsifying. ³ By a marking on the margin of the Record, ('Suspen.') it appears that Craufurd was hanged. His confession is above alluded to.

Delatit of certane crymes of Treafoune, &c. committit aganis our fouerane lord and his hienes auctoritie.

ASSISA.

Williame Naper of Wrychtifhowffis,	James Foirman, thair,	George Campbell of Dowchall,
Andro Ker of Fawdownfyde,	Andro Naper, bruder to	Williame Ramfay, burges thair,
James Boifwell of Anehinlek,	Merchanftoune,	Richard Rutherford, proueft of Ed.,
Alex ^r Vdward, burges of Ed.,	James Aikman, thair,	James Zoung, cutlar,
Johnne Dunbare, thair,	Edward Hoipe, thair,	Johnne Aikinheid, thair,
		Mongo Bradie, goldfmyth.

No particulars of this case are preserved. The sentence is as usual inserted, but only upon the margin. ‘CONUICT. ET SUSPEN.’

Slaughter.

Aug. 5.—Capitane JOHNNE PENTLAND.

Delatit of the slauchter of vniq^{le} Niniane Liddell of Halkerftoune.

The quhilk day comperit the said Capitan Pentland, and presentit my Lord Regentis grace Precept, subferyuit with his hand, chargeing the Justice, Justice Clerk and their deputis, to fence¹ ane Court of Justiciarie, and to present before thaim the said Capitan, delatit of the foirfaid slauchter: And he being presentit to refflaue him in will for the said cryme, takand fouertie for assythment² of partye, as vse is: And that in respect the parteis complenaris procureit mercye and pardoun of his lyfe at the Regentis hand, and the fouerte being fundin, to pronunce and declair the famin will to be Baneifchement of his perfoun furth of the realme; takand lykewyfe fouertie, that he fuld depart furth thair of, within xvij dayis nixt efter the dait of the said Precept, and that he fuld nocht returne agane thairintill without licence of my Lord Regent, vnder the pane of ane thowfand pundis. As the famin Precept, of the dait the ferd³ day of August, the yeir of God I^m.V^c. lxxij yeiris, subferyuit be James Erle of Mortoune, Regent foirfaid, at mair lenth beris.

Conforme to the quhilk, the said Capitane enterand in judgement, and being accusit of the said slauchter, become in our fouerane lordis will for the famin; quhilk will the Justice foirfaid declarit to be Baneifchement of his perfoune during the Kingis grace and my Lord Regentis will. And thairfoir ordauit him to find cawtioun for fatiffactione and assythment of partye, and that he fould depart and remane baneifcheit furth of the realme, conforme to the said Precept. Quha ffland in Jugement, according to the said Justice command, Dyoneife

¹ A forensic term, equivalent to hold, open, commence. The act of fencing a Court is still performed by an officer, who forbids all persons from disturbing or molesting the Court during its sitting, &c. ² A fine or compensation paid to the relatives of a murdered person, as a *solatium* and atonement for that deed. ³ Fourth.

Elphinstoun, burges of Edinburgh, his bruder, Patrik Ogilweye, burges alſwa of the famin burch, with him ſelf, coniunctlie and ſeueralie, plegeis and fourteis, bayth for Affythment of partye and that he ſall depart and remane baneifcheit furth of the realme, during the ſpace aboue writtin.

Treason—Assisting Rebels in Town and Castle of Edinburgh.

Aug. 13.—JOHNNE ADAMESOUNE, younger, burges of Edinburgh, and twenty two others.

Delatit for treaſonabill aſſiſtance maid and gevin be thaim to the rebellis and conſpiratouris, withhaldaris of the Town and Caſtell of Edinburgh.

All thir comperand, become in will for the ſaid cryme, &c.

N.B.—A great number of others, burgesſes of Edinburgh, are brought before the Juſticiar during this month. Their trials are continued to the third day of the enſuing Juſtice-air for Edinburgh.

RECORDS OF THE COURT OF JUSTICIARY.

THE Records of the Court of Juſticiary, from this period to the cloſe of the year 1576, are unfortunately loſt or deſtroyed. There is every reaſon to ſuppoſe that this muſt have taken place previous to A.D. 1700.

Intercommuning with a Traitor and Rebel.

Oct. 23. 1576.—ANDRO COMMENDATOR of Jedburghe.

Dilatit of the treaſonabill Intercommowning with vni^q^{le} James Ormeſtoun, ſumtyme of that Ilk, declarit tratour and rebell, in his awin hudgeing, within the burch of Jedburghe, in the moneth of Marche 1570 yeiris; and at the hill of Dvnſone, beweft¹ Jedburghe, in the moneth of Januar, the yeir of God foirſaid.

PERSEWAR, Mr David Borthuik.²

Allegit the ſaid Commendater, for himſelf, that he ſuld haif Perife³ to pas vpoun his Affyis, in reſpect that he is ane Lord of Parliament.—Anſuerit my Lord Aduocat, that albeit the ſaid Commendater haif voit in Parliament, yit that may nocht contryne⁴ the Juge to gif him Lordis vpoun his Affyis; for then it ſuld follow, that the burgeſſis being accuſat, ſould haif Lordis vpoun thair Affyis, becaus thai are the thrid Eſtait in Parliament. In reſpect of the quhilk, allegeis the ſaid Mr David Borthuik, aduocate, that the Lard of Riddell, being ane barroun of auld blude, ſuld pas vpoun his Affyis, and is ſufficient thairto.

¹ To the weſtward of. ² Mr David Borthuik of Lochhill, and Mr Robert Creychtoun of Elliok, held the office of joint King's Advocates at this time. ³ In this inſtance, *perise* ſignifies not only equals or *peers* in point of rank, but Peers or Lords of Parliament. ⁴ Bind, or conſtrain.

The Justice, be Interloquitour,¹ in respect of the allegeances, continewis the mater, vnder fouerte, to the morne. Plegio, Alexandro Hune de Hutounhall.

Oct. 24.—Continued to Feb. xv.²

Shooting and Slaughter of Deer and Boes.

Oct. 26.—JOHNNE CARMICHELL of Medowflatt,³ Thomas Mureman, younger, in Kirkbryderig,⁴ William Johnestoun of Kellobank, Sym Carmichell,⁵ Thomas Johnestoun of Podene, Johnne Bretame in Dafibill, Johnne Moffett in Hemmland, James Johnnestoun of Brakinfyde, Harbert Brettame, his bruder.

Dilatit of the schutting and slauchter of deir and ra, in Meggitland, incontrair the tennour of the Actis of Parliament.

George Balfour, Priour of the Charterhous, Sir Kew Kennedye of Girvanemans, knycht, John Johnestoun of that Ilk, and Thomas Johnnestoune of Cragaburne, become fouerties, &c., that thai and ilk ane of thame fall fateffie our fouerane lordis will, abstene in tymes cuning, and deliuer thair gunnis to the Capitane of the Castell of Edinburghe, betuix and the first day of Decem-ber nixttocum, vnder the pane foirfaid.

Stealing of Tombstones.

Nov. 3.—ALEXANDER MACKE in Inuerrowrie, Johnne Fraiser, mafoun in Aberdene, David Scherare mafoun thair, and Johnne Baynze, at the croce of Inuerrowrie.

David Leith of, scherurgeane and cuttir of the stane⁶ befyde Abirdene, oft tymes callit to haif produceit our fouerane lordis lettres deulie execut and indorfate, purchest be James Elphinstoun of Glak, Johnne Seytoun of Lunfurd, Kirkmaisteris of the Kirk of Devyot and the Aduocattis, to tak fouerte of Alex. McKe, &c., that thai fuld compeir befoir our fouerane lordis Justice or his deputis this day and place, to vndirlye the law, for the thiftuous steling and away taking furth of the Kirkzard of Devyot, of ane grit nowmer of hewin kirk-ftanes, committit in the moneth of Junij lastbypast, &c. And nocht comperand, was thairfoir amerciati in the panes contentit in the Actis of Parliament, viz., for ilkane of thame, in the pane of ten pundis.

¹ A judgment so called, *quia iudex ad interim loquitur*, Crooksh. Church Hist., &c. ² This case was afterwards continued to April 16 and 22, 1577. ³ 1^m (1000) markis. ⁴ V^c (500) li.

⁵ And the remainder in the pane of iij^o markis each.

⁶ Surgeon and stone-cutter (not cutter for the stone)—*in utrumque paratus*—dexterous alike in the use of the scalpel and chisel—a resurrectionist of tombstones as well as of the tenants of the tomb; at all events it may be charitably inferred, that the four worthies on pannel were his purveyors, in at least one of the branches of his calling.

Convocation of the Lieges—Usurpation of King's Authority, &c.

NOV. 6.—GEORGE CRAWFURD of Lefmories, Hew Crawford of Auchin-
vie his Bailze, George Crawford of Auchineroice, Ronald
Hutcheoun in Hannaystoun, and thirteen others.

Delatit of convocatioun of our souerane lordis liegis, to the nowmer of lx per-
founes or thairbye, bodin in feir of weir,¹ incontrair the Actis of Parliament ;
and cuning to the hous of Dauid Blak in Dallek-killis, quhairin thai had houfit
Johne Crawford of Heidmark, affegeing to the famin be the space of thre houris
or thairbye, quhill² thai forceit him to rander the famin to thame ; taking of the
said Johne Crawford in Heidmark perforce, and haifing of him bund as captiue
to the place of Lefmoreis, quhair thai detenit him within the famin, be the space
of xvij dayes or thairbye, in frait captiuitie and presoun : Vfurpand thair-
throw our souerane lordis auctoritie vpoun thaim ; the said Johne being his
hienes frie liege-man, and thai haifand na power nor Commissioun to that effect :
Committit in the moneth of October, the yeir of God I^m.V^c. lxxiiij 3eiris ; of the
speciall causing, deuising, airt, pairt-taking, command, assistance and ratihabi-
tioun³ of the said George Crawford of Lefmoreis ; and vtheris crymes, at lenth
contentit in the lettres direct thairvpoun.

PRELOCOUTOURIS in defence.

PERSEWARIS.

The Lord of Kelwed,	Johne Crawford of Camlarg,	Johne Crawford in Heidmark,
Mr Alex. Sym,	Mr Alex. Mauchane,	Mr Robert Creychtoun, King's Adnocat.
Mr Johne Moserope,	Mr Thomas Westoun.	PRELOCOUTOUR. The Maister of Vchiltre.

Continued to the Justice-air of ' Air, tertio Itineris vel super premonitione xv
dierum.'

Sorcery, Witchcraft and Incantation.

NOV. 8.—ELIZABETH or BESSIE DUNLOP, spous to Andro Jak in
Lyne.⁴

THE TRIAL of BESSIE DUNLOP is one of the earliest, and may assuredly be reckoned as one of
the most extraordinary cases on record, in reference to the infatuation, common to all the nations of
Europe at that period, on the subject of Witchcraft. It is in every view extremely interesting, but
more particularly on account of the very minute and graphic details given by Bessie of many cir-
cumstances connected with the prevailing superstition, especially in relation to *the Court of Faerie* ;
which, so far as the Editor knows, are not elsewhere to be found. Few scenes perhaps are anywhere
to be met with, so intensely attractive as the meetings with '*Thom Reid*.'

The Dittay, or Indictment, seems to have been an echo of two Declarations, emitted by this

¹ Arrayed in warlike manner. In Latin it is usually expressed *more bellico armatus*. ² Until.
³ Confirmation ; from Law Latin, *ratihabere*. ⁴ On the margin of the Record, ' Conuict, and
brynt.' Lyne or Linne, in Ayrshire, was a six-merk land, lying in the barony of Dalry, the pro-
perty of the family of Lord Boyd. It is likely that Bessie and her husband were tenants or cottars
on this estate, as the principal scene of the following transactions is within the county of Ayr. There
is also a parish of Line in Peebles-shire.

ill-fated woman ; no doubt extorted, as usual, by the application of the most exquisite tortures. The Inquest or Assyise return a *Special Verdict*, corresponding to the various Articles or *points* of the Dittay and Examinations ; which poor Bessie, to avoid farther torture, (as may naturally be inferred,) confesses ; and is accordingly '*fylit*,' on her own confession. It is very unfortunate, that in this, as in most other instances during the Sixteenth Century, the Record is so very brief with regard to the *procedure* which took place in Court.

With regard to the *guilt* of this unlucky woman, there can hardly be two opinions. She was certainly the dupe of her own overheated imagination, already well stored with such fancies, before her first interview with Thom Reid ;¹ who (if not entirely the phantom of a disordered brain) may not unlikely have been some heartless wag, acquainted with the virtues and use of herbs, and who possibly may have played off this too fatal joke on his unhappy victim.

In vindication of the Criminal Tribunals of this country, as well as those of England and France, &c. it is worthy of remark, that in almost all cases of Witchcraft, the trial and the punishment following upon conviction, were as frequently for the public *profession* of the art, '*ufing* of Sorcerie,' &c., and for *abusing the people* with their '*devilifch craft*,' as for the *act* of Witchcraft itself. In some instances, the poor creatures were convicted for '*being notour Witches*,' and were put to death, after undergoing the most frightful tortures, on the slenderest evidence, afforded by the testimony of ignorant and superstitious country people, when added to the circumstance of their being '*habite and repute*.'

There was generally, in all cases of this nature, a previous Precognition taken before the Privy Council, most frequently after repeated examinations before the Kirk Session, or the Presbytery of the bounds where the unfortunate victim resided. Such inquiries generally proceeded upon a special Commission issued by the Privy Council ; when the evidence of neighbours was taken down, whose lamentable ignorance and superstitious fears would magnify into Sorcery and Witchcraft the simplest actions in the life of the suspected Witch. Solitary confinement, cold and famine, extreme thirst, the want of sleep, and the privation of all the comforts, even the commonest necessaries of life, the desertion of their affrighted relations and friends, added to the cruellest tortures, generally induced them at length, weary of life, to make their '*Confession*,' as it was called.

One of the most powerful incentives to '*Confession*' was systematically to deprive the suspected Witch of the refreshment of her natural rest and sleep ; and the cruellest means were often resorted to, to accomplish this heinous purpose. Even the indulgence of lying in a reclining posture on their handful of straw was frequently denied them. This engine of inhuman oppression was perhaps more effectual in extorting confessions, than the actual application of the torture or *question* itself. Iron collars, or '*Witches bridles*,' are still preserved in various parts of Scotland, which had formerly been used for such iniquitous purposes. These instruments were so constructed, that by means of a hoop which passed over the head, a piece of iron, having four points or prongs, was forcibly thrust into the mouth, two of these being directed to the tongue and palate, the others pointing outwards to each cheek. This infernal machine was secured by a padlock. At the back of the collar was fixed a ring, by which to attach the Witch to a staple in the wall of her cell. Thus equipped, and night and day '*waked*' and watched by some *skilful* person appointed by her inquisitors, the unhappy creature, after a few days of such discipline, maddened by the misery of her forlorn and helpless state, would be rendered fit for '*confessing*' any thing, in order to be rid of the dregs of her wretched life. At intervals, fresh examinations took place, and these were repeated from time to time, until her '*contumacy*,' as it was termed, was subdued. The Clergy and Kirk Sessions appear to have been the unwearied instruments of '*purging the land of witchcraft*,' and to them, in the first instance, all such complaints and informations were made.

¹ In Article 14, we are informed that Thom was '*officiare to the Lard of Blair*,' probably his baron-officer.

Trial followed closely on the emission of one or more of the Declarations or Confessions thus obtained, which formed the ground-work of the public accusation and prosecution. The Assise, having merely to compare the indictment or dittay with the previously extorted Confession, and such other written or oral testimony as the prosecutor chose to adduce, returned their verdict, 'culpable and fylit.' Doom was, of course, pronounced in terms of law—and in a few hours the wretched victim was led out to the stake, to be strangled and burnt to ashes.

Dilatit of the vring of Sorcerie, Witchcraft, and Incantatioune, with Invocatioun of spretis of the devill; continewand in familiaritie with thame, at all sic tymes as sche thocht expedient; deling with charmes, and abusing the peple with devillifch craft of forcerie foirsaid, be the meanis eftir specefeit; vfit thir diuerse yeiris bypast; specialie, at the tymes and in maner following.

IN the first, That fforfamekle as the said Elizabeth being demandit, be quhat art and knaulege sche culd tell diuerse perfounes of thingis thai tynt, or wer flollin away, or help feik perfounes? Anfuerit and declarit, that sche hirself had na kynd of art nor science swa to do; bot diuerse tymes, quhen onye sic perfounes come ather to hir, sche wald inquire at ane Thome Reid, quha deit at Pinkye,¹ as he himself affirmit; wha wald tell hir, quhen euir sche askit.²—(2.) ITEM, Sche being inquirit, quhat kynd of man this Thom Reid was? Declarit, he was ane honest wele elderlie man, gray bairdit, and had ane gray coitt with Lumbart flevis of the auld fassoun; ane pair of gray brekis and quhyte schankis, gartanit abone the kne; ane blak bonet on his heid, cloife behind and plane befoir, with silkin laiffis drawin throw the lippis thairof; and ane quhyte wand in his hand.³—(3.) ITEM, Being interrogat, how and in quhat maner of place the said Thome Reid come to hir? Anfuerit, as sche was gangand betuix hir awin hous and the yard of Monkecastell, dryvand hir ky to the pasture, and makand heuye fair dule with hir self, gretand verrie fast for hir kow that was deid, hir husband and chyld, that wer lyand feik in the land ill,⁴ and sche new riffine out of giffane.⁵

¹ Viz. at the Field of Pinkie, Inveresk, or Musselburgh, 10 Sep. 1547. See Article 14. ² On the margin, 'Confessit be hirself and fylit be the Affyis thairof.' See Art. 14. ³ 'Confessit and fylit.' ⁴ Mr C. K. Sharpe, in a note to the Editor, queries 'land-ill?' The Editor is inclined to think this is the right reading, although the meaning of the term is now entirely obsolete. In diseases of sheep and cattle, similar phrases are still in use; such as the 'muir-ill,' the 'loupin-ill,' &c. The 'land-ill' seems to have been a familiar term employed for denoting famine, the pestilence or plague, or some prevailing and fatal epidemic. The following illustrative quotation is taken from 'Ane Addicioun of Scottis Cornicklis and Deidis,' privately printed, from an Original Manuscript, by Thomas Thomson, Esq. Deputy-Clerk-Register of Scotland, to whom the Editor is indebted for pointing out so interesting a passage. 'The famyne tyme, (anno 1439,) par was in Scotlande a gret derthe, for pe boll of quheit was at xl s., ande pe boll of ete-mele xxx s.; and werraly pe derthe was fa gret, pat par deit a pafinge peple for hungere. And, also,¹ pe lande-ill,² pe wame-ill,³ was so violent, pat par deit ma⁴ pat zere pan euer par deit, onder⁵ in pestilens or zit in ony uper feiknese in Scotlande. And pat famyn zere pe pestilens come in Scotlande, and began at Drumfres; ande it was callit 'pe pestilens but⁶ mercy,' for par take it nain pat euir recoverit, bot pai deit within xxiiij houris.' ⁵ Child-bed; usually spelt 'gizzene' or 'jizzen' from old French, 'gisante,' a woman lying in the straw.

¹ Besides.
⁴ More.

² Famine, dearth, the disease or scourge of the land.
⁵ Either.

³ Flux, dysentery, or cholera morbus.
⁶ Without.

The foirsaid Thom mett hir be the way, healfit hir, and said, 'Gude day, Bessie;' and sche said, 'God speid yow, gudeman.'¹ 'Sancta Marie,'² said he, 'Bessie, quhy makis thow sa grit dule and sair greting for ony wardlie³ thing?' Sche answerit, 'Allace! haif I nocht grit caus to mak grit dule? for our geir is trakit;⁴ and my husband is on the point of deid, and ane babie of my awin will nocht leve; and myself at ane waik point; haif I nocht gude caus thane to haif ane fair hart?' Bot Thom said, 'Bessie, thow hes crabit⁵ God, and alkit sum thing you suld nocht haif done; and, thairfoir, I counsell thee to mend to him; for I tell thee thy barne fall die, and the seik kow, or⁶ yow cum hame; thy twa scheip fall de to; bot thy husband fall mend, and be als haill and feir as euir he was.' And than was I sumthing blyther, fra he tauld me that my gudeman wald mend. Than Thome Reid went away fra me, in throw the yard of Monkecastell; and I thoct he gait in at ane naroware hoill of the dyke nor ony erdlie man culd haif gane throw; and swa I was sumthing sleit.⁷ This was the first tyme that Thom and Bessie forgadderit.⁸—(4.) ITEM, The thrid tyme,⁹ he apperit to hir, as sche was gangand betwix hir awin hous and the Thorne¹⁰ of Damwistarnok, quhair he tareit ane gude quhyle with hir, and sperit at hir, 'Gif sche wald nocht trow¹¹ in him?' Sche said, 'Sche wald trow in ony bodye did her gude.' And Thom promeit hir bayth geir, horsis, and ky, and vthir graith, gif scho wald denye hir Christindome, and the faith sche tuke at the fuint-stane.¹² Quhairunto sche answerit, 'That gif sche suld be revin at horit-taillis, sche suld neuir do that;' bot promeit to be leill and trew to him in onye thing sche culd do. And forder, he was sumthing angrie¹³ with hir that (sche) wald nocht grant to that quhill he spak.¹⁴—(5.) ITEM, The ferd¹⁵ tyme he apperit in hir awin hous to hir, about the xij hour of the day, quhair thair was sittand thre tailzeouris, and hir awin gudeman; and he tuke hir apperoun and led hir to the dure with him, and sche followit, and seid¹⁶ vp with him to the kill-end, quhair he forbaid hir to speik or feir for onye thing sche hard or saw; and quhene thair had gane ane lytle pece fordwerd, sche saw twelf personnes, aucht wemene and four men: The men wer

¹ 'Fylit.' ² It seems not a little singular that these personages, whether 'gude wychtis,' 'brounies,' or 'ympis,' *et hoc genus omne*, nay, even 'Sathanas' himself, uniformly make use of the most pious salutations; often, indeed, the very words which the strange superstition of the Judge and Jury would have uttered in time of need to have dispersed them, or sunk them 100 fathoms deep in the Red Sea! Their own superstitious recollections should have informed them, that no evil spirit, such as they imagined the Thom Reids, Sathans, &c. to be, could have, even for a moment, listened to these holy words; far less to have gravely pronounced them. No doubt these were the common salutations of the Catholics of the Church of Rome of this period, but assuredly not lightly to be pronounced by such questionable characters as Thom. ³ Earthly, worldly. ⁴ Dwindled away. ⁵ Provoked, displeased, made angry, vexed. ⁶ (Likewise?) before you get home. ⁷ Fleyed, afraid. ⁸ 'Confessit and fylit.' ⁹ There is probably a clerical omission in this part of the Record, for no notice is taken of the second meeting. ¹⁰ Thorns were well-known 'tryfling places,' as well for brounies as for lovers. ¹¹ Believe, put confidence in. ¹² At the font, in baptism. ¹³ Vide Articles 6 and 25, &c. ¹⁴ 'Confessit and fylit.' ¹⁵ Fourth. ¹⁶ Gaed, went.

cled in gentilmennis clething, and the wemene had all plaiddis round about thame, and wer verrie femelie lyke to fe; and Thome was with thame: And demandit, Gif sche knew ony of thame? Anfuerit, Nane, except Thom. Demandit, What thai said to hir? Anfuerit, Thai baid hir sit down, and said, 'Welcum, Bessie, will thou go with ws?' Bot sche anfuerit nocht; becaus Thom had forbidden hir. And forder declarit, That sche knew nocht quhat purposis thai had amangis thame,¹ onlie sche saw thair lippis move; and within a schort space thai pairtit all away; and ane hiddeous vglie fowche of wind followit thame: and sche lay feik quhill Thom came agane bak fra thame.²—(6.) ITEM, Sche being demandit, Gif sche sperit at Thom quhat perfounes thai war? Anfuerit, That thai war the gude wychtis that wynnit in the Court of Elfame;³ quha come thair to defyre hir to go with thame: And forder, Thom defyrit hir to do the sam; quha anfuerit, 'Sche saw na proffeit to gang thai kynd of gaittis, vnles sche kend quhairfor!' Thom said, 'Seis thou nocht me, baith meit-worth, claith-worth, and gude aneuch lyke in perfoun; and (he?) suld make hir far better nor euer sche was?' Sche anfuerit, 'That sche duelt with hir awin husband and hairnis, and culd nocht leif thame.' And swa Thom began to be verrie crabbit⁴ with hir, and said, 'Gif swa sche thoct, sche wald get lytill gude of him.'⁵—(7.) INTERROGAT, Gif sche had socht ony thing at Thom to help hir self, or ony vthir with? Anfuerit, That quhen fundrie perfounes cam to hir to feik help for thair beift, thair kow or yow,⁶ or for ane barne that was tane away with ane evill blast of wind, or elf-grippit, sche gait⁷ and sperit at Thom, Quhat mycht help thame? And Thom wald pull ane herb, and gif hir out of his awin hand; and baid hir scheir⁸ the famin with onye vthir kynd of herbis, and oppin the beiftis mouth, and put thame in; and the beift wald mend.⁹—(8.) ITEM, Thom gaif hir, out of his awin hand, ane thing lyke the rute of ane beit, and baid hir owthir feith, and mak ane saw¹⁰ of it, or ellis dry it, and mak pulder of it, and gif it to feik perfounes, and thai suld mend. Interrogat, How sche knew the famin wald hail? Declarit, That sa son as sche rubbit the saw vpoun the patient, man or woman, or chyld, and it drank in, the chyld wald mend; bot gif it swat out, the perfoun wald die.¹¹—(9.) ITEM, Demandit, To whom sche applyit that kynd of medecine? Anfuerit, That sche mendit Johne Jakis barne, and Wilfounes of

¹ *i. e.* What was the subject of their conference. ² 'Confessit and fylit.' ³ The good neighbours or brounies, who dwelt at the Court of Faery, *q. d.* Elf-harne. ⁴ Crabbed, cross, angry. ⁵ 'Confessit and fylit.' See Articles 4 and 25, &c. ⁶ Ewe. ⁷ Went. ⁸ This word 'scheir' does not only here signify to shear or cut as with a scythe or sickle, but to 'schair,' 'schyre,' or 'strain,' *i. e.* after being mingled with other herbs, it was to be *sifted*, if in the state of powder, or *strained*, through a sieve or cloth, if in a liquid form. See also Article 9. ⁹ 'Confessit and fylit.' ¹⁰ *i. e.* Either seethe, and make a salve or ointment of it, or else dry it, and make a powder of it. ¹¹ 'Confessit and fylit.'

the toun, and hir gudeman-sifteris kow : Thre tymes Thom gaif hir sic ane herb out of his awin hand. And demandit, To quhom sche applyit the powder in drink? Declarit, That the Ladye Johneftoune, elder, fend to hir ane feruand of the said ladies, callit Catherine Dunlop, to help ane young gentill woman, hir dochter, now mareit on the young Lard of Stanelie ; and I thairvpoun askit ourfall at Thom. And he said to me, ' that hir feiknes was ane cauld blude, that gaid about hir hart, that causit hir to dwam and vigous away ;'¹ and Thom baid hir tak ane pairt of ginger, clowis, annetfedis, licorefe, and sum stark aill, and feith thame togidder, and schyre it,² and put it in ane veschell, and tak ane lytill quantetie of it in ane mutchekin cane, and sum quhyte sucker cassin amang it ; tak and drink thairof ilk day, in the morning ; gang³ ane quhyle eftir, befoir meit ; and sche wald be haill. Interrogat, Quhair sche gaif the gentill woman the drink? Anfuierit, In hir awin sifteris hous, the young Ladye Blakhallis. Demandit, Quhat sche gat for hir doing? Declarit, Ane pek of meill and sum cheife.—(10.) ITEM, Demandit, Gif ony vther perfounes had bene at hir for the lyke caus? Declarit, That the Lady Kilbowye, elder, fend for hir, and desyrit to se gif sche culd mak hir ony help for hir leg, that was cruikit ; quha promeist anfuier, sa sone as sche had spokin with Thom ; but Thom said, ' Sche wald neuir mend ; becaus the merch⁴ of the bane was confumit, and the blude dofumit ; and gif sche socht onye forder help, it wald be war with hir !'⁵—(11.) ITEM, Sche being demandit, Gif sche culd do onye gude to ony wemene that wer in travell of thair chyld bed-lare? Anfuierit, That sche culd do nathing, quhill sche had first spokin with Thom ; quha layit down to hir ane grene silkin laise, out of his awin hand, and baid hir tak it to thair wylie coittis,⁶ and knit about thair left arme ; and incontinent the feik woman fuld be deliuer. Bot the said laise being layit anis down be Thom, sche culd neuir apprehend it, and maid grit sekung thairfoir.⁷ Item, Declarit, That quhen hirself was lyand in chyld-bed-lair of hir last laid,⁸ Thom come to hir, in hir awin hous, and bad hir ' tak ane gude hart to hir, for nathing fuld aill hir.'⁹—(12.) INTERROGAT, Gif sche culd tell of ony thing that was away, or ony thing that was to cum? Anfuierit, That sche culd do nathing hir self, bot as Thom tald hir : And farder declarit, That mony folkis in the

¹ Suddenly to swoon or faint away; *vertigine corripit*. The word 'vigous' the Editor never before heard of. It appears to have a similar sense with 'dealm,' and is probably from Lat. *vacare*, *vacare*, or Fr. *vaquer*, indicative of an extraordinary vacancy, or wandering of the mind and senses ; or the indescribable sensations experienced by those who are recovering from a swoon. Extremely old people are vulgarly said to be 'quite raig,' when insensible to what is passing around them, although they still retain, to a certain degree, the senses of hearing and seeing. *Vige*, Dan. and *wage* (*raige*), Swed. signify, to yield, to give way from want of ability to resist, and may perhaps be the root of this word. ² Vid. Article 7. ³ Go, walk. ⁴ Marrow. ⁵ 'Confessit and fylit.' ⁶ Tack or attach it to their under-dress. The 'wylie coit' seems to have been an under-dress, such as a woollen or flannel jacket. ⁷ 'Confessit and fylit.' ⁸ Burden, not lad or laddie. See also Article 20. ⁹ 'Confessit and fylit.'

countre (came to hir?) to gett witt of geir ftollin fra thame. Demandit, Quhat perfounes thai wer? Anfuerit, The Ladye Thridpairt, in the barronye of Renfrew, fend to hir, and fperit at her, Quha was it that had ftollin fra hir twa hornis of gold, and ane croune of the fone, out of hir pyrfe? And, eftir fche had fpokin with Thom, within xx dayis, fche fend hir word quha had thame; and fche gat thame agane. Item, James Cwninghame, chalmerlane of Kilwinning, come to hir about fumm beir that was ftollin furth of the barne of Cragance; and fche tald him quhar it was; and he gat it agane. Item, The Ladye Blaire furdrie tymes had spokin with her, about fumm claife that was ftollin fra hir; ane pair of ftemming hoife, ane pair of fcheittis, ane codwair, lynning claitthis, farkis and feruettis, ffor the quhilkis fche dang and wrackit hir awin feruandis; bot Thom tauld hir, ‘ That Margret Symple, hir awin friend¹ and feruand, had ftollin thame.’ Item, Being demandit of Williame Kyle, burges of Irrvin, as he was cumand out of Dumbartane, quha was the steillar of Hew Scottis cloik, ane burges of the fam toun? Thom anfuerit, ‘ That the cloik wald nocht be gottin; becaufe it wane (ware?) tane away be Malye Boyde, duellare in the fam toun, and was put out of the falloun of ane cloik, in ane kirtill :² and albeit, ye fald Williame had promeift that fche fuld nocht be trublit for the declaratioun of the famin; yit, fa fone as fche com to the mercat of Irrvin, fche was put in the tolbuyth and ftrukin; bot was releuit be James Blair, brothir to Williame Blair of the Strand.’³—(13.) ITEM, Demandit, (Gif fche had been applyit to?) be Henrie Jamefoun and James Baird in the Manys of Watterftoun, to get thame knowlege quha had ftollin thair plew-irnis,⁴ fittick and mufell? Declarit, ‘ Sche fuld gif thame anfuer fa fone as fche had fpokin with Thom; quha fchew hir that Johne Blak and George Blak, fynythis, had ftollin the famin; and that the cowtir and fok wer lyand in his awin hous, betuix ane mekle ark and ane grit kift:’ And forder fald, ‘ That quhen thai com thair to the ryping, thai fuld nocht find thame; becaus that Jame Dowgall, fheriffis officiar, quha than prefentlie was with thame, fuld reffai ftre pundis for the conceling of thame; for the quhilk caus alfo, fche was apprehendit be the faidis fynythis, and brocht to my Lord of Glasgou.’⁵—(14.) INTERROGAT, Quhow fche kemmit that this man was Thome Reid, that deit at Pinkye? Anfuerit, Sche newir knew him quhen he was on lyfe; bot that fche fuld nocht dout that it was he bad hir gang to Thom Reid, his fone, now officiare in his place. to the Lard of Blair, and to certain vtheris his kymifinen and freindis thair, quhom he namit; and baid thame reftoir certane guidis, and mend vthir offencis that thai had done; and that it was

¹ Relative or relation. ² Altered from the shape of a cloak into that of a kirtle. ³ ‘ Fylit.’ See Article 15. ⁴ See Article 26. ⁵ Confellit and fylit.’ The Bishop of Glasgow, James Boyd of Trochrig, was the second son of Adam Boyd of Pinkill, brother to Lord Boyd, who was Bessie’s lauldord; and, as appears from Article 23, seems to have been favourable to Bessie.

he that fend thame word thairof: ‘Remember’ that quhen he and he went togidder to the blak Settirday;² and that the said wald haif bene ane vther gait; he drew him be the Kirk of Dalrye, and thair coft ane pund of feggis and gaif him, and put thame in his naipkin; and fa thai went togidder, quhill thai com to the feild.³—(15.) ITEM, Interrogat, Gif Thom, at his awin hand, had fend to ony persoun, to schaw thame thingis to cum? Declarit, That he fend hir to na creatour in middilyerd,⁴ bot to Williame Blair of the Strand,⁵ and his eldest dochter, quha was contractit and schortlie to be mareit with Crawford, young Lard of Baidland, and declair vnto thame, ‘That gif sche mareit that man, sche fuld aythir die ane schamefull deid, flay hir self, cast hirself down our ane craig, or ga reidwod;⁶ quhairbye the said mareage was stayit; and the lard foirfaid mareit hir youngest fuster. Tryit to be of veritie.⁷—(16.) INTERROGAT, Quhat sche thocht of the new law?⁸ Anfuerit, That sche had spokin with Thom about that mater; bot Thom anfuerit, That this new law was nocht gude; and that the auld ffayth fuld cum hame agane, but nocht sic as it was befoir.⁹—Interrogat, Gif euir sche had bene in suspect place with Thom, or had carnell deill with him? Declarit nocht vpoun hir saluatioun and condemnatioun; bot anis he tuke hir be the aproun, and wald haif had hir gangand with him to Elfame.¹⁰—(17.) ITEM, Interrogat, Quhat tyme of the day or nycht he maift refortit to hir? Anfuerit, That at the twelft hour of the day was his commoune appearing.¹¹—(18.) Interrogat, Gif sche had sene him gangand vp and down the world? Declarit, That anis sche saw him gangand in the kirkyard of Dalrye, amangis the people.¹²—(19.) Demandit, Giff sche spak onye thing to him? Anfuerit, Na, becaus he had forbiddin hir, that, quhair euir sche saw him, or mett with him, sche fuld neuir speik to him, vnles he spak to hir first.¹³ Item, sche saw him gangand vp and down on the gait¹⁴ of Edinburgh, vpoun ane mercat day, quhair he leuch vpoun hir, and gaid vp and down amangis the peple, and put his handis to the lavis, as vthir folk did.¹⁵—(20.) INTERROGAT, Gif sche neuir askit the questioun at him, Quhairfoir he com to hir mair (than) to ane vthir bodey? Anfuerit, Remembring hir, quhen sche was lyand in chyld-bed-lair, with ane of hir laiddis,¹⁶

¹ These and the following blanks left in the Record. The words quoted are those which Thome desired her to repeat to each of these persons, in testimony of the truth of her errand. ² The fatal field of Pinkie, Inveresk, or Musselburgh, fought on 10th Sept. 1547. Besides the account by Patten the Londoner, reprinted by Dalryell in his *Fragments of Scottish History*, there is an interesting French account of this battle by M. Berteville, lately presented by Mr D. Constable, to the Members of the Bannatyne Club, accompanied by a very curious contemporary plan of the battle, the original engraving of which (the property of the Bannatyne Club) is now placed in the Museum of the Society of Antiquaries of Scotland. ³ Viz. to Pinkie. ‘Fylit.’ ⁴ ‘Middle-earth,’ often alluded to in fairy superstition. ⁵ Vide Article 12. ⁶ Stark, or raving mad. ⁷ ‘Fylit.’ ⁸ The Reformed Religion. ⁹ ‘Fylit be the affyis heirof.’ ¹⁰ ‘Fylit.’ Fairyland, (*q. d.* Elf-hame.) See Article 6, &c. ¹¹ ‘Fylit.’ ¹² ‘Fylit.’ ¹³ ‘Fylit.’ ¹⁴ Street. ¹⁵ ‘Fylit.’ ¹⁶ See Article 12.

that ane stout woman com in to hir, and sat down on the forme beyde hir, and askit ane drink at hir, and sche gaif hir; quha alsua tauld hir, that that barne wald de, and that hir husband suld mend of his feiknes. The said Bessie answerit, that sche remembrit wele thair of; and Thom said, That was the Quene of Elfame his maistres, quha had commandit him to wait vpoun hir, and to do hir gude.¹—(21.) INTERROGAT, Gif euir sche had spokin with him at ane loich and wattir-lyde? Answerit, Neuir save anis that sche had gane afeild with hir husband to Leith, for hame bringing of mele, and ganging afeild to teddir² hir naig at Restalrig-loch, quhair thair come ane cumpanye of rydaris by, that maid sic ane dynn as heavin and erd had gane togidder; and incontinent, thair raid in to the loich, with mony hiddous runbill. Bot Thom tauld, It was the gude wichtis that wer rydand in Middil-zerd.³—(22.) INTERROGAT, Quhene sche spak last with Thom? Declarit, On the morne eftir Candilmes-day lastwas, quhair sche spak with him, and he tauld hir of the evill weddir that was to cum.⁴—(23.) INTERROGAT, Gif sche neuir sperit, quhat truble suld cum to hir for his cumpanye? Declarit, That sche wald be trublit thairfoir; bot baid hir seik ane affyis of hir nychtbouris, and no thing suld aill hir:—fforder declarit, that sche suld be brocht to Glasgw, and sche come in the Bischopis handis, sche wald be wele treit, and send hame agane.⁵—(24.) ITEM, the said Bessie declaris, that the Lard of Auchinkeyth⁶ is rydand with the ffair-folk,⁷ albeit he deit ix 3eir fyne.⁸

APUD Dalkeyth, xx^{mo} Septembris, anno 1576.—(25.) BESSYE DUNLOP being re-examinat, in presence of the Lard of Quhittinghame and George Auchinlek of Balmanno, and being inquirit, Quhow oft Thom Reid come to hir, or⁹ sche inquirit quhow thair callit him? Deponis, That he com thryis, and that sche had na power at na tyme, to try or tell ony vthir, in the menetyne, of his cuming. He requirit hir fumdrie tymes to pas with him, and becaus sche refusit, he schuke his heid, and said that he suld caus hir forthink it.¹⁰ Deponis forder, that sche has spokin with him at diuerse tymes, be the space of four 3eiris.¹¹—(26.) BEING inquirit anent the pleuch-irnis, stollin fra Henrie Jamefoun and James Baird,¹² depones, That sche inquirit at Thom Reid, quha declarit to hir, that Gabriell Blak and Geordie Blak in Lokarfyde staw thame, and brocht thame to thair faderis hous, namit Johnne Blak, vpoun ane cuttit gray horse,¹³ on ane Setterday, in the nycht; quhilk sche tauld agane to the saidis Henrye Jamefoun and James

¹ 'Confessit and fylit.' ² *Tether*, or tie to a stake at pasture. ³ 'Confessit and fylit.'
⁴ 'Confessit and fylit.' ⁵ 'Confessit and fylit.' *If* she came into the Bishop's hands, &c. See Article 13. ⁶ In the Record of Retours, Jul. 29, 1629, James Dunlop, advocate, is retoured as heir to Archibald Dunlop of Auchinkeyth, '*proavi*,' (*i.e.* his great-grandfather, the father of his grandfather,) in the 20s. lands of old extent of Smythstoun, &c. It is likely, therefore, and more especially so from the coincidence of the name *Dunlop*, that this was the Laird here alluded to. ⁷ The fairies. See Article 27. ⁸ 'Confessit and fylit.' ⁹ Before, *ere*. ¹⁰ See Articles 4 and 6, &c. ¹¹ 'Confessit and fylit.' ¹² See Article 12. ¹³ Grey gelding.

Baird.¹—(27.) ITEM, deponis that four 3eir fyne, or thairbye, sche saw the Laird of Auchinkeyth, at a thorne,² beyond Monkcastell; quhilk Lard deit mair nor fyve 3eir fyne. Thaireftir, sche, at the defyre of the Ladye Auchinkeyth, inquirit at Thom Reid, Giff sic aue mann was amangis thame? Quha anfuert, That he was amangis thame.³

ASSISA.

Andro Craufurd of Baithlem,	Henrie Clerk in Cokeydail,	James Harvye in Kilburnie,
Hew Hommyll in Kilburne,	Johne Knok in Kilcufe,	Robert Roger thair,
Thomas Gawand thair,	James Aitkin in Balgrene,	Johne Boyde in Gowandie,
Cuthbert Craufurd in Kilburnie,	Johne Or in Barnauch,	Johne Cochrane in the Manys of Bar,
Hew Dunlop of Crawfeild,	Thomas Caldwell in Bultreis,	Thomas Stewart of Flafwod.

VERDICT. And immediatlie efter the chefing and fwering of the saidis perfonnes of Assyis, as vse is, the said Elizabeth Dunlop, being on pannell, accusit be dittay oppinlie red in jugement, of the crymes aboue writtin; the famin perfonnes removit thame felffis furth of Court, and altogidder conuenit, and reffownit on the pointis of the said dittay; and being rypelie awyfit thairwith, and resolut thairin; re-enterit agane to the said Court of Justiciarie, and thair, in presence of the said Justice Depute, be thair deliuerance, pronunceit and declarit be the mouth and speking of Andro Craufurd of Baithleme, stand and deliuerit the said Elizabeth Dunlop, to be culpable fylit and convict, off the hail pointis aboue writtin, and of vsing of Withecraft, Sorcerie, and Incantatioun, with Inuocatioun of spreittis of the devill, continewand in familiaritie with thame at all tymes, as sche thocht expedient, and thairbye deling with charmes, and abusing the peple, with hir devillische craft of forcerie foir'said, be the meanis aboue specefet.

SENTENCE. 'CONUICT, AND BRYNT.'

NOTE. Unfortunately, the sentence has not been recorded at length in the Books of Adjournal; but the terms of it most probably were, that she should be carried to the Castle-hill of Edinburgh, and there 'wirreit at aw ffaik,' and thereafter her body to be 'brynt in assis,' and her whole moveable goods 'efcheit, and inbrocht to the kingis vse.' There is merely a marginal marking on the Record, such as was usual at that period, viz. 'Conuict, and brynt,' and there is no reason to suppose that the sentence was mitigated.

[*Alexander Bannatyne, Justice-Depute.*]

Umbersetting of the High-way, &c.

NOV. 16.—JAMES WITHRSPUNE of Brighous.

Dilatit of the umbesetting⁴ of the hie gait-to Williame Park younger in

¹ 'Confessit and fylit.' ² The 'thorne' here alluded to, was a fairie's trysting-tree or imp-tree. Thorns have ever been favourite trysting-places, as well for lovers as 'brounies,' and 'the guid wichtis,' or 'guid nichtbouris.' ³ 'Confessit and fylit.' See Article 24. ⁴ This is usually rendered in the Record, *obsiliatio rivi regij*, a besieging, obstructing, or besetting of the high way.

Lynlythgw, and schutting of him with ane pistulet in the rycht sid, to the grit effusion of his blude; committit the xxviiij day of March lastbypast.—Continued to Dec. xix; ‘Plegio, Roberto Levingstoun de Westquarter.’

Breaking Lock-fast Places—Theft, &c.

Nov. 16.—WILLIAME BURRELL, seruand to David Clerk in Dyfert.

Dilatit of the thiftuous vpbreking of ane lokfast kist, being within his said maisteris hous in Dyfert, in his absence, he haifing the credit and keping the said David his maisteris hous, in the menetyne; and steling, conceling, and away-taking fra the said David, thiftuouflic, furth of the samin, of I^c. pundis¹ money of this realme, and disponsing vpoun ane pairt thair of at his pleasour; committit in the moneth of October lastbypast.

The quhilk cryme of thift the said William Burrell confessit in presence of the said Justice-Depute, and hail perfounes of Assyis.

VERDICT. The Assyise, be refoun of the said Willeames awin Confessioun, fstand and deliuerit the said William to be culpable of the cryme aboue writtin, and convict yairof.—‘CONVICT. ET SUSPEN.’

Deforcing of a Messenger.

Nov. 20.—PATRIK GORDOUN of Brakny and PATRIK HUNTER, burges of Abirden.

Dilatit of the deforceing, at the leist stopping of Mr Gilbert Buchane, messinger, in executioun of his office, &c.

PRELOCUTOURIS for the pannell.

Mr Alexander Skene,
Maister Thomas Craig.

PERSEWARIS.

Mr Gilbert Buchane, messinger,
Mr Robert Creychton, advocat.

The Justice, be interloquitour, finding the mater and cryme quhair of the perfounes on pannell are accusit, to be ane allegeit deforcement, at the leist stopping of ane officer in execution of his office; ordanis the samin first to be ciuillie discussit.

Field of Langside — Slaughter.

Nov. 26.—GEORGE MOWTRAY of Markinche.²

Dilatit of the treasonable cuming to the field of Langside, aganis our souerane lord and his hienes auctoritie royale, and vmquhile his darrest vnclie, James Erle

¹ L.100. ² ‘Plegiis, Dom. de Awdie juniore, Will. Hammiltoune de Portmanno, Will. Blacader de Taiffis et Joh. Seytounne de Pitmedie. Plegios deuenerunt, conjunctim et diuisim, sub pena bis mille librarum.’ This case was, on Nov. 3. remitted to the Justice-air of ‘Fyffe, tertio Itineris vel super premonitione xv dierum.’

of Murray, Lord Abirnethie, &c. Regent to his hienes and of this realme and liegis for the tyme, of gude memorie, the xiiij day of Maii, the 3eir of God, 1568 3eiris, and flauchteris committit thairat, &c.

PERSEWAR, Mr Robert Creychtoun, aduocat.

ASSISA.

Henrie Lord Sinclere,	Thomas Grundefoun of Kyngask, ¹	The Lard of Carflogie,
Dauid Barelay of Cullarnye,	Johnne Borthuik of Gordownihall, ²	Dauid Carmichaell of Balmadie,
The Lard of Anfruthir,	Alex. Monypenny of Kynkell, ⁵	Robert Strang of Kildrymmie,
The Lard of Balgonie, younger,	The Lard of Balfour, ⁴	The Lard of Baram,
Florence Auchmowtie, in Dunfermling,	The Lard of Balcaikye, ⁵	Robert Betoun, brother to the Lard of Balfour.

Protestis Mr Robert Creychtoun, aduocat, that in caise the Affyis acquit, for wilfull error, &c.

The said George Mowtray of Markinche, askit instrumentis of his difafenting to onye continewatioun of this mater; and that he defyris the perfounes of Affyis, presentlie to cognofce thairin, and nocht to pas away vnrefoluit.

ABSENTIS AB ASSISA Domini de Markinche.

Magnus Sincler bruder to the Lord Sincler, Dauid Durie of that Ilk, Alex. Inglis of Inglis-Tarvit, Johnne Kuninghame younger of Barnis, the young Laird of Torrye, James Henderfoun of Fordell, Dauid Betoun of Creycht, James Mowbray of Pitlouer, Andro Klapene of Pitcorphy, the Lard of Orrok of that Ilk, Alex. Sibbald of Rankelour-over; ilk-ane of thame americiat to the pane of xl pundis, for non-comperance vpoun the said Affyis.⁶

THE said day, the Lard of Cullarnye become fouerte for Henrie Lord Sincler; the Lord Sincler for Cullernye; Carflogie for Anfruthir; Florence Auchmowtie for the Lard of Balgonie; Balgonie for the said Florence; Gordownihall for Carflogie; Cullarnye for Balmadie; Balcaikye for Robert Strang; Balgonie for Baram; the Lard of Balfour for Robert Betoun, with the rest aboue writtin; ilkane for vtheris, vnder the pane of I^l. pundis,⁷ to re-entir the xvij day of December nixtoomm.

Wamesucken — Oppression — Theft, &c.

Dec. 1.—JOHNNE MUNTGUMRIE of Scottistoun, Walter Muntgumrie, his broder,⁸ and Robert Kent, seruand to the said Johnne.⁹

The said Walter Muntgumrie protestis, that the continewatioun of the said mater to the third day of the Air, or foner, &c., preiuge nawyise the regalitie of Glasgw, quhairin he duellis.

The said ROBERT KENT, dilatit of airt and pairt of the crymes vnderwrittin, contenit in our foueran lordis lettres, purchest be Hew Muntgumrie of Hefilheid, Marioun Sempill his spous, M^r Dauid Borthuik of Lochhill, and Robert Creych-

¹ Plegio, Kynkell. ² Plegio, Carflogie. ³ Plegio, Anfruthir. ⁴ Plegio, Rob. Betoun.
⁵ Plegio, Rob. Strang. ⁶ 'NOTA. Yis vnlaw nocht to be gevin furth, in respect of ane sufficient
nawner of Affyis goitin.' ⁷ L.100. ⁸ Plegio, Johanne Spreull de Ladyemure, pro his duobus.
Vid. Jan. 29 and 31, 1576-7. ⁹ 'Acquit.'

toun of Eliok, Aduocattis to our fouerane lord, for his hienes interest : Quhilkis lettres makis mentioun :

DITTAY against Robert Kent.

THAT vpoun þe xix day of Julij lastbypast, vmq^{le} Gabriell Muntgumrie, broder to Johne Muntgumrie of Scottistoun, being cumit to the place of Hefilheid, and being offendit be ane cuff,¹ allegeit gevin be þe said Marioun Sempill to Robert Kent, seruand to þe said vmq^{le} Gabriell ; and feing the tyme wald nocht ferue to tak reuenge at that time, of his former confaut malice ; he departit in his rage, and confaut hatrent² that nycht, to the place of Thridpart, in Giffing, thre quartaris of ane myle distant fra the said place of Hefilheid, or pairbye ; quhair, he having menit³ himself vnto his said brodir, quha was pair at buirding, off þe displeasour, as he allegit, done to his said seruand, and schame vnto himself ; the said Johne Muntgumrie, reprocheing him of his febilnes, pat he tuke nocht than presentlie ane reuenge pairof ; exhortit, entyfit, and houndit him furth pat sam nycht, to þe effect estir following : Quha immediatlie paireftir, pat samin nycht, come to þe said place of Hefilheid, at xj houris in þe nycht, and awaitit befyde þe famin, in þe hous of Alex^r. Knok quhill⁴ þe morne paireftir, quhilk was þe xx day of þe said moneth of Julij ; and than returnit to þe said place, to tak reuenge of þe said Hew, as he in quhais place þe said iniurie was allegeit committit, and of þe said Lady, allegeit committer of þe famine, by way of deid, as he mycht : And swa þe said vmqhile Gabriell, vpoun þe hounding, furthfetting and counsale of þe said Johne Muntgumrie, his broder, and of his causing, command, art, part, assistance, and ratihabitoun, vpoune prouifoun, foirthocht felonye, hid hatrent, precogitate malice, and be way of Hamefuckin,⁵ accompaniet wt þe said Robert Kent his seruand, come to þe said place of Hefilheid, in þe morning, vpoun plane purpois to haif flane þe said Hew and his said spous ; and finding þe 3ett of þe said place oppin, and cuming up þe stare pairof, to haif endit and performit pair foirsaid wickit interpryis, enterit in þe hall of þe famin, and finding þe said Ladye oppining ane lockit bowall,⁶ and na perfoun with hir pairin bot ane lasf, the said Robert Kent pullit hir doune be þe hair of þe heid bakwart to þe ground, and straik and dang hir wt his nevis⁷ and feit, diuerse mony fair bauch⁸ straikis, quhairwith þai haif bruft and brokin hir bowellis, pat sche is neuir abill to confaif barne agane, and is and has been verie evill diseasit pairwith fenfyne ; and all þe tyme þe said Robert was strykeand hir, þe said vmqhile Gabriell stude with ane bendit pistulet⁹ in his hand, haldand þe mouth pairof to þe dure pat cummis fra þe propir chalmer of þe said Hew to þe Hall, thinking þe said Hew suld haif cummit in at þe hall dure to releif his said wyfe, quhen he hard hir cry ; quhairby þe said vmqhile Gabriell mycht haif schot him at þe incuming of þe dure foirsaid :—And becaus, pat throw þe crying of þe said Marioun, þe effray¹⁰ raise within þe said place, swa that þe said vmqhile Gabriell and Robert perfaut it was nocht tyme conuenient, and was impossible to þame to execute pair malicious and wickit intent and purpois aganis þe said Hew, quom þai intendit to haif flane ; and fering, pat his seruandis within þe said place, suld hane conuenit and socht ane reuenge of þe foirsaid iniurie done vnto his said spous, past furth of his said place, and lokit þe tour 3et¹¹ pairof outwith behind þame, and tuke þe key of þe famin away with þame : AND nocht content pairwith, þai thiftuallie stall and away tuke, ane fair blak basoun¹² hors fra þe said Hew, furth of his landis of Balgray, þe said xx day of Julij lastbypast ; quhairvpoun þai raid to þe said place of Thridpart, quhair þai wer ressaüt in pair foirsaid thiftuous deidis be said Johne Muntgumrie, wt plane ratihabition and maintenance of all pair wickit interpryis and executionis pairof : AND 3it, þe saidis perfounes, nocht content wt þe

¹ A slap or slight blow, as with the palm of the hand. ² Hatred, rancorous ill-will. ³ Made known his grievance, *benoancd*, complained. ⁴ Until. ⁵ A violent attack made on a person in his own dwelling. ⁶ Perhaps for *bole*, a small cupboard, or opening cut out of the solid wall, so frequently met with in ancient buildings,—a '*hole-in-the-wall*.' ⁷ Fists. ⁸ Violent, deadly, or unmerciful blows. The word also implies shameful, filthy, dishonourable, &c. ⁹ A pistol on full cock. ¹⁰ Alarm, hue-and-cry. ¹¹ Tower gate, on the outside. ¹² Probably the same as '*barasonit*,' having a forehead marked with white.

schamefull offensis committit be þame in maner foirfaid ; feing þe faid Hew, eftir þat he had brokin þe lokkis of þe faid tour zett, to follow on horseback, for recouering of his faid black hors ; and cuming to þe faid place of Thridpart, quhairin he was aduerteist þat þai war enterit with þe famin hors, þe faid Hew having despecheit¹ his tua seruandis, quhilkis onlie he had with him at þat tyme, to vissie and se about þe faid place of Thridpart, gif his faid hors was careit ony farder away or nocht, and he his self lychtand his alane at þe zet pairof, to se gif his faid hors had bene pair ; the faid Johnne Muntgumrie and þe faid vni^{le} Gabriell his broder, haifing sene ane reddye occasioun and tyme conuenient to þame to execut pair foirfaid creuell intent and wickit interpryis, befoir confaut and precogitate be þame, and to defend pair schamefull and thiftuous deidis foirfaidis, and to posses þe geir conqueist be þame as faid is, mett þe faid Hew at þe zett of þe faid place of Thridpart, with pistulettis and drawin sverdis in pair handis, and pair sett vpon him, and schamefullie, crewallie, and vnercifullie, allweill befoir his face as behind his bak, invadit him for his slauchter, and hurt and woundit him on his fillettis,² behind his bak, and diuers vtheris partis of his bodye, to þe grit effusioun of his blude, and left him lyand for deid ; and had nocht faillit to haif bled to deid, wer nocht³ þe grace of God and gude neychtbouris, þat come and careit him hame in plaiddis to his faid duelling place.

AND, for þe mair bettir performance of þe faid Johnne Muntgumreis evill will and confaut hatrent, aganis þe faid Hew, feing be Goddis grace he mycht nocht performe þe famin of befoir, he þan iummediatlie pairrestir reslauit þe faid Robert Kent in hous with him, with þe recent bludie hand ; and hes continewallie, senfyne, retenit and retenis him in his companie and houthald ; to þe effect þat he may get his foirfaid wickit interpryis of þe faid Hewis slauchtir mair easelie performit : LYKEAS, vpon þe xxvj day of August lastbypast, þe faid Johnne Muntgumrie of Scottistoun, accompaneit with þe faid Robert Kent and Walter Muntgumrie, his broder, bodin in feir of weir⁴ with jakkis, pistulettis, sverdis, bukklaris, steil-bonettis, and vtheris wappinis, *invafuë*, come be way of Hamefuckin to þe landis of Nethirtoun of Hefilheid, and sercheit and socht him pairat for his slauchtir ; and becaus þai culd nocht apprehend him pairat, thai apprehendit James Paterfoun his seruand, kepand his hors yairvpon, and chaist him furth of þe faidis landis to þe faid Hewis place of Hefilheid, to þe effect þat in cais he had cumit furth of þe famin for his releif, þat þai mycht haif bereft him of his lyfe. AND þairthrow, þe faidis Johnne Muntgumrie of Scottistoun, Walter Muntgumrie, his broder, and Robert Kent, committand oppin, manifest and vyld oppressioun vpon þe faid Marioun, and crewall bludeshedding vpon þe faid Hew, vpon sett þurpois, prouisioun, foirthocht fellonye, precogitate malice, and Hamefuckin ; and allua thift and reflert pairof, in maner aboue written. As þe faidis lettres at lenth beris.

PERSEWARIS.

Marioun Sempill, Ladye Hefilheid,
Mr Robert Creychtoun, aduocate.

PRELOCUTOURIS,

in persute of the faid Robert for the haill crymes
lybellit.

Mr Robert Muntgumrie, capitane,
The Lard of Braidiltane.

PRELOCUTOUR, in persute of the haill crymes
lybellit, except the thift.

Johnne Sempill of Beltreis.

PRELOCUTOURIS, in defence of the faid Robert
for the haill crymes, except the thift lybellit.

Johnne Muntgumrie of Scottistoun,

Eduard Maxwell of Tynwall, Mr Alex. Skene,
Gabriell Sempill, younger of Cathcart.

The faidis prelocutouris, in defence of the faid Robert Kent, askit instrumentis, that thai will nocht insist in his defence, for the thift lybellit, bot for the remanent crymes onlie.

The faid Robert Kent tuke instrumentis, that Marioun Sempill, Ladye Hefil-

¹ Dispatched, *despescher*, Old Fr. ² The fleshy part of the thigh, next the loin ; Fr. *fillet*, so termed from the number of sinews which that part covers. The word is still in use in a certain sense, e.g. a *fillet* of veal. ³ Had it not been for the grace, &c. ⁴ In warlike array.

heid, Capitane Robert Muntgumrie and the Lard of Braidstane, infitis in his perfute of the thift and vtheris lybellit.

*ASSISA, prefati Roberti Kent.*¹

Johne Rois of Haning,	Alex ^r . Wilfoun, in Treerne,	Charlis Mowat of Busbie,
Thomas Steuart of Gaufloun,	James Dunlop of that Ilk,	Johne Somervell of Cambuf-
William Kneland of that Ilk,	Johne Dunlop of Haplaid,	nethene,
Neill Muntgumrie of Langschaw,	William Dik, in Gymilhill,	Johne Schaw of Grenok,
Hew Muntgumrie of Auchin-	Johne Steill, younger, in Mony-	The Lard of Rais-Logane,
hude,	akeris,	Thomas Stevinfoun, in Treerne.

And immediatelic eftir the chesing, fwering, and admitting of the saidis perfounis of Assyis, and accusing of the said Robert Kent, be the Letteris of Dittay foirsaid, in thair presence; the said Mr Alex^r. Skene, prelocutour foirsaid, in name of the said Robert, denyit *simpliciter* the said dittay and lybell, as it is confaut; specialie, the thiftuous steling and away-taking of ane blak basoun hors fra the said Hew Muntgumrie of Hefilheid, furth of his landis of Balgray; bot that the said Robert onlie fled away thairvpoun to the place of Thridpart, for feir and saiftie of his lyfe; and thairfoir, the said Mr Robert Creychtoun, aduocate, in respect of the said confessioun and notorietie of the caus, protestit, giff the perfounes of Assyis acquit the said Robert Kent of the Dittay foirsaid, for wilfull errorr.

VERDICT. The saidis perfounes of Assyis, for the maist pairt, stand and deliuerit the said Robert Kent to be acquit and innocent of the crymes aboue writtin, contenit in the saidis lettres of dittay: Lyke as, thair declarit in iugement in the said Court, and in presens of the said Justice depute, be the mouth and speaking of Johne Someruell of Cambufnethane, chancillare of the said Assyis.—Quhairvpoun, the said Robert Kent askit instrumentis; and protestit for his testimoniall, and the panis contenit in the Actis of Parliament vpoun the perfewaris foirsaidis.

Continued against the other parties, to the Justice-aire of ‘Renfrew, tertio Itineris, vel super premonitione xv dierum.’

Slaughter.

Dec. 1.—PATRIK BRUNTSCHPELLIS in Hefilheid, Andro Giffing in Nethir Hefilheid, and James Reid pantreman to the Lard of Hefilheid.²

Dilaitit of art and part of the crewall slauchtir of vmq^{lc} Gabriell Muntgumrie, broder to Johne Muntgumrie of Scottistoun; committit in the moneth of Julij lastbypast; vpoun sett purposis, prouisioun and foirthocht felonye.

¹ This Assise was afterwards tried for wilful error. See Jan. 31, 1576-7. ² ‘Plegio, Adamo Muntgumrie de Brunstane.’

The saidis perfounes askit instrumentis, that Johnne Muntgumrie of Scottistoun and Waltir Muntgumrie his brother (brether to the said v^mq^{le} Hew,) being inquirit be the Justice depute, gif thai wald insist in perfute of ye saidis perfounes for the said slauchtir, declarit, that thai wald pas fra the perfute for the famin: And siclyke, disassentit to onye continewatioun of the said mater, offering thame selfis presentlie to the knaulege of ane Assyis thairfoir.

Continued to the Justice-aire of ‘Renfrew, tertio Itineris, vel super premonitione xv dierum.’

Treason—Field of Langside.

Dec. 18.—GEORGE MULTRAY of Markinche.¹

Dilaitit of the treasonable cuning to the feild of Langfyde, aganis our fouerane lord and his auctoritie royall, &c.

Plegiis, Jacobo Seytoun de Touche, Roberto Wardlaw juniore de Kilbaber-toun, ac Joanne Seytoun de Pittady, conjunctim et divisim: et prefate perfone, ad releuand. Dom. de Touche plegium, comunctim et diuisim, sub pena bis mille librarum:—et Dom. de Seyfeild, ad releuand. reliquos cautionarios.

Absence of an Assisor.

The quhilck day, the said mater continewit agane, at command of the Regent, be the Lard of Cleisch, to the xv day of Januar, in respect of the absence of the Lard of Kynkell; and thairfoir, the said perfounes of Assyis, except the said Laird of Kynkell, become fouerteis for vtheris, as in the court preceding; vnder the famin panis; and the Lard of Anstruthir becom fouerte for the said Lard of Kynkell, to compeir at the said day.

Forging and Counterfeiting adulterate Money, &c.

Dec. 29.—JOHNNE BELL, chepman.²

Dilaitit of airt and pairt of the treasonabill forgeing, feinzeing, falsing, counterfuting; at the leift, inbringing of certane fals and adulterate money, sic as *penneis*, falllie euinzeit and stampit; quhilkis wer output be him in grit quantitie, amangis diuerse our fouerane lordis liegis, dislauand thaim thairwith, to the grit hurt of the commoun (wealth) of this realme.

VERDICT. The perfounis of Assyis, (amongst whom are Mungo Bradie, James Stalker, Johnne Mosman and *George Heriot*, goldsmiths in Edinburgh,) for the maist pairt ffand and delyuerit the said Johnne to be Comiect of the reslait of fourtie *hardheidis*³ fals money, and inbringing of thame ignorantlie within the

¹ See Nov. 26, 1576. ² Chapman, or vender of small wares. ³ *Hardheids, hardies, or lions*, formerly of the value of three half pence, but depreciated by Regent Morton to a penny. He also depreciated the *plack* from four to two pence. It need scarcely be remarked, that this was a very unpopular measure.

realme: AND Acquit him of all outputting of onye vther fals *hardheidis*, or vtherwyis of resfait of the *hardheidis* aboue writtin, to be put out wittandlie amangis our fouerane lordis liegis, for diffait of thame yairwith.

The SENTENCE is not recorded.

Conuocation of the Lieges—Besieging House of Strehin, &c.

Dec. 31.—WALTER BARCLAY in Bannagook.

Dilatit of the conuocation of our fouerane lordis liegis, bodin in feir of weir,¹ incontrair the tennour of the actis of Parliament thairanent; cuming about the hous and place of Strehin, affageing of the famin maift aufullie, be schutting of culveringis and daggis, and vsing of vthirs weirlyke perfute; and swa continew- ing in affageing and persewing of the said hous and place, fra thre houris in the morning or thairbye, quhill the sone ganging to;² quhill at laft, be plane force and hostilitie, he compellit the perfounes being within the said hous, and keparis thairof, and Johnne Gordoun rebell thairin, to rander the said hous, and to deliuer to him and his complices the said Johnne Gordoune, rebell; and swa rest and tuke fra thame the said rebell, vpoun na vthir purpos, bot to saif him fra punifchment and executioun of iustice vpoun him, for his demereittis: And vtheris crymes, as the lettres beris.

PRELOCOUTOURIS for this pannell.

The Lord Saltoun, The Lard of Aflowne, The Lard of Corfe,
Mr Alex^r Sym, Mr Alex^r Skene.

PERSEWAR.

Mr Dauid Borthuik,
(Lord) Aduocat.

This case was continued, first to Jan. 1, and afterwards to Feb. 25, ‘Plegio, Waltero Barclay de Towye,’ when the pannell came in his Majesty’s will. ‘Plegio, Magistro de Forbes cum seipso, conjunctim et diuifim, ad satisfaciendum voluntati et partibus conquerentibus; et Waltero Barclay, ad releuand. dict. Magistrum de Forbes.’ The King’s award is not inserted in the Record.

Theft—Resett of Theft—Sheep-Stealing, &c.

Jan. 8.—DAND ELLOT,³ callit of the Heuchbous.

Dilatit of commoun thift, commoun ressett thairof, outputting and inputting of thift in thiftuous maner, betuix land and land, bayth of auld and new; and of the stealing fra the Lard of Ceffurd of lxxx schein.

VERDICT. Fand and deliuerit to be culpabill, fylit and conuict of the crymes aboue writtin.—‘CONUICT. ET SUSPEN.’

¹ Arrayed in warlike manner.

² Until sunset. The phrase is quite new to the Editor, and is

singularly expressive. ³ Dand or Dandy, a familiar abbreviation in the South of Scotland for Andrew, e. g. ‘Dandy Dinmont.’

Demolishing and Overthrowing March-Stones, &c.

Jan. 15.—WILLEAME HAY of Delgatie, Maister Walter Hay and Patrik Hay, his breder; Willeame Hay, James Lowrimer, Mr James Buchane, Andro Burnett, George Scott and Alexander Scott.

Dilatit of airt and pairt of the dimolifcheing and doun-casting to the ground of certane marcheis and stanis, fett be the Justice-Deputies at ane Court of Perambulation; and vsurpation of our fouerane lordis autoritie, conuocation of his hienes liegis, and vtheris crymes at length contenit in the lettres.

‘DESERT.’ de mandato domini Regentis, dato Alexandro Hay, scribe secreti consilij.

Treasonable Importation of False Money.

Jan. 22.—JOHNNE SUTHIRLAND, Scottisman, borne in Culrois.

Being conuict of befoir, vpoun the aucht day of Januar instant, ffor the trefonabill hamefending of certane fals and adulterate money (sic as *balbeis*, *plakkis*, and *xij d. pcces*, extending to xx lib.) to be output and warit treasonable amangis our fouerane lordis liegis, to thair diffait and hurt; and being committit to ward quhill dome wer pronunceit, at the pleasour of my lord Regentis grace: And thairfoir, his grace, temperand iustice with mereye, ordanit the said Johne, of his awin consent, to be baneist this realme during his graceis will, and neuir to returne within the famin without his licence, vndir the pane of deid and payment of ane thowfand merkis; and that he fall depart furth of the fam within the sspace of fourtie dayis, and fall do his exact diligence to speir and try out the forgearis, feingearis and deuifaris of the said fals cuinze, and mak report thaireftir of the famin diligence to the Justis and his deputis, vndir the famin pane foirfaid. And for observing heirof, fand Williame Huchefoun, cordiner in Edinburgh, Henrie and Alex^r Suthirland in Culrois, brethir to the said Johnne, &c.

Conuocation of Lieges—Using of Culverings, &c.

Jan. 29.—JOHNNE MUNTGUMRIE of Scottistoun, Gabriel Sempill, younger of Cathcart, &c.

Adam Hall of Foulbar becomes pledge for the entry of Johnne Muntgumrie of Scottistoun; and the said Johne, Adam Hall of Foulbar and Andrew Master of Sempill, become pledges, jointly and feuerally, to enter Gabriel Sempill, younger of Cathcart, Robert Sempill of Craigmait, Gabriel Sempill, his brother, James and Walter Muntgumreis, brothers of the Laird of Scottistoun, Bartholomew Muntgumrie, uncle of the said Laird Johne Andirfoun in Walknylne of Partik, and Robert Kent, seruant to the said Laird, before the Justice or his

deputies, on the third day of the next Justice-air of Renfrew and Lanark respectively, or wherever and whensoever it shall please his Majesty, on premonition of xv days, to underly the law for convocation of the liegis, ' bodin in feir of weir,' against the tenor of the Acts of Parliament, and ' unbefetting'¹ the high way to Hew Muntgumrie of Hefilheid, and for using of ' culueringis and pif-tulettis ;' committed in the month of December last,² &c.

Wilful error in Assise.

Jan. 31.—JOHNE SCHAW of Grenok, James Dunlop of that Ilk, and thirteen others.³

Dilatit of the wilfull and manifest errour, committit in the acquiting of Robert Kent,⁴ feruand to Johnne Muntgumrie of Scottistoun, of dinerse crymes contenit in the lettres purchest aganis him be Hew Muntgumrie of Hefilheid.

PERSEWARIS.

PRELOCOUTOUR in defence.

Mr David Borthuik, Mr Robert Creychtoun, aduocattis.

Mr Edmund Hay, (aduocate.)

Allegeis the said Mr Edmund for the pannell, acceptand the summondis, *in quantum*, nocht grantand ony part of the samin ; that nothing aucht now to be put to the knowlege of this secund inqueist, bot onlie the clangeing of this Robert Kent of the allegeit thiftuous steling of ane hors fra Hew Muntgumrie of Hefilheid, in safar as thair is na ressoun in all the haill summondis, allegeing or concludand aganis the Inqueist, for clangeing of him of ony vthir point contenit in the said summondis : Attour, acceptis the summondis, in safar as is confessit in the samin, that the gentill-woman was onlie in the hous hir allane, the tyme of the committing of the allegeit deid.—To the quhilk anſuerit the Aduocattis, that the said allegeance suld be repellit, in respect of the summondis as it is lybellit, berand the Confessioun of the partie and notorietic of the caus; and siclyke, (*loco quo*) &c.

The personnes on pannell, nochtwithstanding the said allegeance, askis instrumentis, that thair offer thame felfis at this day to the knowlege of ane condigne Assyis, disassenting to ony continewatioun of the said mater.

The Justice, vpoun findrie reffonabill cauffis, moving my Lord Regentis grace, ordanis the mater to be continewit to the thrid day of the Air, or soner, vpoun xv dayis warning ; and caution to be tane of the personnes on pannell, for thair entre.

¹ Obsidiatione vici regij. ² See Dec. 1, 1576. ³ Plegiis, Andrea Magistro de Sempill et Dom. de Ernok, coniunctim et diuisim, pro eorum introitu; et prefate persone, ad releuand.; ac Dom. de Trearne, obliganit seipsum, ad releuand. dict. cautionarios, pro suis tenentibus. ⁴ See Dec. 1, 1576.

Slaughter—Burning of Town of Dornoch.

Feb. 12.—NEILL ANGUSSONE (MACLEOD) in Assent.¹

Dilatit of art and part of the crewall slauchter of vniq^{le} Hutcheoun Anguffone his broder, in the Ile of Assent; committit in the moneth of Junij, the 3eir of God I^m.V^c.lxxv 3eiris: AND for the slauchter of vniq^{le} Donald M^cHutcheoun Anguffone, brother to the said Hutcheoun; committit at the famin tyme: AND for the tressonabill byrning of the toune of Dornoch in Suthirland; committit in the moneth of Junij, or thairby, the 3eir of God I^m.V^c.lxxvj 3eiris;² AND diuerse vtheris slauchteris, as the dittay beris, &c.; specialie, of Duncane M^cRorye.

ASSISA.

Willeame Suthirland of Evelik,	Adam Bell, in Edinburghe,	Alex ^r . Brodye of that Ilk,
Johne Hay of Park, (Chancellor)	Thomas Frafer, tutour of Lovat,	James Campbell of Archinglas,
Alex ^r . Hay, his broder,	Thomas Robefoun, burges of Ed ^r ,	Alex ^r . M ^c Nachtene of Dundarroch,
Nicholas Rois of Duntkeith,	Johne Rois, prouest of Narne,	Johne Campbell of Innerlevene,
Duncan Campbell of Both,	Johne Campbell of Caddell,	Alex ^r . Innes of Crummye.

Mr Robert Creychtoun tuke instrumentis of the said Neillis Confessioun, declaring that his sone Tormot slew the said vniq^{le} Hutcheoun and Donald his sone; And that he himself was cumand to Ed^r. to speik my Lord Regentis grace, and to offer him to underly the law, for the saidis crymes, quhan he was tane in the menetyne, be Torquill M^cCloyde apperand of the Lewis, be the way, and incarcerate. And felyke, that he confessit the slauchtir of the said vniq^{le} Duncane M^cRorie, and that he had his componitour thairfoir:³ And that

¹ This person, according to Sir Robert Gordon, commanded the country of Assint. He was the fifth son of Angus-more, Laird of Assint. The eldest son, Donald-Caim, died of his wounds shortly after being taken prisoner by the Laird of Lewis, (John M^cCorquill M^cLeod,) against whom he had revolted. Tormot, the second son, was slain by his brother Angus-beg, who, in his turn, was slain by his bastard brother Alexander, in revenge of Tormot's death. John-reawich succeeded his brother Angus-beg, (who died without issue,) and governed the country for 16 years. On John's death, he left the government to this Neill-Angus-son; whose younger brother Hucheon, jealous of Neill's prosperity, took him prisoner, and detained him until he forced him into certain terms. In revenge for this act, he killed Hucheon, with his second son Donald, who had come to visit him in the Isle of Assint. 'Wherupon Torquell Conaldagh MacLoyd of the Cogigh pursued the Yle in Assint, and apprehended Neill Anguffone, whom he sent to Edinburgh, where he was executed the yeir of God 1581.'—*Gordon's General Account of Earldom of Sutherland*, p. 263.—Neil left his sons John-reawich and Donald-bane, with three bastards, Tormot, Angus, and Alister. ² Y Macky of Far 'invaded the cuntry of Southerland after the death of Earl John, waisted the barony of Skibo, came to the town of Dornogh, and, (vpone some privat quarrell betuein himself and the Morrayes,) being assisted by the Laird of Duffus and his freindis, he brunt the said town, the yeir of God 1567, which was then cheiftie inhabited by the Morrayes.'—*Gordon's Sutherland*, p. 150.—This town was a second time burnt after a siege by the Master of Caithnes and Y Mackay, anno 1570, 'in the night feason, which the inhabitants culd no longer defend; yit eftir the town was lost, and the cathedrall church brunt, except the steiple, they held the castle and the steiple of the church for the space of a weik, the Catteynes continuallie assaunting them, bot in vain without successe.'—*Ibid*, p. 156. ³ *i. e.* Paid his Assythment, and obtained Letters of Slains thereupon.

he was compellit be McKye to pas with him to Dornoch, quhair he and his cumpanye did na thing bot lay on the feildis, &c.—‘*CONUICT. ET DECOLLAT.*’¹

Slaughter.

Feb. 14.—ROBERT HOWSTOUN, broder to the lard of Houftoun, and forty-fix others.

Dilatit of art and part of the crewell slauchter of vmq^{le} William Lyndefay, feruitour to James Maister of Glencarne, in October lastbypast.

Continued to the Justice-air of ‘Renfrew, tertio Itineris, vel super premonitione xv dierum.’²

Slaughter.

Feb. 28.—WILLEAME PORTERFEILD of that Ilk.

Dilatit of art and part of the slauchter of vmq^{le} Johnne Birfbane of Middill Walkinſchaw ; committit in the moneth of Majj 1573 3eiris.

Continued to the 30th March, Plegio, Domino de New-wark-Maxwell.

Mar. 29.—The Laird of McFarlane and James Flemyng de Kilmacolme, become securities for Porterfeild ; and, on the following day,

Mar. 30.—The Laird of Knok becomes security to present him at the Justice-air of ‘Renfrew, tertio Itineris, vel super premonitione xv dierum.’

PRELOQUUTOURIS in defence.

Maister Johnne Schairp, Maister Thomas Craig.

PERSEWAR.

William Birfbane.

The saidis preloquutouris in defence alledgeis, that thair is na cryme committit, in respect that the said Johnne Birfbane wes flane at the horne, put thairto, be vertew of our fouerane lordis lettres ; and thairthrow, being rebell, for ane treasonabill cryme : As the lettres of horning, direct thairvpoune beiris, and produceit presentlie in proces. And siclyke, the said Mr Johnne Schairp produceit the generale band of the Sherefdom of Renfrew. Johnne Hammiltoune of Schawtoune, askit instrumentis of the productione of the saidis Lettres of Horning, and protestit that thay be keipit in proces, as euidentis to my Lord Claude Hammiltoune.

Slaughter.

Feb. 28.—JOHNNE CWNINGHAME, sone to vmq^{le} . . . Cwninghame of Clovinbayth, and John Maxwell, broder to Thomas Maxwell of Southbar.

¹ Beheaded. ² Plegiis, Domino de Glengarnok, Dom. de Houftoun et Dom. de New-wark, conjunctim et divisim, pro omnibus, tertio Itineris de Renfrew, vel alibi, super premonitione xv dierum. Et postea, viz. xv Feb., Will. Porterfeild de Duchall obligavit seipsum ad relevand. dictos plegios, de prefata cautione penisque omnibus in eadem contentis.

Dilatit of art and part of said slauchter. James Sandelandis of Calder, their cautioner, fined 'I^c. markis' for non-appearance of 'ather of the said per-founis.'

Treasonable detaining of the Place of Duchall.

Feb. 28.—WILLIAME PORTARFEILD of that ilk.

Delatit of the treasonabill detaining of the place of Duchall, incontrare our fouerane lordis chairgis.—Plegio, Jacobo Flemyng de Kilmacolme pro ejus introitu, tertio Itineris de Renfrew, vel super premonitione xv dierum.

Fire-raising—Burning Corn.

Apr. 17, 1577.—ANDRO THOMESOUN, in Siluerburne.

Dilatit of the birning of certane coirnes to Mathew Lowrye of Cairnhill.—'CONUICT. ET COMBUST.'¹

Using and seeking of Suchantments and Witchcrafts.

Maij 4.—EDUART KYNINMONTH alias Lowrie.

Dilatit of vsing and feiking of Inchantmentis and Witchcraftis, in the moneth of October I^m.V^c.lxxiiiij zeiris, quhen findrie of his cattell wer strickin with feiknes; and vtheris crymes contenit in our fouerane lordis lettres, purchest thairvpoun.—Quo die, Joannes Addie de Deurothane plegius deuenit ad intrandum dictum Eduardum Kyninmonth coram Justiciario f. d. n. Regis seu suis deputatis, tertio die proximi Itineris de Forfare, vel alibi, vbi et quando placuerit sue serenitati, super premonitione quindecim dierum, ad subeundum legem pro frequentacione et vsurpacione Incantacionis et prestigiarum, lie *Wichcraftis* appellat. alijsque criminibus in literis regiis desuper direct. specificat. Hec plegiacio capta fuit, de mandato M. Daudis Boirthuik aduocati.—Et Jacobus Striueling obligauit seipsum ad relevandum dictum Joannem Adie, de prefata cautione et penis in eundem content.

Treason—Conspiring the Death of Regent Morton.

May 15.—ADAM QUIHYTEFURD, younger of Myltoun.

John Quihytefurd elder of Myltoun, being often called to produce Adam his son before the Justice, to underlie the law for art and part of consulting with John Sempill of Byltreis, and treasonably conspiring the murther of James Earl of Mortoun Lord Dalkeyth, Regent: committit in the month of January 1575. The said Adam not compearing, the said John as his pledge was americiated in

¹ Sentenced to be burnt. No part of the procedure in this case is preserved.

the pain of *l. lib.*, and Adam adjudged to be denounced rebel, and all his moveable goods escheated to the King's use, as fugitive from the law, for the aboue crime.—Richard Binning, messenger and officer of the Court of Justiciary, reports the denunciation on May 18.

Shooting with Pistolets, &c.

May 21.—JOHN BLAIR of that Ilk, William Blair his brother, Johnne Rois and John Mitchell, his feruandis, Johnne Crawford in Birkheid, Johnne C., his fomme, Niniane C. thair, Robert C. in Ryhill, Robert Blair, brother to Williame Blair of Halie, Androw Blair Redare at Dalrye, and eighteen others.

PERSEWARIS, Capitane Thomas Crawford, aduocate, Robert Ker of Kerriland.

PRELOQUUTOURIS for the pennall.

PRELOQUUTOURIS, in perfute,

Mr Henrie Kynroife,

Johnne Maxwell, in Portarhill,

Alexander Hwme, in North Berwik,

Mr Daid Mackill,

Johnne Blair of Middill Auchin-

Johnne Crawford in Camlarg,

James Mure,

burne.

Williame Crawford of Drumfof,

The Laird of Cauldwell,

Quintene Crawford, broder to Cannouris,

Mr Nicoll Elphingfoun.

The pennall askis instrumentis of the perfonis comperand and infistand in perfute.

ASSISA.

The Laird of Ferme-Nobill,

The Laird of Airnok,

Claud Hammiltoun of Colechnoch,

Waltare Riddell of that Ilk,

The Laird of Auchincapell,

Johnne Cleland of Foffauch,

Robert Huntare of Huntarfoun,

The Laird of Drumquhassell,

The Laird of Annestoun.

The Laird of Skirling,

The Laird of Keir,

James Weir of Blakwod,

The Laird of Dalzell,

VERDICT. The Assyise, for the maist pairt, be thair delyuerance, fylis and conuictis *Williame Blair*, brother to the Laird of Blair, of schutting with piftolettis, of following and chaiffing of Thomas Crawford and ferwandis for thair slauchteris, vponne foirthocht fellonie. ITEM, Fylis the *Laird of Blair*, of following and chaffing of the said Thomas and his ferwandis for thair slauchteris, vponne foirthocht fellonie, allenarlie. ITEM, Fylis *Johnne Or* ('Notare,') of the following and chaiffing of thame for thair slauchtaris, vponne suddantie.

May 23.—The quhilk day, Loird Rois of Halkheid and Mure of Cauldwele, become fouerteis coniuictlie and feueralie, for Johnne Blair of that Ilk; and Daid Blair, zoungar of Adamtounne, and Williame Cuminghame, zoungare of Glengarnok, become fouerteis coniuictlie and feueralie, for Williame Blair, brother to the Laird of Blair, and Johnne Or, notar, ferwand to Glengarnok; that thair and ilkane of thame, fall enter thair perfounes in waird, within the Castell of Blaknes, or aucht houris at evin,¹ and nocht escape

¹ By eight o'clock in the evening.

nor eschew furth thair of; ay and quhill he (they) be relevit; viz. of the said Laird of Blair, vnder the pane of Fyve thousand pundis; and for the saidis Williame Blair and Johnne Blair, or ilkane of thame, vnder the pane of Twa thousand pundis. Et Dominus de Blair ad relevandum.

Fire-raising.

JUN. 14.—JOHNNE CRAWFURD of the Schaw, Hew and Johnne, his sonnes, Patrik, Jokie and James Crawford, funtyme ferwandis to Hew Loird Somervell.

Dilaittit of the tressonabill fyir-ryffing and burning of ane byir pertening to Johnne Boifwall of Auchinlek, and vtheris crymes contentit in the lettres direct thairvpoun.

PERSEWAR, Johnne Boifwall of Afflek.

PRELOQUUTOURIS for the pennall.

Maister David MacGill,
The Laird of Trabroune,

The Auld Laird of Carmichael,
Johnne Crawford of Camlaige,

Archibald Dowglas, conestable,
Allane Cathcart of Carbelstoune.

Continued 'in craftinum.' Plegio, Hugone Kennedie.

JUN. 15.—The pannell askit instrumentis, that the Laird of Auchinlek compeirand, disafentit to the persute of thame; and nochtwithstanding the Justice command anent the continewatioune of the famin, disafentit thairto alluterlie.

Treason.

JUN. 15.—JOHNNE SEMPILL of Beltreis.¹

Dilaittit of the tressonabill Conspiracie of my Lord Regentis Graceis slaughtare.

ASSISA.

George Dundas of that Ilk,
Johnne Roife of Swanstoun,
Johnne Towris of Inuerleyth,
Johnne Logane of Cotfeilde,
Johnne Kincaide of Warrestoune,

W.Wauchope of Nuddre-Marchell, Hew Weir of Howburne,
Johnne Rofe of Suanstoune, Johnne Bannatyne of Corhous,
Johnne Fairlie of Colmestoune, James Rig of Carberry,
The Lairde of Merchistoune, The Lairde of Anstruther,
The Lairde of Dunroder, The Lairde of Sant Menanis.

VERDICT. Johnne Sempill of Beltreis, being presentit and enterit in jugement vpoune pannell, as dilaittit of the tressonabill cryme eftir specifit; at lenth mentionat in the dittay maid thairvpoune; was put to the knowlege of ane Assyse of the personis befor expreffit: And immediatlie eftir the chesing and sweiring of the saidis perfounes of Assyse, as vse is, the said Johnne Sempill being accusit be dittay, oppinlie red in jugement, togidder with his depositionis and confessionis of the crymes following. The same perfounes of Assyse remo-

¹ On the margin of the Record, 'Convict, and the dome of foirfaltour pronunceit aganis him.'

veit furth of Court, and altogidder conuenit and reffonit on the poyntis thairof ; and being ryplie awifit thairwith, enterit agane in Court : And thair, in prefence of the faid Justice depute, be thair delyuerance, pronunceit and declairit be the mowth of Robert Lyndefay of Dunrode ; ffand and delyuerit, that he wes culpable, fylit and convict of airt and pairt of the maift treflonable communicatioune, confultatioune and conferans, had be him, in interpryfyng, diuifing, concluding, treflonable vndertaking and concealing, to fla, fehwt and cruellie murthour, the rycht nobill and michtie Prince, James Erle of Mortoune, Loirde Dalkeyth, &c., Regent to our fouerane loird, his realme and liegis ; planelie confenting and confaving the famin murthour and flauchtart, maift treflonable and diffaitfullie, in his hairt and mynde ; ordaining the famin to have bene fuddanlie committit, efter his faid treflonabill conferance foirfaid, quhilk wes in the moneth of Januare or thairbye, the 3eir of God I^m.V^c.lxxv 3eiris ; doand thairby that was in him, to haif performit the famin, conforme to his deliberat intentione, treflonable denyfit and precogitat, as faid is ; lyke as, he had nocht failit to haif put the famin to full prouif of executione, gif God, of his infinit mercy and grace, be his vthir meanis and instrumentis, had nocht revelit the famin, and put ftay thairvnto : And fwa, he hes committit oppin and manefeft treafoune aganis our fouerane loirdis darrest Regent and his hienes auctoritie ; and aucht thairfoir to be pvnceit as ane publict tratour to his Maieftie ; in example of vtheris, to attempt the lyke treafonabill confpiraceis, in tyme cuming : Quhilk confpiracioune and conferance thairof, in treflonabill maner foirfaid, was vfit be the faid Johnne, within the Kirk and Kirkland of Paiflay, and vther places of the cuntrie appointit to that effect, in the moneth aboue specefeit, and findrie vtheris tymes thairfoir, as he thocht meit and expediant.—AND the dome of foirfaltour was pronunceit aganis him be the mouth of Andro Lyndefay, dempftare, That he fuld be takin to the mercat-croce of Edinburgh, and thair demanit as ane tratour ; and all his landis, takis, ftedingis, rowmes, poffeffiones and gudis to be foirfaltit and efchete to our fouerane loirdis vfe.

[*Mr Thomas Gilbert, Justice-Depute.*]

Mutilation.

Jun. 26.—ROBERT STRIUELING, in Eiftare Baldrochane.

Dilaittit of the hurting and wounding of Johnne Binning, meffinger, in his rycht fchuldare and collar-bane.

Quo die Dominus de Kincaid, senior, plegius devenit, ad intrand. Robertum Striueling, tertio Itineris de Dunbartane, vel aubi vbi et quando placuerit fue ferenitati, fuper premonitione quindecim dierum ; ad fubeundum legem, pro arte et parte lefionis ac vulneracionis Joannis Binning nuncij.

[*Mr Thomas Bannatyne, Justice-Depute*]

Oppression—Intercommuning with Rebels.

JUN. 29.—DAVID GRAHAME of Fyntrie, knycht, Waltare Grahame and James Grahame, his brether.

Dilatit of the taking of Johnne Pegot, and intercommuning with Robert Belouch¹ (Betoune) of Westhall, rebell, and vtheris crymes.

PRELOQUUTOURIS in defence.

The Erle of Mwnthroife, The Maister of Gray,
The Lard of Balfour, The Dene of Glasgw,
Mr Alexander Sym, Mr Alexander Skene.

PERSEWARIS.

Maister Robert Creychtounne,
Mr Dauid Borthuik,
Aduocates (to our fouerane lord.)

ASSISA.

Gilbert Ogilbye of that Ilk,	George Gray of Scheillhill,	Dauid Rossie of that Ilk,
Thomas Fotheringhame of Powrie,	George Drummond of the Blair,	Dauid Lindefay of Edzell,
Alex ^r Guthre of that Ilk,	Robert Durhame of the Grange,	D ^r . Guthre, feare of Kinealdrum,
George Haliburtonne of Petcure,	Henrye Guthere of Colestoune,	The Laird of Auchinlek,
Robert Erlykyn, feare of Dun,	George Somer of Balzordie.	Alex ^r . Lauder of Winmoqube.

Dauid Grahame, &c., war put to the knowlege of ane Assyise, of the personis befoir expreffit; and immediatlie eftir the chefsing, sweiring and admitting of the same perfounes of Assyise, as vse is, the hail foirnemmit perfounes on pennall, being accusit be dittay, oppinlie red in jugement, of the crymes following; eftir repetitioune of the Act of Parliament, maid anent conuocatioune of his hienes liegis, at tumultis, courtis or gaddingis; as alswa, with attestatioune maid for wilfull errour, in caice the same perfounes on pennall war acquit of the saidis crymes: Maister Alex^r. Sym, preloquutour for the same pennall, eftir denyall of Dittay, and crymes thair of, produceit ane wryting subscryuit be vniq^{le} Johnne Pegot in Bannabeith, declairing the defendaris to be innocent of all cryme committit to the said Johnne, and that he was onlie moueit be malice of vtheris personis to perfew the same: Quhilk wryting the said preloquutour and personis on pannell, desyrit to be red in jugement, befoir the perfounes of Assyise; quhilk being red in their presens, as was desyrit, be the said Mr Alex^r. Sym, as preloquutour foirsaid, askis instrumentis thairypoune.

Mr Robert Creychtounne, aduocate, nochtwithstarding productionne and reid- ing thair of, protestit the same suld nocht be as motyve vnto the Assyise, nor zit credit to be trew in the self; and dissasentit it suld be red or publeist ony forder to the Assyise, in the tyme of the reslait of thair woittis;² but that the famin suld be gevin agane to the parte: quhilk, at command of the Justice-Depute, was gevin be the clerk of Court to their preloquutouris.

¹ Called Betoune in an after part of the trial.

² When they retired to return their verdict.

VERDICT. The same persones of Affyise, be thair delyuerance, pronounceit and declarit be the mouth of Danid Lyndefay of Edzell, Fand and delyuerit, for the maist pairt,¹ the saidis hail persones accusit on pannell, to be clengt and acquite of all cawfing, hounding, fending, arte, pairtaking, command, assistance and ratihabitoune vfit be thame, in the moneth of October, the 3eir of God lxvij (1567), in cuming to the duelling hous of the said Johnne Pegot, in Balnaboth, within the scherefdome of Forfare, quhair he was than, in quyat and fober maner, beleveand ne harme nor iniurie to have been done to him, be ony personis, bot to have levit vnder Goddis peax and our fouerane loirdis ; and thair, violentlie, maisterfullie and perforce, tuke the said vni^o Johnne furth of his awin duelling hous of Erlis Stradichtie, quhair the said Dauid and remanent persones foirsaidis, of his speciall cawfing, hounding, fending, denyfing, arte, parte-taking, assistance and ratihabitoune, as said is, detenit and held him in captiuitie thairintill, be the space of viij dayis or thairby thaireftir ; committand thairthrow, manefest oppressioun vponne him, hie being our fouerane loirdis frie liege ; and vsurpand of his hienes auctoritie vponne thaim, in hie and manefest contemptioun thairof.—FOR the quhilk cryme the said Sir Dauid Grahame of Fyntrie, knycht, and his colligis foirsaidis, being callit to haue vnderlyne the law, befor the Justice or his Deputtis, in the T^olbuith of Edinburghe, the tent day of Februare, in the 3eir of God I^m.V^c.lxvij 3eiris, was then replegeit² to the fredome and iurisdictione of the Regalitie of Killimuir,³ be vertew of ane Commissione of the nobill and potent lord, Archebald Erle of Angus, Loird of the Regalitie thairof ; quhais bailleis vfearis and producearis of the said Commissione thane fand cawtioune for dew and faithfull administratioun of justice vponne the saidis persones, for the saidis crymes, in the toune of Kelemuir, place vfit and wont for hauling of Courtis thairintill, the viij day of Maj nixt thaireftir, in the 3eir of God I^m.V^c.lxvij 3eiris, quhilk was assignit thairto be the Justice and his Deputtis : At the quhilk day, ane Court was fencit, within the said toune of Keremuir, place vfit and wont for hauling of Courtis within the same : And albeit the said Dauid and his colligis foirsaid comperit, 3it in respect of the troubles quhilk occureit within the realme, for the tyme, justice thane culd nocht be ministret in the said mater ; but wes continewit to the last day of Junij nixtocum thaireftir ; and at that day continewit to the xxvij day of Julij nixt thaireftir following ; and cawtioune tane for thame to entir that day : Vponne the quhilk twentie sevin day of Julij foirsaid, comperit Johnne Ogilwey of Inuerquharratie, knycht, and James Scrymegeour of Glaswall, bailleis of said Regalitie in that pairt, within the said toune of Keremuir ; and thair, at the said place, vfit and wont for hauling of Courtis thairintill, fencit and held Court in dew tyme of day, thinkand to have proceidit to the administratioun of justice in the said mater : In the meintyme, the said Dauid Grahame of Fintrie, knycht, getand knawlege thairof, and vnderstanding him giltie of the said cryme, and nawayis willing to compeir and vnderly the law thairfoir, joynit him with vni^o George Erle of Huntie, Dauid Erle of Crawford, James Loird Ogilbye, quhilkis throw his perswasione and counsale, parte-taking, denyfing, assistance and ratihabitoune, togidder with the said Dauidis self and his compliceis, in proper person, with conuocatioun of the Kingis liegis, to the nowmer of ane thowfsand men or thairby, boddin in feir of weir with fwordis, jakkis, steil-bonettis, speiris, culveringis and vtheris wappinnis, *inuasive*, incontrair the tenour of the Actis of Parliament, come to the said toune of Keremuir, the said xxvij day of Julij, the 3eir of God I^m.V^c.lxvij 3eiris, and stoppit the hauling of the said Court, and all administratioun of Justice thairin ; causing the saidis bailzeis, thair clerk and vtheris memberis of Court, for feir of thair lyvis, to ryfe and depairt thairfra, the samin Court being dewlie fenceit⁴ of befor, as said is : And nocht onlie stoppit the hauling of the said Court, bot thair intendit

¹ By a majority. ² At this period, Lords of Regalities, &c., had a right to demand the person of any criminal, resident within the bounds of their Regality, on finding security, that justice should be lawfully administered. This was termed, being repledged, or *replegeit*. It was a fruitful source of injustice and oppression, and was often employed to frustrate the ends of Law. ³ Kirrymuir. ⁴ A forensic term, still used in our Criminal Courts. Before proceeding with the trial, an officer proclaimed that the business of the Court was now commencing, and interdicting all manner of persons from disturbing their proceedings. This was called *fencing*, q. d. defending or protecting the Court against all intrusion or molestation.

purpoullie, of verrie malice, to have bereft the saidis Judgeis, and vtheris convenit and affisting thame in setting fordwart of justice the said day, of thair lyvis: Lyke as, in deid, the said David, accompaneit as said is, than inuadit, followit and persewis thame for thair bodelie harme and slauchter: leveand na thing that micht have broecht his wickit and vngodlie interpryse to effect, and had nocht faillit to have performit the same, gif God had nocht provydit remeid.—AND als, the said David Grahame of Fyntrie, knycht, and his brethir foirsaidis, daylie, monethlie, owkle and continewalie, at thair plefour, in the monethis of October, Nouember, December, Januare, Februare and Marche, in the 5eir of God 1^m.Vc.lxxvij 5eiris nixt, efter the denunciatione of Robert Betoune of Westhall, our fouerane loirdis rebell, for the cryme vnderwritin, quhilk wes vpoune the xxiiij day of September, the 5eir of God 1^m.Vc.lxxvij 5eiris; and siclyke, daylie, monethlie and continewalie, in all the monethis or thairby nixt and immediatlie following the said denunciatione, intercommonit, resset, suppleit, schew fauouris, gaif meit, drink, hous and herberie to the said Robert Betoune of Westhall, within the said Davidis places of the names Erlis Stradielchie, Fyntrie, and borrowis of Dundie, Forfare, Breechin and diuerse vtheris partis of the realme quhair thai thoelt maist expedient, the said Robert being ordourlie denunceit our fouerane loirdis rebell, and put to his hienes horne the tyme foirsaid, in default of finding of fouertie to have vnderlyne the law befor the Justice or his deputtis, in the tollbuyth of the burgh of Edinburghe, the viij day of November, the 5eir of God 1^m.Vc.lxxvij 5eiris, for arte and part of the cruell slauchtare of v^mq^{le} James Ramsay, tutour of Lawis, committit in the moneth of September immediatlie preceding; and vtheris crymes contenit in the lettres raisit thairvpoune, and remaining vnder the proces of horne during the said haill space, incontrair the tennour of the Actis of Parliament; in hie contemptioun of our fouerane loirdis auctoritie and lawis.

Vpoune the quhilk purgatioun and pronunciatioun declairit in iugement, the saidis Sir David Grahame of Fyntrie, knycht, and his foirsaid brether, askit instrumentis and protestit for thair testinomiallis.

[*Mr Thomas Gilbert, Justice-Depute.*]

Witchcraft, &c.

Oct. 24.—VIOLAT MAR, in Kildeis.¹

Dilaitit of the vsing of Sorcerie, Witchcraft, and Intantatione, with Inuocatione of spreittis, at the tymes contenit in the said Dyttay.

ASSISA.

Williame Drummonde at the myll of Nab.	James Drummond in Auchtirar-dour,	George Drummond, alias Gawir, in Strageyth,
Johne Grahame, appeirand of Calandare,	Johne Drummond of Pitkennectie,	Andro Millar in Balloelochargye, Johnne Anderfoun thair,
Dauid Murray of Galdwall,	Dauid Murray in North Kynkell,	Patryk Murray in Auchtirtyr,
George Marchell of Innerperthie,	Johne Drummond in Laynoch,	Johne Drummond, in South Kyn-
George Drummond of Ballock,	Hew Merfchell in North Kynkell,	kell.

VERDICT. The said Violat conuict be Assyise, of the poynt of Dittay contenit in hir awin Depositionis and Confessioun, maid of hir treffonabill vndertaking, to put down my Lord Regentis Grace² with Witchcraft, at the tyme and place contenit in the sam Depositionis.—ITEM fylit, for ane commoune vsare of for-

¹ On the margin of Record, 'Conuict.' Kildeislands lay within the barony of Methven, Perthshire, where there was a chapel called Keldeis.

² James Earl of Morton, Lord Dalkeith, &c.

cherie, libbis¹ and charmes ; and abufare of the pepill, aganis the lawis of God and manne.

ABSEN. AB ASSISA.—Malcum Drummond of Bordland, Gilbert Moyll in Alloquhy, Androw Ramfay in Pittinleroch, Patrik Maxtounne of Cultoquhy, Patrik Drummond of Moingie.

It is much to be regretted that the ‘ poyntis of Dittay,’ and the Declarations and Confession of this personage, are not preserved in the Record. There is no doubt, from the singular respectability of the Assise or Jury, that she must have been of superior rank.—Although her conviction is recorded, the Justiciary Clerk has not marked the sentence on the margin as usual. It had likely been referred to the Lord Regent and Privy Council ; and when pronounced, omitted to be inserted in the Record.

Slaughter.

Nov. 13.—GEORGE BRUNTFIELD, alias callit *Cutluge*.²
Dilatit of the slauchtare of vinq^{le} George Ingis. ‘DECOLLAT.’

Slaughter and Murder.

Feb. 5, 1577-8.—THOMAS TRUMBLE and Waltare Trumble, fones to the Laird of Bedrewle, (Sir Thomas Trumble).

Dilatit of art and part of the cruell slauchtare and murthour of vinq^{le} Johnne Forbes, fone to Johnne Forbes of Ardmurdocht, committit in the moneth of December or thairby laft-was, vppone set purpois, prouiffoune, be way of vmbefetting of the lie gait, vppone foirthocht fellonie.

PRELOQUITOURIS in defence.

Mr Thomas Craig,
The Laird of Cranfounne,
The Laird of Hunthill,

The Laird of Gledftanis,
Mark Hwme,
Nicholl Carnecroce.

PERSEWARIS.

Johnne Forbes of Ardmurdocht,
fader to the defunct,
Mr Robert Creychtounne.

PRELOCUTORIS in perfut.

Sir James Balfoure,
The Laird of Eggle,

My Laird of Deir,
The Laird of Lowrestounne,

The Laird of Glenbervie.

ASSISA.

Robert Lowfoune of Humbye, Stevin Kinkaid, in Brochtounne, James Hart, in the Camogait,³
James Kinkaid of the Coittis, Clement Kincaid, in the Coittis, The Laird of Pilrig.⁴

VERDICT. ‘ACQUIT AMBO.’

Slaughter.

Feb. 26.—WILLIAME THRISLE in Dundie, fkipar of Nychtingall.

¹ Magical incantations. A.S. *lib-lac*, L. B. *liblacum*, incantatio per fascina, fascinatio. ‘Lac’ properly signifies *play* ; thus, ‘*Lib-lac*’ means ‘the playing off of magical charms or delusions,’ or ‘bewitching.’ ² Crop-ear. ³ A relation (father?) of Andro Hart the printer. ⁴ The remainder of the Assise are feuars, &c.

James Dais, youngare thair, Thomas Broune, in Anstruther, James Rankene, marinall in Dundie, five others 'marinallis,' and Williame Swane, cuik thair.

Dilaitit of art and pairt of the crewall flauchtare of vmq^{le} Robert Watfoun, in Leyth, committit in October lastbypast.

PRELOQUITOURIS in defence.		PERSEWARIS.
The Conneftabill of Dundie,	Mr Johnne Scharp,	Elizabeth Anderfoun, relict of
The Laird Eggell,	Mr Alex ^r . Guthre,	vmq ^{le} Rob ^t . Watfoun of Leyth,
The Maifter of Glamis,	Mr Richard Strang.	The thre faderles bairnis,
		Mr Robert Creychtoun, aduocate,
		James Mowbray of Pitlouer.

VERDICT. On the margin of the Record, 'Omnes ACQUIT, de omnibus infra script.'

Adultery.

Apr. 11.—CUTHBERT AMULLEKYNE of Dempstartoune.

Dilaitit of the cryme of Adulterie, committit with Elizabeth Hammiltoune, the spous of Roger Kirkpatrik of Cloisburne, committit at diuerse tymes.

PERSEWARIS.	PRELOCUTOURIS in defence.
Roger Kirkpatrik of Cloisburn, Mr R ^t . Creychtoun.	Mr Thomas Fermoure, Williame Grahame.

VERDICT. The Assyise, for the maift pairt, conuictis and fyllis this Cuthbert Amullegane, for art and committing of the filthie and abhominabill cryme of Adulterie with Elizabeth Hammiltoune, spous to Roger Kirkpatrik of Cloisburne, connerfand his bodie with hir in the fame filthie act, within the place of Cloisburne, diuerse and findrie tymes, preceding lawfull admonitiounis maid to him to abstene thairfra. quhilk was the aucht day of March, the 3^{er} of God I^m.V^c. lxxvj 3^{er}is (1576-7). As alswa for his committing of the fame filthie and abhominabill cryme of Adulterie with the said Elizabeth, diuerse and findrie tymes, within the said place of Cloisburne, burch of Edinburghe, and partis of the cuntrie in findrie houffis and chalmeris thairof, fence the tymes of his confessioun of the fame, and repentance maid thairfoir, and fence the tyme of lawfull and dew admonitioune maid be him the day foirsaid, and vtheris dayis and tymes spacificit in the testimoniall gevin thairanent. AND conuictis him alswa of the thiftuous spending, waisting and putting away of the saidis Rogeris guidis and geir, during the fame space and tymes, quhill he vfit in maner foirsaid to haunt and converfe with the said Elizabeth, in the said Adulterie. In witness heirof, the Chancellare, in name of the rest of this Assyise, hes subscriuit this delyuerance with his hand.

NOTE. Sentence of punishment is afterwards pronounced, see Feb. 18, 1578-9.

[*Mr Alexander Bannatyne, Justice-Depute.*]

Treasonable Slaughter of John Lord Glamis, Lord Chancellor.

Jul. 22.—DAVID ERLE of CRAWFURDE.

David Betoun de Melgound, plegius devenit, ad introand. Dauidem Conmitem Crawfordie coram Justiciario f.d.n. Regis in preterio burgi de Ed^r., xxiiij die mensis Septembris proxime futuro, ad fubeundum legem, pro arte et parte crudelis et proditorie interfectionis quondam Joannis domini de Glamis cancellarij, in mense¹ ultimo elaps., commifs. infra burgum de Striueling; ex veteri inimicitia, certo proposito, prouisione et precogitata feloniam commifs.: Secundum formam et tenorem Literarum regiarum desuper direct., et sub penis in Actis Parliamenti contentis. Et hec plegiatio capta fuit de mandato dicti f. d. n. Regis, per ejus Preceptum hac de causa direct.

(Sic Subscribitur) DAVID BETOUN of Melgound.

(Nov. 4.) The Earl of Craufurde again finds security for his appearance on the ferd day of Marche nixtocum.

Slaughter of Chancellor Glamis.

Jul. 22.—WILLIAME FOWLARTOUNE, junior of Crago, Thomas Strathachin, brother to the Laird of Bogtoun, and Johnne Scrymgeour, in, seruants of the Erl of Crawford.

David Betoun of Melgound also becomes surety for their appearance on the 13th day of October next.

[*Mr Thomas Bannatyne, Justice-Depute.*]

Slaughter.

Nov. 6.—WILLIAME STEWART and Harie Stewart, fomes to Andro Lord Ochiltre.

The quhilk day, compeirit Alexander Mowat, sone lawfull to vmq^{le} Charlis Mowat of Busbie, quha produceit our souerane lordis lettres, dewlie execut and indorsat, purchest be him, and the remanent kyu and freindis of vmq^{le} Charlis Mowat, aganis William and Harie Stewartis, fomes to Andro Lord Ochiltre, being summond be vertew thair of to wnderly the law, for the slauchter of the said vmq^{le} Charlis; in respect quhair of, the said Alexander protestit for releif of the fouertie fundin for reporting of the saidis lettres, to this day nixtocum; and tuke instrumentis of the productione of the kingis graces lettre and charge, di-

¹ This unfortunate scuffle took place on the streets of Stirling, Mar. 17, 1578, between the followers of the Earl of Craufurd and those of the Lord Chancellor, when Lord Glamis was accidentally slain by a random shot. It is understood that the Earl Craufurd had no immediate concern in this affair.

rect to the Justice and his deputtis, for continewatioune of this Court to the thrid day of the Air or former, vpoune xv dayis warning, dispenfand with the comperance of the saidis performes in the Court ; As the said charge beiris, quhilk, he protestit, fuld be infert in the proces : And in respect the famin was pircheft be ane finifter informatioun, maid to the Kingis grace, for keiping of the said malefactouris vnpuneift or accufeit be the law, quha fa cruellie had sched the innocent blude of the said vmq^{le} Charlis, as alswa to the hurt of him and vtheris perfewaris, in the hindrance of justice : Thairfore, the said Alexander protestit for remeid, at God and the Kingis grace ; and askit instrumentis of the premisses ; and that he presentlie dissaissentit to the continewatioun maid be the Justice and his deputtis in this Court ; and heirvpoune, tuke actis in the handis of me notare publict wnderwritten and scrybe of the said Court.

[*Mr Johnne Grahme, Justice-Depute.*]

Administering Poison to her Husband.

Jan. 12, 1578-9.—HELENE COLQUHOUNE, spous to William Cuninghame of Aket.

Clemant Kinkaid, in the Coittis, oftymes callit to have produceit our fouerane lordis lettres, dewlie execute and indorsat, purchest be William Cunninghame of Aket, and M^{rs} David Borthuik of Lochhill, and Robert Creychtoun of Eliok, aduocatis to our fouerane loird, to tak fouerte of the said Helene, that he (she) fould compeir and wnderly the law this day and place, ffor the tressonabill Miniftering of Poyfoun to the said William, hir spous ; committit in October last-was : And nocht produceand the famin, was thairfore amerciast in the panis contentit in the Actis of Parliament.

Adultery.

Feb. 18.—CUTHBERT AMULLEKIN, in Dempstartoune.¹

Johnne Hammiltoun, parson of Crawford, Johnne and Cuthbert Amullekin, ferwand to my Loird Ruthuene, become fouerties coniunctlie and feueralie, for Cuthbert A. in D., conuict for Adulterie, committit with Elizabeth Hammiltoun, Ladie Cloisburne, that he fall depairt furth of this realme, within thre feoir dayis, immediatlie eftir the dait heirof, and remane beneift furth of the famin in tyme cuning : And als, that he fall abstene fra the cryme abouewritten, vnder the pane of ane thousand merkis : And this done at command of secreit counsale, be thair precept direct to that effect : Lykeas the said Cuthbert, of his awin consent and will, reffaucit the said baniefment.

¹ See April 11, 1578.

Convocation of the Lieges—Making an Abbot of Anncason.

Jun. 23, 1579.—ANDRO CHALMER in Fyntoray, and five others.

Dilaitit of art and pairt of the convocatioune of our souerane loirdis liegis, and making of ane ABBOT of WNBRESSOUNE ; committit in Junij 1578.

Continued to the Justice-air of ‘ Abirdene, tertio Itineris, vel super premonitione xv dierum.’ Plegiis, Richardo Blyth, burgen. de Dundie et M. Will. Chalmer (camerario) de Lundoris (portionario de Fyntray) coniunctim et diuisim ; et omnes perfonas ad relevand.

Slaughter.

Jun. 23.—ANDRO GIBSOUN in Fyntrie, Andro Chalmer thair, and seven others.

Dilaitit of art and pairt of the cruell slaughtare of vmq^{le} Allestare Reid, alias MacHenrie ; committit in August laftwas.

Continued to the said Aire of Abirdene, with the same persons as cautioners.

Mr Will. Chalmer, chalmerlane of Lundoris, as baillie of the Regalitie of L. produces ane Commiffioune of Replegiatioune, fubfcriuit be the Abbot of Lundoris ; and protestit that the said continewatioune be nawife prejudiciall to the priuilege of the said Regalitie, &c.

Slaughter.

Jun. 27.—JOHNNE BROUN of Carfleuch.

Johnne Lord Maxwell americiated in fforty pounds, for non-production of Johnne Broun of Carfleuch before the Justiciar or his deputies, to underlie the law, for art and part of the slaughter of James MacCulloch of Barholme ; committed on the 17th day of April laft.

Jun. 27.—The famin day, Johnne Gordoune of Barfkeoch, oftymes callit to have produceit our souerane loirdis lettres, dewlie execute and indorfat, purchest be Elizabeth Kirkpatrik the relict, bairnis, kyn and freindis of vmq^{le} James MacCulloch of Barholme, &c.

Besieging House of Warriston, &c.

Jul. 10.—ALEXANDER DALMAHOY of that Ilk, William Dalmahoy his brother, Johnne Dalmahoy his fader brother, Johnne Wilfoune, Johnne Reidheid, William Reidheid his sone, Allane Gilchriff, William Duchell.

Dilaitit of the affeiging of Williame Somerwell in Wareiftoune, within his duelling place of Wareiftoune ; and vtheris crymes, at lenth contenit in the lettres direct thairvpoune ; committit in Junij 1578.

This mater continewit be the Kingis Maiestie, be ane Precept, produceit be Johnne Somervell, meffinger, to the twentie day of August nixtocum ; and tuke instrumentis of the productioun of the famin.—‘ Plegiis, Domino de Fawfyde, pro Dom. de Dalmahoy ; et Dom. de Dalmahoy, pro reliquis omnibus.’

Forging of Adulterate Money, Hardittis.

Jul. 31.—JOHNNE MAYNE, burges of Ediuburghe, now duelland in Birraine, in Norway, Bergen.

Dilaitit of art and pairt of the forgeing, fenzeing and prenting of certane fals and adulterat money, viz. fals hardittis ;¹ committit ten zeiris fyn or thairby.

PRELOCOUTOURIS in defence.

Mr Johnne Scharp, Mr Thomas Craig,
James Mowbray, Williame Downie.

PERSEWARIS.

Mr Robert Creychtoun, aduocat,
Williame Mylne, Scottisman, duelland at Birraine,
Thomas Baill, Robert Meluile.

Thomas Cok, (merchand in Edinburghe,) chancellare, askis instrumentis in his awin name, and in name and behalf of the rest of the perfonis of Assyife, that thai haive deponit and gevin thair delyuerance according to thair knowlege and conscience vpoun the sycht of the peicis produceit ; and in respect that they haif na notorietic nor sure knowlege of the deid it self, nor na suffecient tryell or probatioune verefeit in writ be the persewaris ; that thairfoir they incure na denger nor cryme be Assyife of Errour, or ony vtherwayife : And protestis to this effect, that the decret vfeit be the defendare, togidder with the haill writtis produceit in proces, be registrat in the bukis.

‘ *FOLLOWIS the Testimoniallis² and writtis produceit be the said Johnne Mayne in his defence,*’ viz. (1.) From the Council and Senators of Bergen, in favor of Mayne and Helen Bowman his wife, Maij 26, 1578.—(2.) Ane vther Testimoniall from Birraine, Jun. 8, 1578.—(3.) The King of Scotlandis Testimoniall, direct to the Toun of Birraine, Sterlini, Julij 28, 1578.—(4.) Ane Testimoniall direct from the burgh of Edinburghe, Jul. 15, 1578.—(5.) Ane decret gevin befor the Loirdis (of Counsale), Jul. 24, 1579.—(6.) Ane Testimoniall gevin be the Toun of Inuerkething, Julij 30, 1579.—Then follow ‘ Copies of the writtis and Testimoniallis produceit be Williame Mylne aganis the said Johnne Mayne,’ being five in number. The Record on this case is closed by the insertion of a Testimonial of innocence granted by Colin Earl of Ergyle, Lord Campbell and Lorne, Justice-General of Scotland, Jul. 31, 1579, in favor of Johnne Mayne of the whole crimes charged against him in his Dittay.

¹ *Hardheids* or *lions*, formerly of the value of three half-pence, but depreciated by Regent Morton to a penny, which caused much discontent. The *plack* also was depreciated by him from four to two-pence. ² These documents are preserved at length in the Record.

Justiciar within the Boundes of Athol appointed.

NOV. 12.—JOHNNE ERLE OF ATHOILL produceit ane Commissiounne of Justiciarie, gevin to him be our souerane loird, wnder the Grit Seill, makand him Justice within the boundes of Athoill : And defyrit that his aith mycht be acceptit, &c.

Slaughter.

NOV. 17.—MARGARET LINDESAY, Ladie Kersbank and Maister James Fotheringhame hir spous.

Dilaitit of art and pairt of the cruell slauchter of vniq Katherene Fothringhame, spous to James Page in Aberlammay ; committit in Februar lastwas.

PRELOCUTORIS in defence.

Maister Johnne Schairp, aduocat, My Loird Inuermeith, The Maister of Forbes, The Maister of Caffillis.

‘ ACQUIT.’

Besieging House of Warriston, &c.

NOV. 20-21.—ALEXANDER DALMAHOY of that Ilk, and seven others.¹

Dilaitit of the affeiging of William Somerwell in Wareistoune, and vtheris crymes at lenth contenit in the lettres direct thairvpoune ; committit in Junij 1578 ; speciallie, for beiring and schutting of culveringis at the said place, with comuocatioune, &c.

PERSEWARIS.

William Somerwell, in Wareistoune, Mr Robert Creychtounne, aduocat.

PRELOCUTORIS in defence.

PRELOCUTORIS in perfuit.

The Laird of Ornestoune,

The Laird of Trabroune,

The Lairde of Covingtonne,

The Laird of Bonytounne,

The Laird of Ernok,

The Laird of Dalyell, youngare,

Mr Johnne Scharp,

Mr Thomas Craig.

James Somerwell.

VERDICT. All Acquit of the crymes put to the knowlege of Assyse, viz. of the schuting and beiring of pistolettis in the moneth of Julij, and thaireftir cuming to the hous and affeiging thair of, and schuting of pistolettis thairat, and hurting and wounding of Barbara Barrie, &c.

Incest and Adultery.

JAN. 15, 1579-80.—ELISABETH PRESTOUN, sifter to the Ladie Borthuik.

Dilaitit of the crymes of Incest and Adulterie ; committit with the Loird Borthuik, at findrie tymes, contenit in the lettres.

VERDICT. ‘ ACQUIT.’

¹ See Jul. 10, 1579.

Incest and Adultery.

Jan. 15.—MARGARET SCOTT, sifter to the Ladie Borthuik.

Thomas Borthuik of Mediltoun is amerced for the non-appearance of Margaret Scott before the Justice, &c. to underlie the law for the crimes of Incest and Adulterie; committed with William Lord Borthuik, husband of the said Dame Grizell Scott, her sifter, ‘et procreatione filii ad eundem Dominum Borthuik,’ &c.

PRELOCUTORIS in defence.

Mr David McGill, Mr Johnne Prestoune.

PERSEWAR.

Maister Robert Creychtoun, aduocat.

ASSISA.

James Hoppringill, in Hoppringill, James Rig of Carbarrie,
Johnne Hoppringill, in the Murrois, (Chancellor,)
James Hoppringill, in the Bow, The Laird of Fawfyde,
Richard Schankis, burges of Edr. Willeame Cranstoun of Ladyfyde,
Patrik Hoppringill, in Edr. Johnne Turnebill, in Symintoune,

Robert Trumble, in Heriot mylne,
Robert Deware,
Thomas Adinstoun, in Carcant,
The Laird Meggot.

Incest and Adultery.

Jan. 15.—DAME GRISELL SCOTT, Ladie Borthuik.

Dilaitit of Incest and Adulterie; committit with Walter Scott of Tufchelaw.

PRELOCUTORIS in defence.

Mr Thomas Craig, Mr Johnne Leirmonth, Mr William Harvie. Mr Robert Creychtoun, aduocat.

PERSEWAR.

ABSENTES AB ASSISA Elizabeth Prestoune.

James Hoppringill of Quhytebank, The Laird of Elphingstoune, elder, The Laird of Ormestoune,
The Laird of Trabroune, The Laird of Hermestoune.

‘DESERT.’

Poisoning his Wife—Adultery.

Feb. 15.—ANDRO GLENCORSE, in Peirstoune.

Dilatit of art and pairt of the Pofoming of Iffobell Staig, his spous; committit twa 3eiris fyne, or thairby: AND sicklyke, for the lying in the filthie cryme of Adulterie with his wyffis moder, callit Helene Bathcate.

VERDICT and SENTENCE. ‘Connict of baith the crymes, and brint.’

Slaughter — Convocation of the Lieges.

Feb. 24.—VTHIRD MAKDOWELL, 3oung Laird of Garthland, and others.

Dilatit of airt and pairt of the crewal slauchter of vniq^{le} James Gordoune, sone of Johnne Gordoune of Barskeoche, with Convocatioune of the Liegis, bodin in feir of weir, &c., in the moneth of Julij lastbypast.

Hew Kennedie of Barquhenye, allegeit, that na proces aucht to be led aganis him, as cawtioner for the entrie of the 3oung Laird of Garthland and remanent;

in respect, that he is nocht lawfullie chargeit, at his duelling place, albeit it be indorfat, that he was chairgeit at Dawcarrane, quhair his wyff was for the tyme; quhilk is nawyife his duelling hous, nor yit was he chargeit personalie; and proteftis, that quhatfumeuir proces be laid in the said mater, that the famin be nocht preiudiciall to him as fouertie foirfaid, and offeris him to preve sufficientlie, that he duelt in nather of the saidis placeis quhair he was chargeit.—Anfuerit Mr Thomas Craig, for the Gudeman of Barfkeoch, that he is lawfullie chargeit, at the place where his wyff duelt for the time, and the law presuppounis the famin to be dwelling place; and that thai thairfoir abyde at the executioun of the saidis lettres.

Eodem die, Hewgo Kennedie de Barquhennie, sepe vocat. ad introand. Vtbridum Makdowel juniorem de Garthland, Andream MacDowell ejus patrem, Joannem M^cDowell de Knokincrofechie, Georgium M^cDowell juniorem de Darregillis, Patricium M^cDowell ejus fratrem, Gelbertum M^cNelie, vocat. *the Rymour*, Alex. Agnew in Blair, Adamum M^cKie in Culinik, Joannem M^cDowell fratrem Vtbridis M^cDowell de Bariarg, Nicholaum MGoune et Gilbertum M^cClennoquhen, coram Justiciaris f. d. n. Regis suive deputatis, predict. die et loco; ad subeundum legem, pro arte et parte crudelis interfectionis quondam Jacobi Gordoune filij Joannis Gordoun de Barfkeoch; cum Convocatione subditorum dicti f. d. n. regis, more bellico armat., contra tenorem Acti Parl., in mense Julij ultimo, &c.

‘AMERCIAT.’ ‘NOTA. Nocht to be extractit, in respect of the Kingis War-rand.’

Falsing of Evidents — Forgery.

Feb. 28.—JOHNE SOWTARE, notare and messinger.

Dilaitit of the falsing of findrie evidents and vsing of falsat; speciallie, for cooping of James Brounes evident in Dundie, and delyuering to the said James of the said copie falsfeit be him; and the said James awin proper evident to Robert Stewart, the said James aduersare, quhairin decreit is pronunceit.

VERDICT and SENTENCE. ‘Convict of diuers poyntis, and hangit.’

Slaughter of Lord Chancellor Glammis.

Mar. 5.—DAVID ERLE OF CRAWFURDE.

Patrik Loird Lindefay of Byrris, et David Lindefay of Edzell, fined, for non-production of the Earl of Crawford, to underlie the law for the slaughter of vinqubile Lord Glammis, Chancellor, and James Johnnestoune.

Murder — Theft.

Apr. 30, 1580.—ANDRO TRUMBILL, sone to Ekkie of Belfis, and Johnne Young, in the Comes, duellar under the Laird of Minto.

Delaitit of art and part of the cruell and schamefull murthour of vinq^{le} Johnne

Hammiltoun of Benestoun, committit in Januar lastwas; and breking of the said vni^o Johnnes kist, and thiftuous steling, conceling and away taking furth thair of, certane coitis, clokis and vtheris gudis and geir.

VERDICT and SENTENCE. Conuict, baith of the murthour and of the thift, and the said Johnne Young hangit.—NOTA, This (Andro) Trumbell, sone to Ekkie of Belfis, becaus of his minoritie, the dome nocht pronouneit vpon him; bot he delayit and delyuerit to Andro Lindesay, to be keipit in waird, as he will anfuer, &c.

Treason.

Maij. 23.—GEORGE BALFOUR, Pryour of Charterhouse.

Comperit my Loird Thesaurar and the Aduocate, and declairit, that ffor famekil as that, at ordinance of the Kingis Maiestie and Counsaile, thai wer ordanit to persue the said George Balfoure, Priour of the Charterhous, of certane crymes, for the quhilk he is tane, and ane Affyise summond to this day; thairfoir askis instrumentis, that thai haue done their diligence, and wer reddie to persue him, conforme to the said ordinance: And protestis, in respect of the absence of Mr Johnne Grahme, Justice-Depute, that the occasioun of the stay of proces this day be input to him, seing na Court culd be fenfit without him, nor proces led thairin, conforme to the said ordinance.

Maij 23.—The quhilk day, in presence of me Notare publict and witnesses wnderwrittin, comperit George Balfoure, Priour of Charterhous, quha exponit and declairit, that in respect the Capitane, Comestable and keiparis of the Castell of Edinburghe, had enterit and presentit him in faice of Court, within the Tolbnyth of Edinburghe, conforme to ane Warrant direct to thame thairvponne: Thairfoir, and in consideratioun of his entrie, he tuik and askit instrumentis thair of, that he presentlie was content to wnderly the law, for al crymes of Treffoune allegeit committit be him, and for the quhilk he has bene this lang tyme bypast haidin in waird: Offering him, thairfoire, to the knowlege of ane famous,¹ condigne and vnuspect Affyise; dissaenting of all forder delay or continewatioun of Court thairanent. Quhairvponne, the said George askit instrumentis, as said is, in the handis of ane Notare publict, and serybe of Justiciarie, appointit in the Courtis thair of. This was done, day and place foir-said, before Sir Lwes Ballendene of Auchnowle, knycht, Clerk of our fouerane loirdis Justiciarie, the Laird of Cleishe, Dauid Lawtie, Hew Tod, with vtheris diuerse.

¹ Respectable, persons notoriously of good fame.

Falseing, Forgeing, and Feinzeing of Letters.

JUN. 29.—ROBERT CARMYLIE, seruitour to vniq^{le} John Sowter.¹

Dilaitit of the cryme of falsat, speciallic of the falsefeing, forgeing and fenzeing of lettres (of) Arreistment and the subcriptionne-manuall of Gilbert Thorne-toune wrytare; and the Kingis Signet thairto of ane vther lettre, vpoune James Adame in Alyth, for payment of vij^{xx} merkis.²

VERDICT and SENTENCE. ' CONVIC. ET SUSPEN.'³

Murder of the Regents, Murray and Lennox.

DEC. 15.—ARTHOUR HAMMILTOUNE, in Bothwellhauche.⁴

Dilaitit of the tressonable Murthouris of vniq^{hile} James Erle of Murray Regent, committit in the moneth of Januare lxix (1569) 5eiris. And siclyke, for art and part of the tressonable Murthour of vniq^{hile} Mathow Erle of Leuenox.

ASSISA.

Johne Blair of that (Ilk,)	Mr Archibald Cuming, feare of Alane Lokart, 5ungar of Cleghorne,
Johne Cuninghame of Drum-	Cowtre, Archebald Douglas of Punfeith,
qubassill,	W ^a . Schaw in Braidroddingis, Johne Millare in Mylneheuch,
William Baillie of Lammingtone,	Johne Nowene of Kirvode, Thomas Baillie, tutour of Jar-
Mungo Lokart of Cleghorne,	Joh. Gilmour, burges of Glasgw, restoune,
Gawin Crawford of Farme,	Thomas Inchaw in Nethirtoune, Gawin Ra in Bothwell.

The said Arthour tuik instrumentis, that the Assyise aboue writtin clengeit him of the slauchtaris of the twa Regentis, qubairof he was dilaittit.

The famin day, comperit Mr Robert Creychtounne, aduocate to our fouerane lord, and produceit ane warrand, subscryuit be the Counsale, desyring and commanding him to insist in persute of the said Arthour Hammiltounne, for all crymes to be layd to his charge, and geuii vp in Dittay vpoune him; quhilk he desyrit to be registrat: Qubairof the tennour followis.

SUPPLICATION OF ARTHOUR HAMMILTOUN.

SOUERANE LOIRD, Vnto 5our Maiestie and Loirdis of Secreit Counsale, humelic menis and schawis, I, 5our seruitour, Arthour Hammiltounne, callit of Bothwellhauch; That qubair, estir pe allegeing of Hammiltounne, I wes committit to waird within pe Castell of Dumbartane, qubair I haue remanit continewalie senfyne, haueing nathing of my awin, bot sustenit vpoun pe expensis of my freindis. And now, it hes plesit 5our Maiestie, and ll.⁵ charge pe Capitane and Keiparis of the said Castell of Dumbartane, to transpourt me, hiddin,⁶ to pis toune of Edinburghe, to quhat purpos I knaw nocht; quha hes brocht me heir, qubair I am reddie to abyde the tryall of ane Assyise presentlie, for the slauchter and murthour of 5our hienes vniq^{le} fader and Regentis; or then to find cawtionne to entir agane to pat effect, and wnderly all things can be laid to my chairge, vpoune sa mony dayis warning, and wnder sic panis, as 5our hienes and ll. plesis to appoint, I being fred and at libertie,

¹ See Feb. 28. ² Seven score, or 140 merkis. ³ Hanged. ⁴ There is marked on the margin of the Record, opposite the name, 'Acquyt.' ⁵ Lordships. ⁶ By stealth, in a concealed manner.

as the rest that wes suspect of the lyke offences. Maist humelie heirfoir, I befeik your hienes and ll. that aper I may be put presentlie to the knowlege of ane Assyse for the saidis crymes, or cawtioun may be ressaueit of me in maner and to the effect aboue writtin, and your Hienes and ll. anfuere humelie I befeik.

WARRANT. ‘ Apud Halirudhous, xiiij Octobris, anno &c. lxxx° (1580). The Loirdis of Secreit Counsaile ordanis the Justice Clerk and his deputtis to appoynt ane particulare daye to this Arthoure Hammiltoun, to wnderly the law, for all crymes can be laid to his charge ; and to direct lettres requiring all or fouerane lordis lieges, be oppin proclamatioun at the mercat croces of Lanark, Glasgw, Lynlythqw, and vtheris places nudfull, to gef vp Dittay, quhairthrow the said Arthour may be accusit at the said day to be appointit, and iustice ministrat as accordis. And ordanis the aduocate to insit in perfit of the said Arthour, as he will anfuere pairvpoune.

(Sic subscribitur) ‘ MORTOUN. R. DUNFERMELING.’¹

Arthoure Hammiltoun (then stiled ‘ of’ Bothuelhauche) was afterwards restored to his estate, &c., under the Act ‘ of the restitution of the noblemen and vtheris ressaueit to the Kingis Maiesties favour.’ 1581, chap. 21.

The following illustrative documents are excerpted from the Books of the Privy Council of Scotland :

I. APUD Hammiltoun, decimo Maii, anno, &c. lxxix. THE quhilk day James Robertoun of Ernock become actit and obleist as cautionar and fouirtie for Arthour Hammiltoun, sone to vinqhile Arthour Hammiltoun of the Heleife, to enter and present the said Arthour before our fouerane lord and lordis of his hienes secreit Counsaile, as the said James salbe requirit thairto, vpoune aucht dayis warning, vnder the pane of ane thousand pundis ; and Patrik Hammiltoun, burges of Hammiltoun, obleist him and his airis to releif the said James of the premissis, and of all pane and danger that he may incur thairthrow.

(Sic subscribitur) JAMES ROBERTOUN of Ernok, PATRIK HAMMILTOUN, with my hand.

II. APUD Castrum de Striuling, secundo Junii, anno, &c. lxxix.

SEDERUNT.

Colinus comes Ergadie, Robertus comes de Lennox, Robertus comes de Buchane,
Andreas dominus de Vchiltrie, Allanus dominus Cathcart, Commendatarius de Cambuskenneth.

DUNROD dischargit of the Lettroun.²

ANENT the supplicatioun presentit to our fouerane lord and his Priuie Counsaile, be Robert Lyndesay Dunrod, makand mentioun, that quhair he wes burdynnit be his hienes and his said counsaile, to serche, feik and bring to his Maiestie, ane Lettroun pertaining to David Hammiltoun of Bothuil-hauch, quhairin ar contenit certane writtis ; quhilk Lettroun, the said Robert hes brocht and deliuerit, at his Maiesteis command, to Alexander Hay, ane of the scribis of the counsaile, in presence of the saidis loirdis. In respect quhairof, it is necessarlie requirit that the said Robert be releuit of the same, and discharge gevin to him of all intronissiou thairwith, and act of counsaile to be extendit to that effect : Lykeas, at mare lenth is contenit in the said supplicatioun. The Kingis Maiestie, with auise of the saidis lordis of his secreit counsaile, in respect of the production of the Lettroun aboue written be the said Robert, conform to the command gevin to him to that effect, dischargis him thairof, and of all pane and danger that he may incur thairthrow for enir.

III. APUD Halgrudehous, xvij die mensis Januarij, anno V° lxxx° (1581, new style.) THE quhilk

¹ Robert Pitcairn, Commendator of Dunfermling, and Secretary of State, &c.

² A writing desk, or box for holding writings.

day, Johnne Rose of Hanyng become actit and obleift, as cautioner and fouirtie for Arthoure Hammyltoun, callit of Bothuilhauch, that the said Arthour fall contene himself as ane faithfull and obedient subiect to our fowerane lord and his autoritie : and on nawyfe reffett, fupplie, intercommoune, or schaw fauour to Johnne sumtyme Commendatar of Abirbrothok, and Claude sumtyme Commendatar of Paillay, nor to ony vtheris thair complices that ar or heirefter falbe declarit rebellis and fugitiues fra the lawis, for the tressonable murder of vmq^{le} the King, his hienes dearest father, and of the Erlis of Lennox and Murray, his hienes Regentis of gude memorie. And als, that the said Arthoure fall compeir personalie befor his Maiestie and Lordis of Secret Counsale, as he falbe requirit thairto, vpoun fyfteine dayes warning, vnder the pane of fyve hundreth merkis.

(Sic subscribitur) JOHNNE ROSS of Haning.

Murder.

Dec. 15.—WALTARE LAWDER, serwand to vmq^{le} the Lairde of Basf.¹

Dilaitit of art and pairt of the crewall murthour of vmquhile Mr James Lawder of the Basf, his maister ; committit in the moneth of October.

Slaughter.

Dec. 20.—LAURENCE LORD OLIPHANT, Arthoure Forbes apprand of Reres, &c. (forty-one others).

Dilatit of airt and pairt of the crewall slaughter of vmq^{le} Alexander Stewart of Schuittingleis ; committit in the moneth ('the fyrst day') of Nouember lastby-past : ('And for invading of Williame Lord Ruthvene, Thesaurer, for his slauchter,') and vtheris crymes specifreit in the lettres produceit vpoun thame.

PRELOQUITOURIS for the pannell.	PRELOQUITOURIS in perfuit.	PERSEWARIS.
The Laird of Lochlevin,	The Laird of Barnbarroch,	Williame Lord Ruthvene,
The Laird of Cardene,	George Corrie of Kelwod,	Sir Johnne Stewart of Traquair,
The Laird of Dundas,	W ^m . Murray of Lettir Bennettis,	knycht,
The Laird of Delgatie,	Mr Ro ^t . Creychtounne, aduocat.	James Stewart in Tinnes, broder
Mr Johnne Schairp,		to the defunct,
Mr Thomas Craig.		James Hoppringill of Wodhous.

The quhilk day, eftir chesing of the preloquitouris, alswele for the pannell as the persewaris ; comperit Mr Johnne Schairp, and askit instrumentis of productione of ane delyuerance of the Lordis of Sessioune, purchest be Laurence Lord Oliphant, chairgeing him (Mr Johnne) and vtheris procuratouris thairin contentit, to compeir this day and place, and procurir for the personis enterit on pannell in thair defence ; quhilk delyuerance, he desyrit to be anfuert and registrat in the buikis of Adiornall. Quhilk desyre the Judge thocht reffonable, and ordanit the same to be registrat.

INTERLOCUTOR. THE Justice-depute, vpoune certane alledgeancis proponit be the parteis *hinc inde*, continewit this cause to the morne ; and ordanit the personis on pannell, to find fouirtie for thair

¹ There is marked on the margin of the Record, ' Conuict. et decollat.' The Assise are designed, being all burgesses of Edinburgh, but the procedure is not entered.

entrie, to vndirly the law for the crymes forsaid, and vtheris contenit in the lettres direct vpoune thame ; quho ffind the Laird of Lochlevin cautionn to that effect.

Dec. 21.—THE Justice Depute, in respect of the alledgeance proponit be athir of the parteis preloquitouris, and that ane Assyse could nocht be obtenit to my Lord Oliphant, for objectionis ; ordanit the mater to be continewit quhill the morne, xxij day of Nouember, &c.

VERDICT. (Dec. 22.) The Assyse, be thair delyuerance, pronunceit and declairit be the mouth and speking of George Symmer (Somer) of Balzoidie, Chancillar, ffind and delyuerit the perfonis enterit on pannell and persewit, to be clangeit, innocent and acquit, of airt and pairt of the crewall slauchter and murthoure of vni^q^{le} Alexander Stewart of Schuittingleis, schot with ane poyfonit bullet :¹ And of the convocatioun of our fouerane loirdis liegis, bodin with culveringis, pistolettis, jakis, speris, steilbonnettis and vtheris wappinnis *invasiue*, incontrair the tennour of the Actis of Parliament : And siclyke, of vnbefetting of the hie way to William Lord Ruthvene, Thesaurer, invading of him and his seruandis being in his cumpanie, for thair slauchteris : With the hail circumstances thairof libellit, committit vpoun the fyrst day of November lastbypast, vpoun fett purpois, provisioun, auld feid and foirthocht felonye.

Eftir the pronunceing and declaratioun quhairof, the perfonis on pannell askit instrumētis, and proteffit for thair testimōniall.

Slaughter.

Dec. 23.—WILLIAME LORD RUTHVENE, (Lord High Thesaurer of Scotland,) James Ruthvene, Alexander Ruthvene, James Ruthvene, callit *Swaddinis Jame*, &c. (seventy-nine others.)

Dilatit of airt and pairt of the crewall slauchter of vni^q^{le} Johnne Buchane ; committit vpoun the fyrst day of Nouember lastbypast ; and vtheris crymes, contenit in the sunmondis.

PRELOQUITOURIS for the pannell.

My Lord Barnbarroch, The Laird of Traquair,
Mr Alexander Syme, Mr Daid McGill,
Mr Johnne Ruffell, The Laird of Kelwod.

PERSEWARIS.

Laurence Lord Oliphant,
William Now, officiar,
Mr Robert Creychtoun, Aduocat, pro rege.

Mr Robert Creychtoun, Advocat, produceit ane Precept subscryuit be the Kingis Maiestie and twa of his hienes Previe Counsell, direct to him, chairgeing him to infist in the persute of the perfonis enterit on pannell, &c. ; quhilk Precept he requyrit to be registrat, quhairof the temoure followis.

JUSTICE, Justice Clerk and 3oure deputtis, and Aduocatt : It is our will and we command 3ow, that incontinent eftir sycht heirof, 3e oure Aduocatt persew pe Lord Ruthvene, vpoune pe lettres riffin

¹ This is the only instance in the Record of poisoned bullets having been made use of in Scotland.

aganis him to þe xxij day of þis moneth, and continewit to þis day; and 3e oure Justice, Justice Clark and 3oure deputtis, procedid to þe perfuit fordwart to þe putting of my Lord Ruthvene and his seruandis and freindis on pannell to ane Assyse, and do justice pairin: As 3e will anfuere to ws pairvpoun; keeping þis for 3oure warrand. Frome Halyruidhous, þe xxij day of December 1580.

JAMES R. LENOX, ROBERT STEWART.

My Lord Oliphant askit instrumentis, that he past fra the perfuit of my Lord Ruthvene and remanent personis on pannell, *pro loco et tempore*; and that, in respect that Maister Robert Creyeltoun, Aduocat, wald nocht vse his informatioun, as he alledgeit. And protestit, that quhatsumevir thing the Aduocat did, in the perfuit of thame, sould nocht prejudge nor hurt his actioun, bot quhen tyme and place fall ferue, he may persew the samin, according to the lawes of this realme.

My Lord Ruthvene alledgeit, that he and the rest enterit on pannell, aucht nocht to be putt to the knowledge of ane Assyse, for bering, wering and vsing of pistolettis aganis the lait Act of Parliament libellit; in respect, he had ane Licence grantit to him, be oure souerane lord, subseryuit with twa of the Counfall: Quhilk Licence he produceit, desyring the samin to be infert, quhairof the tennour followis.

LICENCE in favor of Williame Lord Ruthvene, Thesaurer, &c.

WE, for diuerse reffonabill cauffis moving ws, be þe tennour heirof, Gevis licence and power to oure rycht traift counsing and counseleare, Williame Lord Ruthvene, oure Thesaurair, his seruandis, pairtakaris and defendaris, in his cumpanie, to beir, weir and vse hagbuttis, culveringis and pistolettis, for his and þair defence, aganis his inimeis; nochtwithstanding oure Actis, statutes and proclamatiounis, maid incontrar; with þe quhilkis be þir presentes we dispence: Dischargeing oure Justice, his deputtis and all vtheris judgeis within oure realme, of ony trubling, calling or persewing of oure said counsing or his foirlaidis, ciuile or criminall, att ony day or dayes þairfore; inhibiting þame þairfore, and of þair offices in þat pairt, be þir presentes. Subseryuit with oure hand, att Halyruidhous, þe xxij day of October 1580.

(Sic subscribitur) JAMES R. LENOX, JAMES STEWART.

The persones on panell, in respect of the Kingis Maiesteis Precept, direct to the said Justice depute, wes ordanit to be putt to the knowledge of ane Assyse, of the persones following, for the slauchter of the said vmq^{le} Johnne Buchane and vtheris crymes, &c.; exceptand the bering, wering and schuitting of pistolettis, quhilk is cuttit away, be reffoun of the Licence produceit and regiftrat.

ASSISA.

James Lord Inuermaith,	Robert Mure of Cauldwall,	Hew Lord Somerwall,
Allane Lord Cathcart,	Johnne Quhytesfurd of that Ilk,	James Erle of Glencairne,
Andro Erle of Rothes,	George Drummond of Blair,	Andro Lord Stewart of Vchiltre,
Gylbert Ogilvie of that Ilk,	W ^m . Cwynnghame of Caprintoune,	Alex. Drummond of Medop,
Patrik Lord Lyndesay,	Alex. Maister of Levingstoune,	Harye Drummond of Riccartoune.

THE samin day, the Laird of Caprintoune, being schofin, sworne and admittit vpoune the Assyse of the personis aboue writtin, enterit on pannell, and

haifing removit him felf (furth) of Court with the remanent perfonis of Affyis, to deliberat and decyde vpoun the pointis of Dittay, quhairof thay wer accufit ; he re-enterit agane, fend be the Chancillar of Affyfe in the faid Court, and in prefence of the faid Juftice depute, demandit of Mr Robert Creychtoun, Aduocat, perfewar, gif he had ony vthir prefumptioun, certaintie or talkin of the crymes lybellit, contenit in the fummundis, quhairby the perfounes on pannell wer accufit ; quha anfuerit, that he had na thing bot the faidis lettres, vnder oure fouerane lordis fignet, fubferyuit with the clark, togidder with the Kingis Maiefteis Precept. defyring him to infist in perfuit thairof ; vpoun the quibilk anfuer, the faid Laird of Caprintoun askit instrumentis.

The Erle of Rothies, Chancillar of the faid Affyfe, re-enterit lyke wyife in the faid Court, and askit instrumentis, that the perfounes on pannell wer nocht orderit to be putt to the knowlege of ane Affyfe, for bering, wering and vring of piftolettis ; in refpect of the Kingis Licence, grantit to thame to that effect ; and proteftit, that the faid Licence fould be anfuerit (infertit) and regiftrat in the buikis of Adiornall.

VERDICT. And immediatlie eftir þe fchefing, fwering and admitting of þe faidis perfounes of Affyfe, as vfe is, the foirfaidis perfounes enterit to pannell, being accufit be dittay oppinlie red in judgement, of þe crymes following ; the faidis perfonis of Affyfe, being atogidder removit furth of Court, and fyne convenit and reffonit vpoune þe pointis of þe faid dittay ; and being rypelie auyfit pairwith, re-enterit agane within þe faid Court of Jufticiarie, quhair thay, in prefence of þe faid Juftice depute, be þair delyuerance, pronunceit and declarit be þe monthe and fpeiking of þe faid Andro Erle of Rothies chancillar, ffand and delyuerit the faid Williame Lord Ruthvene, and remanent perfounes nocht repledgeit, to be clangeit, innocent and acquit of þe flauchter of vmq^{le} Johnne Buchane, feruand to Laurence Lord Oliphant, committit with convocatioune of oure fouerane lordis liegis, be way of lamefuckin, vpoun þe fyrft day of Nouember lafbypaft, vpoune fett purpoife, prouifoun, auld feid and forthocht felonie ; feing na verificatioun felawin to þame. nor zit na perfoun fwerand þe Dittay.

Upoun the produceing quhairof, the faid Williame Lord Ruthvene, Thefaurare, in his awin name, and for the remanent perfonis on pannell, askit instrumentis.

Slaughter, &c.

Dec. 24.—LAURENCE LORD OLIPHANT.

Willchmus Dowglas de Lochlevin, plegius devenit, ad intrandum Laurencium Dominum Oliphant, coram Jufticiario f.d.n. regis fuifue deputatis, tertio die proximi Itineris Jufticiarie de Perthie, vel alibi vbi et quando placuerit fuo ferenitati, fuper premonitione xv dierum ; ad fubeundum legem, pro arte et parte crudelis interfectionis quondam Alexandri Stewart de Schuwingleis, primo die menfis Novembris ultimo elapfo, ex certo preposito, prouifione et precogitata phelonia commifs. ; alijsque criminibus in literis regiis defuper direct. fpecificat. ; fecundum formam et tenorem earundem et fub penis in Actis Parliamenti contentis.

Theft.

Jan. 6, 1580-1.—FRANCES ARMESTRANG, fone to the Laird of Qulit-hauch, Frances Armeſtrang, fone to *Syn of Timuisburne*, Hob Elliot, callit *Ill Rob of Ranfigill*, Quintine Nikfoun, fone to *Clemmie the Crwne*, Gawin Elliot, fone to *Scottis Hob*, Thomas Armeſtrang, fone to *Saudeis Niuiane*, Andro Armeſtrang, fone to *Thom of Giugillis*, William Elliot, fone to *Jokis Willie*, Hob Elliot of Braidlie, Johne Elliot, fone to *Eldar Will*.

Dilatit of certane crymes of theft, ſpecifeit in the Dittay to be gevin in vpoune thame.

Mr Robert Creychtoun, aduocat, aſkit inſtrumentis of the cheſing, ſwering and admitting of the ſaidis perſonis of Aſſyſe.

The Juſtice-depute, ordanit the perſonis of Aſſyſe, deſiſt and ceife, frome all delyuering vpoun the pointis of dittay, red oppiulie in Court; and ſiclyke comandit the ſaidis perſonis on pannell to be committit to waird within the Caſtell and Tolbuith of Edinburgh.

Piracy.

[JURISDICTION OF HIGH ADMIRAL.]

Jan. 10.—JOHNE COKBURNE in Leith.

Dilatit of certane crymes of Pirraſis (Piracies) att lenth ſpecifeit in the lettres produceit.

The ſamin day, comperit Mr Thomas Gylbert, Admerall-depute to ane nobill lord, James Erle of Mortoun, &c. Grit Admerall; and alledgeit, that the Juſtice aucht nocht to be Judgeis to the ſaid JohneCokburne, in reſpect the cryme quhair-of he is accuſit is ane ſefairrand¹ mater; and thairfoir, deſyrit the ſaid Johne to be repledgeit furth of the ſaid Court, to the juřiſdictionne, libertie and priuiledge of the Admerall, as Judge compitent thairto. Mr Robert Creychtoun, advocat, comperand for the Kingis intres, alledgeit, that the ſaid alledgeance aucht to be repellit, in reſpect thair wes na Commiſſiounne ſpeciallie to that effect; and albeit thair wer ane ſpeciall Commiſſiounne produceit, it fould nocht be obeyit, becauſe he is fyrſt perſewit heir, *et locus eſt preuentioni*. Forder, the deſyre of the Admerall-depute is for hinderance of juſtice, and wes neuer in vſe to repledge ony cauſe from this judgement.

INTERLOCUTOR. The Judge continewis the interloquitour vpoun the alledgeances aboue writtin, to the tent day of Februaire nixtoecum; and ordanit the ſaid Johne Cockburne to find caution for his entrie att the ſaid day.

The ſaid Amerall-depute, proteſtit, that the continewatiounne of pronouncing of

¹ Seafaring, or maritime cauſe.

the interloquitoure, be nawayife prejudiciall to my Lord Admerallis iurisdictione, and askit instrumentis that he disassentit to the continewatioune of the said interloquitoure.

Feb. 10. Robertus Kirkealdie, burgen. de Edinburghe, et Willelmus Downie, *alias Laird Downie*, in Leith, plegii deueniunt, conjunctim et divisim, ad intrandum Joannem Cokburne in Lethe coram Justiciario f. d. n. regis, suisque deputatis, tertio die proximi Itineris Justicie de Edinburghe, vel alibi, ubi et quando placuerit sue ferentati, super premonitione xv dierum, ad subennendum legem, pro arte et parte diuerforum criminum Piracie et Spoliorum facta, super naues Flandriorum et Gallorum; necnon, pro arte et parte furtive depredacionis surreptionis, per modum *lie Piracie*, omnium et singulorum bonorum et mercium, extra nauem Flandrorum *lie vocat. Bonaventure*, pertinen. ad Joannem MacMichael de Larew, Lucam Remont aliosque diuersos locupletes mercatores in oppido Antuerpie remanen., in mense Maij ultimo elapsi commissi.; alijsque criminibus, in literis regis desuper direct. specificat.; secundum formam et tenorem earundem, et sub penis in Actis Parl. contentis.

Oppression — Taking Captive and Prisoner, &c.

Jan. 11.—JOHNE GORDOUN of Blalak, George Gordoun, sone to James Gordoun of Craigmyle, George Gordoun of Kandmoir, Mr William Gordoun of Dalperfie, James Gordoun of Craigmyle, Thomas Gordoun of Dawane, Alexander Vaus of Ruthvennis, Robert Gordoun of Halheid, Andrew Tailzeour in Smiddiehill.

Dilatit of the taking of James Mortymer, apperand¹ of Craigievar, captiue and presoner, and detening of him within the wod of Kilblene, be the space of ten dayes or thairby; committit vpoun xxvj day of August lastbypast; and vthiris crymes specifit in the lettres produceit vpoun thame.

PRELOCUTORIS in defence.

Captain James Stewart,
The Maister of Cassillis,
Mr Thomas Buchquhannan,

The Maister of Seytounne,
Mr Thomas Craig, Aduocat,
Mr Johnne Schairp,

PERSEWARIS.

James Mortymer apperand of Craigievar,
Mr Robert Creyghtoun, Aduocat.
(The Erle of [Sutherland] law-borroun²
sub pena ter centum mercurii.)

The persons on pannell askit instruments of thair entrie, and protestis for releif of thair cautionaris; and that thay war reddie to byde the tryell of the law for the cryme libellit. Askis instrumentis, that nane persewis bot zoung Cragyvar and the Aduocat; and that the Lard of Cragyvar declarit, he wald persew the Lard of Ruthvennis, and the rest of the pannells.

Continued to the Justice-air of 'Abirdene, tertio Itineris, vel super premonitione xv dierum. Plegio, Comite de Sutherland et omnes intrantes ad relevand., pro rato.'

EXPENCES OF PANNELLIS. The samin day, the haild personnes on pannell protestit, that na lettres be grantit in tyme cuning to the persewar, for calling

¹ Heir apparent.

² Legal pledge or security, that, in the interim, no injury should be inflicted against the other party.

of thame to vndirly the law, for the crymes libellit, vnto the tyme he find caution for fatiffacioun of thair expenffis.

PROTESTATIOUN OF ASSYISE. The perfonis of Assyife, chofin and admittit, feing that na ma perfounes of Assyife could be had to pafs vpoune the intrantis Assyfe, proteffit, in caife thai wer fummond att ony tyme heireftir to pafs vpoune the Assyife of the faidis perfonis, for the cryme libellit; That thay be nocht vn-lawit, in respect of thair obedience att the present; and that thay wer bot puir men, vnmeit to pafs vpoun Lairdis Assyffis, and that thay wer drevin to exhortant expenffis be cuning fa far of.

Slaughter.

Jan. 17.—**GEORGE ADAM**, mafoun, fone to Alexander Adam in Gaf-toune.

Dilatit of airt and pairt of the crewall flauchter of vmq^{le} Andro Cuninghame of Forrefterhill, committit vpoun the xxij day of December, anno 1577. And als, of the flauchter of vmq^{le} Johnne Wallace, committit vpoun the ix day of Januar instant.

VERDICT. The Assyife pronunceit and declarit the faid George Adam culpabill, convict and fylit, of airt and pairt of the crewall flauchteris of the faidis vmq^{le} Andro Cuninghame and vmq^{le} Johnne Wallace.

SENTENCE. To be taikin to the Castell-hill of Ediuburghe, and thair his heid to be strikin frome his bodie; and all his movabill guidis to be efcheit and in-brocht to our fouerane lordis vsf; and that dome was pronunceit be Andro Lyndefay, Dempftar to the Justice.

Murder of King Henry Darnley.

Jun. 3, 1581.—**JOHNNE BYNNING**, feruand to Mr Archibald Dowglaf, parfone of Glasgw.

Dilatit of airt and pairt of the treflonabill paricide, murthoure and crewall flauchter of vmq^{hile} Henrie, King of Scottis; committit in the moneth of Februar, I^m.V^c.lxvj 3eiris.

PERSEWAR. Mr Robert Creychtonne of Eliok, Aduocat.

The Justice ordanit the faid Johnne Bynning to be putt to the knowledge of ane Assyfe, for the crymes contenit in Dittay; [by virtue of ane Warrant produceit, fubferyuit with (by) the Kingis Maieftie, quhilk the aduocat defyrit to be regiftrat.] This document does not appear on Record.

VERDICT. The Assyfe, be thair delyuerance, pronunceit be the mouth and fpeiking of Mungo Scott, (merchand, burges of Ediuburghe,) Chancillar creat of the Assyife, ffand and delyuerit the faid Johnne Bynning, fylit and conuict, of

the crewall, schameful, tressonabill and abhominabill slauchter and murthour of v^mq^{le} Henrye, King of Scottes, fader to our souerane lord, in his awin ludgeing, for the tyme, within the burgh of Edinburghe, befyde the Kirk of Feild, quhair he was lyand, in his naikit bed, takand the nychtis rest; tressonable raiffand fyre within the samin, with ane grit quantitie of powlder, through force of the quhilk the said haill ludgeing wes raiffit and blawin in the air, and his Grace wes maist awfullie and tressonable flane, mureidit and distroyit: And als, ffand and delyuerit the said Johnne, giltie, of airt and pairt of the crewal slauchter and murthoure of v^mq^{le} Williame Talzeour, and v^mq^{le} Andro M^cCaig, tressonable thruch raising of the said fyre, committit in cumpanie with James, funtyme Erle of Boithvell, and diuerse vtheris declarit traittouris, in the moneth of Februar 1566; and of the tressonabill counseling and hyding of the saidis horribill crymes, committit be the said Johnnis assistance, at the tyme and place foirsaid.

SENTENCE. For the quhilk caussis, the Justice, be the mouth of Andro Lyndefay, dempstar, ordanit the said Johnne Bynning to (be) tane to the croce of Edinburghe, and thair hangit vpoun ane geibet, and thaireftir demanit lyke ane traittoure.

High Treason.

JUN. 7.—ARCHIBALD ERLE OF ANGUS.

Johnne Cwninghame of Boningtonne, oft tymes callit to haif enterit, Archibald Erle of Angus, Lord Dowglas and Abernethie, &c., before oure souerane lordis Justice, or his Deputtis, the saidis day and place, in the houre of caus, to have vndirlyne the law, for the tressonabill disobediencie of the command of our souerane lordis vtheris lettres; in nocht entering of his perfoome in waird, beyond the watter of Spay, within sex dayes efter he wes chairgeit thairto; and on nawayse to cum be-fouth the said watter, quhill he wer fred be oure souerane lord; and that he sould send ane procuratorie sufficientlie authorifit, obleiffand him to fulfill the premiffis: Quhilk chairge wes gevin him, vpoun the xvij day of March, 1580 3eiris, be Johnne Broun, messinger, vndir the pane of tressoune; and on nawayis obeyit be him, nathir within the saidis sex dayes, nor 3it att na tyme senfyne; incurrand thairby the panis of Tressoune, viz. tinfull of lyfe, landis and guidis, and be extinctioun of his tytillis, fame, honoure and memorie for evir. AND siclyke, of his disobediencie of the command of our souerane lordis vtheris lettres; be the quhilkis he wes chairgeit, be Johnne Calder, Buit Purfevant and sheref in that pairt, within constitute, vpoune the xxix day of March lastbypast, in oure souerane lordis name and autoritie, as kepar, detener and withhauler of the Castell and fortalice of Thomptalloune, to rander and delyuer the samin to the said Johnne Calder and Sheref in that pairt, executoure of the

faidis lettres, to be kepit be him, in our fouerane lordis name, during his hienes will, within xlvij houris eftir the faid chairge, vnder the pane of trefloume; with certificatioune to him, and he failzeit, he fuld be repute, hauldin, eftemit and perfewit and demauit as ane traittour; and nochttheles, he on na wyife obeyit the famin chairge, nathir within the tyme foirfaid appointit thairto, nathir zitt att na tyme fenfyne; nochtwithftanding the faid Castell and fortalice wes lauchfullie requyrit, be the executour foirfaid of the faidis letteris, eftir the outrinning of the fpace contenit in the famin. AND rychtſwa, for his treflouabill difobedience of the command of oure fouerane lordis vthir letteris, in nocht randerung and delyuering of the Castell and fortalice of Dowglas to Johnne Adie, meffinger, within xlvij houris nixt eftir he wes chairgeit thairto; quhilk chairge wes gevin be the faid meffinger, vpoun the penult day of March laft-was, in anno 1581; and ſwa, nocht obeying of the faid chairge, nathir within the fpace appointit thairto, nor zit att na tyme fenfyne. AND vtheris crymes contenit in the letteris direct thairvpoun, eftir the forme and tennour of the famin, and vnder the panis contenit in the Actis of Parliament.

And the faid Archbald Erle of Angus nocht comperand, to the effect foirfaid, the faid Johnne Cwninghame of Boningtoun, his cautioner, wes vnlawit, for his non entrie to vndirly the law for the faidis crymis, the faidis day and place, in the panis contenit in the Actis of Parliament, viz. in the pane of ane hundreth poundis. And ſiclyke, the faid Archbald Erle of Angus, Lord Dowglafe, &c., wes adjudgeit in the famin Court, to be demuceit our fouerane lordis rebell, and putt to his hienes horne; and all his movabill guidis ordauit to be efcheit and inbrocht to his Maieſteis uſe, as fugitive fra his hienes lawes, for the faidis crymes.

High Treason.

Jun. 13.—GEORGE DOWGLAS of Parkheid.

Johnne Charterhous of Ainniffeild, for non appearance of George Dowglas of Parkheid, is vnlawit in the pane of ane hundreth poundis, ‘to haif vndirlyne the law, for the treflouabill difobedience of the command and chairge of our fouerane lordis lettres, in nocht randerung and delyuering of the Castell toure and fortalice of Torthorrell, to Robert Maxwell, meffinger, ſheref in that pairt,’ &c. Dowglas adjudged to be denounced rebell, &c.

Slaughter.

Dec. 9.—JOHNE STRIUELING of Glorat, Johnne Striueling, ſounger of Craighernat, Walter Striueling of Ballagane, Louke Striueling

of Baldorane, Alex. Abirnethie in Strablane, and Johnnie Stri-
ueling, fervitour to Glorat.

Dilatit of airt and pairt of the crewall flauchter of vinq^{le} Malcum Kincaid,
sone to [James] Kincaid of that ilk ; committit in Junij laftbypaft.

PRELOQUOUTOURIS in defence.	PERSEWARIS.	PRELOQUOUTOURIS.
Mr Daud McGill, aduocate,	Charles Kincaid, eldest sone to the defunct,	The Laird of Cauld-
The Laird of Keir,	James Kincaid, eldar of that ilk, fader,	well,
The Laird of Blaquhannan, ¹	James Kincaid, 3ounger of that ilk,	The Laird of Bla-
The Laird of Merkinstoune, eldar,	Thomas Kincaid, broder,	nerne,
The Laird of Kuokdolian,	George Kincaid, broder,	The Laird of Lug-
Mr Thomas Buchquhannan.	Mr Robert Creychtoune, aduocat.	toune.

The quhilk day, comperit James Stewart of Cardonall, and produceit ane
Precept, subferynit be the Kingis Maiestie, and twa of the lordis of Secreit
Counfall, direct to the Justice, Justice Clark and thair deputtis ; commanding,
that this criminall caife sould be continewit to the tent day of Januar ; quhilk
wes obeyit, and cautionn ordanit to be found be the defendaris, for thair entrie
the said day, in the Tolbuith of Edinburgh, to vndirly the law for the crymes
lybellit.

(Jan. 10, 1581-2.)—PRELOQUOUTOURIS in defence.

Sir James Hammiltoune,	The Laird of Restalrig,	The Maister of Sempill,
The Lard of Elphinstoun,	Mr Daud McGill,	Mr Thomas Buchquhannan.

The pannell askit instrumentis, that 3oung Kincaid, being requyrit, gif he
wald perfew thame of thair lyfis ; anfuertis, that he wald.

Mathew Stewart of Mynto, bailie depute of Efne Duke of Lenuenox Earl of
Darnelie Torboltoune Dalkeyth and Obenzie, &c. replegiated the pannell to the
Regality of Lennox, and affigned the 24th day of March following, for adminis-
tration of Justice.

[*Mr Henry MacCalzane, Justice-Depute.*]

**Slaughter near the King's person — Jurisdiction of Magistrates of
Edinburgh, Lord High Constable, &c.**

Dec. 15.—WILLIAM BIKARTOUNE of Cash.

Dilatit of bering, wering and schmitting of pistolettis, within thre quarteris of
ane myle to the Kingis persoune, (incontrar the tenmore of the Actis of Parlia-
ment and Secreit Counfall :) and schmitting of George Auchinlek (of Balmanno)
through the bodie ; committit vpoun the xij day of December instant, vpoune
fett purpois, prouifoum, auld feid and foirthocht felonie.

¹ Buchquhannane, (Buchanan.)

PRELOQUOUTOURIS for the pannell.

Mr Alexander Sym, Mr Henry Balfoure,
The Laird of Durie, 3ounger, The Laird of Abbotthall,
The Laird of Corstoun, 3ounger.

PERSEWARIS.

Archibald Auchinlek of Cumledge,
(broder,)
Mr Robert Creychtoun, aduocat.

The Justice, with auise of his Affessouris, vpoun the alledgeances and anfuersis, alswele proponit yisterday as this day, *hinc inde*, that the deid contenit in Dittay, fould be remittit to the knowlege of an Assyse; and quhatsumevir thing contenit in Dittay *super penam juris*, with the dome, fould be referuit to the Judge, to be pronunceit accourding to the lawes of this realme.

The said mater, for laik of Assyfouris, continewit to quhatsumevir day it pleist the persewar to summond an Assise thairto.

Dec. 16.—Comperit Mr Alexander Clerk, PROUEST OF EDINBURGH, togidder with Mr Alexander King, aduocat, and declarit that W^m. Bikartoune had committit the crymes aboue writtin, and committit to thair waird; and in respect thay ar Shereffis within thaim felfis, protestit, that the Justice Court and thair proceeding vpoune him fould be nawise preiudiciall. THE (LORD HIGH) CONSTABILL protestit in lyke maner, that in respect the famin wes committit within the Kingis, &c.

William Bikartoune remittis him self in the Kingis will for the schot, quhilk wes done on suddantie; conforme to the lawis of this realme; and denyis foirthocht felonie.

The aduocat alledgeit the mater wes done vpoun auld feid and foirthocht felonie, in respect of the deidlie feid standand vnreconfilit betuix George Auchinlek and William Bikartoune, for the hurting of Archibauld B. his broder, in September lastbypast; as the Dittay beris.

[*Mr Johne Grahame, Justice-Depute.*]

Dec. 18.—Maister Robert Creychtoun askit instrumentis of production of ane new Warrant, direct fra the Kingis Maiestie, subferyuit be him self and twa of his hienes counfall, commanding the Justice and his deputtis, to putt the said William to the knowlege of ane Assyse.

VERDICT. The Assyse, be thair delyuerance, pronunceit be the mouth and spekeing of Hew Montgumrie of Heffillheid, chancillar, stand and delyuerit the said William Bikartoune of Casche, to be culpabill, fylit and convict of the bearing and wering of pistolettis, and of schuting of George Auchinlek of Balmanno through the bodie to the grit effusioune of his bluid, committit vpoune the xij day of December instant; and stand him acquit of the doing of the same, vpoun auld feid, sett purposis, prouisioune, be way of vmbefetting of the hie gait, foirthocht felonie, and within thre quarteris of ane myle to the Kingis Maiesteis

perfonne ; in respect, it wes notour to thame, that the Kingis Maicstie wes furth att the hunting, farder nor thre quarteris of ane myle quhair the deid wes committit, the tyme of the committing thair of.

‘ CONVICT. et Wardat. in Pretorio de Edinburghe.’

Bearing, wearing, and shooting with Pistolets.

Jan. 8, 1581-2.—ALEXANDER BALMAMMO of that ilk, Petir Balmanno his seruand, Henrye Bonar in Linnquhattif-mylne, Archibald Bikartoun, broder to the Laird of Cafch.

Dilatit of beiring and weiring of pistolettis, and schuitting thairwith at George Auchinlek (of Balmanno), hurting and wounding of him throw the bodie ; committit upoun the xij day of December lastbypast, vpoun set purposis, prouision, auld feid and foirthocht felonye.

PRELOQUITOURIS for the pannell.

The Laird of Elphingstone,

The Laird of Tarbat,

Mr Alexander Sym,

The Laird of Colairnie,

The Laird of Abbotshall,

Mr Williame Oliphant.

PERSEWARIS.

George Auchinlek of Balmanno,

Mr Robert Creychtoun, aduocat.

PRELOQUITOUR.

Archibald Auchinlek, brothir.

VERDICT. The Assyse, be the mouth of Williame Broune, burges of Edinburgh, chancellare, stand and delyuerit the saidis intrantis, culpabill, fylit and convict of vmbefetting of the hie gait and passage to George Auchinlek of Balmanno, at *the stinkand style* of the burgh of Edinburgh,¹ the xij day of December lastwas, and thair inuaiding of him for his slauchter, and schutting of him with bendit pistolettis, be thame selfis, at the leif of thair cawfing, art, pairt-taking, command, assistance and rathabitionne, maist schamefullie and crewallie throw the bodie, to the effusionne of his blude, in grit quantitie, in extreme danger of his lyff, and left him lyand for deid, &c.

The Justice-depute askit instrumentis, that the Provest of Edinburgh hes refaui the pannell of his handis.

Incest.

Mar. 2.—DAUID DUNDAS of Preistinch.

Dilatit of the cryme of Incest ; committit with Jeane Hammiltounne Countas of Eglingtonne, in the monethis of Marche, Apryle, Junij, Julij, Angufl, September, October, Nouember, December, Januare and Februare I^m.V^c.lxxij and lxxiij zeiris, and continualie senlyne.

Continued to the Justice-aire of ‘ Linlythqw, tertio Itineris, vel premonitione xv dierum.’ Plegio, Jacobo Campbell de Ardkinles, et ipse ad relevand.

¹ A passage or close, nearly opposite to Haddo’s Hold, or the New North Church, and near the Tolbooth, where the Privy Council usually sat.

Witchcraft—Sorcery, &c.

Jun. 14, 1582.—WILLIAME GILMOUR, sone to Richard Gilmour in Bone-toune Pulquhene.

Dilaitit of the vsing of Wichcraft, Sorcerie and Incantatioune, in the monethis of October and November lastbypast.

Continued to the Justice-aire of ' Air, tertio Itineris, vel super premonitione xv dierum. Plegio, Allane Cathcart de Carbistoune, sub duplo penarum in Actis Parl. contentis,' &c.

King's Advocate.

Jun. 14.—Comperit the famin day. MR DAVID M^cGILL, Aduocate, and produceit ane precept of the Kingis Maiesteis, subseryuit be his hienes, the Duke, the Erle of Arrane, desyrand him to supplie the seiknes of Mr Robert Creychtoun, Aduocate, during the tyme he may nocht travell in his defense, requiring the famin to be registrat, quhairoff the tennour followis :

MR DAVID M^cGILL of Lochcoit, Aduocate, We grit 3ow wele. Forfamekle as, We wnderstanding, that our belovit Mr Robert Creychtoun of Eliok, our Aduocate, is trublit with infirmitie and euill at eis, quhairby he may nocht insit in perfute or defense, in sic caussis as concernis ws : And feing, that we haif alreedy employit 3ow in his absence, and that 3e haif done our command and directioun, quhairin we ar satisfieit : Thairfoir it is our will, and we of new command 3ow, that 3e supplie the place of our said Aduocate, in his absence, in quhatfumeuir caus concerning ws, befoir quhatfumeuir Juge, within this realme ; with full power to 3ow to compeir for our intres, persew and defend quhatfumeuir day and place neidfull, as 3e haif done at our command in tyme bigane, vpon the pane of 3our obedience. Subscriuit with our hand, Att Dalkeyth, pe xij day (of) Junij 1582.

(Sic Subscribitur)

JAMES R. LENOX. ARRANE.

Justice-Depute.

Jun. 14.—The same day MR WILLIAME OLIPHANT, Aduocate, admittit Justice-depute to my Lord Justice-Generale, be his lettre direct to that effect ; and thairfoir sworne to serue lelelie and treulie in the said office, during his ser-vice thairin, quhill he be dischargeit.

Treason—Murder of Henry Darnley, King of Scots, and Regent Murray, &c.

ASSESSOURIS TO THE JUSTICE.

Adame Bifchope of Orkney,¹ Robert Commendatour of Dunfermling,²

Mark Commendatour of Newbottill,³ Mr Johne Lindefay, parfoun of Menmuir.⁴

Jun. 16.—GEORGE HWME of Spott.

Dilaitit of diuerse tressonable crymes, viz. of airt and pairt of the tressonabill

¹ Adam Bothwell, an ordinary Lord of Session. ² Robert Pitcairn, Archdeacon of St Andrews, and Secretary of State to King James VI. He was also at this time one of the ordinary Lords of Session. ³ Mark Ker, one of the extraordinary Lords of Session, &c. ⁴ An ordinary Lord of Session.

and erwell murthour of v^mq^{le} Hary King of Scottis, fathir to our fouerane loird, committit in Februar lxxj (1566). At the leift, of the treflonabill hyding and conceling of the famin, he haveing foirknawlege thairof, and knawing perfytlie, that Mr Archebanld Dowglas and v^mq^{le} Johnne Byming his feruand, war actualle at the committing of the fame. AND for the slauchter of v^mq^{le} Erle of Murray, Regent; and vtheris crymes contenit in the letteris.

PERSEWAR, Mr David M^cGill as Aduocate to our fouerane lord.

Compeirit Richart Cafe and Jaspart Hwme, as procuratouris for Alex. Hwme of Manderstoune, as informer of the faidis crymes lybellit aganis the Laird of Spott; and defyrit to be admittit procuratoris, conforme to thair Procuratory, produceit thairin.

Compeirit lykewayis James Cuninghame, procuratour for Dame Annas Keyth Countes of Murray, and Elizabet Stewart hir dochter,¹ be thair lettres of Procuratorie specialle constitut; and produceit the said Procuratorie, and defyrit to be admittit for his intres.

The Laird of Spott, in respect Richart Cafe complenis as procuratour for Alex. Hwme of Manderstoune, informant, in this caus, defyres, that lykewayise he may haif preloquitouris admittit for his pairt.

DITTAY *against the pannel.*

GEORGE HWME of Spott, dilaitit and fummond be vertew of our fouerane loirdis lettres, purchest be Mr Robert Creychtoun of Eliok, his hienes aduocate, to pis day and place, for airt and pairt, red and counfale, of pe crewall, schamefull and abhominabill Murthour and slauchter of v^mq^{le} our fouerane loirdis darrest fater, HENRY KING OF SCOTTIS, committit in the moneth of Februaire, the 3eir of God I^m.V^c. threfcoir sex 3eiris, within his awin lugeing, beyde pe Kirk of Feild, vnder silence and cloude of nycht, be treflonabill rafing of fyre within the said lugeing, with ane grit quantitie of powlder; throw force of the quhilk powlder, pe haill lugeing wes raift and blawin in the air, and his Maieftie maift treflonable and awfully mordreift, flane, and destroyit: At the leift, treflonable hid and concealit the said horrible and treflonabill cryme, he haifand foirknawledge pairof, and knawand perfytlie that Mr Archebauld Dowglas, funtyme parfoun of Glasgw, and v^mq^{le} Johnne Byming his fer-

¹ This, at first sight, would appear to be a mistake, especially when contrasted with the mention afterwards made of these noble ladies, in another part of the trial. ‘*Dame Annas Keyth, Countas of Murray,*’ was the eldest daughter of William, fourth Earl Marischal, and is elsewhere named *Lady Agnes*, and *Lady Anne* (Annie) Keith; and was the second wife and relict of Regent Murray, to whom she was married in February 1561. She was afterwards married to Colin sixth Earl of Argyle, to whom she bore two sons, Archibald the seventh Earl, and Sir Colin Campbell of Lundie. By her marriage with Regent Murray she had two daughters, Ladies Elizabeth and Margaret Stewart.—*Dame Elizabeth* was married to James Stewart, son of James Lord Doune, who having, in 1580, got a gift from King James VI. of the Ward and Marriage of the two daughters of the Regent Murray, a few days afterwards wedded the eldest daughter, *Dame Elizabeth Stewart*, and immediately assumed the title of *Earl of Murray*. *Lady Margaret* was married to Francis, ninth Earl of Errol, and died without issue.

In order to distinguish the mother and daughter, the former was usually styled Countess of Moray and Argyll. She died in June 1588. The husband of *Dame Elizabeth* is best known in Scotland as ‘*the Bonny Earl of Murray.*’

uand, was actualle at the committing of þe said odious and crewall Murthour; and nochttheles, keipit the famin secreit to him self, neuir reveling the famin to the hier poweris, þat þai wer the committaris pairof, quhairby thay nicht haif bene puneist pairfoir. AND siklyke, for airt and pairt of the tressonabill and horribill Murthour of vmq^{le} JAMES ERLE OF MURRAY, loird Abernethy, &c. REGENT to our fouerane loird, and of his hienes realme and liegis for the tyme, committit actualle be James Hamiltounne, callit of Bothwellhauch and Johnne Hamiltounne, Prowest of Bothwell, his brother, within the burcht of Linlythqw, vpoune the xxij day of Januar, the 3eir of God I^m.V^c.lxix 3eiris; and that of his cawfing, counsale, command, assistance and ratihabitounne; tressonable refetting, suppleing and menteining the saidis James and Johnne Hamiltounnes, actual committaris, immediatlie efter the said Murthour, with the het bludye hand, within his awin dwelling place of Neidpeth-heid, quhair he duelt for the tyme; thay being fugitiues pairfoir, and takand the horribill cryme vpoune thame; tressonable concealand and hydand the Murthour and Murthouraris, he being baith of the foirknowledge pairof, as alswa, tressonable hurding and keiping of the saidis murtheraris within his said place, at the tyme foirsaid, and be the space of findrie dayes thaireftir; nochtwithstanding he perfytlie knew, that grit diligence wes tane in fercheing and feiking of the saidis murtheraris, to haif takin and apprehendit thame for executioun of justice. AND lykewayis, for the tressonabill Refetting, assisting, suppleing and helping the said Mr Archebould Dowglas, sumtyme Parfoun of Glasgw, in the place of Spot, quhair he duelt for þe tyme; and that in the moneth of Marche I^m.V^c.fourfcoir 3eiris, eftir þat the said Mr Archebould was delaitit for the tressonabill and vnnaturale Murthour of vmq^{le} our darrest loirdis father, Henry King of Scottis, of gude memory, and fugitine for the famin, acceptand thairby the cryme vpoune him: Lykeas, the said George tressonable suppartet and conuoyit the said Mr Archebould, be him self and vtheris in his name, of his cawfing, command, assistance and ratihabitounne, furth of þis realme, at þat tyme, to the pairtis of Ingland, for sautie of his lyff, that he suld nawayise be apprehendit, presentit to our fouerane loirdis lawis, nor puneist for the said horribill cryme; and nocht fatiat pairwith, tressonable wrait directit ineffageis to þe said Mr Archebould, into the pairtis of Ingland quhairunto he fled for the cause foirsaid; and tressonable practizit with him, be him self and vtheris mediate personis, of his fending, sen his passing in Ingland, at diuerse tymes, in preiudice of our fouerane loird, his hienes realme and liegis; and swa hydeing and conering of the said Murthour, that the committaris thairof suld nather be knowin nor puneist for the famin: AND alswa, for art and pairt of the tressonabill accepting to tak and put violent handis on our fouerane loirdis persoune, and findrie of his hienes nobilitie and secreit counsale, at diuerse tymes, in the moneth of December and Januare in the 3eir of God I^m.V^c.lxxx 3eiris, and that within the burcht of Edinburghe, and Palice of Halirudhous; and tressonable hid and concealit the saidis attemptatis, he being of the foirknowledge pairof, and maid priue pairof, be Archebould sumtyme Erle of Angus, and vtheris of that conspiracie; and tressonabill gevin counsale to þe said Erle and vtheris of the said Conspiracie, to put the famin to full executiounne: AND vtheris tressonabill conspiraceis and crymes, at lenth specifit and contenit in the saidis lettres direct thairvpoune.

Comperit Capitane James Cuninghane, as procuratour for Dame Annas Keyth Countas of Argyle, and Dame Elizabeth Stewart Countas of Murray,¹ her dochter, be thair lettres of Procuratorie, subscriuit with thair hand allanerlie, speciallie constitute; and desyrit to be aduittit for his intres, be vertew thairof; and askit instrumentis vpoun the productionne of the famin.—Comperit lykewyife, Richart Kafe, feruitour to Alexander Hwue of Manderstoune, and Jafpart

¹ Vide note at the commencement of this trial.

Hwme, as procuratouris speciallie constitute be the said Alexander Hwme of Manderstoune and his lettre of Procuratorie, subscryuit with his hand, being speciale informer, in the summondis of Treafoune lybellit and persewit aganis the said George Hwme of Spott, desyring to be admittit procuratouris conforme thairto; and askit instrumentis vponne the productionn of the samin.

The said George Hwme of Spott, haifing respect to the compeirance of Richard Cafe and Jaspart Hwme, as procuratours for Alexander Home of Manderstoune, informar in this caus, protestit that lykewayise he may haif preloquitouris admittit for his pairt, to appone aganis the said Alexander Hwme and his procuratouris compeirand in his name, allanerlie sa far as concernis his pairt, as informare of the Advocate.

THE JUSTICE, being rypelie awyfit with the desyre of the Laird of Spott, admittis that he fall haif preloquitouris to appone aganis the said Alexander Hwme of Manderstoune and his procuratoris, as informaris foirsaidis, vponne the danger and perrell of law.

The said George Hwme of Spott, askis instrumentis vponne the productionn of the Procuratorie be the said Capitane James Cuninghame, onlie subscryuit be the saidis Dame Annas Keyth Countas of Argyll, and Dame Elizabeth Stewart Countas of Murray; and that the samin is nathir subscryuit be the Erle of Argyll, spous to the said Dame Annas, nor yet be the Erle of Murray, spous to the said Dame Elizabeth.—To the quhilk, answerit the said Capitane James Cuninghame, that the Procuratorie is sufficient, and thairfoir aucht to be admittit, nochtwithstanding the samin is nocht subscryuit be thair husbandis, in respect the actione is tressonabill.

The said Laird of Spott, haifing regaird to the tryell of his innocencie, confidendit, that albeit the said Procuratorie war nocht subscryuit be the spouses *respectiue* foirsaidis, as the samin is nocht; yet, gif it wer to the forderance of justice, he wald admit the samin; and wnderstanding alwayis, that it tendis to delay the mater, askis instrumentis, yet as ofbefoir, that the productionn thairof nocht subscryuit be the husbandis *respectiue* as said is; and allegeit that the samin thairfoir aucht nocht to be admittit; and nochtwithstanding thairof, he is content that the said Capitane James Cuninghame insist in persute, be his Procuratory, and nocht to delay the mater; Lykeas, the said George allegeand, that it wes the Kingis Maiesteis mynd for forderance of justice, that present tryell be tane thairin at this dyet, produceit his hienes Precept in jugement, off the quhilk, the tennour followis:

REX,

JUSTICE, Justice Clerk and your deuttis, We greit you wele. Forfamekill as, we wnderstanding that pair is ane Justice-Court to be baldin, the sextene day of this instant, for tryell of George Hwme

of Spott; thairfoir it is our will, and we appoynt Adame Bifchope of Orknay, Robert Commendatour of Dunfermling, Mark Commendatour of Newbotill, and Mr Johnne Lindefay parfoun of Menmuir, to be Affefouris vnto 3ow: And that 3e cheis aue condigune Affyife to the faid George, effeir and to his eftait and degre; and that 3e admit nane that ar ferwandis, kin, freindis or dependaris to Alexander Hwme of Manderftoune, his competitur. Admitting alfwa to the faid George, his lawfull defensfis, quhilkis may be competent vnto him of the law, conforme to iuftice. Subferyuit with our hand, Att Dalkeyth the twelf day of Junij 1528.

(Sic fubfcribitur)

JAMES R. LENOX. ARANE.

Vpoune the productionne of the quhilk Precept, the Laird of Spott askit actis and inftrummentis.

FOLLOWIS the COPYE of aue PRECEPT, direct be the Kingis Maieftie, for directionn of lettres aganis the faid George.

JUSTICE, Iuftice Clerk and 3our deputtis, Forfamekill as, George Hwme of Spott, has bene oftymes dilaittit of certane crymes of Trefoun and Lefe-maieftie, grittumlie fufpect pairof: Thairfoir, 3e fall nocht fail, and we command 3ow, for tryell to be had heirin, that 3e caus fummond the faid George, to wnderly our lawis pairfoir, in our Tolbuyth of Edinburghe, vpoune fyftene dayis warning; nochtwithftanding our Actis of Parliament and vtheris, that thay quha ar to be accuft of Trefoun, fuld haif fourtie dayis fummondng ofbefoir; becaus the faid George is willing to anfuer vpoun the famin xv dayis warning: And to pat effect, that ye fummond aue Affyife, of the maift honeft perfonis, and leift fufpect of partialitie, and that beft knawis the veritie, in the faid mater. This onnawayife 3e leif wdone, as 3e will anfuer to ws pairvpoun. Subferyuit with our hand, Att Dalkeyth, the xxvij day of Majj infant, and of our regne, the xv 3eir, 1582.

(Sic fubfcribitur).

JAMES R. LENOX. ARANE.

The faid Maifter Johnne Grahme, Iuftice-Depute, in name and behalf of the Iuftice Generale, and for himfelf, askis inftrummentis and documentis, vpoun the productionne of the twa Warrantis of the Kingis Maiefteis, as thair ar; and proteffit, that thai remane in proces, &c.

The faid James Cuminghame askis inftrummentis, that the faidis twa Warrantis produceit, ar nocht paff in Counfale. Quhairvnto anfuerit the Laird of Spot, that the Warrantis ar fufficient, in refpect the famin are fubferyuit be our foverane loird and the Dukis grace, conforme to aue Act of Secretit Counfale maid at Strineling; and for corroboratioune thairof, produceit the faid Act in juge-ment, quhairof the tennour followis:

APUD STRINELING, duodecimo die menfis Aprilis, anno domini 1582.

Forfamekill as, findrie gud Actis hes bene maid, alfwell in Parliament as in Secretit Counfale, aganis the vnrefonabill and vndifcreit behaiour of findrie his Maiefteis domeftice ferwandis, and vtheris fubiectis; that ceife nocht, rafchlie and inopportunlie, without dew reuerence of his bienes, or acknowlegeing pame felfis or the nature of pair fuetis, and without refpect of tyme, place or vther circumftancis, to vrge and preife his Maieftie to fubferybe fignatouris, preceptis, chargeis and miffivis to the Loirdis of Sefsioune and vtheris inferiouris Jugeis, for ftaying or furthering of proces, in matteris of iuftice, and findrie vther extraordinare writtis; vtirlic perverting the ordour appointit be the faidis Actis; quhilkis ordanis thingis to be awyfit, and paff firft in Secretit Counfale, befoir his bienes fufcribe pain; Quhair be pe contrair, his bienes fufcriptione is commounlie firft procurit, be-

foir the lettres be red, hard or confidderit in Counsale; quhairthrow findrie inconvenientis occuris. For remeid of the quhilkis, in tyme cuming, it is thocht expedient, statute and ordanit, that nane presume or tak vponne hand, to present to his Maiestie, ony signatour, precept, charge or missiue to the Loirdis of Sessioune, or ony inferiour Jugeis, for staving or furthering of proces, in materis of justice, or vther extraordinar writtis, or to preise to urge him with the subscryuing pairof, except his hienes ordinar officeris of the estait, in thingis properly belonging to pair officeis, according to pe saidis Actis; without pe samin be first red, hard and allowit be ane ordinar number of his hienes Counsale sittand, and subscryuit with twa of pair handis. That nane of the lettres first subscryuit be his hienes Maiestie, befoir the allowance pairof in Counsale, or althocht pai be subscryuit be ony vther twa of the Counsale out of Counsale sittand, it salbe ony sufficient Warrant to pe keipares of the signet, privie or grit seallis, or the clerk of the Counsale; nor zit fall it be ony caus of offence or perrell to disobey the same, quaireur thay sal happen to be vseit or presentit, without the Duikis Grace haif considerit and subscryuit pe samin, for awoyding and eschewing of pe foirsaidis inconvenientis, abuse and confusioune, in tyme cuming: And quha cuir offendis in the premissis, being the Kingis domestike serwandis, fall vponne tryell that pai ar gyltie, be cassit, and put furth of pair feruice in the said house: And being ony vtheris personis, salbe rigoroullie punisheit at the fycht of his hienes, and his said Priuie Counsale.

EXTRACTUM de libro actorum secreti consilij s. d. n. regis, per me Joannem Andro, clericum deputatum ejustem, sub meis signo et subscriptione manualibus.

(Sic subscribitur)

JOANNES ANDRO.

The Aduocate, being inquyrit, gif he wald insist in persute of the said George Hwme of Spot, for the tressonabill cryme aboue writtin, and vtheris lybellit; declairit, that he will insist and persew, dissafenting fra all continewatioun in the said mater; and requyrit the said James Cuninghame compeirand for the Countas of Argyll and Countas of Murray, togidder with the saidis Richart Cafe and Jespart Hwme, compeirand as procuratoris for Alex. Hwme of Manderstoune, informer, to insist and concure with him in the said persute. Quhairvponne, he askit instrumentis.

THE JUSTICE, being awyfit with the saidis Adame Bishope of Orkney, Robert Commendater of Dunfermling, and Mr Johne Lindesay parfoun of Menmwre, his Assessoris foirsaidis, stand be Interloquitour, that proces suld be deduceit in the said actioun this day, conforme to the lawis of this realme. Quhairvponne, the said Laird of Spot askit instrumentis.

James Cuninghame protestis, that the Procuratorie and heidis produceit be him in writ, be kept, in proces, in caice this mater passè to ane Assyise, and the said Laird of Spott be acquit of airt and part of the tressonabill Murthoure and slauchter of vni^q James Erle of Murray, Regent to our soueraue loird, and of his hienes realme and liegis, and conceling of the samin, as the Dittay beris, for Wilfull Errou, &c.

The said Richart Cafe askis instrumentis, that he requyrit this mater to be continewit: in respect, the Kingis Aduocate is seik, to quhome his maister, informer in this caus, gaif his informatione.

The said Mr David M'Gill, zit as ofbefoir, askis instrumentis, that he presentlie defyris the said James Cuninghame, Richart Kafé and Jespart Hwme, procuraturis and the informaris foirfaidis, seeing that justice aught to be ministrat on ther tressonabill crymes, but delay, to remane and assist him as informaris, to gif him informatioun.—To the quhilkis anfuert the said James Cuninghame, that he compeiris onlie as procuratur for the twa Countassis foirfaidis. And the saidis Richart Kafé and Jespart Hwme anfuert, that thay will insist in the said persute, in name and behalf of the informer, swa that the famin be nocht prejudiciall to the caus.

The said Mr David M'Gill, aduocat, defyris the roll of Assyse, subscryuit onlie be Mr Robert Creychtoun, Aduocate to our souerane loird, to be first callit.—Quhairvnto anfuert the said Laird of Spott, that thair is ane roll of Assyise of the maist famous personis of the countrie, and leist suspect, subscryuit be Williame Erle of Gowrie Loird Ruthuen, thesaurer to our souerane loird, the Justice Clerk, and the said Mr Robert Creychtoun, aduocate; conforme to the Kingis Maiesteis Warrant direct thairvpoune; quhilk roll aucht to be ressaueit and first callit: And protestit, that the tothir roll be nawayise ressaueit; in respect, the famin is gevin vp be the informer.

THE JUSTICE, with awyfe of the Loirdis Assesouris foirfaidis, Ordanis be Interloquitour, that ane of ather of the saidis twa rollis be red and callit, and swa furth ordourlie, ane for ane vther.

ASSISA.

Johne Edzare of, James Hoppingill of Wod, Henry Hephurne of Fortoune,
Niniane Spottiwod of that Ilk, Alexander Daumahoy of that Ilk, Thomas Fawfyde of that Ilk,
Henry Haliburtonne of Mertoune, Johnne Edmestoun of that Ilk, Patrik Congeltoune of that Ilk,
Thomas Cranstoune of Morestoune, Alexander Cokburne of that Ilk, Robert Hwme of the Hauch,
Alexander Wardlaw of Curribill, Johnne Cokburne of Ormestoune, William Wauchope of Nwdry.

The said James Cuninghame protestis, that quhatfuneuir thing the saidis personis of Assyis dois this day, in this mater, that the famin be nawayise prejudiciall to the saidis Dame Annas Keyth Countas of Argyll and Dame (Elizabeth) Stewart Countas of Murrayis actioun; vpoune the quhilk he requyrit ane document.

VERDICT of the Assyse, Acquitting of George Hwme of Spott. And immediatlie efter the chesing, sweiring and admitting of the saidis personis of Assyise, with consent of ather partie, and sweiring of thame in jugement, as vse is; the said George Hwme of Spott, being accusit be vertew of the saidis lettres, of the tressonabill cryme aboue writtin, and vtheris contenit pairin, forteseit be findrie takanis of Dittay gevin in thairvpoune, and the famin being denyit simpliciter be the said George, and referrit to the tryell and delyuerance of the foirnemmit personis of Assyise; thay removit furth of the said Court, and altogidder conuenit and ressaueit vpoune the poyntis of the said lettres and dittay; and estir lang ressoning had be pame pairvpoune, being ryplie awysit thairwith, and euerie poynt of the famin, votit, delyuerit and Acquit be said George of euery poynt of the famin; and syne re-enterit agane in the said

Court of Justiciarie, and thair, be pair delyuerance, pronouceit be þe mowth and ſpeiking of Johnne Cokburn of Ormeſtonne, Chancellare of the ſaid Affyſe, ſtand and delyuerit the ſaid George Hwme of Spott, Acquit off art and pairt, red and counſale of the crewall, ſchamefull and abominable Murthour and ſlawchter of vmq^{le} our fouerane loirdis darreſt father, Henry King of Scottis, committit in the moneth of Februar, the 3^{er} of God I^m.V^c. threfcoir ſex yeiris, within his awin lugeing beſyde þe Kirk of Feild, &c. &c. (as before detailed): AND florder, of art and pairt, rede and counſale, of the treſſonabill attempting to tak perforce, be way of deid, James funtyme Erle of Mortoune, furth of our fouerane loirdis waird, quhairto he wes committit, for the horribill Murthour of our fouerane loirdis vmq^{le} darreſt father; and that, in the ſaid moneth of Januare, the 3^{er} of God I^m.V^c. fourſcoir 3^{er}is, as he was to be tranſportit furth of his Maieſteis Caſtell of Edinburgh to his hienes Caſteil of Dunbartane; thair to be keptit, quhill he be put to the knowlege of ane Affyſe: AND of the treſſonabill counſale-geving, to corrupt and ſeducer his keiparis, and vtheris haifing credit of his ſaidis wairdis and Capitanis pairrof, to þat effect; and pairby, treſſonablie hyding and conceling þe ſaid conſpiracie, he beand of the foirknowlege pairrof: AND auttour of art and pairt, red and counſale, of the treſſonabill attempting of the inbringing of the Inglis force, within the pairtis of Scotland; thairby to diſſolue the peax, of lang tyme keptit, betuix the realmes of Scotland and England; and be his perſuaſiounne, treſſonablie drawing and allureing grit poweris of Inglifmen, wele inarmit, to the nowmer of Ten thouſand perſonis or pairby, to the bordouris of England, foiranent the bordaris of Scotland; daylie manaffand and boiſtand weir, and to diſſolue the publik peax foirſaid; committit be him in þe ſaid moneth of Januar, the 3^{er} of God 1580 3^{er}is, quhen the ſaid vmq^{le} James funtyme Erle of Mortoune was in waird, for the crewall and treſſonabill Murthour of the ſaid vmq^{le} oure foueraine loirdis darreſt father: And ſeing the firſt purpois to miſgif, towardis the releif of the ſaid vmq^{le} James furth of waird, practizit and interpryſit þis purpois, thinkand pairby, that the ſaid vmq^{le} James ſuld recouer his libertie, and eſcaip tryell and pwniſchment: AND rychtſwa, of the treſſonabill hyding and conceling of the ſaid attemptatis, and caus quhairfoir þe ſamin wes attemptit, and quba was conſpiratouris pairin with him, quhome be þe ſamin wes attemptit; he being of þe foirknowlege of all the crymes and treſſonablie geuing counſale to þe ſaid Archebald funtyme Erle of Angus, and vtheris of the ſaidis conſpiraceis thairanent.

[*Mr Willieme Oliphant, Justice-Depute.*]

Fire-raising, &c.

Jun. 5, 1583.—ALEXANDER JARDENE of Apilgirth.¹

Dilaitit of the treſſonabill Birning of the Place of Litillgill.

The Juſtice, continewis the mater aboue writtin; in reſpect of the allegeancis proponit againis the name of Hammiltoune and Bailleis, and deidlie feid, vpoune the commoune caus; as alſwa, vpoune the ſaid Alexanderis peiris: And ordanit thame to be committit in waird, within the Caſtell of Edinburgh.

[*Mr Johnne Grahame, Justice-Depute.*]

Breaking Ward out of Caſtle of Edinburgh.

Aug. 5.—JOHNNE STEWART, watchman in the Caſtell of Edinburgh.

Dilaitit of the breking of the Kingis Waird of the Caſtell of Edinburgh, and convoying of the Laird of Apilgirth and Willieme Tailzefeir his ſerwand furth thairof.

¹ See Nov. 27, 1584.

The Justice ordanis Johnne Stewart to be committit in waird, quhill the Advocate be present for his perfute.

Fire-raising—Burning corn, &c.

Aug. 5.—JOHNE LINDESAY of Covingtoune, Mr James Lindefay and Robert Lindefay, his sounis.

Dilatit of airt and pairt of the tressonable raising of fyre and birning of fyve stakis of beir, quheit and aittis, perteing to Mr Johnne Scharp, Aduocate.

The Constable of the Castell of Edinburghe askit instrumentis of the entrie of the Laird of Covingtoune and his sounis on pannell, conforme to ane Warrant direct to that effect. Compeirit Mr Johnne Frude, and produceit ane substitution, maid be Mr David MacGill, Aduocate, makand and substitutand him in his place, to perfew the Laird of Covingtoune and his sounis, for the crymes thairin contentit; and desyrit thame to be insert in proces.

The Dittay, which is insert at length, charges the pannell, ‘for the maist tressonable, awfull and horribill raising of fyre, within the barne-zaird of Horftoune, and coirnis standing stakkit within the samin, perteing to Mr Johnne Scharp, Aduocate; quhairby, be ane grit quantitie of powder and vtheris necessaris vsit be 3ow, at the leift of 3our cawfing, airt, pairt-taking, resetting, canceling and command, 3e maist tressonable and awfullie brint and destroyit to him, within be samin barne-zaird, lyand within the Sherefdom of Edinburgh, fyve stakkis of corne or pairby, contening be quantitie of foure chalder of victuall or pairby, of quheit, beir and aittis.—This 3e did, vpoune be xx or xxj dayis of March lastbypast, vnder scilence of nycht,’ &c.

The Justice, continewis the mater to the morne, be Interloquoutour, in the same force and effect as it now standis; and Ordanis the Laird of Covingtoune to be committit agane to waird, within the Castell of Edinburghe.

Aug. 6.—The said Laird of Covingtoune, willing that his innocencie be tryit, of the said cryme, conforme to the lawis of this realme; declarit, that he is now twyis presentit in this judgement, to that effect; lykeas, he offerris him self presentlie reddie to abyde tryell thairin, be the knowlege of ane Assyse, &c.

INTERLOCUTOR. The Justice, being ryple awyfit with the premisses, haifing consideratioune of the wechtines of the cryme, being ane mater of Tressoun; findis be Interloquoutour, that he can nocht gudlie proceed at this present, in the said mater; specialie, in respect of the absence of Mr David MacGill, Aduocate principall; and that the Justice is nocht in vse to resane ane substitute, to perfew ony crymes of Tressoun, sic as birning of coirnis; quhilk, for the weil of the countrie, requyris sufficient tryell. *Secundlie*, becaus the said substitute declarit, that he had resaneit na instructioun, informatioun or taikin of Dittay, fra our souerane lordis Aduocate, nor fra the pairtie offendit; bot onlie ane simpill Dittay but¹ taikimis, as fend fra the aduocate, delyuerit to him be Williane Somer-

¹ Without proofs or evidence in support of the averments therein contained.

well, neir kinnisman to þe said Laird of Covingtoune. *Thridlie*, in respect of the saidis lettres of Affyse wer raisit be þe said Williame Somerwell, as wes notoure; and that þe officer executour of the samin confessit in jugement, that þe said Williame Somerwell gaif vp to him the names of Affyse, with the lettres; quhillkis wer summond be his directioun and at his desyre. *Ferdlie*, feing it is manifest, that inquisitione wes takin in this mater, at command of the Kingis Maiestie, be certane of the Loirdis of his hienes Priue Counsale, quhillkis now, be resoun of þe aduocattis absence, is suppressit and nocht produceit. *Fyftlie*, becaus the speciall pairtie and interest awner of þe saidis coirnis, mentionat in the saidis lettres and dittay, being ordanit be vertew þairof to be summond, wes nocht lawfullie warnit for his intres; in respect he wes nocht warnit quhill¹ 5esterday, eftir þe senfing of the Court, and the hour of caus neirly bypast; þe said day being assignit as peremptour, to þis persuit. *And* finallie, considering þat Mr James Lindesay and Robert Lindesay, sonis to þe Laird of Covingtoune, presentit þame selfis yesterday in jugement desyring þame to be put to þe knowlege of ane Affyse for þe said cryme, thay neir being atteichit, conuenit nor committit to waird; quik appiris ane grit noueltie, far by² þe accustumit ordour of this Court: and for diuerse vtheris ressonable causis and considderationis moveing him; specialie, becaus our said fouerane loirdis Precept commandit him to do justice in þe said mater, as occasioun fuld serue: Thairfoir continewit þe said mater, quhill he war awysit be the Kingis Maiestie and his hienes Secret Counfall pairanent: And ordanit þe said Laird of Covingtoune to be committit to waird within þe said Castell of Edinburghe.

The Laird of Covingtoun protestit, that he may be put to libertie, in respect he offerit him self, as said is, to the tryell of ane Affyse, and cawtioner for his entrie the thrid day of the Air or soner, vpoune xv dayis warning, vnder the pane of Fyve thousand pundis.

THE Justice continewit the mater quhill he be awysit, and ordanit him to be committit to waird.

[*Mr Johnne Grahame and Mr Eduard Bruce, Justices-Deputes.*]

Bigamy—Adultery.

Jan. 17, 1583-4.—ALEXANDER ABERCRUMBIE of Pitmeddene.

Dilaitit of the mareing (marrying) of twa wyffis, contrair the Actis of Parliament, and committing of Adulterie.

Continued to the Air of ‘Abirdene, tertio Itineris, vel xv dierum.’

[*Mr Johnne Grahame, Justice-Depute.*]

Fire-raising—Burning of Corns.

Feb. 1.—EDUARD MAXWELL of Tinwald, William Maxwell his sone.

Dilaitit of airt and pairt of the tresonabill birning of certane coirnis pertening to Robert Maxwell of Bratoch; committit vpoune the fyft day of Marche last-was.

‘Committit in waird to the Capitane of Blaknes.’

¹ Until.

² Beyond, contrary to.

PRELOQUITOURIS for the pannell.	PRELOQUITOURIS in perfute.	PERSEWARIS.
Robert Maxwell of Castelmilk,	Johnne Erl of Mortoun,	Robert Maxwell in Bratoch,
Johnne Maxwell in Portrak.	Lord Maxwell,	Mr David MacGill of Nisbet,
	Robert Maxwell of Duncowtedir.	aduocat.

Feb. 3.—Johnne Kirkpatrik appeirand of Ellisland, Robert Kirkpatrik of Bratoch, Roger Greirfoun of Lag, and fifteen others, fined in ‘fourtie pundis’ each, for absenting themselves from the Assyse; in consequence of which, the pannells were again ‘delyuerit to þe Capitane of Blaknes.’

Mar. 16.—They were recomitted, owing to non-summoning of a proper Assyse.

[*Mr Williame Oliphant, Justice-Depute.*]

Cattle-stealing—Perjury.

Feb. 10.—ARCHEBAULD CROSER, sone to Martene Croser.

Dilaitit of airt and pairt of the thiftuous steling, conseling, ressetting and away taking, fra George Ra and Thom Lindesay, travellouris, of lxx ky and oxin, cumand to Hallow-fair, in October 1582 3eiris; and of periurie and vther poyntis contenit in the Dittay.

VERDICT. The Assyse, be the mowth of Thomas Ker of Merfingtoune, stand and delyuerit the said Archebauld Croser to be culpabill, conuict and fylit.

SENTENCE. To be tane to ane gallous, besyde the mercat-croce of Edinburgh, and thair hangit quhill he wer deid; conforme to the lawis of the realme.

[*Mr Johnne Grahame of Halzairdis, Justice-Depute.*]

‘Erle of Gowries, Lord Ruthuenis and Dirktounis proces.’

May 4, 1584.—AT THE LADIE MARIS LUGEING IN STRIUELING, the ferd day of Maij, þe 3eir of God I^m.V^c.lxxxiiij 3eiris. In presens of the rycht honorabill Sir Lwes Bellenden of Auchnowle, knyght, Clerk of our souerane lordis Justiciarie, Robert Grahame of Chornik, Grahame, secund sone to Sir David Grahame of Fintrie, knyght, and Johnne Creychtoun, seruitour to the said Sir Lwes, witneffis in the mater and effect vnderwritin.

The quhilk day, compeirit in presens of Johnne Auchmowtie, and James Castellaw, bailleis of the burcht of Striueling, and me Mr James Bannatyne, Clerk Ordiner depute, in the office of Justiciarie and Notare publicet, ane discreit man, Mr Johnne Grahame of Halzairdis, quha in our presens, befor the witneffis foirsaidis, produceit our souerane lordis Commiffioun, vnder his hienes signet, off the dait, at the Castell of Striueling, the third day of Maij, the 3eir of God I^m.V^c. fourefcoir 3eiris foirfaid; makand him his Maieftis Justice, in that pairt, to fens and hauld Courtis of Justiciarie, for administratiounne of justice,

vpoune quhatfumeuir perfoun or personis, tane, fufpect or dilaitit of the foir-knowledge, airt and pairt, of the treflonabill takking, fortefeing and withhauling of the burcht and Caftell of Striueling, and vtheris treflonabill and capitale crymes quhatfumeuir ; and conforme thairto, defyrrit the fanuin to be admittit, and him felf fworne, according to the ordour. Quha immediatlie thaireftir, in prefens of the faidis bailleis, me Notare and witneffis foirfaidis, be halding vp of his rycht hand, fwoir and gaif his ayth, that he fuld lelilie and trewlie ferue in the faid office of Iufticiarie, as Iuftice in that pairt, according to the tennour of the faid Commiffioun ; as he wald anfuer to our fouerane lord thairvpoun : And than incontinent cheft, creat and conftitut, Alexander Peblis meffinger, Alexander Craingalt and Johnne Hodge in Striueling, conjunctlie and fenerallie, in Officiaris ; and Robert Scott in Striueling, in Dempftare of Courteis of Iufticiarie ; thay being lykewayis fworne be thair grit aithis, gevin befoir the faid Iuftice, to ferue and minifter lelilie and trewlie in thair offices thairof, ilkane for thair awin pairtis, ay and quill thay be difchargeit, &c. Qubairvpoun, the faid Maifter Johne afkit instrumentis of me Notare publict and clerk foirfaid.

IT is much to be regretted, that during so important a part of the history of this country, the Criminal Record should be so defective. There are too good grounds for believing, that much of that valuable Record has been wilfully destroyed during this troublesome period. A great part of the earlier portion of those Volumes of the Books of Adjournal now extant, evidently consists of the 'Minute Books' of the Court. Accordingly, in the extraordinary matter of THE RAID OF RUTHVEN, no part of the procedure which took place under the above noticed Commission, is inserted in these Books. It was usual, no doubt, in these instances, for such Commissioners to report directly to the Privy Council, who had previously appointed the enquiry to take place ; and their proceedings did not of necessity, at least in that shape, form part of the proper Record of the Court of Justiciary. In other instances, however, the process of Treason and the Forfeiture was led before the three Estates of Parliament, and therefore could not enter the Books of Adjournal, unless ordained to be therein recorded. After diligent search, no trace of this Report is to be found amongst the Books or Warrants of the Register of the Privy Seal ; but fortunately, in the Parliamentary Record, Official Copies or 'Extracts' of the Verdicts and Processes of Forfeiture of the Earls of Morton and Gowrie are furnished, under the Attestations of William Stewart, junior Clerk of the Court of Justiciary, and of Sir Lewis Bellenden of Auchnoule, Lord Justice Clerk. Although the trial of the Earl of Morton thus occurs out of its regular chronological order, it has been thought

proper to preserve it precisely as it has been inserted in the Books of Parliament.

‘ACT ratifeing the DOMES of FOIRFALTOUR led in Jugement aganis vniq^{le} JAMES sumtyme ERLL OF MORTOUN and WILLIAME sumtyme ERLL OF GOWRIE, convict of the crimis of Lefe-Majestie, and execute to the deith thairfoir.’¹

May 22.—IN prefence of the Kingis Maiestie and thrie Estatis convenit in this present Parliament, Maister David Makgill aduocat to our fouerane, prelocutour for his hienes, at his speciall command, schew and declarit, how thair is certane domes of Foirfalture gevin aganis certane personis for crymis of Lefe-maiestie ; speciallie, aganis vniq^{le} James sumtyme Erll of Mortoun and Williame sumtyme Erll of Gowrie : And becaus the memorie of tratouris fuld remane to the shame and slaunder of thame that ar cum of thame, and to be terrour to vtheris to committ þe like crymis in tyme cumming ; and becaus þe buikis of Adiornall may be tint and be oft handeling be worne away² and vperwayis the saidis domes of Foirfalture be destroyit ; desiring thairfoir, that it wald pleis his Maiestie and the saidis thrie Estatis to command the saidis domis of Foirfalture to be drawin out of þe buikis of Adiornall and attentictlie copeit, and the Kingis Maiesties great seall to be hung to the same ; and siclike, that þe saidis thrie Estatis fuld append thair seallis thairto, for the fortificatioun, approbatioun and confirmatioun thair of. The quhilke desyir the saidis thrie Estatis thocht verie reasounable, and be sensament of Parliament, thocht the same to be done and grantit, to append thair seallis to þe attentick extract of all Foirfalturis, baith gevin in Parliament and Justice courtis. Then incontinēt Sir Leues Ballenden of Ach-noull knyecht, Justice-clerk to our fouerane lord, produceit the attentick Extractes of the Domes of Foirfalture gevin aganis þe saidis vniq^{le} James sumtyme Erll of Mortoun and William sumtyme Erll of Gowrie ; to þe effect that þe famyn may be put and regiftrat in the buikis of Parliament to be extractit vnder our fouerane lordis great seall and the seallis of þe thrie Estatis, as said is. And attour our fouerane lord, with aduise and consent of þe saidis thrie Estatis, gaif command to Alexander Hay of Eifter Kennett, clerk of his hienes Register, to gif out þe attentict copy of the saidis Domis of Foirfalture, to pas as said is vnder his hienes great seall and vnder þe saidis thrie Estatis. Of the quhilkis Decretis of Foirfalture, gevin in our fouerane lordis Justice courtis, presentit as said is, and subseriuit be þe said Sir Leues Ballenden clerk of Justiciarie, and Williame Stewart zoungar, clerk be commissioun for þe tyme, respectiue, the tennour followis.

¹ From the Records of Parliament, Acta III., 304. ² The precaution thus judiciously taken, has been the means of preserving legal evidence of the procedure in these highly interesting cases.

CURIA JUSTICIARIE supremi domini nostri Regis tenta et inchoata in pretorio burgi de Edinburgh, primo die mensis Junij Anno Domini millesimo quingentesimo octuagesimo primo, per honorabiles et discretos viros Jacobum Strincling de Keir militem et Magistrum Joannem Grahame, commissarios in hac parte, per Commissionem s. d. n. Regis ac dominorum eius Secreti Consilij specialiter constitut. ad effectum subscriptum : Sectis vocatis et curia legitime affirmata.

Lese-Majesty — Murder of King Henry Darnley.

JAMES EARL OF MORTOUN LORD DALKEITH, &c.

JACOBUS COMES DE MORTOUN Dominus de Dalkeith, &c.

JUN. 1, 1581.—Accufatus, calumniatus, de arte, parte, preficientia, concealatione et non revelatione proditorie murthure quondam nobilissimi et chariffimi Henrici Regis Scotorum, patris f. d. n. Regis Jacobi sexti.

NOMINA ASSISE

Electe, jurate et admissæ super prefato Jacobo Comite de Mortoun, viz.

Colinus comes Argadie,	Joannes dominus Maxwell,	Joannes Gordoun de Locchinvar miles,
Joannes comes de Montroife,	Georgius dominus Setoun,	
Andreas comes de Rothies,	Jacobus dominus Ogilvie,	Patricius Hepburne de Wachtoun,
Jacobus comes de Glencarne,	Jacobus dominus Inuermeith,	Patricius Lermonth de Daruesie miles,
Hugo comes de Eglintoun,	Hugo dominus Somervell,	
Alexander de Sutherland comes,	Alex ^r Magister de Levingftoun,	Will ^e Levingftoun de Killyth miles.

The quhilk day the said James Erl of Mortoun being indytit and accusit, that in the monethis of Januar and Februar in the zeir of God I^m.V^c.lxxvj zeiris, he, accompaneit with vniq^{le} James funtyme Erl Bothuell, James Ormiftoun funtyme of that ilk, Robert alias Hop Ormiftoun his fader brother, Johne Hay funtyme of Tallo zoungar, Johne Hepburne callit Johne of Bewtoun and diuerse vperis his complices, craftelie and secretlie conspirit amaungis thame selfis, tratit, devisit and maliciousslie concludit the maist schamefull, detestable and vn-naturall murthour and patricide of our fouerane lordis vniq^{le} darrest father, Henrie King of Scottis, lawfull spous for þe tyme to his lienes darrest mother Marie than Quene of Scotland, and that within the burgh of Edinburgh, palace of Halieruidhous and vperis placeis thairabout : And to þe end he nicht bring his wikit, filthie and execrable attemptat better to pas, he, with the remanent personis afoirnamit, be thame selfis, thair seruandis, complices and vperis in thair namis, of thair causing, command, hounding, sending, pairtaking, assistance and rathabitoun, vpoun þe tent day of þe said moneth of Februar 1566 zeiris, at twa houris efter midnycht or thairby, come to þe lugeing beside þe Kirk of Feilde, within the said burgh of Edinburgh, quhair our said fouerane lordis darrest fader wes lugeit for þe tyme, and thair, be way of Hame-fukkin, brigancie

and forthocht felony, maift vyldlie, vnmercifullie and treafounable flew and murtherit him, with Williame Tailleour and Andro MacAige his cubicularis,¹ quhan as they, burijt in fleip, wes takand the nichtis reft ; brint his hail lugeing foirfaide, and raft the fame in þe air be force of gun-pulder, quhilk a litill befor wes placeit and inputt be him and his foirfaidis vnder þe ground and angular ftanis and within the voltis, laiche and darne² pairtis and placeis thairof to that effect : And rycht fua, he, with þe remanent perfonis afoirnमित, marrowis³ of his mischeiff, be thame felffis, thair fervandis, complices and vþeris in thair namis, of thair caufing, commanding, hounding, fending and airt, pairt-taking, affiftance and rathabitoun, at þe tymis foirfaidis, refpectiue, gaif thair fauour, counfell and help to þe preparatioun of the faid horrible crymis : And ay fenfyne, hes fimulat, hid, [and] concealit the famyn in maift treafounable and fcrete maner ; and thairthrow had incurrit the panis of Lefe-maieftie and fuld haue bene pvniffit thairfoir with all rigour, be tynfell⁴ [of] landis and guidis and be extinctioun of fame, titillis, honour and memorie ; conforme to þe lawis of this realme. Likas, the remanent perfonis afoirnमित, his complices and confpiratouris with him in thir his treafounable impieties, wer alreadie tryit and foirfaltit for the fame-felff hienous and deteftable crymis ; and for the maift pairt, as they culd be apprehendit, had sufferit maift fhamefull deade thairfoir, according to thair deseruing. As at mair lenth is contenit in the Dittay gevin in anent the premisses, with the takinis and probationis produceit and vfit thairwith. Qubilkis being red to the faid James Erll of Mortoun and he anfuerand thairto, denyit the famyn ; be reafoun quhairof, the faidis Justice-deputtis refferit the famyn to the knowlege of þe Inqueift and Affife abonewrittin, quha wes fworne, refautit and admittit in prefence of the faid Erll.

VERDICT. And they being furth of Court removit and ryplie aduifit with the faid Dittay, takinis infallible and maift evident, with þe probationis produceit and vfit for verefeing thairof ; and thairefter enterand agane in Court, they all in ane voce, be þe pronunceing of þe mouth of Johne Erll of Montroife, Chancellair chofin be þe faid Affife, fyllit the faid James Erll of Mortoun of airt, pairt, foirknowlege and conceling of þe treafounable and vnnaturall murthour foirfaid.

SENTENCE. Efter þe quhilk convictioun, the faidis Justice-deputtis, be pronunciatioun of Andro Lyndfay dempftar of þe faid Court, adiugeit and for Dome gaif, That þe faid James Erll off Mortoun fuld be had to ane geibbett, befide þe mercatt-croce of the faid burgh of Edinburgh, and thair hangit⁵ quhill he wer dead ; and thairefter drawin, quartarit and demanit as ane tratour :⁶ And that

¹ Grooms of the bed-chamber. ² Hidden, concealed. ³ Equals, partners. ⁴ Loss, deprivation.

⁵ Spotswood, p. 314, states that the King mitigated the sentence to beheading, &c. The Confession of the Earl of Morton shall be inserted in the Appendix. ⁶ Although burial was allowed, and 'his

all his landis, heretageis, offices and poffeffionis, takis, ftedingis, cornis, cattell, actionis, debtis, obligationis, guidis, movable and vmmovable and vperis quhatfumeuir, quhilkis pertenet to him, fuld and aucht apertene to our fouerane lord and to be applyit to his vfe be reafoun of efcheat of foirfalture, to be vptakin, vfit and difponit be his lienes at his pleafour.

Vpon the quhilk premisses Mr Robert Crychtoun of Eliok, advocatt to our fouerane lord, askit instrumentis and actis of Court.

EXTRACTUM ex actis Curie Justiciarie antedictae per me Willelmum Stewart Junioyem notarium publicum et clericum diete Curie, per Commissionem dicti s. d. n. Regis antedicti. specialiter electum et juratum, sub meis signo et subscriptione manualibus. Ita est,

WILLELMUS STEWART Junior
notarius publicus ac scriba diete Curie.

CURIA JUSTICIARIE S. D. N. REGIS tenta in Edificio Domine Mar, infra burgum de STRUETING, quarto die mensis Maij, anno domini millesimo quingentesimo octuagesimo quarto, per discretum virum Magistrum Joannem Grahame de Halzairdis Justiciarum in hac parte virtute Commissionis s. d. n. Regis specialiter constitut. : Sectis vocatis et curia legitime affirmata.

Reise-Majesty—Raid of Ruthven—Treasonably taking Burgh and Castle of Stirling, &c.

WILLIAME EARL OF GOWRIE LORD RUTHVEN.

May 4, 1584.—The quhilk day Williame Erll of Gowrie Lord Ruthven, being presentit and enterit vpon pannell, in presence of þe said Justice, and put to þe knowlege of ane condigne Assise of þe rycht honorable perfonis following, to witt :

ASSISA.

Coline Erll of Argyll,	James Erll of Arrane,	Williame Lord Levingftoun,
David Erll of Crawford,	George Erll of Mershell,	Patrik Lord Drummound,
Johne Erll of Montroife,	Alexander Lord Saltoun,	James Lord Ogilvie,
James Erll of Glencarne,	Hew Lord Somervell,	Alexander Maifter of Elphingftoun,
Hew Erll of Eglintoun,	James Lord Downe,	Sir Johnne Murray of Tillibardin, k'.

Dilatit and accufit of the treafounable crymis following, wes, be thair deli-corps carried by some base fellows to the common sepulchre, his head was fixed on the Tolbooth. The king afterwards granted the following Warrant to take down the head, which is preserved in the archives of the City of Edinburgh :

'*REX.* Prouest and baillies of our burgh of Edinburgh, We greit 3ow weil. It is our will and We command 3ow, that incontinent efter the sicht heirof, 3e tak down the heid of James sum tyme Erle of Mortoun of the pairt quhair it now is placeit, vpon 3our awld tolbuith ; swa that the sam heid may be bureit : For the quhilk this our lettre fall be to 3ow sufficient warrant. Subferyvit with our hand, At Halyrudhous, the aucht day of December, and of our reigne the sextene 3eir, 1582.'

uerance, pronouneit be þe mouth and deliuerance of George Erll of Mershell, Chancellair of the said Affise, found and declarit culpable and convict : That forsamekill as, in the beginning of Februar lastwes, Mr Dauid Home seruitour to þe Erll of Angus, and Mr James Erskyne seruitour to the Erll of Mar, come to him privile, vnder silence of nycht, within þe toun of Perth, and declarit to him how they wer directit be þe saidis tua Erllis, to certifie vnto him, that they wer baith of ane mynd, in following out and executing of thair treafounable devise, in taking of þe kingis burrowis of Sterling and Perth, at lest þe ane or the vper of thame : At the quhilk tyme, he aggreit with thame, in maner of the saidis Erllis, to rin thair cours in taking and fortefeing of þe townis foirfaidis, at þe least ane or vper off thame : Quhairefter, þe said Mr James reid¹ bak agane to þe said Erll of Angus, and affurit him, that he had aggreit to thair maist treafounable interprise. And thairthrow, he hes committit maist manifest Treafoun, not onlie in concealing of ane treafounable purpos of sa greit consequence, bot also mekill mair, in consenting and aggreing. ITEM, fyllit and convict, that forsamekill as, he vnderstanding that Mr James Erskyne, seruant to the Erll of Mar, wes travelland throw þe cuntrie, in Stratherne, Striulingshire and Angus, treatand and consultand with þe partakeris and assistaris with þe saidis Johne Erll of Mar, Archibald Erll of Angus,² Thomas Lyoun Maister of Glamis and Johnne Carmichaell of that Ilk 3oungar, vpoun thair treafounable interprise, in taking of the Kingis Maiesties frie burgh and Castell of Striueling and dyuerse vther treafounable purposes, he layit þe wayis for the said Maister James and garrit await for him be his seruandis, that þe said Mr James might be convoyit to him : And efter his cumming to him, þe said Erll enterit in conference with him, towardis the treafounable interprise attemptat be the personis abonewritin, towardis the said treafounable surprising and taking of þe said (burgh) and Castell. Quhilk treafounable interprise they brocht to effect, and

¹ Rode. ² ' Ane Act anent the arreisting, intromission and sequestratioun of þe eschaet guidis and debtis of þe rebellis befor they be convict or put to the horn ;' immediately follows the Act of Ratification of ' the domes of Foirfaltour ' above quoted, and states, that ' forsamekle as be Act of Parliament it is provided, that gif ony persoun or personis beis slanderit or suspect of Treafoun, they salbe tane and remane in firmance and thair guidis vnder fuir borrowis, quhill the tyme they haue tholit ane Affise quhidder they be quyt or foull : And trew it is and of veritie, that Archibald Erll of Angus, Johnne Erll of Mar, Mr Thomas Lyoun of Baldukie Maister of Glamis, with thair complices, quhilk laitlie tuik and detenit his hienes burgh and Castell of Striueling, rasand oppin weir aganis his hienes and his auctoritie, ar sensyne pairtliche fled and remanis out of þis realme, and pairtliche remanis hid and coverit within the same vnapprehendit as zit, &c. ' And they and thair freindis and fauoraris in the meantyme fellis, annaleis, disponis, cancellis and puttis away thair guidis, geir and debtis, and gevis acquittancis and dischargetis to thair dettouris, in manifest defraud of our souerane lord anent thair eschaetis ; sua that litill or na thing thairof salbe left to cum to his hienes vse and behalff, gif þe intromission of þe samyn be left, quhill they be convict or put to þe horne for þe said treafounable crymis : Thairfor our said souerane lord, with anise of his thrie Estatis, hes statute and ordinit, that all thair guddis, gear and debtis, maillis, fermis, rentis, &c. fall remane sequestrat in the handis of the Lord Thesaurar, ay and quhill thay salbe tryit quite or fowll of the saidis crymes, ' &c.

reafounable tuik (the) faid toun and Castell of Striueling, fortefeit and furniffit the faid Castell with men and (munitionis?): Quhairthrow, he affittit thame in thair treafounable deid foirfaid and wes foirknawin of þe famyn, and wes art, pairt, red and counfell thairof; at least, treafounable concealit þe fame fra his Maieftie, contrair to his dewtie and dew obedience. ITEM, of the difobedience maid be him, in not randerin of Williame Drummoundis hous in Dundie to my Lord of Pettinweme, ane of our fouerane lordis Previe Counfell and Capitane of his hienes garde, efter þe intimatioun of our foueran lordis Commiffioun to him, maid be þe faid lord Commiffionair; bot keping the fame be þe ſpace of thrie houris or thairby thairefter. ITEM, of committing of ane maift hie Treafoun, in concealing of ane purpos of wechtie importance, quhairthrow þe lyif and eftait not onlie of our fouerane lord, bot alfo of his darreft mother be perrellit; quhilk had fallin out, gif he had not stayit and impedit it: And fua, not onlie maift vnnaturallic and treafounable committing maift hie Treafoun, in concealing of ane purpois of fa wechtie importance, bot alfo perfifting in the faid Treafoun, be continowance of his filence and not declaring of þe faid purpos, tending to þe perrell of his Maiefties lyf and eftate.

SENTENCE. And thairfoir the ſentence and dome of Foirfalture wes pronunceit aganis the faid Erll, be þe mouth of Robert Scott in Striueling, dempftar of þe faid Court; That þe faid Erll fuld be tane to þe ſkaffald beſide the mercatt-croce of Striueling, and thair his heid ſtrikkin fra his body and demanit as ane tratour: And that he hes foirfaltit and tint all his landis, heretageis, poſſeſſionis, takis, ſtedingis, offices, lyfrentis, actionis, debtis and vþeris guidis movable and vnmovable, to be applyit, vptakin and diſponit be our fouerane lord at his pleaſour, and to remane with him and his ſuceſſouris for euer, be reaſoun of eſchaet and foirfalture; as the proces maid thairvpoun beris.

EXTRACTUM *de libris Actorum Adiornalis dicti s. d. n. Regis, tanquam ſententia Forisfacture dicti Comitis, per me Ludouicum Bellenden de Achnoull militem clericum Iuſticiarie eiusdem generalem, ſub meis ſigno et ſubſcriptione manualibus.* LUDOUICUS BELLENDEN clericus Iuſticiarie.

1584.—APUD EDINBURGHE, *vigesimo die menſis Auguſti anno domini 1584, s. d. n. Rege ipſo preſente, cum tribus regni ſtatibus; vnacum Johanne Irwing, deputato Mariscallj, Willelmo Henryſoun deputato Conſtabularij, et Magiſtro Johanne Arthour deputato Vicecomitis de Edinburgh, ac Andrea Lindsay Adiudicatore¹ officiarijs Parliamentj: Sectis prius vocatis et Curia affirmata.*

¹ Dempſtar, deemſter.

Raid of Ruthven—Forfeiture of the Earls of Angus and Mar,¹ &c.

(Aug. 20.)—The quhilk day, Mr David Makgill of Nesbet, aduocate to our fouerane lord, productit ane Summondis of Tressfoun, dewlie execut and indorfit aganis Archibald Erle of Angus, Johne Erle of Mar, Dame Agnes Drummond Countes of Mar his spous, Dame Annabill Murray Countes of Mar his mother, Mr Thomas Lyoun of Baldeukey, Maister (and Tutour) of Glames, Dame Agnes Gra Ladie Home his spous, Dame Margaret Lyon Countes of Cassillis, Dame Dorthia Stewart Countes of Gowry, Adame (Erskine) Commendater of Cambuskymethe, Dauid (Erskine) Commendater of Driburgh, Williame (Erskine) Commendater of Paflay, Mr James Erskene brother to Robert Erskene of Lytill Sauchy, Johne Leslie of Buchane, Michael and William Elphingstonis, brether to the Lord Elphinstoun, George Dowglas of Park, James and George Dowglasse pair fouis, James Dowglas of Todhoillis, Johne Dowglas of Glaspene, William Dowglas of Boncle, (Williame) Dowglas his sone and apperand air, Robert Dowglas 3oungar of Lochlevin, Laurence Maister of Oliephant, Johne Maister of Forbes, Patrik Drummond apperand of Carnok, Johne Levingstoune 3ounger of Dynnypace, Johne Carmichaell 3ounger of that Ilk, Hew Carmichaell his sone, Williame Carmichaell of Rowntriecorce, Johne Lyoun 3ounger of Coffynis, James Lyoun of Eifter Ogill, Williame Lyoun of Balgellie, Hew Nesbet of Raschill, Patrik Home of Argaties, Johne Leslie of Largie, Johne Leslie of Authorteis alias Bannachy, James Hammiltoun of Haggis, Robert Hammiltoun of Corfe, Arthour Hammiltoun of Boithuelhauche, Mr Johne Coluill, chantour of Glasgw, Mr Patrik Quhitlaw of Newgrange, Johne Arbuthnocht of Lyntusk, James Murray of Pardowis, Vthreid M^cDowgall of Gartheland elder, Vthreid M^cDowgall of Garthland 3ounger, and Robert Eskene of Lytill Sauchy: Qubairby they were summoned to haue comperit befor the Kingis Maiestie and his Estaitis of Parliament this instant day, with continewatioun dayis, ffor certane crymes of Tressfoun contenit in the summondis rasit thairvpoun.

DITTAY against the EARLS OF ANGUS and MAR and their accomplices.

..... super proditorijs criminibus sequentibus dictis, scilicet, ARCHIBALDUM ANGUSIE et JOHANNEM MARRIE COMITES, suosque complices et alios specialiter ante nominatos, et eorum quemlibet, pro suis recentibus proditorijs Conspirationibus earundemque executionibus, modo subsequenti. QUANDOQUIDEM palam constat et est notum, quod in mense Aprilij, anno dominij millesimo quingentesimo septuagesimo octavo, immediate post acceptum imperij regimen in nostram personam, matura statuum nostrorum habita deliberatione, dum nos infra dictum

¹ Records of Parliament, Acta III., 332.

Castrum nostrum de Striveling permaneremus, Quodquidem tunc temporis fidissimj et predilectj nostrj Alexandrj Erskin de Gogar custodie commissum fuit, qui trium statuum nobilium et consulum nostrorum unanimi consensu, ex antiqua et nobilitate prestanti familia de Erskin oriundus et dicta cura dignus comprobatus est: Prefatus vero *Johannes Marrie Comes*, nihil jam prisce fidelitatis retinens om . . . arbitrio suo statuens ob horrenda facinora pre se nunc commissa declinans indignus omnium visus, idem ipsum nostrum Castellum proditorie ceptum, dictusque Alexander Erskin eiusdem Capitaneus violenter depulsus et remotus, cum diuersis alijs nobilibus viris, per nostrum Consilium deputatis nobiscum permanere, pro nostre persone firmiori tutela et rei publice vniuersę conseruatione, idque summa vi et violentia illata per antedictos Johannem Marrie Comitem, Dauidem Erskin Commendatarium de Dryburgh, Adamum Erskin Commendatarium de Cambuskyneth, Wilhelmum Commendatarium de Paislay, Robertum Erskin apparentem de Littill Sauchye, Magistrum Jacobum Erskin eius fratrem suosque complices, qui subito domesticos nostros seruitores ad voluntatis sue libitum amouerunt; alios vero sibi cognatos et sue factionis homines assumpserunt; certo proposito et animo deliberato, eorum subiectiōni nos perpetuo damnare et retinere; nunc hos vt sibi optimum visu erat promouere, nunc illos nostros nobiles et fideles ligeos prosequi odio et opprimere: Atqui in hoc facinore nedum suo sanguinj et cognatis pepercerunt, quorum partim merore perculsi mortem obierunt; neque in atrocissima fidelium nostrorum cruoris effusione modum ac modestiam vallam habuerunt, presertim infra portas dicti nostri Castrj, licet (in eo nobis residentibus) idem et campus omnis vndeque quatuor milliarijs proxime circumiacens, pacis propugnaculum, ara et asylum semper extitit et est. Quod facinus proditorium, presatus Comes sui que complices, tanquam probum opus approbari volentes, nos prefecto violenter per ipsos detentos Parliamentum statuere et tenere infra dictum Castrum compulerunt, erga mensem Julij anno antedicto, cuiusquidem Castrj tunc sese superiores et magistrōs modo supra scripto effecerunt, nosque contra animi nostri desiderium armorum presidio circumvallatos ibidem detinuerunt; qui certe locum Parlamento tenendo semper inidoneus est visus, quandoquidem more maiorum et veteri obseruata consuetudine, Parlamento in locis et vrribus accessui et recessui liberis tenenda sunt, vbj nobilium ac trium regni statuum vnusquisque libere loqui et suffragia dare possit; non vero in Castris, arcibus et fortalicijs, ipsorum vestibulis, portis et januis vndique armorum militum presidio circumceptis, per dictum Comitem ad hunc effectum deputat. nobilium autem ac statuum ne vllō quidem ingredi permisso sed tali comitante caterua vt prefato Comiti suis complicibus et deputatis antedictis cui ingressum patefieri perpeti collibuit, Protestatione etiam accepta tunc contra ordinem et locum tenendi Parliamentum: In quo tamen, pro se suisque

complicibus prelibatis, antedictum suum proditorium nefas vt fidele seruitium approbari obtinuit, atque hec omnia in amplificandam gratiam et promotionem talium confecta sunt. Qui nefande quondam charissimi patris nostri murthure perpetratores extiterunt, scilicet, quondam Jacobi olim Mortonie Comitum aliorumque sociorum, qui convicti pro eodem scelere debitam et consuetam proditorum mortem digne perpeffi sunt. Postea ob communem reipublice quietem nostrique salutem prescripto audace periclitantem dictum Comitem de Mar, nobis intimum tanta benevolentia sumus amplexi, premijs et largitionibus munificentissimis, pre reliquis nobilibus, ipsum abunde remunerati eius pristinam dignitatem amplificauimus, quo certius ac melius eum nobis ac debito erga nos officio deuinciremus, in tali saltem fidelitate et singulari obseruantia qua suus olim pater patruusque Alexander Erskin antenominatus alijque sui primores nos nostrosque progenitores nobilissimos perpetuo ante, summa diligentia coluerunt: Atqui ille aduersum nos nostramque mentem institutum aliud nefarie et audacter prosequens, salubribus nostris consilijs quo se corrigeret et prodicionibus hujusmodi abstineret sepius adhibitis minime auscultans, Seditiones tamen vltra concitare et jurgia fouere, ne villo tempore destitit qua occasione permoti, nostri fideles subditi sese armatos in vnum compulerunt nobili nostra persona in dicto Castro, tanquam in carcere, per antedictum Comitem et suos complices detenta et custodita, modo supra scripto, vt in quo statu essemus et qua valetudine fruermur intelligerent, ac pro nostra salute et libertate ipsorum vitas periclitari et corpora morti obijcere non desinerent: Quocirca apud Falkirk conuenerunt in mense Augusto anno predicto; quoquidem tempore dicti Marrie, Mortonie et Angusie Comites siueque complices, nostram nobilem personam ipsorum potestati subjugatam in Castro nostro detinentes vt predictur inuitos nos compulerunt Proclamationes dirigere ad conueniendum nostros liegeos vnde per probam affectionem qua dicti nostri fideles subditi in recuperanda nostra libertate alliciti erant: Et per publicam Proclamationem cum obtemperantes alii nostri ligij se conuenerunt, dicti Comites et sui complices effecerunt quod in ijs possibile factu erat, vt huius regni subditorum partem alteram ad reliquorum extremam perniciem et necem eruentam, in arma subito irruere et prelium inire allicerent: Quo facilius hec patria, persona nostra nobilis, status publicus et auctoritas regia cuius externe gentij et inimicis preda procliuior fieret, nisi nos singulari omnipotentis Dei sapientia et prouidentia diuinitus nobis concessa repleti, dictas turbas tumultusque concitatos mox comprimeremus et sedaremus. PRETEREA dicti *Marrie et Angusie Comites*, in proditorijs suis ceptis perseverantes, suosque complices in eisdem fontes, prestiterunt; precipue, vbi dictus quondam Jacobus olim Mortonie Comes, de arte, parte, prescientia et conelatione horribilis et nefarie necis quondam charissimj nostri patris conscius dilatatus, ideoque in Castro nostro de Edinburgh in-

carceratus et paulo post hinc transportari in Castrum nostrum de Dunbartane iussus fuit, prefati Archibaldus Angusie Comes, Johannes Carmichall de eodem junior, Hugo Carmichall eius filius, Georgius Dowglas de Parkheid, Jacobus et Georgius Dowglas eius filij, proditorio more conspirantes, molientes et concludentes, violentam interceptionem et ablationem dicti quondam Comitis e manibus fidelium nostrorum subditorum ad ipsius conductionem per nos assignatorum, specialem nostram Commissionem ad hoc habentium : Idque in mense Januario, anno domini millesimo quingentesimo octuagesimo, sese in unum omnes cum suis complicibus, more bellico accincti, conveniebant, juxta rupes de Bred, ea intentione et ex certo proposito vt prefatum quondam Comitem interciperent, apprehenderent et vi armata auferrent. Quemadmodum etiam direxerunt quondam Archibaldum Dowglas olim Constabularium Castrum de Edinburgh, qui nuper morte multatus est, jubentes eum significare et ducem dicti Castrum certiore facere, vt dictum quondam Comitem retineret ac obseruaret apud se ; nostro interim iussu ipsum transportandi vt predicatur plane dato : Hinc manifestissime crimen Proditionis et Lesa Maiestatis committendo. Et ob hec pleraque alia proditoria scelera, dictus *Angusie Comes* sui que complices ante nominati, in Parlamento nostro tento apud Edinburgh, in mense Octobris anno domini millesimo quingentesimo octuagesimo primo Conuicti et sforiffacti decernebantur. Prefatus tamen *Johannes Marrei Comes* certo intelligens dictum Angusie Comitem ea frui conditione et ob causas prescriptas nostrum incurrisse indignationem, ipsum nihilominus in Castrum nostrum de Sterling intronisit, recepit, familiari tractauit, pactiones, Conspiraciones, diuersas consultationes et conclusiones secum iniit et deliberauit ; in magnum nostri contemptum totius patrie communisque pacis perturbationem atque adeo ne adhuc satisfactus ; immo ultra persistens, non modo in regni huius vniuersam subuersionem, sed nostre quoque salutis et auctoritatis regie periculum intulit. Postquam, Deo optimo maximo fauente, noster confanguineus fidelis honestus, virtutis exuperancia prestans et Christiane Religionis professor sincerus, quondam Esmus Leuine Dux, charissimus noster amicus, e sua natia patria Gallia profectus, se huc appulit inuolabilem ob ingentem zelum sue erga nos obseruantie : In qua, cum se fidissimum, integerrimum et obsequentissimum declarauerat, et in nos fidelis animi sui officio probe functus esset, proditorum scelerum et Coniurationum prescriptarum male conscios sese intelligentes, in eisdem inuestigandis patefaciendis que, metuentes prefatum quondam nobilem dominum Ducem graniter operam adhibiturum ob nostram salutem et incolumitatem atque ipsius sedulitate et integritate, reliquos Coniurationis impetus et conatus retardari pertimescentes pergere, nunquam destiterunt donec proditorie conspirarent : Cum quondam Wilhelmo olim Comite Gowrie domino Ruthwene, nobilem nostram personam apprehendere et captam detinere apud Castrum illius

de Ruthwene, et hoc super vicesimo tertio die mensis Augustj, anno dominj millesimo quingentesimo octuagesimo secundo ; eodemque tempore fidos et dilectos nostros. Consules aliosque probos ligeos nobis inferuire appropinquantes, pro ipsorum internecone et cede, crudelissime inuasērunt et vulnerarunt ; tunc quoque Consulū et aliorum fidelium subditorum nostrorum quosdam captiuos ceperunt et custodierunt, ordinarios remouerunt, Precepta nostra, nobis repugnantibus, dicto quondam charissimo et fidelissimo nostro consanguineo dirigere impulerunt, eum inaudita celeritate huius regni finibus exterminandum curauerunt, personam nostram ad sui animi libidinem et desiderium (magna suorū fociorū caterua) stipatam, huc atque illuc deduxerunt per spaciū decem mensium deinde sequentium : Instituto certissimo et mente deliberata hujusmodi jugo seruitutis imperpetuum nos implicare et retinere, nisi ineffabili Omnipotentis benenolentia et auxilio nosmet ipsos hinc abdicaremus vicesimo sexto die mensis Junij proxime elapsis. QUE impia facinora jam explorata et proditōnes nefande jam patefacte, certissima sūt indicia et argumenta, ipsos ab initio fuisse fautores, defensores et promotores, talium qui reuera conspirauerunt contractum inierunt, subscripserunt et perpetrauerunt crudelissimam charissimi quondam nostri patris cedem. QUAMOBREM quidam ab hinc mortem condigne vt prescribitur perpeffi sūt : Ex supradictis etiam sole meridiano clarius patet, eos ipsos maliciose et maxime proditorie contra nos, nostram salutem, dignitatem, coronam et auctoritatem regiam, semper coniurauisse, clementia tamen ineffabilj humanitate modestiaque tanta in libertatis nostre recuperatione leniter sumus vsi, vt proditorie illius nostre captiuitatis et diurne custodie, ne quispiam author aut capitis periculum aut terrarum, bonorum jacturam vllam sustinuisse aut incurrisse videatur ; atque adeo prescripta scelera omnia et proditōnes impiissime per dictos Angusie et Marrie Comites suosque focios, consceleratos proditores particulariter ante nominatos, commisse, misericordia et lenitate nostra florescente, partim tunc temporis, venia data, obumbrate et inulte preterierunt, partim in dicto Parlamento in prefato Castro tento pro fidei seruitio approbate, alioquin naturali clementia et mansuetudine nostra remisse simpliciter et imperpetuum obliuioni tradite condonabantur : Quibus benemeritis et gratitudinibus cuiuspiam fidelis et grati subdit(i ?) montem (mentem ?) concitarj ac inflammari maxime decuit non modò manibus pedibusque ob . . . omnia facere vt vicissim obsequij sui et debite erga nos obseruancie fructum aliquod perciperemus, quinetiam cuius flagitio et proditorio sceleri nobis nostre auctoritati et liegibus repugnanti sese totis viribus opponere et oblectari summopere oportuit. NIHILOMINUS, contemptis et spretis hiscē omnibus, prefatus *Archibaldus Angusi Comes, Johannes Comes de Mar, Agnetam Drummond Comitissa de Mar*, eius sponsa, *Annibalem Murray Comitissa de Mar senior* mater dictj Comitj, Thomas Lyoune de Baldukye Magis-

ter et Tutor de Glammis, Agnis Gray Domina Hwme eius sponfa, Margareta Lyoune Comitiffa de Caffillis eius foror, Dorothis Stewart Comitiffa de Gowrie, Daud Erskin Commendatarius de Dryburgh, Adamus Erskin Commendatarius de Cambuskynmeth, Wilelmus Erskin Commendatarius de Paiflay, Joannes Carmichall de eodem junior, Hugo Carmichall eius filius, Patricius Drummond apparens de Carnok, Johannes Leflie de Balquhane, Magifter Wilelmus Leflie eius frater, Wilelmus Leflie (Robertus Erskin?) apparens de Littil Sauchye, Magifter Jacobus Erskin eius frater, Georgius Dowglas de Parkheid, Jacobus Dowglas et Georgius Dowglas eius filij, Jacobus Dowglas de Todhoillis, Johannes Dowglas de Glaspin, Wilelmus Dowglas de Boncle, Wilelmus Dowglas eius filius, Wilelmus Dowglas de Rountrecorfe, Wilelmus Connyghame filius natu fecundus dominij Drumquhaffill, Michael et Wilelmus Elphingftones fratres Robertj dominij de Elphingftoun, Johannes Lyoun junior de Coffynnis, Jacobus Lyoun de Eifter Ogill, Wilelmus Ogill (Lyoun) de Balgillie, Johannes Levingftoune de Dunypace junior, Magifter Johannes Coluile precentor de Glasgow, Magifter Patricius Quhitelaw de Newgrange, Hugo Nefbit de Rafchelhill, Patricius Home de Argatheis, Johannes Leflie de Largie, Johannes Leflie de Authorteis alias Bannachie, Robertus Dowglas junior de Lochlevin, Laurentius Magifter de Oliphant, Vthredus M'Dowgell de Garthland, Vthredus M'Dowell eius filius et heres apparens, Jacobus Hammiltoune de Haggis, Robertus Hammiltoun de Corfe, Johannes Magifter de Forbes, Johannes Arbuthnot junior de Lyntusk, Arthurus Hammiltoun de Boithuelhauch, Jacobus Murray de Pardoves, &c. Cum fuis complicibus, focijs et fautoribus, ex ipforum caufatione, directione, miffione, receptione, juffu, affiftentia et ratihabitione, perfeuerantes in fuis proditorijs determinationibus et conclufionibus aduerfum nos, noftram perfonam, auctoritatem et regiam coronam fufceptis, in menfibus Novembris, Decembris, Januarij, Februarij, Marcij et Aprilis proxime elapfis, maxime proditorie intercommunicarunt, tractauerunt, confultauerunt, deliberarunt, et mediantibus quibusdam perfonis, tandem concluferunt cum dicto quondam Wilemo olim Comite Gowrye, fuper nefanda et proditoria actione, ad intercipiendum et manus violentas imponendum in perfonam noftram nobilem, vt iterum more folito, eorum ditioni et potefitati facilius nos aftricti contra noftrę mentis libitum, ipforum voluntati et libidini omnino obtemperaremus, atque adeo ad eruentas manus inferendum in perfonas noftrorum nobilium Confulum et fidelium fubditorum perniciem, ad vniverfam rei publice difturbationem et authoritatis noftrę fubuerfionem. Poft multas tandem priuatas Conjuraciones, literarum hinc inde miffionem et receptionem per nuncios habitam cognitionem et proditorias ac nefarias fuas confpirationes facilius ad effectum perducerent, demum antedicti proditores fuique complices, decimo feptimo, decimo octauo, decimo nono, vicefimo, vicefimo primo, vicefimo fecundo, vicefimo

tertio, viceſimo quarto, et viceſimo quinto diebus menſis Aprilis ultimo elapſis, in unum armati conuenerunt, ac liberum burgum noſtrum de Striveling expugnarunt et ceperunt, Balliuos magiſtratusque eiufdem captiuos deduxerunt, Pontem, campanile, diuerſasque partes dicti burgi fortiter munierunt, mercerarios milites conuocauerunt vndique juxta Auftralia menia viam facilem per vicinos parietes adiacentes patefecerunt, prope ſcholam murum faxis et lapidibus congeſtis extruxerunt, cuius pars ad huc indiuiſa permanet, Caſtrum noſtrum de Striveling ſumma vi ſtrenuo oppugnarunt, paucos noſtros fideles ligeos eiufdem cuſtodes idem ipſum derelinquere et ſeſe dedere compulerunt, quos deinde tanquam captiuos aretiſſime mandauerunt cuſtodie, Johannem Gledſtanes Ormond Signeferum, alioſque noſtros nuncios, qui literas noſtras publice proclamare apud forum dieti liberi noſtri burgi dirigebantur, eaſdem debite executioni mandare impediuerunt, atque eas ab ipſis violenter furripuerunt, Proclamationes publicas fieri ad milites ſtipendiarios conducendum effecerunt; expreſſe contra Parliamentj Statuta, et in manifeſtam legum violationem: Perpetraſque hiſce omnibus nedum flagitijs faginati aut fatiſſacti, prefatum noſtrum Caſtrum de Sterling armatis viris, promiſſionibus bellicis ac cibarijs compleuerunt, et ſtrenuo munierunt, certo propoſito et animo deliberato idem ipſum contra nos auctoritatemque noſtram regiam pertinaciter et proditorie detinere ac tueri. Quaquidem occasione merito, nos commoti, ad expugnationem et recuperationem dicti Caſtri et burgi, exercitum ſedulo conuocauimus atque ipſi diligenter proceſſimus: hinc audacter et temerarie crimen ſumme proditiſſionis et Leſemaieſtatis committendo, in magnum noſtre auctoritatis contemptum et legum violationem. Atque adeo, pro ſua proditoria celatione et occultatione predictae Coniurationis, conſultatione, conſeſſione, contractu et executione eiufdem: IDEOQUE dictos Archibaldum Anguſtie Comitem, Johannem Comitem de Mar, Agnetam Drummond Comitiffam de Mar eius ſponſam, Annibalem Murray Comitiffam de Mar ſeniores, matrem dicti Comitis, &c. Conſpiratores, proditoriosque executores ad videndum et audiendum ſeſe et eorum quemlibet, reſpectu premiſſorum, crimen Leſemaieſtatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari; et ſuper predictis et alijs quamplurimis rebellionibus, tranſgreſſionibus et proditorijs criminibus, per prenomiſſas perſonas contra nos regnum noſtrum et auctoritatem regiam impie ac nefarie perpetratis; et dictis die et loco, cum continuatione dierum, proponendis et oſtendendis ac juri parendum et ſuper huiusmodi iudicium noſtrum et noſtri Parliamenti, ſecundum leges regni noſtri expectandum et ſubendum, dictas viz perſonas, Conſpiratores, perpetratores et celatores eriminum precedentium reſpectiue, ad videndum et audiendum ſeſe et eorum quemlibet, intuitu premiſſorum, crimen Leſemaieſtatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari; et propterea ipſo-

rum bona mobilia et immobilia, tam terras quam officia, aliasque res ad eos spectantes, nobis confiscari et perpetuo nobiscum in proprietate remanere, personarumque suas penam prodicionis et ultimi supplicii a regni nostri legibus inflictam subire: Et verius in premissis respondendum et imparendum intimando supra dictis Conspiratoribus et eorum cuilibet, quod siue dictis die et loco cum continuatione dierum comparuerunt siue non, Nos dictusque nostri Justiciarius, in premissis iusticia mediante, procedemus et procedet. *INSUPER* citetis, &c. ad comparandum coram nobis nostrorum Justiciario dictis die et loco, cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pena legis: et presentes literas debite executas et indorsatis earundem lateri reddatis: Et vos qui presentes executi fueritis sitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portantes vobiscum summationis vestre testimonium in scripto pro premissis seu ipsos testes. Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim vicecomitibus nostris in hac parte committimus potestatem. *DATUM* sub Testimonio nostri Magni Sigilli, Apud Edinburgh vicefimo quinto die mensis Maij, anno domini millesimo quingentesimo octuagesimo quarto et regni nostri decimo septimo.

Quhilkis haill personis abonevrittin war thrie sundrie tymes oppinlie callit at the tollbuyth wyndok, and nane of thame compeirand [exceptand Dame Anabill Murray Countes of Mar elder, Dame Agnes Drummond Countes of Mar young-er, Dame Dorathie Stewart Countes of Gourie, William Elphinstoun, Johne Leslie of Authorteis, William Dowglas of Bonkle elder, quho offerit thame to the tryell anent the poyntis contenit in the summondis of Tresoun: quhome the Estaitis of Parliament ordanit to reteir to pair lugeingis, thairin to remane quhill the morne at aucht houris, and thay than to compeir befor the Kingis Maiestie and Lordis of Articles, to ansuer to the said summondis,] and immediatlie pairefter the said Aduocat producit Richard Byning, &c. messingeris, executoris of the said summondis, quha maid fayth that thair said executionis, as thay beir, ar iust and trew, &c. Efter the verificatioun of the quhilkis executionis, the said Mr David Makgill, aduocat, producit thir twa wrytingis following, subseriuit be the Kingis Maiestie, off the quhilkis the tenouris followis:

Warrant to delete Robert Erskin of Lytill Sauchie from the Summondis.

‘*REX.*

‘*MR DAVID MAKGILL* of Nesbet our aduocat: Forfameikle as we vnderstand that thair is ane summondis of Tresoun directit aganis diuersle personis, for the late tumult and rebellious laillie committit aganis us, and that our seruitour Robert Erskene is chargeit thairwithe to compeir in our nixt Parliament, to be foirsalt for the causles contenit in the said summondis: Newirtheles, remembering the said Robertis gud and thankfull seruice done to us of befor, and for certane gud considerationis, we ar mowit nocht to insist aganis him in our nixt Parliament, be the said summondis rasit aganis him; that ze delet his name furthe of the samin and executionis pairis, to the effect he be nocht

trublitt pairby in ony fort ; 3e kepannd þir pointis for 3our Warrant. Subscriwit with our hand, at Edinburgh, the xx day of August, and of our reinge þe xvij 3eir 1584.

(Sic subscribitur) 'JAMES R. MONTROISE, JAMES STEWART, BLANTYIR.'

Heir followis the tennour of the vther wryting :—

Warrant to delete Makdowgalls of Garthland from Summondis.

'OUR ADVOCAT we greit 3ow weil : Forfamekle as þairis summondis of Tressoun raift and execut at our and 3ow our Aduocatis instance in our name, aganis Vthreid M^cDowgall of Garthland, and Vthreid Makdowgall his sone and apperand air, ffor the tressonable suppryng and taking of our Castell and toun of Strineling, being in cumpanie with diuerse our conspiratoris contenit in the summondis raift pairvpoun ; at the leift, art and pairt þairof : ffor diuerse ressonabill causses and confiderationis moveing ws, it is our will that 3e extinct and deleit furthe of the said summondis the saidis Vthreid M^cDowgall and his sone, and pas fra that pairt of the said summondis, fafer as concernis thame, for the said cryme or ony vther crymes mentionat in the said summondis ; dischargeting 3ow of all persewing or insifting aganis thame for the famin, and of 3our office in that pairt. As alsua discharges the Lordis of our Parliament, our Justice generall and his deputis, of all proceding aganis thame ffor the premisses, simpliciter. Subscriwit with our hand at Edinburgh, the nyntene day of August, the 3eir of God I .V^o.lxxxiiij 3eiris.

(Sic subscribitur) JAMES R.

And according to the command of the saidis twa wrytingis, the said Aduocat, in presens of the Kingis Maiestie and Lordis of Articles of this present Parliament, past fra the persute of the saidis Vthrid M^cDowgall of Garthland, Vthrid M^cDowgall his sone and apperand air, and the said Robert Erkene of Lytill Sauchy : And thairfoir þair saidis thrie nemmis of command foirsaid war presentlie deleit furthe of the said summondis of foirfaltour : Wpoun the production of the quhilkis twa wrytingis and deleting of thame furthe of the said summondis, the said aduocat askit instrumentis, and immediatlie þaireftir, the Kingis Maiestie being personalie present, commandit the said Mr David Makgill, his hienes aduocat, to pas fra the persute of the saidis Johne Levingstoune 3ounger of Dinnypace, William and Michael Elphinstonis brether to the Lord Elphinstone, Williame Dowglas of Bonkle, and Williame Lyoun of Bagillie : And siclyk, commandit the said Clerk of registri and his deputis to deleit thame furthe of the said summondis of Foirfaltrie : Quhilkis war presentlie done, in presens of the Kingis Maiestie and Lordis of Articles, be the said aduocat, and Alexander Hay, Clerk of registri ; and þairvpoun þe said aduocat askit instrumentis. And siclyk, Johne Leslie of Authorteis alias Bennachy, being personalie present, producit ane Remissionn grantit be our souerane lord, vnder his hienes greit seill, Remittand the said Johne the foirsaid cryme and Tressoun contenit in the said summondis of Foirfaltour led aganis him : In respect of the quhilk, the said aduocat inlykuayis past fra þe persute of the said Johne Leslie ; quhairvpoun the said Johne askit instrumentis.

QUHILK SUMMONDS, with the executions and indorsationis thairof respectiue foirsaidis, being red first in presens of the Lordis Commissionaris of Parliament, vpoun the said xx day of August instant, and siclyk vpoune the xxj day of the samyn moneth thaireftir, specialie depute be his hienes Commissionn for haldin thairof, first in Latene and thaireftir in Scottis ; and the haill perones defendaris abonewrittine, being diuerse and syndrie tymes callit at the tolbuith windok, to haue comperit and ansuerit to the said summondis, and name of thame comperand, (exceptand the saidis Deame Annabell Mwrray Countes of Mar elder, Deame Agnes Drummond Countes of Mar 3ounger, Deame Dortha Stewart

Countes of Gowrie,) the said aduocat, for verificatioun and probatioun of the foir-faidis executionis and indorfationis of the said summondis, repetit the Actis maid the saidis xx and xxj dayes of August instant : As the samyn, schawin and producit before the Kingis grace and thrie Estatis of this present Parliament portit. And siclyk thaireftir, the foirfaidis haill perfonis defendaris being of new oftymes callit at the said tolbuith windok to haue comperit before the saidis Lordis of Articles, and defendit the said summondis the foirfaid xx and xxj dayes of August instant rex^{ue} with continewatioune of dayes, and thay beand oftymes callit and nocht comperand, (exceptand as said is,) the said aduocat defyrit the saidis Lordis of Artieles Declaratioune, gif the reffones of the said summondis war relevant or nocht : Quha than declarit the samyn to be relevant, vponne the said xxj day of this instant moneth : At the quhilk tyme the said aduocat producit the haill wryttis and repetit the haill probationis contenit in the Actis maid the day foirfaid in presens of the Lordis of Articles, for probatioune of the said summondis. Quhilkis Lordis of Articles thaireftir fand the said summondis sufficientlie prowine aganis the perfonis vnderwritin.—And in semblable maner, the said haill summondis with the executionis and indorfationis thairof, being red baith in Scottis and Latene, in presens of the Kingis grace and thrie Estatis of this present Parliament, and the foirfaidis haill perfonis defendaris being of new callit, as of before, fyndrie tymes at the said tolbuith windok, and name of thame comperand (exceptand as said is) and the haill wryttis and vtheris probationis producit be him the day immediatlie ofbefore, quhilk he now lykwayes producit and repetit the samyn to our said souerane lord and thrie Estatis foirfaides, for prewing of the pointtis and artieles contenit in the said summondis, and thairfore defyrit farther proces in the said caus. And thaireftir, the said summondis with the probationis foirfaidis, being first sene, considerit and aduifit be the saidis Lordis of Articles, and now presentlie be the Kingis grace and thrie Estatis of this present Parliament : Quha findis and declaris that the haill reffoun of the said summondis are relevant and sufficientlie prowine aganis the perfonis particularlie vnderwrittine, and ilk ane of thame for thair awin pairt : And Ordanes Dome to be pronuncit and gevin thairvponne, be the mowth of Andro Lyndfay dempster of this present Parliament, depute and sworne thairto ofbefore ; of the quhilk Dome the tennour followis, pronuncit be the said Andro Lyndfay :

*DOME and SENTENCE against the EARLS of ANGUS and MAR and their
above mentioned accomplices.*

(Aug. 22.)—This Court of Parliament schawis for law, that the saidis Archebald Erle of Angus, Johnne Erle of Mar, Dame Agnes Drummond Countes of

Mar 3ounger, Maifter Thomas Lyoune of Baldukye Maifter of Glamis, Dame Margaret Lyoune Countes of Caillis, Dame Dorathia Stewart Countes of Gowrye, Adame Commendatar of Cambuskynmeth, Daud Commendatar of Dryburch, Williame Commendatar of Palslay, Maifter James Erkin brother to Robert Erkin apperand of Littil Sauchie, Johnne Leslie of Balquhane, George Dowglas of Parkheid, James and George Dowglasse his fones, James Dowglas of Todhoillis, Johnne Dowglas of Glatpene, William Dowglas sone and apperand air to Williame Dowglas of Bonkle, Patrik Drummond apperand of Carnok, Johnne Carmichale of that Ilk, Hew Carmichall his sone and apperand air, William Carmichall of Rantrecorse, Johnne Lyoune 3ounger of Coffynis, James Lyoune of Eiftir Ogill, Hew Nesbit of Rafechehill, Patrik Home of Argathies, Johnne Leslie of Lergie, Robert Hammiltoune of Corfe, Arthour Hammiltoune callit of Boithwelhauch, Mr Johnne Coluill chantour of Glasgou, Mr Patrik Quhytelaw of Newgrange, Johnne Arbuthnot apperand of Lyntusk, and James Murray of Pardows, and euerilk ane of thame, hes committit and incurrit the crymes of Tressoune and Lefemaiestie, in the haill pointtis and articles contenit in the said summondis, berand as is abonewrittine: And thairfore decernis and declaris all thair guidis movable and vnmovable, alsweill landis as offices and vtheris quhatsumeuer belonging to thame, to be confiscat to our said fouerane lord, and remane perpetualie with his hienes in proprietie for euer: And thair perones to vnderlye the pane of Treassoune and last pwnishment appointit be the lawis of this realme: And this I gif for Dome. Vpoune the quhilk declaratioune and pronounciatioune foirsaid, the said aduocat askit instrumentis.

THE quhilk day the Kingis grace and thrie Estatis of this present Parliament continewis that pairt of the summondis of Treassoune dewlie execute and indorfate, persewit be his hienes Justice and Aduocat aganis *Deame Annabell Murray Countes of Mar elder*, *Deame Agnes Gray Ladye Home* spous to the said Mr Thomas Lyoune of Baldukye Maifter of Glamis, *Lawrence Maister of Oliphant*, *Johnne Maister of Forbes*, *Robert Dowglas (younger) of Lochlewin* 3ounger, and *James Hammiltoun of Haggis*, tuiching the decerning of thame to haue incurrit the crymes of Tressoune and Lefemaiestie, ffor the caus specefeit in the said summondis; as at maier lenth is contenit thairintill, in the famyn forme, force and effect as it is now, but preiudice of partie, vnto the xx day of September nixttocum, with continewatioun of dayes; and than farder proces to be hade pairintill; at the quhilk day, Ordanis the said aduocat to produce sic wryttis, rychtis, ressones, documentis and probationes, as he hes or will vse, for prewing of the said summondis agane the said day, safar as concernis thair pairtis thairof: Quhairvpoune the said aduocat askit instrumentis.

High Treason — Raid of Ruthven — Forfeiture.

Aug. 22.—JOHNE ROSS of Cragie, as brother and apparent heir or successor of the deceased James Ross of Pettheavles.¹

The quhilk day Maister Daid Makgill, aduocat to our souerane lord, exhibite and producit lyke as he did syndrie tymes ofbefore, the summondis of Treffoune vnderwrittin, rasit and persewit at the instance of our souerane lord and his hienes Justice aganis Johne Ross of Cragie, as brother and apperaud air or successor to vmq^{le} James Ross of Pettheifles; quhairbye he was summoned to haue comperit before the Kingis Majestie and his Estatis, the xx day of August instant, with continewatioune of dayes, in his hienes Parliament to haue begune the said day, in the hour of caus, with continewatioune of dayes; to haue answerit vponne the pointtis of Treassoune and Lesemaiestie vnderwrittine, contenit in the said summondis, committit be his said vmq^{le} brother: And thairfore, the said Johne to haue hard, that the said vmq^{le} James committit the cryme of Treassoune in his lyvetye, for the caus vnderwrittine, &c. As at mair lenth is contenit in the said summondis. Off the quhilk the tennour followis: .

SUMMONS of TREASON against Johne Ross as brother of James Ross.

JACOBUS dei gratia Rex Scotorum, dilectis nostris Leoni Regi Armorum, Ilay, Albany, Ross, Rothefay, Snawdoun, Merchmond; Heraldis; Johanni Fergussoun, Roberto Stewart, Archibaldo Dowglas, Daidi Bryffoun, clauigeris; Ormond, Bute, Vnicorne, Carrik, Signiferis; Richardo Bynning, Joanni M^cLowren, &c., nunciis et eorum cuilibet, coniunctim et diuisim, vicecomitibus in hac parte, salutem. Mandamus vobis et precipimus quatenus summoniatis legitime et peremptorie, coram testibus, Johannem Ross de Cragye, fratrem germanum et apparentem heredem vel successorem quondam Jacobi Ross de Petthevels, personaliter si eius personalem presentiam commode habere poteritis, alioquin apud locum eius habitationis, necnon omnes alios et singulos interesse habentes seu pretendentes, per publicam proclamationem apud cruceas forales burgorum nostrorum de Edinburgh, Perth aliaque loca necessaria, ita quod huiusmodi summonitio ad eorum aures verisimiliter peruenire poterit, ad comparandum coram nobis nostrone Justiciario, vicefimo die mensis Augusti proxime futuri, hora caularum, cum continuatione dierum, in Parlamento nostro tenend. apud Edinburgh, . . . die mensis eiusdem, ad respondendum nobis seu nostro Justiciario in prefato Parlamento, et ad videndum atque audiendum per nos et trium regni nostri statuum, decretum et sententiam decerni dictum quondam Jacobum Ros de Petthevels crimen Lesemaiestatis in ipsius vita commississe, ob eius proditoriam artem, partem, auxilium, consilium, iuramen et assistentiam per ipsum prestitam et exhibitam, in nefaria illa Conspiratione cum quondam Wilelmo olim Comite Gowrye domino Ruithwene, in proditoria interceptione ac manus violentas iniectioe in personam nostram, apud illius Castrum de Ruithwene, super vicefimo tertio die mensis Augusti anno domini millesimo quingentesimo octuagesimo secundo: Atque adeo, ob illius prefcientiam, occultationem et concealationem eiusdem Conspirationis, vbi dictus quondam Wilelmus olim Comes de Gowrie, Johannes Comes de Mar, Magister Thomas Lyonne de Baldukye Magister ac Tutor de Glammis et prefatus quondam Jacobus Ross, cum diuersis alijs suis complicitibus, consilium proditorie iniierunt, deliberarunt, finaliter et ad effectum perluxerunt nefandum ac proditorium illud facinus, in apprehensione nostre nobilis persone apud Ruithwene tempore antedicto: In quoquidem

¹ From the Records of Parliament. Acta III. 344.

Castro, violenter nos detinuerunt ac custodierunt, contra nostre mentis libetum et voluntatem, per spatium diuersarum dierum et noctium; inde crimen summe prodicionis committendo. Eodemque tempore, fidos et dilectos nostros Consules ac alios probos ligeos nobis inferuendi studio appropinquantes, pro ipsorum interuentione ac cede inuaserunt et crudelissime vulnerarunt; tunc quoque Consulum et aliorum fidelium subditorum nostrorum quosdam, velut captiuos ceperunt et custodie mandarunt, ordinarios Gardie nostre milites remouerunt, Precepta nostra nobis repugnantibus charissimo et fidelissimo confanguineo nostra quondam Esno Leuinie Duci dirigere impulerunt vt quam citissime hinc discederet, eumque inaudita celeritate huius regni finibus exterminandum curauerunt, personam nostram ad sui animi libidinem et desiderium, magna suorum sociorum caterua stipatam continuo huc atque illuc deduxerunt, per spatium decem mensium deinde frequentium: Instituto certissimo et mente deliberata huiusmodi iugo seruitutis imperpetuum nos implicare et retinere, nisi ineffabilij Omnipotentis auxilio et beneuolentia nosmet ipsos hinc abdicaremus: Hinc manifestissime crimen Prodicionis et Lesemaiestatis committendo contra nos regalem nostram auctoritatem et in apertam legum violationem. Et propterea, ad videndum et audiendum nomen, memoriam et dignitatem dicti quondam Jacobi Rosi de Petheueles extinctam fore et esse decerni, armaque seu insignia sua e libro Armorum et nobilitatis deleri et cancellari, ita quod ipsius posterij ab officijs et honoribus in hoc regno nostro gaudent. sint inhabiles et incapaces dehinc imperpetuum; atque omnia bona sua terras et officia confiscari et nobiscum deinceps in proprietate remanere; iurimando supradicto Johanni Rosi de Cragie fratri ac heredi seu successori antenominato, alijsque quibuscumque interessentibus, quod sine compareant sine non, dictis die et loco, cum continuatione dierum, Nos et Iusticiarius noster nihilominus iustitia mediante procedemus et procedet: Et presentes literas debite executas et indorsatas earundem lateri reddatis: Et vos qui presentes executi fueritis sitis ibidem, dictis die et loco, coram nobis vel Iusticiario nostro portan. vobiscum vestre summonitionis testimonium in scriptis, pro premisis vel ipsos testes. Ad quod faciendum, vobis et vestrum cuilibet, coniunctim et diuisim, vicecomitibus nostris in hac parte, committimus potestatem. Apud Edinburgh, vicefimo quarto die mensis Junij, anno domini millesimo quingentesimo octuagesimo quarto et regni nostri decimo septimo.

Quhilk summondis with the executionis and indorsationis thair of, being red first in presense of the Lordis Commissionaris of Parliament, vpoun the said xx day of August instant, and siclyk vpoun the xxj day of the samyn moneth thaireftir, specialie depute be his hienes Commissionne for halding thair of, first in Latene and thaireftir in Scottis: And the said Johne Rosi of Cragie comperand, quha was content tryell war tane vpoune the pointtis of the said summondis: The said aduocat, for verificatioune and probatioune of the foirsaidis executionis and indorsationis of the said summondis, repetit the actis maid the saidis xx and xxj dayes of August instant, as the samyn schrawin and producit before the Kingis grace and Lordis of Articles proportit. And thaireftir the said summondis, with the probatioune foirsaidis, being first sene, considerit and aduisit be the saidis Lordis of Articles and now presentlie be the Kingis Maiestie and thrie Estatis of this present Parliament: Quha findis and declaris, that the haille reassoune of the said summondis is relevant and sufficientlie prowine aganis the said viiith James Ros. And thairfore ordanis Dome to be pronuncit and gevin thairvpoune, be the mowth of Andro Lyndsfay dempster of this present

Parliament, depute and fworne thairto of before : Off the quhilk Dome the tenour followis, pronuncit be the said Andro Lyndfay.

DOME of FORFEITURE. This Court of Parliament sehawis for law, that the said vni^{le} James Rofs of Pettheveles committit the cryme of Lefe-maieftie in his lyfityme, in the haill pointtis and articles contenit in the said fimmmondis berand as is abonewrittin : And thairfore, decernis and declaris the said vni^{le} James his name, memorie and honouris to be extinct, and his armes to be revin furth and deletit out of the buik of armes, fwa that his pofteritie newir haue place nor be hable heireftir to bruk or joife ony office, honouris or digneteis within this realme, in ony tymes cumming :¹ And all his guidis, landis, offices to be confiscat and remane perpetuallie with his hienes in propertie, for ever : And this I gif for dome. Quhairwpoune the said aduocat askit instrumentis.

The quhilk day Johnne Ros of Cragie proteftit, that quhatfumeuer thing done this infant day aganis vni^{le} James Ros of Pettheveles his brother, preiuge nocht him anent his landis, reuerfionis, romes, poffeffionis, fteadingis and rychtis quhatfumeuer pertening to his said vni^{le} brother : And fpecialie, anent the landis of Pettheveles, and the Reuerfionne thairof quhilk he hes of the famyn : In refpect he hes euir remanit, at all tymes bigane, our fonerane lordis trew lege and fubieft ; and knew nathing of his said vni^{le} brotheris doingis nor proceedingis : And pairwpoune askit instrumentis.

High Treason — Raid of Ruthven, &c.

Aug. 22.—**OLIVER PEIBLIS** of Chapellhill,² **Jeane Thornetoune** his fpous, and **James Marfchell** of Petearnis.

The quhilk day, the Kingis grace and thrie Eftatis of this prefent Parliament continewis the fimmmondis of Treaffoune execute and indorfate, perfewit at the instance of his Maieftie, his hienes Juftice and Mr David Makgill his hienes aduocat, tuiching the decerning of thame to haue committit and done certane pointtis of Treaffoune and Lefemaieftie : As at mair lenth is contenit in the said fimmmondis rafit pairwpoune, in the famyn forme, force and effect as it is now, but preiudice of partie, vnto the xx day of September nixtto cum, with continewatioun of dayes ; and thane farder proces to be hade pairintill as accordis : At the quhilk day ordanes the said aduocat to produce sic wryttis, rychtis, refpones, documentis and vtheris probationis quhilkis he hes or will vfe, for prewing of the pointtis of the said fimmmondis aganes thame agane the said day. Quhairwpoune the said aduocat askit instrumentis.

¹ An Act was passed in Parliament, Aug. 22, 'for dilhering of pe pofteritie of the perfonis that ar or fallhappin to be convicted of the treffonnable attemptat at Strueling.' ² He appears in Parliament, as Commissioner for the burgh of Perth, Jun. 12, 1590, and Mar. 3, 1596.—From Records of Parliament, III, 316.

[*Mr Edward Bruce and Mr William Oliphant, Justices-Deputes.*]

Slaughter.

Jul. 2.—GEORGE THOMESOUN, minister at Innerkip, George Maxwell of Newwerk, Robert Maxwell his serwand, Johnne Maxwell in Kulroife, Johnne Morefoune in Park, and Arthour Morefoun thair.

Dilaitit of airt and pairt of the crewall slauchter of vmq^{le} Robert Muntgumrie of Skelmurelie, and of vmq^{le} Williame Muntgumrie his sone and appeirand air; committit in Apryle lastwas.

[*Mr Edward Bruce, Justice-Depute.*]

Slaughter.

Jul. 3.—JOHNNE QUHYTEFURDE of that Ilk, Adam Quhytfurde, 3ounger of that Ilk, Thomas Quhytfurde his broder, Robert Muntgumrie of Skelmurelie, Williame Cochrane of that Ilk, Williame Mudye, burges of Paislay, Robert Sempill, burges yair, James Wilfoun, serwand to the Laird of Cochran, Gilbert Smyth, broder to Andro maister of Sempill.

Dilattit of airt and pairt of the crewall slauchter of vmq^{le} Patrik Maxwell of Stanelie, committit in Januar lastwas.

PRELOQUITOURIS for the Pannell.

The Maister of Eglingtonne, The Maister of Sempill, The Laird of Cauldwall, The Laird of Heiffilheid.
Mr Johnne Scharp, Mr Johnne Skene, Mr Johnne Prestoune,

PERSEWARIS.

James Maxwell of Calderwood, Sir Robert Maxwell of Dinwiddie, Maister David M'Gill of
The Laird of Craiganace, The Laird Newark, Nisbet, (King's Advocate,
Johnne Maxwell of Nethir Pook, [Gelis Wallace, The Relict,] for his hienes intres.)

Part of the pannells 'replegeit' to the Regality of Paislay, and the rest continued to the Justice-air of 'Renfrew, tertio Itineris.'

The Laird of Quhytefurde alone was 'put to the knowlege of ane Assyise;' who, 'eftir lang ressoning and deliberatioune had thair of, be the mouth of Robert Lindefay of Dunrod, ffand and declairet the said Johnne Quhytefurde of that Ilk, to be clene and acquit of airt and pairt of the said slauchter.'

[*Mr William Oliphant, Justice-Depute.*]

Abiding from the Host to pass towards Stirling.

Jul. 17.—GILBERT LAWDER of Balbardeis, Williame Lawder, his sone and appeirand air.

Dilaitit for remaining and abyding at hame fra our souerane lordis oift, raid

and armie, ordanit to haif conuenit at Halirudhous,¹ and thairfra to haif past towards Striueling, [for refisting of the tressonabill attemptatis of certane tra-touris and rebellis, quhilkis had tane the said burcht and Castell of Striueling.]

The quhilk day, the personis enterit on pammell, produceit ane Licence, grantit to thame be the Kingis Maiestie and lordis of his hienes Secreit Counsale, exemeand thame fra oiflis, raidis and armeis ; quhilk exemption is of the dait, at Halrudhous, the xxiiij day of Apryle, 1584.

(Sic subseribitur.) JAMES R. HUNTLIE, LOCHINWARE.

[*Mr Johne Grahame, Mr Williame Oliphant, Justices-Deputes.*]

Forgery of Half-Merk Pieces, &c.

Jul. 30.—PATRIK M^cKIE in Quhithillis, broder to Archibald M^cKie of Myretoune.

Dilaitit of the tressonabill cryme of sforgeing, ssenzeing and sstryking of certane fals and adultrit mony, viz. half merkis, xxx l., xx l. and x l. pecis.

Jul. 31.—VERDICT and SENTENCE. The Assyise, be the mouth of Williame M^cCulloch of Myretoune, in ane voce, fylis the said Patrik M^cKe of art and part of the tressonabill sforgeing, seinzeing, counferfuting and sstraking of certane fals and adulterate money, sic as fals half-markis, xl d. pecis, to grit quantitie, callit *Lochmabalies*,² in cumpanye with Lawrence Nicholai Italiane and vtheris thair assistaris : And he thairfoir adjugeit, be Andro Lyndesay dempfter, to haif foir-faltit and tynt lyfe, landis and guidis, to be applyit to our fouerane lordis vse, and himself hangit to the deid, at the mercat croce of Edinburghe. AND the hail Assyis acquit the said Patrik of the fenzing of xxx l., xx l. and x l. pecis, *plakkis* and *balbeis*.

[*Mr Johne Grahame and Mr Edward Bruce, Justices-Deputes.*]

Assisting Earl of Angus in taking Burgh and Castle of Stirling.

Sep. 4.—GABRIELL MERSER of Sawling.

Dilaitit of the tressonabill assisting, art, pairt-taking with Archebald Erle of Angus, Johne, suntuyme Erle of Mar, Thomas Lyoun, suntuyme Maister of Glammis, and vtheris thair complices, in the tressonabill taking of the Burcht and Castell of Striueling, committit in the moneth of Apryle lastbypast, [and beiging of ane dry-ftane wall beside the scolehouis dure of Striueling ; and, furnessing of the said Castell with men, viuaris³ and munitione.]

¹ Many similar trials occur at this period ; some of them adding, ‘and for assisting with Archebald erle of Angus, Johne erle of Mar, Thomas Lyoun maister of Glammis, Johne Carnichell younger of that ilk, and vtheris thair complices, in the tressonabill taking of the burcht and Castell of Striueling.’ ² This word is very doubtfully written, being as like *Lochmalcaries* as the above. Perhaps it was some familiar or cant phrase for pieces struck or forged at Lochmaben. ³ Victuals, *vivres*.

VERDICT. The Assyise, ‘ eftir lang reffoning and mature deliberatioun had thairof, be thair delyuerance pronunceit be the month of Archebault Prestoun, Chancellare of the said Assyise, stand the said Gabriell to be clene and acquit’ of the said crimes.

[*Mr William Oliphant, Justice-Depute.*]

Incest.

Nov. 21.—GOTHRAY M^cCULLOCH of Ardwel.

Dilaitit of certane crymes of Incest, committit be him with Katherine M^cCulloch, his broder-dochter; and vtheris crymes contenit in the lettres.

Continued, to the Aire of ‘ Kirkcudbrycht, tertio Itineris, vel super premonitione xv dierum. Plegio, Jacobo M^cCulloch, rectore de Kyrk-Cryft.’

Fire-raising — Breaking of Ward, &c.

Nov. 27.—ALEXANDER JARDINE of Apilgirth, &c.

James Twedie of Drummelzeare become plege and fouirtie for Alexander Jardine of Apilgirth, Johnne Jardane and James Jardane his breder, Niniane Jardane and Will Bell his seruandis, Williame Jardane, callit *Reid Will*, at the Kirk of Sewerbie, (and) David Moffet in Sewirfyde; that thai fall compeir befoir our fouerane lordis Justice or his Deputtis, the third day of the nixt Justice-air of the sherefdom of Drumfreis, quhair thai duell, or fouer, quhen and quhair it fall pleis our fouerane loird, vpoun xv dayis warning, and vnderly the law for the tressonabill raising of fyre and birning of the place of Litolgill, per-tening to Dame Jeane Hammiltoune, Ladie Lanmingtoune: And for eschewing¹ furth of the Castell of Edinburghe, and breking of the waird thairof; and vtheris crymes contenit in the lettres direct thairvpoune, &c.

Treason — Assisting Earl of Angus, &c.

Dec. 2.—NINIANE NICOLL, in the bray of Cleifch.

Dilaitit of airt and pairt of the tressonabill airt, pairt-taking with Archebault, fuintyme Erle of Angus; Johnne, fuintyme Erle of Mar; Thomas Lyoune, fuintyme Maister of Glamis, and vtheris thair complices, in the tressonabill taking of the burgh and Castell of Striueling, aganis our fouerane lord and his hienes autoritie royall; committit in the moneth of Apryle lastbypast.

Continued to the Justice-air ‘ of Fyffe, tercio Itineris vel super premonitione xv dierum.’ ‘ Plegio, Henrico Stewart de Rosslyth.’

¹ Escaping. See Jun. 5, 1583.

Intercommuning with Earl of Mar and other Traitors.

Dec. 8.—DAVID HOME of Argatie.

Dilaitit of the trefsonabill haifing intelligence fra Johne funtyme Erle of Mar, Daid (Erskine) funtyme Commendator of Dryburgh, our fouerane lordis tratouris declarit, in the reffait of lettres fra thame, at the leift the ane or vther of thame ; and fpecialie, fra Patrik Home his broder fone, feruitour to Johnne funtyme Erle of Mar ; quhilkis lettres he refflaueit fra Robert M^cWillie, quhome he ref-fautit in his hous, in paffing and repaffing to thame in Ingland ; committit in the monethis of July, Auguft and September laftbypaft.

PERSEWAR, Mr Daid Makgill of Nilbet, Aduocat.

ASSISA.

George Dundas of that Ilk,	Henrie Quhyt, cordiner thair,	Geo. Craw, portionar of Reftoune,
Charles Murray of Cokpale,	Alex ^r Thomefoune, burges of Ed ^r ,	George Smyth, burges of Edin ^r ,
Mathow Stewart of Bavela,	Johnne Moffett, burges thair,	Andro Aytonne, broder to the laird
Robert Grahame of Knokdolaine,	Edward Johnnefoun, burges thair,	of Dinmure.
George Home of Aytonne,	Johnne Gordoun of Petlurg,	
James Inglis, burges of Edin ^r ,	Patrik Creytoune of Lugtounne,	

VERDICT. The Affyfe, be the mouth of George Dundas of that Ilk, chancel-lare, Fand the faid Daid Home to be culpabill, fyllit and conuict in contraue-ning of our fouerane lordis Actis of Parliament, in reffait of ane boy callit Rob M^cWillie, and conceling of the lettre fend be him, and fehawin be Johnne Ranye, fend fra Patrik Home out of Ingland ; and reffauing commendationis fra the Abbot of Dryburgh from Ingland, conforme to the faid Daidis deponitiounis fubferyuit with his hand : LYKEAS alua, the faid Daid wes fundin to be clene and acquit of the reft of the dittay.

SENTENCE. And thairfoir the dome of forfaitour was pronunceit aganis him be Andro Lyndfay thairefter, that the faid Daid fuld be tane to ane gippet, at the croce of Edinburghe, and thair hangit, quarterit and drawin as ane tratour ; and all his landis, takis, ftedingis, rowmes, poffeffionis and guidis, to be efchete to the Kingis vfe.

Praying publicly for the banished Ministers. Concealing treasonable Correspondence, &c.

Dec. 8.—MAISTER NICOLL DALGLEISCH, miniſter at Sanct Cuthbertis Kirk, near Edinburgh.

Dilaitit of the contraueing of our fouerane lordis actis of Parliament in lowing and authorifing in his publict prayaris of ſie miniſteris as ar in Ingland, declarit tratouris ; and for affiſing and fortefeing with the faidis declarit tra-touris.

Comperit Mr David Makgill, aduocate to our fouerane lord, and in his hienes name, as perfeware ; and defyrit proces vpoun the Dittay presentlie produceit be him in iugement vpoun the said Mr Nicholl, quhilk the aduocatt defyrit to be red to the said Mr Nicoll, in caice he wald object ony thing aganis the samin.

The said Mr Nicoll allegeit, that iugement wes deduceit aganis him 3ifterday befor the Kingis Maiestie and lordis of Secreit Counsale, and as appeirit to him conuict be thame and thair woting aganis him ; quhairthrow it is nocht necessar that he be of new acufit in ony vther iugement.—To the quhilk anfuert the aduocate, that the proceedingis aganis him in Secreit Counsale wes *per modum consilij*, and nocht be way of iugement, he nocht being judicialie acufit ; and sua the Justice aucht to proceed aganis him in the said matir in this iugement.

The said Mr Nicoll defyrit to knaw of the Lordis of the Secreit Counsale present, Assesouris to the Justice,¹ quhidder the proceedingis aganis him 3ifterday in Counsale wes *per modum consilij*, or as ane vther iugement : And the saidis lordis, for satisfaccioun of his desyre, declarit the saidis proceedingis to be *per modum consilij*.

INTERLOCUTOR. The Justice, be auise of his Assesouris, Fand be interloquitour, that the proceedingis aganis the said Mr Nicoll 3ifterday the sevint of this inflante, in the mater quhairfo he wes acufit, suld nawayis preinge him in this iugement, bot ordanit him nochtwithstanding thairfo, to haif his hail defensis aganis the Dittay produceit : Lykeas, the Justice, vpoun certane allegeances proponit be the said Mr Nicoll, and defensis vsit be him, as alsua the anfuert maid thairto be the Aduocate, and of the mirknes² of the nycht, continewit the mater in the samin forme, force and effect, as it is now, to the morne : And the said Maister Nicoll in the meantyme to be committit to ward, quhill he be tryit be the personis of Assyis chosin, suorne, and admittit ofbefoir, alswele vpoun his Assyis as vpoun the Assyis of the said David Home ; and warnit the saidis personis of Assyis to compeir the morne in the hour of caus, to delyuer, *affirmative* or *negative*, vpoun the poyntis of the said Dittay, ilk persoun vndir the pane of ane hundreth pundis.

Dec. 9. — Dilaitit, &c. ; and for conceling of ane Lettre fend be Mr Walter Baganqwall³ to his wyff, quhilk wes red be the said Mr Nicoll ; and vtheris crymes.

PERSEWARE, Mr David Macgill of Nitbet, aduocat to our fouerane lord.

Compeirit the personis of Assyis vnderwritten, viz. :

ASSISA.

Patrik Creyeltoun of Lugtoun,	Geo. Craw, portioner of Restoun,	George Dundas of that Ilk,
Alex ^r Thomefoun, burges of Ed ^t ,	Charles Murray of Cokpull,	Andro Aytoun, brother to Dimmur,
Johnne Moffet, burges thair,	Johnne Gordoun of Petlurg,	Henrie Quhyt, burges of Edin ^r ,
James Inglis, burges thair,	Robert Grabame of Knokdolan,	Eduart Johnestoun, burges thair,
George Smyth, burges thair,	George Home of Aytoun,	Mathow Stewart of Bavela.

The said Mr Nicoll, eftir diuerse allegeancis proponit be him in presens of the

¹ As was formerly remarked, it was usual for some of the Lords of Privy Council to sit as Assessors with the Justice, especially in cases of Treason. The King himself not unfrequently sat in judgment, and his presence is occasionally noticed in the Record. ² Darkness of the night. ³ Balcanquall.

faid Justice and his Affesouris, and anfueries maid thairto be the faid Mr David M^cGill, aduocat to our souerane lord for his hienes intres, offerit him self in the Kingis Maiesteis will, off the speiking, that ‘ the Ministeris and vtheris wer persecute, and that the Kingis minestrie had spokin thay wordis mycht haif provokit ane Cristiane man to feir ;’ as also of the conceling of ane Lettre direct fra Mr Walter Bucanquall to his awin wyff, quhilk wes red and sene be him, concerning particular commendationis to him.

The Justice, nochtwithstanding that the faid Mr Nicoll come in the Kingis Maiesteis will, Ordanit the foirnaminis personis of Assyis, chofin, suorne and admittit vpoun the faid Mr Nicollis consent, to proceed to thair delyuerance.

And the faid Mr David M^cGill, aduocate, Protestit, in respect of the sentence gevin zisterday vpoun David Home of Argatie in the lyke mater of befoir, that in caice the faidis personis of Assyis clenge the faid Mr Nicoll, for Wilfull erreure and tinsale of baith lyffe, landis and gudis.

VERDICT. The Assyis be thair delyuerance, pronunceit be the mowth of the faid George Dundas of that Ilk, chancellare, stand the faid Mr Nicoll Dalglesch to be culpable, fyllit and comict for speiking that the Ministeris and vtheris wer persecutit, meaning to preve the samin persecution be occasioun of just feir confaut aganis the Ministeris vpoun alleget speich of the Kingis Maiestie, and sum of his Counsaile, quhilk wes cleirly provin be act of Counsaile ; and quhairfoir the faid Mr Nicoll come in his hienes will : AND alsua, conuictis the faid Maister Nicoll of conceling of ane Lettre direct fra Mr Waltir Bucanquhall to his wyff, quhilk was red and sene be him, contening particular commendationis to him, confessit be his awin word and writt ; and thairfoir come in his hienes will : AND acquit him of the hail rest of the dittay.

Abiding from the Raid of Stirling.

Dec. 16.—JOHNE HOLMES in Auldwallis, Thomas Patoun in Winterberriehill, and twenty two others.

Dilaitit for remaining and abyding at hame fra our souerane lordis oist, raid and armie, ordanit to haif conuenit at Halirudhous, in the moneth of Apryle lastbypast, and thairfra to haif past towardis the bur^e of Striueling, ffor repreffing of the tressonabill attempttis of certane tratours and rebellis, quhilkis had tane the bur^e and Castell of Striueling, and repreffing of thair insolences.

ASSISA.

Alex ^r Boyd in Kilmarnok,	Johnne Huntare in Richartoune,	William Burnis thair,
Hew Cuik in the hill of Kilmaris,	Johnne Wallace in Burnebank,	Adam Hog, seruitour to Bargany,
David Hammiltoun of Ladietoun,	Johnne Campbell of Auldornok,	Thomas Tait in Knokindail,
Johnne Hammiltoun in Grange,	Robert Stewart,	James Cuninghame in Inchegethir.
Thomas Patoun in Castlehill,	Johnne Knox,	
	James Neilsoun in Glasgw,	

VERDICT. The Affyis, be the mowth of the said Thomas Tait, chancellare, ffind the hail foirfaidis perfonis entirit vpoun pannell to be conuict, culpabill and fyllit for thair remaning and byding at hame fra our fouerane lordis oift, raid and armie, ordanit to haif conuenit at Halirudhous, and thairfra to haif pafit towardis the bur of Striueling, ffor repreffing of the treffonabill attemptattis of certane tratouris and rebellis quhilkis had tane the burgh and Castell of Striueling.¹

Regrating — Forestalling.

Jan. 20, 1584-5.—JOHNE WATSOUN in Leyth Wynd, Robert Gray in the Cannogait and fifty four others in Cannogait, Leyth and Edinburgh.

Dilaitit of contrauening of the Actis of Parliament for non putting of thair malt to the marcat, and for taking mair betuix the boll of malt and the boll of beir nor² is contenit in the saidis Actis.

Thofe refident in Cannogait, &c. are ‘replegiat’ to the Regality of Brochtoune, others to the Regality of Kelfo; and with regard to thofe refident in Edinburgh, they are ‘Remittit to the iurifdiction of the Prouest and bailleis of Edinburgh be refoun of the Kingis Lettres direct to Mr David M’Gill, aduocat, to pas fra thame, and difchairging of the Juftice of all calling, unlawing or proceeding aganis the inhabitantis of Edinburgh; quhilk lettres were fubferyuit be (the) Kingis Maieftie and Counfale of the dait the xv day of Januar 1584; quhair-vpoune Mr Johnne Scharp afkit instrumentis.’

[CURIA JUSTICIARIE, f. d. n. Regis tenta in pretorio de Edinburgh, per Magistros Eduardum Bruce, Joannem Grahame et Willelmum Oliphant, Justiciarios deputatos.]

Raid of Ruthven — Traitorous Conspiracy for seizing the King’s person.

Feb. 9.—MALCOLME DOWGLAS of Manis, Johnne Cuninghame of Drumquhaffill and James Edmestoune of Duntraith.

The quhilk day compeirit perfonalie in jugement, Maifter David Makgill of Nifbet, and producit the Dittayis vnderwrittin vpoun the saidis perfonis, of the quhilkis Dittayis the tennour followis.

JAMES EDMESTOUN of *Duntraithis Dittay.*—James Edmestoun of Duntruth, 3e ar indyttit and accufit, that contrair 3our naturall dewtie, 3e haveand our fouerane lordis gud countenance as ony vther fubiect of this realme of the lyke calling, hes mait vnappillie, vnthankfullie and treffonablie deniit and confultit with dinerfe vtheris 3our compliceis, viz. Robert Hammiltoun of Inchemachane, Johnne Cuninghame of Drumquhaffall, Malcolm Dowglas of Manis, Johnne Mufchet and Walter Dowglas in Litill Sauchie, in 3e monethis of October, Nouember, December and Januare lafbypaft, vpoun the

¹ Various other trials occur at this period for abiding from the same raid, chiefly against fewars and burgesses. ² Than.

plat laid be the sumtyme Erlis of Angus and Mar and pair complices, for pair treflonabill deidis presentlie fugitiues in Ingland, communicat to 3ow be Johnne Home *alias* callit *Blak Johnne*, pair melfinger, and þe said Johnne Mufchet, how his Maiesteis maift nobill perfoun at the hunting mycht have bene tane captiue and conuoyit to sum strenth in the Illis and bordouris of this realme, or ellis to sum frenth in the Illis of Loehlowmond, quhill the saidis declairit tratouris fugitiues had with thair complices ressaunt his maift nobill perfoun in pair handis; and conceling of þe famin.

JOHNE CUNINGHAME of *Drumquhassillis Dittay*.—Johnne Cuninghame of Drumquhassill, 3e ar indyttit and accusit, that eftir mony and diuerse treflonabill Conspiraceis, consultit, deuifit, assistit and execute be 3ow and 3our partineris, aganis the Kingis Maieftie and quyett estait of the euntre evin to pat acceptant (attemptat?) of surpryng of his Maiesteis maift nobill perfoun, quhilk wes committit be 3ow and diuerse vtheris 3our treflonabill partakaris in the moneth of August I^m.V^c.lxxxij 3eiris, be taking of his Maiesteis maift nobill perfoun captiue in the hous of Ruthvene, caryng of the fame about gairdit at 3our pleasour, 3e being present and treflonable affisting to þe said fact; quhilk beand ouerseen² be his Maieftie, besyde money vtheris treflonabill offensis ouerlakit in 3ow, and 3our honour, lyff and landis spairit be his hienes clemencie, mycht have bene suffeicient motioune, to have mouit 3ow to desist fra all sic treflonabill deidis and interpryfis þairefter: Nochtwithstanding of þe quhilk, 3e maift ingratlie and treflonable, vpoun 3our accusitwmit malicious and vnhappie vnnaturalitie, hes in the monethis of October, Nouember, December and Januare lastwas, treittit, deuifit and consultit ane maift hie and vnhappie Trefloune aganis his Maiesteis maift nobill perfoun; quhairby nocht onlie the present estait of this commoun-wealth mycht have bene euertit,² but alsua, gif with 3our and 3our complices saistie his Maieftie culd have bene led captiue to the bordouris of this realme, to have bene ressaunt be his declairit tratouris now fugitiues in Ingland, or to sum fortracce or strenth within the Illis of Loehlowmunt in the Leuenox: Committand pairthrow maift hie and abhominabill Trefloune; and this is trow, and 3e can nocht denye þe famin:—FORDER 3e, in the saidis monethis lastbypast, at the leif in ane or vther of þame, hes confedrit, treittit and consultit with James Edmeftoun of Dunraith at diuerse tymes and places, sic as the Kirk of Strablene and at the Kirk of Killeme, vpoune the executioun of the interpryfis abouewrittin; and hes maift treflonable concelit the famin vnto the tyme of 3our lait entrie within 3e Castell of Edinbur^r and 3our examinatioun pairin, quhilk wes vpoun the sext day of this instant moneth; quhair 3e, be 3our Depositioun subferyuit with 3our awin hand, as alsua þe said day, being confrontit with the said James Edmeftoune, and that 3e knew that Blak Johnne Home wes directit fra the sumtyme Erlis of Angus and Mar and pair complices presentlie for pair Trefloune fugitiues in Ingland, wes be pair message direct to 3ow to propone þe platt for executng of the treflonabill interprifis aboue spacificit. As 3our said Declaratioun, subferyuit with 3our hand, heirwith produceit as ane part of 3our Dittay, dois testifie. And this is trew, and 3e can nocht denye þe famin.

MALCOLME DOWGLAS of *Manis Dittay*.—Malcolme Dowglas of Manis, 3e ar indytit and accusit, that eftir mony and diuers treflonabill Conspiraceis, consultit, dewyfit, assistit and execute be 3ow and 3our partinaris aganis þe Kingis Maieftie and quyett estait of þe countrey, quhairfore 3e being laillie forfaltit, had of his hienes clemencie, obtenit 3oure pardoun, and ouerfene in þe bruing of 3oure landis and heretage: 3it, 3e maift vnnaturalie, vnthankfullie and treflonable, in þe monethis of October, Nouember, December and Januar lastbypast, hes diuifit, treittit and consultit with diuers vtheris 3oure complices, sic as Robert Hammiltoune of Inchmauchan, James Edmeftoun of Dunraith, Johnne Cuninghame of Drumquhassill, Walter Dowglas in Lytill Sauchy and Robert Sempill sumtyme of Roiland, vpoun þe platt laid be þe sumtymes Erlis of Angus and Mar and pair complices, for pair treflonabill deid presentlie fugitiues in Ingland,

¹ Pardoncd, overlooked.

² Overturned—Lat. *euertere*.

eftir communicatioun pairof to þe faid James Edmeftoun of Duntraith be Johnne Hwme *alias* callit *Blak Johnne*, ʒe, in þe monethis foirfaid, confultit, conferrit, tretit and dewyfit with þe faid James Edmeftoun of Duntraith and þe remanent ʒour complices aboue writtin, att þe Kirk of Strablane and þe Kirk of Killelne, as alfo in ʒoure hous and place of Manis, qubair þe faid Robert Hammiltoun wes allowit be ʒow to be vpoun þe counfall pairof, and þair dewyfit how his Maiefteis maift nobill perfoune mycht att þe hunting be tane captiue and convoyit to fun ftreth on þe bordouris of þis realme, or ellis to fun ftreth in þe lles of Lochlomount, quhill þe faidis declarit traittouris fugitiues had, with þair complices, reffaut his Maiefteis maift nobill perfoune in þair handis : And to þe taikin, that þis is trew, ʒe directit ʒoure Lettres heirvpoun with Walter Dowglas of Lytill Sauchy to þe faidis rebellis, declarit traittouris, presentlie in England, and with Robert Sempill, quha being þe meffingeris and poiftis of þe faidis fugitiues had at þair pleafour, reffett and interteinment at ʒoure hous of þe Manis, in þe monethis foirfaidis : And þis is trew, and ʒe caynocht deny þe famin, in respect the faid James Edmeftoune of Duntraith and Robert Hammiltoun of Inchmawchane, presentlie with ʒow, awowit þe fame ; lykeas alſwa, James Dowglas and William Johnnftoun ʒoure feruandis, in þair Depofitiounes teftifeis the prefens of þe faid Robert Hammiltoun and Laird of Duntraith with ʒow in ʒoure awin hous, and refoirt of þe faid Walter Dowglas and Robert Sempill in ʒoure faid hous, quha had na vthir occafoun of refoirt to ʒoure faid hous bot for þe treffonabill cauffis foirfaidis.

ASSISA.

William Lord Hay of ʒeftir,	Patrik Ogilvie of Inchmairtene,	Sir Thomas Stewart of Garne-
. Lord Seytoun,	Patrik Murray of Hangit-fchaw,	tullie, kny',
Thomas Maifter of Caſillis,	Johnne Sempill of Fowlwode,	Johnne Gordoune of Pitlurg.
Patrik Houftoun of that Ilk,	William Wallace of Ellertlie,	James Meinzeis of Weim,
Johnne Gordoun of Lochinvar, kt,	W ^m Makculloch of Mortoune,	William Hammiltoune of Sorne,
Johnne Murray of Blakbaronie,	Patrik Agnew, Shereff of Wig-	Thomas Kennedie of Barganye,
Robert Grahame of Knokdoliane,	toune,	. . . . . MacFarlan of that Ilk.

VERDICT. The Affyis, be thair delyuerance, pronunceit be the mouth of the faid William Lord Hay of ʒeftir, ffand and declarit the faid JAMES EDMESTOUNE of Duntraith, to be culpabill, conuict and fyllit off the vnhappie, vn-thankfull and treffonabill tretting and confulting with diuerſe vtheris his complices in the monethis of October, Nouember, December and Januare laftwas, vpoun the plat layit be the funtyme Erlis of Angus and Mar and thair complices, communicat to him be Johnne Home *alias* callit *Blak Johnne*, the meffinger, and Johnne Muſchet, quhow the Kingis Maiefteis maift nobill perfoune mycht be tane captiue at the hunting and conuoyit to fun ftreth on the bordouris, or fun ftreth in the Illis of Lochlomunt, quhill the faidis declarit Traitouris fugitiues in England had reffaut his maift nobill perfoune in thair handis ; and of the treffonabill concealing thairof conforme to his awin lettre and Depofitioune fend to the Kingis Maieftie, ſubſcryuit with his awin hand.—AND ſiclyk, ffand, pronunceit and declairit the faid JOHNNE CUNINGHAME of Drum-quhaſſill, to be culpabill, conuict and fyllit off the conference, tretting and confulting with James Edmeftoun of Duntraith at diuerſe tymes and places, ſic as at the Kirk of Strablane and at the Kirk of Killelne, vpoun the taking of the Kingis Maiefteis maift nobill perfoune captiue at the hunting, ſpecialie at that

tyme about the taking of Dauid Home of Argatie; quhairby the lordis fugitiues in England mycht be releuit and this estait alterit; and of the conceling of the famin; conforme to his Depositionis subferyuit with his hand.—AND ryehfwa, ffand, pronunceit and declairit the said MALCOLME DOWGLAS of Manis, to be culpable, conuict and fyllit, that, forfamekill as James Edmeftoun of Duntraith hes testefeit vpoun his grit aith, that he declairit to the said Malcolmme Dowglas of Manis, that Johnne Home *alias* callit *Blak Johnne*, feruitour to Johnne fuintyme Erle of Mar, proponit to him, the taking of the Kingis Maiefteis perfoune at the hunting, amangis vtheris generall conferencis had be thame in the place of the Manis, in prefens of Robert Hammiltoun of Inche-mauchane, lykewayis affermit be the said Robert; quhillk purpois, the said Laird of Duntraith lykwayis testefeit, wes refusit altogidder be the said Laird of Manis, and nawayis thocht gud be him; and nochtheles, infafar as the said Laird of Manis hes concelit the famin, and nocht revelit it to the Kingis Maieftie; in ane voice, conuictis the said Malcolmme Dowglas of the conceling thairrof; and put him thairfoir in the Kingis Maiefteis mercye. In witnes quhairrof, the chancellare, in name of the rest Assyffouris, subferyuit the said conuictioun in the Minut buk.

SENTENCE. The famin day, eftir the said conuictioun, the Justice, be the mouth of Johnne Andro, dempstare of the said Court, adingeit and for Dome gaif, that the saidis Johnne Cuninghame of Drumquhassill and Malcolmme Dowglas of Manis fuld be tane to ane skaffauld, belyde the mercat croce of Edinburgh, and thair to be hangit, quhill thair wer deid, and quarterit and drawin: And that all thair mouabill and vnmouabill gudis, landis, heretageis, possessionis, takkis, stedingis, offices, coirnis, cattell, lyfrentis, actionis and all vtheris quhat-funeuir quhillkis pertenuit to thame, aucht and fuld perteine to our fouerane lord, and to be applyit to his hienes vse, and to remane with him and his fuceffouris for euir, be refloun of Efcheit and ffoirfaltour.

Murder of Henric Darnley, King of Scottis.

*AT EDINBURGH, within the Tolbuith of the famin, the xxvj day of Maii,
the 3eir of God Im.Vc. fourfcoir sex 3eiris.*

IN PRESENCE of the rycht honorabill SIR LWES BELLENDEN of Auchnowle, knycht, Clerk of our fouerane lordis Justiciarie, MR ROBERT DOWGLAS, prowest of Linclwdene, collectour generall of this realme, DOWGLAS of Quhittingheme, ane of the fenatouris of the College of Justice and PATRIK LETHINGTOUN of Saltcoittis,

(May 26, 1586.)—Compeirit Mr Dauid Makgill 3ounger. Aduocate, substitute to Maister Dauid Makgill of Nisbet, aduocate to our fouerane lord. in

prefens of ane honorabill and discreet man, Willaime Litill, Prowest of Edinburghe, and me Maister James Bannatyne, Clerk-depute ordiner, in the office of Justiciarie, noter publict ; and produceit ANE COMMISSIOUNE, direct be our fouerane lord, vnder his hienes quarter-feill, off the dait at Halirudhouse, the twentie-fyve day of Maii, the 3eir of God I^m.V^c. fourscoir sex 3eiris, and of his Maiesteis regune the nyntene 3eir, Makand and constituand his louittis, MAISTERIS JOHNE PRESTOUNE and EDUARD BRUCE, coniunctlie and feueralie, his hienes Justices in that pairt, to fens and hauld Courtis of Justiciarie, for administratioun of Justice, vponne MR ARCHEBAULD DOWGLAS, dilaitit and suspect of the crewall, horribill, abhominabill and treffonabill MURTHOUR OF VMQUHILE HENRIE KING OF SCOTTIS of gud memorie, darrest fader to our fouerane lord ; and being actuallie present thairat in cumpanie with vmquhile James funtyme Erll of Bothwell and vtheris his complicis ; the tyme of the committing of the famin in the moneth of Februare, the 3eir of God I^m.V^c. threscoir sex 3eiris : Defyring the saidis personis to be sworne to minister justice lelilie and trewlie in the said mater, conforme to the tennour of the said Commissioun, law and consuetude of this realme. Quba immediatlie thairefter acceptit the said Commissioun vpon thame and befoir me notare and witnellès abouewrittin, be haulding vp of thair rycht hand, swoir and gaif thair aithis for ministratioun of justice lelilie and trewlie in the said office of Justiciarie as Justices in that pairt, conforme to the tennour of the said Commissioun, as thai wald ansuer to our fouerane lord thairvponne ; and than incontinent for deductioun of forder proces in the said mater, Ordanit thair officiaris of Justiciarie to fens Court, for obedience of the said Commissioun and acceptatioun thairof. Quhairvponne the said Mr Dauid Makgill askit instrumentis of me notare publict and clerk foirsaid.

CURIA JUSTICIARIE, f. d. n. Regis tenta in Pretorio de Edinburghe, vicefimo sexto die Maii anno domini millefimo quingentesimo octuagesimo sexto, per honorabiles et discretos viros, Magistros Joannem Prestoun et Eduardum Bruce, Justiciarios in hac parte dicti f. d. n. Regis, virtute sue Commissionis specialiter constitutos. SECTIS vocatis et Curia legitime affirmata.

IN the quhilk Court the saidis Justices produceit ane Precept direct to thame be the Kingis Maiestie, commanding thame to accept ane Commissioun of Justiciarie vponne thame, and to put Mr Archebauld Dowglas, dilaitit of certane heich poyntis and crymes of Treffoun, to the tryell of ane Inqueist : Off the quhilk Precept the tennour followis.

MAISTERIS JOHNE PRESTOUNE, EDUARD BRUCE, Aduocattis and Commisferis of Edinburghe, We greit 3ow weill. Forfamekill as, Mr Archebauld Dowglas is to be presentit vponne pe xxvj day of Maij instant in pe Tolbuyth of Edinburghe, to be tryit vponne certane heich poyntis of Treffounne, concerning pe murthour of our maist darrest fader ; and to pe effect pe mater may be pe bettir tryit we have directit our Commissioun vnto 3ow, creating and substituand 3ou our Justices in pat part, to pe effect contenit in pe said Commissioun. Thairfoir it is our will and We charge 3ow straitlie, and

commandis, that immediatlie efter þe sycht of þir presentis, 3e accept the said Commissioun in and vpoun 3ow, gif 3our aith for administratioun in þe said Commissioun and put þe said mater to þe tryell of ane Inqueist, and do justice pairinto, according to the lawis of þis realme, but ony forder delay; as 3e will eschew our indignatioun. Subferyuit with our hand att Halirudhous, þe xxv day of Maii 1586.

JAMES R. P. MAISTER OF GRAY. LINCLUDEN.

Treasonable Conspiracy—Murder of King Henry Barnley.

Comperit personalie on pannell the samin day, in presens of the saidis Jugeis, May 26.—Mr ARCHEBAULD DOUGLAS, Parfoun of Glasgw.¹

Dilaitit of the horribill, crewall, vnmatural and tressonabill murthour, slauchter and paricide of vniq^{le} our fouerane lordis darrest fader, Henrie King of Scottis of gude memorie, and vtheris crymes; committit at the tyme and in maner at lenth vnderwrittin.

The samin day, comperit Mr David Makgill, aduocat, substitut to Maister David Makgill of Nisbet, aduocat to our fouerane lord, in his hienes name, as perseware; and exponit and declarit, that he had ressauit ane speciall Warrant and command, direct fra the Kingis Maiestie, chairgeing him to persew the said Mr Archebault, of the crymes aboue specifeit; quhilk he produceit in iugement, and desyrit the samin to be infert in proces; quhair of the temour followis.

‘ REX.

‘ Aduocat and 3our substitut, we greit 3ow hairtie weil. Forfamekle as we have apoyntit þe xxvj day of Maii instant, for presenting of Mr Archebault Dowglas, persone of Glasgw, to vnderlie our lawis, for airt and pairt consulting, treitting and executioun of þe maist horribill slauchter and murthour of our vniq^{le} darrest fader of gude memorie, We command 3ow, with all conuenient speid, to tak informatioun, be all meanis possibill, for accusatioun of þe said Mr Archebault of þe tressonabill crymes soirsaidis; and þat 3e persew him thairfor þe said day apoyntit, or ony vtheris dayis pairrefter to follow, be ane condignne Assyis, quhill he be ather foule or cleane² of the crymes soirsaidis: ffor the quhilk this present salbe to 3ow sufficient warrant. Subferyuet with our hand att Halirudhous, þe xxij day of Maij, and of our regne the nyntene 3eir, 1586.

‘ JAMES R.’

As also produceit in iugement, in presens of the saidis jugeis, Letteris direct for summing of ane Assyis to this day, vpoun the said Mr Archebault; quhair by ane sufficient nowmer of Assyis is fund. Quhilkis letteris ar of the dait, att Edinburghe, the xxij day of Maij, and of our fouerane lordis regning, the nyntene 3eir, 1586. Togidder with the Dittay, quhair of he is to be accusit: Offering him reddie to persew the said Mr Archebault of the samin, and crymes contentit thairin. Of the quhilk, the temour followis.

¹ He was cousin to Regent Morton, and was also one of the Ordinary Lords of Council and Session. Reference is made to Mr Arnot's Collection for a narrative of facts relative to this shameful and collusive trial. The acquittal of the Parson of Glasgow has justly been attributed to the unprincipled intrigues of Patrick Master of Gray, and of Rauldolph the English ambassador. See also Moyses' Memoirs, &c. ² Until he be found guilty or else acquitted.

DITTAY *against Mr Archibald Dowglas, Parson of Glasgow.*

Maister Archebald Dowglas, perfon of Glasgw : 3e are inditit and acenfit, that in the monethis of Januar and Februare, the 3eir of God I^m.V^c. threfcoir fex 3eiris, 3e being accompaneit with James funtyme Erle Bothwell, James Ormeftoun funtyme of þat Ilk, Robert *alias Hob* Ormeftonne his faderis broder, Johnne Hay funtyme of Talla, Johnne Hepburne callit Johnne of Bowtoun and diuerffe vtheris 3our complicitis, craftelie and fecreitlie confpyrit amangis 3our felfis, denyfit and maliciouſlie confultit, treitit and concludit þe maift ſchamefull, deteftabill and vnnaturall murthour and paricide of our ſouerane lordis darreft fader of gude memorie, Henry King of Scottis, ſpous for þe tyme to his hienes darreft moder Marie, then Qwene of Scottis ; and þat within þe burch of Edinburghe, Palice of Halirudhous, and vtheris places þairabout : And to þe end that 3e mycht bring 3our wickit and execrabil attempt bettir to pas, 3e with þe remanent perſonis afoir nammit, be 3our felfis, 3our ſerwandis, complices and vtheris in 3our names, of 3our cawſing, command, airt, pairt-taking, aſſiſtance and ratihabitoun, vpoun þe tent day of þe ſaid moneth of Februare, att twa houris eftir midnycht or þairby, come to þe lugeing befyde þe Kirk of Field, within þe ſaid bur^t of Edinburghe, quhair our ſaid ſouerane lordis fader wes ludgeit for þe tyme ; and þair, be way of hamefuckin, brigaurie¹ and foirthocht felony, maift wyildlie,² vnmercifullie and treſſonable, flew and muredreft him, togidder with Williame Tail3eour and Andro Makeaig,³ his cubiculeris,³ quhen as thay, bureit in ſleip, wer takand þe nychtis reft, brint his lugeing foirſaid, and raſit þe ſamin in the air, be force of gun-pulder, quhilk a little afoir wes placeit and mput be 3ow and 3our foirſaidis vnder þe ground and angulare ſtanis,⁴ and within þe woltis in laich and daruit⁵ places to þat effect : And quhairthrow, 3e haif incurrit þe panis of Leſe-maieſtie, and ſuld be pwneift þairfoir in all rigour, be tinſale⁶ of lyff, landis and guidis, and extinctionoun of fame, titill, honour and memorie, conforme to þe lawis of þis realme. Lyke as, þe haill perſonis, ſpecialie afoir nammit, 3our complices and conſpiratouris with 3ow in þis treſſonabill cryme, as þai culd be apprehendit, þai ſufferrit maift ſchamefull deid þairfoir, according to þair deſeruingis. ITEM, 3e ar indyttit and accuſit for þe treſſonabill Conſpiracie of þe ſaid deteftabill deid and murthour of our ſaid ſouerane lordis vnq^{le} darreft fader, the ſamin being oppniti⁷ to 3ow be þe ſaid vnq^{le} James funtyme Erle of Bothwell, and vtheris chief Conſpiratouris, quhairas of dewtie 3e wer obleift to haue reueleit þe ſamin, quhilk gif 3e hed done, the ſaid maift abhominabill, ſchamefull and crewall interpryſe of þe ſaid

¹ *Briganderie.* O. Fr.² Vilely, baſely.³ Grooms of the bed-chamber.⁴ Corner-stones.⁵ Concealed, hidden.⁶ Loſs, deprivation.⁷ Revealed, diſcloſed.

murthour had bene impeidit, and our said fouerane lordis darrest faderis lyff, be gude meanis, had been preserued : And pairfoir, your said foirknowledge and concealing in ane cryme sa haynous and tressonabill, wes neir alyke and equall to þe committing of þe deid : And pairfoir, ze aucht to be pwneist in lyff, landis, fame and honour, as said is.—To þe TAKIN¹ that ze war airt and parte, confultare, treittare, deuyfare and executer of þe said tressonabill, horibill, cryme and murthour, ze wer actuallie present pairat, and execut þe samin with your awin handis, vpoune þe said tent day of Februare, at twa eftir mydnycht, quhair, by þe preisse and thrang of peple, the tyme of þe executioun of þe said murthour, ze tint your mwlis,² quhilk being fundin vpoune þe morne at þe same place, wer acknawlegeit to haif bene youris. And ze wer euir pairafter in griter familiaritie with þe said vmq^{le} James sumtyme Erle of Bothwell, be þe participatioun of þe said abhominabill tressoun with him, to þe effect that ather of you mycht mainteime and support vtheris in your wickit deidis. And this is maist notourlie knawin, and ze can nocht deny.—To þe mair³ takin : Quhen ze wes to be attintit befor our fouerane lord and the lordis of his Secreit Counsale, for þe said abhominabill tressoune, vpoun þe first day of December, 1580 zeiris, ze gat secreit intelligence pairof, and nocht being habil to abyde þe law pairof, bot findand yourself maist giltie pairof in your conscience, ze wer fugitiue furth of this realme to þe partis of Ingland, quhair ze remanit diuerse zeiris pairafter ; planelie takand vpoune you þe said abhominabill cryme : Lyk as, schortlie pairafter, in þe moneth of Nouember, 1581 zeiris, ze wer foirfaltit for þe said cryme. As þe proces of foirfaltour beiris.—To þe mair³ takin : your maist familiare serwand, vmq^{le} Johnne Binning, quha for airt and pair-taking with you in þe said abhominabill and tressonabill cryme, wes conuict and put to death, in þe moneth of Junij, 1581 zeiris foirsaid, being ofttymes tryit⁴ vpoune your pair pairof, fermelie and constantlie deponit that ze wer airt, pairt, deuyfar and executour of þe said abhominabill murthour ; and þat ze wer actuallie and in proper person pairat ; quhairat also he abaid and tuk þe samin vpoun him, in presens of þe haill pepill bystanding, at his executioun.—To þe mair takin : Vmquhile James Erle of Mortoune, eftir his conuictioun and befor his death, nocht onlie confest, that he himself foirknew þe said horribill murthour, bot als, that ze your self wes þe reweillare pairof vnto him : And forder, þat ze wer actuallie at þe executioun of þe samin, as is maist notourlie knawin : Quhilk ze can nocht deny.

THE said Mr Archebould, anfueraund to the Aduocat vpoun the Dittay produceit aganis him, as yit nocht red in his presens ; desyrit of the Justices that

¹ In token, proof, or testimony. ² *Mullis*, 'a kind of slippers without quarters, usually made of fine cloth or velvet, and adorned with embroidery.' Dr Jamieson. They are afterwards described as '*welvat mulis*' in the course of the trial. ³ Further. ⁴ Examined, probably upon torture.

the famin mycht be red, befor thair entrie to forder proces, that he mycht anfuer thairto, for defence of his lyff. Quhairvnto thai condiscendand, and for fatiffeing of his defyre, caufit reid the famin oppinlie in jugement. Quhilk being red, he acceptit as it wes confaut, and offerit himself reddie to anfuer to euerie poynt, quhen he fuld be accusit befor the Affyis be the famin. And for his bettir defence, vfit and produceit ane Warrant direct be the Kingis Maiestie to the Justice, for admissioun of his lawfull defensis. Quhair of the tennour followis.

‘ REX.

‘ JUSTICE, Justice-Clerk, and 5our deputtis, we greit 5ow weill. Forfamekill as we haif appoyntit pe xxvj day of this instant, for tryell of Mr Archebault Dowglas, of certane crymes of Lese-maiestie, to be laid to his charge, befor 5ow, in pe Tolbuyth of Edinburghe; and albeit it be our mynd pat pe said mater be handillit according to our honour and pe lawis of pis realme, 5it we intend nawayis that ony reffonabill defence or moyen be tane away fra pe said Mr Archebault, quhilk may be competent to him, ather of equity or ellis be our saidis lawis. Thairfoir it is our will, and we charge 5ow, that 5e hauld Court pe said xxvj day of Maij, and put pe said Mr Archebault to pe tryell of ane inqueist, vpoun sic heidis and articles of lese-maiestie as falbe gevin in Dittay; admittand neuerthles to pe said Mr Archebault, his hail lanfull defensis, safar as pe famin may be competent to him. Subferyuit with our hand att Hialirudhous, pe xxvj day of Maij, and of our regne pe nyntene 5eire, 1586.

(Sic subferibitur)

‘ JAMES R.’

Efter the production of the quhilk Warrant, and reffait thair of be the Justice, the said Mr Archebault, leinning to his innocencie, but¹ defyre of ony prolocutour to speik for him in this caus, allegeit, that the secund poynt of Dittay, tuiching the foirknawing and conceling of the said murthour, aucht nocht to be put to the knowlege of ane Affyis, be reffoune, that our fouerane loird, of his frie mercie and grace, had grantit to him his hienes Remiffioun for the famin: Quhilk Remiffioun he produceit in jugement, and tuik him thairto. Of the quhilk the tennour followis.

LETTERS OF REMISSION *in favor of Mr Archibald Dowglas.*

‘ JACOBUS Dei gracia rex Scotorum. Omnibus probis hominibus suis, ad quos presentes litere peruenerint, Salutem. Sciatis, quia ex nostris specialibus gracia et misericordia, Remissimus tenoreque presentium Remittimus, dilecto nostro Archibaldo Dowglas, vni ordinariorum dominorum Consilij et Sessionis, pro omnibus criminibus, transgressionibus et prodicionibus, per ipsum Archibaldum, aliquo tempore ante datum presentium, cuiuscunque granitatis ac qualitatis sint commiss., (conspiracione tamen, consilio, tractacione, arte, parte et executione, horribilis et detestabilis murthure nostri quondam charissimi patris tantummodo exceptis;) pro quibus dictus Archibaldus, cognitioni nostrorum legum subditus erit: Prouiso quod dictus Archibaldus precognitione et concealatione dicti horribilis murthure nullo modo oneratus sit; ad quod, Nos, pro diuersis grauibus consideracionibus Nos mouen., volumus et concedimus, quod dicta Remissio extendatur; et quod in eadem comprehendatur omnis offensio et crimen que dicto Archibaldo pro sua allegata precognitione et concealatione dicte horribilis murthure vt dictum est imputari possint. Et supra, dictum Archibaldum, sub firma pace et protectione nostra,

¹ Without.

infcipien. firmiter inhibemus, ne quis ei occasione predictorum criminum, transgressionum et prodictionum omnium antedict. (exceptis prius except.) malum, molestiam, iniuriam aut grauamen aliquod inferre presumat iniuste; super nostram plenariam floriffacturam; aut ad mortem ei inferat, sub pena amissionis vite et membrorum. IN cuius rei testimonium, has literas nostras Remissionis, pro toto tempore vite prefati Magistri Archibaldi duraturas, sub nostro magno sigillo, sibi fieri fecimus patentes. APUD Halirudhous, vicesimo primo die mensis Maii, anno domini millesimo quingentesimo octuagesimo sexto et regni nostri decimo Nono.

Quhilk Remission being redd oppinlie in judgement, and confidderit be the saidis Justices, they stand and pronunceit, that the secund pairt of the foirsaid Dittay, concerning the foirknowledge and concealing of the Murthour foirsaid, in respect thair of, fuld nocht be put to the tryell of ane Assyis. Quhairvpoun the said Mr Archebald askit instrumentis.

And the said Mr Archebald altogidder denyit the first pairt of the said Dittay, offering himself to the knowledge of ane condignne Assyis for the same, wes ordanit be the saidis Juges to be put to the tryell of the personis vnderwrittin, summond vpoun his Assyis, be vertew of our fouerane lordis lettres.

ASSISA.

Patrik Maister of Gray,	Gilbert Gray of Baldarran,
James Coluile of Eifter Wemis,	Mr Samuel Cokburne of Tempilball,
Robert Logane of Restalrig,	George Home of Spott,
Andro Gray of Dunnynald,	Patrik Johnnestoun, 3ounger of
Andro Logane, younger of Cotfeild,	Elphinstoume.

And becaus the remanent personis of Assyis, summond, be vertew of the saidis Lettres, to this day, being oftymes callit, compeirit nocht, and wer amerciat thairfoir, the said Mr Archebald sehorthie thairestir produceit ane Warrant and Precept, direct be our fouerane lord to the Justices and Aduocatis substitut foirsaid, Ordaning thame to supplie the nowmer of the absentis with sic gentillmen as mycht be gottin summond, ather within the burcht or at the bar: Quhilk Precept the said Aduocat, for his Warrant, desyrit to be insert in proces; quhair of the temmour followis.

‘ REX,

‘ JUSTICES and our Aduocat and 3our deput, We greit 3ow weill. We understand pat Mr Archebald Dowglas is enterit presenlie on pannell, and that his tryell stayis becaus pat sic personis as ar summond vpoun his Assyis compeiris nocht, and pat pair laikis 3it sum personis of ane perfyte nowmer. Therfoir, it is our will that, according to pe lawis of our realme, and pratick of 3our court, 3e supplie pe absentis with sic gentillmen as 3e may get, ather within our burcht of Edinburghe, or within pe bar, and caus same be sworne vpoun pe said inqueist, to pe effect pe said mater ressaue na langer delay; keipand this Precept for 3our Warrant. Subscryuit with our hand, att Halirudhous, pe xxvj day of Maij, 1586.

(Sic subseribitur.) ‘ JAMES R.’

Lyke as, the saidis Jugeis, flor obedience of the said Precept, causit be thair officiar, ane of our fouerane lordis messingeris summond the personis following to

pas vpoun the said Mr Archebouldis Assyis, for compleating of ane full nowmer. Thay ar to say,

REMAINDER OF THE ASSISE.

William Ker of Ancrum, 3ounger,	Alexander Baillie of Lital-Gill,
Mr Robert Fawfyde, 3ounger of that Ilk,	Gawin Carmichell of Wrichtiflandis,
James Logane of Parfonif-knowis,	Andro Ker of Grenheid,
George Hammiltoun of Prestoune,	Walter Ker, brother to the said Laird of Grenheid.

Quhilkis perfonis being callit and compeirand befor the saidis Justices, wes admittit be the said Mr Archebould to pas vpoun his Assyis, with the remanent perfonis aboue writtin, for tryell of his innocencie in the said caus, and joyuit be the Justices to the remanent of the nowmer admittit vpoun the said Assyis of befor : and thai all sworne be thair grit aithis, to delyuer vpoun the poyntis of the said Dittay, conforme to the ordour and consuetud of this realme, ordourlie be thair names.

And immediatlie efter the chesing and admitting and sueiring of the hail foirnamit perfonis of Assyis in jugement, as vse is, and the said Mr Archebould Dowglas being judicillie accusit of the horribill, detestabill and tressonabill crymes contenit in the first poynt of the Dittay foirsaid, the samin being denyit be him *simpliciter*, oppinlie, in presens of the saidis Jugeis ; and referrit to the tryell and knowlege of the foirsaidis perfonis of Assyis ; the said Aduocat-subsstitut, for the bettir instructioun and verefeing of the said Dittay and takinnis thairof, produceit thair, instantlie, the proces of ffoirfaltour led and deduceit aganis him for the samin in the Parliament hauldin and begun at Edinburghe the day of 1581 3eiris.

To the quhilk anfuert the said Mr Archebould ; and *ffirst*, to the first takin of the said Dittay, declairing that ‘ in þe preis and thrang of þe pepill þe tyme of þe executioun of þe said murthour that he tint his mwlis, quhilkis being fund vpoune the morne, wer acknawlegeit to haif bene his ; ’ that the samin wes alto-gidder vntrew ; desyring the samin to be verefeit, be ony perfonis quha wer present at the finding of the saidis mwlis, or had sene the samin at ony tyme thairefter ; and that the samin can nawayis appeir, be the Depositionis and declaratioune of the said vmq^{le} Johnne Binning, deponing, that the said Mr Archebould his maister, past in ane secret¹ and steilbonnett, armit, to the committing of the said horribill cryme, quhairby the passage betuix his lugeing and the place quhair the said murthour wes committit, being nawayis meit to ane perfon armit, to pas with welwat mulis to sic ane deid ; and nawayis lyklic, be gud appeirance nather, that na sic thing wes fund ; and the said takin, to be bot an allegeance.—*Secundlie*, anfueraud to the secund takin of the said Dittay,

¹ A shirt of mail privately worn under the usual dress.

makand mentioun, that ‘ quhen he wes to be attemptit,¹ befor our fouerane lord and the lordis of his hienes Secreit Counsale for the said abhominable Trefoune, vpoun the last day of December, the 3eir of God I^m.V^c. and fourefcoir 3eiris, getting intelligence pairrof, wes fugitiue furth of this realme to the pairtis of Ingland for the famin, and that he schortlie thairefter, in the moneth of (Nov.) 1581 3eiris, wes foirfaltit for the said cryme ;’ exponit and declarit, that the occasioun of the absenting of him self of the realme wes throw just feir, quhairvnto ony persoun wald haif bene mouit, his gudis, geir, rowmes and possessionis being intronettit with, befor ony atteiching : Lyk as, he schortlie efter his passing furth of the realme, being informit that he wes dilaitit of the said horribill cryme quhairrof he wes innocent, safare as the famin come to his knowlege, the Quenis Maiesties of Inglandis Ambassadour being in Scotland for the tyme, in his name, offerrit to present him to the Kingis Maiestie, that he mycht be tryit of the said cryme, swa that² thair wer deput vnuspect Jugeis and personis of Affyis : Quhairvnto his hienes anfuerit, that he wald nocht indent with his subiect. And as for the proces of ffoirfaltour produceit, the famin can be na witnes nor takin to comiet him of the said cryme, in respect our fouerane lord had grantit vnto him, his hienes Letteris of Rehabilitioun, annulling the said sentence of ffoirfaltour, and declairing and decerning the famin, to be of na force nor effect, als weill in jugement as outwith, aganis him. Quhilkis Letteris he produceit in jugement, for verefeing of the said allegiance as the famin vnder the Grit Seill, off the dait at Halirudhous the xxj day of Maii, the 3eir of God I^m.V^c. fourfcoir sex 3eiris, and of our fouerane lordis regme the nyntene 3eir, at mair lenth beiris.

Anfuerit the Aduocat, that the saidis Letteris of Rehabilitioun can nawayis tak away the proces of ffoirfaltour, the famin standand vnreduceit ; and ferrit the famin to be confidderit be the Affyis. And forder, for verefeing of the said Dittay, and thrid takin thairof, maid vpoun the said Johnne Binningis Declaratioun and Deposition ; produceit thre of the said Johnne Binningis Depositionis, maid thairanent, in presens of the Lordis of our fouerane lordis Secreit Counsale : The first, maid at Edinburgh the tent day of Maii, fourefcoir ane 3eiris, (1581) in presens of the Erle of Argyll, Chancellare, the Erle of Arrane, the Erle of Montrois, the Lord Ruthven, Mr Robert Creychtoun of Eliok, Aduocat, and Alexander Hay, Clerk of Register, subscriuit be the said Erle of Arrane and Alexander Hay : The secund, of the dait the eilevint day of Maii, in presens of the Erle of Arrane, the Erle of Montrois, the Laird of Bargany, the Laird of Arkinglase, the Gudman of Manderstoune and the Clerk of Register,

¹ Attainted, forfeited. ² Provided.

subferyuit be the hail personis abouewrittin, auditouris to the saidis Depositionis : The thrid, daitit at Edinburghe the xv day of Maii, the zeir of God I^m.V^c. fourefeoir ane, in prefens of the Erlis of Arrane and Montrois, the Lard of Arkinglas, subferyuit be the saidis Erlis of Arrane and Montrois and the Clerk of Register : ffermelie and constantlie deponing that the said Mr Archebauld past to the deid-doing, the said Johnne Binning and Thomas Gairner his serwandis being with him in cumpanie, and that the said Mr Archebauld wes actualle thairat. And forder, produceit thre v^{thir} Depositionis, the ane maid be v^mq^{le} James Ormestoune funtyme of that Ilk, the v^{ther} be v^mq^{le} Johnne Hay funtyme of Tala, zomnger, and the thrid maid be v^mq^{le} Pareis, Ffrenchunan.

Anfuerit the said Mr Archebauld thairto, first, that the said v^mq^{le} Johnne Binningis Depositionis¹ can mak na thing aganis him, confiddering the famin ar altogidder variant and contrarious ; in the self-sam-tyme declairing, that he wes past to his bed, the nycht of the committing thairof, and that the said v^mq^{le} Johnne past furth of his chalmer to his awin dwelling hous to his bed, quhair he restit quhill the said abhominabill Murthour wes committit ; and heiring the crak¹ of the blawing of the Kingis hous in the air with powder, rais and come to his said Maisteris chalmer, quhair he fand him lyand in his bed, reidand on ane buk : and in ane v^{ther} pairt of his saidis Depositionis, declairing, that the said Mr Archebauld, efter that he had slepit in his awin chalmer that nycht of the committing of the Murthour, naue being with him bot the said Johnne and Thomas Garduer, and quhen it wes lait, past to the committing of the famin, accompaneit with thame, out at his bak zet ; quhilk is contrarious :² And declairing lykewayis, that vpoun the morne thairefter, he conuoyit the said Mr Archebauld to the Tolbuyth, quhilk culd nocht stand, feing the tyme of the committing thairof wes vpoun the Soneday befoir ffastinis-ewin, in the tyme of Vacance, quhen the Lordis fittis nocht, and that he wes nocht vpoun the Sessioum at that tyme ; and thairfoir desyrit the contrarieties of the saidis Johnne Binningis Depositionis to be confidderit be the saidis personis of Assyis, and thame to cognos thairin, to the bettir trying of his innoeence : And siclyk allegeit, that the said v^mq^{le} Johnne wes nawayis his serwand the tyme of the committing of the said horribill Murthour, nor zit come in his seruice be the space of twa zeiris thaireftir.⁷

Quhairvnto the said Aduocat anfuerit, that the Depositionis of the said v^mq^{le} Johnne Binning wer sufficient to testifie the said Dittay to be trew, feing in the hail heidis thairof he aggreis the said Mr Archebauld to be participant of the said tressonabill and v^mnaturall Murthour.—To the quhilk, anfuerit the said

¹ Report.² Contradictory.

Mr Archebault, That the saidis Depositionis, can not be sufficient to verifie the said Dittay, seing the said vni^q^{le} Johnne wes bot *singularis testis*, quhilk *in civilibus*, culd nocht be habil to preif ony actioun of geir, far-les *in criminalibus*, to tak away anie mannis lyff: And as to the fferd takin of the said Dittay, alleget maid vpon the Confessioun of vni^q^{le} James sumtyme Erle of Mortoun, anfuers, that na sic Depositionis wer producit in iugement nor zit to the Assyis; and thairfoir desyrit thame to have respect thairto, specialie in consideratioun that the said takin beiris that the said vni^q^{le} Erle of Mortoune, eftir his convictioun and befor his death, confessit that he him self foirknew the said horribill Murthour, as also that the said Mr Archebault wes the reuelare thairof to him, and actuallie at the executioun of the samin; and geveand and nocht grantand that the said Deposition had bene maid, zit the samin can testefie na thing aganis him; becaus of the law the Depositionis of ane conuict and condempnit persoun can nawayis be ressaunt to heir testimonie aganis ane vther. And forder, anfuers to the Depositionis of vni^q^{le} James Ormestoune sumtyme of that Ilk, vni^q^{le} Johnne Hay of Talo and vni^q^{le} Pareis, Frenchman, that the samin makis na thing aganis him, na mentioun being maid of him in ony of thair Depositionis; bot that the samin serues rather to the bettir instructioun of the personis of Assyis of his innocence: And fforder, the said Mr Archebault acceptit the saidis Depositionis of the saidis vni^q^{le} Johnne Hay, Pareis, Frenchman, and Laird of Ormestoun; and repeatit thame for his justifiatioun, anent that pairt of the Dittay, quhairin wes alleget, that he conspyrit with thame and vni^q^{le} James sumtyme Erle of Bothwell, vpon the tressonabill Murthour foirsaid, be ressaunt the contrair planelie appeirit be the Depositionis of the saidis personis: quhairin wes contenit the hail maner of the actuall doing of the deid be thame selfis and vtheris thair compliceis, and na mentioun maid of him; nather culd it appeir that he onywayis had knowlege thairof; desyring the personis of Assyis to reid and consider the samin befor ony delyuerance or writting.—Anfuersit the said Advocate, that the Depositionis of the said vni^q^{le} Johnne Binning ar sufficient to instruct the said Dittay, togidder with the notoriety of the said deid, seing the said vni^q^{le} Johnne abaid thairat to the hour of his death: And as for the said vni^q^{le} James Erle of Mortoune's Depositionis, the samin ar mair nor notoure to the personis of Assyis and to the hail cuntrie, and neidis na forder productioun: And thairfoir, in respect of the notoriety foirsaid, protestit, that in caice the saidis personis of Assyis clenge and acquit the said Mr Archebault of the said horribill and crewall Murthour, for Wilfull errour: Vpon the quhilk he askit instrumentis.

COMPEIRIT the samin day, Sir Williame Stewart of, sone lawfull to Andro Lord Stewart of Vchiltrie, as neir cousing and kinnisman to our

soverane lord, and protestit, that in respect the said Mr Archebauld standis convict in Parliament of airt and pairt of the horribill and tressonabill Murthour and slauchter of the said v^mq^{le} Henrie King of Scottis, fader to our soverane lord, that in caice the saidis personis of Assyis clenge him thairrof, for Wilfull Errorr; and gif he sal happin to be fund culpabill heirefter of the samin, that his hienes sal haif sufficient actionne of Errorr aganis thame. Quhairvpoun he lyke wayis askit instrumentis.

And the said Mr Archebauld protestit in the contrair, in respect of his answeris and defensis foirsaidis, and that the Kingis Maiestie hes tane away the said sennement¹ of Parliament be his hienes Lettres of Rehabilitationne aboue writtin, producit in proces, of the dait foirsaid, annulling the said sennement: Quhairvpoun he askit instrumentis.

VERDICT. And immediatlie thairefter, the saidis personis of Assyis aboue writtin, chosin, sworne and admittit, as said is, remouit thame selfis furth of the said Court, for thair bettir delyuerance vpoun the poyntis of the said Dittay, and being altogidder conuenit, chuse and admittit Patrik Maister of Gray in Chancellor of the said Assyis; quha, efter lang reffoning had be thame vpoune the said Dittay, takimis and Depositionis producit, defensis and answeris maid thairto; thay and ilkane of thame, being ryplie auisit thairwith, all in ane voice, but² discrepance, votit, fand and delyuerit the said Mr Archebauld Douglas, person of Glasgw, to be clene and acquit of his being in cumpany, in the monethis of Januer and Februer, the 3eir of God I^m.V^c. threfcoir and sex 3eiris, with v^mq^{le} James sumtyme Erle of Bothwell, v^mq^{le} James Ormiston of that Ilk, v^mq^{le} Johnne Hay sumtyme of Talo, v^mq^{le} Johnne Hepburne callit of Boltoune and diuerse vtheris thair compliceis, craftelie and secreitlie conspyring amangis thame, deuising and malicioullie consulting, treiting and concluding the maist schamefull, detestabill and vnnaturall Murthour and paricide of v^mq^{le} our soverane lordis darrest fader v^mq^{le} Henrie King of Scottis of gude memorie, spous for the tyme to his hienes darrest moder Marie then Qwen of Scottis; and that within the toun of Edinburghe, palice of Halirudhouse and vtheris places thairabout; and for the bettir performing of the said wickit and execrabil interpryse and attempt, be him self and vtheris in his name of his cawfing, airt, pairt-taking, assistance and rathabitoun, cuming to the ludginge besyde the Kirk of Feild within the said bur^t of Edinburghe, quhair the said v^mq^{le} Henrie King of Scottis our soverane lordis darrest fader wes lugeit for the tyme, vpoun the tent day of the said moneth of Februar, the 3eir of God foirsaid, at twa houris efter midnycht or thairby; and thair be way of brigaurie, hamefuekin and foirthocht felony, maist wyldlie, vnumercifullie and tressonablie murthering

¹ Sentence, finding, judgment. ² Without.

and flaying of him, togidder with vmq^{le} William Tailzeour and Andro M^cCaig his cubicularis, quhen as thai, bureit in fleip, wes takand the nychtis rest, birning his ludgeing foirfaid, rasing of the famin in the air be force of gwn-powlder, quhilk a litill ofbefoir wes placeit and imput be him vnder the grund and angulour stanis, and within the woltis and laich and darnit placis to that effect. And being re-enterit agane in jugement in presens of the saidis Justices, be the mouth and declaratioun of the said Patrik Maister of Gray, Chancellor of the said Assyis, pronunceit the said Maister Archebault to be Acquit of the Dittay foirfaid and crymes contenit thairin: Quhairvpoune the said Mr Archebault Dowglas askit instrumentis.

PROTEST by the Assise, that they should not be liable in Wilful Error.

AND immediatlie thairefter the said Patrik Maister of Gray, Chancellare of the said Assyis, for himself and in name and behalf of the remanent personis Assyfouris abouewrittin, askit instrumentis, that the Depositionis of the saidis vmq^{le} James Ormstoun of that Ilk, vmq^{le} Johnne Hay of Talo and vmq^{le} Pareis, Frenchman, maid na mentioun of the said Mr Archebault, nor contenit na thing aganis him: And in respect thair wes na thing produceit for verefeing of the said Dittay, quhairby the saidis personis of Assyis mycht haue bene perswadit to have delyuerit vtherwayis nor is abouewrittin, except the Depositionis of vmq^{le} Johnne Binning, quhilkis ar bot aue witnes, and altogidder variant and contrarious in the self, nor 3it was the said Dittay sworne nather be the Aduocat nor na vtheris his informaris; and that the proces of ffoirfaltour led in Parliament aganis the said Mr Archebault is tane away be the Kingis Maiesteis Letteris of Rehabilitatioune, and that na Depositionis of the said James sumtyme Erle of Mortoune wes produceit befor thame for fortefeing of the said Dittay, and that the said takin of Dittay bure the said vmq^{le} Erle of Mortoune to haif deponit efter his conuictioun: Thairfoir, confidering thai haif delyuerit efter thair knowleg, protestit that thai fuld incurre na Wilfull Error in ony tymes heirefter. Quhilk instrumentis and protestatioune thay, efter thair re-entrie agane in jugement in the said Court of Justiciarie, cawfit be oppinlie red of new in presens of the saidis Justices: and thairvpoune the said Patrik Maister of Gray, Chancellor, for himself and in name and behalf foirfaid, of new askit instrumentis, and protestit in maner abouewrittin.

THE famin day, Sir Archebault Naper of Edinwillie (Edinbelly) knycht, Sir Johnne Edmestoun of that Ilk, George Home of Wedderburne, Alexander Dalmahoy of that Ilk, Mowbray of Barnebugall, Francis Dowglas of Borg, Thomas Ottirburne of Reidhall, George Home of Broxmyth, Robert Lord Seytounne, Patrik Congil of that Ilk; oftymes callit to have compeirit befor our Justice or his deputtis, the saidis day and place in the hour of caus, to haif past vpoun the Assyse of the said Mr Archebault Dowglas, dilaitit of airt and pairt of the slauchter of our souerane lordis darrest fader of gud memorie; lawfull tyme of day biddin, and the saidis personis nocht compeirand to the effect foirfaid; thay and ilk aue of thame wer thairfoir americiat in the pane of Fourtie pundis.

[*Mr Johnne Grahame, Justice-Depute.*]

Abiding from the Raid of Dumfries.

May 22, 1587.—JOHNNE SKOWGALL of that Ilk, (*plegio, Capitane Lauderdale,*) Patrik Hepburne of Kirklandhill,¹ (*plegio, M. Pat. Hepburne de Smetoun,*) Alexander Aitchefoun of Gosfurd, (*plegio, Thoma Marioribankis de Ratho,*) Thomas Marioribankis of Ratho, (*plegio, Alexandro Aitchesoune de Gosford,*) William Hepburne in the Nungait² [of Hadingtoun?] (*plegio, domino Abbate de Jedburghe,*) Johnne Sydlarf of that Ilk,³ Gawin Dundas of Breiftynlne, James Cochran of Barbachla, Robert Bruce of Binning, James Stewinfoun of Hirdmanfcheillis, Johnne Hammiltoune of Eift Binning,⁴ James Rois in Tartrewin,⁵ (*plegio, Alexandro Hume de Denis,*) Mungo Tennent in Quhytkirk, (*plegio, Jacobo Rychesoun de Smetoune,*) Henry Sinclar of Quhytkirk, (*plegio, eodem Jacobo,*) David Monypenny of Pilrig,⁶ (*plegio, Georgio Logane portionario de Boningtoune,*) George Logane portioner of Bonyngtoun,⁷ (*plegio, domino Pilrig,*) Johnne Woulf of Wadelie,⁸ Williame Skirvene of Plewlandhill,⁹ Alexander Tod in Dirltoun, (*plegio, Alexandro Robesoun ibidem,*) Alexander Robefoun thair,¹⁰ (*plegio, Alexandro Tod ibidem,*) David Dundas in Brigend, (*plegio, Joanne Dundas de Newlistoune,*) George Biffett in Eiftfeild, (*plegio, eodem [Joanne,]*) James Veitch of that Ilk,¹¹ (*plegio, Archibaldo Galloway in Langnudrie,*) George Barroune in Auld Liftoune,¹² David Horfbur^t in Wefter Garntoun, (*plegio, domino Innerleyth,*) Archebald Dowglas of Stanypeth,¹³ (*plegio Josepho Douglas de Pounferstoune,*) James Tennent of Lennox,¹⁴ [Linhouse?] (*plegio, Josepho Douglas ad satisfactionem,*) Alexander Creychtoun of Drylaw,¹⁵ (*provin to be in the north the tyme of the proclamation,*) Alexander Creychtoun of Newhall,¹⁶ (*nocht subiect to the raid be his uige,*) Alexander Michelfoune of Mortoune,

¹ Thir twa defyrit to be replegeit to the Regalitie of Sanct Androus be Mr Johnne Arthour, and continewit to laft of Majj. ² Vltimo Majj. ³ Difchargeit be reffoun of his aig. ⁴ Ad Remiffionem f. d. n. regis. ⁵ Vltimo Majj. ⁶ Defyrit to be replegeit to Halyruiddhous, be the Justice Clarkis consent, vltimo Majj. ⁷ Replegiat. ⁸ Provin to be feik the tyme of the raid and difchargeit. ⁹ Difchargeit for his gret aig. ¹⁰ Vltimo Maii. ¹¹ Thir defyrit to be replegeit to Torpheedhin be Mr Johnne Grahame, Justice-Deput, and continewit to the laft Majj. ¹² Difchargeit and paf fra. ¹³ Defyrit be the Erl of Angus to be replegeit to Dalkeyth. ¹⁴ In voluntate. ¹⁵ Paf fra. ¹⁶ Difchargeit.

Johnne Stewinfoune of Hirdmanfcheillis,¹ Frances Boirthuik in Bancreif,² (*plegio, Joanne Boirthuik eius filio cum seipso coniunctim et divisim ad satisfactionem,*) Johnne Boirthuik his sone,³ Mr Patrik Hepburne of Gilmertoune, (*plegio, Georgio Carkettill, burgen. de Edinburghe,*) and Wauchop of Kaikmure, (*plegio, M. Patricio Hepburne de Smetoune.*)

Dilaitit for contravening of our fouerane lordis Proclamatioun, in abyding fra the Raid appointit to follow our fouerane lord to Dumfreis, vpoun the ferd of Apryle laftwes.

PRIVILEGES of *Burgesses of Edinburghe, as to Abiding from Raids, even though dwelling furth of the Burgh.*

Compeirit Mr Johnne Scharp, for the faidis Alexander Aichefoun and Thomas Marioribankis, and alledgeit, that thay aucht nocht to be put to the knowledge of ane Assyis, for abyding fra the Raid, becaus thay ar burgefis of Edinburghe, and stent, watcht and waird with the burgefis thairof, quha past nocht in proper perfoun in to the Raid, bot fend men att the Kingis defyre, and wer stentit to that effect; of the quhilk stent, thai payit thair pairt: And lyke as, the said remanent Burgefis could nocht be trublit for abyding fra the said Raid, nane⁴ could thay.

The Aduocat anfuerit in the contrair, and allegeit that the seruice of thair perfounes aucht to be tane quhair thay remane,⁵ and becaus thay remane out of the bur^t, and hes landis lyand out of the bur^t quhair thay remane, ewin as thair landis ar subiect to ane stent by⁶ the stent of the bur^t; ewin swa thair perfonis fould ferue quhene the King makis his Proclamatioune.

The Justice continewis Interloquitour to the last day of Maij instant.

(May 31.)—INTERLOCUTOR *anent Burgessis duelland out of Edinburghe.*

THE Justice findis be Interloquitour, that the faidis Alexander Aichefoune and Thomas Marioribankis fall nocht be put to the knowledge of ane Assyis, in respect of the alledgiance proponit be thame, that thay wer burgefis of Edinburghe, and that thay stentit and skattit⁷ with the toune thairof. And this Interloquitour to extend in tymes past.

Henry Sinclar of Quhytekirk and George Logan portioner of Boningtoune affoilzeit,⁸ becaus thair moderis are lyfrenteris of their landis. James Veitch of that Ilk, George Barroune in Auld Listoune, David Dundas in Brigend, George Bissett in Eistfeild, affoilzeit, becaus thay haif nocht ffywe oxgangis⁹ of land. Alexander Tod in Dirltoune and Alexander Robefoun thair, affoilzeit, becaus thay haif na heretage.

¹ Ad remissionem. ² Voluntate. ³ Dischargeit be the Justice becaus the sone and father ar nocht bayth subiect to the Proclamatioun. ⁴ Neither. ⁵ Dwell, have their residence or place of abode. ⁶ Over and above, besides. ⁷ Paid assessment and taxations. ⁸ Absolved. ⁹ Ploughgates, ox-gates.

The remainder of the cases continued to the Justice-aire of Edinburghe, 'tercio Itineris, vel super premonicione xv dierum.'

Slaughter.

May 23.—ARCHIBALD MAXWELL, brothir to the Gudman of Dinwiddie, Williame Maxwell his sone and David Maxwell his seruand.

Dilatit of airt and pairt of the crewall slauchter of vniq^{le} Robert Maxwell of Cowestanis, committit in Junii 1583.

Continued to the Justice-air of 'Dunfries, tertio Itineris, (vel super premonitione) xv dierum; per Preceptum regis.'¹

Treason—Counterfeiting King's Stamp, &c.

May 23.—PATRIK MAISTER OF GRAY.

Comperit Mr David M^cGill of Nilbet, Aduocat to our souerane lord, and prodeuceit the Dittay after specefeit and desyrit proces; of the quhilk the tennour followis.

DITTAY against the Maister of Gray.

PATRIK MAISTER OF GRAY, 3e ar indytit and accusit, that 3e haif laitlie, within þe space of þis 3eir bypast, writtin, delt and travellit to France, for findrie materis preiudiciall to þe Religioune presentlie profest be our souerane lord and his subiectis; and therefore, to haif had libertie of conscience, or otherwyis to fy (say) forme of Religioune, to haif bene vsit att ewerie manis awin appittite within þe realme; incontrair þe tennour of þe Actis of Parliament; incurrand þairthrow the panis contenit in þe samin. *Secundlie*, Indytit and accusit, that during þe tyme foirsaid, he hes intendit to deill with sum personis in France, that be þair moyane, throw his informacioun, oure soueranis mariage with þe King of Denmarkis dochtir (being ane deid honest and lauchtfull in prefens of God and men) mycht haif bene stayit; takand thairthrow vpoun him, without ony warrand, forder thane becumit ane subiect of his dewtie to haif done; specialiie, in that his intentione tendit to þe hindrance of þe Kingis mariage, being ane act proffitabill to þe commoun welth of þis realme. *Thryllie*, Indytit and accusit, for þe vndewtifull wryting of lettres, concerning the estait of his Maiestie and þe realme, in Inland; without his Maiesteis knowledge or command; thairthrow, exceding far þe dewtie of ane subiect. *Ferdlie*, Indytit, that he has travellit in materis quhilk mycht haif destroyit the estait of þis realme, quhilk trawell, gif it had tane effect, his Maiesteis perform mycht haif bene indangerit, committing þairthrow the cryme of Treffoune. *Fyftlie*, Indytit,

¹ Plegio, Roberto Maxwell de Dinwiddie milite.

for counterfitting of þe Kingis ftamp,¹ and putting of þe famin to ane letter writtin with his Maiefteis awin hand, without his command or auctoritie to do þe famin; and ficylke, for retening and keping of þe famin ftamp in his handis. *Saxtlie*, Indytit for diuers and findrie vtheris offences and crymes of Treffoun, alreddie declarit and confest be him to his Maiefteis felf; quhair of he is giltie; quhilk he can nocht deny. Lyke as, the hail pointis of Dittay aboue writtin ar of veritie, as he can nocht deny þe famin, nor na pairt þairof.

The faid Patrik Maifter of Gray offerit himfelff and become in oure fouerane lordis will and mercie for the faidis crymes.

Slaughter—Hamesucken.

Aug. 30.—THOMAS BONKLE, cuitlar, burges of Edinburgh.

Dilaitit of airt and pairt of the felloune and crewall slauchter of vmq^{le} Peter Heriot, induellar in Leyth, brother germane to James Heriot of Trabroune; committit be way of Hamesuckin, within the toune of Leyth, vponne the xxix day of Auguft instant.

PERSEWAR, James Heriot of Trabroune.

VERDICT. The Affyis, being purgeit of partiall counfall, chofin, fworne and admittit, and the faid Thomas being accufit be Dittay, of the cuning be way of Hamesuckin to the faid vmq^{le} Petir Heriotis duelling hous in Leyth, and fetting vpon him foirnent the zett² thairof, with ane drawin fword, quhairwith he maift crewallie and fchamefullie flew (him); vpon fett purpois and provifionne, &c.; ffand, pronunceit and declarit the faid Thomas Bonkle to be ffylit and convict of the slauchter of the faid vmq^{le} Petir.

SENTENCE. The Juftice ordanit the faid Thomas Bonkle to be tane to the toune of Leyth, and thair, at place appointit, his heid and rycht arme to be ftrukin fra his bodie; and all his movable guidis to be efcheit and inbrocht to oure fouerane lordis vfe, for the faid cryme. This dome pronunceit be James Nifbett, dempftar of Juftice Courtis.

Slaughter.

Jan. 23, 1587-8.—ARCHBALD M^cBRAIR of that Ilk.³

Dilaitit of airt and pairt of the slauchter of vmq^{le} Archibald Newall, burges of Drumfreis; committit in (the first day of) Apryle lafbypaft.

PERSEWAR, Mr David M^cGill of Nifbet, Aduocat.

PROLOQUITOUR, Mr Thomas Craig.

The Juftice, be Interloquitour, repellit the hail defenffis proponit zefterday,

¹ The King's *casket*, or *cachet*, a device invented to relieve his Majesty from subscribing so many official writs. This is still in use in Scotland in the case of signatures, and other official writs, formerly requiring the King's sign manual. The casket is now in the custody of the Keeper of the Great Seal. ² Gate. ³ See Jul. 2, 1588.

contentit in the Minute-buik and proces proponit for the faid Archbald M^cBrair, in respect of the anfuier maid thairto be the Aduocat, and ordanit him to be put to the knowledge of ane Affyife.

ASSISA.

George Dundas of that Ilk, Adam Wallace, merchand thair, Thomas Inglis, portionar of Auld John Lewingfoune of Belstane, Peter Cowdene, thair, Liffoune,
Johnne Gordoune of Culquha, James Henderfoun, thair, William Naipar of Wrychtifhouffis,
Johnne Maidland of Auchingaffill, Mathow Stewart of Bewelaw, Mungo Ruffell, burges of Edin',
Williame Wallace of Johnfoune, Johnne Maure, burges thair.

VERDICT. 'The Affyife, be thair delyuerance, pronunceit be the mouth of George Dundas of that Ilk, Chancellor, ffand and declarit, the faid Archbald M^cBrair to be convict and fylit, as culpable and giltie of airt and pairt of the slauchter of the faid v^mq^{le} Archbald Newall; and clangeit him of ony Murthour, and the circumstance, viz. the casting of him in the watter of Neth,' &c.

SENTENCE. To be tane to ane scaffeld befyde the mercat-croce of Edinburgh, and thair his heid strikin fra his body; and all his movable guidis to be efcheit to our fouerane lordis vse, as convict of the slauchter of the faid v^mq^{le} Archbald.

Hurting and Wounding.

Feb. 9.—HOBIE NISBET, vagabund.

Dilatit of the hurting and wounding of George Park, creahman, duellare in Eister Fairny, in his hind-heid; and for taking of his purs fra him, with ten poundis money thairin; committit the xvij day of Januar lastbypast, betuix Kingorne and Bruntyland.

The faid Hobbie come in the Kingis Will for the faid cryme, and reffanit thairin be the Justice; and committit to waird within the Tolbuith of Edinburgh.

[*Mr James Wardlaw, Justice-Depute.*]

Cattle-stealing.

Mar. 25, 1588.—JAMES DALGLEISCH in Blacok,¹ Nicoll Bryden in Kittiflench.²

Dilatit of certane pointis of Thift, viz. The faid James for the inbringing of David Elliot callit *the Carling*, Hobbie Elliot callit *Hob Billie* and vtheris thair complices, commoun thewis, to the landis of Halbyre, beside the Lone-ftane; and steling furth thairof of ten kye; committit in October 1581; and vtheris pointis of thift contentit in the lettres. The faid Nicoll Brydin dilatit for the

¹ Plegio, Jacobo Adamfoun, burgen. de Edinburgh.

² Plegio, Joanne Adamfoun, burgen. ibidem.

thifteous inbringing of Hobbie Armstrang callit *the Pett*, William Howatfoun in Bowthink, Walter and Hobbie Armstrang callit *Helenes Hobbie* and vtheris thair complices, to the landis of Freirtoun, pertening to the Laird of Corstorphin, and for the thifteous steling furth thairof of ane brown meir, with the haill infycht, guidis and geir, and vtheris crymes of thyft contenit in the lettres.

The perfounes on pannell askit instrumentis of thair entrie, and that thay offerit thame reddie to abyde the tryall of ane Affyis, for the saidis crymes, and all vtheris spacificit in the lettres; disaffenting to ony continewatioun: Protesting, in respect that na partie, nor the Aduocat, comperit nocht to persew, that na lettres be grantit aganis thame in tymes cuming.—Continued to the Justice-aire of Ediuburgh, ‘3^o Itineris, vel super premonitione xv dierum.’

[*Mr Johnne Grahame, Justice-Depute.*]

Fire-raising — Burning of the Place of Pitmeddene.

Maie 17.—WILLIAM LESLIE in Lytill Warthill,¹ Adam Watt at the Mylne of Westhall, Williame Lessell, messinger at the Kirk of Inch, Michaelles Leslie in the Inch of Warthill, Patrik Leslie, sone to James Leslie, burges of Abirdene.²

Dilatit of airt and pairt of the tressonabill Birning of the Place of Pitmeddene, togidder with the haill infycht guidis and geir being thairin, to the availl of ffyve thousand markis, pertening to Alexander Abircrumbie of Pitmeddene; committit in March lastbypast.

PERSEWARS.

Alexander Abircrumbie of Pitmeddene,
Mr David McGill, Aduocat.

PRELOQUITOUR for the pannell.

The Erll of Bothwell, The Lord Hwme,
The Coronall Stewart, Mr Thomas Craig,
Mr Alexander Lindfay, Mr Alexander King.

It wes alledgeit be the pannell, that na proces can be led aganis thaim, seing it is lycht³ that thay haif committit Tressoun, in birning of the said hous of Pitmeddene; and that all perfounes committeris of tressoune, sould be summond vpoun fourtie dayes wairning, and that thay ar nocht summond vpoune fourtie dayes wairning; thairfore na proces.—The Aduocat past fyrst fra that pairt of the lybell, makand mentioun of the Tressoune; and anfuert, that proces sould be had aganis thame, in respect of ane Act of Parliament, maid in King James the Fyft tyme, in the quhilk it is provydit, that ffyre-raising sould be summond as Slauchter.

The Justice continewit Interloquitour to the morne.

¹ Plegio, Normando Leslie, burgen. de Abirdene.

² Plegio, Domino Hume.

³ Luce clarior.

Hamesucken — Fire-raising, &c.

May 17.—WILLIAME LESLIE, apperand of Warthill.

Comperit Williame Leslie, apperand of Warthill, and exposit and declarit, that he vnderstuid that he wes speciallie contenit in the Lettres rait at the instance of Alexander Abircrumbie of Pitmeddene, Robert and James Abircrumbie his sonis, for summonding of him, to haif fund cautione, that he sould haif comperit this day and place, and vnderlyne the law, for cumming be way of Hamesukkin, accompaneit with Johne Leslie, apperand of Torquhane and diuers vtheris personis, his complicis, specifeit in the saidis vtheris lettres, assageing of the said Place of Pitmeddene; and for the tressonabill raising of fyre thairin, and birning and distroying of the said place, togidder with the hail infycht guidis and geir being thairin, pertening to the said Alexander Abircrumbie, to the awaill of fyve thowfand markis money; committit vpoune the penult day of March lastbypast.

And albeit, he wes nathir summond, be vertew of the saidis letteris, to find caution, nathir 3it fand he cautione for this comperance this day and place, to vnderly the law for the crymes aboue writtin; 3it nochtwithstanding he, for tryall of his innocencie, comperit and offerit him reddie to abyde the tryall of ane Assyis for the saidis crymes; disassenting to ony continewatioune, and requyrit of the said Alexander Abircrumbie of Pitmeddene, gif he wald insist in his persute thairfore: Quha declarit att the bar, in presens of the Justice, that he knew the said William Leslie to be innocent of the crymes aboue writtin; and thairfore wald desist fra all pursueing of the said William. Quhair-vpoun the said William askit instrumentis.

May 18.—The Justice findis be Interloquitour, that the Lettres rait be the said Alexander Abircrumbie aganis the personis thairin now on pannell, (William Leslie of Little Warthill being absent), sould be putt to ane Assyise, nochtwithstanding the alledgance proponit be thame 3istirday.

In consequence of only nine persons of Assise appearing, continued to the Justice-aire of ‘Abirdene, 3^{tio} Itineris, xv dierum.’

Sorcery — Witchcraft — Incantation, &c.

May 28.—ALESOUN PEIRSOUN in Byrehill.

Dilatit of the pointis of Wichcraft eftir specifeit.

ASSISA.

David Dagleifch, maltman in S' Andros,	Johne Hegie, maltman thair,	Robert Meluile thair,
David Guidlett, maltman thair,	Thomas Lentrene thair,	Alexander Blak thair,
Charles Warfoun, notar thair,	Florence Strang in Carnpykis,	Alexander Maltman in Anstruthir,
Thomas Rekie, maltman thair,	George Kinzeow thair,	Thomas Kinzew, baillie in Pittinweyme.
	James Chaiplane in Pittinweyme,	

VERDICT. The said Alefoune, being put to the knowlege of ane Affyis of the perfonis aboue writtin, wes comiect be thair delynerance, of the vſing of Sorcerie and Wichcraft, with the Inuocatioun of the ſpreitis of the Dewill; ſpeciallie, in the viſioun and forme of ane Mr William Sympfoune, hir couſing and moder-brotheris-ſone, quha ſche affermit wes ane grit ſcoller and doctor of medicin, that haillit hir of hir diſeis in Lowtheane, within the toune of Edinburge, quhair ſcho reparit to him, being twell ʒeiris of aige; and thair cunning and ganging be the ſpace of ſewin ʒeiris, quhen ſcho wes helpit of hir ſeiknes, quhilk ſcho had quhan hir poiſtee¹ and power wes tane fra hir hand and fute; continewing thairby in familiaritie with him, be the ſpace foirſaid; dealing with charmes, and abuſing of the commoun people thairwith, be the ſaid airt of Wichcraft, thir diners ʒeiris bypaſt.—(2.) ITEM, for hanting and repairing with the gude nychtbouris and Quene of Elfame,² thir diners ʒeiris bypaſt, as ſcho had confeſt be hir deſpitiounis, declaring that ſcho could nocht ſay reddelie how lang ſcho wes with thame; and that ſcho had freindis in that court quhilk wes of hir awin blude, quha had gude acquaintance of the Quene of Elphane, quhilk mycht haif helpit hir: bot ſcho wes quhyles weil and quhyles ewill, and ane quhyle with thame and ane vthir quhyle away; and that ſcho wald be in hir bed haill and feir, and wald nocht wit quhair ſcho wald be or the morne: And that ſcho ſaw nocht the Quene thir ſewin ʒeir: And that ſcho had mony guid freindis in that court, bot wer all away now: And that ſcho wes ſewin ʒeir ewill handlit in the Court of Elfane and had kynd freindis thair, bot had na will to viſſeit thame eftir the end: And that itt wes thay³ guid nychtbouris⁴ that haillit hir vnder God: And that ſcho wes cunning and gangand to Sanct Androus in hailing of folkis, thir ſaxtene ʒeiris bypaſt.—(3.) ITEM, comiect of the ſaid airt of Wichcraft, in ſa far, as be hir Deſpitioune ſcho confeſt that the ſaid Mr Williame Sympfoun, quha wes hir guidſchire-ſone,⁵ borne in Striuling, his fader wes the Kingis ſmyth, lernit hir craft, quha wes tane away fra his fader be ane mann of Egypt, ane gyant, being bot ane barne, quha had him away to Egypt with him, quhair he remanit to the ſpace of tuell ʒeiris or he come hame agane; and that his fader deit in the meane tyme for opining of ane preiſt-buik and lukiug vponne it: And that the ſaid Mr Williame haillit hir, ſone eftir his hame cun-

¹ *Pouſtie, poteſtas.* ² The brownies or fairies, and the Queen of Faery, (*q. d. elf-hame*?) ³ These.
⁴ 'In the hinder end of Harveſt, on All-Hallowe'en, When our Good-neighbours does ride, if I read richt. Some buckled on a bnewand and ſome on a bean, Ay trotand in troups from the twilight; Some faidled a ſhe-ape, all grathed into green, Some hobland on a hemp-ftalk, hovand to the hight; The King of Pharie and his Court, with the Elf Queen, With many elfiſh Incubus was ridand that night. There was an Elf on an ape, an wafel begat, Into a pot by Pomathorne; That bratchart in a buſſe was borne; They fand a monſter on the morn, War faced nor a cat.'

Flying againſt Polwart, Watson's Coll. Part III. p. 12.

⁵ Grandfather's ſon, paternal uncle. He is called 'hir couſing and moder-brotheris-ſone,' above.

ing.—(4.) ITEM, that ſcho being in Grange-mure, with the folkis that paſt to the Mure, ſcho lay doun ſeik alane ; and thair come ane man to hir, cled in grene clathis, quha ſaid to hir, ‘ Gif ſcho wald be faithfull, he wald do hir guid ;’ and that ſcho ſeing him, cryit for help, bot nane hard hir ; and thane, ſcho chargeit him, ‘ In Godis name and the low he leuit one,’ that if he come in Godis name and for the weill of hir faull, he ſould tell : Bot he gaid away thane, and apperit to hir att ane vther tyme, ane luſtie mane, with mony mene and wemen with him : And that ſcho ſanit hir and prayit, and paſt with thame fordir nor ſcho could tell ;¹ and ſaw with thame pypeing and mirrynes and gude ſcheir, and wes careit to Lowtheane, and ſaw wyne punchounis with taſſis with thame : And quhene ſcho tellis of thir thingis, declarit, ſcho wes fairlie tormentit with thame : And that ſcho gatt ane fair ſtraik, the fyrſt tyme ſcho gaid with thame, fra ane of thame, quhilk tuke all the poiftie² of hir car fyde fra hir, the mark quhairof wes blae and ewill faurit ;³ quhilk mark ſcho felt nocht, and that hir ſyd wes far war.⁴—(5.) ITEM, that ſcho ſaw the guid nyctbouris mak thair ſawis,⁵ with panis and fyris ; and that thay gadderit thair herbis, before the ſone ryſing, as ſcho did : And that thay come verry feirfull⁶ ſumtymes, and fleit⁷ hir verry fair, and ſcho cryit quhene thay come : And that thay come quhyles anis in the aucht dayes, and quhene ſcho tauld laſt of it, thay come to hir and boiſtit⁸ hir, ſaying, ſcho ſould be war handlit nor ofbefoir ;⁹ and that thaireſtir thay tuke the hail poiftie of hir fyde, in ſic ſoirt, that ſcho lay tuentie oulkis¹⁰ thaireſtir : And that oft tymes thay wald cum and ſitt befyde hir, and promeſit that ſcho ſould newir want, gif ſcho wald be faithfull and keip promeis ; bot, gif ſcho wald ſpeik and tell of thame and thair doingis, thay ſould martir hir : And that Mr Williame Sympfoun is with thame, quha haillit hir and teichit hir all thingis, and ſpeikis and wairnis hir of thair cuning and faulſis hir ; and that he was ane 3oung man nocht fax 3eiris eldar nor hirlſelf ; and that ſcho wald feir quhene ſcho ſaw him :

¹ ‘ Anè earling of the Quene of Phareis, That ewill-win geir to Elphyne careis,
Through all Braid-Albaue ſcho hes bene, On horfbak on Hallow-ewin ;
And ay in ſeiking certayne nyghtis, As ſcho ſayis, with fur ſillie wychtis ;
And names out nyctbouris ſex or ſewin, That we belevit had bene in heawin.
Scho ſaid ſcho ſaw thame weill aneugh, And ſpeciallie gude *Auld Balcleugh,*
The Secretare and fundrie vther ; Anè *Williame Symfoune*, hir mother brother,
Whom fra ſcho hes reſavit a buike, For ony herb ſcho lykis to luike :
It will inſtruct hir how to tak it ; In ſaws and ſillubs how to mak it ;
With ſtones that mekill mair can doe, In Leich-craft, whair ſcho layis them toe.
A thowſand maladeis ſcho hes mendit. Now being tane and apprehendit,
Scho being in the Biſchopis cure, And keipit in his Caſtell ſure,
Without reſpect of warldlie glamer, He paſt into the Witcheis chalmer.’

Legend of the Biſhop of St Androis, p. 321.

² *Pouſſie, poteſtas*, viz. took the power of her left ſide from her. ³ Diſcoloured and ill-looking.

⁴ Worse. ⁵ Salves, ointments. ⁶ Modern Scotch, ‘ fearsome,’ frightful. ⁷ Terrified.

⁸ Boasted, rated, ſcolded, threatened. ⁹ She ſhould be worſe handled than formerly. ¹⁰ Twenty weeks.

and that he will appeir to hir self allane before the Court¹ cum ; and that he before tauld hir how he wes careit away with thame out of middil-eird : And quhene we heir the quhirll-wind blaw in the fey, thay wilbe commounelie with itt, or cumand fone thaireftir ; than Mr Williame will cum before and tell hir, and bid hir keip hir and faue hir, that scho be nocht tane away with thame agane ; for the teynd of thame² gais ewerie 3eir to hell.—(6.) ITEM, of hir confessioun maid, That the said Mr Williame tauld hir of ewerie feiknes, and quhat herbis scho fould tak to haill thame, and how scho fould vse thame ; and gewis hir his directioun att all tymes : And in speciall, scho said, that he tauld hir, that the Bischop of Sanct Androus³ had mony feikneffis, as the trimbling fewer,⁴ the palp,⁵ the rippillis⁶ and the flexus ;⁷ and baid hir mak ane saw⁸ and rub it on his cheikis, his craig, his breift, stommak and fydis : And siclyke, gaif her directionis to vse the 3ow mylk,⁹ or waidraue¹⁰ with the herbis, claret wyne ; and with fume vther thingis scho gaif him ane fottin¹¹ fowll ; and that scho maid ane quart att anis, quhilke he drank att twa drachtis, twa findrie dyetis.¹²

¹ Before the Court of Elfame. ² A tithe, or tenth part of them. This singular part of the prevailing superstition, the Editor has seldom before met with. It suggests a strange idea of a kind of intermediate state of existence, maintained by the 'guid nichtbouris,' through the medium of evil spirits ; and for this extraordinary privilege, they were annually *decimated*, or forced to pay tithe to 'Sathanas,' their lord paramount. The *wallydraigles* of this foul nest were no doubt pitched upon for payment of the annuity, and Maister Williame was jealous of the fate of his unfortunate relative, Alisoun. In the introduction to the Tale of Young Tamlane, Sir Walter Scott remarks, 'This is the popular reason assigned for the desire of Fairies to abstract young children, as substitutes for themselves in this dreadful tribute,' (paying the kane, or teind, to hell.)

'Then I would never tire, Janet, In Elfis land to dwell ;
But aye at every seven years, They pay the teind to hell ;
And I am fae fat and fair of flesh, I fear 'twill be myfell !'

The Editor begs to refer the reader to the Essay 'On the Fairies of Popular Superstition,' in *The Border Minstrelsy*, edit. 1821, vol. ii. p. 109.

³ The celebrated Patrick Adamsone, Archbishop of St Andrews, 'fumus Papanorum hostis, inter quos delituit extremo vite dispendio !' That such a character as his grace should have stooped to take advice of a poor witch for the cure of his bodily infirmities, appears strange indeed. ⁴ Fever and ague. ⁵ Palpitation at the heart ? ⁶ Weakness in the back and loins. ⁷ Probably the flux. ⁸ Salve. ⁹ Ewe-milk. ¹⁰ Perhaps the herb woodroof ? ¹¹ Sodden. ¹² A pretty decent draught for an Archbishop ! The claret and capon would prove more acceptable to his grace than oceans of ewe-milk, and such like potations. In that cutting satire, 'The Legend of the Bischop of St Androis,' his trafficking with Witches is thus recorded.

— ' Sic ane feiknes hes he tane, That all men trowit he had bene gane ;
For leitchis mycht mak no remeid, Thair was na bute to him bot deid.
He feing weil he wald nocht mend, For Phetaniffa hes he fend,
With Sorcerie and Incantationes, Raifing the Devill with invocationes,
With herbis, ftanis, bukis and bellis, Menis memberis and fouth-ruing wellis ;
Palme-croces and knottis of fireafe, The paring of a preiftis auld tees ;
And *in principio* focht out fyne, That vnder ane alter of ftane had lyne
Sanet Jhones-nunt and the foure-levit claver, With taill and mayn of a baxter aver,
Had careit hame heather to the oyne, Cuttit off in the cruik of the moone ;
Halie water and the lumber beidis, Hyntworthe and fourtie vther weidis :
Whairthrow the charming tuik sic force, They laid it on his fat whyte horfe.
As all men saw, he fone deceitit : Thair Saga flew ane faikles beast.
This wald not ferre ; he fought ane vther, Ane devill duelling in Anitruther
Exceeding Circes in conceatis, For changene of Whiffes meatis,' &c.

SENTENCE. The particulars of the procedure which took place in Court, and of the sentence pronounced against this unhappy woman, are not inserted in the Record : There is merely a marking in the margin of the Record, ‘ Conuicta et Combufta.’ The scene of her suffering was likely the Castle-hill of Edinburgh, where, after being ‘ wirreit at ane staik,’ she would be ‘ brint in affis.’¹

Slaughter.

JUN. 22.—ADAM CREYCHTOUN, fear of Ruthvennis.

Being enterit on pannell as becam in our fouerane lordis will of before in ane Court of Justiciarie, hauldin in the tolbuith of Edinburghe, the xxij day of Maij lastbypast, for certane crymes, viz. the slauchter of vniq^{le} James Creychtoun att the mylne of Ruthvennis, committit in the moneth of Februar lastbypast, and vniq^{le} Tyrie of Drumkilbo, committit in the moneth of December 1581 3eiris ; his hienes temperand justice with mercie, for certane respectis moving his Maiestie be his Precept, &c. Ordanit the Dome eftir following, to be pronunceit aganis him.

· REX,

‘ JUSTICE, Justice-Clark and 3our Deputes : We greit 3ow weill. Forfamekle as Adam Creychtoun fear of Ruthvennis, being callit and persewit before 3ow, for findrie crymes committit be him ; and speciallie, for þe crewall slauchter of vniq^{le} James Creychtoun att þe mylne of Ruthvennis, laitie committit be þe said Adam, vpoun fett purpois : ffor þe quhilk, he being apprehendit and putt in waird, within our Tolbuith of Edinburghe, and persewit conforme to þe lettres direct pairvpoun ; and nocht able to abyde oure lawis, he is becum in our will, to be pwneift pairfore às we pleis. And we mynding, that sic ane horribill fact fould nocht passè without som pwneifment, att the ernest fuit of oure rycht traist coufing, Johnne Erll of Mar Lord Erkein, and sum vthir respectis mouing ws, hes sparit the executioun of þe said Adam to þe death, for þe crymes foirsaid, vpoun þis conditione, that within þe space of . . . dayis nixt eftir þe dait heirof, that he fall depart furth of oure realme, and remane furth of þe famin, in perpetuall banefment and exyle, during all the dayes of his lyfytyme ; with certificatioun and¹ he fail3ie and do in þe contrar, that he being att ony tyme heireftir apprehendit

‘ Heiring how Witches wrang abusit him, The Kirkmen calld him and accused him,
And scharpie of theis pointis reprovèd him, That he in Sorcerie beleavit him,
Whairthrow his faule mycht come to skaith, The Witche and he confessing bayth,
Scho tuik some part of white wyne dreggis, Wounded rayne and blak hen eggis,
And made him droggis that did him gude,” &c.—DALYELL'S *Scottish Poems*, ii. 318.

¹ Whether the following entry in the Books of Privy Council has reference to a relation of ‘ Maister Williame,’ the Editor leaves to the reader to determine.

APUD *Edinburgh, quinto Septembris, anno, &c.* lxxvij^o (1577.) The quhilk day, Capitane Johnne Vddart become actit and obleift, as cautioner and fouirtie for Maister Thomas Symfoun, sumtyme seruand to vniq^{le} Thomas Daidfoun ypothicar, That the said Maister Thomas fall remane within this realme and nocht depart furth of the famyn in tyme cuming, without speciall licence of my lord Regentis Grace, vnder the pane of fyve hundreth merkis. And Johane Symfoun, minister at Kennowy, obleift him to releif the said Capitane Johnne of the premissis, and off all pane and dangeare that he fal happen to sustene thairthrow.

(Sic subscribitur) JOHNNE VDDART with my hand, JOHNNE SYMSOUN minister with my hand.

² *An*, if.

within our realme, be ony of oure judgeis or vtheris oure subiectis, that þe panis of death falbe execute vpoune him, without ony mercy. Quhairfore, it is oure will, and we command 3ow, that incontinent eftir þe sycht heirof, 3e infert þis oure Declaratioun in 3our act of Adjournall, to remane þairin as decreit of convictioune aganis the said Adam, in tyme cuning. Subferyuit with oure hand, att Dumfries, the aughtene day of Junij, 1588.

‘JAMES R. J. M. CANCELLARIUS.’

SENTENCE was pronounced by the Justice accordingly.

Slaughter.

Jul. 2.—ROBERT M^cBRAIR of Almagill.¹

Dilatit of the slauchter of v^mq^{le} Archibald Newall, burges of Drumfreis; committit in Apryll, 1587.

PERSEWARIS.

PRELOQUITOUR.

Efter Hill the relict, Mr David M^cGill, aduocat. Mr Johnne Ruffell, Johnne Halyday.

The said Robert M^cBrair produceit ane Precept, subferyuit be the King and his Chancillar, orderand the mater to be continewit; quhillk the Justice obeyit, ‘Drumfreis, tercio Itineris, xv dierum.’²

[*Mr Williame Oliphant, Justice-Depute.*]

Jul. 22.—Comperit William Commendater of Pittinweme, as Preloquitour for him, (the said Robert M^cBrair,³) and thair in judgement, in prefence of the said Justice-depute; feing that v^mq^{le} Archebald M^cBrair of Almagill (of that Ilk) was execute for the said slauchter, and that the said Robert was innocent thairof, offerit in the said Robertis name to refer for his part of the fatisfactioune of the said slauchter, gyft of escheit and vthir mater debatabill betuix him and Efter Hill, the relict of the said v^mq^{le} Archebald Newall, present att the bar, and persewar of him, to be modifeit and decydit be the Kingis Maiestie, or ony foure of his hienes Counfall: And the said Estir Hill anfuerand be Mr David M^cGill of Nisbet, aduocat for his hienes interes, lykewyis persewar, declarit that his hienes defyrit hir to persue the law; and s^wa refusit to refer the said mater in maner aboue written. Quhairvpoune the said Williame Commendater of Pittinweme alkit instrumentis.

(Jul. 23.)—This case was continued, first to July xxiiij.⁴

(Nov. 2.)—It was then delayed to Nov. ij, when the pannell produced Letters of Remission, granted by the King in his favor; Thomas Stewart of Gastoun and Walter Gladstamis of that Ilk, having become sureties, ‘ad satisfaciend. partibus.’

¹ See Jan. 23, 1587-8. ² Plegio, Johnne Lyndfay de Covintoune: ‘Releuit heireftir be his entrie.’ ³ Plegio, Andrew Blair de Ardblair. ⁴ When ‘the Kingis Maiestie haifing commandit the persewaris and defender, to submit all materis debetabill betuix thame, to four Lordis of the Sessioune, the Justice continewit this mater to the xxviiij day of Julij instant.’

[*Mr Johne Grahame and Mr Williame Oliphant, Justices-Deputes.*]

Slaughter—Witchcraft—Adultery.

Jul. 26.—JOHNE MYLLAR in Middill Cairny, and Meriory Blaikie in Cairny.

Dilaitit of airt and pairt of the slauchter of vmq^{le} Williame Robertfoun in Cairny, in bewitching of him; committit in Apryle, 1585: AND for Adulterie committit be athir of thame with vthiris.

Continued to the Justice-aire of Perth, ‘tercio Itineris, xv dierum.’

[*Mr Williame Oliphant, Justice-Depute.*]

Incest.

Aug. 22.—SIR JAMES HAMMILTOUN of Crawford, knycht, and Marioun Hammiltoun his dochter naturell.

Hew Somerwall in Carfwall, oft tymes callit to haif produced our fouerane lordis lettres dewlie execute and indorsat, &c. to tak fouirtie of Sir James Hammiltoun and Marioun Hammiltoun, that thay sould haif comperit befor the Justice or his deputes the saidis day and place, in the houre of cause, and vnderly the Law for the fillthie cryme of Incest, committit be athir of thame with vther thir sax 3eiris bypast; lauchfull tyme of day biddin and nocht produce-and, the famin wes thairfore americiat in the panis contenit in the Actis of Parliament.

Slaughter.

Sep. 3.—MR ROBERT DOWGLAS, provost of Lynclowdene.

Robert Lord Sanquhar become pledge and fouertie, that the said Mr Robert Dowglas fall compeir before the Justice or his deputes, the thryd day of the nixt Justice-air of the sherefdome of Drumfries, or soner, quhene or quhair it fall pleis our fouerane lord, vpoun xv dayes wairning; and vnderly the law, for airt and pairt of the slauchter of vmq^{le} Sir Robert Maxwell of Dinwiddie, knycht, committit in October lastbypast; and vther crymes contenit in the lettres direct thairvpoun, vnder the panis contenit in the Actis of Parliament.

[*Mr James Wardlaw, Justice-Depute.*]

Reset of a Papist and Seminary Priest.

May 7, 1589.—JOHNE LOWRIE, duelland at the Waft-port of Edinburgh.

Dilaitit of the treflonabill Reflett, supplement, mantening, intercomoning and furneing of meitt, drink and herberie to Mr Robert Bruce, confessit and avowed Papist and seminarie Priest, commoun ennemie to Goddis truth and Cristiane go-

vernment ; committit in July, Januar, Februar and March, 1588 and 1589. ITEM, for doing of fanour, ressetting, suppleing, mantening and defending of Mr Robert Bruce, seminarie Preist foirfaid, within his hous at the Waft-port, in the monethis foirfadis, he being oure fouerane lordis rebell.

PERSEWARIS, Maister David M^cGill.

PRELOQUITOURIS, Mr Johnne Ruffell, Alexander King.

It is allegit for the pannell, that in this judgment na perfoun can be put to the knaulege of ane Assyis, without thay wer summond vpoun xv dayis warning, except personis dilatit of Tressoun and tane *in flagranti crimine*. The Aduocat allegis that the samyn fuld be repellit, in respect that the said Johnne Lowrie wes constitut prifoner ; and the King may tak him furth of prifoun, and put him to ane Assyse.

May 8.—Johnne Lowrie, vpoun pannell, cummis in his Maiesteis will, for geving of meit and drink, as ane commoun tawerner, to Mr Robert Bruce, ane zeir syne or thairby in Januar lastbypast, a denner at athir tyme allanerlie,¹ without ony nichtis ludgeing ; and that vpoun the said Mr Robertis expenssis, nocht knawin him to be ane Preist : And denyis exprellie the haill remanent pointis of Dittay, sen ony deid done be him to the said Mr Robert sen the executioun of the last Proclamatioun, quhilk was vpoun the xxvj day of Februar lastwes. And vpoun the said Declaratioun and offer, takis instrumentis that he is ready to abyd ane Assyis for the rest of the Dittay.

Mr David M^cGill younger aduocat, produceit the Dittay and desyrit proces.

May 9.—The Justice accepts the offer of coming in the Kingis will, ‘ according to his hienes Warrant and Precept presentit in Jugement ; and ordanit caution to be ressaute of the said Johnne.’ His cautioners were, ‘ James Couper merchand, burges of Edinburghe, and Martine Lowrie, burges thair.’

[*Mr James Wardlaw and Mr Edward Bruce, Justices-Deputes.*]

Slaughter.

May 13.—ARCHEBALD WAUCHOP of Nudrie, 3ounger, George Boig ferwand to the Lard of Cragmiller, Williame Lauder brother to the Laird of Bannochie, Williame Craig ferwand to Craigmiller, Richard Bigum (Bigholme ?) also his ferwand and Thomas Kame, fmythe in Nudrie.

Dilatit of the slauchteris of v^mq^{le} James Giffert of Sherehall, v^mq^{le} Johnne Giffert his brother, and v^mq^{le} Robert Caife in Dalkeith, committit in July lastbypast ; and als of the slauchter of v^mq^{le} Johnne Edmeistoun, brother of David Edmeistoun of Wownnett ; committit in March lastwes.

¹ Only.

PERSEWARIS for Shereffhall. PERSEWARIS for Johnne Edmei- PRELOQUITOURIS for the pannell.
 Johnne Giffert, father-brother to stoun. Maister Thomas Craig,
 vmq^{le} James Giffert of Shereffhall, Sir Johnne Edmeiftoun of that Ilk, Mr Johnne Prestoun,
 James Hammiltoune, The Lord Hwme, The Laird of Brunftoun,
 Mr David M'Gill, Aduocat. The Laird of Sefkurd. The Laird of Ormeiftoun.

The Justice, eftir dyuerse and findre allegences and anſueris proponit and maid be ather of the parties, continewit the mater to the morne at ten houris.

[*Mr Johnne Russell, Justice-Depute.*]

May 14.—The quhilk day comperit Mr Johnne Russell, Aduocat, and presentit ane Commiffioun vnder the Signet, of the deit the said xiiij day of May, subscriyuit be the King and Chancelair, ordinand him to be Justice in the mater abouewrittin to Mr Edward Bruce and James Wardlaw: And according thairto, wes fuorne for administratioun of Justice.

Comperit Mr David Makgill of Neisbet, Aduocat, and produccit the roll of Assyise, subscriyuit with his hand.

PERSEWAR, Maister David Makgill. PRELOQUITOURIS, Mr Johnne Prestoune, Mr Thomas Craig.

Allegis, that the Justice can nocht proceed aganis the Laird of Nudrie and his complices, for the slauchter of vmq^{le} James Giffert, Johne Giffert his brother, and Richart Caife, in respect, thay haif fund caution, vpoun xv dayes warning, actit in the buikis of Adiornall; and in respect, thay are nocht tane *in flagrante crimine*, nor zit is that ane cryme of Leife-majestie; and thay being vnder caution, mvn¹ be warnit on fyftene dayis: And producit ane Act of Adjornall, subscriyuit be the Justice-Clerk. The Aduocat acceptis the Act, and thinkis the alleagence to be ressonabill.

The Justice findis the alleagence maid yesterday anent the caution vpoun fyftene dayis warning, nocht to be relevant in respect of the Kingis Warrant: And ordanis the saidis perfounes to be put to ane Assyise for all the crymes foir-faidis; bot continewis the Laird of Nudrie and remanent perfounes foir-faidis, and putting of thame to ane Assyise for slauchteris of the saidis James Giffert, Johnne Giffert his brother and Richard Caife, in respect of the act of Caution producit.

ASSISA.

- | | | |
|--|--|--|
| (1.) Maister Patrik Hepburne of Gilmertoun, | (6.) James Dunlop of that Ilk, | (11.) James Cochrane of Barbachla, |
| (2.) Williame Lauder of (in) Dunbar, | (7.) Mr Patrik Hepburne of Smetoun, | (12.) James Hwme in Dunbar, |
| (3.) Williame Wallace, 5ounger of Johnstoun, | (8.) Johne Spreull of Cowdene, | (13.) Williame Wallace, minister of Faill, |
| (4.) Neill Montgumrie of Langschaw, | (9.) James Creychtoun, 5ounger of Brunftoun, | (14.) Thomas Seytoun of Northrig, |
| (5.) Aula M'Cawla of Arncapill, | (10.) James Henderfoun, 5ounger of Dryden, | (15.) Sir Williame Lauder of Halletoun. |

¹ *Man*, must.

The Affyis defyrit the Dittay to be fworne, according to the ordour. The Aduocat allegis that the Kingis Dittay aucht nocht to be fworne be him. The perfonis of Allyife askit instrumentis that na man wauld fueir the Dittay.

VERDICT. Quhilkis perfonis of the Affyis abouewritten, being chofin, fuorne and admittit, pafte furth altogidder out of Court to the Counfaill-hous of Edinburghe, quhair thair efter the chefing of Neill Montgunrie of Langfchaw, Chancellair, thair reffonit vpon the haille poyntis of Dittay, and thairwith being ryply aduyfit, re-enterit agane within the faid Court, and be the mouth of the faid Chancellair, ffand, pronuncit and declarit the faidis *Williame Lauder*, *Williame Craig* and *Thomas Kame*, to be acquit and clengit of the flauchteris of vinq^{le} James Giffert of Sherehall, Johnne Giffert his brother and Richerd Caife; committit in July laftbypaft. As lykwayis, be thair delyuerance in prefence of the faid Justice-depnt, ffand, pronunceit and delyuerit, in ane voce, the faidis *Archebald Wauchope* of *Nudrie*, *George Boig*, *Williame Craig* and *Thomas Kame*, to be acquit, clengit and innocent of the flauchter of vinq^{le} Johnne Edmeftoun, brothir to David Edmeftoun of Wowmet, and of the hurting and wounding of George Dauidfoun in his . . . kne, be the fchoit of ane piftolett; and of the hurting and wounding of George Hwid, ferwand to the Lard of Edmeftoun, in his leg; committit the moneth of Merch laftbypaft.

APUD EDINBURGHE, xiiij Maij, anno 1589.—The quhilk day, at xij houris efter midnight or thairby, caution wes found for the perfonis of Affife as follows.¹

- (1.) James Adamefoun, burges of Ed^r, and Mr Thomas Fifcher, burges thair, Ten thowfand markis.
- (2.) James Adamefoun, burges of Ed^r, and Geo. Douglais, fear of Langnudrie, Three thowfand markis.
- (3.) Johnne Arnot, proveft of Edinburghe, Fyve thowfand markis.
- (5.) Thomas Fifcher, burges of Ed^r, Sir Williame Lander of Haltoun, knyght, Fyve thowfand markis.
- (6.) Johnne Watt, fmyth, burges of Ed^r, and . . . Cant, burges thair, callit *Lard Cant*, Fyve thowfand markis.
- (7.) James Adamefoun, burges of Ed^r, Ten thowfand markis.
- (8.) Johnne Arnot, proveft of Ed^r, and Johnne Watt, burges thair, Fyve thowfand markis.
- (9.) George Douglais, 3ounger of Langnudrie, and James Adamefoun, burges of Ed^r, Three thowfand markis.
- (11.) Johnne Arnot, proveft of Ed^r, Three thowfand markis.
- (12.) James Adamefoun, burges of Ed^r, and Mr Patrik Hepburne of Smetoun, Tua thowfand markis.
- (14.) George Douglas, younger of Langnudrie, and James Adamefoun, burges of Ed^r, Fyve thowfand markis.
- (15.) George Douglas, 3ounger of Langnudrie, and James Adamefoun, burges of Ed^r, Fyve thowfand markis.

¹ Instead of again enumerating the whole of the Assise, reference is made to the number prefixed to each Assisor's name, in the foregoing list. Montgomerie of Langfchaw, Henderfoun 3ounger of Dryden and Williame Wallace, did not find security.

The samyn day, ilk ane of the Assyfouris foirfaidis quha hes fund the said fourtie, obleift thame, thair aris, executouris and assignais, to freith, releif and keip skaithles thair cautionaris *respective* foirfaidis, of the fourtie abouewrittin, ilk ane of thame for thair awin partis as is aboue specifiet, and of all panis content thairin, at the handis of oure sowerane lord and his hienes thesaurair, and all vtheris quhome it effeiris.

[*Mr Williame Oliphant, Justice-Depute.*]

Slaughter.

May 20.—THOMAS MAISTER OF BOYD, James Boid of the Kippis, Alexander Boyd, bailzie of Kilmernok, James Slofe of that Ilk, Thomas Roife in Bondland, and Johnne Craufurd in Welstoun.

Dilatit of the slauchter of vmq^{le} Johnne Mure in the Wall; committit in the moneth of Auguft, 1571.

PERSEWARIS.

Johnne Mure, eldest sone, Robert Stewart and Michael Stewart, kinifmen of the motheris fyde.

PRELOQUITOUR for the pannell, Mr Johnne Skene.

The partie past fra the perfute of Johnne Craufurd; quhairvpoun he askit instrumentis.

Letters of Remiffioun, granted by the King in favor of the parties, and Caution found for satisfiying the parties. Cautioners, Captain Thomas Craufurd of Jurdanehill, Johnne Schaw of Grenok, Williame Mure apperand of Rowallane and Thomas Master of Boyd, bind themselves to relieve the above sureties.

Slaughter.

May 20.—ROBERT LORD BOYD.

Robert Boyd of Banhaith, cautioner for the entry of Lord Boyd at the Justice-air of Ayr, or on warning of xv days, for the same slauchter.

[*CURIA JUSTICIARIE s. d. n. Regis tenta in pretorio de Edinburgh superiore, xxiiij die mensis Maij anno 1589, per discretos viros Magistros Eduardum Bruce, Willielmum Oliphant et Jacobum Wardlaw, Justiciarios Deputatos.*]

May 24.—The quhilk day the Justices abouewritten producit our sowerane lordis Commissioun efter specifiet; quhilk thay desyrit to be insert in the proces for thair Warrant; quhairof the tennour followis.

COMMISSION for the Trial of GEORGE ERLE OF HUNTIE, DAVID ERLE OF CRAWFURD and FRANCIS ERLE BOTHUELL.

‘JAMES, be the Grace of God, King of Scottis. To all and sundrie oure leigis and subdittis, quhome it efferis, to quhais knaulege thir oure lettres fall cum; Greting. Witt 3e Ws, to haif maid and constitut, and be thir oure Lettres, with the awyife of the Lordis of our Secreit Counfaill, makis and con-

stitutis Mr Eduard Bruce, Johnne Coluile, Williame Oliphant and James Wardlaw, oure Justices in that pairt, conjunctlie and feueralie, to-þe effect vnderwrittin; Gewaud, grantand and committand to thame, oure full frie, and plane power, generall and speciall command, expres bidding and charge, Court or Courtis of Justiciarie, within our tolbuith of Edinburghe, to fett, begin, affix, hald and continew, as oft as neid beis; and thairin George Erle of Huntlie, Dauid Erle of Crawford, Frances Erle Bothueil, to call, and be Dittay to accuse, and to the knalege of Affyis to put, for certane tressonabill crymes and offencis committit be thame, tending to the subuersion of the trew Religioun, and perrelling of oure perfohn and estait; and as thay fal happin to be fund culpabill or innocent, to minifler and caus justice be miniftrat vpoun thame, conforme to the lawis of oure realme; fettis¹ to mak be callit, absentis to amerciat, trespaffouris to puneis, vnlawis, amerciamentis and efcheatis of the saidis Courtis to ask, lift and crave, and the samyn to our thesaurair and his deputtis, in oure name, to inbring and delyuer; affyis ane or ma to summond, cheis and caus to be suorne, ilk perfohn nocht comperand, vnder the pane of twa hundreth pundis; clerkis, serjandis, dempstaris or vtheris officiaris of Court neidfull to mak, creat, substitut and ordane: ffor the quhilk oure saidis Commissionaris falbe baldin to ansuer to ws pairvpoun. The quhilk to do we committ to ʒow, conjunctlie and feueralie, oure full power be þir oure lettres, delyuering þame be ʒow dewlie execute and indorsat agane to þe berar. Gewin vnder oure Signet, and subferyuit with oure hand, att Edinburghe, the xxiiij day of Majj, and of our regnne the xxij ʒeir, 1589.

‘ JAMES R. CANCELLARIUS.’²

High Treason, &c.

GEORGE ERLLE OF HUNTLE, Lord Gordoun and Badzenocht, &c.,
Frances Erll of Bothwell, Lord Creychtoun and Hailis, &c., and
Dauid Erll of Craufurd, Lord Lyndesay, &c.

Dilatit of certane tressonabill crymes, contenit in Dittay to be gewin in be our fouerane lordis Aduocatt, following.

PRELOQUITOUR for the said Erll Crawford, Mr Johnne Scharp.

PRELOQUITOURIS for Frances Erll Bothwell, Mr Thomas Craig, Mr Johnne Prestoune.

PERSEWAR, Mr Dauid M^cGill of Nisbet, Aduocat to our fouerane lord.

Comperit the said Mr Dauid M^cGill, and produceit the Dittay vnderwrittin; quhair of the temour followis.

DITTAY or INDICTMENT against the Pannell.

GEORGE ERLLE OF HUNTLE, FRANCES ERLLE OF BOTHWELL, DAUID ERLLE OF CRAWFURD; ʒe and ilk ane of ʒow, ar indyted, for þe tressonabill traffiking with strangearis and minifteris of str(angearis), sic as Jesuites and feminarie preiftis, and sum excommunicate perfohnes, for alteratioun of þe religioun presentlie professit within þis realme, according to þe sinceritie of þe Ewangell, the quyet of þe same stableischt be commoun consent of oure s(ouerane) lord and thre Estaitis, in þe Parliament haldin att Lynlythqw, the t(enth) day of December 1585 ʒeiris; and to þe owerthrow of his hienes perfohne. And this ʒe and every ane of ʒow, with Coronall S(empill), Johnne Cowper,

¹ *Secta*, suits of Court.

² Sir John Maitland, Lord Thirlestane.

Robert Bruce, Mr Edmond Hay, Mr William Creychtoun, Thomas Nisbet, Johnne Chifholme sone to vniq^{le} James Chifholme of Cro . . . , David Grahame of Fintrie and diners vtheris, albeit native Scottifmen, (in þe haill monethis of 1588, att þe leift in ane or vther of þame,) zit in þis tressonabill traffique, ministeris (of) frangeris : And ze and every ane of zow, hes reffaut m . . . (men ?) and Spanisch gold fra þame ; att þe leift, ane or vther of þame ; to þe effect and for þe cauffis foirfaidis ; committing thairthrow, maist hie and manifest tressonne ; quhilk ze can nocht deny.—To þe taikin that this is trew, ze, *Frances Erll of Bothwell*, in somer lasthyps, to þe effect foirfaid, reffaut fra Cornall Sempill ane thowfsand crownis ; and laitlie fra France, (fra þe) Erll of Erroll, ane vther thowfsand crownis ; and distributit þe same be zoure selff and vtheris att zoure command, with vtheris sounes of money, reffaut be zow fra Mr Walter Lyndfay, to¹ waigeit fouldiertis, horsmen and futemen, rasit be zow laitlie, in þe monethis of March and Apryle ; expres aganis the Acte of Parliament, forbiddand raising of fouldartis, or waigeing of ony men of weir, except be speciall commissiounne of þe Kingis Maiestie, quhilk ze had nocht. In respect quhair of ze haif incurrit þe pane of Tressoun, as is abouewrittin.—And ze, *George Erll of Huntlie*, in lykewayis, hes reffaut þe sounne of three thowfsand crownis or þairby, the last zeir, fra David Grahame of Fyntrie, to þe effect foirfaid ; quhairthrow ze haif incurrit the lyke cryme. And this is trew, and ze nor ather of zow can deny þe same.—SECUNDLIE, ze and ather of zow ar indytit, for þe suffering of zoure selffis to be induceit be þe reffauing of þis money aboue specifit, to þe effect foirfaid, for contentment of þe strangearis, papistis ministeris, quha traffikit with zow, to þe tressonabill effectis aboue specifit, to haif maid and subscriuit ane Band, aganis zoure dewtie, being subiectis, and subscriuit þe same be zoure handis, and diners vtheris zoure complicis, sic as the Erlis of Montroise and Erroll att Stregmartene, Glentamer and Auld-Montroise respective, in þe moneth of March lasthyps ; Bandis being forbiddin be þe law of þe countrey ; besydis dyvers conventicle aithis, leagis and conspyraceis, haif bene maid be zow, in þe monethis of Februar and March, to þe tressonabill effect aboue specifit, reiterat and renewit be zow and diuerse vtheris zoure complices and pairt-takar is in þe toune of Sanct Johnnestoune, in þe moneth of Apryll lastwas ; att þe quhilk tyme, ze maist tressonablie tuik þe faid toune, and maid zoure selffis maisteris þairof, of playne intention to haif stuffit² þe famin, and kepit it aganis his Maiestie and his authoritie. For executing of þe quhilk conspyracie, ze and ather of zow, wer art, part, red and

¹ Part of a line cut by binder from the top of this and some of the following leaves. The edges of the leaves are also pared, so as to take away several words. ² Victualled and furnished.

counfall, of þe convocattin of 3oure selffis, 3oure affistaris and pairt-takaris in armes, to haif takin the Kingis Maieftis hous and palice of Halyruidhous and his hienes perfoune, fupponit be 3ow to be thairin ; and to haif flayne findrie his gracis faithfull counfalouris and feruandis, ſpeciallie Sir Johnne Maidland of Thirlſtane, knycht, his Maieftis chancellor, with diuers vtheris : Quhairthrow, 3e mycht haif vfit his Maieftis perfoune, alterit and fubuertit þe preſent eſtait, att 3our awin will. For performing quhair of 3e tryiftit 3oure meting att þe Quarrell-hoillis, betuix Leith and Halyruidhous, in March laſt ; and 3e, *Frances Erll of Bothwell*, wraitt to Dauid Erll of Crawford, to haif cunit in armes to Leith, and to haif kepit þe appointit place and tyme be 3oure ſelf, as indeid 3e the *Erll of Crawford* come in armes, to þe effect þe
. þe toun of Kingorne ; the *Erll of Huntly*, frome þe n (north?) partis to þe toun of Dumfermling ; the Erll of Montroſe, to þe Halzairdis in Auld Liſtoun ; and 3e 3oure ſelff, to þe ſaid place appointit. Quhilk 3e nor ather of 3ow can deny.—ITEM, 3e and ather of 3ow ar indytit, fforſamekle as his Maieſtie being aduerteift of 3oure treſſonabill Conſpiraceis abouewrittin, for his awin bettir preſeruatioune in keping his realme and liegis in quyetnes, haifing fend [Williame] Reidpeth, one of his Maieftis gaird, in Apryll laſtwes, with his Maieftis letteris to his louitt counſaloure and officiar, Mr Thomas Lyoun of Baldu(kie) Maifter of Glamis, his grace theſaurar to þe tounis of Dundee and Sanct Johnſtoun ; quhairthrow his Maieſtie, be convocating of his liegis, mycht repres þe rebellious aboue ſpecifeit ; 3e be your ſelff, ſeruandis and collegis, tuik the ſaid [Williame] Reidpeth, kepit and detenit him preſoner, impedit and ſtayit þe executioun of his grace's letteris for convocating of his trew liegis to þe maintenance of his eſtait and preſeruatioun of his Maieftis perfoun : Quhairthrow 3e declarit 3oure ſelffis to haif rebellit aganis þe ſame, and thairthrow to haif incurrit þe cryme of Treſſoun.—ITEM, 3e and ilk one of 3ow ar indytit and accuſit, that in þe moneth of Apryll laſt, in hie contempt of his Maieſtie and his auctoritie, 3e tuke vpoun 3ow to aſſage þe hous of Kirkhill, and war airt, pairt, red and counfall þairof, ffor exterminatioun quhair of 3e raſit fyre ; and in takin þairof, conſtrained the ſaid Mr Thomas Lyoun, being þairin for þe tyme, to rander him preſoner vnto 3ow, careit him with 3ow to þe hielandis and place of Auchindoune, kepit him captiue be a lang ſpace ; incurrand þairby the cryme of Treſſoun. Quhilk is trew, and 3e can nocht deny þe ſame.—ITEM, 3e the *Erll of Bothwell* ar indytit, that fforſamekill as 3e directit one commiſſionne to þe Erll of Erroll to Sanct Johnſtoun, to move þe Erllis of Huntly and Crawford with all þair to cum fordwart and joyne þame ſelffis with 3ow, on this ſyd of þe walter of Forth, before his grace forces wer aſſemblit ; quhilk 3e did, in þe moneth of Apryll laſt : Quhairvnto (thay) agreit ;

and 3it newertheles, for takin that this is trew, the Erll of Crawford for executione heirof, enterit in contemptuous termes with the Erll of Erroll. In respect quhairof, 3e and every ane of 3ow hes incurrit þe cryme of Tr(essoune).—ITEM, 3e and ather of 3ow ar indytit, that fforfamekill as his Maiestie and his counsalouris, vnderstanding þir tressonabill vproiris and conspiraccis, aboue mentionat, directit his herauld, Williame Rankelure, to mak proclamatioune att þe mercat-croce of Abirdene, for delyuerance and putting to libertie of his gracis thesaurar, officiar of estait and his gracis counsaloure: The said herald cumand to þe mercat-croce of þe said toune in his coit of armour, the same wes rest fra him, his Maiesteis letteris directit lykwyis to be proclamit for convocatioun of his faythfull liegis, wes maist contempteoullie and tressonablie takin fra him, in þe moneth of Apryll foirsaid, be 3ow and athir of 3ow, 3oure affestaris and pairt-takaris, sic as Johnne Lesley of Boquhane, Johnne Gordoune of Bukie and Murray of Cowbairdie; 3e and euerie ane of 3ow, being art, pairt, red and counfall þairof, kepit and mantenit with 3ow, in 3oure cunpany, the foirsaidis persounes, actuall doaris þairof. Quhairthrow 3e haif rebellit aganis his Maiestie and his authoritie, and þairby incurrit þe cryme of Tressoune: Quhilk 3e can nocht deny.—ITEM, 3e and ather of 3ow ar indytit for þe tressonabil making of proclamatiounes in his Maiesteis name, for convocating of his liegis in armes aganis his Maiestie and his authoritie, makand sklanderous and vntrew repourtis in þe saidis proclamatiounis, that his hienes wes kepit captiue aganis his will; efter þe tyme that his Maiestie maist wyillie and advysitlie ratifeit the Act of Pacificatioune and maid þe Act of Restitutioune, for quyeting of þe haill estait of this countrey; and þis donè with þe aduise of his Parliament, att Lynlythqw, the tent day of December 1585: Declaring alswa, that it fould be Tressoune to ony man to oppone him selff aganis the said Pacificatioun and Act of Restitutioun, and quyet estait of þe countrey than estableisht; and that the opponeris fould incur þe pane of lyffe, landis and guidis. In making of þe quhilkis Proclamatiounis, 3e and ather of 3ow hes vsurpit his Maiesteis authoritie; and in contrawening of þe said Act and contentis þairof, hes incurrit þe pane of Tressoune.—ITEM, 3e and ilk ane of 3ow ar indytit, for airt, pairt, red and counfall, of convocating and bringing togidder of ane oist and armie, on horse and fute, aganis his Maiestie; he with his faithfull and trew subiectis being vpoun þe ffeildis, for repressing of thir 3our tressonabill actis, conspiraccis and deuyfes befor reherfit; his Maiestie self, in propir persoun, with his oist and armie, haifing past fordwart fra his Palace of Halyruidhous, to the toune of Cowie, within the Sherefdom of Kincarne, quhair his Maiestie being in propir persoun, 3e haid convocat ane host of thre thousand persounes inarmit, maid oressounes and gais persuasiounis to thame, that 3e haid his Maiesteis guid-will

and consent thairto; animating thame to cum fordwart ganis his Maieftie, promeing to¹ and is of weritie; and fa 3e come² of Abirdene with difpleyit banneris to þe Brig of Die, of mynd to haif affal3iet his hienes oift and armie, his grace maift royall perfoun being thairin; gif that a part of 3our faid armie, (being) his Maiefteis guid and faithfull fubiectis, induceit and perfuadit be errour to accompany 3ow, vnderftanding þair awin errour, haid nocht (knaung his Maiefteis awin perfoun to be in the ffeildis) alluterlie refufit 3ou, in 3our faid treffonabill procedingis. And this is trew, and 3e can nocht deny the fame.—ATTOUR, 3e *Frances Erle of Bothuell* ar indytit and accufit, that 3e in the monethis of Januar, Februar, Merche and Aprile laftbypaft, at leift in ane or vther of thame, hes reffaut fra minifteris and ferwitouris of strangeris, Papiftis, quhome 3e in dyueris tymes haid in cumpanie with 3ow, dyuerfe fowmes of monie to the rafing of men of (weir) and wagit men, or horfe and fute, expres aganis the dewtie of ane faythfull fubiect, and come fordwart with thame to Dal(keith), his hienes being in Edinburghe for þe tyme: Of þe quhilk wageit men (3e) rafit ane number of Inglifmen, Grahmis and vtheris, inhabitantis of Levin and Newcastle; the reft of 3our wagit nowmer, being outlawis, theiffis and rebellis, Scottifmen, sic as Robert Maxwell, brother and fonnes of þe lard of Greneheid; ftrak drummis and (raifed) vp men of weir on fut and hors, maid refidence with th(ame) at Dalkeith, come with thame to Leith and dyueris vtheris partis of the cuntrey, boftit³ and manaffit the trew fubiectis þairof with þair wtter wraik. And this treffonabill deid 3e reiterat (his Maieftie) being in the north in proper perfoun, for repreffing the vproris (aboue) writtin, in þe moneth of Aprill foirfaid; and campit 3our felff . . . (at) Dalkeith aganis his Maieftie, as gif 3e haid bene fubiectis in tyme of ware, denunciit to ane forrane prince and ene(my.) Quhairthrow, 3e haif committit maift hie and manifest Treffoun (aganis) his Maiefteis perfoun, Actis of Parliament and lawis of this realme. (And) this is trew, and 3e can nocht deny the fame. —ITEM, 3e and ilkane of 3ow ar indytit for the treffonabill and fpeking aganis the peax and quietnes of the cuntrey (and his) Maiefteis libertie concludit in Parliament be the Eftatis thairof, quhilk (3e and) euery ane of 3ow did at dyuers tymes, and fpecialie in the (moneth) of Merche laftbypaft, his Maieftie being vpoun the feildis and at his willing to perfuad his hienes, that he was fen the making of the (forefaid) Act at Lithqw, haldin and detenit captiue, and that he would lo (lofe his?) lyf gif he returnit to his awin toun of Edinburghe at quhat tyme alfo ettit vpoun the taking and apprehending of his gracis maift nobill (perfoun?) oppoining

¹ A line cut off by the binder's unskilfulness.

² Three words pared off here.

³ Threatened.

your self and euery ane of you to his Maiesties Actis of Parliament : It being provydit be the saidis Actis, that quhafoeur opponit conspiring abrogatioun or derogatioun pair of, directlie nor indirectlie, thay sould incur the pane of Trefloun and Leife-maiestie, to be execute with all rigour.¹ As the extract of the said Act, heirwith productit to schaw, beris. And this ze haif done, incurrand pairthrow the panis of Trefloun, as is abouewrittin.

THE quhilk day, the said Dittay and euerie point thair of being oppinlie red in judgement, and efter diuers answaris maid thairto be the saidis Erllis of Huntlie, Bothwell and Crawford,

The said ERLI OF HUNTLIE declarit, that nochtwithstanding in his conscience he is innocent of sic odious crymes, as of before he denyit, zit haifing cum in vponne that resolute purposis, to submitt him self in his Maiesteis will ; and nocht willing ony wyise to be contradictour to his Maiestie ; hoping alwis that his Maiestie will wie² the circumstances of his accusatioun ; he submittit him self maist humblie in his Maiesteis will, following his intentioun that he had att the fyrst incuming : And that, of the hail pointis of the Dittay.—The Aduocat askit instrumentis of the Erll of Huntleis cuming in the Kingis will.—The Erll of Huntlie protestit, that they mycht be hard heireftir, nochtwithstanding his cuming in will, be all lesun meanis that he may, of law.

The samin day, the ERLI BOTHWELL, eftir the reding of the hail pointis of Dittay, and efter diuers answaris gevin thairto, and ane playne denyall thair of as thay wer lybellit, become in our souerane lordis will, for raising of men of weir, convocating of our souerane lordis liegis, brokin men, borderaris, and, as he alledgeit, pledgeis for staving of the truble of the bordouris, att Dalkeyth ; and bringing of thame to Leyth : And crawis his Maiestie maist humblie pardon thairfore.—The samin day, the said Erll of Bothwell become in our souerane lordis will, for subscripcioun of ane Band, insofar (as) it is contrar the law and Actis of Parliament, alwis nocht importing Trefloun : and offerit him redde to abyde the tryall of ane Assyis for all the rest of the crymes contenit in Dittay.

The samin day, the said DAVID ERLI OF CRAWFURD, eftir the reding of the said Dittay vnto him, and that he had answarit thairto and euerie point of the samin, denyit the hail pointis thair of, as thay wer qualifeit : And become in the Kingis Maiesteis will for being vpon the ground quhene my lord Thesaurer

¹ Mutilated by the binder. The words of the Act (19 Jac. VI. cap. 21) are, ' And that na maner of persoun nor perfonis, of quhatsumevir qualitie or degree thay be, pretend to argun, impung, trauell, solist or lawbour, for pe infringeing, breking, wrafting, abrogatioun,' &c. ² Weigh.

come furth of the hous of Kirkhill, or ony cryme his Maieftie may imput to him thairanent.

.¹ in his Maiefteis will for being with the Erll of Huntlie Abirdene, but ony convocatioune vpoune his pairt, with of all perfwading of his hienes liegis againis his Maieftie, as is contenit in Dittay.

The Advocat atkit instrumentis of the becuming of the Erllis of Bothwell and Crawford in the Kingis will.—The said Erll of Bothwell protested, that na mair be putt to ane Assyise, bot safar as releuant of the law.

ASSISA.

The Lord Hammiltoune,	The Lord of Cathcart,	The Erll of Marfchell,
The Erll of Angus,	The Laird of Pittarro,	The Lord Seytonne,
The Erll of Mortoune,	The Constable of Dunde,	The Lord Somerwell,
The Erll of Atholl,	The Laird of Cloifburne,	The Lord of Altrie,
The Erll of Mar,	The Laird of Lag,	The Lord Dingwall.

The Advocat, eftir accusatioun of the saidis Erllis of Crawford and Bothwell be Dittay, in prefens of the saidis persounes of Assyise, protestit, in cais the Assyise clange thame, for Wilfull Erroure.

VERDICT. And immediatlie eftir chefing, fwering and admitting of the persounes of Assyis aboue specifeit, and accusatioun of the saidis Erllis of Bothwell and Crawford be the Dittay above mentionat; the saidis persounes of Assyis removit thaim felfis altogidder furth of Court to the Counfal-hous; quhair thay fyrst, be voting, chuse the said Willeame Erll of Angus Chancillar of the said Assyise, and thairefter reffonit and votit vpoune the pointis of the said Dittay, and gave thair determinatioun thairvpoun. With the quhilk determinatioun, being throuchlie auisit, thay re-enterit agane in Court, in prefens of the saidis Justice-deputes, quhair thay, be the mouth of the said Chancillar, ffand, pronunceit and declarit the said *David Erll of Crawford* to be fylit, culpable and convict of the tressonabill taking of the tou of Sanct Johnestoun, in the moneth of Apryll lastwas, and maid him felff maister thairof, of playue intencionne to have kepit the samin aganis the Kingis Maieftie and his (authoritie).—[AND siclyke, ffand, pronunceit and declarit the said] *Frances Erll of Bothwell* convict of airt, pairt, red and counfall of convocatioun of the kingis liegis, his assistaris and pairt-takarais, and cuming to the Quarrell-hoillis, in Merch or Apryle lastwas, for altering of the present estait.—AND siclyke, ffand, pronunceit and declarit the said *David Erll of Crawford* to be fylit, culpable and convict of airt and pairt, red and counfall of convocattig of the kingis lieges, att the tyme quhen the Erll of Bothwell come to the Quarrell-hoillis, for cuming to the tou of Kingorne a-gait-wart, for alteratioun of the present estait.—AND

¹ A line is pared away here.

felyke, ffand, pronunceit and declarit the said David Erll of Crawford to be fylit and convict of airt, pairt, red and counfall of expugnatioun and affageing of the hous of Kirkhill, and rafing of fyre thairat, committit in Apryle lastwas : Incurrand thairby the pane of Tressoune.—AND felyke, ffand, pronunceit and declarit the said David Erll of Crawford to be fylit, culpabill and convict of art, pairt, red and counfall of convocatting and bringing togidder of ane oist and armie, on hors and fute, aganis his Maieftie ; he, with his faithfull subiects, being vpoun the feildis for repressing of thair tressonabill conspiraceis and dewyfis above reherfit, his Maiefties selff in proppir persoune, with his oist and armie, haifing past fordwart fra his Palice of Halyrudhous to the toun of Cowie, within the Sherefdom of Kincardin ; quhair his Maieftie being in proppir persoune, he and the rest of his collegis convocat ane oist of thre thousand men, persounes inarmit, maid oressounes and perswasounes to thame, that thay had his Maiefties guid will and consent thairto, animating thame thairby to cum fordwart aganis his Maieftie, promessing to warrand thame at his gracis handis ; howbeit the contrar is and wes of veritie : And sa thay come fordwart fra the toun of Abirdene with displayit baners to the Bryg of Die, off mynd to haif affailzeit his hienes oist and armie, his gracis maist royall persoune being thairin, gif that a pairt of thair said armye, being his Maiefties gude and faythfull subiectis, induceit and perswadit be erroure to accompanye thame, vnderstanding thair awin erroure, had nocht knawin his Maiefties awin persoune to be in the feildis, and alluterlie refusit to assist thame in thair said tressonabill proceedingis.—AND ffand and pronunceit the saidis *David Erll of Crawford* and *Frances Erll of Bothwell* to be Innocent and acquit of the remanent poyntis of the Ditay aboue writtin.

THE KING would not consent to the execution of these Peers, and the matter was allowed to hang up for above two years, when the following entries occur in the Books of Adjournal, which are inserted here, rather than under their respective dates, for the sake of connexion.

[CURIA JUSTICIARIE, s. d. n. Regis tenta in Pretorio de Edinburghe, per Magistros Johannem Graham de Halzairdis, et Vmphridem Blynschelis, Justiciarios Deputatos.]

The Kingis will towardis the Erll of Huntlie.

(July 16, 1591.)—The quhilk day, comperit ane nobill and mychtie lord, George Erll of Huntlie, Lord Gordoun and Badzenoch, &c., being enterit on pannel ; appoyntit be his Maieftie to compeir this day and place, before the Justice

or his deutes, to heir and see his hienes will declarit, anent the crymes quhairfore he become in will, in ane Court of Justiciarie, haldin in the tolbuith of Edinburghe, the xxiiij day of Maij, the 3eir of God I^m.V^c.lxxxix 3eiris : Comperit lykewyis, Mr David M^cGill of Cranftoun-Ryddell, Aduocatt to our fouerane lord, and productit ane Letter, subfcryuit be his Maieftie and Chancillar, direct to the Justice, Justice-Clerk and thair deutes, for pronunceing of the will vnderwrittin ; quhilk he defyrit to be infert and regiftrat in the buikis of Adior-nall. Quhilk defyre the Justice-deutes fundand reffonabill, ordenit the famin to be infert and regiftrat in the faidis buikis, according to the Aduocattis defyre and confent ; quhairof the temour followis.

His Maiefties Warrant.

JAMES, be þe grace of God, King of Scottis. To our Justice, Justice-Clark and pair deutes, greting. Forfanekill as, in ane Court of Justiciarie, haldin in our tolbuith of Edinburghe, be our Justices in þat pairt, constitute be Commiffioun, vpoun þe xxiiij day of May, the 3eir of God I^m.V^c.lxxxix 3eiris ; oure rycht traift coufing, George Erll of Huntlie Lord Gordoune and Bad3enoch, &c. being accuſt vpoune þe Dittay gewin in againis him, be our Aduocate, contening in effect þe Proces following : ffor þe treffonabill traffiking with ſtrangearis and miniſteris of ſtrangearis, ſic as Jeſuites, ſeminarie preiftis and excommunicat perfounes, for alteratioun of þe Religioun preſentlie profeſſit within our realme, according to þe ſinceritie of þe Evangell, to þe overthrow of our perfoun ; and reſſauing of money and Spain3ie gold, to þe effect and for þis caus foirfaid : And for ſubfcryveing of ane Band to þe treffonabill effect above writtin, att Stregmartene, Glentanner and Auld Montroiſe, aganis þe lawis ; befydes diuers vtheris articles : Aud treffonabill taking of þe toun of Sanct Johneftoune : And for airt, pairt, red and counfall of þe conuocatioune maid in armes for taking of our hous and Palice of Halyrudhous, and our perfoune ſupponit to haif bene pairin, and to haif flayne oure rycht traift coufing and counfalour, Johnne now Lord of Thirlſtane, oure chancillar, and diuers vtheris ; and for performing pairof tryſting to haif mett att þe Quarrell-hoillis, betuix Leith and Halyruiddhous, and cuming agaitwart in armes to þat effect, to Dumfermling : ffor þe treffonabill taking of Reidpeth, ane of our gaird, keping of him priſoner, and impeding of þe execution of oure lettres for þe maintenance of our eſtair ; ffor þe treffonabill aſſageing of þe hous of Kirkhill, raiſing of flyre, and taking of Thomas Maifter of Glammis our theſaurar, and keping of him captiue in þe place of Auchindoune : ffor airt, pairt, red and counfall of þe treffonabill taking of oure coit of armour fra Williame Ranelour, herald, makand oure Proclamatioun at oure mercat-croce of Abirdene : ffor þe treffonabill making of Proclamatioues in our name, for convocattig of our liegis, makand ſclanderous reportis, as thouch we had bene kepit captiue ; ffor þe treffonabill convocattig of ane oift and armie of our liegis aganis ws at þe brig of Die, of mynd to haif invadit our armie quhair we wer preſent in perfoune : ffor his treffonabill ſpeiking aganis þe peax and quyetnes of þe countrey (and) our libertie concludit in Parliament ; incurrand þe panes of our Act maid pairanent : As the faid Dittay att mair lenth proportis. Quhairof, albeit the faid Erll in his conſcience affermit him ſelff to be innocent, 3it haifing cum in vpoun þat reſolute purpois to ſubmit him ſelff in our will, and nocht willing to be contradictor to ws, hoping that we wald wie the circumſtances of his accuſatioune, he ſubmittit him ſelff maift humbly in our will ; as the Act of our Adiornall maid pairvpoun beris. AND NOW we haifing conſiderit þe humbill and voluntar ſubmiſſioun of oure faid coufing, and weit þe circumſtances of his faid accuſatioun, nawyis myndit to ſeik þe wrak and ſubuerſioun of þe nobill bluid and ancient hous of our realme, bot to recover and retene thame in dew obedience ; haif pairfore of our ſpeciall grace reſſauit and acceptit our faid coufing, George Erll of Huntlie, in our mercie and favoure ; and declaris our de-

erminat will be þir presentis, that he is and falbe frie, remittit and dischargeit of all þe crymes aboue writtin, contenit in þe said Dittay, ffor þe quhilkis he come in oure will as said is; and of all actionne criminall and ciuile that we haif, had, lies or may haif aganis him, his lyffe, landis and guides þairfore: As also reintegrattis and rehabilitatis him to his guid fame and warldlie honour, and to vse all lauchfull deidis, in judgement and outwith, as gif he had newir cum in oure said will, or that the saidis crymes nor nane of þame had newir been committit. **QUHAIKFOR** it is oure will, and we command 3ow, that 3e pronunce þis our will in Jugment, and registrat þe famin in þe buikis of our Adiornall, quhilk we command our aduocatt to see done and perfytit, and to consent to þe famin in our name. For þe quhi kis, thir presentis falbe to 3ow and him sufficient warrand. Gewin vnder our signet and subferyuit with our hand, att Halyruidhous, the auchtene day of Junii, and of our regnne the tuentie foure 3eir, 1591.

JAMES R. CANCELLARIUS.

(Jul. 16, 1591.)—And siclyke, the said Justice-depute, for obedience of the said charge and command, pronunceit and declarit oppinlie in Judgement his Maiesteis will aboue writtin, viz. that the said George Erle of Huntlie Lord Gordoune and Badzenoch is and falbe frie, remittit and dischargeit of all the crymes abouewrittin, contenit in the said Dittay, for the quhilkis he become in his hienes will as said is; and of all auctionne, criminall or ciuile, that his hienes had or may haif aganis him, his lyffe, landis and guides thairfore: As alsf, that his hienes reintegrattis and rehabilitatis him to his guid fame and warldlie honoure, and to vse all lauchfull deidis in judgement and outwith as gif he had newir cum in will, or that the saidis crymes nor nane of thame had newir been committit, in maner and forme as is aboue mentionat. **Quhairvpoune** the said nobill and potent lord askit Act of Court.

[*CURIA JUSTICIARIE, s. d. n. Regis, tenta in Pretorio de Edinburghe xxv Julij, 1591, per M. Joannem Grahame, &c.*]

Dome of Forfaltour pronunceit aganis Frances, sumtyme Erll Bothwell.

(Jul. 25, 1591.)—The quhilk day, comperit Mr Dauid M^cGill of Cranftoun-Ryddell, Aduocat to our fouerane lord, and produceit the Kingis Maiesteis Warrand, subferyuit be his hienes; and defyrit the famin to be infert and registrat in the buikes of Adiornull and Dome, to be pronunceit according to the ordinance thairof, vpoun Frances Erll Bothwell Lord Creychtoun and Haillis, &c. becum in will and convict of the crymes thairin contenit. Off the quhilk letter and Warrand the tennour followis.

The Kingis Maiesteis Warrand for pronunceing Dome.

AT EDINBURGHE, the tuentie fyve day of Junij, 1591 3eiris. Forfamekill as our fouerane lord, calling to mynd and haifing confidderit how Frances Erll of Bothwell Lord Creychtoun and Haillis, and Grit Admerall of þis realme, in ane Court of Justiciarie, haldin in þe Tolbuith of Edinburgh, the xxiiij day of May, the 3eir of God I^m.V^c.lxxxix 3eiris, being dilatit and accufit be dittay, and perfewit

judicialle be Mr Daud M^cGill of Cranftoun-Ryddell, his hienes Advocat, in his Maiefteis name, for rafing of men of weir, convocattig of his hienes liegis, brokin men borderaris att Dalkeyth, bringing of pame to Leith; and ficylke, for fubfcriptionne of ane Band contrar pe law and actis of parliament; become in his hienes will for pe famin: And ficylke, being indytit and accufit be dittay for airt and pairt, red and counfall of convocatioun of his hienes liegis, his affiftaris and pairt-takarais, and cuming to pe Quarrell-hoillis in March or Apryle, in pe 3^eir of God I^m.V^c.lxxxviiij or lxxxix 3^eiris, for altering of pe prefent eftait, and putt to pe knowledge of ane condigne Affyife pairfore, wes be pair delyuerance fund culpabill and convict of pe famin. Quhilk will and dome his Maieftie haifing differit to haif bene declarit or pronunceit aganis the faid Erll, vpoun hoip of his better behaviour and amendment, in tymes paireftir. NEUIRTHELES, the faid Frances Erll of Bothwell, forgetfull of his hienes clemencie, being dilatit of crymes of Trefloune and confpiraceis aganis his hienes awin perfoune, and diftructionne pairfof be Nicromancie and Wichcraft,¹ wes pairfore committit to waird within pe Caftell of Edinburghe, thair to haif remanit quhill he had bene tryit of pe famin, be pe knowledge of ane condigne Affyife, or vtherwyis as accordis of pe law; fwa that he mycht haif bene declarit ather culpabill or innocent of pe famin: Nochtwithftanding, the faid Frances Erll Bothwell hes laitlie brokin pe faid waird (and) vpoun his perell efchewit furth pairfof, takand pairby the crymes of Trefloune vpoun him, quhairof he wes dilatit, and for pe quhilkis he wes committit within pe faid waird. THAIRFORE, our fouerane lord Ordanis his will to be declarit, and Dome to be pronunceit aganis pe faid Frances Erll of Bothwell, in maner and forme as eftir followis. That is to fay, that he, be pe committing of pe crymes aboue writtin, quhairof he become in our fouerane lordis will, and wes convict be ane condigne Affyife in maner aboue fpecifeit, hes committit Trefloune; and thairfore that the dome of Forfaltoure fall be pronunceit aganis him, that he hes forfalt lyffe, landis and guides; to be applyit to his Maiefteis vfe, to be vfit and difponit as his hienes fall think expedient. Subferyuit be our fouerane lord, day, 3^eir and place foirfaidis; and ordanis the Justice, Justice-Clerk and pair deputies to pronunce pe dome aboue writtin, aganis pe faid Frances Erll Bothwell this day, but delay: As thay will anfuer to his hienes pairvpoune.

JAMES R.

FOR obedience of the quhilk Warrant aboue written, the Justice deput ordentit the faid Frances Erll Bothwell, be cuming in will and convictionne of the crymes foirfaidis, in the Justice Court aboue writtin, to haif forfalt lyffe, landis and guides, and dome to be pronunceit thairvpoune: Quhilk wes pronunceit be the mouth of Williame Gray, Dempftar of the faid Court: And ordanit the faid Letter to be infert in the faid buikis of Adiournall.

[*Mr Edward Bruce, Justice-Depute.*]

Slaughter — Convocation of the Nobles.

Jun. 19, 1589.—SIR PATRIK HOUSTON OF THAT ILK, knycht, Robert Sherair, ferwand to the faid Sir Patrik, Johnne Dik, ferwand

¹ Birrel in his Diary remarks, ‘The 22d day Junii, (1591,) the Earle of Bothwell brak ward out of the Caftell of Edinburghe, quha had beine ther in prifone fome 20 dayis befor, for allegit Vichcraft, and confulting with vitches, efpecially with ane Richard Grahame, to confpyre the Kingis death; and vpone the 25 of Junii, the faid Earl Bothwell wes forfaulted, and intimatione made thairof by opin proclamatione at the Croffe of Edinburghe.’—*Dalyell's Fragments*, B. Dairy, p. 25.

to Patrik Houftoun his sonne, Patrik Widdome in Houftoun, Alexander Howftoun ferwand to Mr William Houftoun, Patrik Wancok, Robert Keffane alias Hill ferwand to the young Laird of Houftoun.

Dilatit of airt and pairt of the slauchteris of vniq^{le} William Cwninghame, oy^l of the auld Laird of Glengarnok, and vniq^{le} Johnne Cwningham his sone naturall; committit with convocatioune, of the causing of the said Sir Patrik, the ferd day of Apryle lastwes, vpoun fett purpoise and provisioune.

Continued to the Justice-air of ' Renfrew, tercio Itineris, vel xv dierum.'

Jun. 19.—SIR PATRIK HOUSTOUN of that Ilk, knycht.

Dilatit of airt and pairt of the crewell slauchter of vniq^{le} Robert Mvre, brother to vniq^{le} Johnne Mvre of Caudwell, and vniq^{le} Andro Wilfoun in Wodfyde; committit in Aprile, lj (1551) 3eiris.

PERSEWARIS.

For the slauchteris of vniq ^{le} W ^m and Johnne Cwninghame, Johnne Cwninghame of Glengarnok, William Cuninghame younger of G.	For the slauchter of vniq ^{le} Andro Wilfoun, James Wilfoun.
---	--

PRELOQUITOURIS in perfute.

The Lord Fleming,	The M ^r of Sincler,	Capitane James Cwninghame,
The Lord Sempill,	The Laird of Balverie,	Mr Dauid M ^c Gill, aduocat.

PRELOQUITOURIS in defence.

Maister Johnne Schairp,	The Laird of Foulwode,	W ^m Foulertoun of Dreghorne,
Maister Johnne Prestoun,	W ^m Wallace 5 ^t of Johnestoune,	W ^m Wallace, ferwand to Ardgovan.

Efter dyuerse allegeancis and anfuers proponit be ather of the parties, the Justice ordanit the mater to pas to ane Assyise.

The proceedings are not inserted in the Record. There is, however, a marking on the margin, showing that, in reference to Sir Patrik, the first case was continued to the Justice-aire of ' Renfrew, tercio Itineris, vel xv dierum; Plegiis, Domino Keir et ipse ad relevandum.' In the second case, ' Ad Remissionem pro interfectione Andree Wilfoun; Plegiis, Wilelmo Foulertoun de Dreghorne et seipso, conjunctim et divisim.' As to Robert Sherair and the next four, the diet was ' past fra; ' Plegiis, Johanne Sempill feniore de Fulwod et Dom. Houftoun ad relevand.' Robert Kessane continued to the Justice-aire of ' Renfrew, tercio Itineris, vel xv dierum; Plegio, Dom. Houftoun.'

[*Mr William Oliphant, Justice-Depute.*]

Abiding from the Raid of Aberdeen.

Jun. 23.—GEORGE CRAW in Peillwallis, and William Craw in Swinwode. Dilatit for remaning fra the raid of Abirdene, ordanit to haif convenit at

Oe, grandson.

Edinburghe with all possibill diligence, in Aprile 1589 : And for the treffonabill affisting to Frances Erle Bothuell, and vther conspiratouris aganis his Maieftie.

PERSEWAR, Maister Dauid M^cGill 3ounger, aduocat.

PROLOQUITOURIS in defence, Mr Thomas Craig, Mr Edmond Hay.

Continued to the Aire of ‘ Forfar, tertio Itineris, vel xv dierum. Plegiis, Jacobo Sydferf, burgen. de Edinburghe, et ad relevand. unusquisque pro sua parte.’

This is the first of many similar trials for abiding from this raid. They all appear to have been settled by composition with the Treasurer.

[*Messrs Johne Grahame, Williame Oliphant et James Wardlaw, Justices-Deputes.*]

Slaughter.

Jul. 7.—JOHNE WEIR, balzie of Lanerk, Johnne Bannatyne callit *Katis Johne* and fifteen others.

Dilatit of the slauchter of vniq^{le} Robert Johnnestoune, brother to James Johnnestoune of Westraw.

PERSEWARIS, Florie Somerwell, mother. The Aduocat.

Continued to Aire of ‘ Lanerk, tertio Itineris, vel xv dierum.’

[*Mr James Wardlaw, Justice-Depute.*]

Fire-raising — Slaughter.

Oct. 14.—JAMES JOHNSTOUN of that Ilk and Alexander Jardene 3ounger of Apilgirth.

Dilatit of airt and pairt of the crewall slauchteris of vniq^{le} Alexander Bailzie of Lytillgill, Rachell Bailzie his dochter ; and for the treffonabill burning of the Places of Moit and Dauidschaw ; and for the slauchteris of vniq^{le} Andro Aichefoune and Katherine Forreft ; and for the burning of the place of Lytillgill ; committit in the monethis of Februar and July, *respective*, last.

PERSEWAR, Mr Dauid M^cGill of Cranfoun-Ryddell, 3ounger.

PRELOQUITOURIS for the pannell.

The Erl Bothwell,

The Lord Newbotill,

Mr Thomas Craig,

The Lord Heres,

Lochinver,

Johne Halyday.

Quha produceit our fouerane lordis lettres, dewlie execute and indorfat, purchest be his hienes Aduocat aganis the saidis perfonnes, for the crymes foirfaid ; and defyrit proces. The perfounnes on pannel askit instrumentis that thay offerit thame reddie to abyde the tryell of the law for the saidis crymes, disaffenting to all continewatioune and protesting for relief of thair cautioneris.

The samin day, eftir diuers allegeances proponit be the Aduocat aganis the pannell and productione of Lettres of Hoirning aganis the said Laird of John-

stoün, quhilkis wes produceit be Mathow Bailze, fone to the said vni^q Alexander; and lykewis the said Mathow produceit ane vthir Warrant subferyuit be the King, Ordaning this mater to be continewit quhill the morne.—‘Plegio, Murray de Blakbarony, vnder the pane of ten thowfand merkis.’

Oct. 15.—THE Pannell ask instrumentis of thair entrie and protestis for relief of thair cautione.—The famin day comperit Mathow Bailze, and produceit ane Warrant subferyuit be the King for continewatioune of the mater to the tent day of Januar nixtocum: Quhilk wes obeyit.—The pannell askis Instrumentis of productioun of the Precept be Mathow Bailze; and that thay difassentit to all continewatioun. ‘Plegio, Domino de Blakbaronye, sub penis content. in Actis Parlamenti.’

[*Messrs Williame Oliphant and James Wardlaw, Justices-Deputes.*]

Witchcraft, &c.

Oct. 28.—KATHERENE ROISE LADY FOWLIS.

Dilatit of certane crymes of Wichcraft.

PERSEWAR, Mr Daid M^cGill, Aduocat. PRELOQUITOUR, Mr Thomas Craig.

The quhilk day the said Katherene askit instrumentis of hir comperance, and that sche offerit hir reddie to abyde the tryell of ane Assyse, for all crymes that can be laid to hir charge; and in respect na persoun comperit to insist in hir persuit, protestit that sche fould be fred of the waird quhairin sche remanit this lang tyme, quhill tryell fould haif bene of hir, be ane Assyse of the saidis crymes, Quhilk tryell wes appointit this day.—‘DESERT.’ (See Jul. 22. 1590.)

[*Mr Johnne Grahame, Justice-Depute.*]

Slaughter.

Jan. 14, 1589-90.—ROBERT LINKHOP in Leith, Williame Downie thair, Johnne Watfoune thair.

Dilatit of the slauchteris of vni^q Mestres Jeane Kennedie, spous to Andro Meluile, Maister houshald to our fouerane lord, Sufanna Kirkcaldy hir fernitric, Johnne Clapene burges of Bruntyland, and dinerse vtheris persounes, to the nowmer of thre scoir of persounis, quhilkis wes in ane boit, be rimmand of the said boit vnder sei, &c.

PERSEWARIS.

Andro Meluile, Maister houshald, Alefoune Orrok for his spous, Mr Daid M^cGill, Aduocat.
for his spous, Johnne Clapene,

The Justice continewit the mater vpoune certane desyres desyrit be Johnne Bellendene baillie of the Regalitie of Brochtoune, to the thryd day of the nixt Justice-air of the sherefdom of Edinburghe, or foner vpoune fyftene dayis warn-

ing ; and ordenit the pannell to find caution for thair entrie.—‘ Plegio, Patricio Monypenny de Pilrig pro omnibus.’

PRELOQUITOURS for the pannell, Mr Thomas Craig, Mr Johnne Skene.

Feb. 3.—The quhilk day, comperit Johnne Bellendene, bailzie of the Regalitie of Brochtoune, and defyrit, that the perfonnes aboue writtin, duelland within the boundis of the said regalitie, dilatit of the crymes aboue mentionat, mycht be replegeit furth of this Court, to the priviledge and libertie of the said Regalitie ; and offerit to find cautionne of *Coloraith*, for administratioun of Justice : Quhilk defyre the Justice findand reffonabill, remittit the saidis perfonnes to the jurisdictionn of the said Regalitie and baillie thair of ; quha fand James Bellendene of Pendreich cautionne and souirtie for the administratioun of Justice to the parties complenand, and vnder the pane of law : Lyke as Patrik Monypenny of Pilrig become souirtie for the said Robert Linkhop, William Downie callit *Laird Downie*, in Leyth, come souirtie for the said William Downie mariner in Leyth ; and William Lytill burges of Edinburgh, become souirtie for the said Johnne Watfoun in Leyth, that thay fall comper before the Baillie of the Regalitie of Brochtoune and his deputis, within the tolbuith of the Cannogait, the xxv day of Februar instant, in the hour of caus, to vnderly the law, for the crymes, *respectiue*, aboue writtin ; vnder the panis contenit in the Actis of Parliament.

[*Mr James Wardlaw, Justice-Depute.*]

Sorcery — Witchcraft — Child-murder.

Apr. 28, 1590.—MEG DOW, now duelland in Gilmertoune.

Dilatit of Sorcerie and Witchcraft and for the crewell Murdreiffing of twa young infant bairnis, the ane pertening to Bessie Rae in Gilmertoune.

JONET POLLOK.

Dilatit of the casting of Jonet Archibald, hir awin barne, in ane coilheuch, of purpoise to haif drownit hir.

VERDICT. Thomas Tulloch in Edinburghe, chancillar of the Assyis, deliuered their verdict, ‘ that the perfonnes aboue writtin was convict and fund culpable of the crymes, *respectiue*, aboue writtin.

SENTENCE. The Justice, be the mouthe of James Scheill, dempstar, pronunceit dome aganis the said *Meg Dow* ; that is to say, to be tane to the Castellhill of Edinburghe, and thair wirreit at ane staik, and thairefter hir bodie brunt in asses ; and all hir moveabill guides to be efcheit, &c.

With regard to JONET POLLOK, there is merely marked on the margin of the Record, ‘ Wairdat. in Pretorio de Ed.’ ; but what was the result of her imprisonment, does not appear.

[*Mr Johnne Grahame, Justice-Depute.*]

**Wearing and shooting of Pistolets within Palace of Holyroodhouse
— Wounding, &c.**

JUN. 4.—JAMES GYB, sone to vniq^{le} Daid Gyb, in Barrestounes.

Dilatit of contrauening of the Actis of Parliament and Secreit Counfall *re-
spective*, in bering, wering and schuiting of pistolettis, in the moneth of Maij
lastwas; and Junij instant, setting vpoune James Boyd of the Kippis the penult
day of Maij lastwas, with ane bendit pistolett, and schuiting of him thairwith
throw the rycht fute, and hurting and wounding of him with ane sword in the
rycht hand; incontrair the tennour of the Actis of Parliament maid in the
moneth of Maij lastwas, discharginge all maner of perfounes to invade vtheris
vnder the pane of deid.

PERSEWAR, Mr Daid M^cGill.

The said James Gyb offerit him in the Kingis will for the cryme: Quhair-
vpoune the Aduocat askit instrumentis, and protestit for Wilfull Errour in cais
the Assyis fall acquit, in respect of the offer.

VERDICT. The Assyis in ane voce, be thair delyuerance, ffyndis the said
James culpabill, fylit and convict of vmbefetting of the hie way and passage,
vpoune deidlie feid, rancour and malice to James Boyd of Kippis, burges of
Edinburghe, the penult day of Maij lastbypast, foirnent the mercat-croce of the
said burcht, the said James being gangand sobirlic vpoune the hie streit thairof,
as within our fouerane lordis chalmer of peax, dredand na evill, harme, iniurie
or perfuit of ony perfounes, bot to haif leuit vnder Godis peax and our foue-
rane lordis, and thair setting vpoune him, and crewallie invading him with ane
pistolet and drawin sword for his slauchter; schuiting of him with the said pis-
tolet and thre bullettis in the rycht fute, and hurting and wounding of him
with his sword in the rycht hand, to the effusioune of his blude in grit quan-
tite; vpoune set purpos, provisoune, auld feid and foirthocht felony; in con-
trar the tennour of the Actis of Parliament and Secreit Counfall *respective* maid
anent bering, wering and schuting of pistolettis, and hurting and wounding
thairwith aganis the tennour of the Proclamatioune, gif it may be extendit
thairto; in respect that the said James Gib confessit the invasioune, hurting and
wounding of the said James Boyd in their presens, &c.

The samin day, comperit Mr James Carmichaell, Minister, and producit the
Kingis Maiesteis Warrant, off the quhilk the tennour followis.

‘ REX.

‘ JUSTICE, Justice-Clark, our Constabill, Constabill depute, Maister houfhald and vther
Judgeis quhatfumeuir, appoyntit to sitt this fourt day of Junij instant, in the caus perfewit be our
Aduocat aganis James Gyb, sone to vniq^{le} Daid Gyb, in Borrowstounis, We greit 3ow weill. For-

famekle as the said James may ather offer himself at ony tyme in our will, or being convict be ane Affyis for the cryme underwrittin, may be remittit in our will: Leifit throw misknowlege or dowbting of our will, justice and executioun of our lawis be delayit or frustrat, We be thir presentis declairis, that forfamekle as the said James hes nocht spairit nor feirit, schamefullie and crewallie to scbute and hurt our loving subiect James Boyd of Kippis behind his bak, to the grit effusioun of his blude; and that within the boundis of our awin Palice and Chalmer, in proude contempte of Ws and mony of our Actis of Parliament, Secretit Counfall and Proclamatiounis past pairvpoune; and pairby hes offerit ane perellous preparatiue and example to the rest of our subiectis; this being the first fact committit in that forme, sen our returning to our realme or lang befor; quhilk, gif it be nocht condignellie pwneift, to the example of vtheris that may promeis to jame selfis impwntie, and encourageing to praktis the lyk, nane of our best assured subiectis, of quhatfumeur estait or conditione, may thynk jame selfis sure of pair lyves. THAIRFOIR, we declair that the said James Gib fall suffer the death, and be put pairto without ony delay, as he hes worthelie deseruit;¹ and this for declaratioun of our will in the said mater, quhilk 5e, and ilk ane of 5ow, fall nocht fail to do, and caus be done; as 5e will anfuere to Ws vpoune 5our dew obedience; keband pir presentis for 5our Warrant. Subferyuit with our hand, att Halirudhous, the fourt day of Junij, 1590.

‘JAMES R. M. CANCELLARIUS.’

[*Mr James Wardlaw, Justice-Depute.*]

Jul. 11.—THE quhilk day, comperit Mr James Carmichell, brothir-in-law to James Boyd of the Kippis, and produceit ane Precept, direct be onre fouerane lord to the Justice, and desyrit the famin to be red; and conforme thairto that James Gyb, sone to vmq^{le} David Gyb, in Barrestounes, fould be presentit in this Court; and that the famin fould be obeyit, lyk as the Justice for obedience thairof, causit enter the said James on pannell, and reid the famin oppinlie to him: Quhair of the tennour followis.

‘REX.

‘JUSTICE, Justice-Clark and 5our deptes, We greit 5ow hairtie weil. Forfamekill as James Gyb, sone to vmq^{le} David Gyb, in Barrestounes, wes, be ane condigne Affyse, laitlie convict and condamnit to deid² before 5ow, for pe hurting and wounding of James Boyd of Kippis behind his bak, and vn-a-warfe in his rycht fute, with the schot of ane pistolett, and with ane sword in his rycht hand: Quhilk dome of deid wes pairrestir, vpoune certane respectis, mitigat be ws; and the said James decernit and condamnit to want his rycht hand, for pe cryme foirfaid: The executioun quhair of hes bene as 5it delayit, att pe ernist requeist and desyre of the said James Boyd of Kippis, to quhome the wrang and offence wes done; ane manne, mair willing apperandlie, vpoune repentance of his offender, to petie, pardoun and forgif, nor to seik revange of his offence, be schedding of mair blude; quhais Cristinne inclinatioun we can nocht bot allow. And now, being informit, that, in respect pairof, certane gentilmen ar takand pe burding vpoune jame for pe said James Gyb, hes for the afflythment of the said James Boyd, maid certane offerris, and bundin and obleift jame, coniuictlie and feucralie, vnder certane pecuniall panis, that the said James Gyb fall do sic homage to him, as he fall pleis command; and als that the said James Gyb fall willinglie baneife him self furth of our realme, and fall

¹ On the margin of the Record there is written, ‘Convict and baneift jis realme, with his awin consent and partie.’ ² The former Verdict of the Assise and Sentence are not inserted in the Record. It would appear that Boyd of Kippis had successfully used every influence with the King to mitigate the sentence.

depart furth of þe fame, how sone he falbe releivit furth of þe Tolbuith of Edinburghe, quhairin he presentlie remanis; and fall newir returne agane within the same, nor ony pairt þairof, during all þe dayes of his lyfytyme; and fall do nor attempt na hurt nor skayth to þe said James Boyd, or ony of his, in ony tyme cuming: As in þe Band and obligatioune maid þairvpoune, ordenit to be registrat in þe buikis of Counfall, of þe dait, att Edinburghe and Sauchie, the twentie-fewin and twentie-nyne of Junij lastbypast *respectie*, at mair lenth is contenit. Quhairvnto the said James Boyd, as We ar credible informit, hes agreit; quhairby, 5it agane, We being movit of our clemencie, to mollyfie and of our royall auctoritie to dispens with the executioun of þe Domes pronunceit ofbefore, and to agrie to þe making of þe said Band, and to condiscend to þe baneifment foirsaid. OURE WILL is heirfore, and we charge 5ow, eftir þe fycht heirof, 5e call the said James Gyb before 5ow, the xj day of Julij instant; and of new pronounce and gif Dome of perpetuall Baneifment aganis the said James Gyb; and that with his awin consent; conforme to þe Band and obligatioune foirsaid, maid þairnent to þe said James Boyd, in all poyntis: And to interpone 5our auctoritie þairvnto; to haif þe strent, force and effect of ane dome and sentence criminal in all tymes cuming; lyke as we, be þe tennour of þir presentis, willing to mitigat justice with clemencie, especiallie quhair the offendit partie is futear þairof, ratefeis and appreis the said Band and obligatioun and baneifment contenit þairin, and all and sundrie vthir hedis, claussis, conditiounis, articles and circunstances contenit in þe said Band, allsweill vnamit and nocht exprest, as nameit and exprest in þir presentis, *promittend. in verbo Principis*, newir to do ony thing that may be preiudicial or derogatiue þairto, in ony foirt, in ony tyme cuming; dispensand of our auctoritie royall, with the said former dome or domes alreddie pronunceit, swa that the samin fall newir haif effect in tyme cuming, except in cais of contraventioune, and according to þe tennour of þe said Band. Lyke as, we also interpone oure auctoritie to þe said Band, and everie heid, claus and article þairof; and for þis effect, we ordaine and commandis 5ow, to insert þir presentis in our buikis of Adiornall, and to interpone 5oure decreit and auctoritie þairto; swa that, in cais of contraventioun of ony point of þe foirsaid Band, executorialis and executioun may pafs þairvpoune, according to the lawis of þis realme: And þe said Dome being pronunceit, that 5e putt him to libertie, be þe cause of þe said James Boyd; conforme to þe obligatioun foirsaid maid to him þairnent, that he may depart furth of our realme conforme þairto: Kepand þir presentis for 5our Warrant. Subferyuit with our hand, at Halyruidhous, the nynt day of Julij, and of our regne the twentie-ithre 5eir, 1590.

SENTENCE. According to the quhilk Precept, the said James Gyb, being presentit on pannell, as said is, and being requyrit, Gif he wald consent to the said Dome of baneifment? Anfuerit, that he wes content thairwith. Thairfore, the said Justice-depute, be the mouth of the said James Scheill, dempstar, pronunceit and decernit, that the said James Gyb fall, with his awin consent, conforme to the Band and obligatioune abouewrittin, falbe perpetuallie baneist this realme: and interponis his auctoritie to the said Band, conforme to the said Precept, swa that executorialis may pas thairvpoune: And ordanit the said James to be putt to libertie, furth of the said Tolbuith of Edinburghe. Quhairvpoune, the said Mr James Carmichell askit act and instrumentis.

Baptizing and Celebrating Marriages after Excommunication.

JUN. 18.—SIR THOMAS KER in Auld Roxburcht, James Scott att South Syntoun-mylne and Thomas Newbie in Haffindane.

Dilatit for sustening of the proces of Excommunicatioun and contravening of

the Actis of Parliament, in baptesing of bairnis and making of mariages, without ony functione.

The famin day, comperit Mr Dauid M^cGill of Cranftoun Ryddell, Aduocatt to our fouerane lord, and produceit the Dittay aganis the faidis perfounes : quhair of the temmour followis.

DITTAY against the Pannells.

SIR THOMAS KER, James Scott and Thomas Newbie, 3e and everie ane of 3ow, ar indytit and accusit, for lying vnder þe horrible sentence of Excommunicatioune, seperat fra the suffrage and prayer of þe Kirk, and merite of þe blude of Chryst, to þe damnatioun of 3oure saules, continewallie, fra þe xxvj day of March, the 3eir of God V^c. fourfcoir-aucht 3eiris.—ITEM, 3e and ewerie ane of 3ow, ar accusit, that fforfamekill as for 3our misbehaviour in 3oure functione of ministerie and rederfchip, 3e being lauchfullie depryvit in þe moneth of March 1582 and in September 1583, *respective*, 3e haif continewit, nochtwithstanding, in abusing of þe sacramentis in mareing of findrie perfounes and baptesing of bairnis.

Off the quhilkis crymes, thay com in our fouerane lordis will.

The King's Will and Sentence against the Pannells.

(Jun. 24.)—The quhilk day, comperit Mr Dauid M^cGill, Aduocat, and eftir the entering of the faidis Sir Thomas Ker, James Scott and Thomas Newbie, on pannell, as becum in will for the crymes of Excommunicatioune, and declarit owre fouerane lordis will ; quhilk wes, that thay fould act thaim selffis vnder the pane of deid, newir to abuse the Sacramentis nor functione in the Kirk ; as also, that thay fould be tane to the mercat-croce of Edinburghe, and stand twa houris, with paiparis on thair heidis, contening the cryme : Quhairvpoune Dome wes pronunceit.

The famin day, they ‘ actit þame selffis newir to abuse þe sacramentis, vnder þe pane of deid.’

[*Mr Johnne Grahame, Justice-Depute.*]

Slaughter.

Jul. 16.—JAMES TWEDIE of Drummelzeare, Adam Twedie of Dravay, Williame Twedie of the Wrae, Johnne Creychtoun of Quarter, Andro Creychtoun in Cardoune and Thomas Porteous of Glenkirk.

Dilatit of airt and pairt of the slauchter of vniq^{le} Patrik Veitch, sone to W^m Veitch of Daik, (Dawick) ; committit in Junij lastwas.

PERSEWARIS.

Williame Veitch, Eldar of Daik, as fader, Veitch, 3ounger of Daik, as brothir.

PRELOQTOURIS for thame.

Williame Cokburne of Skirling,

Patrik Cokburne, Tutour of Langtounne,

. . . . Heriot of Trabroune,

Johne Cokburne of Newholme.

PRELOQUITOURIS for the pannell.

The Laird of Balfour,	Mr David Bailzie,	Mr Johnne Scharp,
James Hammiltoun of Libbertoun,	The Laird of Brunstounne,	Mr Thomas Craig,
Robert Forrefter, brodir to the Laird of Carden,	James Creychtounne of Carco,	Mr Johnne Ruffell.

The Justice, be ressonne that ane nowmer of Assyise could nocht be gottin to the faidis perfounes, continewit the mater; and ordanit the perfounes on pannell to continew in thair waird, as thay did ofbefore, quhill thay obtenit releif of his Maieftie.

The said day, the perfewaris produceit ane Warrant and Precept direct to the Justice, ordaning that the lyke caution, and vnder the lyke panis, be tane of the perfounes on pannell, as wes before; and that thay fould be retenit in waird.—The said day, Johnne Betounne of Balfoure and James Hammiltounne of Libbertounne become pledgeis and fouerteis, coniuinctlie and feuerallie, that the perfounes on pannell fall remane in waird, within the tounne of Edinburghe, vnder the pane of ten thousand markis.

Jul. 20.—Continued to the Aire of ‘Peblis, tertio Itineris, xv dierum.’

Witchcraft — Incantation — Sorcery — Poisoning.

THE following extraordinary case is one of the leading trials for Witchcraft at this unhappy period: and contains many curious particulars relative to that strange infatuation. ‘Katherine Roifs Lady Fowlis,’ who was daughter to Alexander Ross of Balnagown, was the second wife of Robert More Munro, the fifteenth Baron of Fowlis, a family of great antiquity, and possessed of considerable property in the counties of Ross, Sutherland and Inverness; having by that marriage, George Munro (of Obisdale), John and Andrew, and four daughters, Margaret, Janet, Marjory and Elizabeth. Robert More Munro had also, by his first marriage with Margaret Ogilvy, a daughter of the house of Findlater, Robert his heir, the intended victim of his stepmother and Mr Hector, who had succeeded his brother, (being served as heir to his father and brother, Oct. 7, 1589,) previous to the date of this trial. He had also by his first marriage three daughters, Florence, Christian and Catharine.—Robert Munro, ‘apperand of Fowlis,’ succeeded his father, and became sixteenth Baron of Fowlis, Nov. 4, 1588, and was four times married, viz. 1st, Marjory daughter of Kenneth MacKenzie Lord Kintail; 2d, Lady Eleanor Gordon daughter of the Earl of Sutherland; 3d, Janet Sinclair daughter of George Earl of Caithness; and 4th, Elizabeth daughter of Hugh Rose of Kilravock; by the last of these ladies he had one daughter, Margaret, who married Robert Munro of Assint.

It is necessary to have been thus minute in shewing the connexions of this family, to account satisfactorily for the Lady Fowlis entering into compact with such a crew of miscreants, and attempting such horrible practices. The purpose of all this Poisoning and Witchcraft was, that by removing Marjory Campbell the young Lady Balnagown, her brother George Ross of Balnagown might marry the young Lady Fowlis; and to do this effectually, it was necessary to destroy her stepson Robert. It may be remarked, that several of her familiars were led to the stake, and had died confessing the whole plot previous to Lady Fowlis’s own trial; her own ‘nourrice’ was destroyed through her foolish curiosity, in tasting of a ‘pyg of poyfoun,’ and ‘immediatlie thaireftir departit be the said poyfoun;’ and it is apparent that these facts were notorious.

The escape of Lady Fowlis and her stepson, Mr Hector, (see the following Trial,) can only be attributed to the very powerful influence of the parties. Besides other circumstances, which must oc-

cur on perusal of this remarkable case, the 'Inquest' bears all the appearance of a selected or packed jury, being in a very inferior rank and station of life to the pannel, contrary to the usual custom—and the private *prosecutor* is 'Mr Hector Monro of Fowles,' who was in a few hours to exchange places as pannel at the same bar for similar crimes! Hector Monro's Assise is also composed of burgesses and dependents on the families of Monro and Ross.

Jul. 22.—KATHERENE ROISS LADY FOWLIS.

Dilait of certane crymes of Witchcraft, following.

PERSEWARIS, Mr David McGill of Craufoun-Ryddell, aduocat, Mr Hector Monro of Fowlis.

PRELOQUITOURIS for the pannell, Mr Thomas Craig, Mr Johnne Chene.

The Aduocat produceit the Dittay vnderwritten, desyring proces thairvpoune; quhairof the tennour followis.

DITTAY *against the Pannell.*

KATHERENE ROISS LADY FOWLIS, Thow art accufit, ffor the vnnaturall abusing of thy selff, contrar the lawis of God, and exerceing and vsing thy selff maift vngodlie and wickitie, be the perversst Inchantmentis, Wichcraft, Develrie, Incantatiounis and Sorcerie, with the craft of poyfoun in maner vnderwrittin and following, particulerlie practefit, execute, devyfit and sett fordwart be thee, of thy speciall counfall, devyiffis, furth-sett and command, aganis Robert Monro thane apperand of Fowlis and Mariory Campbell, spous to George Rois apperand of Balnagowne, att the tymes and places particulerlie eftir specifit, in company with Cristian Roifs Malcome sone, and vtheris eftir specefeit. IN the fyrst, Thow art accufit, for the making of twa pictouris of clay, in cumpany with the said Cristiane Roifs and Mariorie Neyne M^cAllester alias *Laskie Loncart*, in the said Cristian Roifs westir chalmer in Canorth; the ane, maid for the destructionne and consumptionne of the young Laird of Fowlis, and the vther for the young Ladie Balnagowne; to the effect that the ane thairof sould be putt att the Brig-end of Fowles, and the vther att Ardmuir, for distructionn of the saidis young Laird and Lady: And this sould haif bene performit at Alhallowmes, in the year of God I^m.V^c.lxxvij 3eiris: Quhilkis twa pictouris, being sett on the north syd of the chalmer, the said Lofkie Loncart tuik twa elf arrow heides and delyuerit ane to ye (you) Katherene, and the vther, the said Cristian Rois Malcunfone held in her awin hand; and thow schott twa schottis with the said arrow heid, att the said Lady Balnagowne, and Lofkie Loncart schott thrie schottis at the said young Laird of Fowlis: In the meane tyme, baith the pictouris brak, and thow commandit Lofkie Loncart to mak of new vther twa pictouris thaireftir, for the saidis performes; quhilk the said Lofkie Loncart tuik vpoun hand to do: And thow wes present, and saw and hard this done, and nane present in the said chalmer except thow, the said Cristiane Roife and Laskie Loncart. And for the mair witneffing heirop, the said Cristiane Roife confest the famin, being accufit

thairvpoune, in presens of Mr Martene Logie, notar publict, and Johnne Irving of Kinnok, Johnne Wilfoun in the Chanonrie, Williame Robertfoune thair, Donald Vrquhart thair, Robert Irving brothir to the said Johnne Irving, vpoune the xxiiij day of November, threfcoir sewintene yeires (1577). And for the mair verificatioun heirof, the said Cristiane Roifs, being atteicht and accufit for the saidis crymes, before rycht honourabill men, Walter Vrquhart, theref of Cromertie, and Robert Monro of Fowles, Justices to our fouerane lord, be his hienes Commiffioure, in ane Justice Court haldin within the Cathedrall Kirk of Roifs, the twentie aucht day of November I^m.V^c.lxxvij yeiris, confessit the samin, and wes convict be ane Assyis, and wes brint for the samin. This is manifest be the haill countrie of Roifs; quhilk thow can nocht deny.—(2.) SICLYKE, thow art accufit, for the conventioun with the said Cristian Roifs and Lorkie Loncart, in the moneth of November, I^m.V^c.lxxvij yeiris, of fett purposis for destructionne of the said young Laird of Fowles and the young Lady of Balnagowne, in thy barme in Drumnyn; and thair making ane stoup-full of poysonit new aill, quhilk wes devysit to be for the young Laird of Fowles, Hector Monro, the Lairdis brother, his bairnis, the haill sonis of vmq^{le} Johnne Monro of Vrquhart, Huheoune Mouro of Assent, Andro Monro of Newmore, and the remanent of the speciall of thair kynne; sa mony of thame, as mycht be apprehendit: And becaus the said stoup ranne out and the liquour that wes in itt, except ane lytill quantitie thairof, the said Katherene causit Donald M^cKay your awin boy tak; and taisting it, incontinent thaireftir tuik seiknes, and lay continewallie thaireftir poysonit with the liquour. And this was kepit in the kill of the said toun of Drumnyn, for the space of thrie nychtis, and the saidis Cristiane Roifs, Lorkie Loncart and thow, convenet the thryd day agane thairefter, in the said kill; quhair thow commandet Lorkie Loncart to mak ane pig-full of ranker poyfoune, that wald distroy schortlie the foirsaidis perfounes; at quhais command the said Lorkie Loncart maid the said poyfoun, and putt itt in ane pig, and send itt to thee. This the said Cristian Roifs confessit in judgement, being accufit as said is, and wes convict for the samin; as the Proces deduceit heiranent testifeis, and as the countrey knawis; quhilk thow can nocht deny. And swa, for vsing of the said poyfoun, expres aganis the saidis Actis of Parliament maid thairanent; incurrand thairby, the panis contenit thairin.—(3.) ALSO, thow art accufit, for assisting and geving counsal, in cumpany with the said Cristian Roifs and Lorkie Loncart, in sending of ane pyg of poyfoun with the nourrice to Angus Leithis hous, quhair the young Laird of Fowles wes for the tyme; of deliberat mynd to haif poysonit him thairwith: Quhilkis thow had in keping, and thy said nourrice bringand the said pyg fra the, it fell the way, vnder sylvence of nycht, and brak the pyg; and sche taistand of the samin, immediatlie thaireftir departit, be

the said poyfoun: And the famin wes devyfit for poyfoning of the young Laird of Fowles; quhilk the said Cristiane confest judiciallic, being accusit as said is, and wes convict of the famin: And for the mair witnessing, the place quhair the said pyg brak, the gers that grew vpoun the famin wes so heich by¹ the natour of vther gers, that nather cow, ox nor scheip ewir previt² thair of yit; quhilk is manifest and notorious to the haill countrey of Roifs; quhilkis thow can nocht deny: And swa, for airt and pairt of the slauchter of your nourrice foirsaid, quha deit be the said poyfounne, albeit it wes devyfit for the young Laird; as is notour.—(4.) MAIR,³ thow art accusit, for airt and pairt, devyise and counfall, of the destructionne and poyfoning of the said young Laird of Fowles; In sa far as the said Cristiane confest, that sche saw Williame M^cGilliewareycht-dame, about Pasch,⁴ in the zeir of God I^m.V^c.lxxvij yeiris, delyuer to the, in thy awin handis, ane buill⁵ of Wichcraft, within the Stank of Fowles; quhilk thow ressaunt fra him, and putt itt in thy awin pouch incontinent; of sett purpos to bewich the said young Laird of Fowles thairwith; as is notoure.—(5.) FORDER, in signe and takin, that thow wes ane of the principall devyfaris of the young Lady Balnagownis poyfoning, Thomas M^cKain Moir M^cAllane M^cHenrik and vthir dewyfaris of the said destructionne and poyfounne, wes be thy convoy and command, ressaunt and intertinnit, in the said Cristian Roiffis hous, in the moneth of December 1577, be the space of fourtene dayes; being accusit as said is, confest the famin; quhilk thow can nocht deny.—(6.) THOW art also accusit, for airt and pairt of the poysonit drinkis maid be the, in cumpany with the said Cristiane Roiffe and Lofkie Loncart, M^cGillicuorie-dame, Katherene Roifs, Donald Roiffis dochtir; quhilkis drinkis wes maid for the young Laird of Fowles and his bairnis, Hector Monro and his bairnis, and the rest of thair kin; to that effect, that thy awin bairnis fould succed to the hous of Fowlis: And the drinkis also fould haif bene gevin to the young Lady Balnagowne, swa that the said young Laird of Balnagowne mycht marie the young Lady Fowles: And wes convict for the famin; as the Proces deduceit thairanent beris; quhilkis thow can nocht deny.—(7.) AND als, thow art accusit, for gewing command to the said Cristian Rois Malcunfounne, to gif ludgeing, herbric and intertinnement to Marioune Neyuane M^cAllester alias Lofkie Loncart, in somer 1577, of deliberat mynd, to consult with yow, anent the vsing of the said poyfounne; and be quhat way ye fould get the famin gewin to the said Laird; lyke as, ye spak with hir thairanent, in the said hous; as is notour.—(8.) AND mair, Thow art accusit, for sendeing of the said Cristiane, thre or foure tymes, for Johnne M^cNilland in Dingwall, in the moneth of Junij, 1577 yeiris; and the said Johnne cam to hir biging,⁶ and

¹ Beyond. ² *Preed*, or tasted of that grass. ³ Moreover, farther. ⁴ Easter, Paise. ⁵ Small box. ⁶ Building or house, cot-house.

remanit thair ane nycht ; and vpoune the morne thaireftir, he cam to Fowles to the, and delyuerit to the ane elf arrow heid ; for quhilk ye gaif him foure schillingis money ; quhilk thow can nocht deny.—(9.) AND forder, thow art accufit, for the talking and commoning with Cristiane Myller, dochter to Robert Myllar smyth in Affin, in the toun of Katwall, in the moneth of Junii lxxvij zeiris, ane lang fpace, in cumpany with the said Cristian Roifs ; and in signe and takin, the said Cristian Myllar gatt ane half furlett of meill fra Johnne Keillis wyffe in Katuall ; quhilk the said Cristian Roifs confest, being accufit, and wes convict thairfore ; as the Proces thairof proportis.—(10.) AND also, thow art accufit, for faying to the said Cristian Roifs, that thow fould do, be all kyndis of meanis, quhair itt mycht be had, of God in heaven or of the Devill in hell, for the diftructive and doune-putting of Mariorie Campbell young Lady Balnagoune ; and fche wald nocht be the fyrft reveillar and confessar of ony thing vpoune the, that wes hir lady and mestres ; quhilk fche confest, being accufit, and wes convict of the fame.—(11.) LAST of all, thow art accufit, for being in cumpany with the said Cristiane Roifs and Thomas Caffindonifch, in the place of Drummyne, att Lovatt comoung, the young Lady Balnagoun being thair, in the moneth of Auguft, the yeir of God foirfaid ; and being fperit att be vtheris, quhat thow and Cristian Roifs and Thomas Caffindonifch wer doand thair, anfuerit, Gif thair wes ony devyife, thair it wes, for the young Lady Balnagoune wes in the kill with thame, and the famin wes confest be the said Cristian Roifs, before Rorie M^cKenzie of Arthirfailzie, and Rorie M^cRorie Alanfoune.—(12.) THOW art accufit, for the crewall flauchter, be thy craft of poyfoun foirfaid, of Marie Murdocht Moreis dochter, youre nourrice, quha deit eftir the taifting of the pyg of poyfoun, quhilk wes fend to the.—(13.) THOW art accufit, for gewing of aucht fchillingis money to the said Williame M^cGillieorie-dam to pas to Elgyne for bying rattoun¹ poyfoune ; quha wairit thairof bot faxtene penneis ; and brayit the fame poyfoune, and putt itt in ane pece ledder and delyuerit itt to the, in Junii, lxxvij zeiris, within Stank of Fowles ; Katherene Roifs, dochter to Sir David Roifs of Balnagoune,² being in counfall thairof : And to the mare verificacioun, thow delyuerit to him with the said aucht fchillingis, foure elnes liming claith for his labouris ; quhilkis he confest, being accufit judiciallie, and wes convict be ane Affyis, and brunt for the famin, as the hail countrie knawis.—(14.) ALSO, thow art accufit, for reffauing of certane poyfoun, quhilk wes brocht to the be the said Williame M^cGillieverie-dam, quhene thow zait (went) to thy chalmer, in that nycht in Williame Monrois hous, be the hand of Katherene Roifs, dochter to Sir David Roifs ; quhilk the said Williame M^cGillieverie-dam confest.

¹ Poison for rats, ratsbane.

² She afterwards married the well known Sir William Sinclair of Mey, who, when a boy, was a leader of the riot at the High School of Edinburgh, and killed John MacMorran, one of the bailies, while attempting to quell the disturbance, September 5, 1595.

being accusit; and wes convict be ane Affyse, and zaid to deid with the fame.—(15.) AND also, thow art accusit, for sending the said Williame M^cGillieveri-dame to the Egyptianis,¹ to haif knowlege of thame, how to poyfoun the young Laird of Fowles and the young Lady Balnagounne; quhilk the said Williame grantit, being accusit, and wes convict for the fame.—(16.) AND forder, thow art accusit, for ressaing of the rottoun poyfoune, quhilk the said Williame M^cGillieveri-dame confest he bocht fra Thomas Roifs, merchant in Aberdene, in Elgne, without ony filuer gewin thairfore; and thaireftir for poyfoun, quhilkis he bocht in Tayne, and delynerit itt to the, and thow baid him keip secreit sic thingis as thow patt² to his charge, anent the bying of the said poyfoune; quhilk the said Williame grantit, being accusit and judiciallie convict for the famin, be the Affyse.—(17.) ALSO, thow art accusit, for continewing in thy former wick-itnes and develrie, quhen Williame M^cGilliveri-dame was fend for be the, in the moneth of Maij, anno lxxvij, Donald M^cKy being messinger, to the toum of Taine; and thaireftir, he com to Fowles and spak with the, ane lang space, quhair thow sperit at him, Gif he had mair of the poyfane to gif the, for that poyfoune thow had gottin of befoir, was our³ litill to serve thy turne; and he said, he had nane ready at that tyme; and refuifit, without the Laird thi brothir waigeit.⁴ And siclyk, thow sperit at the said Williame, Quhidder the poyfoune foirsaid servit bettir to be gevin in eggis, browis or keill? And he answert, that thow fuld dres the famin as thow thocht guid, and grantit to the said Williame that thy brother, the young Laird of Balnagown, knew of the said poyfoune alsf weill as thow did; in taikin quhairof, thow fend furst to him out of the place, with Donald M^cKay, ane stoip of guid aill, with breid and cheis; quhilkis the said Williame grantit, being accusit, and was convict for the famin; as the Proces thairof beris, and is manifest to the hail contrey.—(18.) ALSE, thow art accusit, for quyet and lang conference with the said Williame M^cGillever-dame, in Williame Munrois chahner, in Culcragy, in October, anno lxxvij, Katherene Rofs being present, anent the former purpos of the down-putting of the young Lady Balnagowne; thow gaif him vfe of vadge;⁵ and on Witsumday evin, the said yeir, for the said cause, thow gaif him xx f. And siclyk, thow causit Johnne M^cFindlay Moir, in Miltonne of Catuall, to delyuer to the said Williame M^cGillever-dame, in sunmir the said yeir, ane firlot of meill; quhilkis he confestit, being accusit, and was conviete for the famin.—(19.) ALSO, thow art accusit, for causing of Agnes Roy, ane vther of the Vichis, to pas for Loske Loncart to speik with the, in midsummir, in anno lxxvj; quha spak to the, that thow wald gang in Hillis to speik the elf folk; and gif the cace wer, that the young Lady of Bal-

¹ Gipsies. ² Entrusted. ³ Too. ⁴ Hired him, was his employer. ⁵ Wages, feed, bribed or hired him.

nagown departit, that scho had spokin to the, gif the young Laird of Foulis deit, the young Laird of Balnagoun wald marry the young Lady Foulis (his) wyf: And thow gaif to the said Williame M^cGilleвори-dame fyve ellis linnig clayth, in the moneth of September, anno lxxvj; and on Pasche-day thaireftir, xvj s. be Williame Cuikis sone; quhilk the said Agnes confessit.—(20.) ALSO, thow art accusit, for the assisting with the said Agnes Roy, speciale, quhen scho was passing for Marrioune M^cKaine M^cAlester alias *Loske Loncartis*, cumand the way with hir, enterit in speking, and scho said, ‘Scho wald mak bodyis of clay hir self, Cristian Malcolmfone and Gradache Malcomfone;’ and quhen the said Agnes Roy sperit at hir, ‘To quhat effect the said bodyis of clay suld be maid?’ Quha ansuerit and said, ‘That ane of thame wald be maid to the young Lady Balnagoun, and the tothir to the young Laird of Fowlis.’ And the said Loske Loncart com that nycht to Canort, at midfomer, the yeir of God foirsaid: And alsé, Agnes Roy confessit, that thair was sik thingis, and taikinis betuix her and the, and Katherene Rofs Sir Daudis dochtir, that at quhat tyme the said Agnes Roy had cum in fra Williame M^cGalleвори-dam or Loske Loncart, vithe thair myndis and ansueris, to the and Katherene Rofs Sir Daudis dochter; in caise thair war ony man or woman in the company, quhilk they war nocht privat of thair secretis, than the signe and taikin was, that the said Agnes Roy suld vring and greip thair handis or stamp vudir feit; quhilkis promissis the said Agnes Roy confessit judiciallie, being accusit, and was convict be ane Affyise; as the Proces beiris.—(21.) THOW art accusit, for geving of twa ellis of gray cleyth and ane fark, with xij s. iiij d. money, quhilk Johne Syidferf delyuerit at thy command to Johne M^cFarcor, cuik to the young Laird of Balnagoun, quha had cum in thre tymis to Fowlis, and was in speking with the and Katherene Neynday at ilkan of the saidis tymes; and the said Katherene Neynday passing out of the said toun of Fowlis, tuik with her, at thy command, rattoun poyfoun to Ardmuir, and delyuerit it to the cuik, to mix it with ane kiddis neir,¹ quhilk the young Lady Balnagoun and her company fell that nycht:² And Katherene Neynday, being in Ardmuir that time, skunnirrit³ with it sa mekill, that scho said, that it was the fairest and maist cruell sicht that evir scho saw, seing the vomit and vexacioun that was on the young Lady Balnagoun and hir company; of the quhilk poyfoun, the young Lady Balnagoun contractit deadlie feiknes, quhairin scho remanis ye (yet?) incureable; as is notorie knawin, and was confessit be the said Agnes Roy, being accusit judiciallie, and was convict be ane Affyise thair of.—(22.) MAIR, thow art accusit, for causing of Lofkie Loncart mak ane poyfoun drink, devyfit be Lofkie Loncart, and reueilit to Katherene Rofs Neynday, and was ordanit to be gevin to the young Laird of

¹ A kid's ear or kidney. ² A young deer, killed by the company in the chace. ³ Revolted at the sight.

Foulis and fuld haue bene maid in Neyn Schallonis hous, in Drummyn, at Alhallowmes, in anno lxxvij yeris.—(23.) MAIROUR, thow art accufit, for affisting of the said Gradoche Malcolmfoune, quha confessit, that Marioune Rofs alias Lofke Loncart, schew hir secretlie, that thow defyrit hir to cut of Robert Monroy apperand of Fowlis, and Hector Munroy of Killry, Huchoune Monroy of Affoun, Robert Munroy sone to the said Hector, with threttie of his best kinifmen, and Katherene Rofs dochtir to Sir Dauid Rofs; quhilk is notorious.—(24.) THOW art accufit, for affisting of Thomas M^cKane More M^cAllane M^cEuoch in all his vngodlie Wichcraft and Devilrie; and specialie, quhen the said Thomas was fend be George Rofs, young Laird of Balnagoune, to Farndrocht to the, convoyit with Donald M^cMilane and Johne Sutherland, brothir to Alex^r Sutherland, the first hous he com to, was Cristian Malcolmis hous in Tane, and was resauit plesandlie and weill intertinit that nycht be Cristiane Malcolmfoune, thow sperit at this ¹ gif it was hir that said, that hir brother wald be flaine; the Lairdis of Foulis ɛldar, youngar and thow, being at that tyme in Affin: And out of that departit Kandlochglais; quhilk tyme, was the xvj day of August, anno lxxvij yeris: And vpoune the morn thaireftir, being the xvij of August, thow com down out of Affin to Canort, and thair spak with the said Thomas at lenth, and thair defyrit him to vse his craft, for putting down of the said Mariorie Campbell young Lady Balnagoune; and thow promesit to reuard him gretumlie. And for mair sure performing of the said young Lady Balnagoune, thow directit George Cuik, sone to William Cuik in Foulis, to Taine, to twa vemen, (the ane callit Marioune Neynmane Adame M^cAlester *alias Loske Loncart*, and Cristiane Snyth dochter to Robert Snyth in Affint, quhilkis vemen ar haldin and reput rank commoune Vichis in the countrey,) for ane elf-arrow-heid, quhilk the said George Cuik ressauit fra the, and delyuerit in prefence of Cristiane Malcolmfoune; quhilk thow kepit in thy awin keping; lyk as the said Thomas confessit the samyn, being accufit, and was conuict thairof.—(25.) FORDER, thow art accufit, for the keping cumpanie with George Rofs young Laird of Balnagoune, in ane kill in Drummene, vpoune the xxiiij day of August, anno thrieseoir seivintene yeris, Cristiane Malcumfonis dochter and the said Thomas was present thair; the said George Rofs of Balnagoune standing, his bak at the dore, and ane vand in his hand, defyrit the said Thomas to do that thing quhilk he wes to put to his chairge, tuicheing the destructione of his wyfe and the young Laird of Fowlis; and he fuld giue him ane garmounthe of cleis² for his travellis; quhilkis the said Thomas confessit, being accufit, (and) wes conuictit for the samen, as the Proces beiris.—(26.) THOW art accufit, for affisting the said Thomas, Cristiane Malcomfoune, (and) Marioune Nieyn M^cAllaister, vpoun

¹ Left blank in record.² Suit of clothes.

the secund day of Julij, anno threfcoir fevintene yeiris, for making of ane pictur of butter to the said young Robert Monro Laird of Fowlis, in the said house of Caynort, be the devyse and consultatioun of the said Donald and Williame M^c-Gilleuerie, and the said pictur of buttir, eftir it wes maid, wes fet at the wall-fyd in the vester chalmer of the said hous of Coynard, and wes schot at with ane elf-arrow-heid be the said Marioune Neyuen M^cAlester *alias Loske Loncart* aucht tymes; quhilk pictur scho mist, and haid (hit?) na pairt thair of: And thow (and) Cristane Malcomfoune being present in the said chalmer, att the schotting of the said pictur, thinkand gane the pictur were hit, it wald be for the destructioun of the young Laird of Fowlis: Lykas, said Thomas was convict for the famin, and sufferit the deid.—(27.) ALS, thow art accusit, for being in cumpanie with Cristane Malcomfoune and Marioune Neyn M^cAllester *alias Loske Loncart*, with the devyse and consultatioun of Donald and William M^c-Gilliouois, made ane vther pictur of clay to the said Robert Monro young Laird of Fowlis, in the said hous of Conord; and so it was maid vpoune the morne, the vj day of Julii, anno lxxvij yeiris: Thay sat the pictur at the wall-fyd of the chalmer of the said hous, and wes schott be the said Cristane Neyne M^cAllester *alias Loske Loncart*, with the said elf-arrow, tuelf tymes, and mist the said pictur: And persauing that ye mist the famin efter everie schott, and maid the said pictur diuerse and findrie tymes, yit the famin tuk nocht effect to thair purpose; thow and the said tua womene, thy collegis, being present for the tyme, and uising¹ ane takin of the famin; the said Cristane Rois Malcomfoune haid provydeit thre quarteris of fine linning claithe for the picturis, giue² thay haid bene hit with the elf-arrow-heid, and the linning to be bound about the said picturis, and the picturis to haue bene erdit,³ vnder the Brigend of the Stank of Fowlis, fornent the zet:⁴ Of the quhilkis premissis the said Thomas was convict, and sufferit the dethe for the famin: as is notorious kuawin to the hail cuntrie.—(28.) AND siclyke, thow art accusit, and (art) ane that vnderstuid thy self giltie in thy conscience, of the crymes for quhilkis thay⁵ complices aboute wrettin wer convictit; and ane day or tua befor the burning of thame, thow vnderstanding that thay, being examinat, wald convict ye of Wychecraft, Sorcerie and poyfoune, in respect money of thame knew thay secrettis, and was practifeiris of thy devyis; thow came quhair tua notaris was, owt of the presence of ony Juge, and befor the fensing of ony Court, and ther, befor tua or thrie previe witneffis, declarit, that thow was bruttit and selanderit with Wichcraft and Sorcerie, and that thow was reddie bydand the tryall thereof; and seing

¹ Wishing, witching, using witchcraft to procure a token, or testimony of success, in their destruction of the young Laird of Fowlis. ² Gif, if. ³ Earthed, buried under ground. ⁴ Gate, yett. ⁵ These.

thair was na manne to accuse the, thow requirit instrumentis ; albeit, for feir of thai vitious lyfe, thou neuer came iudicialie to offer the famin : And immediatlie eftir the taking of the said instrument, thow haid thy horfe alredie drawin furth of the stabill, and fled away with diligence, as fugitiue out of the cuntrie, to Cathenis ; quhair thow remanit, for the space of thrie quarteris of ane yeir ; *in signum* and takine, that thow thought not to byid in the tryall ; quhill at last, be lauborrous and moyane of vmq^{le} George Erle of Cathanis, hir (thy) husband wes persuadit rellæue him (thee?) home againe.—(29.) AND lykwayis, this instant yeir of fourfoir and nyne, the Laird of Fowlis purchest¹ ane Commissioun, for punishment of certaine Wichis and Sorceris ; Befoir any publicatioune thairof, and or² he micht have conuenient tyme to put the famin in executioun, in respect of the trublis that incuirit in the North, thow, knawing thai self giltie, and feiring to byd the tryall of ane Assyse, fand the moyane to purchese ane Suspensioun of the said Commissioun ; and causit insert in the said Suspensioun, nocht onlie thay awin name, and sic vtheris as was spesificet in the said Commissioun, but also certaine vtheris quha wer nocht spokin of : As the said Commissioun and Suspensioun thairof, produceit befor the Secreit Counfall, at mair lenthe beris : Quhilk, giue³ thow haid beine ane honest womane, and willing to abyd tryall, thow wald neuer have crafit Suspensioun of ony sic Commissioun ; but rather wald haue forderit the famin.

THE said Katherene, efter reding of the said Dittay, denyit the famin and hail pointis thairof ; and offerit hir reddie to hyde the Tryell of the perfounes of Assyis, summond to that effect.

ASSISA.

John Symfoune of Bannaus,	Donald Tailyeour,	burges of Andro M' Cullo,	burges of Tayne,
John Clwnes, sone to Alexander	Tayne,	William Rois thair,	
Clwnes, burges of Cromartie,	John Reid Farquharfoune,	burges Alex ^r Hay,	burges thair,
Donald Rofs Williamfoune,	thair,	Alex ^r M'Kenzie apperand of	
in Gane,	Rannald M ^c Ser Duncanfoun,	Fardane,	
John Roifs in Muldard,	burges thair,	Donald M ^c Gilliequhoan,	burges
Duncan Bayne apperand of	William Kemp in Dingwall,	in Dingwall.	
Tulleich,	Alester M Donald M ^c Alester thair,		

VERDICT. Quhilkis perfounes of Assyis, being all chofin, sworne and admittit to pass vponne the Assyis of the said Catherine, seho being accusit be dittay, thay removit furth of Court to the Assyis hous, quhair thay chofit John Symfoune of Benmaus chancellor of the said Assyis : And thairefter votit vponn the poyntis of the said dittay ; and being throughlie resolut thairwith, re-enterit agane in court ; quhair thai, be the mouth of the said Chancellor, in presens of the said

¹ An old forensic term, synonymous with procuring, or obtaining, by payment of the usual official fees.
² Ere. ³ If.

Justice-depute, ffind, pronuncit and delyuerit the said Catherine, to be innocent and quite of the hail poyntis of the dittay.

Quhairvpoun seho askit instrumentis.

THE samyn day, David Roifs of Holme and William Dolace apperand of Buddet, Donald Rofs of Balnamukkie, Thomas Vmphra in Elgyn and John Innes of Lewcheris, oftymes callit, to compeir befor the Justice or his deputes, the said day and place, in the hour of caus, to haif past vpoun the Affyis of the said Katherine, dilatit of the crymes aboue writtin; lawfull tyme of day biddin, and nocht comperand to that effect; thay and ilk ane of thame wes vulawit, in the pane of fourtie pundis.

Sorcery — Incantation — Witchcraft — Slaughter, &c.

Jul. 22.—MR HECTOR MUNRO of Fowles.

Dilatit of certane crymes of Wichecraft.

The samyn day, comperit Mr David M^cGill of Craufstoun Riddell, Aduocat to our souerane lord, as persewar, and produceit the Dittay vnderwrittin; quhair of the tennour followis.

DITTAY against the Pannel.

MR HECTOR MONRO, Ye ar indytit and accusit, ffor samekle as, it is Statute and ordanit, be the Actis of Parliament, that nane vse Sorcerie, Incantatiounis or Wichecraft; and that nane seik responnsis at Wichis, vnder the payne of deid, and confiscatioun of all thair guidis movable; as the saidis actis beris: AND trew it is, that ye the said Mr Hectour, in the month of August I^m.V^c.lxxxvijj yeiris, fend for Jolme M^cConeill-gar and his wyffe, and Johne Banes wyffe, in Lytill Alteis, thre notorious and commoune Wiches; and causit convoy thame to Johne Murrayes house in Bakine, quhair ye ressanit thame, but¹ knowlege of the said Johne; intertinneit thame with yow, be the sspace of fyve dayes or thairby, and socht responnsis and consultatioune att thame; quha poillit² the hair of Robert Monro, your brotheris heid, and plait the naillis of his fingeris, and tais, socht be thair develisch meanis to haif cureit him of his seiknes; quha wald haif vfit furth the rest of thair develisch craft, war nocht thay ferit to tarie with yow, be resfoun of your fader, quha wald haif apprehendit thame; and thay declarit to yow, that ye was owre³ lang in sending for thame, swa that thay could do na guid to the said Robert Munro your brothir:—Lyke as, ye, in the samyn moneth, for feir of your fader, convoyit thame away, vnder sylence of nycht: Quhilk is notourlie knawin to the hail countrey.—(2.) ITEM, Ye ar indytit and accusit, ffor samekle as, ye, in the moneth of Januar I^m.V^c.lxxxvijj yeir, haifing tane seiknes in the samyn moneth and yeir of God foirlaid, fend youre seruand Hector M^cHuchefoune M^cIntagart, to ferch and seik Marioune M^cIngaruch, ane of the (maist) notorious and rank Wichis in all this realme, quha

¹ Without. ² Polled or cut. ³ Too.

brocht and convoyit hir to yow, on your awin horſe, to Johne M^cIntailzeouris hous in Alnes, quhair ye wes lyand ſeik att that tyme; quhair ye focht reſponſis att hir, and travellit to be curit be hir devilifch Incantaciounis and Wieheraft: Lyke as, ſche, eftir hir cumming to yow, gaif yow thre drinkis of walter furth of thre ſtanis, quhilkis ſche had; and eftir lang conſultacioun had with hir, ſche declarit, that thair wes na remeid for yow to recover your health, without the principall man of your blude ſould ſuffer death for yow; and ye and your complices, haifing raknit with your ſelffis, quha this ſould be, ſtand that it wes George Monro, eldeſt ſone to Katherene Roifs Lady Fowles: And than, eftir finding furth of this develifch devyce, for your releif, ye and the ſaid Wich concludit with your ſelffis, that nane ſould haif entres to the hous quhair ye lay, quhill¹ your brother George ſould cum: And eftir his cumming to yow, the ſaid Wich deſyrit, that ye ſould gif him your left hand, and ſould tak him be the rycht hand; and that ye ſould nocht ſpek aue word to him, before he ſpak fyrſt to yow:—Quhilkis iniunctiounis ye kept, ſeing thair wes nocht aue of your freindis that gatt entres to yow, quhill the ſaid Georges cumming; nochtwithſtanding that diners of thame come to viſſeit yow. And for the better performance of your develifch purpois, ye ſend for the ſaid George daylie, for the ſpace of fyve dayes, allweill to his duelling-hous, as to vthir partis of the countrey, quhair he wes att the huntis; deſyring him to cum to yow, quhair ye wes lyand ſeik: Lykeas, the ſaid George, feiring na ewill of yow, come as ane loving brothir to the ſaid M^cIntailzeouris hous, quhair ye wes; thair being nane with yow, bot the ſaid Wich, and your foſter-moder Criſtian Neill Dayzill, and hir dochtir: And eftir his cumming to yow, ye vſit the iniunctiounis gewin to yow in maner foirſaid be the ſaid Wich, and gaif your left hand in his rycht hand, and ſpak nocht to him for the ſpace of ane houre, vnto the tyme he fyrſt requyrit of yow, ‘How ye did?’ And ye anſuerit him, and ſaid, ‘The better that he had cum to viſſeit yow;’ and ſpak na mair to him, nochtwithſtanding ye ſend ſewin poiſtis² to him ofbefore. Swa that that nycht, att ane eftir mydnycht, the ſaid Wich, with certane of hir complices, paſt furth of the hous quhair ye lay, and tuik with thame ſpaidis, and paſt to ane pece of eird³ lyand betuix twa fondrie ſuperiouris landis, the kinge being the ane ſuperiour, and the Biſhop of⁴ the vthir; and maid ane graif of your lenth, and tuke vp the ower⁵ part thairof, and laid it aſyde; the ſaid eird being the neir the ſee flude: And this being done, ſcho come hame and conventit certane of your familiaris, that knew thir ſecreittis, and informit thame, quhat ſould be everie anes part, in taking of yow furth to be eirdit⁶ in the foirſaid graif; for

¹ Until. ² Expresſes or meſſengers. ³ Land, *earth*, ground. ⁴ Left blank. ⁵ The *over* or upper part, the green ſod or turf. ⁶ Earthed, laid in this grave or trench.

youre releif, and to the death of your broder George :—Quhais anfuwer was, ‘ That gif George should depairt suddanlie, that the brute¹ wald ryife, and all thair lyves wald be in danger :’ and thairfoir willit hir to delay the said Georgis death ane space ; and scho tuke on hand to warrand him vnto the xvij day of Apryle nixt thaireftir : And efter thir plattis, laid be the said Witch, scho and certane your serwandis, in the said moneth of Januar I^m.V^c.lxxxviiij yeiris, pat yow in ane pair of blaukettis, and careit yow furth to the said graif ; and thay war all commandit to be dum,² and nevir to speik ane word ; vnto the tyme that scho and your foster-moder fould first speik with hir maister, the Dewill : And being brocht furth, wes laid in the said graif ; and the grene eird, quhilk wes cuttit, wes laid abone, and haldin doune with stalfis ; the said Witch being beyde yow : And the said Cristian Neill, your foster-mother, wes commandit to ryn the breid of nyne rigis, and in hir hand Neill younger, Hector Leithis sone ; and how sone the said Cristian had run the breid of the said nyne rigis, scho come agane to the graif, quhair ye was lyand, and inquiryt at the said Witch. ‘ Quhilk wes hir schois ?’³ Quha anfuwerit and said, that the said ‘ Mr Hector wes hir schois to leif, and your brother George to die for you.’ And this forme wes vfit thryife that nycht : And thaireftir, ye was careit hame, all the cunpanie beand dum ; and wes put in your bed⁴—To the taken, that ye was partaker of Wichcraft, and that ye allowit thairof, and socht resposis of the said Marioune the Witch ; how sone ye gat your health, be the dewelisch moyan foirsaid, ye past to Hector Monro of Kildrummodyis, your fader-brothiris hous, and tuke the said Witch with yow ; quhair scho wes interteneit, as gif scho had bene your spous, and gaif hir sik pre-eminence in your cuntrey, that thair was nane that durst offend hir ; and gaif hir the keping of your scheip, to cullour the matter, that ye knew hir nocht : And quhen the Kingis Maiestie requyrit yow to present hir to his hienes, ye refusit hir, vnto the tyme that the said Lady Fowles tuke in hand to preis, that scho was in your hous of Fowles ; swa that ye, aganis your will, wes compellit to present hir at Abirdene ; quhair scho being examinat before his Maiestie, and produceit the stanis scho gaif yow watter out of, the quhilk wes the deith of the said George ; haifing denyt of before, that ever scho saw yow with hir : And quhilk stanis wes delyuerit to the Justice-

¹ Fr. *Bruit*, report, hue and cry. ² Dumb, speechless. ³ This word at first sight seems to signify *shoes*, viz. that Hector should stand in George’s shoes, and George in Hector’s. It rather implies the *choice* of the sister-witch, after the lincantation was completed; who accordingly chooses Hector to live, and George to die. The whole ceremony is *unique*, and calculated to produce a very strong impression on the spectators, especially on the mind of their novice in the ‘graif,’ who afterwards appears to have been led by the nose by these hags, as effectually as if by St Dunstan’s far-famed pineers. ⁴ A pretty effectual cooler this must have been ‘at ane efter mydnycht,’ in the ‘moneth of Januar!’ St Januarius himself, or even Dr Grabame, the earth-bather, would have shrunk from such an ordeal with horror!

Clark in keeping.—ITEM, Ye ar indytit, for airt and pairt of the crewall, felhamefull and odious slauchter of the said vniq^{le} George Monro your brother, be the Inchantmentis and Witchecraftis vsit vpoune yow, and be your dewyife, be speking to him within your bed, taking of him be the rycht hand, conforme to the iniunctionis gevin to yow be the said Marioune Ingareach, in the said moneth of Januar I^m.V^c.lxxxviiij yeiris ; throw the quhilk Inchantmentis, he tuke ane deidlie feiknes, in the moneth of Apryle 1590 yeiris ; and continewand thairin quhill Junij thairefter, deceiffit in the said moneth of Junij, being the thrid day of that instant. To the mair testificationne, that ye ar giltie of the said cryme, ye being chargeit to present the said Wich, ye had hir vpoune your landis and bigingis, and within your toune ; and hes put hir afyd, the saxtene day of July instant.

QUHILKIS poyntis of Dittay, the said Mr Hector Monro allutirlic denyit ; and offerit him reddie to abyde the tryell of ane Assyse thairfore.

ASSISA.

Alexander M ^c Kenzie, apperand of Sturdrum,	Donald M ^c Gilliequhorne, thair, Johne Vaus of Lochlum,	Alexander Hay, burges thair, Thomas Manfoun, burges thair,
Duncaene Bayne, apperand of Tullich,	James Corbett, portionar of Arboill,	Johne Reid Farquharfoune, burges thair,
Williame Kempt, in Dingwall,	Andro M ^c Culloch, bailze of Tayne,	W ^m Innes, portionar of Midgame, Angus M ^c Culloch in Eistir Aird.
Rannald M ^c Ser Duncanfoune, burges of Tayne,	Donald Tailzeour, thair,	Robert Phayne, thair.

VERDICT. The Assyse, be the mouth of the said Johnne Vaus of Lochlum, Chancellor, in presens of the said Justice-deput, fand, pronunceit and declarit the said Mr Hector Monro, to be acquit and innocent of all the heidis of the said Dittay : Quhairvpoune he askit instrumentis.

THE samin day, Alexander M^cThomas alias Thomfoune, burges of Tayne, and Johne Dingwall of Kildyn and Thomas Vmphray, burges of Elgyne, oft tymes callit to haif comperit before oure fouerane lordis Justice or his deputes, the said day and place, in the hour of caus ; to haif past vpoun the Assyse of the said Mr Hector Monro of Fowlis, dilatit of the crymes abouewritin, lauchfull tyme of day biddin, and nocht comperand, thay, and ilk ane of thame, wes vnlawit in the panes contenit in the Actis of Parliament, viz. Fourtie punds.

[*Mr James Wardlaw, Justice-Depute.*]

Slaughter.

Jul. 30.—JAMES VEICH apperand of North Syntoune, Andro Veich, brother to James Veich of Tourhop.

Dilatit of airt and pairt of the slauchter of vniq^{le} Johnne Twedie, tutour of Drummalgear and burges of Edinburghe ; committit the xxiiij day of Julij instant.

PERSEWAR, Magdalene Lawfoun, the relict.

PRELOQUITOURIS, Mr Williame Somervall, Viccar of Kirbene, Mr David McGill, Aduocat.

PRELOQUITOURIS for the pannell.

The Erli Bothwell, The Lord Fleming, The Laird of Balcleuch, The Abot of Melroife,
The Laird of Ormifoune, The Laird of Greneheid, Mr Johnne Prestoune, Mr Alexander King.

The Justice, vpoun alledgeances proponit, and anfueris maid thairto in the Minute-buik, continewis all proceeding in this mater to the morne. ‘Wardat. vpoun allegeance.’

[*Mr Johnne Grahame, Justice-Depute.*]

(NOV. 28.)—The Justice, being auisit with the Interloquitour vpoun the allegeances maid be Mr Williame Oliphant, *excufatorio nomine* for Johnne Lord Fleming, concerning the nocht vnlawing of James and Andro Veichis, for the flachter of vmq^{le} Johnne Twedie, tutour of Drummelgear, and anfueris maid thairto be the Aduocat; fand, that thay fould be vnlawit, nochtwithftanding the faid allegeance.

The famin day, Williame Veich of Daik and Andro Broune of Hairtrie, as cautioneris and fourteis, coniunctlie and feuerallie, wer vnlawit, in the pane of ten thowfand poundis money of this realme, for the nonentrie of James Veich, apperand of North-Sintoune, and Andro Veich, brother to James Veich, apperand of Tourhoip, before oure fouerane lordis Justice, or his deputes.

Contrabention of the General Band, &c.

Aug. 6.—GEORGE HWME of Crammie-cruik, William Reidpeth of Grinlaw, George Hwme of Weddirburne, Patrik Hwme of Polwart and thirty-two others.

Dilatit of the contraventione of the Generall Band and of the Actis of Parliament, in nocht presenting of thair memme before the Justice or his deputes, in Justice Courtis; and for nocht removing of thair tennentis, fugitiues, of (off) thair landis; conforme to the faid Generall Band.

(Aug. 7.)—The greateft proportion of the pannells were acquitted; the remainder were either continued or ‘replegiat’ to the Regalities of Thirlstane, Jedburghe-fforest, Melroife, &c.

Taking of a Messenger, &c.—Besieging and taking the Place of Fedderat.

Aug. 8.—EDWARD CRAWFURD of Corbilhill, Johnne Crawford in Calane and Andro Innes in Turray.

Dilatit of the taking of Johnne Fairwadder, messinger, and deferteing of him in executioun of his office, he beand in the executioun thereof; and speciallic, in the executioun of our fouerane lordis lettres, purchest at the instance of

Alexander Irving of Drum, aganis George Crawford of Fedderett; and for affageing of the Place of Fedderett, taking of the famin be strang hand: and vtheris crymes, contenit in the lettres direct thairvpoune.

Continued to the Aire of 'Abirdene, tertio Itineris, vel xv dierum.'

[*Mr Humphrey Blyndschelis, Justice-Depute.*]

Witchcraft—Slaughter, &c.

Aug. 17.—JONETT GRANT *alias Gradoch* in Colquhatstane and Jonett Clark *alias Spalding* in Blalach.

Dilatit of certane crymes of Wichcraft.

PERSEWARIS.

Mr Daud McGill of Cranfoun-Riddell, Aduocatt, The Laird of Wardes (Williame Leslie).

The faidis perfounes on pannell denyit the Dittay redd to thame; and offerit thame to the tryell of ane Affyse.

VERDICT. Arthoure Skene in Tulloch, Chancillar, delivered the Verdict of the Affyse, whereby 'thay ffland, pronunceit and declarit the said JONETT GRANT *alias Gradoch*, to be fylit and convict of the crewall Murthour of vinq^{le} Alexander Abircrumbie of Ley, be Wichcraft: AND of vinq^{le} Gordoune, fone to beld¹ Johnne Gordoune: AND of the slauchter and distructione of faxtene heid of nolt,² pertening to William Roife in Birsebeg: AND of the slauchter of vinq^{le} Elspet Reit be Wichcraft: AND als, of the raising of the Dewill, and feiking of help to Duncan Rychie: AND als, for the slauchter of Johnne Pantounis wyffe, be Wichcraft. ITEM, of the taking on hand, to haif distroyit the Laird of Cragievar, his fone and vtheris.—ITEM, fand and pronunceit the said JONET CLARK *alias Spalding*, to be fylit and convict of the slauchter of vinq^{le} Johnne Leslie of Wardes,³ be Wichcraft: ITEM, of the slauchter of the said vinq^{le} Elspet Reit: ITEM, for gewing of ane secreit member to Johnne Coutis; and gewing and taking of power fra findrie memmis memberis: ITEM, fylit of taking of Johnne Wattis secreit member fra him: ITEM, for bewiching of Caddell, fone to Allester Caddell in Bandorie: ITEM, fylit for taking in hand, to help Johnne Reoch in Dalquhing of his feiknes, be Wichcraft—ITEM, pronunceit the faidis Jonet Grant and Jonet Clark, to be fylit and convict for commoune notorious Wichis.'

SENTENCE. For the quhilkis cauffis, the Justice, be the mouth of James Scheill, dempftar, adiudgeit thame to be tane to the Castell-hill of Edinburghe, and thair wirreit at ane staik, and thair body to be brunt in affis; and all thair movabill guides to be efcheit and inbrocht to our fouerane lordis vfe, as convict of the faidis crymes.

¹ Bald. ² Cattle, oxen. ³ See the Trial of Bessie Roy, Aug. 18, 1590.

Sorcery—Incantation—Witchcraft, &c.

Aug. 18.—BESSIE ROY, nurreych¹ to the Laird of Boquhane.

Dilatit of the poyntis of Wichcraft following.

PERSEWARIS, Leslie, eldar of Wairdes, Mr Williame and George Lesleis his fones, Mr David McGill of Cranfoun-Ryddell, Aduocatt to our fouerane lord, for his hienes intres.

DITTAY aganis Bessie Roy.

BESSIE ROY, in Fetterneir, feruand to the Laird of Boquhane;² Ye ar indytit and accufit, that quhair, ye, beand duelland with Williame King in Barra, be the fpace of tuel yeiris fyne or thairby, and haifing pafit to the feild to pluk lint with vthir wemen, in prefens of thame maid ane compas in the eird, and ane hoill in the middis thairof: And thaireftir, be thy conjuratiounes, thow caufit ane grit worme cum fyrft out of the faid hoill, and creip owre the compafe; and nixt ane lytill worme, quhilk crap owre alfo; and laft, caufit ane grit worme cum furth, quhilk could nocht pas owre the compas, nor cum out of the hoill, bot fell doune and deit: Quhilk inchantment and Wichcraft thow interpret in this forme:—That the fyrft grit worme that crap owre the compas, was the Guid-man, Williame King, quha fould leve; and the lytill worme, was ane barne in the Guid-wyffes wamb, quhilk wes vnkawin to ony manne that fche was with barne; and that the barne fould leve; and thrydlie, the laft grit worme thow interpret to be the Guid-wyffe, quha fould die: Quhilk com to pas eftir thy fpeiking, quhow fone fche wes delyuerit of the faid barne. And this is manifefit to the hail countrey; quhilk thow can nocht deny.—ITEM, Ye ar indytit and accufit, for away taking, be Wichcraft, of ane puir womanis milk, callit Bessie Steill, quha cam to Williame Kingis hous in Bairoch, feking almes; and haifing fittin doune befyd the fyre, to gif hir barne fouk, thow in the meane tyme, being ane nurrifch thy felff, and perfawing the puir woman to haif mair abundance of milk nor thow had; and feing that the Guid-wyffe thy huffie³ fould haif detenit the puir woman, and gewin hir the barne to foster; thow, be thy develifch incantatiounes and Wichcraft, abftrakit and tuik away hir milk: And immediatlie eftir the puir woman wes pafit out of the hous, fcho perfawit hir milk to be taue away, come agane to the faid hous, and complenit to the Guid-wyffe, that the nwrifch had takin away hir milk; and faid, Gif fcho wer nocht reftorit to hir milk, fche fould devulgat the fame throw the countrey, and fehaw how ye had vfit hir. And thow, fering thy develifch craft to be revelit, faid to the puir womane, ‘Gif I haif thy milk, cum fic a nycht to me to this hous, and afk itt for Godis faik, and thow fall haif itt.’ Lyke as, the faid puir woman, being gled to reffaue hir milk agane, come that fame nycht as thow ap-

¹ Nurse, Fr. *nourrice*.

² John Leslie.

³ Housewife, mistress.

poyntit hir, and lay in the hous befyd ye all nycht; and about the middis of the nycht, thow cryit vpon hir and walknit hir, and baid hir reffau hir milk; and incontinent sche walknit, and hir palpis sprang out full of milk, and remanit with hir thaireftir. This thow did, as is notourlie knawin to the hail cuntry, and thow can nocht deny.—ITEM, thow art indytit for ane commoun away-takir of wemennis milk in the hail cuntry, and detening the famin att thy pleasour; as the hail cuntry will testifie. The quhilk thow can nocht deny.—ITEM, thow art indytit and accusit, for the bevisching¹ of William Kingis wyfe of Barraucht, tuelf yeiris senfyne or thairby, for your diuilishe devyfe, eftir thow haid left hir seruice; thow causit propyne² hir with ane plaid of thine, quhilk beand full of inchantmentis and forcerie, being laid one hir bed, cauffit hir suddentlie thereftir depairt:³ Quhilk is notorius to the hail cuntry; quhilk thow cane nocht deny.—ITEM, thow art indytit for ane commoun theif, quhilk thow vñs be inchantment and flicht of the Diuill; for laithie, thow cam to Alexander Thines hous in the Benvie-end of Traichie, in the monethe of November lastwas; and thair, be inchantment, blew vp his duris and his hail lokkis of his house, and ftall out sic gere as thow plefit; and thaireftir lokit the duris and loctis, as thay wer abefoir: Quhilk thow cane nocht deny.—ITEM, thow art indytit and accusit, that laithie, beand murish to the Lard of Balquhene (John Leslie), in the moneth of Maij and Junij lastbypast, thow, be thy inchantment and forcerie, maid vp the hail lockis of the place, and vpunt⁴ the hail durris thairof, and ftall ane steill box out of ane coffer, quhairin wes gryt fowmes of gould and gould-smyth-work; quhair, one (on) being accusit thaireftir, thou allegeit, that ane blak manne came and gaif the famin to the; quhilk wes nothing but the illusionne of the Diuill: Quhilk yow cane nocht deny.—SICLYK, thow art indytit and accusit, for the crewall, airt and pairt and bevisching of vmq^{le} Johne Leslie of Cultis, quhair as thow trefekit with vmq^{le} Barbara Keand *alias Leslie*, with Jonet Grant, with Jonet Clark *alias Spalding*,⁵ lyk as thair Confessiounes and Depositionnes testifies thair vngodlie airt and pairt in the said murdour; quhairin diuerse vtheris was pertinens, sic as Marioune Bruce in Awldrain, Bessie Paull in the Cromar, quha ar fugitiues for the said cryme; and thow onlie estemit the instrument of all that mischeife: Quhilk is notorius be thair Confessiounes, and yow cane nocht deny.—SICLYKE, thou art indytit and estemit for ane notoriouse and commounne Wiche in the cuntry; and cane do all thingis, and hes done all mischeifis, that deuilrie or Wichcraft cane devyfe, in abstracking of mennis lyffis, wemennis milk, bestis milk, and bewisching of

¹ Bewitching.
burst up.

² Offer in gift, to make a present.
⁵ See Aug. 17, 1590.

³ Give up the ghost, die.

⁴ Opened,

bestis als weill as menne; lyk as thai diuerse practifis cane testifie ye : Quhilk ye cane nocht deny.

VERDICT. The Assyse, in presens of the said Justice-deput, ffind and pronounceit, be the mouth of the said Chancillar, (Arthour Skene in Tulluch,) the said Bessie Roy to be Innocent and acquit of all and findrie the poyntis and heidis of the Dittay abouewrittin. Quhairvpoune, the said Bessie askit act and infrument.

Slaughter by Witchcraft.

Aug. 19.—WILLIAME LESLIE of Crechie and Violat Auhinlek his spous.

Dilatit of the slauchter and distructioun of vni^q Johme Leslie of Wardes, younger, be Wichcraft; committit in Junij 1586.

PERSEWARIS.

Williame Leslie of Wairdes, as fader, George Leslie of Camellis, Mr Williame Leslie of Warthill, as brethir, Mr Dauid McGill of Cranstoun-Riddell, Aduocat, The Laird of Frendracht, 3 younger.

PRELOQUITOURIS for the pannell.

The Erll Bothwell, The Erll of Arroll, The Lord Home, The Laird of Boquhane, The Laird of Wauchtonne, Mr W^m Leslie of Cunlie, Mr Alexander King.

The pannell askit instrumentis of thair entrie, and protestit for releif of thair cautioune, and als offerit thame reddie to abyde the tryell of ane Assyse, for the crymes abouewrittin; disassenting to all continewatioune.

The Justice, for laik of ane sufficient nowmer of Assysouris, quhair of thair wes ane grit nowmer cassin,¹ continewit the mater to the thryd day of the nixt Justice-air of the Sheref dome of Abirdene, or soner, vpoun fyftene dayes wairning.—‘Plegiis, Francisco Comite de Erroll et Joanne Leslie de Boquhane, conjunctim et diuifim.’²

[CURIA JUSTICIARIE, *s. d. n. Regis, tenta xxvj^{to} Decembris, 1590, per Magistros Johannem Graham et Vmphridem Blynschelis, Justiciarios Deputatos.*]

Treasonably conspiring the Death of the King — Sorcery — Witchcraft — Incantation, &c.

Dec. 26.—JOHNNE FEANE alias CWNINGHAME, last duelland in Pref-toune.²

Conuict of diuers poyntis of Wichcraft, contenit in the Dittay.

¹ *Cast*, rejected on account of partiality, relationship, &c. Only two out of the whole ‘Roll of Assyse’ were sworn, as unexceptionable. ² He is designed ‘schoolmaister at Tranent,’ in the *Historie of King James the Sext*, p. 241; ‘Master of the schoole at Salt pans in Lothian,’ in the tract afterwards quoted; and in the course of these remarkable cases, he is termed ‘Register’ and ‘Secretary to the Devil.’

Comperit the famin Maister David M^cGill of Cranftoune-Ryddell, Aduocat to our fouerane lord, as perfewar ; and produceit ane Dittay agains the faid Johnne Feane.

ASSISA.

Johne Wilfoun in Edinburghe,	Robert Seytoun thair,	Thomas Craig thair,
Rychard Newtome in Tranent,	Robert Thrikie, merchand, burges	Johne Coluile thair,
Williame Stratherne thair,	of Edinburghe,	James Watfoun thair,
Patrik Halzeort thair,	Johne Donaldfoun, merchand thair,	Johne Hakit thair,
James Miltoun thair,	Robert Smyth, merchand thair,	Thomas Wrycht thair.

VERDICT. Quhilkis perfomes of Assyse, being chofin, fivorne and admittit vpoun the faid Johnne Feanis Assyse, he being accufit be Dittay of the faidis crymes : Thay removit thame felffis altogidder furth of Court to the Assys-hous, quhair thay chufe the faid James Watfoun chancillar ; and haif reffonit (vpoun the) pointis of the faid Dittay, and refoluit thairwith : Reenterit agane in the faid Court ; quhair thay, be the mouth of the faid Chancillar, fband, pronunceit and delyuerit the faid Johnne Feane alias Cwninghame, to be fylit and conviet, FYRST, That quhan the dewill apperit and come to him, quhen he wes lyand in his bed in Tranent, in Thomas Trumbillis chalmer, mwfand and panfand,¹ how he mycht be revengeit of the faid Thomas, quha had offendit him in nocht fpargeing² of his chalmer, as he had promesit, his face being toward the wall ; the dewill apperit to him with quhyte rayment, quhair he (the Dewill) fpak to him in thir termes, or ever he (Feane) fpak to him (the Dewill)—‘ Will ze be my ferwand and adore me and my ferwandis, and ze fall never want ?’ And als, that he fuld be revengit of his enemies ; lyke as, the faid deuill perfwadit him to burne Thomas Trumbillis hous, in respect he had nocht keipit promeis.—(2.) ITEM, Fylit, for fuffering of him felff to be markit be the dewill with ane rod, the fecund nycht that he apperit to him, in quhyte arayment as faid is, in his bed ; and for feinzeing of him felff to ly feik in the faid Thomas Trumbillis chalmer, quhair he wes ftrukin in grit extafies and tranfis, lyand be the fpace of twa or thre houris deid, his fpreit tane ; and fufferit him felff to be careit and transportit to mony montanes, as thocht throw all the warld ; according to his awin depofitionnes.—(3.) ITEM, Fylit, according to his awin confeffionne, for the abufing of his body with Margaret Spens, wedo in , promesing to haif mareit hir ; bot att Satanis command, he stayit ; quha faid to him, Gif he mareit hir, he fould tyne him and mekill riches.³—(4.) ITEM, Fylit for the fuffering of him felff to be careit to North-Berwik Kirk, (he being lyand in ane cloife bed in Preftoun-pannis,) as gif he had bene fouchand⁴ athoirt the eird, quhair Sathane commandit him to mak him homage with the reft of his fer-

¹ From ‘penfant,’ Fr. thinking, cogitating.

² White-washing or cleansing.

³ Riches, wealth.

⁴ This suggests the idea of skimming along the surface of the earth with the swiftest flight. ‘*Souch-and*’ also denotes a rushing sound, like that of an arrow whizzing through the air.

wandis; quhair he thocht he saw the lycht of ane candill standand in the middis, of his fernandis, quhilk apperit blew low¹; and Sathan ftwid, as in a pulpet, makand ane fermond of dowtfulm speichis, faying, ‘Mony cumis to þe fair, and byis nocht all wares;’ and defyrit him ‘nocht to feir, thocht he wes grymme: ffor he had mony fernandis, quha fould newir want, and fould aill na thing, falang as their hair wes one; and fould newir latt ane teir fall fra thair ene,² falang as thay feruit him’: And gaif thir leffonnes and commandis to him, as followis. ‘Spair nocht to do ewill, and to eit, drink and be blyth, taking rest and eife, ffor he fould raife þame vp at þe latter day glorioufflie.’—(5.) ITEM, Fylit, for the being in cumpany with Sathane att his conventiounes, quhair he saw Robert Greirfoune, Michaell Clark, Annie Sampfoune, with findrie vtheris; quhair he and all the rest kist him behind, and fum his erse; and att the same tyme, ffor the bewiching and possessing of Williame Hutfoune in Windiegoull, with ane ewill spreit.—(6.) ITEM, Fylit, for suffering him self to be careit to the see with Sathane; and att the fyrst, he wes skumand³ owre all the see without land,⁴ in ane boit, accompaneit with the perfounes aboue writtin; and being of the foir-knowledge of the lek that strak vp in the Quenis schip, as the dewill foirtald him.—(7.) ITEM, Fylit, for the raising of wyndis att the Kingis passing to Denmark, and for the sending of ane letter to Marioun Linkup in Leyth, to that effect, bidding hir to meit him and the rest, on the see, within fyve dayes; quhair Satan delyuerit ane catt out of his hand to Robert Greirfoune, gevand the word to ‘Cast the same in the see hola!’: And thaireftir, being mountit in a schip, and drank ilk ane to otheris, quhair Satane said, ‘ge fall suik þe schip;’ lyke as thay thocht thay did.—(8.) ITEM, Fylit, for assembling him self with Sathane, att the Kingis returning fra Denmark; quhair Satan promesit to raife ane mist, and cast the Kingis Maiestie in Ingland: And for performing thairof, he tuik ane thing lyke to ane fute-ball, quhilk apperit to the said Johnne lyke a wisp,⁵ and caist the same in the see; quhilk caufit ane vapour and ane reik to ryis.—(9.) ITEM, Fylit, ffor being in cumpany with Satan in the Kirk of North-Berwick, quhair he apperit to him, in the forme of ane blak mann within the pulpet thairof; and efter his out-cuminge of the kirk, poyntit the graues and ftwid aboue thame; quhillkis wer opnit in thre findrie pairtis, twa within and ane without; quhilk the wemen demembrit the deid corps and bodeis being thairin, with thair gulleis;⁶ and incontinent wes transportit, without wordis.—(10.) ITEM, Fylit, for opening of lokis, and speciallie ane lok in David Seytounis

¹ Blue flame, the candle burnt blue; an inevitable consequence of the presence of the ‘foul fiend.’

² It was part of this strange superstition, that after a person had renounced his baptism, and sworn fealty to Satan, he could thenceforth shed no tears.—‘Item, it is a vehement presumption, if the cannot weepe at the time of hir examination: and yet Bodin saith, that a witch may shed three drops out of her right eie.’—*Scott’s Discoverie of Witchcraft*, cap. 5.

³ Skimming.

⁴ Out of sight

of the land.

⁵ Of straw?

⁶ Large clasp-knives.

younger in Tranent ; and siclyke, for the opening of the said Daudis foir 3ett, the key thairof being lyand vpoun the buird,¹ at the supper : As also, fylit, for the opning of ane lok be his forcerie, in Daud Seytonnis moderis, be blawing in ane womanis hand, him self sitand att the fyre syde.—(11.) ITEM, Fylit, for the being cumand furth of Patrik Vmplirais sonis hous in the mylne, vnder nycht, fra his supper ; and passand to Tranent on horsbak, and ane man with him ; be his devilisch craft, rasit vp foure candillis vpoun the horflis twa luggis, and ane vthir candill vpoun the stalff quhilk the man had in his hand ; and gaif sic licht, as gif itt had bene day lycht ; lyke as, the saidis candillis returnit with the said man, quhill his hamecuming ; and causit him fall deid, at his entre within the hous.—(12.) ITEM, Fylit, for the wiching² and possessing of the (said) Williame Hutfoune, with ane ewill spreit ; quhilk continewit with him tuentie sax oulkis ; lyke as, the said spreit departit and left him, how sone the said Johnne wes tane and apprehendit.—(13.) ITEM, Fylit, for being in company with Annie Sampfoune, Robert Grierfoun, Kaet Gray and vtheris, vpoun Hallowmes ewin ; thay embarkit in ane boit, befyde Robert Greirfounis hous in the Pannis, and faillit owr the sea to ane tryist thay had with ane vther witch : quhair thay enterit within ane schip, and drank gude wyne and aill thairin ; and thairefter caussing the said schip and boit to perisch, with the personis being thairin ; and than returning hame.—(14.) ITEM, Fylit, for the vsing be way of Witchcraft, of moderwart³ feit vpoun him, in his purse ; gevin to him be Sathan, for this caus, that sa lang as he had thame vpoun him, he fuld never want siluer.—(15.) ITEM, Fylit, for being in North-Berwik-Kirk, at ane conventionne with Sathan and vtheris witches ; quhair Sathan maid ane dewelisch sermon, quhair the said Johnne satt vpoun the left syde of the pulppett, narrest him : And the sermon being endit, he came doune and tuke the said Johnne be the hand, and led him widdersehinnis⁴ about ; and thairefter, causit him kyfe his erse.—(16.) ITEM, Fylit, for the chaiffing of ane catt in Tranent ; in the quhilk chaife, he was careit heich aboue the ground, with gryt swyftnes, and as lychtlie as the catt hir self, ower ane heicher dyke, nor he was able to lay his hand to the heid off :—And being inquiryt, to quhat effect he chaiffit the famin ? Ansuerit, that in ane conventionne haldin at Brunhoillis, Sathan commandit all that wer present, to tak cattis ; lyke as, he, for obedience to Sathan, chaiffit the said catt, purpoisslie to be cassin in the sea, to raise windis for distructionne of schippis and boittis.—(17.) ITEM, Fylit, that forsamekle as, be his airt of Witchcraft, Magick and Sorcerie, he gaif him self⁵ to declair to ony man, how long thay fould leve, and quhat fould be thair end ;⁶ gif thay wald tell yow the day of thair birth : Lyke as, he foirtauld the famyn to Marioun Weddell, that hir sone fould nocht leve

¹ Table.
gave out.

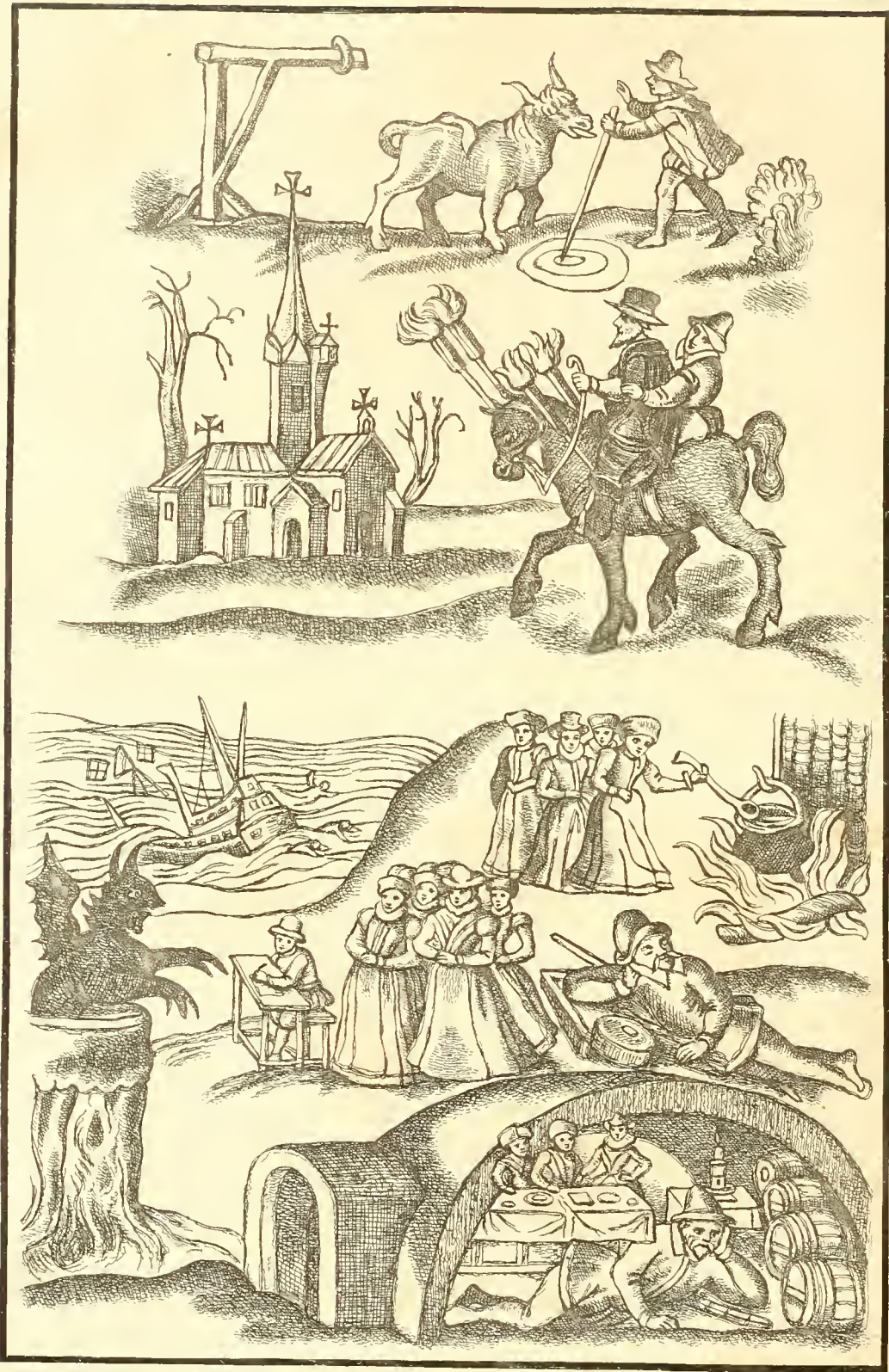
² Bewitching.

³ Mole's feet.

⁴ Contrary to the course of the sun.

⁵ Professed,

⁶ What death they should die.



News from Scotland, 1591.

xv dayes ; quhilk cam to pas as he spak.—(18.) ITEM, Fylit, for declaring of the lyke to Alexander Bouis wyffe in Edinburghe, and faying, hir sone fould be fehort quhyle in hir aucht ; as he died within a fehort fpace thairefter.—(19.) ITEM, Fylit, for the reffaving of thir directionis and commandimentis fra Satan : Firft, To deny God and all trew Religioune : Secundlie, To gif his faith to the Dewill ; and adoring him : Thridlie, He laid to the Dewill, that he fould perfvaid als mony as he could, to his focietie : Ferdlie, He dememberit the bodeis of the deid corps, and fpeciallie of bairnis vubaptesit : Fyftlie, He diftroyit men be fie and land, with coirnis, cattell and guidis ; and raift tempeft and fformie wedder, as the Dewill himfelf, blawing in the air, &c.—(20.) ITEM, Fylit, for ane commoune notorious Witch and Inchanter.

The SENTENCE is not engrossed in the Record, but a jotting made on the margin, ‘ Conuict of diuers poyntis of Witchcraft, and brynt.’

[The best illustration which can now be afforded of the extraordinary circumstances detailed in this and in some of the other Trials for Witchcraft, &c. of this period, is to give an exact reprint of an extremely rare Black-letter tract, considered to be unique ; and which appears to the Editor well worthy of a place here.¹ A pretty copious abstract from this curious fragment has already been given to the public, in the learned and ingenious Prefatory Notice to ‘ Law’s Memorials,’ edited by Charles Kirkpatrick Sharpe, Esquire ; to whom the Editor is indebted for the use of an accurate transcript, with which the present reprint has been carefully collated.² This tract was inserted in a small collection, published by the late eccentric David Webster, titled, ‘ Collectanea Scotica,’ but it is there very inaccurately edited.

The Confessions of Feane, Samson, &c., are said to have ‘ made the King in wonderful admiration, who, in respect of the strangenes of these maters, tooke great delight to be present at their examinations.’ It is very probable that the King’s presence at these examinations, and the frequent perusal of similar evidence against the numerous persons who were tried for Witchcraft at this time, laid the foundation for the royal work on ‘ Dæmonologie.’]

NEWES FROM SCOTLAND,

Declaring the damnable life of DOCTOR FIAN a notable Sorcerer, who was burned at Edenbrough, in Januarie last 1591 ; which Doctor was Register to the Dewill, that fundrie times preached at North Barricke Kirke to a

¹ The Editor would have preferred inserting the ‘ Newes from Scotland’ in the Appendix to the reign of King James VI., but as that must of necessity be retarded for a considerable time, the explanations afforded in Feane’s Confessions would thereby lose much of their interest. ² Mr Sharpe’s transcript was taken from the Roxburghe Club copy.

number of notorious Witches; with the true Examinations of the said Doctor and Witches, as they uttered them in the presence of the Scottish King: Discouering how they pretended to bewitch and drowne his Majestie in the sea, comming from Denmarke; with such other wonderfull matters, as the like hath not bin heard at anie time.

Published according to the Scottish Copie.

Printed for William Wright.¹

TO THE READER.

THE manifold untruths which are spread abroad, concerning the detestable actions and apprehension of those Witches, whereof this historie following truly entreateth, hath caused me to publish the same in print; and the rather, for that fundrie written coppies are lately dispersed thereof, containing that the said Witches were first discovered by meanes of a poore pedler travelling to the towne of Trenent; and that by a wonderfull manner hee was in a moment conveyed at midnight from Scotland to Burdeaux in France, (being places of no small distance,) into a merchantes sellar there; and after beeing sent from Burdeaux into Scotland by certaine Scottish merchants to the Kings Majestie, that he discovered those Witches, and was the cause of their apprehension; with a number of matters miraculous and incredible: all which in truth are most false. Nevertheless, to satisfie a number of honest mindes, who are desirous to be informed of the veritie and truth of their confessions, which for certaintie is more straunger than the common reporte runneth, and yet with more truth, I have undertaken to publish this short Treatise, which declareth the true discourse of all that happened, and as well what was pretended by those wicked and detestable Witches against the Kings Majestie, as also by what means they wrought the same.

All which examinations (gentle Reader) I have here truly published, as they were taken and uttered in the presence of the Kings Majestie, praying thee to accept of it for veritie; the same being so true as cannot be reprov'd.

A TRUE DISCOURSE

Of the apprehension of fundrie WITCHES lately taken in Scotland; whereof some are executed, and some are yet imprisoned. With a particular recitall of their examinations, taken in the presence of the Kings Majestie.

GOD, by his omnipotent power, hath at all times, and daily dooth take such care, and is so vigilant for the weale and preservation of his owne, that thereby he disappointeth the wicked practices and evill intentes of all such as by any meanes whatsoever seeke indirectly to conspire any thing contrary to his holy will: Yea, and by the same power he hath lately overthrowne and hindered the intentions and wicked dealings of a great number of ungodly creatures, no better than Devils; who, suffering themselves to be allured and enticed by the Devil whom they served, and unto whom they were privately sworn, entered into the detestable art of Witchcraft, which they studied and practised so long time, that in the

¹ There appears to have been another edition of this remarkable Tract, in all respects the same with the Roxburghe reprint. At least, in the *Gent. Mag.* vol. xlix, p. 393, it is reprinted, but bears at the foot of the title-page, 'At London, printed for Thomas Nelson.' Nelson was probably joint proprietor with Wright, each party affixing his name to the copies sold by him.

ende they had seduced by their forcerie a number of others to be as bad as themselves, dwelling in the boundes of Lowthinn, which is a principall shire or part of Scotland, where the Kingis Majestie useth to make his cheifest residence or abode : and to the ende that their detestable wickednesse, which they privily had pretended against the Kingis Majestie, the commonweale of that countrie, with the nobilitie and subjects of the same, should come to light, God of his unspeakable goodnes did reveale and laie it open in verie strange forte, thereby to make known to the world that their actions were contrarie to the lawe of God, and the naturall affection which we ought generally to beare one to an other : The manner of the revealing whereof was as followeth.

Within the towne of Trenent, in the kingdome of Scotland, there dwelleth one David Seaton, who, being deputie bailiffe in the said towne, had a maid called Geillis Duncane, who used secretlie to absent and lie forth of hir maisters house every other night : This Geillis Duncane tooke in hand to helpe all such as were troubled or grieved with anie kinde of sicknes or infirmitie, and in short space did perourne many matters most miraculous ; which things, for asmuche as she began to do them upon a sodaine, having never done the like before, made her maister and others to be in great admiration, and wondered thereat : by meanes whereof, the saide Davide Seaton had his maide in great suspicion that shee did not those things by naturall and lawfull waies, but rather supposed it to bee done by some extraordinarie and unlawfull meanes. Whereupon, her maister began to grow verie inquisitive, and examined hir which way and by what meanes shee was able to performe matters of so great importance ; whereat shee gave him no answer : nevertheless, her maister, to the intent that hee might the better trie and finde out the truth of the same, did with the help of others torment her with the torture of the pilliwinkes¹ upon her fingers, which is a grievous torture ; and binding or wrinching her head with a cord or roape, which is a most cruell torment also ; yet would shee not confesse anie thing ; whereupon, they suspecting that shee had beene marked by the Devill, (as commonly witches are,) made diligent search about her, and found the enemies marke to be in her fore crag, or fore part of her throate ; which being found, shee confessed that al her doings was done by the wicked allurements and entisements of the Devil, and that shee did them by witchcraft. After this her confession, shee was committed to prison, where shee continued a season, where immediately shee accused these persons following to bee notorious witches, and caused them forth-

¹ ‘ *Pilliwinkis,*’ or *pinniwinks,*’ a severe instrument of torture, apparently similar to the ‘ *thumbiekins,*’ or thumbscrews, afterwards used both in Scotland and England. From a quotation made by Cowell, in his ‘ *Law Interpreter,*’ this torture appears to have been applied to Robert Smyth of Bury, in the reign of Henry IV.—‘ *Ceperunt infra predictam villam, et ipsum in ferro posuerunt et cum cordis ligaverunt, et super pollices ipsius Roberti, quoddam instrumentum vocatum Pyrewinkes, ita frictè et durè posuerunt, quod sanguis exivit de digitis illius.*’ *Cart. Abbatie S. Edmundi*, MS. fol. 341. ² See her Trial, Jan. 27, 1590-1.

with to be apprehended, one after another, viz. Agnes Sampfon,² the eldest witche of them all, dwelling in Haddington; Agnes Tompfon of Edenbrough; Doctor Fian alias John Cuningham, mafter of the fchoole at Saltfans in Lowthian, of whose life and strange acts you shal heare more largely in the end of this discourse. These were by the saide Geillis Duncane accused, as also George Motts wife, dwelling in Lowthian; Robert Grierfon, skipper; and Jammet Blandilands; with the potters wife of Seaton; the smith at the Brigge Hallis, with innumerable others in those parts, and dwelling in those bounds aforefaid; of whom some are already executed, the rest remaine in prison to receive the doome of judgement at the Kinges Majesties will and pleasure.

The saide Geillis Duncane also caused Ewphame Mecalrean¹ to bee apprehended, who conspired and performed the death of her godfather, and who used her art upon a gentleman, being one of the Lordes and Justices of the Session, for bearing good will to her daughter. Shee also caused to be apprehended one Barbara Naper,² for bewitching to death Archibalde lair Earle of Angus, who languished to death by witchcraft, and yet the same was not suspected; but that hee died of so strange a disease as the Physition knewe not how to cure or remedie the same. But of all other the said witches, these two last before recited, were reputed for as civill honest women as anie that dwelled within the cittie of Edenbrough, before they were apprehended. Many other besides were taken dwelling in Lieth, who are detayned in prison untill his Majesties further will and pleasure be knowne; of whose wicked dooings you shall particularly heare, which was as followeth.

This aforefaide Agnis Sampfon, which was the elder witche, was taken and brought to Halirind House before the Kinges Majestie, and sundry other of the nobilitie of Scotland, where she was straitly examined; but all the persuasions which the Kinges Majestie used to hir, with the rest of his Councill, might not provoke or induce her to confesse any thing, but stood stiffely in the deniall of all that was layde to her charge; where upon they caused her to bee conveyed away unto prison, there to receive such torture as hath beene lately provided for witches in that country: And for as much as by due examination of witchcraft and witches in Scotland, it hath lately beene founde that the Divell dooth generally marke them with a privie marke, by reason the witches have confessed themselves, that the Divell doth licke them with his tong in some privie part of their bodie, before hee dooth reeve them to bee his servauntes, which marke commonlie is given them under the haire in some part of their bodie, whereby it may not easily bee founde out or seene, although they be searched; and generally so long as the marke is not seene to those which search them, so long the parties that

¹ Ewphame Macalreane of Cliftounhall. See her Trial, Jun. 9, 1591. ² See her Trial. The persons composing the majority of those who acquitted her, were brought to trial for Wilful Error.

hath the marke will never confesse anie thing. Therefore, by speciall commandment, this Agnis Sampson had all her haire shaven off, in each parte of her bodie, and her head thrawne with a rope, according to the custome of that countrie, beeing a payne most grevous, which shee continued almost an hower, during which time she would not confesse anie thing, untill the Divels marke was founde upon her privities; then shee immediatly confessed whatsoever was demaunded of her, and justifying those persons aforesaide to be notorious witches. ITEM, The said Agnis Tompson (Sampson) was after brought againe before the Kinges Majestie and his Councell, and beeing examined of the meetings and detestable dealings of those witches, she confessed, that upon the night of Allhollow Even last, shee was accompanied, as well with the persons aforesaide, as also with a great many other witches, to the number of two hundreth, and that all they together went to Sea, each one in a riddle or cive, and went into the same very substantially, with flaggons of wine, making merrie and drinking by the way in the same riddles or cives, to the Kirke of North Barrick in Lowthian; and that after they had landed, tooke handes on the lande, and daunced this reill or short daunce, singing all with one voice,

Commer goe ye before, commer goe ye,

Gif ye will not goe before, commer let me.

At which time shee confessed, that this Geillis Duncane did goe before them, playing this reill or daunce, uppon a small trump, called a Jewes trump, untill they entred into the Kirk of North Barrick.

These confessions made the King in a wonderfull admiration, and sent for the saide Geillis Duncane, who upon the like trump did play the saide daunce before the Kinges Majestie, who in respect of the strangenes of these matters, tooke great delight to be present at their examinations.

ITEM, The said Agnis Tompson (Sampson) confessed, that the Divell, being then at North Barrick Kirke attending their comming, in the habit or likenesse of a man, and seeing that they tarried over long, hee at their comming enjoyned them all to a pennance, which was, that they should kisse his buttockes, in sign of duety to him; which being put over the pulpit bare, every one did as he had enjoyned them: And having made his ungodly exhortations, wherein he did greatly inveigh against the King of Scotland, he received their oathes for their good and true service towards him, and departed; which done, they returned to sea, and so home again. At which time, the witches demaunded of the Divell, 'Why he did beare such hatred to the Kinge?' Who answered, 'By reason the King is the greatest enimie hee hath in the world.' All which their confessions and depositions are still extant upon record. ITEM, The saide Agnis Sampson confessed before the Kinges Majestie sundrie thinges, which were so miraculous

and strange, as that his Majestie saide 'they were all extreame lyars;' wherat shee answered, 'she would not with his Majestie to suppose her wordes to be false, but rather to beleve them, in that shee would discover such matter unto him as his Majestie should not any way doubt of.' And therupon taking his Majestie a little aside, shee declared unto him the verie wordes which passed betweene the Kinges Majestie and his Queene at Upslo in Norway, the first night of mariage, with the answere ech to other; wherat the Kinges Majestie wondered greatly, and swore 'by the living God, that he believed all the devils in hell could not have discovered the same,' acknowledging her words to be most true; and therefore gave the more credit to the rest that is before declared.

Touching this Agnis Tompson (Sampson), she is the onlie woman who, by the Divels perswasion, should have intended and put in execution the Kinges Majesties death, in this manner. She confessed that shee tooke a blacke toade, and did hang the same up by the heeles three daies, and collected and gathered the venom as it dropped and fell from it in ane oyster shell, and kept the same venome close covered, untill she should obtaine anie part or peece of foule linnen cloth that had appertained to the Kinges Majestie, as shirt, handkercher, napkin or any other thing, which shee practised to obtaine by meanes of one John Kers, who being attendant in his Majesties chamber, desired him for olde acquaintaunce betweene them, to helpe her to one, or a peece of such a cloth as is aforefaide; which thing the saide John Kers denied to helpe her to, saying hee could not helpe her unto it. And the saide Agnis Tompson (Sampson,) by her depositions since her apprehension, saith, that if shee had obtayned any one peece of linnen cloth which the King had worne and fowled, she had bewitched him to death, and put him to such extraordinarie paines, as if he had been lying upon sharp thorns and endis of needles. Moreover she confessed, that at the time when his Majestie was in Denmarke, shee being accompanied by the parties before speciallie named, tooke a cat and christened it, and afterward bounde to each part of that cat, the cheefest parte of a dead man, and severall joyntis of his bodie: And that in the night following, the saide cat was conveyed into the middest of the sea by all these witches, sayling in their riddles or cives, as is aforefaid, and so left the saide cat right before the towne of Lieth in Scotland. This doone, there did arise such a tempest in the sea, as a greater hath not bene seene; which tempest was the cause of the perishing of a boat or vessell comming over from the towne of Brunt Ilande to the towne of Lieth, wherein was fundrie jewelles and rich giftes, which should have beene presented to the now Queene of Scotland, at her Majesties coming to Leith. Againe, it is confessed, that the saide christened cat was the cause that the Kinges Majesties shippe, at his comming forth of Denmarke, had a contrarie winde to the rest of his shippes then being in his companie; which

thing was most strange and true, as the Kinges Majestie acknowledgeth, for when the rest of the shippes had a faire and good winde, then was the winde contrarie and altogether against his Majestie; and further, the fayde witche declared, that his Majestie had never come safely from the sea, if his faith had not prevayled above their intentions.

Moreover, the faide witches being demaunded, how the Divel would use them when he was in their company, they confessed, that when the Devill did recyvee them for his servauntes, and that they had vowed themselves unto him, then hee would carnally use them, albeit to their litle pleasure, in respect to his colde nature; and would do the like at sundry other times.

As touching the aforefaide Doctor Fian alias John Cunningham, the examination of his actes since his apprehension, declareth the great subteltie of the Divell, and therefore maketh thinges to appeare the more miraculous; for beeing apprehended by the accusation of the faide Geillis Duncane aforefaide, who confessed he was their Regefter, and that there was not one man suffered to come to the Divels readings but onelie hee: the faide Doctor was taken and imprisoned, and used with the accustomed paine provided for those offences, inflicted upon the rest, as is aforefaide. First, By thraving of his head with a rope, wherat he would confesse nothing. Secondly, Hee was perswaded by faire meanes to confesse his follies, but that would prevaile as little. Lastly, Hee was put to the most severe and cruell paine in the worlde, called the bootes;¹ who, after he had received three strokes, being inquired if hee would confesse his damnable actes and wicked life, his toong would not serve him to speake; in respect wherof, the rest of the witches willed to searche his toong, under which was founde two pinnes, thrust up into the heade; whereupon the witches did say, Now is the charme flinted; and shewed, that those charmed pinnes were the cause he could not confesse any thing: Then was he immediately releasd of the bootes, brought before the King, his confession was taken, and his own hand willingly set thereunto, which contained as followeth: FIRST, That at the generall meetinges of those witches, he was always present; that he was clarke to all those that were in subjection to the Divels service, bearing the name of witches; that alway hee did take their oathes for their true service to the Divell; and that he wrote

¹ A dreadful torture, which, to the disgrace of this country, was sanctioned by the Privy Council, to extort evidence from obdurate and perjured witnesses, and also Confessions from criminals of their own crimes and delinquencies; or to induce them to inform against or to criminate others, strongly suspected to be implicated. The boots, or *bootikins*, were chiefly made use of in extreme cases, such as High Treason, Witchcraft, &c. This horrid instrument extended from the ankles to the knee, and at each stroke of a large hammer, (which forced the wedges closer,) the question was repeated. In many instances, the bones and flesh of the leg were crushed and lacerated in a shocking manner before confession was made. Fian endured these tortures with almost incredible firmness. See the Trial of John Master of Orkney, Jan. 24, 1596, &c.

for them such matters as the Divell still pleased to commaund him. ITEM, Hee confessed, that by his witchcraft hee did bewitch a gentleman dwelling neare to the Saltpans, where the said Doctor kept schoole, onely for beeing enamoured of a gentlewoman whome hee loved himselfe ; by meanes of which his forcery, witchcraft and divelish practises, hee caused the said gentleman, that once in xxiii howers hee fell into a lunacie and madnes, and so continued one whole hower together : And for the veritie of the same, hee caused the gentleman to bee¹ brought before the Kinges Majestie, which was uppon the xxiiii day of December last, and beeing in his Majesties chamber, suddenly hee gave a great scritch, and fell into madnesse, sometime bending himself, and sometime capring so directly up, that his heade did touch the ceiling of the chamber, to the great admiration of his Majestie and others then present ; so that all the gentlemen in the chamber were not able to holde him, untill they called in more helpe, who together bound him hand and foot ; and suffering the said gentleman to lie still untill his furie were past, hee within an hower came againe to himselfe ; when, being demaunded by the Kinges Majestie, ' what he sawor did all that while,' answered, that ' he had been in a founde sleepe.' ITEM, The said Doctor did also confesse, that hee had used meanes sundry times to obtaine his purpose and wicked intent of the same gentlewoman ; and seeing himselfe disappointed of his intention, hee determined, by all wayes hee might, to obtaine the same ; trusting by conjuring, witchcraft and forcerie, to obtaine it, in this manner. It happened this gentlewoman, being unmarried, had a brother, who went to schoole with the said Doctor ; and calling the said scholler to him, demaunded ' if hee did lie with his sister,' who answered ' hee did.' By meanes whereof, hee thought to obtaine his purpose ; and therefore secretly promised, to teach him without stripes, so hee would obtaine for him three hairs of his sisters privities, at such time as hee should spie best occasion for it ; which the youth promised faithfully to performe, and vowed speedily to put it in practise, taking a peece of conjured paper of his maister, to lap them in, when hee had gotten them ; and thereupon the boy practised nightly to obtaine his maisters purpose, especially when his sister was asleep. But God, who knoweth the secrets of all harts, and revealeth all wicked and ungodly practises, would not suffer the intents of this divelish Doctor to come to that purpose which hee supposed it would ; and therefore, to declare that hee was heavily offended with his wicked intent, did so work by the gentlewomans owne meanes, that in the ende the same was discovered and brought to light ; for shee being one night a sleepe, and her brother in bed with her, sodainly cried outt to her mother, declaring that her brother would not suffer her to sleepe ; wherenpon her mother having a quicke capacitie, did vehemently suspect Doctor Fians inten-

¹ Here the first wooden cut is inserted.

tion, by reason she was a witch of her self; and therefore, presently arose, and was very inquisitive of the boy to understand his intent; and the better to know the same, did beate him with sundrie stripes, wherby hee discovered the truth unto her. The mother, therefore, being well practised in witchcraft, did thinke it most convenient to meete with the Doctor in his owne arte; and thereupon took the paper from the boy, wherein hee should have put the same haire, and went to a yong heyfer which never had borne calfe, nor gone unto the bull, and with a paire of sheeres clipped off three haire from the udder of the cow, and wrapt them in the same paper, which shee again delivered to the boy; then willing him to give the same to his saide maister, which hee immediately did. The schoole maister, so soone as he had received them, thinking them indeede to be the maids haire, went straight and wrought his arte upon them: But the Doctor had no sooner doone his intent to them, but presently the hayfer cow, whose haire they were indeede, came unto the door of the church wherein the schoole maister was, into the which the hayfer went, and made towards the schoole maister, leaping and dauncing upon him, and following him forth of the church, and to what place soever he went; to the great admiration of all the townes men of Saltpan, and many other who did beholde the same. The report whereof made all men imagine he did worke it by the Devill, without whome it coule never have bene so sufficiently effected; and thereupon, the name of the saide Doctor Fian (who was but a yoong man) began to growe common among the people of Scotland, that hee was secretly nominated for a notable conjurer.

All which, although in the beginning he denied, and woulde not confesse, yet having felt the paine of the bootes, (and the charme stunted as aforesayd,) he confessed all the aforesaid to be most true, without producing any witnesses to justify the same; and therupon, before the Kings Majesty, hee subscribed the sayd confessions with his owne hande; which for truth remaineth upon record in Scotland.

After that the depositions and examinations of the sayd Doctor Fian alias Cuninghame was taken, as already is declared, with his own hand willingly set thereunto, hee was by the maister of the prison committed to ward, and appointed to a chamber by himselfe; where, forsaking his wicked¹ wayes, acknowledging his most ungodly lyfe, shewing that he had too much followed the allurements and enticements of Sathan, and fondly practised his conclusions, by conjuring, witchcraft, inchantment, forcerie, and such like, hee renounced the Devill and all his wicked workes, vowed to leade the lyfe of a Christian, and seemed newly converted towards God.

The morrow after, upon conference had with him, he granted that the Devill had appeared unto him in the night before, appareled all in blacke, with a white

¹ The second wood-cut is inserted here.

wande in his hande ; and that the Devill demaunded of him, ‘ If hee woulde continue his faithfull service, according to his first oath and promise made to that effect :’ Whome (as hee then saide) he utterly renounced to his face, and said unto him in this manner, ‘ Avoide ! Satan, avoide ! for I have lifted too much unto thee, and by the same thou hast undone me ; in respect whereof I utterly forsake thee.’ To whome the Devill answered, that ‘ once ere thou die thou shalt be mine :’ And with that (as he sayd), the Devill brake the white wand, and immediately vanished fourth of his sight.

Thus, all the daie, this Doctor Fian continued verie solitarie, and seemed to have a care of his owne soule, and would call upon God, shewing himselfe penitent for his wicked life ; neverthelesse, the same night, hee found such meanes that he stole the key of the prison doore and chamber in which he was, which in the night hee opened and fled awaie to the Saltpans, where hee was alwayes resident, and first apprehended. Of whose sodaine departure, when the Kings Majestie had intelligence, hee presently commanded diligent inquirie to be made for his apprehension ; and for the better effecting thereof, hee sent publike proclamations into all partes of his lande to the same effect. By meanes of whose hot and harde pursuite he was agayn taken, and brought to prison ; and then, being called before the Kings Highnes, hee was re-examined, as well touching his departure, as also touching all that had before happened. But this Doctor, notwithstanding that his owne confession appeareth, remaining in recorde under his owne hande writting, and the same thereunto fixed in the presence of the Kings Majestie and sundrie of his Councill, yet did hee utterly denie the same.

Whereupon the Kings Majestie, perceiving his stubborne willfulnesse, conceived and imagined, that in the time of his absence, hee had entered into newe conference and league with the Devill his maister ; and that hee had beene again newly marked, for the which he was narrowly searched ; but it coulde not in anie waie be founde ; yet for more tryall of him, to make him confesse, hee was commaunded to have a most straunge¹ torment, which was done in this manner following. His nailes upon all his fingers were riven and pulled off with an instrument called in Scottish a Turkas,² which in England wee call a payre of pincers, and under everie nayle there was thrust in two needels over even up to the heads. At all which tormentes notwithstanding, the Doctor never shronke anie whit ; neither woulde he then confesse it the sooner, for all the tortures inflicted upon him. Then was hee, with all convenient speede, by commandement, convaied againe to the torment of the bootes, wherein hee continued a long time, and did abide so many blowes in them, that his legges were cruft and beaten together as small as might

¹ Unusual, unaccustomed.
smith's pincers.

² O. Fr. *Turquois, truquaise*, tenaille à l'usage des marechaux, i.e.

bee; and the bones and flesh so bruised, that the bloud and marrow spouted forth in great abundance; whereby, they were made unserviceable for ever. And notwithstanding all these grievous paines and cruel torments, hee would not confesse anie things; so deeply had the Devill entered into his heart, that hee utterly denied all that which he before avouched; and would saie nothing thereunto, but this, that what hee had done and sayde before, was onely done and sayde, for fear of paynes which he had endured.

Upon great consideration, therefore, taken by the Kings Majestie and his Councell, as well for the due execution of justice uppon such detestable malefactors, as also for example sake, to remayne a terrour to all others heerafter, that shall attempt to deale in the lyke wicked and ungodlye actions, as witchcraft, forcerie, conjuration and such lyke; the saide Doctor Fian was soon after arraigned, condemned and adjudged by the law to die, and then to be burned according to the lawe of that lande provided in that behalfe. Whereupon hee was put into a carte, and beeing first strangled, hee was immediately put into a great fire, being readie provided for that purpose, and there burned in the Castle Hill of Edenbrough, on a Saterdaie, in the ende of Januarie last past, 1591.

The rest of the witches which are not yet executed, remayne in prison till farther triall and knowledge of his Majesties pleasure.

THIS strange discourse before recited may perhaps give some occasion of doubt to such as shall happen to reade the same, and thereby conjecture that the Kings Majestie would not hazarde himselfe in the presence of such notorious witches, least therby might have ensued great danger to his person, and the generall state of the land; which thing in truth might wel have bene feared. But to answer generally to such, let this suffice; that first, it is well known that the King is the child and servant of God, and they but the servants to the Devil; hee is the Lords annointed, and they but vesseles of Gods wrath; hee is a true Christian, and trusteth in God; they worse than infidels, for they onely trust in the Devill, who daily serves them, till he have brought them to utter destruction. But heereby it seemeth that his Highnesse caried a magnanimious and undaunted mind, not feared with their inchantmentes, but resolute in this, that so long as God is with him, hee feareth not who is against him; and truelie, the whole scope of this Treatise dooth so plainlie laie open the wonderfull Providence of the Almighty, that if he had not bene defended by his omnipotencie and power, his Highnes had never returned alive in his voiage from Denmarke; so that there is no doubt, but God woulde as well defend him on the land as on the sea, where they pretended their damnable practise.

FINIS.

High Treason — Murder — Fire-raising — Oppression, &c.

Jan. 19, 1590-1.—ANGUS M'CONEILL of Dinnievaig (Lord of Kintyre,) and Lauchlane Maclane of Dowart (Lord of Ilay.)

[THE desperate atrocities committed by the rival Chieftains, Makoneill and Macleane, some of whose misdeeds form the subject of the following Trial, although unfortunately not without a parallel in the history of the feuds and conflicts of the Clans, yet they give such a gloomy picture of the barbarities then in some measure tolerated, or at least winked at, through the weakness of the arm of the law, that some explanation of the circumstances which gave rise to such scenes of horror and bloodshed seems necessary. This cannot be better done, than by giving a pretty copious quotation from the quaint but forcible narrative of the author of 'The Historie and Life of King James the Sext,' a work recently edited by Thomas Thomson, Esq. Deputy Clerk Register of Scotland, for the use of the Members of the Bannatyne Club. The limited impression of that work must plead the Editor's apology for quoting so largely, as comparatively few have access to this valuable book for reference.]

ANGUS MAK-ONEILL Lord of Kintyre had to his wyff the sifter of MACLEANE Lord of Ilay; and althocht thay war brether in law, yit the ane was always in sic suspicioun with the uther, that of ather fyde thair was fa litle traift, that almaist fendle or never did thay meit in amitie, lyk unto the common fort of people, bot rather as barbaris upoun thair awin guairde, or ather be thair messingeris. Trew it is, that thir Ilandish men ar of nature verie prouwd, suspicioun, avaricious, full of decept and evill inventioun aganis his nychtbour, be what way foever he may circumvin him. Befydis all this, thay are fa crewell in taking of revenge, that nather have thay regarde to perfon, eage, tym or caus; fa ar thay generallie all fa far addictit to thair awin tyrannicall opinions, that in all respects thay exceed in creweltie the maist barbarous people that ever hes bene sen the begynning of the world; ane example whareof ye fall heir in this historie following.—Angus Mac-Oueill understanding, be dyverse reportis, the gude behavior of Maclayne to be fa famous, that almaist he was recommendit and prayffit be the haill newtrall people of thais partis above him self; whilk ingendrit sik rancor in his hart, that he pretermittit na inventioun how he mycht destroy the said Maclayne. At last he devyfit to draw on a familiaritie amang thayme, and inveitit himself to be bancattit be Maclayne; and that the rather, that Maclayne fould be the reddier to cum over to his Ile with him the mair glaidlie, ather being requyrit, or upoun fet purpose, as best fould pleas him. And when Angus had sent adverteifment to Maclayne, that he was to cum and mak gude cheir, and to be mirrie with him certayne dayis, Maclayne was verie glaid thareof, and anfuerit to the messinger,—'My brother falbe welcome to me,' fayd he, 'cum when he list.' The messinger anfuerit, 'it wald be to morrow.' So when Angus arryvit in effect, he was rycht cheirfullie welcomit be his brother in law, wha remanit thair be the space of fyve or sax dayis. And when it was pervafit that Maclaynis provifion was almaist spent, Angus thocht it then tyme to remove. Indeid the custome of that people is fa gevin to 'gluttonie, and drinking without all meafure, that as ane is invetit to another, thay never funder fa lang as the vivers do left. In end Angus fayis,—'Beaus I have maid the first obedience unto you, it will pleas you cum over to my Ile, that ye may reslave als gude treatment with me as I have done with you.' Maclayne anfuerit that 'he durst not adventure to cum to him for mistrust;' and Angus said,—'God forbid that evir I fould intend or pretend any evill aganis you; bot yit, to remove all doubt and suspicion fra your mynd, I will

geve you tua pledges, whilkis falbe sent unto you with diligence ; to wit, my eldest sone, and my awin onlie brother germain : These tua may be keapit heir be your freyndis, till ye cum sailie bak agayne.' Maclayne hering this offer, whilk apperit unto him voyd of all suspicioun, gave credence, and so decretit to pas with him to Kintyre ; and forder to testefie that bayth he simplie belevit all to be trew, and that upoun hoip of gude freyndship to continew, he thocht expedient to retene à onlie pledge, and that was Angus his brother, and wald cary with himself his awin nevoy the sone of Angus. Whether he did this to save himself fra suspicion of daynger, as apperantlie of the event he did it, or geve he brocht him bak agayne upon liberall favour, I will not dispute ; becaus I have tauld you afore the perfy nature and qualetis of thais Islandis people ; yit becaus Maclaynis education was cevile, and brocht up in the gude lawis and maners of Scotland from his yowth, it may be, that he hes had double consideratioun, ane be kynd, and another be art of honest deliberatioun. To conclude, to Kintyre he came, accompaneit with 45 men of his kynnisfolk, and stowt fervands, in the moneth of Julii 1586 ; whare at the first arryvall thay war maid welcome, with all humanitie, and war sumptuoslie bancattit all that day. Bot Angus in that meyne tyme had premoneit all his freynds and weilwillers within his Ile of Kintyre, to be at his hous that same nycht, at nyne of the clock, and nather to cum soner nor laitter ; for he had concludit with himself to kill thayme all, the verie first nycht of thair arryvall ; fearing, that geve he fould delay any langar tyme, it mycht be, that ather he fould alter his malicious intentioun, or els that Maclayne wald fend for sum greater forces of men for his awin defence. Thus he conceit his intent still, till bayth he fand the tyme commodious, and the verie place proper ; and Maclayne, being logeit with all his men within a lang hous, that was sumthing distant fra uther howsing, tuik to bed with him that nycht his nevoy, the pledge aforespokin. Bot within ane hour tharefter, when Angus had assemblit his men to the number of tua hundreth, he placit thayme all in order about the hous whare Maclayne then lay. Tharefter he came him self, and callit at the dure upon Maclayne, offring to him his reposing drink, whilk was forgottin to be gevin to him before he went to bed. Maclayne anferit, that he desyrit na drink for that tyme. Althocht, so be, said the uther, it is my will that thou arryfe and cum furth to ressave it. Then began Maclayne to suspect the falsset, and so arraisè with his nevoy betuix his shoulders, thinking that geve present killing was intentit aganis him, he fould save him self salang as he could, be the boy ; and the boy persaving his father with a naked sworde and a number of his men in lykmaner about, cryit with a lowd voyce, mearcie to his uncle for Gods saik ; whilk was grantit, and immediatly Maclayne was removit to a secret chalmertill the morrow. Then cryit Angus to the remanent that war within ;—samony as wald have thair awin lyvis to be saif, thay fould cum furth, tua onlie exceptit, whilk he nominat ; sa that obedience was maid be all the rest, and thais tua onlie feyring the daynger, refusit to cum furth. Angus seing that, commandit incontinent to put fyre to the hous, whilk was immediatlie performit, and thus war the tua men cruallie and unmearecessfullie brynt to the death. These tua war verie nar kynnisfines to Maclayne, and of the eldeit of his clan, renownit bayth for countfall and manheid. The rest that war preafoners, of the haill number aforetauld, war ilk ane beheadit the dayis following, ane for ilk day, till the haill number was endit ; yea, and that in Maclaynis awin fight, being constraynit thareunto with a dolorous advertisement, to prepare himself for the lyk tragicall end, howfone thay fould be all killit. And when the day came that Maclayne fould have bene brocht furth, miserablie to have maid his tragicall end, lyk unto the rest, it pleasit Angus to lowp upon his horse, and to cum furth for joy and contentatioun of mynd, evin to se and behauld the tyrannicall fact with his awin eyis. Bot it pleasit God, wha mearcifullie deilis with all man, and disappoyntis the decrees of the wicked, to disappoynt his intent for that day also, for he was not sa sone on horse, bot the horse stumblit, and Angus fell of him and brak his leg, and so was careit hayme.

The report of this falsset was careit to the Erle of Argyle, Lord Justice Generall of Scotland, wha immediatlie assemblit his freyndis, and thay thocht necessar to compleyne to the King for revenge.

The King directit letters to Angus, be an herauld at armes callit Ormond, commanding him to restore Maclayne in the hands of the Erle of Argyle. But the messenger was interruptit at the heaving port, whare he fould have tayne shipping toward Kintyre, and so returnit. Yit be exceiding travell maid be Argyllis freyns, and many unreasonable strait conditions grantit to Angus, at the last, Maclayne was randrit. Bot within few moneths tharefter, Maclayne maid sic preparatioun of armit men, and assēblit a great number of weill disposit persons, wha came with him to Kintyre for revenge of the former injurie; whare, what be fyre, what be sworde, and what be watter, he destroyit all mankynd, nayne except, that came in his way, and all sort of beast that servit for any domestik use or pleasure of man: And finallie, he came to the verie place whare Angus was mirelie camping, hulking for na sik suddan invasioun for the tyme; geve he had not bene horfit incontinent, and withdrawin him self to a strang castell whilk was nar by, he had bene weill recompanceit for his former traitorie.—It is a certayne rewill, that all fault growis greater be oversight and forgevenes; for geve transgressions be puneist in dew tyme, the Prence not onlie dois his dewtie in executing of justice, to the great contentatioun of the offendit person, and gude example to the posteritie, as a mirror of his gude lyf; bot also, he gevis a terror to all offenders weill to behave thayme selfis, for feare of regorous puneilment.

I have tauld you at lenth the barbarous proceedings of these Ilandishmen, wha althocht thay war writin for be the King, and subtellie traynit in to Edinburgh, in the yeir of God 1591, with promeis of the King saillie to pas and repas, unhurt or molestit in thair body or guddis; yit thay war bayth committit to warde within the Castell of Edinburgh, whare the King, according to equitie, reason, justice and gude policie, fould have put thayme to a tryall, and had thayme convict for sik odious unmearefull crymes committit be thayme, bayth aganis the law of God and man, war notwithstanding demittit frie to repas hayme agayne, for a small pecuniall sowme, and a thaymefull Remission grantit to ather of thame.—*Historie and Life of King James the Sext*, (Bannatyne Club's Edit.) 4to, Edin. 1825, p. 217.

THE quhilk day, Angus M^cConill of Dinmievraig, being enterit on pannel, accusit and persewit be Dittay, be Mr David M^cGill of Craufstoun Ryddell, Aduocat to our souerane lord, of the crymes following.

DITTAY *against Angus M^cConill of Dinmievraig.*

FYRST, for the maist heich poynt of Tressoune, committit be him: That he, be him selff and vtheris in his name, of his causing, aganis baith the estait of his Maiestie and Crown, as also aganis the estait of the countrey, in the monethis of September, October, November, December, att the leift in ane or vthir of thame, the yeir of God I^m.V^c.lxxxvij yeiris, tuik vp bandis of men of weir, strangearis, Inglisfen, retenit and kepit thame in cumpanie with him, vnder his waiges, within the countrey of Kintyre, the North and West Isles, invadand and persewand vpoun his partielerlie deidlie feid, borne aganis Lauchlan M^cClayne of Dowart, the said Lauchlane, his kyn, freindis, allya, affisteris and pairt-takarais, being subiectis and inhabitantis of his hienes realme: In the quhilk Invasioun, he, accompaneit with the said men of weare, strangearis, Inglisfen, maid sindrie slauchteris, byrningis, heirschippis and vthir notorious murthouris and opprefsiounes, vsurpand thairthrow, our souerane lordis auctoritie vpoun him; it being expresse prohibite, be the lawis and ordinance of the realme, that na man fould tak vpoun hand, nor attempt, to stryke drum, raise ony bandis of men of weare,

on horffe or fute, without expres Commiffioun and fpeciall licence of his Maieftie and Counfall grantit thairto : Lyke as, alfo, it is prohibite, that na Inglifinen be brocht within our fouerane lordis dominioun, to protect and affuir ony of his fubiectis be ordour of hoftilitie, as men of weir, quhairbye the eftait of the cuntry or liegis thairof mycht be trublit, vnder the pane of Treffoune : Quhilk deid maift treffonabill, is notorious and can nocht be denyit be yow (him), be reffoune that ye (he) in your (his) Supplicationne, laitlie presentit to his Maieftie and Counfall in the moneth of July laftwes, fet doune the fame as ane poynt of your (his) Supplicationne ; allegeing the diffoluing of the faid Inglifinen of weir and directing of thame to Ireland, to haif bene a pairt of your (his) obedience ; nochtwithftanding the deid it felf is maift treffonabill ; quhilk ye (he) can not deny.—ITEM, For the treffonabill raffing of fyre, byrning and hereing¹ of the Landis of Mull, Terrie, Coill and Loyng, being a pairte of his Maiefteis propir landis, and of his hienes realme and dominioune : And then vnmercifullie flew, brynt to deid and murdreift twa hundreth perfounes, fubiectis to his Maieftie, men, wyffes and bairnis. And this wes done be him, his men, freindis, ferwandis, affifteris and complices in the moneth of the yeir of God I^m.V^c.lxxxvij yeiris ; committand thairbye maift wyild, barberous and treffonabill creweltie.—ITEM, For airt, pairt, red and counfall, of the treffonabill ffyre-raifing and burning of the toune of Cairfaik, in Mwle, and hereing thairof, in the moneth of Junij laftbypaft ; in the quhilk treffonabill ffyre-raifing be him, at leift, he being airt, pairt, red and counfall thairof, reffet and ratihabitioune, M^cIlvray, ane of our fouerane lordis liegis, wes murdreift and flane.—ITEM, Forfamekill as, be Act of Parliament, it is ftatute and ordanit, that in caife ony of our fouerane lordis liegis wer flayne or murdreift, being vnder the credeit and power of the flayer, the committer of fik flauchter fuld be declarit tratour ; and the deid to be Treffoune, with foirfaltour of lyffe, landis and guidis : And trew it is and of veritie, that in the moneth of Junij laftwes M^cIlheynych and M^cIlheynych, being captiues and pefoners, detenit be him be the fpace of dyuerfe dayis, and takyn vnder affiurance betwix him and his partie Lauchlane M^cClane ; he, in the faid moneth, caufit bring thame out of preffoune, and in his awin prefence caufit ftryke of thair heidis without ony dome, and by² all ordour of law, vfurping his gracis auctoritie ; quhairthrow he hes incurrit the cryme of Treffoune and panes thairof.—ITEM, Forfamekill as (he) being ane landit gentleman, hes in all the depredatiounes, ffyre-raifingis, murthouris and heirfehips³ about writtin, and in the executing of everie ane of thame, committit manifft thift and ftouth reif of cattell, infycht and pleneiffing, ftollin, reffet and reft be him, his men of weir, kynnifinen, freindis, affifteris and pairt-takeris :

¹ Harrying, plundering, sacking, devastation.

² Past, contrary to, in defiance of.

³ Acts of

plundering and devastation.

quhairthrow, he be the Actis of Parliament hes incurrit the cryme of Treffoune, and aucht to suffer the pane thairof.

REFUSIT to pafs to ane Affyis, bot become in our foverane lordis will for the famin.

THE famyn day, Lauchlane M^cClane of Dowart, being accufit and perfewit be the said Mr David M^cGill, aduocat, (of the crimes following,) committit be him.

DITTAY *against Lauchlane M^cClane of Dowart.*

THAT he, be him felff, and vtheris in his name, of his cauffing, aganis the eftait of his Maieftie and Crown, as alfo aganis the eftait of the countrey, in the moneth of November 1588 yeiris, tuik vp bandis of men of weir, ftrangearis, Spanzertis, quha were ane pairt of the armie, callit ' THE HALIE LYG,'¹ deftinat for fuppreffion of all that profellit the trew and Cristian Religioune; and fwa to fubuert the eftait of the Kingis Maieftie, his Crown, countrey and commonne-welth thairof: Quhairthrow, thay wer fund and declarit, oppin and publict inimes, and fwa to be refisit, be Act of Counfall; as in the famin, of the dait the fyrft of Auguft 1588, att mair lenth is contenit: Neuirtheles, he retenit and keptit thame in cumpanie with him, vnder his waiges, within the Ile of Mylle, and remanent North and West Iles, invadand and perfeward, vpoun his particular deidlie feid borne aganis Angus M^cConill of Dinneveg; the said Angus, his kyn. freindis, allya, affifteris and pairt-takeris, being fubjectis and inhabitantis of his Maiefties realme: In the quhilk invafion, he, accumpaneit with the said men of weir, ftrangearis, Spanzertis, publict inimeis of the eftait, as said is, maid findrie flauchteris, heirfchipis, birningis, depredatiounes and otheris notorious murthouris and oppreffionnes; and fpeciallie, in the said moneth of November, he brint with fyre the landis of Canna, Run, Eg and Ellen-ne-Muk, and hereit the fame; he flew and crewillie mordreift Hector M^cCane Chammaniche and Donald Bayne his brothir, with ane grit nowmer of wyffis, bairnis and pur laboreris of the ground, about aucht or nyne fcoir of fawles, quha had efchakit the fyre, wes noch fpairit be his bluidie fword. And att that fame tyme, accumpaneit with the saidis ftrangearis, Spanzeartis, publict inimeis as said is, he tuik with him the cannoune, treffonable befageit the hous of Ardenmvrche, be the fpace of fax or fewin dayes, he caufit fchwit diuers fchottis thairat, and flew diuers gentilmenne thairin, callit²; vfurpand thairthrow his hienes authoritie: It being expreffie inhibite, be the lawis and ordinances of the realme, that na man fould tak vpoun hand to ftryke drum, rais bandis of men of weir, on hors or fute, (or) befaiige houffis, without expres Commiffioun and fpeciall Licence of his Maieftie and Counfall grantit thairto. Quhilkis deidis maift treffonabill, and fpeciallie the lifting of men of

¹ The Holy League or Alliance.

² A line left blank in the Record.

weir, Spanzertis, publict iniuicis as faid is, execute be him, ar notorious.—ITEM, Being accwfit and perfewit, that, florfamekill that, be Act of Parliament, it is flatute and ordenit, that in cais ony of our fouerane lordis liegis wer flayne or mureidreift, being vnder the credite and power of the flayer, the committer of sic flaughter fould be declarit traittoure, and the deid to be Treffoune, with forfaltour of lyffe, landis and guidis : And trew it is and of veritie, that in the moneth of Februar, the yeir of God I^m.V^c.lxxxvij yeiris, the faid Lauchlane, vnder affurance and freindschip, in compleiting of mariage betuix his moder and Johnne M^cEan of Ardnmurchin, that fame nycht eftir the mariage, he, accompaneit with his freindis, feruandis and complices, come to the hous quhair the faid Johnnis feruandis wer fleping, dredand na sic iniurie, as ye (he) thane execute, without mercy and pitie he mureidreift and flew Donald M^cEan Roy V^cEane, and Johnne Growane M^cIncolliff, with the nowmer of threfcoir faudes, men and boyes, his graces fubiectis ; and the faid Johnne (M^cEan of Ardnamurchin) his guidfader, with his boy, wer only faulff be the moyan of his mother : And thairby committing the cryme of Treffoune.—ITEM, For contravening of the foirfaid Actis of Parliament, and committing Treffoune, in fa far as, affurance being takin betuix him and the faid Angus M^cConeill, be the travellis of the Erll of Ergylle, in the moneth of July, the yeir of God I^m.V^c.lxxxix yeiris, quhilk wes appoyntit to indure vnto the fyrft day of May laftbypaft ; nochtwithftanding thair of, haifing na refpect to our fouerane lordis Proclamatioun, maid for keping of guid rewle in his Maieftis abfence furth of this realme, he, without ony feir of God, reverence of his hienes authoritie, nocht regarding his awin ayth, promeis, fubfcriptionne or ony kynd of honeftie, maift fchamefullie contravenit and violatit the faid affurance, quhen as, in the moneth of I^m.V^c.lxxxix yeiris, accompaneit with grit forces of men, bodiu in feir of weir, came to the landis and Ile of Ornenfay, brunt and herreit the famin ; immediatlie thaireftir come to the landis of Ardnavin in Ilay, and to the Ile of Gigay, pertening to the faid Angus, and thair, he nocht only treffonable rafit fyre and brunt and herreit the famin, bot alfo, maift wickitlie and vnumercifullie brynt to deid, flew and crewallie mureidreift men, wyffis and bairnis being thairin, nocht fpairing young nor auld ; being all his Maieftis fubiectis and tementis, inhabitantis of the faid Angus M^cConeillis lands, vnder traift and affurance foirfaid : Committand thairby maift manifft Treffoune, contrar the faid Act of Parliament ; and incurrand thairthrow the panis thairin contenit.—ITEM, For the treffonabill flyre-raifing, burning and herreing, of the hail landis of Ilay, being xxiiij myle of lenth, quhilk is a pairt of his graces propir landis and of his hienes realme and dominioune ; and thane maift vnumercifullie flew, brunt to deid and mureidreift Donald M^cDowthie Vayne, Duncan M^cComme in Ilay, Johnne Dow M^cNeill Veid, Alex-

ander M^cRorie Rod, Gilliechallum M^cKay and M^cKay, brethir, Neill Dow M^cGillieveray, Gilliechallum M^cGilliechoane, and fourfoir gentilmen, befyde ane multitude of wemen, bairnis and pur laboureris of the ground. And this wes done be him, his men, tennentis, seruandis and complices, in the moneth of July lastbypast. Committand thairthrow maist vyld, barbarous and tressonabill crewaltie.—ITEM, Being accusit, fforfamekill as he, being ane landit gentilman, hes, in all the depredatiounis, fyre-rafigis, murthouris and heirshipis aboue writtin, and in executung of ewerie ane of thame, committit manifest thift, stouth-reiff of cattell, infycht and pleniffing, stollin, reffett and reft be him, his men of weir, kymmishen, freindis, affisteris and pairt-takeris : Quhairthrow, he, be the Act of Parliamant, hes incurrit the pane of Tressoune.

Become in our souerane lordis will for the famin. ‘ INCARCERAT. in Castro de Edinburghe,’ until his Majesties will should be declared.

[CURIA JUSTICIARIE *s. d. n. Regis, tenta in Pretorio de Edinburghe, xxvij January 1590, per Magistrum Vmfridem Blynscheles, Justiciarium Depntatum.*]

Conspiring the King's Death — Witchcraft — Sorcery — Incantation, &c.

Jan. 27, 1590-1.—AGNES SAMPSOUNE in Nether Keythe.

IN ‘ The Historie of King James the Sext,’¹ the extraordinary personage, whose trial ensues, is designated ‘ AGNES SAMPSON, grace wyff, *alias* callit the wyfe wyff of Keyth.’ She is said by Arnot² to have been ‘ a grave matronlike woman, of a rank and comprehension above the vulgar ;’ and Archbishop Spotswod, in his History of the Church of Scotland,³ gives the following interesting notice : ‘ Most of this winter was spent in the discovery and examination of Witches and Sorcerers. Amongst these, Agnes Samson (commonly called *The Wife Wife of Keith*) was most remarkable ; a woman, not of the base and ignorant sort of Witches, but matron-like, grave and settled in her answers, which were all to some purpose. In her Examination, she declared that she had a familiar spirit, who, upon her call, did appear in a visible form, and resolve her of any doubtful matter, especially concerning the life or death of persons lying sick. And being asked, what words she used when she called the spirit, she said her word was, *Holla, Master* ; and that he had learned her so to do. She farther confessed, that the Earl Bothwell had moved her to enquire what should happen of the King, how long he should reign, and what should happen after his death ; and the spirit having undertaken to make away the King, after he had failed in performing and was challenged by her, confessed it was not in his power ; speaking words she understood not, but as she did take them, the words were, *Il est homme de Dieu.*’ This is confirmed by Sir James Melville in his Memoirs,⁴ and was probably contained in her judicial Confession, though not proved before the Assise. Her Trial, like the rest of the present Collection, is now printed at length for the first time. Mr Arnot, notwithstanding its interest, has reported it in a few lines ; for his plan admitted of only an outline, and this of but a few of the leading Cases. Should any of her Examinations be found among the Warrants of the Court of Justice or Privy Council, they shall be inserted in the Appendix.

¹ Bannatyne Club's Edition, (Thomas Thomson, Esq., Editor,) p. 241. ² Criminal Trials, p. 349. ³ Page 393. Lond. 1668. ⁴ Edition printed for the Members of the Bannatyne Club, (Thomas Thomson, Esq., Editor,) p. 295.

Dilatit of the particular poyntis of Wichcraft, contenit in Dittay.

PERSEWAR, Mr David McGill, of Cranfoun-Ryddell, Advocate to oure fouerane lord.

ASSISA.

Johne Spens, in Saltoune,	Robert Byris, thair,	Robert Dikfoune, in Boltoune,
Williame Bartram, in Carfra,	Robert Kyle, thair,	Williame Stenhous, in Barnis,
Edmund Bartram, in Hoipis,	Williame Stratherne, in Tranent,	Williame Peris, in Hadingtounne,
Dauid Robefoun, in Braidwod- fyd,	Gilbert Edingtounne, in Hading- tounne,	Mathow Young, thair,
(Chan.) Williame Quhyte, in Coillfoune-mylne,	Bernard Broune, thair, Robert Bagbie, thair,	James Richefoune, Alexander Young thair.

VERDICT. Quhilkis perfounes of Affyis, being chofin, fworne and admittit, efter acenfatioune of the faid Agnes be Dittay ; quha removit thame fellfis alto-gidder furth of Court to the Affyis-hous ; quhair, efter chesing of the faid Williame Quhyte chancellor, thay ressonit and votit vpoune the poyntis of the faid Dittay ; and being throuchlie resoluit thairwith, re-enterit agane in jugement ; quhair thay, be the mouth of the faid chancillar, faud, pronuncit and declarit the faid Agnes,

[*Heir followes the Articles of hir Dittay, quhair of schoe was Convict, be number (53).*]

(1.) To be fylit and convict, of foir-knowlege and telling be hir Witchcraft, that Williame Markeftoune, ferwand to Thomas Watfoune, in Inuerrefk, was bot ane deid man.—(2.) ITEM, fylit and convict, that Williame Blakeis sone fark being fend to hir, scho be hir Wichcraft declarit, that the feiknes that he had was ane elf-schot.—(3.) ITEM, fylit and convict, for vsing of Wichcraft, in hailling of Johnne Thomfoune in Dirletoune ; quha remanit crepill nochtwithstanding thairof.—(4.) ITEM, fylit and convict, for telling be hir Wichcraft, that Many Nicolfoune gudeman in North Berwick being feik, scho fould lay hir lyfe for hers, [his ?] quha nochtwithstanding deit thairof.—(5.) ITEM, fylit and convict, for schawing be hir Wichcraft, to ane pure woman quha was fend to hir, be the freindis of Dauid Lyndesay, tinkler in Dalkeyth, quha had lyin threttie oulkis feik, and had nocht spokkin thre dayes befor the faid pure woman come to hir, that gif he levit over Weddinfday, that he wald nocht die of that maladie ; quha mendit of the samyn, according to hir declaratioune.—(6.) ITEM, fylit and convict, that forfamekle as Johnne Peiny being in Prestoune, being one ane certane tyme verrie feik, scho, be hir incantatioune and prayer, maid him to con-vales of his feiknes.—(7.) ITEM, fylit, for vsing of hir prayer and incantatioune to haif haillit¹ Halyburntounne, guidman of Inchearne, being than in feiknes ; and declaring, that na cherurgeonrie nor phisic could help him ; quha deceiffit, as scho tauld the famin.—(8.) ITEM, fylit, for cuming to Bessie Aiken-

¹ Left blank in Record.

heid, spous to Thomas Vaus in Hadingtoun, and vsing hir prayer and dewelisch charmes for recovering of hir health to hir.—(9.) ITEM, fylit, that scho being fend for to the Lady Roslene, quha wes feik, scho knew be hir devilisch prayer, that the said Lady wes nocht hable to recover; and thairfore, scho wald nocht cum to hir.—(10.) ITEM, fylit and convict, that scho being brocht to Johnne Youngis wyfe, schipard att Bairfute, att Pasch¹ lastwas, that wes feik for the tyme, the said Agnes counfall being socht, anent hir health, scho declarit and anferit, that scho wald newir be weill salang as scho remanit vponne the ground² quhair scho wes for the tyme; bot desyrit, that scho sould be transportit of the said ground, and scho wald owthir die or mend; quha being transportit one hir command, schortlie thaireftir departit this lyffe.—(11.) ITEM, fylit, that scho had foir-knowledge be hir Wichcraft of diseasit perfounes, gif thay wald leve or nocht; or quha wes wicht³ perfounes. To wit, That gif scho stopit anis in hir prayer, the feik perfoun wes bewicht; and gif the prayer stopit twyis, the diseasit perfoune wald die.—(12.) ITEM, fylit and convict, that scho foir-knew of the Devill, and tauld Patrik Porteous, that he wald leve bot ellevin yeiris.—(13.) ITEM, fylit, that scho wes maid foir-knawin of the Devill, of the last Michelmes storne; and that thair wald be grit skayth, baith be see and land.—(14.) ITEM, fylit, that scho wes maid foir-knawin be the spreit,⁴ that the Quenis Maiestie wald newir cum in this countrey, except the King fetcht hir.—(15.) ITEM, fylit and convict, that scho lernit hir skill and prayer fra hir fader, quha tauld hir, that quhene scho wes fwitit⁵ to ony feik perfoune, and that gif scho stopit in hir prayer, scho wald nocht pas to the feik perfoun; and gif scho stopit nocht, scho wald pas, and the perfoun diseasit wald leve.—(16.) ITEM, fylit and convict, that scho be hir dewilysche prayer, tauld that James Kirkecaldeis wyffe, burges of Hadingtoun, wald convaless of hir feiknes.—(17.) ITEM, fylit, for hailing of Johnne Ker of, being feik in all mennis judgment to the daith, quha lay in Alexander Fairleis hous, in Langnudrie; and that be hir prayeris and incantatiounis.—(18.) ITEM, for hailing of Johnne Duncan, in Muffilburcht, of his feiknes be hir dewelisch prayeris.—(19.) ITEM, for the foirtelling of Ifobell Hammiltounis death, spous to James Powar; and telling that scho could nocht amend hir, except the dewill wes rasit; and hir gudman being ane spairand man, and wald nocht wair⁶ expensse, scho wald ne raise him; and tauld that scho wes bewicht; and this wes done sax or sewin zeiris fyne, or thairby.—(20.) ITEM, convict, for the curing of the guidwyffe of Camroun, quha gaid vpoun stiltis eftir hir birth, and that be Wichcraft.—(21.) ITEM,

¹ Easter. ² Land, property, residence. ³ Bewitched. ⁴ This term is frequently used *par excellence* to designate Satan, it being considered by the vulgar to be dangerous to use his name rashly. ⁵ Suited, or made suit to, on account of any, &c. ⁶ Disburse, lay out.

convict, for hailing of the Laird of Reidhallis sone be Wichcraft, quhome the cherurgeanis had gevin owir.—(22.) ITEM, fylit and convict, of the cwring of Robert Dikfoun in Bowtoun, in somer laftwas, quha wes suspect be the woman he gat the barne with, or hir mother, quha had putt sum quheit or vthir thingis¹ in his dowblett; and caufit him to leif of the said dowblett.—(23.) ITEM, for the cwring of Johnne Cokburn the Schereff of Hadingtounis wyffe, quha wes wicht be the wich of Mirrielawis, be the blast of ewill wind, one Hallaw-ewin.—(24.) ITEM, fylit and convict, of cureing, be hir Wichcraft, incantatioun and faying of develifch prayaris, of Alefoun Ker, spous to Johnne Restoun, of ane feiknes contractit be hir, be the meane of Catherene Gray, ane wich; with the quhilk feiknes sche wes diseasit, be the space of thre yeiris preceding that the said Agnes cureit hir.—(25.) ITEM, fylit and convict, of the vsing of hir develifch airt of Wichcraft, in cureing of, spous to Robert Caringtoun in Craprene (Traprene), qua wes bewichit be vni¹⁰ Johnne M^cGill, desyring the said Robert to pas and tak the said Johnne M^cGill, and gif him fair wordes, and desyre him to pas to his feik wyffe; and gif he said with fairnes, guid it was; bot gif he will (wald) nocht, desyrit him to cause ane young man ga to him, and inqyir quha gart him do itt, and to caus him cum to his wyffe; and gif he refut to cum, to bring him aganis his will; quha being brocht in her presens, sche wes twyis, in xxiiij houris, extreme wod and out of hir wit.—(26.) ITEM, acquit² of hir develifch practesis, and nanelie of hir passing to Natom Kirk vnder nycht, with the witch of Carbarrie and vtheris; and thair taking vp the bwreit people, and junting of thame,³ quhair of scho maid inchantit powder for Wichcraft.—(27.) ITEM, fylit, for cuming to Robert Bailzie in the Pannis⁴ sone, in somer laft, quha wes very feik for the tyme; and only graiping⁵ him, and speiking sum wordis of charming, went hir way, and the chyld wes cwrit and mail haill of his feiknes.—(28.) ITEM, convict, for hailing of Johnne Hammiltoun in Sammelstoun, quha being trublit with ane feiknes in his feit, he come to zow⁶ (hir), and ze (sche) fend him haill of the said feiknes, vpoun the morne eftir his cuming.—(29.) ITEM, fylit and convict, for cuming to James Libbertounis wyffe in Over Libbertoun, quha was feik, vsing of hir develifch prayeris for hir health, and said quhen (sche) past away, gif sche come nocht agane schortlie, sche wald depart awa; sche nocht returning, the said James wyffe de-

¹ Enchanted or bewitched. ² (On the margin) Nota, 'Acquit of yis.' ³ Taking away their 'joints,' or joints, for preparing charms, &c. See Articles 42 and 50. ⁴ Viz. Prestonpans.
⁵ Gripping, taking hold, *groping*. ⁶ From the appearance of the Record, it is evident, that 'the pointis' of the Indictment or Dittay had been engrossed, previous to the trial, to save time in Court. The Assise returned a 'special verdict,' rehearsing these *pointis*, and *fyling* or *clenging* the pannel, according to their impression of the evidence. The words 'yow' and 'ye' are usually altered to sche. In this instance, the clerk has omitted to do so.

partit within thre dayes.—(30.) ITEM, fylit and convict, for hailing of the Lady Kilbabertoune, be hir devilifch prayaris, quha wes difeasit of ane havie difeis.—(31.) ITEM, fylit and convict, for cureing of vmq^{le} Robert Kerfe in Dalkeyth, quha wes havelie tormentit with wichcraft and difeis, laid on him be ane Westlande Warlach, quhene he wes in Dumfreis; quhilk feiknes fche tuik vpoun hir felff, and keptit the famin with grit groining and torment quhill the morne; one quhilk tyme, thair wes ane gritt dyn hard in the hous; quhilk feiknes fche caift of hir felff in the cloife, to the effect ane catt or dog mycht haif gottin the famin; and nochtwithftanding, the famin wes laid vpoun Alexander Dowglas in Dalkeyth, quha dwynit and departit thairwith; and the faid vmq^{le} Robert Kers wes maid haill.—(32.) ITEM, convict, for the foirtelling, be hir develifch prayer, to vmq^{le} Patrik Hepburne in Banglais wyffe, that hir hufband, beand feik, wald die, becaus hir prayer ftopit; and thairfore, refufit to pas and viffeit him. Quhilk prayer wes reherfit be hir, in maner following:

AGNES SAMPSONE'S *Prayer to hir patientis for liff or daith.*¹

I TROW² in Almyehtie God that wroecht, Baith heavin and erth and all of nocht,
 In to his deare fone Chryft Jefu, In to pat anaplie³ lord, I trow,
 Wes gottin of þe Haly Gaiſt, Borne of þe Virgin Marie,
 Stoppit to heavin, that all weill pane, And fittis att his faderis rycht hand;
 He baid ws cum, and þair to dome Bayth quick and deid, as he thoctt comene.
 I trow als in þe Haly Gaiſt. In Haly Kirk my hoip is mait,
 That halyſchip quhair hallowaris winnis, To atk forgevenes of my finnis,
 And fyne to ryis in fleſch and bane, The lyffe that newir mair hes gane.
 Thow fayis, Lord, 'lovit mocht 3e be, That formd and maid mankynd of me.'
 Thow coſt me on þe aly croce, And lent me body, faull and voce,
 And ordanit me to heavinnis blifs; Quhairfore I thank 3e Lord of þis;
 And all 3our hallowaris lovit be, To pray to pame to pray to me,
 And keep me fra þat fellon fea, And from the fyn that faull wald flay.
 Thow, Lord, for thy bytter paſſioun in, To keip me frome fyn and wardlie ſchame,
 And endles damnatioune. Grant me the joy newir wilbe gane.

SWEIT JESUS CRISTUS. AMENE.

(33.) ITEM, fylit and convict, that the fyrſt tyme fche begane to ferue the Dewill, wes eftir the death of hir hufband; and that he apperit to hir, in liknes of ane man, quha commandit hir to acknowledge him as hir maifter, and to renunce Chryft; quhairvnto fche grantit, being movit be povertie and his promefis, that fche and hir bairnis ſould be maid ritch, and ſould gif hir power to

¹ This is neither more nor less than a doggerel version of the Apostles' Creed; perhaps one of the monkish rhymes before the period of the Reformation, which Anny had got by heart. ² Believe.

³ In Lord Fountainhall's Abstract, he reads 'comely;' but the whole 'prayer' is so different from the above, that it has likely been taken from some other MS., or has been most unfaithfully transcribed. 'Anaplie' seems to be written for *aneplic*, 'aefald,' 'afald,' literally *one-fold*, sincere, without guile, &c.

be revangeit of hir inimeis : and eftir that, he appointit tyme and place for thair nycht meting ; and that tyme, in figne that ſche wes becum his ſervand, he markit hir in the rycht kne, quhilk mark ſche belevit to haif bene ane hurt ref-faut be hir fra ane of hir bairnis that wes lyand in the bed with hir ; quhilk hurt wes nocht hail for half ane yeir.—(34.) ITEM, fylit and convict, that the Dewill apperit to hir in liknes of ane dog, att quhome ſche focht hir hail reſponſis ; and quhene ſche putt him away, ſche chargeit him to ‘ depart on the law he lewis one ;’ quha with thay wordis is coniuirit and paſſis away.—(35.) ITEM, fylit and convict, for failling, with certane hir complices, out of North Bervik, in ane boit lyke ane chimnay, (the Devill paſſing before thame lyke ane ruk of hay,) to ane ſchip callit The Grace of God, in the quhilk ſche enterit, and the Dewill cauſit hir drink wyne, and gaif hir vthir guid cheir ; quhair of ſche and hir company gaif ane part to thame that wes in the flott boit ; and att hir being thair, ſche ſaw nocht the marineris, nathir thay ſaw hir ; and quhene thay come away, the Dewill raſit ane ewill wind, he being vnder the ſchip, and cauſit the ſchip periſch, and ſche delyuerit tuentie ſchilling to Gray-meill,¹ quha wes with hir in the ſaid ſhip, for his on-waitting.²—(36.) ITEM, fylit, vpoun hir awin confeſſioun, that ſche, be airt of Wichcraft, faillit to ane ſchip, quhair thair wes ane vncouth woman, and the Irſch tailzeour and his wyffe wes principallis thair ; and that Rychard Grahame wes ane vthir of the principallis, quha had wrocht mekle miſcheif.—(37.) ITEM, fylit and convict, for cuming to Aleſoune Ingliſ, David Robefounis wyffe, than being feik, quha chaift hir away, and wald nocht ſuffir 3ow (hir) to vſe 3our (hir) Wichcraft, to the hailing of his wyffe, becaus ſche wes brutit³ to be ane wich ; and haifing mett with the ſaid David Robefounis ſervand, ſche ſaid to him, ‘ Gif his maifter had nocht ſpokin the wordis he ſpak, his wyffe had bene ane hail woman, and gangand on hir awin feit.’—(38.) ITEM, fylit and convict, that quhene ſche wes ſend for to hail the auld Lady Edmeſtoun, quhene ſche lay feik, befor the ſaid Agnes departit, ſche tauld to the gentilwemene, that ſche ſould tell thame that nycht quhidder the Lady wald hail or nocht ; and appointit thame to be in the gardin eftir ſupper, betuix fyve and ten att ewn. Sche paſſit to the gairdene, to devyiſe vpoun hir prayer, one quhat tyme ſche chargeit the Dewill, calling him ‘ Elva,’ to cum and ſpeik to hir, qua come in owir the dyke, in liknes of ane dog, and come ſa neir to hir, that ſche wes effrayit, and chargeit him, ‘ on the law that he lewit on,’ to cum na neirar, bot to anſuer hir ; and ſche demandit, Quhidder the lady wald leiſ or nocht. He ſaid, ‘ Hir dayes war gane.’ Than he demandit, ‘ Gif the gentilwemen hir dochteres, quhair thay wer ?’ And ſche

¹ One of the warlocks who ‘ kept the dur’ at the grand convention at North Berwick, called by Sir James Melville, ‘ ane auld fely pure plowman.’ ² Attendance. ³ Reported—Fr. ‘ *bruit*.’

faid, that ‘The gentilwemen faid, that thay war to be thair.’ He anfuerit, ‘Ane of thame fould be in perrell, and that he fould haif ane of thame.’ Sche anfuerit, ‘It fould nocht be fa,’ and fwa departit fra hir 3owling. Fra this tyme quhill eftir fupper, he remanit in the wall.¹ Quhen the gentilwemen come in, the dog come out of the wall, and apperit to thame; quhairatt thay wer effrayit. In the mene tyme, ane of the faid gentilwemen, the Lady Torfen3e, ran to the wall, being forceit and drawin be the Devill, quha wald haif drownit hir, war nocht the faid Agnes and the rest of the gentilwemen gatt ane gryp of hir, and with all hir (their?) forceis drew hir abak agane, quhilk maid thame all effrayd. The dog passit away thaireftir, with ane 3owle. Than sche faid to the gentilwemen, that ‘Sche could nocht help the lady, in respect that hir prayer stopit; and that sche wes forie for itt.’ Mairowre, eftir that sche and ane of hir sifteris careit hir deid² to ane chalmer, quhair sche remanit frenettik thre or four dayes, and crippill ane quarter of ane 3eir, vntill sche vsit hir develisch inchantments to coniure the spreit agane, and sche abaid with hir the tyme that sche lay; and quhen sche could nocht byde langar hir selff, sche fend hir sone to byde with hir; and quhene ather of thame wes present, sche wes weill aneuch; but quhen thay baith left hir, sche wes als ewill as sche wes ofbefore.—(39.) ITEM, convict, for that sche haifing done pleasour to the gudwyffe of Gallowschelis, for the quhilk sche did nocht satisfie hir, sa sone als the faid Agnes defyrit; and thairfore sche faid to the faid guidwyffe, that ‘Sche fould repent it;’ and within few houris thaireftir, the faid guidwyffe tuik ane wodnes,³ and hir toung schot out of hir heid, and swallit lyke ane pott; quhairfore sche fend to hir the thing that sche defyrit, and prayit hir to cum to hir, and sche baid the feruand ‘Ga away hame, for the guidwyffe wes weill.’—(40.) ITEM, fyllit and convict, of the de-lyerie of ane letter, quhilk Johnne Fiene, clark,⁴ maid in George Mutis bak hous, in the Pannis,⁵ accompaneit with the guidwyffe of the hous, Gelie Duncan, Bessie Robsfoune, Jokkie Gray-meill, Jonet Gaw, Erisch Marioune, the wobsteris wyffe of Setoune, Robert Greirfoune, the guidwyffe of Spilmourfurd-mylne callit Meg Begtoune, Jame Sparrowis wyffe callit Kait Wallace, quha convenit thair for raising of storme, to stay the Quenes hame-cuming to Scotland; eftir consultatioun, quhether Gelie Duncan or Bessie Thomsfoune wes meitest to fend the letter with; and concludit to fend the faid Gelie, quhilk letter wes fend to Marioun Lenchop in Leyth. The effect quhairoff is this: ‘Marioun Lenchop, 3e fall warne the rest of þe sifteris, to raise þe wind this day, att ellewin houris, to stay þe Quenis cuming in Scotland.’ Lykeas, they that wer convenit att the Pannis fould do for thair part, beeist;⁶ and to meit thame that wer in the

¹ Well, draw-well. ² In a swoon. ³ Madness. ⁴ ‘Register’ and ‘Secretar’ to the Devil. See his Trial, Dec. 26, 1590. ⁵ Prestonpans. ⁶ To the eastward.

Pannis; and att thair meting, thay fould mak the storme vniuerfall thro the fee. And within aucht dayes eftir the said Bill wes delyuerit, the said Agnes Sampfoune, Jonett Campbell, Johnne Fean, Gelie Duncan and Meg Dyn¹ bap-
tefit ane catt in the wobstaris hous, in maner following: Fyrst, twa of thame held ane fingar, in the ane fyd of the chimnay cruik, and ane vther held ane vther fingar in the vther fyd, the twa nebbis of the fingaris meting togidder; than thay patt the catt thryis throw the linkis of the cruik, and passit itt thryis vnder the chimnay. Thaireftir, att Begie Toddis hous, thay knitt to the foure feit of the catt, foure jountis² of men; quhilk being done, the sayd Jonet fecht it to Leith; and about mydnycht, sche and the tua Linkhop, and twa wyfeis callit Stobbeis, came to the Peir-heid, and saying thir wordis, ‘ See that thair be na defait amangis ws;’ and thay caist the catt in the fee, fa far as thay mycht, quhilk swam owre and cam agane; and thay that wer in the Panis, caist in ane vthir catt in the fee att xj houris. Eftir quhilk, be thair inforcerie and inchantment, the boit perisclit betuix Leith and Kinghorne; quhilk thing the Dewill did, and went before, with ane stalf in his hand.—(41.) ITEM, fylit and conviet, for making of ane pictour of walx, to the similitude of Mr Johnne Moscrop,³ fader-in-law to Ewfame M^cCalzane, att the said Ewfamis desyre, for the distructioun of the said Mr Johnne, and past with the said pictour to ane bray abone ane walter on the landis of Keyth, and rasit the Spreit, quaha coniuirit the pictour to ferue for the distructioun of the said Mr Johnne; and delyuerit the famin to Jonett Drummond, feruitour to the said Ewfame; and baid hir putt the famin vnder hir guid-faderis bed-heid, or bed-feit: And this sche did, four zeiris fyne, before the said Ewphame wes delyuerit of hir last birth.—(42.) ITEM, fylitt and conviet, for putting of mwildis, or powder maid of menis joyntis and memberis,⁴ in Natoun Kirk, vnder Ewphame M^cCalzanis bed, tene dayes befor hir birth; quhilkis mwildis sche coniuireit with hir prayaris, for staying and flaiking of grinding the tyme of hir birth.—(43.) ITEM, conviet, of the taking of the pane and seiknes of the Lady Hirnestoune, the nycht of hir delyuerie of hir birth.—(44.) ITEM, fylit, of vsing of ane prayer and coniuiracioun, quhene sche haillit seik folkis; quhairof the temour followis.

AGNES SAMPSONES *prayer and conjuration for hailling of seik folkis.*

ALL kindis of illis that ewir may be, In Crystis name, I coniuere ye;
I coniuere ye, baith mair and les, With all þe vertewis of þe mefs,
And rycht fa, be þe naillis fa, That naillit Jesus, and na ma;
And rycht fa, be þe famin blude, That reikit owre þe ruithfull rwid;
Furth of þe flesch and of þe bane, And in þe eird and in þe stane.

I CONIUERE ÞE, IN GODIS NAME.

¹ Dunn. ² Joints of dead men. See Articles 26, 42, and 50. ³ Advocate. See Ewphame Makcalzean's Trial. ⁴ See Articles 26 and 50.

(45.) ITEM, fylit and convict, for the charming of George Dikfounes hors and cattell fra deing, quhair of thair deid threttene ky, oxin and horsis, be the ewill meanes of Johnne M'Gill ; and sche haifing reffaut ane stane of cheis, and half ane stane of buttir, fra the said Georgis wyfe, thair deit nane thaireftir.—(46.) ITEM, fylit and convict, for the charming of the ky and oxin of Rychard Spens, fermorer for the tyme in Hirneftoune, and James Qulyte in Gosfurd ; by going vp betuene twa and twa of thame in thair byre, fraiking of thair bakis and wambes, and faying, ' Aue Maria' oft owre.—(47.) ITEM, fylit, for being att the conventioun quhair Meg Stillcart, Gray and Jonett Campbell wes with hir, and ane vthir deid fenfyne, being altogidder fyve in number ; quhilk wes att the Kirk of Garvett, be-eist Burn-fyde.—(48.) ITEM, for being att the conventioun betuix Coulland and Carbarry, quhair thair was Agnes Straittoun, togidder with the Wich of Carbarrie, and hir self ; quhair sche quarrellit hir maister the Dewill, and that, in respect sche had newir gottin guid of him, and said sche wald renunce him, bott did it nocht ; and he promesit to hir att that tyme, that na thing fould ga aganis hir.—(49.) ITEM, fylit and convict, that sche, with the guidwyffe of Spilmour-fuird, Gelis Duncan, Bessie Thomfoune, Gray-meill, Agnes Stratoune, with certane vtheris to the nowmer of nyne, convenit att Foulfruthir, and thair had thair consultatiounis, how thay mycht wrak Dauid Seytoun and his guidis ; and first, Gelis Duncan, Bessie Thomfoun and Gray-meill, haillit¹ ane coird att the brig, and the said Agnes Sampfoune, cryit, ' Haill, hola !' the end of itt wes very heavie. And quhen thay had drawin, the Dewill cam vp att the end of itt, and sperit, ' Gif thay had been all guid feruandis ?' Than thay demandit him, ' Quhat way thay mycht wrak Dauid Seytoun and his guidis ?' He gaif to thame cleir thingis, as itt wer sum peces of glasse, brayit and mixit with sum peces of coirdis, and sum vthir thingis amangis thame ; and baid lay ane threid langis the mwre, and commandit to saw the peces of glas langis the mwre, swa that quhatfumeuir come owre fyrst, fould perisch suddandle. Bot the said Dauid being stayit to cum that day, as thay thocht he fould haif done, the wrak lichtit in the hyndis gudis and his dochter, quha ewir fence hes bene heavele vexit with terrible visiounes and apparitiounes, and hir body tormentit with ane ewill spreit, quhairwith sche hes bene posselt maist petiefullie ; quhair of sche wes the cheif instrument, reffauing guid deid fra James Porteous and Rychard Crummy to the end foirfaid ; and directit Bessie Thomfoune and Anny Stratoune to the place of Foulfruthir, to craif ane lok falt owre the dur heid, quhilk gif thay had gottin, the wrakment had lichtit on Dauid Setoune and his guidis ; and becaus the falt wes refusit, the wrakment lychtit vpoune the hyndis barne and his guidis.

¹ *Hawled*, or pulled a rope or cord.

CONVENTIOUN *at the Kirk of North Beruik.*

(50.) ITEM, fylit and convict, fforfamekle as fche confest before his Maieftie, That the Dewill, in mannis liknes, mett hir going out in the feildis frome hir awin hous att Keyth, betuix fyve and fax att ewin, being hir allane ; and comandit hir to be at North Beruik kirk the nixt nycht : And fche paffit thair on horfbak, convoyit be hir guidfone, callit Johnne Couper, and lychtit att the kirk-3aird : Or a lytill before fche come to itt, about ellewin houris att ewin, thay danceit alangis the kirk-3aird ; Gelie Duncan playit to thame one a trump, Johnne Fiene, miffellit, led all the reft, the faid Agnes and hir dochter followit nixt ; befydes thir, we Cait Gray, George Moitis wyfe, Robert Greirfoune, Cathere Duncan, Bessie Wrycht, Ifobell Gylour, Johnne Ramfayes wyffe, Annie Rychardfoun, Jonett Gaw, Nicoll Murrayes wyfe tail3eour, Cristiane Caringtoun alias Lukit, Mafie Aichefoun, Marrioune Paterfoune, Alexander Quhytelaw, Marioun Nicolfoune, Marioun Bail3ie, Jonett Nicolfoune, Johnne Gray-meill, Ifobell Lauder, Helene Quhyte, Margret Thomfoune, Marioune Scheill, Helene Lauder, Archie Henillis wyfe, Duncan Buchquhannane, Marioune Congiltoun, Bessie Gwlene, Bessie Broune the fmythis wyfe, Thomas Burnhill and his wyfe, Gylbert M'Gill, Johnne M'Gill, Catherene M'Gill, with the reft of thair complices, abone ane hundreth perfounes, quhairof thair wes fax men, and all the reft wemen. The wemen maid fyrft thair homage, and nixt the men. The men wer turnit nyne tymes widderschinnes about, and the wemen fax tymes. Johnne Fien blew vp the duris, and blew in the lychtis, quhilkis wer lyke mekle blak candillis, fking round about the pulpett. The Devill start vp him felff in the pulpett, lyke ane mekle blak man, and callit ewerie man be his name, and ewerie ane anfuerit, ' Heir, Mr.' Robert Greirfoune being namit, thay ran all hirdie-girdie and wer angrie ; for it wes promefit, that he fould be callit ' Ro' the Comptroller alias Rob the Rowar,' for expreming of his name. The fyrft thing he demandit, was ' Gif thay kepit all promeis, and bene guid feruandis ?' and ' Quhat thay had done fince the laft tyme thay had convenit ?'—One his command, thay opnit vp the graves, twa within and ane without the kirk, and tuik of the jountis¹ of thair fingaris, tais and neife, and partit thame amangis thame ; and the faid Agnes Sampfoune gatt for hir pairt, ane windene fcheit and twa jountis, quhilk fche tint negligentlie. The Devill comandit thame to keip the jountis vpoun thame, quhill thay wer dry, and thame to mak ane powder of thame, to do ewill withall. Than he comandit thame to keip his commandmentis, quhilkis war, to do all the ewill thay could. Before thay departit, thay kift his erfe. He had one him ane gown and ane hatt, quhilkis wer baith

¹ See Articles 26 and 42.

blak; and thay that wer affenblit, pairt ftwid and pairt fatt. Johnne Fiene wes ewer nerrest to the Devill, att his left elbok; Gray-meill kepit the dur.¹—(51.) ITEM, fylit and convict, that quhan hamelines wes contractit betuix hir and Barbara Naipar,² in Dalkeyth, Camroune-brig-end and foche places, the said Barbara lamentit vnto hir, that a man callit Archie had done hir grit wrang; and askit hir counfall, How to be avengeit of him? Quhais anfuwer was, that ‘Sche fould mak the help sche could.’ And eftir puttione³ betuix thame, the said Agnes preparit ane bony finall pictour of 3allow walx, quhilk sche inchantit and coniuirit vnder the name of Archie, in the eist end of the dowcatt of Craigmillar, in the Dewillis name; and gaif power to the said pictour, that, as it fould melt away before the fyre, fwa fould that man, quhais pictour it was, confwme and pyne away, quhill he wer vterlie confwmit; and fwa delyuerit the said pictour vnto the said Barbara; quha said vnto hir, ‘Tak guid tent, that na thing be wrocht to stay the purpos.’—(52.) ITEM, fylit and convict, that sche inchantit be hir forcerie, ane lytill ring with ane ftane in itt, to the said Barbara Naipar; quhilk ring sche reflautit fra the said Barbara, sche my^t sche my^t⁴ allure Dame Jeane Lyounis hairt, than Lady Angus,⁵ to love and favour hir; quhilk ring, sche

¹ Sir James Melville has preserved the following account of this singular transaction, in his Memoirs (p. 395 of Edition printed for use of the Bannatyne Club). Reference may also be had to the Trial of Johnne Feane alias Cwninghame, Dec. 26, 1590, &c.—‘About this tym, many Witches wer tane in Lowdien, wha deponit of some (witchcraft?) maid be THE ERLE BODOWELL, as they allegit, against his Maiesteis persone: Quhilk commyng to the said Erlis eares, he entred in ward within the Castell of Edenbrouch, desyryng to be tryed; alleging that the Deuell, wha was a lyer from the begynning, nor yet his sworn witches, aucht not to be credited. Specially, ane renowned midwyf callit ANNY SAMPSOUN, affirmed that sche, in company with nyn vthers witches, being convenit in the nycht befyd Prestoupannes, the Deuell ther maister being present standing in the midis of thame; ther a body of wax, schaipen and maid be the said Anny Sampson, wrappit within a lynnnyng claith, was first delyuerit to the Deuell; quhilk eftir he had pronuncit his verde, delyuerit the said pictour to Anny Sampson, and sche to hir nyxt marrow, and sa enery ane round about, saying, “This is King James the Sext, ordonit to be confumet at the instance of a noble man Francis Erle Bodowell!” Eftewart again, at ther meting be nycht in the kirk of North Berick, wher the Deuell, clad in a blak gown, with a blak hat vpon his head, preachit vnto a great number of them out of the pulpit, having lyk leicht candelis rond about him. The effect of his language was till knaw, what skaith they had done, whow many they had won to ther opinion sen their last meting, what succes the melting of the pictour had taue, and sic vain toyes. And becaufe ane auld fely pure plowman, callit Grey Meill, chancit to say, that “nathing ailit the King yet, God be thankit!” the Deuell gaif him a gret blaw. Then dyuers among them enterit in a raifonyng, maruelling that all ther deuellerie culd do na harm to the King, as it did till others dyuers. The Deuell anfuwerit, “*Il est vn home de Dieu.*” And certanly he is a man of God, and dois na wrang wittingly, bot is inclynit to all godlynes, justice and vertu; therfor God hes preferued him in the midis of many dangers. Now efter that the Deuell had endit his admonitions, he cam down out of the pulpit, and causet all the company to com and kifs his ers, quhilk they said was cauld lyk yce; his body was hard lyk yrn, as they thoct that handled him; his faice was terrible, his noife lyk the bek of ane egle, gret boumyng eyn; his handis and legis wer berry, with clawes vpon his handis and feit lyk the griffon, and spak with a how voice!’² See her Trial, May 8, 1591. ³ *Sic.* Perhaps parley, deliberation. ⁴ *Sic.* Probably meant for, ‘that sche mycht.’ ⁵ See May 8, 1591, in Note to Barbara Naipar’s Trial. SPOTTISWOOD, p. 372, in reference to the Earl of Angus’s death, says, “Never died any nobleman with greater regrate; and so much the more was his death lamented, that it was then thought and afterwards confessed, he was

fend agane with hir dochter, within ten dayes thaireftir to the said Barbara, to be vfit to the effect foirfaid.—(53.) ITEM, for ane commoun notorious Wich, and vfar of Sorcereis and Iuchantmentis, with the invocatioun of the Dewill hir maifter, abusing the pure simple people, thairwith drawing thaine fra the lening to the mercie of God, and to beleive in the support of the Dewill.

SENTENCE.¹ For the quhilk caus, the said Agnes wes ordenit be the Justice, pronunceit be the mouth of James Scheill, dempftar, to be tane to the Castell (hill) of Edinburgh, and thair bund to ane staik and wirreit, quhill sche wes deid; and thaireftir hir body to be brunt in affis: And all hir movable guidis to be efcheit and inbrocht to our fouerane lordis vfe, &c.

Harricide.

Apr. 30, 1591.—JOHNNE DIKSOUN, sone and apperand air to vmq^{le} Johnne Dikfoun of Belchefter.

Dilatit of airt and pairt of the crewall slauchter of vmq^{le} Johnne Dikfoune of Belchefter his fader, committit in July 1588.

PERSEWAR, Mr Dauid M^cGill, Aduocat for his Majesteis intres.

VERDICT. The Affyse, be the mouth of Johnne Farguefoun of Craigdarrauch thair chancillar, ffand the said Johnne Dikfoun to be fylit and convict of the slauchter of his said vmq^{le} fader.

SENTENCE. For the quhilk cryme, the Justice, be the mouth of James Scheill, dempftar, ordanit him to be brokin vpoun the row,² at the mercat croce of Edinburgh, and all his movabill guidis to be efcheit, &c.

taken away by Sorcery and Incantation. In the time of his sickness, when the physicians found his disease not to proceed of any naturall cause, one *Richard Graham*, who was executed some years after for Witchcraft, being brought to give his opinion of it, made offer to cure him, saying, as the manner of these wizards is, "That he had received wrong." But when he heard that the man was suspected to use unlawful arts, he would by no means admit him, saying, "*That his life was not so dear to him, as for the continuance of it some years he would be beholden to any of the Devil's instruments; that he held his life of God, and was willing to render the same at his good pleasure, knowing he should change it for a better.*" Notwithstanding her improper practices, this lady escaped criminal prosecution.—*HOME of Godscroft* remarks: 'ANNA SIMSON, a famous Witch, is reported to have confessed at her death, that a picture of waxe was brought to her, having A. D. written on it, which, as they said to her, did signifie *Archibald Davidfon*; and thee, not thinking of the Earl of Angus, whose name was *Archibald Douglas*, and might have been called David-son, because his father's name was David, did consecrate or execrate it, after her forme; which she said, if she had knowne to have represented him, shee would not have done it for all the world.'

¹ On the margin, 'Sentence contra Agnes Sampson, convict of Witchcraft.—To be brunt in the Castell-hill, &c.'

² Wheel. This was an unusual punishment in Scotland, and was reserved for cases of the utmost atrocity. An instance of a criminal being broken upon the wheel occurs in the case of Robert Weir, for the murder of John Kincaid of Warriestoun. See Jun. 26, 1604. He was sentenced to be 'brokin vpoune ane row quhill he be deid, and to ly thairat during the space of xxiiij houris: And thairefter his body to be tane vpone the said row, and fet vp in ane publick place, betuix the place of Wareftoun and the town of Leyth; and to remane thairupoune, ay and quhill command be gevin for the buriall thairof.'

[*Per M. Vmphridem Blynschelis, Justiciarium Deputatum, et Assessores M. David Carnegie de Colluthie et D. Jacobum Meluile de Halhill.*]

Witchcraft.

May 8.—BARBARA NAIPAR, spous to Archibald Douglas, burges of Edinburgh, (brothir to the Laird of Carfchoggill.)

Dilatit of findrie poyntis of Wichcraft, contenit in Dittay gewin in aganis hir, be Mr David M^cGill of Cranfoun-Ryddell, aduocat to our fouerane lord.

PERSEWAR, Mr David M^cGill, Aduocat to our fouerane lord for his hienes interes.

PRELOQUITOURIS for the pannell.

Mr Johnne Ruffell, Mr Johnne Mofcrop; Williame, Alex^r and Andro Naipar, burgesfis of Edinburgh.

The Justice efter proponing of diuerse allegeances be the pannell aganis the Dittay and anfuers maid thairto, ordanit the said Barbara to be putt to the triell of ane Assyfe, for the crymes contenit in Dittay.

ASSISA.

Johnne Brig, Maister portar to his Maieftie,	James Galbraith, Averieman to his Maieftie,	David Fairlie, merchand burges, Patrik Sandilandis, tailzeour,
George Brig, Maister of the Ail-fellar,	David Seytoun in Fowlfruthir,	burges of Edinburgh,
Walter Bell, att the Mylne of Deane,	William Justice, merchand burges of Edinburgh,	Mr Arch ^d Wilkie, burges of Cannogait,
Hector Clawie, burges of the Cannogait,	Johnne Seytoun, Crilman to his Maieftie,	An ^d Cuthbertfoun, burges of Edt, Robert Cwninghame, burges thair,
	Joh ^e Mowbray, merchand burges,	William Harper, burges thair.

VERDICT. The Assyfe, be the mouth of Robert Cwningham chauncillar, fband, pronunceit and declarit the said Barbara Naipar, to be fylit, culpabill and convict, of the feiking of consultatioun fra Annie Sampfoune ane Wich, for the help of Dame Jeane Lyoune Lady Angus,¹ to keip hir fra wometing, quhen sche wes in bredin of barne.—ITEM, For the consulting with the said Annie Sampfoune, for causing of the said Dame Jeane Lyoune Lady Angus to love hir, and to gif hir the geir awin hir agayne, and gewing of ane ryng for this purpois to the said Anny, quhill sche had fend hir ane courchie² of linning; and swa for con-

¹ Dame Jeane Lyon, Lady Angus, was eldest daughter of Patrick, ninth Lord Glammiss, who married, 1st, Robert Douglas younger of Lochleven, and was by that marriage mother of William Earl of Morton; 2d, Archibald eighth Earl of Angus, anno 1586, after he had divorced his second wife, a daughter of Lord Rothes, for adultery; and 3d, Alexander Lindsay, afterwards Lord Spynie, one of the Kings favourites. The death of the Earl of Angus in 1588, 'was ascribed to Witchcraft, and one Barbary Naipar in Edinburgh, wife to Archibald Douglas of the house of Cathogle, was apprehended on suspicion.'—HOME of *Godscroft*. Annie Sampson was also concerned in this plot against the life of Angus. Lady Angus does not seem to have been molested for trafficking with these hags, though her great grandmother, Lady Glammiss, was brought to the stake for Witchcraft, on more slender presumptions. ² Fr. *Couvrechef*, kerchief, a sort of head-gear then worn.

travening of the Act of Parliament, in consulting with her, and feiking of hir help, being ane Wich.—ITEM, For the consulting with the said Annie Sampfoune, anent the help of hir husband Archibald Dowglas, quhen he wes in the Westland, att the raid of Dumfreis ; hir husband being for the tyme vnder feid with the hous of Cowhill.—ITEM, For consulting with Rychie Grahame, ane Nieromanfer and abufar of the people, in feiking of help att him to hir sone ; and gratifeing him thairfore, with thre elnes of bombesie and fyve quarteris of broune. This was done in Johnne Ramsfayis hous, outwith the West-poirt of Edinburgh ; incontrar the tennour of the Act of Parliament maid thairanent ; att the quhilk tyme, sche inqyrit att the said Rychie Grahame, gif the King wald cum hame or nocht.—ITEM, For the hunting¹ and consulting with ane Wich and Nieromanfear, aganis the tennour of the Act of Parliament maid thairanent.—AND Acquit the said Barbara of consulting with the said Rychie, for ane stollin dowlet² of vmq^{le} George Ker hir husband.—ITEM, (Acquit,) for consulting with Annie Sampfoune, anent the making of vmq^{le} Archibald Erll of Angus pictour, to his distruction.—ITEM, (Acquit,) for being att the conventionne of North-Berwick ; and the haill heidis of the Dittay, except the heidis quhair of sche wes convict.

DOME pronunceit aganis Barbara Naper.

May 10.—The quhilk day ane Lettre productit, subferyuit be the Kingis Maiestie and his hienes Chancillar, for pronunceing of the dome vnderwrittin, aganis the said Barbara ; of the quhilk Precept the tennour followis.

‘ REX.

‘ JUSTICE, Justice-Clerk and 5our deutes, We greit 5ow weill. Forfamekill as Barbara Naper, spous to Archebald Dowglas burges of Edinburgh, wes convict in ane Court of Justiciarie, haldin in our Tolbuthe of Edinburgh, pe aucht day of May instant, for pe feiking of consultatioune fra Annie Sampfoune ane Witch, &c.³ Quhairvpoune, na Dome is pronunceit aganis hir as 5it. OURE WILL is heirfoir, and we charge 5ow, that incontinent efter the sycht heirof, 5e pronounce the Dome aganis hir, for the saidis crymes, according to the lawis of our realme and Actis of Parliament : That is to say, that scho fall be tane to the Castell-hill of the burcht of Edinburgh, and thair bund to ane staik beyde the fyre and wirreit pairat quhill scho be deid ; and pairefter hir body brunt in the said fyre, and all hir movabill guidis escheted to our vse as convict of the saidis crymes. As 5e will anfuer to ws vpoune 5our office and obedience. Quhairanent thir presentis fall serve 5ow as sufficient Warrant. Subferyuit with our hand, at Halyrudhous, the tent day of Majj, 1591.

(Sic subferibitur) ‘ JAMES R. J. CANCELLARIUS.’

‘ DOME’ was pronounced accordingly, ‘ be the mouth and declaratioune of William Gray, Dempstar of the said Court.’

Eftir pronunceing of the quhilk Dome, the said Barbara declarit that scho was with barne ; and thairfoir alledgeit, that na executiounne of the said Dome culd

¹ Haunting, frequenting the society. ² Dowblet? ³ Here the verdict of the Assise is inserted.

be vfit aganis hir, quhill scho was delyuer of hir birth ;¹ and thairvpoune askit infrumentis.

Rapt and Ravishing — Forcible Abduction.

May 27.—ROBERT CARNECROCE callit *Mehle Hob*, Robert Ramfay in Cummillie, Quintene Bouftoune in Edinburgh and Johnne Wallace in the Cannogait.

Dilatit of airt and pairt of the Rapt and Raveifching of Jeane Ramfay Lady Warreiftoune, aganis the Actis of Parliament and lawis of this realme maid thairanent ; committit the xix day of March lastbypast.

PERSEWARIS.

Jeane Ramfay Lady Warreiftoune, George Ramfay apperand of Dalhouffie, Mr D^a M^cGill, Aduocat.

PRELOQUITOURIS for the pannell.

Mr Johnne Cramond,	Andro Ker, brother to the Lord	Johnne Wallace of Craigie,
Johnne Home 5ounger of Coldin-	of Newbottill,	Nicoll Cairnecroce of Calfhill.
knowis,		

Continued to the Justice-aire of Edinburgh and Jedburghe, *respectiue*, ‘ *Tertio Itineris, vel xv dierum. Plegio. Nicolao Carnecroce de Calfhill, pro omnibus.*’

[*Mr Johnne Grahame and Mr Vmphrey Blynschelis, Justices-Deputes.*]

Wilful Error on Assise — Acquitting a Witch.

Jun. 7.—JOHNE MOWBRAY, merchand burges of Edinburgh,² and eleven others, being the majority of jurors upon Barbara Naipar’s Affyse.

Dilatit of manifest and Wilfull Errour committit be thame, in acquitting of Barbara Naipar spous to Archibald Dowglas, brothir to the Laird of Carschog-gill, of the poyntis of Tressoune and Wichcraft, vnder writtin.

PERSEWAR, Mr Dauid M^cGill of Cranstoun Ryddell, Aduocat to our fouerane lord.

The samin day, the perfonnes on pannell dilatit and accusit be dittay contenit in our fouerane lordis lettres, purchest att the instance of the Adnocat aganis them, and produccit be him in Judgement ; quhairof the tennour followis.

DITTAY *against the Affysors on Barbara Naipars Inquest.*

JAMES, be pe grace of God, &c. That quhair, Barbara Naipar spous to Archibald Dowglas, wes vpoun pe aucht day of Maij I^m.V^c.lxxxj 5eiris, accusit in ane Court of Justiciarie, haldin in pe Tol-buith of Edinburgh, ffor feiking help, respos and consultatioune, att Rychard Grahame, notoure and knawin Nigromancear, ane commoun abufar of pe peopill, baith aganis pe will and ordinance of God

¹ Home of Godseroft says, that ‘ nobody infisting in the persute of her, the was set at libertie.’

² It may be noticed, that the minority of this ‘ Affyse’ consisted of, the ‘ Maister of the Ail-fellar,’ the ‘ Crilman to his Maiestie,’ and David Seytoun in Fowlstruthir, probably his brother or relation.

and Actis of Parliament and law of þe countrey : And specialie, fforfamekill as, during our fouerane lordis being att þe Brig of Die, before the commoun bell rang, for feir the Erl Bothwell fould haif enterit in Edinburgh, scho declarit to þe said Rychard, that sche hard ane woman say, that our fouerane lord wald gett skaith be ane taid or gangrell ; and desyrit of him, quhat he thoct þairof, and that he wald schaw to hir his opinioun þairof the morne ; quha consultit with þe Spreit¹ pairament, and reslaüt be his respous, that his Maiestie wald be trublit be conventioun of wemen, throw þe dropping of ane taid : and als, Rychard lauching vpoun hir, declairit pair, att þat samyn tyme, that scho, Effie M^cCalzan and Donald Robefoune fould be thre of þe doaris of itt : quhilk quhen scho hard, scho schuik hir heid : Quhilk wes affermit be þe said Richard Grahame, in hir and the saidis persounes prefens. AND siclyke, the said Barbara wes accusit, that scho gaif hir prefens, in þe maist develifsch and trefsonabill Conventiounne, haldin be hir and hir complices in þe Devillis name, vpoun Lambmes-ewin laft, att þe New-heavin callit Aitchefounes-heavin, betnix Mussilburcht and Prestoune pannis, fin his Maiestie come furth of Denmark ; quhair war assemblit nyne principallis, to witt, Agnes Sampfoune, Jonett Straittoun, Ewfame M^cCalzeane, hir selff, Johnne Fiene, Robert Greirfoun, George Moitis wyffe in Prestoune, Margrett Thomfoun in Struiling and Donald Robefoune ; quhilkis nyne persounes, the Devill, quha wes with þame in liknes of ane blak man, thoct maist weit to do þe turne for þe quhilk thay wer convenit ; and þairfore, he fett þame nyne nerrest to him selff, in ane cumpany ; and thay, togidder with þe wyffe of Saltoune-myle and þe rest of þe inferiouris, to þe nowmer of threttie persounes, standand skairse þe lenth of ane buird frae þe foirsaid nyne persounes, in ane vthir cumpany ; Agnes Sampfoune proponit þe distructione of his hienes persoune, faying to þe Dewill, ' We haif ane turne ado, and we wald fayne be att itt gif we could, and thairfore help ws to itt.' The Dewill anfuerit, he foud do quhat he could, bott itt wald be lang to, becaufe it wald be thoirterit ;² and he promesit to hir and þame ane pictour of walx, and ordenit hir and þame to hing, roist and drop ane taid, and to lay þe droppis of þe taid, mixt with strang wafsch,³ ane edder-ikyn,⁴ (and) the thing in þe foirheid of ane new-foillit foill, in his hienes way, quhair his Maiestie wald gang inowre or outowre, or in ony passage quhair itt mycht drop vpoun his hienes heid or his body, for his hienes distructione, that ane vther mycht haif rewlit in his Maiesties place, and þe ward⁵ mycht haif gane to þe Dewill. Att þe quhilk conventiounne, his hienes name wes pronunceit in Latine; and Agnes Sampfoun wes appointit to mak þe pictour and to gif it to the Dewill to be inchantit, quibilk scho maid in deid, and gaif itt to him ; and he promesit to giff it to þe said Barbara and to Effie M^cCalzan, att þe nixt meting, to be roistit. Margarett Thomfoun wes appointit to dropp þe taid. Thair wes ane appointit to feik sum of his hienes linning clathis, to do þe turne with. And Gelie Duncan, vpoun þe systene day of December laftwas, in þe said Barbareis face and Effie M^cCalzanis, avowit on þame baith, att þe fyrst sycht, sche saw hir estir hir cuming to þe Abay, and before sche had spokin thre perfyte speicis afoir hir. affermit that Agnes Sampfoune mett with hir and þe said Effie, in þe said Barbareis awin hous ; and the said Gelie Duncan and Bessie Thomfoune being pair also, togidder with Johnne Fiene, quha said to Gelie, that he wald ga West to his fader, and eikit forder, that thair wes ane taid hingand be þe helis thre nychtis, and droppit betuix thre oister schellis and nyne stanis, fottin thre nychtis ; att quhat tyme na man luikit or suspectit to haif hard ony sic thing : As the particular Depositionnes of þe said Donald Robefoune and Jonett Straytoun, quha constantlie abaid att þe samyn, quhilk wes repetit be þe Aduocatt ; the Depositionnes of Gelie Duncane and Rychard Grahame, ewerie ane for pair awin pairtis and circumstances, being confrontit togidder, manifestit and maid playne. AND siclyke, the said Barbara wes accusit, that sche gaif hir bodelie prefens vpoun Alhallow-evin laftwas, 1590 5eiris, to þe frequent conventiounne haldin att þe Kirk of North-Berwik, quhair sche danceit endlang þe Kirk²aird, and Gelie Duncan playit on

¹ *Par excellence*, the Devil. ² Thwarted, frustrated ³ Stale urine. ⁴ The skin of an adder. ⁵ For *ward*, world ; perhaps it may be used in the literal sense, *ward*, rule, or government.

ane trump, Johnne Fiene, missellit,¹ led þe ring; Agnes Sampfoun and hir dochteris and all the rest following þe said Barbara, to þe nowmer of fevin scoir of perfounes; of þe quhilk nowmer, wes Effie M^cCalzan, Katherene Gray, Margarett Aichefoun, Donald Robefoun, Robert Greirfounne, Katherene Wallace, Meg Bogtoun, Jonett Campbell, Jonett Logane, Johnne Gordoun *alias Gray-meill*, the portaris wyffe of Seytounne, Jonett Straytoun, Bessie Thomfounne, Catherene Duncane, Bessie Wrycht, Isobell Gylloun, Johnne Ramfayes wyffe, Anny Rychefoun, Jonett Gall, Nicoll Murrayes wyffe, tailzeour, Cristian Keringtounne alias *Likkitt*, Mafie Aichefounne, Alexander Quhytelaw, Marioun Nicolfoun, Marioun Bailzie, Jonett Nicolfoun, Isobell Lauder, Helene Quhyte, Margreth Thomfounne, Marioune Schaw, Helene Lauder, Malie Geddie, Duncan Buehquhannane, Marioun Congiltoun, Bessie Cowane, Bessie Broune, the smythis wyffe, Thomas Bronnhill and his wyfe, Gilbert M^cGill, Johnne and Catherene M Gillis, with diuerse vtheris, to þe nowmer aboue writtin: Att þe quhilk place and tyme, the wemene maid fyrst þair homage, and wer turnit sax tymes widderfounes about; Johnne Fyeu blew vp þe Kirk durris, and blew in þe lychtis, quhilkis wer lyke mekill blak cændillis, haldin in ane auld mannis hand, round about þe pulpett. And þe Dewill start vp in þe pulpett, lyke ane mekill blak man, with ane blak baird stikand out lyke ane gettis² baird; and ane hie ribbit neife, falland down fcharp lyke the beik of ane halk; with ane lang rumpill; eled in ane blak tatie gounne; and ane ewill favorit scull bonnett³ on his heid; haifand ane blak buik in his hand, callit on ewerie ane of þame, desyryng þame all to be guid ferwandis to him, and he fould be ane guid maifter to þame, and thay fould haif aneweb and newer want. For Robert Greirfoun and Johnne Fien (thay) stuid on his left hand; and the said Robert ffand grit fault with the Dewill, and cryit out, that all quhilkis wer besyd mycht heir, becaus his hienes pictour wes nocht gewin þame, as wes promefit; the said Effie M^cCalzan remembrand and bidand þe said Robert Greirfoun to speir for þe pictour, meaning his Maiesteis pictour, quhill fould haif bene roifit. Robert Greirfoun said thir wordis, ‘Quhair is the thing ze promefit?’ meaning þe pictour of walx, dewyfit for roifiting and vndoing his hines perfounne, quhilk Agnes Sampfounne gaif to him; and Robert cryit to ‘haif þe turne done;’ zit his hienes name wes nocht nameit, quhill⁴ thay that wer wemen nameit him; craifand in playne termes his hienes pictour. Bot he anfuerit, ‘It fould be gottin þe nixt meitting, and he wald hald þe nixt assemblic for þat caus the sone: It was nocht reddie at þat tyme.’ Robert Greirfounne anfuerit, ‘ze promefit twyis and begylit ws.’ And foure honest-like wemene wer very ernist and intant to haif itt: And the said Barbara and Effie M^cCalzane gatt þan ane promeis of þe Dewill, that his hienes pictour fould be gottin to þame twa, and that rycht sone: And þis mater of his hienes pictour wes þe caus of þat assemblic. In takin qubairrof, the Dewill commandit þe said Barbara and all her cumpany, to keip his commandementis; quhilk wer, to do all the ewill thay could: Also, thair wes þane thre deid corps tane vp and juntit; the naillis and juntis wer pairtit amangis þame. The Dewill commandit þame to keip þe juntis vpoun þame, quhill the famin dryit; and than to mak powder pairrof, to do ewill with. Eftir þe quhilk, thair homage being made, as the falloun is, in kissing of þe Devillis ers, thay pairtit for þat tyme, without ony mair done; except, that Effie M^cCalzane, Robert Greirfounne and the said Barbara, hapnit to be nameit þair; quhilk offendit all þe cumpany: And that thay fould nocht haif bene nameit with þair awin names; Robert Greirfoun, to haif bene callit *Rob the rowar*; Effie to be callit *Cane*; and the said Barbara, to be callit *Naip*. And trew this is, and provin be Donald Robefoun, Jonett Straittounne, Gelie Duncan and Bessie Thomfounne, quha ar zit on lyffe. QUHILK, being putt to þe knowlege of ane Inqueist; thay nochtwithstanding, vpoun þe nynt day of þe month and zeir of God foirsaid, Clengeit and Aequit, be favour and partial meanis, the said Barbara Naipare. That, forsamekill as, during his Maiesteis being att þe Brig of Die, the day before þe common bell rang, for feir the Erl Bothuell fould haif enterit in Edinburgh, sche declarit to þe said

¹ Disguised, muffled, masked. ² Goat's. ³ An *ill-faured*, or ugly sort of skull-cap; a dress which fitted closely to the shape of the head, chiefly worn by judges and lawyers. ⁴ Until.

Rychard Grahame, that sche hard ane woman fay, that þe King wald get skaith be ane taid or gangrell, &c.¹ Qubairthrow thay, and ewerie ane of þame, could pretend na ignorance; att þe leift, nethir of law nor conscience could haif acquit hir pairf; the famin being verifeit, be þe constant assertioun and Depositoun of ane pairt of þe witnessis being present in Judgement for þe tyme, as is aboue writtin, and be þe Depositionis of þe vthir pairt produceit: And pairfore, did manifestlie and wilfullie err, contrar þe lawis and prattik of þe realme; Incurrand pairby the horribill cryme of Periurie, *et penam temere jurantium super Affifan.*

And thay, being requyrit be the Justice, HIS MAIESTIE being sittand in Judgement, quhidder thay wald abyde the tryell of the law and of ane Assyse for the saidis crymes, or cum in will thairfore? Eftir lang deliberatioun and consultatioun, thay refuset to abyde the tryell of ane Assyse thairfore; bot come *simpliciter* in his hienes will, for Ignorant errorr committet be thame, in acquyting of the said Barbara, of the crymes and poyntis of Dittay aboue herfit.

SENTENCE. Quhilk will, HIS MAIESTIE publictlic, in Judgement, in prefens of his hienes Lordis of Secreit Counfall, declarit to be, That he, understanding that it wes nocht Wilfull Errorr thay committit, in acquyting in maner foirsaid; and thairfore Ordenit, that the foirsaidis perfounes and ilk ane of thame falbe Affoilzeit fra all penalties in body, guidis or fame, in tyme cuming,

Vpoune the declaratioune of the quhilk will, thay and ilk ane of thame askit act and instrument.

Treasonably Conspiring against his Majesty's life—Witchcraft— Sorcery—Murder, &c.

Jun. 9.—EWFAME MAKCALZANE,² (of Cliftounhall,) spous to Patrik Makcalzane *alias Moscrop.*

[EWFAME MAKCALZANE, the subject of the following remarkable Trial, was only daughter and heiress of Mr Thomas Makecalzane Lord Cliftounhall, one of the Senators of the College of Justice; a person distinguished alike for his general erudition and attainments, by the depth of his legal knowledge, and by his talents as a statesman. As this family is now extinct, and considerable curiosity must naturally be felt regarding the parentage of so extraordinary a character as Effy Makcalzane, the Editor has made some investigation in the public Records, where alone any traces are now to be found; and he hopes that the following brief notices will prove not unacceptable.

Mr Thomas Makecalzane had early followed the profession of the Law, and had, before the year 1556, entered as an Advocat. On Nov. 10, 1556, through the powerful interference of Mary of Guise, Queen Regent, the Magistrates and Town Council of Edinburgh were constrained to deprive him of his office of Assessor for the City, 'for evill, heich and vnplefand langage to hir grace,' in the discharge of his official duties; most probably, for the independent manner in which he had pleaded the rights of 'the Good Town. Nothing daunted, the Assessor protested against this decree, and, after the lapse of a few months, was restored, by command of the Queen Regent, Jun. 5, 1557.³ He was

¹ Here the evidence is recapitulated ² Called Effy (the familiar abbreviation for Euphemia), by Sir James Melville in his Memoirs, and by other contemporary writers. ³ Liber Statutorum Burgi de Edinburgh.

‘infett’ in the lands of Cliftonhall, anno 1557, when he is designed, ‘M. Thomas Macalzeane, advocatus, burgen. de Edinburge.’¹ ‘Maifter Thomas Macalzeane of Cliftounhall’ was appointed one of the Ordinary Lords of Session, under the style of Lord Cliftounhall, Oct. 20, 1570, on the demise of Henry Balnavis, Lord Hallhill. He obtained Letters of Remission, (apud Leith, May 2, 1572,) for his treasonably assisting James late Earl of Arran, and George late Earl of Huntlie, in detaining the burgh of Edinburgh against his Majesty. On Jul. 25, 1578, he was nominated by the Estates of Parliament to be one of the Commissioners ‘to treat vpon the Lawes.’ And on the same day he was appointed one of the Commissioners, with the Earls of Buchan and Ruthven, &c., to ‘decyde in ane caus betuix the Gordounis and the Forbefess’—a deadly feud then subsisting between these families and their retainers. ‘Honorabilis vir Magister Thomas Macalzeane de Cliftounhall, unns Senatorum Collegij Justicie,’ Dec. 1, 1578, constituted his only lawful daughter Euphenia Macalzeane his executrix and his assignee, to redeem the lands of Cliftounhall from Henry Macalzeane, advocate.² Dec. 4, 1584, Mr Henry Makealzeane, advocate, is ‘retoured’ as heir to William his brother, in the ten merk land of the town and lands of Carkettle, in the barony of Prestoun and shire of Edinburgh. ‘The 24 of Junij (1591), Euphane M^cKalzen ves brunt for Vithecrafte,’³—‘as a notorious Vitche.’⁴

At what date Lord Cliftounhall died, the Editor has not been enabled to determine precisely,⁵ and the investigation might occupy much more time than he can at present command, or than the importance of the enquiry demands; but, as his lordship was succeeded in his office of an Ordinary Lord of Session by John Lindsay, parson of Menmure, Master of the Metals, &c., who took his seat as a Judge, Jul. 5, 1581, he had probably died during the preceding month.

The sentence against Ewfame of course carried along with it a forfeiture of her Estates of Cliftounhall, &c. as well as her movable effects, on account of the treason of which she had been found guilty. She left three daughters⁶ by her marriage with Patrik Makealzeane, alias Moscrop, who was son and heir-apparent of Mr John Moscrop, advocate,⁷ a person of considerable eminence in his profession. Her husband took the name of Makealzeane, at the request probably of his father-in-law, or in compliance with the entail of the estate. These ladies, Martha, spouse of Mr David Ogilbie, Elizabeth, and Ewphame, spouse of Henry Sinclair of Qubitekirk, were formally Rehabilitated by Act of Parliament, his Majesty being ‘tuichit in honour and conscience,⁸ and now being of mynd that the faid foirfaltour and convictioun fuld onnawysis hurt or prejuge hir posteritie.’ The Act of Rehabilitation, dated Jun. 5, 1592,⁹ accordingly restored them to the estates belonging to their deceased mother and grandfather, burdened with a payment of 5000 merks to Patrik Makalzeane their father, ‘payit and delyuerit be the faid Patrik to our faid fouerane lord and his hienes donatour, for the Gift of Forfaltour of the faid vmq^{le} Ewfame.’ The King, however, clogged this act of grace with a very unpalatable reservation; for the lands of Cliftounhall were expressly reserved to his favourite, Sir James Sandelandis of Slamanno, knight, and to his heirs, to whom his Majesty had previously gifted that valuable property; and all action, which the deceased had against Mr Henry Macalzeane for the redemption thereof. These heiresses-portioners therefore could reap but little benefit from the succession; and

¹ Protocol-book of James Harlaw, Notar Public, from 1549 to 1585, in the General Register House. It was at this period by no means unusual for Advocates, Writers to his Majesty's Signet, and Notaries, to become burgesses of Edinburgh; but whether this was a necessary step, towards the exercise of their profession within the burgh, the Editor has not been able to determine. He is rather inclined to think it was a voluntary act; and that the reason of such persons purchasing the freedom of the burgh, was, that they might confer a right upon their descendants to become burgesses upon easier terms, and to obtain for them-elves other civic privileges. ² Probably his brother. See Harlaw's Protocoll. ³ *Burrell's Diary*, p. 26. ⁴ *Marjoribank's Annals*, p. 55. ⁵ He ‘died in the year 1581.’ *Law's Memorials*, p. 33. ⁶ Besides these daughters who survived her, she had at least two sons; ‘Thomas,’ mentioned at the commencement of the Trial, and another son, mentioned in article 18 of the Dittay. The means she used for ‘helping’ them, probably cut them off in early infancy. ⁷ On Dec. 2, 1573, Mr Johnne Moscrop, advocat, Katharine Iytil his spouse, and Patrik Moscrop (alias Makalzeane), his son and heir-apparent, got Remission for their treasonably being present at the field of Langside, May 13, 1563. ⁸ No wonder! ⁹ *Acta Parl.* 1592, cap. 132, fol. 608.

the estate having passed to the family of Sandilands, and no male heirs existing, the name of Makcalzane of Cliftonhall became extinct. On Sep. 25, 1596, Ewfame the daughter was retoured, as heiress-portioner to her deceased grandfather, in certane small annualrents, payable out of some tenements in Edinburgh.

That a person, moving in the rank of society which Ewfame Makcalzane occupied, should have leagued with the obscure and profligate wretches who figure in the Trials for Witchcraft at this period, for the destruction of her sovereign, and that too by such unlikely and absurd means, seems irreconcilable with any ideas of sanity which can now be formed. It is evident, however, that she *believed* herself, as well as her associates, to be possessed of supernatural powers; and that she had the firmest reliance in infernal agency. The only reason which can be assigned for such frantic and detestable conduct seems to be, that she was devoted to the ancient Roman Catholic faith, and thus bearing personal hatred against the King and the Reformed Religion; she was besides a zealous partisan of Bothwell, and proved herself capable of using every means which he might suggest, or which she herself perversely considered to be most calculated to advance his interests and the predominance of her party. It is worthy of remark, that three days before Ewfame's cremation, Bothwell 'brak out of the Castell of Edinburghe, quha had beine ther, in prisone, some 20 dayis befor, for *allegit Vitchcraft and consulting with Vitches, especially vith ane Richard Grahame, to conspyre the Kingis death*; and upone the 25 of Junij,¹ the said Earle Bothuell wes forfaitted, and intimation made therof, by opin proclamation at the croffe of Edinburghe.² It is known that Bothwell had much traffick with Witches, and was himself esteemed an expert Necromancer.³]

Dilatit of certane tressonabill Conspiraceis interpryfit be Wichcraft, to haif destruytoure fouerane lordis perfoone, and bereft his Maiestie of his lyffe be that schameful and extraordinar meanis: And being airt and pairt thairof, vpoun the counfall (and) consultatioun with diuerse vtheris Wichis of hir societie: And diuers vtheris crymes of Wichcraft committit be hir, att lenth specifit in the Dittay maid thairvpoune.

PERSEWAR.

Mr David McGill of Cranfoun-Ryddell, Aduocat to our fouerane lord (for his hienes interest.) PRELOQUITOURIS for the pannel, Mr Johnne Moscrop, Mr David Ogilvie, Robert Ker in Duddingstoune, Henry Nisbet, burges of Edinburghe, Mr Johnne Ruffell, Mr Johnne Skene, Aduocatis.

Comperit the said Mr David McGill, Aduocatt, and produceit ane Dittay, maid att lenth, aganis the said Ewfame; and contractit in thir heidis vnderwrittin, to be putt to the knowlege of ane Assyse: Quhairof the tennour followis.

DITTAY *against Ewfame Mackalzane.*⁴

EWFAME M^CALZANE, Ye ar indytit and accusit, (1.) For airt and pairt of the bewiching of Michell Marioribankis, be strykeing of him be Wichcraft, with ane extraordinar difeis, be taking of the power and habilitie of his rycht fyde, arme and leg fra him; be youre self, and your complices be your moyane; committit in Apryle 1577.—(2.) ITEM, Indytit, for consulting with Catherene

¹ The day of Ewfame's execution. ² *Birrell's Diary*, p. 25. ³ *Law's Memorials*, p. xliii. *Spotswood*, &c. ⁴ This is stated to be only an abstract of the Dittay, and 'contractit in thir heidis.'

Campbell, ane Ersch womane, knawin to be ane notorious Wich; and intertimeing hir in your awin hous and Barbara Touris hous, feiking help of hir to youre bairnis; speciallic to help youre sone Thomas, be youre airt; to quhome ye send his fark to that effect, with Helene Inglis your seruand, and twa xxx f. pecis, for hir help.—(3.) ITEM, For consulting with the said Catherene, anent the bewiching and slauchter of Patrik Moscrop, your husband, quhairby ye mycht gett ane vtheir guidman; and consulting with hir, quhome ye fould marie.—(4.) ITEM, Indytit, of airt and pairt of the traffiking with Agnes Somervall, spous to Gilbert Anderfone in Dunfermling, ane commoune trafficquar with Wichis; inquiring of hir, ‘Gif sche knew ony wittie or skilfull wemene in the countrey, that will owthir caus your husband love yow, or ellis gett your will of him;’ to quhome ye gaif twa fair cleane farkis of your husbandis, to be careit owre the walter,¹ to be inchantit be thame, att the same tyme your husband fell in feiknes. Quhilkis farkis, sche tuik with hir to that effect; and brocht hame agane be hir, inchantit: And thairby, feiking help, respons and consultatioune of Wichis, to the distructioun of your spous, be Wichcraft.—(5.) ITEM, Indytit, of airt and pairt of the poyfouning of the said Patrik Moscrop, your husband, vpoun deidlie malice contractit aganis him, the fyrst yeir of your mariage; be gewing to him of poyfoun, and cuist the rest thairof in the clofett; quhairby his face, nek, handis and hail body, brak out in reid spottis: Quhilk poyfoun wes expellit be his youth. And feing the same twke na effect, as ye dewyfit, ye still continewand in your vndewtifull behaviour and impatience to see him on lyffe, quhom ye preiffit be all meanis possibill to cutt away; the said Patrik being werreit of his lyffe, be the daylie truble he had in youre company, wes compellit, for faultie of his lyffe, to expone him selff to the seas, and to pas to ffrance in youre default. Lyke as, ye, to be quyte of him, sparit nocht, in all pairtis, to feik ane hundreth crownis, for his furnitour² away; and spairit nocht speik, that your guidman wes passand to France, and baid ‘the ffeind ga with him!’—(6.) ITEM, Indytit and accusit, that inereffing in youre dewelische consultatioune with Wichis, to the wrak and distructioun of the said Patrik your husband, and efter he had returnit out of France, ye, still inying his health, and feiking to distroy him be Wichcraft foirfaid; ye send your said husbandis dowblett, with Josias Coupar your seruand, airtie in the morning, to Catherene Campbell the Wich-wyffe, duelland in the Cannogait; quhilk dowblett the said Wich sprinklit with blude, and inchantit it with vtheris forcereis, and randerit itt agane to the said Josias your seruand; quhilk be brocht hame, afoir his maisteris ryfing: Eftir the quhilk, your husband contractit ane heaue diseis, and pynit thairin

¹ Water, a word frequently used in MSS. of this period.

² His outfit and furnishing for his voyage.

niony monethis; quhilk wes na naturall feiknes, as wes testifeit and declarit be the cherurgeanis. Lyke as, the said consultatioun wes reveillit thaireftir, be the said Josias your feruand, for the discharge of his conscience; and he, for that caus, past aff the countrey to Dankin.—(7.) ITEM, Indytit, that to mak hir (yow) perfyte and weill skillit in the said airt of Wichcraft, sche (ye) causit ane vther Wich, quha duelt in Sanct-Ninianis-raw, inaugwrat yow in the said craft, with the girth of ane grit bikar, turnand the same oft owre your heid and nek, and oftymes round about your heid; quhilk wes reveillit be Marioune Love, dochter to Catherene Lyell younger, to the said Katherene hir moder.—(8.) ITEM, Ye ar indytit, that ye, haifing confaut ane deidlie malice aganis the said Catherene and Walter Scott hir spous, for declaratioun of youre inawgwring foir-faid, sene and perfavit be the said Marioune Love; ye, be youre airt of Sorcerie and Wichcraft, bewiehit hir and hir husband, in thair bodeis, guidis and geir: And swa, for airt and pairt of bewiching of the said Catherene Lyell and Walter Scott, in thair bodeis, gudis and geir, to thair grit skaith and heirschip.—(9.) ITEM, Indytit, of bewiching, be your airt of Sorcerie, of vni^{le} Johnne Yonstoune, sone to Williame Yonstoune, your husbandis sifter sone, being ane young man of xvij yeiris of aige; be the quhilk Wichcraft he deit: And swa, for airt and pairt of the crewall Slauchter and Murthour of him; only, for reveilling of your vudewtifull behaviour to youre husband, he being familiar in your hous; as the takinnis contenit in the said Dittay att mair lenth verifeis.—(10.) ITEM, Indytit, that ye, haifing confaut ane deidlie malice aganis Jonet Cokburne, dochter to Johnne Cokburne, maltman in Hadingtoun, for the doun-bringing of your purs, belt, glas and claithis, out of the chalmer, and haifing laid down the same vpoun the buird,¹ your husband tuik vp your said purs, and wald haif opuit itt; but opuit it nocht: For the quhilk, ye said to the said Jonett, ‘Weill, madin, haif ze lattin pis be done? ze sall repent itt fra zoure hairt.’ Catherene Carrutheris alias callit *Erisch Jonett* and ye, laid in hir way and passage, sic inchantit mwildis² and powder, that in schort space thaireftir, thair came ane swarff³ owre hir hairt, and sic ane flasing⁴ in hir breist, as itt had bene sum quick thing,⁵ peching and panting, heaving vp hir body; quhair-with, sche is diseast half ane hour, ewerie tyme sche takis itt; oft in the nycht and oft in the day; continewing sumtymes half ane day; haifing mair strenth nor hir accustummit maner, in tyme of hir health: And swa, for laying of muldis and powder be Wichcraft and Inchantment, in the said Jonett Cokburnis gait; be the quhilk, sche confaut ane feiknes, and wes mekill trublit thairwith, and is yit, be your airt and Wichcraft —(11.) ITEM, For the crewall Slauchter

¹ Table. ² Earth taken from dead men's graves, &c. See Jan. 27, 1590. ³ Swooning. ⁴ Palpitation of the heart. ⁵ Live.

and distruction of vmq^{lc} Ewfame Punfray be Wichcraft.—(12.) ITEM, For al-
lwring, be your develifche Wichcraft, Inchantment and Incantatioun, of Josefph
Dowglas of Punfraftoune, to love yow; vnder culloure and cloik (of) mariage
with youre dochter; and for the distruction of youre husband: In taikin quhair-
of, ye gaif him ane craig cheinzie,¹ twa belt cheinzeis, ane ring, ane emirent² and
vtheris your jewellis.—(13.) ITEM, Indytit, for the consulting with Jonett
Cwninghame in the Cannogait, als callit *Lady Bothwell*, ane auld indytit Wich
of the fynest champ, 18 zeiris fyne or thairby, for to haif poyfonit Josefph Dow-
glas of Punfraftoune, and that be ane potioun of composit walter, quhilk ye fend
Johme Tweddall youre feruand for, to be brocht vp to Barbara Toureis hous,
in ane chopene stoup; quhilk wes refflaut be him, and delyuerit to the said Bar-
bara.—(14.) ITEM, Indytit and accufit, for sending with Jonett Drummond
your feruand, certane Wichcraft, of deliberat mynd to haif bewichit Marie Sande-
landis, ane madin, att that tyme vnder promeis of mariage to Josefph Dowglas
of Punfraftoune, sche being thane in the Braidfchaw; and to diffwad hir, fyrft,
fra the said promeis of mariage of the said Josefph, becaus he had gewin his
promeis and faith to ane vthir gentilwoman; and that he had the glengore³ him
felf.—(15.) ITEM, Indytit, that be youre airt of Wichcraft, ye travellit to stay
and imped⁴ the mariage of the Laird of Punfraftoune with Marie Sandelandis;
and to that effect, directit Jonett Drummond, sumtyme youre nwrice, with sum
of youre charmes and inchantmentis, to offend the persoun of the said Marie;
quhairby, the said mariage mycht haif bene stayit.—(16.) ITEM, Indytit, of the
feiking help, consultatioun and respous, fra Annys Sampfoun, as ane Wich, and
knawin to be ane notorious Wich, for recovering of your jewellis and eidentis
agane, fra the Laird of Punfraftoune; and be frequent sending of Jonett Drum-
mond, your sumtyme nurrice, to the said Annys, to that effect, aboue sewin
tymes; and in the ane of the tymes, sche rasit the Spreit, be voce and nocht
bodellie; quha declarit, that the famin fould be delyuerit to the said Jonett
Drummond, thair messinger fend to feik the respous.—(17.) ITEM, Indytit, of the
bewiching of twa of the Laird of Punfraftounis bairnis, his eldest sone and doch-
ter, to the deid.—(18.) ITEM, Indytit, of consulting and feiking help att the
said Annys Sampfoune, ane notorious Wich, for relief of your payne in the tyme
of the birth of youre twa fonnies; and refflaung fra hir to that effect, ane boird-
flane,⁵ to be layit vnder the bowfter, putt vnder your heid, Inchantit mwildis
and powder put in ane peice paipar, to be vfit and rowit in your hair; and att
the tyme of your drowis,⁶ your guidmannis fark to be presentlie tane of him,

¹ Neck chain. ² Emerald. ³ Lues venerea. ⁴ Hindered, impeded. ⁵ Bored stone,
probably a Fairy-stone,—a stone having a natural hole, formed by the action of water, &c. ⁶ Birth-
pangs or throes.

and laid woumplit¹ vnder your bedfeit. The quhilk being praktesit be yow, as ye had refflaut the famin fra the said Annie, and informatioun of the vse thair-of; your seiknes wes cassin of yow, vnnaturallie, in the birth of youre fyrst sone, vpoune ane dog; quhilk ranne away and wes newir sene agane: And in the birth of your last sone, the same prakteis foirsaid wes vsit, and your naturall and kindlie payne vnnaturallie cassin of yow, vpoun the wantoune catt in the hous; quhilk lyke wyis, wes newir sene thaireftir.—(19.) ITEM, Indytit, for airt and pairt of the consulting with the said Annie Sampson, for the distroying of Mr Johnne Moscrop, your fader-in-law, be Wichcraft, about foure yeiris syne, or thairby: And to this effect, sending with Jonett Drummond your seruand, ane pictoure of walx, send in ane buist,² inclofit within ane guise,³ to the said Anny; and ane seruiett with heif, woimplit about the guise; quhilk pictour the said Annie gaif to the Dewill to be inchantit; and the famin being inchantit be him, wes send hame agane to yow with the said Jonett Drummond, for doing of the turne, as the said Annie declarit that itt sould serue.—(20.) ITEM, Indytit, for your deuilisch consultatioun with Agnes Sampson, pairtlye be your self, and pairtlye be the trafquicking of your auld agent Jonet Drummond, how to be re-vangeit vpoun Mr Johnne M^cGillis wyffe; and resolutioun being tane with Agnes Sampson, ane notoure Witch, sche send yow sum Wichcraft and Inchantments with the said Jonett Drummond, quhilk ye caist in att Mr Johnne M^cGillis windok; quhilk wes ane bairnis aiproune and halfclait,⁴ with sum thing bund thairin: And this mater being reveillit be vtheris, your seruandis, ye causit the said Jonett Drummond to deny the same, quhen itt wes laid to hir charge: Lyke as, sche hes confessit, that sche wes daylie and nychtlye trublit with terribill spectacles and visioumis; as, scho vissible, in ane chalmer flwre of youris, att twa eftir none, saw ane naikit man stand in the middis of the said chalmer, with ane quhyte scheit about him: As also, Jonett Aitcheson youre seruand, being send att twell houris att ewin to draw ane drink, saw lykewyis ane naikit man behind hir, with ane fark; the flewis of the ferk vpoun his leggis, and the taill about his heid; quhilk terrifeit hir: Quhilk visioumis man haif procedit of your dewilisch airt of Wichcraft: As also, the said Jonett Aitcheson wes trublit with hurchoumis.⁵ Quhilk Wichcraft foirsaid, wes cassin in agane, att the said Mr Johnne M^cGillis windok; and being fund and opuit out, kythit to be ane pictour of clay, and ane portrat of Elizabeth Home, spous to the said Mr Johnne, sewitt in ane windeine scheit; about the quhilk wes ane auld blak much⁶ woimplit, thairin inclofit fyve clewis of findrie culloures of worfett, as of

¹ Folded up. ² Box, chest. ³ Goose. An acceptable present, besides affording concealment from those less knowing than Anny. ⁴ A child's apron or pincloth, and neck-cloth. ⁵ Urchions, hedgehogs, Fr. *hérisson*; perhaps the term is used for imps of the Devil. ⁶ Mutch or cap, folded up.

blak, reid, orange, yallow and blew. Quhilkis Sorceries, Agnes Sampfoun confeffit ye maid youre felff. As alfo, the faid Agnes Sampfoune confeffit, that Jonet Drummond brocht to her the fame auld much, quhilk fcho inchantit ; lyke as alfo, the faid Jonet Drummond hes confeffit the careing¹ thairof to the faid Agnes.—(21.) ITEM, For making of ane pictour of flour and clay, for bewiching of Elizabeth Home fpoufe to Mr Johnnie M^cGill, and caufing caft the fame in att the faid Mr Johnneis kiching windok for that effect.—(22.) ITEM, Indytit, for airt and pairt of the flauchter and diftrictioun, be your devilifch craft of Wicheraft and Inchantment, of Liliis M^cCalzean, dochter to Mr Henry M^cCalzan,² ane barne of fex yeir auld ; and that be rubbing of hir face with youre naipkin, vpoune ane Soneday eftir noue ; quhen fche fell vpoune the calfey att youre cloife heid ; quhairby fche deit.—(23.) ITEM, Indytit and accufit, of the conventicle had att North-Berwik Kirk, tuentie dayes before Michelmes, 1590 ; and thair inqyryng for the Kingis pictour, gewin be Annie Sampfoun to the Dewill, to be inchantit, for the treflonabill diftrictioun of the King.—(24.) ITEM, Indytit, for being att the Conventioun haldin at the New-heavin callit the Fayrie-boillis, att Lanbmes laftwes, to the effect immediatlie aboue writtin.—(25.) ITEM, Indytit and accufit, for ane Conventioun haldin be yow and vtheris notorious Wichis, youre affociattis, att the Brvme-boillis ; quhair ye and thay tuik the fea, Robert Greirfoun being youre admerall and Maifter-manne, paff owre the fea in riddillis to ane fchip, quhair ye enterit with the Dewill, your maifter, thairin ; quhan, eftir ye had eittin and drukkin, ye caift owr ane blak dog that fkipplit vnder the fchip, and thairby, ye hewing the Dewill your maifter thairin, quha drownit the fchip be tumbling : Quhairby, the Quene wes putt bak be ftorme.—(26.) ITEM, Indytit, for confulting with the faid Annie Sampfoune, Robert Greirfoune and diuers vtheris Wichis, for the treflonabill ftaying of the Quenis hame-cuning, be ftorme and wind ; and rafing of ftorme, to that effect ; or ellis to haif drownit hir Maieftie and hir cumpany, be coniuring of cattis and cafting of thame in the fee, at Leith, and the bak of Robert Greirfounnis hous.—(27.) ITEM, Indytit, for airt and pairt of the diftrictioun of ane boit, betuix Leith and Kinghorne, and threfcoir of perfounes thairin, be your conventiounne be vthir Wichis, and be your and thair Wicheraft ; as is notour.—(28.) ITEM, For ane commoune Wielh.

THE quhilk day, the faid Dittay being red to the faid Ewfame in judgement, as itt wes produceit att lenth be the Advocatt, and drawin fummariie in heidis, as is aboue mentionatt : Eftir diuerfe obijectiounis maid aganis the famin be hir and hir preloquitouris, and diuerfe proteftatiounis maid in hir name, and an-

¹ Carrying. ² Advocate.

fueris maid thairto be the Aduocat ;¹ the Justice fband, be Interloquitour, that the saidis heidis fould be putt to the knowlege of ane Assyse : And the Assyse being chofin, that sche mycht propone hir defenffis to the said Assyse.

ASSISA.

James Johnstoune of Elphin- stoune,	James Inglis, merchant burges of Edinburghe,	James Somervall of Humbie, Alexander Fairlie of Braid,
. Anstruthir, younger of that ilk,	James Elphinstoune in Bogie, Clemmett Kincaid of the Coittis,	. . . . . Grahame of Knokdolian, Dauid Prestoun of Craigmiller,
Mr Williame Leslie of Cumlie,	George Mowbray of Seyfeild,	. . . . . Balfoure of Bandone,
Johnne Logane, portioner of Couftoune,	Johnne Drummond of Slipper- feild,	Dauid Balfour of Bello.

INTERLOCUTOR. The Justice-deputis, be resfoun of diuerse objectiounes maid be the pannell, aganis the poyntis of Dittay aboue writtin, to the Assyse ; and anfuers maid thairto be the Aduocat ; and that they continewit quhill fewin houris att ewin : Continewit the mater to the morne, in the same forme, force and effect as it wes thane : And caufit incarcerat the said Ewfame ; and warne the Assyse to be present the morne att aucht houris in the morning, ilk perfoun vnder the pane of ane hundreth poundis.

(Jun. 10.)—INTERLOCUTOR. The Justice, be resfoune 3it of the objectiounis maid be the pannell aganis the poyntis of Dittay, and the Depofitiounis of findrie perfounes maid for vereficatioun thairof, and anfuers maid thairto ; thay haifing continewit quhill fewin houris att ewin : Continewit the said mater, in same forme, force and effect as is now ; and imprefonit the said Ewfame quhill the morne ; and wairnit the perfounes of Assyse to compeir the morne, ilk perfoun vnder the pane of ane hundreth poundis.

(Jun. 11.)—THE famin day, eftir proponing of the hail obiectiounis be the pannell aganis the Dittay, and vereficatiounis thairof, and anfuers maid thairto be the Aduocatt ; the above perfounes, being chofin, fivorne and admittit, thay removit altogiddir furth of Court to the Counfal-hous ; quhair thay remanit all that nycht ; and eftir the chesing of James Johnstoune of Elphinstoune Chancillar of the said Assyse, thay votit and resfonit vpoune the poyntis of the said Dittay ; and continewit pronunceing of thair delyuerance quhill the morne.

ARTICLES of CONVICTIOUNE and VERDICT of the Assyse.

(Jun. 12.)—THE quhill perfounes of Assyse, eftir lang deliberatioun and continewance in the Counfal-hous, vpoune the resfoning and voting vpoune the poyntis of the said Ewfame M^cCal3an

¹ It is perhaps to be regretted that no notice is preserved in the Record, of the long pleadings which occupied the whole of this and the two following days. Neither has any record been kept of the evidence adduced. Should the Depositions of the witnesses be found amongst the loose papers belonging to the Court, (which are very numerous, and have never been arranged or examined,) they shall be given in the Appendix.

Dittay; being throwehlie auifit thairwith, re-enterit agane in Court, and thair, be the mouth of the said James Johnstoun of Elphinstoune chancillar, stand, pronunceit and declarit the said Ewfame, (1.) To be Fylit, culpable and convict, of consulting with Catherene Campbell, ane Ersch woman with ane fallin neife, duelland for ane lang space in the Cannogait heid, ane notorious Wich; and intertinninge the said Catherene in hir awin hous, and in the hous of Barbara Toures, the relict of vinq^{le} James Harlaw,¹ feiking help of hir to hir bairnis; speciallie to Thomas hir sone, to quhome sche fend his said airt.—(2.) ITEM, of the bewiching, be hir airt of Sorcerie, of Johnne Yonstoun, sone to Williame Yonstoun, hir husbandis sifter sone, ane young man of fewintene yeiris of aige; quhairby he deit: And sva, for airt and pairt of the slauchter of the said vinq^{le} Johnne, be the said airt.—(3.) ITEM, of the consulting with Jonett Cwninghame in the Cannogait heid, alias callit *Lady Bothwell*, ane auld indytit Wich of the fynest champ, auchtene yeiris syne or thairby, for poysoning of Joseph Dowglas of Punfrautoune, and that be ane potioune of composit walter, quhilk sche fend hir seruand Johnne Tueddall for, to be brocht vp to Barbara Toures hous in ane chopene stoup; quhilk wes ressaunt be him, and delyuerit to the said Barbara.—(4.) ITEM, of the feiking help, consultation and respons, fra Annie Sampfoun, knawin ane notorious Wich, for recovering of hir jowellis and emdent² agane fra the Laird of Punfrautoune; and that, be the frequent sending of Jonet Drummond, sumtyme hir nurrice, to the said Annie to that effect, aboue sewin tymes.—(5.) ITEM, for consulting with Annie Sampfoun ane Wich, for getting of mwildis fra hir, to be vsit be the said Ewfame, in releif of hir payne, in hir birth of hir twa sonnes.—(6.) ITEM, of airt and pairt of the consulting with Annie Sampfoune, for distroying of Mr Johnne Mofcrop, hir fader-in-law,³ be Wichcraft, about foure yeiris syne or thairby; and to that effect, sending with Jonett Drummond hir seruand, ane pictour of walx, fend in ane buift inclofit within ane guise, to the said Annie, and ane feruiet with beiff womplit about the guise; quhilk pictour the said Annie gaif to the Dewill to be inchantit; and the famin being inchantit be him, wes fend hame agane to hir with the said Jonett Drummond, for doing of the turne; as the said Annie declarit to the said Jonet, that it fould serue thairto.—(7.) ITEM, fand hir culpabill, of making of ane pictour of flowre and clay, for bewiching of Mary Home, spous to Mr Johnne M'Gill, and causing cast the famin in att Mr Johnne M'Gillis kiching windok, to that effect.—(8.) ITEM, culpabill, for the tressonabill Conuenticill had be hir, Annie Sampfoune, Johnne Fiene and diueris vthiris, att North Berwik-Kirk, tuentie dayes before Michelmes 1590; and thair, inquiring for the Kingis pictour, gewin be the said Annie Sampfoune to the Dewill, to be inchantit be him, for the tressonabill distruction of the King.—(9.) ITEM, convict of the tressonabill Conuentione, haldin be him, hir and thame, att the New-heavin, callit Aichfounnis-heavin, att Lambies lastwas 1^m.V^c.lxxxx, to the tressonabill effect immediatlie aboue writtin, viz. in feiking of ane pictour, to the tressonabill distructione of the King.—(10.) ITEM, convict of commoune Wichcraft and Sorcerie, and vsing of the said Wichcraft aganis sındrie his hienes liegis.—(11.) AND ALS, Acquit the said Ewfame of the hail remanent poyntis contenit in hir Dittay foirsaid, quhair of sche wes accusit.

DOOM of Forfeiture and Sentence of Death.

(Jun. 15.)—The quhilk day, Ewfame M'Calzane, spous to Patrik Mofcrop alias M'Calzane, being presentit on pannel, as sche that wes convict of before, be ane condigne Assyse, in ane Court of Justiciarie, haldin in the said Tolbuith in Edinburgh, the tuelt day of Junij instant; for the consulting with Catherene Campbell, ane Ersch woman with ane fallin neife, &c. (here the above

¹ Probably the widow of the Notary whose Protocol-book has been quoted in the Notice prefixed to this Trial. ² Emerald stone. ³ He appears as one of the 'Prelocoutouris' in her defence.

articles of conviction are rehearsed.)—For the quhilk crymes, the said Justice-depute ordanit the said Ewfame, be the mouth of Williame Gray dempstar, as culpabill and giltie thairof, to be takin to the Castel-hill of Edinburghe, and thair bund to ane staik and brunt in affis, quick,¹ to the death: And all and findrie hir landis, heretageis, takis, stedingis, roumes, possèssionnes, coirnis, cat-tell, guides and geir, to be forfaitit and escheit to our souerane lordis vsè.

[ANOTHER unfortunate *hiatus* in the Records of the High Court of Justiciary takes place at this period; the Books of Adjournal, from October . . 1591 to May 18, 1596, having been lost. The Editor has been at some pains in tracing the loss of this portion; and it is so far satisfactory that he is enabled to report, that this must have occurred previous to the time when Lord Fountainhall framed his MS. Abridgement;² which is still preserved in the Advocates' Library. That eminent lawyer leaves a blank for inserting notices of the proceedings, in case the Record should afterwards have been found; but he does not hazard any conjectures as to the time the missing volume had been taken away or destroyed. It is to be hoped that the volume may still be preserved; and that, if it has found its way into any public or private collection, it may yet be restored to the Clerk of Justiciary.

In a second MS. Collection, also preserved in the Faculty's Library, and understood to have been compiled by Lord Roystoun,³ it would appear that the same deficiency had still existed in his lordship's time. The following memorandum is transcribed from that Abstract:⁴

‘NOTA. As there is no Record from October 1591 to 17th May 1596, we are deprived of what pass in that intervall. I shall therefore notice what tryals are mentioned by Spotswood, during that time.

· First, he mentions, page 391, that David Grahame of Fintrie was found guiltie, and beheaded, 16 Feb. 1592, for being concerned in a Popish plott; the particulars whereof are there narrated, and in a printed Narrative, anno 1593, London.

¹ This was the severest sentence ever pronounced by the Court, even in the most atrocious cases. In ordinary instances of Witchcraft, the culprit was previously strangled at the stake, before being burnt. Ewfame Makealzean endured her fate with firmness and obstinacy to the last. She does not appear to have repented her crimes, but rather seems to have gloried in what she had attempted.

² ‘Ane Abridgement of the Books of Adjurnall.’ W. 1. 26. Sir John Lauder (Lord Fountainhall) was one of the fifteen Ordinary Lords of Session, appointed after the Revolution, Nov. 1, 1689. On his death, he was succeeded in his office by Andrew Fletcher, (Lord Milton,) Jun. 4, 1724, after having sat upon the bench for the long period of almost thirty-five years.

³ Sir James MacKenzie (Lord Roystoun) was appointed an Ordinary Lord of Session on the resignation of Lord Prestonhall, (R. Mackenzie,) Jun. 7, 1710, and was succeeded by Charles Areskine, (Lord Tinwald,) Nov. 29, 1744.

⁴ ‘Abstract of the Books of Adjournal,’ Advocates' Library, M. 5. 14. fol. 161.

‘ Stewart E. of Bothwell, in Aug. or Sept. 1593, tryed and acquit of consulting with witches against the King’s life. Vid. Agnes Sampson’s tryal, as mentioned, page 383, in Spottfwood.

‘ In the Parl^t, anno 1594, the Earls of Angus, Huntlie and Errol, are forfaulted, for the same treason and Popish plot for which Grahame of Fintrie was forfault in Feb. 1592.

‘ Allan Orme, servant to the Earl of Bothwell, and James Cochran, keeper of Blacknefs Castle, execute for art and part in Bothwell’s treason. Executed in Oct. 1594.’

In order to supply, in some measure, the want of this Volume of the Books of Adjournal, the Editor has ventured to insert in this place, rather than in an Appendix, pretty copious extracts made by him from the Records of the Privy Council of Scotland. These notices are, for the most part, necessarily taken merely in abstract. It is greatly to be wished, that the truly valuable mine of historical information contained in the Acts of Secret Council, may, through the liberality of His Majesty’s Commissioners on the Public Records, be speedily published, under the superintendence of the present Deputy Clerk Register; to whose indefatigable and well-directed exertions, the restoration of the Records of Scotland is mainly to be attributed. The present state of the Public Registers, and the facilities now afforded for consulting them, would reflect honour on any country.]

(May 19, *apud Halirndhous.*)—WILLIAME MAISTER OF ANGUS and DAVID GRAHAME of Fintrie, being baith personallie present, decernit to tyne thair lyverentis, being dilaitit and accufit, that thai had declynit fra the trew and Chriſteane Religioun, refusyng to reforte to the preicheing of Godis worde; and that, be ressoning or disperfing of buikis or lettres, thay had presumit to persuade his Maieſteis subiectis to declyne fra the professioun of the trew religioun, and thairthrow had incurrit the pane of tinfale (lofs) of all thair mouable guidis, togidder with the lyfrentis of thair landis, &c.

(May 21, *apud Edinburgh.*)—Alexander Guthrie, fear of Kincaidrum, become actit and obleift as cautioner and fourtie to WILLIAM DOUGLAS (MAISTER OF ANGUS), eldest sone lauchfull to Williame Erll of Angus, that he fall repair to the town of Dundee, within the space of foure dayis eftir the dait heir-of, and thairin remane, quhill he mak faill and depairt furth of this realme, within the space of fourty dayis thaireftir: And that he fall nocht returne agane within the same, without his Maieſteis licence obtenit to the same effect, vndir the pane of ten thousand pundis.

(Sic subſcribitur) ALEX^R GUTHRIE appeirand of Kincaidrum.

(May 24, *apud Falkland.*)—SIR JAMES DOUGLAS of Drumlangrig, knight, and his deputis, fufpended and difcharged ‘ of all vſing of the office of Baillierie’ of the regalitie of Mortonne, ‘ ay and quhill it be tryit quhidder he be denudit of the richt and poſſeffioun of the fame or nocht ;’ for ‘ cwming with convocatioun of his hienes liegis in armour, vpoun the xxvij day of Marche laſtbipaft, to the toun and landis of Penpont, quhair Thomas Kirkpatrik of Cloſburne, Shereff-depute of Drumfreis, with his memberis of Courte, wer fitting in jugement, in ane fenſit Courte haldin be him, and violent taking away of Johnne Wilfoun in Haghill furth of the ſaid Courte, eftir he was enterit vpoun pannell, and reddy to have vnderlyne the tryale of ane Affiſe, for certane crymes of thift committit be him, and flaying.’

(May 24.)—Proclamation againſt NINIANE CHIRNESYDE, ſeruitour to Frances Erll Bothuill, for treaſonably conſpiring the death of the king, ‘ be Witchcraft, Sorcerie and vtheris traterous and diabolicall meanis.’

(Jun. 25, 1591, *apud Edinburgh.*)—Proclamation againſt ‘ FRANCES ſumtyme ERLI BOTHUILL, that, notwithstanding of his Maieſtys clemency, &c. in ſuperceding, as of befor, the pronouncing of dome aganis him, in hoip of his converſioun, penitency and amendment, quhill now that his hienes, perſaving that he hes gevin him ſelf ower altogidder in the handis of Sathan, and that his ſpreit has ſa nichtelie prevalit into him, that he yit ſtill inſiſtis, without feir of God, or reſpect to honeſtie or ſchame of the warld, to continew in all kynd of filthines, helping treſſoun vpoun treſſoun, aganis God, his Maieſtie and this his native cuntrie, eur aſſiſting ſic perſonis, be force, counſall and vtherways, as wer and ar innemeis to God, his hienes, and ſocht the ſubuerſioun of the trew Religioun ; takand the mainteinance of tratouris, murtheraris and vtheris wickit perſonis, quha, to impetrat impvntie of thair wickit lyffis and libertie to do evill at all tymes, maid thair dependance vpoun him ; he having alſua now at laſt, for the better executioun of his wickit intentioun and treſſonabill conſpiracie aganis his Maieſteis avin perſoun, had conſultatioun with Nygromanceris, Witcheis and vtheris wickit and vngodlie perſonis, bayth without and within this cuntrie, for bereving of his hienes lyff, confeſſit be ſum of the ſame kynd, alreddy execute to the deid, and ſum vtheris yit on lyve, reddie to be execute for the ſame cryme : And being wardit within the Caſtell of Edinburgh quhill he had bene tryit of the fame, he hes now at laſt eſchopit, and ſua hes takin the ſaid treſſonabill cryme vpoun him, eftir that his hienes nochtwithſtanding had yeildit to ſum conditionis concerning his libertie : ffor the quhilk caus, and for the formar treſſonabill offence quhair of he wes convict, in maner foirſaid, his Maieſtie now at laſt hes cauſit pronounce the Dome and Sentence of fforfaltour aganis him ; as the ſamyn at mair lenth beiris : Swa that preſentlie he remanis a declarit rebell,

tratour and innymie to God, his Maieftie and this his natiue cuntrie.'—Therefore 'that nane refset, fipple, felhaw fauour, intercommoun, nor haue intelligence' with him, &c.

(Jul. 21.)—The Lords declare a certain Letter of Relaxation, in favour of COLINE CAMPBELL of GLENLYOUN, 'to have bene and to be maift priuelie and furreptitiouflie purcheft¹ of his Maieftie, without his hienes priwitie or allowance; and thairfoir of nane avale, force nor effect.' And ordained the Letters of Horning, Caption, Treafon and Commiffion following thereupon, 'purcheft be Dame Agnes Sinclair Counteffe of Errole, and Alexander Gordoun of Strathdoun hir fþous, for his intres, to be put to forder executioun in all pointis.'—On Sep. 25, 1587, Campbell of Glenlyoun was denounced rebel and put to the horn, 'be virtue of twa feuerall letteris rafit at hir instance; the ane for nocht comperance, perfonallie, befoir his Maiefties and Lordis of Secreit Counfall, to have anfuerit to ane complaint maid be hir vþouu him; and the vther for not refloring and delyuering to hir of certane gudis, geir, inficht pleniffing, jowellis, gold, filuer and vtheris fþulzeit be him fra hir, or ellis the avale and pryces thairof perticulerlie fþecifeit and contenit in the faidis letteris. And becaus he remanit contempnandlie at the faid proces of horne vnrelaxt, the faid Dame Agnes pureheft letteris, be deliuerance of the Lordis of Secreit Counfall, quhairwith felo caufit charge him, and the keparis and detenaris of his duelling-houffis refpectiue, to rander and delyuer the famyn to the officiar execontour of the faidis letteris; as alfua, to entir his perfon in ward within the Castell of Blaknes, within a certane fþace mentionat in the fame letteris, vnder the pane of treffoun; quhilk chargeis he maift prouddie and contempnandlie difþobeyit; and thairfoir, felo wes forecit to crave his Maiefteis Commiffioun for perfute of him felf, and affageing of his houffis and ftrenthis with fyre and fwerd: fþor ftaying of the executioun quhairof, he hes of lait, be the moyen of fþum felhameles and vndifereit perfonis, preferring thair awin prevat gayne and commoditie to his hienes honour, maift priuelie, &c. purcheft ane letter vnder his hienes fþubfcriptioun and fþignet, relaxand him fra all and quhatfþumeuir proces of horne,' &c.

(Aug. 9.)—Proclamatioun for the perfute of the ERLLE BOTHWILE, 'fþor refifting of quhais treffonabill intentioun and practizes, reþreffing of the infolence of thame,² and the brokin men fþerit vp be thame on the Bordouris, and vtherwayis to the brek of his hienes peace, and difturbing of the quiet eftate of the haille He, his Maieftie intendis to tak the fþeildis in propir perfon.' Charges are therefore ordained to be given to 'the erllis, lordis, baronis, fþewaris, fþrehaldaris, laudit gentilmen and fþubftancious zemen, togiddir with the inhabitantis

¹ Procured, obtained.

² Bothwell's abettors.

of burrowis, betuix fextie and fextene yeiris, duelland within the boundis of the Scherefdomes of Edinburgh principall, and within the Couftabularie of Hadingtoun, Berwik and Roxburgh, alfweill regalitie as ryeltie, that thay and ilk ane of thame, weill bodin in feir of weir addres thame felffis to repair to his Maieftie, at Edinburgh, vpoun the fext day of Auguft instant,' &c.

(Aug. 6.)—A 'BAND' between the LAIRDS of CESFURDE, BUKCLEUCHE, Home of Broxmouthe; Lauder of Bafs, Ker of Lyntoun, Douglas of Caverfe, &c. is recorded, wherein they bind themselves to use their utmost endeavours to take Bothwell, &c.; and, amongst other conditions, they engage to 'lay afyde all perticular querrellis, deidlie feidis and contrauerfeis ftanding amangis thame, and for na caus fall fehrink frome his Maiefties feruice.'

(Aug. 7.)—His Majesty 'finding sum of the cheif perfonis suspect culpabill in the lait diforderit contempt to have repentit thame thairof, and quhill tryell of thair pairtes to haue voluntarle offerit them felffis in his hienes ward,' difpenfes with the attendance of his subjects, having now abandoned the intention of *Repairing to the Borders against BOTHWELL*.

(Aug. 7.)—SIR WALTER SCOTT of Branxhelme, kny^t,¹ finds Sir James Scot of Balwery, kny^t, and Williame Scot of Abbotifhall, as sureties, that he 'fall depairt furth of this realme within the fpace of ane moneth,' and 'not returne agane within the famyn during the fpace of thre yeiris nixtocum, vnder the pane of ten thowfand pundis.'

(Aug. 29.)—SIR WALTER SCOTT of Branxhelme, kny^t, is relieved 'of his office and charge of keping of Liddifdaill,' 'becaus he is to depairt furth of this realme, be his hienes licence and permiſſioun, &c.'

COMMIſſIOUN for *Examining of Witcheis*.

(Oct. 26. *Apud Halirudhous*.) FORSAMEKILL as the Kingis Maieftie, with aduife of the Lordis of his Secrete Counſale, hes gevin and grantit, and be pir prefentis, gevis and grantis his hienes full pouer and Commiſſioun, expres bidding and charge to his trufty and weilbelouitt counſalouris, Sir Johnne Cokburne of Ormeftoun Juſtice clerk, Maifter David Makgill of Neſbitt Aduocat, as alſwa to M^{rs} Robert Bruce and Johnne Dunkiefoun Miniſteris, Williame Litill prouoſt of Edinburgh and Johnne Arnott burges pairof, or ony three of thame coniunctlie; all and findrie perfonis, alfweill pame quhilkis ar alreddy convict or vtheris quhilkis ar detenit captiue and hes confeſſit, and ſum that hes not confeſſit, as alſwa all ſie vperis as ar dilaitit, or that heireftir falbe accuſed and dilaitit, off committing, vſing and practizing of Witcheraſt, Sorcerie, In-

¹ Several others, of lesser note, find surety to depart the kingdom at this time.

chautment and vtheris divilifch divyfis, to the difhonnour of God, sklender of his worde, perrelling of þair awin faullis, abufeing of þe commoun people and grite contempt of God, his Maieftie, his autoritie and lawis : To call and convene befor the faidis Commiffionaris, or ony three of thame coniuuctlie, as faid is, alf-oft as neid beis, and thame to try, enquiry and examinat, thair Depofitionis to putt in write, and the fame to reporte to his hienes and his Counfale ; to the effect þai may be putt to the knaulege of ane Affyife, and iuftice miniftrat as affairis, or fie ordour takin with þame as to his Maieftie and his faid Counfaiil falbe thocht maift meit and convenient : The perfonis wilfull or refufeand to declair the veritie to putt to tortour, or fie vþir punifhment to vfe and caus be vfit, as may move thame to vtter the treuth : And generallie, all and findrie vtheris thingis to do and vfe, that heirin is requifite to be done : Fferme and ftable haldand and for to hald, all and quhatfumeuir thingis the faidis Commiffioneris, or ony thrie of þame coniuuctlie, as faid is, lauchfullie do heirin.

(Oct. 28.)—‘ Francis Erll of Errole cheiff, James Lord Hay of Zefter and Williame Hay of Gourdie, with the remanent kin and freindis of vmq^{le} James Hay, fone to the faid Williame,’ having raifed Criminal Letters againft ANDRO HERING of Little Blair, *Reid Johune Hering* in Gilmertoun, *Blak Johune Hering* in Afflehill and James Hering in Morganftoun and thair accomplices, for the cruel and unmerciful Slaughter and Murthour of the faid James Hay, in Feb. 1589, ‘ quhen his Maieftie wes in Denmark ; the faid complenaris offerrit thame reddy to haue perfewit iuftice, gif thai could haue had ony certantie to haue the fame miniftrat,’ &c. The Earl of Errol accordingly applied for and obtained a Commiffioun, for fearching and bringing the murderers to iuftice. Letters of Caption were likewise granted, and *Black John Hering* fecured and placed in ward, and the others put to the horn ; but, in the meantime, Hering obtained a Refpite for feven years, in the face of thefe proceedings, of a recent Act of Parliament, and of the Kingis ‘ Declaratioun left and publiſhit at his departing to Denmark.’ A charge was therefore given to ‘ David Hering younger of Glaſclune, purcheffair of the faid Refpett,’ to appear before the King and Privy Council, bringing with him the Refpite, and to fee the fame declared null, ‘ or ellis to haue allegeit ane reffonable caus quhy the famin fould nocht haue been done :’ And the parties appearing accordingly, ‘ the Kingis Maieftie and Lordis of Secrete Counfale findis that thai ar nocht iugeis competent to the Reductioun and annulling of the faid Refpett ; and thairfoir Remittis this mater to the Iuftice general and his deputis, ordaning thame to proceid and minifter iuftice thairin, according to the Actis of Parliament, lawis and practieque of this realme obferuit in fic caiffis : And in the meantyme, that the faid Johune Hering be committit to warde within the tolbuith of Edinburgh, thairin to remane

vpoun hes awne expenffis, ay and quhill he be tryit for the said slauchter and justice ministrat as effeiris.'

(Oct. 28.)—On the Complaint of JAMES LORD OGILVIE of AIRLIE, 'that quhair he hes bene his Maieftis faithfull and obedient fubject, fubmitting him felff alwayes to his hienes and the Lawis of the countrey, and thairby reposing him felff vnder his hienes protectioun, beleving to haue reffaut iniurie of na man; neuirtheles ARCHIBALD ERLI OF ERGYLE and his freindis, vpoun quhat motiue or occafion the said Lord knawis not, without ony deferving on his parte, hauing concludit the wrack of his hous or freindschip; and being infor-meit that he had reteirit him felff in fobir and quiet maner, to duell and mak his refidence in Glen-Ilay, finding the place convenient for thair interprife, the said Erl and his freindis fett oute certane brokin Hieland men, thay ar to fay, Johnne Campbell bruthir to Campbell of Lochinyell, Johnne Dow M^cCondoquhy in Inuerraw, Neill Leich in Lochquhabir, Donald M^cCarlich in the Laird of Glenvrquhyis landis, Allane Roy M^cMoig fone to the Laird of Glenco, Archibald Campbell of Perfie, Coline Campbell of Glenlyoun, Archibald Campbell his bruthir, Johnne M^cRannald in Lochquhabir; quha in the moneth of Auguft laftbypaft, to the nowmer of ffyve hundreth men of the cuntrey of Ergyle, duelland for the maift parte within the fame, and reffett thairin, with the guidis and depredatiounes vnderwritin, off fett purpois and deliberatioun to haue flane the said lord, and to haue wrackeit and fpuilzeit the countrey: Lyke as, vpoun the xxj day of Auguft laftbypaft, thay enterit in Glen-Ilay vnder filence of nicht, with fic force and violence, that the said Lord, lyand fa fer frome his freindis, vpoun fic fuddantie wes nocht able to refift thame, bot with grite difficultie and fchorte aduertifment, he, his wyffe¹ and bairnis haueing efchaiped, thay enterit in the countrey with fic barbarous crueltie, not fparing wyffis nor bairnis, bot murthowrit and flew all quhome thay fand thairin, to the nowmer of xvij or xx perfones; and fpuilzeit and away-tuke ane grite nowmer of nolt, fcheip and plenneffing, to the vtter wrack and vndoing of the hail pure inhabitantis of the cuntrey: Quhilk being maid knawin to his Maieftie, his hienes nocht onlie caufit ane affurance to be takin betuix the saidis pairteis, bot alfwa directit ane speciall Lettre to the said Erl and his freindis, to reteir² the saidis brokin men to their awin countrey, that the said Lord and his freindis wer nocht forder troublit with thame; with ane charge to thame felffis vnder the pane of Treffoun. Quhairupoun the said Lord and his freindis haueing dependit, hoiping to be in furetie thairby, and to haue reffaut na iniurie of new, during the affurance of the said Erl, nor nane of his; neuirtheles the brokin men, quha maid the inuafion abouewritin, haue-

¹ Jean, eldest daughter of William seventh Lord Forbes.

² Fr. *retirer*.

ing continuallie fenfyne remanit in the hillis, and haueing conuocat vnto thame felffis ane grit nowmer of fornaris,¹ quha, in the tyme of sic affiurance, hoiping with small travell to get geir, vilipending his Maiefties charge gevin to thame as faid is, and the faid Letteris nor perfonis foirfaidis, haueing na respect to his Maiefties Letteris, thay vpoun the . . . day of September laftbipaft, within the tyme of the affiurance, vudir filence of nicht invadit the inhabitants of Glen-Ilay and Glen-Clova, and hes murthourit and flane three or foure innocent men and women, and reft and takiu away ane grit pray of guidis ; fwa that the pur men duelland in Glen-Clova, Glen-Ilay and vtheris pairtis adjacent to the Month,² quha ar nocht able to make refiftance, ar fa opprest be the brokin men and fornaris houndit oute be the Erl of Ergyle and his freindis, and mantenit and reffett be thame, that nather be his Maiefties protectioun nor affiurance of the pairtye can thair lyveys and guidis be in furetie.'

The above-named perfons were accordingly charged to appear before the King and Privy Council, under the pain of rebellion. Lord Ogilvie appeared on the day appointed, to call them to account for these barbarities ; but none of them having come forward, they were ordained to be denounced rebels, &c.

(Oct. 28.) LICHTANE OF VSANE,³ Johnne L., Archibald and Alexander Ogiluy and Johnne Smith his feruandis, George Ogiluy fone to Alexander O. of Drummis, now feruand to James Lord Ogiluy, Williame and O. fonis to Johnne O. of Quheich, O. bruther to Innerquharritie, (and fundry others, fervants to the Lairds of Teiling and Balfour, &c.) were charged, ' that quhair vpoun the xvj day of August laftbypaft or thairby,' they, ' with convocatioun of his Maiefties liegis, to the nowmer of threfcoir perfonis or thairby, all bodin in feir of weir with jakkis, fpeiris, hacquebutis, piftolettis and vtheris waponis, *invasiue*, prohibite to be worne be the lawis of this realme and actis of Parliament, off the fpeciall caufing, fending, hounding oute, command, &c. of the faid Lord, come vpoun vmq¹⁶ Robert Campbell in Milhorne, Williame of Souttarhous, Thomas C. portionar of Kethik and Johnne C. of Muretoun, and maift cruellie and vnnereifullie murdreift and flew thame, vpoun fett purpois, prouiffioun and foirthocht fellouny, in hie and proude contemptioun of his Maieftie, and encouragement of vtheris to committ the like shamefull and cruell flaughteris heireftir,' &c.—The Letters raifed were at the instance of ' the wyffis, bairnis and remanent kin and friendis' of the deceafed perfons, charging the above parties to appear before the King and Council ; and they not obeying the charge, were ordained to be denounced rebels, &c.

¹ Vagabonds belonging to no clan, who lived by plunder and by taking free quarters, or *sorning*, as it was termed. ² Mountains, hill-country. Lat. *Mons*. ³ Ulysses-haven. Of this family was Robert Leightoune, Bishop of Dunblane, and afterwards Archbishop of Glasgow.

(Oct. 28.)—Bond by Robert Douglas of Cashogill, dated Oct. 23, 1591, recorded, whereby he binds himself as cautioner for Sir JAMES DOUGLAS of Drumlanrig, kn^t, that ‘ Thomas Kirkpatrik of Clofeburne, his men tennentis and seruandis, falbe harmeles and skaithles,’ under the pain of L.5000.

(Nov. 3.)—ROBERT LORD SEMPILL, having been charged to appear before the King and Council, ‘ to haue vnderlyne sic ordour as fould be prescruit, twicheing the obseruatioun of peax, quietnes and gude reule in the cuntrey, vndir the pane of rebelliou’—and not complying, he was ordained to be denounced Rebel, &c.

(Nov. 13.)—David Edmestoun of Wowmatt and James Laufoun of Humbie, become bound for Schir JOHNE EDMESTOUN of that Ilk, that he ‘ be him selff, and all thai that he is oblist to anfuer for be the lawis of this realme, &c., fall keip the Kingis Maiesteis peax,’ &c., under the pain of L.5000.

(*Eodem die.*)—Andro Logane of Coitfeild became cautioner for GEORGE HOPPRINGLE of Torwodlie, to the same effect as above, under the pain of L.2000.

(*Eodem die.*)—James Hoppringle of that Ilk and James H. of Quhytebank, became cautioners for JOHNE HOPPRINGLE of Buckholme; and Buckholme and Quhytebank for JAMES HOPPRINGLE of that Ilk—each under the pain of L.2000.

(*Eodem die.*)—James Douglas of Cavers, schereff of Teuiotdaill, became surety for WALTER TURNBULL of Bedreule, under the pain of 1000 merks.

(Nov. 17.)—WILLIAME CUNYNGHAME of Tourlandis denounced, for not finding caution.

(*Eodem die.*)—Patrik Cokburne, tutour of Langtoun, became surety for GEORGE HAITLIE in Hordlaw, under the pain of 500 merks.

(Nov. 19.)—JAMES EARL of GLENCAIRN ordained to be charged to find caution, to the extent of L.20,000 within eight days, ‘ or ellis within the same space, pas and entir his persone in warde be-North the watter of Erne and about the burgh of Perth, and thair remane and keip warde; and on nawayis transcend the said boundis, ay and quhill he be fred and relevit be his Maiestie, vnder the pane of rebelliou?’ And if he should fail, to denounce him rebel.¹ On Nov. 24, he is again charged to pass to ward, ‘ for contemptuous remaning at the horne, for none obeying of the Decrete Arbitrall pronunceit be his hienes and the Lordis of Counsaile and Seffioun, betuix the said Erll and Dame Annabill Murray Countesse of Mar.’ He is likewise charged, ‘ to rander and delyuer his houffis of

¹ A great number find similar surety at this period. From the above excerpts, which are given as specimens, some idea may be formed of the value of the Privy Council Records, in elucidating historical and genealogical enquiries.

Kilmarranók, Findlactoun, Stevinstoun, Kilmaweris and Glencairne, to the officiar executour of the saidis letteris,' under certification. On Dec. 15, he is charged to return a bond for L.20,000, under the pain of rebellion.

(Dec. 17.)—PATRIK LORD GRAY, being personally present, is ordained to 'bring, present and deliuer to his Maiesteis stabularis, vpoun the xij day of Januair nixttocum, his hienes awin hors, callit ,¹ quhilk wes vuhonnestlie tane away be James Gray sone to the said Lord, and sumtyme serwand to his Maieftie; as alsua, to bring and present the said James befor his hienes, or expell him furth of this realme, betuix and the last day of the said moneth of Januair; and failzeing heirof, that the said lord pas and entir his persone in warde within the Castell of Dumbartane;' under certification.

(Jan. 12, 1591-2.)—The Kingis Maieftie, with advise of the Lordis of Secrete Counsaile, ffindis and declairis, that DAVID HAMMILTOUN of BOTHUELLHAUCH, (otherwise designed of Monkton mains,) Isobell Sinclair and Alefoun Sinclair, heretrices-portionaris of the landis of Wodhoullie, aucht and fould be repoffessit to the landis, houffis, takkis, stedingis and possessionis whereof thay wer dispossessit, throw occasioun of the late trublis.²

(Jan. 12.)—A 'PROCLAMATIOUN *aganis thame that rydis missellit*'³ is recorded, stating 'that there is diuers and sundrie personis, arte and pairt-takeris with Frances sumtyme Erll Bothuile, in the latt treffounable CONSPIRACY attemptit within his hienes PALICE OF HALIRUIDHOUS, vpoun the xxvij day of December lastbipast, for bereving of his Maieftie of his lyffe and crowne, and that vthirwayis ar dilaitit and suspect to haue bene vpoun the foirknaulege and devise of the same Conspiracie, quhilkis nicht and day trauellis and rydis ouer all pairtis of this realme, with thair faceis couerit, and vtherwayis difagyfit,' &c. Therefore directs Proclamation to be made, 'that nane of thame tak vpoun hand to ryde or gang nicht or day, to or fra, in ony parte of this realme, with thair faceis coverit or vtherwayes difagyfit, in tyme cuning;' and to charge the lieges 'to tak and apprehend' all such persons; 'or, gif thay be nocht of pour sa to do, that they ryfe schowte, rais the fray, follow, concur and assist ilk ane with vtheris, to the taking and apprehending of thame,' &c.; under certification.

(Jan. 15.)—John Graham of Knokdoleane and John Stuart fear of Barcube, become sureties for Sir JOHNNE EDMESTOUN of that Ilk, kn^t, James Edmestoun of Duntreith, kn^t, and James alias Jacobe Edmestoun of Newtown, as principallis, for thame sellis, and takand the burding vpoun thame for thair haill kin, freindis,

¹ Left blank. ² They were formally restored by Act of Par. 1609, cap. 41. See Acts fol. 450.

³ Muffled, masked, disguised; commonly written *mussallit*. O. Fr. *emmussallé*.

furname,' &c. on the one part; and 'James Commendatair of Incheffray and Hary Lindfay of Kinfawnis, as cautioners for Schir JAMES CHEISHOLME of Dundorne, kn^t, as principall, for him selff, and takand burding for him for his haill kin,' &c. on the other part; that they should observe the contents of certain Letters of Slains, dated Nov. 25, 1587, granted by the 'cheiff kynnisfinen and freindis on the fader fyde and moder fyde of vmq^{le} Mungo Edmestoun, bruthir to James alias Jacobe E. of Newtoun,' who was slain within the burgh of Stirling, in Nov. 1585, 'under the pain of perjurie, infamy and tinfall of perpetuall credite, honnour and estimatioun, in tyme cuning; and forder, vnder the pane of 5000 merkis.'

(Mar. 8.)—A Proclamation made 'anent deserting of the Raid appointit for perfute of the ERLI OF HUNTILIE.'

(Apr. 4, 1592.)—PROCLAMATIOUN *anent the Arrivall of Spanygartis*. 'Forfamekill as it is vnderstand to the Kingis Maiestie and Lordis of Secreit Counfall, that thair is certane Spanishe shippis, riggit oute in weirlike maner, and presentlie in reddines to repair to the North Ilis and coiftis of this realme, and cheiflie to the pairtis ewest the cuntreys of Orkney and Zetland; for rubbing, spuilzcing and invading, as thay haue done ofbefoir, not onlie his Maiesteis awne subiectis, bot the Queene of England his darrest suster and cousin, and sic vther Princeis as standis in strait league of amitie and freindship with his hienes, occupiit this seasone of the yeir in thair lauchfull and accustumat trade of fisheing; be quhais labouris and industrie, grit commoditie wes randerit, and in speciall to the inhabitantis of this haill Iland,' &c. Therefore, desires that Robert Earl of Orkney, the sheriffs, &c. in the northern parts of the kingdom, 'that nane of thame tak vpoun hand to suffir or permitt ony Spanishe veshellis, Spanygartis, pyrottis or revaris, to have reflett or refuge in ony of thair portis,' &c. and to rise and concur in their expulsion.

(Apr. 14.)—'PATRIK MASTER OF GRAY and ROBERT GRAY youngair, his bruthir,' denounced, for not appearing 'to haue ansuerit to sic thingis as sould haue bene inquirit of thame at thair cuning, tuicheing the Reflett, intercommuning and haueing intelligence with Frances sumtyme ErlI Bothuile and his complices, culpable of the lait tressounable fact, committit within the Palice of Halyrudhous.'

[*Adam Bishop of Orkney, Alexander Commendator of Culrose, Edward Commendator of Kinloss, John Earl of Mar, John Lord Thirlstane chancellor, Sir Robert Melville of Murdocairny, kn^t, treasurer, Walter Commendator of Blantyre keeper of the Privy Seal, Mr Richard Colburn apparent of Clerkingtoun secretary, Sir John Cokburne of Ormes-*

toun Justice-clerk, Alexander Hay of Eister Kennet Clerk of the Rolls, Register and Councel, William Little provost of Edinburgh, Nicholas Cornwall of Bonhard provost of Linlithgow, specially appointed by a Commission from Parliament; with George Earl of Marischall, James Kynross deputy Constable, Mr James Fowles sheriff-depute of Edinburgh, and James Nysbite dempstar.]

May 4.—DAME MARGARET DOUGLASS COUNTESSE OF BOTHUILL, Frances funtyme Earl Bothuil hir spouse, for his interesse, and others.¹

Mr David Makgill, aduocat to our souerane, producit before the faidis Lordis Commissiouneris of Parliament,² ane Summondis of Tressfoune writtin on parchia-ment, gevin vnder the Quarter-seill, dewlie execute and indorfate aganis Dame Margaret Dowglas Countesse of Bothuill, &c. for certane crymes of Tressfoun, specifiet in the said Summondis: Upon the production of the quhilk and verificatioun of the indorfationis of the samyn be the messingeris, executouris thair of, and witnesses insert thairintill, the said Mr David Makgill, in his hienes name, askit instrumentis.—And the foirfaidis personis being thryce callit at the Tolbuith-windo of the burgh of Edinburgh, to haif comperit and to have anfuert to the said Summondis of Tressfoun, and name of thame comperand except *Patrik Futhie of Futhies mylne*, quha producit ane Remissioun grantit be our souerane lord vnder the Greit Seill, and ane Lettir subscryuit be the Kingis Maiestie, direct to the said Aduocat to pas from perfute of the said Patrik; vpoun the production quhair of he askit instrumentis: And als, *Robert Ormestoun of Brigend* comperit personalie, and was content to abyde ane tryall, for ony cryme contenit in the said Summondis of Tressfoun nicht be laid to his charge.

THE Lordis Commissiouneris of Parliament commandis the said *Patrik Futhie* and *Robert Ormestoun* to reitir to thair lodgeingis in Edinburgh, and thair to remane quhill thay be fend for be his hienes; and continewis to the morne.

May 25.—Quhilkis personis war thryise callit at the Tolbuith windo, quhair of nane comperit except *James Lermounth in Kelso*, *Robert Ormestoun of Brigend*, *Johne Stewart of Foulage* and *Patrik Futhie of Futhies milne*; and thairefter the hail executionis of the said Summondis of new verifeit, &c. quhair vpoun the said Aduocat askit instrumentis.—The said *James Lermounth* in Kelso comperit personalie, in prefence of the faidis Commissiouneris of Parliament, and offerit him ready to abyde tryall of law, vpoun quhatsumeuir crymes

¹ See the names specified in the following Dittay.
 the Parliamentary Records. *Actu Parl.* 1592, fol. 528.

² These proceedings have been taken from

of Treffoun contenit in the said Summoundis, to be laid to his charge : And siclyk, the said Johnne Stewart of Foulege comperit persounalie, and wes content to abyde the tryall of law for the crymes of Treffoun laid to his charge, contenit in the said Summoundis : And als, comperit the said Robert Ormestoun of Brigend, and producit ane lettre subscriuit be the Kingis Maiestie, direct to the said Mr David Makgill aduocat, commanding him in his hienes name to pas fra the said Robert, and that pairt of the said Summoundis quhilk concernis him, and to deleit him furth of the said Summoundis ; vpoun the productioun quhairof, the said Robert Ormestoun askit instrumentis.

And the said Mr David Makgill producit Lettres of Relaxatioun, beirand, that the foirfaidis haill personis defenderis, sumbound be the said Summoundis of Treffoun, to be relaxt fra quhatfumeuir proces of horne led aganis thame or ony of thame, for quhatfumeuir cause or occasioun, preceding the dait of the said Lettre, quhilk is daitit at Dalkeyth the tent day of Maii, and of our fouerane lordis regnne the xxv yeir, 1592 ; and execute the xij day of the famin moneth of Maii, and regiftrat in the scherref court buikis the xxij day of the samyn moneth of Maii : And siclyk, thairvpoune askit instrumentis.—And siclyk, Mr Johnne Makgill aduocat comperit persounalie, and in name and behalf of *Alexander Home*, brother-germane to Williame Home of Prandergaift, protestit, that his absence at this tyme be not imput vnto him for contumacie, and pre- jure him not of his innocencie, anent the odious cryme of Treffoun laid to his charge, seing the caus quhairfoir he may not compeir is notour. And as to the cryme of cumming to the Abbay that nicht, contenit in the said Summoundis, in cumpanie with Frances sumtyme Erle Bothuell, he protestis he is maist innocent thairof ; as being that nicht vpoun the Wast Bordour of Scotland, mair nor thrie scoir myles fra the said Abbay ; quhilk he is content to veresie be honest gentlemen : And thairfoir protestis, that in caise it be not sufficientlie provin be sic as hard, saw and knew him thair, that na argument be groundit vpoun his absence, quhairby he may be prejudgeit of his innocencie ; according to the said protestatioun, gevin in be the said Mr Johnne at lenth in write ; and askit instrumentis vpoun the proponing and productioun thairof, *excusatorio nomine* for the said Alexander Home.—Mr David Makgill aduocat, present, tuik him to be advist with the Kingis Majestie, gif he fould gif command to the clerkis to deleit Robert Ormestoun furth of the said Summoundis of Treffoun or not, conforme to the ticket direct be his Maiestie to him to that effect.

The Lordis Commiffioneris of Parliament ordanis the saidis James Lermounth, Robert Ormestoun and Johnne Stewart of Foullage to retenir thame selffis to thair lugeingis within Edinburgh, thairin to remane ay and quhill thai be fend for be his Majestie.

REGE IPSO PRESENTE.

May 29.—The hail estaittis of Parliament chefit (the perfonis) vnderwrittin to be Lordis of the Articles.

PRO CLERO.	PRO NOBILIBUS.	PRO BARONIBUS.	PRO COMMISSARIIS BURGORUM.
Orchaden.,	Angufe,	Bas,	Williame Litle proneft and
Dunkelden.,	Marfchell,	Calluthy,	George Hereot goldfmyth,
Culrofe,	Glencarne,	Wadderburne,	for Edinburgh,
Landoris,	Montroife,	Airth,	James Drummond, for Perth,
Tungland,	Mar,	Tullibardin,	Patrik Lyon, for Dundie,
Kynlofe,	Seytoun,	Glenvrquhy,	Anthone Bruce, for Striuling,
Blantyre,	Lindefay,	Pittarro,	Williame Cuninghame, for Glasgw,
Incheaffray.	Spynie.	Barnebarrauch.	James Cokburne, for Hadingtoun.

OFFICERIS OF ESTAIT, Johnne Lord Thirlstane chancellor, Sir Robert Meluile of Murdocairny knycht, thefaurare, Sir Richart Cokburne of Clerkingtoun, knicht, secretaire, Dauid Seytoun of Parbroith comptroller, Sir Johnne Cokburne of Orneftoun, knicht, Justice-clerk.

The quhilk day the Kingis Majestie, and Mr Dauid Makgill of Cranftoun-Riddell his hienes aduocat, being baith perfounalie present, declairit, in prefence of the Lordis of Articles, that he infittit only at this tyme in perfute of the said Summoundis and tryall thair of, aganis the perfonis following: Thay ar to fay, Dame Margaret Dowglafs funtyme Countesse of Bothuell and Frances funtyme Erle Bothuell her spouse, for his interes, James Douglas funtyme of Spott, Archibald Vauchope younger of Nudry, Mr Johnne Coluile of Strathvrdie, Williame Stewart funtyme Constable of Dunbartane, Johnne Hammiltoun younger of Samelftoun, Williame Lermounth of the Hill, Johnne Vauchoop baillie of Nudrie, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchineraw of Eift Restoun, Patrik Auchineraw thair, Mr Thomas Cranftoun younger of Moreiftoun, Johnne Cranftoun his brother-germane, Johnne Orneftoun of Smailhome, Robert Orneftoun his sone, James Stewart of Tymeis, Patrik Crummy of Carribdin and Dauid Orme of Mugdrum. And past *pro loco et tempore* frome the hail remanent perfonis, defenderis, specifiet and contenit in the said Summoundis of Tressfoun, except the foirfaidis speciall perfonis, presentlie nominat be his Majestie, as said is: And thairvpoun the said aduocat afkit instrumentis.

And immediatlie thairefter, the foirfaid Summoundis of Tressfoun raisit at our fouerane lordis instance, and execute aganis the perfonis vnderwrittin and ilk ane of thame, contrair quhome his hienes declarit he infittis at this tyme in tryall of the said Summoundis of Tressfoun, in maner foirfaid, being red in prefence of the Kingis Maiestie and Lordis of Articles, and the famyn being hard, fene and vnderstand be thame, and thay thairwith being ryplie advifit; the saidis Estaittis findis and declaris the reffoun and caus contenit in the famyn Sum-

moundis of Treffoun relevant aganis the perfonis abovewrittin. And thairfoir admittis the famyne Summoundis to the faid aduocatis probatioun ; quha being perfounalie presert, declairit that he fould vse his probatioun with all expeditioun ; and the faid aduocat afkit instrumentis of the relevancie of the faid Summoundis, and that the faidis Estaites had fundin the reffoun of the faid Summoundis relevant.

Jun. 5.—The quhilk day Maister David Makgill of Cranftoun-Riddell, aduocat to our fouerane lord, ffor verefeing of the faid reffoun contenit in the faid Summoundis of Treffoun raifit aganis the faid Dame Margaret Dowglas Countesse of Bothuell and Frances funtyme Erle Bothuell hir fpous, for his intereffe, &c. producit and repetit the Extract of the Foirfaltour led and pronuncit befor the Justice and his deputis, aganis the faid Frances funtyme Erle Bothuell, fubfcriuit be the Laird of Ormeftoun Justice clerk, of the dait the twentie-ftyfth day of Junii, the yeir of God 1591 yeiris ; Depofitionis of certane witneffes, quha wer takin and execute to the death for the cryme libellit ; and Depofitionis of diuerfe vtheris witneffes, examinat befor the faidis Lordis of Articles in the faid mater ; the notorietie of the deid libellit, and cuning of the defendaris to the place of Halyrudhoufe the tyme libellit ; quhilk in mater of Hie Treffoun fould mak full probatioun : And that the Lordis of Parliament being the Greit Affyife of the cuntrie, of the daylie practique, quhatfumeuir perfone clengis not, of certane knowlege, the perfonis accufit, he fyles thame : And the commoun notorietie of this fact and Treffoun, and contumacie of the defendaris, is fufficient to mak na man to clenge thame : And wes content the foirfaid proces and Summoundis of Treffoun be haldin concludit : And defyrit the Estaittes to advife the proces, and to pronunce thair fentence of Parliament thairintill, according to the faidis probationis and thair confciences.—The quhilk day our fouerane lord and his hienes advocate pafit fra the faid Johne Wauchop baillie of Nudrie, and declairit that his hienes wald na wayes infift aganis him.

SUMMOUNDIS OF TRESSOUN, &c. *against Dame Margaret Dowglass Countesse of Bothuill and others.*

JACOBUS Dei gratia Rex Scotorum ; dilectis noftris Leoni Regi Armorum, Hay, Albanie, Roffe, Rothefay, Snadoun, Merchmount, heraldis ; Joanni Ferguffoun, Archibaldo Dowglas, Roberto Stewart et Dauidi Bryfoun, clauigeris ; Ormound, Bute, Vnicorne, Carrik, figniferis, nuncijs et eorum cuilibet, coniunctim et diuifim, vicecomitibus noftris in hac parte fpecialiter conflitutis : Salutem. Mandamus vobis et precipimus, quateuus fumnoneatis legitime et peremptorie, coram teftibus, Jacobum Dowglas de Spott, Magiftrum Joannem Coluile de Strathurdie, Herculem Stewart de Quhytlaw, Joannem Hammiltoun juniorem de Sammelftoun, Archibaldum Wauchop de Nudrie juniorem, Jacobum Stewart de Tynneis, Gulielmum Stewart quondam Conftabularium de Dunbartane, Gulielmum Lermounth in Hill, Magiftrum Thomam Cranftoun juniorem de Moreiftoun, Joannem Cranftoun eius

fratrem, Robertum Home juniorem de Heuch, Joannem Ormestoun de Smailhome, Robertum Ormestoun eius filium, Patricium Crummy de Caribdin, Davidem Orme de Mugdrum, Georgium Auchincraw de Eist Restoun, Patricium Auchincraw ibidem, Dominam Margaretam Dowglas comitissam de Bothuell et Franciscum Stewart olim comitem de Bothuell eius sponsum, pro suo interesse, Conspiratores, perpetratores et celatores criminum Lese maiestatis subsequenter, personaliter, si eorum personales presentias commode habere poteritis; alioquin, apud loca eorum habitationum vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburgh, Hadingtoun, Lanerk, Dumfreis, Striuling, &c. aliaque loca necessaria; degentes vero seu existentes extra regnum nostrum seu certum nullum domicilium in eodem habentes, apud dictas cruces forales aliaque loca necessaria, super premonitione sexaginta dierum, sic quod hujusmodi summonitio ad eorum aures et notitiam verefimiliter pervenire poterit: Quod compareant coram nobis seu Justiciario nostro, vicesimo quarto die mensis Maii proxime sequen. in nostro Parlamento apud Edinburgh, die mensis tenend. hora caesarum, cum continuatione dierum, ad respondendum nobis nostro Justiciario in prefato Parlamento, super proditorii criminibus subsequentibus; dictos scilicet Jacobum Dowglas de Spott, Magistrum Joannem Coluile, Herculem Stewart, Archibaldum Wauchop de Nudrie juniorem, Joannem Hammiltoun juniorem de Sammeltoun, suosque omnes complices specialiter ante nominatos et eorum quemlibet, pro sua proditoria arte, parte, consilio et auxilio, in ipsorum recenti proditorio Conspiratione, consultatione et conclusione horrendi facinoris contra nostram honorabilem personam et vitam, per dictas personas commiss. vicesimo septimo die mensis Decembris vltime elaps. sub noctis silentio, in ipsarum proditoria Invasione Palatii nostri de Halyruidhouse, intrando ibidem, cum assistantia, confortio convocatione dicti Francisci quondam Comitis de Bothuell aliorumque homicidarum, oppressorum, latronum, ac hujusmodi insolentium virorum armatorum et a legibus nostris fugitivorum, ex deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, ut vitam nostram vel nefarie extinguerent, vel nos captivos secum deducerent: Et ad hunc effectum, prefati Conspiratores directe accesserunt ad nostrum privatum conclave seu cubiculum, et ostiis ignem nefarie injecerunt, domesticos nostros presenti violenta morte minitendo, objurgandoque, nisi ipsis declarent ubi nos essemus, nulla vquam inquisitione per eos facta ob quamcunque aliam personam nisi propter nosmet ipsos: Ac preterea, violenter effregerunt malliis ostia interioris cubiculi Regine nostre charissime conjugis: Atque demum, ubi parum se promouisse et ad illorum invitatum scelus ac propositum nefandum peruenire non posse intellexerunt in eorum regressu non dum satisfacti, crudeliter et sine vlla misericordia, domesticos et familiarissimos nostros seruitores, ob nostram causam, interfecerunt et jugularunt: Hinc manifestissime crimen Summe Proditionis contra nos, nostram vitam, autoritatem regiam, et leges committendo; atque adeo, pro sua proditoria celatione et occultatione predictae Conjuracionis, consultatione, contractu et executione eiusdem. Ideoque dictos Jacobum Douglas de Spott, Magistrum Joannem Coluile, Herculem Stewart, Archibaldum Wauchop juniorem de Nudrie, ceterosque omnes suos complices particulariter ante nominatos Conspiratores proditorioseque executores, ad videndum et audiendum sese et eorum quemlibet, respectu premissorum, crimen Lese maiestatis incurrisse per nos et trium regni statuum decretum decerni et declarari, et super predictis et alijs quamplurimis rebellionibus et transgressionibus et proditorii criminibus, per prenominatas personas, contra nos, regnum nostrum et autoritatem regiam impie et nefarie perpetratis, et dictis die et loco, cum continuatione dierum, proponendis et ostendendis et juri parendum, et super hujusmodi iudicium nostrum et nostri Parliamenti, secundum leges regni nostri expectandum et subeundum; dictas videlicet personas, Conspiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum sese et eorum quemlibet, intuitu premissorum, crimen Lese maiestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari; et propterea, ipsorum bona, mobilia et immobilia, tam terras quam officia, aliaque res ad eos spectantes, nobis confiscari et pro perpetuo nobiscum in proprietate remanere, personalque suas penam Proditionis et vltimi supplicii a regni nostri legibus inflictam subire; et vberius

in premissis respondendum et juri parendum : Intimando supradictis Conspiratoribus et eorum cuilibet, siue dictis die et loco cum continuatione dierum comparuerint siue non, nos dictusque noster Justiciarius in premissis, justitia mediante, procedemus et procedet. Insuper citetis, &c. ad comparandum coram nobis nostro Justiciario, dictis die et loco cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pœna legis : Et presentes literas debite executas et indorsatas earundem lateri reddatis : Et vos qui presentes executi fueritis sitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portan. vobiscum summonitionis vestre testimonium in scriptis, pro premissis seu ipsos testes. Ad quod faciendum, vobis et vestrum cuilibet, conjunctim et diuisim, vicecomitibus nostris in hac parte committimus potestatem. Datum sub testimonio nostri Magni Sigilli, apud Edinburgh, decimo die mensis Februarij, anno domini millesimo quingentesimo nonagesimo primo, et regni nostri vicesimo quinto.

Quhilk Summondis with the executionis and indorsationis thair of respectiue foirsaidis, being this instant day red in presence of his Maiestie and haill Estaittis of Parliament, first in Latyne and syne in Scottis, and the saidis haill personis defenderis respectiue abonewrittin, nocht past fra as said is, being thryise callit of new at the tolbuith windo of the said burgh of Edinburgh, to haif comperit and anfuert to the said Summondis and ressonnes contenit thairin ; and nane of thame comperand, to haif defendit in the said mater and to haif anfuert to the said Summondis, the said Mr David Makgill aduocat to his Maiestie, desyrit the saidis Estaittis declaratioun, gif the ressonnes of the said Summondis wer relevant : Quhilkis Estaittis and euery ane of thame, all in ane voce, stand the samyn relevant aganis the haill personis vnderwrittin. Thairfoir the said aduocat of new, for verefeing of the said resson contenit in the said Summondis of Tressoun, producit and repetit the Extract of Foirfaltour, led and deducit befor the Justice and his deputes aganis the said Frances suntyme Erle Bothuell, Depositionis of the saidis witnesses, the notorietie of the fact, and repetit the haill probationis repetit be him of befor, in the said mater this instant day ; and desyrit the saidis Estaittis of Parliament to advyse the said Depositionis of witnesses and vtheris probationis, and to pronunce thair sentence of Parliament thairintill, according to the samyn probationis and thair consciences : And thairefter, the Depositionis of the haill witnesses execute to the death, and of the witnesses examinat in presence of the saidis Lordis of Articles, haill writtis and probationis, being red, sene and considerit be the saidis haill Estaittis of Parliament, in presence of the Kingis Maiestie, and thair thairwith being ryplie advysit, the saidis lordis and Estaittis of Parliament Findis, discernis and declaris, that the saidis Dame Margaret Dowglafs suntyme Countesse of Bothuell, James Dowglafs of Spott, Archibald Vauchois younger of Nudrie, Mr Johnne Coluile of Strathurdy, Williame Stewart suntyme Constable of Dunbartane, Johnne Hamiltoun younger of Sammelstoun, Williame Lermounth of the Hill, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eist Prestoun,

Patrik Auchincraw thair, M^r Thomas Cranftoun younger of Morieftoun, Johnne Cranftoun his brother germane, Johnne Orneftoun of Smailhome, Robert Orneftoun his fone, James Stewart of Tynneife, Patrik Crummy of Caribdin and Daid Orne of Mugdrum, and euery ane of thame, hes committit and done oppin and manifest Trefloun aganis our faid fouerane lord, in all pointis and articles contenit in the faid Summondis.

DOOM. And thairfoir it was gevin for Dome, be the mouth of James Nyfbite dempfter of Parliament, in maner and forme as followis. This Court of Parliament fchawis for law, That the faid Dame Margaret Dowglas funtyme Counteffe of Bothuell, &c. and euery ane of thame, hes committit and incurrit the cryme of Trefloun and Lefe majestie abonewrittin ; in maner at lenth contenit in the faid Summondis : And thairfoir, decernis and declaris all thair guidis, movable and vnmovable, alfweill laudis as offices and vther thingis quhatfumeur, belonging to thame, to be confiscat to our faid fouerane lord, and to remane perpetuallie with his hienes in proprietie : And thair perfonis to vnderly the pane of Trefloun, and vtter and laft pvnifhment appointit be the lawes of this realme. And that I gif for Dome.

Frances sumtyme Erle Bothuell.

Jun. 5.—‘ The proces, convietion, fentence and dome of Foirfaltour, led, deducit and pronuncit of befoir, be his hienes Justice Generall and his deputes, in the Justice Court halden at Edinburgh Jul. 25. 1591,’ was Ratified by Parliament.

The difhercing of the pofteritie of perfonis (above) foirfaltit.

Jun. 5.—Oure fouerane lord and Estaittes of Parliament haifing confiderit the treflounable, erwell and vnmatural fact laillie committit be the perfonis following, in cumpany for the tyme with Frances sumtyme Erle Bothuell, &c. to wit, Frances Erle Bothuile, Archibald Wauchope younger of Nudry, &c. and diuers vtheris thair complices, in thair treflounable cuming to his Maiesties Palice of Halyrudhous, vnder filence of nicht, vpoun the day of December lafbypaft, invading, affeiging and perfewing of his Maiesties maift noble perfone, be fyre and fword, breking up his chalmer durris with foirhammeris, and eruellie flaying his hienes fervandis, cumand to his Maiesties refcourfe ; ane Trefloun and crueltie not hard nor fene committit be fubjectis, fa heichlie oblift to thair natie King and Prince, precogitat, confultit and aggreit vpoun to be put in executioun lang of befoir ; having alfua devisit meanis, in thair jugement, to preferue thair landis and guidis efter the committing of thair Trefloun foirfaid. Quhilk haynous and treflounable fact, as it paffes all vtheris in crueltie and euil example, fua it is thoct meit and expedient that ane condigne law and pvnifhment be fett down for extinguihing of the memorie of the treflounable perfonis foirfaidis and thair pofteritie, to be ane document to all aiges to cum and attempt the lyk : It is thairfoir ftatute and ordanit be oure fouerane lord and his faidis Estaittes of Parliament, that the faid Frances sumtyme Erle Bothnell, Dame Margaret Dowglas sumtyme Counteffe of Bothuile, James Douglas of Spott, Archibald Vauchop younger of Nudry, Mr Johnne Coluile of Straruidie, Williame Stewart sumtyme Conftable of Dunbartane, Johnne Hammiltoun younger of Sammelftoun, Williame Lermounth of the Hill, Robert Home younger of the

Hench, Hercules Stewart of Quhytlaw, George Auchincraw of Eist Prestoun, Patrik Auchincraw thair, Mr Thomas Cranstoun younger of Moriestoun, Johnne Cranstoun his brother germane, Johnne Ormestoun in Smailhome, Robert Ormestoun his sone, James Stewart of Tynneis, Patrik Crumbie of Caribdin and David Orme of Mugdrum, thair bairnes, thair airis and baill posteritie, fall neur bruik land, benefice, honour, office nor dignitie within this realme, in ony tyme cuming: And als his Maiestie and Estaittis foirfaidis decernis, decreittis and deliueris, that all maner of infestmentis, alienationis, dispositionis, resignationis, contractis, bandis or obligationis, for making of infestmentis of thair landis and heretages, or ony pairt thair of, or annuelrentis furth of the famyne, togidder with all pretendit assignationis and dispositionis of thair tackis, stedingis, roumes, possessionis, guidis or geir, to ony maner of persone or personis, quhilk take not effect, be actual and reall possession, befor the committing of the foirfaid crymis, falbe null and of nane avail, force nor effect, in tyme cuming, as they had neur bene maid.

(Jun. 8.)—A Proclamation issued, forbidding all the lieges to ‘resset, supplie nor intercommoun with PATRIK MAISTER OF GRAY and Robert Gray his bruther.’

(Jun. 29.)—A Proclamation ‘for persute off THE ERLLE BOTHUILE.’

(Jun. 30.)—A PROCLAMATION ‘for presenting of prisionaris.’—That ‘as diners of the thevis and tratouris that laitlie assailzeit his Maiesteis persone within his awin PALICE OF FALKLAND, eftir thair grite spuilzie and heirschippis, committit vpoun the horsis and guidis of the faithfull and gude subiectis of this realme, in thair schamefull flicht and returning hamewart, ar takin be the way, in diners partis, within the shereffdomes and burrowis of Lanerk and Peblis; quhais takaris will nawayis present thame to justice, without they be compellit;’ therefore declaring that such persons shall be held as traitors.

(July 5.)—The King and Council having granted ‘Licence to WILLIAME ERLE OF ANGUS to remane in the cumpany and societie of Johnne Erll of Montrois, ay and quhill his Maiestie declair forder of his will and pleasour towardis him;’ therefore the Earl of Montrose binds himself, that during this time, ‘he fall nocht do nor attempt ony thing hurtfull or preiudiciall to his Maiestie, the present Estate, nor the Religioun,’ &c. The Earl only obliges himself, ‘for his gude behaviour, during the same tyme of his remaning;’ but would not bind himself for the entry of Angus when required.

(Jul. 8, *apud Drumfreis.*)—‘Promeis of reward to sik as fall reveill the reffettaris of the ERLLE BOTHUILE and his complices’ is only made, but in case of farther concealment, ‘they falbe persewit with fyre, sward and all vther kynd of rigour.’

(Jul. 11.)—JOHN EARL OF MORTON Lord Maxwell, created Warden of the West March, ‘dimittit be Sir Johnne Carmichaell of that Ilk, knight.’ He is ordained the same day ‘to mak redres for bigane attemptatis.’

(Jul. 12.)—It is declared, that ‘albeit Johnne Lord Maxwell be nominat and styllit Erll of Mortoun in the late Act, and in fundrie vther Actis and ordi-

nances,' &c. 'zit the fame nominatioun and style fall nawayes hurt nor preuge the richte and titles quhilkis WILLIAME DOUGLAS ERLL OF MORTOUN Lord Dalkeith, hes and pretendis to have, as air of taillie to the Earldome of Mortoun; nor zit impair him in honnour, style, dignitie, preeminence and priuilegeis, quhilkis he hes and broukis, or may brouke and possès thairby,' &c

WARRANT for demolishing of the *Housses of Tynneis, Horden (Harden) and Dryhoip*

APUD PEIBLIS, *xij die mensis Julij, anno lxxxij^o* (1592.)—The Kingis Maiestie, with aduise of the Lordis of his Secreit Counsale, Gevis and grantis full pouer and Commiffioun, expres bidding and charge, be thir presentis, to his weilbelouitt Williame Stewart of Tracquair, to DIMOLEIS and caus to be dimoleift and cassin down to the ground, *the place and houssis of TYNNEIS*, quhilkis pernitit to James Stewart sumtyme of Tynneis; as alsua, the lyke pouer and commiffioun, expres bidding and charge, to Walter Scott of Gouldielandis and Mr Iedeon Murray, conjunctlie and feuerallie, to dimoleis and caus be dimoleift and cassin down to the ground, *the placeis, houssis and fortaliceis of HARDEN and DRYHOIP*, pertening to Walter Scott of Harden, quha, with the said James Steuart, wes arte and parte of the lait tressonabill fact, perpetrat aganis his hienes awin persone at Falkland: And that the foirfaidis personis caus the premisses be putt in execution with all convenient expeditioun in signe and taikin of the foirfaidis vthiris personis tressonable and vmmaturall defectioun and attemptat, committit be thame in manner foirfaid. As thay will anfuer to his hienes vpoun thair obedience.

(Jul. 13, *apud Edinburgh.*)—JOHN PENNYCUKE of that Ilk and MARK ACHESOUN of Achiefonitheavin, denounced rebels, for refetting the Earl of Bothwell and his accomplices.

(Jul. 13.)—JOHNE STEUART of Roisland finds surety (Richard Hereot y^r of Trabroun), 'that he fall nocht refett Matheu Hereot, denuncet rebell.'

Jul. 20.)—WALTER SCOTT of Hardenis ordered to be denounced rebel, for not appearing 'to have anfuerit to sic thingis as fould haue bene inquirit of him at his cwning, twicheing the late tressonable attemptat committit aganis his Maiesteis persone at Falkland, vpoun the xxviiij day of Junij lastbipast.

(Aug. 10, *apud Dalkeith.*)—PHILP SCOTT of, denounced for the treasonable refet of the Earl of Bothwell and his accomplices; and being present at the Raid of Falkland.

(Aug. 24, *apud Castrum de Edinburgh.*)—In 'the querrell and contrauerfie laitlie happymmit betuix ROBERT BRUCE of Clakmannane and the Prouost, bailies and Counfall of Perth,' 'the Kingis Maiesteie desiret the said Robert to informe his Maiesteie and the Counsale present, of the iniurie and offensès committit

aganis him be the saidis Bailies, &c. cauffes and occasioun thair of; quha declarit, That he having certane guidis and geir cuming throu the same burgh, nocht bocht nor to be fauld thairin, the same guidis wer not onlie stayed and not sufferit to haue passage be thair portis, bot at last intromettit with be sum of thair nichtbouris, becaus his seruand caryar of the saidis (guidis) wald not pay custum thairfoir; quhilk being reportit to him, and he finding the same to be a novatioun, quhairwith his vnr^{le} father nor nane of his tennentis and seruandis wer burlynnit in his tyme, requirit the saidis Baillies, be his Missive Letter, to repair this injurie, and to caus his guidis be randerit agane without payment of ony custum, vthirwayes he wald vse the lyke forme of doing to thair nichtbouris,¹ in thair passage betuix thair toun and Dundee: And becaus thair refusit to satisfie this his ressonnable desyre, he take sum of thair nichtbouris repairing fra Dundee to the said toun, and take thair waponis fra thame; quhilk waponis he offerrit, be his vther Missive Letter direct to the saidis Baillies, to caus be delyuerit agane, be reffaving the lyke deliuerie of his saidis guidis; quhilk, as of befoir, not onlie being refusit, bot sum of thair nichtbouris, and in speciall Williame Inglis and Johnne Balfillie, come to his ground and landis of Gastounhall, vpoun the xvj day of August instant, and eit, trampit down and distroyit with thair horffis, the cornis growand vpoun the saidis landis; ffor the quhilk, thay being reprovit, thay vtterit sum iniurious wordis; quhairvpoun he wes movit to stryke ane of thame with ane pistollett, and in end to tak and retene thame in his place of Gastounhall, without forder iniurie done to thame: And that same nicht, the saidis Baillies, counfall and communitie, to the nowmer of personis or thairby, all bodin in feir of weir, come to his said place, and vpoun the morne, afoir day licht, foundit thair drwm, affegeit him thairin, dischargit hacquebutis and pistollettis in at the durris and windois thair of; and at last tressounable sett to fyre, and enterit perforce in the same place, at the ruif thair of; and eftir thay had cruellie hurte his seruand, with the schott of ane hacquebute, to the effusioun of his blude in grite quantitie and perrell of his lyffe, thay take him selff, and transportit him away with thame ane certane space, bairfutit and bairleggit, not suffering him to putt on his awne clathis; and spuilzeit and take away with thame his haill siluer-werk, bedding, clathis and all the plennessing of his hous: And all this wes done without ony Commissioun had be thame thairto: Vfurpand thairby vpoun thame his Maiesteis authoritie. To the quhilk it wes ansuerit be the saidis Baillies and counfall present,² that the taking of custum, for sic kynd of guidis as had passage be thair

¹ Townsman, inhabitants of the burgh.

² Olipher Young, Patrik Blair and Adam Anderfoun, bailleis of the said burgh, James Drummond dean of gild, Williame Merfer, Patrik Anderfoun, Thomas Burrell, Williame Stevinfoun, Robert Sym and Williame Jak, burgeses of the same burgh.

portis and brig, wes na novatioun, bot a forme of doing vsed be thame and thair prediceffouris in all tyme bigane, past memoir of man, according to thair liberties and preuilegeis grantit to thame to that effect; and thairfoir, in staying the said Robert Bruceis guidis, quhill the custume thairof had bene payit, thay committit na wrang: And forder allegeit, that albeit the first taking of sum of thair nichtbouris, and reteneing of thair waponis, wes ane offens done, na les to the contempt of his Maiestie then to thair particulair greif and hurte, 3it thay not onlie patientlie buir thairwith, bot causit restitutionoun to be maid to him agane of his saidis guidis, without payment of ony custum thairof: And thair-efter, thay directit Anthone Maxtoun, ane of thair awin nichtbouris, requiring him to suffer the saidis Williame Inglis and Johne Waffilbie (Balfillie) takin and detenit be him within the said place, eftir thai wer cruellie hurte and woundit, to haue libertie and fredome: Quhilk not onlie being refusit, bot at last, reporte being maid to thame that he had murdreift and slane the same personis; quhairvpoun, complaint and exclamatioun being maid be thair wyffis, bairnis and vtheris of their freindis, in end, Olipheir Peblis, shereff-depute of the sheresdom of Perth, to quhome a certane nowner of thair saidis nichtbouris gaif thair concurrence and assistance, past, according to the pouer grantit to thame be the Actis of Parliament, to the said Robert Bruce place foirsaid, and thair perforce recouerit thame furth of his handis; and tuke him selff away with thame, to be anfuerable to iustice.

THE KINGIS Maiestie, with aduise of the saidis Lordis, ffindis and declairis, that baith the saidis parteis, be thair awin declaratioun and confessioun, hes offendit and contempnit his Maiestie, his auctoritie and lawis: And thairfoir, ordanis the said Robert Bruce to be committit to warde within his lienes Castell of Edinburgh; and the saidis Williame Merfair, Patrik Andirfoun, Thomas Burrell, Williame Stevinfoun, Robert Sym and Williame Jak within the Castell of Blaknes; thairin to remane vpoun thair awne expenffes, ay and quhill thay and thair compliceis, assistaris and pairt-takaris with thame in the committing of the foirsaidis crymes and offenses, be putt to the knaulege of ane Assise, befoir the Justice or his deputis; and that justice be ministrat as effeiris: And that feuerall warrandis be direct for thair ressett in warde, within the saidis Castellis.

(Ang. 29, *apud Dalkeith*.)—ALEXANDER LORD OF SPYNIE ordained to be put to the knowledge of an Assise before the Justice, in the Tolbooth of Edinburgh, the tuelf day of September nixtocum, for the treffounable ressett within his place of Abirdour of Frances suuntyme Erll Bothuell; and for intelligence had with him, or (*until*) that materis wes pakkit vp betuix thame, for the Raid of Falkland; quhairof the said Alexander is dilaitit, be Williame Commendator of

Pittinweyme.' 'Certifeing alwayes the said Commendatour, that in cais the said Alexander fall, eftir tryall, be fund clene and innocent of the saidis crymes, that in that caise the pane and pvneishment, prescryuit in his hienes lawis and Actis of Parliament, falbe extendit and vfit aganis the said Commendatour with all rigour and extremitie.'

(Sep. 2.)—DAVID COCHRANE of Pitfour complained to the King and Council, that he had raised Letters against HARY LINDSAY of Kinfawnis, on the ground that the said Hary, 'with conuocatioun of his hienes liegis, to the nowmer of xl personis or thairby, all bodin in feir of weir, with jakkis, speiris, hacquebutis, pistolettis and vtheris waponis invasiue, prohibite to be worne be the lawis of this realme and Acts of Parliament, come vpoun the xxvij day of Julij lastbi-past, about twa houris in the moirning, to the place of Pitfour, quhair the said complener, his wyffe, bairnis and familie wer for the tyme, takand the nichtis rest, lippynning for na violence nor iniwrie of ony personis; and finding the zettis (*gates*) of the said place closed, sua that thay could nocht gett entres thairin, thay secreitlie hid thame selffis, in certane quiet pairtis aboute his hous, and directit ane boy to his zett, as giff he had cum with ane Missiue Letter to the said complenair frome the Laird of Lethindie, desiring entres, that he nicht delyuer the said Missiue; quhair of the said complenair being aduerteiffit, and lippynning for na thing les then that quhilk happynmit, he causit oppin his zettis, to haue lattin in the said boy; at the oppynning quhair of, the said Hary and his compliceis violentlie rusheit in at the zett, and being repulfit, and putt bak and the zettis closed, thay then be plane violence and force brak vp the same zettis, enterit within the said hous, intromettit with the said complenaris hail mouablis and plenneffing, and removit and expellit his wyffe, with nyne young bairnes, and his hail familie, furth of the said hous; vsing sic inhumanitie aganis his wyffe and bairnis, as the lyke hes not bene hard of to haue bene committit be a gentilman of his estait; quha, eftir the removing and putting of thame furth of the said hous, wald nocht sehaw thame that courtesie to remane in ane barne or byre, outwith his said hous; bot hes forceit thame to ly vpoun the feildis, aboute his awne wallis and zettis fensyne: And now hes placeit certane of the said complenaris vnfreindis, (*enemies*.) with quhome he standis vnder deidlie feid, within the said hous; quha keipis and detenis the same, and on nawise will delyuer the same to the said complenair, without compulsioun.' Lindsay was accordingly charged to deliver up the house, &c. and to answer before the King and Council for these acts of oppression. The parties having appeared along with 'Johnne Tuedie, present keipar of the said hous;' and 'in respect the said hous was randerit to the messenger, without tryale or cognitioun, ordanis vtheris letteris to be direct,' charging them 'to render and delyuer the samin, togidder with the

guidis and geir quhilkis thay reffaut thairintill, vpoun inventair,' within fix hours thereafter, under the pain of rebellion, &c.

(Sep. 14.)— WEMYSS younger of Logie and Mr RICHARD DOUGLAS, fone lauchfull to the Laird of Qubittinghame, ordered to be denounced, for not appearing to have answered relative to Earl Bothwell, &c. Sir MICHAEL BALFOUR of Burlie also to be denounced, for not appearing to answer, concerning 'his Maieftis perfone and eftate,' &c.

(Sep. 14.)—PROCLAMATION 'to meit at Peiblis, in feir of weir, with xv dayes victuallis and prouifounn,' upon the xxv day of September, to accompany the King 'in propir perfone, to tak the feildis' againft BOTHWELL and his accomplices, 'inhabitantis within the boundis of West Tiviotdaill.'

(Sep. 23.)—ANDRO KER of Phairnihirst, Johnne Ruthirfurde elder of Hunt-hill, Williame R. younger of H., Williame Ruthirfurde proueft of Jedburgh and Williame Kirktonn baillie of Jedburgh, ordained to be denounced rebels, for failing to appear this day, to have answered 'twicheing the tressounable reffett, intercommuning and intelligence had be thame with Frances funtyme Erll Bothuill,' &c.

(Sep. 26.)—On account of the state of the haruest, 'be the lang continewance of this stormie and vnseasonable wedder,' the meeting at Peebles was postponed to the tenth day of October.

(Sep. 28.)—SCHIR JOHNNE LINDSAY of Ballingho knicht, to be denounced for failing to answer as to his intercommuning with Bothwell.

(Oct. 14, *apud Jedburgh*.)—A great number of the lesser barons on the Border, find security this day and afterwards, that they 'fall behave as deütifull and obedient subiects.' The Court is held 'at Haliruidhous' on Oct. 24.

(Nov. 4, *apud Haliruidhous*.)—An act is passed in favour of ALEXANDER LORD SPYNIE, in which the charge brought against him of intercommuning with Bothwell, &c.¹ is, after strict trial, found to be a malicious invention of *Colonell Williame Steuart*; the King and Council 'restoir and repone him to his honnour, dignitie, place and service he had of his Maieftie.'

(Nov. 9.)—A 'Commiffioun of Lientennandrie and Justiciarie' is granted to WILLIAM EARL OF ANGUS Lord Douglas and Abirnethie, in consequence of the King being 'informeit of the grite cruelteis, heirschippis and difordouris recentlie committit be the laules brokin hieland men of the *Clanchattan*, *Clancameron*, *Clunrannald*, and vtheris, pretending thair dependans vpoun the ERLIS of HUNTIE and ATHOILL, hes sa wrakit and shaikin lowfe findrie pairtis of the North cuntrey, that grite nowmeris of honnest and peaceable folkis, his hie-

¹ See Aug. 29, 1592.

nes subiectis, ar murthowrit, thair houffis brunt, now in the winter seasoun, thair guidis spuilzeit, &c. : With special pouer to intercommoun with the saidis Erllis and vtheris authouris and movaris of the saidis difordouris and crueltis, twicheing thair desifting from armes and hostilitie, and repairing of sic placeis as his Maiestie hes appointit, quhair the groundis, occasionis and circumstances of the saidis troubles may be hard, and the same redressit, &c. And ‘giff neid be, to display his Maiesteis banner, assege houffis, raise fyre and vse all vther force and weirlyke ingyue,’ &c.

(Nov. 16.)—A PROCLAMATION issued against the EARL OF BOTHWELL; and of new interdicting all subjects from intercommuning, &c. with him.

(Nov. 20.)—Another Proclamation and Declaration to the same effect.

(Dec. 8.)—All Refetters and Assifters of Bothwell, having been ordered, in time coming, to approach no nearer the Royal presence than *ten miles*, and many of them having disobeyed, Warrant is issued to the Provost and Bailies of Edinburgh to apprehend ‘DAME MARGARET DOUGLAS, CONTESSÉ OF BOTHWILE, Arch^d Wauchop younger of Nudrie, Williame Stewart sumtyme Constable of the Castell of Dunbartane, Johnne Hammiltoun younger of Samuelstoun, Williame Liermonth of the Hill, Hercules Stewart of Quhytlaw, Mr Thomas Cranstoun younger of Moriestoun, James Stewart of Tymeis, Sir James Scott of Balverie, Andro Ker of Farnyhirst, Watt Scott of Harden, &c., and all others received or that shall be received into favor, quhilkis fall nocht produce and schaw to thame, his Maiesteis Licence, for thair remaning within the same burgh.’

(Jan 5, 1592-3.)—A PROCLAMATION issued against ‘the coverit and biffy trauellis of JESUITES, Seminarie Preistis, borne subjectis of this realme, and sum vtheris, strangearis, and their *tressounable CONSPIRACIE for inbringing of straugearis, SPANȜEARTIS*, in this realme, this nixt spring or somer; to the ouerthrow of his hienes and all professing the trew Religioun with him, and to the ruyne and conquest of this auncient Kingdome and libertie,’ &c.

(*Eodem die.*)—Act passed, ‘allowing the apprehending and warding’ of WILLIAM ERLI OF ANGUS within the Castle of Edinburgh, ‘vpoun suspicioun confaut, that he wes guilty of sum tressonable Conspiracie, diuifit for subuerfion of the trew Religioun,’ &c.; ‘as planelie appearis be sum Letteris, laitlie apprehendit with Mr George Ker bruthir to the Lord of Neubottle, subferyuit be the said Erll and vtheris his colligis: As alsua, concerning the warding, tryell and examinatioun of the said Mr George, Hew Barclay of Ladyland, and sum vtheris, apprehendit for this same caus.’

(*Eodem die.*)—Another ACT, that in future, all persons suspected of such crimes, shall be called before the King and Council, ‘and giff thair aithis of veritie solempnitlie, that thay fall lelilie and treulie declair and depone the veritie,

&c., and conceill na pairt thair of; and in cais thay fall refuse to sweir and giff the said aith, that thair refusale, in that cais, falbe haldin as a Confessioun of the crymes quhair of thay ar or fall be delaitit and inquirit.'

(Jan. 8.)—MR ALEXANDER KING, Advocat, finds caution to the extent of L.5000, that he shall appear personally, on six days warning, and answer 'to sic thingis as falbe layed to his charge'. Robert Swintoun of that Ilk, Mr Michael Cheitholme, and Williame Fairlie, burgesis of Edinburgh, were his sureties.

(Jan. 12.)—Letters ordained to be directed, charging SIR JOHNNE KER of Hirsell, knight, and Mr WALTER LINDSAY of Balgawy, to appear and answer, 'concerning thair practizing in materis aganis the Estait of Religioun, his hienes persone and autoritie, and disturbing of the commoun quietnes of the realme;' under the pain of Rebellion.

(Jan. 17.)—PROCLAMATION 'to pas fordwart to the North with his hienes, for resisting and repressing of the authoris of the tressounable Conspiracie for the inbringing of Strangearis, and raising of Ciuile wear,' &c.; and 'for defens and maintenance of the libertie of Religioun from thraldome of conscience, and conquest and flaverie of Strangearis;' 'vnder the pane of tinfall of lyffe, landis and guidis.'

(Jan. 23.)—JOHNNE EARL OF MENTEITH finds Johnne Blair of that Ilk, Johnne Grahame of Knokdoleane and Robert Grahame of Thornik, as his cautioners, under the pain of 10,000 merks, 'that he fall on nawayis invade nor perfew WALTER LEKKY of that Ilk, his kin, &c., in the deidlie feid standing betuix him and his saidis freindis.' Johnne Earl of Montrois, Johnne M^r of Montrois, Mr Johnne Grahame of Halzairdis, Sir Duncane Campbell of Glenvrquhay, Williame Grahame of Balivie, Williame Grahame of Claverhous, and Williame Grahame of Panhollis, bind themselves to relieve the cautioners of their surety.

(Jan. 25.)—WALTER LEKKY of that Ilk, finds Johnne Murray of Polmais as his cautioner, under the pain of 3000 merks, that he shall not invade or pursue the EARL OF MENTEITH.

(*Eodem die.*)—Robert Jamesoun, burges of Air, ordained to deliver to Sir James Sandielandis of Slammannane, 'M^r (Maister) Knight, gentilman of his hienes chalmer,' the sum of 236 'crownis of gold,' delivered to him by James Campbell his fervant, who received the same from Mr George Ker, brother to Mark Lord Newbottle.

(Jan. 30.)—COMMISSION to ARCHIBALD EARL of ARGYLE, his hienes Justice Generall, for repressing the violence of 'the wicked CLANGREGOUR, the STEUARTIS of *Baqhiddar* and diuers vtheris brokin men of the hielandis,' &c.; with power to charge 'all and findrie personis of the furename of the MAK-

GREGOUR, and the STEUARTIS of Baquhidder, thair affittaris and pairt-takaris, to find fouirtie or to entir plegeis, as he fall think maift expedient, for obseruation of his hienes peace, quietnes and gude reule in the cuntrey,' &c. Power is also given to convocate the lieges, and to 'perfew and affege' their 'houffis and strenthis, raise fyre and vse all kynd of force and weirlyke ingyne,' &c.

(*Eodem die.*)—A number of 'MACKGREGOURIS' charged to appear before the Earl of Argyle, at Stirling, the . . . day of February next.

(Feb. 5, *apud Sanct Androis.*)—GEORGE ERLI of HUNTLIE, FRANCES ERLI of ERROLE and SCHIR PATRIK GORDOUN of Auchindoun, kn^t, ordained to be denounced rebels, for not appearing this day, to answer 'tuiching thair practizing and trafficquing with JESUITES, Seminarie Preiftis, and vtheris excommunicat and trafficquing Papiftis, aganis the flate of the trew Religioun,' &c.

(Feb. 12, *apud Halirudhous.*)—ROBERT LOGANE of *Restalrig*, to be denounced, for not appearing to have answered 'vpoun his tressounable Conspiring, consulting, trafficquing and diuising with Frances sumtyme Erl Bothuill, in fundrie tressounable purpoissis, aganis his Maieftis persone and autoritie.'

(Feb. 15.)—SCHIR JAMES CHEISHOLME of Dundorne, kn^t, to be denounced, for not appearing to answer, 'tuicheing his practizing and trafficquing, in fundrie tressounable materis, aganis the trew Religioun,' &c.

(Feb. 26, *apud Abirdene.*)—WILLIAME ERLI of ANGUS, Lord Douglas and Abirnethy, ordained to be denounced, for not appearing to answer, 'tuicheing the tressounable practizing aganis the estate of the trew Religioun, presentlie professit within this realme, his Maieftis persone, autoritie, estate and realme,' &c.

(Mar. 3.)—MR ROBERT KEITHE, brother to George Earl Marischall, to be denounced, for not appearing to answer a charge at the instance of the Earl and Robert Lord Altrie, his uncle, that 'quhair he, vnmmyndfull of his naturall dewtie towardis him, hes laitlie with his compliceis, violentlie, and be way of deid, takin the said Erllis hous of Akirgill, in Caithnes, and intrufit him selff in possessioun thair of, of intentioun to mak incurfiounis vpoun his tennentis and feruandis, occupiaris of his landis adiacent and belanging thairto; and to commit all maner of oppressioun, reif and heirshippis vpone thame: As lykknife, to compell thame to answer and mak payment to him of the mailles and dewteis thair of, by (*contrary to*) all ordour of law and justice, and to the grite contempt of his hienes auctoritie: Quhais insolence, albeit the saidis complenaris be able aneuch to repres and tak ordour with; yit, in respect of his hienes presence in the cuntrey, thay ar laith thairto, in hoip that his Maieftie fall prouyde remeid for pvnishment of sic insolence and enormitie.'

(Mr. a 9.)—A COMMISSION is granted to GEORGE EARL MARISHALL Lord

Keith and Altrie, constituting him his Majesty's Commissioner, within the bounds of the Sherifdoms of Kincardin, Aberdeen and Banf, 'to pas, searche, feik and tak GEORGE ERLLE OF HUNTLEY, WILLIAME ERLLE OF ANGUS, FRANCES ERLLE OF ERROIE, Schir Patrik Gordoun of Auchindoun, kn^t, Schir James Cheifholme of Dundorne, kn^t, Mr James Gordoun and Mr Williame Ogiluy, Mr Robert Abercrummy, and all vtheris Jesuites, Seminarie Preiftis and trafficking Papiftis, tressounable practizearis aganis the Estate of the trew Religioum, presentlie professit within this realme, his hienes persone, crowne and libertie of this cuntrey: AS ALSWA, the vtheris personis vndirwrittin, denunceit rebellis and putt to the horne, and fugitive fra his hienes lawis, for the *tressounable FYRE-RASING and birning of the place of DYNNIBIRSELL and MURTHOUR of vmq^{le} JAMES ERLLE OF MURRAY*: thay ar to say, the saidis George Erll of Huntlie, Schir Patrik Gordoun of Auchindoun, kn^t, Schir Thomas G. of Chuny, kn^t, William G. of Geycht, Robert Innes of Innermerky, Johnne Gordoun apperand of Lefmoir, William G. of the Craig of Auchindoir, Johnne G. youngair of Carnburrow, George G. his bruther, James Lorymer, Alexander Chalmer, feruitouris to the Laird of Innermerky, Patrik Gordoun of Letterfoury, Patrik G. of Corrachrie, Johnne G. younger of Auchannachie, Normond Leslie, Johnne Vans of Lochslyne, Johnne Gordoun of Auldtonleyis, Johnne Drummoud, Andro Wode, Johnne Edmestoun, Robert Dalgleishe, Williame Borthuik, George Gordoun of Crechie, James Moubray, George Gordoun bruthir to Patrik G. of Corrachrie, James Borthuik at the Brigend of Haillis, Johnne Chalmer fuster-sonne to the Laird of Geycht, and Williame Morifoun: togidder with the ressettaris, &c., and to bring them before the King and Council, or before the Justice or his deputies, to be punished for their demerits: AND also, 'to reprehs and resist, and as occasioun fallis oute or necessitie requiris, to tak and apprehend all thevis, revaris, fornaris, violent and maisterful oppressouris, hieland and lauland, brokin men,' &c. With power likewise to hold Courts of Justiciary, &c.—The following persons are added 'as Counfallouris to the said Erll, he quhais aduise, or ony three of thame conjunctlie, he and his deputis shall proceed in the execution of this present Commission, viz. Johnne Maister of Forbes, Robert Lord Altrie, Alexander Iruing of Drum, Schir Walter Ogilvy of Findletter, kn^t, Schir George Ogilvy of Dunlugus, kn^t, Alexander Frafer of Phillorth, James Creichtoun of Fren draucht, Williame Forbes of Tolquhone, George Johnnestoun of Caskyben, Williame Forbes of Monymusk, Williame Forbes of Corse, Johnne Wisbert of Pittarro, of Thornetoun, of Lowrestoun, of Balmame and Arbuthnott of that Ilk.'

(Mar. 9.)—A similar COMMISSION granted to JOHNNE ERLLE OF ATHOILL Lord Balvany, as his Majesty's Commissioner, within the bounds of the shires of

Elgin, Fores, Nairn, Inverness and Cromarty. He is instructed 'to concur, fortifie and assist' the Earl Marischall; 'and for this effect, to repair to him with his forceis, within the saidis boundis, at sic tymes as the necessitie fall sa require, or as he salbe advertit or defyr it be the said Erl Marischaell.' Symon Lord Frazer of Lovatt, Johnne Grant of Freuchy, Coline M^cKenzie of Kintail, Lauchlane M^cIntoshie of Dummauchtane, George Ros of Balnagowne, Mr Hector Monro of Foulis, Johnne Dunbar of Moynes schereff of Murray, Johnne Vrqhart tutour of Cromartie, Thomas Frazer tutour of Lovatt and Williame Suthirland of Duffus, are appointed his 'counfallouris.'

(Apr. 12, 1593, *apud Halyruidhous.*)—'JOHNNE BUCHQUHANNANE of Drumfoid and James B., sonis to Thomas B. of Blairlofk, Archibald M^cAirthure in (*and*) Airthure M^cAirthure in Ardindowane, Johnne M^cInlay, sone to the millar of Dunstuge, and George Buntene M^cIndoquhy, seruand to Thomas B. of Blairlofk,' ordained to be denounced rebels, &c. by virtue of 'our souerane lordis Letteris, rasit at the instance of Johnne Campbell of Ardkinglas, Maister Johnne C. of Auchinveling, Mr Dougall C. Deine of Breichin, Patrik and Robert Campbellis, brether to vmq^{le} Duncane Campbell; makand mentioun, that quhair the said Johnne C. of Ardkinglas, at the speciall directioun of his hienes, being cuming to the burgh of Edinburgh, vnder his Maiesteis protectioun, and being on his jorney, at Dumbertane, vpon the xxviij day of Marche last, accompanied onlie with four seruandis, in peceable and quiet maner, he tuik purpos to hald fordwart his jorney that same nycht efter supper, be resoun of the trublis quhilkis ar in that cuntrey, lippynning for nathing les than ony injurie or truble to haue bene intendit aganis him; notwithstanding, it is of the trewth, that Johnne Buchannane, &c. being advertit of the said Lard of Ardkinglas intencion to hald fordwart his jorney that nicht, thay associat vnto thame selffis findrie vtheris, brokin men and fugitives, to the number of tuentie-foir personis on horse and fute, all bodin in feir of weir, with lang hagbuttis, jakkis, pistolettis and vtheris waponis invasue, prohibite to be worne be the lawis of this realme and Actis of Parliament; and lay in ambushment in ane yaird, direct opposite to the gait, quhairby the said compleneris behuifit to pas, of sett purpos and prouisioun to haue murderit him in his by cuming: Lyk as, the said vmq^{le} Duncane and ane vther of his seruandis, being gangand a litle befoir him, and the personis foirsaidis suirly beleving that ane of thame had beine the said Lard of Ardkinglas, thay dischairgeit ane dufane of harquebuittis at the saidis tua personis, and schott the said vmq^{le} Duncane in the heid with ane of the same schottis; and thaireftir cuming furth of the yaird, finding the said vmq^{le} Duncane not to be deid, and still beleving he had beine the said Lard of Ardkinglas, thay schamefullie and barbarouly maglit and slew him with sweirdis, and cuttit of his heid:

And then, perceiving thame selfis to be disapointit, thay fehairplie followit the said Lard, sehott aucht or nyne hagbuittis at him, and had not failit lykwayis to haue flaine him, wer nocht be the Prouidence of God he eschaipit : Committing thairthrow maist sehamefull and barbarous Murthure, vponne sett purpos and prouisioun, in hie and proud contemptioun of his Maieftie and his authoritie, and euil example of vtheris to do the lyke, giff this remane vnpunisset.'

(Apr. 15.)—Johnne Lord Hammiltoun ordered to be denounced, for not presenting Mr PATRIK HAMMILTOUN, brother to George H. of Prestoun, Captane of the Castell of Brody in Arrane, as bound by the laws and the 'Generall Band,' to present and enter him before the King and Council, 'to be punist for his demerittis, proud contempt and rebellious;' and to have answered to a Complaint made by Abacueh Biffett,¹ writer to the Signet, that on 23, 25 and 28 days of September, 1587, Mr Patrick was denounced rebel, for not appearing before the King and Council, 'tuicheing thair (Mr Patrick's and John H. fear of Prestoun, his brother's sons) cruell perfuit and inuasioun of the said complener, within St Geilis Kirk of Edinburgh, in tyme of Parliament, and mutilatioun and dismembering him of the haill fingeris of his left hand,' &c.; and that 'sen the tyme of his denunceatioun, he hes maist sehamefullie and vnhonestlie mordreift and flane tua innocent men, to wit vniql^e David Stewart in Buit, and vniql^e Inglis, quha newer offendit him,' &c.; 'befydis mony vther and odious vicked deidis committit be him, vponne his Maieftis peceable subiectis, and speciallie, within the pairtis of Arrane, quhair he wes appointit Capitane of Brody, oppressand sic as may not resist him, baith be sey and land, and takand ranfomis and buiting² with wtheris his complices, that he houndit out to that effect; behaving him selff, in all respectis, as gif he wer not subiect to a fouerane lord and king,' &c.

(Apr. 17, *apud Edinburgh*.)—James Cheyne of Straloch became cautioner for PATRIK CHEYNE of Effilmonth, 'that he, be him selff and all that he is obleift to answeir for, be the lawis of this realme, fall behave thame selfis as dewtifull and obedient subiectis'—and that thay shall not 'tak pairt with George Erll of Huntlie, &c., nor na vtheris, Jefuitis,' &c., under the pain of 3000 merks.

(Apr. 21.)—A number of 'NORTHLAND MEN' find caution under large fums, that thay shall repair to the town of Dundee, upon the 24th day of April in-

¹ Habakkuk Bisset was clerk to Sir John Skene, Lord Clerk Register. He is the reputed author of 'Ane short Forme of Proces, presently vsed and observed before the Lords of Counsell and Session,' appended to Skene's Scottish translation of the Regiam Majestatem, published in 1609. This work forms one of the articles in a scarce volume, entitled 'A Compilation of the Forms of Process in the Court of Session, during the earlier periods after its establishment; with the variations which they have since undergone, and likewise some ancient tracts concerning the manner of proceeding in Baron Courts; published by order of the Commissioners lately appointed by his Majesty for Enquiring into the Administration of Justice in Scotland.' 8vo. Edinburgh, 1809. ² Free-booting? Taking booty.

stant, ' and thair, ather fatisfie the Generall Assemblie of the Kirkis, quhilkis ar to be convenit thairin the same day, in sic thingis as concernis the trew Religiou, &c. ; and returne ane Testimoniall of the same satisfioun, to his Maiestie and Lordis of Secreit Counsale, within thre dayis nixt thairefter ; or ellis, within the same spaice, fall returne and enter thair personis in waird, within the burgh of Edinburgh,' &c.

Apr. 26.)—PROCLAMATION, that ' fforfamekle as thair is ane Justice Court proclamit and appointit to be haldin within the burgh of Hadingtoun, vpon the thrid day of Maij nixtocum, with continewatioun of dayes, be certane noblemen, barrones and vtheris, to quhome his Maiestie hes gevin full power and Commiffioun to call and convene befoir thame diuerse personis, inhabitantis within the boundis of the sherefdomes of Berwik, Lawderdail and Edinburgh, within the Conftabularie of Hadingtoun, committaris of the saidis crymes and enormities, and to proceed and minister justice vpon thame,' &c. ' And that necessar it is, that Commiffionaris be weill and substancioufflie accompaneit, with a force of his hienes guid subiectis.' Therefore, that the ' Erllis, lordis, barronis, fewaris and frehalderis, duelland within the saidis boundis, alsweill to regalitie as ryaltie,' be charged to repair to Haddington ' weill bodin in feir of weir, and with ten dayis victuallis and prouiffioun.'

ANENT *the Tryall and punishment of the Ressetaris and assistaris of*
THE ERLI BOTHUIL.

(May 1, *apud Haliruidhous.*)—Anent the Kingis Maiesteis Propofitioun to his nobilitie and baronis presentlie conuenit, concerning the present difordouris ower all the realme, and contempt of his hienes authoritie ; and speciallie, how his persoun might be gairdit, and the rebellious contempt of Frances sumtyme Erl Bothuill his affisteris and ressetaris repreit and puneffit ; it wes answerit, that the seruice and execution necessar for that effect, behuiffit to be done, ather be a force of waigait men, quhilk hardlie may be intertenit be ony vther moyen (to thair knowlege) nor be a generall taxatioun ; and that cannot be condiscendit vnto, without the consent of all the Estaittis convenit, the personis now present being vnable of thame selffis to resolue thairanent ; or then, the said execution behued to be maid, be ane force of his hienes subiectis, of all estaittis, to be convenit personallie in armes, be Proclamatioun : Notwithstanding, that thair fall appear na inlaik, in the det-bund guidwill and readynes of the noblemen, barrones and counsale present, to do all that lysis in thair habilitie, alsweill for the faulfgaird and preservatioun of his hienes persoun, as for the repreffing of the said sumtyme Erl his affisteris and ressetaris, without ony excuse or delay ; thay offerit thame selffis redy to remane and accompany his Maiestie, and

to assist him with thair trew counsaile, or to pas in sic pairtis as fould be fund expedient, for seircheing and reprehending of the avowit and knawin offendaris ; and thocht meit, that vtheris quha ar suspect, fould be callit befor his hienes and his Counsaile, or his Justice ; and baith the ane foirt and the vther tryit and pvnifit, as thay fould be fund to haue merited ; with all vther personis knawin giltie, or suspectit as offendouris aganis the trew Religioun, or in vtheris odius crymis ower all pairtis of the realme, and justice to be ministrat and executit thairvpon with all possible expeditioun. FURTHER, seing his hienes clemencie, heirtofore schawin to the saidis Erllis assistaris and ressettaris, hes producit sa littill guid effect, bot be the contrair, hes bene sa contemptiouflie and ingraitlie abuiset ; efter ressoning, quhidder it wer mair convenient to schaw ony forder or lyk clemencie heirefter, or with seueritie to try and persew the offendouris, quhill the occasioun of the evill be takin away ; the noblemen, counsaill and barronis, presentlie declairit and concludit, that seueir justice wes maist expedient to be vsit and executit in tyme cuning, sen his hienes former clemencie hes bein sa far abuiset : And lykas, thay haue maist humblie craved of his hienes, that the conclusiounis sett down be commoun consent in counsaile, for the executioun of the premiffes, fall not be alterit nor brokin be ony thing, to be grantit or past his Maiesteis hand, without the knowlege and aduise also of the Counsaile sittand, at the importune suit of ony privat personis ; quhairvnto his hienes hes condescendit and promeifit :¹ Sa that the saidis noblemen, barronis, counsaile and vtheris now present, or that fall subscriue this present Act heireftir, lykwayis faithfullie promeifit vnto his Maiestie, that nane of thame fall heirefter speik or solist him in the fauour, or for spairing of ony personis that salbe thocht worthy to be tryit and pvnifit, for the cryme foirsaid, vnder the paine of his hienes repruif and indignatioun ; and to be estemit be him as fauoraris and partakaris with the said Erll, in all his tressonable and vicked deidis ; as alsua, faithfullie promeifit, not onlie to accompany his Maiestie, as is befor writtin, sa lang and in sic nwmer as his hienes fall think necessar, bot also to vse thair panes, and do thair exact diligence in seircheing, apprehending, trying and punisheing of the said Erll his assistaris, part-takeris and ressettaris, to the effect thay may suffer according to thair demerittis ; and to leif na maner of guidwill and effectuall doing vnperformit, in this behalf, that thay wald vse in thair particulair² deidlie feidis, aganis thair awin privat ennemies. AND finalie, the noblemen and vtheris present, being shireffis or ordinar judgeis,³ promittit the performance heirof, within thair awin boundis and jurisdictionis : as

¹ This Act of the Privy Council shows, in a very strong light, how apt the king was to give way to private solicitations, and to vacillate in all matters of importance, when his feelings were worked upon by intriguing courtiers. ² Proper, peculiar, personal. ³ That is, such of them as were judges, &c.

they will answer to God and his hiens thairvpon. IN witness quhairof, his Majesty and they hes subscriuit thir presentis with thair handis.

(Sic subscribitur) JAMES R.

LENNOX. ARGYLE. MORTOUN. MAR. ALEX^r L. HUME. R. L. SEYTOUN. M^r OF GLAMMIS.
 JAMES LINDSAY. MELROSE. NEWBOTLE. LINCLUDEN. J. COKBURNE. BLANTYRE. R.
 COKBURNE. BASS. S^r WILLIAME KEITH. S^r GEORGE HWME. TRAQUHAIR. DUNYPACE.
 GEORGE HUME of Wedderburne. ALEXANDER HWME of Northberuick.

(May 2.)—THE COMMENDATAIR OF SANCT COLMIS INCHE, tutour of Murray, ordained to be charged, that he in no wise ‘cut down, distroy, mell and intromet with the wod of Down in Menteith, quhilk properlie appertenis to his Maiestie?’ And the lieges to be charged, ‘that nane of thame tak vpon^e hand to by (*buy*), blok or bargane with the said Commendatare or any vtheris, anent the said wod;’ under the penalty of paying double the value to his Majesty, and to be ‘puneist as distroyaris of policie,’ &c.

(May 3.)—On the complaint of Thomas Kirkpatrik of Clofburne, ‘that EDWARD MAXWELL of Tynwald, Edward and Johnne his sonis, Johnne M. of Kirkeconnell, Robert M. of Keltoun, Thomas and Robert his sonis, Johnne M. tutour of Aikinheid, &c. hes laitlie maid and subscriuit ane vnlauchfull Band and League, quhairin thay ar all bundin, sworne and obleist to manteine, defend and tak pairt, ilkane with vtheris, in quhatsumenir thair actionis, in the law, or by the law;’¹ accounting the action and querrell of onie ane of thame to be equall and commoun to thame all.’ And that in terms of this league, they on April 3, with ‘convocatioun of his hiens liegis, to the nwner of tua hundreth personis or thairby, all bodin in feir of weir, with jakkis, speiris, hagbuttis, piftolettis, &c. come to the compleinaris 20 f. land of Rouch-Ile, of purpos violentlie to haue intrufit Robert Greir thairintill; quhilk thay had not failit to haue done, wer nocht the said compleinar, being fairfeine of thair interpryse, assemblit certane of his freindis, to defens and maintenance of his awin possessioun.’ Having failed to answer a charge to appear this day, they were ordered to be denounced rebels, and their goods escheated, &c.

(*Eodem die.*)—Robert Galbraith of Culcreuch, ‘be the speciall counsale and devise’ of George Buchannane of that Ilk, having purchased a Commission of Justiciary, for pursuit of THE CLANGREGOUR, their refetters and assisters, with fire and sword, containing charges for convening the lieges to concur and assist him in its executioun; ‘quhilk Commissioun the said Robert hes not purchest vpoun ane intentioun to attempt ony thing aganis the Clangregour, bot vndir cullour thairof to extend thair haitrent and malice aganist ALEXANDER COL-

¹ Whether in terms of the law, or in opposition to it.

HOUN of *Luss* and ALLAN (AWLAY) M'CAULA of *Ardincaple*, thair kin and freindis, with all extremitie; and vndir cullour of fereheing and feiking of the Clangregour, to afflege thair houffes and rais fyre thairin; quhairof he hes alreddy gevin a fufficient pruffe, be the convocating of the hail name of Buchanane, for the maift parte in armes, (with quhome the faid Allane ftandis vndir deidlie feid.) and be quhais pouer and force he proceidis in all his actionis, &c. And albeit thay ar na les willing to perfew the Clangregour, with thair hail pouer and force nor (*than*) the faid Robert is, yit thai dar nocht ryfe and accompany the faid Robert to that effect, for feir of thair lyveis; in refpect of the deidlie feid ftanding betuix the faid Alexander Colhoun of Lufs and the faid Robert, throu the flaughter of vmq^{le} Donald M'Neill M'Farlane, houfhald feruand to the faid Robert, committit be the faid Alexanderis vmq^{le} bruthir; quhilk feid yit ftandis betuix thair houffis vnreconfiliat, and the faid Laird of Culcreuch daylie awaittis all occasionis to revenge the fame; and in refpect of the feid laitlie renewit betuix the faid Laird of Ardincaple and the Buchamanis, with quhais pouer, counfaie and force the faid Robert is affifted, in executioun of the faid Commiffioun, vfig thair aduife and directioun in all thingis thairanent; as alwa, in refpect of the grite grudge and haitrent ftanding lykwayis betuix the faid Laird of Ardincaple and the faid Robert, quha haueing bereft his awin moder, quhome the faid Laird of Ardincaple hes now maryt, of hir hail leving, he hes be ordour of law recouerit the fame furth of his hands; for the quhilk caus, the faid Robert feikis to haue his advantage of him, hes gevin vp kindnes, and denunceit his euill-will to him with folempne vowis of revenge.' On complaint made, ' the Kingis Maieftie, with auife of the Lordis of his Secreit Countaie, in refpect of the euill will and inimitie ftanding betuix the foirfaidis pairteis, thair kin and freindis, &c.; and pairtlie, for the flauchtir of vmq^{le} Petir Colhoun, committit be Johnne Buchanne Shereff-depute to the faid Robert Galbraith, be vertew of a Commiffioun, as he allegeit, EXEMIS (*exemptis*) the faid Alexander Colquhoun and Allane Macaula, thair kin, &c. fra all ryfing, convening or affifting the faid Robert, in putting the faid Commiffioun to executioun; and decernis the fame, in fa fer as it is extendit to the fereheing or feiking of the Clangregour within thair houffis, to be fuspendit and difchargeit *fimpliciter*, in tyme cuning.'

(*Eodem die.*)—PATRIK HEPBURNE of Richartoun, Thomas his bruthir, Nianiane Huik his feruand and Williame Otterburne feruand to vmq^{le} Alex. O., were ordained to be denounced rebels, for coming, ' with Williame Anderfone, presentlie in the Tolbuith of Edinburgh in waired, and thair complices, all bodin in feir of weir, with jakkis, fteilbonettis, vpon the ^exj day of Februare laftbipaft, about ten houris at evin or thairby, vnder filence and cloud of nycht, to the

toun of Babertoun, quhair vmq^{le} Alexander Borthuik, sone to Adame B. in Wester Haillis, and vmq^{le} James B. thair freind and kynifinan, wer liand in the said vmq^{le} Alexanderis hous, in thair beddis, dredand na evill, &c.; the said Patrik and his complices foirfaidis, maist crewallie and barberouffie raft fyre in the houffis and chalmer quhair the saidis vmq^{le} Alexander and James lay, and brunt the famin houffis and chalmer, with certane vther houffis adjacent thairto; of sett purpois and prouifioun to haif bereft thame of thair lyves: And the saidis vmq^{le} Alexander and James and thair famelie, for eschewing of the said fyre, come furth of the saidis houffis, quhair the saidis perfonis maist tyrannouffie sett vpone thame, hurt and woundit findrie of thair feruandis, bairnis and wyffis, crewallie and vnmereyfullie murdreift and slew the saidis vmq^{le} Alexander and James, as also hurt and woundit Margaret Hoig, spous to the said Alexander, quha is yit in grit danger of hir lyff; committing thairthrow ane maist hie cryme of Treffoun aganis his Maiestie, to the great contempt of God, his hienes autoritie,' &c.

(May 8.)—JOHNNE LORD FLEMING ordained to be denounced rebel, for not appearing to find surety to 'compear before the Justice on May xxj, under the pain of 10,000 pundis,' to underly the law 'for beiring, weiring and schuitting with hagbuttis and piftolettis, and wounding of findrie his hienes subjectis, vpone the . . . day of Aprile lastbepaft.'

(*Eodem die.*)—ROBERT GALBRAITH of Kilerewch ordained to be denounced rebel, for not finding security in terms of the General Band; 'that he, be himself, and all sic as he is obleift to answer for, sould be answerable to justice and satisfie pairteis skaithit, vnder the pane of 2000 pundis; and forder, that thay sould not ressett, supplie nor intercommoun with ony perfon of the surname of *Buchannane*, *Makgregour* nor *Makfarlane*, quhilkis ar declairit fra his hienes lawis, or denunceit to the horne for crimiuall cauffis; nor furneise thame meit, drink, hous nor harbery,' &c.

(*Eodem die.*)—THE COMMENDATAIR OF SANCT COLMES INCHE ordained to be denounced for not appearing personally, and for not presenting Thomas Inglis his fervant, 'to haue answerit to sic thingis as sould haue bene inquirit of thame, tuicheing thair treffounable ressett, supplie and intercommouning with FRANCES sumtyme ERLI BOTHUILE,' &c.

(May 12.)—THE INHABITANTS OF KEILSO, except Williame Lauder, having come in his Majesty's will for the treasonable refet, supplying and intercommouning with 'FRANCES sumtyme ERLI OF BOTHUILL and his complices, at diuerse and findrie tymes, sen the proces and dome of forfeiture led aganis thame;' they find security that they shall 'satisfie his Maiesteis will, in siluer, prouiding the same his will exceed not the soweime of 2000 merkis money.'

(May 17.)—ALEXANDER LEVINGTOUN of Pantofkane ordained to be denounced rebel, for not appearing to answer ‘ tuicheing his tressounable reffett, supple and intercommoning’ with the Earl of Bothwell and his accomplices, &c.

(*Eodem die.*)—THE KING’S WILL towards THE INHABITANTS OF KELSO was this day formally declared, viz. ‘ That the present haill Inhabitanes of the said town and thair posteritie salbe freelie pardonit and remittit, &c. ; and that thir presentis be als sufficient for the suretie of thair lyves, landis and guidis, as gif the same wes past in forme of Remission vnder the Grite Seill, with all solempniteis requisite : And siclyke, that the saidis personis fall mak payment to his Maiesteis thesaurar of the soun of sevintene hundreth merkis money ; and forder, that thay fall find caution actit in the buikis of Secreit Counfall, that thay fall not reffett, supple nor intercommoun with the said sumtyme Erll nor his compliceis, furneis thame meit, drink, house nor harbery, nor haue intelligence with thame, priuatlie nor publictly, in tyme cuning, vndir quhatsumeur cullour or pretence ; vnder the pane of tua thousand pundis.’

(May 24.)—The Provost, bailies, council and community of THE BURGH OF PERTH make complaint, that notwithstanding their having submitted the adjustment of all differences between them and ROBERT BRUCE of Clakmannane ‘ to certane of his awin freindis, well affected to the removing thairof, and to the Kingis Maiestie as owerfman,’ yet that ‘ Johnne Wilfone and Johnne Nevene, with certane vtheris honest burgeffis and inhabitantes of the said burgh, passing toward the cietie of S^t Androse to the mercat thairof, in quiet and peceable maner, laitlie, vpon the xxij day of Aprile instant, wer vnbesett at the cobill¹ of Rind, in thair hie way, be the said Lard of Clakmannane, accompanyit with nyne horsemen and futemen, bodin with hagbuttis, jakkis and vther armour, and be thame maist cruellie and vnmercyfullie persewit for thair bodelie harmes and slauchteris : Lykas, the saidis Johnne Wilfone and Johnne Nevene, being baith hurt and woundit in diuerse and findrie partis of thair bodyis, to the effusion of thair bluid in grit quantitie ; the said Lard and his complices maist schamefullie tirit² thame baith naikit, and in maist barbarous and disdainefull maner skurgit thame with horse brydillis throw the town of Abernethie, as gif thay had bene thevis or haynous malefactouris, left the said Johnne Nevene liand thair for deid, and tuik the said Johnne Wilfone, naikit, as captiue and prissoner, away with thame, to quhat place the saidis compleinaris knawis nocht, nather ar certane quhidder he be deid or leavand ; vsurpand thairthrow vpon thame his hienes authoritie, to the manifest and proud contempt thairof, misregaird of all law and justice, and evill example of vtheris to commit the lyk barbaretie and insolence, vpon the guid and obedient subiectis.’—The Laird

¹ Ferry-boat station, near the confluence of the rivers Earn and Tay. ² Violently stripped. Fr. *tirer*.

was charged to appear before the King and Council to answer for his conduct, and failing, is ordained to be denounced rebel. ‘Johne Erll of Gowry Provest of the said brugh’ appears to plead the cause of the inhabitants of Perth.

(*Eodem die.*)—WARRANT is granted to ‘Williame Ker of Cesfurd Wardane of the Middill Marche, and James Dowglas of Caveris Shereff of Roxburgh, and their deputtis, to pas feirch, tak and apprehend SIR JOHNE KER of Hirsell, kny^t, (quha being excommunicat and out frome the cumpany and societie of the faithfull, as alswa denunceit rebell, and put to the horne of a lang tyme bigane, hes remanit at the proces thair of senfyne, as he dois yit, vurelaxit; and refoirt- and to and fra in the cuntrie, as gif he wer his henes fre subiect; and continew- and in his filthie cryme of Adulterie, for the quhilk he wes excommunicat, &c.) quhaireuir he may be apprehendit within thair boundis and jurisdiction; and bring and present him befor his Maiestie and Counsaill, or befor his Justice or his deputtis, to be puneist for his demerittis,’ &c.

(May 26.)—Alexander Lord Levingstoun and Williame L. fear of Kilfyth become sureties for JOHNE LORD FLEMYNG, that he ‘fall pas and enter his perfoun in waird, within the boundis of the scherefdome of Striueling, within thre dayes nixt efter the dait heirof; and remane and keip ward thairin, and not transcend the boundis thair of, ay and quhill he be fred be the Kingis Maiestie, with auise of his Counsaile, vnder the pane of 10,000 pundis.’

[*Adam Bishop of Orkney, Alexander Commendator of Culros, Edward Commendator of Kinloss, James Lord Lindsey, Adam Lord Vrquhart, Sir Robert Melville of Murdocarney, kn^t, specially appointed by a Commission from Parliament.*]

Treasonable Conspiracy against the King—Invasion of the Palaces of Holyroodhouse and Falkland, &c.

JUN. 1.—FRANCES suutyme ERLL BOTHUILE,¹ Gilbert Penniccuik, Johne Rutherfurde of Hunthill elder, Thomas Rutherfurde of Hunthill younger, Symon Arnefrang younger of Quhithauch.

Being summoned, ‘for certane crymes of Treafone and Lesmajestie,’ the Advocate produced the summons and executions, with Letters of Relaxation, Mar. 16, 1592-3, bearing Bothwell ‘to be relaxit fra the procefs of Horning led aganis him.’

(Jul. 16.)—The ‘reasone and caus contenit in the same summondis’ is found relevant; and the Advocate declared, ‘that he fuld vse his probatioun with all expedition.’

¹ See Acts of Parl. 1593, &c.

[*REGE ipso presente, cum omnibus regni statibus.*]

PERSEWARIS, Mr David M^cGill and Mr Johnne Skene, Advocatis to our fouerane lord.

(Jul. 21.)—M^{rs} David Makgill and Johnne Skene, Advocattis to oure fouerane lord, for verefeing of the said reafone contenit in the said Summondis of Treffone rafit aganis the said Frances funtyme Erll Bothuill, producit and repetit the Extract of the Foirfaltour, led and promuncit befor the Justice and his deputtis, aganis the said Frances funtyme Erll Bothuill, fubferyuit be the Laird of Ormeiftoune Justice Clerk, of the dait the xxv day of Junij the yeir of God 1591, Depofitionis of certane witneffes examinat befor the faidis Lordis of Articles in the said mater ; the notorietic of the deid libellit ; and the cunning of the defendaris in to the Palice of Halyruidhous and Falkland, the tymes libellit ; quhilk in materis of hie Treffone fuld mak full probatioun ; and that the Lordis of Parliament, being the greit Affyis of the cuntrie, of the daly practik ; quhatfumeuir perfonis elengis nocht, of certane knowlege, the perfonis accufit, he fylis thame : And the commoun notorietic of this fact and treffone libellit, and contumacie of the defendar, is fufficient to mak na man to clenge him : And was content the foirfaid procefs and Summondis of Treffone wer haldin concludit ; and defyrit the Eftatis to aduifè the procefs and to pronunce thair Sentence of Parliament thairintill, according to the faidis probationis and thair confeiences. And immediatlie thaireftir the faidis aduocattis exhibite and producit befor the Kingis Maieftie and haill Eftaitis, lyk as thai did dyuerfe tymes ofbefoir, the Summondis of Treffone vndirwrittin, rafit and perfewit at the instance of oure fouerane lord his hienes Justice, aganis Frances funtyme Erll Bothuile, quhairby he was fummond to compeir befor our fouerane lord the thrid day of Aprile, fourfcoir threttene yeiris instant with continewatioun of dayis, to haue anfuerit to the poyntis of Treffone vndirwrittin, contenit in the faidis Summondis : Off the quhilkis Summondis the tennour followis.

SUMMONS OF TREASON *against* FRANCIS *sometime* EARL BOTHWELL
and others.

JACOBUS, Dei gratia Rex Scotorum, dilectis nostris Leoni Regi armorum, Ilay, Albany, Rofs, Rothelay, Snawdoun, Merchemont, herauldis ; Johanni Ferguffone, Roberto Stewart, Alexandro Douglas et Davidi Bryffoun, clauigeris ; Ormond, Bute, Vnicorne, Carrik, figniferis et nunciis, ac eorum cuilibet, conunctim et diuifim, vicecomitibus nostris in hac parte fpecialiter conftitutis : Salutem. Mandamus vobis et precipimus quatenus fummonetis legitime et preemporie coram teftibus, Francifcum olim Comitem de Bothuile, Gilbertum Pennyenke, Johannem Rutherforde de Huntbill feniore, Thomam Rutherforde de Huntbill juniorem, Simonem Armeftang juniorem de Quithauche, Confpiratores, perpetratores et celatores criminum Lefe Maieftatis fubfequentium, perfonaliter, fi eorum personales prefentias commode habere poteritis, alioquin apud loca eorum habitationum, vel per publicam proclamationem, apud cruces forales burgorum noftrorum de Edinburgh, Hadington, Jedburgh, aliaque loca neceffaria ; degentes vero feu exiftentes extra regnum noftrum, feu certum nulum domicilium in eodem habentes, apud dictas cruces forales aliaque loca neceffaria, fuper premoui-

tionē sexaginta dierum, sic quod huiusmodi summonitio ad eorum aures et notitiam verefimiliter prevenire poterit; quod compareant coram nobis seu Iudicario nostro primo die mensis Junij proxime sequen. in nostro Parlamento apud Ed^m tertio die mensis Aprilis sequen. Tenen. hora caularum cum continuatione dierum, ad respondendum nobis nostrone Iudicario, in prefato Parlamento, super proditorijs criminibus subsequen. **IN PRIMIS**, dictos scilicet Franciscum olim Comitem de Bothuile, &c. et eorum quemlibet, pro sua proditoria arte, parte, consilio, in ipsorum proditoria Conspiratione, consultatione et conclusione horrendi facinoris contra nostram honorabilem personam et vitam, per dictas personas commiss. xxvii. die mensis Decembris, anno domini 1591, sub noctis silentio, in ipsorum proditoria Invasione Palatii nostri de Halyruidhous, intrando ibidem cum assistentia, consortio et convocacione, aliarumque homicidarum, oppressorum, latronum ac huiusmodi insolentium virorum armatorum et a legibus nostris fugitivorum, et deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, ut vitam nostram vel nefarie extinguerent vel nos captivos secum deducerent: Et ad hunc effectum, prefati Conspiratores directe accesserunt ad nostram priuatum conclauem seu cubiculum, et ostijs ignem nefarie iniecerunt, domesticos nostros presenti violenta morte mimitando objurgandoque, nisi ipsis declararent ubi nos essemus, nulla vnquam inquisitione per eos facta ob quamcunque aliam personam nisi propter nosmet ipsos: Ac preterea, violenter effregerunt malleis, ostia interioris cubiculi Regine nostre charissime coniugis; atque demum, ubi parum se promouisse et ad illorum inuisitatum scelus ad propositum nefandum peruenire non posse, intellexerunt, in eorum regrediu nondum satisfacti, crudeliter et sine vlla misericordia domesticos et familiarissimos nostros seruitores ob nostram causam interfecerunt et jugulauerunt: Hinc manifestissime crimen Summe Proditionis contra nos, nostram vitam, auctoritatem regiam et leges committendo. **SECUNDO**, prefatos Franciscum olim Comitem de Bothuile, &c. Et eorum quemlibet, pro sua proditoria arte, parte, auxilio et consilio, in sua proditoria Conspiratione, consultatione et conclusione horrendi facinoris contra nostram honorabilem personam et vitam per dictos Conspiratores commiss. xxviiij die mensis Junij anno domini 1592, in ipsorum proditoria Invasione Palatii nostri de Falkland intra vicecomitatem nostrum de Fyff, nobis ibidem intus pro tempore existentibus, accedendo ibidem cum assistentia et concursu homicidarum oppressorum, latronum, declaratorum proditorum et huiusmodi insolentium virorum armatorum et a legibus nostris fugitivorum, ex deliberato animo et certa intentione violentas manus in nostram regiam personam imponere, ut vitam nostram vel nefarie extinguerent, vel nos captivos secum deducerent: Et ad hunc effectum, predicti Conspiratores cum suis socijs accesserunt ad posticum dicti nostri Palatii, ejaculando tormenta fereā, et huiusmodi machinas eneas violenter idem posticum oppugnarunt, ut eo disrupto, facilius ingressi, prefatam suam coniurationem et horrendum facinus inceptum complerent: Hinc manifestissime crimen Summe proditionis contra nos, nostram vitam, auctoritatem regiam et leges committendo; atque adeo, pro ipsorum proditoria celatione et occultatione prefate Coniurationis, consultatione, conclusione et executione eiusdem. **TERTIO**, commemoratos Johannem Rutherford dom. de Hunthill seniore, et dom. juniorem, Simonem Armestrang juniorem de Qubithauche, et eorum quemlibet, pro sua proditoria receptione et auxilio prestito dicto Francisco olim comiti de Bothuill; et pro eorum proditoria assistentia, participatione et intercommunicatione cum prefato Francisco et suis complicibus, nostris proditoribus declaratis, contra leges et statuta regni nostri; idque in mensibus Aprilis, Maij, Junij, Julij, Augusti, Septembris, Januarij, Februarij, Marcij, anno domini 1592, et eorum quolibet respectiue, in locis de Hunthill, Jed, Hawik, Liddisdall: Hinc manifestissime crimen Proditionis contra nos, nostramque vitam, auctoritatem regiam et leges regni nostri committendo; atque adeo, pro ipsorum proditoria celatione et occultatione predictae sue intercommunicationis, receptionis et auxilij supraspecificat. **QUARTO**, prefatum Symonem Armestrang, pro sua proditoria arte parte et consilio in executando monetam adulterinam domi sue de Boyne in Liddisdall, in mensibus Aprilis, Maij, Junij, Julij, Augusti, Septembris, Octobris, Novembris, Decembris, Januarij, Februarij et Marcij, et quolibet eorum, anno domini 1591: Hinc manifestissime crimen Summe Proditionis contra nos auctoritatem re-

giam et leges regni nostri committendo ; atque adeo, pro sua celatione et occultatione eiusdem. IDEOQUE, suprascriptos Conspiratores ad videndum et audiendum sese et eorum quemlibet, respectu premifforum, crimen Lese Majestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari : et super predictis et alijs quamplurimis rebellionibus et transgressionibus et proditorijs criminibus per prenominatas personas, contra nos, regnum nostrum, auctoritatem regiam impie et nefarie perpetratis ; et dictis die et loco, cum continuatione dierum, proponendis et ostendendis ac juri parendum, et super hujusmodi iudicium nostrum et nostri Parlamenti, secundum leges regni nostri expectandum et subeundum, dictas viz. personas Conspiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum sese et eorum quemlibet, intuitu premifforum, crimen Lese Maiestatis incurrisse, per nos et trium regni nostri statuum decretum decerni et declarari ; et propterea, ipsorum bona, mobilia et immobilia, tam teras quam officia aliasque res ad eos spectantes, nobis confiscari et pro perpetuo nobiscum in proprietate remanere, personaque suas penam proditoris et vltimi supplicij a regni nostri legibus inflictum subire ; et vberius in premiffis respondendum et juri parendum : Intimando supradictis Conspiratoribus eorumque cuilibet, quod siue dictis die et loco cum continuatione dierum comparuerint siue non, nos, dictusque nostri Justiciarius in premiffis, iusticia mediante, procedemus et procedet. INSUPER citetis, &c^{us} ad comparandum coram nobis nostroue Justiciario dictis die et loco, cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, indorsatas earundem latori reddatis ; et vos qui presentes executi fueritis sitis ibidem dictis die et loco coram nobis seu dicto nostro Justiciario, portan. vobiscum summonitionis vestre testimonium in scriptis pro premiffis seu ipsos testes : Ad quod faciendum vobis et vestrum cuilibet coniunctim et divisim vicecomitibus nostris in hac parte committimus potestatem. DATUM sub testimonio nostri Magni sigilli Apud Edinburghe, vigesimo tertio die mensis Marcij, anno domini millesimo quingentesimo nonagesimo secundo, et regni nostri vigesimo sexto.

Quhilkis Summondis, with the executionis and indorsationis thair of respectiue foirlaid, being this instant day red, in presence of his Maiestie and haill Estaitis of Parliament, first in Latyne and syne in Scottis, and the said Frances sumtyme Erll Bothuile being oftymes callit of new, at the Tolbuith window of the said burgh of Edinburghe, to haue comperit and ansuerit to the said Summondis and reffonis contentit thairin : And he nocht comperand to haue defendit in the said mater and to haue ansuerit to the saidis Summondis, the saidis aduocattis to his Maiestie, desyrit the saidis Estaitis declaratioun, gif the reafones of the saidis Summondis wer relevant aganis the said Erll Bothuile ; quhilkis Estaitis all in one voce fand the same relevant aganis him. Thairfoir, the saidis aduocattis of new, for verefeing of the said reffones contentit in the said Summondis of Treffone, producit and repetit the extract of Forfaltour led befoir the Justice and his deputtis aganis the said Frances sumtyme Erll Bothuill, Depositionis of the saidis witnesses, notorietie of the factis, and repetit the haill probationis repetit be him of befoir in the said mater this instant day, and desyrit the saidis Estaitis of Parliament to aduise the Depositionis of the saidis witnesses and vtheris probationis, and to pronunce thair Sentence of Parliament thairintill, according to the samyn probationis and thair consciences : And thaireftir, the Depositionis of the haill witnesses execut to the death, and of the witnesses examinat in presence of the saidis Lordis of Articles, haill wreittis and probationis, being red, sene and

confidderit be the saidis hail Eftaitis of Parliament, in prefence of the Kingis Maieftie, and thay thairwith being ryiplie aduyfit, the saidis Lordis and Eftaitis of Parliament findis, decernis and declaris, that the said Frances fumtyme Erll Bothuile hes committit and done oppin and manifest Treffoun aganis our said fouerane lord, in all pointis and articles contenit in the said Summondis : And thairfoir it was gevin for dome, be the mouth of James Neifbit dempfter of Parliament, in maner and forme as followis.

DOOM OF FORFEITURE. This Court of Parliament fchawis for law, that the said Frances fumtyme Erll Bothuile hes committit and incurrit the crymes of Treffone and Lefe-Maieftie abonewrittin, in maner at lenth contenit in the refonis of the saidis Summondis. And thairfoir, decernis and declaris all his guidis moveable and vnmmoveable, alsweill landis as offices and vtheris thingis quhatfumeuir belangand vnto him, to be confiscat to our fouerane lord, and to remane perpetuallie with his hienes in propirtie, in tyme cumming ; and his perfoun to vnderly the pane of Treffone, and vtter pvnifhement appointit be the lawis of this realme. And this I gif for dome.

(JUN. 21.)—**JAMES GRAY**, fone to Patrik Lord Gray, ordained to be denounced rebel, for not appearing this day, to have answered ‘ vpoun his contemptuous reviffing and taking be force and violence of Katherene Carnegy, dochter to Johnne Carnegy of that Ilk, furth of the hous of Robert Jouffy merchand in Edinburgh, and carying of hir away and keiping hir captiue aganis hir will ; committit vpoun the tent day of Junii instant ; and als to have exhibite and presentit the said Katherene the said day, &c. to be putt to libertie,’ &c.

(*Eodem die.*)—**SCHIR JAMES JOHNNESTOUN** of Dunkellie knight, ordained to be denounced rebel, for not appearing to have answered ‘ to sic thingis as fould haue bene inquirit of him at his cuming, tuicheing his trefsonnable breking of warde furth the Castell of Edinburgh,’ &c.

(*Eodem die.*)—**GEORGE SMOLLETT** burges of Dunbartane, ordained to be denounced rebel, for not appearing to answer certain charges at the instance of the Provofts, bailies and community of **THE BURGHS of GLASGOW and RENFREW**, in regard that the said George had, ‘ vpoun sum finifter and wrang informatioun maid to his hienes, laitlie purchest ane priuey Letter or Commiffioun vnder his hienes fubfcriptioun and signet allanerlie, without auife of Counfale, tryale, cognitioun, or ony vthir proces preceding ; vnder cullour quhairof, haueing affociate vnto him felff certane debosheit men and vagaboundis, he not only maifterfullie and perforce oppreffes and revis the guidis and beftiall, clething and vtheris wairis, brocht be the Inhabitantis of the Ilis and vthiris pairtis of the Hielandis to the said burrowis, baith be fey and land ; bot takis, apprehendis and imprefonis thair perfonis, and fumtymes perfewis thame felffis be way of deid :

Qubairvpoun, the cheiff perfonis and vtheris inhabitantis of the faidis Hielandis, hes confaut sic haitrent and malice aganis the faidis complenaris, in particulier, as gif thay wer authouris and allowaris of this forme of doing, that thay haue deuunceit thair inimitie and ewill will to thame, takin alreddy fum of thair nichtbouris prifonairis, intromettit with thair guidis, and avowit to vse all kynd of rigour and extremitie aganis thame; qubairby, not onlie ar thay liklie to be defraudit and difapointit of that mutuall interchange quhilk hes bene had amangis thame, to the commoun benefeit of the haill inhabitantis of the Lau-landis and in-cuntrey, bot be tyme, Cinile weir is lyklike to follow, to the brek of the peax, and bringing on of mony inconvenientis, giff tymous remeid be nocht prouidit.' The King and Privy Council likewise difcharged the Commiffion, and decerned the fame to ceafe.

(Jun. 25.)—**JOHNE LORD HAMMILTOUN** gets a fufpenfion of Letters raifed at the inftance of Abacuch Biffett,¹ ' becaus the faid Lord hes found caution, that he fall remove, expell and hald the faid Mr Patrik Hammiltoun furth of his landis, rowmes, poffeffionis and bailliereis, during the tyme of his rebellioun, conforme to the Generall Band, vndir the pane of 1000 merkis.'

(Jun. 28.)—**THOMAS KIRKPATRIK** of Clofburne, his kin, friends, &c. exempted from the iurifdiction of ' Wardanerie and Justiciarie of Johnne Lord Maxwell, and fra all ryfing, convening or accompanying of him or his deputis, to ony dayis of trew heireftir: ' Becaufe it is of veritie, as it is notour, that the faid Lord and the faid complenair (Clofburn), thair kin and freindis, prefentlie ftandis vndir termes of vnfreindfchip and inimitie; and kyndues and freindfchip is gevin vp betuix thame, infafer as not onlie hes the faid Lord tane vpone him the patrocinie and defens of all the faid complenaris vnfreindis, bot alfwa, be all indirect meanis, hes huntit for his lyffe, and daylie awaittis the occafion to bereve the faid complenair of his lyffe; as nanelie, vpoun the thrid day of Aprile laft, the faid Lord conuocat and affemblit togidder of his kin and freindfchip, the noumer of tua hundreth perfonis or thairby, and directit thame to the faid complenaris landis of Rouch Ile, to haue difpoffeft him thairfra, vpoun intention alwayes, gif the faid complenair had cum to refift thame, to haue bereft him of his lyffe; and fenfyne, Thomas Greir of Barjarge and Gilbert Greir of Drum, men tennentis and feruandis to the faid Lord, with conuocatioun of vtheris his freindis and feruandis, to the noumer of fourefcoir perfonis or thairby, bodin in feir of weir, off the faid Lordis fpeciall caufing, &c. come to Bar-dannauch, being within the fchoit of ane hacquebute to the complenaris landis of Rouch Ile, and difchargeit ane grite noumer of hacquebutis and piftolettis at

¹ See Apr. 12, 1593.

him and his seruandis, and had not failit to haue flane him, wer nocht he wes the bettir accompanyt for the tyme : Lykas, vpoun the last day of Aprile, the said complenair haueing directit certane of his freindis and seruandis to the burgh of Drumfreis, for findrie his effearis, the said Lord, vpoun aduertisment thairof, directit xxiiij of his men and seruandis, quha fercheit and focht the said complenaris seruandis throw all pairtis of the said burgh, quhair thay wer accusummat to hant and repair, stoggit beddis, and had not failit to haue flane his seruandis, gif thay had bene apprehendit ; and at that same tyme thay cruellie hurte Johnne M^cMudie, seruand to the Gudeman of Kerse, the said complenaris coufing. In respect quhairof, the saidis complenaris dar nocht ryfe, conuene nor accompany the said Lord, vules thay wald mak conuocationu of thair hail kin and freindschip, quhairvpoun sum grite inconuenientis will not fail to fall oute, without remeid be prouydit.—Lord Maxwell, though charged, failed to appear before the Council ; but Closeburn ‘ comperit be Roger Kirkpatrik his bruthir.’

(Jul. 5.)—SCHIR ARCHIBALD STIRLING of Keir, Matheu Colhoun his seruand, James Kinros feuar of Kippanros, and George Musfhett of Tolgarth, were ordained to be denounced rebels, for failing to have appeared and answered ‘ twicheing the slauchter of vniq^{le} Williame Sinclair of Galdquadmoir, Eduard and George Sinclairis his sonis, committit vpoun the thrid day of Junij last.’

(Jul. 7.)—AN ACT anent the weiring of Hacquebutis and pistolettis is passed. It is stated that the former ordinances had been disregarded, ‘ quhairthrow vile murthouris and frequent slauchteris hes not onlie bene committit within Kirkis and vtheris placeis, ower all pairtis of this realme, bot evin within the burgh of Edinburgh and suburbis thairof, ewest to his hienes Palace and place of residence, to the grite hafaird of his awine persone,’ &c. It then states various modes by which noblemen and others were drawn into street brawls and ‘ deidlie feidis’ by swaggering and turbulent persons, ‘ quhilkis wickit and vnhappy spirittis lykwayes ceiffis not to make and tell lesingis betuix his hienes, his nobilitie and gude subiectis, be previe or oppin speichis, and sumtymes be famous libelles and rymes disperfit or affixt, alwayes of mynd to saw and foster discord and dissension,’ &c. Command is therefore given to the Provost and bailies of Edinburgh and suburbs, and their officers ‘ the Capitane of his hienes Gaird, officiaris and Archearis of the same, and vtheris appointit for gaird during the tyme of this present Parliament, the Maister of his hienes Palice, and portair of the same, and all thair deputis, to ferche and feik for all hacquebutis and pistolettis borne, worne or schoitt within his hienes Palice or vtheris place of residence, or in the burgh of Edinburgh or suburbis thairof, and to take and intromett with the same, and to escheate the same to the behuif of the apprehendaris ;

and convoy the personis of the beararis, weiraris and schuittaris to his hienes warde and presoun,' &c.

DELETIOUN OF WILLIAME GORDOUN *of Auchindore furth of the
Summondis of Foirfaltour.*

(Jul. 21.)—Comperit personallie, Mr Johnne Skene, aduocatt to our souerane lord, and producit ane writting subferyuit be his Maiestie ;¹ off the quhilk the tennour followis.

‘ REX,

‘ Mr Daud M^cGill and Mr Johnne Skene, our ordiner Aduocattis, We greit 3ow weil : Forfamekle as We vnderstand, be veray credible narration maid to ws, that Williame Gordoun of Auchindore is altogidder innocet of the crymes ffor the quhilkis he is atteichit to be foirfalt, in this our Parliament, contenit in the Summondis of Treaffone direct furth aganis him and certane vtheris thairanent : Quhairfoir, it is oure will, and We expresse command 3ow and ather of 3ow, that with all guidlie diligence ye obliterate and delcit the said Williame Gordoun, name and furename, with his style, furth of the saidis Summondis and executionis thairof, sua that na kynd of procefs be led aganis him at the said Parliament, for ony cryme contenit thairin. And thir presentis falbe sufficient warrand to 3ow. Subferiuit with our hand at Haliruidhous, the xvj day of Julij, and of our regume the xxvj 3eir, 1593.

‘ Sic subferibitur, JAMES R.’

According to the quhilk writting, and for obedience of the samyn, the said Mr Johnne Skene as aduocat to our souerane lord, and in his hienes presence and estattis foirfaidis, desyrit the Clerk of register and his deputtis to delcit the said Williame Gordoun furth of the Summondis of Treffone and Lefe-maieftie perfewit be his hienes aganis the said Williame Gordoun of Auchindore and certain his complices, ffor the alleagit airt, pairt, counsaill and assistance, in the *BIRNING of the Houssis and Place of Dunybrissell*, committit vpoun the sevint day of Februar I^mV^c lxxxxj yeris, and cruell *Murthuring and Slaying of JAMES, ERL of MURRAY* thairin : Quha at command of his hienes lettre, presentlie in jugement, obliterate and delitit the said Williame Gordoun of Auchindoris name, furname and stile, furth of the bodie of the said Summondis of Treffone and executionis thairof. Quhairvpoun Mr Johnne Demster, aduocat, in name and behalf of the said Williame Gordoun, askit instrumentis.

(Jul. 21.)—The quhilk day, in presence of the Kingis Maieftie and Estaites of this present Parliament,² comperit Johnne Leslie of Balquhane, and producit the offeris vnderwrittin, for the pairt of Williame Erll of Angus, George Erll of Huntlie, Francis Erll of Erroll, Schir Patrik Gordoun of Auchindoun, kny^t, and Schir James Chifholme of Dundurne, knicht, personis dilatit and suspectit of the crymes of Lefemajestie ; off the quhilkis offeris, the tennour followis.

¹ See Acta Parl. A.D. 1593, fol. 15, &c. ; see also March 9, 1592-3.

² Ibid.

OFFERRIS *presentit to the Estaitis, be the Laird of Balquhane, in name of the ERLIS of ANGUS, HUNTLIE and ERROLL, and vtheris.*

In the first, fforfamekle as the saidis personis ar Indytit and accufit of Lese-majestie, for consulting and concluding for the inbringing of strangearis and subuerfioun of the Religioun, at lenth contenit in þair Summondis of Foir-faltrie, gif it will pleis 3our Maiestie and Estaitis, to select and cheis certane ather of 3our Maiesties Counsaill or Parliament, to intreat and commoun, ather with the saidis personis thame selffis or thair freindis, thay fall nocht onlie de-clair and mak notiffit thair innocence, and schaw thair guid will and obe-dience to 3our Maiestie and cuntry; bot also, thay neuir meanit nor attempt-it, nather directlie nor indirectlie, contrair 3our Maiesties personne, stait of þe cuntry, nor Religioun publictlie proffessit thairintill. ITEM, efter the triall of þair innocence, to tak away all occasioun of suspitioune, the saidis personis offeris for continwance of thair dewtifull seruicé vnto 3our Maiestie in tyme cuning, that thay fall neuir traffique nor haue intelligence with ony forreyne natioun or Prince, in hurt or preiudice of 3our Maiesties person, estait, com-moun weill and Religioune, bot to follow 3our Maiestie in all tyme cuning, as 3our maist obedient and humble subiectis, aganis quhatsumeuir 3our Maiesties vnfreindis: And securitie to be maid in sic sufficient forme as salbe thoct ex-pedient. ITEM, 3our Maiestie being satisfit, for removing of all kynd of sklander and euile confaut opinioune be the Kirk aganis the saidis personis, thay ar con-tent, efter commoning had with certane Ministrie, to be depute be your Maiestie and Kirk to that effect, in case þai, efter ressoning, may be throuchlie ressoluit, nocht onlie to satisfie the Kirk for ony sklander, bot also concerning the hail heidis and Articles of Religioune; vtherwayis, gif þai can nocht be throuchlie re-soluit, thay are content to depairt furth of the cuntry, thair to remane during 3our Maiesties plesour, or ay and quhill thay satisfie the Kirk in the premiissis: And to that effect, and in case foirsaid, maist humbly cravis 3our Maiesties licence. And in the meantyme, for 3our Maiestie and Kirkis better satisfiacione, the saidis personis fall remove out of thair cumpany all suspect personis of Religioun.

Quhilkis being red, hard and considerit be þe saidis Estaitis, and thairwith being adwyfit, the foirsaidis Estaitis, for thair advise to his Maiestie thairanent, findis it meit and expedient, in case the saidis noble men and vtheris foirsaidis, conforme nocht thame selffis vnto his Maiestie and his lawis, presentlie esta-blishit within this cuntry, anent the Religioun proffessit within the same, that his hienes grant thame Licence, vpon thair humble sute, to be maid to that ef-fect, to pas furth of the cuntry, vpon sic conditionis, and to sic vnsuspect places, as his hienes and his Counsaill fall preferue and appoint: And in case thay will nather conforme thame selffis, as said is, vnto his hienes and to the Religioun pre-

fentlie professit, nather yit will pas furth of the countrie, conforme to the directionis to be gevin to thame; that his Maiestie and his said Counfaill tak ordour thairwith, as thay think maift meit for quieting of the cuntrie and Estait of Religioun. And in the meantyme, that thai remane vnder the Proces and Summondis of Foirfaltour, execut aganis thame in this present Parliament, quhill furder probatioun may be had and gottin of the crymes of Tressone and Lese-majestie libellit aganis thame thairintill.¹

(Jul. 26.)—An Act is passed ‘in fanouris of THE ERLL BOTHUILL and his compliceis,’ viz. Dame Margaret Douglas Countesse of Bothuill,² James Douglas of Spott, &c. Proclamation is ordered to be made, charging ‘all his hienes liegis, that nane of thame tak vpoun hand to sklander, murmour, reproche or bakbyte the perfonis abouewrittin or thair pairt-takaris, or onywayes molest or perfew thame, in bodyis or guidis, vpoun quhatsumeuir caus, cullour or cryme bigane.’ And that Letters be directed to relax them from the procefs of horn.

(Aug. 8.)—PROCLAMATION, relative to ‘ane schip of Prestoun laitlie arryvit in this Firth, cum furth of England, quhairin ar findrie perfonis and guidis suspect to be infectit with the pest.’ The ‘maisteris, skipparis, marinaris,’ &c. are charged ‘to addresse thame selffis with the said schip and guidis being thairin to Sanct Colmis Inche, and thair loife handle,³ and remane with the same schip and guidis, vnto the tyme pruiff and tryale be had, giff thay be foule or cleane of this disefafe,’ &c. Charge is likewise given to the liegis, to prevent communication with the ship.

(Sep. 11.)—‘THE CHEIFFIS and Principallis of THE BRANCHEIS OF CLANNIS’ are charged ‘to enter plegeis, for keeping of guid reule in tyme cuming; vnder the pane of executioun of the saidis plegeis to the death, in caife of transgressioun and not redres maid be the perfonis offenderis, for quhome the saidis plegeis lye,’ &c.

(*Eodem die.*)—A PROCLAMATION, convening ‘the Erllis, Lordis, &c. weill bodin in feir of weir, with tuentie dayis victuall and prouisioun, to meit his hienes at Peblis, vpoun the first day of Nouember nixtocum,’ for ‘invasioun of the cuntreieis ewest THE BORDOURIS, perturbaris of the commoun quietnes of the realme; vudir the pane of tinfall of lyffe, laudis and guidis.’

(*Eodem die.*)—A PROCLAMATION, ‘to meit Ludouik Duke of Lennox, Erll

¹ Oct. 30, (*apud Lynlythgow.*)—A Commission is granted to John Lord Thirlstane, Chancellor, the Earls of Marischall, Mar, Montrose and Rothes, &c. ‘to heir and consider the Petitionis of the Erllis of Angus, Huntlie and Errole,’ &c. Their decision was declared to be final. *Acta Parl.*, fol. 44.—Jan. 18, 1593-4. They are declared to have amitted the benefit of the Act of Abolition, and that they be forthwith put to trial. *Acta Parl.* fol. 53.—Maii 20, 1594. The Advocates produced a Summons of Treason, but ‘nane of thame comperit.’ *Acta Parl.* fol. 55. And again on May 30. See farther proceedings, Jun. 8, 1594.

² See her Trial for the rest of the names, May 4, 1592.

³ And there unship their rudder and cast anchor.

Dernelie, Lord Tarboltoun, Methven and Aubigny his hienes Lieutenant, at Striuling, on Nov. 1, for invasioun, perfute and pvnishment of the rebellious and contemptuous perfonis, Inhabitantis of THE HIELANDIS and cuntreys adja-cent thairto.' In terms of the former Proclamation.

(Sep. 12.)—A PROCLAMATION to the Justices and Commissioners appointed by Parliament, &c. ' to proceid and minister justice vpoun all strang and idill BEGGARIS, vagaboundis, thevis and fornaris, or thair reslettaris and pairt-takaris in thair thifteous and wicked deidis ; and being convict, to pvnishe thame presentlie to the death, or vtherwayes, as thay fall find caus worthie,' &c.

(Oct. 9.)—A PROCLAMATION to meet his Majesty at Lauder, on Friday next, Oct. 12. It proceeds on the narrative, that ' the Kingis Maiestie being weareit with the mony and diuers complaintis of his hienes peceable and gude subjectis, herreit, wrakkit and oppreffit be thevis, brokin men, and vtheris difordourit perfonis, INHABITANTIS OF THE BORDOURIS of this realme, quhilkis daylie committis stouthis, reiffis, flauchteris of trew men, in the defens of thair awne guidis, and findrie vtheris crymes and enormiteis maist vnnaturall ; not onlie within the bowellis of this realme, bot als within the nichtbour cuntrey of England,' is determined to ' repress the insolence of the saidis difordourit perfonis, chieflie now, befor the winter seasoun approche, and the nichts grow lang.'

(Oct. 11.)—Letters appointed to charge FRANCES sumtyme ERLI BOTHUILL, James Douglas sumtyme of Spott, and Mr Johnne Coluill sumtyme of Strarudie, to appear before the King and Council, on Oct. xxv, ' to ansuer to sic thingis as falbe inquirit of thame, concerning maist Heich Treffoun committit be thame aganis his Maiesteis persone and estate ; and to vnderly sic ordour as falbe takin in that behalf,' under the pain of rebellion, &c.

(Oct. 25.)—THE EARL OF BOTHWELL, Douglas of Spott and Mr Johnne Coluill, ordained to be denounced rebels for not appearing, &c.

(Oct. .) —PROCLAMATION that as the EARLS OF ANGUS, HUNTLEY and ERROL, ' be diuerse thair lettres and vtherwise, hes maist humelie and eirnistlie craved ane Tryale,' for thair ' tressonnable Conspiracie,' committed in the month of January last ; and in order to prevent disturbances in the kingdom, ' in respect of thair gritnes and the place thay occupy,' that ' his gude subiectis forbear to mak conuocatioun or gadding in quhatsumeuir pairtis of the realme, be the perswasoun or sinister informatioun of ony perfonis ; bot be in reddynes to repair to his hienes self, as thay falbe aduertit be his awne Proclamatioun or Missive Letteris, and na vthirwayes : And that thay dissolue thair forceis, gif ony be alreddy conuocat, and depairt hame to thair duelling houffis, except sic perfonis as ar specialie requirit be his awne Letteris, to be presentit at the Conuention of the Nobility and Estates now at Lynlythgow,' &c.

(Oct. 31, *apud Lynlythgow.*)—A COMMISSION granted to Johnne Lord Thirlstane Chancellair, George Erll Marisshaell, Johnne Erll of Mar, Johnne Erll of Montrois, Andro Erll of Rothies and Alexander Lord Levingstoun, James Scott of Balvery, Johnne Murray of Tullibairdin, Alexander Bruce of Airth, knychtis, and George Lauder of Bafs, Williame Scott of Abbotishall and M^r David Carnegie of Culluthy, Alexander Hume of North Bernik Prouest and Clemett Cor, Commiffioners of Edinburgh, with the Commiffionaris of Dundee, Striuling, Lynlythgw and Coupar, with the officiaris of Eftate that fall happin to be present for the tyme, &c. ; and that Maisteris David Lindfay, Robert Bruce, Patrik Galloway, James Carmichaell, Robert Pollok and Johnne Duncanfoun, Minifteris, or sic of thame as beis present, haue accefs and audience quhen they haue ony thing, or fal happin to be callit vpoun for conference ; to heir and confidder the Petitionis of the ERLIS OF ANGUS, HUNTLIE and EROLE.

(*Eodem die.*)—PROCLAMATION ‘ that nane tak vpoun hand to invade, trouble or perlew the saidis Erllis and vtheris, feikaris of the said Tryale, in bodyis or guidis, during the tyme of the fame tryale ; vndir all hieft pane, charge and offens,’ &c.

(Nov. 6, *apud Haliruidhous.*)—PROCLAMATION ‘ that nane repair to Edinburgh bot sic as ar writtin for.’ A Convention had been called by the Eftates at Linlithgow ‘ to findrie noblemen, baronis and vtheris to conuene within the burgh of Edinburgh, vpoun the tuelft day of Nouember instant, and thair to treat, confult, deliberat and conclude vpoun findrie materis ; fpecialie, twicheing the fuirtie of the Eftate of Religioun and profefouris thair of, and fuirtie to be tane of all perfonis fufpectit or dilaitit to be aduerfaris of the fame, or trublaris of the quietnes of the cuntrie ; or in cais of thair diffobediens and contempt, how thay fall be perfewit or repreffit,’ &c.

(Nov. 26.)—‘ ACT OF ABOLITOUN,’ that Godis trew Religioun publictlie preichett and be law eftabliffit in the first yeir of his hienes reigne, fall only be profellit and exercifit be all his Maieftis lieges, &c.

(Dec. 22.)—A COMMISSION granted to ‘ WILLIAME LORD HEREIS, Schir Johnne Gordoun of Lochinvar, Alexander Steuart of Garleis, James Douglas of Drumlanrig, Thomas McClellane of Bombie, Thomas Kirkpatrick of Clofeburne, Williame Greirfoun of Lag, Alexander Jardaue of Apilgirth, Johnne Charterhous of Amysfeild and Charlis Murray of Cokpule, or to ony fevin, fyve or thrie of thame coniunctlie, his hienes full pouer, fpeciall command and charge, to conuene, treat and confult vpoun sic thingis as may tend to the obferuatioun of the peax and amitie with England ; eftabliffing and making of quietnes and gude reule, within the boundis of THE WEST MARCHE ; refifting and repreffing of the disturbaris thair of ; and committaris of thift, reffett of thift, reiff, mur-

thour, slauchter, ffyre-raifing or vtheris oppreffionis and enormities ; quhairthrow the trew and peceable fubjectis may be preferuit and defendit from wrak and heirfchip : And to that effect, to convocat his hienes liegis within the boundis of the faid Marche, in armes, for perfute or defens, alfoft as neid beis ; vndir the pane of tinfale of lyffe, landis and guidis, &c. And for the bettir furtherance of the premisses, Justice Courte or Courtis, within the Tolbuith of Drumfreis, or ony vthir place, within the boundis of the faid Weft Marche, to fett, begin, afferme, hald and continew. The faid Commiffioun quhill the fyftene day of Februar nixtocum, and forder ay and quhill the fame be difchargeit, to indure.’ —THIS Commiffion was granted on account of ‘ the prefent troublit ftate of the Bordouris, fpeciallie in the Weft Marche thair of, foirament England, be occafion of the treffounable rebellious of SCHIR JAMES JOHNESTOUN of Dunfkillie knight and his compliceis ; quha, eftir impvntie, and his hienes grace and pardon reffaut, for findrie treffounable and wicked deidis committit be him and the thevis of his name, and vtheris, thair affiftaris ; at laft the faid Schir James *tressounable brak warde furth of the Castell of Edinburgh*, and be the faidis wicked thevis of his name and vthiris, maift crewellie and barbarouffie *Murthourit* the trew men, *induellaris in the Sanquhair*, in the defens and faultie of thair awne guidis ; continewing ftill in his treffounable deidis, as *Birning of the Parroche-Kirk of Lochmabene*, and slauchter of fun of his Maieftis fubiectis fend hither be JOHNE LORD MAXWELL, his hienes Wardane and Justice, for the furthfetting of his Maieftis authoritie : And at laft, vpoun the faxt day of December instant, cuning with convocatioun of his hienes liegis, and diuers Engliffmen, treffounable brocht within this realme, armed, in plane hoftilitie aganis the faid vni^{le} Lord Wardane and Justice, he beiring our fouerane lordis authoritie for the tyme, vmbefett, invadit, perfewit and maift cruellie and outragiouslie *slew him and findrie Gentilmen of his name*, and vtheris his Maiefties fubiectis ; drownit, lamyt, dememberit and tuke a grite nowmer of prifonaris, reft and fpulzeit thair horffis, armour, purffis, money and vtheris guidis ; and ftill continewis in thair rage, crueltie, heirfchip and waifing of the cuntrey ; in proude contempt of his hienes authoritie and Lawis.’

(Dec. 27.)—ALEXANDER LORD SPYNIE ordained to be denounced rebel, for failing to appear before the King and Council to have answered ‘ to fic thingis as fould haue bene inquirit of him at his cuning, tuicheing certane treffounable practizeis and Conspiraceis deuifit and attemptit aganis his Maieftis perfone and eftate.’

(*Eodem die*.)—ARCHIBALD WAUCHOP appeirand of Nudrie and Gilbert Pennyuik to be denounced rebels, for the fame reafon as above.

(Jan. 9, 1593-4, *apud Edinburgh*.)—HERCULES SCOTT bruthir germane to

Frances funtyme Erll Bothuill, and NINIANE CHIRNESYDE,—SYM ARMESTRANG y^r of Quhithauch,—JOSIAS STEUART bruthir germane to Andro Lord Vchiltrie,—and M^r THOMAS CRANSTOUN apperand of Mureiftoun, are severally ordained to be denounced rebels, for not appearing to answer concerning certain treasonable practices and Conspiracies, devised and enterprised against his Majesty's person and estate.

(Jan. 18.)—‘ACT OF THE TAXATIOUN of ane hundreth thousand pundis,’—‘the Quene his darrest bedfellow now shorthlie approcheing to the tyme of hir birth, to the conforte alswell of his hienes as of all his trew and faithfull subiectis.’

(*Eodem die.*)—‘ACT declairing the ERLIS of ANGUS, HUNTLIE and ERROLE to haue amittit the benefeit of the Act of Abolitioun.’

(Jan. 25.)—‘ACT of materis referit to the Secreit Counfaill.’—‘That thair first begin and tak ordour anent the PAPISTIS LORDIS, Jefuitis, Seminarie Preistis and excommunicat personis, and thair ressettaris; thaireftir, with FRANCES funtyme ERLI BOTHUILL, his complices and thair ressettaris; the Slauchter of his hienes WARDANE OF THE WEST MARCHE; the Slauchter of the TWA MINISTERIS; and all vtheris Slauchteris, Murthouris, Deforceing and dinging of Officeris of armes, in execution of thair officeis; cruell Oppressionis, and vtheris odious crymes,’ &c.

(Jan. 26.)—ROBERT STEUART and WILLIAME STEUART callit of Innermeith, and WILLIAME STEUART of Tulliemett, and ROBERT CREICHTOUN of Cluny, were ordained to be denounced rebels, for not appearing to have answered concerning certain treasonable practices and Conspiracies, &c.

(*Eodem die.*)—SCHIR JOHNE MELUILL of Carnbie ordained to be denounced rebel, for not appearing to have answered a charge, at the instance of the Tenants of his Majesty's proper lands of Kingsbarns; that he, having begun to erect a mill on the said lands, the tenants made ‘lauchfull interruptioun to him; for the quhilk he lies confaut ane deidlie haitrent and malice aganis thame, daylie invading and perfewing thame, &c.; as nanelie, vpoun the saxt day of October last, Thomas Fermour, ane of the saidis tenmentis, being cumand in peceable and quiet maner fra the citie of Sanctandrois to his awne houe, wes vmbefett in the hie way betuix the Grenelaw and Polduff be the said Schir Johne, James Meluille and Robert Betoun his fervandis, quha being missilit, (*disguised, or masked,*) bodin and furneist with hacquebutis, piftolettis, sverdis and vtheris wapones invafive, &c. and thair, maist cruellie hurte and woundit the said Thomas in diueris partis of his bodie, as nanelie, the said Laird struke him with ane pistollett vpoun the heid and feld him; quhairthrow he is almaist blindit of his left ee; and left him thair for deid,’ &c.

(*Eodem die.*)—ROBERT BUCHIANNANE of Spittel, Mungo B. in Tullichewne,

and eight other *Buchannanes*, ordained to be denounced rebels, for not relieving George B. of that Ilk, of a Decreet Arbitral, pronounced by Ludovick Duke of Lennox, upon a Submissioun entered into by the Laird of B., taking burden upon him for his friends, on the one part, and Allane (Awlay) M'Caule of Ardincaple and his friends, on the other part; 'be the quhilk Decrete, the said George hes bene decernit to mak payment to the said Allane, and vtheris his friendis, of a certane sowne of money, for sum violence done, and attemptit aganis thame be the said George freindis.'

(Jan. 31.)—WILLIAM ERLI OF ANGUS, GEORGE ERLI OF HUNTLIE, FRANCES ERLI OF ERROLE and SCHIR PATRIK GORDOUN of Anchinoun, kn^t, charged 'to pas and enter thair personis in warde, within the feuerall wardis following,' viz., Angus, within the Castle of Blackness; Huntlie, within the Castle of Dunbartane; Errole, within the Castle of Edinburgh; and Sir Patrick, within the Castle of Thomptalloun; 'thairin to remane, vpoun thair awne expensses, ay and quhill thay be tryit, foule or clene, of the saidis crymes;' under the pain of Treason.

(Feb. 14.)—The King and Council Annul, revoke and discharge 'all and quhatsumeur COMMISSONIS of LIEUTENNANDRIE and JUSTICIARIE, preceiding the dait heirof.' This Act proceeds on the narrative, that 'a grite nowmer' of such Commissions had been 'paist and purchest be findrie noblemen, baronis and vtheris, within thir lait yeiris; quhilkis, for the maist parte, wer vsit ayther for thair awne particular proffeit, to the depaupering of honest men, his hienes gude subiectis, na commoditie followand to his Maiestie; to acquite sum personis of crymes, quhairof thay wer giltie, and deseruit pvnishment; or to be revengeit of vtheris, aganis quhome thay professit euill will and enimitie; as vn-happie experience, be the monyfauld slauchteris, and tressonable ffyre-raingis that hes bene committit within thir few yeiris, euidentlie declairit.' Charges are ordered to be given, that thenceforward 'nane of thame tak vpoun hand to vse or execute the same Commissions, or to mak convocatioun of his hienes liegis, vnder the pane of Tressoun.'

(Feb. 26, *apud Striiling*.)—PROCLAMATION against ALEXANDER LORD SPYNIE, ROBERT CREICHTOUN of Chuny, &c. charging the lieges, that none of them refet, supply nor intercommune with them, nor furnish them with meat, drink, house or 'harbory;' and that they assist the Sheriffs, &c. in apprehending them; under the pain of being held 'as arte and pairt-takeris with the saidis declairit tratouris.'

(Mar. 8.)—Act against the EARLS OF ANGUS, HUNTLIE and ERROL, ordaining them 'to be repute, haldin and perswet as tratouris; and the proces and dome of ffoirfaltour to be led aganis thame, conforme to the lawis of this

realme, and Actis of Parliament ;'—they having failed to enter thair perfons in ward, as lawfully charged.

(Mar. 14.)—‘MR JAMES BETOUN of Creich, keipar of his hienes CASTELL and PALICE OF FALKLAND, charged to rander and deliuer the fane, with the plenneffing, guidis and geir being thairin, pertening to his Maieftis felff, vpoun Inventair, to the officeris executouris of the Letteris, within xxiiij houris ;’ and failing, to denounce him rebel : And alfo to charge DAVID MURRAY, fader-bruthir to M. of Balvaird, in like manner, to remove furth of the Park and Wood of Falkland : This is done in confequence of ‘his hienes darrest bed-fallow the Quene, now laitlie preiffing and requiring his hienes with the accomplifhing ‘of his promife, that his hail conjunct-fee and terce-leving, pertening to her within the lordfchip of Fyffe, fould be putt in hir awne poffeffioun.’

(Mar. 27, 1594, *apud Edinburgh.*)—A COMMISSION, granted to ‘ALEXANDER LORD HWME, Wardane of the Eift Marche ; SCHIR ROBERT KER, appeirand of Cesfurde, Wardane depute of the Middle Marche ; and SCHIR WALTER SCOT of Branxholme, kn^t ; eueryane of thame within thair awne boundis and iurifdictioun,’ to convocate the lieges, ‘alfwele to burgh as to land, regalitie as ryaltie, on horfe and fute, in weirlyke maner.’ This is done, in confequence of the King and Council ‘heiring of the treflounable intentioun of FRANCES fumtyme ERLI BOTHUILE, and vtheris his complices, his hienes declairit tratouris, be quhome certane cumpanyis and bandis of wageit men of weir, on horfe and fute, are rafit of lait ; for executing, as appeiris, of findrie treflounable practizeis and Conspiraceis,’ &c. And, ‘in cais thay or any of thame flee to houffis or ftrenthis, with power, &c., to direct their preceptis and chargeis for rendering of the faidis houffis, &c., vnder the panes of trefloun and hoirning ; the perfonis difobeyand, to caus denunce to the horne ; and thaireftir to Affege the faidis houffis, raife fyre and vfe all kynd of force and weirlyke ingyne, that can be had for wyning and recouerie thair of,’ &c. All perfons betwixt fixty and fixteen years of age, are charged ‘to ryfe, concur, fortifie and affift’ the Commiffioners.

(Mar. 29.)—PROCLAMATION, charging all the lieges within the age of fixty and fixteen, dwelling within the bounds of Edinburgh, Haddington and Linlithgow, ‘alfweill to burgh as to land,’ &c., to repair to Edinburgh, ‘vpoun Mononday nixt, the firft of Aprile nixt to cum, weill bodin in feir of weir, fpéciallie with jakkis, fteilbonnetis, fpeiris, or lang gwnis, with prouiffioun for the fpace of aucht dayis eftir thair cuning ; and to remane and attend vpoun his Maieftie, or vthirwayes to pas forward, as they falbe coumandit’ ; ‘for preventing, withftanding and repreffing of the proude and temerarious attemptatis of the faidis declairit traitouris (BOTHWELL, &c.) and vnnaturall fubiectis, and perfute of thame as occafion falbe offerit.’

(Mar. 31.)—The King and Council, understanding that ‘JOHNE ERLLE OF ATHOILL, accompanied with his freindis and seruandis, and vtheris his Maieftis liegis, perfwadit be him vpoun fun collourit pretens, ar to repair in weirlyke manner with all conuenient expeditioun, to the South pairtis of this realme, to joyne in cumpany and actioun with Frances sumtyme Erl Bothwill,’ &c.—Therefore, Letters are ordained to be directed, charging him ‘to diffolue his forceis and returne hame to his awne duelling place, and thair remane and contene him selff in quietnes, vnder his Maieftis obediens.’ The lieges who had joined with him, are charged to ‘pas hame to thair awne duelling houffis, within xxiiij houris.’ A free Pardon and Remiffion granted to thofe obeying—‘thame that refuiffis to accept his hienes grace and fauour, now quhen it is offerit, and dois in the contrair heirof, falbe alfwa perfewit as tratouris and Confpiratouris aganis his Maieftie and his authoritie, with the lyke rigour and extremitie, without fauour.’

(Apr. 2.)—PROCLAMATION for the ‘Erlis, lordis, &c., of the Sherefdom of Perth and Steuartreis of Stratharne and Menteith,’ &c., that they, ‘weill bodin in feir of weir, with aucht dayis victuallis, addres thame selffis to meitt his Maieftie, his Lientennent, or vtheris haueand his hienes pouer and Commiffioun, at the burgh of Stirling, vpone the fyft day of Aprile instant, for perfute and withftanding of the faidis declairit tratouris,’ &c.

(Apr. 9.)—PROCLAMATION *to pass to the NORTH*, along with ‘his hienes in propir perfoun, for perfute, refifting and repressing of the cheiff authouris of the treflounable Confpiraceis diuifit and maid aganis God, his treu Religiou, prefentlie profellit,’ &c. The ‘Erlis, baronis,’ &c. of the fheriffdoms of Fife, Kinrofs, Perth be-north the water of Erne, Forfar, Kincardine, to meet at Dundee on 29th April; Aberdeen, Banff, Elgin, Fores, Nairn, Inverness and Cromarty, to meet at Aberdeen on 2d May; ‘alfweill regalitie as ryaltie, togidder with the inhabitantis of burrowis, weill bodin in feir of weir, with xxx dayis prouiffioun,’ &c.

(Apr. 13, *apud Brunt-Iland*.)—PROCLAMATION againft ‘CAPITANE GEORGE STRANG, Capitane Robert Meluill, Mr Jerome Lindfay, fone to Mr David L. Miniſter, Mr Johnne Murray, David Orme of Mugdrum, Mr Allane Orme and Orme his bruthir, Robert Douglas, fone naturall to Schir George D., and Patrik Clapene, bruthir to the Laird of Carflogy, his Maieftis vmaturall and difobedient fubiectis, fugitiue fra his hienes lawis, for thair treflounable affifting, intercommuning, &c., with FRANCES sumtyme ERLLE BOTHUILL, and vtheris his compliceis, his Maieftis declairit traitouris, in thair treflounable and wicked deidis; and fun of thame for rafing baidis of men of weir; and vtheris for reffauing of wageis and entering vnder the charge and commandiment of thame and vthiris Capitanes and Commandaris, for feruing of the faidis tra-

touris aganis his Maieftie,' &c. The lieges are therefore difcharged from furnifhing them with 'meit, houfe nor harbory,' &c.

(*Eodem die.*)—The Magiftrates of the 'Townis off the coift-fyde,' find caution to appear before the King and Council, 'to anfuer to fie thingis as falbe inquirit of thame, concerning thair affiftance, arte, pairt-taking, intercommoning or haueing intelligence with FRANCES fuintyme ERLI BOTHUILL,' &c., viz. 'The Magiftrates of KIRKALDY, under the pane of 2000 merkis; KINGHORNE, 1000 merkis; DYSART, 2000 pundis; PITTINWEYME, 1000 merkis; CARRAILL, 500 pundis; SANCT ANDROIS, 2000 merkis; ANSTRUTHER, 1000 pundis; and COUPAIR, 500 merkis.

(Apr. 23, *apud Edinburgh.*)—Thomas Mertoun of Cammo, and Williame M. younger of Cammo, become fecurity for HENRY LORD SINCLAIR, that he, his kin, tenants, &c., fhall obferve peace, quietnefs and good rule in the country; and in no wife invade, trouble nor perfue David Wemys of that Ilk, Johnne his fon, their kin, tenants, &c.; under the pain of 10,000 merks.

(Apr. 26.)—JOHNE ERLI OF ATHOILL to be denounced rebel, for not appearing to anfwer concerning his dealing and praetizing with Bothwell, &c.

(Apr. 29.)—PROCLAMATION, for the lieges to be in readinefs to repair to his Majefty, upon fix days' warning.

(May 2.)—ANDRO LORD STEUART OF VCHILTIE ordained to be denounced rebel, for not appearing to anfwer 'tuicheing his treflounable attemptattis, confpirit, practizit and putt in executioun aganis his Maiefteis perfone and eftate.'

Creasonably Conspiring and Trafficking against the Protestant Religion, &c.—'The Spanish Blanks.'

(Jun. 8.)—WILLIAME ERLI OF ANGUS, GEORGE ERLI OF HUNTIE, FRANCES ERLI OF ERROLL and SCHIR PATRIK GORDOUN of Auchindoun, kn^t.¹

The quhilk day, Mr David M'Gill of Cranftoun-Riddell and Mr Johnne Skene, aduocattis to our fouerane lord, productit, in prefence of the Kingis Maieftie and Eftaitis, lyk as thay did dyuerfe tymes ofbefoir, the Summondis of Treflone, rafit and perfewit at the instance of our faid fouerane lord and his hienes Juftice, aganis the faidis Williame Erli of Angus, George Erli of Huntie, Frances Erli of Erroll and Schir Patrik Gordoun of Auchindoun knicht; quhair-by thay wer fummond to haue comperit befor our faid fouerane lord, and his hienes Juftice, the xvij day of Maij laftbypaft, with continwatioun of dayes, to haue anfuerit to the crymes and pointis of Treflone and Lefemajeftie contenit in the faidis fummondis: The quhilk fummondis, reffonis and cauffis thairin

¹ See *Acta Parl.* 1592-3, p. 283.

contentit, being first red, in presens of the Kingis Maiestie, and in presens of the Lordis of Articles, thay fand the same summondis relevant. And thaireftir, this instant day, the same Summondis of Tressone being red in presens of the Kingis Maiestie and haill Estaitis; and the saidis thre Erllis and Laird of Auchindoun being thryse callit at the Tolbuith windo, and nane of thame comperand; the saidis haill Estaitis ffind the saidis summondis relevant; and thairfoir, thay admittit the same to the saidis aduocattis probatioun. And immediatlie thaireftir, the saidis aduocattis, for preving of the saidis Summondis of Tressone aganis the saidis [Erllis] and Lard of Auchindoun, producit, in presence of the Kingis Maiestie and haill Estaitis, the PROBATIONIS following; lyk as, thay producit the samyn probationis ofbefoir to the saidis Lordis of Articles, vpon the first day of the moneth of Junij instant. IN THE FIRST, thai producit AUCHT BLANKIS, in paper; tua thairof subferyuit be the said Erll of Angus allanerlie; vther tua be the said Erll of Huntlie allanerlie; vther tua subferyuit be the said Erll of Erroll allanerlie; and vther tua be the saidis thre Erllis and Laird of Auchindoun; all fend to Spayne. Quhilkis blankis hes na defigatioun on the bak, nor declaratioun of the causes for the quhilk thai wer fend, bot blank and quheit paper on baith the sydis, except the said subscriptionis.—ITEM, thai produce dyuerse and sundrie feillis of the saidis Erllis, imprentit in paper, fend with Mr George Ker to Spayne; to the effect vtheris feillis nicht be maid thair conforme to the samyn, to seill the saidis blankis, efter thai suld be fillit. Thay produce dyuerse and sundrie Depositionis of Mr George Ker, subferyuit with his awin hand; with ane Missive Lettre, writtin and subferyuit be him, vncompellit or coactit, bot of his awin frie will to the Kingis Maiestie; be the quhilk Depositionis and Lettre, the haill tressonable Trafficquing aganis the Religioun, the King, his estait and realme, is willinglie confessit and planelie declarit; and the tressonabill end and effect for the quhilk the saidis blankis and feillis wer fend, is maid manifest, viz. that thai wer fend to be fillit vp be the Counsaill of Spayne, and Mr Williame Creichtoun Jesuïte, with sic forme and securitie as thai suld deuyse, anent the sending in Scotland of monie, for lifting of men of weir and of Threttie Thowsand Spanzeardis to cum in this cuntrie, and land in the wast partis thairof; quhair of Fyve Thowsand suld haue remanit in this cuntrie, and beand coniuinct with the saidis Erllis, suld alter the Religioun and estait of this cuntrie.—ITEM, for preving the premiffes, thay produce certane Depositionis, subferyuit be vni^q^{le} David Grahame of Fintrie; conforme in all thingis to the Depositionis of the said Mr George Ker.—ITEM, thai produce the Dome of Foirfaltour gevin and pronuncit aganis the said vni^q^{le} Lard of Fintrie, contenand his Depositionis and Dittay; quhilkis ar conforme in all pointis to the said first resson of the summondis, and expresse verrifies and pre-

vis the famyn : The quhilkis Treffone the said Laird of Fintrie confessit in judgement, and neur revoikit the same, bot 3eid (went) to the death thairwith, and wes justifiet and execute thairfoir.—ITEM, thay produce findrie Lettres writtin be Mr James Gordoun, vnder ane fenzeit name of James Crystefoun : And siclyk, ane Lettre writtin be Mr Robert Abercrummy, Jesuite, having ane fenzeit subsciption of Robert Sandiefoun : And ane Lettre writtin and subsciuit be the said vmq^{le} Laird of Fintrie, havand ane fenzeit name of David Forrester : Quhilkis Lettres planelie previs, conforme to the premisses, the hail Treffone libellit.—ITEM, thay produce Lettres writtin be Mr James Gordoun, in faouris and commendatioun of Mr George Ker, writtin to findrie personis in Spanzie, to preif, that he was purposit to pas to Spaine with the saidis blankis : Togidder with tua Obligatiounis, subsciuit be the saidis Mr James and Robert, in the quhilk thay confes the fenzeing and mutatioun of thair awin names, quhilk lykways may be easelie provin *per comparationem literarum*, and be inspectioun of the saidis Obligatiounis, that Sandefoun is Abircrummy, and Crystefoun is Gordoun : And as to the fenzeit name of the said vmq^{le} Laird of Fintrie, calland him self David Forrester, he confessit the same fals subsciption and name to be his awin hand-write and name, in his Depositionis, 20th Januar 1592 ; the quhilk lykways is provin, *per comparationem literarum*, be the subsciption of the Depositionis, and ane Lettre writtin and subsciuit with his awin hand, heirwith product ; quhilk Lettre is direct to the Kingis Maestie, and is repetit *in modum probationis* of the said libell.—ITEM, thai produce Lettres of Incident Diligence, quhairby the saidis Erllis, and Laird of Auchindoun, and Mr James Gordoun, and Mr Robert Abircrummy, ar summond to this Parliament, to heir and sic the subsciptionis of the saidis Blankis, and fenzeit subsciptionis, and feillis foirsaid, to be thair awin ; and being recognoscit, to preif aganis thame ; and to heir and sic all vther probatioun vfit, led and deducit aganis thame, as accordis of law : And repeatit the Depositionis of witnesses, *in quantum*, and the notorietye of thair subsciptionis and hand-write.—ITEM, becaus Mr George Ker and vmq^{le} Lard of Fintrie, Mr James Gordoun and Mr Robert Abircrummy, wer Traffiquing Papistes, trattouris and participantis of the Treffone libellit, lyk as thai ar 3it, (except the said Laird of Fintrie, quha wes execute for the same,) and thairfoir, it may be objectit that thair Depositionis fall mak na faith in this cause, the saidis aduocattis producis ane Interloquittour of the Lordis of the Sessioun, subsciuit be the Clerk of Register, findand thir infame personis, minoris, or personis beand fellowis or companiounis in the same cryme, may be witnesses in the causes of Treffone and heresie ; quhilk Interloquitour wes product and practizit in the accusatioun of vmq^{le} Ewfame McCalzeane.—ITEM, thai produce the Sentence of Excommuniatioun aganis the personis accusit, and

also contrair Mr James Gordoun, vniq^{le} David Grahame of Fintrie.—ITEM, it is of veritie, that the King and thre Estaitis of this realme, in criminall caus, hes iurisdiction and pouer of ane greit Assise, and may iuge and decyde all crymes, conforme to thair consciences, and vehement presumptionis, conjectures and probabilities, quhilk may be collectit and gatherit in the causes; and speciallic, in the cryme of Tressone; as is manifest in the writtin law of this realme, callit Regiam Maiestatem, lib. 4. cap. 1. And the saidis aduocattis repetis, in forme of probatioun, the notoriety of the crymes libellit, and that of the law *sufficit allegare notorium sed non probare*, and the publict voce and fame, quhilk is ane vehement probatioun *in criminibus clandestinis*, and namelic, in the cryme of Tressone and Lesmaiestie, with the notoriety of the Tressone, and of the trafficking libellit, committit be the personis accusit at the Brig of Die, the yeir of God 1589 yeiris; ffor the quhilk, findrie of thame eum in his Maiesteis will for the samyn; quhilk is ane Confessioun of the cryme.—ITEM, thay repetit and producis ane Catalogue of fals and fenzeit names of certane Jesuittes and trafficking Papistes, contening also certane fenzeit names of the saidis Erllis, quha all did fenzie thair names, to the effect thai micht the mair surelie and quietlie vse the tressonabill traffique libellit.—ITEM, thay produce and repeittis, that the saidis Erllis and Laird of Auchindoun, being suspect of Tressone, and chargit to enter in ward, conforme to the Act of Parliament maid be King James the Secund, disobeyit the same; and thairby hes incurrit the pane of Tressone, be refone of thair contumacie; becaus of the law, he that is *contumax* may be condampnit, for his contumacie causses him be estemit as present, and inducis aganis him ane Confessioun of the cryme L.3 . . . ‘decernimus:’ And it is of treuth, that of the law he is callit *contumax*, quha is summond to ane certane day, be ane peremptour summondis, with certification, and comperis not the said day. *L. Contumacia et ibi glossa ff. de re iudic.*: And for verificatioun thairof, thay produce the Kingis Lettres, with the executionis thairof; quhairby the saidis Erllis and Laird ar chargit to enter thair personis in ward.—ITEM, thay produce ane act and decret of the Secreit Counsaill, maid at Edinburgh the aucht day of Merchie last wes, with the publicatioun thairof at the mercat croce of Edinburgh, vpoun the xij day of the said moneth, the yeir of God foirsaid; ffindand and declarand, that the saidis thre Erllis and Laird of Auchindoun hes contravenit the saidis chargis, and fuld be pvnissit, estemit and accusit as Traitoris.—ITEM, To the end that the saidis Erllis and Laird of Auchindoun thair contumacie and perseuerance may be knawin, in the tressonable Tressone libellit, without ony apperance of repentance or amendement, the saidis aduocattis repeittis the manifest Tressone committit be thame and ilk ane of thame, be resseting of certane strangearis, traffiqueris and tressonable mwtnineris and rafaris of

feditioun aganis the estait of the realme and Religioun, quha laitlie arryvit and landit in the toun of Montroife, and ar presentlie, lyk as thay haue bene sen the tyme of thair arryving in this realme, reffett, helpit, supportit, assistit and mantenit be the saidis thre Erllis and Lard, and euerie ane of thame, to the owerthrow and euerfioun of this realme and Religioun presentlie professit within the same.—THE saidis aduocattis repetit the haill wreittis and vtheris premisses abone mentionat, as thai ar sett down in maner abone mentionat, with the notorietye of the deid; and that this Parliament is ane greit Assyse; sua that he, quha of his conscience can nocht clenge, he of necessitie mon fyle: And renuncit forther probatioun of the first reffone of the Summondis of Foirfalture.

*SUMMONDIS of TRESSONE and FOIRFALTURE aganis the ERLIS of HUNT-
LIE, ANGUS and ERROLL, and SIR PATRIK GORDOUN of Auchindoun.*

JACOBUS Dei gratia Rex Scotorum, dilectis nostris Leoni Regi armorum, Ilay, Albanie, Rofs, Rothfay, Snawdoun, Merchemont, herauldis; Roberto Stewart, Davidi Bryffone, Alexandro Douglas, Jacobo Chalmeris, clauigeris; Orment, Bute, Vnicorne, Carrik, signiferis; Joanni Blindscheillis Bute signifero, Roberto Frafer Vnicorne signifero, &c. nunciis; et eorum cuilibet, conjunctim et diuisim, vicecomitibus nostris in hac parte: Salutem. Mandamus vobis et precipimus quatenus summoneatis legitime et peremptorie, coram testibus, Willhelmum Comitem de Angus, Georgium Comitem de Huntlie, Franciscum Comitem de Erroll, Dom. Patricium Gordoun de Auchindoun militem., Conspiratores, perpetratores et celatores criminum Lese maiestatis subsequenitium, personaliter si eorum personales presentias commode habere poteritis; alioquin apud eorum loca habitationum, vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburghe, Hadingtoun, Lanerk, Abirdene, Perth, Bamff, &c. aliaque loca necessaria; degentes vero seu existentes extra regnum nostrum, seu nullum certum domicilium in eodem habentes, apud dictas cruces forales aliaque loca necessaria, super premonitione sexaginta dierum; sic quod huiusmodi summonitio ad eorum aures et noticiam verisimiliter peruenire poterit; quod compareant coram nobis seu Justiciario nostro, vigesimo die mensis Maij proxime sequen. in Parlamento nostro, apud Edinburgh, decimo octauo die mensis Maij predicti tenend., hora causarum continuatione dierum ad respondendum nobis nostrove Justiciario in prefato Parlamento, super proditoriis criminibus subsequenitibus: Dictos scilicet Guilielmum Comitem de Angus, Georgium Comitem de Huntlie, Franciscum Comitem de Errole, Dom. Patricium Gordoun de Auchindoun militem, &c., et eorum quemlibet, pro sua proditoria Conspiratione, consultatione et conclusione horrendi sceleris et facinoris ad exequendum destinati pro alteratione status regni nostri et vere Religionis inde professè, per nos nostrosque probos et fideles legios, secundum Dei omnipotentis Verbum, per Acta Parlamenti nostri approbate, et per leges nostras confirmate: Idque presertim, in mensibus Junii, Julii, Augusti, Septembris, Octobris, Nouembris, aut eorum aliquo, anno domini 1592, in ipsorum consilijs et conventionibus cum Magistro Jacobo Gordoun et M. Roberto Abircrummy, Jesuitis et seminaris presbiteris, et cum M. Georgio Ker et quondam Dauide Grabame de Fintrie, aut eorum aliquo, excommunicatis Papistis, super literis a M. Wilhelmo Creichtoun et M. Jacobo Tyrie, Jesuitis ex Hispania, missis et directis ad prefatum M. Jacobum Gordoun: Et in ipsorum proditoria consultatione et conclusione desuper habita; in quibus declaratur, quam diligenter, et quanta cura ipsi cum Rege et consilio Hispanie elaborauerunt, pro pecunia et militibus in Scotiam deportantis, ad extremam subuersionem et alterationem Religionis nunc professè, et invasionem regni Anglie; quod solum in hoc regardabatur, donec ex Scotia clarus quidem vir mitteretur cum literis certitudinis, et aliis vacuis cartis (sic *Blankis*), subscriptis per nobiles viros qui pro parte et nomine Catholicorum Promanorum in hoc nostro regno existentium sese obligarent et hypothecarent: Quequidem Litere (sic *Blankis*) implemen-

tur, cum aũfamento dictorum M. Wilhelmi Creichtoun et M. Jacobi Tyrie, in Hispania degentium, tanquam certiffima vincula, figna et fidejufiones predict. monete et militum, extenden. ad numerum 30,000 virorum armatorum, anno predicto, intran. verſus occidentalem partem hujus regni noſtri, prope Kirkeubreiche vel fluvium de Clyde, prout ventus nauigationi melius inferuiret. Ad cuius impij et proditorij facinoris perimpletionem, commemorate vacue Litere (ſic *Blankis*) partim Latine, partim Gallice, ſub diuerſis formis, vna cum Literis certificationis et fidei ſubſcripte fuerunt manibus prefatorum Wilhelmi Comitis Anguſie, Georgii Comitis Huntlie, Franciſci Comitis de Erroll, et D. Patricii Gordoun de Auchindoun militis palam profitentium et affirmatum ſe eſſe maiestatis regis Hispanie (ad quem iſte Litere mittebantur) humillimos et maxime obedientes fervitores: Quod ipſorum factum proditionis predictae manifeſte eos arguit, quod tum natura et fide ſint nobis ſuo Regi obligati (ad quem huiusmodi Litere vacue non erant miſſe) ligeantiam et fidelitatem nobis debitam proditori diſſoluerunt, et alieno et peregrino Regi, ſine noſtro conſenſu, fidem ſuam obſtrinxerint; et literas vacuas ipſorum manibus ſubſcriptas ad eum miſerunt, in quibus ſcribi et impleri potuit per eum et eius conſilium quicquid ipſis viſum eſſet quod poſſet eſſe nociuum et detrimentofum nobis, noſtre auctoritati regie, regno noſtro et ſubditis; quo ipſorum facto, nihil magis proditorium fieri et excogitari ab illis potuit. Poſtea eodem Litere (ſic *Blankis*) ad effectum ſupraſcriptum tradite et deliberate fuerunt, in menſe . . . anno domini 1592, dicto M. (Georgio) Ker, vna cum variis et diuerſis figillis dictorum comitum cere impreſſis: Quiquidem M. Georgius trans mare in Hispaniam nauigaturus, ad hoc ſceleratum opus exequend. electus fuit; idemque negotium in ſe libenter ſuſcepit, et iter ingreſſus ad Cumbram Inſulam vſque peruenit; cum plenaria commiſſione perſonarum ſupra-mentionat.; onus in ſe acceptantium pro omnibus aliis ſue factionis hominibus Catholicis Romanis, ad ſedulo laborandum pro pecunia et militibus recuperandis; cum ipſorum fideli permiſſione ad preparandum ſeſe ſuoſque viros et equites armatos, quo ad dicta pecunia extendere et ſatiſfacere valuerit; qui certo expectarent adventum et introitum dictorum Hispanorum militum, deducerentque maiorem numerum eorundem in Angliam, pro euerſione eiufdem et Religionis ibi profeſſe: Et quorum Hispanorum 5000 infra hoc noſtrum regnum pro perpetuo reſiderent, cum quibus antenominatos proditores, degenerati nobiles et huiusmodi omnes Papiſte Catholici illius ſecte in hoc noſtro regno degentes ſeſe conungerent, pro alteratione ſtatus eiufdem, et Religionis nunc profeſſe; quorum qui alterutrum euerit vtrumque euerit, cum inter ſe ita ſunt conjuncta vt vno pereunte alterum perire ſit neceſſe; et exaltatione miſſarum et Catholice Romane profeſſionis, ad euident periculum et detrimentum noſtre regie perſone, diſturbationem pacis regni noſtri, et alterationem vniverſi ſtatus eiufdem. Committendo inde nefandam et maniſeſtiſſimam Proditionem, contra Deum noſtrum omnipotentem, nos, auctoritatem noſtram regiam et leges. Ideoque antenominatos Guiliehmum Anguſie Comitem, Georgium Huntlie Comitem, Franciſcum Errolie Comitem, D. Patricium Gordoun de Auchindoun, militem, &c., ad videndum et audiendum ſeſe et eorum quemlibet, intuitu premiſſorum, crimen Leſe Majestatis incurriſſe, per nos et trium regni noſtri ſtatuum decretum decerni et declarari: Et propterea, bona, (mobilia,) et immobilia, tam terras quam officia aliaſque res ad eos ſpectantes nobis conſiſcari, et pro perpetuo nobiſcum in proprietate remanere; perſonaſque ſuas penas Proditionis et vltimi ſupplicii a regni noſtri legibus inſictas ſubire: Ac vterius, in permiſſe reſpondend. et juri parend: Intimando ſupra-dictis Conſpiratoribus et eorum cuilibet, quod ſue dictis die et loco cum continuatione dierum comparuerint ſue non, nos, dictuſque noſter Juſticiarius in premiſſis, juſticia mediante, procedemus et procedet. Inſuper, citetis, &c., ad comparandum coram nobis noſtrove Juſticiario dictis die et loco, hora cauſarum, cum continuatione dierum, ad perhibendum fidele teſtimonium in cauſa predicta, ſub pena legis; et preſentes literas debite executas et indorſitas earundem lateri reddatis. Et vos qui preſentes executi fueritis ſitis ibidem, dictis die et loco, coram nobis noſtrove Juſticiario, portan. vobiſcum ſummonitionis veſtre teſtimonium in ſcriptis pro premiſſis, ſeu ipſos teſtes: Ad quod faciend. vobis et veſtrum cuilibet coniunctum et diuiſum vicecomitibus noſtris in hac parte committimus poteſtatem: Datum ſub teſtimonio noſtri magni ſigilli, apud Edinburgh, decimo nono die menſis Marci, 1593, et regni noſtri vigeſimo ſeptimo.

THE quhilk Summondis, with the executionis and indorfationis thairof *reſpectiue* foirfaidis, being this iſtant day red, in preſens of his Maieſtie and hail Eſtatis of Parliament, firſt in Latyne and fyne in Scottis, and the faidis Williame Erle of Angus, George Erle of Huntlie, Francis Erle of Arroll and Schir Patrik Gordoun of Auchindoun kny^t, being oftymes callit of new, at the Tolbuyth vyndow of the faid burgh of Edinburghe, to haif comperit and anſuerit to the faid ſummondis and reſſone contenit thairin ; and thai nocht comperand, to haif defendit in the faid mater, and to haif anſuerit to the faid ſummondis ; the faidis Aduocatis deſyrit the faidis Eſtatis declaratioun, gif the reſſoun of the faid ſummondis wer releuant aganis the faidis thrie Erlis and Schir Patrik Gordoun of Auchindoun kny^t. Quhillkis Eſtatis, all with ane voce, fund the ſamin releuant aganis thame : Thairfoir, the faidis Aduocatis, of new, for verefeing of the faid reſſoun contenit in the faid Summondis of Treſſoune, producit and repetit the hail aucht Blankis, in paper ; twa thairof ſubſcryvit be the faid Erle of Angus allanerlie ; vther twa be the faid Erle of Huntlie allanerlie ; vther twa ſubſcryvit be the faid Erle of Arroll allanerlie ; and vther twa ſubſcryvit be the faidis Erlis and Lard of Auchindoune ; all ſend to Spane : And als repetit the hail vther probationis repetit be him of befoir in the faid mater, this iſtant day ; and deſyrit the faidis Eſtatis of Parliament to advyis the probatiounis foirfaidis led and deducit in the faid mater, and to pronunce thair ſentence of Parliament thairintill, according to the ſamin probationis and thair conſciences. And thairefter, the hail writtis and probationis, being red, ſene and conſiderit be the hail Eſtatis of Parliament, in preſens of the Kingis Maieſtie, and thai thairvithe being rypelie advyſit, the faidis Lordis and Eſtatis of Parliament ſſindis, decernis and declaris, that the faidis Williame Erle of Angus, George Erle of Huntlie, Francis Erle of Erroll and Schir Patrik Gordoune of Auchindoun kny^t, hes committit and done oppin and maniſt Treſſoune aganis our faid ſouerane lord, in all poyntis, articlis and maner contenit in the faid Summondis. And thairfoir, it was gevin for Dome be the mouthe of James Neſbet dempſter of Parliament, in maner and forme as followis.

DOME of FOIRFALTOUR. This Court of Parliament ſchawis for law, that the faidis Williame ſumtyme Erle of Anguis, George ſumtyme (Erle) of Huntlie, Francis ſumtyme Erle of Erroll and Schir Patrik Gordoune ſumtyme of Auchindoun kny^t, and ilk ane of thame, hes committit and incurrit the ſpeciall cryme of Treſſoun and Leſemaieſtie abonewrittin, the tymis and in maner at lengthe contenit in the reſſoune of the faid Summondis of Treſſoune : And thairfoir, decernis and declaris all thair gudis, moveable and vnmouable, alſweill landis as officis, and vtheris thingis qvhatſumewir belonging to thame, to be conſeicat to our ſouerane lord, and to remane perpetuallie with his hienes in propertie, in tyme cumning ; and thair perſonis to vnderly the panis of Treſſoune

and vtter pwnishment, appoyntit be the lawis of this realme : And this I gif for Dome.

The interest which must be felt by all in the mysterious story of ‘ the Scottish Blanks,’ induces the Editor to give an accurate reprint of an extremely rare Tract, published under the immediate authority and revision of the King and Privy Council of Scotland, which he is fortunate enough to have in his own Collection. The original is marked, ‘ ex Pamphletis Roberti Mylne scribæ,’ a well-known Collector of Tracts, illustrative of the History of Scotland, who died Dec. 21, 1747, at the very advanced age of 105 ; having ‘ enjoyed his sight, and the exercise of his understanding, till a little before his death.’¹ The same Tract was reprinted under the direction of Queen Elizabeth’s Council ; but unluckily, it is ‘ done into English,’ and is otherwise inaccurately edited. It bears for imprint on the title-page, ‘ London, Printed by R. F. for John Norton. 1593.’

A DISCOVERIE

OF THE VNNATURALL AND TRAITEROUS CONSPIRACIE OF SCOTTISCH PAPISTES, against God, his Kirk, their native Cuntry, the Kingis Maiesties persone and estate. Set downe as it was confessed and subscribed bee M. George Ker, yit remaining in Prifon, and David Grahame of Fentrie, iustly executed for his Treason, in Edinburgh, the 15 of Februarie 1592. Wherevnto are annexed, certaine intercepted Letters, written by sundrie of that faction, to the same purpose.

Printed and published at the speciall command of the Kingis Majestie.

AT EDINBURGH,

PRINTED BY ROBERT WALDEGRAVE, Printer to the Kingis Majestie.

Cum privilegio Regali.

TO THE READER.



ANIE and dangerous poynts (good Reader) of vnnaturall and treasonable practises of Scottissh Papiists, or (as they will needes be styled) Catholicke Romans, against God, his Kirk, their native Country and the Kinges Majesties estate and persone, being discovered by Godes great and mercifull providence, partly by the depositions and confessions of some of the practifiers themselves, and namly, Master George Ker, who for that cause is imprisoned, and David Grahame of Fentrie, justly execute for the same also, in Edinburgh the 15. of Februarie 1592, and partly by diverse letters of sundrie of the practifiers, intercepted at diverse tims. It is thought good by the Kings Majestie,

¹ See Scots Magazine, 1747, and British Magazine, or London and Edinburgh Intelligencer, for 1747.

and his honourable Counsell, that the most substantiall paynts of the said depositions, should be faithfully taken out of the originals, which were deponed and confessed by the saide M. George, and David Grahame of Fentrie, before the honourable persons depute by the Kings Majestie, and his hienes Counsell to that effect, and subscribed with their own hands; and for the greater ease of the memory of the reader, should be summarly gathered into this forme following, which otherwise were scattered here and there in their depositions, according to the occasion of the diverse demands at diverse dyats: for the readier taking vp whereof, the times of the depositions and persons deponers, severally and coniuently as the matter craveth, should be set down in marginal quotations: As also, that some of the most remarkable letters of the practifers, should be joynd herunto word by word, quhilke were intercepted with Maister George Ker, and the rest decyphered and translated as after shall appeare; and so the whole together to be imprinted, and set fourth vnto the view of the world, to the glory of Gods Majestie (the only revealer of these secrets), to the comfort and edification of his Kirk, and the perpetuall detection and thame of the vnnatural enemy. Al quhilke things are so faithfullie done in this volume following, that no man how impudent so ever he be, can iustly chaleng it with any falsifying, forging, or changing one thing for another, to the wresting of the original depositions, in any the lest substantiall part therof, as by conferring this extract with the first records which are in the Clerks hands, most evidently shall appear, if any list to looke vpon them. Thou art therefore (good Reader) gretly to consider the goodnes of our God in this case, so watchfull over his Kirk, for the good and safetie thereof, by discovering sik deep and dangerous practises of the deadly enemy, euen then, when as we thinking nothing lesse, ar redy to be surprisid by their cloffe courses so cunningly and craftily conueied: as we may well say with the Prophet, our soule is escaped, euen as a bird out of the snare of the Fowlers, &c. As also, thou art to be wakened vp, to the earnest consideration of the diligence force and crueltie of our enemies (quhilke yet is nothing abated, but more eager presently than ever hertofore to atchieu their deuellish intent) and no waies to trust them or be secure, as though they wer sleeping and minding no danger to vs, while in the meane time, so deeply and deadly they conspire within and without, with so great force and craft against our Religion, landes, and lives, that they dare be bold in their pride, to assure the Spainezeard of no resistance heir to their cruell interprise, as by their awin bragging words hereafter in their Letters evidently shall appeir: yea, all kindly native Scottissh men, and true louers of the Christian religion, ought speedily and substantially to concur, to the withstanding and overthrowing of this our common enemy, within our awin bowels; whose vnnaturalnes, barbarity and hie attempt, can be matched with no example domestick or forraine that we read off, whether we consider the cruell barbarousnesse of the Spainezeards to whom they have sold their cuntry, King and people, (wherof let the monument written by one of their awin Fryers against the Spanissh cruelty, be a witness, wherouer they are masters, be a witness.) or whether we consider their most deceitful dealing, covering their most bloody purposes with cloake of most tender friendship, quhilke most closely they have counterfeited, by subscription to the true Religion, by hearing of the worde preached, and common profession thereof with vs, and participation of the Sacraments, by bandes, finally affinities, othes, and al attestations and lawes sacred and humane, that might seeme to procure credite amongst men, and many other things to bee enlarged in time and place, as mens callings in Kirke and policy craues: Consider, and consider again (good Reader) what should be the estate of all honest and godly men, their wiues and daughters: the estate of Kirk, common weale and Prince, yea and of these miserable wretches themselves, if their purpose to make the Spainezeard our master (for no man seruant nor fellow will that proud beast be) shuld tak effect: O miserie, miserie, miserie vspeakable, especially to themselves, if their wofull purpose surceede to their minde and farre proceeded practises. Wherfore yet again, it is hie time and more, that all good men and lovers of their native Cuntry be wakened vp to true repentance to the Lord, who so heauily threateneth, and in a part already striketh: and to a diligent and substantiall

concurring, every one according to his calling and place, both in land and Burgh, to withstand these desperate attempts before they passe remedy, and tymely to prevent the farther danger, by assisting the execution of Justice vpon the rest of the detected traitors, without respect of persons; that so wee, labouring to take evill out of Israel, the Lord who hath so notabilly begun the work, may bring it to an happy end, to his glory and our comforts, through Christ our Lord. Amen.

*
*
*

A DISCOURSE of the vniatvral and traiterous practises of THE SCOTISH
PAPISTS, against God, his Kirke, their native Country, and the Kings
Majesties person and estate.

BY the Confessions and depositions of Master George Ker, and David Grahame Deponed bee
M. George Ker,
3, 5 & 6 of Feb.
1592. of Fentry. It is discovered, That in March, 1591, Master William Chrichtoun (who hath remained these two yeares bygone in Spaine) sent to Master James Gordoun, Iesuite, father-brother to George now Earle of Huntly, a gentle man called Master William Gordoun, sonne to the Laird of Aberzeldie, with letters, to let the Catholickes heere vnderstand, what travell Master William Criehtoun had tane with the King of Spain since his comming there: And that the said King had opened to him, that he had bene deceived by Englishmen, and wold from that time forth embrace the advise and way which the said Master William wold shew him, both for invading of England, and alteration of Religion within this realme. And for that purpose, the said Master William craved by this gentleman, to be sent to him so many blanks and procurations, as could bee had of noblemen here, for the assurance of his trafficke.

Vpon the sight and refate of the which blankes, sent with some other discreet gentleman, hauing the noblemens commission, to be filled vp with such conditions as shuld be capitulat and aggried vpon betwix the King of Spain, and Master William Criehton, quhilkis suld haue seruit as pledgis and suirties for the subscribers part, at the landing heir of the Spanisch armie. It wes concludit, that thair suld haue bein sent out of Spain, about the latter end of the spring, in this present yeir, 1592, an armie of thritty thousand men, to haue landed either at Kirkeudbright or at the mouth of Clyde, according to the opportunitie of the wind, quhair thay suld haue intrinsehit and fortifeit thame selfis, for the assurance of thame and thair schippis.

And first of all, money suld haue bein sent to the Catholikes heir, for raising of forces to supplie the said armie: Quhair of foure or fve thousand suld haue remainit within this Cuntry, quha with the fortification and assistance of the noble men, Catholikes, thair friends, and sik vther forces as the Spanisch money wald raise, suld haue immediatly after thair landing, begun to alter thair Religion, presently profest within this realm, or at lest procuret libertie of conscience, and Papistry to haue bein erected heir: And the rest of the armie suld haue past toward England the neereft way, fra their landing to the bordour.

Deponed be
Fentry, 13 of
Feb. 1592.

Thir Letters sent fra Master William Criehton, beeing concredite be Master James Gordoun to Master Robert Abercumby, wer shawin be him to David Grahame of Fentry, at Abernethie, in Aprill, 1592.

Deponed be
David Grahame
of Fentry, the
13 of Feb. 1592.

And for effectuating of this mater, it wes anis thoct maist convenient that Schir James Chesholm, quha then wes an of his Majesties master houshaldis, fuld haue gone to Spaine with this Commission, in respect he was vtherwise bownit, towardis his vncler Master William Chesholme (callit Bishop of Dunblane), for Schir James had the first credeit of this erand with the nobill men; as he declarit to David Grahame of Fentry, that hee had delt with the Erlis of Huntly and Erroll, and conferrit with Master George Ker, ament this turne, about the time of the last Parliament, haldin in Edinburgh in Junii, 1592, as alswa, intercommuned again in his awin houe with the same Master George in October, 1592, tuiching the haille heidis of this despatch. Bot Schir James, not being abill to be sa soone reddy, and Master George Ker being bownit of the country, it wes thoct best that the same Commission fuld be geven to him, and that he fuld vndertak the carrying of the said Letteris: And swa hee wes employed in that erand, the rather, because baith his gnd-dames were Criehtons.

Deponed be
Fentry, 13 Feb.
1592.

Thairefter, Master George beeing bownit to this jorney, and reddy to mak sail out of the Fairly-raide, at the west sey bank, upon the 27th of December, 1592. Then (be Gods providence) the said Master Georg was apprehended in the Ile of Cunray, and with him thair wes interceptit findrie missive Letters directit to this purpose. Amongis quhilk, thair wes aught blankis, quhair of one is subscrivit,

*De vostre Majestie tres humble
et tres obesant serviteur,*

GUILLAME COMPTE DE ANGUSS.

Ane vther blanke is subscrivit,

*De vostre Majestie tres humble
et tres obesant serviteur,*

FRANCOYSE COMPTE DE ERROLL.

Deponed be
M. George Ker,
3 Feb. 1592.

And thir twa blankis were baith procurit of thame, be Schir James Chesholme, in their awin ludgeingis in Edinburgh, at the time of the last Parliament, in Junii 1592.

An vther blanke is subscrivit,

GULIELMUS ANGUSLE COMES.

Deponed be Fen-
trie, 13 of Feb.
1592.

An vther blanke is subscrivit,

Deponed be
M. George Ker,
3 Feb. 1592.

Which were baith procurit of thame be Master Robert Abircrumby, quha was the chiefest travellair in that matter, in October 1592.

An other blanke is subscribed,

GEORGIUS COMES DE HUNTLIE.

And an other is subscribed,

GEORGIUS COMES DE HUNTLIE.

Which were both, with the whole blanks, proponed first to the Erle of Huntly, by Master George Ker in Strathbogy, at his passing there. Deponed bee M. George Ker, 3 Feb. 1592.

Which six severall blanks before specified, shuld haue bene all filled with missive letters. by the advyse of Master William Crichton. Deponed be M. George Ker, 3 Feb. 1592; and be Fentry, 3 of Feb. 1592.

And the other two blankes, making out the number of eight, were both subscribed in the mids of two open throghs of paper in this mauer,

GULLIELMUS ANGUSSLÆ COMES.

GEORGIUS COMES DE HUNTLY.

FRANCISCUS ERROLLÆ COMES.

PATRICIUS GORDOUN DE AUCHINDOUN MILES.

Which two last blankes were first subscribed by the Erle of Huntly, and Patrike Gordoun, in October, 1592. And thereafter, beeing sent with Master Robert Abercrumby to the Earles of Angus and Erroll, were subscribed by them in the same moneth of October, 1592. And these two blanks shuld have bene filled vp with procurations, and whatsoever shuld have bene thought meet by the said Master William Crichton, for the avowance of that which Master George Ker had in direction and credite of the subscribers; which credite he refaved fra the Earle of Huntlie, be the report of Master James Gordoun, and fra the Erles of Angus and Erroll, by thame selfis in Edinburgh, in the beginning of October, 1592. Deponed bee M. Georg Ker, 5 Feb. 1592.

And the summe of this his credeit, was an assurance that thir nobill men shuld raise an power of horsmen, and meit the Spanish armie at thir landing, and reciprocally to assist, accompanie and convoy thame in their passing to England, be all the forces thay culd procure vpon the King of Spains charges: And thir nobill men subscribers tooke the burding on thame, and interponit their bandis, for the concurrance of the hail Catholikes of Scotland in this cause; and thocht it meit amangis thame selfis, for the better secrecie, that nane vther shuld be crauit to binde, for this erand, but thay three. Deponed be M. Georg Ker, 5 & 6 Feb. 1592.

With thir aught blankis, subscribed as said is, there wes intereptit stampis in wax; of the Erl of Angus seilles of armes, sax; of the Erle of Huntleis seils of armes, foure; and of the Erle of Errols seillis of armes, three.

David Grahame of Fentry deponit, that he met sundrie times, sen this purpose wes in hand, with Master Robert Abirerumby; as namely, that the first knowledg hee had of this purpose, was be the said Mr Robert, in Dumfermling; and thairaftir in the Castle of Striviling, before Mr George Ker his preparation Deponed be Fentry 13 of Feb. 1592. Deponed be Fentry 14 of Feb. 1592.

to his Iornay, quhair Maſter Robert ſhew him, that this Commiſſion wes to be given to the ſaid Maſter George, to cauſe fill the blankis with Maſter William Creichtouns aduife, and that hee was to deliver the ſame blankis, with the vther Letters, to him who was to depart and carrie with him all this meſſage.

Like as, the ſaid blankis and Letteris, quhilkes were procurit for that erand, were all delivered by Mr Iames Gordoun and Maſter Robert Abircrumby to Maſter George Ker, to bee carryit bee him to Maſter William Creichton, Ieſuift; and to bee filled vp, at the diſcretioun and direction of the ſaid Maſter William, and of Maſter Iames Tyrie, quha wes beſt acquainted with the effairis thair.

FOR the vnderſtanding of the borrowit and counterfait names that occurres in the Letters following (good Reader,) thou ſhall finde thame interpret on the margent, quhair thay are poyntit out by this mark;* quhil interpretations are contained in the originall deſcriptiouns of the practiſars, and in ſome of thair interceptit Letters.

A LETTER directed from an Engliſh Ieſuift, and intercepted with Maſter George Kerr, the 27 of December, 1592.

GOOD FATHER, the incloſed to my Lord, I pray you reid and take it as writen to your ſelf: Quhat I writ to him, I writ to you; quhat I crave of him, I crave of you; quhat I hop of him, I hope of you; as of my patron and pedagog *in ſpiritualibus*, as of a man, whoſe diſcretioun and moderatioun I haue well experimented, in all caſes and at all times. If I had ſo farre oneiſaſhed and gon beſid my compas, as ſome good fellowes wald imagine, yet I wonder, that ſome good men, haith in their owne conceits, and vther meanis ſpirituall, will admit no exeufe, no ſatiſfaction, no purgation; quhen Saint Paul, to the Galathians, in moſt evident delites, ſettis downe this reull amongs the perfect and ſpirituall: *Fratres, et ſi præ occupatus fuerit homo in aliquo delicto, vos qui ſpirituales estis, huiusmodi inſtruite in ſpiritu lenitatis, considerans teipſum, ne & tu tenteris.* If I had ſpoken with you, at my laſt beeing in Italie, as I well hoped, I had perhaps made a better concluſion of my buſineſſe thaire, then I did to my awin content, and al my friendis ſatiſfaction, quhilk hop for all theſe ſormes. I will never give over, and quhen I leaue by your meanis, to be vnder the gude habering, I will writ to you of that ſubject. The Lord Seytoun, in quhais houſe I ſojorn ſometimes, ſalutis you. Of the effaires of the Catholikes heir, I leaue it to them to write and relate, by quhais meanis theſe Letters ſhall be convoyit. My Lord Seyton hath ane hauen of his awin, quhilke may be hereafter very commodious for our miſſions. Commend me I pray you to F. Barth, Pere, &c. Maſter Dudley Ilper, knight, and Iohn Thules, quhilk vpon ſome ſuden puſches of perſecution, mak their repair hither, ar in health, and ſa-

lute 3ow. And Maister Syall, a Priest, dyed heir lately in Edinburgh. Love me, and pray for mee, I befeik 3ow all, *solito*. And if 3ow fend ony into these partis, let thame come furnished with all ample faculties as 3ow may ; let them inquire for one M. Ionas, quhilke will bee a token betuix vs. Our Lord blesse and fend vs to meit anis or we die. Seyton, this 2. of October, 1592.

Your ever most assured, JOHN CECILIO.

Blanke on the back.

A LETTER directit from the Erll of Angus, all writen and subscribed with his awin hand, intercepted with M. George Ker, the 27 of December, 1592.

MY maist affectioned commendationes premittit, this present is only to know of 3our welfare and friendis, and of the estate of maters where 3e remaine, and to be ane testimonie of my gud affection towards you. For God be praifed, if you were in this country, I could do you greater pleasure nor I was able to do before, albeit gude will inlaiked not at na time, as 3e knaw. The present bearer can in-
forme 3ou of sik things as occurs with vs ; for we are heir dayly subject to alteration. Ye may credite him as my selfe, for so his vertewis dois merite. It is not needfull I trouble 3ow with his recommendation, feing he is to 3ow that he is to me ; 3ee knaw his honestie and good intention, and the causes of his parting ; to quhais sufficiencie referring the rest, my hartie salutations, and my bedfellows, with al our companie, 3oung and ald, remembrit vnto you and your gude company, commits you with tham to the protection of God. Edinburgh, the tenth of October, after our compt, 1592.

Yours ever at power, ANGUS.

Blanke on the backe.

To M. William Creichtoun.

A LETTER direct from M. James Gordoun to M. William Creichtoun, intercepted with M. George Ker the 27 of December, 1592.

TRAIST friend, after maist hartly commendationns, your friends that ar heir
hath directit this present bearer to you, for full resolution of all your effairs in thir quarters : We have delayit over lang, I grant, but he will shew you the cause of all. The next best is, ye vse al expedition in time comming, against the next fomer, vtherwayis ye will tyne credite heir with your factours. If ye come, ye will finde ma friendis nor ever ye had, but vtherwise ye wil find fewar ; because the next fomer many ar bownit to vther countries, and will not abid on you na langer : Haist hame heir sum word to your friends, that we may put tham in gude hope of 3ou, and thay wil tary the langer. The bearer is an honest man, and verie sufficient ; ye may credite him as my selfe. I fuld haue cummit with him my selfe, wer it not I wes perswadit that ye wald remain on our anfwere ; and because I got an itop out of Flanders. As the bearer can shew you, yee
haue gotten all that ye desirrit, thairfore mak haist. The bearer is cummit to

Relative to the blankes.

you on his awin charge, therefore ye mon have respect to him. The last bearer that ye send, cam heir behind the hand, and hath gottin na satisfaction as zit; because nathing could be gottin heir, and we culd find na man but this, that wald passe on his awin charg; and I feare, that if hee had not come on his awin expensis, ye fuld not haue refavit answere sa soone; therefore ye fuld treate him the better. Wee will abide heir your selfe shortly, and I wald ye broght the rest of your friends with you that ar beyond sea; for if your block passës fordward, they mon be also present, vtherwise we mon cum and visit you. All vther effaires of this country, I will commit to the bearer, quha is faithful. Your wife and your bairnes commendis thame to you, and luikes to se you shortly. If I or Sandefoun, your friende, refais ony silver fra the bearer, ye shall be advertist be an vther tikket, how mekle it is, and subscrivit with baith our handis. The rest I will referre to the bearer. God preserve you from all evill. At Dundie the 20 of November, 1592.

The Spanisch ar-
mie.

The Catholick
Romanes and
their confede-
rates.

M. Robert Abir-
crumby.

M. James Gor-
doun.

M. William
Creichtoun.

Yours maist affectioned at all his power, I. CHRISTESON.

Direct on the back,

To his assured friende, George Craufurd.

A LETTER directit, fra M. Robert Abircrumby, to M. William Criehtoun, interceptit with M. George Ker, the 27 of December, 1592.

EFTER my dew and humble salutations and offer of service, I regrate and lamentis havily, the sleuth and negligence your merchands hes vsit, in answering of your last suit ye proponit to thame. For appearandly, if they had made answer in due tyme our wares had bein heir in due time, with our great profite and consolation. The stay and stop of the matter appeirandly was lacke of expensis, that na man wald of his own charge, take that viage in hand; yea, some cravit a thousand crownes for his expensis. Swa the mater was anis halely given over, and almost clein forzet, vntill it pleasit God of his divine Providence to stirre vp this bearer, to take the turn in hand on his awin expensis: As hee hes bein ever bent in that cause, not only to spend his gudis, but als wa the thing that is mair deir to him, that is, his life: thairfoir, I thinke hee fuld be the mair acceptable, as also for the affinitie of bluid: for baith his guddames was Creichtouns. And as for witte and abilitie, of treating of they effaires, he is not inferior to nane of your merchands quhilk ye desyrit, as ye wil persave be experience, God willing. And albeit that he, of his couragious liberalitie and zeal to the cause, hes taue the mater in hand, on his awin charges, yet all your friends in these quarters thinks it very reasonable, that all fuld be refounded to him againe, *Cum vsura*, with promotion, till ony vther accident fuld fall out, for the well and furtherance of this cause, &c. But nowe I will say an word of him; and syn com to sum vther purposis of our own. If I had an thousand tongues,

with as many mouthes, with Cicerois eloquence, I cannot be worthie enough in commendation of this gentillman to you and al your companie : As I fall let you vnderstand, God willing, if ever we fall chance to meit face for face ; and thairfore, whensoever ye may, prevent him with ony benefit, either be your self or any other. Abide not quhill hee crave it at you, for hee is the worst asker in his awin cause that ever yee converst with. *Sed nunc ad alia.* If ye be right remembrit, at your departing out of this, ye gave Master Iames Mackartuay an procuratory, to intrommit with Master Alexander Homes litill leving, hee hes heir in East Lowthiane ; the quhilk he pledit and obtenit in law, and tuke vp yeirly rentis thair of to his awin beluif, and givis his name of it. In this meane time, there falles out like cummirs tuichin that land, that we ar able to lose the hail ware first. The said Master Alexanderis narrest friendis and aires hes in iudgement proved him to be deid, and swa enteris aires to him. By this, the Laird of Spott his ovirlord is forfaitit, and swa the land wardis ; swa that we are able to tyne all, if remedie bee not found. Quhairfore, falling in consultation with Master Alexander King, he thocht best to sell the land to him, and we to vse the silver on an mair sure maner, of the quhilk ye fall refaue sum wrytings* from this bearer, the quhilks ye will vnderstand better nor I. Only I thinke if forme of moyan bee not vfit, we fall lose all, and better is to haue sum thing nor lose all. As to the price, set ye it downe, for he hes mentioned name as yet ; but hee will give als meekle as any vther, becaufe, as hee saies, hee hes sum land ly- and contigue to it. I pray yow for an hastie answer of this. I doubt not but yae have heard how thay young men, quhais faithers was flane bee the Laird of Ruthvenis, flew him againe, quhais lady is mariet to one Iames Reid. Cannay is come in the Constables handis, and your nevoy is private of it ; and that be the moyan, I trow, of Abraham your brother, but your Maich is litill better nor beggand. Drunkilbo is dead, and Thomas Tyrie is tutour. I pray you advertise mee bee what manner Master Stevin Wilfoun hes commit bee my Lord Levingstouns obligation, the quhilk ye had of the fourtie crownes, his L. was owin you ; for master Stevin hes gotten these fourtie crownes randerig the obligation quhilke yee had : I durst never make mentioun of the hundreth crownes fra the father, and fourty crownes fra the sosome, quhilk ye left mee power to crave, &c. My Lord Levingstoun is departed of this world. ye heard befor, that David Forester * had ane sosome, and now hes ane other borne in the Castle of Striviling, quhair he is in waird, hardly handlit. Thair is but ane of our nobilitie heere, quhilk hes of the K. of Spaine, ane pension well payit of twelve hundreth crownis. The quhilks appearandly are evill bestowit : For hee nor name of his, as yet, hes never done ony kinde of good, in the promotion of the Kingis matters ; quhairfore like pensiones were better bestowed on vthers, quha

The hyperbolical and ridiculous commendatioun of M. George Ker.

Thir writtis interceptit with the rest, ane charter and obligation to be past by M. Alexander Home of Palywel to M. Alexander King his aires and assignays of foure husband landis in the Lordship of Spott, with a missive letter direct bee him to that effect.

David Grahame of Fentrie.

Envy amangis the Papists thamesclis.

bearer hes done and dayly dois: and vthers, as he can shew yow, &c. Because I haue na vther thing to write, and haue bein lang enough, I commend mee to your prayers, and you to God. At Scotland, the 15 of December, 1592.

Yours at his power, ROBERT SANDESOUN.*

Direct on the back,

To his traitt friende, GEORGE CRAUFURD.

A LETTER directed to the King of Spaine, bee three noblemen of Scotland, quhair of twa hes sensyne returned to the professioun and defence of the treuth, bee thair aithes and subscriptions, quhairfore thair names are suppressed; the third his name expressed, (to witte the Earle of Huntlie,) because he continues as zit in his former wicked course. This letter, written by thame in name of the Catholicke noblemen of Scotland, cyphered in French, was intercepted in Januarie 1589, lately before the time of the Raide of the Brig of Die, thair- after was decyphered word by word, and translait in Scottis, as followes:

SIR, wee cannot sufficiently expresse bee speach, the great regrait wee have confavit, being frustrate of the helpe we haue so long had to see, this year past, the desired affects fall out, quhilke we attended of your Majesties preparations. And our displeasure hes beene sa mekle the greiter, that your armie navall fuld haue passed by sa neir vs, vnvisiting vs, quha expectit the same with sufficient forces, for the peaceable receipt and assisting thereof, against all enemies; in sike fort, that it fuld haue had na resistance in this country, and with our support, fuld haue given anugh adoe to England. At least, gif it had cummit heir to refresh it, it had preserved a number of vessels and men, quhilke we know have perished neir our Iles and vpon the coast of Ireland: And had discovered an incredible number of friends, in full reddinesse to haue run the same fortune with it, in sike fort, as wee dare well affirme, it fuld not haue founde half sa many men in England, for all that is spoken by the English Catholikes refugit there; quha by emulation, or rather bee ane vnchristian envie, extenuats ouer farre our meanes to aid yow, to magnifie thair awin only, and make themselvis to bee estemit able to doe all; to advance thameselvis thairby in credeit with your Majestie and sik as are about you; but by experience of this year past, hath sufficiently testified, they haue not selhavin themselvis, in sik number, to assist your forces, as we haue done. And therefore your Majestie, as maist wise as yee are, shall, gif it pleis you, mak sikk account of the ane, as yee neglect not the vther, and sa serve you with them baith, to the end ze pretend, with hazarding your forces for the particular of the ane or the vther. We remit to the declaration of some of your awin subjects that hes beene heir, the commodities and advantages of landing in thir partes, quhair the expensis bestowit vpon the equippage of an Galliasse, fall bring mair fruite to your service, than ye may haue of ten vpon the sey. And wee may assure your Majestie, that having anis sax thou-

M. Robert Abir-
crumby.
M. William
Crichtoun.

They are sorry
that the Spanisch
flete past by,
without landing
in Scotland.

The Spanyard
should haue had
gret assistance
in Scotland.

They haue in-
formit the K. of
spanis subjects
wraikit heir of
the meanis to
doe gude beband-
ing in Scotland.

fand men heir of your owne, with money, ye may lift heir forces of this country, as freely as in Spaine, quha will serve yow na lesse faithfully than your owne naturall subjects. And albeit wee can not, without blame of presumption, giue your Majestie advise in your effaires thair: Alwayes in that, that may concerne your service heir, wee speake mair freely, as being vpon the place, and knowing by the ordinary experience, mony things vnknewin to ony of yours that are not heir. The overlate arrivall of your armie in our watters, tuke from it the commodities to reiteir it selfe in sik safetie, as it might haue done cunning foonar, be reason of the great winds that are ordinar heir in harvest: as alswa lacke of pylottis experimented vpon the coastes of Scotland, England and Ireland, appears to have bred great harme to the said armie; quhairvnto wee culd have remedie concerning Scotlands, to have sent pilotts from this, gif it had likit your Majestie to have servit your selfe with thame. Likewise, (saying better advise,) it seems to vs altogidder vnprofitable to fight the armie bee sea, gif it may be eschewit, for mony causes: And amangis vthers, becaus fike as fall haue fochten by sea, falbe vnabill, being wearie, to feight againe bee land against new forces: Sa the best fuld bee, to schift bee ane way or vther, for sparing of your men and vessels, and swa the English forces staying vpon the sea vnfoghten, fall be disappointed, and fall not come in time to assist thame, that falbe assailzeit be land. Attour, sending heir a part of your forces, before the vther, quhilke fuld goe the right way to England, and that secretly by the backe of Ireland: Your Majestie fuld compell the enemye to divide their forces, and it may bee, fuld cause thame send the greatest part heir, quhair yee might make thame believe the greatest part of your forces wer arrayvit, at least fuld cause thame disgarneis as meekle of England, and drawe a great part of their forces, quhilke wald resist your landing and invasion on that coast. And we may well promise, that having heir sax thousand of your men, and money to lift vtheris heir, wee fuld within sax owlkis after their arrivall, bee well farre within England, to approche and assist the forces quhilke your Majestie fuld cause enter thair. The knight William Sempill Colonell, can shew your Majestie the hail; to quhom we remit. Alswa, wee haue causit writ baith before and sen his depart, our money sik advises bee M. Robert Bruce, and causit adressed the same to my Lord Duke of Parme, to whome your Majestie remittit vs, from the beginning, in thir effaires. And seeing wee hope your Majestie is dewly advertised and informit, wee will end the present, kissing maist humbly your Majesties hand, praying God with all your affection, to grant you full accomplishment of all your holy interprises. From Edinburgh, this 24 of January, 1589.

Advise to the King of Spain how to assault this island hereafter.

Advise to the King of Spain how to assault this island hereafter.

With 6000 men sent from Spaine and money to levie a power in Scotland, they will in sax owlkis bee far in England.

Bruce is the mouth of these lords to the King of Spaine and the D. of Parme.

Your Majesties maist humble and affectioned servitours,

G. ERLE HUNTLIE, &c.

In name of the vther Lordis Catholiks of Scotland.

A LETTER direct fra the Erle of Huntly to the Duke of Parme, interceptit in Ianuarie, &c.

Letters resavit fra the Duke of Parme, be John Chesholme.

Support of 1000 crowns fra the D. of Parme.

He dissembles his religion for feare & pollicie.

He hes establish- ed gardis about the King at his awin devotion to be Maister of his person when occasion sal offer.

MY Lord, I haue reffavit from Iohne Chesholme, the letters it pleasit your hieneffe to writ, the 13 of October, full of maist Christian affection to the weill of our caufe : For the quhilkis I giue your hieneffe maist humble thankis. The support of ten thousand crowns, sent to that end, is reffavit be M. Robert Bruce, quhilkis shall not bee employed, but for helpe of the maist vrgent necessitie of the said caufe, as it hes pleasit your hieneffe to direct. After the departure of Colonel Sempill, I have found my selfe sa boastit on all hands, and preassit in sik fort be our King, that it behuifit mee to yeeld to the extreame difficultie of time, and subscribe with his Majestie, not with my heart, the Confession of thair Faith ; or vtherwise, I had bene forced immediatly to haue departit the cuntry, or to haue taken the fieldis for resisting his forces, and sik as hee might haue drawin out of England to his aide ; quhilk I could not have done, especially then, quhen be the returning of your armie in Spain, all hope of helpe was taken from vs ; but if on the one part I have failit, be the apprehensioun of dangers that threatened my ruine, I fall on the other part endeavour my selfe to amend my fault, (quhair of I repent me with all my heart) be sein effect, tending to the well and advancement of the caufe of God, quha hes put mee in sike credite with his Majestie, that sen my cuning to court he hes broken his former gairdis, and caufit me establis vthers about his person of my men, be the moyen of quhom and their captaines ar also mine, I may ever bee master of his person : And your support being arryvit, spulzie the hereticks of his autoritie, to fortifie and assure our enterprises ; quhairvpon I beseeke your hieneffe to send me your avise, and to assure your self of my vnchangeable affectiounes in my former resolutions ; albeit the outward actions bee forced to conforme thameselfis, suintimes, to necessitie of occasiounes, as M. Robert Bruce will mair amplie write to your hieneffe, to whom I remitte mee farder. Praying God, after I haue maist humbly kiffit your hieneffe hand, to give yow accomplishment of your holy enterprises. From Edinburgh, the 24 of Ianuarie, 1592.

Your hieneffe maist humble and affectioned servitour,

G. ERLI OF HUNTLEIE.

A LETTER fra the Erle of Erroll to the Duke of Parme, interceptit in Ianuarie, &c.

MY Lord, sen God of late, be the cleir licht of his holy Catholik faith, hes chasit from my vnderstanding the darkneffe of ignorance and errour, quhairin I have bene heirtofore murisheit ; I haue bene als soon perswadit in acknowledging of sa great ane effect of his divine grace towardis mee, that I am chiefly obligit to procure, sen I knaw the enterprises of his Maiestie Catholik, and your hienes

tendes principally to that end, as also to the advancement of some civill cause, quhilk hes verie great affinitie and conjunction with ours heir. That I monestifie the present, the affection that I haue to the well of the ane and the vther, having ever before my conversioun bene ane of the number of your friendes and fervitours, for the respect of the last; to the quhilkes, the first of religioun, quhilk is the greatest and maist important that is in this world being joynt thereto, I am also become altogether yours; quhilk I besek maist humblie your hieneffe, cause it signifeit to his Majestie Catholik, and to promise him in my behalfe, that hee hes not in this country a mair affectioned fervant than I, neither zet your hieneffe, as ye fall vnderstand mair ample of my intentionn in particular, be him, bec whom your hienes shall ressaue this present. To whom, after I haue maist humblie kissed your hand, I besek the Creator to give yow the accomplishment of your holy desires. From Edinburgh, this 24 of Januarie, 1589.

Your hieneffe maist humble and maist affectioned fervitour,

FRANCIS ERLL OF ERROLL.

A LETTER fra Robert Bruce, to Monsieur Francisce Aguirre Espaignell, &c. interceptit in Januarie 1589. Writen in French, and tranflatit in Scottis, as followis :

MONSIEUR DE AGUIRRE, I have refavit your Letter, of the nynt of November, writen from Handwerp, quhairby, I was glad to vnderstand of your arrivall thair and helth, and that ye haue guydit your selfe sa wisely in execution of al that I committed to yow. Your Master, quha at my request hes gevin yow entertenement, hes givin mee the like testimony of your behaviour, and hes promisit mee bee his Letters, to have you in the favourable commendation I desirrit, and to employ you in gude occasions. Gif he fend you heir again in thir parts, cause sette you on land neare Seytoun, quhair I pray you to enter secretly, and there ye fall be keptit quhil I may come and finde you.

[The rest of this Missive, being set downe in obscure times (terms?) is to be sene in the originall.]

A LETTER fra Robert Bruce to the Duke of Parme, intercepted in Januarie 1589, lately before the Raid of the Brig of Die, cyphered in French, decipherit there after, and tranflatit in Scottis, as followes :

MY LORD, Monsieur Chesholme, arryvit in this country five dayes after, his departing from thair, and with thair requisite dilligence, cam to the Erle of Huntly in his awn house in Dumfermling, quhair having presented to him your hienes letters of the 13 of October, hee declarit ampie to him the credite givin him in charge, conforme to the tenour of the letters from your hieneffe: quhair thay perceavit your hieneffe great humanitie and affection, to the advancement of the glory of God in this country, with vthers consolations maist convenient,

The causes of the Papists are inseparable for the K. of Spaines service.

Letters sent be John Chesholme from the D. of Parme to the Erle of Huntly, and receavit bee him at Dumfermling.

10,000 crounis
receavit from the
D. of Parme, bee
Bruce, to bee
emploied for
the King of
Spaines service
in Scotland.

The money is to
bee distributed
among the Ca-
tholike nobilitie
in Scotland.

The Erle of
Huntly wald
haue a third part
to himselfe.

Quhat ever this
nobleman hes
beeine at this

to moderat the dolour and displeasure conceavit be the heartis of the Catholiks, be reafoun of the succes of your armie, against thair hope and expectation. Alſwa, ſum dayes thereafter, as the commoditie offerit to mee to refave the money, the ſaid Cheſholme deliverit to me ſax thousand twa hundreth three ſcoire twelve crounes of the funne, and three thousand ſevin hundreth Spaniſch piſtols: And likewiſe hes cariet himſelfe, in all his actions ſenſyne, verie wiſely, and as become a man of God: Chiefly then, quhen vpon the ſuſpition conceavit of his ſa ſudden returning, the king ſent to gar take him. I ſhall behave my ſelfe, be the grace of God, in the keeping and deſtribution of the money laſt ſent, and of that quihilk reſtes yet of the firſt ſowme, according to your hienes preſcriptionn, and as I ought to anſwere to God in conſcience, and to your hienes in criedite, and to the hail world in the reputation of an honeſt man: And ſal minnage it in ſik fort, that be the grace of God, thair ſhall be fruite drawin thereof, pleaſant to your hienes. It is true that I finde (as all vthers wald doe, that walde interpriſe ſik a charge heir) my ſelf involved in great difficulties: For on the ane part, I am in great danger of the heretikes, and of thame of the faction of England, be reafoun of the oppin profeſſion that I make of the Catholike Religion, and of the ſuſpition that the laſt hes of my ſecrete practiſes and dealing againſt thame: On the vther part, I haue meekle adoe to moderate the appetite that ſum Catholicke lordis hes, to haue the money preſently, for the hope quihilk they give of ſum pretendit occaſionns, that will never fall out as they promiſe. The Earle of Huntly made inſtance to haue the third part of the ſowme quihilk was ſent heir, alſe ſoone as it was delyvered to me; but he hes not tuitchit, nor ſhall not twitch hereafter a malzie, but vpon gude takins. I haue payed him in the meane tyme, with inexpugnabill reaſonis, quhairof in the end he is contented. I beſeik your hienes, bee the firſt letter it ſhall pleas you to write in thir partis, to the Catholicke lordes, to remove ane errour from three, quaha hes writen thair in name of the remanent, that moves them to thinke, be reaſoun thay were the firſt that made offer of thair ſervice to the King Catholike, that all the money that comes heere ſhould be parted in thre, and immediately after the arrivall thereof delyvered to thame, without giving part to vtheris, quihilke beſide thame are in great number to the King Catholikes ſervice and yours, and alſwa deliberat to hazard after their power, for the advancement of this cauſe, as thay are; of whom the vtheris will not depend in ony fort, in the accepting of the moyans that cummes from your liberalitie, but acknowledge thame as comming directly from your hienes, to quhome onely they will bee bound and obleiſt, and not to the vther three. Of the quhilkes, the Erle of Mortoun, hes litherto contented himſelfe with reaſon: As alſwa the Earle of Huntly, hes never ſchawin himſelfe ſubject to money, bot ſen he hes beene inducit be the third, to wit, my

Lord Claud Hamiltoun his vncle, quha is sum quhat covetous of geir, and thocht vnder sike pretext to make his profite. The saide Earle of Huntly is constrained to remaine at Court : He is fallin from his constancy in his outward profession of the Catholike Religioun, partly for having lost all esperance of your support before the returning of the saide Chesholme, because of his lang stay there, partly by the perswasion of sum politicks, partly to eschew the perrills imminent to all thame that calles thamefelfis Catholikes, partly to keepe himfelse in the favour of his King, quha preasit him greatly to subscribe the Confession of the Heretikes, and to league with England. Bot for all this, his heart is na wise alienat from our cause ; for he hes the fowl ever gude, albeit he haue not sik vigour to persevere, and execute sik as is requisite, in sa great an enterprife ; but thay may helpe thay defects, putting beside him a man of credite, resolute to assist him, as we haue advised to doe, sen the Barron of Fentry is put in waird be the King, in the Towne of Dumdie : Swa that he darre not gang out of the portes thereof, vnder the paine of a great fowme, quhill the occasion may bee offerit to depart the cuntry, within the tyme limited. And I bee the Kings commandement, an dischargeit to come neir the said Erle ; because they have attributed to the said Laird of Fentry, and mee, his constancy in the Catholik Religion, and his absence from Court against the Kingis wil : His wairding hes sum quhat hinderit our course, and permittes mee not to move him, as it hes pleasit you to command mee, and as I desire to dispence the money conjunctly with me ; sa that for suppleing of the default of him, I haue associat to the same end, a very honest man and very wise, callit Father William Criehtoun Iesnift, quha wes detenit sum yeiris in the towne of Londoun, after hee was tane vpon the sea, cummand toward this from France. Likewise, I fall helpe my selfe be the prudence of Schir James Chesholme, eldest brother to the said Iohn, quha brought the money from your hienesse. For hee is a man confident, wise, ane on our part, and very litle suspect. In the mean time, the ane part of the money is in the principall house of my Lord Lvingstoun, a very Catholike Lord, the vther heir in Edinburgh, in great enough suirtie , to helpe as it fall neid the Lords Catholiks, quha will conveene heir very soon to resist, to the defyinges of thame of the faction of England, quha in the same time are purposit to remaine at Court, with forces, to range all things at their fantacie. As for the like fowme or greater, quhilk your hienesse willis to cause follow the last sent heir, it is good in all eventis, it were very soone sent heere, secretly, to help the necessitie that may fal out, and to cause things incline to our side, quhen they are in ballance, as their is great appearance thay will bee, be the occasioun foirsaid : And in case that necessitie requires na distribution, the said fowme fall bee keepit and reservit to better occasions, or quhill the arrivall of your forces in this Ile.

tyme, it is not to bee obiectit to him now after his aith and subscription geven to the contrare.

The Earle of Huntly dissembles his Religion, first, for feare and policie, after to work his matters the better.

Sir James Chesholme, brother to Iohn Chesholme, a confederate.

The money is in my L. Livingstonis chiefe house, and at Edinburgh, to serve the Catholike noblemenis turnis that are shortly to assemble.

Mair money promised be the Duke of Parme.

It is meant that Spanish forces sould arrive in this Iland.

Thair is fufpition, as alfo arguments probable anugh, that Thomas Tyrie, quha hes brought heir your hieneffe letters to our King, hes not behavit himfelfe according to his duetie : For hee hes accommodate himfelfe in his behaviour, mair after the affectionn of our Chaucellar (quha is of the faction of England, and abufes the credeit hee hes with the King) nor according to the inftructions given him thair. Hee hes not presentit nor made mention to the King of Colonell Sempills letter, quhair of I haue caufit present the copie to his Majeftie be the Erle Bouthwell, as gif it had beene fent to him with an vther of the faid Colonellis to himfelfe, quhilk hee refavit from Thomas Tyrie at his arryvall, quha hes reported to the faid Chaucelar, all that Segneur don Bernardino fpak to him, in Parife, to the difadvantage of the faid Chaucellar. Alfo, hee hes reportit to the King, that my Lord Bifhop of Dumblane, beeing returnit thair, fpake to your hieneffe and to vthers, many things to the great prejudice of his hienes : And it is beleevd alfo, that he is the caufe of the fufpitioun quhilk is conceavit of the coming of the faid Iohn Chefholme, newlie to the faid Bifhop. However it be, the vther reports foirfaid, quhilk he hes made, hes not fervit to conciliat, but to alienate the affection of the King, of the Chaucelar and mony otheris heretickes from the faid Segneur don Bernardino, the faid Bifhop, and Catholickes heir, that hes had adoe with thame. As for mee, albeit I fpak not willingly to the difadvantage of ony whatfomever, chiefly of thame whome I haue recomendit, as I did the faide Thomas Tyrie to the faid Don Bernardino, yet I will preferre the love of the trenth to men, and wald not in concealing thereof, bring prejudice to the publick well, nor to the fidelitie that the an aught to vthers, and fpecially to that we aught all to the King of Spain, and your hieneffe, to quhome I am prefently fervand, particularly addicted, bee the obligation of five hundreth crownes of fee, and fourty for monethly entertainment, quhilk it hes pleafit your hienes to give mee friely in name of the King of Spaine, vnbeing required for my part, nor vther thing for my particulare to this present ; bee reafoun quhair of, I am the mair bound to give your hienes maift humble thanks, and to endeavour my felfe to deferve, be my maift humble and faithfull fervices, als weill the faid entertainment, as the recompense it hes pleafit your hieneffe to promife me of your grace and favour. The faid gift of your liberalitie, come to me weill to purpofe, feing bee reafoun of the danger of my perfon, it behuifit mee to augment my ordinarie tryne for my greater fuirtie, quhilke I was not able langer to have borne out without helpe. For from all the lordes of Scotland, I have not retyred but a part onely of the money, quhilk I fpendit traveling, for the well of this caufe in Spaine with his Majeftie Catholike, and with your hieneffe in the low countries. As for the foure hundreth crowns imployed for the deliverance of Colonell Sempill out of prifon, I haue put in it compt with

They compt our King amangis the heretickes.

Bruce fervand to the King of Spaine, and to the D. of Parme, hes ane penfion of 40 crownes in the moneth, and 500 crownes of ferill.

Bruce hes negotiat in Spaine with the K and in the law countries with the D. of Parme.

the remanent quhilk I deburfed of the first fowme, according as it hes pleasit your hieneffe to command me. The Earle of Mortoun, to quhome I haue given consolation bee writ in prifoun, hes instantly prayed me alfo be write to remember his maift affectioned fervice to your hienes. Finding himfelf greatly honourit be the care it pleasit yow to have of him. Be the grace of God he is na mair in danger of his life, be way of iuftice; it not beeing poffible to his enemies to prove againft him ony thing quhilk they had fupposed in his accusatioun: As alfo the Kinges affection not fa farre alienate fra him as it hes bene heeretofore: And incaife thay wald noye him, or that it were prefently requisite for the weill of our caufe to deliver him, wee have ever moyan to gette him out of prifoun, and abides not in the meane time, bot the Kings will towarde his liberty, only to avoide all perfuit that thay wald make, gif wee delyvered him extraordinarily. Quhen they offerit him in the Kings name his libertie, gif he wolde fubfcribe the confeffion of the Heretikes faith, he anfwerit hee walde not doe it for the Kings crowne, nor for a hundreth thoufand lives, if he had them to lofe; and hes offerit to confound the Minifters be publicke difputation. I fall folicite the lords, his friends, to procure of the King his libertie very foone: for hee importes mair the well of our caufe, nor ony of the reft, be reafoun of his forces, quhilkes are neare England, and the principall towne of Scotland, and the ordinarie refidence of our kings: As alfwa, he is the lord the maift refolute constant and of greateft executioun of ony of the Catholickes. It is na fmall marvell, considering the moyanes the heretickes hes to harme vs, and thair warldly wit fa far passing ovsr, and thair evil will and intentionn againft vs, that wee fubfift. Truly, wee cannot bot attribute the effect thereof to God, quha (then when the certain newes of the returning of the arme of Spaine be the backe of Ireland, were difperfit through this country, and the heretickes of the faction of England triumphant, and the constancie in the outwarde profeffion of the Earle of Huntly and others wes braunglit) caufit the Earle of Angus to die, quha wes cheiffe of the Englifch faction, and the felfe fame time fufcitat fum diffentionn amangis the hereticks, bee refoun of fum offices that fum pretendit to vfurpe aboue vthers at Court, and bee the instant prayers and haly perfwasions of twa fateres Iefuiftes, convertit to our holy faith twa hereticke Earles of the first of authoritie and power amangis them, the an quhair of is callit the Earle of Erroll, constable of Scotland, convertit bee Father Edmond Hay: The vther called the Earle of Crawford, convertit bee the faid Father William Crichtoun. Thaye are baith able and wife young lordes, and maift defirous to advaunce the Catholicke faith, and your interprites in this Ile, quhilk they are deliberate to testifie to his Majeftie Catholicke and your hienes by their owin letters, quhilke be the grace of God, I fall fend be the first commoditie. In the meane tyme, they haue

Quhat ever this nobleman hes bene at this tyme it is not to bee obiectit to him, now efter his aich and fubfcription given to the contrare, gif he remaine constant.

The King of Spain and D. of Parme hes inter-prises to bee executed in Scotland.

The Iesuists and priests doe great hurt in Scotland.

Heereof it is evident, that the declining to papistrie drawis with it defection fra our native Kingis obedience to the service of the K. of Spain and D. of Parme.

The Papist lords did sende bee Creichtoun, to move the Spanish flot to land in Scotland.

required me to mak yow offer of thair maist humble and maist affectioned service, promising to follow quhat sumever the said Iesuistes and I fall thinke good to bee done, for the conservacion of the Catholikes, and to dispose and facilitat the executioun of your enterprises heir, quhilk thay may doe mair easly, nor thay that are knowne to bee Catholikis, quhais actions are ever suspitious to the heretikes, for thair Religioun, quhair of thir two Earles hes not yet made outward profession; but in that, as in the rest, thay submit them selfis to our will, and to that we finde maist expedient. The saides fathers of that company makes great fruite in Scotland, and sa soone as ane lord or other person of importance is converted bee thame, they dispose and inclyne in the very meane time their affection to the service of the King of Spaine, and your hienesse, as a thing inseparablie conjoined with the advancement of the true Religon in this country. Gif I had commandement of your hienesse, I walde give thame sume litle almous in your name, to help thame and eight vthers, quhair of foure are also Iesuists, and the vther foure ar seminarie priestes of Pontawmouffone in Lorane; quhilkis are all the Ecclesiastickes, that produces sa great spirituall fruite in Scotland, and acquires to zow heir sik augmentation of your friendes and fervantis. After the pairting of Colonell Sempill from this, the lords sent letteris with the said Father Creichtoun and vther gentlemen, after the armie of Spaine, to cause it land in this cuntry; bot it had taken the way to Spaine few dayes before their arrivall at the Iles, quhair it had refreshed the selfe, sa that it was not possible for them to attend on it. Thay of this country that are of the faction of England, were in a marvellous feare, during the incertitude of the landing of the said armie, and confesses plainly, if it had landit heir, thay had bein alluterly wrakkit. The Erle Boithwell, quha is Admirall of Scotland, and als galzerit a lord as ony is in the country, albeit hee make profession of the new Religion, yet is he extremly desirous to assist zow against England, having listid and entertained all this sommer, (vnder pretext to ga dantoun the Iles) sum trowpis of men of weir, quhilk, together with his forces ordinaris, suld haue ioyned with yours, gif thay had cummit heir. He suffers himselfe to bee peaceablie gydit be me, notwithstanding the diversity of our Religion, and hes oftentimes said, that if the Catholickes wald giue him suirtie to possesse, after the restitution of the Catholickes Religion, twa abaies quhilke he hes, that hee suld even presently bee altogether ane of ours: Hee intends to send the Colonell Halkerstoun, to accompanie certaine captaines and gentilmen to Spaine, and almaist foure hundreth souldeours all saife from the nawfrage in our Iles. And because thay are in great necessitie, he is purposed to accomod thame with ships, victuals and vther things necessare, to testifie thairby to the King of Spaine, the affection hee hes, to doe him maist humble and affectioned service: And gif we think it good,

hes offerit himfelfe to ga out of t'ie country, and to ga offer himfelfe to your hieneffe in the Law Countries, and be your advife thairafter, doe the like to his Majestie Catholike in Spaine. Bot heerevpon, wee fall advife vpon the maist expedient : Gif wee may alwayes be affurit of him, he will bee alse profitable for the well of our cause, as ony lord in Scotland : For he hes great dependance about this towne, quhilke is the principall of Scotland, as alswa, vpon the fronterris of England. Hee hes offerit to maintaine and defend me against all that wold attempt againis me. Wee haue chofen for every Catholike lord a gentleman of the wisest and faithfull Catholikes, and belovit of their friends, to serve thame of a counsell, and to conveen at al occasions, to resolve the maist expedient that may concern the well of our cause, according to the will and intentioun of thair lordis, quha hes obleist thamefelfis to approve and execute thair resolutions, and nawise to contraveine the same. And bee that moyan, we hope to proceede with greater soliditie and effect, than wee have done heirtofoir : Alwayes, thir fall knaw na thing of our intelligences thair, nor our snall intentiounes, bot according to the exigence of the effaires fall be in hand, and that superficially, and without discovering our selfis over farre.

A counsell of chosen men for every Catholike lord are erected be Bruce for the execution of Catholike interprises.

Your hieneffe fall vnderstand, bee the particulare Letters of the lordis, that quhilke restes to bee said to yow by thir presentis : Be refoun quhairof, I will make end, maist humbly kissing your hienes handis : And prayand God to give yow all the gude hope and felicitie ye desire. From Edinburgh, the 24 of Ianuarie, 1589.

Your hieneffe maist humble and maist affectioned fervitor,

ROBERT BRUCE.¹

(Jun. 12.)—Charges ordained to be given to the keepers and withholders of the ‘ placeis, houffis, touris and fortaliceis of STRATHBOGY, Boig of Geycht, Innernes, Slanes, Douglas, Bothuill, Drymmen, Ruthuen in Badzenauch, Crawford, Auchindoun, Gartlie, Peill, Birnes, Balgawy, *to rander and delyuer the samyn* to the Heraldis, pursevantis or vthiris officeris, executouris of the faides Letteris ; and to remove thame selfis and thair seruandis furth thairof, within xxiiij houris,’ under the pain of Treason.

(Jun. 13.)—ROBERT LOGANE of Restalrig, ordained to be denounced rebel, for not appearing before the King and Council, to answer a charge at the instance of Robert Gray burgefs of Edinburgh ; ‘ makand mention, That quhair vpon the secund day of Aprile last, he being passing in peceable and quiet maner to Beruik, for doing of certane his lessum effearis and busynes, lippynning for na

¹ In the Advocates' Library, there is also a copy of the same Tract, printed *verbatim* with the Edition from which the present has been taken. It is chiefly in Black Letter. Another Edition was ‘ printed at London by T. Snodham, and are to be fould at the house of T. Este, 1603.’

trouble nor injurie of ony personis; treuth it is, that Johnne *alias* Jokkie Houldie and Petir Craik ('houfhald') feruandis to Robert Logane of Restalrig, with three vthiris thair compliceis, vmbefett his hie way and passage, befyde the Bowyrod; quha not onlie reft and fpuilzeit fra him nyne hundreth and fiftie pundis money quhilk he had vpoun him, bot alswa, maift cruellie and barbaroufliie invadit and perfewit him of his lyffe, hurte and woundit him in the heid, and fraik him with diners vtheris bauch fraikis vpoun his body, to the grite danger and perrill of his lyffe, to the said complenaris vtter wrak and euill example of vthiris to committ the lyke rubberie and violence,' &c. Logan failed to appear and to present these persons, for whom he was responsible.

(Jul. 11.)—Johnne Eler 'citenair of the toune of Dankene,' as procurator for Joachym Eler, Michael Meves and other *citizens of Dauskene*, obtain Letters for charging 'PATRIK ERLLE OF ORKNAY, Johnne Forret of Fingask, and David Hoppringle, mercheant and burges of Edinburgh, for the wrangous, violent and maisterfull spoliatioun and away-taking fra the saidis perfewaris, of ane ship of the toune of Dankene, callit 'The Ark of Noy' (Noah,) with hir ankeris, cabillis, towis, furnitour, and certane vtheris guidis and geir.'

(Jul. 22.)—PROCLAMATION, that 'the Kingis Maiestie, now finding the effectis of the traiterous practizeis of his disloyall and maift vnthankfull and vn-naturall subiectis safer (*so far*) procedit, as THE JESUITIS, the pernicious springis and instrumentis of thir euills ar returnit; not simplie, bot accompanyit with strangearis, and furnist with money to steir vp and prosequete a publict wear, aganis God, his trew Religioun, his Maiesteis persoun and authoritie,' &c. 'For resisting and repressing of quhilk maift tressounabill and odious attemptis, his Maiestie willis and effectuuflie requiris all Ministeris of Godis worde, within the haill Presbitereis ouer all the realme, eirmistlie to travell with all his hienes faithfull and gude subiectis of all esteatis, alswell to burgh as to land; to tak this mater in harte, as that quhilk importis the present dangear and hasard of thair Religioun and conscience; the lyffis of thame selffis, thair wyffis, bairnis and kynnisfolkis; the conqueist of thair natine cuntrey and of thair awne landis, levingis and guidis, vailzeantlie defendit be thair worthie foirbearis, vnto this age; fra that maift crewell and vmmereifull Natioun of Spanje and thair adherentis: And to that effect, to move the Baronis and gentilmen in euerie shyre or prsbiterie, and the Prouest and bailleis of ilk burgh, to convene with all speid, in sic convenient placeis as thay fall think maift expedient, to advise vpoun the best and maift expedient meanis to resist and repres the intestine and foreyne inemeyis of trew Religioun, &c.; and to reporte vnto his Maiestie thair guidwillis, and offeris to prepair thame selffis with armour and victuallis, to pas forward with his Maiestie, vpoun the nixt aduertisment.'

(Jul. 25.)—A COMMISSION granted to 'ARCHIBALD ERLLE OF ERGYLE

Lord Campbell and Lorne, JOHNNE ERLI OF ATHOILL Lord Balvany, and JOHNNE LORD FORBES,' constituting them 'his hienes Lieutenantis and Justiceis within the boundis of the sherefdoms of Abirdene, Banff, Elgin, Fores, Narne, Inuernes, Cromartie and Tarbett,' to 'pas fordwart, ferehe, feik, tak, apprehend, or vtherwise to persew to the deid, with fyre, sverd and all kynd of rigour and extremitie, all his hienes declairit TRAITOURIS, rebellious and vnnatural subjectis, *Jesuitis, Seminarie Priestis, Trafficquing Papistis*, and thair refettaris,' &c.

(*Eodem die.*)—PROCLAMATION calling the Earls, Barons, &c. of the shires of Edinburgh, Haddington, Berwick, Roxburgh, Selkirk and Peebles, to repair to his Majesty, at Edinburgh, Aug. 26; those within the bounds of Lanark, Dumfries, Wigton, Ayr, Tarbet, Bute, Renfrew, Dunbarton, Linlithgow, Stirling, Clackmannan, Kirkeudbright and Ammandale, Kile, Carrick and Cunninghame, at Stirling, on Aug. 27; Fife, Kinross, Perth, Stratherne and Menteith, at Perth, on Aug. 28; Forfar and Kincardine, at Brechin, on Aug. 29; Aberdeen, Banff, Elgin, Forres, Nairn, Inverness and Cromarty, at Aberdeen, on Aug. 31; 'and fra thyne to pas fordwart as thay salbe commandit, for resitting and repressing of the tressounable practizes and conspiraceis of the saidis vnnatural subjectis, or persute of thame, as occasioun salbe offerit.' Licences to be granted to the 'ageit, diseasit and infirme, thay payand sic ressounable compositioun thairfoir, for the furtherance of this seruice, cheiflie the payment of the wageis of horsmen and futemen,' &c. These Treasons are said to have been highly aggravated, by their taking place 'evin in this tyme appointit for his hienes baptifine of his darrest sone the Prince, quhome God in his mercie hes grantit to the conforte of this natioun; be the assistance and witnessing of the souerane Princeis his maist deir freindis and allyes, and commoun welthis, his narrest and gude nichtbouris.'

(Jul. 31.)—KANȜEAUCH M^oKANȜIE of Kintail was charged to appear and produce a Commission of Justiciary, 'maist inordourlie past aganis the tennour of the Actis; and specialie, gevand him pouer to proceid aganis persones dilaitit of tressounable Fyre-raising, quhilk is onlie propir to the Justice Generall and his deputis, and aucht na to be tryit befor ony inferiour judgement.'

(Aug. 2.)—ANDRO KER of Fairnyhirst, Thomas Ker his brother, Thomas Ker of Caveris and Robert Ker of Newtown, having been denounced rebels, 'for subscriyving of ane Assiurance to Schir Robert Ker appeirand of Cefsurde.' They are charged 'to pas and entir thair personis in warde, within the Castell of Dunbartane;' until they obtain themselves relaxed from the process of horn.

(Aug. 15.)—WILLIAME HAY of Linplum to be denounced rebel, for not answering to a charge at the instance of M^r David Ogill minister at Humberie, and

M^r George Chalmer minister at Bar, ‘that quhair, thay being defyrit be certane freindis, at his speciall directioun, to haue conuenit with him at ane tryift, vpoun the ground of his awne landis, for removing of the contrauerfie betuix him and the said M^r David, anent the richt of the vicarage of Barro;’ they on 8th instant attended, when Hay ‘came and mett thame, accompanied with three of his seruandis in armes, and befor the vttering of ony speicheis to thame, he shamefullie and unhonnestlie persewit thame of thair lyveis; thay haueing na thing, faulffing thair buikis in thair handis, shoit and dischargeit his pistollett at the said M^r David, off sett purpos and prouisioun to haue slane him thairwith; and he happyning with the same shoitt to fall, the said Williame belevit he wes slane, and left him for deid; and thaireftir followit and persewit the said M^r George and presentit ane bendit pistollett at him, quhilk misgave, cheiffit him three quarteris of ane myle, and had not faillit to haue slane him, wer nocht he gatt entres within the portis of Hadingtoun, and wes releuit be the inhabitantis thair of.’

(Aug. 17, *apud Striuling*.)—PROCLAMATION, referring to the circumstance of the preceding Proclamations having been issued, in regular form;—‘nocht-withstanding, be ressoun of the present seasoun and nature of the yeir, and lait haruest liklie to follow, be that occasioun, the grite grudge and murmuring of a grite nowmer of his Maiesteis gude subiectis, giff thay salbe drawne frome thair harvist, cheiffie at that tyme quhen as thair coirnis ar ripe and redde to be shoirne; respecting heirwithall the grite scairflie of viuers and vtheris necessaris for men and horsis, and grite derth that hes followit and yit continewis be that occasioun; and last, the want of ane thousand wageit men on horse and fute, thocht necessar for this purpos and yit not tane vp.’—Therefore the lieges are ordained to convene at the before-named places, on the last day of September—first, second, third and fourth days of October, ‘for resisting and repressing of the tressounable practizes,’ &c.

(Aug. 24.)—PROCLAMATION, charging ‘all and findrie noblemen, gentilmen and vtheris his lienes faythfull and gude subiectis, huiffaris of the honour of his lienes and thair natine cuntrey, that thay and euery aue of thame preas be all gude means possible to intertene the *Ambassadouris* [‘of findrie Princeis and Com-moun-welthis, darrest and narrest freindis to our souerane lord and lady, repairit to this burgh of Striuling to the BAPTISME OF THE PRINCE, darrest sone to our souerane lord,’] and the gentilmen and vtheris being in thair cumpanyis, freindlie and courteoufflie: And that thay may performe the same the mair effectuallie, that thay retene nane in thair cumpany bot sic as ar discreit, courtas, of gude inclinatioun, and honest behauiour; nawayes factious, querrellous, bot sic as will vtterlie forbeir to invade or persew ony maner of persone or personis, or

mak prouocatioun of displeasour, in worde, deide, or countenance outhir for auld feid or new, or for quhatfumeuir caus or occasioun, in coming to this toun, remaning thairin, or depairting thairfra,' &c.

(Sep. 10, *apud Haliruidhous.*)—ACT anent THOMAS FOULLIS, goldsmith and burges of Edinburgh, in which it is narrated, That in consideration of the sum of £14,598 'presentlie lent and deliuerit to the Kingis Maiestie, and vthirwayis hes debursit in certane his hienes awne particulair effairis,' 'his Maiestie hes presentlie confignit and delyuerit in his handis twa *Drinking peccis of gold*, weyand in the hail fyftene pundis and fyve vnce of Gold.' And in case of non-payment of the above sum, betuix and the first day of Nouember next, 'Ordanis him and Thomas Achiefoun his Maiesteis Maister cunzeour, to stryke down and cunzie, and caus the saidis twa drinking peccis of gold to be strukin down and cunzeit, in ffyve pund peccis;' 'The superplus, giff ony beis, to mak furthewmand and delyuer to his Maiesteis selff.'

(*Eodem die.*)—Another '*Drinking pece of gold*, weyand tuelff pundis and fyve vnce of gold,' configned, on the same conditions, with Thomas Achiefoun Maister Cwnzeour, for payment of £6000, advanced by JOHNNE ARNOTT burges of Edinburgh. Achiefoun becomes cautioner for his Majesty; and for his relief, he is empowered to 'stryke down and cunzie' the Drinking pece, if the money be not paid within the time stipulated; and after satisfying Arnott, to pay the surplus to his Majesty.

(*Eodem die.*)—JOHNNE ARNOTT gets Assignation of the ffe-w-farms and ffe-w-mailes of his Majesty's proper lands of Colbrandispeth, for 'this instant crope and yeir' 1594, and of the crops and years 1595 and 1596; and also the ffe-w-mails of his highness's proper lands of Orkney and Yetland, of the years 1595 and 1596; for sums expended before the 'inewming of the strangearis to this honnourable tyme of the baptizing of the Prince,' viz. £5000 for 'wyne and beir;' and '8000 markis, to the intertenyng of his Maiesteis and the Quenis grace, his darrest bedfellowis, awne houffis, quhan all vthir moyane failit;' which, with 'annualrent,' then amounted to £11,500.

(*Eodem die.*)—'PROCLAMATIOUN FOR THE NORTH.' The 'Erlis lordis,' &c. ordained to meet at Edinburgh, Sep. 30, at Dundee, Oct. 4, and at other times as specified in Letters to be directed, at Aberdeen; with thirty days' victuals and provison, after their reaching Aberdeen;—'for resisting of the tref-founable practizeis of the saidis declairit tratouris,' &c.

(Sep. 30.)—ACT in favour of THOMAS FOULLIS goldsmith, burges of Edinburgh, that he had 'presentlie, at his Maiesteis eirnist desire, lent and debursit the fowme of £12,000, for outredding of findrie his hienes effearis, speciallic the payment of the wageis of horfemen and futemen, leveyed for the advancement

of his hienes authoritie and feruice in the North pairtis of this realme.' Until repayment, ten per cent interest is stipulated to be paid.

PROCLAMATION against FRANCIS sumtyme ERLL BOTHUILL.

(*Eodem die.*)—FORSAMEKLE as the vnnaturall and maist odious Rebellionis of FRANCES sumtyme ERLL BOTHUILL, is now manifested to the hail world, in hie and manifest contempt of our souerane lord and his auctoritie; first, breking warde onte of the Castell of Edinburgh; Invading his Maiestie vndir cloude of nicht, at his Palaceis of Haliruidhous and Falkland; Awaiting on his Maiestie, at his ouerpaffing at the Ferreyis of Leith and Kinghorne; Seiking at findrie tymes, besyde the burrowis of Edinburgh and Linlythgow, to haue feased on his hienes persone, at the hunting; Entering in his presence, in maist irreverent and barbarous maner, the xxiiij day of July, the yeir of God 1593, at his Palice of Haliruidhous foirfaid; Clengeing him selff of the odious cryme of Witchecraft, in a Judgement, qubair he wes baith Juge and pairty; Preafing his Maiestie (yea almaist compelling him aganis his harte, giff he had not preferit his honnour and libertie of his Crowne to his awne lyffe,) to capitulat with him, in materis maist foule and ignominious: And the thryd of Aprile last, in his dispyte of his Maiestie, ewning with displayed baneris in sight of strangeris and in his hienes awne presence, committing presumptuus insolenceis vpon his hienes gude subiectis: By quhilkis tressounable and continuall indigniteis, the said sumtyme Erll, labouring his Maiestie now the space of three yeiris and mair, he hes perturbit his hienes and his estate, in sic forte, as he had na lafair to correct the practizaris with strangeris for subuerfionn of Religioun and amitie betuix the tua realmes, qubairvnto baith his hienes awne conscience and eirnit prayeris of his gude subiectis urged him; till now, of lait, his hienes, hoiping be his lang patience, to haue moved the said sumtyme Erll to sum conformitie and humiliatioun, he assignit the secund day of October nixt to cum, for going fordward in that Cristeane seruice aganis the saidis Practizaris; bot the said Boithuell, shaiking of all Religioun (with opinioun qubairof he had abused the simple people, during the space of three yeiris foirfaid), and making shipwrak of all homestie, hes enterit in freindschip with the saidis Practizaris, ressaunt thair gold, and promised to thame, befor the said secund day of October nixt, ather to apprehend and posses his hienes persone, or then, giff he sett fordward to the North, sua to perturb the South pairtis of this realme, be surprising the Castellis of Blaknes, Thomptalloun, Bruchtie, Brint-Iland, Ile of Man, and be vthiris incurfionis; as his hienes sould be forced, vndoing justice with the said practizaris, to returne with shame and discredite: And to that effect, the xij of September instant, or thairabout, to haue invadit his Maiestie, vndir filence of nicht, at his

Palice of Halyruidhous foirfaid, without spairing ony persone, from the vtter zeit (*outer gate*) to his bed chalmer; haueing, for that purpos, three or fourefcoir of his rebellious complices warned to haue concurred with him, at the place and tyme foirfaid; and immediatlie eftir his Maiesteis apprehensioun, to haue caryed him captiue to the Castell of Blaknes, (the keipar quhairof, being corrupt, is now execute for his demeritis,) thair till haue detenit his hienes, till his disordourit outlawis had cum frome the Bordouris, quha wer indeid vndir wairning to haue mett the xv of this instant, at Jedburgh, and fra that to haue haisted to Bothuill for his releiff; and to his Maiesteis perpetuall shame, how sone thay had hard of his captiuitie, giff God of his mercy had not, be Letteris vndir the said Bothuillis awne hand, quhilkis wer found vpon M^r Allane Orme, aue of his seruantis, detected the names of his associattis, quhairby sum of thame wer apprehendit, and the rest fugitiue, and his Maiestie through devyne grace deliuerit of that most dangerous Treasoun: And as the said Bothuillis dissembled hypocrisie, thir three yeiris past, had procured to him the fauour of ower mony of his people, be the quhilk he was inabled to work all thir insolencies aganis his hienes, so wes his Maiestie, not onlie aganis his naturall inclinacioun, (being moir inclynnit to pitie nor to pynishe,) forced nochtwithstanding, to pynishe sum of his dependaris, for the terrour of vtheris; bot be the same fauour of the people borne to the said Bothuell, his hienes wes distracted and disabilled to proceed in the gude caus foirfaid, with that eirnistnes that he intendis: And so, be the ignorant and foolish affectioun of his liegis borne to the said Bothuill, he was impeshed and haldin bak fra that quhilk thay maist desirit, and he wes maist willing vnto; ffor thay, conforting the said Bothuill, maid him bauld, euerie three monethis to mak a new Conspiracie; quhilk forceit his hienes, for faultie of his lyffe and honnour, to neglect all vtheris actionis, and onlie to prouyde aganis his barbarous and disperat invasioun: Bot seing his defectioun from the trew Religioun, quhairwith, in maner foirfaid, to this hour, he hes cloiked all his Treasonis, is now manifest be his actionis, all Letteris send to the Ministeris beiring his accord with the saidis Papistis; his hienes hoipis that nane of his gude subiectis, treulie professing the said Religioun, fall conforte or harbour him heireftir, ony mair; bot, in respect the saidis Papistis and he now being all joyned in aue rebellious societie, haue maist shamefullie abused his hienes said liegis, thay fallie pretending his hienes fauour, and Bothuill als fallie pretending a cloik of Religioun: HIS HIENES ordanis Letteris to be direct to Officeris of armes, thereffis in that parte, chargeing thame to pas to the mercat croceis of the heid-burrowis of this realme, and vtheris placeis neidfull, and in his hienes name and authoritie to mak publicatioun heirof, that nane pretend ignorance of the same: And to command and charge all and findrie his hienes lieges, ordanit be his formair

Proclamatioun to attend vpon his Maiestie, that thay convene thame selffis, in maist sensible and substantious maner, to accompany and defend his Maiestie, in his maist Cristiane seruice; quhairin euery ane of thame, eftir a measure, hes als grite interest as him selff, and on the succes quhairof dependeth the estate of the said Religioun, stabilitie of his Crowne, and thair faultie: As alswa, commanding and chargeing famony of his Maiesteis subiectis as ar permittit to remane at hame fra this present Raid and Armeie, faithfullie to assist and concur with his hienes Lientenent, Williame Erll of Mortoun, and all vtheris his Maiesteis officeris, Commissionaris, or Wardanis, for repreffing of the said Bothuill, or ony vtheris his Maiesteis rebellis insolenceis, during his hienes absens and remaning in the North; according to his Maiesteis Commission gevin to the same effect: Certifeing thame that dois in the contrair, thay salbe repute and haldin guilty of all crymes committit be the saidis rebellis, and persewit and pvnish thairfoir with all rigour and extremitie, in example of vtheris.

(Oct. 1.)—‘PROCLAMATIOUN, for concurring with ARCHIBALD ERLL OF ERGYLE and JOHNNE LORD FORBES, Lientenentis in the North pairtis of this realne.’ The lieges are charged, ‘that thay and ilk ane of thame, weill bodin in feir of weir, addres thame selffis and joyne in cumpany with the saidis Lientenentis, concur, assist and tak ane efauld and trew parte with thame, following thair directioun in the persute of the saidis declairit tratouris,’ &c.

(Oct. 2.)—LICENCES for ‘abiding from the Raid’ are ordained to pass the Signet and to be duly registered, otherwise to be held as null.

(Oct. 4.)—‘PROCLAMATIOUN for concurring with BUCKCLEUCH (Sir Walter Scott of Branxholme kn^t), Keipar of Liddisdale.’ The Wardens of the East and Middle Marches and the lieges are directed to ‘ryife, concur, fortifie, assist and repair to the said Sir Walter, at all tymes as thay salbe requirit thairto, be his Missive Letteris, &c. for persute, taking and apprehending, resisting and repreffing of the insolence of his hienes declairit traitouris,’ &c. This Proclamation proceeds on the narrative, that the King had ‘gevin and disponit to him the office thairof (the Keepership of Liddisdale), heritable, in tyme cwming.’

(*Eodem die.*)—‘PROCLAMATIOUN to assist THE LAIRD OF CESFURDE, WARDANE’ (of the Middle March). The lieges within these bounds, ‘and in speciall, the inhabitantis of the burgh of Jedburgh,’ are charged to concur, &c. as in the former Proclamation.

(Oct. 8, *apud Dundee.*)—ACT in favour of Sir JAMES SKRYMGEOUR of Dundop kn^t, Constable of Dundee, that ‘albeit his Maiestie hes appointit ane of his hienes Page of Honour to beir ANE CORNETT BLANCHE befoir his hienes, during the tyme of the present Raid, for the bettir attendaunce to be gevin be his

houfhold feruandis on his Maiefteis awne perfone; yit fall the fame nawayes derogat nor preiuge the faid James Infeftmentis,' &c. viz. 'the place and preferment of BEIRING HIS HIENES BANER AND STANDART before his Maiefteis perfone and his fuceffouris, at tymes of Oiftis, Weiris, Raidis, Armeis and Battellis;'—'nather fall the fame Blanche Cornett be borne nor vfit eftir his Maiefteis Baner and Standart foirfaid beis difplayit, bot the fame Blanche Cornett rollit vp.'—'And in the meantyme, quhill tryall be tane, the faid Blanche Cornett fall not be borne, except during the tyme of this prefent Raid.'

(Oct. 16, *apud Abirdene*.)—PROCLAMATION, that 'his Maieftie, with aduife of the Lordis of Secreit Counfale, hes concludit and refoluit to remane and not to depairt furth of thir North pairtis, vnto the tyme the fame be quieted and fetled, to Godis glorie, his hienes obediens, eafe, refofe and fairtie of all his faithfull and gude fubiectis,' &c. The 'Erlis, Lordis, Baronis, fubftantious ffewaris and landit Gentilmen, &c. togidder with the inhabitants of burrowis, duelland within the boundis of the fherefdom of Perth, (except the inliabitantis of the Kerfe, be neth the Watter of Ilay, allanarlie,) Struiling, Linlythgw, Renfrew, Dunblane, the Cuntreis of Ros and Ardmannauch, &c. to repair to his Maieftie, at Abirdene, vpoun the xxvij of October infant; and fra thyne to pas forward,' &c.

(Oct. 19.)—'ALL HOUSSIS, quhairin God hes bene difhonnourit, ('be committing of Ydolatrie and prophaning of the sacramentis,') ordanit *to be caffin down*.'—'In fpeciall the placeis, fortaliceis and houffis of STRATHBOGY, SLANES and NEWTOUN,—and that, in figne and memorie of the vnmaturall defectioun and rebellioun of the awnaris and poffeffoures thairof for the tyme, aganis God, his Maieftie and his authoritie.'

(Oct. 23.)—'The CAPITANES and Commandaris of his Maiefteis horfemen and futemen falbe anfuerable to the inhabitantes of THE BURGH OF ABIRDENE, for payment to thame of the ordinair chargeis and expenffis of the perfonis vndir thair charge,' &c.

(*Eodem die*.)—Act in favour of THE BURGH OF ABERDEEN, abfolving their Provofft, &c. for not apprehending and prefenting 'Mr James Gordoun, fadirbruthir to George fumtyme Erll of Huntlie, eftir his landing at the raid and heavin of Abirdene, nor yit for lating to libertie of certane ftrangearis quhilk arrayvit and landit with him,'—nor for refetting with declared traitors, &c. 'at the horn for the Murthour and Slanchter of vniq^{le} James Erll of Murray.'

(*Eodem die*.)—'Thuentie ftane wecht of poulder, togidder with certane mat-tokis, gavillokis and vtheres werklwmes and materiallis for dimoliffing and cafting down of houffes and fortaliceis, valuat and eftimat in the haill' to £548, 6s. 8d. to be refteored to the Burgh of Aberdeen, or the value of fuch as may be loft or deftroied, &c. to be paid.

(Oct. 28, *apud Terrisoule.*)—‘ACT anent the down-casting of STRATHBOGIE.’

(Nov. 4, *apud Abirdene.*)—‘CAPITANE THOMAS KER and JAMES KER his bruthir’ ordered to be denounced, for not answering ‘twicheing thair treffounable assistance, &c. with *George fumtyme Erll of Huntlie,*’ &c.

(Nov. 7.)—‘ACT, quhair THE BARONIS gaif thair Aithis to assist the Lieutenents.’ The names inserted are ‘Marishaell, Forbes, Lovat, M^cKanzie, Grant, M^cIntoshe, Buchane, Finlatter, Drum, Innes, Phillorth, Effilmouth, Frendraucht, Straloch, Muchallis, Duffus, Vrie, Corfe, Monymusk, Corfindae, Toquhone young-air, Tutour of Cromartie, Alter, Auchtirallen, Boquhallie, Towy-Barelay, Wardres, Ravynniferag, Ludquharne, Pitcaple, Pittindreich, Hairthill, Birnes.’

(*Eodem die.*)—‘COMMISSIOUN of Lieutenmandrie’ granted to ‘LUDOUK DUKE OF LENNOX, Lord Darnelie, Tarboltoun, Methuene and Aubigny, his Maiesteis Lientenant and Justice, within the boundis of the Schirefdomis of Abirdene, Banff, Elgin, Fores, Narne, Innernes and Cromarty, alsweill to Burgh as landwart, regalitie as ryaltie.’ It is directed chiefly against *the Earls of Huntlie, Angus and Errol, ‘Mr James Gordoun, William Ogiluy, Robert Abircrumby,* and all vtheris *Jesuites,*’ &c. and their refetters.

(*Eodem die.*)—‘DECLARATIOUN in fauouris of the Erll Marishaell and vtheris,’ that the burning and destroying of the place and fortalice of BALLOGY, of the month of October last: and thereafter demolishing the place and fortalice in NEWTOUN, ‘wes and is done be his Maiesteis expres command, allowance and approbatioun.’

(Nov. 8.)—‘WARRANT for making off BANDIS’ is granted to ‘the Baronis, &c. of the North partis, alswele for the suirtie of the trew Religioun and of thame selfis and all vtheris professouris thair of, as for resisting of the Invasioun of his Maiesteis declairit traitouris,’ &c. And this, notwithstanding of all Acts to the contrary.

(Nov. 28, *apud Haliruidhous.*)—‘ARCHIBALD ERLI OF ERGYLE promittit, band and oblist him to mak all the personis of *the Surnename of Campbell,* &c. auferable to justice; and that he fall ather cause thame satisfie pairteis skaitheit, swa that na complaint salbe ministrat to his hienes; or then entir thame befor his hienes or his Justice, to vndirly tryall and pvnishment, as effeires;’ ‘conforme to the temour of the Generall Band, lawis and Actis of Parliament.’

(Dec. 19.)—THOMAS FOULLIS, goldsmith, ordained to retain Jewels belonging to his Majesty, till payment should be made to him of 5900 merks due by the King, ‘for certane chenzeis and goldsmith werk:’ viz. ‘Threttene small diamontis with chattonis of gold; auchtene chattonis of gold sett with rubeis; and fyve grit rubeis sett in chattonis of gold, enamelat reid, quhyte and blak.’

(*Eodem die.*)—‘ RATIFICATIONOUN OF THE DUKE OF LENNOX COMMISSIONOUN, with a pouer to him to grant Remissionis.’

(*Eodem die.*)—CLAUD and ALEXANDER HAMILTON, fons of James H. of Levingftoun, ordained to be denounced rebels; for coming with their accomplices, ‘ bodin in feir of weir, of the speciall caufing, command, &c. of the said James, and of Agnes Cokburne his spous, betuix tuelff and ane eftir none, to the ffauld of Preiftinche, quhair fhamefullie and barbaronlie thay hocheit and flew with fwordis fevin young ky with calff, fax oxin, and fyve foittis and queyis of three yeir auld,’ &c. ‘ And not content heirwith, thay come, vpoun the xxv of November laft, furth of the place and Peill of Levingftoun to the place of Bynnis, quhair Patrik thair eldar bruthir duellis, and thair, efter thay had dynnit (*dined*) and confultit with the said Patrik, thay come to the milne of Philpftoun, pertening to James Lord Lindfay of the Byris heritable, and to David Dundas of Preiftinche in tak and affedatioun, and brak the flanes, quheillis, hopper, huipis and gangand graith of the said milne all in peceis, ftrak and dang thair millaris, held bedit pistollettis to thair breiftis, and caufit thame fweir that thay fould duell na langair at the said milne,’ &c. :—And that ‘ vpoun the laft day of Nouember, they come to the barneyaird of Dudingftoun and patt fyre in three of the ftakkis, of purpois and intention to haue brint the haill barneyaird.’ Lord Lindfay of the Bires, and Dundas of Preftinch, appeared perfonally to purfue the Hamiltons before the King and Council; but they all abfented themfelves. [See Feb. 3. 1594-5.]

(Jan. 9. 1594-5.)—WILLIAME POLWART, of Rottonraw, ordained to be denounced rebel, for not appearing to anfwer to a Complaint at the instance of SARA HUNTER, relict of Andro Jouffy, merchant, burgefis of Edinburgh: That upon Dec. 23 laft, he ‘ with vtheris his compliceis, bodin in feir of weir, come vndir cloude and filence of nicht to the complenaris duelling place, within the burgh of Edinburgh, quhair fho wes, &c. and eftir that the said Williame had craftelie gottin hir yett oppin, he appointit ane nowmer of his compliceis to awaitt at the said yett, to impede and ftay all thofe quha fould happin to cum to the said complenaris releiff; and he him felff, with the reft of his infolent compliceis enterit within hir houfe, and be ane verie barbarous and vncoumelie behauiour, did quhat in thame lay to haue reviffed hir, and to haue caryed hir with thame quhair thay pleifit, and to haue rubbit and fpuilzeit hir houfe; quhilk they had not faillit to haue done, wer not be the Prouidence of God fho wes deliuerit of that dangeir, be the help of fun of hir nichtbouris.’

(Jan. 19.)—‘ PROCLAMATIOUN that naie cum to the Conventioun or place of his Maieftis refidence, bot fic as ar writtin for.’

(*Eodem die.*)—‘ THE KINGIS Declaratioun, ament THE LAIRD OF JOHNNE-
VOL. I. 2 X

STONIS PLEGEIS.—That ‘ in cais ony perfone of the name of Johnneftoun, or vtheris for quhome certane plegeis ar now enterit, fall commit stouth-reiff, oppreffion or blude, in thair thifteous deidis ; or contraveue any of the condicions for the quhilk thay ar now enterit, at ony time heireftir,’ if the principal party committer of the theft, &c. be not given up ‘ to anfweir for thair awne deid, and to vndirly tryale and pvnifhement thairfoir, as appertenis, within xv dayis nixt eftir requifitioun,’ ‘ the plege or plegeis of that branche or brancheis fwa offending, to be execute to the deid :’ And that Sir James Johnneftoun of Dunkellie kn^t, and Sir Walter Scott of Branxholme kn^t, (‘ quha hes gevin Band for fulfilling of certane condicions’) ‘ falbe haldin to enter vther plegeis,’ &c.

(Feb. 3.)—JAMES HAMILTON of the Peill (of Levingftoun,) Agnes Cockburn his fpoufe, and James, John, Claud, and Alexander, their fons, were ‘ denunceit rebellis ;’ (See Dec. 19, 1594.) and Alexander Cockburn and Hector Lockhart, their fervants, were alfo ordained to be denounced rebels, for not anfwering a complaint at the instance of ‘ James Lord Lindfay of the Byris, David Dundas of Preftinche, and John Yallowleis, Meffinger (at arms) : That upon the xij January laft, the faid Johnnie Y. accompanied with Michael Bynnie feruand to the faid Lord, and Thomas Huttoun feruand to the faid David, as witneffis to him, with foure feuerall Letteris and chargeis ; and hauing paff to the Place of the Peill, and at the yett thairof, the faid Agnes, &c. cwming furth at the faid yett, tuke the faid meffinger be the craig (*throat*), ftruck him vpon the heid, armes and fhoulderis, and gaif him mony bauch fraikis with piftollettis ; held bendit piftollettis to his breift, caufit thame to fweir neur to vfe ony Letteris agains thame ; and in end, with mony threatningis and minaffingis, in ane verie barbarous and vncouth maner, forceit the faid Meffinger to eit and fwallie the hail copyis of the faidis Letteris, and tuke the principall Letteris frome him ; and thaireftir, fhamefullie and cruellie dang the faid Witneffis with bendit piftollettis and quhinzearis, and left thame for deid : The lyke of quhilkis fhamefull and prefumptuus infolenceis hes fendle bene hard of in the In-cuntrey ; the preparatiue quhair of will not fail to breid a greitair contempt of all law and iuftice, through the hail realme, giff this be fufferrit to pas ouer vnpvnift.’

(Feb. 4.)—PROCLAMATION ‘ anent the fhuiting with hacquebutis and piftollettis.’

(Feb. 11.)—*The* SUBSCRIPTIONIS *off the* FOIRFALTIT LORDIS *recognosceit.* FORSAMEKLE SCHIR JAMES SCOTT of Baluery, knicht, being fufpectit and dilaitit of trafficque and intelligence with his Maieftis declairit Tratouris, rebellious and vnmaturall fubiectis ; and thaireftir taken, apprehendit, and at laft committit to warde, and findrie tymes examinat thairvpoun ; in end, he planelie confellit and declairit, That in the moneth of Auguft laftbipaff, he, being in cum-

panie with WILLIAME sumtyme ERLLE OF ANGUS, GEORGE sumtyme ERLLE OF HUNTLEIE, FRANCIS sumtyme ERLLE BOTHULL, FRANCIS sumtyme ERLLE OF ERROLE, GEORGE ERLLE OF CAITHNES and vniq^{le} SCHIR PATRICK GORDOUN of Auchindoun kn^t, in ane Oifflair-hous, besyde the Kirk of Memmure; thair wes produceit be the said sumtyme Erlle of Angus, certane Heidis and Articles, altogiddir writtin with his awin hand, quhairupoun ane Band wes appointit to be maid : Quhilkis, eftir thay wer red in thair presens and audiens, and had aduifit, consultit, concludit and aggreit thairupoun, at last thay all subseriuit the fame with thair awne handis; lyke as, the said Schir James gaif his subseription thairto, as witnes : Quhilkis Heidis and articles being thaireftir committit to his custodie and keiping, he laithie produceit and delyuerit the samin to his Maiestie; he quhome, and be the Lordis of his Secreit Counsaile and Sessioun, and certane vtheris best acquainted with thair hand-writtis and subseriptionis, the samin being sene, considerit and tryit, and thaireftir comparit and conferrit with vtheris thair hand-writtis and subseriptionis, THE KINGIS MAIESTIE and the saidis Lordis hes Recognosceit, and as thay weill and treulie vnderstand, Recognosceis the Subseriptionis of the saidis Heidis and Articlis, quhairupoun the said Band wes appointit to be maid as said is, to be the verie subseriptionis and hand-writtis of the personis particularlie aboue mentionat. And for the bettir resolution and satisfioun of his Maiesteis gude subiectis heiranent, Ordanis ane Act to be maid heirupoun, *ad futuram rei memoriam*.

(Sic subseribitur) JAMES R. EX CERTA SCIENTIA.

J. T. CANCELLARIUS. MAR. ORKNAY. J. L. LINDSAY. ALEX. L. HWME. FLEMING. ALLANE LORD CATHCART. THO. M^r GLAMMIS. BLANTYRE. NEUBOTTLE. R. SECRETARIUS. LINCLOUDEN. ALEX. HWME. TRACQUAIR. CULLUTHY. (David Seton of) PARBROTH, comptrollair. S. JO. HWME (of Spott). P. YOUNG.

(*Eodem die*.)—JOHNNE ERLLE OF MONTROIS and . . . MAISTER OF MONTROIS find caution (Sir Johnne Murray of Tullibairdin) ‘ that thay fall compeir personallie, befor the Kingis Maiestie and Lordis of Secreit Counsaile, and ansuer and vnderly sic ordour as falbe preseryuit to thame, tuicheing the lait vnhappy accident quhilk fell oute betuix thame and thair freindis, on the ane parte, and THE LAIRD OF CALDER and SCHIR JAMES SANDIELANDIS of Slamannane Maister knight, thair kin and freindis vpon the vther parte, vponne the last day of Januar lastbipast;’ the Earl under the pain of £2000, the Maister under the pain of 2000 merks.

(Feb. 12.)—ACT aganist JAMES DOUGLAS, sometime of Spott, that ‘ not onlie deseruis the said James Douglas maist rigorous and extreame pvnishment, for thir particulair, besydis the formair crymes for quhilkis he wes foirfalt; bot the censuris of the Kirk aucht to proceed aganis him,’ &c.

(Feb. 14.)—ANDRO MAKFARLANE of Arroquhair, Andro Dow M. and Malcolme Beg M. to be denounced rebels, for not appearing, to haue vndirlyne sic ordour as fould haue bene prescriuit to thame, tuicheing the obseruatioun of his hienes peax, quietnes and gude reule in the cuntrey,' &c.

(Feb. 17.)—ACT ' anent the DUKE OFF LENNOX proceedingis in the North ;' and ' exonerig' him and his counsellors, as having discharged their duty faithfully.

(*Eodem die.*)—ACT ' anent dimoleiffing of the Place, houffes and Fortalice of the CRAIG, pertening to Johnne Ogiluy.' Patrick Lord Gray and Patrick Master of Gray, got full Commiffion, as Sherifs-principal of Forfarshire, to take all necessary steps for that purpose.

(Feb. 28.)—Harie Steuart of Cragyhall becomes surety for the entry of JAMES SANDIELANDIS of Calder, &c. (See Feb. 11.)

(Mar. 5.)—JAMES MASTER OF OGILUY finds surety (David O. of Quhytefeild,) that he shall not supply, refet nor intercommune with ' Johnne Ogiluy of Craig, nor na vtheris his Maieftis declairit tratouris and rebellis,' &c., under the pain of 2000 merks. He is denounced rebel on Mar. 27.

(Mar. 15.)—ACT against his Majesty's Traitors and rebels.

(*Eodem die.*)—PROCLAMATION against refetting, supplying or intercommuning with declared Traitors, &c.

(Mar. 26. 1595.)—' PROCLAMATIOUN that nane transpote ERLIS OF HUNTIE and ERROLE within this Kingdome.'

(Mar. 28.)—DAME JEANE GORDOUN, COUNTESSE OF SUTHIRLAND, finds surety, under the pain of 2000 merks, that she shall not refet, supply nor intercommune with any of his Majesty's declared Traitors, &c.

(Jul. 18.)—PROCLAMATION, ' that nane *furueis* THE REBELLIS IN IRLAND.' ' Forfamekle as ANGUS MAKONEILL of Dunhyveg and Glennis, and DONALD GORME of Slaitt, accompaneit with a nowmer of rebellious and disobedient subiectis, inhabitantis of the Ilis, ar myndit, as the Kingis Maieftie is informit, to transpote thame selffis ouer to Irland and to joyne with the ERLI OF TYRREWNE, ODONEILL and vtheris of the rebellious people of that land, for troubling of the quyet estait thair of; as alsua, findrie of his Maieftis subiectis, inhabitantis within the schirefdomes of Lanerk, Renfrew, Dunbartane, Tarbett, Bute, Air, Wigtoun and baillereis of Kyle, Carrik and Cwninghame, daylie furniffes the rebellis of Irland with victuallis, waponis, poulder, bullett and vthir munition of weir; be the quhilk doing, the peace and amitie standing betuix his Maieftie and his darrest suster and coufine the Quene of England, thair realmis, dominionis and subiectis may be gritelie endangerit:' Therefore Proclamation is ordered to be made, that the liegis shall in no wise ' assist, tak pairt, ryde, gang,

accompany, nor yit furneis and fell ony kynd of victuall,' &c. under the pain of Treaſon.

(Nov. 26.)—PROCLAMATION ‘*ament the arryvaill of ſtraungearis* of that maift cruell and vnnmercifull natioun of Spayne and thair adherentis.’ The Clergy are called upon to exhort the lieges ‘to tak this mater in hairt, as that quhilk importis the preſent dangeir and hafard of thair religioun and conſcience, &c. : ‘And to the effect thay may the bettir convene, with ane vniforme mynd in this caus, to vrge all and findrie perſonis, amangis quhome deidlie feid and eleift¹ is preſentlie ſtanding, to ſubſcriue and gif aſſuranceis ilkane of thame to vthir ; and quha refuiſis, to reporte the ſamin to his Maieſtie ; quhairthrow his hienes may tak ordour with thame as appertenis.’

(Nov. 27.)—PROCLAMATION that the lieges ‘prepair them ſelffis and be in full reddyne, weill bodin in feir of weir, to mak WAPPONSCHOWINGIS and gif Muſtouris, vpoun the ſecund day of Februair nixt, in preſens of the Schereffis, ſteuartis, proueſtis and baillies of burrowis ; ilkane of thame within thair awin boundis.

(*Eodem die.*)—GEORGE MURRAY, ſone to Johnne Murray of Spainjiedaill, *Robert Hoppringle*, ſone to the Gudeman of Quhytebank, *Andro Douglas*, ſone to George Douglas, feruand to the Laird of Ceffurde, *Raguel Bennett*, ſone to vmq^{lc} Mungo Bennett in Chaſteris, . . . *Adair*, ſone to . . . Adair of Kin-hilt, . . . *Kirktoon*, ſone to . . . Kirktoon of the Tour, and *Malcolme Cockburne*, ſone to . . . , make ſupplication to the King and Council, ‘That quhair, it is nocht vnknewne, how that thay this langtyme bigane have bene detenit in warde within the tolbuith of Edinburgh, for the vnhappy accident² quhilk fell oute in the perſone of WILLIAME SINCLAIR, ſone to the Chancellair of Caithnes, be the ſlauchter of vmq^{lc} Johnne M^cMorane, burges of this burgh, quhair of thay and euery ane of thame ar innocent, and ar willing to abyde tryale thair-upoun, befor ane vnſuſpect Juge : And becaus the Proueſt and Baillies of this burgh, to quhome Commiſſioun wes given, to juge vpoun the ſaidis complenaris, wer partiall, thay being in effect baith juge and pairty, it pleiſit his Maieſtie, vpoun thair Supplication gevin in heirnupoun, to ordane M^r Mark Borthuik, Juſtice Depute, to ſitt with the ſaidis Proueſt and Bailleis, vpoun Mononday the xxvij of October laſt, and to putt thame to the knaulege of vnſuſpect Aſſiſe, the maift halff of thair peiris, they being all for the maift parte the ſonis of Baronis and gentilmen, and to proceid and miniſter juſtice vpone thame, conforme to the lawis and practique of this realme : At quhilk day, thay being enterit vpoun

¹ Rancorous grudge or offence ; literally an eye-sore ; what hurts or offends the eye. ² See the ſpirited account given of this affair of the Inſurrection of the Boys attending the High School of Edinburgh, (in conſequence of the Magiſtrates denying them their uſual ‘privilege’ of a day’s play, &c.) in the Extracts made from the Diary of Robert Birrell, which immediately follow theſe ſelections.

pannell, befor the saidis Prouest, bailleis and Justice depute, thair tryal wes continewit to the morne thairefter, the xxviij day of the said moneth ; at quhilk day, albeit they might have justlie declynnit the saidis Prouest and bailleis, and had mony gude argumentis of law and practique to have preferuit thame fra the tryale of ane Assise, yit thay be thair freindis and prolocutouris, freelie offerrit thame selffis to tryale. prouyding that ane condigne and vnsuspect Assise wer gevin to thame, viz. of Gentlemen outwith the toun of Edinburgh, according to his Maiesteis ordinance ; quhilk being refuiffit, thay wer coupellit to vse thair lauchfull defenffis : Quhairupoun the saidis Judges, perceaving that thay could not gett thair intent aganis the saidis complenaris, and mynding na thing ellis bot to wearie and wrak thame with expenffis, thay continewit thame to the fourte of Nouember : and vpon that day, maid ane new continewatioun ; quhairby it is euident, that thay intend to hald the saidis complenaris in continewall warde ; and atther to compell thame to becwm in will for that cryme, quhair of they ar innocent, or then to submitt thame selffis to ane Assise of the burgefiss of this burgh, quha will not fail maist partiallie to proceid aganis them,' &c. Having heard parties, the King, ' with auise of the saidis Lordis, Ordanis the saidis perfewaris to be putt to the knaulege of ane Assise of thair peiris, of landit gentlemen duelland outwith the burgh of Edinburgh, for the crime foirsaid ; within the tolbuith of Edinburgh. vpon the first day of December nixtocum, in presens of M^r Mark Borthuik, Justice depute, to quhome his Maiestie adjoins Schir Robert Meluill of Murdocairnie, kn^t, thesaurair depute, M^r Johnne Skene, clark of Register, and Schir Johnne Carmichael of that Ilk, kn^t. to be Assessouris ; secluding all vtheris assessouris,' &c. With certification, that if appearance is not made against them, they should be put to liberty, on finding caution, &c.

DISCHARGE *of a* LETTER *granted to the* COUNTESS OF BOTHWELL.

(Nov. 29.)—FORSAMEKILL as the Kingis Maiestie laitlie subscriuit and past ane Letter to DAME MARGARET DOUGLAS, sumtyme COUNTESSE OF BOTHUILL, movit thairunto vpon hir humble sute, and profrating of hir self in his hienes way and presens ; quhilk Letter, as his Maiestie is informed, scho immediatlie thairefter, not oulie causit proclame in sındrie pairtis of this cuntrey, and thairby take occasioun to resortie publictly quhair scho pleisit ; lyke as, a grite nowmer of persones hes resortit and intercommonit with hir sensyne : Bot als, scho hes directit and had intelligence of lait with Frances sumtyme Erll Bothuill, hir spous, in the realme of France, vanelie vanting of hir credite at his Maiesteis handis, and perswading him of that fauour ; quhilk, in respect of his monstros factis, is not to be loked for : nather is it nor wes it his hienes meauing, that the said Letter fould haue bene proclameit, nor sho tane sic libertie thairby, as sho

hes done ; bot onlie, fould haue feruit for remaning of hir felff and hir bairnis within the place of Mostour, that hir freindis nicht sumtyme haue resortit to hir, without dangeir of his hienes lawis : And thairfoir, feing sho hes safar abusit his Maiesteis fauour, grantit to hir be the said Letter ; his hienes, with aduise of the Lordis of his Secreit Counsale, hes annullit and dischargit and be thir presentis annullis and dischargetis the same Letter and contentis thairof, *simpliciter*, in tyme cwming ; ordaning the same to ceis and to haue na forder force nor effect at ony tyme heireftir. And that Letteris be direct to mak publicatioun heirof, be oppin proclamatioun at the mereat croceis of Jedburgh, Kelfo, Hawik and all vtheris placeis neidfull ; quhairthrow nane pretend ignorans of the same.

(Apr. 1.)—PROCLAMATION ‘ *aganis trafficquing with STRANGEARIS,*’ ‘ except it be betuix marcheant and marcheantis, in materis concerning marchandice allanerlie, without the speciall aduise, licence and consent of his Maiestie had and obtenit thairto, vndir the pane of deid.’

(Dec. 2.)—PROCLAMATION for assembling of the lieges at the Towns of Leith, Inverkeithing and Bruntifland, S^t Andrews, Dundee, Montrose, Inverness, Cromarty, Kirkcudbright, and Air, ‘ weill bodin in feir of weir, to repair vpoun the first aduertifment, vndir the command of the schirreff of ilk shyre, and sic vtheris as the same schereff, with aduise of the Baronis within the boundis particularlie aboue mentionat, fall cheis to that effect, to the said townis, to joyne with and supplee the fute-forceis, in resistit to the landing of the Enemy, in thay pairtis ; vndir the pane of tinfale of lyffe, landis and guidis.’

(Dec 3.)—PROCLAMATION ‘ that nane accompany THE ERLL OF MAR and LORD LEVINGSTOUN to thair day of law.’ It is stated that ‘ as it is vnderstand to the Kingis Maiestie and Lordis of his Secreit Counfall, that thair is a grite nowmer of his hienes liegis, of all esteatis of personis, quhilkis ar warnit and requirit be Johnne Erll of Mar Lord Erskin, Alexander Forrestair of Garden, and vtheris the kin and freindis of vmq^{le} Dauid Forrestair, burges of Struiling, on the ane parte ; and Johnne Levingstoun youngair of Dumnypace, . . . Bruce youngair of Airth, and certane vtheris thair colligis, on the vther parte ; to be present at ane dyet appointit to be haldin within the tolbuith of Ed^r, vpoun the xx day of December instant, for thair vnderlying of his hienes lawis, for the Slauchter of the said vmq^{le} Dauid : Amangis quhilkis personis, thair being deidlie feid and contrauerfie presentlie standing, at the leist amangis a grite nowmer of thame, it is to be feirit, that vpoun the first occasioun of thair meiting, sum grite inconuenient fall fall onte, to the brek of his hienes peax,’ &c.

(Dec. 10.)—ACT ‘ ament THE DERTHE.’ The King and Council ‘ being wonderfullie movit at the present derth of all fortis of victuall, this seasoun of the yeir, vniuerfallie throu all pairtis of this realme, and the grite penuritie and in-

digence quhairunto the pair handy-labouraris, and vtheris his hienes fubiectis of all esteatis ar redactit be that occasioun, the same derth still daylie increffing, and fostherit, pairtlie be the auaritious gredynes of a grite nowmer of perfonis that hes bocht and byis victuall afoir it cum of the ground, and that foirstallis and keipis the same to a derth, and pairtlie, by the shameles and indifcreit behaviour of the ownaris of the same victuall, quha refuiffis to threfhe oute and bring the same to oppin mercattis,' &c. It is therefore declared, that after Proclamation made, all forestallers, &c. shall be strictly punished, in terms of the statutes, and their victual 'efcheated' to his Majesty's use. All costly apparel, banquetings, &c. are deprecated; and it is declared that the former Acts relative thereto shall be strictly enforced.

(Dec. 11.)—THE King and Council, 'with the speciall auife and consent of SCHIR JAMES JOHNNSTOUN of Dunskeillie kn^t, being personallie present, ffrethis and releuis *all PRISONARIS takin be him*, his freindis, assistaris and pairt-takararis, *at ony of the lait Conflictis* quhilkis happynnit to fall oute betuix thame and *the surname of MAXWELL*, thair freindis, &c.: As alsua, Dischargeis all Bandis, Obligationis, or vtheris securiteis quhatfumeuir made be thame or ony of thame, to the said Schir James Johnnestoun, his freindis, &c. ather for thair entree agane, vpoun certane dayis wairning, payment of sommes of mony in name of Ranfoim: Decerning the same Bandis to be null,' &c.

(Dec. 23.)—'CHARGE AGANIS PERSONIS VNDAR DEIDLIE FEID,' to appear before the King and Council 'at Haliruidhous;' and 'that they keip thair ludgeingis eftir thair cuning, quhill thay be speciallie fend for,' &c. 'Thay ar to say, ROBERT MAISTER OF EGLINTOUN and PATRIK HOUSTON of that Ilk, to compeir personalie; the said Maister accompanied with his freindis, not exceeding the noumer of threescoir perfonis, and the said Patrik not exceeding the noumer of xxiiij perfonis,¹ vpoun Jan. xv nixttoeum: JAMES ERLI OF GLENCAIRNE and . . . CUNYNGHAME of Glengarnok, vpoun Jan. xvj: JOHNNE ERLI OF MONTROIS and FRANSIE of Thoirnidykis, on Jan. xxvij: HEW CAMPBELL of Lowdown, schereff of Air, . . . SANDIELANDIS of Calder, and SCHIR JAMES SANDIELANDIS of Slammannan, Mr . . . CRAUFURDE of Kerse,² and . . . SPOTTISWODE of that Ilk, vpoun Jan. xxvj: DAVID ERLI OF CRAUFURDE, and . . . GUTHRIE of that Ilk, vpoun Feb. viij: SCHIR THOMAS LYOUN of Auldbar kn^t, and . . . GAIRDIN of that Ilk, vpoun Feb. x: ALEXANDER LORD LEVINGSTOUN, SCHIR ALEXANDER BRUCE eldair of Airth, and ALEXANDER COLQUHOUN of Lufs, vpoun Feb. xvij: JOHNNE ERLI OF MAR, ALEXANDER FORRESTAIR of Garden,

¹ The number of followers allowed in the other instances are in the same proportions, according to the rank of the respective parties.

² Altogether not exceeding the number of sixty persons.

and ANDRO MAKFARLANE of Arroquhair, vpoun Feb. xx: JAMES LORD BORTHUIK, . . . PRESTOUN of Craigmillar, Mr GEORGE LAWDER of Bafs, and CHARLIS LAUDER fone and air of vinq^{le} Andro Lauder in Wyndpark, vpoun Jan. v: SCHIR JOHNNE EDMESTOUN of that Ilk, and Mr WILLIAME CRANSTOUN appeirand of that Ilk, vpoun Jan. vij: GEORGE ERLI MARISHAEL, and . . . SEYTOUN of Meldrum, vpoun Mar. i: JAMES CHEYNE of Straloch, and WILLIAME KING of Barrauch, vpoun Mar. iij: JAMES TUEDY of Drummelzeair, vpoun Mar. x: CHARLIS GEDDES of Rauchane, vpoun Mar. xij: —To vnderly sic ordour as falbe preferiuit, tuicheing the removing of the saidis ffeidis, &c. With certification, that if they fail, ‘thay falbe repute, haldin and perfewit with fyre and fwerd, as inemeis to God, his Maiestie, and to the common wele and quietnes of this thair natiue cuntrey, with all rigour and extremitie.’

(Dec. 25.)—Mr JOHNNE MACKANZIE, Minister at Vrra, ordained to be denounced rebel, for not appearing, to answer a charge at the instance of *Alexander Bane of Tulloch*, and *Alexander Bane*, (younger) ‘fear’ of Logy, ‘for his insolenceis, oppin and manifest oppreffionis committit vpoun thame; as namlie, he reflett and huirding within his house, of *Johne McGillichallum Rasa*, ane commoun and notorious theiff and lymmair and denunceit rebell, be oppin and avowit thift, in the moneth of May last; quha come to the said M^r Johnis house, vpoun fett purpos and prouisioun to ly derne (*hid*) and quiet thair, quhill he nicht find the commoditie to murdreis Hucheon Makeoneill Bane and Duncane Bane, fone to the said Alexander Bane youngair: Lyke as, eftir he had remanit with the said Mr Johnne the space of xlviij houres, vpoun fuir knaulege had be the said Maister Johnne of his barbarous and wicked intentioun, he come furth of the said house, vndir silence of nicht, be the said M^r Johnis preuitie and foirknaulege, to the duelling place of the said Hucheoun Makoneill Bane, of fett purpos and prouisioun to haue execute his barbarous and wicked intentioun; quhilk he had not faillit to haue done, wer nocht the said Hucheoun, getting fin informatioun of his intentioun, convoyed him selff with the said barne away: And fensyne, the said M^r Johnne come to the said complenaris landis of Vrra, and cuttit his plewis and rigwiddeis; and thairby, and be vtheris the lyke oppin and manifest oppreffion, hes layd and haldis the saidis landis waift, &c.

(Jan. 12, 1595-6.)—Mr WILLIAME CRANSTOUN appeirand of that Ilk, ordained to be denounced rebel, for not entering ‘his persone in warde, within the Castell of Thomptalloun,’ in terms of the command issued by the King and Council, on Jan. 9.

(Jan. 15.)—JOHNNE HALDEN, dagmaker and others, to be denounced rebels, for not answering ‘tuicheing the Riot committit be thame laitlie, vpoun the . .

day of Januar instant, aganis the Prouest and Bailles of the Burgh of Edinburgh, in thair convoy and taking to warde of *James Lord Borthuik*?

(Jan. 17.)—JAMES ERL OF GLENCAIRNE ordained to be denounced rebel, for not appearing before the King and Council, ‘ tuicheing the removing of the ffeid and contrauerfie standing betuix him and *Robert Maifter of Eglintoun* and his freindis.’

(Jan. 28.)—JOHN and ALEXANDER FOSTER (FORRESTAIR) ‘ fones to the Laird of Garden, Alexander Forrestair of Myethill and Walter F. fone and appeirand air to Duncane F. of Puldoir,’ to be denounced rebels, for not appearing before the King and Council, for coming with their accomplices, on Dec. 30, ‘ bodin in feir of weir, with daggis, pistollettis, &c. to Johnne Roishill officiair of armes, being executing Letteris of Hoirning aganis Alexander Forrestair of Garden, and certane vtheris parrochionaris of the Ruid-Kirk of Striuling, the said officiair being in the very meantyme, of the reiding the same Letteris, publictly, at the mercat-croce of the burgh of Striuling; pullit him down af the same croce, dang him with pistollettis on the heid, and with the gairdis of thair swardis, and cruellie hurte and woundit him in diueris partis of the body, to the effusion of his blude in grite quantitie; and thaireftir, violentlie and perforce rest the same Letteris, and thair raif thame all in peccis; in hie and proude contemptioun of his Maiesteis auctoritie and lawis.’

(*Eodem die.*)—PROCLAMATION, that none of the liegis ‘ reffett, supplee, thaw fauor nor intercommune’ with ‘ THE FORRESTAIRS;’ under certification, that they ‘ falbe apprehendit, persewit and pvneit, with na les rigour and extremitie to the deid, nor (*than*) gif thay had reffett Frances suuntyme Bothuill,’ &c.

(Jan. 29.)—JAMES CUNYNGHAME appeirand of Glengarnok, ordained to be denounced, for not ‘ compeiring personalie’ before the King and Council, ‘ tuicheing the removing of the ffeid standing betuix him and *Schir Patrik Houftoun* of that ilk kn^t and his freindis,’ &c.

(Feb. 5.)—PROCLAMATION for a general Wapponshawing, on May 5. ‘ Marcheantis-traffiequaris in vtheris cuntreys,’ are commanded ‘ to by, prepar and bring hame corllettis, pickis, murronis and all vthir kynd of armour; sell and mak penny thairof to all his hienes subiectis, vpoun reffounable pryceis.’ It proceeds on the narrative ‘ of the preparatioun and intentioun of mereyles strangearis, to arryve in this Iland this nixt spring, for moving of a publict wear aganis God, his trew Religioun,’ &c.

(Feb. 12.)—On the complaint of THE COUNTESS OF EGLINTOUN (Dame Helen Kennedy,) Hugh Earl of Eglintoun, only lawful son of the deceased Hugh Earl of E, Robert Maister of Eglintoun his Tutor, and the kin and friends of

the late Earl, ' That quhair, the said v^mq^{le} Erll, being maist shamefullie and cruellie slane be Johnne Cunynghame of Rofs, bruthir to James Erll of Glencairne, Alexander C. callit of Poquhene his seruand, Alexander C. of Aikatt, Williame C. his bruthir, Patrik C. in Bordland, Johnne and David Maxuellis, brethir to Patrik M. of Newark, and Johnne Ryburne, vpoun sett purposis, prouisioun and foirthocht felony, the saidis complenaris persewit thame for the same slauchter, criminallie, befor the Justice and his deputis ; and thay, takand the cryme vpone thame, absentit thame selfis frome tryale, and wer thairfoir denunceit and registrat at the horne ; quhairat maist contempnandlie thay remanit diuers yeiris thaireftir, quhill now of lait, as the saidis complenaris ar informed, that the saidis personis hes purchest ane Remissioun or Respett for the said slauchter, quhairby thay intend to tak away the saidis complenaris lauchfull persute ; sua that in steid of justice, quhilk thay euir luiked for, conforme to his Maiesteis solempne vow and promeis maid to that effect, thay ar now movit to lament to his hienes the want of justice, throu the said Respett or Remissioun, &c. They farther stete, that there has been ' na affyithment nor satisfacioun maid to the saidis complenaris for the said slauchter, nor Letter of Slanis grantit thairupoun ;' and that therefore, in terms of the Acts of Parliament and Secret Council, and ' ane louable pratique past in the lyke caise, at the instance of the relict and ten faderles bairnis of v^mq^{le} Luk Struiling of Baldorane, aganis Thomas Kincaid and Johnne Jak his seruand,' the Respite or Remission was *ipso facto* null.—Robert Master of Eglinton having appeared for the complainers, and James Earl of Glencairn and William Cunningham of Caprington for the defenders, the King and Council remitted ' this mater, to be decydit befor the Justice or his deputis, as accordis of the law.'

(Feb. 21.)—PROCLAMATION regarding ' THE SPANISHE PREPARATIOUN to arryve in this Iland, for moving of a publict wear,' &c. ; charging all the lieges within the ages of 60 and 16 ' to be in full reddynes,' within 24 hours, ' to convene and repair to sic partis and placeis as thay salbe aduirteist,' &c.

(May 21, 1596.)—SIR JAMES JOHNNSTOUN of Dunskeilie kn^t. ' as maister, landisflord or cheiff to Johnne, James and Williame Johnnestonis, brethir, in Haisliebray, Niniane J. in Rowantrie-know, and Williame J. sone to James J. of Haisliebray, for quhome he is obleist to ansuer be the General Band,' &c. is ordained to be denounced rebel, for not appearing and presenting these persons to have answered, ' tuicheing the shamefull, cruell and v^mmercifull slauchter of v^mq^{le} Mr Williame Johnnestoune, Person^e and Minister at Lochmaben ; committit be thame laitlie, vpoun the fourte day of Marche last.'

(May 22.)—PROCLAMATION for THE ILIS.—THE KINGIS MAJESTIE, his Nobilitie, Counsaill and Estetis presentlie comenit, CONSIDDERING the proude

Rebellioun, defectioun and difobedienc of the Inhabitantis of THE ILIS and HIELANDIS of this realme, subiect for the maist parte, thir mony yeiris bygane, to all kynd of insolence, barbaritie and crueltie, not onlie in committing of vyle and beifflie Murthowis, Slauchteris, reif, thift, oppin heirschippis, oppreflionis and depredationis vpoun his Maieftis peceable and gude subiectis, inhabitantis of the cuntreieis nixt adiacent ; bot euery ane of thame maist vnnaturallie puttand violent handis in vther, besydis innumerable vtheris tressounable, monstros and odious crymes, committit be sum of the cheiff personis, inhabitantis of the saidis Ilis ; ffor the quhilk, the sentence of Foirfaltour is led aganis thame ; quha nochtwithstanding remanis peceable in the cuntrey, without feir of God or of his Maieftie, nawayes acknaulegeing thair offens, nor yit his hienes as thair souerane lord and King ; nather payand thair mailles and dewities, exactiones and custumes to his Maieftie, his Comptrollair and ordinair officialis ; the same mailles and dewiteis and custumes being a grite part of his hienes propirtie, rent and patrimonie of his crowne, quhairupoun his princelie porte and estate fuld be sustenit : AND thairfoir, his Maieftie is resolut to repair, in propir persone, to the saidis Ilis and Hielandis, with all conuenient expeditioun, for abandouning and reduceing of the saidis rebellious, vnnaturall and difobedient personis, to the acknaulegeing of his hienes and his lawis ; and compelling of thame to mak payment of his Maieftis propir rentis and dewiteis, in tyme cuning : For quhilk purpois, necessar it is that his hienes be weill and substantiouse accumpnyed, with a force of his faithfull, loving and gude subiectis ; and thairfoir, his Maieftie, with aduise of his Nobilitie, Counfall and Esteatis foirsaidis, Ordanis Letteris to be direct, chargeing all and findrie Erllis, Lordis, Baronis, fewaris and freehaldaris, betuix saxtie and saxtene yeiris, vailzeant (*worth*) in yeirlic rent the fowme of three hundreth merkis, ather in heritage or annualrent, within the boundis of the haill sherefdomis, steuartreis and baillie-reis within the realme, togidder with the inhabitantis of burrowis within the saidis boundis, alsweill regalitie as ryaltie, be oppin Proclamatioun, at the mercat-croces of the same burrowis ; that thay and ilkane of thame, weill bodin in feir of weir, with schippis, crearis, boitis and all vtheris veschellis, and prouisioun, requisite and necessair for transporting of thame to the saidis Ilis, and fra Ile to Ile, within all the boundis of the same Ilis and Hieland pairtis, during all the tyme that thay salbe occupiit in that seruice ; addres thame selffis to meit his Maieftie, at the burgh of Dunbartane, vpoun the first day of August nixto-cum, prouidit to imbark and pas fordwart thairfra to the saidis Ilis and Hielandis ; and to attend and accumpny his hienes, for the space of fourtie dayis eftir thair cuning, to the effect foirsaid ; vudir the pane of tynfall of lyff, landis and guidis.

[THE Editor has thus endeavoured to supply, from the most authentic source, a pretty copious Selection of the leading Cases which occurred before the Privy Council of Scotland, during the interval unfortunately vacant in the Records of the Court of Justiciary, through the loss of the Volumes from 1591 to 1596; which period, doubtlessly, occupies an interesting portion of the History of this country. To some of his readers, perhaps, an apology is due, for the insertion of so many State Papers, and of notices of matters, not *strictly* embracing the immediate objects of this Compilation; but, in extenuation of this trespass, it may be remarked, that the leading features of these times were so peculiarly distinguished by open defiance of the King and Parliament, and by the frequent and daring Conspiracies enterprised against the Royal person, as well as by Bothwell's Treasons, and the Popish and Spanish Plots, for the overthrow of the Government and of the Religion of the Country, that such Illustrations as those he has ventured to select, may, by many others, be considered as necessary Historical elucidations, at least as convenient appendages to such a Collection as the present.]

Before closing his Extracts, which are intended in some measure to supply this *hiatus valde defendus*, the Editor must farther draw upon the valuable stores contained in 'THE DIAREY of Robert Birrel, burges of Edinburghe,' which was, for the first time, given to the public by John Grahame Dalryell, Esquire, in his 'Fragments of Scottish History,' Edin. 1798. The reading has been taken from the original MS. in the Advocates' Library, W. 5, 10. There is also in the same Library, among Wodrow's MSS., (W. 7, 26,) another copy, which is, apparently, a Transcript of the former.]

NOTICES extracted from 'BIRRELL'S DIARY.'

(Sep. 6. 1591.)—THE EARLL OF BOTHUELL made a stoure in the ABAY OF HOLYROUDHOSSE, quho came in over the hous in the South fyde of the Palace; and the said Earll, taking too grate presumption, he, with his complifels, strake with ane hammer at his Maiesties chalmber dore: And, in the meane tyme, the haill noblemen and gentlemen of his Maiesties houffe raised, quho thought to haue taken the said Earll Bothuell and his complices. The said Earle fled; yet he returned at the South fyde of the Abay, quher the said Earll and his complifels slew his Maiesties Maister Stabler, named William Shaw, and one with him, named M^r Peeiter Shaw. Bot the King's folks took 8 men of Bothuill's factione; and one the morrow, hangit tham all, with out ane Afflyffe, betnix the Girth croffe and the Abay gaite.¹

[1591,
Sep. 6.]

(Dec. 28.)—THE King's Maiestie came to St' Geill's Kirk, and ther made ane Oratione, abent THE FRAY made by BOTHUELL, and WILLIAM SHAW'S SLAUGHTER, bes Maister Stabler.

(Feb. 7, 1591-2.)—THE EARLL OF HUNTLY came to *the hous of Dunbristole in Fyffe*, quher THE EARLL OF MURRAY, with a few bumber, wes for the tyme, being his auen houffe. The chiefie

¹ 'This tumult was called the first Road of the Abbey.'—*Sir James Balfour's Annals*, I. 390.

[1591-2,
Feb. 7.]

mane that ves with him ves Dumbar thriffe of Murray. The Earll of Huntley¹ fett the said houfs in fyre: The Earll of Murray being vithin, vift not quhither to come out and be flaine, or be burned quicke; yet, after advyment, this Dumbar fays to my Lord of Murray, ‘ I vill goe out at the gaitt befor your lordfhippe, and I am fure the peopell will chaarge one me, thinkeing me to be your lordfchip; fua, it being mirke vnder night, ye fall come out after me, and looke if that ye cane fend for your felue.’ In the meine tyme, this Dumbar, Tutor to the thriffe of Murray, came furth, and rane difperatly amonge the Earle of Huntlies folks, and thay all rane vpon him and presently flew him. During this broyllle vith Dumbar, the Earll of Murray cam running out at the gaitt of Dunebriffell, quhilke ftands beyde the fea, and ther fate him doune amonge the rocks, thinking to have beine faue; bot unfortunatly the said Lord’s enapefcull-tippett, quberone ves a filke ftringe, had taken fyre, vich bewrayed him to hes enimies in the darknes of the night, himfelue not knowing the fame; they came doune one him on a fuddaine, and ther moft creuelly, without mercey, murthered him.²

Feb. (12?)—AT quhilke tyme, one CAPITANE JOHNE GORDOUNE, takin upon the 12 of Februarij: Himfelue ves headitt, and hes man was hangitt.

(Feb. 28.)—RICHARD GRAHAME ves brunt at the Croffe of Edinburghe, for Vitcherafte and Sorcery.

(Mar. 18.)—ANE Proclamatiōne, that THE YOUNG EARLL OF MURRAY should not perfew THE EARLL OF HUNTLY, in refpect he, being vardit in the Blacknes for the fame Murder, ves villing to abyde ane trayell, faying, that ‘ he did nothing bot by hes Maiefties Commiffione, and fua ves nather airt nor pairt of the Murther.’

(May 12, 1592.)—THE EARLL OF BOTHUELL and hes complices ver denuncit rebells and fummond to the Parliament quhilke ves to be haldin at Edinburghe, the 12 day of Julay; quherin the said Earle, with all his quhole complices, wer all of them forfaitted.

(Jul. 17.)—THE EARLL OF BOTHUELL, with his complices, made a FRAY AT FALKLAND, hes Maieftie being ther: And thereafter, hes Maieftie cum over the vatter. And vpon the 26 day of this fame mounthe, hes Maieftie made ane Oratione concerning the fame, in the grate Kirke of Edinburghe. Imediatlie after the fray, Bothuell and hes men came ouer the vater; and ther ver 18 of them taken in Cader-mure, and in vther pairts neir Cader-mure, laying fleiping, for vant of reft and interteinment; and immediatly after ther taking, they were all brought to Edinburghe and hangitt.

(Jul. . . .)—AT the fame tyme the LAIRDS OF NIDRIE and SAMUELSTONE, ver takin by Johne Lord Hamiltone, and vardit in the Caftell of Draffin, and came to Edinburghe, thinking to haue gottin grace to them from his Maieftie. He came doune to hes Maieftie’s lodging at the Nether-bow, and going in to Mr Johne Laings hous, quher hes Maieftie lodgett, the gaurd ftandeing aboue the port vith ther hagbutts, guns and uther veapons; the forsaid gaurd, feing my Lord Hamiltone, for honor of his Lordfchipe, fhott ane volley at my lord: Ther ves ane man, fpeiking to hes lordfchipe, fhott through the head; ane vther, by him, fhott through the legge; and ane bullet ftrooke the lintell of the gaitt, iuft aboue my lord’s head quher he floode; yet no more harme donne: So that, by meir accident, the said Lord Hamiltone had moft haue beine flaine, and not through aney ciuill vill. The Lord Hamiltone, feeing that he could gett no grace to the said tuo gentlemen, he fent vord to hes baitard fone Schir Johne, quho convoyed the said tuo gentlemen away, and vent vithe them him felue, for their more fafety.

(Jul. 31.)—FRANCIS HAY EARLL OF ERROLE ves put in vard in the Caftell of Edinburgh, for Papiftry

(Oct. 18.)—THE EARLL OF ANGUS vardit for Papiftry.

(Nov. 7.)—HES Maieftie did receaue againe THE LAIRD OF NIDRIE in his fauor, and reftorit him to his former dignity and eftait.

¹ ‘ It was giuen out and publickly talked, that the Earle of Huntley was the only instrument of perpetrating this facte, to fatisfie the Kingis jefolie of Murray; quhom the Queine, more rashlie then wyslie, some few dayes before, had commendit in the King’s heiringe, with too maney epithetts, of a proper and gallant man.’—*Balf. Annals*, I. 390.
² ‘ Vpon the 7 day of Februarii 1592, the Earle of Murray was slaine by the Earle of Huntly, maist creuelly, at Dunnybristle; and with him the Sheriffe of Murray.’—*Marj. Annals*, p. 56.

(Nov. 17.)—THE LADEY OF BOTHUELL ves received into his Maiesties fauor.

(Nov. 18.)—ANE Proclamatiōne, that no man receaeuid the EARLE OF BOTHUELL ; and siclyke, [1592,
Nov. 17.] that all thoffe that had receaued hes Maiesties fauor, quho had bene with the Earll of Bothuell, should not come neir his Maiestie vithin 20 milles, vnder the paine of death.

(Nov. 23.)—ANE Proclamatiōne, that no man should receatt THE COUNTESSE OF BOTHUELL, giue her interteinment, or to haue aney commerce or society vith her, in aney cais ; quha had beine bot fo laity receaued in his Maiesties fauor befor, viz. one the 17 day of the fame mounthe. Behold the changes of Courte !

(Nov. 30.)—JOHNE CACHOUNE ves beheidit at the Croffe of Edinburghe, for Murthering of his auen brother the LAIRD OF LUSSE.

(Dec. 2.)—CAPITANE JAMES STEUARTE¹ came to the King, quho had beine banished since the Read (*Raid*) at Streiueling befor, wich wes aboute the 1 day of Nouember 1585.

(Dec. 17.)—THE MINISTERS ver accusit by the King for opiu Treaffone, in speiking aganis hes Maiestie ; yet hes gooduefs past it ouer at that tyme.

(Dec. 31.)—MR GEORGE KER ves broght to Edinburghe out of Calder, and putt in vard, for cariing of Letters out of the countrey frome the Papists to the King of Spaine.

(Jan. 1. 1592-3.)—THE EARLL OF ANGUS ves commandit to vard in hes auen ludging, and straitly keipit till the morrou, and then ves convoyet to the Castell of Edinburgh, for sending Letters to Spaine to the Spanisch King, vith M^r George Ker.

(Jan. 3.)—ANE Proclamatiōne to resist THE PAPISTS ; and all men to stand to the Religione presently professed vithin this realme ; in vich his Maiestie hes beine brought vp into frome bis youth : And siclyke, charging all suspected Papists to come and subfcryue ane Band, that they fall not liue as Papists, bot in Religione conforme to that presently professed.

(Feb. 8.)—THE EARLLS OF HUNTLEY and ERROLE ver denuncit rebels and putt to the home, for not compeiring to subfcryue the Band concerning Religione.

(Feb. 14.)—SCHIR ALEXANDER STEWART and MR JOHNE GRAHAME sles be SCHIR JAMES SANDILANDIS at the fitt of Leithe wynd.

(Feb. 15.)—THE EARLE OF ANGUS brake ward out of the Castell of Edinburghe ; quha hade beine in, sen the first of Januar befor, for sending Letteres to Spaine.

(Feb. 17.)—DAUID GRAHAME beheidit at the Croce, for opin Treafone, callit Lord of Fentres.

(Mar. 15.)—THE KING'S MAIESTIE came hame fra THE NORTHE, quhair he haid beine sex veikis befor, and haid causit cast doune the palace of Strabogie, and ane place callit the Slanis, ane place callit the Newtoun, and ane place for the tyme quhilk belongit to M^r Walter Lyndefay, callit the Brumbous, vith ane hous of Sir Johne Ogilveis callit the Craige. His Maiestie had with him 5 bandis of men of weir out of Edinburghe, Capitanes George Todridge, James Inglis, James Williamfone, and C. Dauidson and Geddes.

(Mar. 20.)—ANE Proclamatiōne at the Croce, chairing the EARLIS OF HUNTLE, ANGUS, ERROLE, with diuers GENTLEMEN and IRISMEN of THE ILLIS, to compeir to the Parliament for diuers poyntis of Treafoun.

(May 19. 1593.)—KATHERINE MUIRHEID brunt for Vitchcraft ; and quha confest fundrie poyntis thairof.

(Jun. 4.)—THE LAIRD OF JONESTOUNE brak ward out of the Castell of Edinburghe.

(Jun. 20.)—MR GEORGE KER brake waired out of the Castell.

(Jul. 21.)—THE Parliament haldin ; the EARLE OF BOTHUELL forfaultit, and his armes rewine² at Croce of Edinburghe be the Heraldis.

¹ Quho called himselue Earle of Arran.—*Balf. Ann.* I. 392.

² Torn and defaced.

[1593,
Jul. 24.]

(Jul. 24.)—At 8 hours in the morning, the EARLE OF BODWELL, the LAIRD OF SPOTT, MR WILLIAME LESLIE and MR JOHN COLVILL, came in to the King's chalmer, weil provydit with pistoll. This Earle with his complices come not this way, provydit with pistollis and drawin swordis, to harme the Kingis Majestie any wayis; bot becaus he could not get prefence of his Maiestie, nor speiche of him, for the Homes, quho wer courteouris with the King, and enimeis to the said Earle Bodwell; sua thai cam in into hes Maiesteies chalmer, resolweing thame selff not to be haldin bak till thai fould have spokin with him: And sua, after thai come in, his Maieftie wes comming fra the bak stair and his breikis in his hand, in ane feir; howbeit he neidit not. The foirsaid Earle Bodwell and his compleffis fell vpon thair knies, and beggit mercie at hes Maieftie; and his Maieftie, being wyfe, merciful, a noble Prince of grate pitie, not defyrour of bluid, grantit thame mercie, and refautit thame in his fawour: And at 4 hours efter none, causit proclame thame his frie ledgis. And vpon the 27 day, the same Proclamatione of the Earle of Bodwellis peace wes renewit at the Croce, with Heraldis and sex trumpettis founding for joy.

(Aug. 10.)—ANE new alteratioun oferid againe.

(Sep. 20.)—THE said EARLE BODWELL chairgit be ane Proclamatione at the croce, that he fould not come vithin 10 myllis to the Kingis Maieftie, vnder the pane of deathe.

(Oct. 11.)—THE Kings Maieftie ryding to ane day of Law, the excommunit Lordis mett him; quhom he refautit in his favoris, viz. HUNTLIE, EROLE, ANGUS, Schir JAMES CHISSIM, with fundrie wtheris.

(Oct. 31.)—ANE CONVENTIOUNE haldin at Leithe, for the same purpos, concerning Angus, Huntlie and Errole and thair compleffis.

(Nov. 2.)—ANE Proclamation, that na man truble the said PAPISTIS LORDIS, bot to refaue thame and interteine thame as his faithfull and trew subiectis, as thai will be anfueraill to him.

(Nov. 7.)—SMETOUNE hangit, for braking of ward, with Mr George Ker, out of the Castell of Edinburgh.

(*Eodem die.*)—ANE Proclamatione that na man fould repair to the toune of Edinburgh, without leue grantit be his Maieftie; quhilk Proclamatione greiuit the tonne, and speciallie the Ministeris.

(Nov. 27.)—ANE Proclamatione of the Act of Abolitioun in fauouris of the PAPIST LORDIS.

(Dec. 7.)—THE LORD MAXWELL flaine be the Laird of Jhonstoun.¹

(Dec. 11.)—THE EARLE BODWELL put to the horne; quhilk day the said Earle Bothwell and KER OF SESFUIRD met and faucht twa for twa.

(Dec. 27.)—THE EARLE OF BODWELL, nor the LAIRD OF JONESTOUNE, na man fould refait thame, nor give them interteinment.

(Jan. 22, 1593-4.)—THE Act of Abolatioun quhilk wes maid, null and to na effect.

(Feb. 19.)—PRYNCE HENRIE wes borne, at the pleafour of Almighty God, quhilk day befell on Tuyfday.²

(Mar. 13.)—HIS MAIESTIE come to Mr Robert Briuffe preiching, being Sunday; quhair Mr Robert Bruce said to hes Maieftie, that 'God wald fleir up na (*more*) Bodwellis nor (*than*) ane, that wes enimies to him nor (*than*) Bodwell; if he reuengit not and faucht not Godis quarrell and battelis on the Papistis, before he faucht or reueng his awine particular.'

¹ 'In the mounth of December 1593, Sir Johnne Houstone (mistake for Jhonstone) of that ilk slew Johnne Lord Maxwell, quha had betrayed the Laird of Houstone (Jhonstone) under frendshipe and alliance; and it was rumored, that he had purchased ane Commissione of the King to pas vpon the Laird of Houstone (Jhonstone) with fyre and suord, albeit that they war sworn frinds and bound vpe in alliance and of bloode; and in ane veray grate persuit, the Laird of Houstone (Jhonstone) slew him in his auen just defence.' *Marj. Annals*, p. 57.—'This yeir endit with the Lord Maxwells slaughter by the Laird of Jhonston, the 6 of this mounth of December.' *Balf. Ann.* I. 334. ² 'Vpone Tuesday at 5 hours in the morning, the 9 day of Februarij 1593, Anna, daughter to the King of Denmarke, and Queeine of Scotland, wes deliuered of ane sone to King James the Sext, in Streueling, the 4 yeir after her coming in Scotland, the 27 yeir of the said King James raing and 28 of his age.'—*Marj. Annals*, p. 58.

(Apr. 3, 1594)—THE KING, being ludgit in Robert Gourlayis ludging, he come to the fermone; and thair, in prefens of the hail peiple, he promeit to reveng Godis caus, and to *baniſhe all the PAPISTIS* and thair requyſit the hail peiple to gang with him aganis Bodwell, quha wes in Leithe for the tyme. The ſame day, the Kingis Maieſtie rais and the toune of Edinburgh in armes. THE EARLE OF BOTHWELL, quha wes in Leith, heiring that his Maieſtie wes cumming doune, with the toune of Edinburgh, he reaſe with his fyue hunder horſe, and come out of Leithe and raid up to the Halkhill, beſyde Lexington (*Reſialrig*), and ther ſtuid till he ſaw the King and the toune of Edinburgh approching neir him. He drew his companie away throw Duddingſtoun. My Lord Home followit till the Wowmit; at quhilk place the Earle Bodwell turnit, thinking to have a bet of Home; bot Home ſled and he followit; yit, be chance, little bluid. The Kingis Maieſtie ſtud himſelf, and ſeing the ſaid chaité.¹

(Apr. 5.)—SICLYKE, the King raid out to haue tane Bothwell, bot gat him not.

(Apr. 29.)—WILLIAME HEGIE hangit, for reſaueing the Earl of Bothwell.

(May 17.)—MY LORD HOME maid his repentance wnto the New Kirk, befor the Aſſembly. ypone his kneis.

(Jun. 8.)—THE Parliament haldin; at quhilk tyme, the Earles of ANGUS, HUNTLIE, ERROLE, MACKLEN, MACKONEILL and AUCHINDOUNE wer all forfeaulted.

(Aug. 30.)—THE PRINCE baptized, and named HENREY FREDERICK, by the grace of God.²

(Sep. 16.)—ANE Proclamatione that nae man refait nor intertene THE EARLE BODWELL.

(Sep. 17.)—ALLANE ORME³ hangit for intertenuing of the Earle of Bodwell.

(Sep. 24.)—JOHNE GIBSONE hangit, and James Cochrane hangit, for intertenuing of the Earle of Bodwell.

(Oct. 3.)—THE BATTELL OF GLENLIUET⁴ fouchin betuix the Earl of Argyll, Generall for the King, aganis the EARLIS of HUNTLIE and ATHOLL and thair aſſoſiatis. The ſcheiffe, of not,⁵ that wes flene on Huntlie and Atholl fyid, wer, the Laird of Gight, Aſſinlie, Mr William Gordone, the Guidman of Dorth (*Dort*) and hes ſone. This Dorth was brother to Abergeldie. Thre brethren of Tillaoundey, and the younge Laird of Drumdelgie.

(Oct. 15.)—THE CAPITANE OF BLACKNES wes hangit, for reſaueing and intertenuing the Earle Bodwell.

(Dec. 4.)—ANE Proclamatione, chairing all men not to haue to doe with the Earle Bodwell.

(*Eodem die*.)—CAPITANE RALLIE hangit for counterſetting the Grait Seall aganis the mercheantis.

(Jan. 13, 1594-5.)—GEORGE MWR hangit, for ſlaing of twa Miniſters, viz. Mr David Blayth and ane Aikman.

(Jan. 19.)—THE young EARLE OF MONTROIS faucht anc combat with SCHIR JAMES SANDLANDIS at the Salt Trone of Edinburgh, thinking to haue revengit the Slauchter of his cuſine Mr Johne Grahame, quha wes thair ſlaine with ane ſhot of ane piſtoll, and four of his men flane with ſwordis, viz. Johne Craufurd, Johne Graham, George Dundas and Alexander Boner.

¹ Marjoribanks dates this affair the 2d of March, and ſays, ‘The King, all this tyme of the chace, was ſtanding ypone the Borrow-mure of Edinburgh.’—*Annals*, p. 59.

² This ceremony took place at Stirling, within the Chapel Royal. David Cunninghame Biſhop of Aberdeen officiated. For a particular account of this ſplendid ceremonial, ſee ‘A True Reportarie of the moſt triumphant and royal accompliſhment of the Baptiſme of the moſt excellent, right high and mightie Prince, Frederik Henry, by the grace of God, Prince of Scotland. Solemnized, the 30 day of Auguſt 1594. Printed by R. Walde-graue Printer to the K. Maieſtie. Cum Privilegio Regali.’ Quarto, Black Letter, pp. 30. This remarkable Edition was purchaſed, by James Maidment, Eſquire, at the ſale of the Library of the late Archibald Conſtable, Eſquire, who conſidered it *Unique*. One other copy, however, is known to have been in the Royal Library at Copenhagen. Several Reprints were published early in the next century. See alſo Birch’s *Life of Henry Prince of Wales*, &c.

³ ‘Brother to the Laird of Mugdum, (*Mugdrum*).’—*Balf. Ann.* i. 395.

⁴ ‘At this tyme, thair wes grate appearence of troubells in Scotland, throughe the forfeaulted Earlls of Huntly and Errole; quha with ther complices gadrett anc grate pouer of men againſt the Earlle of Argyll, being the King’s lieutenant, and faught ane grate Battell in the North, near Strathbolgie, at ane part called the Ledderfute; wich battel was called by ſome the field of Glenliuet, and by others the battle of Belriunes, &c.’ *Marj. Annals*, p. 60. See alſo, in Dalryell’s *Poems of the Sixteenth Century*, ‘The Battell of Belriunes.’ And MS. Adv. Library, W. 3, 19.

⁵ The chief perſons of note.

[1594-5,
Feb. 14.]

(Feb. 14.)—ANE of the Keiperis of the Wardes, in the Castell of Edinburgh, wes hangit, for latting the Earle of Angus out of ward.

(Feb. 18.)—HERCOLLES STEWART hangit, and ane Johne Syme, for bearing companie and intertenuing his awin brother, and the Earle of Bodwell.

(Feb. 23.)—THE EARLE BODWELL excommunicat.

(Mar. 10.)—ANE horrible tempest of snaw, quiche lay vpon the grund till the 14 of Apryll thairefter.

(Maij 26, 1595.)—JOHNE GILCRYST, Henderfone and Huttoone, all thrie hangit, for making of fals wrettis and presing to warifie (*verify*) the same.

(Jun. 11.)—ANE callit CUMING THE MUNCKE, hangit, for making of ffalfe wrettis.

(Jul. 19.)—JAMES LAIRD OF ENDERMARKIE and his seruand heidit, as partakeris of the MURDER OF THE EARLE OF MURAY and Patrik Dumbar, in Danniburfell in Fyff; quaha wer flaine the 7 of Februar 1591.

(Aug. 14.)—CRISTIANE JOHNSTOUNE, ane widdow in Edinburgh, rareft be Patrick Aikenheid. The toune wes put in ane grait fray be the ringing of the commone bell. The said Cristiane wes followit and brocht back fra him; swa that the said Patrik got no advantage of hir.

(Sep. 15.)—JOHNE MACKMORRANE flene be the schot of ane pistoll out of the Scholl; this Johne Macmorane, being Baillie for the tyme. The bairnis of the said Gramer-scooll came to the Tounis Counsell, conforme to thair yeirlic custome, to seek the priuledge; quaha wes refusit: Upone the quhilk, ther wes ane number of scollaris, being gentilmennis barnis, made ane mutinie, and come in the nicht and tuik the scooll, and provydit thame selfis with meit, drink, and hagbutis, pistolit and sword: They ramforcit the dores of the said scooll, swa that the refusit to lat in thair Maister nor na wthir man, without they wer grantit thair priuledge, conforme to thair wountit vfe. The Prouost and Bailzes and Counsell heiring tell of the same, thai ordanit Johne Mackmorane balzie to goe to the Gramour-scooll, and tak sum ordour thairwith. The said Johne, with certane officeris, went to the Hie scooll, and requysit the scollaris to oppin the doris: Thay refusit. The said Bailzie and officeris tuik ane geist (*joist* or *beam*) and ran at the bak dore with the geast. Ane scollar bad him desist frome dinging vp the doir, wtherwayis, he wouit to God, he sould schute ane pair of bullettis throw his heid. The said Bailzie, thinking he durst not schute, he and his assistaris ran still with the geast at the said doir. Thair came ane scollar callit William Sinklar, sone to Williame Sinklar chanfler of Catnes, and with ane pistollet schot out at ane window, and schott the said Bailzie throw the heid, swa that he diet presentlie. The haill tounis men rane to the scooll, and tuik the said bairnis, and pat thame in the Tolbuithe: Bot the haill bairnis wer lattin frie, without ane hurte done to thame for the same, within ane schort tyme thairefter.

(Sept. .) —THE LADIE BODWELL refusit in fanour with the King, in Glasgou.

(Oct. 20.)—GILBERT LAWDER flaine, in Linlithgow, be the Cranstounis.

(Nov. 22.)—FOUR HERALDIS sitting drinking, twa of thame fell in words, viz. John Purdie and Johne Glaidstanis, the said Johne Glaidstanis stikit Johne Purdie at the table: And the said Glaidstanis being apprehendit, he wes beheidit vpon the 25 day of the same moneth of November, for the same slauchter.

(Dec. 3.)—THE LADIE BODWELL banischt yit anes agane. Bot within sex dayis thairafter, the said Ladie purchit ane Letter of paice, subseruyit be his awin Maiesties hand.¹

(Jan. 5, 1595-6.)—ANE Proclamatione, declaring perpetuall PEACE betwix Scotland and England;

¹ Amongst the constancies of the Courte this yeire, one was remarkeable; that at Glasgou, in September, the King receauit the Countesse of Bothuell to his fauor the 22d day at night; and one the 3d of December, agane proscriued and exyled her, wnder the paine of death; yet gaue her a Letter of Protection, wnder his auen hand, within 6 dayes thairefter. *Balf. Ann.* i. 398.

and that nane of the Bordereris invaid ane another, wnder the pane of deathe. Sic lyik, at this same tyme, the generall mufteris proclaimed to be haldin the 2 of Februar nixt.

[1595-6,
Jan. 5.]

(Mar. 2).— CAMPBELL OF ARKINLES wes tane for the *Slaughter of Campbell Laird of Cadder*: And on the 4 day, he thollit ane Affyise; and contenuit day till day, till the 8 of Apryill, he wes convyit to the Blaknes till ward; and at lengthe he wes maid frie.

(Apr. 6, 1596).—THREE men hangit, viz. PATRICK DOUGLAS, PATRICK BYDE and ane SYME. This Douglas wes a theiff or murderer and brunt; and haid contentit long wnfufspekit to, be ony man.

(*Eodem die.*)—THE LAIRD OF BUCKCLEUCH past to the Castell of Carlell with 70 (men) and tuik out *Will Kymmonthe* out of the said Castell; the said Will lyand in ironis, within the irone yett. This he did with schowting and crying and found of trumpet; putand the said toune and contrie in sick ane fray, that the lyik of sick ane waffaledge wes nevir done since the memorie of man, no in Wallas dayis!

(Apr. 14).—MR WILLIAM SCHAW wes strukin throche the bodie with ane raper, be FRANCES MOWBRA, sone to the Laird of Barnbougall.

(Maii 31).—ANE Proclamatioune, chairgeing all men betuix 60 and 16 to be in radines, betuix that and the first day of August, to pas with the King to the Iyllis.

Trial of the Earls of Huntlie and Errol ordered.

Maij 24, 1596—(*Apud Haliruidhous.*)—The Kingis Maiestie, haueing oftymes tane grite panes and traellis for quieting of the troublit estate of the North Cuntrey, kytheit be the effectis that followit vpoun the personis and levingis and houffes of the principall authouris of the said trouble; besydis the expelling of thame selfis furth of the cheif pairtis and placeis quhair thay maid thair commoun residence: In end, it wes thoct meit be his Maiestie, his Counsaile, noblemen and baronis of the cuntrey, and vthiris resident with his hienes for the tyme, that befor his Maiesteis returning furth of the same cuntrey, his hienes sould constitute and appoint ane Lieutenant, to mak his residence and remaining thairin in his Maiesteis absence, for obviating and withstanding of all forder practizeis, gif ony sould preis tobe attemptit; and reducing and contenting of the inhabitantis thairof, vndir his Maiesteis obediens: And albeit findrie Noblemen, then present with his Maiestie, wer burdynnit to accept that charge vpoun thame, yit few or nane could be movit thairunto; sum excusing thame selfis be thair inhabilitie, and vthiris for want of present preparatioun; sua that delay of tyme in this cause being then thoct tobe verie dangerons, his Maiestie wes movit at last, of verie necessitie, to burdyn his darrest counsing LUDOUIK DUKE OF LENNOX Erll Darnelie Lord Torboltoun Methuene and Aubignie, with the said charge, eftir the same wes refuseit tobe acceptit be all personis then present with his hienes: Lyke as his Maiestie wes forceit to furneis him with a counsaill of certane noblemen, besydis forceis of horsmen and futemen, for the bettir executionn of that charge; quhairin he continewit almaist during all the tyme of that winter seasoun: And becaus it wes then thoct tobe verie troublesum and falsheons, and almaist vnpossible that he sould remane still in thay pairtis, furneit with the saidis forceis, seing the money appointit for that eirand with grite difficultie (could) be had: In end, he wes movit, of verie necessitie, be his Maiesteis allowance, to oversee the passing furth of this realme to the pairtis beyond sey of George sumtyme Erll of Huntlie, and Frances sumtyme Erll of Errole, cheif authouris of the said trouble, vpoun Bandis alwayes gevin that thay sould not returne agane within this realme, without his hienes speciall Licence; and that during the tyme of thair absens, thay sould not trafficque to the prejudice of the trew Religioun, presentlic professit within this realme, his hienes persone, crowne and estate; vndir certane pecuniall panes, mentionat in the saidis Bandis maid thairupoun: And in respect

thair of, to promeis lykwayes, be his hienes allowance, that the pointis foirfaidis of the said Band being obseruit and keipit, thair wyffis in that caise fould haue intromiffioun with thair rentis and leving, during the tyme of thair absens: Quhilk promeis, his Maiestie, his nobilitie, counsale and esteatis presentlie conuenit, findis, that his hienes can nawayes violat, without spott and dirogatioun of his princelie honour: AND thairfoir hes Suspendit, and be the tennour heirof Suspendis all forder executioun tobe vsit aganis the saidis sumtyme Erlis, tuicheing the Intromiffioun with thair rentis and leving, ay and quhill eftir tryale it falbe fundin and declairit, that thay haue trafficque to the prejudice of the said trew Religioun, as his Maiestie is informit; quhilk tryale his hienes fall tak and caus be tane, be-tuix and the feist of Lambmes nixtoecum; quhairvnto findrie of the Ministerie, being now personalie present, promittit to hald hand: And incais, eftir tryale, it falbe onywayes foundin, that thay haue had trafficque, to the prejudice of the said trew Religioun, and consequentlie aganis his Maiestie, his persone, crowne and Estate, or vthirwayes to haue contraenit ony parte of the said Band, aganis the tennour of the samin; then and in that caise, not onlie fall his hienes caus intromiffioun to be had with thair rentis and leving, and the samin haillelie inbrocht to his hienes vse; bot lykwayes, thair cautionaris falbe callit and perfewit for contrauentioun of the saidis Bandis, and the panes contenit thairintill vptakin of thame, with all rigour and extremitie, in example of vtheris.

(Dec. 16, 1597.)—AN Act of Parliament was passèd, Reducing the Forfeitures of the Earls of Huntlie, Angus and Errol, and of vmq^{le} Sir Patriek Gordoun of Auchindoun kn^t, for not entering in ward and obeying the charge of Treason, Mar. 8, 1593: And also Reducing the Doom of Forfeiture, pronounced Jun. 8, 1594: It likewise Restored them to their lands, honours, dignities, offices and estates, &c. *Acta Parl.* 1597, fol. 123, &c.

(Dec. 16.)—Another Act was passèd, abolishing ‘all actionn and accusatioun, payne, penaltie and pwnillement following thairvpoun, competent to his hienes aganis the saidis persons, or ony of thair compliceis or assistaris, for ony fact or deid committit be thame or ony of thame, thair compliceis and assistaris foirfaidis, sen the first day of Maij 1592 5eiris.’—(Jun. 30, 1598.) The Earl of Angus got a ‘Commission’ from Parliament, appointing him ‘his hienes Lieutenant and Justice within the boundis of the Eisl, Middill and West Marcheis of this realme, foiranent England, and all the scherefdomes of the samyn; togidder with the scherefdomes of Poblis, Selkirk, Eist Lowthiane, Niddifdaill, Galloway, Kyle, and Ouer Ward of Cliddifdaill, allweill to burgh as to landwart, regalitie as ryaltie, (the inhabitants of the burrowis of Air and Irwing onlie except); and that during his hienes will allanerlie: And siclyke, Wardane and Justice within the boundis of the said West Marche and scherefdomes and burrowis apperteing thairto, for the space of ane yeir nixtoecum.’—(Jul. 31, 1598.) The Earl of Angus accepted this Office, and promised faithful discharge of his duties, &c.]

Sir Walter Scott of Branxholme's relieving Kinnmont Mill out of the Castle of Carlisle, &c.¹

ACT *anent the LAIRD of BUCKCLEUCH, &c.*

May 25.—(*Apud Haliruidhous.*)—ANENT the demand maid in name and for the Kingis Maiesteis darrest Suster the Quene of England, be Robert Bowis hir ambassadour, heir resident, flor redres tobe gevin to hir of the allegeist outrageous fact done be Schir Walter Scott of Branxholme knicht and his compliceis, at the Castell of Carlile, proportand: That florfaemekle as the said Schir Walter, knawne to be a publict officiar, with his saidis compliceis, vpoun the xiiij

¹ See *Acta Parl.* 1596, fol. 99.

day of Aprile lastbipast, in weirlyke maner and hostilitie invadit hir Majesteis realme of England, assailzeit violentlie hir Castell of Carlile and subjectis, and committit vtheris haynons offenfis contrair to the league and amitie betuix the tua realmes; gevand thairby aue just and manifest occasioun of violatioun of the same: Thairfoir requiring the said Schir Walter tobe baith deulie fylit for his fact, and delyuerit to his said darrest iuster, to suffir the panes tobe execute vpoun him for the samin; as the said demand at mair lenth proportis.

The said Schir Walter, being lauchfullie warnit, and compearand personalie befoir his Maiestie, his nobilitie, counsaile and esteatis presentlie conuenit, and the said fact being havelie layed to his charge be the Kingis Majestie—ffor justifeing of his awne parte, denyit that euir he had ony intentionn to invade the realme of England, or to assailzie ony of his said darrest iusteris houffis: Lyke as, na deidis of hostilitie, sic as slauchter, depredatioun of guidis, fyre rasing, or taking of prisonairis, nor yit the actuall taking, or his intentionn to tak the said Castell, is relevantlie qualifeit aganis him in the said demand; bot that he allanerlie simpillie recouerit Williame Armestrang of Kynmouth, ane subject of Scotland, furth of that parte of the Castell of Carlile, quhair maist injustlie he wes detenit for the tyme; as maist wrangullie he had bene tane ofbefoir, within the realme of Scotland, be Thomas deputie to the Lord Scrope Wardane of England, accompanyed with a force of sax hundreth armet men, within the tyme of ane general assuurance, takin at a day of trew; to the quhilk the said Williame had repairit, at the speciall command of the said Schir Walter, in quhais name, as Keipar of Liddisdale, the said day of trew wes keipit: Be the quhilk breking of the assuurance, the said Schir Walter ressaivit ane oppin and manifest injurie, to the dishonour of his Majestie his souerane, and of the realme of Scotland: Quhilk dishonour and wrang can not justlie be excuseit, he pretens of the said Williames stopping of the following of ane lauchfull tred, feing the said forme of following wes nawayes lauchfull; and albeit it had bene lauchfull, yit the stopparis thairof could not lauchfullie haue bene takin be the said Inglish deputie, at his awne hand, within the realme of Scotland: Quhairby it is evident, that the onlie wrang quhilk wes in all this mater, wes committit be the said Lord Scrope and his deputie, be invading the realme of Scotland in weirlyke maner, and taking of prisonairis within the same, in tyme of peace, and vndir assuurance of a day of trew, as said is: In quhilk the said Wardane continewit, be his wrangous detening of the said prisonair and refusall of redres, eftir lauchfull requisitoun maid to him for that effect, be Lettres sent to him be the said Schir Walter, and als be the said Ambassadour at his Majesteis requeist, eftir that the said Schir Walter, vpoun the said Wardane of England his denyale of justice, had maid baith sute to the said Ambassadour and als his humble complaint to

his Majestie: Quhilk wrang and denyale of justice, movit the said Schir Walter to attempt the simple reconerie of the said prifonair, in sic moderat ane fassoun as wes possible to him: being onlie accompanyed with fourefeoir horsemen, and vndir silence of nicht, without ony vther deid of hostilitie done be him for the tyme; quhilk simple recouerie of the said prifoner, mon necessarlie be estemit lauchfull, giff the taking and detening of him wes vnlauchfull, as without all questioun it wes, and mon be swa estemit be all ressonable and indifferent personis.—For the quhilkis ressonis, the said Ambassadouris demand to fyle and delyuer the said Schir Walter, to suffir panes for the said fact, is altogidder vnressonable, and wald tend gritlie to the dishonour of his Majestie and his hail realme.

Quhilkis ressonis being at length hard and confidderit be his Majestie, his nobilitie and esteatis foirfaidis, it wes thocht maist meit and comuenient be thame, that conforme to the ancient treaties of peace and custum obseruit betuix the realmes, this mater of mutuall allegiances of notour injureis done betuix the officiaris of the twa realmes aucht and sould be intreatit be Commissionaris; quhilk his Majestie is maist willing and promittis for his hienes parte, with all possible diligence, to send to meit vpon the bordour, for tryale of the saidis allegeit wrangis, and making of redres for all extraordinair wrangis quhilkis falbe tryit to be done be his Majesteis subiectis, at sic tyme and place as falbe condiscendit vpon: The said Ambassadour being reddy to caus the lyke be done for the parte of England: Vnto the quhilk Commissionaris his Majestie fall giff expres command to caus mak full satisfioun and redres, conforme to the ancient treaties of peace; to the effect, that now, in sa necessar ane tyme, quhen the hail Ile is minassit be the commoun inemey, thair be na just occasioun, for his Majesteis parte, of breking of the happie amitie quhilk salang hes continewit betuix the tua realmes.

[*Mr Robert Leirmond and Mr Johnne Campbell, Justices-Deputes.*]

Resetting and Intercommuning with Bothwell after his Forfeiture.

Maij 29. 1596.—DAME AGNES SINCLER COUNTES (DOWAGER) OF ERROLE.¹

Dilatit of the tresonabill Trafficking and Resfauing fra frances sumtyme Erle Bothwell, sen his sforfaltour; and speciallie, sen his passing furth of the realme.

Comperit M^r Thomas Hammiltoun of Drumcarne and William Heart of Livielandis, aduocattis to our souerane lord, and produceit ane Warrant of his

¹ She was daughter of George, fourth Earl of Caithness, and second wife of Andrew, seventh Earl of Errol.

Maieftis, to the Juftice to proceed, and the Aduocattis to infift in hir perfute ; defyring to be regiftrat, quhairof the tennour followis.

WARRANT to purfue and to adminifter Juftice.

REX,

JUSTICE, Juftice Clerk and your Deputis, and Aduocate ; We grete you wele. Forfamekill as We haif appointit this day, for ye perfute and tryell of Dame Agnes Sincler Countes of Errole, of certane crymes of Treffoun, quhairof ſhe is dilatit and ſuſpect : It is our will pairfoir, and We command you our ſaid Juftice, Juftice Clerk and your deputtis, to proceed and miniſter iuſtice vpon hir, conforme to ye Lawes of our realme : And pat ye our Aduocate infift in ye perfute of hir : As ye will anſuer to ws pairvpon : Quhairanent hir prefentis falſe to you a warrand. Subſcryueit with our hand, At Halyrudehous, ye xxix day of May, 1596.

(Sic ſubſcribitur)

JAMES R.

Comperit the ſamin day M^{ris} Johnne Scharp and Johnne Nicholfoun, aduocattis and proloquitouris for the ſaid Dame Agnes, and produceit ane Warrand, deliuerit be the Lordis of ſeffioun, charginge thame to compeir in hir defence : quhilk charge was vfit be James Chalmer Maſer ; and defyrit the ſame to be regiftrate, quhairof the tennour followis.

SUPPLICATION and WARRANT for Advocates to defend the Counteſs of Errol.

MY Lordis of Counſale, vnto your ll. humilie menis and ſchawis, We your ſeruitouris, Dame Agnes Sincler Countes of Errole and Alexander Gordoun of Strawawin¹ my ſpous, for his intereſ. That quhair, we are to be accuſit this day, befoir ye Juftice and his deputis, for Allegeit Intercommoning with Frances ſumtyme Erle of Bothwell, or for ſum vthir forgeit crymes, quhairof as ye Lord knowis We ar maift innocent : And albeit for ye better defence of our innocencie pairanent, and for proponing of our lawfull defenceis, it be neidfull to ws to haif certane Aduocattis to procure pairintill, We being to be accuſit on our lywes ; and pat ye haifing of preloquitouris in ſic materis is permiſſibill and accuſtomit of ye Law and daylie practice ; nochtpeles, pair will name of ye Aduocattis procure for ws in ye ſaid materis, without your ll. command. Heirfore we beſeke your ll. pat we may haif command to M^{ris} John Scharp, John Ruffell and John Nicholfoun aduocattis, to compeir befoir ye Juftice and his deputis, and procure for ws in ye ſaidis materis, vpon our reſſonabil expenſis. According to Juſtice and your ll. anſuer, we beſeik.

APUD ED^l. xxix^o Majj 1596. Fiat ut petitur.

(Sic ſubſcribitur) . . . J. P. D. R. SECRETARIUS. Mr JAMES JOHNSTOUN.

PERSEWARIS, Mr Thomas Hammiltoun of Drumcarne, Mr William Heart of Livelandis.

PRELOQUITOURIS in defence, Mr Johnne Scharp, Mr Johnne Nicholfoun, Mr Johnne Ruffell.

The ſaid Dame Agnes requires of the Juge that ſhe may haif hir huſband to aſſiſt in hir defence.

The Juſtice findis hir ſufficientlie authoriſit with preloquitouris :—Allegeit, that hir huſband being in this toun, ſould be heir to aſſiſt.

FIRST, It is allegeit for the ſaid Dame Agnes, that the Dittay, anent the allegeit crymes contenit thairin, is generale, nocht condiscendand vpon the moneth of the committing of the allegeit crymes, preceſſie ; bot reſoluand *alternatiue* in

¹ Strathowne, or Strathdon, the ſon of Alexander, third Earl of Huntly, and ancestor of the Gordons of Cluny.

ane of the xij monethes: quhowbeit he fuld preceisslie lybel the monethe, if the law, *per legem Libellorum Diges. de Accusationibus*.—*Secundlie*, Allegeit the Dittay to be alluterlie¹ irrelevant, infafar as the famin is confaut vpon the refait of onye Letteris fra the Lady Boithwell, being in the tyme lybellit in our fouerane lordis faifgard and protectioun: And quhair it was menit² that the tennour of the lettres was to fupport Frances funtyme Erle Bothwell, (nocht granting the veritie thairof), the defyre of fupport be onye of Boithwellis freindis can newir infer a tressoun aganis thame fra quhome the fupport is askit, except it had bene qualefeit that the said fupport was grantit; for albeit the defyre to fupport ane trattour may be tressonabill, yit the refuse of the fupport can nawyise be criminall. *Thridlie*, As to the last point, twicheing the allegeit resfaut of Lettres fra the Maister of Cathanes,³ (nocht grantand as said is,) repetis the former answer, with this additioun, that the Maister of Cathanes standis the Kingis subiect, newir being forfalt. *Ferdlie*, As to that point, twicheing of ane Obligioun inclofit within the Ladye Boithwellis Lettre, the famen is verrie irrelevant, nor inferris na cryme, except thair had bene fowmes delyuerit, for it may stand, that the Ladye Boithwellis Lettre being refufit, the famin with the Obligioun mycht be revin, as it was trew indeid. As to the qualificatioun of the conceling, quhair thair is na cryme thair is na conceling, for the conceling man be of a cryme.

The Aduocate answers to the *ffirst* allegiance, anent the generalitie of the tyme, that it aucht to be repellit; becaus the Dittay will stand releuant in onye day of the hail yeir, the Erle Boithwell standand forfalt all that yeir; and it being Tressoun to traffique for him, and to concele the famin: Answrand to the *secund* allegiance, fayis that it is nocht set down nakitlie in Dittay, that the Letteris was resfaut fra the Lady Boithwell, as the cryme quhairvpon the pannell is acufit; bot, that the Lettre contenit tressonabill traffiquing and procuring of money for my Lord Boithwell, than standand forfault. The resfauing and conceling thairof was lykwyffe Tressoun, in the persoun of the resfauear and concelar; becaus it is manifest of the law, that the knowlege and conceling of Tressoun is Tressoun. Quhair it is affermit be the pannell, that the Letter and Obligioun resfaut wes revin and brunt, the persewar acceptis the famin *in quantum*; and yit the famin purchessis nawyis the knowlege and conceling; becaus it wes nocht aneweh, in caise it had bene trew that the defender had rewun and diftroyit the saidis Lettre and Obligioune, (the contrar quhair of is maist trew;)

¹ Altogether, entirely.

² Complained.

³ John Master of Caithness, her brother, (who died in 1577,) married Dame Jean Hepburn, only daughter of Patrick third Earl of Bothwell, who was Francis Earl of Bothwell's mother. The person here alluded to might be John Master of Berriedale, son of William Lord Berriedale, and grandson of George fifth Earl of Caithness.

bot it behowit hir, of hir dewtie and alledgeance, to haif revelit the treffonabill directing thairof, and to haif manifestit hir awin innocencie, be refusall and reveling, and be deteining of the messingir quha wes in hir hous and power, sche haifing sic knowlege of his treffonabill travelling and traffiking in that mater; quhilk the Aduocat repetis, as ane anfuier to the haill alledgeance.

The Defender repetis hir former anfuier, and eikis thairto, that thair can nocht be ane concealing in Treffonne, quhair thair is nocht *tractatus* in Treffoun; *tractus est duorum vel plurium in eodem consensu*. Thair is na consent heir qualesfeit, that ony support wes grantit, 3e (yea) be the contrair, it wes refusit; and the propofitioun *de fiendo subsidio* and the refusing thairof nocht *facit tractatum, itaque*, thair is nather cryme nor concealing. The aduocat acceptis the alledgeance *in quantum*, and anfuieris, that the famin elydis nocht the Dittay, quhilk is nocht only foundit *super tractatu, sed super silentio et celatione*; and the Doctouris and speciallie Angelus affirmis, that the knowlege of ony kynd of Treffoun and concealing thairof, be him quha may preif it, is Treffoun: And trew it is, that my Lady Bothwellis wryting for money and supply to my Lord Bothwell hir husband, being the Kingis rebell, is Treffoun; quhilk being knawin to the defender, and habill to haif bene verefeit be the Lettres reslavit be hir fra my Lady Bothwell to that effect, hir concealing thairof is expres Treffoun: Lyke as, the lyke cryme wes fand Treffoun, in the pairt of David Home of Argattie, in anno 1584¹ or thairby; quha, for reding and concealing of ane Letter direct fra his brother-sone,² being thane foirfalt in Ingland, to ane of his awin tennentis, for support fra him of money and vtheris his privat effairis, wes thairvpoune put to ane Assyise, convict thairof and thairfore execute: And M^r Nicoll Dalgleisch,³ being accusit for reding of commendatiounis, writtin in ane Letter, fend be M^r Walter M^cCanquall to the said M^r Nicoll, in ane Letter writtin to the said M^r Walteris wyffe; the Dittay, foundit vpoun the said cryme, wes fund relevant; he wes put to the knowlege of ane Assyise, and he wes convict thairof. And this cryme specefeit aganis this present pannell, being mair odions of the selff and relevant of the law nor the said vthir crymes aboue mentionat, the famin aucht to be fand relevant, nochtwithstanding the haill alledgeance maid in the contrair.

The Defender anfuieris to the pretendit practikis, that thair is nane of thame produceit: and protestit, that before ony of thame be red be the judge or the King and Counfall, that thay may haif inspectioun of thame, that sche may anfuier thairto: And in caise ony sic thing wer as is alledgeit, it is nocht pertinent in this caise, speciallie M^r David Home of Argatie, quha is allegeit to haif red

¹ See Dec. 8, 1584.

² Patrick Home, 'servitour' to the Earl of Mar.

³ Minister of St Cuthbert's, near Edinburgh. See Dec. 8, 1584.

ane Letter, writtin be ane declarit Tratour: As to M^r Nicoll Dalgleifch, he wes newir convict. And forder, the Act of Parliament, maid att Lynlythqw in four-foir and fyve zeir (1585) retretis,¹ and for maist vrgent cauffis hes retretit all sic processis, and hes ordenit the memorie thair of to be bureit for ewir, that thay fould nocht be hard in judgement thaireftir.—Anfuerit the Aduocat, that the Act of Parliament, maid att Lynlythqw, contenis restitutiounes *gratie et non juris*; and albeit it haif redintegrat² the personis forfaltit being on lyff, and the posterite of thame being deceifit, to thair fame, honour and leivingis, yit it alterit nocht *decisiones juris*, foundit vpoun the Commoun Law and nocht vpoun particular Actis maid aganis the personis foirfaltit.

The defender repetis the former anfuer, with the Act of Parliament and cauffis thairin contenit; quhilk Act of Parliament rescindis the hail processis, *per expressum*, as gif thair had bene speciall decreitis gewin vpoune ilkane of thame.

The Justice continewis to Monunday the last of Maij.

(Maij 31.)—The Justice continewis Interloquitour, in the alledgances proponit betuix the Lady Erroll and the Kingis Advocattis, to the secund of Junij nixtocum. [No farther entries occur in the Record.]

Slaughtering, selling, and eating of Flesh in time of Lent.

May 31.—WILLIAM BARRIE, flescheour in Dundee, and thirteen others
‘flescheouris’ of Dundee and Perth.

Dilatit of contravening of the Actis of Parliament, in slaing and eitting of flesch in Lentrone lastwas.

Only one of the pannell ‘fylit and convict;’ another continued to the aire of Perth; and the others found to be ‘cleane and acquit.’

Eating Flesh in time of Lent.

May 31.—[DAVID] ERLL OF CRAWFURD.

Mr John Halyday produceit the Kingis Licence, subscryuit be his Maiestie, granting the Erll of Crawford licence to eit flesche, and Thomas Stewart to mak reddie flesch, (in time of Lent).

The Aduocat allegis the Licence is null, in respect it is past but³ compositioun, and nocht conforme to the Act of Parliament.—The pannell alledgis, that na proces fould be led in this Judgement, becaus befor the criminall perfuit, ane precognitioune ciuile aucht (to have taken place), and it importit ane pecuniial pane allenarlie.—The Aduocat anfueris, that the alledgeance aucht to be repellit,

¹ Lat. *Retractare*.

² Lat. *Redintegrare*.

³ Without.

in respect of the Act of Parliament, ordaining that the Thesaurar fall accuse thame, and being convict, thair escheitis and vulawis falbe tane vp.

[*Mr Robert Leirmond, Justice-Depute.*]

Child-Murder.

JUN. 1.—ISSOBELL PRATT, seruand to Cristopher Lyndefay in the Grange.

Dilatit of the crewall Murthour and slauchter of ane infant bairne, procreat betuix hir and John Abircrumbie wrycht, eftir the bairne wes quick borne; committit in the Grange the fewintein of Majj lastwas.

VERDICT. The Affyse, in ane voce, ffylis the said Issobell Pratt of the murderiffing of hir awin barne, be strangling of the barne, ane man chyld, be nipping of the bairnis chraig.¹

SENTENCE. ‘Fylit and Convict. Sufpen.’

Shooting with Daggs and Pistolets—Hurting and wounding.

JUN. 1.—JAMES CREYCHTOUN of Ruthvennis, Dauid Home his seruand, Stephin Currou of Logiemegle, Johnne Cuning in Glaswall and Abimilech Crech, burges of Edinburghe.

Dilatit of contravening of the Actis of Parliament, in bering and wering of (and schuting with dagis and) pistolettis; and hurting and wounding of John Ker, seruitour to Dauid Wod of Craig, in the body and rycht hand, George Ker in the heid, and James Ker in the left hand; and mutilatioun of the said James of twa fingeris of his left hand.

Comperit James Reid, Constabill of the Castell, and produceit ane Testimoniall subscryuit be Dauid Ramsay, Minister at Elyth and Ruthvennis, testifeing *Cristopher Creychtoun* in Megle and *Alexander Creychtoun* to be lyand deidlie hurt: And ALS, produceit the Kingis Precept, ordaining the Justice to continew the mater, vpoun fyftene dayis wairning, vpoun the said Cristopher and Alexander Creychtoun, in respect thay ar lyand deidlie woundit.—The Justice admittis the Kingis Warrant, the Thesaurar being present and consenting thairto.—Continued to the Aire of ‘Forfare, tertio Itineris, (vel super premonitione) xv dierum.’

Shooting with Pistolets—Hurting and wounding.

JUN. 2.—DAUID WOD of Craig, Mr James Wod, brother to the Laird of Craig, Robert Wod, broder to Thomas Wod in the Grange, and John Ker, seruitour to the Laird of Craig.

¹ Squeezing or pinching of the child's throat or windpipe, *craig*.—The same mode of suffocation which was recently practised by the infamous Burke and his gang, in the West Port of Edinburgh.

Dilatit of the hurting and wounding of Cristell (Christopher) Creychtoun, feruitour to James Creychtoun of Ruthvennis, be the schot of ane pistolet in the bodie and arme, to the effusioun of his blude in grit quantitie; and thairby, for contravening of the Actis of Parliament, in bering, wering and schuting with pistolettis; committit in March lastbypast.

It wes allegeit be Mr Johnne Scharp, aduocatt, that Dauid Wod of Craig can nocht be vnlawit for the entrie of Dauid Wod, sone to the Laird of Bonington, and George Ker, becaus Johnne Ducie, Minister of Monroise, testifeit to Walter Commendater of Blantyre (Treasurer), that thay wer vnable; quhilk was confest be the Thefaurar.—Continued to the Aire of ‘Forfar, tertio Itineris, xv dierum.’

[*Mr James Fowlis, Justice-Depute.*]

Murder—Theft.

JUN. 7.—JOHNE PENNYCUK in Dykemuke.

Dilatit of airt and pairt of the crewall Murthour and Slauchter of vni^{le} Johnne Cowane; and of Hurting of Alexander Young in Cowter, and chaiffing of Cuthbert M^cClellen at the West Port of Edinburghe; and for airt and pairt of the thifteous steling of thre naigis fra thame; committit the xxij day of May lastbypast, &c.

PERSEWARIS, Robert Lord Sanquhar, Johnne Dryburcht in Ravinbauch, Williame Dryburcht thair, John Wauchop, baillie in Nudrie, Johnne Creychtoun of Bruntoun, Robert Miller in Stanyhill, Sir Archibald Naper of Edinbellie, kny^t, Mr Williame Hairt, aduocat.

VERDICT. The pannell is ‘fyllit’ of eight seperate acts of Theft, &c. and ‘for Common thift, commoune Reffett of thift, inputting and outputting of thift, bayth auld and new.’

SENTENCE. To be tane to the Gallows of the Borrow-muir, and thair to be hangit quhill he be deid; and his heid and rycht hand to be strikin off, and put and hung vponne the West-port; and all his movabill guidis to be escheit and inbrocht to our fouerane lordis vs^e, &c.

[*Mr Jacobus Fowlis Justiciarius, per Commissionem s. d. n. Regis constitut.*]

Slaughter.

JUN. 8.—THOMAS GARDYN, sumtyme in Bandoch, now in Legatstoun.

Comperit James Guthrie of Gagye, and produceit our fouerane lordis lettres deulie execute and indorfate, purchest be Iffobel Wod Ladye Guthre, the relic; James Guthre of Gagye, Dauid and Gabriell Guthries, sones; with the kyn and freindis of vni^{le} Alexander Guthre of that ilk; to tak fouertie of Thomas Gardyn, sumtyme in Bandoch, now in Legatstoun, that he sould compeir befoir our

Soueranis Justice and his Deputis this day and place, and vnderlye the law for art and part of the crewall slauchter of the said vmq^{le} Alexander Guthre of that Ilk; and desyrit proces thairvpoun, and protestit, that he as cautioner be relevit of his cautionarie.

Comperit Mr David Peirfoun, and produceit ane Warrant of his Maiesteis, datit at Lynlythqw, the ferd day of Junij instant, to desert the dyet; and desyrit that the famin be obayit; quhairof the tennour followis.

REX,

JUSTICE, Justice-Clerk and your deputis, We grete you wele. Forfamekill as it is vnderstand to us pat our vtheris Lettres ar rasit, at the instance of the bairnis, kyn and freindis of vmq^{le} Alexander Guthre of that Ilk, and our Aduocattis for our intres, for calling of Thomas Gardyn of Bandoch to vnderlye our lawis befor you, vpoun the viij day of Junij instant, for art and part of the Slauchter of the said vmq^{le} Alexander, as our saidis Lettres at lenth beris: Nochtwithstanding quhairof, in respect We haif alreddie causit pat deidlie feid standing betuix the houffis of Gardyn and Guthre, amangis vtheris, to be assurit and submittit to certane of our Counsaile, Barrownis and Ministeris, for reconciliatioun and remouing pairof; all sic persuittis wald in the mene tyme be stayit pat may hinder the same: AND pairfoir it is our will, and We command you, pat vpoun the sycht heirof se desert the said dyet, appointit the said aucht day of Junij instant; and on nawyise vnlaw the said Thomas nor his cautionar for nocht entre pairat, bot desist fra all maner of proceding pairin; pat according to the submissioun, the remaning of the feid may be the bettir handillet, and proceid without impediment. As se will ansuer to us vpoun your office and obedience: Quhairanent jir presentis falbe your warrant. Subscryueit with our hand, at Lynlythqw, the ferd day of Junij, 1596.

(Sic subscribitur) JAMES R.

Quhilk Warrant the Justice obayit, and thairvpoun desert the said Court, in respect of na contrair warrant produceit.

Consulting with Witches, for Destruction of Earl of Orkney, &c.— Witchcraft—Poisoning—Murder.

June 24.—JOHNE STEWART Maister of Orkney.

Dilatit of consulting with vmq^{le} Margret Balfour, ane Wich, for the distructioun of Patrik Erll of Orkney, be poyfoning.

PERSEWAR, Mr Williame Hairt Aduocat to our fouerane Lord.

PRELOQUITOURIS for the Pannell.

My Lord Barnbarrocht, Mr W^m Leslie, Mr Johnne Nicolfoun, Thomas Kennydy Tutour of Caffillis.

The famin day, Patrik Erll of Orkney being ofttymes callit, to compeir this day and place, to haif insfitt in persuit of Johnne Maister of Orkney for the crymis contenit in the Lettres, as he that wes lauchfullie summond to that effect, comperit nocht; quhairvpoun the said Maister of Orkney askit instrumentis.

The said Mr Williame Hairt aduocat insfitt in persuit of the said Johnne Stewart, for the crymes contenit in the lettres: That is to say;

DITTAY *against* THE MASTER OF ORKNEY.

FORSAMEKILL as the said Johne Maister of Orknay, brother germane to Patrik Erll of Orknay, vpoun the fyrst, secund, thryd, ferd, fyft, faxt and remanent dayes of the monethis of October, Nouember, December and Ianuar, att the leift in fimm of the dayes of the monethis foirfaidis 1593, Conspyrit the Murthour of the said Patrik Erll of Orknay, his brother, consultat and dewyfit thair-ament with vinq^{le} Alyfoune Balfour, ane knawin notorious Wich and exeunte to the death for Wichcraft; and that att the tymes foirfaid, within the said vinq^{le} Alyfounis hous in Ireland¹ in Orknay, how thay mycht haif bewicht the said Patrick Erll of Orknay his brother, and bereif him (of life) be Sorcerie and Wichcraft: Quhilk the said Alyfoune grantit and confest the tyme of hir execu-tioun and diuers tymes of befoir: LYKEAS, the said Johne, in the foirfaid moneth of November, and in ane or vthir of the dayes thairof, schortlie eftir the deceife of vinq^{le} Robert Erll of Orknay, than past to M^r Williame Mwdeis hous, in Wallis in Orknay, accompaneit with James and Williame Stewartis, his brether, Patrik and Olipher Sinclaris, Thomas Palpla and vtheris thair complices, quhair the said Johne with the saidis personis consultit, conspyrit and dewyfit how to murthour the said Patrik Erll of Orknay his brother, be poysoning, or vthirwayes, be craft and quyet dealing. LYKEAS, the said Johne hyrit and conduceit the said Thomas Palpla his feruitour to poyfoun the said Erll of Orknay, quha tuk the sam in hand; and being accufit thairof, confest the famin, and wes execute thairfoir to the deid: LYKEAS also, the said Johne, with the assistance of the said Williame Stewart his brother and thair complices foirfaidis, consultit, dewyfit and concludit att the tyme foirfaid, to haif murtherit the said Patrik Erll of Orknay, att ane Bankynet in Dauid Moucreifis, in Kirkwall in Orknay; quhilk the said Williame Stewart his brother hes confest diuerse tymes sensyne: LYKEAS, the said Johne Stewart, in the moneth of December thaireftir, in the yeir of God foirfaid, att the leift in ane of the dayes of the said moneth, consultit, dewyfit, conspyrit and interpryfit to haif enterit in, secreitlie, in the said Patrik Erll of Orknayis chalmer, within the Place of Birza in Orknay, thair to haif slayne and murtherit him in his bed. Committing thairby, att the leift doing that in him lay, be the meanis foirfaidis, to haif slayne and murdreift the said Patrik Erll of Orknay.

The famin day the said Mr of Orknay declarit, that albeit the fimmondis be altogidder irrelevant in the thre heidis thairof, viz. Wichcraft, Poysoning and Murdering of his brother, anent the speciall circumstances and factis alledgeit done and interpryfit be the said Maister of Orknay, and that it is newir lybellit that ony effect followit vpoun the said pretendit purpois of consultatioun, quhilk

¹ Yreland, or Yrland, 'a town' in the parish of Stennes or Stenhous.

is alwyife denyit and is maist fallie forgeit; yit newirtheles, in respect of his innocencie, he is content to abyde the ordinar tryall of all the poyntis and crymes specifeit in the said summondis.

The famin day the Aduocat produceit his Maicsteis Warrant, and defyrit the famin to be infert; and forder defyrit the concurs of my Lord of Orknay, as he that wes lauchfulle wairnit to that effect; quha being callit comperit nocht; and the said Aduocat defyrit proces, and tuik instrumentis, that the partie opponit nocht aganis the famin. Followis the tennour of the Kingis Warrant.

REX,

MR THOMAS HAMMILTOUNE of Drumcarne, and Williame Hairt of Lewielandis, aduocattis to our fouerane Lord. We greit 3ow weill. It is our will, and We command 3ow, that incontinent eftir þe sycht heirof, 3e compeir before our Justice or his Deputis, in ane Court of Justiciare to be hauldin in our Tolbuith of Edinburgh the xxij day of Junij instant, and insist in per suit of Johnne Stewart, Mr of Orknay, summond be vertew of our vtheris Lettres, purchest att 3our inslance aganis him, ffor þe alledgeit consulting, enterpryng and dewysing of þe slauchter of Patrik Erl of Orknay; and that 3e nawyis consent to prorogatioun or delay of þe said mater to ony vthir day, nochtwithstanding of ony directioun purchest or to be purchest in þe contrar heirof: For þe quhilik þir presentis falbe to 3ow ane warrant. Subscryuit with our hand, Att Halyruidhous, þe xvij of Junij, 1596.

(Sic subscribitur)

JAMES R.

ASSISA.

Laurence Bruce of Cultman- Lundie,	Sir Wm. Stewart of Houftoun, knycht,	Frances Robertfoun, burges thair, Williame Tod thair,
Hew Sinclar of Burgh,	Thomas Otterburne of Reidhall,	Johnne Makie thair,
Alexander Lord Spynie,	Patrik Chene of Effilmouth,	Johnne Dik thair,
Robert Lord Sanquhar,	James Ogilvie of Balfour,	Patrik Kennedie burges thair.
. . . Mr of Ogilvie,	Andro Bauchop, burges of Ed ^r ,	

The said Maister of Orknay produceit ane Declaratioun vnderwrittin, togidder with ane Instrument, quhilik thay defyrit to be infert in the proces.—Item, the summondis is foundit vpoun thre heidis, viz., Wichcraft, Poyfoning and Murthering of his brother: As to the ffyrst point, albeit the speciall circumstances of the mater be nocht speciallie qualifeit and sett down in the summondis, yit he is content to abyde ane Assyse thairof, in respect of his innocencie. And as to the Confessioun of Alefoun Balfour, to remember the Assyse, that the said Alefoun wes, be vehement tortour of the caschielawis,¹ quhairin sche wes kept be the space of fourtie-aucht horis, compellit to mak the said pretendit Confessioun: Likeas hir husband callit Tailliefeir, being ane man of lxxxxj yeiris of aige, togidder with hir eldest sone and hir dochter, wer all kept at anis and

¹ This instrument of torture is elsewhere called *caspicares*. Dr Jamieson conjectures the word to signify 'the warm hose.' No doubt the application of intense heat to the limbs, during the infliction of the torture, was usual in various countries. After encircling the leg with an iron frame-work, it was put into a moveable furnace or chauffer, and during the progress of heating the iron, the intended questions were successively put. This exquisite pain must have induced the unhappy sufferer to confess almost any thing that might be proposed. Perhaps the instrument may, from this last circumstance, have obtained the *soubriquet* or nickname from an old French word, *Casse-loix*.

at the same instant in waird, befyde hir, and put (to) tortouris att the same instant tyme; the fader beand in the lang Irnis of fiftie ftane wecht; the sone callit in the buitis with fiftie sewin fraikis;¹ and the dochter, being sewin yeir auld, put in the pinnywinkis;² to this effect, that hir said husband and bairnis beand swa tormentit befyde hir, mycht move hir to mak ony Confessioun for thair releif: Lyke as thaireftir, immediatlie eftir hir reliefe out of the said torment, sche revoikit the said Confessioun: And thaireftir, in presens of the hail toune, before the Assyse, and att the tyme of her executioun, sche declarit oppinlie, that the said Confessioun wes altogidder fals and extortit: The notorietye quhair of is referrit to the Assyse. ITEM, the vthir twa heidis, anent the poysoning and the murthering, (albeit the same be nawayse relevant poyntis of ony tyme, becaus it is nocht alledgeit that thair followit ony thing vponne the saidis pretendit consultatiounis, nor yit that the same cam *ad actum proximum*;) the Maister being altogidder innocent of the said pretendit forgeit accusatiounis, refusis na tryell: And as to the Confessioun maid be Thomas Palpla, the same wes in lyke maner extortit of him, he being kepit in the caschielawis ellewin dayis and ellewin nychtis;³ tuyise in the day, be the space of fourtene dayis, callit in the buitis, he beand naikit in the meane tyme, and skairgeit with towis,⁴ in sic soirt, that thay left nather flesch nor hyde⁵ vpon him: In the extremitie of the quhilk tortour the said pretendit Confessioun wes drawin out of him: Quhilk pretendit Confessioun he ewir revoikit and recantit, immediatlie as he wes frie of the tortour; and att last, publictlye, the tyme of his executioun, he oppinlie revokit the samin, quhilk wes referrit to the Assyse.

Follows the tennour of the instrument produceit.

DECLARATION OF ALESOUN BALFOUR, *at the place of her Execution.*

APUD KIRKWALL, vpon pe Heding-hill of pe same fastene day of December 1594. IN presens of Thomas Swyntoun Minister at Kirkwall, Johnne Stewart Reidar pair, Mr Gylbert Body Minister att Holm, Alexander Somerwall in Deirnes, Johnne McKenzie, David Moncreif seruitour to my Lord Erll of Orknay, and Gylbert Pacock, with findry vthiris. The quhilk day, in presens of me notar publict vnderwritin and witnessis soirfaisdis, ALESOUN BALFOUR, being condampnit for hir alledgeit poyntis of Witchcraft, and led to pe Hill to pe place of Executioun; sche, in presens of me and witnessis soirfaisdis declarit and tuik vpon hir faull and conscience, as sche wald anfuere att pe day of judgement, quhen the secreitis of all hairtis salbe disclofit, that sche wes als innocent and wald die als innocent of ony point of Witchcraft as ane barne new borne: AND als, being inquiryt vpon hir faull and conscience to declair ' quhat sche knew of pe Laird of Stenhons, and to quhat effect he gaif to hir pe walx pat wes fund in hir purs?' Quha pan presentlie declarit, be hir pairt of Paradyce, and as

¹ See Fian's Trial, p. 219, &c. and the Trials for Witchcraft. ² See p. 215. ³ This fact is quite inconsistent with the application of intense heat. Perhaps the instrument may have been similar, in its construction, to the Witches' bridle, mentioned in the notice prefixed to the Trial of Bessie Dunlop. See page 50. ⁴ Ropes, cords. ⁵ Skin. A most disgusting and frightful instance of the iniquities practised under form of law; which, indeed, would disgrace the most barbarous tribe of Indians!

sche wald anfuere to þe lewing Lord, that sche knew na thing to þe auld Laird of Stenhous bot honestie; and þat his Lady, being subiect to the colick, notour to hir, willit þe Laird to gif hir ane peace walx, a fowre ȝeir bygane ſyne, to mak ane implaister; to be imployit be hir to his Lady, for remedie of hir ſaid diſeiſe, and na vthirwyis, as ſche wald anfuere to þe lewing God of heavin and aeirth: And ſaid þan playnlie, þat ſche wald die with the ſame confeſſioun; lykeas, ſche thane deit conſtantlie pairwith. AND ſiclyke, being inquyrit and accuſit be þe Perſoun of Ropher, ‘gif ſche wald abyde be hir fyrſt Depoſitioun, maid in þe Caſtell of Kirkwall, vpoun the day of December inſtant?’ Quha anſuerit, þat þe tyme of hir firſt Depoſitioun ſche wes tortourit diuerſe and ſeueral tymes in þe Caſchielawis, and ſudrie tymis takin out of þame deid,¹ and out of all remembrance ap^r of guid or ewill; as lykewyis hir guidman being in þe ſtokis, hir ſone tortourit in þe Buitis, and hir dochtir put in þe Pilliewinkis, quhairwith ſche and þay wer ſwa vexit and tormentit, þat pairtie to eſchew ane gretar torment and pwneſchement, and vpoun promeis of hir lyffe, and guid deid be þe ſaid Perſoun, fallie, aganis hir faull and conſcience, ſche maid þat Confeſſioun, and na vthirwyis: For þe quhilk, ſche aſkit þe Lord mercy and forgiuenes; and conſtantlie deit pairatt. Quhairvpoun all and ſudrie þe premiſſis, Thomas Ballendene fear of Ewe tuik act and inſtrument.

(*Sic ſubſcribitur,*)

*Ita eſt, JACOBUS NEVENE, notarius publicus
ac teſtis in premiſſis rogatus et requeſitus: Teſte manu propria.*

After the quhilk Declaratioun, the Juſtice patt the ſaid Johne to the tryell of the Affyſe. Quhilk perſounes being choſin, ſworne and admittit, and the ſaid Johne Maifter of Orknay, being accuſit be Dittay of the ſaidis crymes, in thair preſens, he denyit the ſamin. Eſtir the production of certane euidentis and inſtrumentis, quhair the ſaidis vni^q^{le} Alyſoun Balfour and Thomas Palpa maid revocatioun of thair Depoſitiounis and Confeſſiounis, alledgeit maid in preiudice of the ſaid Johne Maifter of Orknay; the Affyſe tuik inſtrumentis, that thair wes na thing producit for verifiatioun of the Dittay, and that the ſaid Dittay wes nocht ſworne.

The ſaid perſoun on pannell aſkit inſtrumentis of the cheſing of the Affyſe but oppoſitioun.²

VERDICT. The Affyſe removit altogidder furth of Court to the Counſal-hous, quhair thay, be pluralitie of vocis, chuſe Robert Lord Sanquhar Chancillar of the ſaid Affyſe; and thairefter reaſonit vpoun the poyntis of the Dittay, and haifing votit thairvpoun, eſter voting and reſolutioun, re-enterit agane in Court, quhair thay, be the mouth of the ſaid Chancillar, ſtand the ſaid Johne Stewart Maifter of Orknay to be Acquit and innocent of the haill crymes and poyntis of Dittay particularlie above mentionat, quhair of he wes accuſit.

[*Mr James Fowlis, Juſtice-Depute.*]

Forcible Abduction—Raviſhing.

Jun. 30.—ALEXANDER FLEMING of Barrochan, Patrik Fleming and Mr James Fleming, his ſonis, &c.

¹ In a swoon, or ‘dead-faint.’

² Without challenge upon his part.

Comperit Patrik Maxwell of Dargavell, and produceit our fouerane lordis lettres, dewlie execute and indorfate be the said Patrik him selff, Marioun Porterfeild his spous and Rabeca Maxwell his dochter, to tak fouirtie of the said Alexander, Patrik and Mr James, and vtheris thairin contenit, that thay sould haif comperit this day and place, and vnderlyne the law for airt and pairt of the cuming to the said Patrik Maxwellis duelling-place of Dargavell, and Reveifching of Rabeca Maxwell his dochter furth thairof, and taking of hir away with thame to the place of Barrochane, and keping hir in strait firmanse, be the space of fyftene dayis or thairby; committit vpoun the thryd day of Nouember last-past, and vtheris crymis contenit in the lettres direct thairupoun.

This mater ordenit to be continewit, be the Priour of Blantyre thefaurar and the Justice Clark, be thair Precept.—Sir Patrik Houftoun of that Ilk became pledge and fouirtie for Alexander Fleming of Barrochane, Patrik F. his sone and apperand air, Mr James F. alse his sone, Hew F., James F., James Henryfoun and Peter Cuming, fernandis to the said Alexander; Robert Fleming in Covenlie, Gabriell Reid in Barrochane, Williame Houftoun thair, Patrik Houftoun thair, Williame Reid in Hillis, Patrik Fleming in Aylie, Thomas Kellocht in Craighall, Matho Patrik thair, Johnne Allane in Cruik, James Fleming in Corflie, Patrik F. att the kirk of Killellane and Alexander Alschonar in Wod, and that thay fall compeir before our fouerane lordis Justice or his deputis, the thryd day of the nixt Justice-air of the sherefdome of Renfrew, or soner quher or quhen it fall pleis our fouerane Lord, vpoune fyftene dayes wairning, and vnderly the law for the said crimes.

Forcible Abduction, &c.

Jul. 5.—WILLIAME BANNATYNE of Corhous.

Dilatit of airt and pairt of the away-taking of and reifing of Margret Hammiltoune, dochter to Johnne Hammiltoune of Auchnaglène, furth of Johnne Weiris hous of Dargavill.

PERSEWARIS.

Johnne Hammiltoune of Auchnaglène,
Mr Williame Hairt, aduocat to our fouerane lord.

PRELOQUITOURIS for the pannell.

Mr Thomas Craig,
Mr Alexander King.

The said Williame Bannatyne tuik instrumentis of his compeirance. Compeirit James Reid, Conflabill of the Castell of Edinburgh, and tuik instrumentis that he had presentit Williame Bannatyne of Corhous before my Lord Justice, and enterit him on pannell, conforme to the Warrant direct be the Lordis of Counfall to that effect.—The said day comperit Mr James Hammiltoune of Caudor and Williame H. of Hillis and James H. of Bardowie younger, and tuik instrumentis of the production of our fouerane lordis (letteris) dewlie execute,

purchest be Johnne Hammiltoune of Auchnaglene for summondung of ane Affyise to Williame Bannatyne of Corhous.—As also comperit Johnne Hammiltoune of Auchnaglene, and inffitit in perfruit of Williame Bannatyne of Corhous, and thairvpoune tuik instrumentis.—The said Williame Bannatyne of Corhous tuik instrumentis, that Williame Hammiltoune of Auchnaglene, being desyrit to fweir the Dittay gewin in aganis him, declarit, he wes fa informit, be brute,¹ that he did the famin; bot he wald nocht tak it vpoun his conscience that the famin wes trew done be him.

The persewar and the aduocatt protestit for Errour, in caise thay Acquyte the said Williame Bannatyne.

*DITTAY against Williame Bannatyne of Corhous.*²

FORSAMEKILL as the said Johnne Hammiltoune haifing placeit Margret Hammiltoune his dochter, ane bairne of ten 3eir auld or pairby, with Johnne Weir in Dargavill, hir moder-brother, to haif bene educat and brocht vp be him, vntill hir lauchfull and perfyte age; lipning that nane sould haif interruptit hir educatione and vbringung, or attempted ony violence or iniurie aganis hir; nochtwithstanding quhairof, it is of veritie, that Williame Cwninghame tutour of Boningtonne, accompaneit with certane bretherene and feruandis of Williame Bannatyne of Corhous, mountit vpoun the said Williamis awin hors, be his special causing, directione, sending and bounding out, all bodin in feir of weir, with vnlauchfull and foirbidin wappinnis, come vpoun þe xxvij day or pairby of March last-bypast, vnder sylence and cloud of nycht, to þe said Johnne Weiris duelling-hous of Dargavill, lyand within þe sheresdome of Lanark, and violentlie enterit pairin; fyrst, schamefullie and vnhonestlie persewit the said Johnne Weir of his lyffe, reft his purs fra him, quhairin thair wes ane grit quantitie of gold and siluer, hurt and woundit him in diuers partis of his body, and left him lyand for deid; and thaireftir, violentlie tuik the said Margret away with pame, fyrst to þe place of þe Corhous, quhair sche wes ressaüt and keptit all that nycht, be þe knowledge, allowance and pruitie of þe said Williame Bannatyne, and paireftir, be his directione, convoyit hir away to sum partis of þe Bordour, quhair sche wes keptit and detenit: The away-takeris of hir remaning continewallie sensyne in hous and cumpany with the said Laird of Corhous; quha intendit, in hir minoritie, to move hir to findrie purpossis, altogidder to hir difadvantage.

Wes putt to the knowledge of ane Affyis, and in thair presens, wes accusit be Dittay of the crymes aboue writtin; quha denyit the famin straitlie.

VERDICT. Eftir the quhilk accusatioune, thay past altogidder furth of Court (to) ane secreit place in the eird of the said Tolbuith, quhair thay convenit and chuse Robert Scott of Thirlstane chancillar, and eftir chesing of him past to voting vpoun the pointis of the Dittay foirsaid; and being resolut thairwith re-enterit agane in Court, quhair thay, be the mouth of the said chancillar, ffand,

¹ Fr. *Bruit*, report, rumour. ² This crime affords a striking picture of the times; which, by reference to the Criminal Records, will be found one of very frequent occurrence. Heiresses were forcibly carried off by some powerful Baron or Laird, who had perhaps been disappointed in effecting a marriage for themselves or sons, by fair means. A fitting opportunity was watched, and the young lady relieved of the tediousness of courtship, by getting a priest on the other side of the Border to marry them 'out of hand.' Abductions were also common on the part of relations, competing for the guardianship of the heiress.

pronounceit and declarit the said Williame Bannatyne of Corhous to be clene, innocent and acquit of the crymes aboue writtin.

Umbesetting the High way — Hurting and Wounding, &c.

Jul. 7.—THOMAS EWING at the Mylne of Ogilvie.

Dilaitit of airt and pairt of the hurting and wounding of Williame Broun in Nether Baddinhaith, in diuerse partis of his body, to the effusioun of his blude in grit quantitie ; be gewing of him of faxtene bludie woundis in the body, be way of murthour, vnder sylence of nycht ; committit in the moneth of August lastbypast.

PERSEWARIS.

Williame Broune in Nether Baddinhaith,
Mr Thomas Hammiltoun, (King's Advocate).

PRELOQUITOUR for the pannell.

Mr Johnne Moncreif.

The said Williame Broun produceit the lettres aganis the said Thomas Ewing, dewlie execute and indorfat, and tuik instrumentis thairvpoune.—The Aduocat produceit his hienes Warrant, ordaining him to infist in perfruit of Thomas Ewing.—The persewaris askis instrumentis that the said Williame askit instrumentis.

The persewaris (pannell?) alledgis, that the lybell is irrelevant foundit ; becaus that nather slauchter nor mutilatioun followit thairvpoun ; and it appertenis to the shereff.—The aduocat anfuersis, that the alledgiance aucht to be repellit, becaus the defender is nocht persewit vpoune ane intendit murthour, vpoune foirthocht felony vnder sylence of nycht, *quodquidem consilium homicidij cogitati, per industriam et insidias peruenit ad actum* ; quhilkis qualiteis being conjoynit, makis the lybell relevant.—The persewar (pannell?) anfuersis, *non est crimen lese maiestatis, et nihil peruenit ad actum*.—The aduocat alledgis, that the alledgiance aucht to be repellit, in respect of the lybell.

The Justice findis the lybell relevant.

VERDICT. The Assyse, for the maist pairt, Acquit the said Thomas Ewing ; fforfamekill as he, vpoun the xxvj day of August lastbypast, accompaneit with Williame Ewing his brother, vnder sylence and cloud of nycht, vmbesett the hie way and passage to Williame Broun in Nether Baddinhaith, vnder sylence of nycht, be way of Murthour and Brigancie, vpoun the croft of his Landis of Nether Baulhaith ; and thair, with swordis and quhingaris, crewallie invadit him for his slauchter and murthour, hurt and woundit him thairwith, be gewing of him of faxtene bludie woundis in the heid, and diuerse vtheris partis of his body, to the effusioun of his blude in grit quantitie ; vpoun sett purpois, provi-fioun and foirthocht felony ; and for casting of him be the heillis in ane burne callit the Stankburne, belewand he wes deid, of purpois to haif drownit him. Pronounceit be the mouth of Nicoll Towart (in Blakfurd), Chancillar (of the said Assyse).

Hurting and Wounding—Theft, &c.

Jul. 28.—HARY AUCHINCRAW, in Fowldene.

Dilatit of airt and pairt of the thifteous steling of ane lokit gold and siluer bag, fra Robert Gray, merchand burges of Edinburgh, togidder (with) lxxxxij fyve pound pecis, fyve four pownd pecis, thre dowbill duikatis, thre dowbill crose duikettis, fyve auld roif-nobillis, fyve fouerane angellis, thre dowbill myllrais, v lib. Scottis siluer; committit in Apryll 1594.

It is allegeit be the said Hary Auchincraw, that na continewatioun aucht to be grantit this day, becaus all Justice courtis ar peremptour; lykeas he being summond to this day, he comperit personallie, offering him reddie to abyde ane tryell; quhairvpoun fyftene personis of Inqueist ar callit, reffaut and admittit; swa that thair being na alledgeance maid be the partie, nor na vthir lauchful impediment proponit in the contrar, this proces can nocht be delayit, feing he can nocht be obleift to find cautione; and quhidder he be acquit or fylit, he aucht nocht to find caution, feing he is present within the bar.

The Aduocat allegis that the Justice mycht continew the mater to the morne.

The Justice continewis to the morne. ‘Plegio Bernardo Borthuik de Collie-law—pena V^c mark.’

Jul. 29.—[‘Dilatit of setting vpoun Robert Gray, merchand burges of Edinburgh, and hurting of him in diuerse partis of his body: and for the thifteous steiling fra him of certane gold and siluer.’] The said Hary Auchincraw comperand, desyrit the Assyise to be callit quha wes admittit zisterday; and offerit him reddie to vnderly the law, for the cryme aboue writtin, and desyrit the Justice to put him to the said Assyise; quhairvpoun he askit instrumentis. The partie on pannell takis instrumentis of his offer to vnderly the law, and disassenting to all continewatioune; and protestit that he be nocht continewit, in (virtue) of his oft comperance in the mater, at twa feuerall dyettis of befor. The pannell protestit, that in respect Robert Gray being within the bar, as also M^r Williame Hairt, aduocat, his persewaris being present and refusit to persew, that na lettres be grantit in tyme cuming.

The Justice continewis to gif ansuer the morne. ‘DESERT, in respect Robert Gray comperit nocht to persew, nor the aduocat.’

Slaughter of a Messenger at Arms.

Jul. 29.—PATRIK BARCLAY of Towie.

Dilatit of airt and pairt of the slaughter of vinq^{le} Williame Mure, messinger in Deir; committit in the moneth of Februar lastbypast.

PERSEWARIS, Janet Keyth relict, M^r Williame Mure as sone, M^r Williame Hairt (King's Advocate.)
PRELOQUITOURIS for the Pannell, M^r Johnne Schairp, M^r James Donaldsoun.

The purfewaris tuik instrumentis of productioun of the lettres aganis Patrik Barclay of Towie, and proteffit for relief of thair cautioneris.

The said M^r Williame Mure produceit the Kingis Maiesteis Warrant, ordaining the mater perfewit, aganis Patrik Barclay of Towie, to be continewit to the nynt of August nixtocum.

The Justice Continewis the actioun to the morne, to be auyisit with the Counfall. ‘ Plegio, Magistro de Elphinstoune.’

HIS MAIESTIES WARRANT.

REX,

JUSTICE, Justice clerk and 5 our deputis, We greit 5ow weill. Forfamekill as our vtheris lettres ar purchest, att pe instance of pe relict, bairnis, kyn and freindis of vmq^{le} Williame Mure, melfinger in Deir, for calling of Patrik Barclay of Towie before 5ow, in our Tolbuith of Edinburghe, the xxix day of July instant, to vnderly our lawis, ffor airt and pairt of pe slauchter of pe said vmq^{le} Williame Mure: As also, our vtheris lettres ar direct for calling of diuerse personis, seruandis to pe Lady Erroll, to compeir before 5ow in pe Tolbuith of Edinburghe, the xxix day of July instant, to vnderly our lawis ffor airt and pairt of pe slauchter of pe said vmq^{le} Williame Mure: As also, our vtheris lettres ar direct for calling of diuerse personis, seruandis to pe Lady Erroll, to compeir before 5ow, in the Tolbuith of Edinburghe, the nynt day of August nixtocum, to vnderly the law, ffor pe taking of Williame Keyth of Ludquhairne, and vtheris crymes contenit in pe saidis lettres: AND haifing confideratioune, that pe slauchter of pe said Williame Mure fell out, vpoun pe taking of pe said Williame Keyth, and executione of our vtheris Letteris, aganis pe personis committeris pairof; for eschewing of pe trubling of ane Affyse, quha ar to be summond vpoune bayth the saidis crymes, We haif thoicht it guid to continew the dyet, for pe slauchter of pe said vmq^{le} Williame Mure, to pe said nynt day of August nixtocum, to pe effect the personis of Affyis be nocht putt to pe dowbill travell. Thairfoir, and for diuerse vtheris confideratiounis moving ws, it is our will, and We command 5ow, that incontinent estir pe sycht hereof, 5e continew pe peruit of pe lettres purchest aganis pe said Patrik Barclay of Towie, for pe Slauchter of pe said vmq^{le} Williame Mure, to pe nynt day of August nixtocum; swa that pe crymis contenit in ap^r of pe lettres may be tryit be ane Affyis: And tak sufficient cautionn for pe entrie of pe said Patrik Barclay, pe said day: Qulhairant thir presentis falbe to 5ow ane warrant. Subferyuit with our hand, att Dunfermling, the xxix day of July, 1598.

(Sic subferibitur)

JAMES R.

(Jul. 30.)—The Aduocat takis instrumentis of the productioun of ane Warrant of the Counfall, and desyrit the famin to be ingroft. The pannell takis instrumentis, that the parteis, being oft tymes callit, comperit nocht. The Aduocat past fra the pairt of the summondis bering Treffoune.

ASSISA.

Andro Reid of Colliestoune,	Patrik Leafk of Haddo,	Sir George Ogilvie of Dunlugous,
Alex ^r Blakhall of that Ilk,	M ^r Alexander Innes,	Williame Forbes of Corfindae,
Patrik Cheue of Effilmont,	Thomas Leafk of Auchinad,	Williame Leafk of that Ilk,
Alex ^r Wod of Colpnay,	Archibald Bruce of Pitfowlis,	Abraham Forbes of Blaktoun,
James Chene of Straloch,	Robert Drummond of Drill,	Robert Innes of Coitis.

The Affyse, be pluralitie of vocis, chese Sir George Ogilvie of Dunlugus (Chancellor.)

VERDICT.—The Affyis, in ane voce, Acquyte Patrik Barclay of Towie of airt and pairt of the slauchter of vniq^{le} Williame Mure, Messinger; committit be Patrik Cantlie, than his seruand, of the speciall causing, hounding, fending, directing, command, assistance and ratihabitatioun of the said Patrik, in the moneth of Februar lastbypast, vpoun sett purpois, prouisioun and foirthocht felony.

The quhilk day comperit Patrik Barclay of Towie and produceit ane War-rand delyuerit be the Counfall, and defyrit the Justice and the Aduocat to infist in persuit, according to the tennour thairof; quhilk the Aduocat defyrit to be infert in proces, quhairof the tennour followis.

My lordis of Privie Counfall, vnto your ll. huimlie menis and selhewis I your seruitor, Patrik Barclay of Towie, That quhaire, Jonet Keyth, be relict, with pe bairnis and freindis of vniq^{le} Williame Mure, messinger, within pe sherefdome of Abirdene, being sterit vp, movit and persvadit be pe instigatioun of sum of my vnfreindis, hes nocht only now, but att diuers tymes ofbefore, vpoun pair wrangus narratioun, purchest Lettres and pairwith causit charge me to vnderly pe law, for pe alledgeit airt and pairt of pe slauchter of pe said vniq^{le} Williame Mure, messinger, committit be Patrik Cantlie, my alledgeit seruand, vpoun the faxtene day of Februar lastbypast, 1595, the said vniq^{le} messinger thane being in executionne of his office, &c. According to pe quhilkis Lettres and chargeis, I, pe said Patrik Barclay, being alluterlie innocent of pe said cryme, fand cautioun and fouertie, in dew tyme, att ewerie charge, to haif vnderlyne pe law for pe famin, to diuerse dayes bypast; and att last, to pe xxix day of Julij instant, before the Justice (and) his deputis; and comperit perfonalie att all pe said dyettis bygane, as I did this day before the said Justice, offering me reddie to vnderly pe law for pe said cryme, pair being sufficient number of Inqueist summond and comperand att ewerie day to compeir pairvpoun: As the Justice, deputis and clarkis, with the actes takin pairvpoun will testife: Newirpeles, the saidis persewaris, or rap^r my inimeis, quha sterit pame vp pairto, hes att diuers tymis bygane purchest Lettres subferyuit be our souerane lord, direct to pe Justice and his deputis, to continew pe dyettis quhairvnto I wes chargeit in pe said mater; and namelie, this day hes procureit and produceit his Maiesteis Letter vnder his subscriptionne, vpoun sinister narratiounne, to continew the samen vnto pe nynt day of August nixtocum; to pe quhilk continewatioun I dissentit, and offerit me reddie, presentlie, as I do zit, to vnderly pe lawis for pe said crymes, quhairof I am innocent. AND feing the Justice depute hes continewit his Interloquitour to be gewin pairvpoun quhill the morne, and is to tak your ll. aduise, quhidder he fall proceid or nocht, nochtwithstanding the said privie letter of continewatiounne; and that it is also veritie that I and my freindis, with the personnes of Inqueist, hes bene put to gret trubellis and expensis now and ofbefore, in keeping of all pe dyettis in pe said mater, alfweill principall as continewatiounne, purchest be pe persewaris and my vnfreindis; and that thair intentioun is to trubill me and my freindis pairby, in cuming heir fyue feoir of myles att ilk dyet, and in waisting our rentis and substance in attending pairvpoun: And that the said slauchter wes only committit be pe said Patrick Cantlie, vpoun ane particuler quarrell and feid betuix him and the said vniq^{le} William Mure, quhairof I wes newir participant, airt nor pairt. Heirfoir I befeik your ll. to tak sic ordour in pe premissis, that I and my freindis fall nocht be trublet to keip ony forder dyettis in pe said mater, bot that proces may be grantit and followit out pairtill the morne, bot forder delay; and to that effect, to caus the parteis persewaris, being heir present, and oure souerane lordis Aduocat, to summond and haif reddie ane Affyse to pafs vpoun famekill of pe saidis Lettres as falbe fund relevant; quhairvnto I am willing to anfuier instantlie, as I wes att all dyettis ofbefore, bot ony forder delay: And your ll. anfuier huimlie I requyre.

(Sic subferibitur in dorfo,) Apud Edinburghe, xxix Julij, J^m.V^c.lxxxv. The Lordis of Seereit Counfall Ordanis the Justice, Justice Clark and pair deputis, to proceed and minister justice vpoun pe complainer within writtin, the morne, but forder delay or contineuatioune; conforme to pe lawis of his realme: And that the Aduocat insist in pe perfruit of him; as thay will ansuer to his Maiestie and pe saidis Lordis pairvpoun.

(Sic subferibitur) BLANTYRE. . M. R. 3OUNG.

The famin day, Jonet Keyth the relict, and M^r Williame Mure as sone, with the kyn and freindis of v^mq^{le} Williame Mure messingir in Deir, being oft tymis callit to insist in perfruit of the said Patrik Barclay of Towie for the said slauchter, the lauchfull tyme of day biddin and nocht comperand; the Justice ordenit Mr Williame Hairt Aduocat to compeir and insist in perfruit, quha comperit and produceit ane roll of Assyse of the personis aboue writtin.

The famin day, Patrik Barclay of Towie, being enterit on pannel, as summond be vertew of our souerane lordis lettres, purchest att the instance of Jonet Keyth the relict, with the bairnis and remanent kyu and freindis of v^mq^{le} William Mure messinger, and being persewit be Mr Williame Hairt aduocat, indytit and accusit:

DITTAY against Patrick Barclay of Towie.

FORSAMEKILL as Williame Keyth of Ludquharne, Alexander Keyth his sone and M^r Samuell Keyth his proper sone and our souerane lordis aduocattis, haifing rafet his bienes letters att pair instance, for chargeing of pe said Patrick Barclay of Towie and Patrick Cantlie his fernand, now rebell and att pe horne, for pe caus and cryme vnderwrittin, to haif said fouirtie that thay fould haif comperit before pe Justice or his deputis in pe Tolbuth of Edinburgh, att ane certane dyett speciallie contenit pairin, for certane haynons and tressonabill crymis contenit in pe famin; thay directit pe saidis lettres to pe said v^mq^{le} W^m Mure messingir, for putting of pe famin to due execution; quha haifing ressuait the famin, vpoun pe xvj day of Februar lastbypast, he past be vertew pairof, vpoun pe famin day, to pe place of Towie, quhair the said Patrik Barclay wes present for pe tyme; and becans he could nocht apprehend his personall presens, he chargeit him pairatt; and sicylke chargeit the said Patrik Cantlie rebell personallie, soinent pe 3ett of pe said place and delyuerit him ane copie. Estir pe quhilk charge, the said Patrik Cantlie past in fra pe said messingir to pe place of Towie, to the said Patrik Barclay his maister; and estir he had spokin with him, and had gottin directioun fra him, to pe effect vnderwrittin, peraising the said W^m Mure messingir to be past away, he come furth vpoun the said Laird of Toweis best hors, followit the said v^mq^{le} W^m Mure on horbak, as he was rydand away in sobir and quyet maner, to put pe saidis lettres to forder executionne vpoune vtheris pairin specifeit, dredand na ewill, harme, iniurie or perfruit of ony personne, bot to haif lewit vnder Godis peax and our souerane lordis; in respect he wes in execution of his office, and presentit our souerane lordis persoun, till pe place and landis of, quhair he overtuik the said v^mq^{le} W^m Mure; and pair, the said Patrik Cantlie, of pe speciall causing, hounding, sending, directing, counsaling, refetting agane with pe bludie hand, airt, pairt-taking, command, assistance and ratihabitoun of pe said Patrik Barclay his maister, sett vpoune him and maist crewallie and awfullie, fyrst with ane drawin sword, strak the said v^mq^{le} W^m Mure in pe bak, to the effusioune of his blude in grit quantitie; and pairestir, with ane pistolet chargeit with bullett, schot the said v^mq^{le} W^m throw pe body, and maist schamefullie and crewallie slew him pairwith: Estir pe quhilk slauchter, he immediatelie pairestir returnit agane to the said place of Towie, quhair the said Patrik Barclay of Towie ressuait him, with pe hett bludie hand: And

swa, the said Patrik Barclay of Towie is airt and pairt of þe crewall slauchter of þe said vinq^{le} W^m Mure messinger, committit in þe executioun of his office, vpoune sett purpois, provisioun and foirtocht felony, in hie and maifest contemptioun of our souerane lordis autoritie and lawis.

VERDICT. The Assyse, be mouth of the said M^r George Ogilvy of Dunlowgus knyecht, chancillar, stand, pronunceit and declarit the said Patrik Barclay of Towie to be cleane, innocent, and acquit of airt and pairt of the slauchter of the said vinq^{le} Williame Mure messinger; committit in the maner foirsaid.—Quhairvpoune he askit actis and instrumentis.

Uttering calumnious speeches and slanders against the King.

Aug. 3.—JOHNNE DIKSOUN in Lyne, Inglisman.

Dilatit for contravening of the Actis of Parliament, in vtering of Calunnious speichis and sklanderis aganis our souerane lord, and calling of him ‘ane bastard,’ &c.

The aduocat (Mr Thomas Hammiltoun) produceit the Depositionis of certane witneffis; and protestit for Wilfull Error, in caise thay clange.

The Assyse tuik instrumentis, that Johnne Diksoun come in his Maiesteis will, for ony speich he spak aganis his hienes, quhilk wes in his drukinnes.

VERDICT. The Assyse, be the mouth of Robert Smyth (merchand in Edinburgh) chancillar, stand, pronunceit and declarit Johnne Diksoun, Inglisman, in Lyn, to be ffylit, culpable and convict, for contravening of our souerane lordis Actis of Parliament; and speciallie, of ane Act maid be his hienes, in anno 1584, and in anno 1585, rateifeit be ane Act maid in anno 1594; in famekill, that vpour the xxv day of Julij lastbypast, being the Sabbath day, Archebauld Gairdenar, ane of his Maiesteis cannoneiris, haifing requyrit the said Johnne Diksoun to vyre his boit¹ to gif place to his Maiesteis ordinance; he fyrst ansuerit, that ‘he wald nocht vyre his boit for King or Kafard;’ and thairefter, maift prouddie, arrogantlie, sklanderoufflie and calunnioufflie callit his Maiestie ‘ane bastard King;’ and that ‘he wes nocht wordie to be obeyit.’

SENTENCE. The Justice depute, be the mouth of Williame Gray dempftar, ordenit the said Johnne Diksoun to be tane to ane gibet, standand beneth the mercat croce of Edinburgh, and thairvpoun to be hangit quhill he be deid,² &c.

Uttering and bending base coin.

Aug. 6.—ALEXANDER KELMAN in Garuiocht, and Williame Gairdin sone to W^m G., sone to Robert G. in Culroisfe.

VERDICT. Fand to be ffylit, culpabill and conviet of the outputting of false

¹ Veer his boat. ² See the Cases of Tennent, Oct. 10, 1600; Cornwall, Apr. 25, 1601; and Ross, who was executed on Sept. 10, 1618.

and adulterit coinage of the patren of ten-shilling-pees, to the similitude of our fouerane lordis trew coinzie, to findrie perfounes.

SENTENCE. The Justice, be the mouth of Johnne Nisbet dempstar, ordenit the saidis Alexander Kelman and Williame Gairdin to be tane to ane gybbet, vnder the mercat croce of Edinburgh, and thair hangit quhill thai be deid; and all thair guidis to be efcheit.

Horse-stealing—Theft, &c.

Aug. 6.—SYMONE MOFFET in the Ryneclewis.

Dilatit and fylit for the thifteous steling of xxx naigis (horfes) and meris; and alsé of ane cloik, ane hairt of siluer owrgilt, ane woux,¹ ane Camrige owrla,² &c.; committit in Junij last; and of Common Thift.

SENTENCE. To be hangit quhill he be deid, vpoun the said Gibbet; and all his movabill guidis to be efcheit.

Slaughter.

Aug 7.—GYLBERT PACOK, seruitour to the Maister of Orknay.

Dilatit of airt and pairt of (the slaughtar of) vmq^{le} Hary Colvile (Perfoun of Vrquhart); committit the nynt of Julij lastwas.

PERSEWARIS, James Merfar as brothir, James Coluile brothir sone, Mr Thomas Hammiltoune.

PRELOCUTOURIS for the pannell, Mr Rychard Spens, George Abirneithie.

The persewaris produceit the Dittay aganis Gylbert Pacok, for the slaughtar of vmq^{le} Hary Coluile Perfoun of Vrquhart, and desyrit proces.

The pannell alledgis, that na proces can be led agane the said Gylbert this day, be reafoun he is nather tane *in flagranti crimine*, quhairof he is innocent; nor yit *contumax*, nor demuceit for ane crime; and swa, be the custum of the Court and Act of Parliament, he aucht to be summond vpoun xv dayes wairning. This wes decydit betuix Maidland and Crouner Prestounis brether, in this fami: Justice Court, and in all vtheris perfounes, quha wes presentit on this forme, on pannell: In respect quhairof, na proces can be had agane the defender, vnto the tyme he be summond vpoun xv dayes wairning.—The Aduocat anfuert, that the alledgeance aucht to be repellit, becaus the defender in effect wes tane *in flagranti crimine*; infasar as he, haifing committit slaughtar contenit in his dittay, the complent thairof being maid to his Maiestie, he directit his Commissioun for taking of him; be vertew quhairof, he wes apprehendit, and now presentit to Justice. As to the practik alledgeit betuix Crouner³ Prestounis breder and Maidland, it can nawayis militat in this cais, becaus Maidland wes accusit for ane cryme committit in Flanderis, mair nor ane yeir eftir the com-

¹ Watch.

² Cambric overlay, a sort of ruff.

³ Colonel.

mitting thair of; and this man is apprehendit incontinent, sa fone as the cryme come to his Maiesteis knowlege, and sa fone as his hienes Commiffioun could tak effect. As to the defenderis alledgeance of his innocence, it is mair propper to be tryit be ane Assyse nor¹ to be credite for his affirmatioun.—It is anfuerit (replied), that the alledgeance standis relevaut, nochtwithstanding the anfuer maid be the Aduocat and his lordschipis informeris, for heir I am vpoun the proceffe castin of the Justice Court and Act of Parliament, the wordis quhair of admittis na extentione nor interpretatioun, being ft . . . ;² and the Act preceiffie beris, that ane partie nocht apprehendit *in flagranti*, quhilk is *in ipso delicto*, falbe wairnit vpoun xv dayes wairning; the custum of the Court, swa vniuerfallie obseruit, thair is newir ane word *ex incontinente* contenit in the haill Act. As to the Kingis Commiffioun, direct for apprehensioun of the man, the forme of the Commiffioun standis according to the custum of Commoun law and practik, quhilk is but³ preiudice of the parteis lauchfull defensis; swa that nowther the directing of the Commiffioun, nor apprehensioun of me, be vertew thair of hurtis me in my lauchfull defensis; and the priuiledge is grantit to me, be his hienes lawis: And albeit, I haif the priuiledge vpoun xv dayes wairning, be his hienes lawis, yitt that all occasioun of giltienes may be tane away, and that I wes maift innocent of the fact and cryme quhairvpoun I am to be accusit, desyring alwayis⁴ to haif the gyft of his hienes lawis, I cam in the countrey, and remanit in the countrey, nocht being fugitiue, and to abyde his hienes lawis, according to the lawis of the countrey: In respect quhair of, my alledgeance standis relewant.—The Aduocat acceptis the alledgeance *in quantum*, and thairby inferrit ane vehement presumption agane the defender of giltienes, in respect he refusis to abyde ane tryell of the cryme presentlie laid to his chairge; and forder, repetis the maner of his taking contenit in the fyrst anfuer, and referis to the Judge.

The Justice ffindis, nochtwithstanding of the said defenderis alledgeance, that the mater aucht to pass to the knowlege of ane Assyse.

Allegeis, that *James Stewart of Gramsly* can nocht pass vpoun his Assyse, becaus he is brother to my Lord of Orknay; becaus my Lord of Orknay is persewar, and hes gewin informatioun bayth to the Aduocat and vtheris, for persuit of the matter.—*James Stewart* repellit, becaus he gaif partiall counfall.—*Henrie Sinclair of Loquhoy* repellit, for partiall counfall.—*Eduard Scolay* repellit, for partiall counfall.

The Aduocat, for instructioun of the Assyse, produccit his Depositionis.

The said Gylbert tuik instrumentis (that) he revokit his Depositionis.

VERDICT. The Assyis (thirteen in mumber) being sworne and admittit vpoun

¹ Than.

² This word is obliterated in the Record.

³ Without.

⁴ Nevertheless.

the Assyse of Gylbert Pacok, removit furth of Court to the Counfallous and votit vpoun the poynt of the Dittay, eftir chefing of James Maifertoun (Merchand in Edinburgh) chancillar, and being throwehlie auisit thairwith, ffand, pronunceit and declarit the said Gylbert to be ffylit, culpabill and convict of airt and pairt, red and counfall of airt and pairt of the slauchtir of vinq^{le} Hary Coluile; committit the nynt of Julij lastbypast.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair his heid to be strikin fra his body; and all his movables escheate and inbrocht.

Hamesucken—Assieging House of Ludquhairn—Taking captive, &c.

Aug. 9.—WILLIAME MOWAT in Turreyf, (feruand to Alexander Hay eldest sone to vinq^{le} Andro Erll of Erroll).

Dilatit for cuming with convocatioun of our souerane lordis lieges, bodin in weirlike maner, with lang culveringis, dagis and pistolettis, &c., contrar the tenour of the Actis of Parliament, be way of Hamesuckin, to the place of Ludquhairne, and asseigeing of Williame Keyth of Ludquharne thairin; entering thairin be force, taking of him captiue and prifoner:—And for maisterfull Reifing and away-taking, furth of the said place of Ludquhairne, of the said Williamis hail infycht pleneiffing and writtis: And tranfpoirting and careing of the said Williame Keyth of Ludquharne captiue and prifoner to the place of Ardmakhorne; quhair thay detenit him, be the space of aucht dayes or thairby; vsurp and thairby of our souerane lordis autoritie vpoune thame; committit in the moneth of October lastbypast.

PERSEWARIS.

Williame Keyth of Ludquharne, Mr Thomas Hamiltonne of Drumcarne aduocat to our souerane lord.

The Aduocat produceit ane command of the Kingis Maiestie, subferyuit with his hand, with ane vthir Warrant subferyuit be the Lordis of Sessioune, commanding the Justice to proceid and minister justice in the said mater, quhairof the tenouris follow.

REX,

JUSTICE, Justice Clark and your deputis, We greit you weil. It is our will, and we command you, that vpoun the sycht beirof, you faille nocht to proceid and minister justice, in the eriminall caus to be persewit before you, att the instance of the Laird of Ludquharne and our Aduocattis for our interes, aganis certane personis contenit in the Lettres raisit pairament, for the taking of the said Laird, and vtheris crymes speeciallie expressit pairin, vpoun the nynt day of August instant; but all forder continewatioun or delay; nochtwithstanding of quhatsumewir vthir command, Warrant or objectionne, maid or to be maid, gewin or to be gewin in the contrar; anent the quhilkis and panis pairin, we dispens. As you will answer to us, vpoune your offices and obediencie: Quhairament, thir presentis falbe your sufficient warrant. Subferyuit with our hand, att Dunfermling, the nynt day of August, 1596.

(Sic subfribitur,)

JAMES R.

Followis the tennour of the SUPPLICATION, and WARRAND gewin be the Lordis of Seffioune.

My Lordis of Counfall, vnto 3our ll. humlie menis and schawis, I 3our seruitour, *William Keyth of Ludquharne*, That quhair I haif raifit criminall lettres be 3our ll. delyuerance aganis *William Dwikat*, (Duiget or Duguid,) *Hary Ramfay*, Archd. *Herring*, *Robert Creychtoun* and *Alex. Harvie*, seruandis to *Dame Elizabeth Dowglas Countes of Errol*, *Alex. Hay* eldest sone to vmq^e *Andro Erll* of *Erroll*, *William Mowat* his seruand, *Patrik Con* of *Auchry*, *Alex. Hay* in *Ardmakhorne*, *Alex. Hay* in *Auchquharne*, *Patrik Cruikfehank* in *Ardifrie*, *James Butter* in *Gask*, *Thomas Hay* pair, *Johnne Hay* and *Patrik Cantlie*, seruitour for pe tyme to *Patrik Barclay* of *Towie*,¹ *Gylbert Stewinfoune* in *Ogftoune*, *Thomas Craigie* in *Lochcow*, *Johnne Findlater* pair, *Johnne Stewinfoune* and *Thomas Gybfoun* pair, *Johnne Moffie* pair, *Wm. Sym* smyth in *Mytoun* of *Sorvie*, *Patrik Sym* att pe mylne of *Sorvie*, *Thomas Cruikfehank* sone to *Patrik C.* in *Ardifrie*, *Patrik Hay* in *Haddo*, *Gylbert Gray* in *Bannatwhill*, *James Gray* pair, *Patrik Hay* in *Over Ardinakhorne*; and certane vtheris pair complices, specefeit in pe saidis Lettres, for pe crymes and cauffis pairin containit; quhilkis ar dewlie execute and indorsat vpoun pe foirnameit perfounes, and pay pairby fummond to compeir before the Justice generall and his deputes in pe Tolbuith of *Edinburgh*, the nynt day of *August* instant, in pe hour of caus; lykeas I am reddie to persew the saidis lettres. NEURYELES, as I am informit, *Ludouik Duik* of *Lennox*, att pe instigation and perswasoun of pe said parteis, intendis to vse and produce ane pretendit Commissioun of *Lietenandrie* within pe boundis of pe North, and be vertew pairof, to repledge the saidis personis fra the said Justice generall and his deputis to his jurisdictionne and Court of *Justiciare*, to pe grit hinderance of Justice; albeit, the said pretendit Commissiounne aucht nawayis to impeid nor slay justice, to be ministrat to all his Maiesteis lieges, be pe Justice generall and his deputis; the samin being grantit *cumulatiue*, and nocht *priuatiue*: Lykeas, I am nocht liabill to persew justice aganis the foirnameit perfounes in pe North pairtis of pis realme, in respect of pe grit multitude of my parteis, and pat pe Laird of *Balquhan*, *Lieutenentis* depute, is sifter and bræir bairn with pe said *Patrik Con* of *Auchry*, ane of pe cheif committeris of pe crymis contenit in pe saidis Lettres. QUHILK being considerit be his Maieftie, his lienes hes directit his Warrant to pe Justice generall and his deputis, to proceid and minister justice in pe said mater to ws parteis, nochtwithstanding pe said pretendit Commissioun: As pe samin, subseryuit be his Maieftie, heir present to schaw, beris. NOCHTYELES, pe said Justice generall and his deputis refusis to obey pe samin, without pay be compellit. Befeikand heirfore 3our ll., pat I may haif command to ane maser or vthir officiar of armes, to pass and charge pe said Justice generall and his deputis, to proceid and minister justice in pe said mater to ws bayth parteis, as accordis of pe law, nochtwithstanding of pe said pretendit Commissioun of *Lieutenandrie* or *Justiciarie*, grantit to pe said *Duik* of *Lennox*; or ony vthir Commissioun, Letter or previe charge, purebest, or to be purchest att his Maiesteis handis, in hinderance of justice; and 3our ll. anfuere.

(Sic subscribitur)

H. BIKARTOUNE.

(Sic deliberatur) APUD EDINBURGH, nono Augusti, anno lxxxvj, Fiat vt petitur.

(Sic subscribitur) BLANTYRE, M. J. LYNDASAY, Clericus Registri.

Compeirit M^r *Thomas Rollok*, procuratour for the *Duik*, and produceit ane Commissiounne granted to his lordschip be his Maieftie, of the tennour and contentis thairin contenit, of the dait, at *Abirdene*, the aucht day of *November* 1594; with ane Act of Secreit Counfall ratifeing the samin, of the dait, in *December* I^mV^clxxxiiiij yeiris; with lettres directit fra the Kingis Maieftie and Lordis of Secreit Counfall, of the dait in *March* lastwes, discharginge the Justice and Aduocat to pro-

¹ Vid. Trial of Barclay of Towie, (viz. Tollie or Tolly,) Jul. 29, 1596.

ceid aganis quhatfumeuir perfonis dnelland within the boundis contenit in the Dukis Commiffioun, within the quhilk the faidis haill perfonis callit to this day, for the taking of the Laird of Ludquhairne, dnell: And lykewayis tuik instrumentis, that the Justice wes difchargeit to proceed in the faid mater be James Lowrie, meffinger; and that for all of the faidis parteis: And allegeit, that the Justice could nawyis proceed, in refpect of the writtis and difcharge aboue mentionat, nochtwithftanding the Kingis Maiefteis previe delyuerance, authorifit be the Lordis of Sefsioun, quhilkis ar nocht of that ftrenth and effect as to tak away the ftrenth and effect of the writtes aboue fpecifeit. The advocat anfuerit, that the faid alledgeance aucht to be repellit, nochtwithftanding the writtis produceit, quhairvpoun the famin is foundit; in refpect of the Kingis Maiefteis expres Warrant in the contrar, togidder with the delyuerance of the Lordis of Counfall, alreddie produceit be the perfewaris, and of the Judgis notorietie that the Dukis Commiffioun is difchargeit and renunceit; lykeas the Warrantis produceit be the perfewaris tendis to the doing of Justice, and the vtheris Warrantis, produceit be the faid Mr Thomas Rollok, to the delay and hinderance of justice; and thairfore aucht nawyis to be refpectit, and the Judge aucht to proceed and minifter justice nochtwithftanding thair of.

It is forder allegeit that the Judge can nocht vnlaw the parteis nor thair cautioneris this day, in refpect thay ar *in bona fide* and mycht juftlie hyde away; this, in refpect of the Commiffioun and Lettres of Difcharge publictlic grantit, and the previe Warrant and delyuerance nather intimat nor declarit to thame, thare wes na neeffitie to thame to compeir, nor thay can nocht be put thairby *in mala fide*.—The Advocat anfweris, the alledgeance aucht to be repellit, as nawyis compitent to the proponer, bot onlie to the parteis abfent, quhais contumacie aucht to be pwneift for thair nocht compeirance.

THE Justice ffindis proces, and ordanis the cautioneris fand for thair compeirance this day to be vnlawit, &c.

The cautioneris are accordingly amerciati as follows: for Patrik Con of Auchry, fyve hundreth markis; for Alex^r Hay in Nether Ardnakhorn, ij^c markis; for Alex^r Hay fone to vmq^{le} Andro Erll of Erroll, ij^c markis; and the remainder, in j^c markis each.—And that ‘the principall perfonnes nocht comperand to be denunceit rebels and put to the horne, and all thair movabill gudis to be efcheit and inbrocht to our fouerane lordis vfe, as fugitives fra the lawes for the crymes aboue writtin.’—Continued to the Air of ‘Aberdene, tertio Itineris, xv dierum.’

Theft—Spuilzie.

Aug. 12.—HENRY WALKER in Elrig and seven others.

Dilatit for airt and pairt of the taking of Niniane Thomfoune feruitour for

the tyme to Gylbert Pennycuick, brothir to the Laird of Pennycuick; and for that (he) thifteouslie stail, concealit and away tuik fra him sax hundreth markes money, ane pair of reid silk schankis,¹ thre pair of worfet schankis, twa pair of stemming fokis,² aucht farkis, xij ruffis of camrige and lanie,³ ane pair of mwles,⁴ ane pair of pantounis,⁵ twa pair of marrekynne schone;⁶ committ the secunde day of Nouember 1585.

The persounis on pannell desyrit the said Gylbert Pennycuick to gif his ayth *de calumnia*, quhidder he hes guid caus to persew the dittay or nocht. The said Gylbert ansuerit, that he had guid caus, as he wes informit. Thaireftir the said Gylbert declarit vpoun his knowledge, so far as he kennis, thay wer thair.—Thaireftir it wes alledgeit be the pannell that na partie, vpoun information, can be had to persew in Criminall caussis, and speciallie in the actioun of Thift; seing Gylbert Pennycuick was nocht actuallie thair him selff, bot the guidis and geir alledgeit spuilzeit and stollin wes tane fra his fernand, callit Ninian Thomfoun, as the lybill beris; quha presentlie nather comperis be him selff nor his procuratour to persew.

‘THE Justice thaireftir desertit the matir.’

Murder.

Sept. 17.—JOHNE CAMPBELL of Arkinglase.

Dilatit of airt and pairt of the crewall murthour and slauchteris of vni^{le} Sir Johnne Campbell of Calder knycht, committit in Februar 1591; and vni^{le} . . . M^{inturner} wechman (watchman) of the place of Taneftrie, (seruitour to Duncan Campbell of Innerlewir.)

The Justice-depute produceit ane Warrant, subscryuit be his Maiestie; quhair-of the tennour followis.

REX,

JUSTICE, Justice Clark and your deputis. It is our will, and We command you, pat ye sit and proceid in þe criminall Lettres rasit att our instance and att þe instance of our aduocattis aganis Johnne Campbell of Arkinglas, according to þe tennour of þe Lettres rasit pairanent; keband þir presentis for your Warrant. Subscryuit with our hand, at Dunfermling, the xvj of September 1596.

(Sic subseribitur)

JAMES R.

The Aduocat produceit ane vther Warrant, direct fra his Maiestie to him, quhair-of the tennour followis.

REX,

ADUOCATTIS, or ony ane of you; It is our will, and We command you, that ye persew and

¹ Stockings. ² Tamine or taming, Fr. *estamine*, Lat. *stamen*; viz. socks made from prepared flax. ³ Cambrick and lawn. ⁴ Slippers, usually made of velvet. ⁵ A sort of slipper, or more probably pattens, being a sort of *elug* having wooden soles, with latches to tie; they were formerly much worn by people of all ranks in Edinburgh. ⁶ Shoes made of marekin, (Fr. *marroquin*;) or dressed goatskin. This case is quoted, chiefly on account of this enumeration of apparel.

follow furth the lettres raft att our inflance and 3ouris aganis Johnne Campbell of Arkinglas, and perfew him according to pe tennour of pe lettres, as 3e will anfuer to ws vpoune 3our office; kepand þir prefentis for 3our warrand. Subferyuit with our hand, att Dunfermling, pe xvi day of September 1596.

(Sic fabferibitur)

JAMES R.

The faid Laird of Arkinglas takis instrumētis of his comperance, and proteffit that the Laird of Arncapill his cautioner be fred; as lykwyis proteffit for Alexander Bifchop of Brechin, Sir James Edmeftoun of Duntreith knycht, Alex^r Meinzeis of Weyme, Sir James Skrymgeour of Didvp knycht, Awla M^ccalley of Arncapill, Colene Campbell of Blairnerne and George Balfour of M^ccormaftoune, quha become actit cautionaris and fourteis for the faid Johnne Campbell of Arkinglas, vnder the pane of fourtie thowfand pvdīs, that he fould compeir before the Juftice or his deputis, the thryd day of the nixt Juftice-air of the Sherefdomē qubair he duellis, or foner vpoun fyftene dayes wairning and vndirly the law for airt and pairt, red and counfall of the flauchter and murthouris of vmq^{le} Sir Johnne Campbell of Calder knycht, and vmq^{le} M^cinturner; that thay and ewerie ane of thame fould be frie and relewit of the faid cautionarie, in refpect of the faid Johnne Campbell of Arkinglas comperance this day, being lauchfullie fummond att the inflance of the Kingis aduocattis, to vnderly the law for the faidis flauchteris; and the hail parteis being dewlie and lauchfullie wairnit to haif comperit this day and place, to haif infistit in perfuit of him, for the faidis flauchteris.

PERSEWAR, Mr Wm. Hairl, aduocat.

PRELOQUITOUR for Arkinglas, Mr Alex. King.

The Juftice continewis the mater to the morne that the King may be fpokin in this mater.

(Sep. 18.)—Continued to the xxij of Sep. ‘Plegio, Domino Arncapill.’

(Sep. 23.)—The famin day, comperit Johnne Campbell of Arkinglas, and offerit him reddie to abyde the tryall of the law, for the alledgeit airt and pairt of the flauchter of vmq^{le} Sir Johnne Campbell, &c.; and proteffit for releif of the Laird of M^ccawley, his cautioner.

The Juftice, in refpect name of the kingis aduocattis comperit to perfew him, Defertit the dyet, and ordenit the cautioner of the faid Laird of Arkinglas to be releuit.

Slaughter.

Oct. 14.—JOHNNE MAISTER OF ORKNAY.

Comperit James Merfer as brother to vmq^{le} Hary Colville Parfoun of Vrquhart, and produceit our fouerane lordis Lettres, dewlie execute and indorfat and perfewing thairof, purchest be him felff, to tak fouertie of Johnne Stewart Maister of Orknay, that he fould haif comperit this day and place, in the hour of caus, and vndirly the law for the alledgeit airt and pairt of the flauchter of the

faid vinq^{le} Hary Colvile; quhairvpoun he askit instrumentis, and proteffit for releif, (that) Alexander Maister of Elphinstoune, cautioner for reporting and perfwewing of the faid Lettres be relewit.

The faid James Merfer tuik instrumentis, that the Maister of Orknay comperit nocht; & proteffit for proces aganis him & his cautioneris, feing the hour is past.

Mr Thomas Nicolfoun comperit, and allegeit na proces fould be deducit aganis the Maister of Orknay and his cautioneris, feing the King and Counfall hes ordenit the mater to be continewit; and that he offerit cautionne for the entrie of the faid M^r of Orknay the morne. The faid Mr James Mercer allegeis, that thair wes na ordinance produceit of continewatioune; and that na cautionne aucht to be ressaunt, in respect the partie comperit nocht nor enterit.

The quhilk day, Hary Commendatour of Sanct-Colmes-Inch and Sir George Elphinstoun of Blythifwod knycht, oft tymes callit, as cautioneris and fourteis, conjunctlie and feuerallie, for Johnne Stewart M^r of Orknay, to haif enterit and presentit him before our fouerane Lordis Justice or his deputis, the saidis day and place, in the houre of caus, to haif vnderlyne the law for the dewyng and airt and pairt of the slauchter of vinq^{le} Hary Coluile seruitour to Patrick Erll of Orknay; committit be Adam Gordoune, brother to the Guidman of Auchanuaquhy, and diuerse vtheris his complices, in the moneth of Junij lastbypast; lauchfull time of day biddin and nocht enterand, the faid Johnne Master of Orknay, as faid is, the saidis Hary Stewart Commendatar of Sanct-Colmes-Inch and Sir George Elphinstoune, as cautioneris conjunctlie and feuerallie, wer vnlawit for his nocht entrie, in the panis contenit in the Actis of Parliament: Lyke as, the faid Joⁿ M^r of Orknay wes adigeit to be denunceit our fouerane lordis rebell and put to the horne; and all his movabill guidis ordenit to be escheit and inbrocht to his hienes vse, as fugitiue fra the lawis of the realme, for the faid cryme.¹

Slaughter.

Oct. 26.—SIR PATRIK BANNATYNE of Stenhoufe.

James Merfer produceit our fouerane lordis Lettres dewlie execute and indorfat, purchast be him as broder, with the kyn and freindis of vinq^{le} Hary Coluile Parfoun of Vrquhart, aganis Sir Patrik Bannatyne of Stenhoufe.

Slaughter.

Oct. 26.—WILLIAM BANNATYNE of Gairsey, and James Lokie, wryter in Edinburgh.

Dilatit of airt and pairt of the slauchter of vinq^{le} Mr Hary Coluile Parfoun of Vrquhart; committit in Junij lastbypast.

¹ On the margin, opposite this last entry, 'This Act, ordanit be his Ma^{ties} Warrant, to be extinct and deletit.'

DITTAY *againſt Williame Bannatyne of Gairfay and James Lokie.*

FORSAMEKILL as, thay, haifing confaut ane deidlie feid, rancour and malice aganis þe faid vni^{le} Hary Coluile, confultit, deuyfit and interpryfit his crewall flaechter, with Johnne Stewart, brother german to Patrik Erll of Orknay, Adame Gordoune, and diuers vtheris pair complices: Lyke as, the faid Adame, accompaneit with Alex^r Dunbar of and Thomas Tweddell feruitour to þe faid W^m Bannatyne of Gairfay in Orknay, and dinerse vtheris pair complices, to the nowmer of xxx perfounes or þairbye, all bodin in feir of weir, in þe moneth of Junij laſtbypaſt, ſchippit in ane ſehip of Dyfart, at Muntrois, and faillit to Orknay; quhair þe faid Thomas Tweddell paſt aſchoir, to þe faid Williame Bannatynis hous of Gairfay, brocht furth of þe faid hous victuallis and mwnitioune, with þe quhilk he furneiſt þe faid ſehip, and pairefter faillit to zetland to Burwick and paſt over land to Neip in Neſtrig, quhair þe faid vni^{le} Hary was for þe tyme, doand þe faid Patrik Erle of Orknay, his maiſteris lefull eſſairis and buſſines, traifing na ewill, harme, iniurie or perſuit of ony perſonis, but to haif lewit vnder Godis peax and our ſouerane lordis; and þairvpoun, the tuelt day of Julij laſtbypaſt, the faidis perfounes maiſt ſehamefullie, crewallie and vmerciſullie ſlew the faid vni^{le} Hary Coluile; and thay and ilk ane of þame were airt and pairt þairof; the ſamin being committit of þe ſpecial cauſing, dewyſing, counſaling, hyring, conduceing, command, aſſiſtance and ratehabitoune of þe faidis Williame Bannatyne and James Lokie: Lykeas, the faid W^m Bannatyne of Gairfay, directit the faid Thomas Tuaddell, his ſeruitour, to his place of Gairfay in Orknay, quha eſtir coming to þe faid place, brocht out munitionn and victuallis to furneis him ſelf and remanent perfounis, committeris of þe faid flaechter: Committit vpoun ſett purpois, proviſioun, foirthocht fellony, in hie and maniſeſt contemp-tioune of our ſouerane lordis authoritie and lawis, in ewill exampill, &c.

PERSEWARIS.

James Merſer as brother, James Coluile, brother to the Laird of Cleiſch, Mr Jeremie Lyndefay.

PRELOQUITOURIS for the pannell.

Mr Thomas Bellenden, The Gudeman of Leſ . . . , Mr Johnne Nicolſoune, Mr Thomas Nicolſoune.

The Pannell askis instrumentis of thair compearance, and proteſtit that thair cautionaris (be releuit.)

The pannell alledgis, that the Lettres of Hoirning ar ewill execute aganis W^m Bannatyne and James Lokie, and ar null in the ſelf; becauſe the defenderis, long before the chairge and executionis thairof, and be the ſpace of ane half yeir preceding the cryme committit, had thair duelling place in Edinburgh, and hes maid thair reſidence thair continewallie ſenſyne; ſwa that the faidis chargeis and executionnis, being maid in Orknay, and nocht cumming to thair knowledge, ar altogidder ineffectuall; as alſo the faid denunciatoune is null, nocht only for the cauſ foirfaid, bot alſo becauſe the faidis defendaris had fund cautionn, actit in the buikis of Adionnall, before the faid pretendit denunciatoune: In reſpect quhair-of, thay are wranguillie demunceit for nocht finding of cautionne. The perſewaris alledgis, that the letters of (are) lauchfullie execute, in reſpect thay are execute att thair duelling hous.

THE Justice findes the Letters of Hoirning null, in reſpect the cautionne wes fund lang befor the denunciatoune, &c.

The perſewaris produceis the Depoſitiounis of Gylbert Pacock and Williame Stewart, quhair thay deponit aganis William Bannatyne; togidder with ane

Band, subferyuit, betuix Adam Gordoune, W^m Bannatyne and Thomas Tueddell on the ane pairt, and James Lokie on the vther.

The perfounes (on pannell) takis instrumentis, that thair is na thing produceit for verificatioun of the Dittay, except the Band produceit, alledgeit subferyuit be the pannell, Adam Gordoun, Thomas Tueddell and the Maister of Orknay; and the alledgeit Depositionis of vniq^le Williame Stewart and Gylbert Pacok: And anfueraud to the pretendit Dittay, and verificatioun thairof, produceit; alledgeis, that the said Dittay is na wyis of veritie, nor zit is the famin ony wyis verefeit be the writtis produceit; speciallie, seing the Dittay is sett down with thir circumstances, that the pannell wes airt and pairt of the said slauchter, the famin being committit of thair speciall causing, dewyfyng, consulting, hyring, condeucing, command, assistance and rathabitoun, and that the said Williame Bannatyne directit the said Thomas Tueddell, his seruitour, to his place of Gairfay in Orknay; quhilkis ar the substanciall pointis of the Dittay, and as thay ar sett down conjunctlie in the famin; sa all the saidis substanciall pairtis and everie ane of thame aucht to be cleirly verefeit and provin, speciallie in respect that in all actiounis criminall, *probationes debent esse luce meridiana clariores. L.ultima C. de Probationibus.* And as to the pretendit assertioun, contenit in the lybell and in the Dittay, bering that Thomas Tueddell wes seruitour to Williame Bannatyne, the contrar thairof is of veritie; ffor it is notourly knawin that he wes ane officiar of armes, haifing his awin hous, wyffe and famelie; and the Band produceit preifis manifestlie the assertioun of the said persewar, in safar as it proportis, that the said Thomas Tueddell wes ane speciall contraker for him selff, alyke principall with all the rest of the perfounis contenit in the Band; quhairas, gif he had bene the said Williame Bannatynes seruand, it is nocht probable that the Maister of Orknay wald haif contractit or bandit with ony of the said Williamis seruandis, the said Williame Bannatyne being bund to serue him be the said Band; swa that quabatsfumenir deid alledgeit to haif bene done be the said Thomas Tueddell, can nawyis tuich the said Williame, and thairfore aucht nawyis be respectit be the Inqueist: And as to the pretendit Depositionis of Williame Stewart and Gylbert Pacok, the famin makis na thing to the purpois, and can preif na thing, aganis ony of the pannell, ffor diuerse cauffis: *First*, becaus thair Confessiounis, maid extrajudiciallie, merite na fayth; nather authorisit be the Justice (or) Justice-Clarkis subscriptione, nor yit done in thair presens: *Secundlie*, becaus thay ar extortit Confessiounis be the defunctis freindis, and maid in presens of the Erll of Orknay, quha schew him selff partie in that cause, att quhais appitite and desyre the famin wer maid; as the Depositionis beris the famin to be maid, in his presens: *Thrydlie*, the saidis Depositionis ar maid be tua perfounes that ar giltie of the said cryme, and wes actuall committeris

of the said slauchter, quhilk can nawyis prejudge ony thryd partie; feing it is manifest, bayth of the Cannoune and Ciuile law, that *socius criminis*, and he that is giltie of the samyn cryme, can nocht be witnes aganis ony thryd persoun, and his Depositioun can nawyis be preiudiciall to him: This is expresse decydit in Cap., *Veniens*; et in Capitulo, *Personas de testibus*; et in Capitulo, *Primo de confessis*; quhair the text, and the glose, and all the Doctouris contendes, *Quod nulli de se confesso credendum est contra alios, excepto Crimine Lese maiestatis; et quod confessio contentis de se et crimine, si non est aduersus alios, admittenda*. This famin is decydit in L. finali, C. de *Accusationibus*, quhair the law iuhibitis expresse all Judges, to speir ony questiounis att sic persounes as confessis the crymis thame selfis, quhilk may preiudge onye thryd persoune; and declaris all sic Depositiounis that ar maid be giltie persounis, and that hes tane the cryme vpoun thame, to be irrite and of nane availl, insofar as thay may be preiudiciall to ony thryd persoune: *Ferdlie*, becaus the saidis Depositiounis contenis na substantiall point aganis ony of the pannell; for it is newir deponit, in ony of thame, aganis ony of the pannell, that thay wer actual doaris, consultaris, committeris or dewyferis of the said deid; bot ar naikit assertiounis of the reherfall of vthir men, quhilk can preiff na thing in ane ciuile caus, mekill less in ane criminall; and thair is na thing contentit in any of the saidis Depositiounis quhilk preiffis that point of the Dittay, that Williame Bannatyne directit Thomas Tueddell to the doing of the turne, quhilk is the maist substantiall point of the Dittay aganis him; and that point nocht being provin, thair is na wound nor deid alledgeit committit be the said Thomas Tueddell, quhilk may infer ony preiudice to the said Williame: for it can nocht be verifeit, nather is itt of veritie that he wes his seruitour att the tyme lybellit, nor ane zeir of before; and gewand and nocht grantand that he had bene his seruand, yit the maister can nocht be obleift for the fact and deid of his seruand, except his causing and directioun had bene clerlie provin; for, according to the commoun rewle of the law, that ane fould nocht be pvneift for ane vthir, it is cleir and manifest, that the maister can nocht be obleift for the faultis of his seruandis, nor the father for the faultis of his sonis, bot the contrar; as is playnlie diffydit in Bartol. in L. *Ne quidem ff. de Incendio, ruina et naufragio*, and be all the Doctouris in L. *de Seruis ffugitiuis*; quhair it is expresse concludit, that the fault of the seruandis or subiectis, aucht nawyis to be hurtfull to thair maister: And as to that pairt of the Depositioun, bering, that Mr Archebald Wilkie said to ane of the deponeris, that ‘ Williame Bannatyne wes the wyte of all the Maister of Orknayis plattis laying,’ the contrar thairof is of veritie, and falbe cleirly provin be the said Mr, and Depositioun, gif neid beis: In respect quhair of, the saidis pretendit Depositioun can work na thing aganis the pannell. And as to the Band

produceit, the famin can preiff na part of the Dittay ; for thair is na mentiounne maid of any sic interpryis in the said Band ; bot the famin is ane naikit and generall Band, of the said Williame and James service to the Maister of Orkuay, and of his maintenance and defence ; quhilk is maist lesum of the law, and contenis na kynd of probatioun nor presumptioun aganis the pannell, or ony of thame ; speciallie, seing that the said Band wes maid for ane just necessar caus, viz. ffor reconciliatioun of the deidlie feid, quhilk had continewit ane lang tyme of before, betuix the Maister of Orkuay and thame ; and thairvpoun, had followit grit effusioun of thair blude, as is notour to the haill toune of Edinburgh ; quhair the said Maister of Orknay diuerse tymes assailzeit the said Williame Bannatyne, and wes woundit, with twa or thre of his seruandis ; and the notorietie heirof is kuawin to the persewar, quha wes reddie with him, att diuerse tymis, to haif resistit the Maister of Orknay and his furie : In respect quhairof, the said Williame, being ane meane gentilman, and haifing to do with sa potent ane aduerfar as the Maister of Orknay, had maist just caus to bind vp the stratest band of freindschip with the said Maister of Orknay, 3e (*yea*), and (*if*) it wer to feill it with his awin blude, for his releif ; and sic ane generall Band of freindschip, can newir mak nor couviet all the persounis contenit thairin, of all the deidis and malifices that sal happin to be committit be ony ane persoun contenit in the Band : And thairfoir, albeit all the rest of the persones contenit in the Band, except the pannell, had bene committeris of the deid lybellit, yit that can nawyise mak the pannell to be giltie thairof, seing thay wer nather airt nor pairt of the famin.

The persewar, for ansuer, desyrit the Assyise to merk the Depositionis and the Band produceit ; and protestit for wilfull errour, in caise thay acquit.

VERDICT. The Assyise, be pluralitie of votis, chude Andro Rychartfoune (merchand), burges of Edinburgh, Chancillar, and thairefter reasonit vpoun the pointis of the Dittay ; and being throwehlie awyfit thairwith, together with the Depositionis and Band produceit, and ansueris maid thairto, &c. fand, pronun- ceit and declarit the saidis Williame Bannatyne and James Lokie to be Innocent, cleane and acquit of the haill crymes aboue writtin, contenit in Dittay : Quhair- vpoun thay askit instrumentis.

NOTA.—James Merfer tuik vp the Depositionis and Band produceit be him.

Slaughter by Witchcraft and Sorcery.

Oct. 30.—ALESOUNE JOLLIE, spous to Robert Rae in Fala.

Dilatit of the alledgeit airt and pairt of the slauehter of vmq^{le} Iffobell Hepburne, spous to Johnne Edmestoun in Fala, be Wichcraft and Sorcerie ; com- mittit in the monethis of Apryle and Maij, 1596.

PERSEWAR, Mr Williame Hairt, aduocat.

PROLOQUOTOUR for the pannell, Mr Thomas Craig.

Comperit the Aduocat, and produceit Lettres of Secreit Counfall, of the dait the fyft of October instant; commanding the (Justice), Justice-clark and thair deputis, to sett ane Court to this (day), and to caus summond ane Assyse to Alesoun Jollie, for the cauffis of Wichcraft contenit in the lettres; commanding also, Johne Edmestoun and James Hepburne in Bancreif, apprehenderis and dilataris of the said Alesoun, to compeir to infist in the perfuit, conforme to thair delatioune, execute be Williame Porteous messinger; commanding also the Aduocat, to infist in perfuit of the said Alesoun, the said day. Be vertew quhairof, the saidis Johne Edmestoun and James Hepburne are lauchfullie wairnit, to compeir and infist in the perfuit of the said Alesoun. And siclyke, produceit vthiris Lettres, purchest at the Aduocattis instance, for chairgeing of the saidis Johne Edmestoun and James Hepburne, to compeir and infist in perfuit of the said Alesoun, and for summondng of ane Assyse, execute be the said Williame Porteous; and thairwith produceit ane Dittay.

The Justice depute produceit ane Warrant, subseryuit be the King, att Lynlythgw the xiiij of October instant, commanding him to putt the said Alesoun to the tryell of ane Assyse, for the crymes contenit in the Dittay.

The Pannell askis instrumentis of the productione of the saidis Lettres, with the executiounis thairof, and that the said Johne Edmestoun and James Hepburne, being lauchfullie summond, oft tymes callit, lauchfull tyme of day biddin and comperit nocht, in respect thay know the danger of the law: And als, the said Alesoun offerit hir to the tryell of the law, but ony delay or continewatioune.—The aduocat, efter accusatioune of the said Alesoune, produceit ane Confessioune maid be vmq^{le} Jonet Stratoune, ane Wich, of the dait, att Tranent, the tent of September lastbypast; quhairby scho confest, that Alesoun Jollie had caufit hir bewich the said vmq^{le} Iffobell Hepburne.

The Assyse chuse Sir James Newtoun (in Crichtoune) Chancillar of the Assyse.

DITTAY of Alesoun Jollie for Sorcery, Witchcraft, Incantation, Poisoning, &c.

ALESOUN JOLLIE, spous to Robert Rae in Fala; 5e ar indict and accusit, fforfamekill as, 3e, haifing confaut ane deidlic haitrent, rancour and malice aganis vmq^{le} Iffobell Hepburne, spous for the tyme to Johne Edmestoun in Fala, for the alledgeit redeming of ane aiker of land fra the said Robert Rae and 5ow; quhairin 3e wes in possessioun be the space of twa 5eiris or thairby; 5e, accompaneit with vmq^{le} Jonet Stratoune, ane notorious Wich, consultit, dewysit and interprysit, within 5our awin duelling-hous in Fala, and within the said vmq^{le} Jonettis duelling-hous in Hefildane, in Lauderdaill, the crewall and abhominabill murthour and slaughter of the said vmq^{le} Iffobell Hepburne; and that, in the monethis of August, September, October, Nouember, December, Januar, Februar and March, in the 5eir of God I^o.V^o.lxxxv 5eiris, att the leif in ane or vthir of the saidis monethis: Lyke as, 5e hyrit, conduceit and seduceit the said vmq^{le} Jonet Stratoune, to performe the said crewall murthour

and slauchter of the said vmq^{le} Iffobell; quha, in the saidis monethis and 3eiris of God foirfaidis, att the leift in ane or vthir of the famin, of 3our airt, pairt-taking, consulting and only quarrelling, be Sorcerie, Wichcraft, Incantatioune, Poyfoning, or vther dewelisch or extraordinar meanis, laid ane heavie feiknes vpoun the said vmq^{le} Iffobell Hepburne, quhair of sche deceiffit in the moneth of Maij, the 3eir of God 1^m.V^c.lxxxv 3eiris; and swa, wes crewallie mordreit and flayne be 3ow and the said vmq^{le} Jonet Stratoun, be Wichcraft and Sorcerie, vpoun set purpois, provisioune and foirthocht felony.

Off the quhilk Dittay and crymes foirfaidis, the Justice-depute putt the said Alefoun to the tryell of ane Assyis of the perfounes vnderwrittin; that is to say, James Veitch, in Dalkeyth, &c.—The said Alefoun denyit the famin.

VERDICT. The Assyse, be the mouth of the said Chancillar, fstand, pronunceit and declarit the said Alefoun to be Innocent, acquit and clangeit of the hail crymes aboue writtin: Quhairvpoun the said Alefoun askit instrumentis.

Slaughter.

Nov. 4.—JOHNE BOYD, burges of Edinburghe.

Dilatit of the slauchter of vmq^{le} Jonet Lyell, spous to Williame Stewinfoune; committit in December last-was.

PERSEWAR, Williame Stewinfoune mariner in Leith.

PRELOQUITOURIS, in perfuit, Mr Rychard Spens, Walter Henryfoune.

Comperit Williame Scharp, and desyrit to continew the mater, becaus that Williame Stewinfoune and he ar hurt; that he may haif place heireftir to persew.

DITTAY of *Johnne Boyd burges of Edinburgh.*

FORSAMEKILL as, he, haifing confaut ane deidlie rancour and malice aganis vmq^{le} Jonet Lyle, spous to Williame Stewinfoun mariner in Leyth; in je moneth of December lastbypast, come to je toun of Leyth, to je said Jonetis duelling hous pair; and estir he had intysitt hir to pas furth of hir said hous and by (buy) ane half barrell of inzeounis¹ to je said Johnne Boyd, he remanit within hir said hous, past to je almerie,² quhair scho had certane meill;³ in je quhilk meill, he mixt certane poyfoune, of purpois to poyfoun and destroy hir; quha the famin nycht, buik⁴ the meill in bannokis (and) eit pairof; estir je quhilk eitting sche tuik ane vehement vometing and laxatt, and je famin nycht deceiffit pair-by: And swa, he mait crewallie, tressonable, vnnaturallie and barbaroullie slew and mordreit the said vmq^{le} Jonet Lyle, vpoun sett purpois, provisioun and foirthocht felony.

VERDICT. The Assyis chesis Williame Rae (elder, cuitlar in Edinburgh) chancillar; and, in ane voce, Acquittis the said Johnne Boyd of the Dittay vnder (aboue) writtin.

Slaughter by Witchcraft and Sorcery.

Nov. 27.—CRISTIAN STEWART in Nokwalter.

Dilatit of airt and pairt of the slauchter of vmq^{le} Patrik Ruthvene, be Wichcraft and Sorcerie.

¹ Onions. ² Cupboard, she having been too poor to have a 'meal-girnel.' ³ Oatmeal. ⁴ Baked.

PERSEWARIS, Alexander Ruthvene, brother to the defunct, Mr W^m Hairt, Kingis advocate.

The quhilk day, eftir accufatioun of the faid Cristian Stewart in Nokwalter, be Dittay, in prefens of Walter Robefoun and vtheris perfounis of Affyis, of airt and pairt of the flauchter of vmq^{le} Patrik Ruthven be Witchcraft; the faid Alex^r Ruthven, for verifeing of the faid Dittay produceit the Depofitiounis of the faid Cristiane, maid att the burcht of Perth, in my Lord of Gowreis ludgeing thair, the xvij of Auguft 1596, in prefens of Mr Patrik Galloway minifter, Mr Williame Couper minifter att Perth, Archebald Monereif minifter, Mr Alexander Lyndefay and Thomas Gaw notar: Togidder with the Depofitiounes of the faid Cristian, maid in the faid ludgeing, the xix of the faid moneth of Auguft, in prefens of the faid Mr Patrik Galloway, Mr Williame Couper, Mr Williame Rynd, Johnne Roife and Henry Eldar notar; all fufcryuit with thair hand: Togidder with ane vther Depofitioun, maid in the ludgeing foirfaid, the xxj day of the faid moneth of Auguft: Togidder with ane vther Depofitioun, maid be the faid Cristiane Stewart, maid att Edinburgh the xij of September 1596, in prefens of Mr Robert Bruce minifter of Godis word in Edinburgh, Clement Con ane of the bailleis thairof, Mr Gylbert Monereif doctor of medicine, fufcryuit with thair handis; testifeing hir, to haif tane ane clout fra Ifobell Stewart, to bewich the faid vmq^{le} Patrik: Togidder with ane Declaratioun of the dait att the day of, 1596, fufcryuit be Sir George Hwme and Williame Stewart, testifeing that the faid Cristian Stewart deponit in September lafbypaft, in Lynlythgw, in prefens of his Maieftie, that fche bewichit the faid vmq^{le} Patrik.

VERDICT. The Affyis, being chofin, fwrone and admittit, remowit furth of Court to the north end of the Tolbuith, quhair eftir cheeking of Michael Ratt-ray in Pittindyne chancillar, reafonit vpon the poynt of the faid Dittay; and being throuchlie auifit thairwith, reenterit agane in Court, quhair thay, be the mouth of the faid Chancillar, fand the faid Cristiane Stewart to be Fylit, culpabill and convict of the bewiching of vmq^{le} Patrick Ruthvene, be casting of Wichcraft vponne him with ane blak clout: And for airt and pairt of the flauchter of the faid vmq^{le} Patrik; committit in Junij laft: And for commoun Wichcraft.

SENTENCE. For the quhilk crime, fche wes ordenit to be tane to the Cattlehill and thair to be brunt.¹

¹ On margin of the Record, 'FYLIT and BRUNT.'

UNIVERSIT

This book is D

University of California
SOUTHERN REGIONAL LIBRARY FACILITY
405 Hilgard Avenue, Los Angeles, CA 90024-1388
Return this material to the library
from which it was borrowed.

NO PI-

STAC

OCTAL

ASUAL

RECIT

REC

REC

REC

S

JA

AI

UCLA LAW LIBRARY,

MAR 28 1996

I.L.L.

~~NON-REMOVABLE~~

JUL 05 2005

DUE 2 WKS FROM DATE RECEIVED

ZU-AS

JCLA ACCESS SERVICES

Interlibrary Loan

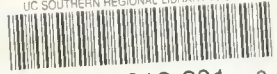
11630 University Research Library

Box 951575

Los Angeles, CA 90095 1575

3 1158 01140 1750

UC SOUTHERN REGIONAL LIBRARY FACILITY



D 000 012 201 0



D
0
0
0
0
1
2
2
0
2
8



UC SOUTHERN REGIONAL LIBRARY FACILITY

nia

of Talmy's letters
Book I

I. Honorable for my duty at present... please note...
of July 1600
Talmy to the collector
under the seal

III.

and better of your note... I take note...
of July
I am very ill at present...
Talmy to the collector
under the seal

III.

Honorable for all my duty... I take note...
of July 1600
Talmy to the collector
under the seal

CRIMINAL TRIALS
IN SCOTLAND,

FROM A.D. M.CCCC.LXXXVIII TO A.D. M.DC.XXIV,

EMBRACING THE ENTIRE

REIGNS OF JAMES IV. AND V., MARY QUEEN OF SCOTS,
AND JAMES VI.

COMPILED FROM THE ORIGINAL RECORDS AND MSS.

WITH

HISTORICAL NOTES AND ILLUSTRATIONS,

BY

ROBERT PITCAIRN, ESQ.

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT. AND HON. F.S.A. PERTH, &c.

VOLUME SECOND.

EDINBURGH:

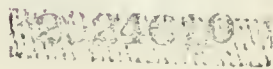
WILLIAM TAIT, PRINCE'S STREET; AND
LONGMAN, REES, ORME, BROWN, GREEN, AND LONGMAN, LONDON.

M.DCCC.XXXIII.

PRINTED AT THE BANNATYNE CLUB PRESS BY BALLANTYNE AND CO.

5
915
913
v.2

TO
THE PRESIDENTS AND MEMBERS
OF THE
BANNATYNE AND MAITLAND CLUBS,
THIS SECOND VOLUME
OF A
COLLECTION OF ANCIENT SCOTTISH CRIMINAL TRIALS,
ORIGINALLY PROJECTED BY
THEIR MUCH LAMENTED ASSOCIATE, THE LATE
SIR WALTER SCOTT, BART.,
AND COMMENCED UNDER THE PATRONAGE OF THESE DISTINGUISHED
LITERARY INSTITUTIONS
BY ONE OF THEIR NUMBER,
IS GRATEFULLY AND RESPECTFULLY DEDICATED,
BY
THE EDITOR.



CRIMINAL TRIALS
AND OTHER PROCEEDINGS BEFORE THE
HIGH COURT OF JUSTICIARY.

[*Mr James Fowlis, Justice-Depute.*]

Slaughter.

Dec. 15.—GEORGE DOWGLAS in Glaspen.

Dilatit of airt and pairt of the slauchter of vniq^{le} James Stewart of Newtoun ; committit the secund of Nouember instant.

PERSEWAR, James Stewart, eldest sone.

PRELOQUITOURIS for the pannell.

Mr Johnne Nicolfoune,	George Dowglas youngar of Langnudrie,
Mr Robert Lyntoune,	William Carmichell of Rowntrie-corfe.

The persewar askis instrumentis of the productioun of the Lettres, dewlie execute and indorfat, purchest be thame aganis James Dowglas of Torthorwell, Charles Dowglas in Anderfchaw, John Dowglas his stap-sone, Johne Tuedie in Howgait, George Inglis, and James Bannatyne thair, quhair thay ar denunceit rebellis and put to the horne. The said George Dowglas in Glaspen askis instrumentis of his comperance, and that he offeris him reddie, to vnderly the law for the slauchter of James Stewart of Newtoun.—Comperit the Kingis Aduocat and produceit ane Warrant, subferyuit be the King, ordaining the mater to continew. The pannell takis instrumentis of the offer, and desyris that the Justice minister justice in the said mater, nochtwithstanding the Kingis Warrant.

The Justice admittis the Warrant ; and ordanis the partie to fynd caution thairfoir, to the ordour.

Continued to the air of ‘ Lanark. Plegio Wilelmo Carmichell de Rowintre-corfe et Johanne Carmichell in Howgait, conjunctim.’

Witchcraft.

Dec. 16.—JONET GRAWIE.

Dilatit of certane crymis of Wichcraft.

PERSEWARIS, Effie Crummie spous to Capitan Skrymgeour, Mr Williame Hairt aduocat. The mater desert, be the laik of ane Assyse, quha wer nocht summond.

Printing a vitiated Act of Parliament.

Feb. 2, 1596-7.—ROBERT WALDEGRAIF, Prentar to his Maieftie.

The quhilk day, Robert Waldgraif, Prentar to his Maieftie, being enterit on pannell, accufit and perfewit be Mr Williame Hairt aduocat to our fouerane lord, ffor the treffonabill Imprenting of ane alledgeit Act of his hienes Parliament, as fett furth be his Maieftie and thre eftaitis of Parliament, haldin att Edinburgh the penult day of Maij 1592, intitulat, ‘ ffor þe abolifching of þe Actis concernig the Kirk ;’ and treffonablie vitiat, adulterat and alterit fra the originall Act of Parliament, rotit and agreit vpoun be his hienes and thre eftaitis in the Parliament foirfaid, contenit in the Register of his hienes Actis of Parliament, dewlie thaireftir publeifcht : ffor the quhilk treffonabill cryme (he) is wardat, to be pwneift be tinfel of lyffe, landis and guidis.

The faid Robert Waldgraif declarit, be his ayth, in prefens of God in heavin, that the faid Act of Parliament quhairvpoun he is challengeit, wes newir formit, vitiat or alterit be him, nor na vther of his knowledge ; and forder declaris, that fa far as his memorie can ferue him, quhilk is now waik, in refpect of his infirmitie and lang feiknes, that the faid Act wes fend and delyuerit to him be ane in the Clark of Registeris name, quhome he fupponis to haif bene his feruand for the tyme ; as he fal anfuer to God in the latter day : And gif ony wrang be done, in the altering of the faid Act, the famin is done be him quha brocht it to the faid Robert and without his knowledge : And forder declarit, that he had his Maiefteis Warrant, to prent all the Actis of Parliament concerning the Kirk, quhairof he tuik this to be ane : And nochttheles, infafar as his Maieftie is offendit, or fault may be imput to him in the mater, he becumis in his Maiefteis will and mercy ; declaring vpoun his faull and confcience, he newir offendit his Maieftie, in thocht, word or deid.

The Justice-depute continewit to tak the faid Robert in will, vntill he knew his Maiefteis mynd.

PERSEWAR, Mr Williame Haert aduocat.

Feb. 4.—The Aduocat produceit ane Warrant direct to the Justice, Justice Clark or his deputis, to put Robert Waldgrave to the tryell of ane Affyfe ; quhairof the tennour followis.¹

The Affyfe being fworne, the Aduocat produceit the Act of Parliament prentit be him felff, acknowledgeit be him, confest addit to the buik produceit, att the leift prentit fvntime eftir the reft : And forder produceis the extract of the rycht Act of Parliament, vnder the fubfcription of the Clark Register, far different fra the viciat and adulterat Act.

¹ Most unfortunately, this interesting document is not inserted in any part of the Record preserved. This Volume is evidently the scroll-book used in Court, from which the proper Register was afterwards extended.

The said Robert Waldgrave anfuert, that he had the Kingis Warrant for prenting of the hail Actis concerning the Kirk; and alledgeit that the Clerk of Registeris or sum (ane) brocht the said Act, in his name, to be prentit; bot he can nocht declair the manis name quha brocht it. It is anfuert be the aduocat, that gif ony Warrant be had of his Maiestie, it wes ane generall Warrant gewin to him, before he prentit the buik; bot had na Warrant to prent this Act, quhilk wes prentit eftir the prenting of the buik. The said Robert produceit ane Gift vnder the Previe feill, geving him Licence to prent the Actis of Parliament.

The Assyse, in ane voce, chuse James Skeddowie (merchand in Edinburgh) chancillar.

VERDICT. The Assyse, in ane voce, fyles the said Robert Waldgrave, for the tressonable Imprenting of ane alledgeit Act of his hienes Parliament, as sett furth be his Maiestie and thre Estaitis, in the Parliament haldin att Ed'. the penult day of Maij, the yeir of God I^m.V^c. fourfcoir and tuell yeiris, intitulat 'anent the aboleifching of the Actis contrar the libertie of the trew Kirk and aboleifching of the iurisdictionne, penultimo Maij 1592,' and tressonable viciat, adulterat and alterit fra the originall Act of Parliament, votit and agreit vpoun be his hienes and thre estatis in the Parliament foirsaid; contenit in the Register of his hienes Actis of Parliament, dewlie thaireftir publeifchit.

[CURIA JUSTICIARIE *tenta in Pretorio Ville de Leyth, xj Februarij 1596, per Magistrum Jacobum Foullis, Justiciarium Deputatum.* ASSESSOURIS, (Walter Lord Blantyre) Thesaurer,¹ (Andrew Stewart, third) Lord Ochiltre, (Sir John Skene of Curriehill) Justice Clerk,² (Sir John Cockburn of Ormiston) Clerk of Register,³ Sir Robert Meluill.⁴]

Treason—Convocation of an unlawful Assembly, &c.

Feb. 11.—ROBERT HAMMILTOUNE of Inchmauchan, Williame Kirkaldy of Grange, Sir James Edmestoun of Duntraith, elder, Edmestoun younger of Duntraith,⁵ and [James] Lokart of Leis, eldar.

Dilaitit of certane tressounabill crymes, committit be thame the xvij and xvijj dayis of December (lastwas,) aganis his Maiestie and his Counsalouris.

PERSEWARIS,

Mr Thomas Hammiltoune of Drumcairne, aduocate, Mr Williame Hairt of Levelandis, aduocate.

PRELOCUTOURIS for Robert Hammiltoune,

Mr T. Craig and Mr Johnne Nicolfoune, Mr Johnne Ruffell, Mr Alex. King, Mr Johnne Dempstar.

¹ He was also one of the Extraordinary Lords of Session. Ordinary Lords of Session.

² Lord Curriehill, also one of the Ordinary Lords of Session.

³ Lord Ormiston, one of the Ordinary Lords of Session.

⁴ Of Murdocairnie, one of the Extraordinary Lords of Session.

⁵ 'Delait, in respect of the Thesauraris declaratioun he was nocht chargeit.'

The saidis Aduocatis (persewaris) producet the Dittay vnderwrittin, and siclyke producet ane Warrant, quhairof the tenmour followis.¹

Compeirit M^{rs} Thomas Craig, Alex^r King and Johnne Nicolfoun, and producet ane Warrant subferyuit be the Lordis of Sessioun, ordaining thame to compeir for the pannell; and defyrit the famin to be registrat. The said Mr Johnne Dempstar produceit ane vther Warrant, subferyuit be the saidis Lordis of Sessioun; quhilk the Judges admittit, in respect of the Act of Parliament. The said Mr Johnne Russell produceit ane vther Warrant, for James Lokhart of Ley; quhilk the Judges lykwayis admittit. Quhairvpoune the saidis procuratoris tuik instrumentis.—Mr Johnne Russell tuik instrumentis, that the Judge admitis him, for the Lairdis of Duntraith and Ley.

The Lord Ochiltrie declynis him self to be Assessor, in the persute aganis the Laird of Grange.

The pannell takis instrumentis, that the aduocat declairis he produceis ane cowmone Dittay² aganis the hail pannell.

The hail pannell adhairis to the declinatour of my Lord Ochiltrie, in respect the Dittay is cowmone.—The Kingis aduocat takis instrumentis, that Mr Thomas Craig declairis, that the grund of the argument quhilk will declyne my Lord Vchiltrie, in persute of the Laird of Grange, is foundit vpoun inimitie standing betuix the Laird of Pharnihurst and the Laird of Grange; quhilk Laird of Pharnihurst is guid-brother³ to the said Lord Vchiltrie.—The Laird of Duntraith takis instrumentis, that he propones his declinatour aganis my Lord Vchiltrie, becaus the pannell is cowmone. Declairis, gif he him self war vpoune the pannell his allane, he wald nocht declyne my Lord Vchiltrie.

It is allegit aganis the hail Assessoris, that thay can nocht be Assessoris nor Judges in this caus, becaus thay hane all gevin counsle in this caus, and hes fund this cryme to be Treffone, without citatioun of partie.—The Laird of Duntraith and Laird of Lies passe fra the alledgeance foirsaid, aganis the Assessoris and the lau⁴.—The aduocat takis instrumentis, that the pannell will nocht declyne the rest of the Assessoris for this cause, nor vse ma⁵ declinatouris.

THE Justice ordanis the Laird of Grange to be removit of pannell this day.

It is allegit be Mr Thomas Craig for the rest of the pannell, seing the Laird of Grange hes bene anes pannellit (and) anes accusit, . . . vpoune ane comynoun Dittay, as my Lord aduocat hes declairit, and that my Lord Vchiltrie hes declynit him self as Assessor to the Laird of Grange, becaus of inimitie and assist-

¹ The principal Register for this period is unfortunately lost. The Volume preserved is merely the Court Book or scroll, from which the proper Record was afterwards made up.

² One Dittay

only, common to them all, *i. e.* they were not charged upon separate Indictments.

³ Brother-in-law.

⁴ This and the preceding sentence partially deleted. The plea was retracted.

⁵ More,

or farther objections against the Assessors.

ing in deidlie feid with the Laird of Grange, betuix the Laird of Grange and Pharniherft, and as partie to the Laird of Grange, the Lord Vchiltrie can nawayis be Affeffour to the reft of the pannell, *qui priuent consimilem causam*; feing the Dittay is cowmoune, fa thair defences is cowmoune, and Interlocutour vpon the ane defence fall be Interlocutour vpon the vther: And as he him felf can nocht fit vpon the Laird of Granges land and heritage, to fit vpon the defences in his awin perfoune, fa he can nocht fit vpon the lyk defence *in consimili causa*, quhilk may prejudge the Laird of Grange; speciallie in respect, the Laird of Grange is als pannell this day, and the defens was proponit for him and the reft coniunctlie, and fund relevant in his perfoune; and to the effect that this defence fould nocht be competent to the reft of the personis pannell, he is removit of pannell this day; the quhilk letter part of this alledgeance aucht to be referrit to the Judge and Affeffouris. Quhairvponne thay tuik instrumentis.

The aduocat alledgit, the former alledgance aucht to be repellit; becaus thair is na *continentia cause* vponne this cryme, becaus euerie perfon is vponne pannell *super facto proprio et delicto personali*; lyk as the declinatour proponit aganis my Lord Vchiltrie, is only for ane personall caus of evill will betuix the Laird of Pharniherft and the Laird of Grange, quhilk is nawayis competent to the reft of the pannell: As to the circumventioun and defraud of the law, remittis to the Judge and Affeffouris quham it tuiches.—Anfueris, the grund is nocht laid be the saidis accipientis¹ vponne *continentia cause*, quhilk is *tantum in civilibus*. bot only vpon this, *qui priuent consimilem causam, et allegantium socij ejusdem criminis*. The Laird of Grange being als pannell, for this sam cryme, this day, *quando ex pacto vnus prejudicabis alteri*, quhilk is nocht lesum of the law directlie, far les in this caus, be removeing of the Laird of Grange of pannell. And quhair it is allegit, that the Judge is nocht bund to gif anfuer, it is anfuerit thairto, that quhair anie declinatour is referrit to judge, he aucht to gif ane anfuer vponne his conscience; lyke as, this pairt of the alledgeance is referrit to the Judge and Affeffouris conscience, quhither the Laird of Grange is removit af pannell purpoissie?

The Judge, with advyse of his Affeffouris, repellis the alledgeance proponit for the personis presentlie vponne pannell.—The Judge ordanis the dittay to be red to the hail pannell.

The pannell takis instrumentis, that my Lord Aduocat the first and second heidis of dittay and will perfew the reft heidis;² as also declairis, that he will infist aganis euerie ane of the pannell vponne the saidis heidis.

The aduocat declairis, that he vffis the hail speaches vterit be Mr Walter³ in

¹ Excipients.

² Record mutilated.

³ See the Trial of Walter Balcanquall.

Pulpitt, contenit in the *ffirst* article of the Dittay, as meanis vfit be him to steir vp auditouris to seditionne; quhilk the pannell hard and allowit, be pertuineing to the new Kirk, and doing the actionis, and vtering the tressonabill speiches contenit in the first Article of the said Dittay, and being airt and pairt thairrof. And forder, the Aduocattis (haldis?) thir woirdis ‘conceilling and nocht reveilling of the preiching,’ *pro deleto*; quhairvpoun the pannell takis instrumentis.—It is allegit be the pannell, that na proces (lies) aganis the pannell, becaus Mr Walter Balcanquell, quha is alledgit to be author of the Conspiracie and alledgit feditious Conventioun is nocht callit; and alledgit the practik betuix Lyndsfay of Blariefadden and the Laird of Kerfe, the Lady Boydis aduocat.—The aduocat anfuers, the alledgeance aucht to be repellit, in respect of the Dittay.¹

It is alledgit, that the Conventioun in the New Kirk is na cryme, let be² a cryme of Tressoun; becaus it is na cryme, of the Law, convening, except it be in airmes; and the Conventiounes of Sinodellis and presbytereis, and generall (Affsemblies?) ar allowit be his hienes Actis of Parliament; as alsé, of all perticuler fessionis of Kirkis.—The aduocat anfuers, the alledgeance aucht to be repellit, in respect of the Dittay.

It is forder allegit, that the Convocation is na cryme, becaus it is allowit be speciall Act of Secreit Counsaile maid in anno 1590, demanding all Erles, Lordis, Barronis, gentilmenne, frehalderis and inhabitantis of burrowis and vtheris liegis quhatfumeuir, of quhat rank degrie foeuir thay be, to convene thame felfis befor the Ministeris, be thair Missaue lettres or messingeris, at quhatfumeuir places or dayis thay fall think expedient; and thair to gif thair Confessionis of thair fayth and subscriptionis thairto, and to the Generall Band maid and subseryuit be his Maiestie and certane of the Estatis, tuching the maintenance and defence of the trew religioun, his hienes person and estait, for withstanding all forrane propagaturis, tending to the trubling thairrof, and forces tending to the trubill thairrof. And trew it is, that thair, being exhortit be the Ministeres, haveing power be the said Act to convene with thame, to the effect foirsaid, viz. for maintenance of the trew Religioun, and withstanding of the ennemeis thairrof, and na vthirwayis; nather the said Ministerie did wrang in convening, nor the pannell in convening at thair command. And forder, thair was speciall Proclamatioun execute at his Maiesteis command, vpone the ix day of December lastbypast, quhairby his hienes, with advyse of the secreit Counsaile, expresselie declairit, that his mynd and intentis was nevir to discharge ony laufull Assembleis of the Kirk estableischt be the lawis, becaus the Sessionis, bayth of the Kirk, Presbytereis, Sinodell and Generall Assembleis, and all actis laufullie maid be the Ecclesiasticall Judge-

¹ (On the margin,) ‘Repellis the alledgeance.’

² Not to mention.

mentis, and als the hering of the word, fall stand and be yet as of befoir, ratefeing and approveand the samin; and declairing, that it was nevir his Maiesteis mynd nor intention to impung or preiudge the samin, in ony foirt; and declairing all vtheris Proclamatiounes and vnlawfull convocatiounes, maid in airnes, to be dischargit. And his will is, that the said conventioun was onlie maid to the effect foirsaid, without all armour, and in sober maner, and was maist lauchfull in itselff, and was dissoluit be the pannall without airmour: And the discharge of conventionis with airmour, is a permissioun of the conventionis without airmour, tending to the lauchfull effect. *L. cum Prece. ff. de Judicijs.* In respect quhairof, thay did na wrang, and can nocht be put to the tryell of ane Assyse for the said Convocatioun. And for preifeing the said alledgance, the saidis excipientis producit the Act of Secreit Counsale, in prent, with the coppie of the Proclamatioun, of the daitt the ix of December last. It is ansuerit be the Advocat, the alledgance aucht to be repellit, becaus the Act of Counsale producit gifis nocht absolute power to all Ministeris to convocat and convene the legis with thame, at thir plesour; bot the particuler Commiissioneris to convocat the legis resident within the boundis of the Commiission, for the causis exprestit in the summondis; and to wit, for geving Confessioun of thair ffayth, subferying the Band for defence of the Religioun, his Maiesteis estait and persoun, and withstanding of the sforane preparatioun, maid be strangeris, in contrair thairof; quhilk is nawayis aggreabill to the case set down in ditta; becaus the samin beiris, that the legis was convocat be Mr Walter Balcanquell, haueing na power gevin to him be the said Sessioun to convocat his hienes leigis; and the personis convocat war nocht subiect to thair jurisdictione, bot sum of thame inhabitantis of the Sherefdom of Fyfe, sum of Angus and Mairnis, vtheris of Tueddell, Cliddislaill and Leninox; and sua, nawayis subiect to the Commiissioneris of the sherefdom of Edinburgh. Last, thay war nocht convocat to the effectis contentit in the Act of Counsale; bot be the contrair, to invaid his Maiesteis maist nobill persoune and tronbill his estait, as the dittay beiris; nather can the samin Act mak ony fayth, becaus it is nocht authorizit be the subscriptione of the Clerk of Counsale, bot imprentit be Robert Waldegraue, quha is convict be ane Assyse of falssefeing of his hienes Actis of Parliament. And for the mair cleir verificatioun of the falsat of the said Act, the advocatis producis his Maiesteis authentik beirand na sic Act of Counsale to be; and as to the coppie producit be the defenderis, of the daitt the nynt of December, *non facit fidem*, becaus it is nocht subferyuit autentiklie.

To the quhilk it is ansuerit be the pannell, that the foirsaid alledgance standis relevant, nochtwithstanding (the alledgance?) made in the contrair; and speciallie, anent that pairt of the alledgance tuching the Convocatioun, and that the same

is nocht a tressonabill cryme; to the quhilk there is na anfuer maid be my lord aduocat. And quhair it is alledgit, that the Conventioun is only limitat to the particular boundis quhair the parteis duellis, it is anfuerit, it is na argument to mak the Convocatioun vnlauchful; ffor gif it was lauchfull to convene in thir tua sehyres, it is lauchfull to convene in quhatsumener vtheris placeis; bot speciallic, that pairt of the alledgance aucht to be repellit, in respect of the expres woirdis of the Act, giving power 'to convene quhatsumenir dayes and placeis.' And quhair it is alledgit, in the secund part of the alledgance, that thair was na power to the said Mr Walter to convene; it is anfuerit, that thare is expres power gevin to Mr Robert Bruce and certane vtheris, quha (were) preffent in the said place, to convene: And the said Mr Walter and the hail Prebiterie, *est unum corpus*, and quhatsumenir he did was be the directioun of the rest of the brethren haifing power. And quhair it is alledgeit, that thair haif only power to tak Confessioun of the ffayth and subscriptioun of the Band; it is replyit, that the said Conventioun was only to that effect, and to gif Confessioun of the Religioun, and for the maintenance thair of. As to the argument maid anent the Act, that it is only printed, and nocht subferyuit be the Clerk of Counfall, and that Waldegraue is convict for ffalfe imprenting of the Act of Parliament; it aucht to be repellit, in respect of the Priviledge permittit; the Warrant subferyuit be the King past the Privie seill and registrat in the buik thair of; lyke as, the samin Act of Secreit Counfall, as it now standis printit, is registrat in the buikis of secreit (Counfall), as falbe verifeit be the Register: And as to Walgraves convictioun, *est super alio facto*, and nocht for this act; and quhatsumenir convictioun subfequent deduceit aganis him, it can nocht preindge this pannell, and that quhilk wes lauchfullie maid of before. Last, as to the argument maid anent the Proclamatioun, it nawyis militatis, accepting alwyis the dait thair of, quhilk wes vpoun the xxiiij day of Nonember lastbypast, and is interpret be ane posteriouir Proclamatioun, maid vpone the ix of December thaireftir; and declairis all Actis maid in fauor of the Kirk to stand effectuell, and dischargeis Convocatiounis maid in armes alluterlie. And the pannell protestis that this argument, maid anent the Conventioun in the New Kirk, may be fenerallie diseussit fra the vther subfequent cryme, anent the taking of armes and affageing of his hienes persoun, seing the Conventioun may be lauchfull and the vther vnlauchfull. In respect of the quhilkis premissis, absolutour¹ aucht to be gewin to the conventioun in armes.—The Aduocat repetis his former anfuer.

The pannell offeris thame reddie to be put to the tryell of ane Assyis for the SECUND heid, the samin being maid speciallic anent the names of his Maiesteis seruitouris and his counfaiouris.

¹ Acquittal. Lat. *absolvere*.

As to the THRYD point of the Dittay, anent the Conventioun in Mr Robert Bruce galrie, and directioun of certane Commiffioneris, with fuitis to his Maieftie: firft, as to the conventioun maid efter none, repetis the anfuer maid of-befoir; speciallie, that the famin is lauchful, and permittit be expres law, and wes nocht maid in armes: And forder, his Maieftie directit my Lord of Marr and my Lord Vehiltrie, and defyrit to convene with Mr Robert Bruce; as also, directit Traquair and Cefurd, that the Articles of thair greiffis¹ fould be presentit to his Maieftie and his Counfall, at efter none; and fwa, did na wraug, nather in thair conventioun nor directioun of the Commiffioun, feing the famin procedit be his Maiefteis allowance, and wes vthirwyis lauchfull, for the caus aboue specificit.—The Aduocat anfwerit, that the said alledgeance aucht to be repellit, in respect of the Dittay and anfueris maid to thair alledgeances, foundit vpon the alledgeit lauchfulnes of thair Convocatioun; as lykwyis, the said alledgeance can nocht be reffaut in this place, becaus it is *meri facti*, and is nocht instantlie verifeit, nather is it open to the Judge, but man be remittit to the Affyise; and gif the Judgeis will dip vpon the tryell of it, the famin man be repellit, nocht only as irrelevant, bot also vntrew, as is notourlie knawin to the Judge and Affeffouris: And for thair better refolution, maid cleir be his Maiefteis Declaratioun, subferyuit with his hand, presentlie produceit.—It is anfuerit be the pannell, acceptand alwyis his Maiefteis Declaratioun produceit, *in quantum*, that nocht only is thair alledgeance sufficientlie verifeit, becaus it is notour to the Judge and his Affeffouris; bot also, it is verifeit be the Aduocat, and pingeis² bayth the Conventioun cuning doune.

FINALLIE, as to the last cryme contenit in the Dittay, it is nather relevant nor contenis ony maner of cryme; ffor fyrft, as to the Conventioun vpon Fryday att ewin, it is anfuerit *vt supra*. Nixt, as to the procureing of Nobillmen and vtheris to be vponne thair faction, and pairt-takeris of thair caus, *non releuat*; feing it nather condiscendis quhat Nobillmen, quhat factioun, or quhat caus; or quhat the Noblemen wes defyrit to, nor quhat messageis wes direct, be quhom, or to quhom, or to quhat effect, and quha wes the beraris of the said message; and fwa, it contenis na tressonabill crym: Bot speciallie, it is newir affirmit that thir perfonis on pannell directit, or procureit ony messageis to be direct, to ony tressonabill effect.—The Aduocat anfuerit, that the alledgeance aucht to be repellit, in respect of the Dittay berand, that thay convenit to auife how to procure the assistance of ane factioun, to fortifie and assist thame in thair tressonabill interpryfis, contenit in the preceding Articles of the Dittay. Lyke as, the said last Article beris playnlie, that the lettres direct and the Band proponit, tendit to the famin effect. The pannell defyrit the Aduocat to produce the Band.

¹ Grievances.² To *peenge* or pingie, to complain.

(Feb. 12.)—INTRAN. Robert Hammiltoun of Inchmauchane, Sir James Edmestoun of Dunraith, and James Lokart of Ley.

INTERLOCUTOR *on the relevancy of the Dittay, &c.*

(1.) The Judge Repellis the alledgance, anent the fyrst discussing of Mr Walter Balcanquall. (2.) The Justice findis the fyrst part of the Dittay concerning Convocatioune, and the circumstances qualifeit and contenit in the said first Article Relevant; and Ordanis the famin *conjunctive* to pas to the knowledge of ane Assyse, nochtwithstanding the alledgance maid aganis the famin. (3.) Item, the Justice findis it is nocht necessar that the Aduocat condiscend particulerlie vpoun the names of the Kingis Counsalouris or domestik seruitouris; and findis that point of the Dittay releuant, as it is confaut, nochtwithstanding of the alledgance maid in the contrar. (4.) The Justice findis the thryd point of the Dittay releuant; and Ordanis the famin to be put to the knowledge of ane Assyse, becaus it is coincident with the circumstances contenit in the fyrst Article. (5.) The Justice Ordanis the Aduocat to condiscend, in speciall, vpoun the names of the Nobilitie to quhome the Missiues wes direct; and being condiscendit vpoun, findis it releuant.

The famin day, Mr Andro Blakhall maid fayth.

The Pannell askis instrumentis of the haill Interloquitour pronouneit.—The Aduocat declaris that he passis fra that part of the article, concerning the directing of the Missiues, *pro loco et tempore*. Quhairvpoun the haill pannel askit instrumentis.

INTERLOCUTOR. The Justice, estir that my lord Aduocat had deleit certane wordis, anent the directing of Missiues, fand the rest of the latter point of the Dittay releuant; and ordanit the famin to be put to the tryell of ane Assyse.

The aduocat takis instrumentis (that he) repetis the conclusioun of the last heid, in the conclusioun of ewerie ane of the pointis of the Dittay.

ASSISA.

James Foullis elder of Colingtoun, Thomas Kennedie of Ardmillane, Thomas M^cDougall of M^cKair-
George Logane of Boningtoun, Johnne Naper, younger of Mer- stoune,
Patrik Home of Aytoun, ehinstoun, . . . Kennedy of Penquhirry,
. . . Stewart of Dunduf, James Ritchertfoun of Smetoun, . . . Mure of Auchindrane.¹
Mr James Foullis y^r of Colingtoun, Walter Dundas of that ilk,

EXCEPTIONS *against the persons summoned to pass upon the Assise.*

Mr Johnne Ruffell produceit ane exemptioun for *the Laird of Corstorphin*, vnder the Previe seill. The aduocat alledgit the famin aucht nocht to be admittit.—Mr Alex^r King producet ane exemptioun for *the Laird of Bass*, and repeittis the Act of Parliament, in respect he is a Counfallour. The aduocat repeittis his former anfuert hairaganis.—Mr Johnne Nicolfoun produceit ane exemptioun for *the Laird of Cokpen*. The aduocat repeitis the former anfuert hairto.—The pannell allegit that *Johnne Kennedie of Banquherrie* can nocht pas vpone the Assyis, becaus he is nocht a barroune, and sa nocht thair pair.

¹ The infamous John Mure, the Murderer of Sir Thomas Kennedy of Culzean. See the extraordinary Trials of John Mure, Jun. 24, 1602, &c., and of the Lairds of Auchindrain, elder and younger, and James Bannatyne, Jul. 1611.

INTERLOCUTOR. The Justice, with auise of his Affeffouris, in respect thair is nocht ane sufficient number of Assyis present this day, continewis the dyet to the xiiij of Februar instant, and the hail number of Assyise present and summond to this (diet), to compeir vpoun the said xiiij day, vnder the pane of twa hundreth markis : And continew Interloquitour, vpoun exemptiones to the said day : And ordanit the pannell to remain in waird, as thay did ofbefoir.

The famine day, William Sinclar of Roifling, Cokburne of Clarkingtoun, Johnne Lewingstoun of Prestoun, Andro Ker of Phairnieherft, Henry Pitcarne of Ramfys-Forfar (Forthar,) Sir Johnne Carmichael of that Ilk, and Patrick Mofcrop, burges of Edinburghe, oft tymes callit to haif compeirit before our fouerane Lordis Justice or his deputis, the saidis day and place, in the hour of caus, to haif past vpoun the Assyis of James Lokert eldar of Ley, Sir James Edmestoune of Duntrait knycht and Robert Hammiltoun of Inchmauchane, dilait of certane Treffonabill crymes, committit be thame, vpoun the xvij and xviiij dayes *respectiue* of December lastbypast, as thay wer lauchfullie summond to ; the lauchfull tyme of day biddin and nocht comperand, thay and ilk ane of thame wer thairfore vnlawit, in the pane of ane hundreth markis.

(Feb. 14.) It is allegit be the pannell, that na vther personis of Inqueist aucht to be callit or ressaunt this day, vnto the tyme it be proceidit quhair it left, viz. that the tuelf personis of Inqueist quha wes summond be the Kingis Maiesteis Thesaurer, conforme to the roll produceit be the Thesaurer, in judgment, and thairefter war ressaunt but objection, with consent of all the parteis, being the first callit ; but that *res non est integra* to accept ony vtheris, except thay be lauchfullie absent : speciallie, it being of veritie that thay ar all heir present, and thairfoir thay being anes buikit, ressaunt, be consent of parteis, and now present in this Tolbuith (of Leith), accoirding to the Justice commandment, chargeing thame to be present, vnder the pane of ij^c merkis, na vther personis can be surrogat in thair place.—The Aduocat answaris, that the nominatioune of the saidis personis and the buiking of thair names can woirk nathing in this caus ; becaus salang as the personis of Assyse is nocht fuorne and admittit, *omnia sunt integra*, to the Judge, quha may ather call thame of new, sueir and admit thame, or call vtheris and omit the first. As to the allegit consent, it is altogidder denyit.—It is answarit, that the summonding, buiking, setting down of the Assyse is ane sufficient consent and ressaunt, speciallie the famin being done in presens of the aduocat, without contradictioun ; and the saidis deidis nocht being privie, bot iudiciall deidis, quhilkis in all caussis, bayth Criminall and Ciuill, bindis bayth the parteis. The aduocat repeitis his former answar.

INTERLOCUTOR. The Justice, (with) auise of his Affeffouris, Repellis the alledgeance proponit be the pannell ; and ordanis that the Assyfouris, summond to this day, to be ressaunt ; in respect that the Assyse that wer buikit the xij of Februar, and continewit to this day, wes nocht fuorne.

Quhairupoun the pannell akit instrumentis.

It is allegeit be the pannell, that *Sir Robert Ker* can nocht pas vpon the Assyse, for thre cauffis: first, becaus he hes informit and solisic against the Laird of Grange, quha was pannellit vpon the famin dittay *et habet causam coniunctam*: Nixt, becaus he is domestik seruitor to his Maiestie; and, as in ciuill judgementis betuix his Maiestie and ony of his subjectis, he could nocht be witness, mekil les can he be Assyfour, to cognosce vpon ane cryme allegeit committit aganis his Maiesteis persone: Thridlie, nocht only is he seruand to his Maiestie, bot he is partie allegeit to be grevit; infasar as it is expresse set down in the Dittay, that his Maiesteis haill seruandis was commandit 'to be soupit of the gait and to soup the calfay with thame,' quhilk is the maist speciall circumstance of the haill Dittay, and the famin addmittit coniunctlie with the haill circumstances: And thairfoir, he being ane of his Maiesteis domestik seruandis and ane of his houshold, be the Dittay he is partie, and consequentlie can nocht be ane Assyfour—The Aduocat answers, that the first pairt of the allegeance aganis the said Sir Robert, as haueing gevin partiall counsall aganis Williame Kirkcaldie, is nawayis competent to this pannell, becaus *delicta sunt personalia*, and thair is nocht sic a thing as *continentia cause* or *causa coniuncta* in this cace, quhair euerie man is challanget for his awin offence, personallie and principallie, and nocht as complecis to the said Williame or ony vther. Nather is the secund pairt proponit aganis the said Sir Robert, as domestik seruand to his Maiestie, onywayis relevant; becaus the deutie of a subiect comprehendis the haill effectioun that can be borne to the Prince be his natieue subiect, and the qualitie of a domestik seruand eikis nathing thairto: And as the Kingis Maiestie mycht sit in persone and judge in his proper cause, or depute his counsallouris or domestikis to be judges or Assesouris, sa may thay be Assyfouris: Lyk as, thair is dyuerse practikis past in the Kingis proper cauffis befor the Justice, as laitlie the cauffis aganis Ewfame M'Kalzeane and Barbara Naper, quhair the maist pairt of the Assyfouris war domestik seruandis to his Maiestie; this famin alledgeance being than proponit and repellit. As to the last obiection, that he is partie grevit, it is als irrelevant, becaus the pannell hes na partie bot the Kingis Maiestie, and ar only accused for Treffone aganis his Maiestie and estait; and thairfoir the said alledgeance aucht to be repellit.

It is forder allegit aganis *The Laird of Sesfurd*, that he can nocht be vpon this Assyse, in respect of the deidlie feid standing betuix Robert Hammiltoune on the ane pairt, and the kin and freindis of William Home of Coldounknowis, quha is secund and thirdis with the said Laird of Cesfurd, on the vther pairt.—It is answert be the aduocat, that the alledgeance aucht to be repellit, except it war qualifeit, the said Laird of Cesfurd to be partakear of the said deidlie feid;

and forder, it is na relevant obiectionn aganis the vthir tua, becaus it may verie weill be, that the ane be clene and the vther tua foull, *aut contra*.—It is anfuert, that the caus is fa conjunct and can nocht be devydit, and thair is litescontestatioune maid in this caus aganis thame all.—The aduocat anfueres, thair is na litescontestatioune maid, vnto the tyme an Assyfour be fuorne.—Anfuert be the pannell, that the repelling of the defenffis and proceiding to the electioun of the Inqueist and proponing of the objectionis aganis said perfonnes, is nocht litescontestatioune.

It is alledgit aganis *The Laird of Carmichell*, that he can nocht pas vponè this Assyfe, in respect of the objectionis proponit aganis the Laird of Sesfurd, and nanelie the said deidlie feid, quhilk the pannell repetis, standing betuix the said Robert Hammiltoune and the laird of Waftra, for the slauchter of his father, to quhome the said Laird of Carmichell is thrides of kyn: And forder, allegis that bayth he and the Laird of Sesfurd ar of his Maiesteis Counfall, quhais slauchter is allegit to be conspyrit; the famin being speciall circumstance of the Ditta, sua that they are bayth parteis in effect.—The aduocat repetis his former answèr, and that thair being counfalouris to his Maieftie, makes thame to be mair qualifeit and les suspect to pas vponè this Assyfe. The pannell repetis the famin alledgeance maid aganis the Laird of Cesfurd, auent the feid betuix Robert Hammiltoun of Inchmauchane, to quhom *the Laird of Pharniherst* is kynifman in the lyk degree.—The aduocat repetis his former answèr, maid to the obiection aganis the Laird of Sesfurd.

It is allegit, that *Sir Thomas Erskene* can nocht pas vponè this Inqueist, in respect of all the alledgances proponit aganis the Laird of Sesfurd, except the deidlie feid, as secund and thirdis of kyn and betuix; and forder, he is nocht ane barroun, thair being tua barronis vponè the pannell.

The pannell proponis aganis *The Sir Robert Meluill Youngar*, that he can nocht pas vponè this Assyfe, in respect of the haill alledgeances proponit aganis the Laird of Sesfurd, quhilk thai repeat: and forder alleges, that the said Robert is na barroune.—The aduocat anfuert, that he is barroun of Brunteland.—The pannell anfuert, that his Infeftment is tane away be Act of Parliament.

It is alledgit, that *The Guidman of Mauderstone* is na barroune.

It is allegit, that *The Laird of Ruthven* can nocht pas vponè this Assyfe, in respect he is nocht xxv zeiris of aige; and as he may nocht be a juge nor a tuteur, na mair can he pas on ane Assyfe.—It is anfuert be the aduocat, that the famin aucht to be repellit, in respect he is past xxj zeiris.

THE Justice Repellis *The Laird of Ruthven*, in respect of his awin declaratioune, that he is nocht xxj zeiris of aige.

As for *The Laird of Robertland*, repetis the haill alledgeances maid aganis

the Laird of Sesfurd : And forder, it is alledgit that he can nocht pas vpone this Affyse, in respect of the deidlie feid standing betuix the Cunninghames and Montgomeries ; the Laird of Duntraith being thridis of kyn with the Erle of Eglintoune that deid in the Camogait.—The aduocat anfuers, it aucht to be repellit, except he be partaker of the feid, quhair of the contrar is notour.—It is allegit, the Baud makis the feid.

ASSISA. Sir Johnne Gordoune of Lochinvar, Thomas Makdougall of M^eKairfoun.

The pannell repeitis the haill allegeances aganis *Sir Hew Carmichell Youngar*, quhilkis war maid aganis the father.—The aduocat repeitis his anfuers.

It is allegit that *Mr Williame Leslie of Cuullic* can nocht pas vpone this Affyse, in respect that he is a Prelat ; and forder repeitis the haill allegeances maid aganis his Maiesteis domestikis.—The aduocat anfuers, it aucht to be repellit, in respect of the present estait of the Kirk.

It is allegit aganis *Mr Patrik Mortoun*, that he is nocht landit, and that he is a kirk-man, and can nocht be reffaut. The aduocat repeitis the former anfuers.

[CURIA JUSTICIARIE tenta in Pretorio de Leyth, per M. Jac. Foulis, J. D.]
Forgery of an Act of Parliament, and getting it printed and circulated.

Feb. 21.—Mr JOHNNE HOWIESOUNE, Minister att Cambuslang.

Dilatit of the tressonabill falcifeing, forgeing and feinzeing of an alledgeit Act of Parliament intitulat, ‘ Anent the aboleifching of þe Actis contrar the libertie of þe trew Kirk and aboleifching of þe Jurisdictione, as maid in þe Parliament haldin att Ed^r the penult day of Maij, the 3eir of God I^mV^olxxxxij 3eiris ;’ corruptand thairby ane trew Act of Parliament concerning the said mater, maid be the Kingis Maieftie and thre estaits, in the Parliament haldin at Ed^r vpoun the fyft day of Junij, the 3eir of God I^mV^olxxxxij 3eiris, intitulat, ‘ ffor aboleifching of þe Actis contrar the trew Religioune ;’ quhilk trew Act being tressounable falcifeit, corruptit, alterit, and in sum partis eikit be him, and in vther substanciall articles thairof pairit ; as the famin, conferrit with the said fals Act schawin and produceit, bure, he delynerit the said fals Act in the moneth of Maij or thairby, in the yeir of God I^mV^olxxxiiiij 3eiris, to Robert Waldgrave, prentar, moveit, perfwadit, vrgeit and intyfit the said Robert to imprent the famin and publeis itt, as haifand the Clark of Register autentik Warrant of the famin subferyuit with his hand, and the Kingis Maiesteis priueledge for imprenting thairof : And incontinent eftir the said Mr Johnnis causing, command, assistance and ratihibitionne, the said Robert had imprentit the famin, the said Mr Johnne bocht and reffaut fra the said Robert fourtie or fiftie copeis thairof, and tressonable

publeiffit and difperfit the famin amangis our fouerane lordis liegis ; in manifeft and oppin contempt of his hienes authoritie and lawis, and he wes authour, perfwader, airt and part of the falfceing, imprenting and difperſing thairof, and thairby committit Hie Treffoun, and aucht and fould incur and vnderly the pane thairof.

PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, aduocat.

The ſaid Mr Johnne Howiefoune becumnis in the Kingis will, according to his Confefſioun, maid att Halyruidhous the xv. of Februar instant. The ſaid Mr Johnne takis instrumentis, that he apperis heir vnſummond and vnwardit. The ſaid Mr Johnne Howiefoun alledgeis, that he knew na thing of that Act of Parliament that he gaif in to be prentit to Robert Waldgrave, quhairof he is preſentlie accuſit, bot that it had been the trew Act according to the Register ; and that he gaif it to him as it was gewin to him be Gylbert Tailzeour, ſafar as he kuawis, with vthir Actis of the Generall Aſſemblic ; and that Robert Waldgrave, being defyrit be ſum of the bretherene, to print that Act quhilk wes pronuncet att Dundie to the Generall Aſſemblic thair, the ſaid Mr Johnne, thinking that it had bene trew as he had it in his buik, delyuerit the ſaid buik to the prentar, quhilk contenis mony maer Actis nor the ſaid Act : And als, he gaif him no command to prent the ſaid Act. And as to the Dittay, as it is conſauit aganis him, denyis it euerie word, except ſafar as greis with his Depoſitioun and Declaratioun ſubſeryuit with his hand, and his preſent declaratioun. For the quhilk he becumnis in his Maieſteis will.

The aduocat produceis Mr Johnne Howiefounis Depoſitioun, ſubſeryuit with his hand, togidder with Robert Waldgrais Depoſitioun, togidder with the fals imprentit Act, with the autentik Act ſubſeryuit be the Clerk Register, for veriſeing of the Dittay. The Aduocat proteſtis, inſafar as be the Depoſitioun produceit in proces, ſubſeryuit with the ſaid Mr Johnnis awin hand, it is confeſt, that he delyuerit the ſaid Act quhilk wes prentit be Robert Waldgrave, for the quhilk the ſaid Robert wes wairdit ; and that he had na Warrant of the Clark of Register, nor ony vther, to delyuer that Act to be prentit, quhilk wes done be him of ignorance ; ffor the quhilk he become in his Maieſteis will : As lykewyis, be his Declaratioun dytit be him ſelff and writtin, in proces, the famin Confefſioun and becuming in will is in effect repetit and mair amplie declarit, and of his awin buik produceit out of his awin hand, to be ſene be the Aſſyſe, and confeſſit to haif bene delyuerit be the pannell to Robert Waldgrave, as contenand ane copie of the Act, quhilk ſum of the bretherene of the Miniſterie blameit the ſaid Robert to haif omittit in the impreſſioun of the remanent Actis of the Kirk : And that be conference of the copie thairof contenit in the ſaid buik with the imprentit Act, it is fund to agrie with the ſaid prentit Act word be word,

and the said copie and prentit Act being red to the Assyis and fund altogidder difconforme to the trew and autentik Act extractit and subseryuit be the Clark of Register, lykewyis produceit in sam proces, the said prentit Act omittand mony of the substanciall heiddis of the trew Act, and in vthir partis eikand clauffis and articles nocht contenit in the said trew Act: And that it is confessit lykewyis be the pannell, that he bocht diuerse of the said prentit Actis fra the said Robert Waldgrave, as vtheris Ministeris did, and disperfit sum of thame to Ministeris, quhilk man of necessitie infer foirknowledge of the prenting of the said Act, and ratihabitoun eftir it wes imprentit; in cais the Assyis acquyte the pannell of airt and pairt of the said cryme, protestis for Wilfull errour.

The said Mr Johnne Howiesoune Protestis, that na thing alledgeit be his Majesteis aduocat can ony wyis hurt or indamage the said Mr Johnne, vnles that he had confessit that he had athir forgeit or writtin the Act quhairvpoune he is accusit, quhilk he did nocht; nor 3it gaif ony copie thairof to Robert Waldgrave, bot only schew to him the said buik, with the leif thairof laid in, quhair the Act standis yit as it did thane; nather did he gif him ony command to imprent the samin; and thairfore the said Mr Johnne alledgeit he aucht to be acquyte of the Dittay according to Justice and guid conscience; quhilk he belewis the Assyis will do, and will nocht tak innocent blude vpoune thair heidis.

VERDICT. The quhilk day, Mr Johnne Howiesoune Minister at Cambuslang being enterit on pannell, dilatit, accusit and persewit be Mr Thomas Hammiltoune of Drumcarne and Williame Haert of Lewielandis aduocattis to our fouerane lord for his hienes interes, for the tressonable falsefeing, &c. (here the Dittay is repeated.) The quhilkis crymes, the said Mr Johnne, eftir reding of his said Dittay and accusatioun, alluterlie¹ denying, eftir diuerse alledgeances and declaratiounis maid be him of his innocencie thairof, and answaris maid thairto be the Aduocattis, he offerit him to the tryell of ane Assyise for the saidis crymes: And thairfore the Justice-depute patt him to the tryell of ane Assyis of the persones vnder written, thay ar to say Cornelius Cudbert Merchand burges of Edinburghe,² &c. Quhilkis persones being chosin, sworne and admittit, and the said Mr Johnne Howiesoune being accusit, be Dittay, of the crymes aboue writtin in thair presens: Lyke as the saidis persewaris produceand the said Mr Johnnis Deposition subseruyit with his hand, maid in presens of the Lordis of Secreit Counfall, att Halyruidhous the xv of this instant, togidder with the Deposition of Robert Waldgrave subseruyit with his hand, maid in the Tolbuith of Edinburgh, quhair he wes wardit, the sewint of Februar instant, togidder with the said fals im-

¹ Entirely, altogether.
and 'burgeffis' of Edinburgh.

² It is not necessary to insert the names. They are all 'merchandis'

prentit Act of Parliament, and the trew Act of Parliament extractit furth of the Register, subferyuit be Mr Johnne Skene Clark of Register, to the saidis perfonnes of Assyis, for verifeing of the Dittay; thay remowit altogidder furth of Court, to the Counfal-hous, quhair thay eftir chefing of the said Archibald Geddes (merchand burges of Edinburgh) chancillar, be pluralitie of votis, thay reafonit vpoun the pointis of the said Dittay, and thaireftir votit thairvpoune; and being throuchlie refoluit thairwith, reenterit agane in Court, quhair thay be the mouth of the said Chancillar, ffand, pronunceit and declarit the said Mr John Howiesoun Minifter of Cambuflang, to be fylit and conuict of the delyuerie of ane alledgeit Act of Parliament intitulat, ‘Anent þe aboleifching of þe Actis contrair þe libertie of þe trew Kirk, and aboleifching of þe iurifdiction as maid in þe Parliament haldin att Edinburgh þe penult day of Maij 1592;’ and that in the moneth of Maij or thairby, the yeir of God I^m.V^c.lxxxxiij yeiris, to Robert Walgrave prentar, to be prentit. Quhilk alledgeit Act is eikit, alterit and pairt¹ fra the trew Act of Parliament maid be the Kingis Maieftie and his thre Eftaitis, in the Parliament haldin att Edinburgh, the fyft day of Junij I^m.V^c.lxxxij yeiris, intitulat, ‘ffor aboleifching of þe Actis contrair þe trew Religiou:’ As the famin, extractit and subferyuit be the Clark of Register beris: And eftir the famin being prentit, for refsauing and bying of ane certain number prentit copeis thairof fra the said Robert,² and diftributing and difperfing of the famin amangis our fouerane lordis liegis: And ffand the said Mr Johnne Howatsoun to be cleane, innocent and acquit of all vthiris pointis, heidis and clauffis, contenit in the Dittay and accufatioun aboue writtin, gevin in aganis him.

[*Curia tenta in pretorio de Leyth, per M. Jac. Fowles, J. D.*]

Forging and Uttering Base Coin.

Mar. 15.—ALEXANDER NEILSOUN (ARNEILL) burges of Glasgw.

Dilatit of the trefsonabill fforgeing, counterfuting, prenting and out-putting of ffals and adulterat money, sic as twa penny-plakis, half markis and fourtie penny pecis, to the avail of ffyve hundreth poundis worth, (within his awin hous in the New Wynd of Glasgw); committit in the hail monethis (of the years) 1592-93-94 and 95, and in the monethis of Apryll, Maij, Junij, Julij, August and September laft.

VERDICT. The Assise (with the exception of four, who ‘ffyle’ him of out-putting of fals twa-penny-plakis) Acquit the said Alexander Arneill.

¹ *Pared*, abridged.

² See the case of Robert Waldegrave printer, Feb. 2, 1596-7, &c.

Murder — Hamesucken.

Apr. 11, 1597.—PATRIK CWNINGHAME, seruand to vmq^{le} Dauid Edmestoun of Burnhouffis.

Dilatit of art and part of the crewall murthour and slauchter of vmq^{le} George Prestoun of Halthrie ; committit in September, anno

Declaris, that he past away with the said vmq^{le} Dauid Edmeston of Burnhouffis, and that he was haldand his horse quhill he come bak.—Mr Johnne Prestoune takis instrumentis vpoune the admissioun and fwering of the Assyis.

VERDICT. The Assyis in ane voce convictis and fylis the said Patrik Cwninghame, seruitour for the tyme to vmq^{le} Dauid Edmestoun of Burnhouffis, off art and part of the crewall Murthour and slauchter of vmq^{le} George Prestoune of Halthrie ; committit the vj of December 1588, be way of Murthour and Hamesuckin, vpoun fett purpois and prouisioun.

SENTENCE. ‘ Convict et decollat.’¹

[*Mr Williame Haert of Leiclandis, Justice-Depute.*]

Parricide.

Jun. 15.—WILLIAME MOW, hatmaker, burges of Edinburgh.

Dilatit of the abhominabill cryme of Paracide, in hurting and wounding of Andro Boirthuik burges of the Cannogait, his guid-fader ;² committit the xiiij day of Februar lastbypast.

PERSEWAR, Mr Robert Lyntoun Aduocat substitute to Mr Thomas Hammiltoun of Drumcarne.

The quhilk day, the said Justice-Depute produceit the Warrant vnderwrittin, quhilk he desyrit to be infert in proces ; quhair of the tennour followis.

REX,

JUSTICE and Aduocatis, We greit 3ow weill. It is our will and we command 3ow, that vpoun the sicht heirof 3e fall nocht to insift in accusatioun and tryell of pe vnworthie attempt of Williame Mow hatmaker, aganis Andro Boirthuik his guid-fader : And gif he becum in our will for pe fame, that 3e accept and put him immediatelie to libertie, vpoun sufficient cautioun fund be him, to vnderly quhat ewir we fall declair heireftir to be our will, for his said cryme ; vnder pe pane of ane thowfsand poundis : Kepand 3is present for 3our warrant. Subferyuit with our hand, Att Falkland, the xij day of Junij, 1597.

(Sic subferibitur)

JAMES REX.

The quhilk day, William Mow hatmaker, burges of Edinburghe, being enterit on pannell, accusit be Dittay and persewit be Mr Robert Lyntoun, substitute aduocat to Mr Thomas Hammiltoun of Drumcarne aduocat, of the abhominabill cryme of Paricide (and) Brigancie³ vnder nycht ; committit be him vnder nycht, vpoun the xiiij day of Februar lastbypast, of fett purpois, precogitat malice and foirthocht felony, vnder cullour of freindschip, as eftir followis, to wit.

¹ The sentence and execution are recorded on the margin. ² Father-in-law. ³ O. Fr. *briganderie*.

DITTAY of *Williame Mow*.

FORSAMEKILL as he haifing confaut ane deidlie haitrent, rancour and malice aganis Andro Boir-thuik baillie in the Cannogait, his fader-in-law, feiring that the said Andro fould haif difponit his laudis, heretage and guidis by¹ him, he haifing na airis maill gottin of his awin body to fuceid to him; the said Williame, vpoune the said xiiij day of Februar lastbypast, being the Sabboth day eftir the preiching, tuik in heid to execute his abhominabill fact foirfaid; and trafoonable, vnder cul-lour of freindschip and familiaritie, perfwadit his said fader-in-law to pas with him, in the foir-nycht,² furth of his awin hous in the Cannogait, be Pleasance, to the Schenis,³ quhair he affermit to the said Andro, that his guidbrothir Henry Tait hurt Johnne Fynlafoune feruand to the Laird of Roifling, quhair of he wes lyke to die, and desyrit thair to speik with him; and durst nocht, for feir of his lyffe, to be fene in the day lycht: And that he wald putt the said Williame in possession of his steiding and guidis; albeit thair wes na sick thing of veritie, bot falllie deuyfit be the said Williame be subiectioun⁴ of the Ewill Spreit; to the effect that vnder fylence of nycht, the said Williame Mow mycht haif the better oportunitie to haif murthourit his fader-in-law foirfaid, secreteilie in the feildis, vnder fylence of nycht as said is. And he haifing craftelie convoyit the said Andro to the place foirfaid, thair being na sic tryift⁵ and meting as the said Williame affermit to him, the said Andro and the said Williame returnit to the Potter-row,⁶ and the port being steikit, becaus of the nycht,⁶ he perfwadit the said Andro to pas in the nerrest throw the Bak-row⁷ be the Toun wall, being ane priue passage that leidis to Pleasance; and thair, vnder fylence and cloud of nycht, he secreteilie, crewallie and vnumercifullie sett vpoune his said fader-in-law, behind his bak, with ane drawin quhingar⁸ in his hand, gripit him be the craig,⁹ and gaif him twa grit straikis in the heid; doing thairby that in him lay, thair secreteilie vnder nycht to haif murthourit his ageit father-in-law foirfaid, for greid of geir and land; quhilk he had accomplisheit, gif God had nocht strenthenit the said Andro to mak sum defens for his lyff, be griping of the said Williame in his armes, and casting of him vnder the said Andro to the ground, and thrawing of his drawin quhingar furth of his hand; and nochttheles, haifing the said Williame in his will, spairit his lyffe: Quhairby the said Williame wes giltie of the cryme foirfaid, and aucht to be pwnceit thairfoir.

Eftir the quhilk accusatioun, and reding of the Dittay to the said Williame Mow, he maist humblie submittit him selff, and become in our fouerane lordis will for the samin, and haill crymes and offences contenit in the said Dittay. In quhais will the said Justice reslauit him, and ordanit the said Williame Mow to find caution, for fatisfacioun of the said Will, vnder the pane of ane thowfsand poundis; and the samin being fundin to be putt to libertie. Lyke as, Robert Cowdoun in Dalkeith, Williame Veich thair, Thomas Stewinfoun in Bryans and Robert Waddell baxter burges of Edinburgh, become actit and obleift as cautioneris and fouerteis, coniunctlie and fenerallie, for the said Williame Mow, that he fall vnderly quhat ewir our fouerane lord fall declair heirefter to be his Majesteis will for the saidis crymes, vnder the pane of ane thowfsand poundis; Lyke as alsua, thai become pledges and fouerteis for the said Williame Mow, that the

¹ Past. ² The early part of the evening. ³ Districts of Edinburgh, then without the walls of the city. ⁴ Suggestion. ⁵ Appointment. ⁶ The Potter-row-port being shut at that time of night (Sunday). ⁷ The Back-row stood in the line of the city wall, apparently where Drummond street is now built. ⁸ A sort of short sword, cutlas or *hanger*. ⁹ Throat.

faid Andro Boirthuik, his kyn, freindis, tennentis and feruandis falbe harmles and skaythles of the faid Williame Mow, and of all vthir wyis, quhome he may stop or latt,¹ and that he nor thay falbe nawyis trublit, moleffit or perfewit be him, vthirwyis nor be ordour of law and Justice, vnder the faid pane of ane thowfand poundis : As alwa the faidis Cautioneris obleift thame and ilkane of thame to vther, to freyth, releif and keip skaythles vtheris² *pro rato* for the fourt pairt of the faid penaltie, att the handis of our fouerane lord, his hienes Thesaurer and all vtheris quhome it efferis.—Williame Mow also obliged himself, in due form, to relieve his cautioners.

Slaughter.

Jul. 11.—ALEXANDER YOUNG, ane of his Majesteis Ischeris, Thomas French and James Dot, his feruandis.

Dilatit of airt and pairt of the slaucher of vmq^{le} George Mylne in Pittinweme, committit in Apryle lastbypast.

Mr Thomas Hammiltoun, aduocat, produceit his Maiesteis Warrant ; quhair-of the tennour followis.

REX,

JUSTICE, Justice Clerk and your Deputis ; We greit you wele. Forfamekill as it is vnderstand to us, that there is tua fenerall dyattis appointit to our seruitour Alex^r young, ane of the Ischeris of our chalmer, the ane the xj day of Julij instant, att the instance of our aduocat ; and the vpr^r att the instance of the partie, the xxj day of jis instant, ffor calling of the faid Alex^r to vnderly our lawis before you, for airt and pairt of the alledgeit slaucher of vmq^{le} . . . Mylne in Pittinweme ; as the Lettres *respective* beris : Nochtwithstanding, being credible informit that the mater is submittit to freindis, to be takin away in amicable maner, and the paking vp^s pairof liklie to be effectuat, seing our informatioun proceedis of the freindis of apher⁴ of thay parteis to quhome the famin is submittit : It is thairfore our will, and we command you, that ye desert bayth the faidis dyattis and Lettres, and ceis from calling or proceeding aganis a^r of the faidis parteis or pair cautioneris pairatt, in defalt of pair comperance or vpr^r wayes ; that the mater may be better handlit and reconcelit be the freindis : As ye will anfuere to us, vpoun your offices and obedience ; keipand pir presentis for your warrant. Subferyuit with our hand, Att Sanct Androus, the day of July 1597.

(Sic subscritur)

JAMES REX.

Quhilk Warrant being red, the faid Justice depute admittit the famin, and ordenit the lettres rasit to this day, att the instance of the Aduocat, aganis the faid Alex^r Young and his feruand, and the vther Lettres rasit, att the parteis instance, aganis the faid Alex^r and his feruandis, for the slaucher of the faid vmq^{le} George Mylne, to the xxj day of this instant, to be Desert. Quhairvpone, the faid Alex^r Young askit instrumentis.

¹ Let, hinder, control.

² To free and relieve each other, &c.

³ Adjusting, settling,

compromising. ⁴ Each, *either* of these parties.

Slaughter.

Jul. 23.—ANDRO REWLL, Wobster (weaver) in Corstorphin.

Dilatit of airt and pairt of the slauchter of vinq^{le} Johnne Rewll his sone, ane barne of xij 3eir auld; committit the (xxj) of Junij lastbypaft.

VERDICT. The Assyis chufc Robert Varnour (of Auchindinny) Chancillar; and in ane voce ffylis Andro Rewll, wobster, of the murthour and slauchter of Johnne Rewle, his sone, committit ane moneth fyne, betuix Corstorphine and Edinburghe, be the straik of the plwmet¹ of his sword vnder the vayne organe.²

SENTENCE. For the quhilk, the Justice, be the mouth of Williame Gray, dempstar, (ordanis) that the said Andro Rewle falbe tane to the Castel-hill of Edinburghe, and thair his heid strikin fra his body; and all his movabill guidis ordenit to be efcheit to our fouerane lordis vsf.

Slaughter.

Jul. 27.—ROBERT POOK (POLLOCK) in Nethirplace, James Vrie in Paratais, Alexander Wallace in Pooktoun and George Tod thair.

Dilatit of airt and pairt of the Slauchter of vinq^{le} Jonet Biggar, spous to Andro Gilmour in Benwartbank, and ane infant barne in hir wamb; committit the xx day of Maij lastbypaft.

PERSEWARIS, Andro Gilmour in Benwartpark, and Robert Gilmour thair.

Continued to the Air of 'Renfrew tertio Itineris, xv dierum. Plagiis, Jacobo Tennent de Lennox (Linhoufe), Jacobo Vrie et Alex. Wallace, conjunctum et divisum ad relevand.'

Treason—Assisting Bothwell in taking Leith—Raid of Wlowmet or Edmonstone-edge.

Aug. 15.—PATRIK Sleich, sumtyme in Birkinfyde.

Dilatit of breking of waird, he being in Sir George Homes hous in the Cannongait; and for the tressonabill accompaneing of Frances sumtyme Erll Bothwell, James Douglas sumtyme of Spott, quhill thair cuming in to the Abay of Halyrudhous, in the moneth of Julij 1593 3eir.³—ITEM, for the assisting of the Erll Bothwell and Sir James Dowglas, at Leith and the Raid of Wlowmet; commit in Apryll lxxxiiiij (1594.)

The Advocat produceit the Kingis Warrant to put the said Patrik Sleich to ane Assyse.—The advocat protestis for Willfull errorr, in caise thay (the assise) acquit the said Patrik Sleich of the Dittay; in respect of his awin Depositionne

¹ So termed, from lead being usually run into the plummet or *pommel* of a sword, to balance its blade. ² The jugular vein. ³ This appears to be partially deleted, perhaps owing to the Dittay being so fully narrated in the Verdict of the Assise.

produceit, subferyuit be the Justice Clark, the Aduocates selff and the Justice Depute; in the quhilk he confessis the cryme, albeit he deny the famin now. The aduocat (also) desyris the Warrant produceit be him, subferyuit be his Maiestie, to be infert in proces; quhair of the tennour followis.

REX,

ADUOCAT, We greit 3ow weill. Forsamekle as We haue commandit our Justice, Justice clark and thair deputis to put Patrik Sleich, presentlie wairdit within our Tolbuith of Edinburghe, to pe knowledge of ane Assyse with all diligence, for his tressonabill being in cumpany and assisting of Frances sumtyme erll of Bothwell att pe conflict att Edmeftoun-edge. It is pairfore our will, and we command 3ow, that 3e forme ane speciall dittay vpoun pe saidis crymes, and insit in perfit of him for pe same with all instance: As 3e will anfuere to ws vpoun 3our office; kepend pir presentis for 3our warrant. Subferyuit with our hand, Att Falkland, the fyft of August 1597.

(Sic subfcribitur) JAMES REX.

VERDICT. The Assyse, be the mouth of James Lokert, elder of Ley, Chancellor, Fand, pronounceit and declarit the said Patrik Sleich to be fylit, culpabill and convict: Forsamekill as he, in the moneth of Apryll, J^m V^c lxxxiiiij yeiris, come tressonablie, in cumpany with Frances sumtyme Erll Bothwell and vtheris his cumpanie, to the number of iiij^c personis, vnder Capitan and cornett, bodin in feir of weir, &c., to the toun of Leith, quhair thay tressounablie tuik the said toun, the Magistrates thair of and Tolbuith of the famin, of purposis to haif forfeit the said toun: And seing his Maiestie come with ane number of his trew subiectis, to besedg thame thairin, thay drew thame selff furth thair of to the landis of Nudrie, quhair his Maiestie, with his cumpany, following, on horse and fut, thay tressonablie sett vpoun thame and chaisit thame, tuik ane grit number of his trew liegis, hurt and woundit ane vthir pairt thair of; and s^{wa}, he comittit oppin and manifest Tressoune.

SENTENCE. For the quhilk cryme, the Justice depute Ordanit the said Patrik to forfalt his lyffe, landis and guidis, and to be tane to ane gibet att the mercat croce of Edinburghe, and thair haugit quhill he wes deid: Pronounceit be William Gray, dempstar.

Bearing and Wearing of Pistolets.

Oct. 18.—WILLIAM HAMMILTONE, seruitour to David Dundas of Preistinch, and Alexander Mowbray, brother to vniq^{le} Johnne Mowbray of Barnbowgall.

The quhilk day, the personis aboue writtin being enterit on pannell, dilatit of airt and pairt of contravening of the Actis of Parliament, in bering and wering pistolettis vpoun thair personis, within the burcht of Edinburghe, in the moneth of August lastbypast: For the quhilk thay wer tane and apprehendit be Henry Nisbet, proveest of Edinburghe: And being demandit of the Justice quhidder

thay wald cum in his Maieftis will thairfor, or abyde the tryell of ane Affyfe for the famin? Thay declarit, that thay, the tyme of thair challengeing, wer myndit to pafs furth of the bur^t of Edinburghe with thair piftolettis; and nochtwithftanding, thay wald becum in his Maieftis will, for ony offens done be thame to his Maieftie, in bering of the faidis piftolettis, or to the faid Proveft of Edinburghe, or ony vtheris.

NOV. 1.—THE KINGIS WILL *about William Hammiltoun, fervitour to David Dundas of Preiftinch.*

The quhilk day Williame Hammiltoun, being enterit ou pannell to heir our fouerane lordis will declarit, for the cryme vnderwrittin; compeirit Mr Thomas Hammiltoun of Drumcarne, aduocat to our fouerane Lord, and produceit the Warrant vnderwrittin, and defyrit the famin to be regiftrat, quhairof the tenour followis.

APUD LINLYTHGW, xx^o Octobris, anno lxxxxvij. FORSAMEKILL as Williame Hammiltoun, feruand to David Dundas of Preiftinch, being takin, apprehendit and committit in waird, and pairefter presentit to iuftice, accufit and perfewit, for bering and wering of piftolettis, and prefenting of þe fame to the Proveft of Edinburghe; the faid Williame become in his Maieftis will, for þe faid cryme, being verry haynous and capitall, mereting feueir punifchment: ʒit his Maieftie, of his fpecial grace and mercy, forbering that rigour and extremetie, quhilk worthielie may be vfit aganis þe faid Williame, and mitigating iuftice with mercy, hes declairit, and be þir presentis declairis, his Maieftis will as followis, to witt: That the faid Williame, within þe fpace of fourtie dayis eftir þe dait hereof, fall depair and pas furth of þis realme, remane as exylit and baneift furth þair of during his lyftyme; and on na wyis return agane within the famyn, vnder þe pane of deid: And ordanis his Maieftis Juftice and aduocat to caus ane Act of Adiornall to be extendit heirvponn; and publicatioun heirof to be maid att all places neldfull, quhairwith nane pretend ignorans of þe famin.

(Sic fubferibitur) JAMES R.

SENTENCE of perpetual Banifhment. According to the quhilk Warrant, the Juftice Depute pronouncit his Maieftis Will aboue writtin, and ordaneis the faid Williame to be baneift this realme for the cryme aboue (writtin) during his hail lyftyme; and on nawyes to return agane within the famin, vnder the pane of deid.

Sortery and Witchcraft.

[APUD LINLYTHGW, *Mr Williame Haert of Lewielandis, Justice-Depute.*]

Oct. 19.—CAPITAN PATRIK HERING.

The quhilk day, comperit Sir Williame Menteith eldar of Keufe, kny^t, Williame Menteith, his foun and aperand air, and Mr Thomas Hammiltoun of Drumcarne, aduocat to our fouerane lord, for his hienes interes, as perfewaris, and produceit his Maiefties Lettres, dewlie execute and indorfat, purchest att

thair instans, aganis Capitan Patrik Herring, be vertew of the quhilkis lettres said Capitan Patrik Herring is lauchfullie demuncit his Maieftie rebell and putt to the horne att the mercatt croce of Striuling, vponne the aughtene day of October instant, for nocht finding of caution, that he sould haif comperit before the Justice or his Deputis this day and place, and vnderlyne the law for certane crymes of Sorcerie and Witchcraft, as att lenth specifit in the saidis Lettres: And protestit for releif of thair caution, fundin for perfeit of the saidis Lettres and forder proces aganis the saidis Capitan Patrik Herring; quhairvpon thay askit instrumentis.

Comperit Williame Ilwid in Stirling, and produceit ane Letter and Precept, directit fra his Maieftie to the Justice, Justice Clark and thair deputis, and deyrit the famin to be obeyit and insert in proces; of the quhilk Precept the tenour followis.

REX.

JUSTICE, Justice clark and your deputis, We greit you weil. Forfamekill as our lout, Capitan Patrik Herring is summond, att the instance of the Lairdis of Kerfe, eldar and younger, to vnderly the lawis befor you and your deputis, in the Tolbuith of Lynlythgw, the nyntene day of October instant, for certane crymes of Wichcraft alleget aganis him; We, for findrie reasonable cauffis and consideratiounes moving us, willis and commands you and ilkane of you, to continew the said day and all proceeding agenis the said Capitan Patrik Herring in the said cryme, vntill the tent day of December nixtocum, to be haldin in the Tolbuith of Striuling; dischargeing you and ilkane of you and your deputis, be the presentis, of ony calling or proceeding in the said mater vntill the foirsaid day and place: The Cautioneris of baith the saidis parteis standand in the same forme and effect as thay ar now, vntill the said day; but preiudice of ap^r of the saidis parteis. Subferyuit with our hand, Att Dunfermling, the xvij day of October instant, 1597.

(Sic subscribitur) JAMES R.

Vpon the production quhair of the said Williame askit Instrumentis.

It is alleget be the persewaris, that nochtwithstanding of the Warrant produceit, that the Justice aucht to proceed and minister justice to the parties, according to the lawis and Actis of Parliament, becaus the Warrant produceit is ane privat Warrant, to the hinderance of justice, quhilk my Lord Justice, be Act of Parliament, is ordenit nocht to respect, but to proceed nochtwithstanding of the famin: As also, the Warrant contenis ane command to continew the dyet, quhilk can nawyis be done, be the ordour and practik obseruit in the countrey; seing in continewatiounis, quhilkis ar actis judiciall, it is necessar that the judgement be establisht be the presens of thre personis, the Judge, the persewar and defender; and the defender being now absent, thair can be no lauchfull continewatioun maid, bot the certificatioun of the Lettres man be grantit aganis him: And gif he be nocht alreddie lauchfullie denunceit, he aucht to be putt to the horne of new; and gif na caution be fund, as thair is nane, his cautioner sould be vnlawit.

The Justice, in respect of my Lord Aduocatis answer, and be reason of absence of partie defender, without quhais personal comperance thair can be na certane comperance to ony certane day, and in respect also of his Maiesteis Letter, discharging all proceeding this day, Defertis the dyet, to new wairning to the thryd day of the nixt Justice Air of the Sherefdome quhair the said Capitan Patrik Herring duellis, or soner, vpoun xv dayes wairning. Quhairvpoun the saidis perfewaris askit instrumentis,

Witchcraft—Sorcery—Incantation, &c.

NOV. 12.—JONET STEWART, in the Cannogait; CHRISTIAN LEWINGSTOUN, in Leyth; BESSIE AIKEN, thair; and CHRISTIAN SAIDLER, in Blakhous.

Dilatit of the crymes of Witchcraft vnderwrittin.

VERDICT. The quhilk day, the personis of Assyse being chofin, sworne and admittit; and the personis on pannell being accusit, be Dittay, in thair presens, of the crymes vnderwrittin, removit furth of court; quhair, eftir chusing of Henry Lummidane (in Edinburghe) Chancellor of the said Assyise, thay reasonit and votit vpoun the poyntis of the said Dittay; and being throughlie anysit thairwith, reenterit agane in Court, quhair thay, be the mouth of the said Chancellor, ffand, pronunceit and declarit the said CRISTIANE LEWINGSTOUN to be fylit and convict of the abusing of Thomas Gothray, baxter in Hadingtoun, vnder pretext of Witchcraft, quha adressit him self to the said Cristian as ane wyfe woman, haifing knaulege in the foirsaid airt, and sayd to hir that he was witchit, and that his geir went fra him; quhilk scho affirmit to be trew, and promesit to help him, and fuld lat him sie quhair the Witchcraft was laid: Lyke as, the morne thaireftir, scho tuke him doune his awin stair and hakkit¹ a hoill with ane knyffe, and tuke out a lytill polk of blak plading, quhairin was sum pickellis of quheit, sum threidis of wirset of diuerse cullouris, hairis and naillis of mennis fingeris, and affermit that he was witchit be that meanis; and baid his wyffe keip² thame in hir aprone, and cast thame in the fyre; quhilk was done immediatlie thairefter: And than scho sayd, gif scho had nocht fund out this geir, thay wald haif bene wrakkit bayth in body and geir: Quhilk scho deponit in presens of my Lord Justice, vpoun the tent day of Julij lastbypast, to be of veritie: And forder sayd, that scho laid in this graith her self, in the nycht, in a hoill vnder the stair; and nochtheless maid Gothray and his wyffe to beleif it was Witchcraft layd in be ane vther: Lykewyis, at the samyn tyme scho affermit that hir dochter was tane away with the Farie-folk, and declarit to Goth-

¹ *Howkit*, dug.

² *Keep*, is perhaps used for *kep*, catch, indicating that the witch directed Thomas to toss them towards his wife, who would receive them in her apron, &c.

rayis wyff, than being with barne, that it was a man chyld fcho was with ; as it provit in deid : And that all the knowlege fcho had was be hir dochter, wha met with the Fairie.—ITEM, indytit and accusit, that fcho and CRISTIAN SAIDLER, being consultit be Robert Baillie, mafoune in Hadingtoun, to cure his wyffe, quha allegeth hirselff to be bewitched, fcho, at the said Cristian Saidleris desire to gang and cure hir (went;) and than the said Cristian Saidler bad hir tak thre pyntis of sweit wirt,¹ and seith it with a quantitie of fresche butter, to a pynt ; quhilk fcho gaif hir to drynk : And siclyke, to gif hir a bath in a pot of wodbind and roset hett togidder ; quhilk fcho did, bot avallit not ; doing thairbye, baith fcho and the said Cristian Saidler, that in thame lay to abuse the said Robertis wyffe, promessing to cure hir be hir craft, quhilk fcho was nocht able to do : And this was done vnder cullour of Withecraft.—ITEM, indytit and accusit lykewyis, that schortlie befor fcho was apprehendit, fcho was fend for be the said Cristian Saidler to hir hous, and at hir cuming the said Cristian desyrit hir to gif her selff furth for a wyife wyffe and a woman of skill ; and said to Andro Pennycuke of that Ilk, being than seik in her hous, that fcho fend for hir as being a wyife-woman to help him ; and than the said Cristian Saidler bad hir tak weill in hand to haille him, and put him in gude hope : And the said Andro than sayd, that he had bene in the Cannogait with JONET STEWART, and that fcho had done him na gude, and beleiffit that fcho had witchit him ; and that the sayd Jonet sayd ‘ he suld never haif a day to do weill :’ And than fcho, be the said Cristian Saidleris counsaile, bad get a reid cok ; quhilk wes done : quhilk fcho slew and tuke the blude of it, and fcho buke² a bannok thairof with floure, and gaif the said Andro to eit of it ; quhilk he could not preif.³ And thaireftir, fcho, at the said Cristian Saidleris desyre, tuke anc of the said Androis farkis, quhilk fcho gaif to her, and bad her dip it in the wall⁴ at the bak of the hous ; quhilk fcho did, and brocht it in agane ; quhilk Cristian Saidler put vpoun him, wat as it was, being verie evill at eife, and gaif him to vnderstand that he wold get his health be this meanis ; albeit that it wes onlie plane abusione, as the event declarit : And than the said Andro desyrit hir to gang to Jonet Stewart, and craif his health at hir hand for Godis sake.—AND siclyke, fund, pronunceit and declarit the said JONET STEWART to be fylit, culpabill and convict, for cuning to Bessie Inglis in the Kowgait, being deidlie seik, and lycht and tuke aff hir fark that was than vpoun hir and her mutche, and waifschit thame in a South-rynnand water ; quhilk fcho did, as fcho sayd, at command of vni⁵ Michael Clark, snyth in Lafwaid ; and put the fark wat vpoune hir at midnycht, and said thryis over, ‘ In þe name of þe flader, þe Sone and þe Haly Ghaist ;’ and fyrit the water,⁵ and brunt stray at

¹ Worts, the fermented stuff from which ale is brewed.

² Baked.

³ *Prece*, taste.

⁴ Draw-well.

⁵ Put red hot iron into it.

ilk newke of the bed, as the said Michael had leirnit hir ; quhilk was done, vnder pretext and cullour of Witchecraft.—ITEM, for hailling of women of the wedonynpha,¹ and specialle of Bessie Aitkyn and syndrie vthiris, be taking of ane garland of grene-wodbynd, and causing of the patient to pass thryife throw it ; quhilk thairafter scho cuttit in nyne peices and cast in the fyre ; quhilk scho affermit scho leirnit, with the rest of hir cures, fra ane Italean strangear callit *Mr Johne Damiet*, ane notorious knawin Enchanter and Sorcerer ; quhilk was lykewyis done vnder the pretext of Witchecraft.—ITEM, fylit for hailling of syndrie perfones diseasit of the falling evill, be hingand of ane stane about thair nek fyve nyctis ; quhilk stane scho affermit scho gat fra the Lady Crawford ; and swa for abusing of the peple vnder pretext of Witchecraft.—AND siclyke, ffrand, pronunceit and declarit the said CRISTIAN SAIDLER to be fylit and convict for abusing of the peple vnder pretext and cullour of Witchecraft ; and specialle, that scho and the said *Cristian Levingstoune*, refoirting oft in hir hous, and consultit and devyfit in sik thingis, and nemelie defyrit the said Cristian to tak weill vpon hand to cure ane Gray in Hadingtoun, quha was alledgeit to be witchit, and come to the said Cristian house to seik remeid thairfor : Lyke as also, Robert Bailzie come to hir house, craving of her remeid for his wyffe, quha was bewitchit, and scho fend the said Cristian Levingstoune to Hadingtoun to her, and bad her tak brwne and cammamyne and seith in quhyte vyne, and gif it to the seik woman to drynk, for the seiknes of her hairt.—ITEM, fforfamekill as Andro Pennyeuke being diseasit, be the space of xx oulkis, in hir hous, of the vnderfute,² as scho affermit, and culd nocht hail hir (him), scho fend for the said *Cristian Levingstoune*, and baid her tuik weill in hand ; and scho said to the said Andro, that scho fend for ane wyife-woman, quhilk was the said *Cristian Levingstoun*, quha had skill and wald hail hir (him) : And eftir hir cuming, thay take a reid cok, flew it, buke a bannok with the blude of it, and gaif the samyn to the said Andro to eit : And thairefter, scho gaif the said Cristian ane of the said Androis farkis, and baid hir dip it in the well behind hir hous, and scho did it, at hir command ; and scho put the samyn vponne him wat ; quhairthrow he maist haif sownit³ amang thair handis ; thairby abusing the pure gentleman, under cullour of Sorcerie and Witchecraft.—ITEM, that vnder cullour of hir craft and hailling of diseasit perfounes, scho affermit that scho culd hail Leprosie ; lyke as, scho tuk in hand to hail the Young Laird of Bargany,

¹ A *wed*, a disease peculiar to women in childbed and to nurses. It occurs among the singular enumeration of diseases in Sir John Roull's Cursing, one of the Poems in the Bannatyne M.S.—'The cruke, the cramp, the colica,—The worm, the wareit wedonynpha,—Rimburfin, ripplis and belly-thra.' It is also known by the name of *wyten-on-fa*.
² In Sibbald's Glossary, the word '*undergore*' occurs, as expressive of a 'state of Leprous eruption.'
³ He had almost swooned or fainted away.

quhilk scho affermit scho did, with cure of saw,¹ maid of quick-silver, and rubbit it on the patient, quhilk scho alleget scho leirnit at hir fader; albeit scho did the samin be vnlessum meanis, scho haifing na sik knowlege as to cure Leprosie, quhilk the maist expert men in medecine are not abill to do.—ITEM, that vinq^{le} Robert Hunter, being diseasit with a flaw in his face, quhilk scho affermit to be Leprosie, scho vsit a cure vponne him mixt w^t quick-silver and gaif him in drynk: God knowis how it wes composit, bot the gentillman deit within xij houris thair-estir, as wes notourlie confest be hir selff, and can nocht be denyit; quhairby scho was giltie of his death, be hir craft, ministring to him vnlessum thingis, quhairof he deit suddendie; and swa scho abusit the said Robert Hunter.—ITEM, ffand, pronunceit and declarit the said BESSIE AITKYN to be fylit, culpabill and convict for abusng of the peple, in geving her furth to hail seik perones, be putting of thame throw ane girth² of wodbind, thryis thre tymes, and vsit thir wordis, ‘ This in þe name of þe Father, þe Sone and þe Halie Ghaist: ’ Quhilk cure scho practizit vpon Marionne Wallace in Marlingis-wynde and diuerse vtheris, for a dolour in thair lunze;³ quhilk quhen scho declarit to Jonet Stewart, scho affermit that the said Jonet bad hir tak reid nettellis and Alex^r,⁴ and bath hir with, and seith Alex^r with fresche butter and rub vpon hir; and to put the said Marionne Wallace ix times throw the girth of wodbind, at thre feuerall tymes, and xxiiij houris to be betuix ilk tyme; quhilk scho did.—ITEM, for vsing of the lyke to, a wyffe of Cramond, for curing of hir diseise, quhome scho past throw the girth of wodbind nyne times; and forder, scho tuke Bessie Henderfoune doune the bak-lyde of Nethir Crawmond, and take vp nyne sopis⁵ of salt watter and put in a stolp;⁶ and being all in bed or sche come agane, scho waifche⁷ the seik woman, callit Vchiltrie, frome the crowne of hir heid to the foill of hir fute, being haldin vp betuix twa susteris; and syne scho did that in Geillis⁸ name: This was done to Williame Kellis wyffe, and said that his wyffe had twa meidwyffes, and the last had done his wyffe evill; and counsaillat him to fend for hir, and ask his wyffes health thryis at hir for Godis saik; and baid him, at hir away-ganging, cast a fyrie coill, and twitche⁹ hir thairwith; and sayd forder, gif the said Bessie had not cum, the said Williamis wyffe had deit: Lyke as also, scho maid a saw¹⁰ of reid nettellis and butter and wodbind, and laid it to the patientis lunzie, as Jonet Stewart had done to hir of before; and pat hir throw the girth: Lyke as, scho causit to bath hir lunzie with scheippis

¹ Salve or ointment. ² Hoop or circlet. ³ Loins; it ought to have been written ‘lunzeis.’

⁴ An herb, vulgarly called ‘Aleflander,’ *stinkin’ Alfchinder*, or ‘loveage,’ with black leaves. *Lactolus atrum, ligusticum, levisticum.* ⁵ *Soups*, sops, or small quantities; probably as much as could be taken up in the palms of the hands joined, at nine times. *Literally*, as much liquid as can conveniently be contained in the mouth.

⁶ Stoup, a wooden vessel for holding water. ⁷ Washed. ⁸ St Giles, the tutelar Saint of Edinburgh. ⁹ Touch. ¹⁰ Salve.

doung.—ITEM, scho confest that scho leirnit of Janet Stewart to tak rawff¹ Spainzie seid, and steip it amang quyte wyne, and gif it to driuk, for the fawing-evill.²—ITEM, scho confest alsua, that James Johnstoune, cuning to craif hir counsale anent his diseis of , scho baid him get a grene gwife,³ with four or fyve kitlingis,⁴ and put the kitlingis in the guise wambe, and roist the famyn; and with the juse and drippingis to rub him; bot put the famyn never in practize vponne him.—ITEM, forder ffand, pronunceit and declarit the saidis *Cristian Lewingstoune, Jonet Stewart, Cristian Saidler* and *Bessie Aitken* to be fylit, culpable and convict of commoune abusaris of the peple, be geving thame selffis out for Witcheis, and to vnderstand that thai had craft of Sorcerie, abill to haif curit diuerse grit diseiffis and seiknesses; quhill be na naturall meanis of phisik, or vther lawfull and Godlie wayes, thay war abill to performe.

SENTENCE. For the quhilkis crymes, the said Justice Depute Ordaint the saidis persones.⁵ and ilk ane of thame, to be tane to the Castell-hill of Edinburghe, and thair to be wirreit⁶ at ane staik, quhill thay war deid; and thair bodeis to be brunt in affes, and all thair movable guidis to be escheit: Quhill was pronunceit be the mouth of [William] Liddell, Dempstar of the said Court.

Sedition — Treason — Besieging the King, &c. in Tolbooth of Edinburgh.

Jan. 20, 1597-8.—EDWARD JOHNNESTOUN, merchand burges of Edinburgh.

Dilatit, accufit and perfewit be Mr Thomas Hammiltoune of Drumcairne, aduocat to our fouerane lord, of the Dittay vnderwrittin: That is to say,

DITTAY against the Pannell.

EDWARD JOHNNESTOUNE, merchand burges of Edinburgh, 3c ar indytit, fforamekill as, diuers wickit and malicious personis, invying the quyet estait of the Kirk and commoun wealth of this countrey, haifing preiffit be leis, calmneis, fals clamouris and misreportis of his Maiesteis vertewous procedingis, to rais diffentioun betuix his hienes and the ministeris, and diuers vther his subiectis; perfewerit swa maliciouslie in thair godles practeis, in the monethis of Septem-

¹ Probably the same as *raff*, denoting plenty or abundance of Spanish seed. ² Epilepsy, falling sickness. ³ A green goose. ⁴ Kittens. ⁵ Bessie Aiken, one of the pannells, pleaded her *venter* (pregnancy); which, as had formerly been decided in the case of Barbara Naipar, was sustained. After childbirth, and sustaining 'lang punefishment, be famine and imprifonment,' in the Tolbooth of Edinburgh, she was at length banished for life, in compliance with a Warrant from the King. See Aug. 15, 1598: But by what process of reasoning his Majesty came to so enlightened a conclusion, it is difficult to conjecture! Bessie's extreme poverty puts bribery out of the question. ⁶ Strangled, *worried*.

ber, October, Nouember and in the beginning of December, in the yeir of God I^m.V^c.lxxxxvj, to dispose the haertis of the nauchtieft and warft inclynit peopill to miscontentment and rebellious, till at last, vpoun the xvij day of the said moneth of December, takand thair avantage, be occasioun of his Maiesteis chargeing of sum inhabitantis of Edinburgh aff the toune, with quhais extraordinar and suspect behaviour his Maieftie wes than offendit, to abuse the Ministrie, nocht oulie with ane vehement fray¹ of thair awin priuatt perrell, bot also of the extreme danger of the Kirk and Religioune, incussit thairby sic terrour to thame, that thay defyrit the Nobillmen, barrounis, gentilmen and burgesfis, being att the preiching the said day, to repair to the New Kirk; quhair, eftir conference and deliberatioun vpoun the remeidis of the confaut danger, haifing concludit to promeis ayfald² concurrence to vtheris, in the defence of Religioune, and renewing of the Covenant maid to that effect, be thair solemp aithis, and extensioun of thair rycht handis: Ane number of the saidis seditious leyaris, authouris of the reportis and diffentioun foirsaid, being present, and persaving that to be ane verrie convenient tyme, and sic occasioun, to performe thair preceding proiectis; incontinent, of thair vphaulding of thair handis at the New Kirk, began, in maist confusit and tumultuous maner, to cry, ‘To armes!’ and to exhort thair associattis to stik³ certane of his Maiesteis nobilitie, counsalouris and domestik seruandis: Quhair ye being present, and airt and pairt of the said tressonabill and rebellious tumult, ischeit⁴ with thame, furth of the said New Kirk to the callay,⁵ in ane grit number; and dispersing your selfis in diuerse quarteris of the callay, cryit, ‘To armes!’ to ‘Stryke þe swasch!’⁶ and ‘Ryng

¹ Fear. O. Fr. *Effroy, effray, frayeur*. ² q. d. One-fold, single, unfeigned, hearty concurrence with each other. ³ Stab, assassinate. ⁴ Issued, rushed forth. ⁵ Causeway, street. ⁶ The alarm-drum. Dr Jamieson, in his valuable Dictionary and Supplement, defines this instrument (but apparently with some hesitation) to be a trumpet. In all the instances the Editor can recollect of having met with the ‘*swasche*’ or ‘*swesche*,’ in the ancient Records and in other MSS., reference is uniformly made to its being *struck*, not sounded or blown. As the instrument is one now entirely forgotten or unknown, some enquiry has been made by the Editor into the subject; and, without offering any farther remarks, the following curious notices are given, being the result of considerable researches. In the Lord Treasurer of Scotland’s accounts, anno 1542, the following entries occur.

‘In the first, deliverit to be x coittis and x pair of hois to the four playeris on the veolis, four trumpetis of ware, and twa *taburneris*’ (drummers), lxij li. xvj s.
(1544.) ‘Item, to tua men that playit vpoun the *swesche*, quhilkis had thair *tabrounis brokin* thair, [at the ‘Assège of Glasgw’] be the *Irifche* men,’ xliiij s.
(1548.) ‘Item, vij Aprilis, ane to play throw the toune with the *swesche*, to raise certane men of weir, to pas to Yaisler,’ iij s.

FROM the Treasurer’s Accounts, as recorded in the Burgh Court Book of Canongate;

(Nov. 15, 1576.) ‘Item, gevin to Carsane the *Swascheur*, that day we moufterit, xxx s.
‘Item, the famin day, gevin to the Pyper, at the Baillies command, viij s.
‘Item, the famin day, gevin to ane Bonet-maker fallow, to play on my Lordis *swasche*, vj s. viij d.
‘Item, vpoun the tent of October, gevin for ane *swasche* to our moufteris, iij li.
‘Item, for TWA STICKIS TO THE SWASCHE,’ vj d.

Besides these, numerous other entries occur in the Lord Treasurer’s Books, at different dates, of

pe commoun bell' affirming the Religioume to be in danger, and his Maieftie to be accompaneit with ane number of nobilitie and counfalouris, Papiftis, and ini-meis to the Kirk: And be that policie, haifing convocatt and fteirit vp your affociattis, to the number of ffour or ffyve hundreth men, with jakis, knapfkais, corflattis, hagbuttis, piftolettis, pikis, halbertis, fwerdis, gantillettis and vtlieris wappinnis inuafine, ye and your faidis affociattis, treflonable and feditiouflic in-cloft his Maieftie within the Tolbuith of the faid burcht, quhair his hienes wes for the tyme with his Counfall, in his gown,¹ in maift peceabill maner, for admi-niftratioun of iuftice, and difcharge of that poynt of his princelie dewtie to his peopill: And the faidis feditious rafkallis and ye incloft the Kirk-ftyle, and haill paffageis of the faid Tolbuith, and acces to the famin, gairdit thame with forceis of armit men, debarrit be force and violence fic of his Maiefteis faithfull fubiectis and familiar feruitouris, as preiffit to haif enterit within the faid Tol-buith, to haif bene ather releifaris of his perrell, or pairt-takarais thairof; boiffit and dang² gentilmen, and vttheris his Maiefteis feruandis, aff the calfay; flayit fic as wes with his Maieftie to ifch furth of the Tolbuith, except fic particuleris as focht and obtenit your licence; minaffit fic as wes within the Tolbuith for his Maiefteis defens, bidding caft furth certane of his counfalouris and feruandes att the windois, and boiffit that ye fould lift thame; and vterit infineit fic tref-sonabill and feditious fpeichis, and continewing thairin be the fpace of twa houris; treasonable befegeit his Maieftie, in fwa barbarous, contemptuous and rebellious maner, as wes newir vfit of before, ather³ fene in this countrey, or hard of in ony vther; till att laft, the weill affectit magiftratis, and certane dewtiefull inhabit-antis of the faid burcht, with diueris gentilmen, being thairin for the tyme, haif-ing affemblit thame felffis in fic number and preparatioun, as ye could nocht gudlie haif refistit perfewering in your will; bot, laiking power to performe your maift trefonabill interpryis foirfaid, wer forceit to reter⁴ your felffis, and fuffer his Maieftie to be relewit, in difpyte of your malice and treasonabill rebel-lioune. Quhilkis crymes, particulerlie aboue fpecifeit, wer committit att the tyme, and in maner foirfaid, of your counfaling, dewyfyng, interpryfyng, caufing, fleirring vp, command, affiftance and ratilhabitioun; and ye wer airt and pairt thairof. Quhilk ye can nocht deny.

payments to *fwefchcouris* and *tabrounaris*. The present quotations shall be closed by another singular extract.

(Oct. 14, 1596.) 'Johne Sandis beenm actit to *firyk the fuyfe* throw this burgh, at four houris in the mornyng, and at aucht houris at evin; and for his diligence thairintill, Robert Bennat is becum actit cautioner to the Beilleis and Counfall of this burgh, under the penaltie of ten pundis.

(*Eodem die.*) 'Andro Angle becam actit to ring the bell daylie, at four houris in the mornyng, and at aucht houris at evin, &c—*Actis, Ordinancis and Statutis of the Burgh of Culros.*'

¹ Sitting in council in his robes of state, and therefore unarmed.

² Threatened, brow-beat, and drove.

³ Either, or.

⁴ Retire, withdraw. Fr. *retirer*.

Quhilk Dittay, being red in the said Edwardis prefens; and being inquiryt, gif he wald abyde ane Affyis thairfore, or cum in his Maieftis will for the famin? Anfuert, that he wald nocht cum in will of the Dittay, as it is confaut; and he produceit ane Supplicatioun efter fpecificeit.

EDWARD JOHNNESTOUNIS SUPPLICATIOUN *to the Lords of Secreit Counfall, and thair Deliuernance.*

SOUERANE lord, vnto your Maieftie and Lordis of your lienes Secreit Counfall, huimlie meinis and fchawis your graceis feruitour, Edward Johnneftoun: That quhair, vpoune occafion of fum fpeichis vnhappellie vterit be me in your Maieftis prefens, vpoun the xij day of this infant, tending to my purgation of the tumult and vproir, quhilk fell furth in the town of Edinburgh, vpoun the xvij day of December, 1596 zeiris, it pleafit your lienes to committ me to waird within the Tolbuith of Edinburgh, thair to remane quhill I wes tryit be ane Affyis of the famin. Quhilkis fpeichis wer maift vnaufittlie fpokin, and with my haert I repent the vtering pairof; maift huimblie craving your Maieftis pardoun pairfore, and for that suddane and vnhappie commotioun, quhilk fell furth the said xvij day of December 1596, quhairatt I wes prefent, althocht vpoun na ewill intentione nor purpois aganis your Maieftie, or ony of your counfall: *¶* Sit, feing your lienes wes fa heichlie offendit pairat, nocht only condemn I the famin as rafch and vnaduisittlie done, bot alfo fra my haert I repent I wes prefent that day. Maift huimblie befeiking your Maieftie, accordig to your wountit grit (mercy) and clemencie, to pardoun me for the famin, protefting folempnelie, be Godis grace, I falbe mair war¹ and circumfpect in all tyme cuming, in the faythfull and loyall difcharge of my dewtie to your Maieftie; for quhais lang leif and prosperous eftait I fall continewallie pray: And for my efcheit, quhilk your Maieftie difpouit, I am content to, being relewit out of waird, quhilk I huimblie craif, to fatisfie the donatours pairof att your Maieftis fycht, accordig as vthiris neychbouris² hes done: And fwa, your Maieftis gracious anfuert maift huimblie I befeik,

(Sic deliberatur)

APUD EDINBURGH, xix Januarij 1597. -

The Lords of Secreit Counfall Remittis the anfuert of the complement within writtin to the Kingis Maieftie.

(Sic fubferibitur)

FVVIIE.

According to the quhilkis, he becummis in his Maieftis will: And as to the Dittay produceit, denyis the haill pointis thairof, except fa far as is contenit in the Supplicatioun aboue writtin.

And thaireftir, the said Edward Johnneftoun, eftir the reding of the Dittay aboue writtin, produceit be the said Aduocat, declarit, that fafar as his Maieftie thinkis of his honour and confcience that he is giltie of ony poynt of the said Dittay, he beand in his Maieftis will thairfore; for fatisfacioun of the quhilk will, Archibald Johnneftoun merchand burges of Edinburgh, become pledge and fourtie; and the said Edward Johnneftoun obleift him to releif the said Archibald of the caution aboue writtin, and of all danger that may follow thair-
vpoune.

¹ Wary, cautious.

² Fellow-citizens, townsmen.

(Jan. 21.)—THE quhilk day Eduarde Johnneftoun burges of Edinburgh, being enterit on pannell, to heir and fie our fouerane lordis Will declarit, anent the crymes quhairfoir he become in his hienes will, in ane Court of Justiciarie haldin be the said Justice-depute, in the Tolbuith of Edinburghe, the twenty day of Januarie infant: For fatisfactione of the quhilk will, Archibald Johnneftoun merchand burges of Edinburghe become actit and oblist cautioner and fouirtie in the buikis of Adiornale; as ane act maid in the said Court, the said twenty day of Januare, at mair lenth proportis.

Comperit Mr Thomas Hammiltoun of Druncairne aduocat to our fouerane Lord, and producet in judgement to the said Justice-Depute, twa Warrantis subferyuit be his Maieftis hand: Of the quhilk tua warraundis the tennour followis.

The tennour of the first Warrant.

FORSAMEKLE as Eduarde Johnneftoun, merchand burges of Edinburghe, being pannellit and accusit for airt and pairt of the treaffonnabill cryme of Treaffoun and Liefnaieftie, committed be him and his complices vpoun the fevintein day of December lxxx sextein (1596) yeiris, aganis our royale perfoun, and certane of our nobilitie and counfalouris, being within our Tolbuith of Edinburghe for administration of Justice to our liegis, in quiet and peciabill maner; is cum in our will for the said cryme: Thairfoir We, for declaratioun of ane parte of oure will anent the said Eduarde, nochtwithstanding of his merite of death and confiscatioun of all his movabill guidis and geir and fforfaltour of his landis for the said cryme, haue neurtheles, of our grace, elemency and mercy, pardonit and remittit to him his lyif, We decerne and ordaine þe said Eduarde, for him self and takand the burding on him for his wyif and bairnis, and all vtheris having rycht of thame to the obligatioun vnder writtin, to superceid all executioun compitent to him and his bairnis or ony of þaim vpoun ane Obligatioun maid and subferyuit be Thomas Fonlis goldfmyth, burges of Edinburghe, and his cautioneris, to the said Eduarde and his foirfaidis, quhairby the said Thomas and his saidis cautioneris, for þe soume of Aucht thousand markis ressaueit be þe said Thomas fra þe said Eduarde at þe making þairof, become bund and oblist to pay the said soume to þe said Eduarde or his foirfaidis, or vþirwyis to content and pay to thame ane grite quantatie of victuell theirfoir, or to grant quhatfumeuir securitie of infestment of landis for þe famin, in maner specifcit in þe said Obligatioun, of quhatfumeuir dait or daitis þe famin be of; and that ay and quhill the said Thomas and his foirfaidis ressaue payment of the said soum fra ws and our Comptroller, according to ane Act and ordinance maid anent the fatisfactione and pament of þe saidis Thomas debtis restand be ws to him; sua that the said Eduarde or his foirfaidis fal haue na actioun nor executioun vpoun the said Obligatioun, ather principall soume, proffreit þairof, or victuell þairin contenit aganis the said Thomas and his cautioneris, quhill thay ressaue pament and fatisfactionn of þe said soum of Aucht thousand markis fra our said comptroller; and orldanis the said Obligatioun, haill strenth, force and effect þairof to ceis and be suspendit in the mentyme, quhill the tyme aboue specifcit; at the quhilk tyme, þe said Thomas and his cautioneris salbe onlie oblist to pay the said principall soume of Aucht thousand markis, togidder with the annuelrent of ten markis for ilk hundreth¹ þairof, for all 3eiris and termes that the said Eduarde fall happin to want the said principall soume, and fall nocht be afrietit to pament of ony griter proffreit for the said soume, nochtwithstanding of quhatfumeuir claus or conditionn in þe said Obligatioun: And for the mair securitie, we ordane þis oure

¹ Interest at the rate of 10 per cent.

declarioun of ane parte of oure will to be infert and regiftrat in þe buikis of Adiornall, with lettres to pas þairupoun, in form as effeiris. Subferyuit with oure hand, At Haliruidhous, the xxi day of Januare, 1597.

(Sic fufcribitur)

JAMES REX.

Followis the tennour of the ither Warrant.

REX,

JUSTICE, Justice Clerk and 5 our deputtis, We greit 5ow weill: Forfamekill as in ane Court of Justiciarie haldin be 5ow in our Tolbuith of Edinburghe, the twenty day of Januar infant, Eduarde Johnneftoune, merchand burges of Edinburghe, is becum in our will, for his airt and pairte of the Infurrectioun movit aganis ws and oure counfalouris within oure burghe of Edinburghe, vpoun the xvij day of December, 1596 5eiris; and that Archibald Johnneftoun, merchand burges of Edinburghe, is become oblift and actit in 5our buikis, for fulfilling our will to be pronuncit pairament: Qubairfoir, We movit with clemencie, mixing mercy with iustice, albeit the faid Eduarde meritit rigorous pvnifchement, be thir presentis declairis our Will in þat behalf, as followis, to wit: We Decerne and ordane the faid Eduarde Johnneftoune and his cautioner to content and pay to our familier feruitour, Sir George Home of Spott, donatour to þe faid Eduarde his efcheit, the foun of Thrie thousand and fyve hundreth markis, betuix and the tent day of Februare next; and als, to gif ane sufficient difcharge to our faid donatour for his intromiffioun with qubatfumenir fumes of money perteing to þe faid Eduarde, vpliftit be þe faid Sir George and vþiris in his name in ony tyme bygane: Qubilk We declair falbe in full contentatioun for þe faid Eduard his efcheit, and of all farder pane and cryme we may lay aganis the faid Eduarde, for þe caus foirfaid: Ordaining alsua lettres of Pounding and Horning vpoun ane fimpill charge of fex dayes to pas and be direct at the faid Sir Georgis instance aganis þe faid Eduard and his cautioner, for fulfilling heirof and pament to him of þe faid fomme; for fua is oure will be þir presentis. Subferyuit with oure hand, At Edinburghe, the twenty ane day of Januare, 1597.

(Sic fufcribitur)

JAMES REX.

According to the qubilkis Warrantis, the faidis Justice-Depute pronuncit and declairit our fouerane lordis Will aganis the faid Eduard Johnneftoun; and decernit and ordanit him to fulfill the haill pointis, artieles, and clauffis contenit thairin; and that lettres be direct heirvpoun aganis the faid Eduard and his cautioner for fulfilling of the premissis, conforme to the tennour of the faidis Warrantis.

Forgery — Counterfeiting a Discharge.

Feb. 8.—JOHN HALYDAY, burges of Edinburghe, Thomas Marioribankis, notar thair, James Lowrie, fone to vniq^{le} James Lowrie burges of Edinburghe, Johnne Wynzettis, funtyme kater to his Maieftie, Alexander Lowrie, baxter in Edinburghe.

Dilatit of the counterfiting, falfcifeing and dewyfyng of ane fals and counterfit Difcharg, alledgeit maid be Capitan Williame Nifbet to James Lowrie, of the fomme of thre hundreth markis, centenit in ane Obligatioun maid be the faid James to the faid Capitan Williame; and of ane Inhibitioun following thairvpoun.

VERDICT and execution of SENTENCE. ‘Fylit and hangit.’

Falsely acting as a Notary.

Feb. 8.—JOHNNE MOSCROP, wryter in Edinburghe.

Dilatit of gewing of him selff for ane notar, he nocht being (ane); and subferyuing as notar diners obligatiounis.¹

The Dittays in this and the preceding case are recorded, and contain the particulars of the forgeries; but they are not worthy of being inserted.

VERDICT. The Affyis, ‘be the mouth of Johnne Stoddart of Sheilgrene chancellor, fand, pronunceit and declarit the said perfounes vpoun pannell to be fylit, culpable and convict of the particuler crymes aboue writtin, quhair of everie ane of thame was accusit.

SENTENCE. The said Justice-depute ordanit thame, be the mouth of Williame Liddell dempstar of the said Court, to be tane to ane gibbet besyde the mercat croce of Edinburgh, and thairon to be hangit quhill thai be deid; and all thair movable guidis to be escheit and inbrocht to our souerane lordis vsê, as convict of the saidis crymes.

Unbesetting the Highway—Wamesucken—Shooting of Hagbutts and Pistolets, &c.—Murder.

Feb. 15.—JOHNE MURE of Auchindrane and others.

The samin day Matthow Dunduff of that Ilk alias Stewart, oft tymes callit as cautioner and fouirtie for Johnne Mure of Auchindrane, John Mure sone to Quintene Mure in Carcloy, David Sinclar and Johnne Schaw, feruitour to the said Johnne Mure, and Patrik Davidfoune, feruitour to the said Mathow Dunduff alias Stewart. AND siclyke, the said Johnne Mure of Auchindrane, oft tymes callit as cautionir and fouirtie for ALEXANDER KENNEDIE, sone to Hew Kennedie of Craigneill, David Mure feruitour to the Laird of Bargany, Johnne Dunduff alias Stewart, sone naturall to the said Matthow, to haif enterit and presentit thame before our souerane lordis Justice or his deputis this day and place; ffor cuning vpoun the thryd day of Januar lastbypast, vnder sylene and cloud of nycht, with convocatioun of our souerane lordis lieges, bodin with hagbuttis and pistolettis to the toun of Mayboll; and eftir thay had stellit² thair horffis att the Guid-wyffe of Knokdais zettis in Mayboll, thay convoyit thame selffis secreteilie to Thomas Nasmythis zaird in Mayboll, nixt adiacent to Sir Thomas Kennedeis duelling hous in Mayboll, as place meitest for accomplisshing of thair crewall, vngodlie and barbarous murthour and slauchter of the said Sir Thomas Kennedie; quhair thay stuid, darnit betuix tua edzis,³ awaiting for

¹ On the margin, ‘Convict and hangit.’

² Put up, placed or stabled, *stalled*.

³ Concealed or hidden between two hedges.

his slauchter, and to haif murtherit him be way of Brigancie, Hamefuekin and Vmbefetting of his hie gait, and way of foirthocht felony, precogitat malice, confpyrit and dewyfit murthour: And thay, perfaving the faid Sir Thomas Kennedie, with Dame Elizabeth M^cGill his fþous, Thomas Kennedie thair eldeft fone, Mergaret and Helene Kennedeis thair dochteris, cuming furth of the faid Thomas Nafnythis duelling hous, and cumand throw his yaird betuix the twa edzis, kepit thame felffis darnit,¹ quhill the faid Sir Thomas wes within fax ellis to thame quhair thay lay; quha fuddanelie vmbefet the faid Sir Thomas, his fþous and bairnis, or² he could be war³ of thame, he dredand na harme nor inuirie of ony perfoune, and fþeciallie of the perfonis aboue writtin, thay ftandand with him in apperand favour and freindfhip, att the leift but⁴ ony profeffioun of feid or vpgewing of kyndnes; and thane fehott and delafcht⁵ aucht fehott of hagbuttis⁶ and piftolettis att the faid Sir Thomas; and he, being nocht habill to fufstene thair force and malice at that tyme, eftir he had reterit him felff with his wyffe and bairnis, thay perfewit thame with diuerfe ythiris fehottis, and crewallie infiftit and invadit thame for thair flauchteris; as the markis of the faidis fehottis vpoun the wallis, duris and yettis⁷ of the faid Thomas Nafnythis duelling hous and yairdis may cleirlye testifie: As lykewyis, eftir thay had delafcht thair haill hagbutis and piftolettis att him, thay maift crewallie and vnmercifullie invadit and perfewit the faid Sir Thomas Kennedy to the Kirk Yaird of Mayboill, quhair thay wald nocht haif failzeit to haif flayne him, gif be the provifioun of God, and darknes of the nycht, he had nocht bene feperat fra thame, and efchavit thair bludie handis. As at mair lenth is contenit in our fouerane lordis lettres, rafit at the instance of the faid Sir Thomas Kennedie of Culzean, and Mr Thomas Hammiltoune of Drumcairn, Aduocat to our fouerane lord for his hienes interes, thairvpoun: lauchfull tyme of day bidden and nocht enterand thame, the faidis cautioneris, *refpectiue*, wes vnlawit for nocht entrie of the faidis perfonis in the panis contenit in the Actis of Parliament, viz. The faid Matho Dunduff alias Stewart, wes vnlawit for nocht entrie of the faid Johnne Mure of Auchindrane, in the pane of ffyve hundreth markis; and for nocht entrie of the faid Johnne Mure, fone to Quintene Mure in Careloy, David Sinclar and Johnne Schaw and Patrik Dauidfoun, for ilk ane of thame, in the pane of ane hundreth markis: And the faid Johnne Mure of Auchindrane wes vnlawit for non entrie of the faid Alexander Kennedie, fone to Hew Kennedie, in the pane of twa hundreth markis, and for nocht entrie of David Mure and Johnne Dunduff, alias Stewart, for ather of thame, in the pane of ane hundreth markis.

¹ Hidden, concealed. ² Before. ³ Aware. ⁴ Without. ⁵ Discharged, old Fr., *deslacher*.
⁶ A sort of large musket, or *harquebus*. ⁷ Yetts, gates.

Lyke as, the saidis principall perfounis nocht comperand, wes adiudgeit to be demnceit our fouerane lordis rebellis and putt to his hienes horne; and all thair movabill guidis ordanit to be efcheit and inbrocht to our fouerane lordis vse, as fugitives fra his hienes lawis, for the saidis crymes.

Umbersetting the Highway — Hamesucken — Shooting of Hagbutts and Pistolets, &c. — Murder.

Eodem die.—MATHOW STEWART of Dunduff (*alias* DUNDUFF OF THAT ILK.)

Dilatit of cuming be way of Brigancie, vnder seilence and cloude of nycht, to Thomas Nasmythis zaird in Mayboill, and vmbefetting the hie gaitt to Sir Thomas Kennedie of Culzeane, and schuting of pistulettis and hagbuttis at him, be way of Hamesuckin; committit the thrid day of Januar lastbypast.

PERSEWARIS, Sir Thomas Kennedye of Culzeane, Mr Thomas Hammiltoune aduocat.
PRELOQUITOURIS for the pannel, The Laird of Craigiehall, (*viz.* Hary Stewart.)

The said Hary Stewart takis instrumentis of the entrie of Matho Stewart of Dunduff; and protestit, that he as cautioner be relewit.

The said Hary Stewart becom pledge and fouirtie for Mathow Stewart, that he fall compeir before our fouerane lordis Justice, &c. the saxtene day of Februar infant, &c.

Feb. 16.—THE quhilk day, Matho Stewart *alias* Dunduff of that Ilk, (vnder protestation that he grantis nocht the lybell to be relewant anent the hamesuckin and foirthocht felony, quhair of name of thame is qualifeit, bot ar only mentionat be way of narration, to induce the cryme quhairvpoun the Dittay is resoluut, *viz.* the convocatioun, and schuting of pistolettis; and that he grants nocht the schuting, wering or having of hagbutis or pistolettis, vpoun him selff that nycht); he is content to submitt himselff to his Maiesteis will, anent the cryme of Convocatioune, and being present with the perfounes contenit in the summondis, sum of thame being his fernandis, haifing and schuting of pistolettis att Sir Thomas Kennedie of Culzean that nycht: And cravis my lord Justice to report to his Maieslie and his Counfall, and reslaue ansvier thairvpoun.

The aduocat produceit the Kingis Warrant; quhair of the tennour followis:

REX,

MR THOMAS HAMMILTOUNE of Drumcainr our aduocat, We greit 3ow weill. It is our will, and we command 3ow, that incontinent efter pe fycht heirof 3e infist in perfruit of Matho Dunduff of pat Ilk, *alias* Stewart, dilatit of certane crymes contenit in our vthiris lettres, rasit att pe instance of Sir Thomas Kennedie of Culzeane, and att 3our instance for our interes; quhilk wes continewit to pis day: And that ay and quhill the said Matho ap^r becom in our will, or be convict of pe saidis crymis be

ane Affyis : And þir presentis fall be to 50w ane sufficient Warrant. Subferyuit with our hand, Att Halyruidhous, the xvj day of Februar, 1597.

(Sic subfcribitur)

JAMES R.

In respect quhairof, and of the command gevin be his lienes, in prefens of my Lord Justice, craves proces, disaffenting fra all continewatioun ; and offeris in- safar the relevancie of the lybell in all the pointis thairof, as the famin is con- fault, gif ony particular allegance wer maid aganis the famin.

The Justice, with auife of the Nobill-men present, continewis the mater in the same estait quhill the morne. ‘ Plegio, Domino Craighall, vndir the pane of Thre thousand poundis.’

Feb. 17.—The quhillk day, Matho Stewart of Dunduff being enterit on pannell, persewit be vertew of our fouerane lordis·lettres, purchest att the in- stance of Sir Thomas Kennedie of Culzeane and Mr Thomas Hammiltoun of Drumcarne aduocat to our fouerane lord, thay comperand personallie and insist- and in his persuit of the crymis eftir specifeit ; that is to say ;

DITTAY *against the Laird of Dunduff.*

FORSAMEKILL as he and his complices contenit in the saidis Lettres, vpoune ane lurking malice and deidlie laitrent borne aganis the said Sir Thomas Kennedie, causeles, and but ony accusatioun gewin or offerit vpoun his pairt, eftir mony consultatiounis and wicket dewyfis bad be thame for his slauchter, thay laitlie, vpoun the thryd day of Januar lastbypast, directit Alexander Kennedie, sone to Hew Kennedie of Craigneill, to await vpoun him to lerne his dyett ; lykeas, the said Alexander wes familiar with the said Sir Thomas att his hous, and that famin day vpoun the feildis, and att Corrag- well, be taking of his guid nycht, and taking aff his hatt, according to his wountit familiaritie with him ofbefore ; and swa, thay haifing vnderstand be the said Alexander Kennedie, that the said Sir Thomas wes to soun that nycht in Thomas Nasmythis duelling hous in Mayboill, lyand within the Baillerie of Carrik, and Sherefdom of Air, quhair he did remane and repair ; thay, with convocatioun of our fo- uerane lordis Liegis, to the number of ten persounis or thairby, bodin in feir of weir,¹ all inarmit with hagbutis, pistolettis and vpiris wappinnis *inuafue*, come thane vnder sylence and cloud of nycht to the said Toun of Mayboill ; and efter thay had stellit thair horffis att the Guidwyffe of Knokdais zettis in Mayboill, thay convoyit thame selfis secreitlie within the said compleneris hous, as place meiteft for accomplisment of thair maist crewall, vngodlie and barbarous interpryise ; quhair thay stuid dar- nit² betuix tua ed₅is awaiting for his slauchter, and to haif murderit him be way of Hamefuckin, Brigancie and Umbefetting of his hie gait, and be way of foirthocht felony, precogitat malice, con- spyrit and dewysit murthour, &c.³ He being airt and pairt thairof ; demereiting thairby maist hie and worthie pwneischment ; to the grit contempt of our fouerane lordis authoritie and lawes of this realme, and to the maist barbarous example of vthiris to committ the lyke.

And being inquiryt, quhidder he wald abyde the Tryell off ane Affyse, or cum in his Maiesteis will for the saidis crymes ; the said Matho declarit that he had nather hagbut nor pistolett the nycht aboue writtin, contenit in the lybell,

¹ Arrayed in a warlike or hostile maner. ² In concealment. ³ The remainder of the Dittay is the same as is contained in Johnne Mure of Auchindrain's case, (Feb. 15,) q. v.

nather yit fehot ony ; nochtwithftanding thair of, he becumis in his Maieftis will for the faidis crymis contenit in the lettres : Quhairvpoun the faid Mr Thomas Hammiltoun of Drumcarne aduocat askit instrumentis. And ficlyke, the faid Matho Stewart of Dunduff becumis in the Erll of Caffillis, and Sir Thomas Kennedie of Culzeanis will for the crymes aboue writtin, contenit in our fouerane Lordis lettres, rafit att the instance of the faid Sir Thomas Kennedie and Mr Thomas Hammiltoun ; his lyffe and landis being exceptit : And actit and obleift himfelf to vnderly thair judgement, quhat ewir thay fould decerne thairanent ; quhairvpoun the faid Sir Thomas Kennedie of Culzean askit instrumentis.

‘ Wardit in the Caftell of Edinburghe.’

Feb. 28.—The quhilk day, Matho Stewart of Dunduff being prefentit on pannell, to heir and fe our fouerane lordis will declarit, anent the crymes quhairfore he become in will. in ane Court of Jufticiarie, haldin in the Tolbuith of Edinburghe, the xvij day of Februar instant ; The faid Juftice depute produceit his Maieftis Lettre, directit to him, for the declaratioun of his hienes will, quhilk he defyrit to be red in judgement to the faid Matho Stewart of Dunduff, and the famyn being red, to be infert and regiftrat in proces ; quhair of the tenour followis.

DECLARATION of the *King's Will*.

JAMES, be pe grace of God, King of Scottis, to our Juftice generall and your deputeis, greiting. Forfamekill as, in ane Juftice Court, haldin in pe Tolbuith of our bureht of Edinburghe vpoun pe fewintene day of Februar, J^m. V^c. fourfoir and fewintene 5eiris, be our lowit Mr Williame Haert of Lewielandis Juftice depute, to our rycht traift coufing and counfalour, Ar^s. Erll of Ergyll Lord Campbell and Lorn our Juftice generall, Matho Stewart of Dunduff being acenfit be Sir Thomas Kennedy of Culzeane, kny^t, and Mr Thomas Hammiltoun of Drumcarne, our aduocatt ; that the faid Matho and his complices, contenit in our lettres direct pairvpoun, vpoun ane lurking malice, &c. [Follows the Dittay.] The faid Matho Stewart become in our will for pe crymes contenit in our faid vpiris lettres ; and als become in pe will of our rycht traift coufing and counfalour, Johnne Erll of Caffillis, Lord Kennedy, &c., and of pe faid Sir Thomas Kennedy of Cuilzeane, kny^t, for pe crymes foirfaidis ; his lyfe and landis being exceptit ; and actit and obleift him felf to vnderly our judgement, our faid rycht traift coufingis and the faid Sir Thomas’ judgement, quhat ewir we or thay fould decerne pairanent ; as ane Act of our buikis of Adiornall maid pairvpoun att mair lenth proportis. We, be pir our Lettres, publeifch and declairis our will toward the faid Matho Stewart of Dunduff in manner following: That is to fay :—fforamekill as We haif fene and confidderit the declaratioun of pe will of our faid rycht traift coufing Johnne Erll of Caffillis, and of pe faid Sir Thomas Kennedy, aganis quhome the faid wickit interpris wes dewyfit, berand in effect, that thair will is that the faid Matho Stewart of Dunduff falbe baneift tthis our realme of Scotland, and als the realmes of Ireland and Ingland, and all Iles, landis and dominiones pertaining to ony of pe faidis realmes, and that induring pe willis of our faid rycht traift coufing and counfalour and of pe faid Sir Thomas Kennedie, and ay and quhill thay bayth coniunctlie and in ane voce declair the contrairie, will be writt ; and that he fall depairt to quhat realme or countrey he pleafis (except as befoir exceptit) betuix pe dait hereof and pe fyftene day of Maij nixtocum, and fall remane furth of pe faidis realms of Scotland, Ireland and Ingland, and all Iles,

landis and dominionis appertening to ony of þe saidis realmis ; and fall nocht returne withine our realme without Licence of our said rycht traift counsing Johnne Erll of Cassillis and the said Sir Thomas Kennedie, coniuinctlie, had and obtenit pairto in writt : And als, vnto þe tyme of his departing furth of our realme to þe places quhair he is baneist, he fall na wyis repair within þe toun of Mayboill, nor ane myle about, nor na vj^r pairt quhair our said rycht traift counsing and the said Sir Thomas sal happin to be, vndir þe pane of Fyve Thowfand merkis money of our realme, to be payit to þe said Sir Thomas, his airis and assignais, in cais of contraventioun of ony point of þe premiffis : And þe said payne to be applyit to þe vse, vtilitie and proffeit of þe said Sir Thomas, his airis, executouris and assignais allanerlie : **QUHILK** Declaratioune of pair will we ratifie, approve and affirne in all pointis, heidis and circumstances, and be þir presentis decernis and ordanis þe same as ane pairt of our will, to be reallie and with effect fulfillit and obeyit : And that it fall nocht be lesfum to þe said Matho Stewart of Dunduff to contravene the famin directlie or indirectlie, for quhatfumewir caus or occasioun, be our outter declaratioune to be maid be ws heireftir, or ony licence or dispensatioun to be grantit in hurt or preiudice of þir presentis. And fforde, We will and declair, that the said Matho Stewart of Dunduff fall consent and pay to our Thesaurar, in our name, the soume of Ane thowfand merkis money of þis realme, togidder with þe vnlaw and amerciamentis in þe quhilkis he standis cautioner for certane his complices, part-takeris of þe said cryme. **THAIRFORE** it is our will, and We requyre **zow**, that incontinent estir þe sycht heiros, **ze** caus the said Matho Stewart of Dunduff to be presentit in ane Justice Court befor **zow**, and to mak publicatioun of our will, as said is, and to caus dome to be pronunceit aganis him, conforme pairto ; and that sufficient cautioneris and fouerteis be fundin be þe said Matho Stewart, for fulfilling and obeying pairto : And that he be reenterit in waird, within our Castell of Edinburghe, and that he remane in fuir firmance pairtill, ay and quhill the said Caution and fouertie be fund, to þe effect foirfaid : As **ze** will anfuer to ws pairvpoun. The quhillk to do, We commit to **zow** our full power, be þir our present Lettres. Geuin vnder our Signet, and subferyit with our hand, Att Halyruidhous, the last day of Februar, and of our regne the xxxj **zeir**, 1597.

(Sic subscribitur)

JAMES R. . A. ELPHINSTONE.

According to the quhilk Letter, and his Maiesteis Will declarit thairin, the said Justice depute, be the moutlie of Williame Liddell, dempstar of the said Court, pronunceit dome agane the said Matho Stewart of Dunduff, and publeifclit the hail premiffis to him ; and decernit and ordanit the said Matho to fulfill, obtemper,¹ and obey the famin in all poyntis, and to find sufficient cautione and fouertie for obedience thairof ; and delyuerit him to James Nisbet, ane of the Bailleis of Edinburghe, to be reenterit agane in waird within the Castell of Edinburghe, to remane in fuir firmance thairintill, ay and quhill he find sufficient caution and fouertie to the effect foirfaid, conforme to his Maiesteis will aboue reherfit. Quhairvpoun the said Sir Thomas Kennedie of Culzean askit actis and instrumentis.

Mar. 1.—At a Court held this day, a document, declaring the Will of the Earl of Cassillis and Sir Thomas Kennedie, was produced, dated at Edinburgh the penult day of February 1597, and ordained to be registered in the books of adjournal. It is precisely in the terms rehearsed in the Declaratioun of the King's

¹ Comply with, *obtemperare*.

Will. Vponn the publeifching and declaration of the quhilk will, Mr Alex^r King, aduocat, in name of the faid Erll of Caffillis, Lord Kennedy, &c., and the faid Sir Thomas Kennedie of Culzean for him felff, afkit actis and instrumentis.

Willful Fire-raising—Burning of Corns.

Mar. 8.—JOHNE KEITH, fear of Troup; Williame Roife, his feruand; Williame Keir and Williame Dalgarno, feruitouris to George Erll of Marfchell.

Comperit James Chene of Straloch, and produceit our fouerane lordis Lettres, dewlie execute and indorfat, as the famin beris; togidder with ane Precept, direct fra his Maieftie, ordaining the Lettres vnderwritten to be defert; quhairof the tennour followis.

REX,

JUSTICE, Justice Clark and your deputis, We greit you well. Forfamekill as it is vnderstand to us, that our louitt, James Chene of Straloch, haifing fund caution to you, according to the ordour, for agane bringing of our Lettres, rafit att his and our aduocattis instance, for our interes, for calling of Johnne Keith, fear of Troup, Williame Roife, his feruand, Williame Keir and Williame Dalgarno, feruitouris to our rycht traift coufing, George Erll of Marfchell, to vnderly our lawis before you, in our Tolbuth of Edinburgh, vpon the aucht day of March instant, for the treafounabill Raifing of fyre and birning of his coirmis of Crwvy, in the moneth of Nouember laft, vnder the panis contenit in our Actis of Parliament: The faid James Chene of Straloch directit ane boy with our faidis vpiris lettres, to haif caufit the famin be execute aganis the faidis perfonis; quhilk boy, in his returne pair-with hither, wes vmbefett in the way beyde Sanct Laurence Kirk, be ane young man vnkawin to him, and nocht only bereft of our faidis vpiris lettres and vpiris fummondis, quhilkis he had vpon him for the tyme, bot als him felff wes strikin xiiij or xv fraikis in the heid, and left him lyand for deid; quhairby the reporting of our faidis vpiris lettres, dewlie execute and indorfat att the faid day, is impedit, and the faid Laird of Straloch forceit to raife new lettres, quhilk requyres ane langer and ane new day: In respect quhairof, it is our will, and we command you, that vpon the fycht heirof, ye defit aganis the faid James Chene of Straloch, or Johnne Cuming, fear of Ernfyde, his cautioner, for nocht reporting of our faidis criminal lettres, dewlie execute and indorfat vpon the faid aucht day of March instant, conform to the Act maid pairament. As ye will anfuer to us vponne your office and obedience, kepann thir presentis for your Warrant, Subferyuit with our hand, Att Halyrudhous, the fourt day of March, 1591.

(Sic fubfcribitur) JAMES R.

Quhilk Precept the Justice admittit.

[*Mr Williame Boirthuik, Justice-Depute.*]

Slaughter—Mutilation.

Maij 15.—JOHNE INNES, alias M^cCARIE, burges of Elgyne, Johnne Innes, younger, his fone.

Dilatit of airt and pairt of the flautcher of v^mq^{le} Williame Hay, faderis brother to Williame Hay of Mayne; and of v^mq^{le} Agnes Leslie, the relict of v^mq^{le}

Mr Alex^r Dowglas, funtyme proveft of Elgyne, (and for airt and pairt of the mutilatioun of the faid Williame Hay of Mayne of his left hand); committit (vpoun the xxj day of March laftbypaft, vpoun fett purpois, provifionne and foirthocht felony, within the burcht of Elgyne.)

PERSEWARIS.

Mr Alex^r Hay, ane of the Clarkis of our foverane lordis feffionne, (for Williame Hay's slaughter;)

Mr Thomas Hammiltoune, advocat, (for Agnes Leflie's slaughter.)

PRELOQUUTOUR (for the pannell).

Mr Johnne Ruffell.

The aduocat produceit his Maiefteis Warrant, for perfuit of the Lettres, purcheft att the instance of the kyn and freindis of vniq^{le} Williame Hay and vniq^{le} Agnes Leflie.

Comperit Mr Johnne Ruffell, prolocntour *et excusatorio nomine* for Johnne Innes, eldar, burges of Elgyne, and produceit ane Testimoniall, fubferyuit be the Bailleis of Goruiock, testefeing that the faid Johnne Innes eldar, fchipit thair, to haif bene transportit fouth to this burcht, to vnderly the law, for the flauchter contenit in the Lettres quhairwith he is fummond; and be aduerfar wynd being continewallie fenfyne, could nocht compeir personallie: And in lyke manner produceit ane vther Testimoniall, fubferyuit be Alex^r Hay, minifter att Dippill, testefeing the inhabilitie of the faid Johnne Innes; and rycht fwa, produceit ane vther Testimoniall, fubferyuit be Mr Thomas Gordoune, notar publict, testefeing this famin inhabilitie: And in refpect thairof, proteftis that na proces can be led aganis the faid Johnne nor his cautioneris. The aduocat anfueris, that the Testimoniall aucht nocht to be reffauit, in refpect of the Act of Parliament and practik of this judgement, admitting na affoinzeis¹ for the non comperance of parteis fummond to vnderly the law, bot sic as ar verifeit be the ayth of ane Minifter and twa witneffis, deponand vpoun thair awin certain knowledge.

The Justice ordainis proces, in refpect of the Act of Parliament.

The perfons fummond on the Affyfe, protefted their comperance, and that they be not fummond in time coming.

The Justice ordained James Petrie, burges of Elgyne, cautioner for the faid Johnne Innes, elder, 'to be vnlawit in the pane of Twa hundreth markis; also ordanit the faid Johnne Innes, eldar, to be denunceit our foverane lordis rebell, and putt to the horne; and all his movabill guidis to be efcheit and inbrocht to his Maiefteis vfe, as fugitive fra his hienes lawis for the faidis crymis.—Continued to the Air of Elgyne, tertio Itineris.'²

¹ *Essoyne*, Old Fr., excuse for non-appearance in Court, &c., by oath that party is sick, &c. ² On Jul. 25, Williame Gordoune of Geicht, as cautioner for Johnne Innes, elder, is fined 400 marks, being 'double of the panis contenit in the Act of Parliament, becaus he wes at the horne.' Innes is of new denounced rebell, and his goodis ordained to be efcheit.

[*Mr Williame Hairt, Justice-Depute.*]

Taking Captive and Prisoner — Bailies' Jurisdiction — False Imprisonment.

JUN. 2.—MR JAMES HAY of Rannes.

Dilatit for taking of Alexander Rychardfounne, in Fynnauchtie, captiue and presoner.

PERSEWARIS.

Alexander Rychardfoun in Fynnachtie,
Mr Thomas Hammiltounne.

PRELOQUUTOURIS for the pannell.

Mr Johne Scharpe, aduocat, Mr Johne Dempstar,
Mr Robert Cokburne.

It is allegeit, that the taking of the persewer is na cryme, in respect that Mr James Hay had sufficient power, be reafoun of his Infeftment and Lettres of Baillierie, quhilk gaif him power, as it proportis. The baill clauffis quhair of being presentlie produceit, he repectis ane speciallic, that claus thairof, that he hes power to pwneis transgressouris *secundum juris ordinem*; and this persewar being dilatit for ane recent thift of twa scheip, quhilk wes stollin fra Gilbert Paterfoun, the ane quhair of he fauld to Leonard Coull, the vther to Elisabeth Alexander, bayth duelland within the said barony; and this persewar being brocht before (an Assise?) and the skynnys being schawin to thame, he confest that he fauld the scheip; and swa he (the pannell) committit na cryme, nor did na wrang, gif he had detenit him, quhill he (the pursuer) fand caution, as law will; and he finding caution, he lait him to libertie: Quhilk caution he fand in the Court-buik, as the act produceit in the Court-buik beris.—The Aduocat allegeis, that the alledgance aucht to be repellit, for twa cauffis; fyrst, becaus the Infeftment of the Baillerie produceit, gewis na power to the pannell of jurisdiction criminall, or of ony thing that may import *potestatem vite et necis*, or to tak or impresoun the Kingis frie liegis; secundlie, in caise ony sic power could be pretendit, be vertew of the said Infeftment, the samin could newir be extendit farder nor ane power of ane Barroun baillerie, quhilk can na wyis gif authoritie to the partie infest to deteine the Kingis frie liegis, alledgeit tane vpon the suspicion of ane cryme, attoure¹ the space of xxiiij houris; nather makis this Infeftment ony mentionne of *pitt and gallous*, quhilk ar the only terms quhairby Jurisdiction is gewin to Barrounis, of thair Bailleries of materis criminall: Attowre, it is to be markit, that the Act of Court verifeis the detentioun of the persewar fyve dayes eftir his taking.—Ansueris the defender, that, in this caise, it is altogidder impertinent to disput *de vita et necis, pit et galluse*; *quia de hoc non agitur*; and the Baillerie gewis sufficient authoritie of the apprehensoun of ony suspect of Pykerie,² and to keip him quhill he found sufficient

¹ Above, further than, beyond.

² Petty theft.

cautioun, as law will; according to the custum of all barrounis and baillereis, quhilk wes newir callit in questioun ofbefore.—The Aduocat answers, he that hes nocht power to cognos and desyde in ane caus criminall, hes nocht power to tak, and imprefoun, and detein ane frie liege.

The Justice continewis Interloquoutour to Tyisday; and ordanit the said Mr James Hay to find cautioun, and remit the partie *apud acta*.

(Jun. 6.)—The Justice continewis Interloquoutour in the said mater, to the morne, &c.

(Jun. 7.)—The Aduocat produceit ane Warrant, subseruyit be his Maiestie, direct to the Justice, &c.; quhairof the temour followis.

REX,

JUSTICE, Justice-Clark and your deputis, We greit you weill. It is our will, and We command you, that, vpon the sycht heirof, ye navyise proceed in ye criminall caus persewit before you this day, at ye instance of Alexander Ryelbarthoun, and our aduocat for our interes, aganis Mr James Hay of Rannes, for ye violent taking, detening and withhoulding of ye said Alexander in captivitie and presonne, vsurping pairby our autoritie, conforme to ye lawis of our realme: And that ye continew your Interloquoutour to be pronouneit pairin vnto ye tyme that forder tryell may be taken pairnent: Quhairfore, it is our will, and We command you, that ye navyis proceed heirintill, bot that the said mater be continewit the said Interloquoutour quhill the thryd day of ye aire, or vperwayis vpon fyftene dayes warning; as ye will answer to us vpon your office and obedience: Quhairnent thir presentis falbe your warrant. Subseruyit with our hand, Att Edinburgh, the sewint day of Junij, 1598.

(Sic subseribitur) JAMES R.

It is answerit, that the said Letter aucht nocht to be admittit, in respect it is ane privie Letter aganis Justice and the Act of Parliament; and als, his Maiestie directit ane command in the contrar, to do justice.

The Justice continewis the mater, to the morne, &c.

(Jun. 8.)—INTERLOCUTOR. The Justice findis, that the mater fall nocht pass to ane Inqueist, in respect of the allegiance proponit, sufficientlie verifeit.

Quhairvpon Mr James Hay of Rannes and his proloquoutour askit actis and instrumentis.

Oppression — Inflicting Torture for Discovery of supposed Theft.

Jul. 13.—JAMES CRAWFURD, goldsmyth, burges of Edinburgh; Magnus Anderfoune thair; and Johne Anderfoune, fensar (tailzeour burges) thair.¹

Dilatit for taking and apprehending of Margret Gairdner, dochter of vmq^{le} Williame Gairdner in Sammelfoune, and stryking of ² hir fingar in ane har-

¹ The case was continued from Jul. 10 and 11 to this day. The barbarities inflicted by these wretches, in attempting to discover if this poor girl knew of Crawford's purse, supposed by them to have been stolen by her, have seldom been equalled. ² Off.

row boir,¹ byrning hir with hett tayngis,² vpon the schoulderis, and vnder the oxfteris,³ &c. ; committit in the moneth of Februar lastwas.

PERSEWARIS, Margret Gairner, Mr Thomas Hammiltoune of Drumcarne.

Comperit Margaret Gairner, and past fra the perfuit of the saidis perfounes *simpliciter*, for the saidis crymes.

The advocat substitute⁴ Mr Thomas Wilfoun aduocat, his depute.

The pannell denyis the Dittay, and produceis ane Declaratioune, subscryuit be Margaret Gairner, quhairby sche hes declarit the pannell to be innocent.—The said Mr Thomas Wilfoun protestit for Wilfull Errour, in caise the Assyis acquit, nochtstanding of the Declaratioune, quhilk is priuatlie purchest, sen sche verifeit the contrair aganis James Crawford, in presens of the King and Counsal.—The Assyfe protestit in the contrar, seing that (there is) na thing produceit for instructioun of the Dittay, nor na partie comperit to sweir the Dittay ; bot, before thair chesing, sche past *simpliciter* fra the accusatioune.

The Assyis chesis Phillop Mowbray⁵ chancellor.

SPECIAL VERDICT. The perfounes of Assyife being chosin, sworne and admittit, eftir accusatioun of the saidis James Crawford, Magnus Anderfoun and Johne Anderfoun, be Dittay, of the crymes eftir specifeit, they remowit alto-gidder furth of Court to the Counsalhous, quhair thay reasonit vpon the pointis of the Dittay ; being resolut thairwith, thay re-enterit agane in Court, quhair the said perfounis of Assyis, all in ane voce, Acquitt the said perfounes of the DITTAY vnderwritin, to witt : That thay, in the moneth of Februar lastbypast, come to Margaret Gairner, dochter to vniq⁶ Williame Gairner in Sammeltoune, sche being in peciabil maner, in fernice with Jhone Hewie, burges of Edinburgh, without ony kynd of offence committit be hir to thame ; and thair, maist violentlie patt handis on hir perfoune, tuik hir captiue and presoner furth of hir said maisteris duelling-hous, and convoyit hir to the said Magnus Anderfounis duelling-hous, within the said burecht ; quhair thay, with all kynd of regour and threatningis, chargeit hir to confes that sche had ane purs with money thairin, perteing to the said James Crawford, alledgeit tynt⁶ be him in the said Johne Howeis hous ; and becaus sche wald nocht confes the haifing thairof, being maist innocent and cleane of the away-taking of the famin, thay immediatlie the famin nycht, careit hir captiue to ane hous besyde the said burecht, sche being ignorant of the maister of the said hous ; and thair, compellit hir to put hir

¹ One of the *bores* or perforations through which the teeth of the harrows are thrust. ² It may be inferred from the Dittay, that the instrument made use of by these monsters, was common kitchen tongs, heated ' quhill pe blaidis pairof wes reid-hett,' which were first applied to the shoulders and back, until ' the famin grew cauld ;' and, after being a second time made red hot, thrust under the arm-pits of their unhappy victim. ³ Arm-pits. ⁴ Substituted. ⁵ Of Cassillhill. ⁶ Lost.

fingar in the boir¹ of ane harrow, dang wadgeis² in the said boir about hir said fingaris, quhairby thay raif³ the flesch thairof, and cuttit the fennounis,⁴ and brak the banis of the famin, and forceit the blude to burst out at the endis of hir saidis fingaris;⁵ manassing and terryfeing hir, with the said crewaltie, to confes the haifing of the said purs, quhilk scho had nocht : And thaireftir, becaus of hir denyall, thay hett ane pair of taingis of irne in the fyre, quhill the blaidis thairof wes reid-hett, and syne patt thame betuix hir schoulderis, and vpoun hir bak, quhill⁶ the famin grew cauld ; and thaireftir hett the saidis taingis of new agane, and laid the blaidis thairof vnder hir bair oxsteris,⁷ threatning hir to confes the haifing of the said purse : And thaireftir convoyit hir captine to ane hous in Libbertoune, quhair thay detenit hir bound, be the space of fourtie-aucht houris, with the mair ;⁸ during the quhilk space, sche gatt nather meit nor drink, and lay in point of death.⁹

Quhairvpoun the saidis perfounis askit instrumentis.

[*Messrs Williame Boirthuik and Williame Haert, Justices-Deputes.*]

Adultery.

Jul. 31.—ALEXANDER HAY of Delgattie.¹⁰

Dilatit of the cryme of Adulterie, committit with Elizabeth Clark, dochter to vniq^{le} Williame Clark in Deir, and with Katherene Anderfoun and Elizabeth Perie, seruandis to the said Alexander Hay ; committit in the hail monethis of the 3eiris of God, I^m.V^c.lxxxvj, lxxxvij, lxxxix, and lxxxx 3eiris.

PRELOQUUTOURIS for the pannell, Mr Williame Oliphant, Mr Johne Russell, Mr Johne Chene.
PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, aduocat.

The pannell askis instrumentis, that the aduocat insistis vpoun the hail Actis of Parliament, and speciallic in the Act ane hundreth and fyve of King James the Sext, haldin in the Parliament 1581 yeiris.

It is alledgeit for the pannell, that the mater can nocht be putt to the knowledge of ane Inqueist, becaus the fundament of this perfuit is foundit vpoun the Actis of Parliament ; and trew it is, be Act of the Quene, our fouerane lordis moder, quhilk is the fyirst, it is statute, that notorious Adulteraris, eftir admonitioune preceeding, fall die the death : Trew it is, that, in the hail summondis,

¹ Hole or perforation. ² Drove wedges. ³ Tore, lacerated. ⁴ Sinews. ⁵ A process infinitely more cruel than the thumb-screw, or the 'piliuie-winkis.'
⁶ And upwards. ⁷ Until. ⁸ Arm-pits.
⁹ It is obvious that this unlucky creature had been bribed by Crawford to withdraw her prosecution ; and on this account, the Dittay not having been sworn, and no evidence adduced, the Assise had no course left, but to return a verdict in the terms above written ; for the verdict of 'Not Proven' is of comparatively modern invention, after Juries were freed from the degrading trammels under which they had previously laboured. At this period they were bound to return a verdict of 'Fylit' or 'Acquit,' Guilty or Innocent.
¹⁰ See another Trial against him 'for Adulterie with Barbara Forbes, his allegeit spous,' Nov. 25, 1598, &c.

it is nocht alledgeit, that the defendar is ane notorious Adulterar, or wes admonifcheit, or committit ony cryme of Adulterie eftir admonitioun; and of the law, statutis quhilk ar penall ar maift ftraitlie to be interpret, and fuffer na executioun. Forder, as to the fecund Act maid be our fouerane lord in the Parliament, in anno 1581, it is only ane explanatioun of the former Act, in that pairt tuiching the qualitie of ane Notorious Adulterar; and thairfore, the hail circumftances fett down in the former Act ar vnderftand, of the law, to be re-peittit in the pofteriour; and fpeciallie, tuicheing the faid admonitioun, namelie in confideratioun of baith the faidis Actis, all Adulteraris ar nocht appointit to be pwneift, bot Notorious Adulteraris, eftir admonitioune: And forder, the faidis Actis of Parliament hes newir bene *in viridi observantia*, nor zit ony perfoun putt to ony tryell, nather man nor woman, and fwa of the Law *contraria difsuetudine tollitur*, according to the Commoun Law, *quia et multis peccatum manet impunitum*.—It is anfuerit be the aduocat, that the alledgeance aucht to be repellit, in refpect of the fummondis, quhilk is altogidder conforme to the Act of Parliament of ane hundreth and fyve in number, in the Actis of Parliament 1581 yeiris, feing the famin contenis ane expres qualificatioun of expres, notour, and manifft Adulterie, be procreatioun of childrene in that vnlauchfull communicatioune; quhilk is fa publict and manifft, that it neidis na admonitioune, nather can it be amendit be abftinence eftir admonitioune: And be the faid Act, admonitioune is only ordanit to be vfit quhen parteis ar fufpect, quhais contumacie eftir admonitioune, in that caife, makis thair cryme notour and equall to the vtheris twa qualiteis of Notour Adulterie, contenit in the faid Act. And quhair it is affermit be the defender, that the regour of this Act hes nocht bene putt to executioun, the contrar thairof is manifft, be infinit examples extant in the Adjornall buikis.

It is forder alledgeit *peremptorie, contra istam instantiam*, that this mater can nocht be putt to ane Inqueift, becaus the ground thairof is the cryme of Adulterie lybellit, and the Commiffaris fentence gewin thairvpoun; quhilk fentence proceding vpoun the deponitiounis of twa or thre fubornit witneffes. Thair is ane fummondis of Reprobatur¹ intentit for imprewing of thair Depofitiounis, quhilk being reprovin, confequentlie the fentence will fall; and gif the faid Reprobatur wer pronunceit in the excepietis fawour, it wald furneis him ane infallabill defence in this Judgement;² at the leift, wald elide the hail probatioun that wald be vfit be vertew of the faid fentence; quhairof it followis, that the dependance of the faid ciuile judgement man furneis ane exceptioun in this criminall, that na proces falbe deduceit in this meane tyme: And becaus the faid

¹ An action for leading a new proof, or to re-prove the facts libelled.

² Before this Tribunal.

Commissaris decreit is nocht as yit produceit, bot purposlie is heireftir to be vsit *in modum probationis*, to the Assyse, the excipient is content presentlie, the said decreit nocht being vsit for ony kynd of probatioun, feing the famin is reprovit be the said Reprobatur, and the effect thair of is *in pendente*, he is content presentlie to renunce all exceptioun, dilatour or peremptour, and that the lybell *in facto*, falbe putt to the knowlege of ane Assyse: And forder, in caise my Lord advocat wald producè the Decreit instantlie, he is content to anfuier thairto.— It is anfuierit be the aduocat, that the alledgeance aucht to be repellit, in respect of the summondis contenand ane cryme verry releuantlie sett down, and nawyis relatiue to ony precedand ciuile decreit; nather can thair ony thing done heirament, ciuile, before the Commissaris, or to be done heireftir, stay the present tryell of this cryme in this Judgement: And as to the productione of the alledgeit decreit, or disputatioun thairvpoune, it is altogidder impertinent; becaus the persewar has nather vsit it, nor alledgeit ony sic decreit, nather in his summondis nor in his anfuieris.

Aug. 1.—[A very long preliminary discussion took place, as to the relevancy of the Libel, &c. which it is not thought necessary to insert; as it would be uninteresting to the general reader, and does not bear on any point which can be of use to the Criminal Lawyer, in modern practice.

The following Judgement was pronounced.]

THE Justice repellis the hail alledgeancis proponit aganis their relewancie of the fyrst member of the summondis, alsweill dilatorie as peremptorie; and assoilzeis fra the last pairt, *vt libellatur*: And as to the last defence, foundit vpoun the Remissionne,¹ the Justice supercedis to gif anfuier thairto, quhill he speik with his Maiestie vpoun Furisday.²

The Aduocat, thaireftir produceit ane Warrant, direct be his Maiestie to my lord Justice, &c.; quhair of the tennour followis.

REN,

JUSTICE, Justice Clark and your deputis, We greit you weill. Forfamekill as ye fyrst day of August is appointit to Alexander Hay of Delgattie, for his comperance before you, to vnderly our lawis, for ye filhie cryme of Adulterie, committit be him with Elizabeth Clark. It is our will pairfore, and we command you to proceid and minister justice in ye said mater, conforme to ye lawis of our realme, nochtwithstanding quhatsumeuir warrant or command gewin, or to be gewin to you in ye contrar. As ye will anfuier to us pairvpoune: Quhairnent, thir presentis falbe vnto you ane warrant. Subscryuit with our hand, At Falkland, the fyrst day of August, 1598.

(Sic subscriptur)

JAMES R.

¹ Letters of Remission were granted to Hay of Dalgettie, 'for his being at the Feild of Gleneviot, in company with the Erlis of Erroll and Huntlie, and for his airt and pairt thair of.' The Letters likewise Remit him 'of all vther crymes and offences quhatsumeuir, preceding the said Feild of Gleneviot,' 'quhill wes in the moneth of September, 1594—exceptand onlie Wiechcraft, Thift and Murthour.'
² Thursday.

Aug. 3.—The Justice Repellis the alledgances, foundit vpon the Remiffioun; becaus thair is nathing produceit, to verifie. Quhairvpon the aduocat askit instrumentis.

ASSISA.

Patrik Ogilvy of Inchmartene,	Tho ^s . Abircumbie of Murthlie,	Magnus Mowat of Boquholle,
Sir James Scott of Balwerie,	Sir Patrick Dowglas of Kilspindie,	Andro Meldrum of Drumbrek,
Sir Thomas Kennedy of Culzeane,	Williame Blair of Bagillo,	Johnne Creychtoun of Innernytie,
Sir James Halyburtonne of Pitcur,	Gilbert Pennycuke of that Ilk,	Andro Murray of Balwaird,
Alex. Blair apperand of Balthaok,	James Lokkart of Ley,	W ^m Murray, apperand of Tulliebairdyn.

Exceptions were taken against Ogilvy of Inchmartin, on the ground of partial counfel, &c.; and that he, in consequence of a 'special letter, before he wes summond, at the speciall defyre and requeist of the Erll of Erroll, cum to this toune.'

It is forder alledgeit, that the lettres criminall wer rafit be the Erll of Erroll¹ him self, and his seruandis att his command; the expensis thair of payit be him; the Assyise summond att his command and directioun; he hes informit my Lord aduocat in this persuit as partie; he hes causit the Assyis to be summond, vpon his expensis; he hes writtin particuler Missines to the Gentlemen of the Inqueist to cum heir, before thay wer summond: Quhilkis factis, and ewerie ane of thame, gewis ane sufficient testimony that he is partie; and zit of superabundance, it is forder eikit, that he hes solifeit my Lord Justice him self, as partie, sen the intentioun² of this caus; and lykewyis, vpon the secund day of August instant, past to his Maiestie in Falkland, insifit³ with his hienes that this mater sould be putt to the knowledge of ane Inqueist, in preiudice of the excipient:⁴ Quhilk lykewyis is referrit to my lord Justice declaratioun.—It is ansuerit be the aduocat, that the alledgeance aucht to be repellit; yit as ofbefoir, in respect of his Maiesteis Warrant preceding the raising of the lettres, the lettres thame selfis proceeding vpon ane delyuerance of the Lordis, grantit vpon the persewaris Supplicatioun subferyuit with his hand, and of the Roll of the Assyis, lykewyis subferyuit be the persewar; and albeit the alledgeance mycht appear to contene ane relevant caus quhairfore my Lord of Errollis self could nocht pas vpon this Assyis, as alledgeit to haif gewin partiall counfall, in maner qualifeit in the said exceptioun; yit the samin can nawyis exclud his kynnismen and freindis fra passing vpon the said Assyis: For partial counfall is ane personall impediment, to stay the gewar thair of to pas vpon the Assyise of that persoun aganis quhom he hes gewin partiall counfall; bot is nocht extendit to his kynnismen and freindis.

¹ In another place it is stated, that the Earl of Erroll, 'has solifeit and travellit with his Maiestie, in his cause, as partie.' ² Since the cause was *intentit*, or raised. ³ Urged. ⁴ The pannel.

And quhair it is alledgeit, that my Lord of Erroll is partie, it is verry absurd ; ffor possiblie my Lord of Erroll could nocht qualifie ane entres that mycht mak him ane partie, nather can he tyne or wyn¹ in this cause ; and gif he wald compeir att the bar, and seik to be admitted as partie to persew, albeit the defender kepit sylence and maid na alledgance in the contrar, my Lord Justice wald nocht, nor could nocht of his office admitt him.—It is answerit be the Laird of Dalgat- tie, that that exceptioun quilk wald declyne the Erll of Erroll, wald declyne his haill kyn and freindis : And in effect, it is granted be my Lord aduocat that the Erll of Erroll can nocht pass vpoun this Assyse ; *ergo*, nane of his kyn and freindis can. It is nocht affermit in this caise that the Erll of Erroll hes gewin partiall counfall, bot expresse that he is partie ; to witt, in fortificatioun of the former alledgances, nocht only the saidis Lettres Criminall, quhairvpoune this persuit is foundit, wes rasit to him and att his command, bot the messingeris executouris thair of, bayth vpoun the partie and vpoun the Assyse, execute the samin att his speciall directioun : In lyke maner, besydes the haill particuler circumstances numerit of befoir, he hes sollicit the haill persounis of Inqueist quha wer sunmond to Monunday last, to remane in this toun, quhilk Assyis fould be chofin, as thay wald do him singuler pleasour : And this, with the former arguments, being tane coniunctlie, man infer *simpliciter* the Erll of Erroll to be partie.—The Aduocat answerit, that thair can be na partie bot ane persewar or defendar, or ane partie admittit for his interes ; and nane of the saidis qualiteis is alledgeit aganis the Erle of Erroll, nor can be provin be this proces ; nather can ony extrajudiciall probatioun, by the proces, be admittit in this persuit, for his Maiesteis interes, without concurrence of ony priuate partie.

The Justice, be Interloquitour, ffindis my Lord aduocat only partie in this persuit ; and the alledgances maid be the pannell aganis the Erll of Erroll sufficient and releuant, being provin to seclud him to pass vpoun this Assyis ; bot na argument to seclud the Laird of Inchmartene. Quhairvpoune the persewar and defender askit instrumentis : And repellis the fyrst argument maid about the four-half-about.²

The Assyse being sworne, and the partie being accusit be Dittay of the filthie cryme of Adulterie, committit with Eliz. Clark, the Aduocat produceit ane Decreeit of the Commissaris of Edinburghe, of the dait the penult day of November, 1596 zeiris, berand the cryme lybellit, in the selff same termes as the Dittay beris, to haif bene sufficientlie verifeit and provin aganis this defender. In respect quhair of, in caise the Assyse clange, the persewar protestis for wilfull errour.

¹ Lose or gain.

² It had been objected that Inchmartin ought not to pass on the Assise, ' because, be þe Act of Parliament and commoun practik of þis realme, he is nocht of þe four-half-about. The aduocat refusit to answer, because þis mater is nocht ane Perambulatione.'

[There follows a very long argument, on the relevancy of the Decreet of the Commissariés, which it was contended ought not to be received as proof in such a case, especially seeing that an Action of Reprobator was then in dependence, &c. Although this argument is very ingeniously conducted by the counsel for both parties, it would occupy a much greater space in this Collection than its importance seems to demand.]

VERDICT of the Assise, including the Dittay.

THE samin day, Alexander Hay of Delgatie being enterit on pannell, dilatit, accusit and perfewit be vertew of our souerane lordis Lettres, purchest at the instance of Mr Thomas Hammiltoun, advocat to his hienes for his interes : That quhair, it is expresse prouydit, statute and ordainit be diuerse his hienes Actis of Parliament, that na maner of perfoune or perfounes within this realme commit the fylthie and abhominabill cryme of Adulterie, vnder the pane of deid and confiscatioune of all thair movabill guidis ; as the said Actis at mair lenth beiris. And trew it is and of veritie, that the said Alexander Hay of Delgatie being in the moneth of Januar, 3^{er} of God I^m.V^c. fourfoir foure 3^{eris}, mareit in face of Haly-Kirk, with Elizabeth, dochter lauchfull to Robert Lord Altrie ; and efter the said marriage, the said Alexander and his said spous, haifing duelt, remanit and cohabitait togidder, and continewit in mutuall societie and mutuall intertenement to vtheris, at bed and buird, as become man and wyffe lawfullie joyuit in mariage, be the space of diuerse 3^{eris} and monethis immediatlie following the said mariage ; nochtwithstanding qubair of, the said Alexander, vnmynndfull of his dewtie towardis God and the said Eliz^z, his spous for the tyme, and of the faythfull promeis maid be him to hir the tyme of the solempnizatioune of the said mariage maid betuix thame, quhilk was the tyme foirfaid : He in the monethis of Marche, efter the xxv day thairof, Apryle, Maj, Junij, Julij, August, September, October, November, December, Januar and Februar, and Marche before the xxv day thairof, the 3^{er} of God I^m.V^c.lxxxvj and lxxxvij 3^{eris} ; at the leif in ane or vther of the saidis monethis and yeiris of God *respectiue* foirfaid, maist schamefullie frequentit, secretlie, the company and societie of Elizabeth Clark, dochter to v^mq^{le} William Clark at the Kirk of Deir, and gaif the vse of his bodie to hir in the said fylthie and abhominable cryme of Adulterie : AND also, in the saidis monethis *respectiue* aboue writtin, the 3^{er} of God I^m.V^c.lxxxix and lxxxx yeiris *respectiue*, at the leif in ane or vther of the samyn, the said Alexander Hay of Delgatie gaif the vse of his bodie in the fylthie cryme of Adulterie and carnall copulatioune, as said is, with the said Elizabeth Clark : And that within the places of Delgatie and Sanden, in the hallis, chalmers, voltis, felleris, loftis, wardropis, orcheardis, parkis and feildis thair of ; and speciallie in quyet cavernis of Sanden and heicthis thairof : In the quhilk fylthie cryme of Adulterie the said Elizabeth Clark bure, and thair was procreat betuix thame, ane barne ; and the said Alexander causit Alexander Watt, his steward, tak vpoune him to be the fader thairto ; albeit the said barne was gottin of the said Alexanderis awin bodie, in the fylthie cryme of Adulterie with the said Elizabeth Clark, as said is : And thairthrow, hes contravenit the tennour of the saidis Actis of Parliament, and hes incurrit the panis thairin content.—For the quhilk crymes, the said Justice Depute put the said Alexander to the knowlege of ane Affyise of the perfounis vnderwrittin ; thay ar to say, Patrik Ogilvie of Inchemertene, &c. : Quhilkis perfounes of Affyis being chofyn, sworne and admittit, efter accusatioune of the said Alexander, of the crymes aboue writtin, be Dittay, and production of ane decreit of the Commiffaris of Edinburghe, of the dait at Edinburghe, the penult day of November, the 3^{er} of God I^m.V^c.lxxxvj yeiris, be our souerane lordis Aduocat, for verefcing of the Dittay ; thay removit all furth of Court to the Counsale hous, quhair thay chust the said Sir Thomas Kennedye of Cul3cane, chancillar of the said Affyis, and reffonit and votit vpoun the poyntis of the Dittay ; and being throuchlie resoluit thair with, reenterit agane in Court, in presens of the saidis

Justice-deputis, quhair thay, be the mouth of the said Sir Thomas Kennedy chancellor, stand, pronunceit and declarit, for the maist part of the said Assyis, the said Alexander Hay of Delgatie to be Cleane, innocent and acquit of the cryme of Adulterie aboue writtin, alledgeit committit with Elizabeth Clark, in the quhilk cryme seldo bure, and thair was procreat betuix thame, ane bairne; committit in the monethis, yeiris and placeis respectiue aboue specifeit, at the leist in ane or vther of thame; and of the haill accufatiounes and Dittay aboue writtin.¹

Quhairvpoun the said Alexander askit actis and instrumentis.²

Slaughter.

Aug. 1.—GEORGE WAUCHOP, broder to vniq^{le} Archibald Wauchop, aperand of Nudrie Marfshell.

Dilatit of airt and pairt of the slauchter of vniq^{le} David Edmestoun of Wowmet; committit in Januar 1596.³

PERSEWAR, Alefoun Home, the relict.

PROLOQUUTOUR, Patrik Home of Polwart.

Robert Hepburn (in Haillis, cautioner for the pannell) tuik instrumentis of the entrie of George Wauchop, and protestit that he as cautioner be releuit.—The pannell askis instrumentis, that Alefoune Home passis fra the perfuit of him this day.

Continued to the Aire of 'Edinburghe, tertio Itineris, xv dierum. Plegio Roberto Hepburne in Haillis.'

[*Mr Williame Haert of Leiclandis, Justice-Depute.*]

Witchcraft — Sorcery — Incantation, &c.

Aug. 15.—BESSIE AIKIN

Being presentit on pannell, the said Justice-depute caused intimat and reid to hir his Maiesteis Precept direct to him, quhair of the tennour ffollowis.

REX,

MR WILLIAME HAERT, our Justice, We greit 5ow weil. Forsamekle as, Bessie Aikene, being convict before 5ow be ane Assyse,⁴ wes committit to waird in our Tolbuith of Edinburghe, in respect seldi wes þan with bairne, quhairby the sentence pronunceit aganis hir could nocht be putt in executioun; quhair seldi hes remanit this 5eir bygane, and delyaerit of ane infant, and hes sustenit lang pwneischment be famine and impreisment: Thairfoir, tempering justice with mercy, we haif pardonit and pardonis hir lyffe; and willis and commandis 5ow, that 5e caus present hir befor 5ow, and decerne hir to be baneist our realme, and to depairt within xx dayes; with certificatioun, gif seldi be apprehendit heireftir, seldi salbe execute to þe deid: And to þat effect, that 5e putt hir to libertie

¹ There is a memorandum irregularly entered before the Verdict, which shows what was the state of the vote. It stood as follows:—'The Lairds of Boquhallie, Pennycaik, Tillybairdin, Balvaird, Innernytie, Culzeane, FYLIF the said Alexander Hay of Delgatie of þe dittay vnderwrittin: And þe Lairdis of Drumbrek, Kilspyndie, Inchmartene, Balgillo, Murthlie, Pitcur, Balwerie, Balthyok, and Ley, ACQUITT him.'

² See Nov. 25, 1598, where another Trial, 'for Adulterie with Barbara Forbes, his allegeit spous,' occurs. ³ Robert Birrel thus records this murder. 'David Edmonstou of the Wowmit flaine be Thomas Christifon, be the thott of ane gun.' ⁴ For Witchcraft, &c. See Nov. 12, 1597.

furth of our said tolbuith : For þe quhilk this falbe to ʒow ane fufficient warrand. Subferyuit with our hand, Att Dalkeyth, the xv day of Auguft, 1598.

(Sic fufcribitur)

JAMES R.

According to the quhilk precept, the Juftice, be the mouth of Williame Blak, decernit and ordanit the said Bessie Aiken to be Baneift this realme, and newir to returne within the famin, vnder the pane of deid ; with certificationn, gif ſche be apprehendit thairin, ſche falbe pwneift to the death : And ordanit hir to depart within xx dayes eftir the dait heirof ; and to that effect, to be putt to libertie furth of the Towne of Edinburghe.

Slaughter — Shooting of Piſtolets, &c.

Oct. 31.—JOHNE ARNOT ʒounger of Wodmylne.¹

Dilatit of the ſlauchter of vniq^{le} Johnne Murray, ſone to Murray of Aiket, and ſeruitour for the tyme to Patrik, Commendatour of Lundoris : And for beiring and weiring, and ſchuiting of piſtolettis ; committit in September laftwas.

Comperit Charlis Murray of Haykit, and produceit our ſouerane lordis Lettres, dewlie execute and indorfat, purcheft at his inſtance, aganis Johnne Arnot, to vnderlye the law, for the ſlauchter of vniq^{le} Johnne Murray : As alfo, produceit ane vther Lettre, for chargeing of Andro Aytoun of Dinnure, and Henrie Pitkarne of that Ilk, as cautioneris for the ſaid Johnne Arnot, to enter him this day ; (quha) proteſtit for releif of thair cawtionis.

Comperit Mr David Wardlaw, and produceit ane Warrand, for continewatioune of the perſuit of Johnne Arnot, to the third day of November nixt to cum ; off the quhilk, the tennour followis.

REX,

JUSTICE, Juſtice Clark and ʒour depntis ; We greit ʒow weil. Forſamekle as We haif borne ane ernoſt intentionn to ſie juſtice miniſtrat with all regour in this accident that intervenit in þe ſlauchter of vniq^{le} Johnne Murray, ſeruitour to Patrik, Commendater of Lundoris, be Johnne Arnot, ʒounger of Wodmylne ; and heirtofoir, in our awin perſoun, hes tane panes in that mater : And now, be reſſoune of our vther grit adois,² We ar forcit for ſum dayis to be abſent ; and We nawayis being willing that ony proceding be pairintill quhill our returne : Thairfoir, We haif thoct meit and expedient that ʒe fall continew and prorogat the perſuit and dyet, quhill þe thrid of November nixt ; and nawyis proceid pairin, quhill þe ſaid day ; always retening that ſame cawtionne for the ſaid Johnne Arnot, quha was reſſauit for him ofbefoir ; or vpirwayes, that ʒe cauſe him to be wairdit within our tolbuith of Edinburghe, thair to remane quhill the ſaid thrid day : Quhilk nawayes ʒe fall fail to do. And ʒe will anſuer to ws, vpoune þe diſcharge of ʒour offices and ʒour dewtifull obedience ; Qubairnant þir preſentis fall remane to ʒow for warrand. Subferyuit with our hand, Att Halyrudelous, the laſt day of October, 1598.

(Sic fufcribitur)

JAMES R.

¹ The objections to, and arguments on the relevancy of the Libel, in this Caſe, are ſo important, and the Counfell, on both ſides, being men of ſuch eminence in their profeſſion, the Editor has thought it neceſſary to give the whole at length, as preſerved in the Record. ² Business, affairs.

Andro Aytoune of Dinmure and Henric Pitcarne of that Ilk become plegeis and fourteis, coniunctlie and feuerallie, for Johne Arnot younger of Wodmylne, that he fall compeir befoir our souerane lordis Justice or his deputis in the Tolbuith of Edinburghe, the thryd day of November nixt to cum, to vnderlye the law for airt and pairt of the slauchter of vniq^{le} Johne Murray, feruitour to Patrik, Commendator of Lundoris ; vnder the pane of Ten thousand pundis.

PERSEWAR, Charles Murray of Ayket, as father.

PRELOQUOUTOURIS.

My Lord of Lundoris, Tyllybairdin younger,
My Lord aduocat, The Laird of Balvaird,
The Laird of Polmais.

PRELOQUOUTOURIS for the pannell,

Mr Johne Scherp, Mr Thomas Craig, Mr Jo. Ruffell,
Mr Will. Oliphant, Andro Arnote minister of Scot-
land weill, Alexander Drummond of Medope.

Nov. 3.—The pannell askit instrumētis, that nane of the kyn and frendis of vniq^{le} John Murray compeiris to persew, except the father, with the preloquoutouris nominat.—The aduocat declairis, that he infistis only vpoune the lybell, infafar as it is foundit vpoune the Actis of Parliament only. Quhairvpoune the perseweris askit instrumentis.—The perseweris declairis that thay adhair to my Lord Aduocatis declaratioun.

It is allegit for the pannell, that the publicatioune of the Actis of Parliament quhairvpoune the persute is foundit allanerlie, now aucht to be schawn and produceit, befoir ony forder proces ; becaus the publicatioun thair of is expresse lybellit, and the lybell makis relationu thairto ; and the leigis can nocht be constitute *in mala fide*, befoir the famin Actis be lauchfullie publeifchit ; and speciallie, the Actis quhairvpoune the summondis is foundit, quhilkis imponatis¹ a heich and grit pane aganis the hail inhabitantis of the realme, to witt, amputatioun of the richt hand, and escheit of thair hail guidis moveabil.—The aduocat declairis the alledgeance meritis na ansuer.—The persewer acceptis the aduocatis ansuer ; and allegit, that the pannell, adherand to the former alledgeance, can nocht be compellit to enter in disputation vpoune the Summondis or Dittay proponit aganis him, quhilk is foundit expresse vpoune that publicatioun of the Actis of Parliament, befoir the famin publicatioun be ather proponit or replyt, and the manner of publicatioun ather is knawin to the Judge, after the productioun or allegatioun, quhilk the Judge, be the lawis of this realme, may find to be ane sufficient publicatioun : For it is certane, be the lawis of this realme, that ane Act of Parliament vnpublicifit can never constitute the legis *in mala fide*, nor be na sufficient ground, quhairby they may be persewit, accensit criminalle nor ciuillie ; speciallie, in respect of dyuerse Actis maid anent the publicatioun of the Lawis of this realme, and speciallie, anent the Act maid in the 3eir

¹ Imposes. Lat. *imponere*.

of God I^m.V^c.lxxix, that the Actis of Parliament could nawayis constitute the legis *in mala fide*, befor the famin was publesit. It is forder allegit, that quhanfoeuir the publicatioun of Lawis and Statutis is of neecessitie, the famin aucht to be first verifeit. And trew it is, that the publicatioun of the Actis of Parliament is speciallie appointit be expres Act of Parliament; nather can the famin vnpublicifchit bind the leigis, or induce ony knowledge to tham.—The aduocat anfuers, the former alledgeance, aucht to be repellit, in respect of the Summondis.

The pannell declaris that thai will cum and propone the rest of thair alledgeances in ordour, att command of my Lord Justice, quhilk the pannell is willing to obey; vnder protestatioun alwayis, that my Lord Justice, the tyme of the discussing of the allegeance alreddie proponit, and of the rest to be proponit, geve ane direct anfuers to the first allegeance, anent the publication of the Actis of Parliament, quhairupon the lybell is foundit; speciallie, in respect that the first Act of Parliament, maid in the 3eir of God lxvij, quhilk is the special Act quhairvpon the lybell is foundit, is of sic importance and antiquitie, and in effect is tane away be the contrair consuetude, that the haill legis of this realme sal be in danger in the panis thairin contenit, gif the famin fall be reput as ane Law quhairvpon thay may be accusit criminallie. And for verificatioun of this allegeance, that the publicatioun of the Actis of Parliament is requisit, it is allegit be the pannell, that the famin, be ane special Act, in the 3eir of God I^m.V^c.lxxix, is expreslie statute.—The aduocat allegis that this allegeance is thyrse repetit, and thairfoir meritis na forder anfuers.

SECUNDLIE, the partie, to wit Charles Murray, with the remanent kyn and freindis, has na actioun competent to thame to persue the first tua memberis of the summondis, becaus the partie hes qualifeit na dammage nor intreis sustenit be thame thairthrow.—The aduocat anfuers, the secund member is verrie competent to the partie informer, becaus it contenis ane hosteill invasioun of the said vmq^{le} Johne Murray with pistolets, prohibeit be the Actis of Parliament, in persute quhair of his parentis hes verrie guid entreis to informe ane Affise.—It is anfuers, becaus the allegeance proponit for the pannell is proponit aganis tua feuerall memberis of the summondis, and the anfuers maid be my Lord aduocat is only maid for sustening of the entres of the partie aganis the secund member, containing the invasioun of the said vmq^{le} Johne Murray, as is allegit, that my Lord Justice, befor all forder proces, aucht to geve ane anfuers to the allegeance proponit aganis the entres of the partie for the first member.—My Lord (advocate) declairis that he insistis only vpon the first member of the summondis, for the Kingis intreis; quhairvnto the partie adheris. Quhairvpon the pannell askis instrumentis.

It is forder allegit be the pannell, that thair is na cryme qualefeit in the fe-

eund member that may geve the partie onie entreis to perfew the famin ; becaus the famin contenis na cryme quhairupon the pannell may be pwneift, at the de- fyre of the partie ; and albeit he wer convict of the famin cryme, the partie, be the lawis of this realme, can repoirt na affythment nor fatisfaction thairby, feing it is never lybellit in the fecund member, that ony damage hes followit thair- upoun, quhairby the partie was hurt or preiudget.—It is anfuerit be my Lord Aduocat, the partie perfewis nocht allauerlie for his awin entreis ; bot haifand entreis as is qualifeit befoir, affiftis the aduocatis perfute.—It is anfuerit be the pannell, that the defender can nawayis be drawin in queftion for his lyfe, or ony member, be ane partie quha hes na entreis ; and albeit the faid aduocat may be fund to haif entreis in our fouerane lordis name, to quhom and quhais entreis the pannell fall anfuer with reuerance, as effeiris ; that is na juft cauf to compell him to enter in difputation with a partie that hes na entries ; and thairfoir, the De- fender defyres my Lord Juftice anfuer directlie, quhither, gif the partie hes en- treis, to infift in the perfute of the fecond member of the fummonds or nocht ; for gif the partie be fundin to haif na entreis, he aucht nawyis to be refpectit in this perfute, as ane informer ; and nekill mair, man be excludit as ane perfewar ; feing na partie, be the lawis of this realme, can be hard to informe and concur as ane partie, as our fouerane lordis aduocat, vules thair be ane fpeciall entreis competent to him, and that the famin entries be exprefslie qualefeit : And that is nocht only obseruit in cauffis criminall, quhilk ar of the grittist importance, bot alfo in cauffis ciuill, quhairintill na perfon will be admittit to perfew, with- out thair be ane fpeciall entres qualefeit, as faid is.—It is anfuerit be the aduo- cat, the fummondis contenis the parteis intreis, in refpect of the Inuafionne maid aganis him ; and quhair it is allegit, that the parteis frendis can pretend na af- fythment, thay conclude na affythment, bot puneifchement, quhilk is verrie competent to thame, for the iniurie done to the defunct. As to the comparefoun tane fra the intreis of parteis in Ciuill perfutis, it is nocht pertinent ; becaus in ciuill actionis, the perfeweris intreis man tend to ane concludioun, foundit ather *super lucro captando vel damno vitando* ; bot in Criminall perfutis, the conclu- fioun tendis only *ad penam*, quhilk is alyk competent to bayth the perfeweris, and fatisfies alyk baith thair intentionis, in refpect of the offence committit aganis thame, as is qualifeit be the fummondis.

It is anfuerit be the defender, that the Inuafionn qualifeit in the fecund mem- ber of the fummondis, contenis na cryme quhairvpoun ony partie may be per- fewit to vnderly the law, before the Juftice generall and his deputis, at the in- ftance of ony particuler partje, and at ane particuler dyet ; feing thair is nathing qualifeit for the partie in the fecund member of the fummondis, bot *effectus sine effectu*, quhilk is punieifcheable in the cryme of Treffoun or Laifmaieftie ; and

the partie, without concurse of our souerane lordis Aduocat, he him self; or could nevir be hard to persue the secund member of the summondis vpoun the inuasioun thairin qualifeit, att ony particular dyet, befor my Lord Justice or his deputis; quhilk cryme could nocht be put to the knowlege of ane Inqueist, albeit the partie war present, and maid na alledgeance in the contrair; seing the Justice could put nathing to the knowlege of ane Inqueist, bot that eryme, quhairvpoun puneishment might follow. And as to that pairt of the reply, bearing that the argument, fra the comparisoun of Ciuell cauffis to the Criminall, is nocht pertinent, it is allegit, that in Ciuill cauffis, quhair our souerane Lord and his hienes aduocat hes entreis, the summondis continis tua conclusiois, quhairvpoun tua feuerall effectis follows the puneishment of the partie transgressour; to our souerane Lord, and a commoditie to the partie: And the lyk is inpoirtit be Criminall persute, quhair the partie hes ony entreis, to wit, the puneishment at the instance of our souerane lord and the Assythment to the partie.—It is answert be the Aduocat, that the weiring, bering and vsing of pistolettis, being prohibit be the Actis of Parliament, vnder the panes thairin contenit, the partie persewit or skaithet thairby hes verrè guid entreis to persue the offender *ad penam*: And quhair it is alleget, that in this caice thair is only *effectus sine effectu*, the lybell is nocht foundit *super mero effectu, sed super conatu qui peruenit ad actum*: And to the rest of the alledgeance, repeitis the former answert.—It is answert, that thair is na skaith qualifeit inferrit to the partie; and thairfoir the answert and lybell, in that pairt, is nawyis competent to the parteis; speciallie, in respect that thair is nathing qualeseit, bot ane naikit inuasioun be allegit presenting, quhairvpoun na deid is qualifeit to haif followit; *et sic est effectus et tantum conatus, qui cum effectu idem est*; quhairvpoun na deid hes followit, as said is.

THRIDLIE, it is allegit, that the first member of the summondis is altogidder irrelevant and generall, in that pairt thairof, beiring, that the defender hes borne and worne pistoletis, in findrie vtheris partis of Fyfe, by¹ the landis of Woidmylne and Monymale: nocht condiscending in speciall vpoun the vther pairtis within Fyfe; be the quhilk generalitie the defender is preiudget of his defensis; ffor gif the persewer had condiscendit vpoun the vtheris pairtis, thair is sufficient defensis competent to the defender to haif elydit that part of the lybell; seing he possesses vtheris landis in Fyfe by the landis of Monymale and Woidmylne, sic as the Landis of Pittowie, Pinckerton, &c.: Attour the lybell is altogidder irrelevant and generall, anent the landis of Woidmylne, nocht condiscending vpoun the speciall pairt thairof; seing be the lawis of this realme he is nocht forbidden to beir pistolettis or selute thairwith, within his awin duelling-place, houffis, or

¹ Forbye, besides. See p. 59, where the Lord Advocate restricts the libel.

gairdis, quhilkis ar all of the landis of Woidmylne ; in respect quhairof, the lybell, in the tua former pointis of the first member, is altogidder generall and irrelevant.—It is anſuerit, that the ſummondis is verrie relevant, in ſa far as the ſamin beiris that the defender buir and vſit piſtoletis vpoun the landis of Wodmylne (and) Monymale, exprefſlie, and vther pairtis of Fyfe, quhilk is relevant aneuch ; for the haifing and weiring thairof being forbidden in the haill realme and in everie pairt thairof, it wes nocht leſſum to the defender to haif thame in ony pairt of Fyfe : And quhair it is allegit, that the defender, duelland in Woidmylne, it was leſum to him to haif piſtoletis within his awin hous, clois and yaird, and that in respect thairof, the lybell nocht bearing the ſpeciall pairt of the lands of Woidmylne, vpoun the quhilk the defender buir and had the ſaidis piſtoletis, it is nocht relevant ; it is anſuerit, that the ſummondis ſtandis verrie relevant, beirand that he had and bure the ſaidis piſtoletis vpoun the ſaidis landis, contrair the Actis of Parliament ; quhairby it is cleirlye ſignifeit, that he had the piſtoletis, quhair, by Act of Parliament, he mycht nocht haif thame : Attour, the haifing of the piſtoletis within his hous, yaird or cloiſe, being ane deſenſe allegit competent to the partie, the perſewer was nocht obleift to mak ony mentioun thairof in his ſummondis ; bot gif thay propone ony allegeance vpoun the generalitie of the ſummondis, quhairby thay find thameſelfis preiudgeit in the particular deſenſe competent to thame in maner foirſaid, gif my Lord Juſtice ordane the perſeweris to condiscend, thay ſall conforme thameſelfis to his direction.

It is anſuerit be the defender, that the beiring and weiring of piſtoletis ar nocht forbidin be the Actis of Parliament, within all the pairtis of the realme ; becaus the Act of Parliament maid thairanent contenis certane limitationis and exemptionis, as the actis beiris, repeitit heir *breuitatis causa*. As to the ſecund member of the anſuer maid for ſuſtening of the relevancie of the lybell, beiring, that the piſtoletis war boire, woirne and vſet, incontrar the tennour of the Actis of Parliament, quhairby it is ſignifeit, that the ſamin wair boire, woirne and vſet vpoun the pairtis forbidin ; that pairt of the anſuer is na wyis relevant, ſeing it aucht to haif bene ſpeciallie lybellit, in quhat pairt the piſtolettis war boire, worne and vſet, and the lybell maid relevant and ſpeciall in that point ; to the effect that the partie mycht haif bene hard to haif vſet his lauchful deſenſis, and to haif diſpute with the perſeweris, quhither the place qualifeit in the lybell was lauchfull or vmlauchfull. Anſuerand to the thrid member of the reply, quhilk contenis ane offer maid be the perſeweris to condiscend vpoun the ſpeciall place, gif my Lord Juſtice thinkis the ſamin neceſſar ; it is allegit be the defender, that pairt of the anſuer nawayis to be relevant ; becaus my Lord Juſtice, of his office, aucht only to judge vpoun the lybell as the ſamin is ſet down,

quhairwith the partie was fummond lauchfullie, and thairupon had allegeances maid thairaganis to gif ane direct anfuer, relevant or nocht relevant : And the partie is nocht haldin, of reffone, to anfuer to ony declaratioun to be maid at the bar, quhilk confiftis *in facto*, quhairupon the Affyfe ar obleift to geve thair determinatioun ; and ‘ the place ’ being ane speciall point, quhairupon tryell aucht to be tane be the Affyfe, quhilk nocht being relevantlie fet down in the lybell, the famin can nawyis be fupleit be ony declaratioun to be maid.—The perfewaris, to efchew prolixitie, be thair declaratioun, reftictis the woirdis of the lybell anent the haifing of piftoletis vpon the landis of Woidmylne, infafar as the famin may appeir to comprehend the hous, clois and yaird, to ‘ the landis of Woidmylne, ’ outwith the houfe, clois and yaird ; albeit the faid declaratioun be nawyis neccffar, becaus the perfewer was nocht obleift to lybell the defenderis exceptioun.—It is anfuerit, that the faid declaratioun aucht nawyis to be reffauit, the famin confifting *in facto*, tending to fa heich ane cryme to the defender, and nawyis being lybellit, for the refone foirfaid : And quhair it is allegit, that the perfeweris ar nocht obleift to lybell the defenderis exception, it is anfuerit, that the perfeweris ar obleift of the Law to fet down ane relevant lybell, quhairupon the cryme lybellit may be inferrit ; and the Judge aucht to geve ane direct anfuer vpon the relevancie thairof ; and the lybell can nawyis be fuppleit be ony new declaratioun maid at the bar, in prejudice of the defender.

The perfewer anfueris, that the fummond is relevant of the Law ; and gif thair war nocht ane perticuler exceptioun proponit *in facto* aganis the allegit generalitie of this woird, (‘ the landis of Woidmylne, ’) my Lord Justice wald find the famin relevant of the Law, as conteneand ane speciall tyme, place, with all vther circumftances requifit ; and fua the famin being only quarrellit be ane alledgeance *in facto*, the famin may be fufteinit be ane reply *in facto*.—It is anfuerit, that the faid allegeance confiftis altogidder *in jure et non in facto*, and is proponit aganis the irrelevancie of the fummond, in the affumptioun, quhilk is mair large nor the propofitioun ; and ane irrelevant lybell can nawyis be fufteinit be ane reply confifting *in facto*.—The alledgeance is *in facto*, beand *privata jura rei*, cannocht be knawin to the perfewer ; and thairfoir aucht nocht to be lybellit, nather can he be aftrictit to lybell *negative* for the refpect of thair privat defence *in facto, in facto particulare*. It is anfuerit, that the perfewer can nocht be hard to alledge mifknawledge, be limitationis, reftictionis and exceptionis contenit in the Actis of Parliament, quhairupon the lybell is foundit.—It is anfuerit be the aduocat, the hail factis comprehendit in the fummond is man be affirmatiue, and referrit to the Affyfe ; and na negatiue can be lybellit be the perfewer.—It is anfuerit be the defender, that the factis lybellit, quhairvpon the Affyfe aucht to tak cognitioun, aucht nocht to be fet down mair amplie nor

the law is maid, quhairupoun the famin is foundit; sua that the Affyse, of necessitie, may cognosce vpon ane affirmatiue, limitat and restrict as the Law preserues.

Nov. 4.—The pannell takis instrumentis, that Charles Murray of Aitkit, with the kyn and freindis of vni^q^{le} Johne Murray, comperit nocht, being oft tymes callit to that effect; and that he offerit him self reddie to anfuere as effeiris.

Comperit Rodger Eschtoun, seruitour to his Maieftie, and producet the Warrant vnderwrittin, quhair of the tennour followis.

REX,

JUSTICE, Justice-Clerk (and your deputis), we greit you weil. It is our will, and for certane caussis and considderationis moveing vs, We command you, that, vpon the sicht heirof, you continew the criminall cause perfeit befor you, at the instance of Charles Murray of Aickett, and remanent kyn and freindis of vni^q^{le} Johne Murray, and our aduocat for our entres, aganis Johne Arnote of Woidmylne, for the slauchter of the said vni^q^{le} Johnne, beiring, weiring and schuiting of pistolettis, aganis the tennour of the Actis of Parliament, and vperis crymes contenit in our vperis letteris direct pairupoun; and that unto the thrid day of the nixt Justice-Air of our thersedome, quhair the said Johne Arnote duellis, or sone, vpon the fiftene dayis wairning: Takand the famin or vperis new cautionn for his compeirance, vnder the samyn pane contenit in the former Act; or then enter and delyner him in waird within our Castell of Edinburgh, to remane in the meane tyme. As you will anfuere to vs vpon your office and obedience; keipand your presentis for your warrant. Subseruit with our hand, Att Halyrudhous, the sferd day of November 1598.

(Sic subscribitur)

JAMES R.

The Justice ordanit the personis vnderwrittin to be ressaunt cautioneris, in maner following:

Sir Patrik Hepburne of Lufnes kny^t, Johne Toures of Innerleyth, James Creichtoun of Ruthvennis, Thomas Abircrumbie of that Ilk, Alexander Blair, apperand of Bathayoke, Johne Traill of Blebo, Henrie Pitcairne of that Ilk, Andro Aytoun of Dymwre, Robert Lummisflene of Airdrie, and David Betoun, fear of Balfour, become pledges and souerteis coniuictlie, vnder the pane of ten thousand pundis, (viz. to ilk ane of thame, vnder the pane of ane thousand pundis,) for Johne Arnot of Woidmylne, that he fall compeir befor our souerane lordis Justice and his deputis, the thrid day of the nixt Justice-air of the sheresdome of Fyfe, or sone, vpon the fiftene dayis wairning; to vnderly the law, for the slauchter of vni^q^{le} Johnne Murray, seruitour to Patrik Commendater of Lundoris; and for beiring and weiring of pistolettis.—The samyn day, John Arnote, younger of Woidmylne, band and obleist him, his airis, exeuntouris and assignais, to freith, releif and keip skaythles his cautioneris aboue writtin of thair said cautionn, and of all danger, coist, skayth and expensis, that thay or ony ane of thame may incur thairthrow.

[*Mr William Haert et Mr William Boirthuik Justices-Deputes.*]

Bearing and Weiring of Pistolets.

Nov. 3.—JAMES LOKHART, younger of Lie, Thomas Gairdner elder, and Thomas Gairdner younger.

Delaitit of contravening of the Actis of Parliament, in beiring and weiring of pistoletis.

PERSEWARIS, Adame Somervell, Thomas Somervell, and Mr Thomas Hammiltoun of Drumcarne.

It is allegit be James Lokhart, younger of Lie, that Allane Lokhart and Laurence Broun to be feik; and producet Mr William Birny, minister at Lanerk, quha, being sworne, deponit that Allane Lokhart had bene feik in the het feiknes¹ tuentie dayis befor Setterday lastwas; bot convaleffit, lyand aboute the claythis: And that Laurence Broun was lyand bedfast, vnhable to travell to this Court.—‘Continewit to the morne.’

Nov. 4.—Continued to the Air of ‘Lanark, tertio Itineris, vel xv dierum.’ Pledge, William Hammiltoun of Dynserf. Lokhart becomes pledge for Allan Lokhart and Laurence Broune.

Lying in Wait, &c.

Nov. 4.—GILBERT LORD SOMERVELL, Thomas Somervell, portioner of Grainge, Adame Somervell, feruitour to the said Gilbert, W^m Somervell in Amphorlay, James Somervell in Grenefeild, Hew Elder in Carnewath-mylne, and Hew Paterfon in Carnewath.

Delaitit for lying await for James Lokhart, younger of Lie; and for cuming to his chalmer, vnder silence of nicht, within the burch of Edinburgh.

PERSEWARIS, James Lokhart, younger of Lie, and Mr Thomas Hammiltoun of Drumcairne.

James Lokhart, younger of Lie, passis fra that pairt of the lybell perfewit at his instance aganis my Lord Somervell and his freindis, fa far as the famin tuiches ony pairt of thift; reserving alwayis his actioun ciuillie aganis thame thairfoir. Quhairupoune my Lord tuik instrumentis, for him self, and the remanent impannellit.

Compeirit James Lokhart, elder of Lie, and declairit vpoun his faull and conscience, that he nevir knew of the raising of the Lettres, at his sones instance, aganis my Lord Somervell and his complices; bot was reddie to assist and defend the said Lord, in all his honest actiones: And thairupoun cravet instrumentis.—Continued to the Justice-air of ‘Lanark, tertio Itineris, vel xv dierum.’ Pledge, David Somervell of Plane, for fa mony as he was for befor; my Lord for the rest.’

¹ Fever, scarlet fever?

[*Mr Williame Borthuik, Justice-Depute.*]

Slaughter.

NOV. 10.—JAMES LYOUNE of Eifter Ogill, and Williame Lyoune in Balgillie.

Comperit Mr Thomas Rollok, aduocat, and produceit ane Warrant, subferyuit be his Maieftie and the fecretar, quhilk was admittit be the Justice ; quhairof the tennour followis.

REX,

JUSTICE, Justice-Clark and your deputis, We greit you weil. Forfamekle as the day of is appoyntit and assignit to James Lyoune of Eifter Ogill, and Williame Lyoune in Balgillie, ffor pair comperance befor you in our Tolbuith of Edinburghe, to vnderlye our lawis for þe flauncher of vniuersall Alexander Cowtis ; nochtwithstanding, for certane causis and confidderationis moving us ; especiallie, for efchewing of forder troubill and inconvenientis, quhilkis be þe keeping of þe said dyet may fall out : It is oure will, and we command you expresse, be þir presentis, to desert þe said dyet, and to desist and ceise fra all proceeding pairin ; dispensing with þe personall comperance, allweill of þe defendaris as of þe persewaris, and with nocht reporting of þe lettres ; and that ye nawayes vnlaw þame nor pair cawtionaris, nochtwithstanding quhatsumever warrant or command gevin or to be gevin and direct to you in the contrair : As ye will anfuer to us pairvpoune : Quhairnent þir presentis falbe vnto you ane Warrant. Subferyuit with our hand, At Edinburghe, þe vij day of November, 1598.

(Sic subferibitur)

JAMES REX.

[*Mr Williame Hairt, Justice-Depute.*]

Spuilzie, &c. — Liability of Earl of Argyle for the Campbells and Macgregors.

NOV. 14.—ARCHIBALD ERLL OF ERGYLL,¹ as principall ; and James Seytoun of Tillybody and James Schaw of Sauchie, as Cautioners, to enter John Dow Campbell M^cCondochie, &c.

Comperit Alexander (James ?²) Maister of Elphinstoune, togidder with Maisteris Alexander King and Johne Halyday, his preloquutouris ; and as procuratouris for Alexander Elphinstoune, brother to Robert Lord Elphinstoune, Andro Sym in Wester Rossie, William Hirdman thair, Ninian Henryfoun,³ &c. ; and produceit our souerane lordis Lettres, dewlie execute and indorsat, chargeing Archibald Erll of Ergyll Lord Campbell, as principall, James Seytoun of Tillybody and James Schaw of Sauchie, (as cautioners,) to enter John Dow Campbell M^cCondochie, tutour of Immerraw ; Duncan Campbell, his sone ; Patrik Campbell, brother to the said Johne ; Lauchlane Campbell, brother-sone to the said Johne ; Archebald and Duncan Campbellis ; John Dow M^cGregour, brother to the Lard

¹ The Earl of Argyle is here pursued, as the King's Lieutenant of the bounds or district within which these Campbells and MacGregors resided ; in which capacity he had found security for the lawless tribes over whom he had command ; they in their turn becoming liable to him in relief, under separate bonds. ² He is designed James in the entry, Dec. 1. ³ The other pursuers, being the Master of E.'s tenants, are here enumerated, as having been injured by the Campbells and MacGregors.

of M^cGregour; John Dow, Andro Dow, founes to vmq^{le} Ewine M^cGregour; Gre-gour M^cGregour and Johne Dow M^cGregour, founes to Allester Skorach; Patrik Makgregour, fone to Patrik Dow M^cGregour; and James M^cGregour, fone to Dun-can Glene.

PERSEWARIS, Alexander Elphinstone, brother to Robert Lord Elphinston, and others.

PRELOCOUTOURIS, Alexander Maister of Elphinstoun, Mr Alexander King, Mr Johnne Halyday. PRELOCOUTOURIS for the defenders, Mr Williame Oliphant, for Archibald Erle of Argyle; Mr Thomas Craig, for James Schaw of Sauchie; Mr Robert Lyntoun, for James Seytounne of Tilliebodie.

The Justice continewis, with consent of partie, to the xxj day of the said moneth of November.

Nov. 21.—The Justice assynis the first of December to the defenderis, to gif in thair defensis.

Dec. 1.—Comperit Johne Halyday and Mr Alexander King, prelocoutouris for James Maister of Elphinstoun and his Tennantes, as persewaris, aganis the Erll of Ergyll.—Comperit Mr Jolne Scharp and Williame Oliphant, as prelo-quantouris for the Erll of Ergyll and his cautioneris; and produccit the defensis, quhilk wes delyuerit to Mr Alexander King.

The Justice assignit the fewint day of December to ansuer.

Dec. 7.—Aufwers to the Defences were lodged. The Justice continewis the pronouncing Interlocoutour in the said mater *literatorie*.¹

Besieging Place of Ashintullie — Taking Prisoner, &c.

Nov. 24.—*SIR JAMES STEWART of Auchmadies,² *Sir James Stewart of Ballieachan, Patrik Butter, fear of Gormok,³ *James Stewart of Bodinschawis, *Robert Stewart of Facastell, *James Stewart of Force, David Donald of the Grange,⁴ *Alexander Robertfounne of Fafcallie, *Alexander Stewart of Cullelony, Patrik Blair of Ardblair,⁵ William Chalmer of Drumloch,⁶ James Ramfay of Ardbikie,⁷ George Campbell of Crwnan,⁸ William Wod funtyme of Latoune,⁹ David Campbell of Eister Denheid,¹⁰ *John Falow, younger in Balbrogie,¹¹ Robert Alexander in Cowper,¹² Colene Falow in Grange,¹³ Patrik Campbell of Kethlik,¹⁴ John Sowter in Cowper-grange, James Blair in Brunstounne, Sir Walter Rollok, tutour of Dumerub, Henrie Durhame in Falow, Johne Pitcairnis at the Mylne of Kilour, *David Arnot of Incheok, *George Cwneiftoun of Ettradour. Laurence Narne of Alliefargie, Archibald Herring of Drimny, Archibald Campbell of Perfar.

¹ No further notices are entered in the Record; so it is likely the matter had been privately compromised. ² Those marked * did not 'compear.' ³ Plegio, Domino Drumloch. ⁴ Plegio, Colene Falow in Grange. ⁵ Plegio, Laur. Merfar of Mekillour. ⁶ Plegio, Pat. Butter of Gormok. ⁷ Plegio, W^m Wod of Banblane. ⁸ Plegio, Byfchop of Brechin. ⁹ Plegio, James Ramfay of Ardbikie. ¹⁰ Plegio, Byfchop of Brechin. ¹¹ Plegio, eodem. ¹² Plegio, Bifchop of Brechin. ¹³ Plegio, eodem. ¹⁴ Plegio, Colene Campbell of Landy.

Dilatit for Affageing of the Place of Affintullie, and taking of Andro Spalding of Affintullie; committit in the moneth of November, the yeir of God I^m.V^c.lxxxvij yeiris.

PERSEWAR, Mr Thomas Hammiltoun, aduocat.

The aduocat produccit his Maiesteis Warrant, for continewatioun of the dyett to the xv of December nixtocum.—The Laird Arbokie and Williame Wod sumtyme of Latoun, now of Banblane, David Campbell of Denheid, Williame Chalmers of Drumlochy, Archibald Herring of Drimmy, offerit thame to Affyse; and disaffentit to the continewatioune; quhairvpoun thay askit instrumentis. Johne Pitcarne, att the Mylne of Innerkelour, askit instrumentis.—The famin day, Johnne Erll of Atholl, oft tymes callit as cautioner and fouirtie for Sir James Stewart of Auchmadeis, &c. to haif enterit and presented thame, &c. wes vnlawit for nocht entrie of the saidis Sir James, &c. for ilk ane of thame, in the pane of fyve hundreth merkis: Lykeas, the saidis persones principall, wer adjudgeit to be denunceit rebellis, and put to the horne, and all thair movabill guidis escheit, as fugitiues.

Adultery.

Nov. 25.—ALEXANDER HAY of Delgetie.

Mr Thomas Hammiltoun of Drumcairne, aduocat to our fouerane lord, produccit his hienes Lettres, purehest at his instance, to tak fouertie of Alexander Hay of Delgetie, that he sould haif compeirit this day and place, and vnderlyne the law for the cryme of Adulterie, committed be him (with Barbara Forbes, his allegeit spous).

Compeirit Mr Johnne Ruffell, aduocat, *excusatorio nomine* for the Laird of Delgatie, and allegeit na proces (lay) aganis the said Alexander, becaus he is deidlie feik, nocht abill to travell, and comperis lyand within my Lord Sinclairis place in Ravinfluik; and offeris to verifie the famin lauchfullie.—Comperit Mr Williame Murray, minister of Dyfert, as Minister of the parochin, quhair the Laird of Delgatie lyes, and being solempnlie sworne, depones, vpone certane knowlege, that the said Alexander was deidlie feik, and could nocht travell.—Compeirit lykwayis, Alexander Cryftie, bailzie of Dyfert, ane of the witneffis vfeit, deponet that the Laird of Delgatie is lyand bedfast, hevelie disseit, and nocht habill to travell.—Compeirit lykwayis, William Craig of Craightoun, and deponet that the said Alexander was lyand bedfast, and deidlie feik, as appeirit to him.

The aduocat defyrit that this dyet may be continewit to Tyfday, becaus the Minister and the witneffes hes nocht deponit constantlie of his feiknes; quhill that his Maiestie be aduerteist thairof, and direct Mediceneris to tak tryell thairof.

The Justice continewis this matter to the penult day of November instant; and ordanet the Laird of Delgetie to find new caution for his compeirance that day.

The famin day, compeirit Alexander Bonar of Balgirscho, and become pledge and fourtie for Alex^r Hay of Delgetie, that he fall compeir befor my Lord Justice and his deputis, in the Tolbuthe of Edinburghe, the penult day of November instant, in the hour of cause, in cais he be habil to travell, and vnderly the law for the cryme of Adulterie, committit with Barbara Forbes, his allegeit spous; vnder the panes contenit in the Actis of Parliament.

PRELOQUUTOIRIS for the pannel, Mr Johnne Ruffell, Mr Williame Oliphant.

Nov. 29.—Comperit the Aduocat, and alledgeit that the Laird of Delgatteis cautioner aucht to be vulawit, and him selff aucht to be denunceit to the horne, for his non entrie this day; and the famin aucht nawyis be delayit, in respect of ony affoinzie¹ of feiknes; becaus the mater being continewit to this day, to the effect his Maiestie mycht direct ane Doctor of Medicine to visseit the defender, and to try his present estait, and to report the famin to my Lord Justice; I offer me to preif, be Mr Thomas Moriesoune, doctour of Medecine, quha, conforme to his Maiesteis command, hes visseit the Laird of Delgattie, that he mycht haif travellit and keipit this dyet without hasard of his lyffe; quhais declaratioune, being present, I desyre my Lord to ressaue. To the quhilk it is ansuerit, *excusatorio nomine*, as ofbefoir, that the Declaratioun of Doctor Moriesoun, in preiudice of the said Laird of Delgattie aucht nocht to be ressauit, for tua caussis: ffyrst, becaus it is *dictum unius testis*, quha, of the law, *neque probat civiliter neque criminaliter*, speciallic in sic a mater of grit consequens; nixt, becaus of the law *testi non jurato non creditur*: And trew it is, that Doctor Moriesoune wes nather directit in presens of partie to this effect, nor yit sworne in presens of partie; and quhatsumewir prewie directioun hes bene gewin to him extra-judiciallic, the famin can nawyis preiudge the Laird of Delgattie: Nixt, gewand² that his depositions mycht be ressauit, quhilk is altogidder denyit, and that the famin mycht mak faith, it is certane that the famen, of law, *quod alleganti impedimentum danda est probatio et non contra*; and trew it is, that the alledgance of the feiknes is proponit be Delgattie, quha, as he verifeit the famin vpoun Satterday last, be the Minister and twa witneses, conforme to the Act of Parliament and ordour obseruit in this Judgement; yit, as ofbefore, he offeris him to preif presentlie, the continewatioun of the said feiknes in the persoun of Delgattie, and that he is altogidder vnhabill to travell, without perrell of his lyffe; and in respect thairof hes tane medicine, and is presently vnder medicine; and this he offeris him to pruiiff be the depositions of ane famous Doctor, viz. Doctor Medicine,³ and the Testimoniall of Archibald Myddie, ypoticar, quha ministrat the said medicine.

¹ *Essoyne, essoigne*, Old Fr. An excuse for non-appearance in Court, &c., on oath that the party is sick, &c. ² *Esto*, allowing, or granting for the sake of argument. ³ An amusing mistake of the Clerk of Justiciary for 'Doctor Schomer.'

To the quhilk it is anfuerit be my Lord aduocat, that the fyrft alledgancē is nocht relevant, becaus the Kingis Maiefteis directioun in this caife aucht nawyis to be repute the deid of ane priuat partie, bot the command of the maift fouerane Judge: Nixt, the testimony of the faid Mr Thomas can nocht be rejectit, becaus he is allegeit *singularis*; becaus this is nocht ane mater of ordinar probatioun, quhilk mycht fall *sub sensu communi omnium hominum indifferenter*, bot may be only provin be Doctouris of Medicine, *quibus et periti in sua arte capiendum est*: Laft, the offer of the contrar Declaratioun can nawyis be reſpectit, becaus it is procureit be the defender, to eſchew the tryall of ane haynous cryme; and the taking of medicine imports na feiknes. As to the faid Mr Thomas aith, it could nocht be properlie tane, quhill now, that he is reddie to mak judiciall Report, conforme to his Maiefteis directioun; quhilk the perſewar produceis and deſyres to be red; craifand my Lord Juſtice anfuer thairto, and that his lordſhip will haif regard that the faid Mr Thomas, in this caife, is *testis omni exceptione major*; being knawin to haif ſpent mony yeiris in the ſtudie of his ordinar courſe of medicine, and to haif paſt the haill degreis thairrof.

The faid Warrant being red, the Aduocat took instrumentis thairupoun.

THE faid MR THOMAS MORIESOUNE, s^r.¹ doctor of medicine, being ſworne, declarit, that on command of his Maiefteis Commiſſioun, he paſt vpon Mounday laſt to Ravinſheuch, and betuix thre and four houris eſtir none fand the Laird Delgattie lyand on his bed: He declarit his commiſſioun to him fra his Maieſtie, inquyrit the cauſe of his diſeiſe, quhilk he declarit was ane indigeſtioun and eruditie of his ſtommok, with ſchottis² throw his body, quhilk he ſaid was be exces and travell; to the quhilk the Doctour eikit,³ that intemperance helpitt itt: And forder declaris, that he fand him feik and deſyrit him to tak medicine; and thinkis, he wald haif bene war⁴ of his trauell; and nochttheles, be his opinioun, he mycht haif travellit to Edinburgh to this dyett, without danger of his lyfe.

MR MARTENE SCHOMER, Doctor of Medicine, being ſworne, deponit, that the Lady Delgattie being heir in Edinburgh, ermiſtly deſyrit the deponer to paſs to hir huſband in Ravenſheuch, quhair ſche affermit he wes deidlie feik: He tuik Ar^d Mwdie, ipoticar, with him, with ſic remedeis as he thoect agreabill for the feiknes declarit be his wyffe: Thay come vponn the xxviij day of this inſtant to Ravinſheuch, quhair thay fand the Laird of Delgattie, verry heavelie diſcaſit, tormentit with vehement painis in his ſtommok and in his melt,⁵ with ane grit ſqualling of his haill belly, that he mycht not ſuffir him to tuich his bellie, ſtommok, nor melt: Thairvponne, for remedie of his neceſſitie, inſtantlie he gart gif him ane cleiſter, and applyit ſicyke, fomentationis to his melt, maid vnetioune of vleis,⁶ and left the poticar with him to miniſter ſic medicines as ar neceſſar for him. And in end, declaris vponne his conſcience, as for the preſent as he fand him, he mycht nocht travell to Edinburgh, 3e^r he mycht not ſet vp in his bed, for dolour, nor mycht nocht cum to the ſture: And declarit, that he cam fra the Laird of Delgattie this laſt nycht, att midnycht.

And forder, the procuratouris for the faid Laird of Delgattie ſend for Ar^d. Mwdie, ipoticar to the doctor; quhilk thay deſyrit to remane in proceſs.

The Juſtice continewis this mater to Fryday the fyrſt of December.—Alex^r Bonar of Balgirſcho became ſurety for his appearance, ‘ gif he be abill to travell.’

¹ Probably ſenior.

² Now termed ſhooting pains, or ſpasmis.

³ Added, ſubjoined.

⁴ Worse.

⁵ The ſpleen.

⁶ Oils or unguents.

⁷ Yea.

Dec. 1.—The Justice continewis the mater to the third day of the nixt Justice-air of Abirdene, or soner, vpoun xv dayis wairning, eftir he be convalett; in respect of the said Laird of Delgateis diseasé. Alex^r Bonar of Balgirscho became pledge and fouertie.¹

Bearing and Clearing of Pistolets.

Dec. 9.—SIR JAMES DUNDAS of Arnestoun, knycht.

Dilatit for contravening of the Actis of Parliament, in bering and weiring of pistolettis.

PRELOCUTORIS for the pannell, Mr Johne Sharpe, Mr Williame Oliphant, Mr John Moncreif.
PERSEWAR, Mr Thomas Hammiltounne.

It is alledgeit be Sir James Dundas, that he can nocht be putt to the knowledge of ane Affyis for the cryme libellit, in respect of the limitation and exceptioun contenit in the Act of Parliament; be the quhilk it is promittit, that it fall be lesum to all men, in ganging, remaning and repairing to oistis, raidis and assembleis, to beir, weir and vse pistolettis: And trew it is, before the tyme lybellit, the said Sir James wes commandit be Williame Erle of Angus, being than Leutenant, as he is yitt, to accompany him, att ane Justice Court, appointit to be hauldin att Peblis, vpoun the nynt and tent dayes of October: ffor obedience of the quhilk command, the said Sir James did na wrang to provyde him selff of armour, vpoun the said aucht day; the said Sir James, att that tyme, being domestik feruitour² and proper dependor vpoun my Lord of Angus, lyke as he wes diuers zeiris ofbefore: And this alledgeance, safar as concernis my Lord of Angus command gewin to him, and the haulding of the said Justice Court, is offerit to be verifeit presentlie, be my Lord of Angus awin declaratioun, quha is personallie present. The Advocat answaris, that the alledgeance aucht to be repellit, in respect alsweill of the place quhair the cryme is lybellit to be committit, to witt, in the hie way passand fra Nudrie to Kirklistounne, as in respect of the qualitic of the pannell nawayis duelland within the boundis of my Lord of Angus Leutenandrie; nathir can my Lord of Angus declaratioun be ressaunt in this cause, becaus his lordschip, in presens of my Lord Justice, hes raknit the said Sir James to be within degreis-defendand to his lordschip, baith in affinitie and confanguinitie: And his lordschip declaratioun *ex post facto*, in cais it mycht be ressaunt in this place, fra the quhilk the persewar altogidder disassentis, yit the famin can work nathing; becaus the Act of Parliament allowis allauerlie the

¹ See Feb. 15, 1600.

² This affords a striking illustration of the former definitions given of the word 'feruitour,' which by no means bears the modern interpretation of a menial or 'servant.' In this instance, a knight and baron, of considerable rank and power, is termed 'domestik feruitour;' and besides, the same person is described as being related to the Earl of Angus, 'baith in affinitie and confanguinitie.'

wering of pistolettis, in ganging to Raidis and Proclamatiounis, and to perfonnes chargeit be his hienes Lettres and authoritie.

Before the Judgeis Interlocutour, the said Sir James Dundas past fra his alledgeance, albeit the famin may be ane sufficient reafoun to exeme him fra all penaltie : And fyrst, that his Maiestie fall nocht tak the said Sir James to be ane contradictour to his hienes lawis ; and secundlie, att my Lord of Angus speciall desyre, be quhais command he addrest him selff to Peblis, haifing the saidis pistolettis ; and als, speciallie confydand in his Maiesteis benignancie, he referring him in his Maiesteis will for this challenge. Quhairvpoun the Kingis aduocatt tuk instrumentis.

Besieging the Place of Assintullie.

Dec. 15.—PATRIK BUTTER of Gormock, &c.¹

Dilatit of the Assageing of the Place of Assintullie, &c.

This case was continued to 16. 19. 20. and 21 December ; on which last diet, the Justice continued it farther to the xxij December.²

Fire-raising—Theft—Woughing and Slaying Horses and Cattle.

Dec. 21.—WILLIAM ROISE of Kilrawick, Huchonne Roise his sone (and apperand air,) David Roise of Holm, John Rois in Cantray, David Rois in Lyne, Alex^r Roise in Lenocho, Alex^r Rois alias Roy, Walter Rois in Kilmany and Johne Rois in Rymoir.

Dilatit for the tressonable Byrning of George Dunbaris hous in Alwne (Clwne ?) and thifteous steling fra him of his hail lufycht, guidis and geir, worth twa thowfand markis ; of hoching of and slaying of ten horse and threfcoir of nolt, pertening to the said George Dunbar.

PERSEWAR.

Johne Dunbar of Meynes.

PRELOQUOTOUR for the pannell.

Mr Williame Oliphant.

Mr Williame Oliphant tuk instrumentis that the Laird of Moynes comperis to persew.—The pannell takis instrumentis of thair entrie, and protestit for releif of thair cautioneris ; and tuk instrumentis that na persoun comperit to persew, bot Johnne Dunbar of Moynes.

The famin (day) the said Johnne Dunbar in Meynes produceit ane Warrant, subscryuit be his Maiestie, vndaittit, ordanung the Justice and his deputis to desert the Lettres purchest be him selff and George Duubar in Clwne and William Falconer his guid-sone, aganis ALLANE CAMROUN of Locheldy (Lochiel ?) and his complices. Quhilk Warrant, the Justice wald nocht admit ; and ordanit the cautionn for reporting of the Lettres dewlie execute and indorsat vpoun

¹ Vid. Nov. 24.

² No farther procedure appears on Record.

thame, to be vnlawit, for nocht reporting thairof vpoun the said Allane and his complices, samony as the saidis Lettres are nocht execute vpoun.

Thairefter, it wes alledgeit be the pannell, that na proces fould be gewin aganis thame, for ony cryme contenit in the Lettres, committit aganis the said George Dunbar and Williame Falconer; becaus thay compeir nocht, nather hes Johne Dunbar of Moynes ony interes to perfew; bot the cautione fand for perfuit of the saidis lettres, att the instance of the said George Dunbar (and) Williame Falconer, fould be vnlawit, for nocht perfuit thairof.—To the quhilk it wes anfuert be the said Johne Dunbar of Moynes, that he hes sufficient interes to perfew the haille crymis, seing the crymis wes done to him and vpoun his landis, and thay wer his tennentis; and he wes reddie to perfew for the haille crymes, and swa the cautione could nocht be vnlawit.

THE Justice findis that the said John Dunbar could nocht perfew the pannell for ony cryme that wes done aganis George Dunbar and Williame Falconer, bot for the burning allanerlie: And ordanis the cautione to be vnlawit for nocht perfuit of the lettres, safar as the samin concernis the said George Dunbar and William Falconer.

Therefter, before pronouncing of the Dome, Dischargeit to vnlaw the cautione for nocht appeiring and perfute of the lettres, bot the Assyse only, and Ordanit the Warrant vnderwritin to be insert and registrat in the buikis of Adiornall, quhair of the tenour followis.

· REX,

JUSTICE, Justice Clark and your deputis, We greit you weil: Forsamekill as þe xxij day of December instant is assignit to Allane Camroune of Bothell (Lochell?) and certane vperis of his clau and complices, for þair comperance befor you, to vnderlye our lawis for þe tresonabill Fyre-raising in þe duelling hous of George Dunbar in Clwne, and in ane vther coitter hous pertening to þe said George: Putting of violent handis on Mariorie Dunbar, his spous, and Isobell Dunbar, spous to Williame Falconer; and for þe maisterfull reif of certane guidis pertening to þame; and for diuerse vperis crymes specifeit in þe criminall lettres raist þairvpoun. Nochtwithstanding, for certane caussis moving vs, it is our Will, and We command you to desert þe said dyet, and desist fra all proceeding þairintill; dispensing with þe personall comperance of þe said Allane and his complices, as also with þe þerewaris and þair cautioneris for nocht reporting of þe criminall lettres dewlie execute and indorfat; And that þe deleit furth of þe buikis of our Adiornall the Act maid anent þe reporting of þe saidis Lettres; quhairthrow þe samin haif na effect nor executioun heirefter: Quhairanent thir presentis salbe vnto you ane Warrant. Subferyuit with our hand, Att Halyrudehous, þe xxij day of December 1598.

(Sic subfribitur) JAMES R.

[No Assisers appeared, in consequence of which thirty persons summoned, are 'ilkane of þame þairfoir unlawit, in þe pane of I^e merkis.']

The quhilk day Williame Rois of Kilrawik, &c. being enterit on pannell, as summond be vertew of our souerane lordis lettres, purchest at the instance of Johne Dunbar of Moynes, George Dunbar in Clune, William Falconer in Leth-

inbar, to compeir this day and place, to haif vnderlyne the law, for cummyng with thair complices, to the nowmer of ij^c (200) men, brokkin men¹ and forneris,² all bodin in feir of weir,³ with bowis, dorlochis,⁴ twa handit swordis, steil-bonnetis, habershounes,⁵ lang hagbuttis⁶ and pistolettis, expreflie prohibite to be borne, worne, vsat or schot with, be the actis of Parliament and Secreit Counsale *respectiue*, vnder diuers panis contenit in the samyn; laitlie vpoune the aucht day of October instant, haifing confaut ane deidlie feid, raneour and malice aganis the saidis compleneris, come vnder sylence and cloude of nycht, be way of Brigancie⁷ and Hamefueken,⁸ to the said George Dunbar duelling hous in Clwne, pertening heritable to Johne Dunbar of Moynes; and thair, be thame selffis and thair said complices, of thair speciall caufing, hounding, sending, directioun, maintening, quarrelling, airt, pairt-taking, command, assistance and ratihabitoune,⁹ tressonable rasit fyre in the said George Dunbaris duelling hous in Clunne, and bigginges thair of: And nocht content thairwith, put violent handis in Mariorie Dunbar, spous to the said George, and in Iffobell Dunbar, spous to the said Williame Falconer, tyrrit¹⁰ thair claithes of thame, and schot¹¹ thame moder-nakit¹² furth of thair said duelling hous, befor the samyn was brynt and distroyit: The said Iffobell Dunbar, spous to the said W^m, being than lyand in grit dolour and distres of the birth of ane man-chyld, quhair of scho was delyuerit bot foure dayis ofbefoir; quhilk man-chyld, they but pitie or compaffioun, kait furth of the said hous to the mydding:¹³ Lyke as thay, at that samyn tyme, thisthouflie stall, concealit, reffet and away-tuk fra the said George Dunbar, furth of his said duelling hous, his hail infycht-pleneiffing,¹⁴ guidis and geir, extending to the valour and quantitie of twa thousand markis; togidder with ten horsis and threfoir of nolt, and maist schamefullie and vnworthelie hocht¹⁵ and slew aughtene ky and oxin pertening to the said George Dunbar, as his awin propir guidis and geir: And swa, they and ilk ane of thame war airt and pairt of the said crymes: As at mair lenth is contenit in the Lettres direct thairvpoune:—Offerit thame selffis reddie to abyde the tryell of the law and of ane Assyes, for the saidis alleget crymes, diffasenting fra all continewatioune: And in respect that na partie comperit to perfew thame, except the said Johne Dun-

¹ *Broken men*, outlaws, separated from every clan by their crimes, and depending upon plunder for their subsistence. *Scatterlings* is a synonymous word in English, and which Dr Johnson terms 'an elegant word.' ² Men who, without homes, secured free quarters to themselves by violence, and were a dreadful and merciless scourge to the poor and unprotected tenants and labourers of the ground. ³ In warlike array. ⁴ Short swords or daggers. ⁵ Habergeons, (*awbyrchounes*) coats of mail, composed of plate or chain mail, without sleeves. *Grose, Jamieson.* ⁶ A large kind of musket. ⁷ Open and violent robbery. *Fr. briganderie.* ⁸ Assault and violence done to a person in his own house or home. ⁹ Confirmation, ratification. *Law Lat. Ratihabere, pro ratum habere.* ¹⁰ Tare, rent. *Fr. tirer.* ¹¹ Pushed them by force. ¹² Stark-naked. ¹³ *Midden*, dunghill. ¹⁴ Household furniture, &c. *spraichrie.* ¹⁵ Hamstrung.

bar of Moynes; nather yit was thair ane sufficient Assyis of thair rank summond to this day and place, to pas vpoune thair Assyis; bot as appeirit, of meir malice be the partie persewar, thay being maist innocent of the saidis crymes: And thairfoir, first, protestit for releiff of David Brodie of that Ilk, Patrik Dunbar of Couze, Johne Rois, sone to Angus Rois, burges of Narne, and Johne Rōis, provest of Narne, cautioneris and souerteis respectiue, summonit for thair entrie this day and place, to the effect foirsaid, be releiffit; quhilk was admittit: Lyke as also, that thay be nocht astrictit to fynd new cawtionne, for thair entrie gane, to vnderlye the law for the saidis crymes, seing thay haifing obeyit the charge of the saidis Lettres, and haifing cum sevin scoir of myles for tryell of thair innocencie of the saidis crymes; and the caus of delay of thair tryell proceeding fra the partie persewaris, quha nather comperit to persew, as said is, nor summond ane sufficient nowmer of Assyis, as said is: Lyke as, thay being presentlie content to abyde the tryell of ane Assyis of quhatsumevir personis at the bar. Quhilk protestationne the said Justice, for the caussis foirsaidis, admittit. Off the quhilkis, all and syndrie the premissis, thay askit notis (actis) and instrumentis.

Slaughter.

Dec. 29.—**JOHNE CREYCHTOUNE** of Crawfordtoun, William Creychtoun, brother to Mr Robert C. of Carco, James Creychtoun, son to John C. of Crawfordtoun, and Williame M^cGowne in the Maynis of Crawfordtoun.

Dilatit of airt and pairt of the slauchter of vni^q^{le} Patrik Maxwell, callit of Dalquhorne.

PERSEWAR, Mr Alexander Maxwell.

The Justice continewis this mater to the morne.

Dec. 30.—Continued to the Air of ‘Drumfreis tertio Itineris, vel super premonitione xv dierum.’

Slaughter—Wearing and Shooting of Pistolets.

Dec. 29.—**JAMES CREYCHTOUNE**, in Tounheid, sone to vni^q^{le} Williame Creychtoun, tutour of Sanquhar, and Johne Edzer of Ingliftoun.

Dilatit for airt and pairt of the Slauchter of vni^q^{le} Patrik Maxuell of Dalquhorno; and for contravening of the Actis of Parliament, in bering, wering and schuting with pistuletis; committit in the moneth of lastbypast.—Mr Robert Creychtoun of Carco, and Williame Creychtoun in the Tounhead of Sanchar, fined ‘ij^c merkis,’ and ‘fyve hundreth merkis,’ for non appearance of James Creychtoun and Johne Edzer, ‘to haif vnderlyne the law’ for the said

crimes. Creychtoun and Edzer are adjudged to be denounced rebels, and ' all thair movabill guidis to be efcheit,' &c.

Slaughter.

Jan. 2. 1598-9.—ROBERT TULLOCH of Tannachie, Thomas Tulloch, his fone, and James Barelay in Mekill Tarrie.

Dilatit of airt and pairt of the Slauchter of vmq^{le} Williame Dowglas, fone to Williame Dowglas of Erlifmylne.

PERSEWAR, W^m Dowglas of Erlifmyll.

PRELOQUITOUR, Mr Johne Scharp.

The pursuer produces the Letters duely executed. Comperit Mr Johne Scharp, *excusatorio nomine* for Patrik Dumbar of Blarie, as fouertie for Robert Tulloch, &c. and alledgis, in respect of the notorietic of the storme, thay being vpoun thair jurnay, thay can nocht compeir.

The Justice continewis to Furifday (Thurifday).

Jan. 4.—The pannell takis instrumentis of thair entrie, and protestit for releif of thair cautioneris.

Continued to the aire of ' Elgyne and Forres tertio Itineris, vel super premonitione xv dierum.'¹

Slaughter.

Jan. 4.—WILLIAM WOD of Baublane, (sumtyme of Latoune.)

Dilatit for airt and pairt of the Slauchter of umq^{le} Robert Frafer, (Unicorn Purfuivant; committit in the moneth of October yeiris.)

The said Laird of Latoune produceit ane Warrant, subfcriuit be the King and his Counfall, quhair of the tennour followis.

REX,

JUSTICE, Justice Clark and your deputtis, We greit you weil: Forfamekill as our vperis lettres ar purchest att pe instance of Katherene Rynde, the relict, with pe bairnis, kyn and freindis of vmq^{le} Robert Frafer, Vnicorne Purfevant, for calling of W^m Wod of Latoune befor you in your Tolbuith of Ed^r the fourt day of Januar instant, in pe hour of caus, to vuderlye pe law for alledgeit airt and pairt of the Slauchter of the said vmq^{le} Robert; quhilk slauchter, amang mony vperis, wes committit in the feild struckkin betuix our rycht traitt consing George Erle of Huntlie and Archebald Erle of Argyle. And nochtwithstanding, for diuerse considerationis moving ws, We, in our lait Parliament haldin at Ed^r, the nyntene day of December, the 3eir of God I^mV^e fourfcoir sevintene 3eiris, haif Remittit and put in obliuione, all Slauchteris and crymes quhilkes war committit at pe said feild, or at any tyme preceding, sen pe first day of Majj, the 3eir of God I^mV^e fourfcoir tuelf 3eiris; swa that thay suld nawayis be callit in memorye be ws or ony of our subiectis, in ony tyme heirefter; putting pe samyn, with all actiounes, accusatiounes, pane, penaltie and puneishment following pairvpoune, in perpetuall obliuione: Quhairfoir, and in consideration of the premisses, it is oure wille, and we comand you, that incontenent efter pe sycht heirof ye desert the said dyet; swa that the said Williame

¹ Vide Mar. 3. 1598. and Mar. 8. 1600.

Wod nor his cawtioner be nawyis trublit, vnlawit nor adiudgeit for his nocht entrie, the said fourt day of Januar instant, or ony vther day þairefter, befor 3ow, for þe caus foirfaid, contenit in þe said act; dischargeing 3ow and 3our deputtis of all proceding pairintil and of 3our offices in þat pairt, be thir pre-fentis. Subferyuit with our hand, Att Dalkeith, the ferd day of Januar, the 3eir of God Im.Vc.lxxxvij 3eris.

(Sic subferibitur) JAMES REX. ANGUS. VCHILTRIE. ELPHINSTOUNE. SECRETARIUS.

The samin day, comperit William Dunbar, Minister of Dyke, and produceit the Letter vnderwrittin,¹ testifeing the inhabilitie of Alexander Tulloch, quhy he may nocht compeir this day; and thaireftir being sworne, he deponit, that Alex^r Tulloch wes vnhabill to travell without perrell of his lyffe; quhilck letter was subferyuit be the Moderatour of the Prisbeterie, viz. James Dundas, Mini-ster att Alve, and . . . Balfour, Minister at Narne.

THE Justice admittis the excuse, and ordanit the mater continew for the said Alex^r Tulloch to the thrid day of the air of the Shereffdome of Elgyne and Fores, or soner vponne fyftene dayis wairning. The said Robert Tulloch askit instrumentis, that the Guidman of Erlifmyll perfew him for airt and pairt of the Slauchter of the said vmq^{le} Williame, for the resfatt, and nocht for the actuall committing thairof.

Jan. 5.—The Justice nocht being throughlie avyfit, continewit it, to gif anfuer quhill this day; and ordanit the pannell to fynd cautionne for his entrie to the day and place, in the hour of caus, to vnderlye the law for the said cryme; quha fund Wod of Balbegeno, cawtioner and fouertie to the effect foir-faid, be vertew of our foverane lordis lettres, purchest at the iustance of Katherine Rynd, the relict, Joⁿ Frafer, eldest sone, with the remanent faderles bairnis, kyn and freindis of the said vmq^{le} Robert: The quhilck day, the said Joⁿ Frafer comperand as perfewar, and the said Williame Wod as defendar, quha protestit for releif of his cawtioner; the said Justice depute admittit his Majesteis Pre-cept, and Ordanit the dyet to desert. Quhairvponne the said W^m Wod askit actis and instrumentis.

Wearing and Shooting of Pistolets — Slaughter, &c.

Jan. 26.—JOHNE ARNOT of Wodmylne.

Dilatit for contravening of the Actis of Parliament, in bering, wering and sehuting with pistuletis vponne the ffeildis and landis of Wodmylne, at vmq^{le} Johne Murray, feruitour to Patrik Commendator of Lundores.²

The samin day, the said Johnne Arnot being enterit on pannell, declairit with ane sorrowful hairt for his offence committit aganis his Maiestie, and offence done to my Lord of Lundoris, nocht to contend aganis thame, or in ony foirt to irritat thame, quhome he is fory to haif offendit fa helie. He comperit in Judge-

¹ This Letter does not appear in the Record.

² Continued from 23. and 24. Jan.

ment, nocht to mak ony defence, in his offence committit aganis his Maieftie, be vmbefetting and tranfgreffing of his lawis, in bering and wering of piftolettis, bot fimplie and humbly to cum in his Maiefteis clemencie and will; quhilk he offerit in all pointis to fulfil: And nocht only to obey his Maieftie thairanent, bot lykewyis to vnderly his Maiefteis will, concerning quhatfumewir fatisfactioun to be maid in all foirt of honoure and humbill obedience to my Lord of Lunderis, and Laird of Tillybairdin, as maifter and cheif to vmq^{le} Johne Murray; and in geir and vthirwyis to Charles Murray and his freindis, for Affythment of the Slauchter of the faid vmq^{le} Johne; quhairin abfolutlie I put my felff in his Maiefteis clemencie and will.

Quhairvpoun, the faid Mr Thomas Hammilton askit instrumentis.

The famin day, Sir Patrick Hepburne of Lufnes, knycht, and Johne Touris of Inverleith, become pledgis and fouirteis, coniunctlie and feveralie, for Johne Arnot Younger of Wodmyll, that he fall remane in waird within the tolbuith of Ed^r, and fall nocht depart furth thair of quhill his Maieftie declaris his will, in the quhilk he come, for bering and wering of Piftolettis; vnder the pane of Fyve thowfand merkis.

Umbefetting the Highway — Masterful Theft, &c.

Jan. 30.—GEORGE HOME in Aytoune.

Dilatit of vmbefetting of Williame Murray, burges of Ed^r, vpoune Coldinghame-mwre, and maifterfullie Steilling fra him of ane thowfand threfcoir fevin pundis iijf. iiijd. in gold and filuer.

Comperit Mr Daid Guthre, as preloquitour for W^m Murray, quha hes speciall interes in this mater; and defyrit this mater may continew, quhill the morne, that he may cum fufficientle instructit with probatiounes, that (he) can nocht haif for the present.—The pannell defyrit that he mycht be putt to the knowledge of ane Affyse of countrey men.

Jan. 31.—Comperit W^m Murray, merchand burges of Ed^r, and produceit ane Warrant, fubferyuit be the Kingis Maieftie; quhair of the tennour followis.

REX,

JUSTICE CLARK and 3our deputtis, We greit 3ow weil. It is our will, and We command 3ow, that vpoune þe fycht heirof, to ftay and continew all proceding aganis George Home, for his allegeit reife fra W^m Murray, or putting of him to þe knowledge of an Affyis þairfoir, till 3e reffau our forder Warrant þairanent; keping him in fair waird in þe meyntyme. As 3e will anfuer to ws; keping þis present for 3our Warrant. Subferyuit with our hand, At Ed^r, þe penult day of Januar, 1598.

(Sic fubferibitur)

JAMES REX.

Forging and uttering base coin — Treason.

Feb. 9.—ELSPETH SKIRLING, spous to Johne Hepburne induellare in

Sanct Marie Wynd, Marioune Hepburne hir dochter, Mariorie Fyn, dochter to Johnne Fyn in Bruntiland, and Helene Bruce, spous to Raff Wallace skynner, burges of Edinburgh.¹

Dilatit of the tressonabill Counterfitting, fforgeing and Prenting of false and adulterat testanis with the croce vpoune thame; and Outputting of the iamyn amangis our Souerane lordis liegis.

PERSEWAR, Mr Robert Lyntoune, substitute for our fouerane lordis Aduocat.

ASSISA.

Johne Mofman goldfmyth in Edr,	Hew Lyndefay goldfmyth,	James Trotter (fmyth),
Johne Cwninghame goldfmyth thair,	Thomas Smyth merchand,	James Crawford goldfmyth,
Williame Stalker goldfmyth thair,	Johne Hog in the Potter-raw,	Robert Vaus tailzeour,
Abrahame Hammiltoune fmyth,	Robert Thomfoune goldfmyth,	Dauid Heriot, goldfmyth,
Robert Cokkie goldfmyth thair,	Williame Harper merchand,	Robert Schaw stabler.

The quhilk day Elspett Skirling, &c. being enterit on pannell, dilatit and accusit, for airt, pairt, red and counfall of the tressonabill fforgeing, ffalcyfeing and prenting in calmis, maid of trie,² fillit vp with calk,³ of fals adulterat money, sic as Scottis testanis with the croce, to the similitude and liknes of our fouerane lordis trew money; quhilk thay, in the monethis of August and September lastbypast, and Februar instant, tressonablie fforgeit, counterfit and prentit within the duelling houffis *respectiue* of the said Elspett Skirling and Rauff Wallace, in Sanct Mary Wynd, and tressonablie outit⁴ the famin amangis our fouerane lordis liegis in Bruntyland, Edinburghe and Potter-raw: Quhilk craft of the falcifeing of the said money, the saidis Marioune Hepburne and Helene Bruce lernit be the instructionne of Hew Bruntoun Inglifinan, quha vsit and praktesit the famin in the saidis houffis, att Fafternis-ewin lastbypast: Lykeas, thay, att diuers and findry vtheris tymis, treasonablie fforgeit, prentit and Coinzeit ane number of the saidis fals testanis, quhilk wes outit be the said Mariory; committand thairby oppin Treassoun:—Wer putt to the knowlege of the Assyise aboue writtin; in quhais presens the saidis perfonnes, being accusit be dittay, of the crymes aboue writtin:

VERDICT. Eftir chesing, fwering and admitting of the quhilk Assyis, and accusatioun foirfaidis, the saidis perfonnes of Assyis past all furth of Court to ane loft in the Tolbuith, quhair thay chuse Williame Harper Chancillor of the Assyis, and reasonit and votit vpoun the pointes thairof, and being resolutit thairwith, re-enterit agane in Court, quhair thay, be the mouth of the said Chancillare, ffand, pronunceit and declarit the said Elspett Skirling, Marioun Hepburne and Helene Bruce, to be culpable, ffylit and convict of the saidis crymes; and the said Marjory Fyn, to be acquit and innocent thairof.

SENTENCE. For the quhilk caus, the Justice-depute, be the mouth of Wil-

¹ See the Case of Rauff Wallace, Feb. 24, 1598-9. ² Wooden moulds. ³ Chalk, Lat. *calx*.
⁴ Vended, uttered, put out.

liame Blak dempftar, ordenit the saidis Elfpet Skirling, Marioun Hepburne and Helene Bruce, to be tane to the Castellhill of Edinburgh, and thair fyrst to be wirreit at ane staik, and thaireftir to be brunt in affis; and all thair movabill guidis to be efcheit and inbrocht to our fouerane lordis vsê, as culpabill of the saidis crymes.

[*Mr Robert Murray, Justice-Depute.*]

Murder.

Feb. 13.—ALEXANDER SPENS, wobster (weaver) in Cruikstoun.

Dilatit for airt and pairt of the crewall Murthour of vmq^{le} Johne Donald, Wobster in Cruikstoun.

PERSEWARIS, Christian Donald and Marioun Donald, as sifteris.

VERDICT. The Assyis, by the mouth of thair chancellor Williame Hoppriggill in Clentis, sfaund ' the said Alexander to be ffylit, culpabill and convict of the crewall Murthour and slauchter of the said vmq^{le} Johne Donald, wobster in Cruikstoun; committit in the moneth of August lastbypast, vnder fylence and cloud of nycht, vpoune the landis of Cruikstoun.'

SENTENCE. The Justice-depute, be the mouth of Williame Blak dempftar, Ordanit the said Alexander Spens to be tane to the Castlehill of Edinburghe; and thair his heid to be striken fra his body; and all his movabill guidis to be efcheit, &c.

Slaughter.

Feb. 20.—ROBERT STEWART, brother german to Patrik Erll of Orknay and Sir Robert Creychtounne of Cluny, knycht.

The quhilk day comperit Mr Thomas Willfoune aduocat, and produceit our fouerane lordis lettres, dewlie execute and indorfat, purchest be George Meldrum apperand of Haltoun, Robert, Williame and Meldrum as fonis, with the kyne and freindis of vmq^{le} Mr Williame Meldrum of Montcoffer; for charging of Thomas Lewingstoun of Baldone, as cautioner for Robert Stewart, Brother-german to Patrik Erll of Orknay; and Johnne Creychtounne of Innernytie, as cautioner for Sir Robert Creychtounne of Cluny, knycht, to haif enterit and presentit thame this day and place, to haif vnderlyne the law for airt and pairt of the Slauchter of the said vmq^{le} Mr Williame Meldrum; and protestit that Alexander Lord Spynie, and David Lyndsay of Quarrelhill, cautioner for reporting and perfuit of the saidis lettres, be relewit. Quhilk wes admittit: quhairvpoun he askit instrumentis.

The samin day comperit Mr James Donaldfoune aduocat, and produceit his hienes Precept; quhair of the temour followis.

REX,

JUSTICE, Justice Clark and 3our deputis, We greit 3ow weil. Forfamekill as our vperis lettres ar purchest att pe instance of pe bairnis, kyn and freindis of vinq^{le} Mr Williame Meldrum of Montcoffer, for chargeing of Johne Creychtoun of Inuernytie, as cautioner and fouretie for Sir Robert Creychtoun of Cluny, kny^t, and Thomas Lewingftoun of Baldone, as cautioner and fouirtie for Robert Stewart, broper-german to our rycht traift coufing, Patrik Erll of Orknay, to entir and present pame before 3ow in our Tolbuith of Edinburghe, the tuentie day of Februar instant, in pe hour of caus, to vnderly our lawis for airt and part of pe Slauchter of pe said vinq^{le} Mr Williame Meldrum. For keping of pe quhilk dyet, as We ar credible informit, bayth the parteis intendis to mak grit convocatioun of pair freindis, and vperis our liegis; quhairvpoun grit inconvenient may enfew, to pe difquyeting of our peciabill subiectis and present estait; quhilk We haif thocht guid to prevent, be pe delay of pe perfsuif of pe said mater on the said day: Quhairfore, and for diuers vperis reasonabill cauffis and confideratiounis moving ws, it is our will, and We command 3ow, that incontinent, eftir the fycht heirof, 3e desert the said dyett, fwa that the saidis perfones, nor pair cautioneris, be nawyis callit, adijudget nor vnlawit for pair non comperance att pe said day, naper 3it the cautioner for reporting and perfsuit of pe saidis lettres be vnlawit, for nocht productioun pairof: Difchargeing 3ow of all proceding aganis the saidis perfones and pair cautioneris, on pe said day, of 3our offices in pat pairt; nochtwithftanding of pair nocht comperance and entrie; with the quhilk We dispens be pir presentis. Subferyuit with our hand, At Haliruidhous, the xx day of Februar, 1598.

(Sic fubfcribitur) JAMES R. W. ELPHINSTOUN. SECRETARIUS.

Quhilk Precept, the Justice admittit. Quhairvpoune the said Mr James Donaldfoune askit actis and instrumentis.

[*Mr Williame Hairt, Justice-Depute.*]

Forging and uttering base coin — Treason.

Feb. 24.—**RAUFF WALLACE** skynmer, burges of Edinburghe.¹

Dilatit for airt and part of the trefsonabill fforgeing and prenting of ffals and adulterat money, fik as fals Scottis testans and Inglis testanis.

PERSEWAR, Mr Robert Lyntoune aduocat-depute.

The Justice produceit the Warrant vnderwrittin, direct to him be his Maiefte; quhairof the tennour followis.

REX,

JUSTICE Clark, aduocat and 3our deputtis, We greit 3ow weil: It is oure will, and We command 3ow, that incontinent, eftir pe fycht heirof, that 3e put Ralf Wallace, presentlie in waird, and dilatit of ffals cunzie, to pe knawledge of ane Affyis; and being conviet, that 3e fie him pwneift, according to his demereittis; as 3e will anfuer to ws pairanent. Subferyuit with our hand, Att Halirudehous, the xxiiij day of Februar, 1598.

(Sic fubfcribitur)

JAMES REX.

The Aduocat produceit the Dittay, eftir chefing, fwering of the Affyfe, togidder with the Depofitiounis of Rauff Wallace and his fpous, and Marioune Hepburne for verifeing of the Dittay.

¹ See the Case of Elspeth Skirling, &c. Feb. 9, 1598-9.

ASSISA.

Hew Lyndefay goldfmyth,	Thomas Mulliegan merchand,	James Trotter fnyth,
Archebald Somerwell merchand,	Johne Giffert merchand,	Robert Vaus in St Marie Vynde,
Robert Thomfoune goldfmyth,	Johne Blak maltman,	Johne Coningham goldfmyth,
Robert Nicolfoune merchand,	Dauid Palmer goldfmyth,	Jo. 3oung tailzeour in the Cannogait,
Thomas Huchefoune sword-flipper,	Johne Chalmeris merchand,	Peter Spens dag-maker thair.

The said Rauff denyit the hail Dittay and his Depositionis; and declarit, that quhatewir he confest, it wes for tortour.—The Aduocat protestis for Wilfull errour, in cais thay acquit, in respect of his Confessioun.—The said Rauff produceit ane instrument of his declaratioune of innocencie, and that he deponit and confest all thingis be exquisite tortour.

VERDICT. The Assyse being convenit foliter allane, chose Johne Cwninghame chancillar, and past to reasoning vpoun the pointis of the said Dittay; and haifing votit and resoluit thairwith, callit the Justice to Judgement, quhair thay, be the mouth of the said Chancillar, ffand, pronunceit and declarit the said Rauff to be Cleane and acquit of airt, pairt, red and counfall of the tressonabill Counterfitting, fforgeing, ffalceifeing and Prenting of fals and adulterat money, sic as fals Scotis testanis and Inglis testanis; quhilkis wer tressonablie (and) fallie counterfittet, forgeit and prentit, be Hew Bruntoune Inglisman, quha, in the monethis of Januar and Februar, in the 3eir of God I^m.V^c.lxxxxvij yeiris, before the ffeist of Fafternis ewin, caist the famin within the said Rauffis duelling hous in Sanct Marie Wynd, the said Rauff being present thairat: Lykeas he, eftir casting of the famin, trefonablie conceit the tressonabill prenting and forgeing thairof, and outing of the famin, be the said Hew Bruntoune and v^mq^{le} Helene Bruce, his (Rauff's) spous.—ITEM, ffand and pronunceit him to be ffylit and Convict, fforfamekill as he, knawing, that about Fafternis-ewin bygane ane yeir, v^mq^{le} Helene Bruce his spous was tane and apprehendit for the tressonabill outing of fals Inglis testanis, coinzeit be the said Hew Bruntoune Inglisman, within hir duelling hous; he, the nycht of the apprehending of hir, vnderstanding that the said Hew wes the cause of his apprehensioune, for outing of the said fals coinzie, tuik and apprehendit him, and nochtwithstanding thairof, he trefonablie patt him away, and wald nocht present him to Justice, he being maist giltie of the said trefonabill cryme; and thairby, he committit maist oppin and manifest Trefoune.

The whole persons of Assyis find Caution, ' that thay fall entir thair personis in waird, within the Tolbuith of Edinburghe, vpoun Tyisday nixtoeum, before nyne houris, ilk persoun vnder the pane of Fyve hundreth pundis; except Johnne Giffert, James Trotter, Robert Nicolfoune and Johne Blak, for ilk ane of thame, vnder the pane of Fyve hundreth merkis.

(Mar. 2.)—Rauff Wallace being presented on pannell, to haif hard Dome pro-

nunceit aganis him, as he that wes convict of the taking of Hew Bruntoune, Inglifman, and latting of him to libertie, conforme to the convictionne, the said Rauff declarit, that he wald cum in his Maieftis will, for that thing quhair of he was convict ; and proteffit, that na wrang fould be down to him, feing, quhen he tuik the said Hew, he offerit him to Alexander Perfoun, Baillie, and thair-eftir he pait and focht the Bailleis of the Cannogait, quhom he could nocht gett ; and or¹ he returnit, the perfonis quhom-with he wes left, patt him away.

RAUFF WALLACE DOME.

(Mar. 3.)—The Justice-deput produceit ane Warrant, direct fra his Maieftie to him, to that effect ; quhair of the tennour followis.

REX,

JUSTICE, Justice-clark and your deputis, We greit you weill. Forfamekill as Rauff Wallace, fkykker in Edinburgh, being laillie accusit, and put to the knowledge of ane Assyse, for certane tressonabill crymes of fals cunzie, prentit in his hous, for the quhilk his wyffe wes laillie execute, the said Rauff is convict be the said Assyis of the tressonabill taking and away-putting of Hew Bruntoune, Inglifman, forger and prenter of the said fals cunze, within the said Rauffis hous, knowing him gyltie pair of, at the tyme quhen the said Rauffis wyffe wes takyn in Leyth, ane zeir syne or pair-bye, for the outputting pair of ; and for the nocht presenting of the said fals cunzeour befor our Justice, to haif bene pwneit for his offence ; for the quhilk, the said Rauff come in our will : And We, being perfytelie informit, that the said Rauffis wyffe declarit vpoune hir conscience befor hir death, diuers tymes, befor the prenting of the said fals cunzie, and that he pat the said fals cunzeour away, for hyding and feir of detecting of his and his wyffes gyltines ; quhairbye he is worthie of extreme pwneifment. Thairfor it is oure will, and We command you, that ye hald Court, and gif and pronounce ye lyke dome aganis him, as was gevin aganis his vmq^{le} spous ; to be takyn furth to ane staik, and wirreit, quhill he be deid, and his bodie brunt in asses, quhill he be deid,¹ in exampill of vperis : And this on-nawis ye leve vndone : As ye will anfuer to us vpoune your obedience ; for the quhilk pir presentis falbe to you ane warrant. Subscryuit with our hand, Att Halyrudhous, the thrid day of Marche, 1598.

(Sic subscribitur)

JAMES REX.

According to the quhilk Warrant, the said Justice-depute, be the mouth of Williame Blak, dempstar of the said Court, decernit and ordanit the said Rauff Wallace to be tane to the Castell-hill of Edinburgh, and thair to be wirreit at ane staik quhill he be deid ; and thairefter his bodie to be brunt in asses ; and all his landis, heretage, and his movabill guidis, to be foirfalt and escheit, &c. as convict of the tressonabill taking and apprehending of the said Hew Bruntoune, Inglifman, quha cunzeit fals cunzie within the said Rauffis duelling-hous ; and nocht presenting him to Justice, conforme to the Act of convictionne.

Wilful Error on Assise.

Feb. 27.—THOMAS MILLIGAN, merchand-burges of Edinburgh, and fourteen others.

Dilatit, for airt and part, of the manifest and Wilfull Error committit be

¹ Before, *ere*.

² These four words are evidently a clerical repetition.

thame, being admittit vponne the Affyis of Rauff Wallace, fkyinner, &c. and Acquitting him of the fyrst point of the Dittay.—Continued to Mar. 2.

Mar. 2.—The case again continued to Mar. 9.

(Mar. 9.)—The Justice defertis the dyet, in respect that the Thesaurer and the Aduocat, being oft tymes callit to persew, comperit nocht; quhairuponne the persounes aboue writtin comperand, askit instrumentis.

Slaughter.

Mar. 3.—JAMES BARCLAY, in Mekill Tary.

Dilatit for airt and pairt of the slauchter of vniq^{le} Williame Dowglas, sone to Williame Dowglas of Erlifmylne.¹

Comperit Mr James Dundas, chanter of Murray, and Minister of Aloo, and produceit the testimoniall.—The pannel takis instrumentis of his offer to ane Affyse; and protestis, that he be nocht trublit in tyme cuming.—Only seven Affisers appear, who, in like manner, protest, ‘that thay be nocht trublit in tyme cuming vpoun this Affyse; quhilk wes admittit.’—Testimonial subscriyuit be Mr Johnne Stratoune, Minister att Raffort, direct fra the Ministeris of the Presbiterie of Forres, of the dait, att the Kirk of Forres, the xv of Februar, 1598, testifeing that thay had sene the said Alexander (Tulloch, sone and apperand air to Robert Tulloch of Tannoquheis), and that he wes vnhabill to travell; quhilk excuise maid be the Minister of Aloes, togidder with the Testimoniall, the Justice admittit.—Continued to the thryd day of the nixt Justice-air of Elgyn and Forres, or soner, &c. on xv days wairning.

Slaughter.

Mar. 16.—PATRIK CAMPBELL of Kethik, Andro Sym, his seruand, Williame Spalding, in Kethik, and John Drummond of Coquhalzie, and five others.

Dilatit for airt and pairt of the slauchter of vniq^{le} Williame Hay, sone to Williame Hay of Gourdie;² (committit vponne the secund day of Februare lastbypast, vponne set purpois, prouisionne, and foirthocht felonie).

PERSEWARIS, Andro Hay, apperand of Gourdy, Laurence, Robert, and Patrik Hay, as breyder, (brothers), Johnne Stewart, appeirand of Airtillie, Johnne Halyday, aduocat.

The cautioners for Campbell, Sym, and Spalding, who did not appear, are ‘amerciati in the pane of ffyve hundreth merkis’ for Campbell; and for each of the others, ‘ane hundreth merkis.’ The principal to be denounced rebels, &c.

The Justice continued this case ‘to the thrid day of the nixt Justice-aire of Perth, or soner, vponne fyftene dayis wairning.’

¹ See Jan. 4, 1598-9. ² See Mar. 20, 1598-9.

[*Mr Williame Hart and Mr Robert Murray, Justices-Deputes.*]

Theft.

Mar. 17.—ROBERT QUIHIPPO, indueller in Edinburgh.

Delaitit for certane crymes of Thift.

PERSEWAR, Mr Thomas Hammiltoun of Drumcairne, aduocat.

PRELOQUOUTOURIS for the pannell, Mr Johnne Ruffell, Mr Thomas Craig, Cornelius Tennent, Williame Home, brother to Sir George, The Guidman of North Beruik, Mr Samuuell Home.

The Aduocat produceit the Warrant, direct fra his Maiestie, Ordaining him to infist in the perfute ; as also ane Warrant to the Justice, to proceed and minister Justice in the said mater, togidder with the Dittay.

It is allegit, that Mr Williame Hairt, as Justice, can nocht be Judge in this mater ; becaus his wyfe, callit Margaret Carnecors, and the Guidman of Gallowfcheillis, ar ferdis of kyn, viz. thair grandfyris ar tua brether : Quhilk rekning he offeris him to verifie instantlie, be gentillmen and vtheris witneffis vnsuspect ; in respect the Judge declairis he knawis nocht the rekning : Quhilk Guidman of Gallowfcheillis is partie in this caus, be this qualificatioune, viz. he purchest the Warrant fra his Maiestie, to tak the defender ; he assistit the Bailleis in taking of him ; he feit the officer to summond the Assyse ; and hes gevin the Aduocat informatioun ; and is vpgever of the Dittay.—The Aduocat answeris, the alledgeance aucht to be repellit, becaus thair is na vther partie or persewer heir bot him self, as Aduocat for his lienes entris ; nather can the Guidman of Gallowfcheillis haif ony entreis, in perfute of this Dittay : farder, repeitis the decisioum gevin in the action persewit be the aduocat aganis the Laird of Delgetie, in the lyk caice ; and the Interlocutour alreddie pronounceit vpon this alledgeance.

The Justice repellis the alledgeance, in respect the Aduocat is only persewer ; as also, that Mr Robert Murray is also Judge, aganis quhome thair is na declinatour.—Quhairvpoun the defender askit instrumentis, and protestit for remeid of law.

It is allegit be the defender, that he can nocht be put to ane Assyse, in respect that he (is) nocht deprehendit in a mater of Tressoun, nor *in flagranti crimine* ; and thairfoir, fould haif bene summond vpon a fyftene dayis wairning.—It is answerit be the Aduocat, the alledgeance aucht to be repellit, in respect of the crymes set down in the Dittay, quhilkis, in Thift allanerlie, may be tryit summerlie without ony delay, according to the practik ; and the pannell is brocht to the bar out of the Kingis waird.

The Justice repellis, in respect the Dittay is only for thift ; quhairvpoun the Aduocat askit instrumentis.

The defender, of his awin consent, defyris Tyfday nixtocum, to the effect that

he may cause the partes contentit in the Dittay compeir, and cleir the Dittay.—The aduocat takis instrumentis of the pannellis desyre, quhairby he eschewis present tryell, and craves proces.

The Justice ordanis proces.—The defender thaireftir desyrit, that feing my Lord Aduocat is nocht obleift to fueir ony Dittay, that thairfoir it may be knawin to the Justice befor the electioun of the Inqueist, gif ony partie vpon one of the articles contentit in the Dittay, will fueir the famin to be of veritie.—It is anfuerit be the Aduocat, the alledgeance meritis na anfuer.

Follows the ASSISE, and Objections to Assisers.

The aduocat takis instrumentis, that *David Seytoun* declairis, that thair is feid standing betuix him and the pannell.

It is allegit, that *Alexander Dikfoun in Edgearno* can nocht pass vpon the Assyse; becaus it is of veritie, that he was in companie with the Laird of Samelstoun, vpon the grund betuix Kidlaw and Newtown mylne, at the committing of the slauchter of vmq^{le} Williame Qulippo, the defenderis brother, quha was slane be the Laird of Samelstoun; for the quhilk the defender beiris feid aganis the said Alexander.—The Aduocat anfueris, that the allegeance aucht to be repellit, vnles the pannell wald allege, that the Assyfour was airt and pairt of the said slauchter for his hund vpoun the grund: He nocht geving assistance to Samelstoun in the fact, can work nathing aganis him; nather the pannellis beiring of feid aganis the assyfour, vnles thair was ane just caus of feid gevin be the assyfour.—To the quhilk it is anfuerit, that gif the said Alexander was to be accuset criminallic vpon his lyfe at the same defenderis instance, as being vpon the grund the tyme of the committing of the said slauchter, and sua being airt and pairt thairof, na Assyse could clange him; and consequentlie, he can naways be sufferit to pas vpon this Assyse.—The Aduocat askit instrumentis, that *Alexander Dikfoun* being swoirne, declairis that he saw nevir the defenderis brother.—*Alexander Dikfoun in Edgearno*, being swoirne, deponis, that the day of the committing of the slauchter of this defenderis brother, thair being ane hunting apointit betuix the Laird of Samelstoun, elder, and the Laird of Colstoun, his maister, thay met; and the said Patrik Hammiltoun, now of Samelstoun, haifing huntit his haulk, and followit on horsbak, the rest being on fute, except the Lairdis of Colstoun, and Auld Samelstoun, and the said Patrik Hammiltoun following his haulk, forgadderit with the deponeris brother, and hurt him; and thaireftir came bak to the hunteris, and schew that he had allanerlie hurt him, and saw na forder; the said Patrik and the deponeris brother being a myle frome thame.

The pannell allegit, that *Thomas Woid in Grange* can nocht pass vpon this Assyse; becaus thair is blude betuix thame.—The said Thomas confessit the alledgeance to be trew.

It is allegit aganis *The Laird of Rochlaw*, that he can nocht pass vpon this Assyse; becaus the Laird of Rochlawis wyfe is thridis of kyn to the Laird of Spottiswoid; quhilk Laird of Spottiswoid, with the kyn and freindis, standis vnder deidlie feid with the defender, for the slauchter of the said Laird of Spottiswoidis brother.

It is allegit, that *Archebald Geddes, younger*, burges of Edinburgh, that thair was bluid betuix him and the defender.

It is allegit aganis *James Lanfoun* and *Johne Reidpeth*, that thair is deidlie feid standing betuix thame, and the defender vnreonceillit.—It is confest be the said James Lanfoun and Johnne Reidpeth, that thair beir the defender at evill will.

It is allegit aganis *George Rutherford*, that he is the Laird of Sesfuirdis man, quha is partaker of the Laird of Spottiswoidis feid.

The Aduocat takis instrumentis, that the pannell, out of his awin mouth, objectis aganis *Mr James Home*, fen being ane vnfreund to Hardeis, as pairtaker with him in his thift.

It is allegit aganis *Patrik Hoppringill*, that he can nawayis be vpon this Affyse; becaus thair is deidlie feid, standing as yet vnreconfeillit, betuix Williame Hoppringill, his brother sone, and the excipient, quha come and perfewit him for his lyfe, at the house of Blindley.—It is anfuert be the Aduocat, that the allegiance is nocht relevant, becaus it is nevir allegit, that Patrik Hoppringill is pairtaker of the feid, or that his brother-sone is at feid with the pannell, for his awin caufe: And as to his brotheris sones affifting of the Bailleis in his taking, that was lauchfull, and can impoirt na feid; ffordr, the alledgeance of kyn with the Guidman of Gallowfcheillis is generall.—The Aduocat takis instrumentis.

The pannell takis instrumentis, befor the reiding of the Dittay, that thair is na perfewer comperis to fweir the Dittay.—The Aduocat takis instrumentis, that he offeris to verifie the Dittay, and to caufe the Guidman of Gallowfcheillis fweir the famin to the Affyse: In respect quhairof, and of the notoriety of the pointis of the Dittay, in cais that thair chainge, protestis for Wilfull Error aganis the Affyse.

The Aduocat protestis, that the allegiances maid be the defender may be minutit, to the effect that it may be schawin to the Kingis Maiestie, quhidder this Judgement be lauchfullie vsct or abusct.

For verificatioun of the Dittay, the Aduocat producet ane Miffaue Lettre, direct be Sir Williame Seytoun to the Laird of Traquair.

THE quhilk day, Robert Quhippo, burges of Edinburghe, being enterit on pannell, perfewit and accusct be Mr Thomas Hammiltoun of Drumcairne, aduocat, of the crymes eftir specifct; that is to say:

THE DITTAY *against Robert Quhippo.*

(1.) FOR airt and part of the thifteous Steilling, conceilling, refcting and away-taking of ane blak meir and ane broun horfe, pertening to Baldie Watt in Adinstoun, furth of the landis thairof; committit with his complices, in the moneth of November I^m.V^c. fourfcoir sevintene yeiris.—(2.) ITEM, ffor airt and pair of the thifteous Steilling, conceilling, refcting and away-taking of ten oxin and fyve ky, furth of the landis of Soutray-barnes; quhilkis ky and oxin pertenit to Robert Wodell in Tranent, and was pasturand and in girfing vpon the saidis landis; committit in the moneth of August I^m.V^c. fourfcoir systene yeiris.—(3.) ITEM, fforfamekill as James Hoppringill, sone to Williame Hoppringill, haifing in the moneth of August, 1595 yeiris, delyuerit to the said Robert Quhippo the fowme of lxxxvij li. to be convoyit to George Hoppringill of Blindlie, for woll coft be the said James fra the said George: And in the meane tyme he consultit with James Hardie, his compaignoun, ane notorius theif, how he sould detene the said fowme; and agreit, that the said James sould sett vpon him at Wompla-buth, in his passing to Blindlie with the said siluer; lyke as, he meitand with him thair, causit the said James cut his claythis, as gif ane number of theifis had set vpon him and had tane the said siluer, with his naig frome him; with the quhilk siluer he nevir pairtit; bot, be confert, flaw the said siluer; and was airt and part with the said James Hardie in steilling thairof.—(4.) ITEM, fforfamekill as the said Robert, accompaneit with France¹ and France, brether to the Laird of

¹ French, Frank.

Thornydykis, came in the moneth of Februare or thairby, in the yeir of God, 1590, to vmq^{le} Thomas Bailleis duelling hous in Sanct Johnes Kirk, and thair brak vp the dur of the stable and thifteoullie ftaw, conceillit, reffet and away-tuik foure hors pertening to the said vmq^{le} Thomas, and convoyit the famin away with him; and he was airt and pairt of the thiftous steilling thairof.—(5.) ITEM, ffor famekill as the said Robert, accompaneit with dyuerse cowmone theifis, his complices, to the number of sax perfonis, on hors and fute, quhairof foure vpone hors and tua on fute, of the quhilk number Thomas Hardie in Boundmybrig was ane, all bodin in feir of weir,¹ with fuoidis, secreittis² and vtheris waponis *invafive*, laillie, vpone the xj day of Januar lastbypast, vnder fylence and clud of nycht, betuix fyve and sax houris at evin, as notorius briganes,³ vmbefet the way betuix the burgh of Edinburgh and toun of Leyth to Peter Paterfoun, fernitour to Johne Fyndlafoun burges of Dundie, as he was, in sober and quyet maner, gangand furth of the said burch to the toun of Leyth; and thair, with drawn fwoirdis fett vpone him, and gaif him dyuerse bouche fraikis,⁴ and maisterfullie ftaw, rest and away-tuik fra him tua batis, ane fwoird, ane pair of buitis, ane pair of spures, ane bonet-caice⁵ full of evidentis,⁶ ane nicht bonet,⁷ with tua pair of schankis,⁸ being thairintill; pertening to the said Johne Fyndlafoun.—(6.) LYKEAS, he, the famin nycht, betuix the houris foirfaidis, fet vpoune George Herper and George Martene, boitmen in Borrowstoun-nefe, as thay war passand in sober and quyet maner, fra the said burch of Edinburgh to the toun of Leyth, dredand na harme, &c. and maisterfullie ftaw, rest and away-tuik fra the said George Martene fourfcoir li. money; and fra the said George Herper, ane ten s. peace.—(7.) LYKEAS, he, the famin nycht, about the houris foirfaidis, maisterfullie fet vpoune dyuerse our fouerane lordis leigis, passand betuix the said burch of Edinburgh and toun of Leyth, and ftaw, rest and away-tuik fra thame thair cloikis and purffis.—(8.) ITEM, ffor airt and pairt of the thiftious steilling, conceilling, reffeting and away-taking of thre ky, furth of the burch of Lynlythgw; quhilkis ky pertenit to Johne Tulloch smyth thair; committit in the moneth of September, anno 1596 yeiris.—(9.) ITEM, ffor airt and pairt of the thiftious steilling, conceilling, reffeting and away-taking of foure ky and twa oxin, pertening to Waterstoun, his awin man, in Kydlaw, furth of the toun and landis thairof; committit in July 1597 yeiris.—(10.) ITEM, ffor cowmoun thift, cowmone reffet of thift, inputting and outputting of thift, infang and outfang thift, fra laud to land, fra towne to contrie, baith auld and new.

VERDICT. The Justice-depute, eftir dyuerse allegeances maid be the said Robert and his preloquoutouris, quhairfoir the said Robert fould nocht be put to the knowlege of ane Assyse, for the saidis crymes, &c. pat the said Robert to the knowlege of ane Assyse; and he being accusit be Dittay in thair presens, quba denyit the famin, thay removit furth of Court to the Over-Tolbuthe of Edinburghe; quhair thay, being convenit thair allanes, ffirst, be pluralitie of voits choisit the said Mr Patrik Hepburne of Smetoune chanceller of the said Assyse, and thaireftir reffonit and voitit vpone the hail pointis of the said dittay; and being throughlie advyset thairwith, re-enterit agane in Court, in presens of the saidis Justice-Deputis; quhair thay, be the maist pairt, be the mouth of the said Chanceller, stand, pronunceit and declairit the said Robert Quhippo to be Cleane, Innocent and Acquit of the hail crymes aboue writtin; except, that thai fand

¹ Warlike array.

² Chain-mail, *secretly* worn under the ordinary dress, 'Pyne doublets.'

³ Robbers, Fr. *brigands*.

⁴ Heavy, severe or deadly strokes.

⁵ Anglicè, 'Band-box?'

⁶ Title-deeds, vouchers, or legal documents.

⁷ Night-cap, Fr. *bonnet-de-nuit*.

⁸ Hose, stockings.

him culpabill and convict of airt and pairt of the theftious steilling, conceilling, reffeting and away-taking of ten oxin and fyve ky furth of the Landis of Soutray-barnes; quhilkis ky and oxin pertentit to the said Robert Weddell in Trauent, and was pasturand and in gerfing thair, vpon the saidis landis; committit in August, 1595 3eiris.—ITEM, of the airt and pairt of thiftious steilling, conceilling, reffetting and away-taking of foure hors fra vmq^{le} Thomas Bail3ie of St Johnes Kirk, furth of his stable thair; committit in the moneth of Februare or thairby, I^m.V^c.lxxx ten 3eiris.

SENTENCE. For the quhilk caus, the saidis Justice-Deputis, be the mouthe of Williame Blak dempster, Ordanit the said Robert to be tane to the Gibbet besyde the mercat croce of Edinburghe, and thairvpone to be hangit quhill he was deid; and all his moveabill guidis to be escheit, &c.

[*Mr William Hairt, Justice-Depute.*]

Slaughter.

Mar. 20.—GEORGE RATTRAY, seruitour to the Laird of Craighall, and Thomas Lathreis, cherurgeon in Perth.

Dilatit for airt and pairt of the Slauchter of vmq^{le} Williame Hay, sone to Williame Hay of Gourdie.¹

The Aduocat protestit for Wilfull Errorr, in respect of the verificatioun of the cryme, and of his Confessioun, verifeit be the Laird of Auchey and Mr Patrik Hay.

VERDICT. The Assyis being chosin, sworne and admittit, remowit altogidder furth of Court, to the heich Tolbuith of Edinburghe, &c.; and be the mouth of Williame Dowglas of Erlismylne, chancillar, all in aue voce, ffand, pronunceit and declarit the saidis George Rattray and Thomas Lathreis to be ffylit, culpabill and convict of airt and pairt of the crewall Slauchter of vmq^{le} Williame Hay, sone to Williame Hay of Gourdie; committit in the moneth of Februar lastbypast, within Andro Gybis duelling hous in Perth.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair, thair heidis to be strikin fra thair bodeis; and all thair movabill guidis to be escheit and inbrocht to our souerane lordis vse.

Abiding from the Raid of Stirling—Forfeiture.

Apr. 20, 1599.—JAMES CONNELL in the Maynis of Fleminghill and Twelve others.

¹ 1598-9, Feb. 16. 'The Slauchter of William Hey, sone to the Gudeman of Gourdie, in Andro Gibis hous in the Kùkgait (of Perth), be the Laird of Craighall, Rettray and his complices. Thomas Lafreis chyrurgiane wes thair; quha sufferit for it.' *Fleming's Chronicle*, MS. Adv. Library. See also Mar. 16, 1598-9.

PERSĒWAR, Mr Thomas Hammiltoune of Drumcairne, aduocat.

PRELOQUUTOIRIS for the pannell, Mr Johnne Nicolfoune, Mr Richart Spens.

Comperit Johne Grahame of Knokdolian, and produceit our fouerane lordis lettres, deulie execute and indorsat, &c.—The Aduocat produceit ane Act of convietioune, of the dait the xiiij day of December, 1584, quhair the perfounes aboue writtin wer convict ffor thair contemptibill (contemptuous) remaning fra the Raid of Striuiling, quhilk wes in the moneth of Apryll, 1584 yeiris; and defyrit dome to be pronunceit aganis thame, as thay that wer convict in maner foirfaid.—The pannell askis instrumentis, that thay defyre the Aduocattis aith, quhidder the Laird of Knokdoliane be his informer or nocht: And als, alledgis that he is informer of the aduocat in this perfuit, and that he wes present att the bar for the said purpois; and defyrit the Laird of Knokdolianis aith thairvpoune; quhairvpoune he askit instrumentis.

The Justice findis that the Aduocat fould nocht gif his aith, nor yit declair quha fould be his informer.

Alledgit that na dome can be pronunceit aganis Johnne Wrycht in Bankhous, becaus he wes nocht convict of the cryme quhair of the rest wes convict.—The Aduocat in the contrair.

It is alledgit for the hail pannell, that na dome of fforfaltour can be pronunceit aganis thame, vpoun the convietioune produceit; becaus the famin is gewin and pronunceit in the 3eir of God I^m.V^c.lxxxiiij 3eir, fen the quhilk tyme oure fouerane lord, with auise of his estaitis in Parliament, in the moneth of December, 1585 yeiris, hes be expres Act of Parliament annullit all crymes and offences committit aganis his Maiestie, for the quhilkis his Maiestie may haif ony particuler interes, be quhatsumewir perfoun or perfounes, men or wemen, within this realme; and hes declarit the famin to be voyd, of the selff, and of nane avall, force nor effect; as att mair lenth is contenit in the fyrst article of the Pacificatioun maid att Lynlythgw, heirwith produceit; quhilk Pacificatioun, in all the heidis and articles thair of, is ratifeit and apprewit be his Maiestie and Estaitis of Parliament, in the yeir of God I^m.V^c.lxxxvij yeiris, eftir his hieneis perfyte age: Lyke as also, in the famin Parliament, thair is ane generall abolitioune of all crymis and offences committit be quhatsumewir his hienes liegis, fen the tyme of his hienes Coronatioun, to the day and dait that may follow thairvpoun, maid and grantit to quhatsumewir personis: And trew it is, that the crymes contenit in the convietioune produceit, concernis his Maiesteis interes allanerlie; and the famin, with the convietiounis following thairvpoun, precedis the said Pacificatioun; and thairfore, be the expres prouisioun thair of, ar null of the selffis.—It is anfuert be the Aduocat, that the alledgeance is nawyis relevant, nather can it stay dome to be pronunceit aganis the pannell, conforme to

the convictioun produceit ; becaus the Actis of Parliament, quhairvpoun the alledgeance is foundit, contenis only ane abolitioun of crymes committit be his Maieftis profellit rebellis, in the commoune trubles ; and is nawyis menit of sic as abaid att all tyme att his Maieftis obedience, and wer newir ather foirfalt, baneift, or demunceit rebellis, for the said commoune caus : For gif the said Act mycht be ane warrand to this pannell, it mycht also weill ferue to be remiffioun to all sic as ather committit thift, or oppreffioune, or transportit forbidden guidis, foirstallit victuallis, or regratit the mercatis, before the said Act, in the yeir of God, 1585, quhilk wer absurd ; and thairfore the pannell, newir haifing bene pairt-takeris of the commoun trubles, can nawyis inioy the benifite of the said Act, maid allanerlie for that caus, for fatling of the saidis trublis ; and nawyis to procure impunitie to sic as haifing abidden att his Maieftis obedience, hes committit ony crymes ; vtherwyis the said Act, quhilk wes maid for pacefeing of the countrey, and vniting of his hienes guid fubiectis, fould haif bene ane generall Remiffioun to all thewis, brigands, oppreffouris, and vtheris diforderit people of the countrey ; quhilk na man will alledge.

To the quhilk it is replyt, that the generall Abolitioun and Act of Pacificatioun hes twa pairtis ; ane thairof, quhilk is confaut in favouris of thay (thofe) profellit rebellis contenit in the anfueris, sic as repoffeffioun of thay perfounes difpoffest for the commoune caus ; vpoun the quhilk pairt of the Pacificatioun the defenderis alledgeance is nocht foundit : The fecund pairt thairof is maid and confaut in favouris of the hail liegis ; be the quhilk, all crymes, offences and attemptis, committit aganis his Maieftie, and for the quhilk his hienes hes particuler interes allanerlie, ar altogidder annullit and aboleifchit ; except the speciall crymes and speciall perfounes committeris thairof, mentionat in the saidis Actis of Pacificatioun and Abolitioun ; quhilk exceptioun makis the said law to be generall and vniverfall, to all kynd of crymes quhilkis ar nocht exceptit ; and it is na absurd thing to grant, that his Maieftie hes gewin ane pardoun and remiffioun to all crymes and offences mentionat in the said anfuer, quhen the famin is limitat to ane certane tyme ; and speciallie, quhen the famin is maid be his hienes with auife of Parliament, for eftableiffing of ane generall peax and quyetnes within the countrey : And quhen it is menit that thiftis, reiffis and oppreffiounes, be this constructioun, will fall be this Act of Pacificatioun ; it is anfuerit, that the saidis crymes concernis particuler parteis, and nocht the Kingis interes allanerlie ; and the parteis interes is nocht difchargeit be the said Act of Parliament ; and this cryme concernis the Kingis interes allanerlie.—It is anfuerit be the Aduocat, that the excepting of fun crymes in the Act, is only menit of crymes committit be the saidis perfounes aganis his Maieftie, the tyme of the commoun trubles ; nather can the famin Act be extendit to ony crymes com-

mittit be ony vther perfounes ; for it is notoure, that in all Justice Courtis, fen the yeir of God 1585, dittay hes bene tane, and tryall and pwneifment hes followit, for all foirt of crymes committit before the said Parliament, haldin in the 1585, be sic perfounes as wes nocht pairt-takeris of the commoun trubillis.

The Justice continewis Interloquoutour to the morne, and ordanis the perfonis comperand to find caution.

Apr. 21.—SENTENCE. The Justice Ordanit na proces againis Johnne Wrycht in Cabrokhill. The said Justice-depnte ffind, that Doune fuld be pronunceit aganis thame, in maner following : And be the mouth of Williame Blak dempftare, Ordanit that the saidis perfonis, and ilkane of thame, fuld fforfalt their landis, heritages, takkis, fteidingis, cornis, cattell, guidis and geir ; and the famyn to be efcheit, to our fouerane lordis vfe : And to pas in ward within our Tolbuith of Edinburghe, thairin to remane induring his hienes will ; as convict in ane Court of Justiciarie, haldin in the Tolbuith of Edinburghe, the said xvj day December, the 3eir of God I^m.V^c.lxxxiiij 3eiris foirsaid, be the vinq^{le} Mr Johnne Grahame Justice-depnte, for abyding fra our fouerane lordis oift, raid and airmye, quhilk wes ordanit be his hienes Proclamatioun to haue convenit at Halirudhous, in the moneth of Aprile, the 3eir of God I^m.V^c.lxxxiiij yeiris, and thairfra to haue past forduarde to the burgh of Striueling, for repreffing of the trefsonabill attemptatis of certane his Maieftis tratouris and rebellis, quhilkis had fupryfed the said burgh of Strineling and Castell thairof.

Using False Weights and Measures.

Maij 18.—JOHNE CARSTAIRS, citiner¹ in Sanct Androus.

Dilatit for contravening of the Actis of Parliament in vring of fals vechtis and mefouris.²

PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, aduocat to our fouerane lord.

PRELOQUOUTOURIS, Mr Johne Scharp, Mr Johne Ruffell, Mr Henry Balfour, Mr Robert Leremont.

Comperit Mr Robert Weymis, and produceit ane Precept, fubferyuit be his Maieftie, quhairof the tennour followis.

REX,

JUSTICE-GENERALL and 3 our deputtis, We greit 3 ow hairtie weill. It is oure will, and We, for certane reffonabill cauffis and confiderationis moving ws, Command 3 ow and 3 our clarkis, to continew 3 our Court appoyntit to be haldin in our Tolbuith of Edinburgh, 3e xvij day of Maij instant, anent 3e accufatione led at 3e instance of our aduocat, aganis Johne Carstairis, merchand, citiner in Sanct

¹ Citizen.

² This Trial is inserted, not so much on account of any peculiar importance which the Editor attaches to the case ; but because it highly illustrates the constant importunities which must have been practised, in soliciting Warrants from the King ; and the strange vacillation displayed by him in granting these Precepts. It is altogether a ludicrous, as well as a melancholy instance, of the absurdity of the King's perpetual interference with the judicial proceedings of the country.

Androis, for þe cauffis contenit in our vperis lettres, direct furth þairanent : Dischargeing 3ow of all proceeding þairin aganis him or his cawtioner, vnto þe thrid day of þe nixt Justice air of our Sherefdome of Fyfe, or that he be wairnit of new agane vpoun fyftene dayis wairning : And that nocht-withstanding quhatfumevir Warrant, gevin or to be gevin to 3ow in the contrair ; quhairanent þir presentis falbe 3our Warrant. Subferyuit with our hand, At Halyrudehous, the auchtene day of Maij, and of our regne þe xxxij yeir, 1599. (Sic subscribitur) JAMES REX.

Comperit the said Johne Carstairs, and produceit the Precept vnderwrittin.

REX,

JUSTICE, Justice Clark and 3our deputtis, and our aduocat, We greit 3ow weil : Forfamekill as We vnderstand that our louit Johne Carstairs, merchand citiner in Sanct Androns, is, vpoune sinister repoir and informatioun maid of him, summond to vnderlye our lawis, for allegeit vsing of wrangous wechtis and meafouris : And feing, We perfytelie knaw the said Johne to be alwayes innocent of þe said cryme, and that the informaris name is nocht insert in the criminall lettres raist þairanent : Thairfor, it is our will, and We command 3ow, that nochtwithstanding þair of, in caise ony informar compeir in the said cause, that 3e insit in the persute þair of, minister justice þairintill, and put the samyn to þe knowledge of ane assyis ; and albeit na informar compeir in þe said mater, that 3it nochtwithstanding þair of, the Lettres being repoirtit, deulie execute and indorfat, 3e proceid þairintill and put þe samyn to the Tryell of ane Assyis ; and gif neid beis, that 3e cause summond ane assyis of sik persounes as ar presentlie within þis burch, or may be had at þe bar for þis effect : And sail3eing of the repoir of þe saidis lettres, that 3e direct na sik lettres aganis þe said Johne in ony tyme heirefter, vpoune ony sik informatioun, quhairbye the said Johne may be molestit or trublit, he and his freindis put to extraordinar chargeis and expensis, in attending vpoune ony sik dyet, in ony tyme heirefter : Quhairanent þir presentis falbe sufficient for 3our Warrant : And for 3our forder Warrant, it is our Will that þir presentis be registrate in þe buikis of Counsale, *ad futuram rei memoriam*. Subferyuit with our hand, Att Halyrudehous, the xvij day of Maij, 1599.

(Sic subscribitur)

JAMES REX.

THE BAILIE-DEPUTE of the Regality of St Andrews permitted to sit in judgement, with the Justice-depute.

Maij 19.—Comperit Mr Robert Leirmand as procuratour and depute for the Laird of Derrie, stewart of the Regalitie of Sanct Androns, and desyrit Johne Carstairs to be replegeit to the Regalitie of Sanct Androns ; at the leif, that the said Stewartis-depute, lauchfullie authoresit, may sitt in judgement with the Justice, according to the provisioun of the Act of Parliament.

The Justice refusis the Replegiatioun, becans the Kingis aduocat wes fyrst challanged before the Justice generall ; and Admittis Williame Leirmond, Baillie-depute, to sitt with him in Judgement, to see justice ministrat as efferis : Quhais rycht of Baillerie being sene, he satt down in judgement.

The aduocat askis instrumentis of the swering of the Assyse, and protestis for Wilfull Error in cais thay acquit.—The hail Assyse askit instrumentis, that nather witnes nor probatioun wes produceit to thame, for verificatioun of the dittay.

Comperit Mr Henrie Balfour, Aduocat, and produceit his Maiesteis Warrant, quhair of the teunour followis.

REX,

JUSTICE, Justice Clark and 3our deputtis, We greit 3ow weil. Seing, the mater criminall

perfewit at our instance and our aduocat, aganis Johne Carstairs, citiner of Sanct Androis, wes continewit 5ifterday to be nyntene day of Maij instant, quhairanent We find our selfis indirectlie circumvenit;¹ and We being of deliberat mynde, that justice falbe ministrat indifferentlie to our haill liegis, to be effect that malefactoris may be pwneiflit, and sik as ar innocent may be defendit, be thair innocencie: Heirfoir, it is oure will and We commaund 5ow, that the said mater be put to the knowlege of ane Inqueist, without ony forder delay or continewatioune, the said xix day of Maij instant; and that 5e proceid and minister justice pairintill, as accordis of the laws: And in cais ony of the personis of the Inqueist summond to pass vpoune the Assyis be absent, that vperis be elected and chosin in pair place; nochtwithstanding ony letter, charge or directione, gevin or to be gevin be ws in the contrar. Subferyuit with our hand, Att Halyrudehous, the xix day of Maij, . . .

(Sic subscribitur) JAMES REX.

Comperit lykewyis, the samyn day, Mr Robert Lyntoune, substitute for Mr Thomas Hammiltoune aduocat to our souerane lord, and produceit his Maiesteis Warrant; off the quhilk the tennour followis.

REX,

MR THOMAS HAMMILTOUNE of Drumcarne, our aduocat: It is oure will, and We command 5ow, that 5e insist in our name in the perfeit of the lettres criminall, raisit at our instance aganis Johne Carstairs, citiner of Sanct Androis, for vsing of fals wechtis and mesouris, as is alledgeit: And that 5e sic the said mater be put to the knowlege of ane condigne Assyis, to the effect the veritie may be tryit, and justice ministrat as accordis of the law: As 5e will be answerabil to ws vpoune 5our dewtie and obedience, nochtwithstanding ony vther Letter gevin, or to be gevin be ws in the contrar. Subferyuit with our hand, Att Halyrudehous, the xix day of Maij, 1599.

(Sic subscribitur) JAMES REX.

Followis the DITTAY against John Carstairs.

THAT quhair, it is statute and ordenit be our souerane lordis maist nobill progenitour, King James the fourth, of worthie memorie, in his hienes Parliament, hauldin at Edinburghe, the xxvj day of Junij I^m.iij^o.lxxiiij (1474) yeiris, that all thai that vsis fals measouris and wechtis, dissaueand the pepill, sould be indytit as falsaris, and dittay ordanit to be takin thairof be the Justice Clark; as att mair lenth is contenit in the said Act of Parliament, off the dait aboue writtin; quhilk is ratifeit and approvin in all Parliamentis that ewir hes bene haldin sennyne be our souerane lord and his hienes maist noble progenitouris, of worthie memorie: Neuirtheles, it is of veritie, that the said Johne Carstairs hes maist fraudulentlie and fallie, contrar the tennour of the saidis Actis of Parliament, lawis and constitutiouns of this realme, daylie and continewallie thir sax yeiris lastbypast, in vsing of his industrie and traffique of merchandice, vsit wechtis and measouris, in bying, bloking and intaking of all foirt of geir fra the commoun peple, with grit wechtis and lang elvand,² far mair gritar and langar nor the commoun course of the countrey, and of the citie quhair he duellis, and throw all the mercatis of this realme quhair he hantis,³ frequentis, and makis his residence and mercats: And agane, in felling, weying, and gewing furth of the samin merchandice, wair and guidis, with les measouris and schortar elvand, to his hienes leigis: Lyke as, the said Johne Carstairs hes bein oft and diners tymes

¹ Circumvented, imposed upon.

² Elm-wand, or yard in measure.

³ Haunts, visits.

trappit and snairrit in his dowbill fraudes, falsfett and dissait, in vsing of the saidis fals wechtis and meafouris, bayth in the Citie of Sanct Androus, and in findrie vtheris our souerane lordis mercattis and publict places of this realme; and specialle, att findrie tymes, be Daudid Watsoun, deane of Gild of the said Citie, and his Gild breder; and at last wes acensit, tryit and conuict of the said cryme of falsfett and fraudulent vsing of the saidis fals wechtis and meafouris, before the said Deane of Gild and Gild breder, in the moneth of the 3eir of God I^m.V^c.lxxx 3eiris; as the conuictioun att mair lenth beiris.

VERDICT. The Affyis, be the mouth of Stevin Philp, merchand in Sanct Androis, thair chancillar, ffand, pronunceit and declarit the said Johne Carftaris, to be Innocent and Acquit of the said crymes.

[*CURIA JUSTICIARIE tenta in Templo de Falkland, xvj Junij 1599, per M. Wilelmum Haert et per Andream Meluile, Magistrum domus,¹ f.d.n. Regis.*]

Assault within the Palace of Falkland.

Jun. 16.—MR PATRIK MYRTOUNE, ane of his Maiesteis Maister carveris, and JOHNE RAMSAY, ane of his Maiesteis familiar serwandis.²

DITTAY against Mr Patrik Myrtoune.

FORSAMEKILL as he, vpoune the tent day of Junij instant, being in his Maiesteis chalmer in the Palice of Falkland, and enterand in conference with Johnne Ramsay, ane vther of his Maiesteis familiar serwandis, efter sum contentious purpose past amangis thame, vusemelie for sik ane place, he nather regairdit the dewtie aucht to his Maiestie his souerane prince, as his borne subject, nather the mair strait obligatioune quhairby he was bund to his hienes, as his awin proper serwand; he tressonable and malitiousslie struike the said Johne Ramsay vpone the face with his hand, and gaif to him ane cuff,³ his Maiestie being in his cabinet within the said chalmer: And swa, alsweill in respect of the neirnes of the fact, committit sa neer his Maiesteis awin persoune, as that the samyn was done within his awin bed chalmer, he hes tressonable transgressit his hienes lawis and

¹ The Chamberlain and Master of the Household had jurisdiction in all offences committed within the King's Palace and certain bounds. The Lord High Constable had likewise similar powers, but more extensive than either of these other officers. Fortunately the whole facts in this very singular case have been pretty fully detailed in these proceedings. ² The well known Sir John Ramsay, (brother of George first Lord Ramsay of Dalhousie. He was afterwards created Viscount of Haddington, Lord Ramsay of Barns and of Melrose in Scotland, Baron Kingston upon Thames and Earl of Holderness in England. Ramsay, at that time one of the King's Pages, was the principal instrument in saving King James VI. from assassination, at Perth, on Aug. 5. 1600, when assaulted by Mr Alexander Ruthven, brother to the Earl of Gowrie. Ruthven was twice stabbed by Ramsay with his dagger and thrown down the staircase, where he was dispatched by Sir Thomas Erskine and Dr Hugh Herries. It was he also who subsequently rushed upon the Earl of Gowrie, and pierced him through the heart. See Trials for the GOWRIE CONSPIRACY, Aug. 22 and Nov. 1600, Aug. 12, 1600, Jun. 24, 1609, &c. ³ A slap or slight blow.

Actis of Parliament maid thairanent, and hes incurrit the panis thairof: Lyke as also, he vpoune the morne thairefter, being the elleuint day of the said moneth of Junij, vpoune ane new rencounter maid betuix the said Mr Patrik and the said Johne Ramfay, within the Inner cloise of the said Palace, his Maieftie being within the famyn, he maift contempteuflie and vndewtifullie drew his sword and preiffit to haif ftrykkin and flane the said Johne thairwith, gif he had nocht bene stayit be certane of his Maiefteis ferwandis, being thair present for the tyme; quhairbye, he hes also transgrefsit his lienes Actis of Parliament and Lawis of this realme, and hes incurrit the panis thairin contenit.

DITTAY against Johne Ramsay.

Forfamekill as he, vpoune the tent day of Junij instant, being in his Maiefteis bed-chalmer, within his Palice of Falkland, quhair his Maieftie was for the tyme, within the cabinet thairof; and haifing enterit in certane vnsemelie and contentious purposis, with Mr Patrik Myretoune, ane of his Maiefteis carveris; and he vndiferetioune of his language and behaviour, entering in sik quarrelling with vtheris;¹ and that in end, all dewtie being forget² on ather fydes; and nather respecting tyme, place, nor the neirnes of his Maiefteis awin persoune, the said Johne maift vнадwyfedlie and vndewtifullie gaif to the said Mr Patrik the ley;³ quhairvpoune the said Mr Patrik ftryking him with his awin hand vpoune the face, the said John thairbye contracting ane deidlie quarrell aganis him, vpoune the morne thairefter, the elleuint day of the said moneth; being resolut to revenge his particuler,⁴ without ony regaird of the Kingis Maiefteis honour and his awin dewtie, his Maieftie being his native Prince and gracious maifter; wilfullie and malitiouflie, vpoune set purpois and foirthocht fellonye, assailziet and invadit the said Mr Patrik within the Inner cloise of the said Palice, his Majestie being within the said Palice for the tyme, and tressonable struck the said Mr Patrik with ane batoune⁵ vpoune the arme and heid, and thairefter drew his sword to haif flane him thairwith, gif he had nocht bene stayit, be certane of his lienes gentlemen and ferwandis being present for the tyme: Quhairbye he has tressonable transgrefsit his lienes lawis and Actis of Parliament maid thairanent, and hes incurrit the panis thairin contenit.

PENSEWAR, Mr Thomas Hammiltoun of Drumcarne, aduocat to our fouerane lord.

ASSISA.

Andro Lundy of Conland,	Robert Arnot, Baillie in (of) James Boig, fellarman,	
Mr Frances Bothwell, seruitour	Falkland,	James Blyth, in Falkland,
to his Ma ^{tie} ,	William Henryfoun, seruitour to	James Lundie, seruitour to her
Johne Drummond, Ischar to his	his Ma ^{tie} ,	Ma ^{tie} ,
Ma ^{tie} ,	Johne Boig, Maister portour,	Robert Galbraith, Pantrieman,
Hary Balfour, seruitour to his	William Craig, ailman,	James Lyddell, Ypotifar.
Ma ^{tie} ,	John Awerie, in Falkland,	

¹ Each other. ² Forgotten. ³ The lie. ⁴ Personal quarrel. ⁵ The blow with the baton was given to aggravate the previous offence, and to afford an opportunity of immediate combat.

Mr Patrik Myrtoune, eftir reiding of the Dittay, defyrit tryell to be tane of the Dittay laid to his charge ; and als, nochtwithftanding, he wald humblie fubmit him to his Maieftis will.—The faid Johne Ramsay, eftir reiding of the Dittay laid to his charge, declarit that he could nocht deny the Dittay, bot wald maift humblie fubmit him felff in his Maieftis will.—Quhairvpoune and the faid Mr Patrikis will, the faid Mr Thomas Hammiltoune askit instrumentis.

VERDICT. Quhilkis perfonis of Affyis being chofin, fworne and admittit, eftir the accufatioune of the faidis perfonis be dittay of the crymes *refpective* aboute writtin, removit furth of Court to ane quyet place of the faid kirk, quhair thay electit and chufe the faid Johne Drummond (of Slipperfeild) Chancillar, &c., and ffind, pronunceit and declarit the faid Mr Patrik Mortoune to be fyllit, culpabill and convict of the crymes aboute writtin, contenit in his Dittay : And als ffind, pronunceit and declarit the faid Johne Ramsay to be fyllit, culpabill and convict of the crymes aboute writtin, contenit in the Dittay foirfaid.¹

[*Mr Robert Murray, Justice-depute.*]

Theft of a Coffer with Writings, &c.

JUN. 21.—GRISSELL MATHOW, ferwand to James Seytoun, burges of Aberdene, and William Calder, workman in Abirdene.

Dilatit for airt and pairt of the thifteous Steling of ane coffer with writtis and evidentis furth of the faid James (Seytounes) hous, pertening to Mr George Seytoun ; committit in the moneth of May lafbypaft.

James Seytoun takis instrumentis that Griffell Mathow was never feduceit to mak the Confessionis quhilkis ar writtin ; and alfo, that the thing that he confest befor the Sherefe of Abirdene and baillies thairof is trew, and he abydes at the famyn ; and farther, that the Depofitione, now producit, was maid in the faid James Setounis awin hous, quhair thair was na tortour nor ynes presentit to hir. Seho (Griffell Mathow) confeffis lykewyis, that feho maid that Confefiounne vncompellit. Eftir reding of the Dittay, feho ratefeit the faid Declaratiounne maid be hir ofbefoir, and confest the famyn to be of veritie.

William Calder declairis that he brocht the coffer down the flair.

Mr Alexander Peblis takis instrumentis, that thay declair thay maid the fame Depofitionis, abydes thairat and declairis the famyn to be of veritie.

DITTAY against Grissell Mathow and William Calder.

FORSAMEKILL as thay, in the moneth of May lafbypaft, being intifit and feduceit be James King, burges of Abirdene, to thifteoufflie steill and gif to him the maift fecreit coffer quhilk Mr George Seytoun, Tutour of Meldrum, had, standand in the faid James Seytoun's duelling hous in the Braidgait of

¹ The King's Will is not inserted, and no farther entries occur. Owing to Ramsay's youth and other circumstances, it is likely that both were placed under arrest for a short time. At all events, both of them were afterwards restored; and it is likely that they received a suitable reprimand.

Abirdene, with his gold and siluer being thairin; and the said Griffell being seruitrice within the said hous, and knawing the hail secretis thairof, after conference with the said James, sche desyrit him to cum about ellewin houris att ewin, the nycht of the away-taking thairof, to the said James duelling hous; and thair sche sould delyuer to him the maist secret coffer quhilk the said Mr George vsit; sche supponing that his gold and siluer wes thairin: Lyke as, the said James, accompaneit with the said Williame Calder, in the moneth of May lastbypast, vnder sylence and cloud of nycht, about xj houris att ewin or thairby, come to the said James Seytounis duelling hous, to ane chalmer vpoun the turnpyke heid thairof, quhair thair wes ane new coffer, bandit with quhyte irne, pertening to the said Mr George, standand, and thair the said Griffell delyuerit the said coffer to the said Williame, quha brocht the samyn doun to the hall dure, quhair the said James King was standand; and thairfra 5e and he thifteoullie concealit, ressett and away-tuke the said coffer, quhairin thair wes certane writtis and euidentis, doun the stair; and convoyit the samyn furth of the turnpyke 3ett, doun the cloise, and throw Capitan Keiris 3aird and to Fyveis wallis, quhair thay fett doun and brak vp the fyde thairof with ane quhingar,¹ and thifteoullie stall and away-tuke furth of the samyn, twa bunfchis of letteris and writtis: And swa, thay and ayther² of thame ar airt and pairt of the thifteous steilling thairof, concealing, ressettting and away taking of the samyn coffer, with the writtis thairin, furth of the said James duelling hous: Quhilk coffer pertenet to the said Mr George, as said is, as wes notourlie knawin.

VERDICT. The Assyis being chofin, sworne and admittit, and in thair presens the saidis Griffell Mathow and Williame Calder accusit be Dittay; and eftir thar Depositionis, maid att Abirdene the sewint, and att Edinburghe the xiiij dayes *respectiue* of Junij instant, quhairin thay confest the hail Dittay aboue written, wer produceit to thame, for verifeing thairof; and efter reding thairof in thair audience, the saidis persounes remowit furth of Court to ane quyett pairt of the said Tolbuyth, &c.; and be the mouth of Patrick Con of Auchry, chancillar, stand, pronunceit and declarit the saidis Griffell Mathow and Williame Calder to be culpabill, ffylit and convict, &c.: Quhairvpoun the said James Seytounne askit actis and instrumentis.

[*Mr William Hairt and Mr Robert Murray, Justices-deputes.*]

JUNE 23.—SENTENCE. The Justice-deputtis, be the mouth of Williame Blak, dempstar, decernit and ordanit the said *Grissell (Mathow)* to be tane to the North Loch of Edinburghe, and thair DROWNIT³ quhill scho be deid; and all hir movabill guidis to be efcheit, &c.

[*Mr Robert Murray, Justice-depute.*]

JUN. 27.—The Justice Depute Decernit and ordanit the said *Williame Calder* to be skourgit throw the burch of Edinburghe, and Baneist the said Burch, and lykewayis baneist the burch of Abirdene; and never to returne within the said burrowis, vnder the pane of deid.

¹ A short sword, *hanger* or cutlass. ² 'Ik-ane,' each, *either*. ³ This is the first, perhaps the only instance, of sentence of Drowning, pronounced during the reign of James VI. by the High Court of Justiciary. It was common in all Regality and Barony Courts, having a feudal right of '*pit and gallows*,' to inflict death upon women in this manner. The North Loch of Edinburgh was the scene of execution, in all such cases, where sentence was pronounced by the Baillies of Edinburgh, or by the Baillie of Regality of Broughton. The bones of some of the culprits have often been turned up, when the surface of the ground required to be disturbed.

[*Mr Williame Hairt, Justice-Depute.*]

Bearing of Pistolets — Slaughter.

Jun. 23.—PATRIK DUNBAR, sone to Johne Dunbar of Leacht.

PERSEWAR, John Tait, as broder to the said v^mq^{le} Charles Tait.

PRELOQUUTOUR for the pannell, Mr Johne Nicolfoune.

The quhilk day, anent the crinniall actiounes and cause, persewit in ane Court of Justiciarie, haldin in the Tolbuith of Edinburghe, the xxij day of Junij instant, at the instance of Johne Tait, as brother to v^mq^{le} Charlis Tait, younger of Adamehill, aganis Patrik Dunbar, brother to Johne Dunbar of Leacht, for contravening of our souerane lordis Actis of Parliament, in bering and weiring of pistuletis, vpoun the landis of Bar, Kilmarnok and toune thairof, vpoune the xxiiij, xxv, xxvj, xxvij, xxviii and penult dayes of October lastbypast; at the leift, in ane or vther of the saidis dayis: And siklyke, for airt and pairt of the felloune and crewall slauchter of the said v^mq^{le} Charlis Tait; committit vpoune the penult day of the said moneth of October lastbypast, with sword and schot of pistuletis in the toune of Kilmarnok, vpoune set purposis, provisiounes and foirthocht felonye: At the quhilk xxij day of Junij instant, the said Patrik comperand with Mr Johne Nicolfoun, his preloquutour, and enterand on pannell, conforme to aine charge gevin be vertew of our souerane lordis lettres, purchest at the instance of the said John Tait, to David Dunbar of Baldork as cawtioner, quha wes chargeit to enter him to vnderlye the law for the crymes foirfaidis; and alledgeit that na proces culd be led aganis him, for beiring, weiring and schuting of pistuletis; nather culd he be put to the knowlege of ane Assyis thairfoir: because he hes obtenit our souerane lordis Remissioune, vnder the Greit Seill, for the samyn: As the said Remissioune, of the dait, at Halyrudehous, the xx day of Februar, produceit, beiris: And siclyke, it was alledgeit be the said Patrik and his preloquutour, that na proces can be led aganis him, nather could he be put to the knowlege of ane Assyis, for airt and pairt of the slauchter of the said v^mq^{le} Charles Tait, becaus it is of veritie that the said v^mq^{le} Charles, being chargeit be Robert Giliuerie, messinger, vpoune the xxv day of March, the yeir of God I^m.V^c. lxxxvj yeiris; and that be vertew of our souerane lordis lettres, purchest at the instance of George Dunbar in Leshessok, as fader, with the remanent kyn and freindis of v^mq^{le} George Dunbar, seruitour for the tyme to James Chalmer of Gaitgirth, to haif fund sufficient cawtionne and fouertie to him that he suld haif comperit before our souerane lordis Justice or his deputis, in the Tolbuith of Edinburghe, the xxj day of Apryle nixt thaireftir, in the yeir of God foirfaid, and vnderlyne the law for airt and pairt of the slauchter of the said v^mq^{le} George Dunbar, in defalt of fynding of the said fouertie, and for his disobediencie and contemptiounes; the said Robert Giliuerie, messinger, be vertew of the saidis lettres, vpoune the secund day of the said moneth, past to

the mercat croce of the burch of Air and thair lawfullie denunceit the said v^mq^{le} Charles Tait our fouerane lordis rebell, and put him to his hienes horne, as the extract of the saidis Lettres of Horning, dewlie execute, indorfat and registre, vnder the signe and subcriptionne mannall of Williame M^cKerrell, shereffe clark of Air, produceit to the saidis Jugeis, at mair lenth beris: And swa, the said v^mq^{le} Charles wes slayne att the horne.

With the quhilkis alledgeances, the said Justice depute, nocht being avyfit, continewit to pronounce his Interloquoutour thairin to this day and place; and ordanit the said Patrik Dunbar to find cautioune for his entrie; quha fand Williame Dunbar of Enterkyn cawtionne and fouertie for his comperance; lyke as, the said Patrik Dunbar, comperand and entrand on pannell this day, with the said Mr Johne Nicolfoune his preloquoutour, and the said Johne Tait, as persewar, oftymes callit, lawfull tyme of day biddin, and nocht comperand to persew, the said Justice Depute ffand be Interloquoutour na proces to be led aganis the said Patrik Dunbar, nather yit that he salbe put to the knowledge of ane Affyis for the crymes foirsaidis; in respect of the alledgeance abouewrittin, verefeit.

Slaughter.

Jul. 4.—ANGUS WILLIAMSOUNE alias M^cINTOSCH, in Termit, Johne and Angus his sonis, Lauchlane Williamfoune, George M^cCooneill Reoch, at the Brigend of Inuernes, and Allester M^cAchane VicGillichallum.

Dilatit for airt and pairt of the Slauchter of v^mq^{le} Allester M^cRannald sone to Allane M^cRannald of Eifter Leyis.¹

The quhilk day, comperit David Hammiltoune, agent,² and produceit our fouerane lordis lettres, dewlie execute and indorfat, (except the summonding of ane Affyis,) purchest be Johne M^cRannald, sone and apperand air to Allan M^cRannald of Eifter Leyis, as brother, with the remanent kyn and freindis of v^mq^{le} Allester M^cRannald, sone to the said Allane, to tak fouertie of Lauchlane Williamfoune, alias M^cIntosche, &c., that thay sould haif comperit befor our fouerane lordis justice or his deputtis, this day and place, in the hour of cause, and vnderlyne the law, for airt and pairt of the slauchter of the said v^mq^{le} Allester M^cRannald. Quhairvpoun he askit instrumentis.

Comperit the samyn day, Angus Williamfoune of Tarnit, &c., and exponit and declarit, that thay war summond be Johne Rofs, messinger, and that be vertew of our fouerane lordis Lettres, purchest at the instance of Johne M^cRannald, sone and apperand air to Allane M^cRannald of Eifter Leyis, as brother, with the remanent kyn and freindis of v^mq^{le} Allester M^cRannald, sone to the said Allane, to

¹ See Jul. 20, 1599.

² This is the earliest instance the Editor has met with of an *Agent* appearing, as procurator, at the bar of the Court of Justiciary.

fynd sufficient cawtioun and fouertie that thay fuld haif comperit befor our foueraue lordis Justice or his deputtis this day and place, in the hour of caufe, and vnderlyne the law for airt and pairt of the slauchter of the said vmq^{le} Allester M^cRannald; and thay, for obedience of the said charge, fstand Lauchlane M^cIntofche of Danachtan cawtioner and fouertie for thair entrie, to the effect foirfaid; ffor quhais relieff, and tryell of thair innocencie in the said cryme, thay comperit, as said is, and enterit on pannell; and protestit for relief of thair said cautioner: As lykewyis, offerit thame reddie to abyde the tryell of ane Assyis, and vnderlye the law for the said cryme; dissaffenting fra all continewatioune: In respect quhairof, and that na partie comperit to perfew thame, being oftymes callit, and lawfull tyme of day biddin, thay lykewyis protestit, that na lettres be grantit in tyme cuming, for trubling or fsummonding thame for the said cryme: Quhairvpoune thay askit actis and instrumentis.

[*Mr Robert Murray, Justice-Depute.*]

Slaughter.

Jul. 13.—JAMES GRAHAME, brother-german to vmq^{le} David Grahame of Fyntrie.

Dilatit for the slauchter of vmq^{le} Johne Crawford, seruitour for the tyme to vmq^{le} Robert Erle of Orknay; committit in the moneth of December yeiris, within the Kirkzaird of Fernay, vpoune fett purpois, provisioune and foirthocht felonye.

PERSEWAR, Marioune Boyes, relict.

The said James Grahame alledgeis, that he can nocht pass to ane Assyis, becaus he hes obtenit the Kingis Respect¹ for the said cryme, for the space of xix yeiris nixt, efter the dait thairof, quhilk is of the dait, at Falkland, the nynt day of July instant; and takis² him to the said Respect.—It is alledgeit be the persewar, that the said Respect is contrair the Actis of Parliament, and thairfoir is null in the selff; it being grantit, without satisfacioune of partie.—It is ansuerit be the pannell, that the grace³ of ane King can nocht be tane away be ane Act of Parliament; and the Kingis handis can nocht be clofit in granting of the samyn.

The Justice admittis the Respect, in respect the pannell is reddie to find cawtioun to satisfie⁴ the partie, as law will. Williame Stewart, brother to Johne Erle of Atholl, becomes fouirtie that he fall satisfie the said Marioune Boyes, persewar, as law will.

¹ Respite, dated at Falkland, Jul. 19. Assythment.

² Betakes.

³ Royal prerogative.

⁴ Viz. for the

[*Mr Williame Hairt, Justice-Depute.*]

Slaughter.

Jul. 20.—ALLANE M^cRANNALD of Eifter Leyis.¹

Dilatit for airt and pairt of the slauchteris of vmq^{le} Donald Williamfoune, in, and for the slauchter of vmq^{le} Alexander and Johne Hayis, in Kilrawik. PERSEWARIS, James Hay, sone lauchfull to vmq^{le} Alexander, and brother to vmq^{le} Johne, with thair remanent kyn and freindis ; Johne Williamfoune, as brother, with remanent kyn and freindis.

The pannell offerit him reddie to abyde the tryell of ane Assyis, and vnderlye the law, for the saidis slauchteris, dissaftenting fra all continewatioune : In respect quhairof, and that na partie comperit to insist in his persute, protestit first for releif of his cawtioneris, (Alexander Ruthvene, pensioner of Rofs, and Alexander Bayne, fear of Logie) ; as also, that he be nawyis trublit, persewit nor summond for the slauchter of the saidis personis in tymes cuming ; and lykewyis protestit that the dyet shuld desert.—The Justice ordanis this dyet to desert.

Slaughter.

Jul. 25.—WILLIAME AUCHINCRAW, in Swynwod-heucheid, Hary Crow (Auchincraw), in Eift Restoune.

Dilatit for airt and pairt of the slauchter of vmq^{le} George Hwme of Spot ; committit in the moneth of September, the yeir of God, I^m.V^c.lxxxxj yeiris, vppone set purpois, provisioune and foirthocht fellowye.

Comperit Williame Home, brother to the Gudeman of Manderstoune, togidder with Jeane Hammiltoune, relict of vmq^{le} George Home of Spot, and Annas Home, dochter, and produceit our fouerane lordis lettres, dewlie execute and indorsat ; quhairvppone thay askit actis and instrumentis.

Patrik Cokburne, Tutour of Langtoune, called, as cautioner and fouerte for the saidis Williame and Hary ; lawfull tyme of day biddin, and nocht enterand, he was vulawit, and amerciat in the panis, contenit in the Actis of Parliament, viz^t ij^c markis, for non-entrie of each of the saidis Williame and Hary : Lyke as, the said Justice-depute adjudgeit the saidis Williame and Hary Auchincrawis to be denunceit our fouerane lordis rebellis, and put to the horne, and all thair movabill guidis ordanit to be efcheit and inbrocht to our fouerane lordis vse, as fugitiues fra his lienes lawis for the said cryme.

Forging and Counterfeiting, and Uttering Base Coin.

Nov. 24.—JOHNE MURRAY, Leiche,² in Dunfermling ; Walter Murray, his brother, in Creiff ; Williame Thomefoune, snyth, in Cowper-in-Angus ; Williame Sympfoune, seruitour to Arthour Snyth, in Qubitefeld ; and Thomas Frafer, in Banff.

¹ See Jul. 4, 1599.

² Physician.

Dilatit for airt, pairt, red and counfale of the tressonabill fforgeing, ffalfefeing and counterfitting of fals cunzie, sik as fals ten-schilling peiceis, twa-mark-peiceis, fyve-pund-peiceis, fyftie-schilling-peiceis, hat-peiceis, pistuletis and crownis.

ASSISA.

Johne Irving of Kynnok, Adame Wilfoune goldfmyth thair, Johne Mofman y^r, merchand thair, Hew Lyndefay goldfmyth in Ed^r, Andro Naper merchand in Ed^r, Danid Meldrum of Segie, Robert Fairlie goldfmyth thair, W^m Williamfoune merchand in Ed^r, George Mowtray of Seyfeild, R^t Thomfoune goldfmyth thair, James Crawford goldfmyth thair, W^m Stalker goldfmyth thair (Ed^r), Johne Lamb goldfmyth thair, Archibald Geddes merchand thair, Thomas Somervell maltman thair.

The aduocat takis instrumentis of the Confessioune of *Johne and Walter Murrayis*, of the first, secund and thrid poyntis of thair Dittay, and of *Williame Sympfounis*.—The aduocat takis instrumentis of *Williame Thomesounis* Confessioune of the fforgeing of the yrnis for prenting of fals pistuletis; and that he was airt and pairt thair of.—The aduocat takis instrumentis of *Thomas Fraseris* Confessioune of his knowlege of the cunzeing of the counterfit money, contenit in his Dittay; and of the conceling of the samyn fra the Kingis Maieftie and his Justice.

The Justice produceit the Warrant vnderwrittin, ordaning the samyn to be insert in proces; quhair of the tennour followis.

REX,

LORD JUSTICE and Justice-Clark, We greit 3ow hairtie weill. It is oure will, and be pir presentis, We desyre 3ow, concerning Johne Murray, brother to Walter Murray, tane laillie in Duunfermling, and dilatit of fals cunzie; becaus he first confessit and declarit pe veritie of his awin and his complices proceding pairin, he being convict with his complices for pe said cryme; that 3e moderat the dome aganis him, in maner and forme as efter followis, to wit, that he be Bancist pis our realme of Scotland, and decernit to pafs furth of pe same, within pe space of aucht dayis, and never to returne pairto agane, during all pe dayis of his lyfytyme, vnder pe pane of deid, to be execute aganis him with all rigour: And pis to be insert in 3our sentence; ffor the quhilk, pir presentis falbe 3our Warrant. Subferyuit with our hand, Att Halyrudehous, the xxiiij day of November, 1599.

(Sic subscribitur) JAMES REX.

Follow the DITTAYS against the whole Persons on Pannell.

JOHNE MURRAY and WALTER MURRAY, being enterit on pannell, Dilatit and aceussit of the crymes vnderwrittin, to wit, ffor the tressonabill outing¹ of fals and adulterat money, sik as x f. peiceis and twa mark peiceis, amangis our sonerane lordis liegis, to the similitude and likenes of his hienes trew money; quhilk fals money, extending to the sowme of xxiiij lib. money, the said Johne ressaunt fra George Drummond, saidler in Banff, to be outit twa 3eir syne or thairbye; quhair of he delyuerit ane pairt to the said Walter Murray, his brother, and thay passit throw fyndrie partis of the cuntrie about Banff and Turra, to haif outit the samyn; and haifing onlie outit ane few nowmer thair of, becaus thay war sa conspeckell,² that thay culd nocht pafs; the said Johne come bak to the said George Drummond, and delyuerit sa mony thair of as was nocht outit to him agane: Be outing and conceling of the quhilk fals cunze, thay and ather of thame committit Tressoune. ITEM, lykewyis for the tressonabill outing of fals and adulterat cunze, sik as fals fyve-pund peices, and fyftie-schilling peiceis, and dissaueing of our souerane lordis liegis thairbye; quhilkis Hans Johnstoune, Fleming and Thom Reid, his prenteis, of thair speciall counfale, directionne, outred and furneiffing, about twa 3eir fen-

¹ Vending, circulating, putting out, uttering.

² *Kenspeckle*, conspicuous, glaring.

fyne or thairbye, prentit in the places, (and) to the nowmer following, to wit : In the tonne of Kyn-cardyn, fyftie foure falſe fyftie-ſchilling peiceis : *Item*, in the Eift-ferrie of Dundie, xxxij fyftie-ſchilling peiceis ; quhilkis thay and the ſaid Hans pairtit amangis thame ; committand thairbye Treſſoune.—*ITEM*, The ſaid Johne and Walter Murrayis, and WILLIAME SYMPSONE, ſeruitour to Arthour Smyth, in Quhitfeild, being indytit and accuſit, for the treſſonabill ſforgeing and conceling of xiiij ſcoir of falſ Hat-peiceis, Crownis and Piſtuletis, quhilk the ſaid ARTHOUR SMYTH and Williame Sympſoune, of the ſpeciall command and counſale of the ſaidis Johne and Walter Murrayis, cunzeit about zule¹ laſtwas, of braſs, and delyuerit the ſamyn to the ſaid Walter, quhilk he brocht away with him to Dunfermling ; ffor the hundreth quhairof, he ſuld haif payit to the ſaid Arthour the ſowme of ten markis : And becauſe he had na money to pay thairfoir, he left with him ane plaid and ane pair of ſchankis, and promeiſt to gif him ane yrne ſtadie ;² quhilk wes done be the knowledge of the ſaid Johne Murray and Williame Sympſoune, quha treſſonablie conceillit the ſamyn ; and ſwa, committit oppin and maniſt Treſſoune.—WILLIAME THOMESOUNE, ſmyth in Cowper-in-Angus, being indytit and accuſit of art, pairt, red and counſale of the treſſonabill ſforgeing, cunzeit and prenting of falſ Piſtulettis, quhilkis George Drummond, ſaidler, and Arthour Mwle, gude-brother to the ſaid Williame, of the ſaid Williamis knowlege and conceilling, about twa zeir ſen fyne or thairbye, treſſonablie ſforgeit of braſs, in the burch of Perth, and vpoune the Craigis of Kynnogle ; ffor outred of the quhilk cunzie, the ſaid Arthour forgeit ane pair of yrnes for the prent of the ſaidis Piſtulettis, quhilk the ſaid Arthour Moule gravit about ane yeir fyne or thairbye ; and ſwa, the ſaid Williame treſſonablie conceillit the ſamyn.—Lykeas, THOMAS FRASER, ſtokker of Piſtulettis in Banff, being indytit and accuſit of the treſſonabill conceilling of the ſforgeing, prenting and counterfitting of xxx falſe Piſtulettis of braſs, to the ſimilitude of trew Piſtulettis, quhilkis Hanſe Johnſoune, Fleming, and vni^{le} Thomas Lathreis, cherurgean in Perth,³ and George Drummond, ſaidler, than indweller in Banff, about thre yeir ſenfyne or thairbye, cunzeit and prentit in the ſaid Thomas buith in Banff ; quhilkis Piſtulettis the ſaid Thomas ſaw vngyt ; be conceilling quhairof he committit Treſſoune.

VERDICT. For the quhilkis crymes, the ſaidis fyve perſonis, and ilkane of thame, was put to the knowledge of ane Aſſyis, of the perſonis (above) writtin, &c. ; and, efter cheiffing of the ſaid George Mowtray of Seyfeild chancellor, thay reſſonit and votit vpoune everrie poynt of the ſaidis crymes ; and being thruchlie avyſit, efter longe reſſoning and voiting thairin, &c. thay ſtand, pronunceit and declarit the ſaid Johne and Walter Murrayis, Williame Sympſoune, Williame Thomſoune and Thomas Fraſer, to be ffylit, culpabill and convict of the crymes of Treſſoune *reſpectiue* aboue writtin.

SENTENCE. For the quhilk cauſe, the ſaid Juſtice-depute, be the mouth of Robert Galbrayth, dempſtar of the ſaid Court, Ordanit the ſaid *Walter Murray, Williame Sympſoune and Williame Thomſoune*, to be tane to the Caſtell-hill of Edinburgh, and thair to be wyrrait at ane ſtaik, and thair bodeis to be brunt in aſſes ; and all thair landis, heritageis, takis, ſteidingis, rowmes, poſſeſſionis, to be forfeitit, eſcheit and inbrocht to our ſouerane lordis vſe : **AND** als, at command of our ſouerane lordis Precept, aboue written, Ordanit the ſaid *Johne Murray* to be Baneift this realme ; and to paſs furth thairof within aucht dayes ; and nevir to returne agane within the ſamyn, vnder the pane of deid : Quhilk was pronunceit aganis the ſaidis perſounes for Dome. And continewit

¹ Yule, Chriſtmas. ² Stithy, a ſmith's anvil. ³ See his trial, Mar. 20, 1598. He was beheaded at the market-cross of Edinburgh, along with George Rattray, for manſlaughter.

the pronouncing of dome aganis the said *Thomas Frafer*, quhill he was forder avyfit thairwith.

‘ Oker’ — Taking usurious Interest.

Dec. 4.—WILLIAME WILLIAMSOUNE, merchand-burges of Edinburgh.

Dilatit of contravening of the Actis of Parliament, in taking of fyftene markis for the laue¹ of ilk hunder of foure hundreth markis, lent be him to Gylbert Maifertoun and Johnne Mofnan, merchandis burgefis of Edinburgh ; committit at the feiftis of Whitfounday and Martimes 1598, and Whitfounday 1589 yeiris ; and for taking of fyftene markis for the lane of ilk hundreth markis of fourtene hundreth markis, lent be him to Williame Scott of Balwerie ; (thairby) committand oker.²—Continued to Feb. 8.

‘ Oker’ — Taking usurious Interest.

Dec. 4.—MARGARET TINDALL (TINWALL), the relict of vmq^{le} Archibald Dowglas of Stanypeth.

Dilatit of Okeran, and contravening of the Actis of Parliament, in taking yeirlie of tuentie markis for the annuel-rent of ilk hunder merkis of fewin hundreth merkis, lent be hir to Johnne Harlaw, as principal, Robert Scott and Johnne Bannatyne, burgefis of Edinburgh, his cautioneris.—Continued to Feb. 8.³

[*Mr Robert Murray, Justice-Depute.*]

Slaughter.

Dec. 14.—ALEXANDER GUTHRIE, eldar of Kincaldrum, David Guthrie, younger of Kincaldrum, Johnne Rynd, younger of Kerse, Arthour Erskyn, portioner of Auchterforfar, Gedeon Guthrie, in Lytill Lowre, Williame Guthre of Langlandis of Guthrie, Alexander Guthrie, fear of that Ilk.

Dilatit of airt and pairt of the slauchter of vmq^{le} James Guthrie, sone to Alexander Guthrie (elder) of that Ilk ; committit in Junij lastbypast.

PERSEWAR, Mr Robert Lyntoune, Aduocat substitute.

The Justice continewis this mater to the morne ; and the Affyse comperand, war wairnit personalie to compeir the morne ; ilk perfoun, vnder the pane of twa hundreth mark.

PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, aduocat.

Dec. 15.—Continued to xvij of Dec. ; the Inqueist of new to compeir the said day.

Dec. 18.—Continued to the Justice-air of the sherefdome of Forfare, or soner vppone xv dayis wairning.

¹ Loan, usage or interest. ² Usury, extorting usurious or unlawful interest for the use of money lent. ³ No farther proceedings are recorded.

**‘ The first Day of the Yeir appointit to be the first Day of Januar
zeirle.’**

[The following curious document, which was referred to in a Note to p. 1, (Mar. 15, 1568-9,) is now, for the first time, printed from the Records of the Privy Council. It was uniformly acted on throughout the kingdom after the first day of January, 1600.]

APUD HALIRUIDHOUS, *xvij Decembris, lxxxix^o* (1599.)

THE KINGIS MAIESTIE and Lordis of his Secreit Counfall, vnderstanding, that, in all vtheris weil governit commoun welthis and cuntreys, the first day of the zeir begynis zeirle vpoun the first day of Januare, commounlie callit ‘ NEW ZEIRIS DAY ;’ and that this realme, onlie, is different fra all vtheris, in the compt and reckning of the zeiris : And his Maiestie and Counfall, willing that thair falbe na disconformitie betuix his Maiestie, his realme, and liegis and vtheris nichtbouris cuntreys, in this particular ; bot that thay fall conforme thame selfis to the ordour and custum obseruit be all vtheris cuntreys ; especialie, feing the course and seasoun of the zeir is maist propir and ansuerabill thairto, and that the alteratioun thairof importis na hurte nor preiudice to ony partie : THAIRFOIR, his Maiestie, with aduise of the Lordis of his Secreit Counfall, Statutis and Ordanis, that, in all tyme cuning, the first day of the zeir sal begin, zeirle, vpoun the first day of Januar ; and thir presentis to tak executioun, vpoun the first day of Januare nixtoeum ; quhilk salbe the first day of the I^m. and sex hundreth zeir of God : And thairfoir, Ordanis and Commandis the Clerkis of his lienes Seflioun and Signet, the Directour and Writtaris to the Chancellerie and Preuey Seall, and all vtheris Jugeis, Writtaris, Notaris and Clerkis within this realme, that thay and euerie ane of thame, in all tyme heirefter, date all thair decreittis, infestmentis, charteris, seafingis, letteris and writtis quhatsumeur, according to this present ordinance ; compting the first day of the zeir, fra the first day of Januare zeirle ; and the first day of the I^m. and Vj^e zeir of God, fra the first day of Januare nixtoeum. And Ordanis publicatioun to be maid heirof, at the mercat-croceis of the heid burrowis of this realme ; quhairthrow, nane pretend ignorance of the fame.

Slaughter.

Dec. 19.—WILLIAME M^cINTOSCHIE of Esseich, Duncan M^cIntosche, sone to Lauchlane M^cIntosche of Donachtan, and others.

Comperit Mr Donald Campbell, and produceit our fouerane lordis lettres, deulie execute and indorsat, purchest be Allester M^cGregour of Glenfray, as Cheif and neir kynnisinan to vniq^{le} Patrik M^cGregour, in Cadderlie, Johnne Hay of Vrchye, as brother, with the kyn and freindis of vniq^{le} Williame Hay ; and siclyke, Johnne M^cConeill V^cIntailzeour, sone to vniq^{le} Donald M^cIntailzeour, in

Barglas, and Donald M^cGilleis, as fader to v^mq^{le} Dowgall M^cGilleis ; to tak fouerte of Williame M^cIntofche of Effeich, Duncan M^cIntofche, fone to Lauchlane M^cIntofche of Donachtan, and diuers vtheris perfonis thairin contenit ; be the quhilkis Lettres, the faidis perfonis ar, vpoune the fevint day of December instant, denunceit rebellis, and put to the horne, in default of finding of fouerte, to haif comperit befor the Justice or his deputis, to haif vnderlyne the law for the slauchter of the faidis v^mq^{le} perfonis. Quhairvpoune he askit actis and instrumentis.

Shooting of Hagbutts and Pistolets — Ambesetting the Highway.

Dec. 27.—ALEXANDER BLAIR of Bagray.

Dilatit for beiring and weiring of hagbuttis and pistulettis, contrair the tenour of the Actis of Parliament, and vmbesetting of the hie gait and passage to Johne Creychtounne of Inuernytie, in his cuming hame to his duelling-place of Inuernytie, and sehuting of hagbuttis and pistulettis at him ; committit vpoun the xix day of September lastbypast.

Williame Bonar of Rossye become plege and fouertie for Alexander Blair of Bagray, that he fall compeir before our fouerane lordis Justice or his deputis, the thrid day of the nixt Justice-air of the sherefdome of Perth, or soner, vpoune xv dayis wairning, and vnderlye the law, &c.

Hamesucken — Slaughter.

Jan. 8, 1600.—THOMAS GAIRDYN of Legatstoune.

Dilatit of airt and pairt of the slauchter of v^mq^{le} Alexander Guthrie of that Ilk ; committit in the moneth of October, the yeir of God, I^m.V^c.lxxx and fēwin yeiris, be way of Hame-suckin, belyde the Place of Inuerpeffer, vpoune sett purpos, provisioune, auld feid and foirthocht felony.

PERSEWAR, Alexander Guthrie, younger of that Ilk.

The pannell produceit our fouerane lordis Remissioune vnder the Greit Seill, of the daitt, att Aberdene, the first day of August, I^m.V^c. fourseoir and nyne yeiris, grantit be his hienes for the said cryme, and tuik him thairto : Quhilk was admittit be the Justice-depute, quha ordanit him to find cautionn and fouirtie to satisfie the partie, as law will : Lyke as, the said Thomas, for obedience of the said ordinance, stand Williame Stewart of Seytoun, George Gardin of Latoune, and him selff.

Hamesucken — Slaughter.

Jan. 8.—DAVID GAIRDIN, brother-german to Thomas Gardin of Legatstoune.

Dilatit for airt and pairt of the said crime, was adjudged to be denounced rebel, and put to the horn, for non-appearance to vnderlie the law ; and David Peirfoun of Cairny, his cautioner, was amerciaded in the pain of 100 marks.

[*Mr Williame Hairt, Justice-Depute.*]

Adultery.

Feb. 15.—ALEXANDER HAY of Dalgettie.¹

Dilatit for the cryme of Adulterie; committit with Barbara Forbes, his alledgeit spous.

The Laird of Delgattie takis instrumentis of his entrie, and protestis for relief of his cautioner.

The Justice continewis to the xij of March nixtocum. Johne Frazer of Creichie becomes fouirtie, &c.

Forgery — Falsifying and counterfeiting a Charter, &c.

Feb. 15.—FYNLAY FERNIE, sone to vmq^{le} Alexander Fernie of Nig, Robert Innes, notare, and James Tarbart, wryter.

Dilatit of airt and pairt of the ffalsifeing, fforgeing and counterfitting of ane fals Chartour and Instrument of Seasing; quhilk Chartour is alledgeit maid be vmq^{le} Alexander Ferne of Nig to vmq^{le} Alexander Ferne, his sone and apperand air, &c.

[The Dittays are each inserted at length in the Record. That against James Tarbet's only is here given, the others being little else than repetitions in point of form.]

DITTAY against James Tarbett.

JAMES TARBETT, Ye ar indytit and accusit, for being airt and pairt of the fforgeing, ffeingeing and counterfitting of ane fals Chartour, as maid be vmq^{le} Alexander Ferne of Nig to vmq^{le} Alexander Ferne, his sone and apperand air, of all and hail the fyve oxgait of land of Pitcalzean, twa oxgait of land callit the Quarter-land of Nig, with the fourt pairt of the kill thairof, and superioritie of ane oxgait of land in Meig, and of the Croftis callit M^cWaldene, M^cCoreis, Croft-cullin, Ballafinath, Smythifcroftis, Meringis and thair pertinentis; daitit the xx day of Marche, the yeir of God I^m.V^c.lxxv yeiris, albeit writin be yow, and Johne Kennedie at your command, according to the hail tennour of the bodie thairof, within thir nyne or ten yeiris lastbypast, aff ane copie thairof in paper, delyuerit to yow be Johne Irving and Fynlay Ferne; to quhome ye redelyuerit the said Chartour, writin be yow, and at your command, as said is, in parchement; to the effect, the samyn mycht be to thame ane principal Chartour; the dait of the samyn beand ane pairt of the bodie of the Chartour, being fourtene or fyftene yeiris anterior to the vryting of the samyn: Lyke as, within thre dayes eftir the wryting of the said Chartour, ye saw Fynla Ferne, in Kait Thomas taverne, at the drynking of ane pynt of ryne with ane Johne Irving, subfryve the samyn with his hand, with the name of 'Alex^r Ferne,' his fader: Quhilk Chartour is improvin,² and declarit fals and feingeit aganis the said Fynla Ferne, *in foro contradictorio*, be the Lordis of Counsale; and he ordanit to be pwneist in his perform and guidis for the samyn; quhairof ye are airt, pairt, red and counsale, and hes conceillit the samyn.

PERSEWAR, Mr Thomas Hammiltounne of Drumcarne, aduocat to our fouerane lord.

PRELOCUTORIS for James Tarbet, Mr Richard Spens, Mr Thomas Wilfoune.

Of the quhilk Dittay, the said James Tarbett become in our fouerane lordis will.

¹ See Nov, 25, 1598, &c.

² By Action of Reduction-Improbation on the ground of forgery, &c.

VERDICT. The Affyse, be the mouth of Thomas Inglis, in Paflay, chancellor, ffand and pronouceit the faidis *Finla Fernie* and *Robert Innes* culpabill and convict of the crymes respectiue aboue writtin.

SENTENCE. The Justice-depute, be the mouth of Robert Galbraith, dempftar of the said Court, ordanit thame to be tane to ane Gibbet, befyde the mercat-croce of Edinburgh, and thair to be hangit quhill thay be deid ; and all thair movabill guidis to be efcheit, &c.

Feb. 16.—ASSISA, *super Jac. Turbet.*

Sir Jo ⁿ Creychtoun of Inuernytie, Williame Hay of Linplum,	. . . . .	Dunbar of Entirkyn,
Sir Ja ⁿ Edmeiftoune of Duntraith, Mr James Watfoune, portioner of Gawin Hammiltoune of Roploch,		Edward Maxwell of Tynwall,
. Somervell elder of Cam-	Sauchtoune-hall,	Awlay M ^c Caulay of Ardincapell,
nethan,	. . . . . Crawford of Beireroftis,	James Carmichael of Pityfchaw.
Sir James Maxwell of Calderwod, Jo. Robertfoune of Smythfoune,		
John Blair of Bagillo,	Mr George Frafer in Edinburgh,	

Mr Thomas Hamiltoune of Drumcarne, aduocat to our fouerane lord, prodeuceit the Warrant vnderwrittin.

REX,

JUSTICE, Justice-Clerk and your deputis, We greit you weil. It is oure will, and We command you, that, vponne ye sycht heirof, ye put James Taret, wryter, to the knowlege of ane Affyis, for ye cryme of ffalfet, confessit be him, in his Depositionne; and efter his convictiounne, that ye pronouce ye dome of hanging aganis him, and cause him immediatlie to be execute to ye deid ; As ye will anfuer to us vponne your offices and obedience: Quhairnent, thir presentis falbe your Warrant. Subferyuit with our hand, At Halyruidhous, the xvj day of Februar, 1600.

(Sic subferibitur) JAMES REX.

VERDICT. The Affyis, be the mouth of thair chancellor, Sir James Edmeiftoune of Duntraith, kny^t, ffand, pronouceit and declarit the said James Taret to be ffylit, culpabill and convict of airt, pairt, red, counfall and conceling of the fforgeing, ffeiuzeing and ffalfseing of the said Chartour, as is contenit in the accusatiounne aboue spacificit.

SENTENCE. To be tane to ane Gibbett, befyde the mercat-croce of Edinburgh, and thair to be hangit quhill he be deid ; and all his movabill guidis to be efchete, &c.

Slaughter.

Feb. 16.—WILLIAME CRAIG of Craigfoune.

Dilatit for airt and pairt of the cruell flauchter of vmq^{le} Patrik Forbes of Carnehill ; committit in the moneth of Maij 1579, on the landis of Carnehill, of fett purpose, prouisiounne and foirthocht fellounie.

For quhilk actioun the said Williame tuik him to his Maieftis Respect, (Respite,) under his hienes Priuie Seill, At Halyruidhous, Februar xx, 1585 ; and ffund Patrik Lord Glamis, and him self fouirtie, conjunctlie and feuerallie, to fatisfie the parteis, conforme to law.

[*Mr William Haert and Mr Robert Murray, Justices-Deputes.*]

Abiding from the Earl of Angus' Raid at Dumfries.

Feb. 21.—GEORGE CAMPBELL of Cefnok,	{ Plegio, Daniele Cwninghame de Dalbeythe.
Johnne Schaw of Sornebeg,	Domino Haning.
George Lokart of Bar,	Archibaldo Lokert burgen de Ed ^r .
Mr Matho Rose of Haning,	{ Dischargeit, in respect provin he duellis in Glasgou, &c.
Johnne Wallace of Carnell,	Domino Lochnoreis.
Dauid Blair of Edentoun,	Domino Corfbie.
Williame Dunbar of Entirkyn,	Domino Bar.
Dauid Foullertoun of Corfbie,	Domino Edentoune.
Edward Wallace of Seweltonne,	Domino Carnell.
Hary Stewart of Barskimming,	Absent.
Williame Crawford of Lochnoreis,	Domino Carnell.
Hew Cwninghame of Laigland,	Jofias Stewart de Boningtonne.
Allane Lord Cathcart,	{ Continewit tertio Itineris xv dierum: Plegio, Joh. Cathcart de Carltonne.
Johnne Cathcart of Cairltonne,	Domino Ardmillene.
Johnne Dalrumpill of Stair,	Domino Lochnoreis.
Johnne Campbell of Shankiftoune,	Eodem.
Bernard Farguefoun of Kilcairren,	{ Dischargeit be the Thesaurar, in respect of his aige, with consent.
Hew Kennedy of Girvanmanis,	Absent.
Johnne Corry of Kelwod,	Domino Lochnoreis.
Hugh Kennedy of Bennene,	Domino Barganye.
Walter Mwir of Cloncaird,	Eodem.
Thomas Kennedy of Ardmillane,	Domino Carltonne.
Walter Kennedy of Knokdone,	Absent.
Johnne Kennedy of Blaquhane,	{ Gilberto Kennedy de (Bargany?) tertio Itineris xv dierum.
Matho Stewart of Dunduff,	Domino Auchindrane.
Johnne Mure of Auchindrane,	Domino Dunduff.
Mr Lambert Kennedy of Kirkmichell,	Absent.
Johnne Dauidfoun of Pennyglene,	Domino Kelwod.
Fargus Kennedy of Knokda,	Domino Carltonne.
Johnne M ^c Alexander of Dalreoch,	Domino Knokda.
Gylbert Kennedy of Bargany.	Domino Carltonne.

Dilatit for abyding fra the Leutennentis Raid of Drumfreis, appointit be Archebald Erll of Angus to haif convenit thairat.

Comperit Johne Halyday Aduocat, and produceit the Warrant vnderwrittin, for *Girvanmanis*, (*Hew Kennedy*), and alleget that the Justice could nocht vnlaw his cautioner, nor adiudge him selff to the horne.

REX,

THESAURER, Aduocat, Justice, Justice Clark with your deputtis, We greit you weil. Vnderstanding, that our rycht traift counsing and counsalour, Andro Lord Vchiltrie, his kyn freindis, men, tennentis, seruandis and dependaris wer, vpoun the respect of James Dowglas of Torthorwald being in the company of our rycht traift counsing the Erll of Angus our Leutennent for the tyme, exemit frome his jurisdiction and obedience of his Proclamatiounis publeifchit for convening of our subiectis within the boundis of his Leutennandrie; and that nochtwithstanding you our saidis Thesaurer and aduocat hes raist our vperis lettres at your instance, and amangis vperis hes caufit charge Hary Stewart of Barckymming and (*Hew*) *Kennedy* of *Girvanmanis*, twa speciall kynnismen, freindis to our said counsing the Lord Vchiltrie, to compeir before you our Justice and your deputis, vpoun the xxj day of Februar instant, to vnderly our lawis within our Tolbuith of Ediuburgh, for alledgeit nocht obedience of our Proclamatioun, chargeing subiectis within the boundis of Kyle, Carrik and Cwninghame, to meit our seid Leutennant att Drumfres, vpoun the day of lastbypast, for the furtherance and advancement of our seruice, att our West Bordour. It is pairfoir our will, and We command you, our said Thesaurer and aduocat, that vpoun the sycht heirof, you pass frome the persuit of the saidis Hary and (*Hew*) for the said caus, and deleit pair names furth of the criminall summondis intentit att your instances aganis pair. And lykewyise, that you our Justice and Justice Clark dispence with pair non-comperance of the said persones befor you at the said dyett; and on nawyis vnlaw or proceed aganis pair or pair cautioneris, for pair nocht comperance att the same dyett, nochtwithstanding of ony vper command, gewin or to be gewin to you in the contrar; as you and ilkane of you will be anfuereabill to us vpoun your office and obedience; Quhairanent pair presentis fallbe your Warrant. Subferyuit with our hand, Att Halyruidhous, the day of Februar, 1600.

(Sic subfcribitur)

JAMES R.

MONTROISE CANCELLARIUS, LENNOX, R. COKBURNE, JO. PRESTOUNE, FYVIE.

The said Johne Halyday produceit ane Letter subferyuit be the King and Counfall, discharginge the Justice of all proceeding aganis *the Laird of Caprintoune*, &c.

We vnderstanding that our louittis, William Cwninghame of Caprintoune and Daniell Cwninghame of Dalbeyth, being chargeit be vertew of Proclamatioune, to haif mett our rycht traift counsing, Williame Erll of Angus, our Leutennent and Wardane of our West Marcheis, att Drumfres, or sic vper partis contenit in our said Proclamatioun, for persuit of the disobedient personis within our said Wardanrie, in the moneth of Februar, 1^m.V^c.lxxxxviiij 5eiris: And that for obedience pair of, and command of our said Proclamatioune, thay addressit pair selffis in weirle maner with pair freindis and seruandis to our said raid; and James Dowglas of Torthorrell, being our rebell, and lying att our horne, for the slauchter of our vnq^{le} counsing, James Stewart of Newtonne, and pair neir kynnisman, being pair in company att the said raid with our said Leutennent; swa that the saidis Williame Cwninghame of Caprintoune, George Campbell of Cefnok, nor the said Daniell Cwninghame, could nocht guidlie remane att our said raid, (the said James Dowglas being in pair company): Quhairvpoun thay haifing than menit pair vnto us, We, for eschewing of gritar inconuenient, than faithfullie promittit *in verbo principis*, and gave licence to pair, pair freindis and seruandis, to pas hame fra our said Raid, and that thay should pairrestir, att na tyme addres pair selffis to ony raid with our said Leutennent, (the said James Dowglas being in company with him,) bot that thay should remane att hame, and incur

na skayth nor danger pairthrow.¹ And als, that the saidis Williame, George and Daniell, being lykewyis chargeit agane, to haif mett with our said Leutenent att our said burch of Drumfreife, vpon þe xxij day of September lastbypast, (with quhom the said James Dowglas wes þan in cumpany,) swa that thay mycht not addres þame selffis þairto: Thairfoir, and according to our said promeis, we haif frelie Remittit, and be þir presentis Remittis the saidis Williame Cwninghame, George Campbell and Daniell Cwninghame þair kyn, freindis and seruandis of all offence, cryme and panis committit be þame, for abyding fra þe saidis raidis or ony of þame; Dischargeing heirfore our Thesaurer, Aduocat, Justice, Justice-deputis and vperis officeris quhatsumevir, of all calling, atteiching, areifsting, pointing, vulawing, trubling or intronetting with þe saidis personis, thair freindis or seruandis, or ony of þame, for abyding fra þe saidis raidis or ony of þame, and of þair offices in þat pairt for ewir; nochtwithstanding ony lettres, proclamatiounes and charges direct þairnant: Quhairnant and hailt panis contentit þairin, We haif dispensit, and dispensis be þir presentis. Subferyuit with our hand, Att Halyruidhous, the xvj day of Februar, 1600. (Sic subfcribitur) JAMES R.

LENOX, MONTROISE, CASSILLIS, VCHILTRIE, FYVIE, BLANTYRE, SECRETARIUS.

The Justice continewis to gif ansuer to the Kingis twa Lèttres produceit, to the morne.

It is allegeit na proces aganis *the Laird of Blarquhan*, in respect of the Leutenentis Licence produceit, to remane fra the Raid; and that he had xxiiij personis dependeris at the Raid.

WE WILLIAME ERL OF ANGUS, Lord Dowglas and Abirmethie, Lieutenant to his Maiestie our þe Eist, West and Middill Marchis of Scotland anent Ingland, be þe tennour heirof gewis and grantis Licence and libertie to þe rycht honourabill John Kennedie of Blaquhane, elder, to remane and abyde att hame fra our Raid and Proclamatioune, quhilk is proclameit be ws to convene att Drumfreis, the xxij day of þis instant of September, and paireftir to pass forwart with ws towardis þe Bordouris, and þair remane, with xx dayis prouisioune, according to our Proclamatioune: Quhilk we be þis present promittis and grantis þis our Licence to þe said John Kennedy of Blaquhan to remane and byde at hame fra our said Raid and Proclamatioun; And that in respect of his present diseise: Be þis present, subferyuit with our hand, Att Drumfreis, the xvij day of þis instant of September, a thousand fyve hundredth fourfeoir and nyntene zeiris; befoir þir witnessis, Williame Bannatyne of Corhous, Williame Cwninghame tutour of Bonytounne.

(Sic subfcribitur)

W. ANGUS, LEU^r.

It is allegeit be *Mr Matho Roijs of Haining*, that he wes nocht subiect to the Proclamatioun, becaus he duelt the tyme of the Proclamatioun, and ane zeir befoir and senfyne in Glasgw; and he hes nocht ane hous in Kyle.—The Aduocat allegis the contrar: In respect of the summondis, he fowld be put to ane Assyse and thai fould cognos thairvpoun.

It is allegeit for *Bernard Farguesou*, that he is past the age of the Proclamatioune: Quhilk alledgeance wes admittit be the Justice, and he dischargeit and put away.

¹ This Letter affords a striking illustration of the insecure and disturbed state of the country, and the weakness of Government. Douglas of Torthorwald, residing so near the Borders, seems to have been too powerful a subject to be sued, even for the Slauchter of a Steuart, 'cousin to the King.' Although at *the Horn* for this Slauchter, the Lieutenant scruples not to accept of the assistance of this rebellious subject to restore peace on the Borders, instead of delivering him up to justice for his crimes!

It is allegeit for *the Laird of Sewelton*, that he hes nather land nor heretage; and thairfoir, nocht subiect to the Proclamatioune.—The Aduocat allegis that he sould pass to ane Affyse.

The Pannell cummis in (the King's) Will; except sa mony as produceit the Kingis Warrant.

Feb. 22.—The quhilk day comperit Sir Hew Campbell of Terringane, knycht, and produceit our souerane lordis Will; and defyrit it to be infert and registrat, &c.

THE KINGIS Will for the Barrounis of Kyle and Carrik.

REX,

JUSTICE, Justice Clerk and your deputis; We greit you weill. Forfamekill as the persones vnderwritin, thay ar to say, Johnne Schaw of Sornebeg,¹ &c. become laittie in our will, for pair remaning and byding att hame fra pe oist² and Raid proclameit and appointit to haif mett with our Leutennent in Drumfreis, vpoun pe . . . day of September last. Thairfore, We haif declarit oure will as followis, to witt: That We haif Renunceit and dischargeit, and be pir presentis renunceis and dischargeis all actione and caus, criminall and ciuile, quhilk We had, haue, or ony wyis may haue, move or perfew, aganis pe saidis persones for pe caus foirsaid: And Remittis and forgewes pame frelie for ewir: And Ordanis this our declaratioun of our Will, to be als effectuell for pair suirtie in tyme cuming, as gif thay had particuler Remissionis pairvpoune vnder our greit feill. Oure will is heirfore, and We command you to pronunce and delyuer pis oure will, giudiciale; and caus thir presentis be actit and registrat in our buikis of Adiornall: As also, that ye deleit furth of our saidis buikis, pe Act quhairby Hew Kennedy in Balloch wes vnlawit for nocht entrie of Walter Kennedy of Knokla, minor, before you for pis fame caus: As ye will anfuer to ws pairvpoune: Quhairnent thir presentis falbe vnto you ane warrant. Subferyuit with our hand, Att Halyruidhous, the xxij day of Februar, 1600.

(Sic subferibitur)

JAMES R.

Quhilk the Justice causit publeife Giudicillie, and declarit to be our souerane lordis will, as is aboue writtin: Quhairvpoune the persones on pannell present for the tyme askit actis and instrumentis.—The Justice admittit the Letteris produceit, &c.

[*Mr Williame Hairt, Justice-Depute.*]

Slaughter.

Mar. 4.—WILLIAME STEWART brother (german) to the Lord Vchiltre, and Williame Stewart sone naturall to Sir Williame Stewart of Carstairs, kny^t.

Mawife Aikman, the relict of vmq^{le} Robert Cathcart, (wryter in Edinburghe) produceit our souerane lordis lettres deulie execute and indorfat, purchest be hir selff with the bairnis and kyn and freindis of the said vmq^{le} Robert, for charging of Walter Mure of Cloncaird, as cautioner and fouerte for Williame Stewart brother to the Lord Vchiltre, and Williame Stewart sone naturall to Sir Wil-

¹ It has been thought unnecessary to repeat the names.

² Host, army.

liame Stewart of Carstairs, kny', this day, &c. to vnderlye the Law for the slauchter of the said vmq^{le} Robert, (committit the third day of Junij, 1590 :) Quhairvpoun scho askit instrumentis and protestit for relief of Allane Cathcart of Drumjowan, cawtioner for reporting of the saidis Lettres to this day.

The Justice (in obedience to a Warrand from the King) continewis this dyet to the morne, the fyft day of Marche instant.¹

Mar. 5.—Continewis the mater to the xxix day of Maij.—Williame Stewart of Seytoun becomes pledge and fouirtie that thay fall compeir, &c.

Maij 29.—The perfonen on pannell takis instrumentis of thair compearance, and protestis for releve of thair cawtioune; and als, in respect that na partie comperit to perfew thame, produceit the Extract of our foverane lordis Remissionne, quhairof the temmour followis.

PRECEPTUM REMISSIONIS *Willelmi Stewart fratris Andree domini Stewart de Vchiltre, et Willelmi Stewart filij quondam domini Willelmi Stewart de Houstoune, pro arte et parte Interfectionis quondam Roberti Cathcart scribe die mensis anno domini, I^m.V^o. nonagesimo commisi; ac pro omnibus actione et crimine que inde sequi aut prenominatis personis inde quouifmodo imputari poterint, &c. Apud Falkland, decimo quarto die mensis Augusti, anno domini millesimo quingentesimo nonagesimo nono.*

HEC est vera copia abbreviationis, Precepti Remissionis superscript. content. in libro Secreti Sigilli s. d. n. regis extract. de eodem copiat. et collationat. per me DANIELEM HAY, notarium publicum ac ejusdem Secreti Sigilli scribam.

Slaughter.

Mar. 8.—ROBERT TULLOCH of Tannoquheis, and Alexander Tulloche, his sone and apperand air.

Dilatit for air and pairt of the slauchter of vmq^{le} Williame Dowglas sone to Williame Dowglas of Erlifnyll.²

Comperit the Aduocat, and produceit ane Precept direct fra his Maiestie; quhairof the temmour followis.

REX,

MR THOMAS HAMMILTOUN of Drumcarne our aduocat. It is our will, and We command 3ow, that 3e perfew our criminall letres, rasit att 3e instance of James Dowglas, and remanent brep^s, kyn and freindis of vmq^{le} Williame Dowglas, sone to Williame Dowglas of Erlifnyll aganis Alexander Tulloch, sone and apperand air to Robert Tulloch of Tannochie, for vnderlying of our lawis for 3e slauchter of 3e said vmq^{le} Williame Dowglas: And that 3e insist with the saidis persewaris, in persuit of 3e saidis Lettres the aucht day of March instant, or ony vper day or dayes neidfull and convenient; kepannd 3ir presentis for 3our Warrand: And this 3e faill nocht to do, nochtwithstanding of ony command gewin or to be gewin in 3e contrar. Subferyuit with our hand, Att Halyruidhous, the aucht day of March, 1600.

(Sic subseribitur)

JAMES R.

Comperit Mr Johne Scharpe aduocat, and produceit ane Warrand subferyuit be his Maiestie; quhairof the temmour followis.

¹ See May 18, 1604.

² See Jan. 2, and Mar. 8, 1598.

REX,

JUSTICE, Justice Clark and your deputis, We greit ȝow weill. Forfamekill as We ar informit that Robert Tulloch of Tannoquhie is chargeit as cautioner for Alexander Tulloch his sone, to enter and present the said Alexander, vpoune þe aucht day of March, befoir ȝow, to vnderly our law for alledgeit airt and pairt of the slauchter of vmq^{le} Williame Dowglas, sone to William Dowglas of Erlifmyll. It is our will, and We command ȝow, for diuers cauffis moving ws, to suffer and permitt the said dyett to the fastene day of Maij nixt; and that ȝe defist and ceis fra all calling, vnlawing or proceeding aganis the said Robert Tulloch, or aganis the said Alexander Tulloch his sone, the said day, for pair nocht comperance, Quhairnent we dispens be þir presentis, discharginge ȝow þairof, and of your office in þat pairt; and that nochtwithstanding ony vpir command or Warrant, gewin or to be gewin to ȝow on þe contrar: As ȝe will ansuer to Ws vpoun your obedience. Subscryuit with our hand, Att Halyruidhous, the aucht day of Mairch, 1600.

(Sic subscribitur)

JAMES R.

Comperit the Gudeman of Erlifmyll, togidder with Mr Thomas Hamiltoune, and produceit ane vther Warrant subscryuit be his Maiestie; quhairof the tenour followis.

REX,

JUSTICE, Justice Clark and your deputtis, We greit ȝow haertlie weill. It is our will, and We command ȝow, that incontinent eftir þe sycht heirof, ye proceed and minister in þe actionne and caus perfewit att þe instance of þe kyn and freindis of vmq^{le} Williame Dowglas, sone to Williame Dowglas of Erlifmyll, the aucht day of March instant, aganis Alexander Tulloch, apperand of Tannocheis, and his cautioner, for þe crewall slauchter of þe said vmq^{le} Williame Dowglas; and that but ony prorogatioun, continewatiounne or delay to be grantit; and that nochtwithstanding of ony Precept or command, purchest or to be purchest, in þe contrar heirof, Quhilk We annull be þir presentis. Subscryuit with our hand, Att Halyruidhous, the aucht day of March, 1600.

(Sic subscribitur)

JAMES R.

The said Mr Thomas Hamiltoun of Drumcarne aduocat lykewyis alledgeit, that the last Precept fould be admittit, in respect of the Act of Parliament, defyring justice to be ministrat; and that the Precept produceit be Mr Johne Scharp aucht nocht to be admittit, in respect it is contrar the Act of Parliament, and that my Lord of Angus declarit that it wes his Maiesteis will that the last Precept fould tak place, seing that he at the granting of the fyrst wes wrangulie informit.

The Justice-Depute, mynding to haif continewit the mater to Tyisday nixtocum, quhill the Kingis Maiesteis mynd wes knawin, ordanit Mr Johne Scharp, producar of the Precept for Robert and Alexander Tulloch, to find caution for the entrie of the said Alexander Tulloch the said day; quha refusit to find the said caution: And in respect thairof, Ordanit the said Robert Tulloch to be vnlawit for nocht entrie of the said Alexander Tulloch his sone; and the said Alexander to be denunceit rebell and putt to the horne.

Adultery.

Mar. 12.—ALEXANDER HAY of Delgatie.¹

¹ See Nov. 25, 1598, Feb. 15, 1600, &c.

Dilatit for the cryme of Adulterie, committit with Barbara Forbes his allegeit spous.

Continued to July x. Johne Frissell of Creichie becomes plege and fouertie.

Privileges of the Faculty of Advocates — Not liable to pass upon Assises.

Mar. 12.—MR JAMES M^cGILL of Rankelowr-Nethir, Aduocat, allegeit, that becaus he is ane ordinar Aduocat, lawfullie admittit be the Lordis of Counfall, with all privilegeis and immuniteis; thairfoir he aucht nocht to pass vpoune ony Inqueist: And for verificatioune thairof, remittit the samyn to the notoriemie of the Juge and hail memberis of Court: Quhilk, the said Juge acknowlegeing to be of veritie, thairfoir hes declarit and declairis, that the said Mr James is frie fra all Assyffis, and aucht nawyise to be vnlawit for his absence thairfra at ony tyme heirefter, during all the dayes of his lyftyme, in respect of the Privilege of his said Office.—Quhairvpoune the said Mr James askit instrumentis.

Slaughter.

Mar. 12.—ANDRO MURRAY of Balwaird and Anthon Murray his ferwand.

Dilatit of airt and pairt of the Slauchter of vniq^{le} David Lundie, sone to Mr George Lundie of Gorthie; committit vpoun the xxv of March 1598 yeiris, be-tyde Inglis-Tarbert, vpoune sett purpoise, provisioune, and foirthocht fellonye.

PERSEWAR, Walter Lundie, as brother.

The Justice, with consent of partie, continewis this mater to the morne, the xij of March instant, &c.

Mar. 13.—Sir Johne Creychtounne of Inuernytie, as cawtioner, was vnlawit and amerciati for nocht entrie of the saidis perfounes, viz. for Andro Murray, in the pane of Ane thousand markis, and for the said Anton, twa hundredth markis: Lyke as, the Justice-depute adjudgeit the saidis Andro and Anthon to be denunceit our souerane lordis rebellis, &c. and all thair movabill guidis to be escheit, &c.

[*Mr William Haert and Mr Robert Murray, Justices-Deputes.*]

Slaughter in a Single Combat or Duel.

Jun. 5.—ROBERT AUCHMOWTIE cherurgeane, burges of Edinburghe.

[THE Editor has thought this case of so much importance, as to demand the insertion of all the legal objections and arguments of both parties, which fortunately have been preserved at considerable length. The Case of Auchmowtie, is the earliest instance preserved on Record, of a party committer of Manslaughter, in a Duel, or 'Singular-Combat,' suffering death; where nothing unfair was proven by the public or private prosecutor. It thoroughly illustrates the state of the Law and practice, and the opinions then entertained, by the most eminent Scottish lawyers and statesmen, on this interest-

ing subject. The ancient Law, and especially the practice, relative to Criminal Trial for single combats, seem to be now imperfectly understood, owing perhaps, in some measure, to the obscure state of the Records; for few would choose to encounter the labour, or could afford the time, necessary to be expended in examining the Books of Adjournal, merely for the purpose of illustrating an individual case. Although the arguments are somewhat prolix and redundant, it was deemed best to give them in the precise form in which they stand in the Record.]

Dilatit, of airt and pairt, of the Slauchter of vniq^{le} James Wauchop, sone to George Wauchop of Gleghorne (Clegghorne, burges of Edinburghe); committit the xx day of Apryle lastbypast.¹

PERSEWARIS, George Wauchop of Gleghorne, fader to the defunct; Mr George Wauchop, brother; Mr Thomas Hammiltoune of Drumcarne, Aduocat.

PRELOQUOUTOURIS for the pannel, Mr Johne Scharpe, Mr Alexander King.

Mr Johne Scharpe and Mr Alexander King produceit ane delyuerance of the Lordis of Couufall, purchest at the instance of Robert Auchmwtie; quhairbye thay ar chargeit to compeir this day, befoir the Justice or his deputis, to procure² in defence of the said Robert, for the slauchter of the said vniq^{le} James: Quhairvpoune thay askit instrumentis.

The perfewaris produceit the Dittay underwritten.

DITTAY against the pannell.

ROBERT AUCHMWTIE cherurgeon, burges of Edinburghe, ye ar indytit and accusit, fforfamekill as ye, haifing confautit ane deidlie hatrent and malice aganis vniq^{le} James Vauchope, sone to George Vauchope of Gleghorne, merchand burges of Edinburghe, laitlie, vpoune the xix day of Apryle lastbypast, tuke on the Singular-Combat with the said vniq^{le} James, but³ licence of our fouerane lord,

¹ The following account is given by George Birrell, in his 'Diarey,' p. 48. 'The 2 of Apryll, being the Sabothe day, Robert Auchmuttie, barber, ('barber-chirurgeon,') flew James Wauchope, at the Combat, in St Leonardis Hill; and vpon the 23, the said Robert put in ward in tolbuthe of Edinburgh. And in the maine tyme of hes being of ward, he hang ane clok without the window of the irone hous, and ane wther within the window thair; and faying, that he wes feik and might not fie the licht. He had *aqua fortis* continuallie feithing at the irone window, quhill at left the irone window wes eittine throw; swa, vpone a morneing, he causit his prentes boy to attend quhen the toune-gaird fould haue deffolvit; at quhilk tyme the boy wattit on, and gaue his maister ane tokine that the said gaird wer gone, be the schaw or waiff of hes hand curche. The said Robert hang out a tow, quhairon he thoicht to haue comeit doune: The said gaird spyit the waiff of the hand curche; and swa the said Robert was disspointit of his intentioun and deuyse. And swa, on the 10 day, he wes behedit at the Croce vpone ane scaffolt.'

² To act as Procurators, or Advocates, in defence of the Pannel.

³ Without. It was by no means unusual, in these turbulent times, for such licenses to be granted by the King, both in exercise of his ancient Feudal prerogative, and as the only means which could then be devised for preventing bloodshed to a more frightful extent. Only a few years before, a remarkable instance is recorded by Birrell, Mar. 15, 1597. 'Ane singill Combat fochein betuix Adame Bruntfeild and James Carmichaell. The said Adame Bruntfeild challengeit James Carmichaell for murdering of his vniq^{le} brother Stephen Bruntfeild, Capitane of Tantalloune. The said Adame *purchest ane Licience* of his M. and faucht the said James on Barnbowgall Linkis, befoir fywe thousand gentilmen; And the said Adame being bot ane young mane and of a mein statur, flew the said James Carmichaell, he being als abill a lyik man as wes leweing.'—In a MS. Hist. of Scotland, Adv. Lib. A. 4, 35, it is recorded, 'thai mett in ane small inche be the sic neir to Barnbugell; my Lord Duke and sandrie utheris being thair Judges.'

and provokit him thairto, that he vpoune the morne thairefter, being the tuentie day of the said moneth, and the Sabboth day, fuld meit yow, bodin¹ with fword and gantillet, vpoune St Leonardis Craigis,² beyde this burch of Edinburgh, near to our souerane lordis Palice of Halyrudehous, quhair his Maiestie was in proper perfoune for the tyme; and thair to fecht with you the Singular-combat, for certane iniurious wordis fallin out betuix you and him: Lyke as ye, vpoune the said xx day of Apryle, being the Sabboth day, airtie in the morning, betuix fyve and sax houris, accompaneit with vtheris your complices, come to the said place appoyntit, callit St Leonardis Craigis, and thair awaittit vpoune the said vmq^{le} James cuning to yow; quha, haifing kepit the said tryift³ at the said hour and place, ye and your complices foirfaidis sett vpoune the said vmq^{le} James, and maist schamefullie and crewallie, with fwordis, fraik him in the face and vpoune the heid, and gaif him foure bludie woundis thairon; and thairbye maist barboroutlie, crewallie and tyrannouflic flew the said vmq^{le} James Vauchope, vpoune fet purpois, provisioune and foirthocht felonye; in hie contemptioun, &c.

ARGUMENTS *and* PLEADINGS *of the Parties.*⁴

The said Dittay being red, the Pannell askis instrumentis of the tennour thairof, and speciallie of that pairt, quhairin it is alledgeit that the pretendit Slauchter contenit thairin procedit vpoun the provocatioun to ane Singular Combat, and that vmq^{le} James Wauchop refortit to the place appointit, and it is alledgeit that he wes thair slayne: And alledgeit, that the mater contenit in the Dittay aucht nocht be putt to the knowledge of ane Assyse, becaus the said vmq^{le} James, the tyme of the said alledgeit slauchter, and be the space of diuers yeiris ofbefore, wes the Kingis rebell, putt to the horne, for noncompearance, to ansuer to his Maiestie and the Counfall, for the tressonabill reffett, intertinnement and intercommuning of vmq^{le} Archibald Wauchop, sumtyme apperand of Nudry-Merchall, than standand vnder proces of siorfaultour, for the cauffis thairin contenit: quhilkis Lettres of Hoirning wer execute aganis him, and wer direct vpoun ane Decreit, gewin be his Maiestie and Lordis of his hienes Secret Counfall, of the dait, att Halyruidhous, the xxij day of Februar I^m.V^c.lxxxvij yeiris: And for verificatioune of the said alledgeance, the preloquantouris produceit the Decreit foirfaid, with the Extract of the Lettres of Hoirning, with the executioun thairof: And thairfore, in caise the Dittay wer of veritie, quhilk is nocht grantit, the slauchter of ane rebell, quha had na protectioun be his Maiestie nor be the Law, and speciallie vpoun ane Singular-combat takin on be bayth the pairteis, is nocht ane cryme pwneifabill: And thairfoir, the Dittay fould nocht be putt to the knowledge of ane Assyse.

It is ansuerit, be the Aduocat and perfewaris, that the alledgeance foundit vpoun the Hoirning produceit is nawyis relevant; becaus the said Hoirning is and wes null, fra the beginning, and is sa declarit be decreit of the Lordis of Counfall and Sessioune, in Maij last, heirwith produceit: And feing, it is of lyke⁵ of the Law, 'nocht to be att the horne,' and 'nocht to be lauchfullie putt to the horne,' the persoun that wes slayne, newir being lauchfullie denunceit, he man⁶ be repute newir to haif bene

¹ Furnished or provided with. ² Perhaps that part of Salisbury-crags opposite to St Leonard's-hill, situated within the King's-park; and then resorted to in affairs of honour. On Mar. 11, 1597, 'William Gluffer and James Hepburne slew ane another at the fingell-combat, on the hill callit Sant Leonardis Craigis. The said twa wer buriet on the morne thairefter.'—*Birrel*. ³ Appointed meeting.

⁴ In order to condense these legal disputations as much as possible, they are thrown into a small-sized type. ⁵ Alike, of equal import. ⁶ Must of necessity.

att the horne : In respect quhairof, this mater aucht to pass to the tryell of ane Assyse ; and for verificatioun of the answere, producit the said Decreit.—It is answerit be the preloquoutouris for the said Robert, that thair alledgeance is maist relevant in itt selff, and concludis necessarlie : And as to the answer, it is na argument aganis the relevancie, bot it apperis to be ane reply to elide the allegeance, howbeit it wer relevant, and is foundit upoune ane Decreit obtenit before the Lordis of Counfall and Sessioune, presentlie producit ; quhilk Decreit the preloquoutouris defyris to be red, befor thay mak ony forder answer thairto.

The said Decreit of the Lordis of Counfall and Sessioune being red, the preloquoutouris for the defender acceptit the famin *in quantum* ; and answerand to the persewaris alledgeance, sayis, that the Hoirning producit, procedit vpon the Decreit of his Maestie and the Lordis of his hienes Secreit Counfall, for the said vni^o James Wauchopis contumacie, being challengeit vpon ane cryme of Treasoun ; quhairin the Lordis of Sessioune nocht being Judgeis competent in the fyrst instance, mekill les could thay be Judgeis compitent in the secund, to retreat¹ the Decreit of our souerane lord and Lordis of his hienes Secreit Counfall ; and swa, the former Decreit, being alledgeit to be reduceit be the Lordis of Sessioune, quha wer nocht Judgeis, the said fyrst Decreit standis in effect ; and consequentlie, the proces of Hoirning following thairvponne. Attovre the said Decreit is gewin for null defence and nocht comperance of my Lord Thesaurer and aduocat nocht comperand, quha wer only summond, and the said Robert Auchmowtie, quhais prefens could nocht be misknawin, in respect of the fact intervenient, and being in preafoun for the challenge of the said alledgeit slauchter, the tyme of the executioun of the summonds and deductioun² of the haill proces ; and he was nawyis summond. And mair-owre, the said actioun of Reductiounne, quhairvpon the said Decreit reductiue procedit, is intentitt att the instance of Mr George Wauchop, as air apperand, to the effect that he mycht be Retourit ;³ and of his susteris, to the effect that thay mycht be decernit executouris, to the effect that thay mycht recover the said James heretage and movabill guidis, and to that effect allanerlie ; the effect of the Lordis Decreit reductiue can nocht exceid the intentioun and defyre of the persewaris. And quhair it is alledgeit be my Lord Aduocat, that the said proces of Hoirning being reduceit, it is all alyke as gif it had newir bene execute ; it is answerit thairto, that the said allegeance is allaterlie⁴ irrelevant of the Law, becaus it is sufficient for the said Robertis Defence, that att the tyme of the said alledgeit slauchter, thair wes anie decreit of his Maestie and lordis of Secreit Counfall standand, be the quhilk, lettres wer ordanit to be direct, to denunce him rebell for his non comperance, in ane mater of Treasoun ; the said Decreit beirand that he wes lauchfullie chargeit and comperit nocht. Vpon the quhilk Decreit, our souerane lordis lettres of Hoirning wer direct, and the samyn dewlie and lauchfullie execute and dewlie registrat in the Shereffis buikis ; swa that nane could pretend ignorance thairof : And gewand⁵ that the saidis Lordis mycht haif bene Judgis to the Reductioun of the charge⁶ of the fyrst lettres and to the Decreit gewin be his Maestie and the Lordis of Secreit Counfall thairvponne, quhairvponne that pretendit Reductiounne procedis, allanerlie⁷ vpon this reafonne, that the executioun of the charge to compeir befor his Maestie and Loirdis of Secreit Counfall, wes nocht subscryuit, att the leif, wes nocht stampit, be the officer : As to the subscruptioun, it wes nawyis necessar be the lawis of this realme, and thairfore the caus of gewing of the saidis Lordis Decreit man be ascryuit allanerlie to the wanting of the stamp. It is also of veritic, that the said James Wauchop continewit in his rebellious be the space of four yeiris or thairby, and newir quarrellit the famin in his tyme ;⁸ and thairfore, quabsumewir thing is done be the saidis Lordis Decreit aucht nawyis preiudge the Defender in his Defence of the alledgeit cryme, committit of before, he being now challengeit vpon the said alledgeit slauchter.—

¹ To recall, *retract*, or set aside.

² Leading, carrying on.

³ A form of law, proceeding on a writ issued from Chancery, by which a person is *returned* by an Inquest, as heir to a party deceased.

⁴ Altogether,

entirely.

⁵ Giving, or granting, for the sake of argument.

⁶ An official notification given by a Messenger at arms to the party against whom a writ is issued, and certified by the officer serving, in an instrument, termed

an 'Execution,' which is usually indorsed upon it.

⁷ Only, scely.

⁸ During his lifetime.

And that pairt of my Lord Aduocattis anfuwer, beirand, 'that the Reductioun of the Hoirning eftir the flauchter, is alyke as gyf the Hoirning had newir bene execute,' is allenarie irrelevant of the Law, in this mater, and fubiect quhairvpoun the queftion ftandis; for, be the Lawis of all natiounis, ane rebell, fpeciallie for ane caus of Treaſoun, may be flayne, and that flauchter is nocht pwneifabill be the lawis; quhilk is of veritie, nocht only quhen the proces of rebelloun is maift juftlie and ordourlie procedit, bot als this famin ground of the law is als trew, quhen be a Decreit of the Prince and bis Counfall ony perfoun, challangeit vpoun Treaſoun or ony vthir cryme, comperis nocht bot difobeyis, and thairfoir is ordenit to be declarit and publeift as rebellis; and quhair publicatioun is maid dewlie and fufficiently, and quhair the famin is regiftrat in the proper registeris appertening thairto, as is cleirlye verifeit in this caice be the writtis produceit, the gritteft point of this queftioun ftandis in the propofitioun: For verificatioun quhairfof, the defender alledgeis thir places of the Law and of the Doctouris, as followis, to preif this conclufioun, *Quod Bannitum, cuius bannum iniuſtum aut nullum eſt, impune licet occidere.* Alexander, concilio 65, lib. 3, numero 6, et deinceps. Baldus, confilio 142, lib. 4.—Phillippus Decius, confilio 482, lib. 4.—Nellus a Sancto Germano, in Tractatu 'de Bannitis.'—Bartolus, in lib. 'Si ex lege facta de Adulterijs,' Verba Bartoli ad queftionem, 'de eo qui interfecit non legitime exbannitum,' et dicit, 'fi interficiens nullitatem ſciebat, tum punitur; ſecus, ſi hoc ignorabat et quod ignorans, non puniatur;' reddit rationem Dicjus, qua occidens deceptus eſt, auctoritate publice ſcripture.—Bartolus in L. 2, § 'hec actio,' ff. vi bonorum raptorum. Hec Bartoli verba, 'Occidens bannitum cuius bannum non tenebat, excuſabitur a pena homicidij.'—Joannes Andree in additionibus ad ſpeculat. in Tit. de Obligationibus et ſolutionibus, concludit, quod 'ſi quis banitus fuerit propter pœniam non ſolutam et poſtea ſoluerit, banno tamen non cancellato occiſus fuerit, non tenetur pena homicidij.'—Bartolus in L. genero ff. de his qui notantur infamia, hec verba, quod 'ſi quis occidit illum quem credebat eſſe exbannitum, vel adulteravit illam quem credebat non mixtam, quod non puniatur pena homicidij nec adulterij.'—Item, Julius Clauus, § finali, in his criminibus in verbo 'Homicidium,' quhair he treitis this queftioun att grit lenth; quhair rebelloun is nocht formall, or quhen thair is ane play, na nullitie, gif the rebelloun be fund in the regifter and nocht cancellat, nor na Relaxatioun, as we call it in the famin Regifter, occiſor non teneatur pena homicidij.

Item, the Defender defyris my Lord Juſtice, for ſchortnes, to reſſaue the buikis contenant the places alledgeit, and to confidder the famin, as accordis; ſpeciallie, ſeing the queftioun is nocht only vpoun the defenderis lyffe, bot als it may bring in ane dangerous preparatiue throw all this realme; that eftir a man be flayne, being fund att the horne be vertew of ane Decreit, and the hoirning newir being quarrellit during all his tyme, and the Hoirning being retreit¹ allauerlie, for want of ane ſlamp vpoun the fyrſt charge of ſummonds, quhairfof all men mycht pretend juſt ignorance, be reaſoun that the ſaidis lettres of Hoirning with the Decreit wer regiftrat, lyke as, the ſaid Hoirning wer ſtampit, and the ſaidis Lettres of Hoirning and chargeis wer reduceit, *in confequentiam*; for the charge wes newir regiftrat nor miſterit² to be regiftrat. It is alſo gritlie to be weit³ that this flauchter procedit nocht vpounne ony lang precogitat malice, bot vpoun ane quarrell tane betwix twa young men in thair heit, vpoun ane ſingular combat, fochin⁴ the tyme and place appointit; quhilk nedit nocht his Maieſteis Licence, becaus the ſaid James Wauchop wes nocht his lieg, bot rebell, as ſaid is.

It is repliyt be the perſewaris, as ofbefore, that the haill former alledgances aucht to be repellit, becaus the famin being foundit vpoun the ſaid Hoirning, and vpoun the priuledge of the Law to flae rebellis, the ſaid Hoirning falling, the haill alledganceis following thairvpoun lykewyis fallis, for the cauſis foirſaidis: And quhair it is alledgeit, that the Decreit annulling the Hoirning is null, becaus it wes gewin be the Lords of Seſſioun, nocht being Judgeis competent; and for the non comperance of the defender ſummond, and that the famin can be na forder extendit nor to the perſewaris interes ly-

¹ Retracted or ſet aſide.² Needed, had occaſion to be.³ Weighed,⁴ Fought.

bellit, it aucht to be Repellit, in respect of the Decreit standand, to the validitie quhairof and jurisdiction of the Lordis of Sessioun gewaris thair of my Lord Justice is nocht Judge; nather can ane Decreit, gewin vpon the nullitie of ane Hoirning for ane nullitie of the law, be restrictit to the particular interes of ane partie perfewar, bot being fund null of the Law, att the instance of ony lauchfull partie, man be null, *quoad omnes mortales*; nather is thair ony relevant caus contenit in the saidis alledgeanceis, quhairfore the said Robert Auchmowtie sould nocht haif bene summond to the gewing of the said Decreit, for his cryme and malifice could nocht mak him necessar partie in the Reduction of the Hoirning, execute at my Lord Thesaureris instance, aganis the defunct. And quhair the alledgeance beris, that the Decreit of the Lords of Secreit Counfall and lettres rasit thairvpon, with the denunciatioun and registratioun of the famin, being formall, and exstant publictly in Registeris, can nocht be tane away *in consequentiam*, for nullitie of the fyrst charge, that is altogidder irrelevant of the law; quhairby it is exprellie provydit, that na man can be lauchfullie denunceit to the horne, vnles he be fyrst lauchfullie chargeit: The Decreit produceit, with the lettres and denunciatioun following thairvpon, can newir subsist, becaus thay proceid nocht vpon ane lauchfull charge, bot vpon ane charge altogidder null of the law, and declarit to haif bene sa fra the beginning, be the Decreit produceit: And quhair it is affermit be the pannell, that the law of all natiounis, *licet rebelles impune occidere*, for verificatioun quhair of thay cite Alexr, Bartolus, Baldus, Nellus, Decius, Julius Clarus and vtheris, it is anferit, that na respect aucht to be had in this caice to the said alledgeances, becaus the defunct wes newir rebell be vertew of the Horning produceit; becaus it is exprellie statute, be Act of Parliament, that all chargeis and executiones of Lettres of Horning falbe stampit with the messenger executouris stamp, beirand the fyrst lettres of his name and surname, vthirwyis, incaise ony of the executionis necessaris want the solempneteis of the law, the Horning is altogidder null; and it is of veritie, that the only charge quhairvpon the Decreit and Hoirning produceit procedis, wantis the said solemnitie, as is declarit in the Decreit-reductiue produceit; and thairfore the said Horning is, and wes fra the beginning null; quhilk nullitie being ane nullitie of the law, is and hes alwyis bene compitent to haif bene proponit, be way of actioun or exceptione: And seing the famin could newir haif debarrit the said vmq^e James, being on lyffe, fra his defence, or haif bene objectit to him as ane lauchfull impediment to him; sa the famin can nocht stay nor delay the lauchfull tryell and pwnishment of his slauchter, speciallie, becaus the said Horning is nocht only null of the law, bot declarit null be sentence of the ordiuer Judge: And quhair it is allegit be the pannell, that many inconvenientis may follow to the liegis, gif ane Horning, exstant in the Register att the tyme of the slauchter committit, in the perfun of the pretendit rebell, the famin falbe na warrand to the committer of the slauchter; gif ony place be to motiues, in this judgement, my Lord Justice hes to confidder how mony grittar inconvenientis may enfew, gif ane fals or null Hoirning, exstant in the Register, falbe ane sufficient warrand to murthour ony of his hienes frie liegis without perrell or puneifment. And as to the haill authoriteis of the Doctouris alledgeit, thay ar sett doune vpon ane generall propositioun, proceding, *nimirum non fiante statuto, quod licet bannitum impune occidere; possit quis puniri ob interfectionem illius, cuius bannum de Registro non erat cancellatum, vel cuius bannum erat nullum?* Quhilk can nocht militat in our caice, becaus thair is na statute nor Law in this countrey gewing power to all men to slae sic as ar att the horne; mekle les to slae sic as wes newir lauchfullie att the horne; *igitur, &c.*

The Defender, be his preloquoutouris, Repetis thair former alledgeances, insofar as the famin contenis thair objectionis aganis the Decreit-reductiue, and remittis the famin to my Lord Justice, speciallie in that pairt, quhairin the Justice-generall, in ane mater criminall, properlie appertening to his jurisdiction, may judge in ane mater of Treafoun or Reductioun of ane Decreit gewin vpon ane challenge of Treafoun; in the reductioun of the quhilk Decreit, thay could na mair be Judgeis nor thay mycht be judgeis in the principall caus or mater. And quhair it is reasonit be the perfewaris, that the proces of Hoirning is reduceit, the defenderis adheris to the anferis maid be thame ofbefoir; and eikis

thairto, that the perfewaris alledgances ar nocht relevant, nocht specifeand that the said proces of Horning wes reduceit before the said alledgeit slauchter; for the reduction supervenient, and speciallie for the alledgeit want of ane stamp, quhilk is the only reasoun of the said reduction, is na caus to take the defenderis lyffe; speciallie, the want of ane stamp nocht being in the denunciatioun of the Horning, bot in the executioun of the charge, quhilk wes nather registrat nor necessar to be registrat: And forder, it is anfuert be the Defender, that of the Law and practik of all natiounis, and speciallie within this realme, na man is pwneit for the slauchter of ane rebell; and quhensoeuer the rebelloun wes proponit aganis the accusatioun, the Justice newir patt that slauchter to the knowledge of ane Assyis, quhilk, as is belewit, my Lord Advocat will nocht deny; swa that the argument is nocht vpoun that generall; ffor it is out of all dout, that my Lord Advocat makis the questioun vpoun the Reduction of the horning: To the quhilk it is anfuert, be the maist part of the wryteris on the Law, that howbeit the proces of rebelloun eftir the slauchter wer fund informall or null of the law, that declaratur can nawyis preiudge the partie defender; and this is maist equitabil and agreeand to reasoun: And it apperis, that thair is na anfuert maid to the conclusioun of the Doctouris of the law; bot that thay found thame selfis, in the countreis quhair statutis ar maid, that it fould be lessum to ony privat man to slay ane rebell, and that in this realme thair is na sic statute or ordinance: To quhilk it is anfuert, that the Justice-Generall followis the dispositioun of the Commoun Law and the consuetude of all natiounis: and als, it is knawin to be ane inveterat consuetude of this realme, att this tyme, and by the space of twentie zeiris bypast, that quha soewir is challengeit vpoun ane slauchter and vpoun rebelloun wes newir putt to the knowledge of ane Assise; and thair is na questioun that ane consuetude inviolabile oberfuit is of gritar force nor ane writtin law, L. 'non dubium,' ff. 'de legibus;' and as the Doctouris concludis, that ane rebell, quha wes declarit formallie rebell, may be slayne vnpwneit, sa thay conclude, quhair the proces of rebelloun is newir drawin in questioun the tyme of the rebellis lyfytyme, bot eftir his deccis, albeit the famin be null, the slayer still (shall) nawyis be pwneit: Now, this is owre proper questioun, *an Bannitus vel rite vel nulliter bannitus, possit impune offendi?* The affirmatiue thairof is cleirlye verifeit be the allegatiounis before reberfit, in the quhilkis the Doctouris adduces diuers grit praktesis and decisiounis in findrie of the maist famous Judgementis¹ of Europ, quhair the slayaris of rebellis, albeit vnjustlie declarit rebellis, and quhais rebelloun wes declarit null: Quhilkis allegatiounis ar nawyis refutit be my Lord Advocat, that quhen the rebelloun is fund null eftir the slauchter that the slayar falbe pwneit.

It is anfuert be the perfewaris to the fyrst part of the alledgance, anent the jurisdiction of the Lordis of Sessioun, anent the Reduction of the Horning produceit, that albeit thay could nocht haif bene judgis compitent to the tryall of the cryme content in the charge vrit aganis the defunct, yit thay wer maist compitent judgeis to the Reduction of the Hoirning, for the nullitie of the law thairin content; nather aucht thair ony respect to be had to the dait of the decreit of Reduction, gewin sen the slauchter of the said vnr^{le} James Wauchop, becaus the famin, being ane Declaratur of nullitie of the said charge and denunciatioun following thairvpoun; lyke as the famin charge and Hoirning following thairvpoun mycht haif bene alledgeit and declarit null in this Judgment, be way of exceptioun, gif it had bene produceit in this Judgment, quhilk is nocht necessar now, in respect of the Declaratur and Decreit produceit: And as to the generall ground of the Law proponit for the pannell, quhilk thay wald mantene be ane alledgeit custum of this Court, quhilk thay wald mak equivalent to ane statute, becaus thay haif na Law nor Act of Parliament to warrand the said propositioun; the said alledgeit custum of this Court can nawyis warrand this propositioun, becaus it wes newir fund be ony sentence or Interloquoutour of this Court, that it wes lesum to slae ane man being at the horne; bot quhensoewir the pannell proponit sic ane defence, the griteft favour that wes grantit to thame, in respect thair-of, wes to continew the mater to the thryd day of the Air or soner, vpoun xv dayes wairning; quhilk

¹ Tribunals, courts of Justice.

can nocht be grantit in this caice, becaus it is sufficientlie verifeit to my Lord Justice, that the defunct deit nocht rebell, and that the Hoiring vñt in thair defence is and wes null fra the beginning, and wes null of the law; quhilk is the principall reply quhairvpoune the perfewaris infistis: And yit, for satisfioun of the defenderis argument, that of the law, *licet Bannitum impune occidere, licet illius bannum fuerit nullum*, it is anfuert, and the perfewaris fall verifie be the authouris citat be the defenderis, that the contrar is trew of the law; as is affermit be Bartolus in L. ‘vt vim,’ numero primo ff. ‘de Justicia et jure,’ in thir wordis, ‘Bannitus est referuata defensio, ergo illicita est offensio;’ et infra, ‘fed ego dico, quod de jure communi non licet occidere Bannitos.’ Forder, for corroboratioun of the reply, foundit vpoun the nullitie of the Hoiring, and that thairfore can furneis na defence to the pannel, the perfewaris citatis¹ Bartolus ad legem quartam, § ‘condemnatum,’ ff. ‘de re iudicata,’ his verbis; ‘non jure Bannitus, non dicitur exbannitus, nec potest impune offendi.’ Idem ad Legem penultimum, ff. ‘de adimendis legatis;’ et ad legem ‘vxor,’ numero tertio, ff. ‘de Donationibus inter virum et uxorem;’ et lege, ‘non putant’ § non queuis,’ ff. ‘de bonorum possessione contra tabulas.’—Forder, it is ane propositioun mantentit be all the Doctouris, quod ‘non licet Bannitum in ciuitate tolleratum impune occidere, quia talis tollerantia in ciuitate preflabat illi securitatem, tamen de banno nondum fuerit cancellatus.’ Sallicetus in Lege, ‘nullus,’ capitulo ‘de Judeis;’ et sequitur Joannes de Anama in capitulo ‘sicut;’ extra ‘de Indicijs,’ dicens ‘hoc esse singulare dictum et se vidisse seruari in Bononia;’ Joannes de Arnono, singulari decimo; Hippolitus de Marcilijs, singulari 77. Phelmus in capitulo, ‘sicuti Judei’ in fine; Et ibi Johanes de Anonia extra ‘de Judeis.’—And it is manifest that the defunct, continewallie estir the alledgeit Hoiring to the hour of his deceis, had publict resoirt within this burcht, and had acces and permissioun to do his lauchfull effairis thairin bot ony impediment, bot of the knowledge, permissioun and allowance of the Magiftratis and Counfall thairof, it being knawin that he wes the Kingis frie liege, and nawyis lauchfullie denunceit at the horne: Lyke as, the pannell wes his familiar companzeoune, frequentit his conversatioun, borrowit and lent, eit and drank with him, as his awin confessioun beris; and swa can newir be hard to say that he wes rebell.—Fynallie, the pannell can newir be hard to found ony defence vpoun the foirsaid ground of the law, quod licet Bannitum impune occidere, becaus it is certan of the law ‘quod impunitas occidenti Bannitum non conceditur, quando non ob publicam vtilitatem sed ob priuatum odium vel priuatas inimicitias quis bannitum interficit hunc enim vel ut homicidum debet Iudex punire.’ Bartolus in Lege ‘de Delictoribus,’ lib. ij: Ludouicus Romanus in Lege ‘si quis in graui,’ § ‘vtrum,’ ff. ‘ad Senatam consultum;’ Felicius in capitulo ‘in Ecclesiorum,’ numero 10, 11, vel 12, ‘de Constitutionibus.’ Marcilius consilio nono, numero 28, et consilio 10 numero 42. Baldus in Lege ‘decuriones,’ capitulo, ‘de his qui notantur infamia,’ &c., ‘hanc sententiam probant Doctores omnes’ ad Legem ultimum, Capitulo ‘de maleficis et machematicis,’ in fine, his verbis, ‘aut proprium fortassis inimicum sub huiusmodi vindicti nomine occidens’² And it is notour and confest be the pannel to the Kingis Maestie, and att his examinatioun, that he slew the defunct, not for ony respect of his pretendit rebellious or for seruice to his Prince, bot for his awin particuler quarrell and combatt, vudertane vpoune the pannellis provocatioun and cartell in writ; quhilk falbe sufficientlie verifeit to my Lord Justice, gif he think itt expedient. In respect quhairof, the haill former alledgeances aucht to be repellit, and the dittay aucht to be putt to the knowledge of ane Affyis.

It is anfuert be the defender, that the Lordis of the Sessioun could newir be Judgis to the Reductioun of the Hoiring, becaus it procedit vpoun ane decretit gewin be the King and Counfal; to the Reduction quhairof the saidis Lordis wer nocht Judgis; and swa the Decreit standand, thay could be na Judgis to the reductioun of the Hoiring.—To the secund pairt, quhair it is alledgeit, that it wes newir found in this Court, that itt wes lesum to ony persoun to slae (ane re)bell, &c. it is anfuert,

¹ Cite or quote.

² Part of this page torn away here, by which several lines are rendered unintelligible.

that quhen rebelloun is proponit the judgement and gif neid beis nocht only continewatioun of the mater wes do decisiounis, wes directlie the allegatioun maid of the Doctouris (by) the Perfewaris; the defendar referis to the buikis,¹ hinc inde. As to the argument (of) ane rebell being tolerat in ane citie can nocht be offendit, the maist part of the Doctouris concludis indistinctlie, that he may be offendit quhidder he be tollerat or nocht; and mair, althocht he obtenit the Kingis grace, and the grace be nocht registrat, *potest impune occidi*; fa it is in this caise, quhair thair is na Relaxatioun registrat: Attowre, the reply wes newir fund relevant be the practik of this realme, and it wer ane grit danger gif swa war. *Item*, that pairt, it is nocht lesum to slae ony rebell *privati odij causa*, &c. it is nocht relevant, ffor the maist part of all the wryteris are in the contrar; and be the practik of this realme, non queritur, vtrum fit publici boni an privati odij causa?

The perfewaris ceisand to repeat ony thing that is alreddy said, answers only to twa pointis, qubilkis femis to be newere proponit be the defenderis; the ane, that the Doctouris affermis, that ane rebell haifing obtenit the Kingis grace, may be slayne but perrell of Law, gif his grace be nocht registrat; quhilk is altogidder contrair the lawis and practik of this countrey, becaus in crymes of rebelloun committit to the Kingis Maiesteis only particular offence, his Maiesteis awin is grantit to the rebell preiugeis haill crymes, and makis him to be lauchfull subject, that may nocht dit but pwnement, and his in that cause nedit na quhair it is nixt alleget wes newir practesit, that ane man being slayne att the horne, and his kyn and freindis perfewing the flear before the Justice, that ony proces wes grantit in the mater: It is answers be the perfewaris, that in ane actioun altogidder lyke to this caise, verry notour to my Lord Justice and all the memberis of Court, the *Laird of Arkinglas*, being accusit for the slauchter of the *Laird of Caddell*, alledgeit, that na proces could be grantit in the said mater, becaus the defunct wes slayne att the horne; and for verificatioun thairof producit Lettres of Hoirning dewlie execute, indorsat and registrat aganis the defunct, att the instance of Mr James Harvie, advocat: To the quhilk it wes answers, that the said Hoirning wes reduceit, and sa could nocht stay proces: It was duplyit, that the Reductioun could nocht preiudge the pannell, becaus the actioun of the Reductioun wes intentit estir the deceise of the Laird of Caddell, and sa could nocht mak him nocht to haif deceissit att the horne, nather could the said defender be preiudgeit, he nocht being callit thairto, speciallie seing the perfewaris of the Reductioun, to witt the relict and bairnis of the defunct, becaus lang before the intentioun of the said Reductioun, thay had summond the said Laird of Arkinglas to vnderly the Law for the said slauchter, and for his nocht comperance had putt him to the horne; to the quhilk it wes answers, that the Hoirning being null fra the beginning, and declarit sa be the Decreit of the Lordis, the Decreit wes drawin bak to the tyme of the denunciatioun, and sa the defunct deit nocht att the horne, nather wes it necessar to thame to call the said Laird of Arkinglas to the said Reductioun, becaus his cryme could mak him to haif na interes in thair ciuile caus and thay had done sufficiently calling the partie rasar of the lettres, and the Kingis Thesaurar and Advocat for his Maiesteis interes: In respect of the qubilkis answers, verifeit be the Decreit producit, my Lord Justice repellit the haill defensis proponit be the pannell vpoun the said Hoirning, declarit the samin null, and fand forder proces in the said mater.—In respect quhairto, being ane case sa lyke to this present cais, that thair can na a poynt of disconformitie be alledgeit betuix the caissis; Repeatand the former answers thairwith, the haill alledgeances proponit be the defenderis aucht to be Repellit.

It is answers be the defenderis, as to my Lord Advocat alledgeance anent the Princeis grace and admissioun to his sycht, *omnino id non relevat*, without ane relaxatioun.—*Item*, anent the secund alledgeance, foundit vpoun ane practik, anent the accusatioun of Arkinglas; answers, that thair is na thing

¹ The Books or authorities formerly quoted by the pursuer.

schawin to verifie; and protestis, that it be nocht respectit, vnto¹ itt be schawin, that we may anfuert thairto.—The Aduocat referis the notoriety thairto to my Lord Justice.—It is anfuert be the defender, that that alledgeit notoriety can nocht preiudge him, without he saw it, and might anfuert thairto.

THE JUSTICE continewis Interloquoutour to the fewint of Junij instant.

[*Mr William Haert, Justice-Depute.*]

Jun. 7.—The Defenderis desyris the practik alledgeit for Arkinglas to be sene, before ony forder proces; quhilk can nocht be refusit, bayth in respect of the Act of Parliament, be the quhilk it is statute, that all the verificatiounes of the accuser sould be produceit in presens of partie, quha can nocht be preiudgeit be the pretendit knowledge of the Judge or memberis of Court, speciallie in ane accusatioun capital.—The perswaris anfuertis, that the Act of Parliament alledgeit be the defenderis, is only anent the verificatioun of the cryme to be produceit to the Assyis; and that na vther verificatioun sould be ressaunt, fra² the Assyis be incloft, nor wes alledgeit and produceit in presens of partie before the inclofting; and concernis nocht the alledgeances of the Law nor practik maid and to be decydit before my Lord Justice, in the quhilk his awin knowledge and conscience is his onlie warrand.—Anfuert the defender, that in ony mater criminall, thair may be twa kynd of defensis to him; ane to impeid the mater to pass to ane Assyse, the vther, to purge be the Assyis, quhen thay ar chosin: In this cause, thair is ane exception peremptour proponit, quhairfore this mater sould nocht pass to ane Assyse, to the quhilk thair is diuers anfuertis, and replyis maid; and speciallie the last, foundit vpoun the said pretendit practik quhairvpoun my Lord Aduocat apperis maist to be foundit; and gif ony sic practik be, it sould nocht be respectit without the productioun thairto, be reafoun that in ane ciuile cause of leift consequens, ane decisioun alledgeit and nocht produceit wald nocht be respectit, and gif the said alledgeit practik wer schawin, the defender wald reafoun that it wald nocht militate in this cause: And the Judge can haif na warrand in this caus to judge vpoun his conscience; the practik nocht being produceit, and the partie nocht being hard.—Anfuert the perswaris, that thair reply is nocht foundit vpoun the practik alledgeit, bot vpoun the Decreit of Reductioun of the Hoirning vsit be the defenderis; the effect of the quhilk decreit being impugnit be the defenderis, the said Decreit is mantenit be the perswaris to be ane lauchfull ground, be law, reafoun, and practik, to mak the said hoirning null fra the beginning; and for my Lord Justice bettir satisfactioun, the said practik is alledgeit, quhilk being notour to his Lordship, as done in ane actioun quhair as himself was perswar, it nedis na forder productioun nor verificatioun; ffor the relevancie of the said reply dependis nocht vpoun the practik, bot is relevant of the law, albeit the practik be allegeit for forder bleiring³ of the mater, and that quhilk is notour to the Judge, *in jure vel praxi*, nedis na forder verificatioun.

The defender anfuertis, that insofar as my Lord Aduocatis reply is foundit vpoun the law, he referis him to the lawis alledgeit be him of befor for his defence, and sayis, that thairby it is cleirly decydit that the defence proponit is of the law maist relevant, desyring the Judge, as he will anfuert to God and his Maiestie, that ewerie place alledgeit be confidderit be him and his Assessoris⁴ before the Interloquoutour: And quhair my Lord Aduocat anfuertis, that the relevancie of his alledgeance dependis nocht vpoun the practik, gif his lordship will anfuert directlie that it falbe na pairt of the verificatioun or confirmatioun of the reply, his lordship fall nocht be vrgit with the productioun thairto: bot, seing my Lord Aduocat affermis that that practik is fa notour and weil knawin to my Lord Justice in that mater, quhilk wes perswit at his awin instance; that knowledge, how grit it war, can nocht tak away the defenderis defensis, quhilk he can nocht propone, that practik nocht being schawin; speciallie, considdering the name of this judgement, and the wechtines thairto vpoun lyffe and deid, and it may verry weil stand, that the argumentis of the defence wes nocht maid in the vther cause

¹ Till.

² From the time that the Assise are inclosed.

³ Confusing, blinding.

⁴ The Assessors

are not marked in the Record; but it has formerly been remarked, that it was the daily custom to have Assessors, and that they are only occasionally named in the books of Adjournal.

quhairin the practik wes alledgeit : And farder, it is ane vndoutit ground of the law, that judgementis fould nocht proceed vpoun examplis, bot vpoun the lawis : And it is ane vther ground, that ony thing judgeit aganis ane perfoun can nocht be hurtfull to ane vther ; and the defender hopis that the Judge will nocht tak vpoun his conscience to proceed vpoun that practik, quhill it be fene be the partie and his objectiounis hard.

It is anfuert, that it is na forder neecessar to produce the practik alledgeit notour to the judge him selff, nor to produce ane law and Act of Parliament ; and swa thay ceis to insist ony forder vpoun that poynt. As to the last pairt of the last anfuert, that the Judge aucht to decerne be law and nocht be examplis, it apperis that that anfuert can nocht weill agrie with ane vther anfuert maid be the partie in this famin proces, that the practik and custum of the Court hes the force and effect of ane Law ; quhairvpoun thay inferrit that it wes lesum, be the practik of this countrey, to slay ane man att the horne, quhilk wes nocht sa relevantlie alledgeit be thame as this practik is be the perfewaris, becaus thay alledgeit na decisioun in termes for thair argument, as in this caice. As to the last pairt, *quod res inter alios acta, alios non preiudicat*, that is vnderstand to be confiderit *in facto* ; bot quhair in lyke caissis that is decernit be the Judge to be Law, quhilk may astrik¹ him of Law and reason to the lyke decisioun in thingis thaireftir falling furth, it is nocht to be confiderit *ratione rei, sed ratione paritatis rationis*, quhilk makis the constant² decisiounis of the Judgis in caissis bypast, to haif the effect and strent^h of Law in thingis present and to cum.

The Defender anfuert, that thair is na difconformitie of his former anfuertis to ony of his vther alledgeances maid in this proces, ffor it is certane, that be the constitutionis of the maist pairt of all the Nationis, *quod licet Bannitum impune offendere* ; and it is ressaunt as ane commoun law within all the Judgementis³ within Europ, and within this realme ; and quhairwir it is alledgeit, it stopis the pannell to pas to ane Affyise ; and it is certane that thair is ane grit difference betuix ane Law confiderit, and ane example : ffor ane Law is ane thing quhilk is perfyte of itt selff ; ane consuetude hes the effect of ane law, quhair it is groundit vpoun mony factis and decisiounis, *in foro contradictorio*, quhair the parteis ar hard ; bot vpoun ane singlar act thair can nocht be ane consuetude induceit ; and gif the practik alledgeit vpoun this singlar act wer exhibite, the partie wald propone, that that practik war nocht in the termis of this caus : And thairfoir, the defender repetis his fyrst desyre vpoun the productioun of the practik ; and gif it be nocht produceit, the anfuert maid thairvpoun fould nocht be respectit.—And forder, the defender alledgeit, that be⁴ the perfewaris verefeis nocht thair intencion ; and thairfoir referris him to the buikis.

The perfewaris and defenderis being inquirt, gif thay wald say forder, declarit that thay wald say na forder.

INTERLOCUTOR. The Justice continewis this mater to Tyisday nixtocum, the tent day of Junij instant, becaus he is nocht throuchlie auisit with the alledgeances, defensis and anfuertis proponit, *hinc inde*.

The famin day, Mr George Wauchop, ane of the perfewaris, produceit his Maiesteis Warrant, quhairof the temour followis.

REX,

JUSTICE, Justice Clark and your deputis, We greit you weill. Forfamekill as Robert Auchmowtie, chirurgiane, is presentlie in waird, for þe slauchter of vmq^{le} James Wauchop, the parentis of the said James haifing lamentable suted⁵ att our handis for Justice, quhilk We of our Royall dewtie can nocht refuse. IT is our Will pairfore, and We command you, that you, with all convenient diligence, eftir the sycht heirof, you proceed and minister justice vpoun the said Robert, for the slauch-

¹ Restrict.

² Uniform, undeviating.

³ Tribunals, Courts of judgment.

⁴ Besides, *forbye*.

⁵ Suited, sued, made suit.

ter of the said vmq^{le} James: And gif ony difficultie aryise, that 3e vse the auise of þe wyfest and maist lernit men, in discufsing þairof, quhom 3e fall adioyne to 3ow as Affeffouris. And this 3e faille nocht to do, nochtwithstanding of quhatfumewir Warrant, directioun or command, gewin or to be gewin to 3ow on þe contrar. As 3e will answer to ws þairvpoune; quhairanent thir presentis falbe 3our warrant. Subferyuit with our hand, At Striueling, the penult day of Maij, 1600.

(Sic subferibitur)

JAMES R.

Vpoun the production quhairof, he askit instrumentis; as also askit instrumentis, that the Justice continewit to proceid and gif Interloquoutour in the said mater, quhill the tent day of this instant.

[*Mr Robert Lyntoune, substitute to the Aduocat, in his absens.*]

Jun. 10.—The famin day, George Wauchop produceit the Kingis Maiefteis Warrant, and desyrit the famin to be infert, quhairof the tennour followis.

REX,

JUSTICE, Justice Clark and 3our deputis, We greit 3ow weill. Forfamekill as it is schawin to ws, that the commoun course of justice, quhillk We ar maist willing fould be participat to our haille liegis, it is verry fair hinderit and delayit be verry friuolous subterfugeis in þe persuit intentit be George Wauchop aganis Robert Auchmowtie chirurgiane; quhairin as We of our princelie dewtie hes ewir bene of intenioun, that in þat mater justice fould haif place; swa We wald na occasioun wer gewin to þe partie persewaris justlie to mak complent to ws of þe stay of justice heirintill: Thairfore it is our command, that all excuiffis sett a pairt, without ony delay quhatfumewir, 3e proceid and minister justice in þe said mater: As ye will answer to ws vpoun þe dewtiefull discharge of your office. Subferyuit with our hand, Att Falkland, the nynt day of Junij, 1600.

(Sic subferibitur)

JAMES R.

INTERLOQUOUTOUR *aganis Robert Auchmowtie.*

THE Justice Repellis the haille Defensfis proponit in the twa Courtis of before, for the defender, in respect of the answaris maid thairto on the Law and vtherwyis be his Maiefteis aduocat: And thairfore, ordanis the said Robert to be put to the knowledge of ane Assyise, for the Dittay produceit be the aduocat aganis him, tuicheing the Slauchter of the said vmq^{le} James Wauchop.

Thaireftir, the said Robert declarit that he wald cum in his Maiefteis will, for the Slauchter of the said vmq^{le} James Wauchop.

The Persewaris askit instrumentis of (the) Justice Interloquoutour, and that the said Robert declarit he wald cum in his Maiefteis will, for the Slauchter of the said vmq^{le} James: And thairefter, produceit ane Warrant direct fra his Maieftie; quhairof the temmour followis.

REX,

JUSTICE, Justice Clark and 3our deputis, We greit 3ow weill. It is our will, and We command 3ow, that in cais Robert Auchmowtie, att his accusatioun for þe slauchter of vmq^{le} James Wauchop, becum in our will for þe famin, that 3e refuse to accept him in will, and putt him to þe knowledge of ane Assyis, proceid and minister justice vpoun him, conforme to þe lawis of our realme: As 3e will answer to ws vpoun 3our office and obedience; kepand þir presentis for 3our warrant. Subferyuit with our hand, Att Falkland, the aucht day of Junij, 1600.

(Sic subferibitur)

JAMES R.

In respect of the quhilk Warrant produceit, the Judge ordenit the said Robert to be putt to ane Assyise.

The said Robert declarit in oppin audience, in presens of God, that Johnne Auchmowtie and James Chalmeris cam nocht neir him att the combat betuix him and vni^{le} James Wauchop; and that thay vewit the feildis only, that the Baillie of Nudreis fonis war nocht to supplie him.

ASSISA.

William Naper merchand-burges of Edinburgh,	Robert Halyburtoune merchand- burges thair,	Johne Stenhop of Stenhop-mylne, Thomas Marschell merchand thair,
Patrik Kennedie saidler burges thair,	Alex Broune merchand thair, James Lychtounne merchand thair,	Alex ^r Fairlie of Braid thair, Andro Watfoune, merchand thair,
Johne Henderfoun maltman in Plefance,	Andro Naper merchand thair, Johne Landis merchand thair,	Johne Heriot tailzeour merchand thair.
Johne Ramsay of Quhytehill,	Johne Aitkyn merchand thair,	

VERDICT. Quhilkis personis of Assyis, being chosin, sworne and admittit, and the said Robert accusit be Dittay of the crymes abouewrittin, quhilkis war also sworne be the saidis George and Mr George Wauchopis to be of veritie; removit altogidder furth of Court to the Counsale-hous, quhair thay, eftir cheffing of the said Alexander Fairlie of Braid Chancellor, ressonit and votit vponne the poyntis of the said Dittay; and being throuchlie avysit thairwith, re-enterit agane in Court, quhair thay, be the mouth of the said Alexander Fairlie of Braid, Chancellor, ffand, pronunceit and declarit the said Robert to be fylit, culpabill and convict of the slauchter of the said vni^{le} James Vauchope, committit the xx day of Apryle lastwas, vponne St Leonardis-Craigis.

SENTENCE. For the quhilk cause, the said Justice, be the mouth of Robert Galbraith, dempstar of the said Court, Ordanit the said Robert Auchmowtie to be tane to ane skaffald, besyde the mercat-croce of the burch of Edinburgh, and thair his heid to be strykkin fra his bodie; and all his movabill guidis to be escheit and inbrocht to our souerane lordis vsf, as culpabill of the said cryme: Quhilk wes pronunceit for dome.

[*Mr Williame Hairt, Justice-Depute.*]

Treasonable Reset and Intercommuning with a Declared Traitor.

JUN. 11.—SIR JOHNE CRANSTOUNE of that Ilk, knycht, and Mr Williame Craustoune, fear of that Ilk.

Comperit Mr Williame Craustoun, fear of that Ilk, and produceit ane Warrant, direct fra his Maiestie, Ordaning the perfuit aganis him and his gud-fader to be continewit, as followis.

REX,

JUSTICE, Justice Clark and your deputis, We greit 5ow weill. It is our will, and for certang cauffis and consideratiounis moving ws, We command 5ow, that, vponne the sycht heiroy, 5e con-

tinew the dyet appointit for þe Lairdis of Cranftoune, eldar and ʒounger, for thair comperance befoir ʒow, to vnderly þe Lawis for þe crymes contenit in our lettres direct þairanent, vnto þe xvij day of Junij instant; and on nawayis proceid aganis þame, nor þair cautioners, fund for þair comperance þat day: As ʒe will anſuer to ws vpoun ʒour office and obedience; keþand þir presentis for ʒour War-rand. Subſeryuit with our hand, Att Falkland, the fyrft day of Junij, 1600.

(Sic ſubſcribitur)

JAMES R.

Mr Robert Lyntoune, aduocat ſubſtitute, produceit the Kingis lettres, purcheft att the inſtance of Mr Thomas Hammiltoun of Drumcarne, aduocat, aganis Sir Jolne Cranftoune of that Ilk, and Mr Williame Cranftoune, fear of that Ilk, for the Reſſett of Mr Thomas Cranftoune, funtyme of Morieftoune.—The ſaid Mr Williame Crauſtoun proteſtit, in reſpect that Mr James Watſoun, miniſter of Crauſtoun, comperit and teſtifeit the ſeiknes of Sir Jolne Crauſtoun of that Ilk, quha mycht nocht compeir. As alſo he comperit him ſelff, and wes reddie to find new (caution); that the Laird of Coldinknowis, cautioner for thair entrie be releuit; quhilk the Juſtice grantit.

James Dowglas of Caveris, ſcheref principall of Tewiotdaill, becomes pledge and fourtite, &c. for thair entrie the xvij day of Junij inſtant.

(Jun. 18.)—Being enterit on pannell, perſewit and accuſit be Mr Thomas Hammiltoun of Drumcarne, aduocat to our ſouerane lord, for his lienes interes, of the crymes following: That is to ſay,

DITTAY againſt Sir Johnne Cranſtoun, kn^t, and Mr Williame Cranſtoun.

THAT quhair, it is expreſſie provydit, ſtatute and ordenit, be diuers lovabill Actis and Statutis of Parliament, that na maner of man tak vpoune hand, oppinlie and notourlie to rebell aganis our ſouerane lord; and rycht ſwa, it is ſtatute and ordenit, that nane of our ſouerane lordis liegis reſſett, ſupplie, mantene, do favouris and intercommoune with maniſt and notorious rebellis, and ſic as hes notoriouſlie committit Treſſoun, ather be help or be counſall, vnder the pane of treaſoun and forfaltour of thair lyffe, laudis and guidis: As the ſaidis Actis and Statutis in thame ſelffis att lenth beris, quhair of nane of our ſouerane lordis lordis liegis juſtlie can pretend ignorance. Neuirtheles, it is of veritie, that Mr Thomas Cranſtoun, funtyme apperand of Morieftoun, ffor diuers heich crymes of Treaſoun and Conſpiraceis, committit be him aganis his Maieſtie and Eſtait, in cumpany with Frances funtyme Erll Bothwell, and namelie, in the Conſpiracie prakteſit att his lienes Palice of Halyruidhouſ, in the moneth of December, the yeir of God I^m.V^c.lxxxxj yeiris, being forfaltit in the Parliament haldin att Edinburgh, in the moneth of I^m.V^c.lxxxxij yeiris; and thaireftir, of new, haifing committit the lyke treaſounis and attemptatis aganis his Maieſteis perfoun and eſtait, in the monethis of Junij, Julij, Auguſt, September, October, Nouember, December and Januar, or in ane or vther of the ſaidis monethis, the yeir of God I^m.V^c.lxxxxiij yeiris, he wes ſummond to haif comperit before his

Maieftie and Lordis of Secreit Counfall, to haif anfuerit for the faidis crymes and attemptatis ; and for his nocht comperance, wes decernit to be demunceit our fouerane lordis rebell, and putt to the horne ; and in respect thair of, be expres Act of his hienes Secreit Counfall, maid att Striueling, in the moneth of Februar, the yeir of God I^m.V^c.lxxxxiij yeiris, it wes statute and appointit, that nane of our fouerane lordis liegis fould tak vpoun hand to reflett, fupplie or intercommon with the faid Mr Thomas, or to furneis him meit, drink, hous, harbrie, nor vtherwis haif intelligence with him, priuatlie or publictie, be lettres, meffageis or ony vther maner of way, vnder the pane of Treaſoun. AND yit the faid Mr Thomas, continewing in his former Treaſoun and rebellious, he of new, in the moneth of Apryle, the yeir of God I^m.V^c.lxxxxiiij yeiris, come in cumpany with the faid Frances funtyme Erll of Bothwell, James Dowglas funtyme of Spott, v^mq^{le} Hercules Stewart, brother to the faid Frances, v^mq^{le} Archibald Wauchop funtyme younger of Nudrie, and diuers vtheris his Maieftis rebellis, forfaltit traittouris, afflitit with certane elannit men of the Bordour, oppin thewis and rebellis, to the number of fax hundreth men, bodin in feir of weir,¹ with jakis,² ſpeiris, ſteil-bonnettis, hagbuttis, piſtolettis and all vther weirlyke prouifionis, and in profellit hoſtelitie, with cumpaneis of wad-geit³ men, diſplayit cornettis and bennaris, cam to the toun of Leith ; and thair-eftir, in thair retreat, betuix the Wowmet-edge and the Borrow-mure of the burch of Edinburgh, his Maieftie being in proper perſoune vpoune the feildis, invadit and perfewit diuers our fouerane lordis faithfull ſubiectis, perfewit thame for thair flauchteris, with drawin ſwordis, ſperis and ane grit number of ſchottis of hagbuttis and piſtolettis, and woundit ane number of thaim, to the grit effuſioun of thair blude, tuik diuers perſounes, ſpuilzeit thame of thair horſſis, armour and guidis : Quhairby, the faid Mr Thomas, being vpoun the ground, ane of the cheif leidaris and conductouris of the faidis rebellis, committit publict, profellit and maniſt Treaſoune : And continewallie ſenſyne, knawing his giltines in the faidis crymes being notour, hes bene fugitiue fra the lawis. Quhilkis rebellious being ſa grit and maniſt, and quhilkis of thame ſelfſis fould haif movit all the guid ſubiectis of the realme, to haif refuſit quhatſumewir maner of aid and ſupplie to the faid Mr Thomas : Yit it is maift trew, that Sir Johne Crauſtoun of that Ilk, knycht, cheif and ſpeciall kynniſman to the faid Mr Thomas, and Mr William Crauſtoun, fear of that Ilk, brother to the faid Mr Thomas, quha could nawyis miſknaw the faidis Conſpiraceis, treaſounis and rebellious, diuers and ſindrie tymes ſen the faidis yeiris, I^m.V^c.lxxxxiij and lxxxxiiij yeiris, bot ſpeciallie in the monethis of Januar, Februar, March, Apryle, Maij, Junij, Julij, Auguſt, September, October, November and December, in the yeir

¹ In warlike array.² Short coats of chain or plate mail.³ Hired.

of God I^m.V^c.lxxxxix yeiris, att the leift in ane or vther of the faidis monethis, willinglie and wilfullie Reflett, fuppleit, intercomonit, gaif acid and counfall, hous and harbrie, meit and drink to the faid Mr Thomas Cranftoun, in his duelling-place of Nether Craling, fuppleit and intercomonit with him thairin, be the fpace of diners dayes and monethis, att thair pleafour; quhairby thay and ather of thame hes contrawenit the lawis, ftatutis and Actis of Parliament and Secreit Counfall, and hes incurrit the panis thairof, viz. of Treafoune and ffoirfaltour of thame felffis, thair lyffis, landis and guidis; quhairin thay aucht to be convict, in example of vtheris to comitt the lyke attemptatis in tyme cuning.

AND the faidis Sir Johnne and Mr Williame Cranftounis, being inquyrit, gif thay wald abyde the tryall of the law and of ane Affyfe, for the cryme foir-faidis; thay produceit the LETTER vnder writtin, for anfuer.

WE will nocht contend with his Maieftie; bot in pis mater, as in all vper thingis, we ar content to fubmitt our felffis to his Maieftis guid pleafour and will; protefting alwyis, that we can newir acknowledge our felffis to be giltye of ony cryme or offence; and fa, befeikis his hienes to confidder of ws, as of his Maieftis maift obedient faithfull and humble fubiectis.

(Sic fubferibitur) CRANSTOUN, W. CRANSTOUN.

The Juftice, nocht being auisit with the anfuer, continewis this mater to the morne, qu' ill he vnderftand his Maieftis mynd thairanent: And Ordanit the faidis Sir Johnne and Mr Williame Cranftoune to keip thair houffis.

(Jun. 19.)—The faidis Sir Johnne Cranftoune and Mr W^m Cranftoune tuik instrumentis of thair comperance, and proteftit for releif of thair fouirtie; and thaireftir produceit the Warrant vnderwrittin, quhairof the tennour followis.

REX,

JUSTICE, Justice-Clark,oure Aduocat and your deputtis. It is our will, that Sir Johnne Cranftoun of pat Ilk, kny^t, and Mr Williame Cranftoun, fear pairof, be commandit to pair ludgeing, without finding of ony cautione for pair comperance befoir your heireftir: Quhairanent pir presentis falbe your Warrant. Att Haliruidhous, the xix of Junij, 1600. (Sic fubferibitur) JAMES R.

The quhilk Precept the Juftice admittit, and ordanit the faid Sir Johnne Cranftoun and Mr Williame Cranftoune to pas to thair ludgeing.

Hurting an Ox in the Plough—Pannel Banished.

JUN. 14.—GEORGE DEMPSTAR, fone to Dauid Dempstar, citiner,¹ (in Brechin).

Dilatit of hurting of ane ox pertening to Thomas Collace of Pitforquhie, with twa fraikis in the bak, quhilk ox was gangand in his pleuch, teilland his ground of the landis of Pitforquhie; committit in the moneth of Marche lafbypaft.

The faid George declaris, that he wald cum in his Maieftis will for the faid crime.—The Juftice declaris, he will put him to ane Affyfe.

¹ Citizen or 'indweller;' not a burges.

SENTENCE. The Affyis, be the mouth of thair Chancillar, Andro Wod, brother to Balbegno,¹ ffaud the said George to be ffylit, culpabill and convict.

The Justice delyuerit the said George Dempftar to Thomas Geddes, baillie, to be re-enterit in waird within the Castell of Edinburgh, quhill his Maieftes mynde wes knawin auent the dome.

DOME aganis George Dempftar.

Sentence was not pronounced, until Jul. 4, when the following entry occurs in the Record.—The said George Dempftar produceit his Maieftes Warrant, quhairof the tennour followis.

REX,

JUSTICE, Justice-Clark and 3our deputis, We greit 3ow weil. Forfamekill as George Dempftar, fone to David Dempftar, citiener in Brechin, being convict before 3ow, in ane Justice-court, hauldin in our tolbuith of Edinburgh, the fourtene day of Junij laftbypast, for pe hurting of ane ox pertening to Thomas Collae of Pitforthie, quhilk wes teilland the ground of pe landis of Pitforchie; wes committit to ward, within our Castell of Edinburgh, quhill our mynd wes declarit pairanent: Thairfore, we command 3ow, that, eftir the fycht heirof, 3e caus present him on pannell, and pronounce dome, That he be Baneift our realme, during our will, for pe said cryme; and that he pas furth pairof, within fourtie dayis eftir pe dait heirof; and nocht to returne pairin, but our speciall licence; vnder pe pane of deid: ffor pronouncing quhairof, thir presentis falbe 3our warrant. Subferyuit with our hand, Att Halyruidhous, the thryd day of Julij, 1600. (Sic subferibitur) JAMES R.

According to the quhilk Warrant, the Justice-depute, be the mouth of James Lowrie, dempftar, Ordenit the said George Dempftar to be baneift this realme, during our fouerane lordis will; and to pas furth thairof, within fourtie dayes eftir the dait heirof; and that he returne nocht thairin, but speciall licence of his Maieftie; vnder the pane of deid.

[*Mr Robert Murray, Justice-Depute.*]

Wearing and Shooting of Hagbutts and Pistolets, &c.

JUN. 24.—ADAM SCHAW, (in Castell-Cawill), brother to George Schaw of Glenmure.

Comperit Johne Halyday, aduoecat, and produceit ane Precept, direct be the Kingis Maieftie; quhairof the tennour followis.

REX,

JUSTICE, Justice-Clark and 3our deputis, We greit 3ow weil. It is our will, and We command 3ow, that, vponne the fycht heirof, 3e continew the criminall actioun persewit att pe instance of our aduoecat aganis Adam Schaw of Glenmure, for bering and sehuting with hagbutts and pistolettis,² contrar pe tennour of our lawis and Actis of Parliament, vnto the fyrst day of Julij nixt;

¹ The others were Alexander Keyth, fone to the Laird of Ludquharne, Johne Ramfay callit of the Forth, James Ramfay of the Rinde, Thomas Wilkie portioner of Sauchton, Johne Dunbar of Moynes, Johne Stevinsoune of Hermefcheillis, George Barroune of Kynnaird, Nicoll Dalzellmylne, Andro Brodie, Alexander Horfburch of Harkes, Archibald Hammiltoune, fynyth, and Williame Broune, indueller in Edinburgh. ² He is dilated ' for bering, wering and sehuting of pistolettis, and hurting and wounding of George (Charles ?) Campbell of Horfcluech in pe rycht arme.'

and reffæue new caution conforme to þe ordour ; as 3e will anfuer to ws þairvpoune : Quhairanent thir presentis falbe 3our Warrant. Subferyuit with our hand, Att Halyrudhous, the xx day of Junij, 1600. (Sic subfcribitur) JAMES R.

The Justice, nochtwithstanding of the Precept produceit, vnderstanding his Maieftis mynd, continewis the mater to the morne. Gylbert Pennycuik (of that Ilk) becomes pledge and fouirtie, &c.

Jun. 25.—Charles Campbell of Horfeleuch produceit the Kingis Maieftis Precept, ordaining the Justice to continew the perfuit to the xxvij day of Junij instant, &c.

Jun. 27.—Gylbert Pennycuik of that Ilk anerciaded in the pane of ffour hundreth markis, for non-production of the faid Adam Schaw ; who is ordanit to be denunceit our fouerane lordis rebell, and putt to the horne, and all his movabill guidis to be efcheit, &c.

[*Mr William Borthuik, Justice-Depute.*]

Wearing of Pistolets, &c.—Remission on Payment of Fine.

Jul. 1.—GEORGE SCHAW of Glenmure.

Being enterit on pannell, as he that was lawfullie fummond to compeir befor the Justice or his deputtis, to heir his hienes will declarit, anent the bering and wering of pistulettis.—Comperit lykewyis Andro Lord Stewart of Vchiltrie, and produceit ane Precept direct fra his Maieftie, &c.

REX,

JUSTICE, Justice-Clark and 3our deputtis, We greit 3ow weill. Forfamekill as George Schaw of Glenmure become in our will, in ane Court of Justiciarie, haldin in þe Tolbuith of Edinburgh, the xvij day of Maij lastbypast, for bering, wering and scluting with hagbutis and pistulettis, and hurting of Charlis Campbell of Horfeleuch þairwith ; as ane Act maid þairvpoune beiris : Sen the quhilk day, the faid George hes payit and delyuerit to ws þe fowme of ffyve hundreth markis, in full fatisfactione of our will for þe faid cryme thairfoir : And for declaratioun of our faid will, wit 3e, that We haif Remittit, and be þir presentis Remittis, the faid George Schaw for þe faid cryme, and renanceis and dischargeis all actionne, tryell (criminal) and civill, that We, our Thesaurer or aduocat may haif aganis þe faid George Schaw, for þe famyn cryme : Dischargeing our Thesaurer and Aduocat of all calling, trubleing or persewing of him þairfoir, in tyme cuming. And þis We pronouce to be our will ; and cause þir presentis to be infert and registre in our buikis of Adiornall, *ad perpetuam rei memoriam* : Quhairanent thir presentis falbe 3our warrant. Subferyuit with our hand, At Halyrudhous, the first day of Julij, 1600 3eiris. (Sic subfcribitur) JAMES REX.

Quhilk Precept being red and produceit in judgement, the Justice authoreisit the famyn to haif full effect to the faid George Schaw for the faid cryme, conforme to the tennour thairof in all poyntis. Quhairvpoun the faid George askit actis and instrumentis.

[*Mr Williame Haert, Justice-Depute.*]

Abiding from the Raid of Dumfries.

Jul. 2, 3, & 4.—JOHNE ROSS of Drumgrange, George Logane of that Ilk, James Boifwell, feare of Auchinlek, Johne Boifwell of Duntrine-gemen, Robert Mure of Knokmarloch, Robert Wallace of Holmestoune, Hew Wallace of Boigheid, W^m Cwninghame of Polquharne, George Schaw of Glenmwre, and W^m Wallace of Lytill Cefnok.

Dilatit for abyding fra the Raid of Drumfries, ordenit to haif convenit with Archbald Erll of Angus Lieutenant, in September lastwas.

[A variety of procedure takes place, in these and some other similar cases, but not of sufficient importance to be inserted at length. Some of the parties are fined, others discharged, &c.]

Adultery.

Jul. 10.—ALEXANDER HAY of Delgattie.

George Sinclair of Maij and James Forbes of Lethindie, become pledgeis and fouerteis, conjunctlie and feuerallie, for Alex^r H. of D., that he fall compeir be-foir the Justice or his deputis, &c., the xvj day of Julij instant; for the cryme of Adulterie, committit with Barbara Forbes, his alledgeit spous.—Johne Frafer of Strichin, cautioner for his entrie, is relieved of his caution.

Jul. 16.—The case is continued to the next Justice-air of ‘Abirdene, tertio Itineris, (vel premonitione,) xv dierum.’ Williame Rois of Kilraik becomes pledge for his appearance.

Slaughter — Hurting and Wounding.

Jul. 15.—JAMES MAISTER OF OGILVIE,¹ Sir Johne Ogilvie of Craig, Mr David Ogilvie, Frances Ogilvie, all brether; James Gordoun, feruand to the Maister, Patrik Guthre of Pitmowes, Johnne Barclay, sone to George Barclay of the Syde.

Dilatit of airt and pairt of the slauchter of vmq^{le} Patrik Rynd, sone to W^m Rynd of Kerfe; and of hurting of Alex^r Lord Spynie, in the heid; committit in March lasthypast.

Mr Olipher Colt produceit ane Warrant, direct to the Thesaurer and Aduocat for deleiting of Patrik Guthrie; quhairof the tennour followes.

REX,

THESAURER and Aduocat, We greit 3ow weill. It is our will, and We command 3ow, that, vpoun the sycht heirof, 3e deleit Patrik Guthrie of Pitmoweis furth of þe criminall summondis

¹ See Jul. 25 and 29, and Aug. 14.

rafit at your instance aganis the Mr of Ogilvie, and sic as accompaneit him on þe feildis att þe late Conflict betuix him and our coufing the Lord of Spynie; fwa that he be nawyis callit nor perfeit thairfore: As 3e will anfuer to ws vpoun your offices and obedience: Quhairnent thir presentis falbe your warrand. Subferyuit with our hand, att Halyruiddhous, this xxvij day of Junij, 1600.

(Sic fubferibitur) JAMES R.

Quhilk Precept, the Justice, with auife of Alexander Maifter of Elphinstoun, and Mr Thomas Hammiltoun, admittit; and ordenit na proces aganis the said Patrik Guthre nor his cautioner.—The Lord Advocate having produced a Warrant from the King to that effect, the Justice continued the case to the xxv of July.

Slaughter.

Jul. 24.—HECTOR BANNATYNE of Kames.

Dilatit of airt and pairt of the slauchter of vniq^{le} Johne Spens of Vester Kames.

PERSEWARIS, Niniane Spens, eldest sone, Patrik Maxwell of Newark, George Spens in Edinburgh, Mr Sanderis Maxwell.

PRELOQUOUTOURIS for the pannel, Mr Thomas Craig, Mr Johne Russell, Sir Johnne Hammitoune, the Lard of Garthland, the Lard of Corhous.

The persewaris takis Instrumentis of the productione of the lettres, and takis instrumentis for releif of his cawtionne.—Alledgeis, that na preloquoutour can be hard, nor yit aucht the defender to be hard, becaus the defender is att the horne for the said caus; as the lettres dewlie execute and indorfat, produceit, beiris.—Anfueris the preloquoutouris, that the partie may procur¹ for him self; and thay will compeir vpoun thair awin perrell; and declaris thay accept the Horning.—And it is alledgeit for the pairt of the said Hector Bannatyne, and alledgeis, that the famin is null, becaus in Act of Parliament, in anno lxxxxvij² (1597), it is speciallic provydit, that all executiounis of Horningis falbe regiftrat in prefens of the Shereff-clark, ane notar, and foure witneffis; quhilk is nocht done, becaus the executiounis of the Hoirning is nocht regiftrat, conforme thairto.—Anfueris the persewaris, that the lettres and executiounis ar sufficientlie regiftrat; and abydis at the lettres, executiounis and regiftratioun, as thay ar produceit, and ar sufficient: And forder alledgeis that the Justice is nocht Judge to the nullitie of the Horning.

The Justice ordanis the preloquoutouris to compeir in defence, nochtwithstanding of the Horning produceit.

Forder, (the persewar) alledgeis, that the preloquoutouris can nocht compeir, in respect of ane Horning produceit, be the quhilk the Lard of Kames is denunceit att the instance of Ninian Stewart, fear of Kilchattan, for nocht reslauing of the said Ninian immediat tennent to the landis contenit in the lettres, of the dait the

¹ Procure, *i. e.* act as procurator, speaker, or counsel, in his own behalf and defence. ² Acta Parl. 1597, cap. 36, fol. 139.

xj August 1592 3eiris.—Anfueris the preloquoutouris, that the Hoirning is null, in respect the executionis ar nocht regiftrat.

The perfewaris passis fra thair alledganceis produceit be thame, for this day only, &c.

Alledgeis, that Ninian Spens can nocht perfew in judgement, becaus he is minor, vnauthorifit with tutouris and curatouris.—The famin day, the said Ninian creat Patrik Maxwell of Newark and Mr Alexander Maxwell curatouris *ad lites*. The pannell askis instrumentis, that the Laird of Newark and Mr Sanderis¹ ar chosin preloquoutouris.

Alledgis that this mater can nocht be put to the knowledge of ane Assyse, for the cryme, albeit he wer nocent,² (he being maist innocent;) becaus the said vmq^{le} Johnne Spens wes lauchfullie denunceit rebell and put to the horne, vpoun the fourt day of Julij 1592 yeiris, att the instance of the said Hector Bannatyne and Charles Bannatyne, for nocht obedience of ane Decreit of the Lordis of Counfall; quhilk Hoirning wes regiftrat vpoun the famin fourt day of July 1592 yeiris; as the famin, produceit, beris.—The perfewaris askis instrument of the alledgeance.

The perfewaris alledgis, that the Horning is null, becaus he is relaxt; as the lettres of Relaxatioun and executiounis produceit beris.—The defender acceptis the Relaxatioun; and anfueris, that the said vmq^{le} Johnne Spens stuid rebell, be vertew of the Horning produceit, nochtwithstanding of the Relaxatioun; becaus it is of veritie, that he is denunceit rebell at the instance of twa speciall parteis, viz. at the instance of Hector Bannatyne of Cames, in the fyrst place; and lykewyis at the instance of Charles Bannatyne, in the secund place, and for dinerse cauffis and for diuers effectis: And trew it is, that this Relaxatioun produceit relaxis him fra the horne, infafar as he wes put to the horne at the instance of Charles Bannatyne, and nawyis is relaxt fra the horne, infafar as he is at the horne at the instance of the Laird of Cames, and for ane caus only; quhairas the Decreit hes mair cauffis quhairvpoun the saidis lettres procedis; and swa, he standis yit effectuellie at the horne, at the instance of the Laird of Cames, as yit vnrelaxt: And forder, the Laird of Cames is nather summond nor appointit to be summond be the suspentioun. And forder, the said relaxatioun is null, becaus the executioun of the Relaxatioun is nather stampit nor subscriuit; quhairas the Act of Parliament Ordanis the executioun to be stampit with twa lettres:³ And repetis the Act of Parliament maid in the tyme of King James Fyft.—Thrydlie, the said Relaxatioun is null, in respect thair is na officer contentit in the letteris of Relaxatioun.—Thaireftir, the perfewaris produceit the extract of the relaxatioun.

¹ Viz. Mr Alexander Maxwell.
Messenger's or Officer's name.

² Guilty.

³ Viz. With a seal, bearing the Initials of the

Anfueris the perfewaris, *ffyist*, that the officer relaxis the said vni^{1e} Johnne Spens, for the cauffis contenit in lettres of Horning, and hes suspendit the officer executour of the horning fra ony forder executioun, for the cauffis contenit in the Decreit of the Lordis; and thairfore, before ye tak away the Relaxatioun, the Judge can nocht cognos vpoun the nullitie of the Horning, bot the Lordis¹ man be Judgis thairto. As for the *secund* pairt, allegis that the said lettres of Relaxatioun ar sufficientlie stampit; as the extract of the Relaxatioun beris. *Thridlie*, declaris that the officeris name is contenit in the extract, and the officer makis mentioun of the officeris stamp as affixit, as the samin beris. Forder, alledgis, that thay will abyde be the principall Lettres of Relaxatioun and the extract thairof; and gif thair be ony difference betuix the principall and the extract, wyte² the extractor.

The Justice Continewis the mater to the morne.

The samin day, Hector Bammatyne of Cames, being sworne, Declarit that he dred³ bodelic harme of Patrik Maxwell of Newark, Mr Sanderis Maxwell his brother, and Ninian Stewart of Kilchattane.

Jul. 25.—The Cafe continued to the Justice-air of ‘Buit, tertio Itineris, xv dierum.’ Plegio, Domino Johanne Hammiltoune de Litrik milite.

Slaughter — Hurting and Wounding.

Jul. 25.—JAMES MAISTER OF OGILVIE and others.⁴

PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, aduocat to our souerane lord.

PRELOQUUTOIRIS for the pannell, Mr Johnne Ruffell, Williame Oliphant, Francis Erle of Erroll, Erle of Buchan, The Lard of Fyndlater, My Lord of Aldbar.

Mr David and Frances Ogilveis ar content presentlie to abyde the tryell of ane Affyis. The remainder of the pannell, declarit, that they wald nawyis enter in proces with his Maiesteis aduocat, for the cryme contenit in the lettres, insofar as his hienes hes actioun competent to thame for the samin crymes, or ony of thame; bot offerit thame felfis in his grace will thairfore; protesting that thair becuming in will, &c. fould nawyis be hurtfull or preiudiciall to thame or nane of thame, for quhatfumewir actioun or exceptionne compitent to thame or ony of thame, aganis quhatfumeuir persoune or persounes, haifing interes to persew for the saidis crymes; quhairvpoun the said Mr Thomas Hammiltoune askit instrumentis.

The Justice continewis the mater to the morne; and warnit the Affyis to the morne.

¹ Of Council and Session. ² Throw the blame upon the Extractor. ³ Not *dread* (suffered), but feared or *dreaded*. Letters of Lawburrows appear, by the Record, to have been granted against these parties, which were afterwards deleted as ‘past fra be pe Lord of Cames.’ ⁴ See Jul. 15 and 29, and Aug. 14.

The Justice, in our fouerane lordis name, acceptit the pannell (and other under named) in his hienes will for the crymes aboue writtin; and Ordenit thame to pass in waird to thair Iudgeingis within this burch of Edinburgh, and to remain thairin quhill thay be fred be his Maiestie: And to that effect, to find cautione to keip thair said waird, ay and quhill sufficient caution be fundin be thame that thay fall fatisie his Maiesteis will to be declarit.

James Ogilvie of Balfoure becomes pledge and fouertie for James Maister of Ogilvie, &c., as above, 'vnder the pane of Fyve thousand poundis.' Sir Johnne Ogilvie of Innerquharratie kny^t, becomes pledge and fourtie for Mr David O., Frances O., brether to James M^r of O., and Johnne Barclay, that thay fall compeir befor our fouerane lordis Justice or his deputis, the thryd day of the nixt Justice-air of the sherefdom of Forfar, or soner quhen or quhair it fall pleis our fouerane Lord, vpoun xv dayis warning, &c.

Shooting of Hagbutis and Pistolets — Hurting and Wounding.

Jul. 26.—JOHNNE OGILVIE, callit *Reid-Johnne*, Alexander Ogilvie, callit *Blak-Sandie*, James Ogilvie of Boigfyde, Johnne Barclay sone to George Barclay of the fyde, and Johnne Lyoune, seruand to the Maister Ogilvie.

Dilatit of bering, wering and schuting of hagbutis and pistolettis; and for hurting of Alexander Lord Spynie, &c.

The parteis 'became in will;' and found caution, as in the former case.

Abiding from the Raid of Dumfries.

Jul. 29.—GEORGE KENNEDIE of Glenmuk,

Dilatit for abyding fra the Raid of Dumfries, quhilk was convenit with Williame Erle of Angus, Lord Dowglas, and Lieutenant, in the moneth of September lastbypast.

The pannel become in our fouerane lordis will thairfore. And thaireftir the said George produceit his Maiesteis will; quhair of the tennour followis.

REX,

JUSTICE, Justice Clark and your deputies, We greit sow weil. That nochtwithstanding George Kennedie of Glenmuk obtenit oure Licence, with certane v^{rs}, for pe caus following, zit he is to entir on pannell before sow, in our Tolbuith of Edinburghe, the xxix day of Julij instant, in pe hour of caus, and is to be persewit be our traist coufing and counsalour Alex^r Maister of Elphinstoun, our Thesaurer, and Mr Thomas Hammiltoun of Drumcarne, our aduocat, for abyding fra our Raid of Drumfries, hauldin be our rycht traist coufing and counsalour Williame Erle of Angus, in pe moneth of September lastbypast; and at pe said day is contentit to cum in our will for pe said cryme. Thairfore ze fall, incontinent eftir pe sycht leiros, resiane the said George Kennedie in our will; and pronounce and declar this to be our will, as followis: That the said George, before he pas aff pannell, con-

tent and pay to our Thesaurer the fowme of ane hundreth poundis; and that in full satisfioun of our will, for his abyding fra the said Raid; and forder pronuce and declair, that the said George Kennedy falbe remittit and forgewin of all vj^r pane and penaltie that we may lay to his charge, in tyme cuming, for abyding fra þe said Raid; and that he be nawyis callit, trublit, molestit nor perfewit for þe famin, in tyme cuming; nochtwithstanding of ony vj^r Warrant that may be direct in þe contrar heir-of: And eaus thir presentis be regiftrat in our buikis of Adiornall for the said Georgeis better securitie. Subferyuit with our hand, At Lynly', the xxvij day of Julij 1600 3eiris.

(Sic subferibitur) JAMES R.

The Justice, with auife of the Thesaurer, continewit the mater to the morne, quhill the Thesaurer wer auifit with the blank contenit in the said Letter.

Shooting with Hagbutis and Pistolets — Slaughter.

Jul. 29.—ALEXANDER LORD OF SPYNIE,¹ Sir Johnne Lyndefay of Balinscho, (Wodheid knycht,) Alexander Lyndefay of Faifdew, (Fesdow,) Harie and Gilbert Rind (sonis to Williame Rind, of Kerse,) Harie Lyndefay, sifter sone to the Laird of Pitcarlie, (servitour to the said nobill Lord,) Andro Brydie, Mr Patrik Lyndefay, David Balfour, brother to Burlie, James Lyn, Preift, David Lyndefay, father brother to the Laird of Blariefedden, Alexander Lyndefay at the myll of Fynevin, David Gardin of Leis, and Harie Lyndefay of Blariefedden.

Dilatit for contravening of the Actis of Parliament, in bering, weiring and schuting with Hagbutis and Pistolettis: And for art and part of the Slauchteris of vmq^{le} Lowrence Burne and James Irnis, seruitouris to the Maister of Ogilvie and Sir Johnne Ogilvie.

PERSEWAR, Mr Thomas Hammiltounne (of Drumcairne, aduocat to our fouerane lord.)

PRELOQUUTOURIS for the pannell, Mr Johnne Scharpe, Mr Alex^r King, and Mr Thomas Wilfounne.

The Lord of Spynie produceit the Kingis Warrant, vndervrittin, desyring the famyn to be admittit; and declarit that he and the personis on pannell vald abyde thairat; quhair of the tennour followis.

REX,

JUSTICE, Justice Clark and 3our deputis, We greit 3ow weill. Forfamekill as, vpoun þe xvij day of þis instant, Alex^r Lord of Spynie and certane his compliceis and þair eautioneris wer adjudgeit and decernit in certane panis and vnlawis, for þair nocht entrie and comperance before 3ow, our said Justice and 3our deputis, to haif vnderlyne our lawis, for certane crymes specifeit and contenit in þe Criminale lettres rasit þairvpoun: Nochtwithstanding, ffor certane caussis moving ws, It is our will, and we command 3ow to discharge the saidis vnlawis, and deleit the Actis furth of our buikis of Adiornall, quhairby thay wer decernit in the saidis vnlawis, swa that na executioun follow þairvpounne heireftir: And that 3e tak new eautioun of þe said Lord and his compliceis, that thay fall compeir before 3ow, our said Justice, and 3our deputis, vpoun þe xxix day of þis instant, and vnderly our lawis for þe crymes specifeit in our saidis lettres: And that thay fall renucee all exceptioun of nocht lauch-

¹ See Jul. 15 and 25, and Aug. 14.

full citatioune, vponne fyftene dayis warning; fwa that, in caife of pair nocht comperance, thay may allweill be denunceit to our horne as thair cautioneris vnlawit, in respect of pis our favour now fehawin vnto pame: As 3e will anfuer to ws pairvpon: Quhairanent thir presentis falbe 3our War-rand. Subferyuit with our hand, Att Halyrudhous, the xvij day of Julij 1600 3eiris.

(Sic fubferibitur)

JAMES R.

Comperit Alex^r Lord of Spynie, Sir John Lyndefay of Wodhead, knyght, &c., quha denyit expreflie that poynt of the fummondis anent the fehuting, bering and wering of hagbutis and piftolettis in maner lybellit, and offerit to abyde tryell thairanent: And in fafar as the fummondis may appeir onye cryme, anent the flaughter of vmq^{le} Lowrence Burne and James Irnis, vponne the fourt day of Marche laft, declarit and affermit that quhat ever fell out thairanent, was in thair maift juft and lauchfull defence; as is manifelt be the Confeflioune of partie and act of Adiornall maid thairanent, vpoun the xxv day of Julij instant, be James Maifter of Ogilvie, Sir Johnne Ogilvie of Craig, and thair compliceis, than comperand on pannell; quha being convenit, adiornayit at the instance of his hienes aduocat for his Maieftis interes vponne the faid xxv day of Julij instant in this Jugement, lying await for the faid nobill Lord, his kyu and freindis, for thair Slaughter and vmbefetting of thair hie-way befide the place of the Leyis, as thay war rydand furth the way, in fober and quyet mauer; the faid Maifter, Sir Johnne and thair compliceis, vnderftanding be thair fpyis and watcheis, that the faid nobill Lord was to cum furth of his duelling place of Kinbrakmouth to the Place of Gairdyn; the faid Maifter, Sir Johnne Ogilvie and thair compliceis, vponne fet purpois, provifionne and foirthocht felonye, ad-dreff thame felffis, in armes and wappynnis invafive, with hagbuttis, piftolettis, jakis, fecreittis, fteilbonettis, gauntilettis, lance-ftaffis and vtheris, to the nowmer of . . . perfonis or mae; and thair fhot, thair hagbuttis and piftolettis at the faid nobill Lord, his kyn, freindis and ferwandis, being in cunpany with him, hurt and deidlie woundit the faid nobill lord in the heid, and left him lyand for deid; and crewallie, with thair hagbuttis and piftolettis, fhot vmq^{le} Patrik Rynd his ferwand throw the bodie to the deid, vponne the fourt day of Marche laftby-paft; as in the fummondis perfewit thairanent and act of Adiornall maid thair-vponne, at lenth is contenit. AND trew it is, that James Maifter of Ogilvie, Sir Johnne Ogilvie of Craig and thair compliceis, pannellit, comperand perfonalie vponne the faid xxv day of Julij instant, become in his Maieftis will for the faidis haill crymes and poyntis of the faidis Summondis, be Act of this Court, as the famin beris; and thairby hes confeflit and affermit the famyn crymes, Slaughter, fehuting of piftolettis to that effect, invafionne, perfuit, lying await and vmbefetting of the faid Nobill Lord, his kyu, freindis and company, in his hie-way and paffage frome his awin hous, rydand thairfra in fober and quyet

maner, as faid is ; quhairbye it is evident, that quhatever fell out be occasioun fairsaid, on the pairt of the faid nobill Lord, was in his awin maist just and lawfull defence, and remanent on pannell, his freindis and cumpany ; as is expresse affermit be the faid Act of Adiornal and Confessioun of pairtie thairanent. The quhilk Act of Adiornal and summondis quhairvpoune the samyn procedit, with the haill poyntis and menⁿeris thairof, the faid nobill Lord and remanent personis on pannell repeittis, &c. ; and yit, infasar as the faid summondis now perfewit may apper to import ony cryme for the slauchteris fairsaidis, the faid nobill Lord, &c. declarit that thay vald nawyis enter in proces with his Maiestie or his hienes aduocat for the samyn slauchteris, infasar as his hienes may haif actione compitent thairfoir, in thair contrair ; bot offerit thame in his graces will for the famin Slauchteris, committit in thair defence, as faid is ; protesting, that this thair offer or becuming in will for the faid slauchteris, for his hienes interes, as faid is, fall nawyis be preiudiciall to thame or ony of thame, anent quhatsumeuir actione or exceptioun compitent to thame, or ather of thame, aganis quhatsumeuir personne or personis haifand interes to perfew for the samyn Slauchteris, as accordis of the law : Quhairvpoune the faid nobill Lord and remanent personis on pannell askit actis and documentis.

The Aduocat askit actis and instrumentis, that the faid Alex^r Lord of Spynie, &c. becom in will, as faid is.

The famin day, Alexander Maister of Elphingstoune produceit HIS MAIESTIS WILL, *towards my Lord of Spynie* ; quhairof the tennour followis.

REX,

JUSTICE, Justice Clark and your deputtis, We greit your weill. Forfamekill as Alexander Lord of Spynie, Sir Johne Lyndefay of Wodheid, knyght, David Gairdyn, Harie and Gilbert Rindis, David Balfoure, David Lyndefay, Harie Lyndefay seruitour to the faid nobill Lord, Alexander Lyndefay of Faidlow, ar becom in our will, for the slauchter of certane our subiectis, committit be pame in the Conflict, quhilk happynnit and fell out betuix pame, and James M^r of Ogilvie and pair complices ; howewir the same be allegit to haif bene committit in pair awin defence. Thairfoir it is oure will, and We command and ordane, that the faid Lord of Spynie, for him selff, and takand the burding ou him for his faid brother and remanent complices fairsaid, fall remane and keip waird in his ludgeing, within our burch of Edinburgh ; and on nawyis remove pairfra, quhill We declair our will towardis pame ; vnder the pane of Fyve thousand pundis : As alwa that he, for him selff, and takand the burding on him as faid is, fall falsifie and fulfill our will to be declarit as faid is, vnder the faid pane. And that ye cause pronunce this our will and pleafour aganis the faid Lord and his complices indiciallie ; and mak ane act pairvpoune : Quhairanent this presentis fallbe your warrand. Subscryuit with our hand at Lynlythq, the . . . day of Julij, 1600 youris. (Sic subscribitur) JAMES R.

According to the quhilk, the Justice Ordanit, &c. Harie Lyndefay of Kynfawnis become plege and fouerte for Alexander Lord of Spynie, &c. vnder the faid pane.

Harie Lyndefay of Blariefedden, Mr Patrik Lyndefay, Alexander Lyndefay

at Fynnevin-mylne, James Lyn and Andro Brydie, tuke instrumentis of thair comperance, and that they offerit thame reddie to abyde the tryell of ane Assyis of the crymes contenit in the lettres produceit aganis thame. Whereupon the Justice continued the matter to the Justice-air of 'Forfar, tertio Itineris, vel super premonitione xv dierum.' Alexander Lord of Spynie, becomes 'plege and fouerte' for their entry.

[Mr Williame Hairt, Justice-Depute.

ASSESSOURIS, Mr Edward Bruce and Jolne G . . . stoune.]

Fire-raising — Houghing of Cattle — Murder — Theft — Resetting Rebels, &c.

Jul. 29.—JOHNNE ROISE of Ballivot.

Dilatit of the Burning of the (duelling hous of) Clunie, pertening to George Dunbar thair ; And for the thefteous Steling of the said George Dunbaris hail infycht and pleineiffing (guidis and geir, to the valour of) twa thousand markis worth, ten horsis, threscoir nolt ; And for Hoching of xvij oxin and ky pertening to the said George :—*Item*, for airt and pairt of the Slauchter of vinq^{le} Robert Roife, (sone to Daudid Roife of Lyne) :—*Item*, for the Murthour of Huchfoune Roife in Logy : And for ressett of Daudid (M^cWilliam:e) Roife Williamfoune and vtheris, rebellis at the horne, for the thift abouewrittin : And for Commoun Thift ; as at lenth is contenit in the dittay.

The Justice-Depute produceit the Warrant vnderwrittin.

REX,

JUSTICE, Justice Clark and your deputis, We greit you weill. It is oure will, and We command you, that according to our former directione, ye put Johnne Rois of Balliwot to the tryell of ane Assyis, the morne, the xxix day of July instant, for sik crymes as he is dilatit and suspect gyltie of ; and befor his putting to the same tryell of ane Assyis, that ye reaxaminat him vpoune his faul and conscience,¹ for the better clering of the treuth of sik thingis as war inquyrit of him ofbefoir : As ye will anfuer to us vpoune your offices and obedience : Qubairanent pir presentis falbe your Warrant. Subferyuit with our hand, At Lynlythqw, the xxvij of July, 1600.

(Sic subferibitur)

JAMES R.

PERSEWAR, Mr Thomas Hammiltoune of Drumcarn, aduocat to our fouerane lord.

PRELOQUUTOURIS for Mr Johnne Roife.

The Laird of Ballingoune, The Barroun of Kilraik,² Mr Jolne Ruffell, Mr Williame Oliphant.

The samin day, the Aduocat tuik instrumentis, that Johnne Roife declarit that he wald abyde the tryell of Assyfe. Thaireftir, he declarit that he wald vse his Aduocatis counfal and aduife.

The Aduocat takis instrumentis, that Mr Johnne Ruffell declarit that this gentilman wes misufit be tortour aganis the Law.

¹ It appears that the torture was used in this case, 'be my Lord Justice, att his Maiesteis directione.' See Objections against *The Laird of Duffous*, p. 144. ² William Roife of Kilravock.

Allegeis that Mr Edward Bruce can nocht be Judge nor Assessor, becaus the Chantour of Murray and Deane and subdeane, quha ar of kyn to the said Mr Edward Bruce, hes bene dilatouris and accusaris and informeris in this caus; and swa he can nocht be Judge nor Assessor.—The Aduocat answeris, that this exceptioun can nocht be hard aganis my Lord of Kinloss,¹ albeit it mycht be aganis the proceis thame selfis.

The Deane of Murray being demandit and inquiryt, gif he has gewin counfall aganis Johnne Roife, denyit the samin. Robert Dunbar, being sworne, denyit that he ewir gaif counfall in perfuit of Johnne Roife; and declarit (he) assistit the Sheref of Murray in executioun of the Kingis Commissioun in taking of Johnne Roife, and wes his freind, and faulfit his lyffe.—The said Mr Johnne Russell takis instrumentis of the said Robert Dunbaris declaratioun.

Alledgeis Johnne Roife, that he can nocht be put to the knowlege of ane Assyis for Thift, Slauchter or Murthour, quhill² he be summond vpon fyftene dayes wairning, and soner haif ane copie of the Dittay.—The aduocat answeris, that the alledgeance aucht to be repellit, in respect of the daylie practik of this hous, that persons tane be vertew of his Maiesteis Commissioun and putt in waird, may be brocht fra the waird to the pannell,³ and putt to ane Assyis but⁴ ony citatioun or delay: And it is of veritie, that this defender wes tane, be vertew of his hienes Commissioun, in the moneth of Apryll lastbypast, and hes bene detenit in waird continewallie senfyne, and hes bene diuers tymes examinat vpon the crymis contenit in his Dittay, as is knawin to my Lord Justice.—It is duplyt be the pannell, that the propositioun contenit in the said argument ressaues⁵ ane distinctioun, viz. parteis committit to waird be the Kingis Commissioun, for ane cryme done aganis his hienes, may, without ony citatioun, be presentit in judgement; bot be the contrar *in delictis priuatis* betuix partie and partie, sic as thift, ressett of thift, slauchter and murthour, as the partie aduerfar is purchesser of his Commissioun priuatlie, vpon his awin information, he can nawyis wyn that vantage, that summerlie, without dittay or copie thair of delyuerit, or lauchfull citatioun, he fall be summarlie be put to ane Assyis, as is in this caise: Swa that the Kingis Commissiounis ar of diuers natouris; sum gewin be his Maiestie without sute or informatioun of partie, vtheris gewin be informatioun. As to the nixt poynt, that he wes tane be Commissioun, thair is na Commissioun schawin; *et rite omnia*, it is desyrit to be schawin, that the partie may obiect aganis it.

Thaireftir, the pannell resswmit the argument aboue writtin, for the Ressett of

¹ Mr Edward Bruce was Commendator of the Abbacy of Kinloss, and by courtesy, termed 'My Lord of Kinloss.'
² Until.
³ From imprisonment to the bar of the Court.
⁴ Without.

⁵ Receives, admits of.

David Roife and vtheris contenit in the Dittay, att the horne, for Fyre-raſing and thift. It is alledgeit, that as tuiching that pairt of the dittay concerning the ffyre-raſing, I ſould nocht be put to ane Affyis ; becaus ffyre-raſing is ather *delictum publicum* or *priuatum* ; gif it be *priuatum*, I ſould be ſummond vpoune fyftene dayes wairning ; gif it be *publicum*, I ſould be ſummond vpoun fourtie dayis wairning, quhilk is nocht done.—The Aduocat repetis his former anſuer, with the practikis of Arkinglas, tane in this toun, preſentit on pannell ; Robert Quhippo, for thift ; Rauff Wallace, for fals cuinzie ; Pacok, for the ſlauchter of vmq^{le} Hary Colvile, and diners vtheris. As to that pairt of the allegance, that Thift, Murthour and ſlauchter, and Reſſett of thift, quhilk ar capitall crymes, ar *priuata delicta*, he makis na anſuer ; becauſe it is *ignorantia juris* to call thame *priuata delicta*.—To the quhilk it is anſuerit be the pannell, that as to the particuler practikis nominat, thair is na thing produceit ; and aganis the ſamin practikis, thir particuler practikis ar alledgeit : The perſuit movit be the Laird of Cwninghameheid and the Bairnis of the Laird of Waterf-toun, aganis David Wylie ; in lykemaner, the perſuit movit be the freindis of vmq^{le} Coronall Preſtounne, aganis Maidland *alias* Broune ; in the quhilkis, it wes fund be the Juſtice, that nochtwithſtanding thay wer tane, thay aucht to haif had fyftene dayes wairning. As to the nixt argument, tuiching *delictis priuatis*, repetis his former anſuer.

It is alledgeit, that Johnne Roife of Ballivot can nocht be put to the knowledge of ane Affyis for the Slauchter and Murthour of Huchſoune Roife, becaus that in the moneth of December, 1588 yeiris, he wes acquit lauchfullie be Affyife of the ſaid cryme ; as the Teſtimoniall of the dait, the thryd of December, vnder the feillis and ſubſcriptiounis of Lauchlan Angus M^cintofch in Termit, Johnne Cuthbert in New Caſtelhill, burges of Inuernes, &c., and ſubſcryuit be Johnne Dunbar, Johnne Wilſoune, Alexander Gaderar, notaris and clarkis.

ITEM, It is alledgeit, that the Slauchter of Robert Roife ſould nocht be put to ane Affyis, becaus it wes done in the defence of his lyffe, in his awin hous, quhair he wes aſſageit be xxiiij perfounes, for recovering of ane Decreit of Removing.

ITEM, As to the Reſſett of rebellis, he can nocht be put to ane Affyſe, becaus thair is na thing produceit to teſtifie thame to be at the horne. *Secundo*, gif it wer produceit, *non eſt crimen capitale*.

As for George Dunbaris thift of Clwnie, and for Reſſett of thift, hoching of oxin, and for the Fyre¹

As to the generall, for Commoun-thift and Reſſett of thift, it is ſa generall that it ſould nocht be put to ane Affyife.

Anſueris the Aduocat, to the Teſtimoniall of the clangeing produceit, that the

¹ A blank is left for filling up the plea of law.

famin can nocht stay proces, becaus the cryme being treflonabill, for the Slauchter of Huchfoun Roife vnder traift, the famin could nawyis be perfewit, bot ather at the instance of the kyn and freindis of the defunct for thair interes, or of the Aduocat for his interes ; and swa this Testimoniall, nocht proceeding vpoun sic perfute, is null. As to the *secund*, anent the Slauchter of Robert Roife, that the famin fould be repellit, be reffoun the defender produceis nocht his decreitis and lettres, quhairby he wald allege the fact to be *jure factum* ; and the allegiance can nocht stay the mater fra ane Affyse. As to the *thryd*, anent the reffett of rebellis, contenit in the dittay, (it) aucht to be repellit, in respect of his hienes Commiffioun, gewin, for taking of the defender and his saidis compliceis, as denunceit rebellis, for the saidis crymes ; lyke as, Lauchlan Roife in Leanwradich, being rebell, and tane with the defender furth of his hous, wes fenfyne put to the knowlege of ane Affyise, and wes convict and execut for the saidis crymes. The Aduocat lykewyis takis instrumentis, that painnell refusit to abyde ane Affyis for Commoun Thift and Refsett of Thift ; quhilk ar relevant crymis, being subioynit to ane particuler Dittay. To the quhilk, it is anfuert schortlie, *fyrst*, as tuiching the Testimoniall anent the Murthour of Huichfoun Rois, albeit it be sett doune in the Dittay to be treflonabill, he remittis the famin to the confideratioun of the Justice. The *secund* part of the argument alledgeit be the Aduocat, aucht to be repellit ; in respect of the Testimoniall produceit. As to the nixt, tuiching the Slauchter of Robert Roife, the excipient declaris, that he proponis that the famin may be coniunctlie discussit, be the Affyse, with the Dittay. As to the *thryd* poynt, considering the Refset of rebellis, allegis, na thing produccit to verifie the rebellis.

INTERLOCUTOR *of the Justice-Depute.*

THE JUSTICE Findis, that Johnne Roife of Ballivot falbe putt to the knowlege of ane Affyis, for the Burning of the Clwne, and for the steilling of George Dunbaris guidis, and hoching of the oxin. The Justice ffindis na proces aganis the said Johnne Roife for the Murthour of Huchfoun Roife, in respect of the Testimoniall produceit, testifeing him to be acquit. Findis, that Johnne Roife fould nocht be putt to ane Affyse, for the Slauchter of Robert Roife, quhill he be summond vpoun fyftene dayes wairning, except he wer att the horne for the said slauchter. The Justice Ordanis the Horning (to) be produceit, quhairin David McWilliame and his compliceis wer at the horne, for the Burning of Clwne and Thift, or (*before*) he be put to ane Affyse for the Refsett of thame. Ordanis Commoun Thift to be put to ane Affyse, in respect of the particuler Thift put to ane Affyse.

The Aduocatt takis instrumentis of the Interloquoutour. Allegis the aduocat, that Johnne Roife wes chargeit of befoir vpoun fyftene dayes wairning, for the Slauchter of vmq^{le} Robert Roife, and produceit the lettres quhairby he wes chargeit ; and swa he can nocht pretend ignorance that he wes wairnit vpoun fyftene dayes wairning.—It is alledgeit be Johnne Roife, that he wes nocht summond, att the leif lauchfullie summond ; becaus he is nocht summond att his duelling, and na duelling hous desiguit ; and *secundlie*, it is allegeit, that the charge makis

na mentioun that he knokit sax knokis.—The Aduocat alledgis, that he wes lauchfullie fummond, as the executioun beris ; and ane copie affixt bayth att his duelling and att the mercat croce.

The Aduocat produceit ane Hoirning aganis Dauid M^cWilliamme Roife and Lauchlan Roife and vtheris, quhome Johne Roife reffett.—(Johne Roife) alledgis, that the Horning is null, becaus the personis quha ar fummond and alledgeit to be att the horne are nocht chargeit vponne fourtie dayes.—It is anfuert be the Aduocat, that the Horning is lauchfull, becaus thay ar lauchfullie put to the horne for thift and hoching of oxin.

The said Mr Johnne Russell alledgeit for Johnne Roife, before Interloquoutour, that he can nocht be putt to ane Affyse for Reffett of rebellis ; becaus he is nocht fummond vponne fyftene dayes wairning thairfore ; and wes nocht fummond for Reffett of rebellis ofbefoir. It is alledgeit forder, that the Horning quhairby the rebellis is putt to the horne, quhom for, and for quhais reffett he is to be put to ane Affyis, is null ; becaus it is nocht regiftrat conforme to the Act of Parliament, in prefens of ane Notar and foure witneffis.—It is anfuert be the Aduocat, that Johnne Roife can nocht be hard to obiet aganis the Horning, becaus the defender, be the famin Lettres, is chargeit to find caution, and for difobedience is denunceit and tane for the famin cryme, be vertew of ane Commiffiounne rafit vpon the saidis lettres.—The aduocat addis forder, that the hoirning is fufficient, becaus the perfoun att the horne is lauchfullie denunceit.

THE JUSTICE continewis Interloquoutour till the morne ; and wairnit the Affyse to compeir the morne att tuell houris.

Jul. 30.—THE Aduocat passis fra that pairt of the dyttay, concerning the Reffett of Dauid M^cWilliamme Roife, rebell, and vtheris his complicis, *pro loco et tempore* : Quhairvpon the defender askit instrumentis.

It is alledgeit for Johnne Roife of Ballivot, that tuiching of that point of the dittay, concerning Robert Roife, the defender aucht nawyis to be put (to) ane Affyse ; becaus he is nocht chargeit vpon fyftene dayes wairning ; and infafar as it is alledgeit that thair wes ane anteriour citatioun vfit aganis him for the said cryme, the famin is nocht lauchfull ; feing it is euident, be the executiounis, that he is nather chargeit personallie, nor att his duelling place, conforme to the Act of Parliament ; and infafar as thar is mentioun maid of ane duelling place, trew it is, the famin is nocht defignit ; it being of veritie, that the tyme of the charge, and diuers monethis ofbefoir, and diuers monethis thaireftir, he duelt with his hous and famelic in his place of Slenes and duelling hous of Narne, att the quhilkis, and nather of thame, he is nocht chargeit : And gewand¹ that the executioun mycht respect the place of Ballivot, quhair he is alledgeit to be char-

¹ Giving, or granting, for the sake of argument.

geit, yit it can nocht sustene the executioun ; becaus he offeris him to preve, be witnes att the bar, that he duelt att his duelling place of Narne, the tyme of the charge, diueris monethis ofbefore, and diueris monethis senfyne : And nocht only is the duelling place nocht designit, bot thair is na mentioun of knoking, conforme to the Act of Parliament. It is forder alledgeit, that the partie enterit on pannell wes nocht tane for this cryme, viz. for the slauchter of Robert Roife, bot be vertew of ane Commissioun ; quhilk Commissioun procedit vpoun ane Hoirning ; quhilk Hoirning is null, and consequentlie the Commissioun fallis. It is forder allegeit be the said Johnne Roife, that na proces can be deduceit in this mater, without the Commissioun and Hoirning be produceit.

THE JUSTICE findis, that the said Robert (Johnne) Roife false put to the knowledge of ane Affyis for the Slauchter of Robert Roife, nochtwithstanding of the alledgences proponit be the said Johnne Roife.

The Aduocat takis instrumentis of the Interloquuntour.

OBJECTIONS *against the Affise.*¹

It is allegeit aganis *the Laird of Duffous*, [William Sutherland,] that he can nocht pas vpoun the Affyis of Johnne Roife, becaus he is thrydis and ferdis² of kyn with Dumbar, sheref of Murray ; quhilk sheref of Murray hes behavit him selff as expres partie aganis the said Johnne in this perfute ; fyrst, in causeing of him to be tane and apprehendit in the moneth of May lastbypast ; nixt, in purchessing of ane Commissioun for his apprehensioun, and executing of the famin, be him selff, his freindis and assistiris ; causing of him to be brought to Edinburghe, and thairefter transporting of him out of Edinburghe to Forres ; patt him in irnis thair ; brocht him bak in irnis ; purchest warrandis to that effect ; hes gewin informatioun to his Maiesteis Adnocat ; hes sollicit and procureit in this caus ; the persons of Inqueist gewin vp be him ; and fra the beginning, hes behavit him selff as partie ; procureit fra his Maieste Warrandis to tortour him ; and eftir the taking of him, hes brunt his bigingis and his houffis, within fyftene dayes eftir the taking of him ; and hes brunt his victuall, writtis and eidentis, being thairin ; haifing nather Commissioun, fyrst nor last, for doing of ony of the premissis ; and be him selff and his seruandis, freindis and assistiris, speciallie David Dumbar of Daldork, Williame Dumbar of Entirkyne, Patrik Dumbar, sheref-depute of Elgyn and fforres ; quha comperis personalie, and informis the Aduocat, quhilk he can nocht deny vpoun his conscience, hes perfewit this excipient with all regour.

And forder, *Johnne Dumbar younger of Craichla*, being requeisit be the Sheref Murray to pas vpoun this Affyis, hes purchest Licence fra him to pafs hame : And as to the Commissioun, the famin wes grantit to Johnne Dumbar of Moynes, quhilk procedeit vpoun ane reafoun of Horniog quhilk is null ; and swa, fra the beginning all is null, and consequentlie the Sheref Murray maun be eftemit ane profest partie, but (*without*) ony Warrant.—The Aduocat anfueris, that the alledgance is nocht relevant, ffor quhatewir the Sheref Murray did in this mater, haifand the Warrant of his Maiesteis Commissioun and directione, as is notour to my Lord Justice, the executione thairof tending only to Justice, can import na declinatour aganis him selff, mekill les aganis his kynnifman, aganis quhome thair is na relevant alledgeance maid, ather of feid or partiall counfall.—To the quibilk it is anfuerit, ffyrst, that thair is na Warrant produceit ; nixt, he had na Warrant ather to burne houffis, nor to tak and apprehend the partie ; bot speciallie, for burning of the hous eftir the partie wes ap-

¹ It has been thought of importance to preserve these curious objections at length. They strongly illustrate the remarkable state of the manners and customs of this District of Scotland at this period ; and besides, show the practice of the Court, in such matters, in a very striking manner. ² Within the third and fourth degrees of kin, or relationship. This was a statutory disability, and very frequently pleaded.

prehendit ; ffar les had he ony Warrant to gif vp ane Affyis, to gif vp dittay, to crave ane tortour, or to do ony of the particuler deidis contenit in the former alledgeance : And quhen ewir ony partie ingyues him felff willinglie, in that quhilk nawyis appertenis to his office, he man be eftenit as partie. And forder, the notorietye of this alledgeance is remittit to my Lord Justice, that the Sheref Murray, be him felff and his freindis, hes delt with his Majestie, the Officeris of Estait, the Lordis of Secreit Counfall, in preiudice of this partie, for away-taking of his lyffe. And last, quhatsumewir Commiffioun can be pretendit, ather in his name, or in the persoun of the Laird of Moynes, is alreddie fallin, and can be na Warrant ather to the ane partie or the vther ; becaus it procedit vpoun ane Horning, quhilk is alreddie null. And swa, all that he hes done, is done but (*without*) ane Warrant, and consequentlie, man be eftenit to be done be him as ane partie. Attoure,¹ it is of veritie, that the Sheref Murray, without ony Warrant, efter he had brunt the hous of Ballivot, quhilk wes eftir the taking of the said Johnne Roife be the space of fyftene dayes, violentlie, att his awin hand, tuik Johnne Roife eldest sone, and apperand to Johnne Roife of Ballivot, constitute him presoner and captiue, quhill² thaireftir he wes compellit to find cautione for his releif.

It is forder alledgeit, that the said Laird of Duffous can nocht pass vpoun the said Johnne Rosses Affyse, becaus thair is deidlie feid³ standand vnrecounsalit, betuix the Sheref Murray, his kyn and freindis on the ane pairt, and the said Johnne Roife, his kyn and freindis on the vther pairt ; nocht only for the caussis foirsaid, bot als wa for the burning of the hous of Ballivot, and taking of his eldest sone ; with the quhilk Sheref Murray, the Laird of Duffous is standand in consanguinitie, in maner foirsaid. It is forder alledgeit aganis the said Laird of Duffous, that he can nocht pass vpoun the said Johnne Rosses Affyse, becaus ane of the speciall pointis quhairfore the said Johnne Roife wes tortorit, wes for the burning of the coirnis of James Sutherland, brother to the Laird of Duffous ; in respect quhairof, the said Laird of Duffous can nocht passe vpoun his Affyis, seing the tortoring of him for the caus foirsaid importis ane deidlie feid.—The Aduocat repetis his fyrst anfuere, eikand, That the inquestioun of the burning of James Sutherlands coirnis att Johnne Rois, in his tortour be my Lord Justice, att his Maiesteis directionne, can import na feid aganis the Laird of Duffous.

Forder, it is alledgeit, that quhen the Sheref Murray fould haif put Johnne Roife to ane Affyis in Forres, the said Laird of Duffous came, as partie, with the Sheref to ingyue him felff⁴ vpoun his Affyse.

The Laird of Duffous, being sworne, declarit that he cam to Forrese, be command of the Kingis Maiesteis Letter, and as summond vpoun his Affyis, and nocht to persue the said Johnne Roife.

It is forder alledgeit be the said Johnne Roife, that the Laird of Duffous can nocht pass vpoun his Affyis, becaus thair is deidlie feid standand betuix the Sheref Murray, his kyn and freindis on the ane pairt, and Johnne Roife of Ballivot, his kyn and freindis on the vther pairt, for the crewall slauchter of vmq^e Allester Roife, quha wes slayne be the Sheref Murray his kyn and freindis, in the moneth of Majj ; quhilk vmq^e Allester Roife and Johnne Roife ar brether bairnis : And repetis the kyn⁵ betuix the Laird of Duffous and the Sheref of Murray. In lyke maner, thair is deidlie feid standand vnrecounsalit, betuix the Laird of Duffous, his kyn and freindis on the ane pairt, and the said Johnne Roife, his kyn and freindis on the vther pairt, ffor the crewall slauchter committit be George Roife, quha is secund and thrydis of kyn with the said Johnne ; quhilk George Roife slew Johnne Stewart, seruant to James Sutherland, brother to the Laird of Duffous.—The Aduocat anfuereis, that the slauchter of Allester Roife can import na feid, becaus he wes put to the tryell of ane Affyse, and ordourlie conuict for Thift, and execute to the deid. As to the secund, anent the slauchter of Johnne Stewart, it is nocht relevant, except Johnne Roife wald alledge, that the Laird of Duffous wes pairt-taker of that feid.

Anfuereis the pannell to the fyrst, that the alledgeance standis relevant, except my Lord Aduocat wald

¹ Moreover, besides.

² Until.

³ Deadly feud.

⁴ To offer himself voluntarily, as an 'ultrionous

witness,' without lawful citation to that effect.

⁵ Details the relationship.

instantlie verifie be writt, be quhat authoritie the said vmq^{le} Allester wes put to ane Affyse, and att quhat instance, and for quhat caus.—The Aduocat takis instrumentis that the Barroun of Kilraik declarit Allester Rois to haif bene heidit.—As to the nixt argument alledgeit be the aduocat, berand, that alledgance of the slauchter of Johne Stewart is nocht relevant, &c. ; it is anfuert for Johne Roife, that the slauchter of Johne Stewart, quha wes feruitour to James Sutherland, brother to the Laird of Duffous, committit be George Rose, makis him and his haill freindis to be pairt-takeris of the deidlie feid.

Alledgis, that *Alexander Young burges of Elgyn*, can nocht pafs vpoun the Affyse of Johne Roife, becaus he is nocht ane landit man ; *Secundlie*, he is feruand to the Laird of Duffous : Quhilk the Laird confest.—The Aduocat allegis nocht relevant, becaus ane burges may be a pair to ane landit man, nocht being ane barroune.

It is alledgeit, that *James Ruthirfurd burges of Elgyn*, can nocht pafs vpoun the said Johnis Affyse, becaus he is sister sone to the Laird of Tarbet, quha is vnder deidlie feid with Johne Roife for the slauchter of vmq^{le} Allester Roife.—The Aduocat alledgis, nocht relevant, in respect of his argument maid of befoir aganis the Sheref Murray.—It is alledgeit forder, be pannell, aganis James Ruthirfurd, that the Laird of Tarbet wes att the burning of the hous of Ballivot eftir the apprehensioune, and att the taking of Johne Roifis eldest sone.—The Aduocat anfuert, that quhat wes done in the burning, and taking of John Roifis sone, wes done be vertew of the Commiffiounne.

It is alledgeit aganis *Robert Dumbar of Burgye*, that he can nocht pas vpoun the said Johnne Roifis Affyse, becaus he wes att the burning of Johne Roife of Ballivot (his house) and taking of his eldest sone. Forder, it is alledgeit that George Dumbar, quha had his hous brunt, mareit Robert Dumbaris sifter. [‘Repellis Robert Dumbar.’]

It is alledgeit, that *George Brodie burges of Edinburghe*, can nocht pafs vpoun Johne Roifis Affyis, becaus he is thryd and ferdis of kyn with the Sheref Murray, for his Gudame wes the Auld Shereffis sifter : Nixt, he wes att the taking of Allester Roife.—Aduocat anfuert, that the taking of Allester Rose wes lauchfullie take, be the Sheref Murray as ane judge compitent.

It is alledgeit aganis *Mr Johne Dowglas of Neday*, that he can nocht pas vpoun his Affyse, becaus he is thrydis of kyn with the Sheref Murray, for his Gudame wes the Auld Shereffis sifter : *Secundlie*, thair is deidlie feid standand betuix Mr Johne Dowglas and Johne Rose ; becaus Mr George Innes, sifter and brether bairnis with Johne Roife, slew Mr Johne Dowglas moder : Forder, his brother Mr Alexander Dowglas, wes playne dilatour¹ of Johne Roife to the King.—The Aduocat anfuert to the freindschip² of the Sheref Murray as of before : As to the feid, referris to the said Mr Johne Dowglas ayth. [‘Stand by.’]

It is alledgeit aganis *George Lokart of Bar*, that he can nocht pafs vpoun Johne Rose Affyse, becaus he is nocht within the foure-half-about : *Secundlie*, the Sheref Murray and the Laird of Baris wyffe ar thryd and ferdis of kyn. [‘Bar, stand by.’]

It is alledgeit aganis *Thomas Gilzeam of Monachtie*, that he is nocht xxj yeiris, and that he has na land. [‘Repellit Thomas Gilzeame.’]

It is alledgeit aganis *Johne Huntar*, that he is na burges ; quhilk wes confest.

The King's Will against James Maister of Ogilvie and Alexander Lord of Spynie.³

Aug. 14.—Comperit Alexander Maister of Elphingstoune, thesaurer to our souerane lord, and produccit ane Act, containing his Maiesteis Will aganis the saidis personis, &c. ; quhilk Act the said Justice-depute pronuncit and declarit

¹ Accuser ; informer against ; he who gave up the Dittay. ² Relationship. ³ See Jul. 15, 25, & 29.

judicialle to the faidis parteis, and ordenit the famyn to be regiftrate in the buikis of Adiorvall, and to haif the ftreth of ane Act thairof, with executoriallis to pas thairvpoune, &c. ; quhair of the tennour followis.

AT HALYRUDEHOUS, the fourtene day of August, 1^m.VI^o. 5eiris. Forfamekill as *Alexander Lord of Spynie*, and certane his compliceis, on þe ane pairt, and *James Maifter of Ogilvie*, and certane his compliceis, on þe vther pairt, ar becum in his Maieftis Will, for þe Slauchteris and vtheris crymes committit be þame, at þe Conflict quhilk hapnit and fell out betuix þame, in þe moneth of laft : The Kingis Maieftie pairfoir hes declarit, and be þir presentis declairis, his hienes Will, as followis : THAT is to fay, becaus the faid Maifter of Ogilvie and his complices, befydes the slauchter committit be þame, hes violat and contravenit his hienes lawis and Actis of Parliament, maid aganis the bering, wering and schuting of hagbutis and pistoletis, that thairfoir he fall mak payment to his hienes, and to his Maieftis Thesaurer, in his hienes name, of þe sowme of fyve thowfand pundis ; quhair of þe sowme of ane thowfand markis betuix and þe first day of September nixtocum, and the remanent of þe faid sowme betuix and the tent day of November nixtocum : AND that the faid Lord of Spynie fall lykeways mak payment to his Maieftie and his Thesaurer, in his hienes name, of þe sowme of fyve thowfand markis ; quhair of ane thowfand markis betuix and the faid first day of September, and þe remanent of þe faid sowme betuix and the faid tent day of November nixtocum : As also, that the faid Lord of Spynie, for him selff, and takand the burding on him for þe haill personis quha wer in cumpany with him at þe faid Conflict, on þe ane pairt ; and the faid Maifter of Ogilvie, for him selff, and takand þe burding on him for þe haill personis quha war in cumpany with him att þe faid Conflict, fall subfcriyue ane Submissioure of þe feid and contraverfie betuix þame to his Maieftie, and sik of his hienes Counsale as his Maieftie fall thynk meit : And forder, that the faid Maifter of Ogilvie fall within þe space of sex dayis enter his perfoun in Waird, within þe burcht of Hadingtounne, and þair remane, or in ony pairt beeif¹ þe faid burcht : And that þe faid Lord of Spynie fall, within the famyn space, enter his perfoune in Waird, within the burcht of Lynlythqw, and þair remane, or in ony pairt bevest² þe famyn burcht ; ay and quhill this Declaratioure of his Maieftis Will be fullie fatisfeit and obeyit be þame, in all poyntis : And that thairefter thay be fred be his Maieftie. And ordanis and commandis the Justice, Justice-Clark and þair deputtis to pronunce þis his hienes Declaratioure of his Maieftis Will judicialle, and to cause regiftrate þe famyn in þe buikis of Adiorvall.

(Sic subfcribitur) JAMES REX.

For pronunceing and declaratioure quhair of, David Hairt, feruitour to the faid Alexander Maifter of Elphingstoune, askit actis and instrumentis.

The Earl of Gowrie's Conspiracy.

[THE GOWRIE CONSPIRACY has long been reckoned as one of the darkest pages of Scottish History ; and the subject has, perhaps, given rise to a greater profusion of controversial tracts, and to more difference in opinion among historians, than almost any other passage in our Annals. Having been so fortunate as to recover the Original Autograph Letters of Robert Logan of Restalrig amongst the ' Warrants' of the Parliament, and of the Privy Council, of Scotland ; and having, besides, after considerable research, discovered many other illustrative

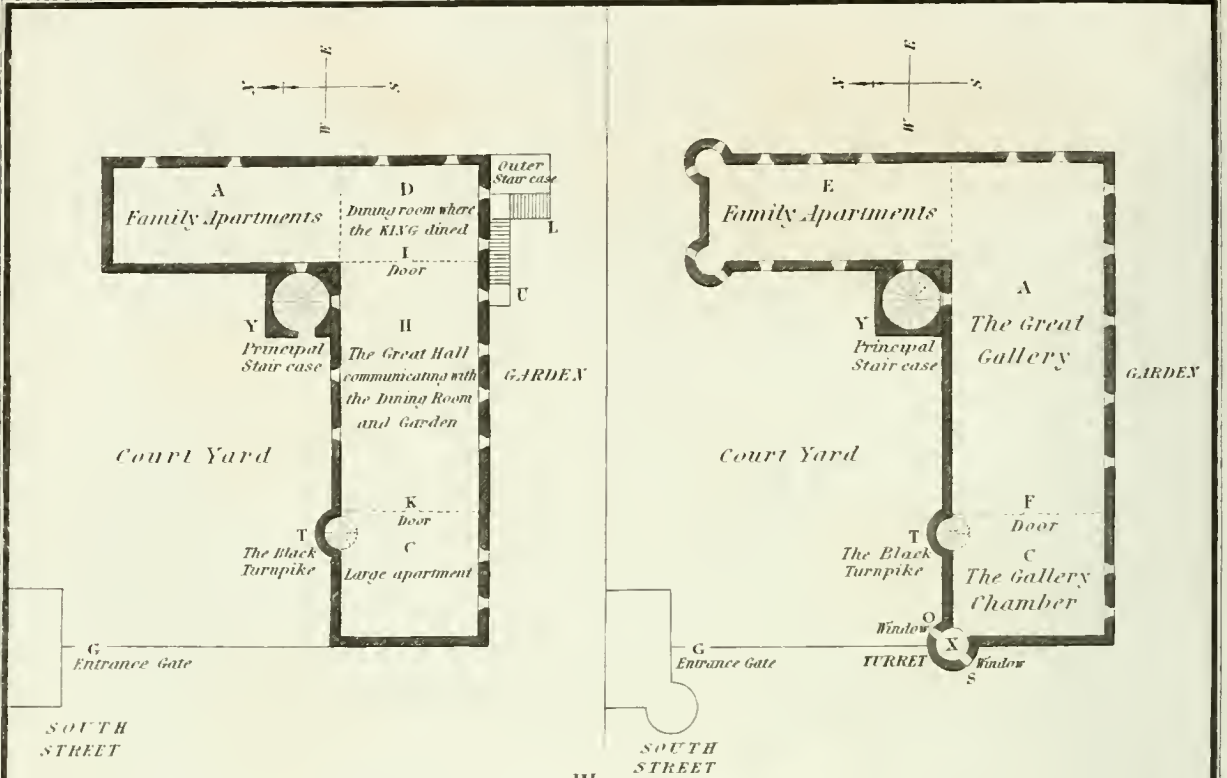
¹ To the eastward of.

² To the westward of.

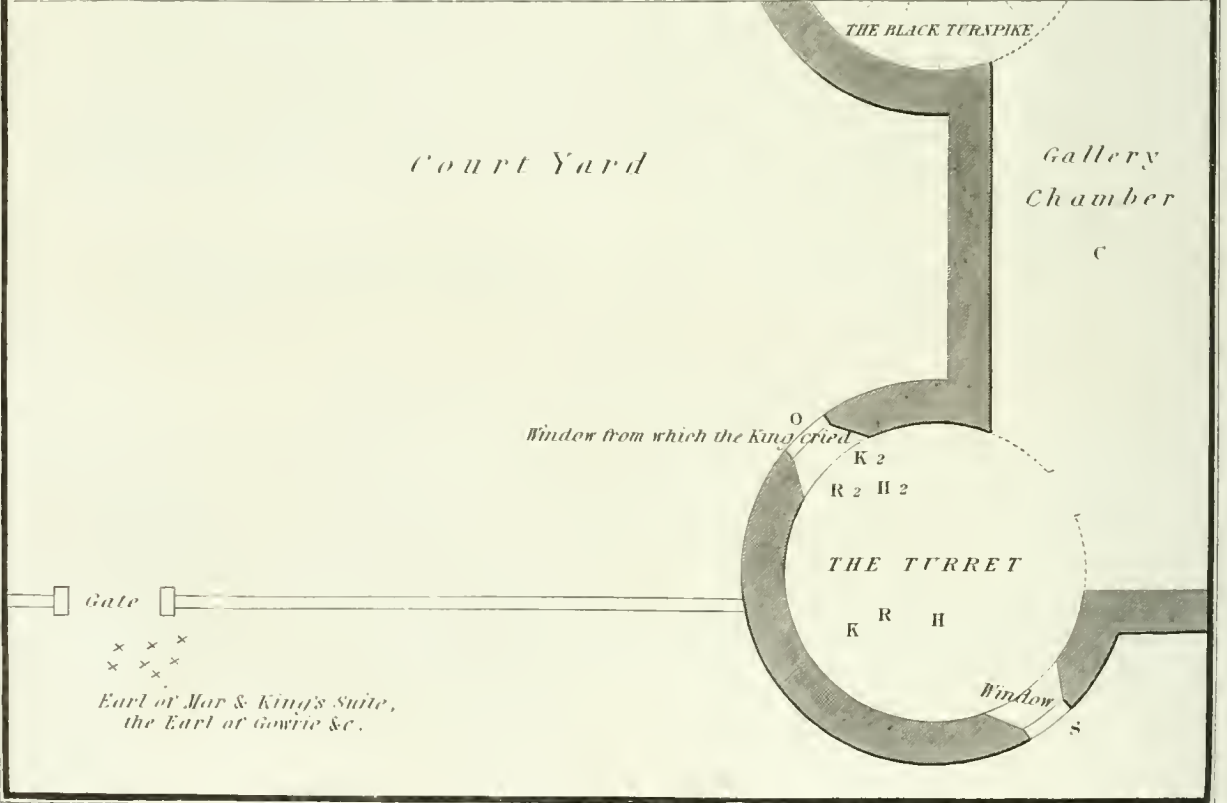
Gowrie's Conspiracy.

Engraved for *M^r Pitcairn's Criminal Trials.*

I **FIRST FLOOR.** *above the Kitchen or Ground floor.* **II** **SECOND FLOOR.** *above the Kitchen or Ground floor.* **PLATE II.**



III *THE TURRET into which the KING was taken.*



W H Lizars sculp^t

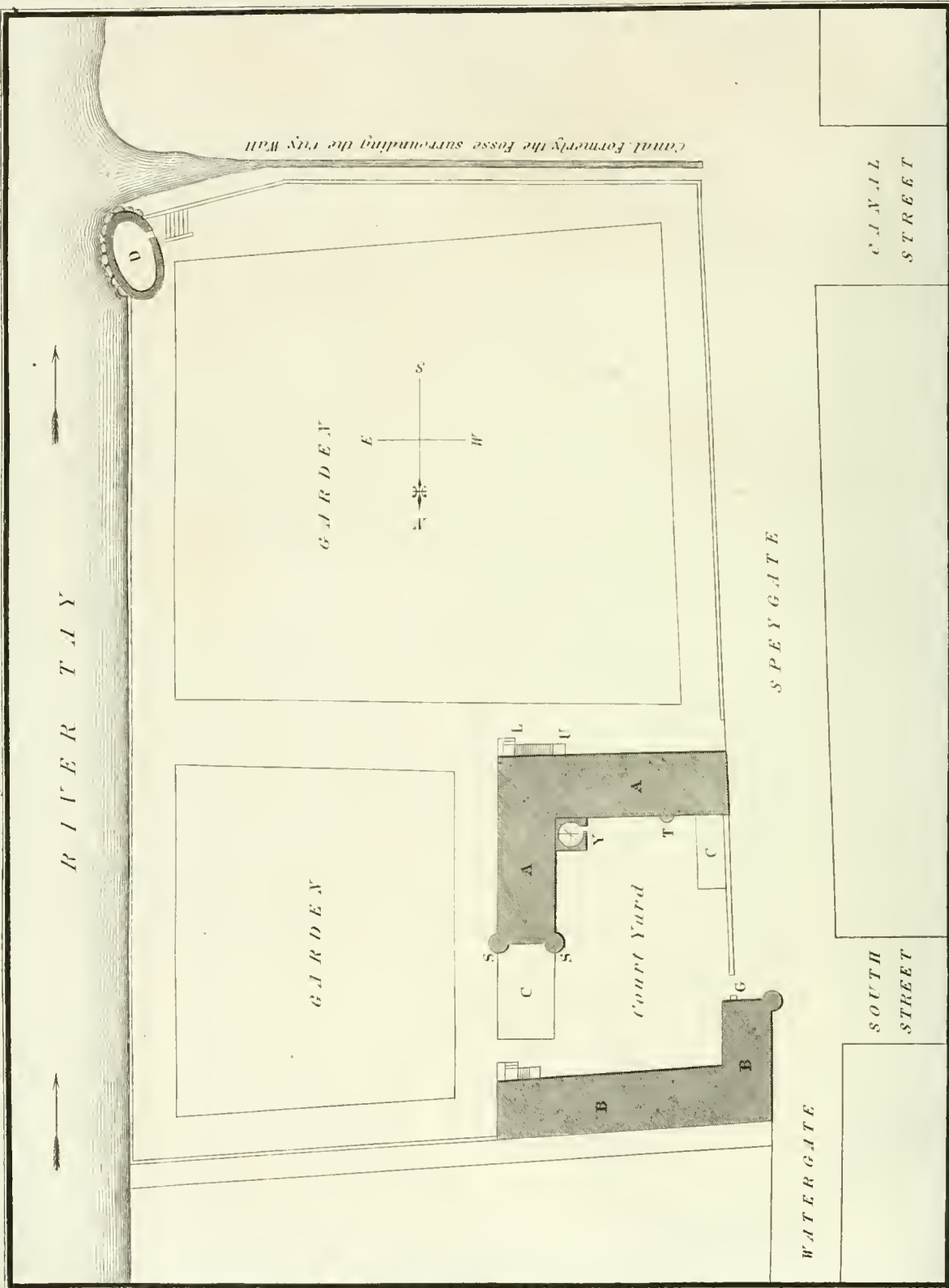
K, R, H, Position of the King, the Master of Ruthven and Andrew Henderson, on their entrance into the Turret & at the commencement of the Struggle. K 2, R 2, H 2. Their relative Situations, at the time the King cried for help.

Gowrie's Conspiracy.

PLAN OF GOWRY HOUSE & ADJOINING GROUND, A.D. 1806.

COL. II.

PLATE I.



J. R. 1806

A.A. The ancient portion of Gowry House, consisting of three floors and attics. B.B. The more modern portion of Gowry House. C.C. Temporary Sheds, latterly used for Artillery. D. The Monks Tower. G. The Entrance Gate. S.S. Two Towers. T. The Black & Turpiter. L.U. Flight of Steps leading to the Garden.

documents, tending to throw additional light upon this obscure and much-contested point, the Editor had intended prefacing the present Article, by a short Sketch or Narrative of the whole facts and circumstances upon which the reality and truth of this extraordinary drama must now be considered as hingeing. After mature deliberation, however, this purpose has been abandoned, chiefly because the introduction of such disquisitions is, in some measure, unsuitable to the plan and intention of this Collection, and, if indulged in, would encroach on space which is so much better occupied by extracts from the original and graphic pages of the Books of Adjournal. It seems to be more consistent with the nature of this work, to collect and place in juxta-position the entire authentic information which can now be procured from original and undoubted sources. With this view, therefore, considerable labour has been expended in searching the Public Records, and the unexhausted and truly valuable stores of the Faculty of Advocates, whose MS. Collections have been as carefully and extensively examined, as the other laborious avocations of the Editor would permit.

This arrangement is the less to be regretted, as so many excellent, though certainly most conflicting Accounts, have been written, both for and against the reality of this Conspiracy. Mr Parker Lawson, the ingenious author of the Life and Times of Archbishop Laud, has recently treated of this subject, in a concise and able manner, in his 'History of Remarkable Conspiracies.' The Editor, having heard of the work when it was in the course of going through the press, gave that gentleman free access to his entire Collections, partly with the view of saving the necessity of such a Disquisition as that which he had himself contemplated; and in order that the truth of this Conspiracy might, by Mr Lawson, be thoroughly sifted and placed upon an unquestionable foundation. The reality of the Gowrie Conspiracy has now, as is conceived, been satisfactorily made out by Mr Lawson, who has embraced views similar to those entertained by the Editor; and, after a patient examination of the whole of the evidence and materials, which have now been collected, has come to the same conclusions.

The Editor has only farther to remark, that the result of his enquiries and examinations of Original Documents are now offered to the Public; and that these Papers, a great portion of which are here for the first time published, are arranged, either in the order of their dates, or according to their apparent importance, and their bearing on the question. If they have swelled out to an undue size, the Editor hopes their novelty, and historical interest, will make ample amends. They have, at a considerable additional expense to the Editor, been condensed, as much as regard for the uniform typography and appearance of the book would permit.]

[CURIA JUSTICIARE, *f. d. n. Regis, tenta in Pretorio de PERTH, xxij August 1600, per Magistrum Wilelmum Haert, Justicium Deputatum.*]

Aug. 22.—MR THOMAS CRANSTOUNE and George Craigingelt, seruitouris to vniq^{le} Johnne Erll of Gowrie ; and Johnne M^cDuff alias Barroune, in Strabrand.

Dilatit of airt and pairt of the Treasonable crymes vnderwrittin ; committit aganis HIS MAIESTIE, the fyft of August instant.

The quhilk day, comperit Mr Thomas Hamiltoune, aduocat to our souerane lord, and produceit his hienes Warrant, directit to the Justice ; quhair of the tennour followis :

REX,

JUSTICE, Justice-Clerk and your deputis, We greit you weill. It is oure will, and We command you to put Mr Thomas Cranstoune, Johnne Barroune and George Craiggelt, to þe knowlledge of ane Affyis, for þe lait traitterous Conspiracie deuyfit and intendit to be execute aganis ws, at Perth : And thay being convict, that ye cause dome to be pronunceit aganis þame, to hang þame to deid : And that ye sie the same dome put to executione, without delay : Quhairnent thir presentis falbe your Warrant. Subscryuit with our hand, At Falkland, þe xxj day of August, 1600.

(Sic subscribitur)

JAMES REX.

ASSISA.

James Bower, notar in Perth,	Robert Broune, Kepar of his	George Murray, burges of Perth,
Andro Rae, baillie thair,	Maiesteis wyne fellar,	Patrik Seill, thair,
Johnne Ogilvie, faidler thair,	James Liddell, Potifar to his	Johnne Pullour, merchand thair,
David Rynd, flescheour thair,	Maieftie,	Andro Gellatlie, merchand thair,
Thomas Elgyn, thair,	James Bog, aid to the Maister	Williame Jak, baxter thair,
James Balnavis, flescheour thair,	Portar,	Patrik Drummond, skynner thair.

It wes alledgeit aganis *Robert Broune*, that he can nocht be putt on his Affyse, becaus he bure sword that day, and beris quarrell att him (Mr Thomas Cranstoune ?) The said Mr Thomas askit instrumentis, that Robert Broun declarit he bure quarrell aganis Mr Thomas sen that day, for the perfruit of his Maieftie.—The Aduocat askit instrumentis, that the said Robert declarit that it wes for perfruit of his Maieftie the King, quhilk can be na quarrell ; and thairfore he can nocht be put off the Affyse.

The Justice admittis Robert Broune vpoune the saidis personis Affyis.

It is allegeit be Mr Thomas Cranstoune, that *James Liddell* can nocht be vpoune his Affyse ; becaus he misreportit of him at Falkland.

The advocate produced the several Dittays, which follow.

DITTAY *against Mr Thomas Cranstoune.*

MR THOMAS CRANSTOUNE, Ye ar indytit and accusit of airt and pairt of the detestabill, horribill and tressonabill Conspiracie attemptat aganis our souerane lordis maist nobill personne, be vniq^{le} Johnne Erle of Gowrie and vniq^{le} Mr Alexander Ruthven, his brother : Forfamekill, as the saidis vniq^{le} Erle and Mr Alex-

ander his brother, haifing maift develiffie concludit amangis thame fellfis trefsonable to Murthour his Maieftie, thair natie Prince : And for that purpois, the Erle haifing directit the faid v^mq^{le} Mr Alexander, vpoune the fyft day of Auguft instant, to his Maieftie, the faid v^mq^{le} Mr Alexander, v^mg incredibill craft and diffimulatione, haifing efelie perfwadit with his fair wordis, vtterit in maift humbill and loving maner, his Maieftie to ryde with him to St Johnftoune ; and the faid v^mq^{le} Johne Erle of Gowrie, haifing with the lyke deffait of mynde and hwmilitie of behaviour, reffautit his Maieftie, and drawin him to his ludgeing ; immediatlie efter denner, the faid v^mq^{le} Mr Alexander requeffit his Maieftie to gang with him to the Gallerie chalmer of the faid lugeing, quhilk his Maieftie reddelie did, fufpecting na ewill, bot mefuring the intentionis of that diffaitfull traittour with the finceritie of his hienes awin hairt : In the meyn-tyme, the faid v^mq^{le} Mr Alexander, haifing lokkit behind him diuerfe duris, led his Maieftie to the Cabinet of the faid Gallerie chalmer, quhair he had preparit Andro Henderfoune, familiar feruand to the faid v^mq^{le} Erle with ane fecret,¹ plait-flevis, fword and quhingear, be expres command of the faid Erle, to await vpoune the faid Mr Alexanderis cuming, and do quhatfoever he commandit him ; and thair, finding tyme and all vther occasionis to concur for performing of his maift abhominabill trefloune, haifing coverit his heid, and drawin Andro Henderfounis quhingear, he maift horriblie and crewallie presentit the famyn to his Maiefteis hairt, vowing instantlie to flay him for the death of his v^mq^{le} fader, convict and execute to the death, be ordour of Justice, for Heich Trefloune : And fynding him felf funquhat diffapoyntit, be the faid Androis withdrawing of his quhingear furth of his hand ; and, as it pleafit God, funquhat dafchit be his Maiefteis graif and constant fpeicheis and reffonis, he trefsonable caufit his Maieftie sweir that he fuld keip fylence, and remane prifoner in that chalmer, quhill he returnit fra his brother, with quhome he wald confult. And fwa, haifing trefsonable imprefonit his Maieftie, and lokkit the dur vpoun him, and incontinent returning within the chalmer, he trefsonable fwoir that his Maieftie behovit to die ; and preiffing to haif bund his Maiefteis handis with ane gartane,² quhilk he had lowfe in his handis for the purpois ; and fynding his Maieftie to refift, he putting his rycht hand to his fword to haif drawin it, and with the vther maift crewallie and vmercyfullie haifing grippit his Maieftie mouth and berd, of purpois baith to hald him and hinder him to fpeik ; neuirtheles, his Maieftie, extraordinarlie ftreuthennit be the mercie of God, stayit him to draw his fword, and cuming to the wyndok foirnent the way to the Spay-point, cryit for ‘ Help’ to my Lord of Mar, and vtheris his faythfull fubiectis ; quhair the faid Erle of Mar, with diuerfe vtheris his Maiefteis deutifull fubiectis and fer-

¹ A coat of chain-mail of proof, *secretly* worn under the usual dress.

² Garter,

wandis, being of accident drawin thair, be the maist tressonabill devyise of the said vinq^{le} Erle of Gowrie, be ane bruit¹ gevin out be yow the said Mr Thomas Cranstoune, that 'his Maiestie wes riddin away,' thairbye to induce his hienes ferwandis to ryn to thair horsis, and thynking to follow the King, to poist of (*off*) the toune, and to leif him destitute of all help: That deveilleifelh inventioun, proiectit for the mair secret and assurit executioun of his Maiesteis slauchter, turneing, be the providence of God, to the beginning of his Maiesteis saistie and releif; all faythfull subiectis, feing his Maiesteis exceding danger, haistit for his releif; bot preiffing all to enter the way, thay saw his Maiestie drawin to the said chalmer be the said vinq^{le} Mr Alexander, and being secludit be sa mony durris, lokkit, in that passage, be the said vinq^{le} Mr Alexander, of set purpos: At last, Sir Johne Ramfay, led doubtleslie be the spreit of God for his Maiesteis saistie, ran vp the bak turnepyke,² being ane vnaccustumit passage, and enterit be ane dur of the said chalmer, quhilk anfuert to the said turnepyke; quhilk dur wes opnit of accident, be the said Andro Henderfoune; quha, being confoundit with horrour of sa heich tressoune, quhen he saw it at the poynt of the executioun, baith hairt and hand being tane fra him, be the power of God, protectour of his Maiesteis innocencie; the said Sir Johne Ramfay entering in the chalmer, and feing the horribill violence vsit be the said vinq^{le} Mr Alexander to bereve his Maiestie, destitute of armour or wappynnis, of his lyffe, ran to his help; and haifing gevin to the said Mr Alexander sum straikis with his quhin-gear,³ expellit him furth of the foirsaid chalmer. During the quhilk space, the said vinq^{le} Erle, persaising his tressoune discoverit, and being vpoune the Hie street of the said burcht of Perth, accompaneit with thre or four seoir of personis or thairbye, he come foirnent the duelling-hous of Archebald Makbreg, haifing na provocatioun, nor knawin nor sene cause to vse ony wappynnis, drew his twa swordis, and thairbye gaif example to his haill cumpany to do the lyke, and altogidder ruschit langis⁴ that pairt of the gait,⁵ with drawin swordis to the 3et⁶ of his lugeing; his Maiestie being thairin for the tyme, in maner foirsaid: And thair, ye the said Mr Thomas, enterand with your drawin sverd befor the said Erle, he commandit yow to enter vp the Blak-turnepyke; lyke as ye and he tressonablie ran vp the said turnepyke, accompaneit with Alexander and Harie Ruthvennis, Hew Moncreif, Patrik Eviot and diuerse vtheris your complices, and cuning to the said Gallerie chalmer dur, within the quhilk his Maiesteis maist nobill persoun was for the tyme; and thair, fynding the said Sir Johne Ramfay, Sir Thomas Erskyne and Doctor Herreis at the dur for his Maiesteis defence,

¹ Fr. *bruit*, a report or rumour. ² For 'blak turnepyke,' a winding staircase, commonly in a turret. The term is still used in Scotland. ³ A sort of cutlass or short sword, a *hanger*. ⁴ Along, *alongst*. ⁵ Street or road. ⁶ Gate.

ye tressonable invadit and persewit thame for thair slauchteris, repulfat thame perforce, and enterit within the samyn chalmer, hurt and woundit thame, and everie ane of thame ; and left nocht of the persute of the said horribill Tressoune, quhill the said vmq^{le} Erle, being slane within the said chalmer, and ye haifing reffawit twa deidlie woundis, disparit of performing your interpryis, fled doune the cloise, quhair ye tressonable commandit to gaird and keip the bak yet ; and assistit ane nowmer of seditious rebellis, quha had inclufit and beseageit his Maiestie within the said ludgeing. Quhairbye, ye haif committit maist Heich, manifest and abhominabill Tressoune ; and ar airt and pairt thairof.

DITTAY against George Craiggyngelt.

GEORGE CRAIGGYNGELT, Ye ar indytit and accusit of airt and pairt of the maist crewall, abhominabill and tressonabill Conspiracie attemptit aganis our Souerane Lord, be vmq^{le} Johne Erle of Gowrie your maister, and vmq^{le} Mr Alexander Ruthven his broder, vpoune the fyft day of August instant. Forfamckill as, Johne sumtyme Erle of Gowrie, and vmq^{le} Mr Alexander Ruthven his broder, haifing maist crewalie, vnnaturallie and tressonable Conspyrit his Maiesteis Murthour ; and, for performance thairof, vpoune the fyft day of August instant, the said vmq^{le} Mr Alexander, be directioun of the said Erle, haifing maist dissaitfullie drawin his Maiestie to Perth : And, efter his demer, haifing perswadit his hienes to gang quytlie his allane to the Gallerie chalmer, and thair, tressonable, with the drawin quhingear of Andro Henderfoune, quhome he had laid than in wait, armit with secreit, plait-flevis, sword and quhingear, to assist him and do quhat he directit, according to the command gevin to him be the said vmq^{le} Erle his maister, haifing preiffit to haif slane his Maiestie ; and being sumquhat stayit be sik graif perswasionis, as God at that tyme furneiffit his Maiestie to stay the rage of that tressonabill angre, he take his Maiestie sworne that he suld keip sylence, and remane presoner in the foirsaid chalmer, till he returnit : And than lokkand the dur, and incontinent returnand, he declarit his Maiestie behovit presentlie to die ; and preiffing to bynd his handis, and incensit be his resistance, haifing layit his rycht hand to draw his sword, and being stayit be his Maiestie with his vther hand, haifing vnnaturallie and crewallie tane his Maiestie be the berd and the mouth, to hald him and stay him fra crying ; nochtwithstanding quhairrof, his Maiestie, be the assistance of God, wan to the windok that luikis to the Spay-poynt, and thair cryit for ‘ Help ! ’ During the quhilk space, the said vmq^{le} Erle, haifing raifit ane fals brute, that ‘ the King wes away ; ’ thairbye to haif inducit all his hienes serwandis to poist to overtak him, vpoune the way to Falkland : Quhill thay wer making haist to get thair horsis, and abyding vpoune thame, betuix the said lugeing and the poirt, it pleffit God, that my Lord Duke, the Erle of Mar, and certane vtheris his Maiesteis

weill affectionat subiectis and serwandis, saw and hard his Maiesteis cry ; quha rymmand to his releve, and fynding na man to enter, being excludit be sa mony duris, lokkit of set purpos be the said Mr Alexander at his vpgooing : At last, it pleasit God to direct Sir Johne Ramsay vp the Bak-turnpyke, quhair, fynding the bak dur of the said chalmer opnit be Andro Henderfoune, quha, stupefeit with the vnspcakabill horror of the sycht of the said Tressoune, preparit him selff to flie thairfra ; the said Sir Johne enterit, and in his faythfull and dewtiefull hairt of his Maiestie, geveing sum sfracis with his quhingear to the said vmq^{le} Mr Alexander, pat him perforce furth of the said chalmer : And than, the said vmq^{le} Johne Erle of Gowrie, seing his Tressoune discouerit, and in danger to be dissapoyntit, casting of the mask of his depest dissimulatione ; being vpoune the Hie streit of Perth, accompaneit with thre or four scoir of his complices, without ony occasioun gevin to him, or sycht of ony contrair partie,¹ drew his twa swordis, and thairbye causit the rest draw thair sverdis ; and than tressonablie come, in hostile maner, to the yet of the said duelling-houise, quhair his Maiestie was for the tyme, and tressonablie entering with drawin swordis, Ye the said George Craiggingelt, than meting him with ane drawin twa-handit sword in your hand, the said Erle commandit to keip the bak yet, quhilk ye tressonablie did ; and ye, with Mr Thomas Cranstonne, Alexander and Harie Ruthvennis, Hew Moncreif, Patrik Eviot and vtheris his complices, rinnand vp the Blak-turnpek, to the chalmer quhair he knew his Maiestie to be for the tyme, tressonablie and perforce enterit thairin, sfrac fra the defence thairof Sir Thomas Erskyne, Sir Johne Ramsay and Doctour Herreis, his Maiesteis serwandis, and persewit thame for thair slauchteris, and crewallie woundit thame, and insffit in the crewall and vnumercifull perfruit of this abhominabill Tressoune to the verrie death : During the quhilk tyme, Ye the said George Craiggingelt, obeying the tressonabill command of your said vmq^{le} maister, tressonablie enclofit the said bak yet ; and assistit be ten or twelf rascallis, your complices, tressonablie besegit his Maiestie, your soueranis maist nobill persoune ; and remanit with your twa-handit sword drawin, in your hand, attour² the space of twa houris, at the said bak yet, and in the cloise of the said lugeing, and sufferit na man to haif entrie or passage at the said yet : And lykewyis, tressonablie minasfit his Maiesteis domestik seruitouris, being inclusit and besegeit with his Maiestie within the said lugeing, for thair slauchteris, boisting³ to hang thame, and avowing that thay suld all die ; ye herand and seand Harie and Alexander Ruthvennis, and vtheris your complices, call for poulder to blaw vp the said lugeing, and causing bring ane jeist⁴ to ryn at the yet thairof, and ding it vp,

¹ Adversary. ² Above, more than. ³ Threatening. ⁴ A jcist or beam, to be used as a battering-ram to force open the gate.

that thairbye thay mycht haif enterit perforce, and crewallie Murderit his Maieftie, and his faythfull ferwandis, being with his Maieftie thairin. Quhairbye ye haif committit maift Heich and manifest Trefloune; and ar airt and pairt thairof.

DITTAY againſt Johne Makduf alias Barroune.

JOHNE MAKDUF alias BARROUNE, Ye ar indytit and accufit for airt and pairt of the treflonabill Conſpiracie attemptit be vinq^{le} Johne Erle of Gowrie, and vinq^{le} Mr Alexander Ruthven his broder, aganis the Kingis Maieftie, vpoune the fyft day of Auguſt inſtant. Forſamekill as the ſaidis vinq^{le} Johne Erle of Gowrie, and vinq^{le} Mr Alexander Ruthvene, having ſecreitie Conſpyrit his Maieſteis Murthour; and for affectuating thairof, the ſaid vinq^{le} Erle having directit his brother Mr Alexander the ſamin day to Falkland, to perfwaid his Maieftie to cum to S^t Johnſtoun, to the ſaid vinq^{le} Erles lugeing; quhair, efter he had dynit, the ſaid Mr Alexander, having drawin him to the ſaid Gallerie chalmer, and lokkit the haill durris efter him, and having Andro Henderfoune lyand in wait, be directione of the ſaid vinq^{le} Erle, armit with his ſecreit, plait-flevis, ſword and quhingear, and commandit be him to do quhatſumever the ſaid vinq^{le} Mr Alexander his broder fuld bid him; the ſaid vinq^{le} Mr Alexander drew the ſaid Androis quhingear, and myntit¹ to have flane his Maieftie thairwith; and being pairtlye ſtayit be the taking of the quhingear fra him, and pairtlye be the maieftie of his nature, prait² and reaſonis vſit be him, to ſtay his treflonabill furie; haifing promeſit to advyſe with his brother, takand in the meyntyme his Maieſteis ayth, that he fuld remane preſoner, and keip ſilence; he paſſit furth, lokkit to the dur, and ſchortlye thairefter returning, ſwear abhominablie, that he behovit inſtantlye to die: And preiſſand to haif bund his Maieſties handis, to the effect he mycht the mair eſelie have murtherit him, his Maieftie, be the aſſiſtance of God, maid ſik reſiſtance as he wan to the windo of the ſaid chalmer; and ſeing certane his hienes faythfull ſubiectis, cryit for ‘Help’ aganis the murthorer, preiſſand to bereave him of his lyffe. And the ſaid vinq^{le} Erle, cairfull to withdraw all meanis of help or ſuccours frome his Maieftie, having cauſit raiſe ane fals rumour of his Maieftie paſſing away, quhilk him ſelf and Mr Thomas Cranſtoun his ſerwand aſſermit to be trew, and that his Maieftie was paſt Mid-Inche;³ be occaſion of the quhilk rumour, my Lord Duke, the Erle of Mar, and vtheris his Maieſteis ſerwandis, being run to ſeik thair horſis, to follow his Maieftie, quhome thay ſupponit to be away; ſeing and hering his Maieſteis preſent danger, ran to his releve, bot being ſtayit be the duris, lokkit of ſet purpois be the ſaid vinq^{le} Mr Alexander, could nocht haif accels; quhill at laſt, it pleaſit God to direct Johne Ramſay to rin vp the Blak-trumpyke;⁴ and

¹ Made an attempt, essayed.

² Talk, persuasion. It is not unlikely that this is a mistake of the transcriber, for ‘grace.’

³ Past the middle of the South Inch of Perth.

⁴ Turnpike. The

thair, fynding the dur of the said chalmer opuit, be the said Andro Henderfoune, preiffand to flie furth of the fame, abhorrand the fylthines and crewaltie of the said Treaſoune, the said Johne Ramſay enterit, and diſchargeand his native and bund dewtie to his Prince, gaif to the said Mr Alexander ſum woundis, and expellit him furth of the said chahner; quha, falling in the fute of the said trumpeke; albeit ye the said Johne Barroune, hard, ſaw and knew his Maieſteis perrell, nawyis movit thairwith, nor preiffand onywyis, according to your dewtie, to mak him ony releif; bot be the contrair, preiffand to aſſiſt the said treſſonabill attemptat aganis his Maieſtie, ran furth to the Hie ſtreit, quhair the said vinq^{le} Erle was for the tyme, and declarit to him that his said vinq^{le} broder wes ſlane; and thairbye incenſit the said Erle to draw his ſwordis, and furiouſlie ran with his complices to his ludgeing, quhair his Maieſtie was for the tyme; and treſſonablie enterit thairin, and paſſit vp to the dur of the chalmer, quhair his Maieſtie was for the tyme, and invadit his Maieſteis ſerwandis, being thair for his Maieſteis defence, and perſewing thame for thair ſlauchteris, dang¹ thame in diuerſe pairtis of thair bodeis; and inſiſtit in the treſſonabill executioun of his Conſpiracie foirſaid, to the verrie death; quhome ye treſſonablie movit, be your aduerteifment, to the executioun of the said treſſonabill Murthour, with his awin handis: Lyke as, ye followit him in the said treſſonabill interpryife, and enterit within the said lugeing; and in the cloiſe, at the bak zet, haveing incourageit all men to aſſiſt the said vinq^{le} Erle, did quhat in yow lay to ſteir vp all men to fortifie the said vinq^{le} Erle in his said Conſpiracie: And thairbye, ye was airt and pairt of the said maift horribill Treafon.

THE said Aduocat produceit, for verificatioun of the Dittays; in the fyrſt, the Depoſitiounis of Andro Henderfoune, to prove the devyſe and actuall executioun of the Treafoun lybellit; and vſit the ſamin aganis the hail pannell. And, for verificatioun of Mr Thomas Crauſtounis particuler Dittay, produceis the said Mr Thomas thrie Depoſitiounis, ſubſcryuit with his hand, and cognofeit be himſelf: Togidder with George Craigingeltis Depoſitioun, ſubſcryuit with his hand. And, in lyke maner, produceit the said Georgeis Depoſitioun aganis him ſelf: And the Depoſitioun of Johne M'Duff alias Barroun, for verificatioun of his Dittay. Togidder with the Depoſitioun of Olipher zoung, James Drummond and David Rynd, auent the bringing of ane jeift to force the zett, his Maieſtie being thairin: And alſo, the said Davidis Depoſitioun, that he hard Alexander Ruthven cry for powder.

Repetis the xxv Act of King James the ſecund, expreſſing that the Invaſioun of the Prince, and aſſalzeing of ony caſtell, place or hous, quhair his Maieſtie is, is Treafoune: And lykewyis, the hundreth threſcoir and fyftene Act of the

proper name Turnbull is ſtill vulgarly pronounced Trumbull, and was at this period commonly ſo written; the word turnpike ſeems to have been ſimilarly corrupted. ² Violently ſtruck and thruſt at.

Kingis xiiij Parliament ; bering, that the frykeing, hurting or flaying of ony perfour within the Kingis Inner-Chalmer, Cabinet or Chalmer of peace, the Kingis Maieftie for the tyme being within his Palice, to be Treafoune. Repetis the notorietie of the fact, and the knowlege of the Affyis thame fellfis ; and gif thay clange,¹ Proteftis (for) Wilfull and manifet Errour.

VERDICT. Quhilkis perfonis (of Affyis) being chofin, fworne and admittit ; and the faidis Mr Thomas Cranfton, George Craiggigelt and Johne M^cDuff alias Barroune, being accufit, in thair prefens, of the particuler Dittayis *refpective* foirfaidis, and crymes contenit thairin ; quhilkis wer verifeit, be thair awin Depofitionis, diuerfe Actis of Parliament, and vtheris Depofitionis produceit be the faid Aduocat ; the faidis perfonis of Affyis, immediatlie thairefter, pafte alto-gidder furth of Court, to the Over-hous of the faid Tolbuith ; quhair thay, efter chefing of the faid Andro Rae chancellor, reffonit vpoune the pointis of the Dittayis *refpective* foirfaidis, and votit thairvpoune ; and eftir longe reffoning and confultatioune vpoune the famyn, being throughlie avyfit thairwith, re-enterit agane in Court, in prefens of the faid Justice-depute ; quhair thay, be the mouth of the faid Andro Rae chancellor, ffind, pronunceit and declarit the faidis Mr Thomas Cranftoune, George Craiggigelt and Johne Makduff alias Barroune, to be Fylit, Culpabill and Convict of airt and part of the maift crewall, abhominabill and treffonabill Conspiracie, attemptit be vni^q^{lc} Jolme Erle of Gowrie, and vni^q^{lc} Mr Alexander Ruthven his brother, aganis the Kingis Maieftie, committit vpoune the fyft day of Auguft infant : As at mair lenth is contenit in the Dittayis *refpective* abouewrittin, laid to thair charge.

SENTENCE. For the quhilk caufe, the faid Justice-depute, be the mouth of Williame Lyell,² dempftar of the faid Court, Decernit, Ordanit and Adjudgeit the faid Mr Thomas Cranftoune, George Craiggigelt and Jolme Makduff alias Barroune, to be tane to ane Gibbet, befyde the mercat-croce of Perth, and thair to be HANGIT quhill thay be deid ; and all thair Landis, heritageis, takis, ftedingis, rowmes, poffeffionis, guidis and geir, to be fforfalt and efcheit to our fouerane lordis vfe, as Convict of the faidis crymes.³

¹ *Cleanfe*, i. e. find the pannels Not Guilty, or Acquit them. ² ‘ Jolme Fendraucht’ is deleted, and ‘ W^m Lyell’ interlined, and alfo the name is written on the margin. ³ ‘ Upon Saturday, the 23d of Auguft, *Mr Thomas Cranftoun, George Craiggigelt* and *John Baron*, officer of Strabran, attenders upon the Earl of Gowry, were hanged in St Johnfton, for drawing their fwords in the time of the tumult ; yet confefed they nothing which might finell of knowlege of any Conſpiracy.—Mr Thomas Cranfton, brother to Sir John Cranfton of that Ilk, exhorted the people to forbear impreccations againft themſelves ; for he had now found by experience, that they wanted not their own effect. For that he himſelf had vfed three kinds of impreccations, viz. “ God nor a fword go through me !”—“ I ſhall be taken for a Traitor !”—“ God nor I be hanged !”—“ I have been taken,” ſaid he, “ for a Traitor ; but I thank God, I am nocht one. I was ſtabbed through with a fword at this laſt tumult ; and now, I am to be hanged !” He conceived a fervent prayer, at which time, in the miſt of a cloudy darknefs, glanced a ſudden brightnefs, to the aſtoniſhment of the beholders.’—From *Calderwood’s MS. Church Hiſtory*, in the Univerſity of Glaſgow.—*Scott’s MSS.* Adv. Lib.

DEPOSITION OF MR THOMAS CRANSTOUN.¹

AT THE BURCH OF PERTH, and within the duelling hous of Johne Pitcarne thair, the sext day of August, the yeir of God I^m and sex hundreth yeiris.

Quhill day, in prefens off Mr Patrik Galloway Minifter to his Maieftie, Oliuer Young, Andro Ray bail⁵eis, James Adamfone dene of gild, Williame (Jak) dekin of the baxteris, and Henrie Elder commoue clerk, wreter heiroy, burgefes of the faid burch of Perth,

MR THOMAS CRANSTOUNE, fwytyme feruitour to vmq¹⁰ Johne Erle off Gowrie, being appellit on his confciencie, as he vald anfuer to God, feing he was vpoune his deid bed, as appeirit to thame, deidlie vondit with twa ftraikis, Deponit as followis. THAT vpoune the fyft day of August instant, he being in the ludgiug, hering ane vncertane rumour and brute² of the Kingis furth-going to the South Inche, came donne the bakftair to the gardin 3eard, qubair my lord his maifter wes ganging, as he rememberis, with my lord Duik, or with fwme vther nobill man; to qubome the faid Mr Thomas faid, 'The report and brute is, my lord, that his Maieftie is gane to the South Inche.' Qubairvpoune my lord defyrit him to 'to hawe his hors readie, that he nicht follow;' quha' anfuerit, 'they³ war in Scone; and fa being his Maieftie in the Inche, it vald be hard or they come furth thairof⁴ and to ourtak his Maieftie.' Thaireftir, he followit my lord through the hall to the wtter clois, and thairfra the faid Mr Thomas paffit to the bak clois to feik his boy, for fending of him to Scone for the hors; qubome he culd nocht find: And quhill he wes thair, he hard ane tumult and din; and thairvpoune come throch the wtter clois to the for-3eatt, inquiring all the gett,⁵ 'Quhat the matter fuld be?' And in the end, feing my lord his maifter ftrugling befor the 3eatt, with certane of Tullibardins feruandis, young Tullibardin being present; he, fwa far as he nicht, with the help that was present, freithit⁶ my lord fra present ftrugling. In the meane quhill of the faid ftrugling, my lord fell on his henche and elbo; bot ryfing agane, paffit vp the gait, foirnent Archebald Makbrekis, qubair he drew his tna fuordis furth of ane tkabert; quhillk the faid Mr Thomas feing, being jowp alane,⁷ lwit his clok fall,⁸ and lykwayis drew furth his fuord, inquiring of my lord, 'Quhat the fray was, and quhat he wald do?' To qubome my lord anfuerit, 'He wald gang in to his awin hows, or die be the way.' Qubair to the faid Mr Thomas replyit, he vald gang befor him; bot prayit his lordfchip to tell him, 'qubome at he fuld ftraik, becaus he knew nocht quha was pairtie.' And fua, tindyng fordvard to the 3eatt, ane pat ane feilbonet on my lordis hede; quha it vas he knowis nocht. Proceeding fordvard, at the awld turnepect dur, the Maifter of Gowrie was lyand, quhidder deid or hurt he knew nocht; and nocht perfyttie knawing quha than it was, becaus he saw nocht his face; fpearing quho it was, my lord baid, 'Vp the flair!' And he paffing fordvard, at my lordis command, nawayis knawing quha followit, my lord come to ane chamber, quhair he faw Sir Thomas Erkin, Doctour Hereis and Jhone Ramfay ftaudin with drawin fuordis; quhillk Doctour Hereis, prefenting his fuord to ftop the entrie, Mr Thomas faid to him, '3eall theiff! dar thou?' Doctour Hereis anfuerand, 'A Mons⁹ Cranftoune!' Quhillk Mr Thomas faid, 'Theiff! gif thou be innocent of 3one fklauchter, come furth and I fall varrand the.' Thairefter, my lord and Jhone Ramfay jokit:¹⁰ The reft ftraik fwme ftraikis at Mr Thomas, and he at thame. Quhow my lord and Jhone Ramfay fehed¹¹ he knew nocht, alvyis¹² Mr Thomas deilling with the reft. Jhone Ramfay ftraik the faid Mr Thomas throw the body; and thairefter wes ftrukin at, he belewis be Doctour Hereis, bot nocht throch the body. Quhillk Mr Thomas, miffing my lord, lap¹³ out at the dur and come furth of the place. Efter all, Mr

¹ From the original, preserved among the Warrants of Parliament, General Register House.

² Fr. *bruit*.

³ His horses were at Scoon, his usual residence.

⁴ Ere they could be sent for from Scoon, a distance of two or three miles.

⁵ Way.

⁶ Freed, delivered.

⁷ Apparently, in extremity of peril, without adequate means of assistance. Perhaps from O. Fr. '*jupper*,' to shout or cry aloud. '*Jupperty*,' in old Scots, signifies a dangerous enterprise, from O. Fr. '*jeu-perdu*—or rather, '*jeu-parti*,' a hazardous game.

⁸ Disencumbered himself of his cloak, by dropping it on the ground.

⁹ For *Monsieur*, as is afterwards explained.

¹⁰ Probably for 'yokit,' or engaged in combat. 'Jowkit,' would signify a dexterous evasion of thrusts; but there was no room in that apartment for such a display of the art of self-defence.

¹¹ Separated.

¹² Ever, continually.

¹³ Leaped, sprung.

Thomas protestit, in prefens of God, that he nether was with my lord, nor with the Maister; nether hard spokin with any of thame, befor this twmult, nocht sax wordis, fourtene dayis ofbefoir: And protestit lykvyis, in the prefens of God, that he newer knew my lord nor the Maister to have pretendit¹ any thing aganes the Kingis persone: And forder protestit, that na suspitioune be tane of his name, as being callit Mr Thomas Cranstoune; becaus it is of weritie, that he passit furth of this cuntrie vpoune the third day of Februar I^m.V^c. fourfeoir nyne yeiris, and retwrnit nocht thairefter thairto quhill the morne efter Peace-day,² in the yeir of God I^m.V^c. fourfeoir sewentene yeiris: Quha passing thairefter to France, quharfra he came hether, remanit quhill he come hame with the Erle of Gowrie. And in the mair verificatioune heirof, the said Mr Thomas subscrivit thir presentis with his awin hand.

(Sic subscribitur)

M. P. GALLOUAY, witness.

OLIPHER YOUNG, Bail⁵e, witness.

A. RAY, Balius, witness.

MR THOMAS CRANSTON.

JAMES ADAMSONE, witness.

VILLIAME JAK, witness.

HENRIE ELDER, witness.

*CRAINGELTIS DEPOSITIOUNE.*³

AT FALKLAND, the xvj day of August, 1600. IN presence of my Lordis Chancellor, Secretar, Justice Clark, Comptrollar, Schir George Home of Spot, Schir Patrik Murray and Mr William Hert, Justice.

GEORGE CRAINGELT being examinat, Deponis as followis. DEPONIS, that he newir hard the Erll of Gowrie, sen his hamecuming, speik any thing anent the misfkying or revendge of his fatheris deathe, nether in priuat or publict. Deponis, that he desirrit, at all tymes, Mr William Rind, quha had my lordis eare by⁴ ony man, to perswaid my lord to keip him self in the Kingis favour and obedience; in respect of jelse of that wes amangis thame: Quha anfuerrit, that he sould do all that he culd to perswaid my lord sa to do; and that it wes best sa to do.

Being inquirit, gif he, being in cumpany at the latter meit,⁵ befor my lordis ganging to Strabrand with Andro Henryfoun and Mr Williame Rind, said, that 'thair apperit to be sum elast⁶ betuixt his Maiestie and my lord; and that it wes verray meit it wer foirfene; and quhat fuld eum of it?' Anfuerrit, that he denyis it planelie, that euir he spak it or hard of sic a thing.

Denyis, that during my lordis being in Strabrand, nather yit in St Johnstoun,⁷ estir his cuming fra Strabrand, he knew ony man or page to cum fra Court to my lord; or that he commandit to gif thame any meit or drink.

Deponis, that my lord and his broder vsit at all tymis maist familiar conference, quhen my lord had na vthir cumpany.

Deponis, that at my lordis being in Strabrand, Sandie Ruthven come fra Dunkeld to my lord: And that vpoun Fryday, my lord directit Capitane Ruthvene to ryde, and tell my Lady that he wes to cum; and Capitane Ruthven mett my lord at the cobill,⁸ and raid bak to Dunkeld with my lord; quhair he, having sowpit, returnit to his bed to Trochene, the deponer being in cumpany.

Denyis, that he knew any thing of the Maister or Andro Henryfonis ryding to Falkland, vpoun the Tyisday the fift of August. Declairis, that he wes lyand in his naikit bed that day; quhill estir the Kingis cuming, that Thom Eldar and Johnne Barroun come till him and baid him ryise, and said 'the King wes cum.' Quhilk he did, and come to the kitcheing, quhair he fand na appeirance of meit for the King; and thairfoir fend out to Duncane Robertfonis houfe, quhair he gat a murefoule.⁹ And thaireftir, this deponar causit mak reddy a schoulder of muttoun and a hen; quhilk wes lang in doing. And that he thaireftir went vp and brocht doun sum straberries and dressit fyve or sex disebis of dessert: And in the ganging vp the stair, met the Maister of Gowrie buittit, and inquirit at him, 'Quhair he had bene?' Quha anfuerrit, 'Ane eirand nocht far af.' And the deponar inquirit agane, 'Quhat movit

¹ Designed, plotted.

² 'Pais,' 'Pasche,' Easter.

³ From Original, among Warrants of Parliament.

⁴ More than.

⁵ Probably the last service or course, or the dessert at dinner.

⁶ Grudge, cause of offence;

literally, *eye-sore*.

⁷ Perth.

⁸ Ferry-boat.

⁹ Muir-fowl, grouse.

the King to cum fa suddanlie, vnluikit for?' Quha anfuert, that 'Robert Abircrumby, that fals knaiff, had brocht the king thair, to caus his Maieftie tak ordour for his debt.'

Deponis farther, that the Erll of Gowrie that day neur fpak word to the deponare, nor defirit him to mak any prouifioun for the Kingis cuming.

Deponis, that, eftir the Kingis dennar, he gart tak vp the Duk and the Erll of Maris dennar: Quhilk endit, he caufit James Erkin and the feruandis dyne; lyke as, the deponar fat down with thame, and fat quhill thai hard a tumult on the gait. And then he and the rest at the table raife, and went altogidder to the cloife, quhair the deponar faw the Maifter lyand deid, at the fute of the Blak turnepyke; and that the deponar cryit then, 'Quhair is my lord?' And faw na body befyde the Maifter; and that he ran out at the 5ett, and mett my lord at the 5ett, cumand in with tua drawin fuordis in his hand, a knappifcall¹ bonat on his heid, and a cumpany of ten or tuelff with drawin fwordis with him. Rememberis, that Mr Thomas Cranftoun and Hew Moncreiff wes with my lord, quha enterit togidder, with thair drawin fwordis, in at the Blak turnepyke. And the deponar herd ane cry, 'Keip the 5ett!' Quhilk movit him to rin in about the nuke of the houfe, to the bak 5ett of the 5aird,² to fe that na man ifchit that way; with whom pafit a nowmer of ten or tuelff rafkallis of the toun. And the deponar being thair, Mr Thomas Cranftoun come till him, and baid 'Keip that 5ett!' And deponis, that lykuife that he faw Mr Williame Rind in the 5ard, and baid his fister ga hir way. And that Mr Thomas and Mr Williame pairtit fra him thair, immediatlie, without forder fpeche. And that the deponar, having remanit thair a quhill, come bak to the cloife, quhair he faw Hary Ruthven cum down the Blak turnepyke; quha faid to the deponar, that 'my lord wes hurt vp in the chalmer.'

Being thaireftir inquirit, 'Quhair he gat the twa-handit fword, quhilk he had drawin in his hand?' Anfuert, that quhen he raife with the rest fra his dennar, hering the tumult, he pafit to the pantrie to feik his fword, quhair the Dur wes fteikit;³ and fa he went vp to my lordis chalmer, quhair he fand the twa-handit fword; and come immediatlie down to the cloife with it; and faw Mr Alexander Ruthven lyand deid in the Blak turnepyke, as faid is.

Declaris, that he neur fpak a word with Cryftie that day; or that euir he fpak a word with him, of the fufpitioun betuix the King and my lord, at ony vther tyme.

Denyis, that he wes vp the Blak turnepyke ony tyme that day.

Denyis, that eftir the dennar, he baid Barroun or Cryftie the Portar follow him; or that he and they went in at the Blak turnepyke togidder.

Deponis thairefter, that Johne Barroun and Barroun Fandowie brocht the Maifter out of the chalmer, quhan he wes flaying, down the Blak turnepyk stair; and that the faid John Barroun fpak that to this deponare.

Deponis, that befoir my lordis ganging to Strabrand, vpoun a nyecht at ix houris at evin, my lord gart ifche⁴ the chalmer, quhair remanit onlie Mr William Rind, Mr Thomas Crauftoun and a tail5eour: And that vpoun the morne thairefter, that Mr Williame Rind declairit to the deponar, that my lord wes feyand⁵ on a py dowblett,⁶ with⁷ the taill pecis for the wamb.

(Sic fubfcribitur)

G. CRAINGELT.

¹ Often written 'knapschaw,' and 'knapschay.' A 'steel-bonnet,' or helmet, fitting close to the skull, of a round form. It seems often to have been fitted into the usual bonnet, or other head dress, and worn along with the 'secret,' or chain-mail, to avoid the appearance of being fully armed. ² Yard, garden. ³ Shut, fastened.

⁴ Make void or empty; he desired those in the chamber to retire, excepting, &c. ⁵ Trying, assaying. ⁶ Often called a 'Secret,' being a kind of chain or plate armour strongly quilted into the breast of the dress, for the sake of concealment. There have been many conjectures as to the meaning of the word 'py,' or, as it is more frequently written, 'pyne;' which appears to the Editor to be from O. Fr. *peigne*. 'Faire peigne,' to give one the slip, to elude by craft or stratagem, &c. Mr Arnot thinks it was so called, from being 'worn by pions or foot soldiers.'—*Trials*, p. 31. But there was no occasion for their armour being concealed. It is worthy of remark, that in the struggle between Mr Alexander Ruthven and the King, when Sir John Ramsay came to the King's rescue, the latter instantly exclaimed, 'Fy! strik him laich, becaus he hes ane pyne-dowlit vpoun him!' ⁷ The words, 'the theis (*thighs*) and,' are deleted from the Deposition.

THIS deponar, being re-examinat this day, at efternone, deponis, that the tumult raife at the end of the latter meit; and that he, with his Maiefteis officeris, ran furth of the hall; and that he went to the pantrie to feik his fword, and the dur being steikit, he went vp to my lordis chalmer, quhair he fand ane twa-handit fword, and come doun immediatlie to the cloife, drew it and keift the skabert away, quhan he faw Mr Alexander Iyand deid in the fute of the Blak turnpyke: And then immediatelie went to the zett, and mett my lord cumand in thairat, with tua drawin fwordis in hand, and ane cumpany with drawin fwordis with him. And that the deponar come bak to the cloife with him, quhill my lord enterit, and his cumpany with him, in at the Blak turnpyke; and then the deponar hard a cry gang-and, 'Keip the bak zett!' Quhairvpoun he past to the bak zett; bot quha cryit, he knew not. Being inquirit, 'Quhy he went not vp with my lord, his maifter, in at the Blak turnpyke?' Deponis, that the heiring of the cry, to gang to keip the bak zett, movit him to gang thair.

(Sic fubfcribitur)

G. CRAIGINGELT.

APUD EDINBURGH, *quarto die mensis Novembris anno domini millesimo sexcentesimo, per dominos Commissarios subscriptos, viz. Joannem Comitem de Montrose Cancellarium, Alexandrum Magistrum de Elphingstoun thesaurarium, D. Jacobum Elphingstoun de Bارتون secretarium, Petrum Episcopum Dunkelden., Jacobum Commendatarium de Inchechaffray, Edwardum Commendatarium de Kinlose, Marcum Dominum Newbuttil, Alexandrum Dominum Fyvie; Thomam Fischer et Georgium Hercott pro Edinburgh, Alexandrum Rutherford pro Aberdeen, Jacobum Forret pro Glasgow, Jacobum Drummond pro Perth; Commissarios s. d. n. Regis specialiter constitutos, per Commissionem, datum sub testimonio Magni Sigilli; Vnucum Thoma Scott deputato Mariscalli, Gulielmo Henrysoun et Gulielmo Hay pro Constabulario, Daniele Grahame et Joanne Frazer pro Vicecomite, et Thoma Cannayuhane adjudicatore.*

The Earl of Gowrie's Conspiracy—Forfeiture of the Brothers of the late Earl, &c.

NOV. 4.—WILLIAME RUTHVEN as brother and heir apparent to vmq^{le} Johne Erle of Gowrie, and Mr Alexander Ruthvene and his tutors and curators, &c.: ALEXANDER and HARIE RUTHVENIS, sonnes to vmq^{le} Alexander Ruthvene of Foreland, HEW MONCREIF, brother Germane to Williame Moncreif of that ilk, PATRIK EVIOTT, brother to Colene Eviott of Balhouffie, and ANDRO HENRYSOUN chalmerlane of Scone.

The quhilk day Maister Thomas Hammyltoun, aduocat to oure Souerane lord, producit, in presens of the saidis lordis Commissionaris,¹ ane Summondis of Treaftoun, dewlie execute and indorsat aganis Villiame Ruthven, brother and apperant air to vmq^{le} Johne Erle of Gowrie and Maister Alexander Ruthvene, and the said Williames tutouris and curaturis, gif he ony hes, and all vtheris have-

¹ See Records of Parliament, Acta. 1600, fol. 192.

and or pretendand to have interes in the mater of Treaffoun vnderwrittin; to heir and sie it be fundin and declarit, that the saidis v^mq^{le} Johne Erle of Gowrie and Mr Alexander Ruthven to haue committit Treaffoun aganis our souerane lord, in bereving of his Maiestie of his lyfe, at Sanct Johnstoun, the fyft day of August last bipast. The quhilk summondis being callit thryse at the bar, and the said Williame Ruthven nawayes comperand; and thairefter, Johne Blinself Hay, herauld, comperit and maid fayth, that he lauchfullie summonit the said Williame Ruthven at the zett¹ of Dirltoun, vpoun the tuentie aucht day of August last bipast, and that vpoun the samyn day he summond him at the marcat croces of Edinburgh, Hadingtoun, schore and peir of Leyth; and that vpoun the penult day of August, the yeir of God foirsaid, he summond the said Williame Ruthvene at the marcat croce of Perth, Seone, and Kinroschire, and his tutouris and curaturis, gif he ony hes, and all vtheris haveand or pretendand to haue enteres in the foirsaid actioun and cause of Treaffoun; and that he execute the samyn summondis of Treaffoun at the samyn places, befoir William Ramsay trumpatar, Robert Eldar messinger in Edinburgh, Thomas Wallis and Williame Baxter postis in Edinburcht, Dauid Gray thair, and Dauid Young thair, Vpoun the verificatioun of the executioun of the said summondis of Treaffoun, and that the said Williame Ruthvene nor nane vtheris comperit in the said mater, the said Aduocat askit instrumentis.

And siclyk, the said Aduocat producit ane vther Summondis of Treaffoun, rasit at the instance of oure souerane lord and his hienes Aduocat, aganis ALEXANDER and HARIE RUTHVENIS sonnes to v^mq^{le} Alexander Ruthvene of Freland, Hew Moncreif brother germane to Williame Moncreif of that Ilk, Patrik Eviott brother to Colene Eviott of Balhouffie, (and Andro Henryfoune chalmerlane of Scone,²) to heir and sie thame decernit to haue committit Treaffoun and Lesemaiestie aganis oure souerane lord, at Perth, the fyft day of August last bipast; as at mair lenth is contenit in the said summondis. The quhilk summondis being thryse callit at the tolbutth window, and nane of the saidis persones comperand, except the said Andro Henryfoun, quha, at command of the saidis lordis Commissionaris of this present Parliament, wes brocht furth of the tolbutth of Edinburcht, and brocht and presentit be George Todrik baillie of Edinburcht befoir the saidis lordis Commissionaris. And immediatlie thairefter, comperit personalie in presens of the saidis lordis Commissionaris Johne Blinself Hay herauld, and maid fayth that he lauchfullie summond the said Andro Henryfoun, personalie apprehendit within the said tolbutth of Edinburcht, vpoun the tuentie aucht day August last bipast; and also, that he vpoun the penult day of the samyn moneth of August summond the saidis Alexander and Harie Ruthvennis, Hew Moncreif,

¹ Gate.

² Afterwards ordered to be deleted.

and Patrik Eviott and the said Andro Henryfoun at the mercat croces of Perth, &c. Vpoun the verificatioun of the executionis of the foirfaidis fummondis of Treassoun, and that nane of the foirfaidis perfones comperit to defend in the said mater, except the said Andro Henryfoun, the said Mr Thomas Hamyltoun of Drumcarne, aduocat to our fouerane lord, askit instrumentis. And siclyk, the said Aduocat askit instrumentis that he presentlie producit, in prefens of the faidis lordis Commiffionaris, oure fouerane lordis Letter of Relaxatioun, gevin vnder his hienes signet, at Edinburcht, the thrid day of October lastbypast, berand, the said Williame Ruthven, Alexander and Harie Ruthvenis, Patrik Eviott and Hew Moncreif and Andro Henryfoun to be relaxit fra all Horningis execute aganis thame at the instance of quhatfumeuir perfones, at the mercat croce of Edinburcht, vpoun the tuentie day of October last bipast; and alsé, berand the faidis perfones to be relaxit from all Hornings, at the mercat croce of Perth, vpoun the tent day of October the yeir of God foirfaid; and lykwyes, to be relaxit, at the marcat croce of Hadingtoun, vpoun the last day of the samin moneth of October last bipast: The quhilkis Letter of Relaxatioun, executionis and indorfationis thairof, wer dewlie and lauchfullie regiftrat in the Schiref court buikis of the schirefdomes within the quhilkis they wer relaxit fra the faidis Horningis.

The lordis commiffionaris of this present Parliament Ordanis the said Andro Henryfoun to be tane to the tolbutth of Edinburcht, to be kept thair in waird as he wes ofbefoir: Quhilk Andro wes instantlie delyuerit to the said George Todrik baillie. Quhairvpoun the said Aduocat lykwayes askit instrumentis.

REGE ipso presente, cum omnibus regni statibus. Vnacum Francisco Comite Arrolie Constubulario Scotie, Georgio comite Mariscalli, et Daniele Grahame deputato vicecomitis de Edinburcht et Dauide Lyndesay adiudicatore.

Nov. 11.—The quhilk day, the said Maister Thomas Hammyltoun, aduocat to our fouerane lord, of new producit the said fummondis of Treassoun dewlie execute and indorfat, aganis WILLIAME RUTHVEN, brother and apperant air to vmq^{le} Johne Erle of Gowrie, and Maister Alexander Ruthven his brother, and the said Williames tutouris and curatouris, gif he ony hes, and all vtheris haveand or pretendand to haue interes in the said mater of Treassoun, to heir and sie it be fundin and declarit, that the said vmq^{le} Johne Erle of Gowrie and Maister Alexander Ruthvene his brother committit Treassoun aganis oure said fouerane lord, in maner specefeit in the said fummondis, vpoun the fyft day of August last bipast: The quhilk Williame Ruthven, his tutouris and curatouris and all vtheris haveand or pretendand to haue enteres, being thryse callit at the

tolbuth window, and the said Williame Ruthven nor nane vtheris in his name comperand to haue anfuert to the said fummondis ; quhairvpoun the said Aduocat askit instrumentis. And thairefter, the said Johne Blinfell, Ilay Herald, comperit personalie in prefens of the Kingis Maiestie and estaitis, and maid fayth that he lauchfullie fummonit and warnit the said Williame Ruthven, at the place of Dirltoun, vpoun the xxviij day of August last bipast ; and that vpoun the famin day he fummond him at the mercat croces of Edinburcht, Hadingtoun, and at the schoir and peir of Leyth : And alse, that he vpoun the penult day of the said moneth of August, fummond the said Williame Ruthvene at the mercat croces of Perth, Scone and Kinroschire, &c. : As the executionis thairof beris. Vpoun the verificatioun of the executionis of the quhilk fummondis of Treassoun, and that the said Williame Ruthven nor na vtheris in his name comperit nocht to defend in the said mater, the said Aduocat askit instrumentis.

And siclyk, producit ane vther fummondis of Treassoun, rasit at the instance of our said fouerane lord and his hienes aduocat aganis Alexander and Harie Ruthvenis, sonnes to vmq^{le} Alexander Ruthven of Freland, Hew Moncreif, brother germane to Williame Moncreif of that Ilk, Patrik Eviot brother to Colene Eviot of Balhouffie and Andro Henryfoun chalmerlane of Scone, to heir and sie thame decernit to haue committit Treassoun and Lesemajestie aganis oure said fouerane lord, at Perth the fyft day of August lastbipast ; in manner contenit in the fummondis of Treassoun rasit thairvpoun. The quhilkis perfones being thyrse callit at the tolbuth window, and nane of thame comperand, except the said Andro Henryfoun, quha comperit be Mr Thomas Henryfoun ane of the Commisaris of Edinburgh, quha producit this writting vnderwrittin, subscrivit be the Kingis Maiestie ; quhairof the temour followes.

REX,

ADUOCAT, it is our will, and We command 3ow, that vpoun the fycht heiroy, 3e delete Andro Henryfoun, chalmerlane to vmq^{le} John Erle of Gowrie, his name, furth of 3e fummondis of Treassoun and Forfaltour, rasit and execute aganis him, ffor his being airt, pairt, red, counsaill and conceilling of the lait Treassoun, conspyrit be the said vmq^{le} Erle, his vmq^{le} brother and complices, aganis oure perfone : As 3e will anfuert to ws thairvpoun : Keipand thir presentis for 3our warrand. Subferyuit with our hand, At Halyrudhous, 3e xj day of November, 1600.

(Sic subscribitur) JAMES R.

Conforme to the quhilk command, the said Aduocat instantlie delete furth of the said fummondis of Treassoun the said Andro Henryfoun, and scorit his name furth thairof. Quhairvpoun the said Maister Thomas Henryfoun askit instrumentis.

And thaireftir, comperit personalie in prefens of the Kingis Maiestie and estaitis, Johne Blinfell, Ilay Herald, and maid fayth that he lauchfullie fummonit and warnit the saidis Alexander and Harie Ruthvenis, Hew Moncreif and Patrik

Eviott, vpoun the penult day of August lastbipast at the marcat croces of Perth, &c. Vpoun the verificatioun of the executionis of the foirfaid summondis of Trefsfoun, and that nane of the foirfaidis perfones comperit to defend in the said mater, the said Maister Thomas Hammyltoun, aduocat to oure fouerane lord, askit instrumentis, &c.

REGE presente, &c.

Nov. 15.—The quhilk day, Mr Thomas Hammyltoun of Drumcarne, aduocat to our fouerane lord, producit in prefens of the Kingis Maiestie and haill estatis of parliament, lyk as he did diuerse tymes of before the said tua summondis of Treassoun, &c., the quhilkis tua summondis, reffones and causes thairin contenit, being first red in prefens of the Kingis Maiestie, and in prefens of the Lordis of Articles,¹ they fand baith the samyn summondis relevant. And thair-estir, this instant day, baith the saidis summondis of Treassoun being red in prefens of the Kingis Maiestie and haill estaittis, and the said William Ruthven, his tutouris and curatouris, and all vtheris haveand, or pretendand to haue, enteres; the saidis Alexander and Harie Ruthvenis, Patrick Eviott and Hew Moncreif, being thryse callit at the tolbutth window, and nane of them comperand, the saidis haill estaittis fand baith the saidis summondis, reffones and causses thairin contenit relevant; and thairfoir they admittit the samyn to the said Aduocattis probatioun. And immediatlie thaireftir, the said Aduocat, for preving of the pointis of baith the saidis summondis of Treassoun, producit the Lettre of Horning, dewlie execute and indorfat aganis the saidis Alexander and Harie Ruthvenis, Hew Moncreif and Patrik Eviott, and that they were denuncit rebellis and put to the horne, for the crymes of Treassoun thairin contenit. And repetit the haill Depositionis of the witnesses examinat befor the Lordis of Articlis: And the Depositionis of vmq^{le} Mr Thomas Cranstoun and George Craingingelt; and thair executioun to the death, for the foirfaid cryme of Treassoune. And last, the said Aduocat repetit the notoriety of the deid of the said Treassoun, togidder with the haill circumstances of the said mater; and renuncit forder probatioun for preving of the pointtis of baith the saidis summondis of Treassoun; and desyrit the said proces to be advyfit. And thairvpoun the said Aduocat askit instrumentis.

The quhilk day, the said Aduocat, estir that he had repetit and producit all

¹ LORDS OF THE ARTICLES. EPISCOPI, Dunkelde, Brechmen.—ABBATES, Halyrudhous, Lundoris, Blantyre, Inchaffray, Kinlofe, Townglannde.—COMITES, Lennox, Arroll, Marschall, Mar.—DOMINI, Setoun, Levingstoun, Newbnttill, Fyvie.—BARONES, Sir James Hammyltoun, Innerweik for Hadingtoun, Craighall for Fyff, Kinnard for Forfar, Drum for Kincardin, Inchemartine for Perth, Tutour of Cromartie for Cromartie—COMMISSARIJ BURGORUM, Thomas Fisher and George Hereott for Edinburgh, Constable of Dundie for Dundie, James Drummond for Perth, Alexander Rutherford for Aberdene, James Forrest for Glasgow, George Bruce for Culrose, Laird of Darrie younger for Sanctandros, Johne Williamfoun for Striviling.

his probatiouis to the saidis hail Estaitis, quhilkis he wald vse, for preving of the pointis of the saidis summondis of Treassoun, rasit and persewit at the instance of our said souerane lord and his lieues Justice, aganis the said Williame Ruthven, bruther and apperant air to the said vmq^{le} Johne Erle of Gowrie and Alexander Ruthven his brother, his tutouris and curatouris, and all vtheris haveand, or pretendand to haue interes, in the mater of Treassoun vnderwrittin ; quhairby they wer summond to haue comperit befor our said souerane lord and his Estaitis of Parliament, at ane certane day bigane, with continewatioun of dayes, to haue anfuert to the pointis and crymes of Treassoun and Lefemaieftie contentit in the saidis summondis : Off the quhilk summondis the tennour followes :

SUMMONDIS of TREASSOUN aganis WILLIAM RUTHVEN, as bruther and apperent air to vmq^{le} Johne Erle of Gowrie, and Alexander Ruthven his brother.

JACOBUS, Dei gratia Rex Scotorum, dilectis nostris Leoni Regi Armorum, Merchemount, Hay, Rofs, Rothefay, Albanie, et Snawdoun, Heraldis ; Roberto Stewart, Daudi Brysoun, Alexandro Dowglas et Jacobo Chalmeris, clavigeris ; Ormount, Bute, Vnicorne, Carrik, signiferis, nuncijs ac eorum cuilibet, coniunctim et diuisim, vicecomitibus nostris in hac parte, salutem. Mandamus vobis et precipimus, quatenus summoneatis legitime et peremptorie, coram testibus, Willielmum Ruthvene fratrem et heredem apparentem vel successorem quondam Joannis Comitis de Gowrie et quondam Magistrum Alexandri Ruthven sui fratris, personaliter, si eius personalem presentiam commode habere poteritis, alioquin apud locum sue habitationis ; si vero extra regnum nostrum fuerit, quod summoneatis dictum Willielmum Ruthvene et omnes et singulos eius tutores et curatores, si quos habet pro suo interesse, necnon omnes et singulos alios interesse habentes seu pretendentes, per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburgh, Hadingtoun, Perth, aliaque loca necessaria, super premonitione sexaginta dierum, ita quod hujusmodi summonitio ad eorum aures et notitiam verefimiliter peruenire poterit, ad comparendum coram nobis nostroue Justiciario quarto die mensis Nouembris proxime futuri, hora causarum, cum continuatione dierum, in Parlamento nostro tenendo apud Edinburgh primo die dicti mensis Nouembris sequentis, ad respondendum nobis seu nostro Justiciario in prefato Parlamento, ad videndum atque audiendum, per nos et trium regni nostri statuum decretum et sententiam decerni, dictos quondam Joannem Comitem de Gowrie et quondam Magistrum Alexandrum Ruthven eius fratrem, crimen Lefemajestatis in ipsorum vita commississe. PROPTEREA quod, omni Dei metu, Principis respectu, et legum rejecta reuerentia, nostrorumque immemores beneficiorum, qui ob paterna crimina Maieftatis damnatos ab exilio, infamia et egestate reductos, ad summas opes summofque honores ereximus, ingenitum tamen in nos prodentes odium, incredibilemque nostram benevolentiam, incredibili atque inaudita ingratitude compenfantes, in mense Julio proxime preterito, et initio Augusti instantis, proditionem nostram pernitiem et necem conspirarunt : Quoque scelerata et nefaria consilia facilius exequerentur, dictus quondam Joannes Comes de Gowrie, quinto die Augusti instantis, dictum quondam Magistrum Alexandrum Ruthven fratrem suum Falcolandiam summo mane misit, vt nobis persuaderet, se, inscio dicto Comite fratre suo, ingentem auri vim ab obscuro homine quodam repertam detexisse, ac thesaurum ipsum repertoremque eius clam omnibus artissime mandasse custodie, donec omnia pro nostro jure nobis declararet, sperare autem nos talis sui erga nos officii memores et auri portione et omni alio fauore se remuneraturos, expedire vero ad vitandum

suspicionem, ut sine ullo comitatu, prohibeat sequi domesticorum solita turba, Pertham secum proficere; quo in suam nos potestatem ex animi sententia redactos minori negotio trucidarent. Cuiusquidem tragedie mandatas sibi partes, dictus quondam Magister Alexander, incredibili calliditate et confidentia, agens suavissima oratione vultuque ac verbis benevolentiam, reuerentiam, fidem humillimumque erga nos obsequium spondentibus, quod cupit facile persuadet, Nosque, nihil vel fraudis vel periculi subesse suspicantes, paucissimis, ipsique inermibus, comitati ferius inparatas ducentem insidias, sicuti Pertham contendimus. Comes interim nos adventare stipatoribus, armis, aliisque omnibus ad defensionem necessariis destitutos, primo per Andream Henderfoun, secundo per Andream Ruthvene, per dictum Magistrum Alexandrum premissos, monitus, ac postremo per ipsum Magistrum Alexandrum certior factus, et execrandam Coniurationem callidissime dissimulans, obuiam nobis extra urbem progressus, intra menia et aedes suas detestando facinori destinatas perfide deduxit: Ibi dum prandii specie aliquandiu, donec omnia ad cedem necessaria pararentur, detinet, in secretius cubiculum cum dicto quondam Magistro Alexandro fratre suo et dicto Andrea Henderfoun, quem lorica et galea armare se iusserat, ingressus, dicto Andree imperat, ut quicquid dictus Magister Alexander iuberet strenue exequeretur; ipsumque Andream quid imperare vellet curiosius sciscitantem, obserato ostio, donec ipsi ad perpetrandum facinus redirent reliquit. Ac rebus ita dispositis, dictus quondam Magister Alexander ad dictum cubiculum, magnifica se ibi promissa perfecturum affirmans, nos facile attrahit: Vero Comes, quo omnino omnino opem auxilij spem nobis in tanto discrimine eriperet, ramorem de nostro per posticum subito decessu, per certos familiarum suorum spargens, eumque dictus Comes et Magister Thomas Cranstoun eius seruus, verum esse charissimis consanguineis nostris Ludouico Lennoxie Ducis et Joanni Marrie Comite paucisque alijs domesticis nostris qui forte aderant impudenter asseuerantes; ut comites nostri ita decepti, citatis equis, ex urbe prorumpentes Falcolandiam, quo nos contendere dictus Comes affirmabat, celerrime sequi niterentur. Dictus interim quondam Magister Alexander, multis a tergo obseratis ostiis, ad illud tandem conclave in quo dictum Andream Henderfoun armatum, ut diximus, in insidijs locaverat, nos perduxit, scelestissimoque perpetrando facinori tunc aduenisse tempus ratus, tecto capite, in nos proditorie irruit, ac sedissimis prosequutus conviciis presentem mortem admoto ad jugulum nostrum pugione minatus est: Nos vero et resistere quantum inermibus licuit, et persuadere nitentes, ut a seuo detestando et proditorio scelere, sine vlla iusta causa aut vllius boni futuri spe suscepto, desisteret et ad saniora consilia rediret; promissa etiam attemptate Proditionis si recipisceret venia, rapidum perditissimi hominis furorem paulatim ita retudimus ut se Comitem quid de nobis flatuere vellet consulturum responderet; et in dicto cubiculo, captiuos nos obserato post se ostio relinquens: Moxque rediens, moriendum instanter nobis esse pronunciauit, ac colligari manus nostras, quo vincum facilius interficeret, vocato ad auxilium suum dicto Andrea Henderfoun, conatus quum mori potius quam talem ferre ignominiam, paratos nos et strenue resistentes cerneret enses stringere, nosque eo conficere proditorie parans, nos, nullis armis, nullis comitibus sed sola Dei Omnipotentis ope fulti, fortiter resistere cepimus: et manus illius firmiter retinentes, post diurnam luctam, cubuli fenestram que precipuam Parthie plateam respicit, eo invito, aperuimus, et dictos nostros fidos consanguineos Ludouicum Lennoxie Ducem, Joannem Marrie Comitem, qui ibi forte equos suos ut nos consequerentur expectabant cernentes, ad auxilium aduersus horrendam Proditionem, et vim vite nostre allatam vocavimus: Cumque illi de nostra magis quam sua salute solliciti in neglecto discrimine celerrime procurrerent. Pervenire tamen ad dictum cubiculum, tot ostijs, per dictum Magistrum Alexandrum de industria oclusis, nequiverunt, donec mira Dei Omnipotentis misericordia, fidelissimus nobis adulescens ac familiaris seruus Joannes Ramsay, alio aditu forte ascendens, dicti cubuli ostium aliud, quo dictus Andreas Henderfoun horrore suscepti facinoris territus profugerat, apertum reperiens ingressus, ac vite nostre a dicto quondam Magistro Alexandro vim intentam cernens, opem strenuissime tulit; et aliquot vulneribus dicto Magistro Alexandro inflictis, nobis iuuantibus cubiculo eiecit. Dictus autem quondam Joannes Comes de Gowrie, dum paucos qui forte aderant domesticos nostros auxi-

lium nobis ferre parantes perspexit, omni tandem reiecta dissimulatione, delibatum facinus propriis manibus perpetrare, nobisque presentem mortem inferre decrevit, atque duobus strictis ensibus ipse armatus, et centum aut eo circa stipatus confectis, qui gladiis, lanceis aliisque armis omnes muniti erant, a Via in aream edium suarum irrumpens, recta ad cubiculum in quo inclusos nos esse noverat properavit, dictumque Joannem Ramsay, Dominum Thomam Erkeyne et Hugonem Heres medicum, experite omnes erga nos fidei seruos, qui forte accurrerant vitam suam pro nostra salute profundere, et aditu dicti cubiculi in quo tunc eramus, dictumque quondam Comitem prohibere nitentes, proditorie invadens, dicto Magistro Thoma Cranstoune, Hugone Moncreif, Alexandro et Henrico Ruthvenis, Patricio Eviott, multisque alijs domesticis et consanguineis suis stipatus ferociter repulit, et dictum cubiculum in quo nobilissima sacratissimaque persona nostra tunc fuerat, dictis nostris fidelibus seruis propugnantibus summo impetu repulsis, et vi ingressus, ac nos ad cedem immanissime ac proditorie persequens, dictos nostros fidelissimos seruos multis vulneribus faucios, fere oppressit; nec aliter a detestande Proditionis feroci ac pertinaci executione destitit, quam a dictis nostris fidelissimis seruatoribus confossus cecidit priusque immanis anima corporis sedem quam detestande nefarie et horrende Proditionis consilium et executionem deseruit. Hincque dicti quondam Joannes Comes de Gowrie et quondam Magister Alexandro Ruthven eius frater, crimen proditionis et Lesemajestatis commiserunt, contra nos, regalemque nostram auctoritatem, et in apertam legum omnium violationem. ET PROPTEREA, dictus Willielmus Ruthven, frater et heres apparens vel successor dictorum quondam Joannis Comitis de Gowrie et quondam Magistri Alexander sui fratris, omnesque tutores et curatores dicti Willielmi, si quos habet pro suo interesse, omnesque alij interesse habentes seu pretendentes, ad videndum et audiendum, per nos et trium regni nostri Statuum in Parlamento decretum decerni, quod dicti quondam Joannes Comes de Gowrie et quondam Magister Alexander Ruthven eius frater, crimina Lesemajestatis et Proditionis prescripta in sua vita commiserunt: Ideoque nomen, memoriam, et dignitatem dictorum quondam Joannis Comitis de Gowrie et quondam Magistri Alexandri Ruthven sui fratris extinctum esse et fore decerni, armaque et insignia sua de libro Armorum et Nobilitatis deleri, ac cancellari, itaque ipsorum posterum ab officiis, honoribus, dignitatibus, successibus, possessionibus, bonisque omnibus, mobilibus et immobilibus, juribus, titulis, spe successione, et alijs quibuscunque in hoc nostro regno gauden. et possiden. seu vilo modo claman. sint inhabiles et incapaces dehinc imperpetuum; atque omnia bona, terras, redditus, officia, beneficia, honores, dignitates, successiones et successorum spem omnem et apparentiam, jura, titulos, possessiones, aliaque jura et bona, mobilia et immobilia, et alia quecunque, que ad dictos quondam Joannem Comitem de Gowrie, et Magistrum Alexandrum Ruthven eius fratrem spectabant, aut vilo jure, titulo, successione spe, possessione, aut aliquo modo spectare vel pertinere poterant, confiscari, in nos devolui, ad nos pertinere, et nobiscum deinceps in proprietate perpetuo remanere. Intimando dicto Willielmo Ruthven heredi apparenti aut successori antedict. dictisque tutoribus et curatoribus suis, si quos habet, aliisque omnibus interesse haben. vel habere tenden. siue compareant siue non, dictis die et loco, cum continuatione dierum, nos et Justiciarius noster nihilominus, Justicia mediante, procedemus et procedet. INSUPER citetis Magistrum Joannem Moncreif advocatum, Alexandrum Blair Juniores de Balhiock, Georgium Hay de Nethertoun Priorem de Charterhous, Robertum Graham de Thornik, Joannem Grahame de Balgoun, Andream Hay Ballium de Perth, Alexandrum Peblis burgensem ibidem, Joannem Murray de Arbeny, Willielmum Robertson notarium in Perth, Gilbertum Richardson ibidem, Willielmum Rynde ibidem, Davidem Rynde ibidem, Joannem Rentoull ibidem, Georgium Forrest ibidem, Thomas Burrell ibidem, Henricum Leyis ibidem, et Robertum Crystie janitorem quondam Comitis de Gowrie; Ludouicum Lennoxie Ducem, Joannem Comitem Marrie, Patricium Commendatarium de Lundoris, Joannem Grahame de Vrubill, Dominum Thomam Erkene de Gogar, Dominum Joannem Ramsay, Dominum Hugonem Heres milites, Robertum Galbraith, Robertum Broun, Jacobum Boig, Jacobum Liddell et Joannem Boig in lie *ail-cellar*, Magistrum Petrum Hay, ad comparandum coram nobis, nostroue Justiciario, dictis die loco

cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pena legis: Et presentes literas debite executas et indorsatas lateri earundem reddatis. Et vos qui presentes executi fueritis, sitis ibidem dictis die et loco, coram nobis vel dicto nostro Justiciario, portantes vobiscum summonitionis vestre testimonium in scriptis, pro premissis, seu ipsos testes. Ad quod faciendum, vobis et vestrum cuilibet coniunctim et divisim vicecomitibus nostris in hac parte committimus potestatem. Datum sub testimonio nostri magni sigilli. Apud Edinburghe vicefimo sexto die mensis Augusti anno domini millesimo sexcentesimo et regni nostri anno tricesimo quarto.

Follows the EXECUTIONIS of the foirfaid Summondis.¹

Vpoun the xxviiij day of August, the 3^eir of God J^m and sex hundreth 3^eiris, I Johne Blinshell, Hay Herald, ane of the schireffis in that pairt within constitute, past, at command of thir our souerane lordis lettres and summondis of Treassoun, to the duelling hous of Alexander Adamefoun in Edinburgh, in vmq^{le} M^r Thomas M^cCalzeans' clofe, quhair Williame Ruthven, brother and apperant air or successor to vmq^{le} Johne Erle of Gowrie, and vmq^{le} Maister Alexander Ruthven, his brother, maid residence; and lykwayes, to the Castell of Dirltowne, quhair the said Williame resortit and maid sumtyme residence with Dame Dorathie Stewart, Countes of Gowrie, his mother, becaus I culd nocht apprehend him personalie; and at euerie ane of the saidis duelling houffes rex^{ue}, with my displayt coitt of armes and found of trumpett, eftir I had knokit sex feuerall knokis at euerie ane of the saidis duelling houffes rex^{ue} be vertew of the saidis lettres, in his lienes name and authoritie, I summond, warrit, and chargit the said William Ruthvene, &c.

THE said Maister Thomas Hamiltoun of Drumcarne, aduocat to oure souerane lord, desyrit the saidis Estaitis declaratioun, giff the reffoun of the said summondis wes relevant aganis the said Williame Ruthvene, quhilkis Estaitis all in ane voce stand the famin relevant aganis the said Williame: Thairfoir the said Aduocat, of new, for verifeing of the said reffoun contenit in the said summondis of Treassoun, producit and repetit the saidis Lettre of Horning, execute and registrat aganis the said Williame Ruthven, the haill Depositionis of the witneses examinat befor the Lordis of Artielis, with the Depositionis of the saidis vmq^{le} Maister Thomas Craustoun and George Craingelt, thair executionis to the death for the famin crymes, the notorieite of the said fact of Treassoun and haill circumstances of the said mater; and als^e repetit the haill vther probationis repetit be him of befor in the said mater this instant day; and desyrit the saidis Estaitis of Parliament to advyse the probationes foirsaidis, led and deducit in the said mater, and to pronounce thair Sentence of Parliament thairintill, according to the famin probationes and thair consciences. And thaireftir, the haill wryttis and probationes being red, sene and considerit be the haill Estaitis of Parliament, in presens of the Kingis Maiestie, and they thairwith being ryplie advyfit, the saidis Lordis and Estaitis of Parliament findis, decernis and declaris that the saidis vmq^{le} Johne Erle of Gowrie and Maister Alexander Ruthvene, his brother, committit and did oppin and manifest Treassoun aganis oure said souerane lord, in all pointis, articles and maner contenit in the said summondis: And thairfoir it wes gevin for dome, be the mouth of Dauid Lyndefay, dempster of Parliament, in manner and forme as followes:

SENTENCE against the deceased EARL OF GOWRIE and MR ALEXANDER RUTHVEN, &c.

THIS COURT of Parliament sehawes for law, that the saidis vmq^{le} Johne Erle of Gowrie and vmq^{le} Maister Alexander Ruthven, his brother, committit the foirfaid cryme of Treassoun and Lese-majestie, in thair lyfetymes, aganis our souerane lord and his authoritie royall, in maner at lenth contenit in the said summondis: And thairfoir decernis and declairis the name, memorie and dignity of the said vmq^{le} Johne Erle of Gowrie and vmq^{le} Maister Alexander Ruthven, his brother, to be extinguischt, and thair armes to be cancellat and delete furth of the buikis of armes and nobilitie, sua that

¹ A small portion of one of the 'Executions' is here given, to show the solemnities, and 'the pomp and circumstance of state' then prevalent, in all official 'charges' for Treason. It is unnecessary to insert the whole of the Executions. They are all in the same style.

thair pofteritie fall be vnhabill and incapabill in all tyme cumming to bruik, poffes or inioy ony offices, honouris, digniteis, fuceffionis, poffeffionis, and all gudis, moveable and immoveable, richtis, titillis, hope of fuceffion, and vtheris quabafumeuir, within this realme; and all gudis, landis, rentis, offices, benefices, honouris, digniteis, hope and apperance of fuceffion, richtis, titillis, poffeffionis and vtheris gudis and geir, moveable and immoveable, and vtheris quabafumeuir, quhilkis ony wayes pertenis to the faidis vmq^{le} Jobne Erle of Gowrie and vmq^{le} Maifter Alexander Ruthven, his brother; or quhilkis, be ony richt, titill, hoip of fuceffion, poffeffion, or ony vther maner of way, nicht haue belangit and pertenis to thame, to be confiscat, devoluit in oure fouerane lord, and to appertene to his hienes, and in all tyme cuming remane in propirtie with his Majestie for euir. And forder, his Majestie and Estaitis foirfaidis, in deteftatioun of the faid horribill, vnnaturall and vyill Treaffoun attemptit be the faidis vmq^{le} Jobne fumtyme Erle of Gowrie, and vmq^{le} Maifter Alexander Ruthven, aganis his hienes awin lyfe, Decernis, flatutis and ordainis, that the dead bodeis of the faidis Treatouris fall be caryit vpon Monnday nixt to the mercat croce of Edinburcht, and thair to be hangit, quarterit and drawin, in prefeus of the haill peopill; and thaireftir the heidis and quarteris of their carcages to be affixit vpon the maift patent pairtis and places of the burrowis of Edinburcht, Perth, Dundee and Striviling. And this I give for dome.

SUMMONDIS of TRESSOUN aganis ALEXANDER and HARIE RUTHVENIS, Jones to vmq^{le} Alexander Ruthven of Freland, PATRIK EVIOTT and HEW MONCREIF.

JACOBUS, Dei gratia Rex Scotorum, dilectis nostris Leoni Regi Armorum, Ilay, Albanie, Ros, Rothofay, Snawdoun, Merchemount, Heraldis; Roberto Stewart, Davidi Bryfoun, Alexandro Douglas, Jacobo Chalmeris, clavigeris; Ormound, Bute, Vnicorne, Carrik, signiferis, Nuncijs, et eorum cuilibet coniunctim et diuifim, vicecomitibus nostris in hac parte, salutem. Mandamus vobis et precipimus quatenus summoneatitis legitime et preemporie, coram testibus, Alexandrum Ruthven et Henricum Ruthvene filios legitimos quondam Alexandri Ruthven de Freland, Hugonem Moncreif fratrem Wilhelmii Moncreif de eodem, Patricum Eviott fratrem Colini Eviot de Balhouffie, Conspiratores, peccatores et celatores criminum Lesemajestatis subsequentiim, personaliter si eorum personales presentias habere poteritis, alioquin apud loca suarum habitationum, et per publicam proclamationem apud cruces forales burgorum nostrorum de Edinburcht, Perth, Hadingtoun, aliaque loca necessaria, degentes autem vel existentes extra regnum nostrum, seu certum nullum domicilium habentes, apud dictos cruces forales, aliaque loca necessaria, super premonitione sexaginta dierum, ita vt hujusmodi summonitio ad eorum aures et notitiam veresimiliter peruenire poterit: quod compareant coram nobis seu Justiciario nostro quarto die mensis Nouembris proxime futuri, in nostro Parlamento apud Edinburgh, primo die dicti mensis tenendo, hora caufarum, cum continuatione dierum, ad respondendum nobis nostrone Justiciario in prefato Parlamento, super Proditoris criminibus subsequentiibus; dictas, viz. personas et eorum quemlibet, pro sua proditoria arte, parte, consilio et auxilio, nefaria et execranda Conspiratione, consultatione, conclusione et perpetratione horrende seuissimeque Proditionis, contra nobilissimam et sacratissimam nostram personam et vitam, per dictas personas et quondam Joannem Comitem de Gowrie, quondam Magistrum Alexandrum Ruthvene eius fratrem, quondam Magistrum Thomam Cranftoun et Georgium Cragingelt eius seruos, aliosque suos complices, ipsorum nomine, ex sua causatione, mandato, assistentia, et ratihabitione, quinto die Augusti instantis, modo subsequenti, commisse et perpetrare. CUM enim dictus quondam Joannes Comes de Gowrie et dictus quondam Magister Alexander Ruthvene eius frater, eximia nostra benevolentia, innumerisque cumulati beneficiis, inaudita atque incredibili ingratitude, in nostram perniciem Coniurassent; dictusque Comes dictum quondam fratrem Falcolandiam ad nos, dicto quinto die Augusti, misisset, vt eximii commodi obiecta nobis spe Pertham nos alliceret, additis ei Andrea Henderfoun et Andrea Ruthven, itineris socijs, qui dicti Magistri Alexandri iussu de nostro se responso celerrime monerent, dictusque quondam Magister Alexander sus-

ceptas in se tragedii partes tam callide et simulate egisset, ut nos, omni prorsus suspitione vacuos, facile in suam sententiam pertraxerat, et solita conitum turba sequi prohibita, Pertham secum deduxerat: Premisso interim dicto Andrea Henderfoun, qui nos adventare premoneret; Comes vero, dicto Andree lorica, galeo, gladio armare sese iussu, Andree Ruthven adventum expectat, atque ab eo etiam adventare nos certior factus, nec vultu tamen nec verbis se tali quicquam scire pre se ferens, more solito providere incipit: Ac tandem per ipsum Magistrum Alexandrum, nos apud portam urbis adeste monitus, obviam procedit et in edes suas proditorii facinoris destinatas ducens, prandij specie aliquandiu detinet, donec dictum Andream Henderfoun cum dicto quondam fratre in secretius cubiculum vocat; ibique dicto Andree imperat, ut quicquid dictus Magister Alexander juberet sedulo exsequeretur: Et repente ad nos reuersus, paucos familiarum qui nos sequuti erant primo ad prandium: Mox, eo finito, ad hortum, ab ea edium parte remotum, eo consilio invitat, ut nullis arbitris, dictus quondam Magister Alexander, qui prestare que promiserat se velle simulans, ad dictum cubiculum nemine familiarium nostrorum conscio, nos attraxerat, ut securius, sine strepitu vlllo, vlloue impedimento, nos conficere posset. Cumque dictus Comes, quo omnem prorsus auxilii spem nobis eriperet, falsum rumorem per quondam Magistrum Thomam Cranstoun, feruum suum, de nostro subito descessu sparsisset, nostrique omnes familiares, ipso quoque Comite, adhibito iurejurando, id affirmante, verum esse credentes, in viam precipites prorumperent, ut concensis equis, citato nos cursu Falcolandiam sequerentur. Dictus, interim, Magister Alexander omnia pro voto successisse, tempusque perpetrando facinori advenisse ratus, multis post se obferatis ostiis, ad dicti cubiculi conclave nos ducens, dicto Andrea Henderfoun armato prodeunte, dictus Magister Alexander ferociter et proditorie in nos irruit, fedissimisque et falsissimis proscindens conviciis, admoto ad jugulum nostrum pugione, presentem næcem minatus est: Nos vero, comitibus, armis, omnique alia humana ope destituti, ac soli Divini numinis auxilio fulti, gravissima oratione, et si desisteret et ad saniora consilia rediret, promissa etiam Proditionis impunitate, iniquissimi hominis furorem paulatim ita repressimus, ut cum fratre consulturum se, quid de nobis statuere vellent, dixerit; et, iurejurando prius a nobis extorto, captiuos nos silentisque in suum reditum in dicto conclavi remansuros, obferato post se ostio, nobis inclusis, egressus; breuissimaque interposita mora, rediens, moriendum nobis instanter pronunciauit: Cumque proditorie colligare nobis manus, quo minori negotio victos interimeret, niteretur, nosque strenue resisteremus ensẽ suum dextera stringere, sinistra vero uocem nobis precludere faucesque abstruere cepit; nos vero, Dei Omnipotentis presenti ope confirmati, ac fortiter reluctantes, invito eo, ad fenestram que precipuam urbis plateam respicit prevenimus, ibique dilectos nostros consanguineos Ludovicum Lennoxie Ducem et Joannem Marrie Comitem conspicientes, qui illic forte equos ut nos consequerentur expectabant ad ferendum nobis aduersus horrendam Proditionem et presentem mortem auxilium, vocauimus: Illi autem, tam insperate Proditionis immanitate percussi, cum ad opem nobis ferendam celerrime qua nos conscendisse audiuerant, tot ostijs per dictum quondam Magistrum Alexandrum, de industria oclusis, frustra procurrent; benigno tandem laud dubie Dei Spiritu ductore, familiaris noster Joannes Ramsay, adolescens, insolita forte conscendens via per aliud dicti cubicali ostium, quod dictus Andreas Henderfoun, proditorii facinoris horrore attonitus, ut se inde proriperet, nuper aperuerat, ingressus, ac dictum quondam Magistrum Alexandrum mortem nobis pertinaciter intentantem ceruens, aliquot inflictis ei vulneribus, nobis adiuuantibus, vix e cubiculo expellere potuit; cum dictus quondam Comes, detectam nostro clamore Coniurationem perspiciens, quod frater non potuit propriis ipse manibus perficere, desperato et proditorio animo properat, et strictis duobus quos gesserat ensibus, e via in aream edium suarum, centum aut eo circa stipatus conscis armatis, irruit, ac dicto quondam Magistro Thoma Cranstoun prevnte, dictus quondam Comes, dictique Alexander et Henricus Ruthvene, Hugo Moncreif, Patricius Eviot aliique eorum complices, recta ad cubiculum in quo nos antea inclusos noverant prorumpentes, nullo nobis ad respirandum, nullo domesticis ad opitulandum dato spacio, dictum Joannem Ramsay, Dominum Thomam Erskyne et Hugonem Heres medicum, qui soli forte ex nostris accurrerant et aditu cubiculi dictos proditores

prohibere conabantur, feniffime invadunt, ac fummo impetu, iis repulfis, cubiculum vi ingreffi nosque ad cedem rapidiffime querentes, dictos nostros fideliffimos fervos, pro noſtra ſalute fortiffime dimicantes, multis illatis vulneribus, fere opprefferunt; donec dicto Comite confoſſo, dictiſque quondam Magiſtro Thoma Cranſtoun, Hugone Moncreif et Patricie Eviott, aliquot vulneribus ſanciis, e cubiculo expulſis, ad aream confugere coacti fuerunt; ibique convocato perditiffimorum hominum ingenti multitudine, aditus omnes edium ocluſerunt, diſpoſitiſque vndique preſidijs, proditorie nos obſidione cinxerunt; et trabem, vt oſtia confringerent, adferentes, pulverem etiam tormentarium querebant, quo edes in quibus nos obſidebant ex fundamentis convulſas atque in aerem ſublatas ſubverterent proditorie, nosque et dictos nostros conſanguineos et familiares, alioſque fideles ſubditos nobiſcum obſeſſos, incendio et ruina obrutos proditorie necarent; crucem etiam, et laqueos ac fediffima omnia alia mortis genera, iis omnibus qui nobiſcum edes propugnabant ſeuiffime minati: Aliquot etiam e noſtris vulneratis ad mortem fere, in obſidionis proditorio propoſito perfeverauerunt, donec augente fidelium ſubditorum ad nos concurſu conjurati, omnibus contra improbam ipſorum ſpem ſuccedentibus, paulatim ſeſe ſubducere coacti ſunt: Hincque dicte perſone, et earum quelibet, crimen Leſemajeſtatis contra nos, regalemque noſtram authoritatem et leges commiſerunt. IDEOQUE dictus Alexander Ruthvene, Henricus Ruthvene eius frater, Hugo Moncreif et Patricius Eviot, Conſpiratores, proditorique executores et celatores facinorum predictorum, ad videndum et audiendum ſeſe et eorum quemlibet reſpective, premiſſa crimina Leſemajeſtatis commiſiſſe, per nos et trium regni noſtri Statuum decretum decerni et declarari; et ſuper predictis et pluribus aliis rebellionibus, tranſgreſſionibus et proditoriis criminibus, per ipſos reſpective, contra nos, regnum noſtrum et authoritatem regiam, impie et nefarie perpetratis, dictis die et loco, cum continuatione dierum, proponendis et oſtendendis, reſpondendum ac Juri parendum; et ſuper iſſdem Judicium noſtrum et Parlamenti noſtri ſecundum leges regni noſtri expectandum et ſubeundum, dictas viz. perſonas, Conſpiratores, perpetratores et celatores criminum predictorum rex^{us} ad videndum et audiendum ſeſe et eorum quemlibet, intuitu premiſſorum, crimen Proditionis et Leſemaieſtatis incurriſſe, per nos et trium regni noſtri Statuum decretum decerni et declarari; et propterea, perſonas ſuas penam Proditionis et vltimi ſupplicii a regni noſtri legibus preſcriptam ſubire, ipſorumque omnium bona, mobilia et immobilia, tam terras quam officia, beneficia, aliaque omnia ad eos ſpectantia, vel ad eos vilo modo pertinere poterunt, nobis conſiſcari, et pro perpetuo nobiſcum in proprietate remanere; poſteroſque eorum ab honoribus, dignitatibus, officijs, beneficijs, ſucceſſionibus, aut vllis bonis, mobilibus vel immobilibus, in regno noſtro obtinendis vel poſſidendis, eſſe et fore dehinc imperpetuum inhabiles et incapaces: Et vltius, in premiſſum reſpondendum et juri parendum: Intimando ſupradictis Conſpiratoribus et eorum cuilibet reſpective, quod ſive dictis die et loco cum continuatione dierum comparuerunt ſive non, nos dictuſque noſter Juſticiarius in premiſſis, juſticia mediantem, procedemus et procedet. INSUPER citetis preimptorie, coram teſtibus, Magiſtrum Joannem Moncreif Aduocatum, Alexandrum Blair juniorem de Balthyok, Georgium Hay de Nathertowne, Magiſtrum Petrum Hay, Robertum Grahame de Thornik, Joannem Grahame de Balgowne, Joannem Murray de Arbanie, Andream Hay balliuum de Perth, Alexandrum Peblis, Willielmum Robertſoun, Gilbertum Richardſon, Willielmum Rynd, Davidem Rynd, Joannem Rentowll, Georgium Forreſt, Thomam Burrell, Henricum Leyis ibidem, Robertum Chryſtie janitorem dicti quondam Comitum, Ludovicum Lennocie Ducem, Joannem Marrie Comitem, Joannem Grahame de Vrquhill Dominos Thomam Erkeyne, Joannem Ramſay et Hugonem Heres milites, Robertum Galbraith, Robertum Broun, Jacobum Bog, Jacobum Liddell et Joannem Boig in lie *ail-cellar*, ad comparandum coram nobis, dictone noſtro Juſticiario, dictis die et loco, cum continuatione dierum, ad perhibendum fidele teſtimonium in cauſa predicta, ſub pena legis; et preſentes literas debite executas et indorſatas earundem latori reddatis: Et vos qui preſentes exequuti fueritis, ſitis ibidem, dictis die et loco, coram nobis ſeu dicto noſtro Juſticiario, portantes vobiſcum ſummonitionis veſtre teſtimonium in ſcriptis, pro premiſſis, vel ipſos teſtes. Ad quod faciendum vobis et veſtrum cuilibet, coniuictim et diuiſim, vicecomitibus noſtris in hac parte, noſtram committimus poteſtatem. Datum ſub teſtimonio noſtri magni ſigilli, Apud

Edinburcht, vigeſimo ſexto die menſis Auguſti, anno domini milleſimo ſexcentefimo, et regni noſtri Trigefimo quarto.

Quhilkis eſtatis, all in ane voce, ſſand the ſamin relevant aganis the ſaidis Alexander and Harie Ruthvenis, &c.¹

SENTENCE. This Court of Parliament ſchawis for law, that the ſaidis Alexander Ruthven, Harie Ruthven his brother, ſonnes lauchfull to vniq^{le} Alexander Ruthvene of Freland, Hew Moncreif brother to Williame Moncreif of that Ilk, and Patrik Eviott brother to Colene Eviott of Balhouffie, committit the crymes of Treaffoun and Leſemajeſtie aganis oure ſouerane lord and his authoritie royall, in maner at lenth contentit in the ſaid ſummondis. And thairfoir, decernis and declaris thair perſones to vnderly the panis of Treaffoun and Leſemajeſtie, and laſt puniſchement preſcryvit be the lawis of this realme: And all thair gudis, moveabill and immoveabill, alſweill heretages as offices, benefices and vtheris qualatſumeuir pertening to thame, or quhilkis nicht onywayes belang or appertene to thame, to be conſiſcat to his Maieſtie, and to remane with his hienes in propirtie for euir: And thair poſteritie to be now and in all tyme cummyng vncapabill and vuhabill to bruk and poſſes, within this realme, ouy honouris, digniteis, offices, benefices, ſucceſſiones, or vtheris gudis or geir, moveabill or immoveabill. And this I gif for dome.

Documents Illuſtrative of the Earl of Gowrie's Conſpiracy.

No. I.

DEPOSITIONIS² of the WITNESSES examinat in preſens of the Lordis of Articles, for preving of the ſaidis tua Summondis of Treaffoun.

(1.) THE DUKE OF LENNOX, ſworne and examinat, deponis, That vpone the fyft day of Auguſt laſt bipaſt, this deponar for the tyme being in Falkland, in companie with his Maieſtie, he ſaw Maifter Alexander Ruthvene ſpeikand with his grace, beſyd the ſtabillis, betuix ſex and ſewin in the mornyng: And ſchortlie thaireſtir, his Maieſtie paſſing to the Hunting of the buk, and haveing ſlane ane, in the park of Falkland, his hienes ſpak to the deponar, deſyryng him to accompanie his Maieſtie to Perth, to ſpeik with the Erle of Gowrie: And incontinent thaireſtir, this deponar ſend his ſeruand for ane vther horſe, and for ane ſword, and lap on and followit his grace: And as this deponar ouertuk his grace, Maifter Alexander Ruthvene wes ſpekand with his Maieſtie: And ſchortly eſtir the deponaris cummyng to the King, his hienes raid a pairt and ſpak with this deponar, ſaying, ‘ ge can nocht gueſs quhat erand I am rydand for! I am going to gett ane poiſe³ in Perth; and Maifter Alexander Ruthvene hes informit me, that he hes fundin ane man that hes ane pitcher full of cunzeit gold of great fortis.’ And in the mentyme, his hienes inquirit at this deponar, ‘ Off quhat humour he thocht Maifter Alexander Ruthvene to be of?’ Quha anſwerit, that ‘ he knew nathing of him bot ane honeſt diſcrete gentelman.’ And eſter that his hienes had declarit to this deponar, the hail circumſtances of the

¹ As narrated after the former Summons.

² From the Originals, preſerved amongst the Warrants of the Parliament of Scotland, General Register Houſe.

³ A board, or hoarded treaſure.

man quha had the said gold, the place quhair it wes fundin, quhair it wes keipit, this deponar anfuerit, ' I lyk nocht that (schir,) ffor that is nocht lyklic.' And they rydand befyd the brig of Erne, his Majestie tauld to this deponar, that Maister Alexander desyrit him to keip that mater of the pois clofe secrete, and to tak na bodie with him. And than his hienes, baith at that tyme, and thair-estir in Sanct Johneftoun,¹ within the Erle of Gowreis hall, said to this deponar, ' Tak tent quhan I pass with Maister Alexander Ruthvene and follow me.' And as his Majestie wes within ane myle to Perth, estir that Maister Alexander had comeit ane certane space with his hienes, he raid away and gallopit to Perth befor the rest of the cumpany, towardis his brotheris ludgeing; off purpose, as the deponar belevis, to advertise the Erle of Gowrie of his Majesteis cumming thair: And as his Majestie wes within tua pair of butelangis² to the towne of Perth, the Erle of Gowrie, accompaneit with diuerse perfonas, all on fute, mett his hienes in the Inche, and salutit him. And immediatlie thairestir, his Majestie, accompanyit with this deponar, the Erle of Mar, Lundoris, Inchaffray, Schir Thomas Erskene, Laird of Vrquhill, James Erskene, Williame Stewart, Schir Hew Heres, Schir Johne Ramsay, Johne Murray, Johne Hammyltoun of the Grange and Johne Grahame of Bagowne, past altogidder in the Erle of Gowries hall, the said Erle of Gowrie and Maister Alexander Ruthvene being baith present with thame; and estir thair entrie, his Majestie cryit for ane drink, quhilk wes lang of cumming: And it wes ane hour nixt efter his first cummyng, befor his Majestie gat his dennar: And the tyme that his Majestie gat his deserte,³ the Erle of Gowrie come to this deponar and to the Erle of Mar and remanent perfonas foirfaidis, and desyrit thame to dyne; quhilk they did in the hall: And quhan they had neir hand dynit, the Erle of Gowrie⁴ come frome his Majesties chalmers⁵ to the hall and callit for wyne, and said that he wes directit frome his Majestie to drink his scoll⁶ to my lord Duik and the rest of the companie, quhilk he did: And immediatlie estir the scoill had passit about, this deponar raise frome tabill, to haue awaittit vpoun his Majestie, conforme to his former directioun; and than the Erle of Gowrie said to this deponar, that ' his Majestie wes gane vp quietlie sum quiet erand: ' And syne the said Erle of Gowrie cryit for the key of his zaird,⁷ and passit in company with

¹ Perth. ² Butt-lengths, the length of two pair of butts. ³ The dessert consisted chiefly of strawberries, even at that time a favourite fruit in Scotland. They are often noticed in the Treasurer's books during the preceding century. ⁴ Gowrie had previously dined at half past 12 o'clock, as soon as he heard of the King's having consented to visit Gowrie house.—See *Andro Henderson's Deposition*, &c. ⁵ According to usual etiquette, the King dined apart from the rest of the guests, and was waited upon by his entertainer, though this appears to have been done in an ungracious manner. ⁶ This ancient custom was, in some measure, equivalent to the modern practice of drinking healths. The King's *scoll* was drank by deputy on this occasion, Gowrie, in his Majesty's name, drinking 'to my Lord Duik,' &c. Frequent allusions are made to a similar custom in Shakspeare, &c. ⁷ Garden, orchard and pleasure ground attached to Gowrie's house.

this deponar to the 3aird, accompanyit with Lundoris and Schir Hew Hereis and certane vtheris. And schortlie eftir thair being in the 3aird, Maister Thomas Cranftoun¹ come down to the 3aird, cryand, ‘ The Kingis Majestie is loppin on² and riddin throwche the Inche.’ And then the Erle of Gowrie cryit, ‘ Horffis, horffis!’ And the said Maister Thomas Cranftoun answerit to him, ‘ 3our horse is in Scone;’ quhilk the Erle of Gowrie maid him nocht to heir,³ bot cryit ay, ‘ Horse, horse!’ And the deponar and the Erle of Gowrie cum furth of the 3aird, throw the hall, to the clofe and come to the wtter 3ett;⁴ and this deponar speirit⁵ at the porter, ‘ Gif the King wes furth?’ Quha answerit, that ‘ he wes assurit that his Majestie wes nocht cum forth of the place.’ Than the Erle of Gowrie said, ‘ I am sure he is furth; alwayes⁶ stay, my lord Duik, and I fall gang vp and get your lordschip the veritie and certantie thair of: And the said Erle of Gowrie passit vp, and incontinent come down agane to the cloise, and he affirmit to this deponar, that ‘ the Kingis Majestie wes furth at the bak 3ett and away.’ Quhairvpoun this deponar, the Erle of Gowrie, and Mar and haille company, past furth at the foir3ett of the Iudgeing, and stude befor the famin 3ett vpoun the hiegait:⁷ And as they wer standing thair, advyseing quhair to feik the King, incontinent, and in this mentyme, this deponar hard ane voce, and said to the Erle of Mar, ‘ This is the Kingis voce that cryis, be quhair he will.’ And sua they all lukand vp to the Iudgeing, they saw his Majestie lukand furth at the window, wantand his hat, his face being reid,⁸ and ane hand gripand his cheik and mouth; and the King cryit, ‘ I am murtherit! Treassoun! My Lord of Mar, help! help!’ And incontinent this deponar, the Erle of Mar and thair cumpany, ran vp the stair to the Galry-chalmer, quhair his Majestie wes, to haue releivit him: And as they past vpe, they fand the dure of the chalmer fast; and seing ane ledder standing besyd, they raschit at the dure with the ledder, and the stoippis of the ledder brak: And syne they send for hameris; and nochtwithstanding lang forceing with hammeris, they gat nocht entrie at the said chalmer, quhill⁹ eftir the Erle of Gowrie and his brother wes baith flane. That Robie Broun past about be the bak dur and come to his Maieftie and assurit his hienes, that it wes my lord Duik and the Erle of Mar that wes strikand vp the chalmer dure; and than the hammer wes gevin throw the hoill of the dure of the chalmer, and they within brak the durris and gaif thame entrie: And at thair first entrie, they saw the Erle of Gowrie lyand dead in the chalmer, Maister Alexander Ruthvene being slayne and takin down the stair befor thair entrie. And at thair first entrie within the said chalmer, quhair the

¹ See his Trial, Aug. 22, 1600.² Mounted, leapt on.³ Affected, or pretended not to

hear.

⁴ Outer gate.⁵ Enquired, asked.⁶ Nevertheless, at least.⁷ The High-

gate, or High Street of Perth.

⁸ Red, inflamed.⁹ Until.

Kingis Majestie wes, the deponar saw findrie halbertis and swordis striking vnder the dure of the chalmer and fydis thairof, be reffone the samin wes na cloise dure ; and knew nane of the strikeris in, except Alexander Ruthven, ane of the defendaris, quha desyrit to speik with this deponar throwch the dure, and sperit at him, ' For Godis saik, my lord, tell me how my lord of Gowrie dois ? ' To quhome this deponar ansuerit, ' He is weill. ' And the said deponar bad the said Alexander to ' gang his away, and that he wes ane foill ; and that he wald gett litill thankis for that labour. ' And in this mentyme, as they, continewand in striking with halbertis vnder the dure, Mekill Johne Murry,¹ seruand to Tullibardin, wes frikin throw the leg. And howfone the said Alexander Ruthven had hard the said lord Duik speik, he and his hail complices past frome the foirsaid dure, and maid na mair trubling thaireftir thairat ; and past down to the cloise and stude thair : And saw nane of the remanent defendaris present at the doing of the violent turnis that day, except be report, bot the said Alexander Ruthven : Bot sayis, that he saw Hew Moncreif, Harie and Alexander Ruthvenis, and Patrik Eviott with the Erle of Gowrie, at the Kingis denner that day, and ofbefoir. And thaireftir, loukand ouer the chalmer window, he saw George Craingelt and Alexander Ruthvene, and diuers vtheris of the Erle of Gowreis seruandis, quhome this deponar knew nocht, standand with armes, within the close : And als, saw vtheris persones carying ane gest² frome the towne, to the close of the Erll of Gowries ludgeing. And declaris, that thair aboad findrie persones within the said close, and in the Hie-streit, befoir the said Erlis ludgeing, cryand and makand tumult, be the space of tua houris and mair, nixt eftir the death of the said Erle of Gowrie and his brother.

(Sic subscribitur)

LENNOX.

(2.) THE ERLE OF MAR sworne and examinat, deponis conforme to the lord Duk of Lennox Deposition, in all thingis substantiall ; except, his lordschip saw nocht Mr Alexander Ruthven in Falkland, quhill about ten houris, the day libellit ; schortlie befoir the slaying of [the] buke : And als, ouertuk nocht his Majestie that day, quhill his Majestie wes neir the Brig of Erne : And that eftir thair dennar, my Lord of Mar passit nocht to the zaird, in company with the Erle of Gowrie, bot passit to the chalmer quhair the king dynnit ; and saw nathing of the gest.³

(3.) ANDRO HENDERSOUN, chalmerlan of Scone, sworne, deponis, That he is of the age of threttie aucht yeiris. Declairis, that vpoun Monunday at nicht, the fourt day of August lastbipast, this deponar being, eftir supper, in companie with the Erle of Gowrie (and) Maister Alexander Ruthvene, within my lordis

¹ John Murray of Arbany. ² Joist, beam. ³ The using of the joist or beam to break open the outer gate,—not the 'gest,' 'gist,' or action, according to the old English acceptation of the word.

awin chalmer, the Erle of Gowrie inquirit at this deponar, quhat he had to do the morne? To quhome this deponar anfuerit, that he had to do, to ryd to Ruthven to speik with the tenmentis: Than the Erle of Gowrie anfuerit, ‘ Stay that jorney, ze man¹ ryd to Falkland, in company with my brother Maifter Alexander, and tak Andro Ruthvene with zow: And that ze be redie to ryde, be four houris in the morning: And haift zow bak with anfuer, as my brother directis zow, be wrytt or otherwayes: And lett Andro Ruthven remane with my brother.’ And the morne, eftir four houris in the morning, they raid all thrie togidder to Falkland; and cummand to Falkland, they lichtit at Johne Balfouris hous: And feing that Colonel Edmond wes thair, they ludgeit in ane Lawes houe: And the Maifter fend this deponar, about sewin houris in the morning, to fie quhat the Kingis Maieftie wes doand: And as he wes within the Palice, he faw the Kingis Maieftie cummand furth mid-clofe, butit.² And than he returnit bak agane to the Maifter, and fald to him, ‘ Haift zow, the Kingis Maieftie is cummand furthe.’ And incontinent the Maifter followit his Maieftie and fpak with his Maieftie, foirament the equire:³ And the King layit his hand on his fchulder and clappit him; quhair they fpak togidder be the fpace of ane quarter of ane hour. And thaireftir, the Maifter directit this deponar, to ‘ ryde to Perth, in haift, as he luiffit the Lord Gowreis honour and his; and aduertefe his lordfchip, that his Maieftie will be thair, with ane few number, incontinent; and caufe mak his denner reddie.’ Than this deponar anfuerit, ‘ Sall I ryd prefentlie?’ The Maifter anfuerit, ‘ Na, bot ftay a quhill, and follow the King and me, quhill I speik with his Maieftie agane.’ And as his Maieftie wes rydand throw the flop of the park dyk, the Maifter fpak his Maieftie: And immediatlie thaireftir, the Maifter bad this deponar to ‘ pas to Sanct Johneftoun, with all poffibill diligence,’ according to his former directioun. And at this deponaris cummyng to Perth, quhilk wes fchortlie eftir ten houris in the morning, he enterit in the lord of Gowreis chalmer, quhair he faw his lord speik with George Hay and Maifter Petir Hay: And howfome my lord of Gowrie faw this deponar, he come afyd to this deponar, and inquirit, fecreitlie, ‘ Quhat word he had brocht frome his brother? and gif he had brocht ane letter?’ This deponar anfuerit, that ‘ he had brocht na letter.’ ‘ Quhat anfuer’ (than fald he) ‘ haif ye to me?’ This deponar anfuerit, that ‘ the Maifter, his brother, bad tell his lordfchip, that the Kingis Maieftie wald be thair incontinent; and bad haift his denner.’ Than the Erle defyrit this deponar to follow his lordfchip to the Cabinat, and fperit at him ‘ how his Maieftie had tane with his brother?’ He anfuerit, that ‘ he wes weill tane with: And quhan he did his courtesie, the King layd his hand vpoun his fchulder.’ The Erle fperit, ‘ Quhat number of perfones

¹ Must.

² In boots, prepared for riding.

⁴ Equerry, stables.

wes with the King at the hunting? Quha anfuerit that ' he knew nocht weill ; bot thair wes findrie of his awin with him, and sum Inglifinen.' And than the Erle sperit, ' Quhat nobillmen wes with him? ' He anfuerit, ' Nane ; bot my lord Duik.' And thaireftir, this deponar past to his awin houe, in the towne ; and tuk aff his buttis, and returnit to the Erle within ane hour. And howfone the Erle saw him in his chalmer, he callit vpoun this deponar, and bad him ' put on his secrete and plate sleiffis.' The deponar inquirit, ' To quhat effect? ' The Erle anfuerit, ' I haue ane Heland-man to tak, in the Scho-gait.' And than this deponar passit to his awin houe, and put on his secreitt and plait sleiffis, come bak agane to the Erle of Gowreis houe : And about half hour to ane, the Erle command this deponar, ' Tak vp my demnar.' And this deponar passit and tuk vp the first seruice, be reffone George Cragingelt¹ was feik. And incontinent, the said Erle passit to his demnar, accompanyit with Maister Johne Moncreif laird of Pitcreif, Mr James Drummond, Alexander Peblis barroun of Findowie : And sehortlie eftir the first seruice wes sett down, my lord sittand at the tabill with the foirfaid company, Andro Ruthven come in frome the Maister, and roundit to the Erle ; bot hard nocht quhat he said. And sehortlie thaireftir, this deponar passing down, to tak vp the second seruice, Maister Alexander Ruthven and Williame Blair come in to the hall, my lord sittand at his demnar : And howfone my lord saw thame, he and his haill companie raise frome the table. And than, this deponar, herand my lord on fute, bade this deponar fend for his steill bonat and gantilat, beleevand that my lord wes going to tak the said Heland-man : And as the deponar perfavit my lord passand to the Inche, and nocht to the Scho-gait, he fend hame his steillbonat, and cast his gantilat in the pantrie : And thaireftir followit the Erle to the Inche, quhair he saw the said Erle meitt his Maiestie, the Duik, and the Erle of Mar, and come in altogidder to the Erlis houe. And eftir his Maiestie had cum to the Erlis ludgeing, the Maister of Ruthven sperit at this deponar, ' Quhair the key of the Galry chalmer wes? ' Quha anfuerit, that he handlit nocht the said key sen the Erle come in Scotland. Than the Maister bad this deponar speik to Maister Williame Rynd, to gif to him the said key. And the Maister, passand vp towardis the galry, Mr Williame Rynd followit him, and gais to him the said key. And thaireftir, immediatlie eftir his Maiesteis dounfitting to his demnar, Maister Thomas Cranstoun come to this deponar, and bad him ' gang to the Erle of Gowrie? ' Quhilk this deponar did. And the Erle of Gowrie, in the vtter chalmer, quhair the King dynit, spak to this deponar secreteilie, and bad him pas vp to the galry to his brother. Sua he passand vp, and the Erle followis him : And they beand all thrie togidder, in the galry chalmer, quhair of he had the key fra Maister Williame Rynd ; the Erle

¹ Craingelt seems to have been Master of the Household to the Earl of Gowrie.

faid to this deponar, ‘Tary still with my brother, and do ony thing he biddis 3ow.’ Than this deponar turnit to the Maister, and sperit, ‘Quhat will 3e do with me, schir?’ Than the Maister spak to my lord, ‘Lett Andro Henryfoun gang in to the round of the chahner, and I will loik him in, and tak the key with me:’ Quhair this deponar abaid half an hour or thairby, lokkit his allane, haveand his secrete, plate flewis, fword and quhinger with him, and wantand his fleill bonnat. And all this tyme, this deponar, fearand sum ewill to be done, fatt vpoun his kneis and prayit to God. And about the end of the half hour, Maister Alexander oppenis the dure of the round, and enterit first within the samin, haveand the Kingis Maieftie be the arme, and puttis on his hatt on his heid, drawes furth this Andro Henderfoun deponaris quhinger, and sayis to the King, haveand the drawin quhinger in his hand, ‘Schir, 3e man be my prifoner! Remember on my fatheris dead!’¹ And as he held the quhinger to his Maieftis breift, this deponar threw² the samyn furth of Maister Alexanderis handis. And the tyme that the Maister held the quhinger to his Maieftis breift, the King wes beginnand to speik, the Maister faid, ‘Hald 3our towng, schir, or be Chryft 3e fall dee.’ Than his Maieftie anfuert, ‘Maister Alexander, ye and I wes verie great³ to-gidder: And as tuicheing your fatheris deid, man,⁴ I was bot ane minor; my Counfall nicht haue done ony thing they pleiffit: And forder, man, albeit 3e bereve me of my lyfe, 3e will nocht be King of Scotland, for I haue baith fonnes and dochteris: And thair is men [in] this towne, and freindis, that will nocht leiff it vnrevangeit.’ Then Mr Alexander anfuert, sverand with ane great aith, That ‘it was nather his lyfe nor blude that he cravit.’ And the King faid, ‘Quhat rakis,⁵ albeit 3e tak of your hat?’ And then Maister Alexander tuk af his hatt. And the King faid, ‘Quhat is it 3e crave, man, and⁶ 3e crave nocht my lyfe?’⁷ Quba anfuert, ‘Schir, it is bot ane promeis.’ The King anfuert, ‘Quhat promeis?’ The faid Maister Alexander anfuert, ‘Schir, my lord my brother will tell 3ow.’ The King faid, ‘Fetche hither 3our brother.’ And syne the faid Maister Alexander faid to the King, ‘Schir, 3e will nocht cry, nor oppin the window, quhill I cum agane?’ And the King promeffit fua to do. Then Maister Alexander passit furth and loikkit the dure of the round; and passit

¹ Death. See a succinet and able account of the Raid of Ruthven and Gowrie Conspiracy in Constable’s Miscellany, vol. xliii., by John Parker Lawson, M.A., p. 223 to the end. ² Wrenched,

twisted by violence; the past tense of the verb *to throw*. ³ On very familiar terms. ⁴ A familiar and homely phrase used in Scotland, rather expressive, at least in this instance, of a desire to soothe one who is unreasonable, than as indicating any mark of contempt or hauteur, as the mere English reader might naturally imagine. It seems equivalent to ‘my lad,’ or ‘my good fellow.’ ⁵ Recks. A reproof for appearing covered in his presence; which shows much greater firmness and presence of mind than could have been expected, even from the most resolute mind, under such circumstances.

⁶ If. ⁷ The King, from the outset of this hazardous parley, assumed very high ground; and in no instance does he seem to have lost his presence of mind and perfect self-possession. See note to Sir John Ramsay’s Deposition, No. 7, and the whole Narrative and Examinations.

nocht frome the dure, as he beleves.¹ In the mentyme, the King enterit in conference with this deponar, ‘How can ze in heir, man?’ And this deponar answerit, ‘As God leves, I am schott in heir lyk as ane dog.’ His Maieftie answerit ‘Will my lord of Gowrie do me ony ewill, man?’ This deponar answerit, ‘I wov to God, schir, I fall die firft.’ And than the King bad this deponar ‘oppin the window.’ And he oppinit the window that luikit to the Spey tour. The King answerit, ‘Fy! the wrong window, man.’ And thaireftir this deponar, passing to the vther window, narrest his Maieftie, to oppin the samin, befoir he gat to the window, Maister Alexander oppinit the dure and come in agane, and said to his Maieftie, ‘Be God, schir, thair is na remede!’ And than he leippis to the King, and gatt him be baith the handis, haveand ane gartane in his handis. Then the King answerit, ‘I am ane frie Prince, man, I will nocht be bundin.’ Sua his Maieftie castis loufe his left hand from Maister Alexander; and at that samin time, this deponar drawes away the gartane frome Maister Alexander; and his Maieftie leippis frie frome the said Maister Alexander; and the said Mr Alexander followes his Maieftie, and with his leaft hand about his Maieftie’s craig² puttis his richt neiff³ in his Maieftie’s mouth. Sua his Maieftie, werfland⁴ to be quit of him, this deponar puttis his hand out of his Maieftie’s mouth: And thaireftir, the deponar pat his left hand over his Maieftie’s leaft schulder, and pullit vp the brod of the windo, quhairvnto the said Maister Alexander had thruſchit⁵ his Maieftie’s heid and schulderis; and with the force of the drawing vp of the window, it preiffis his Maieftie’s body about his rycht syd to the window; at the quhilk tyme, his Maieftie cryis furth, ‘Treasfoun! Treasfoun!’ Sua the Maister said to this deponar, ‘Is thair na help with thee? Woe worth thee, thow will caus ws all die.’ Sua trymling,⁶ the Maister pat his hand on the gaird of his awin fworde; and incontinent the Kingis Maieftie pat his hand on the Maisteris handis, and stayit him frome drawing of his fworde: And this wayes, they baith being glaspit togidder, cummis furth of the cabinat to the chalmer; And in the mentyme, this deponar threw⁷ about the key, than standing in the dure of the heid of the turnepyk, quhilk enterit to the chalmer, and oppinit the dure thairof, to eschew him self, and to lett his Maieftie’s seruandis in: And howfone he oppinit the dure, Johne Ramfay cam in at the samin dure,

¹ This circumstance is elsewhere stated. Henderson infers that he did not leave the back of the door, either from his not hearing his retiring footsteps, or from his too precipitate return; which last, alone, would show he had had no conference, on so momentous an occasion. The fact seems to be, that Ruthven was completely abashed by the dignified and collected demeanour of the King; and having become quite unnerved by the desperate situation in which he now felt himself placed, he availed himself of the King’s proposal to call for Gowry, to retire and ‘screw his courage to the sticking point.’ Appalled by the awful circumstances of his Treason, and conceiving that it was now too late to retrace his steps, he seems to have stifled every feeling of reason and religion, and desperately to have rushed forward to the conclusion of his conspiracy, with headlong and insane fury.

³ Fist.

⁴ Wrestling, struggling.

⁵ Forcibly thrust.

⁶ Trembling with emotion, violent passion, and exertion.

⁷ Thruwed, turned.

with ane halk in his hand, and passit to the Kingis Maiestie and said about him and drew his quhinger : And as he saw him myntane with the quhinger, this deponar passit furth at the said dure, and passit down the turnpyik.

(Sic subscribitur) A. HENDERSOUN.

AND as the deponar passit throw the cloise, and come to the foiryceitt, the deponar saw the Erle of Gowrie standing befor the yett, accompanyit with diuerse perfones, of quhome he rememberis nane ; bot rememberis weil, that the Erle had this deponaris knaipfehall¹ on his heid, and tua swordis drawin in his hand. And immediatlie thaireftir, the deponar passit to his awin ludgeing, quhair he remanit quhill the King passit furth of the towne : And than the deponar passit to the Brig, and walkit vp and down be the space of ane hour, and returnit nocht agane to the Erlis ludgeing that nicht. And the tymes of his entrie to his house that nicht, this deponaris wyf inquirit at this deponar, ‘ Quhat truble wes within the place ?’ To quhome he anfuerit, ‘ Weill is me, of ane thing, that gif I had nocht bene thair, the King had bene twyfe stikit² this nicht ! Bot wais me,³ for the thing that is fallen out !’ And this deponar, being demandit be Maister Johne Moncreif, eftir his returning from Falkland, ‘ Quhair haue ye bene with your boittis on ?’ Anfuerit, ‘ He had bene tua or thrie mylis beyond Erne.’ And durst nocht tell him the veritie, be resson the Erle of Gowrie had dischargit him to tell the erand he send him, to ony bodie. And forder, this deponar declaris, that quhan he saw the Erle of Gowrie standing with his drawin swordis, befor the yette, this deponar spak nocht to the Erle, nather yit the Erle to him at that tyme ; bot he passit to his awin house.

(Sic subscribitur) ANDRO HENDERSOUN.⁴

¹ Steel-bonnet. ² Stabbed. ³ Woe is me ! ⁴ It may here be remarked, that the pusillanimous conduct of Andrew Henderson tended, both at the time, and even now has been considered as strongly fortifying the idea of a plot on the part of the King to put down the family of Gowrie, and to seize upon their estates. But it is obvious that the King would not have chosen so ‘ weak a vessel’ to be the means of effecting so daring a deed. This blockhead seems to have been utterly paralyzed by the novel and difficult situation in which he was placed. When locked up in ‘ the round of the chalmer,’ or turret, by Mr Alexander Ruthven, where the scene of action was to take place, he first craved direction from above, ‘ and all this tyme (about half an hour) satt vpoun his kneis, and prayit to God.’ Notwithstanding, he was little better than a passive spectator of the struggle ; and after ‘ eschewing him self,’ by which means he ‘ lett his Maiesteis seruandis in,’ he passed his ill-fated master, Gowrie, without uttering a word, and ‘ passit to his awin ludgeing, quhair he remanit quhill the King passit furth of the towne ;’ and then, in a ‘ *quandary*,’ saunters about on ‘ the brig, be the space of ane hour !’ This was not a man to be intrusted with playing a principal part in so hazardous a game. Nor would the King, constitutionally feeble, and unfit by nature for violent muscular exertion, have been so insane as to risk his person, unarmed, and habited merely in a slight hunting suit, without even a dagger or weapon of any sort, to contend with an athletic young man, such as Ruthven was, perfectly skilled in the art of self-defence, armed with a sword and ‘ pyne-doublet,’ or secret coat of mail—and this conflict, too, in a remote tower, out of the probable reach of aid from any others who had been intrusted with this plot. This circumstance, by itself, would go far to disprove the very idea of any Conspiracy on the part of the King against Gowry and his brother. But when one takes into consideration the total ignorance of the whole of the hunting party, the King’s sole attendants, who had merely time to send for fresh horses and their side-arms, when they, on the hunting-field, heard, for the first time, of the proposed visit to Perth, such a proposition seems the height of absurdity.

(4.) THE ABBOTT OF INCHECHAFFRAY, sworne and examinat, deponis, That vpoun the fyft day of August laftbipast, this deponar, being in Falkland, about fevin houris in the mornyng, he mett Maifter Alexander Ruthvene, accompanyit with Andro Ruthvene; and at that tyme, onlie salutit the said Maifter Alexander, without ony conference forther at that tyme: And at that tyme, he saw the said Maifter Alexander enter in conference with his Maieftie, vpoune the grene, betuix the stabillis and the parke; quhilk conference, induring for the space of ane quarter of ane hour: And the said Maifter Alexander accompanyit his Maieftie quhill they come to the medow. And at his returning frome his Maieftie, this deponar defyrit Maifter Alexander to difchone¹ with him, be reffoun his awin culd nocht be fafone be preparit. To quhome Mr Alexander anfuerit, ‘ He nicht nocht tarie, be reffone his Maieftie had commandit him to await vpoun him.’ And as this deponar paffit to Falkland, levand Mr Alexander behind him, he mett his horfe with his man cummand frome Falkland to him. And then this deponar, eftir he had difchonit in Falkland, he tuik his jorney the hieway to Inchechaffray: And the deponar, being bot ane mile a north Strameglo, his Maieftie, accompanyit with my lord Duik, Lundoris, the Laird of Vrquhill, John Hammyltoun of the Grange, Finlaw Tailzeour and Maifter Alexander Ruthven cam by this deponar, rydand the hieway to Perth: Than incontinent this deponar horffit and accompanyit his Maieftie to Perth, quhair he saw the Erle of Gowrie meitt his Maieftie in the Inche; and paffit in company with his Maieftie and his Nobill men and feruandis to the Erle of Gowreis ludgeing, quhair they dynit altogidder. And eftir denmar, this deponar being in the chalmer at the north end of the hall, word paffit throw the hall, that his Maieftie wes paffit away and riddin towardis Falkland: And than this deponar, in company with the Lord of Mar, and remanent present for the tyme, paffit to the cloife, and frome that to the Hie-ftreit: And the Erle of Gowrie being present with thame, defyrit thame to stay, quhill he returnit, and advertesit thame of the veritie thairof: And incontinent the Erle of Gowrie paffit vp the stair, and returnit bak and certefeit the deponar and his collegis of his Maiefties depairture. Than the lord Duik, this deponar, and remanent, cryit for thair horfis, to follow the King. Than, as they wer standand vpoun the Hie-ftreit, they hard ane cry and ane voce: And the Duik first declarit, ‘ I am affiurit yon is his Maiefties voce, be quhair he will him self.’ And immediatlie thaireftir, this deponar saw his Maieftie loukand furth at ane windo of the round, wantand his hat, and his face reid, cryand ‘ Fy! Help, my lord of Mar! Treffoun! Treaffoun! I am murderit!’ And at that famin instant, be his judgement, his Maieftie wes pullit, perforce, in at the famyn window. And incontinent thaireftir, this deponar paffit in haift

¹ To breakfast. Old Fr. *desjeuner*.

vpe with the Erle of Mar and my lord Duik, to the chalmer within the galry ; quhair he saw, hard and did, in all thingis conforme to the Dukis depositioun.

(Sic subscribitur)

INCHEAFFRAY.

(5.) THE ABBOTT OF LUNDORIS, sworne and examinat, deponis conforme to the Lord Duik of Lennox, in all thingis : *Addendo*, that eftir dennar, quhan word wes of his Maieftis depairtour towardis Falkland, and that they had altogidder cum down to the porter, and had inquirit at him, ‘ Gif the Kingis Maieftie wes gane furth ? ’ The porter anfuerit, ‘ He wes nocht passit furth : ’ And the Erle of Gowrie affirmit that ‘ He wes passit furth at the bak zett : ’ And the porter said to the Erle of Gowrie, ‘ That can nocht be, my lord, becaus I haue the key of the bak zett.’ And eftir that his Maieftie had cryit furth of the windo of the round, ‘ Treassoun ! Treassoun ! ’ &c. this deponar saw James Erskayne incontinent lay handis vpoun the Erle of Gowrie, vpoun the Hie-ftreit. And immediatlie Schir Thomas Erskayne grippit the Erle of Gowrie, ‘ Fy, Tratour, this is thy deid, thou fall die ! ’ Then the Erle of Gowrie anfuerit, ‘ I ken na thing in the mater.’ Than, instantlie, the Erle of Gowreis men ruiggit the said Schir Thomas Erskayne and James Erskayne fra the Erle of Gowrie ; quha incontinent ran the sspace of half ane pair of butlandis frome thame, towardis Glenvrquhis house, and drew furth his tua swordis,¹ and cryit, ‘ I will ather be at my awin house, or die be the gait.’ And incontinent thaireftir, the said Erle, accompanyit with threttie perones or thairby, passit within the said place, quhair his Maieftie wes for the tyme : And schortlie thaireftir, the deponar, as apperit to him, saw ane multitude of people caryand ane jest towardis the place.

(Sic subscribitur)

LUNDORIS.

(6.) SCHIR THOMAS ERSKEYNE, of the age of threttie-six zeiris, Sworne, deponis conforme to the Lord Incheffray and Lord of Lundoris : *Addendo*, that immediatlie eftir this deponar hard his Maieftie cry furth of the windo of the round, ‘ Fy ! Help ! I am betrefit ! They ar mureffing me ! ’ he ran with diligence towardis the place, to haue helpit his Maieftie : And befor his entrie, feing the Erle of Gowrie, this deponar and his brother grippit him be the nek, and said to him, ‘ Tratour, this is thy deid ! ’ Quhilk Erle anfuerit, ‘ Quhat is the mater ? I ken nathing ! ’ Immediatlie the Erlis seruandis feuerat him frome this deponar and his brother ; and than this deponar enterand within the clofe, he forgadderit with Schir Hew Hereis, quha demandit of the deponar, ‘ Quhat the mater menit ? ’ And in the mentyme, the deponar hard Schir Johnne Ramfay cryand out at the turnepyk heid, ‘ Fy ! Schir Thomas, cum vp this turnepyk,

¹ It appears that these swords were, according to a custom then prevalent in Italy, worn in one scabbard, and served for double defence, as the sword and dagger. The Earl was singularly skilled in the use of arms.

ewin to the heid.' And as this deponer had passit vp fyve stoppis of the turne-pyke, he feis and meittis with Mr Alexander Ruthvene, bludit in tua partis of his bodie, viz. in his face and in his neck: And incontinent this deponar cryis to Schir Hew Heres and vtheris that wer with him, 'Fy! This is the Tratour! Strik him!' And incontinent he wes strikin be thame and fell: And as he wes fallin, he turnit his face and cryit, 'Allace! I had na wyte of it!' This deponar being standing abone him in the turnepyk. Thaireftir, this deponer past to the heid of the turnepyk, and enterit within the chalmer at the end of the galry, quhair the king and Schir Johne Ramsay wes thair allane present: And at the first meting, this deponar said to his Maiestie, 'I thoct your Maiestie wald haue concredited mair to me, nor¹ to haue commandit me to await your Maiestie at the dure, gif ze thoct it nocht meit to haue tane me with you.' Quhairvpoun his Maiestie ansuerit to the deponer, 'Allace! the Tratour diffavit me in that, as he did in the leave;² ffor I commandit him expresse to bring you to me: Quhilk he promesit to me to do, and returnit bak as I thoct to fetche you; bot he did nathing bot steikit the dure.'³ Schortlie thaireftir, Schir Hew Heris followit this deponar in to the chalmer, and George Wilfoun seruant to James Erskyne: And immediatlie thaireftir Maister Thomas Cranstoun, with his sword drawin in his hand, enterit within the said chalmer; and the Erle of Gowrie followit him within the same chalmer, with ane drawin sworde in euerie ane of his handis, and ane knapscale⁴ on his heid; quha struck at this deponar and his collegis, ane certane space. Lykas, they defendit thame and struck agane: And that samyn tyme, the said deponar wes hurte in the richt hand, be Maister Thomas Cranstoun. And this deponar hard my Lord of Gowrie speik sum wordis at his entrie, bot vnderstandis thame nocht. And last, Schir Johne Ramsay gaif the Erle of Gowrie ane dead straik: And than the Erle leanit him to his sword; and the deponar saw ane man hald him vpe, quhome he knew nocht: And howfome the Erle fell to the ground, Maister Thomas Cranstoun, and the remanent quha accompanyit him, depairtit, and passit down the turnepyk. And the deponar rememberis, that at that tyme, thair wes ma perones in the chalmer with the Erle of Gowrie, by⁵ Mr Thomas Cranstoun; bot knew nane of thame; except he believes, that ane blak man⁶ that wes thair in company within the chalmer, wes Hew Moncreif, brother to the Laird of Moncreif; bot the deponar knawes nocht weil, quhidder or nocht it wes Hew Moncreif.

(Sic subscribitur) SR THOMAS ERSKYNE.

(7.) SCHIR JOHNE RAMSAY, of the age of Tuentie thrie zeiris or thairby, Sworne, deponis, That immediatlie eftir he had dynit, the day libellit, in the

¹ Than. ² Leave, the rest. ³ Shut the door. ⁴ A 'steel bonnet,' or defence for the head. ⁵ Besides, *forbye*. ⁶ Dark-complexioned.

Erle of Gowreis houfe, he tuk his Maieftie's hawk¹ fra Johne Murray, to the effect the faid Johne nicht haue dynit: And the deponer, miſſing his Maieftie, and forgaddering² with the Laird of Pittinereif in the Erle of Gowreis hall; and demanding of Pittinereif, 'Quhair his Maieftie wes?' The faid Laird firſt convoyit the deponer to the chalmer quhair his Maieftie dynit; thaireftir to the zaird, hoiping that his Maieftie had bene thair: And miſſing his Maieftie in the zaird, the faid Laird convoyit the deponer vp to ane fair gallerie, quhair this deponer wes nevir befor; quhair, haveing remanit ane certane ſpace, behalding the gallerie, they come baith down to the cloiſe, quhair they mett with Maifter Thomas Cranftoun in the middis of the cloiſe, quha faid to thame, that 'His Maieftie wes away vpoun horfbak at the Inche.' Quhairvpoun this deponer and Pittinereif ſunderit;³ and the deponer paſſit furth of the zett to his ſtable, to haue gottin his horſe: And being ſtanding at the ſtable dure, he hard his Maieftie cry, knew his hienes voce, bot vnderſtude nocht quhat he ſpak: Quhairvpone he immediatlie cummis within the cloiſe, and finding ane turnpyk dure oppine, he enteris within the ſamin, and rynnis vpe the turnpyk, quhill he cummis to the dure vpoun the heid thair of: And heiring ane ſtrugling and dyn of mennis feitt, he ran with his hail force at the dure of the Turnepyke heid, quhill he enteris to the chalmer at the end of the gallerie, the deponer haveing in the mentyme his hawk on his hand: And haveing dung⁴ vpe the dure, he ſeis his Maieftie and Mr Alexander Ruthvene in vtheris armes, ſtryveing and worſlying⁵ togidder, his Maieftie haveing Maifter Alexanderis heid vnder his arme, and Maifter Alexander being almaiſt on his kneis, had his hand vpoun his Maieftie's face and mouth: And his Maieftie, ſeing the deponer, faid, 'Fy! Strik him laich, becaus he hes ane pyne dowlit⁶ vpoun him!' Quhairvpoun the deponer kaiſt the hawk fra him, and drew his quhinger, quharwith he ſtrak the faid Maifter Alexander: And immediatlie eftir he was ſtrukin, his Maieftie ſchoitt⁷ him down the ſtair, quhairat this deponer had enterit. Thaireftir this deponer addreſſis him to ane window, and lukand furth thairat, and ſeand Schir Thomas Erſkeyne, the deponer cryit, 'Schir Thomas, cum vp this turnepyke, ewin to the heid.' In this mentyme, his Maieftie pat his fute vpoun the hawk leiſche, and held hir ane lang tyme, quhill the deponer come and tuk hir vp agane:⁸ And than Schir Thomas

¹ This hawk is reported to have been preſented to the King this day, by John Murray of Arknay, commonly called 'Meikle John Murray.' ² Meeting. ³ Separated. ⁴ Struck, forced.

⁵ Wrestling, ſtruggling. ⁶ Secret doublet, or chain ſhirt of mail. ⁷ Forcebly thruſt, thruw, or pushed.

⁸ In the whole of this prolonged and deſperate ſtruggle, the King, although unarmed and defenceleſs, (being habited in a green hunting-dreſs, with a hunting-horn ſuſpended round his neck,) exhibited extraordinary preſence of mind, and no ſmall ſhare of personal bravery, proweſs and dexterity, in parrying off the attacks of an athletic young man, bent upon ſo deadly an errand, and provided with 'a ſecret' or 'pyne doublet,' capable of turning the ordinary thruſt of a ſword or dagger, and beſides furniſhed with neceſſary weapons. It has become fashionable to ridicule the puſillanimity of

Erfkein enteris. And in the rest, deponis conforme to Schir Thomas Erfkeyne, in all pointis. And forder sayis, that quhan this deponar enterit first within the chalmer, he saw aue man standing behind his Maiesteis bak, quhome he nawayes knew; nor rememberis nocht quhat apperrelling he had on; bot eftir that this deponar had strukin Maister Alexander, he saw that man na mair.

(Sic subscribitur)

SR JOHNE RAMSAY.

(8.) JOHNE GRAHAME of Vrquhill, sworne and examinat, deponis conforme to the Lord Duik of Lennox and Erle of Mar, in all thingis; *Reddens eandem caussum scientie: Addendo*, that this deponer, the tyme that he wes at dennar in the hall, with my lord Duik and the Erle of Mar, he saw the King and Maister Alexander Ruthven pass throw the hall, vp the turnepyke, towardis the gallerie: And as this deponer, Johne Hammyltoun and vtheris wer followand, Maister Alexander cryit bak, ‘Gentlemen, stay, for sua it is his hienes will.’

(9.) JOHNE GRAHAME of Balgowne, of the age of fyftie yeiris or thairby, mareit, deponis conforme to the lord Duik, in all thingis; *Addendo*, that this deponer, the day libellit, efter the death of the Erle of Gowrie and his brother, and herand his Maiestie reporte that Maister Alexander preffit to haue bund his hienes handis with aue gartane, this deponer fand aue gartane at the cheik of the round dure, among the bent;¹ and immediatlie thaireftir, this deponer presentit the famin gartane to his hienes, and at the sicht thairof, his Maiestie said, that ‘the famin wes the gartane, quhairwith Maister Alexander preffit to haue bound his handis.’ And then Schir Thomas Erfkeyne grippit to the famin gartane, and said, that ‘He wald keip it.’ Quhilk he hes yit in keiping.

(Sic subscribitur)

J. GRAHAME of Balgowne.

(10.) I MAISTER JOHNE MONCREIF deponis, as eftir followes, to wit. That day, I wes still present with my lord of Gowrie, vnto the tyme I hard his

James VI., but it is hard to conceive how far the bravest man, if unarmed, and placed in similar circumstances, could have surpassed him in courage, or have displayed more coolness, address and self-possession, than did the King, throughout all this perilous transaction. Although constitutionally and habitually timid, and being destitute of the advantage of a healthy or robust frame; these infirmities being likewise aggravated, in no small degree, by the broils and conspiracies in which he found himself incessantly involved, James on many occasions showed, when personally placed in difficult emergencies, that he was not unworthy of the royal blood from which he was descended.

¹ Before carpets were generally used in this country and in England, it was customary, in lieu of this modern luxury, to strew rushes, or withered ‘*bent*,’ (a sort of coarse grass, ‘*hair grass*,’ growing on muir-lands, sandy grounds, &c.) on the floors of halls, &c. On the arrival of guests of distinction, it was a mark of civility and polite attention to have the floors strewed with fresh bent or rushes. The older English writers, especially the Dramatists and Satirists, inveigh loudly against the filthy odours generated by the stale and rancid straw or rushes on the floors of English halls; owing to the frugality or slovenliness of the landlord. Carpets are, to this day, rarely used in many places of the continent of Europe, to the no small annoyance of British travellers; and, perhaps from this cause, (the recent introduction of carpets into general use,) it is reproachfully remarked, of ‘the most polite nation in Europe,’ that a Parisian spits without remorse on the finest drawing-room carpet, and this too in presence of ladies.

Maieftie cry, ‘ Treaffoun !’ And faw him put his arme furth at the windo of the round ; and then left him ; for I confavit in my heart, that it wes ane plane Treaffoun confpyrit aganis his Maieftie : And wes inducit heirto, in refpect of the prefumptionis following : Firft, I faw the Kingis Maieftie and vmq^{lc} Maifter Alexander Ruthvene, my lordis brother, gang furth at the hall dure, thair allanes, quhair as his Maieftie had na wapponis, and Maifter Alexander had ane fworde : Nixt, I faw his Maieftie cum in quiet and fober maner to the towne, quhairthrow apperantlie he wald haue na ewill purpofe in his mynd : *Item*, the faid Maifter Alexander rydand to Falkland, in the morning, wes obfcurit¹ fra me and my brother Hew, quhair he wes ; and I haveing inquirit of my brother Hew, ‘ Quhair he wes riddin to ?’ He knew nathing thair of ; fua that nather he nor I culd gett tryell of the famin : *Item*, I haveing inquirit at Andro Henderfoun him felf, quha raid to Falkland with the Maifter, and returnit tua houris befoir him, fylit me,² and anfuerit, that he had bene tua or thrie mylis abone the towne : And alfe, the faid Andro had ane vther dwblit on him nor he vfit commounlie, and wes mair bukfun ; and, as apperit, micht haue contenit ane fecret³ : *Item*, that day, being the Counfaill day of the towne, my lord excusit him felf, in refpect of his adois :⁴ *Item*, I haveing preafit him to fubfcrive ane Confirmatioun of ane ladyis, firft ; refusit, in refpect foirfaid ; alwayes⁵ paffit it thaireftir : *Item*, my lord taryit langer fra his denner nor he vfit ; and albeit Andro Ruthven, quha wes with the Maifter, come and roundit to my lord at the burde, he maid him to misknaw all thingis, vnto the tyme the faid Maifter Alexander come him felf ; and than raife from the buird and mett his Maieftie : *Item*, my lord obfcurit altogidder, that he knew the cumming of ony man, quhill the Maifter come : *Item*, Maifter Thomas Cranftoun was the firft that I hard cry, ‘ The Kingis Maieftie is away !’ *Item*, eftir my lord Duik, and my lord of Mar, and his Maieftis feruandis wes in the clofe, my lord of Gowrie come bak agane to the hall, fayand, ‘ The King wes away ;’ fua that, as I thocht, he wald haue ilk man thinkand fua. And I thocht his Maieftie wes not reffavit with that heartlie intertenement, as becam : *Item*, eftir his Maieftis ryding away, my brother Hew come to my houfe, and I inquiring of him, ‘ Quhat he thocht of thir materis ?’ Anfuerit, ‘ Befoir God, fafar as I can perfave, I trow it fall kyth⁶ to be ane plane Treaffoun, one my lordis pairt :’ And I fperand at him, ‘ Gif he knew ony thing thair of ?’ Anfwerit, ‘ He knew nathing, bot he and Harie Ruthven, eftir all thingis wer endit, fell in conference heiranent ; and he thocht thingis wer lyklye.’ *Last*, Andro Henderfonis Lettre moves me maift of all. And, vpoun my faluatioun and condemnatioun, I knaw na forder in this

¹ Hid, concealed.
secret mail, worn quilted in the dress.

² Evaded the question ; literally, ‘ jinked me.’

⁴ Business, affairs.

⁵ Yet, notwithstanding.

³ Pyne doublet or secret mail, worn quilted in the dress.
⁶ Turn out.

mater, nor yit can remember of ony vther circumstance or presumption nicht haue inducit me to confave the former Treassoun, quhilk I apprehendit in maner foirsaid. (Sic subscribitur) MAISTER JOHNE MONCREIF.

(11.) ANDRO RAY, ane of the Bailleis of the burgh of Perth, be thir presentis, testefeis vpoun my conscience and in the sicht of God, as I fall ansuer to him in the great day, That vpoun the fyft day of August I^m and sex hundreth yeiris, I being in the v^mq^{le} Erle of Gowreis ludgeing, quhan his Majestie wes thair, saw his Majestie eftir his dennar, accompanyit with the Maister of Gowrie, ryse frome the tabill, and gang furth of the chalmer quhair he had dynit, bot to quhaitt place I knaw nocht; being behalding the said v^mq^{le} Erle of Gowreis intertenement of the nobillmen, in drinking of his Majesteis schoill to thame, quhilk his Majestie, befor his ryfing frome the tabill, had commandit him to do: And that eftir that the lordis, viz. my lord Duik, my lord of Mar, my lord Lunderis, and my lord of Inchaffray, with findrie of his Majesteis gentilmen and seruandis, accompanyed with the Erle of Gowrie in persone, ane schorte space eftir dennar, had missit his Majestie and inquirit, 'Quhair he suld be?' They went to the foirgaitt, and speirit at the portar, 'Gif he saw the King ga furth at the foir yeitt?' And hard the portar ansuer, that 'His Majestie wes nocht gane furth that way.' Also, That the Erle of Gowrie said to the porter, 'ze lie, knaif! He is furth.' And the porter replyt, that 'he suld gif his heid, in caise his Majestie went furth.' Yit, vpoun the Erle of Gowreis assurance, that 'his Majestie wes furth to the Inche,' the lordis ruscht out in haist at the foiryett, and speiring, 'Quhair the King wes?' I being with thame, I saw ane ding vp the lang scoirit window, in the north syd of the turrett, vpoun the Hiegait; bot quha dang it vp I knaw nocht. And forder, saw cleirly his Majestie, beir heidit, schut¹ furth his head and arme at the foirsaid window; and hard his Majestie crying loudlie, 'Fy! Treassoun! Treassoun!' And, 'Murther! Help! Erle of Mar!' Quhairvpoun I, being verie agast and wonderfullie astonied at that cruell and terribill sicht, and pitiefull and wofull cry, I nocht knowing quhat the mater meinit, bot persaveing his Majestie in extreme and great danger, ran with all possibill diligence throw the streittis, crying loudlie, 'Fy! Treassoun! Treassoun aganis the King! For Goddis saik, all honest men haist and releif the King!' And commandit to ryng the commoun bell, that all men nicht cum in haist to his Majesteis relief. And than I returnit, with all possibill diligence, with ane great number of the people with me, and come afoir the foirsaid turret and window, quhair I saw his Majestie first crye out: And than I cryit out, 'How is the King?' Bot my lord Duik and my lord of Mar answeirit, 'The King is weill, (praifit be God).' Than I cryit agane vp to his Majestie, and schew his Majestie

¹ Shoot, push, thrust.

that the Bailleis and towneschip wes thair cum, in all haift, to supplie and releif his Majestie; and thairfor, besocht his Majestie to command, 'Quhat wes his Majesties will and best to be done?' And than his Majestie bekuit furth his hand to me and to the peopill, commanding me to 'caufe the peopill retein thame to thair ludgeing.' Quhilk commandment I incontinent obeyit, and comandit all maner of man to retein thame felfis to thair ludgeings: And elykwyes, past to the marcat croce, and be oppin proclamatioun, comandit, in his hienes name, that all men fuld retein thame to thair ludgeingis, vnder the pane of Treassoun: Quha obeyit, incontinent eftir my charge. And this I testifie to be of veritie, be the fayth and trewth of my body; safar as I justlie can remember. In witnes of the quhilkis, I have subscryuit thir presentis with my hand, At Perth, the threttene day of October, the yeir of God I^m and sex hundreth yeiris, befor thir witneffis, Maister Patrik Galloway Minister to his Majestie, James Drummond of Letchill, Oliver young, Constantyne Mallice, Thomas Johnestoun, Bailleis, Henrie Eldar, clerk, Robert Anderfoun, Andro Arnott and Williame Jak, burgesfis of Perth.

(Sic subscribitur)

ANDRO RAY, Baillie, with my hand.

PATRIK GALLOWAY witnes,

JAMES DRUMMOND witnes,

OLIVEIR YOUNG bailzie witnes,

THOMAS JOHNSTOUN baillie witnes,

ROBERT ANDERSOUN witnes,

ANDRO ARNOTT witnes,

WILLIAME JAK witnes,

HENRIE ELДАР, scribe, witnes.

(12.) ROBERT CRYSTIE, porter to vmq^{le} Johne Erle of Gowrie, of the age of threttie yeiris, *solutus*, deponis, That he wes porter to the Erle of Gowrie, the fyft day of August, libellit; lyk as, he wes be the space of fyve oukis ofbefoir: And schortlie eftir the denner, this deponar saw my lord Duik, the Erle of Mar, the Erle of Gowrie cum to the cloise, and my lord Duik speirit at this deponar, 'Gif his Majestie wes passit furth of the cloise?' The deponar ansuerit, that 'he wes nocht furth.' Then the lord of Mar said, 'Billie,¹ tell me the veritie, gif his Majestie be furth or nocht.' And he ansuerit, 'In treuth he is nocht furth.' The Erle of Gowrie, lukand with ane angrie countenance, said, 'Thow leid!² He is furth at the bak yett, and throw the Inche.' Than this deponar ansuerit, 'That can nocht be, my lord, for I hane the key of the bak yett, and of all the yettis of the place.' Thaireftir, this deponar hard and saw his Majestie hikand furth of the window of the round, and cryand 'Treassoun! Treassoun! Fy! Help! Help, my lord of Mar!' And incontinent, my lord Duik and Erle of Mar and vtheris ran vp the great turnepyke to the gallerie: And thaireftir, the lord of Gowrie come from the Hie-streitt, within the cloise, haveand ane steil-bonnet

¹ Brother, fellow; a familiar and jocular mode of address; equivalent to 'my lad,' or 'my man.'

² Lied, told a falsehood.

on his heid, and ane drawin sword in ilk hand, accompanyit with Alexander and Harie Ruthvenis, Patrik Eviott and Hew Moncreif, Maister Thomas Cranftoun, all haveand drawin swordis in thair handis; and passit altogidder, with my lord, vp the auld turnepyk. Bot quhat wes done within the house and place thaireftir, kennis nocht, bot be reporte; nether saw he ony gest¹ brocht to the place, be ony of the towne: And kennis na mair in the mater.

(Sic subscribitur) ROBERT CHRYSTIE.

(13.) ALEXANDER BLAIR, younger of Balthayok, sworne and examinat, deponis *conformis immediate precedenti*, except, that he saw nocht my lord of Gowrie pas with his company and drawin swordis vp the turnepyk: Bot saw Alexander and Harie Ruthvenis and Hew Moncreif cum down the litill turnepyk, quhair they and my lord had ascendit; the saidis thrie personis, haveand drawin swordis in thair handis: Bot saw nocht Patrik Eviott thair. And this deponer sayis, that eftir the tumult wes rissine, and this deponar preffand to enter within the place, he wes a litill stayit² be thame in the place; bot they yeldit attanis,³ and the deponar gat entrie. Lykwayes, he saw ane gest brocht in frome the towne, and sett vp at the wall of the cloise; bot quha brocht the famin in, he kennis nocht.

(Sic subscribitur) A. BLAIR apperand of Balthayok.

(14.) GEORGE HAY, Priour of Charterhouse, of the age of tuentie aucht yeiris or thairby, mareit, deponis *conformis* to the lord Duik of Lennox, in all thingis, eftir his Majesteis entrie in Sanct Johnestoun, the day libellit; *addendo*, that that samyn day, the deponar haveand ado, in Sanct Johnestoun, with the Erle of Gowrie, and speikand with him, in his awin place, he saw Andro Henderfoun cum in, buttit, from Falkland; and hard the said lord Gowrie inquire of the said Andro, 'Quha wes with his Majestie in Falkland?' And thaireftir, the said Erle tuk the said Andro Henderfoun to the cabinat; and eftir ane certane space, the Erle cummand to the chalmer, he gaif this deponar his dispathe, sayand, that he had to do that day, and nicht nocht awaitt on his erand, and bad him cum ony vther day.

(15.) MAISTER PETIR HAY, of the age of threttie yeiris or thairby, mareit, deponis *conformis* to George Hay, in all thingis; the witnes immediatlie preceding.

(16.) ROBERT GRAHAME of Thornik, sworne and examinat, deponis conforme to the Duik of Lennox, eftir that his Majestie enterit in Perth.

(17.) OLIVEIR ZOUNG baillie in Perth, sworne and examinat, deponis, That the day libellit this deponer wes in the Erle of Gowreis ludgeing, quhair he saw the King dyne: And, eftir denner, saw the Kingis Majestie and Mr Alexander Ruthven pas, thair allanes, throw the hall and vp the turnepyk. And immedi-

¹ Joist, beam.

² Delayed, detained.

³ At once.

atlie thaireftir, this deponer pafst to his ludgeing in the towne, quhair he abaid quhill the crye and tumult raife. And incontinent, this deponer, rymand to the place libellit, his Majestie cryit out at the window, and commandit this deponer, be name, to stay the tumult of the people; the quhilk this deponar obeyit and did: And saw Hew Moncreif cummand furth of the place libellit, his face being bludie, and Harie Ruthven, aue of the defendaris, at the mouth of the Wattergait, with aue drawin fworde in his hand. And kennis na mair in the mater.

(18.) JAMES DRUMMOND of Pitcarnis, fworne and examinat, deponis *conformis immediate precedentj, in omnibus; addendo*, That as this deponar, immediatlie eftir the cry rais, wes cumand to the place libellit, he meittis vpoun the Hie-ftreit, Alexander Ruthven, aue of the defendaris, haveand aue drawin fword in his hand, and cryand, ‘Fyre and pulder!’¹ And kennis na mair in the mater.

(19.) WILLIAM RYND, flesccheour in Sanct Johnestoun, of the age of threttie yeiris, or thairby, mareit, deponis, That he saw within the cloise of Perth, eftir the frey raife, Patrik Eviott and Hew Moncreif, baith bluidand, haveand drawin fwordis in thair handis.

(20.) HENRIE LEYIS, burges of Perth, fworne and examinat, deponis *conformis* to James Drummond and Williame Rhynd; bot he saw nocht Patrik Eviott thair.

(21.) GEORGE WILSOUN, feruand to James Erfskyne, of the age of tuentie four yeiris, or thairby, *solutus*, deponis conforme to Schir Thomas Erfskyne, in all thingis; be reffone this deponer wes in company with the said Schir Thomas, eftir the first time that he and James Erfskyne grippit the Erle of Gowrie, and wes findrit fra him be his feruandis. And immediatlie thaireftir, this deponer accompanyit the said Schir Thomas Erfskyne vp to the turnpyk, into the chalmer quhair his Majestie wes; quhair he saw as the said Schir Thomas hes deponit, in all thingis.

(22.) DAVID RYND, flesccheour in Perth, fworne and examinat, deponis *conformis* to James Drummond; and hard Alexander Ruthven cry for pulder; bot saw nocht Patrik Eviott.

(23.) GILBERT RITCHESTSOUN, in Perth, of the age of tuentie four yeiris or thairby, *solutus*, deponis *conformis* to James Drummond in all thingis, and David Rynd.

(24.) JOHN MURRAY of Arbanj,² of the age of fyftie aucht yeiris or thairby, mareit, deponis: The day libellit, the deponer come to Sanct Johnestoun, eftir dennar, quhair he hard his Majestie cryand furth at the window of the round, ‘Fy! Treaffoun! My lord of Mar! Help!’ Incontinent thaireftir, my lord of Mar and the Duik ran vpe the broad turnepyk, and the deponar followit

¹ Fire and gunpowder.

² Commonly called ‘Meikle John.’

thame in the clofe, quhair he faw the lord of Gowrie, haveand ane steil-bonnet on his heid, and tua drawin fwordis, ane in ilk hand: And faw the faid Erle pas vp the turnepyk, accompanyit with certane his feruandis, haveand drawin fwordis in thair handis, of quhome he knew nane.

(25.) THOMAS BURRELL, burges of Perth, fworne and examinat, deponis conforme to James Drummond; *addendo*, That the tyme of the fray, this deponar, enterand within the cloife of the place libellit, he faw ftanding in the clofe, with drawin fwordis in thair handis, Alexander and Henrie Ruthvenis and Hew Moncreif, bledand in his face. And at that famin tyme, this deponar faw Maifter Thomas Cranftoun cun doun the blak turnepyk; and he tuk furth of his hand his sword, and hard the faid Alexander Ruthven cry for ‘Fyre and pulder.’ And faw nocht Patrik Eviott thair.

(26.) GEORGE¹ FORREST, tailzeour in Perth, of the age of fourtie yeiris or thairby, mareit, deponis; The day libellit, he faw George Craigingelt and Walter Cruikshank, allakey,² ftanding in the yaird with drawin fwordis.

(27.) WILLIAME ROBERTSOUN, notar in Perth, of the age of threttie four yeiris or thairby, mareit, deponis, The day libellit, this deponar, beand within the clofe of the place libellit, he faw the lord Gowrie ftanding in the clofe, accompanyit with fevin or aucht perfones, of quhome he knew nane; the faid Erle than haveing ane steill-bonnet on his heid, and ane drawin sword in ilk hand; at the quhilk ficht, this deponar being affrayit, pafte furth of the place: And kennis na mair of the mater.

(28.) ROBERT GALBRAITH, fernand to the Kingis Majeftie, of the age of threttie yeiris, deponis *conformis* to the lord Duik of Lennox, in all thingis; be reaffoun this deponer, all that day, wes in company with his Majeftie. And eftir that his Majeftie had cryit out at the window, ‘Treasfoun!’ this deponer followit the Duik and Earle of Mar vp the turnepyk: And deponis, as they haue deponit.

(29.) ROBERT BROUN, feruand to the Kingis Majeftie, deponis *conformis immediate precedenti, in omnibus*; becaus this deponer, the tyme libellit, accompanyit Johne Hamyltoun, to feche the hammeris vp to the galry: And this deponar pafte vp the litill blak turnepyk, and at his firft entrie within the chalmere, he faw the Erle of Gowrie lyand dead; thair being at that tyme in company with his Majeftie, Schir Thomas Erskene, Schir Hew Heres, Schir Johne Ramfay, and George Wilfoun.

(30.) JAMES BOG, porter to his Majeftie, fworne and examinat, deponis, That he faw the Kingis Majeftie and Maifter Alexander Ruthven pas throwch the

¹ ‘Alexander’ is deleted and ‘George’ inserted.

² Old Fr. *Lacquay*, *laquais*, a footman.

hall to the chalmer. And saw, that day, George Cragingelt with ane drawin sword in his hand, accompanyt with certane rascallis. And, *in ceteris*, deponis *conformis* to the lord Duik and Erle of Mar, in all thingis.

(31.) **JOHNE BOG**, seruant to the Kingis Majestie in the aill cellar, sworne and examinat, deponis *conformis* to James Bog.

(32.) **ALEXANDER PEBLIS**, burges of Perth, of the age of threttie yeiris or thairby, mareit, deponis, The day libellit, this deponar being within his awin house, foiranent the Erle of Gowres ludgeing, howsone his mother hard the common bell ryng, scho lokkit the dure and held him in all the tyme: And saw at that tyme the Erle of Gowrie enter in at the yett, with tua drawin swordis, ane in ilk hand: And ane allakey¹ put ane steil-bonnet on his heid. And ane certane space thaireftir, the deponar saw Hew Moncreif cum furth of the place, with ane bludie heid, and Patrik Eviottis man, lykwayes bleidand. And also, saw Patrik Eviott cum forth of the yett; bot rememberis nocht gif he had ane sword in his hand. And saw Alexander Ruthven also cum furth, with ane sword drawin in his hand. (Sic subscribitur) **ALEXANDER PEBLIS.**

NO. II.

INTERRAGATORIS² to be demandit of the Witnesse, sworne and admittit, in the actiounes and caus of Foirfaltour persewit aganis Williame Ruthuen, brother, air and successour of vniq^{le} Johnne sumtyme Erle of Gowrie, and vniq^{le} Mr Alexander Ruthuen his brother; Alexander and Harie Ruthuenis, Hew Moncreif and Patrik Eviott.

FIRST to inquyre, Geif they knew that the vniq^{le} Erle directit the said Mr Alexander, Andro Henderfoun and Andro Ruthven to his Maiestie, to Falkland, to persuade him to cwm to Sanct Johnestoune?

Gif thai saw the said Mr Alexander cwm to his Maiestie, to Falkland, vpoun the fyft day of August, lastbypast?

Gif thai knew that the said Mr Alexander directit Andro Henderfoun and Andro Ruthuen, seu-rallie, to foirwarne Gowrie that the King was cuming to Perth that day?

Gif thay saw the saidis Andro Henderfoun and Andro Ruthuen, befor the Kingis cuming, cum to Gowrie and speik secreteilie with him? Geif thai knew that Gowrie commandit Andro Henderfoun to put on his armour? Or geif thai knew that the said Andro patt on his secreit the said day?

Gif the said Mr Alexander come to Gowrie, befor the Kingis cuming, and spak with him secreteilie? How the King was accompaneit? And geif his seruantis had ony vther armour or vapounes nor³ fuordis?

Gif they saw Mr Alexander, Andro Henderfoun and the Erle gang wp to the gallerie chalmer, the tyme of the Kingis dinner?

Gif, efter the Kingis dinner, they saw the said Mr Alexander, with his fuord about him, convoy the King his allaine, without ony vapounes, to the gallerie chalmer?

¹ This was Walter Crookshanks. He is not known by the Editor to have been brought to Trial, or otherwise punished. ² From an original paper, preserved amongst the Warrants in General Register House. ³ Than.

Gif thai hard vmq^{le} Mr Thomas Cranftoun declair to the nobilmen, and to the Kingis fervandis, that his Maieftie was riddin away ?

Gif they hard the faid Erle awow the fame to thame, with greit aithis ?

Gif they faw his Maieftie fehut¹ out his bair heid and airme out at the windok of the turret aboue the 5ett, and cry ‘ Treafoun ! Help ! I am Murderit ! ’ The faid Mr Alexander haifing his hand at his hines faice and his throt ?

Gif they faw Andro Henderfoun, in the turrat, at that tyme ?

Gif they faw the faid Mr Allexander treaffonable efforing him felf to murder his Maieftie ?

Geife they faw Gowrie, with his tua drawin fwordis, accompaneit with ane greit number of his compliceis in airoes, twrn aff the calfay of Sanct Johneftoun into his awin cloife, with vmq^{le} Mr Thomas Cranftoun, the faidis Allexander and Harie Ruthuens, Hew Moncreif, Patrik Eviot, and ryn al-togidder wpe the Blak turnpyke of the faid ludging, feik his Maieftie for his flauchter, and invade and perfew Schir Johnne Ramfay, Schir Thomas Atkin and Schir Hew Heirreis, in his hines defens, and hurtt and wond eweriane of thame ? And geif they faw Georg Craingelt, Georg Dewar and ane greit number of vtheris of Gowreis fervandis and dependaris, befett the foir-5et and bak-5et, and incloife his Maieftie within the faid ludging, flay the entreffes and paffagis thairof, and affeidg his Maieftie thairin, and cry, ‘ Greine coittis, 5e fall all die ! 5e fall all be hangit ? ’

Gif they faw the faidis defendaris perfew the duris of the chalmeris, quhair his Maieftie and his fernandis was, and ftryk in thairat, with dravin fuordis, and halbartis, and Jedbrugh flaveis ?

Gif they faw Allexander Ruthuen caus bring ane jett, treaffonable to haue brokin wpe the dooris of the faidis chalmeris and ludging ?

And geiue they faw him feik powder in the mairechant buithis, to haue blavin the faid ludging in the aire, with his Maieftie and all that was thairin ?

No. III.

REPORT by the BAILIES and TOWN COUNCIL OF PERTH of the EXAMINATIONS and ‘ DEPOSITIONS OF THE INDUELLERIS OF PERTH,’² taken by them, by command of the KING and PRIVY COUNCIL.

APUD PERTH, *quarto die mensis Septembris, anno Domini millesimo sexcentesimo.*

QUHILK day, the Bailleis, counfall and decanes of craftis of the burcht of Perth, being convenit within the New Kirk of the famin, Comperit Jasper Howp, indueller in Edinburcht, presentit his Maieftieis Miiffiue, directit to thame, clofit ; quhilk being with all due reverence reflaut and oppnit, the tennour followis :

TRAISt FREINDIS, We greit 5ow hairtie weil. We haue thoecht meit, for diuerse respectis and confiderationes, to continew the dyett appointit for 5our comperance befoir our Counfell, vpone Tuif-day nixt ; and haue directit tua of our Counfell particularlie to acquent 5ow with our will and plefour in that mater. Quhairvnto, as 5e respect 3our awin fuintie and weil, 5e will conforme 5our felffis. And fua, affuring 5ow that it fall nocht be neidfull to 5ow to kepe the faid dyett, We commit 5ow to God. From Striveling, the xij of September, 1600. (Sic fubfcribitur) JAMES REX.
[And writtin on the bak thairof,]

To our traift freindis, the BAILLEIS, Counfall and comunitie of our burt of PERTH.

LYKE AS, vpone the xvij day of September instant, in prefens of the faidis Bailleis, counfall and

¹ Shoot, push, thrust.

² From the Original, preserved in the General Register House, and now printed for the first time.

decanes, siklyke connenit, within the said New Kirk, Comperit the rycht honorabill Schir Robert Melwill of Murdocardny, kny^t, and Schir Daid Murray of Gosperte, kny^t, Comptroller to his Maieſteis, tua of his hienes Counfall, and declarit, that, conforme to his Maieſteis General Letter, direct of befoir, they wer direct in Commiſſioun, to impairt to the ſaidis Bailleis and Counfall his Maieſteis mair particular will and pleaſour, anent the trying of ſic within thair ſaid bur^t as miſbehavit thame ſelfſis wpon the fyft day of Auguſt laſt. Quhilk wes, that the Proueſt, bailleis and counfell fuld, be thame ſelfſis, try thair awin nychtbouris quha wer amungis thame, ather in word or deid, that kythit¹ buſſie wpon the ſaid fyft day of Auguſt laſt; quhen as the wmq^{le} Erle of Gowrie and the Maieſter his broder did that in thame ley, to haue putt in executione thair intendit Treſſoune, aganis his Maieſteis perſone; and that thairin they fuld leave na fort of tryell ontane,² as they reſpectit thair awin fuirtie; quhair-by, ſic giltie perſones mycht be pwneit for thair offence according to thair meritt, and innocētis nocht preiudgit: And that, betuix and the day of , they report thair diligence to his Maieſtie thairanent. Quhilk deſyre, thocht godlie, honeſt and equitabill, the ſaidis Bailleis, counfall and decanes, with all faithfullnes and diligence, promittit to obey.

APUD PERTH, vigefimo ſecundo Septembris, anno Domini Milleſimo ſexcentefimo. Quhilk day, Proueſt, bailleis, counfall and decanes of craftis of the bur^t of Perth, being convenit within the New Kirk of the ſamin, eſter lang reſſonyng haid be thame wpon the forme and maner of the trying of thair awin nychtbouris,³ conforme to the Commiſſioun declarit to thame be his Maieſteis Commiſſionaris, direct to thame for that effect; Ordanit the tryall to be deducit, in maner following, viz. That the Proueſt, Mr Johne Malcome and Williame Cowper, Miniſteris; Conſtantine Malice, Andro Ray, Thomas Johnſtoun, bailleis; James Drummond of Leithhill; James Adameſone, dene of gild; Robert Mathow, theſaurar; Robert Anderſone, Andro Arnot of the Counfall, and Henry Elder, clerk, fall be Examinatouris and reſſaueris of the hail townis Depoſitiounis.

And becaus it is neceſſar, that the Examinatouris depone firſt thame ſelfſis, thairfoir, that ſua mony of thame (except the Proueſt) as wes nocht in the toune, wpoun the ſaid fyft day of Auguſt laſt, viz. the tua Miniſteris, Conſtantyne Malice, baillic, Robert Anderſone and Andro Arnot, fall reſſaue the remanent thair colligis Depoſitiones; and thairefter, thay all concurrand togidder, to reſſaue the Depoſitiones, firſt of the remanent Counfell and decanes, and thairefter of the hail inhabitantis of the ſaid bur^t, begynnand at the Water-gait quarter, and ſua ordourly throw the hail quarteris and ſuburbis of the ſamin bur^t. And for that effect, the ſaidis perſones appointit for the examinatioun foirſaid, to convene within the ſaid New Kirk, at ſevin houris in the morning, to continew till nyne; to meit thairefter at ten, to remane quhill tuelf; to meit at tua eſter none, and to diſſolue at ſex houris at evin; and to follow furth this ordour daylie, quhill the tryell be endit; begynning the morne, at ſevin houris in the mornyng. The officiar of everie quarter to be redy for warnyng of thair quarteris, as they fall be commandit. Everie perſone to compeir wnder the pane of ten pundis. The drum to paſ about the toun for that effect; and the Examinatouris, nocht keping the preceiſe tymes of conventioun, without ane lauchfull excuſe, to incur the penaltie of tuentie ſchillingis, *toties quoties*, vnforgevin.

Everie perſone to be ſuorne, to teſtifie the veretie, wpon thair conſcience, and in the ſicht of God, and as they fall anſuer to him in the grait day; and to be examinat wpon the hedis and artikles following, viz.

[HEADS and ARTICLES of EXAMINATION.]

Giff they haid ony foirknowledge off the wyld and vnnaturall Treſſoune, intendit aganes his Maieſteis perſone, wpon the fyft day of Auguſt laſt, be the wmq^{le} Erle of Gowrie and the Maieſter his broder?

Giff they com to the ludgeing, with thair armour, to aſſiſt that filthie fact?

¹ Showed, or proved themselves.

² Untaken.

³ Neighbours, townsmen.

Giff they thame selfis vterit or hard ony onreverent speches gevin to his Maieftie, or to ony of his lieues feruandis ?

Giff they faw ane jeift¹ brocht to the ludgeing ?

Giff they hard ony crying of 'Grene-cottis !' 'Bludie botfcheris !' 'Tratouris !' 'Murderaris !' 'ze fall all die !' 'Giff ws furth our Prouest !' Or ony fielyke evill wordis ?

Giff they hard ony cry for 'Fyre,' or 'Powder ?'

Giff they faw ony mynt² at ony of the Kingis Maiefteis feruandis to ftrik thame ?

Giff they know ony thing of the faid wyld Treffounne that is nocht sperit at thame ? Or, ony forder nor is contenit in the faidis Artiklis ? Or gif, fen the faid fyft day of Auguft, they hard ony thing, that in ony fort may cleir the faid mater ?

AND becaus they ar informit, that he, quha wpone the faid fyft day of Auguft, within the toune of Dundie, fuld hane vterit thai filthie and vnnaturall speches aganes his Maieftie, quhilkis demerittis extreme pwnement, is **JOHNE LAMB** fone to Robert Lamb, burges of this bur^t, quha being fearcit and foelt, can nocht be apprehendit within this toune :

(1.) The faid **ROBERT LAMB**, his father, being fworne wpone his intelligence, quhair he fuld be ? Deponit that he paf^t out of this bur^t ten dayis fyne, to quhat pairt he culd nocht tell ; bot as he fupponit, he wes ather paf^t to Striuling, Glesgow, or to the hieland pairtis of Lorne ; in the quhilkis pairtis the faid Johnne wfs his pair handling and traffek. Quhairfoir, the faidis Bailleis, Counfall and deeanes, ordanit Thomas Johnestoune, baillie, to fie and conduce sex abill men, and with all diligence to pafs to the faidis pairtis of Striveling and Glesgow, to fearce, feik and apprehend the faid Johnne Lamb, and as ocafionn beis offerit, to fend tua and tua of his cumpanie to Lorne and wtheris pairtis quhair beft knowlege may be haid of the faid Johnnis being, ay and quhill they apprehend him ; and the thefaurer to fatisfie the faid Thomas his expenffis to that effect.

23 *Septembris*, 1600. Befoir none.

IN PRESENCE of the faidis EXAMINATOURIS, COMPERIT the perfones following ; quha being fuorne wpone the retro-writtin Artiklis, deponit every ane, as followis.

(2.) **OLIUER ZOUNG**, baillie,³ fuorne, deponit that efter he wes commanding the pepill hame, at his Maiefteis command, the entres of the foir zett was kepit be certane of the Erle of Gowryis feruandis, with drawin fwordis ; amangis quhome Thomas Biffett cordiner wes ; quhilk Thomas, fua fone as he wes commandit be the deponer, depairtit fra the zett. Saw nor hard na forder, be reffoune of his bilynes, in difpafcheing of the pepill.

(3.) **THOMAS JOHNSTONE**, baillie, deponit, that he cuming thair at the found of the bell, faw ane tumult befor the Erle of Gowryis ludgeing ; and being defyrit to gang hame be the Laird of Balthyok and zoung Tullybardin, he immediatlie depairtit ; and in the away passing, faw Alexander Ruthuene yonger ryn throw the Water-gait, with ane drawin fuorde, cryand, 'Falfé Tratouris !' *Ignorat cetera.*

(4.) **JAMES DRUMMOND** deponit, he faw Alexander Ruthuene younger wpone the gait⁴ with ane drawin fuord, cryand, 'Fy for powder ! He is deid ! He is flane !' Saw fielyke, Johnne Rentoull standing in the feir zett, with ane drawin fworde, haiffing ane steill bonett, ane fecreit and gantullat. *Ignorat cetera.*

(5.) **JAMES ADAMESCNE** deponit, that being in his awin clofe gadgeing⁵ ane falomond barrell, to mak ane millour⁶ thairof to wther barrellis, Johnne Tenendyfe wyff, officiar, knokit werie loudlie at

¹ Joist, or beam. It is termed a single roof-spar in the course of the examination.

² Threaten, make attempt to strike.

³ This active and zealous Magistrate died Dec. 29, 1603, as is recorded in *Fleming's Chronicle*.

⁴ Street.

⁵ Gauging.

⁶ Measure, size, pattern.

his zett, cryand, ' Allace ! Thair is mony wapnys about the Kingis hous : And they say the King is fehott.' Quha, at the hering thair of, com suddandlie furth, quhair he saw Andro Ray, baillie, cryand, ' Fy ! Treffoune ! Cum and relewe the Kyng.' And immediatlie stoppit doune foirnent the ludgeing ; quhair, how sone he come, saw the Duik and the Erle of Mar, declaring the King wes weill ; and defyryng all men to depairt to thair houffis. Quhairat, and efter he laid fene the Kingis hand putt out at the wyndo, he incontinent depairtit hame. *Ignorat cetera.*

(6.) ROBERT MATHOW deponit, that he, cuming at the found of the bell, hard Violet Ruthvene and Margaret Monereiff, relict of wmq^{le} Thomas Lafreise, cryand, ' Bludie boitfchearis !¹ Depairtit at the command of the Bailleis and clerk. *Ignorat cetera.*

(7.) HENRIE ELDER deponit, being in his awin chalmer quhen the bell wes ringing, quhilk wes ceiffit befor he culd wyn to the South-gait-end, quhair he, heryng the Nobill men that wer aboue, crying for the Bailleis to command the pepill hame, he with the saidis Bailleis dispafehit the pepill : And thaireftir, immediatlie past to the mercat croce, and thair, in his hienes name, commandit all maner of men to pas to thair houffis, wuder the pane of Treffoune : And returnyng thairfra to the ludgeing agane, all the pepill laid removit thame selffis, except suu of the wmq^{le} Erle of Gowryis ser-vandis, quha wer standing in the foir entrie of the zett, with drawin fwordis ; amangis quhome, Thomas Biffett, cordiner, wes ; quha, howsone he wes commandit be Oliuer zoung, bailzie, and the deponer, patt wp his sworde and depairtit. Saw Alexander Ruthuene cuming furth at the foir-zett with ane drawin fuorde, and sayde to the deponer, ' Theiwis ! ze ar vnworthie of sic ane Prouest !' And, ' Giff he leuwe, he fall remember on this day.' *Ignorat cetera.*

ALL the Examinatouris concurrand,

(8.) MR HENRIE ANDERSONE deponit, he saw ane fallow, bering ane singill roiff spar on his schoulder, cuming fornent the foir-zett of the ludgeing thairwith : Culd nocht discern quha buir the famin, for the tumult, and being occupit, hering the Bailleis cry for his Maieftis helth and will : And immediatlie thaireftir depairtit. *Ignorat cetera.*

(9.) PATRIK BLAIR deponit, he come thair with the clerk ; and or² he culd win thair, the bell wes rung out, and the Nobill men wes commanding all hame. Quha thairat depairtit, leaving the Bailleis and clerk commanding hame the pepill : And being at the croce, saw Alexander Ruthuene, yonger, first address him to the merchant-buyth of Blais Powrie, and thairefter to the merchant-buyth of Johnne Lawrie. Knew nocht quhat he wes feiking, in respect of the distance betuix thame. *Ignorat cetera.*

(10.) WALTER GRAY deponit, that he wes furth in the South Inche ; and gatt na entrie. *Ignorat.*

(11.) PATRIK GRANT deponit, he come with his armour, at the found of the bell, foirnent the ludgeing. Hard Williame Rynd, flescher, being in the auld brokin houfe aboue the foir-zett, cry furth at the wyndo thair of, ' The Prouest is slane !' Saw also Patrik Lamb, sawfter,³ cuming throw the Water-gait, with ane singill roiff spar on his schowder. Saw Alexander Ruthuene cum furth of the ludgeing, with ane drawin sworde, cryand, ' Fy on zow all ! Thair is ane Nobill man tynt⁴ this day.'

(12.) JOHNE OGILBY, decane, deponit, that at the found of the bell he com thair ; saw ane man cuming to the place with ane jett on his schowder. Knawis nocht quha it wes. Hard Jolne Rentoull cryand, ' Grene-coittis ! ze haue committit murther !' And the deponer reprovowg him, he anferit, ' ze ar nocht gude nychtbouris⁵ in ane towne, that helpis nocht zour Prouest.' *Ignorat cetera.*

(13.) WILLIAME JAK, decane, deponit he com befor the ludgeing, at the found of the bell, with ane Rofs-aix,⁶ or halbert ; and spering be the way, quhat the mater menit ? The pepill cryit, ' The King wes slane !' And he na soner com thair, nor he hard all crying, ' The King wes weill !' And he depairtit. *Ignorat cetera.*

¹ Butchers.

² Ere, before.

³ Sawyer,

⁴ Lost.

⁵ Citizens, townsmen.

⁶ Lochaber-axe.

(14.) DAVID RYND, decane, deponit he com with his armour to the ludgeing, at the found of the bell; and feing wtheris pafs wp the blak turnepyk, he followit wp; quhair he saw Hew Moncreiff strikking in wnder the chalmer dur with ane Jedwart staff,¹ and wald nocht be stayit be the deponer. Saw Patrik Lamb, lawfter, on his sehowder, but ony help, bring in ane roiff spar, foirment the foir zett of the ludgeing. Hard Alexander Ruthuene cry, 'Fy, bring powder!' *Ignorat cetera.*

(15.) THOMAS BISSETT, decane, deponit, at the found of the bell, he com thair. Confessit he fluid in the entrie of the foir zett, with ane drawin sword; and how sone Oliner zoung and the clerk commandit him hame, he depairtit. Denyit all the rest.

(16.) ANDRO CUDBERT, decane, deponit, he wes in the Wod of Methuene that day, quhill evin. *Ignorat.*

(17.) WILLIAME MATHIE, decane, deponit he com at the found of the bell. Saw ane man cuming throw the Water-gait, with ane spar on his sehowder; bot knawis nocht quhat he wes that buir it. *Ignorat.*

(18.) WILLIAME ROBERTSON, decane, deponit he wes nocht thair.

23 Septembris, 1600. Efter none.

THE NAMES OF THE QUARTERIS.

(19.) GILBERT RYCHERDSONE deponit, at the found of the bell, he com foirment the ludgeing, past wp the Blak turnepyk, quhair he saw . . . Bruce, sone to Williame Bruce, with ane drawin fuorde, eryand in wnder the dur, 'My lord Duik, for Godis sailk, tell me how the Kyngis grace is?' And the deponer cryit ower the wyndo, 'Cum wp and help the Kyng and the Prouest!' And being commandit hame, he depairtit to the croce, quhair he saw Alexander Ruthuene, crying at Johne Lawreis merchant-buyth, 'Cum donne and gif us powder!' But nane anfuerit. *Ignorat cetera.*

(20.) WILLIAME RYND, flescher, deponit, that he, being slaying flesche, hering the commoune bell, com donne foirment the ludgeing, with ane fuord, enterit in at the foir zett and wp the blak turnepyk, quhair he saw Hew Moncreiff with ane Jedwart-staff, Patrik Eviot and his man with drawin fuordis: And being thair, hering the pepill commandit hame, he eryit ower the wyndo, 'It wes the Kyngis will that all fuld gang hame;' and thairwith euist ane sklait stane² ower the wyndo among the pepill, quhilk they fay fell on ane talzouris heid: And sua depairtit him self. *Ignorat cetera.*

(21.) THOMAS LAMB deponit, he com nocht thair, quhill all the pepill wes depairting. *Ignorat.*

(22.) THOMAS ROBERTSONE, *alias* DENIS, deponit, that at the begynnynge of the trubill, he wes in the wmq^e Erle of Gowryis kitscheing, helping to mak the denner reddy, with Robert Smythis man, quha wes principall cuik: Being demandit, 'Quha tuik wp my Lordis denner?' Anfuerit, Andro Henderfone, chalmerlane, tuik wp the first seruice; and betuix the first and the secound seruice, Andro Henderfone past furth with my lord, to meit the Kyng. Being siclyke demandit, 'Giff he hard ony word, that the Kyng wes to cum that day to the toune?' Anfuerit, 'Nane, quhill they gaid furth to meit his Maiestie.' Being forder demandit, 'Giff the said Andro Henderfone wes in the kitscheing, the tyme quhen the ery raise?' Deponit, he enterit nenir within the kitscheing, efter his outganging to meit the King; and giff wtherways it may be fund that he wes thair, he is content to be hangit.³ Deponit forder, efter the ery, he com furth of the kitscheing, saw the Maister lyand deid, at the Blak turnepyke fute; and my lord with ane fuord in everie hand, ane steill-bonet on his heid, accompanyt with certane his servendis, stap ower the Maister, and pas wp the Blak turnepyk; sua the deponer com furth. Knawis na forder.

(23.) MYCHAELL BAXTER, talzour, deponit, That at the begynnynge of the trubill, he wes

¹ The Jedburgh staff, or pike, was, from its peculiar construction, celebrated in those days, both as a weapon of offence and defence. ² Threw a slate stone. ³ This strange mode of expression is intended as an earnest asseveration of the truth; and was probably made on a second or third repetition of the same question.

fehapan and cloik in his awin hous, quhilk is in the bak clofe of the wmq^{le} Erle of Gowryis ludgeing. Com nocht furth of the bak clofe, quhill¹ at the desyre of Andro Ruthuene, bot² ony wapnis. Helpit to beir wp the Maister, being deid, to the North chalmer, in the ludgeing on the wther fyde of the clofe. *Ignorat cetera.*

(24.) JAMES BOWER, notar, deponit, at the found of the bell, he com thair, in his armour, nocht knowing quhat the mater wes. Cryit wp to the Erle of Mar, 'How the Kyngis Maieftie did?' Quha anfuert, 'His Maieftie wes weill.' And thairefter sperit,³ 'How the Pronest, my lord, did?' Quha anfuert, siclyk, 'Weill.' Desyrit thairfoir, that his lordschip wald be sua gude as to latt him fie thair faces, that he mycht depart. Quha anfuert, 'I may be ane messinger to 3ow.' Desyrit him thairfoir to depart hame; quha obeyit and depairtit. *Ignorat cetera.*

(25.) ROBERT TAL3EOUR deponit, he com thair at the found of the bell, with his armour. Saw Patrik Lamb, fawfter, bring ane singill roiff spar on his schowder, foirnent the foir-3ett of the ludgeing; quhair Andro Ray, baillie, caufit him east the famin doune. Hard Violet Ruthuene eryand, 'Thewis! Lymmeris! Tratoris! and Bludie Theiwis!' Depairtit away, at command of Oliuer 3oung baillie. *Ignorat cetera.*

(26.) WILLIAME ROBERTSONE, notar, deponit, he being thair but ony wapnis, saw nor hard na thing bot ane tumult. And being demandit anent Andro Henderfone, deponit, that efter the Kingis Maieftie haid eryit, 'Tressoune!' And the tumult thairupone arryng, the said deponer wes standand at the foir 3ett, with young Tallybardin and his serwandis, quha ischewing in at the 3ett to relewe the King, the deponer, ane schort space thairefter, followit in to the clofe; the said Lairdis serwandis standing togidder thair. Saw the Maister of Gowrie, lyand deid, at the fute of the turnepyke; quhair, ane schort quhyle thairefter, he saw the said Andro Henderfone cum out of the said turnepyk, ower the Maisteris belly: And he inquiring at him, 'Chalmerlane, Jesus! quhat menis the mater?' Quha maid him na anfuert. And as the deponer rememberis, Johne Murray of Arbeny, and wtheris quhome the said Johne can tell wes present thair. *Ignorat cetera.*

THE EXAMINATORIS Ordanis the Clerk to writt, with all diligence, for the said Johne Murray.

(27.) WILLIAME STENESONE deponit, at the ringing of the bell, he com befoir the ludgeing, with ane fuord; and entering to the 3earde, saw George Craiggigait with ane tua-handit fuord, and wtheris nychtbouris; at quhilk tyme, James Boig cryit ower ane wyndo, 'Away hame! 3e will be all hangit.' And depairting, he saw standing in the entrie at the foir 3ett, stepping the entrie with drawin swordis, Johne Rentoull, Thomas Biffett, with wtheris of my lordis serwandis. Hard Violet Ruthuene ery to the ronnd,⁴ 'Bludie Tratoris, that hes mureift thair innocentis! Grene-coittis!'

(28.) ARCHIBALD STEIDMAN deponit, that he being enming furth of Archibald M^eBrekis, quhair Andro Ray, baillie, meiting with him, commandit him to ryng the commoune bell; quhilk he did. Com nocht thair. *Ignorat cetera.*

(29.) BLAISE POWRIE deponit, that he being sitting at Thomas Foulis buyth wyndo, he saw the Dnik and the wmq^{le} Erle of Gowrie cum furth at the foir 3ett. Quhilk Erle of Gowrie wes putt per force ane litill space wp the calfay; and beyde Archibald M^eBrekis, the wmq^{le} Erle of Gowrie drew his fuordis, and com bak agane, forward to the ludgeing, and enterit thairat: At the quhilk tyme, he deponit, he depairtit hame. Knawis na forder.

(30.) JONET ELDER, spous of the said Blais, being examinat and fuorne, deponit, that all the tyme of the tumult, scho wes at hir buyth dur. Alexander Ruthuene yonger com to hir, with ane drawin fuorde, and creavit for powder; quhilk scho alluterlie refusand, he perforce tuik fra hir keyis,

¹ Until.

² Without.

³ Enquired, asked.

⁴ She called up to the round or tower of the 'Ludgeing,' where the nobility then were with the King.

and rypit the buyth; quhair, he finding nane, ran away with the keyis, and he keift thame fra him wpon the calfay.

(31.) GEORGE FORREST, talzeour, deponit, that at the ringing of the bell, he com with ane halbert to the ludgeing, past to the garding yearde, quhair he saw George Craiggelt and Walter Cruikshank, baith with drawin fuordis, George being ane tua-handit fuorde. Hard George Craiggelt cry, 'Grene-cottis! Wo worth 3ow, for 3our heir cuning, and the thing 3e haue done this day!' And ane cryit out to Walter Cruikshank, 'It wes ane evill halff leaff' and ane dryuk 3e gaiff ws this day; 3e fall hing for it.' Forder, he saw ane bering ane spar to the ludgeing; bot knawis nocht quha huir it. *Ignorat cetera.*

(32.) JAMES MAR, wrycht, deponit, that he being at the dur of his awin buyth, he saw Patrik Lamb, sawfter, bring on his schowder ane single roiff spar to the foir 3ett of the ludgeing. *Ignorat cetera.*

24 Septembris, 1600. Afoir none.

(33.) THOMAS FOULIS, fmyth, deponit, that he wes schoand Robert Browis horfe; he saw the Erle of Gowry gang in at his awin 3ett, with tua drawin fuordis. Hard Violet Ruthuene cry, 'Bludie boitfcharis! Traturis! Grene-cottis!' He saw Johue Rentoull, Thomas Biffett and wtheris quhome he knew nocht off, the Erlis fernandis, stand in the foir entrie of the foir 3ett, with drawin fuordis; and wald nocht fuffer the Prouest to enter in at the 3ett. *Ignorat cetera.*

(34.) THOMAS GREIG deponit, that he com nocht neir the ludgeing, bot saw Patrik Lamb, sawfter, bring ane spar throw the Water-gait on his awin schowder. *Ignorat cetera.*

(35.) DAVID RONALDSONE, cordiner, deponit, that he com thair with na wappyn, bot he hard Violet Ruthuene cry, 'Fy! Theiwis! Bludie boitfcheris! Wo worth 3ow, grene-cottis!' And hard Alexander Ruthuene say, 'Wo worth this day, for eur!' *Ignorat cetera.*

(36.) GEORGE DAUIDSONE, lorymer,² deponit, that for obedience of the bell, he com to the ludgeing, enterit within the clofe, bot taryit nocht. Saw Andro Blair, ferwand to the Laird of Balthyok, creave the halbert fra Robert Talzeour, quha refusit; quhairat he tuik him ane kuff.³ Hard na speches bot all cryand, 'How dois the Kyngis Maiestie?' *Ignorat cetera.*

(37.) ARCHIBALD MACBREK deponit, that befor ony cry gevin be the King, he saw the Duik, the Erle of Mar and the Erle of Gowrie standing befor the foir 3ett. Hard ane cry, lyke to the Kingis voce. He than saw Schir Thomas Erskyne enter in grippis with the Erle of Gowrie, quhair the Erle wes putt all moist on his kneis; quhairat the Erle stappit bakward all maist foirnent the deponeris hous, and thair he drew his tua fuordis, bot he culd nocht dignosce⁴ ony perfone that wes with him. The deponer in the meanetyme start in for his fuorde, and cuning furth with his drawin fuorde and dager, the Laird of Glenwrquhay said to him, 'Quhair away and the King in the ludgeing?' Quhairat he layit fra him his fuorde,⁵ and stoppit doune to the place but ony wayyn. Being interrogat, 'Quhat euill speches he hard vterit aganes his Maiestie, or his hienes fervandis?' Deponit, he hard nane, bot all cryand, 'How dois his Maiestie? Lat ws sie his face.' And thairefter, hard thame cry, 'Lat sie our Prouest! How dois our Prouest?' Hard Alexander Ruthuene say, 'It can be na war⁶ nor it is! Latt ws to the hous.' And thairwith the deponer depairtit. Knawis na forder.

(38.) HENRIE LEISE deponit, that he, at the found of the bell, com to the 3ett, and enterit within the clofe of the Erle of Gowryis ludgeing; quhair he saw Hew Moncreiff bluiding, and Alexander Ruthuene yonger cum down the Blak turnepyk. Saw Patrik Lamb, sawfter, bring in to the clofe ane roiff spar, and cast it doune thair. Hard Alexander Ruthuene cry, 'Fetche ws powder!' *Ignorat cetera.*

¹ Bad half loaf, &c.; in allusion to the scraps, or shabby fare afforded by Gowry to the King and his attendants.
² A spurrier, or spur-maker; a dealer in horse accoutrements, such as bits, bridles, &c. They were usually saddlers. Old Fr. *lorimier*.
³ A cuff, slap, or slight blow.
⁴ Recognise, distinguish. Lat. *dignoscere*.
⁵ In reference to the Proclamation against bearing arms within a certain distauce of the King's person.
⁶ Worse than it is.

(39.) HENRIE BANNEWIS (Balnaves) deponit, wes in the ludgeing befor the tumult. Pafst furth, at the defyre of Schir Thomas Erfkynne, to by him ane pair grene filkin schankis.¹ Befoir his returnyng, the King had dynnit: And haiffing tauld his anfuer, he pafst wp the gait; and being on the calfay he hard ane tumult; and luyking behind him, he saw the lord of Gowrie with his fuordis in his handis, and hard all the pepill cryand, 'The King is flane!' And thairwith he pafst him² for his wapis; and cuming doune to the foir 3ett, he saw Hew Moncreiff cuming furth: Sperit at him, 'Quhair the King wes?' Anfuerit, he knew nocht. Saw nocht the King, nor hard him speak ony thing ower the round: And immediatlie thairefter, depairtit hame. *Ignorat cetera.*

(40.) THOMAS TALZEOUR deponit, he wes but ony wappyn. Saw Joline Rentoull and Thomas Biffett resist the Laird of Balthayok, in the entrie of the foir 3ett; and wtheris of the Erle of Gowryis fervandis, being than with thame. *Ignorat cetera.*

(41.) ANDRO JAMES deponit, he saw Patrik Lamb bring ane trie on his schowder to the foir 3ett, and hard ane cry out of the ludgeing, 'Quhair away kneave with that trie?' Mett Hew Moncreiff cuming furth at the 3ett, bluding. Depairtit at command. *Ignorat cetera.*

(42.) PATRIK QUHYTTOK, cordiner, deponit, that he being standing on the calfay, he saw the wmq^{le} Erle of Gowrie, befyde Archibald M'Brekis hous, haiff tua drawin fuordis in his handis; and hard him say, 'He wald fordward to his awin ludgeing.' Hard Violet Ruthuene cry wp to the place, 'Bludie boitscheouris! Tratouris! Theiwis!' and siclyke evill speches. *Ignorat cetera.*

(43.) PATRIK BRUCE deponit, he being on the calfay, he saw the wmq^{le} Erle of Gowrie, at his awin 3ett, all maift fall doune to the eird. Hard Violet Ruthuene cryand, 'Tratouris!' &c. *Ignorat cetera.*

(44.) ANDRO POLL deponit, at the found of the bell, he com to the ludgeing, with ane halbert; and being in the clofe, he saw Patrik Lamb, sawfter, bring in on his schowder to the clofe, ane spar of fir, quhilk he sett aff his schowder to the wall, betuix the turnepyke and the feller dur. Saw Mr Thomes Cranftoun cum down the Blak turnepyk, bluding: And sua depairtit hame, at command. *Ignorat cetera.*

(45.) ANTHONNE MAXTOUNE deponit, he com doune the gait with the young Laird of Tullybardin, quhen the nobill men wer sitting at thair dennar. Wes wpone the calfay, quhen ane cryit out off the round; bot knew nocht quhais voce it wes, and, as apperit to him, the cryar wes halff braithles. Saw my lord Duik, my lord Mar and the Erle of Gowry cum furth at the foir 3ett: Efter sum strugling, he saw the Erle of Gowrie gang ane pece wp the gait, quhair he hard the said Erle say, 'He wald gang into his awin hous.' Saw na wapis in his handis, at the quhilk tyme he pafst wp the gait, returnyng bak agane at the found of the bell but ony wapis. He hard Violet Ruthuene, cryand, 'God latt neur ane of 3ow haue sic plantis of 3our awin!' And hard Alexander Ruthuene say, 'Fy on 3ow, Bailleis and hail toune! Is this all the help 3e mak this day to 3our Prouest!' And sua depairtit hame, being commandit. *Ignorat cetera.*

24 Septembris, 1600. Efter none.

(46.) ALEXANDER PEBLIS deponit, that during all the tyme of the tumult, he wes lokkit in his awin hous, and luyking out at the wyndo. Hard Thomas Biffett cryand wp to the round, 'Is my Lord of Gowrie allywe?' 'Giff he be nocht allywe, he suld haue amendis of all that wes thairin!' And James Bower cryit wp the ellyke speches. Wald nocht depairt, quhill they saw my lord of Gowrie; and ane of thame tua cryit wp, 'Grene-cottis! we fall haue amendis of 3ow!' Vagging thair handis wp, sayand, '3e fall pay for it!' Hard Thomas Elder in Balbuchtie, cry wp, for 'Ane sicht of the Erle of Gowrie.' Hard Robert Talzeour cry, 'Tratouris and theiwis, that hes flane the Erle of

¹ It appears that the whole of the royal party were dressed in green hunting-suits. Balnavis is sent to purchase green-silk stockings for Sir Thomas Erskine's dress suit.

² Perhaps for 'hame,' home.

Gowrie ! Saw Johne Rentoull, Thomas Biffett, and wtheris of the Erlis fervandis, stand in the entrie of the foir 3ett, with fuordis in their handis ; and wald nocht cum fra it. Saw ane of the Erle of Gowryis allakeyis,¹ at the entrie of the 3ett, putt ane steill bonett on the Erlis heid. Hard Violet Ruthuene and wtheris wemen cry, 'Tratouris ! Theiwis ! The Erle of Gowrie haid anew to tak meit and drynk fra hame,² bot hes nane to revenge his deid !' *Ignorat cetera.*

(47.) PATRIK LAW, tal3eour, deponit, he com na forder nor the duelling hous of Archibald M^cBrek ; quhair he, hering the nychtbouris commandit hame, be the Bailleis ; he depairtit to his awin hous : And being at the croce, he saw Alexander Ruthuene cum to the merchant-buyth of Blais Powrie and Johne Lawrie, cryand for ' Powder,' bot gatt nane. And thairefter, ane gude space, saw the said Alexander cum wp the callay, and pas furth at the Hie-gait-port. *Ignorat cetera.*

(48.) THOMAS 3OUNG, tal3eour, deponit, he wes bot new cum in to the toune. Hard nor saw nathing, bot all cryand wp, for ' Ane sicht of the Kingis face ;' and ' Giff his Maieftie wes weill ?' Except, he hard Mr Alexander Bannewis, Redar, cry wp to the round ; bot tuik nocht tent quhat he said. *Ignorat cetera.*

(49.) JOHNE HENDERSONE, baxter, deponit, he cuming thair at the found of the bell, and being standing abone Archibald M^cBrekis hous, he saw ane, bering ane trie on his schowderis, to the ludgeing ; bot knawis nocht quha it wes, except be report senfyne, it wes the man that is in the irnis.

(50.) JOHNE BROUNE, wobster, deponit, he com at the found of the bell, with ane staff. Hard na thing, bot hard fum cryand, ' God fend ane drap of grace to his Maieftie !' verie pitifullie. Knawis nocht quha it wes. And sua depairtit, being commandit. *Ignorat cetera.*

(51.) JOHNE LAWRIE deponit, he com at the found of the bell. Hard na thing, bot all cryand, ' The King is weill.' And he anfuerit, ' God be thankit.' And lykewayis deponit, that quhen he cam hame, his wyff tauld him, that in his absence, his buyth-dur being lokkit, Alexander Ruthuene lap in at the buyth-wyndo, and rypit³ all the buyth for powder : Wald nocht depairt, quhill his wyff maid faith⁴ that they had na powder. Siclyke, him self saw ane, bering ane trie to the ludgeing on his schowder ; bot knew nocht quha it wes ; and hard ane gentill man cry ower the wyndo, ' Quhair away kneawe ? Lay doune the trie !' Quhilk trie, the Baillie caufit the man cast down. And swa depairtit hame. *Ignorat cetera.*

(52.) ALEXANDER MACDUFF deponit, he com, at the found of the bell, foirnent the ludgeing, with his wapenis ; quhair he saw ane cast furth ane sklait out aff⁵ the heid of the Blak turnepyke, and fell ane tal3eour at the foir 3ett. Saw also ane mekill man bringing ane singill roiff spar to the ludgeing, on his schowder ; but knawis nocht quha it wes. Depairtit sua sone as he wes commandit. *Ignorat cetera.*

(53.) GREGOUR MAKREGOUR, skynner, deponit, he saw the Erle of Gowrie gang bak fra his awin ludgeing, foirnent Neill Robertsonis hous, quhair he than drew furth twa fuordis, and Mr Thomas Cranstoune drew ane fuorde, and pass in togidder at the 3ett. Hard ane cry out at the over⁶ round, ' Treffoun !' Bot knawis nocht quhais voce it wes. Saw Patrik Lamb, sawster, bring ane spar on his schowder to the hous. *Ignorat cetera.*

(54.) JOHNE BROUNE, notar, deponit, that he saw my lord Duik and my lord of Gowrie cuming furth at the 3ett ; and spering, ' Gif his Maieftie com furth ?' And gaiting word that his Maieftie wes nocht cum furth, they wer altogidder at my lord of Gowryis 3ett ; and ' Treffoun !' being cryit furth at ane skoir wyndo, that luikis to the Water-gait, Schir Thomas Erskyne tuik my lord of Gowrie be the gorget, and sayd, ' O Tratour ! This is thy deid !' Or the lyke terme. And thairefter, they being sinderit, my lord of Gowrie pass wp the gait, and haiffing tua fuordis in his hand, befor Dunneane Robertsonis hous, sayd, ' He wald nocht tary furth of his place, his Maieftie being thair, and Treffoun thairintill !' And thairefter, the deponer depairtit hame to his hous ; and com doune agane with ane

¹ A footman, or servant, a lacquey. O. Fr. *lacquais*.
oath, or ' faith and troth.'

² From, off.

³ Him ?

⁴ Ransacked.

⁵ He took her

⁶ Upper.

halberty, and staid befor the zett of the place, quhill his Maiestie patt furth hes hand at the fayd wyn-
do, and fayd, ' I am weill.' Thairefter, the said Johne anfuert, ' Praised be God;' and past hame.
Ignorat cetera.

(55.) JOHNE GAW, merchant, deponit, he com thair at the found of the bell, bot tareyit nocht ane
malmond of ane hour. *Ignorat.*

(56.) GEORGE HUNTER deponit, he wes that day in the place of Kynnard. *Ignorat.*

(57.) PATRIK FLEMING, merchant, wes nocht that day in the toune. *Ignorat.*

(58.) WILLIAME HALL youngar, nocht thair. *Ignorat.*

(59.) MALCOLME HALL, baxter, com nocht. *Ignorat.*

(60.) JAMES BLAIR, merchant, deponit he com thair, bot tareyit nocht. *Ignorat.*

(61.) ROBERT EDUARD deponit, he wes thair, bot tareyit nocht. *Ignorat.*

(62.) ROBERT BLAKWOD deponit, he wes all the tyme fleipand. *Ignorat.*

(63.) JOHNE ROBERTSONE, merchant, was thair, and depairtit at command of the Bailles. *Ignorat.*

(64.) JOHNE PULLOUR, merchant, wes nocht thair. *Ignorat.*

(65.) JAMES LAFREISE deponit, he wes nocht in the toune that day. *Ignorat.*

(66.) THOMES CRAMBY, flesour, wes all that day in Strowyhill. *Ignorat.*

(67.) JOHNE COVENRIE com nocht furth of his maisteris hous. *Ignorat.*

(68.) JAMES IRLAND com at the found of the bell; bot depairtit, fa fune as he wes commandit be
the Bailles. *Ignorat.*

25 Septembris, 1600. Befoir none.

THE peronis following wer examinat wpon the preeiding Artiklis, and fuorne; quha deponit, That
thai that cam to the ludging, tareyit nocht thair, bot depairtit in all haift, at command of the Bailles
and clerk; and fua knew nathing: And the wther pairt that followis, wes nocht in the toune, as is
heirefter devydit.

(69.) ANDRO GOW, talzeour, wes in the toune, bot com nocht.

(70.) HENRIE TALZEOUR wes thair, bot tareyit nocht.

(71.) ALEXANDER MONCREIFF com befor the ending. *Ignorat.*

(72.) WILLIAME MERSAR wes thair. *Ignorat.*

(73.) ALEXANDER MYCHELL, nocht thair. *Ignorat.*

(74.) ALEXANDER CRAIG, cordiner, thair. *Ignorat.*

(75.) ADAME ANDERSONE, nocht thair. *Ignorat.*

(76.) JAMES GILL, thair. *Ignorat.*

(77.) JAMES BLYTH, nocht thair. *Ignorat.*

(78.) PATRIK OLYPHANT, nocht thair. *Ignorat.*

(79.) ALLANE ROBERTSONE, nocht thair. *Ignorat.*

(80.) GEORGE ARCHIBALD, thair. *Ignorat.*

(81.) THOMAS GAW wes nocht thair. *Ignorat.*

(82.) JOHNE PITCARNE wes nocht thair, wes feik. *Ignorat.*

(83.) JOHNE THOMSONE, flescher, wes in Dunkeld, com nocht hame quhill the morne thairefter.
Ignorat.

(84.) THOMAS JOHNESTOUNE, wobster, cam nocht fua far doune. *Ignorat.*

(85.) ROBERT LETHAME wes nocht thair. *Ignorat.*

(86.) ROBERT THOMESONE, feik, nocht thair. *Ignorat.*

(87.) THOMAS RYND com nocht neir the ludging. *Ignorat.*

(88.) THOMAS ELGYNE wes flepand. *Ignorat.*

(89.) SAMPSONE MAR, nocht thair; except he past hame for his fuord and com nocht bak. *Ignorat.*

- (90.) ANDRO THOMESONE, nocht thair. *Ignorat.*
- (91.) PATRIK BONER wes nocht in the toune. *Ignorat.*
- (92.) ROBERT MURRAY wes in Collace. *Ignorat.*
- (93.) MATHO GALGEAR wes thair but ony wapnis. Hard na thing. *Ignorat.*
- (94.) GEORGE ZOUNG wes nocht thair. *Ignorat.*
- (95.) JOHNE NEVING wes thair, tareit nocht. *Ignorat.*
- (96.) ALEXANDER ADAMSONE wes in Gleggow. *Ignorat.*
- (97.) ALEXANDER SMYTH com thair at the found of the bell. Past away at command of the Kingis mouth, and his fervandis. *Ignorat cetera.*
- (98.) PATRIK DRUMMOND wes nocht in the toune. *Ignorat.*
- (99.) JAMES BANNEWIS wes nocht thair. *Ignorat.*
- (100.) GEORGE HORNE deponit, he wes in Faulkland. *Ignorat.*
- (101.) ROBERT STENESONE wes in the Mcirmis. *Ignorat.*
- (102.) DUNCANE FORRESTER, nocht thair. *Ignorat.*
- (103.) MATHO CHAIR, nocht thair, nor in the toune.
- (104.) THOMAS WILSONE wes nocht thair. *Ignorat.*
- (105.) ARCHIBALD ZOUNG, nocht thair. *Ignorat.*
- (106.) JAMES ZOUNG, in the Querrell (*quarry*). *Ignorat.*
- (107.) JOHNE ELDER, nocht thair. *Ignorat.*
- (108.) JOHNE DRUMMOND deponit, he was in the toune; com with ane staff, bot nocht sua far doune as the ludgeing. *Ignorat.*
- (109.) ANDRO RAMSAY, sleping all the tyme. *Ignorat.*
- (110.) ALEXANDER ADAME, feik, nocht thair. *Ignorat.*
- (111.) HENRIE SCHERPE wes nocht thair. *Ignorat.*
- (112.) JOHNE GREIFF, in the malte-barne. *Ignorat.*
- (113.) ALEXANDER CARRINWATH com nocht fa far doune. *Ignorat.*
- (114.) JOHNE ANDERSONE wes in Wigtoun. *Ignorat.*
- (115.) THOMAS CRE com nocht sua far doune, being halff deid quhen he hard the King wes slane; Bot heiring his Maieftie wes weill and faiff, he prafit God and past hame. *Ignorat cetera.*
- (116.) ANDRO KEIR com nocht thair. *Ignorat.*
- (117.) JAMES PATTOUN, nocht thair. *Ignorat.*
- (118.) ADAM KELTIE, sleping. *Ignorat.*
- (119.) WILLIAME JOHNSTOUNE, nocht thair. *Ignorat.*
- (120.) JOHNE RODGIE, nocht thair. *Ignorat.*
- (121.) ALEXANDER MONCREIFF wes in Auchtergavin. *Ignorat.*
- (122.) ADAME WILSONE cam nocht fa far doune. *Ignorat.*
- (123.) PATRIK FLEMING, notar, wes thair; hard na thing bot all men lamenting the Kingis estait hevelie. Had na wapnis. *Ignorat.*
- (124.) PATRIK WILSONE wes thair; hard na thing, bot saw the Magistratis putting away the pe-pill. *Cetera ignorat.*
- (125.) JOHNE LAMB, wobster, nocht thair. *Ignorat.*
- (126.) STEVIN BLAK, nocht thair. *Ignorat.*
- (127.) MATHO ALLANE com nocht sua far doune. *Ignorat.*
- (128.) JOHNE RYCHIE, nocht thair. *Ignorat.*
- (129.) ANDRO GELLATLIE, hering the bell, past to the lit-hous (*dye-house*) quhair his wyffe wes, for the keyis, to get ane wapin; and befor he com thair all wes stenfchit. *Ignorat.*
- (130.) ROBERT NARNE, talzeour, deponit, that he wes in Mukerfie. *Ignorat.*

(131.) ALEXANDER FARIE, decane of the Walcaris (*fullers*), deponit, he wes in the wod of Methuene. *Ignorat.*

(132.) ROBERT BROUN deponit, at the found of the bell, he com to the ludgeing with ane sword; quhair he saw Hew Monereiff cum forth bluiding, with ane drawin fuorde. *Ignorat cetera.*

(133.) DONALD JOHNSTOUNE deponit, all the pepill wes returning hame befor he com, and he returnit with the rest. *Ignorat.*

(134.) WILLIAME DOG deponit, he wes in Cragy. *Ignorat.*

(135.) THOMAS HALL com nocht neir the ludgeing. *Ignorat.*

(136.) DONALD CORNELL wes in the Eifter Rynd. *Ignorat.*

(137.) STEPHANE PHILP deponit, he wes nocht thair quhill the Kingis depairtour. *Ignorat.*

(138.) ROBERT GRANT hard the bell and com nocht. *Ignorat.*

(139.) JAMES MAXTOUN wes cumand with his halbert; and meiting Oliuer Young baillie, he commandit him bak, or than he fuld brek his heid! *Ignorat.*

(140.) JOHNE DRUMMOND com at command of the bell; and depairtit suddandlie at command. *Ignorat cetera.*

(141.) GEORGE DIXSOUN wes thair; depairtit at the first command that wes gevin. *Ignorat cetera.*

25 Septembris, 1600. Efternone.

(142.) DIONEIS CONQUEROUR elder hard the bell, bot com nocht thair. *Ignorat cetera.*

(143.) GAVYN DALZELL wes in Dalzell. *Ignorat.*

(144.) THOMAS LISK, hering the bell, com with ane halbert; and at the first command that wes gevin be the bailleis, he depairtit. *Ignorat cetera.*

(145.) CHARLIS QUIHTE wes in the toune and cum nocht. *Ignorat.*

(146.) JOHNE SMYTH, maltman, (wes) in the toune, com nocht. *Ignorat.*

(147.) WILLIAME DUNCANE, skynner, com with ane fuord. *Ignorat.*

(148.) JOHNE DYKIS com als far as Archibald M'brekis, with ane fuord; and at command of Andro Ray baillie, depairtit. Com na forder. *Ignorat cetera.*

(149.) DAVID GRANT com with Thomas Gaw to Duncane Robertsonis round, quhair they tareit all the tyme. *Ignorat.*

(150.) PATRIK STEILL, hering the bell, quhen he wes fchering (*reaping*) in the Moirtoun-lauch, com in to the toune, quhen all the tumult wes ceffit. Cuning foirneut Gabriell Merfaris, saw Oliuer Young and Andro Ray bailleis, commanding all hame. They commandit him, and he obeyit. Com nocht to the ludgeing of all (*at all, ava*). *Ignorat cetera.*

(151.) ROBERT YOUNG cum to the ludgeing; past away at command of the bailleis. *Ignorat cetera.*

(152.) ADAM GRAY wes at his litt-fat (*dying-vat*); hard the bell; com nocht. *Ignorat.*

(153.) PETER CRAIGDELIE com nocht thair. *Ignorat.*

(154.) ROBERT FLEMING wes in Gavyne Dalzellis. They lokkit the 5ettis, and he gat not furth. *Ignorat.*

(155.) JOHNE BOIG yonger wes in the wod of Methuene. *Ignorat.*

(156.) THOMAS ARCHER com na forder nor the croce. *Ignorat.*

(157.) ROBERT RUTHIRFURDE wes in the walk-mylne (*fulling-mill*). *Ignorat.*

(158.) ALEXANDER MAISSOUN cam na furder nor the Salt mercat. *Ignorat.*

(159.) WILLIAME RUTHVENE, ane of the maris (*town officers*), wes in Langforgoun, summondng ane Assyse. Foirknew na thing. *Ignorat.*

(160.) ALEXANDER MAXTOUN, cuming doune to the ludgeing, be the gait, wes commandit hame, be the bailleis and young Tullybardin. *Ignorat.*

(161.) JOHNE BURRY cam nocht sua far doune. *Ignorat*; and but armour.

- (162.) ANDRO GRANT wes in the South-ferry of Portincraig. *Ignorat.*
 (163.) HENRY BROUNE, notar, cuming thair, wes commandit hame. *Ignorat.*
 (164.) JOHNE BROUNE, wobfiter, hard the bell; com nocht furth. *Ignorat.*
 (165.) WILLIAME McBEITH wes in Forgoune at ane brydall. *Ignorat.*
 (166.) JOHNE EDMUND wes in Dundie; and being interrogit 'Gif he saw Johne Lamb sone to Robert Lamb, merchant, thair?' Deponit he saw him thair tua dayis ofbefoir, bot nocht that day.
 (167.) GEORGE DRUMMOND com thair, quhen the bailleis wes discharging all away. Hard na evill speeches. *Ignorat.*
 (168.) THOMAS COK wes lyand feik. *Ignorat.*
 (169.) JOHNE WENTOUNE wes in the North Inche. Enterit nocht in the toune. *Ignorat.*
 (170.) WALTER BURNEHILL came nocht sua far doune. *Ignorat.*
 (171.) JAMES DONALDSONE com na forder nor the Salt mercat; with armour. *Ignorat.*
 (172.) JAMES LAMB wes resflaving collis (*coals*) in the South Inche. Enterit nocht in the toune. *Ignorat.* And becaufe he culd not gait entres in at the Port, he causit the horfe leid the collis throw the Inche, throw the Lang-calfay, the New-raw, Leid-syde, and to his hous.
 (173.) JOHNE COLTE, merchant, com nocht. *Ignorat.*
 (174.) DAVID JAKSONE yonger wes in Aberdalgie. *Ignorat.*
 (175.) ANDRO LYELL come; tareit nocht. *Ignorat.*
 (176.) DAVID MONCREIFF, baxter; com thair; past way at command of the bailleis. *Ignorat.*
 (177.) JOHNE BROUNE, ikynner, wes thair. *Ignorat.*
 (178.) ANDRO CRYSTIE, wobfiter, wes thair. *Ignorat.*
 (179.) JOHNE HEWAT, tal;eour, com nocht. *Ignorat.*
 (180.) JAMES HENDERSONE, baxter, cuming to the end of the Water-gait, he hard the Bailleis commanding the pepill hame; quhilk he obeyit. Com na forder. *Ignorat.*
 (181.) ROBERT BROUNE, maltman, com to the end of the gait, and na forder. *Ignorat.*
 (182.) ROBERT LIDDELL, cordiner, com at the found of the bell. The Duik bidding all, ower the round, to gang hame, he spak up agane to his lordschip, and desyrit to fie the King and the Erle of Gowrie. And his lordschip anfuert, 'ze fall fie the King.' And sua, the Kingis Maiestie, beiknyng with his hand, and commanding all to depairt, he obeyit. *Cetera ignorat.*
 (183.) JAMES SYME, baxter, wes thair; bot depairtit, sua sone as the bailleis commandit him. *Ignorat cetera.*
 (184.) JOHNE ANDERSONE yonger hard the bell, and com nocht. *Ignorat.*
 (185.) JOHNE COLTE, maiffoun, wes in Innemytie. *Ignorat.*
 (186.) JAMES SANDERIS, merchant, wes in the Stormond. Wes nocht in the toune thre dayis thairefter. *Ignorat.*
 (187.) ROBERT MURRAY yonger wes in the North Inche. *Ignorat.*
 (188.) JOHNE MERTYNE, baxter, wes cuming to the ludgeing at the found of the bell; meiting with the bailleis at the Rattoun-raw, wes commandit hame, and obeyit. *Ignorat.*
 (189.) THOMAS DOO, baxter, com nocht sua far doune. *Ignorat.*
 (190.) THOMAS SYME, tal;eour, com nocht sua far doune, be a gude fpace. *Ignorat.*

26 *Septembris*, 1600. Befoir boue.

- (191.) JOHNE MAISSOUN, nocht thair. *Ignorat.*
 (192.) JOHNE BURNET, nocht in the toune. *Ignorat.*
 (193.) PATRIK RODGIE wes in the Parkhill. *Ignorat.*
 (194.) THOMAS McLAWRENE wes feik. *Ignorat.*
 (195.) JAMES MURRAY wes thair, but ony wapbis. Tareit nocht. *Ignorat.*

- (196.) ALEXANDER RYCHERDSONE, agit, nocht thair. *Ignorat.*
- (197.) ROBERT KYNNEIR wes thair. Deponit he hard na crying, bot all for ane sycht of thair King. *Ignorat cetera.*
- (198.) THOMAS DUFF wes thair. Saw nor hard na thing; bot saw ane man, quhome he kend nocht, bringing ane jeist on his schowder, quhen he wes departing. *Ignorat cetera.*
- (199.) ROBERT BLAIR, lister (*dyer*), nocht in the toune. *Ignorat.* Wes than working outwith the Castell-gavill-port, at ane litt-fatt.
- (200.) JAMES KEDDIE, nocht thair. *Ignorat.*
- (201.) ANDRO ALLANE, smyth, com thair; tareit nocht. *Ignorat.*
- (202.) MARCUS SCOTT com nocht. *Ignorat.*
- (203.) JOHNE RUTHUENE wes in Dunkeld. *Ignorat.*
- (204.) JOHNE DASOUN, talzeour. *Ignorat.*
- (205.) JOHNE GREGOUR, nocht in the toune. *Ignorat.*
- (206.) ADAME PAULL, nocht in the toune. *Ignorat.*
- (207.) JOHNE MURRAY, talzeour, wes in Cragy. *Ignorat.*
- (208.) ROBERT TYRIE, porter, nocht thair. *Ignorat.*
- (209.) WALTER BOIG com, bot tareyit nocht. *Ignorat.*
- (210.) JAMES CROBIE com nocht fua far down as the ludgeing. *Ignorat.*
- (211.) JOHNE ROBERTSONE, maltman, wes sleping. *Ignorat.*
- (212.) ROBERT WATSONE com nocht neir the ludgeing. *Ignorat.*
- (213.) ROBERT LAMB, wobster, wes feik. *Ignorat.*
- (214.) WILLIAME WENTOUNE com nocht. *Ignorat.*
- (215.) WILLIAME BARIOCHT, skynner, com nocht. *Ignorat.*
- (216.) WILLIAME HUNTER, couper, nocht thair. *Ignorat.*
- (217.) EWIN BURRY wes thair, efter all wes ceiffit. *Ignorat.*
- (218.) JOHNE BARIOUNE, alias Mc'Duff, or (*ere*) he com, all wes commandit hame. *Ignorat.*
- (219.) ANDRO BURRIE com nocht fua far as to the ludgeing. *Ignorat.*
- (220.) ANDRO ROGIE wes in Lorne. *Ignorat.*
- (221.) LAWRENCE CHALMER com nocht to the ludgeing. *Ignorat.*
- (222.) PATRIK NEVING com, and at the first discharge depairtit. *Ignorat.*
- (223.) ARTHOUR LUFFRENT com nocht. *Ignorat.*
- (224.) WILLIAME ROBERTSONE com na forder nor the croce. *Ignorat.*
- (225.) JAMES GELLATLIE com nocht fra his buyth. *Ignorat.*
- (226.) WILLIAME MAXWELL wes in Skone. *Ignorat.*
- (227.) WILLIAME MALICE wes thair; depairtit incontinent. *Ignorat.*
- (228.) WILLIAME COK wes in Methuene. *Ignorat.*
- (229.) DUNCANE BROUNE wes nocht within the port. *Ignorat.*
- (230.) JOHNE BLAK wes in the Claypottis. *Ignorat.*
- (231.) PATRIK WYLIE wes lyand feik. *Ignorat.*
- (232.) GEORGE M'GREGOUR elder, nocht in the toune. *Ignorat.*
- (233.) JAMES BISSETT wes in his hous, quhair his wyff wes lyand feik: and gif he had cum furth, his wyff wald haue gane lycht.¹ *Ignorat.*
- (234.) JOHNE SCHERAR, lyand feik. *Ignorat.*
- (235.) THOMAS NYCOLL, notar, wes in the toune; hard the bell, bot com nocht neir the ludgeing. *Ignorat.*
- (236.) ALEXANDER GRANT, merchant, wes in Glesgow. *Ignorat.*

¹ Delirious; the delirium or 'light-headedness' attending fever, &c.

- (237.) WILLIAME WILLIAMESONE, baxter, com lang efter the ringing of the bell ; and at his cuming, they wer all departing. *Ignorat.*
- (238.) ALEXANDER ROBERTSONE hard the bell, bot com nocht. *Ignorat.*
- (239.) ARCHIBALD BROUNE, at the found of the secund ringing of the bell, cuming to the place quhair the tumult wes, saw the bailleis commanding all hame ; he departit. *Ignorat cetera.*
- (240.) JOHNE HENDERSONE, baxter, wes in Rait. *Ignorat.*
- (241.) JOHN LAYNG, maltman, being gating collis¹ in the South Inche, at the found of the bell : Tareit na langer at the hous, nor (*than*) he hard his Maieftie say, ‘ Gang hame all ! I am weil ! ’ *Cetera ignorat.*
- (242.) JOHNE LENDELL, baxter, hard the bell ; he and Williame Scherpe, sittand in Gabriell Merfaris laich feller, quhair of they steikit² the dur, and they culd nocht gait furth. *Cetera ignorat.*
- (243.) WALTER ƆOUNG, baxter, hering the bell, com to the croce ; and hering the tumult wes at the Erle of Gowryis lodgeing, he com thair ; and meiting all the pepill returning hame, being comandit by the bailleis, he also returnit. *Ignorat cetera.*
- (244.) JOHNE KYNLOCH, tailzeour, wes thair at the found of the bell, hot tareit nocht ; haid na wapnis. *Ignorat.*
- (245.) WILLIAME CLERK wes meiting³ collis all the tyme, in the South Inche. *Ignorat.*
- (246.) THOMAS DRUMMOND, skynner, wes in the Moirtoune. *Ignorat.*
- (247.) PATRIK PRIOUR, baxter, hering the bell, com to the ludgeing ; fua sone as the bailleis comandit the pepill hame, he departit. *Ignorat.*
- (248.) JAMES FARGUSONE, baxter, com nocht to the ludgeing, quhill all wes departing hame. *Ignorat cetera.*
- (249.) THOMAS NYCOLSOUN, baxter, wes lang in cuming ; mett all the pepill returning hame, and he past na forder. *Ignorat.*
- (250.) JOHNE JAK, belman, wes nocht neir the ludgeing he ane gude sface. *Ignorat.*
- (251.) ANDRO GIB wes fleping. *Ignorat.*
- (252.) THOMAS SMYTH com nocht thair. *Ignorat.*
- (253.) ROBERT CUDBERT, nocht thair. *Ignorat.*
- (254.) ANDRO WILSONE, baxter, hering the bell, hard that thair was ane tumult of pley⁴ at the Erle of Gowryis ludgeing. Cuming thair, wes incontinent comandit hame be the bailleis, quha obeyit. *Ignorat cetera.*
- (255.) ANDRO MALCOLME elder, baxter, wes in the South Inche all the tyme ; ane man of thre-fcoir ten yeris of age. *Ignorat.*
- (256.) JOANE BEIRNE, skynner, of the ellyke age, wes nocht thair. *Ignorat.*
- (257.) ANDRO DONALDSONE, merchant, hering the bell, wes cuming to the ludgeing ; but mett all pepill returning bak. Past na forder. *Ignorat.*

26 *Septembris*, 1600. Efter none.

- (258.) JAMES STOBIE, skynner, com nocht out of his house. *Ignorat.*
- (259.) WILLIAME ROS, at the Charter-hous-Ɔett, wes sehering out of the toune, and culd nocht gait entres at the port. *Ignorat.*
- (260.) JAMES TYRIE, com thair, immediatlie befor the ceiffing of the tumult, and na foner. *Ignorat.*
- (261.) JOHNE KEMPIE, talzeour, com nocht thair. *Ignorat.*
- (262.) GEORGE LAMB, baxter, deponit he wes in Dundie, all the nycht of befor ; hot come to the toune befor xij houris at none : Com nocht out of his hous to the ludgeing, at na tyme of the tumult. Being interrogat, ‘ Giff he saw John Lamb, sone to Robert Lamb in Perth, in the toune of Dundie

¹ Getting coals.

² Shut, locked.

³ Measuring.

⁴ A tumultous broil or quarrel.

the day of thair departour?' Deponit, the said Johne Lamb led George Wodis horfe to the Port of Dundie, be four houis in the mornynng; and he left the said Johne thair behind him. *Ignorat cetera.*

(263.) WILLIAME HAY, litfter, wes in the toune, bot com nocht to the ludgeing. *Ignorat.*

(264.) DAVID JAKSONE elder wes schering befyd Balhouffie, and befor he com in to the toune, the Kyngis Maieftie wes ryding away. *Ignorat.*

(265.) WILLIAME HAMMILTOUNE, merchant, com nocht qubill the bailleis wes commanding all the pepill hame; and he obeyit amangis the rest. *Ignorat cetera.*

(266.) DAVID DRUMMOND, meffinger, deponit, he com thair at the found of the bell; tareyit na langer nor he hard the pepill commandit away. *Ignorat cetera.*

(267.) ALEXANDER CHALMER, maltman, wes in the Banchellis. *Ignorat.*

(268.) THOMAS BONAR, merchant, wes thair; bot knawis na thing.

(269.) THOMAS CATHRO wes in the baick-hous, and mycht nocht win furth, except he had tint his haill baiking. *Ignorat.*

(270.) ALEXANDER FORBES, saidler, at the found of the bell, com thair with his wapnis. Hard na thing, bot ane command gevin to the bailleis to caus the pepill gang hame; and he incontinent, at the hering thairof, obeyit, and pait hame. *Ignorat cetera.*

(271.) WILLIAME GLES, saidler, wes thair with his wapnis; saw nor hard nathing, bot all crying for the Kingis welfair.

(272.) CRYSTIE WILSONE, baxter, com nocht furth of his hous. *Ignorat.*

(273.) ARCHIBALD GULE, talzeour, com nocht furth of his buyth. *Ignorat.*

(274.) GEORGE SYMPSONE, of thre fcoir yeris, cuming, saw the bailleis putting away the pepill. He com nocht neir. *Ignorat.*

(275.) ANDRO MALING, skynner, com nocht neir the ludgeing. *Ignorat.*

(276.) OLIUER CAR wes in the tonne, bot com nocht thair. *Ignorat.*

(277.) GEORGE MALCOM, baxter, iij^{xx} (three score) yeris, com nocht furth. *Ignorat.*

(278.) JOHNE NEVING wes in the Ferry Portineraig. *Ignorat.*

(279.) ALEXANDER GLES, of iij^{xx} ten yeris. *Ignorat.*

(280.) ANDRO LATHANGIE. *Ignorat.*

(281.) PETIR BALMANNO, wes that haill day in Dunkeld. *Ignorat.*

(282.) JOHNE OLYPHANT, lyand bedfast. *Ignorat.*

(283.) WILLIAME M^cANDRO wes in Bachiltoune. *Ignorat.*

(284.) GEORGE JAK, baxter, (wes) in Abirbrothok. *Ignorat.*

(285.) ROBERT COK deponit, he wes drinking in Gabriell Merfaris hous, with James Liddell and James Setoune, tua of the Kingis servendis. Eftir 'Treffoun' wes cryit, he depairtit hame. *Ignorat.*

27 Septembris, 1600. Befoir none and eftir none.

(286.) ANDRO RYND, baxter, wes all that day grinding in the mylne of Ruthuen. *Ignorat.*

ALL thir perfones on this fyde, wer in the toune, and com nocht neir the Ludgeing. *Ignorat.*

- | | | |
|-----------------------------------|-------------------------------|---------------------------------|
| (287.) Robert Lamb, | (295.) David Gles, | (303.) Williame Houp, talzeour, |
| (288.) Williame Scherpe, | (296.) David Allane, fnyth, | (304.) James Ros, |
| (289.) David Wrycht, | (297.) Johne Pait, | (305.) Patrik Foulis, |
| (290.) Williame Malcolme, baxter, | (298.) Mr Thomas Mug, | (306.) Andro Merfar, |
| (291.) Rychard Blak, | (299.) Walter Sympfon, | (307.) Johne Adamefoun, |
| (292.) Williame Lawder, | (300.) Patrik Jakfon, myller, | (308.) Thomas Rollok, |
| (293.) Johne Boig elder, | (301.) Robert Keir, | (309.) Alexander Broune, |
| (294.) George Wilfone, | (302.) Johne Mar, ftaibler, | (310.) Patrik Pittillo, |

- | | | |
|-----------------------------------|----------------------------------|--|
| (311.) George Wod, | (321.) Williame Souter, | (331.) Williame Roddome, |
| (312.) George Adamfone, | (322.) Wm. Smythe, cordiner, | (332.) Patrik Malcome, |
| (313.) James Roberfone, fkyner, | (323.) Thomas Stobie, | (333.) Wm. Robertfone elder, |
| (314.) Johne Monypenny, cuper, | (324.) Andro Scherpe, wobfter, | (334.) Andro Luffrent, |
| (315.) Archibald Smyth, | (325.) Thomas Souter, | (335.) Dougell McLawrene, |
| (316.) Edmund Finlafone, | (326.) Thomas M ^c Ky, | (336.) Patrik Mug, |
| (317.) Williame Ruffell, wobfter, | (327.) Andro Lowdoune, | (337.) Williame Aleifter, |
| (318.) David Donaldfone, | (328.) Luik Reid, | (338.) Henry Hall, baxter, |
| (319.) Johne Marfchell, fkyner, | (329.) Walter Cudbert, | (339.) Johne Henryfoun, merch ^t , |
| (320.) David-Cryftie, wobfter, | (330.) Patrik Quhyte, | (340.) Williame Myller. |

THIR perfones following wer nocht in the toune of Perth, vpon the fyft day of Auguft, 1600, viz.

- | | | |
|--|---|-----------------------------|
| (341.) Alexander Wychtoun, | (346.) James Berne, | (351.) Williame Walcare, |
| (342.) James Nycoll, ftabler, | (347.) Alexander Drummond, | (352.) James Haggart elder, |
| (343.) Andro Mathow, | (348.) Finla M ^c inneis, | (353.) Alexander Merfer, |
| (344.) Angus Cardny, | (349.) Robert Muglie, | (354.) George Quhattene, |
| (345.) Johne Conqueriour, mer-
chand, | (350.) Johne Robertfone, mer-
chand, | (355.) Andro Fifcher. |

WE, vnder fubfcryveand, TESTIFEIS, That it is of veritie, we hard euerie thing writtin ofbefoir in this buik, according to the fingular Depofitiones of everie perfone contenit thairinto ; quhilkis wer particularlie fuorne and examinat, in our prefenfes, in the firateft maner as we culd devyfe, wpone everie artikill contenit in this buik. Subferyuit with our handis, At PERTH, the ellevint day of October, the yeir of God J^m. and fex hundred yeiris.

OLIVIER GOUNG, Bail⁵e,

A. RAY, Balius,

M. P. GALLOUAY.

THOMAS JHONESTOUNE, bail⁵e,

JAMES DRUMMOND,

ROBERT ANDERSON,

ANDRO ARNET, w^t my hand,

ROBERT MATHOW, w^t my hand,

} Witnes to þe 24, 25 and 26 dayes
} Examination.

WALTER GRAY, w^t my hande,

M. WILLIAM COWPER,

HENRICUS ELDER, Notarius,

Scriba communitatis burgi

de Perth, manu fua.

NO. IV.

THE EARLE OF GOWRIES CONSPIRACIE againft the Kingis Maieftie of Scotland, At Saint John-ftoun, vpon Tuefday the fift of Auguft, 1600.

LONDON. Printed by Valentine Simmes, dwelling on Adling-hill, at the Signe of the White Swanne, 1600.¹

[The prefent Reprint of what has been termed ‘ The King’s Narrative,’ and ‘ The Account published by authority,’ has been made from the Earliest Eng-

¹ Preserved in the Library of the Faculty of Advocates. Simmes printed another Edition in 1603, after King James ascended the English throne, small quarto, pp. 32, in Roman letters, a copy of which the Editor saw, *pene* David Laing, Esquire.

lish Edition, of 32 pages small quarto, Black Letter. There were likely at least two Editions printed at Edinburgh, by Robert Waldegrave and by Robert Charteris, immediately after the Trials for the Conspiracy took place; in order to quiet, as well as to satisfy the public mind, which had been much inflamed by Mr Robert Bruce and the other refractory Ministers of Edinburgh; who greedily availed themselves of this opportunity of expressing their incredulity, by way of avenging themselves against the King, for his obstinate adherence to Episcopacy, &c. In Herbert's Edition of *Ames's Typographical Antiquities*, p. 1521, notice is taken of an Octavo (mistake for small Quarto) Edition, at Edinburgh, printed by Robert Charteris 1600, 'cum privilegio Regio;' three sheets and a half. As Ames quotes *Harl. Miscel.* III. 76, where this Tract is inserted, it is likely that he never saw the original, which is so extremely scarce, that a copy cannot now be traced. Lord Hailes reprinted this Tract, as the first number of an intended series of Papers relative to the Gowrie Conspiracy; but either he did not live to finish this work, or, more probably, he abandoned the undertaking, owing to the want of proper materials. His lordship says, 'This Account was published by authority, at Edinburgh, about the beginning of September 1600; for Nicolson, Queen Elizabeth's agent in Scotland, sent it to Sir Robert Cecil, on the 3d of September 1600. *Paper Office.*' He also remarks, that 'it appears by a Letter from Sir John Carey, Governor of Berwick, to Cecil, 4th of September 1600, that some TREATISE had been published in Scotland, IN VINDICATION OF GOWRIE. *Paper Office.*' This last-mentioned Treatise must have been privately circulated in MS., or, if printed, the impression had been seized at press. Not a vestige of the Tract remains. Even the Title, or an abstract of the facts and arguments, is unnoticed by any of the numerous contemporaneous writers who profess to espouse the cause of the Earl of Gowrie. The Rev. James Scott, in his History, 8vo, Edinburgh, 1818, p. 5, quotes a MS., in the Library of the Society of Antiquaries, Perth, which he terms 'Stewart's Collections,' in which it is stated, that 'after the Earl of Gowrie's death, a small Treatise was published in his Vindication, but was suppressed. Some copies of it were, however, preserved; and Sir Robert Douglas has said, that his brother Sir William had seen one of these Vindications, and that also several old gentlemen in Perthshire had owned that they had seen it.' On this subject, it shall only farther be noticed, that among the Correspondence of the indefatigable George Paton, one of the profoundest and most meritorious of our Scottish Collectors, (a pretty large portion of which has fortunately been recovered and preserved by the Faculty of Advocates, Edinburgh,) a Letter occurs, addressed by Mr Paton to the eminent Antiquary, Richard Gough, Esquire, 27th May 1782, from which the following passage is extracted. 'Did you ever see the counter-

part or answer to K. James's Account of E. Gowrie's Conspiracy, or that published by authority? The answer I am assured was printed, but suppress; altho' a copy or so may be preserved; which, if discovered, might throw some light on that dark passage of our Scots History. E. Cromarty's credulity and weakness of judgment is conspicuous in his account of that Tragedy, by his narrating the influence of spells, and notice of a few pretended magic characters, written on parchment or paper, found in the unhappy Lord's pocket; which were nothing else than a few *chymical* characters, known to every practitioner now-a-days in that art; which science both the brothers acquired in their travels thro' Italy. It is almost unnecessary to add, that even Mr Gough could not afford any information on the subject.]

A DISCOURSE of the vnnaturall and vile Conspiracie, attempted against his Maiesties person, at Saint Johnstoun, vpon the fift day of August, being Tuesday, 1600.

His Maiestie hauing his residence at Falkland, and being daily at the buck-hunting (as his use is in that season) vpon the fifth day of August, being Tuesday, hee raide out to the parke, betweene sixe and seuen of the clocke in the morning, the weather beeing wonderfull pleasant and seasonable. But, before his Maiestie could leape on horse back, his Highnesse being now come downe by the equerie; all the huntmen, with the hownds, attending his Maiestie on the green, and the Court making to their horses, as his Highnesse selfe was, Master Alexander Ruthwen, second brother to the late Earle of Gowrie, being then lighted in the town of Falkland, hasted him fast downe to overtake his Maiestie before his on-leaping, as hee did. Where meeting his Highnesse, after a very lowe curtesie, bowing his head vnder his Maiesties knee, (although hee was neuer wont to make so lowe courtesie) drawing his Maiestie aparte, hee beignes to discourse vnto him (but with a very deiected countenance, his eyes ever fixed vpon the earth) howe that it chanced him, in the euening before, to be walking abroad about the fields, taking the ayre solitarie alone, without the towne of Saint Johnstoun, where his present dwelling with the Lorde his brother was, and there, by accident, affirmed to have recounted a base like fellow, vnknowne to him, with a cloke cast about his mouth; whom, as hee inquired his name, and what his errand was, to be passing in so solitarie a part, being from all waies; the fellow became on a sodaine so amazed, and his tongue so faultered in his mouth, that, vppen his suspitious behaviour, hee begonne more narrowly to look vnto him and examine him; and perceiving that there appeared something to be hid vnder his cloke, hee did cast by the lappes of it, and so finds a great wide pot to be vnder his arme, all full of coyned gold in great peeces; assuring his Maiestie, that it was in very great quantity. Vpon the sight whereof (as he affirmed) hee tooke backe the fellow, with his burthen, to the towne, where hee, priuatly, without the knowledge of any man, tooke the fellow, and bound him in a priuy derved house; and after locked many doores vpon him, and left him there and his pot with him, and had hasted himselfe out of Saint Johnstoun that day, by foure howers in the morning, to make his Maiestie advertised thereof, according to his bound dutie; earnestly requesting his Maiestie, with all diligence and secrecie, that his Maiestie might take order therewith, before any know therof; swearing and protesting that he had yet concealed it from all men, yea from the Earle his own brother. His Maiesties first answere was (after thanking him for his good will) that it could not become his Maiestie to meddle any waies in that matter, since no mans treasure that is a free and law-

ful subject can, by the law, appertaine unto the King, except it be found hid under the earth, as this was not. Wherevnto he answered, that the fellow confessed unto him, that he was going to have hid it under the ground; but could not take leasure, at that time, to enquire any further of him. Wherevnto his Maiestie replied, that there was great difference betwixt a deede and the intention of a deede; his intention to haue hid it, not being alike as if it had bene found already hidde. Maister Alexanders answer was, that hee thought his Maiestie ouer scrupulous in such a matter, tending so greatly to his Maiesties profite; and that, if his Maiestie deferred to meddle with it, that it might be, that the Lord his brother, and other great men, might meddle with it, and make his Maiestie the more adoe. Whereupon the King, beginning to suspect that it had bene some forraine gold, brought home by some Jesuites for practising Papistes, (therewith to stirre up some new sedition, as they haue oftentimes done before,) inquired of the said Maister Alexander, what kinde of coyne it was, and what a fellow he was that carried it? His answer was, that so farre as hee could take leasure to see of them, that they seemed to be forraine strokes of coyne; and although the fellowe, both by his language and fashions, seemed to be a Scots fellow, yet he could neuer remember that he had seene him before. These speaches increased his Maiesties suspicion, that it was forraine coyne brought in by some practising Papistes, and to be distributed into the countrie, as is before sayd; and that the fellow that carried it, was some Scots Priest, or Seminarie so disguised, for the more sure transporting thereof.

Whereupon his Majestie resolved that he would send backe with the said Maister Alexander a seruant of his owne, with a warrant to the Prouost and Bailiffes of Saint Johnston to receive both the fellow and the money at Maister Alexanders hand; and, after they had examined the fellow, to retaine him and the treasure till his Maiesties further pleasure was knowne.

Whereat the sayd Maister Alexander stirred maruelously; affirming and protesting, that if eyther the Lorde his brother, or the Bailiffes of the towne were put on the counsaile thair of, his Majestie would gette a verie badde count made to him of that treasure; swearing, that the great loue and affection hee bare unto his Maiestie, had made him to preferre his Maiestie, in this case, both vnto him selfe and his brother. For the which seruice, hee humbly craued that recompence, that his Maiestie would take the paines once to ride thither, that he might be the first seer thereof himselfe; which being done, hee would remit to his Majesties owne honourable discretion, how farre it would please his Majestie to consider upon him for that seruice.

His Highnesse being stricken in great admiration, both of the vncouthnesse of the tale, and of the strange and stupide behauiour of the reporter; and the Court being already horsed, wondring at his Maiesties so long stay with that Gentleman, the morning being so faire, the game already found, and the huntsmen so long staying in the fields on his Maiestie; he was forced to breake off, only with these wordes, that hee could not now stay any longer from his sport, but that hee would consider of the matter, and, at the end of his chase, give him a resolute answer, what order hee would take therein. Wherevpon his Maiestie parted in haste from him, towards the place where the game was.

Maister Alexander parting from his Maiestie very discontent, that indelayedly he raide not to Saint Johnston, as hee desired him; protesting that his Maiestie would not find euery day such a choise of hunting as he had offered to him; and that he feared that his Maiesties long delay and slownesse of resolution would breede leasure to the fellow, who was lying bound, to cry, or make such dinne, as would disappoynt the secrecie of that whole purpose, and make both the fellow and the treasure to be meddled with, before any word could come from his Maiestie; as also, that his brother would misse him, in respect of his absence that morning, which, if his Maiestie had pleased to haste, he might haue prevented, arriving there in the time of his brothers and the whole townes being at the sermon; whereby his Majestie might have taken such secret order with that matter as he pleased, before their out-coming from the church. But his Majestie, without any further answering him, leaping on horse backe, and riding to the dogs, where they were beginning to hunt, the said Maister Alexander stayed still in

that place, where hee left his Maieftie; and hauing two men with him, appointed by the Earle his brother, to carry backe vnto him the certayne newes, in all hafte, of his Majefties comming (as heer-after more particularly fhall in this fame difcourfe be declared.)

He directed the one of them, called Andrew Henderfon, Chamberlaine to the faide Earle, to ride in all hafte to the Earle, commanding him, as he loued his brothers honour, that he fhould not spare for fpilling of his horfe, and that hee fhould advertife the Earle, that he hoped to moone his Maieftie to come thither; and that he fhould not yet looke for hym, the fpace of three houres thereafter, becaufe of his Maiefties hunting; adding thefe wordes, ‘Pray my Lorde my brother to prepare the dinner for us.’ But his Maieftie was no fooner ridden vppe to a little hill above the little woodde, where the dogges were layde on in hunting, but that, notwithstanding the pleafant beginning of the chafe, he could not flay from mufing and wondering vpon the news. Wherevpon, without making any body acquainted with this purpofe, finding John Nefmith, Chirurgian, by chance riding befide him, his Maieftie directed him backe to bring Mafter Alexander with him; who being brought unto his Maieftie, and hauing newly directed, as faid is, one of his men that was with him backe to my Lord his brother, his Majeftie vnknowing or fufpecting that any man living had come with him; then tolde him that he had bene aduifing with himfelfe, and in refpect of his laft wordes, fo earnest with him, he refolved to ride thither for that errand in his owne perfon, how fooner the chafe was ended, which was already begunne. Like as his Majeftie, vpon the very ending of thefe wordes, did ride away in the chafe, the faid Maifter Alexander following him at his backe; no other creature being with his Highnes bot he and John Hamilton of Grange, one of his Maiefties mafter-ftablers, the reft of the Court being all before in the chafe, his Maieftie onely being caft back, vppon the flaying to fpeake with Maifter Alexander, as is before faid.

The chafe lafted from about feauen of the clocke in the morning, vntill eleven and more, being one of the greateft and foreft chafes that euer his Maiefty was at: all which time, the fayde Maifter Alexander was (for the moft part) euer at his Maiefties backe, as is fayd. But there neuer was any ftop in the chafe, or fo finall a delay, that the fayde Maifter Alexander omitted to round his Majeftie, ernestly requesting him to haften the end of the hunting, that he might ride the fooner to Saint Johnftoun. So as, at the death of the bucke, his Maiefty, not flaying upon the curry of the diere (as his ufe is) fearcely took time to alight, awayting vpon the comming of a frefh horfe to ride on, the greatnes of the chafe hauing wearied his horfe.

But the faid Maifter Alexander would not fuffer the King to flay in the parke where the bucke was killed, while his frefh horfe, which was already fent for, was brought out of the equerie to him, (although it was not two flight-shot off betwixt the parte where the bucke was killed and his Maiefties equery); but with very importunity forced his Majeftie to leap on agayne upon that fame horfe, that he had hunted all the day vpon, his frefh horfe being made to gallop a mile of the way to ouertake him; his Maieftie not flaying fo much as vpon his fword, nor while the Duke and the Earle of Mar, with diuerfe other Gentlemen in his company, had changed their horfe; onely faying vnto them, that hee was to ride to Saint Johnftoun to fpeake with the Earle of Gowry, and that he would be prefently backe againe before euen.

Wherevpon fome of the Court galloped backe to Falkeland as faft as they coulde, to chaunge their horfe, but could not ouertake his Maieftie, vntill hee came within foure miles of Saint Johnftoun. Others rid forward with their horfes, wearied as they were, whereof fome were compelled to alight by the way: and, had they not both refrefhed their horfes, fed them, and given them fome graffe by the way, they had not caried them to S. Johnftoun: the caufe of his Maiefties feruants felowing fo faft, vndefired by him, being only grounded vpon a fufpition they had conceiued, that his Maiefties intention of riding, was for the apprehenfion of the Mafter of Oliphant, one who had late laid downe a vile

and proud oppression in Angus. For repairing of the which, they thought that his Maieſtie had ſome purpoſe for his apprehenſion.

But the ſayde Maſter Alexander, ſeeing the Duke and the Earle of Mar, with diuerſe of the Court, getting freſh horſe for following of his Maieſtie, earneſtly deſired him that hee wold publiſh to his whole traine, that ſince he was to returne the ſame evening, as is afore ſaid, they needed not to follow him; eſpecially, that he thought it meeſteſt his Maieſty ſhould ſtay the Duke and the Earle of Mar to follow him, and that he ſhould only take three or foure of his own ſeruants with him; affirming, that if any Nobleman followed him, hee could not aunſwere for it, but that they would marre that whole purpoſe. Whereuppon his Maieſtie, halfe angry, replied, that hee would not miſtruſt the Duke nor the Earle of Mar in a greater purpoſe than that, and that hee could not vnderſtand what hinderance any man could make in that errand.

But theſe laſt ſpeeches of Maſter Alexanders made the King beginne to ſuſpect what it ſhould meane; whereuppon many and ſundry thoughts beganne to enter into the Kings mind; yet his Maieſtie could neuer ſuſpect any harme to be intended againſt his Highneſſe by that yong Gentleman, with whom his Maieſtie had bene ſo well acquainted, as he had not long before bin in ſuite to be one of the Gentlemen of his chamber: ſo as, the fartheſt that the Kings ſuſpition could reach to, was, that it might be that the Earle his brother had handled him ſo hardly, that the yong Gentleman, being of a hie ſpirit, had taken ſuch diſpleaſure, as hee was become ſomewhat beſide himſelfe, which his Maieſtie coniectured, as well by his raiſed and vncouth ſtaring, and continual penſiuences all the time of the hunting, as likewiſe by ſuch ſtrange ſorte of vnlikely diſcourſes as are already mentioned.

Whereuppon the King tooke ocaſion to make the Duke of Lennox acquainted with the whole purpoſe, enquiring of him very earneſtly what he knew of that yong Gentlemans nature, being his brother in law, and if he had perceiued him to be ſubiect to any high apprehenſion? His Maieſtie declaring his ſuſpition plainly to the ſaid Lord Duke, that he thought him not well ſetled in his wits; alwayes deſiring my Lorde Duke not to faile to accompany him into that houſe, where the alleadged fellow and treaſure was.

The Lord Duke wondered much at that purpoſe, and thought it very vnlikely; yet hee affirmed, that he could neuer perceiue any ſuch appearance in that Gentlemans inclination. But Maſter Alexander perceiuing his Maieſties priue conference with the Duke, and ſuſpecting the purpoſe as it appeared, came to the King, requeſting his Maieſty very earneſtly he ſhould make none liuing acquainted with that purpoſe, nor ſuffer none to goe with his Maieſty where hee ſhould convoy him, but himſelfe only, vntill his Maieſty had once ſeene the fellow and the treaſure; whereunto his Maieſty, half laughing, gaue anſwere, that he was no good teller of money, and behooued therefore to have ſome to helpe him in that errand. His reply was, that he would ſuffer none to ſee it but his Maieſties ſelf at the firſt, but afterwarde he might call in whom hee pleaſed.

Theſe ſpeeches did ſo increaſe his ſuſpition, that then hee beganne directly to ſuſpect ſome treaſonable deuife. Yet many ſuſpitions and thoughts ouerwhelming one, euery one another in his mind, his Maieſtie could reſolue upon no certain thing, but rode further on his iourney, betwixt truſt and diſtruſt, being aſhamed to ſeem to ſuſpect, in reſpect of the cleaſneſſe of his Maieſties own conſcience, except he had found ſome greater ground. Maſter Alexander ſtill preſing the King to ride faſter, though his owne horſe was ſcarcely able to keepe company with the King for wearines, hauing ridden with him all the chafe before. The King being come two mile from Falkland, Maſter Alexander ſtayed a little behinde the King in the way, and poſted away the other ſeruant Andrew Ruthuen to the Earle his brother, aduertizing him how farre the King was on his way to come thither. Then how ſoone ſoouer the King came within a mile of (Saint) Johnſtoun, he ſayde to his Maieſty that he would poſt in before, to aduertife the Erle his brother of his Maieſties comming: who, at his incomming to him, was ſitting at the miſt of his dinner, neuer ſeeming to take knowledge of the Kings comming

til his brother told it him, notwithstanding that two of his seruants had aduertised him thereof before. And, immediately vpon his brothers report, rising in haste from the boord, and warning all the seruants and friendes to accompany him to meete his Maiestie; who met him with three or foure score men, at the end of the Inbe, his Maiesties whole traine, not exceeding the number of fifteene persons, and all wythout any kinde of armour, except fwordes, no not so much as daggers or whingears; his Maiestie stayed an houre after his comming to the sayd Erles lodging to Saint Johnstoun before his dinner came in. The longfomenes of preparing the same, and badnes of the cheere, being excused vpon the fouldaine comming of his Maiestie, vnllooked for there.

During which time, his Maiesty enquired of Maister Alexander, when it was time for him to goe to that priuate house, about that matter whereof he had informed him; who answered, that all was sure enough, but that there was no haste yet for an houre, til the King had dined at leisure; praying his Maiesty to leaue him, and not to be seene to round with him before his brother, who, hauing missed him that morning, might thereupon suspect what the matter should meane. Therefore his Maiesty addressed him to the Earle, and discoursed with him vpon sundry matters; but could get no direct answer of him, but halfe wordes, and imperfect sentences.

His Maiesty being set downe to his dinner, the said Earle stood very pensieue, and with a dejected countenance, at th' end of his Maiesties table, oft rounding ouer his shoulder, one while to one of his seruants, and another while to an other; and oft times went out and in to the chamber. Which forme of behaviour he likewise kept before the Kings sitting downe to dinner; but without any welcoming of his Maiestie, or any other hearty forme of entertainment. The Noblemen and Gentlemen of the Court that were with his Maiestie standing about the table, and not desired to dine (as the use is when his Maiesty is once set downe, and his first seruice brought up) vntill his Maiesty had almost dined. At which time, the Earle conueyed them forth to their dinner, but fate not downe with them himselfe (as the common maner is), but came back, and stood silent at the end of the Kings table, as he did before; which his Maiesty perceiuing, beganne to entertayne the Earle in a homely manner, wondring hee had not remayned to dyne with his ghests, and entertayne them there.

His Maiestie being ready to rise from the table, and al his seruants in the hall at their dinner, Maister Alexander standing behinde his Maiesties backe, pulled quietly vpon him, rounding in his Maiesties eare, that it was time to goe, but that he would faine haue bene quit of the Earle his brother, wishing the King to fend him out into the hall to entertayne his ghests. Whereupon the King called for drinke, and, in a merie and homely maner, sayd to the Earle, that although the Earle had seene the fashion of entertainment in other countries, yet he would teach him the Scottish fashion, seeing hee was a Scottish man; and therefore, since he had forgotten to drinke to his Maiesty, or sit with his ghests and entertayne them, his Maiesty would drinke to him his owne welcome, desiring him to take it forth and drinke to the rest of the company, and in his Maiesties name, to make them welcome. Whereupon, as he went forth, his Maiesty rose from the table, and desired Maister Alexander to bring Sir Thomas Erkin with him; who desiring the King to goe forward with him, and promising that hee should make any one or two follow him that hee pleased to call for, desiring his Maiesty to command publikely that none should followe him. Thus the King, accompanied onely with the sayd Maister Alexander, comes forth of the chamber, passeth through the ende of the hall, where the Noblemen and his Maiesties seruantes were sitting at theyr dinner, vp a turnepecke, and through three or foure chambers, the sayde Maister Alexander euer locking behind him euery doore as he passed; and then, with a more smiling countenance than he had all the day before, euer saying he had hym sure and safe enough kept; vntill at the last, his Maiesty passing through three or foure sundry houses, and all the doores locked behind hym, his Maiesty entred into a little study, where hee sawe standing, wyth a very abased countenance, not a bondman, but a freeman, with a dagger at his girdle. But his Maiesty had no sooner entred into that little study, and Maister Alexander with him, but Maister Alexan-

der locked to the study doore behinde him ; and at that instant, changing his countenance, putting his hatte on his head, and drawing the dagger from that other mans girdle, held the poynnt of it to the Kings breast, avowing now that the King behoooued to be in his will, and vsed as he list ; swearing many bloody oths, that if the King cryed one word, or opened a window to looke out, that dagger should presently go to his heart ; affyrming, that he was sure that now the Kings conscience was burthened, for murdering his father. His Maiefty, wondring at so sodaine an alteration, and standing naked, wythout any kinde of armour but his hunting horne, which he had not gotten leysure to lay from him, betwixt these two traytors which had conspyred his life, the sayd Maister Alexander standing (as is sayd) wyth a dagger in his hand, and his sworde at his side ; but the other trembling and quaking rather like one condemned, than an executioner of such an enterprife.

His Maieftie begunne then to dilate to the saide Maister Alexander, how horrible a thing it was for him to meddle with his Maiefties innocent blond ; assuring him, it would not be left vnreuedged, since God had giuen him children and good subiects ; and if they neither, yet God would raise vpper stocks and stoncs to punish so vile a deede.

Protesting before God, that he had no burthen in his conscience for the execution of his father ; both in respect that, at the time of his fathers execution, his Maiefty was but a minor of age, and gnyded at that time by a faction which ouerruled both his Maieftie, and the rest of the cuntry ; as also, that whatsoeuer was done to his father, it was done by the ordinarie course of law and justice.

Appealing the saide Maister Alexander vpon his conscience, how well he at all times since had deferred at the hands of al his race, not only hauing restored them to al their lands and dignities, but also in nourishing and bringing vp of two or three of his sisters as it were in his owne bosome, by a continual attendance vpon his Maiefties deereft bedfellow in her priuy-chamber.

Laying also before him the terrors of his conscience, especially that he made profession, according to his education, of the same religion which his Maieftie had ever professed : and namely, his Maiefty remembered him of that holy man, Master Robert Rollocke, whose scholler he was, assuring him, that one day the said Maister Roberts foul would accuse him, that he had neuer learned of him to practise such vnnatural cruelty : his Maiefty promising to him, on the word of a Prince, that if he would spare his life, and suffer him to go out again, he would neuer reueale to any flesh liuing what was betwixt them at the time, nor neuer suffer him to incur any harm or punishment for the same.

But his Maiefties fear was, that he could hope for no sparing at his hands, hauing such crueltie in his looks, and standing so irreuerently couered with his hat on, which form of rigorous behaviour could prognosticate nothing to his Maieftie but present extremity. But, at his Maiefties perswasive language, he appeared to be somewhat amazed ; and, vncouering his head againe, swore, and protested that his Maiefties life should be safe, if he would behaue hymselfe quietly, wythout making noyse or crying ; and that he would onely bring in the Earle his brother to speake wyth his Maieftie. Wherevpon, his Maiefty, enquiring what the Earle would doe with him, since (if his Maiefties life were safe, according to promise,) they could gayne little in keeping such a prisoner. His answer only was, that he could tell his Maiefty no more, but that his life should be safe, in case he behaued hymselfe quietly ; the rest, the Earle his brother, whome he was going for, would tel his Maiefty at his coming. With that, as he was going forth for his brother, as he affirmed, he turnd hym about to the other man, saying these wordes vnto him, ‘ I make you here the Kings keeper till I come backe agayne, and see that you keepe him vpon your owne perill ;’ and therewithal sayd to his Maieftie, ‘ You must content yourselfe to haue this man now your keeper, vntill my coming backe.’

With these wordes, he passeth forth, locking the doore after him, leauing his Maiefty with that man he found there before him. Of whome his Maiefty then enquired, ‘ If he were appoynted to be the murtherer of him at that time, and howe farre he was vpon the counsell of that Conspiracie ?’ Whose answer, with a trembling and astonished voyce and behavior, was, that, ‘ as the Lord should judge him,

he was neuer made acquainted with that purpose, but that he was put in there perforce, and the doore lockt vpon him, a little space before his Maiesties comming: as indeede, all the time of the sayd Maister Alexanders menacing his Maiefty, he was euer trembling, requesting him for Gods sake, and with many other attestations, not to meddle with his Maiefty, nor to do him any harme. But because M. Alexander had, before his going forth, made the King sweare he should not cry, nor open any window, his Maiefty commanded the said fellow to open the window on his right hand, which he readily did: so that, although he was put in there to use violence on the King, yet God so turnd his heart, as he became a slaue to his prisoner.

While his Maiefty was in this dangerous estate, and none of his owne seruantes nor traine knowing where hee was, and as his Maiesties traine was arising in the hall from their dinner, the Earle of Gowrie being present wyth them, one of the Earle of Gowries seruants comes hastily in, assuring the Earle his Maister, that his Maiefty was horsed, and away through the Infhe; which the Earle reporting to the Noblemen, and the rest of his Maiesties traine that was there present, they all rushed out together at the gate, in great haste: and some of his Maiesties seruants enquiring of the Porter, 'When his Maiefty went forth?' the Porter affirmed, that the King was not yet gone forth. Wherevpon the Earle looked very angerly vpon him, and sayd he was but a liar: yet turning him to the Duke, and to the Earle of Mar, said, he should presently get them sure worde where his Maiefty was; and with that, ranne through the clofe, and vppe the staires. But his purpose indeede was, to speake with his brother, as appeared very well by the circumstance of time; his brother hauing, at that same instant, left the King in the litle study, and ranne downe the staires in great haste.

Immediately after, the Earle commeth backe, running agayne to the gate, where the Noblemen and the rest were standing in a maze, assuring them that the King was gone, long since, out at the backe gate; and if they hasted them not the sooner, they would not overtake him; and, with that, called for his horse; whereat they rushed all together out at the gate, and made toward the Infhe, crying all for theyr horses: passing all (as it was the prouidence of God) vnder one of the windows of that study wherein his Maiefty was. To whom Maister Alexander very speedily returned, and, at his incomming to his Maiefty, casting his handes abroade in a desperate manner, saide, he could not mend it, his Maiefty behooued to die: and, with that, offered a garter to bind his Maiesties hands, with swearing he behooued to be bound. His Maiefty, at that word of binding, said, he was borne a free King, and should die a free King. Wherevpon, he griping his Maiefty by the wrest of the hand, to haue bound him, his Maiefty releued himselfe sodainely of his gripes: wherevpon, as hee putte his right hand to his sword, his Maiefty with his right hand seized vpon both his hand and his sword, and with his left hand clasped him by the throat, like as he with his left hand claspt the King by the throat, with two or three of his fingers in his Maiesties mouth, to haue staied him from crying. In this maner of wrestling, his Maiefty perforce drew him to the window, which he had caused the other man before to open vnto him, and vnder the which was passing by at the same time the Kings traine, and the Earle of Gowrie with them, as is saide, and holding out the right side of his head and right elbow, cryed, that they were murdering him there, in that treasonable forme: whose voice being instantly heard and knowne by the Duke of Lennox, the Earle of Marre, and the rest of his Maiesties traine there, the saide Earle of Gowrie euer asking 'what it meant?' and neuer seeming any waies to haue seen his Maiefty, or heard his voyce; they all rushed in at the gate together, the Duke and the Earle of Marre running about to come by that passage his Maiefty came in at. But the Earle of Gowrie and his seruants made them for another way up a quiet turnepeeck, which was euer condemned before, and was only then left open, (as appeared) for that purpose.

And in this meane time, his Maiefty, with struggling and wrastling with the said Maister Alexander, had brought him perforce out of that study, the doore whereof, for haste, he had left open, at his last incomming; and his Maiefty having gotten, (with long strugging) the sayde Maister Alex-

anders head under his arme, and himfelfe on his knees, his Maieftie droue him backe, perforce, hard to the doore of the fame turne-pike; and as his Maieftie was throwing his fworde out of his hand, thinking to haue ftricken him therewith, and then to haue fhotte him ouer the faire, the other fellow standing behinde the Kinges backe, and dooing nothing but trembling all the time, Sir John Ramfay, not knowing what way firft to enter, after hee had heard the Kinges cry, by chance findes that turne-peck door open, and, folowing it vp to the head, enters in into the chamber, and findes his Maieftie and Maifter Alexander ftugling in that forme, as is before fayde: and after he had twife or thrife ftricken Maifter Alexander with his dagger, the other man withdrew himfelfe, his Maieftie ftill keeping his gripes, and holding him clofe to him: immediatly thereafter, he tooke the fayd Maifter Alexander by the fhoulders, and fhotte him downe the faire: who was no fooner fhotte out at the doore, but hee was met by Sir Thomas Erfkine and Sir Hew Hereis, who there, vpon the faire, ended him; the fayde Sir Thomas Erfkine being caft behind the Duke and the Earle of Mar, that ran about the other way, by the occafion of his meddling with the fayde late Earle in the ftreete, after the hearing of his Maiefties crie. For vpon the hearing thereof, hee had clafped the Earle of Gowrie by the gorget, and cafting him under his feete, and wanting a dagger to haue ftricken him with, the fayd Earls men rid the Earle their Maifter out of his handes; whereby hee was caft behinde the reft, as is fayd: and miffing the companie, and hearing the fayde Sir John Ramfayes voyce vpon the turn-peck head, ran vp to the fayd chamber, and cryed vpon the fayd Sir Hew Hereis and another feruant to follow him: where, meeting with the fayd Maifter Alexander in the turne-peck, he ended him there, as is fayd: the fayd Maifter Alexander crying, for his laft wordes, ‘Alas! I had not the weight of it.’ But no fooner could the fayde Sir Thomas, Sir Hew, and another feruauant, winne into the chamber where his Maieftie was, but that the fayde Earle of Gowrie, before they could gette the doore fhut, followed them in at the backe, hauing caft him directly to come vp that priuy paffage, as is before faid: who, at his firft entrie, hauing a drawne fworde in euery hand, and a fteele bonet on his head, accompanied with feuen of his feruants, euery one of them hauing in like maner a drawn fworde, cried out with a great oath, that they fhould al die as traitors! Al the which time, his Maieftie was ftill in the chamber; who, feeing the Earle of Gowrie come in, with his fwordes in his hands, fought for Maifter Alexanders fword, which had fallen from him at his out-fhutting at the doore; hauing no forte of weapons of his owne, as is fayde: but then was fhut backe by his owne feruants that were there into the litle ftudie, and the doore fhut vpon him: who, hauing put his Maieftie in fafety, re-encountred the faide Earle and his feruants, his Maiefties feruants being onely in number foure, to wit, Sir Hew Hereis, Sir John Ramfay, and one Wilfon a feruant of James Erfkins, a brother of the fayd Sir Thomas, the fayde Earle hauing feuen of his owne feruants with him: yet it pleaſed God, after many ftrokes on all handes, to giue his Maiefties feruants the victorie; the fayde Earle of Gowrie being ftriken dead with a froke through the heart, which the faid Sir John Ramfay gaue him, without once crying vpon God, and the reft of his feruants dang ouer the faire with many hurtes, as in like maner the fayde Sir Thomas Erfkine, Sir Hew Hereis, and Sir John Ramfay, were al three very fore hurt and wounded.

But al the time of this fight, the Duke of Lennox, the Earle of Mar, and the reft of his Maiefties traine, were ftriking with great hammers at the vtter doore whereby his Maieftie paſt vp to the chamber with the faid Maifter Alexander, which alfo he had lockt in his by-comming with his Maieftie to the chamber; but, by reaſon of the ſtrength of the faid double doore, the whole wall being likewife of boordes, and yeelding with the ftrokes, it did bide them the ſpace of halfe an houre and more, before they could get it broken, and haue entrefſe: who hauing met with his Maieftie, found (beyond their expectation) his Maieftie deliuered from ſo imminent a perill, and the fayde late Earle the principall conſpirator lying dead at his Maiefties feete. Immediatly thereafter, his Maieftie kneeling downe on his knees in the midft of his owne feruants, and they all kneeling rounde about him, his Maieftie, out of his owne mouth, thanked God of that miraculous deliuerance and victory, affuring

himselfe, that God had preferred him from so dispaired a perill, for the performing of some greater work behind, to his glorie, and for procuring by him the weale of his people, that God had committed to his charge. After this, the tumult of the towne hearing of the slaughter of the sayde Earle of Gowrie their Prouest, and not knowing the manner thereof, nor being on the counsell of his treasonable attempt, continued for the space of two or three houres thereafter, vntill his Maiestie, by oft speaking out to them at the windowes, and beckoning to them with his owne hand, pacifying them, causing the Bailies and the rest of the honest men of the towne to be brought into the chamber; to whome hauing declared the whole forme of that strange accident, he committed the house and bodies of the said traitorous brethren to their keeping, vntill his Maiesties further pleasure were knowne. His Maiestie hauing, before his parting out of that towne, caused to search the said Earle of Gowries pockets, in case any letters, that might further the discovery of that Conspiracy, might bee founde therein. But nothing was founde in them, but a little close parchment bag, full of magicall characters, and wordes of inchantment, wherein it seemed that hee had put his confidence, thinking himselfe neuer safe without them, and therefore ener caried them about with him: Beeing also obserued, that while they were vpon him, his wound, whereof he died, bled not; but, incontinent after the taking of them away, the blood gushed out in great abundance, to the great admiration of all the beholders; an infamy which hath followed and spotted the race of this house for many descents, as is notoriously knowne to the whole cuntrie. Thus, the night was farre spent, being neere eight houres at euening, before his Maiestie could (for the great tumult that was in the towne) depart out of the same. But, before his Maiesty had ridden foure myles out of the same towardes Falkland, although the night was very darke and rainy, the whole way was clad with all sort of people, both horse and foote, meeting him with great ioy and acclamation. The frequencie and concourse of personnes of all degrees to Falkland the rest of the weeke, and to Edenburgh the next, from all the quarters of the cuntrie, the testimony of the subiectes hearty affection and ioy for his Maiesties deliuerie, expressed euery where, by ringing of bells, bonifiers, shooting off guns of all sorts, both by sea and land, &c. with all other things ensuing thereupon, I haue of set purpose pretermitted, as well knowne to all men, and impertinent to this discourse; contenting myselfe with this plaine and simple narration; adding onely, for explanation and confirmation thereof, the Depositions of certaine persons, who were either actors and eie-witnesses, or immediate hearers of those things that they declare and testifie; wherein, if the reader shall find any thing differing from this narration, either in substance or circumstance, he may vnderstand the same to be vttered by the deponer in his owne behoofe, for obtaining of his Maiesties princely grace and fauor.

APUD FALKLAND, 9th August 1600. *In presence of the Lord Chancellor, Lord Treasurer, Lord Secretary, Lord Comptroller, Lord Aduccate, the Lord Incheffray, and Sir George Home of Spot, Knights.*

JAMES WEIMIS of BOGY, of the age of 26 yeere, or therby, sworne and examined vpon the forme and maner of behauiour of late Johnne Earle of Gowrye, the time of his being with him at Strabran; or if he had heard the sayd Earle make any motion of the Treason intended against his Royall Majestie? Depones, that he neither heard, nor saw, any appearance of any such intention in the said Earle.¹

Demaunded, 'If he was in any purpose with the said Erle, anent any matters of curiositie?' Depones, that at their being in Strabran, some of their company found an edder, which being killed, and knowledge thereof comming to the Earle, the Earle sayde to this deponer, Bogy, 'If the edder had not bene slaine, yee should haue seene a good sport; for I should haue caused her stand still,² and shee should

¹ This evidence is inserted with the view of proving, not the traitorous purposes, but the sorceries of Gowrie. How far this end has been attained, the reader is left to decide.—*Hales.* ² It was an ancient superstitious notion, and which had not ceased in the days of Gowrie, that serpents might be rendered innocuous by means of certain charms and incantations. The writers, who treat of Magic, insist on this among other fooleries. *Delrius, Disqui-*

not haue pressed away, by pronouncing of an Hebrew word, which in Scottisli is called holineffe; but the Hebrew word the deponer remembers not of: and that the Earle sayde, hee had put the same in practise oft before. And this deponer inquiring of the Earle 'where he get the Hebrew word?' The Earle answered, 'In a cabbalist of the Jewes, and that it was by tradition:' And the deponer inquiring, 'what a cabbalist meant?' The Earle answered, 'It was some wordes which the Jewes had by tradition, which wordes were spoken by God to Adam in Paradise; and therefore, were of greater efficacie and force than any wordes which were excogitate since, by Prophets and Apostles.' The deponer inquiring 'If there were no more requisite but the word?' The Earle answered, 'That a firme faith in God was requisite and necessary; and that this was no matter of maruel amongst schollers, but that al these things were naturall.' And that the Earle shewed to this deponer, that he had spoken with a man in Italie, and first hearing, by report, that he was a nigromancer, and thereafter being informed that he was a very learned man, and a deep theologue, he entered in further dealing with him, anent the curiositie of nature.

Depones further, that the saide Earle reported to him, that he being at musicke, he fell in company with an other man, who staring in the Earles face, spake to the rest of the companie thinges of him, which he could neuer attaine unto, nor be worthy of: and therefore that the Earle reproached him, and desired him to forbear these speeches. And that he met againe with the said man in a like company, who did begin with the same language which hee had spoken before: and that the Earle sayd to him, 'My friend, in case yee will not hold your peace from speaking lies of me, I will make you hold your peace, by speaking truth of you;' and said vnto him, within such a space he should be hanged for such a crime; and so it came to passe. This deponer, inquiring of the Earle, 'who told him that?' He answered merrily, 'That he spake it by guesse, and it fell out so.' And that the Earle sayd further, that 'it was nothing to make an herbe fleshe, which would dissolve into flies;² and that likewise it was possible that the seed of man and woman might be brought to perfection otherwise than by the matrix of the woman:'³ And that this deponer counselled the Earle to 'beware with whom hee did communicate such speeches:' who answered, that 'hee would speak them to none, but to great schollers; and that he would not have spoken them to this deponer, if he had not knowne him to bee a fauorer of him, and a friend of his house, and would not reveale the same againe, seeing hee knewe they would be euill interpreted amongst the common forte.' (Sic subscribitur) J. WEIMYS OF BOGIE.

APUD FALKLAND, 20th August 1600. *In presence of the Lordes Chancellour, Treasurer, Advocate; Sir George Home of Spot, Sir Robert Meluill, and Sir James Meluill, Knights.*

MAISTER WILLIAM RYND, sworne and examined, and demanded, 'where he first did see the characters which were found upon my Lord?' Depones, that he, having remained a space in Venice, at *sit. Magic. l. 2, q. 13, p. 147, 148*, speaks of it with much seriousness. The form of the incantation may be found at length in *Wierus, De Prestigijs Daemonum*, lib. 5, c. 4, 5, 10. Perhaps all the learning of Gowrie did not exempt him from believing that such incantations were possible, and even lawful; but from this circumstance, to assert that he was a magician, may seem too hasty a conclusion.—*Hailes.*

¹ 'One Colvil hath sent the King the collection of the fortune to befall Gowrye, upon his nativity, written with the Earle's hand, in French, at Orleans, and there found, containing that he should return, be in great credit, seek for a wife, and yet dye with his sword in his hand, before he should be married.' Nicolson to Cecil, 12th November 1600. *Paper Office.* It would seem that the sorcerers with whom Gowrie conversed, differed in their opinion of his future fortunes.—*Hailes.*

² While the doctrine of equivocal generation prevailed, this absurdity found credit. *Augustin. lib. 3, d. Trinitate. c. 7*, says that magicians can speedily produce 'animalia imperfecta, muscas, vermes, ranas, et hujusmodi insecta, et alia quae ex putrefactione nascuntur, non creando, sed activa passivis applicando.' This opinion is followed by the rabble of schoolmen; and perhaps Gowrie might have attempted to produce so imperfect an animal as a flie, by the proper application of actives to passives.—*Hailes.*

³ Of this Paracelsus speaks: 'Non parva dubitatio et questio inter aliquos ex antiquis philosophis fuerit, an naturae et arti possibile esset hominem gigni extra corpus muliebri et matricem naturalem? Ad hoc respondeo, quod id arti *pygryca*, (i. e. *chemica*) et naturae nullo modo repugnat, immo autem possibile sit!' He subjoins the receipt at length, but it is so licentious and so absurd, that I must be excused from inserting it in this work. It may, however, be observed, that, according to Paracelsus, men formed by this receipt need to learn nothing; for that, as they are made by art, they know every thing; an advantage which persons who come into the world in the natural way, never enjoy.—*Hailes.*

his returning to Padua, did find in my Lordes pocket the characters which were found vpon him at his death: and the deponer inquiring of my lord, 'Where he had gotten them?' My lord answered, that 'by chance he had copied them himselfe:' and that the deponer knowes that the characters in Latine are my lords owne hand-writing; but he knowes not if the Hebrew characters were written by my lord. Depones further, that when my lord would change his clothes, the deponer would take the characters out of my lords pocket, and would say to my lord, 'Wherefore serues these?' And my lord would answer, 'Can you not let them be? they do you no euill.' And further, the deponer declares, that sometimes my lord would forget them, vntil he were out of his chamber, and would turne backe as he were in an anger, vntil hee found them, and put them in his owne pocket: Depones further, that he was sundry tymes purposed to haue burnt the characters, were it not that he feared my lordes wrath and anger; seeing, when the deponer would purposely leave them sometimes out of my lordes pocket, my lord would be in such anger with the deponer, that for a certayne space he would not speake with hym, nor could not finde his good countenance. And that (to this deponers opinion) my lord would neuer be content to want the characters off hymselfe, from the first time that the deponer sawe them in Padua, to the houre of my lords death. Being demaunded, 'For what cause my lord kept the characters so well?' Depones, that, to his opinion, it was for no good; because he heard, that, in those partes where my lord was, they would give sundry folkes breeues.¹ Depones further, that Maister Patricke Galloway lette this deponer see the characters, since that hee came to this towne of Falkland, and that he knowes them to be the very same characters which my lord had. Depones also, that, on Monday the fourth of August, the Maister, Andrew Henderfon, and the deponer remained in my lords chamber, till about ten houres at euen, and after a long conference betwixt the lord and the Maister, my lord called for Andrew Henderfon, and after some speeches with him, dismissed them. Denies that he knew of the Masters or Andrew Henderfons riding to Falkland; and after Andrews returne from Falkland upon the morrow, howbeit he did see him booted, yet he knew not that he was come from Falkland. Depones, that my Lord being at dinner when the Master came in, the deponer heard my Lord say to the Master, 'Is the King in the Inthe?' and with that he did rise, and saide, 'Let vs goe.' But the deponer knowes not what the Maister said to my Lord. Being demaunded, if he did see any kind of armour or weapons, except swords, in the Kings companie? Depones that he did see none. It being demaunded, how the deponer was satisfied with my lords answer made to him, concerning the Kings coming to Saint Johnstoun, saying that hee knew not how he came? Declares that he thought my lord had dissembled with him, and that he behoued to haue knowne it, seeing his brother was come with his Maiestie before that he demanded of him, and that he had conferred with my Lorde priuile. Depones that he knew not that the Maister was ridden to Falkland, vntil after his Maiesties coming to Saint Johnstoun, that Andrew Ruthven told him; because the deponer inquired of Andrew Ruthven, 'where the Master and he had bin?' And that Andrew answered, 'they had been in Falkland:' And that the Maister hauing spoken with the King, his Maiesty came forward with them: and that this conference betwixt the deponer and Andrew Ruthven was in the yard, when my lord was there. And Andrew Ruthven shewed to the deponer, that Andrew Henderfon was directed by the Maister, to shew my lord that his Maiestie was comming. Depones also, that, in his opinion, the Master could not haue drawne the King to my lordes house, without my lordes knowledge: and that, when hee heard the tumult, he was resolved in his heart the Maister had done his Maiestie wrong; and that no true Christian can thinke otherwise,² but that it was an high treason,

¹ Epistles, schedules, or small treatises. The word here means magical writings, amulets, &c. ² To this narrative the following expressions, in a letter from Nicolson to Cecil, 21st of August 1600, may be properly subjoined: 'Mr William Rynd, the pedagogue, hath been extremely booted, but confesseth nothing of that matter against the Earl or his brother.' *Paper Office.—Hails.* He could not confess any fore-knowledge; for it is evident, that he had purposely been kept in profound ignorance of the Plot, which was known to Gowrie and his brother alone. Rind's firm adherence to Henderson's Deposition, is a very strong fact, and deserving of the utmost credit.

attempted against his Highness by the Master and the Lord. Depones also, that, to his opinion, the Kings whole company was within a dozen of men. (Sic subscribitur) M. W. RYND.

22d August 1600.—Master WILLIAM RYND sworn and re-examined, if euer he heard the Earle of Gowrie vter his opinion, aenit the duetie of a wife man in the execution of an high enterprife? Declares, that, being out of the countrey, he had diuerse times heard him reason in that matter, and that he was euer of that opinion, that ‘ he was not a wife man, that hauing intended the execution of a high and dangerous purpose, communicate the same to any but to himselfe;’ because keeping it to himselfe, it could not be discovered nor disappointed:’ which the deponer declared before, vnrequired, to the Controller, and Master William Cowper Minister at Perth: And hearing the depositions of Andrew Hendersoun read, and being enquired, vpon his conscience, what he thought of the fact that was committed against his Majesty? Declares, that upon his saluation, that he beleeuves Andrew Hendersoun has declared the circumstances truly. (Sic subscribitur) M. W. RYND.

APUD FALKLAND, 20th August 1600. *In presence of the Lordes Chancellour, Treasurer, Advocate, Controller, Sir George Home of Spot, and Sir James Meluill, Knights.*

ANDREW HENDERSOUN sworn and examined, and demanded, ‘ What purpose was betwixt him and the Earle of Gowrie vpon Monday at night, the fourth of this instant, in the said Earles chamber?’ Depones, that the Earle inquired of him, what he would be doing upon the morne? And he answered, that he was to ride to Ruthwen: The Earle said to him, ‘ You must ride to Falkland with Master Alexander my brother, and when he directs you backe, see that ye returne with all diligence, if he send a letter or any other advertisement with you.’ Depones, that the Master directed him to fend for Andrew Ruthven to be in readinesse, to ride with them the morrow, at foure houres in the morning. Declares, that they comming to Falkland, about seuen houres in the morning, the Master staid in a lodging beside the pallace, and directed the deponer to see what the King was doing; and the deponer finding his Majesty in the close comming forth, he pass’t backe, and told the Master, who immediately address’d himself to his Highness, and spake with his Maiesitie a good space, beneath the equirie: and after his Maiesitie was on horsebacke, the Maister commeth to the deponer and commaunds him to fetch their horses, and bade him haste him, as he loued my lordes honour and his, and aduertise my lord, that his Maiesitie and he would be there incontinent, and that his Maiesitie would be quiet: And the deponer inquiring of the Master, ‘ if he should go presently?’ He did bid him leape on and follow him, and not to goe away vntil he spake with the King: And the Maister having spoken with the King, at a breach of the park wall, he turned backe, and bade the deponer ride away; and the deponer

¹ It was natural for the King and his Ministers to enquire, who were the accomplices of Gowrie and his brother; and when no accomplices could be discovered, to impute this to the caution of Gowrie. This appears to be the reason of the question put to Rynd. *Spotiswood* says, *History of the Church of Scotland*, b. 6, p. 461. ‘ I remember myself, that meeting with Mr William Couper, then Minister at Perth, the third day after, in Falkland, he shewed me that, not many days before that accident, visiting by occasion the Earl at his own house, he found him reading a book intitled *De Conjuratiombus aduersus Principes*; and having asked him, ‘ what book it was?’ he answered, That it was a collection of the Conspiracies made against Princes, which, he said, were foolishly contrived, all of them, and faulty either in one point or other; for he that goeth about such a business should not, said he, put any man on his counsel.’ From the title and contents of this book, Lord Hailes was inclined to think that it was the Latin translation of Machiavel’s discourses on Livy, b. 3, c. 6. Gowrie might very innocently read that discourse. *Machiavel* thus explains his intentions in writing it: ‘ E non mi è parso da lasciare indietro il ragionare delle congiure, essendo cosa tanto pericolosa à i principi et à i privati, perche si vede per quelle molti piu principi haver perduta la vita et lo stato, che per guerra aperta: perche il poter fare aperta guerra con un principe è conceduto à pochi, il potergli congiurar contra, è conceduto a ciascuno. Dall’ altera parte, *gli huomini privati non entrano in impresu piu pericolosa ne piu temeraria di questa: perche la è difficile et pericolosissima in ogni sua parte. Donde ne nasce che molte se ne tentano, e pochissim e hanno il fine desiderato. Accioche adunque i principi imparino a guardarsi da questi pericli, e che i privati piu timidamente vi si mettino, anzi imparino ad esser contenti à vivere sotto quello imperio che dalla sorte è stato loro preposto, io ne parlero diffusamente non lasciando in dietro alcun caso notabile in documento dell uno e dell’ altro.*’ It may be observed, that the conjectures which the King and his Ministers formed, were afterwards fully disproved, in their own opinion, when Logan of Restalrig and Bour appeared to have been conscious of the purposes of Gowrie.—*Hailes*.

making his returne, in al possible hafte, to Saint Johnstoun, he found my lord in his chamber, about ten houres, who left the companie he was speaking with, and came to the deponer, and asked, 'Hath my brother sent a letter with you?' The deponer answered, 'No: but they will be all here incontinent, and bade the deponer desire my lord to cause prepare the dinner.' Immediately thereafter, my lord took the deponer to the cabinet, and asked at him, 'how his Maiestie took with the Maister his brother?' The deponer answered, 'Very well! and that his Maiestie laide his hand over the Maisters shoulder.' Thereafter my lord inquired, 'if there were many at the hunting with the King?' The deponer answered, that he 'tooke no heede, but they who were accustomed to ride with his Maiestie, and some Englishmen were there;' and that my lorde inquired, 'what speciall men were with his Maiestie?' And that the deponer answered, he did see none but my Lord Duke. And within an houre thereafter, when the deponer came in from his owne houle, the Earle bade him putte on his seeret, and plaitte sleenes, for he had an Hyland man to take; which the deponer did incontinent. And about twelve houres, when the deponer was going out to his owne houle to his dinner, the steward came to him and told him, that George Cragingelt was not wel, and was laine downe; desired him to tarry and take up my lordes dinner: and about halfe an houre after twelue, my lord commanded him to take up the first seruice. And when the deponer was commaunded to take up the second seruice, the Maister and William Blaire came into the hall to my lord. The deponer remembereth himselfe, that Andrew Ruthven came before the Maister a certain space, and spake with my lorde quietly at the table; but heard not the particular purpose that was amongst them. And so soone as the Maister came to the hall, my lorde and the whole company rose from the table: And the deponer hearing the noyse of their forthgoing, supposed they were going to make breakes for Maconilday:¹ And the deponer sent his boy for his gantlet and steil-bonnet; and seeing my lorde passe to the Inthe, and not to the shoo-gate, the deponer did cast the gauntlet in the pantry, and caused his boy to take his steele-bonnet to his owne houle: And he followed my lord to the Inthe, and returning backe with his Maiestie to the lodging, beeing directed to get drinke. And the Maister came to the deponer, and did bid him cause Maister William Rynde to sende him vp the keye of the galerie chamber; who past vp and delivered the key to the Maister: And immediately my lorde followed vp, and did speake with the Maister, and came downe againe, and directed Maister Thomas Cranstone to the deponer, to come to his lordship in his Maiesties chamber. And that my lord directed him to go vp to the gallery to his brother; and immediately my lord followed vp, and commanded the deponer to bide there with his brother, and to do any thing that he bade him: The deponer inquired at the Maister, 'What have ye to do, sir?' The Maister answered, 'Ye must go in heere, and tarry untill I come backe; for I will take the key with me.' So he locked the deponer in the round, within the chamber, and tooke the key with him. Shortly thereafter, the Maister returned, and the Kings Maiestie with him, to the said cabinet in the rounde; and the Maister opening the doore, entered with the King into the said rounde: And, at his verie entrie, covering his head, pulled out the deponers dagger, and held the same to his Maiesties breast, saying, 'Remember ye of my fathers Murder? Yee shall now die for it:' And minting to his Highnes heart with the dagger, the deponer threw the same out of the Maisters hand: And swore, that as God shall iudge his foule, if the Maister had retained the dagger in his hand the space that a may goe fixe steps, he would have stricken the King to the hiltes with it: But wanting the dagger, and the Kinges Maiestie giuing him a gentle answere, he said to the Kinges Maiestie, with abominable oathes, that, if he would keepe silence, nothing shoulde aile him, if he would make such promise to his brother, as they would craue of him: And the Kinges Maiestie inquiring, 'What promise they would craue?' He answered, that he would bring his brother.

¹ This expression is obscure. Henderson, in his evidence at the trial, says, that he believed Gowrie was going to take the Highlandman. The expression here has probably the same meaning. *To make breakes for Maconilday*, i. e. to make breeches for the son of black Donald, may signify, to secure the Highlandman and commit him to prison. Thus, *stone-doublet* is a vulgar English phrase for a prison.—*Hailes*,

So he goes forth, and lockes the doore of the round vpon his Maiefty and the deponer; hauing first taken oath of the King, that he should not crie, nor open the windowe. And his Majesty inquiring of the deponer, 'What he was?' He answered, 'A seruant of my lords.' And his Majesty asking of the deponer, 'If my lord would doe any euill to him?' The deponer answered, 'As God shal iudge my soul, I shal die first.' And the deponer pressing to haue opened the windoe, the Maister entred, and said, 'Sir, there is no remedie; by God, you must die:' and having a loofe garter in his hand, pressed to haue bound his Maiesties hands; and the deponer pulled the garter out of Maister Alexander his hand. And then the Maister did put one of his hands in his Maiesties mouth, to haue stayed him to speake, and helde his other arme about his Highnesse necke: and that this deponer pulled the Maisters hand from his Highnesse mouth, and opened the windowe: And then his Majesty cryed out thereat; wherevpon his Highnesse seruants came in at the gate; and this deponer did runne and open the doore of the turnepecke head, whereat John Ramfay entered: and the deponer stode in the chamber, vntill he did see John Ramfay giue the Maister a stroke; and thereafter, priuily conueyed himselfe downe the turnepecke to his owne house: and the deponers wife inquiring of him, 'What the fray meant?' The deponer answered, 'That the Kings Majesty would haue bene twice sticked, had not hee releened him.'

(Sic subscribitur)

ANDREW HENDERSOUN with my hand.

FURTHER, the sayde Andrew Henderfoun depones, that after his returning from Falkland, on the fift of this instant, Maister John Moncrief inquiring of him, 'Where he had bene?' He answered, 'That he had bene beyond the bridge of Erne;' and sayes, that he gaue that answer to Maister John, because my lord commanded him to 'let no man know that he was to ride to Falkland.' And that my lordes direction to him was, to 'come backe with his brother Maister Alexanders answer, and to leave Andrew Ruthwen to awaite vpon the Maister.'

(Sic subscribitur)

ANDREW HENDERSOUN with my hand.

FURTHER, the sayde Andrew Henderfoun depones, that, when he had taken the Maisters hand out of the Kings Maiesties mouth, and was opening the windoe, Maister Alexander sayde to him, 'Wilt thou not helpe? Woe betyde thee, thou wilt make vs all die!'

(Sic subscribitur)

ANDREW HENDERSOUN with my hand.

No. V.

DE EXECRABILI ET NEFANDA FRATRVM RVVENORVM in serenissimi SCOTORVM REGIS caput CONJURATIONE,¹ apud Perthum, Augusto mense, an. 1600, Vera ac dilucida NARRATIO. Cui præmissa est, Prefationis loco, velitatio cum Lectore in fide et assensu commodando paulo religiosiore. His accessere ad Regem Soteria Carmine Heroico.

Ecce improbi tendunt arcum, aptant sagittas suas nervo ad jaculandum in caligine contra rectos corde. Atqui istis propositis destruentur: Iustus enim quid operatus est?—
Psal. 11, vers. 2 et 3.

EDINBURGI excudebat ROBERTUS CHARTERIS, Typographus. 1601. Cum privilegio Regio.

¹ From a copy in the Library of the University of Edinburgh, having the signature of Sir James Balfour at the foot of the Title-page, 'Ja: Balfourius Kynardie Miles, Leo Arnorum Rex. 1629.' The Editor is indebted to Mr David Laing for the following curious abstracts from the Records of Aberdeen:—'1601. The inhabitants ordered to accompany the Magistrates through the town, singing Psalms and praising God. The Cross to be decked; wine to be drunk with spiceries, and glasses broke.' Vol. xl. pp. 104 and 106.—'Mr Thomas Cargill to be paid £20 for his Latin Treatise, congratulating the King on his deliverance from Gowrie's Conspiracy.' *Ibid.* p. 179.—'See also, under the year 1619, ordered to be celebrated.' Vol. xlix. p. 529.

AD LECTOREM pro intemerata Narrationis huius fide.

PRÆSCRIPTIO.

EN tibi, Lector, narrationem, quam Tragicis siue prodigiosis, per me licet, hactenus inferas, vt de intemerata narrantis fide nihil addubites. Narrationem quidem certe, quæ ordinem, euentumque pessime facinoris puriter simpliciterque proponit: at consilia, causas, finesque rerum, quarum pleraque in ambiguo, aut incomperta, nec exponit vbertim, nec (quod Historiæ est proprium) de rebus ipsis indicat. Et Narrationem nudam adeo simplicemque, vt in ea verborum apparatus, orationisue ornamenta magnopere si desideres, frustra sis. Res enim per se nimis atrox ac inuidiosa, lenocinium et quæsitis arte colores circumponi sibi non patiebatur, quo fæco comptior et calamistris, eo maiorem forsitan Lectori serupulum iniectura. *Veritatis* enim, ait ille, *simplex est oratio*. Atque adeo prodigiosis adferbere non dubitavi: Tum ex meo ipsius sensu, qui consilium, et modum, atque euentum facinoris, et vniuersam rei gestæ rationem, omnia certe agnosco miraculo proxima. Tum multo magis, mi Lector, ex tuo: quem ego audio in præcipuis Tragoediæ huius actoribus duo potissimum admirari: Vnum in Rege, qui insidij appetitus: alterum in proditore, qui istiusmodi fraudem architectatus. Nam et affine prodigio tibi videtur, Principem admirabili solertia ingenij, singulari iudicij acumine, maximo rerum vsu, ab homine adolescente, puluerem scholasticum non ita multo ante egresso, tum occasione leuicula ac prope futili in fraudem inductum: tum etiam cum fraudem vel maxime suspectaretur, summi discriminis incuriosum. Nec rursus miraculo carere videtur, hominem adolescentem (hic mihi comitem ipsum intellige, qui calciamentum confuit, non fratrem fraudis ministrum qui confutum modo induit) vix duos supra viginti annos natum, ampliter a natura, vberius a doctrina informatum, in magna domi re, bona foris fama, summa apud omnes gratia, in caput Principis fui ob singulares virtutes omnibus carissimi, et de illo imprimis optime meriti, sine probabili aliqua causa conspirare. Et tamen si voti compos factus esset curiosus alieni operis arbiter Momus, ac fuissent illæ in pectore fenestræ per quas daretur aditus ad introspicendum in adyta mentis vtriusque: foret hic, opinor,

*Nil adeo magnum, neque tam mirabile quicquam,
Quod non paulatim minuant mirarier omnes.*

Vidisses enim in Rege præter alias dotes Regias, niucam puramque mentem, insolentem malarum artium, vt fraudes struere, ita metuere nesciam: vidisses fidem *Sanctissimum humani pectoris bonum*. Contra in proditore malam mentem, impurum animum, simulandi dissimulandique artificem, *Afutam rapido sub pectore Vulpem*: hominem quam foris inanis tectorij fulgore visendum, introrsum tam turpem, luridum, virulentum. Neque fraudem ipsam capitalem habes nunc clarius oculis subiectam, quam cogitati facinoris causas, consilia, finem, tum sensibus animoque comprehensa teneres: adeo quid ille tanto flagitio volebat, quid captabat, aut meditabatur, liquido dignosceres. Verum vtcunque vota non fruatur suo Momus, si tibi otium humani ingenij lubricum et defultoriam fortunæ vicissitudinem æqua iudicij lance mecum expendere: simul animis rationem renocare ad veritatem: nihil opinor, reperitur etiam in istis quæ miraculo proxima videbantur, adeo fidei absonum quod tuum, vel mediocriter sapientis assensum debeat remorari. Nam si quos stupor, aut lior, aut alius quispiam adfectus ita præpedit: vt obstinauerint animo ad illustrissimum veritatis Solem mero meridie caligare, ad horum ego aures pro cymbalo non sum futurus. Te tantum, Lector benignior, qui in omni negotio intentus ac suspensus ambulare cupis: in fide autem et assensu potissimum tardus lentusque esse amas, eum eo, vt semitam qua eatur in viam paratus sis ingredi: te inquam, pro virili iuuare est animus: et serupulum istum vnum aut alterum, qui te sollicitum habet eximere: ne si inani credulitate iam tempore ipso prope fati confutata, hæere aut fluctuare porro pergas, cum isthac tua religione (vt parcissime loquar) dignus esse odio videare. Atque vt id magis fiat ordine: de Principis fiducia primum paucis: dein de sceleris instinctore pluribus disseram. Nam quod tibi videtur parum dignum regio fastigio, nec principii fati decorum, pro auri olla caput in discrimen mittere: equidem non repugnarem, si vero vinceret vel anrum Regi tantum in mente fuisse: vel de insidijs et vitæ periculo saltem iudicio cuiusquam illi con-

stitisse. De discrimine concepta magis quam iniecta suspitio, fecit aliquantisper animi pendulum: sed dum rectoris vir spiritus religioni habet, absque manifestis indiciis alienam virtutem suspitione violare, quid mirum si ea sollicitudo mox vertit in fiduciam? Quod si auri cupidine velut inescatam ipsius simplicitatem putas, quam vellem præstantissimi Regis ingenium iuxta mecum exploratum haberes. Neque enim modo quibus ille intime notus, sed et communiter omnes qui e vulgo id sciunt, splendens hoc aurum, quod aliis mortalibus præstringat oculos, illum plane negligere, atque oculo (vt poeta loquitur) irretorto adspicere. Ille ne vt salutem suam et publicam auro contra charam non habeat: cui tam amplæ, tamque frequentes pecuniarum conquirendarum rationes, salua et vita et existimatione, curæ cordiue impendio nunquam fuerunt? Basileiam graphice admodum et magnifice (vti decebat et Deam et Iove prognatam) in oratione de regno depingit Dion Chrysofostomus. Aurum quidem copiosum habentem iuxta pedes cumulatum, sed cuius aspectu nihil afficiatur: magis omnigenis quæ folium ipsius circumiecta sint, animalibus delectetur. Et tu audebis credere Regem clarissimum expressissimam mercede Basileias Ideam: quippe quem venationis auocamentum mirifice capit et rapit, aurum nec capit nec tenet, relicta ferarum confectatione, speratam auri prædam vel periculo capitis persequaturum? Imo contra, hoc vnum in eo populares desideramus, maiore ad rem attentionem, in opibus congerendis, thesauris accumulandis, sicuti vtilitatibus promouendis studium vehementius. Sed nimirum Herculem vnicum vitæ ad virtutem instituendæ exemplar ille sibi proposuit ad imitandum. Quem quod memorant nudum incessisse Leonis duntaxat exuvias indutum, id eo sensu viri rerum intelligentes accipiunt: quod neque aurum neque argentum, neque vestimenta pretiosa in magno pretio habuerit, omnia nisi vt exercendæ liberalitatis essent, nullo loco numeraverit. Ad eundem modum Rex noster aurum, argentum, altaque in fortunæ ditione posita, quæ miseri mortales misere capiunt, in postremis ducit: ea non appetens nisi ad vnicam gratificandi facultatem: in subditorum benevolentia, amicorumque fide firmissimum regni præsidium, et maximum Imperij instrumentum positum existimans: hunc thesaurum etiam Regiæ Perfarum gazæ anteponebat. Quare meo quidem animo, quidlibet causæ committere potius, quam vt auri cupiditatem principi munificentissimo obrudas. Ego magis adducor vt credam rei novitate inductum, aut incolunitatis publicæ studio, dum ab auro extraneo non iniuria metuit rerum domi turbandarum materiam. Et quanquam auri inspiciendi provinciam vni e purpuratis suis poterat demandare, et nullo suo discrimine ad se deferendum curare: tamen qui morum in eo candorem, et promptam suis omnibus humanitatem reputabit, etiam hic antiquum obtinere nihil mirabitur. Quid est enim Rege humanissimo familiaris, quam comiter invitatum in nobilium virorum ædes cum lubentia itare: idque quantum potest rarissimo comitatu? Nempe quia moderata ac pacifica multorum annorum gubernatione id se consecutum arbitrabatur, vt amore civium et benevolentia septus, munimento alio non egeret: innocentia suæ præsidio contra vim omnem satis firmiter munitus. At enim, inquires, hominis erat parum considerati, postquam subolissent illi insidiæ, non cogitare tum sæculum quo viveret in quo nusquam tuta fides: quam ipse personam sustineret. Certe quidem nec ævum ignorabat ad fraudem, perfidiam et veteratorias artes affabre factum: neque illud nesciebat, cum qui multorum se custodem profiteatur ex sapientum seito, *Sui primum capitis custodem esse oportere*; sed cogitabat rursus nihil esse causæ, cur adversus ipsum fallaciam intenderent, eoque *Magnum animum decere magnam fortunam*. Imo, vt est historiarum omnis ævi exequentissimus, non fugiebant eum exempla illustrium virorum, qui etiam tum, cum cædes et venena suspicarentur, maioribus animis quam successibus in vitæ periculum incurrisset. Meminerat capitale fuisse Dioni, cum insidias a Calippo opinione præcepisset, quod amicum et hospitem formidare nollet. Nec minus funestum Antipatro Callandri filio, qui ad cœnam vocatus a Demetrio, qui cum ipso pridie cœnasset, non recusavit vna ire, licet sibi valde metueret, ne videretur ei diffidere, qui ipsi filius fuisset. Meminerat Herculem Alexandri ex Barsine filium, a Polyperchonte ad cœnam invitatum, cum et suspectam haberet eam invitationem, et excusasset incommodam valetudinem, subdola hominis versipellis oratione vt in suum ipsius exitium vna proficisceretur, adductum. Quæ quidem et alia eiusdem modi exempla quanquam eum admonebant, quantum posset adire periculi: tamen

animo interritus cœptum vrgebat: quod amoris fiducia suspiciones non admitteret: et animus recte factorum conscientia erectus ancipitem fidei metum, et periculorum cogitationem averfaretur ac dispelleret. Fecit igitur vt decebat virum fortem: fecit quod ante eum excelfo plerique animo: fecit quod aliquando ille Regum invictiffimus Alexander, qui injecto a purpuratis fuis metu de perfidia medici pro medicata potione venenum propinaturi, postquam secreta æftimatione expendiffet quid in vtramque partem spes aut metus subiecerant, tandem fatius iudicavit (ait Curtius) *alieno mori scelere, quam metu suo*. Nam et Sereniffimus nofter Princeps, cum aliquandiu animum in diverfa verfaffet, decrevit tandem cuiuslibet difcriminis euentum potius expectare, quam eius hominis, que sperabat amiciffimum, et sciebat multis magnifque beneficijs fibi pigneratum, fidem prædammare. Itaque quamvis Dionî, Antipatro, et alijs, qui fuorum infidijs circumventi, eiusmodi confidentia magno confiterit: certe vt olim Alexandro (referente Curtio) *Sua temeritas cœffit in gloriam*: ita, Deo immortalî haud dubie totius huius actionis clamum moderante, isthæc siue fiducia, siue temeritas est, Regi mitiffimo non in gloriam modo cedere debet, sed et in fecuritate. Ecquis enim erit ille tam male volente Genio natus, qui in posterum audebit attentare adverfus eum, cui Deum nullo loco deesse animaduernerit: et extremis præfertim temporibus videt opem adferre præsentiffimam? Iniurium fit, imo vero impium, non eius claritate flagrare ardentius: admiratione plus teneri, magis ac magis venerandum sacrofanctumque habere eum, qui Numini eximie charum esse, valentiffimæ in desperatiffimis rebus suppetiæ clare testificantur. Et enim qui in hoc negotio sola rationum humanarum momenta intuetur, næ ille non solum tota via, sed et toto aberrat cælo. A cælo enim et provida illa mente, quæ ferie nobis incognita, supera inferaque moderatur ac gubernat, univërfa huiusce negotij dispensatio est. Vidit nimirum æterna illa mens regem pium, probum, beneficum comitate et morum facilitate nulli homini secundum, eo natum seculo, cuius hæc labe, virtuti et innocentie invidere velle: atque nihil ignominiosius credere, modesta simplicitate, et probitate in summa fortuna. Ideo visum illi in clariffimo Principe rarum ac singulare exemplum prodere, *fidiffimam esse custodiam Principis ipsius innocentiam*: periclitari eam posse, et oppugnari: at nec expugnari nec opprimi. Vidit itidem periculum esse, ne a Diuinæ opis ciniçique amoris fiducia, securior esset quam tutior: eoque eum qui amoris excubijs septum sese putabat, paulo momento terrore suorum succinxit: vt in loco admodum lubrico temperamentum adhibere meminerit: integritatem quidem confertis (vt aiunt) manibus retentam, sed simul, generose cautus, et citra ignamiam circumspectus. Vidit denique in ea incidisse tempora, quibus, ipso auspice ac duce, magna illi mouenda moliendaque essent. Itaque placitum benigniffimo Parenti in Principe eius Aufpicis ductuque magna ausuro, præter superiora, permulta quidem et prælustria fauoris sui experimenta, vnum insignitiffimum pateræ benignitatis documentum edere: tum ad iungenda et efficacius hominum studia, tum ad animum ipsi hæc veluti amoris tessera, in omnem deinceps vitam firmiter obfigillandum. Vt in periculis obeundis, aut laboribus pro Nominis sui gloria, Regni ornamento, dignitatis amplitudinifque Regiæ incremento suscipiendis nunquam fatifcat, aut deficiat animo, sed post acceptum Diuini præsidij tam certum arrhabonem, auxiliares Numinis copias in rebus quamlibet arduis perpetuo sibi spondeat cum poeta: *Dii me tueantur, diis pietas mea curæ est*. Nam si summus Ille rerum arbiter, Scotorum Regi feciffet opinionem quo maxime vellet modo bonitatem suam experiri, quanquam profecto nescio an alio aliquo maluiffet, hoc vnum scio certiore quam expertus est, ne optaffet quidem. Quamobrem, mi Lector, desine ingenij tui acumine non tam Regis optimi, quam Dei ipsius consilium, sollicitare: vana cogitationum mittens, Providentiæ decreto te permitte: quod Deo placuit, idem vt tibi non displiceat æquum cense, atque in Trismegisti Solomonis veriverbio acquiesce. *Cor Regis in manu Dei ad inclinandum illud quocunq; vult*. Item. *Vt Cæli altitudo aut profunditas terræ inperferutabilis est, ita inperuestigabilis est Regis animus*.

Iam altera parte admirandum ac prope incredendum tibi videbatur, iuvenem, natalibus clarum, opibus florentem, domestica externaque disciplina liberaliter institutum, prudentiæ doctrinæque opinione apud omnes ordines gratiosum, pessimo post homines natos flagitio omnium expectationes ludificari,

seque cum illustri familia in probri nunquam intermorituri præcipitium pessum dare. At ego contra tristem ac miserabilem fortasse casum vt agnosco, certe novum aut incredibile nihil video: nisi quemadmodum de parricidio, declamat. 377. loquitur Quintil. *Quædam esse crimina, quæ ipsa magnitudine fidem non impetrant.* Neque enim negabo meum ipsius affectum, principio imperare sibi non potuisse, vt non aspectu primo doleret et miseraretur fortem hominis, qui facinore infando se cum familia indignissime perditum iuisset. Sed cum discussa vulgarium opinionum nebula rectæ Rationis Sol mihi face sua pectus illustravit, adeo mirari desij: vt prope fortem hominis vltra nihil miserarer. Ecquid enim perspicerem hic niniopere novum aut incredendum? Nempe quod homo adolescens, opibus, ingenio, doctrina præstans, dum animo suo plus fatis obsequitur, nefario scelere se obstrinxerit. Atqui memineram scripsisse Platonem, *In magnis ingeniis vt magnas virtutes, ita insignia vitia inesse consuevisse.* Et si audimus Senecam, *Nullum esse magnum ingenium sine mixtura dementiæ.* Itaque qua homo non impossibile, qua adolescens credibile: qua vel fortis fortunæ turgidus, vel doctrinæ ingenijque fiducia ferox, vero non absumile mihi videbatur. Vulgi imperiti ad obliquos inopinatosque eventus attoniti et obstupescens solet hæc esse querimonia. Qui potuit accidere? Quis putasset? At qui sapientia supra vulgum, et exploratos habent modice casus humanos, eos improvisus istiusmodi fortunæ ictus nihil percellit: neque digitum transfuersum de recti iudicij gradu dimovebit. Illi enim flectentes oculos ad communem fortem, ad varios et reciprocos rerum humanarum fluxus, humani nihil se alienum putant: post primogeniam principum parentum noxam, quemque nostrum hæc et deteriora (si quid est improbus) posse admittere satis intelligunt: quando verum nimis et illud verbi,

Cuius potest accidere, quod cuiquam potest.

At proba educatio, ais, et eruditio multa, non sinebant hominem concipere animo tantum nefas. Fateor equidem in bona institutione ad vitam recte instituendam non exiguum esse momentum, cum ad naturæ commoda accedit probæ educationis disciplina. Verum

Multa est opera opus ficturæ, qui se fictorem probum

Vita esse agendæ expetit.

Atque vt de domestica parricidæ huius educatione mihi cauere fortasse vt non nolis: an exoticam pariter et transmarinam audebis præstare disciplinam? Eam tu pariter mecum non ignoras Polypodis capiti perfimilem, in quo bona et mala: aut certe hortis Ægyptiorum, vbi *Φάρμακα μειγμένα λυγρὰ καὶ ἐσθλά.* Venenata salutaribus permixta. Et quam vellem illa vt non præponderassent. Sed vt fuerit vtraque non omnino mala, quis nescit, perinde ac res omnes humanæ natæ sunt volvi, mutari, verti: ita adolescentis indolem, vel pravis consulatoribus obrepentibus, vel malarum cupiditatum illecebris obiectis corrumpi depravarique facilem? Certe non temporum magis, quibus nihil fluxius, quam morum in hominibus vicissitudinem agnoscit idoneus æstimator Tacitus, *Rebus, inquit, cunctis inest quidam velut orbis, vt quemadmodum temporum vices ita et morum vertantur.* Et exempla si requiris, millena aliquot aut ego proferre, aut tute tibi possis subijcere, qui paullo momento ab honesto in prauum abstracti. Vnum modo Neronem mihi vide. Cui elogium hoc tribuit, qui inter Imperatores cognomentum meruit Optimi. *Optimos quosque Principes longe absuisse a quinquennio Neronis.* At ille idem post bipedum omnium nequissimus, et nullo non scelere infamis. Itaque si lubet hominem sua et iusta æstimatione censere, disce a Platone cenfore æquissimo et scientissimo. Qui cum Heliconi Cyziceno daret literas ad Dyonisium, commendavit quidem hominem, vti humanum et permodesum. Sed in calce commendatitiarum adscripsit, laudare se hominem, hoc est, vt ille interpretabatur, *animantem natura mutabilem.* Atque ita profecto se res habet. Solus ipse mundi Rector æternum in benignitate sua perseverat immobilis et immutabilis: alia omnia stare loco nescia: homo maxime, non in dies solum, sed et in horas versatilis.

Quod petiit, spernit: repetit, quod nuper omisit:

Æstuat, et vita disconuenit ordine toto.

Vt meritissimo Poetarum optimi bullæ, somnio, vmbre, frondibus ac folijs humanum genus æquiparauerint: adeo volubili sunt homines ingenio, leves, mobiles, atque foliorum instar, ad quamvis auru-

lam instabiles. Neque novum mirumue sit, eum hominem quem æternus Pater faburra bonæ mentis, aut rationis subsidio contra æstus turbidiorum affectuum non stabiliverit, in scopulos offensæ plus quam tragicæ cupiditatis vento abripi. Sed enim, iniquies, eruditio multiplex et interior animi cultus retinaculi vice esse debent, ne illum affectuum æstus tranversum abriperet. Certe quidem si legitimum literarum usum confectatus fuisset, et culturæ patientem accommodasset aurem. Sed, prout sunt tempora, vereor ut rectum studiorum finem aut sequutus ille fuerit, aut affectus. Videas alium literarum peritia frui ad oblectationem: alium ad dignitatis et famæ incrementum: non neminem ad memoriam sui post exactum vitæ curriculum in ævum prorogandum. At quotusquisque eas vult esse instrumentum vitæ per virtutem ac decus agitandæ? Ecquis præstantis doctrinæ adminiculis subnixus, discit affectus magis ac magis habere in potestate? Ecquis sensus animi suapte natura contumaces ad obsequium rationis redigere? Ecquis contra temerarios fortunæ casus celsior et erectior stare? Cum tamen verus ac genuinus iste sit studiorum finis, quo firmior adversum fortuita Rempublicam capeffas. Atqui adolescens hic litteras, credo, magis illecebram ad peccandum esse voluit. E Platonis schola multi tyranni exiisse dicuntur, neque Philosophiæ, neque magistri ipsius culpa: sed scientiæ opinione præferoces, solos se dignos existimarent qui alijs dominarentur. Quid si isthic vitium compar? Fecit saltem ut solent qui animo subdoli ac perfidiosi. Literarum velo pessimarum cupiditatum scenam innumbravit, quo tectius atque occultius se putabat delictarum, eo laxiores habenas ad quidvis audendum animo suo permittens. Quid? quod animum scientiæ studio flagrante non coercuit? quid si literarum intemperantia laborans modum non tenuit? quid si nimis multa scire voluit? et ea nec bona, nec fructuosa, nec legibus concessa.

*Musis animus dum mollior infet,
Et quæ mox imitere legas: nec desinat unquam
Tecum Graia loqui, tecum Romana vetustas.*

Hoc studium in quod incumbere, stadium quod decurrere illustres adolescentes decet. At illum multifaria ingenij dote, et versatili solertia usum ad naturæ recondita inquirenda, et ea quæ supra nos, ad magicas et illicitas artes addiscendas nimis multa loquuntur, de quibus mox dicemus. Vis igitur scire, Lector, quid de multiplice huius hominis cognitione existimandum habeas? En tibi viam ad censendum, præbit Philosophus non ignobilis. Diogenem memorant, cum in hominum vita Præsides provinciarum, Consultos iuris, Philosophos, Medicos considerabat, dicere solitum, se nihil invenire homine solertius et sapientius: sed cum oculis deflexeret ad somniorum Interpretes, divinos, coniectores, ariolos, nihil ineptius et stolidius. Idem hic in pari causâ cense. Quamdiu bonis disciplinis iste animum excoluit, fuerit sapiens, eruditus et adprobus. At postquam Servatoris sui desertor ad dæmonem velut inducijs factis transijt, curiositate non ferenda illusionum diabolicarum socius ac particeps esse fatagens, sit tibi ille idem improbus, insipiens et execrabilis. Et miraberis deinceps, sive se noxio illi Genio mancipaverit, sive cum salutis suæ hoste acerrimo quasi colludere sustinuerit, iam superis animum illi lymphantibus, in pessima facinorum præcipitasse. Itaque non est quod de causa qua impulsus, controversiam ultra mihi facias. Nam quod ais magnum aliquid spe devorasse, quia verum sit illud Arbitri: *Sicut muta animalia cibo inescantur, sic homines non caperentur, nisi spe aliquid morderent.* En tibi viam maxime compendiariam, quæ elatioris animi adolescentes agat in præceps, curiositatis nimis et magicorum ludibriorum studium. Quis est enim in rebus æstimandis tam frutex, cui ex subiecta narratione cælo clarius non appareat, vanitatis magicæ fuisse confectatorem? Qui illi perpetuus itineris comes, idem characteres perpetim circumgestasse testis est. At characteres eos Magicos fuisse, et modus servandi loquitur, et eorundem voces nefandæ clamant ita manifesto, ut ridiculi sint, si qui cum ineptis suis interpretamentis reclamant. Scribit Athenæus literas Ephesias (ita vocabant antiquitus notulas, siue voces Magicas) ἐν σκυταρίοις ῥαπτῶσι, id est, in consutilibus pelliculis olim a Magis cum cura adseruatas. Et notulas itidem Govvrius suas libellulo inscriptas in pellicula consutili custodiebat. Quod si nescis quam efficaci crediderit eas esse virtute, id ex ipsis notularum verbis percipe. Quibus si fides, omnes potentes ad bonos Spiritus attrahendum, et malos propulsan-

dum. Huic vim adscribit perficiendi mirabilia, et indubitatae in praelijs victoriae comparandae: illi vim optata impetrandi. Nonnullas etiam efficaces esse voluit adversas hominum valetudines et molestias: ab alijs contra ipsam divinarum legum inevitabilem potestatem (horresco verba referens) promptissima remedia pollicetur. Quid? quod pro ariolo ac futurorum praescio haberi se discupiebat, et suam in rebus Magicis solertiam apud familiares non dissimulabat. Sed quod apud notos praedicebat Italum quemdam qui apud vulgum maleficus audiebat familiariter sibi cognitum, hinc credo esse fundi nostri calamitatem. Quis est enim in noscendis adolescentum nostri aevi ingenijs adeo peregrinus, qui non continuo subodoretur Govvrium haereditaria ea scabie pravae curiositatis prurientem, atque in patris ac aui mores institutaque euntem, consuluisse Magum hunc, quae fors maneret eum, aut quo fato esset periturus: et veteratoris spiritus astu (ita ut sit) ambigua aliqua responsione fucum illi factum. Quemadmodum enim hedera proceram arborem complexa non dimittit, priusquam eam ad tabem nexu suo perduxerit, ita novum non est etiam praeclearissima ingenia, quae se vanitati Magicæ semel addixerunt, ab eius contubernio non ante explicari, quam in inextricabiles malorum casses praecipitaverint. Habes igitur, Lector, ab aliqua dictione Magica, quae illi commeritum ab Rege exitium praenuntiaverit, vnam haud dubie infelicis suscepti causam. Quod si tentas descendere in temetipsum, reperies cuique nostrum suas etiam esse et internas, ut pereundi, ita et in furias et quodvis scelus quamlibet chothurnatum ruendi causas. Habemus enim in nobis tres adversarias potestates, *Ambitionem, Cupiditatem, et Voluptatem*, quarum ministerio impostor ille Genius, omnia sapientiae praecepta salutariaque monita ex animo expectorans, solertissimum quemque impellit in fraudem. Neque magis solens est ferrum consumi sua rubigine, aut exedi lignum sua teredine, quam homines etiam existimatissimos intercutibus his vitijs laborantes, ad miserabilem exitum perducere. Ergo ut nullum Govvrium characterem circumgestaverit, at vero, hunc vere tergeminum humani generis hostem in pectore, in venis, inque medullis circumferebat. Neque opinor de vindictae cupiditate mecum pugnabis, quando ipse minister sceleris hoc mantelo celandae fratris perfidiae est usus: cum dictitaret se paternum supplicium caede patris patriae ultum ire. At ego ambitionem magis suspectam habeo, quae, ut tu scis, fortunatorum: ut ille ait, *Commune est nobilitatis malum*. Quod si iustabis non esse credibile ut per Regis interitum ille regnum affectaverit. Qua enim spe potiundi? quibus copijs? aut qua virium fiducia? tam alieno tempore, Rege ipso iam tum tribus liberis felici, atque vno horum masculo, puero supra quam credi possit in ea aetula et animi et corporis viribus inclito: Nobilitate vero reliqua et Principi suo, ut cum maxime addictissima, et tranquillitatis cupientissima. Agnosco equidem si quam ille animi mentem habuisset, nunquam fuisse processurum eo recordiae, ut flagitio tam pudendo augmentum Imperij verticem violare, se sacraque Christiana quae profitebatur, conscelerare non timeret. Sed nimirum stultis ac fallacibus cupiditatum delenimentis deceptus, et imaginariae felicitatis velut fulgetris animi oculos illi praefringentibus, verum videre non potuit: neque futura satis praevidere.

An aeger animus falsa pro veris videt?

Namque (ait ab aetate recentiori scriptor) *Ambitio et cupiditas oculorum merae suffusiones, veras rerum species nos videre non sinunt, imagines ludibundas oculis obtendentes, visus ludificatriculas*. Scilicet titulosae amplitudines, stipatorum frequentia, opes, cognitiones, affinitates: salutantium, deducantium, imo assentantium turba, populi applausus, iuveni harum rerum insolenti tantos animos fecerant, ut neque satis se cogitaret, neque pericula expenderet, quae erat aditurus: dum animo obsequitur suo, res cavendas et admittendas iuxta despiciens. Neque mirum id cuiquam videbitur lucifugi Spiritus artes versutisque edocto. Qui impostor solertissimus, non alios cupiditatum quas dixi praestigijs magis sibi mancipat, quam quos fortunatos, temeritatis alumnos, natalibus, opibus, clientelis, inflatos, aut prudentiae scientiaeque opinione nimium sibi confidentes, deprehendit id genus homines suo arbitrio imprimis permittente Providentia. Quamobrem, mi Lector, cum probe cognita atque explorata habeas tum isthaec humanarum cupiditatum blandimenta, tum illa veteratoris Spiritus commenta, putidum sit coniu- rationis consilium deinceps quærere: pene improbum, si illud non capis, de scelere ipso amplius ambi-

gere. Rem factam habes, coniurationem aëre ipso liquidiozem, facinus inter ea quæ ab ævo condito infidiosissimum, atrocissimum, periculosissimum. Et tu etiamnum quæres et euntabere de causâ? Quid si fortassè eam non expedit? Illud scio, si de causâ liquido constaret et sine, mehercle et parricidas magis oderis, et scelus damnare vehementius. Sed quaecumque fuerit in patrando consilium, saltem noxam illi luculentam nocuisse noscuntur: et pleræque fraudis circumstantiæ in narratione subiecta tanquam in tabella syncere, puriter et ex fide tibi exhibentur. Per quas singulas tecum ire suadet animus, iubet studium veritatis, flagitat meus in te amor, sed ne defundar coerect, et habenas amori ultra permittere vetat, tum acumen tuum qui isthæc per te melius potes et debes, tum verbum illud veta, *Non debet enormior esse prologus quam fabula.* Itaque quisquis es explica tantum atque exente tuam ipsius intelligentiam, ego spondebo neque rem ipsam in obscuro, neque te diutius in vado hæsitacionis versaturum. Ait Romanus ille Sophus: *Vnius sententiam sequi non esse vitæ, sed factionis.* Tu igitur quo meliorem civem, et Regis reique publicæ amantiorem, quo a factione factiosisque alieniorem probare te studes, eo magis decet te bonis aceredere, et de suo Principe pie recteque sententium coronæ populariter suffragatorem accedere. Si suspiciosus esse pergis, *Nunquam deerit suspicioni argumentatio,* ait Seneca: *Sed simplicitate opus, et benigna rerum æstimatione.* Imo si audis eundem sapientem: *In quibusdam rebus satius est decipi, quam diffidere.* Vbi vero id tolerabilius, quam vbi falsus existimatioque Principis vertitur? Audi non me, sed consiliarios magni Regis apud Curtium. *In suo quemque periculo magnum animum habere, cum de salute Regis timetur credulos esse debere, vana quoque deserentem admittere:* et tamen an tibi vllum a fraude periculum, hic, vbi nihil supra fidem, nihil ex vano haustum, vbi tam fidi auctores, vbi viri partim illustres et spectabiles, partim parricidarum amicissimi et intimi, testes sunt, et cognitores, fidi, locupletes, omnique exceptione maiores?

Quare nimio satius est, vt opus si te ita esse, quam vt animo lubet,

Qui animum vineunt, quam quos animus, semper probiores eluent.

Quod si fortassè nonnulli qui omnem fortunarum suarum spem in hoc homine collocaverant, a destinatione sua longe iacentes, malevolentia æstro perciti, non deerunt oppedere veritati: at vos saltem ex hypophetarum ordine, Divino, vti par est, nomine instructos, veritatis emissarios, æquissimum est tam obviam tamque manifestam veritatem obvijs vnius amplexari. Et quanquam consilio valetis plurimum, tamen quando *etiam summi gubernatores in tempestatibus a rectoribus admoneri solent:* hoc ab homine amico vobis instillari finite. Sicuti vos decet arbitros esse et preitores omnium officiorum ad pietatem religionemque pertinentium: ita vos omnium subditorum maxime convenit Pitharchicos esse, et Principibus edictis æquanimitè obsecundare. Quo intentius ad Dei opera speculanda animi aciem dirigitis, eo liquidius quam nos e vulgo Deum adspicitis, in Regis optimi periculo discutendo sese sensibus nostris ingerentem et inferentem. Eapropter vos decet eum primis et istam impietatem execrari, et eius auctorem, quo magis vana quadam simulatæ pietatis specie vobis imponere studebat, hoc lubentius suis verisque coloribus depictum populo spectandum propinare: vtrumque tam strenue atque sublimiter: quam clare atque exaudilibiter damnare. Interest enim exempli in vniuersum, vestrum ordinem hic recte sentire, cuius omnia dicta, facta, significata magnopere pertinent ad exemplum. Neque hic modo, vt facitis vos officiosos exhibete: sed, si me auditis, etiam alias, tum in accipiendis, tum in obeundis non illicitis Religiosissimi benignissimique Principis imperijs non sepulofam obedientiam, sed obsequiosam alacritatem adferre. *Ambigua laudis civis est,* ait vetus scriptor, *qui debitis reipublicæ officijs non sua sponte, sed iussus, fungitur.* Quicquid enim imperio cogitur, exigenti magis quam præstanti acceptum refertur. Vt deforme obsequium in isto ordine nemini bono probatur: ita abruptam contumaciam æquis fatis sanus non damnabit? Sicuti adulari imperanti non fas, sic nec vltro irritare et sine libertatis, sine incautæ pietatis obtentu pericula provocare. Si Principum ingenia non nostro modulo metiri: sed ad æqui bonique regulam æstimare possemus, est certe cur Deo maximas referamus gratias, quod imperamur ab eo Principe, qui (vt parcissime dicam) modestam loquendi viuendique libertatem a subditis vsurpari æquissime ferat. Verum quia et non inmemores moneo, et opinione mea longius

isthæc prouexit oratio, vt iam tandem præfari definam, nec fit, quod dicitur Το πισύγμυ μισζον τῆ δουλάκμ, infratam sacco maius, ad te a quo cœperam redeo, Lector, Epicharmæ sapientiæ nervo olim nimis inlærentem: at nunc in compertissimâ veritate neque diffidentem vt opinor, neque hesitantem, imo prope non vltra admirantem. Et profecto, vt sunt Divina, humanaque, quid est cur magno opere mireris, vel iuvenem adspirante inconsulto popularis auræ fauonio, et fortuna veluti sacco collante in cogitationes erraticas et impias vanescentem, infolentiæ fastusque sui Deo pœnas pendere? Vel Regem optimum ac piissimum, non ab euanidis bonis in mancipio fortune positus estimationem captantem, sed ab animo bene composito et fiducia in Deum firmiter subnixo, veram solidamque gloriam petescentem, eiusdem Dei benignitate eminentissimum transmittere diferimen? Si quid est in his exemplis insolens aut mirum, inde ad vitam recte instituendam documenta potius tibi fume. Ergo qua vides iustitiæ Divinæ feueritatem prodigiosis eventibus in facinorosos destrectam, hinc disce inter obsequia Fortunæ cautus incedere: nec scelere cothurnato in offensionem Numinis a quo provocatio non expectanda, sciens prudensque impingere. Rursum qua vides æternam illam mentem pro Rege excubantem, et hostium in caput ipsius iuratisissimum siue animum obnubilantem, siue consilia corruptentem, siue conatus eludentem: quem Deo vnice charum vides hunc tu quoque disce in oculis ferre, magis magisque charum, venerabilem ac sacrosantum habere: at neque facto violare, neque verbo ledere, neque suspitione offendere: imo vt rectori huic parentique nostro Magnus ille mundi Arbiter ac Rector perpetuus Adfles, Præstes, ac Sospitator fiet, mecum ex animo precare.

No. VI.

‘ A SHORT DISCOVERSE of the good ends of the higher Providence, in the late attemptat against his Maiesties person. Printed by ROBERT WALDEGRAVE, 1600.’

[THIS Tract, which is in duodecimo, pp. 28, is in the valuable Collection of Mr David Laing, by whom it was purchased at a sale of the Library of the late Mr Archibald Constable, who considered the book to be *unique*. Of the author nothing is known; but it may be conjectured to be one of the compositions of Mr Patrick Galloway, who so zealously defended his Majesty’s character, in his Sermons, &c. It is to be hoped that Mr Laing will soon reprint this rare little volume, and add one more to the many Tracts illustrative of this most mysterious subject. The following extracts may be taken as a fair specimen of this interesting little volume.]

‘ THE ETERNALL Providence hauing giuen many markes, euen from the firste conception of his Maiestie, that he is appoynted for great things: and willing at last, before his approaches to his destined right, now in the good age of his sister of England (whome he hartilye witheth long to liue, and who hath euer had him in the deare account of hir owne soune) that he should be encouraged, be a speciall signe of his high protection and hand with him, and therewith also, haue a further triall, both of his owne and his peoples hearts, invred him first with a dangerous (I must say it) excessse in a Prince; for clemencie, goodnes and truste, howfoeuer of their nature good, may haue also their owne excessis; whilk, in the fortune and happs of many potentats, haue so often redounded to their perrell and overthrowe, that Princes haue greater cause to feare sick persons as they haue faued, restored, or made vp, then where they haue done ane iniurie. And though sick benignitie worketh euer to good, in the honest and acknowledging hearte, (as his Maiestie hath had good tryall in manie,) yet when it meeteth with ambitious and vngrate persons, it lyeth oppen to sik requytales, as he hath also found in the traytor of GOWRIE and his brother the MAISTER, his destined hangman of his Princis life. But God would so haue it, and that his Maiestie also should abandon him selfe in the armes of their treacherie, and measuring others be his owne sinceritie, shoulde neither suspect fraude and false measure, neither remoueo

his trust from the place where hee had heaped vp so many benefites : But, in the simpleness of his purest hearte, being so few, should come in their reach, and being sole and vnarmed, should be brought in the place of death.'

' Our excellent Princis vnattainted hearte was of sick puresnes in the behalfe of the tratore, the newe Angel of Italie, (whose vncertaine maner of port, over popular shoves, with certaine his motions to his Maiesties selfe, might haue well ynough shewen the armes of his hearte,) that leaving the small tryne whilk he had at the chafe, accompanied only with his cousings, the Duke and the Earle of Marre (whome God would haue to be witnessis of that whilk should happin,) hauing no other than his hunting horne, he came in their towne, in their house, and the verie snare prepared for his death; where they, beeing ayded with his single heart, and repose in themselues, vnder deceaueable shoves, fand best to invite him; and violating, vnder sick trust, the naturall and publicke faith, attempted the same, he neuer hauing done them anie outrage, but contrarily, with all good fauors, honors and digniteis, enen courted them in a fort, and their whole house. O moste wicked treacherie! to thirste the dropes of the innocent bloud of their King, who hath so farr restored, prefered and honored them! For to lay to his charge the death of their father,' &c.

' Yea, and in these essays, that we heere speake of (so little comerce haue sick designs with Gods assistance, or their own wit) their hart may sayle them, their resolution may wauer, the partie may dash them, or his humanity mease! them: a dread, a suspect, a word, or a looke may alter the case: and finally, the protection of God may intercede, withstand, or confounde them. The Earle was ouer wise, the Maister ouer foolish, the other² ouer timide: his Maiesties presence, his resolute heart, his matching the one, his threatning the other, his gayning of time, and calling for ayde, haue their owne regards. But that he leened, and venged himselfe like a good knight, it was of the protection, mercie and influence of Him, bee whose good ordour Kings do rule,' &c.

No. VII.

EXTRACTS from the RECORDS OF THE PRIVY COUNCIL.

PROCLAMATIOUN of Thankisgeving, for his Maiesteis delyuerie.

APUD EDINBURGH, sexto die mensis Augusti, anno 1600.

SEDERUNT.—Cancellarius, Fyvie, Thesaurarius, Secretarius,
Aduocatus, Comptroller, Collector, Clericus Registri, Spot.

FORSAMEKLE AS it is laitlie cum to the knowlege of the Lordis of his heynes Preuey Counsale, of ane lait intendit Treafoun be vni^qle *JOHNE ERLLE OF GOWRIE*, and *MR ALEXANDER RUTHVEN* his brother germane, aganis the persone of his Maiestie, quhome God preserve; and becaus his heynes, praist be God, be his mychtie hand, by³ all expectatioun, is fauit and preferuit: *THAIRFOIR*, willing that thankis be gevin to Almightie God, the onlie instrument of that preseruation: And in consideratioun of the small boundis of any of the Perroche Kirkis, within this burgh, to containe the multitude, the saidis Lordis hes thairfoir thocht meetest, be oppin Proclamatioun at the mercat croce of this burgh, to notifie the said happie deliuerance of oure fouerane lord fra the said perrill and danger, with the death of the saidis traitouris, sua worthelie deseruit: And thairfore, requireing thame, as it is the pairt of all his deutifull subiectis, to rander thankis to God, for his said deliuerie; and in taikin of thair joy, caus the haill bellis within the burgh to be rung; and at nycht caus mak banefyreis, alfewell within this burgh as within the Cannoin-gate and village of Leyth, efter the accustumat forme obseruit in the lyke caissis, for the vttering of the joy of his Maiesteis happie deliuerance: And hes Ordanit *Mr David Lindsay* to prais God, within the Kirk for the same; and Ordainis the people to accompany him to that effect.

¹ Maze, bewilder.

² Andrew Henderson.

³ Contrary to, against.

CHARGE, for keiping of the CORPIS of vmq^{le} the Erll of Gowrie and his bruither.

Aug. 1600.

APUD FALKLAND, *septimo die mensis Augusti, anno 1600.*

SEDERUNT.—Lennox, Cancellarius, Mar, Thesaurarius,
Secretarius, Computorum Rotulator, Spot, Kinlofs.

FORSAMEKILL AS vmq^{hill} JOHN ERLI OF GOWRIE and MR ALEXANDER RUTHVEN, his brother, being in the actual execution of a maist horrible and traterous Conspiracie aganis the Kingis Maiesteis royall persone, within the said Erllis awin ludgeing, within the burgh of Perth, it les pleisit God, maist miracoulouffie to deliuer his Maieftie fra thair intendit Treafoun, and to turne thair traterous practizeis vpon thame selffis, quha hes worthelie sufferit death, as they wer in the actual perfute of his Maiesteis persone. Quhairfore, necessar it is, that the corpis of the saidis vmq^{hill} Erll and Mr Alexander be keptit and preferuit, quhill forder ordoure be tane on this mater, as appertenis. AND thairfore, Ordanis Letteris to be direct to officeris of armes, schereffis in that pairt, chairgeing thame to pas, command and charge the baillies of the burgh of Perth, to preferue and keip the corpis and bodyis of the saidis vmq^{hill} Erll and Mr Alexander, vnbureyit; ay and quhill they vnderstand forder of his heyneis will and pleasour thairanent. As they will ansuer to his Maieftie, vpon thair obedience, at thair heicheft charge and perrell.

(*Eodem die.*)—LETTERIS, for arreiffing the Rentis of vmq^{le} the Earl of Gowrie.

(*Eodem die.*)—CHARGE, that name of the name of RUTHVEN repair towardis thair Maiesteis.

(*Eodem die.*)—CHARGE, for randerig the said vmq^{le} Erllis castellis, touris and fortaliceis of Ruthven, Strabrane, and ludgeing within the burgh of Perth, with the guidis and geir being thairintill, vpon Inventair, to his Maiesteis Thesaurair, &c.

(*Eodem die.*)—ACT, that na thing be disponit of the Erldome of Gowrie, bot be auise of the Lordis of his Maiesteis Preuey Counsaile.

(Aug. 12. *Apud Halyruidhous.*)—ACT, mortifeing L.1000 yeirlye to the Pair, furth of the reddiest of the fruitis, rentis and dewteis of the Abbay of Scone; in perpetuall memorie of the said happie deliuerie.

(*Eodem die.*)—ACT, aganis the passing of Giftis of the Erldome of Gowrie.

(*Eodem die.*)—ACT, aganis the MINISTERIS OF EDINBURGH.—FORSAMEKILL AS vmq^{hill} Johnne Erll of Gowrie and Mr Alexander Ruthven, his brother, haueing maist trateroullie diuifit and conspirit the death and distructioun of the Kingis Maieftie, oure souerane lord, be sic a detestable and horrible manner, as hes not bene hard of in ony kingdome or age; it pleisit Almichtie God, quha euir hes had a cair of his heyneis persone, maist miracoulouffie and wounderfullie to deliuer his Maieftie of that detestable Treafoun; efter the quhilk happie delinerie, and thankis gevin thairfore be his heyneis to God, his Maieftie immediatlie, be writ, acquentit the Lordis of his heyneis Preuey Counsaile, alswele of the said intendit Treafoun as of the said happie deliuerie, and desyrit thame to command the Ministers of Edinburgh to haue conuenit thair feuerall flokis in thair awin kirkis; and thair, publictlye to haue intimat to the people the said Treafoun, and to haue gevin thankis to God for the said deliuerie of his Maiesteis noble persone. Lyke as, the saidis Lordis, haueing conuenit befor thame Maisteris Robert Bruce, James Balfoure, Mr William Watfoun and Mr Johnne Hall, Ministeris of Edinburgh, vpon the sext day of August instant; and the saidis Lordis haueing at lenth oppymit vp vnto thame the hail forme, maner and circumstancis of the said Treafoun, quhilk wes alsua afferuit in thair presence be a honnest and famous gentilman quha wes present, and a ey witnes at Perth with his Maieftie: And for thair farther satisfacioun, the saidis Lordis haueing produceit and sclawin to thame his heyneis awin Missiue and write in this matter; and thairfor, according to his heyneis directionn, haueing instantlie delt and travellit with the saidis Ministeris, and haueing commandit thame to haue repairit to thair pulpettis and kirkis, and to haue certifiat the people of the said Treafoun, and to haue thankit God for the said

Aug. 1600. happie deliuerie; the saidis Ministeris, maist vndewtifullie untrusting¹ his Maieſtie and the vndoubtitt treuth of this horrible Treafoun, refusit to obey his heyneſ and the saidis Lordis: For quhilk, they and Mr Waltir Balcanquell, Miniſter, quha wes abſent the ſaid firſt day be reſſoun of his ſeikneſ, being now callit, and compeirand befor his Maieſtie and a grete nowmer of his heyneſ Preuey Counſale; and his Maieſtie and his Counſale haueing hard thair pretendit excuſſes, and finding thame ſtill conſtant in thair diſtruſt and doubt, be thair wilfull and obſtinat reſuſaill, ȝit to aſſair and certifie the people of the ſaid intendit Treafoun aganis his Maieſtie, nochtwithſtanding the conſtant and trew reporte and declaratioun quhilk thay haue hard, alſweill of certane of his Maieſteis Nobilitie, quha wes preſent with his Maieſtie at Perth, as be the Lordis of his heyneſ Prewey Counſale, and be his heyneſ awin Miniſter.² THE KINGIS MAIEſTIE and Lordis of Secrete Counſale, thairfore Findis, decernis and declairis, that the ſaidis *Mr Robert Bruce, Mr Walter Balcanquell, Mr James Balfoure, Mr Williame Watſoun* and *Mr Johnne Hall*, hes maist vndentifullie behauit thame ſelfis to his Maieſtie, in the mater aboue writtin; and that they ar not worthie to be ſufferit to ſpeik or preiche publictly to his heyneſ peopill, at ony tyme heir-efter: And thairfore, his Maieſtie and the ſaidis Lordis hes diſchargeit, and be thir preſentis diſchargeis the ſaidis fyve Miniſteris of all preiching, or ſpeiking publictly to his hienes ſubiectis, in ony pairt of this realme, at ony tyme heir-efter, vnder the pane of deid: And forder, Ordanis thame to remove and depairt furth of the burgh of Edinburgh, within forty-andcht houris eſter the dait heirof; and onnawye to reſorte or repair, in ony pairt, within the ſpace of ten myllis to the ſaid burgh of Edinburgh, heir-efter, vnder the ſaid pane of deid. And Ordanis intimatioun to be made heirof, be oppin Proclamation at the mercat croce of Edinburgh; quhairthrow nane pretend ignorance of the ſame.

(*Eodem die.*)—‘GEORGE CRAGINGELT, HEW MONCREIFF, ANDRO HENDIRſOUN chalmerslane of Seone, PATRIK EVIOT brother to the Laird of Bowſie (Balhouſſie), HARY and ALEXANDER RUTHVENIS brether to Mr William Ruthven,’ were ordained to be denounced rebels, for non-appearance before the King and Council, ‘to haue anſwerit to ſic thingis as ſould haue bene inquirit of thame at thair comeing, and layd to thair charge, tuicheing the lait treafounable CONSPIRACIE diuiſit aganis his heyneſ royall perſone, be vniquhill JOHNNE ERL OF GOWRY, and Mr Alexander Ruthven, his brother.

(Aug. 13.)—CHARGE iſſued againſt ‘the remanent of the MINISTERIE OF EDINBURGH quha ar not diſchairgit, with the hail *Deaconis and Elderis of the Seſſionis* of the Kirkis of Edinburgh, that they keip thair ordinar tymes of meiting in thair ſaid Seſſionis, &c. and gif thay failȝie, or do in the contrair, that incontinent thairefter the ſaid Herald, maſer or officer denounce them rebellis,’ &c.

(*Eodem die.*)—‘ACT, anent the ſuppleing of the vacand placeis of the Miniſteris of Edinburgh.’

(Aug. 19. *Apud Falkland.*)—ANDROW JOINESTOUN, bvrgeſ of Perth, ordained to be denounced rebel, for failing to appear before the King and Council, ‘to haue anſwerit to ſic thingis as ſould haue bene inqyrit of him, at his cumming, and layd to his charge, tuicheing the lait treſonable CONSPI-
CIE,’ &c.

(Aug. 21.)—‘ACT, anent ane ſolempne THANKISGEVING for his Maieſteis deliuerie;’ with ‘aduyſe of the Commiſſioneris of the Generall Aſſemblye, to be maid and keipit, in all the Kirkis of this realme, vpon the laſt Tuyſday of September nixt, and the Sabbothe nixt and immediatly following thairefter.

(Aug. 22.)—WILLIAM MONCRIEF of that Ilk fined in the ſum of 100 crowns of the ſun, and SIR JOHN MELUILL, ‘apperand’ of Carnebie, Kn^t. in the ſum of 50 crowns, for ‘thair mutuall geving of leyis to vtheris, in preſence of the Lordis of Secreit Counſale, ſittand in judgement for the tyme, vpon the tuentie-ane day of Auguſt iſtant.’ And . . . RANSAY, younger of Balmonthe, was alſo ordained to pay 60 crowns to the Treafurer, for ‘the perſuit and inſaſioun of . . . Ballenden,

¹ Distrusting, doubting.

² Mr Patrick Galloway.

vpoun the Hie-freit of the burgh of Edinburghe vpoun the fourtein day of August instant, his Maieftie being, for the tyme, within the Palice of Halyrudhou; and for the fame, is becum in his Maieftieis will.' Aug. 1600.

(*Eodem die.*)—JOHN ERL OF ATHOLL, *Alexander Lord of Spynie*, . . . *Rynd Laird of Kerfs*, *Gairdin elder of Leyis*, and *Gairdin younger of Leyis*, on the one part; and JAMES MASTER OF OGILUY and *Sir John Ogiluy of Craig, kn'*, on the other part, were charged 'to subferyue and delyuer to the officeris executouris of the saidis Letteris, sic forme of Affurance as falbe presentit vnto them, within sex howris nixtefter the chairge, under the pane of rebelloun,' &c.

(Aug. 31. *apud Glasgwe.*)—'CHARGE, aganis the AULD MINISTERIS OF EDINBURGH.' It is flated that 'his Maieftie is credebelle informed, the saidis perfonis, not onlie still continewis in thair infidelitie and blindnes, malicioullie and wilfullie refuifing to acknawleg the certane treuth of this mater; hot, to his Maieftieis forder contempt, they hant and reforte in all pairtis of this cuntrie, difperfung mony vntrew brutis and rumouris aganis his hienes, practifing be all meanis to foster and interteny his Maieftieis fubiectis in the lyk wilfull errour and blindnes with thame felffis, and to lay vpoun his Maieftie, the burding of that, quhilk maift traiteroullie wes deuyfit and intendit aganis his hienes awin perfoun.' The Minifters are therefore ordained to appear before the King and Secret Council 'at Striviling, or where it fall happin his Maieftie to be for the tyme, Mr William Watfoun on Sep. 9, Mr Walter Balcanquall and Mr John Hall on Sep. 10, Mr Robert Bruce and Mr James Balfour on Sep. 11; 'to vnderly fic forder punifchment, as his Maieftie and lordis of his hienes Counfell fall inioyne vnto them; vnder the pane of rebelloun,' &c.

(Sept. 10, *apud Striviling.*)—MR WALTER BALCANQUELL, MR WILLIAM WATSON and MR JOHN HALL, appeared in prefence of his Majefty and the Lords of his Secret Council, 'and of thair awin frie motive, confellit and declairit, that they wer now fullie and throuchlie perfuadit and affurit of the treuth of the Treafonable and vnnaturall CONSPIRACIE, deuyfit and intendit to haue been execut aganis his hienes at Perth, vpoun the fyft of August laft, be vniq^{le} JOHNE ERLE OF GOWRIE and Mr Alexander Ruthven his brother; and that, fein thair remouing fra the brughe of Edinburghe, thay had not directlie nor indirectlie delt nor tranellit, be publict reafoning or priuat conference, to put ony of his hienes fubiectis in diftruft or doubt of that mater; and that they wald, in publict, manifeft and declair thair said perfuafoun and affurance of this mater, and move his Maieftieis fubiectis to do the lyk, and gif thankis to God for the fame.'—This declaration having been gratiouly received, Mr Walter Balcanquell was ordained to 'repair and adref himfelf with all guidlie diligence to Tra-nent, Dalkeithe and Muffilburgh; the said Mr Williame Watfoun to Dumbar and Dunc; and the said Mr Johne Hall to Dumfermling, Sanct Androis and Perth; and thair, in the ordiner Kirkis thair of, and upon ordinar preiching dayis, that thay preich to the people; and, in thair Sermonis, that thay mak ane publict and manifeft Declaratioun of thair awin affurance and perfuafoun of the treuth of the said Treafoun, intendit be the said vniq^{le} Earl and his Brother; and craue God and his Maieftie pardoun for thair ouer lang flawnes and doubting thair of; and thairwithall to moue all men to gif thankis to God for his Maieftieis delyuerie; and fchairplie to rebuik all fic perfonis quha continewis doutfull heirin: And that thay report to his Maieftie ane Testimoniall of the Minifter and eldaris of the townis and Kirkis foirfaidis of thair conformitie to the premiffes; that thairefter, his Maieftie may tak forder ordour with thame, as falbe thocht expedient.'

(*Eodem die.*)—'THE BAILZEIS of the burgh of PERTH, representing the hail bodie of the fame,' are charged 'to compeir perfonallie, befor his Maieftie and his Counfell at Linlithgow, vpoun the faxtene day of September instant, to anfuer to the contempt and indignitie done to his Maieftie,' in regard that, after the King's delivery from the Treafon devised by the Earl of Gowry and his brother, 'his hienes luing for na forder danger or inuafoun at that tyme; nochtwithftanding, it is of treuth, that his hienes wes of new affälzeit and perfewit be a grit nowmer of the communitie and inhabitantis

Sep. 1600. of the burgh of Perth, all in armes, quha environed his Maieſteis hous on all pairtis, affeigit and perſewit his hienes within the ſame, vittering maift irreuerent and vndentifull ſpeiches aganis his Maieſtie, his Nobilitie, and certane of his ſeruandis and guid ſubiectis, quha accompaneit his hienes for the tyme, and could nawayis be moved to forbeir thair tumultuous and inſolent behauiour; bot did quhat in them lay, be crying for fyre and poulder, and rynnng with jeſtis at the zettis of the ſaid hous, to haue blawin vp the zettis of the ſaid houſe, and to haue exponeid in haſard the lyfes of his Maieſtie and his guid ſubiectis.¹

(Sep. 11.)—MR ROBERT BRUCE appeared before the King and Council, and obſtinately ‘contnewit doubtfull and nocht throuehlie reſoluit of the trefounable and vnnatural Conſpiracie,’ &c. He is ordainid ‘to remove and depairt furth of this realme, betuix and the aucht day of October nixtocum, and onnawyis to returne agane within the ſame; nor yit repair within the realme of England, without his hienes licence had and obtenit to that effect, vnder the pane of deid: And in the meantyme, quhill his depairture, that he remane in the Place of Airthle, for making of his prouiſioun and furniſhing; and that he addres him ſelf to the ſaid place, this preſent day. And ordanis the Maſter of Counſell to pas and mak intimatioun heirof to the ſaid Mr Robert, that he pretend na ignorance thairof.’

(*Eodem die.*)—MR JAMES BALFOUR, having declared himſelf perfectly ſatiſfied with the truth of Gowrie’s Conſpiracy, &c. he is ordainid ‘for ane prouif of his amendement and dewtifull behauiour in tyme commeing, and for ſatiſfactioun of his hienes ſubiectis, quha be his errour and blindnes hes bein careit with ony ſiniſter opinioun or doubt of the ſaid mater, fall repair and addres him ſelf with all guiddie diligence to the townis of Dundie, Montrois, Arbroith and Brechin; and thair, in the ordinar Kirkis thairof, and vpoun ordinar preiching dayis, that he preich to the people, and in his Sermoun, that he mak ane publiet and maniſt declaratioun of his awie assurance,² &c.

(Oct. 18, *apud Halyruidhous.*)—MR JOHN HALL is ‘reſtoirit, redintegratid and reponed to his full libertie, baith to repair agane to the ſaid toun (Edinburgh), and to diſchaig his former functioun and calling.’

(Nov. 3.)—His Maieſty’s ‘Maifter Porteris and the Iſchearis of his Maieſteis chalmeris’ are ordainid ‘diligentlie to ſearch all ſik perſones entering within his Maieſteis Palice, quhome thay ſhall ſuſpect to be armed with ſecretis, jakis, corſlettis or ony vther offensive armour, fauſſing³ thair fuerdis and quhin⁵earis,’ &c.

(*Eodem die.*)—FORſAMEKILL as the grit and monſtrous bavis⁴ and cumpanies commonlie awaiting vpoun Noblemen and Baronis at Parliament and Conuentionis, and repairing within his Maieſteis Palice, and to his hienes awin preſence, is not onlie offensive and diſpleaſant to his Maieſtie, bot verie diſhonourable to the natioun, &c.; ‘the Capitane of his Maieſteis Gaird and houſe, and his hienes Maifter Porteris,’ are ordainid to gif diligent attendance, and ſee this preſent Act reſſane the dew effect and executioun in all pointis; and for this effect, to debar all ſik perſonis as ſhall preſent thame ſellſis, and craue entrie within his Maieſteis zettis, with ony ma nowmeris nor is heirin particularlie preſcryuit and inoynd vnto thame: That is to ſay, enerie ERLE with tuelf perſonis; enerie LORD with aucht perſonis; and enerie BARROUN with four perſonis, gif he be allane, or gif he be in cumpany with ony Nobleman, with his page and him ſelf. And that the ſaid Noblemen and Baronis conforme them ſellſis to this preſent ordour, vnder the pane of incurring of his hienes wraith and indignatioun.’

¹ This ſmells very ſtrongly of a counter Conſpiracy, on the part of his ſapient Maieſty, againſt the well-lined purſes of the citizens of Perth!—For never was a more pitiful attempt made, to extort a fine from unoffending and loyal citizens. The wonder is, that theſe brave burghers, hurrying to the ſpot, and merely hearing that ‘the Green-coats’ had ſlain the Earl of Gowrie, their Provost, and the Maſter of Ruthven, (who were both greatly beloved,) ſhould have diſperſed ſo peaceably, on the bare aſſertion of the Bailies, that the King was ſafe; without any explanation being afforded them of the cauſe of this bloodſhed and uproar! ² In the ſame terms with the other Act, dated Sep. 10. See May 21, 1601, of theſe Extracts. ³ Saving, or excepting, their ſwords, &c. ⁴ Beuies.

(Nov. 12.)—ACT, againſt reſetting of JESUITES, or ſupplying them ‘with meit, drink, houſe or Nov. 1600. herborie,’ under the pain of Treafon.

(May 21, 1601.)—THE ACT of Council, dated Aug. 12, 1600, diſpenſed with, ſo far as regarded Mr James Balfour, Mr Walter Balcanquell and Mr William Watſoun.¹

(Jun. 16.)—‘ACT, anent the fyft day of Auguſt.’ The liegis are commanded ‘to keip the ſaid fyft day of Auguſt 3eirlie, ſolemne fra all fort of handy labour, wark, and ſerious occupatioun, quhillk onnywyife may diſtract thame fra the foirſaid exerciſe of thankifgeving to God;’ ‘and reioyſing for his hienes happie preferuatioun, wrocht ſa meraculouſlie be Goddis divyne Providence.’

NO. VIII.

EXTRACTS from the ACCOUNT BOOKS of the LORD HIGH TREASURER OF SCOTLAND.

ITEM, be his Ma ^{te} is ſpeciall command, to Robert Ker, paige of honour, thrie ellis grene freis, to be his hunting claithis, at xliiij ſ. the elne, <i>inde</i> ,	vj li. xij ſ.	Jul. 1600.
Item, vj quarteris of lining, to lyne his breikis, at vij ſ. the eln, <i>inde</i> ,	x ſ. vj d.	
Item, ane quarter vnce of ſilk thairto,	vij ſ. vj d.	
Item, half ane elne and ane quarter grene ſteming, to be him ane pair of fokis,	xliij ſ. ix d.	
Item, lykwayis be his Ma ^{te} is directionn, to Johnne Ramſay, Johnne Murray, George Murray and Johnne Auchmowtie, aughtene ell greine freis, to be thair hunting garmentis, at xliiij ſ. the elne, <i>inde</i> ,	xxxix li. xij ſ.	
Item, thre ell grene ſteming to be thair hunting fokis, at iij li. v ſ. the elne, <i>inde</i> ,	xliij li.	
Item, to Finlaw Tailzeour four elles grene ſteming, to be his hunting claithis, at iij li. x ſ. the eln, <i>inde</i> ,	xliij li.	
Item, lykwayis to Johnne Achefoun, James Cokburne and Robert Walker, huntifmen, to be garmentis, nyne ellis grene ſteming, at iij li. x ſ. the ell, <i>inde</i> ,	xxxj li. x ſ.	
Item, be his Ma ^{te} is ſpeciall command, to Williame Colquhoun, in drinkſiluer of ane cairt that wes preſentit to his hienes,	x li. xij ſ. iij d.	
Item, lykwayis be command, to George Murray, to be gevin to ane boy in drinkſiluer, at the preſenting of ane halk to his Ma ^{te} ,	v li. vj viij d.	
Item, for mending and repairing of hir Maieſteis litter-geir, ſaidillis, harneſſing, braſis, and all vtheris neceſſaris thairto, as the particular, ſubſcrinit be Robert Stewart, Maifter ſtabular, producit, beiris,	xij li. xij ſ.	
Item, delynerit to his Maieſteis ſelff, to play at the cairtis, in the moneth of Febr 1600, the tyme his Maieſtie wes in the cunzie-houſe of Ed ^r , at the mariages of the Erle of Sutherland and Mr of Forbes, ſex fyve-pund-pees, being omittit in the preceeding compt, <i>inde</i> ,	xxxij li.	
Item, to his Ma ^{te} is fyve ordiner paiges, for thair allowance in ſchone and vther ſmall neceſſaris, the month, comptit,	vij li. x ſ.	
Item, to Johnne Achefoun, James Cokburne and Robert Walker, huntifmen, for thair ordiner allowance the ſaid moneth,	lx li.	
Item, to Alex ^r Monereiff, Falconer, for his ordiner allowance this moneth,	j ^c li.	
Item, to ane boy paſſand of Ed ^r with clois Letteris to the Erles of Athoill and Gowrie,	xxxii ſ.	
Item, to ane boy paſſand of Falkland, of new, with clois Letteris to my Lord Incheaffray and Mr Ruthven,	xxiiij ſ.	

¹ See Sep. 11, 1600, &c. of these Extracts.

- Aug. 1600. Item, the furnitour following, delyuerit to James Inglis, tailzeour, to be twa pair of buittis and tua pair of fokis to his Ma^{tie} for the buk-hunting,
- Item, fyve quarteris of grene Inglis stemming, to be ane pair of fokis, at iij li. x f. the eln, *inde*,
iij li. vij f. vj d.
- Item, fyve vnces and tua drop-wecht of filuer pafmentis, to put vpoun the saidis fokis, at v li. vi f.
vij d. the vnce, *inde*, xxvij li. vj f. viij d.
- Item, ane quarter and ane half of taffatie thairto, iij li.
- Item, half ane vnce of filk, xv f.
- Item, for ane pair of buittis to his Ma^{tie}, vj li. xij f. iij d.
- Item, ane quarter and ane half quarter veluet, to the heidis thairof, v li. xij f.
- Item, ane vnce of braid pafmentis, to put thairon, xxx f.
- Item, half ane vnce of filk, xij f.
- Item, tua pair of gartanis, liij f. iij d.
- Item, ane eln of broun Frenche stemming, to be ane vther pair of ryding fokis to his Ma^{tie}, vij li. x f.
- Item, fyve vnces and tua drop wecht of golden pafmentis, to put vpoun the heidis thairof,
xxvij li. vi f. viij d.
- Item, ane quarter and ane half of taffatie thairto, iij li.
- Item, half ane vnce of filk, xv f.
- Item, for ane vther pair of buittis, vj li. xij f. iij d.
- Item, ane quarter and ane half quarter veluet, to the heidis thairof, v li. xij f.
- Item, vnce of braid pafmentis thairto, xxx f.
- Item, half ane vnce of filk, xij f.
- Item, tua pair of filkin gartanis, liij f. iij d.
- Item, lykwayis be command of his hienes Precept, to William Elphinstoun, for the price of ane horfe; as the said Precept producet testifies, with acquittance, iij^cxxxij li. vj f. viij d.
- Item, be his hienes Precept, to Andro Lord Stewart of Vchiltre, I^m li.
- Item, lykwayis be command foirfaid, for ane cheinzie and ane belt of goldfnyth work, fet with pearle, with ane pair of garniffingis in the lyk wark, fet with pearle, propynit, in his Maiesteis name, to Sir George Elphinstounes wyffe, the day of hir mariage, v^clxxx li.
- Item, be command of his Maiesteis Precept, to Peter Brambill, Frenche pavier;¹ as the said Precept, with his acquittance, producet vpoun compt, proportis, iij^cxxxij li. vj f. viij d.
- Item, to the herauldis, trumpetouris and officeris, pafland with displayit coittis, to divulgat, at the marcat croce of Edinburgh, the Treafoun intendent aganis his Maiesteis perfoun at Perth, x li.
- Item, to certane warkmen that handillit the artailzerie of the Castell of Edinburgh, that wer schot, on the sext of August, iij li. iij f.
- Item, for hay to be furrage to the cannones, the said day, and the vther day that his Maiestie come to Edinburgh, xxxij f.

¹ Perhaps this may be the Rope-dancer, who is alluded to by Melville, in his MS. Diary, as follows: 'At that tyme, (the end of August 1600) being in Falkland, I saw a foscambulus Frenchman play strang and incredible pratticks, upon stented (*stretched*) takell, in the Palace-clos, before the King, Quein and hail Court. This was politikle done, to mitigat the Quein and peiple for GOWRIE'S slaughter.—Even then was Hendersone tryed before ws; and Gowrie's pedagog, wha haid bein buted.'—*Melville's Diary*.—A most amusing account is also given of another mountebank, an Englishman, who performed in Edinburgh two years before. 'The 10 of Julii, (1598,) ane man, sune callit him a Juglar, playit sick sowpill trikis vpone ane tow (*rope*) quhillk wes festnit betuix the tope of St Geillis Kirk stippit and ane stair benethe the Croce callit Josias cloise heid; the lyk wes neur sene in this contrie, as he raid doune the tow and playit sa many pavies on it.'—*Birrel's Diary*, MS. Adv. Library. This person was very liberally rewarded for his '*sowpill tricks*' by his Majesty, besides the contributions he would doubtless obtain from the Magistrates and citizens. : ITEM, be his hienes speciall command, to an Inglis sportour, that come down upon ane tow fra the cok of the steppill of Edinburgh, xx li.' Another entry, in the same month (Sept. 1598), probably refers to the same person: 'ITEM, lykwayis to David Weir, sportour, be command, vj li. xiijs. 4d.'—*Lord Treasurer's Accounts*, General Register House. The name is likely to have been Vere.

Aug. 1600.

Item, for earving of the Poulder to the Castell, and of ane barrell of fewintene flane wecht to the trone, to be weyt, quhilk his Maiestie ordanit to be fend to Dunbartane Castell, . . . xxv f. iiij d.

Item, be his Maieftie's command, to the trumpetouris, that day that his Maieftie came to the croce of Edinburgh to declair the maner of the Treaoun intendit aganis his hienes perfone, . . . vii. vj f. viij d.

Item, to William Leflie, being direct of Falkland in greit haift, to bring the Justice and his clerkis to Court, iij li. vj f. viij. d.

Item, to Robert Logane, being direct on hoifbak, to bring fra Mr Williame Fullartoun, the Depositiones of Mr Thomas Cranfoun and George Craigengelt, to be presentit to the Justice at Perth, iij li.

Item, delyuerit to Johnne Achefoun, huntifman, four d^o (dozen?) of couppillis, and ane lyoun to ilk d^o for his Maieftie's houndis, xli.

Item, for furniffing to his Maieftie's buck-hunting, of colleris and lyounis of all fortis, stinclit and faffit, lx li.

Item, to ane boy passand of Edinburgh with clois Letteris, from the Counfall to his Maieftie, being in Falkland, xvj f.

Item, to ane boy passand of Falkland with a clois Letter to my Lord Chancellor, being in Edinburgh, xv f.

Item, to a boy passand of (Edinburgh?) with a clois Lettre, fra the Chancellor to his Maieftie, being in Falkland, xvj f.

Item, to ane boy passand of Edinburgh, with some directions to Daid Moyfie, being at Falkland, xiiij f.

Item, to ane boy passand of Edinburgh with clois Letteris to my Lord Newbotill, Justice Clerk and Mr Daid M Gill, xxiiij f.

Item, to Ar^d Dowglas maifer, passand with ane Act of Seerit Counfall to the croce of Edinburgh, and thair, efter found of trumpet, difchargit M^{rs} Robert Bruce, James Balfour, Walter Balcanquell, Williame Watfoun and Johnne Hall, of all forder preiching, in priue or in publict, within ony pairt of this realme, xxj f. iiij d.

Item, to the said Archibald, passand with ane vther Act of Seerit Counfall, to the said mareat croce, and thair, efter found of trumpet, commandit M^{rs} Peter Hewat and George Robertfoun, and the Elderis and Deaconis of all the four Kirkis, to conuene at thair ordinar dyetis, for obseruing thair aceustumat difcipline in the Kirk, xxj f. iiij d.

Item, to William Forfyth, messinger, passand with Letteris to the mareat croce of Edinburgh, and thair, efter found of trumpet, difcharget baith men and wemen brukand the surname of Ruthven (not) to cum neir his Maieftie's perfoun, within ten mylis, xxj f. iiij d.

Item, to William Forfyth messinger, passand with ane Warrant of the Seerit Counfall, to charge Mr Andro Lamb to preiche in the Hie Kirk of Edinburgh, on Sunday the fewintene of August instant, xij f. iiij d.

Item, to Ar^d Dowglas maifer, passand with Letteris to charge the Ministerie of the Pretbiterie of Edinburgh, that thair, at the nixt exerceis, on Tyifday the nyntene of this instant, take sum gude ordour amang thame selfis, how the vacand places of the Ministerie of Edinburgh may be suppleit and feruit, vnto the tyme ordour be tane for planting of new Ministeris at the said Kirk, xxj f. iiij d.

Item, to ane boy passand of Edinburgh with a clois Letter to the Bailleis of Edinburgh, xvj f.

Item, to ane boy passand of Edinburgh with a clois Letter to Mr James Meluill, Minister at Antruther, Mr Robert Wilkie, Rectour of St Androis, Mr George Gledstanis, Minister thair,¹ xxiiij f.

¹ Similar entries occur of 'clois Letteris' to Mr Robert Howie, Minister at Dundie; Mr James Nicolsoun, Minister at Megill; Mr Johnne Caldeleuch, Minister at Newburgh; Mr Andro Lamb, Minister at Leith; Mr James Law, Minister at Kirklistoun; Mr James Spottiswood, Person of Calder; Johnne Clappertoun, Minister at Chirreside; Mr William Row; Mr Daid Lindesay, for the Synode of Edinburgh; Mr William Couper for Perth; Mr James Nicolsoun, for Anguss; Mr Robert Wilkie, for Fyiff; Mr James Brysone, Minister at Durisdeir, for the Synode of Nythdail; Mr Johnne Welsche, Minister at Kirkeowbrycht, for Galloway, &c. &c.

Aug. 1600. Item, to Robert Elder, messinger, passand of Edinburgh, with Letteris, to charge Ramfay, younger of Balmonth, Johne Ramfay callit the gunner, to compeir befor the Counfall at Falkland, the xix of this instant; to heir and sie thame decernit to haue incurrit the pane contenit in the Act, maid for the restraint of the fechtng, within a myle to his Maiesteis persone, iij li.

Item, to William Forfyth, messinger, passand of Edinburgh, with Letteris, to charge Daudid and Johnne Ramfayis, brether to the Laird of Dalhouffy, and Hew Brawnden, to compeir the said day, for the samin purpos; and for sunmondng of certane witneffes to preiff quhilk of thir pairteis wes onfetteris, xxxij f.

[Letteris are also sent to the Lord President, Lord Advocate, Johne Oliphant, Register to the Compter, &c.]

Item, to Robert Elder, messinger, passand of Falkland, with Letteris, to charge Mr William Row, Minister at Forgounndynie, and sextene of his parochineris, to compeir befor the Counfall, the xxj of this instant, liij f. iij d.

Item, to Johnne Bennet, messinger, passand with Letteris, to the marcat-croce of Falkland and Cowper in Fyiff, and a trumpetour with him, discharginge baith men and wemen of the surname of Ruthven, not to cum neir his Maieste within ten mylis, xl f.

Item, to William Forfyth, messinger, passand with Letteris to the marcat-croce of Edinburgh, and thair, efter found of trumpet, chargeing the hail Ministeris within this realme, to keip thair Provinciaill Assẽmbleis, the thrid day of September nixt, for publick thankif-gevin, for his Maiesteis preserva-tioun, xxj f. iij d.

Item, to Johnne Blenscheillis, Ilay Herald, passand with twa feuerall Summondis of Treafone to the mercat-croce of Edinburgh, peir of Leith, with croces of Hadingtoun, Kinrofs, Perth, Scone, and feuerall duelling-houffis of Dirltoun, Ruthven, Perth, and Scone, and vther duelling-houffis of the personis following; and thair, efter displayit coit and found of trumpet, lawfullie summonit, warnit and chargit William Ruthven, brother and air to vm^qle Johne Erle of Gowrie, and Mr Alexander Ruthven, his brother, Harie and Alexander Ruthvenis, sonis to vm^qle Alexander Ruthven of Frieland, Hew Moncreiff, brother to the Laird of Moncreif, Patrik Eviot, brother to the Laird of Boufie, and Andro Henderfoun, chalmerlane of Scone, to compeir (befoir) our fouerane lord and his Justice, the fourt of November nixt, in his Parliament, &c. xx li.

Item, to William Ramfay, trumpetour, passand to accompany the said Herald, to the pairtis aboue wittin, viij li.

Item, to the witneffes, &c. vj li.

Item, for achtene copeis to the said Summondis of Treafoun, v li.

Item, for translating of the twa summondis out of Latin in Inglis, v li. vj f. viij d.

Item, to William Forfyth, messenger, passand of Edinburgh with Preceptis of Parliament, to be delyuerit to the Erle of Mortoun, the Lordis Seytoun, gester, Newbotill, Home, the Lairdis of Rosling, Bafs, Wedderburne, Cesfarde, Traquair, Robert Scot of Haning, the Commendateris of Melrose and Haliernidhous, the Bailleis of Tynninghame, Lauderdaill, the Sherefis of Edinburgh principall, Edinburgh within the constabularie of Hadingtoun, Berwik, Jedburgh, Selkirk, Peblis, the Prouest and Bailleis of Edinburgh, Hadingtoun, Cokkany, North Bernik, Dunbar, Lauder, Jedburcht, Selkirk and Peblis; and with Lettres to be publisehit at the marcat-croces of Hadingtoun, Dunfe, Jedburgh, Selkirk and Peblis; chargeing the Ministeris, within thais boundis, to keip thair Provinciaill Assẽmbleis, the thrid Tyifday of this instant, for publick thankif-geving for his Maiesteis delyuerie,¹ vij li.

Item, to aue boy passand of Glasgou to Edinburgh with Letteris, to caus charge the ffyve Minif-

¹ Similar entries occur for payments to other Messengers for delivering Precepts and publishing Letters at the market-crosses of the various burghs, &c. throughout Scotland.

- teris of Edinburgh to compeir afoir his Maieftie and Counfall, the nynt, tent and ellevint dayis of this Sept. 1600.
 infant, xxvj f. viij d.
- Item, to James Furde, meffinger, paffand of Edinburgh to execute the famin Letteris, at the faidis ffyve Miniſteris dwelling-houffis, and at the marcat-croces of Edinburgh, Hadingtoun, and Couper in Fyiff, v li. vj f. viij d.
- Item, to Andro Home meffinger, paffand to the marcat croce of Edinburgh, and thair, eftir found Oct.
 of trumpet, inhibit the reſſait or intercomoning with Henrie and Alexander Ruthvenis brether to Mr William Ruthven of Frieland, and Hew Moncreiff brother to the Laird of Moncreiff, and Patrik Eviot brother to the Laird of Balhouffy, xxj f. iiij d.
- Item, to ane boy paffand of Edinburgh, with a clois Lettre to my Ladie Gowrie, xij f.
- Item, to William Forfyth meffinger, paffand of Edinburgh with Lettres to charge Mr Richart Ogill Miniſter at Innerveik, and Gibfoun brother to James Gibfoun Miniſter, with certane witneſſes in the toun of Dalkeith and Eift Lowthiane, to the number of xij perſonis, to compeir afoir the Counfall, the penult of this infant, to anfuer vpoun ſum vnperntinent aplicatiounes maid in thair Sermones, v li. vj f. viij d.
- Item, to ane boy paffand of Edinburgh, with a clois Lettre and ſum directiones; with a clois Lettre and ſum vther directiones to young Tullibardin, for tranſporting of the corpis of Gowrie and his brother, xxxij f.
- Item, to ane boy paffand of Edinburgh, with a clois Lettre to my Lord Aduocat, xvj f.
- Item, to Johnne Blynſcheillis Ylay Herald, paffand of Edinburgh, with Lettres, to ſummond Mr Johne Moncreiff, Alexander Blair younger of Bathok,¹ &c. to compeir befor our ſouerane lord and his Juſtice, at the approaching Parliament; to beir witneſſing, in the actioun and cauſe of Treafoun, intentit and perſewit aganis William Ruthven, brother to vmq^{le} Johne Erle of Gowrie, and certane vtheris, that ar to be convenit for the ſame Treafoun, xvj li.
- Item, to Johnne Blenſcheillis Yla Herald, Robert Elder meffinger, William Forfyth meffinger, Nov.
 William Ramfay trumpetour, William Baxter, Thomas Wallis and David Young, being ſewin in number, for ſupport of thair expenſis in attending fra the firſt of November, that the Parliament wes ſenſit, to the ellevint thairof, that the Lordis of Articlis wes choſin, for uerifeing of the executioun of the ſummondis of Treafoun intentit aganis Johnne ſumtyme Erle of Gowrie, xiiij li. vj f. viij d.
- Item, for the armes² of the perſones that wes foirfaltit, xvj li.
- Item, to the painteris for Schir Johnne Ramfayis pinſell, xx li.
- Item, for carying the quarteris of the lait Erle of Gowrie and his brother, to be affixt on the maift eminent places of Striuling, Perth and Dundie; and for a creill,³ hay, and falt, vij li. vij f.
- Item, to ane boy paffand with his Maieſteis Warrandis, to be delyuerit to the Magiſtratis of the faidis burghis, for this effect, iiij li.
- Item, to Andro Home meffinger, paffand with Lettres to the marcat croce of Edinburgh, and thair, eſter found of Trumpet, commandit and chargit all and ſindrie Erlis, Lordis, Prelatis, Commiſſioneris of barrones and burrowis, that thair, and ilk ane of thame, ryding on horſbak, cled with fute mantillis, and vther abuilgementis, requiſit for the honour of the preſent Parliament, repair, attend and accompanie his Maieſtie, everie ane in thair awin rankis, at lenth ſet down in the faidis Lettres, xxj f. iiij d.
- Item, to William Forfyth meffinger, paffand with Lettres to the marcat croce of Edinburgh, and thair, eſter found of trumpet, commandit and chargit all and ſindrie Nobill men and Barrounes quhilkis ar repairit to the Parliament, that nane of thame reſort within the Palice, with ony ma companie nor is particularlie preſeryuit to thame, xxj f. iiij d.

¹ Here follow the names of the other witnesses.² In token of degradation, the armorial bearings of the Traitor were torn in pieces and trampled upon, at the time of execution of the sentence.³ A kind of basket.

Nov. 1600. Item, to Alexander Stobo messinger, passand with Lettres to the marcat croce of Edinburgh and Cannongait, and thair, efter found of trumpet, inhibit all his hienes liegis, that nane of thame fuld repair towardis ony places of his Maiesteis residence, armit with secreitis, jakis, plait-slevis, or ony vther bid armour, xlf.

Item, to Robert Elder messinger, passand with ane Act of Secret Counfall to the-marcat croce of Edinburgh and Cannongait, and thair inhibit all his Maiesteis lieges, that nane of thame fuld repair within the rankis of the personis keeping gaird, vpoun the hie streit of the calfayis of Edinburgh and Cannongait, except sic persones as falbe appointit to await vpoun his hienes Nobilitie and estaitis, vnder the pane of deid, xlf.

Item, to Andro Home messinger, passand with Letteris to the marcat croce of Edinburgh, and thair, efter found of trumpet, inhibit the reffett, supplie or intercommoning with Jesuittis, xxjf. iiijd.

Item, to Andro Home, messinger, passand with Lettres¹ to the marcat croce of Edinburgh, and thair, efter found of trumpett, requirit that quhafoewer of his hienes liegis will bring to him twa of his houndis that ar raikit away, fuld be gratifeit with a horse worth, j li. xxjf. iiijd.

No. IX.

EXTRACTS FROM THE RECORDS OF THE BURGH OF PERTH; and from THE COURT BOOKS OF THE SHERIFF OF PERTHSHIRE.

[THE EDITOR, having been impressed with the conviction that much interesting information might still be gleaned among the Records of the Burgh of Perth, relative to the Gowrie Conspiracy, applied for leave to examine the Books and papers of that ancient City. Immediate access was most liberally granted by the Lord Provost; and the Town Clerks readily afforded every facility, for this purpose; but, owing to the very neglected state of ancient Records, common to almost all the Burghs of Scotland during the last and preceding century, the greatest part of the old Papers, such as Royal Letters, &c. (with the exception only of Title-Deeds and other important writings) had been allowed to be destroyed, as useless lumber. The Council Records and Court Books were, according to the usual custom of Scotland, at the commencement of the seventeenth century, kept very briefly. What follows, is all that bears upon this question, of any general interest. The same facilities were politely afforded, towards examining the Records of the Sheriff's Court. These, however, only notice the appointment of the new Sheriff and his deputy, an abstract of which also follows.]

(1.)

CURIA CAPITALIS BURGII DE PERTH, tenta in pretorio ejusdem, sexto die mensis Octobris, anno domini millesimo sexcentesimo, per Alexandrum Blair juniorem apparentem de Balthiok, Prepositum dicti burgi, Oliuerum zoung, Constantinum Malice, Andream Ray et Thomam Johnestoun, balliuos eiusdem; affirmata.

Quhilk day, conuenit within the Counfall (houfe) of the burch of Perth, the auld Counfell of the famin, viz. James Drummond, Robert Anderfon, Patrick Blair, Mr Henrie Anderfone, Walter Gray, Williame Hall elder, Patrik Grant, Gabriell Marfar. DECANES of craftis, Johne Ogilbie, Williame Jak, the said Patrick Grant, Andro Cudbert, Williame Mathie, David Rynd, Williame Robertfone, Alexander Farie. Quhilkis persones aboue writtin, being conuenit for electing of thair Magistratis, according to the ordour; Comperit the said Oliuer zoung, baillie, and producit his Maiesteis clofit Letter; of the quhilk the tennour followis.

¹ There are other two entries; one payment of L.5, 6s. 8d. to proclaim the Letters at Linlithgow, Stirling and Glasgow, and another of L.3, 6s. 8d. for proclaiming at Couper in Fife and Dundee. Other payments are made in January 1601, declaring, that whoever should detain any of the King's hounds 'raikit away,' should 'incur his Maiesteis indignatioun.'

REX,

TRUSTIE freindis, We greit 3ou hartlie weill. Haiffing pruiif and experiance of the loyaltie, affectioun and gude feruice of 3ou, the present Prouest, Bailleis and Counsale of þat our bur^t of Perth, We are nawayis myndit that 3e fall be alterit, at þis tyme of 3our electioun approcheing: And thairfoir, haif thoct gude to will and desire 3ou, with sic of 3our nichtbouris as hes wote in electioun of Magistratis within our said bur^t, to continew 3ou and euerie one of 3ou in 3our particular offices within þe same, without alteratioun or change; quharby We may haue a forder testimony of 3our gud will, honest dewiteis and feruice. Sua We commit 3ou to God. Frome Brechin, this xxviij day of September, 1600.

(Sic subscribitur)

JAMES R.

(Indorsed) To our trusty freindis, The Prouest, Bailleis, counsell, decanes of craftis, and vtheris baiffand wote in the Electioun of Magistratis, within our bur^t of Perth.

Quhilk being red, the saidis Prouest, counsell and decanes, all in an voce, bot wariance, obeyit his Majesteis Lettir, with all hartie gud will; And thairfoir, continewis the present Prouest, baillies and Counsell, for the 3eir to cum. And becaus of the departour of Oliuer Peblis and of Andro Henderfone, quha is regiftrat at the horne and fummond for Treasoun, the Counsell, be moniest woittis, hes electit and chosin Adame Anderfone and Gawyn Dalzell to be in thair places, for filling of the Counsellis number.

(2.)

(1601, Sept. 14.)—ORDANIS the Bailleis to ward Andro Henderfone, Chalmerlane, as cautioun for Thomas Broune, for x li. money of Bludie-wytt, committit be the said Thomas to James Stirling, wpone the fyft of September instant.

(1601, Nov. 2.)—Allowis of the spyce and wyne gyffin be the Deane of gild to my Lord and Lady Athollis, quhilk extendis to four pundis xj. f. iiij d.: and to pay himselff of the first casualties in his hand. Allowis also to Andro Arnot baillie, of the spyce and wyne giffin be him to Mr Patrik Galloway, Alexander Peblis and Oliuer Colt, quhilkis extendis to sewin pundis sex schillingis; and ordanis the thesaurar to repay to him agane.

(1608, Aug. 4.)—The Counsell hes ordanit, that the fyft day of August¹ and the fyft day of November, be perpetuale kepit heireftir, for his Maiesteis preferuatioun, according to his Maiesteis desire; becaufe thir tua dayis are preceillie kepit in England and Scotland.

(1611, Jul. 23.)—PROCLAMATIOUN *anent the v day of August*. Ordanis the fyft day of August to be solemlie kepit; and the proclamatioun to pas about the toun, viz. 'FORSAMKILL as, feing it pleist God, of his great mercie, to gewe delinerance to our fonerane lord the Kingis Maiesteie, frome that conspyred Trestoun, within this burch, aganes his Maiesteis maist sacred persone; it becumis ws thairfoir and his gude subiectis to reioyce and be thankfull thairfoir. I thairfoir command and charge, that all the inhabitantis within this burch and suburbis thairof, this day, as being that day of the moneth quhairon his hienes wes deliuerit, gif testificatioun of thair joyfull hartis, by resorting to the hering of Godis word, at the ringing of the bellis, by setting out of bonfyris, and all wther godlie declaratioun of thair willing and contentit hartis.'

(3.)

CURIA CAPITALIS VICECOMITATUS DE PERTH, *tenta in pratorio ejusdem, ultimo die mensis Septembris, anno domini millesimo sexcentesimo, per honorabilem Guilielmum Murray apparen. de Tullibardyn, Viccomitem principalem dict. vicecomitatus. Sectis vocatis, Curia legitime affirmata; idque virtute literarum Commissionis, f. d. n. Regis, quorum tenores sequuntur.*

JAMES, be the grace of God, King of Scottis, to all and findrie our leigis and subiectis, quhome it effeiris, to quhais knowlege thir our Letteris fall cum, greting: Forfamekill as, þe office of our sche-

¹ Previous orders exist, in these Books, relative to the observance of the day. The present was selected, as showing the continuance of the custom for a number of years.

refschip of our scherefdome of Perthe presentlie vaikis, be deceis of vmq^{le} Johne Erll of Gowrie, quha vorthelie sufferit deathe, in pe actuall executioun of ane horribill and vnnaturall Conspiracie, intendit aganis our awin persone be him; and feing, pat our leigis and subiectis, inhabitantis within our said scherefdome, and vpairis hawing enteres to fuit justice, befoir our schereff of Perthe, ar graittlie prejudgit, throw pe want of an schereff to minister justice vnto pame: As also, feing pat pe heid Court of our said scherefdome now schertlie approcheis: And We, willing pat pe samyn Court salbe haldin, and all thingis proper to be handlit and done in pat judgement, at that tyme, salbe formalie and dewlie profequite and followit furth, as accordis: Thairfoir, We have maid, constituit and ordanit, and be pe tennour heiros, makis, constituitis and ordanis our veil-belouit Williame Murray, appeirand of Tullibardin, our Schereff of our scherefdome of Perthe, &c. &c. Gewin vndir our signet, and subferyuit with our hand, at Dundie, pe tuentie-sewint day of September, and of our regne pe threttie-four 5eir, 1600.

(Sic subferibitur) JAMES REX.

LENOX. HUNTLEE. MAR. COMPTROLLER.
SECRETAR. JO. PRESTOUN. MR ALMUSER.¹

THE Schereff foirsaid, hes nominat and creat Mr Johne Moncreiff of Eister Moncreiff schereff-deput of pe said scherefdom of Perth,² Alexander Campbell and Johne Murray, officearis; quha being present, hes gewin thair aithes for dew and lawchfull administratioun of thair offices, ay and quhill thai be difchaigrit.

No. X.

EXTRACTS from the RECORDS of the CITY OF EDINBURGH.

Sexto Augusti, 1^m.VJ^o.—THE quhilk day, ALEXANDER LORD FYVIE, President, Proveist of this bur^t, Williame Maull, Richerd Doby, Thomas Fischer and Thomas Geddes, bailzeis; David Williamfone, deyne of gild; Johne Jakfone, thefaurer; Henrie Nesbit, Roger M^cNacht, Johnne Moriefoun, Williame Hammitoun, Robert Hereis, Williame Speir, Archibald Adiefou, David Hammitoun saidler, Robert Cokkie goldfmyth, Patrik Sandilandis deacone of the tailzeouris, Robert Bannatyne deacone of the skynneris, David Heriot deacone of the goldfmythis, and Andro Scott deacone of the chirurganes. My Lord Prouest exhibit and causet be red before thame, and in presens of Mr Robert Bruce, Mr James Balfour, and Ministeris of this bur^t, ane Lettre Misfue direct from Falkland to his lordschip, be David Moyfes writter, declayring, at lenth, the forme and maner the tressonabill Conspiracie intendet be vmq^{le} Erle of Gowrie and Mr Alexander his brother, for inythoring of his Maiestie in the said lordis hous, yisterday, at afternone, the fyft of this moneth; and how his Maiestie, be the Prouidence of God, escaippet the samyn. And als, producet ane vther Lettre, presentet be Sir Patrik Mvrray, direct be his M. to my Lord Chancellare, anent the sam mater; and bering ane command to the Ministrie, to conveyne thair flokis, and pray to God for his Maieftis delyuerie; and als, that the Castell fuld schwitt thair haill ordinance; and the haill bellis of this bur^t fuld regne, for joy of his Maieftis preservatioun. QUHILK being red and publikt to the said Ministeris, beand personallie present, thay tuik thame to thair advysement; and the said Prouest, Baillies and Counsell, for thair partis, thanket God for his Maieftis preservatioun; and ordanet that the haill bellis of this bur^t fuld be rung, and bayne-fyris fet furth. And appoyntes Thomas Fyfehear and Thomas Geddes to pas to the Secreitt Counfall, and declair to thame the tounis mynd; and to inquire quhen the said bellis fall ryng, and quhow lang.

(Aug. 6.)—THE said Prouest, Baillies and Counfall, beand convenit, at afternone, fyndis expedient,

¹ The Master Almoner.

² The preceding entry is dated Aug. 2, Mr Johne Moncreiff being Sheriff-depute. His reappointment is of course dated Sept. 30, 1600.

and ordanis, that Thomas Fyfehear and Androw Scott be direct to Falkland, to his Maieftie, with thair Lettre Miffiue, to congratulat his Maiefteis delyuerie, requyre his Maiefteis owercoming, and to offer the tounis feruice.

(Aug. 8.)—The Baillies, deyne of gild, thefaurer, and maift pairt of the Counfall, beand convenit, vnderftanding that his Maieftie is to cum ower the watter on Monunday nixt.¹ Thairfore, fyndis expedient, that the haill Counfall meitt his Maieftie the faid day, in thair beft armour; and ordanis at the nichtbouris be wayrnet to that effect, ilk perfoun vnder the payne of xx li.

(Aug. 15.)—The Baillies, thefaurer and maift pairt of the Counfall beand convenit, ordanis Johne Jakfoun thefaurer, to pay to Thomas Fyfehear baillie, the fowme of twenty-ane pundis xj f. for the expenffis deburfet be him and Andro Scott to Falkland to his M. be directioun of the Counfall, and for thair expenffis maid at his Maiefteis landing at Leyth.

(Oct. 3.)—Item, to pay to the lokman,² xlvi f. viii d. deburfet be him for transporting of the buittis fra Falkland to this bur.³

(Nov. 28.)—Ordanes Patrick Eleifs thefaurer to pay to the pephereris and tua extraordiner drummeris nyne merk, and to the townes twa fwafcheris, sax li. fyve f. for thair feruice at this laft Parliament; quhilk falbe allowit to him in his comptis.

NO. XI.

EXTRACTS FROM ROBERT BIRREL'S 'DIAREY.'⁴

The 5 day of Augufte, his M. the King, being invittit be the Earle of Gowrie to bankit with him, in the faid Earle his hous at St Johneftoune; the faid Earle and his brother bearing, or haueing malice and deidlie hatred in thair haitis, aganis the King, thair naturall Prince; thair haid devyfit a way to haue tane his lyiff: Bot the Lord preventit ther intentioun. The maner of the Conspiracie wes—Quhen they fund occatioun that his M. haill Nobillis and courteouris wer gone furthe, the twa brether defyrit his M. to goe and fie thair cabinet. His M., a blif fould! thinking of no ewill, went with thame, quhair they enterit in grips with him, with dageris, to haue flaine him. The King of Kingis, the great God, gaue him ftrethe, fua that he cuift the M^r of Gowrie vnder his feit; and befor the Lord his brother come to his M. he cryit our ane window, 'Trefone! Trefone!' In the maue tyme, the foirfaid twa brether had ane mane, ftanding behind the tapeftrie, in armes, with ane twa-handit fword in his hand; quha wes ordeinit, giue thair fould come any helpe, he fould come furthe and keipe the dair till the Murder fould be done. Bot it pleafit God that he wes maid powerles, and could not ftir out of the place quhair he fluid. In the meine tyme, that hes M. and the twa brether are at the wriffelling, Thomas Erkeine and Johne Ramfay, hes Ma. Page of honour for the tyme, come rinnig vpe to the cabinet, quhair thair presentlie wes hand payment. At the leift, the twa brether, Confpyreris of his M. baithe wer ftikit; and the Lord preferuit the holy, innocent Prince.

(Aug. 6.)—The newis come to Edinburgh, the 6 day of Auguft, that his M. had efcappit fic ane danger; quhairat, thair wes fic joy, that the cannonis fehott, the bellis range, the trumpettis foundit, the drumes ftrak. The toune raife in armes, with fhutting of mukettis, cafting of fyir-workis and baill-fyirs fet furthe, in fic maner, the lyik wes nevir fene in Scotland, ther wes fic daunceing and mirines all the nicht.

(*Eodem die.*)—The fame 6 day, in lyik maner, the Earle of Montrois being chanfeller, the Mafter

¹ 'The morne' deleted, and these words interlined.

² The public executioner. Down to a pretty recent date, this officer had a right to his *lock*, or dishful of meal, out of every sack exposed for sale in the market of Edinburgh. This odious tax was afterwards commuted.

³ This functionary is again sent for, with the buittis, on Apr. 16, 1602, by warrant from his Majesty. They are ordered to be sent at the town's expenses; and accordingly the Treasurer is desired to defray the Lockman's charges, until his return with his infernal instrument. The punishment of 'the buittis,' therefore, can scarcely be supposed to have been very frequent, when the pair belonging to the City of Edinburgh was the only pair to be had. Other entries, in the Town Council Records, prove this fact clearly.

⁴ From Original MS. Adv. Lib. Edinburgh.

of Elphingtoun thefaurer, Sir David Morray comptrower, Sir James Elphinstoune secretar, Sir Johne Prestoun collectour, with fundrie wtheris Nobellis, went to the Croce of Edinburgh; and thair, hard Mr David Lyndefay mak ane orifone, and the hail peiple sett doune on thair kneis, gifing thankis to God for the Kingis deliuerance out of sic ane grait danger.

(Aug. 11.)—The 11 day of August, being Monday, the King came owir the watter. The toune, with the hail fubarbis, met him vpon the Sandis of Leithe, in armes, with grait ioy and schutting of mufcattis and thaking of pickis. He went to the Kirk of Leithe, to Mr David Lyndefays orifone. Thairefter, the toune of Edinburgh haueing commit vpe to Edinburgh, and standing at the Hie-gaitt, his M. past to the Croce, the Croce being hung with tapestrie, and went vpe thairon, with his Nobillis. Mr Patriek Galloway, being thair, made ane Sermon vpon the 124 Psalm. He declairit the hail circumstance of the Trefone proposit by the Erle of Gowrie and his brother: Quhilk, the King testefeit be hes awine mouth, sitting vpon the Croce all the tyme of the Sermon.

(Aug. 12.)—The next day following, at 6 houris at evine, the ffywe Ministeris of Edinburgh banisclit, be oppine Proclamationne and found of trumpet, at the Croce; for not afirment the Kingis wordis, quhilk he ratifiet at the Croce: Thair names, Mr Robert Bruce, Mr James Balfour, Mr William Watfone, Mr Walter Mackankwell, Mr Johne Hall; and chairget thame, that thai com not within tene myllis to his M. nor within ten myllis to Edinburgh; and chairging thame not to teiche and preiche, wnder the pane of daithe.

(Aug. 13.)—The 13 day, ane Proclamatioun, dischairging the Sessioun of the Kirk to fitt with the Elders and deakinis, wnder the pane of horneing and denouncing thame hes M. rebellis.

(Eodem die.)—The 13 day, ane wther Proclamatioun, chairging the hail name of Ruthen not to come neir the King, within tene myllis, wnder the pane of Treassone.

(Aug. 22.)—The 22 of August, thair wes execut in Perth 3 of my Lord Gowreis feruantis, viz. Mr Thomas Cranftoun, George Craingelt and ane callit Barroue.

(Aug. 28.)—The 28 of August, the hail freindis, tutouris and curatouris, and bairnis, pretending any richt to the Earldome of Gowrie, fummoned to compeir to the Parlement, the first day of Nouember.

(Sep. 10, 11.)—The 10 and 11 dayis of September, the Minister(is) accusit before the King and Counsell, in Stirling; at quhilk tyme, thai got leuwe to come hame, bot not to preache within the toune.

Mr Robert Bruce commandit to remane in Earth (Airth.) Thairefter, the said Mr Robert Bruce commandit aff the countrie, yitt he remanit the space of 4 dayis; and thene he wes chairgit, that he come nather in Scotland, England nor Ireland.

(Sep. 30.)—The last of September, the King commandit that the fyft day of August fould be keipit as ane soleme day, with preiching and pryer, and thanksgivinge, for hes preservatioun from the Treassone of Gowrie, and his brother and his compleffis.

(Oct. 9.)—The nynt of October, ane Proclamatioun, chairging all thame of the name of Ruthane to pas out of the cuntrie; in speciall, Alexander, father brother to the said Earle, and the said Earle his twa brether.

(Nov. 3.)—The 3 of Nouember, Mr Robert Bruce tuik fea and maid fail at 10 houris at evine, efter he had gotten fundrie chairges to pas out of the cuntrie, wnder the pane of Treassone.

(Nov. 15.)—The 15 of Nouember, being the ryding-day of Parliament, the Earle Gowrie and his brether, and his fathers brother, with twa other and his muncreis¹ of their dependers all forfaulted.

(Eodem die.)—The same day, Sir Thomas Erken maid Lord of Direltoun, Johne Ramsay and Hew Hares knychtit, and Sir Thomas Erkenis man made gentleman.

(Nov. 19.)—The 19 of Nouember, the Earle of Gowrie and his brother haulit² to the gibbit and

¹ This seems unintelligible. The other MS., in Advocates' Library, reads 'mantles,' which by no means clears the matter. The scroll from which the MS. was copied, probably read 'hev muncreif,' (Hew Moncrief,) which had been written so indistinctly as to puzzle the transcriber.

² Hauled, dragged in a hurdle.

hangit and quarterit : And thairefter, thair twa headis fet vpoun the haid of the prifone-hous ; thair to stand quhill the wind blaw thame away.

(Dec. 19.)—The 19 of December, thair wes banifchit of the Ministrie Mr Williame Vاتفone, Mr James Balfour, Mr Valter Balcanquell.

(Aug. 5, 1601.)—The 5 day of Auguft, keipit holy day, with pretching baith befor none and efter noon in all the Kirks of Edr. Bail-fyris fet out : Graitt merthe and joyfulnes, for hes M. prefervatioune frome sic ane danger, as the Lord preferue him fra the lyik.

(Nov. 18.)—The 18 day, ane Proclamatioune maid, that all thame of the name of Ruthane fould change thair names ; and that thai come not neir the King be 10 mylles, wnder the pane of Treffone.

No. XII.

EXTRACTS from FLEMING'S CHRONICLE.—MS. Advocates' Library.

(May 20.)—The Erll of Gowrie come to Perth, efter fewin 3eiris peregrinatioun in wther cuntreis.

(Jun. 28.)—The executioun of David Drummond, for the slauchter of George Ramfayis man ; the first Justice Court that ewer Johne Erll of Gowrie held, efter his returne.

(Aug. 5.)—The Slauchter of Johne Erll of Gowrie, and Mr Alexander his brother, in the Erllis awin ludgeing in Perth, be Johne Ramfay and Doctour Heres, his Maieftis feruandis. Praifit be God ! the King wes faiff fra thair intendit Treafone aganes his facred perfone. The toun knew nothing till the commoun bell rang.

()—The Toun of Dundie being aduerteifit, come all wp in armes to haive spoilzeit the burch of Perth ; bot praifit be God, the King knew the toun of Perthis part to be frie.

()—Mr Thomas Cranftoun, George Craingelt and Johne Barroun, feruantis to the Erll of Gowrie, wer hangit at the croce of Perth, for art and part of the Conspiracie.

(Sep. 29.)—Thair wes bonesyres fett furth in Perth, and all partis of the cuntrie, for his Maieftis deliuerie from that Treafone ; and preiching appointit ewerie Tuifday in ewerie burch.

(Oct. 30.)—The coirpis of the Erll of Gowrie and his brother wer transportit to Edr, to the Parliament, to be hauldin the first of November ; and wer foirfaltit, the xj of November.

()—Johne Ramfay wes knychtit of West Barnes, and Hew Heres of Cowlland.—Sir Thomas Erkyne maid Lord Dirltoun.

()—Andro Henderfone fett to libertie, and receivit his office of Chalmerlanrie.

(15 Aprilis, 1601.)—The Kingis Maieftie come to Perth, and wes maid burges at the mercat croce. Thair wes aucht punfcheonis of wyne fett thair, and all druckin out. He reffaut the banquet fra the toun, and subferiuit the Gilde-buik, with his awin hand, ' JACOBUS REX, parcere fubiectis et debellare fuperbos.'

No. XIII.

MEMORIALS of DISCOURSES, SERMONS, and ORATIONS, delivered immediately after the Occurrence of GOWRIE'S CONSPIRACY.

[A GREAT variety of Orations, &c. delivered on the occasion of the Conspiracy, have been printed, both in Scotland and in England, on the recurrence of the anniversary. It has been thought of considerable importance, towards elucidating this subject, to print such of those memorandums of Original and

unpublished Discourses, as have been preserved by the indefatigable Calderwood and Wodrow, in their MS. Collections. They undoubtedly contain the very expressions made use of by various of the orators, who then addressed the people, so recently after the occurrence took place. The intrinsic curiosity and value of these specimens of popular oratory, cannot fail to be appreciated, independently of their connexion with the immediate object of their introduction in the present Collection.]

(1.) DISCOURSE ON PSALM CXXIV. BY MR PATRICK GALLOWAY, *one of the Ministers of the King's Household.*

[THIS Discourse was delivered at the Cross of Edinburgh, in presence of King James, on Monday 11th August, 1600. On that day, his Majesty crossed the Firth, and landed at Leith; when, to use the words of a contemporary writer, 'The citizens of Edinburgh were attending upon him in their armes. Mr David Lindfay, minister at Leith, takes him to the kirk, exhorteth him after thanksgiving to performe his vow, made before times, of performance of justice; at which words he smyled, and talked with these that were about him, after his unreverent manner of behaviour at sermons. Thereafter, he went up to Edinburgh, and sat upon the merkato-croce, cloathed with tapestry, accompanied with some of the Nobility, where Mr Patrick Galloway made a sermon to the people convened about the cross and the King, in harangue, both tending to persuade the people that Gowrie and his brother had verily conspired the Kings death, and were slain in the execution of the interprize.'—*Calderwood's History*, MS. Adv. Library, Vol. V. p. 393.—This and the other Discourse by Galloway have been often referred to, by writers on the subject of the Gowrie Conspiracy. It is probable that the first of them contains all that was delivered at the time; and the Sermon, to which the other 'harangue' served as the Application, does not seem to have been preserved.—See *Bannatyne Club Miscellany*, Vol. I. p. 141.]

DAVID, the King, composit this psalme, efter that he had bein freed fra the grit danger of his deedlie enemies. In it, he dois thrie thingis especiallie,—[he] fettis doune his danger, his delyuerie fra the danger, and his thanckfulnes to God for his delyuerie; and in sick fort, that almost all the thrie is includit in euerie verse. His danger was this, that he had fallin into the handis of men, and men oulie, naturall men, that had not ane spunk of grace, or of that spreit; and the thing that agregis¹ his danger, is the properties of thir men, crueltie and craft; quhillk becomes rather bruit beistis then men. Their crueltie is fett doune be tua comparisounes, ane taine fra beistis, ane other taine fra the watteris;² fluidis, proud and fuallein, that with thair force caries with them euerie thing that is objected to thair force. Thair craft is fett doune, be ane similitude, tane fra the fouller, quha be his craft oucoueris the poore foull with his nett and catchis it. This is the danger Dauid was in! Or I gang foruard, I obserue ane lessoune, and that for your Majesties vse. Sir! I fie this is not the first tyme that kingis, good kingis, euen kingis quhome the Lord hes chofin according to his auin bert, hes fallin be Godis permissioun, vnto the handis of men, men cruell and craftie, and hes bein delyuert also fra thame. But quhairto? Not to the end, they fuld leif according to the fassoune of the world, bot that they fuld be new men, and schau ther gratitude to God, as Dauid did; heiroy, quhillk we fall speick heirefter. As to his delyuerie, it wes not fra man bot fra God, and therfor he opinlie proclames, that excep the Lord had bein with vs, men had fuallouit him vp, according to the fassoune of beistis; and therfor, he

¹ Aggravates. ² In the manuscript the letter *v* is generally substituted for *w*; thus, 'watteris,' for 'watteris,' &c. 'with,' for 'with,' &c.; a peculiarity, which it is not thought necessary should be here adopted.

tackis him to God, quhilk is his gratitude, and ascryves his delyuerie halie to him, quhil he fayis, ‘our help is in the name of the Lord.’

This, schortlie, concerning the danger that Dauid was in; his delyuerie, and his thanckfulnes for his delyuerie. The lyck caus we haue in hand, presentlie. Our King, our Dauid, our Anointed, has bein in danger deedlie, and is delyuerit, praised be God! For the quhilk, baith he, and ye, and we, hes occasioun to be grate and thanckfull to the Majestie of God, the delyuerer. As to his danger, it is lyck Dauidis, he fell in the handis of men, and men onlie: For, as to that man GAURIE, let nane thinck, that be this tratourous fact of his, our Religioune hes reffaut onie blot; ffor ane of our religioune was he not, bot a deip diffimulat hipocreit! Ane profound Atheist! Ane incarnall deuill, in the cot of ane Angel! As is maist euident, bayth be this tratourous fact, quhilk he had attemptit; and also, be findrie other things, quhilk we have receaut be his familiaris, and the maist deir and neir of his freindis; as the bookes quhilk he ufet, quhilk preiffes him, plainlie, to have bein ane studier of magick, and a conjurer of deuillis, and to haue had sua monie at his command. His maner of living out of the countrie, in hanting with papistis, yea the Pape himself; with quhom he had not conferance onlie, bot farder, hes maid couenand and bandis with him: As appeiris verie weill; for sen his hame comming, he has treuellit maist eirnestlie with the King, and his Majestie hes receaued fra him the hardest affalt, that euer he did, fra him; I say, to reuolt fra Religioune; at leist, in inuair sinceritie, to interteine purpose with the Pape, and he himself promeisit to furneis intelligence!—Wes sick ane man of the religienne? Or can onie man say that our religioune is stamed, be the doings of sick ane man? Na not! He wes nothing but ane man; and our Dauidis danger wes, that he had fallin in the handis of men. Nou, that ye may knau the danger the better, I fall receite the historie to you; enen as it wes befor my God, quha ane day salbe my Judge, as he sal beir me record, and befor my Prince and Soweraine, and befor yow all, quha ane day fall stand vp and beir witnefs agans me, in cais, in ony point, I lie.

On Twyfday last was, Alexander Ruthven cam to Facland to his Majestie, and fand him at his pastyme, and defyrit him to ga to St Jonstoun; and sua, he leidis him fra Facland to Perth, as ane maist innocent lamb, fra his palice to the slauchter-hous. Thair he gettis his denner, ane cauld denner, yea, ane veri cauld denner! as they kend quha was thair. Efter denner, Alexander Ruthven leidis his Majestie up ane turnpeyk, and throuch ane trans, the dore qubairof, sa sone as they had enterit in, chekit to with ane lok; then throw ane galery, quhais dore also cheket to; throw ane chalmer, and the dore thairof cheket to also; and, last of all, bringis him to ane rounde, skairs fax feit breid, and fax feit weyd, and the dore thairof he lokkit also; in the quhilk, their was standing ane armit man, with ane drawin dagger in his hand, to have done this filthie turne, the maist unnaturallie, and contraire that dutie quhilk we aw to Princes. Then Alexander coweris his heid, and says, ‘I am fuir thy hairt accusis thé now! Thow was the deid of my father; and heir is ane dager to be awengit upon the for that deid!’ Now, judg ye, guid people, quhat danger your Dauid was in! quhen, as ane innocent lamb, he wes closit wp betuix twa hungerie lyounis, thrifing for his blud; and four lokks betuix him and his freindis, and his servandis; sua that they nicht neither beir nor harkin him. This was his danger! But quhat fort of delyverie gat he? It was holy miraculous, altogether to be ascrywit to God, and no part to man! And amang mony that occurrit, I fall poynt out unto you fyue or fax circumstances, quhilk ye will all call and acknawleg to be miraculous! And first, his Majestie, standing betuix twa armit men, without all kynd of armour, hawing nathing on but his hunting-horne about his neck; quhen he, at his entry, fuld have bein astonisheit at the sight of ane armit man to tak his lyf, yeit, on the contrair part, this man was sa astonisheit at his sight, that he nicht nether moue fute nor hand: Was not this miraculous? But yeit, farder, quhen Alexander had tane him be thegorget, and had haldin the dager to his breist, not twa vnce (*inck*) fra it, sua that their was skers twa vnce betuix his deid and his lyf; yeit, ewin then, be his gracious, christiane, and maist lowing wordis, he ouercame,

the traitour. The wordis wes this: ‘Maſter! conſider that ye ar ane Chriſtiane; and farther, that hitherto ye haue bein tranit wp in the principallis and groundis of Chriſtianitie! And then couſidder, Maſter, how ye wes brocht up in the ſchuill, quhilk hes fend fo mony noble and haly youth, the Colledge of Edinburgh, vnder Mr Robert Rollok, that haly man, and maiſt worthy of all gud memory, quha wald never haue teichit yow to put hand in your Prince! And laſt of all, Maſter, ſuppois ye taik my lyf, nether ye nor your brother will be King efter me; ye (yea), the ſubjects of Scotland will ruit yow out, and all your name!’ Thir wordis ſua movit the hart of the traitour, that he beguith to enter in conditionis with the King, and maid him fueir (quhilk he alſo did) that all theis thingis ſould be forȝeit; and that efter, he ſuld ever be ſaworable to him and his brother: And ſua, he gaid forth to his brother, fra quhom he reſavit commiſſiounne to diſpach him haſtely. He then coming wp agane, brings ane pair of ſilk gartanis in his hand, and efter he had lokkit the door, ſayis, ‘Tratour, thou man die! And thairfor lay thy handis together, that I may bind thé:’ To the intent, na doubt, that he being bund, thei nicht haue ſranglit him, and caſtin him in a coif, or pit, quhilk thei had preparit for that uſe; that na blud being found, his freindis nicht niſs him without ſuſpiciounne, and not witt quhair to ſeik him. Now heir is the thrid miracle! The King anſueris the traitour, ‘I was borne ane frie Prince! I have liſt hetherto ane frie Prince! I ſal never die bund!’ With this, every ane of them greips to vtheris gorgetis, quhill in waſſling the King ouercoms, and getis him under him. Now is not this miraculouſ? Will ony conſider it? The Maſter of Gourie, ane able young man, in comperifounne with the King, I am aſſurit had ſtrength doubill, yea and threfald greiter nor the King, and yeit is ouercome and caſtin vnder. Quhill thei ar thus worſling, up comes John Ramſay, be the black turnpyk, and at the Kings command, gives the Maſter ane deid ſtraik. Now yeit ane miracle! My Lord being in the cloſe, quhen he hard that the Maſter was ſlayne, ſa he had bewiehit the hartis of thir people of Parth, be the counterfeit vertewes he had begun to kyth among them, that gif he had cryit, ‘My brother is murtherit!’ the ſame people had ſaikit that ſame haill hous: Bot yeit, ſa the Lord directis be his Providence, that he coms vp the ſteir, immediatlie, with aucht with him: And mark, how that ſame word quhilk thei had preparit to be ane word for the keiping cloſ of thair knavrie, God vſit as ane mein for the preſervatiounne of the Prince: For thei had appointit this for their wachword, ‘The King is gane to the Vuice!’¹ Quhilk word his ſervandis heiring, ran about to meit his Maſteſtie in the Vuice; and going by the window, quhair the King and the Maſter was worſling, hard the Kings ſkreichs and cryis; quhilk hes tane ſic impreſſiounne in their hairt, that, ſa long as they leiſ, will never gang out of them, and is heir ſitting to beir witneſs to it. The cry was, ‘Treaſounne! Fy! Help, Yearle of Marr! I am murderit!’ The Kingis ſervandis heiring his cryis, incontinent cumſ vp this black turnpyk: Now yeit ane miracle! Into the chamber with the King is only four; twa ladis and twa men, and ane of the men mutilate:² My Lord, ane man weill exerceiſit in his arms, coms vp, and aucht with him; and at the firſt, calſ vp all thir four in ane nuik;³ and never ſtayis, quhill Jone Ramſay chancit to cry, ‘Fy upon the, cruel Tratour! Hes thou not done evil anuch ells? Thou hes gotten the Kingis lyf ells, and wald thou have ouris to?’ At quhilk ſpeiche, he drew ane lytle bak; and in bak-going, he gat the ſtraik quhair of he deid.

This is the vary [trewth] of the fact, quhilk I haue reſavit, (not be the Kingis Maſteſtie,) bot be him quha ſuld haue bein the doar of the turne. He is livand yeit; he is not ſlaine; ane man weil anuch knavne to this tounne; Andro Henderfounne, chamberlane to my Lord of Gourie. This day I reſavit ane letter fra him, wrytin be his awin hand, ſubſcryvit be his awin hand: Ony man that wald ſie it, come to me, and ſie gif thei can knaw his hand-wryt, for their ſatiſfactionne. The tennour of the letter is this: ‘It is of treuth, that on Twyſday laſt, I was commandit be my Lord of Gourie, to ryd with his brother to Falkland; fra the quhilk he fend me bak againe to tell my Lord, that the King

¹ The South Inch of Perth.

² ‘Dr Herries,’ Sir Hugh Herries of Couſland had a club foot, which would of courſe impede his motions in fencing.

³ At the firſt onſet or aſſault, forces or drives them up into a corner.

was comming, and to bid prepar for his comming. My Lord commandit me to put on my secreit, and my plait fleif, and to wayt on the Master, and do quatever he bad me. At the Masteris lighting, I went to him, and tauld him of my Lordis command, quhilk I had refawit. He taks me with him up a turnepyk, throw ane trans, ane gabrie, and chamber, and loks me into the round that gois aff the chamber: at quhilk doing, I beguith to grow fleit, and suspect sum evil agans the King; and then I tuik me to my kneis to pray, that it wald pleis his Majestie never to suffer me to be imployit to sick ane turne: And quhill I was fetting on my kneis, Mr Alexander come into the round [with the King in his hand.] The rest of his narration differs almost nothing from this¹] quhilk ye have hard, according to the Kingis informatioun: This only, he felchew the maner how he chappit² to have bein thus: Quhen the King and the Master war worling, he opnit the dore and gaid doune be the black turnepye,—be the quhilk the Kingis servands came up, and saifit him.

This is the verity, quhilk will fatisfy ony gude subject; for as for thir romuris that gois, that the King was ane doar, and not ane sufferer; ane persewar, and not persewit, it is not true, nor lickly:—For think ye, hawin sick ane turne in his hand, he wald go to thair towne, in quhilk he was sa meikle esteimit, accompanyt with sic few folks, only ten persouns; and sic men, quha as I am assurit wald have bein content to have bled their hail blud with my Lord of Gourie, and it had not bein in ane actioun agaus the King! The Duik his good brother, the Yearle of Mar his good father, quha, at that unhappie and curfit tyme he was baptizit, gave him the name. As for sik as will not be fatisfit with this, let them perisich in their incredulitie: Their is evidencis anuch of the verity. Now, quhat am I that speikis thir thingis? Ane, (as I will prctest befor God,) quha lowit the Yearle of Gourie better nor ony flesch in the eirth, acceptis his Majestie.³

(2.) EXTRACT *from a SERMON on the Conversion of Zaccheus, Luke, cap. xix.*
By MR WILLIAM COWPER, *one of the Ministers of Perth.*

[THIS Discourse was preached in St Giles's Church, Edinburgh, Sunday, August 24, 1600. Cowper had been sent for, to preach in one of the vacant churches of Edinburgh, after the Ministers there had been banished from the town; as stated in Mr Bruce's Account of his Troubles at that time. The Application only of Cowper's Sermon has been copied, as being all that relates to this transaction. The MS. volume containing it, along with other of his Sermons, supposed to be in his handwriting, at one time belonged to the late Mr Scott, one of the Ministers of Perth, who has made particular mention of it in his History of John Earl of Gowrie. It had formerly been the property of George Adamson, and subsequently belonged to Mr James Cant, the well-known Editor and annotator of an old Historical Poem by Mr Henry Adamson, from whom Mr Scott obtained the MS.]

QUHAT fall we doe then, bot haue our recourse to that grace of Jefus Christ, that onlie is able to change vs? And especiallie, let vs seek it at this tyme, that now we abyde not in the hardnes of our heart, quhen the Lord, both by his word and works, is sa fast calling for our repentance; and I think, amongst all the works of God that feruis to humble us, this last miserable enent is one of the first.

I know there is mony of yow bot thinks of it as I did my self quhen I heard first of it: I thought, indeid, he had sufferit as ane innocent; and quhat greif then it wrought in me, my owne conscience beareth me record! The lose of an earthlie cretur went neuer so neir my heart. And the first thing

¹ In the MS., which is in a contemporary hand, with a few corrections, apparently by the author, some words are illegible; but are supplid from Calderwood who has inserted both of the Discourses by Galloway in his History.—MS. Hist. vol. v. ² Escaped. ³ Calderwood, mentions, that after the foregoing 'harrangue' was ended, they sung the 124th psalme; and makes the following remark: 'Mr Patrick Galloway his harangue did not perswade many, partly, because he was a flattering preacher, and partly, because others were named before Henderson to be the armed man in the studie; to wit, Oliphant, Leslie, and Younger, who was slaine.' Henderson is described as 'a man of low stature, rudie countenance, and brown bearded,' and the King himself being asked 'by the Goodman of Pitmillie, "whether Henderson was the man?"' Answered, That "it was not he, he [the King] knew that surick well enough."

that ever chiled my affectioun toward him, wes ane appeirance that he had gone without the compas of godlines;¹ quhilk maid me then to say thir words vnto my people; ‘ I know,’ said I, ‘ it is light that first mon satisfie your discontentit myndis; and, thairfore, the Father of Light fend light! Bot I am forrowfull from myne heart, that the light that is, maks against him quhom we loued; and if this light break out as it is begunne, we will find our selues disappoyntit of our hope!’ And that quhilk I spake than vnto thame, I speake presently vnto yow: ‘ The light, that hitherto God hes discouerit in that matter, enclynes to the cleiring of his Majesties innocencie, and layis ane blame on the other.’ And if ye craue my reffoun, I say, it is the testimony of his seruant, that presentlie is in prisoun;² quhilk, in my judgment, is mekle to be regairdit: For I haue knowen him now this four or fyue yeiris bygane, and can give him no other witnes, bot that quhilk both toune and countrie will giue vnto him; that is, the testimonie of a man that feareth God, and delt vpryghtlie with all men. And quhair as, some of yow thinks that he is bot ane suppositiis man, and that his Depositioun is rather a policie then any veritie; that is mair incredible to me, nor any other thing of this actioun vnto yow; and if my testimonie can haue ony credit with yow, I will beare to yow record, that it is verifeit vnto me by honest men of our toune, that he wes seene come down the stair from that chalmer quhairin the King wes, before ony of the Kingis seruants enterit vp, except only John Ramsay, or before my Lord enterit in. And quhat his Depositioun is, I will tell yow shortlie,³ &c. Now, [before] I leaue this, there is thrie thingis I will touch shortlie: The ane is concerning the bretherin of the Ministrie: This doing of myne may seeme to condampne thame in a fault; bot I hope no wise man will thinck so, quhen he considereth, that ane preachour may speake that with ane warrand, quhilk ane other may not. The nixt thing concernis his Majestie: We are to craue of God, that this wairning may work amendement in him, and a great caire to purge the countrie of the great contempt of the Gospell, and of the innocent blud, quhairwith it is defyled: For I saw neuer yet thir great temporall delyuerances fra danger, quhair they wrought not a turning of the heart vnto God, bot they were ay for-rinners of ane greater temporal judgement. And the last concernis yow that are his People: I exhort yow, in the name of God, to thinke reverentlie of your Prince; remembering, that Salomon binds your consciences not to speake ill of him, even in your secreit chalmers.

(3.) *The APPLICATION of the XXX PSALME, Prechit be MR PATRIK GAL-LOWAY, the last of August, 1600, befor his Majestie, in Glasgow.*

Now I suld end, gif I had not to let you sie, in the Applicatioun of this Psalme, that as Dauid and his pepill had than just occasioun to prais God, sa our Dauid and we haif now just occasioun to prais God: Dauid than in danger, our Dauid has now bene in danger; Dauid than delyuerit in the heich mercie of God, our Dauid now delyuerit in the heich mercie of God. Now, the Lord of Hevin, that is present with us, as he has gevin us proif of the ane, sa mot he gif us the proif of the wther, that we may be thankfull for this great grace; for, concerning the danger, Dauid was neuer in gretar danger nor our Dauid; his delyuerance, neuer mair magnificent than the delyuerance of our Dauid; and thairfor, we haif as just occasioun, as euer Dauid had, to prais God. Tak tent then; I think thair is heir na small number that neuer hes hard the danger quhairin the Kings Majestie has bene in; or gif thair haif hard, than haif thair hard a poysontit wntreuth. Thairfor, to cleir the treuth, I will thaw yow the storie trewlie.

His Majestie, be persuasioun of the Maister of Gaurie, was led fra his pastyme to Sanct Jhouestoun, (tak tent that ye may efchew fals informatioun!) Quhen he comis thair, and enteris in my Lordis

¹ This, Mr Scott, in another place, asserts to be ‘ the Earl’s being infected with the weak and eriminal credulity of those times, with regard to pretended Prophecies and use of Enchantments. That he was so infected seems to be incontestable.’ ² Alluding to the evidence of Andrew Henderson. ³ The Deposition of Henderson is not contained in the Manuscript, but it had been read to the people at this place; at least an abstract of it would be recited.

Judging, efter ane cauld denner, and ane far caulder welcome, his Majestie is tane be the hand be the Master of Gaurie, and led wp ane stair, thre or four durris all lokit on his bak, nather friend nor servant with him; and thair is fitting a man, preparit to joyne with the wther, to the tressonabill murdering of his Majestie! Quhen he is fet betuixt these twa, the Master of Gaurie, a vyll traitour! na foner cumis the King in, but to testifie that all reuerence of a Christian to his God, and of a subject to his prince, was strampit wnder fute, he puttis on his hat, drawis his dager,¹ and fays, ‘ I fall now be avengit on thé for my fatheris slauchter.’ But the Lord flayit the dager, that he duelt not sryk with it. Quhen the ire of this traitour was sumthing mitigat, be the Kingis modest language, he gois out, leifing the wther man to keip him; appeirandlie, to get furder resolutionn of his brother. Agane he cumis in, as a wod lyoun, and enteris wpon his Majestie, with his gartanis to bind him. Nobill men, and citizens of St Jhonestoun, hard his Majestie cry, ‘ Tressoun! I am mureidreit!’ as the voyce of ane half deid man. Let vyle knavis fay athort the cuntrie quhat they will, this is the treuth! I ken weill thair is mony furmises of the pepill castin in withal, to breid ane evill confait of the Kingis Majestie, in the hairtis of the pepill. I will tell pairt of thame. This is ane: ‘ How can it be sik a nobill man as the Erle of Gaurie, sa weill brocht up, culd haif fosterit sik a tressoun?’ This wald appeir to carie sumthing with it; but, in very deid, hes na probabilitie. If the Erle had bidden still in Scotland, and keipit that education quhilk he gat wnder that worthie man, Mr Robert Rollok, he mycht perchance not haif attemptit sik ane tressoun. But quhen he zeid to Padua, thair he studieit Nigromancie: his awin pedagog, Mr William Rin, testifies that he had these characters ay upone him, quhilk he luist sa, that gif he had forgot to put thame in his breikis, he wald rin up and down lyk a mad man; and he had thame wpon him quhen he was slain: And as thair testifie that saw it, he culd not bleid sa lang as thair war wpon him. He that this wyfe castis of all reuerence to his God, quhat reuerence can he haif to ane eirthlie king? Ane wther questioun, I ken, wilbe muist. Sum will fay, ‘ Sall we trew² that he culd haif devyfit, his allane, sik a tressoun?’ ‘ Culd he haif enterpryfit sik a work without a bak?’ I dout not bot he had ane bak! The Lord discouer it! And I am assurit he fall at last discouer it! And, as I haif said befor to your Majestie, I fay yet, and ye try it not out, ye fall yit sum day mak us all ane sorrowfull morning; if ye rype not wp the fontaine thair of, it is a manifest tempting of God! And I exhort your Majestie and Counfall to do it, as thair will anfuere to God, befoir quhom thair falbe countit traitouris, one day, if thair keip up the leif chope of it, quhilk they can try out. But to meit the questioun, it is na meruell, suppois it be hid, for the Erle of Gawrie was a man of exceeding great seecreie; thair was not ane man he wald reveil it to. His awin pedagog, Mr William Rin, said, that the Erle, talking of tressoun against Princes, said, that ‘ gif the rycht hand wist quhat the left hand was doeand, he was not to be compted a man:’ and thairfoir, I trow indeid, thair was none wpon the foreknowledge of the executionn but the Erle, and his brother, and the Deuill, that led thame bayth. I ken thair wilbe a third questioun, ‘ Is thair nane can beir witnes to it?’ God forgiue thame that fay, ‘ the King is a partie, he can not be beleuit;’ and thow war a guid Christian, thow fould rys up and fay, I am ane partie, and the King, that neuer hes bene a liar, suld be beleuit him self, and not sik suspicious furmises spred abroad. But I go on: Thair was thair nobill men, his Majesties seruandis, and citizens of Sanct Jhonestoun, quha saw his Majestie carieit thair

¹ Calderwood, who strenuously professes disbelief of the whole matter, makes this observation:—‘ In this harangue Mr Patrick saith, that Mr Alexander “ drew his dagger,” which would seem to be his own dagger, and not the armed man’s standing in the study, as is related in the discourse. But it is certain that Mr Alexander had no dagger. But leaving this speech as ambiguous, it is to be considered, That Mr Patrick doubteth not but he had a back to the enterprize, and prayeth the Lord to discover it, exhorts the King and Counsel to try out the fountain of it: And yet, forgetting himself, he saith immediately after, That the Erle was a man of exceeding great seecreie; and there was no man to whom he would reveal it; and that he believed there was none upon the foreknowledge of the executionn, but the Erle, and his brother, and the Devil. The circumstances that are most unlikely, Mr Patrick turnes all into miracles; but here is need of a true and seen miracle indeed, to make unseen miracles to be believed.’—*Calderwood’s Hist. MS. Advocates’ Library.*

² Trow, believe.

without ony wapin, but his hunting horne about his craig; fowr durris all lokkit wpon him; my Lord Duke, the Erle of Mar, baillieis and burgefles, faw his handis in the Kingis face and throt. If they will not beleue thame, quhom will thai beleif? Fy wpon wncredulous and malicious hairtis! I fay mair for the treuth: Andro Henderfoun, a man to that hour approuit guid and zealous, and without fpot all the dayis of his lyf; this man, perforce, is put into the rowme, without ony foreknowledge; this man yit liveth; euerie man hes acces to him; this man, as befoir he was maid be God ane inftrument to faif the King, fa now he is maid ane inftrument of the Kingis honour, to tell the treuth. I muft fpeir heir, becaus fum fayis, ‘Quhill we fie him die on the fcaffald for it, we will neuer beleif it!’ Fy on it! that his Maieftie fould execut him that fauit his lyf, for thair plesour! I man fay, in my confeience, that man is rather worthie of rewaird nor of punillment; and I trow, not a man that feiris God, but he will consent to it. But he was put in, be the prouidence of God, to be ane inftrument of your delyuerance. Now, as ye haif hard the danger, tak tent alfo how he was delyuerit. As Dauid faid, ‘Lord, thow hes exalted me, and not maid my fois to rejoys ouer me,’ iustlie may your Maieftie fay, ‘I was in deidlie danger, and thow, Lord, hes luikit on me.’ Quhen I confider his Maiefties delyuerance, I man fay, thair was not ane circumstance of that actionn, but ilkane is a wonderful preferatioun! First, quhen the Erle of Gaurie and his brother takis that man, and puttis him in, and fayis to him simplie, ‘Do quhat my brother commandis thé,’ they thought he fuld haif put to his hand to do the turne; but God cumis down fra hevin, and alteris the man. Na foner cumis the King in, but he cryis, ‘Allace! allace! wo is me!’ Is not this ane great work of God? He that fuld haif flane his Maieftie, is maid ane inftrument of his fafetie! And quhen the Master of Gawrie is bringand down, to flay his Maieftie, he withhaldis his hand. Thridlie, quhen the master of ane cruel tiger is maid as it war ane dow, faying, ‘I will promeis yow your lyf, fir, gif ye will hald your twng.’ Fy, tratour! Quhat had he to do with his Maiefties lyf? But he is mitigat be the Kingis modeft wordis! ‘Ye and I cum in wnder freindship; ye ar a Christian, brocht wp under that guid man, Mr Robert Rollok; quby wald ye put handis in your Prince?’ With this he gangis out, and shortlie cumis in agane, and as a tiger enteris upon his Maieftie. This is a mervell! He was far beyond the King in strenth; and yit the leving God fa strenthened his Maieftie, that he gat him wnder his fute. And laft, quhen the Erle of Gawrie caufit cry, ‘The King is away!’ they, running out to follow his Maieftie, heir his voyce. Agane, quhen the Erle, and fevin men with him, cumis in againft fowr, he himfelf is flane be these fowr, and the rest of his cumpanie hurt and put to flicht. Yea, had Gawrie bidden still on the calfay, and faid, ‘The tratouris about the King hes flane my brother,’ all the men of Sanct Jhonestoun had rushit in with him. But the Lord wrocht wtherwys! And thairfor, as Dauid faid, fa fuld your Maieftie fay, ‘O Lord, I will magnifie thee, becaus thow hes exalted me.’

Now, becaus it is faid, als fallie as ‘the fone fhynis not,’ the King 5eid to Sanct Jhonestoun to flay the Erle of Gawrie, (sic is the spreitis of malicious hairtis!) I wald now haif you, indifferent pepill, quhen the Master of Gawrie cumis to Falkland, and muifis him to come to Perth, I think not threttene in his companie, Judge gif he wald have come to Sanct Jhonestoun, qubilk was Gawries Londoun, thair to haif flane him? Agane, if he wald haif brocht my Lord Duke, the Erles guid brother, and the Erle of Marr his godfather, with him, gif he had bene myndit to flay him? Judge laft of this, quhen his Maieftie is led be the Master of Gaurie, and seperat fra all his folkis, put in ane lytill round, haifing natling but a hunting horne about him! Let indifferent pepill judge heir, whether his Maieftie wald haif bene myndit to flay the Erle of Gaurie or not? Now, quhen I haif fhawin yow the danger, and Deryne delyuerance, fie quhidder our Dauid fuld not fay, ‘I will magnifie thé, O Lord, becaus thou hes exalted me!’ Quhair he fayis, ‘Sanctis fing praisis for me!’ Sie gif we have not juft occaifoun to prais God for the delyuerance of our Dauid; for wofull had bene the eftait of Scotland, yea wofull darknes, if the Lord had not wrocht this delyuerance! The Lord gif your Maieftie a thankfull hairt, and to ws, your fubjectis thankfull hairtis, for your delyuerance!’

(4.) 'ANE ORISOUN,' *delivered before the King in Glasgow.*

[THE following curious paper is taken from *Calderwood's MSS.*, preserved in Wodrow's Collections, Vol. xliii. No. 59, Advocates' Library. Calderwood records, in his Church History, that when the King arrived in Glasgow, there was likewise 'an ORATION made to him, be one, in name of the Town; congratulating him for the delivery out of the late danger; with a commemoration of their service to him and his progenitors.'—*Cald. Church Hist. MS. V. 420.* This concludes all the Original MSS. known to the Editor, which preserve notices of popular Addresses of this description, on the subject of the Gowrie Conspiracy. The Editor has again to acknowledge the attention of Mr David Laing, who obligingly communicated his transcript of this paper, which agrees with another copy made by the Editor; and has also been collated with the original Manuscript.]

ALTHOCHT, maist gracious Sovereigne, it lies bein breiffie, in the Latine tung, declairit, quhat is the dewtifull luif of your Hienes subjectis towardis your Majestie, and grit rejoicing for that happie delyverie of your Majesties maist noble persone, fra that trefunabill and detestabill attempt and Conspiracie agaes your Majestie, at Saint Jhonstoun, yit, please your Majestie, let it not seame tedious, in few wordis, for the satisfioun of the present auditour, touching the fume of the mater spokin, quhilk I tak up be this. That albeit, we haue had oftintymes ane joyfull sight of your Hienes presence, praying for your Majestie preservatioun and prosperous reigne; becaus our dewtie, prescryvit be God and rewle of nature did so requyre: For nane thair is sa ignorant, misknawing materis of estait, quha may not know, that in your Hienes preservatioun standis his awin; and that vpon his Majesties lyf dependis the lyf of all. Nevertheles, seing laillie God, of his mercie vnderfull towardis your Hienes and ws your Maiesties subjectis, hes delyverit your Majestie fra the detestabill, cruell, and maist barbarous Conspiracie, attemptit be vnuquhill Jhone Ruthven, Erle of Gowrie, and Mr Alexander his brother, we haif grit mater of joy and glaidnes of heart, and gritter then can be expreffit be outwart signes. For glorious and happie vas that day quhairin your Hienes subjectis did sie your Majestie delyverit out of that feirfull danger, and present perrel of your Hienes lyf, for thair is na man quha may not sie, quhen your Hienes, the father of the commoun veill vas preservit, that the haill estait, lyklye to decay, vas preservit frome ane feirfull desolatioun and wofull miserie, quhilk had enfewit vpon the haill inhabitans of your Hienes realm. Therefoir, your Hienes subjectis, of ane naturall and inteir luif towardis your Majestie, acknowlegis, vith thankfull hartis, the presence of Almightie God, vatching at all tymes ower your Maiestie; and in speciall, this vnderfull benefeit of your hienes preservatioun; rejoicing gladly for the same, and viffing maist earnestlie that your grace may enjoy ane long lyf, beautifeit vith the all bliffingis of the Almightie God. Your Maiestie beholdis how the faces and countenance of all men are set vpon your hienes, quhat manifest signes and evident taikinis apeiris of that exceiding glaidnes and joy, quhilk, conceavit in hart, burstis furthe in tung, vord and countenance! Behold! the cite of Glesgw, quhilk honoris and reverencis your Maiestie, thair supreme lord and King, vith dewtifull honour and singlar obeyfance, as it var raist out of the place, comes furthe as becomes, maist humblie presenting thair service to your hienes, rejoicing for that happie delyverance, and praying to the mightie God, that all thingis may befall happelie and prosperouffie vnto your Maiestie. It is not vnknawin to yow, maist gracious Sovereigne, quhat affectioun, luif and honour, the citizenis of Glesgw hes born and done vnto your Maiesteis maist nobill progenitouris, not spairing to fched thair bluid and hafert all they had; vith quhat dewties and all kynd of guid affectioun thair haue honourit your Maiestie; and how oft your grace hes had a proif of thair maist villing obedience in your Maiesties service: It fowld not seame strang, gif be quhat meane thair can be abill, thair schaw plainlie, maist evident signes of thair guid vill and maist invart luif quhilk thair beir towardis your Maiestie. Quhairfoir, nocht staying your grace vith longe speiche, ve mak ane end; praying the eternall and everlasting God to preserve your hienes, multiplie his grace, sheane above vpon yow; gif vnto your

Maieftie ane long lyf, vith eane happie and prosperous reigne; and laft, that croun of eternall felicitie, throw the rychteous meritis of the Lord Jefus. AMEN.

No. XIV.

THE TRIAL OF GEORGE SPROT, Notary in Eyemouth, his DYING CONFES-
SION upon the fcaffold, together with various ILLUSTRATIVE DOCUMENTS.

[ALTHOUGH the proceedings against SPROT took place, fo late as the month of Auguft 1608, (being *eight years* after the Conſpiracy of John Earl of Gowrie and his brother,) and though the conſequent Forfeiture of ROBERT LOGAN of RESTALRIG, in the year 1609, ought each to be inserted, according to the ſtrict chronological order laid down at the commencement of this work; the Editor conſiders it neceſſary, in theſe inſtances, to depart from this rule; ſo as to give a connected and comprehensive view of the entire evidence which our Public Records afford, of this moſt extraordinary tranſaction. The value and intereſt of theſe Papers, it is truſted, will be conſiderably enhanced by this arrangement; and to avoid confuſion or miſtakes, as to dates, &c. they ſhall be carefully noted on the margins. The ſources from which the Editor has procured theſe materials, are in every inſtance mentioned; but wherever this circumſtance is not taken notice of, they muſt be conſidered as taken from the Records of the Court of Juſtiary.]

(1.) *Mr Williame Hairt, Juſtice-Depute.*

Aug. 1608.

High Treason — Concealment of Gowrie's Conspiracy, &c.

(Aug. 12, 1608.)—GEORGE SPROTE, Notter (notary) in Haymouth (Eyemouth.)

Dilaitit, accuſet and perſewit be Sir Thomas Hammiltoune of Bynnie, of certane treſſonable crymes, contenit in his DITTAY following.

GEORGE SPROTE notter in Eymouth, Ye ar indytit and accuſet, ſforfamekill as vmq^{le} Johnne ſumtyme Erle of Gowrie, haifing maiſt crewallie, detaiftabillie and treſſonabillie conſpyrit, in the moneth of July or thairby, the yeir of God I^m.Vj^c. yeiris, to Murder our deir and moſt gracious ſouerane, the Kingis moſt ſacred Maieſtie; and haifing impairtit that devillifch purpois to vmq^{le} Robert Logane of Reſtalrig, quha allowit of the ſamyn, and maiſt willinglie and reddelie vnder-tuik to be pairtaker thairof; the ſamyn cuming to your knowlege, at the tymes and in maner perticulerlie eftir ſpecifeit, ye maiſt vnnaturallie, maliciouſlie and treſſonable conceillit the ſamyn; and was airt and pairt thairof, in maner following. IN the firſt, in the ſaid moneth of Julij, the yeir of God I^m.Vj^c. yeiris, eftir that ye had perſauet and knawin that dyuerſe Letteris and meſſages had paſt betuix the ſaid ſumtyme Erle and the ſaid Laird of Reſtalrig, ye being in the place of Falſt-Caſtell, ye ſaw and red the begynning of ane Letter writtin with the ſaid vmq^{le} Robert Logane of Reſtalrig his awin hand to the ſaid vmq^{le} Johnne ſumtyme Erle of Gowrie, of the tennour following:

Aug. 1608.

‘ MY LORD,¹

‘ MY maist humbill deutie and fernice hertlie rememberit : Att the ressait of 3our lordschipis letteris, I am so confortit, that I can naper vtter my joy, nor find my self sufficientlie abill to requyte 3our lordschip with dew thankis, and persuaid 3our lordschip, in that matter, I fall be als fordwaird for 3our lordschipis honour, as gif it war my awin caus ; and I think pair is na leving Christiane that wald nocht be content to revenge that Macheveliane maffacrene of our deir freindis, 3e,² howbeit, it fould be to ventour and haizaird lyfe, landis, and all vther thingis ellis my heart can bind me to tak pairt in that mater, as 3ow fall find bettir pruif pairof : Bot ane thing wald be done, that 3our lordschip fould be circumspect and be earnest with 3our broper, that he be nocht rasche in ony speiches tuiching þe purpois of Padua.’³

And ane certane space eftir the executioun of the foirsaid Treffone, the said vni^{le} Robert Logane of Restalrig, haifing desyrit Laird Bowre to delyuer to him the foirsaid Lettre, or ellis burne it ; and Boure haifing gevin to yow all tickettis and letteris quhilk he than had, ather concerning Restalrig or vtheris, to sicht⁴ the samyn, becaus he could nocht reid him self ; ye abstractit the aboue writtin lettre, and retenit the samyn in your awin handis, and dyuerse tymes red it ; contening forder in substance nor⁵ is formerlie sett down, according (to) thir⁶ woirdis following.

‘ MY LORD,

‘ 3E may easilie vnderstand, that sic ane purpois as 3our lordschip intendis, can nocht be done raschlie, bot with deliberatioun ; and I think, for my self, it war maist meit to haif þe men 3our lordschip spak of, reddie in ane boit or bark, and addrefs þame as thay war takand passyme vpone þe sie, in sic fair somer time :⁷ And gif 3our lordschip could think guid, aper to cum 3our self to my house of Falsé-Castell, be sie, or send 3our lordschipis broper, I fould haif þe place verrie quyet and weill provydit, eftir 3our lordschipis adverteisment ; and persuaid 3our lordschip, 3e fould be als sure and quyet heir, quhill we had settillit our plat,⁸ as gif 3e war in 3our awin chamber ; ffor I trow, and I am assurit, we fall heir woird within few dayis, fra thame 3our lordschip knawis of ; for I haif cair to sie qnhat schipis cumis by. 3our lordschip knawis I haif keipit my Lord Bothuell quyetlie in this hous, in his grittest extremities, say the King and his Counfall quhat thay lykit : And I hoip, gif all thingis cum to pas, as I trust thay fall, to haif baith 3our lordschip and his lordschip at ane guid dyner afor I die : *et hoc jocosè*, to animat 3our lordschip : And dout nocht, my lord, bot all thingis fall be weill, and I am resoluēt, quhairof 3our lordschip fall nocht doubt of ony thing of my pairt, 3e,⁹ to perrell lyfe, land, honour and guidis ; 3e, the haizard of hell fall nocht effray me fra þat ; 3ea, thocht þe skaffold war alreddie set vp ! The soner þe matter war done it war þe better ; for þe Kingis buk-hunting will be schortlie, and I hoip it fall prepair sum dantie cheir for ws to dyne aganis þe nixt 3eir. I remember weill, my lord, and I will nevir forget sa lang as I leve, that mirrie spoirt 3our lordschipis broper tauld me of ane noble man at Padua, for I think that ane parasteue¹⁰ to this purpois. My lord, think na thing that I commit the secrecie heirof and credeit to this beirar ; for I dar nocht only ventour my life, land and all vther thing I haif in his credeit, bot I durf haizard my faull in his keiping, gif it war possible, in earthlie men ; ffor I am sa persuadit of his treuth and fidelitie, and I trow, as 3our lord-

¹ It will readily be observed, that a mere *abstract* of part only of these reasonable Letters had been considered, by the public prosecutor, as necessary to be engrassed in the ‘ Dittay’ of Spret. Proper transcripts of these epistles will be found in the following Article, under No. XV. Restalrig’s Forfeiture, Jun. 24. 1609, where they were produced in evidence, and recorded in the Books of Parliament. ² Yea. ³ See another allusion to this ‘ purpois’ in the next-quoted letter. ⁴ View, inspect. ⁵ Than. ⁶ These. ⁷ Summer time. ⁸ Plot, conspiracy. ⁹ Yea. ¹⁰ From *παζαστάρης* ? *qui a latere stat* ; a parallel instance, a ‘ parapatine.’

Aug. 1608. ſchip may ask him, gif it be trew he wald ryde to Hellis 3ettis¹ for me? And he is nocht heglyit of my pairt to him. And pairfoir, I dout nocht bot pis will perſuaid 3our lordſchip to geve him truſt, in this matter, as to my ſelf. Bot I pray 3owre lordſchip direct him hame with all poſſible haift; and geve him ſtrait command, that he tak nocht ane wink ſleip quhill he ſie me agane, eftir he cum frome 3our lordſchip. And, my lord, as 3our lordſchip deſyres in 3our Letter to me, aper ryve and burne,² or ellis fend bak agane with pe beirar; for ſa is the faſioune, I grant.'

Quhilk Letter, writtin everie woird with the ſaid vmq^{le} Robert Logane his awin hand, was ſubſcryuit be him efter his accuſtomet maner, with this woird 'Reſtalrig.'³ AND albeit, be the contentis of the foirſaid Letter, ye knew perſytlie, the treuth of the ſaid maift treſſonable Conſpiracie, and the ſaid vmq^{le} Robert Logane of Reſtalrig his foirknowlege, allowance, and giltienes thairof; lyk as, ye was affurrit thairof, by his reſſauncing of dyuerſe Litteris fend to Gowrie for the ſaid purpois, and be ſindrie conferences betuix the ſaid vmq^{le} Robert Logane of Reſtalrig and vmq^{le} James Bour alias callit *Laird Bour*, in your preſence and heiring, concerning the ſaid Treſſoun, alſweill in the ſaid moneth of July, immediatlie preceeding the ſaid Treſſone, as at dyuerſe vtheris tymes, ſchoirtlie thaireſtir; as lykwayis, be the reveilling thairof to yow be the ſaid vmq^{le} James Bour alias callit *Laird Bour*, quha was vpon the knowlege and devyſe of the ſaid Treſſone, and was imployit as ordiner meſſinger be the ſaid vmq^{le} Robert Logane of Reſtalrig to the ſaid vmq^{le} Erle of Gowrie, in the trafſique of the ſaid damnable Treſſone; quhairby, your knowlege, conceilling and giltines of the ſaid treſſoun was vndenyable: 3IT, for forder manifeſtatioun thairof, about 3ule,⁴ in the yeir of God I^m.Vj^c. and tua yeiris, the ſaid vmq^{le} Robert Logane of Reſtalrig him ſelf ſchew to yow, that Bour had tauld him, that he had bene ſumquhat raſche to let yow ſie ane Letter quhilk come fra the Erle of Gowrie to the ſaid Laird of Reſtalrig, quha than vrget yow to tell, quhat ye vnderſtuid be that Letter! To quhome ye anſwerit, that ye 'tuik the meaneing of it to be, that he had bene on the purpois and counfall of Gowreis Conſpiracie.' And he anſwering to yow, that 'quhat evir he had done, ye war his awin; bot gif ye wald ſueir to him, that ye ſould nevir reveill any thing to ony perſone, he ſould be the beſt ſicht that evir ye ſaw.' And in taikin of forder recompance, he than gaif to yow tuelf pundis of ſilver. NEUERTHELES, albeit ye perſytlie knew the haill practeis and progres of the ſaid Treſſone, frome the begynning thairof, as ſaid is, alſweill be your ſicht of the ſaidis Letteris, as alſo be your conferences with the ſaidis vmq^{le} James Bour and vmq^{le} Robert Logane of Reſtalrig; yit, during all the dayis of the lyftymes of the ſaidis vmq^{le} Robert Logane of Reſtalrig, and of the ſaid vmq^{le} James Bour, quha bayth levit quhill⁵ the yeir of

¹ The gates of Hell.

² Tear and burn.

³ It was at this time uſual for the leſſer Barons to take the name of their lands as their common title; and they ſubſcribed their Letters, &c. in the ſame manner, as is now cuſtomary with the Nobility.

⁴ Chriſtmas.

⁵ Till.

God I^m.Vj^c. and fax yeiris, or thairby, be the space of fax yeiris efter that ye Aug. 1608.
 knew thair giltines of the tressonabill Conspiracie foirfaid, ye maist tressonabillie
 conceillit the samyn : And sua, ye was and is airt and pairt of the said maist
 haynous, detestabill and tressonable Conspiracie : And thairfoir, ye aucht and
 fould incur, vnderly and suffer the sentence and pane of Heich Treafone. To
 the taikin¹ that ye haif nocht only be your Depositiones, solempnelie maid and
 subseryuit with your hand, in presens of many of the Lordis of his Maiesteis
 Counfall, and of the Ministeris of this toun, of the dait the fyft, fyvetene and
 xvj of July lastbypast, and tent day of August, confessit everie heid, poynt and
 article of the Dittay ; bot also, by dyuerse vtheris your Depositiones subseryuit
 with your hand, ye haif Ratifeit the samyn, and swoir constantlie to abyde thair-
 at, and to seill the same with your bluid : Quhilk ye can nocht deny.

ASSISA.

William Trumbill of Airdrie, Harbert Maxwell of Cavenfe, James Tennent of Lynhons.²

Quhilkis perones of Assyse being chosin, sworne and admittit, estir accusa-
 tioune of the said George Sprote befor thame of the saidis tressonabill, haynous
 and detestabill crymes, contenit in the Dittay foirfaid, and reiding of the said
 Dittay of new agane, in his and thair presens, the said George Sprote, of new,
 agane confessit, in the said Assyse presence and audience, the foirfaid Dittay, and
 everie poynt thairof to be trew and of veritie. Quhairvpone my lord Aduocat,
 as ofbefoir, askit actis and instrumentis ; and in respect thairof Protestit, in cais
 the said Assyse clange him of the said cryme, for Wilfull and manifest Errour.

VERDICT. The said Assyse haveing with grit deliberatioun gravelie confid-
 drit the tennour and haill circumstances of the said Dittay, and constant Judi-
 ciall Confessioun thairof be the pannell, alsweill in presens of the Justice and
 Assessoris,³ as thairestir, in presens of the saidis Assysouris thame selfis ;⁴ thay
 all voittit, vpone the haill tennour of the said Dittay ; and being ryplie and weill
 advyset thairwith, thay all in ane voce, be the mouth of the said Harbert Max-
 wall chancellor, fband, pronuncet and declairit the said George Sprote, according
 to his awin Confessioun, Judicialle maid in thair presence and audience, to be
 ffylet, Culpable and Convict of airt and pairt of the said maist haynous, detest-
 abill and tressonabill Conspiracie contenit in his Dittay aboue writtin, and of the
 knowlege and conceilling thairof.

SENTENCE. For the quhilk caus, the said Justice-Depute, be the mouth of
 George Cheislie, dempster of Court, be his sentence and dome, decernit and or-

¹ In proof, token, or testimony. ² The rest are 'mercheand burgesfis' of Edinburgh, being persons in the same rank of life with the pannell. ³ The Assessors are not inserted in the Record.

⁴ That is, while the Jury had retired to consider their Verdict, Sprot had once more solemnly affirmed the truth of his previous Confessions and Depositions.

Aug. 1608. danit the said George Sprote to be tane to the mercait croce of the bur^t of Edinburgh, and thair to be hangit vpone ane gibbet, quhill he be deid ; and thaireftir, his heid to be strukin frome his body ; and his body to be quarterit and demanit as ane tratour ; and his heid to be put vp vpone ane prik of irne abone the Tolbuth of Edinburgh, quhair the rest of the Conspiratouris heidis standis : And his haille landis, heritages, takis, steidingis, rowmes, possessiones, guidis and geir, to be forfeitit and escheit to our souerane lordis vse, as culpable and convict of airt and pairt of the treasonable and detaistable crymes aboue specifieit, and conceilling thairof. Quhillk was pronuncet for dome.

(2) SPROTTIS DEPOSITION vpon the skalfolde.¹

AT EDINBURGH, the xij day of August 1608, GEORGE SPROTT, notar in Eymouth, being brocht to the scaffold and place of executioun, he, in publict audience of the haille people, at the foure nykeis² of the scaffold, ratified his former Depositions, anent his knowledge and concealing of Restalrigis guyltines of Gouryis Treasoun ; ffor the w^{ch^e} he humblie craved God and his Maiestie (humblie) forgifnes ; being most forie and grievit that he had offended God and the Kingis Maiestie, in concealing suche a vyld, detestable and vnnatural Treasoun, interprist be the Erll of Gowry and Laird of Restalrig aganis his natural King, so goode and so godly a Prince, who hes evir bene sa gracious to his subiectis and to this haille Yland ; protesting, that yf he had a thousand lyveis to rander, and wer able to suffer ten thousand deathis, it is not sufficient satisfioun and recompence for his sa foull and horrible offens ; and that God had preservit him frome mony great perellis, when his lyffe wes in extreame danger, to bring him to this publict declaratioun of that detestable and horrible fact, in testifeing of the treuth, as he said publictly, in presence of all the people, in thir wordis following. To my owne schame, the schame of the Devill, and (the) glorie of God, for satisfioun³ of the consciences of all these, yf ony be, that hes or can mak ony doubt of the treuth of this so cleir a mater. And he acknowledgeis, that his hanting with Restalrig, who wes a man without Religioun, and subiect to mony other vyceis, and his ingyreing⁴ of himself in thir materis, efter the first sight of Restalrigis Lettres writtin to Goury : And his continuall beiring of company with Restalrig and Laird Bour, who wes irreligious and without feir of God, brocht him frome one syn to another ; and consequentlie, vpon this grevous (sine,) ffor the whiche most iustlie, worthelie and willinglie, he is now to rander

¹ From the Original, preserved in the General Register House. On the back of the paper is marked 'Bookit,' which shows that this was the copy from which the authentic Register kept of this extraordinary investigation was filled up. The copy preserved in the Records of Parliament, which was taken from this paper, is less accurate than the present Official 'Extract ;' on which account the Editor has preferred retaining the orthography of James Prymrois, who was Clerk to the Privy Council. The principal variations are marked by parentheses. ² Nooks, corners. ³ 'Satisfeing,' in Parliamentary Record. ⁴ B. Lat. *Ingyro*, to encircle or entangle, as with the folds of a serpent.

his lyffe: And he desyrit all the people (present) to be war of evill company, and Aug. 1608. uamelie, of the company of these who ar voyd of Religioun: And he desyrit that this his Declaratioun mycht be insert in his proces: As alwa, he desyrit the Ministeris of Godis worde to publishe this his Declaratioun to thair flokis frome thair pulpettis; and tooke enery one of thame who wer present be the hand, with thair promeis to do the same, saying vnto thame, that 'this wes the most glorious day that evir his eyis did sie;' and, with these wordis, he prostratis him self and fallis vpon his kneis, in presence of the haill people, and maid a verie pithie prayer, beginning in this forme, as followis. 'O fader! how fould I call thé fader that am so vnworthie to be callit thy sone! I haiff wanderit astray lyke a lost scheepe, and thow of thy mercy hes brocht me home (vn)to thé, and hes preservit my lyfe frome mony dangeris vntill this day, that I mycht reveill these hid¹ and secreit misteries, to my awne shame and thy glorie; and thow hes promissit, that whensoever a sinner, frome his hairt, will repent and call to thé with vnfeizit repentance, that thow will heir him and giff him mercy!' And so he continewit a goode space, in a most fervent prayer, to the great admiratioun and reioysing of all the people, and in a better forme and maner nor² ony of the beholderis and heiaris can be able to sett down in wryte; the same not being writtin in the present tyme, becaus thair wes no place of writting vpoun the scaffold, in respect of the prease and multitude of people. And, going vp the ladder, he desyrit libertie to sing the sext Psalme, and requestit the people to accompany him in singing thairof: Whiche being grantit, and he being at the ladder-head, the same wes tane vp and sounge be him self, with a very loud and myghtie voce; and wes assistit with above the number of fyve hundreth personis, who, with tearis, accompanied him in singing (of) that Psalme: After the ending wherof, he repeittit and ratefeit his said former Deposition: And with that, recommending his soule to God, he wes castin over, and so endit his mortall lyffe. In witness quhairof, we, vnder-subferyvaris, who, for the most parte, wer all of ws vpoun the scaffold with him, and remanit with him vntill þe tyme of his death, and otheris of ws in so convenient placeis neir to the scaffold, that we did heir all that wes spokin be him, haif subferyvit thir presentis with our handis.

(Sic subfcribitur.) GLASGU.³ B. Galloway.⁴ A. Brechin.⁵ Balfour of Burley. Haliroodhous.⁶ Jo. Prestoune, Cl^s Reg^j. Pa. Schairp. M. P. Galloway.⁷ Jo. Hall. Walter Balcanquell. M. P. Hewat. M. H. Blyith. Charlis Lumnifden. Richard Dobie, baillie of Edinburghe. William Speir, baillie. James Annislie, baillie of Edinburghe.

TENET *cum principali*, J. PRYMROIS.

¹ 'Hye,' in Parliamentary Record. ² Than. ³ Archbishop Spottiswood. ⁴ Gavin Hamilton, Bishop of Galloway and Abbot of Dundrennan. ⁵ Andrew Lamb, Bishop of Brechin. ⁶ John (Bothwell) Lord Holyroodhouse. ⁷ 'Maister Patrik Gallouay, Minister to the King.'

Aug. 1608. (3.) THE ARCHBISHOP OF CANTERBURY'S ACCOUNT *of the Examinations, Trial and Execution of* GEORGE SPROTT, &c.

[THE following scarce Tract was published by DR GEORGE ABBOT, then Dean of Winchester, who was an eye-witness of the facts he has narrated. This very eminent person was the second of the eight Divines of Oxford who were appointed to translate a large portion of our present version of the New Testament, in the year 1604. He accompanied the Earl of Dunbar to Scotland, in the year this Tract was published, (1608,) to assist in effecting the establishment of an Union between the Churches of England and Scotland; and conducted himself with so much moderation, as thereby to lay the foundation of his future preferments. Previous to that period, Dr Abbot had been three times Vice-Chancellor of Oxford; and in December 1609, was elected Bishop of Litchfield and Coventry. A few weeks afterwards, he was translated to the See of London; and was, on November 2d, 1609, elevated to the exalted station of Archbishop of Canterbury, the Primate of all England.

Sir William Hart's Report of the Trial and Examinations, &c. is printed here, only in so far as it contains additional matter. His attested copy of the proceedings had been taken by Dr Abbot to England, when he returned; and being personally so much impressed with the extraordinary circumstances which he had witnessed, he readily complied with the desire of his friends to publish it, accompanied by an original preliminary Dissertation of his own, explanatory of the remarkable facts narrated in the Report.]

THE EXAMINATIONS, ARRAIGNMENT and CONVICTION of GEORGE SPROT, Notary in Aye-mouth: Together with his constant and extraordinarie behaviour, at his death, in Edenborough, Aug. 12, 1608: Written and fet forth by Sir William Hairs Knight, L. Justice of Scotland. Whereby appeareth the Treasonable detvice betwixt John late Earle of Gowry and Robert Logan of Restalrig, (commonly called Lesterig,) plotted by them, for the cruell MURDERING of our most gracious SOVEREIGNE. Before which Treatise is prefixed also, A PREFACE, written by G. ABBOT, Doctour of Divinitie and Deane of Winchester, who was present at the sayd Sprot's Execution.

LONDON: Printed by Melch. Bradewood for William Aspley. 1608.

A PREFACE TO THE READER.

AMONG those troubles and crosses, wherewithall our heauenlie Father is pleased to exercise his best children, while they remaine in this tabernacle of their flesh, there is no one more frequent, than such euil and slanderous reports, as the virulent tongues of malicious persons, out of a hatred to their vertues, are desirous to lay vpon them. For there was neuer age nor countrey, wherein either man or woman was adorned with rare and eminent qualities, for the seruice of God, and aduancement of true

religion, but immediatly such as were ill-affected began to imploy their wits, and beat their braines, Aug. 1608. how by calumniation and forged imputations, they might obfcure the luftre of thofe fingular parts, which their quicke but enuious eye had difcovered in them. That worthy Moyfes, the meekeft¹ man vpon earth, is reproched as ambitious, and charged by Core, to² take too much vpon him. That admirable Daniel was³ accufed to the King as a contemner of his greatneffe, and violater of his lawes. It was objected to zealous and iuft Nehemiah by⁴ Sanballat, that himfelfe and the people of Iuda intended a rebellion. Paul and Silas, two great inftruments of Gods glory, were complained vpon as feditious perfons, and⁵ difturbers of the peace and quietneffe of the city. The old Chriftians, men no doubt of vertuous behauiour, yet becaufe, in time of perfecution, they affembled themfelues together in the night, for the worfhip of their God, and profefion of their faith, were reported by the Gentiles to haue the Feafts of⁶ Thyeftes, (that is, to eat the flefh of children,) and to do as Oedipus did, that is, promifcuoufly to commit fornication with their mothers, fifters and daughters. Yea, their owne⁷ feruants were brought by the terrours of the Infidels to accufe them of fuch crimes. Tertulian complaineth of this, declaring that it was objected to the Chriftians,⁸ that they killed a babe new borne, and in the blood thereof did dip their Eucharift, and fo eat it; as alfo, that fuffering their dogs of purpofe to ouerturne their lights, they in the darke committed inceft with their mothers and daughters. Hence it grew as a kind of prouerbe, That it was the part of the Chriftians to doe good, and yet to be ill fpoken of. So⁹ Euagrius reporteth, touching that holy and bleffed Emperour Conftantine the Great, that the Ethnicks laded him with many falfe criminations, becaufe he tooke away their Heathenifh fuperftitions, and in place thereof aduanced the feruice of Chrift Iefus.

In all which accufations, and other of like nature, (if we looke aduifedly into them,) we fhall perceiue, that both Sathan hath his worke, and euill men haue a part, yea that God himfelfe hath a finger. Sathan hath his worke, becaufe, (as Cyprian, writing of Cornelius, faith,) It is¹⁰ euermore the worke of the Diuell, that he may with lies teare the feruants of God, and, by falfe opinions fspread concerning them, may defame their glorious name; that fuch as are bright in the light of their owne confcience may be fordidated, or dimmed, by the reports of other. Euill men haue their part, either becaufe, with Zoilus, when they¹¹ can do no hurt to the good and vertuous, at leaft they will fpeake ill of them; or els, becaufe, (as Hierome writeth,)¹² It is the folace of euill men to carpe at the good, thinking that by the great number of offenders, the guilt of their faults is diminished and abated. Nay, God hath a finger in it, to trie and fharpen men, and by that meanes to fit them to himfelfe. For flanders haue that force in them, as Gregory well noteth, fpeaking thus: ¹³ Going thorow almoft all examples, we finde, that there hath not beene one good man whom the naughtineffe of euill men hath not tried: for, that I may fo fpeake, the fword of oure foule is not brought to the exactneffe of fharpneffe, if the file of other mens naughtineffe hath not rubbed and fretted it. Againe, in as much as we fhould grow into deepe and dangerous fecuritie, if it were not for fuch remembrances, our heauenly Father is contented that by fuch calumniations we fhould be rowzed from the fleepineffe and drowzineffe of the world. ¹⁴ Pliny writeth, that the Lion is fubiect to no fickneffe, but only a faftidium, or fulneffe of ftomacke: wherewithall when hee is oppreffed, the way to cure him is to offer him fome contumely; which is by tying an Ape neere him: for the Lion is fo moued and vexed for the time, with the tricks which the Ape plaieeth, that hee riddeth and putteth ouer that, which fo much before offended him. Euen fo God vfeth the contumelies of bafe perfons, and the reproches of the vileft, to rowze vp men of excellent fpirits, that they furfet not in voluptuoufneffe, and fo confequently be lulled afleepe in idle fecuritie, to their owne harme and peraduenture ruine.

But be it for one or all thefe reafons, certaine it is, that in our age, as well as in times by-paft, the

¹ Num. xii. 3.
Hist. lib. iv. 7.

² Num. xvi. 3.
7 Lib. v. 1.

³ Dan. vi. 13.
⁸ Tertull. Apolog. cap. ii.

⁵ Act. xvi. 20.
⁹ Euagrius, Eccl. Hist. lib. iii. 40.

¹⁰ Cyprian, Epist. ad Antonian. lib. iv. 2.

¹¹ Aelian, Hist. lib. xi. 10.

¹² Hieron. Epist. x. ad Furiam.

¹³ Gregor. Hom. 38. in 40. Hom.

¹⁴ Plin. Nat. Hist. lib. viii. 16.

Aug. 1608. deereft children of God haue tafted of this triall, and haue been forced to endure very horrible imputations and ftaining afperfions, which the venomous tongues of vngodly men haue ftried to caft vpon them. It were no very hard matter to name ftange calumniationes, which haue been inuented by the vaffals of Antichrift, and publifhed by the adores of the beaft in diuers books, (which are no better than defamatory libels,) againft Gods feruants of the higheft ranke vpon earth, becaufe they ouerturned the ftongholds of idolatry, and gane free paffage to the Gofpell of Chrift Iefus. But I forbore to giue fuch particuler inftances, and rather leane to the confideration of the wife, whether it may euer be hoped, that fuch irreligious creatures (who haue folde themfelues to Sathan the accufer of the brethren) will make fpare to lath and fcourge fuch fingle perfons as ftand in their way, and hinder their defignes; when they make no confcience to brand our holy faith, and the generalitie of our profeflion, with reports moft odious, and fuch as muft needs be acknowledged for abominable, if they fhould be true: but in footh are, in the fight of God, of angels and men, before heaven and earth, but plaine fictions and forgeries, conteining in them no parcell of veritie. Of which fort are thofe defamations, which a countryman of ours, without all fhame, auoucheth in a ¹ Pamphlet not long fince put out, and publifhed to the world; That the Proteftants are bound in confcience, neuer to afke God forginenefle of their finnes: That the Proteftants are bound in confcience to auoid all good works: That the Proteftants make God the author of finne; the only caufe of finne: That man finneth not: That God is worfe than the Deuill. And that of ² Roffeus, writing againft the French King now reigning: *Hominum animas cum corporibus interire, et homines a brutis pecoribus nihil differre. Euangelicorum infinita millia credunt.* Infinite thoufands of Proteftants do beleue that the fouls of men die together with their bodies, and that men do nothing differ from brute beafts.

Such truthleffe, fhameleffe, and graceleffe afertions, they haue not fticked to proclame openly in the face of the funne. The knowledge whereof fhould caufe all men indifferently affected, not to be credulous or light of beleefe, when they finde gall and bitterneffe caft out of the mouth or penne of an enemy of the Gofpell againft any contending for the truth, though it be but a private man; but efpecially to fufpend their iudgements, when perfons of higheft quality, for maintaining Gods caufe, are traduced by an enemy, or defamed by fome vile one, whofe tongue and pen indeed is no flander, as we commonly fpeake. For thefe great ones are the fpecial marke whereat malice doth aime; and as poifon ordinarily hafteneth to the heart, fo doth enuie let drine at the head, at thofe who be moft eminent in the State and Commonwealth. When Cato the elder lined, there was not in all Rome fo woorthy a man as he: for (as ³ Pliny noteth) he was the beft orator, the beft leader or generall in the field, the beft fenatour or counfeller that was in that citie: yet was he fo intreated as neuer man was, being publifhly called to his anfwer foure and fortie feuerall times, whereby one while his fame was hazard-ed, another while his life: and yet alwayes he was honorably, or, as the yoonger Pliny hath it, ⁴ gloriously abfolued and acquitted. Doubtleffe there was againft him a great deale of fpleene, a very great deale of malice. From the touch whereof, euen Kings and Princes are fo farre from being free, that they are more fubieet to it than any other perfons: which made ⁵ Antifthenes to fay, That it was a kingly thing, when thou haft done wel, to be ill fpoken of for thy labor. And if we be defirous to fee a famous example of this, there is no one more notable than that of holy Dauid, who being firft a Prophet, and afterwards a King, (but in both moft vnfpotted touching the crimes layd againft him,) yea being a man after Gods own heart, yet was accused and charged with many hainous iniquities; which caufed him to complaine both before and after his coming to the crowne: as vnto Saul: ⁶ Wherefore gineft thou an eare vnto mens words, that fay, Beholde, Dauid feeketh euill againft thee? And to God himfelfe: ⁷ O Lord my God, if I haue done this thing, meaning, which they layd vnto

¹ Certaine Articles or forcible reasons printed at Antwerpe 1600. ² Ross. contra Henric. Gallum. cap. iv. v.
³ Plin. Nat. Hift. lib. vii. 27. ⁴ Plin. de viris illustrib. ⁵ Diog. Laert. in Antisth. ⁶ I Sam. xxiv. 10.
⁷ Psal. vii. 3.

him: if there be any wickednesse in my hands, intending, such as they would fasten vpon him, then let Aug. 1608. the enimie persecute my foule and take it. And in another place, speaking to the slanderer aduersarie, ¹ Thy tongue imagineth mischief, and is like a sharpe razor that cutteth deceitfully. And yet further: ² The proud haue imagined a lie against me. So in the next Psalm: ³ Deliuer my foule, O Lord, from lying lips, and from a deceitfull tongue. These things, and that the ⁴ drunkards did make songs vpon him, did many times exceedingly grieue him, that he who laboured to seeme innocent, should be reproched as nocent: that he who was but the patient, should be held for the agent; that the man wronged, should be reported to do wrong vnto other; that he whose life was fought, should be termed by Shimei, ⁵ a man of blood, and a murtherer. This troubled and grieued him about measure. For it is the property of innocency and integritie, that if it may finde no other reward, yet it would gladly shine in the simplicitie and sinceritie of it selfe. But when there was no other helpe to be freed from those slanders, Dauid had one assured remedie; that was, to retire himselfe to the Lord, and commend his cause to his Maker: As he excellently doth in the three and fortieth Psalm; where, being oppressed by the malice of his aduersaries, and complaining of it in the first verse: ⁶ Iudge me, O God, and defend my cause against the vnmmercifull people: deliuer me from the deceitful and wicked man; he helpeth himselfe in the last verse, rebuking the impatiency which he found in his owne foule, and directing his affections vnto another course, ⁷ Why art thou cast downe, my foule? and why art thou disquieted within me? Wait on God: for I will yet giue him thanks: he is my present helpe and my God.

Many men haue been desirous to haue their fame cleared from the reproches of their enemies, and haue sought meanes to haue their hearts eased from the disturbances and distempers whereinto false accusations haue put them. Zeno is much commended, that with such calmnesse he could turne aside those bitter taunts which some bestowed on him; for being asked, how he did bear himselfe against euil speeches: ⁸ I do, saith he, as if an Embassadour should be sent vnto me, and I should returne him without an answer. This for a philosopher, who was but an heathen man, was an excellent resolution. But in these words of Dauid, there is a way more noble than Zeno could conceiue; that is, to looke vp to our great God, and commit all to him, expecting his good leasure. It is not enough when a man, being priuy to his owne innocencie, doth not boile within himselfe, or fret against the wicked (which are things ⁹ forbidden vnto vs), but he must goe a step farther, and propose to his owne heart some more notable example. And in this case, who is rather to be imitated by a Christian than our Sauior Christ? Concerning whom S. Chrysofome said well: That ¹⁰ when he cast out diuels, and did innumerable good things, and yet was ill spoken of; against those men who said, that he had the Diuell, he did not fend any thunderbolt, he did not ouerthrow those blasphemous mouthes, he consumed not with fire those vnchaste, vngratefull, vnworthie tongues of theirs: but only with these words put aside those euil speeches; I haue not the Diuell, but I honour him who sent me. This is most truly related of our Sauior; but there was in him somewhat els, which is better obserued by S. Peter: ¹¹ When he was reuiled, he reuiled not againe; when he suffered, he threatened not, but committed it to him that iudgeth righteously. And this, committing it to him that iudgeth righteously, was the course which Dauid vsed: to wait patiently on the Lord, to cast vp his eyes to heauen, and commending to God the integrity of his waies, to leaue all to his disposing. And this is the very lesson which hee teacheth both himselfe and other. For in the seuen and twentieth Psalm, hauing spoken of his ¹² aduersaries, of false witnesses which rose vp against him, and such as speak cruelly, he concludeth with this document, Hope in the Lord; bee strong, and hee shall comfort thine heart, and trust in the Lord. Which is the most sound instruction, that any creature can haue: to looke vp to his Creator (to whom all hearts are open, and no priuie

¹ Psal. lii. 2. ² Psal. cxix. 69. ³ Psal. cxx. 2. ⁴ Psal. lxxix. 12. ⁵ 2 Sam. xvi. 7. ⁶ Psal. xliii. 1. ⁷ Verse 5.
⁸ Diog. Laert. in Zenon. ⁹ Psal. xxxvii. 1. ¹⁰ Chrys. Homil. 1. de incompreh. Dei natura. ¹¹ 1 Pet. ii. 23.
¹² Psal. xxvii. 12, 14.

Aug. 1608. thing can be secret) and to commend to his providence, to his fatherly care and wifedome, the vnspottednesse of his waies, and the simplicitie of his conuerfation. And assuredly that God who is the God of truth, will bee the patron and protectour of innocencie in his seruants. It is a strong consolation which Dauid giueth in this case: ¹ Commit thy way vnto the Lord, and trust in him, and he shall bring it to passe. And hee shall bring forth thy righteoufnesse as the light, and thy iudgement as the noone day. But it followeth: Wait patiently vpon the Lord, and hope in him: As if that must bee the meanes to attaine thy desire; not to run before thy Maker, and appoint him the time when thy integrity shall bee cleared, and the dimming clouds of obloquy shall be blown from thy estimation; but to leaue that to his managing, to his dispose and direction. For as S. Chryfostome telleth us; ² If it be in the power of God to giue vnto vs, it is also in his power to giue when himselfe pleaseth. It is said of him, that hee doth all things ³ in measure, number and waight. But if before the number bee full, or the measure be vp, thou wilt limit him the time when thy innocencie must appeare: thou takest on thee to be wiser than the Lord, and in a fort mounting vp into his throne in heauen, thou doest iustle him out of his seat of maiesty and eternity. If thou wilt set downe the decree for time or place, or the manner of purging thy selfe, or how the wickednes of thine enemies must be displaid, thou makest thy selfe the Iudge, and the Lord of heauen and earth shall be but thy executioner. Leaueth the maine then to him (which doth not fore-close thee, but that thou mayst vse all honest meanes to lay open thy vnspottednesse) and thou shalt haue reason with Dauid to thanke him, and say: ⁴ He is my present helpe and my God.

And in truth it is strange to see the Lords worke in this behalfe, how, when the fame of his seruants hath bene vniustly denigrated by false accusations, hee taking the matter into his hands hath, in his good time, dispelled all mists of slander. Heereof Dauid himselfe had singular experience. For when Saul was informed that Dauid fought his life, and by the often ingeminations of malicious men this was taken for a truth, and Dauid was accordingly persecuted, and in danger to be murdered, God put Saul ⁵ two feuerall times into the hands of Dauid, that easily hee might haue slaine him: which being entertained as an inuincible argument of Dauids fidelity, Saul himselfe, by the irrefragable evidence of truth, was forced to cry out, ⁶ Thou art more righteous than I: for thou hast rendered me good, and I haue rendered thee euill. And a second time: ⁷ I haue sinned: come againe, my sonne Dauid, for I will doe thee no more harme, because my soul was precious in thine eyes this day: behold I haue done foolishly, and haue erred exceedingly. Eusebius hath such another example, of ⁸ Narcissus the Bishop of Ierusalem, who was a vertuous and worthy man, and yet by three persons was accused of a hainous crime. The story doth not cleerely deliuer what it was; but by circumstances it may be gathered to bee incontinency. These three, to giue the more reputation to that accusation wherewithall they charged him, did vse diuers imprecations and execrations on themselves, if those things were not true which they obiected against him. As the one wished that himselfe might be burnt, the second that he might die of a loathsome disease, the third that he might lose the sight of his eyes. This constant and consenting crimination so affected Narcissus, though priuie to his own vprightness, that he withdrew himselfe from his abode, and liuing priuately, commended his righteous cause to God; which had such effect, that not very long after, the first of his accusers was indeed consumed with fire, the house being burnt in which he remained: the second died of the same disease which he wished vpon himselfe: and the third being much affrighted with the punishment of his fellows, had remorse of his sinne, and came and openly acknowledged the conspiracy of them three against innocent Narcissus; but withall, he had such feeling of his owne iniquity, that powring out continuall teares, hee lost the sight of his eyes with the rheume that descended. A most memorable narration to their comfort, who, being wronged by men in their fame or good name, commend their cause to God. Like to which is that of Theodoret, ⁹

¹ Psal. xxxvii. 5, 6. ² Chrys. in Psal. cxxix. ³ Sapient. xi, 17. ⁴ Psal. xliii. 5. ⁵ 1 Sam. xxiv. 4, c. xxvi. 7. ⁶ 1 Sam. xxiv. 18. ⁷ 1 Sam. xxvi. 21. ⁸ Euseb. Eccl. Hist, lib. vi. 8. ⁹ Theodor. Eccl. Hist. lib. i. 20, 21.

who reporteth, that Eufathius the Patriarke of Antioch had many combats with the Arrians for defence of Christs truth : and when he still preuailed againſt them, they, out of their malice, ſuborned a harlot to accuſe him of fornication, and openly to maintaine, that a childe was his which ſhe held in her armes : by which meanes hee was conſtrained to flie to the ſame ſuccour that Narciffus formerly had done ; which had ſuch force with Almighty God, that within a while after, the harlot was ſtricken with a grieuous ſickneſſe, which wrought in her ſo powerfully, that ſhee freely confeſſed the combination of the Arrians againſt the holy man : and how ſhee was ſuborned to accuſe him wrongfully, whereof ſhe was now ſory. But whereas ſhe had ſaid that Eufathius was the father of her childe ; that indeed was true of another Eufathius, but not of the Biſhop of Antioch. Wherein we may behold, that euen ſo long agoe equiuocation was in uſe, but it was with leand¹ perſons, as heretikes and harlots : but withall Gods worke appeareth, that he will not euermore ſuffer innocencie to be oppreſſed, and truth to be wronged ; but at the laſt veritie ſhall breake forth, as the Sunne which was darkened with a cloud. And this mercifull fauor of God to his ſeruants was not onely in the ages paſt, but our dayes haue experiments of the very like occurrents ; as in a famous caſe lately acted at Edinborough may eaſily be diſcouered : whereof, becauſe I was an eye-witneſſe, at my late being there by the commandement of his Maieſtie, I haue thought it my dutie, in honour to God and loue to his truth, to declare what I ſaw and heard ; that this following Treatiſe, penned by an honourable perſonage of Northe Britaine, might not goe forth vnaccompanied with the Declaration of one of South-Britaine, for ſo much as hee beheld.

THERE are few in this Iland of any vnderſtanding, but haue heard of the traiterous and bloodie attempt of the EARLE GOWRIE and his brother againſt the perſon and life of our moſt bleſſed Souereigne. Wherein, albeit there were ſuch euidences and arguments, as that any man who would haue taken notice thereof, might haue been ſufficiently informed therein, enen at the very firſt ; and afterward by the cleere depositions (for moſt pregnant circumſtances) and ample atteſtations of many perſons of honour and qualitie, the Parliament of that Kingdome tooke full knowledge thereof ; and accordingly proceeded to the forfeiting of the whole Eſtate of that Earle, and of his heires for euer ; yet ſome humorous men, whom in that reſpect I may iuſtly terme unthankfull vnto God, and vndutifull to their King, out of ſond imaginations, or rather, if you will, ſeditious ſuppoſitions of their owne, did both at home and abroad, by whiſperings and ſecret buzzings into the eares of the people (who were better perſwaded of them than indeed there was cauſe) employ their wits and tongues to obſcure the truth of that matter, and to caſt an imputation where it was leaſt deſerued. Which when God had permitted for the ſpace of ſome yeeres to ranckle and feſter in the bowels of thoſe who were the authors of it ; the ſame God, in his wiſdome, at laſt meaning to cure them, if they would be cured, of that maladie, diſcouered, that in the ſame treaſon, although carried neuer ſo ſecretly, there were other confederates, of whom hitherto the world had taken no kinde of knowledge. And albeit two of the perſons intereſted in that buſineſſe were lately dead, and departed vnto far greater torment than all the earth could lay vpon them (vnleſſe they died repentant), yet it was apprehended that a third partie remained, who had fore-knowledge of that conſpiracie, and was able to vtter much of the ſecrets of it : one GEORGE SPROTT, a Notarie, inhabiting at Ayme-mouth, a place well-knownen in that countrey. Which matter, or ſome part thereof, being made knowen to an² honourable perſon, a moſt faithfull ſeruant to his Maieſtie, firſt by ſome words that fell from Sprott himſelfe, and afterwards by ſome papers found vpon him, it was ſo wiſely caried, and ſo prudently brought about, by the great care and diligence of that noble man (God Almighty bleſſing the buſineſſe) that ſo much was reueiled, as followeth in this Treatiſe, vpon the acts to be ſeene ; which are heere ſet downe at large, word for word, as they agree with the proceſſe originall, and other examinations, that ſuch as haue bene auerſe may at laſt receaue ſatisfaction. Touching all which, I thall ſay nothing, but only report that which beſell vpon the day of his

¹ Lewd.² The Earle of Dunbar.

Aug. 1608. death, when hee suffered for that treason. Having then the sentence passed on him, vpon Friday the twelfth of August 1608, in the fore-noone, and publickly being warned to prepare himselfe to his end, which must be that after-dinner, he most willingly submitted himselfe vnto that punishment, which (as he then acknowledged) he had iustly deserved. And being left to himselfe til dinner-time was expired, then came to him, into that priuate place where hee remained, some of the ¹ reuerend Bishops, diuers L.L. of the Session, two of the English Ministers there imployed by his Maiestie, with diuers other Ministers of the towne of Edenborough. Before whom, he first acknowledged and auouched his former confession to be true, and that he would die in the same; and then falling on his knees in a corner of that roome, where he and they then were, in a prayer to God vttered aloud, he so passionately deplored his former wickednesses, but especially that sinne of his for which he was to die; that a man may iustly say, hee did in a sort deiect and cast downe himselfe to the gates of hell, as if he should there haue bene swallowed vp in the gulfe of desperation: yet presently laying holde vpon the mercies of God in Christ, he raised himselfe, and strangely lifted vp his soule vnto the Throne of Grace, applying ioy and comfort to his owne heart so effectually, as can not well be described. In the admitting of this consolation into his inward man, he burst out into teares, so plentifully flowing from him, that for a time they stopped his voice. The sight and hearing whereof, wrought so forcible an impression in those persons of honour and learned men who beheld him, that there was scant any one of them, who could re-fraine teares in the place, as diuers of themselves that day did witness vnto me. The effect of his prayer, was the aggrauating of his crime, in concealing the treason against the Kings Maiestie; into which hee said, God did most iustly suffer him to fall, by reason of his former wickedness, which he had so desperately multiplied, in despight of God and his holy Word. And thereupon, going on with many sensible speeches and most feeling comparisions, hee insisted on the fearefull and dreadfull danger wherein hee was, if the Lord in iudgement should looke vpon him. Notwithstanding, at last he proceeded: ‘ Yet most mercifull father,’ whereat he made a stay, and repeating the word father with a marvellous loud and shrill voice, he added, ‘ why should I call thee father, that haue so many wayes and so horribly transgressed thy commandments, in all the course of my life, but especially in concealing this vile, fearefull and diuellish treason against my most gracious Soueraigne? Lord, Lord, there is nothing belongeth to me but wrath and confusion!’ And so went on in a strange vnaffected current of words, lively expressing the sorrow of his heart. Yet there he stayd not, but spake forward to this purpose: ‘ Notwithstanding, Lord, thou hast left me this comfort in thy Word, that thou hast sayd, Come vnto me all ye that are weary and laden, and I will refresh you. Lord, I am weary, Lord I am heauily laden with my sinnes, which are innumerable: I am ready to sincke, Lord, euen to hell, without thou, in thy mercy, put to thy hand and deliuer me. Lord, thou hast promised by thine owne word, out of thine owne mouth, that thou wilt refresh the weary soul.’ And with that he thrust out one of his hands, and reaching as high as hee could, with a louder voice and a strained, cried, ‘ I challenge thee, Lord, by that word, and by that promise which thou hast made, that thou performe and make it good to mee, that call for ease and mercie at thy hands. Lord heare mee, Lord pardon mee, Lord comfort me by thy holy spirit: assure my conscience of the forgiuenesse of my sinnes, and say to my soule, that thou art reconciled.’ And so after many zealous petitions vttered to the like effect, he applied to himselfe the mercies of God in Christ Iesus, in whom he assured himselfe of God’s fauour, with earnest request, that he might continue in that assurance to the end, wherof he nothing doubted.

Afterward, being brought to the scaffold, where he was to die, he vttered many things, among which I obserued these: He acknowledged to the people, that he was come thither to suffer most deservedly: That hee had bene an offender against Almighty God, in very many respects; but that none of his sinnes was so grieuous vnto him, as that for which he must die: wherein, notwithstanding, he was not an actor, but a concealer only. That he was ingyred in it by the Laird of Rastalrig and his seruant

¹ Archb. of Glasc., Bis. of Brickh. (Brechin), L. Halyrudeh., Lord Collector, Lord Register, Lord Justice, D. Maxey, M. Hodson, M. P. Galoway, M. I. Hall, N. Ch. Lumsden, with others.

the Laird of Bour, both which, hee sayd, were men that professed not religion. Whereupon he exhorted men to take heed how they accompanied with such as are not religious; because, sayd he, with such as make not profession of religion, there is no faith, no trueth, no holding of their word, as himselfe had tried and found. But touching the treason, for the concealing whereof he was condemned, he added, That he was preferred aliuē to open that secret myserie which so long had layen hidde; That God had kept him since that attempt of the Earle Gowrie from verie manie dangers, but notably from one, when being in apparent hazzard of drowning, he was strangely deliuered; 'which,' said he, 'was Gods worke, that I might remaine aliuē vnto this happie and blessed day, that the trueth might be made knowne. And now I confesse my fault to the shame of my selfe, and to the shame of the Diuell; but to the glorie of God. And I doe it not either for feare of death, or for any hope of life, (for I haue deserued to die, and am vnworthie to liue) but because it is the trueth, which I shall feale with my blood. My fault,' sayth hee, 'is so great, that if I had a thousand liues, and could die ten thousand deaths, yet I might not make satisfaction, that I should conceale such a treason against so gracious a King.' These and the like words, when hee had spoken vpon one side of the scaffold, hee turned him to the second side, and afterward to the third, (that all the people might heare) where he spake to the same purpose as formerly he had done. And here it may not be forgotten, that in the vttering of these things his tongue serued him verie well, with words readie and significant; his memorie was perfect; his countenance reasonably erect and full of alacritie, without all feare of death; his voice was loud and audible on euery part; which was the more strange, because at the times of his examination, as also that very fore-noone, at the houre of his arraignment, his speech was low and weake; but now so strong, as if God of purpose had giuen him power to deliuer his words in such a manner, that all the people might heare and vnderstand.

When this aboue-mentioned declaration had bene made, Sprot returned to that part of the scaffold where he first began to speake, and there falling on his knees, he vttered a prayer to the same purpose, as is set down in this ensuing Treatise. And hauing ended the same, one of the Ministers praied againe, and the prisoner ioyned with him, That God would forgiue his finnes, and receiue his soule to mercie. After which, Sprot, standing vp, made diuers requests: First, that what he had deliuered by this Confession on the scaffold, might be put into his Proesse, that the world might take notice of it. Secondly, that such as were present (as they might haue opportunity) would be futers vnto the King, that his Maiestie would forgiue him this offence, for the which, he sayd, he craved pardon of God, of his Soueraigne, and the world. And thirdly, hee desired those of the Ministerie which were present, that wheresoever they came, they would proclame in the pulpit his confession of his crime, his sorrow for the same, and his full hope that God would pardon him. And to the end that this might be performed, hee tooke the hands of such Ministers as stood neere about him, so binding a promise on them. And heere, being told by the said Ministers and other persons of qualitie, that being so neere his departure out of the world, it concerned him to speake nothing but the trueth, and that vpon the perill of his soule: he answered, that to the end that they should know, that hee had spoken nothing but the veritie, and that his Confession was true in euerie respect, hee would (at the last gasp) giue them some apparent token, for the confirmation of the same. Then fitting himselfe to the ladder, the Executioner commeth to him, and, as the manner is, asking forgiuenesse of him; 'With all my heart,' sayth hee, 'for you doe but your office, and it is the thing I desire; because suffering in my bodie, I shall in my soule be ioyned vnto my Sauour.' Ascending vp to the ladder, he desired the people to sing a Psalmē with him, which they did with many a weeping eye. Hee named the sixt Psalmē, and beginning it or taking it vp himselfe, in euerie verse or line thereof hee went before the people, singing both lowd and tunably vnto the very end. Then once againe confirming and auowing his former confession, he covered his owne face, and commending his soule to God, hee was turned off the ladder; where hanging by the necke some little while, hee three seuerall times gaue a lowd clap with his hands, that all

Aug. 1608. the standers by might heare : which was the signe or token (as it seemeth) which he a little before had sayd that hee would giue at his last gaspe, for the ratification and auowing of those things, which by his confession hee had so many times declared and deliuered. These things were done in the open sight of the funne, in the Kings Capitall towne, at the Market-crosse in Edenborough, in the presence of diuers thousandes of all sorts ; of the Nobilitie, of the Clergie, of the Gentry, of the Burgeses, of women and children, my selfe, with the rest of the English Ministers, standing by and looking on, and giuing God the glorie, that after so long a space as eight yeeres and eight dayes (for so it was by iust computation after the attempt of Gowrie) he was pleased to giue so noble a testimonie vnto that, which by some maligners had bene secretly called in question, without any ground or reason. I haue reported at length those particulars, which I heard and saw ; which that honourable personage who wrote this Treatise following doth somewhat more briefly deliuer, but yet both of vs very truly, as thousandes can witnesse.

Out of both these narrations there may diuers obseruations be gathered. As first, how hainous a thing it is in the sight of God himselfe, for subiects of what nature or qualitie soeuer to enter into conspiracie against the life and person of the Lords Anointed ; for Almighty God hath threatened to discouer these traiterous enterprises ; and if no other way, yet by some strange and miraculous fashion. Hee who spake against cruell imaginations of the heart,¹ Curse not the King, no not in thy thought ; for the fowle of the heauen shall carie the voice, and that which hath wings shall declare the matter ; what will he do, when acts of hostilitie in rebellious maner shall be entred into ? And doth his Diuine Maiestie disclose it, and will he not also punish it ? The example of that Earle Gowrie, among thousandes of others, may be a sufficient instruction in this behalfe, who, for his Soueraignes loue and gracious fauor, testified in many respects, and intended many more wayes vnto him, returning nothing but vngratefulnessse and traiterous resolutions, digged a pit for another, but by Gods iudgement fell into it himselfe : and did not only lose in one day his fidelitie, estimation and life, but ouerthrew his house and all the honour of his familie, thorow succeeding generations. Therefore farre be at all times from any noble heart to walke in his wayes, or vpon any occasion to entertaine such discontentment as may grow to vndutifulnesse ; for when the wrath of God shall ouertake men offending in this kinde, and the iustice of a King shall once proceed against them, what horror must there needs be in their bowels and conscience ? what trembling and affrighting in their very soule ? If this poore man Sprot, for concealing that odious combination, found such touches in himselfe, and such remorse in his heart, what quaking and dreadfulnessse, may we thinke, will fall on him who is guiltie of the highest act of treason and rebellion ?

Secondly, wee heere may see the Lords protection ouer Christian Kings and Princes ; whom, as hee placeth next himselfe in maiestie and authoritie, and calleth them by his owne name, I haue said,² Ye are Gods ; so he blefseth and vpholdeth them, as his Deputies and Vice-gerents, men representing himselfe, especially if sincerely they serue and feare and loue him. He is a God of order, and loueth subordination in all kingdomes and countreys, where if hee grace, countenance, and protect inferiour Magistrates, what will hee doe to the heads and chiefe gouernours of his people, who are next to his owne greatnessse ? Hee hath set them aboue other in honour and glorie, which causeth them to be more obserued according to their state : but withall, the prayers of their subiects are powred out for their welfare, day and night, and at all times ; which concurring with their owne requests to God, do find acceptance with the Highest, to their noted prosperitie and eminent felicitie. It preferueth from many perils, to haue at all houres and seasons the prayers and supplications of faithfull men and women hovering ouer their heads, which may be perpetuall remembrancers for them to their heauenly Father, if by human fragilitie and vnauidable imperfections they should forget themselues.

Thirdly, we may note, more particularly, the sauing health of God upon our gracious Souereigne ; to

¹ Eccl. x. 20.

² Psal. lxxxii. 6.

Aug. 1608.

whom as the Lord hath giuen many blessings and much happineſſe beyond all his progenitours, ſo hee hath maintained and protected his perſon in a marvellous and ſtrange maner, not onely from his cradle vnto this day, but (as it is very well knowen) from before his coming into the world. And how did the Lord free his ſeruant euen from the brincke of the pit, and from the gates of the graue at the time of Gowries attempt? As alſo ſince that day, when thoſe wicked ſonnes of Belial, the ſtaine of the land and countrey wherein they were borne, intended that Powder-treaſon? Which, as on the one ſide, it expecteth at the hands of his Maieſtie a greater thankfulneſſe to God the King of kings; ſo, on the other ſide, it calleth for vs who fit peaceably vnder his ſhadow, euerlaſting tokens of gratefulneſſe to ſo mercifull a Lord, and heartie obedience to our Souereigne, whom God hath raiſed vp, defended, protected, maintained, vpheld with his extraordinarie fauour to no common end; but to the enlarging of his Church, to the further ruine of Antichriſt; to the vnitng of Kingdomes, to the comfort of all the godly diſperſed thorow Europe. And happy is hee, not who can finde deuices, and caſt imaginarie perils to hinder ſuch a worke, but who in his poore place can with a faithfull heart giue furtherance to the ſame.

Fourthly, as many blessings from heauen haue been powred on the head of his Maieſtie, ſo it is not the leaſt, that *tanquam e poſtliminio*, after ſo many yeeres, and that as from the bones of a dead man, when liuing men would not beleene it, God hath giuen farther light to the opening of the Conſpiracie of that vngodly Earle Gowrie, which ſome few perſons, affected more to a rebell that is dead, than to their liuing Souereigne, did endeouour to diſguiſe and make at their owne pleaſure. The ſtrange conceits of whome I can neuer ſufficiently woonder at; that men profeſſing conſcience and zeale to the trueth, ſhould, vpon no kind of ground or ſhew of probabilitie, ſuffer ſuch vnreuerent thoughts to enter into their hearts, eſpecially againſt his ſacred perſon, whoſe life hath bene ſo immaculate and vnſpotted in the world, ſo free from all touch of viciouſneſſe and ſtaining imputation, that euen malice it ſellie (which leaueth nothing vnſearched) could neuer finde true blemiſh in it, nor caſt any probable aſperſion on it. Againſt his ſacred perſon, whom as they muſt acknowledge to be zealous as Dauid, learned and wiſe as the Salomon of our age, religious as Ioſias, carefull of ſpreading Chriſts faith as Conſtantine the Great; ſo if they will ſpeake trueth, they muſt confeſſe to be iuſt as Moſes, vndeſiled in all his wayes as Iehofaphat or Hezechias, full of clemencie as another Theodoſius, farre from ſpilling the blood of any of his Nobilitie, but rather ſparing thoſe who haue liſt vp their hand againſt him. Notwithſtanding, when prepoſterous affection had ſo blinded theſe men, that they would not ſee this trueth, the Lord hath giuen light yet once more, to the rectifying of their iudgements. A ſingular example of Gods vnlimited and vnbounded wiſdome, who will doe things as he liketh. That when as S. Iohn ſayth, ¹ *Qui ſordeſcit, ſordeſcot adhuc*, He that liſt to be preuiſh, and refractarie, and ſeſe-conceited, did thinke hee might haue perſiſted and died in that peeuilneſſe and refractarie conceit, and ſuppoſed that neuer any thing in this world ſhould haue been able to reforme him, may ſee before his face ſo illuſtrious a testimony of his miſconceited fancie, and almoſt vnſatiſſiable vndutifulneſſe, that vnleſſe his face be hardened and his heart obdurate againſt both heauen and earth, he muſt ceaſe to be peruerſe. God is the God of trueth; and he who is the protectour of innocency in the pooreſt, will certainly be the maintainer and defender of integritie and ſinceritie in his nobleſt and deareſt ſeruant. It is fit that he ſhould haue his owne will, to put off and prolong his mercies till the time which ſeemeth good to himſelfe, that men may wait vpon him, and patiently expect, and ſtill tarie the Lords leiſure: yea, that his power may be knowen, who can bring light out of darkneſſe, an good out of euill, and truth out of treaſon; who can giue hope beyond hope. But when hee is once reſolued that things acted in ſecret ſhall be preached vpon the houſe top, that iniquitie ſhall be opened, that ſimplicite ſhall be cleered, and innocencie diſburdened of ſcandalous imputations, if men would not ſpeake, or children found out the trueth in the ſtreets, ² yet the verie ſtones ſhall crie, as our Sanionr once answered to the

¹ Apoc. xxii. 11.² Luc. xix. 40.

Aug. 1608. maligning Pharisees. Blessed be the God of iustice, who cleereth vp the fame of his holy ones, when malice would obscure it.

Lastly, heere may be a warning to men of mine own profession, I meane the Ministers of the Gospell, that in cases of highest nature between a King and his rebell, they conceine not things to the woorst, and (because they will be opposite to him whom most of all they should honor) by buzzings and whisperings, and secreet suggestions, without all ground of trueth, labour to sow sedition in the eares of women and children, or in the mindes of men either weake or ill disposed.¹ For as the ² lips of the Priest should alwayes preferue knowledge, so should they preferue trueth. And we are to go before our flocks and congregations, in obedience and obsequiousnesse vnto the Christian Magistrate, not in sowing sedition, or making of mutinies, to the disturbance of the State. Who should sticke closer to Moyse, welding so huge a charge, than Aaron and his tribe? And who should rather labour to doe his Prince all right, than the Minister of the Gospell, who, next after teaching men their dutie to God, is made to teach obedience and respectiuenesse vnto Kings? And who more deserueth to be chastised than he, if he wilfully transgresseth?

These things I thought not amisse to obserue to thee, Christian Reader, before thou come to the perusing of this plaine and true narration, touching the examination, arraignment and death of the person here described. God Almighty bleesse the Kings Majestie, grant vnto him many dayes full of pietie and felicitie; and after this mortall life expired, send him an euerlasting crown of glorie, through Iesus Christ our Lord. Amen.

Thine in the Lord,

GEORGE ABBOT.

THE EXAMINATIONS, &c. of GEORGE SPROT, *Notary in Aye-mouth.*



THOUGHT good (gentle Reader) for satisfaction of the true hearted and well-affected subjects to their gracious Souereigne, and closing of the mouthes of his malicious enemies, to spend a little time in discourse of a strange and almost miraculous accident, that fell out of late, aent the renealing of the practises of GOWRIES treasonable CONSPIRACIE, intended against his Highnesse royall person. Which purpose was hidden and concealed, vntill the time it pleased God to moue one GEORGE SPROT (who was prinie thereto) to manifest and confesse the same, as by this that followeth may appeare.

This Sprot, after diuers examinations, being moued with remorse of conscience, for the long concealing of the fore-knowledge of this treasonable conspiracie, confesseth, declareth and deponeth, with the perill of his own life, That he knew perfectly, that ROBERT LOGANE, late OF RESTALRIG, was prinie and vpon the foreknowledge of Gowreis treasonable conspiracie. And for the greater assurance of his knowledge, deponeth, That he knew there wer diuers Letters interchanged betwixt them, aent the treasonable purpose aforesayd, in the beginning of the moneth of Iuly, 1600. Which Letters James Bour, called Laird Bour, seruitor to Restalrig, (who was employed mediatour betwixt them, and priuy to all that errand) had in keeping, and shewed the same to Sprot, in the place of Fast-Castle. The first of Gowreis Letters, containing in effect, as followeth:

GOOD LAIRD OF RESTALRIG,

YOU vnderstand what conditions should haue beene betwixt vs, ofbefoir. Indeed, I purposed to haue come by your house; but vnderstanding of your absence in Lothiane, I came not. Alwayes, I with you either your selfe to come West, or els to send some sure messenger, who may conferre with mee, aent the purpose you know. But rather would I with your selfe to come, not only for that errand, but for some other thing that I haue to aduise with you.

¹ This is an evident allusion to the blind obstinacy of Mr Robert Bruce.

² Mal. ii. 7.

To the which Letter Restalrig wrate an answer, and sent the same to the Earle of Gowrie, by the Aug. 1608. said James Bour, of the tenure following: [The Letter is here inserted.¹]

Which letter, written every word with Restalrigs owne hand, was subscribed by him after his accustomed maner, 'Restalrig:' And was sent to the Earle Gowrie by the sayd James Bour. After whose returne within five dayes, with a new letter from Gowrie, he staid all night with Restalrig in Gunnes-greene:² and Restalrig rode to Lothiane, the morne thereafter; where he staid five or six dayes. Then, after his returning, past to Fast-Castle; where he remained a certeine short space. And farther deponeth, that he saw and heard Restalrig reade the last letter, which Bour brought backe to him from Gowrie, and their conference thereanent. And heard Bour say, 'Sir, if ye thinke to make any commoditie by this dealing, lay your hand to your heart.' And Restalrig answered, that he would do as he thought best. And farther sayd to Bour, 'Howbeit he should sell all his owne land that he had in the world, he would passe thorow with the Earle of Gowrie; for that matter would giue him greater contentment, nor if he had the whole kingdome: and rather or hee should falsifie his promise, and recall his vow that hee had vowed to the Earle of Gowrie, hee should spend all that hee had in the world, and hazard his life with his Lordship.' To whom Bour answered: 'You may doe as you please, Sir, but it is not my counsell, that you should be so sudder, in that other matter. But for the condition of Dirlton, I would like very well of it.' To whom Restalrig answered, 'Content your selfe, I am at my wits end.' And farther Sprot deponeth, that he entred him selfe, there-after, in conference with Bour, and demanded, 'what was done betwixt the Laird and the Earle of Gowrie?' And Bour answered, 'that hee belceued that the Laird should get Dirlton, without either golde or siluer; but feared that it should be as deare vnto him.' And Sprot inquiring 'how that could be?' Bour sayd, 'They had another pie in hand nor the selling of any land:' But prayed Sprot, for God's sake, that hee would let be, and not trouble himselfe with the Laird's businesse; for he feared, within few dayes, the Laird would either be landleffe or lifelesse. And the said George Sprot being demanded, 'if this his deposition was true, as he would answer vpon the saluation and condemnation of his soule; and if hee will go to death with it, seeing he knoweth the time and the houre of his death to approach very neere?' Deponeth for answer, that hee hath not a desire to liue; and that he knowes the time to be short, hauing care of no earthly thing, but only for cleering of his conscience, in the truth of all these things, to his owne shame before the world, and to the honour of God, and safetie of his owne soule; that all the former points and circumstances contained in this his deposition, with the deposition made by him the fift day of Iuly last, and the whole remanent depositions made by him sen that day, are true; which hee will take on his conscience, and as hee hopeth to be faued of God, and that he would seale the same with his blood. And farther, being demanded where this aboue written letter, written by Restalrig to the Earle of Gowrie, which was returned againe by James Bour, is now? Deponeth, that hee abstracted it quietly from Bour, in looking ouer and reading Bours letters, which he had in keeping of Restalrigs; and that he left the aboue written letter in his chest among his writings, when hee was taken and brought away, and that it is closed and folded within a piece of paper.

This foresaid deposition was made by him the tenth of August 1608, written by Iames Primerose, Clerke of his Maiesties Priuie Counsell, and subscribed with the sayd George Sprot's owne hand, in the presence of the Earle of Dunbar, the Earle of Lothiane, the Bishop of Ross, the L. Schune, the L. Halyrudehoufe, the L. Blantyre, Sir William Hart, his Maiesteis Iustice, Mr John Hall, Mr Patricke Galloway, Mr Peter Hewart, Ministers of the Kirkes of Edenborough. Subscribed with all their hands.

And also, the eleuenth day of the foresaid moneth and yeere, the said George Sprot being re-examined, in the presence of a number of the Counsell and Ministers aforesaid, and it being declared to

¹ As the Letters are inserted at length, from the Originals, preserved in the General Register House, Edinburgh, it has been thought unnecessary to reprint them here, in abstract.

² A house of Restalrig's.

Aug. 1608. him, that the time of his death now verie neere approached, and that therefore they desired him to cleere his conscience with an vpriight declaration of the trueth; and that he would not abuse the holy name of God, to make him, as it were, a witnesse to vntueths: and specially, being desired that he would not take vpon him the innocent blood of any person, dead or quick, by making and forging lies and vntueths against them: Deponeth, that he acknowledgeth his grieuous offences to God (who hath made him a reasonable creature) in abusing his holy name with many vntueths, fen the beginning of this proceffe: but now being resolved to die, and attending the houre and time when it shall please God to call him, he deponeth, with many attestations, and as he wisheth to be participant of the kingdom of heauen, where he may be countable and answerable, vpon the saluation and condemnation of his soule, for all his doings and speeches in this earth; that all that he hath deponed fen the fifth day of Iuly last, in all his fenerall depositions, were true, in every point and circumstance of the same; and that there is no vntueth in any point thereof. And hauing desired Mr Patricke Galoway to make a prayer, whereby he might be comforted now in his trouble; which was done: The said deponer, with many teares, after the prayer, affirmed this his deposition to be true: and for the confirmation thereof, declared, that he would seale the same with his blood.

And the next day thereafter, being the twelfth of the foresaid moneth of August, the said George was brought forth and presented in iudgment vpon pannell, within the Towlebewth of Edenborough, before Sir William Hart of Preston, his Maiestis Iustice; and there, in a fenced Court holden by him that day, assisted by the honourable persons following, his ASSESSORS in that errand: They are to say,

Alexander Earle of Dumfermling,	Dauid Earle of Crawford,	Michael L. Burley,
L. Chancellor,	Marke Earle of Lothiane,	Sir Richard Cokburne of Clark-
George Earle of Dunbar, Treasur-	Iohn L. Abernethy of Saltoun,	intoun, Knight,
urer,	James L. of Balmerinoth, Secre-	Mr Iohn Preston of Fenton Barnes,
Iohn Archbishop of Glascow,	tarie,	Collector Generall,
Dauid Bishop of Ross,	Walter L. Blantyre,	Sir Iohn Skeyue of Currhill,
Gawin Bishop of Galloway,	Iohn L. Halrudehouse,	Knight, Clerke of Register;
Andrew Bishop of Brechine,		

was delated, accused, and pursued by Sir Thomas Hamilton of Binning, Knight, Aduocate to our Souereigne Lord, for his Highnesse Entries, of the crimes contained in his Inditement, produced by the said Aduocate; whereof the tenure followeth. [Here follow the Dittay and proceedings in the Court of Iusticiary, in terms similar to those recorded in the Books of Adjournal.]

The doome being pronounced, the said George was conuoyed to a priuie house; where he remained at his secret meditation, and afterwards in conference with the Ministers and others, vnto the time all things was provided necessarie for his execution: and being brought to the place where he was to die, he, in publike audience of the whole people, at the three sides of the scaffold, ratified the former depositions made by him concerning the treasonable practices intended and deuised betwixt Gowrie and Restalrig, for the murdering of our most gracious Souereigne, and bereauing his Highnesse of his life, and his owne knowledge and concealing of their guiltinesse. [Here a copy of Sprot's Confession is inserted. See a correct transcript of this extraordinary paper, p. 260.]

By this Narration aforegoing, each man may learne, that the contrining and plotting of treason against Kings and Princes, is a thing odious in the sight of God, and therefore ordinarily is disclosed by him, at first or at last, by one meanes or another: and that it is not good to conceale any such Conspiracie intended by enemie or friend, because the life and safetie of a Christian King, who is the common Father of the Countrey, ought to be dearer to all good men, than the loue or acquaintance of any whatsoener: who howbeit hee make shew of manie faire things in him, yet in this alone, That hee purposed euill against the Lords Anointed, sufficiently declareth himselfe to be of a rebellious and

vngodly disposition. And how wofull the fruit is either of such traitourous resolutions, or of the concealing of them, may be seene (as in a glasse) both in the fudden end of the Earle Gowrie, and in the execution of this George Sprot with more deliberation. Aug. 1608.

(4.) NARRATIVE OF SPROTT'S EXECUTION, &c.

[IN the course of pursuing the researches necessary to be made, owing to the task which the Editor had imposed upon himself, of collecting such original and authentic information, bearing upon all the facts connected with Gowrie's Conspiracy, as could now be procured, he discovered the following curious fragment, among the voluminous MS. Collections of Wodrow, preserved in the Library of the Faculty of Advocates, in an anonymous MS. marked 'Hist. of Church of Scotland.' Rob. III. 2, 9. It is evidently written by some person who entertained ideas unfavourable to the reality of the Conspiracy; but, notwithstanding the turn he attempts to give to the declarations of Sprott, and certain gratuitous assertions occasionally introduced by him, on the whole, it unquestionably establishes the author's belief of the veracity of Sprott, and the truth of his dying Confessions; and being written by a professed partisan of the family of Gowrie, this paper becomes more important than had it contained a fulsome detail, and concluded with a panegyric on the King.]

UPON the xij day of August 1608, thair wes ane man hangit at the Croce of Edinburgh, for conceiling of the Treffoun committit be the vni^q^{le} Erle of Gowrie, in maner aforwrittin. The manis name wes callit George Sprott, uottar in Eymouth. The maner of his reueiling of the said Treffoun, wes in this forme. The said George wes apprehendit in the moneth of Aprile, or thairby, 1608, vpoun sum informatioun that he had maid of the said Treaffoun of before: And being brocht to Edinburgh, and thairefter examinat be the Lordis of Secrete Counfall, thair wer producit Letteris quhilkis wer fund in his hous, writtin be the vni^q^{le} Laird of Restalrig that last deceffit, ane godles drunken deboschit man in his tyme, direct to certane perfonis, quhais names culd not be maid knawin, feing the Letteris were not direct on the bak; making mentioun of the proceeding of the said Erle of Gowreis Treffoun, and about sum meiting thairanent, to have bene betuix the Erle and his brother and the said Laird of Restalrig, in his hous of Fafcastell: And being particularlie examinat, he clerit many thingis to the Counfall, and causit findrie men of rank to be suspectit. And to the effect he nicht the better declare the mater, he ressauit sum choppis (*strokes*) in the buittis, and abyding, that thay Letteris wer writtin be the Laird of Restalrig, and be his Depositionis that he had deponit. It wes thoct very strange be mony, that the Erle of Gowrie and his brother fuld have communicate sic ane hich turne, to the knowledge of sic ane deboschit drunken man as the Laird of Restalrig; and yit, all that saw the writtis and knew the Laird of Restalrigis handwritt, affirmit it wes the same. And thairefter, the said George being vrgit to depone quhat forder he knew in the said mater, to the forder satisfioun of the Counfall, and being buittit to that effect, he than with grite and solemne aithis declairit that all wes fals that he had writtin or said in the said mater; and willit thame that wer his auditouris, that gif euir at ony tyme thairefter he fuld say or write

Aug. 1608. vtherwayis, that thair fuld be na credit gevin thairto.¹ And sua, the mater lying over till my Lord of Dunbaris cuming into this cuntrey, he than caufit tak the said George Sprot furth of waird, and caufit cure his leggis, quhilkis wer very ewill woundit with the buittis; and thairefter caufit present him before the Counfall; quhan he ratifeit all that euir he had said first in the said mater, and declairit, that albeit the Letteris wer writtin and deuyfit be him selff,² yit the subiect quhairupoun he wrait thame wes trew; and declairit that he wes preuy to the knawledge of the said Tressoun, and dilatit all the particular circumstances of his knawledge. And thairefter, vpoun the day foirsaid, being put to the knawlege of ane Assyse, he planelie confessit him selff to haue bene preuy to the knawlege of the said Tressoun, and that thairfore, he deseruit maist worthelie to die. And thaireftir, being brocht to the place of execution, quhair thair wes present with him findrie of the Counfall and findrie of the Ministrie, with grite nowmer of people; and being posit, as he sould be partaker of lyf eternall, that he sould declare the veritie, maist planlie confessit, that he had nather promise of lyf, nather rewaird to his wyf and bairns efter his deceas, nor ony vther thing that movit him, bot simple the grudge of his awin conscience. And sua, declairit that quhat he had deponit in the said mater wes trew; and that he wes preuy to the knawlege of the said Tressoun, and cravit God pardoun thairfore; and besocht the pepill to pray for him; and sua deit very penitent. And thairefter, his body wes brokin and quarterit, and his heid putt vp besyd the Erle of Gowreis.

No. XV.

Forfeiture for High Treason—Gowrie's Conspiracy.

ROBERT LOGAN, eldest sone to vniq^{lc} ROBERT LOGANE of RESTALRIG.

[It is not the purpose of the Editor, here, to enter into any vindication of the conduct of the Lord High Commissioner and the Parliament of Scotland, for their insisting so rigidly on the Forfeiture of the heir of the deceased traitor Restalrig. Such were then considered to be the Laws of this country, in

¹ It seems clear, that this retraction of his former voluntary Confessions, was only extorted from Sprott by the extremity of the torture suffered by him in 'the buittis.' For no sooner is he rid of them, and patiently examined on oath before the Privy Council, than he explicitly declares the truth of his previous Declarations; and these he, with unswerving confidence, continued to repeat, until the moment of his death. The administration of the torture to this person to so exquisite a degree (however reprehensible the practice unquestionably was), proves the extreme anxiety of his examiners to draw out *the truth* from this person, even though this should be to the discredit of the King's repeated attestations. Their integrity, therefore, is deserving of the highest praise—for had they been acting as mere time-servers, it would have been enough for them to have encouraged Sprott in his repeated asseverations.

² This assertion is entirely gratuitous on the part of the anonymous writer, and is disproved by the Declarations, so fervently emitted by Sprott, as a dying man, attested by many respectable and unexceptionable witnesses, such as Archbishop Spottiswood, several members of the Privy Council of Scotland, the Ministers of Edinburgh, the Bishop of Galloway, and the Bailies of Edinburgh, &c. In addition to this, the testimony of such a host of witnesses, at the Forfeiture of Logan of Restalrig, proves the authenticity of these Letters beyond the shadow of a doubt; if any effect is to be given to human testimony, in such a matter.

aggravated cases of High Treason; and it is by no means unnatural that this Parliament should have pressed for their most rigorous enforcement, immediately after the occurrence of so unexpected a discovery. The extraordinary disclosures of the real facts and circumstances attending the origin and progress of the Conspiracy, which had been so long concealed by Sprutt, and his unswerving adherence to his Confessions, had an irresistible effect upon the opinions of such portions of the community, as had, till then, remained in their incredulity. These doubts unquestionably originated with the perverse conduct of Mr Robert Bruce, whose talents and integrity were universally respected by the Presbyterian party, and had placed him in the situation of leader and organ of that body. The injudicious attempts which were made by the King and Council, to concuss him into a public profession of implicit reliance on every item of 'the Account published by authority,' and to force upon him, not only the subscription of a certain *formula*, but besides publicly to recite this paper, and to preach upon the subject, in the exact terms pointed out to him, from the pulpit all over the kingdom, tended much to rouse the suspicions of the doubting. His stubborn and bold spirit, which had in it much of the intrepidity of John Knox, could by no means brook such indignity, and accordingly he went into the banishment which was awarded him. The particulars of his extraordinary correspondence, and the conferences he had with the King, shall be given in the present Collection.

One remarkable circumstance attended these Cases of Logan and Gowrie.¹ The dead bodies of the traitors were actually produced in Court; and, in the latter case, sentence was pronounced against the corpses of the Earl of Gowrie and Mr Alexander Ruthven. In Logan's case, his bones, which had been buried for several years, were dug up and produced at the bar; but no warrant for burning or public exposure is contained in the doom of Forfeiture; and the Editor does not find that such was resorted to, although the matter excited the strongest feelings and the utmost detestation of his memory. On this subject, it may be interesting to many, to notice some illustrations of so extraordinary a subject.

Sir George Mackenzie, in his Treatise on the Criminal Law, B. I, Title 6, § 22, says, 'Albeit the bones of the defunct traitor are ordinarily taken up and brought to the pannel, in pursuits of this nature, as was done in the forefaulter of the Laird of Restalrig, yet this is not necessary.' Lord Hailes, in an interleaved copy of the Earl of Cromarty's Account of the Conspiracy, remarks, 'He is certainly in the right; for the bones of a traitor can neither plead defences, nor cross-question witnesses; and upon this matter, there is no difference whether the accused person be absent in body or present in bones!' *Paulus Jovius*, in the History of his own Times, vol. i. Lib. 2, p. 50, Edit. Venetiis, 1553, notices a similar instance. 'Innocentium namque Catiam Opicini propinquum Ludouicus Sfortia aliquot antè annis facti functum, objectis quibusdam criminibus, è sepulchro in jus vocari damnarique jusserat, ut bona illius veluti convicta judicio per leges fisco addicarentur. Quod sicuti inauditum et execrabile visum est, ita illi singularem invidiam concitavit.' *Bishop Guthrie* also in his Memoirs, Glasg. 1747, p. 250, mentions, in the case of Archibald Lord Napier, 'The Committee resolved to raise his bones, and pass a sentence of forefaulter thereupon: And for that end, Letters were raised and ordained to be executed at the pier and shore of Leith against Archibald Lord Napier his son, then under exile, for his loyalty, to appear upon sixty days' warning, and to hear and see the same done. And when his friends were startled at the noise of it, and made enquiry what was meant by it? They found it was only to draw money from the present Lord Napier, for the use of some sycophants that expected it: And so, they advanced five thousand merks to that end; and thereupon the intended forfaulter was discharged.' See also *Limborch, Historia Inquisitionis*, lib. 4, c. 8, pp. 357, 363.

¹ See also the case of Francis Mowbray, Jan. 31, 1603; who, in his attempt to escape from the Castle of Edinburgh, (where he had been confined on a charge of High Treason,) by means of cutting his blankets and letting himself down from his window, fell, and expired in a few hours. His body was brought to the bar, before an Assise; and ordered to be gibbeted, drawn, and quartered, &c. The case of the Archbishop of Spalato, 1624, *Somers's State Tracts*, vol. ii. p. 30, may likewise be referred to, as illustrative of this practice.

June, 1609. *Sententiæ Tholosanae*, pp. 162, 167, 248, &c.—‘*Accusati post sepulturam, decretumque ut more majorum punirentur.*’—*Tacit. Annal.* 15.—‘*Cum accusatores ac testes perorarent, respondente nullo, miseratio quam invidia augebatur.*’—*Tacit. Annal.* 3.

The first recorded instances, in Scotland, occurred in the reign of King James V., viz. the case of Robert Leslie, and that of James Colville of East Wemyss, Dec. 4, 1540, which were continued from time to time to 1542; when by Act of Parl. cap. 13, it was declared, that all such actions, in future, against the heirs of deceased Traitors, must be led within *five years* after the decease of ‘*pame pat notourlie committis or fall committ crimes of Leife-maieftie aganis pe Kingis perfoune, aganis pe realme for evertioun of pe famin, and aganis paim pat fall happin to betraife pe Kingis army, alanerlie.*’—*Acta Parl.* vol. ii. p. 415. The practice was founded on the Civil Law, *Corpus Sur. Civ. Dig.* ad L. Juliam Maj. L. ult.—It is only necessary, in farther illustration, to refer to our learned Commentator on the Criminal Law, *Hume on Punishment for Crimes*, vol. ii. p. 458; *Mackenzie on Crimes*, p. 29, No. 22; and *Mack. Obs. on Stat.* pp. 136-7.

As will be seen by the Warrant inserted at the end of these proceedings, the Lord Advocate was directed, by the Privy Council, to prepare the summons against Logan’s representative, and to insist in its pursuit, after thoroughly investigating Sprott’s Conviction and Confessions, and examining the witnesses, whose depositions follow. Sir Thomas Hamilton’s Report to his Majesty has been recovered among the Denmylne Papers, and is also appended. It need hardly be remarked, it is a most important and interesting document.]

(Jun. 24.)—SIR THOMAS HAMYLTOUN of Bymie knycht, Aduocat to oure fouerane lord, producit in prefens of the noble and nichtie lord, the Erle Marfchall Commiffionar and in prefens of the hail Estaittis, lyk as [he] did diuerfe tymes of befoir, ane Summondis of Treaffoun, raist and perfewit be oure said fouerane lord, and be the said Aduocat aganis Robert Logane eldest sone to vnq^{le} Robert Logane of Restalrig and his tutouris and curatouris, gif he ony hes, and all vtheris haveand or pretendand to haue interes in the said mater, for thair interesse; to haue answert to the said summondis, and to the crymes of Treaffoun and Lefema^{tie} conteuit thairintill: The quhilk summondis and reffones and causses thairin contenit, being first red in prefens of the lordis of Articlis of this present Parliament, they fand the samyn summondis relevant: And thaireftir this instant day, the samyn summondis of Treaffoun and reffones and causses thairin contenit being red, in prefens of the said Lord Commiffionar and of the hail Estaittis of Parliament, the said Robert Logane eldest sone to the said vnq^{le} Robert Logane of Restalrig and his tutouris and curatouris, and all vtheris haveand or pretendand to haue interes, being thryse callit at the tolbutth window, to haue answert to the said summondis of Treaffoun, and comperit nocht, the saidis hail Estaittis fand the said Summondis of Treaffoun raist be our said fouerane lord and his hienes Aduocat aganis the said Robert Logane and his foirsaidis, and the reffoun and cause contenit thairin, maist relevant causses of Treaffoun committit be the said vnq^{le} Robert Logane of Restalrig his father, in his lyfytyme: And thairfoir the saidis Estaittis, all in ane voce, Admittit the samyn summondis of Treaffoun, and reffoun and cause of Treaffoun contenit thairin, to the said Aduocat, in oure

foverane lordis name, his probatioum : Quhairvpoun the said Aduocatt, in name June, 1609. of his hienes, askit actis and Instrumētis.

SUMMONS of Treason and forfeiture of the Memory and Estates of the deceased ROBERT LOGANE of RESTALRIG.

JACOBUS Dei gratia, Magne Britannie, Francie et Hibernie Rex, fideique defensor: Dilectis nostris Leoni Regi armorum, Merchemount, Ilay, Rofs, Rothefay, Albanie et Snawdoun, hierauldis; Dauidi Bryfoun, Alexandro Dowglas, Jacobo Chalmer et Magistro Willelmo Stewart, clavigeris; Ormount, Bute, Vnicorne, Carrik, signiferis, nuncijs, ac eorum cuilibet, coniunctim et diuisim, vicecomitibus nostris in hac parte specialiter constitutis: Salutem. Mandamus vobis et precipimus, quod summonetis legitime et peremptorie, coram testibus, ROBERTUM LOGANE filium primogenitum et heredem apparentem quondam ROBERTI LOGANE DE RESTALRIG, personaliter, si eius personalem presentiam habere poteritis; sin minus, apud domicilium et locum habitationis sue, necnon dictum Robertum Logane eiusque tutores et curatores, si quos habet, omnesque alios interesse habentes seu pretendentes, per publicationem apud cruces forales burgorum nostrorum de Edinburcht, Hadingtoun, Dunse, Grenlaw, aliaque loca necessaria, ita vt huiusmodi summonitio ad eorum aures et notitiam verisimiliter peruenire possit; ad comparandum coram nobis nostrove Commissionario et Justiciario, ac regni nostri Scotie Ordinibus, in Parlamento nostro apud Edinburgh, vel vbi nos nostrumve Commissionarium ac Justiciarum et dicti regni nostri Ordines pro tempore convenire contigerit, tenendo duodecimo die mensis Aprilis proxime futuri, hora caufarum, cum continuatione dierum; ad respondendum nobis seu nostro Justiciario in dicto nostro Parlamento, necnon ad instantiam dilecti et fidelis consiliarij nostri Thome Hammyltoun de Bynnie militis, nostri Aduocati, pro nostro interesse: Et ad videndum et audiendum, per nos aut nostri Commissionarij, Justitiarij et trium dicti regni nostri Scotie Statuum, decretum et sententiam decerni dictum quondam Robertum Logane de Restalrig, crimina Lefemaieftatis infra-scripta in vita sua commississe, eorumque conscium et participem fuisse, eaque approbasse et caelasse: Ideoque Memoriam eius damuari, et bona omnia mobilia et immobilia, jura aliaque omnia ad eum infra dictum nostrum regnum spectantia, nobis confiscari et perpetuo nobiscum modo infra-scripto remanere debere; ob causas et rationes sequentes. QUUM enim quondam JOANNES olim COMES DE GOWRIE et quondam MAGISTER ALEXANDER RUTHVENE eius frater, nulla prouocati iniuria, sed multis magnisque devincti nobis beneficijs, in necem nostram, menſe Julio aut eo circa, anno Domini millesimo sexcentesimo, ingrate, crudeliter, nefarie, et proditorie Coniurassent; et de asciscendis in sceleris consilium et partem focijs consultantes, neminem ad tam immane nefas aut suscipiendum aut parandum aptiorem promptioremve dicto quondam Roberto Logane de Restalrig existimarent: Ideoque dictus quondam Joannes olim Comes de Gowrie dictum quondam Magistrum Alexandrum Ruthven suum fratrem ad dictum quondam Robertum Logane de Restalrig misisset, cum vt dicti horreni sceleris consilium et executionis destinatum ordinem ei significaret, tum etiam vt eum hortaretur vt eos consilio et auxilio suo, in tam nefando facinore perpetrando iuaret; dictus quondam Magister Alexander dictum quondam Robertum Logane de Restalrig, in Vico Canonicorum opportune conveniens, omnem Proditionis feriem ei patefecit, dictusque quondam Robertus Logane pro sua ad scelera omnia naturali et inveterata propensione, adeo gratam sibi eam coniurationem esse declaravit, vt fide data et accepta, crebrisque cum dicto quondam Magistro Alexandro ea de re, in dicto menſe Julio, habitis sermonibus, omnem tandem tuto et secrete peragendi criminis ordinem proditorie constituerunt; atque in ea crudeli et scelestissima voluntate, dictus quondam Robertus Logane de Restalrig, non solum pertinaciter et proditorie perseueravit, sed crebris nuntijs Literisque per quondam JACOBUM BOUR de Bourhouſe alias *Laird Bour* vocatum ad quondam Comitē de Gowrie missis; quibus dicti quondam Comitē Literis super ea re acceptis, respondebat dictum quondam Joannem olim Comitē de Gowrie

June, 1609. enixe ad constantiam in prefato scelere prosequendo et perpetrando proditorie hortatus est, arcemque suam de Failecastell, natura et arte munitissimi, post scelus proditorie peractum, paratum tutumque coniuratis refugium futurum promisit, si tribus aut quatuor socijs comitatus dictus quondam Comes eo se recipere in cymba piscatoria vellet. Et quamvis nomen nostrum et de cæde nostra expressam mentionem in dictis Literis, quondam Robertus Logane, vt in tam sædis proditionibus fieri solet suppresserit; ea tamen adeo dilucide et perspicue habita temporis et circumstantiarum facti in dictis Literis descriptione expressit, vt nil clarius manifestiusque esse possit. Cum tandem, quinto die mense Augusto, anno Domini millesimo sexcentesimo, quem cædi nostre diem destinauerunt, dictus quondam Joannes olim Comes de Gowrie missõ ad nos Falcolandiam dicto quondam Magistro Alexandro Ruthvene fratre suo, fraudulenter et nefarie nos Pertham pertraxisset, et in secretius cubiculum, exclusis viris nobilibus domesticisque nostris, qui et pauci et inermes, instituta eo die venatione relicta nos eo secuti erant, dictus quondam Magister Alexander duxisset, ibique vim vite nostre proditorie afferre enixe conatus fuisset; Nosque Divino favente Numine, licet et armis et alia omni humana ope destituti, tam atrocem violentiam diu propulsassemus, donec clamore nostro accitis, qui in propinqua Urbis platea nostrum ex Urbe exitum operiebantur fernis nostris, Dei mira Providentia, Dominus Joannes Ramfay, (Vicecomes Hadingtonie,) accurrens, et dictum quondam Magistrum Alexandrum nos opprimere conantem cernens, stricto pugione in pectus ipsius addacto, cum fugere coegit; quem Dominus Thomas Erskynne, (Fentonie Vicecomes,) ad auxilium nobis in dicto discrimine ferendum, pro eximia sua in nos fide properans, dictum Magistrum Alexandrum lethalibus vulneribus confecit: Ac dictum quondam Joannem olim Comitem de Gowrie, ad ceptum scelus perficiendum, multis stipatus Coniuratis, ferociter accelerantem, dicti Vicecomites de Hadingtoun et Fentoun prohibere conantes, summoque cum vite sue discrimine, nostrum periculum propulsantes, et vitam nostram honestis vulneribus acceptis protegentes; tandem dictus Vicecomes Hadingtonie dicti quondam Comitis cor, proditionem spirans et sanguinem nostrum avidissime sitiens, ense sua ferociter et feliciter transfixit. CUIUS Proditiõnis, quamvis nos dictum quondam Robertum Logane de Restalrig reum esse ignoraremus, ipse tamen sua damnatus conscientia, ac semper timens ne dictus quondam Jacobus Bour, dicte Coniurationis conscius, rem omnem detegeret; sepius cum dicto Jacobo egit, vt fidem sibi de ea Proditiõne celanda obstringeret; tandemque per dictum quondam Jacobum certior factus quondam Georgium Sprott notarium in Aymouth, tum visis ipsius quondam Roberti ad dictum quondam Comitem de Gowrie ea de re Literis scriptis, apud Gwinnifgrene, priusquam clausæ fuissent pluribus diebus ante patratum scelus: Et post detectam Coniurationem (quod dictus quondam Jacobus Bour literarum prorsus ignarus, dicti quondam Georgii opera in legendis scriptis omnibus ad eum missis vel pertinentibus vtebatur) qualem etiam dicti quondam Roberti Literas super ea Coniuratione apud dictum Jacobum Bour fortuito vidisse, quare dicto quondam Comite de Gowrie, postquam eas legisset, ad dictum Robertum Logane reportandas, dictus quondam Jacobus Bour retinuerat. SICQUE Coniurationis perfectam noticiam habere, eiusdem dictum quondam Robertum conscium esse et participem intelligere, dictus quondam Robertus Logane de Restalrig cum utroque diligentissime egit, multisque vnicuique eorum datis muneribus, persuasit vt dictam Proditiõnem pro perpetuo cælerent, obtinuitque vt se viuo nunquam revelaretur: Neque prius horrendum illud dicti Roberti maiestatis crimen detectum fuit, quam dictus quondam Georgius Sprott, Divino vt apparuit inspirante numine, ad vindicandam nostram ab improborum calumniis famam, predictam proditoriam Coniurationem, et dicti quondam Roberti Logane eiusdem reatum, multis constantissimis Confessionibus, vltro patefecit; et dicti quondam Roberti Literas quas a dicto quondam Jacobo Bour acceperat prolatis manifestavit; ac constanti, pia et penitenti ob tam horrendum facinus, tam diu cælatum, morte feliciter confirmavit. CUIUS crudelis, nefarij et proditorij facinoris, et Lese maiestatis criminis, dictus quondam Robertus Logane de Restalrig, in vita sua, fuit ars et pars, conscius et particeps: Idque ipsius persuasione, hortatu, consilio et auxilio, susceptum et perpetratum fuit, dictusque quondam Robertus dictum scelestissimum Maiestatis crimen ad mortem et in morte proditorie cælauit: ET PROP-

TEREA, dictus Robertus Logane, filius et heres apparens dicti quondam Roberti de Logane de Restalrig, Juno, 1609. eiusque tutores et curatores, si quos habet, omnesque alii interesse habentes seu pretendentes, ad videndum et audiendum nomen, Memoriam et dignitatem dicti quondam Roberti Logane de Restalrig extinctum fore et esse decerni, armaque et insignia sua de Libro Armorum et nobilitatis deleri et cancellari, ita ut ipsius posterius ab officiis, honoribus, dignitatibus, terris, tenementis, prediis, redditibus, possessionibus, omnibusque bonis, mobilibus et immobilibus, juribusque et alijs in hoc regno nostro Scotie possidendis et gaudendis, sint inhabiles et incapaces de hinc imperpetuum; atque omnia bona, terras, predia, tenementa, atque alia quecumque bona, mobilia et immobilia, jura aliaque ad dictum quondam Robertum Logane de Restalrig pertinentia, vel que ad illum post initum scelestæ factionis et proditorii criminis supradicti consilium pertinuerunt, spectarunt, vel ad illum villo modo pertinere vel spectare potuerunt, nobis confiscari et ad nos pertinere, et pro perpetuo nobiscum in proprietate remanere: Intimando dicto Roberto Logane filio et heredi apparenti dicti quondam Roberti Logane de Restalrig, eiusque tutoribus et curatoribus, si quos habet, omnibusque alijs interesse habentibus vel pretendentibus, quod siue comparnerint siue non, dictis die et loco, cum continuatione dierum, Nos, dictusque Commissarius et dictus noster Justiciarius dictique regni nostri Scotie Ordines in prefato nostro Parlamento, justitia mediante, procedemus et procedent. INSUPER summoneatis ad comparandum in dicto Parlamento nostro, dictis die et loco, cum continuatione dierum, coram nobis dictouo nostro Justiciario et Commissario ac dicti regni nostri Ordinibus, ad perhibendum fidele testimonium in premissis, sub pena legis: Et vos qui predictas has nostras literas executione mandaueritis, sitis ibidem, portantes vobiscum dicte summotionis testimonium et ipsos testes. Ad quod faciendum, vobis et vestrum cuiilibet, coniunctim et divisim, vicecomitibus nostris in hac parte, nostram plenariam tenore presentium committimus potestatem. Datum sub testimonio nostri Magni Sigilli, apud Edinbur, decimo quinto die mensis Februarij, anno domini millesimo sexcentesimo nono, regnorumque nostrorum annis quadragesimo secundo et sexto.

And immediatlie thairefter, the said Sir Thomas Hammyltoun of Byunie kn^t, aduocat to our souerane lord, in his hienes name, for preving of the pointtis of the said summondis and resson and cause of Treassoun and Lesmajestie contenit thairin, Repetit diuerse Missive billis, all writtin and subscryuit be the said vnr^{le} Laird of Restalrig, all the Depositionnes of the witnesses examinat befor the Lordis of Articlis of befor, and befor the Lordis of Secret Counsaill, George Sprottis Depositionnes and conviction, and his execution to the death for the famin cause of Treassoun of Gowrie; togidder with diuerse wryttis and vtheris probationis, quhilkis were presentlie producit befor the saidis Estaittis be the said Lord Aduocat, in our souerane lordis name, for preving of the foirsaid summondis of treassoun, and resson and cause of lesmajestie contenit thairin: Off the quhilkis Missive billis and Depositionis, producit be the said Aduocat in oure souerane lordis name, for preving of the said summondis of Treassoun and reassoun thairin contenit, aganis the said Robert Logane and his foirsaidis, the temouris followes.

LETTERS by ROBERT LOGAN OF RESTALRIG to the EARL OF GOWRIE, &c.
relative to the projected CONSPIRACY against THE KING.

[AS HAS formerly been remarked, the ORIGINAL LETTERS of THE LAIRD OF RESTALRIG, with the Examinations of the Witnesses, have been recently discovered among the Warrants of Parliament, &c. preserved in the General Register House, Edinburgh; and the Editor has been thereby enabled to give a faithful transcript of these interesting documents. At the time the Records of Parliament of this period were framed, and for a long time afterwards, it did not seem to be the practice, or to be

June, 1609. considered of any consequence, even in such important cases, to give a *literal transcript*; all that was aimed at, was to give the words employed, generally, without attending, in the slightest degree, to the spelling, &c. So very inaccurately have they hitherto been given in any printed Collection, that they may be said to be now, for the first time, accurately laid before the Public. As an instance of this total disregard of *minutiæ*, not *one* of the characteristics of Logan's handwriting have been attended to, even in engrossing the Letters in the Records of Parliament; although they are there so scrupulously examined and detailed by the Witnesses. So extremely dissimilar are they also in other particulars, that they must have been merely read over or dictated to the transcriber, one of the under Clerks of Parliament, who probably had been unable to decipher any part of these remarkable Letters, which are written in a very difficult hand. In consequence of their great importance, a Fac-simile of a portion of Logan's Letters has been given; and a Plate accompanies this Part.]

(I.) LETTER, *Robert Logan of Restalrig* to

RY^T HONORABIL SIR,

MY dewty with fervise remembred. Pleise yow onderstand, my Lo. of Gowry and some vtheris his Lo. frendis and veill villeris, qha tendaris his Lo. better preferment, ar vpoun the resolucion ye knaw, for þe revange of that cawse; and his Lo. hes vrettin to me anent þat purpose, qhairto I vill accorde, in case ye vill stand to and beir a part: And befoir ye resolve, meet me and M. A. R.¹ in the Cannogat on Tyfday the nixt owk, and be alle var as ye kan. Indeid M. A. R. spak vith me fowr or fywe dayis syn, and I hew promised his Lo. ane answar vithin ten dayis at farrest. As for the purpose, how M. A. R. and I hes sett down the cowrse, it vill be ane very esy done twrne, and nocht far by that forme, vith the lyke stratagem, qhair of ve had conferense in Cap. h.² Bot in case ye and M. A. R. forgader,³ because he is someqhat confety, for Godis faik be very var vith his raklese toyis⁴ of Padoa; ffor he tald me ane of the strangest taillis of ane nobill man of Padoa that ever I hard in my lyf, resemling þe lyk purpose. I pray yow, Sir, think na thing althocht this berare onderstand of it, for he is the special secretair of my lyf; His name is Lard Bower, and vas auld Manderstonis man for deid & lyf, and evin sa now for me. And for my awin part, he fall knaw of all that I do in this varld, salang as ve leif togidder, for I mak him my howsehald man: He is veill vorthy of credit, and recommend him to yow. Alvyse to the purpose, I think best for ovr plat that ve meet all at my howse of Fastcastell; ffor I hew concludit v^t M. A. R. how I think it fall be meitteft to be convoyit quyeteft in ane bote, be sey;⁵ at qhilk

¹ Mr Alexander Ruthven. It has been deemed proper to print these Letters, most scrupulously, according to the Originals. ² The Record of Parliament reads this 'B^{is} h.' ³ Meet together.

⁴ In Parl. Rec. 'to this,' by an absurd blunder of the Clerk of Parliament. ⁵ It is obvious, that it would have been the height of insanity in the brothers and their accomplices to have murdered King James; at all events, to have done it in Gowrie House. Mr Alexander Ruthven merely intimated to the King that he was his prisoner;—and subsequently, when he desired him to permit his hands to be bound, it was probably for the purpose of dragging him down to the river side, after being muffled up; and then to convey him to the boat which they appear to have provided, where he would lie bound, until they could set sail for Fastcastle, on the departure of the King's attendants. The subsequent struggle, and fatal termination of their enterprise, had never been contemplated; for they certainly reckoned on the unshaken fidelity of Andrew Henderson.

tyme vpon fwre adwartiment I fall hew the place very quyett and veill provy- June, 1609.
dit : And as I receve yowr answer I vill post this berair to my Lo. And ther-
foir I pray yow, as ye luf yowr awin lyf, becawfe it is nocht ane matter of mowife,¹
be circumfpect in all thingis, and tak na feir hot all fall be veill. I hew na vill
that ather my brother² or yet M. W. R.³ my Lo. auld pedagog knaw ony thing
of the matter, qhull all be done that ve vald hew done; and than, I cair nocht
qha get vit, that lufis vs. Qhen ye hew red, fend this my letter bak agane vith
pe berar, that I may fe it brunt my felf, for fa is the fasson in fik erandis; and
if ye please, vryt yowr answer on the bak herof, in case ye vill tak my vord for
the credit of the berair: And vse all expedicioun, for the twrne vald nocht be
lang delayit. Ye knaw the kingis hwnting vill be schortly, and than fall be
best tyme, as M. A. R. hes affwred me, that my Lo. hes resolved to interpryse
pat matter. Lwkinge for yowr answer, committis yow to Chryftis haly protec-
tioun. Frome Fastcastell, the awchten day of Julij, 1600.

(Sic subferibitur) Youris to vtter power redy. RESTALRIGE.

(2.) LETTER, *Robert Logan of Restalrig to Laird Bower.*

LARD BOWER,

I PRAY yow hafte yow vaft to me abowt the erand I tauld yow, and ve
fall confer at lenth of all thingis. I hew recevit ane new Letter fra my Lo(rd)
of Go(wrie,) concerning the purpose p^t M. A. his Lo. brothir spak to me befoir,
and I perfeif I may hew avantage of Dirlton, in case his other matter tak effect,
as ve hope it fall. Alwayfe I befeik yow be at me the morne at evin, for I hew
affwred his lo. fervand, p^t I fall fend yow over the vatter vithin thre dayis, vith
ane full resolucion of all my vill, anent all purposes: As I fall indeid recommend
yow and yowr trustiness till his lo. as ye fall find an honest recompense for yowr
panse in the end. I cair nocht for all the land I hew in this kingdome, in case I
get a grip of Dirleton,⁴ for I este me it the plesantest dwelling in Scotland. For
Goddis cawfe, keip all thingis very secrete, that my lo. my brothir get na know-
lege of ovr purposes, for I (wald?) rather be eirdit quik.⁵ And swa lwking for
yow, I rest till meitting. Fra the Kammogait, the xvij day of July.

(Sic subferibitur) Yowris to power redy. RESTALRIGE.

I am verie ill at ease and thairfoir speid yow hither.

¹ Sport. It is no mumery or child's play. ² See Note to Letter (5.) ³ Mr William Rhynd.

⁴ The estate of Dirleton, in the county of East Lothian, was a very valuable barony, which the family of Gowrie acquired by the marriage of William, second Lord Ruthven, to Janet, eldest of the three heiresses of Patrick Lord Halyburtoun and Dirltoun. Their son Patrick (the chief instrument in the murder of Rizzio) was styled 'Lord Ruthven and Dirltoun;' which title continued, till the extinction of the family. Restalrig seems to have been promised this barony, as a bribe or reward for his participation in the Conspiracy; and he dwells on the idea with evident delight. ⁵ Buried alive.

June, 1609.

(3.) LETTER, *Robert Logan of Restalrig to*

RYT HONORABLE SIR,

ALL my hartly dewty v^t humbill servise remembred. Sen I hew takin on hand to interpryse v^t my lo(rd) of Go(wrie) yowr speciall and only best beloved, as ve hew fet down the platt alreedy, I vill request yow that ye vill be very circumsppek and vyse, þ^t na man may get ane advantage of vs. I dowt nocht bot ye know the perell to be bayth lyf, land and honowr, in case the mater be nocht vyllie vsed : And for my avin part, I fall hew ane speciall respek to my promise þ^t I hew maid till his lo. and M. A. his lo(rdfchipis) brother, althocht the skafald ver set vp. If I kan nocht vin to Fakland þe first nycht, I fall be tymelie in S^t Johnestoun on the morne. Indeid I lipnit for my lo(rd) him self or ellise M. A. his lo. brother at my howse of Fast(castell), as I vret to thame bayth. Alwyse I repose on yowr advertifiment of the precyfe day, v^t credit to the berar ; for howbeit he be bot ane filly ald gleyd¹ carle, I vill answer for him þ^t he fall be very trew. I pray yow, sir, reid and ather bwrne or fend agane v^t the berare ; for I dar hafard my lyf and all I hew ellise in the varld on his message, I hew sik pruif of his constant trewth. Sa committis yow to Chryftis holy protection. Frome the Kannogait, the xxvij day of July, 1600.

(Sic subferibitur) Yowris till all power v^t humbill servise redy.

RESTALRIGE.

I vse nocht to wrytt on the bak of ony of my letteris concerning this erand.

(4.) LETTER, *Robert Logan of Restalrig to the Earl of Gowrie.*

MY LO.

MY maist humbill dewty v^t servise in maist hartlie maner remembred. At þe refset of yowr lo(rdfchipis) Letter I am so comforted, especially at yowr lo. purpose, communicated onto me thairin, that I kan nather vtter my joy nor find my self habill how to enconter yowr lo. v^t dew thankis. Indeid my lo. at my being last in the town, M. A. yowr lo. brother imperted somqhat of yowr lo(rdfchipis) intencioun anent þ^t mater onto me ; and if I had nocht bein busyed about sum turnis of my avin, I thought till hew cummit over to S. Jo.² and spokin v^t yowr lo(rdfchip.) Yit alwayse my lo., I befeik yowr lo., bayth for þe saiftie of yowr honowr, credit, and mair nor that, yowr lyf, my lyf, and the lyfis of mony vtheris qha may perhapis innocently smart for þ^t turne estirwartis, in case it be reveilled be ony ; and lykwayse, the vtter vraking of ovr landis and howfis, and extirpating of ovr names, lwke that ve be all alsé svre as yowr lo. and I my self fall be for my avin part, and than I dowt nocht, bot v^t Godis g(race,) we fall bring our matter till ane fine, quhilk fall bring contentment to vs all that ever vissed for

¹ Squinting.² Saint Johnston (Perth.)

þe revenge of the Maschevalent¹ maffakering of owr deireft frendis. I dowt nocht June, 1609. bot M. A. your lo. brother hes informed your lo. quhat cowrse I layid down, to bring all your lo.(rdschipis) affociatis to my howse of Fa(steastell.) þe fey, qhair I fuld hew all materiallis in reddynefs for thair faif recayving a land, and into my howse; making as it ver bot a maner of passing time,² in ane bote on þe fey, in this fair somer tyde; and nane other strangeris to hant my howse, qhill ve had concluded on the laying of owr platt, quhilk is alredy devyfed be M. A. and me. And I vald vis that your lo. wald ather come or send M. A. to me, and thereftir I fowld meit your lo. in Leith, or quyetly in Restal(rig) qhair ve fowld hew prepared ane fyne hattit kit,³ v^t succar, comfeditis and vyn; and thereftir confer on matteris. And the soner ve broght owr purpose to pass it ver the better, before harwest. Let no^t M. W. R. your awld pedagog ken of your comming, bot rather vald I, if I durft be sa bald, to intreit your lo. anis to come and se my avin howse, qhair I hew keipit my lo(rd) Bo(thwell) in his greteft extremityis, say the K(ing) and his Counfall qhat they vald. And incaise God grant vs ane happy swceefs in this erand, I hope bayth to haif your lo. and his lo., v^t mony otheris of your loveris and his, at ane gude dyner, before I dy. Alvyse I hope that the K(ingis) bwk-hunting at Falkland, this yeir, fall prepar fum daynty cheir for ws, aganis that denner the nixt yeir.⁴ *Hoc jocosè*, till animat your lo. at this tyme; bot eftirvartis, ve fall hew bettir occasion to mak mery. I protest, my lo. before God, I vis nathing v^t a bettir hart, nor to atchive to that qhilk your lo. vald fane atteyn onto; and my continewall prayer fall tend to that effect; and v^t the large spending of my landis, gudis, yea the haserd of my lyf, fall nocht afray me fra that, althocht the skaffald ver alredy sett vp, before I fowld falsify my promise to your lo. and perswade your lo.(rdschip) therof. I trow your lo. hes ane pruisse of my constancy alredy or now. Bot my lo. qharas your lo. desyris, in your letter, þ^t I craif my lo. my brotheris mynd anent þis mater, I alvterly disfasent fra that, þ he fowld ever be ane counsalowr therto; for in gude fayth, he vill newir help his frend nor harme his fo. Your lo. may confyde mair in this ald man, the beirer heiroy, my man La(ird) Bowr, nor in my brother; for I lippin my lyf and all I hew else in his handis; and I trow he vald nocht spair to ryde to Hellis-yet to plesowr me; and he is nocht begylit of my pairt to him. Alvyse, my lo. qhan your lo. hes red my Letter, delyver it to the berare agane,

¹ Machiavelian, after the cruel policy of Machiavel; alluding to the beheading of William Earl of Gowrie, May 28, 1584.

² Feigning pastime, or a pleasure sail.

³ Coagulated milk; prepared, by milking from the cow upon butter milk, kept till it is pretty sour, so sharply, as to form a sort of froth.

The mess is made in a particular kind of wooden *bicker* or *kitt*, having a *pin* or plug near the bottom, by which the *whig* or *whey* is allowed to escape, after having stood for several hours. It is also called '*sour cogue*,' and '*Corstorphine cream*;' and, if properly made, is a very palatable dish, eaten with sugar and cream; though some prefer it in its sour state, for when fresh, it has a very agreeable acidity.

⁴ At the anniversary dinner, in commemoration of their enterprise.

June, 1609. that I may fe it brunt v^t my awin ein ; as I hew fent yowr lo. Letter to yowr lo. agane ; for fo is the fallone I grant. And I pray yowr lo. rest fully perfwaded of me and all that I hew promefed ; for I am refolved, howbeit I ver to dy the morne. I man intreit yowr lo. to exped Bowr, and gif him ftrait directioun, one payn of his lyf, that he tak never ane vink fleip, qhull he fe me agane ; or ellife he vill vtterly vndo vs. I hew alredy fent ane other Letter to the gentill man yowr lo. kennis, as þe berare vill informe yowr lo. of his anfwer and fordvardnefs v^t yowr lo. ; and I fall fehaw yowr lo. forder, at meting, qhen and qhair yowr lo. fall think meitteft. To qhilk tyme and ever committis yowr lo. to the proteccioun of the Almychtie God. From Gunifgrene,¹ the twenty nynt of Julij, 1600.

(Sic fubferibitur) Yowr lo. awin fworne and bund man to obey and ferve v^t efauld² and ever redy feruife to his vtter power till his lyfis end.

RESTALRIGE.

PRAYIS yowr lo. hald me excufed for my vnsemly Letter, qhilk is nocht fa veil vrettin as mifter³ ver ; ffor I durft nocht let ony of my vryteris ken of it, bot take twa fyndry ydill dayis to it my felf.

I vill never forgett the gude fporte that M. A. yowr lo. brother tald me of ane nobill man of Padoa, it comifs fa oft to my memory. And indeid it is a paraftevr⁴ to this purpofe ve hew in hand.

(5.) LETTER, *Robert Logan of Refialrig* to

RY^T HONORABILL SIR,

MY hartly dewty remembred. Ye knaw I tald yow at owr laft meitting in the Cannogat that M. A. R. my lo. of Go(wries) brother had fpokin v^t me, anent þ^e matter of owr conclufion ; and for my awin part I fall nocht be hindmeft : And fenfyne I gat ane Letter frome his lo. felff, for þ^t fame purpofe ; and upon the reflait therof, onderftanding his lo. franknefs and fordvardnefs in it, God kennis if my hart vas nocht liftit ten ftegefs ! I poftit this fame berare till his lo. to qhome ye may concredit all your hart in þ^t alfveill as I ; for and it ver my very fowll, I durft mak him meffinger therof, I hew fic experiense of his trewth, in mony other thingis : He is ane filly ald gleyd earle, bot vonder honeft : And as he hes reportit to me his lo. awin anfwer, I think all matteris fall be concluded at my howfe of Fa(fteftell) ; for I and M. A. R. concluded that ye fowld come v^t him and his lo. and only ane other man v^t yow, being bot only fowr in company, intill ane of the gret fifching botis, be fey, to my howfe, qher ye fall land afe faiffly as on Leyth fchoir ; and the howfe agane his lo. cumming to be quyet : And qhen ye ar abowt half a myll fra fchoir, as it ver paffing by

¹ A residence of Logan's.
as it ought to have been.

² Sincere, hearty ; literally, *one fold*.

³ Need, *q. d.* so well

⁴ Apropos, in point.

the howse, to gar set furth ane vaff.¹ Bott for Godis fek, let nether ony knowlege June, 1609. come to my lo. my brotheris eiris,² nor yit to M. W. R. my lo. auld pedagog ; for my brother is kittill to scho behind,³ and dar nocht interpryse, for feir ; and the other vill diffwade vs fra ovr purpose v^t ressones of Religion, quhilk I can newer abyde. I think thair is nane of a nobill hart, or caryis ane stomak vorth a penné, bot they vald be glad to fie ane contented revange of Gray Steillis deid ;⁴ And the soner the better, or ellse ve may be marrit and frustrat ; and thierfor, pray his lo(rdschip) be qwik, and bid M. A. remember on the sport he tald me of Padoa ; for I think v^t my self that the cogitacion on þ^t fowld stimulat his lo(rdschip). And for Godis cawse vse all your cowrses *cum discrecione*. Fell nocht, fir, to fend bak agane this Letter ; for M. A. leirit me þ^t fasson, that I may se it destroyed myself. Sa till yowr cumming, and ever, committis yow hartely to Christis holy protection. From Gunnisgrene, þe last of July, 1600.⁵

(6.) THE DEPOSITIONS of the Witnesses producit.⁶

(i.) M^R ALEXANDER WATSONE, Minister at Coldinghame, of the aige of l. (fyftie) 3eiris, mareit, deponis, the fyve Missiue Letteris subscryvit be the Lard of Restelrig, and producit in proces be þe lord Aduocat, for preving of the ressonne of Treffoune persewit aganis Robert Logane, sone and apperand air to Robert Logane of Restelrig, being schawin to this deponar ; and he haveing at lenth sichtit and considerit the famin, Deponis, that he takis vpoun his conscience, that he verelie belewis that the saidis fyve Missiuues, and euerie ane of pame, ar werralie and trewlie writtin be þe said vmqle Robert Logane of Restelrig, with his awin hand : And giffis this resson of his knowlege ; that nocht onlie he thinkis that the carecter of euerie letter þairof resemblis perfytlie the said vmq^{le} Robertis hand wryit, euerie way ; bot also aggreis with his fassoun of spelling, quhilk he

¹ A 'vaff,' or signal. ² ALEXANDER (fifth) LORD HOME married Agnes, sister of Patrick (sixth) Lord Gray, and widow of Sir Robert Logan of Restalrig. By her, (who afterwards became the wife of Sir Thomas Lyon of Auldbar, Lord High Treasurer of Scotland,) he had one son, Alexander, who became sixth Lord Home, on his father's death, Aug. 11, 1575. This Lord, then, was 'brother' to Logan of Restalrig, writer of this Letter, being the son of Logan's mother ; and it seems most probable that he is the person here meant. He was created Earl of Home and Lord Dunglass, Mar. 4, 1604. See *Douglas's Peerage*, vol. i. p. 736 ; *Crawford's Peerage of Scotland*, p. 222 ; Thomas Crawford's *Notes on Buchanan's History* ; also *Nisbet's Heraldry*, p. 151, quoted there. Sir Henry Nevill to Sir R. Cecyll, 29th Nov. 1599. 'The Lord Hume also, since his coming hither, goeth openly to Mafs.'—*Winwood's Memorials*, vol. i. p. 134. See also p. 156. He was employed on a secret Embassy to Rome in 1599.

³ Cannot be trusted ; an allusion to the hazard of shoeing a treacherous or ill-broken horse, in the hind feet. ⁴ To be revenged for the death of his father, William Earl of Gowrie, who was beheaded May 28, 1581, for his treasonable part in the Raid of Ruthven. He was known, among his contemporaries, by the chivalrous *soubriquet* 'Greysteill,' a hero of popular romance.

⁵ The signature has been purposely torn off. This had been done, probably by Restalrig or by Laird Bower, at all events previously to the production of the Letter in evidence ; as appears by the following memorandum, in the Books of Parliament : 'The subscryption is ryvin fra this last Letter.'

⁶ 'APUD ED^B, xx Junij 1609. WITNESSES producit be the Aduocat aganis Robert Logane, sone to the Lard of Restelrige, for cognosching of the Lard of Restelrigis hand wryit and subscryption of þe flywe Missiue Billis producit, all wryttin and subscryuit be Restelrige.'

June, 1609. hes particularlie remarkit, in euerie ane of the saidis Miffiue Letteris, in thir pointis following: first, that he newir vseit to wrytt ane ‘z’ in the begyming of ony word, sik as ‘zow,’ ‘zouris,’ ‘zeild,’ ‘zea,’ and siclyk; bot ewir wrait ‘y’ in steid of the said ‘z.’ That he wrait all wordis begynning with ‘w’ with ane singill ‘v;’ and quhan that letter ‘v’ fell to be in the myddis or end of ane word, he wrait ane doubill ‘w.’ That quhen he wrait ‘quhen,’ ‘quhair,’ ‘qlk,’ or ony sik word, quhilk vris to be writtin and spellit be vtheris with ‘quh,’ he wrait onlie ‘qh,’ ‘qhen,’ ‘qhair,’ and siclyk: Quhaneuir ane word began with ‘con,’ he newir wrytt ‘con’ at lenth, bot with ane ‘o.’ Quhan euir ‘t’ fell to be in the end of ane word, he wrait it without ane straik throw the ‘t;’ and did be lyk quhan ewir ‘t’ fell in ony pairt of ane word: And, for forther confirmatioune of the premisses, he produceit thrie Letteris, writtin euerie word, and subscryvit be the said vmq^{le} Robert Logane of Restelrig; and comparing same with the fyve vther Miffiues producit be the Aduocat, shew euidentlie be direct conformitie of the samin, alsweill in the character and trew resemblance of the handwrait, as in the spelling and wryting of euerie wrytt, sillap, and letter: according to the particularis aboue specifit.

(Sic subscribitur) M^R ALEX^R WATSONE.

(ii.) M ALEXANDER SMYTHE, Minister at Chyrnefyde, of the aige of xxx zeiris or thairby, mareit, deponis, that he wes weill acquentit with the vmq^{le} Lard of Restelrig, be resoun he vas petagog to his barnis; and hes sene werray mony of his handwrittis: And haveing sene, red, and at lenth considerit the fyve Miffiue Lettres, producit be the Aduocat, and inquirit ‘gif he knew the samin to be the Lard of Restelrigis proper hand wryt?’ Declairis, vpoun his great aythe, That he certanlie belewis the saidis fyve Letteris, and euerie word thairof, to be the Lard of Restelrigis proper hand wryt; becaus he findis the carrectar pairof to aggrie, euerie vay, with the chap¹ of his ordiner wryting; and remarkit, werray particularlie, the maner of Restelrigis spelling of mony wordis, vtherwayes nor vther men vres commounlie to wryt and spell; according to the haill particularis remarkit of befoir be M^r Alex^r Watfoun, be witnes immediatlie preceding: And in these pointis, and all vtheris, is conforme to the said M^r Alex^r Watfounis Depositioune, in all thingis: *Reddens caussum scientie*, becaus he wes perfyttie acquentit with the Lard of Restelrigis hand wryt, in his lyfetyne, and wes petagog to his barnis mony zeiris, and in his companie.

(Sic subscribitur) M^R ALEX^R SMYTH.

(iii.) SIR JOHNNE ARNOTT, Provest of Edinburcht, of the aige of lxx zeiris, or pairby, mareit, deponis, that he wes weill acquentit with Robert Logane of Restelrig, and with his hand wryt; becaus he had ressaunt diuerse of his Lettres him self, and sene mony vtheris lettres writtin be him: And the fyve Miffiues producit be the Aduocat, being shawin to him, and he haveing sene and

¹ Shape, structure.

confiderit þe famin, rememberit that he had sene, red and perfitlie confiderit the June, 1609. famin of befoir; and efter gud advyfment, is refoluit, that the faidis fyve Letteris ar als certantlie the Lard of Reftelrigis hand wryit, as the Letteris writtin be the deponar, at ony time, ar his awin hand wryit: And fua takis on his confcience, that the foirfaidis fyve Miffiue billis, producit be þe Aduocat, ar the proper hand wryit and fubfcriptionn of the faid vmq^{le} Lard of Reftelrig, be his jugement: And for verificatioun thairof, hes producit four writtis, all writtin be the faid vmq^{le} Lard of Reftelrig, and fend to this deponar, and to Archibald Johneftonne; aggreand perfytlie, in fpelling and carrecter, with the faidis Miffiues. (Sic fubfcribitur) S. J. ARNOTE.

(iv.) ALEXANDER CUIK, fcheref clerk of Bervik, of the age of 1 (flyftic) 3eiris or þairby, maryit, deponis, that he wes weill aequentit with the vmq^{le} Lard off Reftelrig, and hes sene mony and findrie of his writtis, and reffaut diuerfe of his Lettris, direct to him felf: And being defyrit to fie and confidder the fyve Letters producit be the Aduocat, and to declair quhidder he knew and eftemit the famin to be all written be vmq^{le} the Lard of Reftelrig; deponis vpon his confcience, that he belewes and eftemis the faidis hail Lettres to be all writtin be the Lard of Reftelrig; *reddens cauffam scientie*, becaus nocht onlie the carrecter aggreis euerie vay with the chap of Reftelrigis hand wryit, bot also the fpelling, in mony particularis, quhairin Reftelrig differrit frome vþer menis forme of wryting; and in the particularis thairof, deponis conformis to the twa first witneffes, the Ministeris of Coldinghame and Chyrnefyde, *reddens eandem cauffam scientie*. (Sic fubfcribitur) ALEX^R CUIK.

(v.) WILLIAME HOME in Aytoun-Mylne, of the aige of xxxiiij 3eiris or þairby, maryit, deponis that all the fyve Miffiuis abonevrittin, being fhawin to this deponar, and haveing at lenth confiderit euerie ane of thame, takis vpoun his confcience, that, to his knowlege, that the faidis fyve Miffive Lettres ar all writtin and fubferyvit be the vmq^{le} Lard of Reftelrig; for þe fpéciall reffonis contenit in the Depofitionis maid be M^r Alex^r Watfoun, M^r Alex^r Smyth, Ministeris, and Alex^r Cuik, fcheref clerk of Bervik; to quhome he is conforme in all thingis, *reddens eandem cauffam scientie*. (Sic fubfcribitur) WILLIAME HOME.

(vi.) JOHNNE HORNE, notar in Aymouth, of the aige of xliij 3eiris or þairby, *folutus*, deponis, the foirfaidis fyve Miffive billis, being at lenth fichtit and confiderit be this deponar; declairis vpoun his confcience, to his knowlege, all the faidis fyve Miffives ar the Lard of Reftelrigis proper hand wryttis and fubfcriptionn; for the reffones abone vritten, in the depofitioun of Williame Home, *reddens eandem cauffam scientie*. (Sic fubfcribitur) J. HORNE.

(vii.) M^r WILLIAM HOG Miniſter at Aytoun, of the aige of xxx 3eiris or þairby, mareit, deponis, that he knew weill the Lard of Reftelrig, and hes ſome

June, 1609. of his writtis ; and producit ane Letter, writtin be Restelrig to the Lard of Aytoun, all writtin with Restelrigis awin hand wryit : And haveing considerit the fyve writtis producit be the aduocat, declaris, that he thinkis þame lyklike to his wryittis, and þat the famin appeiris to be verie lyk his wryitte, be the conformitie of letteris and spelling. Sic subscribitur) M^r W^m HOGG.

AL. CANCELLS.

[GEORGE SPROTT'S CONFESSION follow here. See p. 260.]

The quhilkis Missive Billis, and hail Depositionnes abone writtin, and vtheris wryttis¹ and probatiounes producit now presentlie be the said lord aduocat, he repetit, for preving of the said Summondis of Treaffoun and cause þairin contentit ; and renuncit forder probatioun : And thairvpoun the said Aduocat askit Instrumentis. And lykwayes the said lord Aduocat producit, in presens of the said Commissionar and hail Estaittis of Parliament, oure souerane lordis Lettres of Relaxatioun, berand the said Robert Logane eldest sone to the said Robert Logane sumtyme of Restalrig, to be relaxit be Robert Logane messinger, fra the proces of all Horningis, at the marcat croces of Hadington, Dunse and Grenelaw, vpoun the sevint and aucht dayes of Aprile respectiue 1609 zeiris ; and at the marcatt croce of Edinburgh, be Johne Moncur messinger, vpoun the ellevint day of Aprile, the yeir of God foirsaid ; as at mair lenth is contentit in the saidis Lettres of Relaxatioun, of the date the sext day of Marche last bipast, and registrat in the Clerk of Registeris buik, the ellevint day of Aprile 1609 yeiris : Vpoun the production of the quhilkes Lettres of Relaxatioun, the said Aduocat lykwayes askit instrumentis : And desyrit the hail Estaittis to consider of the saidis probationes producit and repetit be him, and to advise the said proces of Foirfaltour, and to gif furth thair decreitt thairintill, according thairto.

And siclyk, the said Sir Thomas Hamnyltoun of Bynnies kny^t his heines Aduocat, eftir that he had repetit and producit all his probationis to the saidis hail Estaittis, quhilkis he wald vse for preving of the pointis of the said summondis, and ressones and causses thairin contentit, he reproducit the said summondis of Treaffoun befor the saidis hail Estaittis, raisit and persewit at the instance of oure said souerane lord and his heines Aduocatt aganis the said Robert Logane and his tutouris and Curatouris, and all vtheris haveand or pretendand to haue interes, quhairby they wer summonit to compeir befor oure souerane lord and his Estaittis of Parliament at ane certane day bigane, with continewatioun of dayes, to haue hard and sene it be fundin, that the said v^mq^{le} Robert Logane of Restalrig committit Treaffoun and Lefemajestie, in his lyfetyme ; and to heir and sie his fame, name and posteritic abolishit ; and to haue ansuerit to the hail pointis and crymes of Treaffoun and Lefemajestie contentit in the said summondis.

¹ The foregoing Deposition and Confession of George Sprott is engrossed in the Record, immediately after the testimony of the Witnesses, who proved Logan's handwriting. See No. X. (3.)

The quhilk Summondis, with the executionis and indorfatiounis thairof, being June, 1609. this instant day red, in prefens of his Maiesteis Commiffionar and Eftaittis of Parliament, firft in Latine and thaireftir in Scottis; the faid Robert Logane, being oftymes callit of new at the tolbutth window of the faid bur^t of Edinbur^t, to haue comperit and anfwerit to the faid fummondis of Treaffoun and reffones and cauffes thairin contenit; and he nocht comperand to haue defendit in the faid mater, and to haue anfuerit to the faid fummondis, the faid Sir Thomas Hammyltoun of Bynnie kny^t aduocat to oure fonerane lord, defyrit the faidis Eftaittis declaratioun, gif the reffones of the faid fummondis wer relevant: The quhilkis Eftaittis ffind the faid fummondis, and reffone and caufe thairin contenit relevant, &c. And thaireftir, the hail Depofitiounes of the Witneffes, Miffive billis, and haill wryttis and probatiounis, being red, fene and confiderit be the foirfaidis haill Eftaittis of Parliament, and they thairwith being ryplie advyfit, the faid Lord Commiffionar and Eftaittis of Parliament ffindis, decernis and declairis, that the faid vni^q^{le} Robert Logane of Reftalrig committit and did, in his lyfetye, oppin and manifefte Treaffoun, in all the pointis, artiellis and maner, contenit in the faid fummondis: And thairfor, it wes gevin for Dome, be the mouth of Dauid Lyndefay dempfter of Parliament, in maner and forme as followes.

DOME OF FORFEITURE. This Courte of Parliament fchawis for law, that the faid vni^q^{le} Robert Logane of Reftalrig; in his lyfetye, committit the foirfaid cryme of Treffoun and Lefemajefte; and that he wes airt and pairt, giltie and pairtaker thairof, aganis oure faid fouerane lord and his autoritie royall; and that the foirfaidis cruell, wicked and treaffounable crymes were interpryfit be his caufing, perfuafoun, counfaill and help; lykas, the faid vni^q^{le} Robert Logane of Reftalrig treaffounable conceillit the foirfaid cryme of Lefemajefte, to his death, and in his death; in all maner at lenth contenit in the faid fummondis: And thairfoir, Decernis and Declairis the name, memory and dignitie of the faid vni^q^{le} Robert Logane of Reftalrig to be extinct and abolifheit, and his armes cancellat, rivine and deleitt furth of the buikis of Armes and nobilitie; fua that his pofteritie fall be excludit, and be vnhable to poffes or inioy ony offices, honouris, digniteis, landis, tenementis, rowmes, rentis, poffeffionis or gudis moveable or vnmovable, richtis and vtheris quhatfumeuir within this kingdome, in all tyme cumming: And that all the faidis gudis, landis, rowmes, tenementis and vtheris gudis, moveable and vnmovable, richtis and vtheris quhatfumeuir, pertening to the faid vni^q^{le} Robert Logane of Reftalrig, or quhilkis nicht onyways haue pertentit to him at ony tyme, fen his Confpyring of the faidis treaffounable crymes, to be efcheat and foirfaltit to our faid fouerane lord, to appertene and to remane perpetualie with his Majefte in propirtie. And this I gif for dome.

Feb. 1609. (7.) WARRAND to the Aduocat, to libell a Summondis of Foirfaytour aganis the airis of RESTALRIG.¹

Feb. 14. 1609.—THE Lordis of Secrite Counsale, ordainis and commandis Schir Thomas Hammiltoun of Bynnie kn' his Maiefties Aduocat to libell ane Summondis for florfeyting of the memorie of vmquhill ROBERT LOGANE of Restalrig, for airt and pairt of GOWRYIS TREASOUN, to be perfewit in this approching Parliament: And that the said Lord Aduocat infist in the perfute of the said fummondis, at the Parliament, as becomeith him of his dewtie and office. Qubairnent the extract of thir presentis salbe vnto him a warrant.

(8.) LETTER, Sir THOMAS HAMILTON of Binnie kn', Lord Advocate, (afterwards Earl of Haddington,) to KING JAMES VI. containing an interesting Account of RESTALRIG'S FORFEITURE.²

PLEIS YOUR MOST SACRED MAIESTIE,

ACKNOULEDGEING my self bund, in dewtie, to rander accompt to your Maieftie of the seruices properlie belonging and committed to my chaarge, I haue tane the bouldnes to wryte of oure progres in the FORFALTOURIS intented aganis the LORD MAXUELL and the Memorie of RESTALRIG, before the Lords of Artielis. Oure first proceeding wes aganis the Lord Maxuell, whairin albeit thair wes no compeirance for the defender, yet sum of the Lordis of Articles kything more scrupulous and precise, in findrie poyntis of that proces, nor (than) we did foresie or suspect; and heiring thairefter, that findrie of that number had preconfaied hard opinions of Restalrig's proces, the knoulege thair of, whilk wroght feir and mistrust in the myndes of dyuers your Ma^{ties} weill affected seruandis, did breid in the Erle of Dunbar fuche caire and seruencie to remoue these impedimentis, that bending his wittis, in more passionat maner nor he visis to expres in common and indifferent maters, he did trauell so earnestlie with the nobilmen and hail remanent Lordis of Articles, and solicted sum of the most learned and best experimented of your Ma^{ties} Counfall, to furneis reafons and light, to the cleiring of the probatioun of that most haynous Treasoun; and gane to my self so earnestlie chaarge, and furneished so pregnant, judicious and cleir groundis, to confirme the Summondis, and manifest the verie circumstances thair of to the worlde, that he left no travell to me, bot the repetition of the substance of his information. To the whilk, haveing so neirlie conformed my discourse, as possible I could, it pleased God, that the Lordis of Articles, being happelie prepared, be the Depositionis of dyuers honest men of the Ministrie, and vther famous Witnessis, who recognofeing vmq^{le} Restalrig's handwrit, in his tressonabill Missiues produced be me, with verie sensibill and forcibill reafons and causis of thair constant and confident affirmation, that these Missiues wer writtin be him: Whan the probatioun of the fummondis wes referred to the Lordis votes, thay stand vniformallie, all in ane voce, the said fummondis to be so cleirlye provin, that thay seimed to contend who sould be abill most zealoullie to expres the satisfaction of his hairt, not onlie be most pithie wourdis, bot be tearis of joy; dyuers of the best rank confessing, that that whair of thay dowted, at thair entrie in the howse, was now so manifest, that thay behoued to esteeme thame Traitours who sould any longer refuse to declaire thair assured resolution of the treuth of that Treasoun. Swa, hoping your Maieftie will graioullie pardoun my boldnes, in offering to your Maieftie this rude relation of their purposes, concerning my chaarge in your Maiefties seruice, I besseik God, who hes so mercifullie preserued your Ma^{tie} from the horribill devyffes of your develishe enemies, and so miracoullie detected thair hellishe practises, long to protect and preserue your Ma-

¹ *Acta, Secreti Concilij.* ² From the original, preserved in the Denmylne Collection of MSS. Adv. Library. The remarkable Case of *John Lord Maxwell*, his escape from the Castle of Edinburgh, his forfeiture and execution, &c. are inserted in this Collection, under the proper dates.

iestie from all hairmes and dangers, and to grant your Maiestie all happines and contentment. EDIN- June, 1609.
BURGH, this 21 Junij, 1609.

Your most sacred Maiesteis most bundin and faithfull feruant,

S. TH. HAMILTON.

To the KING's Most Excellent Maiestie.

(9.) WARRANT from King JAMES VI. to the Lord Clerk Register, to engross LOGAN of RESTALRIG's Letters and SPROTTE's DEPOSITIONS, in the Records of Parliament.¹

JAMES R.

IT is o^r pleaso^r, will and expresse command, that in the inserting in the Parliament Register, of the proces of forfeito^r of the disceafed trayterous LAIRD of RESTALRIG, that you shall, at all length, ingrosse the Missive Letters, and so muche of SPROTTE his depositions, as doeth concerne that mater: for doing whereof, these presents salbe vnto yow a sufficient Warrant. Given at Royfston, the xxth of Januar, 1610.

To o^r trusty and welbeloued counfello^r Sr Johne Skene of Curryhill,
knight, Clerk of our Register.

No. XVI.

JOHNSTON'S NARRATIVE of the Conspiracy of John Earl of Gowrie, taken from his contemporary MS. History of Scotland.²

ABOUT the end of Februar 1600, WILLIAME (JOHNE) ERL of GOWRIE³ com out of France, throw England, and com till Edinburcht, accompanyit with his brother Sr Alexander Ruthven, with ane great number of nobilmen, gentilmen and wtheris; and ludgit in the heid of Foster's wynd:⁴ And in the moneth of Junij nixt thaireftir, as he was going from his lugin to the Kingis Ma^{tie} in the Abay of Holirudhous, accompanyit with 7 or 8 of his houfhald seruandis; and as he was going throw the lang galrey of the Abbay, Coronell Stewart,⁵ (of quhom we maid mention at the taking of wmq^u Williame Erl of Gowrie at Dundie,) cuming furth from the King, and the said Erl perfaving him cuming from the Kingis chalmer dure, being at the far end of the galrie, (leif sum tumult fould haue happned be schouldering fum of thame or thair servandis) the said Erl begane to go afyd⁶ till (he) lat the said Coronell pas by him: Bot the fame being espyed by ane of the said Erllis servandis, going in the rank befoir him, callit Mr Thomas Kinroscher, (he) said ardentlie till him, 'Quhat! My Lord, ar ye going back for ony man heir? Com fordward, my Lord, bauldlie!' Quhilk going afyd first, and than cuming fordward agane, being sene by Coronell Stewart, he went in agane to the King,⁷ 'Schir, it will pleis your Ma^{tie} heir ane strang mater, that for guid service done to your grace I fuld be so evill rewardit as I am! Heir comes in the Erl of Gowry, and I sic he myndis till begin first at me; but be war of the best of your all!' Heirwith the said Erl enterit in his Ma^{ties} chalmer, and the Coronell went out thairof. Bot thair was nothing of that purpos spokin betuixt his Ma^{tie} and the Erl that tyme. Bot the Coronellis wordis to the King, being repointid to the Erl, he ansuerid, '*Aquila non captat muscas!*'

¹ From Original, among the warrants of Parliament preserved in the General Register House, Edinburgh.

² This MS. is preserved in the Library of the Faculty of Advocates, Edinburgh, JAC. V. 2. 2. Fol. 633, b.

³ There is a running margin preserved, which shall be marked at the foot of the page. 'The Erl of Gowrie comes out of France.'

⁴ Forrester's Wind, near the site of the present County Hall and the Libraries.

⁵ 'The Erl of Gowrie and Coronell Stewart, in the galry of the Abay.'

⁶ Avoided him, by giving place and stepping aside.

⁷ 'Coronell Stewart his speitches to the King.'

Aug. 1600. In the beginning of August, the King being at hunting, betuixt Falkland and Pearth, (as eftirward was repoirtid be his Ma^{tie} and his followeris,) the Erll of Gowry and his brother, haveing still caryed ane deidlie haitred and ane abhominabill rancour at the King, becaus of thair fatheris executioun, as forsaïd, interpryfit ane most pernicious and damnable Conspiracie aganis his Ma^{tie} in thair ludging, in Pearth. So that wpone Tyfday, being the 5 day of August, the same 3eir, 1600,¹ (notwithstanding of his Ma^{ties} manifold kyndnesses, quhilk he had schawin to theise tuo brethren, and especially in reftoiring to pame thair fatheris hail patremony, landis, rentis and honouris, being foirfaltit, and be public Act of Parliament brocht into the Croune,) the said Erll and his brother, haveing resolued to put thair wicked Treafone to executioun, thocht they could find no better occasioun than presentit at that tyme; and thairfoir, they wald asfay quhat could they do. So to bring the same to pas, Sir Alexander Ruthven, Maister of Gowry, spying his tyme convenient,² wpone the foirsaïd day, the King being in Falkland, and cuming furth at that Palace at 7 houris in the morneing, till go to the hunting, (accompanyid with verrie fewe in number, except onlie Lodouik Duik of Lennox, quho had maryit Maistres Jean Ruthven, sifter to the said Erll of Gowry, and Johnne Erll of Marr, brother-in-lawe to the Duik of Lennox, and of auld alyat with the said Erll,) being ane gentilman of brawe personeage and behaviour, and weill lykkit of be his Ma^{tie}, com to him befoir he was montit on horsback, and said theise wordis: ‘ Schir, gif your Ma^{tie} war at lazer, I wald gretumlie comunicat to 3our grace ane hid and mysticall secreit, quhilk I dar not discover to my brother, wpone na condition, nor to na wther man leivinge, except to 3our Ma^{tie} onlie!’ The King wfeing the ordinar forme of courtesie, quhilk he vfit till all Nobill men, went a pairt with him from his awin company, and harkned quhat he wald say. Than, said he,³ ‘ Schir, pleis 3our grace, the wther day, as I was walking alloun athort the feildis, I met ane certane man, wknawin to me quhat he was, quho tauld me of ane great treafour of gold quhilk he had fund; and he schew me quhair the same was: Quhairwpon I tuik the man with the treafour, and brocht him and it baith to my brotheris ludging at Pearth. Bot, Schir, I feir nothing mair nor my brother get wit of it, befoir 3our grace sie ather the man or it, and that he tak boith the man and the treafour to himselff, to 3our Ma^{ties} great preindice (to quhom it richtlie apperteinis⁴) and to my great hinderance of 3our heines gratification. And thairfoir, Schir, I maist humble beseik 3our Ma^{tie} that 3e reveill not this thing till any man quhatsumever; bot lat be 3our hunting, and fend away 3our company, except it be tuo or thrie of 3our awin domestick servandis, that 3e may go thither with all diligence.’ The King heiring the gentilman speiking sick a rair purpose, admirit⁵ thairat, and thocht weill it had bene nothing bot sum vaine imagination, and that he had bene beyfde himselff: Bot aftirwards, heiring him speik so confidentlie, and confirmeing the same, be ane aith, to be trew, he thocht better of it, and promeist that eftir he had hunted ane bour or tuo, he fuld ryd drectlie with him. And so the said Schir Alexander tuik his leve of his Ma^{tie}.

About ten houris, the King left his hunting;⁶ and the said Schir Alexander cam till him againe, thinking the tyme verrie weirrifum till him; and without geweing the King leve to change his hunting-horse, causit him ryd drectlie to Pearth with him, (befoir his onwaitteris, being wandering throw the feildis, had cum till him,) his Ma^{tie} haveing nather sworde nor dager, bot his hunting borne hingand about his neck.

The forsaïd Duik and the Erll of Mar, persaving the King so sudanlie to leve his pastyme, and talk that way, wonderit verrie mekill pairat, seing nane of pair servandis war as 3it cum neir thame; 3it thay followit him, in all haist: So that cuming till Pearth, his hail servandis quhilk was cum to him, was bot about 14 or 15 in number. Now Sr Alex^r waited all this tyme so neir to the King, that he had not leve⁷ till schaw any of his attendantis his purpos; except onlie, he roundit to the Duik, that

¹ ‘The Erll Gowrie his Conspiracie.’ ² ‘Sr Alex^r Mr of Gowry com to the King at Falkland.’ ³ ‘His speitch to the King.’ ⁴ ‘As treasure trove.’ ⁵ ‘Marvelled, wondered.’ ⁶ ‘The King gois to Pearth.’
⁷ Opportunity.

‘ he was going to fie a ritche treafour;’ biding him wait wpon him, quhan he went thairtill. Befoir Aug. 1600. his Ma^{tie} com to the toun, he began to be fumqubat afrayid, quhat þe mater could meane? Bot, calling to mynd the great luiff quhilk he bure to the 3oung man, as alfo the great bountifulnes quhilk he had fehawin, baith to his brother and to all thair freindis, he went fordwart without ony forder feir.

His Ma^{tie} cuming neir to the toun, the Erll of Gowry him felff, accompanyit with 40 or 50 gentlemen, com forth pairof and met his Ma^{tie},¹ and convoyit him till his ludging, in Pearth, (as appeirit, with all dewtiful reuerence) excuifing him felff, that he wnderftude not of his Ma^{ties} cuming thither that day, to þe end that he nicht haue bene better provydit for him. The denner being reddie, the King fat doun at tabill and dyneit: And eftir he had dyneit, the Erll himfelff convoyit the Duik and the Erll of Mar to ane great hall neir thairto, leiving the King with the Mr of Gowry and the reft of his fervandis. This being done, and all thingis being in redynes, Schir Alex^r faid to the King, ‘ Now, Schir, quhill the Duik and the Erll of Mar and the reft of 3our Ma^{ties} attendaris ar at denner, it is maift convenient that 3our Ma^{tie} go and fie the treafour and the man!’ Quhairto his Ma^{tie} willinglie agriet. So, going thairfra, Schir Alex^r caryit him throw ane fair galrie,² and than throw ane wther chalmer, ftill cloifing everie dure faft behind him, faying, that ‘ it was 3it better lockit wp;’ and than led him within the thrid chalmer and fteikit³ to the dure thairof. This being done, he oppinit ane lytill studie dure, in the quhilk thair was ane airmed man, appointit to ‘be his murderer!’ Thair was alfo in the faid chalmer ane bred,⁴ with the pictour of wmq^{ll} William Erll of Gowry, (with ane courting hinging befor it) who was execut at Striviling:⁵ And fehawing to the King, thair, the man, with his fatheris pictour; without all dewtiful obedience or reverence, moft prouddie he pat his hat wpon his heid,⁶ and pointing till his fatheris pictour, faid, ‘ Rememberis thow not of the Murder of my father, quhais pictur that is? Does not now thy confcience accus thé of his innocent blude? I fall be revengit now wpon thé! Now for him thow fall die!’ The King, greatlie affrayit thairat, quyetlie anfuerit,⁷ ‘ My freind, quhat guid can my blude do to 3ow? I never defervit this at 3our handis! As concerning 3our fatheris death, he diet be way of justice; being convict of Heich Treafone, be my Governouris, the tyme of my menortie, and his haill landis and lordfchipis, rentis and honouris war foirfaltit be oppia Parliament, and broecht in to the Croun: And 3it, notwithstanding thairof, quhan I com till maioritie, I remitid all quhilk pertenuit to 3our father, to 3our brother and 3our handis! And lykwayis, 3our hous, be me, is maid now mair honorabill nor euer it was befor! I am 3our King! 3e ar a Chriftiane, and hes bene nurifchit with ane quho never wald haue counfallit 3ow to haue murderit 3our King! Quhat can 3e gaine be my death? I haue childrene to be my airis and fuceffouris to my Croun! My people will rwin 3ow and 3our hous for ever; fo that 3ou and 3our pofteritie fall be quyt cutit aff; and nothing fall remaine of 3our name bot euerlafting fchame and infamie! It war better to for3et all bygaines, and lat ws retourne quhair we com fra; and I promeis to 3ow, be the faith of a King, nevir to think wpon any thing that is paf, now, betuixt 3ow and me!’ All this tyme, the Tratour was fo affrayit with himfelff, that (as God wald) he had no power to harme the King, albeit he had his drawin dager in his hand.

Efter the Duik and the Erll of Mar and the reft of the Kingis attendantis had dyneit, the Erll of Gowry faid to thame, that ‘ the King had gone furth another way.’ But the faid Duik making fpeir- ing⁸ for him, at the common people about the 3etis, and porteris thairof, hard that he was not 3it cum furth; fo that he ftayit ftill, not thinking wpon no evill.

Theife wordis betuixt the King and Mr of Gowry being endit, the faid Mr caufit the King tweir

¹ ‘ Erll of Gowrie com and met the King.’

² ‘ The Mr of Gowrie schaves Treasoun instead of the Treasour.’

³ Closed, shut.

⁴ Board; an oil painting on oak or pannel.

⁵ This highly graphic and dramatic circumstance is not stated by any of the Historians; nor is it adverted to in the Depositions, or in the Account published by authority; though it greatly heightens the force of Ruthven’s language, when about to commence his treasonable attack.

⁶ ‘ The proud and treasonable wordis of the Mr of Gowrie to the King.’

⁷ ‘ The Kingis

anfuwer.’

⁸ Inquiry.

Aug. 1600. till him, solemlic, to ȝeild himself prisoner to the armed murderer standing befyd him,¹ without ather oppining the windows, or any wayis crying out thairof, till adverteife his followeris of his danger, till he com againe fra speiking with his brother: Quhairvnto he solemlic gave his aith. After the Mr of Gowrie was gone furth of the chalmer, the King, taking couradge to him selfff, commandit that appointit Murtherer to oppin the windois, for he wald not oppin thame him self, becaus of his aith; or wtherwayis, he sould be revendgit wpone him: Quhilk window he half oppined. This being done, presentlie the Mr of Gowrie com in fra his brother, and said to the King, 'Now thow most die!' And thairwith, having a silk ribbon in his hand, and thairwith griping the King till bind his airmes: The King feing that, taking conradge till him selfff, anfuertit, 'I was borne a frie King! I have leivit a frie King! And baith in bodie and mynd I fall die a frie King! And, Tratour! thow fall die befoir I die!' And feing him put his hand till his sword, the King so gripid his throit with his left hand,² and his sword airme with his right hand, that he could not get the sword drawin. The Mr, on the other pairt, griping the King so fast as he could, thay baith wrallit togidder, a certane space, in the chalmer, till his Ma^{tie} with him weirit³ neir the oppin windo; and feing it half oppin, cryit with a lowd voice, thrie tymes, 'Treatone! Treatone! Treatone!'

The Duik and the Erll of Mar and the rest of the Kingis servandis, being in feuerall pairtis, heiring the Kingis voice cryinge 'Treatone!' ran in all haift feuerall wayis to find the King. The Duik and the Erll of Mar ran to the entrie quhair the King had gone in at;⁴ and finding all the dures hard lockit, could not win till they gat foir-hammeris and brak up the same. During all this tyme, the King and the said Mr being wralling togidder, thay baith fell wpone the flure, and the King fell aboute him. So the Mr, feing he could not get him self moveit, he commandit the appointit Murderer now to 'slay the King!' Bot he anfuertit, that 'he could not help him.' At this instant, ane certane ȝoung gentilman, quho had laitlie bene Paidge of honour to his Ma^{tie}, callid Johnne Ramsay, knawing ane certane privat entrie, throw ane lytill heich turnpyke, till the chalmer quhair the King was, went that way; and finding the dure cloisit, brak wp the same with his fute; and finding the King aboute the Tratour, with the Tratouris sword in his hand, the said Johnne pullit out his dager and strak at the said tratour two or thrie tymes: Bot becaufe it did him no hurt, be reafone of his doublet of pruiiff quhilk he had wpone him, as the King suspectit, he bad him 'stryk laich, at his bellie;' quhilk he did 3 or 4 tymes; and so slew him.⁵ This being done, St Thomas Erskene knight and Hereis doctour of Medecine, com in till his Ma^{tie}, and feing him saiff, praisit God.

Presently the Erll of Gowry, heiring the tumult, and awaiting the end of thair treatone, preifit verrie fast till rin and do that quhilk his brother could not get done: bot be sum of the Kingis servandis, feing him in sick a raige, he was stayit a quhyll: Bot, geting fra thame, he ran till ane chalmer, and tuo drawin swordis in his handis, com wp with 7 or 8 of his best servandis, the lytill turnpyk, be the quhilk Johnne Ramsay had past, befoir, avowing, 'quhom ever he fand in his way, theise swordis sould go throw thame!' And being in the midis of the turnpyk, Johnne Ramsay, heiring sick a din, com doun thrie or four stapis with his raper in hand; and meiting the said Erll, about tuo stapis laicher nor⁶ he was, said to him, 'Now my Lord! quhat will ye have mair? The King is slaine els!' ⁷ ȝit the said Erll so preafed to go fordwart, that the said Johnne, feiring forder evill, ran his raper throw his bodie;⁸ and all his servandis fled away feuerall wayis. All this was done befoir the Duik or Erll of Mar com neir the King.

The brute⁹ heirof going throw the toun, thair arraisé so great a tumult that the haill commoun people com about the hous,¹⁰ not knawing what the mater was, crying allowd, 'ȝat if they sawe not the Erll of Gowrie quicklie, thay sould put the house in ffyre!' And fo contenewit, till the King sent for the Balleis of the toun, and tauld the haill forme thairof; and than thay quyetide the people.

¹ 'The Mr of Gowry caussit the King sweir himself presoner.' Gowrie.'

³ By degrees worked himself near the window.

⁵ 'Johnne Ramsay slayis the Mr of Gowry.'

Erll of Gowry slaine by Johnne Ramsay.'

⁹ Fr. *bruit*.

² 'The Kingis wrasing with the Mr of

⁴ 'The Duik and Erll of Mar seikes the

⁶ Lower than.

⁷ Already.

⁸ 'The

¹⁰ 'The toun of Pearth in a Mutany.'

This is the Kingis relation of this florie. Qnho wald knaw ony forder of it, lat thame reid ane lytil Aug. 1600. buik, quhilk he caufit, himself, prent pairwpone. Bot this cuning to the earis of fum of the Miniftrie, and wther commoun people of the land, hardlie could thay beleive it to be trew; quhilk pat great fufpitioun betuixt the King and many of the people.

Schortlie eftir, the deid bodies of the said tuo brether war brocht till Ed^r and hangit wp at the Crofs pairof, and thair heidis and airmes put wpon the tolbuith of Edinbur^t and wther feuerall and oppin pairtis of the land.

No. XVII.

ANE CONSPIRACIE dewyffit be THE ERLL OF GOWRIE to flay HIS MAIESTY.¹

Now, as ye haue hard befoir, THE ERLL OF GOWRIE was execut iu Stirling, for talking the King in his hous of Ruthweine: This Erll had behind him four fons,² and ane gud number of dochteris, quha had bene mareyitt to findrie Nobill menne of the land.³ His eldest fone, being be his moder putt to the schoillis in Italie, passit his courfe in Padua; quha returnis to Scotland, about the 13 of Apryll, 1600; and at his hame cuning was kyndlie refauitt be his Prince, and mekill thoct of be all menne; for he wes ane braw manne off perfone, ane grit seholler, weill trauellit, and estemit werry wyife; and abuiß all, wes thoct to be ane Nobill man of gude Religioune, and that feiritt God and luiffit iustice; Yitt, in vardlie cairing,⁴ specially contrair the Kingis perfoun; heward ane rewendge hairt for the bluid of his fader: ffor, being inquiritt be fum, 'Gif he wes to beir querrell at Crowner⁵ Stewartt,' quha had beine the principall taker of his fader, at the tyme of his executioun? His anfuer wes, that 'ane egill killed na fleis,'⁶ meaning that his rewendge fuld nocht be fo law.⁷ And heaffing to his secund broder, ane gallant manne, quha wes styllit 'Maifter,' and had to name Mr Alexander Ruthwene. Thay dewyife to tak his Maieftis lyff, in the Erllis awin hous in Sanct Johnnefoune; becaus the Erll wes Prowest of that famin towne. And to draw his Maieftie to the famin hous and toune, thay dewyife this, that the Maifter fuld ryd to the King, and schaw his Maieftie, that my Lord his broder had tane ane stranger passand throw the cuntrey, quha had grantit the heaffing of ane gritt pois of gold, quhilk wes ane grit riches; as also he had confessitt mony thingis, quhilk his Maieftie wald be weill pleiffit of; and that he and pois and all wes in his broderis hous, in Sanct Johnnstoun; bot my Lord wald nocht mell with him, befoir⁸ his Maieftie war present.

His Maieftie, being in Falkland, wes ridding out to the hunting, and was on the feildis quhenne the Maifter of Gowrie schew him all this; the quhilk quhanne his Maieftie hard, nocht heaffand no fufpitioun of Treassoune, incontinent leiffis his pastyme, and rydis with the Maifter to Sanct Johnnstoun, not passing 20 in number; the Duke of Lennox and the Erll of Mar being in his company: And at his Maieftie cuning, the Erll of Gowrie semit as giff he had not bene aquent with his cuning, and thairfoir culd not mak his Maieftie sic intertenement as he wald haue wiffit. Bot the denner being enditt, the Duke and the Erll of Mar went to the zaird, to eitt chirreis: The Erll of Gowry gois with

¹ From an Original MS. Hist. of Scotland, Anon. Adv. Lib. Edinburgh, A. 4. 35. ² (1.) James, second Earl of Gowrie, who was restored in 1586, and died at the early age of 14, in 1588. (2.) John, third Earl of Gowrie. (3.) Mr Alexander Ruthven, born at Perth, Jan. 22, 1580-1. (4.) William, who was skilled in alchemy, &c. died abroad. (5.) Patrick, who was for many yeas confined in the Tower, London. His daughter married Sir Anth. Vandyke. ³ (1.) Mary, married to John Stewart, fifth Earl of Atholl. Their daughter Dorothea was married to William Murray, Master of Tullibardin, who was of the King's retinue, at the time of the Conspiracy. (2.) Jean, married to James Lord Ogilvy. (3.) Sophia, married to Ludovick Duke of Lennox. (4.) Elizabeth, married to John Lord Grahame, Master of Montrose, afterwards the fourth Earl of Montrose. (5.) Lillias, married to Sir Robert Gordon of Lochinvar. (6.) Dorothea, married to Sir John Wemyss of Pittencrief. (7.) Catherine, died unmarried. (8.) Beatrix, married to Sir John Home of Coldingknows, who was Lady of the Bedchamber, and in terms of the strictest intimacy and friendship with Queen Anne of Denmark. ⁴ In the estimation of the world. ⁵ Colonel. ⁶ His words were, 'Aquila non captat muscas.' ⁷ Low, mean. ⁸ Until.

Aug. 1600. thame, leiffing his Maiefty and the Maifter to beir him cumpany; the Maifter heaffand ane feruand of his broderis in the chalmer, keipit fecreitt, all in harnifs,¹ quha had this directioun, to ‘abyd thair and to do quhat the Maifter direckitt him.’ Now the Nobill men being in the 3aird, the Maifter fayis to his Maiefty, ‘Pleis 3our grace, go fie the eirand 3our Maiefty com for.’ The King arryffis and gois with him wp to the chalmer, quhair the Maifter barring the dur, fayis, ‘3e man be bond,² heaffand ane gartane to bind his handis with, and drawand ane daggour, fayis, ‘Remember on the deathe of my fader!’ This Andro Henderfoun, quha wes cumand out in harnefs, heiring his Maiefty fay, ‘I wes borne ane frie Prince, and I will nocht 3eild villingly:’ The Maifter perfeiffing² to frek, his Maiefty haldis the hand and the dagour baith, and fayis to Henderfoun, ‘Saiff the Prince lyff!’ At the quhilk word, the man being amaffit, fluid still; and his Maiefty, being worfthelling with the Maifter, cumis neir ane windo, quhair he cryis outt, ‘Treffoun! The King is slayne!’ Sir Thomas Erkeyne and Doctour Hairreyis being standand law,³ heiris the famin, and cumis wp the foir entrie; bot Johnne Ramfay, his Maiefty peadge, be fortoun, vith the vord, rinnis wp the bak-flair; passing and entiring in the chalmer, findis his Maieftie and the Maifter in grippis, as ye haue hard. This Henderfoun being fled away privellie, Johnne Ramfay, at his cuming, frekis the Maifter throw the body, and releffis his Maiefty of him; and thairefter, Sir Thomas Erkeyne and Hew Harreyis cumis wp and fraikis him also. The cry is reafft be Gowreyis folkis, that ‘the King is away and lopin on!’ Quhairwpon thay com out of the 3eird, with all fpeid, to get horfe: Bot the Erll of Gowrie cuming frst, findis his broder lyand on the stair deid, drawis tua fuordis quhilk he veir bothe in ane skabertt, and cumis into the chalmer, the King being putt into the Cabatt, frekis at thame then that wes on the fluir, and hurttis Sir Thomas Erkeyne ou the hand, and Johnne Ramfay on the thie; and wes lyk to haue had the victorie of thame all; bot Johnne Ramfay fayis, ‘My Lord, we are bot feruandis, his Maieftie is slayne!’ At the quhilk vordis, my Lord puttis down the pounttis of his fuordis to the fluir, and standis still. Johnne Ramfay, takand the awantage, fraikis out and fraikis him throw the body; quhair of he fallis deid. The rest of the Nobill men cumis wp and mannis the hous.

The toune of Sanct Johnnestoune ryffis and cumis to the 3ett of Gowreyis hous, and cryis for their Prowest; and be mekill ado, was pacifeyit, be the Kingis mowth. The quhilk being done, the King lowpis on horfe and cumis to Falkland; and than our the wattir to Edinbrughe. And on the nynt day of August, Mr Patrik Galloway maid ane preitching at the Corfe of Ed^r, giffand God thankis for the delyuerance of his Maiefty; and the preitching being endit, the Kingis Maiefty, out of his awin mowth, declairis the hail forme of this tressoun to the pepill; and desyrit the Ministeris of Ed^r to schaw the famin to the pepill out of pulpitt on the nixt Sabothe; the quhilk thay refusiffet, saying, ‘it wes nocht pertinent to thame,⁴ nor thay had no warrant of the Word for thame to preiche sic doctreyne.’ His Maieftie, being heallalie offendit with thame for thair refusiffal, commandis thame ten myllis of⁵ the toune of Ed^r, discharging thame to preiche, vnder the payne of deithe. The hail name of Ruthwene wes chargit nocht to com within ten myllis of his Maiefty. The Ministeris being accusiff befor the Counfell, the 10 day, gatt that fauour to remayne in Ed^r, bot not to preiche; bot Mr Robert Bruce was chargitt to pas aff the cuntryis of Scotland, Ingland and Iyrland.

The bodyis of the Erllis of Gowrye and his broder war brocht owir the water, and hung on the gybett benethe the Corfe of Ed^r, and on the 15 day of Nonember, the Erll of Gowry, his broder and fader-broder was foirfaltitt; and Sir Thomas Erkeyne maid Lord of Dirltonne, Johnne Ramfay and Schir Hew Haireyis maid knyghtis of; airmis wes giffin to Sir Johnne Ramfay be his Maiefty, to witt, ane fuord and ane bludy dagour, by⁶ the airmis of the Ramfayis.

This attempt wes thoct to be dewyffit be strangeris and forane Princes, bot specialle the Papiftis;⁷

¹ Armour. ² Some words are evidently omitted here. ³ Below, beneath. ⁴ It did not pertain to their office, nor were they warranted by the Holy Scriptures, &c. ⁵ Off, distant from. ⁶ Forbye, besides. ⁷ It is rather a singular coincidence, that John Earl of Gowrie actually joined the Popish Lords who were defeated

and sum thocht that thair war sum of Ingland prewie to the famin. He was in his hame-cuming Aug. 1600. intertenyt be all cuntreyis quhair he come, as ane Prince, an nocht lyk ane subiect: Gif he had bene ane gude subiect, it had bene ane grit loife of him.

No. XVIII.

DOCUMENTS RELATIVE TO THE CONDUCT OF MR ROBERT BRUCE AND
THE MINISTERS OF EDINBURGH, &c.

[AMONG the variety of extraordinary incidents arising out of the Conspiracy of John Earl of Gowrie, perhaps no feature is more singular, than the obstinate resistance of MR ROBERT BRUCE of Kinnaird, a younger son of the family of Bruce of Airth, in Stirlingshire, and one of the Ministers of Edinburgh, a ruling spirit in the Assemblies of the National Kirk; and his refusal to return public thanks, for the King's deliverance from this danger. It may be asserted, without the fear of contradiction, that few instances can be adduced, even in the History of the most troublesome periods of the Scottish Church, of sterner and more inflexible adherence to principle (whether real or imaginary), than that displayed, for so long a series of years, by this keen antagonist of Episcopacy and Kingly prerogative; for he would not yield to the demands of the King, or the entreaties of his friends, down to the period of his death, in 1631. It is not easy, even with the most charitable allowances for exasperated feelings of party spirit, to designate Mr Robert's conduct by a gentler epithet, than that of a revengeful retaliation against his sovereign, for certain oppositions made by him, in the affairs of the Church; and especially, for his strenuous attempts to introduce Episcopacy. Great tact and ability were displayed by this remarkable person, in his repeated 'Conferences' and disputations with the King and Council; and his Majesty's unusual and continued lenity and forbearance, show, in the strongest light, how much the opinions of Bruce were known to be valued and followed by the people; and that the Court attached the utmost consequence to the benefit of his influence with all classes. It is clear, that they strained every nerve to get him persuaded, by fair means, publicly to declare his conviction of the truth of Gowrie's Conspiracy and guilt, and of the King's innocence. Like a second John Knox, Bruce appears, previous to this event, to have assumed and maintained the undisputed sway of the Church; and it seems obvious, that King James and his Council did not *dare* to adopt those measures, which, in other instances, would have been immediately followed up, with the utmost rigour and extremity. Had Bruce been merely a Minister of the Kirk, of an ordinary stamp, a single week

in October 1593. But he was pardoned in consideration of his tender years, and probably from the King's partiality to him individually; at all events, it would charitably be inferred by the King and Council, that he was under the influence of the Earl of Atholl.

Aug. 1600. would not have elapsed, before his head would have borne Gowrie and the Master of Ruthven company, on the top of Edinburgh Tolbooth, for his daring and treasonable conduct.

The sources from which the following Collection of Papers has been formed, are *Calderwood's MS. Church History*, *Wodrow's MSS.*, and *the Buik of the Universal Kirk*, from none of which, are any reprehensions against Mr Robert Bruce to be looked for; but, on the contrary, every thing is so stated by them as to exhibit their Champion in the light of one 'persecuted for conscience sake.' There is a 'Narrative by Mr Robert Bruce, concerning his troubles,' in Calderwood's MSS. Adv. Library, M. 6. 9. No. 36, which has been printed in the Miscellany of the Bannatyne Club. It contains a considerable portion of the Conferences here given; but varies in language, and in other respects; and may be referred to by those who have access to that valuable work, and who wish to look more minutely into this unparalleled affair.]

(1.) CONFERENCE *between the* MINISTERS *of* *Edinburgh* *and* THE KING.

UPON Tuifday the 12 of August, the Ministeris of Edinburgh were charged, be a Macer, to compare before the King and Counfell. The King demanded at Mr Robert Bruce, in name of the rest, 'Why they had disobeyed him and his Counfell, and would not praise God for his delivery?' They answered, 'they had not disobeyed, but was all ready to have praised God for his Majesties delivery, generally; as they did, upon the Sabbath immediatlie following; but they could not descend unto particulars, to qualifie what sort of danger it was; in respect they had noe certainty.' 'Had yee not my Letter,' sayes the King, 'to shew yow the certaintie?' 'Sir,' sayes Mr Robert, 'your Letter did bear noe particular, but made mention only of a danger, in generall, and we were content to follow it.' 'Could not my Counfell,' said the King, 'assure you of the particulars?' And withall addresseth himself to the President, 'Assured ye not them?' sayes the King to the President. The President answered, 'Yes, Sir, we all assured them of the certaintie of that Treafone.' 'Sir, with their honourisleave,' said Mr R. 'they had received noe information, except David Moyfes Bill and John Grahame of Balgonie his Report, who came in the mean tyme, when the Lords were sitting at Counfell; and the tuo Reports did foe fight against other, that noe man could find anie certaintie.' The Secretar ryfed up and said, 'they agreed very weill.' The President said the like. Mr Robert answered, 'he had David Moyfes Letter to shew, which would testifie the contrare.' The King asked at last, 'Now, are yee yet perswaded? Yee have heard me, yee have heard my Minister, yee have heard my Counfell, yee have heard the Earl of Marr, touching the Report of this Treafone; whither are yee yett fully perswaded or not?' 'Surely, Sir,' sayes Mr Robert, 'I would have farther light, before I preached it to perswade the people. If I were but a private subject, not a Pastor, I could rest upon your Majesties report as otheris doe.' Then the King asked Mr James Balfour, 'Are yee fully perswaded?' He answered, 'I will speak nothing to the contrarie, Sir.' 'But are yee not perswaded?' sayes the King. 'Nott yett, Sir,' said he. Mr Williame Watfone answered after the same maner. Mr Walter Balcanquall said, that he would 'affirme all that Mr David Lindfay preached in pulpite, in presence of his Maiestie yesterday.' 'What said Mr David?' sayes the King. 'Mr David founded himself upon your Majesties report, and made a faithfull rehearfall of your report; and foe fall wee.' 'Think yee,' sayes the King, 'that Mr David doubted of my report?' Mr David was sent for incontinent. They said unto him, 'Are yee not certainly perswaded of this Treafone?' 'Yes, Sir,' sayes he, 'I am perswaded, in conscience,

of it.' 'Now,' sayes the King, 'Mr Walter, are ye freely perswaded?' 'Indeed, Sir,' sayes he, 'I would have farther time and light.' Then the King asked at Mr John Hall, 'Are yee fully perswaded?' He answered, 'I would have the civill tryell going before, Sir, that I may be perswaded.' Then the King asked at Mr Petter Hewat, 'Mr Peter, whether are yee yett perswaded or not?' 'Sir,' sayes he, 'I suspect not your Proclamation.' 'But whether belevee yee it or not?' sayes the King. 'The President heard,' said he, 'what I said the last Sabbath.' The President beganne to justifie him, but the King insisted, saying, 'Lett me hear himself. Whether belevee yee my Proclamation or not?' sayes the King. 'Sir,' sayes he, 'I belevee it.' Soe they were all removed, and after a great space the Macer cometh to them with a roll in his hand, wherin all thair names were written, and a score drawn upon Mr Peter and Mr George Robertson's name. Mr George and Mr Peter were not called in. The rest were called. The Chancellor pronounces the Sentence, &c.

(2.) LETTER, THE KING to the MINISTERS of the Synod of Edinburgh.¹

TRUSTIE FREINDIS, We greet you heartily well. The Ministeris of Edinburgh being discharged pair preaching, be us and our Counsell, for pair unatural and unduetifull behaviour towards us, in this late danger, wherof it pleased God miraculously to deliver us; We have, by advice of the same Counsell, resolved that they shall never be restored agane to pair own places; since, in that case, We dread noe less than the hazard of our life and perrelling of our state; as We have more particularlie declared to the Commissioneris,² by whose advice pair rowmes are declared to be vacant, that operis may be provided therto. Lyke as, for the same effect, We, by advice of the same Commissioneris, have appointed a meeting at Ed^b, upon the second of October next, not only upon order taking in that mater, but for consulting upon such oper things as shall be thocht good to be proponed in name of the Kirk, for the weall of our and their estate, at our first Parliament, appointed the first day of November next: And therfor, have thought good to will and desyre you to direct two of the most wisest and best affected of your number to keep the said dyett, and instructed sufficiently to give ther advice and concurrence with the said Commissioneris in the premises; as you will testifye your dewtiful affection towards us, and the quietnesse of our and your estate. And in respect of our said happy deliverie upon a Twif-day, We have, by the advice foresaid, appointed that every Twifday hereafter shall be a day of ordinar preaching, within every burgh within the boundis of the Synods; and in like maner commanded, by our publick Proclamation, that the last day of September next, and the Sunday next thereafter be kept solemnly, for givinge thankis to God for our deliverie of such ane evident danger; which We have thought meet also to intimate unto you, by this our particular Letter, beside our Proclamation, that you pretend noe ignorance. And soe, Wee committ you to God. From Stirling, the 24 of Agust, 1600. To our trusty freindis, the MINISTERIS of the SYNOD of EDINBURGH. JAMES R.

To be delivered to them by Mr David Lindsay, our last Moderator.

LETT your Synod be convened the third Twifday of September next, for directing of Commissioneris for the effect foresaid.

(3.) LETTER, MR ROBERT BRUCE³ to THE EARL OF MAR.

MY LORD,

AFTER my very hearty commendations of service, fearing that this lingring of mine should give Sept. 1600.

¹ Calderwood's Church Hist. MS. Advocates' Library, vol. v. p. 518.

² Of the General Assembly of the Church of Scotland.

³ During this interval, the following correspondence is recorded by Calderwood, on this subject, but not of sufficient interest to merit insertion here:—

1600. Sept. 18.	Letter, Mr Peter Hewat to Mr Robert Bruce,	Vol. v. p. 532
Sept. 22.	Do. Mr Robert Bruce in reply,	533
Sept. 18.	Do. Mr James Balfour, Mr Walter Balcanquhall and Mr John Hall to Do.	536
Sept. 22.	Do. Mr Robert Bruce in reply,	537

Sept. 1600. occasion to sinister impressions, and nourish the people in lewd opinions (wherunto they are over much bent, of will) of ther Prince, I thought it my duety, my Lord, to prevent such suspicions, and to signifie my minde unto your L. as be this Letter I doe; that if ever God open my mouth, ather in that place or any ooper place, I will promise, be his grace, to suit them and divert them from such cogitations as flew from perversitie of nature, rather then from ane solide ground. This I may doe safelie, and fall doe farther, when God shall grant me farther light; for your L. takes me up wrong, if yee be of that mind, that it is not conscience that moves me to this, but only preposstrous affection to persons. My actions, my Lord, shortly will be my best judges and witnessses, ather with me or against me; and in the mean tyme, I would crave this favour of your L. if my service will not be acceptable to his Ma. within the country, that he would suffer me, with his Licence and favour, whill this storm be settled, to depart. I will not fash your L. with farther Letter; but, if I durst say it, my conscience sayes to me, I deserve good will of your L. alwayes. The Lord in his mercie direct your L. in all your affaires, and take you and yours under his tuition and defence, both now and ever. OF AIRTH, pe 22 of September 1600. Your L. to his power to be commanded, with service.

MR R. B.

(4.) LETTER, *the* EARL OF MARR, *in reply to* MR ROBERT BRUCE.

SIR,

I RECEIVED your Letter, wherein yee desired me to be a dealler at his Ma^s hand, that yee may have a Licence to passe furth of pe countrie, if better cannot be (whereof I would be very sorry.) I shall leave nothing that in me lyes to doe that which yee desired me; but yee must give me leave, even to speak with yow. I think yee are farr in the wrong, to your self and all your weall willers, that is soe hard of credit, in soe manifest a mater; and now, seeing it has come to such ane hight, I fear his Ma. shall be very hard in it; for I darr take it on me, before God in heaven (that is my only witnessse, in writteing these words unto yow,) that pe most mischant Treafone that ever was intended against a Prince, was that day intended against his Ma. be my LORD OF GOWRIE and his brother. This I may baldly write, in respect of pat I saw; and if I had occasion to speak with yow, I beleve to let yow see it evidentlie. Alwayes, Sir, I beseech yow evin to resolve with your self upon that; which I am assured of in conscience yee may; and that, in respect I knew it to be the truth. I remit pe rest to pe bearer, whom I know yee will credit. And soe, I committ yow to God. OF STIRLINE, the 24 of September, 1600. Your loving freind, MARR.

As to that part of your Letter, concerning your good will toward me, in truth I never thought ooperwife; nather merited I ever other at your hand, nor yet fall doe.

June, 1602.

(5.) LETTER, MR ROBERT BRUCE *to* THE KING.¹

[THE following Letter has been collated with a more correct transcript, preserved in 'The Booke of the Univerfull Kirk' Adv. Library, W. 1. 14, p. 329; from which this Extract has been taken. 'Anent the request made be the Moderator, in name of the haill Assemblie, to his Ma., in favouris of Mr Robert Bruce; His Ma. declarit, that he wald doe in that matter, be the advyce of the Commisfioneris of the Generall Assemblie, and (as) Mr Robert, be his awne behaviour, should give him occasion. And because Mr Robert Bruce had, be his Missine direct to his Ma. before his departure out the countrie, as also by the ratificatione and farther examinatione and explanatione thereof, in write, at Perth the 26 of July, 1602, declarit his resolutione of HIS MA. innocencie, and guiltines of the EARLE OF GOWRIE and his brother; and promised to divert the people, so farr as in him lay, from

¹ Calderwood remarks, 'Mr Robert Bruce, eight dayes before the time appointed for his departure, directed a Letter to the King, be the Laird of Balvaird; wherein he took his good night, and made a repetition of the former offers, in as reverent and humble maner as he could.'

their lewd opinions and uncharitable constructions, anent his Ma. actiones, namely in this turne. June, 1602. Therefore his Ma. defyrit the determinations of the Assembly, quhither, if the said Mr Robert fould lykewife make the same declaration in pulpit, according as it is at lenth set downe in the said Missive and explanation thair of, at Perth? Qubair of the tennor follows, &c. The quhilk, the hail Assembly, after voteing, thought not only reasonable, but also concludes, that the said Mr Robert aucht to do the same.' This affords the most satisfactory explanation of Mr Robert Bruce's conduct, and sets it in the true light in which it ought to be viewed. The subsequent behaviour of this zealous and able man, when all the previous circumstances of his personal altercations with the King are taken into consideration, is far more questionable than, in charity, without such explanation being afforded, might have been conceded.]

PLEASE YOUR MA.,

HEARING that your Ma. was nothing relentit of your former wrath against me, and being now upon the point to shew my obedience unto your Ma's laft charge, I could not omitt this, as my laft dewtie, to intreat your hiens clemencie, and to mitigate the extremitie of this intendit wrath. I am not ignorant of that speech, that 'pe wrath of pe Prince is the messenger of death,' foe that I craue that the Lord, for Christ sake, may adde his blessing, and work affectionatly¹ in your grace, as he fall see expedient for his awne glory, and your Ma's perpetuall preservation. Then, to be thort, to shew my conformitie with the rest of my breither of the Ministry, as at all tymes, foe now especially, to shew both my reverence to your Ma., and to clear my suspectit affections herein, I offer to give to the ffather of our Lord Jesus Christ, in him and throw him, most heartilye thankis, for all your Ma. deliveries, from your cradle to this present houre; but namely, for that deliverie which he grantit to your Ma. in S. Johnstone, on Tuifday the fyfth of August, farr above all our deserts and your Ma's expectation. I offer also to feir up the people to that same dewtie; and attour, to divert the people, foe farr as in me lyes, from ther leud opinionones and uncharitable constructions of your Ma. actions; and namely, in this turne. Finallie, ther is noe dewtie that your Ma. can crave of me, without the manifestt offence of God and hurt of my own conscience, but I will doe it, with alfe good a heart as ever I did anie thing in the earth; that if by anie means I might testifie my good affectione toward your Ma. my Sovereigne, and to enjoy my naturall air and such uther comforts as the Lord hes given me under your Ma's raigne, quhilk I maist humblie crave of your Ma., beseekeand the Lord to move your heart hereunto, for Christ's sake. Soe, waiting of your H. answer, in all humilitie, I take my leave.

MR ROBERT BRUCE.

(Upon the back thereof.) AT PERTH, the 26 of June 1602. Farther, concerning the heids within containit, I am resolvit of his Ma'ties innocence and the guiltinefs of the Earle of Gowrie and his brother, according as it is declaret be the Act of Parliament: And therefore, acknowledges the great mercy of God towards his Ma's hail Kirk and countrie, in his Ma. delyverance; for the quhilk, I thank God from my heart.

(Sic subscribitur)

MR ROBERT BRUCE.²

(6.) *NOTA.* THE ANSWER to this is not preserved by Calderwood, as explained by him in the following terms.

Mr Robert was upon his journey to the ship, and Balvaird³ returned with his answer to his wife. He shewed her that his Ma. had interlyned the Letter, and eeked⁴ some words upon the margent:

¹ 'Effectually,' in *Book of Univ. Kirk*.

² This postscript or indorsation, Calderwood most unfairly omits. This is by no means a solitary instance of such conduct. It must be obvious to any one who carefully peruses the various Conferences, &c. that he uniformly studies to place Bruce in the character of the hero of his book, and in the interesting attitude of a person persecuted for conscience sake, and cruelly trampled upon by the constituted authorities.

³ Sir Andrew Murray of Balvaird.

⁴ Addeled.

Oct. 1600. and if Mr Robert condescended not to these words, and wes not content to utter them in pulpit, there was noe byding for him in Scotland. He desyred also, that he might keep the interlyned Letter a while, promysing to redeliver it; but he gave it to his uncle Sir Patrik Murrey, and was never redelivered. In the meantyme, Mr Robert returned to Restalrig, upon Thursday at night,¹ the penult of October. The ship was not as yett out of the harbourie, it being great in quantitie,² and heavie loadned, and the floods³ also decreasing, there was litle hope of out-getting. Alwayes Cornelius Inglis, sonne to James Inglis the owner of the ship, was moved to emptie her of a great part of her loading; but the deid neep⁴ was so great, according to the course of the moon and custome of that sea, that they looked not for her floating: But, by⁵ ther expectation, and farr by the custome marked in those seas, 80 years before, where the waters sould have decayed, against the custome they increafed, till they put her on floatt⁶ and convoyed her out; and thereafter returned to their own naturall course, and continued in ther ebnessè for five weeks after. The ship faired furth on Saturday the first of November, and was drawn up to the Queens-ferrie, where she lay at anker. Upon the third of November Mr Robert went up to the ship. Two of the Ministers certified him, that he was to be charged, vnder the paine of Treafone, to retire to the ship within 24 houres; which made him to make the greater haste. Soe he raid to the Queens-ferrie, accompanied with Sir William Cranstoun and his sone; and after supper took ship. Two bailliffes went with him to the shipe, and Mr Thomas Gray and a Notar, John Maky. He took instrumens in the hands of the Notar, that he obeyed the Act. They returned in a boat. It was marked by them that returned, that, by⁶ custome, there appeared foe great a light, which served them to read, and the mariners and skippers to take up sail; although it was neer midnight. Soe they drew to sea, by God's blessing, and arived at Deep⁷ in France, upon Saturday the 8 of November.

(7.) LETTER, MR ROBERT BRUCE *to HIS WIFE.*

A long letter is inserted in *Calderwood's MS. Church History*, Vol. V. p. 584 to 591, in which he treats of his 'persecution,' &c. He subscribes himself, 'Your loving husband, not wearie I assure yow of the Lords croffe, but wearie of the treicherous flatterie of men.' It is dated, 'Off Berwick, the 5 of this instant of June.' And on Sept. 29, 1601, Mr Patrick Simson, Minister at Stirling, writes him, inviting him to return to Edinburgh.—See *Calderwood*, p. 692.

Jan. 1602. (8.) 'A CONFERENCE *between MR ROBERT BRUCE and some (Commissioners) directed from the King.*'

THE KING appointed Mr Robert Bruce to come to Craigmiller, to conferr with some appointed be him. Mr Robert took Mr Patrick Simsone with him, to be a witneffe to thair dealing: Soe, upon the 15 of Januar (1602), they mett at Craigmiller. They proponned three things to him: (1.) That he would approve the book sett out upon Gowrie's Conspiracie: (2.) That he would purge the King, in such places as the King sould appoint him to preach in: (3.) That he would crave the King pardon, for his long mistrust and disobediense. All the three were refused be Mr Robert, after long conference. They gave him some Articles and Instructions, in write, and craved his Answer in write; the tennor wherof followeth.

INSTRUCTIONS *for his Majesties Commissioners directed to Mr Robert Bruce.*

WHETHER, if he be throughlie resolved now, of the forme and maner of that treafouable attempt committed against his Ma. at Perth; and speciallie, of his Ma's honest minde, intention and miraculous

¹ This must have been done by stealth, and in contravention of the Charge which confined him to Airth, &c. See p. 233, &c. ² Size, burthen. ³ Flood tides. ⁴ Neap tide. ⁵ Contrary to. ⁶ Contrary to. ⁷ Dieppe.

deliverance, and of GOWRIE's and his brotheris vile and bloody Conspiracie, intended to be taking away of his Ma^s life; as is particularly sett down in the printed book and Acts theranent, or not? As his doubting of that turne hes been the principall cause of the doubt of many, and of his H. slander in that point, if he be willing to utter in pulpit, in such places as fall be appointed, his resolution therein, according to the forme of the said Articles, as clearly, as any his Ma^s good subjects have done; craving pardon, and excusing his long incredulity, and the slander arising therupon; and wishing the people that anywise doubted pairof, as they were ever ready to conceive doubts upon unjust grounds, only moved by his example, foe now to be contented, be his means, rightly to be resolved thairof.¹

(Sic subscribitur) JAMES R.

(9.) THE SECOND CONFERENCE of MR ROBERT BRUCE with THE KING.

IN the beginning of Aprile, the Erle of Marr directed a Letter to Mr Robert Bruce, at the King's direction, to come to Brechin, with diligence. Immediatly before the receipt of the Letter, he was exercised in prayer, with shedding of tears. When he come to Brechin, as soon as the King saw him, he raise, and come forward to the place where he stood; and looked, as appeared to Mr Robert, very lovingly. He caused void the house,² none remaining but the King and Mr Robert. The King asked, 'If he was resolved?' He answered, 'Yes.' He asked next, 'What moved him?' Mr Robert answered, 'Sundrie things, namely, my Lord of Marr his deep swearing; for I thought (said he) that a Christian, of his quality, could not forswear himselfe, for all the gear in the world!' 'How could he swear?' said the King; 'he nather saw nor heard!' 'I cannot tell that, Sir,' said Mr Robert, 'but indeed he swore very deeply.' The King, understanding what was the forme of the oath, which he repeated to him: 'What was the cause, then,' said the King, 'yee would not trust me?' 'Sir,' said Mr Robert, 'Your Ma. took noe paines to informe.' 'I sent,' said the King, 'Sir Thomas Areskine to yow.' 'As for Sir Thomas Areskine,' said Mr Robert, 'I trusted him in a part; but thair were other things that I thought hard.' 'What was that?' said the King. 'That part which concerned the MASTER of GOWRIE and your Ma.' said Mr Robert. 'Doubt yee of that?' said the King. 'Then yee could not but compt me a murtherer!' 'It followeth not, if it please you, Sir,' said Mr Robert; 'for yee might have some secreitt cause.'³ The King deduced the whole Tragedie, from the beginning. Mr Robert uttered his doubt, where he found occasion. The King heard him gentlie, and with a constant countenance; which Mr Robert admired.⁴ At last, the King urgeth him to preach the Articles which were sent to him. Mr Robert answered, he had 'given his answer already to these Articles; and had offered to the Ambassadors that which all men thought satisfaction, yea more than preaching.' 'What is that?' said the King. 'That I will subscribe my resolution,' said Mr Robert. 'Trust you it?' said the King. 'Yes, Sir,' said Mr Robert. 'If ye trust it, why may yee not preach it?' said the King. 'I shall tell yow, Sir,' said Mr Robert; 'I give it but a doubtfome trust; for I learn this out of Bernard, "in doubtfome things, to give undoubted trust, is temeritie; and in undoubted things, to give a doubtfome trust, is infirmity!"' 'But this is undoubted,' said the King. 'Then bear with my infirmity!' said Mr Robert. 'But yee say it is more than preaching?' said the King. 'Sir, I ought to preach nothing but the word of God,' said Mr Robert. 'Obedience to Princes, suppose they were wicked, is the word of God,' said the King. 'I durst lay a waiger, ther is noe expresse word of King James the Sixth, in the Scripture.' 'Yes,' said Mr Robert, 'if thair be a King there, there is word for yow also.' 'The whole Kirk has done it already,' said the King; 'yee must not be singular!' 'Sindrie have not done it,' said Mr Robert. 'Shew me one!' said the King.

¹ The Answers are general and evasive; and as the substance is contained in the following most remarkable CONFERENCE with the King, at Brechin, it seems only necessary to refer the curious to *Culderwood's Church History*, MS. Vol. V. p. 598, &c. ² The Chamber. A common mode of expression at this time. ³ Occasion, necessity.

⁴ Lat. *admirare*, marvelled; or wondered at.

Apr. 1602. 'Your Ma. muft bear with me,' faid Mr Robert; 'for it were againft the rule of Charitie to harme my brethren.' He defyred the King to convey the Miniftrie, to fee what they would injoyne him to doe. 'That needeth not,' faid the King; 'none darr or will refufe but yee; and therefore yee are the fole and only ground of my flander.' Mr Robert, to clear him of this imputation, faid, 'I have offered to fubfcribe my Refolution, in what language your Ma. pleafeth; which none have done but I.' 'Where is your Refolution?' faid the King. 'I fent it in write to your Ma.,' faid Mr Robert. 'That which yee fent was too generall,' faid the King; 'but what fault find yee in my Articles?' 'I cannot remember all; but one thing I remember,' faid Mr Robert, 'yee would have me to refolve according to your book; and who can doe that?' 'There is never a falfe word in that book,' faid the King. 'Yes, Sir, there are findrie.' 'Weill then,' faid the King, 'wee fall putt out that claus out of the Articles. What other fault find yee?' 'I cannot remember now,' faid Mr Robert. 'Have yee not the Articles?' faid the King. 'I gave them to Sir Patrick Murray,' faid Mr Robert. 'I am fure,' faid the King, 'yee have kept the Copie.' Mr Robert, perceiveng the King's drift, to urge him farther, thought it not expedient to produce the copie. 'Weill,' faid the King, 'ftay heer till Sir Patrick Murrey come.' Yet, after fupper, Mr Robert gott licence to returne home, till the next advertifment.

Sundrie other things paff between the King and him, in conference; as namelie, Mr Robert defyred, that he 'and others of the Miniftrie be not urged to hurt thair confciences; and that his Ma. would not think, that honeft men would fell their foules; howbeit their bodies and geir fall be at his command.' 'I underftand not what ye mean,' faid the King, 'be felling of your foules; but I fall gar the beft of you fay and gaine fay!' 'That may be, Sir,' faid Mr Robert, 'and that yitt they fay not againft confcience.' 'Yee fall not find the like in me,' faid the King; 'my faying fall be alwife one.' 'It fetteth not to compare with your Ma.,' faid Mr Robert.—He prayed in heart, all the time, thus—'O Lord! keep my heart unto thee! and fave me frome the danger that this traitourous and falfe heart is like to caft me unto!'

(10.) THE THIRD CONFERENCE *of* MR ROBERT BRUCE *with* THE KING.

MR ROBERT BRUCE, after his Conference with the King at Brechine, was confined in the parioch where he had his dwelling place, and fuffered to preach noe where ells. He received a Letter from the King, to come to him, to Perth, the 24 of June. When he come and entered in the King's chamber, no other was fuffered to enter but Sir Patrick Murrey. The King asked, 'Where the Articles were?' Mr Robert answered, that he had redelivered them to Sir Patrick Murrey. Sir Patrick produced them. After they were read, the King asked, 'If he was willing to preach according to thefe Articles?' 'Not, Sir,' faid Mr Robert, 'if it pleafe you?' 'Why?' fayis the King. 'Because my preaching is the mater of my Inftiutions and Commiffion: No Prince hath the power to give inftiutions to another Princes Ambaffader. I am the fone of God's Ambaffader and preacher!' 'But,' faid Mr David Lindfey,¹ 'yee offered to preach to that effect, before yee went out of the country.' Wherupon, Sir Patrick produced Mr Robert's Letter; which was read, in the audience of the King and Commiffioneris. 'Weill,' fayes Mr Robert, 'yee refused this offer, foe am I not bound to it.' 'Will yee goe from the thing yee have offered?' fay they. 'Weill,' fayeth Mr Robert, 'will this Letter fa-tisfie yow? Sall I be noe farther urged, in cafe we condefcend to this Letter?' 'Nay,' quoth the King, 'yee may fay all this and not be refolved! Say truely, was yee refolved at that tyme or no?' 'Not indeid,' faid Mr Robert. 'How fay yee then, that yee will give thanks for my deliverance, that day?' faid the King. 'Yes, Sir,' faid Mr Robert, 'I have caufe to give thanks for your prefervatione, fuppofe yee had caft your felf in danger.' 'I told yow that,' quoth the King; 'yee fee what he meant.

¹ He was Minister of Leith, and preached the Oration before the King the day of his landing after the Conſpiracy.

—Are yee now refolved?’ ‘Yes, Sir,’ said he. ‘That’s but the duety of a subject, when yee have done,’ said the King. ‘Are yee refolved to preach?’ ‘I am discharged to preach the pleasures of men,’ said Mr Robert: ‘Place me where God placed me,¹ and I shall teach fruitful doctrine, as God shall give me grace: But we have not that custome to be enjoyned to preach; nor I dare not promise to keep that injunction. It lyeth not in my hand to make a promise; I know not certainly what God will suffer me to speak; I may stand dumb. Therefore, Sir, leave me free; and when I shall find myself to be moved, be God’s spirit, and to have the warrant of his word, I shall not fail to do it.’ ‘That is plaine Annabaptistry! That is a caball and tradition,’ said the King: ‘Yee shall preach as the rest have done, or else I cannot be satisfied. Yee shall goe!’ ‘I pray your Ma.’ said Mr R. ‘sett down your disjunctive, and the one, God willing, shall be as welcome to me as the other. I have racked certainly a peace of my heart, to please your Ma.; now seeing your Ma. cannot be satisfied, except I make shipwrack of all, lett me goe, in God’s name. Suppose I have some commodities, as other mean gentlemen have, in your Ma’s countrie, yett, Sir, I never defyred to have seen your Ma’s face, or your countrie either, except I had been certainly informed that your Ma. was satisfied!’ ‘What warrant had yee? Who informed yow foe?’ said the King. ‘If it please yow, Sir,’ said Mr Robert, ‘I had first a warrant from the mouth of both your ambassaders, who assured me their satisfaction should be yours.’ ‘I trust,’ sayeth the King, ‘they will not say, suppose of all this new kinde that is knitt up betwixt yow.’ ‘Surely, Sir,’ said Mr Robert, ‘I am persuaded they will say it, and heere is a brother, (meaning Mr Patrick Simfene,) that has heard my Lord of Marr say as much. Beside this, if it please yow, Sir, I have your Ma’s own warrant, be Letter.’ ‘What!’ sayeth the King, ‘my Letter?’ ‘Your Ma’s Letter,’ sayeth Mr Robert, ‘willeth me to send in my resolution, in write; and thereupon, promised to be satisfied. And soe I did; and therefore, I ought not to be urged any farther.’ ‘My Letter beareth noe such thing,’ sayeth the King. ‘If it bear not, Sir, it shall turn to my own paines,’ said Mr Robert. ‘I have it beside me.’ The King went in to his Cabinet, and walked up and down a reasonable space. In the mean tyme, the Commissioners dealt with Mr Robert, almost each one after another. He would have gladly gone out of the house, but the door was locked; soe he behoved to stand, till the King come out of the Cabinet. At last, the King cometh out. The Commissioners say to him, ‘Sir, seeing it is soe, that Mr Robert alledgeth such promises, yee shall leave the preaching free to his own will: But let us come to his subscription in the rowme thereof.’ ‘Are yee content,’ sayes Mr David and the rest, ‘to subscribe the King’s innocencie and their guiltinesse?’ ‘Not in these terms,’ answered Mr Robert. The King urgeth him the more earnestly, and sayeth, ‘I will not only have yow clearing mee, but my whole company.’ ‘As for your Ma’s company,’ sayes Mr Robert, ‘they have no need of my clearing; rather will they seek it. I am bound to your Ma., and I will doe all that lyeth in my possibility.’ ‘Then yee must subscribe my innocencie,’ said the King. ‘Your own conscience, Sir, can doe that best,’ said Mr Robert. ‘It is very hard for me to do it!’ ‘Why is it hard?’ said the King. Laith² was Mr Robert to answer, least he should irritate him; but he insisted. Then said Mr R. ‘Your Ma. will not be offended if I speak freely?’ ‘Not,’ said the King. ‘I was reading,’ said Mr Robert, ‘upon Ammandus Polanus, touching the slaughter of the Magicians, when the King of Babell commanded to slay. Ammandus disputeth the question, whether the King of Babell did weill or not? First, he sayeth, *animi gratia*, it would appear that he did weill; for he had the plaine law of God for him, in manie places: Yett he concludes against the King, that he did not weill; for, howsoever he had the Law, yett he looked not to the Law nor had regard to God nor his glory: Therefore sayeth he, howsoever the Magistrat hath the sword and may most justly execute, yett if he have nothing but his own particular³ before his eyes, God nor his glory, he is a Murderer!—Now, Sir, I pray, what can I or any man say, what your Ma. had before your eyes? Or what particular yee had?’ ‘It is true,’ sayeth the King, ‘and therefore I will give yow leave to

¹ Restore me to my pulpit.² Loth, unwilling,³ Quarrel, offence, or cause.

Jan. 1602. pose me upon the particulars.¹ ‘Then, first, it please yow,’ said Mr Robert, ‘Had yee a purpose to slay MY LORD?’ ‘As I shall answer to God,’ sayeth the King, ‘I knew not that my Lord was slaine till I saw him in his last agonie; and was very forie, yea prayed in my heart for the same.’ ‘What say yee then concerning MR ALEXANDER?’ said Mr Robert. ‘I grant,’ said the King, ‘I am art and part of Mr Alexander’s slaughter; for it was in my own defence.’ ‘Why brought yee him not to justice,’ said Mr Robert, seeing yee would have had God before your eyes?’ ‘I had neither God nor the Devil, man, before my eyes,²’ said the King, ‘but my own defence!’ Heer the King beganne to fret. He took all these points ‘upon his salvation and damnation,’ and that he ‘was once minded to have spared Mr Alexander; but being moved, for the time, the motion prevailed.’³ Farther, Mr Robert demanded of the King, ‘If he had a purpose, that day, in the morning, to slay Mr Alexander?’ The King answered, ‘upon his salvation, that day in the morning he loved him as his brother!’ Mr Robert, be reason of his oathes, thought him innocent of any purpose that day, in the morning, to slay them: Yett, because he confessed he had not God nor justice before his eyes, but was in a heat and mind unto wrong, he could not be innocent, before God; and had great cause to repent, and to crave mercie for Christ’s sake!

In end, Mr Robert yielded to subscribe his resolution, according to the Act of Parliament; which he did, Partly because, in his judgment, it was the duty of a subject to reverence the lawes of the Country, except he knew them, certainly, to be contrarie to the word of God: Nixt, he was bound to free himself of that imputation which was layed to his charge, partly be the King himself, partly by others, directed to him from the King, that ‘come death, come life to him, come what would come of him, the whole blame should lie upon him, in respect he was the author of the slander!’ Thirdly, because he made a faithfull promise to him, that ‘noe more should be craved of him.’ Soe, upon these three respects, he gave his resolution, in write; not that he was perswaded, in his conscience, for any thing that he could learn, be himself, or from God’s Spirit, after prayer, as he himself recordeth in the Historie of these proceedings; but, in respect there was a strait and publick Law, he thought good to follow it, till God gave him farther light. All the Commissioners, and Mr Patrick Simfone, who accompanied him, subscribed as witnesses. Wherupon Warrant was granted to him to travell abroad in the countrie; provided he come not neer Edinburgh, be four milles.

Nov. 1602. (11.) MR ROBERT BRUCE drew neer to Edinburgh, in tyme of the Assëmbly. *George Heriot* and *John Robertfone*, Commissioners for the Town of Edinburgh, made mention of his reposition;⁴ wherunto the Assëmbly applauded. But the King and the Moderator⁵ alledged they had fundrie things to proponne, before that were granted. The King defyred to have the Interlocutor of the Assëmbly, ‘whither Mr Robert should be enjoyned to utter in pulpit, that which he had offered in his bill before his banishment, and the resolution which he had subscribed at Perth, after his returne, or not?’ Mr John Hall⁶ being first asked, answered, ‘Ther could be nothing done in that mater, whill⁷ the parties were first heard.’ Soe it was thought meet that Mr Robert should be sent for: But the mater was delayed till the end of the Assëmbly; and howbeit he was nather called nor heard, they voted that he should publish in pulpit his bill and resolution.⁸

¹ Grounds of quarrel or grudge. ² That is, in the heat of the struggle and the deadly encounter in which he was engaged, he had no leisure for reflection, but looked only for the means of ridding himself of his antagonist. ³ On cool reflection, and at that distance of time, the King is inclined to think it might have been in his power to have saved Mr Alexander’s life. But this he admits, after being in the knowledge of all the facts and incidents, which he could not at the time have contemplated. Had he attempted to have taken him alive, in all human probability, it would have cost his own life and that of his party: for Gowrie, as Provost of Perth, and adored by the citizens, could have in an instant overpowered the handful of followers attending upon the King, in this hasty and unprepared visit. ⁴ The fact of his being reponed or reinstated. ⁵ Mr Patrick Galloway. ⁶ The Moderator of the former Assembly. ⁷ Until. ⁸ It is unnecessary to pursue this matter farther. The Editor hopes that Wodrow’s Life of this remarkable person, together with the Lives of other eminent public characters, written by Wodrow, shall soon be published. The publication of these Lives would prove a valuable accession to the History of Scotland, and could hardly fail amply to repay the person who undertook such a task.

(12.) LETTER, *the Laird of Beltries (Sir James Sempill¹) to Mr Robert Bruce.* Nov. 1602.

SIR,

I INQUIRED of his Ma. yesternight, if he had any new intention anent yow? He answered, none, but that yee sould enter and doe your duetie, as was told yow of before. His Ma. alledges, yee never bide long at one resolution; ffor, after my excuseing yow of your not abilitie for preaching the last Sabbath, as yee willed me to doe, yett he sent Mr Henry Blyth to the Moderator, to enquire if yee sould teach? This I was ignorant of; but yett I answered, that it was upon a fear that possessed yow, of a new offence, in not teaching; and soe that was done for the full assurance of his Ma^s minde in it. To the purpose, Sir, yee fall enter, if yee please, on Sunday next, and advertise his Ma. two or three dayes before; inquireing, if he please to speak with yow? At your entry, yee must doe (as his Ma. speche is) the duty of a good subiect and of a good pastor; not to say, simply, yee are resolved, which yee have done already; but yee must endeavour to remove all scrouple from the auditor; as well in cleiring his Ma^s innocencie, as of your guiltinesse. These are his Ma^s own words: And my poor advice is, to satisfie his Ma.; feing, (with manie) I think it may and would be done, being a thing able to do good to the King and whole Common-weall, to knitte the hearts of his people to him, by removeing scrouples, if any be, or by confirming them in the concewed truth; which, be your silence in this mater, will be called againe in question be them. The Lord give yow that resolution which may best serve for his glory. HILYRUDHOUS, this Tuifday the last of Nov^r 1602. Keep this ticket for both our warrants.

(13.) MR ROBERT BRUCE'S ANSWER *to Beltries' last Letter.*

SIR,

I WAS upon my journey homeward, when I received your last Letter; and hearing that yee were gone in the country, I delayed any answer till your returneing. Therefore, now, Sir, for answer; first, I say, that if Mr Henry Blyth had any such commiſſion of me, or if the honest man will say soe in my name, I will be content to take that imputation upon me: but otherwise, as it is true indeed, I received wrong, I am noe wayes ambitious of it. For I have been twice thrust into it, and as oft out of it; and I have noe will that his Ma. be compelled to use his Royall office upon the remanent of my frail life. For these four or five yeares bygane, I have been continually under a lingering and dwyning death, which I am assured has been more troublefome and tedious to me, both in body and minde, then that hour of death fall be, when euer it fall please the Lord to call me therto. I have not forgott these voices, that oftentimes I wounded to hear, 'that his Ma. dreadeth us bodily harme.' These things maketh me to look or I leap, and to advise weill or I enter; yett I speak nott this, as if I were minded to shake off my duety that I ought to my flock: But if it would please his Ma. to suffer us to stand in that liberty wherein the Lord hes placed us, and to speak in the chair of truth, as the word and spirit of truth sould direct us, I would promise, be God's grace, when ever the word sould give us occasion, as oft tymes it will, that then, from the authority of the word, I fall repreſſe all sinister constructions of his Ma. actions, and by the authority thereof, beat down all seditious and insolent humors of subiects, that would presse to usurp upon your superiours; and soe, from the word, as moved therby to speak upon these matters; which must have a farr greater grace nor² to speak be way of injunctions, or speak as it were a cunned lesson,³ or ane A B C putt in man's hand. The one deuty smelleth of Divine Theologie, the other of Court Theologie, and does noe good to the cause, but hurts greatly: And as God liketh of a cheerfull giver, soe when the people seeth these things to come freely, of my self, without constraint, nor yett putt unto my head, they will reverence them the

¹ He was son of John Sempill of Beltries, whose conviction for Treason is recorded in vol. i. p. 72. Sir James was Ambassador to England 1599, &c. and was author of a Satire, 'The Packman and the Priest.' His son Robert Sempill was author of the well-known Elegy on 'Habbie Simson the Piper of Kilbarchan.'

² Conned lesson, got by rote. ³ Than.

Dec. 1602. more, and have the greater weight with them. Soe to be short, if this sort of service may be acceptable to the Prince, I am at command; if otherwise, I will hold me with the benefite that I have gotten, within the compass of obedience; and be God's grace, fall be unreprieveable of any. Having noe farther for the present, I rest, &c.¹

(14.) LETTER, *Mr John Hall to Mr Robert Bruce.*

SIR,

Jan. 1603. JAMES AIKENHEAD, bailiffe, gave intelligence to his Ma. that yee were purposed to preach this next Sabbath, God willing; and I being down in the Abbey, his Ma. gave me this answer, and ordained me to signifie the same unto yow: That is, because your advertisement was generall, and thereby he could not understand what yee was to doe in the matter, wherein he has been offended; also, he would assure yow, that if yee entered into the pulpit, and did not according to the Act of the Assembly, it would be a matter of great irritation: Therefore, be your tickett, ye would certifie againe that ye are ready to preache, and to satisfie his Ma. according to the Act of the Assembly; or otherwise it will not be heard as a sufficient offer. Sir, if yee write heerenant to mee againe, I fall be ready to deliver it, and shew yow the event.²

Your brother in Christ,

MR JOHN HALL.

(15.) MR ROBERT BRUCE'S LAST CONFERENCE *with THE KING, on Tuesday the fifth day of April, 1603.*

Apr. 1603. MEN of all qualities resorted to Edinburgh, to congratulate the King his preferment.⁵ Motion was made, by some brethren of the Presbytery of Edinburgh, that Mr Robert Bruce should be desired to come East to congratulate with the rest; for the King took it evil in part, as was reported, that he should be the last in giving signification of his humble affection. Upon Saturday, the 2 of Aprile, Mr Robert returned answer, that 'in respect of his Ma's last Conference, holdin with the Commissioners, he durst not take the boldnesse to draw neer to his Ma.;' alwise,⁴ did signifie the sinceritie of his inward affections, to the Lady Marr and some other noble women, who could bear witness of his integrity in that point: But, seeing he was informed that his Ma. would accept the offer of his affection, he should come with diligence, to try what might be done.

Soe, upon Monday, the 4 of Aprile, he came to Edinburgh and founded some stable men, his freinds, touching the King's disposition, whither he was willing to accept of him and his congratulation. Soe far as he could learne, he was not able to redeem his countenance and favour, but with confession of a fault, and that upon his knees; by which meanes he might eschew publication in the pulpit, and recover his Ma's favour also. Mr Robert findeth himself brought in as great a strait almost as ever he was; and answered to the Lords that interceded for him, that 'seeing he could not purchase his Ma's presence but upon these hard conditions, his earnest desire was, that they would make his excuse, in all humility, to his Ma. and to shew that notwithstanding he came to the town to congratulate, the press and throng of the people was soe great, because his Ma. was upon the point of his departure, that he could get noe access.' They take much in hand;³ but the King, understanding he was come to town, sent one of his domestick servants, James Murray of Powmais, the day following, Tuesday the 5 of Aprile, soon in the morning, before his Ma's departure, for him, before he was risen out of his bed. Mr Robert thought it hard, and that the King catched that peace of disgrace to his Ministry.

¹ (1602. Jan. 19.)—Mr Robert Bruce addressed a Letter to the Town-Council of Edinburgh, which is an echo of that to the Laird of Beltries. This was followed by *George Heriot* and *Cornelius Inglis* waiting on the King, on Bruce's part; who inhibited any preaching; whereupon he left the town. On 27th January, he intimated his design to preach next Sabbath, to James Aikenhead, one of the Bailies of Edinburgh.

² Much correspondence, &c. took place, till at last the Commissioners of the General Assembly, Feb. 25, 1603, 'declared that his re-entrance to the Ministry of Edinburgh came through his own default.'

³ To the English Crown. The King departed for England immediately after this Conference took place.

⁴ Nevertheless. ⁵ Undertook; promised largely.

Alwife he went down to the Abbey. The King was at his breakfast. Mr Robert fought occasion Apr. 1603. of speech with him, at that tyme; thinking, that in the presence of many strangers and noble men, the King would not urge him, as he did before. The noble men courteously gave him place. But when he was upon the point of bowing and entering in conference, Sir Patrick Murray, who stood upon his Ma^s left hand, and rounded somewhat in his ear, prevented him. He was referred to the King's bed-chamber, to be heard after the preaching; which was very cold. It was made be Mr Andrew Lamb. Mr Robert, all the tyme, prayed to God to direct him be his Spirit, in the end; as he had done in the rest of that action before. He resolved noe wayes to goe to the knees, against his conscience; but rather now, in the entry to this great Monarche, to urge his Ma. with a thankfull heart to God for his wonderfull and unlooked-fore blessing. He had all the words and mater conceived, which he communicated to Mr James Melvill, Minister at Anstruther, who was weil pleased both with the mater and the maner; wherby Mr Robert was greatly encouraged to persist in his resolution. In the meantyme, the Lord Fleming cometh for Mr Robert, and taketh him to the King's bed-chamber; where he found my Lord of Marr, my Lord of Blantyre, the Laird of Dunipace, Mr Peter Hewat, Mr Thomas Abernethie. The Lord Fleming went to the Chamber of Prefence, told the King Mr Robert was in the place appointed. The King ncontinent withdraweth himself, goeth in to his bed-chamber, his boots on, ready to ryde. Soe soon as he drew neer, he walked in circle about the house,¹ as his custome was. Mr Robert casteth himself to meet him, with all reverence and humble inclination of his body that he could, without going to knee. The King heard him graciously, in outward appearance. The summe and effect of Mr Robert's words were this. 'Sir, I have marked four things in this great work, touching your Ma^s high advancement: first, that the God of heaven and earth has placed yow in all these earthly thrones, without the losse of the credite of your holy Religion and hurt of the inward peace of your own conscience: Next, that he hes placed without shedding a drop of your Ma^s blood, which is lesse nor² conscience: Thirdly, without the hazard of your Ma^s subjects purfes, which is lesse nor blood: And last of all, that he hes soe wonderfullie directed the tongue of that worthy Lady and noble Queen, together with the affections of the whole Counsell, soe that if furth of your Ma^s own bowells, they could not have conspyred more effaldly³ to your Ma^s promotion. These things crave a twofold duty of your Ma.: First, that yee take heed to your own heart, that the glory and glance⁴ of these earthly things deceive you not; that ye make them not your reward, nor place the confort and consolation of your heart in them; but rather, as they are given, use them as steppes and degrees to stepp up to the Crown that cannot fade nor faile: Next, seeing the God of heaven hes manifested his unspeakable care, in preserving soe many Crowns and Kingdoms to yow, sir, your Ma. cannot eschew the note of ingratitude, if yee extend not your Ma^s credit, and imploy your whole care, for preservation of his own kingdome.' THE KING answered, 'Mr Robert, be God's grace I fall not place my confort or consolation in them, or in any earthly thing: As for the preservation of the kingdome, if I would preserve my own life, I must study to preserve it; for we have common freinds and commone enemies: The Papists that shutt⁵ at that kingdome, shutt at my life also, as I know certainly.⁶ As touching this wonderfull mercy of God, Mr Robert, if yee be remembered I oft tymes foretold you, that God would bring this work about, after this sort;' and named some places to him. But Mr Robert could not remember.

Mr Robert took his leave; and had as good a countenance of the King, as ever he had in his life, in his own judgement. The King did not urge him with any such thing as the Lords gave out; nor made mention of any thing, tending to that purpose. Ather the mediators were unfaithful, or God putt it clean out of his heart. When the King mounted on horseback, Mr Robert went to him againe,

¹ A mode of expression for chamber.

² Than.

³ Truly, sincerely; from 'afauld,' literally *one-fold*.

⁴ Dazzle, splendour, glitter; literally the reflection thrown from a mirror by the sun.

⁵ Shoot, aim at.

⁶ In allusion to the numerous Conspiracies which had been devised by the Papists against his person.

Apr. 1603. to take his leave ; and was as weil received as any subject, of his calling, in Scotland. Those that stood by heard the King say, ' Now all particulars¹ are past betwixt yow and me, Mr Robert.' But Mr Robert himself could not remember that he heard these words.

(16.) NOTES from *Calderwood's Church History, MS.*

Feb. 1605. (1.) MR ROBERT BRUCE, the year of the King's departure out of the country, gott peace and rest ; but the year following he was threatned of new, for the mater of GOWRY, to be deprived of life, living and stipend. He was very farr cast down. Whill he was ryding to Stirline to fetch the Erle of Cailliss to his house, it pleased the Lord that night to give him a comfortable vision in his sleep. He recommended his case to God, and soe fell asleep. He saw great difficulties presented to him, and it behoved him ather to passe through them, or to die be the way. At the last, he resolved, in God's obedience, to hazard ; and whill he was passing through, he feilleth a motion in his heart, moving him to say, in and through Michaell, the Captaine of the Lord of hosts, ' I fall prevaill, O Michaell ! Michaell ! Who is like the strong God !' Mr Robert was greatly comforted with this ; and putt it in write when he awaked.

This year the Commissioners of the Generall Assembly directed Summonds, warning him to compare at Edinburgh, the 27 of Februar, to hear and see himself removed from his function, in Edinburgh. He compared before them, and took Mr Thomas Gray with him. But none gott accessse but himself. After long reasoning, they removed him. He appealed from their sentence. They inhibited him to preach thereafter. He obeyed not. The Laird of Lowrestoun, Commissioner, had Commission to see the sentence of Removall pronounced against him.

Jul. 1605. (2.) CHANCELLOR SETON sent for Mr Robert Bruce, advertised him that he had gotten command from the King to discharge him from teaching, &c.

Aug. 1607. (3.) THE fifth of August was solemnie kept in Edinburgh. The Kings skoll was drunken be the Duke, his Commissioner, and some other noblemen at the crosse of Edinburgh, which was covered, for the greater solemnitie. Bacchus was sett up, and much wine drunken and sweete meats cast abroad. Much vanitie and pastime, beside ringing of bells, and getting on of bale-fires. The pest brake up soon after.

(17.) LETTER, *Mr Robert Bruce to the Laird of Beltrise (Sir James Sempill.)*

RIGHT HONOURABLE COUSINE,

Feb 1603. YE most give me leave to utter my friendly counsell against you. To what purpose should ye and Mr Ewart put me in esperance of my liberty, be your Letters ? Of yours I saw only one ; and I have four of Mr Peter's, assuring me of ane comfortable illue ; and, in truth, I gave such credit, and was so certainly perswadit be him, that I sent home my wife and children, and spoiled my self of all my outward comforts, and exponed my self to the extremitie of the seassone, in a cold lodging, in thir miserable and barbarious parts, that I have almost extinguished both my vitall and sensitive spirits. Why would ye not signifie his Ma's will plainly unto me, or to Mr Peter either ? His Ma. pleasure should have been a law to me. Yea, if his hienes would command me to the scaffold, I have a good conscience to obey him ; and it would be more welcome to me nor this lingering death that I am in. The time has been I have done his Ma. acceptable service, as his own hand writts besides me will beare record ; whilk I fall leave to my posterity as their rarest jewells. I thank God, I was never within the compasse of law ; and yett am war used nor either Papist or Atheist. Alwayes I crave noe more of you, but a Christian duty. As I prayed you in my last Letter, soe will I now ; feed me not with compliments : The worst shall ay be welcome to me, be his grace who sustaines me wouderfully. I am a

¹ Quarrels, causes of offence.

man that hes tasted of many afflictiones, and I wote not who crosse me ! But be it Papiſt or Atheiſt, Feb. 1613. Biſhop or Miniſter, I will lay over all my vengeance where it belongs. As to my prayer, in the end of my laſt Letter to his Ma., I heare, be Mr Peter Ewart, that I was quarrellit, as if I had prayed for reconciliatione in that particular. Indeed, if it had been foe conceived, I might have been juſtly quarrelled. But the Lord knowes the contrary is moſt true. I had no more mind of that Treafone, at that time, nor the bairne that is yett unborne. As to the reſt of my faults yee make in my other Letters, they are but bairnly : For ſuppoſe I wrotte unto yow with my own ſubſcribing hand, yet it is not worthie to preſent his Ma. I waill¹ the beſt hand that I can gett, and for the omiſſione of my ſubſcriptione, what marvell ? Seeing I wrott not the body. And yet the writter therof conſtantly affirms that I ſubſcritvit, whilkes makes me to think that ye have not received my cloſed Letter to his Ma., but the copie therof, which I directed to your ſelſe to be peruſed, and not to be preſented, except ye knew it would not offend. I pray you, couſine, if ye delight in my converſatione, lett the effect declare it. Lett me find the fruit therof ; and if yee be not able, lett me be in no war caſe nor I am in, be your deid ; for that were needleſſe. Suppoſe ye have gotten new friends, men I grant that are more able to perſit you in your outward eſtate, yett I will looke that ye will obſerve a Chriſtian duty towards me. So wiſhing yow well in the Lord, I take my leave, and reſts

Your moſt loving couſine to his power, in God,

INUERNESSE, the 10 of February 1613.

ROBERT BRUCE.

No. XIX.

COLLECTION OF ADDITIONAL ORIGINAL LETTERS AND MISCELLANEOUS DOCUMENTS ILLUSTRATIVE OF GOWRIE'S CONSPIRACY.

(1.) LETTER, *George Nicolson, Queen Elizabeth's Ambaſſador in Scotland, to Sir Robert Cecil, Secretary of State.*²

IT may pleaſe your honor,

THIS daye morninge, at 9 howers at that tyde, the K.[ing] wrote to the Chancellor, Secretary, Aug. 1600. and others, and to ſome of the Kirk ; and word came hither in this maner, and the L.[ord] Secretary told me, That yeſterday th' Erle of Gowry ſent the M^r his brother, M^r Alex^r Riven, to the K.[ing] hunting in Fawkland Parke ; ſhewing the K.[ing] that where, for his adoies, he had muche troubles to git treaſor, &c. his brother th' Erle had founde in an old towre, in his houſe at S^t Johnſton's [Perth] a great treaſor, to helpe the K.[ing's] turne ; wth w^{ch}, he faide, his brother wolde faine have the K.[ing] to go to ſee quietly, that day. Whereon, after the K.[ing] had hunted a while, and taken a drink, he tooke freſhe horſe and diſcharged his company (to wit), the D.[uke] and Erle of Marr then in company wth him, taking onely a few wth him ; yett the D.[uke] rode, and the Erle of Marr followed, and the K.[ing] met by the way the L.[ord] of Inchclaffray, who alſo rode wth him to S^t Johnſton's ; where the K.[ing] cominge, th' Erle meting him, caryed him into his houſe, and gave him a good dynner ; and after went to dynner wth the D.[uke] and his company. The M^r, in the meane tyme of their dining, perſwaded the K.[ing] to go wth him quietly to ſee it ; as the K.[ing,] diſcharginge his company to follow, went wth the M^r from flaithe to flaithe, and chamber to chamber, locking ſtill the doors behinde him, untill he came to a chamber where a man was, w^{ch} the K.[ing] thought had ben the man had kept the treaſor. There the M^r cleked hold on the K.[ing] and drew his dagger, ſayeing he had killed his father, and he wolde kill him ! The K.[ing,] wth good wordes

¹ Select, chooſe. ² The Original is in the State Paper-Office, London.—See *Chalmers' Life of Raddiman*, p. 443.

Aug. 1600. and meanes, fought to difwaid him; fayeing, he was younge when his father was executed, and dyvers others honest men; that he was innocent thereof; had restored his brother, and for amends, made him greater then he was; that if he killed him, he could not efchape, nor be his heir: That he prefumed Mr Alexander had learned more divinity than to kill his Prince; affuring him, and faithfully promiffing him, that if he wold leave of his enterprice, he wold forgive him, and kepe it fecret, as a matter attempted upon heate and rafhenefs onely. That to thefe the Mr replied, what was he preaching? that fhould not helpe him; he fhould dye: And that therewith, he ftroke at the K.[ing,] the K.[ing] and he bothe going to the ground, that the Mr called to the man there prefent to kill the K.[ing.] That the man answered, he had nether harte nor hand; and yet is a very curragioufe man. That the K.[ing] having no dagger, but in his hunting cloths wth his horne, yet defended himfelf from the Mr; and in ftugling, got to the windowe, where he cryed Treafon! w^{ch} Sr Tho^s Erkin, John Ramfay, and Doctor Harris, hearing, ran up after the K.[ing], but found the doors fhut, as they could not paffe; yet John Ramfay, knowing another way, got up and in to the K.[ing,] who cryed to John he was flaine; whereon John out wth his rapier and killed the Mr. In this tyme, that th' Erle fhould tell the Duke, Marr, and the reft, that the K.[ing] was gone away, out at a back gate; that they ran out and Gowry wth him, and miffing him, that th' Erle faide, he wold go back and fee where the K.[ing] was. That he, wth 8 wth him, wth a fteele bonnett and two rapiers, ran up the ftaires; that John Ramfay, meting them wth drawn fwordes, Sr Tho^s Erkin and Doctor Harris being then comed to John, after fondry ftrokes, in the end killed the Erle alfo; Sr Thomas being hurt, and Doctor Harris mutulate and wanting 2 fingers. That this fir being, the townes men and Gowrie's friends, in evil appearance, faid, they wold have accompt where th' Erle was, or they wold pay the grene cotes! To pacifie w^{ch} the D.[uke] and Mar were fent to the Magiftrates; and fo quieted the matter, as the K.[ing] and his company gott away; the K.[ing] thanking God for his deliverance. And yefternight, knighted, as I heare, John Ramfay and Doctor Harris; but the Secretary told it not me.¹

Upon thefe, Lettres comed from the Courte, The whole Council here convened; and in end, at one of the clock rofe, and came all to the market croffe, and there by found of trumpett intimated, but in bref, the happie efchape of the K.[ing] and their Act, that they made in Council, for the people to thank God for it; and in joy thereof, to ring bells and build bone fires. Mr David Lindfay, ftanding with the Council on the Croffe, made a pithy and fhort Exhortation to the people, to prayfe God for it; and therewth praied and praifed God for the fame; the whole Council on their knees on the Croffe, and whole people in the ftretes, in like forte. The peces of the Caffe alfo fhotte in joy; the few bells yet ringing; the youthes of the towne gone out to fkimith for joye, and bone fires to be bilded at night: And the Council to go, this tyde, over to the K.[ing,] for further deliberation in this matter. The K.[ing] at his retorne to Fawkland, prefentlie caufe thruit out of the houfe, from the Q.[ueen,] Gowrie's two fifters in cheif credyt wth the Quene; and fwears to roote out that whole houfe and name. Upon the conveninge of the Council, the portes of the towne were fhutt, for apprehendinge Gowrie's other brethren; and the lands are to be given to thefe new knights and others. This is the information and reporte comed yet hither, by the K.[ing's] command; w^{ch} fome yet doubted to be fully fo. What will follow, I remit to the fequell; being glad the K.[ing] is fafe, without hurte. Gowrie's Secretary is taken, and matters hope to be difcovered by him. Some falfe lyenge villains gave it out, I fhould have ben this day morne at Leith, by 3 of the clock, and fhould fay, being asked by one, that I was there attending ftrange newes from beyond the water. I tolde the Secretarie of it, that it was falfe, as God be thanked it is; and that if I were charged by any fuch devilifh devices, I wold refufe no debofhed fwinger or bloody villaine that fhould be fo fuborned to put doubt towards me; praying the Secretarie to remember it, and fay it for me, if he hard it. That your honor fees how the malicious here fpite me; in what danger I live, and how fubject I am to all

¹ Mr James Hamilton is this day gone to England.

accufation here; and ſome practiſing knaves wold whiſper it, that this plot ſhould be drawne and divided in other parts, [England.¹] But thus much, for this tyme, in haſte, wth myne humble duty and ſervice. I p^{ay} God preferve yo^r hon^r. Edenburgh, the 6th of Auguſt, 1600.

Yo^r honor's, &c. &c.

GEO. NICOLSON.²

I have no copie of this.

(2.) EXTRACTS *from* LETTER, *Sir Henry Neville to Mr Secretary Cecil*,³
Paris, 27th Feb. 1599—(1600.)

Right Honorable,

THE EARLE GOWRY, a nobleman of Scotland, who hath ſpent ſome time in theſe parts, is purpoſed to returne home through England; and deſires to have the honor to kiſſe her Majeſties hands, as he paſſeth. And becauſe I know him well, and have had good communication with him, and therein found him to be of very good judgement, and exceedingly well affected both to the common cauſe of Religion, and particularly to her Majeſtie, and that which may concerne her honor and ſervice, I have thought good to recommend him eſpecially, unto your honor; and to beſeech you to be a meanes, that he may receive that honour and favour that he is worthy of; that ſo he may depart, confirmed in that good devotion and reſpect which he beares already towards her Majeſtie. If your honor pleaſe to conferre with him about theſe alterations feared in Scotland, I beleve he will give you good ſatiſfaction; and that you will finde him to be a man of whom there may be exceeding good uſe made. I have given him my paſſport, to ſerve him till he come to her Majeſties Court, in as ample and favourable fort as I could. The reſt I referre to your honor's good favour towards him; whereunto I humbly recommend him. And ſo, &c.

Your honor's very, &c.

HENRY NEVILLE.

THE Lord Hume purpoſeth ſhortly to returne likewiſe, as he telleth me, and hath already prayed my paſſport, which I cannot deny him. But you will be pleaſed to have regard to ſome of my former Letters.

(3.) EXTRACT *from* LETTER, *Sir Henry Neville to Mr Winwood*, London,
28th Aug. 1600.

Now to the occurrences of theſe parts, you ſhall underſtand, that the Erle Gowry, and a brother of his, have been lately ſlayne, in Scotland, in the Erle's own houſe, and in the King's preſence. They are charged to have conſpired the King's death at that time, but God would not ſuffer them. They had prepared for it, to execute their deſſeign, although they attempted it; and ſo they fell into the pitt themſelves had digged.

This is the relation ſent hither of it; which, notwithstanding, is diverſely cenſured, according to men's divers affections. But howſoever, her Majeſtie hath ſent Sir Henry Bronkard thither, to congratulate the King's eſcape, and to doe ſome other offices to him. There is alſo one Hambledown come from thence, to reſide here at leaſt for ſome tyme.

¹ This word is interlined. ² This muſt be allowed to be a very intereſting letter; as it exhibits a ſtriking picture of that ſingular transaction, at the moment, and of the manners of the times. In it we ſee, that the King had on a hunting-horn; that the King and his attendants wore *grene cotes*; and that the Earle of Gowrie's two ſiſters lived in the palace, at the moment of the conſpiracy, and were *in cheif credyt with the Quene*. The foregoing diſpatch of Nicolſon proves very clearly, that Queen Elizabeth had *no finger in that pye*, particularly when Nicolſon's declarations are coupled with the ſubjoined Letter, from Lord Willoughby.' (No. 8.)—*Chalmers*.
³ In theſe and the following Extracts, it has been deemed unneceſſary to give any thing farther than what relates to the Conſpiracy. The above Letters to Cecil and Winwood, have been taken from that valuable and authentic Collection, *Winwood's Memorials and Affairs of State*, Vol. I. pp. 156, 249, and 274.

Nov. 1600. (4.) EXTRACT *from* LETTER, *Sir Henry Neville to Mr Wimwood*, (in cipher,) London, 15th Nov. 1600.

OUT of 205 (Scotland) we hear there is no good agreement, but rather an open diffidence between 165 (Counsaill,) the King of Scots, and his wife; and many are of opinion that the discovery of some affection between her and the Earle Gowry's brother, (who was killed with him) was the truest cause and motive of all that Tragedy.

(5.) EXTRACTS *from* LETTERS, *Sir John Cary, (son of Lord Hunsdon), Governor of Berwick, to Sir Robert Cecil.*¹

(i.)

Aug. 1600. (Aug. 10.)—THE KING has made great feareh, and lays great wait for the two younger brothers, who, by great fortune, escaped from the schools; and not daring to tarry in Scotland, they are this day come into Berwick clofely, in disguised apparel; and being brought to me, they only desire, that their lives may be safe, and they may have a little oversight here, till the truth of their cause may be known: And the pitiful case of the old distressed good Countess hath made me, the willinglier, to give my consent, for their stay here a while; till I may, by your honourable means, know the Queen's Majesty's pleasure, whether they shall stay here, or go some whither farther into the country; for they only desire the safety of their lives; and the old Countess's case is pitiful and lamentable. I beseech your honour, let me know her Majesty's pleasure, with as much speed as may be; for that I would do nothing to offend her Majesty. The poor gentlemen stole into the town this morning clofely, and I could not well turn them out again; seeing they come for refuge, to save their lives, till I know her Majesty's further pleasure therein.

(ii.)

(Aug. 24.)—UPON the receipt of your letter of the 16th August, according to the contents thereof, I did send for the tutor of the two gentlemen, the Earl of Gowrie's brothers; who, for my own part, I have not yet seen, since their coming into the town, so close have they kept themselves; as they have never yet stirred out of their chamber which they first entered into, to look abroad. I conferred with their tutor, which might be the surest way, for their own safety; advising them, for their better security, to go farther off from these bordering places, where the King might not so easily hear of them, and their being. I wished them to repair towards Richmond, or to Rippon, or to about Hull, or to some other such inland towns, out of the way, where the King might not so easily have intelligence of them; and so they to be free from the danger of their countrymen, who are very conversant upon the street-ways. He liking very well hereof, yielded willingly thereto; desiring only, for that they came very meanly in, without either money, horse, or apparel, to have three or four days respite, that they might send to their friends for money and mags, and such other necessaries as should be fit for their journey; then will they presently depart, as secret as may be; and in the mean time, they shall remain very close, till their necessaries be gotten, which will be within four days.

(iii.)

Sept. 1600. (Sept. 4.)—BEFORE this day, I could not by any means get the present Earl of Gowrie and his brother out of the town; for that they had sent to their mother for maintenance, and could not hear till now any thing from her; and now it falls out so ill with them, as she hath sent them no manner of maintenance, hoping they should have staid here still; neither dares she trust many of her servants. For if it should be known, that she did, any manner of way, either give them succour or maintenance,

¹ These extracts were obtained by Lord Hailes from the Originals, in the Paper-Office, London. According to his plan, they are modernized.—*Cecil's Secret Correspondence*, p. 161.

or any manner of help, she should presently forfeit, and be thrown out of all that she hath. Such Sept. 1600. secret search and privy spial is there through the whole country for her and her sons, as no friend either dare or can travel between them; such privy search is laid for them in all places, as almost no man can travel, in their country, but he is searched. And if I had sent them sooner away, I should but have sent them to very great danger, either of being killed or taken; for that they being very poor themselves, and having no friends, nor any acquaintance, could neither have told whither to have gone, or what to do. But, finding their necessities, and their willingness to submit themselves to any appointment, and for that I would have them out of the town, before any fault were found, I have found means, that they are furnished with some money, and are stolen privately out of the town. I have sent them, with a man of mine own, to Durham, where they shall be secretly for a twenty days, till their mother may take some better order for their maintenance; and then they mean to travel to Cambridge, and there to study for a time. They have none but themselves, and their schoolmaster with them. All the time of their being here, they were as in a prison; for nobody ever saw them, neither did they ever stir out of their chamber; so as there can be no certainty known of their being here, but only upon mistrust; and as secretly are they gone out of the town.

(iv.)

(Sept. 21.)—I HAVE even now presently received your letter of the 15th of this instant, understanding thereby the Queen's Majesty's pleasure for the Earl of Gowrie's two brothers. All that hath been said of them, touching their behaviour here in Berwick, is but furnishes and supposes, by the contrary party. For I will assure your honour, upon my faith, it could not have been better carried, nor closer handled by any creatures living, than by them, during their being here. For myself did never see them but once, and that was at midnight, only myself; and for any other, I know they kept themselves close enough; for they durst do no otherwise, they were so afraid of themselves. They went away as secretly; and to Durham they went long since, with an intent to pass onward to Cambridge, as I did before signify to your honour. So as what is now become of them, I know not, neither where they be; for since their departure, I have not heard of them any thing; so as I know not where to hear of them. Thus much I thought good with speed to certify you; that with speed there may be some course taken for their dispatch, according to her Majesty's pleasure.

(6.) LETTER, *King James VI. to Mr John Caldeleuch.*¹

TRUSTY friend, We greit you hertlie weill. We have taiken occasioun heirby, richt ernestlie Aug. 1600. to will and desire you, that ye fail not, all excuisis set a part, to be at Falkland, upoun Wedynsday at evin nixt, the twenty day of this instant, for your best advyfs and opinioun to be had, anent the planting of Kirkis of Edinburgh; the forme and maner of the univerfall thankis and prayis that shall be gevin to God, in every Congregatioun and Kirk within this realme, for our miraculous delyverie of that treasonabill Conspiracy, intendit laillie aganis us, at Sanct Johnstoun, be umquile Johne Erl of Gowrie, the M^r his brother, and thair associattis; and for your advys to be gevin in sic uther, our great and wechtie effairis, as falbe particularly impairtit to you at your coming: ffor the quillk, luiking precessly that night, that on the morne thaireftir, they materis may be handellit and put to ane point; We commit you in Godis protectioun. From Halyruidhous, this xiiij day of August, 1600.

JAMES R.

To our trusty friend, Mr Johne Caldeleuch, Minister of Newburgh.

¹ Wodrow's MSS. Advocates' Library, Vol. LXIX. Jac. V. l. 12. It is proper to mention, that this seems to be one of the numerous circulars which were addressed to the Clergy, as may be seen from the preceding Extracts from the Lord High Treasurer's Books, No. VIII. See Note, p. 239. No doubt each Letter would vary from another in some minute particulars, and according to the favour the respective parties enjoyed at Court.

Aug. 1600. (7.) EXTRACTS from LETTERS, *Rowland Whyte, Esquire,*¹ to *Sir Robert Sydney.*²

(i.)

(Aug. 16.)—THE King of Scots had lately like to have bene murthired. Young Goory³ (the Erle of Gooryes brother, whom the King restored to his honour and living, and bestowed on them both, great gifts and advancements) told the King in secrete, that in the Castell, which he kept vnder the King, he found a great chest buried, of that waight which cold not choofe but be treasure. He wold not presume to open yt, but in his Majesties prefence; and therefore besought him to take the paines to goe himself and see yt brooke open: Which the King did, leauing his traine below in a safe-court, and went alone with young Goorey vp the stairs, and from chamber to chamber, which Goorey locked as he went, till he had brought the King where he had appointed. And then he told the King that the time was come which he had long wished for, to be revenged vpon him for his father's death: That he had traid him to that place to kill him, which instantly he wold doe; and drew out his dagger to haue stabd him. But the King catcht him by the hand, and defyred hym to heare hym speake. Then sayd, that when his father was put to death, he was but an infant; and therefore, cold not be accessory to his death. That during his Minority, many things were comitted, by the Regents of his Kingdom, which he was forry for; which appeared by the great fauors he had bestowed vpon him and his brother. Bot all wold not serue; for he strugeld to stabb him; and the King, in defence of his life, shewed a great resolution and courage; which young Goorey perceuing, called to a seruant of his own, who was a partner in this Conspiracy; but he stoode still, and swore he had neither hand nor hart to kill his anointed King; and tooke part with the King, who had time then to put his head out of a window, and cryed 'Treason!' and called for speedy help! Then his traine went vp the staires, where they found the Earle Goorey, and some others, with weapons, to resist them; but they made way, with the death of the Earle of Goorey and his companions, and so rescued the King, and before his face slue the young Goorey.—LONDON, Saturday the 16 of August, 1600. By post.

(ii.)

(Aug. 26.)—HERE is one Hamelton come from the King of Scots, to reside here as his Agent, and to deliuer to the Queen the maner of the Conspiracie against his Master.—STRAND, (London,) this 26 of August, 1600.

(iii.)

Sept. 1600. (Sept. 12.)—ONE PRESTON, Capten of the King of Scots Foote-gard, a very proper and discret Gentleman, was with the Queen, sent from his Master, to deliuer more matter discovered of the Treason intended against his Maiestie by the Earle Gowrey and his Complices.—STRAND-BRIDGE, this Saturday, the 12 of Septemb. 1600.

(iv.)

Oct. 1600. (Oct. 3.)—SIR HARRY BRUNCKAR is returned out of Scotland; and from the Kings own mouth, receues the maner of the Conspiracy against hym; which is as yt is sett down in the printed booke I sent you the last week. The K. hath knighted all his seruants that assisted hym out of that perill. Some displeasure the King conceanes against the Ministers; for that they wold not, in the pulpitt, preach against the horibleness of the fact.—STRAND, Friday night, late, the 3 of October, 1600.

¹ This gentleman was employed by Sir Robert Sydney to solicit his affairs at the Court of England, and to relate to him all that took place; for which he received a salary. His Letters are minute and valuable, as they contain much private information not elsewhere to be found.

² Lord Governor of Flushing, afterwards Lord Chamberlain to King James. He was brother of the celebrated Sir Philip Sydney. See *Sydney State Papers*, or Collins's Letters and Memorials of State, Lond. 1746. Folio. Vol. II. p. 211.

³ The Master of Gowry, Mr Alexander Ruthven.

(8.) LETTER, *Lord Gray*¹ to

Sept. 1600.

SIR,

I LANDIT that fame nicht I left you laft, at eight houris, and ves in danger amongft the craiges, and never in my lyf fo feik. Heir I met v^t Thomas Hendryfone of Edinb: He hes no newes, faue of Th' Earle of Gouryes death. He tellis it in the fame forte as ye haue hard it. Ther is execute M^r Th: Cranftoun and George Craigingelt, v^t fevin honeft men of S^t Jhonftoun. They ar executed, for that they ver fund to be in armes before the reft. His man, who ves v^t him, is bootit, M^r William Rynd, and hes deponit no thing, faue that my Lord ftudiit Magik in Italie and France, and had fprittis. His chamberlane, vho fould haue flaine the King,² is yet keipit. M^r Patrik Gallouay hes preatchit all this in the pulpit of Edinb., bothe of the Magic and Treafoun; bot all vho ar dead, confeft no thing. The King, efter the preatching, fueir folemnely, that all ves treu he hed preatchit, by his faluation and condemnation. The reft of the Minifters ves preafit to fubferyue that it ves treu; bot they refufit: Yet they grantit to thank God for his Ma^{ties} delyuerance: And fo they ar banifit.

Richart Preftoun is at Loudoun; bot as yet I knou not vhat they fay to him. From Loudoun ye fhall heir all. And I remaine your loning freind and coufing, GRAY.

DOVER, 28 Sept. 1600.

I forgot, amongft vther thingis that M^r Gallouay preatchit that Th' Earle of Goury ves a dealler betuene the Pope and the Kingis Ma^{tie}: Bot the reft of the Minifters vill not beleue him.

(9.) EXTRACT from LETTER, *Mr Winwood to Secretary Cecil*,³
Paris, May 17, 1601.

THE Ambaffador of Scotland hath been advertifed of a dangerous practice againft THE SCOTS May, 1601. KING: That lately, one called Glarnet hath been fent out of Scotland, with Letters to BOTHWELL, to haften home with diligence, where he fhall find fufficient affiftance. The principal perfon who employed this perfon is THE QUEEN OF SCOTLAND; and Letters have been intercepted out of Scotland, from Mr Gray, that the death of GOWRIE fhould fhortly be revenged.⁴

(10.) EXTRACT from LETTER, *Lord Henry Howard (afterwards Earl of Northampton) to Edward Bruce, (Lord Kinlofs)*,⁵

[Without date, but previous to Aug. 24, 1602.]

OUT of the Archduke's Camp, one of her Majefly's greateft commanders heth been advertifed, that Aug. 1602? a fire will break out in Scotland, before it be long; which makes Cecil to fear, knowing in what ftate King James ftands with England at this day, that other trains, made under ground by fecret pioneers, within the body of that ftate itfelf, may break out when it is leaft looked for. Add hereunto, the gallant maintenance of Gowrie's fon,⁶ fo near Scotland, and with fo great fhews; though no man knows from whence, befide Sir John Cary,⁷ who is holden to be very inward in that courfe, as certain gen-

¹ From the original in the Advocate's Library. The envelope is lost, and no trace remains in any other Letters in the same valuable Collection. It does not appear whether this Letter is from Patrick, sixth Lord Gray, or his son, the well-known intriguing Patrick, Master of Gray, who acted so base and treacherous a part in England, during the latter part of the reign of Queen Elizabeth, and the earlier portion of King James VI. The families of Ruthven and Gray were nearly related by intermarriage.

² Andrew Henderson.

³ *Winwood's Memorials*, i. 326. See also *Pinkerton's Dissertation*, (appended to *Laing's Scotland*, (First Edit.) 1800, Vol. 1. p. 534, &c.) who strongly asserts the Queen's participation in schemes against her husband. The inferences he draws from the alleged intrigues of Queen Anne are quite fanciful; and the hypothesis he then maintained, in regard to the Conspiracy, quite untenable. *Laing* discarded *Pinkerton's Dissertation* from the subsequent editions of his History.

⁴ See Notice prefixed to the case of Francis Mowbray, Jan. 31, 1603, &c.

⁵ From *Cecil's Secret Correspondence with King James VI*, edited by Lord Hailes; who has purposely modernized the style. Cecil employed Howard, and the King Bruce, as the medium of correspondence.

⁶ Patrick Ruthven, the son of William Earl of Gowrie, whose daughter, as has been remarked before, was married to Sir Anth. Vandyke. It was he who wrote the admirable Letter to the Earl of Northumberland, published in the *Cabala*, (*Scrinia Sacra*, 4to. Lond. 1654, p. 106.) which shews talents of no ordinary description.

⁷ See Extracts of his Letters to Cecil, (5.) p. 316.

Aug. 1602? tlemen in the North, making several collections of tokens visible, and words let fall, have advertised their own conceits, in consequence, with those other fears which have been formerly advertised.

The Master of Gray hath had long conference with Queen Anne; since which time his style is heaved up *cothurno altiore*, as Cicero said of Anthony. Divers of Gowrie's nearest and dearest friends have secret access to persons of great quality.¹ They keep old issues open, and feed spleen against all those that are employed and trusted in the courses of the present state; which the King's wisdom tempereth.

(11.) LETTER, *Lord Willoughby, Queen Elizabeth's Governor of Berwick, to Sir Robert Cecil.*²

SIR,

Oct. 1600. I RECEIVED your packet to Mr Hudson, the 18th of this month; and another to Mr Ralph Gray, this morning; both which I have dispatched accordingly, but such is the negligence of the posts, that the packets are 7 or 8 dayes in coming. For occurens yt is uncertain, whether the convention hold; but the King is resolved to have bishops: The Marquis of Huntley have reconciled the King and Queen. The Erle of Mar is retired to Stirling; who hath very dishonorably suggested [to] the King, that I was privy to the practice of the Earl of Goury: his reason to induce him to believe yt was, because I gave the said Earle kind entertainment, at his being at London. Other newes hear is none, but that the contry is in very good quiet; which course I will endeavour to continue in the town, to my utmost. But such are the contentions of the Council heer, that unless Sr Will. Bowes had carried himself very discreetly, and I myself presently prevented yt, they had quarrelled in my bed-chamber, being at Council. Thus, not willing to trouble you any further, I rest

Yours faithfully assured to doe you service,

Berwick, this 21 October 1600.

P. WYLLOUGHBY.

(12.) LETTER, *Sir James Coluill of East Wemyss to Sir Edward Bruce, Lord Kinlofs.*³

COUSING,

Jan. 1603. EFTER my hartly commendation, I culd not omit thir feu luyis, that ye may know of my prosperus ariuel to this toune; desyring you to haue my maist humble service recomendit to his lines. It greifis me mekil, in my passing throuche Ingland, the los he hes, for the laik of sum (resident⁴) honest man, in quhom hartlie his M. might confyd; and sik as interly low him, nicht assir them selfis. For, to be plain, I dout vtheris, for causis I vil not vret. I pray the Lord grant him that grace, that he may fauour them quha louis him aboue al. I dout not bot, or now, ye haue refaut my Letter from London, desyring earnestly to know the succes of that maiter aganis his M. I hoip, vithe the grace of God, to discouer mair in that, nor his M. hes sit hard; as also, in findrie vther practifes aganis him, at my first cumming. . . . I man sit earnestly request you to remember my cousing Capitane Coluill to his M., quha hes lost al his esperance, for his M. service; and hopis he shal shortly gif better prouf nor he has sit doon. I wret to you awfor, tuichin Mester Dauid Foulis. Let him mak

¹ It appears, from the Letters of Nicolson to Cecil, preserved in the Paper Office, that Beatrix Ruthven, sister of Gowrie, was privately admitted into the presence of Queen Anne of Denmark.—*Hailes*.

² The Original is in the State Paper-Office, London.

³ From the Original, preserved in the Advocates' Library, Edin. (Denmylne Collections, A. I. 31.) Colvill was then serving with reputation in the armies of Henry IV. of France. He was created Lord Colvill of Culross, Apr. 25, 1604. It is proper to mention, that his first wife was *Isobel Ruthven*, second daughter of Patrick Lord Ruthven, and sister of William, first Earl of Gowrie. His second wife, Helen Shaw, was widow of Robert Mowbray younger of Barubogle. This connexion with the family of Gowrie, may account for the reliance placed in his information; but no farther trace is to be found of the matter, in any collection to which the Editor has had access. In an interleaved copy of Lord Cromarty's account of the Conspiracy, *Lord Hailes* remarks, 'there was another Colvill at Paris, then a spie of E. Essex (perhaps his 'cousing Capitane Coluile.)' Earl Bothwell was also then in France.

⁴ Interlined.

30u priué to the maister, for the man is content, and defyris only the furtie of convoy. Al vther Jan. 1603.
 thingis, to neu occasion; and my hartly commendationis to 3our brother: Praying 3ou, that this may
 ferue 3ou and Sir Thomas Erkyne, I remain 3our maift loving coufing,

FROM CALYS, our first of Januar (1603¹).

JAMES COLUILL of Est Weimes.

THER vas neuer fo mayny passageris heir a vay.² I pray the Lord it be for gud: Bot hes M. hes
 gret caus to luik to him self.

To my Lord, MY LORD OF KINLOS.

(12.) LETTER, *Andro Henderfoun of Latoun, Chamberlain of Scone, to King James VI, informing his Majesty of certain conduct of David Lord Scone, &c.*³

MAIST nobill, gratiows, hie, renownit, deir Sowerane,
 and my onlie confort vnder God,

IT WILL pleis 3our Maieftie, (albeit ouer bauld) all kynd of dewtie commandis me to wisite 3our Jul. 1608.
 Maieftie with thir few lynnis, fen I have owermekill mater for me. It will pleis 3our Maieftie to
 caufe stay þe passing of the executioun of Scone,⁴ that it pass nocht conforme to 3our Maieftis last
 Gift: ffor, S^r, I protest affor⁵ God, sic as is prowidit þairto mereitis nocht at 3our Maieftis hand:⁶
 And, S^r, fen I have thair awin hand wret, for my Warrant, I can do na lefs nor mak 3our Maieftie
 frequent thairwith, quhilk 3our Maieftie fall sic, or ellis lat me nocht have that grace to sie 3our Ma-
 iefteis face. S^r, thay have gevin 3our Maieftie ane werie improper style, saying in þair Letter, di-
 rect frome Restowne⁷ to Scotland, in þe Pakald be post, quhilk wes þe tyme I wes at 3our Maieftie.
 The wordis of þe Letter ar þir; ‘3our Maiefties promifes ar bot dissimulatione;’ and that ‘3our
 Maieftie is bot lyke thais that ar about 3our Maieftie.’ S^r, quhen as thay wrait swa, iudge quhat
 thair speeches wilbe amongis þair familiars! And my pairt of þe Letter is, S^r, that I ‘merit rather
 hanging nor ony wther rewarid!’ S^r, this is bot ane pairt of þe Letter. S^r, quhen this Letter wes red
 in Scotland, it wes na small reiouying to þe Ruthuenis; ffor in guid faith, S^r, skarce, quhen thai hard
 thais newis, that þe twa pairt of þe calfay culd content þame for pryde; as sum of þair awin name
 quha wret þe Letter had experience of. S^r, pleis your Maieftie, feing (prayfit be God) thair is ap-
 pearance of forder licht of þat Treffoun,⁸ S^r, for Goddis caufe, lat it be exactlie tryit; ffor in guid faith,
 S^r, be all thay traitowris faouwaris, 3our Maieftie is callit ‘þe Murtherar!’ And my parte, ‘ane
 manefuarne knaiff!’ S^r, thair is twa in particular, quhilk in guid faith 3our Maieftie is oblisit to,
 wiz. Schir Jhone Moncreif and þe Laird of Bogie; ffor in guid faith, I cum newer in þe pairt, bot
 þair language mett me, that thay tuik it on þair conscieuce that quhilk I deponit aganis thay tratowris
 wes þe treuth. I pray God, gif 3our Maieftie knew þe hundreth part of þe greifis I haif sustenit, þir
 fywe 3eirris bygane; quhat be the infamows lybellis, and speeches of thay tratowris faouwaris.

Thus taking my leif, on my kneis, craifand at þe Almichtie, to 3our Maieftie, þe Quene and Prince
 graces, with all the rest of 3our Maieftis royall posteritie, mony guid and ioyfull dayes, with a hap-
 pie and ioyfull refurrectioun. 3our Maiefties most humbill and daylie oratour,

[This Letter bears no date, but
 probably in July, 1608.]

ANDRO HENDERSOUN of Latoun.

To þe most nobill, gratiows, and hie renownit Pryns, KING JAMES of Britaine, ffrance and Yreland.

¹ The date may be fixed to be 1603, as mention is made of the Duke of Savoy's attempt on Geneva. ² ‘*Hereawa,*’
 in these parts. ³ From Collection of Autographs, formed by Sir James Balfour of Denmylne and Kinnaid, Bart. Lion
 King at Arms, preserved in the Adv. Library, Edinburgh. ⁴ This word had been originally left blank. The person
 whom Henderson employed to transcribe the Letter was probably kept in ignorance of the fact. Henderson inserts
 ‘Scone’ in his own hand. ⁵ Before. ⁶ Sir David Murray of Gospertie, created Lord Scone, and afterwards Vis-
 count Stormont. He obtained the barony of Ruthven, and the lands attached to the Abbey of Scone, of which the
 Earl of Gowrie was Commendator. ⁷ Royston, one of the royal residences in England. ⁸ This proves
 the Letter to have been written previons to the Examinations, at least, before the Trial of George Sprot.

Jul. 1608? (13.) LETTER, DAVID LORD SCONE to KING JAMES VI., *exculpating himself and his nephew from the charges brought against them by ANDRO HENDERSONE.*¹

PLEIS YOUR SACRED MAJESTIE,

I wes conveynit heir, before my Lord of Dunbar, and confronted with Andro Henryfoine, wpon sume wnwreuerend speiches spoken be me of your Ma^{tie}, quhilkis wer alluterly denyit, in the presence of Sr Alex^r Hay, your Ma^{ties} secretar, that euer he had spokin or wrettime any thing in my preiudice, ather to your Ma^{tie} or any vther man leiveand; quhilk, if I haid euer hard spokin be ony vther man in the world, wnehallengit, I nicht bein thoelt the onlie wngrate and wnworthie man in the world: Bot I leave this to your Ma^{ties} gracious consideratione, what all my actiones hes bein in your Ma^{ties} service, bothe in word and deid; quhair of I will be glaid content to be censuret, be my grittest enemyis. Now, Sr, to qualesie the informatione of Andro Henryfonis, he hes produceit ane Lettre of my brother soneis, direct fra England to me, about the space of four zeiris and ane half fence; at quhilk tyme, your Ma^{tie} will be remembrit, I maid eirnest sute, to haue haid the fauour to have remayneit with your Ma^{tie}, and to haue haid some place of credit thair; whereanent, it pleasit your Ma^{tie} to fay to me, that your Ma^{tie} wold advyse with some of the Inglis Counfall, to gett sume place to me; and at my way-comeing fra your Ma^{tie}, I delt with sik of your Ma^{iesties} Counfall, as come vp with your Ma^{iestie}, to be my freind, in absence; seing all the rest of the Scottis Counfall that come with your Ma^{iestie} wer preferrit to placeis of credit (bot I): Of quhome I ressaueit verrie fair promiseis, nocht only to remember your Ma^{iestie}, bot to be my particular freind. And my brotheris sone beand thair, vpone some vther biffinesse of his awin with your Ma^{tie}, I defyreit him to hald sic of the Counfall, as haid promiseit to be my freindis, in remembrance; quhilk he did, according to my Directioun, and wrett heir to me to Scotland with Mr Dauid Murray, that he had kiffit your Ma^{iesties} hand, and ressaueit verie guid wordis and fair promiseis, that yee wold nocht onlie remember your Ma^{tie}, and advyse with same on the meynis, how some place might be gottin to me. Quhilk Letter pat me in hop to beine fend for sehortlie thairefter: And within fyf or sex dayis efter pe receipt of this Letter, my brotheris sone wrett to me ane vther Letter, produceit now be Andro Hendersone, wherein he affuiris me, he is certefeit, be sum speciall freindis of myne, that the fair promiseis that wer maid be sum of pe Counfall, wes nothing bot diffimulatione; and speciallie of thame pat I trustit maist into; ffor be sum speicheis that he haid hard, he feirit pat pei sould rather kyth my vnfreindis, and that your Ma^{tie} wes informeit be sic as wer about you, that I haid sent Andro Hendersone to beg sumthing fra your Ma^{tie} that I could nocht mak sute for my self: And quhateuir your Ma^{tie} haid grantit to gif to him, your Ma^{tie} wes informeit, he haid transactit with me for pe same; and I wald gett pe same to my self. Thir speicheis beand reportit, be sum freind, to my brotheris sone, and he, seiring I nicht be moveit fra the loue I buire to Andro Hendersone, to pas his Gift, quhilk your Ma^{tie} haid grantit to him, and that the famin nicht be layd to my chairge sum vther day; and out of the love my brotheris sone buire to me, he gave me this aduerteiment; and alsefone as this Letter came to my handis, I sent it to Andro Hendersone, to the effect that he sould tak na exceptionis of my guidwill, albeit I haid refusit to pas his Gift, in respect of the premis; bot I gaif him suretie that I wald deill with your Ma^{tie} for ane benefit to him, quhilk I did; and obtenit of your Ma^{tie} better nor Sevin hundrethe merkis be zeir, quhilk he possesses presentlie; quhilk wes thoelt, be maney of pe cuntrie, mair nor he meretit; zit, in respect he did your Ma^{tie} no evill, being quhair he nicht haue done it (if God haid nocht bein your Ma^{iesties} better freind;) and euer fence that tyme, I haue reteynit him in my service, and hes protectit him and euer fall; and he hes haid pe commandement of all pat I haue, in theis partis. Bot your Ma^{tie} will knaw, in the awin tyme, that pis is nocht come fra Andro Henryfone; for he wes neuer

¹ From the original, in Sir James Balfour's MS. Collection, Adv. Library.

very wyfe, and he hes loft ane guid pairt of þe witt quhilk he haid; for it appeiris he is nocht his awin Jul. 1608? man; for the quhilk I ame maift forey: And I will neuer tak me to him, for ony thing that can be reportit of me to 3our Matie; and in the awin tyme, 3our Matie will knaw how this comeis, fra quhome and how this pure man hes bene abufeit. Always, I man leave this and all my vther actionis, bothe in word and deid, to 3our Maties gracious confiderationne, fra the first tyme I haid þe honour to ferve 3our Matie, quhilk is threttie tua 3eiris fence; and I neuer haid caus to weyrie; ffor 3our Matie hes nocht onlie honorit me, bot gevin me all I haue in the world, and brocht me vp fra nothing; and if I fould prove vngratte and wnthankfull to fa gracious maifter, I merit punefment aboue all tratouris in the world. Sa wiffing 3our Matie all happines, withe þe contenance of 3our Maties guid helthe, I ref 3our Maties humill and obedient fervitour,

D. SCONE.

[THE envelope has not been preserved, but the letter is marked, at the top of the folding, 'L. Scone to the K.' No date is noted.]

(14.) LETTER, SIR ANDREW MORAY of *Balvaird*, to KING JAMES VI., *defending himself against the accusations of ANDRO HENDERSOUN, Chamberlain of Scone.*¹

MAY IT PLEIS 3OUR SACRED MAIESTIE,

I HAVE bein, be vertew of 3our heichues commandement, accufit be the Erle of Dumbar, as gif I had bein ane moft ondwitfull fubiect vnto 3our Maieftie, kything the malice of my hart by the vtter- ing of onreverent fpeiches. 3our Maiefties informer is Androw Henderfoun, of quhom I will forbear to fpeak any thing, leaft I fould feim to haue no better defence nor² the accusing of my accufer. The first point of my accufatioun is, that I haue callit 3our Maiefties promifis bot diffimulatiounis; and quhatfoeuer may, by confequence, be inferrit vpon this point; for verificatioun quherof, he hes producit vnto the Erl of Dumbar, ane Letter, wrettin by me, from Roiftoun, the laft of March, 1604, directit vnto my vncle, my Lord of Scone. The woordes are thefe. 'My Lord, Efter I had wrettin at lenth vnto 3our lo. with Maifter David Moray, I have tryit fum thinges, quherof my dewtie bindes me to aduertife 3our lo. notwithstanding of that quhilk I wret to 3ow in my laft Letter, that his Maieftie had faid vnto my felf, concerning 3ow; I fear it be al bot diffimulatioun.' Quhilk woordes, how far thay man be wrefit befor they can prooue the thing alledgit, I am perfuadit that 3our Maiefties felf, without any apologic of myne, will moft gratiouffie confider. Neuertheles, to the end 3our Maieftie may the moir cleirly onderftand how far this malitious imputatioun diflagreis from my trew meaning, I will bot fehortly fay this meikill. That former Letter, quherof I maik mentioun, fent be Mr David Moray, had in it tua pairts; the firft, was ane declaratioun, how 3our Maieftie had not only moft gratiouffie admittit me to 3our prefence, bot alfo gracit me with moft fauorabill countenance; and mairouer moft bountifullie had givin commandement to gif me tua hundreth pund. The vther part was, that I had rememberit my vncle vnto findrie of 3our Maiefties Counfell, and fum of 3our favorites, from quhom I had refauit great proteftationes of affectioun vnto him, and as great promifis of friendfchip, in his adoes.³ Bot befor the wretting of this laft Letter (quherof I am now accufit), I was certainlie informit, be fum of my vncles fpecial freindes, that they from quhom I had refauit faireft woordes, wer his greateft enemies: Quhilk, monit to call their promifis diffimulat. Sa that the fence of my woordes ar very cleir, after this maner; 'notwithstanding of that quhilk I wret in my laft Letter, that 3our Maieftie had faid and done vnto my felf, 3et that quhilk I wret concerning my vncle I tuik it al to be bot diffimulatioun.' Gif my former Letter wer as weill to the foir, to be producit vnto 3our Maieftie, as this laft is, it wald maik this mater moft cleir. Bot as God fchal be my iuft judge, I

¹ From the Denmyne MS. Advocates' Library, Edinburgh.

² Than.

³ Concerns.

Jul. 1608. haue fet down vnto your Maieftie, moft trewlie, beath the contents of the one, and my meaning in the vther. Then fallowis, in my Letter, ‘ I knew his Maieftie to be, as they ar that be about him; and I affiur you, ye haue na fauour of them that ar in greateft credit heir.’ To this I anfuwer, that I neuer fic a fott to think that your Maieftie was fo fimpill to be guidit be them that ar about you. I proteft, befor God, that I had na fic meaning. I haue baith hard and fein to muche of your Maiefties wifdom and refolutionn to think fa vyld a thocht. Bot my meaning was, ‘ feing my vncle had no fauour of them that wer in greateft credit about your Maieftie, (the quhilk I was moft certanlie mead to belieue,) therfor I greatlie fearit that their hard informatioun might muif your Maieftie agenft him, he not being prefent to answer for him felf, and hauing about your Maieftie fo many enemies.’ Their reftis yet more in my Letter. ‘ I heir fay that their is ane turne paft heir, in fauoures of Androw Henderfoun, into the quhilk your lo. hes great neid to tak head to your proceding; for albeit his Maieftie hes paft it vnto him, I fear it be rather to try how ye behaue your felf, nor for any good mynd they had to pleafour Androw Henderfoun.’ Theis woordes I honp neid no apologie. Befor God I had mynd of no thing concerning your Maieftie. I knaw, and that be experience, that al your Maiefteis grantes ar and haue bein euer moft frie and absolut. My only meaning was, of the advantage they that wer about your Maieftie might maik of my vncles behaviour in this matter; ffor it was directlie faid, be fum of them, that he wald content Androw Henderfoun with a fmal part, and tak the reft to him felf. From this point, it will pleis your Maieftie to confider, that the grund of my accufatioune proceeds, and not from that zeal and affectioun my accufer professis to bear vnto your Maieftie: or els he had communicat this vnto your heichnes, at the firft, and not keipit the fam befids him thir four yeires and moir; and now at leuth reveilit it, be the infligatioun of vther men, as him felf partily confeffis. Their is no man could moir iuftlie accufe me vpon this mater nor the Erl of Dumbar, gif his lo. had knawen my trew meaning; for it was his lo. of quhom I cheiflie meanit in my Letter: And I haue crauit his lo. moft humblie pardoun, for that I was fa folifche, vpon any informatioun, to belieue, that his lo. thocht vtherwayis nor he had faid vnto my felf. Gif I durft haue prefumit, vithout your Maiefties leue, I wald, with profrating my felf at your Maiefties feit, be woord, and not be Letter, mead this my moft trew Declaratioun; and vnto the tym your Maieftie grant me that libertie (quhilk be thir prefents I moft humblie beg at your gracious handes) my hart fehal neuer be pertaker of any contentment; albeit my confeience bears me witnes, that I neuer fa mekill as thocht onreuerentlie of your Maieftie, yet am I grevid about meafur to think that any thing fould haue efcapit my hand, quhilk, in the hardeft construction, can be accomptit for ondewtifulnes againft your heichnes. Their is na thing in this world can difcontent me mair than to want your Maiefties fauour; bot to want it throch my awen juft deferuing wer to me infupportabill. I wer to be accomptit the moft ingrate wrech that euer had lyf, gif euer I had sufferit any fuch thocht to haue had place within my mynd; confidering the manifold fauoures your Maieftie hes fchawen, baith to my felf and al my kynred. Their remains yet the laft point of my Letter, into the quhilk I maik fum mentioun of my Lord Secretar. My fimpill meaning was, that his lo. at that tyme had not fa great fauour as he defyrit to haue had, of theis that wer in credit about your Maieftie. I will ceafe to trubill your Maieftie any moir, w^t my idill woordes; not dowting bot your Maieftie will, according to your accuftomit goodnes, confider that the affectioun I careit vnto my vncles weill, mead me the moir ernest in my Letter; and gif their be any woordes in it onadvyfit, or not weill chofin (as I do confes their is many) your Maieftie will imput them to want of witt and laik of discretioun (quhilk euer accompaneis youth,) and not to malice, quhilk I proteft, in the prefence of God, is as far remouit from my hart, as it fliks neir to their hart that does accufe me. Praying vnto the Eternall to grant vnto your Maieftie ane moift happie and prosperous regne, ane bliffit and ane long lyff, I reft

your Maiefties moft humbill and moft obedient fubiect,

S. ANDROW MORAY
of Baluaird.

EDINBURGHE, the 13 of July, 1608.

(15.) LETTER, *Alexander Blair in Colone, to (David Lord Scone,) charging* Apr. 1610.
*Hary Ruthven with using treasonable expressions.*¹

THIS is to latt your ll. wnderstand the wordis that Hary Ruthven spak. He vas cumand downe betuix your ll. park dykis, aboue Scone; quhair he and William Wallace, feruitour to my ll. of Blantyr fell in conference about ane SPROTT, quha was execut in Edinburg at that tym. William Vallace fayis to Hary Ruthuen, 'this mater is mead cleirer nor it was.' Hary Ruthuen anfuers him agane, and fayis plainely, 'Ha! ha! THE ERLE OF GOWRY was faiklely put downe! And the King, and all that was thair that day, vas Tratenris to the Erle of Goury!' And William Vallace anfuering, forbade him to speik sik langage, for it wold do him evill. This I thought good to advertice your ll. that his Ma^{tie} our gratius foueran might be acquent therwith. I have subferyvit this with my hand, and am redy, for my dewty to his Hienes, to seale it with my bluid.

ALEX^R BLAIR.²

M. G. Graham⁵ B. of Dumblane, vitnes to this subferipne.

(16.) DEPOSITIONS, *relative to the Treasonable expressions made use of by*
*HARY RUTHVEN alias FREELAND.*⁴

(i.) AT EDINBURGHE, the xxvj day of Aprile 1610, IN PRESENCE of *Alexander Erle of Dunfermyne Lord Chancellor, David Lord Scone, the Prefident, Aduocat, and Schir William Hairt Justice depute.*

ALEXANDER BLAIR in Colone, maryed, of the age of xxxviij yeiris, sworne vpoun his great aithe, being humblit vpoun his kneis, and demandit, 'What war the wordis he hard Hary Ruthuen speik, for the whilk he hes bene wardit thir diuers oukis bigane?'⁵ Deponis, that vpoun the aucht day of September, the yeir of God I^m.vj^s and aucht yeiris, Hary Ruthuene, William Wallace fervand to the Lord of Blantyre, and the depouner, having mett togidder in Colone, and being comeand thairfra towards the burgh of Perth; as thay war betuix my Lord of Scones Park dykis, aboue Scone, Williame Wallace fayis, that 'This mater of GOWRYIS TREASOUN is maid cleirar nor it wes, be the Execution and Confessioun of one named Sprott.' Vnto whome Hary Ruthuen anfuert, that 'The Erll of Gourye was ane honnest man, and that he wes faiklely putt down!' And that 'Thay wer all traytouris that wes at his Slauchter, King and all!' Quhairpoun William Wallace replyt, 'Speik not sik language!' And this depouer said to him, 'That is sclanderous language: You do not weele to speeke sik language.' And the depouner fayis, that Hary Ruthuen and the depouner wer in goode termis of freindschip, at that time; and that Haryis wyffe and the depouner ar thridis of kin: And deponis, that Hary Ruthuen and William Wallace ar vnder very grite freindschip and kyndnes; and that Hary Ruthuen is doar and factour to Williame Wallace, in this rowme of Colone; and Hary aggreit Williame Wallace and Agnes Seytoun, anent hir lyverent of the rowme; and that Hary Ruthuen fend to Williame Wallace, ane hundreth merkis, in Januair last. Demandit, 'ffor quhat caus he conceald this mater, fra the moneth of September, quhill the moneth of August thairefter, that he reveilled it to the Lord of Scone?' Deponis, that thortlie thairefter, he tauld to Henry Rattray, goode-bruther to the said Hary Ruthuen, that the said Henry Ruthuen had spokin sclanderous wordis of the King; and that the depouner wald haif reveillit the same to the King, yf he wes in the cuntrey: And feing his Ma^{iestie} wes absent, that he wald tell it to my Lord of Scone: To whome Hary Rattray anfuert, 'He will defye your ll. and my Lord of Scone bothe; for he hes already biddan the prwffe of

¹ From the Original, among the Warrants of Parliament, &c. General Register House. ² There is written in a very small hand, as a memorandum at the foot of this document, 'From Justice Clerk, Mr W^m Hairt this day xv dayis.' The date is likely to have been in April, 1610. ³ Mr George Graham, Bishop of Dumblane. He was translated to the see of Orkney anno 1614. ⁴ Originals in General Register House, among the Warrants of Parliament, &c. ⁵ Weeks past.

Apr. 1610. the cannoun! And deponis, that findrie tymes, he focht the occaſioun to haif tauld it to my Lord of Scone, but could not haif it; and that ſhortlie thairefter, he come to my Lord of Scone, being walking vpon the Greene of Scone, and tauld him that he had ſome mater to commvnicate vnto him; and my Lord anſwerit, ‘Come to me ane vther tyme and I will heir ſow.’ Deponis alſua, that afor that tyme, he reveilled this fame mater to Andro Henderfoun, who adviſit the depouner to ‘tell it to my Lord of Scone; and that nane hard this conference bot Andro Henderfoun and the depouner: And the depouner ſayis, that he tauld this to Andro Henderfoun, within fourtene dayis after that Hary Ruthuane ſpak it; and he tauld it to Hary Rattray, within ane moneth after the ſpeiking of it. Deponis alſua, that lang afor Hary Ruthuane ſpak thir ſpeeches of his Maieſtie, the depouner hard him ſay, ‘Andro Henderfoun is going to big (*build*): Lat him big quhat he will, I hoip to ſee the day that I fall putt him out of his houſe and duell in it!’ And that Adame Hepburne in Scone, and David Blair thair, wer preſent, and hard thir ſpeeches, quhillkis wer ſpokin in Sanct Johnneſtoun, in Andro Boydis houſe thair, as thay wer come from the buryall of ane woman callit Coke, as he rememberis; and that Hary Ruthuane directit his ſpeeches, on this mater, to the depouner, bidding him ‘Go tell the fame to that fals knave Andro Henderfoun!’ Deponis forder, that after Hary Ruthuane had ſpokin thir wordis, concerning Andro Henderfoun, that Andro Henderfoun and the deponer, being walking together on the brig of Perth, Andro Henderfoun perſavis Conſtene¹ Hynd vpon the brig, and left the depouner, and paſt to Conſtene Hynd; and as thay war ſpeiking togidder, Hary Ruthuane come by, gaif Andro Henderfoun ane grite touke² and almoſt putt him over the brig, ſaying vnto him, ‘You may hold out of my gait!’ And this wes fourtene dayis afor the falling of the tree-brig of Sanct Johnneſtoun.

(Sic ſubſcribitur)

ALEX^R BLAIR.

HARY FRIELAND, ſumtyme callit HARY RUTHUEN,³ of the age of xl yeiris, maryed, duelland in Sanct Johnneſtoun, being humblit vpon his knees, ſolemnlie ſworne vpon his grite oathe, and demandit, ‘Yf he rememberis, that in Harveſt wes a yeir, in the moneth of September, he and Williame Wallace, with Alexander Blair come from Collone to Sanct Johnneſtoun?’ Deponis, [he rememberis⁴] that he⁵ come from Collone that day, towardis Sanct Johnneſtoun,⁶ and that Williame Wallace and Alexander Blair come [in company] togidder, and that [a litle afor thame] Henry Balnavis, Johnne Broun notair, [and Andro Gairdner,] and the depouner went [in company] togidder; and thay wer a large ſpace befor Williame Wallace and Alexander Blair, and ſtayed for thame vpon the top of the parkis of Scone, beſyde the ſtane brig: And that the cauſ of thair being at Colone, wes, for geving of feaſing of the Landis of Coloine to Williame Wallace; and that thai come all togidder fra Colone, in companyis, as is aforſaid [to Scone.] Demandit, ‘Yf ther hes been ony grudge or evill will betuix Alexander Blair and the depouner?’ Deponis, that thair hes bene ſome miſlykeing and drynes this langtyme betuix thame, becauſe this depouner gaif information and adviſe to the Lady Roſſy to perſew Alexander Blair, for ane horſe, quhillk violentlie he ſpulzeit and tooke from the Ladyis dochter; and becauſe he aſſiſtit and fortifeit William Wallace and his tementis aganis Alexander Blairis oppreſſioun; and becauſe the depouner wes a doar, in procuiring of Agnes Seytoun lyvrent of the rowme of Colone, in William Wallace favour. Demandit, ‘Yf at that tyme of thair cominge from Colone, he hard Williame Wallace ſay, that the Treafoun of GOURY wes now cleirit and maid maniſeſt, be the Depoſitioun and execution of one namit SPROT?’ Deponis, vpon his grite oathe, that he never hard William Wallace ſpek ony ſik ſpeeches; and that he never hard William Wallace name Sprottis name: And deponis, vpon his grite oathe, that thair wes never ony ſuche anſwer maid be him to William Wallace, as is aſſermed be Alexander Blair; and that thair wes no kynd of conference betuix thame, concerning that mater of Goury or Sprott. Demandit, ‘Yf at ony tyme, he

¹ Constantine.

² A smart ſtroke or blow, by pushing or running at one.

³ The Surname was formally

abolished by Act of Parliament.

⁴ These and the following words, within brackets, are interlined.

⁵ Altered

to ‘they.’

⁶ ‘Perth’ deleted. Being the original paper, the corrections, on reading over the Depositions to the

witnesses, are of course, made by the clerk.

fayd, that he fould duell in Andro Henderfonis houffis, latt him big as he wald?' Deponis vpoun his Apr. 1610.
 grite oathe, that he neur fpak ony fuch mater. Demandit, ' Yf afoir the falling of the brig of Sanct
 Johneftoun, the depouner toukit Andro Henderfoun vpoun the brig?' Deponis, that at the tyme
 fpecifeit in Alexander Blairis Depofitioun, this deponer, comeing alongis the brig, with his horfe in his
 hand,¹ he forgadderit vpoun the brig with Andro Henderfoun, the Perfone of Bonhard, Alexander
 Blair, and Conftene Hynd, quho wer all ftanding togidder; and thay fufferit the depouner to go by
 thame vpoun the midis of the brig, becaus he had ane horfe; and at his by-paffing, his fhoulder tuicheit
 Andro Henderfoun, who tooke no offens thairat; and when the depouner was by² thame, Alexander
 Blair looked over his fhoulder and fayd to the depouner, ' Yow mycht haif gevin ws the gait!' ³ And
 that Andro Henderfoun wes angerit at Alexander Blair for thir fpeecheis. And deponis, vpoun his
 grit aithe, that he fpak na thing to Andro Henderfoun at that tyme. Demandit, vpoun his grite oathe,
 to declair, ' Quhat is his opinioun anent GOURYIS TREASOUN, feing he wes prefent with the Erl in
 the chalmer quhair his Maieftie wes perfewit?' Deponis, vpoun his grite oathe, that he is and ever
 wes of opinioun, that the Evllis pairt wes worft; feing he faw the King's Maieftie haif na thing but
 ane hunting horne about his neck. Demandit, ' When he mett laft with his bruther Alexander?'
 Deponis, vpoun his grite oathe, that he faw him nocht for aucht yeiris; and that the laft tyme he faw
 him wes in Hull, in England, afoir the deceis of the Quene of England.

(Sic fubferibitur)

H. R. of Freland.

ALEXANDER BLAIR, re-examinat, grantit that he met with Hary Ruthuen and Williame Wallace,
 at the taking of Williame Wallace feafing of Colone; and that after the giving of the feafing, Henry
 Balnaves, Johnne Broun and Andro Gardiner paff away, and that Williame Wallace and Hary Ruth-
 uene ftayed a quhyle behind, to tak ordour with the tenmentis; and then thay tua, with the depouner,
 come togidder.

HENRY RUTHUEN, confronted with Alexander Blair, anent the forme of thair comeing frome Colone :
 Deponis, as ofbefoir, that Williame Wallace, Alexander Blair, Henry Balnaveis, Johnne Brom and
 Andro Gairdner come togidder frome Colone; and that Williame Wallace and Alexander Blair fell
 togidder in company; and the depouner and the vtheris perfonis foirfaidis fell togidder, and wer ever
 afoir Williame Wallace and Alexander Blair, whill thay come to the Hoill-brig, quhair the depouner
 and his company ftayed for thame; and then this depouner fell in company with Williame Wallace
 and Alexander Blair; and that the vther perfonis foirfaidis wer within the breid⁴ of this chalmer of
 the tolbnith to thame, and hard every worde that wes fpokin betuix thame.

ALEXANDER BLAIR deponis constantlie,⁵ that at this tyme, the vtheris perfonis foirfaidis wer the
 fpace of three pair of buttis frome thame; and that he with Hary Ruthuen and Williame Wallace
 wer half ane hour togidder, at that tyme, going thame felffis allone.

HARY RUTHUEN denyis this altogidder.

(Sic fubferibitur)

ALEX^R BLAIR. H. R. of Frelandis.

WILLIAME WALLACE, feruand to Walter Lord Blantyr, fworne vpoun his grite oathe, being vpoun
 his knees; and demandit, ' Yf he knawis Hary Freeland and Alexander Blair?' Deponis that he
 knawis thame very weele. Demandit, ' Yf in September 1608, quhen he tooke feafing of the hauch
 of Colone, yf Alexander Blair, Henry Freeland, Henry Balnaveis and Johnne Broun wer thair?' De-
 ponis, that thair wer all thair. And that efter the geving of the feafing, Alexander Blair tooke this
 depouner in to his houfe to drink; and the vtheris perfonis foirfaid went afoir, and the depouner and

¹ He led his horse over this frail wooden bridge, which must have been in a very crazy condition, and probably
 without ledges, for in 'tuiking' Andrew Henderson, he 'almaist patf him over the brig.' ² Past. ³ The most
 honourable part of the way was 'the crown of the calsay,' or middle of the street. 'To usurp this privilege was attend-
 ed with as much danger, as 'taking the wall,' in the days of Addison or Sir Richard Steele. A great deal of blood-
 shed took place in both countries, on such trifling matters of mere punctilio, between hot-blooded 'gallants.'

⁴ Breadth.

⁵ Without varying, with constancy.

Apr. 1610. Alexander Blair followit, and our-tooke thame at a mylne, qubair Hary Freeland and his cumpany went in to drink;¹ and the depouner and Alexander Blair stayed vpoun thame beyde the mylne, quhill thay come out; and then thay come altogidder fra the milne, in company, to Scone; and drank in my Lord of Scones sellair, as the depouner rememberis. Being demandid, ‘ Yf thair was ony speeche or conference betuix the depouner and Hary Ruthuen concerning GOURYIS TREASOUN or GEORGE SPROTT?’ Deponis vpoun his grite oath, that thair was nevir ony kynd of speeche, talking, or conference amang thame, concerning that mater of Goury or of Sprott; and that the affirmatioun of Alexander Blair, in that mater, is ane vntreuthe. And denyis that hail mater, and all the circomefanceis thair of, and all that is deponit, writtin and subferyuit be Alexander Blair, concerning that particular: And deponis, vpoun his grite oath, that, as he rememberis, thair wes no privat conference betuix the depouner, Alexander Blair, and Hary Ruthuene, that day: And deponis, that he had priue conference, that day, with Alexander Blair, anent the roume of Colone; and that Alexander Blair maid ane offer of iij^m markis² for the fame, quhilk the depouner refusit.

(Sic subfcribitur) WILLIAM WALLACE.

ALEXANDER BLAIR, confronted with Williame Wallace, anent the conference betuix thame and Hary Freeland, in thair comeing frome Colone: The said Alexander abydis be his former Deposition, anent the mater of Gourie and Sprott; and Williame Wallece denyis the fame altogidder.

(Sic subfcribitur) ALEX^R BLAIR. WILLIAM WALLACE.

(ii.) AT EDINBURGHE, the xxvij day of Aprile 1610. IN prefence of the *Examinatouris* about writtin.

ALEXANDER BLAIR and HARY RUTHUENE being re-examinat and confrontit, vpoun the speecheis past betuix Hary Ruthuen and Williame Wallace, concerning Goury and Sprott: The said Alexander Blair abydis constantlie be his formair Deposition, in that mater; and the said Hary Ruthuene altogidder denyis the fame. The said Alexander Blair offerrit, in the said Haryis prefence, to try this mater BE SINGLE COMBAT betuix thame, quhenver it fall pleis his Maiestie or Counsaill to appoint thame tyme and place; althocht it wer this fame nycht: And sayis, that he is content to be hangit, yf in the combatt he move not the said Hary to confes the treuthe of this mater, as he hes deponit aganis him. The said Hary Ruthuen anfuerit, that he can not be vrgeit, be law, to fecht in fuche a quarrell: And that he will abyde the ordinair tryall of the law; and refusit the Combatt.

ALEX. BLAIR. H. R. of Frelandis.

WILLIAME WALLACE, being re-examinat, abydis constantlie be his formair Deposition maid yiflerday.

AL. CANCELL^R. D. SCONE. JO. PRESTON. S. T. HAMILTON. S. WILLIAM HEART.

(iii.) AT EDINBURGHE, the last day of Junij 1610. IN prefence of the *Erll of Dumfermylne Chancellour, David Lord of Scone, Mr Johne Prefioun of Pennycooke Prefident, Sir Alexander Hay Kingis Secrectair, Sir Thomas Hammiltoun of Bynnies Aduocat and Mr George Young.*

HENRY RATTRAY of Kincarrady, maryed, of the age of xxx yeiris, or thairby, sworne vpoun his grite aith, and demandit, ‘ Yf Alexander Blair come to him, and tauld him that he hard Hary Freeland speeke some outrageous speeches aganis the Kingis Maiestie?’ Deponis, vpoun his grite aithe, that Alexander Blair nevir spak ony fuche mater to him. And sayis, that Williame Wallace haveing chargeit Alexander Blair to find him law souirtie, the said Alexander Blair come to this depouner, ane moneth afoir Hary Freeland wes maid prisouner, and sayd to him, ‘ Can I not be quyte of your goode-bruther? I vow to God, yf I be not quyte² of him, I fall putt ane fleche³ in his hoise!’

¹ This word deleted, and five words interlined. ² 3000 merks. ³ Fr. *quité*, requited. ⁴ Fr. *fleche*, a shaft or arrow.

ALEXANDER BLAIR, being confrontit with Henry Rattray, and being re-examinat, vpoun that pairt Jun. 1610. of his formair Depofitioun, concerning Henry Rattray, the faid Alexander, with mony aithis, abydis be his Depofitioun, in that point : And the faid Henry Rattray, with mony aithis, denyis the fame, and that thair wes nevir ony fueche purpois or conference betuix thame, as is contenit in that Depofitioun.

DAVID BLAIR in Scone, maryit, of the age of xl yeiris, fworne and demandit, ‘ Yf he rememberis that Alexander Blair, Henry Freeland and the deponer wer drinking togidder in Andro Boydis hous ?’ Deponis, that he rememberis weele thairof, and that Henry Rattray tooke thame in, to gif thame ane pynt of wyne, they being come frome the buryall of ane woman in St Johnneftoun. And deponis, that the company falling in difcourfe, ‘ who had the beft aill in the cuntrie ?’¹ It wes anfuerit, be one of the company, that ‘ Andro Henderfoun Chalmerlane of Scone haid the beft aill.’ And then Henry Freeland fayd, ‘ Andro Henderfoun is bying, and bigging, and conquessing. It is evill to witt quho may brooke and poffefs thame heirefter, for all his goode aill !’ And deponis, that he directit thir fpeeches to the hail company ; and fayd, that ‘ he caired not quba wald tell it to Andro Henderfoun.’ And the depouner rememberis not that he called Andro Henderfoun ‘ ane falfe knaif ;’ bot fayis, ‘ he gaif evill wordis anew.’ And fayis, that the Parfone of Bonhard wes present, and hard thir fpeecheis.

CONSTANTYNE HYND, in Brigend, vnder the Baillie of Errole, maryed, of the age of xl yeiris, fworne and demandit, ‘ Yf he rememberis, that a litle afoir the falling of the tree-bridge of Perth, this depouner, Andro Henderfoun, and Alexander Blair wer walking togidder vpoun the bridge ?’ Deponis, that he rememberis very weele thairof ; and that in the meantyme, Hary Freeland come alongis the bridge, with ane naig in his hand ; and the deponer, with his company, having thair bakis to Hary Freeland, he faid to thame quhen he come to thame, ‘ Gif ws the gate !’ And in his by-ganging, the paffage being narrow and frait, the depouner is of opinioun that he rubbit clokis with Andro Henderfoun, and pafit by without ony forder fpeecheis. And deponis, that Alexander Blair fayd to Hary Freeland, when he wes by, ‘ The half of the gait mycht haif ferved yow, when yow crapt vnder the boorde !’

AL. CANCELL^s. D. SCONE. ALEX^r HAY. S. T. HAMILTON.

NO. XX.

LETTERS OF JOHN, EARL OF GOWRYE.

[THE following Letters of JOHN EARL OF GOWRYE, are the only specimens of his literary compositions now known to be extant. The original of the Letter to King James VI. was presented to the College of Edinburgh, by Drummond of Hawthornden, in 1626 ; but it has unfortunately been either mislaid or lost, (with other autograph Letters in the same Collection,) subsequent to the year 1757. About that time, it had been transcribed and published by Sir David Dalrymple, Lord Hailes, in a reprint of the ‘ Account published by authority,’ (No. IV. of the present Collection of Illustrative Documents,) and which was intended by him to serve as a specimen of his projected Collections relating to the Gowrye Conspiracy.

The other Letter is preserved in a volume of Original Papers, collected by David Calderwood the historian, who was a fellow-student, under Principal Rollok, with the Earl of Gowrye, at the College of Edinburgh ; where they took the degree of Master of Arts, in 1594. At the time of writing these Letters, the Earl was in his 17th year, prosecuting his studies at Padua. They are also given, pp. 351-6, of the valuable ‘ Miscellany’ of the Bannatyne Club. A fac-simile of the Earl of Gowrye’s subscription to the last of these interesting reliques concludes this Collection of Papers.]

¹ ‘ Toun’ is deleted.

Nov. 1595.

I. LETTER, *the Earl of Gowrye to King James VI.*

PLEASE YOUR MAJESTIE,

GIF the bestowing of great benefites fould moue the receauers theroff to be thankfull to the giueris, I haue mony and extraordinar occasionis to be thankfull to your Majeste; not only being fauored with the benefite of your Majesteis gude countenance at all tymes, bot also that it hath pleasit your Majeste to accept fo weill of me, as to honour me with your Majesteis most louing letter, as with ane certane signe and vine testimonie of your Majesteis gude fauor and gracioufnes tonartis me; wheroff I esteime so much, that I wald think my selff very hapie, if it fould please your Majeste to comand me in any thing, that therby your Majeste might haue ane tryall of my prompt and fathfull obedience; for your Majesteis worthines and valor, attour the particular courtelis schauin to me, merits whatsomeuer I am able to do, and ane hundreth thousand tymes more. In end, I pray your Majeste to haue me excused that I haue taine the audacitie to wrett againe to your Majeste, for not hauing the comfort of your Majesteis prefence, could not declare my willing mynd better then be vsing of the nixt remede. In the meane tyme, I fall repose my selff still on your Majesteis constant fauor, quhill God of his mercie grant that I se your Majeste in fuche ane gude estate as I wishe, whilk will give me the gretest contentment of all.

Sua crauing earnestly of that Creator of all thingis to blifs your Majeste with all felicitie and satisfacione in health, with ane increas of mony prosperous dayis, I kifs most deuotly your Majesteis hands.

Your Majesteis most humble subiect and obedient seruitor in all deuotione,
GOWRYE.

ATT PADUA, the 24th of November 1595.

2. LETTER, *the Earl of Gowrye to Mr Johne Malcome, Minister at Perth.*¹

Ἐυλογητον εἰσω το ονομα τε θεε εις αιωνα.

BELOVED BROTHER,

HAUING taken occasione to wrett to Scotland, wald nocht omitt my deutie to you, in visiting you with this letter, that therby ye myght vnderstand of my present estate, quhilk continues as ofbefore; praising God, from my hairt, that of the riche abundance of his gude grace and mere mercie hes maid the beames and licht of his countenance, to shine vpon me most fauorably; to be ane guide to conduct me saiffie *per hunc Auernum*, quherin mony here, (*quorum oculi densa*

¹ Mr John Malcolm, one of the Regents, and afterwards Principal of St Leonard's College, St Andrews, was ordained Minister of Perth, 4th November, 1591. He was the author of a Latin Commentary on the Acts of the Apostles, a work of considerable learning, printed at Middleburgh, 1615, 4to. He died at an advanced age, at Perth, 3d October, 1634.

caligine et nebulis obfuscati sunt,) ó miserum spectaculum ! are drowned, in his iustice ; I meane nocht all, *absit* ; for I am acquainted with diuers heir, *qui, etiam inter has paludes fligias,* hes neuer bowed ther kne to Baal : Quhat ane meruell is this ? and quha can beleue it ? and zit it is certanly true ; *glorificetur igitur Deus in operibus suis, ac eo magis quo sunt mirabiliora et* παρα την φύσιν. There wes ane notable exemple of constancie not long ago, in ane Silesian Minister, of some threscore yeares and mair, quha, efter he had beine deteined in prisione about nyne yeares, and the Jesuites had trauailed with him to recant ; bot perfaiffing that thei could preuaile nothing at his handis, caused bring him to the fyre, lyke bludie dogges ; quhere, efter he had maid ane excellent discourse and harang to the people, shauing them the gret honour he wes callit to in suffering for Christes sake, and exhorting them to conuersione, abode most patiently, without ony shrinking, all tormentis ; magnifeing Godis holy name, and praying that ther sinnes mycht be forgiuen them. Efter he wes brunt, not being zit satisfied of the crueltie that they had vsit against him, quhen he wes liuing, did cast ane gret heap of stoness vpon his ashes, *multo scruiores quam erant Iudei aduersus Stephanum.* There were vtheris, quha for feare of death, at that same tyme, maid filthie apostacie fra the true Religione to that damnable idolatrie ; and at that instant that ane of them begane to deny Christ, in making defectione, there isshued blude out of his nose in suche gret abundance, that all did see him thoelt he sould haue dyed presentlie. This wes ane visibill signe of the hand of God, that chopped on him quha had done such ane villanie against his conscience, for to purchase his auin lyffe, quhilk he wes not worthie to bruike, be the losse of his soule. Bot thir renegates not the les escaped not their auin punishment, for they all were fend *ad triremes, vbi non vnus hore spatium vitam finituri, sed morientes semper, nec tamen morientur.* Laitlie, efter these thingis, ane certane Inglishe man, being moued on zele to cast ther *sacra hostia* (as thai most fallsie callis it) out of the priestis handis, that wes caring it in processione, to the grund, and to stramp on it with his fete, wes apprehendit and denudit of his clothes, thereafter ane hude putt on his heade, quheron wes painted the deuils image, and some with bleasis, quha brunt him continually in the backe and brest as he walked forduart ; bot he, in the meane tyme, wes occupiet in schauing the people how thai were schamfullie abused by these miscient idolaters, quha were leading them to their auin damnatione. In end, he spake with such ane vehemencie, that the enymies caused knett his toung, fearing some vprorre to enfeu, if he had gottin ony forder libertie to speke : So he wes brought to the place of executione, quhere, lifting vp his eyes to heauen, and on his knees kissing the chain he wes bund with, they caused first cut of his hand for the fact he had committed, and nixt burne him quicke. All thir thingis were done in Rome, Nov. 1595.

Nov. 1595. that mother of all vyce, and hoorifhe fynagog of deuils. I am fory that my abfence will not permit me to kyth my mynd and gudwill, in helping to fett furth Godis glorie there, *cui totus ex animo incumberem*; bot quhen, at his gude pleasure, I returne, fall with his grace, indeuore my felff to amend quhatfomeuer is omitted for laike of my prefens. I thank you most hartfully, of your remembrance of me in your prayeris; defyryng you earnestlie to contineu, according to the loue ze cary to the faluatioune of my foule. Thus, remembering my loving commendationis to your felff, with the hail nychtbouris of the toune, Committis you with them all to the protectione of the Omnipotent.

Youris aluayis affectionat,

GOWRYE.

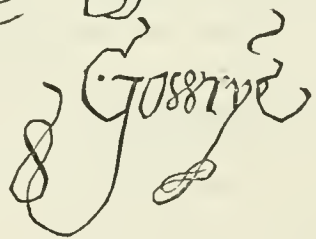
AT PADOUA, the 28 of Nonember, 1595.

I DOUT nocht bot ze haue hard, long fince, of the Papes benedictione given to the King of France; quhilk hes turned to ane maledictione. No vther neuis occuris heir for the present; bot nou agane, latlie, there is some Inglishmen put in the hous of Inquifitione, in Rome.

To my beloued brother, MR JHONE MALCOME, Minister at PERTH.

No. XXI.

FAC-SIMILE OF THE SUBSCRIPTION OF JOHN EARL OF GOWRYE.

Youris aluayis affectionat.


[*Mr Williame Hairt, Justice-Depute.*]

Writing Slanderous Pasquils against the King, &c.—Sedition.

Oct. 10.—FRANCES TENNENT, merchand burges of Edinburghe.¹

[THE TRIAL of Francis Tennent forms one of the series, in a black catalogue of Cases, which must leave an indelible stain on the character of King James VI. Owing to the scrupulous care adopted

¹ On the margin, 'Convictus et Suspendus.'

by the Lord Advocate to suppress these offensive papers, the precise nature of the Pasquils alluded to, cannot now be correctly determined. The likelihood, however, is, that besides 'detracting' the King and his 'maift nobill progenitouris,' and publicly branding the King as the 'Sone of Seniour Davie,' (a popular *soubriquet* for his sacred Majesty,) these offensive squibs had contained matter relative to the recent Conspiracy of THE EARL of GOWRIE. Such a conjecture is fortified by the circumstance of the well-known Mr Robert Bruce and Mr John Davidson, the persons to whom the Pasquils are fictionally addressed, having publicly asserted the story of the Conspiracy to be an entire fabrication, and that the Murder was devised and perpetrated by the King and the Court faction, to rid themselves of a powerful rival.

After a minute and careful search, the Editor has not been able to obtain copies or fragments of these papers, or to get even a tolerable abstract of their contents. The only light we obtain from any contemporaneous writer, is from that amusing and minute Chronicler, Robert Birrell; who only ventures to say; 'The 8 of October, *Frances Kennaird* hangit at the Croce, for Treaffone aganis his Maieftie, for making of Plakketis and wreittis, sic as Cokkolentis.'¹ The latter part of this mysterious intimation would lead us to believe, that these pasquils contained, amongst other satirical remarks, reflections on the Queen's conjugal infidelity. It is certain, at all events, that this shot took effect; and it is equally clear, that his Majesty retaliated, in a most ungenerous and cruel manner. In the course of investigating the public Records, &c. the only notice which the Editor observed, was in the Lord High Treasurer's Accounts; where, in the month of October, the following entry is made: 'ITEM, to the Officeris of Justiciare, for summoning of ane Affyis to Francis Tennent, xlf.'

Should the Editor, afterwards, be so fortunate as to obtain inspection of these papers, or authentic contemporaneous transcripts, amongst the MS. Collections of Thomas first Earl of Haddington, then Secretary of State, Lord Advocate, &c. or from similar sources, they shall be given in the Appendix.]

Dilatit for fals, malicious and vndeutfull wryting and disperfing of sklanderous, calumnious and reprochefull Letteris, to the dishonour of the Kingis Maieftie,² his hienes progenitouris, Counsale and proceedingis; conform to the Dittay, produceit (by) Mr Thomas Hammiltoune Aduocat to our fouerane Lord.

DITTAY against Frances Tennent.

FRANCES TENNENT, merchand burges of Edinburgh, 3e are Indytit and accufit for 3e fals, malicious, vndewtiefull wryting and disperfing of sklanderous, calumnious and reprochefull Lettres, to 3e dishonour of 3e Kingis Maieftie, his maift nobill progenitouris, counsale and proceedingis; and steiring vp of feditioune and contempt in 3e hairtis of his fubiectis, aganis his Maieftie; in maner, substance and effect contenit in twa of 3our Lettres writtin, heirwith produceit, and vfit as ane pairt of 3our Dittay; The ane of the saidis Lettres, writtin with 3our hand, and fuferyuit be the feinzait name of 'JAMES SYMPSOUNE, SCOLLER,' and directit 'to Mr Robert Bruce,' off the dait, at Newcastle, 3e xvij day of Januar, the 3eir of God Im.Ve.lxxxxvij 3eiris; and the vther, lykewyis writtin with 3our hand, and fuferyuit with the feinzait name of 'JOHNE STRATHAUCHIN;' and directit vponne the bak, 'to Mr Johne Davidfoune;' Quhilkis twa Lettres, 3e laid doune in the Kirke of Edinburgh, to the effect the famyn mycht haif fallin in the handis of the pepill; thairbye to bring his Maieftie in contempt, and fteir vp his pepill to feditioune and difobediencie; exprefslie aganis the Lawis and Actis of Parliament maid aganis Lefing-makeris and authouris of feditioune and infamous fpeicheis and writtis. Quhilk 3e can nocht deny; Lykeas, 3e haif confest 3e famyn, be twa feuerall Depofitionis, fuferyuit with 3our hand.

¹ Perhaps for 'Cokkoleingis,' cuckoldings. ² See Cases of Diksoun, Aug. 3, 1596; Cornuall, Apr. 25, 1601; and Ross, executed Sept. 10, 1618.

The Aduocat produceit his Maiesteis Warrant, for perfute of Frances Tennent.
The said Frances Tennent produceit certane

DEFENSES, *in writt, aganis the Dittay*; quhair of the tennour followis.

‘IT IS alledgeit, for þe pairt of me Frances Tennent, that na proces aucht to be gevin aganis me, in þe Criminall actione persewit be my Lord Aduocat contrair me; becaus I am nocht deprehendit, *in recenti crimine*, bot is convenit vpoune ane deid, alledgeit done thre 3eir sence or pairbye: And conforme to the Actis of Parliament, I aucht to be summond vpoune fyftene dayis wairning, and ane copie of þe Dittay gevin me; quhilk is nocht swa done; bot I am summarlie presentit on pannell, without ony citatioune preceding. Secundlie, gifand¹ 3our lordschip wald proceed aganis me the said Frances, nochtwithstanding the alledgeance foirsaid; 3it I aucht to haif ane copie of þe Dittay, and ane day assignit to me, to ansuer þairto; seing I am convenit on my lyffe; And gude ressonne vald I had ane day to be avyfit þairwith; And to remember the Dittay to be speciall, anent the cryme; And to allege, that speking generallie, without cursing,² is na lawfull cause to tak ane mannis lyffe. Thridlie, alledgeit, the Law Intitulat ‘*Si quis Imperatori maledixerit*,’³—and produceit the buik to instruct the Law, quhilk is ane Defence to me the said Frances in this cause.’

It is ansuerit be my lord Aduocat, that the alledgeance aucht to be repellit, in respect of the Dittay contening the cryme of Seditioun aganis the Prince, quhilk may suffer na delay. As to the last Defence maid vpoun the Law, ‘*Si quis Imperatori maledixerit*,’ the samin aucht to be Repellit, in respect of the Actis of Parliament maid anent the crymes lybellit; ordaning the authouris of sklanderous speichis and writtis aganis the Prince, his progenitouris, Counfall or proceedingis, to be puneist to the death.

The Justice findis proces: Quhairvpoune the Kingis Aduocat askit instrumentis.

The samin day, twa Letteris being produceit be the Aduocat, maid and writtin be Frances Tennent, togedder with his Depositionis; the said Frances acknowledgeit and confessit in judgement the samyn to be his handwrit: Quhairvpoune the Aduocat askis instrumentis; and in respect thair of, and of the ij^e and fyft Act of the Kingis xiiij Parliament, and vther Actis thairin mentionat, protestis, gif the Assyis clenge the said Frances, for Wilfull Errorr.

The Aduocat produceit

HIS MAIESTEIS WARRANT *to pronounce dome aganis Frances Tennent*, in maner following:

¹ Giving or granting, that your lordship, &c. ² ‘Cursing’ had been originally written, and is deleted in the record, to make way for the *improved* orthography ‘cursing.’ ³ Codicis, lib. 9, tit. 7, l. unic. ‘Quoniam si id ex levitate processerit, contemnendum est: Si ex insania, miseratione dignissimum: Si ab injuria, remittendum.’

REX,

JUSTICE, Justice Clerk and your Deputis, We greit you weill. It is our will and We command you, that youne ye fycht heirof, ye pronounce the dome following, youne frances Tennent burges of Edinburgh, efter his convictionne, of the forgeing and casting doune of certane seditious Pafcallis:¹ That is to say, that he fall be takyn to the mercat croce of Edinburgh, and his toung cuttit out at ye rute; and that thair falbe ane paper affixit youne his brow, bering, that he is convict for forgeing and geveing out of certane vyild and seditious Pafcallis, detracting ws and our maist nobill progenitouris: And thairefter, that he fall be takyn to the gallous and hangit, ay quhill he be deid:² As ye will answere to ws youne your offices and obedience: Quhairnent, thir presentis falbe your Warrant. Subscryuit with our hand, At Lynlythqhw, the xxij day of September, 1600 yeris.

(Sic subscritur)

JAMES REX.

The said Frances produceit ane vther Warrant, subscryuit be his Maiestie, dispensing with the former Warrant, quhair of the tennour followis:

REX,

JUSTICE, Justice Clerk and your Deputtis and Aduocat, We greit you weill: forfamekill as, albeit be our vther Warrant direct to you, We commandit you to put frances Tennent to ye torture of ye buittis; and pairefter to pronounce dome aganis him, that he fuld be careit to ye mercat croce of Edinburgh, and pair his toung to be cuttit out, and syne hangit: Nochtwithstanding, for certane causses moving ws, We haif thocht gude to mitigat that sentence, be dispensing with ye tortoring of ye said frances, other³ in the buittis, or be cutting out of his toung; and ar content, that ye onlie pronounce dome aganis him to be hangit, without any forder: Quhill We command you to do, be thir presentis; and to forbeir the said tortour. Quhairnent thir presentis falbe your Warrant. Subscryuit with our hand, At Dundie, the xxvij day of September, 1600 yeris. (Sic subscritur) JAMES REX.

VERDICT. For the quhill crymes, the said Frances was put to the knowledge of ane Affyis,⁴ &c.; and (they) being throuchlie avyfit thairwith, reenterit agane in Court, quhair thay, be the mouth of George Dowglas, callit of Bengowre, chancellor, ffand, pronounceit and declarit the said Frances to be fylit, culpabil and convict of the dittay abouewrittin, and crymes thairin contentit.

SENTENCE. The Justice-depute, be the mouth of Robert Galbraith, dempstar of the said Court, Decernit and ordauit the said Frances Tennent to be tane to ane Gibbet, befyde the mercat croce of Edinburgh, and thair to be hangit quhill he be deid; and all his movabill guidis to be escheit and inbrocht to our souterane lordis vse, as convict of the saidis crymes.

NOTA. Immediatlie efter dome pronouncing, Mr Thomas Hammilton take vp the tua Lettres, writtis and Pafcallis, the ane direct to Mr Robert Bruce, and the vther to Mr Johne Davidfone, Ministeris; quilkis twa Pafcallis he vald nocht haif insert in proces.

¹ Pasquils. ² This seems to be a dreadfully severe and barbarous sentence, when compared with the trivial nature of the offence; and marks a shockingly vindictive spirit on the part of the King. The case of Archibald Cornuall, Apr. 25, 1601, is another of many melancholy instances of the sanguinary temper of James VI. in all instances of infringement on his kingly dignity. Although the application of the torture, and cutting out of this unlucky libeller's tongue, were ultimately dispensed with, certainly the punishment was vastly disproportioned to the measure of the offence. The recent Conspiracies may perhaps have induced the King to make some severe examples; and poor Francis Tennent was offered up as the first suitable victim. Independently of his wounded kingly dignity, the wealthy burges's *escheat* had proved too great a bait to James's cupidity, to admit of his passing scot-free. ³ *Outher*, either. ⁴ Consisting of merchants of Edinburgh, but persons of no note.

Purchasing Poison—Poisoning Fowls.

Nov. 5.—THOMAS BELLIE, burges of Brechin, and James Bellie his sone.

Dilatit and accufit for contravening of our souerane lordis Actis of Parliament for bying, haifing and keping of poyfoune; mixing the samyn with daich,¹ and casting doune thair of in Jonet Clerkis zaird in Brechin, for destructioun of fowlis; be the quhilk poyfoune they distroyit to the said Jonet twa hennis. And being persewit be Mr Robert Lyntoune, subfitute for Mr Thomas Hammiltoune, aduocat, for the said cryme, they refuit to pafs to Assyis, bot come in our souerane lordis will for the said cryme: Quhairvpoun the said Mr Robert askit instrumentis.

The Justice continewis the said dyet to the morne.

Nov. 6.—Continewis *in cras*, the sevint of November.

Nov. 7.—Comperit Mr Johne Marschell, Minister of Brechin, and produceit his Maiesteis will; quhair of the tennour followis.

REX,

WE, vnderstanding that Thomas Bellie, induellar in Brechin, is become in our will for haifing and keping of poyfoune, and poysoning thairwith of certane hennis: Thairfor we declair our will as followis, to wit; That the said Thomas fall, within the space of fourtie dayes, remove and depairt furth of our realme, and remane as a exylit and baneist perfoune furth pair of, during all the dayis of his lyffe; vnder the pane of deid: Commanding heirbye our Justice, Justice Clark and thair deputtis, to pronunce and delyuer pis our Will, iudicialle; and caufe registre the same in our buikis of Adior-nall. Subferiuit with our hand, At Halyrudehous, the saxt day of Nouember, 1600.

(Sic subferibitur)

JAMES REX.

SENTENCE. According to the quhilk, the Justice, be the mouth of James Lowrie, dempster, Ordanit the said Thomas, within the space of fourtie dayis, to remove and depairt furth of this realme, as ane exylit and baneist perfoune, furth thair of, during all the dayis of his lyfytyme; vnder the pane of deid.

Slaughter.

Nov. 12.—WILLIAME HOME of Ballicafs.

Dilatit of airt and pairt of the Slauchter of vmq^{le} Mr Alexander Dikfoune, sone to vmq^{le} Robert Dikfoune elder of Haffingtoune-maynis; committit the xxj day of Aprile, 1597 yeiris.

PERSEWAR, Johne Dikfoune.

THE Justice continewis this mater, to the saxt day of Marche nixtocum. ‘Plegio, Wilelmo Home de Ballandyne.’

[*Mr Williame Borthuik, Justice-Depute.*²]

Namesucken — Forcible Abduction — ‘Rapt and Ravingh.’

Jan. 13, 1601.—JOHNE KYNCAID of Craighous.

[THE CASE of Kyncaid of Craighous, which follows, affords a lamentable instance of perversion of the ends of justice, while, at the same time, it contains a most amusing illustration of the cupidity and

¹ Dough.

² He also officiated on Nov. 20, 22, 25, Dec. 17, and Jun. 7.

meanness of 'King Jamie the sapient and fext.' At this period, it was by no means an uncommon thing, in Scotland, to make short courtships with heiresses and rich widows, by 'captivating' them by a *coup de main* and getting married, according to the briefest form recognized by the laws of the land; and, no doubt, some of these unceremonious courtships, in the long run, proved happy to all parties. The Laird of Craighouse, a Cadet of the ancient family of Kincaid of that Ilk, in Stirlingshire, (as were the Kincaids of Warriston, Craiglockhart, Coates, &c.) was possessed of considerable wealth. From the whole complexion of the following story, it appears pretty clear, that this luckless gallant had been regularly *trained* to carry off a certain buxom 'wedo.' It is not even alleged in the Dittay, that any violence had been done to the lady, farther than the fact of carrying her off. Perhaps it may be thought by no means improbable, that the Bailie of the Water of Leith, out of whose house she was said to have been carried, in the face of open day, was one of the parties concerned in *facilitating* the 'abduction;' for it is very unlikely, that a 'wedo' could be thus forcibly taken, (after breaking up the doors of her dwelling,) and that she could, by any ordinary force, be carried, against her inclination, through the Village of the Water of Leith, and also through a populous part of the country, in the immediate vicinity of the City of Edinburgh, to the foot of the Braid hills, where Craighouse is situated; without raising the hue and cry, and being released, ere she had been carried a couple of miles. But it is still more incredible, that the perpetrators of this outrage should, in addition to the palpable indiscretion of committing this crime in broad daylight, be such bunglers, as 'all by accident' to ride into the heart of the King's hunting party! The *machinery* of the imprisonment, trial, and subsequent proceedings, were admirably contrived to practise on the fears of the unlucky Laird; until, at length, he fell into the snare which was so craftily laid for him—he 'become in our fouerane lordis Will!' It appears from the Acts of the Privy Council, that, on Dec. 18, 1600, 'John Kincaid of Craighous (was) committit to waird, within the Castell of Edinburghe; thairin to be detenit, vpoun his awin expensis, ay and quhill he be presentit to the Justice,' &c.; and the matter, as is proved by the Books of Justiciary, was hung up till Feb. 17, 1601; all which time poor Kincaid lay 'in durance vile,' and was finally forced, by *squalor carceris*, to accept of almost any terms. This 'Will,' it may be affirmed, is *matchless!* A fine of *two thousand five hundred merks* is imposed, which, considering the relative value of money at that time, was an enormous sum. To wind up the transaction, the King demands the Laird's *guid 'broune horfe'*, to quench the remainder of his wrath; and perchance the King would think, with the reader, that 'the rapt of Craighous' was the best day's sport he had had for many a year.]

Dilatit of airt and pairt of the Rapt and Reveifching of Iffobell Hutchefoun, wedow; taking of hir captine, &c.

PRELOQUUTOUR for the pannell, Mr Johnne Drowling.

PERSEWAR, Mr Robert Lyntoun, substitute, for the aduocat.

The quhilk Johnne Kincaid of Craighous, hauing enterit on pannell, declarit, that he will becum in his Maiefteis will, ffor taking of Iffobell Huchfoun, wedow, his hienes frie leige furth of Johnne Johnneftoune, baillie of the Watter of Leithis hous, and taking of hir to his awin hous of Craighous; committit the xvij day of December laft.

(Signed) JOHNNE KINCAID.

DITTAY *against Johnne Kyncaid of Craighous.*

FORSAMEKLE as he, with conuocatioun of the perfonis vnderwrittin, and diuerse vtheris our fouerane lordis leigis; To wit, Robert Kyncaid, foue to

Edward Kyncaid, burges of Edinburgh, David Watfoun, sifter-sonne to Johne Johnestoun, baillie of the Water of Leith, Johne Watfoun, his seruand, Alexander Barcar, baxter in Edinburgh, Johnne Qubippo, baxter thair, and Williane Hepburne, with diuerse vtheris his complices, of his speciall convocating, causing, command and directioun, laitlie, vpoun the xvij day of December lastby-past, being bodin in feir of weir, with swordis, secreteitis and vtheris wappynnis, *invafine*, contrair the tennour of our fouerane lordis Actis of Parliament, come to Johne Johnestoun, baillie of the Water of Leith duelling-hous thair; quhair Iffobell Huchfoun wedow was, in sober, quyet and peceabill maner for the tyme, dredand na evill, harme, iniurie or perfuit of onye personis, bot to haife levit vnder Godis peax and our fouerane lordis: And thair, he way of hamefuckin and comuocatioune of our fouerane lordis liegis, as said is, violentlie and forceablie brak vp the duris of the said duelling-hous, enterit thairin be way of deid, and pat violent handis in the said Iffobellis persoun, tuke hir captiue, rest, reveischit and tuke hir away with him to his place of Craighous; quhair he detenit hir, quhill his Maiestie, being vpoun the feildis, accompaneit with Johne Erle of Mar, Sir Johne Ramfay and diuerse vtheris, his Maiesteis domestik serwandis, heiring of the committing of sik ane horribill fact, directit the saidis Johne Erle of Mar, Sir Johne Ramfay and diuerse vtheris his hienes serwandis, to follow hir, and to releve hir furth of his handis; quha haifing cum to his place of Craighous, and requyring for hir relive, he refusit to grant the samyn, quhill thay manassit to bring his Maiestie about his said house, and raise ffyre thairin; and fwa compellit him to releve hir: Committing thairbye, Rapt and Reveisching of the said Iffobell, Hamefuckin, Convocatioun of our fouerane lordis liegis; and hes tressonablie vsurpit his hienes auctoritie, in taking and violent and forceabill detening the said Iffobell his frie liege, expres contrair the lawis and Actis of Parliament; and he being airt and pairt thairof: Quhairbye he hes incurrit the panis, contenit in the said lawis and Actis of Parliament; quhilkis fuld be execute aganis him, with all rigour.

Continewit to the morne, the xiiij day of Januare.

[*Mr Williame Hairt and Mr Williame Borthuik, Justices-Deputes.*]

(Feb. 17.)—The quhilk day, Johne Kyncaid of Craighous, being enterit on pannell, appointit to heir and see our fouerane lordis Will declarit, in the quhilk he become, in ane Court of Justiciarie, haldin in the Tolbuith of Edinburgh, the xij day of Januar, the yeir of God I^m.Vj^o. and anc yeiris, be Mr Williane Borthuik, Justice-depute, for taking of Iffobell Hutcheoune wedo, his hienes frie liege, furth of Johne Johnestoune, baillie of the Water of Leith hous thair, and taking of hir to his awin duelling-houfe thair; committit the xvij day of December lastwas:—Comperit Mr Williame Brois, seruitour to Alexander Mas-

ter of Elphingfoune, Thefaurer to our fouerane lord, and produceit ane Warrant direct to the Justice, Justice Clark and thair deputtis, contening his hienes Will; and defyrit the Justice to pronunce and declair the said Will, according thairto; and to caufe infert the samyn in the buikis of Adiornall, to haif the frenth of ane Act and decret thairof. The quhilk Warrant being red, the Justice pronunceit his hienes Will conforme to the tenour thairof, and ordanit the samyn to be infert and regiftrate in the buikis of Adiournall; to haife the frenth of ane act and decret thairof; with executioun of horning and poinding, to be direct aganis the said Johne and his cawtioun, for fulfilling of the said Will; and the horning to be vpoune ane simple charge of fax dayes warning; quhairof the tenour followis:

JAMES, be the grace of God, King of Scottis. To our Justice, Justice Clark and pair deputis, greeting. Forfamekill as Johne Kyncaid of Craighous, is becum in our will, for þe Reveifching of Ifobell Huchefoun, wedo: Thairfoir, We declair our will as followis, to wit; that the said Johne Kyncaid fall mak payment to ws and our Thefaurer, in our name, or to sik vtheris as our said Thefaurer fall appoynt and affigne, of the fowme of xxv^s (2500) merkis money of our realme: As also, that he fall delyuer to ws and our said Thefaurer his broune horse: Commanding heirbye 3ow our said Justice, Justice Clark and 3our deputis, to caufe pronunce and declair þis our will aganis þe said Johne, judiciallie, and infert þir presentis in our buikis of Adiornall, to haif the frenth of ane act and decret; that executioun of horning and poinding may be direct aganis þe said Johne, vpoune ane simple charge of fax dayes. Subferyuit with our hand, at Halyrudehous, the last day of Januar, 1601 3eiris.

(Sic subferibitur)

JAMES REX.

Slaughter.

[*Mr Williame Borthuik, Justice-Depute.*]

Jan. 22.—WALTER SCOT, James Scot and William Scot in Schoftanis, all brether to Robert Scot of Bowhill, and John Scot in Quholp-law, alias callit *Johne of Bonytoun*.

Comperit Mr Allane Hammiltoune, feruitour to Sir Arcebald Naper of Edynbillie, knycht, and as procuratour for the said Sir Arcebald, and produceit our fouerane lordis lettres, deulie execute and indorfat, purchest be Alefoune Edmeif-toune the relict, and the said Sir Arcebald Naper as fader, with the brether and remanent kyn and freindis of vni^q Arcebald Naper, Gudeman of the Wowmet;¹ to tak fouertie of Walter Scot, &c. that thay fuld haif comperit befor the Justice or his deputis, this day and place, in the hour of caufe, and vnderlyne the law for the Slauchter of the said vni^q Arcebald;² be the quhilkis lettres the saidis perfonis ar denunceit our fouerane lordis rebellis, and put to the horne. The said Mr Allane Hammiltoune protestit for releve of Johne Naper, 3ounger of

¹ Woolmot, near Edinburgh. ² George Birrel gives the following notice in his 'Diarey,' p. 52, 'The aucht of November (1600), Arcebald Napier ilane be fyve of the name of Scot and Thomas Crichtoun, ryding hame to his awen hous to the Wowmet.'

Merchintoune, cawtioner for productione of the faidis lettres : quhairvpoune he askit actis and instrumentis.

[*Mr Williame Hairt, Justice-Depute.*]

Breaking into the Place of Boningtoun—Chest of Title Deeds, &c.

Mar. 31.—JAMES WOD, ffeare of Boningtoune, and Williame Wod of Latoune.

Dilatit of the breking of the Place of Boningtoune, &c.

PERSEWAR.

Mr Thomas Hammiltoun of Drumcarne, Aduocat to our souerane lord, for his hienes interes. PRELOQUUTOURIS for James Wod, Mr Johne Ruffell, Mr Alexander King, Mr Laurence M^cGill, Capitan Andro Gray, Robert Gray.

The Aduocat produceit his Maiesteis Warrant, subferyuit with his hienes (hand,) ordaining him to insift in perfuit, &c. ; quhair of the temour followis.

REX,

MR THOMAS HAMMILTOUNE of Drumcarne, our Aduocat, We greit 3ow weil. It is our will, and We command 3ow, that estir pe sycht heirof, 3e compeir before our Justice or his deputis, in our Tolbuith of Edinburgh, the last day of March instant, in pe hour of caus ; and insift in perfuit of James Wod, feare of Boningtoune, and Williame Wod of Latoune, tane and dilatit of breking of pe Place of Boningtoun, and of pe tressonabill and thifteous steilling and away-taking furth pair of, of certane ewidentis, writtis and pleneiffing, pertening to Patrik Wod, eldar of Boningtoune, and to pe Lady Vlane :¹ As also, for contravening of pe Actis of Parliament in heiring of Mefs ;² and ressetting of Lueis,³ ane Seminarie Preift : ffor pe quhilk thir presentis salbe 3our Warrant. Subferyuit with our hand, Att Halyrudhous, the last day of March, 1601. (Sic subfcribitur) JAMES R.

Thairefter, the said Mr Thomas Hammiltoune produceit the Dittay following.

DITTAY against JAMES WOD and WILLIAME WOD.

JAMES WOD, feare of Boningtoun, and WILLIAME WOD of Latoun ; Ye ar indytit and accusit : fforfamekill, as it is statute and ordenit be our souerane lordis Actis of Parliament, and speciallie, be ane Act maid in his hienes Parliament, hauldin and begun at Edinburgh, the xxix day of Julij I^m.V^c. lxxxvij yeiris, that incaise it sal happin ony laudit men to be lauchfullie and ordourlic convict of the crymes of Thift, Ressett thairof or Stouth-reiff, in tyme cuming, thay fall incur the cryme and payne of Tressoune ; that is to say, tinfall of lyffe, landis and guidis ; as the said Act at mair lenth beris : And trew it is, that ye and ather⁴ of yow, being landit gentilmen, accompaneit with Thomas Daw, fnyth in Brechin, Alexander Daw, in Carrestoun, his brother, and vtheris your complices, laitlie, vpoun the xvj day of March instant, came, vnder fylence and cloud of nycht, fra the citie of Brechin, to the Place of Boningtoun, pertening to Patrik Wod, eldar of Boningtoun, fader to yow the said James ; quhair Alexander Daw schott the haill 3ettis⁵ of the said place, and preiffit⁶ to pryise⁷ the

¹ A strange corruption, for Ulysses-haven, in the shire of Forfar. ² There is no notice of this branch of the Dittay having been insisted on, and no farther notice is taken. *Birrel* says, in his 'Diarey,' p. 54, 'The last day of Marche, James Wood of Bonnytoun and his guid-brother Williame Wood ibolit ane Affyze for being at the Mefs in Andro Napier's hous ; but continewit the executioun.'

³ Name left blank. ⁴ Either, each. ⁵ Shot or unbolted the bars and bolts, or other fastenings, of the gates. ⁶ Made a strenuous endeavour. ⁷ To prize or wrench open by means of any lever, such as a 'pinch' or crow-bar, &c.

irne ȝett thairof, and to enter thairin perforce: And becaus ye could nocht pryife the said irne ȝett, ye pryfit vp ane stainehell¹ of ane laich volt windok,² and enterit thairby to the said place: And efter your entrie, ye opnit the haill duris, and schot the lokis of all the kiftis³ within the said place, and spaciallie of the Chartour kift, standing in the chalmere of dace⁴ of the said place, perteing to your said fader; ffurth of the quhilk ye tressonable (and) thisteouslie stall, concealit, reffett, stouthfullie rest, and away-tuik, the haill evidents being thairin; and findrie vther writtis furth of ane vther kift, within the Galrie of the said place, and opnit the haill remanent kiftis and cofferis being thairin; ffurth of the quhilkis lykewyife, ye tressonable and thisteouslie stall, stouthfullie rest, reffett and away-tuik nyne pair of scheitis, foure buird-clathis,⁵ twa dosone and twa of feruettis,⁶ ane pair of blankettis of fustiane, and ane peace of vnbleicht linning claith: And efter that the haill kiftis wer opnit, and that ye wer paking vp the writtis and plenneiffing foirsaid, within the saidis buird-clathis, Matho Wod in Croftis, James Wod his sone, and Dauid, ane ryner boy to the Maister of Ogilvie, came to the Place of Boningtoun to yow, and helpit to pak vp the graith: Lykeas, ye the said Williame Wod of Latoune, with Matho Wod, James Wod and Dauid, and ilkane of yow, thane thisteouslie convoyit away and bure vpoun thair bakis, the haill plenneiffing aboue writtin, writtis and evidents, togidder with ane lytill coffer with writtis, pertening to the Lady Vfsane, furth of the said Place of Boningtoun, towardis the Place of Boschene; quhair ye wes reffett be Johne Ogilvie, seruand to the Maister of Ogilvie, and be yow the said James Wod, fear of Boningtoune, haifing borrowit the said Place of Boschene to that purpos: And vpoun the Thurisday thaireftir, being the xix day of this instant, ye thisteouslie transportit and convoyit the saidis evidents, writtis and plenneiffing, fra the said Place of Boschen to the Place of Inchtur; quhair ye the said James Wod, be your self, and vtheris of your causing, reffett the famin: And swa, ye and ather of yow ar art and part of the thisteous breking of the said Place of Boningtoune, and of the tressonabill and thisteous steiling, conceeling, away-taking and stouth-reiff, furth thairof, of the plenneiffing, writtis and evidents aboue writtin, pertening to the said Patrik Wod of Boningtoune, fader to yow the said James, and to the said Lady Vfsane; and of the reffett thairof: Of the quhilkis crymes, ye, being landit gentilmen, and being ordourlie and lauchfullie convict, ye and ather of yow hes incurrit the cryme and pane of Tressoune, viz. tinfall⁷ of lyffe, landis and guidis: To the takin⁸ that ye and ather of yow ar art and part of the saidis crymes, ye haif confest the famin be your Depositionis; as the famin, subscryuit be your handis, beris.

The famin day, the Laird of Latoune, efter reding of the Dittay produceit be the Aduocat, declarit that he wald becum in the Kingis Maiesteis Will for the famin: Quhairvpoun the said Mr Thomas Hammiltoun askit instrumentis.

The parteis, requiring that this mater mycht continew to the morue, THE JUSTICE repellis, and ordanis proces.

The preloquitouris for James Wod desyrit that thay may haif licence to propone declinatouris aganis ony Assessor that he fall speir att.—It is alledgeit be the said James Wod and his preloquintouris, that na proces can be led aganis the said James; becaus he is challengeit vpoun crymes of Tressoune, and that he is nocht summond vpoun fourtie dayes, to vnderly the law for the said cryme, quhilk aucht to be; in respect he is nather tane *in flagranti crimine*, nor putt

¹ Stancheon. ² The window of a low vault or cellar. ³ Chests. ⁴ The presence chamber, or room of state. Properly speaking, it is that part of a hall which was raised higher than the rest; the place of honour. ⁵ *Chawmer o' dais* is still used to signify a parlour, in remote parts of the country. ⁶ Table-cloths. Servets, towels, or table napkins. ⁷ Loss; from the verb to *lyne*, or lose. ⁸ In token, evidence, or proof.

to the horne.—To the quhilk it is anfuerit, that it is nocht necessar to warn him vpoun fourtie dayes, becaus he is accufat of Tressfoune, and brocht fra the Kingis waird to the bar.

THE JUSTICE ffindis proces, and repellis the alledgeance; quhairvpoun my Lord Aduocat askit instrumentis.

It is alledgeit, that the Dittay is nawyis relevant, becaus it is difconforme to the Act of Parliament; becaus the Act of Parliament is anent commoun thift, reffett of thift, or stouth-reiff; and trew it is, that the propositioun of the Dittay is nocht fa sett down, but only vpoun simpill thift; quhair that the wordis of the Act of Parliament is extendit only to commoun thift, commoun reffett, commoun stouth and reiff.—The Aduocat anfueris, that the alledgeance aucht to be repellit, in respect of the Actis of Parliament and Dittay; speciallie, feing thair is na thing obieetit aganis the tua poyntis of Dittay, anentis the reffett of thift and stouth-reiff, quhilkis ar baith fenerallie (*separately*) releuant.—It is anfuerit be the defender, that thay wordis of the Act of Parliament, anent reffett of thift, stouth-reiff, man (*must*) be *eiusdem nature* with thift; that is to say, commoun thift: And forder, the haill strenth of this Dittay, sa far as is qualefeit aganis Bouningtoun, is qualefeit vpoun the alledgeit actuall deid of thift, alledgeit committit be him, quhilk of all necessitie man be, be the Act of Parliament, commoun.—The Aduocat anfueris, that the wordis of the Act of Parliament ar confaut dif, and ewerie poynt thairof is relevant, lyke as the pannell is perfewit for the thift, reffett of thift and stouth-reiff.—It is anfuerit be the pannell, that that word ‘commoun’ is vnderstand to be repetit in ewerie pairt of the dif ; and as simpill thift is nocht Tressfoune, *nullo minus* is simpill reffett or simpill stouth-reiff, Tressfoune; for thay man be *eiusdem nature*.—The Aduocat alledgeis, that the said alledgeance aucht to be repellit, in respect of the wordis of the Act of Parliament.

(2.) Forder, it is alledgeit be the defender, that the Dittay is nocht relevant, becaus it condiscendis nocht quhat landis the excipient hes; for, without it wer speciallie condiscendit vpoun, the Dittay can nawyis be relevant to infer Tressfoune: And forder, gif the Aduocat wald condiscend, we mycht and wald allege, that gif ony Infeftment the defender had of thay landis, he wes, lang before the alledgeit committing of the cryme lybellit, denudit of thais landis, be Decreit of Redemptioun obtenit att the instance of his fader; and we declair that the alledgeance is only proponit to elide that pairt of the lybell concerning Tressfoune; vnder protestatioun, that he nawyis grantis the cryme lybellit.—The Aduocat anfueris, that the alledgeance aucht to be repellit, in respect of the Dittay; ffor gif he haif land, the conclusioun anent the Tressfoune standis relevant; and gif he want land, the rest of the Dittay will tak his lyffe and all his gudis.—It is anfuerit,

that my Lord Aduocat man say *positiue*, that he is landit, and condiscend quhat land he hes ; for it man be lybellit and cognoscit be Assyife, quhidder he be ane landit gentilman or nocht ; and ane presumpitioun can nocht be put to ane Assyife, bot (*without*) ane affirmatioun and ane speciall condiscending vpoun quhat land he hes ; and the partie man be hard, to propone his defenslis aganis the famin.—The Aduocat repetis his former anfuier.

(3.) Forder, of all necessitie, the Aduocat man condiscend vpoun the names of the landis, becaus gif he wald condiscend, that same condiscending wald be ane sufficient exceptioun to the defender, to purge him of the hail Dittay ; be reafoun that the eidentis, alledgeit stollin, will be fund to be the eidentis of the landis quhairof he falbe condiscendit to be heretour ; and swa, can nawyis be thift ; for ane man can newir be callit and convict of thift, for steilling of his proper guidis ; that is contrar to the definitioun of thift, quhilk is *contractatio rei aliene, invito domino*.—The Aduocat repetis his former anfuier and the Dittay.

(4.) ITEM, it is allegeit that the Dittay is nocht relevant, in respect that it condiscendis nocht, quhat eidentis and of quhat landis thay ar of ; quhilk man be condiscendit vpoun, in respect the defender wald sufficientlie purge the hail Dittay and away-taking thair of, be schawing that the saidis eidentis wer his awin proper eidentis.—The Aduocat repetis the Dittay for anfuier.

(5.) ITEM, it is forder allegeit, that this Dittay can nocht be putt to the knawledge of ane Assyife, becaus it man reffane ane Ciuile precognitioune, quhilk is nocht¹—The Aduocat anfuieris, that thair is na Ciuilitie in Trefoun, and the allegiance mereitis na anfuier.—The defender sayis, he will say na mare at this tyme.

(6.) ITEM, anent the seruiettis, *non relevat, et est res parvi momenti* ; and *per se* can work na thing.

INTERLOCUTOR of *Relevancy*. THE Justice ffindis the Dittay relevant ; and remittis the famin to the tryell of ane Inqueist, nochtwithstanding of the hail alledgeances aboue writtin, proponit for the pannell ; and to be verefeit to the Inqueist, as accordis.

Vpoun the quhilk Interloquontour, the Aduocat askit instrumentis.

ASSISA.

Sir Patrick Creychtoun of Strathaird,	Mr Patrik Balfoure of Pitculloch,	Johne Mathefonne of Brochtoune,
Patrik Hepburne of Riccartoune,	James Richefoune of Smetoune,	Alexander Fairlie of Braid,
Patrik Levingtoune of Saltecoittis,	Johne Houstoune of Lany,	Patrik Johnestoune of Elphing-
George Lyle of Stanypeth,	Johne Fairlie of Comeistoune,	stoune.
Mr Patrik Hepburne of Smetoune,	Williame Congiltoune of that Ilk,	

The Adnocat askit instrumentis of the swering of the Assyife ; and that my Lord Justice will nocht reffane the Laird of Latoune in will ; bot will put him to ane Assyife. The Aduocat (also) askit instrumentis of the reding of the Dittay to

¹ Left blank.

the Assyse; and of the production of the Act of Parliament; and of the production of the foure Depositionis, maid and subscryuit be the pannell; beirand the haill contentis of the Dittay.

The Defender acceptis the Dittay, the haill verificatiounis and Judgeis Interloquontour, and repetis the haill allegeancis proponit ofbefore, to be cognofcit be the Assyse; And alledgis, to the Assyis, that feing the Act of Parliament is ane part of the Dittay, and the fundament and ground of the famin; and feing, the haill Dittay and verificatioun consistis vpoun thift; in caise the Assyse find nocht the pannell giltie of Commoun Thift, protestis, that he be chargeit of the said Dittay and Act of Parliament; and ane cryme or poynt of Thift, of the law and practik of this realme, man newir be estemit Commoun Thift; and ane persoune can newir be convict of Commoun Thift, for ony ane alledgeit poynt or cryme; ffor he, of the law and practik of the realme, is estemit ane Commoun theif, quha is convict of thre feuerall poyntis and crymis of Thift; quhilk is nather qualescit in the Dittay nor verifeit. And forder, the Defender takis instrumentis, that thair is na thing producit to verifie him to be ane landit gentleman; and thairfore, of all necessitie, man be clangeit of all poyntis of Tressoune; ffor except it had been relevantlie qualifeit in the Dittay, and sufficientlie instructit, that the Defender wer ane landit gentilman, Tressoune could nather be inferrit nor concludit vpoun that dittay. Forder, the defender alledgis, that the remanent of the crymes contenit in the said Dittay, for the alledgeit away-taking of the eidentis and the Confessioun maid be him of the famin, is na cryme of Thift; haifand consideratioun, that the eidentis is confessit to appertene to his fader, to quhome he is eldest sone and apperand air; and the away-taking of his faderis eidentis, can newir import Thift; haifing consideratioun, that his fader, quhom-fra the eidentis is alledgeit tane, is na persouwar nor complenar; and thair is na actione that can be compitent for the awaytaking thairof, bot¹ only ane simple action of spuilzie; ffor that wer ane dangerous preparatiue² to the haill realme of Scotland, that quhen ane sone offendis his fader, ather be alledgeit away-taking of his eidentis, horse or vther graith, the fader newir complenand nor syndand falt with the doing of the said deid, that the committeris falbe convict of Tressoun or Thift, at the Aduocatis instance.

To the quhilk, it is answert be the Aduocat, that the Assyse aucht navyis (to) respect the alledgeance proponit, in safar as this Dittay is consauit aganis William Wod of Latoune; becaus he nather proponis nor adheris to itt, bot hes ratifeit his Depositionis, and hes becum in his Maiesteis will, for the haill poyntis of the Dittay; in respect quhairof, in cais the Assyis onywyis clange,³ protestis for Wilful errour. And in safar as the alledgeance is proponit for Boningtoun,

¹ Unless, excepting.

² Precedent, example.

³ *Cleansc*, or acquit.

the fyrst pairt, anent the Commonne Thift, nawyis concernis the Affyis, bot the dittay foundit vpoun the Thift, Reffett of Thift and Stouthireiff, specialle fett down in the Dittay, in ewerie speciall poynt thairof, is fund relevant be my Lord Justice; and the confideratioun of the relevancie of the famin, only pertenis to the Judge, and nawyis to the Affyis, quhais dewtie is only to try, declair and determine, gif the fact and deid contenit in the Dittay to haif bene done and committit be the Pannell; and gif thay be giltie thairof, thair giltienes of the quhilk Dittay being manifest, be thair awin Depofitiounis, fubferyuit with thair handis and red in thair prefens before the Affyis, thay nor nane of thame can pretend ony ignorance thairof: And quhair it is alledgeit, that it is nocht verifeit that the faid James Wod is ane landit gentilman, that aucht to be repellit, in respect of the notorietie that he is eldest fone and apperand air to the Laird of Boningtoun, and fear of the faid lewing; as his fubfcriptioun of his awin Depofitioun, produceit, beris: Nether is it neceffar that the Aduocat, perfeward for his Maieftis interes, fal verifie, be writt or production of the pannellis euidentis, that he is ane landit gentilman; quhilk wer impossibill, the writtis being in the defenderis awin handis; quhilk, poffible, can nocht be prefumit to be habill to be recoverit be the perfewar; bot in crymes of Treffoun, fyve yeiris poffeffioun of heretage, be the rebell, is *loco tituli*, and makis the rebell to be repute to haif bene heretabill proprietor of the faidis landis, and the heretabill rycht of the famin to befall to the King, be fforfaltour. And it is of veritie, that the defender hes poffeft the Landis of Birnie, as heretabill proprietour thairof, be the fpace foirfaid: in respect of the notorietie quhairrof, and of his awin affirmatione foirfaid, it being manifest and notour that he is ane landit gentilman, and that he hes committit the hail crymes contenit in the dittay, as is cleirly verifeit be the Depofitiounis produceit, and Latounis Confessioun, and becuming in will; in caife that the Affyfe clange him of ony of the pointis libellit, protestis for Wilfull error aganis the faid Affyfouris, and all payne that can follow thairvpoune. As to the laft pairt of the alledgeance, that the fader, to quhome the euidentis and geir pertenis, perfewis nocht, and that the fact is committit be his eldest fone and apperand air; anfueris, that albeit the partie grewit keipis fylence and perfew nocht, the Aduocat hes fufficient interes, be exprefs Act of Parliament, to perfew all crymes, without concurrence of the partie: Lykeas, the perfewar acceptis that pairt of the alledgeance, that the deid contenit in the Dittay is committit be the Laird of Boningtounis eldest fone, quhilk beris ane judiciall Confessioun of the treflonabill fact contenit in the Dittay, and fand be interloquoutour of the Judge to be ane treflonabill cryme.

It is anfuerit, that the Dittay and ewerie heid thairof aucht to be verifeit; and quhair it is alledgeit, that he man be prefewmit ane landit gentilman, becaus he

subferyves ‘ffear of Boningtoun,’ that argument can work na thing, becaus na thing can mak ane man ffear, bot Chartour and feafing ; and forder, gif that may verifie, *ergo*, it is confest be the perfewar, that the eidentis tane away ar the defenderis awin proper rychtis, and fa can nocht be Thift : As to the Act of Parliament, the famin militatis na thing in this caice, ffor in the caice of the Act of Parliament, it is the cryme that makis the man tratour ; and this cryme *pe*, *et sua natura* is na Treffoun, except it be committit be ane landit gentilman ; quhilk man (*must*) be verifeit.

VERDICT of the *Affyse*.

QUHILKIS perfounis of Affyis, being chofin, and the said JAMES WOD, fear of Boningtoun, and WILLIAM WOD of Latoune, being accufit oppinlie in judgment, be reding of þe said Dittay, &c., thay removit altogidder furth of Court, to the Counfal hous of the said Tolbuith ; quhair thay, being convenit, electit and chufe the said James Rychardfoune of Smetoune Chancillar, and reafonit and votit vpoun the poyntis of the said Dittay ; and efter lang deliberatioun, being throwchlie auisit thairwith, thay reenterit agane in Court, and thair, be the mouth of the said James Rychardfoune Chancillar, all in ane voce, ffand, pronunceit and declarit the said *Willame Wod of Latoune* to be ffylit, culpabill and convict of the Dittay aboue writtin, and haill crymes thairin contenit ; in respect of his Depofitiounis, and that he become in his Maiefteis Will thairfore : AND als, the said perfounes of Affyfe, for the maist pairt, be the mouth of the said James Rychardfoun of Smetoun Chancillar, ffand, pronunceit and declarit the said James Wod, ffear of Boningtoun (as ffear of Boningtoun, quhilk he confest to, be his awin subferiptioun at his Depofitiounis) to be ffylit, culpabill and convict of airt and pairt of the thifteous breking of the Place of Boningtoune, entering thairin perforce, accompaneit with the perfounes contenit in the said Dittay, and of opning of the haill duris and lokis of all the kiftis within the said Place ; and speciallie, of the Chartour-kift, standing in the chalmer of daice of the said Place, pertening to Patrik Wod of Boningtoun his fader ; and of the thifteous steilling, conceling, stouthfullie reifing, refletting and away-taking furth of the said kift of the haill eidentis being thairin, and fudrie vther writtis furth of ane vther kift, standing within the galrie of the said place ; and opning of the haill remanent cofferis and kiftis being within the said place ; and of the thifteous steilling, stouthfullie reifing, refletting and away-taking furth thairof, of nyne pair of fcheitis, foure burdclathis, twa dofone and twa feruettis, ane pair of blankettis of fusteane, and ane piece of vnbleachit linning claith, pertening to the auld Laird of Boningtoune ; and of ane coffer with eidentis, pertening to the Lady Vlane ; committit vpoun the xvj day of March instant, vnder fylynce and cloud of nycht.

‘ Hary Stewart of Craigiehall and George Dowglas of Langnurdrie, anerciati in þe pane of ane hundreth markis’ each ; for not appearing ‘ to haif past vpoun the said Affyfe.’

SENTENCE. Apr. 1. THE quhilk day, JAMES WOD, fear of Boningtoune, and WILLIAME WOD of Latoune, being presentit on pannell, to heir and fie dome pronunceit aganis thame, as thay that war lawfullie and ordourlie convict and fund guiltie, be ane Affyis, in ane Court of Justiciarie, baldin in the Tolbuith of Edr the last day of Marche lastbypast, be the said Justice-depute, of airt and pairt of the thifteous breking of the place of Boningtoune, &c. as at lenth is contenit in thair Convictionis : Thairfoir, the said Justice-Depute, according to the tennour of the Act of Parliament, hes fund, be the Convictioun of the said James Wod, as feare of Boningtoune, and the said Williame Wod of Latoune, be ane Affyis, of the crymes of thift foirsaidis, that thay and ather of thame hes incurrit the cryme and pane of Treffoune, viz. tynfall of lyffe, landis and guidis : ffor the quhilk canse, he, be the mouth of Robert

Galbraith, dempstar of Court, hes Ordanit and Ordanis thame and ather of thame to be tane to ane gibbet, standand be-eift the mereat-croce of Ed^r, and thairvpoune to be hangit, quhill thay be deid:¹ And all thair landis, heritageis, takis, steddingis, rowmes, possessiounis, coirnis, cattell, guidis and geir to be forfaltit and inbrocht to our souerane lordis vfe, as conviet of the saidis crymes.²

[*Mr Williame Borthuik, Justice-Depute.*]

Breaking into the Place of Bonningtoun—Stealing Title Deeds, &c.

Apr. 3.—THOMAS DAW, fynyth in Brechin, and Alexander Daw, fynyth, his brother, in Correstoune.

Dilatit of airt and pairt of the thifteous Steiling, conceing, ressetting and away-taking of certain eidentis and writtis, with pleneiffing, furth of the Place of Bonningtoun;³ with certane pleneiffing, scheittis, blankettis and buirdclathis; and ane coffer, with writtis, pertening to the Lady Vlane.

The Aduocat takis instrumentis of the Confessioun of the pannell, of thair being at breking of the Place of Bonningtoun; and that Thomas Daw gat thre crownis, and Alexander Daw gat ane crowne, for thair panis: And protesting, gif the Assyis clenge, for Wilfull errorr: Repeittis lykewyis the Depositionis of Latoune and Bonningtoun; quhilkis ar produceit to the Assyis.

VERDICT. The Assyis,⁴ be the mouth of Thomas Somervell, merchand in Ed^r, chancellor, stand, pronunceit and declarit the saidis Thomas Daw and Alex^r Daw to be ffylit, culpabill and conviet of airt and pairt of the thifteous steling, conceing, ressetting and away-taking of the saidis writtis and eidentis, &c.

May 7.—The Justice-depute, be the mouth of Robert Galbraith, Dempstar, ordanit the said ALEXANDER DAW to be tane to the gibbet on the Castle-hill, and thairvpoun to be hangit⁵ quhill he be deid; and all his movabill guidis to be efcheit and inbrocht to our souerane lordis vfe, as Conviet of the saidis crymes.

¹ It is probable that great interest was made for the young Laird of Bonningtoun. The sentence was not carried into execution till Apr. 27; under which date, Robert Birrell records as follows:—‘James Wood of Bonnyntoun beheidit at the crossè, at 6 houres in the morneing, for breaking the Place of Bonnyntoun, quhillk appartenit to hes father, and fould haif beine hes awen.’

² Since the above was written, the Editor has found the following interesting notice:—‘UPON Moun-day pe 27 of Aprile (1601), THE LAIRD OF BONYTOUN was beheaded at pe Crossè of Edinburgh, betwixt six and fevin in the morning, be a Commission from the King, directed to pe Bailliffes of Edinburgh, tymonfly in the morning; for howbeit great intercession was made be Huntly, Erroll, Hume, and operis, yett pe Ministers were insiant with the King, to have a prooffe of his sincerity. He died ane obstinat Papist, ever looking for pardon till the last gasp. He pretended he suffered for the Roman Catholic Religion, but it was noe point of his Dyttay; only the steeling of his father’s evidences and writtes was layed to his charge. LATOUN gatt Remission, be pe moyen of Courtearis.—*Calderwood’s Church Hist.* MS. Adv. Library. ³ In an abstract of their Dittay, which is inserted, it is stated, that they, ‘accumpaneit with the Wodis,’ &c. ‘vnder sylence and cloude of nycht, come to pe Place of Bonningtoun, and pair thifteoullie clam ye barnekyn wall with ane ladder,’ &c. ⁴ Composed of ‘merchandis’ and ‘burgessis’ of Edinburgh. ⁵ Birrell says, ‘The 7 of Majj tua men wer hangit on the Castell Hill, the ane callit Williame Crihtoun, for thift; and the uther, Alexander Smythe, dager-maker, for opining of the lockis to the Laird of Bonyntoun.’

Perjury — Hearing of Mass, &c.

Apr. 24.—MR WILLIAME BARCLAY, brother to Sir Patrik Barclay of Towie, (Tollie) knycht.

Dilatit of Periurie; and Heiring of Mefs, contrair the Actis of Parliament.

Comperit Daud Hairt, seruitour to my lord Thesaurer, and produceit the lettres deulie execute and indorsat, purchest be Mr Thomas Hammiltoune, his hienes aduocat, aganis Mr Williame Barclay, for the crymes within contenit. ‘Continewit *in cras.*’

[*Mr Williame Hairt, Justice-Depute.*]

Apr. 25.—DITTAY. THAT quhair, it is expresse provydit, statute and declarit, be Act of Parliament, maid in the tyme of his hienes derrest mother, vinq^{le} Marie Quene of Scottis, that the panis of Periurie falbe to the personis committeris thairrof, confiscatioune of all thair guidis movabill, warding of thair personis for yeir and day, and langer, induring hir Maiesteis will; and to be infamous personis, never abill to bruik office, honour, dignitie nor benefice, in tyme to cum: And als, it is statute and ordanit, be Act of Parliament, maid in his hienes Parliament, haldin and begun at Ed^r the viij day of Junij the yeir of God J^m.V^c.lxxxiiij yeiris, that in all tyme cuming, all Wilfull Heraris of Mefs, and conceallaris of the samyn, be execute to the death; and thair guidis and geir escheit to our fouerane lordis vsf, sa fone as thay fall be fund gyltie and convict thairrof, or declarit fugitiue for the samyn, befor the Justice-generall and his deputtis, or the lordis of his hienes Privie Counsale; as the saidis Actis, at mair lenth beris. AND trew it is, that the said Mr Williame Barclay, haifing, in pe moneth of lastbypast, sworne and subseryuit befor the Presbyterie of Ed^r that he wes of the Religioune presentlie profess within this realme; nochtwithstanding thairrof, vpoun the xx and xxj dayes of Marche lastbypast, he assistit and hard twa Messis, quhilkis war said be Mr Alex^r M^rQuhirrie, ane Jesueit Preist, within Andro Naperis duelling house in Ed^r; be the heiring quhairrof, and assistit thairto, he hes profest and sworne the contrair Religioune; and sua, hes committit the cryme of Periurie, and incurrit the pane thairrof abouewrittin, contenit in the said Act of Parliament: Lyke as, he, be the wilfull heiring of pe saidis twa feuerall messis, at the twa feuerall tymes *respective* abouewrittin, hes incurrit the panis contenit in the vther Act of Parliament, maid anent Wilfull heraris of Mefs, viz. the pane of death and confiscatioune of all thair movabill guidis.

The said Mr Williame refusit to abyde the tryell of ane Assyis; bot become in his Maiesteis Will for the samyn crymes: Quhairvpoune the said Mr Thomas Hammiltoune askit Actis and instrumentis.

[*Mr Williame Borthuik, Justice-Depute.*]

May 2.—The said Justice-depute produceit his Maiesteis Warrant, concerning his hienes Will; quhilk he pronuceit and oppinlie red in jugement; quhairrof the tennour followis.

JAMES, be pe grace of God, King of Scottis. To our Justice, Justice Clark and his deputtis, greting: fforfamekill as Mr Williame Barclay, brop^r to pe Laird of Towie, is becum in our will, in ane Justice Court, haldin in our Tolbuith of Ed^r, vpoune pe xxv day of Apryle lastbypast, for Periurie, and hering of Mefs, contrair pe tennour of our Actis of Parliament: Thairfoir, We declair our will, as followis, to wit: ffor pe Periurie, We ordane pe said Mr Williame to be declarit Infamous, and nocht habill, now, to bruik office, honour, dignitie or benefice, within our realme: And for pe hering of Mefs, we decerne and ordaine him to be Baneist our realme, during all pe dayis of his lyfetime, and never to returne within pe samyn, vnles, be satisfactiounne of pe Kirk, he obtene our speciall Licence to pat effect; vn-

der þe pane of deid : And that he remoue or depairt furth of our realme, within fourtie dayis nixt efter his libertie furth of his present waird. Commanding, heirfoir, 3ow, our said Justice, Justice Clark and 3our deputtis, to pronunce and deliuer þis our will, iudicialle, aganis þe said Mr Williame : And pair-estir, caufe commit him to waird agane, within our Castell of Ed⁵, pair to remane quhill the forder know-ledge of our will and plefour towardis him. As 3e will anfuer to ws pairvpoune : Quhairnent þir presentis falbe 3our Warrant. Subferiuit with our hand, At Dalkeith, the last day of Apryle, and of our regne þe xxxiiij 3eir, 1601.

(Sic subferibitur) JAMES REX.

Quhilk being oppinlie red and declarit in judgment, the Justice-depute inter-ponit his authoritie thairto.

[*Mr Williame Haert, Justice-Depute.*]

Exhibiting the King's Portrait, on the Public Gibbet, &c.

Apr. 25.—ARCHEBALD CORNUALL, ane of the toune officiaris of Edin-
burghe.

[THE following Trial is perhaps unparalleled in the Annals of Criminal Jurisprudence, in any coun-try ; and cannot be read without exciting feelings of the utmost disgust and indignation, at the cold-hearted and vindictive, nay, sanguinary spirit, which dictated the pronouncing and carrying into execu-tion of so awful a sentence, for an offence of so trivial a nature, probably originating in pure accident or inadvertency, or at most in a foolish jest of the officer, who would, no doubt, for his own interest, as well as that of his employer, in making a sale, endeavour to dispose of the picture to the best advan-tage. The Dittay only accused him of '*preiffing* to haif hung the same' upon the gallows ; but that he was prevented from doing so by the people.

It is evident that the King instigated these disgraceful proceedings ; and it is equally certain, that the unhappy victim of this most tyrannical act suffered death accordingly. The '*Affilse*' bears all the marks of a selected '*set* of worthless and pluckless wretches.' No less than *eight* of their number are Tailors, who have at no time been famed for extraordinary firmness or independence. The voracious Robert Birrel gives the following account of the matter. '*The same day (Apr. 27), Archibald Cornell, toune officer, hangit at the Croffe, and hung on the gallows 24 houres : And the caus quhairfore he wes hangit : he being an unmerciful, greedie creatur, he poyndit ane honest manis hous, and amongst the rest, he poyndit the King and Queins picturis ; and quhen he came to the croffe to compryfe the same, he hung thame up upon twa naillis on the same gallows, to be compryfit ; and thai being sene, word 3ead to the King and Queine, quhairupone he wes apprehendit and hangit.*' If Birrell is correct with regard to date, (which it would appear he is,) it makes the matter still worse, so far as the King is concerned ; for it puts violent and sudden rage out of the question. The '*treffonabill fact*' took place upon the 15th day of April ; so that the trial, condemnation, and execution must have proceeded on cruel, deliberate, and malicious determination : The proceedings before the Justiciar are dated Apr. 25 ; and the poor town officer did not suffer death till Apr. 27.

Unfortunately for the character of King James VI. this is by no means a solitary instance,—witness the Cases of John Dickson, in Lyne, Aug. 3, 1596 ; Francis Tennent, Oct. 10, 1600 ; Thomas Ross, son of Ross of Craigie, in 1618 (executed Sept. 10), and many others. Another very remark-able instance of the arbitrary and despotic character of James, in the month of October the same year, is given in the new and accurate edition of Lord Hailes' Annals, 8vo, Edinburgh, 1829, Vol. iii. p. 106, and which is reprinted here, in illustration of the above remarks. The object of this latter act of tyranny is abundantly clear. Mr Peter Narne was a victim offered up to the English nation, at a time when the King was plotting with Cecil, &c. to secure his succession to the throne of Elizabeth ; as a foretaste, doubtless, of the protection he would afford them against every encroachment of his Scottish subjects. There is no doubt that this unfortunate man suffered, for his supposed *intention to murder* ;

as the torture was directed to be used, till he should confess; and then the Judge was directed to pronounce sentence of death!

So extraordinary is this Case of Archibald Cornwall, in all its bearings, that the Editor deemed it requisite to investigate the matter, as minutely as his opportunities permitted. The result of these inquiries are appended, and left to the reader's consideration, without farther observations.]

Dilatit of the ignominious Dishonouring and Defaming of his Maiestie, in taking of his Portratour, and laying of the samyn and setting thair of to the stowpis and vpperaris of the gibbet, preiffing to hing vp the samyn thairvpoune.

PERSEWAR, Mr Thomas Hammiltoun, Aduocat to our Souerane Lorde.

ASSISA.

Patrick Acarfane, wrytter,	Johne Blak, tailzeour thair,	Edmond Smyth, tailzeour (' in the Cannogait,')
William Tailzeour, deacon of the	Johne Horne, fruitman in Edr,	James Sympfoun, tailzeour thair,
tailzeouris in the Cannogait,	Johne Pillons, cordiner thair,	William Bauchop, wryter thair,
Johne Rankene, tailzeour, burges	James Aikman, tailzeour thair,	Alexander Lyell, ikyner thair,
of Edinburghe,	Dauid Bennet, tailzeour thair,	
Patrick Somervell, burges thair,	Adame Carkettill, tailzeour thair,	Patrik M'Gregour, fruitman.

The Aduocat takis instrumentis of the Admissioun and svering of the Assyis. The Aduocat protestis for Wilful Errour, in case they acquitt; in respect of the notoriety of the deid, knawin to thamefelffis.

The quhilk day, Archibald Corneuell, ane of the toune officeris of Edinburghe, being enterit on pammell, dilatit, accusit and persewit, be dittay, producit be Mr Thomas Hammiltoun of Drumcarne, aduocat to our souerane lord, for the trefsonabill and ignominious dishonouring and defaming, sa far as in him lay, of our souerane lord the Kingis Maiestie, be taking of his hienes portratour to the publick mercat place of this burgh, and thair schamefullie and wyildlie (*vilely*) setting the samyn to the stowpis and vpperaris of the gibbet; and in mair, and manifest and trefsonabill contempt and disdane of his Maiestie, he stuid vp vpoune ane buird or furme, besyde the said gibbet, and cald ane nail thairin, sa heich as he culd reiche it, and listit vp his hienes portratour foirsaid, and held the samyn vpoun the gibbet, preiffing to haif hung the samyn thairin, and to haif left it thair, as ane ignominious spectacle to the hail world; gif he had nocht bene stayit, be the just indignatione of the hail people, minassing to stane him to deid, and pulling him perforce fra the said gibbet, to stay his trefsonabill fact foirsaid; committit be him, vpoune the xv day of Apryle instant.

VERDICT. The Assyis, be the mouth of the said Johne Rankene, chancillar, ffind, pronunceit and declarit, for the maist pairt, the said Archibald Cornwall to be fylit, culpabill and convict of the trefsonabill setting of his Maiesteis portratour to the tramme of the gibbet; and presenting of the samyn, to be hung heich vpoun ane nail infixt in the said gibbet.

SENTENCE. For the quhilk cause, the said Justice-depute, be the mouth of Robert Galbraith, dempstar of the said Court, decernit and ordanit the said Archibald Cornwall to forfalt lyffe, lands and guidis, and to be tane to the said

gibbet, quhairvpoune he preiffit to hing his Maieftis portratour, and thairon to be hangit quhill he be deid; and to hing thairvpoun, be the fpace of xxiiij houris, with ane paper on his foirheid, contening that vyild cryme committit be him.

(1.) NARRATIVE *taken from Wodrow's MSS.*¹

IN the faid moneth of Aprile (1601), one of the officeris of Ed^r, having rowping at the Croce of Ed^r certane poindit geir, amang the quhilk the Kingis picture wes; and to the effect that the bred² and picture nicht be the better fene (the officeris stand being hard beyde the gibbet) vndifcretlie and rafchelic the officer wes calling³ in ane nail in the gibbett, to haue hung vp the bred, as wes reportit, and yit hang not vp the famin, bot ceiffit, being admonifchet be fum of the pepill ftanding by, that it wes not weill done to put vp ony nail to the effect foirfaid: Allwyfe, vpoun the faid prefumptioun, the officer wes challengit and put in wairde, within the tolbuith: And the Kingis Maieftie, being informit thairof, caufit examine certane witneffes thairvpoun; and thairefter the faid Officer wes put to ane Affyfe, and convict vpoun the faid prefumptioun; and dome gevin vpoun him, to be hangit xxiiij houris, with ane paper on his foirheid, declaring the faid caus. Lyke as, he wes fua done with, vpoun the faid xxvij of Aprile, about fax houris at evin; and fufferit to hing on the gibbet quhill the next day, at evin, at the fame time: And thaireftir, the gibbet wes takin down and brunt with fyre.

(2.) ACCOUNT *taken from Calderwood's MS. Church History.*

Apr. 27, 1601.—UPON the fame Mounday, at fax houres at even, ane Officer of Edinburgh, named Archibald Cornwall, was hanged upon a gibbet, at pe Croffe of Ed^r. At pe rowping of fome poynded gear, at pe Croffe of Edinburgh, finding a broad wherein was the King's picture, and ftanding hard beyde the gibbett, undifcretly and rafhly was driveing in a nail in the gibbett to hing up the board, as was reported: but being admonifhed by fome of pe people ftanding by, he ceafed and hanged it not up: Alwayes, upon the fame prefumption, he was putt in waird, in the jayle. The King, being informed, caufed examine certaine witneffes; and thereafter, he was putt to ane Affife, convicted and condemned to be hanged, and to hing twentie four houres, with a paper on his forehead: which was done; and thairefter the gibbett was taken down and burnt with fyre.

(3.) EXTRACTS *from THE RECORDS of the Town Council of THE CITY OF EDINBURGH.*

Apr. 17, 1601.—FOR the honour and reverence thai aught to our foueran lord, his darrest fpos and children; Statutes and ordanis, that nane of thair Maieftis and graceis pictures and portraits be poyndit, rowppet or compryfet, for ony maner of caus, publictlic or privatlic, heirefter: Difchargeing thair officeris and feriandis of the fam and of thair offices in that pairt, vnder the payne of tynfall of thair faid offices, and wairding of thair perfounis for the fpace of twenty dayes.

(Apr. 22.)—The Bailleis, deyne of gild, thefaurer, and maift pairt of the Connfall being convenit, appoyntis George Todrig baillie, David Williamfoun and Patrik Sandelandis, to pas to his Maieftie, prefentlie at Dalkeyth, and to inform his Maieftie of the trewth, anent the offence confaet be his Maieftie aganis Archebald Cornuell, officer, for the alleget hinging of his Maieftie and fpos picture at the gibbet, in ane rowping.

(May 1.)—Thomas Hammiltoun appointed in place of 'vniq^e Ar^d Cornuell.'

(4.) COMMISSION OF JUSTICIARY *to Robert Lord of Roxburgh, for the Torture, Trial and Execution of Mr Peter Nurne.*

JAMES, be the grace of God, King of Scottis; To all and findrie our lieges and fubditis, quhom-

¹ Wodrow's MSS. Adv. Library, Edinburgh, Vol. IX. Rob. III. 2, 9. ² Board; a painting on panel. ³ Driving.

ever it effeiris, to quhais knowlege thir our letters fall come, greeting. FORSAMEKLE as MR PETER NARNE, haveing maist traiteouslie devifit and confpyrit the Murther and deftruction of Englishmen ; and for executioun of this vyld and abhominable fact, haveing trained thame within oure realme, promiffing unto thame to get thame advancen in credite and service with us ; and haveing brocht thame to the town of Kelfo, he thair refolvit to have accomplifhen his faid vyld Murther ; and being in the actual executioun, he was, be the providence of God, stayed, the pur innocent strangearis releivit, and himself apprehendit, and is presentlie in handis. Quhilk vyld and detestable coyfnage and Conspiracie of an intendit and confpyrit Murther, being of fo rare ane example and preparative, and carrying with it fa foull ane sclander and reproche to our natioun, giff the fame be not accordingly tane order with and punifheit : And albeit, thair be na law maide againe practizars and Conspiratours of ane Murther, unexecute ; and that this fact, naikedlie considerit, will not appeir punefthable to the death ; yet We, haveing regard to the circumstanceis thair of, with the interest quhilk it carryis to our service, and the sclander and reproche to our natioun, We have thairfoir, of our awin absolute auctorite and power, Ordanit the faid vyld and detestable Conspiracie to be punefheit to the death ; to the terror of all uthiris to interprife the lyke heireftir. For quhilk purpois, We have maid and constitute, and be the tenor heirof Makis and Constitutis, our richt trust coufing and counfallor ROBERT LORD OF ROXBURGHE, our Justice in that parte, to the effect undirwritin ; Gevand, Grantand and Committand to him, our full power and Commissioun, expres bidding and charge, to try and examine the faid Mr Petir, upoun the forme, maner and circumstanceis of the faid Conspiracie, and upoun the vyld Murther, quahirof he is suspect gilty ; And, giff neid beis, for the better discoverie of the treuth, to put him to Tortour : As als wa, to put him to the knowlege of ane Affize for the same, and giff he cry gilty of the faid Conspiracie and intendit Murther committit be him, that he caus execute him to the deid for the same ; and in special, for the foull and treterous Conspiracie foresaid : And for this effect, Justice Courtis, at quhatfomevir placeis convenient, to sett, begyn, affix, have and continew ; fuitis to make to be callit ; absentis to amerciat, unlaws and escheitis of the saidis Courtis to ask, lift and raise, and for the same, giff neid beis, to poind and distrenzie ; Assifers neidfull to this effect, *respective*, under the pane of forty pundis, to summond, warne, elais, and cauis to be fworne ; clerkis, serjands, dempstair, and all uthir officiars of Courte neidfull to make, ereat and ordane, for quhome he sal be haldin to answer ; and generallie, all and findrie uther thingis to do and use, quhilk for executioun of this our Commissioun ar requisite and necessar ; ferme and stable halding, and for to hald, all and whatfomevir thingis in our name fall be done herein. Given undir our signet, and subferivit with our hand, AT BRECHIN, the tent day of October, and of our reign the xxxv, and yeir 1601.

(Locus figilli.)

JAMES R.

Breaking into the Lord Chancellor's House—Theft, &c.

May 7.—WILLIAME CREYCHTOUNE, sumtyme indweller in Edinburgh.

Dilatit and accusit, ffor samekill as he, accumpaneit with John M^cCulloch and Robert Ahamay, laithie, in the moneth of September lastbypast, cam to Johne Erle of Montrois chancellaris houfe, besyde the Abay of Halyruidhous, and thair, vnder sylence of nycht, brak the samyn, and thifteouslie stail, concealit, reflert and away-tuik furth thair of, fourtie-fyve pound pecis, ane cloik, twa dowblettis, ane bow and foure arrowis, with ane pair of silk schankis, pertening to James Grahame, sone to the Chancellor, and vther seruandis to the Chancellor : Att the leift, for airt and pairt of the steilling, concealing and away-taking thair of.

As at mair lenth is contenit in the Dittay, quhilk wes verifeit be his avin Depositiounis and Confessionis.

VERDICT. The said Williame wes putt to the knowledge of ane Assyse, and thay being chofin, sworne and admittit, be the mouth of George Frenfche in Edinburgh, chancillar, stand, pronunceit and declarit the said Williame Creychtoun to be ffylit, culpabill and convict of the crymes foirfaidis.

SENTENCE. ffor the quhilk caus, the said Justice-depute, be the mouth of Robert Galbraith, dempstar, ordenit the said Williame Creychtoun to be tane to ane gibbet to be affixit vpoun the Castel-hill of Edinburgh, and thairvpoun to be hangit quhill he be deid; and all his movabill guidis to be escheit, &c.

[*Mr Williame Hairt and Mr Williame Boirthuik, Justices-deputes.*]
**Treason—Purchasing, Forging, and Vending of Counterfeit and
 Adulterated Coin — Theft, &c.**

Maij 29.—THOMAS M^cALEXANDER of Drumochreyn; James Johnestoun, sone to Johnestoun in Kirkealdie, funtyme seruitour to Johne Johnestoun, wryter; George Dowglas, funtyme in Bengoure, now in Edinburgh; Williame Maxwell, sone to George Maxwell in Haik; Cuthbert Home, sone to vmq^{le} Robert Home of Reidheuch; and James Moffat, sone to Moffet of Helbeth.

Perfewis be Mr Thomas Hammiltoun of Drumcarne, aduocat to our souerane lord, for his hienes interes, of the crymes following, that is to say,

DITTAY against M^cAlexander and Johnestoun,

FOR airt, pairt, red, counsale and conceiling of the tressonabill Outing^t amangis our souerane lordis liegis, in the Tounis of Gawyefyde, Dalfarf, Hammiltoun, Clochftane, Air, Irvin, and vtheris pairtis, of certane fals and counterfit ten schilling peices, to the similitude of his hienes trew coingie; committit ane yeir senfyne in harvest. *Item*, for airt, pairt, red, counfall and conceilling of the tressonabill forgeing, counterfitting, casting and prenting of xxx false ten schilling peiceis, within the cite of Glasgw, in Daud Hallis bak chalmer thair; quhair thay, togidder with vmq^{le} Marioune Hepburne and ane ferwand woman of hirs was lugeit; off the quhilkis, thay tressonablie outit ane to the said Daud Hallis wyffe; and the said Thomas M^cAlexander delynerit twa of the saidis pieceis to the said James Johnestoun, at the Bridgend of Glasgw; and als delyuerit to him fyve pundis w^t2 thairof, in ane lytill zaird at the said Brigend, quhilk he tuk bak fra him agane. *Item*, for airt, pairt, &c. of the tressonabill fforgeing, prenting and casting in calmis² of trie, fillit with calk,¹ within the place of Tourlandis, of twa fals foure merk pecis, to the similitude of his Maiesteis trew coingie of foure merk pecis of silver; quhair of the said Thomas outit ane to ane honest man in Air: Lyke as, the said James, be direction of the said Thomas, convoyit the calme out of Irving to the place of Tourlandis, quhair he and Sandie of Tourlandis wes present at the tressonabill fforgeing of the saidis pecis, quhilk wer maid of ane pew-

¹ This term corresponds with the modern law term 'uttering'; literally, putting out, circulating. ² Probably for 'worth,' although it is also an usual abbreviation for 'wecht,' weight. ³ Moulds. ⁴ Wood bedded with chalk or plaster.

der plait: Committit in harviſt, bygane thrie ȝeir. *Item*, the ſaid Thomas being accuſt ffor airt, pairt, &c. of the treſſonabill reſſaueing fra George Dowglas, callit of Bengowre, of fourtie poundis in fals fyve pound pecis, foure pound pecis, and crounis, to haif bene outit amangis our ſouerane lordis liegis, as trew and guid gold; quhairof he outit twa fals crounis to Johne Johnſtonn in Mayboill, and lent the reſt thairof (except ane foure pound peace and twa crounis, quhilkis he refernit to him ſelf) to Gilbert Makalexander in Air; and delynerit the foure pound peace to Bruce, his ſernant. *Item*, the ſaid Thomas dilatit and accuſt, fforſamekill as he, accompaneit with William Boirthuik of Johnſtounburne and twa of his ſeruandis, betuix Martines and ȝwill,¹ in the yeir of God Im.V^c.lxxxvij yeiris,² paſt owre att the Queinis-ſferrie, towardis Caſtell Campbell, or thairby, quhair thay brak ane hous, and thiſteouſlie ſtall, concealit, reſſett and away-tuik furth thairof foure hors, and cam about be Stirling to Falkirk, quhair his naig³ tyrit: And ſwa, wes airt and pairt of the thiſteous ſteilling of the ſaidis foure hors. *Item*, the ſaid Thomas being dilatit of airt and pairt of the thiſteous ſteilling, conceſſiog, reſetting and away-taking of ane naig fra ane ſeruand of the Erle of Caſſilis, quhilk Bruce his ſeruand ſtall be his directionne, and William Maxwell delyuerit the ſamyn to Gylbert Mealexander.

DITTAY againſt George Douglas, ſumtyme in Bengoure, now in Edinburgh.

DILATIT for the treſſonabill bying of fourtie pecis of fals gold, in fyve pound pecis, foure pound pecis and crounis, and the maift pairt of them wer crounis, fra vni^q^{le} Dauid Johnſtonne, quhilk he reſſaut in the moueth of Junij, or thairby, in Kingorne, to be treſſonable outit; ffor the quhilk he payit fourtie merk in guid ſiluer, quhairof Johnſtounburne, his partiner, payit tuentie merkis. Lykas, he, togidder with the ſaid William Boirthuik, William Maxwell, Moirlie and James Hoppringill his ſernandis, paſt, at Mydſomer was ane yeir, to ane fair in Air, for outing of the ſamin, quhair he, in the ſaid fair, coſt⁴ ane broune meir;⁵ ffor the quhilk, he treſſonable outit and payit xxiiij poundis of the ſaid fals gold: And als, bocht ane naig fra James Hammiltoune, ſeruand to the Maifter of Cathcart; for the quhilk he treſſonable outit and payit xxvj or xxvij lib. of the ſaid fals gold; The quhilk gold the ſaid James Hammiltoune, being outand in Aire, for certane Lundoune wairis, the ſamin wes cryit fals; the ſaid James immediatlie thaireſtir followit the ſaid George, fra the bureht of Air, be the ſpace of foure myles, raſt the countrey and owertuik him and his cumpany, and compellit him to reſſaue the fals gold, and reſtoir the ſaid naig to the ſaid James Hammiltoune: Eſtir the quhilk, he, accompaneit with Thomas McAlexander apperand of Drummochrone, William Boirthuik of Johnſtounburne and his ſeruandis, fatt doue be ane brae-ſyde, and pairt⁶ the fals gold quhilk he left vnoutit,⁷ and delyuerit fourtie poundis worth thairof to the ſaid Laird of Drummochrone, in fals fyve pound pecis, foure pound pecis and crounis; and outit and delyuerit to the ſaid William Boirthuik, his partiner, tuentie poundis worth thairof; and reteuit thrie crounis thairof to him ſelf; quhilk he thaireſtir outit and delyuerit to the ſaid Williame Maxwell; and ſua, hes committit Treafoun.

DITTAY of Williame Maxwell, ſone to George Maxwell in Haik.

INDYTTIT, acenſit and perſewit, ffor airt, pairt, red, counfall and conceilling of the pairting of the ſaid fals fyve pound pecis, foure pound pecis and crounis, quhilkis George Dowglas, callit of Bengoure, pairtit and delyuerit att ane brae-ſyde, cumand out of Air, att Mydſomer wes ane yeir, to Thomas McAlexander, apperand of Drummochrone, and Williame Boirthuik of Johnſtounburne; quhairof he delyuerit fourtie poundis worth to Drummochrone, and xx lib. thairof to the ſaid Williame Boirthuik, quha delyuerit the ſamyn to the ſaid Williame Maxwell, quha convoyit it to Edinburgh; and att his cuming, reſtorit agane to the ſaid Williame Boirthuik, quha thairefter outit ane of the ſaidis fals crounis in , and ane vther in Lauder; and thairby, the ſaid William Maxwell committit Treafoun.

¹ Yule or Christmas.

² Anno 1598.

³ Horse, nag.

⁴ Purchased, bought.

⁵ Mare.

⁶ Parted, divided.

⁷ Uncirculated.

Item, indytit ffor the trefounable reffauing fra George Dowglas of thrie fals crownis, to be outit as guid gold amaugis our feuerane lordis leigis; quhairof he delyuerit ane to Jeane Reid, fpous to James Lewingftoune, in wad¹ of ane faiddill, and the vther twa he delyuerit to the Guidman of Johnftounburne. *Item*, accufit, fforfamekill as he, being in cumpany with vmq^{le} Morlie, and being feruandis to Williame Borthuik of Johnftounburne, be his fpeciall directioun and command, pait to Weft Lowtheane about Caldermure or thairabout, and thifteouffie ftall, concelit, reffett and away-tuik furth thair of, twa meiris; quhilk he convoyit to the weft end of the toune, and thairfra directit thame hame with Morlie to Johnftounburne; and cam in him felf to Edinburgh to James Lewingftounis hous thair, quhair ye mett the Guidman of Johnftounburne and tauld him how ye fped.

DITTAY againft James Moffet, fone to Moffet of Helbeth.

FORSAMEKILL as he, accompaneit with Petir Daveis Johnftoun of Kirkhill, Thomas Stewart feruand to Rob of Kirkhill, Jony Lyall and Cryftie Brydene feruandis to the Guidman of Cairtertoun, and James Wilfoune vnder Geordie of Kinmonth, in the moneth of I^m.V^c.lxxx yeris, cam to ane hill pertening to Mr James M^cMath of Dalpever, and thair thifteouffie concelit, reffett and away-tuik aff the famin, fourfoir of fcheip, pertening to the faid Mr James; off the quhilk he gatt fourtene for his pairt.

DITTAY againft Cuthbert Home, fone to vmq^{le} Robert Home of Redheuch.

FORSAMEKILL as he, accompaneit with Johne Broderftanis, younger fone to Johne Broderftane, fefchour in Tranent, and Richard Paterfoune, in the moneth of March, or thairby, I^m.V^c.lxxxvij yeris, cam, vnder fylence and cloud of nycht, to John Creychtounis duelling-hous at Preftoun-grangemyll, and thair thifteouffie brak the faid hous aboue the dur, enterit thairin, and brak vp his kift, and thifteouffie ftall, concelit, reffett and away-tuik furth thair of, foure hundreth poundis worth of gold and filuer, or thairby, and maift crewallie dang the faid Johne Creychtoun and his wyff, and left thame for deid: Of the quhilk foune he gatt fiftie pound for his pairt. *Item*, ffor the thifteous Refetting of faxtene fchep, or thairby, pertening to Sir Patrick Hepburne of Lufnes, knycht, and Williame Caldeleuch in Eifter Gemmilfeheillis, his feruand and fchiphird; quhilkis fcheip wes thifteouffie ftollen be Mertene Hall: Committit in the moneth of Januar I^m.Vj^c. yeris. *Item*, ffor Commoun Thift, Commoun Reflett of thift, inputting and outputting of thift, fra countrey to countrey, fra land to land, bayth of auld and new.

FOR the quhilkis crymes, the faidis (perfonnes on pannell) wer putt to the knowledge of ane Affyife, of the perfonnes after fpecifeit; they are to fay.

ASSISA.

Johne Steuhoip of Stenhopifmyll,	Johne Logane of Cowftoune,	Alex. Horfburcht of Horkas,
Williame M ^c Clellane Tutour of W ^m Annand in Tranent,		Johne Henderfoune in Preftoun,
Bombie,	Johne Fargnyfoune of the Yle,	Rob ^t Anderfoun burges of Perth,
Dauid Seytoun, elder in Tranent,	George Hereis, fumtyme of the	Williame Polwart, fumtyme of
Capitan Patrik Herring,	Kirktonne of Effie, now in	Rottinraw,
James Dalzell eldar, in the Water of Leith,	Edinburgh,	Williame Halyburtonne, fumtyme
	Johne Boifwall of Afflek,	of Inchkairney.

The Aduocat proteffit for Wilfull Errour, in cais thay acquit.

VERDICT. Efter the accusatioun of the faidis perfonnes be Dittay of the faidis crymes, quhilk wer verifeit be thair awin Depofitiounis and Confessioun, (the Affyis) removit altogidder furth of Court to the laich Couufal-hous; quhair

¹ Pledge, security.

thay, eftir chefing the faid Johne Boifwall of Afflek Chancellar, reafonit and votit vponne the faid Dittayis *refpective*, and ewerie point thairof, &c. ; and be the mouth of the faid Chancellar ffand, pronunceit and declarit the faid Thomas McAlexander and George Dowglas, James Johnftoune, Williame Maxwell, James Moffett and Cuthbert Home, to be ffylit, culpabill and convict of ewerie poynt of the Dittayis *refpective* aboue writtin, quhairof ewerie ane of thame *refpective* wes accufit, and quhilk wes laid to thair charge.

DOME pronounced againft the Pannels.

FOR the quhilk caus, the faid Mr Williame Haert, Justice-depute, be the mouth of Robert Galbraith dempftar, ordanit the faid *Thomas McAlexander*, as convict of Treafoune and thift; *James Johnftoun*, as convict of Treafoun; *George Dowglas*, as convict of Treafoune; *Williame Maxwell*, as convict of Treafoune and thift; to be tane to the Castell-hill of Edinburgh, and thair to be wirreit at ane ftaik quhill thay be deid, and all thair landis, heretagis, takis, ftedingis, rowmes, poffeffiounis, cornis, cattell, guidis and geir, to be fforfaltit and efcheit, and inbrocht to our fouerane lordis vfe: AND als ordanit, be the mouth of the faid dempftar, the faidis *James Moffett* and *Cuddie Home* to be tane to the faid Castell-hill of Edinburgh, and thair to be hangit vpon ane gibbett, quhill thay be deid; and all thair movabill guidis to be efcheit and iubrocht to our fouerane lordis vfe, as convict of the faidis crymes of Thift.

[*Mr Williame Haert, Justice-Depute.*]

Treason — Uttering base Coin, &c.

JUN. 6.—THOMAS GLASS in Fowles, and Johne Gib at the Wodheid of Condie.

THOMAS GLASS was dilatit for the treflonabill Outing of xij falfe fyftie-fchilling peiceis of gold, to the fimilitude of our fouerane lordis trew coinzie, amangis his hienes liegis; off the quhilkis peiceis, he reffauit foure fra vmq^{le} Walter Murray in foure fra Johne Murray his brother, and foure fra Patrik Drummond of the Lenach. *Item*, for the treflonabill reffauing fra George Drummond, faidler in Perth, of twentie peice of falfe fyve-pund peiceis, hat-peiceis, and fyftie-fchilling peiceis; and for the treflonabill outing thairof amangis our fouerane lordis liegis, as trew gold; quhairof he gaif ane pairt to Robert Schedden, nolt dryuer. AND ficylke, JOHNE GYB, for airt and pairt of the cumming in cumpany with vmq^{le} Mr Williame Balfoure, brother to the Laird of Burlie. Johne Olyphant and vmq^{le} Harie Cuke, his ferwandis, Patrik Murray of Gallwallis, his ferwandis, in the moneth of Februar laftbypaft, vnder fylens and cloude of nycht, and thair thifteoufflie breking vp the dur of the faid hous, entering thairin perforee, and thifteous fteling, concealing, reffetting and away-taking furth thairof, ane purfe with foure fcoir and twelf merkis, pertening to the faid Andro; quhilk the faid Johne delyuerit to the faid Mr Williame; togethir with ane horfe and ane meir, and his haill infyecht pleneiffing.

VERDICT. The Affyis, be the mouth of William Stalkar, goldfmyth in Edinburgh, Chancellour, stand, pronunceit and declarit the saidis *Thomas Glas* to be flylit, culpabill and convict of the crymes aboue writtin, quhair of he was accusit; and als, stand and pronunceit the said *Johne Gib* to be flylit, &c. of the crymes whair of he was accusit and persewit.

SENTENCE. THOMAS GLAS to be tane to the Castell-hill of Edinburgh, and thair to be wirreit at ane staik quhill he be deid, and his bodie to be brunt in asses; and all his landis, heritageis, takis, stedingis, rowmes, possessionis, coirmis, cattell, guidis and geir to be forfalt and escheit to our souerane lordis vse, as convict of the crymes foirsaidis: AND als decernit and ordanit the said *JOHNE GIB* to be tane to the Castell-hill of Edinburgh, and thair to be hangit quhill he be deid; and all his movabill guidis to be escheit, &c.

Horse-stealing — House-breaking — Theft.

JUN. 18.—NICOLL *alias* NIKKIE MOFFETT, at the Brigend of Cramond, and David Adiesoune, sone to Johne Adiesoune, in Dyfert.

NIKKIE MOFFETT was dilatit and accusit for airt and pairt of the thifteous steling of twa naigis fra James Bannatyne, tement to the Laird of Cleghorne, twa yeir senfyne or thairbye, furth of ane burnesyde bevest¹ Calder. *Item*, for airt and pairt of the thifteous steling of ane blak naig fra Patrik Clarksoune in Blakburne; of ane gray meir; and for commoune thift and commoune ressett of thift.—AND siclyke, DAVID ADIESOUNE being accusit for the steling furth of Margret Strathachinis hous, in the Cannogait, of ane naipkyu, quhairin thair was xij aucht mark peiceis, ane hairt of gold, ane pair of grene silk gartonis, and ane cloik of Inglis hewit² grene claith, pertening to David Drummond, seruitour to Sir Johne Ramsay, committit at Martymes lastwas: *Item*, for bryking of Mark Lord Newbottill chalmer, and steling furth thair of ane veluot cloik, ane raise veluot gounne furrit, and vtheris guidis and geir: *Item*, for the thifteous steling furth of Robert Erskyne hous, in the fit of the Cannogait, of certane gold, siluer, claythis, guidis and geir, with thre hundreth markis: *Item*, for commoune thift, &c.

VERDICT. The Affyis, be the mouth of Hector Davidsoune, sword-flipper in Edinburgh, Chanceller, stand the pannels to be flylit, &c.

SENTENCE. To be tane to ane gibbet, standand vponne the Castell-hill of Edinburgh, and thairvponne to be hangit quhill thay be deid; and all thair movabill guidis to be escheit, &c.

¹ To the westward of.

² Coloured.

Striking a Person, while the King was sitting in Judgement, &c.

JUN. 20.—JOHNE DUNDAS of Newlistoune.

Dilatit for contravening of the Actis of Parliament, in stryking of Mr James Hammiltoune, sone to James Hammiltoune, at the Vest-port of Lynlythqw ; committit the 3d of¹

PERSEWAR, Mr Robert Lyntonne, aduocat, substitute for Mr Thomas Hammiltoune.

PRELOQUUTOURIS for the pannell, Mr Johne Scharpe, Mr Will. Oliphant, Mr Robert Leirmonth.

DITTAY against Johne Dundas of Newlistoune.

THAT quhair, be our souerane lordis Actis of Parliament, maid in the moneth of Julij Im.Vc.lxxxxij yeiris, it is statute and ordanit, that quhofoewir fall stryke or hurt in ony tyme thairestir ony perfoune, before his hienes Justice or his deputis sittand in judgement, or within the inner 5ett of our souerane lordis Palice, quhair his hienes fall mak residence for the tyme, or within the outar Tolbuith of Edinburgh, the tyme that the Lordis of his hienes Sessioun (sit) for administratioun of Justice, fall incur the pane of death, and falbe accusit criminallie thairfore ; as att mair lenth is contenit in the said Act of Parliament maid thairanent : AND trew it is and of veritie, that the said Johne Dundas of Newlistoune, being forgetfull of his dew obedience and reverence, quhilk he aucht to our souerane lord and his hienes autoritie, laitlie, vpoun the ferd day of Junij instant, he being within the Tolbuith of the burcht of Edinburgh, in the bak hous thair of, quhilk is betuix the owtar Tolbuith and the inner Tolbuith, his Maiestie being for the tyme, in proper perfoune, sitand in the Inner hous with the Lordis of his hienes Counfall and Sessioun for administratioun of Justice, he than enterit in conference and speiche with Mr James Hammiltoune, eldest lauchfull sone to James Hammiltoune, att the West-port of Lynlythqw ; and estir sum contentious and hett langage past betuix 5ow (them) twa, 5e (he) maist dispytesullie, butt respect or regaird of his Maiesteis personall prefens in the Inner-hous and Tolbuith, or to the tyme and place, the before none, in the tyme of the sitting of the Lordis of Sessioun, invadit and persewit the said Mr James, and straik him with 5our (his) neave vpoun the face, and had nocht failzeit to haif followit out 5our (his) persuit, with all rage and crewaltie, againis the said Mr James, war nocht 5e (he) wes stayit be ane number of our souerane lordis guid subiectis, awaiting in the Tolbuith vpoun his hienes, or vpoun thair awin actionis for the tyme : Quhairby he, be strykeing of the said Mr James vpoun the face, quhen our souerane lord in proper perfoun wes sitand in the inner Tolbuith, and the tyme that the Lordis of Sessioun wes sitand thair for administratioun of justice, hes incurrit the pane of death ; quhilk sould be execute aganis him, conforme to the said Act of Parliament, with all regour.

(The pannell) declarit, insafar as his Maiestie, as is contenit in the Dittay, wes sitand in the Tolbuith, the samin was by his knowlege ;² and that vpoun the occasioun of sum contentious wordis fallin furth betuix him and Mr James Hammiltoune, quhairwith he wes movit to mak sum mynt³ for revange thair of, and thairby maid sum truble in the Myd-hous, quhairwith his Maiestie is justlie offendit ; That he will cum in his Maiesteis will for ony fact or offence committit to our souerane lord, or the Lordis of his hienes Sessioun, the tyme and place contenit in the Dittay ; to be confidderit be his Maiestie, according to his hienes guid will and pleasour, and according to his accusomit clemencie, schawin to vtheris his hienes liegis for the lyke crymes of before.

¹ The fourth of June instant. See Dittay.

² Unknown to him.

³ Attempt, motion.

With the quhilkis premisses, the Justice tuik him to be anisit quhill Tyifday nixtocum, the xxij day of this instant, that he mycht knaw his Maiesteis will thairin : And ordenit the Bailleis of Edinburgh present, to tak the said Johne Dundas to waird to the Castell of Edinburgh : And fielyke, caufit Andro Home, ane of the Officeris of Court, to warne the perfounes summond vpoun the said Johne Dundas Assyis, to compeir in the Tolbuith of Edinburgh to pas vpoun his Assyis, vnder the panis contenit in the Actis of Parliament.

Jul. 9.—THE following Precept ordanit to be infert in the buikis of Adiornall.

REX,

JUSTICE, Justice Clark and your deutes. We greit 3ow hairtie weil : Forfamekill as Johne Dundas of Newlistoune, being indytit and accufit in ane Court of our Justiciarie, haldin within our Tolbuith of Edinburgh, pe xx day of Junij lastbypast, for pe invading and perfewing of Mr James Hammiltoune, lauchfull sone to James Hammiltoune, att pe West-port of Lynlythqw ; and strykeing of him vpoun pe face, vpoun pe serd day of pe said moneth of Junij, &c. And We having ressauit the said Johne Dundas in our will, and having weyt and confidderit the hail circumstance of pe cryme contenit in pe said Dittay, and quhatsumeur thing wes done be the said Johne the day and place foirsaid ; the said Johne, according to our will notifeit be ws to him selff, hes payit the soun of ane thousand sewin hundreth and fiftie merkis, quhilkis wer debarfit in sum of our necessar affairis ; quhairof we discharge the said Johne for ewir be pir presentis. And fielyke, according to our directioun gevin to him, as ane vpir pairt of our will, hes comperit in presens of our Chancillar, President and Lordis of Sessioune, thay being convenit in full nowmer in pe said Inner counsal-hous for administratioun of justice, and thair hes füllelie satisfeit pame for ony offence done be him to pame, the saidis day and place. We Will thairfore, and be pir presentis declairis, that the said Johne Dundas salbe fred and relewit furth of pe waird, quhairin presentlie he is ; and We command 3ow to freith and releve him of pe famin : As also, we declair that the said Johne Dundas fall nocht att ony tyme heireftir be indytit, perfewit or accufit for ony fact or deid committit he him the day and place foirsaid ; bot We acqyite and mak him frie pairof in all tyme cuming : And thairfore We command 3ow, that, in our Justice-Court to be hauldin in pe said Tolbuith of Edinburgh, the said nynt day of Julij instant, in presens of pe said Johne Dundas, 3e mak publicatioun of pe declaratioun of our Will, estir pe forme and tenour of pir presentis ; and that the said Johne hes obeyit and fulfillit the famin in all pointis : Kepand pir presentis for 3our Warrant. Subferyuit with our hand, att Halyruidhous, the sewint day of July, the 3eir of God, 1^m.Vj^e. and ane 3enis.

(Sic subscribitur)

JAMES R.

MONCRIF CANCELLARIUS. FVIE SECRETARIUS. HOME COMPTROLLER. J. HALYRUIDHous.

Wamesucken — Brigancy — Oppression — Horse-stealing — Foraying, &c.

Aug. 1.—THOMAS CWININGHAME, sword-flipper, serwand to (William Cwninghame) the Laird of Tourlandis.

Dilatit of certane crymes of Thift, and for taking of captive and presoner Patrik Gemmill.

DITTAY *against the Pannel.*

THOMAS CWININGHAME, sword-flipper, sumtyme seruitour to William Vaus, armorar in the Canogait, being enterit on pannel, dilatit and perfewit : Forfamekill as he, accompaneit with Alexander

and Hew Cwninghames, breper to the Laird of Tourlandis, vmq^{le} Johne Cwninghame alias Potter, Marioune Parker, Isbøbell Parker hir sifter, Williame Speir, ferwand to the said Alexander, and ane vther boy, laitlie, in the moneth of Januar lastbypast, vnder feylence and cloude of nycht, be way of Hamefuckin and Brigancie, come to Patrik Gemmill duelling-hous in Tempilhous, quhair he, his wyffe and familie was, in söber and quyet maner, takand the nychtis rest, dredland na evill or harme; and thair brak vp the dur of the said hous, enterit thairin perforce, and tuke the said Patrik and his wyffe furth of thair bedis, band his wyffe fit and hand, and kaist hir in ane mekill kift,¹ manassit² the said Patrik to delyuer to thame his siluer and gold; and becaus he refusit to do þe samyn, thay band ane tedder³ about his nek, and hang him vp vpoune ane balk,⁴ quhair he hang ane lang space, quhill⁵ the said Thomas for pitie cuttit him doune; and thairefter thay pakkit vp his haill infycht guidis and pleneissing in seheitis, and causit the saidis thre wemen convoy the samyn thisteoullie vpoune thair bakis: And thairefter tuke and apprehendit the said Patrik Gemmill captiue and presoner, and convoyit him, being ane ageit man of threfoir of yeiris, in ane grit florme, be the space xxviij myles fra his awin house, quhill he come to Clyddisholme, quhair he was releuit be the Bailles of Lanerk: Vfurpand thairbye omr souerane lordis auctoritie vpoune thame; the said Patrik being his hienes frie liege; and the said Thomas was airt and pairt of the saidis crymes. ITEM, for airt and pairt of the cuning vpoune ane Sabboth day, ten onkis senfyne or thairbye, in tyme of preching, accompaneit with Williame Cwninghame of Tourlandis, Alexander Cwninghame, his brother, vmq^{le} Johne Cwninghame, the potter, and vtheris ferwandis of the young Laird of Blaquhannis, and vtheris thair compliceis, to the nowmer of xiiij personis or thairbye, and rynnng of ane forrow⁶ with the Laird of Cwninghames heidis tennentis, for the thifteous steling and reving fra thame of xij horse and meiris, qubilkis war fauld in the cuntrey. ITEM, for airt and pairt of the thifteous steling and away-taking of twa naigis, ane foir⁷ and ane vther broune, pertening to Thomas Bigger in Byres furth of the landis of Warreikhill, committit in Junij lastwas. ITEM, for commoune thift, commoune reffett of thift, &c.

VERDICT. The Assyis, be the mouth of Johne Farguesoun of the Yle, Chancellor, ffand, pronunceit and declarit the said Thomas Cwninghame to be ffyld, culpabill and convict of the haill poyntis of the Dittay aboue writtin, and crymes thairin contenit.

SENTENCE. To be tane to ane gibbet, vpoune the Castell-hill of Edinburgh, and thairvpoune to be hangit quhill he be deid; and all his movabill guidis to be efcheit, &c.

Striking Ministers — Obstructing the Designing of Mause and Glebe.

Aug. 18.—SIR DAVID WOD of Craig, knyght.

Dilatit, accusit and persewit of the crymes following.

PERSEWAR, Mr Thomas Hammiltoune, aduocat to our souerane lord.

PRELOQUUTOURIS for the pannell, Mr Johne Scharpe, Mr Lowrence M^cGill, Mr Robert Cokburne.

DITTAY against the Pannell.

FORSAMEKILL, as it is expresse statute and ordenit be Act of Parliament, maid in our souerane lordis Parliament, hauldin and begun att Edinburgh, the xxix day of Julij, the yeir of God I^m.V^c. lxxxvij yeiris, that quhatsumewir perfoun or perfounes invadit ony Minister, or puttis ony violent

¹ Chest.
or predatory incursion.

² Menaced, bullied.

³ 'Tether,' halter or rope.

⁴ Beam.

⁵ Until.

⁶ Foray,

⁷ Sorrel. Fr. saure, Ital. sauritto, a dark reddish colour.

handis in him, for feiking of thair lewingis,¹ or sic vther cauffis or quarrellis spacificit in the said Act, falbe pwneist thairfore with all regoure, and incur the pane of tinfall of thair movabill guidis for the said invasioun and violence allanerlie, albeit na Slauchter nor mutilatioun follow thairvpoune; the half of the said movabill guidis to be applyit to our souerane lordis vse, and the vther half to the partie offendit, but² preiudice of the heichar pwneifchment, gif ony gritar eryme concur with the violence and invasioun foirfaid; and to be callit criminallie thairfore, before our souerane lordis Justice or his deputtis, att particuler dyettis: As the said Act att mair lenth beris. And trew it is, that Sir David Wod of Craig, knyecht, accompaneit with vtheris his complices, with convocatioun of our souerane lordis liegis, to the number of tuelf perfounis or thairbye, all bodin in feir of weir with swordis, gantillettis and vtheris wappinnis, *inuafine*, incontrair the tennour of the Actis of Parliament, laillie, vpoun the xxvj day of March lastbypast, cam to the Kirk of Fordoun, and to the landis occupyit be lyand beyde the said Kirk, and within the Sheref dome of Kincardin, quhair Mr Adam Walker, Minitter att Fordoun wes, accompaneit with sum of the Presbiterie of the Mernis, according to the ordinance of the Act of Parliament, and the directioun of the said Presbiterie, cum to haif designit³ ane Manse to Patrik Bonkle, principall Minister att Fordoun, and to his successouris; dredand na ewill, harme, iniurie or perfeit of ony persoun, bot to haif lewit vnder Godis peax and our souerane lordis; and thair, fyrst boifit,⁴ manassit and threatint the saidis Ministeris, and speciallie the said Mr Adam Walker, for thair bodellie harmes; and thairefter, sett vpoun the said Mr Adam Walker, and invadit and strak him with the gaird of his sword vpoun the heid, putt violent handis in him, and with his sword, behind his bak, strak att him, and dang him to the eird;⁵ and with thair drawin swordis hurt and woundit him in baith his handis, to the effusioun of his blude in grit quantitie; and thairby, for the quarrell of the designatioun of ane gleib⁶ and manse, quhilk is ane pairt, at the leill, fould be ane pairt, of the said Mr Adamis lewing, he beand ane of the Ministeris of Fordoun, and helper to the said Patrik Bonkill to the cuir⁷ thairof, thay haif put violent handis in the said Maister Adam, invadit, fraik, dang and bled him with the gairds of thair swordis, and with drawin swordis, in maner foirfaid; and he wes airt and pairt thairof: Quhairby he hes incurrit the payne of tinfall of all his movabill guidis; the ane half thairof to be applyit to our souerane lordis vse, and the vther half thairof to be applyit to the vse of the said Mr Adam Walker, as partie offendit.

The pannell takis instrumentis of his entrie, and proteftis for releve of his cautioner summond for his entrie; and that thair is na partie persewar bot my Lord Aduocat; and that na persoune assistis him in this perfeit; and that the lettres ar rasit at his lordschipis instance allanerlie.⁸

The Aduocat passis fra all vther persounes, nor⁹ the Laird of Craig; and passis fra that pairt of the summondis, ordaning ony vther persounes guidis to be efcheit, *pro loco et tempore*.

The Judge declaris, that na pairt of the pane contenit in the Act of Parliament fall fall to the partie,¹⁰ bot only to the Kingis pairt, conforme to the Act of Parliament.

¹ Livings, stipend.

² Without.

³ To designate or appoint a place for the Minister's

manse, or dwelling-house, &c.

⁴ Intimidated, brow-beat.

⁵ Struck him to the ground.

⁶ The glebe (*gleba*) is a piece of arable and pasture ground, uniformly allotted to the Parochial Clergy of Scotland, and usually adjoining the manse.

⁷ Viz. the cure of souls.

⁸ At the instance of

the public prosecutor alone; not at the instance of the private party, with the Lord Advocate's concurrence.

⁹ Excepting, but, other than.

¹⁰ Viz. that the private party injured shall have

no share of any penalties which might be awarded; but that the whole should fall to the Crown, as sole prosecutor.

It is alledgeit be Sir David Wod, that this mater aucht nocht to be putt to ane Affyis, except it wer verifeit, be writt, that Mr Adam Walker is the Minister of the Kirk of Fordoun, and that he had commiffiounne to mak defignatioun of the gleib and manfe that day. Anfweris the Aduocat, that the alledgeance aucht to be repellit, in refpect of the Act of Parliament and of the fummondis; and thay thingis are *meri facti*, and only pertinent to the Affyfe.

Forder, it is allegeit be the faid Sir David and his preloquoutouris, that the lettres ar alluterlie¹ irrelevant, takand thair ground and fundament vpoun thais wordis of the Actis of Parliament, ‘ anent the invafion and putting of violent handis in ane Minister, vpoune quarrell, for feiking of his lewing;’ and that particuler caufe is only proponit in this lybell; and it is fubfunit, that diuerfe of the Ministeris of the Mernis, and fpeciallie the faid Mr Adam Walker, wes boiftit and manaffit² the day lybellit, quhilk alledgeit boifting and manaffing is na relevant caufe to induce the penaltie lybellit. Forder, that pairt is generall, nocht condiscendand vpoun the names of the vther Ministeris. *Item*, thair is ane manifft irrelevantie in ane vther pairt of the faidis lettres and fubfumptioun thairof, berand, that the gleib alledgeit defignit wes ane pairt of the faid Mr Adam Walkeris lewing, att the leift fould be ane pairt thairof, becaus he is alledgeit to be fuceffour to Patrik Bonkill, quha be the letteris thame felffis is grantit to be the Minister of Fordoune: As alfo, it is grantit that the faid pretendit defignatiounne wes maid be the faid Patrik, and fwa is grantit to be alluterlie the faid Patrikis lewing: And the Act of Parliament vnderftand in that pairt, to be, of the lewing of the perfounes that ar offendit, and nocht of the lewingis he hopis for to be fuceffour; quhilk is *de futuro contingenti*; for he may be depryvit, or deceife, before the deceife of Patrik Bonkill.

The Aduocat repeitis the fummondis and Act of Parliament, for ane anfuer.

The Judge, in refpect that this fummondis is only execute aganis the Lairdis felff, quhairby he is accufit vpoun his awin deid done be him to Mr Adam Walker, alledgeit Minister att the Kirk of Fordoune, and craving defignatioun of the gleib and manfe, as the faid fummondis beris, to Patrik Bonkill, principall Minister thairatt; and that his coadiutour wes ftrikin and invadit for that caufe, fufstemis the fummondis.

Quhairvpoun Mr Thomas Hammiltoun askit instrumentis.

ASSISA.

Willieme Raitt of Halgrene,
Robert Arbutnet, feare of
that Ilk,
Johne Allerdas of that Ilk,
Patrik Falconer of Kilhill,
Johne Irving in Quhyterigis,

David Rait feare of Halgrene,
David Arbutnet of Fyndowrie,
Alexander Sybbald (Sibbett) in
Watterftoune,
Robert Strathauchin in Munbodo,
Andro Gray of Kinggornie,

Robert Rait in Sillieflat,
Robert Arbutnet in Barkhill,
Willieme Sybbald (Sibbett) in
Carnetoune,
Archebald Irving in Reidmyre,
James Tullo in Allertoune.

¹ Altogether, entirely.

² Intimidated and menaced or threatened.

The Aduocat proteftis for Wilfull Errour, in caife thay Acquyte; becaus the Laird of Craig hes confest the deid, and maid his repentance thairfore.

VERDICT. The Affyis, be the mouth of Robert Arbuthnet, fear of that Ilk, Chancillar, for the maift pairt, fand, pronunceit and declarit the faid Sir Dauid Wod to be Acquyte, cleane, innocent and clangeit of the hail crymes aboue writtin, quhair of he wes accufit and perfewit: Quhairvpoune the faid Sir Dauid Wod afkit actis and instrumentis; and proteftit for his Testimoniall.

Sir Johnne Wifchart of Pittarro, knycht, Johnne W. his fone and air, Robert Falconer of Balandro, Johnne Allardes, fear of that Ilk, Johnne Ramfay, eldar of Balmayne, Alexander Lyndefay of Brodland and Patrik Craig in Kinneth, and ilk ane of thame, wes vnlawit in the pane of ane hundreth merkis, for nocht comperand on the faid Affyis.

Murder.

Nov. 13.—WILLIAME NUKILSOUNE (NICOLSOUNE) in Dirltounne.

Dilatit, accufit and perfewit,

FORSAMEKILL as he, and Adame Nicolfoune, his fone, with thair complices, being bodin in feir of weir, with fwordis, forkis, quhingear and viheris wappynnis, *invasiue*, laitlie, vpoune the xiiij day of September lastbypast, haifing confaut ane deidlie hatrent and malice aganis vniq^{le} Williame Jakfoune in the Cannogait, for taking of ane fchaeff of peis off thair land, fett vpoune him, vnder feylencc and cloude of nycht, befyde the Place of Dirltounne, quhair he was in sober and quyet maner for the tyme, doand his lefull effairis and buffines, dredand na evill, harme, iniurie or perfuit of ony perfonis, bot to haif leuit vnder Godis peax and our fouerane lordis; and first straik him with ane fork in at the leask;¹ and thairefter, strake him with quhingearis aboue the left palp,² and throw the bodie; and thairefter, bare him to the faid Williamis duelling-houfe in Dirltounne, and cauft dicht³ the blude fra his woundis, and fyne tuke him furth of the faid houfe, and careit him to the Place of Dirltounne, and kaift him behind the 5et thairof, to the effect that the faid crewall Murthour fuld nocht haif cum to lycht: And swa, maift crewallie and vnmercifullie flew and mordreift him; and he was art and pairt thairof.

VERDICT. The Affise, viz. 'George Dewar feruitour to the Lady Gowrie, George Bettie, cuke and brewfter to her in Dirltounne,'⁴ &c., be the mouth of Hew Baillie in North-Beruk, chancelar, fand the pannell to be Innocent and Acquit of art and pairt of the Slauchter of the faid Williame Jakfoune, &c.

Murder of the Warden of the West Marches.

Nov. 14.—THOMAS ARMSTRANG, fone to Ringanis Thom. (In the Dittay he is styled 'fone to Sandeis Ringane.'⁵)

Dilatit, accufit and perfewit be Archbald Carmichell of Edrom, brother to vniq^{le} Sir Johnne Carmichell of that Ilk, knycht, Warden of the West Marcheis of Scotland, for the tyme, of the cryme following: that is to say,

¹ The groin or flank, sometimes spelt *leask* or *lisk*. ² Breast. ³ Wipe off. ⁴ The rest of no note. ⁵ This last seems his proper designation, as the Dittaymentions 'the faid Ringane (Nimian) his fader.' The loose mode of designating persons, in the rank of life of the pannell, which was prevalent in the Borders at this period, is apt to lead modern readers into confusion as to identity of persons.

FORSAMEKILL as he, accompaneit with the said Ringane his fader, Lancie, Hew, Archie and Watt Armstrangis his brether, Sym of the Syde, Lancie of the Syde, Rob Sandie, Rob Scott, Thome Tailzeour, Williame Forrester, Williame Grabame of the Braid of the Grange of Medop, and divers vtheris his complices, to the number of xx, commoun thewis and traittouris, all bodin in feir of weir,¹ with jakis, steilbonettis, lances, hagbuttis; haifing, be the instigation of vtheris qubais names he knew, confultit, dewyfit and interpryfit the crewall, tressonabill and schamefull Slauchter of vmq^{le} SIR JOHNE CARMICHELL of that Ilk, than Warden of the West Marcheis, vpoun ane Soneday, in the moneth of Junij, the yeir of God I^m.Vj^c. yeiris, att ane meitting at the fute-ball,² quhair diuers borderaris and freindis wes conuenit to that effect: Quhilk purpois being plattit and fett down³ be him and thame, and being fuirly aduertit that the said vmq^{le} Sir Johne was to keip Court⁴ at Lochmaben, vpone the morne thairefter, being Monunday and the . . . day of the said moneth of Junij, the yeir of God foirsaid; ffor executioun of the quhilk tressonabill and vngodlie fact, thay mett altogidder, att thair trytling place⁵ of the Blerieheid, quhair thay lay att waitt for the said vmq^{le} Sir Johne Carmichellis passing by; and as he wes in fobir and quyet maner passand by to the said Court, dredand na ewill, harme, iniurie or perfit of ony personnes, bot to haif lewit vnder Godis peax and our souerane lordis, he being his Maiesteis Wardene for the tyme, thay altogidder fett vpoune him at the Rae-knowis, schott thair hagbuttis att him, and thairwith maist schamefullie, crewallie (and) tressonablie schot the said vmq^{le} Sir Johne Carmichell throw the body, and slew and mordreift him thair; vpoun fett purpois, provisioun and foirthocht felony.

VERDICT. The Assyis, be the mouth of George Ferrie, portioner of Restalrig, Chancillar, ffsand, pronunceit and declarit the said Thom Armstrang to be culpabill and convict of airt and pairt of the tressonabill and crewall Slauchter and Murthour foirsaid.

SENTENCE. For the quhilk caus, the said Justice-depute, be the mouth of Robert Galbraith, dempstar, Decernit and Ordanit the said Thom Armstrang to be tane to the mercat croce of Edinburgh, and thair his rycht hand to be strickin fra his arme; and thaireftir to be hangit vpoune ane gibbett, quhill he be deid;⁶ and thaireftir, to be tane to the Gallows on the Burrowmure, and thair his body to be hangit vp in irne cheinis;⁷ and all his movabill guidis to be efcheit, to our souerane lordis vsfe.

¹ Arrayed or furnished in warlike manner. ² At this period, especially on the Borders, it was by no means uncommon to have such meetings for playing at foot-ball, archery, &c.—and these games were often taken advantage of, for the perpetration of deeds of violence; at least, they were frequently terminated by bloodshed and violence, through the feuds of neighbouring clans or districts. ³ Plotted and arranged. ⁴ A Warden's Court, for punishment of excesses committed on the Borders, &c. ⁵ Appointed place of meeting. ⁶ Robert Birrel thus notices this event.

'The 11 of July (1600), the Laird of Carmichael buriet; quha wes slaine be the Armstrangis and Carliles, he doing and executing his office of Wardenrie, vpone the 16 of Junij befoir.' He thus notices the execution of Armstrang and *the Peck*, whose trial immediately follows. 'The 14 of November, Thomas Armstrang and Adam Steill, *alias callit the Peckit*, wer baith hangit at the croffe. This Thomas had his hand strak aff with ane stroke, befor he wes hangit, becaus he wes at the slaughter of James Carmichael. This *Pecket* wes ane of the maist notabill thieffes that evir raid.'⁷ This is the earliest notice in this Record of a Criminal being hung in chains which the Editor has yet met with, and was evidently, in this instance, suggested by the atrocity of the crime, and the dignity of the person so basely murdered. The deficiency of facts, in the earlier Volumes, may account for this circumstance; as the particulars were then seldom recorded.

Horse, Cattle, and Sheep-stealing — Slaughter, &c.Nov. 14.—ADIE SCOTT, callit *the Peck*.

Being enterit on pannell and accusit,

FOR the thifteous steilling, conceilling and away-taking of certane oxin, furth of the Drochellis, pertening to the Erll of Mortoune and his tennentis. ITEM, for airt and pairt of the thifteous steilling of certane scheip furth of ane rowme beyde Lammingtonne. ITEM, for airt and pairt of the thifteous steilling (and) conceiling of fourfeoir heid of nolt, furth of the landis of the Cairne, pertening to certane Lowthian men, quhilk wes in gerfing¹ on the famin landis. AND for airt and pairt of the slauchter of vmq^{le} Hary Rannald, feruitour to Sir James Sandielandis of Slewmanna-mure, and vmq^{le} Andro Smyth in Auchnowlis-hill, committit in the moneth of August, I^m.Vj^e. yeiris. ITEM, for airt and pairt of the thifteous steilling of foure hors furth of Corfwodburne, pertening to Sir James Sandielandis of Slewmanna-mure. ITEM, for airt and part of the thifteous steilling of xvj oxin furth of Lestoun-scheillis, pertening to Alexander Dowglas. ITEM, for airt and pairt of the thifteous steilling of certane guidis fra the Guid-wyff of Garvell-fute. ITEM, for airt and pairt of the thifteous steilling of certane guidis furth of Ingerstoun-burne, pertening to Rychard Hodge thair. ITEM, for airt and pairt of the thifteous steilling of certane claith furth of Caringtoun-mylne. ITEM, for the cuming to Johne Ker Minister of Lynis hous, breking thair of, taking of him selff presoner, and steilling of his infycht and pleneiffing furth thair of. ITEM, for airt and pairt of the thifteous steilling of twa naigis furth of Hairburneheid, pertening to Adame Johnestoun thair. ITEM, for airt and pairt of the thifteous steilling of threttie gers oxin² furth of Corfwodburne, pertening to certane Lowthean men. ITEM, for the steilling of certane oxin, pertening to Adamfoun in Lestounscheillis. ITEM, for the setting uponne vmq^{le} Rodger Schaw in Craiganbae, George Schaw thair, Quintene McMillane in Craigneill, Downie McMillane thair, Sandie McMillane thair, Johne Chalmeris in Clatteran-schawis, Johne McMillan in Dasseloch, George McMillan his brother, George McMillan in Craiginbae, Andro McMillan in Powschakene, James Reid in Stroneschakene and Williame Gordoune in Knokschene, att the Sandiehillis; quhair he and his complices slew the said vmq^{le} Rodger Schaw in Craiginbae, and thifteouslie stall xxij naigis fra thame. ITEM, for airt and pairt of the thifteous steilling of nyntene nolt furth of the byre of Nether Quhitlaw, pertening to Thomas Ker of Caveris; committit at Martimes 1600 yeiris. ITEM, for Commoun Thift and Commoun Reflett of Thift, inputting and outputting of thift.

VERDICT. The Assise³ ffand, pronunceit and declarit the said Adie Scott to be ffylit, culpabill and convict of the haill cryme of Thift and slauchteris aboue writtin, laid to his charge.

SENTENCE. The Justice Ordanit him to be tane to ane Gibbett att the mercat croce of Edinburgh, and thairvpoun to be hangit quhill he be deid; and all his movabill guidis to be escheit, &c.

Uttering Adulterated Money, &c. — Treason.

Nov. 27.—GEORGE DRUMMOND, burges of Perth.

Dilatit and accusit of,

THE Tressonabill outing⁴ of fals and adulterat money, sic as Hatt-pecis,⁵ crounes, foure pound pecis,

¹ Grazing.
preceding Trial.

² Oxen sent from the Lothians to pasture or graze.

⁴ Uttering, issuing.

³ The same as in
⁵ An early coin of James VI. in which the head is surmounted with a hat, in place of the crown or laurel.

and foure merk pecis, amangis our fouerane lordis liegis, as trew money and coinzie, att the ffairis of Perth, Striuling, and in vther mercattis in the North pairtis; quhill fals coinzie he bocht fra Hanis Johnestoune, Fleming, Charles Hereis, Fleming, and Arthour Smyth, a fuyth duelland beyde Banff, and wes coinzeit be thame in Banff, Elgyn, Abirdene and Lenoeh, fyve or sax yeiris fyne.

VERDICT. The Assyis, be the mouth of Petir Spens, dagmaker in the Cannogait, chancellor, ffand, pronunceit and declarit the said George Drummond to be culpabill, ffylit and convict of the cryme of Treafoune aboue written.

SENTENCE. To be tane to the Castell(hill) of Edinburgh, and thair to be wirreit att ane staik quhill he wes deid, and his bodie to be brent in affis; and all his landis, heretageis, guidis and geir to be forfaltit, efcheit and inbrocht to our fouerane lordis vfe, as convict of the saidis crymis.

[*Mr William Hairt, Justice-Depute.*]

ASSESSORS, Lords Halyruidhous, Dunkeld and Fentonbarnes.

Treason—Keeping the House of Cuninghamehead against the King's Commissioners — Slaughter.

Dec. 15.—WILLIAME CUNNINGHAME of Tourlandis.

Dilatit, accusit and persewit be Mr Thomas Hammiltone of Drumcarne, aduocat to our fouerane Lord, of the crymis following, contenit in Dittay produceit be the said Aduocat.

DITTAY against the Pannel.

WILLIAME CWNINGHAME of Tourlandis, ye ar indytit and accusit, fforsamekill as Alexander Cwninghame, your brother, and certane his complices, hyrit and condeuceit fuddartis,¹ haifing, in the moneth of March the yeir of God I^m.Vj^e. yeiris, tane the Hous of Cwninghameheid, and being chargeit be vertew of our fouerane lordis lettres to haif randerit the samin within², vnder the payne of Treffoune; Neuirtheles, it is of veritie, that ye, within fourtie aucht houris efter the taking of the said place, and eftir the charge gewin for randerit thair of vnder the pauen of Treffoun, convoyit youre selff and enterit within the said place and hous of Cwninghameheid, and tressonnable affistit the said Alexander Cwninghame, your brother, in keping of the said hous aganis the Lairdis of Duntraith and Vrchill, his Maiesteis Commissioneris, quha wer assageing the said place, and that be the space of xxiiij dayes eftir your entrie within the samin; during the quhillk tyme, ye and your compliceis tressonnable fshot out of the said place diuers hagbutis att the saidis Commissioneris and thair affist-eris; committaud thairby oppiu and manifest Treafoune, and incurrand the tinfall of lyffe, landis and guidis; quhillkis aucht and fould be execute aganis yow, with all regour. To the takin³ that ye ar gyltie of the said cryme, ye haif confest the samin, be youre Deposition. **ITEM**, ye ar indytit and accusit, fforsamekill as ye, accompaneit with Alexander Cwninghame, your brother, and vtheris your compliceis, being bodin in feir of weir, with seereitis, steilbonnettis, dagis and pistolettis, prohibite to be borne, worne, vfit or fclot with, be our fouerane lordis Actis of Parliament, laitlie, in the moneth of September, or thairby, the yeir of God I^m.V^e.lxxxvj yeiris, haifing confaut ane deidlie feid, rancour and malice aganis vniq^{le} James Stewinfoune in the Myltoune of Robertoune, come to the Landis of the Myltoune of Robertoune, quhair the said vniq^{le} James wes in fobir and quyet maner, doand his lesull effairis and buffines, dredand na ewill, harme, iniurie or persuit of ony perfounes, bot to haif

¹ Waged, or stipendiary soldiers.

² Left blank.

³ In proof, *token*, or testimony.

lewit vnder Godis peax and our fouerane lordis; and thair, with your wappinnis foirfaidis, maist schamefullie, crewallie and vnumercifullie slew the said vni^q James; and ye was airt and part of the said crewall Slauchter; committit vpoun sett purposis and provisioune, and foirthocht fellony. To the taikin that ye ar airt and part of the said Slauchter of the said vni^q James Stewinfoune, ye wes, vpoun the xxij day of Januar I^m.Ve.lxxxxvij yeiris, denunceit rebell and putt to the horne, for nocht comperand befor the Justice or his deputis, in the tolbuith of Edinburgh, the xxiiij day of November, the yeir of God foirfaid, to haif vnderlyne the law for airt and part of the Slauchter foirfaid; att the quhilk horne ye haif remainit continewallie senfyne, and as yit remanis: as the Letteris of Hoirning, produceit heirwith, beris.

PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, Aduocat to our fouerane lord.

PRELOQUOTOURIS for the pannell.

Mr Williame Olyphant,

Mr Johne Ruffell,

The Laird of Reidhall,

Mr Alexander King,

The Laird of Glengarnok,

The Laird of Capringtoun.

The Preloquoutouris produceit ane Warrant of the Lordis,¹ commanding thame to compeir in Defence of the Laird of Tourlandis, now enterit on pannell; quhilk Warrant is subseryuit be the Chancellor, *in presentia Dominorum*.—The pannell takis instrumentis, that the Justice declaris that *Sir Johne Cockburne of Ormifoun*, Justice clark, fall nocht be judge nor Assessour, nor yit Justice clark in this mater.² Alledgeis, that *Sir George Home*, thesaurer, can nocht be Assessour, becaufe he may win and tyne in the cause, in caise of convictioun. The Aduocat answaris, that the alledgeance aucht to be repellit, in respect he is nocht partie. The said Sir George Home declarit he wold nocht voit in that mater.—The Aduocat takis instrumentis of the admitting of my Loirdis of Halyruidhous, Dumkerd³ and Fentounbarnes to be Assessouris in this cause.

The pannell alledgeis, that he fould be cited vpoun fourtie dayes wairning, for the alledgeit Treasoune of keping of the hous. The Aduocat answaris, that it hes bene the inviolabill practik, quhen ony is tane⁴ for Treasoune, to putt him to ane Assyis for the said cryme of Treasoune, but⁵ citatioun.

The Justice repellis the alledgeance maid be the pannell.

It is alledgeit that the Dittay is nocht relevant, in respect of the generalitie thairof, nocht condiscendand att quhais instance the charge wes gevin to rander the place, quhom to, or *ex qua causa*. The Aduocat alledgeis that it aucht to be repellit, in respect of the Dittay.⁶ Forder, the Dittay is nawyis relevant, becaus I wes nocht chargeit, nor na intimation wes maid to me of the charge,

¹ This form was usual, especially in cases of Treason, in order to screen Counsel from the consequences of defending one who must be inferred to have been most obnoxious to the King. A Supplication was, in the first instance, presented to the Lords of Council and Session, by the pannel, praying them to name 'prolocutors' for the defence, and suggesting various names. The prayer was generally granted, as a matter of course.

² 'Declinator' of the Judge was competent, on the ground of relationship, or that he had a pecuniary or other interest in the case, &c.

³ Bishop of Dunkeld?

⁴ Taken or apprehended and put in ward.

⁵ Without.

⁶ It will be noticed, in the course of this Collection, that this loose and unjust mode of answering a special objection was usually sustained by the Court, seemingly on the ground, that such must of necessity be held to be *inferred*, from the general scope of the Indictment. Much of the apparent obscurity in such matters, however, may arise, from the brief manner in which these circumstances are recorded in the Books of Adjournal.

nor na qualificatioun of the Dittay of my knowlege. The Aduocat anfuervis, it aucht to be repellit, in respect of the Dittay.

The Justice ffindis the Dittay relevant, and refernes the hail defensis proponit aganis the verificatioune of the Dittay to the Assyis; ffindis the proces for the slauchter.

The Aduocat passis fra the taking away of the horse, *pro loco et tempore*.

ASSISA.

Nicoll Carnecroce of Calhill,	Capitan Patrik Herring,	Thomas Alexander, portionar of
James Weitchie of North Syntonne,	Archebald Layng, merchand thair,	Drummeldrie,
Robert Hepburne of Markill,	Johne Fairlie, merchand thair,	Williame Dowglas of Erlifmylne,
Johne Baillie of S' Johnes Kirk,	James Johnestonne, merchand	Johne Dunbar of Moynes,
Edward Edizer, merchand burges	burges thair,	Thomas Hay of Scrogis,
of Edinburghe,	Robert Home of the Heuch,	Andro Logane of Grantonne.

Qubilkis perfounes being chofin, sworne and admittit, eftir the accusatioun of the said Williame Cwninghame of Tourlandis, of the crymes contenit in the Dittay fairsaid; ffor Verificatioune of the fyrst poynt thairrof, the said Mr Thomas Hammiltoun, aduocat, produceit the said Williame Cwninghames Depositionnis and Confessiounis; quhairof the tennour followis.

DEPOSITION *and* CONFESSION *of the Pannel.*

AT ED^B, the xij day of December, 1601 3eiris. In presens of Johne Erll of Montrois, chancellor, S^r George Home of Spott thesaurar, Mr Thomas Hammiltoun of Drumcarne Aduocat, Sir Johne Cockburne of Ormiston Justice Clark, and Mr Williame Haert of Lewielandis Justice-depute, WILLIAME CWINNINGHAME OF TOURLANDIS, being sworne, and being demandit, anent pe last taking of pe Place of Cwninghameheid and keping of pe famin, anfuervis, that the hous wes fyrst tane be his broper Alexander, vponn quhais aduerteifment, vnderstanding that thair wes sum variance betuix him and the sūdartis within the place, the deponer cam to pe place, and enterit pairin, and remanit within pe famin be pe space of twentie or xxiiij dayes; be pe quhilk space he wes besaiget be pe Lairdis of Dunraith and Vrchill, haifing the Kingis Commissioun; during pe quhilk tyme thair wes sehuting out of pe hous and sehuting in: Declaris, that his broper Alexander had nocht enterit in pe place of Cwninghameheid fourtie aucht houris, before the deponer cam to him; and the taking of pe place wes about March, 1600 3eiris: Denyis that he wes chargeit or putt to pe horne, for nocht randerig of pe Place of Cwninghameheid; bot his broper wes chargeit, vnder pe payne of Treasoun, befoir pe deponer enterit in pe hous, and gatt knowlege pairof quhen he enterit.

And als the Aduocat produceit the Extract of the Lettres, vnder the signe and subseription of Mr Robert Young, for chargeing of the Toune of Glasgw to assift the Kingis Commissioner, for Assageing of the said hous, and to head fourtie haggbutteris thairto, in respect of the Commissioun and Lettres of Treasoun, direct and execute aganis the Laird of Tourlandis and his complices; quhilk wes disobeyit. Quhilk Extract of the Letteris, is of the dait, at Halyruidhous, the sewiut day of March, 1600 yeiris.

And for verification of the last poynt of the Dittay, concerning the Slauchter of the said vinq^{le} James Stewinfoune, the Aduocat produceit Extract of the

Letteris of Hoirning, vnder the subſcriptioun of Mr Johne Skene, clark of Register, quhairby the ſaid Williame Cwninghame of Tourlandis wes putt to the Horne.

VERDICT. Eftir productionne quhairof, and diuers alledgances maid aganis the ſamin, and anſueris maid thairto be our ſouerane lordis Aduocat, the hail perfounis of Affiſe paſt altogidder out of Court to the Counſal-hous; quhair, eftir cheſing of the ſaid Nicoll Carncorſe of Calſhill chancellor, &c, they ſſand, pronunceit and declarit the ſaid Williame Cwninghame of Tourlandis to be Cleane, innocent and acquit of airt and pairt of the Slauchter of the ſaid vniq^{le} James Stewinſoune, committit in the moneth of March, in the yeir of God J^m.V^c.lxxxvj yeiris, as the Dittay beris: AND als, ſſand, &c. the ſaid Williame to be ſſylit, culpabill and convict of the aſſiſting of Alexander Cwninghame his brother and his complices, in the keping of the Place of Cwninghameheid aganis the Lairdis of Duntraith and Vrehill, his Maieſteis Commiſſioneris; the ſaid Alexander being chargeit, vnder the payne of Treafoune, to haif randerit the ſamin, conforme to his Depoſitiounes, ſubſeryuit with his hand.

SENTENCE. To be tane to the mercat croce of Edinburghe, and thair his heid to be ſtrikin fra his body:¹ And als his lands, heretageis, takis, ſtedingis, rowmes, poſſeſſiounes, coirnes, cattell, guidis and geir to be ſſoirfaltit, eſcheit and inbrocht to our ſouerane lordis vſe, as convict of the ſaid cryme.

Adultery.

Dec. 16.—DAUID GRAY, fyſchemonger in Edinburgh.

Dilatit for the cryme of Adulterie, committit with Elſpeth Hiſlope, indueller in Edinburgh, and Margaret Gourlay, wedow in Edinburgh.

The ſaid Dauid confeſſis that he had ado with baith Elſpeth Hiſlope and Margaret Gourlay, as the Dittay beiris; bot kuawis nocht quhither the bairnis be his or nocht. For the quhilk he askis Godis mercie, and cummis in the Kingis will.

VERDICT. The Aſſyis, for the maiſt pairt, ſſylis Dauid Gray of the cryme foreſaid.

Dec. 26.—SENTENCE. The Juſtice, be the mouth of Robert Galbraith, dempſtar, Ordenit the ſaid Dauid Gray to be baueiſt the burecht of Ed^r, and during all the dayes of his lyff; and nocht to return thairin, without his Maieſteis licence, vnder the payne of deid: And als, Decernit and Ordanit the ſaid Dauid to pay to the Baillie of the Quarter of Ed^r quhair he duellis, the ſoume of fourtie poundis money, to be applyit to the vſe (of) the Kirk: And to paſs in waird in the Tolbuith of Ed^r, thair to remane quhill the ſamin be payit.

¹ The 16 of December, Cuninghame of Tourlands beheidit at the croſſe, for Treafoune.—*Birrel's Diary*, p. 55.

[*Mr Williame Hairt, Justice-Depute.*]

ASSESSOURIS. My Lord Chancillar, The Bifchop of Dunkeld,
The Lord of Halyruidhous, The Comptrollar, My Lord Collectour.

Slaughter — Wearing and Shooting Dags and Pistolets, &c.

Dec. 18.—THOMAS TRUMBILL apperand of Mynto ; David Dauidfone of Kames ; George, Raff, James and Williame Dauidfoune, his fones ; Jaquie Laidlaw of Rafflat ; Hector Trumbill of the Firth ; James Trumbill, callit *baneift James* ; Mark Trumbill in Bewlie ; Andro Trumbill, his brother ; Walter Trumbill, callit *Sir Davidis Wattie*.

Accusit and perfewit be Mr Thomas Hammiltoune of Drumcarne, aduocat to our fouerane lord, for his hienes interes, being affifted be Mr James Ker, brother to vniq^{le} Thomas Ker of Craling, of the crymes following.

DITTAY againft the Pannels.

FORSAMEKILL as it is statute and ordenit be diuers of our fouerane lordis Actis of Parliament, that na maner of perfoun or perfoues, of quhatfumewir eftait, degrie or conditionn thay be of, fall fehuit, weir or beir culveringis, dagis or piftolettis vpoun thair bodeis, or in thair cumpaneis, in ony pairt of this realme, ather to burecht or land, vnder the payne of cutting aff of the rycht hand, and confiscatioun of all thair guidis movabill, being conuict be ane condigne Affyis thairof : Neuertheles, it is of veritie, that the faidis perfounis, accompaneit with diueris vtheris thair compliceis, with convocatioun of our fouerane lordis liegis, to the number of xxx perfoues or thairby, all bodin in feir of weir, with jakis, steilbonettis, lagbuttis, daggis, piftolettis, lances and vtheris wappinnis invafuie, of thair caufing, command, affiftance and ratyhabitoune, the faidis dagis and piftolettis being expreffie forbidden, vpoun the fourtene day of September laftbypaft, being the mercat and flair day of the burecht of Jedburgh, cam to the faid burecht in ane profellit hoftilitie, nochtwithftanding publict Proclamatioun maid in our fouerane lordis name, and in name of Sir Andro Ker of Pharnyherft knyecht, Proveft of the faid burecht of Jedburgh, and of the bailleis thairof, that nane fould repair to the faid flair or mercat bot in fobir and quyett maner, keping oure fouerane lordis and the faid Proveft and bailleis peax : And yit, in manifft contempt of the faid Sir Andro Ker, thay haifing confaut ane deidlie feid aganis him and vniq^{le} Thomas Ker his brother, and haifing of lang tyme before invadit and perfewit Thomas Ker of Caveris, thair freind and kynnisfouan, for his flachter and hurt, and woundit him in diuers pairtis of his body, to the grit effufioune of his blude, nawyis repenting thame of thair former wickit deidis and wrangis, bot continewing thairin, thay addrest thame felffis before his ludgeing in the burecht of Jedburgh, foirantent the mercat croce thairof, he being within the famin in fobir and quyett maner for the tyme, with his (wife ?) and famelie : and thair, in publict mercat tyme of day, eftir diuers bragis, infulent behavioure and manaffingis vfit be thame foirantent the faid Proveft ludgeing, in contempt of him and his feruandis, feiking the occafioune of ane new quarrell, without ony offence, harme or iniurie done to thame, nocht only thay wure vpoun thair bodeis and in thair cumpaneis piftolettis and gunnis, bot als fehote the famin att the faid Sir Andro, his feruandis, and diuers honest inhabitantis of the faid burecht, of fett purpois, provifoun, auld feid and foirthocht fellony ; bot fpecially, fehote the faid vniq^{le} Thomas Ker and vniq George Glaidner, domeftik feruand to the faid Sir Andro : And fwa, thay maift crewallie and vnmercifullie flew the faid vniq^{le} Thomas Ker and vniq^{le} George Glaidner with thair wappinnis foirfaisdis : And thay and ilk ane of thame ar airt and pairt thairof ; and confequentlie, thay and ilkane of thame ar nocht only giltie of the faidis flachteris, bot lykewyis of fehuiting and

weiring of the faidis dagis and pistolettis, in maner foirfaid; with convocatioun of oure fouerane lordis leigis: And in respect thairof, thay and ilkane of thame aucht and sould be pwneit in thair personnes and guidis, according to the lawis of this realme, in example of vtheris.

PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, aduocat to our fouerane lord; Mr James Ker, brother to (the faid v^mq^{le} Thomas and to) the faid Sir Andro Ker of Phairnyherst.

PRELOQUOUTOURIS for the pannell, Mr Johne Scharp, Mr Williame Oliphant, Mr Johne Daling, The Scheref of Roxburcht, The Guidman of Buchtryg, The Guidman of Hwtounhall, The Laird of Mynto 3ounger.¹

Williame Erll of Angus comperit and defyrit Jaquie Laidla, duelland in Ancrum, quhilk is ane pairt of the Regalitie of Jedburghie-Forreft, to be Replegeit to his Regalitie. The Justice findis him to be replegeit.

The pannell defyris that thir materis may be continewit quhill Tyisday,² and that it may cum *in pari passu* with the vther caus;³ becaus letteris being rasit be thame ofbefore, before my lord Justice and his deputis, againis the Laird of Phairniherst and his complices, to ane day of lang tyme bypast, before ony Lettres wer rasit be the partie aganis thame, it pleasit his Maiestie to command to defert that dyett: And summondis being rasit now be my lord Aduocat aganis bayth the parteis to this day, for deidis alledgeit committit be thame aganis vtheris⁴ vpoun ane day, viz. the xiiij of September last; it hes pleasit my lord Justice, with auise of the Nobill men, counsalouris and assessoris, to continew the perfuit of thais parties nixtocum the xxij day of this instant; off all reasoun, this perfuit aganis thame aucht to be continewit to the samin day; and tryell tane of the factis committit be ather of the parteis aganis vtheris, *pari passu*, and be ane Inqueist, but ony diuision of the caussis.⁵

THE JUSTICE, nochtwithstanding of the defyre, Ordanis proces.

The Aduocat declaris he will infist aganis all the personis enterit vpoun pannell: And passis fra thir wordis in the lybel, 'be way of Hamefucken.'

THE JUGE Ordanis the Aduocat to condiscend, in speciall, vpone the tyme of the hurting of the Gudman of Kaveris.

The Aduocat condiscendis and declaris the hurt done to the Gudman of Kaveris, wes committit be the hail persones perfewit, awcht yeris fyne, or thair-by, lastbypast.

The pannell takis instrumentis of the Interloquuntour and the Aduocattis speciall condiscending vpone the tyme foirfaid of the hurting of the Gudman of Kaveris.—My lord Aduocat declaris he infistis aganis the pannell for the crymes of Slauchteris libellit, vpoune foirthocht felony; and for the bering and wering

¹ His name is only inserted at the second *dict*, after the case was continued to the Air of Roxburghie.

² Tuesday.

³ A counter pursuit against Sir Andro Ker of Phairnyherst, and others, which was delayed till Dec. 23, (q. v.)

⁴ Against each other.

⁵ Without any separation of these two cases.

of piftolettis; with convocatioune, and being airt and pairt thair of.—The pannell allegit that the lybell, in that pairt anent the Convocatioune, is na wyfe relevant, quhairvpon the perfonis vpon pannell or ony of thame may be put to the knowlege of ane Inqueift; vnder proteftatioun, that thai one na wyfe grant the famyn to be of veritye; becaus the perfonis of the pannell, famony of thaim as convenit in Jedburgh, the tyme libellit, convenit at the command and directione of the Sheref of Roxburgh, quha ofbefoir, with concurfe of the Laird of Phairnyhirft, than Proveft of the burgh of Jedburgh, had tane affurance betuix vni^q^{le} Thomas Ker and vni^q^{le} Robert Trumbill of Bewly and vtheris thair freindis; to the effect, that the Sheref mycht haif convoyit thame furth of the faid burgh, but ony trubill, at the Burne-wynd-Port, quhairin thai enterit, vpon conditione accordit vpon betuix the Sheref and the Proveft: Lyke as, the Sheref, according to the faid conditione, convoyit thame furth of the faid Point, in quyet maner, but offence of ony man; in refpect quhair of, thair repairing to the faid Sheref can nocht be comptit ony Convocatioune, quhairvpon ony cryme may be inferrit; alwyfe this allegeance is proponit for the haill pannell, vnder proteftatioune forfaid, that thai grant na Convocatioune.

My Lord Aduocat askis instrumentis vpon the declaratioune forfaid, and that it is proponit for the haill pannell.

THE JUSTICE flyndis the lybell relevant, notwithstanding the allegeance; and Repellis the fame *loco quo*; and Referris the cognitioune thair of to the knowlege of the Affyfe.

Quhairvpon the pannell askit instrumentis.—The pannell denyes ony bering or wering of hagbuttis or piftolettis the tyme libellit; and takis instrumentis that it is affermit in the libell, *difertis verbis*, that thai wer fchot to the deid with hagbuttis and piftolettis.—My lord Aduocat askis instrumentis, that it is affermit in the lybell, that thai wer fchot and flane with hagbuttis, piftolettis, ‘and vtheris wappynis.’

It is allegit be the pannell, that my lord Aduocat can never be hard to allege that thai wer flane with ‘vtheris wappynis;’ in refpect of the exprefs affirmatioun in the lybell, that thai wer fchott with hagbuttis and piftolettis.—My Lord Aduocat paffis fra thai wordis in the lybell, ‘to be deid.’

The pannell defyrit tyme to avyfe with the lybell, in refpect of the paffing fra the wordis forfaid be the Aduocat.

THE JUSTICE ordanis proces.

The procuratouris allegis for the pairt of the haill pannell, vnder proteftatioun that he on na wyfe grantis the lybell, nor na cryme thairin contenit, nor na pairt thair of to be of veritie; that the pannell aucht not to be put to the knowlege of ane Affyfe, becaus vni^q^{le} Thomas Ker and George Gladner, his fervand, wer

ordourly enterit our fouerane lordis rebellis, the tyme of the allegit Slauchter; and proponis this allegiance vnder protestatioune forsaid. And for verificatioune of the said allegiance, produceit the extract of the Horning; be the quhilk lettres thai wer denunceit to the horne, for the Slauchter of vniq^{le} Henrie Olypher.

My Lord Aduocat allegis the saidis personis wer lawfully relaxit fra the Horning produceit, befor the cryme libellit; and thairfore the forsaid allegiance aucht to be repellit; and produceit the said Relaxatioune; and askit instrumentis of the productione of the Horning, and allegis the famin to be null, in respect of the executioun not contening ony copy of the saidis lettres to haif bene gevin to the said Thomas Ker and George Glaidner, or affixt vpone thair dwelling place. To the quhilk it is ansuerit be the pannel, that the said Horning is lawchfull, being for ane criminal caus, to witt, for Slauchter, quhilk meritit na favour; be the quhilk letteris thre personis being only summond to vnderly the law, Thomas Ker and George Glaidner ar bayth personally apprehendit,¹ and the personis lykwyse lauchfully summond at the market croce, and ane copy affixt; and the letteris beris expresly, that the messinger 'deliuerit to the said Thomas ane,' quhilk of all necessity man be supponit and preswmit to be 'ane copy,' being deliuerit be the officer, quha had na vther erand with the said Thomas, bot to charge him and deliuer him ane copy: And be the subiect of the letteris, can be referit to na thing bot to ane copy; and the omiffioun of that word in the extract of the Horning furth of the Register can nocht preiuge the partie.—Ansuerit my Lord Aduocat, that the Horningis, being of thair awin natour odious, and nevir vsit to ressave ony favorabill interpretatioune in iugement, this Horning being vsit to stay the tryell of the partyes vpone pannell, for the crwell Slauchteris and vtheris crymes libellit, the Horning wanting ane necessar solempnity requisit be the Act of Parliament, is manefeist null, and sa can not stay proces.

THE JUDGE Repellis the allegiance proponit aganis the nullity of the Horning. Quhairvpone the pannell askit instrumentis.

My lord Aduocat ansueris, the saidis personis wer lawchfully relaxit fra the said Horning befor the crymes committit be the pannell and produceit the said Relaxatioune. The pannell yit, as ofbefoir, desyres continuatioune quhill Tyf-day, or to the morne, that thai may, in the mene tyme, aduysé with the Relaxatioune produceit. My lord Aduocat craves proces, and dislasentis fra all continuatioune.

THE JUSTICE ordanis forder proces.

¹ A technical phrase, employed when the officer 'serves' or 'executes,' as it is termed, the Letters or writ upon the party against whom directed, by delivering a copy to him personally.

It is allegit yit be the pannell, that in respect the maist part of thame hes bene detenit in waird this lang tyme bigane, swa that thai culd not provyde thame felffis for defence, and this Relaxatioune is bot laitylly produceit, and laitylly writtin as apperis, delay awcht to be grantit presently, in respect of the tyme of the nycht.—It is anfuerit be my lord Aduocat, sik ane allegance blekkit¹ never this buk ofbefore.—It is allegit, vnder protestatioune forsaid, that thir perfonnes vponne pannell awcht not to be put to the knowlege of ane Inqueist, for the allegit Slauchter of the said vniq^{le} Thomas Ker, becaus, the tyme of the committing of the Slauchter, he wes enterit our souerane lordis rebell and put to the horne, and herewith produceit the said Horning, vsit at the instance of James Maistertoune, for nonpayment sevin scoir ten li. (L.150) mony, and xl li. for expenslis.—It is allegit be the pannell, that the Relaxatioune producit for the first Horning, vsit aganis Thomas Ker and George Glaidner, is null, becaus it is expresly providit be Act of Parliament, that all registrationis falbe in the Sheref Court bukis of the schyre quhair the pairtyes wer demuncit, or quhair thai dwell. This Relaxatioune is nether affermit to be regiftrat in the Sheref bukes nor be the Sheref clerk, nather declarand befor quhame it is regiftrate, nor be quhame, nor befor quhame it wes produceit.—The Aduocat anfuerit, the allegance aucht to be repellit, in respect of the Relaxatioune produceit, quhilk is minut,² produceit and regiftrate in the Sheref bukes of Roxburgh, and subferyvit be the ordiner clerk thairof.—It is allegit be the Aduocat, that the Horning produceit, at the instance of James Maistertoune, aganis the said Thomas Ker (is null?) becaus it is nocht lauchfully regiftrate, within xv dayes efter the denunciatioune, conforme to the Act of Parliament, nor yit subferyuit be the Sheref clerk.—It is forder allegit be the pannell, for the fortificatione of the allegance proponit for the nullaty of the said Relaxatioune produceit, that it is null; for this caus, becaus it is not regiftrate nor affermit to be regiftrate be ony Sheref clerk; and insafer as it apperis to be subferyvit be ane callit Dowglas, thair wes never ane of that name Sheref clerk of Roxburgh, except ane Mr George Dowglas, quha deceiffit twa yeir before the said Relaxatioune; and he never affermes him felff to be clerk to the Sheref of Roxburgh. My lord Aduocat anfueris, as ofbefore, the Relaxatioune is sufficient notwithstanding the allegance, and declaris that this Relaxatioune was regiftrat be Mark Dowglas, Sheref Clerk of Roxburgh, quha wes reput sheref clerk, and vsit the office by registratione of Horningis and Relaxatiounis, and geving furth of extractis thairof.—Vponne the quhilk declaratioune the pannell askis instrumentis; and forder allegis, that Mark Dowglas wes never sheref clerk, nor affermes him to be sheref clerk, bot be the contraire, be deceis of Mr George Dowglas, Sheref clerk, Robert Trumbill wes lawfullie providit to

¹ Never blackened, defiled, disgraced.

² Minuted, noted in the 'Minute book.'

the said office, quha vsit and exerceit the said office of clerkship, dyueris yeris after the deceis of the said Mr George Dowglas.

The pannell declairis thai haif na mair to say, nor will say na mair, befor this mater be put to the knowlege of ane Assyse.

THE Juges continewis the said mater quhill the morne.

Dec. 19.—THE Aduocat allegis, that he will insift only aganis HECTOR TRUMBILL of the Firth, JAMES TRUMBILL, MARK TRUMBILL and ANDRO TRUMBILL.

It is alledgeit for the rest of the pannell, that my lord Aduocat can nocht pass fra thame, in respect of the stait of the proces, quhairin the pannell comperit and proponit sundrie defensis, quhairvpone Interloquoutouris ar gewin, with auise of the Assessoris: and eftir the proponing of the alledgancès and anfuers maid thairto, and Interloquoutour gewin be my lord Justice; partie being willing to abyde tryell of Justice, my lord Justice may nocht pass fra perffit in thair preiudice.

THE JUSTICE findis, that my lord Aduocat may pass fra thame.

The pannell allegis the Relaxatioune produceit, makis no mentioune that it wes registrate in the Sheref bukis of the sherefdom of Roxburgh; in respect quhairof, na respect aucht to be had to my lord Aduocatis allegance made thairanent.

THE JUGE, *ex officio*, desyrit the ayth of James Dowglas of Kaveris, Shereff of Roxburgh, being present, gif he knowis that Mark Dowglas wes Sheref clerk of the said sherefdom, and wes in vse to keip Courtis, and register and extract Horningis; quha being sworne, declairis, he knew not the said Mark to be Sheref clerk, be his knowlege; and that he wes never ressavit nor admittit be him to the said Office of clerkship. Quhairvpone the pannel askit instrumentis.

My lord Aduocatt askis instrumentis that my lord Justice declairis he will heir the parties be word, (and) he will gif his Interloquoutour thairvpone.—It is anfuert be the pannell, that the allegance proponit be my lord Aduocat aganis the validity of the extract of the Horning product, subferyvit be my Lord Clerk of Register, awcht to be repellit, in respect of the extract, quhilk is ane Extract furth of the Register of the Horningis of the Sherefdom of Roxburgh, and as the originall buk of the Register makis na mentioune of the clerk, swa the extract furth of the Register can mak na mentioune, becaus the Extract respectis the Register, and the Register of every sherefdom awcht not to mak mentioune of the clerk, of the productione of ilk fenerall horning; becaus it being the Register of the Sherefdom, is merkit be the clerk, quhilk is sufficient for the hail horningis thairin contenit: And my lord of Register makis na mentioune of the Sheref clerkis in the Extract of ony Horningis gevin furth be him; and

gif this Extract falbe fund null, for the argument foirfaid, the hail Extractis iufcryuit be my Lord of Register, and the hail declaratiounis gevin be the Lordis of Sefsioune thairvpone, will be fund null: And it is not proper for my Lord Justice to fynd all the faidis Extractis null, for the quhilk thair is ane fufficient Warrant be Actis of Parliament, gevand my Lord Register power to extract all Horningis furth of the Registeris, and that they fall mak als grate fayth as the principall; and gif fik ane Relaxatioune had bene, as is now produceit, thefe wald haif bene alfo in the Register of that yeir.

THE JUGE ffyudis the Extract of the Horning produceit, vnder my Lord of Registeris fufcriptione, to be fufficient. Quhairvpone the pannell askit inftruments.

It is forder allegeit be the pannell, that this Extract of the Relaxatioune produceit, is nocht contenit in the Register of the Sheref dome forfaid, nor is nocht contenit in the Register thair of that yeir, quhilkis ar extant in my Lord of Registeris handis.

THE JUSTICE Repellis the alledgance maid aganis the Relaxatioune, and fuffenis the faid Relaxatioune produceit.

Quhairvpone my Lord Aduocat askit inftrumentis.

THE JUSTICE declaris he and the Affefforis will heir bayth the faidis parteyis, be word; and gif thair allegeanceis be worthy writting, he will heir thaim to writt; vthirwyfe nocht.

Quhairvpone my lord Aduocat askit inftrumentis.

ASSISA.

Adame Quhytefurd of Myltoune,	Gilbert Pennycuik of that Ilk,	George Heiflop, armurare, burges
Neill Montgomerie of Langfehaw,	Petir Collace, indueller in the	of Edinburgh,
Matho Fynlafoune of Killeithe,	heid of the Cannogait,	George Waldye, fkyunner, burges
William Weir of Auchterfardell,	Andro Naiper, burges of Ed ^t ,	thair,
Robert Cairncorfe, burges of Ed ^t ,	Andro Scott, chirurgean,	Johne Dowglas, burges thair,
James Hoppringill of Quhyte-	James Stalker, indueller in the	Williame Fyddes, baxter, burges
bank,	heid of the Cannogait,	thair.

The quhilk day, James Ker, brother to the Laird of Phairnyhirft, being perfonally prefent in jugement, fwoir the Dittay to be trew, in prefens of the Aillyfe; quhairvpone my lord Aduocat askit inftrumentis.

To the taikin¹ that this deid being done vpone the Ruid day,² the ffair day of Jedburgh, be thir perfonis vpone pannell, thair wer takin ryd hand³ be the Proueft of Jedburgh; and at his Maieftis command brocht to the tolbuith of Edinburgh, and hes bene kepit captives thairin continually fenfyne.—The pannell takis inftrumentis, that thair is na verificatioune vfit nor produceit, for verifeing

¹ In proof or evidence.
fact, 'with the bludie hand.'

² Holy Rood, or Holy Cross day, Sept. 14.

³ Red-hand, in the

of the Dittay, bot the aith of Mr James Ker, informer. The pannell produceit ane Testimoniall, subferyuit be the Sheref, togidder with ane new Declaratioun of the maner and trewth of the Slauchteris of vmq^{le} Thomas Ker and George Glaidner; quhilk thay defyrit to be infert in proces.—The Aduocat protestis, that the informatioun of partie fould nocht be reffaut, nor the Testimoniall of the Shereff fould be reffaut.—It is agreit vpoune, that George Gybfoune and Williame Mayne fould be reffaut witness.

The Aduocat protestis, in respect that George Glaidner is flayne with ane hagbut or pistolet, quhilk is na wappin of defence, bot vnlauchful wappin, in caise the Affyis Clange, for Wilfull errour. And the Pannel protestis for Wilfull errour, in case thay Convict thame, albeit he wes flane with ane hagbut or pistolet, feing thay were nocht the slayaris of him, nor had na hagbut nor pistolet; bot thair wes that he gaue away with the saidis crymis.—And the Aduocat alledgis that the pannell are airt and pairt of the saidis crymis.

THE JUSTICE ffindis that the Testimoniall fould nocht be reffaut.

SPECIAL VERDICT *of the Affyise.*

Quhilkis perfonas of Affyis being fworne, &c. thay removit altogidder furth of the Court to the Laich-Counfal-hous, quhair, eftir chesing of the said Neill Montgomery of Langschaw chancillar of the said Affyis, and after examinatioun of George Gibfoun and William Mayne, burgeffis of Edinburgh, quha wer reffaut as witnessis, with consent of our fouerane lordis Aduocat and of the perfonas on pannell; and eftir lang reafoning and voting vpoune the poyntis of the Dittay foirsaid, being throwchlie auisit thairwith, thay reenterit agane in Court, in presens of my lord Justice; Quhair thay, be the mouth of the said Chancillar, ffind, pronunceit and declarit Hector Trumbill of the Firth, James Trumbill, callit '*baneiff James,*' Mark Trumbill and Andro Trumbill, brether to vmq^{le} Robert Trumbill of Bewlie, to be flylit, culpabill and convict of airt and pairt of the slauchteris of the saidis vmq^{le} Thomas Ker, brother to Sir Andro Ker of Pharneyhirst, and of vmq^{le} George Glaidner his seruand, committit vpoune the xiiij day of September lastwas, in the Burne-wynd of Jedburgh: And als, be the mouth of the said Chancillar, ffind, pronunceit and declarit the saidis perfonas to be Acquit of Convocatioun of our fouerane lordis liegis, and of bering, weiring and schuting of pistolettis and hagbuttis, and of foirthocht felony, and of all the rest of the lybell.

The Justice thaireftir continewis all pronunceing of Dome, till he get his Maieftis mynd thairanent; and committit the perfonas convict to waird within the tolbuith of Edinburgh.

On Dec. 26, the following is inserted in the Record.

DOME ffor Andro Trumbill, brother to the Guidman of Bewlie.

Dec. 26.—THE JUSTICE, be the mouth of Robert Galbraith, dempftar of Court, decernit and ordanit the said *Andro Trumbill* to be tane to the mercat-croce of Edinburgh, and thair his heid to be strikin fra his body; and all his movabill guidis to be efcheit and inbrocht to our fouerane lordis vfe, as convict of the saidis crymes. Quhilk wes pronunceit for dome.

**Shooting with Hagbutts, &c. — Slaughter — Demembrement —
Convocation of the Lieges, &c.**

Dec. 23.—SIR ANDRO KER of Pharnyherst, James Ker of Lyntellie, Williame Ker, his sone; Michaell Ker in Oxnem, (stewart to the Laird of Pharnyherst,) David Anislie, younger in Falaw, Johne Anislie, his brother, Lancelot Anislie in Oxnem, Adame Anislie, his sone, Thomas Robsoun, callit *Prettie-fit*; Matho Robsoun in Burnesit, Thomas Gay in Tounheid, John Gay thair, Williame Rutherford, callit *Gray Will*, burges of Jedburghe; Johne Rutherford, his sone; James Hislop in Eschiesteill, Mr James Ker, brother to the Laird of Phairnyherst; Williame Robsoun in Burnewynde, Thomas Ker, brother to *George the Browster*.

Dilatit for contravening of the Actis of Parliament, in beiring, weiring and schuting with hagbuttis and pistolettis: And als, for airt and pairt of the slauchteris of vni^q^{le} Robert Trumbill of Bewlie, and vni^q^{le} Johne Middilmest, brother to Williame Middilmest of Lillie-chapell: And for airt and pairt of the schuting of James Dowglas, apperand of Todhoill, with twa bullettis in the wambe, hurting and wounding of him thairwith: And als, for hurting and wounding of James Dowglas in Cruik, in the neife, and demembrement of him of ane pairt thair of: And for demembrement of Henrie Davidfoun, sone to David Davidfoun of the Kamis, of his rycht hand: And for demembrement of Mark Trumbill, brother to the said vni^q^{le} Robert Trumbill of Bewlie, of the thowme of his left hand: And for demembrement of Andro Trumbill, his brother, of the lytill fingar of his left hand; and for hurting and wounding of Williame Trumbill in Tounheid, in the wambe, be the schot of ane pistolet with twa bullettis; committit the xiiij day of September lastbypast: With convocatioune of our souerane lordis leigis; vponne fett purpois, provisounne, auld feid and foirthocht felonye.

PERSEWARIS, Mr Thomas Hammiltoun, aduocat, Nicolas Trumbill, the relict of vni^q^{le} Robert of Bewlie, Thomas Trumbill, apperand of Mynto.

PRELOQUUTOURIS for the pannell, Mr Johne Russell, Mr Thomas Craig, Mr Johne Leirmonth.

Comperit Williame Erll of Angus, lord of the Regalitie of Jedburghefforrest, and desyrit the persones following, duelland within the boundis of the said Regalitie, to be replegit to the privilege thair of: to witt, Sir Andro Ker, &c.; and produceit his Infeftment of the Regalitie, contenant expres privilege of Regalitie, and desyrit the said personis to be repledgit.

The Aduocat allegis, that the said Laird of Pharnyherst, and remanent personis, can nocht be replegit; becaus the seasing prewis nocht Pharnyherst to be in Jedburghefforrest, or within the regalitie thair of; and except he preve itt,

they can nocht be hard to replege. The Lord Angus anfueris, that Pharnyherft and landis thairof ar pairt and pertinent of the lordſchip of Jedburghe-fforrefst, haldin of my Lord Angus.—The Aduocat takis instrumentis, that Thomas Trumbill, apperand of Mynto, declaris, as he is informit, that the Place of Pharnyherft is nocht within the boundis of the Regalitie: And als, the Aduocat allegis, that my Lord of Angus can nocht be hard to preve, be witnefes, the Place of Pharnyherft to be pairt and pertinent of Jedburghe-fforrefst.

THE JUSTICE findis that it man be verifeit be writt, that the Place of Pharnyherft is pairt and pertinent of Jedburghe-fforrefst.

Thairefter, it wes fund be Interloquoutour that it may be verifeit be witneffis, that the Place of Pharnyherft lyes within the boundis of the ſaid Regalitie.

The Lairdis of Aytoun, Broxmyth, Traquair, being produceit as witneffis to preve as above; and the Aduocat anfuerand, that thay wer kyn and freindis to the Laird of Pharnyherft, the Justice fand that thay could nocht be reffaut for the reſpect fairſaid.

The Laird of Drummalzear wes ſworne, that he cam nocht heir to defend the Laird of Phairnyherft, and wes produceit as witneffis to preve Pharnyherft to be within the Regalitie; and being ſworne, deponis that he knowis the Place of Pharnyherft to be within the Regalitie of Jedburghe-fforrefst.

Gylbert Pennycook of that Ilk, being ſworne, previs na thing.

James Aniflie, being ſworne and produceit, the Aduocat allegis that James Aniflie could nocht be reffaut, becaus he is of the name of Aniflie, of the quhilk name diuers wes att the Slauchter aboue writtin; and ſwa the perſewaris, declarand that thay bure feid aganis all the name of Aniflie, the ſaid James could nocht be reffaut: And the Justice referrand the mater to the declaratioun of the ſaid James, quha wes ſworne, and declarit he bure feid att na man, reffaut the ſaid James witneffis, nochtwithſtanding that the informeris alledgeit feid: Deponit, that he knew Phairnyherft to ly within the boundis of the Regalitie.

Allegis the Aduocat, that the Laird of Pharnyherft can nocht be repledgeit, becaus he being Proveſt of the Kingis frie burcht of Jedburghe, and accuſit of ane capitall cryme committit within the ſamin, he can nawyis be repledgeit to ony Regalitie, in reſpect of the qualitie of the place and perſoun; nather can his hienes Aduocat be drawin to inſiſt in ſic ane perſuit before ony inferiour Judge, bot aucht only perſew him before his hienes Justice Generall.—It is anfuerit for my Lord of Angus, proponer of the exceptioun of Replegiatioun, that albeit the Laird of Phairnyherft acceptit vpoun him to be Proveſt of Jedburghe, that can nocht preiudge my Lord of Angus of his privilege of Regalitie within the hail boundis of the lordſchip of Jedburghe-fforrefst; nather yit preiudge the Laird of Pharnyherft of ony benefite compitent to him, in reſpect of

his duelling-place : And albeit ane capitall cryme be committit within the Regalitie, ather within burcht or land, that can nocht preiudge the lord of the Regalitie of his priviledge, quha is Judge compitent to all and quhatfuneuer perfounes duelland within the boundis of his Regalitie, quhairwir the cryme be committit ; And forder, the Laird of Pharnyherft is nocht perfewit as Provest, vpon the discharge of his office, or for ony failzie¹ committit be him, in vsing or exerceing thair of, bot as ane privat man, for the crymis contenit in the Dittay : And albeit my lord Aduocat is nocht obleift to compeir befoir ony vther Inferiour Judge, that is na caus to preinge the lord of the Regalitie of his privilege, feing the parteis offendit may perfew, and any lord Aduocat may perfew be his substitute ; and gif that argument sould be respectit, the hail heretable Regaliteis sould be vnprofitabill, and na replegiatioun sal be admittit in favouris of the lordis of the Regalitie and thair bailleis : And forder, his Maiesteis Aduocat is ordinarlic partie in all criminall perfuitis.

The Laird of Pharnyherft, being inquiryt, gif he wald adhere to my lord of Angus' desyre and alledgeance, he ansuerit, that he wald gif his procuratouris leif to ansuer for him : And Mr Jolme Ruffell, as procuratour for the Laird of Pharnyherft, declarit he wald keip sylence, quhill² the discussing of my Lord Angus' alledgeance ; quhairvpon he askit instrumentis.

DENUNCIATION *against William Ker, &c. for the above crimes.*

THE quhilk day, Sir Andro Ker of Phairnyhirft knight, oftymes callit as cawtioner and fouertie for WILLIAME KER, brother to Robert Ker of Ancrum, George Moserope, burges of Jedburghe, David Moserope his brother, thair, George Ker in Oxnem, Johne Ker in Redden, Andro Ker thair, Charles Robsoune in Wallis, George Pyle in Mylneheuche, David Pyle his brother, and Symmie Hall in Haviesyde, to haif enterit and presentit thame befoir our souerane lordis Justice or his deputis, the saidis day and place, in the hour of cause, to haif underlyne the law for the above crymes ; lawfull tyme of day biddin, and nocht enterand the personis abouewrittin, as he that become cawtioune for thair entrie, as said is : Thairfoir the Justice decernit and ordanit the said Andro Ker, as cawtioner foirsaid, to be vnlawit and amerciat for thair nocht entrie, in the panis contenit in the Actis of Parliament, vid. for nocht entrie of the said Williame Ker, in the pane of twa hundreth markis, and for nocht entrie of the remanent ix personis, for ilk ane of thame in the pane of ane hundreth markis : And als Adjudgeit the saidis Williame, &c. to be dennceit our souerane lordis rebellis, and put to his hienes horne ; and all thair movabill guidis to be escheit and inbrocht to his Maiesteis vse, as fugitiues fra his hienes lawis for the saidis crymes.

PERSEWARIS.

Margaret Trumbill, freind³ to John Middilneft,
Mark Trumbill, brother to Bewlie.⁴

PRELOQUUTOURIS for the pannell.

The Erl of Crawford, My Lord Vchiltrie,
My Lord Newbottill, The Lard of Lytildene.

Dec. 24.—My Lord of Angus declaris, that he insiftis only to haif James Ker of Lintellie and Williame Ker, his sone, replegeit ; but vnder protestatioune

¹ Failure, malversation.

² Until Lord Angus's allegation of being lord of this Regality, &c.

was discussed. ³ Relative, blood relation.

⁴ These 'persewaris' and also the 'preloquutouris' here noted, are inserted in the Record, in addition to those formerly entered.

that he passis nocht fra the priviledge of his Regalitie, nochtwithstanding that he requyres not the land of Pharnyherst replegeit.

THE JUSTICE Admittis the replegiatioun to my Lord of Angus, for replegiatioun of James Ker of Lintellie and Williame Ker, his sone: And my Lord of Angus appointis the thryd day of the nixt Justice-air of the Regalitie of Jedburghe-fforest, or soner, vpoun fyftene dayis warning, for administratioun of Justice; and ffind Ker (of Caveris) cautioner for administratioun of Justice; and James Commendater of Melroise¹ become fouertie for thair entrie; and the Guidman of Lintellie obleist him to releve my Lord of Melroise.

The Laird of Pharnyherst takis instrumentis that Mark Trumbill of Bewlie insistis in persuit of his lyffe.—The Laird of Mynto refusis to persew; quhairvpoune the Laird of Pharnyherst askit instrumentis.—The Laird of Pharnyherst askit instrumentis, that Mark Trumbill insistis in persuit of his lyffe.—The pannell, except the Laird of Pharnyherst, askit instrumentis that Mark Trumbill wold nocht insist aganis thame.

The pannell askit instrumentis that thay offerit thame selffis to ane Tryell, and to abyde ane Assyse.—The said Mark Trumbill lykwayis declaris, that he will nocht persew the Laird of Pharnyherst, att this tyme, in respect he can nocht gett ane Assyis to him.—The Laird of Pharnyherst askit instrumentis of the declaratioun of Mark Trumbill; and speciallic, in that poynt, that he being inquiryt, gif he had just caus to insist aganis the Laird of Pharnyherst? Declarit, that in respect his lyffe wes faitit be him, and in his handis, he wald nocht persew: And nochtwithstanding of the said declaratioun, to testifie his obedience to his Maiesteis Justice, and that he cravis na subterfuge, in respect of his innocencie, and that he did na thing bot as ane publict Magistrate, thairfore he willinglie offeris him selff presentlie to ane Tryell: And becaus this persuit is only movitt att my lord Aduocatis instance, he cravis his lordschapis declaratioun.

The Aduocat desyrit this mater to be continewit quhill Setterday; becaus that he had informatioun of his Maiestie to insist in persuit; and vpoun informatioun of partie, quha hes past fra the persuit.

SIR ANDRO KER of Phairnyherst, and Sir Johne Ker of Hirfell, as cawtioneris for Mr James Ker, Michael Ker, Thomas Ker, brother to George the browster, and James Hillop, to haif enterit thame, &c. were amerciit in the panis following, viz. for nocht entrie of Mr James 200 markis, and for ilk ane of the rest 100 markis: And these parties were ordered to be denounced rebels, &c.

Dec. 26.—Continued to Justice-air of 'Roxburghe, tertio Itineris, vel super premonitione xv dierum, plegiis, Patricio Home de Aytoune, D. And. Ker de Phairnyherst et D. Joanne Ker de Hirfell.'

¹ Afterwards named 'Johne,' in the Record.

Slaughter in Single Combat, in France.

Jan. 13.—CAPITAN JOHNE RIG, Archeour of the Gaird of France.

Dilatit for the Slauchter of v^mq^{le} Mr Thomas Strathauchin, alias Meirnis.

Comperit Mr George Strathauchin, alias Meirnis, and produceit our fouerane lordis lettres, deulie execute and indorfat, purchest be him self aganis Capitan Williame (Johne) Rig; and desyrit proces.

Comperit Mr Thomas Hope *excusatorio nomine* for Capitan Johne Rig, and produceit ane Warrant subscryuit be the Kingis Maiestie, ordaning the dyet aganis the said Capitane Johne to be desert; of the quhilk Precept, the tennour followis.

REX,

JUSTICE, Justice Clark and your deuttis, We greitt you weill. Forfamekill as Capitan Johne Rig and v^mq^{le} Mr Thomas Strathauchin, Archeouris of the Gaird of France, and swa being ferwandis to our darrest broder Henrie King of France, the said Mr Thomas Strathauchin appeillit to the said Capitan Johne Rig to the Singolar Combat; in the quhilk Combat the said v^mq^{le} Mr Thomas was hurt and woundit, and be evill handling and cure of cherngeanis, deceifit: Quhilk Combat, and all that followit pairvpoune hes bene tryit be our said darrest broder Henry King of France and his Jugeis, as Jugeis compitent to the said Tryell, the said v^mq^{le} Mr Thomas and the said Capitan Johne Rig being baith subiectis to our said darrest proper: And nochtwithstanding, as We ar informit, the freindis and kyn of the said v^mq^{le} Mr Thomas Strauchin hes raist our vperis letteris, and hes summond the said Capitan Johne Rig, to compeir befor you in our Tolbuith of Edinburgh, the xiiij day of Januar instant, in the hour of caufe, to vnderlye our lawis for the Slauchter of the said v^mq^{le} Mr Thomas, albeit it be of veritie, that We nor our Justices can nawyis be Jugeis compitent to the said Capitan Johne Rig, he being ane Archeour of our said derrest properis Gaird, and swa his subiect; befor quhome and his Jugeis he hes bene alreddie tryit: Lyke as, also, the said Capitan Johne Rig being vpoune the poynt of his voyage, to pass in France to his seruice, can nocht gudlie attend vpoune the famin dyett: QUHAIKFOIR, We haifug tane sufficient tryell in the said mater and of the proceeding pairof, hes concludit that the said Capitan Johne Rig salbe nawyis trublit in tyme cuming for the said slauchter. Commanding you, that you onnawyis proceid aganis him nor his cawtioner, at the said xiiij day of Januar instant, nor in na tyme cuming, for the Slauchter of the said v^mq^{le} Mr Thomas; discharginge you pairof, and of your offices in that part: And for the said Capitan Johnis mair securitie, cause registre the presentis in our buikis of Adiornall, *ad perpetuam rei memoriam*, and for your Warrant. Subscryuit with our hand, at Halyrudehous, the first day of Januar, 1602 zeiris.

(Sic subferibitur)

JAMES REX.

To the quhilk it is ansuerit be the said Mr George Strathauchin alias Meirnis, persewar, that the said Letter was ane priuie Letter, and aucht nocht to be admittit.—With the quhilk Letter and ansuer maid thairto, the Justice being throughlie avysit, admittit his Maiesteis Warrant, and desertit the said dyett: Quhairvpoune the said Mr Thomas Hope askit instrumentis; and the said Mr George protestit, that the admissioun thairof preiuge nocht his persuit in tyme coming.

Treason — Forging and Uttering Base Coin, &c.

Jan. 13.—PATRIK DRUMMOND, in Lenach.

Dilatit of airt, pairt, red, counsale and conceilling of the tressonabill fforgeing, prenting, coinzeing and out-putting of false and adulterat money, sik as false fyve-pund-peices and fyve-schilling-peiceis; quhilkis, fyve yeir senfyne, or thairbye, was coinzeit be Hans Johnestoune, Fleming, and vmq^{le} George Drummond, saidler in Perth, in the kill of Lenach and vpoun the Craigis thairof, of his knowlege and conceilling; ffor the quhilk he ressaui ten false fyctie f. peiceis.

VERDICT. The Assyis, being sworne and admittit; and the pannell accusit be dittay, quhilk wes verefeit be his awin Deposition, and the Depositionis of vmq^{le} Walter Murray in Dunfermling, vmq^{le} George Drummond, saidler in Perth, and vmq^{le} Thomas Glas in Creif, and Thomas Reid, serwand to the said Hans, &c.; they, be the mouth of Andro Naper, merchand, burges of Edinburgh, stand, pronunceit and declarit the said Patrik to be fylit, culpabill and convict, &c.

SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair wirreit¹ at ane staik quhill he be deid; and thairefter, his bodie to be brunt in asses; and all his landis, heritageis, coirnis, cattell, guidis and geir to be florfalt, and be inbrocht to our fouerane lordis vse.

House-breaking — Theft — Horse-stealing.

Jan. 13.—PATRIK MURRAY of Galwald.

Dilatit of the cryme following, viz. Forfamekill as he, being in cumpany with vmq^{le} Mr Williame Balfoure, brother to the Laird of Burlie, vmq^{le} Johne Gyb, Hary Cuik, Johne Oliphant, and vtheris thair compliceis, in the moneth of februar lastbypast, cam, vnder fylence and cloud of nycht, to the duelling hous of Andro Fluikar, in the Brigend of Gairny, and thair brak vp the dur of the said hous, enterit thairin, and steilling furth thairof his haill infycht pleneiffing in ane feak, with ane meir; and had and convoyit the samin away with thame to the place of Strowie. ITEM, for airt and pairt of the thifteous steilling, conceling and away-taking of ane horse furth of ane stabill in the Cannogait-heid, pertening to Toscheoch of Monyvaird; committit twa yeir fyne, or thairby.

VERDICT and SENTENCE. The pannel being 'fylit' by the Assise, the Justice Ordanit him to be tane to ane gibbet standand in the Castell-hill of Edinburgh, and thairvpoun to be hangit quhill he be deid; and ordanit all his movabill guidis to be escheit, &c.

¹ Strangled.

Slaughter.

Jan. 23.—THOMAS JAK, wrycht in Haltoune.

Dilatit, accusit and perfewit, fforfamekill as he, accompaneit with Johne Herring in Lang-Forgoun, bodin in feir of weir, with fword and vtheris wappinnis *invafive*, laitlie, vpoun the xxix of Julij lafbypaft, haifing confaut ane deidlie feid aganis the faid vmq^{le} Alexander, fett vpoun the faid vmq^{le} Alexander foirnent¹ his duelling hous, at the Kirk of Forgoune, and thair crewallie hurt and woundit him in the heid, and claif his harne-pan² with fwordis, and thairby flew him; and he wes airt and pairt of the flauchter of the faid vmq^{le} Alexander Moncur.

PERSEWARIS.

Andro Moncur, fone to the defunct,
Patrik Moncur of Chapeloune,

Johne Flouris, fifter-fone to the defunct,
Mr Thomas Hammiltoune, (King's Advocate.)

The pannell, nochtwithftanding that he is innocent of the Slauchter of the faid vmq^{le} Alexander Moncur, he becummis in the Kingis will for the famyn, and for beiring of piftuletis.

VERDICT. The Affyis, be the mouth of Robert Gyb in Lochtoune, chancillar, ffand the faid Thomas Jak to be ffylit, culpabill and convict of airt and pairt of the Slauchter.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair, his heid to be strikin fra his body, and all his movabill guidis to be efcheit, &c.³

Murder—Theft.

Jan. 29.—JAMES CRUIKSCHANK, feruitour funtyme to Mr David Ogilvie.

Dilatit, accusit and indytit, fforfamekill as he, accompaneit with Andro zoung alias Davidfone, hantand⁴ in Sanct Johniftoun, laitlie, vpoun the fourt day of Januar instant, fett vpoun vmq^{le} Robert Innes, merchand att the Kirk of Inch, one Carnboddo-mure, and thair, in the dawing of the day,⁵ maift crewallie (and) fchamefullie Mordreift and flew the faid vmq^{le} Robert Innes, be cutting of his thrott: And als, thifteouflic flall, conceillit and away-tuik fra him his pak,⁶ contening merchand-geir, with his purs and certane money thairin.

VERDICT. The Affyis, be the mouth of Robert Varnour, fkyinner in Edinburgh, chancillar, ffand the faid James to be ffylit, culpabill and convict of the crewall Murthour of the faid vmq^{le} Robert Innes; and of the fteilling of his pak and purs, with certane money thairin.

SENTENCE. To be tane to the Caftell-hill of Edinburgh, and thair to be hangit vpoun ane gibet quhill he wer deid; and thaireftir his heid and rycht

¹ Before, immediately opposite to.

² Skull, 'brain-pan.'

³ On the margin, 'Convict et decollat.'

⁴ Literally, haunting, dwelling, but without any fixed occupation.

⁵ At dawn,

immediately before sunrise.

⁶ Travelling pack, he being what is termed a 'packman,' or small-ware merchant.

hand to be strikin fra his body; to be affixit, the hand in Dundee, and the heid in Carnbodo-mure; and all his movabill guidis to be efcheit, &c.

Stouthreif — Cattle-stealing — Horse-stealing, &c.

Feb. 12.—JAMES VALLEM and George Vallem, fonis to David Vallem of Woodwrae.

Dilatit, accusit and persewit, be Dittay following,

FORSAMEKILL as thay, accompaneit with Williame Ogilvie, Williame Cumming, Archibald Dowglas, Rikard, Ramfay, and vtheris their complices, commoun thevis and brigandis, in the moneth of Junij, the yeir of God 1^m.Vc.lxxxxvj yeiris, being bodin in feir of weir, with swordis, secreteittis, pistolettis and vtheris wappynniss *invafue*; vmbefet¹ the lie way and passage to Williame young and James Blak, cadgearis,² duelland vpoune the fourth fyde of the fierrie of Dundie, and to twa of thair fervandis, at the Coittoune of Melgum, lyand within the Sherefdom of Forfar, quhair thay wer dryvand fevin pakis of merchand-geir, on fevin horsis, towardis Brechin, to the sfair thairof; quhilkis packis pertentit to Patrick Wedderburne, burges of Dundie, and Johne Alexander, burges of Edinburgh, vmq^{le} John Wrycht, burges thair, and Thomas Allane, tailzeour, burges of the Cannogait; and thair fet vpoune thame oppinlie, in day lycht, at xij houris in the day; and, be way of Stouth-reif, violentlie reft, ftall and away-tuke fra the saidis cadgearis, the saidis fevin pakis and fevin horsis; and thifteouffie and masterfullie convoyit the famyn away with thame, togidder with the saidis cadgearis, to the mouth of Glenmoy, and dispoit vpoune ane grit pairt of the said merchand-geir, at thair pleafour: AND als, the said James being accusit, fforfamekill as he, accompaneit with Williame Cummyng and vtheris his complices, in the moneth of October laftbypast, come to the toune and landis of Auchterlony, pertening to Johne Carnegie, gryuter,³ and thair thifteouffie ftall, conceillit, reffett and away-tuke furth thairof, fax oxin and twa ky, pertening to the said Johne Carnegie and James Pittilach his fervand; quhilk thay draif to the North and fauld, at thair plefour. ITEM, the said James indytit and accusit for airt and pairt of the thifteous steilling of ane quhyte horfe furth of Mr Williame Gairdyn stabill, Vicar of Abirlennoch, pertening to Johne Mortimer younger of Flemingtoun, committit foure yeir fenfyne, or thairbye. ITEM, the said George Valleme being indytit and accusit for the thifteous steilling, conceilling and away-taking of ane horfe fra Johne Kyd.

PERSEWAR.

PRELOQUOUTOURIS for the pannell.

Mr Thomas Hammiltoun of Drumcarne, aduocat. Mr Thomas Craig, Mr Johne Russell.

It is allegeit that the Dittay fould nocht be putt to ane Affise, becaus thay fould be fummoud vpoun xv dayes wairning, and thay fould haif ane copy. The Aduocat anfueris, that in respect of the Dittay, quhilk is vpoun thift, the alledgeance aucht to be repellit.

THE JUSTICE findis proces.

¹ Forcebly beset, &c. by stopping or blocking up the way. ² In this sense 'cadgers' were carriers, who travelled through the country with their pack-horses, and were employed by small-ware merchants to transport their goods to fairs and markets. At this period, all distant carriages were effected by means of pack-horses; and (as is the present custom of *carriers*) they usually travelled in companies, for mutual protection and security. The modern term *cadger*, is commonly applied to persons who collect eggs, fowls, butter, &c. from small farmers, &c. and bring them to market for sale. Their present equipage consists of a horse or ass, with *creels*, or panniers, placed across the animal, when foraging and bargaining with small farmers and cottagers; but when they go to market, their accumulated store is commonly brought in carts. ³ Properly, one who keeps or takes charge of a granary or farm. It is sometimes spelt 'grainter, or 'graitour.'

It is allegeit, that this mater, concerning the taking away of the pakis, fould nocht be putt to the knowlege of Affyis, becaus it is ane mater of depredatioun; and be Act of Parliament maid in the tyme of King James the ffyft, cap. xxxvij, all depredatiounis and maisterfull reiffis fould be fyrft Ciuilie difcuffit before the Lordis. The Aduocat anfueris, that the faid alledgeance aucht to be repellit, in refpect of the Dittay contening Stouth-reif and thift. The preloquoutouris takis instrumentis, that thay defyrit to putt thair alledgeance in writt thame felff; and to dyte itt; and that the Justice anfuerit that he, be the auife of the Chancillar, Collectour, Thefaurer, Lord Hereis and vtheris¹

THE JUSTICE Repellis the alledgeance, in refpect of the Dittay.

The Pannell takis instrumentis, that na partie comperis to perfew, bot my Lord Aduocat; and na perfoune can be putt to ane Affyis, without ane fworne Dittay. The Aduocat anfueris, that he fould nocht fweir.

VERDICT. The Affyis, be the mouth of Alexander Kerfane in Balbethie, chancillar, ffand the faidis George and James Vallemes to be ffylit, culpabill and convict of the crymes *refpective* aboue writtin, laid to thair chairge.

SENTENCE. To be tane to ane gibbet at the mercat croce of Edinburgh, and thairvpoune to be hangit quhill thay be deid; and all thair movabill guidis to be efcheit, &c.²

[*Mr William Boirthuik, Justice-Depute.*]

Slaughter — Bearing of Pistolets, &c.

Mar. 3.—PATRIK LORD GLAMMIS; Johnne Lyon, fone to Johnne Lyon in Rouchalhill; Johnne Lyon, fone to . . . Lyon, burges of Dundie; Johnne Scryngeoure, Johnne Edmestoune, and Fargus Murray, feruaudis to the faid Patrik Lord Glammis; William Lyon, feruand to the faid Johnne Lyon, fone to Johnne Lyon in Rouchalhill.

Dilatit for airt and pairt of the Slaughter of vniq^{le} Patrik Johnnestoune of Mof-toun; and for beiring and weiring of pistolettis, contrair the tennour of the Actis of Parliament; committit vpoun the faxt day of September laftbypaft.

Comperit Mr Williame Oliphant, and produceit ane Warrant, direct be his Maieftie; quhair of the tennour followis.

REX,

JUSTICE, Justice clark and 5oure deutes, We greit 5ow weill. Forfamekill as the thryd

¹ Assessors to the Justice. The sentence is left unfinished; but it is probable that it referred to the right of the Justice to dictate the 'allegiances' and replies, in cases where the matter was disputed between the King's Advocate and the Counsel for the pannel. ² 'The xiv of Februar, twa brether hangit, viz. David Volume and his brother, for oppreffion and fpuilzie.'—*Birrel's Diary*.

day of March nixtocum is appointit and assignit to Patrik Lord Glamis, and certane his friendis and feruandis for pair comperance before 3ow, to vnderly oure lawis for pe slauchter of vmq^{le} Patrik Johnnestoune; nochtwithstanding, for certane cauffis moving ws, it is oure will, and We command 3ow to continew the said dyet, vnto pe tent day of Maireh nixtocum; and that 3e dispens with the personall comperance of the saidis perfounes, and tak new caution of pame, that thay fall compeir befoir 3ow, the said tent day of March nixtocum. As 3e will anfuer to ws pairvpoun. Quhairanent thir presentis salbe to 3ow ane Warrant. Subferyuit with our hand, At Halyrudhous, the faxtene day of Februar, 1602.

(Sic subferibitur) JAMES R. MONTROIS, Can^{rius}, S. G. HOME,¹ The^r.

Quhilk Precept the Justice admittit.

The quhilk day Sir Johne Murray of Tillybairdyn, knycht, comperand be Mr Williame Oliphant, his Aduocat, be his letteris obligatouris, subferyuit with his hand, at Glamis, the last day of Februar, 1602 yeiris, become plege and fouertie for Patrik Lord Glamis, &c. that they fall compeir befoir our fouerane lordis Justice or his deputtis, the tent day of Marche nixttocum, &c.

The quhilk day, Johnne Gordoun of Boigis, Sheref-depute of Abirdene, and Johnne Arbuthnett of Carnedaw, oft tymes callit as cautioneris and fouerteis, coniunctlie and feuerallie, for reporting of our fouerane lordis letteris, dewlie execute and indorfat, and perfewing thairof, purchest be Margaret Arbuthnett, the relict, Johnne, Robert, Gylbert and Alexander Johnnestounis lauchfull bairnis, with the remanent kyn and friendis of vmq^{le} Patrik Johnnestoune of Mostoune, &c.; lauchfull tyme of day biddin, and nocht produceand the saidis letteris dewlie execute and indorfat, and nane compeirand to perfew thame; thairfoir the Justice-deput, be the mouth of James Lowrie, dempstar, decernit the said cautioneris, conjunctlie and feuerallie, to be vnlawit and amerciat, for nocht reporting thairof, and for nocht perfuit thairof aganis the said Patrik Lord Glamis, in the pane of . . . thowsand poundis; and vpoun ilk ane of the remanent fax perfounes, in the pane of ane hundreth merkis.²

[*Mr Williame Haert, Justice-Depute.*]

Stealing the Poor's Box of Cokpen — Adultery, &c.

May 21.—WILLIAME NORWALL, scolemaister in Cokpen.³

Dilatit, accusit and perfewit, for the thiftious steilling, away-taking and conu-eling of the puir folkis box, furth of the Kirk and Sessioun-hous of Cokpen, vpoun the xj day of Apryle lastbypast; quhairin thair wes aucht poundis money, or thairby, gewin in almous to the pure; quhilk he brak vp at the watter-lyde, beyde Mountounhall.⁴ ITEM, ffor the cryme of Adulterie, committit fourtene or fyftene yeir fyne, or thairby, with Christiane Dowglas; he haifing ane mareit wyffe, callit Margret Morifoune, than on lyffe.

¹ Sir George Home, afterwards Earl of Dunbar, Lord High Treasurer of Scotland.

² 'The-

faurario deliberat.'

³ See June 9, 1602.

⁴ Monktonhall?

The said Williame become in our fouerane lordis will; and the Justice, refaneand him in will, ordanit the said Williame to be Baneift this realme, during all the dayes of his lyffe; and to depairt furth thair of within aucht dayes eftir the dait heirof, and nocht to returne thairin vnder the payne of deid. And the said Williame obleift himfelf to the effect foirfaid; vnder the payne to be hangit, but Affyfe.

Barbarous Murder of a Dumb Young Man.

JUN. 2.—WILLIAME GEIKIE Younger in Kethynnis.

Dilatit for airt and pairt of the crewall Murthour and Slauchter of vmq^{le} Patrik Cathrow, in Kethinnis ('ane dumb borne 3oung man'); committit vpoune the xx day of Februar laftbypaft.

PERSEWARIS.

David Cathrow, myller at the mylne of Kethinnis, fader-bother to the defunct; Mr Tho^s Hammiltoune.

PRELOQUUTOUR for the pannel, Mr Williame Oliphant (advocate.)

DITTAY *againft the Pannell.*²

FORSAMEKILL as he, with his complices, being bodin with ane grit ftng or rung,³ laitie, vpoune pe xx day of Februar, the 3eir of God I^m.Vj^c. ane 3eir is, haifng confaut ane deidlie hatrent, rancour and malice aganis pe said vmq^{le} Patrik, quha was ane fimpill, pure, dum 3oung man, fett vpoune him within pe toune of Cowper-in-Angus, quhair he wes in fober and quyet maner for pe tyme, doand his lefall effairis and buffines, traifling na ewill, harme, iniurie or perfuit of ony perfonis, bot to haif leuit vnder Godis peax, and our fouerane lordis; and pair, crewallie invadit him for his flauchter, hurt and woundit him with pe said rung on the face and neife, and brak pe girfell of his neife,⁴ to the effufioun of his blude in grit quantitie; and gaif him diuerfe vperis bauch, blae and bludie fraikis, vpoune his heid, bak, wambe and feholderis; Lyke as, the said Williame Geikie, nocht being fatisfeit with pe crewaltie done to pe said vmq^{le} Patrik Cathrow, in day lycht; he, vpoune pe said xx day of Februar, pe 3eir of God foirfaid, vnder feylenec and cloude of nycht, vmbefet pe hieway and paffage to pe said vmq^{le} Patrik, in the Rafche-myre, lyand betuix Cowper and Kethynnis, as he was in fober and quyet maner paffand on the hie way towardis the toune of Kethynnis, to his said faper-broperis duelling hous pair, dredand na harme or iniurie to haif bene done to him be pe said Williame, in refpect of the bludie woundis gevin to him ofbefoir; and pair, of new, fett vpoune pe said vmq^{le} Patrik, and with ane rung, beft,⁵ fraik and dang him vpoune pe heid, face, bak, fillettis and wambe, and brak his haill intrallis, that it was piteous to haif hard pe lamentabill routis⁶ and eryis of the pure dum man; and left him nocht, quhill⁷ be pe saidis crewall fraikis he flew and murdreift him, and left him deid vpoune pe ground: Committand pairbye crewall, fehamefull and abhominabill Slauchter and Murthour, being ane dumb borne 3oung man, vnhabill to haif defendit him felf; vpoune fett purpois, provifounne and foirthocht fellonye.

The Aduocat proteftis for Wilfull Errour, in cais thay acquit, in refpect of the Dittay and taikinnis.⁸

¹ To be hanged without farther Trial. ² This Dittay, it need hardly be observed, has been preserved here chiefly on account of the extraordinary nature of the case, and the remarkable phrases with which it abounds. ³ A large bludgeon or cudgel. ⁴ The *gristle*, cartilage, or flexible part of his nose; perhaps implying also the 'bridge.'

⁵ Beat, Old Fr. *basté*, *basted*. It may be 'best,' *bast*, a synonymous word.

⁶ Bellowings, usually applied to the lowing of cattle, especially when impatient to be milked, or to be driven home in the evening. 'The kye stand routin' in the loan.'

⁷ Until.

⁸ Evidence, *tokens*, proof.

VERDICT. Eftir acenfatioune of the faid Williame, be Dittay, of the crymes aboue writtin, quhilk he alluterlie denyit, the Affyis, be the mouth of Sampfoune Ker, in Auchterhous, Chancellar, ffand the faid Williame Geikie to be Clene, innocent and acquit of airt and pairt of the crewall murthour and flauchter foirfaid, &c. Quhairvpoune the faid Williame Geikie afkit actis and instrumentis.¹

Exercising the Office of Notary without lawful Warrant.

JUN. 9.—WILLIAME NORVELL, fcole-maifter in Cokpen.²

Accufit and perfewit be Dittay, at the instance of Mr Robert Lyntoune, fubftitute to our fouerane lordis aduocat, for the crymes following.

DITTAY *againft the Pannel.*

FORSAMEKILL as, it is flatute be the Actis of Parliament and lawis of this realme, that na maner of perfoune gif him felf furth for ane Notour, or vfe or exerce the office of Notarie, vnles thay be firft presentit be his Maieftie, be his hienes Letter of Presentatioune directit to the Lordis of the Sefsioune, and thaireftir admittit be the faidis Lordis to the faid office, efter tryell; and thair Prothogoll-buik fychtit and markit be the Clark of Register and his deputtis; and gif ony man prefwme to do in the contrair, to be pwnieft to the death: As the faidis Actis of Parliament at mair lenth beiris. And trew it is, that the faid Williame Norvell hes vfit and exerceit the faid office of Notarie, as ane ordinar Notar, in fyndrie deidis, fik as in Contractis, Obligatiounis, Seafingis, Requititiounis or Redemptionis; and generallie in all thingis, quhen he was requyrit, continewallie fen the moneth of November, the yeir of God I^m.V^c.lxxxv yeiris, to the day of his apprehenfionne; albeit it be of veritie, that he was never admittit to the faid office of Notarie; lyke as, he never had his Maiefties Presentatioune direct to the faidis Lordis of Sefsioune, for his admissiounne to the faid office; nather had he ane Prothogoll-buik, markit be the Clark of Register or his deputtis, conforme to the ordinance preferyuit be the faidis Actis of Parliament: Quhairin he hes fallie circumvenit and difflaut our fouerane lordis leigis, as ane falfe difflaear; geveing him felf furth to be ane Notour, he being nane: Quhairbye he hes incurrit the panis contenit in the faidis Actis of Parliament.

VERDICT. The Affyis, be the mouth of Robert Smyth, merchand in Edinburgh, Chancellar, ffand the faid Williame to be ffylyt, culpabill and convict of the faidis crymes.

SENTENCE. To be tane to ane gibbet, standand vpoune the Castel-hill of Edinburgh, and thairvpoune to be hangit quhill he be deid; and all his movabill guidis to be efcheit, &c.

Slaughter.

JUN. 15.—JAMES CWININGHAME of Glengarnok.

Dilatit of art and part of the flauchter of vniq^{le} Williame Cwninghame, in Walzaird.

¹ It is likely that the Lord Advocate abandoned his writ of Error against the Assise; at least no mention is made of the matter, in the Record. ² See May 21, 1602. Although the former Assise had acquitted Norvell, yet the public prosecutor had set his seal upon him; and, in his next charge, crnshed this ill-fated thief, adulterer, and 'fals notour.'

PERSEWARIS, Katherine Crawford, the relict; Gabriell Cwninghame, as brother.

PRELOQUUTOURIS for the perfewaris.

The Laird of Cwninghameheid, the Laird of Craigance, Mr Thomas Hammiltoune.

PRELOQUUTOURIS for the pannell.

The Laird of Caprintoune, the Laird of Honftoune, the Laird of Blair, Williame Porterfeld of Ilk at Ilk, Mr Johne Scharp, Mr Williame Oliphant.

The Justice continewis this dyet to the morne, the xvj day of this instant. (Plegio, Roberto Hammiltoune de Irehemauchan.)

Jun. 16.—The perfewar askis instrumentis, that he is reddie to perfew, and will infist conforme to the cautioune fundin contrar the Lard of Glengarnok; and protestis for releif of his cautionar.—The Aduocat declaris, that he will nocht infist in perfuit, becaus he hes na informatioune of the partie nor the Thesaurer.—The pannell takis instrumentis, that Gabriell Cwninghame and the preloquutouris infistis in his perfuit.

THE JUSTICE, being auisit with my Lord Chancellor and the rest of the Assessoris, declaris, that vpoun occasioun moving thame, will nocht putt this mater to the knowledge of ane Assyis this day; bot continewis the famin to the thryd day of the nixt Justice-air of the sherefdom of Perth, or soner, vpoun (xv dayis warning.)

The Laird of Glengarnok, present, takis instrumentis, that the partie perfewar, rafar of the letteris, hes comperit this day judiciallie, and offerit him reddie to perfew; lyke as, the said Laird of Glengarnok, being enterit on pannell, offeris him to (abide) ane tryell, for the cryme lybellit, according to the law.

Johne Blair of that Ilk becomes pledge and fouirtie for James Cwninghame of Glengarnok, that he fall compeir, &c.

Slaughter — Stouthreif.

Jun. 24.—JOHNE MURE of Auchindrane.¹

Dilatit of airt and pairt of the slauchter of vmq^{le} Sir Thomas Kennedie of Culzean, kny^t: And of stouthreif² of his purse, worth ellevin scoir rois-nobillis; sax dofoun of goldin buttounis; ane ryng of gold, contenand nyne dyamountis set thairin; his sword, belt and quhingar;³ committit the xij day of May lastbypast.

PERSEWARIS, Dame Elizabet McGill, the relict of vmq^{le} Sir Thomas Kennedie of Cullane, kny^t, James Kennedie as sone, Mr Thomas Hammiltoune of Drumcarne, Aduocat to our fouerane lord.

PRELOQUUTOURIS for the pannell, the Laird of Langschaw,⁴ the Laird of Rowallane,⁵ the Laird of Auchinlek,⁶ the Laird of Blair,⁷ Mr Williame Oliphant, Mr Johne Russell.

The Laird of Langschaw takis instrumentis of the entrie of Johne Mure of Auchindrane; and protestis, that he be releuit, as cawtioune.—The perfewaris

¹ See Jul. and Nov. 1608, Feb. 1609, and Jul. 1611. ² Theft accompanied by violence. ³ A kind of short sword or hanger. ⁴ Sir Niel Montgomery. ⁵ Mure. ⁶ James Boswell, ⁷ John Blair of that Ilk.

takis instrumentis of the productione of the letteris ; and protestis for releve of thair cawtionne.

Compeirit Johne Maister of Orknay, and produceit the Warrant vnderwrittin ; quhair of the temour followis.

REX,

JUSTICE, Justice Clark and your deputtis, We greit your hairtie weil. Forfamekill as We, vnderstanding, that the xxiiij day of Junij instant is appoyntit be vertew of our vperis Letteris, direct at pe instance of Dame Elizabeth Mc Gill, relict of vmq^{le} Sir Thomas Kennedie of Culzeane, kny^t, and James Kennedie, thair eldest lawfull sone, with concurrence of our Aduocat for our intres ; for tryell of Johne Mure of Auchindrane, and certane vperis personis his complices, for pe crewall murthour and slauchter of pe said vmq^{le} Sir Thomas Kennedy ; committit be pame in pe moneth of Maj lastbypast. And We, willing to be condinglie tryit, for pe part of pe said Johne Mure of Auchindrane ; and for better tryell pair of, necessar it is, that the boy callit,¹ quha was directit fra Mayboill to pe said Johne Mure of Auchindrane, as also the boy callit,² quha come to Thomas Kennedie in Bargany, a lytill befor pe committing of pe said murthour, war apprehendit and examinat and tryit, quhilk we vnderstand is nocht sit done ; and that the saidis twa boyis ar fugitiues ; quhairbye pe veritie is suppressit. Thairfor it is oure will, and We command your, incontinent efter pe fycht heirof, your continew your Court, and all proceding aganis the said Johne Mure of Auchindrane in pe said mater, quhill the thrid day of pe air ;³ or that he be new summond, be pe partie, to pat effect. As alwa, that your proceed and minister justice aganis all the remanent personis contenit in our saidis Letteris comperand, and that war summond to vnderlye our law for the cryme aboue specifit. And this your fail nocht to do, without ony delay. As your will ansuer to ws vpoune your obedience. Anent the quhilk, pir presentis falbe your Warrant. Subferyuit with our hand, at Falkland, the twentie-four day of Junij, 1602.

(Sic subferibitur) JAMES REX.

The said Johne Mure of Auchindrane disassentis to all continewatioun of this mater ; and offerit him reddie to vnderlye the law for the crymes aboue writtin.

Sir Neill Montgomerie of Langschaw become pledge and fouirtie for Johne Mure, that he fall compeir the thrid day of the nixt Justice-air of the Sherefdom of Air, or soner, vpoune xv days wairing.

Thett — Shooting of Pistolets — Barbarously Burning a Woman on a red-hot 'Girdill,' &c.

JUN. 29.—ALEXANDER ROWANE, sone to Nicoll Rowane of Sandiedub.

Dilatit of certane crymes of thift, schuting of pistolettis, and for burning of Katherine Huggoune, in the Burnefyde of Saling, vpoune ane girdill.¹

Comperit James Wynrahane, and produceit the Warrant vnderwrittin ; quhair of the temour followis.

JUSTICE, Justice Clark and your deputis, and Aduocat, We greit your weil. Forfamekill as pe xxix day of jis instant wes appointit and assignit to Alexander Rowane, for his personall comperance befor your, to haif vnderlye our lawis for certane odious crymes, att lenth specifit in pe criminal

¹ William Dalrymple. ² There was only one boy. Dalrymple, however, had been prevailed on to change his name several times. This unfortunate youth was afterwards murdered on the Sands of Girvan, by the elder and younger Mures and James Baunatyne, under circumstances of peculiar atrocity. See Jul. 1611, &c. That Case is perhaps one of the most remarkable, in all its parts, of any one on record. ³ The Justice-air of the Sheriffdom of Ayr.

⁴ A large circular piece of hammered iron, still in common use in Scotland, in place of an oven, for toasting oat-cakes, &c.

letteris direct pairnent : Thairfore, and for findrie vper our wechtie occasiounes moving ws, especiallie, becaus oure Thesaurer, quba aucht to perfew in þat mater, will nocht be present, att þat day : It is our will þairfore, and We command 5ow to continew the said dyett, vnto þe fyrst day of Julij nixt ; and in þe meane tyme, that 5e keip þe said Alexander Rowane in fuir ward : As 5e will ansuer to ws pairvonne. Quhairnent thir presentis falbe 5our warrand. Subferyuit with our hand, att Perth, the xxvij day of Junij, 1602. (Sic subferibitur) JAMES R.

Jul. 1.—THE JUSTICE continewis the mater to the thrid day of July.

PERSEWARIS.

James Stewart, portioner of Sandiedub, Katherine Huggoune, at the Burnefyde of Sawling, Cristian Hammiltoune in Lynmylne, Mr Thomas Hammiltoune for his hienes intres, Mr Johne Gib.

PRELOQUOUTOURIS for the pannell, Mr Vmphra Blyndfcheillis, Mr Alexander Peblis.

DITTAY *against the Pannell.*

FORSAMEKILL as, the said Alexander, with his complices, in the moneth of Januar lastbypast, come to the landis of Overtoune of Pitvar, and thair thifteouslie stall, concelit, reffett and away-tuke furth thairof, ane gray horfe pertening to Robert Tempilman thair. ITEM, for airt and pairt of the thifteous steilling, conceling and away-taking of ane blak kow, fra James Inglis, in the Pow of Adie ; committit in the moneth of August or thairbye, the yeir of God I^m.Vc.lxxxxvij yeiris. ITEM, for contravening of our souerane lordis Actis of Parliament, in schuiting of ane pistulet, chargeit with twa bullettis, at the said Cristian Hammiltoune, and schuting of hir throw the courchet¹ thairwith ; committit in the moneth of August lastwas. ITEM, forsamekill as, he and his complices, in the moneth of December or thairbye, the yeir of God I^m.Vc.lxxxxvij yeiris, come to Katherine Huggoune duelling-houfe, at the Burnefyde of Sawling, and thair put violent handis in hir persoune, and fet hir bair erfe vponne ane reid hett² girdill, standand vponne ane ingill ;³ held her perforce thairon, quhill⁴ ane grit pairt of the fefche of hir hipis was brunt. ITEM, for airt and pairt of the thifteous steilling of certane blak aittis fra the said James Stewart ; committit in the moneth of Februar lastwas. ITEM, for commoune thift and commoune reffett of thift.

Jul. 3 —The pannell takis instrumentis, that thair is na persounes compeiris to perfew, except the persounes aboue writtin ; and farther, that nather Johne Broune in Fairnyherst, James Gibsoune, Agnes Rowane, Johne and Thomas Hornes, compeiris nocht to perfew, nather to informe my Lord Aduocat.—Alledgeit for the pannell, that the burning of Katherine Huggoune is nocht relevant, and aucht nocht to be put to ane Assyis, becaufe scho was nocht brunt to the deid.—The Aduocat ansuerit, that this being ane extraordinar and odious cryme, the attempting of it, and proceeding to the verie executioun, be setting of hir vponne ane burning girdill, as *conatus cum effectu*, mereittis the deid,⁵ and aucht to pafs to ane Assyis.

THE JUSTICE ordanis this matter to be (put) to the knowledge of ane Assyis.

The Aduocat takis instrumentis of the swering of the Assyis ; and also of the sweiring of that poynt of the Dittay concerning Cristian Hammiltoune, of schutting of hir with ane pistulet throw the hair of the heid : And further, of the

¹ Often spelt *courche*, or *curchey*, a sort of cap or *mutch*, shaped to the head like a close hood, but the back part so formed as to descend on the shoulders, and a little over the ears. Old Fr. *couvrechef*. ² Red-hot. ³ Fire. ⁴ Until. ⁵ The punishment of death.

fweiring of Katherine Huggonne, concerning the burning of hir vpoune the girdill ; and of the fweiring of James Stewart, of the pairt of the Dittay concerning him, aganis Alexander Rowane.—The Aduocat proteftis for Wilfull Errour aganis the Affyis, in cais thay clenge,¹ in respect of the notorietie of the crymes laid to his charge, and of the fweiring of the Dittay be the perfewaris.

VERDICT. The Affyis, be the mouth of David Bruce of Brathieburne, Chancellor, ffand, pronunceit and declarit the faid Alexander Rowane to be ffylit, culpabill and convict of the hail crymes and poyntis of Dittay aboue writtin.

SENTENCE. For the quhilk caus, the Justice, be the mouth of Walter Pirie, dempftar, decernit and ordanit the faid Alexander Rowane to be tane to ane gibbet, ffandand vpoune the Caftel-hill of Edinburgh, and thairvpoune to be hangit quhill he be deid ; and all his movabill guidis to be efcheit, &c.

Barbarous Murder, &c.

Jul. 3.—PATRIK STEWART, in Innervak.

Dilatit, accufit and perfewit be Mr Thomas Hammiltoune of Drumcarne, aduocat to our fouerane lord, for his lienes interes, of the crymes following, to wit.

DITTAY *againft the Pannell.*

FORSAMEKILL as he, accompaneit with Stewart, his brother, and Allefter Reoch, his ferwand, laithie, in the moneth of November, the yeir of God Im.Vj^e. yeiris, haifing confaut ane deidlie malice aganis vmq^{le} Angus Dow M^eEwir, his ferwand, for alledgeit abufing of Stewart, his dochter, in fornicatioune, tuke and apprehendit the faid vmq^{le} Angus, band him hand and fit as ane malefactour, brak his rycht leg with ane ax, and thaireftir, with ane fcharpe knyffe or durk, cuttit away his fecreit memberis fra him, and put in het affis and emmeris² in the bag of his fecreit memberis, quhilk reftit vncuttit ; and crewallie demanit, hurt and woundit him thairbye ; and thairefter kuift³ him on horfbak, and convoyit him to the toune of Blair-in-Atholl ; quhair the faid vmq^{le} Angus tuke bed, and continewand bedfast, in grit dolour and difeas thairof, be the fpace of fyve dayes or thairbye ; at laft, he, in the faid moneth of November, deceffit, be the faid crewall handling ; and fwa was crewallie and vnmercifullie flane be thame : The faid Patrik being airt and pairt of the faid crewall flaughter ; the lyke of the quhilk crewaltie and tyrannie was never hard to be committit within this cuntrey, nather in hieland nor lawland.

PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, aduocat.

PRELOQUOUTOURIS for Patrik Stewart, Mr Johne Ruffell, Mr Alexander King.

Williame Stewart of Tullich takis instrumentis of the entrie of the faid Patrik ; and proteftis, that he, as his cautioner, be releuit ; quhilk wes grantit.

The pannell denyis the cryme ; quhairvpoune his preloquoutouris takis instrumentis : As also the pannell takis instrumentis, that na partie compeiris to perfew, except our fouerane lordis Aduocat ; or that na perfoun fwoir the Dittay.

¹ *Cleanse*, acquit.

² Hot ashes and live-embers.

³ Cast, tossed.

ASSISA.

Johne Stewart Neilfoune in Fofs, Alexander Robertfoune of Faf- Duncan Robertfoune of Glen-
 Williame Stewart in Duntulleich, calze, gennet,
 Johne Tarlafoune, apperand of Johne Farguefoune, callit Bar- Mr Robert Rois of Craigie,
 Moingzeis, rounne Farguefoune, Duncan Robertfoune of Piteaftell,
 Tarloch Robertfoune in Calie- Johne Farguefoune in Cluny, James Robertfoune of Killifehawie,
 bruer, Dauid Barroune in Faudowie,¹ Andro Boyd, portioner in Litill
 Robert Robertfoune of Strowan, Alexander Stewart in Bifehoprie, Dunkeld.

The Advocat proteftis for Wilfull Errour, in caife thay acquit, in refpect of his awin Confefiounne; quhair he confest, that he wald haif flayne his brother, for the latting of the faid vmq^{le} Angus gang.

VERDICT. Eftir accufatiounne of the faid Patrik be Dittay, quhilk was veri-
 feit be his Depofitionis, the Affyis, be the mouth of the faid Chancelar, ffand,
 pronunceit and declarit the faid Patrik Stewart to be fylit, culpabill and convict
 of airt and pairt of the flautcher of vmq^{le} Angus Dow M^cEvir.

SENTENCE. To be tane to ane place beyde the mercat-croce of Edinburgh,
 and thair his heid to be ftrykkin fra his bodie; and all his movabill guidis to
 be efcheit, &c.

THE famin day, George Leslie Capitan of Blair, Neill Stewart in Fofs, Robert Stewart in Faucaftell,
 Alexander M^cIntofch in Tirenne, George M^cIntofche, his brother, Alexander Stewart in Bohefpik,
 John Butter in Eifter Dunfallandie, Andro Burt, eldar in Cult, Johne Stewart M^cRobert in
 Archgowll, George Nafmyth in Laclache, and James Nafmyth off Inwar, vnlawit, ilk ane of thame in
 the pane of ane hundreth markis; for nocht compeiring and paffing vpounne the Affyife, &c.

Rapt and Ravinghing — Besieging House of Auchmedden, &c.

Jul. 6.—JAMES CHENE of Pennan.²

Dilatit of the Rapt and Reveifching of Mariorie Cuke, dochter to Williame
 Cuke in Vriuach: And ficlyke, for the aflageing of Gilbert Baird of Auchmedden
 (his) houfe: And for fchuting of piftolettis at Lilius Baird, and caufing of hir
 pairt with barne; and vtheris crymes.

PERSEWARIS, Mr Thomas Hammiltounne, Williame Cuik of Vrinoch, for Mariory.

PRELOQUUTOIRIS for the pannell.

Mr Thomas Craig,
 The Laird of Donypaice,

My Lord Home,
 Mr Johne Ruffell,

My Lord Sanquhar,
 Mr Alexander King.

DITTAY *againft the Pannel.*

FORSAMEKILL, as it is exprellie provydit, ftatute and ordanit be our fouerane lordis Actis of Parli-
 ament, maid in the tyme of his hienes prediceffouris, that na maner of man commit Rapt or Reveifch-

¹ This person's name affords an instance of the difficulty and uncertainty of Genealogical enquiries, and the immense research requisite for tracing Family-pedigrees, especially in the North of Scotland. He is here described as '*Dauid Barroune in Faudowie*;' when chosen Chancellor of the Assise, he is designed '*Dauid Farguisoun, Barroun of Faudowie*;' and he subscribes the verdict of the Assise, '*DAUID M^cDUF OF FAUDOW!*' Another person in the same Assise, '*Johne Farguesounne, callit Barroune Farguesounne*;' still farther illustrates this remark, regarding the labour and indefatigable industry which must be displayed by the correct Genealogist and Historian. ² See Jul. 9, 20, and 30. The pannel was brother of Patrik Chene of Essilmonth, a person of considerable note and influence.

ing of wemen, vnder the panis contenit in the saidis Actis: And trew it is, that James Chene of Pennan, accompaneit with Alexander Chene, sone to Williame Chene in Oreheartoune, Geddes and Thomas Davidfoune, seruitour to Patrik Chene of Effilmonth, accompaneit with diuerse vtheris thair complices, with conuocatioune of his hienes liegis, to the nowmer of twelf personis or thairbye, all bodin in feir of weir, with secreittis, plait-flevis, gantilettis, fleil-bonnettis, swordis, dagis and pif-tolettis, expresse prohibite to be borne, worne, vsit or schot with, be his hienes Actis of Parliament and Secreit Counsale, vnder diuerse panis contenit in the samyn, laillie, in the moneth of July, the yeir of God Im.V^c.lxxxvij yeiris, come, be way of Hamefuekin, vnder scyence and cloude of nyecht, to the said Williame Cuke duelling-hous in Vrinach, lyand within the Sheref dome of Abirdene, qubair the said Mariorie Cuke was, in sober and quyet maner for the tyme, doand hir lesfull effairis and buffines, traifing na ewill, harme, iniurie or perfuit of ony personis, bot to haif leuit vnder Godis peax and our fouerane lordis; and thair pat violent handis in hir bodie, take hir captiue and presoner, and perforce reveifchit,¹ and convoyit hir away with thame to the said James Chene duelling-hous in Pennan; qubair the said James deforeit and abusit hir bodie, and held and detenit hir in captiuitie within the said James houfe, be the space of xij dayis or thairbye; vsurping thairbye our fouerane lordis autoritie vpoun thame, in taking of the said Mariorie, his hienes frie liege but² commissioun or autoritie: And fwa, be being airt and part of the saidis crymes, hes contravenit the tennour of the saidis Actis of Parliament, in rapt and reveifching of the said Mariorie, being than ane virgyn; and hes incurrit the panis contenit in the saidis Actis, quilkis aucht and suld be execute aganis him with all regour, in exampl of vtheris to commit the lyke in tyme cuming.

The pannell being³ desyrit quha wald insift in this perfuit, The Aduocat declaris that he insiftis, togidder with Williame Cuik, fader to Mariory Cuik: And the said Mariorie, being chargeit to insift, sche is excusit, be Testimoniall of the Minister, that sche is lyand in chyld-bed-lair.

ITEM, ffand that my Lord Aduocat has interes to perfew, albeit that the principall letteris ar nocht rasit at his instance, for the Reveifching of Mariory Cuik; the Walkning⁴ being rasit in my Lord Aduocattis name, nocht contenand Mariory Cuikis name.

The Aduocat takis instrumentis, that he passes fra the wordis, ‘as administratour, tutour, gyder and gouernour,’ and kepis the wordis ‘as fader.’

THE JUSTICE ffindis Williame Cuik, as fader, hes interes to perfew for the iniurie done to his dochter; albeit sche wes of perfyte aige quhen the principall Summondis wes rasit, and is nocht present to perfew.

The said Mr Johne Ruffell preloquoutour desyris, that his alledgeance may be recordit be writt.

It is alledgeit, for the part of James Chene, that he aucht nocht be putt to ane Assyise for the reveifching of Mariory Cuik, becaus he opponis *exceptio spontaneæ voluntatis* aganis the force and violence; as he, being fyrst mareit with Katherene Ruthirfurd his spous, and insafar as it is offerit to be provin, before the tyme lybellit, that the said James had carnall deill with the said Mariory; and thairefter, in respect of the familiaritie betuix him and hir freindis, sche

¹ Carried away by force.² Without.³ Having?⁴ Process of Wakening.

frelie, of hir awin meare will, cam to the said James, in cumpany with Marioune Cullen and Helene Qubyte, remanit in his hous be the space of xiiij dayis alto-gidder, he being absent all the tyme furth of the said hous, and sche mycht haif returnit to hir faderis hous att hir pleasour, it being distant bot ane myle or twa att the farrest, hir fader and freindis haifing acces to hir ; the said James being absent be the space of xxxij mylis att the leift, purpoffie fend to Abirdene to by hir clathis ; during the quhilk tyme sche nocht only administrat hir effairis, bot tuik of hir kiftis and coifferis sic geir as sche pleasit, quhilk thaireftir wes ressaunt aff hir hand be hir fader and mother : Quhilk being done, sche wes perswadit be hir fader and Rychart Vgiftoune to affirm, that sche wes reveist, and sche fould gett geir fra him for hir aduancement. In respect quhairof, the said alledgeance being verefeit presentlie, the mater can nawyis be putt to ane Assyis ; att the leift, this exceptioun and tryell thairof man be tane coniunctlie with the lybell ; and takis instrumentis, that thay offer presentlie to verifie the said alledgeance, before the mater be putt to ane Assyise.

The Aduocat alledgis, that the alledgeance aucht to be repellit, in respect of the summondis ; and na probatioun can be ressaunt in the mater, be the Justice.

THE JUSTICE, with auise of his Assessoris, repellis the alledgeance, in respect of the summonds.

The pannell protestis, that nochtwithstanding thair alledgeance be repellit *hoc loco*, that thay may haif place to verifie the said alledgeance to the Assise.

THE JUSTICE continewis this mater to the nynt of July.

PRELOQUUTOR for the pannell, My Lord Erle of Crawford.¹

Jul. 9.—Allegeis, that the bering of pistolettis or schuting thairwith, can nocht be put to ane Assyise, becaus thair is Commissioun grantit to the Laird of Effilmonth¹ and vtheris thairin contenit, to tak the Laird of Troupe and vtheris, in quhais cumpany the said James wes present, att the executioun of the said Commissioun ; vnder protestatioun, he affermis nocht that he wure pistolettis, att the tyme lybellit ; and produceit the Commissioun.—The Aduocat allegeis, that the alledgeance aucht to be repellit, in respect of the Commissioun grantand na Commissioun to the said James Chene ; nather wes he defyrit be the Commissioun, att the tyme lybellit, to assist thame.—Allegeis James Chene, that gif he wure ony pistolettis the tyme libellit, he did na wrang ; vnder protestatioun, becaus his Maiestie directit his Commissioun to certane his Commissioneris, speciallie to Patrik Chene of Effilmonth, his brother : Quhilk Commissioun is ane sufficient to him to beir pistolettis ; and gif ony wyis he hes borne or worne the saidis pistolettis, it wes done with his said brother and vtheris his Commissioneris, in executioun of the said Commissioun.—The Aduocat alledgis that

¹ In addition to those formerly entered.

² Patrik Chene, brother of the pannell.

the said alledgeance aucht to be repellit, in respect of the Commiffioun berand na anfuert.—Anfuert the pannell, the Commiffioun gevis ane Warrant to convocat the Kingis liegis.

THE JUSTICE Repellis the alledgeance, except that thay instantlie verifie that he wes with the Commiffiouneris the tyme lybellit; and that thay wer in the executioun of thair officeis.

ASSISA for the Reveiffing.

Alexander Fairlie of Braid,	Robert Flefehour, burges of	William Bandene, alias Ruth-
Johne Traill of Blebo,	Dundee,	vene, 3ounger of that Ilk,
Johne Johnestoune, callit Johne	Patrik Lyoune, merchand, burges	Hector Rae, merchand, burges
of Elphinstoune, burges of Edr,	thair,	of Edinburghe,
Andro Logane of Grantoune,	Gabriell Merfer, burges of Perth,	Thomas Somervell, merchand,
Alexr Wod of Lammieytham,	Mr David Home, brother to the	burges thair,
David Kynneir of that Ilk,	Laird of Wedderburne,	Mr Archibald Wilkie, in the
Johne Fairlie of Comeistoun,		Cannogait.

The Affyis being fworne, and the Dittay red, my lord Aduocat produceit for takyn,¹ Letteris of Horning aganis the said James; quhair the said James gaid² to the horne, for the rapt and reveiffing of the said Mariorie Cuke; and als produceit ane proces of the Presbiterie of Deir, fynding the said James gyltie of the said cryme; and als vfit the said William Cuke ayth, to be gewin, quha wes present to offer his aith.³

Repellis the foure-half-about.

It is allegeit that *William Cuik* can nocht gif his aith, becaus the deid wes nocht done to him; and his dochter is absent. *Secundo*, he can nocht gif his aith, becaus that he offeris him to prove, that sen the last Court, the said William offerit to compeir at the bar, and fuert that the reweiffing is nocht of veritie.—The Aduocat takis instrumentis, that he repetis the Interloquoutour pronunceit, that William Cuik had guid interes to persew in this caus, and that he offeris him reddie to sweir the Dittay; in respect quhair of, and of the Letter of Hoirning produceit aganis the pannell for the said cryme, and of the proces and sentence gewin aganis him be the Presbiterie of Deir, for this famin caus; gif the Assyise clange, protestis for Wilfull Errour.

The pannell atkis instrumentis, that gif the King and Kirk wer satisfeit, he wald forgif the said James. The pannell takis instrumentis, that William Cuik declaris that he can nocht, of his conscience, ffile or clange the said James, bot⁴ Mariorie Cuik his dochter tuik vpoun hir conscience, that the said James tuik hir away and reveiffit hir.—The Aduocat thaireftir produceit the said Wil-

¹ Token, or proof.
evidence upon oath.

² Went, suffered himself to be put to the horn.

³ Testimony, or

⁴ Unless, except.

liame Cuikis Depofitiounis, maid before the Counfall, quhairvpoun he askis instrumentis.

The pannell askis instrumentis that the Aduocat vſes na forder probatioun. *Item*, James Chene produces ane Teftimioniall, ſubſcryuit be Dauid Howiefoun, Miniſter of Abirdowr, teſtifeing, that the witneſſes contenit in the proces produceit aganis James Cheyne, teſtefeit na reveiffing.—The Aduocat takis instrumentis, that Mr Johne Ruſſell produceis and gewis in the Teftimioniall ſubſeryuit be Mr Dauid Howiefoun, Miniſter of Abirdowr. The ſaidis Maif-teris Thomas Craig, Alex^r King, and Thomas Craig (Johne Ruſſell) vſes the ſaid Teftimioniall, as preloquoutouris for James Chene, quhilk wes ſend to thame be Mr Alex^r Cheyne amangis the reſt of his writtis, to be vſit in Defence of the ſaid James Cheyne.—The Aduocat produceit ane vther Teftimioniall, ſubſeryuit and writtin be the ſaid Dauid Howiefoune, teſtifeing the ſubſcriptioun of the vther Teftimioniall to be falſ.

SPECIAL VERDICT. The perſones of Aſſyſe being choſin, ſworne and admittit, and the ſaid James being accuſit be Dittay of the crymes foirſaidis; and our ſouerane lordis Aduocat, for verificatioun thairof, haifing produceit to thame our ſouerane lordis Letteris, purcheit at the inſtance of the ſaid Meriorie Cuke and Williame Cuke, hir father; be the quhilkis the ſaid James was denunceit rebell and putt to the horne, in default of fynding of fouirtie, that he ſuld haif comperit befor the Juſtice or his deputtis, to haif vnderlyne the law for the ſaidis crymes; and als, haifing produceit the Extract of the proces led and deduceit aganis the ſaid James, for the away-taking and violent reveiffing of the ſaid Meriorie Cuk, befor the Preſbiterie of Deir, the fourt day of Auguſt, the yeir of God 1597 yeiris, Mr Duncan Dauidfoun being Moderatour; togidder with the Depofitiounis maid be the ſaid Williame Cuke, at Falkland, the firſt day of July inſtant, in preſence of my Lord Chancellor, Theſaurer, Biſchops of Roſs and Dunkeld. Aganis the quhilkis writtis and verificatioune, the ſaid James Cheyne and his preloquoutouris maid diuerſe alledgeanceis for elyding of the ſamyn, and anſueris maid thairto be the Aduocat; the ſaidis perſonis of Aſſyis removit altogidder furth of Court to the Counfall-hous, quhair thay, efter cheſing of the ſaid Dauid Kynneir of that Ilk chancellor, &c., ſſand, pronunceit and declarit the ſaid James Chene to be Clene, innocent and acquit of the rapt and reveiffing of the ſaid Meriorie Cuik, dochter to Williame Cuik in Vrinach; and of detenuing of hir in captiuitie, be the ſpace of xij dayes; and of the deſorceing of hir, committit in the moneth of July, the yeir of God 1^m.V^c.lxxxvij yeiris:¹ And als ſſand, pronunceit and declarit him to be ſſylit and convict of the lying with hir in the place of Pennan, at the tyme foirſaid, without violence, Quhairvpoun the ſaid James askit actis and instrumentis.

THE JUSTICE continewis the nixt dyet to xx day of this moneth.²

Treason — Forging Mark-pieces.

Jul. 13.—ALEXANDER REID, cuitlar in Edinburgh.

Indytit, accuſit and perſewit, ſſorſamekill as he, being ane prentar in our ſouerane lordis Coinzie-hous thir diuers yeiris bygane, and haifing the credite to

¹ 1597. This method of marking the year aroſe from the mode of expreſſion then in uſe, viz. An thousand fyue hundredth, thre ſcoir ſeuintene 3eiris. ² See Jul. 20, 1602.

his hienes trew coinzie, ffor the quhilk the Maister-coinzeour fatisfeit him honestlie and payit him for his panis; nochtwithstanding thair of, he, vmyndfull of his dewtie, fyrst to God, nixt to his Maiestie, and last to the said Maister-coinzeour, the said Alexander Reid, vpoun the xxviiij day of Junij lastbypast, gatt ane fals half-merk-peace of copper prentit, with the ballance on the ane fyde, fra Cristian Reid, spous to David Lowriestoun, in Corstorphene; and als bocht ane fals batterit peace, blank but prent,¹ fra Williame Smyth, seruitour to William Weylandis, lorymer,² burges of Edinburghe, vpoun the fyrst day of July instant; the quhilkis twa fals pecis, he, vpoun the thryd day of the said moneth of Julij instant, maist tressonablie prentit, fforgeit and past his Maiesteis trew prenting irlis with the prent of the mark peace; and thairby hes committit Tressoun.

ASSISA.

Williame Stalker, goldfmyth, burges of Edinburghe,	James Lethingtoun, juster in the Coinzie-hous,	Robert Thomfoun, goldfmyth, burges of Edinburghe,
Alex ^r Bruce, cuitlar, burges thair,	Dauid Lyndfay, fmyth, burges of Edinburghe,	Robert Tailzefer, cuitlar in Leith wynd,
Williame Myller, meltar in the Coinzie-hous, ³	James Mynto, forgear in the Coinzie-hous,	George Seytoun, forgear in the Coinzie-hous,
Thomas Myller, cuitler, burges of Edinburghe,	Walter Mathie, forgear thair,	Moreis Gray, forgear thair,
Johne Quhyte, cuitler,	Patrik Schaw, prentar thair,	Williame Sinclair, forgear thair.

VERDICT. The Assyis, be the mouth of the said Patrick Schaw, chancillar, ffand, pronunceit and declarit the said Alexander Reid to be ffylit, culpabill and convict of the tressonabill prenting of twa mark pecis, vpoun his Maiesteis trew irlis, as his hienes trew coinzie.

Jul. 20.—SENTENCE. The Justice, be the mouth of Walter Pirie, dempstar, decernit and ordanit the said Alexander Reid to be tane to the Castell-hill of Edinburghe, and thair to be hangit quhill he be deid; and all his movabill guidis to be escheit, &c.

Jamesucken — Besieging House of Auchmedden — Adultery.

Jul. 20.—JAMES CHENE in Pennan.⁴

The quhilk day, James Chene being enterit on pannell, dilatit, accusit and perfewit of the crymes efter specifeit, thay ar to fay,

For contravening of our souerane lordis Actis of Parliament, in beiring and weiring of hagbuttis and pistolettis vpoune his persoune, and in his company, oppinlie, outwith houffis, in the monethis of September, October, November, December, Januar, Februar and Marche, the yeir of God 1597, vpoune the landis of Pennan, Auchmedden, and diuerse vtheris boundis, within the sheresdome of Abirdene. ITEM, fforfamekill as he, accompaneit with diuerse vtheris, his complices, forneris and brokkin men, all bodin in feir of weir, with hagbuttis and pistolettis and vtheris wappynnis, *inuafue*, incontrair the tennour of the Actis of Parliament, laitlie, in the moneth of Marche, the yeir of God

¹ Without any impression.

² Old Fr. spur-maker, *lormier*. Lorimers, besides selling small iron wares, generally dealt in saddlery.

³ The Royal Mint.

⁴ See Jul. 9, 1602.

1597, haifing confaut ane deidlie feid, rancour and malice aganis Gilbert Baird of Auchmedden and Lilius Baird his spous, come, be way of Hamefuckin, vnder feylenge and cloude of nycht, to the said Gilbertis duelling-place of Auchmedden, quhair the said Lilius Baird was for the tyme, in sober and quyet maner, accompaneit with hir bairnis and ferwandis, hir husband being absent, and thair clam¹ the cloife dykes of the said place, pullit out the stanchellis² of the kitchen wyndois, brak vp sum duris, and affageit the said Lilius and hir ferwandis within the said place, be the space of thre houris or thair-bye; clam vp to the tops of thair houffis, kaift in stanes at the chymnay heid, schot in hagbutis and pistolettis at the duris and wyndois of the said place; schot the said Lilius throw the claytbis, scho being grit with barne;³ ffor feir of the quhilk schot, scho schortlie thairefter pairtit with the said barne,⁴ quhilk was crewallie slane be the said James; and swa, ye committit Hamefuckin, Affageing of houffis vnder feylenge and cloude of nycht, and hes contravenit the tennour of the saidis Actis of Parliament, in beiring, weiring and schuting with hagbuttis and pistolettis. *ITEM*, for contravening of our fouerane lordis Actis of Parliament in abusing of his bodie in notour Adulterie, with Mariorie Cuke, dochter to Williame Cuke in Vrinot, within his awin duelling-place of Pennan, in the monethis of July and August, the yeir of God 1597, he being mareit with (Katherine) Rutherfurd, his spous, and being vndeureit.

The said James declarit, for obedience of his Maiestie, that nochtwithstanding that he was maist innocent of the saidis crymes, and that he may vse his lawfull defence aganis the samyn, he vald become in our fouerane lordis will; provyding alwayes his lyffe may be saiff: Quhairvpoune the said Mr Thomas Hammiltoun, and als the said James Chene, askit actis and instrumentis.

Jul. 30.—The Justice produceit HIS MAIESTEIS WILL, quhair of the tennour followis.

REX,

JUSTICE, Justice clark and your deputis, We greit you hairtie weil: fforfamekill as James Chene of Pennan, being accusit before you for findrie crymes, he voluntarie become in our will, for the cryme of Adulterie and fyndrie Oppressiounis committit be him. Heirfoire it is oure will, that you fall gif furth dome aganis the said James, that he fall be Baneisbit this cuntry, and fall nawyis returne within the same, without onre Licence, vnder the pane of death, to be incurrit be him, and of the sowne of thre thousand markis to be incurrit be his cautioner, quhome you fall ordane him to fynd for his remaning furth of the cuntrey; and that befoir he be put to libertie. Quhairanent thir presentis falbe to you ane sufficient Warrant. Subscryuit with our hand, At Falkland, the xxvij day of Julij, 1602.

(Sic subseribitur) JAMES REX.

The quhilk Will the said Justice-depute pronunceit, &c.; and the said James askit actis and instrumentis.

Slaughter — Shooting of Hagbuts and Pistolets.

Jul. 21.—DAVID GRAHAM of Craig, and Alexander Kennedie of Bal-iarrak.

Dilatit of art and part of the Slaughter of vniq^{le} Richard Spens, seruitour to Johne Erle of Cassillis; and for beiring and weiring and schuting of hagbuttis and pistolettis; committit in December.

¹ Climbed.

² Iron stanchcons.

³ Pregnant.

⁴ Miscarried.

PERSEWAR, Mr Thomas Hammiltoune of Drumcarne, aduocat.

PRELOQUUTOIRIS for the pannell, Mr Thomas Craig, Mr Alexander King.

Comperit Rychard Spens as fader, . . . Spens and . . . Spens, as brether to vmq^{le} Rychard Spens, and declarit thay wald nocht infist in perfuit of Dauid Grahame of Craig, att this present, and att na tyme heireftir ; and als defert. The said Dauid Grahame declaris, he offeris him reddie to vnderly the law, for the crymes contenit in the letteris.—The said Rychard Spens and his sonis defyrit that the perfuit of Alexander Kennedie sould delay, quhill thay may haif tyme to fummmond ane Affyis.—The said Alexander Kennedie takis instrumentis that he offeris him to vnderly the law, for the crymis lybellit ; difassenting to all continewatioun now, as ofbefore.—‘ DESERT’ as to Grahame : And as to Kennedie, continued to the Justice-air of ‘ Air, tertio Itineris.’

Adultery.

Aug. 19.—ELSPET HEISLOP, lait fervand to Archibald Bauld, indueller in Edinburghe.

Dilatit and accufit for contravening of our fouerane lordis Actis of Parliament, in abusing of her body in the filthie and abhominable cryme of Adulterie with Dauid Gray,¹ fischmunger in Edinburghe ; committit in the monethis of March, Apryle, Maij, Junij, Julij, August, September, October, November, December, Januar and Februar, in the yeiris of God 1594-5-6-7-8-9, 1600 and 1601 yeiris, att the leift, in ane or vther of the saidis monethis and yeiris *respectiue* foirsaid ; and that within the burcht of Edinburghe, att the West-port thairof and vtheris pairtis, about the said burch : In the quhilk cryme sche hes procreatt and borne to the said Dauid foure findrie bairnis, quhair of twa deceiffit this lyffe, vnbapteift ; and ane is yit on lyfe, vnbapteift.

Quhilk cryme the said Elspett confest, and become in our fouerane lordis will for the famin.

(Nov. 27.)—SENTENCE. The Justice ordanit the said Dauid Gray and Elspeth Hislope to be kairtit throw the Toune, and ane paper vpone thair heid, contening thair cryme : And to be banisheit the said burgh ; and nocht to return thairin, during all the dayis of thair lyftyme, vnder the pane of deid.

Slaughter.

Nov. 10.—JOHNE CONGILTOUNE, gairdner, in the Plesance (of Ed^r.)

Dilatit of art and pairt of the Slauchter of vmq^{le} George Spottifwod, brother-german to vmq^{le} Ninian Spottifwod of that Ilk ; committit in Junij 1588 yeiris.

¹ See Jan. 12, 1602.

PERSEWAR, Agnes Spottifwood, onlie dochter to the said vmq^{le} George.
PRELOQUUTOUR for the pannell, Andro Blak.

The said Johne Congiltoune allegeis that this mater can nocht pass to ane Assyis, in respect he hes our fouerane lordis Remiffiounne, grantit for the slauchter of the said vmq^{le} George, vnder our fouerane lordis Previe Seill, of the dait, at Edinburghe, the thrid day of Marche, the yeir of God 1588. And als, produceit ane Letter of Slaynis, grantit be Williame Spottifwod of that Ilk, Mr Johne Spottifwod his father-brother, Williame Spottifwod, Alexander Spottifwod and . . . Spottifwod, brether to the said vmq^{le} George, and Cristian Thomefounne, the relict of the said vmq^{le} George, to the said John Congiltoune, daitit at Edinburghe; the xxij day of Februar 1588.

Dauid Corfbie, merchand burges of Edinburghe, James Dauidfounne, flefcheour burges thair, become cautioneris and fouerteis, coniunctlie and feuerallie, to satisfie the partie persewar, as law will; Lykeas, that he fall pass the said Remiffiounne the Grit Seill, vnder the pane of ffourtie pundis.

Slaughter — Shooting of a Pistolet.

Nov. 19.—WILLIAME WAUCHOPE, sone lauchfull to vmq^{le} Johne Wauchope, baillie of Nudrie.

Dilatit of airt and pairt of the Slauchter of vmq^{le} Johnne Symfoun, messinger in Edinburghe; committit in the moneth of October or thairby, the yeir of God I^m.V^c.lxxxxix yeiris. ITEM, for contravening of our fouerane lordis actis of Parliament, in schuiting of ane pistolet at James Wadie, sone to vmq^{le} Wadie, wrycht.

VERDICT. The Assyse, be the mouth of Archibald Geddes elder, burges of Ed^r, chancellor, sfind, pronunceit and declarit the said Williame Wauchop to be Giltie and ffylit of the saidis crymes *respectiue* aboue writtin.

SENTENCE. To be tane to the mercat croce of Edinburghe, and thair his heid to be strukkin fra his body; and all his moveabill guidis to be escheat, &c.

Child-murder.

Nov. 27.—AGNES COWANE in Corstorphin.

Dilatit for the crewall Murthour and Slauchter of ane young infant barne, procreat be her to George Kyle, seruitour to the Laird of Corstorphin.

VERDICT. The Assyse, be the mouth of Patrik Home of Polwart, chancellor, sfind, pronunceit and declarit the said Agnes to be culpabill and convict of the saidis crymes.

SENTENCE. To be tane to the Castelhill of Edinburghe, thair to be hangit vpon ane gibbet quhill scho be deid, and all her moveable guidis escheit, &c.

Adulterating and Uttering Base Coins, &c.

Dec. 15.—ALLANE NAPER, culteller in Glesgow.

Dilatit ffor the tressonable gilting of twenty fevin fals aucht-merk and foure-merk peces, of the number of threfoir fals aucht-merk and four-merk peces; quhilkis war fend to him to his duelling-hous in Glesgow, be Campbell of Glenlyell, about tua yeir syue or thairby; togidder with tua licht angell-nobillis, and that with Donald M'nair, serveand to the said Campbell of Glenlyell.

VERDICT. The Assise, be the mouth of James Hoppringill of Quhytebank, chanceler, fstand, pronunceit and declairit the said Allane Naper to be ffylit, culpable and convict of the crymes aboue writtin: and that, in respect of his awin Confessioun maid in jugement, and of his cumming in the Kingis Maiesteis will thairfoir.

SENTENCE. To be tane to the Castell-hill of Edinburghe, and thair to be wirreit at ane staik, and his body brint in affis; and all his moveabill guidis to be escheit, &c.

Slaughter.

Jan. 4, 1603.—WILLIAME WAUCHOPE, brother to vmq^{le} Archibald Wauchope of Nydrie.¹

Dilatit of airt and pairt of the Slauchter of vmq^{le} David Edmestoun of the Wowmett, committit in the moneth of

PERSEWERIS, Aliesone Home, relict of the said vmq^{le} David, Ewfame Edmestonne, sifter.

PRELOQUUTOURIS, David Home of Rowiestonne, George Home brether to the said Aliesonne.

PRELOCUTOURIS for the pannell, Mr Laurence McGill, Mr George Wauchope.

The pannell takis instrumentis, that nane compeir to infist in his persute, bot the partie. It is allegit be Williame Wauchope that this matter can nocht pas to the knowledge of ane Assyse, nor that the partie hes na entreis to persew, bot ressaunt ane Assythment.²—Anfuerit that thair is na thing produceit to verifie.

THE JUSTICE repellis, in respect nathing is producet to verifie.

It is forder allegit that this matter can nocht pas to ane Assyse, in respect his Maiestie hes remittit the samyn, be his speciall Letter of grace, quhilk is produceit, blank in the dait, and subseryuit be his Maiesteis allauerlie.—It is anfuerit be the persewer, that this Letter is only ane Letter, blank, sinisterullie purchest, contrair the Act of Parliament, vndaittit, vncomposit be the Thesaurer, and subseryuit only be his Maiestie; quhilk is nocht sufficient of the law.—It is

¹ See Feb. 2, 1603.

² A fine or compensation made to the relations of the party slain, as a *solatium* for the Slaughter.

declairit be the defender, that he cumis in his Maieftis Will, baith concerning the fact and the imperfectiones of the Letter.

The parteis produceit ane Letter, fubfcriyuit be his Maieftie, commanding the Justice to proceid and minifter Justice, and put him to the knowledg of ane Affyfe, for Slauchter and beiring of piftolettis.

THE JUSTICE continewis this mater to Thurisday nixt; and wairnit the Affyfe, *apud acta*, to the faid day.—(Jan. 6.)—‘DESERT.’

Importing and Uttering Base Coin.

Jan. 13.—ALEXANDER THOMESOUN, mariner in Borrestounes.

Dilatit, accusit and persewit for the tressonable hame-bringing of fourfcoir fax false merk-peices furth of the realme of Ingland to Scotland; and for the tressonabill out-putting of sex of them to . . . Gray, Baillie in Eyemouth; committit in the moneth of Januare instant.

VERDICT. The Assyis, be the mouth of David Home of Rowistoun, chancellor, ffand, pronuncet and declaret the saidis Alexander Thomesone to be ffylet, culpable and convict.

SENTENCE. To be tane to the mercat croce of Edinburghe, and thair to be hangit vpon ane gibbet, quhill he be deid; and his guidis, geir, landis, heritageis and possessiones, gif he ony hes, to be fforfalt and efcheit, &c. As also, ordanit the saidis fourfcoir fax false merk-peices, quhilkis war produceit in jugement, to be meltit and distroyit at the said croce.

Murder — Theft.

Jan. 20.—JOHNNE RAMSAY, sumtyme in Meluill mylne.

Dilatit of the crewall Murthour and Slauchter of vinq^{le} James Roife, sumtyme thesaurer and burges of Edinburghe; committit vnder filence and clud of nycht, vpon the aughtene day of September, I^m.Vj^c. and ane yeiris; and thifteous Steilling and away-taking fra the said James, of his horse, cloik and pursé, at the tyme foirfaid.

VERDICT. The Assyis, be the mouth of David Fairlie merchand, chancellor, ffand, pronuncet and declairit the said Johnne Ramsay to be ffylet, culpable and convict of the saidis crymes.

SENTENCE. To be tane to ane gibbet, besyde the corse of Edinburghe, and thair to be hangit quhill he be deid: And thaireftir, his heid to be strukkin fra his body, and put on the Nether-boll of Edinburghe; and the remanent his memberis to be vsfet at his Maieftis directioun, and his haill moveabill guidis to be efcheit, &c.

Hamesucken—Rapt, Ravishing and Forcing.

June 21.—HENRIE SINCLER of Quhytkirk.

Dilaittit, accuset and perfewit at the instance of Mr Tho. Hammiltoune of Monkland, aduocat to our fouerane lord, for his hienes entreis, of the crymes following, viz.

FORSAMEKILL as the said Henrie, being accompaneit with James Hepburne, serveand for the tyme to the Laird of Roisling, Andro Anderfone, and vtheris thair complices, with convocatioune of our fouerane lordis leigis, to the number of aucht perfones or thairby, all bodin in feir of weir, with fwoirdis, fecreitis, steil-bonettis, &c. laitlie, in the moneth of December, 1^m.Vj^c. yeiris, come be way of Hamefukkin, vnder silence and clud of nicht, to vmq^{le} George Carkettillis duelling hous of the Monkirig, quhair Margaret Carkettill, now spous to Archibald Hammiltoune of Bairfute, was, in sober and quyet maner for the tyme, takand the nichtis rest; and thair brak the said hous, enterit within the samyn, and put violent handis in the said Margaret, had and raveifchet hir away with thame perforce; and convoyit hir away to the place of Merkill; quhair the said James forcet and abufet her body: And thaireftir, transpoirtit hir to the place of Qubitekirk, quhair scho was detenit all the nicht captiue and priffoner, and keipit and detenit hir in captiuitie with the said Henrie and remanent perfones foirfaidis, be the space of aucht dayis thaireftir, or thairby; scho being our fouerane lordis frie leige; vsurpand thairby his hienes auctoritie vpon thame: And sua, the said Henrie was airt and pairt, red and counfall of the taking of the said Margaret, and of the Rapt and Raveifching of hir, and keeping of hir in captiuitie; scho being his hienes frie leige; and of the forceing and abusing of hir body, to the greit contempt of our fouerane lord, his hienes auctoritie and lawis: At the leift, of Resfetting of hir, in maner foirfaid.

Comperit, Johne Home, Constable of the Castle of Edinburgh, and takis instrumentis of the entrie of the pannell.

ASSISA.

Sir Johne Ker of Spylaw,	Henrie Lauder, in Dunbar,	Adam Hepburne of Bonhard,
Stevin Brantfield of Gryndlawdene,	Adam Scott, brother to the Laird of Dryop,	James Henderfone of Drydane,
		And nine others,

(Feuars and burgesses, excepting ' Mr Thomas Levingstoune, sone to the Laird of Hayning.')

The said Henrie denyit the Dittay, and ewerie poynt thairof.

The Aduocat alledgeit that the said Henrie could nocht deny the Resfett.

VERDICT. The Assyis, be the mouth of the said Adam Hepburne, chancellor, in respect na pairtie comperit to sweir the Dittay, nor that nathing wes product be our fouerane lordis Aduocat for verifeing thairof, stand, pronuncet and declairit the said Henrie to be Clene, innocent and acquyte of the baill poyntis of Dittay aboue specifcit. Quhairvpon the said Henrie Sincler askit instrumentis.

High Treason—Doom pronounced upon the Dead Body of a suspected Traitor, produced at the Bar of the Court.

Jan. 31.—FRANCES MOUBRAY, deceased, (son to the Laird of Barnbowgall.)

[THE Case of FRANCIS MOWBRAY may, perhaps, be considered as one of the most extraordinary of its kind, in the whole range of the Criminal Records of this or of any other country. There is something monstrous in the idea of wreaking vengeance on the lifeless remains, even of the most atro-

cious criminals; but in the present instance, the victim had only been imprisoned in the Castle of Edinburgh, on vehement suspicion of Treason; and, in his endeavour to effect an escape, he was precipitated over the rocks, and killed. The production of the mangled body of the suspected criminal, at the bar of the Supreme Criminal Tribunal of the country, and the subsequent sentence of Forfeiture, however repugnant to modern ideas and to every proper feeling, were by no means, in themselves, solitary examples of such procedure, in cases of High Treason. To avoid repetition, reference is made to a Notice prefixed to the Forfeiture of Logan of Restalrig, (see Vol. II. p. 276,) for several illustrations of a similar nature. In addition to these instances, it may be noticed, that *Robertson*, in his History of Scotland, observes, that after the battle of Corriehie, the dead body of the Earl of Huntly was presented in Parliament, before sentence of Forfeiture was pronounced against him; and other cases might easily be mentioned.

In order to arrive at the *facts* of this case of Francis Mowbray, which are of themselves of considerable historical importance, the Editor found it necessary to institute an examination of various contemporary Histories and MSS. preserved in the Advocates' Library.

The most accurate account of Mowbray's Treason, however, is detailed by *Archbishop Spotswood*, (p. 471,) in the following brief passage. 'About the same time, the King had intelligence given him, that one FRANCIS MOWBRAY, son to the Laird of Barnebowgall, who had lived a while in the Infant's Court at Bruxells, had undertaken to kill him. This brake out first at London, by an Italian, a fencer, whose name was Daniel; which coming to the Queen's ears, she commanded Sir Robert Cecil, her secretary, to call the persons (for they were both in the city) and examine them. The Italian abode by his speeches. Mowbray denied, and offered to prove him a liar, in combat; which the other accepted. Both being sent into Scotland, they were tried (examined) first severally, then confronted before certain of the Council. The Italian produced witnesses, who verified all that he had deposed: Whereupon Mowbray was committed to the Castle of Edinburgh; where, seeking to escape by night, at a window of the chamber where he was detained, the sheets proving too short, by which he thought to descend, he fell from a great precipice; and was found, the next morning, dead, at the foot of the rock. The corps was the same day, being the last of January, presented to the Justice, and Sentence of Forfeiture pronounced against him; his body hanged for a space upon the gibbet, and afterwards quartered, and affixed to the gates and most open places of the town. His friends (for he was well born, and a proper young gentleman) gave out, that he had been strangled, and his corps thrown down at the window. But this carried no appearance, and was believed of few.'¹

From the various Collections of State Papers of this period, we find, that King James was kept in constant alarm, from the incessant machinations of British as well as Foreign Papists and Jesuits; and, owing to many previous communications from the English Court, advertising the King of the certainty of such attempts being on the eve of execution, his Majesty had probably considered it necessary to make very severe examples of the first plotters who should be detected.

These Popish plots were in constant agitation, until the remarkable discovery of the Gun-Powder Treason, Nov. 5, 1605. *Culderwood* records one instance, in his MS. Church History, not mentioned by other historians, where the King certainly acted with unwonted lenity, no doubt in consequence of *Instructions* from Queen Elizabeth. It is thus briefly told. 'About the end of April (1602,) an English gentleman addressed himself to Court; and got presence of the King, upon the last of Aprile; and conferred with him a little space, in Dumfermline. Therafter, he went to his lodging. He flew

¹ Robert Birrell gives the following account of this monstrous proceeding. 'The 3d of Januar, Francis Mowbray brake ward out of the Castell; and he fell owir the wall and brake his craige. Thairefter he was trallit to the gallows and hangit; and thairefter was quarterit, and his heid and four quarteris put one the four Portis.'--*Diary*, p. 57.

James Chambers, one of the Kingis servants, and hurt the barber that was peling his head, before they were aware. He was apprehended and putt in the Tolbooth of Dumfermline. He cryed like a mad man, "The hour! The hour! The King!" &c. Being examined, he confessed that he and ane Italian fould have slaine the King. As is reported, he was transported to the Castle of Edinburgh, and kept in the irones; but within a quarter of a year was sett at liberty. It was reported that the King thought not much of the matter, but tooke the man to be some what distracted in his witts.'

Without further remarks, the remaining Papers which have been collected are appended, and left for the reader's deliberate consideration.]

THE JUSTICE ordanit his Maiesteis Precept to be insert and regiftrat in the buikis of Adiorvall.

REX,

JUSTICE, Justice clerk and your deputis, We greit you weill. Forfamekill as v^mq^{le} Frances Mowbray, being accuset of maist heich, horrible and detestable poyntis of Treffone and Lesinaestie, aganis us, our persone and Estait, and for ye samyn, committit to waird within our Castell of Edinburgh; and the samyn being sufficientlie verifeit be ye Depositiones of twa or thre witnessis, and ye tryell pairof sa cleir, yat pair remanit na obscuritie of ye same. The said v^mq^{le} Francis, obduret in mynd, and to all appearance seducet be Sathan, quha was the first motioner of theis his devillische interpryses, hes, vpon intention to escaip furth of our waird, procurit his awin miserable and schamefull death; and hes maid his giltines (be his breck of waird) mair nottour and manifest. It is our will heirfoir, that ye cause give dome and sentence aganis him, to be demaynit, quarterit and hangit; and his heid and quarteris to be put vponne ye maist publict pairtis and places of our burghes of Edinburgh; as ane quha is gillie of ye saidis crymes. And yat ye direct ye officiaris (to quhome ye executioun of theis turnes belang) to do ye same, with all ye formes accustomed in sic caissis: Quhairnent pir presentis fall be your Warrant. Subferyuit with our hand, att Halyrudhous, ye last day of Januare, 1603.

(Sic subferibitur)

JAMES R.

MONTOIS, CAN^{RIUS}. MAR. HEREIS. HALYRUDHOUS.

S^R G. HOME, THE^R. JO. PRESTOUN. M. T. HAMMILTOUNE.

SENTENCE. According to the quhilk Precept, and for obedience thairof, the Justice, be the mouth of Walter Peirie, dempstar, decernit and ordanit the said v^mq^{le} Frances Mowbray, now presentit on pannell, to be demanit as ane tratour, as eftir followis: That is to say, To be hangit be the craig vponne ane gibbet, beyde the mercat-croce of Edinburgh, and his body to be quarterit; and his heid, ane leg and ane airme to be put vp above the Nether-boll, ane elne above the rest; and ane vther leg to be hung on the West-poirt of Edinburgh, and ane vther airme to be hungin vpon the Potter-raw-poirt: And all his landis, heritageis, takis, steidingis, rowmes, possessiones, coirnes, cattell, guides and geir to be ffoirfalt and inbrocht to our souerane lordis vse, as gillie of the saidis trefsonabill crymes. Quhilk wes pronuncet for dome.

PAPERS illustrative of MOWBRAY'S TREASON.

1. EXTRACTS from *Calderwood's MS. Church History*.

(Oct. 1602.)—IN October, the King was advertised, out of England, of a Conspiracie. Ane Italian, who had been in this countrie eight years, alledged upon FRANCIS MOWBRAY, sone to the Laird of Barnbougall, that he solicited him to take part with him in cutting of the King, by poyfone or some

other means. They were both presented before the Counsell of England. At the Kingis desyre, they were sent to Scotland. The Italian affirmed constantly,¹ before the King, and offered to fight the Single-combate with Francis. Francis, being examined, be certaine of the Kingis Counsell, denyed; and offered to fight with the Italian.

(Jan. 5, 1603.)—IT was ordained that FRANCIS MOWBRAY and the Italian, who accused him of Treafone, would fight, hand to hand, in the great clofe of the Abbey of Halyrudhouse. The 5 of Januar was appointed for the combat. The baraffe being made and preparation, advertifement was sent two or three dayes before, out of England, to stay the Combate; because there was certaine Scotifh-men, who would verifie the Treafone. Soe, upon hope of further tryell, it was delayed.

(Jan. 29, 1603.)—IN the meantyme, upon the 29 of Januar, the King and Counsell were occupyed, for the most part, all that day, in the examination of FRANCIS MOWBRAY and the Italian, and confronting Francis with other two Scotifh men sent out of England, bot of light accompt, because they had spent their moyen, and wes forced to leave the country,—to witt, Mr Walter Mowbray and John Anderfone. The day following, that is to say, the Lord's day, the penult of Januar, Francis Mowbray assayed to come down the wall of the Castle upon peeces of the blanketts of his bed, sewed together on the night before. The blankets were too short; so he fell, and falling, feld himself upon the craig, about eight houres at night. He was apprehended immediately, but was speechlesse, and dyed about three houres in the morning.

Upon Monnday the last of Januar, his body was drawn backward to the Tolbooth, where the doome was pronounced, that he shold be drawn backward to the gibbett, and there hang for a certaine space; and then be quartered; and the members of his body to be sett up in publick parts of the town. It is marked, that when he was examined, he said, before the King, 'If ever I thought evill, or intended evill against my Prince, God, that marketh the secreits of all hearts, make me to fall at my enemies feett; make me a spectacle to all Edinburgh; and cast my soul in Hell forever!' And, being required, subscribed these words. He fell at his enemies feet indeed! For the Italian was above him in a Chamber. He was made a spectacle to Edinburgh. As for the third, we remitt to God, who saveth and condemneth whom he pleaseth. It is reported, that he fought his supper sooner than at other tymes, as though he had some Letters to write: After supper, he rave the blanketts in four pieces, and sewed them together; and that he was minded to doe the like with the sheets. The keeper, coming to the door, and finding it clofe, cryed. He thrust himself, for haste, out at the window, and cometh down upon the blanketts. The blanketts being short, he falleth. Some horsemen were awaiting on, to carie him away; but finding him unable, they spoyled him and departed; and his body was brought up to the Castle. The Italian was fet at liberty, and was to be rewarded.

2. EXTRACT from an Anonymous MS. History of Scotland.²

(Jan. 30, 1603.)—FRANCIS MOWBRAY, being warditt for allegit Treffoune aganis (his) Majesty, brak waird; and being aschaipitt³ be the wathe of the Castell, thay schaikis him out of the claitthis quhilke he wes gangand doune into; quhairby he fallis, and flays him self be the fame.

3. EXTRACTS from Cecil's Secret Correspondence with King James.

(i.) MOWBRAY, to Daniel and others, did confes a purpose, in his own heart, to be made an instrument against the person of the King, whensoever he were fet in hand; and to affect all persons opposite to the present carriage of your affairs, as he would demonstrate upon the first opportunity. If other *embryones*, which are yet *informes*, but yet dangerous, come any nearer to the likelihood of any formal shape, his Majesty shall be advertised; though, in the mean, we repute it a great indiscretion to reveal our uttermost, before the desire of utterance, out of a sound affection, becomes so strong as

¹ With constancy, without prevarication.

² Advocates' Library, A. 4. 35.

³ Escaped. Perhaps for espied.

the son of Cræfus would, by straining, break the strings of his tied tongue, to deliver what his love and duty binds him to.¹

(ii.) CECIL and I are very glad that the Laird of Weemes² had no better warrant for his traffick with this busy body.³ The man is not honest, nor was drawn to this discovery of *Mowbray's Treason* by love to the King, but merely upon spleen and malice to the party, upon the fractions of old amity. In this point we will say no more, but only wish, for the good of the King's service, that he neither have encouragement to come, nor entertainment, though he should chance to come; which I do not think will happen, because Cecil's angels⁴ have him in charge, for the working out of more stuff, if it be possible; and his pension seasons him in the giddiness of his natural and habitual uncertainties.

From Francis Mowbray, Cecil did never hear word, since the last which was advertised; which makes him wonder, both at the pause, and at the motive that may cause it, after so large promises. Cecil will observe the King's direction, as well in mining, by invention and subornation, into his ends, as by continuing the pension, though he have very ill deserved it. He doth concur with the judgement of King James, touching the peril that may grow by driving him into despair, for want of provender, before the close decks be discovered. You may, in like sort, assure King James, that Cecil will take no extraordinary course with him, about King James's particular, till he take him with more meat in his mouth, and the matter be so pregnant as negatives would be found both ridiculous and impudent.⁵

Bearing, Weaving, and Shooting Hagbuts and Pistolets, &c.

Feb. 1.—SIR HARIE LYNSDAY of Carrestoun.

Perfewit be Mr Thomas Hammiltoun of Drumcaine, aduocat, of the DITTAY following, product be the said prisoner.

SIR HARIE LYNSDAY of Carrestoun, Ye ar indytit and accuset, forfamekill as it is statute and ordanit be dyuerse our fouerane lordis Actis of Parliament, that na maner of persone or persones tak vpon hand to beir or weir hagbuttis or pistolettis, or ony vther ingyne of fyre-wark vpon thair persones, and in thair companeis, oppinlie, outwith housis, or schute thairwith at ony persone or persones, vnder the pane of cutting af of thair rycht hand, and vtheris panis thairin contentit: Nochtwithstanding quhairof, it is of veritie, that ye, being forgetfull of your deintifull obedience and reverence, quhill ye fould haif gevin to the saidis Actis and lawis, and of the guid exampill quhill ye fould haif gevin to vtheris his Maiesteis leigis, in respect of your place, office and seruice in his Maiesteis houthald; ye, laillie, vpon the . . . day of Januare lastbypast, with convocatioun of our fouerane lordis leigis, to the number of ten or tuelf persones, all bodin in feir of weir, with secreitis, steil-bonetis, hagbutis and pistoletis, past fra the Palice of Halyrudhous towardis Perth, quhair ye was informet Patrik Eviot, brother to Colene Eviot of Balhouslie,⁶ was in the South-Inche thairof for the tyme; and thair set vpon him, and crewallie invaidit him for his slaughter, and chaiffit him to ane cok-boit, quhill he wes compellit to tak, and enter in the watter of Tay, for saiftie of his lyfe: And he being thairin, ye and your company schot and dilaschet the number of ten or tuelf schott of hagbuttis and pistolettis at him,

¹ Lord Henry Howard to Mr Edward Bruce; without date, but about Aug. 1802. See Vol. II. p. 319, *Note*.
² See Vol. II. p. 276, *Note*. ³ The Master of Gray. ⁴ *Golden angels*, bribery. ⁵ Lord Henry Howard to Mr Edward Bruce—probably written soon after that of the 27th August, 1602.—*Hales*. ⁶ Although Eviot escaped this barbarous attack, he was murdered, five years afterwards, by his wife and her paramour. *Fleming* gives the following graphic account of this transaction, in his curious MS. Chronicle, preserved in the Library of the Faculty of Advocates. (8th Apr. 1608.) 'PATRIK EVIOT, brother-german to the Laird of Balhousie, wes murtherit in Blelok, be his wyfe Jonet Ross, quha wes air to the Lairdschip of Craigie and Kynfawnes both (*also*.) He wes schote with ane gun in his bed, sleijping, be James M^cNair. Thairefter, they wer both taikin and execute; and brunt, efter they wer hangit, in the Playfeild of Perth, the 17 May 1608. His heid and arme putt wp on the Castell gawill port.'

of purpois to haif flane him ; quhilk ye had nocht failz it to haif done, war nocht he lay darnet¹ on his face, in the boddome of the said boit. Be beiring, weiring and schuitting of the quhilkis hagbuttis and pistolettis, ye haif contravenit the tennour of the saidis Actis of Parliament, and incurrit the panis contenit thairin ; quibilk fould be execute aganis yow with all rigour, in exampill of vtheris, &c.

The said Sir Harie Lyndfay declairit, for obedience of the Kingis Maiestie, and for the offence done to his hienes, mynding nawyis to vse ony defensis be law, albeit he mycht vse thame ; he will becum in his Maiesteis Will for the Dittay producet be the Aduocat : Protesting, that his becuming in will preiudge him nocht, anent ony defens that he will vse aganis ony pairtie that fall happin to persew him, heirefter, for the saidis crymes : Quhairvpoun he askit instrumentis ; and lykwayis our fouerane lordis aduocat askit instrumentis of his becuming in his Maiesteis will.

The samyn day, Patrik Eviot protestit, that the said Sir Harie Lyndfayis becuming in will fould nocht preiudge him of ony actione that he had to persew aganis him.

Slaughter — Sentence of Banishment.

Feb. 2.—WILLIAME WAUCHOPE, sone to v^mq^{le} Robert Wauchope of Nydrrie.²

Compeirit Johne Mayne, and producet ane Precept contening HIS HIENES WILL, togidder with ane delyuerance of the Lordis of Secreit Counfall, quhilk the Justice ordanit to be infert and registrat in the buikis of Adiornall ; quhair of the tennour followis.

REN,

JUSTICE, Justice Clerk and 3our deputis, We greit 3ow weill. Forfamekill as Williame Wauchope, sone lauchfull to v^mq^{le} Robert Wauchope of Nydrrie, being laillie persewit befor 3ow, to haif vnderlyne our law, for airt and pairt of pe slauchter of v^mq^{le} Dauid Edmestoune of Wowmett ; ffor pe quhilk slauchter he is becum in our will, in hoip of our clemencie and fauour : We pairfoir, for dyuerse considerations moveing ws, temperand the rigour of justice with clemencie, haif declairit and declairis our will towardis him, as followis : That is to say, That the said Williame fall depairt furth of our realme to quabafumenuir pairtis he pleiffis, betuix pe dait heiroy and pe first day of Marche nixtocum ; and nawayis to returne agane within pe samyn, without our Licence first had and obtenit pairto : And for pat effect, to find sufficient cautionne actit in pe buikis of Adiornall, vnder the pane of fyve hundred pundis, to be payit to our Thesaurer in our name, in cais of failzie. And forder, in cais it fall happin pe said Williame to returne agane within our realme, eftir his departour, without our licence, as said is, that, in pat caise, he fall die pe deathe pairfoir, quairenir he can be apprehendit, be ony of our Justices or ministeris of our lawis : And pat p^{ir} presentis salbe ane sufficient Warrant and Com^{missi}oune to pat effect. Subferyuit with our hand, att Halyrudhous, pe secund day of Febrnare, 1603.

(Sic subscribitur)

JAMES R.

Followis the (Supplication and Warrant.

VNTO 3our Maiestie and Lordis of Secreit Counsell, humlie menis and schawis 3our seruitour, Williame Wauchope, sone to the Laird of Nydrrie : That quhair, eftir I haif remanit this lang tyme in waird, within the Tolbuith of Edinburgh, and haif cum in 3our hienes will and pleasour, for airt and pairt of the slauchter of v^mq^{le} Dauid Edmestoun of Wowmet, it hes pleist 3our Maiestie, of 3our

¹ Ibid, concealed.

² See Jan. 4, 1603.

hienes fauour and mercie, to grant ane Warrant for puting of me to libertie furth of the said waird, I findand cautionne actit in your graces buikis for my departing furth of the cuntrie betuix and the first day of Marehe nixtocum, vnder the pane of fyve hundreth pundis, and onnawayis to returne agane within the samyn, without your hienes Licence, vnder the pane of deid. As ye said Warrant heir present to sehaw beris. Out of the quhilk waird I am nocht as zit releuit, albeit I haif done quhat in me luyis to find cautionn and fouirtie, conforme to ye said Warrant, and hes offerit Johne Robiefoun, flescheour, burges of Edinburgh, cautioner for me to pat effect; and it nawayis lying in my power, as I fall anfuere to God, to get ony vper persone to becum cautionn for me, bot sic perones as ar nocht responfall in landis and guidis, as the said Johne is, quhair of your Maiestie and lordis as zit haif had a fauourable confideratioun of me and my estait in tyme bygane; sua I maist humlie besek your lordshipis, that ye will freith and releue me furth of the said waird; and that I may haif command to your Maiesteis Clerk of Counfall or Justice Clerk, to reslaue ye said Johne Robiefoun cautionn for me: Conforme to the said Warrant and your anfuere.

(Sic deliberatur) APUD Halyrudhous, primo Februarij, anno tertio Im.Vje. Fiat ut petitur, Johne Robiefoun and John Mayne, coniunctlie and feuerallie, cautioneris.

(Sic subscribitur)

MONTROIS, CANRIUS. M. R. YOUNG.

Conforme to the quhilk Precept and Will producet, the Justice, be the mouth of James Lowrie, dempstar, pronuncet his Maiesteis will to be, &c.¹

House-breaking — Theft, &c.

Feb. 15.—ANDRO REID in Bervie.

Dilatit for cuming to George Sincleris house, accompaneit with Johne Bennet and Thomas Welsh; breking of the said George house, streking vp of kiftis, and taking furth thair of certane abuilzementis,² clothing, and gold and siluer, pertening to Dame Agnes Sincler Lady Errole, Barbara Sincler and Thomas Sym, messinger, hir seruantis.

PERSEWARIS.

Barbara Sincler, Thomas Sym, messinger.

PRELOQUOUTOURIS for the pannell.

Mr Vmpra Blindsehell, Mr George Frazer.

Compeirit the Lady Errole, and insitit in the persute of Andro Reid, according to the Dittay; and producet ane Rolment of Court.—Mr Vmpra Blindsehell, for the pannell, allegit, that he can nocht be put to the knowledge of ane Assyse for the hail Dittay, except the plaittis; in respect he was put to the knowlege of ane Assyse for the samyn, befor the Scheref of Kynearne; and the Judge hes fund him nawayis worthie of daith thairfoir, as the proces producet beiris. The pannell askit instrumentis of the production of the Rolment of Court furth of the perseweris handis, quhair Andro Reid is put to the knowledge of ane Assyse be our fouerane lordis Commissioun, of the poyntis of Dittay producet, and of the Judges decret.—It wes anfuereit be the perseweris, to the former allegeance, that he fould be put to the knowledge of ane Assyse for the said crymes, becaus he was nather ffylit nor claugit be the Assyse thairfoir: And for

¹ In terms of the Warrant, which is repeated.

² Apparel, dress. Fr. *habiliment*.

the verificatiounne thairof, producet the proces subferyuit be Neilfoun, clerk thairto : And thairfoir the faid allegeance aucht to be repellit.

The Judge continewis Interlocutor to the morne.

Feb. 16.—The Justice continewis this mater to the morne.

Comperit the haill perfonis of Affyfe, and declairit that thai haif onwaittit this tua dayis vpon thair call, and ar superexpendit ; and proteffit that thai be nocht vnlawit heirefter, in cais of thair non-compeirance.—Continued to 17th, and afterwards to 18th.

PERSEWAR,¹ Mr Thomas Hammiltounne.

PRELOCUTOR for the pannell, Mr Johne Scharp.

Feb. 18.—The Advocat askit instrumentis of the productione of the Rolment of Court, producet be the pannell, subferyuit be Mr Johne Foullertoun, and proteffis (that) the famyn remane in proces ; and adheris to the alledgeances, that he is fyllit of the cryme, be his awin Confessiounne, be ane Affyfe alreddie ; and desyres only that dome may be pronuncet aganis him, conforme to the lawis : and that in respect of the Rolment producet ; and consentis he pafs to na Affyfe.—It is anfuerit be the pannell, that na dome aucht of new to be gevin, becaus thair is a judgement alreddie gevin be the Judge, conforme to the Rolment of Court ; and that in respect of the Act of Parliament, quhair it is provydit, that a man anis being clanget, can nocht be of new persewit for that cryme —The Justice continewis this mater to Wednisday nixt.

JUN. 10.—SENTENCE. The quhilk day, Andro Reid in Bervie, being enterit on pannell, as he that was convict be ane Affyfe, in ane Justice-Court halding in Stanehyve, the xv day of September, the yeir of God I^m. sex hundreth and tua yeiris, be Johne Keyth in Coltoun, Sheref-deput of the scherefdome of Kincairdin, and Capitane Andro Stewart Judge, be vertew of our fouerane lordis Commissiounne, direct to my Lord Shereff of Kincairdin, for cuming to George Sincleris hous, &c. ; quhairvpon na dome wes pronuncet : For the quhilk cause the Justice-depute decernit and ordanit the faid Andro Reid to pafs furth of this realme, betuix the day and dait heirof, and the tent day of August nixtocum ; and never to returne within the famyn ; bot to remane Baneifchit during all the dayis of his lyfe, vnder the pane of deid : And all his moveabill guidis to be escheit and inbrocht to our fouerane lordis vse, as convict of the faid crymes ; quhilk was pronuncet for dome.

Compeirit Capitane Andro Stewart, and proteffit, that the sentence and dome of Baneifchment pronuncet aganis the faid Andro Reid in Innerbervie, be na wayis prejudiciall to the actiounne of Errour, to be intentit aganis the Affyfe, for Clangeing of the faid Andro Reid of the crymes confest be him.

¹ In addition to those formerly entered.
10, 1603.

² No farther proceedings are entered, until June

Slaughter.

Feb. 24.—DONALD M^cANGUS of Glengarie, John Dou M^ckeane V^cdonill voir, Donald M^ckeane V^cdonill voir, Angus M^ckeane V^cdonill voir, his brether; Findlay M^cdonill V^cdonill voir, Alexander M^cdonill V^cdonill voir, John M^cdonill V^cdonill voir, thair brether; Rorie M^cmurchie V^cdonill oge, Donald M^cmurchie V^cquhonchie, Tormot M^cmurehie V^ckeane, Johne Moir M^cmurchie Vic doull oige, Johne Dou M^ckeane V^cdoull oige, Inving M^cindowy, in Glengarie, and Eweyne Ockerdane Carfar.

Compeirit Williame Makiefoun, and produceit our fouerane lordis letteris, deulie execute and indorfate, purchest be Angus M^cindowie, as brother to Donald M^ckeane V^cdoum, Johne and Dougall M^cmurdo Boweis, as nerrest of kyn to vniq^{le} Donald M^cdonald M^cvolddonich; Johne M^cdonald V^cJok, as brother to Donald M^cdonald V^cJok, with the kyn and freindis of the saidis vniq^{le} perfonis; aganis Donald M^cangus of Glengarie, &c.; be the quhilkis Letteris thay ar denuncett rebellis and putt to the horne, in default of finding of fouertie to haif compeirit this day and plae, to haif vnderlyne the law for the Slauchter of the saidis vniq^{le} perfonis: Quhairypoune he askit instrumentis; and protestit for relief of Rorie M^ckenzie of Cultellan, cautioner.

Slaughter.

Mar. 3.—JAMES STEWART, sone to vniq^{le} James Stewart, Maister of Buchan.¹

Sir James Scrymgeour of Dudop, kny^t, oft tymes callit, as cautioner and fouertie for James Stewart, sone to vniq^{le} James S. M^r of Buchan, to haif enterit and presentit him to haif vnderlyne the law, for airt and pairt of the felloune and crewall Slauchter of vniq^{le} Patrik Brysone, tailzeour, burges of the Cannogait; committit in the moneth of October lastbypast, vpon fet purpos, &c.: The Justice unlawit Sir James Scrymgeour in the pane of tua hundreth merkis, and als adjudget the said James Stewart to be denuncet, &c., and his moveabill guidis to be efcheit, &c.

Murder — Stouthrief, &c.

Apr. 28.—ALLASTER M^cKIE, Gilchrist Kittoche alias Makilmoyle,
 M^cynroyer, Fyndlaw Dow M^colean.

Dilatit of certane poyntis of Thift, and for cuming to the Laird of Luiffis

¹ 'Patrik Brysone slaine in the Cannogate be ane James Stewart of Buquhane; quha wes apprehendit and wardit in Sir James Ballendine's hous; quhair he remanit still, till the 26 of November, on the quhilk day he brake ward out of Sir James Innes hous.'—*Birrel's Diary*, p. 56.

boundis, in companie with the Laird of M^cGregour, and airt and pairt of the Murthour and Reif committit thairon in Februar last.

DITTAYS against the Pannels.

ALLASTER M^cKIE, ffor airt and pairt of the thiftious Steilling, conceilling and away-taking of foure 5owis, pertening to James Galbraith in Bolgair, furth of Barroun M^cewins corrie or glen ; committit about Michaelmas last. ITEM, for steilling fra the said James of tuelf schein furth of the said glen. ITEM, for the thiftious steilling of tua lames in Balglafs, pertening to the Lady Keir. ITEM, for the steilling of tua meirs furth of the landis of Galgeraehene ; committit about Midfomer last. ITEM, for the thiftious steilling of thre meiris or fillies furth of Campsie-mure. ITEM, for commoun thift, &c.—GILCHRIST KITTOCHE, &c., ffor being in company with the Laird of MakGregour and his complices, and airt and pairt with him of the crewall Murthour and slaughter of dyuerse the Laird of Lufes freindis, feruandis and pairtakeris, to the number of sevin seoir perfones ; committit within the Laird of Lufe boundis, in the moneth of Februar last : And for the harieing and spulzeing and reveing of the haille cuntrey thairabout ; and thifteous steilling and away-taking with thame, of the number of aucht hundreth ky, horse, nolt, schein and vther bestiall ; committit be thame at the tyme foirfaid.

Quhairof the saidis perfones war airt and pairt, accoirding as thair Depositiones and Confessiones beiris.

VERDICT. The Assyse stand, pronuncet and declairit the pannell to be ffylet, culpabill and convict of the haille crymes respectiue aboue specifieit.

SENTENCE. The Justice, be the mouth of James Henderfone, dempfter of Court, ordanit thame, and ilk ane of thame, to be tane to the Burrowmure of Ed^e, and to be hangit vpon the Galloife thairof quhill thay be deid ; and all thair moveabill guidis to be efcheit, &c.

Intercommuning with the Clan-Gregor.

May 17.—AULAY M^cCAULAY of Ardincapill.

Compeirit Johnne Dunlop, seruitour to my Lord Duik of Lennox, and producet ane Warrant, subfcryuit be his Maiestie ; quhairof the tennour followis.

REX,

JUSTICE GENERALL, 5our depute, Justice clerk, Aduocatt and 5our deputtis, We greitt 5ow hairtie weil : fforfamekill as our louit Aulay M^ccaulay of Ardincapill is summond at pe instance of 5ow our said Aduocat, to compeir on the xvij day of Maj nixtocum, to vnderly the law for the allegit intercommuning with *Allaster M^cgregour of Glenstra*, and vni^q^e *Johnne Dow M^cgregour* his proper, our rebellis, and for certane vperis crymes and poyntts of Dittay, specifieit and contenit in pe summondis raisit pairnent. And We, vnderstanding that the said Aulay M^ccaulay is altogidder frie and innocent of pe saidis allegit crymes laid to his charge ; and that he is to accompany ws to our realme of England, with our darrest coufing the Duik of Lennox, his maister : Thairfoir, and for certane vperis guid cauffis and considerationes-moveing ws, it is our Will, and We command 5ow, to desist and ceise fra all calling or accuseing of the said Aulay M^ccaulay, the day foirfaid ; or ony wayes proceiding aganis him or his cautioner in the matter foirfaid ; bot suffer the dyett, appoyntit to that effect, to desert in it self, as gif ony sic Letteris had nevir bene raisit ; naiper 5it trubill nor molest pe said Aulay M^ccaulay, for the pretendit cause foirfaid,¹ at ony vper dyet paireftir, quhill the returning of our said

¹ See Note to the Laird of MacGregor's Declaration, Jan. 20, 1604.

derrest coufing furth of our realme of England. As 3e will anfuer to us vpon 3our obedience; and pat nochtwithftanding of ony vper Warrant gevin or to be gevin in the contrair: Quhairnant pir prefentis fall be to 3ow fufficient Warrant. Subferyuit with our hand, att Beruik, þe fevint day of Apryle 1603. (Sic fubfcribitur) JAMES R.

The quhilk Warrant the Justice admittit, and defertit the faid dyet.

Adultery — Child-Murder.

May 18.—JOHNE RYBURNE of that Ilk.

Robert Montgomerie of Heflilheid produceit our fouerane lordis letteris, purcheft at the instance of Mr Thomas Hammiltoune, aduocat to our fouerane lord, aganes Johne Ryburne of that Ilk, for Adulterie and the Murthour of ane infant bairne, gottin vpoun Agnes Dunlop: Be the quhilk Letteris the faid Ryburne of that Ilk is put to the Horne.

Murder of Seven Score Persons in the Lennox by the Clan-Gregor, &c.

May 20.—GILLESPIE M'DONALD M'INNES DOW, Donald M'clerich alias Stewart, and Johne M'coneill M'condochie.

Dilatit, accufit and perfewit for being in company with the Laird of M'gregour: AND for airt and part of the lait grit flauchter and crewall Murthour of fevin feoir perfones in the Lennox,¹ all freindis and fervandis to the Laird of Lufe: AND of the thiftious Steilling and Reiffing of aucht hundreth oxin, ky² and vther beftiall, and herrieing the haill cuntrie; committit in the moneth of Februlare laftbypaft: ITEM, for the thiftious Steilling of tua horfe and ane meir furth of Strabrand, fra Johne Stewart Neilsoun and his man; committit at Lambes³ laft: AND for commoun Soirning,⁴ &c.—*Donald M. Clerich* dilatit and perfewit for airt and part of the thiftious Steilling of nine ky and oxin, tua yeir fyne or thairby, fra Patrik Stewart furth of Imervaik, in Athoill; and for commoun Thift and commoun Soirning, &c.

VERDICT. The Affyfe, be the mouth of Johne Douglas, burges (of Edinburgh), chancellor, ffand, pronunceit and declairit the faidis thre perfones to be culpabill and convict of the foirfaidis crymes.

SENTENCE. To be tane to the Caftel-hill of Edinburghe, and to be hangit thair on ane gibbett, quhill thay be deid, &c.

¹ See Apr. 28, Jul. 5 and 14, 1603, &c. 'The 9 of Februartii, the Laird of Macgregor, with four hunder of hes name and factioun, enterit in the Lennox; quhair he maid Spulzie and flauchter to the number of sixty honest men, befyde women and bairnis. He spared nane quhair he came.'—*Birrel's Diary*, p. 58. ² Kine, cattle. ³ Lammas-day, 1st August. ⁴ Taking free quarters by force, (q. d. *sejournant*?)

**Invasion of a Minister, near the Tolbooth, where the Privy
Council were Sitting in Judgement.**

JUN. 29.—WALTER GRAHAME, seruitour to Mr Robert Williamfoun, wryter.

Dilatit, accusit and perfewit be DITTAY of the crymes following, viz.

FORSAMEKILL as it is statute and ordanit, be oure souerane lordis Actis of Parliament, specialie be ane Act maid in his Maiesteis ellevint Parliament, cap. 27, that quhatfumeur persone or persones Invaidis ony Minister,¹ or putis ony violent handis in him for ony forget² querrell, fall be pwneist thairfoir with all rigour, and incur the payne of tynfall of all thair moveabill guidis for the said invasioun and violence allanerlie, albeit na slauchter nor mutilatioune follow thairvpon; the ane half of the saidis guidis to be applyit to our souerane lordis vse, and the vther to the pairtie invaidit or offendit, but preiudice of the gritter pwneischment, gif ony heicher cryme concur with the violence and invasioun foirfaid: And als, Proclamatioun was maid, in our souerane lordis name and auctoritie, vpon the . . . day of Junij instant, in the yeir of God, J^m.Vj^e. and thre, befoir the Trinitie flair, that na persone sould invaid or perfew ane vther within this burch, during the tyme of the flair, vnder the pane of deid: And forder, it is provydit be dyuerse Actis of Secreit Counfall, that na persone fall invaid ony man, be drawing of ane sword, within ane myle to the Kingis Palice, or to his hienes Counfall, vnder the pane of deid. AND trew it is, that the said Walter, in lie and manifest contempt of our souerane lordis Actis of Parliament and Proclamations foirfaidis, vpon deidlie malice confauct be him aganis Mr Thomas Douglas of Stannypeth, Minister at Balmirrieno, and haifing forget a quarrell aganis him, for the revenge of certane injurious speiches, allegit gevin be the said Mr Thomas Douglas to the said Mr Robert Williamfoun, his maifler, vpoun the xxj day of Junij instant, he, vpone the xxij day of the said moneth of Junij, preparit to him selff ane grit foure-nuikit³ battoun, of aik, of purpois to haif fellit the said Mr Thomas Douglas thair: Lyk as the said Walter fet vpone him, behind his bak, vpone the hie streit of the burch of Edinburghe, in the tyme of the said flair, a lytill beneth the Stinkand-style,⁴ the Lordis of Secreit Counfall being within the said burch, and haifing sittin at Counfall in the Tolbut of the said burch, nocht passand ane half hour befoir the violence and invasioun following; and thair, maif schamefullie, barbarullie and crewallie, without regard of the person of ane Minister, and haifing never spokin with him ane word of befoir, invaidit him for his slauchter with the said batoun, strak him thairwith tua straikis vpone the heid, behind the richt lug,⁵ and hurt and woundit him thairwith, to the effusion of his bluid in grit quantitie; vpone fet purpois, persuasioune,⁶ precogitat malice and foirthocht felony. And efter the committing of the said crewall and schamefull Invasioun, and hurting of him, as said is, the said Walter fled and gat away; and thaireftir was tane and apprehendit for the said barbarus crewallie; and he hes confessit the samyn. Quhilk batouning of the said Mr Thomas, sa neir to his hienes Counfall, mereittis gritter pwneischment, nor gif⁷ he had drawin ane sword to the effect aboue speifeit, in respect of the vyle indignitie thair of: Quhairby he hes contravenit the tennour of the saidis Actis of Parliament and Proclamatioun foirfaid, and incurrit the payne of daith, quhilk aucht and sould be execute aganis him with all rigour, in exampill of vtheris, &c.

PERSEWAR.

Mr Johne Nicolfoun of Lefwaid, Aduocat, substitute to Mr Thomas Hammiltoun of Drumcairne.

VERDICT. The Assyse, be the mouth of James Lyndesay of Dowhill, chancellor, ffaud, pronuncet and declairit the said Walter Grahame to be ffylit, culpable (and) convict of the saidis crymes.

¹ Clergyman. ² Forged, feigned, simulate. ³ Four-cornered, square. ⁴ Near the Tolbooth, and almost opposite the door of Haddo's-hold, to the eastward of the late New North, or 'Little Kirk.'

⁵ Ear. ⁶ In common style, this word is usually 'provision.' ⁷ Than if.

(Aug. 12.)—Mr Williame Borthuik, Justice-depute,¹ (pronounced Sentence against the pannel,) be vertew, and at command of ane Warrant of the Lordis of his hienes Secreit Counfall, quhair of the temour followis :

APUD EDINBURGHE, vltimo Junij 1603. The Lordis of Secreit Counfall Ordanis þe Justice and his deputis to pronunce dome vpon Walter Grahame, for þe streking of Mr Thomas Douglas, Minister, with ane batoun ; in maner following, viz. : That þe said Walter fall be seurgit fra þe Castell hill to the Neper boll, throw þis bur^t, and his richt hand to be strukin af at þe Neper boll : And þairefter, Ordanis him to be Banischet his Maiesteis hail dominiones, and onnawwis to returne agane within þe samyn during his lyftyme, vnder þe pane of deid. And that he remove furth of þe saidis realmes betuix and þe last day of September nixtocum, vnder þe pane foirsaid.

(Sic subscribitur) MONTROIS CANRIUS. AL. VCHILTRIE. ELPHINGSTOUN. A. FYVIE. NEUBOTLE. J. COKBURNE. R. COKBURNE. JO. PRESTOUN. CRANSTOUNRIDDELL. QUHITTINGHAME.

SENTENCE. The Justice, be the mouthe of Walter Peirie, dempster of Court, decernit and ordanit the said Walter Grahame to be seurgit throw the bur^t of Ed^r,² &c., within tua moneth nixt following, vnder the pane foirsaid : Quhilk was gevin for dome.

Slaughter.

Jun. 30.—JOSEPH BONCLE, burges of Dunbar.

Dilatit and accufit for the Slauchter of vinq^{le} James Loche, induellar in Dunbar, committit vpoun the xxviij day of Junij instant, be the fraik of ane sword in the lifk³ and the wambe.⁴

Compeirit Williame Kellie, Thesaurer of Dunbar, in name of the Proveist and bailleis thairof, and product the letter vnderwritten ; quhair of the temour followis.

PROVEIST and bailleis of the bur^t of Dunbar. IT is our will, and for findrie guid respectis and considerationes moveing ws, We command 3ow, that 3e caus sailie convoy, bring and present Joseph Boncle befor our fouerane lordis Justice and his deputies, within þis bur^t of Edin^r, to vnderly the law and justice for þe slauchter of vinq^{le} James Loch, smyth, committit be him vpoun þe xxviij of Junij instant. Quhairnent þir presentis falbe 3our Warrant : And but⁵ preiudice or ony derogation to quhatfameuir 3our liberteis and privilegis of Scherefschip, disponit and grantit be his Maiesteie in 3our faouris, and contenit in 3our new Infestment, maid pairvpoun. Subscriuit with our handis, at Edinburghe, þe xxix day of Junij, 1603.

(Sic subscribitur) MONTROIS, CANRIUS. J. ELPHINGSTOUN. A. FYVIE. A. VCHILTRIE. QUHITTINGHAM. JO. PRESTOUNE. ED3ELL. CRANSTOUNRIDDELL. R. COKBURNE. J. COKBURNE.

VERDICT. The Assyse, be the mouth of Patrik Nisbet in Dunbar, chancillar. ffand, pronunceit and declarit the said Joseph to be ffylit, culpable and conviet of the Slauchter of the said vinq^{le} James Loch.

SENTENCE. To be tane to ane place befyde the mercat croce of Edinburghe.

¹ On Aug. 12, 1603.
groin or flank.

⁴ Belly.

² In terms of the above Warrant of the Privy Council.

⁵ Without.

³ The

and thair his heid to be strikin fra his body ; and all his movabill guidis to be efcheit, &c.

Treason — Forging and Uttering base Money.

ROBERT DOW *alias* MEINZEIS and Allester M^cclaren, finyth.

Dilatit ffor airt, pairt, red and counsale, and conceilling of the tressonabill sforgeing, counterfitting and outputting of fals and adulterat coinzie, sic as fyve-pound-pecis and foure-merk-pecis, quhilkis Arthour Smyth coinzeit fyve zeir fyne or thairby, in his smiddie besyde Banff: And for outing¹ of ane pairt thairof, amangis our fouverane lordis liegis.

VERDICT. The Assyis, be the mouth of Williame Stalker elder, Goldfinyth, ffind them to be ffylit, culpabill and convict of the tressonabill conceling of the sforgeing, prenting and counterfitting of fals coinzie, prentit and forgeit be the said Arthour Smyth, in his smiddie beside Banff, conforme to thair Depositionis.

SENTENCE. The said Allester M^cclaren to be tane to the gallow on the Borrowmure, and thairvpoun to be hangit quhill he be deid : And all his landis, heretageis, takis, stedingis, rowmis and possessionis, guidis and geir, coirmis, cattell, infycht pleneiffing to be forfeitit and efcheit, &c.

Continewis dome vppone Robert Dow to the morrow quhill he auise with the Counfall.²

Slaughter of the Laird of Luss's People by the Clan-Gregor, &c.

Jul. 5.—GILLIEMICHELL M^cHISCHOK, seruant to vmq^{lc} Johne Dow M^cgregour, and Nicoll M^cpharie Roy M^cgregour.

Dilatit for being [' at the ffield of the Lennox³ aganis Sir Vmphray Colquhoun : And for airt and pairt of the Slauchter of sewin feoir perfounes,⁴] in cumpany with the Laird of M^cgregour and his complices, at the ffeild of the Lennox, aganis Alexander Colquhoun of Lufe : And for airt and pairt of the slauchter of the said Laird of Lufe freindis, servandis, assisteris and pairtakeris, to the number of sevin feoir perfones or thairby : And for reifing and herreing of the haill cuntrey, and steilling and away-taking of ky, oxin, horse, scheip, gaittis and vther bestiall, to the number of aucht hundreth bestiall or thairby ; committit in the moneth of Februare lastbypast.

VERDICT. The Assyse, be the mouth of Robert Oisteane in Edinburghe, chancellor, all in ane voice, but⁵ variance, ffind, pronuncet and declarit the saidis

¹ Uttering, putting out.

² On Jul. 5, he is ordained ' to be tane to the Castellhill of Edinburghe, and thair to be hangit quhill he be dead ; and all his moveabill guidis to be efcheit, and his lands and heritageis, gif he ony has, to be forfeitit,' &c.

³ See Notice prefixed to the Trial of

Allaster M^cGregour of Glenstrae, Jan. 20, 1604.

⁴ This sentence occurs at the first entry. See

also Apr. 28 and May 17, &c.

⁵ Without.

Gillie-Mitchell M^cifchok, alias M^cgilliechallum, and Nicoll M^cfarie Roy M^cgregour to be ffylit, culpable and convict of airt and pairt of the crymes foirfaidis.

SENTENCE. To be tane to the Castell-hill of Edinburghe, and thair to be hangit on ane gibbet quhill thay be deid ; and thair guidis to be efcheit, &c.

‘ Field of the Lennox ’ — Slaughter of the Colquhouns, &c.

Jul. 14.—JOHNE (DOW M^cANEVALICH) M^cGREGOUR, at the Kirk of Comerie.

Dilaitit for being in cumpanie with Allafter M^cgregour of Glenstra¹ and his complices, at the feild of the Lennox, againis the Laird of Lufe and his freindis : And airt and pairt of the Slauchteris, thiftis, robbereis committit be thame ; quhairin thair was flane vij feoir perfonis ; committit the aucht day of Februare laft.

VERDICT. The Affyfe, be the mouth of James Chalmer, burges of Edinburghe, chancellor, ffand the said Johne Dow M^canevalich M^cgregour to be ffylit, culpable and convict of the faidis crymes.

SENTENCE. To be tane to the Castell-hill of Edinburghe, and thair his heid to be strikin from his body ; and all his movabill guidis to be efcheit, &c.

Slaughter — Unmerciful Oppression — Shooting ‘ Hagbuttis,’ &c. Cattle and Sheep Stealing, &c.

Jul. 19.—GEORGE TRUMBILL, of Belfis.

Dilatit, accufit and perfewit of the crymes *respectiue* following, viz.

FOR airt and pairt of the Slauchter of vmq^{le} Johne Hammiltoun, callit of Cumnock ; committit the xxij day of Januare, I^m.V^c. threfeoir nyntene yeiris. ITEM, of airt and pairt of the Slauchter of vmq^{le} Williame Trumbill, fone lauchfull to vmq^{le} Walter Trumbill of Raflat ; committit in the moneth of Apryle, I^m.Vj^c. yeiris. ITEM, for Vfurpation of our fouerane lordis authoritie, in taking of Adame Trumbill, sumtyme fervand to the said vmq^{le} Walter Trumbill of Raflat, he being his hienes frie fubject, and binding him with fetteris, and linging him be the feit and fhoulderis, ouer ane balk, for the fpace of xij dayis, quhairthrow his feit rottit fra him ; without Commiffioun gevin him to that effect. ITEM, for contravening of our fouerane lordis Actis of Parliament, in beiring and weiring of hagbutis, dagis and piftolettis ; and in fchuiting of Walter Trumbill, younger of Raflat, betuix the toun of Jedburgh and the place of Belfis, in the airme and thie ; committit in anno I^m.Vj^c. and tua yeiris. ITEM for the thiftious Steilling of four nolt fra Johnne Donaldfoune, in Melrois ; committit thre yeir fyne or thairby. ITEM, for airt and pairt of the thiftious Steilling of fax ky and oxin, xx fcheip, tua horfis, with the infyecht pleneiffing and eidentis pertening to Daud Riddell, in St Bofuellis ; committit in the moneth of I^m.V^c.lxxxxviiiij yeiris, or thairby. ITEM, for the thiftious Steilling of xvj nolt, pertening to the Laird of Bemersfyde ; committit in anno I^m.V^c.lxxxvij yeiris. ITEM, for the thiftious Steilling of tuentie nolt, ane yeir fyne or thairby, pertening to the Lady Newtoun. ITEM, for

¹ In the Verdict of the Assise, it is said to have been in company with ‘ the Laird of McGregour ;’ so that Allaster of Glenstra was the Chief of this Clan, either by right of blood, or Chieftain for the time, by election, as was usual among the Clans. See Jan. 20, 1604.

the thiftious Steilling furth of the landis of Belfis, in the moneth of . . . I^m.Vj^e. and ane yeiris of fyve feheip, pertening to ane fervand of George Davidfones. ITEM, for the thiftious Steilling and away-taking of ane meir, pertening to George Wilfoune in Langnewtonne, furth of his duelling hous in Langnewtonne ; committit ane yeir fyne or thairby. ITEM, for a commone briggane¹ and notorious cowmone theif, reffet of thift, outputing and inputing of thift.

PERSEWARIS, Iffobell Trumbill, as dochter (to Walter) and fifter (to Williame Trumbill) ; George Rutherford, as kinsman ; Mr Johne Nicolfonne, substitute for our fouverane lordis aduocat.

PRELOQUUTOIRIS for the pannell, Mr Johne Ruffell, Mr Thomas Craig, Mr Williame Douglas, David Ramfay.

It is allegit be the pannell, that na proces aucht to be grantit vpon the Dittay, vnto the tyme he be fummond vpon xv dayis wairning, in respect the deidis contenit in the Dittay is done xxiiij yeir fyne.—It is anfuerit be the Aduocat, that he was denuncet rebell and put to the horne for ane of the flaughteris contenit in the Dittay, viz. ffor the flaughter of vniq^{le} Williame Trumbill, and ane Commiffionne grantit be the Kingis Maieftie and Counfall for taking of him ; be vertew quhair of he was takin and apprehendit and presentit to the Counfale, vpon the fyft day of July ; att the quhilk tyme, in presens of the persewer and defender, than present, this day (being that day xv dayis) was affignit to the persewer to perfew him for that cryme and all vther crymes could be laid to his charge : And thairfoir, thair being xv dayis grantit to the Counsell to deliberat vpon his defence, thair aucht to be na forder citatioune grantit.—To the quhilk it is anfuerit be the pannell, concerning the Hoirning, he is relaxt. *Secundo*, as to the Commiffionne, na Commiffionne can be grantit to preiudge him of his lauchfull defenssis, *parte non citata*. As to the last, he gat na coppie of the Dittay, and thairfoir man be fummond on xv dayis wairning.

As for the flaughter of vniq^{le} Williame Trumbill, fayis he was flane be him in his awin defense, he being affageit within his awin hous. As to the flaughter of vniq^{le} Johne Hammiltoune, denyis, and offeris him to the tryell of ane Affyse. As to the flaughter of Walter of Raflat, fayis he was flane at the horne, and producet the hoirning for verifeing thair of, raist at the instance of Andro Com-mendater of Jedburgh, quhair the said Walter, for nocht removeing fra the landis of Raflat, and half ane quarter of the town and landis of Belfis ; quhilkis letteris ar of the dait the xx day of Apryle 1581, and of our fouverane lordis regne the xiiij yeire ; denuncet the xij day of Julij, anno foirfaid.—It is alleget be the Aduocat, to the last pairt, that albeit he was at the horne, the pannell aucht nocht to vsurpe the Kingis auctorite vponne him, to slay ony man at his awin hand.

THE JUSTICE continewis Interloquitour to the morne.

Jul. 20.—THE JUSTICE Remittis the hail poyntis of Dittay, except for the flaughter of vniq^{le} Walter Trumbill of Raflat, to ane Affyse.

It is allegit aganis James Waddell, burges of Jedburgh, that he can nocht pas

¹ Robber ; Fr. *brigand*.

vpone this Affyse, becaus thair is deidlie feid standand betuix the hail name of Trumbill, on the ane pairt, and the Laird of Pharnherft, the hail Keris, and the hail inhabitantis of the toune of Jedburghe, on the vther pairt, for the Slauchter of Thomas Ker, brother to the (Laird of) Pharnherft.

The Aduccat proteftis for Wilfull errour, in caice that thay acquit George Trumbill of the slauchter of vmq^{le} Williame Trumbill, becaus he confest the committing of the Slauchter out of his hous, he being affageit, and allegeit in his defence.

The Aduocat, for instructing of the Dittay, producet ane Testimoniall, beiring the pannell to be excommunicat for Slauchteris, Murthouris, Incestis and Adultereis, &c.; subfcryuit be Mr George Douglas, clerk of the Presbiterie of Jedburghe.

VERDICT. The Affyse, be the mouth of Walter Eleife, in Danielstoun, chancellor (be pluralitie of voittis), ffind, pronunceit and declairit the said George Trumbill to be flylit, culpabill and convict of beiring, weiring and schuiting with hagbuttis and pistolettis, contrair the tennour of our souerane lordis Actis of Parliament; committit betuix the toune of Jedburghe and the place of Belfis, in anno I^m.Vj^c. and tua yeiris: And to be Clene, innocent and acquit of the hail remanent crymes aboue specifeit, mentionet in the said Dittay; and speciallie, of the slauchter of the said vmq^{le} Williame Trumbill, becaus the samyn was done in his awin defens.

Quhairvpoune the said George Trumbill askit instrumentis.

(Aug. 18.)—SENTENCE. The Justice decernit and ordanit the said George Trumbill to be tane ‘ to the mercat-croce of Edinburghe, and thair his richt hand to be strukin frome his airme, as convict of the said cryme; quhilk wes gevin for dome.’¹

Sorcery — Charming — Abusing the People.

Jul. 21.—JAMES REID, sumtyme serveand to George Anderfoun in Mussilbur^t.

Dilatit, accusit and persewit, be Dittay, of the crymes following, to wit,

FOR ane cowmone Sorcerer, charmer and abuser of Godis peopill, be geving him selff out to hail all kynd of seiknes: Quhilk craft he lernit fra the Devill, his maister, in Bynnie-craigis and Corstorphin-craigis, quhair he met with him and consultit with him to lerne the said craft; quha gaif him thrie penneis, at ane tyme, and a peice creische² out of his bag, at ane vther tyme; he haifing appeirit to the said James dyuerse tymes, quhyles³ in the liknes of a man, quhyles in the liknes of a hors: with quhome he lykwayis dyuerse tymes consultit seu his first meiting, quhilk is threttene yeir syne or thairby; quhilk lykwayis

¹ See Aug. 23, 1602.

² Grease, fat.

³ Sometimes, occasionally.

lernit him to tak fouthe-rymand-watter¹ to cuir the saidis diseiffis. ITEM, for cureing of Sara Borthuik, be his Sorcerie and devilrie, quha was grevouffle trubillit and diseasit, be bringing of fouth-rymand-watter fra the Schyreff-brayis-wall, and casting a certane quantitie of falt and quheit about hir bed; be the quhilk cuir scho was hailit. ITEM, fforfamekill as he, be the speciall persuasione of Jonet Cryftie, dochter to Johne Cryftie at Cryftiesounis mylne, and his mother, consultit with the Devill, for distructionⁿ of David Libbertoun, baxter, burges of Edinburghe, his spous, thair coirne and guidis; quha causit him tak a peice raw flesche, quhairvpone he maid nyne nekkis,² and inchantit the samyn, quhilk he delyuerit to the said Jonet, and causit hir lay ane pairt thairof vnder the mylne dur, and the rest vnder the stabill dur, for distructione of his hors and cattell. And als, inchantit to him nyne stanis, quhilk the said James cuist vpone the said David Libbertones landis, for distructione of his coirnes. Lyk as, the said James and the saidis Jonet Cryftie and hir mother infformet³ and maid ane pictour of walx, quhilk the Devill inchantit; and he and the wemen turnit the pictour at ane ffyre, in the said Johnne Cryftiesones hous, for distruction of the said David Libbertones selff. ITEM, for cureing of the said Johnne Cryftie, being diseasit of a swalling, in putting of thre silk poyntis,⁴ in his devilisch maner, about his waist, quhilk remanit ten oulkis⁵ with him; and went away fra the said Johnne, be quhat way he knew nocht.

VERDICT. The Assyse, be the mouth of Johne Howie, merchand, chancellor (all in one voce), fstand, pronuncet and declarit the said James Reid to be ffylet, culpabill and convict of the haill crymes aboue specifreit.

SENTENCE. To be tane to the Castel-hill of Edinburghe, and thair to be wirreit⁶ at ane staik; and his body to be brunt in assis:⁷ And all his moveabill guidis to be efcheit, and inbrocht to his hienes vse, as conviet of the saidis crymes.

Murder — Robbery.

Jul. 27.—THOMAS HORSBURGH, burges of Peiblis.

Dilaitit and accusit of the Murthour and Slauchter of vinq¹⁶ Williame Chifholme in Peibillis, with his awin quhinger, vnder silence and clud of nycht: And als, of the thiftious steilling of ten sax li. peces,⁸ and tuentie merkis in quhyte siluer, pertening to the said vinq¹⁶ Williame, vnder the said Williames bed-heid; committit in the moneth of Marche lastbypast: And siclyk, for the thiftious steilling of tuentie tua li.⁹ fra his guid-mother,¹⁰ committit nyne yeir syne, or thairby.

¹ This superstition still obtains, in many remote places of Scotland; where the virtues of such water are firmly believed in. ² Nicks, notches. ³ Formed, constructed. ⁴ Laces, ties. ⁵ Weeks. ⁶ Strangled. ⁷ The 21 of Julij, James Reid brunt, for consulting and using with Sathau and Witcheis; and quha was notably knawin to be ane counsellor with Witcheis.—*Birrel's Diary*. ⁸ Ten £6 pieces. ⁹ £22. ¹⁰ Mother-in-law.

VERDICT. The Assyse, all in ane voce, be the mouth of Michell Hunter of Polmwid, chancellor, stand, pronuncet and declairit the said Thomas to be flylet, culpabill and convict of the saidis crymes.

SENTENCE. To be tane to the Castell-hill of Edinburghe, and thair to be hangit on ane gibbett quhill he be deid ; and thaireftir his heid and richt hand to be strukin fra his body ; and the heid to be fet vpone ane prik vpoun the flepill-heid of Peiblis ; and his richt hand to be put on the Eist-pairt thairof : And all his moveabill guidis to be efcheit, &c.

Usurpation of King's Authority—Hurting and Wounding.

Jul. 29.—ALEXANDER SEYTOUN, in Boigin-Johne.

Dilatit for the taking and apprehending of Mr Johne Cardno, convoying him to his hous in Boigin-Johne, and detening him captiue and prisoner, be the space of xxiiij houris ; and hurting of him with ane rapper¹ in the body, and vsurpation of our souerane lordis authoritie vpoun him, in taking of the said Mr Johne ; committit in Nouember lastbypast.

The pannell askis instrumentis of his comperance on pannell, and protestis for releif of his cautioner ; and als, he offerris him reddie to vnderly the law for the said cryme, disassenting till all continewatioune.

The Justice continewis to the Justice-air of ' Abirdene, tercio Itineris, (vel super premonitione) xv dierum.' James Chene of Straloch, cautioner.

Slaughter.

Jul. 30.—GEORGE HARRETT of the Coittis.

Dilatit for the Slauchter of vni^o Williame Dowglas, in Muffilburgh, feruitoure to Williame Erll of Angus, lord Douglas, &c. ; committit in the moneth of Julij, the yeir of God I^m.Vj^c. and twa yeiris.

Marioune Wilfoun, the relict, producit our souerane lordis Letteris, dewlie execute and indorsat, &c. Thomas Harrett in Lintoune, his cautioner, vnlawit and amerciat in the panis contenit in the Actis of Parliament, viz. in the payne of ane hundreth merkis ; and als adiudget the said George Harrett to be denunceitoure souerane lordis rebell, and putt to the horne ; and all his movable guidis ordanit to be efcheit.

Murder.

Jul. 30.—MARIOUN WARDLAW, spous to Johne Kennedie, gantillet maker, burges of Edinburghe.

Dilaitit of airt, pairt, red and counfall of the Murthour committit be Williame Boirthuik, tutour of Boirthuik, Johne Boirthuik his brother, and vtheris

¹ Rapier.

thair complices, in cuning to James Frammis duelling-hous in the Cannogait, vnder scyence of nycht, and strykeing of him nyne straikis in the body and heid, to the effusioun of his body ; and levand him for deid.

PERSEWAR, James Framme, gantillet-maker in Edinburghe.

Continued to the air of Edinburghe, ‘tercio Itineris (vel super premonitione) xv dierum.’

**‘Field of the Lennox’—Slaughter of Colquhouns—
Stouthreif, &c.**

Aug. 12.—DUGALL M^cGREGOUR and Neill M^cGregour Pudrache.¹

Dilaitit and accufit of the crymes following ; to wit, the said *Neill M^cgregour* of airt and pairt of the Slauchter of vniq^{le} Patrik Layng and of vniq^{le} Johne Reid, wobster, fervandis to the Laird of Lufe ; committit in December lastwas : AND scilyke, of airt and pairt of the thiftious Steilling of tuelf scoir guidis furth of the Laird of Luffes boundis, in the Lennox ;² committit the tyme foir-said. AND scilyk, the said *Dougall M^cgregour*, of airt and pairt of the Slauchter of foure men, fervandis to the Laird of Lufe, in the lait ffeild of the Lennox ;³ and being in companie with the Laird of M^cgregour and his companie at the same feild ; and airt and pairt of the Slauchteris, reiffis, thiftis and foirningis committit that day, in the moneth of Februaire last.

VERDICT. The Assyse, be the mouth of James Broun, burges of Dumfreis, chancellor, stand, pronuncet and declairit the saidis Neill M^cGregour Pudrache, and the said Dougall M^cgregour to be fylit, culpabill and convict of the hail crymes aboue specifcit.

SENTENCE. Thairfoir the said Justice-depute, be the mouth of Walter Peirie, dempster, decernit and ordanit the saidis Neill and Dougall M^cgregour to be tane to the Burrow-mure of Edinburghe, and thair, vpone ane gibbet, to be hangit quhill thay be deid ; and all thair moveabill guidis to be escheit, &c.

Incest—Adultery—Theft, &c.

Aug. 23.—GEORGE TRUMBILL, in Belfis.⁴

Dilaitit, accufit and persewit, be DITTAY, of the crymes following, viz.

FORSAMEKILL as it is expresse provydit, statute and ordanit be our foueraue lordis Actis of Parliament, that all notorious and manifest Adultereris and Incestuous perfones sould die the daithe, and thair hail moveabill guidis to be escheit to our foueraue lordis vse ; and all sic perfones quba ar excommunicat for Adulterie, ar be Act of Parliament estemit for notorious and manifest adultereris ; as the saidis Actis at mair lenth beiris : And trew it is, that the said George Trumbill lies in the monethis of Januare, Februaire, Marche, Apryle, Maij, Junij, Julij, August, September, October, November and December, in the yeiris of God I^m.V^c.lxxxvij, lxxxix, 1600, 1601, and I^m.V^c. and tua yeiris ; at the leif in ane or vther of the saidis monethis and yeiris, abuset his body in the filthie cryme of Incest and

¹ Pudrache signifies of the country or district of Balquhiddier. ² See Mar. 20, 1603, &c. ³ See Jan. 20, 1604.

⁴ See Jul. 9, 1603, and Aug. 18, when he had his right hand struck off for shooting pistols, &c.

Adulterie with Marioun Trumbill, spous to Jok Trumbill in Belfis, his brother sones wyfe; ffor the quhilk fact he is excommunicat within the Presbiterie of Jedburcht; as the sentence of excommunicatione proportis. ITEM, for the thifteous steilling of ane gray horse furth of the landis of Raflat, pertening to vmq^{le} Walter Trumbill of Raflat; committit in the moneth of September, 1577. ITEM, for the steilling of xx oxin and ky furth of the landis of Raflat, fra the said vmq^{le} Walter; committit in the moneth of September lxxix yeiris. ITEM, for the thiftious steilling and reifing of foure horse, fra foure mylleris of Jedburcht; committit thre yeir syne, or thairby. ITEM, for the steilling of ane naig fra Walter Trumbill now of Raflat.

PERSEWERIS.

Sir Thomas Hammiltoun of Monkland, kny^t, aduocat to our souerane lord; George Rutherford.

PRELOCUTORIS for the pannell, Mr Johne Russell, Mr Williame Douglas.

It is allegit be George Trumbill, that he fould nocht be putt to ane Assyis for the crymes of Thift in the Dittay; becaus, within this moneth, he wes chargeit befor your lordships of findrie particuler poyntis of thift and commoun thift; comprehending all pointis of thift, except itt wer for pointis of thift committit sen his clangeing. The Aduocat alledgis it is nocht relevant.

THE JUSTICE ordanis George Trumbill to be putt to the Assyfe, for all crymes contenit in the Dittay, except sic as he is alreddie changeit of.

The Aduocat takis instrumentis of the sivering of the Inqueist; and of production of the Presbiteries Testimoniall, testifeing George Trumbill to be excommunicat for Incest and Adulterie, contenit in the Dittay: And protestis Wilfull Error, in caice thay acquit. And further, produceis Letteris of Hoirning, to verifie the vther foure poyntis of Dittay, and of his lang remaning vurelaxit; and protestit for Wilfull Error, in caice thay acquit, in respect foirfaid.—The pannell takis instrumentis of Halyburtoune of Moreislaw comperance, and sivering of the twa pointis of the Dittay, viz. of the mylleris naigis, and Watt Trumbillis naig. The Aduocat askis instrument of the sivering of the Dittay, be the Guiduan of Morislaw.

VERDICT. The Assise, having ‘be pluralitie of voitis’ chosen Williame Cokburne of that Ilk chancellor, thay ffind, pronuncet and declairit the said George to be ffylet, culpabill and convict of the hail crymes *respectiue* abone writtin.

SENTENCE. And thairfoir the said Justice-depute, be the mouth of Robert Scott, dempster of Court, decernit and ordanit the said George to be tane to the Castell-hill of Edinburgh, and to be hangit on ane gibbett quhill he be deid; and his hail landis, heritageis, tenementis, annuelrentis, possessionis, coirnis, cattell, infycht pleniffing, guidis and geir, to be forfaltit and escheit to our souerane lordis vsé, as convict of the saidis crymes.

Slaughter — Woughing Oxen — Stouthcreif, &c.

Sep. 23.—JOHNE JOHNESTOUN, callit of Loch-hous.

Dilatit, accuset and persewit be Sir Thomas Hammiltoun of Monkland, knycht,

aduocat to our fouerane lord, ffor airt and pairt of the flaughter of vmq^{le} Johnne Cunninghame, fervand to the Erle of Glencairne ; committit in the yeir of God I^m.V^c.lxxxvij yeiris, or thairby, within the burch of Edinburgh. ITEM, for airt and pairt of the flaughter of vmq^{le} Gilbert Roriefoune. ITEM, for airt and pairt of the hoching¹ of Robert Cuninghames oxin. ITEM, for airt and pairt of the maifterfull and stouthfull reveing fra James Lichtoun, Johnne Kello, Johnne Byres, George Cuninghame, merchandis burgefiss of Edinburgh, . . . Hunter in Glefgow, and Williame Walker at Bellis-mylne, of thair purffis and money being thairin, estimat to thre thousand (and viij^c) merkis ; and away-taking of thair nagis fra thame ; committit in the moneth of Julij 1602 yeiris, at the Rowne-tre-barne, betuix Air and Wigtoune.

ASSISA.

Charles Campbell of Horfleuch,
Charles Campbell of Skeringtoun,

George Campbell of Gelt,
Williame Campbell of Walvoid.²

VERDICT. The Assyse all in ane voce, be the mouth of the said Charles Campbell of Horfleuch, chancellor, ffand, pronuncet and declairit the said Johnne Johnnestoun of Loch-hous, accoirding to his awin Confessioun, maid in judgement, and Depositiones subferyuit with his hand, to be ffylit, culpabill and convict of the haill poyntis of Dittay aboue reherfit.

SENTENCE. To be tane to ane scaffald at the mercat-croce of Edinburgh, and thair his heid to be ftrukin fra his body. And all his moveabill guidis to be efcheit, &c.

[*Mr Andrew Kneilland, Justice-Depute.*³]

Dict continued owing to Plague in Edinburgh.

Nov. 8.—JOHNNE COLQUHOUN, younger of Campstradden,⁴ Dougall M^cFarlen, and Johnne M^cConell V^cneill M^cFarlane and others.

Compeirit Antoun Whyte, wryter, and producet ane delyuerance grantit be the lordis of Secreit Counfall, subferyuit be my Lord Chancellor, &c. as follows.

MY LORDIS OF COUNSALL, vnto your lordschipis humlie menis and schawis we your feruitouris, Sir Johnne Murray of Tulliebarden, kny^t, and James Hadden of Glennageis : That quhair, we and ather of ws haif purchest lettres, quhairwith we haif caufet charge *Johnne Colquhoun, younger of Campstradden*, Dougall M^cFarlane, Johnne M^cConell V^cneill Makfarlane, and certane vtheris perfones thair complices, specifeit in the saidis letteris direct thairvpoune, to find cautionn, that thai fall compeir befor our fouerane lordis Justice and his deputis within the Tolbuthe of Edinburgh, the aucht day of November instant, to vnderly the law for certane crymes mentionet in the saidis letteris : At the raising of the quhilkis letteris, we and ather of ws ffand cautionn actit in the buikis of Adiornall, for repoirting of the saidis letteris, deulie execeute and indorfate, at the day foirfaid, vnder the panes contenit in the Actis of Parliament. And be reffone of the fuspitioune and danger of the plaige of pestilence

¹ Hamstringing. ² James Johnneston of Lochwood beheidit at the crosse of Edinburgh, for oppression, slaughter, and raising of fyre and vthir maney crymes.—*Birrel*. ³ The rest of the Assise composed of merchants. ⁴ This Judge is first noticed, Nov. 3, 1603. ⁵ See p. 432, where he is said to have been killed, 7th February preceding !

within the said burcht of Edinburgh, quhilk hes intervenit sen the raising of the saidis letteris, we nor the personis summond on the Assyse of the persones dilaitit, may nocht guidlie repair thither, for feir of the said plaigue. Quhairthrow, necessar it is that the day foirsaid be prorogat and continewit to ane certane vther competent day thairefter, that (gif it pleis God to stay the said plaigue) we may sailie resoirt and repair to the said burcht of Edinburgh, to the effect aboue specifeit. Heirfoir, we besek your lordschipis, that ye will give command to our fouerane lordis Justice, Justice-clark and thair deputis, to continew the day foirsaid, to ane certane vther lauchfull competent day thairefter; and to wairne the partie and the persones summond vpon the said Assyse thairto; quhairthrow we may the mair sailie repair to the said burcht to the effect aboue writtin: Quhairnent it will pleis your lordschipis to dispense with us, and all panes and vnlawis, quhairinto we or ather of ws, or ony of the persones summond vpon the said Assyse, may ony maner of way be vnlawit or adiudget, for our non-compeirance, at the said viij day of November instant: And your lordschipis anfuere humlie we besek. [FIAT UT PETITUR.] (Sic subscribitur) MONTROISS, CANRIUS. M. R. YOUNG.

According to the quhilk Warrant, the Justice continewit the said dyet to the said xxij day of December nixtocum; and ordanit the parteis to be summond, and ane Assyse also to be summond to the said day; and the cautioner to stand obleift for repoirting of the saidis letteris, dewlie execute and indorfate, agane the said day.

Slaughter.

Nov. 17.—JAMES KYNNAIRD in Inchtur, Williame Haitlie in Balgay, and Williame Kynnaird, sone to the Laird of Kynnaird.

Patrik Bruce of Fyngask and Johnne Kynnaird, fear of that Ilk, amerced in the pane of ane hundreth merkis, for ather of the saidis James, &c. for nocht entrie of thame to haif vnderlyne the law, for airt and pairt of the felloun and crewall Slauchter of vmq^{le} Johnne Scherp, seruitour to the Laird of Ruthven; committit vpon the first day of July lastbypast, vpon set purposis, prouisioun and foirthocht felony. And James Kynnaird, &c. to be demuncet rebellis, and put to the horne, &c.

Slaughter.

Nov. 23.—JAMES CUMING, fear of Alter, Johne Cuming, his seruand.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Thomas Hay of Edinvaill; committit the xx day of July lastbypast, betuix the place of Alter and the town¹ of Edinvaill, vpoun sett purposis, prouisioun and foirthocht felony.

Williame Hay, as brother, and Robert Hay, as sone, to vmq^{le} Thomas Hay, produced the letteris, dewlie execute, &c.—Alexander Rychardfoun, Minister of Dolese, declarit vpoun his grit aith, tane vpoun ane buik, that the said James Cuming wes heavelie diseisit with ane flux of natour, and ane flux of his body, and that he wes subiect to the said seiknes: And Mr Alexander Cuming offered to prove that ‘he may nocht travell,’ &c.—Williame Cuming, fear of Ernfyde,

¹ Farm-steading.

as cautioner. was vnlawit for non-entrie of the said James Cuning, in the pane of ane thousand mark, and for nocht entrie of Johne Cuning, in the pane of ane hundreth merks; and they ordanit to be denunceit, &c.

Nov. 24.—Letters of Horning given in by Robert Hay, seruitour to Frances Erle of Erroll, to be regiftrate against the pannell, with executions and denouciatiounis, &c.

[*CURIA tenta per Archibaldum Ergadie Comitem, Justiciarum Generalem et Magistrum Willelmum Hairt ejus deputatum principalem.*]

Treason — Hamesucken — Oppression — Stouthreif, &c.

Jan. 12, 1604.—GEORGE MELDRUM, younger of Dumbrek.

Dilatit, accuset and perfewit be Sir Thomas Hammiltoun of Monkland, aduocat to our fouerane lord for his hienes entreis, of the crymes following, to witt.

FORSAMEKILL as the said George, haifing confaut ane deidlie feid, rancor and malice aganis Andro Meldrum, his brother, he, accompaneit with dyuerse vtheris his complices and servandis, to the number of ten perfonen, or thairby, all bodin in feir of weir,¹ with hagbutis, dagis and pistolettis, expresse prohibeit to be borne, worn, vsed or schot with, be our fouerane lordis Actis of Parliament, in the moneth of or thairby, the yeir of God Im.V^c. fourfoir nyntene yeiris, being four yeir syne, or thairby, come to the Mylnetoun of Dumbrek, quhair the said Andro was, in sober and quyet maner for the tyme, &c.; and thair fet vpon him, and crewallie inuidit him for his Slauchter, and hurt and woundit him in his . . . hand, schoulder and face, to the effusioune of his bluid in greit quantitie: And thaireftir tressonabillie tuik the said Andro captiue and priffoner, had and convoyit him to the place of Dumbrek, quhair the said George detenit him as captiue, be the space of aucht oulkis, or thairby, in strait firmance and captiuitie; and thaireftir transportit him to the place of Ernefyde, quhair the said George and his servandis keipit the said Andro in strait firmance, be the space of fyftene or tuentie dayis, quhill he escaipit fra thame perforce: Vsurpand thairby our fouerane lordis auctoritie vpon him, in taking of the said Andro, his hienes frie lege man, but² Commissioun, and detening him in captiuitie, be the space foirsaid; committing thairby manifest Tressone: AND als, for contravening the tennour of the Actis of Parliament, in beiring, weiring and vseing of the saidis hagbuttis and pistolettis. ITEM, fforamekill as the said George, haifing confaut ane deidlie feid, rancour and malice aganis Andro Meldrum of Aelquharteis, laitlie, in the monethis of September or October, the yeir of God Im.Vj^c. yeiris, being accompaneit with Patrik Scheill and Alexander Meldrum, his servandis, bodin in feir of weir, with hagbuttis and pistolettis, contrair the tennour of the Actis of Parliament, come be way of Hamefukkin to the place of Aelquharteis, vnder silence and clud of nycht, about foure houris in the moirning, befoir day; and thair, the said George darnit³ him selff and his servandis in ane out-hous, belonging to the said Andro, neir to the said place, quhair he remanit quyet, quhill about elleuin houris of the day, that the said Andro Meldrum come furth to ouersie his awin turnes,⁴ and thair fet vpon the said Andro Meldrum, and tressonabillie pat violent handis in his persone, tuik him captiue and priffoner, and convoyit him away with him as ane malefactour, fra his said duelling-hous, and brocht him south ower to Andro Fyfes hous, in the Burrow-nure of Edinburgh, besyde Merchintoune; quhair the said George detenit him captiue, be the space of thre or foure dayis thair-efter, quhill the said Andro ('*eschewit*,' or '*escaipit*'⁵) furth of the said hous, by⁶ his knowledge and aganis

¹ Arrayed in warlike manner.

² Without.

³ Hid, concealed.

⁴ Concerns, business, affairs.

⁵ Until the said Andrew *escaped*. A word is omitted in the Record.

⁶ *Beside*, without or contrary to his know-

ledge, unknown to him.

his will : Vfurpand thairthrow our fouerane lordis authoritie vpon him, in taking and keiping captiue of the said Andro Meldrum of Acqubarteis, his hienes frie liege man, but¹ commissioun or auctoritie, and committing thairby manifest Treffone : AND als, for contravening of our fouerane lordis Actis of Parliament, in beiring and weiring of hagbutis and pistolettis. ITEM, fforamekill as the said George, haifing confauct ane deidlie feid, rancour and malice aganis Mr Alexander Gibfone, ane of the Clerkis of our fouerane lordis Counfell and Sessione, he, accompaneit with Nicoll Jardane, Robert Jardane, Johnne Johnstoun, callit *Swyne-fute*, Johnne Ker, fone to the Tutour of Gradane, and Alexander Bartilmo, with tua fute-bovis, ane company of cowmoune and notorious thevis, brigandis and murderouris, all bodin in feir of weir, with fuordis, hagbutis and pistolettis, expresse prohibeit to be borne or worue, as said is, laitie, in the moneth of October or September, the yeir of God, I^m. fax hundreth and ane yeiris, being adverteit of the said Mr Alexanderis dyett, be ane fellow callit Craik, the said George Meldrumis awin man, quhome he fend to espy the said Mr Alexanderis dyet within the Citie of St Androis ; at the quhilk tyme, he fet vpon the said Mr Alexander Gibfone, Mr Alexander Levingstoun, aduocat, and Robert Guthrie, seruant to the said Mr Alexander Gibfone, within the boundis of the scherefdome of Fyffe, besyde the Watter-fyde of Dundie, quhair thay war in sober and quyet maner rydand for the tyme, dreidand na harne, iniurie, or persute of ony persones, bot to haif leuit vnder Godis peax and our fouerane lordis : and thair crewallie Invaidit thame for thair Slauchteris, and compellit thame to rander thame sellis to the said George and his compliceis foirfaidis ; and tressonabillie pat violent handis in thair persones, tuik thame captiues and priffoneris, had and convoyit thame away with him out of the way, and besyde Couper-in Fyfe, (he being ane landit gentilman,) tressonabillie, be way of maisterful Stouthreif, rest fra thame thair purffis, with certane gold and siluer being thairin, extending to the quantetie of thre hundreth merkis or thairby ; and thaireftir convoyit thame to the toun of Kinghorne, quhair he demittit² the saidis Mr Alexander Levingstoun and Robert Guthrie : And thairfra convoyit the said Alexander Gibfone, and brocht him with thame sellis ouer the fferrie of Kinghorne to Leyth, and convoyit him captiue to Williame Kayis hous in Leyth, quhair Serjand Moffet come to thame ; and thairfra the said George maist tressonabillie convoyit the said Mr Alexander Gibfone captiue by³ the Palice zet of Halyrudhous, throw ane gritt pairt of Louthiane and throw Tueddell, to the toun of Melrois ; and befor thair entrie within the said toun, the said George, with his complices, devydit the gold that was in the tua purffis amangis thame, quhair of ilk ane of thame gat tuentie merkis, or thairby, for thair partis ; and fra the said toun of Melrois thay convoyit the said Mr Alexander captiue vnto Ingland, to George Rattleiffis hous ; quhair thair detenit him captiue and priffoner be the space of aucht dayis or thairby : Vfurpand thairby our fouerane lordis auctoritie vpon thame, in taking the saidis persones, thay being his Maiesteis frie leigis ; haifing na power nor Commissioun to that effect ; in manifest contempt of his Maiestie : committand thairby manifest Treffone : LYK AS, the said George, being ane landit Gentilman, committit maist tressonabill Thift and Stouthreif, in reiffing of thair purffis, and gold foirfaid being thairin ; AND siclyk, for beiring and weiring of hagbutis and pistolettis, contrair the tennour of the Actis of Parliament. Off the quhilkis crymes *respectiue* aboue writin, the said George was speciall actour ; at the leist, airt and pairt thairof. AND last, the said George being indytit and accusit, fforamekill as he, accompaneit with Johnne Meldrum, his brother, and dyuerse vtheris, his complices, laitie, in the moneth of November lastbypast, being bodin in feir of weir, with hagbuttis, dagis and pistolettis, prohibeit to be borne or worne, as said is, be our fouerane lordis Actis of Parliament and Secreit Counfall, come to the place of Dumbrek, pertening heritable, and being in the lauchfull possession of Andro Meldrum, his brother, keipit be him and his seruantis, and tuik the samyn place perforce, and held and detenit the samyn be the space of sevin oulakis or thairby.⁴

¹ Without. ² Suffered to go, dismissed. ³ Past. ⁴ This latter part of the Dittay is thus shortly given in another place of the Record : ' And for taking of the place of Dumbrek, and keiping of the samyn aganis the Kingis gaird, quha, be vertew of ane Commissioun, was commaunded to pas to the said hous and charge him to rander the samyn ; quhilk he dissobeyit.

ASSISA.

James Tennent of Kairnes,	Williame Foullertoun of Arde,	Jo. Creichtoune, Y ^r of Strathurd,
J ⁿ Kynneir, younger of that Ilk,	Alex ^r Falconer of Halkertoun,	Da. Haddene, tutour of Glennageis,
Mr Patrik Balfour of Pitcullo,	Johnne Veitche of Dawik,	Thomas Ker of Caveris,
George Murray of Brochtoune,	Williame Burnet of the Bairnes,	Geo. Hereis of Kirkstone of Eshe,
Archebald Ogilvie of Keillour,	Aulay M ^c caulay of Ardincapell,	Johnne Boyle of Kelburne.

For verificatioun quhairof, the said Sir Thomas Hammiltoun producet the said George Depositiones, subscryuit with his hand, beiring his Confessioun of the hail crymes aboue specificit. The Advocat askit instrumentis, (1.) Of the sweiring of the Assyis : (2.) That George Meldrum declairis he becumis in his Maiefteis will, for the taking and hurting of his brother, and for the taking of the Guidman of Acquhariteis. (3.) Of George Meldrumis cuming in will, for the offence done to Mr Alexander Gibsounne and his company. (4.) Of the reiding of the pannellis Depositiones to the Assyfe judiciallie : And (5.) In respect thair- of, and of his Confessioune thair- of, in judgement, and becuming in will for the hail Dittay, protestis for Wilfull Errour, in cais thai acquit.

VERDICT. The Assyfe, be the mouth of the said Alexander Falconer of Halkertoun, chancellor, ffind, pronuncet and declairit the said George Meldrum, younger of Dumbrek, to be ffylet, culpabill and convict of the hail crymes aboue specificit.

SENTENCE. And thairfoir, the said Justice-generall and Mr Williame Hairt, his principall depute foirfaid, be the advyfe of John Erll of Montrois, chancellor of this realme, and dyuerse vtheris Lordis of his Maiefteis Secret Counfall and Sessioun, than sitting in judgment, as Affessouris, (ffinding the saidis crymes to be tressonable), be the mouth of Robert Scott, dempfter of Court, Ordanit the said George Meldrum to be tane to ane scaffold, befyde the mercait croce of Edin- burghe, and thair his heid to be strukkin fra his body ; and all his landis, heri- tageis, takkis, fteidingis, rowmes, possessiones, coirnes, cattell, inficht pleniffing, guidis and geir to be sforfalt, efcheit and inbrocht to our fouerane lordis vfe, as convict of the saidis tressonable crynes.—Quhilk wes pronunceit for dome.¹

[*Mr Williame Hairt, Justice-Depute.*]

‘Field of the Lennox,’ or ‘Conflict of Glenfruin’ — Slaughter of the Colquhouns — Stouthreif — Treason — Fire-raising, &c.

[THE proscription and the cruel and systematic persecution of the CLAN-GREGOR, for a long series of years, although, in the abstract, a subject familiar to every reader of Scottish History, has hitherto been very imperfectly explained. The Criminal Records, and the Acts of the Privy Council, throw much light on all the various branches of this extraordinary event. To save the necessity of future repetition, it appears to the Editor to be necessary, at the outset of these proceedings, to give a very brief sketch of the circumstances which led to ‘THE FIELD OF THE LENNOX’—or ‘THE RAID’ or ‘CONFLICT OF GLENFRUIN’; and of those events which ultimately terminated in the Execution of

¹ ‘The 12 of Januar, George Meldrum of Dumbrek beheidit, for Oppression and uther odious crymes.’—*Birrel*.

the Laird of MacGregor, and of many others of his name. All the future oppression and persecution of the race of the MacGregors ostensibly take their rise from this Conflict.

The Clan-Gregor, which, from whatever causes, had been for some time looked upon as an unruly tribe, was, for some years previous to 1603, placed under the control of ARCHIBALD (seventh) EARL OF ARGYLE, who, as King's Lieutenant in the ' Bounds of the Clan-Gregor,' was invested with very extensive powers, and who, by his acceptance of the office, was made answerable for all excesses committed by the Clan. In these circumstances, it might be supposed that it was Argyle's interest, as it certainly was his duty, to have done all in his power to retain the Clan-Gregor in obedience to the laws; but, on the contrary, it appears that, from the time he first, as King's Lieutenant, acquired the complete control of the MacGregors, the principal use he made of his power was artfully to stir up the Clan to various acts of aggression and hostility against his own personal enemies, of whom, it is known, COLQUHOUN OF LUSS was one. It is to this crafty and perfidious system of the Earl, therefore, that we must solely trace the feud between the Colquhouns and MacGregors, which proved, in the end, so hurtful to both; a result, no doubt, all along contemplated by this powerful but treacherous Nobleman. But it is unnecessary to enlarge upon this point, as the Dying Declaration of the Laird of MacGregor places in a very clear light the cruel and deceitful policy pursued by Argyle, and which was too frequently resorted to by others, in those days, for *quieting* the Highlands. It may be remarked, that this interesting document, besides undoubtedly bearing internal evidence of truth, is corroborated, in almost every part of it, by the Public Records.

It is also to be remarked, as particularly worthy of notice, that at the period of this fatal Conflict, both of the contending parties were, in a manner, equally armed with the Royal authority; the Laird of Luss having raised his forces under a Commission, emanating from the King himself; while the Laird of MacGregor marched to invade the Lennox, under the paramount authority of the King's Lieutenant!

The popular accounts of this transaction charge the MacGregors with two atrocities, committed after the battle, viz. the Murder of Sir Humphrey Colquhoun, who had fled from the field of battle, and had taken refuge in the Castle of Bannachra; and the Slaughter of a number of defenceless boys, from the Grammar School or ' College ' of Dumbarton,¹ who, from curiosity, came to see the fight, and had, by Colquhoun's order, been put into a barn for safety; where, on the success of the Highlanders, they were said to have been murdered. In justice to the Clan-Gregor, it is but fair to mention that, on investigating this subject, it clearly appears that Sir Humphrey was murdered in his Castle of Bannachra, in July 1592, above eleven years before this Conflict, by some of the MacFarlans, under circumstances of extreme atrocity. He was succeeded by his brother Sir Alexander, who was alive *anno* 1610. The then Laird of Luss must therefore have fled from the field of battle, leaving his vassals to be cut to pieces by their victorious antagonists. As to the Slaughter of the schoolboys, it is enough to state that this circumstance forms no point of any of the Dittays against those of the MacGregors who were tried for their share in this battle, although every criminal act which could possibly be adduced against each of them is carefully inserted in their Indictments. Such an atrocious fact could not have escaped the notice of all his Majesty's Advocates, for such a length of time—and there was no lack of informers. It is thought that this massacre is alluded to in the Records of the Privy Council, Jan. 5, 1609, where it is stated, that ' Allan Oig McIntnaeh, in Glenco,' when aiding the Clan-Gregor at Glenfrune, ' with his awne hand, murdered, without pity, the number of forty poor perfons, who were naked and without armour.'

According to the Editor's usual plan, some passages from contemporary MSS. are appended, in illustration of the facts.]

¹ So called, probably, from their education being conducted in the Collegiate Church there, or under the auspices of the Clergy of that establishment, by virtue of some charitable endowment.

Jan. 20.—ALLASTER M^cGREGOUR of Glenstra, Patrik Aldoche M^cgregour, Williame M^cneill his seruand, Duncan Pudrache¹ M^cgregour, and Allaster M^cgregour M^ckean.

Dilatit, accufit and perfewit, at the instance of Sir Thomas Hammiltoun of Monkland, knyecht, aduocat to our fouerane lord, &c. off the crymes following : FORSAMEKILL as thay and ilkane of thame, accompaneit with vinq^{le} Johnne Dow, brother to the said Allaster M^cgregour of Glenstra, and vtheris thair kin, freindis, and of thair counfall, haifing concludit the distructione of Alexander Colquhoun of Lufe, his kyn, freindis and alya, and the hail surname of the Balquhamanis, and to herrie² thair landis ; thay conuenit to thamefelffis the Clanhamrone,³ the Clanauverich,⁴ and dyuerse vtheris brokin men and foirneris,⁵ to the number of foure hundreth men, or thairby, all bodin in feir of weir, with hagbuttis, pistolettis, murrionis, mailzie-coittis, pow-aixes,⁶ tua-handit-fwoirdis, bowis, darloches, and vtheris wappones, *invasiue*, incontre the tennour of the Actis of Parliament : And, for the performance of thair wicked conclusioun, vpon the sevint day of Februaire lastbypast, come fordward, in arrayit battell, to the Landis of Glenfrwne, pertening to the Laird of Lufe ; quhair the said Laird of Lufe, accompaneit with certane of his freindis, war conuenit, be vertew of our fouerane lordis Commiffioun, to resist the saidis perfonis crewall interpryfes ; and thair fet vpon him, his kyn and freindis, and crewallie invaidit thame for thair flaughteris, schamefullie, crewallie and barbaruslie mordreift and slew Peter Naper of Kilmahew ; Johnne Buchamane of Buchlyvie ; Tobias Smallet, bailzie of Dumbarten ; Dauid Fallefdaill, burges thair ; Thomas and James Fallafdaillis, his fones ; Walter Colquhoun of Barnehill ; Johnne Colquhoun, fear thairof ; Adam and Johnne⁷ Colquhones, fones to the Laird of Campstradden ; Johnne Colquhoun of Dalmure, and dyuerfs vtheris perfonis, our fouerane lordis leigis, to the number of sevin scoir personis or thairby ; the maist pairt of thame being tane captiues be the saidis M^cgregouris befor thair pat violent handis in thame, and crewallie slew thame : And tressonabillie tuik Williame Sempill and dyuerse vtheris, our fouerane lordis frie leigis, and convoyit thame away captiue with thame, and be way of maisterfull Stouthreif, staw, rest and away-tuik sax hundreth ky and oxin, aucht hundreth scheip and gait, fourtene scoir of horse and meiris, with the hail pleniffing, guidis and geir, aff the fourscour pund land of Lufe ; and at the samyn tyme, tressonabillie raisit ffyre in the houffis and barne-5airdis thairof, brunt, waiftit and distroyit the samyn, with the coirnis being thairin. And the foirsaidis perfonis and ilk ane of thame ar airt and pairt

¹ Of the country of Balquhider.

² Spoil, plunder and devastate.

³ Clan Cameron.

⁴ Quere, the Clan Ian Averiche (Abroch), viz. the MacDonalds of Glencoe ?

⁵ Sorners, persons

who violently took free quarters, and committed acts of violence, having no fixed home.

⁶ Morions,

coats of mail, poll-axes.

⁷ See Note, Vol. II. p. 426.

of the faidis crewall, horrible and tressonabill crymes; the lyk quhairof was nevir committit within this realme: Committing thairby manifest Tressone, in hie and manifest contempt of our fouerane lord, his hienes auctorite and lawis.

ASSISA.

Sir Thomas Stewart of Garnetullie, Johnne Blair younger of that Ilk, Thomas Fallafdaill burges of Colene Campbell younger of Johnne Grahame of Knokdoliane, Dumbartene, Glennorehie, Moyfes Wallace burges of Ed^r, Johnne¹ Herring of Lethindie, Alexander Menzeis of Weyme, Sir Robert Creychtounne of Clwny, Williame Stewart, Capitane of Robert Robertfoun of Strowane, kny^t, Dumbartene, J^{no} Naper fear of Merchinstounne, Robert Robertfoun of Falkeilzie, Harie Drummond of Blair, Johnne Blair elder of that Ilk.

For verificatioun quhairof, the said Sir Thomas Hammiltoun of Monkland, aduocat, producet the faidis perfonos Depositiones and Confessiones, maid be thame in prefens of dyuerse lordis of his hienes Secreit Counfall and Sessioum, subscryuit with thair handis.—The Aduocat askit instrumentis, (1.) Of the sweiring of the Assyse, and protestit for Wilfull Errour aganis thame, in cais thay acquit. (2.) Of the sweiring of the Dittay be the Laird of Lufe. (3.) Of the productionme of the pannels Depositiones to the Assyse.

VERDICT. The Assyse, all in ane voce, be the mouth of Johnne Blair, elder of that Ilk, ffand, pronuncet and declairit the faidis Allaster M^rGregour of Glenftra, &c. to be fylet, culpable and convict of the crymes aboue spacificit.

SENTENCE. And thairfoir, the Justice-depute, ffinding the faidis crymes to be tressonabill, be the mouth of James Henderfoun, dempstar of Court, Ordanit the faidis perfonos to be tane to the mercat-croce of Edinburgh, and thair to be hangit vpon ane gibbet quhill thay be deid; and thairefter thair heidis, legis, airnes and remanent pairtis of thair bodeis to be quarterit and put vpon publict places, and thair haill landis, heritageis, annuelrentis, takis, steidingis, rowmes, possessiones, coirnes, cattell, guidis, geir and sowmes of money pertening to thame, to be fforfaltit, efcheit and inbrocht to our fouerane lordis vse, as convict of the faidis tressonabill crymes.

DOCUMENTS *illustrative of* 'THE FIELD OF THE LENNOX,' *or* 'CONFLICT OF GLENFRUNE,' *and of the Proceedings against* THE LAIRD OF MACGREGOR *and his CLAN.*

(I.) EXTRACT *from Calderwood's MS. Church History, Advocates' Library, (Vol. V. p. 677.)*

UPON the eight of Februar, a great company of forners and brocken Highland men of the CLANE of MACKGRICORE, the number of 400 men, came down to Lennox, to reave and spoyle. The people of the country conveened to make impediment. There were flaine of the country people, specially of the furname of COLQUHOUN, to the number of foufcore persons or therby; of which number were landed men of good rank.² The Laird of Luce himself, Chief of the Colquhouns, escaped narrowly.

¹ In another place called *David*. ² The matter is thus noticed by Birrel and Fleming. 'THE 9 of Februar (1603,) the Laird of Mackgrigour, with four hunder of his name and factiounes, enterit in the Lennox, quhair he maid spuilzie and slaughter, to the nwumber of 60 honest men, besyid wemen and bearnis. He spairit nane quhair he come.'—*Birrel's Diary*. ('Apr. 9.) Proclamation sumonding all the McGregouris to comper and wnderly the law for the slaughter of the Laird of Luss, and the men of Dumbartane.—*Fleming's MS. Chronicle*.

They carried away a thousand head of cattell, beside other insight and plenishing. It was reported, that that was done at the instigation of the Duke of Lennox his lady, seeking the wrack of the Laird of Luce, who held of the King, and not of the Duke !

(II.) EXTRACT from *MS. History of Scotland, Anon. Advocates' Library, (A. 4. 35.)*

Now, on the secund day of October (1603), THE LAIRD OF ARKINLES takis in hand to THE ERLL OF ARGYLL, to tak THE LAIRD OF MACGREGOUR ; and callis him to ane bankatt¹ in his hous, quhilk hous stuid within ane Loche ; and thair takis him priffoner, to fend him to Argyill. And putting him in ane boitt, with fyve menne with him, by² thame that rowit the boitt ; he, feing him selff betreisfit, gettis his handis lowfe ; and striking him our burd that was narrest him, he lowpis in the watter, and out-fowmis³ to the land. And so efcheappis wntene,⁴ for the presentt. Now the Erll Argyill, perfeassing that he wes efchapitt, he fendis to him, defyring him to cum to him, that he mycht confer with him, vnder promeis to lett him gang frie, gif thay culd nocht agrie. Wpoun the quhilk, the Laird McGregour come to him ; and, at his cuning, was weill reffaut be the Erll ; quha schew him, that he was commandit be the King to bring him in ; bot he had no doubt bot his Majesty wald, at his requiest, pardoun his offence ; and he fuld, with all diligenfe, fend tua Gentill menne to Ingland with him, and fuld with all diligenfe follow him selff. Wpoun the quhilk fair promiseis he was content ; and come with the Erll of Argyll to Edinburgh ; quhair, on the 10 day, he was be the Gaird conwoyt to Berwick, within Inglis grund, and fyne brocht back to Edinburgh. And on the 20 day was hangitt at the Corfe, with tenne of his kin and freindis hangit with him ; to the gritt diseredit of the Erll Argyill, quha wes the doare of the famin.⁵

(III.) EXTRACT from *Robert Birrel's Diary, MS., Advocates' Library, (p. 138.)*

THE 2 of October (1603), ALLESTER M^cGREGOUR of Glainfre tane be the Laird of Arkyndles, bot efcapit againe ; bot efter, taken be the Earle of Argyill the 4 of Januar ; and brocht to Edinburgh the 9 of Januar 1604, with 18 mae of his freindis, M^cGregouris. He wes convoyit to Bervick be the Gaird, conforme to the Earlis promefe ; for he promesit to put him out of Scottis grund. Swa he keptit ane Hieland-manis promes ; in respect he sent the Gaird to convoy him out of Scottis grund : Bot thair wer not directit to pairt with him, bot to fetche him bak agane ! The 18 of Januar, at evine, he come agane to Edinburgh ; and vpone the 20 day, he wes hangit at the Croce, and ij (*eleven*) of hes freindis and name, upone ane gallous : Himselff, being chieff, he wes hangit his awin licht aboue the rest of hes freindis.

(IV.) EXTRACT from *Calderwood's MS. Church History.*

UPON the 18 of Januar, MAKGREGORE was conveyed be the guard who attended upon the Counfell to Berwick, becaufe Argyle promised to him, when he rendered himself, that he should be caried to Ingland : But a post was appointed to meet him to caus bring them back againe, which was done ! Immediatly, upon the 20 of Januar, he and fundrie of his Clane were hanged in Edinburgh. Sevine of thair number came in, long before, as pledges for performance of certaine conditions, which were to be filled by their chief ; but they were hanged with the rest, without the knowledge of ane Assyfe. They were young men, and reputed honest, for their own parts. The Laird of Makgrigore was hanged a pinne above the rest. A young man, called James Hope, beholding the execution, fell down, and power was taken from the half of his body. When he was caried to ane house, he cryed, that ' one of the Highland men had shott him with ane arrow ! ' He died upon the Sabbath-day after.

¹ Invites him to a banquet. ² Forbye, over and above, besides. ³ Swims out, outstrips the boat by his swift swimming. ⁴ Untaken. ⁵ *Fleming*, in his Chronicle, (*MS. Adv. Library.*) thus records the event. ' The Laird of McGregour hangit at Edinburgh and xj of his unhappie kin. They hang all night on the gallous.'— This almost unexampled act of perfidy, on the part of Argyle, the King's Lieutenant, and the Justice-General of Scotland, gives a lamentable picture of the features of those unhappy times ; and it would appear that the government seemed to think it no discredit to take advantage of such an infamous breach of trust.

(V.) THE LAIRD OF MCGREGOURS DECLARATIOUN, *producit the tyme of Conviction*.¹

I, ALLESTER MAGRIGOUR of Glenstra, CONFESSE heir before God, that I have bein persuadit, movit and intyfit, as I am now presentlie accusit and trublit for; also, gif I had usit counfall or command of the man that hes Intyfit me,² I wald have done and committit findrie heich Murthouris mair; ffor trewlie, seu I was first his Majesteis man,³ I culd never be at ane eife, by my Lord of Argylls fallshete and inventiones; for he caufit M^cClaine and Glenchamrowne⁴ committ herfchip and slauchter in my roum of Rennoche, the quhilk caufit my pure men therefter to bege and steill: Also, therefter, he moweit my brother and sum of my freindis to commit baith herfchip and slauchter upone the Laird of Lufs: Also, he persuadit myfelfe, with message, to weir⁵ aganis the Laird of Boquhanene, quhilk I did refuse; for the quhilk I was contenowalie hostit⁶ that he sould be my unfreind; and quhen I did refuse his desire in that point, then he intyfit me with uther messingeris, as be the Laird of M^cknachane and utheris of my freindis, to weir and trouble the Laird of Lufs; quhilk I behuffit to do for his fals boutgaittis:⁷ Then, quhen he saw I was at ane strait, he cawfit me trow⁸ he was my guid freind; bot I did persave that he was slaw⁹ therin: Then I made my moyan¹⁰ to pleis his Majestie and Lords of Counfall, baith of fervice and obedience, to puneishe faultouris and to saif innozent men;¹¹ and quhen Argyll was maid foresein¹² thereof, he intyfit me to flay and start fra thay conditionis, causing me to understand, that I was diffavit; bot with fair wordis, to put me in ane snair, that he mycht gett the lands of Kintyre in feyell¹³ fra his Majestie, begane to putt at me and my kin:¹⁴ The quhilk Argyll inventit, maist schamfullie, and persuadit the Laird of Ardkinlaifs to dissave me, quha was the man I did maist trest into; bot God did releif me in the mean tyme to libertie, maist narrowlie.¹⁵ Neuertheless, Argyll maid the oppin brutt,¹⁶ that Ardkinlaifs did all that fallheid by¹⁷ his knowlege; quhilk he did intyfe me, with oft and findrie messages, that he wald mak my peace and saif my lyfe and landis, only to puneis certane faltouris of my kin, and my innozent freindis¹⁸ to renunce thair surname, and to leif peaceable. Vpone the quhilk conditionis, he was suorne be ane ayth to his freindis; and they suorne to me; and als, I haif his warrand and handvrytt therevpon. The quhilk promeis, gif they be honestlie keipit, I let God be Juge! And at our meting, in oure awin chalmer, he vas suorne to me, in witness of his awin freind. Attour,¹⁹ I Confess, befor God, that he did all his craftie diligence to intyfe me to flay and destroy the Laird Ardkinlaif, M^ckallay,²⁰ for ony ganes kyndness or freindfchip that he mycht do or gif me.²¹ The quhilk I did refus, in respect of my faithfull promeis maid to M^ckallay of befor.²² Also, he did all the diligence he culd, to mowe me to flay the Laird of Ardkyndlas, in lyk

¹ THE Original of the very interesting and important Paper now given, is preserved in the General Register House, and is in the hand of the then Clerk of Secret Council, James Primrose. It is marked as—'PRESENT BE MA WILLIAME HAIRT,' (of Levilands) as an article of evidence of his guilt, at his Trial. It will be recollected that this person officiated as Justice Depute on the occasion. Glenstray had surrendered to Argyll, on condition of his being permitted to go to England; by which the former meant that he should visit the English Court, and have, if possible, access to the King. It was obviously Argyll's policy to prevent this; but, that he might fulfill his promise, he sent him, under a strong escort of troops, to beyond the river Tweed, at Berwick, where the soldiers, wheeling to the right about, made MacGregor retrace his steps. He was two days only in Edinburgh, after his return from England, when he was executed.—See *Sir James Balfour's Annals*, and Nos. II. and IV. of these illustrative documents. ² The Earl of Argyll, King's Lieutenant in the Bounds of the Clan-Gregor, since July, 1596.—*Records of Secret Council*. ³ He had taken the usual oath to be his Majesty's 'household-man,' 27th July 1596, as appears from the Record of Secret Council. ⁴ Clan-Cameron. ⁵ Wage war. ⁶ Threatened. ⁷ Deceitful courses; literally, 'round-about ways.' ⁸ Believe. ⁹ Slow, slack. ¹⁰ Did my endeavour, *moyen*. ¹¹ This point is illustrated by an *Original Paper*, preserved in the General Register House, of date Jul. 24, 1599. ¹² Advertised, informed. ¹³ Fee, feufarm. ¹⁴ This refers to the Royal promise of reward to Argyll, after Feb. 7, 1603, for apprehending Glenstray; which reward, as he had earned it, he afterwards received; and it was confirmed to him by the Parliament, 1607. ¹⁵ This refers to that escape from Campbell of Ardkinglass, hereditary Sheriff of Argyllshire, mentioned by *Sir James Balfour* and by *Birrel*. ¹⁶ Report. French, *bruit*. ¹⁷ Without, contrary to his knowledge. ¹⁸ Such of them as were innocent of the crimes charged against the Clan generally. ¹⁹ Moreover. ²⁰ Awlay MacAwlay. ²¹ In the *Lord Treasurer's Books* of Scotland. Nov. 1602, is the following entry: 'Item, to Patrik McOmeis, messenger, passand of Edinburgh, w^t Lettres to charge Ar^d Earle of Argyll to compeir personallie befor the Counsall, the xvj day of December next, to ansuer to sic things as salbe inquirit at him, touching his lying at await for the Laird of Ardkinlaif, vpon set purpois to have slane him, xvj li. ²² GLENSTRAY and MACAULAY had entered into a Bond of Clanship, May 27, 1591, in which the latter owns his

maner; bot I neuer grantit therto:¹ Throw the quhilk he did invy me grettumly.² And now, feing God and man feis it is greidenes of warldlie geir quhilk caufis him to putt at me and my kin, and not the weill of the realme, nor to pacifie the famyn, nor to his Majesteis honour, bot to putt down innoſent men, to caufe pure bairnes and infanttis bege, and pure wemen to perifeh for hunger, quhen they ar hereit of thair geir: The quhilk, I pray God, that thais faltis lycht not upon his Majeſtie heirefter, nor upon his ſucceſſione. Quherfor, I wald beſeik God that his Majeſtie knew the weratie, that at this hour I wald be content to tak Baneifment, with all my kin that was at the Laird of Luſſis ſlauchter, and all utheris of thame that ony falt can be laid to thair charge: And his Majeſtie, of his mercie, to lat pure innoſent men and young bairnes pas to libertie, and lerne to leiſſ as innocent men: The quhilk I wald fulfill, but ony kynd of fail; ³ quhilk wald be mair to the will of God and his Majeſteis honour, nor⁴ the greidie, cruell forme that is devyſit, only for leuf of geir, haeing nether reſpect to God nor honeſtie!

Field of Glenfrume — Murder — Fire-raiſing, &c.

Feb. 17.—JOHNNE DOW M^cEWIN M^cGREGOUR, Patrik M^cilvarnoch, his man, Duncan M^cenham M^cgregour, Duncan M^cAlleſter Vrek, Alleſter M^cEwin V^ccondochie, Johnne M^cean V^cgregour, Ewin M^ccondochie clerich, Johnne Ammonoche M^cgregour, Duncan Beg M^cgregour V^ccoull chere, Gregour M^cNicoll in Dalveich, Johnne Dow M^ccondochie V^cewin.

Dilatit of certane crymes of Murthour, Thift, Soirning; and for being at the feild of Glenfrume, in companie with v^mq^{le} Allaſter M^cgregour of Glenſtra,⁵ his kyn and freindis; and of the Slauchteris, fyre-raiſing, Reif and Hierſchippis committit in the moneth of ffebruare 1603 yeiris, aganis the Laird of Luſe, his freindis and pairtakeris, viz. (1.) *Johnne Dow M^cewin M^cgregour*, for his intercowmoning with v^mq^{le} Allaſter M^cgregour of Glenſtra, v^mq^{le} Patrik Aulauch M^cgregour and vtheris thair complices, quha war at the treſſonabill burning of Robert Watterſones barne of Kallechoit, and at the ſteilling of the Laird of Merchinfstones oxin; committit in September laſt. ITEM, of airt and pairt of the thiftious ſteilling, furth of Andro Allanes houſe in Kipine, of fyve ky; committit in October laſt. ITEM, for airt and pairt of the ſlauchter of v^mq^{le} Johnne Drummond in Drony of Cowgask; committit in Auguſt laſt. ITEM, for airt and pairt of the ſteilling of ane milk ſow⁶ fra Patrik M^cboricht, furth of his duelling-hous of Glenmawak; committit in September laſt. AND ſicyk, of cowmone Thift and cowmone reſſet of thift.—(2.) *Patrik M^ckilvarnoch*, ſervand to the ſaid Johnne Dow, of airt and pairt of the hail crymes aboue writtin; as being in companie with his ſaid maifter thairat.—(3.) *Duncan M^cinham V^cgregour*, ffor airt and pairt of the thiftious ſteilling fra Eduard Reidoche of

being a Cadet of the Houſe of the former, and promiſes to pay him 'THE CALP.'—*Paper in the General Register Houſe.* This instrument had, as would ſeem, been diſcovered by the Government, and led to the ſuſpicion, alluded to in a former part of this work (See May 17, 1603), that MacAulay had aided Glenſtra in the feud of Glenfruin. MacAulay ſeems to have eſcaped death, by being under the protection of the Duke of Lennox, and forming one of his train or 'Tail,' in the King's journey to England, to take poſſeſſion of the English Throne.

¹ Arkinglaſſ, as appears from the *Book of Taymouth*, was Glenſtra's near kinsman.

² Bore a great or mortal grudge at me.

³ Without failure or evasion.

⁴ Than.

⁵ See Jan. 20, 1604.

⁶ Ewe.

fyye horfe and meiris ; committit in the moneth of I^m.V^c. fourfcoir and fourtene yeiris. ITEM, of airt and pairt of the thiftious fteilling fra Allafter M^ccondochie Vic James Robiefone, in Callewin, of ten horfis and meiris ; committit in the moneth of yeiris.—(4.) *Daucane M^cAllafter Vrek* in Farne, ffor airt and pairt of the thiftious fteilling furth of the landis of Air-liewicht of fourtie ky, pertening to the Laird of Bandrane ; committit ten yeir fyne or thairby. ITEM, for the thiftious fteilling furth of the Laird of Strowanes crandoche¹ of his haill inficht, worth I^m. lib.² ITEM, for airt and pairt of the flachter of v^mq^{le} Donald Dereif. ITEM, for airt and pairt of the thiftious fteilling furth of the landis of Downance in Menteith, of fourtie ky, tuelf horfis ; committit in the yeir of God I^m.V^c. fourfcoir aucht : And for intercowmoning with the Laird of M^cgregour : And for cowmone Thift and cowmone reffet of thift.—(5.) *Ewin M^ccondochie Clerich*, ffor his treffonabill intercowmoning with the Laird of M^cgregour, and fclāwing of fauour and fupplie to him : And for cowmone thift, and cowmone reffet of thift.—(6.) *Johanne Dow M^ccondochie V^cewin*, ffor treffonabill intercowmoning with v^mq^{le} the Laird of M^cgregour, and geving him fupplie and conforte.—(7.) *Johanne Ammonache M^cgregour* in Kingart, ffor airt and pairt of the thiftious fteilling of fax fcheip furth of Schandballie ; committit aucht yeir fyne or thairby. ITEM, for cowmone Thift and cowmone reffet of thift.—(8.) *Allafter M^cewin V^ccondochie*, in Couldar, ffor airt and pairt of the heirfchip of the Downance in Menteith ; and of the flachteris than committit ; and fpeciallie of the flachter of v^mq^{le} Andro Grahame.—(9.) *Gregour M^cneill* alias *Cowanache*, ffor airt and pairt of the crewall Murthour and Slauchter of v^mq^{le} the ffidler M^ckillope, within his awin hous in Dalvey ; committit at Anderfines,³ I^m. fax hundreth and tua yeiris. ITEM, ffor the thiftious reflcting and treffonabill intercowmoning (of v^mq^{le} the Laird of M^cgregour ?) eftir he wes difcharget be proclamationne.—(10.) *Johanne M^ckean V^cgregour*, in Glenogill vnder Tawie-barne, ffor the crewall Murthour, flachter and drowning of M^ckillopis wyfe, that duellt in Glenartnay, being in company with v^mq^{le} Patrik Aulaeh ; committit in harveft laft. ITEM, for reffet of the brokin men of the M^cgregouris, within his duelling-hous, and treffonabill intercowmoning with thame, aganis his hienes Proclamationn.—(11.) *Duncan Beg M^cgregour V^ccoull Chere*, ffor airt and pairt of the crewall Murthour and flachter of fevin feoir perfones flane at Glenfrwne ; and heirfchip than committit thairin, in the moneth of ffebruare 1603. ITEM, for cowmoun thift and cowmoun reffet of thift : And for the treffonabill intercowmoning with v^mq^{le} the Laird of M^cgregour, eftir he was difcharget be proclamationne.

¹ Or *crandoche*, a Highland gentleman's dwelling-house.
Andrew's-mass, the 30th day of November.

² £1000.

³ St Andrew's day,

ASSISA.

Mr Moreis Drummond of Cal- Mungo Buchannane in Tullie- Jacobi¹ Edmestoun of Newtonn,
 cherie, chewin, Danid Drummond in Drymmen,
 James Spreull ffear of Cowden, James Dennyftonne of Cowgrane, Johnne Naper of Kilmahew,
 Colene Campbell of Abernuchill, Thomas Fallafdaill in Ardoche, Johnne Mufchet at the mylne of
 Mungo Lyndfay of Ballull, Dauid Mufchet of Orcheardheid, Tor,
 Robert Naper of Blakzairdis, Johnne Buchannane of Ibert, Harrie Mitchell in Darra.

The Aduocat askit instrumentis of the sweiring of the Affyse; of Johnne Dowis Declaratioune, that Patrik M^cilvarnoch his man hes bene with him this tua yeir bygane, and is pairtaker of all his factis. The Aduocat, for verifeing the poyntis of Dittay, producet the Kingis Proclamatioune, Actis of Secret Counfall, contenit in the buik of Secret Counfall producet, and askit instrumentis thairvpone: And protestit for Wilfull Errour aganis the Affyse, in caife thai acquit.

VERDICT. The Affyis, be the mouth of Dauid Drummond, chancellor, ffand, pronuncet and declairit the saidis perfones to be ffylet, culpable and convict of the perticuler poyntis of Dittay aboue writtin.

SENTENCE. The Justice-depute decernit and adjudget the said John Dow, &c. to be tane to the mercait-croce of Edinburgh, and thair to be hangit vpoun ane gibbet quhill thai be deid; and all thair moveabill guidis to be escheit and inbrocht to our fouverane lordis vse, as convict of the saidis crymes.²

'Field of Glenfrune' — Slaughter of the Colquhouns, &c.

Mar. 1.—NEILL M^cGREGOUR in Meirie (Mewie,) Patrik Gair M^cgregour, Donald Roy M^cgregour, Duncane M^cgregour, Donald Graffiche M^cCadanich.

Dilatit, accuset and perfewit for being in company with vmq^{le} Allafter M^cgregour of Glenstra and his complices, at the ffieild of Glenfrwne,³ and of airt and pairt of the slauchter of fevin fcoir perfones, being all freindis, servandis, affisteris and pairtakeris with the Laird of Lufe at the said ffieild, and of the heirfchipis thair committit be the said Laird of M^cgregour and his complices: And of the tressonabill raising of ffyre and burning of dyuerse houffis, within the boundis foirfaid; committit in the moneth of Februare, the yeir of God I^m.Vj^c. and thre yeiris: And siclyk, for intercowmoning with the said Laird of M^cgregour and perfones foirfaidis, his complices, that war at the said slauchter and heirfchip, sen the committing thairof.—AND als, the said *Patrik Gair M^cgregour* being indyttit and accuset for the hounding out of his thre fones to the said ffieild, and murthouris and slauchteris than committit vpone the said Laird of Luffis freindis: And of airt and pairt, red, counfall, foirknowledge, assistance and ratihabitoune

¹ This person is so named in various places of the Record. ² 'The 18th of Februar, 9 of the name of MacGregor hangit, quho had lain lang in the Tolbuith.'—*Birrel*. ³ See Jan. 20, 1604.

of the said murthouris and heirschippis : And fiedyke, for the reffett and intercowmoning with the Laird of M^cgregour and his complices that war at Glenfrune, and reffetting of thame with the bludie hand, fen the tyme foirfaid of the said heirschip and slauchteris.

ASSISA.

Mungo Lyndfay of Ballull,	Constene Moirtoun,	Robert Buchannane in Kippen,
Johnne Buchannane, burges of Dumbarten,	Hew Glen of Lynthillis, Johnne Buntene of Ardoche,	Robert Buchannane Walterfoune, Dongall M ^c farlen in Murnagane,
George Buchannane in Ladrifch,	Thomas Naper of Barriekynrayne,	Walter Blair of Fynnech,
Thomas Fallafdaille, burges of Dumbarten,	Johnne Naper of Kilmahew, Johnne Sempill of Foulwoid,	Dauid Hadden (Haldene,) Tutour of Glennageis.

VERDICT. The said Assyse, all in ane voce, be the mouth of the said Robert Buchannane Walterfoune, fband, pronuncet and declairit the saidis fyve perfones to be fylet, culpable and convict of the haill crymes abone spicifeit.

SENTENCE. And thairfoir, the Justice-depute, be the mouth of Robert Scott, dempstar of Court, decernit and ordanit the saidis perfones to be tane to the galloufe of the Burrow-mure of Edinburghe, and thairupoune to be hangit quhill thay be deid ; and thair haill moveable guidis to be efcheit and inbrocht to his hienes vse, as convict of the saidis crymes.

Chett — Reset of Laird of MacGregor — ‘ Field of Glenfrune,’ &c.

Mar. 2.—MALCOLME M^cCOULL CLERICH (M^ccherich,) in Innerlochlarg ; Duncan M^cfadrik V^cconll Chere, in Innerlochlarg, vnder the Laird of Tulliebardin ; Johnne M^ccoull Chere, in the Bray of Balquhiddier, and Neill M^cWilliame V^cNeill.

Dilaitit of certane poyntis of Thift ; and for Intercowmoning with vmq^{le} the Laird of M^cgregour, fen the Raid of Glenfrune, viz.(1.) *Malcolme M^ccoull Cleriche (Cheriche)*, ffor airt and pairt, and being on the grundis at the crewall Slauchter of vmq^{le} Hew Stewart, ferveand to my Lord Athole ; committit threttie yeir fyne, or thairby. ITEM, for airt and pairt of the slauchter of vmq^{le} Patrik M^cgregour, in Glenbokie ; committit in the moneth of September, the yeir of God I^m.V^c. threfcoir faxtene yeiris. ITEM, for geving of counfall to vmq^{le} the Laird of Makgregour, his kyn and freindis, to pas fordward aganis the Laird of Lufe to Glenfrune ;¹ and for convoying² the said Laird of M^cgregour agaitwart³ to the fyd of Lochloun, afoir the ffeild : And for airt and pairt of the slauchteris and heirschippis committit at Glenfrune be the said Laird of M^cgregour and his complices, in the moneth of Februare 1603 yeiris. ITEM, for the tressonable Intercowmoning with the said Laird of M^cgregour, and Reffett of him and his freindis and pairtakeris that war at the ffeild of Glenfrune, and geving of thame herbrie, help and fupplie, in meit, drink and bedding, wittinglie and willinglie,

¹ See Jan. 20, 1604.

² Escorting.

³ On the way or *gait*.

at dyuerſe tymes, ſen thai war denuncet our ſouerane lordis rebellis and declairit tratouris, and ſen his Maieſteis Proclamatioune, iuhibeiting all our ſouerane lordis leigis to intercowmone, reſſett or gif countenance or ſchaw fauour to the ſaidis rebellis.—(2.) *Duncan M^cfadrik V^ccoull cheir*, ſfor airt and pairt of the Slauchter of the ſaid v^mq^{le} Patrik M^cgregour; committit in September 1576 yeiris. ITEM, for geving of counſall to the Laird of M^cgregour to pas forward to the ſfeild of Glenfrune aganis the Laird of Luſe, and conuoying him to the ſyde of Lochloune, agaitward, to the ſaid ſfeild. ITEM, for wilfull Intercowmoning and geving of counſall to the Laird of M^cgregour, and conuening with him in dyuerſe meittingis and conventionnes, had and keipit be him and his freindis, ſen thai war denuncet his Maieſteis rebellis, for the Murthour, Slauchteris and heirſchipis committit be thame at the ſaid ſfeild of Glenfrune, incontrair to his Maieſteis proclamatioune.—(3.) *Neill M^cWilliamne V^cNeill*, ſfor the treſſonabill Intercowmoning with the Laird of M^cgregour, his kin and freindis that war at the murthour and heirſchipis in Glenfrune, and reſſett of thame within his hous, and geving meit and drink to thame wittinglie and willinglie, at dyuerſe tymes ſen thai war denuncet rebellis, &c.—(4.) AND ſiclyk, *Johne M^ccoull Cheire*, ſfor airt and pairt of the crewall Murthour and Burning of auchtene houſhalderis of the Clanlawren,¹ thair wyves and bairnis; committit fourtie ſax yeir ſyne, or thairby. ITEM, off airt and pairt of the Slauchter of v^mq^{le} Hew Stewart, ſerveand to my Lord of Athole; committit threttie yeir ſyne, or thairby: And in taking pairt with the Clan-Gregouris at the Heirſchip, committit the tyme ſoirſaid, aganis the Tutour of Bofrak. ITEM, for Intercowmoning with the Laird of M^cgregour and his complices that war at the ſfeild of Glenfrune, ſen thair denunciatioune; and geving of conforte, ſupplie and freindſchip to thame, contrair the tennour of the Proclamatioune. ITEM, for cowmone Thift, cowmone reſſett of thift, outputing and inputing of thift fra land to land, fra cuntrey (to cuntrey), baith of auld and new.

VERDICT. The Aſſiſe, be the mouth of Mungo Lyndſay of Ballull, chancellor, ſſand, pronuncet and declairit the ſaidis Malcolmne, Duncan and Neill to be ſyylit, culpable and convict of the haill crymes and poyntis of Dittay aboue writtin: And the ſaid Johnne M^ccoull Cheire to be Clene, innocent and acquit of the ſaidis crymes.

SENTENCE. And thairfoir the ſaid Juſtice-depute, be the mouth of Robert Scott, dempſtar of Court, decernit and ordanit the ſaidis Malcolmne M^ccoull and Duncane M^cFadrik to be tane to the gibbet at the mercat croce of Edinburghe, and thair to be hangit quhill thay be deid; and all thair moveabill guidis to be eſcheit and inbrocht to his Maieſteis uſe, as convict of the ſaidis crymes.

¹ The M^cLawrens, or Maclarens, a Clan reſiding in Balquhiddier.

Slaughter — Fire-raising.

Mar. 2.—**DAUID ARMESTRANG**, fone to *Sandeis Niniane*.

Dilaitit, accuset and perfewit of airt and pairt of the Slauchter of vinq^{le} Johnne Johnneftoun, Perfone of Turnergarth. ITEM, for airt and pairt of the Slauchter of Robert Currie, fervand to the Baillie of the Watter of Leyth, and thre mafones with him, at the Oifleris-hous in the Lwn : And for the treflonabill Raifing of ffyre, and Burning of the faid Oifleris-hous.

VERDICT and SENTENCE. The fame Affife, as in the above cafe, pronounced a fimilar Verdict of Guilty againft Armftrang, who was hanged along with M^ccoull and M^cfadrik.¹

Masterful Stouthreif — Theft, &c.

Mar. 10.—**THOMAS HARDIE**, fone to James Hardie of Bowmylnerig.

Dilaitit of the crymes following, viz. Forfamekill as he, with his complices, laithie, in the moneth of Apryle laftbypaft, vnder fylence and cloud of nycht, betuix nyne and ten houres att ewin, vmbefett the hie way and paffage, betuix Leith and Edinburghe, to Jaques De la Berge, ane Fleming and ftrangear, he being rydand, in peceabill maner, vp fra Leith to the burgh of Edinburghe ; and thair fett vpon him, tuik his horfe be the heid, and caufit him lyeht fra his horfe, and thaireftir rypeit him ; and thifteouflic, be way of maifterfull stouthreif, ftall, reft and away-tuik fra the faid Jaques De la Berge twa purfis, ane mair and ane vther lefs, with ane grit quantitie of gold and filuer contenit thairin, being for the maift pairt Inglis money : togidder with ane gold ryng, fett with ane dyamond, with ane broun naig quhairon he raid : And he wes airt and pairt of the thifteous fteilling, reiffing, reffetting and away-taking thairof. ITEM, ffor the thifteous fteilling, conceiling, reffetting and away-taking of ane blak horfe fra James Libbertoun, in Nethir Libbertoun ; quhilk horfe he fauld thaireftir in Bow-castell, in England.

VERDICT. The Affife, be the mouth of . . . Cokburne of Chouflic, chancellor, ffand, pronounceit and declarit him to be ffylit, culpabill and convict of the poyntis of Dittay, &c.

SENTENCE. To be tane to ane gybbet, ftandand beneath the mercat croce of Edinburghe, and thairvpoun to be hangit quhill he be deid ; and all his moveabill guidis, takis, fteidingis, &c. to be efcheit, &c.

Horse, Cattle, and Sheep-stealing.

Mar. 10.—**WALTER DAUIDSOUN**, callit of Callelie.

Convicted by the fame Affife, and ordained to be hanged along with Hardie,

¹ *Birrel* remarks, ' 7 MacGregors and Armftrangs wer hangit at the croffe.'

for stealing of horses, oxen and sheep, &c. from lands of Pittalishleuch, belonging to Dickfoun of Buchtrig, Sir Johnne Cokburne of Ormiftoun, kny^t, Justice clerk,¹ &c.

[*Mr Williame Borthuik, Justice-Depute.*]

Slaughter.

Mar. 15.—HECTOR TRUMBILL of Stanyledge; Hector Trumbill of Barnehillis; George Trumbill, his brother; and Gawin Trumbill, thair father-brother.

Dilatit for airt and pairt of the Slauchter of vniq^{le} Williame, James, Robert, Johnne, Andro and Thomas Grameflawis, fones to vniq^{le} Johnne Grameflaw of Lytill Newtown.

Mr Robert Home of Carolyde, Hector Trumbill of Belfis and James Douglas of Caveris, as cautioners, amerciated for non-entry of the pannels, viz. the two first in 400 merks; and Douglas of Cavers, along with Trumbell of Barnehillis, in 1000 merks, 400 merks, and 400 merks. The pannels ordained to be denounced rebels, &c.

Cattle-stealing — Stouthreif, &c.

Mar. 20.—JOHNNE RENTOUN of the Scheillis.

Dilatit of airt and pairt of the Steilling of ffourtene nolt fra James Burnet, &c. LYK AS, in the moneth of September, the yeir of God I^m.V^c. fourfoir aucht yeiris, or thairby, vmbeset the lie way and passlage to certane cadgeris at the Brokin-mofs, quha war dryveand thre or four pakis of Inglis clayth, pertening to certane merchandis, inhabitantis of the burgh of Edinburghe, and thair, be way of Maisterfull stouthreif, staw, rest and away-tuik fra the saidis cadgeris foure pakis of Inglis clayth, and speciallie ane pak of Inglis clayth, pertening to Gray, mercheand burges of Edinburghe, estimat worth the fowme of Thre thousand merkis, money of this realme, &c. &c.

VERDICT. The Assyse, be the mouth of Mr James Home of Goddiferoft, all in ane voce, ffand the said Johnne to be Cleane, innocent and acquit of the hail crymes.

Wilfully hearing Mass celebrated.

May 9.—ARCHIBALD MACBREK, burges of Perth.

Dilatit, accuset and persewit, be Mr Robert Lyntoun, Aduocat substitute to Sir Thomas Hammiltoun, &c. for the crymes contenit in the DITTAY following.

ARCHIBALD M^cBREK, burges of Perth, Ye ar indytit and accuset; fforsamekill as it is statute and ordanit, be our fouerane lordis Actis of Parliament, and speciallie, be ane Act of his hienes fourtene

¹ The 10 of Marche, twa notabill thieffes *hangit* at the crosse, ane Thomas Hardie, and ane Davidson.—*Birrel*.

Parliament, haldin and begwn at Edinburghe vpon the aucht day of Junij, the yeir of God I^m.Vc. fourfoir fourtene yeiris, that in all tymes cuming, all wilfull heiraris of Mefs and conceillararis of the fame fall be execute to the death, and thair hail guidis and geir efcheitit to his hienes vfe, as thay fall be fund giltie and convict thairof, or declairit fugitiue for the fame, befoir the Justice or his deputtis, or the lordis of his Maiefteis Previe Counfall, as the faid Act at lenth beris : And trew it is, that Mr Robert Abercumbie, ane Jefuite and Preift, in the moneth of Marche laftbypaft, in the oulk (*weck*) befoir Palme Sunday laft, being reffet and ludget, with his man, in the faid Archibalds dwelling hous in Perth, ane hail nicht ; the faid Mr Robert maid the faid Archibald foirfene, that he was to fay ane Mefs vpon the morne, airtie in the moirning, in George Bofuallis hous in Perth, quhair my lord Inchaffera y and his famelie war ludget, and perfuaidit the faid Archibald to cum and heir the famyn : Lykas, vpon the morne, airtie in the moirning, in ane of the dayis of the oulk befoir Palme Sunday, the faid Mr Robert pafit firft over to the faid George Bofuallis houfe ; and the faid Archibald followit him, and pafit vp to the vpper Eifter chalmers of the faid ludgeing, quhair the faid Mr Robert Abircumbie faid ane Mefs : And ye, the faid Archibald, wilfullie and willinglie (being of the trew Religioun befoir your away-paffing furth of this cuntrie, and in your abfence furth of the famyn, made defectioun thairfra to Romifch Religioun), hard the faid Mefs, and reffaut the Communion after the Romane maner ; and conceillit the faying and heiring thairof, quhill ye was challanget. For the quhilk wilfull heiring of the faid Mefs and conceilling thairof, ye, the faid Archibald, being convict of the famyn, befoir the Justice-generall and his deputis, be Act of Parliament, ye aucht to be pwneifchet to the daith ; and your hail moveabill guidis and geir efcheit to our fouerane lordis vfe : To the taikin,¹ ye haif confeffit the hail premisses to be of veritie, be your Depofitiones, fubferyuit with your hand ; quhilk ye can nocht deny.

VERDICT. The Affyfe, be the mouth of James Nicolfoune, tailzeour in Edinburghe, chancellor, ffand, pronuncet and declairit the faid Archibald to be ffylet, culpabill and convict of the Wilfull heiring of Mefs, wittinglie and willinglie, but² compulfion ; and conceilling of the fame, quhill he was challanget ; accoirding to the faid Dittay, and accoirding to his Confefioun maid thairof in judgement, and Depofitiones productet, fubferyuit with his hand.³

[*Mr Williame Hairt, Justice-Depute.*]

Slaughter—Horse and Cattle-stealing, &c.

May 15.—**JOHNE BATESOUN**, alias *Jok of the Scoir* ; Archibald Batiessoun, alias *Priket vp Archie*, brother to the faid Johnne ; and Adie Batiessoun, brother to the faid Johnne and Archie.

JOK OF THE SCOIR, dilatit, ffor airt and pairt of the flautcher of vniq^{le} Williame Tuedie of Olipher and thiftious fteilling of ane grit number of ky, oxin and naigis furth of Tueddell ; committit threttie yeir fyne, or thairby. **ITEM**, ffor airt and pairt of the fteilling of foure naigis furth of Sandiehillis ; and of threfcoir nolt furth of Langvrd. **ITEM**, ffor airt and pairt of the fteilling of four ky and tua horfe, with certane inficht, furth of Bankend in Craufurd-Johnne, pertening to Thomas Weir ; committit tua yeir fyne. **ITEM**, ffor airt and pairt of the fteilling fra William M^ccalla, in Glenbaithe, of ane meir, and certane inficht

¹ In evidence, or testimony whereof.

² Without.

³ The sentence is not recorded.

of his house; and hurting and wounding of the said Williame. ITEM, for airt and pairt of the steilling of tua naigis fra ane servand of Sir Johnne Keris, furth of the Spittellis. ITEM, for airt and pairt of the steilling of fyftene scoir of ky and oxin, with ane grit number of vther guidis, furth of my Lord zesteris boundis; committit a xvij yeir fyne, or thairby. ITEM, for steilling and away-taking of tua naigis fra Johnne Symfoun, with his cloik, quhinger and purse, quhairin thair was xxx s. ITEM, for cowmoun thift and cowmoun reffet of thift. —PRIKIT VP ARCHIE, dilaitit of airt and pairt of the thiftious steilling of fourtie nolt, furth of the Schereff of Airis boundis; and hurting and wounding of ane servand of the Schereffis, in redding thairof. ITEM, for airt of the steilling of tuentie naigis furth of Sandiehillis fra the pair cadgeris;¹ committit a thre yeir fyne: And for airt and pairt of the Slauchter of ane of the pair cadgeris, at that samyn tyme. ITEM, for airt and pairt of the steilling of sax nolt furth of the Nethir Snab; committit aucht yeir fyne, or thairby. ITEM, for airt and pairt of the steilling of ane grit number of scheip furth of Brigend, pertening to the Laird of Fawlydes servandis. ITEM, for airt and pairt of the steilling of xxxij oxin furth of Lammermure, pertening to the Laird of Innerleith. ITEM, for cowmoun thift and cowmoun reffet of thift, &c.—ADIE BATTIESOUN, dilaitit for airt and pairt of the Slauchter of vniq^{le} Johnne Naper, in company of the said Johnne his brother; and steilling of ane grit number of ky and oxin furth of Clydheid. ITEM, for airt and pairt of the steilling of the said Williame Mcall his meir, and haill inficht of his house; and hurting of the said Williame. ITEM, for airt and pairt of the steilling of ten scheip furth of the Hill-hous of Clyde, fra Gilbert Johnnestones men; committit a yeir fyne. ITEM, for the steiling of tua naigis a foure yeir fyne, furth of Sandiehillis, fra certane pair cadgeris. ITEM, for cowmoun thift, cowmone reffet of thift, outputing and inputing of thift, fra land to land, fra cuntrey to cuntrey, baith of auld and of new.

VERDICT. For the quhilkis crymes, the saidis thre persones wer put to the knowlege of ane Assyse, and thair all, in ane voce, be the mouth of Donald Thornetoun, burges of Edinburghe, chancellor, stand, pronuncet and declairit the saidis Johnne, Archie and Adie Batiefones to be ffylit, culpabill and convict of the crymes aboue specifeit, accoirding to thair Depositiones, gevin vp be thame thairof, and Confessioun of the samyn in Judgement.

SENTENCE. To be tane to the mercait croce of Edinburghe, and thair to be hangit on ane gibbet, quhill thair be deid; and thair haill moveabill guidis to be efcheit and inbrocht, &c.

¹ The Carriers, who, for hire, transported goods on pack-saddles, &c. By means of this useful class, most part of the merchandise and heavy carriages were conveyed to all parts of the kingdom. They usually travelled in companies, for mutual protection; but were often overpowered, and in many cases slain, in faithfully defending the property committed to their charge.

[*Mr Williame Borthuik, Justice-Depute.*]

Slaughter — Bearing and Wearing of Pistolets.

May 16.—HECTOUR TRUMBILL of Lylsle (Lilliesleaf.)

Dilaitit for airt and pairt of the Slauchter of vniq^{le} Thomas Ker (of Craling), brother to the Laird of Farnihirst, and George Glaidner, his fervand : And for contravening of our fouerane lordis Actis of Parliament, in beiring and weiring of Pistolettis : And vtheris crymes contenit in our fouerane lordis letteris direct thairvpoun.

Hectour Trumbill of Belfis vnlawit and amerciati, as cautioner, for nocht entrie of the said Hectour, in the panes contenit in the Actis of Parliament ; and the pannel adiudget to be denuncet rebell and put to the horne, and all his moveabill guidis to be efcheit, as fugitiue fra his hienes lawis for the saidis crymis.

Slaughter.

May 18.—WILLIAME STEWART, brother to my Lord Vchiltrie, Williame Stewart, sone to Sir Williame Stewart of Carftairis, kn^l.

Dilaitit for the Slauchter of vniq^{le} Robert Cathcart, wryter.¹

Maufe Aikman, relict of the said vniq^{le} Robert, producet our fouerane lordis letteris, deulie execute ; and offerit hir selff reddie to perfew.

THE JUSTICE continewis to the thrid day of the nixt Justice-air of Air, quhair thay duell, or sone vpon xv dayis wairning. Andro Lord Stewart of Vchiltrie and James Stewart of Lekprevik, become pleges and fouerties, coniunctlie and feuerallie. Johnne Grahame of Knokdoliane relieved of his caution.

[*Mr Williame Hairt, Justice-Depute.*]

Slaughter.

Jun. 6.—WILLIAME MYDDILMEST of Lillie-Chappell and James Myddilneft, his brother-germaue.

Dilaitit for airt and pairt of the Slauchter of Thomas Ker of Craling, &c.²

Thomas Trumbill of Mynto, as cautioner, vnlawit in the pane of ane thousand merkis and four hundreth merkis for nocht entrie of the saidis pannels. The Justice ordainit thame to be denuncet rebell and put to the horne, and all thair moveabill guidis to be efcheit, &c.

Murder of the Laird of Warristoun — Punishment of breaking on the Wheel.

[FEW Cases of MURDER have excited so lively an interest in the public mind, at the time of their occurrence, as that of THE LAIRD OF WARRISTON. He was a person of considerable note in Edinburgh, and nearly connected with the ancient family of Kincaid of that ilk in Stirlingshire, then in

¹ See Mar. 4, 1600.

² See May 16, 1604.

possession of extensive estates in the counties of Edinburgh, Linlithgow, &c. JEAN LIVINGSTON, the young and beautiful murderess, was likewise a person of considerable rank, being a daughter of John Livingstone of Dunipace, and related to many of the first Families in Scotland.

The property of Warriston being situated about a mile from the City of Edinburgh, news of the Murder instantly reached the proper authorities. Officers were dispatched, who succeeded in taking, 'red-hand,' 'THE LADY WARRISTOUN,' 'the faufe nourife,' as usual, the prime mover of this deed of darkness and treachery, and her two 'hyred women.' Weir alone, the actual perpetrator, escaped for a time, having refused to take the Lady along with him, in his flight; saying, 'You thall tarry still; and if this matter come not to light, you thall fay, "he died in the gallery," and I thall return to my Master's service: But if it be known, I thall fly, and take the cryme on me; and none dare pursue you!' Being taken 'red-hand,' the parties were immediately put to the knowledge of an Assise (without the formality of serving a Dittay, &c., as in ordinary cases), before the Magistrates of Edinburgh; or the Trial may have perhaps taken place before the Baron-bailie of the Regality of Broughton, within whose jurisdiction the property of Warristoun was situated, and sentence of death was passed upon them. Unfortunately, the greater part of the Criminal Records of the City of Edinburgh are lost; and, after many fruitless searches, no trace of the proceedings in these Cases can now be elsewhere obtained. The result is thus briefly and quaintly stated by two contemporaneous writers:— 'JOHNE KINCAID of Waristoun murderit be his awin wyffe and fervant man; and her nurishe being also upone the conspiracy: The said gentilwoman being apprehendit, scho was tane to the Girth-crosse,¹ upon the 5 day of July, and her heid struk fra her bodie, at the Cannagait-fit; quha deit very patiently. Her nurishe wes brunt at the same tyme, at 4 houres in the morneing, the 5 of July.—*Birrel's Diary*. 'UPON Fryday the 4 (5) of July,² (1600) THE LADY WARISTOUN, daughter to the Laird of Dunipace, was beheaded in the Cannogate, for the Murther of her husband. The Nurfe and ane hyred woman, her complices, were burnt in the Castlehill of Edinburgh. The horse-boy fled, being guiltie.'—*Calderwood's Church History*, MS. Advocates' Library.

An authentic and extremely interesting 'MEMORIAL' of her 'Conversion,' 'with an account of her carriage at her Execution,' was privately printed, in small Quarto, pp. 48, Edinburgh, 1827, from a paper preserved among Wodrow's MSS. in the Advocates' Library, by Charles Kirkpatrick Sharpe, Esquire, to whose learning, ingenuity, and high accomplishments, the Public has been so often indebted. The very limited impression of this *morceau recherché*, may plead the Editor's apology for stating, as briefly as possible, that this 'Tractate' is entitled, 'A Worthy and Notable Memorial of the great Work of Mercy, which God wrought in the Conversion of Jean Livingstone Lady Warristoun; who was apprehended for the vile and horrible Murder of her own husband, John Kincaid; committed on Tuesday, July 1, 1600; for which she was execute, on Saturday following: Containing an Account of her obstinacy, earnest repentance, and her turning to God; of the odd speeches she used, during her imprisonment; of her great and marvellous constancy; and of her behaviour and manner of her death: Observed by one who was both a seer and hearer of what was spoken.' From internal evidence, the writer seems to have been Mr James Balfour, the colleague of the notable Mr Robert Bruce. They were the appointed Ministers, in the North-west part of Edinburgh.

¹ The Cross, situated near the *girth*, or sanctuary of Holyrood, an ancient place of refuge, and still affording protection to debtors, when properly registered; who have liberty to walk within the precincts, free from the molestation of their creditors.

² It is probable that the sentence bore, that the pannels should be executed on the evening of Friday the 4th day of July. The subsequent early execution, at sunrise next morning, was effected, at the solicitation of the family of Dunipace, who indecently urged the Magistrates precipitately to lead Lady Warristoun to the scaffold, before sunrise, shortly after three o'clock in the morning. Owing to a plan, evidently preconcerted, the 'nourishe' and 'hyred woman' were burnt on the Castlehill at four o'clock, so that the populace, who might be so early astir, should have their attentions distracted at two opposite stations, nearly a mile apart from each other, and thus, in some measure, lessen the disgrace of the public execution. It is recorded that the Laird of Dunipace behaved with much apathy towards his daughter, whom he would not so much as see previous to her execution; nor yet would he intercede for her, through whose delinquency here reckoned his blood to be for ever dishonoured.

A great portion of this Memorial is occupied with a very affecting account of the state of her mind, and a faithful and striking delineation of its gradual opening and developement, through the patient and affectionate attentions of her spiritual advisers, from a state of perfect callousness and indifference to every thing connected with Religion and the awful situation in which she was placed, to perfect resignation to her fate, and a cheerful, but unfeigned repentance for all her past offences and crimes. So far as relates to her CONFESSION, it cannot be better related, than by quoting her own energetic words.—‘ I think I hear presently the pitifull and fearfull cries which he gave when he was strangled! And that vile sin which I committed, in murdering mine own husband, is yet before me. When that horrible and fearfull sin was done, I Jedyred the unhappy man who did it, (for my own part, the Lord knoweth I laid never my hands upon him to do him evil; but as soon as that man gripped him and began his evil turn, so soon as my husband cryed so fearfully, I leapt out over my bed, and went to the Hall; where I sat all the time, till that unhappy man came to me and reported that mine husband was dead;) I desired him, I say, to take me away with him; for I feared Tryall; albeit flesh and blood made me think my father’s moen¹ at Court would have saved me!’ ‘ As to these weemen who was challenged with me, I will also tell you my mind concerning them. God forgive the Nurse, for she helped me too well in mine evill purpose; for when I told her that I was minded to do so, she consented to the doing of it; And upon Tuesday, when the turn was done, when I sent her to seek the man who would do it, she said, “ I shall go and seek him; and if I get him not, I shall seek another! And if I get none, I shall do it myself!” (This the Nurse also confessed, being asked of it before her death.²) ‘ As for the other two weemen, I request that you neither put them to death, nor any torture, because I testify they are both innocent; and knew nothing of this deed before it was done, and the mean time of doing of it: And that which they knew, they durst not tell, for fear; for I had compelled them to dissemble. As for mine own part, I thank my God, a thousand times, that I am so touched with the sense of that sin now: for I will confess this also to you, that when that horrible Murder was committed first, that I might seem to be innocent, I laboured to counterfeit weeping; but do what I could, I could not find a tear: And so now I suffer; for the Lord would not have that high sin concealed, but would have it manifest, as it is his gracious will to be done.’

Owing to the rank of Lady Warristoun, and the powerful influence of her father and his friends, the *manner* of her death was, on their intercession, mitigated to decapitation by the well-known ‘ Maiden.’ The usual form of death, for females, in such cases, was of the most ignominious and shocking description,—burning, after being strangled at a stake,—and in atrocious instances, the Criminal was ‘ burnt quick!’ A very unbecoming zeal was displayed by her relations, to have her executed as *privately* as possible, and at such a time as would be unknown to the populace. They had first intended and applied for the unusual hour of 9 o’clock on Friday evening, as the time for her execution; which, however, was overruled. The ‘ Memorial’ states, that, ‘ After 3 o’clock in the morning, upon Saturday, the Magistrates wer brought into prison by her friends,³ to take her forth to suffer. Amongst them, some were too earnest to hast her away, that she might be execute, before any should know of it; albeit she was far otherwise minded, herself; for she purposed not to have gone forth till between 5 and 6 in the morning. On this, many, whom I will not name, came and said, “ Will you deprive God’s people of that comfort which they might have, in that poor woman’s death? And will you obstruct the honour of it, by putting her away, before the people rise out of their beds? You do wrong in so doing; for the more publick the death be, the more profitable it shall be to many; and the more glorious, in the sight of all who shall see it,” &c. The Magistrates granted also, that she might stay till sun-rising; but her friends⁴ were so importunate that it was not granted!’

The youth and beauty of Lady Warriston have been much expatiated upon, in the whole of the

¹ Fr. ‘ *moyen*,’ influence, interest.

² This is remarked by the writer, for the Lady Warriston was beheaded before the burning of the Nurse.

³ Relations.

⁴ Blood-relations.

numerous popular ballads which were made on this occasion; several of which are *still* sung and recited in various parts of Scotland! To those who feel curiosity in such matters, reference may be made to *Jamieson's Ballads*, I., 109, *Kinloch's Ancient Scottish Ballads*, p. 49, *Buchan's Ballads*, I., 56, &c.—Although, as the 'Memorial' expresses it, she was 'but a woman and a bairn, being the age of 21 years,' 'in the whole way, as she went to the place of Execution, she behaved herself so cheerfully, as if she had been going to her wedding, and not to her death! When she came to the scaffold, and was carried up upon it, she looked up to the Maiden with two longfome looks, for she had never seen it before, &c. This I may say of her, to which all that saw her will bear record, that her only countenance moved,¹ although she had not spoken a word! For there appeared such a majesty in her countenance and visage, and such a heavenly courage in her gesture, that many said, "That woman is ravished with a higher spirit than a man or woman's!"'

'THE *summ* of her CONFESSION, which almost was in a form of words, upon the four parts of the scaffold, to which she presented herself, was this.²

"THE occasion of my coming here, is to shew that I am, and have been a great sinner, and hath offended the Lord's Majesty; especially, of the cruell murdering of mine own husband; which, albeit I did not with mine own hands, for I never laid mine hands upon him all the time that he was murdering; yet I was the divider of it, and so the committer! But my God hath been alwise mercifull to me, and hath given me repentance for my sins; and I hope for mercy and grace at his Majesty's hands, for his dear son Jesus Christ's sake. And the Lord hath brought me hither to be an example to you, that you may not fall into the like sin as I have done: And I pray God, for his mercy, to keep all his faithfull people from falling into the like inconvenient as I have done! And therefore, I desire you all to pray to God for me, that he would be mercifull to me!"'

Her conduct on the scaffold appears to have been most heroic. After her devotional exercises were completed, 'then came to her one of her friends, with a clean cloath, to bind about her face.' To the fastening thereof, she took out of her mouth a pin, and gave it out of her own hand. The minister, after receiving her last farewell, 'could not abide longer beside her; but immediatly left the scaffold and departed. But she, as a constant faint of God, humbled herself on her knees, and offered her neck to the axe, laying her neck, sweetly and graciously, in the place appointed; moving to and fro, till she got a rest for her neck to lay in. When her head was now made fast to the Maiden, the Executioner came behind her, and pulled out her feet, that her neck might be stretched out longer, and so made more meet for the stroak of the axe; but she, as it was reported to me by him who saw it, and held her by the hands at this time, drew her leggs twice to her again, labouring to sitt on her knees, till she should give up her spirit to the Lord! During this time, which was long, for the axe was but slowly loosed, and fell not down hastily; after laying in of her head, her tongue was not idle, but she continued crying to the Lord, and uttered with a loud voice, those her wonted words, "Lord Jesus, receive my spirit! O, Lamb of God, that taketh away the sins of the world, have mercy on me! Into thy hands, Lord, I commend my soul!" When she came to the middle of this last sentence, and had said, "Into thy hand, Lord," at the pronouncing of the word "LORD," the axe fell; which was diligently marked by one of her friends, who still held her by the hand, untill this time, and reported this to me.']

JUN. 26.—ROBERT WEIR, sumtyme fervande to the Laird of Dynniepace.³

Dilaitit of airt and part of the crewall Murthour of vinq^{le} Johnne Kincaid of Warieftoune; committit (on Tuesday) the first of Julij, 1600 yeiris.

PERSEVERIS.

Patrik Kyncaid, tutour of Warieftoune, Thomas, Archibald and Adame Kyncaid, all brether to the defunct.

¹ Her countenance alone would have excited emotion, although, &c.

² That is, she repeated her Declaration or Confession at each of the four corners of the scaffold; which was a stage or platform erected in the centre of the street, at the foot of the Canongate, near the Girth-cross.

³ On the margin, 'Convict and brokin on the row,' (*wheel*.)

ASSISA.

George Dewer in Pleafance,	David Hoipis fynyth,	John Couttis fkyner,
Johne Gairdner thair,	Henrie Kello in Leyth-wynde,	William Chalmer in Brochtoun,
Johne Henderfoun thair,	Johne Roger, Maifter of fence,	John Myller in the Canno-mylne,
James Nicolfoun tail ⁵ our,	Robert Taillifeir maltman,	Williame Bannatyne thair,
Johne Airmour merchand,	Thomas Galloway of Cairnehill,	George Roife thair.

The Affyfe cheiffis Thomas Galloway chancellor.

QUHILKIS perfones of Affyfe, being chofin, fworne and admittit, efter accufatioun of the faid Robert Weir, be Dittay, of the crymes following, to witt : FOR-SAMEKILL as vmq^{le} JEANE LEVINGSTOUNE, Guidwife of Warieftoune, haifing confauct ane deidlie rancour, haitrent and malice aganis vmq^{le} Johnne Kincaid of Warieftoune, for the allegit byting of hir in the arme, and ftreking hir dyuerfe tymes, the faid Jeane, in the moneth of Junij I^m.Vj^e. yeiris, directit Jonet Murdo hir nwreife to the faid Robert, to the Abbay of Halyrudhous, quhair he was for the tyme, defyreing him to cum down to Warieftoune, and fpeek with hir, anent the crewall and vnnaturall taking away of hir faid husbandis lyfe. And the faid Robert haifing cum douw twyfe or thryfe to the faid vmq^{le} Jeane, to the faid place of Warieftoune, he could get na fpeich of hir. At laft, the faid vmq^{le} Jeane, vpone the firft day of Julij, 1600 yeiris, directit the faid Jonet Murdo hir nwreife to him, defyreing him of new agane to cum down to hir ; quhairto the faid Robert grantit : Lykas, at eftir none the faid day, the faid Robert cam to the faid place of Warieftoun, quhair he fpak with the faid vmq^{le} Jeane, and conferrit with hir, concerning the crewall, vnnaturall and abhominable murdering of the faid vmq^{le} Johnne Kincaid. And for performeance thairof, the faid Robert Weir was fecreitlie convoyit to ane laich feller, within the faid place, quhairin he abaid quhill mydnycht : About the quhilk tyme, he, accompaneit with the faid vmq^{le} Jeane Levingftoun, cam furth of the faid laich feller vp to the hall of the faid place, and thairfra cam to the chalmer quhair the faid vmq^{le} Johnne was lyand in his bed, takand the nychtis reft ; and haifing enterit within the faid chalmer, perfaveing the faid vmq^{le} Johnne to be walknit out of his fleip, be thair dyn, and to preife ouer his bed ftok, the faid Robert cam than rymmand to him, and maift crewallie, with thair faldit neiffis gaif him ane deidlie and crewall ftraik^{le} on the vane-organe,¹ quhairwith he dang the faid vmq^{le} Johnne to the grund, out-ouer his bed ; and thaireftir, crewallie ftrak him on his bellie with his feit ; quhairvpoun he gaif ane grit cry : And the faid Robert, feiring the cry fould haif bene hard, he thaireftir, maift tyranouffie and barbarouffie, with his hand, grippit him be the thrott or waifen, quhilk he held faft ane lang tyme, quhill he wirreit him ; during the quhilk tyme, the faid Johnne Kincaid lay ftruggilling and fechting in the panes of daith vnder him.² And fa, the faid vmq^{le} Johnne was crewallie

¹ The jugular vein. It has often, but improperly, been fuppofed to fignify the flank or iliac vein.

² This is preciesly the mode which was, more than two centuries afterwards, adopted by the infamous

murdreift and flaine be the said Robert ; and he is airt and part thairof : As at mair lenth is contenit in the said Dittay.

VERDICT. The Assyse, all in ane voce, be the mouth of the said Thomas Galloway, chancellor, chofiu be thame, ffind, pronuncet and declairit the said Robert Weir to be flylit, culpable and convict of the crymes aboue specifeit, mentionat in the said Dittay ; and that in respect of his Confessioun maid thairof, in Judgement.

SENTENCE. The said Justice-depute, be the mouth of James Sterling, dempster of Court, decernit and ordanit the said Robert Weir to be tane to ane skaf-fold, to be fixt besyde the croce of Edinburgh, and thair to be brokin upoune ane Row,¹ quhill he be deid ; and to ly thairat, during the space of xxiiij houris. And thaireftir, his body to be tane vpon the said Row, and fet vp, in ane public place, betuix the place of Wareftoun and the town of Leyth ; and to remane thairupoune, ay and quhill command be gevin for the buriall thairof. Quhilk was pronuncet for dome.

Burning of House of Langholm — Horse and Cattle Stealing, &c.

Jan. 11, 1605.—INGRIE AIRMESTRANG, in Inzjeholme ; Archie Airme-strang, *the Mercheand*, in the Hoilhous ; Niniane Arme-strang, in Tortwne ; Johnne Arme-strang, in the Hoilhous ; Johnne Michelfoun, in Tortwne ; Cristie Airme-strang, thair, callit *Nausé Cristie* ; Johnne Thomefoun, in Dwmefcheilburne ; Archibald Arme-strang of Flaskholme ; Archibald Arme-strang, callit *Nausé Archie* ; Niniane Airme-strang, callit *Roweis Niniane*, in Murthome ; Cristie Airme-strang, sone to the Guidman of Langholme (Johnne Airme-strang ;) Mathow Twrnour in Hoilhous, and Johnne Couthird.

Dilaitit for airt and pairt of the tressonable Burning of the Houfe of the Langholme ; and taking of Harbert Maxwell of Cavenfe captiue and priffoner : And for the thiftious steilling of certane horse, vult, scheip, gait : And burning of certane coirnis, pertening to the said Harbert, Alexander Bell in Eikinhohne, Williame Bell in Gallofyde and George Irwing in Holmeheid ; committit in the

Bushe and his gang, at the West-port of Edinburgh, to suffocate the wretched victims of their hellish traffic. The quaintness of the ancient style even aggravates the horror of the scene.

¹ The cruel and horrible punishment of death on the wheel, has ever been very infrequent in Scotland. Weir was literally broken upon a *cart-wheel*, as appears by the following entry in Robert Birrel's Diary : ' Robert Weir broken on ane cart-wheel, with ane couler of ane plench, in the hand of the hangman, for murdering the Laird of Warriston, quhilk he did, 2 Julii 1600.' The case of Weir is the first recorded instance of such punishment having been inflicted. This lingering and agonizing manner of execution, borrowed from the practice of France, Germany, &c. had perhaps been suggested by the unprovoked and barbarous nature of the murder. It was well calculated to make a deep impression on the minds of the people, corresponding in some measure to the great excitement created in the public mind, by the occurrence of a deed of so deep a die, and perpetrated so near to the metropolis.

moneth of September, I^m.V^c. fourfoir ane yeiris; and vtheris crymes spicfeit in our fouerane lordis letteris.

PERSEWARIS, Harbert Maxwell of Kavenfe, Alexander Bell in Ekieholme, Williame Bell in Gallofyde, George Irving in Holmeheid.

PRELOCUTOR for the pannell, Mr Johne Ruffell, (advocate.)

It is allegit be the pannell, that be the lawis and Actis of Parliament, in all eriminall actiones, the pairtie defender aucht to haif ane antentik coppie of the Dittay and contentis of the fummendis: Bot trew it is, that thair is na coppie delyuerit to the defenderis, bot only tikkettis; and for verifeing thairof, producet the faidis tikkettis, viz. four in nummer: And thairfoir na proces.

THE JUSTICE repellis the allegeance, in respect of the executiones.

The pannell askis instrumentis, that the Guidman of Kavenfe abydis at the letteris and executionis, and of the vsing thairof.—It is allegit, that Johne and Cristie Airmeftrangis, defenderis, the tyme lybellit of the crymes lybellit, war within yeiris (*in minority*;) the faid Johne of the age of viij yeiris, and Cristie of the age of foure yeiris; and fa war nocht *doli capaces*; and be the law of this realme, can nocht be put to the tryell of ane Affyse.

The haill perfeweris, vnderftanding that Archie Airmeftrang *the mercheand*, Agnes Cristie Airmeftrang and Anneis Archie ar Innocent of the crymes lybellit, paffis fra thame: Quhairupoune thay askit instrumentis. The perfeweris also paffis fra Roweis Niuiane Airmeftrang *simpliciter*; quhairnpon he askit instrumentis.

Mr Airthour Scott of Newburcht and Gemilfclench become pledge and fouertie that Harbert Maxwell, his wyfe, bairnis, &c. fall be harneles and fkeytblis in thair bodeis, landis, guidis and geir of the faidis Johne and Cristie A., fones to Johne A. of the Langholme; the faid Johne vnder the pane of ane thowfand pundis, and the faid Cristie vnder the pane of fyve hundreth pundis.

Continued to the air of ‘Dumfreis, tertio Itineris, (vel super premonitione) xv dierum.’ (See Vol. II. p. 479.)

Burning the Castle of Langholme, &c.

Jan. 11.—JOHNE AIRMESTRANG of Langholme.

Dilaitit of airt and pairt of the treflonabill Raifing of fyre about Harbert Irwingis hous in Murthholme, and burning ane grit pairt thairof: And lykways for airt and pairt of the treflonabill Raifing of fyre at the Castell of Langholme, and burning of ane grit pairt of the barnes, byres, stables and vther office-houffis of the faid Place of Langholme: And burning of the haill inficht pleneiffing being thairin; togidder with thre barnes full of heir and corne; and xxiiij ftakkis of corne, ftanding in the barne yaird; and fourfcoir dargis¹ of hay, with

¹ Darg usually signifies a day's work, as much as one man can accomplish in a day, or ‘*dayis-werk*.’

ane kilfull¹ of malt : And for airt and pairt of the thiftious steilling of threttie nolt, with fax or fevin horfe and naigis, furth of the said Place of the Langholme : Qubilkis all and findrie guidis, geir, coirnes, horfe, nolt and remanent guidis, pertenit to Harbert Maxwell of Kavenfe : committit be the said Johnne, the moneth of September, I^m.V^c. fourfcoir ane yeiris: And fielyk, for airt and pairt of the tressonabill vsurpation of his Maiesteis autoritie vpon him, in taking in of the said Harbert Maxwell of Kavenfe captiue and priffoner ; and transpourt- ing him in England, at the tyme foirsaid. ITEM, for Burning of Williame Bellis housse in Gallowfyde, with tua barnes full of beir, and tua stakkis of aittis stand- ing in his barne-3aird : AND for the thiftious steilling fra him of tuentie nolt, threfcoir scheip and tuentie gait, &c. ITEM, for Burning of Alexander, Richerd and Fergie Bellis houffis in Dikinholme, and steilling threfcoir nolt, tua hun- dreth scheip and threfcoir gaittis : ITEM, for Burning and destroying of David and George Irwingis duelling houffis in Holmeheid, with fax barnes full of beir and corne, and aucht roukis of corne, standing in thair corne-3aird, and tuentie dargis of hay ; committit the tyme foirsaid ; vpoun set purpois and prouisioun.

Sir James Johnnestoun of that Ilk of Dunskeillie, kny^t, as cautioner, vulawit and amerciat in the pane of ane thousand merkis money.—The Justice adjudge the said Johnne Armestrang of Langholme, to be denuncet our souerane lordis rebell, and put to the horne ; and all his moveabill guidis to be escheit, &c.

Arsetting Denounced Rebels, &c.—Resisting his Majesty's Guard.

Mar. 12.—RINGANE² AIRMESTRANG, callit *New-maid Ringane*, and Will Airmestrang of Rowan-burne.

Dilaitit of contravening the Actis of Parliament, in Ressetting and assisting the Kingis Maiesteis rebellis, &c.

DITTAY at the instance of *Sir Thomas Hammiltoun of Monkland, knycht*.

FORSAMEKILL as it is statute and ordenit be our souerane lordis Actis of Parliament, that nane rebell aganis his Maiesteis persoune nor his autoritie ; and quha fa makis the said rebelloun, falbe pweist thairfore, eftir the quantitie³ of that rebelloun ; As the said Act beris. And als, be ane vther Act of Parliament, it is statute and ordanit, that na maner of man, within this realme, wittanlie or wilfullie resset, supplie, mantene, defend or do favouris to ony of our souerane lordis rebellis, and att his hienes horne, vnder the pane of deid and confiscatioun of all thair moveabill guidis ; and to be accut heiryvoun att particuler dyettis ; as the said Act beris. And trew it is, that Johnne Murray of Stable-Gortoune, Cuddie of the Bankhous, Cristie of Langholme, Andro of the Langholme and Johnne Baittie of the Scheill, fugitives and outlawis, being denunceit rebellis and att the horne, att the instance of Bernard Lyndfay of the Grange, for nocht making redres and payment to the said Bernard, of the particuler guidis contenit in the Decreit obtenit be the said Bernard aganis thame, for thair maisterfull Stouthreiff and Murthoure, committit be thame, viz. For the maisterfull stouthreiff fra Archbald Lyndfay of his horse and armour ; and fra Williame Lyndfay, brother to the Laird of Co-

¹ Kilfull.

² Ninian.

³ Extent, measure.

vintonne, of his horſe and armour; and fra James Baillie, guid-fone to the Laird of Covintonne, of his hors and armour; and fra James Lyndſay, of his hors and armour; fra Jok Braidwod, of his hors and armour; fra Thomas Fiſcher, of his hors and armour; fra Robert Gybfoun, of his hors and armour; fra Williame Thomſoun, his hors and armour; Jok Fiſcher, his hors and armour; Jok Kay, his hors and armour; fra Alexander Lyndſay, his hors and armour; Johnne Tod, his hors and armour; Robert Kay, his hors and armour; George Brown, his horſe and armour: Cuthbert Boyd, his horſe and armour; Andro Haddo, his hors and armour; Jok Lyndſay of the Myll, his hors and armour; vmq^{le} Johnne Lyndſay and Edward Tynto, thair horſſis and armour: Qnhilkis vmq^{le} Johnne Lyndſay, Edward Tynto, togidder with Symone Fiſcher, feruitour to Sir James Hammitoune of Libbertoune, wer crewallie flayne be the ſaidis perſones, in following of thame, to red¹ leill mennis guidis, in oppin day-lycht; the ſaidis rebellis being rynnand ane day forrow² and heirſchip throw the countrey: AND Robert Hepburne of Aulderſtoune, Leutennent of his Maieſteis Gaird, accompaneit with ane number of the ſaid Gaird, being direct to aſſiſt and concur with the ſaid Barnard Lyndſay, vpoune the . . . day of Nouember laſtbypaſt, to poynd and diſtrein³ie the ſaidis rebellis guidis and geir, for the valour³ of the ſaidis hors and armour, conforme to ane Decreit gewin aganis thame be Andro Lord Stewart of Vchiltrie, Leutennent and Warden of the Weſt Marchis of this realme, in ane Court of Redres, hauldin in the Tolbuith of Drimfreis, the xxix day of December, I^m.V^o.lxxxvij yeiris: IT IS of veritie, that thay and ather of thame, being foirſene of the ſaid Robertis cuning, thay being accompaneit with the ſaidis rebellis, with convocatioun of our ſouerane lordis liegis, all bodin in feir of weir, with jakis, lanceis and vtheris wappinis, *invaſiue*, raiſe in hoſtile maner foirſaid, vpon the day foirſaid, at aucht houris before ſone ryſing, within the boundis of Esk,⁴ and thair mantenit, defendit, ſuppleit and aſſiſtit the ſaidis rebellis, and ſett vponn the ſaid Robert Hepburne and remanent his Maieſteis Gaird, in executioun of our ſouerane lordis authoritie, in poynding of the ſaidis rebellis guidis; perſewit thame of thair lyves, and chaiſſit thame be the ſpace of aucht myles for thair ſlauchteris: And ſua, thai and ather of thame hes committit maniſeſt rebellious aganis his Maieſteis authoritie; and he (they) oppinlie mantenit and defendit the ſaidis rebellis, being at his Maieſteis horne, for the ſaidis crymes: And thairthrow, hes contravenit the tennour of the ſaidis Actis of Parliament; and the panis thairin contenit aucht to be execute aganis (them.)

The Aduocat takis iſtrumentis of the ſweiring of the Aſſyſe, and proteſtis for Wilfull Errour, in cais they acquit. The Aſſyſe takis iſtrumentis of the pannellis Confeſſioun maid be thame, that thai arraife and perſewit the Gaird.

VERDICT. The Aſſyſe, be the mouth of Johnne Weir of Clowburne, chancellor, ſſand, pronunceit and declarit the ſaidis Ringan and Will to be culpabill, ſſylit and couict of the crymes aboue writtin.

SENTENCE. The Juſtice-depute, be the mouth of James Henryfoun, dempſtar of Court, decernit and ordenit the ſaidis Ringan and Will to be tane to ane gibbet beſyde the mercat croce of Edinburgh, and thair to be hangit quhill thay wer deid; and all thair movabill guidis to be eſcheit, &c.

‘Falſet’ — Perjury — ‘Man-swearing’ — Cruel Oppreſſion.

Mar. 15.—ALEXANDER CHENE, in the Haltoun of Balhalvie, Alexander Waſtland, his ſerveand, and Alexander Croy, feruitour to the Laird of Auchterallane.

¹ To get reſtoration, &c. ² Literally, running a day-foray through the country, openly carrying on their violence and depredations in broad daylight. ³ Value, ‘avail.’ Lat. *valor*. ⁴ Eskdale.

Dilaitit of Periurie and menfweiring of thame felffis, in prefens of the Lordis of Secreit Counfall.

DITTAY, *at the inflance of Sir Thomas Hammiltoun of Monkland, Aduocat.*

FORSANEKILL as thay and thair complices, being perfewit befor the Lordis of his hienes Secreit Counfall, ffor cuming vpoun the xxvj day of December laft, att mydnycht, to George Duncanis duelling hous in Ardo, quhair he, with his wyffe and famelie, wer in peciabil and quyet maner for the tyme, takand the nychtis rest, lipning¹ for na iniurie nor oppreffiou to haif bene offerit to thame; and thair, violentlie brak vp the dur of the faid Georgis duelling hous, enterit thairin, and tuik the faid George and his wyffe, fcho being grit with chyld, out of thair naikit beddis, band thame with coirdis, and maift crewallie and vnmercifullie, but² pitie or compaffioun of the faid Georgis wyffis eftait, fcho being grit with chyld, as faid is, frak and dang thame with rounGIS³ and batounis brocht with thame for the purpoife; fa that the faid George wyfe almaift pairtit with bairne; and haifing maift fchamefullie ftrukin and leifchit the faid George him felff with beltis: Committing thairby maift oppin Oppreffioune. For the quhilk Oppreffioune, the faid George, haifing rafit oure fouerane lordis Letteris, and thairwith fummond the faid Alexander Chene to compeir before the Lordis of his hienes Secreit Counfall, the fourtene day of March instant, to anfuer to the faid Complaint; and haifing, be vertew of the faidis Letteris, lykwyfe fummond the faid Alexander Waffland and Alexander Crag to beir witneffing in the faid mater; quhom the faid Alexander Chene, haifing fallie fubornit to periure and menfweir thame felffis, to depone fallie aganis thair knowledge and confcience in the faid mater, and to conceill the treuth thairof: The faid Alexander Chene and remanent perfounes, compeirand before the Lordis of Secreit Counfall, the faid xiiij day of March instant, and being deiplie fworne, be thair grit aithis, to depone and tell the treuth in the faid mater, and to beir leill and fuithfaft witneffing thairin; being vnmyndfull of thair dewtie towardis God, and haifing na regaird nor reverence to our fouerane lordis auctoritie and lawis, and his hienes maift honorabill Counfall, fallie, be thair Depofitiounes, Periureit and Menfweir thame felffis; the faid Alexander Croy and Alexander Waffland deponing, that thay wer nather present att the faid deid, nor knew nathing in the faid mater; and the faid Alexander Chene, be his Depofitiounis, declairit, that he fould be content to be hangit,⁴ in caice it fould be provin or tryit that he frak the faid George Duncan or his wyffe: And lykewyfe denyng that he had fubornit the faidis witneffis, or instructing thame to deny or conceill the treuth: AND nochtwithftanding thairof, the faid Alexander and the faidis witneffis being re-examinat, hes all deponit that thay wer all present att the faid fact and Oppreffioune, and that the faid Alexander Chene frak the faid George Duncane with ane rung, and beltit him naikit with ane fword-belt; and wer all present att the faid manifest Oppreffioune: And als confellit, that the faid Alexander Chene had instructit, feducit and fubornit the faidis Alexander Croy and Alexander Waffland to Periure and Menfweir thame felffis, and depone before the Lordis of Secreit Counfall, that thay wer nocht present with him att the faid fact, and knew na thing thairof: AND SA, thay and ilk ane of thame hes nocht only committit manifest Oppreffioune be the faid fact and hes Periureit and Menfworne thame felffis: bot als, hes committit manifest ffalfett; and as periureit and fals perfonis ar nocht worthie to leue; aucht and fould be pwneift, conforme to the Lawis of this realm and to the Commoun-Law; in terrou and example of vtheris faull-les⁵ perfounes, to commit the lyke Periurie and ffalfett in tyme cuming.

ASSISA.

Robert Hog, fumtyme feruitour to my Lord of Marfchell, Johnne Ramfay of Quhytehill,
 Daudid Wod, brother to the Laird of Balbegnocht, James Stewart, agent for my Lady Atholl,
 Robert Crawford of Caverhill, Johnne Mowbray, portioner of Crawmond.

The remainder are burgeffes, &c.

¹ Trusting that no injury, &c. ² Without. ³ Cudgels. ⁴ Other instances are on record of witnesses perjuring themselves, and making this awful asseveration, being *taken at their word*. ⁵ *Soul-less*, devoid of conscience.

VERDICT. The Assise, be the mouthe of the said Johnne Ramsay, chancellor, ffand, pronunceit and declairit the pannell to be ffylit, culpable and convict of the crymes aboue writtin, conforme to thair Depositiounis and Confessioun.

SENTENCE. The Justice-depute, be the mouth of James Stirling, dempftar of Court, decernit and ordained the said *Alexander Chene* to be tane to the mercat croce of Edinburghe, and thair his heid to be strikin fra his body: And the said *Alexander Wajiland* to be tane to ane gibbet befyde the mercat croce of Edinburghe, and thair to be hangit quhill he be deid: And the said *Alexander Croy* to be skurgeit throw the toune; as he that fyrst confest the veritie: And all thair movable guidis to be efcheit and inbrocht to our souerane lordis vse, as fugitiue fra the lawis for the saidis crymes.

Slaughter.

Mar. 28.—JOHNE SPOTTISWOID OF THAT ILK.

Dilaitit for airt and pairt of the fellow and crewall Slauchter of vmq^{le} Thomas Quhippo of Leyhouffis; committit in the moneth of Junij, the yeir of God 1^m.V^c.lxxxv yeiris; vpoun fet purpois, provisoun and foirthocht felony.

James Tennant of Lynhous, as fouertie, ordanit to be vnlawit and amerciati in the pane of ffyve hundreth merkis for nocht entry of the said Johnne, to vnderly the law, &c.; and als, adiudget the said Johnne to be denunceit our souerane lordis rebell and put to his hienes borne, and all his moveabill guidis to be efcheit, &c.

Messenger Forgeing and Signeting False Letters and Executions, &c.

Mar. 28.—WILLIAME STRAUCHANE, messenger.

Dilaitit ffor the ffalshefeing, fforgeing, Counterfuteing, devyfeing, subseryveing and fignetting of foure fals Charges and Executiones, with the Denunciatioun of Hoirning following thairupoune, ffalslie vset and execute be him. Quhilkis charges and denunciatioun, and everie ane of them, are, be Decreit of the Lordis of Sessioun, of the dait the fevint day of Marche instant, civillie and lauchfullie Improvin, and ffund be the saidis Lordis to be ffals and ffenzeit in thame selffis, &c.

VERDICT. The Assise, be the mouth of Peter McDowell of Machermoir, chancellor, ffand, pronuncet and declairit the said Williame (in respect of the said Lordis Decreit, productet aganis him, ffinding the saidis Executiones to be ffalfe and ffenzeit) to be Fylit, culpabill and convict thairof.

SENTENCE. The Justice-depute, be the mouth of James Henderfoun, dempfter, decernit and ordanit the said Williame to be scurget throw this burgh; and to be depnyet of his office of messengerie and notarie, and nevir to vse the samyn in ony tyme cuming; vnder the paue of hanging, but (*without*) fauour; as he that was convict of the crymes aboue writtin.

Hurting — Wounding — Mutilation.

Apr. 9.—PATRIK CARKETTILL of Markill, George Carkettill, his brother, Johnne Broune, brother to the Laird of Colstoune, and Robert Smyth, seruant to the said Patrik.

Dilaitit of airt and pairt of the Hurting, Wounding and Mutilatioun of James Libbertoun, seruant to James Lord of Balmirrienoeh of his left eie; and remanent crymes contenit in the Letteris.

PERSEWARIS, James Libbertoune, Mr Thomas Hoip, Aduocat-substitute.

PRELOCOUTOURIS for the persewer.

The Laird of Henderstoun, Mr Robert Lyntoun, Aduocat-substitute for the Kingis Aduocat. PRELOCOUTOURIS for the pannell, the Laird of Wauchtoun, the Laird of Innerleyth, the Laird of Craigmiller, Sir Johnne Prestoun of Valafeild, Mr Johnne Russell, Mr Alexander King, Aduocattis.

My Lord President¹ productet the Kingis Maiesteis Warrant; quhair of the tennour followis.

JAMES R.

JUSTICE, Justice Clark and 5oure deutes, We greit 5ow weil. In þe tryell of þe particular mater persewit before 5ow, at þe instance of James Libbertoun in Neper Libbertoune aganis Patrik Carkettill of Over Libbertoun and his complices, for þe mutulatioun of þe said James; committit be þame in þe moneth of . . . lastbypast: In cais (it) be fund be 5ow that 3e can nocht, for þe present, ressaue þe tryall of þe said mutulatioun, in respect of þe sehortnes of tyme interuening, and before the expyring of 3eir and day estir þe committing of þe fact; and swa 3e falbe forceit to continew 3our proceeding in þe mater: In quhilk cais, it is our speciall will and pleasour, that 3e fall command the saidis persounes to enter þair persounes in waird, within þe Castell of Blaknes, thairin to remane, quhill thay be ffynit be our Counfall þair, for þair cryme and offence committit be þame; and frome þame obtene Warrant for þair releif. Quhairanent thir presentis falbe 3our Warrant. Gewin att Grenewiche, this tuentie day of March, 1605.

THE Justice continewis this dyet to the saxtene day of Maij nixtocum; and ordanis the persounes on pannell to entir in waird, within the Castell of Blaknes, within xlvijj houris; and to find caution to that effect.²

Sir George Prestoun of Craigmiller, kny^t, become pledge and fouertie, &c.; and that thay fall enter in waird, &c. thairin to remane, and onnawayis to depairt furth thair of, quhill thay be fred be ane Warrant; and that vnder the panes following, viz. ffor the said Patrik ane thousand merkis, the saidis George and Johnne fyve hundreth merkis, and the said Robert tua hundreth merkis.

Intercommuning with MacGregors.

Apr. 26.—COLENE BRUCE in Middilhauch of Ruthven (Huntingtour.) Patrik Bruce thair and Alexander Bruce thair.

Dilaitit ffor the tressonable Resfet, Supplie and Intercowmoning with Johnne Dow Galt M^cgregour, Johnne Dow M^cewin M^cgregour and Gregour M^cewin,

¹ James Lord Balmerinoeh, President of the College of Justice.

² The case was farther delayed to May 29, but no entry occurs of that date; so that it is likely the parties compounded with the Treasurer and private party, by payment of a stipulated fine.

cowmone theivis, tratouris and rebellis to his Maieftie; and that within thair houffis in the Middill-hanch of Ruthven and dynerfe vtheris places, mony and dynerfe tymes, in the yeiris of God, I^m.Vj^c. and thre and foure yeiris; eftir the Murthour of Glenfrwne,¹ and eftir the faidis perfones war declairit rebellis and tratouris, and all our fouerane lordis leigis war lauchfullie prohibeit and difchargit to reffett, fupplie, affist or intercommown with the faidis M^cgregouris, rebellis and fugitiues, as faid is, vnder the pane of Treffone.

For the quhilkis crymes aboue writtin, the faidis perfones on pannell becum in our fouerane lordis will. Qubairupone Sir Thomas Hammiltoune (of Monkland, kny^t, Aduocat to our fouerane lord) askit instrumentis.

Aug. 6.—THE KING'S WILL was this day declared against the pannels, as follows.

JAMES R.

JAMES, be pe grace of God, King of Gritt Britane, France and Ireland, defender of the ffaith. To our Justice, Justice clerk and your deputis, greting. Forfamekill as Colene, Patrick and Alexander Bruces in the Mydilhauch of Huntingtour, being callit and conuenit befor you, ffor the Affisting, Reffett, Supplie and Intercommowning with the CLANGREGOUR, aganis the tennour of our Proclamations maid pairanent; thay ar becum in our will for the fame: And albeit thay haif incurrit and mereit the pane of deathe, for that cryme, zit We, of our fpeciall grace and mercie, ar content to difpenfe with the rigour of the law; and haif declairit and declaires our Will as followis, to witt: That pe faidis perfones fall be Baneift the haill boundis of our dominiones, during pe haill dayis of pair lyf-tymes; vnder the pane of deid, and to be hangit but forder proces: And that thay find fufficient and refponfall cautioneris and fouerteis, actit in the buikis of our Adiornall or Secreit Counfall, that betuix the day and dait heirof, and the tuentie day of August nixtocum, thay fall depairt and pafs furth of our dominiones; and nocht returne agane within pe famyn, during thair lyf-tymes, vnder the pane of ffyve thoufeand merkis, to be payit be the faidis cautioneris coniunctlie and feuerallie, in cais pe faidis perfones or ony of thame failzie in the premiffes; the ane half of the faid pane to ws and our Thefaurer in our name, and pe vper half to Dauid Lord Scone,² our Comptroller, befydis the pane of deid to be incurrit be pe criminallis pame felffis; with this prouifion, that in caice the faidis criminallis or ony of thame fall happin to returne within our dominiones, and nawayis commit ony violence, harme or iniurie aganis ony of our fubiectis afoir pair apprehenfion, in that caice pair cautioneris perfeward and apprehendand thame, and prefenting thame to Justice, the executioun of pe faidis criminallis fall liberat pe faidis cautioneris of all payment of the pecuniall fowme foirfaid: And gif thay fall happin to commit ony violence or harme aganis ony of our fubiectis, eftir pair returning within our dominiones; in that caice, pair cautioneris to be fubiect to the payment of the pecuniall fowme foirfaid, and the criminallis thame felffis to vnderly the perfonall pweifchment foirfaid: Commanding heirby you our faid Justice to pronunce this our Will judiciallie; and to caus thir prefentis be infert in the buikis of our Adiournall. Gevin att Grenewiche, the . . . day of Junij, 1605.

(Sic fubfcribitur) MONTROTS, Commiffionar. AL. Cancell.³

Patrik Bruce of Fingask and Mr Alexander Bruce, fear of Culmalindie, become cautioners, and the Bond is registered at length; the witneffes are George Bruce of Carnok, Sir Johnne Bruce of Airth, knycht, Johnne Kincaid, writer, and Johnne Kemp, his feruitour.

¹ See Jan. 20, 1604. ² Sir David Murray of Gospertie, afterwards Viscount Stormont, whose name fo frequently occurs in the matter of Gowrie's Conspiraey. ³ Alexander Lord Fyvie, Chancellor, afterwards Earl of Dunfermline.

Hurting and Wounding — Mutilation.

May 9.—GEORGE FORRESTER, sumtyme seruant to my Lord of Roxburcht.

Dilaitit, accusit and persewit be James Skirving in Gilkerstoun of the DITTAY following, viz.

FORSAMEKILL as the said George, haifing confaet ane deidlie feid, rancour and malice aganis the said James Skirving, sumtyme in Humbie and now in Gilkerstoun, for the allegit hurting of him ; the said George, to be revenget thairof, without regard of justice, in the moneth of Januar, the yeir of God I^m.V^c. fourfoir fyftene yeiris, vnderstanding that the said James was to cum furth of the Place of Humbie, and to pas hame to his awin duelling-hous, than in Humbie mylne, he darnit him selff in ane bourtrie bus,¹ at the heid of Wolfstait ; and in the said James bycuning, sett vpon him, and be way of brigancie,² vnder silence and clud of nycht, betuix aucht and nyne howis at evin, with ane swoird and quhinger in his hand, maist crewallie persewit him for his slauchter, hurt and woundit him in his richt airme and richt hand, and hes mutilat and made him impotent of the samyn ; and gaif him auchtene bludie and deidlie woundis ; and left him lyand for deid vpon the grund : And the said George was airt and pairt of the hurting, wounding and mutilatioune of the said James Skirving ; committit in maner and at the tyme soirsaid, vpon set purpos, prouisioun and foirthocht felony.

PERSEWER, James Skirving, sumtyme in Humbie, and now in Gilkerstoune.

PRELOCOUTOUR for the persewer, Mr Walter Bellenden.

PRELOCOUTOURIS for the pannell.

Mr Johne Ruffell, Sir Jedione Murray, My Lord Cranstoune, Mr Laurence M^cGill.

It is allegit be the persewer, that the pairtie defender is at the horne ; and thairfoir na prelocoutouris can compeir and defend in this persute.—It is answert be Mr Johne Ruffell, that albeit he be at the horne, and lauchfullie at the horne, yit he may compeir for the rebell. *Secundo*, the Hoirning is null, becaus the pannell being than seruant to my Lord of Roxburcht,³ the denunciation at the mercait croce of Edinburghe, and registratioune in the Schereffis buikis of Edinburghe is nocht lauchfull, nor accoirding to the Act of Parliament, bot sould haif bene denuncet at Jedburcht, and registrat in the Schereffis buikis of the Scheredom of Roxburcht.—It is replyt be the persewer, that my Lord of Roxburcht duelt, the tyme of the denuncatioune, within the burgh of Edinburghe ; and thairfoir the Hoirning, in the hail poyntis thairof, is sufficient ; and the Hoirning standis vnreduct, quhairin he was charget, personallie apprehendit, to haif fund cautioune for his compeirance, vpon xv dayis wairning.

It is allegit be the pannell, that this matter can nocht be put to ane Assyfe, becaus he is persewit for Mutilatioune, and nocht tane *in recenti crimine*, and nocht charget vpon xv dayis wairning, nor na coppie of the Dittay is geuin him. Answert be the persewer, that he is summond alreddie, vpon xv dayis wairning, personallie apprehendit, and a coppie delyuerit, and put to the horne, and be vertew of Letteris of Captioun, tane and apprehendit and presentit to pannell.—It is allegit that he is nocht summond to this day vpon xv dayis wairning ;

¹ Concealed himself in an elder bush.

² Robbery. Old Fr. *briganderie*.

³ Sir Robert

Kerr of Cessford was created Lord Roxburghe, anno 1600 ; and Earl, in 1616.

and gif he was fummond ofbefoir for this cryme, be vertew of vther letteris, and put to the horne, the famyn Hoirning is null ; for the caufis aboue writtin. It is anfuerit, the Hoirning standis vntereduct.—It is forder allegit be the pannell, that befoir this matter pafs to ane Affyfe, this mutilatioune man be tryit be Chirurges. It is anfuerit be the defender, that he referris the cognitioun of the Mutilation to the Affyfe.

THE JUSTICE findis this matter to be put to ane Affyfe, nochtwithftanding the former allegeances.

It is allegit, that my Lord Justice Clerk and his deputis can nocht be Clerkis in this proces, becaus this perfewer is Tennent to my Lady Humbie, fþous to my Lord Justice Clerk,¹ to quhome he payis maill and deutie, and thairfoir na proces ; and Mr Walter Bellenden, as prelocoutour for the perfewer, is brother-in-law to my Lord Justice Clerk ; and thairfoir my Lord Justice Clerk can nocht be Clerk in this proces.—It is allegit be Mr Johnne Ruffell, that, in refpect Mr Walter Bellenden, prelocoutour for the perfewer, compeiris and perfewis, and the perfewer is Tennent to my Lady Humbie, his lordfhipis fþous, my Lord Justice Clerk can nocht be Justice Clerk in this proces. It is anfuerit, that Mr Patrik Bannatyne is ordiner clerk to the Justice, to all the legis.

THE JUSTICE Ordanis Mr Patrik Bellenden, ordiner Clerk, to proceid as Clerk in this proces.

Forder, it is allegit that na proces can be grantit, becaus my Lord Justice Clerk can nocht be Clerk in this proces, feing Mr Walter Bellenden, the prelocoutour for the perfewer, is his brother-in-law ; as alfo, the perfewer is Tennent to my Lady Humbie of the landis of Gilkerftoun and Gilkerftoun-mylne ; as alfo, is tennent to my Lord him felf. Anfuerit, thair is ane ordiner clerk, viz. Mr Patrik Bannatyne, aganis quhome thair is na exceptioun, quha is ordiner Clerk to all our fouerane lordis leigis.—The anfueris foirfaid meittis nocht the declinatour, becaus the alledgeance is proponit aganis the Justice Clerk, without ony mentioun of Mr Patrik Bannatyne.

THE JUSTICE findis proces, and Mr Patrik Bannatyne to be clerk, vules he propones a relevant alledgeance aganis him as ordiner clerk.

Thaireftir the pannell and prelocoutouris declairit that thair only propone the declinatour foirfaid aganis my Lord Justice Clerk, quhy he fould nocht be clerk ; and ar content, that quhan his lordfhip is removet furth of Jugement, in refpect of the declinatour foirfaid, gif fa be fund, Mr Patrik fall remane as clerk ; but² preiudice of sic lauchfull exceptiones as may be proponit aganis him, the faid

¹ Sir John Cockburn of Ormiston, Lord Justice Clerk, married Elizabeth, the eldest daughter of Sir John Bellenden of Auchnoule (by his second wife, Janet Seton), and widow of James Lawson of Humble.

² Without.

declinatour being first discussit. It is allegit be the pannell and his prelocoutouris, vnder protestatioun that the former declinatour be first discussit, and na vtherways, that Mr Patrik Bannatyne can nawyis be admittit to be clerk in this proces, for tua caussis; first, becaus he is Depute to my Lord Justice Clerk, aganis quhome the former exceptioun declinatour is proponit, and hes his office only of his lordship presentlie; and sua the exceptioun competent aganis the Clerk-principall, man be also competent aganis his Depute: Nixt, becaus Mr Walter Bellenden, quha is prelocoutour, and Mr Patrik is thridis or ferdis of kyn to Sir Johne Bellenden of Auchmoull, and James Bannatyne of Newtyle ar thridis or ferdis of kyn; and declairis that Sir Johnne Bellenden,¹ father to Mr Walter, and James Bannatyne, father to Mr Patrik, ather thair guidfchiris or grandfchiris war brether.—And Mr Patrik Bannatyne being sworne, declairit that the former alledgeance of kynreid was nocht trew.

THE JUSTICE findis proces; and ordanis Mr Patrik Bannatyne to be Clerk to this proces, quha is ordiner Clerk to all our souerane lordis leigis, to the Justice.

The pannel takis instrumentis of the Justice Interlocutour; and protestis for remeid of law.

The Defender declairis he will nocht feik the perseweris ayth, vpon the verificatioun of the Dittay; bot ony craves quhat the persewer produces to verifie. The persewer declairis that he fall schaw his mutilatioun to the Assyse.

VERDICT. THE ASSYSE, be the mouth of Williame Johnnestoun in Over Keyth, chancellor, be pluralitie of voittis, ffand, pronuncet and declairit the said George Forrester to be ffylit, culpable and convict of the Hurting, Wounding and Mutilatioun of the said James Skirving of his richt airme and richt hand, in maner specifeit in the said Dittay.²

Slaughter.

May 22.—WILLIAME THOMESOUNE in Reddene.

Dilaitit of airt and pairt of the Slauchter of vinq^{le} Niniane Edzer.

Sir Andro Ker of Hietoun, knycht, become pledge and fouertie that he fall compeir befor the Justice or his deputis in the Tolbuth of Edinburghe, the tuintie-fyve day of July nixtocum, to vnderly the law, &c. vnder the pane of Ten thousand markis; quhair of the ane half fall be payit to the Kingis Maiesteis Thesaurer, and the vther half to the pairtie perseweris.—On Jul. 25, the Justice continued the case to the air of Roxburcht, ‘ tertio Itineris (vel super premonitione) xv dierum, Plegio, Joanne Ker de Bowdene.’

Slaughter — Shooting with Pistolets and Guns.

May 31.—JOHNNE MURE of Auchindrane,³ Johnne Mure of Craigskene,

¹ Of Auchmoule. ² The Sentence is not contained in the Record. ³ See the Trial of this infamous man, Jul. 7, 1600, &c., for the atrocious Murder of Sir Thomas Kennedy of Culzeane, &c

Moyfes Lokhart, brother to the Laird of Bar, James Bannatyne in Chapel-Donall, David Kennydie, younger of Maxwallow, Charles Dalrumpill, burges of Air, George Campbell, younger of Schankstoune, and Gilbert Kennydie in Machar.

Dilatit, accusit and persewit, be Richart Spens, in Vgftoune, as father to vmq^{le} Richart Spens, feruitour for the tyme to Johnne Erll of Cassillis, and Sir Thomas Hammiltoune of Monkland, Aduocat to our fouerane lord, for his hienes interes, ffor airt and pairt of the Slauchter of the said vmq^{le} Richart Spens; and for bering, wering and seluteing of pistolettis and gunnis,¹ contrair the tennour of the Actis of Parliament; committit vpoune the nynt day of December, the yeir of God I^m.Vj^c. and ane yeiris, vpoune the laudis of Pennyglenne.

PERSEWER, Richerd Spens in Vgftoune, Sir Thomas Hammiltoune of Monkland, Aduocat.

PRELOCUTORIS for the pannell, My Lord Vchiltrie, The Laird of Drumlanrig, The Laird of Rowallane, Jofias Stewart (of Boningtoun), Mr Johnne Ruffell, Mr Williame Oliphant.

(The two Mures, Lokhart and Bannatyne,) tuik thame to our fouerane lordis Respett,² produceit, vnder the Previe Seil, of the daitt, att Falkland, the tuelff day of Junij, the yeir of God I^m.Vj^c. and tua yeir, for the saidis crymes. Quhilk Respett the Justice admittit; and ordanit thame to find caution and fouertie to fatisfie the pairtie, for airt and pairt of the said slauchter: Lyke as, Matho Stewart of Dunduff, Jofias Stewart of Boningtoun, and George Campbell younger of Schaulestoun become cautioneris and fouerteis with thame selffis, coninunctie and fenerallie, to fatisfie the pairtie, for airt and pairt of the Slauchter of the said Richard Spens.

George Campbell also obtained 'oure fouerane lordis Respett, produceit, vnder the Prewie Seill; of the dait, at Halyruidhous, the last day of November, 1602.' Matho Stewart of Dunduff, Jofias Stewart of Boningtoun and Johnne Mure of Anchindrane become pledgeis, &c.

The case was continued, as to the remainder of the persons on pannel, to the Justice-air of 'Air, tertio Itineris (vel super premonitione) xv dierum.'

[*Mr William Hairt of Levelandis and Mr William Borthuik, Justices-Deputes.*]

Mutilation and Demembration.

Jun. 11.—EDUARD JOHNNESTOUNE, younger, merchand burges of Ed^r.

Dilatit of airt and pairt of the Demembring of Johnne Broun, goldsmyth, of the thombe of his left hand; committit vnder nycht, the fevintene of May last.

PERSEWERIS, Johnne Broun, goldsmyth, Sir Thomas Hammiltoune of Monkland, Aduocat.

PRELOCUTORIS for the pannell, The Laird of Johnnestoune, The Laird of Wafraw, Mr Alexander King, Mr Thomas Gray and Mr Johnne Johnnestoune (Advocates.)

It is allegit be the pannell, that this matter can nocht be put to the knowlege

¹ This is the first instance in the Record of the term 'gun;' 'hagbut' being the prevalent name for that weapon.

² Remission, respite.

of ane Affyse ; becaus the fact lybellit is committit vnder feilence of nicht, and the said Johnne Broune, being convenient befor the Lordis of his hienes Secret Counfall, he is convict on ane manifest Ryote, for the wrangus invading, trub-billing and molesting of the defender, his wyf and fervand, vnder filence of nycht, and sua, quhatfumeuir fell out be that occasioun, the falt was in the per-fewer ; and of the law, albeit he had been flauie, the said defender had bene in na danger : In respect quhairof, the famyn aucht nocht to be put to the know-ledge of ane Affyse. For verificatioun quhairof, producet the Lordis of Secret Counfellis decret, daitit the xxij day of Maij last, 1605. It is anfuert, that the allegiance nawayis meittis the Dittay ; seing the Dittay is the said Johnne Brounes persute, for redress and pwneishment of the Mutilatioun and Dismem-bering of him, quhairof thair was nather complent nor tryell, befor the Secret Counfall ; nather can ony thing, done in that judgement, stay the puting of ane relevant Dittay to ane Affyse, befor the Justice ; seing, the Counfall could nocht be Judges to the famyn ; and the matter being put to ane Affyse, the Affysouris will try, quhither the fact was done in lauchfull defense of the pannell or nocht.

THE JUSTICE continewis this Interlocutour to the xvij of this instant. ‘ Plegio, Waltero Ker, portionario de Diriltoun.’

(Jun. 18.)—On xvij June,¹ The Justice findis proces, nochtwithstanding of the allegiance proponit the last dyett, and left at Interloquutour. And eftir the pronouncing of the said Interloquutour, of consent of bayth the parteis, continewis this persute (quhill the) xxvij day of Junij instant. ‘ Plegio, M^{ro} Joanne Johnnestoun, aduocato.’

DITTAY against Edward Johnnestoun, Younger.

FORSAMEKILL as, vpon the sevintene day of Maij lastbypast, vnder nicht, thair fell out ane debait² betuix the said Eduard Johnnestoun and Patrik Robertsoune, seruitour to George Cuninghame, gold-smyth, burges of the Caunougait, vpon the hie streit of the burgh of Edinburghe, aboue the Stink-and-style³ thairof : and for eschewing of hurt that nicht haif fallin to aither of the saidis parteis, the said Johnne Broune, amangis vther honest nichtbouris, preissit to red⁴ thame : Nochtwithstanding, it is of veritie, that the said Eduard Johnnestoun, persaveing the said Johnne Broun to cum and resist and stay his furie, he left the said Patrik, and but⁵ offence gevin be the said Johnne Broun to him, ather be word or deid, he set vpon the said Johnne with ane drawin swoird, and maist crewallie invalidit him for his slachter, hurt and woundit him in his left hand, to the effusione of his bluid in grit quantitie ; and hes Mutilat and dismemberit the said Johnne of the thombe of his said left hand, and cuttit the famyn away ; and sa hes maid him alluterlie vnhabill to wyn his leving, in his airt of goldsmyth-craft ; to his vtter wrak, and to the grit contempt of our fouerane lord, his hienes authoritie and lawis : And the said Eduard Johnnestoun is airt and pairt of the said Mutilatioun, demembring and cuting away of the said Johnne Brounes thombe of his said left hand. For the quhill he aucht and fould be pwneishet, conforme to the lawis of this realme, in exampill of vtheris to commit the lyk, in tyme cuming.

¹ Mr William Oliphant is added to the *Prelocutouris*, and on 27 June, Mr Thomas Craig. ² An altercation and scuffle. ³ A narrow passage to the eastward of the entrance to Haddo's-hold, New North Church, and celebrated for similar rencontres. ⁴ Separate. ⁵ Without provocation, excepting the proverbial fate of those who indiscreetly interfere in such matters. The ‘ *redding-strail*’ was no child's play in those days, when sword and dirk were the swift ministers of vengeance !

VERDICT. The Assyse, be the mouth of Daud Fairlie, merchand burges of Edinburghe, chancellor, for the maist pairt, fand, pronunceit and declairet the said Eduard to be Clene, innocent and acquit of airt and pairt of the Mutilatioune, &c. ; in respect, vpon thair consciences, as thay haif tryit and considerit, the famin proceidit vpon the said Johnne's awin default ; and was committit and done be the said Eduard, the tyme foirsaid, in defence of him self, his wyfe and servand, quha war invaidit and molestit be the saidis Johnne Broune and Patrik Robertfoune, vnder nycht. Quhairupoune the said Eduard askit instrumentis.

' Umbesetting'—Rape — Child-murder.

JUN. 18.—JOHNE BROUNE, goldfmyth, burges of Edinburghe.

Dilatit for Umbesetting of Katherene Rae, spous to Eduard Johnnestoune, younger, merchand burges of Edinburghe, and preiffing to fforce hir ; and cauffing hir to pairt with bairne.

PERSEWAR, Eduard Johnnestoune, younger, merchand burges of Edinburghe.

PRELOQUUTOIRIS for the pannel, The Laird of Phillorth, Mr Johnne Ruffell, Mr James Donaldfoune.

THE JUSTICE continewis this matter to the xxvij day of Junij instant.

DITTAY against Johnne Broune.

(Jun. 27.)—FORSAMEKILL as, vpon the sevintene day of May lastbypast, the said Katharene and Eduard, hir husband, haifing souppit in pair saperis hous, and being returning estir supper, about ten houris at evin, fra pair said saperis houe to pair awin ludgeing, in peceable and quyet maner, lipning for na harme, iniurie or persute of ony perfonen, bot to haif past in peceable maner throw the Hie-streit of pe said burgh of Edinburghe to pair said ludgeing, vnder Godis peax and our souerane lordis ; it is of verritie, that pe said Johnne Broun, goldfmyth, accompaneit with Patrik Robertfoune, burges of Aberdene, persaneing the said Katharene to be hir self, allane, accompaneit allanerlie¹ with ane servand woman ; and finding pe gait² to be quyet, sa that nane was pairupone, to mark pair doingis, or to stay thair intendit schamefall and villanuse interpryse ; the said Johnne Broun and Patrik Robertfoune resoluet violentlie to haif fforceit pe said Katharene and hir servand woman : And for pis effect, the said Johnne come to the said Katharene, and brak furth in findrie vncumlie and vnhonest speiches to hir, beleifing to haif perswaidit hir to haif yeildit to his filthie lust and beistlie appetite ; and finding him self disappointed of pat meane, he, in his beistlie rage and furie, as ane posselt with ane wikket spreit, maist schamefullie and crewallie grippit pe said Katharene Rae be the gorget, and violentlie drew hir aff pe hie streit to ane cloise-heid,³ vnder ane stair ; and pair crewallie, with his faldit neiffis, strak and dang hir in the face, and causet hir to bleid at mouth and neife in grit quantitie ; raif hir courche⁴ and remanent ornamentis of hir heid, and cuist pe samyn vnder his feit ; and, with his kueyis, punchet pe said Katharene in the bellie, scho being grit with chylid ; and had nocht failit to haif abuset hir chaslitie, gif pe said Eduard, hir husband, and vperis nychtbouris (heiring hir and hir said servand gif pe sprache and cry⁵) had nocht cum, with diligence, and releinit hir furth of his cruell grippis. Be occasioun quhairrof, the said Katharene was led hame to hir awin hous, quhairin scho hes layne continuallie bedfast senfyne, in grit pane and dollour, vnder pe cuir of Doctouris and chirurganes ; sa that, vpon the xxj day of May lastbypast, or pairby, scho pairtit with ane deid bairne ; and scho hir self hes bene, and as

¹ Only. ² Street, way. ³ The numerous narrow alleys running downwards from the north and south sides of the High-street of Edinburgh, are termed *cloises* ; the close-heid signifies the entrance to one of these passages.

⁴ Tore her curche, a sort of cap or head-dress. Old Fr. ⁵ Give the alarm ; the hue and cry.

3it is, in grit haiſard and danger of hir lyfe: Committing pairthrow manifeſt villany, vnder nycht, within the ſaid burch of Edinburghe, vpone þe Hie-ſtreit þairof, quhilk ſould be ane faitie and place of refodge to all honeſt men and wemen; ſpeciallie, to the honeſt nychtbouris, inhabitantis pairintill; Lyk as, þe ſaid Johnne Broune is airt and part of the ſamyn villany and barbarus cryme: As alſo, is airt and part of the Slauchter and diſtructione of the ſaid Katharenes infant bairne, quhairwith ſcho hes pairtit, be occaſioune foirſaid. For the quhilkis, the ſaid Johnne aucht and ſould be pwneifehet, conforme to the lawis of þis realme, as ane brigane¹ and Murtherour vnder nycht; to the terrour and exampill of vtheris to commit the lyk, in tyme cuning.

It is allegit that the Summondis is nocht relevant; in reſpect the fact lybellit is only ane naikit intentione. It is anſuerit be the perſewer, that he conioynis the hail crymes lybellit togidder, to be tryit be the Affyſe.

THE JUSTICE findis the ſummondis relevant, in reſpect of the anſuer.

It is forder alledgit, that this matter can nocht paſs to ane Affyſe, in reſpect it is tryit alreddie, befor the Secreit Counfall, and ane Sentence gevin thairin alreddie. It is anſuerit be the perſewar, that the Secreit Counfall ar nocht Judges Criminall, and that na Precognition tane be thame can be in preiudice of deciſioun to the Juſtice, to put crymes to ane Affyſe; as was laitlie decydit betuix Johnneſtounne of Newbie contrair Williame Maxwell.²

THE JUSTICE remittis this matter to the tryall of ane Affyſe.

VERDICT. The Affyſe, be the mouth of Dauid Fairlie, merchand burges of Edinburgh, ſſand, prommet and declairit the ſaid Johnne Broune to be flylet, culpable and convict of the Invaiding and moleſting of the ſaid Katharene Rae, vnder nycht; committit the tyme foirſaid, contenit in the ſaid Dittay: And declairit the ſaid Johnne to be Clene, innocent and acquit of the Murthour and diſtruction of the ſaid infant bairne, committit the tyme foirſaid; in reſpect thair was nathing producit for verifeing thairof: Quhairupoun aither of the ſaidis parteis akit instrumentis.³

[*Mr Williame Hairt, Juſtice-Depute.*]

**Hamesucken — Beſieging the Tower of Newbie — Shooting Pistolets
— Taking Captive, &c.**

Jun. 21. — WILLIAME MAXWALL of Gribtounne, Barbara Johnneſtounne, his ſpous, Elizabeth Johnneſtounne, relict of vmq^e Johnne Johnneſtounne, appeirand of Newbie (mother to the ſaid Barbara.)

Dilaittit, acenſit and perſewit, be vertew of THE DITTAY following, viz.

FORSAMEKILL as, albeit be dyuerſe guid Actis of Parliamant and Secreit Counfall, *reſpective*, oure fouerane lord hes prohibeit and diſcharget the beiring and weiring of hagbuttis and piſtolettis vnder certane panes mentionet in the ſaidis Actis; nochtwithſtanding, it is of treuth, that ſic is the wicket diſpoſitioun of ſum perſones, quha preferring thair awin inordinat appetite and revenge, to the dew reuerence and obedience of his lienes ſaidis lawis, thay and thair domeſtik ſervandis daylie and conti-

¹ Fr. *brigand*.

² See Jun. 21, the following Case.

³ The Sentences are not Recorded.

nuallie beiris and weiris hagbuttis and pistolettis, as thair ordiner and accufetnet wappones; of fet purposis and prouifoune to put thair vngodlie determinatioun to executioun, aganis sic of his hienes peceable subiectis, aganis quhom thay beir ony querrell or haittent: As nanelie, the saidis Williame Maxwell of Gribtoun, Barbara Johnnestoun his spous, and Elizabeth Stewart hir mother, haifing, this langtyme bygane, borne ane secreit and hid malice aganis the said Robert Johnnestoune of Newbie, in respect of the dependance of certaine actiones, depending befor the Lordis of Counfall and Sessioun, movet be aither pairtie aganis vtheris; and speciallie, ane actioun of Reduction intentit, and the Summondis thair of lauchfullie execute, at the instance of the said Robert aganis the said Williame Maxwell, Barbara his spous, and the said Elizabeth hir mother, for Reductioun of the Retour of vinq^{le} Johnne Johnnestoun of Newbie, that last deceffit, spous to the said Elizabeth, and for Reductioun of his Seafing following thairupoun, and of certane vtheris pretendit Infeftmentis, allegit maid be him to the said Elizabeth his spous, and to the said Barbara his dochter: And ane vther actioun and cause, persewit be the said Barbara and the said William hir spous, for his entreis, aganis the said Robert Johnnestoun, for randerung to thame the Toure and ffortalice of Newbie: And the samyn actioun being oft and dyuerse tymes callit, in presence of the saidis Lordis, and dyuerse guid exceptiones and defensis proponit be the said Robert and his procuratouris in his name, quhilk as yit ar vndiscussit, the saidis Williame, Barbara his spous, and the said Elizabeth hir mother, nocht being content to abyde the event of the saidis Lordis Judicatorie in the saidis caussis, bot rather to contempne our fouerane lordis autoritie and lawis, and to tak Justice at thair awin handis, as gif thair war na ordiner justice within this realme; thay, during the saidis dependances, and estir raising and lauchfull executioun of the saidis Summondis, in maner aboue writtin, haifing consultit and devyfit with Johnne McBrair, Robert Johnnestoune callit of Brwme, seruitouris to the said Williame Maxwell, Thomas Jardane callit of Birnok, Eduard Maxwell, brother to the Laird of Conbath, and Thomas Jardane, servitour to Johnne Lord Hereifs; the saidis fyve perfones immediatlie befor namet, being all bodin in feir of weir,¹ with jakis, suordis, steilbonnetis, lang gwnes, pistolettis, and vtheris wappones *invafive*, prohibeit to be worne in maner foirfaid, laitlie, vpon the six day of Merche lastbypast, be directione, causing, command, hounding and convoy, refett, assistance and ratihabitoun of the saidis Williame Maxwell, Barbara Johnnestoun his spous, and Elizabeth Stewart hir mother, come ryding to the place of Neubie, pertenung to the said Robert Johnnestoun, and being in his peceable possessioun, than, and dyuerse monethis ofbefoir; quhair the said Robert was deidlie feik for the tyme: Estir thay had fend bak thair horsis fra thame, quhairby thair being thair fould nocht be knawin, thay privatlie, be the moyane of the said Elizabeth Stewart and Barbara Johnnestoun, convoyit thame felfis, vnder clud and silence of nycht, within the laiche² hall and houffis of the said place of Neubie, inhabeit be the said Elizabeth Stewart and Barbara Johnnestoun, be quhome thay war refett within the saidis houffis; and thair, the saidis perfones, awaiting thair awin opportunitie, be way of foirthocht ffellony and hamesukin, and vsurping vpon thame our fouerane lordis autoritie, besaiget and invaidit the said Tour,³ thay being in the said Robert Johnnestounis possessioun, as sone and appeirand air mail and of tailzie⁴ to the said vinq^{le} Johnne Johnnestoun of Neubie, his faither: And the saidis fyve perfones maist schamefullie, crewallie and vnumercifullie preiffand, be violence and vulawfull force, to assaige and tak the said Tour and ffortalice, invaidit and hurt the said Eduard Johnnestoun, brother to the said Robert, and maist crewallie schot him throw the body with ane pistolet; and also maist crewallie invaidit, hurt and woundit the said Airthour Johnnestoun, servand to the said Robert, in the face, with the schot of ane vther pistolet; to the effusioun of thair bluid in grit quantitie, thay being in cumpany and servie with the said Robert, and in defence of him and his Tour and ffortalice of Newbie; and than, per force, be way of foirthocht ffellony and Hamesukkin, as said is, and vsurpeand and takand vpon thame our fouerane lordis autoritie, thay enterit within the said Robertis Tour and ffortalice of New-

¹ In warlike array.² Low or under-hall.³ Tower.⁴ Son and apparent heir-male and of entail.

bie, and tuik the said Robert and the said Airthour, his fervand, captiues and priffoneris; the said Robert being lyand deidlie feik and bedfast within the samyn; crewallie inuidit thame, band thair handis behind thair bakis, and violentlie and perforce schot¹ thame and thair haill cumpanie furth of the said Tour, thay being our fouerane lordis frie subiectis. QUHILKIS crewall, schamefull and abhominable crymes aboue writtin, viz. Vfurpatioun of our fouerane lordis auctoritie, Hamefukkin, Beiring and weiring of pistolettis, and remanent Invasiones, factis and deidis *respectiue* aboue specifit, was done and committit be the foirfaidis fyve perfones, of the speciall command, hounding out, directioun, consulting, devyse, reflett, assistance and ratihabitoun of the saidis Williame Maxwell, Barbara Johnstoun his spous, and the said Elizabeth his moder: And thairby, thay, and everie ane of thame, ar airt, pairt, red and counfall, and ratiefearis of the saidis haill crymes aboue expremitt, and everie ane of thame, viz. Vfurpatioun of our fouerane lordis auctoritie and Befageing and taking of the said hous, Convocatioun of his Maiesteis leigis, Beiring and weiring of bagbuttis and pistolettis, contrair the tennour of the saidis Actis, Inuiding, schuiting, hurting and wounding of his hienes frie lieges and subiectis, and Inuiding and taking of thame captiues and priffoneris, be way of Hamefukkin and floirthocht ffellony, binding of thair handis behind thair bakis, schuiting and expelling of thame violentlie furth of thair awin houffis, but² Commissioun; thay being our fouerane lordis frie leigis and subiectis, in maner foirfaid.

PERSEWARIS.

Robert Johnnestoune of Newbie, Eduard Johnnestoune his brother, Airthour Johnnestoune, fervand to the Laird of Newbie, Sir Tho^s Hammiltoune of Monkland, kny^t, Aduocat to our fouerane lord.

PRELOCUTOURIS for the pannell.

The Laird of Gairleis,
Mr Alexander King,

The Laird of Hempisfeild,
Mr Robert Lyntoun,

Andro Ker of Fentoun,
James King.

It is allegit be Mr Alexander King, prelocutour for Barbara Johnnestoun, that na proces can be led aganis hir, becaus scho being convenit ofbefoir, befoir the Lordis of Secreit Counfall, vpone the haill contentis of this lybell, factis and deidis lybellit, at the instance of my Lord Aduocat and Robert Johnnestoune, perfeweris, scho is affoilzeit³ *simpliciter*, be Decreit of the Lordis of Secreit Counfall; and that thairefter the said Lybell was admittit to the said Aduocat and Robert Johnnestoune's probatioun, and thair succumbit⁴ thairintill: For verificatioun quhairrof, thay producet the said Decreet-abfoluitour, of the dait, at Edinburgh, the secund Maij last.—It is anfuerit be the perfeweris, the allegiance aucht to be repellit, becaus nathing done befoir the Secreit Counfall, ather be Sentence abfoluitour or condampnitour can stay the Justice to proceed in ane Criminall cause; as was practiket⁵ betuix Eduard Johnnestoune Younger and Johnne Broune:⁶ And gif the Counfall can nocht judge vpone sa heich crymes as ar lybellit, or geve ony penall sentence vpone the samyn, conforme to the law, thair precognitioun can nocht stay the proceeding of the Justice. Last, the summondis befoir the Counfall was fund relevant, and the abfoluitour proceedit vpone nocht probatioun; and as crymes capitall can nocht be provin be Wit-

¹ Thrust, ejected. ² Without. ³ Absolved, acquitted, freed. ⁴ Yielded. ⁵ Decided, made matter of precedent or practice. ⁶ See the preceding Case, Jun. 18 and 27, 1605.

nesses, bot be the tryell of an Affyse, sa the nocht probatioune of the samyn, befoir the Counfall, can nocht stay the same to pas to ane Affyse.

It is answert be the pannell, that the absolutour befoir the Lordis of Secreit Counfall will stay the Justice of ony forder proceeding: And as to the Practique betuix Eduard Johnnestoune and Johnne Broune, the samyn militatis nathing in this caice. That in that caice, Johnne Broune was convenit befoir the Counfall, for the wrangus Invaiding of Eduard Johnnestoune's wyfe, vnder clud and silence of nycht; and the proces befoir the Justice was ane persute, persewit at the instance of Johnne Broune aganis Eduard Johnnestoune, for Mutilatioune; sua that the Decreit of Secreit Counfall naways met that persute befoir the Justice: And also, as for the authoritie and power of the Lordis of Secreit Counfall, the perseweris can nevir be hard to oppone the samyn; in respect thay authorizet that judgement, callit and persewit befoir thame, as Judge-ordiner, for the factis lybellit, led and deducet probatioune eftir that the summondis was fund relevant in their fauouris, and thaireftir succumbit, as said is; and thairby, can nevir be hard to impunge the said Decreit and sentence. In respect quhairof, the allegiance standis relevant.—The Aduocat adheris to his former answert.

The Justice findis proces. Quhairupone the Aduocat askis instrumentis.

It is forder allegit, that we ar nocht disputing heir vpon the authoritie of the Counfall or of the Justice, bot infistis only on this poynt, that thai ar maid fré of the fact afoir the Counfall.—It is answert be the Aduocat, he is nather acquit be ane Affyse, nather yit be ane Remissionne.

The Justice Repellis the allegiance, *locoquo*; reserving the pannellis informationne thairof to the Affyse.—The Aduocat takis instrumentis of the Justice interlocutour.

It is allegit that the Summondis is nocht relevant, in respect that the ffactis and deidis lybellit ar nocht capitall, and can nocht be put to the knowlege of ane Affyse.—The Aduocat answertis, aucht to be repellit, in respect of the Summondis.

The Justice findis the summondis relevant; and ordanis the samyn to be put to the knowlege of ane Affyse.—The Aduocat takis instrumentis of the Interlocutour.

ASSISA.

George Hadden of that Ilk,	Robert Frenche younger of	William Hay of Lynplum,
Thomas Portious of Glenkirk,	Frencheland,	Johnne Tennant of Kairnis,
Williame Twedie of the Wrae,	James Flemyng of Spittel,	Williame Sincler of Roidding,
Mr Alex ^r Menzies of Culterrawis,	James Crawford, goldfnyth, bur-	George Hay of Monktonne,
Patrik Lanctoun elder of Erlef-	ges of Edinburgh,	Ja ^r Cranstoun of Monktonhall,
hauch,	Alex ^r Fairlie elder of Braid,	. . . Sydferff of Ruchlaw.

The Aduocat takis instrumentis of the sweiring of the Affyse; and Proteftis for Wilfull Error, gif thay Acquit.

The Pannell reptis the allegiance proponit of befoir to the Affyse; and in respect that the Decreit of Secreit Counfall gevin aganis the perseweris, efter probatioun

led be thame, *in foro contradictorio*, vpoun thair awin perfute, Barbara Johne-
stoune is declairit frie of the hail factis lybellit, the Assyse can nawayis ffyle
hir. As lykwyis, Williame Maxwell and Elizabeth Steuart are fund Clene and
innocent of the deidis and factis lybellit; that the samyn was nocht done of thair
causing, command, (or) assistance, but only of ratihabitoun,¹ eftir the committing
of the factis: That thai can nawayis be convict, be the Assyse, of the deidis ly-
bellit, as done be thair causing, command and assistance, airt and pairt: And gif
thai be clauget, as thai man be of necessitie, of the premiffis, thay can nawayis be
convict of this lybell, because ratihabitoun *per se* nather is relevant, nor induces
a cryme: And forder, befor the Stewart² of Annandaill, the hail pannel being
accuset, as culpable of the factis and deidis lybellit, and thairfoir to haif incurrit
the vnlawis for schedding of bluid; thay ar Clauget be ane condigne Inqueist,
and fund innocent, baith of the bluid and bludwyte;³ as the Decreit, heirwith
productet, beiris. In respect quhairof, the Assyse nawayis can ffyle or convict
thame; and in cais thay do, Protestis for manifest and Wilfull Errour.

The Aduocat, for informatioun of the Assyse, and to the effect thay be nocht
led and inducet to commit Errour, acceptis the Decreit of Secret Counfall
productet be the pannell, togidder with the Testimoniall of the clangeing of the
pannell befor the Stewart of Annandaill, in sa far as the samyn makis for the
perfewaris, and na vtherwayis: And first, allegis that the summondis perfewit
befor the Lordis of Secret Counfall was fund relevant be the Lordis thairof,
and the samyn fund provin, in effect and substance, aganis the said Williame
Maxwell and Elizabeth Stewart; and gif ony appeirance be of absolutour gevin
in faouris of ony of the defenderis, the samyn proceedit vpoune the Depositiones
of the Witnessis; becaus Depositiones of Witnessis can haif na forder fayth nor⁴
thay depone to knaw of thair certane knowlege; and thairfoir, that quhilk is
nocht deponit be the Witueffis to be done, in thair presence, sicht and certane
knowlege, is nocht fund provin, quhairupoune absolutour may be gevin: Bot
becaus crymes, as thai ar vnawabill of thame selfis, sa thai are devyset and
done secreitlie, in sic maner as na Witueffis can knaw the samyn; and thairfoir,
can nocht depone thairintill; thairfoir, be the lawis of this cuntrie, it is provy-
dit, that crymes neidis nocht, nor may nocht be provin be Witueffis, bot are
referrit to the knowlege of ane suorne Assyse; quhais determinatioun, according
as thay ar persuadit in thair consciences, is ane sufficient warrand to thame selfis,
and ane iust cause of convictione of the pannell; and it is sufficient to thame to
convict, gif thai find nocht cleirlye, thay can iustlie quyte.⁵ And thairfoir, albeit⁶
the Witueffis knew nathing, that was first vsed, and thairby thair Depositiones

¹ Confirmation or approval; from the Law Lat. *ratihabere*. ² Steward, *Senescallus*. ³ The
bloodwit was a fine paid for the shedding of blood. ⁴ Than. ⁵ Acquit. ⁶ Although.

gaif occasionne of sum absolutour, for laik of probatioun be thame; yit that warrandis nocht the Assyse; bot thai man ather ffyle, or commit Wilfull Error, in respect of the notoriety of this Dittay; to witt, that the Houfe of Neubie was tane, in maner contenit in the Summondis, be the perfonis quha for the famyn hes bene continuallie fugitive fenfyne; tua of thame being Williame Maxwellis feruands, and the vther thre his speciall freindis, haifing na entreis nather to tak nor keip the houfe for thame selffis, on thair awin respect, bot only at the delyre and be the causing and to the behuif of the said Williame and hail remanent defenderis: Quhilkis defenderis, pretending rycht to the said houfe and landis; as the verificatioune of tua fenerall dependances for the famyn befor the Lordis of Sessioun, heirwith product, beiris. The saidis defenderis, expresse aganis the Act of Parliament maid anent the flauchter and trubbillung of parteis, in persute and defence of thair actiones, being the 219 of the Kingis xiiij Parliament, and vtheris Actis maid thairanent, intyset and causet the saidis flugitiues violently to Afflage and tak the said houfe, persew, invaid and demane¹ the said Robert Johnestoune and his assistaris being thairintill, in maner contenit in the summondis; quhilk being committit be thame, thay nather pretendit nor retenit ony richt or possessioun thair of; bot only keipit the famyn, quhill² Williame Maxwell come to thame in all haift; to quhais behuif thay haifing tane the said houfe, thay incontinent delynerit the famyn to him; quha fend thame away vpon his awin horse, and his freindis that come with him. And as to the Gentilwomen, the said fact being lykwayis done to thair behuif, thay resset and hid the committeris, being of intentioun and preparatioune to commit the famyn; and thai ran out of the ane into the vther; and thairby suppryset the said Tour, vpon the occasioun, to the behuif, and of the ratificatioune foirsaid: Lykas, be the Decreit, it is fund to be done of the ratificatioun of the said Williame Maxwell and Elizabeth Stewart; quhilk ratihabitoune, of Law, in ane matter done to the behuif of ony man, is compairit and pwneifchet as ane preceeding command, be the first Law *de vi et vi armata*, in the xiiij paragraph, in thir wordis: ‘*rectius enim dicitur in maleficio ratihabitionem mandato comparari*’; to wit, it is richtlie said, that ratihabitoune in crymes is richtlie comparet to ane preceeding command: And the thrid Law of the said Tit. in the tent paragraph, in thir wordis, ‘*cum procurator armatus venit, et ipse dominus armis dejicisse videtur, siue mandavit, siue ut Julianus ait, ratum habuit*’; that is to say, quhan ane mannis servand cumis airmet, his maister is reput to haif expellit or reiectit with airmes, quhither he commandit, or, as Julian sayis, he ratifeit the famyn. And thairfoir, seing thir servandis and freindis come airmet and did this violent deid, be ratihabitoune of the pannell, togidder with the

¹ Treat, use, handle.² Until.

Decreit finding the famyn, makis thame giltie thairof. Lyk as, the Act 151 of the Kingis 12 Parliament, makis ane criminall Summondis to be relevant, gif it beiris that the defenderis ar airt and pairt of ane relevant cryme ; and it is trew that that cryme is fund relevant be the Justice, and remittit to the Assyse ; and the notorietye of the pannellis being airt and pairt thairof is befor deducet, feing thair knowlege of the said fact, thair benifeit rypet¹ thairby, and ratihabitoune thairof, is manifest. And as to the clengeing productet, the famyn makis aganis the producer ; becaus the perseweris, as pairtie grevit, and the Kingis Aduocat, for his hienes entreis, being necessar and only parteis, and the defenderis knawing thair awin giltines, purchest and deducet ane led Tryell, befor thair awin freindis, being bayth Judges and Assysouris ; na pairtie haifing entreis being present nor wairnit thairto. In respect quhairof, gif the Assyse Clenge, the perseweris protestis for Wilfull Errorr.—The Aduocat askit instrumentis of the sweiring of the Dittay be the perseweris, in presens of the Assyse ; as lykwyis the taiknis² productet, also suorne be thame.

It is ansuerit for the pannell, to the alledgeance immediatlie preceeding, that the Aduocat wald haif the Assyse, quha kennis³ nathing of the factis and deidis lybellit, bot the commone bruit,⁴ and be thair awin allegeance, to ffyle, nocht-withstanding that the multitude of the Witnesses productet be the perseweris could nawayis preve the fact ; thay being Witnesses, duelleris vpon the landis, and round about the famyn ; and ane grit number of thame come to the deid, and yit thay wad nocht tak it vpon thair consciences to depone ony thing by⁵ the verritie ; sua, the Assyse, quha kennis far less, can nocht convict vtherwyis nor⁶ accoirding to the first probatioun. As to the secund pairt of the allegeance, the famyn contenis only ane repetitioun of the Dittay and taiknis, and mereitis na forder ansuer nor is ansuerit of befor. As to the thrid pairt, beiring that Ratihabitoune *equo paratur mandato*, and allegeing the first and thrid lawis *de vi et vi armata* ; to that, it is ansuerit, that as, *in criminalibus*, Ratihabitoune is never relevant *per se*, sua the famyn can be comptit na cryme, nor na grund to convict the pannell ; sfor in crymes, thair is thre thingis to be considerit, airt, pairt, and ratihabitoune : *Airt*, is command, or devyse, or counsell of doing of the deid ; quhairof we ar declarit innocent : *Pairt*, is participant of the ffact ; quhairof we ar lykwayis declairit innocent : *Ratihabitoune*, is allowing of the ffact, eftir the famyn be committit ; quhilk is nawayis drawin bak to ony of the premisses, in criminall matteris : And albeit the said Williame had allowit in taking of the housè, eftir it was tane and the deid committit, yit that makis thame nocht giltie of the ffactis or deidis committit be the personis takeris of the housè, the tyme befor or eftir the taking thairof. And feing the Witnesses

¹ Reaped. ² Tokens, evidence. ³ Knows. ⁴ Excepting the common report or talk of the country. Fr. *bruit*. ⁵ Past, besides. ⁶ Than.

examinat, be thair grit ayth, hes maid the pannell Innocent and clene of the ffactis lybellit ; as lykwayis, thay ar declairit Innocent, be ane condigne fuorne Inqueist, befor thair Judge-ordiner ; the Assyse can nawayis ffyle thame, except thay commit manifest Errour, and declair contrair to the probatioun alreddie led and deducet, and depone contrair to thair awin confience and knowledge.

SPECIAL VERDICT of the *Assise*.

THE ASSYSE removet altogidder furth of Court to þe Counfall-hous, quhair þai, be pluralitie of voitits, electit and choisit the said Alexander Fairlie of Braid in¹ Chancellor of the said Assyse ; and þairefter reffonit and voitit vpon the haill heidis and poyntis of the said Dittay ; and being ryplie and at lenth advyset þairwith, and with the haill taikines and writtis producet for verificacionne þairof, allegeances and anfuers maid, *hinc inde*, in the said matter ; thay re-enterit agane in Court, quhair thay, be þe mouth of þe said Alexander Fairlie, ffand, pronuncet and declairit the saidis Williame Maxwell, Barbara Johnnestoun his spous, and þe said Elizabeth Stewart hir moþer, to be ffylet, culpabill and convict, as followis, viz. THE said *Williame Maxwell* of Gribtoun, to be ffylet, culpabill and convict off airt and pairt with the saidis Eduard Maxwell, broþer to þe Laird of Couhathie, Thomas Jardane callit of Birnok, James Jardane, fervand to the said Johnne Lord Hereis, Johnne McBrair and Robert Johnnestoune callit of Brwme, of the violent taking of the said Tour and ffortalice of Newbie ; committit be the saidis fyve perfones, the tyme contenit in the said Dittay. THE said *Elizabeth Stewart*, to be ffylet, culpable and convict off þe reffet of the saidis fyve perfones, quha committit þe crymes specifeit in the said Dittay, and of the Ratihabitoune of þe violent taking of þe said Tour and ffortalice of Newbie : AND þe said *Barbara Johnnestoune* to be ffylet, culpable and convict of the Ratihabitoune of the violent taking of þe said Tour and ffortalice of Newbie, be þe saidis fyve perfones takeris þairof. AND siclyk, ffand and declairit þe saidis Williame Maxwell, Barbara Johnnestoune his spous, and þe said Elizabeth Stewart hir moþer, to be Clene, Innocent and Acquit of the haill remanent crymes and poyntis contenit in the foirsaid Dittay, viz. of airt and pairt of þe vfurpatioun of our fone-rane lordis autoritie, in besageing of the said hous, convocatioun of his Maiesteis leigis, beiring and weiring of hagbuttis and pistoletis, contrair the temour of the Actis of Parliament, Invaiding, schuitting, hurting and wounding of þe saidis Robert Johnnestonn, Eduard Johnnestoun and Airthour Johnnestoun, his hienes frie subiectis ; and Invaiding and taking of thame captiues and priffoneris, be way of Hamefukkin and ffirthocht ffellonie, binding of pair handis behind pair bakis, and schuitting and expelling thame violentlie furthe of the house and ffortalice foirsaid ; committit be þe saidis fyve perfones, takeris þairof, þe tyme and in maner aboue writtin, mentionet in the said Dittay.

Jun. 25.—The Justice continued the case to the 28th of Junij. ‘ Plegio, Alexandro Stewart de Gairleis, sub pena in Acto predict.’

Jun. 28.—Alexander Stewart of Gairleis become pledge and fouertie for Williame Maxwell of Gribtoun, &c. to enter and present thame befor the Justice and his deputis, in the Tolbuith of Edinburgh, the thrid day of Julij nixtoem, in the hour of cause, to heir dome pronuncet vpon thame ; vnder the panes following, viz. ffor the said Williame, vnder the pane of V^m li. (£5000,) and for the saidis Elizabeth and Barbara coniuunctlie, vnder the pane of vther fyve thousand pundis.

Jul. 3.—Alexander Stewart of Garleis of new becomes pledge and fouertie, that thai and ilk ane of thame fall compeir befor the Justice or his deputies.

¹ To the office of.

quhair evir thay or ony of thame fall be charget, vpone xv dayis wairning, to heir and sie dome pronuncet, &c. ilk ane of thame vnder the pane of tua thousand merkis. Maxwell binds himself to 'warrand releif and keip skaythles' the said Alexander Stewart.

Slaughter.

JUN. 26.—JAMES GLEDSTANES of that Ilk.

Dilaitit ffor airt and pairt of the Slauchter of vmq^{le} Thomas Peiblis, burges of Peiblis; committit in the moneth of Februare, I^mV^c.lxj yeiris, vpone the landis of Kaidmure, befyde the said burgh of Peiblis; vpone set purposis, profioune and floirthocht fellony.

PERSEWERIS.

Thomas and Johnne Peiblis, as fones; Johnne and David Peiblis, fones to the said Thomas, (Junior.)
PRELOCUTORIS for the pannell, Laurence Scott.

The pannell tuik him to our fouerane lordis Respett, producet be him, vnder his Maiesteis Priuie Seill, of the dait the . . . day of Junij instant.

It is allegit be the perseweris, that the Respett producet be the pannell aucht nocht to be admittit, in respect the famyn is grantit contrair to the Act of Parliament; na Letter of Slanes being grantit be thame, for Assythement of the partie.—It is anfuert be the pannell, the allegiance aucht to be Repellit, in respect of the Respett; and that thai ar willing to fatisfie, conforme to the lawis of this realme, and offeris Cautioune to that effect.—Quhilk Respett the Justice admittit, and ordanit the said James to find cautioune, &c.: Lyk as, Johnne Gledstanes of Wynnintoun-hauch and Mr Johnne Rutherford, bailzie and burges of Jedburgh, become bundin and obleist, coniunctlie and feuerallie with the said James Gladstanes of that Ilk, his selff, to fatisfie the partie for the Slauchter of the said vmq^{le} Thomas Peiblis.

Murder under Trust.

JUN. 27.—JAMES KYNNAIRD, sone to the Laird of Incheture,¹ Williame Haitlie in Balgawie, Williame Kynnaird, sone to the Laird of Kynnaird.

Dilaitit, accuset and perfewit be Siluester Chopman in Kindevin, conforme to our fouerane lordis Letteris, raifit and direct at the instance of Marioun Chopman, as mother, Margaret Scherp, as sifter, the said Siluester Chopman and Thomas Chopman in Ragolny, as mother-brether,² with the remanent kyn and freindis of vmq^{le} Johnne Scherpe, seruitour to the Laird of Ruthven, aganis the saidis Williame, &c. and als aganis James Ramfay in Flacraig-mylne; as thay that war culpable and giltie of the crymes contenit in the DITTAY following.

¹ Vmq^{le} Patoun Kynnaird.

² Maternal uncles, mother's brothers.

FORSAMEKILL as the saidis Williame Kynnaird, &c. haifing laitlie, vpon the ffyft day of July, the yeir of God, 1^m. fax hundreth and thre yeiris, conuenit thame selfis within the toun of Rait, quhair the said vmq^{le} Johnne Scharp was for the tyme, attending¹ the cuming of certane his freindis and gentilmen that war at the buriall of the Laird of Bandane, and doand vtheris his lauchfull effairis and bussines, lipning for na harme, iniurie or perfute of ony perfones, bot to haif leuit vnder Godis peax and our fouerane lordis: And thair, in all hamelic and freindlie maner, come to the said vmq^{le} Johnne, and requeistit him to pas with thame to the drink; quha, vpon meir simplicitie and benevolence, past to ane drinking hous with thame, and haifing fallin in reffoning with the said vmq^{le} Johnne, anent sum speiches that past betuix him and the said James Ramfay in Flacraig-mylne a few dayis befor; the saidis perfones in the meane tyme directit one of thair companie for the said James Ramfay, desyreing him to cum to thame, and thay fould assist him to be reuengeit on the said vmq^{le} Johnne: At quhais cuning, the foirsaidis perfones, togidder with the said James Ramfay, being all bodin in feir of weir, with fuordis, quhingeris, gantilletis, plait-flevis and vtheris wappones, *inuafue*, incontrair the tennour of the Actis of Parliament, fett vpon the said vmq^{le} Johnne Scherp, vnder trest, and maist traterusslie and barbarusslie, everie ane of thame with thair drawin wappones foirsaidis, perfewit him for his slauchter; and as murthereris, thevis and brigganis, haifing drawin the said vmq^{le} Johnne to drink, as said is, strak the said vmq^{le} Johnne in dynerse pairtis of his body, and gaif him nyne bludie and deidlie woundis, viz. thre straikis in his heid, thre in his bak, ane throw his wambe, ane vther vnder his okter, and tua vpon his schoulder blaid: Off the quhilkis straikis and crewall woundis the said vmq^{le} Johnne immediatlie deceffit amangis thair handis. And the saidis perfones, and ilk ane of thame, ar airt and pairt of the said crewall Murthour and Slauchter, committit vnder trest, vpon set purposis, prouifoun and foirthocht fellony; in hie and manifest contempt of our fouerane lord, his hienes auctoritie and lawis; and to the evill exampill of vtheris, his Maieftis obedient subiectis, to commit the lyk sehamefull and barbarus crueltie and Murthour, in tymes cuning, gif the foirsaidis perfones committeris thair of be sufferit to remane vnpwneifchet.

VERDICT. Lauchfull tyme of day biddin, and (the perfeweris) nocht compeirand,² the Justice-depute patt the saidis Williame, &c. to the knowlege of ane Assyse, who all in ane voce, be the mouth of Robert Hog in Gally, sumtyme fervand to my Lord Marshell, chancellor, ffand the saidis Williame, &c. to be Clene, innocent and acquit of airt and pairt of the fellowne and crewall Slauchter of the said vmq^{le} Johnne Scherp, and haill circumstances aboue writtin. Quhair-poune the saidis defenderis askit instrumentis.

[*Mr Williame Hairt and Mr Williame Borthuik, Justices-Deputes.*]

Masterful Chest — Stouthreit — Lifting of Cattle, &c.

JUN. 28.—JOHNNE ELLOTE of Copschaw, Robert Ellote, his sone, Johnne Rutledge and Adam Rakefe, fervandis to the said Johnne.

Being enterit on pannell, quha war summond be vertew of our fouerane lordis letteris, purchest at the instance of Hectour Trumbill of Wauchope, Thomas Trumbill, younger of Wauchope, George Trumbill, secund lauchfull sone to the said Hectour, George Trumbill in Wauchope, Thomas Scheill thair, Hob Olipher thair, Harie Trumbill thair, Pait Trumbill thair, Gawin Trumbill in Bullerwall,

¹ Waiting. Fr. *attender*. ² The matter had been compromised with the relations of the deceased, &c. and by the absence of the pursuer, and no evidence being produced, the Jury acquitted the pannell.

Adame Trumbill in Wauchope, and Eduard Scheill in Langhauch : And perfewit be the saidis Thomas T. younger, and George his brother, for thame selffis, and in name and behalf of the said Hectour Trumbill of Wauchope thair fader, and haill remanent perfoness aboue writtin, thair tementis, of the crymes following.

DITTAY against the Pannels.

FORSAMEKILL as the saidis Johnne Ellote, &c. with thair complices, to the number of ane Hundreth perfoness, allswell brokin-men and borderaris of England, as of Scotland, all bodin in feir of weir, with jakis, speiris, fleil-bonnettis, lances, lang-lagbuttis, daggis and pistolettis, expresse prohibeit to be borne, worne, vsed or schote with, be the Actis of Parliament, laitlie, in the moneth of September, the yeir of God, I^m. fax hundreth and tua yeiris, come opinlie, in the day lycht, to the landis of Wauchope; and thair, be way of Maisterfull thift and Stouth-reif, staw, rest and away-tuik, of the saidis landis, fourfcoir of ky and oxin, ane hundreth scheip, and tuelf horse and meiris, pertening to the saidis perfeweris; had and convoyit the samyn away with thame, and disponit thairupoun at thair pleafour: And thay and ilk ane of thame ar airt and pairt of the saidis crymes of Thift and Stouth-reif; ffor the quiblik thay aucht and sould be pwneifhet, conforme to the lawis of this realme, in exampill of vtheris.

PERSEWERIS, Thomas Trumbill, younger of Wauchope, George Trumbill, his brother.

PRELOCUTORIS for the pannell, Mr Alexander King, Robert Elliot, Mr Thomas Henderfoune.

The perfeweris protestis for Wilfull Errour, in caice thay acquit; in respect of the notorietie of the fact, and that thay haif gewin thair aithes thairvpoune.

Hectour Trumbill, elder, and the remainder of the pursuers, find Robert Home, younger of the Heuch, as cautioner, that they shall ratify whatever Thomas and George Trumbill do in their names, in this perfeit; and 'William Erle of Angus band and obleist him, his airis, executouris and successouris to warrand, releif and keip skaythles the said Robert Home, his airis, executouris and assignais, of his cautionurie foirsaid, and of all danger, perrell and expensis that he may incur thairthrow.'

VERDICT. The Assyse, be the mouth of Robert Wauch of Keip, chancellor, stand the saidis perfoness to be Cleane, innocent and acquit, &c. Quhairupoun the saidis perfoness on pannell askit instrumentis.

[*Mr Williame Hairt, Justice-Depute.*]

Mutilation and Demembration.

Jul. 2.—JOHNNE HAMMILTOUNE, Perfone of Crawford-Johnne, Airthour Colquhoun, than his servand, now in Kirmure, Gawin Murray of Vdstounheid.

Dilaitt of airt and pairt of the Hurting, Wounding and Mutilatioune of Alexander Lokhart, Tutour of Wikketschaw, of his left hand, and demembring of him of his mid-finger, nerrest his littill finger, of his said hand: And beiring and weiring of pistolettis; committit in Apryle, I^m.V^c.lxxxv yeiris.

Robert Chancellor of Sheilhill become pledge and fouertie, that thai and ilk ane of thame fall compeir befor the Justice or his deputis, the thrid day of the nixt Justice-air of Lanerk, or soner, vpone xv dayis wairning, to vnderly the law, &c.

Slaughter.

Jul. 3.—CHAIRLES CARUTHERIS of Warrambie.

Dilaitit of airt and pairt of the Slauchter of vniq^{le} Roger Gordoun in Lochinkitt.

PERSEWER, Roger Gordoune, brother-sone.

Continued to the air of ‘ Annandaill, tertio Itineris, (vel super premonitione,) xv dierum.’

Forcing (Rape.)

Jul. 3.—WILLIAME BELL, workman in Edinburgh.

Dilaitit, accuset and persewit be Jonet Falconer in Karingtoun, ffor the forcing of hir aganis hir will ; and drawing hir furth of the way at Boddorne-mure, betuix Caringtoun and Lefuaid, and abusing hir in ane coill-pott-hoill ; scho being ane young maid of tuelf zeiris of age, or thairby, &c. ; committit the xxj day of Junij lasthypsast, about tuelf houres in the day.

VERDICT. Eftir accusatioun of the said Williame Bell, be Dittay, of the saidis crymes, and verificatioun thair of be the said Williamis Depositiones ; the Assyse, be the mouth of James Ramsay in Caringtoun, chancellor, stand, pronuncet and declairit the said W^m Bell to be flylet, culpable and convict of the saidis crymes.

SENTENCE. To be tane to the mercait-croce of Edinburgh, and thair to be hangit vpon ane gibbet, quhill he be deid ; and all his moveabill guidis and geir to be escheit, &c.

Slaughter.

Jul. 4.—JAMES TAIT in Kelfo, brother to George Tait of Bairerfe.

Dilaitit, accuset and persewit by Williame Tait of Chirritreis, as father, Williame and Johnne Taittis, his sones, as brether, with the remanent kyn and freindis of vniq^{le} James Tait, sone to the said Williame Tait of Chirritreis, off airt and pairt of the crymes following, viz.

FORSAMEKILL as the said James Tait in Kelfo, with his complices, being all bodin in feir of weir, with suordis, knapska-bonnettis,¹ lances and pistolettis, expresse prohibeit to be borne, worn, vsed or schot with be our souerane lordis Actis of Parliament, in the moneth of July, the yeir of God I^m.Vc. lxxxxvij yeiris, haifing confaet ane deidlie feid, rancour and malice aganis the said vniq^{le} James Tait, come to the Grene of Chirritreis, quhair the said James was, in sober and quyet maner, &c., and thair fet vpon him, and with thair pistolettis and suordis, maist schamefullie, crewallie and vnmerefullie slew the said vniq^{le} James Tait : And the said James Tait in Kelfo is airt and pairt of the said slauchter ; committit vpon sett purposis, prouisioun and foirthocht felony, in hie and manifest contempt of our souerane lord, &c.

PERSEWERIS, Williame Tait, Johnne Tait, as brether.

PRELOCUTOURIS for the pannel, Mr Thomas Craig, Mr Thomas Henderfoune.

VERDICT. The Assyse, (amongst whom, Thomas Ker of Pryoraw, Thomas

¹ A steel bonnet, or skull-piece.

Tait of the Hoill, and Johnne Ryddell, appeirand of that Ilk¹) be the mouth of Johnne Mow of that Ilk, chancellor, ffand the said James Tait in Kelfo, to be Cleane, innocent and acquit of airt and pairt of the said Slauchter. Quhairvpon he askit instrumentis.

[*Mr William Boirthuik, Justice-Depute.*]

Perjury before the Lords of Council and Session.

Jul. 10.—MR WILLIAME CARBRAITHE (GALBRAYTHE), sumtyme Minister at Pennycuik.

Dilaitit of Periurie, in deponing contrair to his former Depositiones, eftir he was re-examinat thairupone, in the cause perfewit be the Tennentis of Laffudane, contrair Sir Johnne Ker of Hirfell, knycht.

DITTAY *against the Pannel.*

FORSAMEKILL as the said Mr Williame Galbrayth, compeirand befor the Lordis of Counfall and Sessioun, vpon the thrid day of July instant, as he that was sammond to compeir befor the saidis Lordis, to heir witnessing in the cause perfewit be the Tennentis of Lessudane aganis Sir Johnne Ker of Hirfell, knicht, anent the resait of certane evidentis and writtis be the said Sir Johnne, pertening to the saidis Tennentis, maid his Depositione as followis, viz.—‘ MR WILLIAME GALBRAITHE, Minister, of the age of fourtie yeiris, or thairby, *solutus*,² Deponis, that in the yeir of God I^m.V^c. fourfoir fevintene yeiris (the speciall tyme and day rememberis nocht,) the Deponar, being in James Kingis chalmer in Edinburgh, quhair he presentlie duellis, quhair he saw present, for the tyme, Sir Johnne Ker of Hirfell, knicht, ane of the defenderis; Oliver Sincler of Ravinfuik; Enoche Dewar, servand to the said Olipher; Adame Scheill, servand to vmq¹⁰ Mungo Tennent, and the said James King; and in all the saidis perfonis prefens, Oliuer Sincler presentit vpon the buird,³ in all thair prefens, ane littill box, coverit with ledder, of Flanderis mak;⁴ and the said Oliuer said to the said Laird of Littildane, “ Thir ar the writis quhilk I promiseit to lat 50w sie;” and then the box being opnit, James King tuik out all the saidis evidentis furth of the said box, in all thair prefens, and red the samyn, ane be ane. *Interrogatus*, vpon the perticuler contentis and daitis of ilk ane of the saidis evidentis, rememberis perfytlie, that all the evidentis than red be the said James King maid mentioun and dispositioun of the landis of Lessuddane and Newtown; and rememberis that ane of the saidis Chartouris bure dispositioun of the foirsaidis landis of Lessuddane and Newtown to Airthour Sinclair, and his airis mentionat thairin; and rememberis nocht of ony forder particuler contentis of the foirsaidis evidentis; bot fayis, that thair was ane grit quantitie of thame, all in parchement, and haiffand feillis: And immediatlie efter the reiding of the saidis writis, thay war all put within the said box agane; and ane Obligatioun maid and writtin in all the foirsaidis parteis prefens, beirand the said Sir Johnne Ker to be bundin and obleift to the said Oliver Sincler in the sowe of Fyve hundreth merkis money, how sone he or ony of his fould obtene the richt of the landis of Lessuddane: And this Deponer saw the said Sir Johnne Ker subseryue the said Obligatioun; and James King and this deponer subseryuit the same Obligatioun, as witnes: And at the samyn tyme, Sir Johnne Ker and his servandis tuik away the said box with thame, and the said Oliuer Sincler tuik the said Sir Johnne Keris Band with him; and sen that tyme, the deponer newer saw ony of the foirsaidis evidentis, in ony of the defenderis handis, nor in nane vther perfonis handis; *reddens causam scientie*, becaus this Deponer was present, hard and saw as he deponit.’—ESTIR the making of the quhilk Depositione, the said Mr Williame Galbraithe being re-examinat, vpon the fourt day

¹ The remainder are fenars.

² According to more modern form, ‘purged of malice and partial counsel.’

³ Board, table.

⁴ Manufacture, workmanship, *make*.

of July instant, in prefens of my Lord Chancellor and hail remanent Lordis of Sessioune, he past fra his former Deposition, maid be him the said thrid day of July, and declairit the samyn Deposition to be altogidder ffals and vntrew in the self; and that he was nevir in James Kingis Chalmer, quhair he saw the evidendis delyuerit to Sir Johnne Ker, nather yit saw he euir Oliver Sincler and Sir Johnne Ker, togidder, in James Kingis chalmir; nor newir saw he aue Obligiatioun subferyuit be Sir Johnne Ker to Oliuer Sincler; nor nevir subferyuit the samyn as witnes: And being inquyret, quha movit him to mak the said Depositione? Declairit, that Daudie Plumbar sehew him aue Obligiatioun, extractit and subferyuit be the Clerk of Register, allegit subferyuit be Sir Johnne Ker, quhair he was witnes, as was allegit; and bad him Depone, conforme to the Obligiatioun: The quhilk Obligiatioun, eftir the ficht thairof, movet the deponer to depone as he deponet; and said, that he gat only fra Daudie Plumbar his denmar, yisterday, and fourtie schillingis eftir his denner. As at mair lenth is contenit in the saidis Depositiones. BE the making of the quhilkis tua contrair Depositiones, the said Mr Williame Galbraithe hes schawin him self to be manifestlie Periuret, ffalse, and vntrew: For the quhilk Periurie and ffalfet he aucht and fould be puneifchet, conforme to the Lawis of this realme, in exam-pill of vtheris.

Quhilk cryme aboue writtin, the said Mr Williame confessit to be of veritie; and offerit him self, and become in our fouerane lord and his hienes Counfallis Will for the samyn; quhome the Justice ressaunt in will. And thairfoir the said Justice-depute, at command and for obedience of aue Warrant directit to him, of the dait, the tent day of July instant; subferyuit be my Lord Chancellor and vtheris Lordis of his Maiesteis Secretit Counfall; quhair of the tennour followis.

DECIMO Julij, 1605. THE Lordis of Secretit Counfall ordanis the Justice-generall and his deputis to gif this dome following, vpoun Mr Williame Galbraithe, eftir that he be convict of Periurie befoir thame, or pat he becum in will, viz. That he fall be tane to the mercait-croce of Edinburghe, with aue paiper on his heid, declairand him to be Men-sworne, Perjuret and Infamous, and to Banifche him the Ile of Britane for euir: And that he depairt furth of the said Ile, betuix and the fyftene day of August nixtocum; and gif euir he repair within the famin Ile agane, without the Kingis Licence, or 5it fall remane within the samyn, and nocht depairt furth pairof, betuix and the said fyftene day of August nixtocum, that he fall be execute to the daith, without any forder dome to be gevin vpone him.

(Sic subferibitur) AL. CANCELL(arius,) SECRET(arius,) QUIHTTINGHAM, R. COKBURNE.

SENTENCE. The Justice, be the mouthe of James Henderfoune, dempfter of Court, decernit and ordanit the said Mr Williame Galbraithe to be tane to the said mercait croce of Edinburghe, and thair to stand, for the space of aue hour, or thairby, with aue paper vpone his heid, contening thir woirdis, in grit letteris, ‘MENSUORNE, PERIURET AND INFAMOUS:’ And to be Banifchet the Ile of Britane for euir, &c.¹

[*Mr Williame Hairt, Justice-Depute.*]

Sorcery — Witchcraft, &c.

Jul. 23.—PATRIK LOWRIE, in Halie (Ayrshire.)

Dilaittit, accuset and persewit, be Sir Thomas Hammiltoun of Monkland, knyght, aduocat to our fouerane lord, for his hienes entreis, off the crymes fol-

¹ The terms of the Council's Warrant are recited.

lowing, viz. FOR consulting with vmq^{le} Jonet Hunter, ane notorious Witche, and quha was execute to the daith for Sorcerie and Witchcraft: Quhilk vmq^{le} Jonet and the said Patrik, at Witfouday, in the yeir of God I^m.V^c. and four yeiris, convenit thame felffis vpon the cowmoun waist Sandhillis in Kyle, maist ewest¹ to the burgh of Irwing; quhair the Devill appeirit to thame and conferrit with thame, vmq^{le} Katharene M^cTeir, ane vther Witche in Halie, and Margaret Duncane in Lones being alsò in companie with thame, at the samyn tyme. AND siclyk, the said Patrik, being in company with the saidis vmq^{le} Jonet Hunter, Katharene M^cTeir and Margaret Duncane, Witches, Sorcereris and abuseris of the peopill, att Hallowevin, in the yeir of God foirsaid, assemblit thame felffis vpon Lowdon-hill, quhair thair appeirit to thame ane devillische Spreit, in liknes of ane woman, and callit hir selff Helen M^cbrune; att the quhilk tyme, efter lang consultatioune had be thame with the said wikkit Spreit, the Devill, in the liknes of the said Helen M^cbrune, presentit to the said Patrik ane hair belt; in ane of the endis of the quhilk belt appeirit the similitude of foure fingeris and ane thombe, nocht far differrent frome the clawis of the Devill: Lyk as, the samyn belt, being presentit be the said Jonet Hunter to the persones that past vpon hir Assy^{te}, the tyme of hir Convictionne for the said cryme of Witchcraft, was brunt in ane ffyre. LYK AS, at dyuerse tymes thaireftir, thay assemblit thame felffis, in dyuerse Kirkis and Kirk-⁵airdis; quhair the said Patrik, and remanent his affociatis foirsaidis, raist and tuik vp findrie deid persones furth of thair graves, and dismemberit the saidis deid corpis² for the practizeing of thair Witchcraft and Sorcerie. ITEM, for airt and pairt of the Bewitcheing, be Inchantment and Sorcerie, of Bessie Saweris coirnes, and taking away the substance and fisnowne³ thairof, be the space of ten yeiris, yeirlic astir vtheris.⁴ ITEM, for airt and pairt of the Bewitcheing of certane milk ky, pertening to Johnne Fergushill, younger in Halie, at Beltane, I^m.Vj^c. and foure yeiris; quhairby the said ky gaif na milk bot bluid and worsome⁵ thaireftir. ITEM, ffor cureing, be Inchantment and Sorcerie, of vmq^{le} Margaret M^cguffok, callit ‘the Witch of Barneweill,’ hir horse, quhairon seho raid; committit a tuentie yeir syne, or thairby. AND siclyk, ffor laying ou of Sorcerie and Inchantment and devillery vpon Jonet Lowrie, the streking of hir blind; and be cureing and taking af of the said Witchcraft af hir agane, and restoiring hir to hir former sight. ITEM, for cureing and helping, be Inchantment and Sorcerie, of Elizabeth Craufurdis bairne in Glesgow, quha had bene deidlie seik of ane strange incureabill diseise, be the space of aucht or nyne yeiris ofbefoir, be taking ane clayth af the said bairnes flace, and sayneing and

¹ Nearest. ² This seems to have been a favourite practice. It is elsewhere called ‘*jointing*,’ (jointing) as may be seen in the description of the midnight orgies of Annie Samson and others of the unhappy wights who suffered for their deceptions of this sort. ³ ‘*Fushion*’ (*foison*.) pith, strength, flavour, &c. ⁴ For ten successive years. ⁵ Blood and purulent matter.

croceing with his hand the said bairnes face; keeping of the said clayth, be the space of aucht dayis; and thaireftir, haifing returnit to hir with the said clayth, couerit hir face agane thairwith, quha sleipit a tua dayis altogidder, and walknit nocht; and at the tua dayis end, ane of the said barnes eyne, that was ofbefoir tynt, throw the said diseafe, was restoirit to hir; and within fyve dayis thaireftir, the said barne was, be the said Inchantment, curret and mendit be the said Patrik. AND finallie, for ane Cowmone and notorious Sorcerer, Warlok and abuser of the peopill, be all vnlawfull charmes and devillifche Incantationes, vset be him, this xxiiij yeir bygane.

For the quhilkis crymes *respectiue* aboue writtin, the said Patrik Lowrie was put to the knowlege of ane Assyse.—The Aduocat askis instrumentis of the sweiring of Assyse.

MR DAVID MYLL,¹ being sworne, att the defyre of Patrik Lowrie, to mak Declaration of his brute² and behaviour; deponit that he wes bruteit and comounlie callit ‘Pait þe Witch!’ And declaris, he gatt his fatheris mafoune,³ and said he wald mak ane ill end: And declaris, that he wes ordanit to mak his repentance, for the brute and sklander he sustenit; and that he maid his repentance.

And thaireftir the said Patrik Lowrie defyrit the Justice and Assyse to trow⁴ the said Mr David Myll.

My Lord Aduocat protestis for Wilfull Errorr, in caice thay acquit him of the Dittay.

VERDICT. Eftir accufation of the said Patrik, be Dittay, of the crymes *respectiue* aboue specifeit, and verificatioun of the samyn, be productionn of certane writtis be the said Sir Thomas Hammiltoun, aduocat; the Assyse, all in ane voce, be the mouthe of Johnne Wallace in Lonese, chancellor, stand, pronuncet and declairit the said Patrik to be flylet, culpabill and convict of the haill crymes *respectiue* aboue specifeit.

SENTENCE. The said Justice-depute decernit and ordanit the said Patrik Lowrie to be tane to the Castell-hill of Edinburgh, and thair to be wirreit at ane staik, quhill he be deid; and thaireftir, his body to be brunt in asches; and his haill moveabill guidis and geir, gif he ony hes, to be efcheit, &c.

Fire-raising — Taking Captive and Prisoner, &c.

Jul. 24.—INGRIE AIRMESTRANG in Inzieholme;⁵ Archie Airmestrang of Flaskholme.

Dilaitit of airt and pairt of the tressonabill Raifing of ffyre, [within the Houfe of the Langholme?] burning and deftroying thairof, pertening to Harbert Max-

¹ Probably the Minister of the parish where this unhappy creature dwelt.
reputation. Fr. *bruit*.

² Curse, malediction.

³ Credit, believe.

⁴ Report, fame,

⁵ See Vol. II. p. 450.

wall of Kavenfe : Taking of the said Harbert captiue and priffoner : Schuiting of hagbutis and pistolettis, &c.

Mathow Findlafoun of Killeyth become pledge and fouertie for Ingrie, and Archibald Batie, burges of Dumfreis, for Airchie Airmeftraug, that thay fall compeir befor the Justice or his deputis, the thrid day of the nixt Justice-air of the scherefdome of Dumfreis or Stewartrie of Annandaill, quhair thay duell ; or foner, vpone xv dayis wairning, to vnderly the law, &c. ; aither of the saidis perfones vnder the pane of Fyve hundreth merkis money.

Slaughter.

Jul. 25.—GEORGE ANGUSE, notter ; James Blair, burges of Air ; David Kennydie of Corflis ; and Gilbert Grahame, younger of Craig.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Richerd Spens, seruant to the Erle of Cassillis.¹

PERSEWERIS, Richerd Spens, in Vgftoun, as father ; Robert Spens, his sone, as brother.

The perfeweris passis *simpliciter* fra the saidis George Anguse, &c. and declairis thame to be Innocent of the said Slauchter : Quhairupoun the saidis perfones on pannell askit instrumentis, and protestis for releif of thair cautioneris ; and that thai be nocht callit or perfewit for the said cryme, in tyme cuming.

Slaughter.

Jul. 26.—ALEXANDER BRUNTFEILD of Hardaikeris, and Nicoll Bruntfeild, sone to the Guidman of Eistfeild.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Johnne Bruntfeild, younger in Tennendrie.

PERSEWER.

Robert Bruntfeild, as brother.

PRELOCUTOURIS for the pannell.

Mr Johnne Ruffell, Mr Williame Oliphant.

It is allegit be the pannell, that the defunct, for quhais slauchter thai ar perfewit, was slane at the horne, for four feuerall cauffis, contenit in the four Hoirningis presentlie product be the pannell : Vpoun productioun quhairof, the pannell tuik instrumentis ; and the pannell protestit, that the producing thir Hoirningis fould nawayis affirme thame to be culpable of the factis lybellit.—Continued to Nov. 24.

Nov. 28.—Robert Bruntfeild, fear of Todrig, and Nicoll B. of Quhyte-hous become pledge and fouertie, conjunctlie and feuerallie, that thay fall compeir befor the Justice or his deputis, the thrid day of the nixt Justice-air of the scherefdome, quhair they duell (Roxburghe,) or foner, vpone xv dayis wairning ; vnder the pane of ane thousand merkis for the entrie of the said Alexander, and 500 for the said Nicoll.

¹ See Dec. 6, 1605.

Murder under Trust — Stouthreif — Adultery, &c.

Jul. 26.—WILLIAME ROISE of Duinkeithe.

Dilaitit, accufet and perfewit be Sir Thomas Hammiltoun of Mounkland, kny^t, Aduocat to oure fouerane lord for his hienes interes, of the crymes following, viz.

FORSAMEKILL as it is flatute and ordanit be our fouerane lordis Actis of Parliament, that the Murthour or Slauchter of quhatfumewir his Maiefteis liegis, quhair the pairtie is flayne vnder traift, credite, affurance and power of the flayer, all sic Murthouris and Slauchteris to be committit in tyme enning, eftir the dait of the faid Act, quhilk is of the dait the xxix day of Julij, the yeir of God, 1^m.V^o.lxxxvij yeiris, the famin being lauchfullie tryit, and the perfoune dilatit, ffund giltie be ane Affyife thairof, falbe Treafoun; and the perfounes fund culpabill fall fforfalt lyffe, landis and guidis: As the faid Act att mair lenth beris. AND trew it is, that the faid Williame Roife, haifing concludit in his haert the crewall Murthour and Slauchter of v^mq^{le} Alexander Gybfoune in Nig; ffor performance of his wicket intentionn, he, accompaneit with Farquhair Roife, domeftik fernitour to Nicolas Roife of Pitcalany, Andro Graffich, fone to Alexander McGilliepedder and Thomas Mcconchie, vponne the fourt day of Februar laftbypaft, being Monunday, he being vnder freindfchip and familiaritie with the faid v^mq^{le} Alexander, trytit to meit the faid v^mq^{le} Alexander, in Huchfoun Brabneris hous in Pitcallene; quhair the faid Williame Roife and his compliceis foirfaidis, in ane maift freindlie and loving maner intertineit, vnder traift of affurance, the faid v^mq^{le} Alexander all the day, till the ewening, drinking and making mirrie: And about aucht houris att ewin, vponne the famin day, being ane dark nycht, baith mark and moneles,¹ convoyit and broecht the faid v^mq^{le} Alexander furth of the faid Huchfoun Brabneris hous, and caufit him to vnderftand that he wald tranfport him to his awin hous; att the quhilk tyme, he maift treffonablie drew and convoyit the faid v^mq^{le} Alexander out of the way, to ane burne-fyde, nocht far diftant fra the faid Huchfounis hous, he being than vnder the faid Williamis traift, credite and affurance, lipning for na harme, iniurie or hurt to haif bene done to him be the faid Williame and his complices, that war with him in his company, bot to haif bene preferuit and defendit be him thair. Efter the faid Williame, in forme of freindfchip and familiarite, defyrit the fychet of the faid v^mq^{le} Alexanderis fword, the faid Williame and his complices maift treafonablie difarmit him of his armour and wappinnis that wes about him, and maift treafonablie mordreift and flew him, ffyrft be ftryking aff his . . . hand, nixt be gewing to him ane crewall and deidlie fraik in his heid, with ane half lang fword, and diueris vtheris crewall and deidlie woundis in diueris vtheris partis of his body; and thairby, maift crewallie and treffonablie, vnder traift, freindfchip and affurance, mordreift and flew the faid v^mq^{le} Alexander Gybfoune; and he wes airt and part of the faid crewall and treffonabill Murthour; ffor the quhilk he aucht and fould be pwneift as ane Traittour, viz. be ffoirfaling of his lyffe, landis and guidis. To the takin² that he wes culpabill of the faid treffonabill fact, he immediatlie eftir the committing of the faid crewall Murthour, and to the intent the famin fould nocht haif cum to lycht, he delyuerit to the faid v^mq^{le} Williame McStein, his cotter, the foun of foure fchilling, and the faid Farquhar Roife gaif vther four fchilling, to the faid Andro Graffich, for bureing³ of the faid v^mq^{le} Alexander in the eird,⁴ or cafting of him in the fea: Lyke as, the faid v^mq^{le} McStein and Andro Graffich, being thaireftir tane and apprehendit for the faid fact, be thair Depofitiounis, grantit and confeffit that the faid Williame wes the principall ftrykear and mordreifar of the faid v^mq^{le} Alexander, with his awin hand; and att the place of execution, quhair thay fufferit, thay pafit to death thairwith. To the takin alfo, the faid Williame Roifis being perfewit before our fouerane lordis Juftice, to haif vnderlyne the law for the faid cryme, he pafit to the horne, and continewallie fenfyne hes bene fugitiue thairfoir; as the Letteris prefentit beris. ITEM, the faid Williame, being indytit and accufit, fforfamekill as it is flatute and ordanit, be diuerfe our fouerane lordis Actis of Parliament, fpeciallie, be ane Act of his

¹ Dark (*mirk*) and moonless.² In token or testimony.³ Burying.⁴ Earth, ground.

hienes ellewint Parliament, begun and hauldin att Edinburgh, the xxix day of Julij, 1^m.Vc.lxxxvij yeiris, that in caice it fall happin ony landit men to be lauchfullie and ordourlie convict of the crymes of Commoun Thift, Reffett of thift, or Stouth-reiff, in tyme cuming, thay fall incur the cryme and payne of Trefboune, that is to fay, tynfall¹ and fforfaltour of lyffe, landis and guidis; as the said Act att mair lenth beris. And trew it is, that the said Williame Roife of Dunkeith, being ane landit gentilman and heretour of the saidis landis of Dunkeith, accompaneit with the perfonnes foirfaidis, his complices, immediatlie at the tyme of his trefsonabill Murthring and flaying of the said v^mq^{le} Alexander Gibfoun, in maner and at the tyme aboue writtin; he, be way of Maitterfull Thift and Stouthe-reiff, trefsonable, violentlie and thiftiounlie staw, conceillit, reffett, rest and away-tuik, fra the said v^mq^{le} Alexander, the fowme of ane hundreth merkis money, or thairby, quhilk the said v^mq^{le} Alexander had vpone him, and in his purse, the tyme of the said Williame Roife committing of the said trefsonabill Murthour and Slanebter foirfaid: and the said Williame is airt and pairt of the Stouth-reiff, steilling and away-taking of the said money; and thairthrow, the said Williame Roife, being ane landit gentilman, in maner foirfaid, hes committit manifest Trefboune, and the panes and pwneilment specifeit in the saidis Actis of Parliament, viz. tynfall and fforfaltour of his lyfe, landis and guidis, aucht and fould be execute aganis him with all rigour, in exampill of vtheris. To the taikin, that he, being culpabill of the saidis trefsonabill crymes of Thift and Stouthe-reiff and Murthour vnder trest, the said Williame was perfwit criminallie thairfoir, befor the Justice and his deputis, to haif vnderlyne the law for the famyn, in the moneth of Maij last bypast, he than past to the horne, and hes bene continuallie fenfyne fugitive for the saidis crymes: As the saidis Letteris of Hoirning, producet judiciallie be our said fouerane lordis aduocat, at lenth proportis. Lykas, be his awin Depositiones, he hes confessit the Murthour aboue writtin, and that he was airt and pairt thairof. ITEM, the said Williame, being indytit and accuset, fforfamekill as he, haifing thir dyuerse yeiris bygane interteneit and keipit in companie with him Marie Rannaldoche, ane harlot, committing Adulterie with hir, he being mareit with v^mq^{le} Agnes Rose, his lauchfull spous, and the said Marie being with bairne to him, scho and v^mq^{le} Williame McStene, seruant and hyred man to the said Williame, togidder with the said Williame him selff, consultit and concludit, at diuerse thair tryftis and meittingis, the trefsonabill Murthour of the said v^mq^{le} Agnes, his lauchfull spous, vnder trest, credeit and assureance; lyk as, for performance of thair wilket purpois and intentione, the said Marie, be the said Williame's directioun, gaif to the said v^mq^{le} Agnes, his spous, poysonet drinkis; quhilkis trefsonabill drinkis, nocht haifing wrocht vpone hir to the deith, bot the famyn, at findrie tymes, being vomeitit bak agane be hir; and finding himselff disapoyntit be that trefsonabill meayne,² and hir daithe postponit and delayit, he thairfoir of new consultit and devyfit with the said Marie Rannaldoche and Williame McStene, quba, in the moneth of May, 1^m.Vj^o. and foure yeiris, be the said Williame's speciall causing, directioun and command, maist trefsonabillie, crewallie and vnmercifullie Strangallit and wirreit the said v^mq^{le} Agnes, his spous, in her bed, within hir awin hous, vnder silence and clud of nycht; ffor performance quhairof, he promeit to the said Marie Rannaldoche to marie and tak hir to wyfe: Lyke as, the said Williame McStene, being apprehendit for the trefsonabill Murthour of the said v^mq^{le} Alexander Gibfoun, and examinat be certane of the Ministrie³ and gentilmen of the cuntrie, Confessit and declairit that he, at the said Williame Rossis command and direction, accompaneit with the said Marie Rannaldoche, murdreist and trefsonabillie strangillit the said v^mq^{le} Agnies, his spous; ffor doing of the quhilk trefsonabill deed, the said v^mq^{le} Williame McStene Confessit he ressauit fra the said Williame, as ane rewaird for his panes, ane rig of beir,⁴ togidder with the hail clething that was vpone the said Williamis bak the tyme of the said Murthour, viz. his bonet, fark, coitt, doublet, breikis, hois, fokis and buittis. Lyk as, for testificatioun of the treuth of the said trefsonabill Murthour, and that the said Williame was airt and pairt thairof, the said Williame, be his Depositiones maid in prefens of Mr Williame Hairt, Justice-depute, and the Bailleis of Edinburgh, the xxv of this

¹ Loss.² Mean, Fr. *moyan*.³ Clergy.⁴ Ridge of barley.

infant, hes confessit that the nycht appoyntit be him and his complices for perfurmeing of the said tressonabill Murthour, he withdrew him self furth of his awin hous of Dunskeith, fra his said spous, to his chief the Laird of Balnagounes house, quhair he remanit quhill midnycht; about the quhilk tyme, his conscience being sa tuchet and trubillit for the said tressonabill fact, quhilk, be his counfall and directioun foirsaid, was that nycht to be put in executionne, be the perones foirsaid, he arraise out of his bed, putt on his claithes and come to his awin house, of purpos (as he declairit) to haif stayit the said wicked fact: And he, finding the turne done afoir his cunning, he reterit him self bak agane. Quhilk tressonabill fact he hes continuallie sensyne conceillit to the tyme of his Examinatioun foirsaid. And thairthrow, he is airt, pairt, red and counfall of the said tressonabill Murthour and strangelling of the said vmq^{le} Agnes his spous, vnder tress, and aucht and fould be puneilhet thairfoir, conforme to the tennour of the said Act of Parliament. ITEM, the said Williame, being indyttit and accuset, that he, being ane landit Gentilman, as said is, with his complices, cownone thevis, in the moneth of the yeir of God thiftioulle, and be way of Maisterfull Thift and Stouth-reiff, staw, rest and away-tuik, fra Williame Micain M^cWilliame in Gany, tua schein, had and disponet thairpoune at his pleasour; and he, being ane landit Gentilman, be committing of the said maisterfull thift and stouth-reiff, hes committit Tressone; for the quhilk, he aucht and fould be puneschet, conforme to the said Act of Parliament. To the taikin, he being challanget for the samyn, maid redrefs and satisfioun to the said Williame M^cean, at command of Huchon M^cTullie, his maister. ITEM, for airt and pairt of the thiftious Steilling, conceilling, resseting and away-taking of ane ox, fra James Corbett in Arkbole, in the moneth of yeiris: And he, being ane landit Gentilman, hes thairby committit Tressone, &c. ITEM, for airt and pairt of the steilling, conceilling, resseting and away-taking fra Findla Mansoun, Minister in Nig, in the moneth of October 1^m, sax hundreth and foure yeiris, of sax geise, had and convoyit the samyn away with him, and disponit thairpoun: And the said Williame, being ane landit Gentilman, hes thairthrow committit Tressone, &c. ITEM, the said Williame, being indytit and accuset, for cunning with his complices, in the moneth of December, the yeir of God 1^m.Vj^c. and foure yeiris, to David Fairnes barne in Nig, and thiftioulle, vnder silence of nycht, brak the said barne, and staw, conceillit, resset and away-tuik furth thairof ane sek full of victuall, contening sax sirlottis. To the taikin, he come to the said David Fairne, and offerit to get the samyn tryit furth¹ to him, for ane rewaird; and he was airt and pairt of the thiftious steilling, conceilling and away-taking thairof; and thairfoir, he being ane landit Gentilman, hes incurrit the cryme and pane of Tressone. ITEM, for airt and pairt of the steilling, conceilling and away-taking of saxtene schein, pertening to Alexander Mansoun, Donald Beroch and Andro Bane, in the moneths of October and November last-bypast, in the yeir of God 1^m.Vj^c. and four yeiris, had and convoyit the samyn away with him to the Craigis of Dunskeith, quhair he slew the said schein and cast thair intrallis in the sea; and thairefter, careit the boukkis² thairof to his awin hous in Dunskeith, quhairin he and his complices did eit the samyn: And he, beand ane landit Gentilman, be committing of the said theft and maisterfull Stouth-reif, hes committit Tressone, and incurrit the panis contenit in the saidis Actis of Parliament. ITEM, for Cownoun thift, cownoun resset of thift, inputting and outputting of thift fra land to land, fra cuntrey to cuntrey, baith of auld and of new: And thairfoir, he being ane landit Gentilman, be committing thairof, hes committit manifest Tressone, and aucht and fould be puneschet conforme to the Actis of Parliament, viz. be foirfaltour and tynfell of lyfe, landis and guidis, in exampill of vtheris to commit the lyk in tyme coming.

For the quhilkis crymes, the Justice-depute ordanit the said William Roife to be put to the knowlege of ane Assyse, of the perones following.

¹ Searched out, discovered.

² *Bulks*, carcasses.

ASSISA.

Huchon Roife, fear of Balmukie,	William Dumar of Hemprigis,	Mark Mawer of Staynies,
Alex ^r Bane of Wefter Logie,	Walter Kynnaird of Cowbyn,	Mr James Dumar of Taibett,
Donald Thornetoun, burges of Edinburgh,	Johnne Burgie in Haltoun,	Capitane Andro Bruce,
Mr Rannald Bane, burges thair	Alexander Watfoune in Grange,	Robert Dumar of Burgie,
Ja Adamfoun, burges of Kinlofe,	Alexander Cruikfchank in Lyttill	Patrik Dumar of Blarie.
	Pynnik,	

The Aduocat takis instrumentis of the fwering of the Affyfe; and that Williame Rose grantit the Slauchter of vniq^{le} Alexander Gybfoune.

The Pannel, befor his Convictione, declairis that Ferquhair Roife wes nocht in company with him at the slauchter of vniq^{le} Alexander Gybfoune; nathier wes he ather airt or pairt of the said Slauchter.

VERDICT. The Assyfe, be the mouth of the said Mr James Dumar, chancellor, all in ane voce, ffand, pronuncet and declairit the said Williame Roife to be flylet, culpabill and conviet of airt and pairt of the tressonabill and crewall Slauchter and Murthour of the said vniq^{le} Alexander Gibfoune, indueller in Nig, committit the tyme foirfaid, vnder trest, affurance, freindschip and familiaritie, in maner aboue writtin: AND als, ffand, pronuncet and declairit him to be flylet, culpabill and convict of airt and pairt, red and counfall of the tressonable Murthuring, strangling and wirrieing of the said vniq^{le} Agnes Roife his spous, committit the tyme foirfaid, vnder trest, credeit and affurance, in maner as is aboue writtin: AND lykwayes, ffand, pronuncet and declairit the said Williame Roife, to be Cleane, innocent and acquit of the haille poyntis of Thift, quhair of he wes accusit be Dittay, in maner aboue writtin, and of everie ane of thame.

SENTENCE. For the quhilkis tressonabill crymes of Murthour, of the quhilkis he was convict in maner foirfaid, the said Justice-depute, be the mouth of James Henderfoune, dempster, ordanit the said Williame Rose of Dunskeathe to be tane to the mercait croce of Edinburghe, and thair his heid to be strukin fra his body: And decernit and ordanit all his landis, heritages, takis, steidingis, rowines, possessiones, coirnis, cattell, insicht pleniffing, guidis and geir, to be ffoirfaltit and escheit to our fouerane lordis vse, as convict of the saidis tressonabill crymes.

Slaughter — Shooting of Hagbutts and Pistolets.

Jul. 30.—DAVID JARDANE in Wandeldyke, Alexander Jardane in Wandell, Johnne Symfoun in Mylnehill, and twelve others.

Delaitit, accuset and persewit for the crymes following, viz.

FORSAMEKILL as the saidis David, &c. with thair complices, with convocatiom of our fouerane lordis leigis, to the number of tuentie-foure perfones, or thairby, all bodin in feir of weir, with jakis, secreitis, speiris, steil-bonnettis, swoirdis, hagbuttis and pistolettis, expresse prohibeit to be borne, worne, vsed or schot with, be our fouerane lordis Actis of Parliament and Secreit Counfall, vnder dyuerse panes

contentit thairintill; haifing confauet ane deidlie feid, rancour and malice aganis vmq^{le} James Clelland¹ (in Vnder-the-bank,) in the moneth of Junij, the yeir of God 1^m. fyve hundreth fourfoir fourtene yeiris, came to Wandellholme, upon Clyde, befye Daviefchaw, quhair the faid vmq^{le} James was, in fober and quyet maner for the tyme, ryding at the hunting, in company of Sir James Hammiltoun of Libbertoun, lipning for na harme, iniurie or perfute of ouy perfones, bot to haif levit vnder Godis peax and his Maiefteis, and thair fett vpone him, fchet and dilafchet² thair hagbuttis and piftolettis at him, quhairby thay fchott him throw the body, and with fuoirdis, quhingeris and remanent wappones foir-faidis³, hurt and wondit him in dyuerfe pairtis of his bodie, to the effufioun of his bluid in grit quantitie: Off the quhilkis fchottis and ftraikis, the faid vmq^{le} James immediatlie thaireftir depairtit this lyffe; and fa, the faid vmq^{le} James Clelland was crewallie and vnmercifullie flane be the faidis perfones: And thay being all vpone the grund, purfuing him with fuoirdis and remanent wappones aboue fpecifeit, thay and ilk ane of thame ar airt and pairt of the faid crewall Slauchter, committit vpon fett purpois, provifioun and foirthocht felony; in hie and manifet contemptioun of our fouerane lordis auctoritie and lawis, in ewill exampill to vtheris his hienes lieges to commit the lyk crewall Slauchteris,

PERSEWERIS, Gawin Kneilland, Roger Kneilland, as fones.

PRELOCUTOURIS for the pannell, Mr Johnue Ruffell, Robert Hammiltoun.

VERDICT. The Affyfe, be the mouth of David Blair in Corflaw, chancellor, ffind, pronunceit and declairit the faidis Dauid Jarden, &c. to be Cleane, innocent and acquit of airt and pairt of the Slauchter of the faid vmq^{le} James, and of the haill poyntis of Dittay aboue writtin.³

[*Mr Williame Hairt et Mr Williame Boirihuik, Justices-Deputes.*]

Slaughter — Shooting of Pistolets.

Aug. 6.—ARCHIBALD MAXWALL of Cowhill,⁴ and Williame Maxwall, appeirand of Cowhill, his fone.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Robert Maxwall of Kirkhill (Kirkhous, or Crovestanes,) committit in the moneth of Junij 1583 yeiris: And for beiring and weiring of piftolettis, contrair the Actis of Parliament.

PERSEWERIS, Williame Maxwall (of Kirkhouse,) Chairles Maxwall, James Maxwall, Robert Maxwall, Dauid Maxwall, Sir Thomas Hammiltoune.

PRELOCUTOURIS for the pannell, Mr Williame Oliphant, Mr Johnue Ruffell, Mr Alexander King, Sir Rob^t Maxwall of the Schottis, Williame Maxwall of Gribtounne, Eduard Maxwall of the Hillis.

DITTAY *against the Pannell.*

FORSAMEKILL as the faidis Archibald Maxwall of Cowhill, and Williame Maxwall appeirand of Cowhill, with thair complices, with convocatioun of our fouerane lordis lieges, to the number of fax perfones, or thairby, all bodin in feir of weir, with fvoirdis, fecreittis, gantillertis, plait-flevis, lang hagbuttis and piftolettis, expreflie prohibeit to be borne, worne, vset or fchet with, be our fouerane lordis Actis of Parliament, vnder dyuerse panes contentit in the famyn, in the moneth of Junij, or thairby, the yeir of God 1^m. fyve hundreth fourfoir thre yeiris, vpone deidlie feid, rancor and malice confanet aganis the faid vmq^{le} Robert Maxwall of Kirhous, for teynding⁵ of the faid Archibald Max-

¹ Kneilland. The name was indifferently spelt Kneilland and Clelland, at this period. ² Old Fr. *deslacher*.

³ With regard to the rest of the pannells, the pursuers 'past fra' a number; and the remainder were 'repleget to the regalitie of Dalkeyth, be my Lord of Mortoune.'

⁴ See Nov. 6, 1605.

⁵ Tything his lambs and other small tythes, as having a heritable right to the teinds or tythes of Cowhill. The drawing of small tythes was always considered an oppressive act in Scotland, and had for a long period been disused.

wall of Cowhillis lambes and vtheris small teyndis, thay fett vpon the said vmq^{le} Robert, vpon the landis of Redbank, lyand within the parochin of Kirkhous, and stewartrie of Kirkcubrycht, quhair he was, in sober and quyet maner for the tyme, doand his lesfull effaires and bussines, in teynding of lambes; dredand na evill, harme, iniurie or perfute of ony perfones, bot to haif levit vnder Godis peax and our souerane lordis; and thair, sehott thair hagbuttis and pistolettis at him, and maist crewallie, schamefullie and vnmercifullie slew the said vmq^{le} Robert Maxwell: And thair and aither of thame ar airt and pairt of the said crewall Slauchter; quhairby thay haif nocht only committit crewall Slauchter, vpon set purpos, prouision and foirthocht felony, bot in lyk maner hes contravenit the tennour of the said Actis of Parliament, in beiring, weiring and schuiting of hagbuttis and pistolettis, and hes incurrit the panes contenit thairin, quhilk aucht and sould be execute aganis thame with all rigour, in exampill of vtheris to abstene frome the lyk in tym cuming.

It is allegit for Williame Maxwell, younger of Cowhill, that the tyme of the committing of the fact lybellit, viz. in Junij, 1583, that he was nocht past xij yeiris of age, *et sic non doli capax*; and can nocht thairby be put to the knowlege of an Assyse, for the crymes lybellit; and offeris to prove his age instantlie.—It is answert be the Aduocat, the allegeance aucht to be repellit, as nawayis releuant to stay the mater to pas to the knowlege of an Assyse, becaus all thingis *in facto* man be tryit be the Assyse: And albeit he had been minor, the contrair quhair of is maist manifest, yit the samyn procures na impunitie, in crymes of this natour; speciallie, being committit eftir the manner lybellit.

THE Justice, nochtwithstanding of the allegeance, ffindis proces; and Remittis the cryme lybellit aganis Williame Maxwell to the knowlege of ane Assyse; and Remittis to the Assyse anent his age, to tak cognitioun thairin as thay think expedient.

It is forder allegit, that this matter can nawayis pas to the tryell of ane Assyse, becaus the pannell, in the moneth of Februare, yeir of God I^m.V^c. fourscoir aucht yeiris, hes obtenit our souerane lordis Respett, quhair of thair is dyuerse yeiris as yit to ryn: As the Respett producet beiris.—The Aduocat takis instrumentis of the production of the Respett, be bayth the perfones on pannell. It is allegit, that the Respett is null, becaus the samyn is nocht past be the Thesaurer and the Register, conforme to the Act of Parliament. It is answert, aucht to be Repellit, in respect of the Respett, quhilk is past the Previe seill.—It is forder allegit, that the Respett producet is null, in respect of the Act of Parliament, quhilk makis all Respettis to be null, the samyn nocht being grantit be satisfiourne of partie and Letter of Slaines¹ grantit be the pairtie thairvpone.—It is answert, that the Act of Parliament allegit, is only temporall.²

THE Justice declairis, during the tyme of this Respett, he will nocht, for the Slauchtir lybellit, put the pannell to ane Assyse.—Quhairvpoun the pannell askit instrumentis.

¹ A writ granted by the nearest relations of the deceased, acknowledging themselves to be satisfied for the slaughter. It frequently bore their consent to a free pardon by the King. ² Temporary.

The Aduocat producet the Kingis Maiefteis Letter, direct to the Justice, &c. ; quhair of the tennour followis.

JAMES R.

JUSTICE, Justice Clerk and your deputis, We greit you weill. Forasmuche as Archibald Maxwell of Cowhill and Williame Maxwell his sone, being summond to compeir befor you, in our Tolbuith of Edinburgh, the saxt day of August instant, to vnderly our law for airt and part of the Slauchter of vmq^{le} Robert Maxwell of Crovetanes, and for contravening our Actis of Parliament, in beiring, weiring and schuiting with hagbuttis and pistolettis, as We are informet, intendis to vse ane Respett allegit grantit to thame by ws, quhair of we nevir had ony knowlege: And gif ony be producet be thame, the same is fenisterassie purchest by our knowlege,¹ and contrair to our lawis, Actis of Parliament, and equitie. Thairfor, it is our will, and We command you, that incontinent estir the sicht heir-of, ye put to ane knowlege of Assyse, for beiring, weiring and schuiting of hagbuttis and pistolettis: And gif thay be convict, that ye caus pwneisch thame conforme to our Actis of Parliament, by cutting af pair rycht hand; and forder as our saidis Actis preseryues. And gif ye delay the tryell of the Slauchter, vpoune the production of the said allegit Respett; than, estir pair tryell and pwneischment, for beiring and weiring of hagbuttis and pistolettis, in maner soirsaid, ye fall put them in sure firmance and keeping within the Tolbuith of Edinburgh, quhill we be adverteit of your proceedingis, and our forder Will be signifeit vnto you pairament. This ye fall naways fail to do, as ye will answer pair-upoune: Quhairanent pir presentis fall be to you sufficient Warrant. GEVIN at Houghtoun, the penult day of July 1605.

And accoirding to the said Warrant, the pannell aucht to be put to the knowlege of ane Assyse.—It is answerit be the pannell, that the Kingis Maiefteis Previe Letter is na sufficient Warrant to derogat the Respett, past the Previe Seill; speciallie, in respect that sic privat Letteris ar reprobat be the Actis of Parliament.—It is answerit be the Aduocat, that sic previe Letteris as ar purchest for stay of justice, ar disallowit be Act of Parliament; bot this Letter is direct, of certane knowlege, and furtherance of justice, and pwneischment of ane odious cryme.

THE Justice findis as of befor, for the Slauchter allanerlie.

It is forder allegit, be the pannell, that that pairt of the Dittay, concerning the schuiting of ane hagbut, can naways be put to the knowlege of ane Assyse, becaus thair is ane Respett producet for the Slauchter; quhilk Respett is fund relevant for the Slauchter, to stay the pannell to pas to ane Assyse; and thair is na thing contenit in the Dittay, for schuiting, beiring and weiring of pistolettis and hagbuttis, bot that the defunct was slane with ane hagbut; quhilk is the maner how the said fact was committit: And as the fact is elydit be Respett, fa the maner of the committing thair of is superceidit be the said Respett; sua that, during the said tyme comprehendit in the Respett, nather can the pannell be put to the knowlege of ane Assyse, for the slauchter, nor schuiting of the hagbut, quhilk was the instrument be the quhilk it is allegit the deid was committit.—It is declairit be my lord Aduocat, in respect of the Justice Interloquitour, he Restrictis his summondis only for persute of the pannell for beiring, weiring and

¹ By sinister means, procured without our knowledge.

ſchuitting of hagbuttis and piſtolettis : And allegis, that the Reſpett producet can nocht ſtay proces for that cryme; becaus Reſpettis, being odious of the Law, as grantit for impunitie of crymes and ſtay of juſtice to parteis greivit, thay can nevir be extendit fauourabillie, be interpretation of the Judge, to ony forder nor (than) the expreſs woirdis thair of beiris : And thairfoir, the bering, weiring and ſchuiting with hagbutis and piſtolettis, being ane cryme pwneifheable of the Law, and nawayis mentionet in this Reſpett, the pardon of the cryme of Slauchter, contentet in the ſaid Reſpett, can nevir be extendit to the vther cryme of ſchuiting with hagbutis, &c. ; ſpeciallie, in reſpect of the woirdis of the Reſpett, pardon- ing the Slauchter allanerlie, and of his Maieſteis Warrant producet ; quhilk removes all doubtt that evir his Maieſtie had intention to pardoun the cryme of the hagbuttis and piſtolettis to the pannell.—It is anſwerit, that the Advocattis declaratioun alteris nathing the tennour of the Letteris, contentis thair of, and Interlocutour producet. Thair is na mention maid in the Letteris of beiring and weiring and ſchuiting, bot only of ane ſchot, be the quhilk it is allegit the Slauchter was committit : And forder, the Reſpett producet is nocht only extendit to the Slauchter, bot all that mycht follow thairupoune ; quhilk was the ſchuit- ing of the hagbut, be the quhilk the Slauchter was committit : And quhair it is allegit, that the Reſpett grantit for ane cryme can nocht be extendit to ane vther, aucht to be repellit, in reſpect of the Reſpett, and the coniunctioun of the factis : And forder, of the Law and practik of this realme, ane Reſpett or Remiſſioun grantit of ane gritter cryme comprehendis leſs crymes, albeit na men- tioun be maid of the leſs ; ſpeciallie, haifing conſideratioun, quhan the leſs crymes ar ane pairt of the gritt cryme, quhairfoir the Reſpett is gevin, and all done *vnico contextu*, at ane tyme ; and the leſs cryme the inſtrument of the gritt, quhilk is reſpettit.

It is forder allegit, that this Reſpett man comprehend the ſchuiting with the hagbut, in reſpect it is expreſſie ſtatute, be Act of Parliament maid in the dayis of King James the Fourt, Parlamento ſexto, cap. 62, That in all Reſpettis and Remiſſiounes, mention fall be maid of the gritteſt cryme, ſa that be the expreſs meaning of the ſaid Act, the gritteſt cryme being remittit and contenit in the Reſpett, the leſs crymes man be lykwayis comprehendit thairintill ; ſpeciallie, in thir crymes, quhilkis ar ſa coherent and conioynet togidder, that the Reſpett or Remiſſioun comprehending the gritteſt, of all neceſſitie man comprehend the leiſt.—It is anſwerit be the Lord Advocat, that that Act of Parliament militatis only, quhair thair is Remiſſioun or Reſpet, tane only for ane perticuler cryme, and ane generall claufe of Remiſſioun ſubioynit thairto ; bot in this caice, the Reſpett producet contenis only the cryme of Slauchter allanerlie, without ony generall claufe of vther crymes ſubioynit thairto : In reſpect quhair of, the allege-

ance aucht to be repellit.—It is anſwerit, be the pannell, that the Reſpet nocht only comprehendis the ſlauchter, bot alſo all thingis that can follow thairupoun, quhilk is the ſchuiting.

It is forder allegit, be the pannell, that the cryme of ſchuiting and weiring of hagbuttis and piſtolettis was nevir *in viridi obſervantia*, and ſic a cryme quhairupoun ony accuſatioun or puneiſchment followit, befor the Act of Parliament, in anno I^m.V^c.lxxxxvij; fra the quhilk tyme and Act, that cryme hes only bene obſeruet, and the pwneiſchment contenit in the ſaid Act hes only had place. And albeit, be Act of Parliament maid in anno I^m.V^c.lxvij, it is ſtatute and ordanit, that the weiring, vſing and ſchuiting of hagbutis and piſtolettis, ſhall be tynfall (*loſs*) of the rycht hand, yit be ane poſterior Act, maid in anno I^m.V^c.lxxix, the pane of the ſchuiting and vſeing is only pecuniiall, contening the ſowme of x li. and tynfall of the hagbut or piſtoll: And ſa, haifing conſidderatioun that this fact is allegit to haif bene done in anno 1583, lang befor the yeir of God I^m.V^c.lxxxxvij, the panes of the ſaid Act can nawayis be extendit aganes thir defenderis. It is anſwerit be the Lord Aduocat, that the Act of Parliament, in anno I^m.V^c.lxxix, maid lang befor the committing of the cryme lybellit, levis to the Kingis Maieſtie, his optioun of the inflicting of the corporall pwneiſchment for the ſaid cryme; quhairanent, his Maieſtie hes declairit his will, be the Warrant product.

It is forder allegit be the pannell, that the Act of Parliament, maid in anno lxxxxvij, declairis the penaltie of the former Actis to haif place, with the additioune; ſa that befor the tyme, the Kingis Maieſtie nevir declairing his Will, his Maieſteis Will and penaltie man be only extendit fra the dait of the laſt Act.—The Aduocat anſweris, the maiſt ſolempne Declaratioune of his Maieſteis Will is be Act of Parliament.

THE Justice Repellis the allegeance, in reſpect of the Act of Parliament, Reſpett product, and his Maieſteis Warrant; and Ordanes forder proces.

It is forder allegit, be the pannell, that the pannell, for weiring and vſeing of piſtolettis, can nawayis be put to the knowlege of ane Aſſyſe, becaus it is confeſſit in the Dittay, that the weiring and ſchuiting of the hagbut or piſtolettis was committit vpoun the landis of Reidbank, quhair the defenderis duelt and remanit for the tyme; and it is nawayis prohibeit be the Act of Parliament, bot be the contrair, it is permitted to perſones to beir, weir and ſchuit hagbuttis and piſtolettis, within thair awin houffis, yairdis and cloiffis: And trew it is, gif ony hagbut was ſchott, borne or worne, the ſamyn was within the houſe of the ſaidis landis, at the leiſt, hard be the yettis and durris thair of: And albeit ony perſone wald ſchuit and weir within his awin houſe, or at the yettis or within the cloiffis

thairof, that is na cryme of the law. And now it man be respectit, that thair is na mair in our Dittay, bot only the beiring, weiring and schuiting, &c.; vnder proteftatioun, that the pannell nawayis grantis the famyū.

ASSISA.

Johne Lyndfay of Auchinkeach, Jo. Mertene, bailzie of Blaikfehaw, Michell Anderfoun, burges of George Reidik of Airdrie, Adame Strudgeoun of Myllerland, Dumfreis, Johne Turnour of Ardwell, Harbert Strudgeoun of Towcroce, Clement Edjer of Kirkblane, Williame Williamefoune, burges of Johnne Richiefoune, burges of Harbert M'kie in Prestfoun, of Dumfreis, Dumfreis, Robert Edjer of Blaikfehaw, Johne Slowane¹ of Garroche, Johnne Gibfoun, burges thair. Robert Rediche of Barnehowrie.

OBJECTION to an *Affifor*.—It is allegit that *Williame Maxwell of Merfyde* can nocht pass of this Affyse, becaus he was nocht of perfyte age, viz. vpon the age of xiiij yeiris, the tyme of the committing of the fact lybellit.—It is anfuorit, be the Aduocat, the allegeance aucht to be repellit, in respect of his present age.—The said Williame Maxwell being inquiryt be the Justice and fuorne, ‘Quhat age he was presentlie of?’ Declairit he was outwith xxv yeiris of age.—It is allegit be the pannell, that the said Williame Maxwell of Merfyde, the tyme of the committing of the fact lybellit, was nocht foure yeir auld.

THE JUSTICE Repellit *Williame Maxwell*, in respect of his awin confeffiounne, quia declairit that he was tement to Harbert Maxwell of Kavenfe.

The Aduocat takis instrumentis of the sweiring of the Affyse, and proteftis for Wilful Errour gif thay acquit: As also of the sweiring of the Dittay be the perfeweris; and that the defunct was flane be Williame Maxwell appeirand of Cowhill, be ane schott.

SPECIAL VERDICT of the *Affise*.

THE saidis perfonas of Affyse, be the month of the said Johne Lyndfay of Auchinkeach, chancellor, stand, pronuncet and declairit, all in (ane) voce, the said ARCHIBALD MAXWALL elder of Cowhill to be Clene, innocent and acquit of the beiring, weiring and schuiting of hagbuttis and pistolettis, committit vpon the saidis landis of Reidbank, in the moneth of Junij, the yeir of God I^m.V^c. fourfoir thre yeiris: AND sicklyke, stand, pronuncet and declairit, all in ane voce, be the mouth of the said Chancellor, the said WILLIAME MAXWELL, appeirand of Cowhill, to be ffylet, culpabill and convict of the beiring, weiring and schuiting of ane hagbut; committit in the moneth of Junij, the yeir of God I^m. fyve hundreth fourfoir thre yeiris, vpon the grund of the saidis landis of Reidbank, within ane speir-lenth to the hous thairof, pertening than to the said Archibald Maxwell; the said Williame Maxwell than being within the age of fourtene yeiris. IN witness quhairof, the chancellor, for him self, and in name of the hail remanent perfonas of Affyse, hes subferyuit thir presentis with his hand.

(Sic subfcribitur)

JHONE LYNDESAY.

Quhairupoun the saidis Archibald and William Maxwellis askit actis and instrumentis: and the said Charles Maxwell, in name of our said souerane lordis Aduocat, Proteftis for remeid of Law and Wilfull Errour aganis the said Affyse.

¹ ‘Allowane’ in another place. ‘A’ was then a common prefix to many names in the south of Scotland, as Amulligan, Acannan, Alasone, Abannay, &c.

[*Per Comitem de Ergyle, Justiciarium Generalem; et Magistrum Wilclmum Hairt, ejus Deputatum.*]

**Fire-raising — Burning the Place of Littlegill — Slaughter —
'Rapt' — Adultery — Theft, &c.**

Aug. 9.—THOMAS JARDANE of Birnok, Vmphra and Alexander Jardanes, his sones.

Dilaitit of airt and pairt of the treffonabill Raifing of fyre, burning and diftroying of the Place of Littillgill, with the haill laiche houffis, barnes and byres thairrof, and haill inficht and pleniffing being thairin; and for the crewall Burning and flaying of vmq^{le} Alexander Bailzie of Littillgill, Rachaell Bailzie, dochter to Mathow Bailzie, now of Littillgill, and vmq^{le} Achiefone, fervand to the faid Mathow; the faidis vmq^{le} thre perfones being all within the faid place the tyme of the burning and diftroying thairrof; committit in the moneth of . . . the yeir of God, I^mV^c fourfcoir nyne yeiris. AND ficlyk, for airt and pairt of the Slauchter of vmq^{le} Robert Broun in Culter; committit in the moneth of Junij, the yeir of God I^mV^clxxxvj yeiris: AND ficlyk, for airt and pairt of the Rapt and Raviefching of Katharene Johneftoune, fpous to . . . Airmeftang of Arkiltoune; committit in anno I^mV^clxxxvj yeiris: AND for the cryme of Adulterie, committit be him with hir, contrair the tenmour of the Actis of Parliament,¹ &c. &c.

Williame Creichtoun of Darnehauche and Johnne Carmichell younger of Potiefchaw, as cautioners for the appearance of the pannels, vnlawit in the pane of tua hundreth merkis for ilk ane of thame. The Jardaues ordained to be denounced Rebels, and their moveables to be efcheit, &c.

[*Mr Williame Borthuik, Justice-Depute.*]

Bestiality.

Sep. 17.—JOHNNE JAK, alias SCOTT, fervand to Thomas Boirthuik, in Roiffing.

Dilaitit of the abhominabill and monftrous fact of Sodomie,² &c.

SENTENCE. 'To be tane to the Caftell hill of Edinburghe, and thair, he to be firft bund to ane ftaik and wirreit thairat; and thaireftir, with the faid meir to be brunt in afches, as he that, vpone his awin Confeffioun, was convict of the crymes aboue writtin; and his haill moveabill guidis to be efcheit to his Maifteis vfe,' &c.

¹ There are also numerous acts of theft of horses, cattle, sheep, &c. enumerated, but unnecessary to be noticed here. ² A case of a similarly disgusting description (the *only* instance in the early part of the Record) was purposely omitted, Sep. 1, 1570. The crime (Sodomy) is designated 'wyild, filthie, execrabil, detestabil and unnatural.'—'Johnne Swan and Johnne Liffter, fmythis and fervandis to Robert Hannay, the pannell, were likewise burnt on the Castle-hill of Edinburgh.

Slaughter.

Nov. 5.—WILLIAME JARDANE in Yle, Johnne Carfane in Erfik, Fergus Heroune at the Kirk of Glastrune, Johnne Aflowane in Tyllochbloun, Nicoll Dungalfoun in Claymadie, Robert M^cBay in the Maynes of Qulithorne, James M^cconene in Caringdone, and Harie Stewart in Lagane.

Dilaitit of airt and pairt of the Slauchter of vniq^{le} Harbert Maxwell, callit *Harbert of the Coittis*; committit in September I^mV^{cl}xxxxvij yeiris.—Johnne Dumbar of Mynnieweik become plege and fouertie, that thai fall compeir befor the Justice, the xvij day of December nixtocum.

(Dec. 17.)—Johnne Dumbar vnlawit in the pane of ane hundreth merkis, for ilk ane of the faidis perfores: The Justice ordanit that thay be denunceit rebellis, &c., and all thair moveabill guidis to be escheit.

[*Mr Williame Hairt, Justice-Depute.*]

Slaughter.

Nov. 6.—HARBART MAXWALL of Kavenfe.

Dilaitit of airt and pairt of the Slauchter of vniq^{le} Sir Robert Maxwell of Dynwiddie, knycht.

PERSEWARIS, Archibald Maxwell of Cowhill,¹ Williame Maxwell, appeirand of Kowhill, Archibald Maxwell, his brother, Sir Thomas Hammiltoun of Monkland, knycht.

The Guidman of Kavenfe takis instrumentis of this entrie, and protestis for releif of his cautioner.

The Justice continewis the matter to the Air of Dumfreis, or soner, vpone xv dayis wairning. Johnne Broune, of the Land, cautioner.—Archibald Myller, bailzie-depute to my Lord of Moirtoune, of the Regalitie of Moirtoune, Protestis, that the Guidman of Kavenfe finding of Cautioune, preiudge nocht the previledge of my Lord of Moirtoune's Regalitie; quhilk the Justice admittit.

Mutilation and Demeubration.

Nov. 23.—ROBERT M^cDOWELL and JOHNNE M^cDOWELL, fones to Peter M^cdowell of Machirmoir.

Dilaitit of airt and pairt of the Mutilatioune of Patrick Murdoche of Camloddene and Alexander M^ckie, his fervand, of thair richt handis.

PERSEWER, Patrik Murdoche of Camloddene, Alexander M^ckie, his fervand, Sir Thomas Hammiltoune (knycht), Aduocat to our fouerane lord.

PRELOCOUTOURIS for the pannel, Mr Alexander King, Peter M^cdowell of Machirmoir, The Laird of Mondurk, Robert Dougall, merchand.

Peter M^cdowell of Machirmoir become pledge and fouertie for Robert and

¹ See Aug. 6, 1605.

Johnne M^cdowellis, his fones, that thay fall compeir befor the Justice or his deputis, the thrid day of the nixt Justice-air of the Sherefdom of Kirkcud-brycht, or foner, vpon xv dayis wairning, to vnderly the Law,¹ &c.

[*Mr Williame Borthuik, Justice-Depute.*]

Slaughter.

Dec. 6.—DAVID MARSCHELL, messinger.

Dilaitit of airt and pairt of the Slauchter of v^mq^{le} Richard Spens.²

Continued to the Justice-air of 'Air, tertio Itineris (vel super premonitione), xv dierum. Plegio, Roberto Stewart de Pitheveles.'

[*Mr Williame Hairt, Justice-Depute.*]

Murder — Shooting of Hagbutts and Pistolets.

Dec. 11.—JOHNNE JOHNNSTOUNE of Auchrymie ; James, Johnne and Patrik Forbes in Mylnebowie.

Dilaitit, accuset and perfewit off the crymes following, viz.

PERSEWER, Alexander Irwing, as fader.

PRELOCOUTOURIS (for the pannell), Mr Laurence M^cgill, The Laird of Corfindae.

FORSAMEKILL as thai, with thair complices, with convocatioun of our fouerane lordis leigis, to the number of ten perfones or thairby, all bodin in feir of weir, with jakis, fecreitis, feil-bonnetis, plait-flevis, speiris, lauce-stalfis, fuordis, quhingeris, gantilletis, hagbuttis, dagis and pistolettis, expresse prohibeit to be borne, worne, vset or schot with, be dyuerse our fouerane lordis Actis of Parliament and Secreit Counfall, vnder dyuerse panes, mentionat thairintill ; haifing confaet ane deidlie feid, rancour and malice, caufeles, aganis v^mq^{le} Robert Irwing in Baddis, laillie, in the moneth of Februar last-bypast, come to the toun and landis of the Kirktoun of Skene, quhair the said v^mq^{le} Robert was for the tyme, accompaneit with certane freindis and nichtbouris in the cuntrey, at ane bankett, making mirrie, lipning for na harme, iniurie or perfute of ony perfones, bot to haif levit vnder Godis peax and our fouerane lordis ; thair, about ten houris at evin, vnder silence and clud of nycht, enterit within the said hous of the Kirktoun of Skene, quhair the said v^mq^{le} Robert was, as said is, and schot and dilaschet thair hagbuttis and pistolettis at him, quhairwith thai schot him throw the body ; and thaireftir, with thair fuordis, hurt and woundit him in dyuerse pairtis of his body. Off the quhilkis schotis and crewall fraikis, the said v^mq^{le} Robert depairtit this lyfe ; and sa, was maist crewallie flane and mureidit, vnder nycht, be the saidis perfones ; and thai, and ilk ane of thame, ar airt and pairt of the samyn Slauchter and Murthour, committit vpoun fet purpois, prouifoune and foirthocht felony ; in hie and manifest contempt of our fouerane Lord, his hienes auctoritie and lawis.

VERDICT. The Assyse, be the mouth of Robert Watfoune in Auchincloche, ffland, pronuncet and declairit, all in ane voce, the saidis Johnne, &c. to be Clene, Innocent and Acquit of airt and pairt of the Slauchter of the said v^mq^{le} Robert Irwing ; and hail remanent poyntis of the said Dittay.

¹ ' James Gordoune, burges of Kirkcudbrycht (and 26 others) amerctiat in payne of ane hundreth merkis,' each, for not appearing to pass upon the Assise of the M^cdowells. ² See Jul. 25, 1605.

Hamesucken — Slaughter.

Dec. 11.—Mr ROBERT IRWING of Moncoffer, David Gray in the Lyn, Alexander Maynie in Adiestoune, and Andro Many in Auchquhartene.

Dilaitit of the crymes vnderwritten, viz.

PERSEWARIS, Johnne Forbes of Mylnebowie, as father; Patrik Forbes, James Forbes, brether; Sir Thomas Hammiltoune of Monkland, Aduocat.

PRELOQUUTOURIS for the pannell, the Erle of Home, the Maister of Marschell, the Maister of Moirtonne, Mr Johnne Ruffell, Mr Robert Lyntonne.

FORSAMEKILL as thai, with thair complices, with convocationne, &c. laitlie, vpon the tent day of Februar lastbypast, haifing confaet ane deidlie feid, rancour and malice aganis Johnne Forbes younger in Mylnebowie, be thame selfis and thair complices, of thair speciall causing, sending, hounding out, ressetting with the bluidie hand, airt, pairt-taking, command, assittance and ratilabitionne, come be way of Hame-sukkin to James Hallis duelling hous at the Kirk of Skene, qubair the said vmq^{le} Johnne Forbes was for the tyme, doand his liefull effaires and bussines, traifing na evill, &c.; and thair violentlie brak vp the durris of the said hous, enterit within the samyn, set vpon the said vmq^{le} Johnne, and maist crewallie and vnmerciefullie slew the said vmq^{le} Johnne, be geving of him of dyuerse bluidie wondis, in the wambe; and thai and ilk ane of thame ar airt and pairt, &c.

The perfeweris passis *simpliciter* fra the perfute of Mr Robert Irwing, for the crymes contenit in the Letteris.—The perfones accuset denyis the hail Dittay, and hail circumstances thairof; alsweill of the Slauchter as of the beiring of pistolettis. Mr Johnne Ruffell, prelocoutour for the pannell, declairis, that David Gray and Andro Many war absent fra the Slauchter; and David Gray, the tyme of the committing thairof, was sleipand in his bed, and knew nathing of the doing thairof, quhill¹ it was done.

VERDICT. The Assyse, be the mouth of the said chancillar, all in ane voce, stand the saidis David, &c. to be Clene, Innocent and Acquit, &c.

[APUD LYNLYTHGOW, *Mr Williame Hairt of Levelandis, Justice-Depute.*]
Treason—Declining the Jurisdiction of the Secret Council—Holding a General Assembly of the Kirk, after being charged, &c.

Jan. 10, 1606.—Mr JOHNNE FORBES, Minister at the Kirk of Airfurd, (Moderator,) Mr JOHNNE WELSCHÉ, Minister at Air, Mr ROBERT DURIE, Minister at Anstruther, Mr ANDRO DUNCANE, Minister at Carrail, Mr ALEXANDER STRAUCHANE, Minister at Creiche, Mr JOHNNE SCHERPE, Minister at Killmany.²

Dilaitit, accuset and perfewit be Sir Thomas Hammiltoun of Monkland, kny¹,

¹ Until. ² As the circumstances are so very fully detailed in the course of the following proceedings, it seems to the Editor only to be necessary to refer the enquiring reader to *Wodrow's Church History*, pp. 506—516; *Hailes' Memorials and Letters*, James I. pp. 1—4; *Cook's History of the Church of Scotland*, II. 160, &c. An elaborate account of this remarkable struggle is also given, by the learned *Dr M-Crie*, in his interesting *Life of Andrew Melville*, Vol. II. p. 201, &c.

Advocat to our fouerane Lord, for his hienes entreis, off the crymes of Treffone ſpecificit in the DITTAY following, viz.

FORSAMEKILL as, be the firſt Act of our fouerane lordis Parliament, haldin at Edinburgh in the moneth of Majj, 1^m.Vc. fourſcoir four yeiris, it is ſtatute and ordanit, that our Souerane Lord, his airis and ſuceſſouris, be thame ſelfis and thair Counfallis, ar, and in tyme cuming falbe, Judges competent to all perſones his hienes ſubiectis, off quhatſumevir eſtait, degre, functioun or conditione that eur thay be, of ſpiritual or temporal, in all matteris quhairin thay or ony of thame falbe apprehendit, ſummond or charget, to anſveir to ſie thingis as falbe inquyret of thame, be our ſaid Souerane Lord and his Counfall; and that nane of thame, quhilk fall happin to be apprehendit, callit or ſummond, to the effect ſoirſaid, preſume ar tak vpon hand to declyne the Judgment of his hienes, his airis and ſuceſſouris, and thair Counfall, in the premiſſes; vnder the pane of Treffone: NOCHTWITHSTANDING it is of veritie, that the ſaidis Mr JOINNE FORBES, &c. being charget be our fouerane lordis Letteris, raiſit at the inſtance of his Maieſteis Advocat, for his hienes entreis, to compeir befor his Maieſtie and the Lordis of Secreit Counfall, vpon the xxiiij day of October laſtbypaſt, to haif anſuerit for thair vnlawfull and contemptuous convening, proceeding and halding of ane pretendit Generall Aſſembly,¹ at Aberdene, the ſecund day of July laſtbypaſt; and appointing of ane new Generall Aſſembly, to be haldin at Aberdene, the laſt Tyſday of September thairefter; without the conſent, and eſtir the expres reſufeall of the Laird of Lowrieftoun,² his Maieſteis Commiſſioner, being than preſent in Aberdene; and in contempt of the charges of Hoirning, lauchfullie execute vpon the firſt day of the ſaid moneth of July laſtbypaſt, at the ſaid mereait croce of the burgh of Aberdene, diſchargeing, in our fouerane lordis name, all convening and halding of ony ſie Aſſembly, at that tyme and place, vnder the pane of rebellious; and againis the will and command of the Lordis of his hienes Secreit Counfall, ſignifeit to the ſaidis Miniſteris be the Counfallis Letter than delyuerit to thame be the ſaid Laird of Lowrieftoun, befor thair ſaid proceeding, beiring, that becaus thair Lordſchipis vnderſtuid that the halding of ane Aſſembly, thair, at that tyme, wald heichlie offend his Maieſtie, and be eſimat be his hienes ane heich contempt, thairfor it was thair Lordſchipis will and pleſour, that the ſaidis Miniſteris ſould noch hald ane Aſſembly, at that tyme, nor mak ony indictione of ane new Aſſembly, but ſuffer the ſamyn to deſert. As lykwayis, the ſaid Mr JOHNNE WELSCH, Miniſter at Air, being charget to haif comperit befor the Loirdis of his hienes Secreit Counfall, the ſaid xxiiij day of October laſtbypaſt, to haif anſuerit for his vnlawfull reſorting to the ſaid burgh of Aberdene, vpon the fourt, fyft and ſaxt dayis *reſpective*, of the ſaid moneth of July laſtbypaſt; and vnderſtanding, as it was maift nottour and maniſeſt to all men thair, how vndentifullie and contemptuoullie the ſaidis Miniſteris procedit, in the halding of thair ſaid vnlawfull pretendit Generall Aſſembly, to the contempt of his Maieſteis authoritie, and of the directione of the Lordis of his hienes Secreit Counfall, in maner aboue ſpecificit; neuertheles, the ſaid Mr Johnne Welſche, without all ordour, forme, neceſſitie or proceeding exampill, conveinit vnlawfullie with ane number of his complices, within the Kirk of the ſaid burcht of Aberdene, the time ſoirſaid, and Ratifeit and approvet the proceedingis of thair ſaid bretherene ſoirſaid, in halding of thair ſaid vnlawfull Aſſembly, and making indiction of ane new Aſſembly, as ſaid is, and taik instrumentis thairuponne. And in reſpect of the premiſſis, all the ſoirſaidis Miniſteris, being charget as ſaid is, to compeir befor the Lordis of his hienes Secreit Counfall, to haif hard and ſene it ſtundin and declairit, that thai had verrie contemptuoullie conveinit thame ſelfis, and proceedit in thair ſaidis actiones, the tyme ſoirſaid; and thairfor, the ſaid Aſſembly, and approbatioun thairof, declairit vnlawfull, and ſua to be repute and haldin in tyme cuming; and thay to be puneiſchit in thair perſones and

¹ Of the Church of Scotland. ² Sir Alexander Straiton of Laurenſtoun, knight, one of the Commiſſioners for the Union of England and Scotland, July 11, 1604. A Letter of Gift and Pension, for all the dayes of his lyfetyme, of the blenche-deutie of the Lordſchip of Scone, extending to 1000 merks, was Ratified by Parliament, July 11, 1606. Vid. *Acta Parl.* Straiton was appointed to represent the King, in Eccleſiaſtical Judicatories.

guidis, for thair vnlauchfull conuening, halding and approveing of the foirfaid Affemblie, in maner aboue writtin : AND the foirfaidis Ministeris, all compeirand befor the faidis Lordis of Secretit Counfall, the faid xxiiij day of October lastbypast, to anſuer in the faid cauſe, the ſamyn being ane actionn maift competent and propper to the Jurifdictioun of the Lordis of Secretit Counfall, becauſe the ſamyn concernit the tryell and puniſchment of ane heich offence, contempt of his Maieſteis authoritie, and diſſ-obedience of his Maieſtie and Lordis of his hienes Secretit Counfall : Neuertheles, the foirfaidis Ministeris, and ilk ane of thame, treſſonabilie declynit the judgement of his Maieſtie and Lordis of his hienes Secretit Counfall *ſimpliciter*, be thair Declinatour, ſubſcryuit be everie ane of thair handis, and gevin in be thame, in Judgement, befor the faid Lordis ; to the quhilk, it being replyit be the faid Aduocat, that the ſamyn ſould be Repellit, in reſpect of the faid Act of Parliament, declairing all ſic Declinatouris to be null, and the proponeris thairof to incur the pane of Treſſone : And, in reſpect of the quhilk anſuer and reply, your faid Declinatour was repellit be the faidis Lordis of Secretit Counfall, all in ane voce : The faidis Ministeris, neuertheles, perſiſtit ſa obſtinatlie thairin, that eftir the ſamyn was repellit be the faidis Lordis, as faid is, quhairby thai could nocht pretend ony probable dout or ignorance of thair Jurifdictioun, the faidis Ministeris gaif in thaireſtir, thair remanent Defenſis, in writt, vnder proteſtatioun alwayis, that thai adheirit to thair faid Declinatour : Be proponing quhairof, as alſo be adheiring to the ſame Declinatour, eftir that it was Repellit, thay, and euerie ane of thame, hes committit Treſſone, and ſould incur the panes thairof.

PERSEWER, Sir Thomas Hammiltoun, Aduocat to our ſouerane lord.

PRELOCUTOURIS for the pannell, Mr Thomas Gray, Mr Thomas Hoip.

THE LORDIS OF SECRETIT COUNSALL, vnderwritten, declairis thay will aſſiſt the Juſtice, as ASSESSOURIS in this cauſe.

ASSESSORS.

Johnne Erle of Montroiſe,	James Lord of Balmyrrienoche,	Mr Johnne Preſtoun of Pennycuik,
Alexander Erle of Dumferme- ling, Lord Fyvie, Chancellor,	Secretar to his Maieſtie, and Preſident of his hienes College	Collectour to his Maieſtie, Sir Richard Cokburne of Clerking- toun, Lord Previe Seill,
Johnne Erle of Mar,	of Juſtice,	Johnne Lord Murray of Tyllie- bairne,
Alexander Erle of Lynlythgow,	Mark Lord Neubottill,	Johnne Lord Murray of Tyllie- bairne,
George Erle of Dumbar,	Walter Priour of Blantyre,	Sir Robert Meluill of Mourdocar- ny, kny ^t ,
Patrik Lord Glamis,	Johnne Commendatour of Haly- rudhouſe,	Alex ^r Maifter of Elphingſtoun, Levinſtoun of Kilſythe.
Alexander Lord Elphingſtoun,	Sir James Douglas of Quhitting- hame,	
James Lord Abercorne,		
Dauid Lord Scone, Comptroller to his Maieſtie,		

It is allegit be the pannell, that thai aucht to haif bene charget vpon xl dayis wairning, ſeing thay ar to be accuſet for crymes of Treſſone.—The Aduocat anſueris, that it is daylie practik, in bringing the perſones put in waird to pannell, to put thame ſummerlie to ane Tryell ; and ſpeciallie, the practik of the Laird of Bonytoun, quha was tane and put in waird for the breking of his fatheris houſe and cofferis, and ſteilling and away-taking of his fatheris euidentis, &c., was brocht fra the waird to the bar, and put to ane Aſſyſe.

THE Juſtice Repellis the allegiance, and findis forder proces :—Quhairupone the Aduocat aſkit inſtrumentis.

It is forder allegit be Mr Thomas Hoip, prelocutour for the pannell, that this

matter can nocht pass to ane Assyse, vpon the declinatour gevin in be thame aganis the summondis persewit contrair thame, befor the Lordis of Secreit Counfall, in sa far as thay ar persewit vpon the first Act of Parliament, haldin in May 1584 yeiris; becaus the meaning and intentione of the said law is only to establishe the Kingis Maiesteis royall power and Jurisdictione ouer all persones; quhilk the pannell, in all humilitie and submissioun, confessis: And albeit the said law appeiris to be generall, and vniuersallie to comprehend all matteris, yit the samyn can nocht be vniuersallie vnderstuid; becaus, quhairsoenir a law speikis generallie, gif vpon the generall speiking, ony absurditie or incommoditie may follow, quhilk may tak away former lawis, or confound distinct and diuerse¹ jurisdictiones, establischet be lawis of befor, the samyn, in that caice, man be restrictit to thais matteris that may fall vnder the compts of the law; quhilk speciallie aucht to haif place, quhair the matter is odious: But sa it is, gif this law war vniuersallie vnderstuid, of all matteris, it fould follow, that the Jurisdictiones of the Secreit Counfall, the Lordis of Sessioune, and Justice Generall, quhilkis ar supreme, Jurisdictiones Ciuill fould be counfoundit, insofar as the woirdis of this law being attendit, na persone being conuenit befor the Lordis of Secreit Counfall for ane cryme quhilk is competent to the Justice, or for ane ciuill debt, quhilk is competent to the Sessioune, nicht nocht, nor could nocht, without the perrell of the Law, allege² that the Lordis of Secreit Counfall ar nocht Judges competent in Criminall or Ciuill cauffis: Bot this is sic ane inconuenient, and sa improppter for the caise, mynd and intentione of the law, that thair is na persone will mak questioun thairin: And as this war competent in the distinct Jurisdictione of the Lordis of Secreit Counfall, Sessioune, and Justice, sua the samyn is alsé competent in Jurisdictione Ecclesiasticall, quhilk is an fererall and distinct Jurisdictione be the self, haifing the Warrant and grund of the word of God, and being authorizet be his Maiesteis lawis; speciallie, be ane Act of Parliament maid in anno I^m.V^c.lxxix, ane vther in the lxxxj and lxxxij yeiris; sua that the pannell, being than conuenit befor the Lordis of Secreit Counfall, in ane matter quhilk was altogidder Ecclesiasticall, pertening to the Jurisdiction of the Kirk, quhair of the cheif poynt consistit vpon the lawfulness or vnlawfulness of the Assemblie haldin be thame, thay nicht lauchfullie, without the perrell of this law, haif gevin in thar Declinatour, declyneing the saidis Lordis of Secreit Counfall, as nawayis Judges competent of the vnlawfulness or lawfulness of the Assemblie; and in doing thair of, thay could nawayis, nor can nawayis be decernit to haif committit aganis the said law; seing the said law, possibillie, can nocht be extendit bot to sic caiffes quhilk hes nocht ane speciall, ane seperat, or distinct Jurisdiction, be the self;

¹ Separate. ² Plead. This verb is almost universally made use of throughout these Records, and indeed in nearly the whole of the Forensic proceedings of that period, chiefly in that sense.

and quhair, it may appeir, that the pannell, in the Summandis befor the Secreit Counfall, war nocht famekill ceitit vpon the vnlawfulness or lawfulness of the Assēblie.—As for the contemptuous convening being dischargit be his Maiesteis Letteris, aganis the requēst of the Lordis of Secreit Counfall, and the Commissioner of the Kirk, quhilk matter mycht properlie appeir to pertene vnto the Jurisdictionne of the Lordis of Secreit Counfall, and that thairby the Declinatour man fall vnder the compas of this law; it is ansuerit, that it fould nocht be considderit, quhat was the middis¹ quhairupoune thay war convenit befor the Secreit Counfall; bot the conclusioun of the Summondis man be attendit, seing it is the conclusioun and nocht the premisses that maks the natour of the actionn, quhairvpon ane cause and grund²; and vpon ane fact thair may concur of the law twa actiones or ma,³ quhilk ar dinofcet⁴ be their conclusiounes; as in an actionne of spuilzie, persewit ciuillie, the cognitioun thairof will pertene to the Lordis of Counfall, the lybell being fa formet, that it concludit the restitutionne of the guidis spuilzeit; and vpon that same fact, the spuilzeit may be convenit befor the Lordis of Secreit Counfall, for Oppressioun, the Summondis concluding to heir and sie ordour tane with him for committing of the said fact; fa that albeit the fact be ane, yit tua diuerse conclusiounes produces tua feuerall actiones, the cognitioun quhair of pertenis to tua feuerall Jurisdictiones. And as this is trew, in all vther matteris Prophane, fa it is alyk trew, into the cause intentit and persewit aganis the pannell befor the Lordis of Secreit Counfall, quhairin it aucht nocht to be respectit, quhat was the deid quhairupoune thay war summond, bot it aucht to be considderit quhat the summondis concludit: Sa that albeit the allegit fact or deid committit be thame mycht be punefchet be the Secreit Counfall, and fa pertene to thair Jurisdictionne; yit, seing the conclusioun beiris nocht allanerlie for the said fact, quhilk gif it had bene fa confaet, the pannell could nevir nor would nevir haif declynit, lyk as, *in facto*, thay haif nocht declynit the samyn; bot concludis to heir and sie the Assēblie haldin be thame vnlawfull: Quhilk conclusioun makis the matter to be altogidder Ecclesiasticall, only subiect to the Jurisdictionne of the Kirk establischet be his Maiestie and be the lawis of this cuntrie; the actionne being comptit of that nature, quhair of the conclusioun is, of all dentie and conscience thay aucht and mycht haif declynit the samyn, without the perrell of the said law; and thairfoir, &c. *Secundlie*, It is allegit, that the Act of Parliament can nocht be extendit to the Declinatour vsēt and proponit be the pannell; becaus in all Lawis, the intentionne and reffone of the Law aucht to be attendit; bot fa it is, that the intentionne and reffone of this Law was only maid, in sic matteris, quhair ony persone was summond *super inquirendis*, as appeiris be the verrie expres woirdis of the Law, saying, in all matteris quhairin fall be apprehendit, &c. sua that the

¹ Medium, means.² Illegible.³ More.⁴ Lat. *dignoscere*, distinguished, judged of.

law being only confauet vpon ane fingular¹ caice, it can na wayis be extendit to ony vther caiffis or matteris, quhilk ar nocht expreffit in the Law; and confequentlie, can nocht be extendit to the actionne perfewit aganis the pannell befoir the Lordis of Secreit Counfall, becaus thair war nocht perfewit *super inquirendis*, bot vpon ane perticular fact and lybell; and the reffone of this Law, quhairfoir it fould nocht militat *super inquirendis*, becaus gif ony perfone, being fummond *super inquirendis*, wald declyne the Lordis of Secreit Counfall, the fact nocht being knawin to him, it war ane manifet contemptuous Declinatour of his Maieftis fouerane authoritie, and ane exeilling of his perfoun fra his Maieftis maift royall power, quhilk war maift worthie of the pane of Treffone; fua that this reffone, nocht being militat in the caufe of the perfute perfewit aganis the pannell befoir the Secreit Counfall, the faidis perfones, in vring of thair Declinatour, hes nawayis fallin vnder the compas of the faid Law. And forder, the faid Law can nocht be perticulierlie extendit aboue the perticuler caife mentionet thairintill *quia odiosa sunt restringenda*; and that, be the consent of all Doctouris, is countit odious, quhilk is aganis the difpofitionne of the Cowmoun Law, or quhilk may preiudge a thrid perfones lauchfull rycht; quhilk is the nature of this Law; feing by it the punefment of Treffone is imponet² vpon ane fact, quhilk nather be the Cowmoun Law, nor be the Lawis of this cuntrey is treffonabill. *Thridlie*, the pannell can nawayis be accufet for committing of Treffone, be proponing of the Declinatour, becaus, be the Law, the proponeing of the Declinatour is nocht comptit ane treffonabill deid, bot only prohibeit to do the ame, vnder the pane of Treffone; fa that the Affyfe, without committing manifet Errour, can nocht convict thame of the faid fact, as Treffone. *Finallie*, the pannell can nawayis pas to the knowlege of ane Affyfe, for the Declinatour, be vertew of this Act of Parliament, becaus, fen the making thair of, viz. in the moneth of . . . , anno 1592, all lawis, actis, ftatutes and ordinances, quhilk may derogat to the Jurisdiction of the Kirk ar abrogat and annullit; lyk as, be the fame Law, it is declairit be his Maieftie and the thrie Eftaitis, that the foirfaid Act of Parliament quhairupovn the pannell is accufet, being the 129 Act of the Parliament haldin in Maij 1584, fall nawayis be preiudiciall, nor derogat ony thing to the privilege that God hes gevin to the fpiritual office-beiraris in the Kirk, concerning heidis of Religioun, matteris of errofie,³ excommunicationne, collatioun and deprivationne of Ministeris, and vtheris ficyke effentiall cenfours ecclesiasticall, expreflie groundit and haifing warrand of the woird of God; be the quhilk Law, the Kingis Maieftie and the Eftaitis hes declairit, that the faid Act of Parliament quhairupoune the pannell is accufet, fall nawayis be preiudiciall to ony Ecclesiasticall effentiall cenfours, foundit vponne the woird of God, being of that nature quhair of the particuleris preceding thairin contenit ar: Bot trew it is, that

¹ Special, individual.² Imposed.³ Heresy.

the Generall Affemblic is an essentiall Ecclesiasticall cenfour, exprefslie warrandit be the woird of God, and be that fame Act in the fourfcoir tuelf,¹ Ratiefeit and approvin be his Maieftie, and decernit to be lauchful and Godlie in the felf, and is of the lyk natour with the particuleris contenit in the faid Act; becaus the intreating of the heidis of Religioune, matteris of errafie,² excommunicatioune, collatioune and deprinatioune of Ministeris, ar proper pairtis of the General Affemblic, and of the office and Jurifdictioun of the fame, *et ejufdem est nature cum fuis partibus*: And thairfoir, the pannell, in the proponeing of the faid Declinatour, haifing done nathing bot that quhilk pertenit properlie to the Jurifdictioun of the Kirk, in defyring the queftioune anent the faid Generall Affemblic to be remittit to the Kirk, thay did na wrang in proponeing of the faid Declinatour, nor yit can the faid Declinatour be drawin in queftioun, be vertew of the faid Act, quhilk be the foirfaid posteriouir Act, in that poynt, is *tacite* abrogat be ane expref declaratioune, that the famyn fall nawayis be extendit to the essentiall cenfouris of the Kirk; fua that the pannell was *in optima fide*, in refpect of the faid posteriouir Declaratioun, to vfe the benifeit of the famyn; and thairfoir, &c.

Thaireftir, the pannell for cleiring to his Maieftie of thair intentione in vfeing of the faid Declinatour, hes declairit, and be thir presentis declairis, that thair nawayis thairby meanit to exeme³ thame felffis fra ony lauchfull fubiectioun to his Maieftie's royall authoritie, nor yit frome the Jurifdictioun of the Lordis of Secreit Counfall, in ony thing quhairin ony vther fubiect is fubiect to thair authoritie; bot only, to haif that caufe, tuiebing the lauchfulnes or vnlawfulnes of the faid Generall Affemblic, being ane mater meir fpirituall, to be judget be his Maieftie and the Kirk, as only Judges competent thairto, accoirding to the law of God, and eftableifchet Actis of Parliament within this realme; declairing be thir presentis, that his Maieftie fould judge Ecclesiasticall matteris with Ecclesiasticall perfones, lyk as he judges Ciuill matteris with Ciuill perfones; and acknowledgeing thame felffis, in all matteris Ciuill or Criminall, to be fubiect to his Maieftie (and) all the lauchfull Jurifdictiounes eftableifchet for sic caiffis within this land; vnto the quhilkis, in all humble reuerance, thay fubmit thame felffis; lyk as, in all Ecclesiasticall matteris, thair ar reddie to be judget be his Maieftie with the Generall Affemblic, and vtheris eftableifchet ordouris of the Ecclesiasticall Jurifdicties.

IT IS ANSUERIT to the *ffirft* allegiance, that the Actis of the Parliament lxxxix and lxxxj can mak na derogatioune to the Act of Parliament maid in Maij, anno 1584, quhairupoun the Dittay is foundit, being posteriouir to thame, geveing expref Jurifdictioun to the Kingis Maieftie and Lordis of his lienes Secreit Counfall over all perfones, ather fpirituall or temporall, accoirding to the tenmour of the faid Act: And as to the nature of the caus perfewit aganis the pannell

¹ A.D. 1592.² Heresy.³ Exempt, free.

befoir the Loirdis of Secreit Counfall, accoirding to the tennour of the Dittay and Decreit of Secreit Counfall product, the Lordis of Secreit Counfall was maift competent Judges to the hail contentis thairof, alsweill anent the tryell and punefchment of thair contempt, as of the vnlawfulnes of thair Affemblic, at that tyme and place, thay being exprefflie difcharget be his Maieftis Letteris of Hoirning and be the Counfallis command, in writt, to hald na Affemblic at that tyme, or indiet ane new Affemblic to ane new tyme and place: Lyk as, thay haifing proponit thair Declinatour befor the faidis Lordis, the famyn was Repellit, and Decreit gevin in the hail caufe; in refpect quhairof, the Dittay ftandis relevant.—To the *fecund* allegiance, anfueris, that the woirdis of the Act of Parliament, anent Declinatouris to be proponit in actiones *super inquirendis*, befor the Secreit Counfall, can nocht exeme the caife contravertit, fra thair Jurifdictionne; albeit that fauour was fchawin to the pairtie, to foirwairne thame of the caufe thair war to anfuer: Bot generallie, the Law is vnderftand, and hes alwayis bene interpret, that all Declinatouris proponit in matteris competent to the Jurifdictionn of the Counfall ar of thame felffis treflonabill, as was folempnatlie decydet in the Kingis Maieftis awin prefence aganis vni^q^{le} Mr David Blak: And thairfoir the Declinatour proponit be the pannell, and adheirit to be thame, eftir the famyn was repellit be the Counfall, fallis vnder the woirdis, meaning and tennour of the Act of Parliament.—To the *thryd* allegiance, anfueris, that all crymes ordanit to be pwneift be the payne of Treafoun ar treflonabill.—To the *ffourt* allegiance, anfueris, that the claus of the Act of Parliament, in the yeir of God I^m.V^c.lxxxix, being ane exceptioun frome the Act of Parliament, in the yeir of God 1583, confermis the famyn Act, in all heidis nocht exprefflie exceptit; lyk as, the exceptioun is only of heidis of Religioun, materis of errasie, excommunicationn, collatioun or deprivationn of Ministeris, or ficylke essentiall cenfours, fpeciallie groundit and haifing warrand of the word of God; and it is of veritie, that the keiping of ane Affemblic at ane certane tyme and place, and appointing of ane new Affemblic, aganis the Kingis Maieftie expres charge vnder the payne of rebellioun, and aganis the will and command of the Counfale, and aganis the difaffenting of his Maieftis Commiffioner, is nather ane heid of Religioun, mater of errasie, excommunicationn or essentiall cenfou; and thairfore, is nocht exceptit fra the faid Act, bot fallis vnder the prohibitoun and danger thairof: And thairfore, nochtwithftanding of the alledgance and declaratioun foirfaid, the Dittay fould be putt to the knowlege of ane Affyfe.

It is lykwyife alleget be the Pannell, that the Justice can nocht putt thame to the knowlege of ane Affyfe, for Treafoun, becaus thay ftand at the horne vnrelaxit.—The Aduocat anfueris, that the Justice hes admittit the preloquouris to compeir in the faid mater; and thairfoir the Dittay for Treafoun fould be putt to ane Affyfe.

THE JUSTICE admittit the said preloquontouris to compeir as preloquontouris in the said mater : And with auise of the hail Affessouris, in aue voce, in respect of the anferis maid be my Lord Aduocat, Ordanis the Dittay to be putt to ane Assyse.—Quhairuponne my Lord Aduocat askit instrumentis.

ASSISA.

Sir Johnue Home of North-Ber- nik, knycht,	Sir Archibald Sterling of Keir, kny ^t ,	Gawin Home of Johnnefclench, Johnne Levingstoune of Donypace,	Thomas Levingstoune of Pantoun,
Sir George Home of Broxmouthe, knycht, elder,	James Schaw of Sauchie,	Ro' Levingstoune of West-Quarter,	
Sir James Forrester of Carden, knycht,	Mark Swyntoun in Inperkething, Harie Stewart of Craigiehall,	James Gib younnger of Carriber, Alexander Home of Rentoune,	
	George Home of Deanes,	Sir Patrik Home of Polwort, kny ^t .	

The Aduocat askis instrumentis of the admitting and fueiring of the Assyse, and eftir accusatioun of the personis on pannell, be Dittay.—The Aduocat, for verificatioun of the Dittay, produceit the Declinatour, subseryuit with thair handis acknowledged be thame selff in Judgement ; Repetit the Act of Parliament ; produceit the Decreit of Secreit Counfall, the charge of Hoirning, and the pretendit proces,¹ subseryuit be the pretendit Moderatour and the pretendit Clark of the Generall Assemblie, granting the ressalt of the Counfallis Missiue, of the temour lybellit, and the Declaratioun of his Maiesteis Commiissioner, bering that he disassentit fra thair hail proceeding ; and seing my Lord Justice, be the auise of the hail Counsale present, hes discussit the pannellis hail defensis, and ffund the Dittay relevant ; and that thair ressalt na forder to the Assyse bot to declair, quhidder the factis contenit in the Dittay haif bene committit be the pannell or nocht, the famin fact being sa manifestlie provin be the writtis produceit, and navyise denyit be the pannell, bot ratifeit and renewit in Judgement, as the proces beris ; in caise thay acquit the pannell, the Aduocat protestis for Wilfull Error and remeid of Law, with all regour.—The pannell protestis for Error aganis the Assyse, in caise thay ffyle thame of Treasoune.—The Aduocat askis instrumentis, that the pannell confessis to gefing in of the Declaratour.

VERDICT. The Assise, be the mouth of the said Harie Stewart of Craigiehall, chancellor, ffund, pronuncet and declairit the saidis fax Ministeris, and ilk ane of thame, to be ffylet, culpable and convict of the tressonabill declynceing of the Judgement of his Maiestie and Lordis of his Secreit Counfall, conforme to the Dittay aboue specifeit.

WARRANT *and* DOME *of* BANISCHEMENT² *pronuncet aganis* THE MINISTERIS, *in Pretorio de Lyulythgow, xviij die mensis Octobris, 1606, per Magistrum Willielmum Hairt de Prestoune, Jusficiarium Deputatum.*

[Oct. 23.]—COMPEIRIT M^{ris} Thomas Henderfoun and Robert Lyntoune,

¹ The procedure which took place at their Assembly.
to insert the ' DOME' here, rather than under its proper date.

² It has been thought most convenient

substitutis to our sowerane lordis Aduocattis, and producet to my Lord Justice his Maiesteis Warrant; quhilk the Justice causit be oppinlie red in Judgement, and ordanit the samyn to be infert in the buikis of Adiornall; quhairof the tenuour followis.

JAMES R.

WHEARAS, in our Justice-Court, held at Lynlythgow, the tenth of Januare lastbypast, Mr Johnne Forbes, &c. war convicted of the cryme of Tressone, for pair contemptuous and tressonable declyneing pe Judgement of us and pe lordis of our Secreit Counfall, *simpliciter*, be a declinatour subferyuit with pair handis, and gevin in be pame, in Judgement, befor the saidis Lordis of our Counfall; as in the said proces of Convictione at mair lenth is contenit: And pe pronunceatioun of the Dome being by our Justice, vpon grave and wechtie respectis continewit, till our sarder plesour war knawin pairin, WE now considering pe grit insolence of that proud contempt, and quhat dangerus exampill it micht be, if it fould pas vnpwneifched, haveing, in our accusomed lanity, gevin to thaise declared Traitoris moir pan sufficient tyme to haif implored and maid humble sute for our mercie; zit, finding in thame nathing bot a continwing obdured obflinacie and wilfulnes, without liklieloid or appearence of respiscence and repentance in thame, for pair former committed soleis: And albeit pe gritnes of pair offence, and speciallic in men of that functioun (quhais lyves fould be lanternes and lichtis to vperis, to cary thame felvis in all dentie and obedience, and pairfoir pair ouersightis requyreing pe moir seveir animaduershoun and pwneifchment,) hath most iustlie demereited the extremitie of the regour to be inflicted vpon thame, for ane exampill to affray all vperis to attempt pe lyk; zit, becaus heirtofoir that Law haith nevir bene putt to executioun, quhairby sum men may perhaps pretend that pai had pe moir probaill ignorance pairof, (albeit in reasone the same can be no excuse,) We haif with our wounted clemency, vpon that respect only, spareid to inflict the rigour of the Law, at pis tyme: It being our Will and pleafour, that our Justice or his depute fould fence and affix a Justice Court, to be held at Lynlythgow, or ony vper pairt else that our Counfall fall think expedient, the xxij day of October nixtocum, and pair cause Dome to be gevin out against the saidis traytouris, to be BANISHED all our dominiones, during all pe dayis of pair naturall lyves; vnder pane of death: And pe Dome being pronounced, oure Will and plesour is, that pai be returned to pair wairdis, thair to remane for pe space of ane moneth, for making pair preparatiounes for pair departour; befor pe expyreing quhairof, gif pai do nocht depart, wind and wedder surveing, oure Will and pleafour is, that pe ordinarie death vsuallie inflicted vpon Traytouris be directed to be execute vpon thame: And gif pai fall nocht departe within pe said space, or being departit, fall returne into oure dominiones, without our Licensie, thay fall incur pe pane of death, and all vper panes dew to perfones convict of Tressone. Quhairanent these presentis fall be to our said Justice a sufficient Warrant. AND becaus this our spare dealing and grit clemencie, extendit towardis those abone named offendouris, in this thair so haynous a cryme and offence, may perhappes move in sum vtheris sum presumptioun to think, that for trespassis of this qualitie no gritter rigour will be heireftir vsed: ffor removeing of which pair foolische opinione and conceate, and that everie ane may haif notice of our full determinatioun in any suche lyk case heireftir, Oure Will and pleafour is, that in our said Justice Court, to be keipit pe said day, for pronunceing of pe said Dome, speciall intimatioun be maid, in open Court, by our said Justice, to all our leigis pair present, that it is our resolutioun, that gif any heirefter fall offend, in such a heich trespas, that pai fall be proceidit against with all severitie; and that the death dew vnto Traytouris fall be inflicted vpon thame with all rigour; the example of this our present lenitie at pis tyme, nevir remayning any motiue to induce us to schaw any such clemencie to such as fall commit pe lyk offence heireftir: And our will is, that pir presentis be recoirdit in the buikis of Adiornall, and that publicatioun be maid heirof at the mercait croce of Edinburgh, and all vper places neidfull. GEVIN at our Court of Hamptone Court, the xxvj day of September, 1606.

Accoirding to the quhilk Warrant, the said Justice-depute, be the mouth of Henrie Wilfoume, dempfter of Court, pronuncet dome, and decernit and ordanit the saidis perfones to be Banifchet all our fouerane lordis dominiones, during all the dayis of thair naturall lyves : And ordanis thame to returne to thair wairdis, thairin to remane for the fpace of ane monethe, for making of thair preparatioun for thair depairtour ; befor the expyreing quhairof, gif thay depairt nocht, wynd and wedder ferving, the said Justice-depute, accoirding to the said Warrant, decernis and ordanis the ordinarie daeth vsuallie inflictit vpon perfones convict of Treffone to be execute vpon thame : And gif they fall nocht depairt within the said fpace, or being depairtit, fall returne within his hienes dominiones without his Maiefteis Licence, decernis and ordanis thame, accoirding to the said Warrant, to incur the pane of daeth, and all vther panes vsuallie inflictit vpon perfones convict of Treffone : Quhilk was pronuncet for dome.

[*Mr Williame Hairt of Prestoune, Justice-Depute.*]
Murder of the Warden of the West Marches.

[THE Clan or 'Name' of ARMSTRONG was perhaps the most distinguished of the warlike Thieves of the Scottish Border, having possession of the largest portion of Liddisdale and the Debateable Land. For the exploits of many individuals of this name, reference may be had to the Works of Sir Walter Scott, and especially to the Introduction to the Border Minstrelsy, and the Notices prefixed to '*Johnie Armstrong*' and '*Kinnmont Willie*,' &c. The almost unparalleled act of bravery of the LAIRD OF BUCCLEUCH, who achieved the deliverance of *Kinnmont Will* from the Castle of Carlisle, in April 1596, has been adverted to in a former part of this Collection.¹ A very interesting 'Relation' of this remarkable feat, taken from a contemporary MS., is also given in the Minstrelsy,² which the reader will find well worthy of perusal. This event is likewise narrated in the Anonymous History of Scotland, already quoted;³ and as his Narrative is very brief, it has been thought proper to preserve a transcript here.—'NOW Auld WILL ARMISTRANG of *Kenmont* being tane be Inglis men, and is wairdit in the Castell of Cairleill, within ane strait priffoune, and yrnifs on him ; and being to thoill the tryall of the Law, knew perfythie that thair was no saifty for him. He vrittis in Scotland to his freindis, to sic gif thay culd mak him releiff. Quhairupoun THE LAIRD OF BALCLEUCH past within⁴ thrie scoir tenne horfe to the saidis Castell, and with ladderis clam the fame, and brak the priffoune ; and bringand the said Williame Kinnwnt hame with him, he cauffit blaw his trumpett and cry sum slughorns,⁵ puttis the toune and cuntry in sic ane fray, that nene durst stirr: Quhairby, he brocht the said Will Kinnmont away, but⁶ ane straik, to the grit honour of his cuntry. This wes done the sext day of Apryll, 1596.'

The Murder of SIR JOHN CARMICHAEL, knight, the Warden of the West Marches, sealed the fate of many of the Armstrongs, and led to the adoption of measures of the utmost severity against all those of the name who were thereafter convicted, or even suspected, of mal-practices.⁷ On Nov. 14, 1601, Thomas Armstrong, 'sone to Sandeis Ringane,' was convicted for being accessory to this barbarous act of butchery, and is the first instance on record, in Scotland, of a criminal having been hung in chains. The above mentioned Anonymous Historian⁸ narrates the event very quaintly, in the following terms. 'Now the Bordouris being werry euill brokin, thair war dyuerse Reidis⁹ in all fydis, bayth be Scotland

¹ Vol. I. pp. 363—365.
 Library, A. 4. 35.
 pp. 450, 451, and 452.

² See *Scott's Poetical Works*, Svo. 1821, Vol. I. p. 180.

⁴ Under the number of.

⁵ Slogans, war crys.

⁶ Without.

⁸ MS. Advocates'

Library.
⁷ See Vol. II.

⁸ MS. Advocates' Library.

⁹ For Raids, hostile incursions.

and England; and THE ERL OF ANGOUS, heaffand gewin the famin owir, quha wes Wardane, the King makis THE LAIRD OFF CARMICHAEL Wardane; quha, finding *the Airmiftrayngis* to be the grüttest occasionne of the trubbillis, wes myndfull to pvneife sum of thame, quha wes notorius theiffis; and thay heaffing intelligense thairoff, fendis to him ane broder of *auld Williame Airmiftrayngis of Kenmunt*, quha wes callit Alexander Airmiftrayng, *alias Sandeis Ringand*. This Ringane being in his cumpany, and entiring in conferance with the Wardanis, findis that thair wes na frendfchip to be luikit for at his handis; and also, thair wes sum young menne with the Wardane, quha begane to mok this *Ringan*, be steilling out of his fuord, and putting 30kis of egis in the skabert, quhairby the famin wald not draw; quhilk he perfaiffing, said, that “he awowit to God, that thair fuld sie his fuord out, and (*if*) he and thay vent on the grond quhair he mycht be partie!”¹ And cuming hame to his awin hous, in this readge, sayis to his fommis, that he wes “maid schame of som,” awowing to God, “to be equal with the famin!” And knawing THE WARDANE to ryd on the morne, he and his sonis fettis for him with sum wtheris, and flayis him be the schott of ane hagbutt. And thaireftir, for the famin cans, this *Ringane* and his sonis wer tane and execut to deith, as Tratoris to his Maiefty, be putting handis in the Kingis Wardane. This was done the 16 day of Junij, yeiris 1600.’

Sir Walter Scott supposes the well-known verses, ‘*Armstrong’s Good Night*,’ to have been composed by Thomas Armstrong, who is called by him ‘*Ringan’s Tam*,’ previous to his execution, Nov. 14, 1601. The reader is referred to the *Minstrelsy* for the exploits of the Armstrongs, and of other Worthies of the Scottish Border, whose names frequently occur in the Criminal Records.]

Feb. 13.—ALEXANDER AIRMESTRANG, callit *Sandie of Rowaneburne*.

Dilatit and accuset be Johnne Commendater of Halyruidhous, sone-in-law to vinq^{le} Sir Johnne Carmichell of that Ilk, knycht.

FORSAMEKILL as he, accompaneit with Thom Airmstrang, sone to *Sandeis Ringane*,² the said Ringane and vtheris, his sonis and complices, to the number of fewintene perfonis, or thairby, commoune thewis and tratouris, the maist pairt being on horsbak, and he on fute; came all bodin in feir of weir, with hagbuttis and pistolettis, lance-stalfis and vtheris wappinnis, invasue, to the Murthumleis; quhair thair, in the moneth of Junij, I^m.Vj^c., altogidder confukit and dewysit the crewall and treasonabill Slauchter of the said vinq^{le} SIR JOHNNE CARMICHELL of that Ilk, knycht, WARDEN OF THE WEST MARCHES;³ and for performance thairof, past fra Murthumleis to Coloneheid, quhair he and his complices lay att wait for the said vinq^{le} Sir Johnne passing by to ane Court; and as he wes, in sibir and quyet maner, passand by to the said Court, vpone the . . . day of the said moneth of Junij, quhilk wes to be hauldin in Lochmahene, he and his complices fett vponne him att the Raeknowis, quhair, with schottis of hagbuttis and pistolettis, thay schot him throw the body, and crewallie slew and mordreift the said vinq^{le} Sir Johnne Carmichell, being his Maieftis Wardane for the tyme: And the said Alexander Airmstrang wes airt and pairt of the said

¹ Where he might avenge his own quarrel.

² See Vol. II. p. 363, where he was sentenced

to be ‘hangit vp *in irne-cheinis*,’ after having his right hand struck off.

³ Robert Birrel gives

the following notice, in his Diary, Jul. 11, 1600. ‘The Laird of Carmichael bareit; quha was flaine be the Airmstrangis and Carliles, he doing and executing his office of Wardaurie, vpone the 16 of Junij befor.’

crewall and trefsonabill Murthour, he being than vpoun the ground with his complices, att the committing of the said vngodlie fact : To the takin¹ he confest the famin be his depositiounis ; lyke as, he, be Depositoun, declarit him self to be innocent of ony vther haynous crymes, except the foirsaid innocēt² Slauchter of the said vinq¹⁰ Sir Johnne ; quhilk he declairit he wes brocht vpoun aganis his will. ITEM, for commoun Thift, commoun Ressett of thift, inputting and outputting of thift, fra land to land, fra cuntry to cuntry, baith of auld and new.

PERSEWER, My Lord (‘ Johnne Commendater’ of) Halyrudhous.

ASSISA.

Robert Mcbrair of Almagill,	Andro Ker of Mylnerig,	Michell Adamefoun, flescheour in
Johnne Weir, brother to Auchtie-	Gylbert Halyday, merchand bur-	Edinburghe,
fardell,	ges of Edinburghe,	Williamme Mow, hatt-maker thair,
R ^t Johnnestounne, burges of Ed ^r ,	Allane Cathcart, staibler thair,	Andro Greir, burges thair,
Vthrid McDonell of Mondurk,	Robert Dalzell, Y ^r of that Ilk,	Alexander Bowie, staibler thair,
. . . . Hunter of Polmude,	James Johnnestounne or Waftraw,	J ^{on} Steill, fumtyme of Houstounne.

VERDICT. The Assyse, be the mouth of the said James Johnnestounne, chancellor, fand, pronunceit and declarit the said Alexander Armstrang to be ffylit, culpabill and convict of airt and pairt of the crewall Slauchter and Murthour of the said vinq¹⁰ Sir Johne Carnichell, conforme to his Depositounis. And als, to be ffylit, culpabill and convict of commoune thift, commoune ressett of thift.

SENTENCE. To be tane to the mercat croce of Edinburghe, and thair to be hangit vpoune ane gybet quhill he wes deid ; and all his movabill guidis to be efcheit and inbrocht to our fouerane lordis vse, for the said crymis.

Slaughter — Shooting Hagbuts, &c.

Feb. 21.—ADAME BROUNFEILD, in Gordone maynes.

Dilaitit for airt and pairt of the fellone and crewall Slauchter of vinq¹⁰ Thomas Cranstoun ; committit vpone the xxij day of July, the yeir of God I^m.V^c. fourscor fyftene yeiris, within the boundis of the landis of Moriestoun, at that pairt thairof callit the Kame, be the schot of ane hagbut throw his body ; vpone set purpos, prouisioun and foirthocht felony.

PERSEWER, Johnne Cranstounne, as brother.

PRELOCUTORIS in perfute, Sir Johnne Cranstounne of that Ilk, Mr Thomas Cranstounne.

PRELOCUTORIS for the pannell, Mr Williamme Oliphant, Aduocat, James Brounfeild of Nether Maynes.

It is allegit be the pannell, that he can nocht be put to the knowlege of ane Assyse, vpone this Dittay, and crymes contenit thairin ; becaus the Kingis Maiestie hes grantit his Remissionne, vnder the Grit Seill.³—It is ansuerit be the persewer, that this Remissionne, anent the tyme of the committing of the said (slauchter) lybellit, meittis nocht the tyme specifcit in the Dittay.⁴

¹ In token or testimony whereof. ² *Sic.* ³ Apud Edin. Dec. 20, 1605. ⁴ ‘ In menfe . . . 1594, commissl.’

THE Justice admittis the Remiffiounne product.

It is allegit be the perfewer, that the Remiffioun vset be the pannel, is contrair to the Act of Parliament, ordanang na Remiffiounne to be grantit, without satisfiounne of pairtie, and productione of ane Letter of Slanes, vtherways to be null.—Anfuerit, the alledgeance aucht to be repellit, in respect of the Remiffiounne; and offeris cautionne to fatisfie the pairtie, conforme to the Lawis of this realme.—James Brounfeild in Nether-maynes, Johne Brounfeild in Gordone-maines and the said Adame (become) cautionne, coniunctlie and feuerallie, for satisfiounne of pairtie, &c.

Slaughter — Shooting Hagbutis and Pistolets.

Feb. 25.—HEW CAMPBELL in Mauchline, sone to vniq^{le} Thomas Com-mendator of Halywoid.

Dilaitit of airt and pairt of the fellone and crewall Slauchter of vniq^{le} Johne Glencorfe of that Ilk, be schottis of hagbutis and pistolettis; committit vpon the xiv day of September, the yeir of God 1581 yeiris, vpon the ground and landis of Gribtounne; vpon set purpois, pronifioun and foirthocht fellonie.

PERSEWERIS, Iffobell Glencorfe, sifter; Robert Glencorfe, neir kynfman.

PRELOCUTORIS for the pamell, Mr Robert Lyntoun.

Tuik him to our fouerane lordis Remiffiounne, for the said cryme. ('Apud Edinburgh, Feb. 14, 1606.') Williame Campbell in Grienoek-maynes, Alexander Nisbet of Grenholme, and the said Hew, become cautionne and fouertie, coniunctlie and feuerallie, to fatisfie the pairtie, as law will.

Slaughter.

Feb. 26.—WILLIAME M^cINTOSCHE, sone to the Laird of M^cIntosche; Angus Williamsone of Termet; Donald M^cintosche, sone to Perfone M^ccondowie; Williame M^cJames, sone to James Glas; Angus M^cRannald, sone to vniq^{le} Johne M^cAngus; Lauchlane Williamesone, eldest sone to Angus.

Dilaitit of airt and pairt of the slauchter of vniq^{le} Alexander Anderfoune in Balnaglak and vniq^{le} Johne Barrone thair.

PERSEWER, Johne Elphinstoune of Balnaglak, as neir kynfman to the saidis vniq^{le} perfones.

The said Johne Elphinstoune, perfewar, for himself, and takand the burding on him for Thomas Anderfoun, brother to vniq^{le} Alexander Anderfoune, past fra the perfute of the perfones on pannel, *pro loco et tempore*. Lauchlane M^cintosche of Dymnachten becomes fouertie for the entrie of the perfones on pannel, the thrid day of the air (of 'Inuernese,') or soner, vpon xv dayis wairning; vnder the panes contenit in the Actis of Parliament.

Breaking the Place of Kilbirnie — Theft, &c.

Feb. 26.—JOHNE CRAUFURD, sumtyme in Auchincloch, now in Auchinbothie.

Dilaitit of airt and pairt of the Breking of the Place of Kilbirnie; and steilling of certane eidentis and abulzementis, pertening to Johnne Craufurd of Kilbirnie, &c. viz.

FORSAMEKILL as he, accompaneit with Thomas Wilfoun in Wallafe, with divers vtheris thair complices, cownoun thewis, in the moneth of Nouember, the yeir of God Im.Vc. and twa yeiris, come to the Place of Kilbirnie, the Laird being than furth of this realme, and his Lady being than in Grenok, ten myle distant fra the said place of Kilbirny; and thair, vnder sylence and cloud of nycht, brak the said Place, at the North syde thairof, enterit within the samin, and thiftioullie stall, concealit, ressett and away-tuik, furth thairof, and furth of the cofferis thau standing within the said Place, ane figuret velvet goune, ane blew bend of taffetie, ane ryding cloik and skirt of broun cullerit claiith, wrocht with siluer pafment; ane blak velvet dowblet, cuttit out and wrocht with silk cordounis; ane pair of broun veluet breikis, wrocht with cordounis of gold; ane lowfe gown of grograne, ane skirt of broune fatene, ane broun faittene dowblet, twa hwidis with craipis; togidder with ane pair of blankettis, qubairin he band all the saidis clathis and abulzements: Quhilkis guidis and geir pertenit to the said Johnne Craufurd of Kilbirnie and his spous. LYKE as, att the samyn tyme, he with his complices, brak vp the said Johnne Craufurd's Charter-kist, standing within the said Place, and thiftioullie stall, concealit, ressett and away-tuik, furth thairof, ane grit number of the said Laird of Kilbirneis speciall eidentis and writtis,¹ togidder with the saidis guidis and geir and abulzements, he and his complices had and convoyit away with thame, and disponit thairvpoun att thair pleasour; and he wes airt and pairt of the thifteous steilling, concealing, ressettting and away-taking of the saidis guidis, geir, writtis, eidentis and vtheris aboue writtin, and of the breking of the said Place, in maner, and att the tyme foirfaid; qubilk wes notourlie knawin. To the takin,² he, with his wyffe and seruand-wemene, delyuerit bak agane to the Lady Kilbirny, within the duelling houe of Cuthbert Craufurd in Parkfut, in presens of the said Cuthbert Craufurd, Hew Gawin in Boig, Williame Allane in Manis, Thomas Harvie in Brokklirhill, Mungo Allane in Sarlie, Hew Starrie in Bankfyde, and George Kelfo in Brighill, the perticuler abulzementis following, viz. the saidis cuttit out velvet dowblet, the broun velvet breikis, the lowfe grograne goune, the broun fatene skirt, ane broune fatene dowblet, the said figurit velvet goune, the said broun ryding cloik and skirt, with the saidis twa huidis, quhilkis wer thifteoullie stollin and away-brocht be him and his complices, furth of the said place, att the tyme foirfaid: To the takin also, he being examinat him selff, in presens of the Minister, eldaris and deakinnis of the Kirk of Kilbirnie, he grantit and confessit the haifing of the said blew taffatie bend, with certane of the said Laird and Ladies writtis and eidentis, bot wald nocht declair how he came be thame; as the Extract of his Confessioun, heirwith produceit to sehaw, beris: To the takin lykwayis, the said Johnne, being charget of befoir to find cautionne to haif comperit before tho Justice, at ane certane day bygane, to vuderly the law for the foirfaidis crymes, he than, for dissobediencie of the said charge, past to the horne; as the Hoirning lykwayis sehawin beiris.

PERSEWARIS, Johnne Craufurd of Kilbirnie, Sir Thomas Hammiltoune of Monkland, kny^t, Aduocat. PRELOCUTORIS for the pannell, Mr Johnne Russell, Williame Speir, wryter, Mr Patrik Hammiltoune.

The Laird of Kilbirnie takis instrumentis of the productionne of Thomas Wilfoune at the horne, and lykwayis of the productionne of the Letteris aganis

¹ Principal title-deeds and writings.

² In token, or proof.

the cautioneris for the Entrie of Johnne Craufurd, and of the roll of his Affise; and offeris him reddie to persue the said Johnne for the crymes contenit in his Dittay; and protestis, in respect thair of, that he be relevit of his cautionerie.

VERDICT. The Affise, be the mouth of Williame Orr in Lochrig, chancellor, for the maist part, stand, pronuncet and declairit the said Johnne Craufurd to be Clene, innocent and acquit of airt and part of the breking, &c.

Slaughter — Demembration.

Mar. 7.—NINIANE AIRMESTRANG, callit *Niniane of Tueidane*, Andro Henderfoune, servand to the Laird of Mangertoune, Archibald Airmestrang, callit *Fair Archie*.

Dilaitit of the Slaucher of vmq^{le} Andro Smyth, and demembring of Thomas Tueidie of his neife (*nose*.)

PERSEWERIS, Johnne Smyth, sone to vmq^{le} Andro Smyth, Thomas Tueidie in Dwafyre.

The perseweris passis fra the persones in pannel, *pro loco et tempore*.—Robert Scott of Hayning become fouertie for the entrie of Niniane and Andro, and Sir James Johnnestoune of that Ilk, for the said Archibald, the thrid day of the air (of Dumfries) or soner, vpone xv dayis wairning, to vnderly the Law, &c.

Mutilation and Demembration.

Mar. 7.—GAWIN ELLOTE of Fiddeltoune, callit *Johnne's Gawin*.

Dilaitit for Dismembring of Thomas Twiedie in Dunfyre of his nise (*nose*.)

Robert Ellote younger of Fallinesche oftymes callit, as cautioner for the said Gawin, to haif enterit and presentit him befor the Justice this day, vnder the pane of thre thousand merkis; as he that become fouertie actit in presens of Sir Williame Seatoun of Kyleshure, Sir Johnne Charteris of Amisfeld, and Sir Jedione Murray of Elibank, kny^{ts}, his Maiesteis Commiffioneris, in ane Court of Justiciarie held be thame, within the tolbutth of Peiblis, the tuentic tua day of December lastbypast. The said Robert vnlawit in the said pane.

Cattle and Horse Stealing — Slaughter — Fire-raising — Shooting of Pistolets — Cutting down Timber, &c.

Mar. 19.—HECTOUR TRUMBILL of Wauchope, George Trumbill his sone, Adame Trumbill in Bullerwall, (*'past fra,'*) George Trumbill in Howa, (*'past fra,'*) Johnne Trumbill, sone to Hectour of Wauchope, Hectour Trumbill of Stanyledge, (*'past fra,'*) Andro Trumbill, brother to Bullerwall, (*'past fra,'*) Hectour Trumbill in Clarielaw, and Thomas Trumbill of Hoppisburne.

Dilaitit, accuset and perfewit for airt and pairt of the crymes *respectiue* following, viz.

FOR the thiftious Steilling, conceilling, reffetting and away-taking, fra Margaret Trumbill Lady Apotefyde, furth of the toun and landis of Hairwood, tua hundreth ky and oxin, threttie feoir of fcheip, threttie horfe and meiris, with the haill inficht and pleniffing, worth the fowme of ane thousand pundis money; committit in the moneth of Junij, the yeir of God I^m.V^c. fourfcoir auchtene yeiris (1598). ITEM, for airt and pairt of the thiftious fleilling, conceilling, reffetting and away-taking furth of the landis of Apotfyde, of ane hundreth ky and oxin, tua hundreth fcheip pertening to the faid Margaret, with hir haill infycht and pleniffing being within the faid place, worth V^c lib.; committit in Junij, the yeir of God foirfaid. ITEM, for airt and pairt of the thiftious fleilling, conceilling and away-taking, be way of Maifterfull thift and flouth-reif, furth of the faidis landis of Apotefyde, of xxx ky and oxin, pertening to the faid Margaret Trumbill, with hir haill inficht pleniffing, worth the fowme of V^c merkis; committit in Januar, the yeir of God I^m.V^c. fourfcoir nyntene yeiris. ITEM, for airt and pairt of the treffonabill and awfull Raifing of ffyre about the place of Apotfyde, and burning and diftroying of dyuerfe houffis within the faid place, togidder with tua horffis, price of the peice¹ V^c pnaid; with certane inficht and pleniffing; committit in the moneth of Maij, I^m.V^c. fourfcoir nyntene yeiris: And for airt and pairt of the crewall Slauchter of vmq^{le} Williame Lorane,² ane young boy of xij yeiris of age; committit in the moneth of Julij, the yeir of God I^m.Vj^c. yeiris, within the wood of Lorane, vpone fet purpois, prouiffoun, auld feid and foirthocht felony. ITEM, for airt and pairt of the crewall Slauchter of vmq^{le} Hectour Lorane of Harwoid, with fchotis of hagbutis and piftolettis; committit in the moneth of Junij, the yeir of God I^m.Vj^c. and foure yeiris. ITEM, for airt and pairt of the Slauchter of vmq^{le} Lyell Broun, fervand to the faid Margaret: AND als, for airt and pairt of Steilling fra the faid vmq^{le} Lyell, furth of his landis of Harwoid, of threttie ky and oxin, threfcoir fcheip, thre horfe and twa meiris, with the haill inficht and pleniffing of his hous, worth the fowme of thre hundreth merkis; committit in the moneth of Junij, the yeir of God, I^m.V^c fourfcoir auchtene yeiris. ITEM, for contravening of the Actis of Parliament, in beiring, weiring and fchuiting of hagbutis and piftolettis, vpone the faidis landis of Harwoid, Apotefyde and remanent places foirfaidis, fchuitting and flaying of the faidis Hectour Lorane of Harwoid, and vmq^{le} Williame Lorane, his brother, the tymes *respectiue* aboue writtin of the committing of thair faid Slauchteris. ITEM, for contravening the Actis of Parliament, io cutting down and diftroying, in the monethis of Januare, Februare, Marche, and remanent monethis of the yeiris of God I^m.V^c. fourfcoir auchtene, 1599, 1600, 1601, 1602, 1603, 1604 and 1605, at the leift in ane ar vther of the faid monethis and yeiris of God, of the haill grit growand trayis,³ within the woidis of Apotefyde, pertening to the faid Margaret Trumbill, viz. ane thousand birch treyis, fyve hundreth grit aikis, thre hundreth allouris, four hundreth haiffaillis;⁴ and hes waiffit and deftroit the faidis woidis.

PERSEWERIS.

Margaret Trumbill, Lady Apotfyde; Mr Robert Lyntoun, Aduocat, substitute to my Lord Aduocat.

PRELOCUTORIS for the pannell, Mr Alexander King, Mr Lawrence M^cGill.

Compeirit personallie WILLIAME ERLE OF ANGUS, Lord of the Regalitie of Jedburghe-florrest, and producet his Seafing, comprehending the faid Regalitie, and defyrit to Repledge the particular perfones following, duelling within the faid Regalitie, viz. The Laird of Wauchope, George and Johnne Trumbillis, his fones, and Thomas Trumbill of Hoppifburne, as houfhold man to Thomas Trum-

¹ Price of each, £500.

² Brother to the Laird of Harwood.

³ Large growing timber.

⁴ 1000 birch trees, 500 great oaks, 300 allers (elder, or mountain ash), 400 hazels.

bill younger of Wauchope, all duelland within the said Regalitie. It is anfuert be the Aduocat, that the perfonnes defyrit to be repleget can nocht be repledget for Treffone, viz. ffyre-raifing,¹ contenit in the Dittay.—It is anfuert be Mr Alexander King, that thair aucht to be repledget, nochtwithftanding of the Aduocatis allegeance; becaus (thair is) na Treffone, bot that quhilk is committit aganis the kingis awin perfone.—It is duplyt be the Aduocat, that ffyre-raifing is Treffone; and thairfore the said perfonnes can nocht be repledget, bot fould pafs to aue Affyfe, quhither it be committit aganis his Maieftis perfone, or for ony vther cryme impoirting Treffone.

THE Justice, eftir probatioune led that the saidis perfonnes duelt within the Regalitie, Admittis my Lord of Angus Replegeatioum, repledeand thame for the hail crymes contenit in the Letteris, except the Treffone of ffyre-raifing: And my Lord of Angus, prefent, fand cautioune, viz. Adame Trumbill in Bullerwall, to adminifter Juftice, in Lyntelleis, the xv day of Apryle nixt; and the said Adame become cautioune for the entrie of the saidis perfonnes.²

The perfewer paffis fra Hectour Trumbill of Clarielaw, for the cutting and diftroying of the greine-woid, contenit in the Dittay, *pro loco et tempore*.

Treasonable Fire-raising — Cattle-stealing — Slaughter, &c.

Mar. 19.—HECTOR TRUMBILL of Wauchope, George Trumbill and Johnne Trumbill his fones, Hectour Trumbill of Clarielaw, and Thomas Trumbill of Hoppisburne.

Dilaitit, accuset and perfewit of the crymes *refpective* following, viz.

THE said *Hectour Trumbill of Wauchope* and *Hectour Trumbill of Clarielaw*, of airt and pairt of the trefonabill and awfull Raifing of ffyre, vpon the landis of Harwod, and burning and diftroying of fourtie dargis of turves,³ pertening to the said Margaret Trumbill Lady Apotefyde; committit in the moneth of Junij, the yeir of God, I^m.V^c.lxxxviiij yeiris. ITEM, the saidis *Hectour Trumbill, elder of Wauchope*, *George* and *Johnne Trumbillis* his fones, *Hectour Trumbill of Clarielaw*, and *Thomas Trumbill of Hoppisburne*, ffor airt and pairt of the trefonabill Raifing of ffyre about the Place of Apotefyde, and burning of findrie houffis of the said Place, togidder with tua horffis, worth ane thoufand pundis, and hail infycht and pleniffing within the saidis houffis, worthe ane hundreth pundis; committit in the moneth of Maij, the yeir of God I^m.V^c. fourfcoir-nyntene yeiris. ITEM, the said *Hectour Trumbill of Clarielaw*, for airt and pairt of the Steilling of tua hundreth ky and oxin, threttie fcoir of fcheip, threttie horfe and meiris, pertening to the said Margaret Trumbill Lady Apotefyde; with the hail inficht and pleniffing of hir houffis, worth the fowme of ane thoufand pundis; committit in the moneth of Junij, the yeir of God I^m.V^c. fourfcoir auchtene yeiris: AND of the hail remanent crymes of Thift, Slauchteris, Cutting doune of grene growand treyis and vtheris contenit in the Act of adjudicatioun of Thomas Trumbill, of the dait of thir presentis.⁴

¹ Being one of the pleas of the Crown.

² This, evidently, is one of the instances which the Editor has before referred to of the evil effects resulting from the Heritable Jurisdictions possessed by the Barons of Scotland, before the Act, abolishing such powers, was passed. The purpose of the 'Replegiation' was undoubtedly to quash all proceedings, and suppress the administration of justice.

³ Darg usually signifies a *day's-work*. This may, therefore, signify a quantity of peats or turfs, equivalent to the labour of forty days' work, in casting, &c.

⁴ See the first Dittay.

VERDICT. The Assyse, be the mouth of Williame Ryddell in Woidhous, chancellor, all in ane voce, stand, pronuncet and declairit the saidis Hectour Trumbill of Wauchope, &c. to be Cleane, innocent and acquit of airt and pairt of the crymes perticularlie aboue spceifeit.

Theft — Slaughter — Fire-raising, &c.

Mar. 19.—THOMAS TRUMBILL, younger of Wauchope.

Dilaitit of airt and pairt of the thiftious Steilling, conceilling, reffetting and away-taking fra Margaret Trumbill Lady Apotefyde, &c.¹

THE Justice decernit and ordanit James Gledstanes, appeirand of Coklaw (as cautioner for his entry), to be vnlawit and amerciati in the panes contenit in the Actis of Parliament, viz. ffor nocht entrie of the said Thomas, to the effect foir-said, in the pane of Fyve hundreth merkis money: And siclyke, Decernit and ordanit the said Thomas Trumbill, younger of Wauchope, for his non-compeirance, to be denuncet our souerane lordis rebell and put to his hienes horne, and all his moveabill guidis to be escheit and inbrocht to his Maiesteis vse, &c.

Slaughter.

Mar. 20.—LAURENCE LORD OLIPHANT.

Dilaitit of airt and pairt of the Slauchter of vniq^{le} Gilbert Gray in North Bann-dirrane; committit in the moneth of September last.

PERSEWERIS.

Helene Rattray, the relict, Mr Thomas Henderfoun, Aduocat-substitute to his Maiesteis Aduocat.

PRELOCUTORIS for the pannell, Mr Williame Oliphant, Mr Alexander King.

My Lord Aduocat takis instrumentis of the productione and reding of his Maiesteis Letter, direct to the Connfall; quhair of the temour followis.

JAMES R.

RIGHT trustie and weilbelouit conseignis and counfallouris, WE greit 3ow hairtlie weil. Quhairas it is heavilie complened vnto us, be Patrik Gray, of the crewall Slauchter of vniq^{le} Gilbert Gray his faper, by certane perfones speciallie houndit out be þe Lord Oliphant, and sum of þame being his domestik seruitouris; quich offence doith so muche þe moir greve us, that now, quhair as in the lait Bordouris and in þe verrie Hielandis of þat our realme, þair is such vniuerfall obedience, that nocht-peles in þe verrie hairt of þat cuntrey, and so neir to þe ordiner place of residence of our Justice þair, such ane vyld fact sould be committed, without pwneishment inflicted vpon the doaris þairof; and þat to delude our Justice, any of our nobilitie þair, absenting him self from þe actionn, sould hound out vperis to execute his privat revenge, and be his craftie conveyance of þe malefactoris out of þe way, sould tak away all meanis of þe tryell of his awin giltines in that cryme; quich doing, inferring so dangerus ane preparatiue² as that nane of our subiectis, gif þis be nocht prevented, can be in suretie of his life. WE ar þairfoir to recommend to 3our speciall care and dilligence, as 3e respect our pleafour and seruice, that na menis be vnassayed by 3ow, to bring þe treuth of þis matter to light; ffor as WE ar most grevoullie offendit with þe cryme committed, so if þe doaris be nocht apprehendit, þe matter

¹ See the first Dittay.

² Example, precedent.

halylic tryit, and justice miniftrat accoirding pairto, it will fo much pe moir difcontent us. And fo We bid 5ow fairweill. FROM our Court at Quhytehall, the eglht of Januare, 1606.

Eftir the reiding of the quhilk Letter, my Lord Aduocat defyret, that, accoirding to the faid Letter, this matter fould be tryit, and my Lord Oliphant committit, quhill¹ the perfones contenit in the Letteris be exhibeit and presentit to justice.

The quhilk day, Lawrence Lord Oliphant, being enterit vpon pannell, be him felf, with Mr Williame Oliphant and Mr Alexander King, aduocattis, his prelocutouris, exponet and declairit,² fforfamekill as he, being charget, be vertew of our fouerane lordis Letteris, purchest at the instance of Patrik Gray, in North Bandirrane, eldest fone, Gilbert and Johnne Grayis, alfo fones, with the remanent kyn and freindis of vmq^{le} Gilbert Gray, in North Bandirrane, and Sir Thomas Hammiltoune of Monkland, knycht, aduocat to our fouerane lord, for his hienes entreis, to find caution, actit in the buikis of Adiornall, that he fould compeir befor the Justice and his deputis this day, and place, in the hour of caufe, to vnderly the law, ffor airt and pairt of the felloun and crewall Slauchter of the faid vmq^{le} Gilbert Gray, allegit done and committit be the faid Laurence Lord Oliphant, vpon the . . . day of September lafbypaft, vpon the landis of North Bandirrane; at the leift, the famyn being done of the fpeciall caufing, fending, hounding out, devyfeing, airt, pairt-taking, directionn, counfalling, refetting with the bludie hand, command, affiftance and ratihabitoune of the faid Laurence Lord Oliphant, as the Letteris beiris. For obedience of the quhilk charge, he than fand Williame Moncreif of that Ilk fouertie for his entrie, this day and place, to the effect foirfaid; ffor quhais releif and tryell of his innocencie in the faid matter, he compeirit, and offerit him felf reddie to abyde the tryell of the law for the faidis allegit crymes, quhairof he was maift innocent: difaffenting to all continuatioune. And in refpect that the faidis Patrik, Gilbert and Johnne Grayis, perfeweris fpecifeit in the faidis Letteris, being oft tymes callit, compeirit nocht to infift in his lordfchipis perfute, for the crymes abone fpecifeit, proteftit for releif of the faid Williame Moncreif of that Ilk, his cautioner, of his cautionerie foirfaid; and that he be nocht callit nor perfewit at the instance of ony pairtie, for the faidis crymes, in tyme cuming.

THE Justice continewis this matter to the thrid day of the nixt Justice-air of the fherfdome of Forfar, or foner, vpon xv dayis wairning: And ordanis my Lord Oliphant to find cautione for his compeirance, to the effect and in maner foirfaid; quha fand Sir George Toures of Innerleyth, knycht, fouertie for his entrie, vnder the panis contenit in the Actis of Parliament.

¹ Until. ² It is thus expressed in a sentence immediately preceding, ' My Lord Oliphant offeris him felf reddie to abyde the tryell of the Law, difaffenting to all continuatioune; and feing thair is ane fufficient number of noble men in this burgh to pas vpon his Affyfe, defyres he may be put to the Tryell of ane Affyfe, instantlie, for the crymes lybellit.'

Slaughter — Bearing and Shooting of Hagbuts, &c.

Mar. 22.—GILBERT GRAY of Bandirrane, Patrick Gray, his sone, and Williame Broun in Hagishhall.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Johnne Maister of Oliphant and of James Reid, sone to David Reid of Thridpairt, &c.

Compeirit Hew Reid, and produceit our souerane lordis Lettres, deulie execute and indorsat, and askit instrumens of the production thair of; and protestit for his cautioneris releif, and offerit him selff reddie, with the assistance of the Kingis Maiesteis aduocat, to persew Patrik Gray and Williame Broune for the slauchter of vmq^{le} James Reid, his brother. Compeirit Mr Johnne Ruffell and Mr Thomas Hoip, aduocattis, and presentit the Kingis Maiesteis Letter, quhair of the tennour followis.

JAMES R.

JUSTICE, Justice Clerk and your deputtis, We greit you weil. Forfamekill as it is vnderstand to us, that our vtheris Letteris ar direct at the instance of ye kyn and freindis of vmq^{le} James Reid, sone to David Reid of Thrid-pairt, and our Aduocat for our intreis, ffor calling of Gilbert Gray, &c. to vnderly our lawis befor you, for airt and pairt of ye Slauchter of ye said vmq^{le} James, as our saidis Lettres beiris: As lykways, for Convocatioun of our leigis in airmes, and beiring, weiring and schuiting of hagbuttis and pistolettis, aganis ye tennour of our Actis of Parliament and Proclamatiounes, maid and direct, expresse prohibeiting ye same: Nochtwithstanding, being informet pat ye said Slauchter was committit, and ye saidis forbidden wapones borne and vsed in the executioun of our Commissioun, direct for searching and apprehensioun of Gilbert Gray, sumtyme fervand to Gilbert Gray of Mekill Bandirrane, our denounced rebell, for ye crewall Slauchter of vmq^{le} Johnne Shiphird, for findrie crymes of Thift and vperis odious crymes committit be him: And that vmq^{le} Johnne Maister of Oliphant, and ye said vmq^{le} James Reid, in not withstanding of our saidis Commissiouneris, and assisting and plane partaking with ye said Gilbert our rebell, wer baith slane: ffor quhilk beiring, weiring and schuiting with ye saidis hagbuttis and pistolettis, our said Commissioun, conteneing a speeciall Remissioun to our saidis Commissiouneris, and all vtheris our subiectis assisting same, in executioun pairt: And considering pairwith, pat ye executioun of pis our Commissioun, in pat foirt, may terrifie ye lyk malefactoris to continew¹ in thair wicked deidis, contempt and rebelloun. It is pairfoir our Will, and We command you, that vpon ye sicht heirof, ye stay all maner of proceeding againt ye saidis Gilbert Gray of Bandirrane, Patrik Gray his sone, and Williame Broun, for ye said Slauchter of ye said vmq^{le} Maister of Oliphant and James Reid, the beiring, weiring and schuiting with ye saidis hagbuttis and pistolettis, or ony vtheris crymes exprest in our saidis Letteris, alreddie raisit, or to be raisit aganis same for ye same, in tyme cuming, sua pat pai may inioy ye benefeit of our Remissioun, exprest in our Commissioun foirsaid: As ye will answere vpon your office and obedience; Quhairnant pis present fall be your sufficient Warrant. Gevin at our Court, in Quhytehall, ye penult day of Maij, 1604.

Mr Robert Lyntoun, Aduocat, substitute to my Lord Aduocat, allegis *ante omnia*, the persones persewit aucht to be enterit on pannel; and thairfoir, in respect of thair nocht entry, desyres of the Justice that thair cautioner may be vnlawit, and thai, for thair nocht compeirance, adiuget to be denuncet rebell and put to the horne; and that in ane Criminall persute, according to the daylie

¹ From continuing.

practik, the defenderis, befoir ony proces, fould be first enterit. The said Mr Johnne Ruffell allegit in the contrair, in respect of his Maiesteis Warrant; and forder, that his Maiestie, be his auctoritie, may ather command the Justice to hald Court or to continew the dyet, at his Maiesteis plesour.

THE Justice, in respect of his Maiesteis Letter, product, continewis this matter to the thrid day of the air,¹ or soner, vpon xv dayis wairning, in the samyn estait as it was of befoir, aganis Patrik Gray and Williame Broune: And ordanis Johnne Lyndefay of Evlik, cautioner, in respect of thair nocht entrie this day and place, to remane still cautioner, conforme to the Act of Adiornall maid thair-upoune of befoir. Quhairupoun the saidis perseweris and the said Mr Johnne Ruffell askit instrumentis.

Cattle and Horse-stealing.

JUN. 13.—ROBERT BEIROPE of that Ilk.

Dilaitit of airt and pairt of the Steilling of certane ky and oxin, pertening to Sir Johnne Ker of Hirfell, viz. fforfamekill as he, accompaneit with Robert Selbie of Bittildane, Loukie Davidfoun and diuers vtheris, his complices, common and notorious thewis, broken men, in the moneth of November 1596 yeiris, cam to the said Sir Johnnis place of Lytildane, and thair, vnder sylvence and cloud of nycht, brak vp the byre-duris of the said place, and thifteoullie stall, concelit, reffet and away-tuik furth thairof saxtene ky and oxin, with sax horse and meiris, &c.

PERSEWER, Sir Johnne Ker of Hirfell.

PRELOCUTORIS for the pannel, The Lairdis of Phairilherst, elder and y^r, Mr Johnne Ruffell.

VERDICT. Found by the Assyse² to be 'Clene, innocent and acquit.'

Slaughter.

JUN. 18.—JOHNE M^cDOWELL of Freuchie; Johnne M^cdowell, his ser-vand; Eufame Dunbar, Lady Garthland; Alexander M^cdowell of Barjarg; Alexander Neilfoun, fhear of Craigecaffie;³ Patrik M^cdowell of Creoches; Williame Bigholme in Galderioch; Gilchryft M^cmaister, thair; Vthreid M^ckie in Innermessene;⁴ and Nicol M^cgowne in Trottingcoroche.

Dilaitit of airt and pairt of the Slaucher of vniq^{l^e} Quintene Boyd; committit in the moneth of Apryle lastbypast.

¹ Of Perth. ² Chiefly feuars. The chancellor was Johnne Mow of that Ilk. Johnne Halyburton of Mertoun, James Ker of Steilstokbrayis, Johnne Robfoun of Burvanes, and Patrik Dikfoun of Belchefer, are the only persons of note who appear on the Inquest.

⁴ 'Past fra simpliciter.'

³ 'Past fra simpliciter.'

PERSEWER, Adame Boyd, as brother.

The perfonnes enterit on pannell askis instrumentis of thair entrie, and protestis for releif of the Laird of Mondurk, thair cautioner: And in respect of thair innocencie of the crymes lybellit, offeris thame selffis to the tryell of the law thairfoir, and disaffentis to all continuatioune.—The perfewer passis fra the Lady Garthland *simpliciter*, in respect of hir innocencie.

THE Justice Ordanis the remanent Defenderis to find caution to the thrid day of the air, or soner, vpon xv dayis wairning.

QUESTION of the Pannels being entitled to their expenses.

It is allegit be the perfonnes on pannell, that in matters Ciuill, protestatioun being admittit in fauouris of the defender aganis the perfewer, the Lordis are in daylie vse to modifie the parteis expensfis; *multo magis*, in matteris Criminall, a partie being perfewit and compeirand, offerand him selff to abyde the tryell of the law, for the cryme quhairof thay ar indyttit, thair expensfis aucht to be modifeit, and the perfeweris decernit to pay the samyn.

THE Justice declairis to this perfewer, gif he raise Letteris of new agane, contrair thir defenderis, vponne the crymes foirsaidis, gif thay fall happin to be claget, he fall be adiudget to pay the defenderis expensfis, bayth for this dyet and the dyet following: And ordanis the Clerk to tak cautione of him at the raising of the Letteris to the effect ffoirsaid: Quhairvponne the perfonnes on pannell askit instrumentis.

The ‘Affyfouris’ also protested, that ‘thai be nocht summond heirefter, for this cause.’

Oppression — Taking Captive — Murder.

Jun. 20.—THOMAS CALDER in Clwues, Johnne Oir in Calder, and Walter M^robie Roise in Mekil Geddes.

Dilaitit of airt and pairt of the Taking and Apprehending of v^mq^{le} David Dumbar of Lochileis captiue and presoner; and convoying him captiue to Erygill, and deteing him in captiuitie, be the space of tuell oukkis.¹ And for airt and pairt of the Slauchter and Murthour of v^mq^{le} Williame Lyoun and v^mq^{le} Alexander Daidfoun, seruandis to the said v^mq^{le} David; committit in the moneth of October, the yeir of God I^m.V^c.lxxviiij yeiris, within the toune of Alderne.

PERSEWARIS, Alexander Dumbar of Lochieleis, (as sone,) Johnne Lyoun, as sone to v^mq^{le} Williame Lyoun, Andro Daidfoun, as brother to v^mq^{le} Alexander.

PRELOCUTORIS for the pannell, Mr Thomas Henderfoun, aduocat, Mr Henrie Kynroise.

The saidis Thomas, &c. tuik thame to our souerane lordis Remission, producit, vnder the Greit Seill, of the dait, at Halyruidhous, the thryd day of Apryll,

¹ Weeks.

the yeir of God, I^m.V^c.lxxx and nyne yeiris ; Quhilk Remiffioun, the Justice admittit, and Johnne Campbell of Calder, with thame felffis, become cautioneris and fouerteis, coniumctlie and feuerallie, to fatisfie the pairtie, as law will.

[CURIA JUSTICIARIE *f. d. n. Regis, tenta in Aula Inferiori de Ormestoun-hall, per M. Willielmum Hairt, Jusiciarum Deputatum.*]

Murder of a Pregnant Woman — Child-murder.

NOV. 10.—PATRIK DEANIS, in Gilcherstoune.

Dilaitit of the crewall and vnnaturall Murthour and Slauchter of vmq^{le} Katharene Butler his spous, and of ane infant bairne in hir wamb ; be streking hir with his feit vpon the wamb, and with ane fwyngill-trie,¹ on the bak and fchoulderis, and dyuerse vtheris pairtis of hir body, scho being with quik bairne for the tyme ; be occasioun quhairof, scho immediatlie thaireftir, with the said bairne in hir wamb, depairtit this lyfe : Committit the fevint of Nouember instant, at his awin hous-dur in Gilcherstoune, betuix aucht and nyne houris at evin, &c. ; conforme to his awin Confessioune.

VERDICT. The Assise, be the mouth of Johnne Harlaw in Laistoune, chancellor, ffand, pronuncet and declairit the said Patrik, conforme to his awin Confessioune, maid judiciallie in thair presens, to be ffylet, culpabill and convict of the said crewall and detaiftable Murthour.

SENTENCE. And thairfoir the said Justice-depute, be the mouth of Johnne Hammiltoun, dempster of Court, decernit and ordanit the said Patrik to be tane to the ground quhair the said fact was committit, and thair to be hangit vpon ane gibbet, quhill he be deid ; and all his moveable guidis to be escheit, &c.

Slaughter.

Dec. 19.—EDUARD NISBET, merchand burges of Edinburghe, and Thomas Nisbett, sone to the Laird of Nisbet.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} James Carmichell, sone to the Guidman of Vderine.

PERSEWERIS, Richerd Carmichell, brother, Williame Carmichell, father-brother, Marioun Carmichell, father-sister ; and Mr Johnne Ruffell, Aduocat, Mr Robert Boyd, curators to the said Richerd.

PRELOCUTORIS for the pannell, Mr Alexander King, Aduocat, Sir Williame Cranftoune, Mr Thomas of Moriestoune, Mr Johnne Nisbet, James Nisbet, merchand.

Compeirit Richerd Carmichell, &c. with Mr Johnne Ruffell and Mr Robert Boyd, curaturis to the said Richerd ; and the said Mr Johnne, as spous to the said Marioun ; and producet his Maiesteis Warrant to the Justice ; quhairof the tennour followis.

¹ The wooden-beam, or 'tree,' to which the plough-traces are attached.

JAMES R.

JUSTICE, Justice Clark and your deputes, We greit you weil. Having directit to continew the perfute of Thomas and Edward Nibettis, for the slauchter of your^{le} James Carmichell, quhill the information gevin unto us of pair committing of that fact in pair awin defence, was fyrst tryed by our Counfall; from quhom we have ressaunt ane cleir testimony of pair innocency of that fact: And being most willing that Justice be administrat to all our living subiectis: It is thairfore our Will, that you affix and keip your Justice Court against the saidis personis, att sic place as salbe maist convenient; and putt same to the knowledge of ane Inqueist; so that the accusatiounes and defences of both the pairteis may be weil considered of by you, before that mater be adiudgeit: And that, nochtwithstanding ony command or direction gevin by us or our Counfall in the contrair; as ye will answer to us upon your office and obedience: Quhairnent for presentis salbe your Warrant. Gevin at our Court of Roytoun, the xiiij day of October, 1606.

And siclyk, producet our foverane lordis Letteris of Assyse and Dittay forment aganis the pannel; and tuik instrumentis of the productione thairof.—The pannel declairis, nochtwithstanding of thair innocencie of the Slauchter, they are content to enter in cownoning, and to offer satisfiounne and assythement for the slauchter, at the sicht of freindis.—The perseweris declairis, in respect that the bairne is minor quha persewis; and thairfoir, the remanent perseweris can nocht tak the burding of that mater vpon thame; and desyret proces. Thairafter Mr Alexander King, prelocutour for the pannel, producet his Maiesteis Warrant, direct to the Justice, for continuatioun of this matter to the xxviiij day of Januar next; quhairof the tennour followis.

JAMES R.

It is our pleassour and Will, that ye continew all actione and proces before you, at the instance of the kyn and freindis of your^{le} James Carmichell in Dyfert, aganis Edward and Thomas Nibettis, for the Slauchter of the said your^{le} James; committit in the moneth of . . . lastbypast; and nawayise proceed and grant ony proces thairin, before the xxviiij day of Januar nextocum: for the quhilk your delay and continewatioun, thir presentis salbe to you sufficient Warrant. Gevin at our Court off Quhytehall, the nynt of December, 1606. To our Ryt^t trustie and weilbelouit, our Justice, Justice-clark, and pair deputis.

It is answerit be the perseweris, that the said Warrant of continuatioun aucht nawayis to be respectit be the Justice; bot nochtwithstanding thairof, the persones now on pannel aucht presentlie to be put to the knowledge of ane Assyse; for tua caussis: *ffirst*, In respect of the former Warrant producet, quhairin tua speciall poyntis are maist remarkable; *ffirst*, his Maiestie thairby hes declairit, that he hes ressaunt na cleir testimony of thair innocencie, be the tryell¹ tane at Leyth, befor the Counfall; and thairfoir, accordring to his hienes good affection to justice, of his certane knowledge and proper motiue directit the first Warrant: The next, is the command gevin thairin to the Justice, with this qualite,² that he shall obey the samyn, nochtwithstanding of quhatsumevir vther command thair gevin be his Maiestie or Counfall in the contrair. *Secundo*, the

¹ Examination, *preognition*.

² Qualification.

faid pretendit laft Warrant is direct expres contrair the Act of Parliament 1592, quhilk fayis, it is statute and ordanit, be his Maieftis speciall will and direction, that na Warrant for continuatioun of Justice Courtis fall be admittit be the Justice and his deputis, in tyme cuning. *Laft*, nocht only is it expres aganis the faid Act of Parliament, bot aganis the daylie ordour and practik obseruet baith befor the Lordis of Counfall, in Ciuill cauffis, and befor the Justice in Criminal cauffis, that Warrantis purchest be the fute of partie, finifter information, and for stay of Justice, fall nevir be respectit; quhilk is alfo conforme to the cowmoun law.—It is anfuert, that the haill allegeances aucht to be repellit, in respect of the Kingis Maieftis Warrant.

THE Justice, accoirding to his Maieftis Warrant and direction, continewis this matter to the xxvij day of Januare nixt: And ordanis the perfones on pannel to be wairdit within the Tolbuith of Edinburgh to the faid day,¹ and the Assyse, fummond to this day, wairnit, *apud acta*, &c.

Cruel Slaughter.

Dec. 19.—JOHNNE and WILLIAME RUTHERFURD, fones to Stewin Rutherford in Chatto, boirne vnder James Ker of Greneheill.

Dilatit, accuset and perewit be DITTAY,

FORSAMEKILL as, thay haifing confaut ane deidlie feid, rancour and malice aganis vmq^{lc} Thomas Bell in Spiddope-fute, in England, becaufe he had hurt and lameit the faid Williame, vnderstanding the faid vmq^{lc} Thomas to haif bene in his fomer-scheill beyde the fellis,² in the moneth of Junij, or thairby, laftbypast, thay, vpoun cullour and in a counterfute forme, feimzeing thame fellis to be in feiking of ane kow that was tynt³ amangis the scheillis, come to the faid vmq^{lc} Thomas Bell, in an howp⁴ callit Spittope-howp, quhair he wes, in sober and quyet maner for the tyme, with his wyfe and ane young lafs, milking thair ky; and thair, the faid William Rutherford, haifing ane grit grene kent and squarit batoun⁵ in his hand, eftir fun wordis past betuix the faid Williame and the faid vmq^{lc} Thomas, he crewallie invadit him for his Slaughter, and gaif the faid vmq^{lc} Thomas ane crewall and deidlie straik in his heid, and claif the famin afunder: Off the quhilk straik he immediatlie thaireftir fell down deid. Lyke as, the faid Johnne Rutherford, for quhais caufe the faid deidlie feid was confaut, stude afyde, awaiting gif his brother had bene overthrawin, or the faid vmq^{lc} Thomas, to haif fortifeit and affistit him. And immediatlie eftir the famin Slaughter wes committit, thay baith mett togidder at the nik of the fell,⁶ and hering the sprai⁷ch⁷ ryife, and the countrey to follow thame, thay baith fled in England; quhair thay were fugitiue, quhill⁸ thair apprehensioun for the faid Slaughter. And fa, the faid Slaughter wes committit be thame; and thay and ather of thame ar airt and pairt thairof, vpoun fett purpois, provisioun, auld feid and foirthocht felony; in hie and manifest contempt of our fouerane lordis auctoritie and lawis, &c.

¹ There is no entry on Record of further proceeding in this case; but it is likely the Nishets compounded with the private prosecutors, and obtained Letters of Remission.

² The summer scheills or *scheillings* on the 'fells' or hills, were temporary huts, for the use of those who attended the cattle during their grazing on commons, &c. They are still kept up in many parts of Scotland. It is the practice to dismantle them at the end of the grazing season.

³ Lost. ⁴ Or *hope*, a sloping hollow between hills, a common term in the south of Scotland. *Sluck* is synonymous.

⁵ A large *runq*, staff, or bludgeon, and a batoun or stick made square, (*i. e.* with angular edges,) to give a more severe and deadly blow.

⁶ Nik is a narrow cleft or opening, at the summit of two hills.

⁷ Hue and cry. By reference to the Works of Sir Walter Scott, it will be seen with what astonishing alacrity the country was

'raised,' on such occasions. The pannels showed no small address in effecting their escape.

⁸ Until.

VERDICT. Eftir accusatioun of the pannell, be Dittay, of the crymes aboue writtin, quhilk wes grantit be the said Williame, and alluterlie¹ denyit be the said Johnne, the Affyse, be the mouth of Murray of Brochtoun, chancellor, fand and pronuncet the said *Johnne* to be Cleane, innocent and acquit of airt and pairt of the Slauchter of the said vmq^{le} Thomas Bell, and of the hail heidis of the Dittay aboue writtin: And als, fand, pronuncet and declairit the said *Williame* to be ffylit, culpabill and convict of airt and pairt of the said Slauchter.

SENTENCE. For the quhilk cause, the said Justice-depute decernit and ordanit the said *Williame Rutherford* to be tane to the Castellhill of Ed^r, and thair, his heid to be strikkin from his body; and all his movable guidis to be escheit, &c.

Breaking into the Place of Torwoodlee — Taking Captive — Murder — Stouthrief, &c.

Jan. 8, 1607.—JOHNNE ELLOTT of Cappschaw.

Dilaitit, accuset and perfewit be George Hoppringill of Torwoidlie, James and David Hoppringillis, as oyis,² with the remanent kyn and freindis of vmq^{le} George Hoppringill of Torwoidlie, thair guidfchir,³ of the crymes following, viz.

FORSAMEKILL as the said Johnne Ellote of Copschaw, Robert Ellote, callit *Mairtenis Hob*, and Jok Airmestrang, callit *the Lairdis Jok*,⁴ with thair complices, with convocatioun of the hail Clannis of the Airmestrangis, Ellotes, Batiefones, Grahames and remanent Clannis, duelland alfweill on the Inglis as Scottis Bordonris, all cowmone thevis, outlawis and brokin men, to the number of thre hundredth perfones or thairby, bodin in feir of weir, with jakis, speiris, steil-bonnetis, lance-stalfis, hagbutis and pistoletis, expresse prohibeit to be borne, worne, vsed or schot with, be dynerse our Actis of Parliament and Secreit Counfall, in the moneth of December, the yeir of God I^m.V^c. threfcoir aucht yeiris, (1568,) come fordward, in hosteill maner, baith on horse and fute, to the Place of Torwoidlie, and thair, vnder silence and clud of nycht, with foir-hammeris and geitis,⁵ dang up the zeittis⁶ of the said Place, and be force and violence enterit within the samyn; and tuik the said vmq^{le} George [Hoppringill] furth of his bed, and convoyit him away, as captiue and priffoner with thame, to the Skaldeneife, within the Sherefdom of Selkirk; and thair maist crewallie and vnmercifullie Murdreit and slew the said vmq^{le} George: Committing thairthrow, nocht only crewall and abhominabill Murthour and Slauchter, bot also Vfurpatioun of our fouerane lordis auctoritie vpon thame, in taking of the said vmq^{le} George Hoppringill captiue, but⁷ power or commissioun, he being our fouerane lordis frie lege. AND siclyke, at the samyn tyme, the said Johnne Elliott and remanent perfones, with thair complices, to the number aboue writtin, at the tyme soirfaid, brak up the hail kiftis, coffers and lokfast houffis within the said Place, and thiftiouffie staw, conceillit, resset and away-tuik with thame, furth of the said Place of Torwoidlie, and stabillis thairof, sevintene horsis pertening to the said vmq^{le} George, price of the piece ourheid⁸ ane hundredth pundis money; togidder with the sowme of ane thousand pundis of gold and money furth of the said vmq^{le} George Hoppringillis purse. ITEM, thre siluer peices,⁹ wey-

¹ Altogether, wholly.

² Grandchildren.

³ Grandfather.

⁴ A personage well known to the public, from various anecdotes contained in the *Border Minstrelsy*, and the graphic story contributed by *Sir Walter Scott*, in that exquisitely beautiful Annual, 'THE KEEPSAKE,' for 1829; to which publication (pp. 186-192) the Editor refers for interesting Notices of this Border worthy, his family and associates.

⁵ Forehammers, and joists or beams.

⁶ Broke up the gates.

⁷ Without power.

⁸ Overhead, on an average.

⁹ The nature of

these massive pieces of plate is not elsewhere specified. They convey a favourable idea of the wealth and splendour in which many of the Border Chieftains lived.

and fourfoir vnecs of filuer or thairby, price of the vnec fourtie schillingis. ITEM, tua duffane of filuer spvnes, ilk spwne weyand tua vnec of filuer, price of the vnec fourtie schilling: Togidder with the hail bedding, naiprie, clething, abuilzementis, inficht and pleniffing being within the said place, worth the fowme of fyve thousand merkis money of this realme, had and transpourtit away with thame, and dispoit thairvpoun att thair pleafour.

THE Justice decernit and ordanit Williame Elliot of Fallinafeh, cautioner and fouertie for the entrie of the said Johnne Elliot of Capsehaw, to be amerciat and vulawit for his non-entrie, in the payne of fyve hundreth merkis: And als, adiudget the said Johnne to be denunceit our fouerane lordis rebell, and putt to the horne; and all his movabill guidis to be efcheit and inbrocht to our fouerane lordis vse, as fugitiue fra his hienes lawis, for the saidis crymes.¹

Justice-Depute appointed.

Jan. 20.—THE quhilk day Mr ROBERT COKBURNE, Aduocat, was creat JUSTICE-DEPUTE; and gaif his ayth *de fidei administratione*, during his office.

[*Mr Robert Cokburne, Justice-Depute.*]

Liability Anent the General Band.

Jan. 21.—SIR JAMES JOHNESTOUNE of Dunskeillie, kny^t (of that Ilk).

Compeirit the Laird of Johnnestoune, and producet the Warrant vnderwrittin, superferuyit be his Maiestie; quhair of the tennour followis.

JAMES R.

JUSTICE, Justice Clark and your deputis, We greit you weil. Forfamekill as it is knawin to us, that thair ar diuerse Criminall perfuitis movit at þe instance of findrie perfounes aganis Sir James Johnnestoune of Dunskeillie, kny^t, his kyn, freindis, pairt-takeris, men, tennentis, seruandis, and sic vperis, for quhom the (said) Sir James is anfuerable, be þe Generall Band and law of our realme; and that, for diuerse crymes alledgeit committit be þame, befor þe moneth of Apryll, 1^m.V^c. thre 3eiris, quhilk wes þe tyme of owre repair hither: Albeit it be naper our will nor mynd, that the regour of þe lawis be profecutit aganis thais perfounes for ony crymes or offences committit be thame before þe foirsaid tyme; hoping that our lenitie fall move þame to keip our peax, and be þe moir obedient subiects in tyme cuming: IT IS þairfore our Will, and We command you, that þe on nawyis gif proces in any of þe saidis Criminall perfuitis alreddie movet aganis the said Sir James, his kyn, freindis, pairt-takeris, men, tennentis, seruandis, and sic vperis for quhom he is anfuerable, be þe Generall Band and lawis of our realme; nor that ye on nawyis direct any Criminall Letteris, for perfuit of þe saidis perfounes, or any of þame, in tyme cuming, for any cryme or offence allegeit committit be þame or any of þame, preceding þe moneth and tyme aboue specificit; nor nawyfe gif proces þairvpoune heireftir: Dischargeing you þair of, and of all haulding of Courtis to þat effect, and of your office in þat pairt: Dispensand als wa with þe saidis perfounes and everie ane of þame, anent þair non-comperance att quhatsumewir dyettis. As ye will anfuer to us þairvpoun: Quhairanent thir presentis salbe your sufficient Warrant. Gewin at our Court of Quhytehall, the saxt day of Apryll, 1606 3eiris.

THE JUSTICE Depute continewis the admitting of this Warrant to the fourt day of Februar nixtocum: And ordanit the perfoune that stand cautioner for

¹ The denunciation and letters are recorded, at full length, on Jan. 9.

their entrie to this day, to find new caution for thair entrie to the said fourt day of Februar nextocum.

The samin day Sir James Johnnestoune (of Dunfkellie, kn^t.) becom pledge and fourtie for Johnne Grahame in Dryffe, Mungo Johnnstoun in Lokarbie, &c.

(Feb. 4.)—Sir JAMES JOHNNSTOUN of Dunfkellie, kny^t, is ‘americiat for nocht entrie of the saidis fyve persounis, for ilk ane of thame in the payne of ane hundreth merkis.’ He is also americiated in 1100 merks, for the non entrie of Johnne Johnnestoun in Howgill, and ten others.¹

THE Justice adjudgeit the principall persones nocht comperand to be denunceit our souerane lordis rebellis, and all thair movabill guidis to be escheit.²

Cutting Growing Timber.

Jan. 28.—GEORGE HENDERSOUN in Wynningtoun.

Dilatit, accusit and perfewit be Robert Ellote of Reidheuche, of the crymes following, that is to say,

THAT quhair, it is exprellie provydit, statute and ordanit be our souerane lordis Actis of Parliament, specialie, be ane Act of the ellevint Parliament, cap. lxxxij, that quhatsumewir persoun or persounis wilfullie cuttis doune and destroyis growand treis and coirnis, salbe callit and perfewit thairfore, before the Justice or his deputis, at Justice-airis, or perticuler dyettis; and being convict thairof, to be pwneiffit as thewis to the death; as the said Act at mair lenth beris. And trew it is, that the said George Henderfoun, with his complices, expres contrair the tennour of the Act of Parliament, in the monethis of Junij, Julij, August, September and October *respectiue*, at the leist, in ane or vther of the saidis monethis, in the yeir of God 1^m.Vj^e. and fyve yeiris; and siclyke, att the fleist of Martimes last-bypast, come to the said Robert Ellottis wod, callit Birkwod, and thair, wilfullie, by³ the said Robertis knowlege or consent, cuttit doune and distroyit, at ilk tyme, the perticuler number and quantitie of growand treis following, to witt, ane hundreth grit growand birk treyis, thre hundreth grit growand allouris, thrie hundreth grit growand heiffillis, with foure hundreth grit growand sauch treis;⁴ quhilkis growand treis, the said George and his complices had and transpoirit away with thame, and dispoit thairvpone att thair pleafour; and the said George is airt and pairt thairof.

PERSEWER, Robert Ellote of Reidheuche.

PRELOCUTORIS for the pannell, Mr Thomas Henderfounne, Mr Johnne Dempster.

It is allegit be the pannell, that this matter can nocht be put to the knowlege of ane Inqueist, becaus the persewer sehawis na sufficient entreis to persew, nather is this persute raisit at the Kingis Aduocatis instance.—Ansuerit be the persewer, that he referis the notorietie of his entreis to persew for the cuting of the treyis lybellit, to the defenderis ayth; in respect that he knowis him to be sufficientlie infest in the woid lybellit; and as to the secund pairt, anent the Aduocattis compeirance, ansuerit, he may persew without the Aduocatis compeirance. It is allegit be the pannell, that he can nocht be vrget, vpone the

¹ (On margin) ‘Nota, ordanit to be gewin out be pe Counfall.’

to be given out.’

³ Without, contrary to.

² Nota, ‘this nocht ordanit to be given out.’

⁴ Birch, *allar* (alder or elder), hazel, and wil-

low trees.

perfewaris exceptiounne, to geve his ayth; feing the famyn will tend to the hazaird of his life.—The perfewer in the contrair.

It is allegit forder be the pannell, that this matter can nocht be Cryminallie tryet, without a Ciuill precognitiounne, before the ordinar Judge; becaus the famin is a maisterfull depridatiounne.—It is anfuert, that the perfewer repeitis the Act of Parliament, quhairupoune the fummendis is foundit.—It is anfuert be the pannell, that the Act of Parliament of the 1587, concernis the puneifchment allanerlie; and navyis invertis nor derogatis the Act of Parliament made be King James fyft, Parlamento quarto; and speciallie, feing of the daylie practik, ffalfetis man be first Ciuillie tryet, befor it cummis to ane Criminal Judge; Wilfull errour in Affyse in Reductioun of Retouris man be first Ciuillie tryit, befor it tak effect befor the Criminal Judge.—The perfewer, as of befor, repeitis the Act of Parliament.

THE Justice continewis this matter, and Interlocutour vponne the allegeances foirfaidis, to the fourt of Februar nixt. The pairties and Affyse wairnit *apud acta*.

[*Mr Williame Hairt, Justice-Depute.*]

(Feb. 4.)—THE Justice, nochtwithstanding of the allegeances maid be the pannell, the last dyet, Ordanis this matter to pas to ane Affyse.

VERDICT. The Affyse, be the mouth of Johnne Gledftanes of Winningtoun-law, chancellor, ffand, pronunceit and declarit the said George Henderfoune to be Cleane, innocent, acquit, &c.

[*Mr Robert Cokburne, Justice-Depute.*]

Slaughter.

Feb. 14.—JOHNNE BEK in Lytill Kirkbryde.

Dilatit of airt and pairt of the Slauchter of v^mq^{le} James M^cCulloch of Barholme.

PERSEWER, Thomas M^cCulloch in Barholme.

The said Thomas tuke him to ane Remiffiounne vnder the Grit feill, of the dait the xxj day of Februar, 1606; and fielyke, produceit ane Letter of Slaynes, fufberyuit be Elizabeth Kirkpatrik, relict of v^mq^{le} James M^cCulloch of Barholme, Henrie M^cCulloch hir spous, and Thomas M^cCulloch now of Barholme, and Johnne M^cCulloch burges of Kirkeubreyelit, off the dait at Edinburgh, and the xvij and . . . dayes of Februar, 1607 yeiris.

[*Mr Williame Hairt, Justice-Depute.*]

Witchcraft — Sorcery — Incantation, &c.

Mar. 10.—ISSOBEL GREIRSOUNE, spous to Johnne Bull, warkman in the Pannis.¹

¹ Prestonpans. Of all the Trials for Witchcraft, &c. hitherto published from the Record, this is perhaps the most absurd and *outré*; and the circumstantial detail is perhaps *unique*. It is of course

Indytit, accusit and perfewit of the crymes vnderwritten, viz. FORSAME-KILL as scho, haifing confaut ane crewall haitrent and malice aganis Adam Clark in Prestounpannis, scho has continewallie, this hail yeir and ane half bygane, vfit all develifch and vngodlie meanis to be avangeit vpoun him ; speciallie, in the moneth of Nouember, the yeir of God I^m.Vj^c. and fax yeiris, betuix xj and xij houris at ewin, the said Adam being lyand in his bed with his wyffe, and his feruand woman being in ane vther bed ; att the quhilk tyme, scho, in the liknes of hir awin catt, accumulaneit with ane gritt number of vther cattis, in ane develifch maner, enterit within hir hous, quhair thay maid ane grit and feirfull noyse and trubill ; quhairby the said Adam, than lying in his bed with his wyffe, and feruandis that wer than in the hous, apprehendit sic ane grit feir, that thay wer liklie to gang mad : At the quhilk tyme, the Devill, in liknes of ane blak man, apperit in the hous, eftir ane feirfull maner, com to the feruand woman, than standing in the flure, and drew hir vp and down the hous be the hair, eftir he had cassin hir curfch² aff hir heid, and cassin the samyn in the fyre : Quhairvpoun the pure woman contractit sic ane grit feiknes, that scho lay bedfast, in grit danger of hir lyffe, be the space of fax oulkis³ thairefter ; and as yit hes nocht returnet to hir perfyte health ; quhilk is notourlie⁴ knawin.—ITEM, scho wes accusit, fforfamekill as scho, haifing confaut ane deidlie feid, rancour and ewill will, aganis vniq^{le} Williame Burnet in Prestoun-pannis, spous to Margaret Myller, wedow, scho dewysit be all devillifch and vngodlie meanis to bereif him of his naturall lyffe ; and for performance thair of, scho, as ane manifest Sorcerer and Wich, in the moneth of Januar, I^m.Vj^c. yeiris, laid on ane feirfull and vncouth feiknes on him, be casting in of ane tailzie⁵ of raw inchantit flesch att his dur : And thaireftir, the Dewill, in liknes of ane naikit infant bairne, nichtlie, for the space of half ane yeir, appeirit in his hous ; quha appeirit befor the ffyre, haifing ane inchantit pictour in his hand : And thaireftir, the Dewill appeirit, in hir liknes, within the said vniq^{le} Williamis hous, before the ffyre thair of, and in diuers vtheris pairtis within the said hous ; quhair, in ane maist vn-honest and filthie maner, scho pischt vpoun the said Margaret Myller, and in diuers pairtis of the said hous ; that in end,⁶ the said vniq^{le} Williame, haifing namit the said Isobell, be hir name, scho immediatlie thaireftir vaneifchit away : Eftir the quhilk tyme, the said vniq^{le} Williame Burnet continewallie dwynit and pynit away, in the said vnkawin feikness, for the space of thre yeiris, nocht habill to obtene ordinar cuir ; and at last, in the moneth of September, or thairby, I^m.Vj^c. and ffyve yeiris, he, in grit dolour and payne, departit this lyffe : And

given *literally* from the Books of Adjournal. The reader is left to draw his own inference as to the death (murder?) of the luckless mate of *John Bull*.

Fr. *courche*.

² Six weeks.

⁴ Notoriously.

⁵ *Taille*, Fr. A piece, 'gobbet,' or cut.

⁶ At last.

fa, wes maift dewelifchlie bewichit be hir, in maner forfaid; and fcho is airt and pairt of the faid vni^{le} Williamis death and feiknes.—ITEM, accufit for cafting of ane greit feiknes, be hir develifch meanis, vpoun Robert Peddan, in the Pannis; and that in the moneth of October, I^m.V^c.lxxxiiij yeiris; quha, haifing remanit feik be the fpace of ane yeir and auchtene oulkis, fwerving and vaneifching away;¹ and vring all ordiner meanis to recover his health, hot daylie growing war,² att laft he callit himfelf to remembrance, that he wes addettit to the faid Ifobell in nyne fchillingis and iiij d.; and that, befor the taking of the faid feiknes, becaus he refufit to pay hir the faid foume, vnto the tyme fcho delyuerit to him certane plaittis that fcho kepit of his; fcho then, eftir vtering of diuerfe blaſphemous ſpeichis to the faid Williame, faid, he ‘fould repent itt!’ And ‘fould nocht haif bayth his health and haill clathis togiddir!’ Quhairvpoun, he than come to hir, and fatisfeit hir the faid foume, and thryſe aſkit his health att hir, for Godis faik; faying, ‘Gif ze haif done me ony wrang or hurt, repair be famin and reſtoir me to my health!’ And thaireftir, the faid Robert Peddane, within, xxiiij houris, recoverit his health.—ITEM, fcho wes accufit, that in the moneth of Junij laſtbypaft, or thairby, fcho, haifing wantit hir katt, be the fpace of half ane yeir befor, in hir bycumming the faid Robert Peddanes window, fcho patt in hir hand and drew furth hir catt; at the quhilk tyme, thar wes working in the fattis³ ane brewing of guid new aill, quhairof fudrie honeft neychtbouris wes than drinkand; bot be hir develifch Incantatioun and Sorcerie, fra that tyme furth, the faid brewing of aill turnit,⁴ in fic foirt, that it becam altogidder rottin and blak, thik lyk gutter-dirt, with ane filthie and peſtilent odour, that na man mycht drink nor feel the ſmell thairof.—ITEM, being indytit and accufit, fforſamekill as fcho, haifing confaut ane deidlie ewill will, haitrent and malice aganis Margaret Donaldſoune, ſpous to the faid Robert Peddane, about Hallowevin, in the yeir of God I^m.Vj^c. and fyve yeiris, fcho, in hir devillifch maner, come vnder ſcilence and cloude of nycht to the faid Robert Peddanes houſe, and enterit efter ane devillifch and vnknawin way within the faid houſe, the faid Margaret Donaldſoune being than lying in hir bed with hir faid huſband, found ſleeping; at the quhilk tyme, fcho drew the faid Margaret be the ſpald⁵ out of her bed fra her huſband, and violentlie ruſclit hir to the fluir; be occaſioun quhairof, the faid Margaret hir ſpreit faillit hir, that fcho continewit ane lang ſpace aſound;⁶ and thaireftir, cunning to hir ſelff, fcho fell in ane feirfull and vncouth feiknes, that anes in ilk xxiiij houris, her hed and breift was fa vehementlie trublit, that fcho was, for the ſpace of ane hour, mad, and knew nocht quhat fcho did; quhilk continewit the ſpace of fyve or

¹ Swooning and fainting away.² Worse and worse.³ Vats or tuns.⁴ Ale is ſaid tobe *turned* when it is affected by lightning, &c.; milk, when ſoured by ſun or heat, &c. A large nail is uſually thrown into the churn, to prevent this diſaſter. By attracting the electric fluid, it is ſaid to preſerve the contents ſound.⁵ Fr. *epaule*, the ſhoulder or ſhoulder-blado.⁶ In a ſwoon.

fax dayes thairefter, in grit vehemencie : And at the fax dayes end, scho heiring hir selff to be bruittit¹ with the said wicked and devellifch turne, scho defyrit the nychtbouris to caufe hir and the said Margret to drynk togidder ; quhilk being done, scho recoverit agane hir health, and fa continewit in perfyte health, the fpace of aucht or ten dayes : Eftir the quhilk time, scho heiring hir name to be fklanderit, and scho to be namit a Witche, quha had fkill to lay on and tak af feiknes ; scho, movit with rage and invy, of new agane, come to the said Margrattis hous, and fpak to hir mony devillifch and horribill wordis, faying to hir, ‘ The fagget of Hell lycht on thé, and Hellis culdroune may thow feith in !’² And with thais, and vther the lyk devillifch fpeicheis, scho pafte away. Eftir the quhilk tyme, the foirfaid feirful feiknes tuke the said Margaret ; quha continewit thairin ilk xxiiij houris, for the fpace of ane hour, be the fpace of nyne oulkis³ togidder, in maift feirfull maner ; vnto the tyme ane pure woman come to the said Margrattis hous-dur, to ask meit ; quha, feing the said Margret wiffet⁴ with the said feirfull feiknes, declairit to hir, that scho was witcheit, and had the rycht champ⁵ thairof : Eftir the quhilk tyme, the feiknes ceiffit, and came nocht to hir agane, quhill the beginning of December laft, that scho, cuning thair by hir dur, with ane creill⁶ on hir bak, faid to hir, ‘ Away theiff ! I fall haif thy hairt, for bruitting of me fa fallic !’ And immediatlie thairefter, the feiknes of new agane come vpoune hir ; quhairintill scho hes bene maift havelie vexit and trubillit fenfyne, to the xxvij day of Januar laft, that scho and scho war confrontit togidder, and examinat, in prefens of my Lord Justice, of your devillifche crymes abouewrittin.—ITEM, for ane commoune Sorcerer and ane Witche and abufer of the peple, be laying on and taking af of feiknes and difeiffes, and vfeing all devilleifch and vngodlie meanis to wyn hir leving ; and Vfer of charmes and vther devilleifch practizes.

PERSEWAR, Adam Clark, fmyth in the Pannis, Margaret Myller, relict of vmq^{lo} Williame Burnet, Robert Peddane, and Margaret Robiefone, his fpous.

PRELOCUTOR for the pannel, Robert Hammiltoune, John Bull in the Pannis.

VERDICT. The Affyfe, be the mouth of Daid Seatoun, (bailzie in Trauent,) chancellor, ffand, pronunceit and declairit the said Ifobell Grierfoune to be ffylit, culpabill and conviet of all and findrie the heidis and poyntis of Dittay aboue writtin, and crymis contenit particulerlie thairin.

SENTENCE. The Justice-depute, be the mouth of James Henderfoun, dempftar, decernit and ordanit the said Ifobell to be tane to the Castell-hill of Edinburgh, and thair to be wirreit⁷ at ane flaik quhill scho be deid ; and her body to be brunt in affis, as conviet of the faidis crymis ; and all hir movabill guidis to be efcheit and inbrocht to our fouerane lordis vfe, as conviet of the faidis crymes.

¹ Issobel hearing herself to be reported. Fr. *bruit*. ² Caldron may thou feethe in. ³ Weeks.
⁴ Visited, tormented. ⁵ Stamp, mark, token. ⁶ Basket, *creel*. ⁷ Strangled.

Forstalling and Regrating.

May 19.—JOHNNE REULL, indueller in Leyth.

Dilaitit for contravening the Actis of Parliament, in ffoirstalling and regraiting of tymmer.¹

PERSEWER, Sir Thomas Hammiltoune of Monkland, knycht, Aduocat.

PRELOCUTOURIS in defence, Mr Alexander King, James King.

It is allegit be the pannell, that he can nocht be put to the knowlege of ane Assyse for the cryme lybellit, becaus the tymmer lybellit was bocht be his seruand in Norruay, enterit in the townes buikis, as his awin proper tymmer, and hes payit his Maiesteis custome thairfoir : And for verificatioun thairof, productet the entrie of the tymmer in the townes buikis of Edinburgh, as his proper tymmer, and quhair he payit the custome thairof.—It is anfuertit be my Lord Aduocat, that the allegiance aucht to be repellit, in respect nathing is productet to preve the bying of the tymmer, be him self or his seruand ; and is contrair to the summondis, quhilk beiris the ffoirstalling of tymmer, befor the samyn was presentit to marcat.

VERDICT. The Assyse, be the mouth of James Forman, (water bailzie,) chancellor, ffand, pronuncet and declairit the said Johnne Reull to be ffylit, culpable and convict of cowmone Regrating and ffoirstalling of all foirtis of tymmer, cumand and aryveand at the said Poirt and hevin of Leyth, and sa to be repute and haldin : And Clanget and acquit him of the hail remanent poyntes of the said Dittay.—Edward Edzer, merchand burges of Edinburgh, become fouertie for the entrie of the said Johnne the morne, to heir dome pronuncet, &c.

SENTENCE. The Justice, being resoluert thairwith, and with the Act of Parliament maid thairanent, Decernit and Ordanit the said Johnne Reull to content and pay to our souerane Lordis Thesaurer and his deputis, the sowne of fourtie pundis money of this realme of North Britane,² as penaltie designat in the said Act of Parliament aganis cowmone Regraiteris and ffoirstalleris, for the first falt. And als, ordanit the said Johnne to find cautioune actit in the buikis of Adiornall, to abstene fra all maner of foirstalling or regraiting of tymmer in tyme cuning, vnder the pane of ane hundreth merkis.³

Appointment of a Justice-Depute.

Jun. 2.—MR ALEXANDER COLUILL, sone to Alexander, Commendator of Culrois,

Gaif his ayth *de fidei administratione* in the Office of Justice-deputrie ; and thaireftir was creat and admittit Justice-depute.

¹ Timber. ² This is the first time Scotland is so designated in this Record. Indeed it is very unusual, even for a century after this period. ³ Edzer again becomes his suretie.

Slaughter.

JUN. 26.—WILLIAME GUTHRIE of Ravensbie.

Dilatit of airt and pairt of the Slauchteris of vniq^{le} Patrik Gairdin of that Ilk, and vniq^{le} Robert Gairdin of Tullois, committit in the moneth of . . . I^m.V^c. threfcoir auchtene yeiris.

PERSEWER, Mr Robert Gairdin Younger of Blairtoun.

George Leslie, fear of Kiucragic, become plege and fouertie that he fall compeir befor the Justice or his deputis, the thrid day of the nixt Justice-air of the scherefdome of Abirdene, or foner, vpoun xv dayis wairuing.

Slaughter — Leuying 'Skatt' or Black-mail — Stouthreif, &c.

JUN. 27.—ALLASTER STEWART M^cGILLIECHALLUM, brother to Johnne Stewart, *alias Johnne Dow M^cgilliechallum* of Temandrie.

Dilaitit, accuset and persewit be DITTAY following, viz. That is to say, of airt and pairt of the Slauchter of vniq^{le} Johnne Stewart of Bonskeid; committit in the moneth of December, the yeir of God I^m.Vj^c. and fyve yeiris, betuix Duukeld and Atholl, vpoun sett purpois, provisioun and foirthocht felony. ITEM, for airt and pairt of the Slauchter of vniq^{le} Johnne Stewart, secund sone to the said vniq^{le} Johnne Stewart of Bonskeid; committit about Paifeh,¹ in the yeir of God I^m.Vj^c. and sax yeiris, vpoun the landis of Kilbrochene. ITEM, for airt and pairt of the Slauchter of vniq^{le} Williame Leith, att the Kirk of Crathie in Cromar; committ about tuell yeiris fyne, or thairby. ITEM, for cuning with Johnne Dow, his brother, to the boundis of Strathardill, in the moueth of July lastby-past, and compelling of the tementis of the landis of Strathardill to pay to thame ane skatt² of foure hundreth merkis or thairby; committand thairby manifest Oppressioun. ITEM, for the thiftious Steilling and reving, be way of maisterfull Stouthreif, fra . . . Donaldfoun, chapman, of his pak, with certane merchandice thairin; committit thre yeiris fyne or thairby.

PERSEWER, Mr Robert Lyntoun, Aduocat-substitute.

ASSISA.

Alexander Dumba, schereff of Murray,	Patrik Moneur of Chapelton,	Tho ^s Farguifoun of Bellewehane,
Sir Thomas Stewart of Garnetullie, knycht,	Johnne Moneur, sone to the Laird of Moneur,	Williame Stewart of Kynnaird,
Dauid Drummond, Chalmerlaue to my Lord Drummond,	Mr Alex ^r Hay of Kynmwdie,	Colene Campbell of Boshe,
	Alexander Flemyng of Monefs,	Angus Williamfoun of Termet,
	Thomas Otterburne of Reidhall,	Robert Chryffie, tailzeour, burges of Edinburgh.

VERDICT. The Assyfe, be the mouth of Thomas Otterburne, chancillar, fband, pronunceit and declarit the said Alexander Stewart to be ffylit, culpable and con-

¹ Pash, Lat. *Pascha*, Easter.

² A compulsory tax, contribution, or fine, somewhat similar (in

vict of airt and pairt of ilk ane of the pointis of Dittay, *respectiue* aboue writtin, and of the crymes contenit in the famin, conforme to his Confessioun product in judgement, quhilkis he ratifeit.

SENTENCE. And thairfore, the said Justice-depute, be reafoun thairof, and of his speciall Convictioun, of the thiftious steilling and reving, be way of masterfull Stouthreiff, fra . . . Donaldsoun, chapman, of his pak and merchandice contenit thairin, be the mouth of Robert Montgomerie, dempstar, Ordanit the said Alexander Stewart to be tane to the mercat Croce of Edinburgh, and thair to be hangit vpoun ane gibbet, quhill he be deid; and all his landis, heretageis, takis, ftedingis, rowmis, possessiounis, coirmis, cattell, guidis and geir to be fforfalt and efcheit, &c.

Slaughter of Alexander Lord Spynie.

Jul. 8.—DAVID LYNDSEY, fear of Edzell; Thomas Lyndsay, sone naturall and feruitour to Dauid elder of Edzell; Harie Lyndsay, sone to Dauid L. of Kymettillis; Mr Johnne Lyndsay, sumtyme Minister at . . . , sone to Johnne L. of Barrefe, feruitour to the auld Laird of Edzell; George Lyndsay, brother to the Laird of Covingtoun, also feruitour to the Laird of Edzell elder; Mr James Lyndsay, sone to . . . L. of Brodland; Andro Stratoun; . . . Home, sone to Robert Home of the Heuche; Gawin Lyndsey, father-brother to the said Laird of Covingtoun.

COMPERIT George Guthrie, feruitour to vinq^{le} Alexander Lord Spynie, and product our fouerane lordis Letteris, dewlie execute and indorfat, purchest att the instance of Dame Jeane Lyoun Lady Spynie, the relict; Alexander Maister of Spynie, eldest sone; Dauid Erle of Craufurd Lord Lyndsay, &c., Sir Harie L. of Carriestoun, knycht, Sir Johnne L. of Woidwrae, knycht, as brether, with the remanent kyn and freindis of vinq^{le} Alexander Lord Spynie; to tak fouertie of the said David, &c., that thai fould compeir befor the Justice or his deputis this day and place, in the hour of cause, to vnderly the law, for airt and pairt of the Slauchter of the said vinq^{le} Alexander Lord Spynie. Be the quhilkis Letteris, the saidis personis war denunceit our fouerane lordis rebellis and put to the horne. Vpone the productioun quhairof, the said George Guthrie askit instrumentis, and protestit for releif of Harie Lyndsay of Carrestoun, cautioner for reproductionne thairof.

this instance at least) to *Black-mail*. *Scatt*, properly, was a feudal tax anciently paid, in Shetland, to the King of Denmark; and at present Lord Dundas draws a considerable sum of Scatt; which is understood to be payable chiefly in kind, *e. g.* butter and oil, &c.

Treason — Celebration of the Mass, &c.

Sep. 25.—WILLIAME MURDOCHE alias M^cKIE, Preist, borne in Dunkeld.

Dilaitit, accuset, and persewit be Mr Robert Lyntoun, Aduocat, substitute to our souerane lordis Aduocat, FOR contravening his Maiesteis Actis of Parliament, in the treffonabill faying of Mefs, at dyuerse tymes, within the houffis and places following, in the monethis of Januare, ffebruare, Marche, Apryle, Maij, Junij, Julij, August, September, October, November and December, in the yeiris of God I^m.V^c. fourfcoir fourtene, fyftene, faxtene, sevintene, auchtene, nynthene, fax hundreth, fax hundreth ane, tua, thre, four, fyve, and fax hundreth and fax yeiris ; at the leift, in ane or vther of the saidis monethis and yeiris of God : And that within the places and houffis of Strabogie, Boig of Geicht, the Lady Sutherlandis houfe in Suderland, Dwnrobyn, the Lady Auchindownis houfe, in Mr Alexander Leslieis hous, Patrik Butteris houfe, belyde Aberdene. ITEM, for faying of ane Saul-mefs (*soul-mass*) for the Lady Auchindoun, in ane puir mannis houfe in Strabogie, a littill eftir hir deceife. ITEM, in the Guidman of Carrones hous, callit Grant, and in Williame Leslie of Comrakis houfe ; and in dyuerse vtheris places and houffis in the North ; being accompaneit with dyuerse our souerane lordis leigis at the saidis Messis : Committing thairthrow the cryme of Treffone, and incurring the panes specifeit in the saidis Actis of Parliament, maid aganis the fayeris of Mefs, viz. tynfall and fforfaltour of lyfe, landis and guidis ; as at mair lenth is contenit in the Dittay and Depositiones maid be the said Williame thairupone.

VERDICT. The Assyfe, be the mouth of Abrahame Hammiltoune, snyth, chancellor, in respect of his Confessioun, maid judicillie, of the hail Dittay and Depositiones producet, stand, pronunceit and declairit the said Williame Murdoche to be ffylit, culpable and convict of the crymes aboue specifeit.

Thairefter, the said Mr Robert Lyntoun, substitute to our souerane lordis Aduocat, producet ane Warrant of his Maiesteis, vnder his hienes hand-writt, desyreand the Justice, accoirding thairto, to pronunce DOME aganis the said Williame Murdoche, Preist, quhair of the tennour followis.

To our right trustie and weilbelouit counsers and counfallouris, the Erle of Dumfermeling, our chancellor, and remanent Lordis and vperis of our Previe Counfall, in our kingdome of Scotland, these.

JAMES R.

RIGHT TRUSTIE and weilbelouit counseingis and counfallouris, We greit 3ow weil. Whearas, ane Murdoch alias M^ckie, Preist, was apprehendit by the Bischope of Murray, and is presentlie in waird, within the tolbuthe of Edinburghe, wher he hes lyne this long tyme past : Our pleafour and Will is, that 3ow cause him be proceidit aganis, in maner following : first, that he be presentit befor our Justice pair, and abyde his ordiner tryell, wherin no dout he will be fund culpable, vpon his awin Confessioun ; and than our pleafour is, that our said Justice do pronunce the judgement eftir following aganis him ; in appointing him to be tane to the mercat croce of Edinburghe, being clad in his Mefs-

claithes, in the same forme that he wes takin; and eftir he hes bene presentit to the vew of the hole people, he than be strypped of all his Mefs-clothes; and the same, with all his vther Popishe baggadde that was apprehendit with him, to be presentlie cast into the ffyre, pair reddie for the purpose, to be confvmed and brunt to asches: And pairwith, that he be adiudget to be BANISCHET furth of all our dominions, indureing his naturall lyfe; vnder the pane of daith, in caice of his returne bak to ony pairt of pe same: And willing 3ow to give vnto our Justice particuler directioun heiranent, and to be cairfull to see the same, in everie poynt, execute, We bid 3ow hairtlie fairweill. FROME our Court at Theobaldis, the xvij of September 1607.

SENTENCE. According to the quhilk Warrant and directioun, the Justice-depute decernit and ordanit the said Williame Murdoche, preist, to be takin, on Monunday next, to the mercait Croce of Edinburghe, cled in his Mefs-claythis, and thair to stand chenzeit,¹ fra ten houris to tuelf befoir none; and thaireftir, ane fyre being kyndillit at the said Croce, the said Mefs-claithes to be cassin af him and brunt in the said fyre, with all his vther Popishe baggadde that war apprehendit with him. Quhilk solemnitie being vsed, Ordanis the said Williame to be Banischet furth of our fouerane lordis hail dominions, during his lyfityme; and naways to returne within the sanyn, vnder the pane of daith: And to be transportit bak agane fra the said mercait Croce to the said Tolbuith of Edinburghe, thair to remane quhill ane schip be in reddines to transport him. Quhilk was pronuncet for dome.²

Cruel Oppression — Murder.

Nov. 5.—WILLIAME BONAR, in Condy.

Dilaitit, accuset and persewit be Dittay following, viz. FORSAMEKILL as he, in the moneth of October, the yeir of God I^m.Vj^c. and fyve yeiris, haifing re quyret Patrik Philp in Condy, his coitter,³ to geve him the lane⁴ of his horse, for leiding of certane his schorne peis, than standing stoukit⁵ vpon ane pairt of the saidis landis of Condie, occupyt be him; lyk as, for satisfeing of the said Wil liames desyre, haifing directit his naig, with vmq^{le} Robert Quhyte, his servand, and ane sled,⁶ to the leiding of his peis. Trew it is, that the said Williame, vpon the . . . day of October, the yeir of God aboue writtin, at the said vmq^{le} Robertis cunning to the feildis, quhair the saidis peise war roukit,⁷ becaus the said Robert refusit to tak on sic extraordinar burding as the said naig was vnhable to draw, he thairfoir maist prouddie and contemptiounlie lousit his belt, and with the bukillis and remanent irnes thairof, maist crewallie strak the said vmq^{le} Ro-

¹ Chained. ² *Sept. 27, 1607.*—A Preist, who had been a certaine time in ward before, in the Tolbuith of Edinburgh, was brought down, on the mercat day, to the Mercat-croce, with all his Messe-cloaths upon him, wherewith he was taken, with his chalice in his hand. He slayed at the Croce from ten hours till twelve. Then all his Masse-cloathes and chalice were burnt in a fire beside the Croce, and himself carried backe to ward.—*Calderswood's MS. Church History.* ³ Cottar.

⁴ Loan. ⁵ Put up in *stouks* or shocks, to *win* or cure. ⁶ Sledge, a sort of cart without wheels, still in use, in mountainous districts, for leading in meadow hay, turf, &c. ⁷ Put up in racks, *ricks*.

bert in the heid and face, and with his feit and kneysis strak him in his breift, bellie and fydis, and brak his hail intrallis within him: And thaireftir, fchot¹ him fra him down ane watter-bra,² quhair he fell in ane watter, and remanit bleiding thairin ane grit fpace thaireftir, at mouth and neife; be occaſioun of the quhilkis crewall woundis and ſtraikis, gevin to the ſaid vmq^{le} Robert, he immediatlie thaireftir tuik bed, quhairin he continewit bedfaft, in grit dollour and diſeaſe, be the ſpace of tuentie dayis thairefter, or thairby; and at laſt, vpon the . . . day of November thaireftir, he departit this lyfe, of the ſaidis hurtis and woundis; and ſa, he was maiſt crewallie flane be the ſaid Williame Bonar: And he is airt and pairt thairof; committit vpon ſet purpois, prouifion and foirthocht felonie.

VERDICT. The Aſſyſe, be the mouth of Williame Birſoun in Clow, ſſand, pronuncet and declarit, all in ane voce, the ſaid Williame Bonar to be Clenget, innocent and acquit of the cryme aboue writtin, and hail circumſtances thairof. Quhairvpoun the ſaid Williame aſkit inſtrumentis.

Slaughter — Shooting of Hagbuts and Piſtolets.

Nov. 6.—JOHNE FORBES, brother to Williame Forbes of Corſindae.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Williame Broun, ſervand to Johnne Irwing of Ardtanfurd, committit be him and his complices, callit ‘THE COMPANIE AND SOCIETIE OF THE BOYIS,’ vpon the landis callit the Peill of Lumfannen, in the moneth of November, the yeir of God I^m.Vj^c. and fyve yeiris. ITEM, for airt and pairt of the Slauchter of vmq^{le} Robert Merſar in Tombeg, committit be him and his complices foirſaidis, in the moneth of Junij laſtbypaft, at Magnus Garioches hous, in Drumnahoy. AND laſt, for contravening of our ſouerane lordis Actis of Parliament, in beiring and weiring of hagbuttis and piſtolettis, daylie and continuallie, this thre yeir bygane; ſpeciallie, for invading and perſewing of Williame Irwing, brother to the Laird of Drum, and ſchuiting of ane piſtolet at him, betuix his awin duelling hous and the Kirk of Kyncairdin, in the moneth of July or thairby, I^m.Vj^c. and ſax yeiris.

PERSEWAR, Sir Thomas Hammiltoun.

PRELOCUTOR in defence, Mr Johnne Ruſſell.

The Aduocat producet the Dittay aganis Johnne Forbes, with the Letteris of Hoirning, and deſyrit proces.—Mr Johnne Ruſſell producet ane Letter of Relaxatioune, be the quhilk he is relaxit fra the horne, for the crymis contenit in the Dittay, and thairupoun aſkit inſtrumentis.—The pannell takis inſtrumentis that na partie inſiſtis in the perſute of this Dittay, except my lord Aduocat. It is allegit, that na proces can be led in this matter, becaus he aucht to be ſummond vponne xv dayis wairning, ſeing he is the Kingis frie ſubiect; and for inſtruct-

¹ Forcibly pushed, *shoved*.

² A brae or ſloping bank above a ſtream.

ing thair of, citit the practik betuix the Montgomeries and Cuninghame, and the vther of Newarkis.—It is anſwerit, aucht to be repellit, in reſpect of the Relaxationne producet, beiring the pannell to haif bene at the horne of befoir, for the crymes contenit in the Dittay ; vpon the quhilk Hoirniug Commiſſiounne was direct to apprehend the pannell, rebell and at the horne ; and being apprehendit, is brocht fra the waird to the bar ; and thairfoir, na delay aucht to be grantit vpon xv dayis.

THE Juſtice findis proces, nochtwithſtanding of the Alledgeance : Quhair-
vponne the Aduocat takis inſtrumentis.

It is alledgit be the pannell, that the Juſtice can nocht proceed in the mater aganis *Johme Forbes*, for the crymes contenit in the Dittay ; becaus, be Act of Secreit Counfall, my Lord Forbes wes maid Juſtice to pronounce dome (of) Baneifment aganis the ſaid Johme ; quho hes pronunceit the ſaid Dome, in ane Juſtice Court, hauldiu be him ; and gif he hes nocht pronunceit the ſaid dome, the ſaid Johme offerit him to be Baneift, and to find cautionn, actit in the Buikis of Adiornall, to paſs aff the countrey, vnder ſic panis (as) the Juſtice will moderate ; and thairfoir na proces : And for verificatioun thairof, producet the Act of Counfall ; and eikis,¹ that he was tane before the expyring of the tyme appointit to his baneifment. The Aduocat anſwerit, that the Act of Counfall can nocht ſtay proces ; ſeing that (there) is na thing producet, declaring him to be exilit ; nather yit is the Dome pronunceit : And ſiclyke, the ſaid Johme mau² be putt to ane Aſſyſe, except he can ſchaw Reſpectt, Remiſſioun or clangeing ; and alſe, the Aduocat acceptis the Secreit Counfallis ordinance.

It is allegeit, that the pannell can nocht be putt to ane Aſſyſe for *Merſar*, ſeing he wes ordauit to be Baneift for Brownis Slauchter ; and thairfoir the Sentence and dome of Baneifment ſtanding, he can nocht be put to ane Aſſyſe for Merſar. It is anſwerit be the Aduocat, the Argument makis him nocht lauchfull to ſlae in Junij, he being baneift in March. ITEM, it is allegeit that na proces for Merſaris ſlauchter, becaus he wes nocht apprehendit for the ſamin. It is anſwerit, he wes att the Horne for the Slauchter, and he may be challengeit for the ſamin ; and producet the Hoirning.—The Commiſſiounn of apprehenſiounne being producet, it is alledgeit, that Commiſſiounn fallis, in reſpect of Aſſythemment, and ane Act, makeand Arthour Lord Forbes Juſtice, to pronounce dome of Baneifment. It is anſwerit be the Aduocat, that the caus of the Commiſſiounn wes rebellium, quhilk wes nocht purget, quhill eftir his taking.

THE Juſtice findis proces, nochtwithſtanding of the pannellis fyrſt alledgeance maid, that Brownis Slauchter ſould nocht be put to ane Aſſyſe.

It is allegeit, of new, that gif ye will pitt the mater to ane Aſſyſe, and be

¹ Adds farther, ſubjoins.

² Must.

convict, ye can nocht pronounce na forder Dome nor¹ according to the Act of Counfall. It is alleget for the Slauchter of Merfar and weiring of pistoletis, he can nocht be putt to ane Assyse, feing he wes nocht tane for that cryme; and that wes nocht *in rerum natura* quhen the Commiffioun wes grantit. It is anfuerit, that the pannell wes summond vponn xv dayis warning, for the saidis crymes; and being in waird, he may be brocht out and put to ane Assyse. And the Aduocat produceit the Hoirning aganis the pannell for the Slauchter of Merfar.—The Letteris (of Hoirning being) produceit, it is alleget that the famin s null, becaus the said Johnne Forbes is summond only att the mercat croce of Abirdene. The Aduocat anfueris, that he aucht (to) reduce; and the Justice is nocht Judge to the nulling² of Hoirningis.

THE Justice Ordanis the mater to be putt to ane Inqueist, nochtwithstanding of the allegeances.—The pannell offeris him felf in his Maiesteis Will, for the weiring and schuiting of pistolettis.

ASSISA.

James Cunningham, father-brother to the Laird of Barnis, James Dikfoun of Hirdrig, Andro Abircrumbie of Straruthie, Williame Sydferff of Ruchlaw, Johnne Airmour, mercheand burges of Edr.³

The Aduocat, for verificatioun of the Dittay, produceit twa Letteris of Hoirning, and the said Johnne Forbessis Depositionis, confessing the crymes contenit in the Dittay.—It is allegit aganis *Harie Skirving*,⁴ that he can nocht be ressaunt on this Assyse, becaus thair is feid⁵ standing betuix the Laird of Drum, on the ane pairt, and the name of Forbes, on the vther pairt; and the Erle of Marshell, to quhom this Assyfour is vassall, is sister-bairnes to the Laird of Drum. It is anfuerit, aucht to be repellit; in respect of the Act of Parliament discharging all feidis; and that thair is na deidlie feid qualifeit betuix the Erle Marshell and this pannell.—The pannell, eftir reiding of the Dittay, denyis the Slauchter of Robert Merfar, or that he was ather airt or pairt thairof.—The Aduocat repeittis to the Assyse the pannellis Confessioune, with the Letteris of Hoirning for the crymes contenit in the Dittay and Act of Counfall. The Aduocat protestis for Wilfull Error aganis the Assyse, in cais thay acquit; and that the Assyse be reteanit in the Tolbuth, quhill the Kingis Maiestie and his Counfallis will be knawin.—The pannell takis instrumentis of the Assyses determinatioun, in Clengeing of the pannell, for the Slauchter of Broun; and desyres the Justice to be advyset with the Counfall, anent the dome, in respect of the Act of Counfall, producet be him in this proces.

VERDICT. Eftir accusatioun of the said Johnne Forbes, be Dittay, of the hail crymes aboue writtin, and verificatioun thairof, be his Depositiones, sub-

¹ Than. ² Annulling, reducing. ³ The remainder of the Assise composed of 'mercheandis.'
⁴ Of that ilk. ⁵ Feud, deadly enmity.

feryuit with his hand, as also subferyuit be my Lord Halyrudhous and Mr Johnne Prestoun, Collectour, producet be my Lord Aduocat, togidder with the Letteris of Hoirning, &c., the Assyse, be pluralitie of voittis, be the mouth of the said Williame Sydferf of Ruchlaw, chancellor, fband, pronuncet and declairit the said Johnne to be Clene, innocent and acquit of airt and pairt of the Slauchter of the said vni^q^{le} Robert Merfar : AND fband, pronuncet and declairit, be pluralitie of voittis, the said Johnne to be ffylit, culpabill and convict of airt and pairt of the flauchter of the said vni^q^{le} Williame Broun ; and for beiring, weiring and fehuiting of pistolettis, contrair the tennour of the Actis of Parliament. And that, in respect of his awin Depositiones and Confessioun producet, subferyuit with his hand.

SENTENCE. For the quhilk caufe, the said Justice-depute decernit and adjudget the said Johnne Forbes, be the mouth of James Henderfoun, dempfter, to be tane to the mercait Croce of Edinburgh, and thair, vpon ane scaffold, his heid to be strukin frome his body ; and all his moveabill guidis to be efcheit and inbrocht to his hienes vse, as convict of the crymes aboue-writtin : Quhilk wes pronuncet for dome.

Sorcery — Witchcraft — Incantation — Poisoning, &c.

[THE singularity of the following Trial cannot fail to be remarked by all who have bestowed any attention upon the history of the Superstitions of their native country. In illustration of several of the circumstances detailed, the Editor considers that the CONFESSIONS of ISSOBELL HALDANE, preserved amongst the Warrants of the Privy Council of Scotland, will prove an acceptable accompaniment. The Editor has not yet discovered whether that unfortunate woman suffered the usual death which awaited such a Confession. It is, however, but too probable that she was put to death, by being ‘brunt,’ at Perth, in terms of her own Depositions.]

Dec. 18.—BARTIE PATERSOUN, tasker in Newbottill.

Dilaitit of the cryme of Sorcerie and Witchcraft, in abusing of the peopill with charmes and dyuerse foirtes of Inchamentis ; and ministring, vnder forme of medecine, of poyfoneable drinkis : AND of airt and pairt of the Murthour of Johnne Myller in ffurd-mylne, about Martinus last, and of vni^q^{le} Elizabeth Robiefoune, be the saidis poyfonable drinkis, viz. FOR cureing of James Broun in Turnydykis of ane vnknawin diseafe, be ministrating to him of drinkis, rubbing him with sawis¹ maid of dyuerse grene herbis, and causing him pas hame to his awin hous : and at his bed fyde to sitt down on his kneis, thre feuerall nychtis, and everie nycht, thryse nyne tymes, *to ask his helth at all levying wichtis, aboue*

¹ Salves.

and vnder the earth, in the name of *JESUS*. And thaireftir, ordanit the said James to tak nyne pickillis of quheit, nyne pickillis of falt and nyne peeces of rowne-trie,¹ and to were thame continuallie vpon him, for his helth ; committing thairby manifest Sorcerie and Witchcraft. ITEM, for abufeing of the people, with ane certane watter, brocht be him furth of the Loch callit the Dow-Loche, befyde Drumlanrig, and cureing of his awiu bairne with the said Loche watter, be wafching of the said bairne, at everie nuke thairof, thryfe ; and cafting in of the bairnis fark² in the said Loche, and leveing of the fark behind him ; affirming, that gif any fould come furth of the Loche, at that tyme, the patient wald convalefe, and gif na thing appeirit to him, the patient wald die : AND for cayreing of the said Loche watter to findrie of the cuntrie, that war viffetit with feiknes, or quhais beiftis war feik or foirspokin :³ Speciallie, for the miniftrating thairof to Alexander Clerk, in Creichtoun, for his helth ; be caufing him, at ilk tyme quhan he liftit the ftoupe,⁴ quhairin it was, to fpaik thir woirdis : ‘ *I lift this watter, in the name of the Father, Sone and Holy Gaiſt, to do guid for thair helth for quhom it is liftit ;*’ quhilkis wordis fould be repeatit thryfe nyne tymes. AND for vfeing of thir charmes following, for charmeling of cattell ; ‘ *I CHARME thé for arrow-ſchot, for dor-ſchot, for wondo-ſchot, for ey-ſchot, for tung-ſchote, for lever-ſchote, for lung-ſchote, for hert-ſchot, all the maiſt, in the name of the Father, the Sone and Holy Gaiſt. AMEN.*’ AND for behaifing him ſelf as ane cowmone Sorcerer, in abufeing of our fouerane lordis leigis, thir diuerſe yeiris bygane, be his devillifche practizes, vpon dyuerſe feik folk and feik beftiall ; and vfeing of dyuerſe vther ſoirtis of Inchantment, expres aganis the lawis of God and Actis of Parliament.

As at lenth is contenit in the ſaid Barteis Depositiones, maid in prefens of the Prefbiterie of Dalkeith, and Dittay formet thairupoune.

VERDICT. The Aſlyſe, be the mouth of Thomas Megget of Maiftertoun, chancellor, ſtand, pronuncet and declairit the ſaid Bartie to be flylet, culpable and convict (conforme to his awin Confefſioun) of the hail crymes aboue writtin.

SENTENCE. To be tane to the Caſtell-hill of Edinburghe, and thair to be wirreit at ane ſtaik, quhill he be deid ; and thaireftir his body to be brunt in aſches ; and all his moveable guidis and geir, gif he ony hes, to be eſcheit and inbrocht to his hienes vſe, &c.

¹ The mountain-ash. Its virtues are even yet held in great repute, as a charm againſt Witchcraft, &c.

² Shirt. The purpoſe of ſo doing was to leave the diſeaſe on the ſhirt, and to make an offering to the *genius loci*. In Ireland, at this day, ‘Holy Wells’ are commonly reſorted to by the ſick, &c., who, after ablution and drinking of the ſpring, leave pins and pieces of rag, torn off ſome part of the patient’s dreſs.

³ Bewitched, charmed.

⁴ A ſort of wooden bucket or pitcher, uſed for holding or carrying water.

DEPOSITIONES of ISSOBELL HALDANE, *suspect of* WISCHCRAFT,
 CONFESSIT *be hir* the 15 of *Maij* 1623, *as followis*.

BEING convenit befor the Sessioun of Perth, estir prayeris maid to God to oppin hir hairt and loufe hir toung to Confes the treuth:—Being askit, ‘Gif scho hed onye skeill of cureing men, wemen or bairneis that war diseifit?’ Scho anfuert, that scho had nane. Being requirit, ‘Gif scho cureit Andro Duncanes bairne?’ Anfuert, that, according to the directioun of Jonat Kaw, scho went with Alexander Lokart dwin¹ to the Turret-Port, tuik watter frome thence, being dwin; brocht it to Andro Duncanes houfe; and thair, wpone hir kneis, in the name of the Father, Sone and Halye Goost, weufsch² the bairne! Estir that, tuik the watter, with the bairneis fark, accompaneit with Alexander Lokart, and kniif³ baith in the burne; bot in the going, scho skailit⁴ fwm, quhilk scho rewis ane evill rew,⁵ becaus that if onye hed gone ower it, thay hed gottyn the ill.⁶ ITEM, being askit ‘If scho hed ony conversatioun with the ffarye-folk?’ Anfuert, that ten yeiris syne, lying in hir bed, scho wes taikin furth, quhiddir be God or the Denill scho knawis nocht; wes caryit to ane hill-syde: the hill oppynit, and scho enterit in. Thair scho stayit thrie dayis, viz. fra Thurisday till Sunday at xij houris. Scho mett a man with ane gray beird, quha brocht hir furth agane.

ITEM, that same day JOHNE ROCH deponit, that about that same tyme, he beand in James Chrystie the wrichtis buith, causing the wricht mak ane cradill to him, becaus his wyff wes neir the down-lying; the said Issobell Haldane com by, desyret him nocht to be sa haistie, for he neidit nocht; his wyff fould nocht be lichter⁷ till that tyme fywe onkis,⁸ and then, the bairne suld neuer ly in the cradill, bot be borne, bapteisit, and never souk, bot die and be tane away. And as the said Issobell spak, so it cam to pass, in euerie poynt.

THE said Issobell being demandit, ‘How scho knew that?’ Anfuert, that the man with the gray beird⁹ tauld hir. ITEM, the said Johne Roch deponit, that Margaret Buchannan, spous to David Rind, being in helth, at hir ordinare wark, the said Issobell Haldane come to hir, and desyret hir mak hir for deith;¹⁰ ffor befor Fastingis-ewin, quhilk wes within few dayis, scho suld be taikin away. And as scho said, so it wes; befor that terme the woman died. Being askit, ‘How scho knew the terme of hir lyfe?’ The said Issobell anfuert, scho hed speirit at that same man with the gray beird, and he hed tauld hir.

THE *xvj day of May* 1623. PATRIK RUTHUEN, skynner in Perth, compeirit and declarit, that he being wischit¹¹ be Margaret Hornisclench, Issobell Haldane com to sie him; scho com in to the bed and strauchit¹² hir self aboue him, hir heid to his heid, hir handis ower him, and so furth, mumbling sum wordis; he knew nocht quhat they war.

THE said Issobell Confessit the said cure; and deponit, that befor the said Patrik wes wischit, scho mett him, and foirbad him to go till scho had gone with him.

THE *xix day of Maij* 1623. Compeirit STEPHANE RAY in Maretonne, and deponit, that thrie yeiris syne, that Issobell Haldane haueing stollin sum bere furth of the Hall of Balhouslye, he followit hir, and brocht hir bak agane; scho chaipit¹³ him on the schulder, saying, ‘Go thy way! Thow fall nocht win thy self ane bannok of breid for yeir and day!’ And as scho threttinit, sa it cam to pas. He dwynnit,¹⁴ hanelie diseifit.

THE said Issobell Confessis the away-taking of the bere, the diseife of the man, and affirms, that onlye scho said, ‘He that delyneret me frome the ffarye-folk fall tak amendis (on) thé!’ ITEM, the same day scho confest scho maid thrie feuerall caikis, euerie ane of thame of ix curneis¹⁵ of meill, gottin fra ix wemen that wer maryit madynnys; maid ane hoill in the crowne of euerie ane of theme, and

¹ Down. ² Washed. ³ Cast, threw. ⁴ Spilt some. ⁵ Regrets or *rues* bitterly. ⁶ Had any one stepped over the place, the evil or disease would have been transferred from the sick child to him. ⁷ Lighter, *i. e.* delivered of her child. ⁸ Five weeks. ⁹ This familiar spirit seems to be the same as ‘*Thom Reid*,’ mentioned in the extraordinary Trial of *BESSIE DUNLOP*. ¹⁰ Prepare for death. ¹¹ Bewitched, *fore-spoken*.
¹² Stretched. ¹³ Clapped. ¹⁴ Pined away, without any apparent cause. ¹⁵ Handfuls, small quantities.

pat ane bairne throw it thrie tymeis, 'in the name of the Father, Sone and Halye Goost,' to wemen that pat the saidis bairnes thryfe throw bakward, wfeing the saidis wordis. ITEM, the said Iffobell confest, that scho went, silent, to the Well of Ruthuen,¹ and returneit silent, bringing watter from thence, to wafch Johne Gowis bairne: Quhen scho tuik the watter frome the Well, scho left ane pairt of the bairnes fark at it, quhilk scho tuik with hir for that effect; and quhen scho cam home, scho weufche the bairne thairwith. In lyk maner, scho Confest, scho had done the elyk to Johne Powryis bairne.

THE xxvij day of Maij 1623. THE said Iffobell confessit, that scho had gewin drinkis to cure bairneis; amongis the rest, that David Moreife wyff com to hir, and thryfe for Goddis faik askit help to hir bairne that wes ane scherge:² And scho send furth hir sone to gether fochsterrie leaweis,³ quhair-of scho directit the bairnes mother to mak a drink.—Bot the bairneis mother deponit, that the said Iffobell Haldane, on-requirit, cam to her house and saw the bairne; said, 'it wes ane scherge taikin away,' tuke on hand to cure it; and to that effect, gaiff the barne a drink; efter the ressaie quhairof the bairne died.

WILLIAME YOUNG, Scribe to pe Presbiterie of Perth, at command of pe samyne, with my hand.
JONAT. DAUIDSONE, Notare Publict and Clerk to the Sessioune of Perth, at thair command and directiounne, with my hand.

[*Mr William Boirthuik, Justice-Depute.*]

Slaughter.

Feb. 3.—JAMES MURE, Younger of Auchindrane.⁴

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Sir Thomas Kennedyie of Cullane and Williame Dalrumpill.

PERSEWER, Sir Thomas Hammiltounne of Bynnie, knycht.

PRELOCUTORIS for the pannell.

The Lairdis of Blair, Cauldwall, Heiffilheid, Rowallane, Mr Johnne Ruffell, Mr Laurence M^ogill.

My Lord Aduocat producet the Letteris deulie execute and indorfat, quhairby the defenderis thairin contenit ar denuncet to the horne. Mr Johnne Ruffell producet Letteris of Relaxatiounne, of the dait the thrid of Februare instant; be the quhilkis the pannell is relaxit for the crymes aboue writtin. The pannell takis instrumentis of his entrie; and efter reiding of the Summondis, offeris him self reddie to abyd the tryell of the Law, for the crymes contenit thairin-till; and disassentis fra all continewatiounne. The Aduocat producet the Counfallis Warrant for continuatiounne of this dyet to Fryday nixt; and committing the pannell to waird in the meane tyme.

THE JUSTICE, for obedience of the Counfallis Warrant, continewis this matter to Fryday nixt, and ordanit the pannell to be wairdit in the Tolbuith of Edinburgh, in the meane tyme.

¹ The superstition of fetching water from *Holy-Wells*, as they were and still are often called, was very prevalent in Scotland, as well as in all Catholic countries. Some shred of dress belonging to the diseased person was left on the brink of the well, in token of the disease having passed away along with it. In Ireland, the bushes near to such wells are entirely covered with rags of every colour, as offerings to the *Genius loci*.

² SHARG, a creature pined away, by Witchcraft, an evil eye, &c. A changeling.

³ Leaves of an herb. Perhaps star-grass, bog-star-grass.

⁴ Vid. Jul. 17, 1611.

[*Mr Williame Hairt, Justice-Depute.*]

Feb. 5.—THE JUSTICE continewis this matter to the secund day of Marche nixtocum; and ordanis the pannell to be wairdit in the Tolbuith, in the meane tyme.¹

Slaughter.

Feb. 5.—GEORGE MURRAY of Brochtoune.

Dilaitit of airt and pairt of the Slauchter of vniq^{le} James M^cCulloche, appeir- and of Torhouse; committit in November last.

PERSEWARIS.

Johnne M^cCulloche, as brother; William M^cCulloche of Mertoune, Thomas M^cCulloche of Barholme.

THE JUSTICE continewis this matter to the morne.²

Feb. 6.—The persewaris passis fra the perfute of the Laird of Brochtoun for the said Slauchter, conforme to the cowmoning.³

Mutilation.

Feb. 19.—JOHNNE DUNCANE, elder, myller in the Brig of Hailes, and Johnne Duncane, younger, meilmaker in Edinburgh.

VERDICT. Fylit, culpable and convict of airt and pairt of the Mutilatioun of Robert Daidfoun of tua fingaris of his left hand; committit be thame in the moneth of September I^m.Vj^c. and fax yeiris, vpone fet purposis, prouifoun and foirthocht felonie.

SENTENCE. To be wairdit within the Tolbuth of Edinburgh, thairin to remane vpone thair awin expenffis, ay and quhill thay haif satisfeit the said Robert Daidfoun, pairtie, for his hurt and skayth aboue writtin, and obtene his letteris of Slanes thairupoune: And alse, Ordanit thair haill moveabill guidis to be efcheit to our fouerane lordis v^{ie}, as convict of the said cryme.

Slaughter.

Feb. 23.—WILLIAME KEITH, sone lauchfull to Alexander Keith of Auchquhirfk.

Dilaitit, accuset and persewit be Mr Thomas Henderfone, Aduocat, substitute to our fouerane lordis Aduocat, of the crymes following, viz. fforfamekill as, vpone fryday the nyntene day of ffebruar instant, the said Williame haifing fallin out, in som iniurious speiches with vniq^{le} Thomas Colstoun, Inglifinan, at the drink, in Griffell Ruffellis hous in Bruntieland; he thaireftir rauncounterit with the said vniq^{le} Thomas, befyde the selhoir of the said bureh of Bruntieland;

¹ It is again continued; and Mure ordered to be kept in ward. ² Plegio, Johanne Vaufe de Barnebarroche. ³ Commoning. It is likely that the private parties compromised the matter, and that Letters of Remission were procured upon their joint application, on producing Letters of Slains.

and thair, maist crewallie, with his drawin swoird, strak the said vmq^{le} Thomas vnder the left pape, and flew him thairwith: And the said William is airt and pairt of the slauchter of the said vmq^{le} Thomas.

PERSEWERIS, Mr Thomas Henderfonne, Mr Robert Foullis, aduocat.

PRELOCOUTOUR for the pannell, Mr Johnne Ruffell.

ASSISA.

Anlay M ^c canlay of Ardincapill,	Arch ^d Edmestone of Ballintone,	Hew Dalzell, merchand burges of
George Murray of Brochtoun, ¹	Johnne Ahannay, Provoist of	Edinburgh,
James Lokhart of Ley,	Wigtoun,	Symone Brentoune, burges thair,
Williamie Blair of Balgillo,	Patrik Somervel, merchand	George Redik,
. . . . Leith of Hartbill,	burges of Ediuburgh,	Geo. Rollok, portioner of Craigie,
Sir Alex ^r Colquhoun of Lufs, kny ^t ,	Donald Thornetoun, burges thair,	Vthreid M ^c dowell of Mondurk.

VERDICT. The Assyse, be the mouth of the said Vthreid M^cdowgall of Mondurk, chancellor, ffand, pronuncet and declairit the said Williamie Keith to be ffylit, culpable and conviet of airt and pairt of the Slauchter of the said vmq^{le} Thomas Colfoun; committit in maner and at the tyme specifeit in the said Dittay.

SENTENCE. To be takin to the mercait croce of Edinburgh, and thair, vpon ane skaffold, his heid to be strukin frome his body; and all his moveabill guidis and geir to be efcheit and inbrocht to his Maiesteis vse, as conviet of the said cryme. Quhiik was pronuncet for dome.

Child-murder.

Feb. 24.—ISSOBELL THOMESOUNE, dochter to Robert Thomesoun in the Watter of Leyth.

Dilaitit of the crewall and vnnaturall Murthour and distructioun of hir awin infant bairne; committit be hir, immediatlie eftir hir delyuerie thairof, vpon the aucht day of Februare instant, secrethie, within hir fatheris dwelling hous in the Watter of Leyth.

VERDICT. The Assyse, in ane voce, be the mouth of Thomas Clerkfoun, buterman, chancellor, ffand, pronuncat and declairit the said Issobell, conforme to hir awin Confessioun, to be ffylet, culpable and conviet of the crewall Murthour and distructioun of the said bairn.

SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair to be hangit, quhill scho be deid; and hir hail moveabill guidis, gif scho ony hes, to be efcheit, &c.

Treason — Murder under Trust, &c.

Mar. 2.—JAMES WATSOUN, sone in law to James Hammiltoun of Scheirell; and James Hinchelwoid, seruitour to James Hammiltoun Younger of Spittelcheill.

Dilaitit of airt and pairt, red, counfall and foirknowledge of the crewal Mur-

¹ See Feb. 5, 1508.

thour of vmq^{le} George Tuedie; committit be the said James Hammiltoun of Spittelcheill, vpon Sanct Leonardis-evin, in Nouember last, within ane barne of Spittelcheill; the said James, the tyme of the committing thair of, haifing consultit and devyset the samyn with Robert Craufurd, his guid-brother, and with the saidis James Watfoun and James Hinchelwoid, of the forme and maner thair of, viz. THAT the said James Hinchelwoid fould secreteilie convoy ane mell¹ in the barne, quhair the said George Tuedie fould be murthourit; and that the said George (his) bed fould be maid in the said barne, and the said James Watfoun to ly with him: LYK AS, about tuelf houris at evin, in the said nycht, the said vmq^{le} George Tuedie being lyne down in his bed, within the said barne, luiking for the said James Watfones cuming to ly down with him, the said James Hinchelwoid, James Hammiltoun and James Watfone come all in togidder within the said barne; and as the said James Watfone was taking af his claites, the said James Hammiltoun, with the said mell in his hand, in prefens of the said James Watfoun and James Hinchelwoid, come to the said George Tuedeis bedheid, and thair maist crewallie gaif him tua grit sfracis in his heid, and Murdreift him thairby; the said James Hinchelwoid haifing brocht in the candill in his hand, and delyuering the mell to the said James Hammiltoun, to commit the said Murthour; AND eftir the committing thair of, the said James Watfone, taking away with him the said vmq^{le} George Tuedeis horse, with the sadill and brydill, and the said James Hinchelwoid helping the said James Hammiltoun to beir him to ane lyme hoill, ane littill frome the hous, quhair he wes bureit.

VERDICT. The Assyse electit and choisit Hammiltoun of Sillertoun-hill² chancellor, ressonit and voittit vpon the poyntis of the said Dittay, and being ryplie and at lenth advyset thairwith, togidder with the saidis James Watfone and James Hinchelwoidis Depositiones made be thame in the premiffes; thay, be the mouth of the said Chancellor, stand, pronuncet and declairit the saidis James Watfone and James Hinchelwoid to be ffylet, culpable and convict of airt, pairt, red, counfal and foirknowledge of the said abhominable Murthour, and conceilling of the samyn, sa lang eftir the committing thair of.

SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair to be hangit quhill thay be deid; and all thair moveabill guidis escheit to our souerane lordis vsé, as convict of the saidis crymes.

Cattle-stealing.

Mar. 11.—THOMAS FRAM, sumtyme fervand to James Hammiltoun of Spittelscheill.

Dilaitit of airt and pairt of the thiftious Steilling, conceilling, ressetting and

¹ Mallet. ² Robert Bailzie of Jerristoun, Johnne Grahame brother to Wastraw, and James Mureheid younger of Lachope, are the only other landed persons. James Levingtoun of Jeriswoid was fined 100 merks for non-appearance.

away-taking of thre oxin and ane kow pertening to James, Lord of Balmirrinoch, furth of his landis of Mulruun; committit in the moneth of August I^m.Vj^c. and fax yeiris.—VERDICT. Guilty. James Levinstoun of Jerifwoid, chancellor.

SENTENCE. To be tane to the mercait croce of Edinburgh, and thair to be hangit quhill he be deid; and all his moveabill guidis, gif he ony hes, to be confiscat to our fouerane lordis vfe.

[*Mr Williame Borthuik, Justice-Depute.*]

MURDER.

Mar. 18.—JOHNNE SWAN, burges of Dumbar.

PERSEWERIS, Williame Clerkfoune, brother-fone, Johnne Kellie, sifter-fone, Johnne Learmonth, guid-fone, Williame Ruthven also fone-in-law.

Dilaitit of airt and pairt of the crewall Murthour and Slauchter of v^mq^{le} George Clarkfoune, merchand burges of Dumbar; committit be him within the said v^mq^{le} George awin barne, lyand at the bak of the toune of Dumbar, vpon the fyftene day of Marche instant, betuix thre and foure eftir none; be geving to him of ane crewall and deidlie straik vpon the left syde of his heid, alangis his vane-organe,¹ with ane grit fork, quhairof he immediatlie depairtit this lyfe.

VERDICT. Guilty. Johnne Kellie, elder in Dumbar, chancellor.

SENTENCE. To be takin to the mercait croce of Edinburgh, and thair his heid to be strukin frome his bodie; and all his moveabill guidis to be efcheit and inbrocht to his hienes vfe, as culpable and convict of the said cryme.

[*Mr Williame Hairt, Justice-Depute.*]

SORCERIE, WITCHCRAFT, &c.

Maj 27.—BEIGIS TOD, in Lang-Nydrie.

Dilaitit, accuset and perfewit, at the instance of Mr Robert Foulis, Aduocat, substitute to our fouerane lordis Aduocat, of the crymes of Sorcerie following, viz. FORSAMEKILL as scho, accompaneit with v^mq^{le} Cristiane Tod, hir sifter, Johnne Graymeill, Margaret Dwne and Ersche Marioun,² in the moneth of August, the yeir of God I^m.V^c. four scoir fourtene yeiris,³ convenit thame selffis, with thair complices, all Witches and abufearis of the people, at Deane-fute of Lang-Nydrie, quhair the Deuill appeirit to thame, and reprovet the said Beigis Tod verrie scherplie, for hir lang tayreing; to quhome scho maid this ansuer, 'Sir, I could wyn na foner!' And immediatlie thaireftir, thay past altogidder to the said Beigis hous in Lang-Nydrie; quhair, eftir thay had drukkin togidder a certane space, thay, in thair devillifche maner, tuik ane katt, and drew the samyn nyne tymes throw the said Beigis cruik;⁴ and thaireftir come with all thair speid to

¹ Jugular vein.

² Irish or Highland Marion, a personage who figured in the Witch Trials of that period.

³ A.D. 1594.

⁴ Of iron, on which the 'kail-pat' is usually hung over the fire.

Seaton-thorne,¹ be-north the zet;² quhair the Devill callit for the said Cristiane Tod, and past to Robert Smartis hous, and brocht hir out; and as scho was cumand with him, scho tuik ane grit fray,³ and said to the Devill, ‘ Sir, quhat will ye do with me?’ Quha answert her, ‘ Tak na feir, for ze fall gang to your sifter Beigis, and to be rest of hir cumpanie, quha ar stayand vpon your cunning at the Thorne!’ And thay theireftir past altogidder, with the Devill, to the irne zet of Seatoun, quhair of new thay tuik ane cat, and drew the samyn nyne tymes throw the said Irne-zett: And immediatlie thaireftir, come to the barne, foiranent George Feudaris dur,⁴ quhair thair cristenit the said catt, and callit hir *Margaret*: And thaireftir come all bak agane to the Deane-fute, quhair first thair convent, and cuist the kat to the Devill. For the quhilkis devillische practizes the saidis Cristiane Tod, Johne Gray-meill, Ersche Marioun and Margaret Dwayne war convict and brunt. And the said Beigis Tod is airt and pairt of the cryme of Sorcerie and Witchcraft abone writtin; quhilk wes nottourlie knawin: ITEM, fforfamekill as the said Beigis Tod, haifing fallin furth at variance with the vng^{le} Alexander Fairlie in Lang-Nydrrie, scho, to be revendget vpon him and his bairnis, in the moneth of Junij I^m.V^c.lxxxj yeiris, be hir Sorcerie and Witchcraft, cuist ane heavie and vnkawin seiknes vpon Alexander Fairlie, his sone, quha vanischet away⁵ with vehement sueiting and continuall burning at the heart; quhilk seiknes indurit with him the space of tua monethis, that nane luikit for his lyfe;⁶ and nichtlie the said Beigis appeirit to him, in hir awin similitude; vpon quhome he cryit continuallie for help: And in the day, scho appeirit to him, in schape of a dog; quhilk pat him almaist out of his witts: Vpon occasioun quhair of, the said Alexander, his father, past to the said Beigis Tod, and efter he was reconceillit to hir, maist earnestlie besocht hir to cum and remedie his sone of the said seiknes; quha refusit to cum; yit, at the earnest desyre of Archibald Galloway, scho, accompaneit with hir tua sones, come to the hous, and sa sone as the said Alexander saw hir, he eftir that tyme became bettir and bettir, and convalescit of the said seiknes. And sa, scho committit manifest devilrie and Witchcraft, in on-laying and aftalking of seiknes, in maner foirsaid. AND lykwayes, was accuset be the said Aduocat and Robert Woid, lister, for the casting of the lyk vncouth seiknes vpon the said Robert, be hir devilrie and Witchcraft, in the moneth of Nouember last.

VERDICT. The Assyse, all in ane voce, be the mouth of David Seatoun, bailzie of Tranent, ffylet the said Beigis of the first tua poyntis of Dittay aboue writtin: And, be pluralitie of voittis, stand, pronuncet and declairit hir to be Cleue

¹ Thorns were favourite trysting-places of witches as well as lovers.

² To the north of the gate.

³ Fright. Old Fr. *frayeur*.

⁴ Door.

⁵ Swooned, fainted away.

⁶ None

thought he could possibly survive.

and acquit of the Sorcerie and Witchcraft vsēt be hir aganis the said Robert Woid, in laying the said seiknes vpone him ; in maner specificit in the Dittay.

SENTENCE. For the quhilkis tua crymes, quhair of she is convict, the Justice ordanit hir to be tane to the Castell-hill of Ed^r, and thair to be wirreit at ane staik, and her body to be brunt in asches ; and hir haill guidis to be escheit, &c.

[CURIA JUSTICIARIE *f. d. n. Regis, tenta in Pretorio de Lynlythgow, ultimo die Maij 1608, per M. Willielmum Hairt de Prestoun, Justiciarium Deputatum.*]

ASSESSOURIS TO THE JUSTICE.

My Lord of Balmirrienoeh,¹ My Lord Abercorne,² My Lord Lynlythgow,³ Sir Peter 5oung.⁴

Abstracting Pearls and Jewels belonging to the Queen.

May 31.—MARGARET HERTSYDE, spous to Johnne Buchannane, sum-tyme fervand to his Maiestie, and the said Johnne Buchannane, for his entreis.⁵

Dilaittit, accuset and persewit be Sir Thomas Hammiltoun of Bynnzie, knycht, Aduocat to our souerane lord.

DITTAY against the Pannell.

MARGARET HERTSYDE, 5e ar indyttit and accuset, sforfamekill as 5e, being many 5eiris in credeit and service with oure souerane lordis darrest spous, the Queinis Maiestie, and haifing restait with grit benifeittis frome hir Maiestie, during þe tyme of 5our seruice, at dyuerse tymes, to 5our heich advancement, baith in credeit and welth : 5e, nochtwithstanding thair of, maist vnlaufullie and vndewtiefullie substractit, staw and detenit frome hir Maiestie, furth of our souerane lordis Palices of in Ingland, at the leifst furth of ane or vther of our saidis Palices, ane Perle, of the valour and pryce of ane hundreth and ten pund sterling, pertening to hir Maiestie ; togidder with dyuerse vtheris perles, precious stanes, jowallis and goldsmyth wark, lykwayis pertening to his Maiesteis darrest spous, worth the fowme of thre hundreth pund sterling ; committit be 5ow in the monethis of, the 5earis of God I^m. sax hundreth thre, sax hundreth foure, sax hundreth fyve, sax hundreth sax, and I^m.Vj^c. and fevin 5eiris ; at þe leifst in ane or vþer of þe saidis monethis and 5eiris. For the quhilkis, 5e being sworne and examinat, first vpone the fyft day of October 1607, and þairestir vpone the thrid day of Nouember lastbypast, anent 5our vnlaufull haifing of findrie of hir Maiesteis jowellis ; and haueing declairit, vpone 5our grit aithe, that 5e had nane, and gif it war fund that 5e had ony vther jowallis of worth, quhilkis pertenit to hir Maiestie, that þe perticularis than confessit be 5ow, (quhairin the jowallis lybellit war nocht comprehendit,) 5e acknowlegit that 5e had thame nocht lauchfullie : And lykwayis declairit, be 5our said Deposition, that at 5our first cuning frome Court to Scotland, 5e had delyuerit to hir Maiestie all þe jowallis quhair of 5e had þe credeit,⁶ and nevir senfyne had charge of þame, or mellit⁷ with ony of thame. NOCHTWITHSTANDING quhair of, 5e þairestir, vpone the said thrid day of Nouember last, Confessit that 5e had abtractit frome hir Maiestie ane grit perle, pertening to her hienes, quhilk cam to 5our handis, amangis ane number of counterfute stanes, and many perles pairwith : Quhilk grit perle, 5e fauld, for ane hundreth and ten pund sterling, estir that 5e had presentit the same, hung at ane diamond, to be fauld, to hir Maiesteis self ; sfor the quhilk 5e cravet her Maiesteis pardoun, and

¹ For his interest ; only as husband to the pannell. ² Sir James Elphinston, first Lord Balmerinoch, Lord President of the Court of Session. See his Trial, Mar. 10, 1609. ³ James Hamilton, first Earl of Abercorn. ⁴ Alexander, seventh Lord Livingston, was created Earl of Linlithgow Lord Livingston and Calendar. ⁵ His Majesty's ' Elimosinar' or Almoner, &c. ⁶ Trust, charge of. ⁷ Meddled, had to do with. Fr. *Meler*.

be your said Deposition cum in hir Maiefties gracious Will for it. And lykwayis Confessit, be your Deposition foirsaid, that, without hir Maiefties knowlege or gift, ze had fauld and convenit to your awin proffit and vse, vther precious stanes and perles, worth thre hundreth pund sterling, pertening to hir Maieftie; and acknolegit pat your ouersicht and offence committit, in melling with the jowallis confessit be your at pat tyme, pat your in hir Maiefties Will: And ze ar airt and pairt of ze saidis crymes: ffor ze quhilkis ze aucht and fould be pwnfeiched, conforme to ze lawis and daylie practik of your realme.

PERSEWAR, Mr Thomas Hammiltoun of Bynnie, knyght, Aduocat to our fouerane lord.

PRELOCOUTOURIS for the pannell, Mr Williame Oliphant, Mr Thomas Hoip, Mr Alexander King, Mr Johnne Russell, Aduocatis, Mr Robert Buchamane, Minister at the Kirk of Ceres, Mr Williame Buchamane, Minister at Methven.

The Aduocat producet our fouerane lordis Letteris, deulie execute and indorfate, purchest at his instance, as Aduocat to our fouerane lord, for his hienes entreis. The Aduocat, eftir cheifing of the prelocoutouris for the pannell, producet his Maiefties Warrant to the Justice to proceid and minister Justice; togidder with ane vther Warrant, directit to my lord Aduocat, to insift in this persute.—Mr Johnne Russell, for him self and the rest of the prelocoutouris, producet ane Warrant of the Lordis of Secret Counfall, commanding thame to compeir, as prelocoutouris, in defence of the pannell.

My lord Aduocat producet ane EIK to the *Dittay*, for cleiring thair of, and circumstances of the poyntis of *Dittay* contenit in the Letteris.

Margaret Hertfyde, *olim in carcere*, and now at libertie, producet ane Letter, contening ane desyre, ane Renociation and protestation, quhair of the tenuour followis.

I, MARGARET HERTSYDE, acknawleging my long captiuitie, and that I haif bene seperat fra my husband, dyuerse tymes examinat and demandit vpon sundrie wechtie matteris and articles, to the quhilkis I was forcet to ansuer, nocht being weil resolut, bot be ze contraire, being hevelie trubillit, be apprehensoun¹ of my husband, my self, wairding of our perfones, and ceasing² vpon our haill guidis; my Depositionis nocht perfytlie knawin to me, and I being ane woman, *juris ignara*, nocht haifing sa guid memorie as is requifat in sic ane wechtie caus; I desyre that now, being ane frie persone, exhibit in Judgment,³ my Declaratioun and Deposition may be producet, to the effect that I may reduce my self to ane perfyte memorie; and, gif my Declaratioun be set down according to ze treuth, I am content to abyde pairt; vtherwayis, in caice pair be any thing omittit or erroneoullie declairit, that I may be hard to correct my errour and eik⁴ pairto, quhatseuir is omittit: And in cais of non production of my said Declaratioun and Depositiones, to the effect foirsaid, I, be pir presentis, revoikis quhatsumeur Deposition maid by me, concerning the lybell and *Dittay* pairin contenit, and haill contentis pair of: And protestis, in caice ze said Deposition be producet, at any time heireftir, in this Judgement, that ze famyn be oppinlie red in my presence, to the effect foirsaid.

The Pannell, vpon productione of the Eik to the Aduocat, desyrit this matter to continew to the morne, to be advyfet thairupoune. My Lord Aduocat declairis, that he vffis this Eik producet, as ane qualificatioun and explanatioun of the Summondis; bot intendis nocht thairby to challenge the persewar of ony new cryme; and thairfoir desyrit present proces.

¹ Imprisonment.

² Seizing.

³ Presented in Court.

⁴ Add, subjoin.

THE JUSTICE and ASSESSOURIS continewis this mater to the morne, at viij houris; and hes delyverit the Eik product to the Prelocoutouris, to be advyfet thairnpoun.

OBJECTIONS *against the Affeffors.*

(JUN. 1.)—It is allegit aganis *Sir Peter Young*, that he can nocht be Affeffour in this cause, becaus he is his Maieftie's domestik feruitour; and Margaret Hertfyde being callit in this Judgement for steilling and substracting of Jowellis pertening to hir Maieftie, quhilk also pertenis to his Maieftie, na domestik feruitour to his Maieftie can be Judge or Affeffour in this cause.—To the quhilk it is anfuerit, be the Aduocat, the allegeance is nocht relevant; becaus it hes bene practikket¹ in this Judgement, of befoir, that his Maieftie's fervandis and domestikis hes bene admittit vpon Assyses: speciallic, the praktik of Barbara Naper² and Mr Thomas Cranstoun and George Craigengelt.³

It is allegit aganis *my Lord of Lyndlythgow*, that he can nocht be Affeffour, becaus his Lordschippis spous and the Kingis Maieftie ar of kyn.⁴—It is anfuerit be my lord Aduocat, the rekning was nocht relevant, becaus kyn to the King makis nane suspect, in his caus.—It is allegit aganis *my Lord Balmerinoch*, that he can nocht be Affeffour, becaus the Aduocat being perfewar, be directioun of the Queenis Maieftie, that the Aduocattis spous and my Lord President ar ferds of kyn; and sa can nocht be Affeffour.—To the quhilk it is anfuerit, the allegeance is nocht relevant; and thairfoir mereitis na anfuer.

THE JUSTICE, be Interlocoutour, finds that the noble men nominat Affeffouris may fit as Affeffouris in this cause, nochtwithstanding of the allegeances proponit be the pannell in the contrair. Quhairupone the Aduocat askit instrumentis.

My lord Aduocat declairit, that he insistit nocht aganis Johne Buchamane, bot allanerlie as spous to Margaret (Hertfyde) for his entreis; quhairupone Johne Buchamane askit instrumentis.—The pannell acceptis the Summondis and Dittay contenit thairin, as the samyn is qualifeit.

It is allegit be the pannell, that the Summondis is blank, bayth in the tyme and place of the committing of the fact lybellit; quhilk man be fillit befoir forder proces. It is anfuerit be the Aduocat, that the pannell man say, quhairin the blankis ar prejudiciall to thair defensis.—It is duplyt, that the exceptionne standis relevant, nochtwithstanding of the anfuer maid thairto, in respect that of the Law Ciuill thair is a solempne forme preseryuit anent accusationis, that thairin tyme and place fall be determinat; *quia non oportet in Criminibus vagari: Lege libellorum § de accusationibus, &c. significasti, extra de libelli obligatione.* Bald. Confilio, 1420, vol. iv. Julius Clarus, paragrapho finali, questione

¹ Decided, made matter of practise (practice) or precedent. ² Witchcraft. ³ Gowrie Conspiracy. See Aug. 22, 1600. ⁴ Alexander, seventh Lord Levingstoun, married Lady Helenor Hay, only daughter of Andrew, seventh Earl of Errol. They were entrusted with the care and education of the Royal children.

xij. *Speculator*, in titulo *de furtis*, numero 2. Quhilkis solemniteis ar vniuersallie obseruit, bayth in Scotland, and in the hail world. And forder, thair is ane grit necessitie to condiscend vponne the speciall moneth, becaus the Dittay beiris, anno 1603; and it is nottour, that in dyuerse monethis of the said yeir, hir Maiestie was resident in Scotland, albeit the Dittay beir the place to be, 'out of his Maiesteis Palaces in England.'—It is answert be my lord Adnocat, that I haif alreddie declairit the Crymes lybellit to haif bene committit sen (*since*) the passing to England, furth of some of his Maiesteis Palaces thair; quhairby the Summondis is speciall aneuch, vnles the pannell wald allege, quhat particuler tyme and place wald mak the fact lybellit lauchfull.—It is answert, that my lord Aduocattis declaratioun is mair generall nor the lybell; and of the law, *debet prius constare de delicto*, &c., quhilk man be circumscribit, *tempore et loco definito*. This Julius Clarus, libro v. Sententiarum—finali questione, iv. et v.

SECUNDO, it is allegit that thair woirdis of the Dittay, 'subscriuit and detentit,' ar nocht relevant, *et non sunt verba juris*, to infer a cryme.—It is answert, that the Lybell standis relevant, as it is confauct.¹

TERTIO, it is allegit, that the last pairt of the Dittay, anent the generall woirdis of 'perles, pretious stanes and goldsmyth-wark,' is nocht relevant, becaus the particuler number is nocht designet, and qualitie thair of; becaus of the Law, *in furto rerum plurium, designandus est numerus; quia, sine designatione numeri, non possunt res intellegi, ubi sunt plures. L. in actione furti, § de furtis. In auro infecto pondus in facto et signato numerus et inteste color dicendus est*. And the expres text of the same matter, in *L. si quis uxori, § si linea margaretarum surrepta est, dicendus est numerus, et non satis est res surreptus demonstrari per estimationem*: With this woird, that vponne ane generall clause, *neque in Civili neque in Criminali*, na proces can be grantit.—It is answert be my Lord Aduocat, that the conclusioun of the argument is, that gif he fra quhome ane chenge, or perles, or ane Jowell compofet of mony stanes is stown, can nocht condiscend vponne the particuler number thair of, the theif fall bruik the samyn, but remeid² of Law; quhair of I refer the relevauncie and consequences to the Justice and Assessoris.—The pannell repeittis the exceptiones, quhilk is foundit vponne the Law; and as to my lord Aduocattis answert, it meitis nawayis; becaus the samyn speikis *de corpore unito et de gemmis inclusis in vno auro*, and the exceptioun oppingis directlie the lybell; becaus it condiscendis nocht vponne the stanes, Jowellis and goldsmyth-wark, quhilk ar bayth *distincta corpora, numero et specie*. mony of thame and of dyuerse natures. To the quhilk is maid na answert.

QUARTO, it is allegit, that, feing the Dittay is foundit and makis expres relation to certane Depositiones, allegit maid be the pannell, at tua seuerall tymes, in

¹ Conceiv'd, fram'd.

² Without legal remedy or redress.

October and November, thairfoir my lord Aduocat, of all reffone, aucht to produce the saidis Depositiones, nocht only to the effect that the pannell and hir prelocoutouris may confidder thame, for the caufe contenit in hir first Proteftatioun, bot also, to the effect fcho and thay may be hard to reffone befoir the Judge, anent the conformitie and difconformitie of the saidis Depositionis and with the Dittay ; quhilk man be confidderit and tryit be the Judge ; feing the famyn confistis *in jure* : And gif this be nocht done, thair will follow ane grit inconvenient, to wit, that the Affyse, gif this matter fall pas to thair knowlege, fall be forcet to reffone and difcufs vpon the said conformitie and difconformitie, quhilk is nocht proper to thame, the famyn being *juris et non facti*.—It is anfuerit be my Lord Aduocat, that vules ather the pannell, be thair consent, or the Justice, be his Interlocoutour, will find the Summondis relevant, he can nocht be astrictit to produce his probatioun.

QUINTO, it is allegit, that the Dittay is nawayis relevant, setting down only generallie that the perles, allegit substractit, pertenis to the Quenis Maieftie, and nawayis condiscending in quhais possessioun thair war, the tyme of the allegit substracting thair of ; quhilk man be condiscendit ; for gif thair war nocht in the Quenis Maiefteis possessioun, than the pannell could nocht commit Thift, in melling¹ thairwith ; for of the Law, in *Lege prima*, § *si qui testamento liber*, &c., it is said, *quod furtum est tantum possessionis* : And Baldus, *Concilio* 238, vol. ii., sayis, *quod proprietatem nemo alteri subtrahere potest*, &c. ; and gif thair wer in the pannellis possessioun, fcho could nocht commit Thift be disponing thairvpon, *Lege*, *qui vas*, § *qui voluntate*, ff. de furtis, *qui ex voluntate domini servum recepit, qui neque fur neque plagiarius sit, plusquam manifestum est ; quis enim voluntate domini habens fur dici potest*, &c.—Anfueris my lord Aduocat, the exceptioun aucht to be repellit, in respect of the lybell, vules the pannell will allege and instantlie verifie, that fcho obtenit lauchfull possessioun of the guidis lybellit, and had hir Maiefteis consent and allowance to the alienatioun thair of, quhilk is nevir subsumit.—It is duplyit, that na pairtie, of the Law, can be compellit to propone, be peremptour (defence), or verifie the famyn, except the Dittay be fund relevant : And forder, allegis, that gif my lord Aduocat will produce the Deposition, quhairupoune his lybell is foundit, the famyn Depositionis will verifie, that the perles lybellit can in the pannellis hand lauchfullie.

SEXTO, the pannell acceptis the summondis and Dittay thairin contenit, speciallic that pairt thair of, beirand, that the said Margaret was mony yeiris in credeit and seruice with hir Maieftie, and hath refflaut many grit benefeitis from hir Maieftie, the tyme of hir seruice, at dyuerse tymes, to hir heiche advancement, baith in credeit and welth ; and that the said Margaret vndewtifullie and

¹ Meddling, intromitting. Fr. *meler*.

vnnaturallie, at the tyme lybellit, ftaw, &c. : And allegis, that the Summondis is nawayis relevant aganis the said Margaret, being ane woman of credeit, as is confest ; lyk as, it is nottour to the Judges and Affefouris, that scho was ane fervand of credeit, at the tyme lybellit, befoir, and dyneris yeiris thaireftir ; sua, of neecessitie, in respect of hir credeit, the maner and forme of the steilling of the ftanes and perles lybellit man be condiscendit vpon, viz., quhidder the samyn was committit be force and violence, be breking vp of the durris of the houffis, and lokis of the cofferis, quhair the samyn war ; or was done priveleie, in the nycht, be taking the samyn af hir Maieftis garmentis, or fra hir hienes jowellis, or out of hir hienes cabinettis ; or that scho, vpon the conscience of the said cryme, fled furth of hir Maieftis seruice, and transportit the samyn with hir ; quhilk may be condiscendit vpon, of all neecessitie ; becaus ther can nocht Thift be committit, be ane fervand of credeit, except the saidis qualiteis concur, to manifest violence *et animum furandi* in the seruand ; *quia, de jure, furtum sine affectio furandi fieri non potest* L. 1. ff. de ffurtis et *ut ait* Bart. ad L. 5, is qui rem § si tu Titium ff. de ffurtis. *ffurtum est nomen juris, hoc est, non omnis contractatio rei aliene est ffurtum, nisi accedat dolosus animus furandi* L. Potest. et L. furtum ff. de vfu, &c.¹—It is answerit to the *fact* exception, be my lord Advocat, that, nochtwithstanding thair of, the Summondis is relevant, becaus the qualitie of the defender is nocht ane occasione to extenuat the cryme, bot to aggravat the samyn, seing the gritter credeit scho had, scho sould the mair faythfullie dischargit the samyn : And it is expresse lybellit, that it was sa far fra the Quenis knowlege or consent, that the pannell sould haif convertit ony of thir jowellis to hir awin vse, (in quhilk caice na policie neidit to haif bene vsed) gif hir Maieftis consent had bene had thairto, that the pannell, to mak hir Maieftie to misken hir awin grit perle, causit hing the samyn to ane dyamont, and offerit to sell the samyn to hir Maieftie, as ane jewell nocht pertening to hir self. Forder, the persewar acceptis the instance proponit be the defender, anent ane scheip-herd steilland his maisteris scheip, for the quhilk he may nocht be persewit Criminallie ; quhairin the persewar is direct contrar to the defendar, and affirms, that of the law and cownone practik of the cuntrie, scheip-herdis steilling scheip, committit to thair keiping be thair maister, is ordinarlie hangit thairfoir : Lyk as, David Forrester greve to my Lord of Menmuir, and Robert Loch, his fervand, being acenset for steilling fra him of aittis, beir, woll and lynning clayth, the summondis was ffund relevant, albeit the greve had charge of all theis thingis, be his office, and had his maisteris credeit ; and being put to ane Assyse, was convict for the maist part thair of : Quhairby, it is manifest, that servandis put in trust and credeit be thair maister, and steilling ony pairt of the geir,

¹ Here a number of sentences abridged from the Doctors follow.

quhair of thay haif the keiping and credeit, ar ordinarlie put to the knowlege of ane Affyse, and convict, gif thai be ffund giltie: And quhair, it is exceptit, that in thift committit be ane fervand of credeit (forceing?¹) of duris or kiftis is requisit, the perswar affirms to be ane absurd allegiance.—It is answert (replied), that the pannell, in hir last and saxt exceptioun, querrellis only the irrelevancie of the Dittay, and nawayis meanis to extenuat ane cryme committit be ane fervand; for gif it be certane and tryit that ane fervand hes committit ane cryme, he is maist worthie of double pwnishment, bot the thing that the pannell contendis for in the exceptioun, is, that na Dittay for Thift can be relevant aganis ane fervand of credeit, except sic qualities and actiones be contenit, quhilk may infer *animus furandi*; and the instances proponit be my lord Aduocat beiris, that fervandis committand crymes and ffund culpable war justifeit;² quhilk nawayis meittis the said exceptioun.—It is declairit be my lord Aduocat, for eschewing of disputatioun vncecessar, that he insiftis only vpon tua poyntis of Dittay; to wit, the steilling, &c. the grit perle of the pryce of an hundreth and x li. sterling, for the first article; and the vther jowellis, perles, stanes and goldsmythwark, for the secund poynt of Dittay: And vffis the hail rest of the lybell, nocht as ane feuerall³ cryme, bot only for explanatioun and qualificatioun thair of; and intendis nocht, at this tyme, to accuse the pannell of contrair⁴ Depositiones.

THE JUSTICE, with advyse of his Affesouris, ffindis the lybell and Dittay relevant; nochtwithstanding of the hail exceptiounis proponit be the pannell.

Quhairvpon my lord Aduocat askit instrumentis.

It is allegit, peremptourlie, be the pannell, that this Dittay can nocht be put to ane Affyse; becaus of the law, ane fervand of credeit haifing the custodie of his Maiesteis guidis, being willing to rander ane compt of his intromissionne, nevir haifing committit ony violent deid, can nocht be accuset of Thift; the intromission, fra the begyning, being lauchfull: Bot trew it is, that Margaret Hertfyde, as is confest in the lybell, bothe the yeiris lybellit and dyuerse yeiris ofbefoir, was, lyke as scho is presentlie, hir Maiesteis fervand, vndischarget, with credeit, and willing to gif compt of hir intromission, nevir haifing committit ony violent deid.—My lord Aduocat, of his awin motiue, nocht being inducet be my Lord Justice, bot at the pannellis desyre, producet the Depositiones, quhairvpon the Dittay is foundit; quhilk he vffis, at this tyme, for verifeing thair of; vnder Protestatioun, that this be na preparatiue in this Judgement,⁵ at ony tyme heir-estir: And thairvponne askit instrumentis; and that this is the only Depositionne that he vffis at this tyme. Quhairvponne the pannell also askit instrumentis.—My lord Aduocat allegit that the Depositionn producet, man⁶ mak full

¹ Obliterated.

² Punished with death. L. B. *justificare*.

³ Separate or distinct.

⁴ Contradictory.

⁵ That this be no precedent in this Court.

⁶ Must.

fayth, and is valid, of the law, nochtwithftanding of the Reuocatioun maid and ingroffit yifterday in proces, be the defender; becaus na Depofitioun is revo- cable, of the Law, quhilkis ar maid voluntarlie, in prefens of thame that hes power to examine the pairtie, without ony tortour or feir of tortour. And trew it is, that this Depofitioune producet, was maid lauchfullie and voluntarlie, and thairfoir is nocht reuocable. Julius Clarus, L. quinto, § finali, questione 55, etq. 65, verfaculo, *fed quero*: And in refpect thairof, defyres the reuocatioune producet to be reiectit, and the proteftatioun refuifet.

It is allegit, that the pannell can nocht be put to knowlege of ane Affyfe for hir intromiffioun and melling with the perles and jowellis lybellit; becaus it is fet down and confest in the Depofitioun producet be my lord Aduocat, that the faidis jowellis and perles war gevin be the Quenis Maieftie to the defender, for the vfe thairin contenit; quhilk vfe was accomplifchet and perfyttit to hir Maiefteis contentment; and as to the refidu, the defender, fupponing that hir Maieftie fould nevir re-demand the famyn, fcho difponit thairupoun, quhilk can nawayis be comptit nor eftemit ane cryme of Thift, of the Law: firft, becaus the faidis jowellis and perles cam, fra the begyning, lauchfullie to the defenderis poffeffioun, and fua fcho could nevir commit Thift, be difponing thairupoun. *Lege, qui vas, § qui voluntate, ff. de furtis, &c. Lege, qui re ff. de cod. titulo, qui re fibi commodata vel apud fe depofita, r fus est non committit, ffurtum, precipue fi putauit dominum confensuram; ut Cuiacius, ad Legem, fi furem, ff. de pro emptore non omnis rem alienans fur dici potest, fed initium poffeffionis refpicendum est, et fi initium poffeffionis iustum fuit, furtum fieri non potest.* Nixt, the Confeffioun, contenit in the Depofitioun, can nocht be ane cryme; becaus *furtum non potest fieri sine affectu furandi*; and the pannell had nocht *affectum furandi*; becaus the Depofitioun beris, fcho fupponit hir Maieftie fould nocht re-demand thame: And in this caice, that Thift can nocht be committit, of the Law it is provin; § *placuit de institutionibus, &c.*¹ And this aggreis verrie weill with the Depofitioun, quhilk, in effect, meanis that hir Maieftie had forzet² the famyn, and had thame *pro derelictis*; fua that the faid Depofitioun preuis the Defenderis exceptioun and everie member thairof: Quhilk Depofitioun my lord Aduocat can nawayis be hard to deuyd; feing, of the Law, *vbi actus est legitimus in se, nunquam prefumitur delictum, nifi probetur.* And to excufe the committer, *folu negligentia fufficit credulitas, immo temeritas.* Gothophredus, § *placuit.* Alexander, vol. iv. Phelinus, cap. *sicut noxius. ac delicti extra de accusationibus.* Baldus, Confilio 98, vol. v, &c.— And gifand³ that qualitie anent hir credulitie war nocht infert in hir Depofi-

¹ Various other clauses are here shortly, but very obscurely and hastily cited.

² Forgotten.

³ Granting, allowing for the sake of argument.

tiounes, yit of the law, quhair the possessioun cumis lauchfullie to ony perfonas handis, be the will of the maister, gif ony questioun arryfe anent the credulitie or opinioun of the pairtie, quhither he intervertit the possessioun *animo furandi*, of the law, the opinioun or credulitie is provin be the parteis ayth: This is decydit per Bartol. ad dictum 59 ‘*recte*,’ quhair he disputis the said matter *ad longum*, on baith the sydis; and concludis, in end, that the parteis ayth shuld be tane, cheiflie quhair the partie is abill to produce ony probable conjectouris or argumentis, to cleir hir mynd and intentioun; and quhair hir accuser is nocht able to produce ony probable conjectouris, to preve the contrair; and the coniectouris and presumptiones quhilk may infer *malam fidem in furto*, is set down in the Law, *in autentica, si vero de exhibendis reis*, Lege *si ffurtum*, ff. de Adulterijs; to wit, *si per vim, si clam, si aufugit, si persona male et suspecte fame*. Bot nane of thir conjectouris may be qualifeit aganis the pannell. Scho committit nather fraud nor violence: it was nocht committit be hir in the nycht; and the Depositioun beiris the perle was fauld to George Heriot, hir Maiesteis principall Joweller; and gif thair had bene ane intentioun of Thift, in the pannellis mynd, it can nocht be presumet that scho wald haif fauld the samyn to the Jowaller quhom scho knew wald schaw the samyn agane to hir Maieste: And it is constant,¹ that scho fled nocht away fra hir Maieste; bot, be the space of dyuerse yeiris thaireftir, remanit in hir Maiesteis fernice, in grit fanour and credeit: And quhat was hir estimatioun, quhither scho was repute ane pyker² or steiller or no, remittis to the conscience and notorietie of the Judges. And as thair is na suspitioun of Thift aganis hir; sa, on the vther pairt, thair is mony vehement presumptiones to mak cleir the mynd and intentioun of the pannell, quhilk is nocht necessarlie to be writtin; bot referris the samyn to the Judges.

It is answerit be my lord Aduocat, that nochtwithstanding the haill incompatible memberis of the exceptioun, the Summondis standis relevant and cleirly verifeit be the Depositioun producet; first, becaus the pannell had nevir lauchfull possessioun of the guidis lybellit, seing the possessioun of the servand of the maisteris guidis, to the maisteris vse, is the maisteris possessioun; nixt, the vse pretendit be the defender, to wit, to imploy the jowallis delyuerit be hir Maieste to hir; to wit, to busk babeis,³ was nocht performet be hir, becaus thair war nocht imployit to that vse; bot be the contrair, the babeis buskit and sent, and thir Jowallis lybellit, subtractit in maner lybellit; quhairin the pannell had nevir hir Maiesteis allowance or consent; and, of the Law, converting of stuff to vther vffis nor⁴ is commandit, is Thift, Lege 88 eod. titulo et Lege 82, *ffullo et sarcinator qui polienda et sarcienda vestimenta accepit, si forte his vtatur eo con-*

¹ Lat. *constat*.
(dolls) to the Princess.

² A commiter of petty theft or *pickery*.

⁴ Than.

³ Deck, adorn, or dress babies

tractatione, eorum ffurtum feciffè videtur ; quia non ob eam causam ab eo videtur accepta. And quhair, the pannell wald excuse thame selfis *per animum et excusationem delinquentis*, that excuse is commone for all offenderis, and relevant for nane ; nather can the defender pretend simplicitie or guid intentionn, in respect of the fraud vset to caus hir Maieftie misknaw hir awin perle, be hinging it to ane dyamond, and presumptiounne to offer it to be fauld to hir Maieftieis self ; and the Confessionne producet, beiring hir vnlauchifull intromiffiounne with this perle, and converting of it to hir awin privat vfe, man be ane necessar caus of convictiounne, *quia confessio probat contra confitentem, pro eo autem non probat.* Glossa in cap. finali in verb. *Confessio, vericulo, item, quod contra se ; et ibi post alios ; Abbas, numero 13, extra de confessis et confessio qualificatu scindi potest et pro parte rejici :* Bartolus, in Lege, *eum qui ff. de iurejurando.* Julius Clarus, 51, finali questione 55 vericulo, *possèt quoque reus ;* affirmeing, that ane Confessioun, contening the Dittay, and haifing adioinit any qualitie that may releve the Defender, aucht to be ressaunt aganis the proponer ; and the qualitie adiectit can nevir be respectit, vnles it be provin. Prosper Pharinacius, questione 81, numero 127, *quando quis a principio negavit delictum, et postea, vel timore probationum, vel ex quacunque alia causa, illud qualificate confessus est, tunc racione doli qui presumitur ex precedenti mendatio et negatione, talis confessio scindi potest et pro parte acceptari, pro parte impugnari.* Et Boerius decisione 165 ; et Laurentius, in practica cautelarum, cap. 28, numero 7, *aiunt reum si qualitatem adiectum non probaverit, condemnari debere in penam ordinariam ;* quhilk is our direct caice ; seing the Depositioun producet beiris the Jowallis lybellit to haif bene hir Maieftieis, and fauld be the deponer, to hir awin privat vfe, without hir Maieftieis knowlege or consent ; and the qualitie adiectit, of hir ressaueing of thame frome hir Maieftie to busk babeis, is nather relevant ; becaus scho convertit nocht thame to that vfe, nor provin in ony way ; and thairfoir fould nocht be respectit ; speciallie, seing the deponaris Declaratioun, in hir awin fauouris, can nocht prove forder : And thairfoir, the Summondis is relevant, and is cleirlye provin be the Depositiounne.

It is ansuerit (replied), that the possessioun naturall of the perles lybellit, war in possessioun of the pannell ; and the possessioun-ciuill, quhilk hir Maieftie had, scho tynt and amittit it, be directing thame to the perticuler vfe ; quhilk perticuler vfe contenit in the Confessionne, was fulfillit to her Maieftieis contentment ; the intentionn of the partie being provin by her aith, accoirding to the Law, and assistit be probable conjectouris, is sufficient to cleir ony partie accuset, quhair the possessiounne cam lauchfullie to hir handis. The Confessioun and Depositioun maid be the pannell can nocht be devydet, bot be the contrair, the samyn previs hir exceptionne cleirlye. The lawis quhilk my lord Aduocat alledges, quhair

Confessio qualificata potest scindi, is only trew, quhair *Confessio facti in se est crimen, ut in Homicidio*; quhilk is the exampill, in the place of Julius Clarus, citit be my lord Aduocat; *sed Confessio non potest scindi*, of the Law, quhair the Confessioun of the deid, without the qualitie of ffelonie, is nocht a cryme; bot is only trew in his tyme, *sunt utroque jure prohibita et natura sua delicta*, cap. *circa delectionibus*. 6 cap. *si vero aliquis de sententia Excommunicationis*. Bartolus ad legem, *genero*. ff. *que notantur Infamia*; et ad legem *si cui* § *eisdem*. ff. *de Accusationibus*; et ad legem *si ex lege*. ff. *de Adulterijs*. Baldus, Consilio 1424, vol. v. cap. *estote misericordes*, &c. § *recte* et Bartolus, *ibi*. The coniectouris aganis the pannell, in respect of the offer maid to the Queen, is contrair to hir Deposition, for it was nocht scho, bot George Heriot quha offerit the famyn, eftir it (wes) fauld. The Lawis allegit be my lord Aduocat, *Lex fullo*, &c., it is answert thay contene onlie *legem Communem*; and myne contenis *exceptionem*; and the perticuler caiffis of the Ciuill Law can nocht be obseruit with us, *quia variatur pena; nam in jure pena furti est dupli apud nos capitalis*.—My lord Aduocat repeatit the practikes concernig the shiphird, my lord of Menmuir grevis, and the Laird of Bonyngtones steilling of his fatheris euidentis; and protestit that he may haif ane speciall and direct answert to everie article that is proponit or writtin in the proces; speciallie anent Revocatioun, and the effect of the probatioun be this Depositione.

THE JUSTICE, with advyse of my Lordis Assessoris, findis, that in caice the pannell will nocht consent that the Reuocatioun of her Depositiones maid at Dunfermeling be deleit, that the famyn falbe Repellit; in respect of my lord Aduocatis answert maid thairto. And also, with advyse foirsaid, Repellis the foirsaidis peremptour exceptiones proponit for the pannell; and Ordanit the Summondis and Dittay to be put to the knowlege of ane Assyse, to be verifeit, as accoordis of the Law.—Quhairupoun the Aduocat askit instrumentis.

It is allegit be the pannell, that it is lauchful to hir to revoik quhatsumeur Depositionis maid be (hir) to hir preiudice: becaus the famyn war maid be hir *metus causa*, viz. *carceris metu*,—*et amissionis bonorum*,—*et metu amissionis vite*,—*et reuerentia Principis*,—and want of hir husband; and the Confessiounne bindis nocht the confessor, except he perseveir thairin; per legem primam, *de Questionibus*.—The Aduocat, for answert, repeatit the Justice and Assessoris Interlocutour. [My Lord Chancellor declairis, that he fall mak his declaratioun to the Assyse, quhan he fall be inquiryt.¹]

¹ This is partially deleted. The uncommon nature of the Crime, and the interest of these pleadings, have induced the Editor to insert the entire arguments. The real cause of the Criminal prosecution of this servant of the Queen is understood to have originated in Mrs (afterwards Lady) Buchanan's being too deeply versed in certain Court intrigues; and it was deemed necessary to get rid of her, even in the face of the most strenuous remonstrances on the part of her Majesty.

ASSISA.

Sir Johnne Prestoun of Valafeild, Harie Guidlet of Vphall, Johnne Forbes of New,
 James Somervell of Garidwoid, Mr Moreis Drummond of Auch- Joⁿ Scott, bailzie of Muffilburgh,
 Johnne Hammiltoun of the termuthill, Thomas Eplene of Newbiging,
 Grange of Kilmarnok, Andro Boyde, brother to Kil- Joⁿ Broune, bailzie of Muffilburgh,
 Mathow Bailzie of Littilgill, marnok, Dauid Dundas of Preiftinche,
 Johnne Corbet of Ardbo, Ro^t Logie, bailzie of Quenis-ferie, James Hammiltoun of Garene.¹

The Aduocat repetis the Depositionu produceit, and my Lord Justice Interloquoutour, findand the haill Dittay relevant: And in respect thairof, and of hir becoming in will, in hir Depositiones, protestis for Wilfull Errorr.

VERDICT. THE said perfonas of ASSYSE, be the mouth of the said Dauid Dundas, chancellor, all in ane voce, ffand, pronuncet and declairit the said Margaret Hertfyde to be ffylit, culpable and convict of the vnlawfull and vndewtifull substracting and detening frome our fouerane lordis darrest spous, the Quenis Maieftie, furth of his hienes Palices of in England, at the leift furth of ane or vther of the saidis Palices, of ane perle, of the valour of ane hundreth and ten pund sterling; togidder with dynerfe vtheris perles, precious stanes, jowellis and goldfmyth wark, lykways pertening to hir Maieftie, worth the fowme of thre hundreth pund sterling, or thairby; committit be the said Margaret, in the monethis of, the yeiris of God I^m.Vj^c. thre, fax hundreth foure, fax hundreth fyve, fax hundreth fax and I^m.Vj^c. and fewin yeiris, at the leift in ane or vther of the saidis monethis and yeiris: Lyk as, the saidis perfonas of Assyfe, be the mouth of the said Chancellor, for the maist pairt, ffand, pronuncet and declairit the said Margaret Hartfyde to be Clanget of the steilling of the said perle, togidder with the remanent perles, precious stanes, jowallis and goldfmyth wark foirfaid. In witnefs quhairof, the chancellor of the said Assyfe hes subferyuit the said deluyerance, with his hand.

(Sic subferibitur)

DAUID DUNDASS.

[*Apud Lynlythgow, Aug. 10, 1608. Mr Williame Hairt, Justice-Depute.*]

DOME contrair Margaret Hairtfyde.

Aug. 10.—The quhilk day, Margaret Heartfyde and Johnne Buchannane² hir spous, for his entreis allenerlie, being presentit vpone pannell, to heir his Maiefteis will and plesour declairit aganis hir, as scho that was convict be ane Assyfe, in ane Court of Justiciarie, haldin in the tolbuith of Lynlythgow, the first day of Junij lastbypast, &c. Compeirit Sir Thomas Hammiltoun of Bynnie, knycht, and producet his Maiefteis Precept and Warrant, quhilk the Justice caufit to be publictly red; quhairof the tennour followis.

JAMES R.

JUSTICE GENERALL, Justice Clerk, Clark and your deputis, We greit you weill. QUHAIR AS, Margaret Hairtfyde was, vpone hir awin Confessioun, convicted for pe vnlauchfull and vndewtiefull abstracting and detening of certane jowellis belonging to our darrest bedfellow THE QUENE, and pairpoun remittit to prissone, till our further plesour sould be declairit concerning hir: We haif thocht guid, be this presentis, to signife our said plesour to you; quhich is, that ye fall, with all convenient expedition, cause affix and fens³ ane ordinaire Justice Court, at our burgh of Lynlythgow; and pair, (scho and hir husband, for his entreis, being present,) it be declairit, that howfoenir the Allyfe acquit

¹ ' Sir James Sandilandis of Slamanno' is deleted from the roll of Assise. ² ' John Buchanan and his wyffe, Margaret Hartesyde, that had layn longe in prissone heire, for the allegeit stealing some of the Queins Jewells (but the Courtiers talked, that it was for renelling some of the Queins secretts to the King, wich a wyse chalumbrmaide wold not haue done,) was, by ane sentence, condemned to perpetnall exyle, in the Iylandes of Orknay, and declared to be ane infamous persone, in Aguste this yeir' (1608.)—*Sir J. Balfour's Annals*, II. 26. ³ Fence, hold.

hir of the cryme of Thift, zit, in regaird that, vpon hir awin Confessioun, scho was fund giltie, as is afoirsaid; in that respect, We accopt hir fact alse infamous, as gif it had bene done be direct felth: And that, fecing pair can be no difference betwene the vnlawfull meddling with any thing belonging to the Quene, our darrest bedfellow, hir persone, and our awin, and lykwayis that pe exampill is most pernitions, and alluterlie intollerable, that any face or cullour fould be pute vpon pe coofening or abstracting frome aper of ws any pairt of our jowellis or moveabillis, by such as ar in trust, or haif pe keping of thame, We most conclude, that scho hes delt so dithonestlie heirin, as We account her als worthie to be repute and declaired **INFAMOUS**,¹ (lyk as, it is our plesour that ze declair hir to be so) as gif scho had bene directlie convict of Thift: ze fall lykwayis declair, that it is our plesour, that scho fall with all expeditionn repay, out of the reddiest of hir and hir husbandis guidis, to Henrie Wardlaw, Chalmerlane to our darrest bedfellow the Quene, of hir Lordschip of Dunfermeling, the liquidat valew of theafe jewallis, contenit in hir proces, to be convertit to suche vse as our said darrest bedfellow fall think convenient: And lastlie, ze fall declair, that it is our plesour, that hir persone fall be, for hir said dithonest offence, confynit to pe **YLES OF ORKNAY**; thair to remane, and nocht exceid the boundis pairof, induring hir lyfytyme; vnder all hiest pane and charge: **QUHICH** Dome being pronuncet, ze fall cause hir be sasse convoyit bak to our Castell of Blaknes, pair to remane in fure firmance, till scho find guid and sufficient cautionn, alswell for payment of the said sowme, contenit in hir proces, within fyftene dayis nixt eftir scho salbe charget for the same, as also for entrie of hir persone, in the place of hir confining, within fourtie dayis nixt eftir scho fall be fred out of our Castell of Blaknes: **FOR** Dome and performeing of everie of pe which premisses, theafe presentis fall be vnto zow ane sufficient Warrant. **GEVIN** at our Mannour of **THEOBALDIS**, pe tuentie day of July, 1608.

Accoirding to the quhilk Warrant, the said Justice-depute, be the mouth of Henrie Wilfoun, dempster of Court, Declairit the said Margaret Hairtfyde to be **INFAMOUS**; And lykwayis declairit and decernit the said Margaret to repay, with all expeditioun, out of the reddiest of hir and hir husbandis guidis, to Henrie Wardlaw, Chalmerlane to our foueraue lordis darrest bedfellow the Quene, of her lordschip of Dunfermeling, the sowme of foure hundreth pund Sterling money, extending, in Scottis money, to the sowme of foure thousand and aucht hundreth li., as the liquidat valew of thois Jowellis, contenit in hir proces, to be convertit to sic vse as hir Maiestie fall think convenient: And lastlie, decernit and ordanit that hir persone fall be, for hir said dithonest offence, confinet to the Iles of Orknay, thairin to remane and nocht exceid the boundis thairof, induring hir lyfytyme; vnder all hiest pane and charge. Quhilk was pronuncet for Dome, &c.

Mr Johnne Dalzell, burges of Edinburgh, become cautionn and fouertie for the saidis Margaret and hir spous, for his entreis; and they all, conjunctlie and feuerallie, Band and obleist thame to pay and delyuer to the said Henrie Wardlaw the said sowme; and that within fyftene dayis nixt eftir thay be charget to that effect. And sicklyk, the said Mr Johnne Dalzell become buudin and obleist, as cautioner and fouertie for the said Margaret, that scho fall entir hir persone in the place foirsaid of hir confining, within fourtie dayis eftir the dait of thir presentis, (the morne, viz. the ellevint day of August instant, being comptit for the first day,) vnder the pane of Ten thousand merkis Scottis money, &c.

¹ (On the margin.) 'Thir wordis of Infamie is ordanit to be deletit, conforme to his Maiesteis expres Warrant, insert in the Register of Adionall, pe xv of December, 1619.'

JAMES R.

JUSTICE GENERALL, Justice Clark and your deputtis, We greit you weill. Quhair as, our trustie and loyall fernitrix MARGARET HEARTSYDE, the spons of Sir Johnne Buchannane, kny^t, was, by the finisterous informatioun of certane hir vnfreindis for the tyme, persewit criminallie befor you; and being put to ane Affyse, was Acquitt and absolt of that speciall point of hir Indytement, which of the Law sustenit the samyn to be relevant to be tryit and cognosct be thame, and onlie was fund gilty of certaine adminicles insert in hir Dittay, for qualificatioun of hir alledget cryme. Vpon the whilk convictioun, doome and sentence, accordring to our Warrant and Declaratioun pairtill, in ane Justice Court, haldin be you, within our tolbathe of Lynlythgow, vpon the tent of August, 1608, was gevin out aganist hir, Declairing hir to be Infamous. Quhill doome and sentence being maist humlie and with grit patience and modestie imbracet and vnderlyne be hir, and hir behauiour continuallye sensyne being verrie deutfull. THAIRFORE, and that the foirsaid Doome gevin out aganist hir may nocht be a precedent, nor haif force heiristir, It is our gracious Will and plesour, that the foirsaid Declaratioun of the said Margaret Heartsyde to be INFAMOUS, insert in hir proces, be haldin as deleit furth thair of; and on naways to be extractit or gevin out to ony persone or persoues, in tyme cuming; bot that this our Warrant and Declaratioun be insert in our Registeris of Adiornall, for reponing of hir to hir fame, aganist the samyn Sentence; Whilk We command you to be done. Sua, nothing douting of your cair and reddines heirintill, We bid you hairtie fairweill. ffrome our Courte, at Roystoun, the fyftenth day of Nouember, 1619.

Slaughter.

JUN. 21.—MR ALEXANDER INNES, sumtyme Minister at Birnay.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Agnes Leslie, relict of vmq^{le} Douglas, proveist of Elgyn, and of vmq^{le} Williame Hay, father-brother to Williame Hay of Mayne; committit vpon set purpois, prouisioun and foirthocht felony.

James Hay younger of Mayne, as neir kynsman to vmq^{le} Williame Hay, his guidsehires brother, and Alexander Bischope of Murray, as sone to vmq^{le} Agnes Leslie, producet our fouerane lordis Letteris, deulie execute and indorsat at thair instance aganis Andro Meldrum, callit of Dumbrek,¹ as cautioner and fouertie for the entrie of Mr Alexander Innes, &c. and offerit thame felfis reddie to persew.

THE Justice ordanit the said Andro to be vnlawit in the pane of tua hundreth merkis, becaus the said Mr Alexander Innes was at the horne of befor, and fugitiue for the saidis crymes: And siclyk, ordanit the said Mr Alexander, for his nocht compeirance, to be denuncit rebell and put to the horne; and all his moveable guidis to be escheit, &c.

[*Mr Alexander Coluill, Justice-Depute.*]

Treason, &c.

JUN. 22.—JOHNE LORD MAXWALL.

Mr Williame Broun, ane of the clerkis in his Hienes Thesaurarie, producet our fouerane lordis Letteris, deulie execute and indorsate, vpon Johnne Lord

¹ ' Brother-germane to vmq^{le} Meldrum, sumtyme of Dumbrek.'

Maxwall; be the quhilkis he hes past to the horne, for dyuerse tressonable crymes contenit thairin; and thairupoun askit instrumentis.¹

Slaughter.

JUN. 29.—SIR ROBERT GORDOUN of Lochinvar, knycht.

Dilaitit of the Slauchter of vmq^{le} James Gordoun, his padge.²

The Aduocat producet the Letteris raisit at his lordschipis instance, deulie execute and indorsate vpon the said Sir Robert, Johnne Gordoun of Airdis and Johnne Gordoun of Collindach, cautioneris, coniunctlie and feuerallie, for the entrie of the said Sir Robert, to vnderly the Law, for the crymes contenit in the Letteris.—Compeirit Mr Williame Oliphant, Mr Johnne Ruffell, and Mr Alexander King, Aduocattis, as procuratoris for Johnne Gordoun of zelstoun and Johnne Gordoun of Collindach, be thair Letteris of procuratorie Producet; and declairit na proces aganis thame, in respect of the Proclamatioune; and thairfoir, can nocht be vnlawit.—It is anfuert be my lord Aduocat, that thair excufe can nocht be ressaunt, becaufe thair ar nocht charget for thair awin personall compeirance, bot to enter the Laird of Lochinvar; quhilk lauchfullie mycht be done, thay being absent. *Secundo*, the Raid has nocht as yit tane effect, and the cautioneris and principall pairtie ar yit in thir pairtis.—It is anfuert be the procuratoris for the cautioneris, *excusatorio nomine*, that thair ar nocht obleift to attend at Edinburgh vpon the Leutenent, bot only at Hay, conforme to the Proclamatioun, as place appointit vpon the viij day of July, to pas fordward to the Raid; and thairfoir the Justice, in respect of the Proclamatioun, can nocht vnlaw the cautioneris.

THE Justice continewis his Interlocutour, vpon the saidis allegeances, to Setterday nixt, the secund of July.

JUL. 2.—Compeirit Johnne Belscheillis (Belches), aduocat, as procuratour for Sir Robert Gordoun of Lochinvar, knycht, and his cautioneris, and producet ane Warrant of the Counsell, subferyuit be my lord Chancellor and my Lord of Dumbar, for deserting of this dyet: quhair of the tennour followis.

JUSTICE, Justice Clerk and 3our deputis, it is his Maiesteis Will and pleasour, that 3e defert pe dyet appointit for tryell of Sir Robert Gordoun of Lochinvar, knycht, for pe Slauchter of his padge: Ordinand alwayis the cautioneris, fand of befor for his entrie, vpon xv dayis warning, befor 3ow, to vnderly the law for the said Slauchter, to stand. Quhairanent pir presentis fall be 3our Warrant. Subferyuit with our hand, AT EDINBURGH, the second day of July, 1608.

(Sic subferibitur) AL. CANCELL. DUMBAR.

The quhilk dyet the Justice desertit; and ordanit the cautioneris to remaine caution, as of befor. Quhairupoun Johnne Belsches askit instrumentis.

¹ See the Trials and proceedings against this remarkable person, and the Account of the singular escape of Lord Maxwell and Sir James Maconeill from the Castle of Edinburgh, &c. in a future Part of this Collection.

² Page.

[*Mr Williame Hairt, Justice-Depute.*]

Resisting the King's Guard — Treasonable Slaughter, &c.

Jul. 14.—NINIANE ELLOTE, sone to Williame Ellote of Fiddeltoun,
Williame Ellote, sone to vmqle Johnne Ellote of Burnegraues.¹

Dilaitit, accuset and persewit in the proud and contemptuous Refisting of his Maiesteis Guaird, and remanent crymes contenit in the Dittay following, viz.

FORSAMEKILL as, the saidis Niniane and Williame, being fugitiue fra dyuerse Justice Courtis, haldin be his hienes Commissionis, at Jedburgh and Dumfreis, for cowmone Thift, cowmone resset of thift, outputing and inputting of thift, and for dyuerse perticuler Thiftis, Murthouris, Slauchteris and Oppressionis; as the Dittayis and actis, gevin out thairpoun, at lenth beiris: ffor the quhillis crymis, thay reteirit thame self out of thair awin cuntrie, to the West cuntrie, to seruice, quhair thay remanit thir dyuerse yeiris bygane; quhill that laitlie, the Lordis of his Maiesteis Counfall, vnderstanding quhair thair wer, directit Sir Robert Hepburne of Alderftoun, knycht, Lieutenant to his Maiesteis Gaird, to tak and apprehend thame: Quha, vpon the tuelf day of July instant, accompaneit with vmq^{le} Williame Bailzie and dyuerse vtheris of the Gaird, come to the oistler-hous² vpon the Laird of Watterheidis landis, quhair the saidis persones had reteirit thame selfis vnto, for the tyme: And haifing, in peceable maner, requyret thame to rander thame selfis to him and his companie, as haifing Commiffioun of the Lordis of Counfall to that effect: Nochtwithstanding quhair of, the said Niniane and Williame Ellotes, the said day, maist prouddie and contemptioulie resistit the said Commiffioun, and in grit contempt of our fouerane lordis auctorite, schot furth of the said hous at the said Lieutenant and his companie, his hienes Commissionis in that pairt, and Gaird, to the number of tuentie schot of Hagbutis and Pistolettis; and thairwith schot and slew the said vmq^{le} Williame Bailzie, being ane of his Maiesteis Gaird; and nawayis wald rander thame selfis, nor cum furth of the said hous, quhill, accoirding to the said Commiffioun,³ flyre was raifit thairaboutis: Quhairthrow, to thair former wrangis and oppressionis, hes conioynet haynous and crewall Slauchter with hagbuttis, and proud contempt of his Maiesteis auctoritie: And thay and ather of thame ar airt and pairt of the said crewall and presumptuous Slauchter, and of beiring, weiring, schuiting of pistolettis and hagbutis, and slaying the said vmq^{le} Williame Bailzie thairwith; committit in maner and at the time foirsaid; in hie and proud contempt of his Maiesteis auctoritie and lawis.

ASSISA.

. . . Carutheris of Howmaynes, Robert Power, burges of Ed^r, James Cranftoun, indueller in Ed^r,
Geo. Hereis, sumtyme of Essie, Thomas Hill, ane of the Gaird, Thomas Smyth, burges of Ed^r,
Johnne Trumbill, ane of the Gaird, Johnne Leyis, burges of Ed^r, Johane Mafoun, burges thair,
Thomas Moffett, wryter, James Haitlie, ane of the Gaird, Robert Cryttie, burges thair,
Tho^s Mow, b^r to the Laird of Mow, George Smyth, burges of Ed^r, R^t Stewart, bailzie of Lynlythgow.

The Aduocat protestis for Wilfull Errorr, in cais thay Acquit. And atkit instrumentis of the Leutenentis Declaratioune to the Assyse, concerning the Commiffioun gevin be the Counfall; and of the forme and maner, how the pannell resistit him and his companie, in the executioun thair of.

VERDICT. The Assyse, all in ane voce, be the mouth of the said Carutheris of Howmaynes, chancellor, ffand, pronuuet and declairit the said Niniane and

¹ They are, in another place, described thus,—'Niniane Ellote, sone to vmq^{le} Jok of Burgranes; Williame Ellote, sone to Will of Fiddeltoun.'
² Hostler-house. Old Fr. *hostellerie*.
³ A Commission, containing warrant of 'fire and sword.'

Williame Ellottis to be ffylet, culpabill and convict of airt and pairt of the Slauchter of the said vmq^{le} Williame Bailzie, and of beiring, weiring and schuiting of hagbutis and pistolettis, and of the contemptuous resisting of his Maiesteis Gaird, in maner specifeit in the said Dittay.—SENTENCE. For the quhilk cause, the said Justice-depute, be the mouth of Johnne Cheillie, dempster of Court, decernit and ordanit the saidis Niniane and Williame to be tane to the Castell-hill of Edinburghe: and first, thair richt handis to be strukin af thame, as culpable and convict of the beiring, weiring and schuiting of hagbutis and pistolettis, contrair to the Actis of Parliament; and thaireftir, to be hangit vpon ane gibbet, quhill thay be deid: And all thair moveabill guidis to be escheit and inbrocht to his Maiesteis vse, as convict of the Slauchter and remanent crymes aboue writtin: Quhilk was pronuncet for dome.

[*Mr Williame Hairt of Prestoun and Mr Alexander Colwill, Justices-Deputes.*]

Treasonable Murder, &c.

Jul. 15.—JOHNNE MURE elder (and James Mure Y^r) of Auchindrane.¹

Dilaitit of airt and pairt of the tressonabill Murthour and Slauchter of vmq^{le} Sir Thomas Kenydie of Culzeane, knycht, and Williame Caldwell (Dalrymple?)

PERSEWAR, Mr Robert Fonlis, aduocat, substitute to our fouerane lordis Aduocat.

COMPEIRIT Gilbert Rofs, Proveist of the Colledge Kirk of Mayboill, feruitour to my Lord of Cassillis, and producet our fouerane Lordis Letteris, deulie execute and indorfate, the ane purchest be my Lord of Cassillis and his hienes Aduocat, for his Maiesteis entreis, aganis the Lairdis of Auchindrane elder and younger; and the vther Letter aganis the Lairdis of Bombie, Caldwell, and Young Langschaw, as cautioneris for the said James Mure younger of Auchindrane, for his entrie this day and place.

The Aduocat producet the Counfalls Warrant, direct to the Justice, for continuatioune of this dyet to the xxij day of November nixt; quhair of the tenour followis.

MY LORDIS OF SECREIT COUNSALL, vnto your lordshippis humlie meanis and schawis I, JOHNNE ERLE OF CASSILLIS, that quhair I haif raisit criminall Letteris aganis Johnne Mure of Auchindrane and James Mure his sone, for pair compeirance befor pe Justice or his deputis, vpon the xv day of July instant, to vnderly the Law, for pe Slauchter of vmq^{le} pe Laird of Culzeane and Murthour of Williame Dalrympill, and hes causit summond ane Assyse to pat effect; bot in this meane tyme, pis expeditioun for pe Ilis hes interuenit, sua that naper may I compeir, to concur with his Maiesteis Aduocat in pis persute, nor 3it may the perones summond vpon pe Assyse compeir, bot ar vpon pair preparatione for pat seruice: And sua, seing pat pis delay proceedis nocht vpon ony ocaasioun of myne, bot vpon necessitie of his Maiesteis seruice, I maist humlie besek your Lordshippis to gif command to pe Justice, (Justice) Clark and pair deputis, to continew pe said dyet to sum certane dyet, eftir pis seruice in pe Yles. And becaus pe cryme laid to pair charge is tressonabill, that the said Jus-

¹ See Jun. 23, 1602, Nov. 23, 1608, Jul. 1611, &c.

Justice Clerk cause commit þe saidis perfonis to waird, in the Tolbuith of Edinburghe, þairin to remane, vpon þair awin expensis, ay and quhill þe nixt dyet, to be appoyntit be 3our lordschipis. And 3our lordschipis anfuere humlie I befeik.—[*Followis the Lordis delyuerance.*]—APUD EDINBURGHE, xiiij July, 1608. THE Lordis of Secreit Counfall, Ordanis and commandis þe Justice, Justice Clerk and þair Deputis to continew þis dyet within writtin, to þe xxij day of November nixtocum : And to returne Auld Auchindrane bak agane to his waird, within the Tolbuith of þis burch of Edinburghe : And to caus 3oung Auchindrane caus his former cautioneris consent, of new, to enter him befor the Justice, þe soirsaid day, vnder the pane contenit in the former Act ; and failzieing þairof, that he find als sufficient caution, to þe contentment of þe Counfell, for þe same effect ; and in þe meane tyme, quhill þis caution be fund, þat he caus 3oung Auchindrane be committit to waird, within þe Tolbuith of Edinburghe. (Sic subscribitur) AL. CANCELL^r.

Mr Johnne Russell, prelocutour for Auld Auchindrane, and Auchindrane him self, Offeris him self to the tryell of the Law, for the crymes contenit in the Letteris ; difafenting to all continuatioune : And as to the Warrant product, the samyn aucht nocht to be respectit, in respect it is purchest only be the pairtie. Compeirit Mr Johnne Russell, as prelocutour for the Lairdis of Bombie, Caldwell and Young Langschaw, and allegit that thai can nocht enter James Mure, younger of Auchindrane, in respect of the Proclamatioune.—It is anfuereit be the Aduocat, for Auld Auchindrane, that, in respect of the Proclamatioune, the dyet man continew, conforme to the Counfellis Warrant : And as concerning Young Auchindrane, the cautioneris aucht to present him, or vtherways incur the vnlaw.

THE JUSTICE Ordanis the Auld Laird of Auchindrane to be committit to waird, conforme to the Counfallis Warrant. Quhairupoun the Aduocat askit instrumentis. And as concerning Young Auchindrane and his cautioneris, continewis this dyet, in the same forme, force and effect as it is now, to the xxij day of November nixtocum : and ordanis the cautioneris that day, to exhibeit the Young Laird of Auchindrane, vnder the panes contenit in the former Act : And Ordanis Letteris, gif neid beis, to be grantit to the pairtie perfewar, for chargeing of the saidis cautioneris to enter him the said day.

Quhairupoun the said Gilbert Rofs askit instrumentis.

[*Mr Williame Hairt, Justice-Depute.*]

Cattle-stealing — Murder — Shooting of Pistolets, &c.

Aug. 12.—JAMES HAMMILTOUN of Spittelscheill.

Dilaitit, accuset and perfewit, be James Lord of Balmirrenoche, President of the College of Justice, and Sir Thomas Hammiltoun, knyght, for his hienes interes, of the crymes following, viz.

FOR airt and part of the thiftious steilling, conceling, resseting and away-taking of thre oxin and ane kow furth of the landis of Mulroun, pertening to the said James Lord of Balmirrenoche ; committit in the moneth of August, or thairby, the yeir of God 1^m.Vj^c. and sax yeiris. ITEM, for airt and part of the thiftious resseting of ffyve oxin, within his landis of Spittelscheill, quhilk pertenit to Williame Flint in Breichmilne, and wer thiftioufflie stollin furth of the laudis of Breichmyll, in the moneth

of September laftbypaft. ITEM, for airt and pairt of the thiftious Steilling, concealing, reffetting and away-taking of tuell hydys furth of ane barkhoill,¹ fra Cordiner, befyde Lauchop, committit in the moneth of . . . Im.Vj^c. . . yeiris. ITEM, for airt and pairt of the crewall Murthour of vmq^{le} George Tuedie, within the faid James Hammiltounis barne, in Spittelfcheill: committit vpoun Sanct Leonardis ewin laftwas. ITEM, for contravening of oure fouerane lordis Actis of Parliament, in beiring, weiring and fehuitting of piftolettis; and specialie, for fehuitting ane piftolett att . . . Lokart of Ley, in the taking of yow; committit in the moneth of July laftbypaft. ITEM, ffor commoun Thift, commoun Reffett of thift, inputting and outputting of thift, fra land to land, fra countrey to countrey.

ASSISA.

Mr Patrik Lyndfay, indueller in Ed^r, Mr Johnne Methven of Barnfeild, James Bailzie of Hillis, Johnne Weir, feruand to my lord Angus, Sir Robert Scott of Thirlftane.²

VERDICT. The Affyfe, be the mouth of the faid Johnne Weir, chancellor, ffand, pronunceit and declarit the faid James Hammiltoun to be ffylit, culpabill and convict of the haill crymes and poyntis of Dittay.—SENTENCE. To be tane to the Caftel-hill of Edinburghe, and thair his heid to be ftrikin fra his body; and all his landis, heritageis, takis, &c. to be fforfaltit and inbrocht to our fouerane lordis vfe, as convict of the faidis crymes. Quhilk wes gewin for dome.

[CURIA JUSTICIARIE, tenta in Pretorio burgi de Ed^r per Magifros Olivarium Colt juniorem et Dauidem Prymrois, Aduocatos, Juficiarios Deputatos, per Commiffionem Dominorum Secreti Confilij.]

Slaughter.

Sep. 29.—WILLIAME NISBET in Newtoneleyis.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Gilbert Wauchope in Goddifcroft; committit be him and vmq^{le} Thomas Richiefoune in Cokburnefpethfcheillis, in the moneth of Auguft laftbypaft.

Compeirit Sir Thomas Hammiltoun of Bynnie, knycht, aduocat to our fouerane lord, for his hienes entreis, and producet ane Commiffioun, grantit be the Lordis of Secretit Counfall; quhair of the tennour followis.

MY LORDIS of Secretit Counfall, vnto 3our Lordfchipsis huimlie menis² and fehawis 3our lordfchipsis pur oratrice, Marioun Heiflop, the relict of vmq^{le} Gylbert Wauchop in Goddifcroft, Williame Wauchope of Stoddinleuch, broper to pe faid vmq^{le} Gylbert. That quhair, vpone pe . . . day of . . . , being ane Sondag, the faid vmq^{le} Gylbert wes crewallie and fchamefullie Mordreift, vnder fylence and cloud of nycht, haifing naper fwird, quhingar nor na vper kynd of wapponis to defend him felff, be Williame Nibbett in Newtounleis and his compliceis, vpon deliberat purpois and foirthocht felonie: Lykeas, the faid Williame being, be his Maieftis Gaird, tane and apprehendit, with reid-hand, within xxiiij houris eftir pe deceis of pe faid vmq^{le} Gylbert, was, be 3our lordfchipsis ordinance, putt to libertie; he finding caution that he fould compeir pis day, befoir pe Justice, and vnderly pe law for pe faid crewall Murthour: To pe quhilk he wes ofbefoir fummond, and pat vnder pe payne of thre thowfand merkis, the ane haif pairof to his Maieftie and pe vper half to pe partie grewit; quha, conforme to 3our lordfchipsis faid ordinance, fand caution to pat effect: And We, being now maift willing to follow out the ordour of law aganis the faid Williame, and to pat effect hes fummond ane fufficient number of honeft men for ane Affyfe, the faid Williame and his faid cautioneris, taking occafion of his Maieftis Justice abfence furth of pe realme, labouris, be all meanis poffible, contrair to all law and

¹ Tan-pit.

² The remainder of the Assise, burgeses.

³ Complains; literally, *moans*.

reaſoun, to elude the courſe and ordour of Juſtice, and to haif aper the ſaid dyett deſert, that he and his cautioneris may be fred of your lordſchipis ordinance, and fruſtrat ws of all the effect of our juſt perſuit ; or the mater to be continewit, to wearie bayth the perſewaris and þe Aſſyſe, except your Lordſchipis, quha ſufferit him to be fred vpoun caution, haifing committit ſo haynous and recent Murthour, provyde remeid, be your lordſchipis Act and ordinance, be eſtableiffing, in abſence of þe Juſtice ordiner, ſum vper Judge, be Commiſſioun, for miniſtrating juſtice in þe ſaid caus and perſute, or be vper convenient ordour, as beſt pleiffis your lordſchipis. HEIRFOIR We moſt humblie beſeik your honorable lordſchipis, quha is the only mantenaris of juſtice and chaſtiezaris of ſic haynous enormeteis withiñ þis land, in his Maieſteis abſence, to conſtitute certane Judge or Judgeis, be Commiſſioun, coniunctie and feuerallie, viz. Mr Olipher Colt, younger, Mr James Sandielandis, Mr Dauid Prymroſe, to hauld Juſtice Court and miniſtrat Juſtice in þe ſaid perſute, that throw inlaik thair of the cours of law and juſtice may nocht be eludit and fruſtrat ; and We that hes our blude ſpilt and tane, be nocht diſappointit of þe ordiner cours of Law and juſtice, and your lordſchipis ordinance of finding of Caution be nocht ineffectuall. According to Juſtice ; and your lordſchipis anſuer maiſt humblie we beſeik.

[*Sic deliberatur.*] APUD ED^R, xxix Septembris, 1608.—*FLAT Commiſſio vt petitur.* And the Lordis Ordanis the Judgeis within writtin, to hauld Court this day, in þe mater within writtin.

(Sic ſubſcribitur) AL. CANCELLARIUS. LOWTHIANE. ABIRCORNE. JO. PRESTONE.

[*Sic notatur infra.*] APUD ED^R, xxix Septembris, 1608.—The quhilk day, in preſens of the lordis of Secreit Counſall, compeirit, perſonallie, Mr Olipher Colt, younger, and Mr Dauid Prymroſe, Aduocattis, and gair thair aith for doing of Juſtice, faithfullie and vprychtlye, in the mater within writtin ; as thay will anſuer to God.

J. PRYMROSE.¹

Philp Niſbet of that Ilk and George Lyell, ſfiar of Stanypeth, vilawit in the panes of tua thowſeand pundis, for nocht entrie of the ſaid Williame, &c.

Williame Niſbet ordanit to be denuncet his hienes rebell, &c.

[*Mr Alexander Coluill, Juſtice-Depute.*]

Slaughter.

NOV. 9.—ALEXANDER TULLOCHIE, appeirand of Tannacheis, &c.

Johne Dumbar of Moynes, cautioner for repoirting of the Letteris, purcheft at the inſtance of Normand Torrie and remanent bairnes² of vinq^{le} James Torrie, ſumtyme in Logiehauch, aganis *Alexander Tulloche, appeirand of Tannacheis, James Tulloche*, his brother, *Williame Cuik*, in Forreſs, *Rorie M^ccoilziechar-char*, alias *Rorie Buſſache*, in Mordant, and *Donald M^clauchlane* thair, that thai ſould compeir befor the Juſtice or his depute this day and place, in the hour of caus, to haif vnderlyne the Law, for the Slaughtre of the ſaid vinq^{le} James Torrie and vinq^{le} Agnes Douglas, his ſpouſe, &c.

Compeirit Mr Johnne Dempſter, Aduocat, as procuratour for Johnne Dumbar, quha become cautioner for repoirting of the ſaidis Letteris ; and allegit, that, nochtwithſtanding of the nocht repoirting of the ſaidis Letteris, deulie execute and indorfat, this day and place, conforme to the Act, that the ſaid Johnne Dumbar, as

¹ Clerk of the Privy Council.

² Alexander, Walter and Robert.

cautioner, fould nocht be vnlawit ; becaus it is of veritie, that the saidis Letteris, being delyuerit to James Dunbar, Messinger (at arms), to haif charget the defenderis thairin contenit, to haif fund cautioune to haif vnderlyue the Law for the crymes thairin contenit, the fyftene dayis being bypast, within the quhilk the Defenderis fould haif fund cautioun ; Alexander Tulloch, one of the principall defenderis, being joynit in marriage with Iffobell Dunbar, mother to Alexander Dunbar, scheref of Murray, and principall of the cuntrie quhair he duellis, conpyret malicioufflie, with the said Schereff, and instigat him to tak and apprehend the said Messinger, be force, put him in waird, and thairby to preuene that he had na power to denunce the said Alexander and his complices to the horne, for nocht finding of the said Cautioun, quhairby the saidis Letteris mycht haif bene formerlie repointit, deulie execute and indorsate to this day : Quhilk Scheref of Murray, vpon the sevint of October last, eftir the charge gevin to the saidis defenderis, be infligatioune foirsaid, barbaruslie maid eruptioun in Patrik Dunbaris hous, in Gowfurd, quhair the said Messinger was for the tyme ; entering within the said hous, accompaneit with the said Alexander Tulloche and certane vtheris, to the number of sevint personis, or thairby, with drawin fuordis, assailzeit the said Messinger : and eftir mony outrageous woirdis, affirmeing to tak the saidis Letteris from him, and to bereif him of his lyfe ; ffirst denudit him of his fuord, gantiletis, dager and vtheris wapponis, tuik and apprehendit him, perforce, led him captiue to the Castell of Forres, being the said Schereffis awin duelling hous, and sua *carcer privatus*, bot¹ ony lauchfull Warrant : In the quhilk priffon the said Messinger was detenit, maist wrangufflie ; luiking at all tymes to haif bene bereft of his lyfe, be the space of ten dayis ; and at last, be intercession of freindis, the said Scheref wald nawayis put the said Messinger to libertie, quhill² he had foret and compellit him to ryve³ our said soueraue lordis Letteris, with the executiones vpon the bak thairof, with his awin handis. Lyk as, the said Messinger, for justifeing the treuth of the said matter, hes raisit his hienes Letteris, be delyuerance of the Lordis of Secreit Counfall, for chargeing the said Scheref and Alexander Tulloche and remanent perfones, thair associattis, to ansuer to the said complent. Quhilk allegiance, the said Johnne Dunbar, cautioner foirsaid, offeris him to verifie instantlie, be productioun of the saidis Letteris, revin ; be the said Messingeris awin Declaratioun, present at the bar, with his ayth of veritie vpon the ryveing thairof, and be the saidis Letteris raisit befor the Counfall, beiring the said complent. In respect quhairof, the said cautioner fould nawayis be vnlawit : At the leift, the Justice can nawayis vnlaw the cautioner, quhill the tryell of the premisses befor the Counfall. And thairupoun, the said procuratour, in name of the said cautioner, askit instrumentis.

¹ Without.² Until.³ Tear in pieces.

THE Justice ordanit the said Johnne Dumbar to be vnlawit in the panes contentit in the Actis of Parliament.¹

[*Mr Alexander Coluill, Justice-Depute.*]

Treasonable Murder under trust, &c.

Nov. 23.—JOHNNE MURE, elder of Auchindrane, and Johnne (James) Mure, younger of Auchindrane.

Dilaitit of airt and pairt of the crymes following, viz. the Auld Laird, for the Slauchter of vmq^{le} Sir Thomas Kennydie of Culzeane, knyecht, and vmq^{le} Williame Dalrumpill: And the Young Laird, for airt and pairt of the Slauchter of the said vmq^{le} Williame Dalrumpill.

PERSEWARIS, Sir Thomas Hammiloun of Bynnie, knyecht, Aduocat to our fonerane lord for his entreis, Johnne Erle of Caffilis, (Bessie Dalrumpill, as mother.)

PRELOCUTORIS for the pannell, the Laird of Caldwell, The Laird of Bombie, The Laird of Blair 5ounger, Mr Williame Oliphant, Mr Johnne Ruffell, Williame Mure of Randerfoune.

My lord Aduocat protestis that this dyet may continew, in respect of the grit disorder of this hous, this day; ² vnto the tyme the Justice tak ordour thairwith.

THE Justice continewis this dyet to the last day of November instant; and Ordanis the Laird of Auchindrane elder to be of new committit to waird within the Tolbuith of Edinburgh, and Young Auchindrane to be committit to waird within the Castell of Edinburgh, thairin to remane quhill the said day.

Nov. 30, 1608.—THE Justice, be directioun of the Counfall, continewis this dyet to the thrid day of ffebrulare nixtocum; and Ordanis the pannell to enter to thair wardis of new agane, &c.—Vnto the quilk continuation the Lairdis of Auchindrane baith disassentit; and nochtwithstanding thair of, and in respect of thair innocencie of the allegit crymes aboue writtin, offerit thame selfis to the tryall of the Law for the samyn, and thairupon askit instrumentis.

Feb. 3, 1609.³—THE Justice, be command of the Counfall, (continewis) this dyet to the aucht day of ffebrulare nixt.—(Feb. 8, 1609.) THE Justice continewis the dyet to the thrid day of May nixtocum.⁴

Slaughter.

Dec. 21.—ALEXANDER TULLOCHE, appeirand of Tannacheis, and Williom Cuik in Forres.

¹ This at first sight appears to be a very arbitrary mode of proceeding; but his *recourse* against the party would be reserved entire.

² The influence of these atrocious malefactors was such, that by false representations, and the incessant complaints made by them and their friends to the public, of the oppression of the Lord Advocate, in cruelly delaying their case, though he knew them to be innocent, they succeeded in raising such a popular ferment, that the Court had to be dismissed on this and perhaps on other occasions.

³ Sir Williame Hairt officiated as Justice-depute on this and the following diet.

⁴ No farther notice of proceedings before the Court of Justiciary occurs until Jul. 17, 1611.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} James Torrie in Logiehauche, and Agnes Douglas, his spous.—Continewit to the fyftene day of Junij nixt.¹

[*Mr Williame Hairt, Justice-Depute.*]

Forcing—(Rape.)

Dec. 30.—JOHNE ERROLE, cowmone post.

Dilaitit of the filthie and detestabill cryme of the abuseing and fforceing of Jonet Craig, ane young virgane of xj yeiris of age.

PERSEWAR, Mr Robert Foullis, Adnocat, substitute to our souerane lordis Aduocat.

DITTAY against the Pannell.

JOHNE ERROLE, cowmone post, 3e ar indyttit and accuset, sforsamekill as 3e, haifing schaiken af all feir of God, reuerance to our souerane lordis lawis, or regard to ciuill honestie, as a dissolute and vyld persone, ouercum with the beistlie rage of 3our awin filthie lust, about ane half 3eir syne, or pairby, to get 3our filthie appetite quenchet, drew acquentance with Jonet Craig, dochter to vmq^{le} Andro Craig, mercheand burges of Edinburgh, ane honest manis bairne, and ane 3oung virgane, nocht past the age of elleuin 3eiris; and haifing forgadderit with hir, upone the Hie streit of this burgh, vnderstanding hir to be at the scole, maist craftillie and vnhonestlie seducet and tryffit hir to gang with 3ow to Hammiltone close-fute, quhair 3e was myndit maist barbaruslie to haif abuset hir; and pan gaif hir certane billis, with vther allureing woirdis, to gang with 3ow: And becaus, at that tyme, 3e gat nocht 3our beistlie desyre satisfet, persauing the simplicitie of the bairne, and how easlie scho might be circumvenit, 3e, a tuentie dayis syne, or thairby, estir foure houris at evin, and ringing of the Prayer-Bell, awaitit the said Jonet at the mercat croce of this burgh, and be geving to hir of apillis and vther frute, of new, agane maist craftillie seducet and intyfet hir to gang with 3ow; quha, vpone bairnlines and meir simplicitie, haifing past with 3ow to Bellis-wynd-heid, 3e tuik hir in to ane bak turnepyke, within the said wynd, and behind the 3et pairof, maist filthielie forcet pe said bairne, and did quhat in 3ow lay to haif carnall deilling with hir, and to haif bereft hir of hir virginite: At the quhilk tyme, scho haifing cryit that 3e crewallie hurt hir, 3e maist barbaruslie and crewallie, to haif 3our filthie appetite satiat, pat 3our handis vpone hir mouthe, that hir cryis sould nocht be hard, and pairby stoppit hir braith and almost suffocat hir, and had nocht fail3eit to haif filthielie defloirit hir, gif 3e had nocht bene skarrit be tua wemen at pat instant. Lyk as, 3e, perseuering in 3our former beistlie rage of lust, vpone the fevintene day of December instant, being Saterdag, at fyve houris at evin, 3e awaitit, of new agane, the said Jonet Craig at the mercate croce of this burgh, quhair scho, with vther honest menis bairnis war playing thame for pe tyme, and pair, with walnuttis, chestennes and appillis than gevin be 3ow to hir, 3e maist craftillie seducet pe said bairne to gang with 3ow; quha haifing refusit to gang with 3ow, 3e maist forceable harrillit hir down the streit with 3ow; and 3e, being demandit be dyuerse persones that met 3ow, quhair 3e was taking hir to, 3e maist dissimulatlie and falslie gaif thame ansuer, that scho had bene frome hame all that day, and pat nane of the house knew quhair scho was, and pat pairfoir 3e was taking hir hame; at the quhilk tyme, 3e tuik hir to pe said bak turnebeck in Bellis-Wynd; quhair 3e, aganis pe bairnis will, tuik vp her claithes, and maist filthielie forcet 3our self to haif ado with hir, and wald nocht pairt frome hir quhill 3e gat 3our beistlie will satisfet, and was within hir body; and scho, haifing in maist pitious maner cryit, that 3e hurt hir, 3e, as ofbefoir, pat 3our hand vpone hir mouth and held in hir braithe; quhilk is noutourlie knawin. Lyk as, 3e and pe said bairne being laitlie examinat, in prefens of pe Ministrie and Magistrattis of this burgh, 3e and scho haif confessit pe treuth of pe premissis, be 3owr Depositionis. Quhairin, 3e haif

¹ No farther notice of this case occurs on the Record. See the preceding case, Nov. 9, 1608.

committit the maist haynous, detestabill and odious cryme of Rapt, Raveifching and Violent fforceing of the said young bairne; the lyk quhairof ancht nocht to be namet within any Cristiane kingdom subiect to a Cristiane Prince, or amang Cristiane people reulit with guid lawis.

The Aduocat, for verifeing of the Dittay, producet the saidis Johnne Errole and Jonet Craigis Depositionis, subfcryuit be his hand, and be certane of the Ministeris and Magistrattis of Edinburgh and Elderis of the Sessioun of the Kirk; and in respect thairof, Protestis for Wilful Errour, in caice the Assyse Acquit.

VERDICT. The Assyse, be the mouth of Williame Trumbill, mercheand in Edinburgh, chancellor, all in ane voce, ffand, pronuncet and declairit the said Johnne Errole to be ffylet, culpable and convict of the fforceing and abusing of the said bairne, in maner, and at the perticular tymes and places aboue speceifeit and fet down in the said Dittay.—SENTENCE. For the quhilk caus, the said Justice-depute, be the mouth of Johnne Lawfone, dempfter of Court, decernit and ordanit the said Johnne Errole to be tane to the Castell-hill of this burgh; and thair to be hangit vpon ane gibbet, quhill he be deid; and all his moveabill guidis, gif he ony hes, to be efcheit and inbrocht to our fouerane lordis vse, as culpable and convict of the saidis crymes; quhilk wes pronuncet for dome.

[*Mr Alexander Coluill, Justice-Depute.*]
Stouthreif—Hurting and Wounding.

Jan. 3, 1609.—JAMES HUNTER of Hagburne.

Dilaitit of airt and pairt of the Steilling of ffourtie pundis furth of Robert Hogis purfe, potter in the Potter-Raw (of Edinburgh); committit in the moneth of October, I^m.V^c.lxxxviiij; and Hurting of the said Robert in his heid, and leifing him for deid, at Theyuis corse.¹

PERSEWER, Robert Hog, potter.

Continued to the air of ‘Roxbur^t, tertio Itineris (vel super premonitione) xv dierum.’

[*Sir Williame Hairt of Prestoun, Justice-Depute.*]
Slaughter.

Jan. 31.—ANDRO AIRMESTRANG of the Langholme, Ebbie¹ Airmestrang of Kirktonehill, James Airmestrang of Cannabie, Thomas Airmestrang callit *the Mercheand*, and Johnne Murray, myller in the Cruikis.

Dilaitit of airt and pairt of the Slaucher of vmq^{le} James Somervell in Eirdhouffis; committit in the moneth of

PERSEWAR, Robert Somervell, fervand to the Laird of Wastraw, as neir kynfman.

PRELOCOUTOURIS for the pannell, Mr Laurence M^cGill, Adame Cunninghame, (Advocates.)

¹ Thieves' Cross. ² Perhaps a clerical error for *Ekkie* (Hector,) a common name in the south at that time. *Habbie* was also a favourite name. It may, however, be a familiar abbreviation for Ebenezer, though the name was unusual among the Armstrongs, whereas *Ekkie* was very prevalent.

The perfewar declairis, that at the raising of thir Letteris, informatioun was gevin to him that the personis aboue writtin, presentlie enterit vponne pannell, war culpable of the Slauchter aboue specifeit; and now, senfyne, he is certanelie informet, that thai, nor name of thame, war present at the committing thair of: In respect quhair of, and that thai ar altogidder Innocent of the said cryme, he passis *simpliciter* fra the perfute. Quhairvpoune the saidis perfones on pannell and thair prelocoutouris askit instrumentis.

[CURIA JUSTICIARIE, *f. d. n. Regis, tenta in Pretorio de ST ANDROIS, decimo Marcij 1609, per Dominum Willielmum Hairt de Prestoun, Jusficiarium deputatum principalem.*]

ASSESSOURIS.

The Erll of Dumbar, ¹	The Erll of Montroife, ²	The Erll of Lowtheane, ⁵
The Collectour, ⁴	The Clark of Register, ⁵	My Lord Previe Seill, ⁶
My Lord of Wrychtislandis, ⁷	Sir Robert Meluile of Murdocarny. ⁵	

Treason—Corresponding with the Pope, in the King's name.

[THE history of (Sir James Elphinston) LORD BALMERINOCHE'S TREASON has been so fully related by *Spottiswood, Johnstone, Calderwood, Robertson, Laing, &c.* and by *Mr Wood*, in his edition of *Douglas's Peerage* and *History of the Parish of Cramond*, that it only seems necessary for the Editor to supply the real facts, so far as they appear on the face of the Criminal Records; and further, by way of Appendix, to give a few authentic Letters, and other documents, which have been preserved.

Whatever may have been the real or alleged participation of this eminent Lawyer and Statesman in this Treason, it seems clear, as *Laing* remarks, that 'if Balmerino deceived his master, it was neither with a criminal intention, nor to a treasonable extent. But his ruin was secretly projected by Spottiswood, Dunbar, and Cecil, his implacable enemies; and, according to his own Narrative, much address and many secret intrigues were employed to persuade him, by a more ample and explicit Declaration, to exculpate the King. His life and estate were secured by promises; his offices were to remain at the King's disposal; and, on these conditions, he acknowledged that the Letter was surreptitiously obtained, when James had refused to correspond with the Romish See.' Thus, in order that he might fully exonerate the King, this unfortunate Nobleman was led into the fatal snare, and confessed *more* than the truth; under the full expectation, doubtless, that not only would the Royal promise of sparing his life and fortune be observed, but that he would, after a short period of retirement from the Court, be reinstated in all his lucrative and honourable offices.

It may be proper to remark, briefly, that SIR JAMES ELPHINSTON was the third son of Robert third Lord Elphinston. He was successively a Lord of Session (Lord Innernoctie), one of the Commissioners of the Treasury, called 'THE OCTAVIANS,' Secretary of State, and, Feb. 20, 1604, was

¹ Sir George Home, Lord High Treasurer of Scotland, was created Baron Home of Berwick, Jul. 7, 1604, (English Peerage,) and Earl of Dunbar, in Scotland, 3 Jul. 1605. This celebrated person was also Chancellor of Exchequer, in England. The King employed him as the chief leader in the restoration of Episcopacy in Scotland, in the Parliament at Perth, Jul. 9, 1606; for which service, and for acting as High Commissioner to the General Assembly of the Church of Scotland, in a manner highly acceptable to the King, he was installed a Knight of the Garter, May 20, 1609.

² John fourth Earl of Montrose, afterwards President of the Council, married Margaret, eldest daughter of William first Earl of Gowrie. It was this nobleman who fought the remarkable combat with Sir James Sandilands, 19 Jan. 1695, at the salt-tron of Edinburgh, as recorded by Birrel. See Diary, p. 34.

³ Robert second Earl of Lothian, who, when Master of Newbottle, had been Master of Requests to King James VI. ⁴ 'Mr Johnne Prestounne of Pennycke.'

⁵ Sir John Skene of Curriehill. ⁶ Sir Richard Cockburn of Clerkington.

⁷ Sir Lewis Craig, one of the Ordinary Lords of Session. ⁸ Sir Robert M. 'of Brint Iland' is named in *Reg. Mag. Sig.* They were both Extraordinary Lords of Session.

created Lord Balmerinoch. In the same year he was nominated one of the Commissioners to treat for an Union with England; and on March 6, 1605, was appointed Lord President of the Court of Session. Notwithstanding of his holding, at the same time, the 'incompatible offices' of Lord President of the Court of Session and Secretary of State, (which, however, were in like manner enjoyed by his successor, Sir Thomas Hamilton, afterwards Earl of Haddington, &c.) 'yet he stemmed the secret and corrupt influence of Dunbar, on the bench, with a spirit that probably accelerated his fall.'¹

The sentence of death, as is well known, was not carried into execution. His Lordship was allowed 'Free-ward' in Falkland, and within one mile around that place. Having endured this nominal restraint for a short time, he was permitted to retire to Balmerinoch, his own estate, where he lingered about three years, and at length died, of a broken heart, A.D. 1612.

His son, John Lord Balmerinoch, was formally restored in blood, and to the dignity of the Peerage, by writ, under the Great Seal.²

Mar. 10.—JAMES LORD OF BALMIRRIENOCH.

Dilaitit of the tressonabill, fraudulent, and surreptitious procureing of ane LETTER, past be his Maieftis hand, without his hienes knowledge, direct to Pope Clement the Aucht, in the zeir of God 1598, tressonabillie adding (eftir the subscripioum of the said Letter) of the styles of 'SANCTITAS' and 'FILICUS' to the said Letter; and tressonabillie affixing his Maieftis Signet thairto; committit in the yeir of God 1598, or thairby: And tressonabill affixing Sir Eduard Drummond, in his tressonabill trafficking, for the advancement of Papist courfes, at the tyme forsaid.

DITTAY *against James Lord Balmerinoch.*

JAMES LORD BALMIRRIENOCH, ye ar indytit and accuset of the crymes of Leafmaieftie and Heich-Tressone following. Forfamekill as, 5e, being honouret and advancet be his Maieftie, nocht only to heich and eminent places in Sessioun and Counfall, bot also trustit with the office of Principall Secretarie to his hienes, quhairby ye war in dewtie bund, aboue all vthers, to haif bene most cairfull of his Maieftis honour and preferuatioune; nochtwithstanding quhairof, ye, preferring your awin vudewtifull and vnlawchfull privat respectis, to his Maieftis reputatioun and fastie, and being informat, in the yeir of God 1^m.V^c. four-coir aughtene yeiris, by your neir kynfman, Sir Eduard Drummond,³ [quhome ye knew to be ane professit Papist, maist ferventlie affected to the furtherance of all Papische courfes, and to haif bene ane Secretare to ane Cardinal at Rome, and thairfoir the vnfitter to haif bene maid chofe of and trustit by yow, for wryting or playing the clerkis office to his Maieftis Letteris directit that way,] that he come to this cuntrie, directit be the Bischope of Vaizon,⁴ to deall for procureing of his Maieftis Letteris of recommen-

¹ *Laing's Hist.* III. 57.

² See REHABILITATIO, *Reg. Mag. Sig. Lib.* XLVIII. No. 152, dated August 4, 1613.

³ Marjory, the second daughter of Alexander second Lord Elphinston, and paternal aunt of James, first Lord Balmerinoch, married Sir Robert Drummond of Carnock. Sir Edward was perhaps her son, and cousin german of Lord Balmerinoch. ⁴ *Robertson*, in *History of Scotland*, and *Wood*, in *Peerage of Scotland*, call him *Drummond*; but he was William *Chisholme*, 2d of the name and surname, Bishop of Vaizon, and paternal nephew of the 1st, who had, a short while after 1561, been, by Papal Brief, created Bishop of Dunblane; and on his finding it inexpedient to live in Scotland, he was appointed Bishop of Vaizon; which situation he resigned, in favour of his nephew, when he became a Carthusian Friar of Grenoble. Both of these distinguished Churchmen were younger sons of the Cromlix family, Perthshire. Sir James Chisholme of Dundurn and Cromlix, who was concerned in the Popish Plot, in 1593, seems (*Balfour's Annales*, II. 29) to have been brother of the younger of the Bishops of Vaizon. The Chisholmes of Cromlix had, above a century, been hereditary Baillies and Justiciaries of the Ecclesiastical Lordship of Dunblane, and had furnished three Bishops of Dunblane; James and William Chisholmes, brothers, and their nephew William Chisholme, the elder of the Bishops of Vaizon above mentioned. William Chisholme *tertius*, was kinsman of Sir Edward Drummond and of Lord Balmerinoch, though in what degree is unknown.—The Editor is indebted to the industry and research of the Reverend Mr MacGregor-Stirling for the information contained in the preceding Note. That learned gentleman has collected much original matter relative to the See of Dunblane, which it is hoped he may, some time, be induced to lay before the public.

datioun to Pope Clement the Aucht, for making the said Bischope ane Cardinall ; being in grit hoip that his Maieftis recommendatioun to the said place wald be ane grit furtherance to that his expected promotioun : YE, nochttheles, nocht only treffonabillie assenting to the said motioun, bot most willinglie and readelie taking vpon you to be ane assister to him in that imployment, did dyuerse tymes prease his Maieftie thairin, and did offer to his hienes the frame of suche ane Letter as ye wald haif had signed, by his Maieftie, to the Pope ; whome yow fand, nocht only vnwilling to wryte at all, bot absolutelie to condampne the motioun for correspondance with such ane persone ; who, allweill in respect of the irreconceillabill contrarietie betuix his Maieftie (in respect of his professioun in Religionn) and the Pope ; as also, for that the said Pope could nocht bot expect those tytillis and attributtis whiche his Maieftie, out of his conscience, could nocht yeild him, for any cause quhatsoever : YE, neuertheles, nocht desisting frome your vndewtiefull instance, replyit to his Maieftie, most craftillie, ‘ that quateur schew of discontentment his Maieftie vtterit against Puritanes, ye could persuaue nathing bot his Maieftie wald turne mair preceise nor any of thame ! ’ Thairby, as it war, spurring his Maieftie to inclyne to such ane politique course, which none bot foolische or preceise sottis wald refusit to imbrace : And nochtwithstanding of his Maieftis oftin and flat denyallis, and refusifallis to harken to your motioun, ye nocht only desistit nocht, (as ye aucht to haif done,) bot still resoluet to prosecute your treffonabill intent : WHEARVONE, ye conspyret with the said Eduard Drummond, vpon the meaynes how to disseue and beguyle his Maieftie, in the procureing of suche ane Letter, and did devyse and cause to be drawn vp suche ane Letter, with the said Sir Eduardis Drummond hand, as frome his Maieftie to the Pope, expressing thairin thankis for the Pope’s kyndnes and favour, in former tymes, [albeit ye knew in your conscience that his Maieftie nevir had any deilling with the Pope, nather had he euir expected, requyred, or reslaueit ony kynd of fauour frome him,] subioyning thairto ane recommendatioun of the Bischope of Vaizon to be ane Cardinall ; thairby to be the moir able to further him in all his effairis ; [nochtwithstanding that your self, best of all vtheris did vnderstand, by the most constant answeris gevin, at all tymes, by his Maieftie, to your frequent and importune persuasions in that purpos, that his Maieftie wald neuir consent to haif any dealing or correspondance with him,] and quhat forder woirdis of compliment or specious promiseis vpon his Maieftis behalf yow did insert in that Letter, [as weill appeiris yow did] by thease woirdis of that pamphlet of Tortus,¹ (quibus preter cætera) your self best knawis. AND for the better conveyance and passage of this Letter by his Maieftis hand, yow did contriue this course ; *ffirst*, that it should be schifit in amangst dyuerse vtheris Letteris to be signed ; *secundlie*, that the same, with the rest, should be presented to his Maieftie, at sum tyme of his going out haiftillie to the hunting, so as, being on the suddane surprysed, he should haif no lasour to obserue and peruse the Letteris ; and, *thridlie*, that such woirdis of tytill and style as ar vsuallie gevin to the Pope, should be forborne to be set down in it, lest perhappis his Maieftis eye lichting vpon ony of thame whilles he war signeing, he nicht thairby tak occasioun to obserue that Lettre, and so discover your fraud ; and convenient spaces being left for thame, thay should efterwardis be accomodatit and insert : ACCORDING to quich course, ye, abusing the trust reposit in yow be his Maieftie, ane day, in the moirning, quhen his Maieftie was going to hunting, in haift, estir that ye had excusit your self of cuming to truble his Maieftie with the signeing of any Lettres, att fo vnseasonabill ane hour, in respect, as ye informit his Maieftie, Sir Edward Drummondis stay any langar in the cuntry wald bot irritat the Ministeris, and breid occasioun of jealousie and fals and scandalous bruites ;²

¹ This alludes to the reply by CARDINAL BELLARMINÉ, under the feigned signature of MATTHEUS TORTUS, to a book published by King James, anno 1607, under this Title, ‘ TRIPLICI NODO TRILEX CUNÆUS, OR AN APOLOGY FOR THE OATH OF ALLEGIANCE AGAINST TWO BRIEVES OF POPE PAUL V., AND THE LATE LETTER OF CARDINAL BELLARMINÉ TO BLACKWALL THE ARCH-PRIEST.’ In this reply, the King is accused of having abandoned his former sentiments, in favour of the Roman Catholic Religion ; and the Letter to Pope Clement VIII. is quoted, in proof, by his antagonists, who assert, that Lord Balmerino fell a victim to the King’s crooked policy, and that that able and distinguished Nobleman had been induced, through his devoted attachment to his royal master, to criminate himself, in a matter wherein he was really innocent, having merely acted by the King’s express instructions.

² Reports. Fr. bruit.

and thairfore, that ye wer forceit, att that tyme, to present his Dispatch to be signet by his Maieftie, contening no thing, bot sum two or thrie Letteris, in Latine, to the Duikis of Florence, Savoy, and such vtheris, in the said Bischopes recommendioun¹: And thane, in place thair of, ye did present the said Letter to the Pope, and vther thrie, to sa many Cardinallis in Rome; and procureit the samin to be signed, in place of thais vther Letteris, quhich only feruit for youre cloik, in the convoy of that buffines: Quhilk being done, Sir Edward Drummond, by your directioun, did efterwardis add and insert the Popes tyillis and styles, boith in the beginning of the Letter and in the end thair of, betuix the Letter itt self and his Maieftieis subscriptioun, as the word ‘*Sanctitas*,’ and the word ‘*Filius*,’ and such vtheris as ye thocht propper for the Letter to the Pope, (quhich verry twa wordis of ‘*Sanctitas*’ and ‘*Filius*,’ his Maieftie had oftin before forewairnit yow, that he wald rather loife his lyffe than wryte any of thame to the Pope): AND, be your directione, the Letter being clofet by ane of your feruandis,² his Maieftieis Signet (quhair of the keping wes committit to yow, be vertew of youre Office of Secretarie,) wes by yow, aganis the honour and dewtie of your place, trust, and credite reposit in yow be his Maieftie, most vndewtifullie, fallie and tressonable affixit to your said forgeit Letter.³ BE occasioun quhair of, quhen his Maieftie cam efterwardis in questioun, in the lait Quene of England, of blissit memorie, hir tyme, by meanis of hir Ambassadoure, quho, in the 5eir of God 1^m. VI^o. yeiris, expoſtulatit with his Maieftie concerning such ane Letter writtin by him to the Pope; ye than, being alkit thair of be his Maieftie, did vterlie deny thair wes any such mater: Lyke as, for justificatioun of your denyall, ye fend Sir Edward Drummond, quho, att your desyre, being cum from beyond sea to this countrey, and being examinat thair of, did, att your perswasoun, deny that he careit any such Letter to the Pope: As alſwa, quhen Sir Edward Drummond wes committit to waird for this caus, within the Castell of Edinburgh, ye becam ane ernist suiter to his Maieftie for his libbertie, and wes the meanis to obtene itt; quhairvpoun the said Sir Edward being efterwardis to returne to Rome, ye delt ernistlie and instantlie with him, to lawboure to recover agane the said Letter to his handis, and to distroy itt; quhich he promesit to do, gif be any meanis he could: And ye lykewyse gaif his Maieftie full and absolute affurance, that that report, quhairvpoun the said lait Quene of so wordie⁴ memorie did expoſtulat with his Maieftie, wes vterlie fals: And that nather his Maieftie had ewir writtin any Letter to the Pope, nor yet that Sir Edward Drummond had ewir delyuerit any, in his Maieftieis name, to him: Quhilk frong denyall, to his Maieftie, of your and Sir Edward Drummondis giltynes in that mater, wes the occasioun that movit his Maieftie to grant to Sir Edward Drummond his libertie: And althocht that the constant sinceritie of his Maieftieis professioun in Religioun wes so weill knawin to the world, by his daylie word, writt, and praktise, as nather that lait Quene of happie memorie, nor the religious people of the Estait of England did any langer dout of his Maieftieis innocence in this caice, howfone thay had hard of his Maieftieis denyall thair of, (as he mycht most justlie haif done,) yit lay it nocht in your handis; bot, gif God had not movit thair heart to judge so honorabile and justlie of his Maieftie in this caice, the jealousie and mistrust of his Maieftieis sinceritie in Religioun, being thus spred, in both realmes, mycht have reffaut such ineres and grouth, as mycht haif hafardit thairby, alsweill the present securitie of his Maieftieis persoun and estait, att that tyme; as also, his Maieftieis happie attening to his just clame and rycht, in England: THE ground of all this calumny and sklander, and quhatſunnewir such lyk hafardis mycht haif followit heirvpoun to his Maieftieis persoun and estait, arryng and having the only fundatioun by this your occasioun and tressonabill dealing, quhilk weill apperit by the consequent; ffor how fone it pleasit God to call that Quene, of renownit remembrance, to his mercie, and his Maieft-

¹ Had such a warm debate and altercation, as that before recited, taken place, is it to be conceived as at all likely, that a person of James's jealous disposition, would have signed such Dispatches and Recommendatory Letters, without first carefully perusing and scanning every phrase contained in them? Unquestionably the King would either have postponed his hunting, or, at least, would have desired the papers to await his return, when he could at leisure consider the import of such important documents. On the other hand, it must be admitted, that the Confession of Lord B. is unqualified, and apparently sincere, and is conceived in the strongest terms which language could devise.

² Clerks to the Secretary of State.

³ Dated at Holyroodhouse, Sep. 24, 1599.

⁴ Worthy.

tie to the lauchfull poffeffioun of his rychteous inheritance, with moir perfyte ioy and vninerfall applaufe of all his fubiectis, nor any vther Prince obtenuit the poffeffioun of his prediceffouris Croun, his Maieftie, alfweill by his fincere profeffioun as by his actiounis and lawes, publeiffing to the world his moft conftant zeale to mantene and propagat the trew Religioune, and to fuppres Papiſtrie, and all contrarie profeffioun, the hoill Papiſtis within this Ile, and ſpeciallie, in his hienes Kingdome of England, finding thairby thame ſelffis vterlie difapointit of thair former hoipes, foundit vpoun thais Letteris, quhairby thay promefit to thame ſelffis all libertie and tolleratioun of thair ſuperſtitious, in his Maieſteis dominiounis; and eſteming, that his Maieſtie, in nocht performing thairof, had delt wrongfullie and vniuſtie with thame, nocht only did Clark and Watfoun and thair complices, Preifts, and vtheris Papiſtis, in the fyrſt yeir of his Maieſteis regime of England, conſpyre aganis his lyffe, poſteritie and eſtair, bot alfo the incomparable CONSPIRACIE of the POWDER TRESSOUN (exceeding in malice and crewaltie all vther Treſſounis, that euir wes attemptit, in any aige or countrey) wes devyſit and proſequitit by ane damnit crew of merciles Papiſtis, to the extreame danger of his Maieſteis moſt ſacred perſoun, his moſt gracious Quene, thair Royall iſſew and hoill body of that Eſtair; for no vther quarrell, bot becaus thay thocht thame ſelffis wrongit by his Maieſtie, for nocht accompliſching the hoipis gevin by thais Letteris to all Papiſtis in his dominiounis: Lyke as, ſenſyne, Cardinal Bellermine, or *Matheus Tortus*, his chaplain, and vtheris, moſt impudent and infamous Popiſch wryteris, haif, (ſa far as in thame lay,) preiffit by thair fals, calumnious and leing lybellis, groundit vpoun your treſſonabill Letteris ſoirſaidis, to ſteingie (ſully, *ſtain*) his Maieſteis moſt pure, perfyte and vusſpotted reputatioun. OFF the quhilkis treſſonabill crymes aboue writtin, of ſurreptitious, fraudulent and fals ſteling his Maieſteis hand to the ſaid Letter, without his Maieſteis knowlege, and contrarie to his Maieſteis declarit will, and treſſonabill affixing of his Maieſteis Signet to the ſaid fals Letter, and aſſiſting knawin profeffit Papiſtis, in thair treſſonable confis, to the danger of ſubuerſioun of Religioun and overthrow of all trew profeffouris thairof; and drawing his Maieſteis lyff, eſtair, Croun of this realm, with his rycht of ſucceſſioun to the Croun of England in moſt extreme perrell, and bringing moſt fals and ſcandalous imputatiounis to his Maieſtie, both in poynt of honour and Religioune, ye ar airt and pairt: And the ſamin hes bene done and committit by yow, and vtheris in your name, of your cauſing, command, aſſiſtance and ratihabitoun. For the quhilkis treſſonabill crymes ſoirſaidis, ye aucht and ſould be pwneiffit, be ſforſaltrie of your lyffe, landis, and guidis to his Maieſtie; according to the Lawis and practik of this realme.

THE ſaid James Lord Balmirrenoch, being inquyret be the Juſtice, gif he wald deſyre the aſſiſtance of any freindis or Aduocattis to be his preloquoutouris, according to the benefite of the law and ordour of the Court, quhilk ſould be obseruit to him? He anſuerit, that he had neuer ſa grit neid of preloquoutouris and (ſa) grit neceſſitie to ſpeik; the caus being ſic as concernis his lyffe, his eſtair, and all that he poſſeſt; bot he ſaid, he had gritar neceſſitie to keip ſilence, his offence being ſik as could admitt na excuſe; and his greif and ſorrow, that he could haif ſa far abuſit the truſt his moſt gracious Souerane reposit in him, being ſa grit, as he deſyrit na thing mair, than his cryme may be notiſeit to all men: And ſeing, na freind wes acquent with his fact, he deſyrit nane to ſee the miſerie thairof: And ſaid, he could deſyre na Laweir to compeir and defend that fact, quhilk him ſelff had ſa oft and juſtie condemnett; as no place wes left to him nor any vther, to vſe any defence thairin: And thairfoir, his awin haert witneſſing moir aganis him nor any vther could ſay, he deſyrit all men to knaw his cryme to be als haynous as it is; and did erniſtie intreat all thais that wer preſent, and wiſſit that all the world mycht heir him, to declair two poyntis,

quhairof he wiffis his Maieftie to be cleirit : *ffyrft*, of all fufpicioun that his Maieftie was ony wayis acquent with the wryting of that unhappie Letter, that fwa his hienes innocencie and finceritie mycht be knawin to the haill warld ; ffor he declarit, as he wald wif God to be mercifull to his faull, in the grit day, that his Maieftie wes moft falllie and vniuftlie chargeit with that Letter writtin to the Paip ; and that he could newir draw his Maieftie to lyk, or with patience to heir of that wickit motioun ; bot his Maieftie did vterlie and abfolutlie refufe, vpoun ony refpect or conditioun, to wryte to the Pope, as ane mater altogidder aganis his confcience to tak ony sic cruikit courfis, or to gif to the Paip thais ftyles and attributes quhilk the Paip affumit to him felf. Quhilk refusall could nocht fatisfie nor content him, bot in his politik warldlie reach, as ane naturall man, he went fordwart, in his awin vayne confait, aganis his Maiefties declarit will, to that quhilk he thocht fould (have) advancit his Maiefties tytill, as hoping thairby to ftay the censure of the Paippis Excommunicatioun, intentit aganis his hienes, quhilk he ferit mycht haif brocht him preiudice to his Maiefties fuffeffioun, nor yit could he be ftayit from his unhappie courfis, by his Maiefties moft religious refolutioun ; quha, att findrie tymes, proteftit and declarit to him, that his hienes wald nevir burdene his confcience with ony sic vnlanchfull and cruiket courfis, bot wald only leane and refte vpoun Godis Providence and his awin rycht, with sic vther lanchfull and rycht meanis as his Maieftie mycht iuftlie vfe : Befekand all gentilmen and vtheris prefent, to beir trew recoird of his Confeffioun of fa haynous ane offence, committit aganis fa grations and bountyfull ane Souerane, quho, be his vnderfervit fauour, had raifit his bafe fortoun fa bountifullie, that his landis, guidis and lyffe could be na reparatioun for fa grit ane offence.

The *fecund* poynt, quhairof he defyrit his Maieftie mycht be fred and cleirit, is ane opinioun, quhich ather fum in malice, or his freindis in the commiferatioun of his eftait, mycht confaue and think, that his Maieftie, in ane mater of this moment, (the fuffeffioun of ane Letter of Recommendation,) mycht ferne to proceid with grit regoure and crewaltie aganis his lyffe and eftait ; bot he wald haue thais and all vtheris to remember, that his Maieftie hes gevin mony testimoneis of his clemencie, in materis gritlie concerning him ; and thairfore, thay fould nocht judge of his Maiefties difpofitioun to mercie, by his hienes proceiding, be iuftice, aganis him, bot wiffit thame rather to turne thair eis to his unhappines, quha hes offendit his facred Maieftie, in sic ane poynt, as na fauour can be extendit to him, without the hurt and interes of his Maiefties honour, quhilk being deirar to his hienes than his lyffe, he man think and confefs, that tuentie thowfand sic lyves as his is, ar nocht to be comparit with it, or ballanceit aganis it ; nor did he defyre that his lyffe fould be fpairit, att fa deir ane rait as the leift tuich (Fr. *tache*) of his Maiefties honour.

Forder, he cravit pardoun to proteft thais tua thingis, for him felff. *Fyrft*, that he had na sic intentioun, as fimm hes fupposit, to draw in ony alteratioun of Religioun or tolleratioun, or quhat thay pleis to terme it; bot any meane warldlie courfe and devyfe, quhilk he confaitit mycht be for the behuif of his Maieftie, quhilk he proteftit to be of treuth. The *fecund* thing is, he wald haif na man to think, that itt wes any gayne or priuat commoditie that drew him to that wicket cours; ffor he proteftit that he nevir reffautit norexpected ony reward, from ony Prince leving, except from the Kingis Maieftie, his maifter, allanerlie.

And fa concludit, that he had fpokin fa much of the treuth aganis him felff, that he wald defyre na man to fpeik for him; and wald gif als littill buffines to the Aduocat, Justice, Affeffouris and Affyfe, as he could; and was content that the Dittay fould pas to the knowlege of ane Affyfe.

IN respect of the quhilkis, THE JUSTICE Ordanit the faid Dittay to be putt to the knowlege of ane Affyfe, of the perfonis following. Thay ar to fay.

ASSISA.

DAVID ERL OF CRAUFURD, Lord Lyndefay, &c.	JOHNE ERL OF TULLIBAR- DIN, Lord Murray,	SIR ROBERT GORDOUN of Lochinvar, knycht,
GEORGE ERL OF MARSCHELL, Lord Keith and Altrie, Grit Marfchell of Scotland, &c.,	ALLANE LORD CATHCART, JOHNE LORD SALTOUNE, DAVID LORD SCONE,	SIR WILLIAME LEVING- STOUN of Killyth, knycht, SIR JOHNE HOUSTOUN of that Ilk, knycht,
JOHNE ERL OF WIGTOUN, Lord Fleming, &c.,	ALEXANDER LORD GARLEIS, WILLIAME MAISTER OF TIL- LYBARDINE,	SIR PATRICK HOME of Pol- wart, knycht.
PATRIK ERL OF KINGORNE, Lord Glammes, &c.,	SIR JAMES DOWGLAS of Drum- lanrig, knycht,	

Quhilkis perfounnes of Affyfe being chofin, fworne and admittit, and Instru-
mentis tane thairvpoun, be our fouerane lordis Aduocat; the faid James Lord
Balmirrenoch, being accusit be the faid Dittay, oppinlie red in judgement to him,
in prefens of the faid Affyfe; and for verificatioun thairof, the Aduocat, haifing
produceit the faid James Lord Balmirrenochis Depofitioun, fubferyuit with his
hand; togidder with his Letter, writtin all with his hand and fubferyuit be him,
contening his fpeich, vterit be him befor the Lordis of his Maiefteis honorabill
Previe Counfall of Ingland, togidder with ane Letter fend be his Maieftie to the
Aduocat, contening fimm of the Lord Balmerinochis fpeichis to his Maieftie, att
sic tyme as he preiffit to haif perfwaidit his hienes to wryte to the Pope: And
the faidis three writtis, being oppinlie red in judgement, in his prefens and in
prefens of the faidis Affyfouris; quhairof the tennour followis.

And fyrft, followis the tennour of HIS DEPOSITIOUN.

ATT FALKLAND, the fecund day of Februar, the yeir of God I^m.Vj^c. and nyne
yeiris. THE DECLARATIOUN and CONFESSION of THE LORD BALMER-
RENOCHE, concerning ANE LETTER fraudulentlie and surreptitiouslie pro-

cureit to be writtin and sent from his Maieftie to POPE CLEMENT (VIII.) in the yeir 1598; maid in presens of my Lordis of his Maiefties Secrett Counsell of Scotland, eslir namet; The Earles of Dumbar, Wigtoun and Lowtheane, the Lordis of Scone, the Justice Clark, the Collectour, Justice and Aduocat.

THE LORD BALMIRRENOCHE, being examinat, sworne and chargedit with þe offence of praktesing and surreptitious procureing of þe said Letter, (quhairby hath growne ane most fals and scandalous imputation to his Maieftie, both in poynt of honour and of Religioun,) eslir diuers meanis vsit by him, of denyall, conceilling, transferring and extenuatting the said offence, doeth att þe last expresse acknowledge and confes: That, in þe 3^eir of our Lord 1598, att þe motioun of þe lait Archbisshop of Glasgou,¹ his Maiefties Ambassadour, than resident in France, the Bisshop of Vaizon,² and sum vtheris, and att þe sollicitioun of Sir Edward Drummond, directit from þame, for procureing of sum correspondence betuix his Maieftie and THE PAIP, be the said Lord Balmirrenoch, assenting to þe said motioun, did diuers tymes preise his Maieftie þairin, and did offer to his Maieftie the fram of sic ane LETTER as he wald haif had signed be his Maieftie to þe Paip; quhom, quhen he fand nocht onlie vn-willing to wryte att all, bot absolutlie to condem the motioun, or any correspondence with a persoun that did expect thais tyillis and attributes, quich his Maieftie, out of his conscience, could nocht 3eild him, for any caus quhatfumeur; he, the said Lord Balmirrenoch, conspyring with Sir Edward Drummond, on þe meanis how to dissaue and begyle his Maieftie, in þe procureing such a Letter, with þe said Sir Edward Drummond's hand, as from his Maieftie to þe Paip, expressing þairin (as he sayeth) only thankis for þe Paip's kyndnes and favour, in former tymes, with recommendatioun of þe Bisshop of Voyzin to be a Cardinall; thairby to be moir abill to forder him in all thingis neidfull for his effairis. For the better convoyance and passäge of þis Letter by his Maiefties hand, the said Lord Balmirrenoch confesseth this course to haif bene by him contryveit; *fyrst*, that itt fould be chestit³ in amangis diueris vperis Letteris to be signed; *secundlie*, that the samin, with the rest, fould be presentit to his Maieftie, att sum tyme of his going furth haistlie, on hunting, so as, being on the sudden surpyrit, he fould haif nocht laifour to obserue and peruse the Letteris; and *thrydlie*, that such wordis of tytill and style (as) ar vsuallie gevin to þe Paip, fould be forborne to be sett down in itt; leif perhappis his Maiefties eé lichtung vpon any of þame, quhillis he wer signeing, he mycht þairby tak occasioun to obserue that Letter; and that convenient specis being left for þame, thay fould efterwardis be accomodatit and infertit: According to quich course, he the said Lord Balmirrenoch confessing, that he, abusing the trust reposit in him be his Maieftie, one day, in þe moirning, quhen his Maieftie wes going on hunting in haif, amangis vperis Letteris, writtin in Latine, to þe Duikis of Florence and Savoy and sum Cardinallis, in favour of þe Bisshop of Veyzon, did also present to his Maieftie (haveing formerlie reselit to wryte to þe Pope, and na thing suspecting that any such fould be offerit to his hand) the said Letter to þe Paip, and procureit it to be signit; quich being done, he the said Lord Balmirrenoch confessit, that by his directioun, Sir Edward Drummond did efterwardis add and infert the Popes tyillis and styles, baith in þe beginning of þe Letter, and in þe end þair of, betuix the Letter itt self and his Maiefties subscriptioun, as the word '*Sanctitus*' and the word '*ffilius*,' and such vperis as he thoct proper for þe Letter to þe Paip: And that, by his directioun, the Letter wes feilit vp be ane of his seruandis, and the Signet also putt to itt. Concerning þe Letteris to the Cardinallis, he the said Lord Balmirrenoch sayeth, that thay wer cloife sealit vp; bot left without superferiptioun, and so delyuerit to Sir Edward Drummond, to be directit be þe aduise of the (Arch)bisshop of Glasgw: And that he did efterwardis vnderstand, that two of þe saidis Letteris wer gevin to þe Cardinallis Aldobrandino and

¹ James Beaton, (2d) Abbot of Aberbrothock, elected 1551, quitted the see in 1560, and was restored by Act of Parliament, in 1588. ² Williame Chisholme. See Note on Dittay, p. 569. ³ Shifted, shuffled.

Bellarmino, and þe thrid to Cardinall Caietane, Protectour of the Scottiſh Natioun. ffordermore, the ſaid Lord Balmirrenoch Confeſſeth, that quhen his Maieſtie cam efterwardis in queſtioun, in þe lait Quenis tyme, (by meanis of hir Ambaſſadour, that expoſtulattit with his Maieſtie, concerning ſuch a Letter writtin from him to the Pope,) he the ſaid Lord Balmirrenoch, being aſkit pairof by his Maieſtie, did vterlie deny that thair was any ſuch mater: And lykwayis Confeſſeth, that he deſyred Sir Edward Drummond (being cum att þat tyme from beyond the Seas, and examinat pairof, vpoun þe Lord Balmirrenochis ſending for him,) to juſtifie his denyall; and that Sir Edward Drummond did, att his deſyre, accordinglie deny that he had careit any ſuch Letter to þe Pope; as alſo, that quhen Sir Edward Drummond wes committit to preafoun for þis caus, to the Caſtell of Edinburghe, he the ſaid Lord Balmirrenoch becam ane erniſt futear¹ to his Maieſtie for his libertie, and wes the meanis to obtene it; quhairvpoun Sir Edward Drummond, being efterwardis to returne to Rome, he the ſaid Lord Balmirrenoch Confeſſit, that he delt ernestlie and instantlie with Sir Edward Drummond, to labour to recover agane the ſaid Letter into his handis, and deſtroy itt; quhilk Sir Edward Drummond promiſit to do, gif by any meanis he could; and that the ſaid Lord Balmirrenoch pairvpoun deſtroyit the copie of þat Letter, quhilk before he had retenuit with him ſelf.

J. BALMIRRENO^r.

DUMBAR, WIGTOUN, LOWTHEANE, D. L. SCONE, (R^d) COKBURNE,
S^r TO. HAMMILTOUNE, JO. PRESTOUNE, S^r W^m HAERT.

Followis the tennour of

THE LORD BALMIRRENOCHES LETTER, *writtin and ſubſcryuit be him, containing his SPEICHES, vttered be him to the Lordis of his hienes Prerie Couſal, in Ingland.*

MY VERRIE HONORABLE LORDIS,

I FIND trew this day, in experience, that which I haif oft red and hard, that no exceiding joy nor exceiding ſorrow can be cayried bot with ſilence. *Leues curæ loquuntur* (ſayeth the tragique) *ingentes ſupent*. From this it is that þe heaue greif and vnſpeikable ſorrow of my hart and ſoul, for my haynous offence aganis my moſt gracious Souerane, and his Maieſteis diſpleaſour that he bes moſt juſtlie conceaved aganiſt me, makis me that I haif no wordis whearwith I can expre þe ſame: Quhen I luik vnto his Maieſteis innumerabill fauoris beſtowed vpone me, haifing raiſed my fortunoues (moſt miſerable and vnworthie wretch!) far aboue my mereit and my foule abuſe of his Maieſteis truſt: which hes brocht this fals imputatioun vpone his Maieſteis vnſpotted innocencie: I think þair is nothing in me may amend the ſame; and þairfoir I find no vther end of my ſorrow, bot, with the ſorlorne ſone,² to ſay to his moſt ſacred Maieſtie, *peccauit in calum et in terram!*—My offence is ſo greit that it can nocht be pardonet,—I am nocht worthie to be rekonet ony moir among his ſubiectis or createuris! I haif ſinceirlie confeſſit the veritie of my fact, in all the circumſtances, nocht for obedience, or to liberat his Maieſtie, (as ſum wald fallie geve out,) bot for þe treuthes ſaik, and that his Maieſteis innocencie may be knawin to all the world: Bot allace! what vnhappie man was I, that my devilifch affection and erroneous courſe ſould haif led to ony thing ſould haif offendit my moſt gracious Souerane! Nicht nocht his Maieſteis rair pietie, ſinguler wiſdome, and vnſpotted ſinceritie, in all his actiones, whearof I had ſo long experience, taucht me, that quhen his Maieſtie was vnwilling, and did refuiſ ſuche ane cruikit wordli³ courſe, the event of it could nocht prove bot vnhappie! Thairfoir, ſince his Maieſteis ſoule is frie of it, let no pairt of the ſlayne ly vpone his Maieſteis honour; bot, gene⁴ his Maieſtie can nocht vtherwayis be liberat of this imputatioun brocht vpone his Maieſtie by that devilifch Letter, let naper my lyfe, my eſtate nor credeit be ſpared; bot, as I haif all by his Maieſteis fauour, ſo, let all go, to the laſt drop of my bloode, befoir any proche for my moſt haynous offence ſould be broght vpone his innocent Maieſtie: Bot my miſerie, aboue all, is þe gritter, that it behoued me

¹ Sutor.

² The Prodigal Son in the Parable.

³ Worldly.

⁴ Gif, if.

offend evin in that point whairin his Maieftie hes ever bene moft tender, his confcience, which for ane thowfeand kingdomes he wald nocht hurt, and his reputatioun for finceir deilling, quhilk hes maid him famous throw all the world! In all theafe, his Maiefteis extraordinier delyuerances, miraculouffie wrocht be God, for no caufe fo muche as for his Maiefteis incomparable finceritie of heart to God, and juft dealing to all the world. My Lordis, it fall nocht be neceffar to tranfmit my Confefsioun to Scotland, or to remit my judgement or tryell pair, fence for my offence, and his Maiefteis difpleafour confaut pairpoun, I haif abfolutelie fubmitted my felf in his Maiefteis royall will. I raper¹ my life and all war takin, befor I fould ly ony longer vnder this moft importable² burding of his Maiefteis heavie difpleafour. Thairfoir, my humbill fute to your lordfchipis is, that ze will, in commiferatioun of my miserabl eftait, move his Maieftie to be plesed to luike vpone my Confefsioun, accept my becoming in will, and but³ more delay, declair what oucht be done for reparatioun of his Maiefteis honour, which, to my greit greif, is tauched be my moft haynous offence; which, in all reuerance and humilitie, evin with the laft drope of my bloode, I will obey and performe.

J. BALMERINO⁷.

Followis the tennour of the

LETTER *send be HIS MAIESTIE to my LORD ADUOCAT, aient THE CONFERENCE betuix his Maieftie and the Lord Balmerinoche, befor the purcheffing⁴ of his hiegnes fubfcriptioun to the LETTER to the POPE.*

TO OUR trustie and weilbelouit Counfalour, SIR THOMAS HAMMILTOUN
of Bynnie, kny^t, our Aduocat, in that our Kingdome of Scotland,
JAMES R.

TRUSTIE and weilbelouit counfalour, Wee greit zow weil. Quhairas, We haif concludit to haif pe Lord Balmirrenoche tryed before certane our Juftices, by Commiffioun, vpoun that his moft treffonabill and damnabill fact, committed by him, in the thifteous purcheffing and steilling throwch of Letteris, vnder our hand, directed to THE POPE OF ROME; We nocht being of pe knowlege pairof; bot vtherwayis, vpoun his moving of pat mater vnto ws, wer altogidder difaffenting pairfome: We haif thocht mete, (for your better informatioun and gritar licht in pis matter, and to pe effect that zow may pairvpoun ground your Dittay, and in his accufatioun vrge the fame as ane particular evidence of his giltines heirin,) to fett doun, fo far as our memorie can ferue, the verie wordis of pe Conference past betuix ws att pat tyme, quhen he moved ws for pat Letter, quich fo falllie and vndewtiefullie, without our knowlege, he thaireftir purchest to be past our hand, about fun nyne or ten zeiris ago. One day, he infisted that We wald be plesed to wryte a Recommendatioun to pe Pope, in favouris of pe Bifchop of Vaizon, with a request for promoting of him to pe batt:⁵ He than fehewit vnto ws, that by the vther⁶ his continewall flay att Rome, and by reafoun of the aduertementis he wald mak from tyme to tyme, he wald ferue for a fpie to acquent ws with quhat courfes they had there; and that therewith, it wald be a greit credite to pe Natioun to haif thair countreyemen Cardinalis: At quich tyme We fehewed vnto him, that We could nocht, in confcience, zeild vnto pe Pope thais tytillis quich he did affume vnto him felf; and that We wald nocht, for any warldlie respect, do that, quhair-of We had no warand in confcience: The wryting to pe Pope, in fuch foirt as he wald accept pair-of, being vnlauchfull for ony trew Cristiane: Vnto pe quich, We do perfytelie remember, that he did then anfuer, that nochtwithftanding quhatfoevir fehew of discontentment We vterit aganis Puritanis, he could perceave no thing but We wald turne more preceife than any of pame, quha for fuch a small mater as a naked Letter of Recommendatioun fould be fo squeamifch and nice. He farther added, att pe fame tyme, that We fould nocht cair quhat wer done pairin; bot willit ws to leue to Sir Edward

¹ I would rather that my life, &c.

² Unbearable, intolerable.

³ Without farther delay.

⁴ Procuring.

⁵ A Cardinal's hat.

⁶ Viz. By the uninterrupted residence of the Bishop of Vaizon at Rome, &c.

Drummond and him the filling vp of these styles ; and We being ignorant pairof, and done without our knowlege, itt could be no touch¹ nor greif to our conscience : Quhairvnto, We then anfuert, that as We evir difallowit of all dowble deilling, so We loued nocht that slicht, bot wer resolved nevir to do nor consent to any thing, but quhat We wolde approve before pe hoill worlde : And nochtwithstanding of our reiterating of our dislyke pairof, zit wes pe famin most thiftioullie past our hand, without our knowlege. And thinking fit to aequent zow with this particuler circumstance, for zour better informatioun, We bid zow farewell : FROM oure Court, att Quhytehall, the 9 Januarye, 1609.

Followis the tennour of,

HIS MAIESTEIS WARRANT *direct to the ASSESSOURIS.*

TO OURE rycht trustie and weil belouit Coufinges and Counfalouris, THE ERLES OF DUMBAR, MONTROISE, LOWTHEAN ; and our trustie and weil belouit Counfalouris, THE LORDIS PREVIE SEALE, THE CLARK OF REGISTER, THE COLLECTOURE, SIR LUEIS CRAIG.
JAMES R.

QUHAIRAS We haif directit our Aduocat to insist in persute of pe Lord Balmirreno^t before our Justice, for his most haynous and detestabill cryme and offence committit aganis ws, our honour and reputatioun, We haif maid speciall choise of zow, in pe foirsaid Tryall, to be Assessoris to pe said Justice : And pairfore We ar to will zow to assist him, and to see justice dewlie ministrat pairin, as ze wald do ws most acceptable seruice : And thir presentis salbe zour Warrant sufficient. GEVIN att Quhytehall, the thryd day of March, 1609.

Followis the tennour of

HIS MAJESTEIS WARRANT *direct to my Lord Aduocat, to persew James Lord Balmirrenoche.*

TO OURE trustie and weilbelouit Counfalour, SIR THOMAS HAMMILTOUN of Bynnie kny^t, our Aduocat, in pat our kingdome of Scotland.
JAMES R.

TRUSTIE and weilbelouit counfalour, We greit zow well. This haynous offence committit by the Lord Balmirreno^t aganis our honour and reputatioun, being so lang conceillit and now laittlie discoverit, movis ws, for the clering of our innocencie, and freithing² owre selffis of thais wrangous imputatiounis quich We haif hithertill vnderlyne, to geue ordoure for prosequuting his Tryall, befor our Justice, with all regour : And becaus the leif extenuating of jis offence can nocht bot breid in the evill disposit a distrust of his giltines : And We being fullelie auiset by thais of best judgement, heir, concerning the qualitie of pat offence, to find pe famin, insafar as it is done aganis the securitie of pe Prince, a speciall poynt of hie Treffoun and Lefemaiestie ; ffor heirby, nocht only wer We brocht in danger, both in persoun and estait, bot also our honour, credite, and reputatioun, moir deir vnto ws then our lyffe, hes bene by pe same brocht in questioun : And pairfore, We will zow to vrge the Judgement aganis him, as for a cryme of pe qualitie aboue writtin, that so all exception that may be maid aganis proceding, a^per of collusioun pairin, or in extenuating the offence, may be removed, that justice may be dewlie ministrat, and our innocencie, so much pairby wrangit, may be heireftir clerit to pe hail world : And perswading our selffis of zour cair, diligence and dexteritie heirin, as ze wald do ws acceptable seruice, We bid zow fairwell. FROM oure Court, at Quhytehall, the nynt of January, 1609.

VERDICT. THE said James Lord Balmirrenoche Confessit the said Dittay, and hail contentis of the writtis foirsaidis ; and thaireftir, the saidis perfounes of Assyse removed altogidder furth of Court to the Counsal hous of the said Tolbuith, quhair thay being convenit togidder, fyrst electit and chusit the said

¹ Fr. *Tache*.

² Freeing, absolving.

George Erll Merfchell Lord Keyth and Altrie, grit Marfchell of Scotland, Chancillar of the Affyfe; and thairefter, reafonit and votit vpoun the poyntis of the faid Dittay; and eftir long reafoning thairvpoune, and being throuchlie refolnit thairwith, re-enterit agane in Court, in prefens of my Lord Justice and his Affeffouris, and the faid James Lord Balmirrenoche; quhair the faidis perfoumes of Affyfe, all in ane voce, be the mouth of the faid Chancillar of the faid Affyfe, ffand, pronunceit and declairit the faid James Lord Balmirrenoche to be Giltie of the treffonabill, furreptitious, fraudulent and fals fteling of his Maiefteis hand to the Letter fpecifeit in the Dittay, without his Maiefteis knowledge, and contrair to his Majefteis declarit will; and of the treffonabill affixing of his Maiefteis fignet to the faid fals Letter; and affifting knawin profellit Papiftis in thair treffonabill courfes, to the danger of fubuerfioun of Religioune, and overthrow of all trew profeffouris thair of; and drawing his Maiefteis lyffe, eftait, Croun of this realme, with his rycht of fucceffion to the Croun of Ingland, in moft extreme perrell, and bringing moft fals and scandalous imputationis to his Maieftie, both in poynt of honour and Religioune: And of airt and pairt of the haill treffonabill crymes aboue writtin, att lenth contenit in his Dittay aboue fpecifeit,

MARSHALL, *Cancellarius*.

Quhairvpoun Sir Thomas Hammiltoune, Aduocat to our fouerane lord, askit instrumentis.

THAIREFTIR, my lord Justice, confulting with his Affeffouris, Declarit to the faid James Lord Balmirrenoche, that thay war nocht to proceed ony forder in that buffines, for the present, till thay fould knaw his Maiefteis forder pleafour: Bot, in the meanetyne, aduifet him to bethink himselff (haifing fa horribill ane fentence pronunceit aganis him) quhat caice he fluid into, wiffing him to lay his compt with the world, and draw neir to his God.

And thaireftir, gaif commandment to the Capitan of his Maiefteis Gaird to convoy his body to his Maiefteis waird in Falkland; thairin to be kept in furetie, as he wald anfuer to his Maieftie, vpoun his dewtie and allegiance.

[CURIA JUSTICIARIE, *f. d. n. Regis, tenta in Pretorio burgi de Edr, primo die mensis Aprilis 1609, per D. Will. Haert de Prestoun, Justiciarium, &c.*]

Apr. 1.—The quhilk day James Lord Balmirreno^t being presentit on pannell, to heir dome pronunceit aganis him, &c. the faid Justice produceit the Warrant vnderwrittin.

WARRANT *from his Majesty, for pronouncing DOOM against Lord Balmerinoch.*

JAMES R.

SIR WILLIAME HAERT of Prestoun our Justice, We greit 3ow weil. Forfamekill as James Lord of Balmirreno^t being conuict by ane Affyfe, in ane Court of Justiciarie hauldin by 3ow, in our

tolbuith of Sanctandrois, the tenth day of March instant, of þe tressonabill crymes contenit in his Dittay and convictioun; wes pairvpoun remittit till preiffoun, quhill our forder Will and plefour wer knawin pairin, concerning him: WE have thairfore thoct meit, be þir presentis, to signife our said pleafour vnto ʒow, quhilk is,—THAT ʒow with all convenient expeditioun cause fens ane Justice-Court, to be hauldin by ʒow in our tolbuith of Edinburgh, and thair Deerne and ordane the said James Lord Balmirren^o to be taken to þe place of Executioun, and þair to be demanit and execute as a Traitour; his heid to be strikin from his body; and all his landis, heretageis, lordschipis, baroneis, takis, stedingis, rowmis, possessiounis, officeis, beneficeis, coirnis, cattell, infycht pleneiffing, goodes and geir, to be fforfaltit, efcheit, and inbrocht to our vse, as convict and guyltie of þe saidis tressonabill crymes: Anent þe pronouncing of þe quhich dome, thir presentis salbe ʒour Warrant. GEWIN att our Court of Quhytehall, the xxiiij day of March, 1609.

My LORD OF BALMIRRIENOCHIS DOME.

Apr. I. OUR said fouerane lordis JUSTICE, be the mouth of Andro Quhyte, dempfter of Court, conforme to ane Warrant direct be his Maieftie to him, Decernit and Ordanit the said James of Balmirrienoche to be tane to the place of his executioun, and thair to be demanit and execute as ane Traitour; and his heid to be strukin frome his body,¹ &c.

DOCUMENTS ILLUSTRATIVE OF LORD BALMERINOCHE'S TRIAL.

I. *EXTRACT from an Anonymous History of Scotland, MS.*²

ANE litill befor this,³ SIR JAMES ELPHINSTOUN, President and Seeretar, went wp to England; quhair he was accusit, in presense of THE KING and *Counsell of England*, for heiche Tressoune aganis his Ma^y, in counterfeitting the Kingis writt, and sending tha famin Letteris of Recommendationis to THE PEAP, by⁴ his Ma^{ties} knowlege. The quhilk being confessit be him, he was thair disgridditt⁵ of his honouris quhilk he had befor, as ane off the Counsell of England: And thaireftir, was on the v day of December brocht to Leith; and on the sext day convoyit to Falkland, quhair he remainit to the 10 day of March, 1609; and thane convoyit to Sanet Androise; quhair, being putt to ane tryall of ane Assyse, was convict: And thaireftir convoyit to Falkland agane; and on the last day of Marche was brocht to Edinbrughe; and on the first day of Apryll brocht to the tolbuith, and thair, befor the Justice, condannit as ane tratour, and his heid to be strukin off; bot neather the day nor place decernit: Quhairupone, the secund day of Apryll, he is convoyit bak to Falkland, in waird.

II. SIR JAMES BALFOUR'S *contemporary Account.*⁶

IN this fame mounthe of Nouember (1608), James Elphinstone Lord Balmerinoche, principall Seeretary of Estait to his Maiefties, for the kingdome of Scotland, being this yeire challenged, in England, anent some Letters wrettin be him, in his Maiefties name, to POPE CLEMENT VIII. befor the King did atteine the Crowne of England; bot he confessed, (simulatly, as was thought by thesse that wnderstood the Courte, and hou matters then went,) to liberat the King of such grossnes, being examinnd by some Priuey Counsellers of bothe kingdomes; that, in anno 1598, he had wrettin to the Pope, in his Maiefties name, for a Cardinalls hate, to be bestoned one *Chifolme*, a Scotts man, then *Bischope of Wearfone* in France, brother to the Laird of Crouneriggis,⁷ in Perthshyre; in which Letter

¹ The terms of the 'Warrant' are repeated here. ² Advocates' Library, A. 4. 35. Folio. ³ This is preceded by the following notice: 'On the aucht day of Nouember, thair wes sik ane earthe quaik, throw mony pairtis of Scotland, as the lyk wes not sein this mony day.'

⁴ Without, past, contrary to.

⁵ Degraded, stripped.

⁶ See his ANNALES, vol. ii. p. 29.

⁷ A mistake; *Cromlix* is the proper name.

(he hauing gottin the Kinges hand to it) he styles the Pope ‘*Beatissime Pater,*’ with wther fuche phrafses; which almost wronged the Kings honor and reputatiōe, with all the Proteſtant Princes and States in Europe.

His trayell and puniſhment (he being a Scotts Nobleman) was remitted to the Juſtice of Scotland; and he ſent home thither, vnder a guard, from thyre to thyre; of all wiche the King adwertifes his Priuey Counſaill of Scotland, the 21 of the mounthe of Nouember, by Spotswood, Archbiſchope of Glaſgow.

After his arrivell in Scotland, he was firſt imprifoned in Edinburghe Caſtle, and from thence removed to the Tower of Falkland; and arraigned at St Andrewes, in the ſubſequent yeire; and ſentenced to loſſe his head: Bot, by the Kings ſecrett commands to the Earll of Dunbar, he was againe remitted to the cuſtodey of the Lord Scoone, as a cloſſe priſoner, to be kept at Falkland: And from thence was enlarged, and conſyned to his auen houſes in Angus thyre, and Balmerinoche in Fyffe thyre; quher he deyed of a feuer, and waicknes in his ſtomache, ſome few mounthes after the death of his arch-enimy and competitor, Ceicill Erle of Salisbury¹ (after quhome) if aney tyme he had furuiwed, (as was talked by them that beſt knew the Kings mynd) he had beine in grater crydit with his maſter then euer.

III. *EXTRACTS from the Records of the Privy Council of Scotland.*

Mar. 4, 1609. THE Privy Council, ‘conſidering that his ſacred Ma^{tie} hes ſend down his faithfull and worthy counſellour *the Erll of Dunbar* to be aſſiſtant to this Tryall, the ſaidis Lordis findis it verie meete, neceſſar and expedient, for the gittair auctoritie and regaird to be had to that actionn, that the ſaid Erll of Dunbar be accompaneid with a ſufficient number of the Nobilitie and Counſale; ffor wiche purpois, the ſaidis Lordis hes nominat and appointit David Erll of Craufurd,² &c. to be preſent with the ſaid Erll of Dunbar at the ſaid tryall, commanding thame, in his Majeſteis name, to aſſiſt the ſame tryall, by thair preſence, counſale and adviſe; and ſo to do and performe that which becometh faithfull, worthy and trew counſellouris to do, in a mater ſo heichlie importing his Maieſtie, in his honnoure, fame and credite.’

Mar. 17, 1609. WARRANT commanding the Director of Chancery ‘to omitt the ſaid Lord of Balmerinochis name, furth of all fuche Infeſtmentis, Letteris, writtis and grantis to be paſt and exped the Chancellarie, heirefter, wherein his name formarie hes bene accuſtumat to be infert.’

IV. *EXTRACT from the Earl of Haddington's MS. Collections.*⁴

Mar. 28, 1609. LETTER⁵ from his Ma^{tie} to the Chancellar, commanding him to ſeaſe the Lord Balmerinois landis, try the rentis thairof, the maner of his purchaſe, and wrongis done be him; to be tryed by indifferent⁶ Counſallouris, that the King nicht tak ordour, for ſatiſfactioun of thoſe quho war wronged.

V. *LETTER from WILLIAM CREICHTOUN, Jeſuite, [to SIR ANDREW MORAY of Balvaire].*⁷

RIGHT WORSHIPPFULL S^r,

My humble and heartlie dewtie rememberit. I haif hard with extreame dolour, the extremeties to

¹ He died at Marlborough, on Sunday, May 24, 1612, of a complication of dropsy and scurvy. *Sir E. Brydges' Memoirs of the Peers of England*, p. 481.—His other ‘arch-enimey’ Dunbar predeceased him. ‘Vpon Monnday, fourth of Februar, aduertisement came that the Erle of Dunbar wes dead, vpon Wednesdai, threttie of Januar, 1611.’ *Haddington's MS. Collections*, Adv. Library.

² Here follow the other names before mentioned, already marked as Assessors and Assise, together with Walter Lord Buccleuch, Walter Lord Blantyre, James Lord of Bewlie (Sir James Hay) comptroller, and Sir John Cockburn of Ormiston, Justice Clerk, who had probably absented themselves.

⁴ Preserved in the Advocates' Library, Edinburgh. ⁵ After a careful examination of the Warrants of the Privy Council, no traces of the original Letter are to be found. ⁶ Disinterested, impartial. ⁷ The envelop of this Letter has unfortunately not been preserved; but, from internal evidence, Sir Andrew Moray of Balvaire seems to have been the person to whom it was addressed.—The original is among the *Denmylne MSS.* Advocates' Library, A. 2, 40.

the whilkis S^r JAMES ELPHINSTOUN President of the Sessioun of Scotland is reduced, for the Letter sent to THE POPE and Cardinalis by Mr Eduard Drummond; and speciallye, becaus the President is so neir to you by alliance. As twiching the Presidentis Confessioun to haif sent that dispathe to POPE and CARDINALIS, without his Ma^{ties} consent or commandement, I will not mell me with that; nor any thing what it may merit; bot, becaus I assifted Mr Eduard Drummond in all that negotiatioun, thinking it to be to the Kingis weill and service, and communicatioun of all the Lettres¹ that was broght for that affairis, I thocht it expedient to informe you of the veritie of all. There was no thing wrought in that negotiatioun, which was not thocht to be for the Kingis Maieftis service; which was, to procure the Bischope of Wefone advancement to the degrie of Cardinal; to the end, that his Ma^{tie} fuld haif in the Colledge of Cardinalis, one of his trew and faithfull subiectis, to advance his Ma^{ties} service, and dasche and stop that which might be to his preiudice; and specially, that thay fuld not excommunicat his Ma^{tie}, or abfolue his subiectis from his obedience, as there was some at that same time bissie to procure it: And therefor, was alledgit, that siche rigorous proceidingis in other Popes dayes did not advance, bot hinder the Catholick cause: And therefore, Pope Gregorius XIII. was constrained to grant to the Catholick, to acknowledge and obey the last Q. of England, in all thingis; which was expresse against the Catholick faith.² It was not gevin to vnderstand to the Pope, that the Kingis Maieftie was in any dispositioun ather to come or favour the Catholick Religioun; for the contrair was conteyned expresse in the Letteris;³ saying, that albeit he remaned constant in that Religioun in the which he was nourished, frome his cradle, yit he wald not be eniyme and persecutour of the Catholikes, so long as thay fuld remaine faithfull and obedient subiectis to him; as indeed his Maieftie had evir done, vntil the horrible and barbarous Conspiracie of the Goone-pouder: ffor in Scotland, to thame of our ordour,⁴ who ar holden the most odious, and persecuted to the death be the Ministeris, he did nevir vse more rigour nor to banishe thame out of the countrey, and constraine there parentis⁵ to obleis thame, vnder paines, to cause thame depart. The calumneis of sum passioned writteris, and speciallie of him who anferis the Apologie or traite, intituled 'TRINO NODO TRIPLEX CUNEUS;' who improperatis to the Kingis Maieftie to wald haif deceived the Pope, to whome he gave hoip to favour or imbrace the Catholick Religioun, is onlie to disgrace, in what he may, the Kingis Maieftis self, and some Catholicks whome thay haitt without iust caus, without veritie or charitie; which fuld not be imputed to all Catholickes, nor to the CARDINAL BALARMINE, who is not authour of that booke. Amongst the Catholickes ar many honest men, affectioned to his Maieftie service, in all things thay may with goode conscience, and faittie of the Catholick Religioun; amongst whome I wald not be the hindmest, as I haif ever bene and falbe to my lyveis end. And heir I leif to trouble your worship, with my humble and heartly recommendatiounis redoublet to your goode affectiounis, as to my L. Vicount of Fentoun⁶ your Vncle.⁷ FROM AUIGNON, the 27 of Januarie, 1609.

Your worship most humble and affectioned counseing and servant,

(No address)

WILLIANE CREICHTOUN.

VI. LETTER from SIR THOMAS HAMMILTOUN to KING JAMES VI.⁸

PLEASE YOUR MOST SACRED MAIESTIE,

HAVEING ressaued from the Earle of Dumbar, the LORD BALMERINOES Confessioun of his most beynous offensis, committed aganis your Maieftie, togidder with your Maiefties two Letters, contean-

¹ The words 'and instructions,' added on the margin, in another hand, and deleted. ² Inserted on the margin, in the same hand, 'and sick service, who evir had done it, ather with or without Commissioun, apperis to mereit rather thanks and revoid nor hard traitment.'

³ On the margin, in another hand, afterwards deleted, 'and instructions.'

⁴ Jesuites and Seminary Priests.

⁵ Blood relations.

⁶ The celebrated Sir Thomas Erskine of Gogar, who killed Alexander Ruthven, at Perth, Aug. 5, 1600. He was created Earl of Kellie, Mar. 12, 1619.

⁷ This seems to prove the Letter to be addressed to Sir Andrew Moray of Balvaud. See his ingenious Letter to the King, Jul. 13, 1608, No. XIX, (14.) of the Collections relative to Gowrie's Conspiracy, vol. ii. p. 323.

⁸ From the Original, preserved in the *Dennythe MS. Collections*, Adv. Lib. A. 2. 40.

ing sum materiall poyntis of his cairiage, in the practeifing of that mischeivous pourpofe, not conteaned in his Confessioun; I have, according to the iuste and wyfe direction of your priue Letters, formed his Dittay, heirwith to be presented to your Maiestie, to the effect that these treasonabill crymes, which offered so dangerous woundis to your immaculat fame and royall honour, being considered be your most excellent judgement; that which is imperfyte, in my frame of this Dittay, may be amended by your Maiesties most judicious censure.¹ I have also ressaued from my Lord of Dumbar the resolutions of the graue and learned Ciuilians presented to your Maiestie, concerning this same fact, whairin they have expressed thair sufficiencie in thair proffession and faithfull affection to your Maiesties seruice; bot, being vnacquented with the grounds and course of oure Criminall Justice heir, have leaned to sum warrands, whairvpon I dar not weill relye: Becaus, I foresie that I am to persue ane man, more skilfull to pleade his lyfe nor any that wes broght to the bar in this your Maiesties kingdome thir hundreth yeiris bygane; and who may expect suche assistance of the best of oure lawyers, as many vthers offendours, most guiltie of hieft crymes, hes fund heirtofore: And albeit I think that the sentence gevin aganis him be his owne confcience, and vndeniabill treuth of the cryme, confirmed be his owne Confession, fould tak from him all desyre of contradiction, and hope of any gude by his defence; yet, knowing it to be my dewtie to be reddie for the worst which he or his assistants can abill to intend, I fall be cairefull so to prepaire all thinges necessar for that persute, as your Maiestie, with Goddis grace, fall have full satisfaction, by the performance of your royall commandement, in the verie forme and substance whilk your Maiestie hes preseryved. Gif the Judges do that dewtie, whilk in reason and justice thay owe, and I dowl not will faithfullie performe to your Maiestie, speciallie, feing my Lord of Dumbar² is to be ane ey-witnes of thair proceedingis, whois caire hes bene suche in directing the first pairt of the proces, which lyes to my chairge, and exacting accompt of my diligence thairin; that, vsing the lyke with the rest of the Memberis of this Judgement, as I am assured he will, thay will nether get leifour nor leive to neglect or ouerse thair dewtie. In my chairge, his instance fall be bot spurris to ane fast running hors; yet can I not deny that his judgement hes availed to remark and reforme dyuers things to the better. So wiffing to your Maiestie, in this and all vther your Royall defenses,³ most honorabill and happie succes; and to myself, your Maiesties gracious acceptance of the weak indeuours of ane most faithfull hairt and affection in your Maiesties seruice, I commit your most excellent Maiestie to Goddis blifed protection. ED^r, this 9. Feb 1609.

Your most sacred Maiesties most faithfull and most bundin servant,

S. TH. HAMILTON.

VII. *NARRATIVE drawn up by LORD BALMERINOCII, containing an Historical Account of the various Proceedings adopted against him, in England and Scotland.*

[SINCE the preceding sheets were sent to press, the Editor, being anxious to investigate the truth or falsehood of Lord Balmerino's Treason, has pursued as extensive an enquiry as his present limited opportunities permit. It must be satisfactory to all who take an interest in such investigations to learn, that the indefatigable Wodrow has preserved a Transcript of a Memoir, bearing every mark of authenticity, and which is said by Calderwood, in his MS. Church History, to have been prepared by this unfortunate Nobleman, during his exile. Although somewhat prolix and verbose, which is common to

¹ This amended draught has been preserved by Sir James Balfour, and contains very minute and laboured corrections. The King was very partial to such employment, and the crafty Hamilton ministers here to the King's vanity, in no measured terms. ² The reader has already seen how 'earnestly' this Nobleman 'travelled' with the Judges, &c. in the matter of Logan of Restalrig's forfeiture; and the corrupt modes which he scrupled not to adopt, to gain his ends. See this Coll., vol. ii, p. 292, for another extraordinary Letter of Sir Thomas Hamilton to the King; and also *Robertson's Hist.* ii. 223. *Hailes' Memorials of James I.* p. 16, &c. ³ It seems doubtful whether this is a *lapsus* for 'business'; or whether the word '*designs*' is meant.

all similar compositions at that period, it must for ever set this point of History at rest ; and not being written for the purpose of publication, but professedly for the information of his personal friends, and of the private perusal and instruction of his son, and for his warning, in the event of his entering into public life, it is so much the more impressive, and carries with it an air of candour and truth, ' nought extenuating,' nor ' setting down aught in malice.'—During the search which it was necessary to make among contemporary MSS. the following remarkable passage, which occurs in Anderson's History of Scotland, seemed to be worthy of preservation. ' His freindis and intereift servantis maid the word go abrod, that the said Prefident not only had a Commission for wrytting of the said Letteris to THE PAIP and CARDINALLIS, bot also that he had a Remission for the samyn, if ever thei should be querrelled ; as in sum missur appeared ; for he was no wayis frayed for the said Sentence, be reason, efter his returning to ward, his imprifonment was enlarged still mair and mair, till in¹ he tuik feiknes and died. Bot for feir of bakcalling and renewing the saidis proces, he was quyetlie buried, no man knawing quhar, except a few only of his awin freindis. And within 3 or 4 yeiris efter, his hail landis and honours was restoired bak again to his son and children.²]

THIS LETTER³ and Instructions, written be Sir Edward Drummond, with the rest of that Dispatche, I presented unto his Ma. shewing it was Drummonds dispatche for the Bishope of Vizone. So all the Letters were signed, without asking to whom they were directed, closed and sent to the Archbishop of Glasgow,⁴ to be directed at his discretione. So Sir Edward received them not in Scotland, but they were sent in Monsieur Bethun's packet, lest otherwise they might be intercepted. It may be easilie considered how necessar this service was for his Ma. as matters then went, there being small hope of Englands favour ; Essex being then in his triumphe, and Valentine Thomas his proceffe at the very tyme in deducing, in his Ma's prejudice, to disable him in his clame to the Crowne ; and what respect could I have had then, other then my faithfull duty. For it proving, as it did, verie profitable for his Ma. in such fort, as by directione from Rome, all the Catholicks in England prepared themselves in armes and horses, for maintenance of his Ma's title ; and, at Rome, the Spanishe courses were crossed. It was reputed by them that truelie loved his Ma. the best service that euer was done him in that kind ; Likeas Sir James Lindfay's employment followed after it, and speciall dealing with diverse Catholicks of England, wherewith the greatest guiders of England being terrified, and Essex taken out of the way, the Earle of Salisburie, then Sir Robert Cecil, by Lord Harie Howard, now Earle of South-Hamptoune, sought means to his Ma., by Catholicks. They sought means to his Ma., and they were then the surest fort his (Ma.) had there : Likeas HIS MA., in his first Speeche in the Parliament-hous, extant in print, and a printed Proclamatione under his Ma's hand, did not dissemble how farre, as a Prince, he was bound to POPE CLEMENT, what great loyaltie and affectione he had found in Catholicks, and ever, whill⁵ that detestable Powder Treafone (abominable in God's fight, and detestable and damnable to be remembered and recorded, by all memorie,) his Ma. continued not farre from that same minde, whill the policie of some curious heads, fearing lest his Ma. should have looked more narrowlie in his owne estate and their actions, and knowing his inclinatione to be tickle in these points of Religione, sett him on work to that *Triplici nodo triplex cuneus*, which procured that answer of TORTUS, Bellarmin's Chaplaine, unknowne, as I am credible informed, to Bellarmine, and not unknowne to some flats-men ther, to exasperate his Ma. not onlie against the Court of Rome, and his owne subjects in England, but to vouchsafe his charitie upon me, against whom their malice, although not deserved for any particular of my owne, is weill enewgh knowne. Their malicious intention, thus founded, was weill fecounded by the malice of my enemies at home, the insolencie of some of the Bishops, and ambition of ane, of whome I had deserved better. The Plott is secretlie contrived, that I shall be brought to a Confessione of it—his Ma. to disallow it—and, consequentlie, my undoing.

¹ He is said, by *Calderwood*, to have died in the end of May, 1612. See No. VIII. of this Appendix. ² *Anderson's MS. Hist. of Scot.*, Adv. Library, Fol. 652. ³ A copy of the Letter to the Pope precedes this Memorial.

⁴ James Beaton, second Archbishop. ⁵ Until.

There came never anie thing of this to my knowledge, before I came to St Albans, in the beginning of October 1608, the verie night before I come to Roifoun to his Ma. The advertifment that I had, was, that I had procured Letters, unknown to his Ma., under his hand, to THE POPE, whereby he had promised, that how soone he should come to the Crowne of England, he should either declare him self Catholick, or at least he should grant a toleratione to all Catholicks within his dominions; and had procured to make the Bylhope of Vaizon a Cardinall. The last part, because it was true, I thought it not to be denied; but the first, which was alluterlie false, I refused.¹ At my coming to Royfoune Sir Alexander Hay, (in whom I reposed as great trust as in my self,) having formerlie perswaded me, most traterouslie, that his course of accepting to be secound Secretarie,² which at first I disliked, was a plott of my enemies, to his prejudice and mine both; and so, had perswaded my most assured and worthie friend Mr Thomas Murrey of his h(ighmefs) affection to me, which I did over credulouslie beleave. Coming to me, I compleaned that I was wronged, in so much that I had not gotten more tymous wairing of their calumneis and his Ma^s discontentment against me;—excused himself, that he had sent me a packet, but that (I) had missed it be the way;—that it was a mater that I needed not to care fore, feing his Ma. desired no more, but to know the truth; and would not be discontent, if, in the point of his Religione, he were not ingadged. So, I confessed the simple truthes. He, in the meane while, had his dailing, unknowne to me, with the Bishop of Glasgow, who incensed his Ma. that, so long as I was officer,³ their state could not be raised:⁴ And having assayed manie other means to disgrace me, could effectuat nothing. Having the authoritie of the greatest there to concurre to my overthrow, they did so dispose his Ma. as, without anie shew of discontentment, he askes of me Sir Edward Drummond's Dispathe, and speciale, of that Letter to THE POPE. I could not denie that which was weill knowne to his Ma.; and that which was contained in Tortus book, was not farre different from the truthes; for the words are, (speakeing of his Ma.,) *Literas humanitatis et officii plenas scripsit ad PONTIFICEM MAXIMUM, quibus præter cætera rogavit, ut ex suis subditis aliquis Cardinalis S. R. E. crearetur.*⁵ But his Ma^s promises of conformitie or to alteratione of Religione are not ascribed to my Letter, but to the promises of some of the Ministers. Nixt, his Ma. asked, 'if ever he had consented to call THE POPE his *Father*?' I granted that he still refused—and in that, I had presumed, for the good of his Ma. service, after his Ma. had subscribed the Letter, to cause Sir Edward adde the Pope's ordinarie stiles; wherein, if his Ma. conceived anie offence, I was to crave his Ma. pardone to be disfavoured in that, and to cleare his Ma. so farre as anie would tuiche him therewith.

This past in Royfoun, on Sunday, in the morning, before Sermon, betuixt his Ma. and me, privatlie, in his withdrawing chamber. Sir Alexander Hay, who had still his practises with the Bishop of Glasgow, having learned of his Ma. how farre I confessed, advised his Ma. that my Confessione should be retreated,⁵ in the hearing of some others: And, to the end that I should not suspect their intentione, at my

¹ Denied. ² It is difficult to get at the truth of State intrigues, and to detect the real causes of such a change as that referred to by Lord Balmerinoch in his interesting Narrative, even at the time of their occurrence. His Lordship is, no doubt, very particular in his details, which are likely to be correct; for his Narrative was evidently intended for the perusal of those who must have had the best opportunities of knowing the facts. In a valuable Collection of State Papers, preserved in the General Register-House, Edinburgh, transcribed by Sir Thomas Hamilton (Earl of Haddington,) there occurs a transcript of the original Warrant of Sir Alexander Hay's appointment to the Office of Joint-Secretaryship, in the following terms.

'HAEVEING choissing MR ALEXR HAY to be on of our Privie Counsell of that our kingdome; and thinking it no way fitt that he sould still attend vs heir at Court, for Scottis dispatchis, as deput to ony wther, We have thairfor joyued him in office with the Lord of Balmerinoch, our Principall Secretar, (quho being enforceid, be his greitt employmentis in our service, to continew thair, for the moist part,) We intend to have the said Mr Alexr ane attendar and resedentiare heir at Court, for the better dispatche of the effaires of that Kingdome. And our plesour is, that yow caus tak his oath, as Secretarie wnto vs. Quhairnant thir presentis salbe your Warrant.' [JAMES R.]

To our rycht trustie and weilbeloveit cusine and counsellour, the Erl of Dumfermling,
our Chancellar of that our Kingdome of Scotland.

³ Secretary of State. ⁴ Episcopacy could not be restored. Balmerinoch had obtained large grants of Church Lands, &c., and it was, therefore, his interest to preserve matters in their present state, for fear of a resumption of these livings taking place, which would thus strip him of a large portion of his income. ⁵ Rehearsed, reiterated; not *retracted*, which at first sight it would seem to import.

second Examinatione was present but Sir Alexander Hay, whom yett (as God judge me, I trusted as my self.) There I confessed, before his Ma., as befor, that his Ma. ever disaffented to yeild the Pope any files; and, at the subscribing of the Pope's Letter, I acquainted him no farther, but (in) generall, that it was to Sir Edward Drummond's Dispatch, auent the Bilhop of Vaizon. That I caused Sir Edward add the files; and for that, upon my knees, most humble I craved his Ma. pardone. Then, be his Ma. countenance, and some rounding¹ that past betuixt his Ma. and Sir Alexander Hay, I beganne to be in some suspicione. The King commanded me that I should repair to Londone,—remaine there whill I knew his pleasure—and in no case to repaire to the Queen's Court. Immediatlie, Sir Alexander Hay, the Bishops of Glasgou and Galloway conferred with the King, auent my Confessione; and were discontent that I had not presentlie sett it down, under my hand; yett, fearing least I should have inspected their policie, they would not then urge me anie farther.

The next Mounday I raid to London. Sir Alexander Hay and the said Bishops raid before me; and Sir Alexander went to my Lord Salisburie, (and) acquainted him with all was past. Then begane I to suspect the course, and to repent me I had gone so farre. I sent to the Earle of Salisburie, desired I might have an assignatioun to come to him; who did returne answer, that he was advertised from his Ma. that I was commanded to keep my houie; and so it was not fitt I should come to him. Thus did I mistake his Ma's command; for in that (I) was forbidden to repair to the Queen, then lying at Hamptoun Court, I thought all other places, within Londone, were free to me. Likeas, I went to Lambeth, to the Archbilhop of Canterburie,² and to Whithhall, to the Earle of Dumber; the said Sir Alexander allwife in companie with me, never giving me notice of his Ma's pleasure to the contrarie, whill³ I had it of the Earl of Salisburie; of purpose, as I have since found it, to exasperat his Ma., as a contempt not ordinarie there, where his Ma's commands are verie ceremoniouflic observed. But, as God shall judge me, I never heard anie other command from (his) Ma. but to attend his pleasure at Londone, and not to repaire to her Ma's Court.

Wedinsday thereafter, Sir Alexander Hay, having repaired to his Ma. comes with a Note, under his Ma. hand, commanding me that I should sett doune in writte the passing of that Letter to the Pope, and the circumstances, so far as I could remember. Beginning then to apprehend the buffinesse, and having gotten warning of his Ma's displeasure, and the advantage my enemies presumed they had gotten, I become more spairing; and by my Letters to his Ma. desired that I might be excused that I could not sett down the particulars of that, under my hand, after so long a tyme; except that either I were in Scotland, where my papers might bring me to remembrance, or that I had mett with Sir Edward Drummond; begging his Ma's patience, whill³ I might send for him; which I offered to doe with convenient speed, who should bring with him the just copy of that Negotiatione, and should give his Ma. and all the world satisfacione of the truth. But that was not intended; but contrarie to the truth, to big upon me an unjust imputatione; wherof the production of the Letter would have made me cleare.

THE COPIE of the LETTER sent to HIS MA. the 12 of October (1608.)

Please your most sacred Ma.

IN these particulare points your Ma. did demand of me, so farre as I can remember, I answer for your Ma's satisfacione; That your Ma. (of my knowledge) did never command or direct any Letter to be writtin to THE POPE, neither was I present when Sir Edward Drummond moved your Ma. for any such Letter. That your Ma. did never style your self 'FILIUS' in any Letter, but to your Mother-in-law, the Queene of Denmark. That your Ma. did never writt 'FATHER' or 'HOLINESSE' to any. As to the Letter written be your Ma. to POPE CLEMENT, although I doe remember that there was some such Letter, conteaining nothing but a Recommendatione of the Bilhop of Vaizone, I humble crave your Ma's pardone, if I can make no declaratione how it was past, whill Sir Edward Drummond, who was the author, bearer and procurer thereof, be first examined; whom I am about pre-

¹ Private communings; whispering.

² Archbishop Bancroft, formerly Bishop of London.

³ Until.

fentlie, with your Ma. permiffione, to fend for, by whom the whole circumftances of that mater fhall be clearlie detected. For I proteft before God, for the prefent, I cannot perfetlie remember how that mater was paf; moft humblye craveing your moft facred Ma. (fince I am moft willing, for your Ma^s obedience, to clear your Ma. of that before all the world) that in remembrance of my loving and affectionate humble fervice, yee will be pleafed to accord me the tyme and meanes, wherby the veritie of my part in all that mater may be manifested; which as I doe expect, out of your Ma. princely accustomed clemencie, fo fhall I ever pray, &c.

COPIE of the LETTER to HIS MA. the 15 of October 1608.

I DOE remember that I moved his Ma. divers times to have written to THE POPE, both to have taken notice of his kindneffe, and to have recommended the Bifhop of Vaizon; and that his Ma. did refufe, onlie for that he could not, with safe confcience, yeild him thefe titles of ‘Father’ and ‘Holineffe,’ which he¹ did allow: But if otherwife the Pope would have accepted his Ma. Letters, with the Titles of other Temporall Princes, he would have written him. As to the circumftances of paffing of that Letter, I proteft before God I cannot call them to my memorie; but by conference with Sir Edward Drummound, and with fuch as ferved me at that tyme, and with fuch other admiraucles as I will find in my own papers, I hope I fhall give his Ma. fatisfactione.

HIS Ma. not content to admit my delayes, remembring the circumftance of that negociatione better then I, he fetteth down a number of interrogationes, under his hand, with a Letter to the Counfell of England, commanding them to examine me. Being brought before them, I at firft declined their Judgement, till they declared that they would not take upon them to judge me; but, following his Ma. commandement, to examine me and remitt me to my ordinarie Judge. In end, to all the particulars, I answered, in fuch fort, that they could not mend themfelves, nor bring me in compaffe of any Law. The Earle of Dumbar, the Lord Skoone and Sir Alexander Hay present.—Thereafter his Ma., being difcontented of my unwillingneffe to cleare him, and to burthene my felf with the fault, yea to tak upon me fome points (which his Ma. affirmed he remembered,) which, in truth, I could not call to my memorie, the Earle of Dumbar directed the Lord Burlie² to me, a verie favourable and faft Nobleman, and who had, immediatlie before the Earle of Dumbar’s parting out of Scotland, renewed a friendfhip between him and me, which was the greateft caufe of my repair to Court, that it might be confirmed there, before the Queen’s Ma.; and his Ma. fatisfied, by the Earles meanes, of whatfoever hard opinion he had conceived either againft the Chanceler or me, by fuggeftione of the Bifhops. His credit from the Earle of Dumbar was to advife me, for my own good, fince it was confefled by me that fuch a Letter was purchafed, and that his Ma. had denied it, that rather, ere the imputatione fhould lye upon his Ma., I fhould take it upon me. When I obtended the perrell of my eftate, his Ma^s difcontentment and their malice, the Lord Burlie gave in this affurance, that my life, eftate, nor Ropar’s Reverfione fhould be in no dangere. As to my Offices, to leave them to his Ma^s difpofitione; whither he would take them from me or not. I finding manie enemies there, and being fraitlie kepted, I enter, be the Lord Burleyes meanes, who from the beginning has ever kepted ane honeft part to me, in a more particular freindfhip with the Earle of Dumbar. And, becaufe the Lord Skoon and Sir William Hart had diverfe tymes travelled with me to have married one of the Earle of Dumbar’s fifter-daughters, I was content to give him my eldeft fone to be difpofed upon in marriage at his pleafure, to give the Palace and Park of Hallyroodhoufe; and if he desired Reftalrige, he fhould have it for the price I bought it. Thefe conditions, as the Lord Burlie told me, pleafed him, and fo he would take upon him my protectione, if I would follow his advice, which I was content to do, knowing what power he had, and how eafie it was to him to calme all ftormes; allwife defiring him to carie his affectione to me fo fecreitie, as the Bifhops, Sir Alexander Hay, the Earle of Wigtoun and others my fmall friends,

¹ Viz. the Pope.

² Sir Michael Balfour, created Lord Balfour of Burleigh, in Kinross-shire, Aug. 7, 1606.

should know nothing of it. He was so diligentlie allwife attended be some of these, that after he had appointed me diverse meetings, he could never meete with me; alwise, he assured me what ever the Lord Burlie should say, in his name, I might trust it, and he would performe the same. And hear-upon I desire my friends to enquire the Lord Burlie, if this assurance was not given be the Earle of Dumbar, that my life, my estate, and Ropar's Reversione should be sure; as for my Offices, they should rest in his Ma. dispositione; and it might be I would not want them.

The Earle of Dumbar thus entered in conditions with me; and the Lord Burlie putt in trust, for him and me both, for all conditions on both parts. The first directione was, that I should writte a Letter to him, desiring he should convene the Earles of Salisburie, Northampton and Suffolk, befor whom I should grant all the King's Articles; and thereafter writte a Letter to his Ma. to the same effect. He willed me to use these three Noblemen to strengthen his credit, that they being engadged to be my friends, he might the more easilie worke that he had undertaken; and all the said Noblemen promised upon their honours that they should be my friends, and would joyne with the Earle of Dumbar to satisfie his Ma. All which I performed. Then was I delivered in the Earle of Dumbar's keeping, who promised that I should allwise be his prisoner; and at my returning to Scotland I should be warded in the Castle of St Andrewes. By this advise, I wrotte a becomming in his Ma. will, which the Lord Burlie gave him. He returned me an answer with him, that his Ma. was weill pleased with it, and all would go weill; onlie, I was desired to adde this, that I would renew the same judicialle, when I should be required; which I did.

THE COPIE of the LETTER to HIS MA. 24 of October 1608.

Most gracious and dread soverane,

IT is over great presumptione to offer to your most princelie eyes these lynes, from the hands which have so highlie offended your most sacred Ma.; but, because it was continuance in my offence to labour to obscure the cleare soule of your Ma^s unspotted integritie, and that the imputatione of my misdemanour, which I justlie deserve, may lye upon my self, and your Ma^s innocencie cleared to all the world, I have truelie fett down here, how that Letter to POPE CLEMENT, wherewith your Ma. is fallie taxed, was, without your knowledge, past your hand, amongst other Letters which I did present to your Ma., by the abuse of your Ma^s trust, whereof I was not worthie. In the year of God 1598, at the earnest sute of the late Archbishops of Glasgou,¹ your Ma^s Ambassader then resident in France, the Bishop of Vaizon and divers others your Ma^s weill affectioned friends and servants, both in Italie and France, who were verie earnest to have had some correspondents betuixt your Ma. and the Pope. Sir Edward Drummond being directed by them in Scotland, to follow that businesse, I presumed divers tymes to move your Ma. therein; and did offer to your Ma. the frame of such a Letter as I would have signed be your Ma. to the Pope; whereunto I never found your Ma. so unwilling as your Ma. did altogether refuse to writte; denying ever to writte anie Letter, with these stiles which the Pope did assume to himself. But I being in my too great zeale, and assured hops were given me by greater statesmen then my self, of the benefite would come to the strengthing your Ma^s title,² by the Pope's friendship, overcome with weaknesse, and presuming that the successe of my true intentione should efface the memorie of my offence, I caused draw up a Letter, with the said Sir Edward's hand, as from your Ma. to the Pope; but verie spairinglie, onlie containing thanks for his kindnesse and bygainne favour, with Recommendatione of the Bishop of Vaizone, your Ma^s native borne subject, to be made a Cardinall. To the which Letter, among others of that kind, written to the Duke of Florence, Sawoy and some Cardinalls, in favours of the said Bishop, (all presented be me unto your Ma. one day in the morning, when your Ma. was going a hunting, in haste,) your Ma. did fett your hand: For your Ma., finding the Letters all in Latine, and the Bishop of Vaizon's Recommendatione the subject, and having formerlie refused to writte to the

¹ James Beaton, the second archbishop of that name.

² To the Throne of England.

Pope, did nothing suspect that anie such thing should have been offered to your hand. And after your Ma. had signed it, Sir Edward Drummond did adde the Pope's stiles, both in the beginning, and above your Ma's subscriptione in the end of it. Some Letters, two or three as I remember, signed by your Ma. to some Cardinalls, containing nothing but thanks and recommendatione of the said Bishope, were given to the said Sir Edward cloffe, catcheted, to be directed, by the Bilhop of Glasgows advice, to such of them as were, in his judgement, best affected to your Ma.: And I did hear, after, two of them were given to Aldobrandine and Bellarmine, and the thrid to Cajetan, who was Protectour of the Scottish Natione. Here was my first fault of preposterous zeale, weaknesse, and presumptione. My next was fear of your Ma's displeasur; because the late Queen's Ambassader having expostulated for your Ma's dealing with the Pope, and I being asked therof, be your Ma., I did pertinacioullie denie that there was anie such mater; and for your Ma's better satisfacione, I moved Sir Edward Drummond to returne into Scotland; who, being examined, did at my desire justifie my deniall, and that he had caried no Letter for the Pope. I pressed him, verie instantlie, at his returning, to labour to reter the said Letter, and to destroy it, fearing least the knowledge of it hereafter might breed your Ma's discontentment, as it hes done at this tyme, to my exceeding great sorrow. And because my attestatione in this kind, which I protest, before God and his angels, is true, and yett will not be a sufficient liberatione of your princelie honour, which is dearer to me then my life, I am not hearby to beg anie pardone, but that your Ma. in your most rare and princelie wisdom, will take such course, but¹ any respect unto me, whereby your Ma's innocencie and my offence may be made knowne to the world. And so, in all humilitie, attending to suffer what your Ma. will impose, and to obey whatsoever your Ma. will be pleased to command, I pray God grant your sacred Ma., according to the sinceritie of your heart, a true and just constructione of all your actions befor all the world, and, after a long and most prosperous raigne, eternall felicity.

COPIE of my becomming in Will, 3 November, 1608.

Please your most gracious and sacred Ma.,

As at the verie first I did ingenouly Confesse my offence, and have particularly sett down under my hand the whole circumstances of it, and likewise answering to the severall interrogatours whereupon I was examined, I have in everie point declared the veritie; so, still continuing most desirous that your Ma's honour should be free of any such imputatione, and my offence without anie longer delay knowne to the world, doe, by these presents, in all humilitie, freelie and absolotlie submit my self, and become in your Ma's Will; that since onlie against your Ma. my offence is committed, so your Ma. will irrogat unto me such punishment as in your true justice and princelie clemencie I have deserved. And this my becomming in Will, I will renew, or reiterat in Judgment, or without, so oft as I shall be required.

AFTER this, the Earle of Salisburrie causes be drawn up, upon his Ma's Interrogatours and my Answeres, a forme of a Depositione, making everie particular deid to be Treafone—that I had trateroullie conspired with Sir Edward Drummond to deceave the King, and steall his hand to a Letter to the Pope—that I had trateroullie caused put the catchett to it—and that I had commanded Sir Edward, above the King's subscriptione, to writte '*Sanctitatis v. obsequentissimus filius*,' so like the King's hand as could be—and so, I had made him fallie to counterfoote the King's hand. This Depositione being offered to me to subscribe, I refused (at) the first; because it made that to be Treafone and treasonable which was not; since the Letter contained nothing but meere complements, and a recommendatione of a Scottishman to be a Cardinall; and that ane Officers trust was greater then to procure a common recommendatione; and the putting of the Catchett to it was lesse treasonable; seing by that Letter his Ma's honour, nor state, nor Religione, was not harmed, nor no damages nor inconvenience had followed upon it. The last part was directly *crimen falsi*; and as I had not deponed it, so it was not true. At this meeting were present the Chancellor of England, Salisburie, Northampton, Suffolke,² my lord Duke

¹ Without.

² Thomas Howard, Earl of Suffolk. He was Lord Chamberlain at the time of the Gun-

of Lennox, the Earle of Dumbar, Sir Thomas Smith Clerk of the Counsell, and Sir Alexander Hay.— My answere to the last, the Chancellor granted to be true, and that it was but a mistaking; and so it was mended, and that article deleted, in so farre as it concerned the counterfooting of the King's hand. As to the first, my Lord of Salisburie answered me, that what they had sett down was onlie to give his Ma. satisfacione; and it was nothing to me, since his Ma. had accepted me in Will, was to deale gratiouſlie with me, and not to proceede judiciale with me any more. Whatever might please his Ma., and in his Ma's opinion give the world satisfacione, and clear his honour, since it was not to harme me, it was unfit that I should refuse his Ma. to give his Ma. what should please him, seeing it was not to prejudice me. And upon this assurance, and the Earle of Dumbar's former Declaratione, that the King had weill accepted of my becoming in Will, and that my not subscribing of this Depositione hindred the progresse of the King's answere to TORTUS booke, wherof this Depositione behoved to be a part, I sett my hand to it, in presence of the Noblemen and others above written, who, I am sure, upon their honour, will not denie it. And hearupon I desire my friends to inquire the Duke of Lennox, the Earle of Dumbar, and Sir Alexander Hay.

LAST, the King's Ma. having concluded to returne me in Scotland, because all this matter was carried with a great show (as was said to his Ma.) to cleare his honour, but in effect to disgrace me, and make me odious, I was brought before the Counsell. (Not only) all the Noblemen, both English and Scottish, (and) all the Judges were brought, but all the Court, so many as the Counsell-Chamber could contane. *The Chancellor* declared the cause of that solemne meetinge, made my Depositione to be read, and with a long harrange and many reasons did aggravat my offence, to his Ma's great praise; and in the end, remitted the matter to Scotland, to be judged there. Nixt, *the Earle of Salisburie* had as long a discourse, all to disgrace me, to flatter the King, and to shew his eloquence. Thridlie, *the Earle of Northampton*, to testifie his zeale as a witnesse, how alien his Ma. was from anie dealing with the Pope, these 18 years he had keepe correspondence with his Ma., damned all my proceedings. I had wairning the night before that I was to be so used, as the Lord Burle,¹ who had bene mediator betwixt the Earle of Dumbar and me, being departed to Scotland, I was forced to send for James Bailzie, a verie trustie young man, to whom I am infinitie bound, and who (nixt my Lord Burle) was verie privy betwixt the Earle of Dumbar and me; whom I desired to shew his lordship, that I understood that I was to be brought before the Counsell the nixt day, and that they were to rail upon me. That he should not think it evill if I should say, for my owne defence, that which I would make good; that there was no point which they were to lay against me, which I would not answere. He returned James Bailzie to me, with this answere, earnestlie praying me, since that was the last that in that earand was to be done, not for my prejudice, but for his Ma's honour and satisfacione, that I would answere nothing; but in all humilitie acknowledge my offence, cleare and liberate his Ma., renew my becoming in Will, and desire my Lords of Counsell to become interestors, that his Ma. would end the processe, by his Declaratione. This would be most acceptable to his Ma., who would be behind a peece of tapestry,² and if I played my owne part right, his Ma. would be best pleased. Which I also obeyed.

The Chancellor, in Counsell, produced his Ma's Warrant, declaring his Ma's Will, that I should be no more one of that bodie. Which Declaratione of his Ma's Will, having no Convictione nor Warrant, but my becoming in Will was ane acceptatione of it; so, having declared a part of his Will, by no law, thereafter, he might have proceedede judiciale with me. Immediatlie after the Counsell, the Earle of Dumbar sent James Bailzie to me, to give me thanks; and to shew how weill his Ma. was pleased;

powder Plot, and was, with Lord Mounteagle, the chief means of detecting that remarkable Conspiracy. See *Carte*, 111. 757—*Winwood's Memorials*, 11. 171. Suffolk was turned out of his office, in 1618, for embezzlement, &c.

¹ Sir Michael Balfour, Lord Balfour of Burleigh. ² This was by no means an uncommon practice of 'his most sacred Majesty,' and conveys no favourable idea of the course of his proceedings, in this remarkable transaction. It reduces the whole matter to a mere stage trick, and a solemn mockery of the highest Tribunal and personages of the Country.

and that his Ma. would have that in writt, which I spake. Which also I fett doune. And because there was some words his Ma. (as he affirmed) desired to be added, which he affirmed I spake,¹ the words written with his hand, and brought to me be the said James Bailzie, I insert with my hand and subscribed; and send them to him, with the said James. And hearupon I desire, if need, that my friends may inquire the said James.

The summe of the Counsell of England's proceedings, on Sunday, the 13 of November, 1608.

THE said day, in the after noone, the whole Counsell being convened in the Counsell-chamber, the whole Judges, and all the Noblemen, both Scottish and English, that were at Court, THE LORD CHANCELLER² beganne a verie grave speech, wherein he did earnestlie require audience and attentione, in respect of the great consequence of the mater he was to speake of. It was so much the greater, that it was a novitie wherof he had never heard, nor (to his knowledge) in all his books read of any the like president, of before. It was of great consideration, because it did touche the Kings most sacred Ma. and royale persone, both in his honour and his safetie, wherein did consist the safetie of the whole estate. The mater was also weightie, in respect of the persone whom it did concerne; a Nobleman of Scotland, raised to that estate by his Ma^s favour, and a Member of that board. As to the mater, because he might perhaps faile in the relating of it (which he was very unwilling to doe, in a mater of that kinde and weight,) therefor he desired the Instrument, containing the Lord Balmerinoch his Confession, and signed with his hand, should be read. The same being read, and acknowledged be the Lord Balmerinoch to be his owne Confession, then he said to the Lords of the Counsell, that he did perceave, by their countenances, that they all did looke on that mater as if it were a mater wherin they were to give their sentence and judgement. But he prayed them not to thinke so; and that he would releave them of that burthen; because neither were they convened to that end, neither was the said Lord Balmerinoch brought down to make any answer; because that mater was transcendent, and of a greater weight than that board, or any Counsell board, could judge of it; but, because it was a fact committed in Scotland, be a Scottishman, before his Ma^s happie coming to the Crown of England, they would not doe that prejudice to Scotland, that was as ancient and free a kingdome; as they are so well governed, with so many grave and ancient Noblemen; whose Nobilitie is continued and reserved with a farre greater respect and antiquitie nor their owne; so wise a Counsell of Estate, so learned and grave Judges, as in all these perfectionis they were nothing inferiour to them. Onlie, for the present, he would point out and offer to their considerations, that were present, some heads of that Confession, which had been the consequents of that fact; and so remitt it to the own Judgement,³ and the Lord Balmerinoch to his own answer before his owne Judge. First, he desired they should attend the tyme when his Letter was written; to witt, when his Ma. was, in possessione, King of Scotland; in his title and undoubted royall descent, apparent of England. How this fact might have perrelled him both the one and the other, if it had been knowne that his Ma. had had any dealing with the Pope; for, in Scotland, the most of all the Nobilitie, gentrie, and whole bodie of the kingdome, being of the Religione they presentlie professè, would not have failed to have made insurrectione, if they had knowne that his Ma. had any dealing with the Pope. In England, the late Queene, of happie memorie, being a Prince verie jealous and narrow looking in all his Ma^s actions, if she had knowne that his Ma. had had any course with the Pope, she would have quicklie objected unto his Ma., that since he was taking a forane course to strengthen him, speciallie with these who had so often futed⁴ her life, she would likewise take another course, for her owne preservation; and so might have endangered his Ma^s just clame. Like as, in effect, the same dealing coming to her knowledge, she did incontinent send her Ambassader, and did most bitterlie expostulat with his Ma.; and the dealing, at that time, was denied; and so smoo-

¹ Balmerino was thus led forward by one piece of artifice after another, until, at length, he was so completely in Dunbar's toils, that retreat was impossible. ² Sir Thomas Egertoun, Lord Ellesmere, afterwards (1616) created Viscount Brackley. ³ To the natural and proper Court or Jurisdiction, in Scotland; where he would be tried by an Assise of his peers. ⁴ Pursued.

thered over. Nixt, he did mightilie aggredge¹ the great inconveniences that had fallen out, all (as he did affirme,) upon the dealing mentioned in that Confessione; first, that it had given occasione of an infinit number of scandalous books and pamphlets to be written, wherin his Ma. was verie bitterlie taxed; and speciallie, he did there produce *Bellarmines* late book, under the inscriptione, which he did read, of one whose name being TORTUS, he did allude therunto that he was alwise *tortus*.² The parcell³ he read, was the fault found with Pope Clement's Breave; wherby he did command the body and estates of this kingdome of England not to admitt or receive a King, in case of the Queen's decease, but a Catholicke; and so did exclude his Ma. from his just title. To the which clause, contained in the book of *Triplici nodo triplex cuneus*, Bellarmine made this answer, that by that Breave, *the Pope* did not meane to exclude the King, because the name '*Jacobus*' was not mentioned in it; and withall, the Chancellor did observe, in the words he read, that *Bellarmino* did give the author of the book a lye, in the word '*mentitur*;' nather could it be meant of his Ma., because his fervants and Minister had given great hopes to the Pope, that '*non erat valde alienus a fide Catholica*;' and thereafter, '*quia etiam Rex ipse scripsit ad Pontificem ipsum, Literas humanitatis plenas, quibus, præter cetera, rogavit ut aliquis a Natione sua Cardinalis S. R. E. erearetur, per quem facilius cum Pontifice res suas tractare possit*:' Which words being conforme to the Lord Balmerinoch's Depositione, the same had given occasione of the writing of that booke; in manie parts wherof his Ma. was bitterlie touched. Nixt, upone the occasione, contained in that Depositione, did grow all the Conspiracies that, since his Ma^s commeing to England, had fallin furthe; for by this dealing with the Pope, unknowne to his Ma. great hopes were given to the Catholicks, that when his Ma. should come to the Crowne of England, his Ma. should either declare himself a Catholicke, or, at the least, the Catholicks should have a toleratione of Religione, within his dominion; wherof, finding themselves disappointed, they did move their Conspiracies. For fearelie was his Ma. warmelie sett down in this kingdom of England, when Watfone the Preist and a number of his adherents did attempt against his Ma^s royall persone; for the which a number of them were apprehended and punished. Nixt, upon it came the devilish intentione and practise of the Powder Treafone, wherin was intended the taking away of the King, Queene and their posteritie, the Counsell, Bishops, Nobles, Judges, Gentry, and whole bodie of the realmes; for the which a number were punished, and a great many, in his Ma^s clemencie, spared. Therafter, that none should mistake their proceedings, in the tryell and examination of the Lord Balmerinoch, he declared all the points therof, adding, that although it was a case might receive judgement in England, in respect it did concerne his Ma^s persone, which hath so many priviledges that it draweth all Judgments⁴ after it; and that the Lord Balmerinoch that was to be judged was present, and so might receive his judgement there, yett such was his Ma^s respect to his ancient native kingdome of Scotland, and they were so farre from encroaching upon the liberties therof, and knowing the tender regarde that the Nobilitie and Estate would have to a mater that did so highlie concerne his Ma.; after a long reiterated discourse, in the praise and honour of that kingdome, Counsell, Nobilitie and government of it, declared, that they would remitt the mater to receive judgement there.

NIXT, THE LORD TREASURER⁵ begane a verie grave speech. After the dew commendatione of the Lord Chancellor, that had spoken before; that he was verie sorie to have occasione to speack of a mater of that kind; but since it did concerne, so highlie, the life and honour of his most sacred Ma. (whose life was dearer to him nor his owne) he should be thought verie undutifull, being so manie wise bound, if he were silent in it. There, having given his Ma. his owne dew praise, at great length,⁶ he did next adde that he was sorie to speake of it, in respect of the persone whom it did concerne,—a Nobleman, by his Ma^s favour, a Counsellor of State, yea more, a Secretarie of State, and one against whom, his dentie reserved in this, he would be loath to have spoken. The fume of his speech grew

¹ Aggravate. ² Crooked, perverse. ³ Portion, passage. ⁴ Jurisdictions, Tribunals. ⁵ Sir Robert Cecil, Earl of Salisbury, Principal Secretary of State. He succeeded to the office on the death of Sackville, Earl of Dorset, in 1608. ⁶ Well knowing his Majesty to be behind the tapestry!

to that same end of my Lord Chancellor's former Speech, that his Ma^s dealing with the Pope might have breed him, in his owne kingdome, disobedience, and done him prejudice in his title to England; that if his Ma. had beene of the counsell of writting of that Letter to the Pope, he would affirme that he had bowed his knee to Baal; being desirous to establishe, for his affaires, ane Advocat at Rome. Nixt, by the words of Bellarmin's booke, then produced, he shew, that the Pope took upon him to declare the Crown of England elective; because, by the words of the Pope's Breeve, the estate and bodie of England were commanded, first, '*non admittere*;' next, '*non instituire, nisi Regem orthodoxum et Catholicum*'—so the heretable descent of the Crown of England was taken away, and behoved to be holden in almous¹ of the Bishop of Rome; that he would not be content to be Bishop of Rome, but would have all Europe at his dispositione. And, in another place of the booke, he shew ane conclusion more offensive to his Ma.—'*ergo REX JACOBUS neque est Catholicus, neque est Christianus.*' That, for himself, he did never say so much of any Catholick; and that he did verilie beleave that a true Catholick was *Christianus*. Nixt, he fell out upon the office of a Secretarie, the great credit and trust thereof; that in a Secretarie's breast is laid in store, the treasure of all the secrets of the kingdome; that *fides* and trust is of that nature, that *fides quæ semel accedit nunquam revertitur*;—that he feared, in tyme to come, his Ma. behoved ather to have no such officer, or ells divide the trust of maters of no importance to one, and common affairs to another;—that of a King's hand-writte, if it may be caried by² the knowledge of the Prince, is more dangerous nor ane army of twentie thousand men; because the one may be fore-seene, the other not. Nixt, in the nature of the fact, he compared the King's Seall with his hand-writt; that the Great Seall was but the King's image, but his hand-writte was his minde; but if any thing should be added above the Great Seall, for himself, he would think it verie near Treafone, leaving them to consider what it was to adde any thing above his Ma^s hand-writt. He desired to be excused if he were a little kindled, and did remember the manie favours he had of his Ma., that he possessed manie places that were fitter for others, yett none should goe before him in trust nor affectione.³ To testife his Ma^s unwillingness to have dealing with THE POPE, he did remember how his Ma. refused to receive anie Ambassâder from him; and how he commanded the Ambassâder Lieger in France, to shew the Pope's Nuncio in Parise, that if anie of his Ministeris in his name had promised more then they had warrant, the Pope should not expect anie performance therof from him. Last, he made (as he called it) a punctuall discourse of all the proceedings in the Lord Balmerinock's Examinatione, and how his Ma^s memorie was a great deall better in that mater then his; and by his particular interrogations, had brought him to a Confessione: And, after ane example and verie large commendatione of the Kingdome of Scotland, and wise and grave government of it, did remitt the judgement of that mater to them, not doubting but they would proceed in it, as his Ma^s interest and the weight of the mater did require.

After him, THE LORD PRIVIE SEALE⁴ had a Speech, wherof this was the preface. If he had had libertie of speech, as he had not, he would have chosen these two noble lords who had so gravelie and learnedlie spoken to have gone before him; for they had taken up the crope of all was to be collected of the present mater, so cleanlie, as they had left nothing behind to him to glean; but he did remember to have read of the nature of the bee, that at first comming upon the flowre, she did gather the honie, and after the honey being collected, she did gather the waxe. So would he, since there was no

¹ In alms; as an eleemosynary gift.

² Without, contrary to.

³ The whole of these Speeches and gratuitous affirmations were in reality addressed to the King '*behind the arras*,' and they were all so constructed, by these Court sycophants, as to be most palatable to the royal taste. The knowledge of this circumstance must sink the speakers in the estimation of all who read such abominablerodomontade, and convert all their fulsome adulation into solemn mockery or absolute farce.

⁴ The celebrated Henry Howard, Earl of Northampton, who was styled by the French Ambassador, Monsieur de Beaumont, '*one of the greatest flatterers and calumniators that ever lived*?' He was deeply involved in the murder of Sir Thomas Overbury; but died before that atrocious affair was publicly investigated. The private and intriguing Correspondence between King James and Cecil, previous to his accession to the throne of England, was carried on through the medium of this individual. See *Lord Hailes' Letters*, &c.

honey left, gather up some waxe to seale up the mater with. And first, after a large commendatione of his Ma^s so manie rare and princelie qualities, whom that mater did so highlie concerne, (which he protested he did not as a sycophant or flatterer,¹ but as a true and faithful Counsellor,) he did say some thing of his affectione and dutie to the Lord Balmerinoch, with great sorrow for his error in that kind, that he should have thought it a fave way for his Ma. to have left his assured true friend, which was the Queene and Estate of England, to follow after a stranger, speciallie since of his own knowledge (for the space of 19 years) it had pleased his Ma. to keepe intelligence with him. He perfittie knew that his Ma. was most unwilling to anie such course. First, how in the 88 (1588) the Bishop of Dumblane cam in Scotland with so many great offers; and if his Ma. would have given him anie, never so little hope, the Pope would have stayed that great Armado. Nixt, come Sir James Chisholme, who dealt in the same course, and because he did not prevaill, he did break his heart, and so died. Watfone the Preist having come in Scotland and dealt with his Ma., did confesse to his lordship, that he could never have more of his Ma.—but if ever he came to the Crowne of England, that he would not come to break the law, but to keepe it: And that the said Watfone, being in prison, some few dayes before his executione, his lo. went, by his Ma^s commandement, to examine him in that point; who declared to him, that he could never gett anie farther grant of his Ma. nor is before said: not-the-lesse, to the end he might keepe the Catholicks in better dispositione towards his Ma. he did give them better hopes. That Sir James Lindsay did bring his Ma. a Letter from the Pope, which he refused, and would not so much as suffer the same to be unclosed. Last, since his Ma^s coming in England, there come one from the Duke of Lorane to his Ma., who being weill received, as the Duke of Loran's fervant, having thereafter secretly shewed unto his Ma. that he was the Pope's gentleman, and had some directions from him to his Ma., he would heare no more of him; and his Ma. did mightilie complaine that the Duk of Lorane did use him in that kind. And hereupon did he condemne the Lord Balmerinoch his course, in respect of his Ma^s unwillingnesse to have anie dealing with the Pope. He said farther, that if at that tyme when the Queen's Ambassader did expositulat, the course had been revealed, the fault had been the lesse. That it was God's singular caire over his Ma., that by the coming furthe of such a book, at such a tyme, when the Lord Balmerinoch was present to reveale the truth, his Ma^s innocencie in it was so cleared. And because that some doe justifie the couns, because of the good intentione of it, that he had read, that in good intentions three things were requisit, Ist, that they should be in things indifferent; nixt, that they should not be *contra preceptum*; last, that they should not be *in prejudicium tertiæ personæ*. Nather of which was observed in this; because it was not a thing indifferent to the King to keepe correspondence with the Pope, being a mater prejudiciall to his estate; next, that it was *contra preceptum*, because he was not of his Religione; last, it was *prejudicium tertij*, because the Queene of England was thereby intereffed; so as the intentione of it could not procure it anie allowance. In end, after a large commendatione of the countrie of Scotland, and his best wilhes that the Kingdome of England would looke carefullie in their honour, and not admitt everie one so indifferentlie to it, following the example of Scotland, he did likewise remitt the mater to be tried and judged there; not doubting but it would be carefullie done, according to the weight of the mater and his Ma^s expectatione.

Thereafter, MY LORD CHANCELLER declared, that since that Board was his Ma^s bodie representative, and all the members of it were at his Ma^s dispositione, and alterable with the breath of his mouth; that it was his Ma^s pleasure, that the Lord Balmerinoch should no more be one of that boord. Whereupon he did produce a Warrant, signed be his Ma.; which being read by the Clerk of the Counsell, the Chancellor desired that all the Lords of the Counsell should take notice of it.

¹ 'Hem!' His Majesty must have been a 'glutton' indeed, and his appetite for flattery altogether insatiable, if these Speeches did not give him a complete surfeit! It is evident that this intriguing politician well knew what would best please the royal palate. Strange as these things may now appear, such was the King's taste,—and *de gustibus non disputandum!*

[*THIS, or near this, I would have answered, for my own justificatione; if that, by three several commandements from the Erle of Dunbar, I had not been defired to the contrarie. James Bailzie was the carrier of the message.*]

To the *first* Speeche, it might have been answered, that if the reverence and majestie of the person, (whom the mater was affirmed to touch in honour and safetie) the gravitie and eloquence of the speaker, and the hatefull dispositione which was against the persone which was to be censured, had not extraordinarie concurred, although the deed wanted a precedent, yett manie offences of greater importance and more perrellous precedents were smothered up, with silence: And wher,¹ it was now first said, that the Letter might have procured his Ma. the tinsell² of the Crown of Scotland, which he had in possessione; ther was no such appearance, because ther was no Scottish man, of whatsoever qualitie, so little sensible of his Soveran's wrong, but would rather have wished his Ma. to have had correspondance politick much more with the Pope, before he had been prejudged of his undoubted title to England, speciallie since that Letter (nor no constructione can be made upon it) does carie any prejudice to Religione, or other conditione hurtfull ather to his Ma's honour or estate. Nixt, where it was said, that the said Letter might have lost him the Crown of England, to the which he had undoubted right apparent, because the Queen might have taken exceptione att it, and so inclined some other way; first, it might have been answered, that his Ma's title was not at her dispositione, and if she had been discontent, there was no reason; for since she did ever refuse to yeild him anie assurance of his successione after her, (and Spaine avowedlie, and France under hand, besides others, as competitors, daylie talked of,) although he had laboured for the friendship of all the Christian Princes in Europe, upon just and honourable conditions, and without breach of dutie to her, she had no just cause of offence: Beside that, some did not spare to talke of some unseemly plots contrived in England, about that same time, to his Ma's prejudice. *Secoundlie*, where it was with great vehemencie and rare eloquence amplified, that that Letter had given subject and occasion to the writting of many pamphlets, wherein his Ma. was bitterlie touched, it might have been answered, that by the contrarie, it had stayed the writting of many and doing of many worfe turnes, had procured his Ma's good at the Court of Rome, the favour of all the Catholicks of Europe, but speciallie in England; and if his Ma. had been offended by anie books, they have had other grounds than that idle Letter; wherein *Bellarmino* alledgeth not, that ther was anie more, but a Letter full of courtesie, and a requit for a Cardinall; and if it had contained any other thing whereby his Ma. had been ingadged to the Pope's advantage, it had not been forgotten. Look therefore if the writting of the former books, or some other conditions then that Letter, hath not given occasion of this offence. *Thridlie*, where it was said that all the Popish Conspiracies did flow from that Letter, because the Catholicks, finding themselves disappointed of their hopes, did attempt all those devilish Treasones, it might have been answered, that if that Letter giveth anie such hope ather of the Kings Ma. being a Catholick, or toleratione, then is the argument good; but if not, then it holdeth not; and these hopes most be found out another way, and the authors of them charged with that imputatione.

The *secound* Speech, in so farre as it was carried out with the first, the same answers might have been repeated; but, where it was said, that if his Ma. had been of the knowledge of that Letter, he would have bowed the knee to Baal, appointing ane Aduocat at Rome;—that conclusion holds no more nor³ if it should be said, that the Queen, for writting manie Letters to the Turk, and appointing ane agent there, should have become a Mahumetan. Neither is there any that can doubt, but that great Statinane, who had the speeche, does know verie weill, that Princes of different Religiones have their Leagues and Amities, their intercourses of Negotiatione and civill affairs, without bowing their knees to strange Gods. As to the invectives against the Pope, they were all just, and verie pertinentlie and eloquentlie delivered; yett they did not aggravat that fact, neither was there any thing in that Letter that did allow of them. As to the objections of violating the trust of a Secretarie, that

¹ Whereas.² Loss; from *tyne*, to lose.³ Than.

could not be denied; and so the partie doth grant his offence, pretending onlie, that as an expert Phisician, in a disperat disease, or a perfitte Pilot, in an extraordinarie tempest, is not alwise tyed to the precise rules of his art, so some things are permitted to Statfmen in their places; and he, perhaps, feing his Ma^s great danger; and that, for writing a stile to a Pope, he would give his enemies so great advantage, and perrell a Kingdome, he did temerarioullie adventure his credit: And for that was talked of the nature that *fides quæ ubi semel recessit nunquam revertitur*, that politick maxime giveth ane answer, *si violandi regni causâ*, and the more is he excusable, that it was to his master and not to himself; and as he durst and should have adventured his life to have foughten for it, so did he perrell his trust to conserve it. To that, that a King's hand-writt, if it might be caried by his knowledge, was more dangerous than 20,000 men, that is an argument *ab incommodo*, which since the deid is past long since, and no harme followed upon it, neither to his Ma. nor his dominions, it followeth no more. To that of the comparifon of the broad-seales to the King's hand, and what is the danger to writte above any of them, belongs to the Judges and Lawyers, to determine; but in the law of reafone and civill justice, where there is no fraud meant, no harme done, nor no inconvenience can ensue, the fault is the lesse.

In *the last* Speech, most gravelie and eloquentlie delivered, because it was for the most part a narratione of particulars, testifeing his Ma^s unwillingness to writt or have any dealing with the Pope, it is like enough to be true; for if his Ma. had been willing, or wittinglie had sett his hand to the Letter, then there had been no fault committed, so that causeth the Confessione of him who abused his Ma^s trust. And where as, his good intentione to his Ma^s service, did furnilhe him some excuse, that was most learnedlie taken away by three *caveats*, which the Divines doe require to make intentions justifiable; first, that they be in things indifferent; nixt, that they be not *contra præceptum*; thridlie, that they be not *in præjudicium tertii*: To all which it might have been answered, first, generallie, that the politicke courses, so weill knowne to so great a wise man in state maters, are not to be ruled according to the strick rules of Divinitie; and particularlie, to everie *caveat* there can be nothing more indifferent, nor¹ a free Prince to writte a kind Letter to his neighbour, and to make to him a reasonable and just sute, hurtfull to no man; as for the secound, there is none of the commands that did forbid the King to writte to the Pope, for so *præceptum* in that mater is to be understood; thridlie, by that Letter there is no prejudice done to anie persone; and since his Ma. was by no League nor Bond bound to the Queen in the contrarie, no man will think that his Ma. should be answerable to ane imaginary prejudice, there being nothing contained in the said Letter that in any sort could hurt her, or any other persone. In all the Speeches, as they were most gravelie and eloquentlie delivered, so did they yeild, everie one of them, a rare and extraordinarie commendatione to the countrie of Scotland, the grave and ancient Nobilitie, the wise Counsell of Estate, the learned Judges, and the most tender regard, in all their actions, to his Ma.; wherof, as everie man did consider the end, so they ought² no small obligatione to them, for their exceeding kindnesse.

COPIE of the SPEECH which I/jpak, indeid, to THE COUNSELL, after the three Harangues before written.

MY verie honourable Lords, I find true this day in experience that which I had oft read and heard, that no exceeding joy,³ &c.

The Bishope of Glasgow,⁴ I think, with the counsell of the Erle of Wigtonne,⁵ despaired, before my coming to Court, that the Letter to the Pope should doe me anie harme; thinking, either that I should be denied it, or that it was of so small consequence as it could import no cryme. They had

¹ Than. ² Owed. ³ See Vol. II. p. 578. Opposite the words 'but alace!' &c. (line 10 from bottom of the page,) there is written on the margin, 'These words added at the E. of Dumbar's desire, to please his Ma.' ⁴ John Spottiswood, afterwards Lord Chancellor (1634). He was translated to St Andrews, 1615. ⁵ John, sixth Lord Fleming, was created Earl of Wigton, Mar. 19, 1606. He married, 1st, Lillias, only daughter of John, 3d Earl of Montrose; 2dly, Sarah, eldest daughter of John, Lord Herries, and relict of Sir James Johnston of that Ilk.

invented againſt me ſome interrogatours, whereupon the King ſhould have examined me, anent the Powder Treafone, which were kepted cloſſe from me, till immediatlie before my comming away: Then they were brought to me by my truſty friend Sir Alexander Hay, never letting me know of them, albeit they had been in his hands three moneths before. The juſt copie I have incloſed hearwith, and my anſwers. They are as frivolous as they are falſe; alwiſe I will my friends may ſee what hee beene the malicious curioſitie of my enemies to my diſgrace. I ſuſpect the Biſhop of Glaſgow, the Earle of Wigtoun and Sir Alexander Hay; and whatſoever the Earle of Wigtoun knew, was not kepted from Killſyth.¹

In a Proclamatione, made at Weſtminſter, the 22 of February, 1603, which is imprinted, there is contained theſe words, in ſpeaking of Foreign Princes: ‘ Among which forran powers, although We acknowledge ourſelves perſonallie ſo much beholden to the new BiſHOPE OF ROME, for his kind offices and privat temporall cariage towards us in manie things, as We ſhall be ever readie to requyte the ſame toward him, as Biſhops of Rome, in ſtate and conditione as a ſecular Prince:’ Yet conſerr this Proclamatione with his Ma^s firſt Speeche in the Parliament Houſe, which is alſo printed, wherein he acknowledgeth his particular obligation to POPE CLEMENT, whereby it may be preſumed, as matters then were, what great diſcontentment it could have beene to his Ma. to write a Letter to him. Like as, many other Negotiationes which his Ma. had with him are more nor notoriouſlie known.

THE *ſumme of the DECLARATIONE, ſubſcribed 18 November, 1608.*

THAT at my firſt Examinatione I did denie, extenuatt and transferre the knowledge of that Letter; therefore, I did Confeſſe, that, at the ſoliſtatione of the Biſhops of Glaſgow, who was his Ma^s Ambaſſader, and the (Biſhop) of Vaizon, I laboured to have a correſpondence betwixt HIS MA. and THE POPE, I moved his Ma. in it, and found him unwilling. Therafter, I conſpired with Sir Edward Drummond to gett a Letter under his Ma^s hand to the Pope. Sir Edward drew up the Letter. I ſaw the draught of it, and corrected it. That one day, in the morning, when his Ma. paſt to hunting, I brought him a number of Letters to be ſigned, in favours of the Biſhop of Vaizone, to the Dukes of Sauoy, Florence, and ſome Cardinals; among the which Letters I ſhifted in that Letter to the Pope, having no ſuperſcriptione in the beginning, nor above his Ma^s name; and ſo gott his Ma^s name to it without his knowledge. That the Letter contained nothing but thanks to the Pope for his bygane kindneſſe, and deſire of continuance; that he would be pleaſed to advance the Biſhops of Vaizone to be a Cardinall, that his Ma. might have more intelligence of his affairs at that Court. That the Letters to the Pope were written in Roman Letters. I directed Sir Edward to writte the Popes ſtiles in the beginning; and in the end, ‘ *Sanctitas*’ and ‘ *Filius*.’ That the ſaid Letter was caſhetted at my command, be one of my ſervants who kepted the caſhett.² That in the late Queen’s tyme, ſome expoſtulation being made by her Ambaſſader anent the ſaid Letter, I did denie it, and cauſed Sir Edward, being come home, juſtifie my denyall, and that he had caried no ſuch Letter; being examined therupon be ſome of the Counfell. That he, being committed in ward, I laboured for him and procured his releefe. That I dealt earneſtly with him to returne the principall Letter, who promiſed to doe ſoe.³

[The Narrative is here interrupted by Calderwood’s own work. It is afterwards reſumed, being introduced by Calderwood in the following paſſage: ‘ About the beginning of December, the Secre-

¹ Sir William Livingſton, Lord Kilſyth, one of the ordinary Lords of Session. ² A ſtamp contrived to imitate the King’s ſignature, to ſave him the manual labour of ſigning certain official documents. It is ſtill in uſe, and is applied to particular writs not requiring the royal ‘ Sign-manual.’ ³ CALDERWOOD remarks here. ‘ The Preſident was ſent back to Scotland as a priſoner, with a Guard attending upon him, to be further tryed. When he came to Newcastle, he ſent the Laird of Pitloure to informe Mr James Melvill how he was dealt with, for ſtanding for the freedom of our countrie, and croſſing of the Biſhops and their proceedings; and deſired Mr James to writte to the good brethren at home, as he thought meet himſelf. When he came out of Newcastle, it was marked that he ſhed tears, which was a verie baſe thing in him. At Berwick he was heard to utter theſe words, “ I wiſh I had beene made a ſheep-keeper when I was made a ſcholler.”’

tare Sir James Elphinstone, President of the Colledge of Justice, came to Berwick, accompanied by the English Guard and some of the Earle of Dumbar's servants. He was received by the Captain of the Scottish Guard, Sir David Murrey Lord Skoone, latelie Comptroller, accompanied with the Scottish Guard and some of his friends; and was convoyed to waired to Falkland. The manner of his parting from London to this countrie he has sett down himself, as hear followeth, continuing his former relatione.']

ORDER hereafter being taken about my returning, my Lord Dumbar sent James Bailie to shew me, that there was some of the Guard, onlie for a shew, appointed to attend me; desireing I would not take it in evill part. They would ride with their coats till they were past Roydstoun, where his Ma. was; and from that, as other privat servants. He sent me word divers times that he would meet with me; but whill¹ the Earle of Wigtonne and the Bishops were gone, he could not, for suspicione.² So the verie day they parted, in the morning at ten hours, his lo. came to my house, although I had offerred to make the travell; but, because I was under commandement, it could not be. All this tyme I was attended to be two of his Gentlemen, who used me verie kindlie. The one was Alexander Auchinmowtie, brother to John Auchinmowtie; the other, James Carmichaell, sone to Watt Carmichaell of the Park; to whome I wishe my friends or to anie of theirs to be thankfull. At our meeting, I renewed to him what had past betwixt my Lord Burlie and me, my particular offers, for assurance of his Lordship's friendship, what I did expect mutuallie of him, as the Lord Burlie had promised in his name. All which he was well pleased with, and how soone my trouble was ended, which should be upon his coming in the countrie, he would enter in the due performance of every particular, and would establish such an alliance with me as should not be discovered. I complained that my waired³ was altered, because he had promised that I should remaine in the Castle of St Andrewes: He excused the estate of the house, and that he had as great credit in Falkland as in St Andrewes. Nixt, that the Lord Skoones Warrant was so trait: His answer was, that that was onlie done for the fashione; that the Bishops and Sir Alexander Hay procured it; but he would desire the Lord Skoon, by James Bailie, to use me well. He desired me to keepe all secret; and, as he was a Christian, every thing should (be) performed with no less care than I were his own brother, or his two daughters. He willed me not to be suspicious of any his actions, because it behoved him to follow the King's honour, please the Bishops and others that were my unfriends, in outward shewes, that he might the more easilie worke my turne to my contentment. I think that he entered in a speciall friendship with my Lady Drummond, and gave her that assurance of my life, estate, (and) Ropars office that he gave to the Lord Burlie.

Being come to Falkland to my waired, and more hardlie used nor I did expect, I directed to Court my cousin Pitlowre to put the Earl of Dumbar in memorie. My worthie friend the Lord Burlie tooke the pains likewise to go there, to make all former conditions sure; and, as I was informed, his Ma. directed no further, but that, in a Justice Court to be holden at St Andrewes, (for I desired it should not be in Edinburgh,) I should become in Will, and his Ma. to declare his Will, at his pleasure. But when my Lord of Dumbar came to Edinburgh, and found that Sir William Hart (who had gotten a promise of my place in Sessione) to putt me to ane Assise, and my Lord Collector⁴ to be Assessor, and a number of Assise that would convicte me upon my own Confessione, which is more than to gett me in Will. The Earle of Dumbar having advised with the Bishops, durst leave nothing undone of extremite against me; and the Collector, being more circumspect nor the rest of his fellows, and most desireous to have me sure, resolved the Earl, that none of my Depositiones made in England would serve against me, except I ratified them here. Whereupon, the coming of the Counsell to Falkland was appointed; and although I had been verie carelesse of the mater, because I was certified that there was no more ado but to take me, judicallie, in Will; yett, knowing of their coming to Falkland, I

¹ Until. ² Viz. in case the Earl and Bishop should suspect collusion between the Chancellor and Balmerino.

³ Place of confinement.

⁴ Mr John Prestoun of Pennycaik.

imagined at first the cause of it, and was resolved to have past from everie point of these Depositions, except onlie the naked veritie of the deid, wherupone no crime could follow; for most lawfullie I could have come against my Depositione, becaufe it was made extrajudicialle. And, in case they would make the Counsell of England a judicator, first, it was subscribed, not before the Counsell, but in the Earle of Salisburie's cabinet, before so many of the Counsell as are before mentioned; *next*, the Counsell of England could be no Judges competent to me, likeas I had lawfullie declined them of before; *farther*, it was made upon the conditione above mentioned, which I would have referred absolute to the Earl of Dumbar's oath; *last*, it was revocable, as made for fear of my life, or perpetuall imprisonment in the Towre. If they would have made my Dittay Treafone, becaufe it is so called in my Depositiones, the calling of a deed Treafone, *non mutat naturam facti*; as if I would confesse I had traitoroussie conspired to kill one of the King's bucks, would not convict me of Treafone; or that I had treasonable broken waird, being committed for fourtie pound of civill debt; so, the procuring of a common Letter of Recommendation, containing no Treafone, prejudice to the King, nor Estate, could never be Treafone. And whear as, it was affirmed to tuiche the Princes honour, the King did never refuse to acknowledge the Pope as a Catholick Prince, to whom he acknowledged himself bound; and so it was no dishonour to him to writte to him, seing the greatest Princes in Europe doe it ordinarlie, both of the Reformed Religione and others. That that Letter was prejudiciall to his Ma., his Religione, countrie and Estate, it could never be verified; for, except my own Depositione, (revoked, as I have said,) there could be no other verificatione, either by writte or witnesses; so no honest Judge or Assessor that had either conscience or honour could have sustained such a Dittay. And if they would have made it *Crimen Falsi*, out of the Lawes of the Majestie, (*Reg. Maj.*) I would have denied that my life could have been judged be the Majestie; more then ane hundredth kyne may be satisfactione for the King's Murther, which the Majestie calles killing. I remember, Mr Thomas Craige answered to *generaliter verum, generaliter falsum*, in a civill mater, *quibus casibus tenetur hæres præstare factum paternum*, which is lesse nor my life. Lastlie, that word, *Charta domini Regis*, is not to be understood of a privat Missive, wherby the King or a partie is not prejudged; but a Charter, or evidence, wherby either the King or subject may losse his right. If they would have made it out of the Decretals, cap. 5, *de Judiciis*, albeit it say, *non esse immunem a Crimine Falsi*, yett, according to all the Doctors, it most be understood to be *scriptura damnosa et fraudulenta*, for *omne Crimen Falsi* is not capitall, *ubi neque est damnum, neque esse potuit*, but onlie to be punishable *arbitrio Judicis, pro ratione rei et personarum*. And this is the cleare resolutione of Julius Clarus and all the Doctors; so that albeit I had never consulted anie Advocat, nor had never any bookes to studie the mater, yett the light of reafone was so cleare, as no Judge but Sir William Hart, whom I might have lawfullie declined, would have sustained such a lybell.

The Earle of Dumbar, fearing I should alter, upon this new alteratione sent the Lord Burlic unto me; who, as he dealt ever honourable with me, so I was plaine with him, that I would not stand to my Depositiones made in England, and that I would challenge the Earle, upon his oath, of the conditione made unto me at the subscribing therof. There was great intercessione made that I would have a regarde to the Earle of Dumbar's credit, and the advantage both my publick enemies and his seereit ill-willers would make, if that turne were not done to his Ma's contentment; and that, however I might resist his Ma. at this time, wherof the event, in respect of the honest dispositione of the Judge and principall Assessor was uncertaine, yett I would be keeped in continuall prisone; and, seing the Earl of Dumbar was willing to secure all things promised before, a sentence of Conviction was no more hurtfull to me nor either a coming in Will, nor in entering in a contestatione with the King, having so great enemies both at Court and at home. In end, upone promisses renewed, and my desire of quietnesse, and that my enemies should acquire no more credit be my troubles, and conditiones past betuixt the Earle of Dumbar and me to stand sure, I was content to abide at my former Depositiones.

So the Earle of Dumbar, in prefence of the Lords of Skoone and Burlie, both after particular affurance and folemne oathe to my felf, renewed what he had promised before, anent my life and eftate, and that he knew perfectlie it was never his Ma^s minde to (take) my life.

Nixt followed my Conviction at St Andrewes, wherin I was the onlie actor my felf, to give his Ma^s fatisfactione; following, in every point, the Lord of Dumbar's direction, brought to me either by the Lord Burlie or the Lord Skoone.

A COPIE of the SPEECH I had at St Andrewes, at the time of my Convictione.

THERE is none of your Lordfchips but understand fufficientlie that if I would stand contentioufflie to my Defences, no Depofitione, made by me in England, could prejudice me in any Tryall Criminall I was to fuffaine; nevertheleffe, as in all this actione, from the beginning, I have preferred the truth of his Ma^s innocencie to the prefervatione of my life and eftate,¹ fo I am fo farre from retreating what I have faid there, before that noble and moft grave Counfell; that if, in more cleare termes, I could aggravat the juft defert of my own haynous offence, and make his Ma^s undefiled finceritie and innocencie knowne to all the world, I would moft willinglie doe the fame. I were not worthie life, if my life, that hes had no happineffe but under the glances of his benignitie, I fhould labour to be preferved, with the fmalleft imputatione that might ftaine his Ma^s honour. No man knoweth better his Ma^s naturall clemencie, and how unwillinglie his Ma. is forced with this feveritie to profecute the truth of this callumnious imputatione; which, by my abufe of his trust, is drawn upon his moft innocent Ma. Therfor, I ratifie whatfoever I have formerly depoune; and, if no otherwife his Ma^s honour may be fufficiently exonered, I willinglie offer my blood and poore eftate to expiat my offence; and to teach others, by my exampill, to goe no farther in thair mafter's fervice then they have fufficient Warrant.

BUT immediatlie after the Ratificatione of my Depofitiouns, in Falkland, the Earle of Dumbar fent my Lord Burlie to Court, to fhew his Ma. what fatisfactione I had given, to procure me all the favour he could, and to hold my friends there buffie. Likeas, the Earle concluded, that immediatlie after my Convictione, my brothers fone fhould goe poft to Court, for my Remiffioun; and that the Lord Burlie fhould ftay his coming, and concurre with him to that effect. And albeit it was promised to me, by my Lord Burlie, in the Earle of Dumbar's name, that Ropar's Reverfione fhould be fafe to me, yett the faid Earle, fearing Sir Robert Ker's credit,² made me to yield to paffe that to him, which was the beft hope I had of relief of my great debt, and help of my children. So as I have in all this, from the beginning, allutterlie reposed upon the Earle of Dumbar; and, by his onlie meanes, am brought in this mifery, out of the which, if, according to his manie promiffes, he releave me, I and all mine are the

¹ It may be proper here to notice, that Lord Balmerinoch, besides his numerous Offices, was possessed of very extensive landed estates, such as the baronies of *Balmerinoch, Barnton, Barrie, Ballumbie, Innerpeffer, Dingwall, Balgregie* and *Restalrig*, &c. By his first wife, Sarah, daughter of Sir John Menteith of Kerse, he had (1.) *John*, afterwards second Lord Balmerinoch. And by his second wife, Marjory, daughter of Hugh Maxwell of Tealing, he had (2.) *James*, who was created *Lord Couper*. (3.) *Anne*, married to Andrew, first Lord Frazer; and (4.) *Mary*, married to John Hamilton of Blair.—See *Wood's Peerage*, &c. ² The corrupt favourite, *Sir Robert Kerr* or *Carr*, who attended King James to England, and was invested with the Order of the Bath at his Coronation, for a long period had unlimited sway at Court, and had the absolute disposal of all the Royal favours. He was successively created Gentleman of the Bedchamber, Lord High Treasurer of Scotland, 1611; Viscount Rochester, Mar. 25, 1612; Knight of the Garter, May, 1612; Earl of Somerset and Baron of Brancepeth, Nov. 3, 1613; Chamberlain of the Household; and sworn a Privy Councillor, the same year. The character of this infamous person, his shameless marriage to the divorced Countess of Essex, the murder of Sir Thomas Overbury, for which he and his Countess were convicted, May 24, 1616, (see *Howell's State Trials*, II. pp. 951 to 1022); their subsequent release from the Tower, Jan. 1621-2; and their pardon by the King, under the Great Seal, Oct. 7, 1624, in the face of his Majesty's solemn and awful imprecation, in reference to the murderers of Overbury, that 'IF I SPARE ANY THAT ARE GUILTY, GOD'S CURSE LIGHT ON ME AND MY POSTERITY FOR EVER!' All the circumstances of his life are so well known, that it is only necessary to recall these few leading points to the reader's memory. He died in London, and was buried in the Church of St. Paul's, Covent-Garden, Jul. 17, 1645. It may be interesting to refer to the numerous Memoirs and Histories relating to this remarkable period, in illustration of the above remarks. In particular, reference may be made to *Lord Bacon's Works*, I. 87, also to his *Correspondence*, and to *Weldon's Court of K. James*, p. 99, &c., for the almost incredible dissimulation practised by James on his parting with Somerset at Royston, when his fate was for ever sealed, and when he had determined that 'he should see his face no more for ever.'

more bound to him; otherwise, there is a God in Heaven will have regard to his dealing; and, either here or hence, he will suffer for it! The vile and detestable ingratitude of Sir Alexander Hay, I am sure, the Lord will not suffer unpunished! As for others of our Nation, who have little regard wherefore I suffer at Englishmen's hands, God forgive them! The day will come, that they and theirs will weep for it! I pray God bless his Ma.; and that his undeserved rigour against me (who, I am sure, is persuaded, in his heart, I never thought an undutiful thought against him, his Crown, country, nor estate,) be not layed to his charge, in that great day, when his crown and scepter will be layed at his feet, and he must yield a reckning of his stewardship! And, so may I be judged, if I had anie other course, in all that or anie other service that ever I was putt in trust of be his Ma., but his Ma's weale and honour, and the libertie and good of my country, which is miserable, comming in a vile servitude; the foresight wherof is all my wracke!

This the naked truth of all this mater, written in such haste, and at such occasions as I could, in respect of my frait keeping; and whatever, for his Ma's satisfacione, I have written or said upon the false promises and traterous intygements of those whom I trusted, different from this my cleare and true Depositione, as God is my witnesse, it is false! FALKLAND, the 10 of May, 1609.

BALMERINOCHE.

VIII. CALDERWOOD'S ACCOUNT¹ of Lord Balmerinoch's conduct, from the period of his Conviction to his Death.

WHEN he was brought from Falkland to Leith, after his Convictione at St Andrewes, and was received be the toun of Edinburgh, in their armour; when he came to Leith-Winde foote, or the Nether-bow-Port, he was commanded to light off his horse, for they receive no ryding prisoners. He excused himself with the infirmitie of the goute in his feete; and willed them to shew him that much courtesie, as to suffer him to ride forward. One of the toun, standing hard beside, answered *Pamfara, tantara!*² my Lord! Now, when some directed from the Counsell of Edinburgh, long before his fall, requisted him not to mainteane one of his dependers against them, in ane actione they had against him, for they could be more stedible³ to him then that man, he answered *Pamfara, tantara!* This taunt is now repeated to him with a taunt, and he was forced to light off his horse. Thirdlie, Its to be observed, that the Doome being delayed, after his convictione at St Andrewes, till his Ma's farther pleasure were knowne, in the tolbooth of Edinburgh upon the first of March, in presence of the Justice and the Lords of Counsell, after reading of his Convictione, that he should be beheaded, quartered, and demeaned like a tratour, and his members to be sett upon the Ports, and cheif touns, yett he appeared to have some good hope of releef. He would have spoken something, but could not utter his minde: The Earle of Dumbar commanded to remove him incontinent! After dinner, he was conveyed to Leith-Winde-foote, and delivered to the Shireff of the shire; but manie wondred wherefore he was suffered, when he went out of Edinburgh, to carie his sword about him. It was thought strange that such a thing should be suffered in a condemned tratour. Some thought, therefore, there was no danger; others thought he was caried to Falkland, that he might suffer there, where the fault was committed, and died after in displeasure, fearing ever the worst. Fourthlie, it is to be observed,

¹ See *Cald. Church Hist.* MS. Adv. Library, VII. 283.

² An exclamation in some measure equivalent to 'Nonsense!' 'Humbug!' &c. expressive of contemptuous incredulity and derision; and applied by those who have a bombastic or high-sounding parade of empty words addressed to them, which, like the idle flourish of a trumpet, seem calculated to convey no meaning. Perhaps this contemptuous expression took its rise from the remarkably alliterative and playful line of *Old Ennius*, a rough soldier, who sacrificed rather liberally to Bacchus, and who wrote his heroics best when under the influence of the rosy God. Many of his verses smell strongly of the goblet!

³ TUM TUBA TERRIBILEI SONITU TARATANTARA DIXIT!

The words *tantafara, tantafarata*, are still used in Italy to signify *nonsense*, &c.; and the French also familiarly use *tarare!* and *tarare-pon-pon!* 'pour marquer qu'on se moque de ce qu'on entend dire—ou qu'on ne le croit pas.' &c. *Dict. de l'Acad. Fran.* 1813. This reproachful retort, and the taunt of the Edinburgh citizen, must have stung the fallen courtier to the quick.

⁴ Be of more service to him; stand him in better stead.

that about the same time, the King's reply to *Mathæus Tortus*, with a monitorie preface to the Emperour and all Christian Princes come furth in print, no mention was made in that booke of Sir James Elphinstoune's Confession or Depositions; which might have served to great use, to have purged him of *Tortus* his imputations. Yea, when he was in England, and had come in the King's will, the King could not be content till he *subscribed* his Depositions, as Dumbar assured him; because the not subscribing hindred the progresse of the Kings Answer to *Tortus* booke, quhairof his Depositione behooved to be a part. He therefore sett too his hand, in presence of some Noblemen and others, as yee may see in his own Relatione. Because the Depositiones were omitted in the Answer to *Mathæus Tortus*, and upon other considerations, manie doubted of the sinceritie of this proceeding against him; and suspected, that he had taken upon him the crime to currie the Kings favour, he keeping his credit. Mr Andrewes, indeed, in a Letter written the 23 of March to his Nephew Mr James, setteth down his opinioun in these words. *De judicio quid ego sentiam uno verbo accipe; in glorie fuit, est et erit, ut ego presentio, contra nos vero serua omnia et seruo—nescit regnare qui nescit dissimulare.*¹ Since heart is free,² &c. Fiftlie, it is to be observed that Bishops, notwithstanding of his paines and dilligence taken at Linlithgow, and the manie Proclamations penned be him, spytfull enewgh against the Ministers, they prove now at this tyme his great enemies, and none so busie to seeke his overthrow! It may be, the small countenance he kythed, in Counsell, in favour of Mr John Murrey, or the like occasions, have given them occasione to seeke his removell out of the way; that another Statfman, more forward for their course, may be placed in his roome. But then we may see the deep malice and hatred of aspiring Prelats, that seek the overthrow of all that stand in their way!

About the beginning of October (1609), there came a Warrant from the King to give libertie to the President to have free ward in Falkland and a myle about; he finding cautione not to escape, under the paine of Fourtie Thousand pounds.

Mr James Elphinstone, Lord of Balmerinloch, and latly Secretary, ended his dayes, about the end of May (1612).

IX. LETTER *from* THE KING *to* THE PRIVY COUNCIL OF SCOTLAND, *informing them of the Examination and Confession of the Lord Balmerinloch.*³

RIGHT trustie and weilbeloveit cosines and counfallouris, We great 3ow weell. TYME, the moder of trewth, haveing now discovered and brocht to lycht that long obscureid and moift heynous offence and cryme committed be the Lord of Balmerinloch aganes our honour, credeitt, and reputatioune, and which now by his cleir Confessioune is manifest to all the world, and We thairby purgeit of thoife moift wniust and wrangous imputations, quhilkis We did wnderly, by his foull abuse of that trust we had in him; quhairof both We and all our subiectis have no small caus to thank God; since the careage of the actioun, in the discoverie of it, may justlie be said to have bene done by Godis awin finger! And as We have hithertillis spaired to acquent 3ow particularlie, with the hole circumstances of his Confessioune and Examinatioune, vntill such tyme as the same wes here finished; so, by the rycht reverent Fader in God and our rycht trustie counfallour the Archbillope of Glasgou, (quho wes ane eie witnes and heirar of the same, and now is returning thither,) 3ow may be at lenth informed of the same. Bot, becaus the Devill wants his awin suppoistis reddie to mak falsse subgestiounes, in preassing, by misconstruing of thingis, to harme the trewth reveilled; and that thair man be perhappis

¹ So in the original, but very obscure, and evidently a wrong reading.

² Perhaps referring to the old saw,

' Since word is thrall and thought is free,
Keep well thy tongue, I counsel thee.'

³ This and the two following Letters are taken from a valuable Collection of State Papers transcribed by Thomas Earl of Hadington, (Sir Tho. Hamilton,) preserved in the General Register House, Edinburgh; which did not come to the Editor's knowledge till nearly the whole of the preceding Appendix was printed.

fum false rumouris and bruttis thair spred, in extenuating the qualitie of the offence one his pairt, and deryeing in fum fort a pairt of the blame of that mater on ws; as it is a proud malapairt baldnes and presumptiounne for the best of our subiectis to medill in ony thing that may concerne our credeit and honour, without a varie good warrant; and that all pretenssles of mistaking our trusting to wncertane reportis ar so far to be misregairdit, as thay rather justlie deserue the greater seueretie to be vsed aganes such as will excuse tham selfis thairby; so, to repress such insolent wantonnes, in any of our subiectis pair, who either out of malice doe forge thame, or out of thair vaine, folethe, and idill breanes do frame thame, We will and command 3ow to tak particular tryall of all such as hes bene or heir-ester false spreddaris of ony rumouris or bruttis in this mater, wtherwayis nor false by the said Archbishop reportit wnto 3ow; and that 3ow caus the rigoure and extremitie of our lawis to be execut aganes thame! that thairin We may have a speciall prooff quhat dew accompt 3ow mak of our reputationne and credit, which wnto ws (is) moir deirar nor our varie lyffe! And referring all farder to the Archbishopis relationne, whome We will 3ow to trust, We bid 3ow fairweill. FROM our Court, at Roystoun, the 21 of November, 1608. [JAMES R.]

To our rycht trustie and weilbelouit cosinges and counfallouris, the Erl of Dumfermeling, our Chancellor, and remanent Lordis and wtheris of our PRIVIE COUNSALL of that our Kingdome of SCOTLAND.

X. LETTER *from* THE PRIVY COUNCIL OF SCOTLAND *to* THE KING.

Moist gracious Souerane,

WE ressaueid your Ma. Letter of the 21 of November; and hes hard, at greitt lenth, the relationne made by the reverend Fader in God 3our trustie Counfallour the Archbishop of Glasgow, anent the Confessioun and hole circumstances of that lang obscured and moist heynous and inexcusable offence committit be the Lord Balmerinoch aganes 3our credeit, honour, and reputatioun; quhairin, as fencible and feeling memberis of so glorious and gracious a head, finding our awin interessis, greiff and sorrow that 3our Ma^s most famous and vnspotted name, honoure, and credeit, which 3our heyne hes to this houre so religiousely conservit in all puritie, should have bene so unworthellie, and in so heich a point, brocht in questioun be ony of our number, quho hes that honour to be selectit be 3our Ma. to the cheiff credeit of 3our service heir; so, with moist joyfull, humbill, and thankfull hartis to God, we acqnaueg that greit blissing and benefeit which it hes pleisit his Devyne Ma^{tie} to schew wnto 3our hienes by the detecting and discoverie of that purpose, and vindicating the sinceretie and innocencie of 3our royall hart frome all suspitiounne of the wrangouse and wniust imputations which 3our heyne wnderlay thairin; manifesting thairby his Devyne caire and Providence which he hes evir had over 3our sacreid persoune, honour, and estait, and in quhat detestatioun he holdeth all practizes and purposes prejudiciall thairvnto. And quhairas, in the censuring of this fact befor 3our Ma^s honourabil Previe Counfall of that kingdome, thay, be 3our Ma. directiounne, (we doubt not) have remittit the full tryall pairof to the lawis and formes of this country, with many demonstratiounnes and oppin Speeches, concerning the good opiniounne thay have of the equitie of our lawis, and cinferitie of our effectiounne in 3our Ma. service, we have not onely infinite occasiounne, with all humilitie, first to thank 3our sacred Ma., and nixt thame, for so respective a reservatiounne to ws of that whiche 3our Ma. knowis to be proper and dew to the privilege and freedome of this 3our auintient and nobill Crowne. Bot we hop, God willing, to give wnto 3our Ma. a prooff, with all fidelitie, caire, and sinciretie, we fall prosequete and follow out quhatevir it fall pleis 3our sacreid Ma. in 3our princely wisdom to command, als weil in this as in any wther thing els, tuiching 3our hienes, in honour and estate. And, in the meantyme, if any of 3our Ma. subiectis hes bene or false so wndewtiffull, fooleithe, and unworthie, as to give oute any false bruittis and rumouris aganes the wndouttit trewth and varitie of this mater, or to the extenuating pairof in any poynt, we fall not fail so exactlie to examen, try, and punceithe the samen, as wtheris false terriset to fall in the lyk error heirefter. And sua, praying God still to vp-

bold your sacreid Ma. with all your royall progenie wnder his Dewyne protectionne and fauffgaird, we rest for ever

Your Ma. most humbill and obedient subjectis and feruitouris,

A. CANCELL^s. SANTAND^s. MAR. PERTH. LOTHEANE. BUGGLEUCHE. TORPHICHEN.
HALIRUDHOUSE. BEULIE. GAIRLEIS. ROISS. J. COKBURNE. R. COKBURNE.
S. T. HAMILTOUN. JO. PRESTOUN. S^r ROBERT MELULL. P. ROLLOK.

ED^r, 6 December, 1608.

XI. LETTER *from* THE KING to THE PRIVY COUNCIL OF SCOTLAND, *with*
WARRANT *for the enlargement of Lord Balmerinoch.*

RIGHT trustie and weilbeloveit counfines and Counsfallouris, We greete you weel. WNDERSTANDING of the evill constitioun in helth, and seiknes in body, of the leat Lord of Balmerinoch, by refoune of his detentioun and cloise keeping within our Palife of Falkland, and in the foire Toure¹ pairrof; and humill sute, for this caus, being mead wnto us, for his enlargement, in sum foirt; We haif bene pleiffit to grant our Licence, for his libertie and friedom, within our said Palice and a myle in circuite round about the same; upoun condition always, that he doe not transcend the boundis prefixit; and that he find sufficient resposuall laudit gentill men actit in your buikis, as cautioneris and fouerteis for his performance of the said conditione, vnder the pane of xl^m li.² vsual Scoittis money. For whiche caus, We haue thocht meet to will you to direct to the said Court of Falkland, quhair his present place and residence of abode is, your Clerk of Counfell, with the Licence heirwith sent, commanding your said Clerk to reslaue the foirfaid act of caution of sufficient landit men, boundin vnder the soume aboue specifieit, for performing the conditione aboue writtin, of his containing him selff and not exceeding the boundis of his confynning; and heiryvpon the said Clerk to delyver vnto him the foirfaid Licence, to be his warrant of this his enlargement. And so We bid you fairweele. ROYSTOUNE, first of October, 1609. [JAMES R.]

Slaughter.

Mar. 14, 1609.—JOHN GLENDONING of Drumrasche.

Dilaitit of airt and pairt of the slauchter of vmq^{le} George Stewart, brother germane to vmq^{le} Mathow Stewart of Dunduf.

PERSEWAR, Williame Stewart of Dunduf, brother-son.

THE JUSTICE, of consent of ather partie, Continewis this dyet to the thrid day of the Air,³ (' Kirkeuldbricht?') or soner vpone xv dayis wairning.

¹ Fore or front tower. ² L.40,000. ³ What took place at the Justice-air has not fallen under the Editor's observation. It is likely the case was compromised by payment of a pecuniary fine to the private prosecutor; on which 'Letters of Slaines' would follow, as a warrant for the King's Remission. In cases of Slaughter or unpremeditated Homicide, in a skirmish, it was a common manner of withdrawing the *instance*, for both parties to coneur in a continuation of the *diet* to the Justice-air. Another mode was to use influence with the 'Baron of the Regality,' &c. within whose jurisdiction the parties resided, to *repledge* them to his Court, and where the matter was easily hushed up. The King's Remission, in case of accidents, was also afterwards procured, lest future feud should occasion a renewal of the prosecution, and perhaps terminate fatally to the homicide.

University of California
SOUTHERN REGIONAL LIBRARY FACILITY
405 Hilgard Avenue, Los Angeles, CA 90024-1388
Return this material to the library
from which it was borrowed.

UCLA LAW LIBRARY

MAR 28 1996

I.L.L. _____

REC'D LIB-ORC

NOV 4 1987

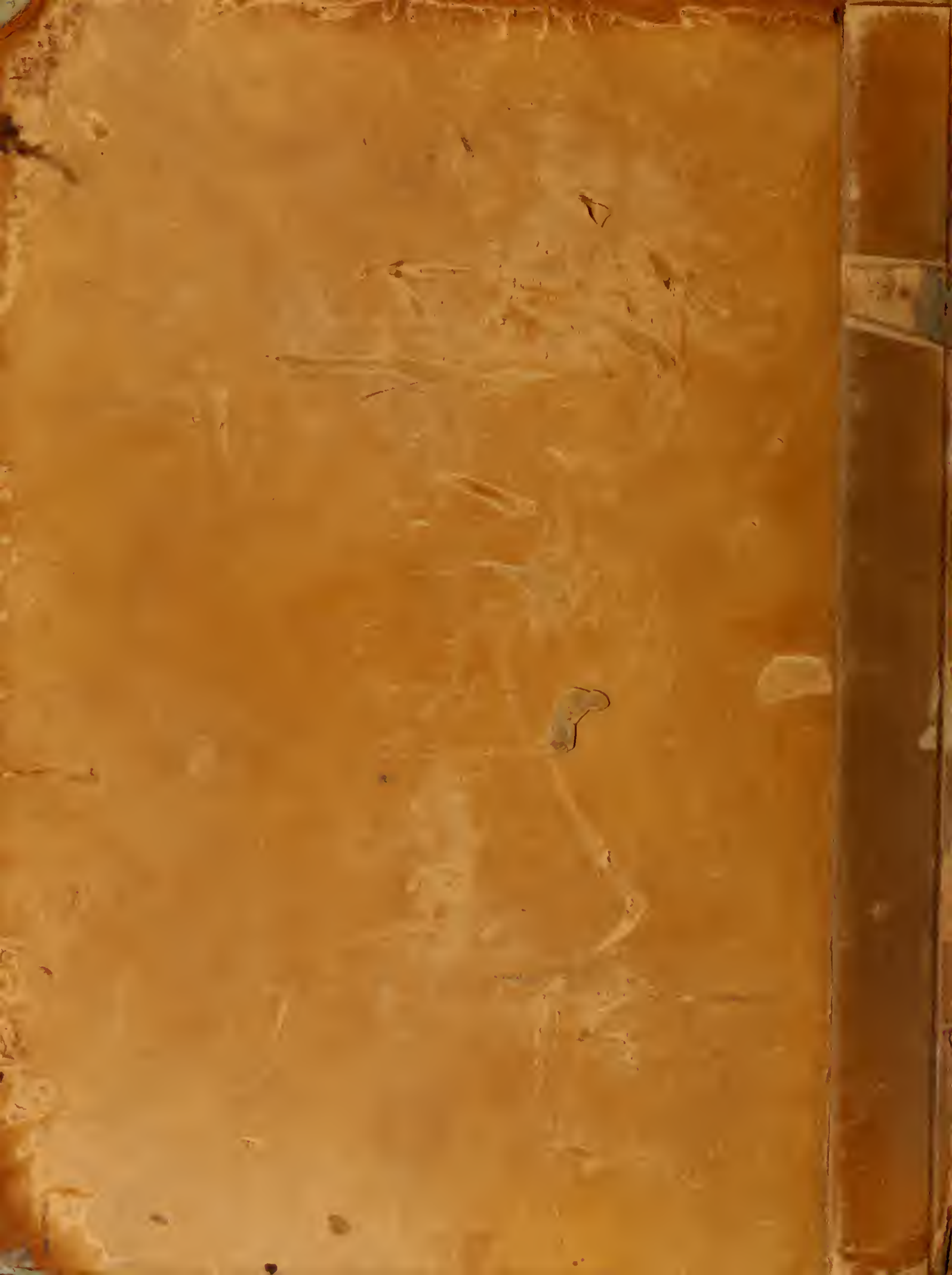


3 1158 01140 1832

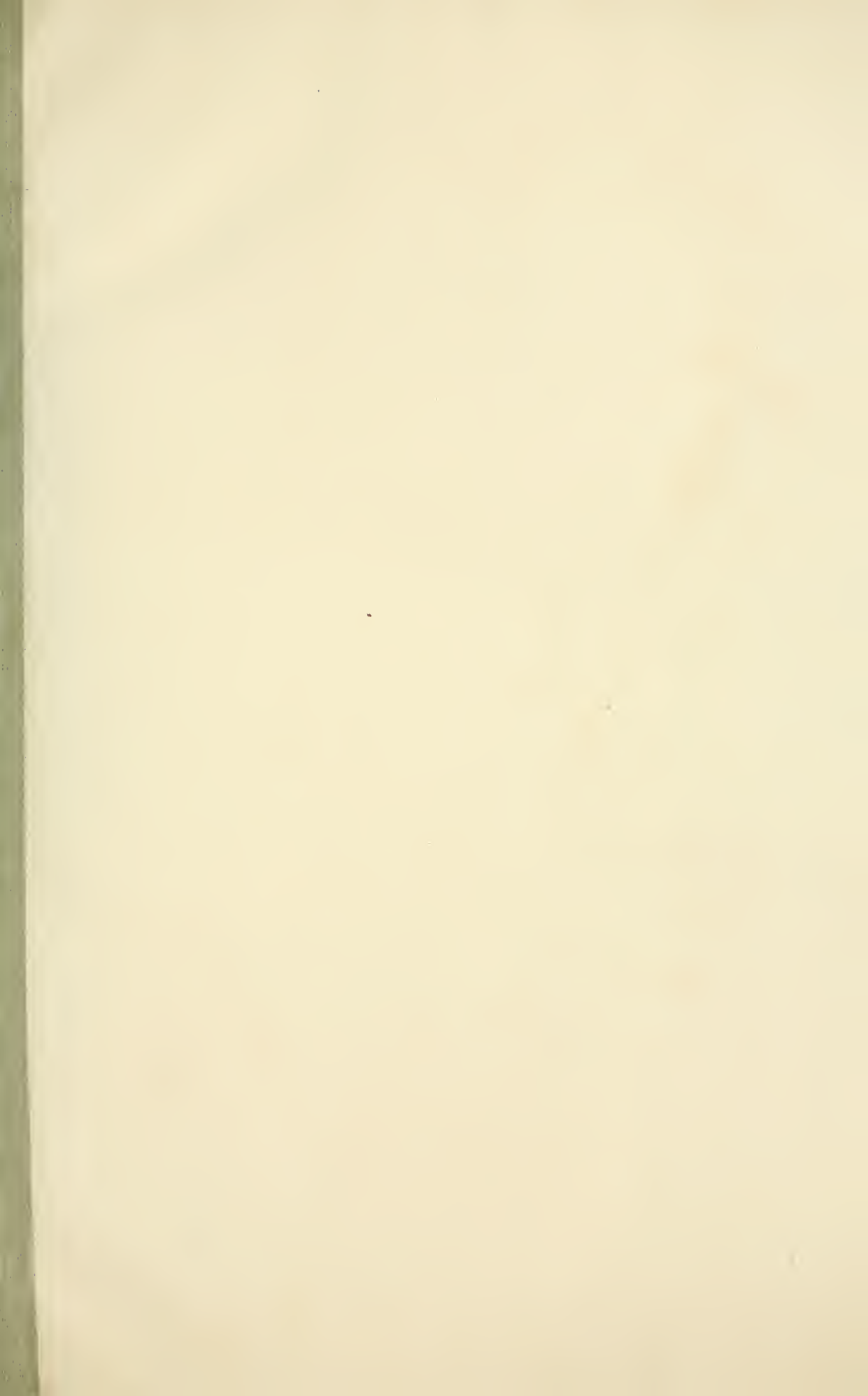
JC SOUTHERN REGIONAL LIBRARY FACILITY



D 000 012 202 8



NEX



SPECIMENS of the MSS.

from which the present Collection of Criminal Trials has been taken

Nº I

See p IV

1/10th for ye underhand of anyust 1568 to ye under
hand of, indit in ye pinn Edie Mac dythys of Jynkname
Kydall in 230 essons of ye post and rychts Bond Jynkname

Nº II

See p 111

(Ine wefoband dreyght of my ze gleyfyt)
Fulwit of ye forcellible rocellall unpalupull of swyffnabell
Ine geyt of myghter and paitide of myghte of pndtyme lode
Sinnest pndtyme Edmud King of Otkottis of gnynd Indimod and
Vid Kroppnabell synned somptel al ye of hyme and in mnd
al Contf bndnre Etky a a a a

Nº III

See p 257

It is my felit of my of hnd yuly or and (in my gnynd)
for gnyndt pndt pldge of ye hnd & pldge of
all gnynd of all gnyndt be
In my hnd name of gnyndt
of gnyndt ye hndt in hnd and lode
we all ye gnyndt of ye mef
and ye hndt ye hndt ye
ye hndt ye hndt ye hndt
ye hndt ye hndt ye hndt
ye hndt ye hndt ye hndt
ye hndt ye hndt ye hndt
ye hndt ye hndt ye hndt
ye hndt ye hndt ye hndt
ye hndt ye hndt ye hndt

CRIMINAL TRIALS
IN SCOTLAND,

FROM A.D. M.CCCC.LXXXVIII TO A.D. M.DC.XXIV,

EMBRACING THE ENTIRE

REIGNS OF JAMES IV. AND V., MARY QUEEN OF SCOTS,
AND JAMES VI.

COMPILED FROM THE ORIGINAL RECORDS AND MSS.

WITH

HISTORICAL NOTES AND ILLUSTRATIONS,

BY

ROBERT PITCAIRN, ESQ.

WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT. AND HON. F.S.A. PERTH, &c.

VOLUME THIRD.

EDINBURGH:

WILLIAM TAIT, PRINCE'S STREET; AND
LONGMAN, REES, ORME, BROWN, GREEN, AND LONGMAN, LONDON.
M.DCCC.XXXIII.

322107 167145102
105.000

105.000

PRINTED AT THE BANNATYNE CLUB PRESS BY BALLANTYNE AND CO.

TO

THE HON. DAVID HUME,

ONE OF THE BARONS OF THE COURT OF EXCHEQUER, IN SCOTLAND.

LATE

PROFESSOR OF SCOTS LAW,

IN THE UNIVERSITY OF EDINBURGH,

AND

AUTHOR OF COMMENTARIES ON THE CRIMINAL LAW, &c. &c.

THIS THIRD VOLUME

OF A COLLECTION OF THE MOST ANCIENT TRIALS, NOW ON RECORD,

BEFORE THE

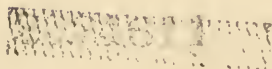
HIGH COURT OF JUSTICIARY,

IS, WITH EVERY SENTIMENT OF ESTEEM AND RESPECT,

DEDICATED

BY

THE EDITOR.



CRIMINAL TRIALS
AND OTHER PROCEEDINGS BEFORE THE
HIGH COURT OF JUSTICIARY.

[*Sir Williame Heart, Justice-Depute.*]

Treasonable Fire-raising — Cruel Oppression — Treason — Breaking Ward out of the Castles of Blackness and Edinburgh.

[THE almost incredible wickedness and atrocious cruelty of SIR JAMES MAKONEILL (MACDONALD), the individual whose Trial follows, and the horrible facts which the reader will find therein disclosed, afford a lamentable picture of the barbarous state of manners prevalent in the Western Islands of Scotland, even at so comparatively recent a period as the reign of King James VI. Did we not know that such outrageous proceedings were but too common in Scotland at this melancholy period, and especially in the Highlands and Islands, which were then far removed from the feeble arm of the Law, *Sir James's* misdeeds would hold a most conspicuous place in the dark catalogue of crimes. Without entering into any narrative of similar acts of violence and bloodshed, but merely to shew that *Makoneill* was not a solitary instance of the perpetration of such execrable deeds, and that he was by no means unworthy of his descent and kindred, the reader need only refer to a previous portion of this Collection,¹ where a few of the acts of *Angus Makoneill of Dinnievaig*, his father, and of *Maclane of Dowart*, his maternal uncle, are rehearsed.

It would be rather out of place to enter here into a detail of the frightful and bloody feuds and conflicts between the contending tribes of CLANDONALD and CLANLAIN; which are fully recorded by Sir Robert Gordon of Gordonstoun, in his valuable Genealogical History of the Family of Sutherland, who informs us, that these inveterate hostilities were long and fiercely 'proseecuted, to the destruction almost of both their families!'²

Of the personal history of SIR JAMES MAKONEILL little can now be collected, saving from the Books of Adjournal and of the Privy Council, and from the public transactions in the Isles, after he had effected his second escape from 'ward.' It is certain, that he could boast of a very honourable descent, being sprung from the ancient Norwegian family of the Lords of the Isles, who long maintained their independence of the Scottish Crown, and used and received the title of **KINGS OF THE**

¹ Vol. I. p. 224, Jan. 19, 1590-1.

² This is now rendered the more unnecessary, as the Editor has (since this Notice was in types) been informed by his friend, DONALD GREGORY, Esquire, one of the Secretaries to the Society of Antiquaries of Scotland, that he is now engaged in preparing, for publication, a HISTORY OF THE ISLES and adjacent HIGHLANDS, embracing a minute account of the various rebellions, feuds, and conflicts of the various families, who, after the fall of the Lords of the Isles, rendered this part of Scotland a scene of almost uninterrupted warfare and bloodshed: which MR GREGORY purposes to compile from Original Documents, the result of a laborious investigation into the Public Records, and other genuine and authentic sources of information. The publication of MR GREGORY'S History of the Isles, &c. will save the Editor the necessity of giving many of the Documents which he had prepared for publication, in illustration of various Trials; for they ought rather to form a part of such an historical work, which is a great desideratum, and cannot fail to be favourably received by every lover of Scottish History.

ISLES. JOHN OF YLE, or *de Insulis*, eldest son of *John Lord of the Isles*, was unquestionably the common ancestor of the *Macdonalds of Dunniveg and Glynnnes*, the *Marquis of Antrim*, in Ireland, &c., and predeceased his father; who, Nov. 15, 1369, gave his grandson *Angus* as a hostage to *King David II*, for his obedience, &c. Some of the descendants of this *John*, having settled in the North of Ireland, acquired by force, and afterwards maintained by violence, the *Route* and the *Seven Glynnnes*,¹ and soon distinguished themselves by their services against the Scots. *Alexander Mac-Donell* was, in 1557, for his valuable assistance, presented by the *Earl of Sussex*, Lord Lieutenant of Ireland, with a gold sword and silver-gilt spurs; and others of the family were equally active against their ancient mother country. A brother of this *Alexander*, named *Sorley-buy*,² having seated himself elsewhere, built and fortified the strong Castle of *Dunluce*, in the county of *Antrim*: and, as being of the Scottish-Irish race, was by patent, dated at Westminster, Apr. 14, 1573, created a free denizen of Ireland. Having rebelled, *Sir John Perrot*, Deputy of Ireland, took the Castle of *Dunluce*, with all his islands and loughs; and, next year, having sued for the protection and favour of *Queen Elizabeth*, he entered into indentures for preservation of the peace, Jun. 28, 1586. *Sorley-buy* married *Mary*, daughter to *Con O'Neill*, afterwards created *Earl of Tyrone*. Their eldest son, *Randal*, was created *Earl of Antrim*.

The purpose of stating this connexion is to prevent *Sir James Makconeill* of *Knokrynsay* and *Knokrynsay*, the Chief or eldest son of the Chief of the powerful *Clandonald* or *Clan Ian More* of *Kintyre* and *Ilay*, from being mistaken for another *Sir James Makconeill*, one of his Irish relatives (the second son of this *Sorley-buy*), who, at this period, visited Scotland, and was honourably received by the King, when he had the honour of knighthood conferred upon him. He was afterwards created a Baronet, by Privy Seal, dated Southwicke, 20 June, and by Patent, at Dublin, Nov. 30, 1627, 'as well for his service done unto him, as for his other virtues';³ and was known, in Ireland, by the title of *Sir James Mac-Sorlye-Boye*. The first notice of the latter *Sir James*, which the Editor has met with, is in an Anonymous MS. History of Scotland, in the Advocates' Library, where mention is thus quaintly made of him. 'The 20 day of Aprylle, (1597,) JAMES M^cONEILL, alias *Soirlbowy*,⁴ cam to Ed^r, quha wes maid kny^t be his Ma^{ty}, the 24. This Schir James wes ane Scottis manne, of bluid, albeit his landis lyis in Yrland. He was ane brow manne of perfoun and behaviour, bot had nocht the Scottis toung, nor na langage bot Eirfe.' *Birrel*, in his gossiping Diary, contents himself with remarking, that 'Serlie Bui cam to the toune, ane Hyland man.' And (May 4) 'JAMES M^cONEILL, alias *Serle Bui*. The 7 day of Maii he went homeward; and, for honour of his *bonyalla*, the canons sbott out of the Castell of Edinburghe.'⁵

With regard to *Sir James Makconeill* of *Knokrynsay* and *Kintyre*, as he lived in a district so remote from the seat of Government, and seems to have had his hands full at home, the first known mention made of him is—(Aug. 5, 1598,) 'M^cLEANE was slayne be M^cONEILL,⁶ in Ylla, he being moder-brother to the faid *Schir James M^cconeill*, and ane of the brow man that wes in this cuntrey, in his tyme. Thair wes slayne that day betuix thame, on bayth fydis, to the number off 150 menne.'

These few imperfect sketches prove that *Makconeill* was reckoned a personage of considerable note, even at Court, and in the Capital, previous to the King's accession to the English throne.

The next prominent circumstance in the life of *Makconeill* which can now be collected, after the

¹ It is worthy of remark, that, from the age of *Donall de Insulis*, who flourished in 1449, to *Angus*, the father of *Sir James* of *Knokrynsay*, the lineal descendants of *John de Insulis* above noticed, resident in the Isles, are uniformly styled 'Lords of *Dunnoway* and *Glynnis*.' Whether they merely assumed the title as feudal superiors of the Irish branch, or whether they were actually the proprietors of the soil, of whom the Irish *Macdonalds* held, Mr Gregory will probably be enabled to explain.

² The yellow-haired *Somerled*. B. Lat. *Sorletus*, or *Sorlie*, and in Irish and Gaelic, *Sanhairle*, long a prevalent name in the family of the Isles.

³ *Lodge's Irish Peerage*, I. 106.

⁴ 'Surlé-Bouie' is interlined. ⁵ Anon. Hist. of Scotland, MS. Adv. Library.

⁶ 'NEIL (HECTOR) M^cLANE slaine, and twentie of his narrest freindis, and his awen sone, be M^cConnell; thair being at ane tryst, under trust.—*Birrel*.

period of his apprehension and imprisonment, is the extraordinary attempt to escape out of Ward, from the Castle of Edinburgh,¹ which was so boldly planned, and so successfully accomplished by *John Lord Maxwell*. The event is thus briefly described in the above mentioned Chronicle, where the cause of Sir James Makcaneill's failure is rightly attributed to the circumstance of his having been unable to extricate himself from his heavy irons, whereby he dislocated or broke his limb, in leaping over the wall. This breaking of ward forms one of the leading Articles of Dittay against Makcaneill. (1607, Dec.) 'In the beginning of December, THE LORD MAXWELL, being wairded in the Castle of Edinburgh, devifeth a play² for the keepers, whereby it behoved them to runne out of the houfe where he lay. They lay afide their fwords; Maxwell and another gentleman who came purposlie to assist him, with the advice of *Mackoneill*, take their fwords, cloffe them in a house, come to the Castle gate, hurt the porters, lappe the Castle-wall at the utter-gate. *Maxwell* and his friend departed. *Mackoneill*, because he had the boyes³ on his legges, wrested his kute⁴ in leaping; yett he creeped to a dunghill. The crye⁵ rising, he was diligentlie fought, found casting the muck upon himself, and was brought to the Castle agane. This fell furth in the gloming.⁶ The rest of the Wairders were kepted the fraiter. *Clofburne* was intifed be thame, but refused to breake waird.'

The anonymous Chronicler, before quoted, thus narrates the proceedings which followed on the recapture of this refractory prisoner. 'Now as ye have hard befoir, *Sir James M'caneill* of Kintyre, being in waird in the Castell of Edinbrughe, was, one the 13 day of Maii (1609), brocht to the tolbnyth of Edinbrughe, and thair, befoir the Justice, put to the tryell of ane Affyife, for findrie poyntis of Treffoun, to witt, for Slachter, wnder trest, of fun Heland-men, in his awin hous of Kintyre; as also, for diuerse flyris that he had raiffit, contrair the Act of Parliament; and, in speciall, for the cryme of Treffoune, in breking of the Kingis waird, and streking of his Maiesteis seruandis: And, being conuict, condemnit, as ane Tratour to his Maiefty, to haue hes heid strukin off,—bot nather the day nor please defignit. Quhairwpon he was conwoyit bak to the Castell, to remayne during the Kingis will.' This History, unfortunately, terminates before Makcaneill's final escape.

Without rehearsing the substance of the interesting ORIGINAL LETTERS of Sir James Makcaneill and others, after the date of his second escape, (which at length he effected, and made a successful retreat to the Isles, and maintained himself and a considerable force which he had collected,) it is sufficient to mention, generally, that, according to Sir Robert Gordon, '*Sir James Mackonald* was thereafter, by the Earle of Argyle his meanes, wairded in the Castell of Edinburgh, and kept prisoner ther a long tyme; from whence he escaped, by the meanes and diligence of his coufen *Mackrenald*, who then fled with him into Spain;⁷ wher they were weil interteyned. And vpon *the Earle of Argyle* his flight from Scotland to the King of Spain, they were both recalled home from thence by his Majestie, into England, the yeir 1620; and had there ane yeirlye pension of ane thousand merks sterling; wher Sir James Mackonald remained vntil his death, which happened the yeir 1626.' The Documents given in the APPENDIX explain fully all that can now be satisfactorily ascertained, so far as is necessary to elucidate the details of this Trial. It is certain that Sir James was pensioned, and was permitted to reside, without molestation, in England; but it is not so easy to account for the extraordinary policy of the King and his advisers, not only in sparing the life of so notorious a criminal and rebel, but in giving him likewise so liberal a pension, for so many years

The arm of Government must have been weak indeed, when, after the forfeiture of Sir James, his

¹ See also *Lord Maxwell's Trial*, Jun. 24, 1609, and the Appendix of Original Documents, for farther particulars of this remarkable attempt. ² Sport, frolic. ³ A cant phrase for *gyves*, or heavy irons used for desperate offenders.

⁴ Sprained or dislocated his ankle. ⁵ *Spraiche*; hue and cry. ⁶ After sunset; towards nightfall.

⁷ 'During *Sir James Mackonald* his stay in Spain, his brother ANGUS MACKONALD (*Angus Oig*), standing out against the Earle of Argyle, was trained into Edinburgh by the Lord Ochiltree and the Campbells, vpon promise to sail his lyff: And the Castell of Doumnivag was randered vnto them, vpon the same termes. Nevertheless, the said Angus was executed, and put to death, at his coming to Edinburgh.'—*Hist. of Earls of Sutherland*, p. 239. See also this Collection, Jnl. 3, 1615.

brother *Angus Oig* should have been able, in defiance of the various Royal Lieutenants sent to reduce him to obedience, to maintain the Castle of Dunnievaig, until 1615! The same barbarous policy which Argyle adopted in reference to the MacGregors, was resorted to with Angus Oig; who, under promise of safety, was trained to Edinburgh,—also by the Campbells, his feudal enemies; who had long been eagerly soliciting, and, by their treacherous conduct, finally obtained, a grant of the ancient inheritance of the Macdonalds,—and executed for Treason!

Sir James Balfour of Kinnaird and Denmyhne has fortunately preserved a body of original and authentic information, relative to the state of the Western Islands, in his extensive and truly valuable MS. Collections,¹ which the Editor shall have frequent occasion to refer to, in the course of this Work. A selection from these Original Papers, given from time to time, will better, and much more forcibly, illustrate the causes and effects of those various commotions in 'THE ISLES,' which excited such lively interest during King James VI's reign, than any detailed Narrative, which, owing to the nature of this Collection, must necessarily be brief.

After considerable research, the Editor has the satisfaction of being enabled to append to the ensuing Trial, and to that of *Angus Oig*, a number of valuable Letters and Papers, taken from the Originals still extant amongst the Records of the Privy Council of Scotland, and in the Advocates' Library. These Documents will be found of considerable importance, as not only affording satisfactory elucidation of points connected with Sir James Makconcell's Trial, but as supplying much curious information relative to the state of the Western Islands, during that unhappy period.

The History of Scotland, so far as concerns the various Expeditions against the Islesmen, which were fitted out at the public expense, as well as the numerous feuds and conflicts between contending Chieftains and Clans, is necessarily meagre and unsatisfactory; and, as is well known to those who have attempted such investigations, it is extremely difficult to obtain authentic information on the subject.²

It may, however, be proper to remark here, generally, that, owing to the inaccessible nature of their country, and the facilities which the natives possessed for carrying on a most harassing warfare against any invaders, however well appointed and disciplined these might be, the most vigorous steps taken by the ablest Royal Lieutenants or Commanders ever sent to quell the Islesmen, frequently proved abortive or nugatory. At other times, the natives contrived to protract the warfare, without coming to decided hostilities, in order that the season might elapse without any considerable advantages being gained by their enemies; and then, they had the whole winter and spring to repair their losses, and to arrange for a more vigorous resistance, should a landing be effected, during the next summer. On almost every such occasion, the largest expeditions ever fitted out by the Privy Council of Scotland, even when assisted by English vessels of war, (after King James had succeeded to the throne of England,) were baffled by the ingenuity and military skill of this handful of hardy and active Islesmen. Some of the Royal Lieutenants appear to have been furnished with large complements of troops; but this very circumstance, formidable as it might otherwise appear, frequently tended to their discomfiture. The castles of the Island Chiefs were usually places of great strength; and, on such occasions, were well victualled; and besides, many of them were, by nature, situated where the clumsy battering-trains then in use could not be brought to bear upon them. The setting fire to the wretched huts of the natives, and laying waste the country, was attended with comparatively little loss to them. Indeed, this was a measure often resorted to, on emergencies, by *themselves*; for it deprived the more effeminate Lowland troops of that shelter which was absolutely necessary for their health.

From the hour of their disembarking, the Royal troops knew no repose; and they suffered the most dreadful privations from cold, famine, incessant watching, and fatigue; for the Islanders, besides their

¹ Preserved in the Library of the Faculty of Advocates, Edinburgh. ² MR GREGORY'S Historical enquiries must throw much light on every point connected with the Isles and adjacent Highlands; and the authentic sources from which his materials are derived, must stamp the highest value on the work he has undertaken.

usual annoyances, harassed them chiefly during the night, by making continual attacks and skirmishes, setting fire to their huts, tents, &c. Besides all these hardships, owing to the tempestuous seas and the imperfect state of navigation at the period, the invaders were frequently cut off from their supplies for a long time. On the other hand, the vigilant Islanders, when they happened to be very hard pressed by a determined pursuit and onset, merely flitted from one Island to another, in their *curraghs* or light boats, which they easily carried with them over land; and, almost before their enemies had prepared to rest from their fatigues, they were surprised and attacked during the night.

The chief cause of the numerous successes gained by the Islanders over their invaders seems to have arisen from the minute knowledge which they possessed of the fastnesses of the country, and their determination to avoid a general engagement. A common *ruse de guerre* was, for a party of active men to make a bold attack on the encampment, as if to carry off plunder, &c., at a time when the Royal troops were unprepared; and when pursued, they gradually fell back on the hilly ground, so as to lead their invaders into ambushes, which were frequently formed not far from the tents. In this way great numbers fell ‘*in detail*.’ When the King’s soldiers endeavoured to penetrate into the country, in pursuit of the enemy, they appeared to meet with little actual resistance, but were artfully decoyed farther and farther, by the occasional appearance of numbers of the Islesmen, as if in full retreat. The Royal troops, as soon as they were considered to be fatigued with the day’s march, were, in their turn, severely galled, and the stragglers systematically picked off. Vigorous attacks were also occasionally made on the main body; and, on their finally returning to the tents, they found their guards killed, and the whole encampment plundered and destroyed by fire!

Thus, for want of a substantial enemy wherewith to contend, each campaign was, of necessity, terminated before any decisive blow could be struck; and while the Royal troops were greatly thinned in their numbers, by fatigue and famine, as well as by the ceaseless assaults of their enemies, the hardy Islesmen, trained to hardships, and inured to almost daily privations from their infancy, thought little of their toils and dangers. Indeed, they were often enriched by considerable booty, carried off from the enemies’ camps; and, in reality, they almost always triumphed over their formidable, numerous, and well-disciplined foes, by stratagem, and the skilful employment of the most approved tactics then known in Highland warfare.]

May 13, 1609.—SIR JAMES MAKONEILL of Knokrynfay, kny^t.¹

Dilaitit of airt and pairt of the treffonable Raifeing of ffyre and burning of the hous of Askomell in Kyntyre, in the moneth of Januare, I^m.V^c.lxxxxvij yeiris; and vtheris treffonabill crymes, contenit in his DITTAY vnderwrittin.

SIR JAMES MAKONEILL of Knokrynfay, kny^t, 3e ar indyttit and accufet: Forfamekill as, frome 3our verrie 3outhe, 3e, being tranet vp in all maner of crewall barbaritie and wicketnes, and following the pernicious exampill of 3our godles parentis, kynfimen and cuntrie people, haifing committed infinit Opprefiones and violences aganis sic perfonas as 3e millykit, in þe cuntreyis of Kyntyre, Ila, and vtheris Hielandis Iles of this Kingdome, to the heich offence of God, displefour of the Kingis Maieftie, contempt of his authoritie, and violatioun of his Lawis: For forder manifestatioun of 3oure extreame and maift vnnaturall mischancie,² vnderstanding þat þe fones of þe vni^q^le Tutour of Loupe war in 3our faperis hous of Askomell, in Kyntyre, and that the Laird of Loupe (quho

¹ See Jul. 3, 1615, &c.

² Recklessness, wickedness. Old Fr. *meschanecté*.

had flane your fader¹) was verrie defyrous to haif pair lyves ; ze, accompaneit with your broper, Angus Oig, and the said Laird of Loupe, with tua or thre hundredreth barbarus, wikked and bludie Hieland-men, foirneris, and avowed maliefactouris, all bodin in feir of weir, with hagbutis, pistolettis and vtheris forbidden wappones, vpon the . . .² day of Januar (fyftene dayis or þairby eftir zule) in þe zeir of God, I^m.V^c. fourfoir sevintene zeiris, (1597) come in the nycht to the said hous of Askomell, quhair þe said Tutour of Loupis fones war, takand þe nychtis rest, lipning for no trubill, danger or invasioune to haif bene maid be ony man aganis þame ; and invironed þe famyn, in all fydis, with grit numberis of your airmet men ; and about þe brek of day, calling in to theas who war within, to rander þe hous and þame selffis to zow, thay, for feir of þair lyves and of þe mercieles crewaltie of zow and your bludie affisteris, refuiseing to rander ; albeit ze knew that Angus M^cconceill,³ your faper, was within the hous, with whome ze had privat and freindlie meiting and conference that same nycht, and had pairtit frome him in sic professioun of love and naturall dentie and reuerence, as ze had presentit and gevin to him ane pair of pistolettis : NEUERÞELES, casting of all bandis and respectis of conscience, honestie, and of nature, to your faper, and to your moþer Fynwall Nikelane,⁴ quhome ze knew to be also within þe said hous, ze godleslie, barbaruslie, viprouslie and tressonabillie, be your self and your complices, in your name, of your causing, command, assistance and ratihabitoun, set fyre in all þe four coirneris of þe said hous ; quhairby your saidis parentis, and hail remanent perfonis being within þe said hous, being brocht at þe verrie instant to extreme danger of þair lyves, and your moþer crying out to zow, ‘ THIEF ! Will thow burne thy moþer ? ’ ze nawayis causit stay or slokin⁵ þe fyre, bot sufferit þe famyn to rage, quhill⁶ þe ruif of þe hous began to fall ; and your faper, haifing sufferit most crewall extremitie, and being brunt in thre or four pairtis of his body with þat fyre, was foreet to rusch to the dur, quhair ze had prepairit ane number of grit treyis to be laid croce þe dur, aþer to stay his furth cuming, to þe effect he micht be brunt within the hous, or micht be so hinderit in his furthcuming, as he sould indoutitlie fall in your mercieles handis : According to the quhilk proiect, he, falling amangis þe said treyis, was pudillit in ane myre⁷ be your servandis, in your sicht ; and þaireftir transportit, in his sark, to Smerbie, tuo myles distant from Askomell, quhair ze fetterit him in irnes, with ane vther

¹ Probably father-in-law ; the father of Margaret Campbell, his wife. ² ‘ Thretein ’ is partially erased. ³ Angus Macdonald of Dynnievaig and Glynnies. ⁴ *Nyc*, ‘ daughter,’ is sometimes, in the public Records, used as a prefix to the patronymic, in the case of a female. *Mac*, ‘ son,’ is the masculine, though, in modern practice, generally used indiscriminately for the patronymic of both sexes. *Nik* is considered to be a compound of *Nyn* and *Vic*, which is the genitive of *Mac*. *Nik* thus signifies *Daughter of the son of*, or *Grand-daughter of*. This Lady was a daughter of Maclane of Dowart. See Vol. I. 224, Jan. 9, 1590-1. ⁵ Quench, *slake*, extinguish. ⁶ Util. ⁷ Dragged through a miry puddle.

of your priffoneris, and detenit him in þat moſt vnnaturall, mercieles and miſerabill eſtair, be þe ſpace of ane quarter of ane zeir: AND ſua, be þe crewall and wilfull ffyre-raifing, committit be you, and vþeris in your name, of your cauſing, command, aſſiſtance and ratihabitoun, in maner aboue writtin, quhair of ze war and ar airt and pairt; ze committit moſt heigh and manifefſt Treafone, and aucht and ſould be pwneift þairfore, accoirding to þe Lawis and practik of this realme: Quhilk is notourlie knawin, and ze can nocht deny. SECUNDLIE, ze ar indytit and accuſet, fforſamekill as his Maieſtie, (quhome þe warld knowis, and þis cuntrie hes evir experimentit to be ane moſt godlie, juſt, and gracious Prince,) deteſting your vnnaturall crewaltie and wikketnes, haifing cauſit tak and apprehend you, and commit you to waird in þe Caſtell of Blaknes, for þe ſaid treſſonable cryme of ffyre-raifing, committit be you at þe tyme and in maner foirſaid, and many vtheris your haynous offences and crymes, ze, in the moneth of, or þairby, þe zeir of God 1604 zeiris, moſt treſſonabillie interpryſet, be þe aſſiſtance of ſum of your auld complices, to haif treſſonabillie foret þe ſaid Caſtell of Blaknes: Quhilk purpois being diſcloſet and diſapointit, and ze, for your moir ſaif keiping, being transportit to þe Caſtell of Edinburgh, ze þair lykwayis interpryſet, in the moneth of, the zeir of God I^m.Vj^c. and ſax zeiris, and prepared meanis to haif brokin your waird: And being alſo diſapointit of that attempt, ze war þairin detenit in irnes, till at laſt, in the monethis of Nouember and December, the zeir of God 1607 zeiris, ze treſſonabillie conſultit, devyſet, reſoluēt, and concludit with Johne Lord Maxwall, and Robert Maxwall callit of þe Tour, being bothe his Maieſteis Wardouris,¹ fforceable, violentlie and treſſonabillie to force his Maieſteis Caſtell of Edinburgh, and brek waird furth þair of; conforme to þe quhilk reſolution, ze and your ſaidis complices, vpone þe day of December, the zeir of God I^m.Vj^c. and ſevn zeiris, haveing preparit all thingis neceſſar for executioun of your devillifch proiect, be ſubteill meanis, maid your ſelffis maifteris of your keiperis wapones; and than ruſching furth of þe chahner, and loking þame in within þe ſame, quhairby thay ſould naper be able to ſtay your purpois, nor to diſcouer you, ze come to þe Inner-zet of the ſaid Caſtell, quhair, being accompanyeit with þe ſaid Lord Maxwall and Robert Maxwall, with drawin ſuordis in your handis, ze treſſonabillie invaidit Alexander Struperis,² keiper of þe ſaid zett, for his ſlauchter; and becaus he, accoirding to his dentie, reſiſted you in your ſaid treſſonabill interpryſe, ze gaif him dyuerſe grit and dangerous woundis in his heid and airme, to the grit eſſuſioun of his bluid and danger of his lyfe; and haifing left him lying for deid, ze and your ſaid complices forceable and treſſonable opnit þe ſaid Inner-zet, quhair

¹ Prisoners, persons detained in ward or captivity; not *Warders*, in the English ſeuſe of the word,
² Struthers.

3e lykwayis vnhoneftlie, crewallie, and treffonabillie hurt and woundit Margaret Phillope, wyfe to the faid Alexander, in þe heid, with 3our fuordis, to þe grit effufioun of hir bluid, and left hir alfo lying for deid: And then, haifing no forder refiftance, 3e 3eid¹ forwartis to þe Myd-3et of the faid Caftell; and þair 3e and þe faid Lord Maxwell treffonabillie inuaidit Archibald Cunninghame, Maifter-porter of þe faid Caftell, for his flauter; and becaus he wald nocht delyuer to 3ow þe keyis of þe faid 3et, 3e gaif him ane grit and dangerus ftraik, in þe left airme; be þe paine quhairof, and abundance of þe bluid rynnng frome him, he being almoft in found,² 3e reft the keyis frome him, and treffonabillie forcet þe faid 3et, and paft furth þairat; and than going to þe Bak-wall, 3e and 3our faidis complices lap ouer þe fame; and þairby treffonablie brak þe faid waird, and fled to haif efcaped; quhill³ 3e, being followit be þe Conftable of þe faid Caftell, and vberis, his Maifteis guid and faithfull fubiectis, 3e war tane and brocht bak to þe faid Caftell. QUHILKIS treffonabill crymes war moft wiketlie and contemptiouflie committit be 3ow and 3our faidis complices; and 3e war and ar airt and pairt þairof: And þairfoir aucht and fould be pwneifchet be tynfall and fforfaltour of 3our lyfe, landis and guidis; accoirding to þe lawis and practik of þis realme.

THE faid Sir James, eftir reding of the faid Dittay, produceit certane Articles; togidder with ane Inftument, of the dait of thir presentis, quhair Margaret Campbell, his fpous, paft to Mr Johnne Ruffell, Aduocat, and presentit him the Counfallis Warrant to compeir in his defence; quha refufit to compeir, as the Inftument beris: And als produceit the Lordis of Secreit Counfall Warrant and delyuerance, quhair thay grant Licence to procuratouris to compeir. Quhilkis being red, the Aduocat tuik inftumentis thairvpoun, and fpeciallie, vpoun the productioun of the Warrant gewin be the Lordis of Secreit Counfall to Aduocattis to compeir.—The Aduocat produceit ane Act of Counfall, for his Warrant to infit in perfuit of Sir James M^cconnell.

Mr Johnne Ruffell, Aduocat, compeirand judiciallie, in prefens of the Iuftice, declairit he wald nocht compeir in defence of the pannell, without his Maifteis fpeciall Warrant and Commiffioun, commanding him to compeir.⁴

THE Iuftice declairit and anfuerit to the faid Mr Johnne, that gif he wald compeir, bayth the Act of Parliament gevis him Licence, and the Counfall hes gevin him ane particular Warrant for his compeirance: And thairfoir, gif he

¹ Went. ² In a swoon or fainting-fit. ³ Until. ⁴ This refusal does not seem to have proceeded from personal fear of the consequences of undertaking this defence; for in numerous instances, this learned man undertook as desperate cases; and in the present instance, he had a special Licence. It must have proceeded from the utter hopelessness of Makconell's defence; and the detestation naturally felt at the almost unparalleled cruelties committed by this ferocious barbarian. He absolutely refused to appear, unless *commanded* by his Majesty.

will nocht compeir,—delay nocht the Jugement ony langer.—The said Mr Johnne refuifet altogidder to compeir.

Quhilk Dittay, eftir reiding thairof oppinlie in Judgement, the Justice ffind relevant: And thairfoir referrit the fanyn to the knowlege of ane Affyfe, of the perfones following.

ASSISA.

Andro Lord Stewart of Vchiltre,	Rob ^t Chennen of Chennentoun,	W ^m Sinclair of May, younger,
The Laird of Drumlanerig, elder,	David Arnote of Chapell,	Mr Frances Bothuell, brother to
Sir James Douglas, kny ^t ,	James Tennent of Lennox,	my Lord Halyrudhous,
Sir James Cunninghame of	(Linhoufe,)	Williame Trumbill of Airdrie,
Glengarnock,	Thomas Sibbald, Tutour of	Johnne Johnneftoun, Bailzie of
Mr Robert Fawfyde, elder, of	Rankelour,	the Watter of Leith,
that Ilk,	Sir James Balfoure, brother to	Johnne Achiefoun, portioner of
Laurence Gordoun of Glenluce,	my Lord of Burlie,	Innerask.

The said Sir James produceit to the Affyfe ane Warrant, fubfcryuit be his Maieftie, allowing¹ the taking of his father Angus M^cconceill, the maner, forme, and circumftances done thairin; quhilk is of the dait, att falkland, the aucht day of Auguft 1598: Quhilk he tuik vp agane, and wald not vfe.

It was allegeit (by the pannell,) that ony verificatioun that is product of Depofitiounis, tane be my Lord of Ergyll, can nocht be availzeable; in refpect my Lord Ergyll hes mellit with his blude and leving.

Our said fouerane lordis Aduocat, for verificatioun of the said Dittay, product to the saidis perfones of Affyfe, Angus M^cconceill of Dynnivaig, father to the said Sir James, and Fynwall Nickelane, his mother, thair Depofitiones; togidder with his awin Depofitiones; made be thame, in prefens of the Lordis of his hienes Counfall; for verifeing that article and poynt of Dittay, anent the raifeing of the ffyre, and burning of the hous of Afkomell. And ficlyk, for verificatioun of the laft article of Dittay, repeittit the said Sir James awin Judicial Confefioun, maid be him in the said Justice and Affyfouris prefence; confefing the breking of the said waird of the Caftell of Edinburgh: And als produceit, for verificatioun thairof, the saidis Archibald Cunninghame, Maifter-porter, and Alexander Strutheris, thair Depofitiones maid and fubfcryuit be thame, in prefens of the saidis Lordis of Counfall; quhilkis tua Depofitiones was ratifeit and approvyn, in Judgement, be the saidis Archibald and Alexander, in prefens of the said Sir James: Quhilkis our fouerane lordis Aduocat also repeitit. And in refpect thairof, proteftit for Wilfull Errour, in cais the saidis perfones of Affyfe Clange or Acquit him of the saidis crymes.

VERDICT. The Affyfe, be the mouth of the said Andro Lord Stewart of

¹ Sanctioning, permitting; not *admitting* or *confessing*, as the word usually fignified, in ancient legal pleadings.

Vchiltrie, all in ane voce, ffind, pronuncet and declairit the said SIR JAMES M'CONNELL of Knokrynfay, knycht, to be Giltie and convict of airt and pairt of the Raifeing of ffyre in the hous of Alkomell and burning of the famyn, accoording to his Dittay, in all poyntis; cleirlye verifeit to thame be his awin Depositiones, and vtheris probationes producet in proces. AND lykwayis, the saidis perfones of Assyfe, all in ane voce, ffind, pronuncet and declairit the said Sir James to be Giltie, culpable and convict of the Breking of his Maiefteis waird of the Castell of Edinburgh: And of airt and pairt of the forcing of the zettis of the said waird: And of airt and pairt of Hurting and Wounding of Archibald Cuninghame, Maister-porter, Alexander Strutheris and Margaret Phillope, his fuous, ordiner fervandis and porteris of the said Castell.

SENTENCE. To be tane to the place of his Executioun, and thair to be demanit and execute as ane tratour; and his heid to be ftrukkin frome his body;¹ and all his landis, heritages, barroneis, takis, fteidingis, rowmes, poffeffiones, coirmes, cattell, inficht pleniffing and annuelrentis, guidis and geir pertening to him, to be fforfaltit, efcheit and inbrocht to our fouerane lordis vsê: as convict and culpable of the saidis crymes.

APPENDIX OF ORIGINAL PAPERS.²

[THE following Documents are carefully taken from the Originals, which are preserved in Sir James Balfour's Collection of MSS. Advocates' Library. Had the Editor been earlier informed of Mr Gregory's proposed History of the Isles, &c. he would have left it to that gentleman to give the substance of them. It was, however, too late to cancel this Appendix; but indeed, this is the less to be regretted, as it is believed that Mr Gregory merely intends to give the spirit of such Papers as the present, and to incorporate the information conveyed, in the body of his work; which is all that is necessary for such historical purposes.]

I. DEPOSITION of *Sir James Makconell*.³

AT the Castell of Edinburghe, the xv day of Januare, 1608, in prefence of my Lord Aduocat, and Mr William Hairs, Justice depute, and Sir Johne Arnote, Thefaurare depute.

SIR JAMES M'CONNELL, knycht, fsworne and demandit, How lang is it fen he hes bene detenit and haldin prifoner? Deponis, that he wes tane be his fader, in Kintyre, vpoun informatioun maid to his fader, that he wes to tak some courfe aganis him; and efter he had remanit ane certane fpace with his fader, he wes delyuerit be his fader to *Auchinbrek*,⁴ be whome he wes detenit ane certane fpace; and

¹ It has already been stated, in the Notice prefixed to this Trial, that Sir James Makconell was not executed; but that he again effected his escape, went to Spain, and returned in the reign of King Charles I, from whom he received a large pension, and died a natural death, in England, in 1626.

² The remaining Papers fall more properly under the proceedings against *Angus Oig*, Jul. 3, 1615, where they shall be inserted.

³ From the Original, preserved among the Warrants of the Privy Council, General Register House.

⁴ Sir Dougald Campbell.

thairefter delyuerit to *the Erll of Ergyll*, who keipit him whill he wes chargeit be THE COUNSAILL to exhibite him; quhilk he did at Sanct Johnneftoun: fra that, he wes fend to the Castell of Blaknes. Demandit, yf at ony tyme he had tane his fader? Deponis, that he tuke him in Kintyre, in ane houfe callit *Afkomihue*, the deponer haueing his bruther, young Angus, (and) a cumpany of the gentilmen of Kintyre with him. And that this wes about Candilmes, aucht yeir fyne, or thairby. Denyis that he rafed ony ffyre in the houfe; and depones, that he hes Warrant of HES MAJESTIE, allowing¹ the taking of his fader as gude fernice.

Anent the interprife of his Breking of Warde furth of the Castle of Edinburgh, and demandit yf he wes the first mover to THE LORD MAXUELL, or yf the *Lord Maxwell* wes the mover thair of to him? Deponis, that vpoun Sunday at even, afoir the interprife, *Robert Maxwell of Dynwiddie* come to the deponer, and tauld him, that within few dayis he fould heir the best newis that he had hard this lang tyme bigane; and the deponer anfuerit, that he wald fane heir gude newis. And the deponer infisting with Robert, diuers times thairefter, to haif vnderftand quhat gude newis thefe wes? Robert evir conceillit the mater, whill² Fryday thairefter, quhilk wes the day that thair interpryfe wes putt in executioun. And grantis, that the said Robert cam to the deponer, about tua efter none, and putt him in remembrance of the wordis that he had fpoken to him vpoun the Sunday preceding; and tauld him, that that nyght *the Lord Maxwell* wes to brek warde, and wald tak the deponer with him; and craved the deponeris opinioun, quhat he thocht of that mater? To whome it wes anfuerit, be the deponer, that the executioun of that interprife wes fa suddanelie to be done, that the deponer could gif no avife thairin; and he thocht that *the Lord Maxwell* fould haif communicat that mater to him felf, yf he wald haif had him to be ane affifter thairin. And depones, that fchortlie thairefter, about foure efter none, *the Lord Maxwell* come in to the deponer, satt down befyde him, drank tua pypis of tabaca,³ and fpak no thing of his interprife to the deponer, quhill the deponer pafst to the windo, to haif maid watter. *The Lord Maxwell* come to him to the windo, and tauld him, that he wes refolued that nyght to efchaip and brek warde; and defyrit the deponer to prepar him to go with him; for he had men attending vpoun the yettis, to hald them oppin, and had horfes awaiting vpoun the feildis to carry thame away:⁴ And the deponer anfuerit to *the Lord Maxwell*, that fik ane interprife required goode advife and deliberatioun; and defirit him not to be suddane, bot to be weill advifit and refolued thairin. To whome the Lord replyis, ‘Tufhe, man! sic interpryfes ar nocht effectuat with deliberationis and advifments, bot with suddane refolutionis!’ And then the Lord caufit fetche in tua quartis of wyne; and, haveing maid some confaitis of paflyme in the houfe, he defirit *Williame Simfone*, ane of the deponeris keiparis, to gif him his fwerd; whilk he refufeing to rander, he thored the said *Williame*, held ane drawin quhingear quhilk he tuke fra *Williame Maxwell*, avowing to haif his lyfe, yf he randerit nocht the fwerd; and fua, violentlie tuke the fwerd fra *Simfone*: Tuk ane vther fwerd fra *James Stewart*, ane vther of the deponeris keiparis; and tuke ane vther fwerd fra *Williame Armeftange of the Gyngellis*: And haueing the fwerdis, he then tauld planelie, that he wald brek warde; and fayd to *Young Clofburne*, ‘Yee ar heir for a civile caus, yf it pleis yow to go, yee falbe welcome!’ And *Clofburne* defifting, *the Lord Maxwell*, with *Robert of Dynwiddie*, *Williame of Kirkhous*, and the deponer, pafst out of the chalmer, and come to the yettis; quhair fum of the portaris wer hurte: Bot denyis that he hurte ony of thame him felf. And fua, haueing forceit the yettis, they lap ower the wall. Demandit yff *William Maxwell* delt with the deponer in this interprife? Deponis, vpoun his aithe, that he nevir delt with the deponer in that mater; and that he knawis no thing of *Williames* doing; bot that he oppynnit the Nether-yett of the turnepyke, quhare the deponeris chalmer is.

(Sic fubferibitur) S^r J. MAKDONALL. S^r T. HAMILTON. S^r J. ARNOTE. M^r W^m HEART.

¹ Admitting, approving of, acknowledging. ² Until. ³ This was a phrase in common use, shortly after the introduction of tobacco into Scotland. The Editor has seen the term ‘quaff’ similarly used, which may be the origin of ‘whiff,’ a vulgar phrase now in use. ⁴ See the particulars of this desperate and admirably executed escape, in the Trial of John, Lord Maxwell, Jun. 24, 1609.

II. LETTER, *Sir James Mackconell to the Duke of Lennox.*¹

PLEIS YOUR GRACE,

I AM in verie greit misery, as this beirar can tell. Your grace knawis I have depended vpon your fawor, befor I was put to this miserie; and now, I wil befeik your grace to gett his Ma^{tie} power to talk ordour with me, at your graces cuming heir. I am willing to acceptt quhatt his Ma^{tie} wil bestow on me, ather in my awin kyndly rounne, or in oney vther partt of his Kingdwmes; and fall find caufione for my obedience; quilk I will befeik your grace to report to his Ma^{tie}, and patt your grace will gett me patt fawor as to be bainifhid, rather or I be in this miserie. As for my bastard brother, quha hes brokin your graces ward, iff your grace talk ane doing for me, and talk me in your awin hand, I fall find pe way he falbe putt in your graces reverence, as he was befor. Befeiking your grace to remember my miserie, and gett me libertie or banifmentt. I rest on your graces faworable doing, quhatt I vrett anentt Archibald, Your grace will hald it quyett till your grace cum hame.

FROM ED^B CASTELL,

Your graces serwand duiring lyfe,

27 Junij, 1607.

S^R J. MACDONALL.

To my very gud Lord, my Lord DUIK OF LENNOX.

III. LETTER, *Sir James Makconell to the King.*

MY GRACIOUS SOVERAN,

MAY it pleis your Maieftie to apardoune my importunitie, being inforfid pairto, throw the grett misery q^{lk} I aknawleg to have maist justly deseruid, for my bypast offences towardis God and your Ma^{tie}: 5ett my foueran, your Ma^{tie} hes graciously forgiuein gretter offenceis; 5ea, the gretteft Trefon 5att euer was deuyfid aganist aney Prence, 5our hienes hes forgiwein. For Chlyrtis caus, Sir, ance forgiue me my bypast offenceis, and with Godis grace I fall euer behawe my selff deutiffully heirefter; and fall find caufion to obey quhatt your Ma^{tie} will injune² to me; befeiking pat pe Declaratioun of your Ma^{ties} will may be sent to pe Confall; seing, without pe same I can gett na ansuer of pair Lordschipis. Humblie kissing your Ma^{tie} handis, I commit your Ma^{tie} ewer to Godis protectione.

Your Maiefties maist humble and puir subiect

FROM EDINBRUCHE CASTELL,

to be imployid to dethe,

28 of Junj (1607.)

S^R J. MAKDONALL.

TO THE KING HIS MAIST EXCELLENT MAIESTIE.

IV. LETTER, *Sir James Makconell to the Earl of Caithnes.*³

MY VERIE HONOURABLE GUD (LORD,)

FEIRING that your lo., to whose fawor I am so much obifhid,⁴ fuld not mistaik pe caus of this my last offence, in braicking of Ward, I haue beine this⁵ bauld to vrytt to your lo. the only motion quhilk, I protest to God, maid me to braik Ward. It is trew, my lord, patt *the Laird of Calder* said to honest men, wha can beir record, patt how soever my pairt was anent Donnoveg, 5ett he had ane Warrant past be HIS MA^{TIES} hand, quhilkis pe *Confall* saw nott, to command pe *Confall*, presently efter pe sicht of patt Warrant, to putt me to exsecutioun; and how lyttill refone I had to trust my lyfe to *Calder*, your lo. self and vthers of pe *Counfall* knawis; for, be his misreport, he did all he culd to have perallid my lyfe. And jis trewly was pe caus I fled with my avin lyfe, and for no mistrust I had in HIS MA^{TIES} clemence, or in *the Confallis* fawor; nor 5ett, for oney feir I had off oney thing pay culd try aganes me, anentt Dunoveg; for as I said when I was in ward, I will say now; God is my vittnes, my pairtt, ever, anent pe taiking or keiping of Dunoveg aganes HIS MA^{TIES}, hes beine ever most

¹ This and the following Letters are from the Originals preserved among the *Denmylne MSS.* Adv. Library. When procured from other sources, the circumstance is explained in the Notes. ² Enjoin. ³ George, fifth Earl of Caithness. He married Jean, only daughter of George, fifth Earl of Huntley. ⁴ Obliged. ⁵ Thus.

honest and lyall;¹ and efter all just tryall, I will defy my onfreindis² prive³ vtherwayis. And fence þe braik of Waird I maid with þe *Lord Maxwell*,⁴ by⁵ my exspectatione, to þis night I brak Ward last, be God him self, I was never privie nor a confenter to aney Platt aganes HIS MA^{TE} or my euntre, I mein his MA^{TES} dominions. And now, seing my braik of Ward was nott, as God is my judge, for no defyre of Rebellion, nor no vther defing,⁶ bott only for faistie of my avin pur lyfe, I will most humble befeik your lo. speik such as is your freindis in *Consfall*, patt HIS MA^{TE} might be moveid, nott to tak no heste or violent curfe⁷ aganis me, onto⁸ the tyme thatt pair lo^s will heir my Peticione. And give⁹ your lo. will gett me þat fawor that my Peticion falbe hard, and patt oney whom I fall send with my Letters to your lo. fall nott be trubled; and I being advertesid by your lo., I will, be your lo^s advyse, do aney thing patt may best satisfie HIS MA^{TE} and *Consfall*; my lyfe, and the lyfis of these patt helpid to faif my lyfe being faiff. So, with þe remembrance of my humble deute, I rest

Your lo^s pur freind euer to serve you,

S^R J. MAKDONALL.

To my verie honourable gud lord, my Lord ERLE OF CAITTHNES.

V. LETTER, *Sir James Makconeill to the Earl of Caithnes.*

MY VERIE HONORABLE GOOD LORD,

PLEAS your lo., the ondeserved fauour and courtesee which I refaued by your lo., in showing your selue my frend, that tyme at Court, when my onfrendes did misreporte of me to his Maieftie, makes me now this bold to befeek your lo. to continew my frend, according to my reasonable fute. And, in speciall, that your lo. will meane my caise to your frendes in Counfall; for I protest my beeng ten yeeres in warde in the Castle of Edinburgh, and the disponeing of my kyndlic landes, made me not so much to tak that haistie resolution to esheap, as when I was assured, by his owine frendes reportes, that my lyf wes geven over in *the Larde of Caddelles* handis; who beeing, as your lo. knowes, nowife my frend, or one to trust my lyf to; alwise¹⁰ now I befeek your lo., as yee shall till death have my poore service, try by the Counfall, yf vpon any conditiones, not diminishing his Maieftis comoditie,¹¹ I may have this peece of old possessiounes, which is Illa, to susteane my selue and all my kinne that now folowes me; that his Maieftie may have his owine, with honour and ease, and wee to leeve in peace and offend no manne, and I, getting suretie of my lyff and of this peece land, shall find sufficient suretie, both for my obedyance and good ordour, keeping by all my kinne and frendes. As your lo. learns in this, or can be hable to do me fauour in getting me his Maieftis peace, your lo. will aduertese me. And I befeech your lo., so far as you can, crosse *the Campbells* to gett any employmentes againes me—for they caire not how much they trouble the countree¹² and put his Maieftie to charges needles. As for the Houfe of Dwnoveg, I tooke it from *Calderis* menne, in the speace of one day,¹³—killed parte of thame, vpon the Greene of the Houfe,—chaifed in the rest,—tooke there watter and the two Barmkines¹⁴ from tham,—and forced thame to yeeld in my will, the next morning. So I have the Houfe, neuer to be gevin to these that is not worthie of it. But yett, his Maieftie may ever command it and my selue, I feeng how I may leeve with the assurance of my lyff and my poore frendes. So, abyding your lo. aduertement, with the remembrance of my humble seruice, I shall ever remaine,

Your lo. assured frend to serve you,

S^R J. MAKDONALL.

ILA, 2 Julii.

I BESEECH your lo. let me know how *my lord Secretar* is towards me?—Or who is most for *Calder*?—Or how he is now thought of be HIS MA^{TE}?

TO THE ERLE OF CAITHNES.

¹ *Leal*, loyal. ² Enemies. ³ Prove. ⁴ See Lord Maxwell's Trial, Jun. 14, 1609. ⁵ Against, contrary to. ⁶ Design. ⁷ Course. ⁸ Until. ⁹ If. ¹⁰ At all events; nevertheless. ¹¹ Pecuniary interests; the King's Rental. ¹² Disturb the public peace. ¹³ See p. 14, &c. ¹⁴ Fr. *Barbacane*, i. e. *propugnaculum antemurale*; being the outer fortified works or ramparts of the Castle. There wer often several lines of circumvallation, to prevent surprises.

VI. LETTER, *Sir James Makconcell to the Earl of Caithnes.*

MY LORD,

GEVE *the Confall* be curius to knaw whom it was patt *Calder*¹ fend to, he had the Warand for taiking my lyfe. *The Pryar of Archattan*² and *M'kwoll*³ his sone, *Allan M'dowgall* is my authours; and they will not, nor can not deny itt. Also *Calder's* avin agent, *James Movatt*, maid no secreitt pairof; for he tauld it both to *the Erle of Crawford*⁴ and to *M'intois*.⁵ I wald not nov, becaus I had nott ane beirar of my avin, haifart to vryt to *je Secrettar*,⁶ bott itt is only in your lo. and his lo. patt I trust. I know *Calder* and *je Cambellis* wilbe buiffie to feik employment of fervice aganes me; bott the same fall nott be neidfull, for your lo. and my Lord *Secrettar* may better bring me to that quhilk falbe most to HIS MA^{TE} commodite and *je* quyetnes of *je* contre, without bestoving oney chargis nor all *je* Cambellis liveand may or can do by HIS MA^{TES} fors, quhilk I will ever except; and honour, and respeck what your lo. wryttis to me, onles the Confall dereck one to me. Your lo. may fend your Letters to my lord *Tuillibairne*,⁷ to be sent be his lo. to the Officer of Lochaber, wha will fend same to me whair ever I be. So abyding your lo. anfuert, I rest,

Your lo^s ever to serve you,

(Without date.)

S^r J. MAKDONALL.

To my verie honourable gud lord, my lord ERLE OF CAITTNES.

VII. LETTER, *Sir James Makconcell to the Bishop of the Isles*.⁸

MY VERIE GUD LORD,

I DOU^t nott bott, or⁹ now, your lo. hes hard of my braiking of Ward; and *je* only caus quhilk maid me ventour *je* fame, quhilk, as God knawis, was for no vther caus bott only for *je* saifte of my lyfe, quhilk *je Laird of Calder* said was in his will only. Allways,¹⁰ prais to God, I am out of *Calder's* denger; and yett, geve¹¹ be oney meines I may have HIS MA^{TES} graciuis pardon to my self and these gentill men patt asifted me, I will latt your lo. fe HIS MA^{TE} commodite fall novayis be impaired, *je* pace of *je* contrie fall novayis be trublid, nor HIS MA^{TE} putt to no chargis, be giveing employment to *je Cambellis*, wha crawis ever to fish in drwmly¹² watters; and pairfoir, I pray your lo. deill with HIS MA^{TE} and *Confall*, for a continewatioun of oney violent curfe¹³ to be tane be HIS MA^{TE} aganis me, untill yow may gett one of your avin to cum to me; and with patt man, or with your lo. self, geve I know how to fie you, I fall fend such Offers as I hop fall content HIS MA^{TE} and *Confall*. So, as my trest is and was ever in your lo., I pray you vryt to me, what I may luik for? As for pat erand of Dwnveg, God is my vittnes, I am inofent pairof; and I pray your lo. try pat erand, as geve I war in ward; and I trest *je* will find my pairrt honest. So, luiking your lo. anfuert, I committ you to God; and rest

Your lo^s ever att command,

Junij 3.

S^r J. MAKDONALL.

I PRAY your lo. gett me Lifence to fend ane man or boy with my Letters to your lo.

To my verie gud Lord, my lord BISHOP OFF THE IYLLIS AND RAPHO.

¹ John Campbell of Calder, or Caddell, as he was often styled. ² . . . Campbell. ³ . . . M'Dougal of Dnnollych, Laird of M'Dougal. ⁴ David, eleventh Earl of Crawford. ⁵ Sir Lauchlan MacIntosh of that Ilk, whose father, Angus, had married Lady Jean Campbell, daughter of Archibald Earl of Argyle.—*Douglas*. He was heritable Steward of Lochaber, and one of the Gentlemen of the Bedchamber to Prince Charles; and married Agnes, daughter of John Grant of that Ilk. ⁶ Lord Binning, afterwards Earl of Hadington. ⁷ William, second Earl of Tullibardine, who, for his services to the King, in the affair of Gowrie's Conspiracy, Aug. 5, 1600, had the heritable Sheriffship of Perthshire. His second wife, Lady Dorothea Stewart, being eldest daughter of John, fifth Earl of Atholl, and the male line having become extinct, their eldest son John was created Earl of Atholl. ⁸ From the Original, preserved among the *Dennylie MSS.* Adv. Library. Andrew Knox, Parson of Paisley, the first Protestant Bishop of the Isles, was translated to the See of Raphoe, in Ireland, but held both Bishoprics for some time. He assumed both titles. ⁹ Ere; before. ¹⁰ At all events; nevertheless. ¹¹ If. ¹² Who ever crave to fish in 'troubled waters.' A well-merited, though bitter, sarcasm. ¹³ Course.

VIII. LETTER, *Sir James Makconell to the Bishop of the Isles.*

MY VERIE GOOD LORD,

PLEIS your Lo. war not I hard your lo. was in Ireland, and could find no meanes to wreit to yow, I was not four nightes out of Ed^s, quhan I would have writtin to your lo. as to one quhom I haue euer found my friend. And now, my Lord, I protest, albeit I was xij 5eires in waird, and all my kyndlie landis disponed to strangeres, my lyff left in his Maiesties handis, 5ett the same maid me not so myche to braik ward as it did quhan I was offered be the Laird of Calderes awin freendis, quha can not deny it, that his Maiestie, be his secrete Warrant, had gevine ower my lyff in the Laird of Calderes handis. And now, my lord, I protest to God my desyre is not to rebell or truble the Esteat of the cuntrie, bot ferue his Maiestie with all humilitie, and mak my kin and freindis paceable men, iff I may haue his Maties^s pace, with the assuurance of my lyff and the lyfe of my pur freendis, and some meanes to susteane ws rather nor to fors ws, for want, to opres otheres. Heirfoir I beseeke your lo., seing my Race has bene tenne hundreth yeeris kyndlie Scottis men, vnder the Kinges of Scotland; and war I willing to leive vpoun ane pur pairt of that quhilks our foibeiraris had, and I to find gud furtie for all that becomes loyall subiectis to do, both for myself and my quholl kin that followes me, that 5our lo. will, as 5e euer did, interfeed for me at his Maties^s handis to sie quhat grace or fauour 3our lo. may obtien to me; and in speciall, to sie give, without diminisching his Maties^s commoditie, I may have the Iland to my self and my kin to susteine ws; wtherways that 3our lo. will get that fauour that no hefté curse falbe taine againes me, be geveing employment to my onfreendis, till your lo. may have tyme first to speek with me; att quliche tyme, albeit I gett not the Iland, 5ett, provyding his Maiestie will hauld it in his awin hand, I will shaw your lo. how his Maties^s commoditie heir may be increffed, and I to be fatisfied, and this cuntrie to be frie of ony truble of me or my freendis.

As for this Hous of Dunovege, I protest to God, give aither his Maieftis Gaird or your lo^s men war keepares of it, I wald neuer enter within it, albeit it war without keeping—but finding in it fuche as ferued them quha focht my lyf and landis, and quho crewally opprest this pur Iland in such fort, that I protest to God thair defing was rather to waift it, nor mak it able to pay his Maties^s rentes. The same maid me preferwe the hous; and albeit that Hous cost his Matie^s muche money in putting it in Calderis handis, it pleased God that, in one day (I took it), with the lose bot of one man. And now if your lo. may get me ony fauourable conditiones be his Matie^s, 5e may assuir 3our self I will give yow the Hous, provyding it be in your handis, and nane of the *Cambellis* to gett it. As your lo. does in this, or is lyk to do, advertis me. And so, reposeing in your lo^s constand freendship, I committ your lo. to God, and restis

Your lo^s ever assuired to command,S^r J. MAKDONALL.

IN hope, with Goddis grace, I will geve 3our lo. 5itt ane better propyne, I pray your lo. fend me ane Inventare¹ with this bearer, for I am far from the clock.

S^r J. MAKDONALL.

TO THE BISCHEOP OF THE ILLIS.

IX. LETTER, *Sir James Makconell to the Privy Counsell of Scotland.*²

MY VERIE HONOURABLE GUD LORDS,

PLEIS 3our lo^s, my offence in braiking ward fuld mak me to be loth to presume to vrytt vnto 3our lo^s, 5ett, seiring the mosioun quhilk maid me to eschep fuld be vtherways thocht be 3our lo^s nor the trewth of my intencion, I am this³ bauld to deleaitt vnto 3our lo^s the only caus quhilk maid me to braik ward; and this is itt. *The Laird of Calder* said to twa fewerall honest gentillmen, patt how

¹ This is from a copy. The word should be 'mounter,' Fr. *montre*, a watch. ² In a Letter from Lord Binning to Lord Tullibardin, Jun. 13, 1615, he states that the Council would not forward such Letters to the King; and that 'so long as he remaynes within his Maties^s dominions, and hes societie and dealing with rebellis and broken men, I cannot expect that his Petitions can be received be his Matie^s, vnles he wold do such notable service aganis some principall Rebellis, as might perswade his Matie^s to think him wourthie of mercie!' ³ Thus.

foever my tryall past anent the erand of Dwnoveg, sett he had ane Warand, in his avin keiping, past be his MA^{TE} quhilk pe *Confall* novayis did fie, commanding, immediatly efter the presenting pair of putt me to exsecutione, butt¹ farther profes; and so, my lyfe as itt war gevin be HIS MA^{TE} over in the hands of him wha had not only medlid with my kyndly lands, my frends lyfes, and withall pe only man who reportid warft of my self, to haue gottin my lyfe with my lands, pe only feir pair of maid me lie with my lyfe, and no desire of Rebellion; nether aney mistrust I had of HIS MA^{TES} clemencie, nor of your lo^s favor; nether wald I braik ward for oney thing (they) culd try aganes me, anent pe erand of *Dunoveg*; for God is my vittnes I am inofent pair of. And I beseik your lo^s try pe same, as giwe² I war in ward to be accusid, and I trest your lo^s fall find my pairt, in all that buiffines, honest and loyall. And now I will, in all humilyté, beseik your lo^s to pité my cace, and grant me patt fauor as to suffer me to fend in ane humble Peticione to your lo^s, be the quhilk I hop to give such fatisfaction to HIS MA^{TE} and your lo^s as I may best, to fatisfie his Ma^{tes} will and your lo^s in all thingis, my avin lyfe and these wha hes assistid me being saiffe. And, in pe meintyme, praye your lo^s most humblé, befor I be hard, not to wis³ oney violente curse aganes me, ether to putt his Ma^{te} to expenceis, and me to disparatione. So, beseiking pe grett God to move HIS MA^{TES} hartt and your lo^s to pité me, according to the intencione I have to be ane paceable man, with the assuirance of my lyfe; only luiking your lo^s will latt me know what fauor I may luik for, committing your lo^s in Gods protextione, I humbly taks my live, and rests

Your lo^s humble fervitour,

Junij 3.

S^R J. MAKDONALL.

To my verie honourable gud Lords, my LORD CHANCELLAR of SCOTLAND, and the remenent of HIS MA^{TES} honourable PRIVIE CONSALL.

X. LETTER, *Sir James Makconell to the Earl of Crawford.*⁴

MY VERIE HONORABLE GUD LORD,

It may be your lo. think it streng patt I obscurid my intenciou of braiking Ward, fra your lo., in regair of our luif and familiarité; sett I hop your lo. will excusis me. For pe reveilling pair of to your lo. nicht do you hairme, being whair ye ar, and no furthurance to my intencione. Allwayis, as God fall judge my faule, my braiking ward was nott throw aney mistrust I had in HIS MA^{TIS} clemencé, nor in the *Confalls* fauor, nor sett for feir of oney thing culd try aganes me, anent patt trefon of *Dunoveg*; bott the only thing which moued me was only thatt I was credably informid, be honest men, patt *C Calder* said it to (pame,) patt howfoever pe erand of *Dunoveg* sed,⁵ he had ane Warand past be HIS MA^{TE} patt com never in pe *Confallis* sicht, commanding to put me to exsecutione, immediatly efter pe presenting pair of. Your lo. self and *Mintois*⁶ nicht heir *James Movat* fay pis; bott my authors ar better nor *James*. Allwayis,⁷ as I said aft⁸ to your lo. self, when I was in ward, I will now fay; patt, as God fall judge my faule, I was never airt nor pairt of the taking or keiping of *Dunoveg* aganes HIS MA^{TE}, nor of no vther plaitt,⁹ fence pe braik of ward pat I maid with pe *Lord Maxwell* till now, and give¹⁰ efter such long miseré of imprifonment, lose of lands, and kin, my braiking ward for pe saiffé of my lyfe, be thoecht be ye sensuir of my onfrendis,¹¹ such ane offence as will not be pardonid, I most tak pacience; for I am better now, prais to God, nor¹² as I was; and I will, as long as I liwe, pray for HIS MA^{TE} long and prosperus regne. Sett, seing give I be croft now, it cumis moir be my onfrends nor be HIS MA^{TE}, albeit I will never preis¹³ to liue long in HIS MA^{TES} dominions, by¹⁴ his hienes ovin will, altho I nicht; I wov to God, or¹⁵ I liwe¹⁶ pe contré, I, and moir nor I, fall ether lose our lyfes, or than I fall, God willing, liwe¹⁶ ane remembrance to my onfrends; I meiu only fik of pe *Cambellis* as wilbe my onfrends, patt itt salbe hard of when both they and I is deid and gone! I hop, to pair

¹ Without.

² If.

³ Use.

⁴ David, *eleventh* Earl of Crawford.

⁵ Went.

⁶ Sir Lauchlan

MacIntosh of that ilk.

⁷ Nevertheless.

⁸ Often-times.

⁹ Plot.

¹⁰ If.

¹¹ Enemies.

¹² Than.

¹³ Strenuously endeavour; press.

¹⁴ In opposition to.

¹⁵ Ere; before.

¹⁶ Leave.

small commodité: Bott I had rather gett liwe¹ to live in pace, and find gud fuirté for my obedience and gud ordour. I wilst to God, with HIS MA^{TRES} contentment, 5our lo. war ane fré man, both for your avin weill and þe weill of 5our friendis; and seing itt lysis in your avin hand, better be fré nor liwe pair with fik crofis as I knaw men will have in patt place.² I heir maney of the *Keipers* of patt *Cassell* ar putt in ward, for my braik;³ bott, as God fall judge me, pair was nane of þe keipers of patt *Caitell* þat ever I thoct to mak privé to my defing. I protest to God, I love þe gud *Constable* and all patt is pair. I haitt none of þame; bott I culd nott bott love my self befor. Thair is nane within patt *Castell* to whom I am adebtet, þat falbe ouey wayis intrest⁴ be me, if God grant me HIS MA^{TRES} pace. I defyre *Petie Gilerijf* keip my stare.⁵ Remember on our last discourfe, patt fame nicht I braik ward, anent *Margarett*. Sik nowis as may nott be thoct offenceive, I pray your lo. vrytt to me. *My Lord Tuillibairne* and þe men of Atholl, on þat Fryday after I brak waired, persewid me fo hardly, patt I was almost tane. We lost our hors, and all our clais. His lo. maid me to gett mair speid on fuitt, in one hour, nor⁶ I thoct to have gottin in ane 5eir, give⁷ fik fudent medefin⁸ had nott bein aplyid to me. Liewing⁹ to truble your lo. with longer discourfe, wilhing 5ou ever all hap-pines, I rest
Your lo^s avin euer to command,

S^R J. MAKDONALL.

I PRAY your lo. as 5e do vther thingis, lovfe¹⁰ my mvntour¹¹ fra *Pettfindie*, for 48 lib; and get my buiks fra him, and fra *Elizabeth Gib*. Sho hes twa buiks. Commend me to *Christiene*. When your lo. vrytis to me, send itt to my *Lord Tullibairne* to be sent to me. For sum of your lo^s avin perticular, I wald glaidly fê your man *William Rattra*, or oney of 5ours; the erand tuichis only 5our self. To my verie honourable gud lord, my lord ERLE OF CRAWFUIRD.

XI. LETTER, *Sir James Makconell to the Earl of Craufurd.*

MY VERIE HONORABLE GOOD LORD,

I WES not four nightes out of the Castle when I wrotte to your lo., but be not sure if your lo. hes reffaued my Letter. I have now wrotten thir few lynes, praying your lo. to remember me 5our promefe and conference with me. As for my felue, I am well, praifed be God, and all my kyndlie men hes reffaued me most glaidlie. I will do all I can to have HIS MA^{TRES} peace, and find also good fuiretie for my obedience and yeirlye dewtie¹² as may suffice. And if my onefrendis crofe me, I trest in God, how fo euer the mater go, to be evin with thame. I pray your lo. see if it be possible yee may gett outhier manne or boy to come speak with me, and aduertese me moir of all your awin estate and dyett, and of all such newes as occurs. Any of my bookes that your lo. can gett, send them to me, and vse your moyen to gett from the Erle of Atholl the bookes that wes tane from me at that onfett in Atholl. They gatt the thrie converfiones of England, Burnes book, and it that Phillip fett out on the controverted heades, it 5e saw Makcartney wrotte, the Mekle old Cornikle, in wrett. Ther wes other bookes that I remember not, bot your lo. may seek thame all to your felue. I pray your lo. gett me word from Pittfindie, and try if I will gett my mounter and chifter¹³ to lovfe.

This wes the forme of the taking of Duneveg. We lay in ane buis¹⁴ about the hous, till the Captane and tuelf of his best men com out. We persewed ouer rathlie or they come far from the hous. The Captanes men fled, bot¹⁵ him felue and three or foure, they wer slane. We 5eid in at the vtter Barnkin with the rest, but they clofed the 5ett of the inner Barnkin. Or tuelf hours we took the vatter,

¹ Leave.

² This evidently alludes to a proposal for breaking ward; which, it may be conjectured, is the meaning of the Postscript. It is very probable that this and other of Sir James Makconell's Letters had been intercepted.

³ On suspicion of aiding his escape out of confinement. ⁴ It is left to the reader to settle whether this word is used for 'interested' or 'increased.'—It seems to signify that none of them could hope for reward from him; so that bribery was out of the question.

⁵ The word is written so as to read *stane* or *starc*. The article intrusted may therefore have been some precious stone or jewel, or an order of merit. ⁶ Than. ⁷ If.

⁸ Sudden or powerful medicine. ⁹ Leaving; ceasing. ¹⁰ Loose; release from pledge. ¹¹ Watch. ¹² Fr. *montre*. ¹³ Annual-rent. ¹⁴ Probably his coffer or chest. Old Fr. *chestron*. ¹⁵ Perhaps for *bush*, or thicket; or, more probably, it may be a slip of the pen for *ambush*.

the vtter tour, and the tuo Barmkyns from thame, and fett fyre to the 3ett of the inner Barmkin, brunt it, killed and hurt some of there menne in with our thott; for we thott from four in the morning till efter tuelfue. Tuo of myne wes killed, a thouldiour and ane boy; tuo lightlie hurt. The hous wes promefed to yeeld or ten hours the morn. And so wes the Pryour and all that come out gatt thair lyff and there cloathes.

I trest in God that all the Campbells in Scotland, without HIS MA^{TIES} powar, shall not recouer it, so long as they live. I heare Patie Kilchriest is troubled for me; bot I protest to God he is innocent of my break, and all that is in that Castle. No more, but remember me to all frendes, specialie to Margrate, to Cristian, and all your owne frendes in the breathing; and also my homble service remembered, I rest
Your lo. owin to command,

July 3, Fra Duneveg.

S^R J. MAKDONALL.

TO THE ERL OF CRAUFURD.

XII. LETTER, *Sir James Makconell to Lord Tulliebardin.*¹

MY VERIE HONORABLE GUD LORD,

TREULY the tyme hes beine, when I wald never a luiked patt your father sone fuld persew me so hardly of my lyfe; for I protest I was never so hardly followid; and was so neir tane, patt your lo. self, and sum few with you, was within thre pair² to me. Bot I am much oblist to your lo., for in faith 3e maid me to be ane better fuitt-man, in one hour, nor I thocht to have beine in ane 3ier. Always,³ seing itt was HIS MA^{TIES} service your lo. did, I forgiwe you with my hartt; and I wish att God, my self had pe place to serve HIS MA^{TIES}, quhilk in my hartt I fall ever do. And this offence quhilk I have now committitt, I protest to God, is nott for desyre of trubles or Rebellion, nether for oney mistrust I had in HIS MA^{TIES} clemencé, or his honourable *Confall*, nor 3ett throw feir of aney thing patt can be tryed⁴ aganes me, anent patt erand of Dwnoveg; bot, as God knawis, my braiking Ward was only for pe saifté of my lyfe; for it is fertan, and I will gett veré honest wittnessis, to whom *the Laird of Calder* said itt, patt he had ane Warrant from HIS MA^{TIES}, quhilk *the Confall* never sawe, for to put me to present exsecutione, efter pe presenting of patt Warrant; so patt my lyffe was in *Calder's* will; and how lytill refone I had to trust to *Calder*, pairt of pe *Confall* self knawis; for, not only all vther vrangis he did me, he vrett both to HIS MA^{TIES}, and vthers att Court and in *Confall*, shawing, I was giltie both of pe talking and keiping of Dunoveg, pat pairby my lyfe might be tane. Bott now, pat pe warld may se his mailish, whan I am, as I hop in God, out of his denger, I will say to your lo., as I fall ansvér to God, I am and was ever as inofent of pe talking or keiping of Dwnoveg. aganes his MA^{TIES} as your lo. is; and when all is tryid, I defy my onfreindis to try⁵ vtherwayis, be oney just tryell. And pairfoir, seing, efter such long miseré, and pe los of all my kyndly⁶ lands, I bott only fled with my awin lyfe, I hop pe *Confall* will evin pité me. And I besaik your lo. to be my freind, so far as 3e may, without offence to HIS MA^{TIES}; only, in moving your freinds in *Confall* nott to be over hesté,⁷ att 3e desyre of my onfreindis, to tak oney violent cursis aganes me, whairbé thay may gett preferment, and cairis nott what may follow, in expence to HIS MA^{TIES}, or truble in pe cuntre; quhilk fall nott be neidfull: For, give⁸ your lo. will gett me an assurance, pat HIS MA^{TIES} honourable *Confall* will heir pe same, I will give in such ane humble Peticione to pair lo^s in fullfilling HIS MA^{TIES} will, and pair lo^s in aney thing posebill to me; my lyfe and liberté being only reservid: And give HIS MA^{TIES} dispence with my lyfe, and offences, fall mak gud fuirté to truble no man, by⁹ ordour off law. So luiking for your lo^s ansvér, be pe *Barron Rid's* meins, committing your lo. in God's protexion, I rest
Your lo^s affliured freind to command,

Junij 2.

S. J. MAKDONALL.

To my verie honourable gud lord, my lord ERLE OFF TULLIBAIRNE.

¹ William, second Earl of Tullibardine. See No. VI. Note. ² Three pair of buts; three buts' lengths.
³ Nevertheless; at all events. ⁴ Verified; proved; established. ⁵ Prove; establish. ⁶ The lands which he held as 'kindly Tenant' to the King.
⁷ Precipitate; hasty. ⁸ If. ⁹ Contrary to.

XIII. EXTRACT OF A LETTER *from Sir Rorie Makcleud¹ to Lord Binning*
(received June 30, 1615.)

Now, since I perhave *Sir James (Makoneill)* hes brocken warde, and come to Lochquhaber, and out of that come to Moror and Knoddort, where he took per force a young youth, the secund sone of *Glengarrie*² on a worfe,³ and keeps him still in custodie; and the Captanes sone, a son of Donald McAllan McEan, Captain of the Clan-Ronald. And thereafter, come to Sleat, to *Donald Gorme's* bounds,⁴ where he gott a bigg boat, with oares, faile, and taikleing; and intercomoned at lenth with *Donald Gorme* there; and a number of *Donald Gorme's* folkes of Sleat, called Clann Tarlich,⁵ is gone with him. And thereafter, passed till the Yle of Egga, where he mett *Coill*⁶ and his companyee, togidder with his bafe sone, and a sone of *Sir James Makforle* of the Route.⁷ And they ar in number, as I lerne, tuelfue or threttein score, at the present tyme. And whidder they go South or North I can not tell, at the writteing heerof. It is my advyfe to your lo. and Counfall, that your lo. derect a ample command and charge, till all and findrie the Superiours of the Yles, till convocat thame selues in armes, with a full Commission till⁸ everie one of ws, till perfew the said rebelles, by sea and land, with fyre and sword, in this form, in thrie severall armyes and companyees. That is, *Makelaine of Doward*⁹ and *Makcleane of Lochbuy*¹⁰ in a companye and armie; *Donald Gorme* and *the Captane of Clann Ronald*¹¹ in a other armie; and I, *the Lairde of Coill*¹² and *Mackynnoun*¹³ and *my Lord of Kyntaile's*¹⁴ forces, in a other companyee; and lett everie one of thir armies endeavoire thameselues in HIS MA^{TIES} service; and he that doeth best therein, have the greatest honour, and preferment, and reward of HIS MA^{TIE} and *Counfall*. And becaus the said *Sir James* and his companyee hes taken thameselues to the sea, in two barkes and findrie other boates, it were expedyent that your lo. and *Counfell* would fend me ane Commission and powar to embark any ship I can apprehend, in thir Iles, to the better perfute of thame in thir Iles; otherwise, your lo. and *Counfell* till furnishe out two or three shippes, well provyded, to thir Iles; and derect one of thame to me, that I and they may concure togedder, in his highnes service. And I desyre the Iles Superiours to be devyded in three factions, for this caus. *Sir James* and the rebelles of the *Clanndonald* ar of kynn, blood, and alia¹⁵ to *Donald Gorme* and to *the Captane of Clann Ronald*; and *Sir James* and his rebelles ar deedlie enemies to *Mackelene* and his name, and they will never agree in a¹⁶ companyee and armee. And as for me, your lo. knowes verie well that I have given a proof of my obedience and service to HIS MA^{TIE} and *Counfell* allredyde, in taking, and apprehending, and delynering my own name and blood, the rebellis of the Lews;¹⁷ and in making these landis peaceable to HIS MA^{TIE}. Lett the rest do the lyk service now to HIS MA^{TIE}, and it is verie well knownen to HIS MAJESTIE and Nobilitie of Scotland, that my hous neuer rebelled, nor yett shall rebell.

Your lo. humble seruitor at powar,

S^r RORIE MAKCLEUD.

DUNVEGANE, 18th of June, 1615.

XIV. LETTER, *Lord Tullibardine to Lord Binning.*

MY VERRIE HONOURABILL GOOD LORD,

I HAUE reffawit *McAllane McEan, Capitane of the Clan Ronald*, his ansuer of my Letter, quhair-

¹ Sir Roderick Makleod of that Ilk, and of Harris, called *Rorie More*, who married a daughter of Donald Mac-Angus MacAlister of Glengary. ² Donald MacDonell, afterwards of Scothouse; who married Mary, daughter of Sir James Macdonald of Sleat. ³ Unawares. ⁴ Of Sleat in Skye. ⁵ Clan Tarlich, that is, the descendants of Charles. ⁶ Coill Makgillespik. ⁷ See Notice prefixed to this Trial. ⁸ To. ⁹ Hector Maclean of Doward, called Eachin Oig. ¹⁰ Hector Owir Maclean. He married a daughter of Lauchlan More, Maclean of Dowart. ¹¹ Donald MacAlban MacEan. ¹² Lauchlan Maclean of Coll; who married a daughter of Sir Roderick Macleod of Harris. ¹³ Lauchlan MacKinnon of Strathordill, Laird of Mackinnon. Strathordill is in Skye. He was knighted before his death. ¹⁴ Colin, second Lord Kintail, created Earl of Seaforth, Dec. 23, 1623. ¹⁵ Alliance by marriage. ¹⁶ One. ¹⁷ Lewis.

by I perceave þat he is nocht previe to *Sir James* his brekking of Waird, and is refoluit nocht to mell¹ with þair courffis, ffor *Sir James* and *McRonald* did all þat þai culd, be meffages, to haue met with þame, vpone pretence to haue delyuerit him his fone; bot he onnawyis wald haue ony midling with þame, nor wald nocht reffawe his fone, becaus he wes in thair cumpany, without ane Warrant of 3our lo^s of þe *Counfell*. Bot I heir þat fenfyne, quhan *Sir James* taik þe fea, he fend him frome him. *Sir James*, at his passing out of Lochabber, wes onlie accompaneit with fourtene men and boyis, and *McRonald* followit him with sextene men and boyis. They past out þat to *McEan of Ardnamurchais*² cuntrie, quhair I heir þat *McEan* him selff, with all his cumpany with him; att þe leift, þair is an great pairte of þame. He gat sum boittis þair, and past þairfra, langis þe coift; bot he culd haue no landing, nather in *McAllane McEane* his cuntrie, *Mcclawd Hereis*,³ nor *Donald Gormis* cuntrie;⁴ ffor þai pat foreis on all þe sea-poirtis, to stop his landing; and I think þei had maid sum onfet on him, if þair boittis had not bene all sunk ofbefoir, for feir of suppryng þame.

I heir he landit into þe Isles of Rowme and Eg, quhair *Coull McGillefpic* did meit him with ane cumpany of hagbutteris, about þe number of fewin scoir of men. Thair forme of meiting, as I heir, wes this. *Sir James* and his cumpany stude in ane plaice be þame selffis, quhair þe vper with his cumpany went round about him, onis;⁵ and at þe nixt going about, salutit him with þair wolly of schoittis;⁶ and continowit sua schuitting and inuiring⁷ of him, for þe sspace of half ane hour; and þairefter com to him euerie man, particularlie,⁸ chapping handis.⁹ Wpone þe morne, þai conuenit all þe haill bestiall, horfe, and ky, to one plaice, quhilk þei thoct to haue flayne haill;¹⁰ bot, vpone better aduyfement, þei flew onlie ane number of ky, for meat, quhilk þei caryit immediatlie to þair boittis; and þairefter taik þe fea,¹¹ to þe number of Thre hunder men, of all. *Cold*¹² brocht him tua crearis,¹³ with sum wpir boittis þat *Sir James* him self gat in Ardmurche, and suppryfit in wpir pairtis. It is thoct þat þei haue tane þair woyage to Ilay; and if þe cuntrie be vpone þair gaird, as þai fuld, I think þai fall nocht proffit mekill. The occasioun of my mannis stay; it wes long befoir he could get tryell¹⁴ quhair *McAllane McEan* wes; for he wes buffie, in gewing of ordour, þat *Sir James* fuld nocht land¹⁵ on any of his Isles; and abseuring¹⁶ him selff, þat þei fuld nocht get him. I vnderstand he hes fend him Letteres to the *Counfell*, quhilk I think 3our lo. knawis of befoir now. I will request 3our lo. to lat me vnderstand, quhat directioun is cumit 3it frome HIS MA^{TIE}, concerning *Sir James Mcconneill*, and quhat conclusioun 3our lo^s of *Counfell* hes taiken pairanent. Sua, hawing na farder at þis present, committis 3our lo. to þe protectioun of God; and restis

3our lo. eur affiurit freind and seruant,

PERTHE, þe 24 of Junii, 1605.

TULLIBARDINE.

I VNDERSTAND *Glengarrie*¹⁷ is presentlie in Ed^o, and is trublit be *my Lord Lowatt*¹⁸ in some actionis betuix þame. I wald request 3our lo. to be his freind and to forder him lame ouir; for I mynd to meit with him, in his by-cuming, and fall lay him rycht to any thing þat concernis HIS MA^{TIE}'s seruice, to my power. And becaus he is dealler betuix me and *McAllane McEane*, Capitane of the *Clan Ronnald*, pleas 3our lo. wret to me, quhat particular 3e wald haue me to lay to thair charge; and I fall do þe best.

The pretext þat *Sir James Mcconneill* and *McRonald* myndit to haue vsit, to haue persuadit *McAllane McEane* and *Glengarry* to haue taikin þair pairte, is þis auld actioun þat *my Lord Lowat* hes

¹ Meddle; interfere; mingle. Fr. *meler*.
Ardnamurchan, a powerful branch of the Clandonald.

² Maedonald of Ardnamurchan, Chief of the CLAN IAN of

³ Sir Roderick MacLeod of that Ilk, commonly called *Rory More*. He married a daughter of Glengarrie's, and was the founder of the families of Talisker, Bernera, Muiravenside, Hammer, Grisernish, &c.

⁴ See Note relative to *Donald Gorme*, (No. XXII.) III. 25.

⁵ Once.

⁶ Volley; feu de joie. ⁷ Encircling. ⁸ Separately; individually; one by one, ⁹ An impressive mode of swearing feudal obedience, and to live and die in his service. ¹⁰ Entirely; wholly. ¹¹ Set sail ¹² Coill

Makgillespiek Maedonald. ¹³ A *crayar*, sort of large galley; or rather a bark or sort of sloop. Cray is used in

O. E. in a similar sense. ¹⁴ Advice; satisfactory intelligence. ¹⁵ Should not be suffered to effect a landing.

¹⁶ Obscuring, concealing. ¹⁷ Donald Maedonald of Glengarrie (*Donald MacAngus MacAlister*.) ¹⁸ Simon, seventh Lord Lovat. See *History of the Frasers*, by John Anderson, Esq. W.S.; a work of great ability and research.

aganis pame, and þe taking of *M^cAllane M^cEanes* landis our his head be *Sir James Stewart*. In my oppinnoun, your lo^s of *the Counfall* fuld do weil to delay þe discuffing of þir debaittis for ane quihlye till þir wper materis of *Sir James* war fetlit.

XV. LETTER, *Sir James Makconell to Lord Binning.*

MY VERIE HONOURABILL GUDE LORD,

PLEIS your lo. I wald haue writtin to your lo. long or now, had not I culd find no bearer, becaus nane of my awin dar go thair. Aluys,¹ I will euer think myself bund for the fauour your lo. schew me at my being laft in *the Caffell*,² whanne God knawis vtheris wes bent to wrong me be thair fals accusationis; whose feir, and the report they gave out that my lyfe was onlye in thair willis, was the onlye motione of the braik of ward; and no intentione nor desyre I had, or hes, to live as ane Rebelle or outlaw; whiche traid, the Lord knawes, I abhorre; bot that I wald glaidlie live at libertye with my lyfe faif. And now, my lord, I befeik your lo., for the fauour of God and my perpetuelle seruice, pitie me and be my freind, that his Maiestie may be graciouflye moved not to yeld to my vnfreindis, to ruit me and my whole race out, being fyve or sex hundreth 3eiris possessouris, and now willing to obey and serue his Maiestie, in all humilitie, I, seing how I and my pure freindis may live; and if your lo. culd find the meanis that HIS MA^{TIE} and *Counfall* may be moved to let me posses this pure Iland, paying for it as anie vther may or hes 3it offerit to do, and getting my pardone, fall find sufficient suretie, both for my 3eirlie dewtye and the peace and quyetyne of me and all that dwellis vnder me. Gif your lo. may or will do me any guid in this, I will not onlie be ane to do your lo. guid seruice, bot, with Goddis graice, let your lo. fie my thankfulnes. befeik your lo., for Goddis cause, be playne with me, and if HIS MA^{TIE} may not be moved to let me haue this Iland, diminiffing nothing of HIS MA^{TIES} commoditie, that your lo. will let me know, be your advise, be what vther meanis HIS MA^{TIE} may be moved to grant ane generall pardone to me and all myne; and that we may haue to susteine ws in sum meafour, leif we be forcit, being without oure living, to opprefs vtheris. This abyding your lo. anfuair, committing 3ow to God, I rest

Julij 1.

Your lo. euir to command,

SIR J. MAKDONALL.

MY LORD, If HIS MAIESTIE be not willing that I fall be his heighnes tennent in Ila, for Goddis cause let HIS MA^{TIE} hauld it in his awin hand; for that is certane, I will die befoir I fie a *Campbell* posses it. And HIS MA^{TIE} haulding it in his awin hand, HIS MA^{TIE} may haue ane thousand merkis mair be pat, nor *Calder* fuld pay; I making it quyt of me and my kin, whiche I will do vpoun suche reasonabill conditiones as I will schow your lo., if 3e may assure me that 3e may get HIS MA^{TIE} brocht to this poynt, and in the meintyme no employment³ be gevin aganis me, till your lo. fie how this may be brocht to pas. As for this *House of Dunveg*, which I tuik in four and twenty houris from *Calderis* menne, your lo. getting me fauour of HIS MA^{TIE}, the house salbe to serue HIS MA^{TIE}, and neuer to be keipit aganis his hienes. And if HIS MA^{TIE} awin Gaird or *the Bischopes* had bein in the House, befoir God I wald neuer persew it; bot finding these in it, who crewellie opprest the pure cuntrie, wes the onlie suitteris of my lyfe and landis, I wald I culd do thame mair disgrace! Referring all to your lo. consideratione and anfuair, I rest

Julij 1.

Your lo. euer to be commandit,

S^r J. MAKDONALL.

TO MY LORD SECRETARE.

XVI. LETTER, *Sir James Makconell to Mr James Knox.*

RIGHT WORSHIPFULL,

I HAVE, for some buffinesse, partly concerning your father, sent this bearer to Edinburgh; and geve

¹ At all events. ² Of Edinburgh. ³ This is taken from a copy. The sense appears to be, that, in the interim, no one should be employed against him by Commission, or Letters of fire and sword.

my lord be gone to England, I pray yow fail not, as yee respect his lo. well,¹ to fend his Letter to him, with suretie that it may com to his handes; for I have wrotten to his lo. the thing that I hope thall come to his lo. honour and credite; and there is none leaueand vnder his Maiestie that I will do mor to, till do be, and do him all the honour and credite I can. Heir I will entreat yow, give² 5e be in Ed^r, and any of my Letters come to 5our hand, yee will delyver thame to fuche as I have wretten thame to. And so, reposeing in 5our good will, and assuering 5ow I am to ferve and honour 5our father and 5our selue, I rest
5our assured frend to command,

FROM ILA, 4 Julij.

S^r J. MAKDONALL.

(*Postscript.*) Sir,

ALBEIT it be too great paines, yet in hope I will, God willing, do 5ow yett more seruice, fend one of 5owr servandis with all the rest of my Letters to such as thay are derected to, and what answer bees gotten, geve it to the berar. I rest
5our assured frend,

S^r J. MAKDONALL.

TO MR JAMES KNOX, sone to my Lord Bishope of the Illis and Raupho.

XVII. LETTER *from Archibald Campbell*³ to *Lord Binning*,⁴ ' *auent his persute of Sir James Makoneill.*'

RIGHT HONORABELL,

AS I writ to 5our lo. from the Wode of Messen, SIR JAMES M^cONEILL and M^cRANALD went by pat way; and, as I was informed, he had staid Wednisday night and Thurfday in Murthlie. So I, heaving riddin Wednisday night and Thurfday all day, I wachit at Murthlie all pat night, bot pay maid no itay pair: Bot M^cRanald sent a man of his for a 5oung boy of his awin pat he had in Murthlie, and convoyed him with him. On Wodnisday, at night, they were in a pure man's house in Strabrane; and on Thurfday, at night, pay wer in the East end of Ranoch, quair I might haue bene sex houris before pame, gif I had bene sartane of thair way. *The Erle of Atholl*⁵ was advertified by pe *Erle of Mar*,⁶ and he followed pame. And on Fryday, in the morning, com in fight of pame; bot my lordis men had ran so far, and his spayis pat went before him so vnprovedent, pat *Sir Jeames* and his companie wer advertified be *Strowan* his wyf,⁷ quho is *M^cRanald* his dochter. They wer forfidd to leive pair horffis and clothes, and teake pame to pe wodis. *The Erle of Atholl* apprehendit *Sir Jeames* his man, pat was with him in the Castell, and quho stayed efter him in pe Castell pat morning he brake ward, and too men of *M^cRanaldis*; bot my lord tels me he difmist pame all. My lord, so far as I culd learne, *the Erle* was exceeding willing in this persute, bot pair was sum wronge done him, pat I beleive his lo. as 5it knows not of. Those pat I fend to be before pame ar not as 5it returned, nor no word from pame. I hope in God 5our lo. fall heir pat pay haue mett; for pay can hardlie pas by pame. *The Erle of Atholl* assuris me pat pair cam a compane of men to meit *M^cRanald*. My lord, if pair wer bot too hunder men and ane honest commander on pe feildis, they wer not eabell to do any thing be land; nor culd pay haue tyme to mowe⁸ any to follow pame: Bot in treuth, if pay be permitit, they will no dout grow stronge. *Sir Jeames* man pat pe *Erle of Atholl* apprehendit, told, pat pay resoluit to burne *Cadell*⁹ his landis of Mukarne; and pat he thocht a grait many Illenderis ver on pair course.¹⁰ My lord, so schune as I heir from those I derectit estir pame, and pat I kno quat course

¹ Weal; advantage. ² If. ³ Son of Sir James, and brother of Sir John Campbell of Lawers. Afterwards Sir Archibald. ⁴ Sir Thomas Hamilton, afterwards Earl of Haddington, Secretary of State. ⁵ James, second Earl of Atholl, son and heir of John, sixth Lord Innermeath, who had obtained the Earldom, Mar. 6, 1595-6. He married Lady Mary Stewart, second daughter of John, fifth Earl of Atholl, by his stepmother, Lady Mary Ruthven, and died without issue, anno 1625.—*Wood's Peerage.* ⁶ John, seventh Earl of Marr, who had been intrusted with the education of Prince Henry, and was, in Dec. 1615, appointed Lord High Treasurer of Scotland. He married Anne, 2d daughter of David, second Lord Drummond, and died Dec. 14, 1634, æt. 77. ⁷ Robert Robertson of Strowan married a daughter of Maedonald of Keppoch. ⁸ Induce; persuade; more. ⁹ John Campbell of Caddell or Calder. ¹⁰ Were his abettors and maintained his cause.

Sir Jeames teakis first in hand, or quhich way he teakis him to pe seie, I will, God willing, returne ; not douting bot *my lord Thefaurer*¹ will haue some confideratioun of my peans,² as I fall be reddie at all occasiouns to adventur my self in HIS MA^{TIES} seruice ; I rest

FROM the FURD of LYON, pis Setterday
at xij hours of pat day.

3our lo. ewer to ferue 3ow,

AR. CAMPBELL.

I pray 3our lo. adverteife Cadell, pat he may fend word to his men of Mackarney, to be war of pe rebels.

To pe right honorabell, and my speseall good lord,
MY LORD OF BINNING, Secreter, &c.

XVIII. LETTER, *Lord Binning to Archibald Campbell.*

LOVING FREIND,

I RESSAVED your Letters of the 15 of this moneth, from Dunoveg ; bot now newes in thame ; becaus, vpon the 12 day, I hard the substance of all that your Letter beares ; quhilk that same 12 day was writen to Court be my Lord Chancellour. I am glad that my Lord is maister of these strentis, and forie that all the principall men are escaped, except *Coll*, who hes gottin conditions ; bot I hope that my lordis diligence, wisdome, and gud luk, fall owertak thame, and red HIS MA^{TIE} and the cuntrie of thair cummer, for if it fould fall vtherwayes furth (as God forbid) yow know quhat constructions men wald mak of the great preparatioun maid be sea and land, at so great charges to HIS MA^{TIE}, without any effect, bot the wrak of the poore beggarlie tennentis of Ilay and Kintyre. For, since *Sir James* and his sone, with *M^cRannald* and his sone, and *Glengarries* sone, and *M^cSorle*,³ ar all escaped, and *Coll*⁴ pardoned, I know not quhat ringleaders these ar, whome ye wryt 3e ar to bring in. Allwayes, it is gud that thair forces ar scattered, without harme or danger ; yit, so long as the heades ar all to the fore,⁵ the Rebellioun will never be thought quenched. Quhairfor, I know my Lord will have such cair as agrieth with his honour and HIS MA^{TIES} expectatioun. I have no certantie of *the Thefaurer* deutes dyet, bot I hope he will be heir about Hallowmes, and will assuredlie performe his promeis, yours being observed, quhilk I hartelie wishe. So, remembering my loving commendatiounis to your brother *Collin*, and praying you to prevent your curious nighbouris in the adverteifments of my lordis proceedingis, quhilk I wishe may be prosperous, I rest

Your verie loving freind, at powar,

[BINNING.]⁶

XIX. LETTER *from Sir Dougal Campbell of Auchinbrek to the Chancellor* (*received Aug. 4, 1615.*)

HONORABLE GOOD LORD,

MY humble dewtie remembrit, please 3our lo. to wit, that I am heer in the Tarbet, attending vpon our enemies coming farder in the cuntrie. 3our lo. fall vnderstand, since my last wryting to 3our lo., *Sir James* the traitour hes latlie directit out ane *fyrie croce*⁷ from the head of Lockerrane, quhair he makes his residence for the tyme, to the Tarbart, vpon the pretence that all maner of man betuix the Mull of Kintyre and the Tarbart fould come and tak land of him. And to preveine this, that the cuntrie fould get no skaithe, I have directit for to get more assistance of men throw Argyle and Lorne. 3our lo. fall know that I was not anfuert, according to my Commissioun. The monyest⁸ that came to me was ane hundreth men ; the number of the baill thrie hundreth men. Withing 3our lo. to tak ordour with the cuntries disobediencie, for farder inconvenience ; quhilk I fear will come to more

¹ Sir Robert Carr, Earl of Somerset, held the office at this time.

looked for, to quicken his zeal.

³ A son of Sir James MacSorle of the Route, formerly mentioned, both in this Appendix and in the Introduction to this Trial.

⁴ Coll Maegillespiek Macdonald.

⁵ In being ; existing.

⁶ From a copy, marked by Lord Binning himself.

⁷ See Notes to *Sir Walter Scott's* *Lady of the Lake*, &c.

⁸ Most ; greatest number.

ikaith, if they be not punischt for thair fault. I fall give vp in forow to your lo. the particular disobeyars. These Rebels ar in readines with fyve nichtis provisioun and lone. Quhair they ar to mak thair onfet I know not; bot they ar mor in number than I wret to your lo. in my last Letter. I dowt not bot your lo. remembers the dait of my Commisshion, quhilk approchis neir to the fext day of August; quhairfor I thocht good to mak your lo. forsein of this, that your lo. may tak ane ordour farder with thir Rebels. So, not troubling your lo. with farder writ, committis your lo. to the protectioun of the Almighty God.

TARBART, 30 July, 1615.

Your lo. to be commandit to my powar,

AUCHINBRECK.

XX. LETTER, *Lord Binning to the Earl of Argyle, 5th Aug. 1615.*

MY MOST HONO^{LL} GOOD LORD,

THINKING my self assured that your lo. wald, according to your promeis, contenit in your Lettre of the 24 sent to me, begin your journey homeward ypone the nixt day, and end it, at fardest, within ten or tuell dayes; I certified the *Counsell* pairof, and be Letteris to *Auchinbrek* and vtheris officeris, wudowtedlie that your lo. wald keip that dyet; but now, wnderstanding your lo. cairlesnes of that weightie charge, quhilk ze have wndertaine againis the *Tratoris*, who daylie growis in number, force, and presumptioun, becans they find no resistance, far les perfute aganis them, quhairby they have left sum forces in Ila, to keip Duneveg and Lochgorne; and *Makoneill* self and sex hundreth with him, having maid thanefelstis maisteris of Kintyre, ar so swelled in pryde, that they have sent the fyre-corse¹ throw the cuntrie, and wairned all the inhabitants betnix *Tarbert* and the Mull of Kintyre, to tak their land of the *Traitour Makoneill*. We heir of so much boldnes in the rebels and fear in the cuntrie people, as we expect daylie to heir of thair farder futing vpon your lo. cuntrie of Argyle; which your owne people does fearfullie apprehend. We ar assured of *Auchinbrekes* faithfulness to HIS MA^{TIES}, and your lo. do exceidinglie distrust his governement, in respect of his owne feiklines, the disloyaltie of many of the Irische people, and boldnes and subtiltie of the Rebels, too able to keip advantage of him. Nather will I conceall, that your lo. name² is envyed, your owne autoritie and wounted estimatioun infinitlie impared, be your absence and neglect of your cuntrie; and releiff of your freindis, engadged and wraiked for your debitis: And now, if your lo. fall kythe³ cairles, or slouthfull and sluggithe in this great charge, ze will increas the libertie of your ewil-willaris, who have boldlie spokin to your disadvantage and discredit, discourage HIS MA^{TIES} good subiects, embolden the Rebels, and mak your task more difficile nor⁴ your lo. apprehends. My affection to my maisteris honour, and respect and good will to your lo. self, makis me to wryt more liberallie⁵ in this mater nor vtheris will, which I hope and request your lo. may tak in good pairt; earnestlie befeiking your lo., all empeschments removed, to come heir with all possible expeditioun and resolution, to go fordwart with wisdom and diligence. Your lo. will find that your following your owne will, aganis my opinioun, in purchassing ane Commisshion in this service, to ane particular number of the *Counsell*, will do hinder to the bussines. Bot the nixt best must be done; nothing being able to remove all difficulties, but your lo. prefence and diligence; which I recommend to your lo., as ze affect your maisteris favour and your awne honour. So, luing for your lo. extreame diligence, to amend bypast sleuth and ouersights, I commit your lo. to the protectioun of God.

Your lo. verie affectionat to serve you,

ED^R, the fyft of August (1615.)

[BINNING.]

XXI. EXTRACT from *Minutes of Privy Council, Jun. 20, 1615.*⁶

THE *Marques of Huntly*⁷ hes gotten a verie ample Commisshion for perfute of the Rebelles, espe-

¹ The Fiery-cross so often described by Sir Walter Scott in *The Lady of the Lake*, &c. ² Clan Campbell.
³ Prove careless. ⁴ Than. ⁵ Freely. ⁶ From the *Dennyline MSS.* Adv. Library. ⁷ George, sixth Earl and first Marquis of Huntly, the same person who was concerned in the traitorous correspondence with Spain, the burning of *Dunibirse*, and slaughter of the Earl of *Moray*, &c.

cialie of *Macronnald*¹ and his sone, who ar his owne tennentes; and the Counsaile hes wrotten vnto him to fend his sone *the Erle of Enyee*,² with diligence, to Lochquhaber,—to perfew the rebelles, to tak, demolishe, and destroy *Makronnaldes* houffes, to meddle with his whole goodes, and with the goodes of such as did reflett and supplie *Sir James Makdonald* and *Makronnald*, and not to come out of that countrie, whill he affaure the countrie to be kept vnder his Maiefties obedience.

There is a Proclamation sett oute againes *Sir James Makdonald* and his sone, *Coill Macgillefpik*,³ and some othere of the principall ringleadares in this rebellion; conteaneing a reward to any such persone or persones as will tak or slay onie of thame; to witt, for *Sir James McDonald* there is a promese of fyve thousand pundis; for *Makronnald* and his sone and *Coill Makgillefpik*, fyve thousand markes a peece; and for some others of the rebellis, thrie thousand markes. And there is a promese of pardon proclaimed to such of the rebels thame selues, as will tak, and exhibite, or slay onie of there owene companie, being of a better rank and qualitie nor thame selues.

Sir James Makdonald and *Makronnald*, in there going towards the Isles, took a sone and a feruand of *the Larde of Glengarries*;⁴ information whereof being made to *Young Glengarrye*,⁵ he, with such forces as he could mak vpon the suddane, followed thame to the sea fyd, and in a conflictt betweene thame, he hes taken two of the principallis of *Makronnaldes* companie, ffor whose releef *Makronnald* offerred delyuerie off *Glengarryes* sone; bot *Glengarrye* refuised to delyuer his two prifoners, and hes promised to exhibit thame heere within ten dayes.

*Donald Gorme*⁶ and *the Captane of Clannronnald*⁷ hes by there wryttinges promised to continew in there obedience, and to do the best of there endeoures in the perfute of the rebelles.

XXII. EXTRACT from 'The Historie of King James the Sext,' (published for the Bannatyne Club.)⁸

IN the moneth of Maij (1615), *Sir James Makoneill*, eldest sone to unquhile *Angus Makoneill of Dunnevaig*, who was before condemnit for certen crymis committed be him, and for escaping furth of the Castell of Edinburgh, in cumpanie of *Johne Lord Maxwell*, as is before tauld, escapit furth therof; becaus it was constantly supponit that he had gevin counsell, be word and writt, for the violent keeping of that Castell; and fearing the cryme fould have bene tryit aganis him, be witnes, he tuik therefore tyme and occasioun to efchew unpuneifit. This Castell of Dunnevaig was ombeset be certen of the Kingis ships, be sea, that nane of the Kepers fould escape that way, nor be furneifit with viuers be sea. And *the knyecht of Caddell*, brother-in-law to the said *Sir James*, took in hand to ombeset the same be land; as he did; and wan the same. Sum of the preafoners he put to death ther; uthers he convoyit faiflie to Edinburgh; and the greateft nomber escapit, be sea, and became Pirats. In the meane seafone, *the Erle of Argyle*, having maid long residence at Court, and understanding that *Sir James Makoneill* was destroyand his laudis and tennents, maid narrative thairof to the King; and obtenit ane ample Commiffioun of his Maieftie, to pas aganis him, with fyre and sworde, and to apprehend him, ather quick or deid, as he best could; and so, haifted himself towart Scotland, with all speed, for the purpose. His voyage maid no good fuecefs, as falbe, God willing, declairit heirefter, at mair lenth.⁹

¹ Alexander Mc Donald or Mc Ronald of Keppach or Gargavache. ² George Earl of Enzie, afterwards second Earl of Huntlie, who was beheaded at Edinburgh, Mar. 22, 1649. ³ Father of Alister Mc Donald, Lieutenant to the great Marquis of Montrose in the civil wars. He was popularly styled *Coll Keitach*, i. e. Left-handed Coll, from which his son Alister took his designation of Mc Coll Keitach, abridged to *Colkitto*. ⁴ Donald Mac Angus of Glengarrrie. ⁵ Alexander or Alister, father of the first Lord Macdonell of Arras. ⁶ Of Sleat, called *Sassenach*, having been educated in England. He married Mary, daughter of Hector MacLean of Dowart, leaving three sons. ⁷ *Donald More*, the eldest, married Margaret, sister to Colin Lord Kintail; and dying, without issue, in 1616, his nephew, *Donald Gorme Oig*, son of his brother Archibald, by Margaret, daughter of Angus Macdonald of Dunnevaig and Glynnis, succeeded. See (Archdall's) *Lodge's Irish Peerage*, VII. 115. ⁸ Donald Mc Allan Mc Ean. ⁹ Edited by Thomas Thomson, Esquire, quarto, Edin. 1825, p. 388. ¹⁰ The author either did not live to fulfil this intention, or at least did not complete his History, which terminates abruptly, anno 1617.

XXIII. THE EARL OF ARGYLE'S REPORT TO THE PRIVY COUNCIL OF SCOTLAND of his *Comission of Lieutenantry*.¹

(1615, Sep.) IMMEDIATLIE efter that *the Erle of Ergyle* had receavit his MAIESTEIS Commiffioun of Lieutenandrie over THE ILLIS, he addressit him self, with all convenient diligence, in Duntroone,² quhair the greatest pairt of his forceis did meete him. And being fairlie informit, that the Traytour *Sir James M^cConcill*, and his complices, to the nowmer of sevin or aucht hundreth men of weere, for that present in KINTYRE, and of full intentioun thair to remane, quhill³ thay wer by the gritter power forcit out of it, his lo. resoluit to mak ane onfett without ony delay, alfwieill on thair vefchellis as on *the Rebellis* thame felffis; and thairfore commandit *the Laird of Caddell*, who had the conducting of the forceis of Lorne, to mak his onfett on thair vefchellis, quhair he could heir thame to be, ather in YLE OF GIGA, the ILE OF CARA, or on the MAINE-LAND OF KINTYRE. Lykewyle so, his Lordschip gaif command to *the Laird of Auchinbrek*,⁴ and to some speciall of *Auchinbrekis* freindis, to merch over land to the Tarbart, with his lordschipis forceis of Ergyle. My lord him self, being accompaneid with the men of Coule,⁵ went by Sea to the Tarbart, on the vther syde of the Maineland. My lord went from Duntroone on the _____ day of September, and wes that nicht in the Tarbart; quhair *Auchinbrek*, with the men of Ergyle, did meete him that same nicht. *Coll M^cillefpik* haiving⁶ *Coline Campbell of Kilberrie*, fet out to him, come with fyftie men the foirfaid nicht to Loch Tarbert, quhair he apprehendit the faid *Coline*, and some foure or fyve with him, quhome he maid his prifonairis. Airlie the nixt moirning, *Coll M^cillefpik*, being on his way bak agane, towardis the Ile of Cara, quhair he had left *M^cRannald*, and his fones, and *Sorle M^cJames*, who wer appointit to remane in Cara, for keiping of the Rebellis vefchellis; he being on his way, as faid is, perfault *my Lord of Ergyle* his forces of Lorne, failling towardis Gigza; and some of thame, haueing gone in the bak syde of Gigza, maid ane onfett on the *Rebellis* who wer in Cara, bot wer preventit⁷ by some of *the Laird of Largy*⁸ his servandis, who perfault *my lord of Ergyle* his forces going towardis Ergyle, quhair the Rebellis wer, and fet on grite beikynis⁹ to mak thame warr.¹⁰ The foirfaid Ila not being diftant frome land above twa or thrie myllis of sea, zit before *the Rebellis* could get away in thair boitis, thair wer some of *M^cRannald* his men apprehendit and slane. *Coll M^cillefpik*, as faid is, being on his way to the Ile of Cara, wes adverteit be a servand of *the Laird of Largyis*, that *my Lord of Ergyle* his forces had chasit *M^cRannald* and those that wer with him out of the Ile of Cara, and had plantit thame felffis thair; so he immediatlie was forcit to land in Kintyre. Some of *the Erll of Ergyle* his men, haueing forgadderit¹¹ with him in his landing, killit a fyftene or faxtene of his men, and took his foure vefchellis frome him. My lord of Ergyle, the foirfaid day, fend his forces of Couell and Ergyle, within twelf myles to the place quhair *Sir James M^cConcill* and his complices wer; bot he being adverteit that *my Lord of Ergyle* his forceis wer comeing, by sea and land, vpoun him, fled away to *the Ile of Rachlie*,¹² quhair he remanit twa nichtis, and thairefter went to Ila. My Lord of Ergyle being adverteit thairof, and heiring that his Ma^{te}is schippis wer arryvit at *the Ile of M^caeharunnik*, his Lordschip went with his forces of Lorne and some of the men of Ergyle, who had thair vefchellis on that syde of the Meane-land, towardis his Maieftis schippis; quhair he was flormestayd for the space of thrie dayis. And thairefter went to *Loddummes* in Ila, a harbour convenient for his Maieftis schippis to abyd in, and good for landing of his lordschipis forces, out of the danger of

¹ Presented to the Privy Council by 'Archibald Campbell,' (Brother to the Laird of Lawers,) 'sermitour to Archibald Erle of Ergyle,' Nov. 23, 1615.

² Probably meant for *Dunoon*, of which the Duke of Argyll is still nominally the Heritable Keeper. The *Dun* on which the ancient Castle stood is all that remains to point out its site.

³ Until. ⁴ Sir Dugald Campbell. ⁵ Cowell, a district of Argyle. ⁶ Some words appear to be omitted here,

such as 'set for,' or 'laid in wait for.' ⁷ Frustrated. ⁸ Macdonald, ancestor of Sir Charles Macdonald Lockhart.

⁹ Large beacons. ¹⁰ To make them aware; put them on their guard. Such beacons were usually large fires placed on the tops of the highest mountains or eminences, and carefully fed with tarred wood, &c. until answered from adjacent heights. ¹¹ Met; rencountered. ¹² Rachlin or Rachrin.

the enemy. Hauing stayed thair twa dayis, for refrescheing of his men, and till he fould heir quhair *the Rebellis* wer, immediatlie being adverteist that *Sir James*, with his complices, wer in *the Rindes of Ila*, and in a little Ile neir by, called *Illannourfay*, *my Lord* maid onfet on thame, by sea; quhairin his lordschipis men wer preventit by some, who set on beakynis in *the O of Ila*, quhairby *Sir James* was adverteist that my lord his forces wer comand on him, so as *Sir James*, *McRannald* and his fones, and *Sorle McJames* fled over that nicht to *Inchdachele*, ane Ile on the coast of Ireland. *Coll Mcillispik* hauing the keiping of the CASTELL OF DUNYVAIG and the ILE of LOCHGORME, randerit thame bothe to *the Erll of Ergyle* and *Colin of Kilberrie*, quhome he had taikin captine; and apprehendit *Mciphie*,¹ on of the principallis who followit *Sir James*, and deliuerit him to *the Erll of Ergyle*; and I haue presentit him this day before your Lordschipis, with vther fyve of *Sir James* his complices. Efter that the Castell of Dunyvaig and force of Lochgorme wer taikin in, *my Lord* apprehendit fyftene of the principall men of Ila, who wer leadairis of the poore ones, to follow *Sir James*; whome he caufit be execute thair. And hauing deliuerit the fairfaid Castell of Dunyvaig and the force of Lochgorme to *the Laird of Caddell*, his Lordschip come frome *Ila* in his Maiesteis schipis, and arryved in *Lochicarrane*² on the sextene day of October last. His Lordschip no thooner come thair, than thair come on of the faid *Sir James* his followaris who went with him to Ireland, and vndirtook to bring some of my lordis servendis to the place quhair he left the faid *Sir James*; and gif he were not to be found thair, he wes suire to find him in the toun of Galloway, in Ireland, in *Vallentyne Blak* his houfe, or *Robert Blak* his houfe, thair; two, who are alledgeit to be reffettairis of Jesuitis. *My Lord* being thus fuirle informit of the faid *Sir James* his proceedingis, hes directit threttie of his men, in two onfettis, to Ireland, efter him. As to *Sorle McJames* and the twa and twenty that he had with him, thay ar in *the Route and Glennes of Ireland*:³ It is alledgeit that the sub-officer thair hes gevin thame promeis of protection for two monethis. As to *McRannald* and *his fones*, thay ar fled to Lochquhair; and my Lord his forces ar in persute of thame thair. As to *Glengarrie* his sone, he is refat in his fatheris boundis, and my Lord hes some of his servendis efter him. At my Lord his coming to Kintyre out of Ila, he apprehendit some of the principallis thair, who had followit *Sir James*, and those who maid warning to the Rebellis of *the Erll of Ergyle* his forces coming to Cara. Lykwyfe his Lordschip dismissit *Capitane Wood*, *Capitane Monke*, with his Maiesteis Schipis, and the Bark quhairin his Maiesteis cannoun and munitioun wes, on the tent day of Nouember instant.

As alswa, the faid *Archibald Campbell* gaif in the ARTICLES following, quhaironto he craved the faidis Lordis aduise and ANSUEW; off the quhilkis Articlis and Answueris the tennour followis.

ARTICLES and ANSWERIS.

FIRST, to inquire, gif your lordschipis thinkis it not ane sufficient exoneratioun to the Erll of Ergyle, that *Sorle McJames* is in Ireland, and hes tua monethes Respett,⁴ as is allegit?

ANSWER. *The Lordis thinkis that the Lieutenant hes done his dewtie, and fould be exonerat of Sorle McJames, gif he be in Ireland, as is alledgeit; seeing, his lordschipis Commissioun giris him nocht pouer to persew Sorle McJames, in Ireland.*

SECUNDLIE, to crave thair Lordschipis opinionis, gif thair Lordschipis thinkis it nocht sufficient, that gif *McRannald his fones* may nocht be apprehendit *my Lord of Ergyle* his travellis, before my Lordis coming to the Commissionairis, that my Lord prove in quhais boundis thay haif had actual residence?

ANSWER. *Gif McRannald and his fones can nocht be had afore the Lieutenents coming heir, gif the Lieutenant will verifie and prove quhair and by quhome they are restet, and within whos boundis thay haif thair actual residence, he dois his dewtie, in that point.*

THRIDLIE, to inquire thair Lordschipis, gif *Glengarrie* will nocht be obleigt for *his sone*, it being cleirlye provin, that he has actual residence within his fatheris boundis?

¹ Mcaphie of Colonsay. The modern name is McFee. Mac-Sorle-Boye, mentioned in the Notice to this Trial.

² Loch-Kilkerran.

³ The property of Sir James

⁴ Respite.

ANSUER. *Glengarrie wilbe halidin to anſuer for his ſone, it being prouin that he is reſſet and hes his actual reſidence within Glengarryis boundis.*

FOURTLIE, to ſchaw thair Lordſchipis, that *my Lord of Ergyle* findis the haill cuntrey people of KINTYRE, ILA, COLONSAY, JURA, and EIGA, guiltie in being in cumpany, and beiring wapponis, and muſturing with *Sir James M'conell*, at ſuche tymes as he appointit; and in geving of meite, drink, and harborie to him, his followaris; and for the moſt pairt thay neur left *Sir James*, nather in KINTYRE nor ILA, vntill he was conſtrayned to leive thame; yit *my Lord of Ergyle*, finding the nowmer ſo grite, and that thay alledgeit that it was throw juſt feir that thay went with him, or ſchew him ony fauour; thairfoir my Lord hes put to the knowledgement of ane Affyſe, ſuche as had commandiement of companyis with him, who might haue done ſeruice on *Sir James* and his followairis, and haue left thame at thair pleaſoure; and forbeiris the reſt, vntill he know the Commiſſionaris pleaſoure; altho' the extremitie of the law wald tak all thair lyveis.

ANSUER. *The Lordis ar of the Lieutenentis opinioun, concerning this Article; bot thay will firſt acquent the KINGIS MAIESTIE thairwith, and haue his Maieſteis will and pleaſour thairanent, afore thay gif thair aduiſe to the Lieutenant.*

FYFTLIE, to ſchaw thair Lordſchipis, that the CASTELL OF DUNYVAIG and the ILE OF LOCHGORME, being randrit to *the Erll of Ergyle*, he hes delyuerit thame to *the Laird of Caddell*; and deſyris THE COUNSALLIS allowance of the ſame.

ANSUER. *At the comeing of the Lieutenant and of the Laird of Cadell heir, this Article fall reſſae an anſuer.*

(SAXTLIE,) To ſchaw thair Lordſchipis, that he who hes vndirtaikin to bring my Lordis ſervandis to the place quhair *Sir James M'Conell* hes reſidence in Ireland, thew my Lord, gif *Sir James* wer out of that place, quhair he houpit to find him, he wald fuirlie be in the toun of Galloway, in Ireland, ludgeit ather in *Vallentyne Blakis* houſe, or in *Robert Blakis* houſe, for thay dwell in that toun—and hes a certane ſowme of money payit vnto thame, yeirlie, for reſſaueing of Jeſuitis; and *Sir James* had his moyen maid, that be thair meanis, he ſould be tranſportit out of the cuntrey.

ANSUER. *The Lordis will wryte to the Lord Deputie of Ireland, concerning this Article.*

Treason — Breaking the King's Ward — Treasonable Murder, &c.

[JOHN, seventh LORD MAXWELL, of the ancient and distinguished family of Caerlaverock, and brother of the first Earl of Nithsdale, was a powerful but turbulent Border baron, and was one of those individuals, whom a daring and restless temperament, and their crimes, have 'damned to eternal fame.' He appears to have fallen a victim to an unhappy indulgence in those reckless and deadly feuds, which were alike the disgrace and the curse of the Scottish Nobles and gentry, for many centuries.

In order more clearly to comprehend the history and causes of his crimes, originating in disappointed ambition, to which at length Lord Maxwell fell a sacrifice, and account for the hereditary feud, which terminated in the perpetration of the disgraceful Murder for which he was eventually brought to the scaffold, it seems necessary to premise, that his father, John, sixth Lord Maxwell, Warden of the West Marches of Scotland, &c., had the address and fortune, shortly after the Execution of *the Regent Morton*, to obtain, as in right of his mother, *Lady Beatrix Douglas*, the Regent's second daughter, a Charter to the Earldom of Morton, Jan. 5, 1581. This grant he had also interest enough to get publicly ratified by Parliament, Nov. 19 thereafter. Lord Maxwell, however, did not long enjoy the title of Earl of Morton, and the domains annexed to it;—for, in Jan. 1585, the Attainder

was solemnly rescinded by Parliament,¹ and the title and estates were declared to revert to Regent Morton's lawful heir. Sir Walter Scott informs us,² that *the Laird of Johnstone* (John) was employed to apprehend Lord Maxwell, who had been declared his Majesty's rebel, on account of his Religion, &c. in 1585; and was intrusted with two bands of hired soldiers for that purpose, who were destroyed by the Maxwells. Johnstone himself was subsequently defeated and made prisoner, and his house of Lochwood taken and set on fire, 'that Lady Johnstone might have light to put on her hood!' This Laird³ shortly afterwards died of grief, in April 1586;⁴—and to these circumstances we must unquestionably ascribe the origin of the deadly hate between the two Clans, and especially between their chiefs.

Maxwell, thus baffled in his aspiring hopes, was speedily imprisoned on account of his religious tenets, and for his share in the above-mentioned outrages. He was afterwards liberated, on condition of leaving the country; and being strenuously attached to the Religion of the Church of Rome, he shortly left Scotland, in the highest disgust. Having proceeded to Spain, he instantly offered his services to 'His Catholic Majesty,' who had, about that time, commenced active preparations for his threatened invasion of England and Scotland, which he arrogantly intended to overwhelm and subjugate, by means of his '*Invincible Armada.*' There, Lord Maxwell matured his plans; and after being furnished with pecuniary assistance, and having received full instructions from his new sovereign, he returned to Scotland, in 1588, and immediately commenced to levy men on the Borders,⁵ where his influence was still indisputable. News of his Plot having reached Edinburgh, the most active preparations were made, and he was quickly surprised by the King in person, at Dumfries, made prisoner, and his Wardenship of the West Marches bestowed on his rival, *the Laird of Johnstone*, the son of the last Chief of that name, one of the most powerful of the lesser Barons on the Borders, and ancestor of the Noble family of Annandale.

SIR JAMES JOHNSTONE of that Ilk, the new Warden, besides being thus distinguished by the Royal favour, in being intrusted with so honourable and important an Office, was afterwards Knighted at the Queen's Coronation, in 1590. However, owing to some political reasons, and principally, the King's desire to conciliate his Roman Catholic subjects, by the display of a few popular acts of clemency, the Wardenship was restored to Lord Maxwell, on his submitting to certain reasonable conditions. The frequent transference of so envied a dignity, and that, too, upon powerful rival Chieftains, was unquestionably providing fuel to feed the fire of ancient jealousy, and more recent deadly feud, which had been rankling in the breasts of both parties, and only required the intervention of some such occurrence to be fanned into the fiercest flames.

Besides the occasional skirmishes with the Maxwells, it appears that the Johnstones, as well as Lord Maxwell, had given assistance to the Earl of Bothwell, in his numerous daring attempts in 1592, &c. It is probable that, on this account, Sir James had been warded in the Castle of Edinburgh, either for his own personal conduct, or as responsible for his Clan, and for failing to give security, &c. Nevertheless, it is certain, that (from whatever cause he was confined) he contrived to make his escape from the Castle, Jan. 4, 1693.⁶ Through powerful mediation, the rival Chiefs were induced to enter into mutual alliance, and bound themselves to support each other in all their lawful quarrels. On the faith of this, the Clan of Johnstone concluded they had little to apprehend from the *justice* of the new Warden, provided they did not plunder any of the name of Maxwell. They accordingly made a descent upon Nithsdale, where they committed sundry depredations on the Lord Sanquhar, the Lairds of Drumlanrig, Closeburn, and Lagg, and killed eighteen persons, who had 'followed their own goods.' Counting upon the hereditary enmity subsisting between the two names, a Commission was given to Lord Maxwell, who was instructed to pursue the Johnstones with all hostilities. Being

¹ *Acta Parl.* ² *Tales of a Grandfather*, 2d Series, I. 93.
appointed Warden of the West Marches and Justice in 1570.

³ John Johnstone of that Ilk. He was
⁴ *Wood's Peerage*, I. 73. ⁵ *Robertson's*
Hist. 11. 357. *Redpath's Border Hist.* 672. *Moyse's Memoirs.*
⁶ See this Collection of Trials, I. 359.

informed of this, Johnstone obtained assistance from Annandale, and was joined by the Scots of Teviotdale, the Grahames and Elliots of Eskdale; and besides, according to the Records of the Privy Council,¹ ‘diners Englishmen, tressounable brocht within this realme, armed in plane hostilitie,’ &c. On the other hand, Maxwell, contrary to Law, entered into ‘Bonds of Manrent’ with the Lord Sanquhar, Drumlanrig, and others who had been pillaged by the Johnstones, wherein they bound themselves to maintain each other’s quarrels; so that each party thus possessed a large force.

MAXWELL, in his capacity of Warden, and also as holding the King’s special Commission, summoned the Laird of Johnstone to surrender; which he refused, on the ground of the illegal bonds into which Maxwell had entered. The Warden, therefore, without further parley, sent forward Captain Oliphant with some troops, to Lochmaben, to await his arrival in Annandale; but the Johnstones, marching suddenly upon them, killed the Captain and a number of his soldiers, and set fire to the Parish Kirk of Lochmaben, whither a number had fled for shelter, but were thus forced to surrender. In revenge, Lord Maxwell, intending to raise the inhabitants of the different towns in his aid, as his Majesty’s Lieutenant, entered Annandale; but Johnstone, having obtained early information of his motions, suddenly attacked him, and overthrew his forces, and slew Lord Maxwell ‘and sindrie Gentilmen of his name.’² This fatal affair took place, Dec. 7, 1593, and is well known by the name of THE BATTLE OF DRYFFE SANDS, having been fought close by the river of that name, near Lochmaben. Archbishop Spotswood remarks, ‘The Lord Maxwell, a tall man and heavy in armor, was in the chafe overtaken and striken from his horse. The report went, that he called to Johnston, and desired to be taken,³ as he had sometime⁴ taken his father; but was unmercifully used; and the hand that he reached forth cut off; but of this I can affirm nothing. There always⁵ the Lord Maxwell fell, having received many wounds. He was a Nobleman of great spirit, humane, courteous, and more learned than noblemen commonly are; but aspiring and ambitious of rule.’⁶

The issue of the Conflict of DRYFFE SANDS, or battle, as it may almost be termed, (for Maxwell had above two thousand men on his side, and it is stated that Johnstone had not quite so many,) was evidently accomplished by manœuvre. Johnstone sent ‘forth some prickers to ride and make provocation,’ after the Border fashion, which succeeded in drawing out a number of the other side, ‘who, encountering with a great company, were beaten and chafed back to the stall or main host; which, by their breaking in, was wholly disordered. Johnston, that stood on a piece of high ground, beholding the issue of the skirmish, took the advantage of their confusion, and breaking upon them, without any resistance made, put them all to flight.’⁷ The Maxwells suffered very severely, and in their retreat great numbers perished. They were pursued through the streets of Lockerby, where they were cut down in scores. Those who escaped bore on them, to their dying hour, marks of this fatal day, which occasioned the proverbial phrase of ‘a Lockerby lick,’ to denote a frightful gash over the face or skull. So dreadful was the carnage in this disastrous Conflict, that not fewer than *Seven Hundred* of the Maxwells and their adherents were slain! The routed enemy were pursued as far as the Gotterby-ford of the *Annan*, where many were drowned.⁸ It is worthy of remark that there still exist, in the Holm of Dryfe, about half a mile below the old Church-yard of Drysdale,⁹ two very aged Thorn-trees, with a tumulus at their base, called *Maxwell’s Thorns*, evidently in commemoration of the fight, and probably marking the place where he fell.

It is evident, then, according to the sentiments of those times, imbibed from their earliest years, which

¹ See *Trials*, I. 305. ² *Ibid.* and I. 360. *Marj. Annals*, p. 57. *Balf. Ann.* I. 394. *Birrell’s Diary*, p. 19.

³ Viz. called or begged for quarter. ⁴ Formerly or previously granted quarter to Johnstone’s father, by taking him prisoner, instead of putting him to death. ⁵ At all events; nevertheless. ⁶ *Spots. Hist.* 407.

⁷ Whatever opinion may be entertained of the treasonable conduct of Johnstone, in thus openly resisting the King’s Lieutenant, merely because he happened to be his personal enemy, it is impossible to withhold admiration at the masterly manner in which this skirmish was conducted, which showed military talents of a very high order. ⁸ *Statistical Account*, IX. 424. ⁹ Q. d. *Dryfe’s-dale*.

‘grew with their growth, and strengthened with their strength,’ that natural duty and filial piety required such a feud should become hereditary, and behoved to be handed down from one generation to another! The attempts by the King and his Council to procure an effectual reconciliation, although strenuously made and often repeated, at length proved abortive. The re-appointment of the Laird of Johnstone to be Warden of the West Marches, in 1596,¹ appears to have served as a signal for the resumption of immediate mutual aggressions. Birrel records ‘an feicht or combat betuix the Laird of Drumlanrick and the Laird of Johnstoun and thair affiteris,’ Jul. 13, 1597;²—that, on May 27, 1598, ‘the Laird of Johnstoun his pictor (was) hung at the Crosse (of Edinburgh) with his heid downwart, and declarit ane manfworne man; and upone the 5 of Junij, he and hes complices wer put to the horne and pronuncit rebellis at the Crosse, be opin Proclamation.’³ This gossiping Chronicler farther informs us, that, on Jul. 2, 1600, he was ‘restorit to hes honours, at the Crosse of Edr, be the Proclamatione of a Herald and four trumpettis.’ It is likely that Sir James Johnstone did not long retain the Wardenship at this time; for, as may be seen in a former part of this Collection,⁴ Thomas Armstrong, ‘son to Sandies Ringane,’ was condemned to be hung in chains, &c. for the Murder of Sir John Carmichael of that Ilk, Warden of the West Marches, in the month of June, 1600. How long Sir John had filled that office has not yet fallen within the Editor’s observation. From the above announcement by Birrel, that Johnstone had been ‘restorit to his honours,’ it may be inferred that he succeeded Sir John Carmichael, and once more held the ill-fated dignity of Warden of the West Marches.

The principal parties, as well as their dependents and kinsmen, lived at such mortal and bloody feud, and the peace of the country was so much disturbed, that mutual friends, for their own personal safety and comfort, suggested the expedient of an amicable and private meeting between Lord Maxwell and Sir James, for finally arranging all their differences. At length, they were prevailed upon, under solemn pledges, to meet at a particular spot, each having one attendant, on Apr. 6, 1608, when the principals, with Sir Robert Maxwell of Orchardton, (Sir James’s brother-in-law,) as a mutual friend, having removed to some distance, to converse apart, a quarrel arose between the two attendants. Sir James, having turned about to separate them, or to admonish them to keep the peace, Lord Maxwell suddenly and traitorously drew his pistol, fired at him, and shot him through the back with two bullets. There is some reason to suspect that this rencontre between the attendants had been plotted by Lord Maxwell, and arranged before the parties came upon the ground. From the evidence adduced, it is evident that no provocation was given, but that Maxwell, without any previous intimation, drew his pistol, and instantly shot Johnstone dead.⁶

The perpetration of *treasonable Murder*, as ‘Slaughter under trust’ was then termed, was one which, in any circumstances, but especially in such a country as Scotland, at the beginning of the seventeenth century, could not be pardoned. Accordingly, notwithstanding Lord Maxwell’s great connexions, (having married Lady Margaret, only daughter of John, first Marquis of Hamilton, and being related to many of the principal nobility of the kingdom,) the strictest search was made, and Lord Maxwell was at length committed ward, in the Castle of Edinburgh.

His admirably contrived, and boldly executed, escape from this fortress, is fully detailed in the Appendix to this Trial. He was denounced rebel for breaking his Majesty’s ward and failing to underlie the law for the treasonable Murder of Sir James Johnstone. After this, his lordship took refuge abroad, where he remained till 1612, when he returned to Scotland; but so hardly was he pressed, in the Borders, that he had instantly to prepare for embarkation to Sweden. His kinsman, *George, fifth Earl of Caithness*, dissuaded him from this project; and easily prevailed on him to accept of his pro-

¹ *Rymer’s Fœdera*, XVI. 60 D.

² *Birrell’s Diary*, 41.

³ *Ib.* 46.

⁴ Vol. II. 363, Nov. 1, 1601.

⁵ *Ib.* 49.

⁶ For a number of extremely interesting and minute particulars, the reader is referred to *Tales of a Grandfather*, Second Series, which the Editor had not had the advantage of perusing, until this Notice was written. The difficulty of procuring minute and authentic information on such points of history is best known to those who have made the attempt; and even after the most laborious research, the most anxious enquiries often prove fruitless.

tection. He lured him to Castle Sinclair, under the pretence of affording him shelter and secrecy until he could conveniently prepare for his voyage. The real motive of this treacherous Noble, however, was, that he might obtain favour at Court,¹ by delivering up so great an offender.

The Countess of Caithness, (*Lady Jean Gordon*, only daughter of George, fifth Earl of Huntley,) who was Lord Maxwell's cousin, and greatly interested in his safety, was likewise deceived by her husband, who had told her that a report was spread abroad that it was already known at Court that Lord Maxwell was in hiding in Caithness; and that it was necessary, for their mutual safety, to set off for Edinburgh, to explain the matter; and thus, time would be afforded for Lord Maxwell's escape. The unfortunate Maxwell, then in poor health from his great exertions, was trained to leave Caithness, and pass through *Sutherland*, in order that he might be taken there; and thus spare the Earl the imputation of having so basely violated the laws of hospitality! But so anxious were his servants to execute their commission, that Maxwell was actually taken within the county of Caithness, conducted to Thurso, where Captain George Sinclair² was impatiently awaiting his arrival, and carried him back a prisoner to Castle Sinclair, where he had so lately been apparently a favoured and honoured guest.

By command of the *Lords of Privy Council*, Lord Maxwell was shortly afterwards delivered up; and was, upon May 21, 1613, beheaded at the Cross of Edinburgh. It may be gratifying to know that the Earl of Caithness obtained no reward for his most traitorous conduct;—but, on the contrary, his treachery served as a source of constant reproach to him and his family.

A variety of interesting DOCUMENTS are appended, which throw great light upon this matter, and upon the extraordinary state of the country at that period. If the Editor has been too minute or prolix, it is hoped that the singular interest and importance of this remarkable passage of History will prove his best excuse; especially, when it is considered that the previous materials were so very meagre and unsatisfactory.]

[*APUD EDINBURGH, Jun. 24, 1609, per Georgium Comitem Mariscalli, Virtute Commissionis, de data apud Grenwitche, Jun. 6, 1609, et per omnes Regni status; vnacum Jacobo Stewart pro Mariscallo, Willelmo Hay pro Constabulario, M. Roberto Lermonth pro Vicecomite de Ed', et Dauide Lyndesay, Adiudicatore.*]

Jun. 24.—JOHNNE LORD MAXWALL.

Sir Thomas Hammyltoun of Bynnie, knycht, aduocat to our fouerane lord, producit, lyk as he did diuerse tymes ofbefoir, ane funmondis of Treassoun, rafit and perfewit be oure fouerane lord and be his hienes Aduocat, aganis John Lord Maxwell, to haue anfuert to the pointis of the said funmondis and to the crymes of Treassoun and lese-majestie contenit thairintill, the quhilk funmondis, and reafones and causses thairin contenit, being first red in presens of the Lordis of Articlis of this present Parliament, they fand the samyn funmondis relevant: And thaireftir, this instant day, the samyn funmondis of Treassoun being red in

¹ In June, 1612, the Earl got in bad odour at Court by creating a broil on the High Street of Edinburgh, where he assaulted George Lord Gordon; and great slaughter might have been committed, but for the extreme darkness of the night, owing to which the parties could hardly distinguish their own friends.

² This person was bastard nephew to the Earl, and afterwards raised 150 men, and joined the unhappy expedition of Colonel Ramsay and Captain Hay, who had volunteered to assist the King of Sweden, in his war against the King of Denmark. 'They were all miserablie cut in peeces by the bours,' in their journey thither through Norway.—*Gordon's Hist. of Sutherland*, p. 289.

prefens of the said lord Commiffionar and of the haill eftaittis of this present Parliament, the said Lord Maxwell, being thyrfe callit at the tolbuthe windo, to haue anfuert to the said fummondis of Treaffoun; and compeirit nocht, the saidis haill Eftaittis ffand the saidis fummondis, rafit be oure said fouerane lord and his hienes Aduocatt, aganis the said Lord Maxwell, and the haill thrie reffones and cauffes thairin contenit, and euerie ane of thame relevant: And thairfoir admittit the famyn to the said aduocattis probatioun. And immediatlie thaireftir, the said Aduocat, for preving of the pointis of the said fummondis of Treaffoun and haill reffones and cauffes contenit thairin, Repetit all the Depofitionis of the Witneffes, examinat befor the lordis of Articlis, and lordis of Secreitt Counfaill, ofbefoir, ffor preving of the saidis haill thrie reffones and euerie ane of thame; togidder with diuerfe Actis of Parliament, lawes and constitutionis of this realme, Sir James M^cConeillis Convictioun¹ for braking of waird fforth of the Castell of Edinburgh; Lettre of Horning aganis the said Lord Maxwell, for nocht compeirance befor the Lordis of Secrete Counfaill, to anfuert befor thame, for his breking of waird fforth of the Castell of Edinburcht, for the Burning maid be him at Dalfeble, and for Slauchter of the LAIRD OF JOHNSTOUN; with diuerfe vtheris wryttis and probatiounes producit be the said lord Aduocatt, for preving of the foirfaid fummondis of Treaffoun, and haill thrie feuerall reffones and cauffes contenit thairin, and euerie ane of thame; and renuncit forder probatioun: And thairvpoun the said Aduocat askit Instrumentis. AND lykwayes, the said Aduocat producit, in prefens of the said lord Commiffionar and haill eftaittis, Lettres of Relaxatioun, beirand the said Johne Lord Maxwell to be relaxit, be James Dowglas, meffinger, fra the proces of all Horningis, at the marcatt croces of Lochmaben, and Dumfreife, vpoun the xv day of March 1609 yearis, and at the marcat croce of Edinbur^t, be Johne Moncur, meffinger, vpoun the xxiii day of Marche, the yeir of God abonewrittin: As at mair lenth is contenit in the saidis lettres of Relaxatioun, fubseryuit be James Primrofe, clerk to the Secrete Counfaill, of the date the fext day of Marche laftbipaft, and regiftrat in the clerk of Registeris buikis, the xxiiij day of Marche, 1609 yeiris: And vpoun the production of the saidis Lettres of Relaxatioun, the said Aduocat lykwayes askit Instrumentis, and defyrit the said proces of Foirfaltour to be advyfit be the saidis haill Eftaittis.²

SUMMONS OF *TREASON and FORFEITURE, &c. againft John Lord Maxwell.*

JACOBUS, Dei Gratia, Magne Britannie Francie et Hibernie Rex, fideique defenfor; dilectis nostris Leoni Regi armorum, Ilay, Albanie, Rofs, Rothefay, Snawdown, Merchmont, heraudis; David Bryfoun, Alexandro Dowglas, Jacobo Chahneris et M. Willelmo Stewart, clavigeris; Ormont, Bute, Vnicorne, Carrik,

¹ See May 13, 1609, in the preceding Trial, Vol. III, 1, &c.

² See *Acta Parl.* 1609, 414.

signiferis, nuntiis, et eorum cuilibet, coniunctim et diuifim, vicecomitibus noſtris in hac parte ſpecialiter conſtitutis, Salutem. Mandamus vobis et precipimus, Quod ſummonetis legitime et peremptorie, coram teſtibus, JOANNEM DOMINUM MAXWELL perſonaliter, ſi eius perſonalem preſentiam commode habere poteritis ; ſi minus, per publicam proclamationem apud Cruces forales burgorum noſtrorum de Edinbur^t et Drumfreis, et apud Arces de Carlaverok et Drumfreis, et domicilia dicti Joannis Dominum Maxwell, ante ſuam a legibus fugam et rebellionem ; necnon apud portum vulgo *lie ſehore and peire of Leith*, aliaque loca neceſſaria, ſuper premonitione ſexaginta dierum, quia extra regnum noſtrum Scotie eſſe exiſtimatur ; quod compareat coram nobis noſtroue Commiſſionario et Juſticiario ac regni noſtri Scotie ordinibus, in Parlamento noſtro apud Edinburgh, vel vbi nos dictumve noſtrum Commiſſionarium et Juſticiarium, ac dicti regni noſtri ſtatus pro tempore convenire contigerit, tenendo duodecimo die menſis Aprilis proxime futuri, hora cauſarum, cum continuatione dierum, ad reſpondendum nobis noſtrove Commiſſionario et Juſticiario, in preſato Parlamento ; necnon ad inſtantiam dilecti et fidelis conſiliarii noſtri Thome Hamnyltoun de Bynnies militis Aduocati noſtri, pro noſtro intereſſe, pro ipſius Joannis nefarijs, ſceleratis, et proditorijs Leſe Maieſtatis criminibus infraſcriptis, per ipſum et alios eius mandato, perſuaſione, conſilio, auxilio, et ratihabitione perpetratis et commiſſis ; ac quarum conſcius, particeps, ars et pars fuit et eſt : Necnon dictus Joannes Dominus Maxwell ad videndum et audiendum per nos noſtrumve Commiſſionarium et Juſticiarium, ac dicti regni noſtri Scotie ordines, decerni ſe crimina Leſe Maieſtatis infraſcripta modo ſubſequenti commiſſiſſe, penaſque illas conſtitutas, vitæ, ſcilicet, terrarum, et bonorum omnium, mobilium et immobilium, dignitatum, officiorum, jurium, aliorumque omnium, infra dictum regnum noſtrum ad ſe pertinentium, vel que vlllo modo ad illum ſpectare vel pertinere poterunt, amiſſionem incurriſſe ; ac dicta omnia bona, predia, terras, tenementa, officia, dignitates, jura, et commoda quecunque, illi infra dictum regnum noſtrum competentia, vel que ad illum vlllo modo ſpectare poterunt, nobis Foriſfecerit ; eaque ad nos pertinere et nobiſcum in perpetuum remanere, juxta leges et Regni noſtri conſuetudinem ; ob cauſas et rationes ſubſequentes. IMPRIMIS, quod non ſolum chariſſimi quondam avi noſtri Jacobi V. Regis illuſtriſſimi conſtitutione, in Parlamento ſuo, anno 1528 promulgata, ſed etiam lege per nos in Parlamento noſtro anno 1567 lata, cautum eſt, quod quecunque homines infra domicilia ſua comburunt, omneſque incendiarii edificiorum et frumentorum, omneſque alii voluntarii et maligni incendiarii, dictum crimen certo propoſito et deliberato conſilio committentes, Leſe Maieſtatis rei erunt. Ac certum eſt, quod dictus Joannes Dominus Maxwell, ab ipſa iuventute ad contumaciam, rebellionem, legum et authoritatis noſtre contemptum, tum natura et prava conſuetudine deditus,

quum plurimis literis nostris, in annis 1598, 1599, 1600, 1601, et 1602, sub pena rebellionis ei imperatum fuisset, ut redditus prediorum suorum de Duncow, Trive, Grange, et molendini eiusdem, que pars domini corone nostre unite et annexate sunt, et per dictum Joannem Dominum Maxwell et predecessores suos tanquam emphiteutas feudifirmarios et tenentes nostros possesse fuerunt, persolveret: Necnon ut rationes nobis de aliis redditibus et taxationibus infra senescallatus nostros Vallis Annandie et Kireudbricht, predictis annis, multisque alijs precedentibus, nobis debitis, tanquam dictarum provinciarum et limitum Senescallus, ut ei ex officio incumberebat, nobis et nostris Scaccarii auditoribus redderet; et dictos redditus, deurias taxationes, aliasque pecuniarum summas, ubi debuerat, sub pena rebellionis persolveret: Ac etiam, ut coram Consilij nostri dominis, per se, in dictis annis compareret, ad respondendum pro variis suis contemptibus, rebellionibus, carcerum nostrorum effractionibus, et violentis extra custodias nostras eruptionibus, aliisque delictis et maleficijs per ipsum commissis et perpetratis: ILLE tamen, omnia nostra imperia et mandata pertinaciter contemnens, easque ob causas multasque alias rebelliones ad cornu nostrum existens, quo tamen omnem venie sibi a nobis spem prescinderet, et flagiciosissimis criminibus extremas legum penas mereretur, . . . die mensis Februarij, aut eocirca, anno 1602, comitatus Carolo Maxwell vocato de Kirkhous, Roberto Maxwell de Dunwiddie, et aliis suis satellitibus et criminum socijs, ad numerum viginti hominum illegitime convocatorum, galeis, lanceis, loricis, bombardis, sclopis, alijsque armis prohibitis munitorum, pro inveterato odio et malicia, diu ante per dictum Joannem contra quondam *Gulielmum Johnestoun* fratrem Wilkini Johnestoun de Elcheschellis, et *Joannem Johnestoun* fratrem Jacobi Johnestoun de Hिलliebray, concepta, ob capitales inimicitias inter MAXWELLIOS et JOHNESTONES, accessit ad villam de Dalfibbill, infra parochiam de Kirkmichaell et vicecomitatum nostrum de Drumfreis jacen.; ibique, per seipsum, dictosque Carolum Maxwell vocat. de Kirkhoufe, Robertum Maxwell de Dunwiddie, aliosque servos et socios suos, dictum Willelmum Johnestoun, in dicta villa de Dalfibbill quiete et pacifice degentem, nullasque iniurias, infidias, aut invasionem suspicantem, immaniter et maliciose aggressus, eundem infra habitationis sue domum in dicta villa de Dalfibbill fugavit; ut omnis salutis spes ei auferretur, dicti Willelmi domum, certo proposito et per industriam, proditorie incendit et flammis vastavit; cumque ignis violentia dictum Willelmum erumpere coegisset, crudeliter eum interfecit: Ac statim ad domum *Cuthberti Brattene*, in eadem villa existentem, accedens, eam pariter maliciose, crudeliter, consulto et deliberato animo, proditorie incendit; ac dictum quondam *Jacobum Johnestoun* vocat. de Briggis infra eandem vivum combussit; domumque dicti Cuthberti incendio penitus consumpsit. Eaque proditoria crimina ipsius Joannis Domini Maxwell consilio, mandato, auxilio, et rati-

habitione, perpetrata sunt ; dictusque Joannes Dominus Maxwell eorum ars et pars, vulgo *airt and pairt*, fuit et est, et dictas penas Proditionis et Lese Maieftatis iisdem criminibus, de jure constitutas, subire et perferre debet. SECUNDO, quia per nos et dicti regni nostri Scotie ordines in Parlamento nostro vndecimo statutum est, quod Homicidium alicuius subditi nostri, quando is qui trucidatur existit sub fide, fiducia, assècuratione, et potestate occidentis, vulgo *vnder the trust, credit, assurance, and power of the slayer*, omne tale Murthurum et Homicidium imposterum committendum, Lese Maieftatis crimen erit ; et qui illius criminis legitimo juris ordine convictus fuerit, vitam, terras, et bona omnia nobis forisfaciet : Atque verum est, quod dictus Joannes Dominus Maxwell, vndecimo die mensis Junii, aut eocirca, anno 1605, coram Dominis Secreti nostri Consilij, in gratiam et amicitiam cum quondam DOMINO JACOBO JOHNSTOUN de *Dunskellie* milite rediit, ac omnium preteritarum inimiciarum oblivionem sancte promittens, in signum sincere reconciliationis et future amicitie fidem, et dextram ei dedit, et ab omni iniuria, damno, invasione, et periculo, a se, parentibus, affinis, amicis, clientibus, servis, alijsque omnibus assistentibus suis, imposterum inferendo, se dictum quondam D. Jacobum saluum et incolumem prestiturum, magno interposito sacramento, promisit ; et Reconciliationis literas, vulgo *anc Letter of Slaynes*, manu sua signatas, ad premissorum testimonium et confirmationem dedit : Quarum fiducia illectum, dictum quondam D. Jacobum, quum negligentius et incautius se gerere dictus Joannes Dominus Maxwell intelligeret, summa fedissime vindicte cupiditate flagrans, consilium cum dicto Carolo Maxwell vocato de Kirkhouse, in mensibus Martio et Aprili proxime preteritis, iniit, quibus potissimum dolis dictum quondam D. Jacobum Johnstoun in infidias pertrahere et proditorie occidere possit ; tandemque concluderunt D. Robertum Maxwell de Spottis militem, nominibus vtrique charum et fidum, ad dictum D. Jacobum in infidias pertrahendum maxime idoneum futurum ; ideoque vocato ad se dicto D. Roberto, dictus Joannes Dominus Maxwell diligenter cum eo egit, vt dictum quondam D. Jacobum ad colloquium ad se pertraheret, vt et arcitiorem amicitiam et familiaritatem contrahere, et dicti D. Jacobi opera criminum suarum veniam obpredictarum rebellionum, multarumque aliarum, propter Literarum nostrarum in annis 1603, 1604, 1605, 1606, 1607, et 1608, contra se, sub pena rebellionis et ad cornu nostrum denunciationis, directarum contemptum, a nobis obtinere possit : Quod quum dictus D. Robertus revera expeti existimaret, dicti Joannis hortatu, fide prius ab eo data, congressum dum tutum et regressum pacificum et indemnem futurum, cum dicto quondam D. Jacobo sepius egit, eidemque tandem persuasit vt dictum Dominum Maxwell vno tantum comitatus amico, se arbitro, ad effectum predictum pacifice conveniret, sancte promittens, nomine et mandato dicti Joannis Domini Maxwell, accessum et recessum ei securum, tutum, et incolumem

futurum ; quibus adductus perſuaſionibus et promiſſis, dictus quondam D. Jacobus, ſexto die menſis Aprilis vltime elapſi, accito ſecum *Gulielmo Johnſtoun* vocato *de Lockerbie*, gladio, ſine vllis alijs armis, accinctus, dictum D. Robertum Maxwell ſecutus ad moram inter Arthurſtane et Trailflat pervenit, vbi duos equites adventum ſuum operientes percepit, dictique D. Roberti hortatu paulatim in eo loco ſubſtitit, donec D. Robertus progrediens dictoſque duos equites Joannem Dominum Maxwell et Carolum Maxwell vocat. de Kirkhous eſſe perſpicens, adduxiſſe ſe dictum D. Jacobum Johnſtoun ad deſtinatum colloquium declaravit, a dicto Domino Maxwell jurisjurandi privs dati, pro dicti D. Jacobi et Gulielmi Johnſtounes incolumitate, ſaluoque et tuto acceſſu et reſeſſu a dicto colloquio, renouationem exegit ; et Dei nomine et Numine interpoſito, a dicto Domino Maxwell pro ſeiſo et dicto Carolo Maxwell obtinuit : Sicque dictum quondam D. Jacobum Johnſtoun, tot promiſſis et juramentis fidentem, ad locum colloquio deſtinatum ad dictum Dominum Maxwell aduxit, et mutua data et accepta, vt inter amicos fieri ſolet, ſalute, detectis capitibus congreſſi, dicto Carolo Maxwell et Gulielmo Johnſtoun imperarunt vt ſeorſum ſubſiſterent, ipſique ad colloquium ita progreſſi ſunt, vt, D. Roberto Maxwell medio, vnus ei ad dextram, alter ad ſiniſtram obequitaret : Dumque de rebus ob quas convenerant pacifice et vti videbatur amanter colloquerentur, dictus Carolus Maxwell, ita vti prius inter eum et dictum Joannem Dominum Maxwell convenerat, ad dictum Willelmum Johnſtoun, contra quem conſtitutum erat, acceſſit ; et vt diſcordie et rixe auſam naciſceretur, adeo ingratum ſibi illum congreſſum eſſe affirmavit, vt ſi illius cauſam prius intellexiſſet, ei ſe haud affuturum profiteretur. Reſpondenti vero Gulielmo, ſperare ſe colloquii illius finem dictis nobilibus viris amicisque et clientibus eorum gratum et vtilem futurum : Id fieri non poſſe Carolus aſſeruit, dictumque D. Jacobum, omneſque alios Johnſtones, latrones et proditores vocavit. Gulielmus autem, ne ſua culpa diſcordie initium preberetur, dixit ſe quamlibet iniuriam paſſurum, potius quam duorum colloquium diſturbaturum ; et quamvis, tanta dicti Gulielmi patientia fruſtratus, Carolus nullam pugne occaſionem inueniret : Illud tamen quod prius intenderat omnino peracturus, dictum Gulielmum, nec verbo nec facto prouocatus, crudeliter et proditorie parato ſcelo inuaſit, et pallium et veſtes eius duobus globalis tranſmiſit ; cujus fragore, et Gulielmi voce proditorie vim vite ſue inferri clamantis, turbatus quondam D. Jacobus Johnſtoun, ab eo ſe convertens, et que tam fedi facinoris cauſa eſſe rogans, dictus Joannes Dominus Maxwell, a tergo, dicto quondam D. Jacobo Johnſtoun, nil tale metuenti, imminens ſcelo, quem ſub palio clam paratum habebat, in dictum D. Jacobum, proditorie directo, per humerum duabus glandibus plumbeis venenatis¹ in corpus et

¹ This circumſtance of *the two lead BULLETS having been previously POISONED*, is a very ſtrong fact againſt Maxwell ; and if borne out by the evidence, ſatisfactorily proves the deadly intention of

vitalia eius addictis, eum inhumaniter, crudeliter, fede, et proditorie occidit ; ac sub fide, fiducia, affecuratione, et potestate sua, vulgo *vnder his trust, credit, assurance, and power*, trucidavit ; contra fidem datam et amicitiam initam coram dictis Consilij nostri dominis, et dicti D. Roberti Maxwell, interventio sepius juramento, per dictum Joannem Dominum Maxwell renovatam. QUORUM criminum dictus Joannes Dominus Maxwell est conscius, et particeps, ars et pars ; ideoque penas Lesæ Maiestatis iis jure constitutas, vt antea dictum est, subire et perferre debet. TERTIO, quia, tam Communi gentium omnium quam Civili Romanorum Jure, et regni nostri Legibus statutum, et vltra omnem memoriam recepta et approbata consuetudine observatum est, eum qui Maiestatem publicam leserit, cuiusque opera, consilio, dolo, malo, consilium initum est, quo quis contra Rempublicam arma ferat, aut qui Lesæ Maiestatis reum in vincula coniectum dimiserit, Maiestatis teneri : Ac vero manifestum est, dictum Joannem Dominum Maxwell, in Arcem Edinburgenam, quia nostris Consilii nostri mandatis obtemperare pertinaciter recusauerat, in custodiam missum, consilium cum JACOBO M'CONNELL *de Dwnyveg milite*, in eadem Arce, ob multa Lesæ Maiestatis et Proditionis crimina in vinculis detento, inisse ; quibus potissimum rationibus de dicta custodia violenter et proditorie, in Maiestatis nostre manifestum contemptum et lesionem, erumperent, et assito in sceleris conscientiam dicto ROBERTO MAXWELL *de Dunwidie*, conspirasse, ereptis custodum armis illis, sibi exitum e dicta Arce per vim proditorie parare ; quod vt facilius perfecerent, . . . die mensis Decembris, anno 1607, ad hilariorem et liberio rem computationem novitatis, invitatis custodibus, gladiisque illorum per vim ereptis, ipsos deinde custodes in cubiculum obseratum inermes incluserunt, et ad interiorem dicte Arcis januam armati accedentes *Alexandrum Strutheris* ejus custodem, quia pro sua in nos fide eos exitu prohibere conatus est, multis vulneribus, in capite, brachio, manu, aliisque corporis partibus, faucium et prope exanimem prostraverunt ; et ob parem causam *Margareta Philop*, vxore eius, barbare et crudeliter etiam vulnerata, per dictam januam interiorem ad mediam Arcis portam pervenerunt, vbi *Archibaldum Cunyng-hame* illius custodem, claves tradere recusantem, proditorie etiam invaserunt, et in brachio crudeliter vulnerato claves ei violenter eripuerunt ; et aperta per vim porta proditorie erumpentes, muro qui Portam vrbis Occidentalem pertingit transeundo, dicti Joannes Dominus Maxwell, et D. Jacobus M'Connell, proditorie et

Lord Maxwell, who, in appointing this meeting, had unquestionably predetermined the destruction of his rival. On the other hand, it seems clear that the Laird of Johnstone, his attendant, and Sir Robert Maxwell, their mutual friend, were only possessed of their side-arms, the distinguishing mark of a Gentleman at that period. It is well worthy of remark, that Sir Walter Scott relates, that ' while the gallant old knight lay dying on the ground, Maxwell rode round him, with the view of completing his crime ; but Johnstone defended himself with his sword, till strength and life failed him.' It is unnecessary, here, to enter into any detail on these points, as such copious illustrations have been given in the Notice and Appendix to this Trial.

violenter aufugerunt ; donec sub Castellam nostri et aliorum fidelium subditorum insequentium diligentia, captus et in carcere retractus est, dictus Jacobus M^cConnell ; dicto Joanne Domino Maxwell celeri fuga euadente : Sicque, Joannes Dominus Maxwell Maieftatem noſtram leſit, eiufque opera, confilio, dolo, malo, confilium initum eſt, quo arma contra nos per ſeiſum et dictos Jacobum dominum M^cConneill et Robertum Maxwell de Dunwiddie lata ſunt, ac etiam dictum Jacobum M^cConneill militem Maieſtatis reum in vincula coniectum dimiſit, dictorumque omnium Leſe Maieſtatis criminum conſcius, et particeps, ars et pars fuit et eſt, et penas iis a jure conſtitutas ſubire et perpeti debet. ET PROPTEREA, dictus Joannes Dominus Maxwell ad videndum et audiendum, per nos, dictumve noſtrum Commiſſionarium et Juſticiarium, ac dicti noſtri regni Scotie ordines, decerni et ordinari, ſe, predicta Leſe Maieſtatis crimina, per ſeiſum et alios ipſius mandato et perſuaſione, confilio, auxilio et ratihabitione comiſiſſe et perpetraviſſe ; ac eorum conſcium et participem, vulgo *airt and pairt*, fuiſſe et eſſe ; ideoque penas dictis Proditionis et Leſe Maieſtatis criminibus competentes ferre et ſubire debere, vite, ſcilicet, et bonorum omnium, mobilium et immobilium, terrarum, tenementorum, dignitatum, officiorum, juriurum, aliorumque omnium ad ſe ſpectantium, amiſſionem et conſiſcationem ; dictaſque terras, predia, bonaque omnia, mobilia et immobilia, dignitates, officia, jura, aliaque omnia ad dictum Joannem Dominum Maxwell ſpectantia et pertinentia, vel que ad illum ſpectare et pertinere vlllo modo potuerunt, nobis conſiſcari, ad nos pertinere et perpetuo nobiſcum in proprietate permanere : ET ulterius, in premiſſis reſpondendum et juri parendum : Intimando dicto Joanni Domino Maxwell, quod ſiue, dictis die et loco, cum continuatione dierum, comparuerit, ſiue non, nos tamen dictuſue noſter Commiſſionarius ac Juſticiarius, et dicti regni noſtri ordines, in premiſſis, juſticia mediante, procedemus et procedent. Inſuper ſummoneatis ad comparandum coram nobis, noſtroue Commiſſionario ac Juſticiario, et dictis regni noſtri ſtatibus, in dicto Parlamento, dictis die et loco, hora cauſarum, cum continuatione, ad perhibendum fidele teſtimonium in premiſſis, ſub pena legis : Et preſentes literas debite executas et indorſatas earundem latori reddatis. Et vos qui preſentes executi fueritis ſitis ibidem dictis die et loco, cum continuatione dierum, coram nobis dictoue noſtro Commiſſionario et Juſticiario, ac tribus regni ordinibus, portantes vobiſcum veſtre ſummonitionis teſtimonium, in ſcriptis, pro premiſſis aut ipſos teſtes. Ad quod faciendum, vobis et veſtrum cuiſlibet, coniunctim et diſiſim, vicecomitibus noſtris in hac parte, noſtram plenariam virtute preſentium committimus poteſtatem. Datum ſub teſtimonio noſtri magni Sigilli, Apud Edinbur^g vigefimo ſexto die menſis Januarii, anno domini milleſimo ſexcentefimo nono, et regni noſtri annis quadrageſimo ſecundo et ſexto.

THE quhilk ſummondis, with the executiones and indorſationes thairof,

being this instant day red, in presens of our fouerane lordis Commiffionar and Estaittis of Parliament, first in Latine and thaireftir in Scottis, the said Johne Lord Maxwell, being oft tymes callit of new at the tolbutth window of the said bureht of Edinburcht, to haue compeirit, &c. And he nocht compeirand to haue defendit in the said mater, and to haue answerit to the said summondis, the said Sir Thomas Hammyltoun of Bynnie, kny^t, Aduocat to our fouerane lord, defyrit the saidis Estaittis declaratioun, gif the reffounes of the said summondis wer relevant aganis the said Lord Maxwell. The quhilkis Estaittis fand the said summondis, and the reffones and causses thairin contenit, and euerie ane of thame relevant. Thairfor the said Aduocat, of new, for preving of the foirfaidis thrie reffounes and euerie ane of thame, beirand and contenand as is abone writtin, repetit all the Depositiones of the Witneffes, examinat befor the saidis Lordis of Artielis, and Lordis of the Secrete Counsaill, respectiue, with diuerse Actis of Parliament, Lawes and constitutionis of this realme, Sir James M^cConcillis Convictioun, &c. with all vtheris wryttis and probatiounes productit of befor, this instant day, be the said Aduocat, ffor preving of the foirfaidis summondis of Treassoun, and hail thrie reffounes and causses contenit thairin, and euerie ane of thame; and defyrit the saidis Estaittis of Parliament to advyse the probatiounes foirfaidis led and deducit in the said mater, and to pronunce thair Sentence of Parliament thairintill, according to the famin probatiounes, and thair consciences: And thaireftir, the hail wryttis, Depositiones of Witneffes and probatiounes being red, sene, and confiderit be the saidis hail Estaittis of Parliament, and they thairwith being rplye advyfit,

VERDICT. The saidis Lord Commiffionar and Estaittis of Parliament, ffindis, decernis and declaris, that the said Johne Lord Maxwell Committit and did oppin and manifest Treassoun, in all the pointis, artielis and maner contenit in the said Summondis: And thairfoir, it wes gevin for dome, be the mouth of David Lyndfay, dempfter of Parliament, in maner and forme as followes:

SENTENCE. This Court of Parliament sehawes for law, the said **JOHNE LORD MAXWELL** to haue committit and done all the foirfaidis crymes of Treassoun and Lefemajestie, be him self, and vtheris of his causing, command, assistance and ratihabitoun, aganis oure said fouerane lord and his autoritie; and that he is and wes giltie and pairtaker, airt and pairt, of the famin crymes of Treassoun; all in maner at lenth contenit in the reffounes of the said summondis: And thairfoir, Decernis and Declairis, that the said Johne Lord Maxwell aucht and sould vnderly and suffer the paynis competent to the saidis crymes of Treassoun and Lefemajestie, to wit, the tynfall and confiscatioun of his lyfe, and all his guidis, moveable and vnmmoveable, landis, tenementis, digniteis, offices, richtis, and all vtheris thingis belanging to him; and all the saidis landis, rowmes, and all gudis

moveable and vnmmoveable, digniteis, offices, richtis, and all vtheris belanging and pertening to the said Johne Lord Maxwell, and quhilkis may ony way belang and pertene to him, to be confiscatt, to pertene to our said souerane lord, and to remane with his Maiestie for euir in propertie. And this I gif for dome.

APPENDIX OF ORIGINAL DOCUMENTS, ILLUSTRATIVE OF THE TRIAL OF
JOHN LORD MAXWELL.

I. DEPOSITIONS *taken before* THE LORDS OF PRIVY COUNCIL, *relative to the*
Escape of LORD MAXWELL and SIR JAMES MAKONEILL from the Castle
*of Edinburgh.*¹

(1.) DEPOSITION *of Archibald Cunynghame, Master Porter of the Castle of Edinburgh.*

AT the Castell of Edinburgh, the xv day of Januar, 1608.

ARCHIBALD CUNYNGHAME, Maister porter of the Castell, sworne and demandit what he kuawis of the mater foirfaid of the breking of Warde? Deponis, that he, being sittand in his chalmer in the yett,² he fend his boy to hane fetchet him a drink: In the meantyme, Williame Maxuell of Kirkhous come to the deponer and defyrit him to oppin the yett; and that immediatlie *the Lord Maxwell* him self come and cryed, ‘ffals knave, oppin the yett!’ And the deponer refuseing, and begunmand to hane fpokin to the Lord, he cryed agane, ‘ffals knaif, oppin the yett!’ And with a drawin sward gaif the deponer ane greit fraik vpoun the arme; and mynting³ again to haif struckin the deponer, he wes stayed be Williame Maxwell of Kirkhous, who threw the keyis frome the deponer, efter that he wes hurte, and oppynit the yett. And deponis, that the Lord Maxwell wald haif flane the deponer, wer nocht he wes stayed be Williame of Kirkhous.

(2.) DEPOSITION *of Alexander Struthers, Porter of the Castle of Edinburgh.*

ALEXANDER STRUTHERS, Porter, sworne and examinat vpoun his knowlege of the interprise foirfaid, deponis, that Williame Maxwell of Kirkhous come to the yett,⁴ and cryed, ‘Porter, oppin the yett, and latt me oute!’ And the deponer having oppynnit the yett, Williame Maxwell past oute,⁵ and then patt his bak to the wickett of the yett, to haif stayed the deponer fra closing of it: And the deponer preasing to haif clostie the yett, *the Lord Maxwell* and *Sir James M'coneill* and Robert of Dynwyddie come to the yett; and the Lord Maxwell, with a drawne swerde, fraik the deponer vpoun the hand, and Sir James gaif the deponer ane fraik with ane sward vpoun the heid: And thay haueing past oute at that yett, the deponeris wyffe meiting with thame betuix the yettis, and trying to have releuit the deponer, hir husband, the said Sir James gaif hir ane fraik vpoun the heid; and that scho refflaued fundrie vther fraikis, bot knowis nocht who gaif thame.

(3.) DEPOSITION *of Sir James Makoneill, knight.*

AT the Castell of Edinburgh, the xv day of Januare, 1608, &c.⁶

(4.) SECOND DEPOSITION *of Archibald Cunynghame, Master Porter of the Castle of Edinburgh.*

APUD ED^B, xx Junij, 1609. WITNESSES *producit be the Advocat, for proving of the Third*
Reffounne of Tresfoun anent the Breking of Ward furth of the Castell of Edinburgh.

ARCHIBALD CUNNINGHAME, Porter of the Castell of Edinburgh, of the aige of lxij yeiris, or thair-
by, deponis, that vpoun the fourt day of December, the yeir of God 1607 yeiris, this deponar for the
tyme, about fyve horis befoir supper, sittand in the myd Porter-hous of the Castell of Edinburgh, and

¹ The following Depositions are taken from the Originals, preserved in his Majesty's General Register House, Edinburgh.

² In the Guard-house, at the inner gate.

³ Essaying.

⁴ Viz. the second gate, kept by the

under Porter, or ‘Keeper of the Inner-yett.’

⁵ As a visiter permitted to see his friends in ward.

⁶ See his Trial, May 13, 1609, Vol. III. page 10, where this Paper is given at length.

the key being in the wicket of the said mid-3ett, Williame Maxwell of Kirkhous cummis furthe of the Castell, and defyris this deponar to oppin the wicket; and as the deponar was villing to haif oppinnit the said wicket, the Lord Maxwell come vpoun this deponar with ane drauin fuerd, faying, ' Fals knaif! oppin þe 3ett, or ellis I fall hew the all in bladdis!' The deponar anferit, ' Schamit theif! quhat ar 3e doand heir?' And then the Lord Maxwell incontinent fraik at this deponar with his drawin fuord, and mwtilat him of his left arme; and gif the said Williame Maxwell had nocht favit the deponar from the said Lord Maxwellis furie, he had flane the deponar. Then the Lord Maxwell oppinnit the wicket, and he and Sir James Makconneill paste furthe thairof, and past to the vest Castell vall that gois to the West-port of Edinburgh, and haveing elwme that wall, the said Lord Maxwell eschapit with fuitht¹ flycht; and the Constable of the Castell, with vtheris keparis thairof, apprehendit Sir James Makconneill, and brocht him bak agane and pat him in the irnis; and Williame Maxwell left the Lord Maxwell at the vtter 3ett, quhair he was lykwayis tane by the Constable; and hard nocht quhen Alexander Strutheris, kepar of the Inner-port, was forcit and hurt be the Lord Maxwell; and nevir hard any tumult quhill the Lord Maxwell come vpoun him self.

(5.) SECOND DEPOSITION of *Alexander Struthers, Keeper of the Inner Yett.*

ALEXANDER STRUTHERIS, kepar of the Inner-3ett of the Castell of Edinburgh, of the aige of 1² 5eiris, or thairby, mareit, deponis, That vpoun the ferd day of December, 1607 yeiris, this deponar, about fyve horis at night, sittand in the Inner-porter-hous of the Castell of Edinburgh, and haveing the keyis of the Inner-3ett hyndand² vpoun his arme, Williame Maxwell of Kirkhous, feruand to the Lord Maxwell, come to this deponar and defyrit him to oppin the 3ett, and the deponar haveing oppinnit the inner weiket, and the said William haveing past furth thairof, the said William stayit the deponar to cloife and loik the weiket of the Inner-3et, and in the mentyme of the stryiff, Johne Lord Maxwell, Sir James Makconneill, and Robert Maxwell of the Tour, all thrie with drawin fuordes in thair handis, come to this deponar, and the Lord Maxwell with his fuord first fraik at the deponar, and cuttit his left hand: Thairefter Sir James M^cconneill and Robert Maxwell, ilkane of thame, gaif him bluidie fraikis in his heid, and the deponar cryand ' Fy! Tressfoun!' Margaret Philp, his vyiff, come furthe to help the deponar, (quha was lykvyis voundit be the foirfaidis perfonis,) and gat four bluidie fraikis in his bodie: And in the mentyme, quhill Robert Maxwell and this deponar war in gryppis and stryiff, the said Lord Maxwell and Sir James M^cconneill past furthe of the said Inner-3et, the quhilk Inner-3et this deponar than lokit and held in the said Robert Maxwell, quha incontinent thairefter lap the said Castell vall, and eshapit furthe thairof; and within ane hour thairefter this deponar saw Sir James M^cconneill brocht within the said Castell be the Constable, quhair he 3it remanis, lyand in irnis.

(6.) DEPOSITION of *Thomas Home, Constable of the Castle of Edinburgh.*

THOMAS HOME, Constable of the Castell of Edinburgh, of the aige of lx yeiris, or thairby, mareit, deponis, That vpoun the said ferd day of December, 1607 yeiris, the twa Inner-portis of the Castell of Edinburgh being forcit and oppinnit be the Lord Maxwell and Sir James MacConeill, efter that thai had hurt the tua portaris, and had loppin the wall about the Vest Port. This deponar, vpoun the cry of the wechemen, followit tham with diligence; and as he cam neir the Barres,⁴ certane men at the West Port tauld to this deponar, that ane of tham that had brokin ward was lyand in ane meiddane,⁵ and had irnis vpoun him: And thairefter this deponar brocht Sir James M^cconneill bak agane to the Castell of Edinburgh, quhair he yit lysis in irnis. And the deponar saw the saidis tua Portaris bayth hurt, quhen he come in with Sir James M^cconneill to the Castell of Edinburgh agane.

(7.) DEPOSITION of *William Symfone, soldier in the Castle of Edinburgh.*

WILLIAME SYMSONE, ane of the suldaris of the Castell, of the aige of xxvj yeiris, or thairby, mareit, deponis, that vpoun the ferd day of December, 1607 yeiris, about fyve houris, befoir supper, the Lord

¹ Hasty, precipitate. ² Fifty. ³ Hanging. ⁴ The *Hastitudium*, or ' Barras,' under the Castle, where, for a long series of years, the Tilts and Tournaments had been held. It was situated near what are still called the King's Stables, at the West Port of the city. ⁵ A *midden*, or dunghill.

Maxvell come to Sir James M^cconeillis chalmer to pas his tyme, according to his custome; quhair war present, for the tyme, the Lord Maxwell, Sir James, Young Cloiburne, Robert Maxwell of the Tour, William Maxwell of Kirkhous, William Armstrang of the Gingillis; and efter that the Lord Maxwell and his colligis had marchit throuche the chalmer, be way of pastyme, for the tyme, he come to this deponar, quha than vas speciall kepar of Sir James M^cconeill, and haveing put his hand within this deponaris fuord gardis, preiffit to haif drawin the famin, bot being impedit be this deponar, the Lord Maxwell tuik from William Maxwell his quhinger, and held the famin to this deponaris breift, sueiring with ane great ayth, that gif he lat nocht the fuord cum, he suld stik him with that quhinger. Then this deponar, for feir of his lyiff, deliuerit his fuord with the scabert to the said Lord Maxwell, and thairefter the Lord Maxwell come to James Stewart, his awin kepar, and William Armstrang, and tuik from thame ilkane of their fuordis; and gaif ane of the fuordis to Sir James M^cconeill, the vther to Robert of the Tour, and keptit the thrid to him self, vtterand thir wordis, ‘ All gud fellowis that luiffis me, follow me! For I fall ather be furthe of the Castell pis nycht, or ellis I fall loife my lyiff!’ And then the Lord Maxwell and his colligis haveing past furthe of the said Sir James chalmer, he clofit within the famin chalmer, Young Cloiburne, William Armstrang, James Stewart, and this deponar, and feschynnit the famin dure with the catbande, that thai mycht nocht oppin the famin; saying, he rowit to God, that, ‘ Gif ony of them suld cry, he suld cum bak agane and tak thair lyiffis!’ And this deponar haveing maid the dure fast within, cryit furth at the Southe vyndow towardis the West Port, ‘ Tressoun! Tressoun!’ And be that cry the men of the West Port come and apprehendit the said Sir James M^cConeill.

(8.) DEPOSITION of *William Armstrang in the Chengillis.*

WILLIAM ARMSTRONG in the Chengillis, of the aige of xxx yeiris, or thairby, mareit, deponis *conformis immediate preceden. Gulielmo Synfoun, in omnibus; reddens eandem causam scientie*; becaus that famin nycht that the Lord Maxwell and Sir James M^cconeill past furthe of the Castell of Edinburgh, this deponar was present in Sir James M^cconeillis chalmer, in cumpanie with the Lord Maxwell and remanent personis soirfaidis, all myrrie be drinking of wyne. This deponar saw the Lord Maxwell tak the thrie fuordis from the soirfaidis thre personis, and past furthe of the dure, and clois the famin efter him, saying, ‘ Gif ony of tham cryit, he suld tak thair lyiffis!’ And this deponar was ane of tham that was clofit within the chalmer, be the Lord Maxwell; be resioune that he refusit to accompanie the Lord Maxwell, in breking ward.

II. DEPOSITIONS taken before the *Lords of Privy Council, relative to the Treasonable Murder of SIR JAMES JOHNSTONE of that Ilk.*

(9.) DEPOSITION of *Sir Robert Maxwell of Spottis.*

AT Edinburghe, the xxviiij day of Aprile, 1608, In presence of the Lords of Secrete Counfaill.

SIR ROBERT MAXWELL of Spottis, sworne and examinat vpoun the forme and maner of the Slaughter of the Laird of Johnstoun, and of the said Sir Robertis awne cariage and behaviour, in that mater; Deponis as followis: *Firft*, that the Laird of Johnstoun desyrit the deponar, being in his house of Lochwood for the tyme, to speik the Lord Maxwell, quhen he fand the oportunitie, to sie yf the deponar could mak a good in the materis betnix thame. To quhom the deponar answert, that he was a feiklie man, and had no credite at the Lord Maxwellis hand; becaus the Lord Maxwell haid evir a mislyking of him, becaus he maryed Johnstones suster. And deponis, that he said to the Laird of Johnstoun, that he had no will to mell in that turne, becaus it wes so wegtie a mater; and the Lord was a perellous man to haif ado with! And denyis that evir he proponit that mater to the Lord Maxwell, in the Laird of Johnstonis name, as haveing directioun from him. DEPONIS, that aucht or nyne dayis afoir the Slaughter of the Laird of Johnstoun, the Lord Maxwell send Edward Maxwell,

fone to the Laird of Tynwall, to the deponer, to defyre him to ‘ come and speik with his lordship.’ And the deponer, mislyking the messinger, refusit to gang to my Lord, saying that he stood in that estait that he nicht not weill speik with him. And yit the principall caus that movit the deponer to refusit to go with him, wes the mislyking of the messinger, fering that he fould reveill it. Thairefter, that same day, the deponer fend Johnne Maxwell, his awin fervand, to my lord, to vnderstand his l. will and pleafour, and defyre his l. to schaw ony thing he had to fay to the said Johnne, als yf the deponer haid bene present : And that my lord refusit to schaw ony thing to Johnne, quhill he mett with the deponer him self; and willit Johnne to tell the deponer, that he desyrit to meitt with him at efter none. Quhairvpoun the deponer raid to him to Kirkennane hill; and at thair meeting, my lord sayd to the deponer, ‘ Cosine, it wes for this caus I fend for you. Se see my estait and danger I stand in; and I wald crave your counsell and advise, as ane man that tenderis my weill.’ To quhom the deponer answereit, that the mater wes so far past, as hardlie could he gif his l. ane counsaill; and gif he haid a counsaill, he wald gif him the best he could. The deponeris opinioun wes, that he fould keipe him quiet, and do no thing quhill nicht offend the Kingis Maiestie farder nor he had done; and that he wald move the noblemen, who wer his freindis at Court and Counsell, to report the best of him to his Maiestie and Counsell. And the Deponer sperit at him ‘ In quhat estait his l. and his nichtbouris, the Barones of the countrey, stood into?’ His answere wes, that he could not weill tell that him self. Vpoun thir speiches, thay fell in speiking with the Laird of Johnnstoun; and my lord desyrit to gett him knowledge, yf the Laird of Johnnstoun had bene ane platter aganis him, sen thair aggreement? And quhat he nicht look for att his handis in tyme comeing? The Deponeris answere wes, that he knew no thing of that mater, whill he haid spokin with Johnnstoun, or gottin his answere, in wryte; and at that tyme he could not meete with him, becaus he wes to ryde to Edinburgh for some of his awne adois. And my lord desyrit the deponer to wryte in his awne name to the Laird, to vnderstand quhat certantie my lord nicht haif of him. And my lord promesit to fend to the deponer, in wryte, the headis quhairvpoun the deponer fould forme his bill to the Laird, the next morneing; quhill my lord did. And the deponer said to my lord, ‘ Yf this be a mater that your l. thinkis, in your hairte, se can tak vp and remett to the Laird, I will very willinglie travell in the mater and do the best I can; vtherwise, I desyre nocht to mell in it.’ To quhom my lordis answere wes, that of all evillis the least wes to be tane, seing he had at the Kingis commandment done it alreedy. Yf he saw ony willingnes in the Laird to do his dewytie to him, he wald willinglie pas it over, and if he ressaunt ane ressonable answere of the Laird, he wald be content to meete with him, at ony convenient place: And promesit, that he fould keepe honnestlie, for his pairt and these that wer with him, providing it war keepit quiet, for both their weillis. AND upoun the morn, the deponer ressaunt the headis in a Tickett sent to him to his awne house; quhairvpoun my lord desyrit him to wryte to the Laird; quhill the deponer thinking mistie, the deponer wryte bak agane to my lord, and fend his Tickett clost in hes awne Bill, schawing my lord that he wald not deale in that turne, quhill he spok with his lordship, and that he haid the Heidis mair cleirly fett down. Quhairvpoun my lord write bak to the deponer, and desyrit him to meit his lordship at the Kirk of Butill: And the deponer comeing thair and missing my lord, and persaving some persouis attending to meit his lordship, the deponer raid away, and wald not meit with him at that tyme; and left ane fervand to tell my lord that he haid bene thair, and was riddin away: And that same nicht, my lord caufit the deponeris man come bak to the deponer, and desyre him to meit him, about the setting of the sone, besyd the place of Butill, at the water syd; quhill the deponer did: And the deponer asking of him quhat he meant be these Articles and headis he had sent vnto him? My lord answereit, that he wes not a good wreater, and wald not commit the trust of this to ane vther; alwise, his meaning wes, that the deponer fould desyre the Laird to cleir him self that he had not bene a dealer aganis him in tyme bigane, and to lat my lord vnderstand quhat he nicht look for at his handis in tyme comeing. According to the quhill, the deponer wryte to the Laird, and get his

anfwer within tua or thrie nichtis. AND deponis, that he promeist to my lord, yf his lordschip wer in these feldes, that he fould gett his lordschipis ane (*own*) anfuere, and bring it to him; bot yf his lordschip wes not in these fieldis, the deponer fould be in Terriglis vpoun Monunday thairefter, quhair my lord fould find him. According to the quhilk, my lord appointit his man, Johne M^cbrair, to attend the deponer at Terriglis; and efter the deponer liehtit (*alighted*), Johne M^cbrair defyrit him to go and speik with my lord, who attendit him besyd Haliewode. And deponis that thay mett in the wod, quhair the deponer lute my lord see the Lairdis answer in wryte; quhilk he red, and (was) weill content thairwith. And thairefter, the deponer takand my lordis faithfull promeis, with my lordis hand strekit in the deponeris handis, that he, nor the man he fould bring with him, fould do no wrang, bot keepe honnestlie, quhidder thay aggreit or not, my lord, with the deponer, sett down the tryit to be vpoun Wodnisday thairefter, beyond the Houfe of the Beal, betuix thrie and four efter none; quhair ather pairty fould come accompanied with one onlie, and na vtheris to be present bot the deponer: And my lord promeist to bring Robert Maxwell of the Tour with him, or ane vther quhom the deponer fould lyk als weill of, for quhom my lord fould be anfuerebill. And, parting with his lordschip, the deponer, vpoun the morne, raid down to the Laird of Johnnstoun, and tauld him of the appointing of the tryit; who being verie willing to it, and his faithfull promeis to keepe honnestlie, for his pairte, he, with the deponer and Willie Johnnstoun of Locurbie, come, vpoun the morne thairefter, agaitward to the tryit, within a myle or thairaboute to the place appointit; and in the way, the Laird say¹ to the deponer, that quhatevir courfe he tooke with the Lord Maxwell, he wald ever reserve his dewtie and allegiance to the Kingis Matie, and that he wald counsell my lord to begyn with Sir Williame Craufoun, to be at ane point with him, that by his meanis and procurement the Erl of Dunbar nicht be intreatit to interceid for his lordschip, at the Kingis handis; and sua, comeing within a myle to the place appointit, the deponer lute the Laird sie quhair my lord wes; and the deponer causit the Laird flay thair, and he raid forward to my lord, who wes attending at the place appointit, as said is, and tauld my lord that the Laird was come, according to the appointment; and that he reposit so grite traist and confidence in my lord, that he wes onlie ryding vpoun ane amling naig; and that Willie of Lockarbie wes with him and na mae, as his lordschip himselff saw. And than the deponer of new took my lordis promeis for keeping of his former promeis and credite, and quhilk my lord frielie gaf: And my lord desirit the deponer to tak Charlis Maxwellis promeis lykwife, who wes with him; quhilk the deponer refusit to do; and wes verie miscontit (miscontent?) that Charlie wes thair. And than my lord promeist to be anfwereable for him. Sua the deponer raid bak to the Laird, and brocht him forward, and took the lyk promeis of the Laird that he fould be anfwerebill for his man Willie Johnnstoun: And afoir the deponer come from my lord, baith my lord and the Laird commandit Charlie Maxwell to ryd af theme, and not to go towardis Willie Johnnstoun. And the deponer and the Laird gaf the lyk command and directioun to Willie Johnnstoun to ryd af them, and not to go toward Charlie Maxwell. AND sua, my lord, the Laird, and the deponer mett; and mutuall salutationnis past betwix thame, and they raid togidder, the deponer in the midis, my lord on his left hand, and the Laird on his richt hand; and efter some speiches, my lord directit his language to the deponer, and the Laird and the deponer directit thair language to my lord; and ryding thus way, and thair bakis to the vther tua, the deponer lookis about and saw Charlie Maxwell go fra the place quhair he wes appointit to flay, directlie towardis Willie Johnnstoun, and efter some few speiches betwix thame, quhilk the deponer hard not, the deponer saw Charlie Maxwell schoote a pistolett at Willie Johnnstoun; quhairvpoun Willie gaf a schoute and cryed. And thairefter the deponer clappit to my lord, and preist to haif tane him be the brydle-renzeis, and, missing his renzeis, gat ane grip of his klok, quhilk he pullit to him—and cryed to my lord, ‘Fy! my lord! Mak not your selff a Trator and me both!’ To quhom my lord anfuereit, ‘I am wytes!’² With this, the Laird of Johnnstoun slip-pit af³ the deponer, and wes ryding for relief of his awne man; and my lord followit him, and behind

¹ For said.² Free of wyte or blame.³ Slit or stole away unperceived.

his bak, shot him—and raid his way: And the Lairdis horfe making some sturr,¹ his girdis² brack, and the Laird fell; and efter his fall gat vp agane on his feitt: And Charlie come agane, and offerit findrie straikis; bott gat not leave to do any harme.

ROBERT MAXWALL OF SPOTTIS,
Tenet cum principali, J. PRYMROIS.³

(10.) DEPOSITION of *William Johnston of Lockerby.*

APUD ED^B, *decimo nono Junij*, 1609. WITNESSES *producit for preveing of the Secund Reffoun of Treffoun aient the Slaughtre of the Lard of Johnestoune.*

WILLIAME JOINESTOUN, callit of Lockerbie, of the aige of xl yeiris, or thairby, mareit; deponis, that vpoun the sext day of Aprile, the yeir of God 1608, this deponar cumming to the place of Lochwod, about ane efter none, THE LARD OF JOINESTOUN tuik this deponar to the clois, and said to him, ‘ 5e ar velcum, for I haif ane gritar turne ado with 5ou nor ewir I had befor this day; I am to meit with the Lord Maxwell, and 5e fall go with me, and loip on vpoun 5our horfe, and raik fordwart to Lytill Lochwod, quhill I owirtak 5ow, and let nane ken quhair 5e ar rydand to.’ Immediatlie thair-efter the Lard of Johnestoun and *Sir Robert Maxwell of Spottis* owirtuik this deponar within ane myle from the Lochwod; and thei raid altogidder towartis the place appoyntit, quhill thai come to the Cowart-croce, quhilk was within a myle quhair THE LORD MAXWELL and *Charlis Maxwell* was huif-fand⁴ on horfbak togidder. Then *Sir Robert Maxwell* directit the Lard of Johnestoun and this deponar to stay thair, quhill his returne to thame, or ellis that he gif thame ane sing to cum fordwart, quhilk was be haldin vp of his nepkyn vpoun his wand end.⁵ Schortlie thaireftir *Sir Robert Maxwell* cumming from the Lord Maxwell, about the mydway betwix the saidis pairteis, the said *Sir Robert* held vp his nepkyn vpoun his wand end; and vpoun that finge the Lard of Johnestoun and this deponar raid fordwart to the said *Sir Robert*. At thair meting the said *Sir Robert* flew to the Lard of Johnestoun, that the Lord Maxwell, accompaneit with *Charlie Maxwell* allane, war awayting vpoun thair cumming, and that the Lord Maxwell inquiryt of *Sir Robert* quho was with the Lard of Johnestoun? The quhilk *Sir Robert* anfuert, that he had tauld to the said Lord Maxwell, that this deponar was onlie in companie with the Lard of Johnestoun; and that the Lard of Johnestoun, for secrecie of the tryft, was rydand vpoun ane naig, and had left his best hors behind him. Then the Lard of Johnestoun anfuert, that he was weil content that *Charlis Maxwell* was rather thair nor ony vther, be reffoun he was *John Murray of Cokpullis* sifter-son; and at that famyn tyme, *Sir Robert* tauld to the said Lard of Johnestoun, that he had tane the Lord Maxwellis ayth and promeis, vpoun his fayth and honour, that he fuld meit fairlie, and depairt fairlie. And that the Lord Maxwell defyrit the said *Sir Robert* to tak *Charlis* ayth thairvpoun; the quhilk *Sir Robert* refusit to do, faying, that ‘ he wald haif na promeis bot the Lord Maxwellis awin promeis for his man.’ Lyk as, at that famyn tyme, *Sir Robert* tuik the Lard of Johnestonis ayth and promeis, be his hand laid in his, that he fuld meit fairlie and depairt fairlie with the Lord Maxwell, quhidder thai aggreit or nocht. Immediatlie thairefter *Sir Robert* raid to the Lord Maxwell, the Lard of Johnestoun and this deponar followand adreiche;⁶ and thaireftir, *Sir Robert* haveing an thort space spokin with the Lord Maxwell, they turnit towartis the Lard of Johnestoune, and the Lard of Johnestoune towartis thame; and eftir salutatioun, the Lord Maxwell, the Lard of Johnestoune, and *Sir Robert*, raid togidder to and fro, the said *Sir Robert* being in the myddis; bot quhat thai spak togidder kennis nocht, be reffoun the said *Charlis* and this deponar stayit about ane pair of but-landis, or thairby, from thame, as *Sir Robert Maxwell* had directit tham of before: And schortlie eftir that the said *Charlis* and this deponar had stayit pairt and findrie,⁷ the said *Charlis Maxwell* cummis first to this deponar, and said to this deponar, ‘ Gif I had knawin of this tryft, the Lord Maxwell nather culd nor fuld haif brocht me heir.’ The deponar anfuert, ‘ I hoip in

¹ Growing restive.

² Girths.

³ Clerk to the Privy Council.

⁴ Riding; literally, *hoofing*.

⁵ The end or point of his riding switch.

⁶ Leisurly, loiteringly.

⁷ Apart and separate, or asunder.

God, Charlis, 3e fall nocht rew of 3our cumming heir! For pir twa noble men hes bene lang in variance, and I hoip now 3ai fall aggrie.' Then Charlis anfuert, that 'The Lard of Johnstoune was nocht able to mak ane amendis, for the great kcyth and injurie he had done to tham!' This deponar anfuert, that 'The Lard vald cum in vill, and do to his powar to fatisfie the Lord and his freyndis.' Charlis anfuert, that 'The said thryift was onlie maid to the prejudice of the said Charlis and his freyndis, for that man' (luikand towartis the Lard of Johnstoune) 'had focht his wraik; and thairfor we fuld nocht haif met 3ow, for 3e ar all Traitouris!' The deponar anfuert, 'Charlis, say quhat 3e will 3is day, I will mak no anfuert thairto, be resoun of my maisteris promeis.' Then Charlis said, that '3e ar all Traitouris! be resoun 3e slew Francie of Carlile vnder trest.' Then this deponar anfuert, 'Say quhat 3e will this day, I will gif 3ow na anfuert; bot within ane day or twa, gif 3e will fend 3our man to me, I fall fatisfie 3ow.' And incontinent vpoun that last speiche Charlis schott ane pistolet at this deponar, and fhoit him throuche the cloik; and than this deponar preiffit to haif fhoit his awin pistolett, and it misgaif, cryand 'Treaffoun!' And the Lard, vpoun that cry, raikit fordwart from the Lord Maxwell; and then the Lord Maxwell, with his pistolett, fhoit at the Laird of Johnstoune behind his bak; at the quhilk fhoit the Lard shortlie thaireftir fell, and incontinent Charlis fhoit ane vther fhoit at the Lard and this deponar, being bayth standing togidder: And this deponar, preiffand to haif put the Lard vpoun this deponaris meir, quha throuche waiknes vas vnhable to loup on, the deponar fett the Lard vpoun the grund; and the deponar halding the Lard vp, and inquiring quhat he had to say; the Lard luikand vp to hevins and said, 'Lord haif mercie on me! Chryst haif mercie on me! I am disflavit.' Then the Lord Maxwell cryit to Charlis, 'Cum away.' Then the said Charlis anfuert, 'My Lord, will 3e ryid away, and leif this bludie theif behind 3ou?' Then the Lord anfuert, 'Quhat rak of him—for the vther hes anewche!' And then thair bayth raid away togidder.

III. (11.) CONTEMPORARY NARRATIVE of the *Escape of LORD MAXWELL and SIR JAMES MAKONEILL from the Castle of Edinburgh, taken from MS. History of Scotland.*¹

Now, my Lord Maxwell being put in ward, in the Castell of Edinbrughe, and nocht feing how he was to be releiffit, dewyffis with Schir James M^cConeill and Robert Maxwell of Dinwiddie, quhat way he and thay mycht efcheap. And on the fourt of December, he callis ane gritt number of the Keiparis of the Castell into his chalmer, quhair he drinkis theme all fow;² and desyring quhilk of thame voir the best fuord, he gaif ane fuord to Schir James M^cConeill, and heaffand ane him selff, drawis to the Chalmer dur and lokis them all in. And thay thrie passis fordwartt to the 3ett, quhilk he had cauffit ane feruand of his to keip the 3ett fra nocht cuming to;³ bot the porterris, nocht being willing to lett thame go, maid resistance: Bot my Lord Maxwell, being resolut to depairt, strak the Maister porter, and wondis him in his airme; and also findrie of the rest; and ane woman, that maid sum resistance, thay hurtt also: And vinnand out at the inner-3ett, he lopus the wall. Schir James, heaffand the irnis⁴ on him, he, lowpand the toun wall, hurttis his leg; quhairby he was nocht abill to fleir; and so was tane and brocht bak in the Castell. Bot the Lord Maxwell, heaffand horse preparitt, raid his wayis, and Robert Maxwell of Dunwody with him. Quhairat the King was werray far offenditt; and maid Proclamatioune, that nane sould refett him, wuder the payne of death. Bot Maxwell remaynand in the cuntry, thocht thatt the Laird of Johnstoune had the wyt of all his trubill: And feing that thair was (na) meanis to gett the Kingis gude will, bot be the Laird of Johnstoune moyane, quha had slayne his fader, as 3e have hard, and had cauffit the King compell him to tak him be the hand, he was in ane grit reade aganis the Lard of Johnstoune, bot buir the fame within him selff. And on the wther pairt, the Laird of Johnstoune, thinking that this wes the best tyme to

¹ Advocates' Library, A. 4. 35.² Drunk, intoxicated.³ From closing or shutting.⁴ Fetters.

winne the hairtt of my Lord Maxwell, giff (be) his meanis and trawell he mycht purches his Maieftis gude will to his lordfchip : Quhairwpone, he fendis to Schir Robert Maxwell of Orchortt-toune, kny^t, quha had mareyit the Laird of Johnestonis fifter, as, alfo, Johnestoun had mareyit his fifter, to trawell with Maxwell, to fie gif he wald fpeik with him : And quhat he wald direct him, in that turne, he wald do to the wtirmeft of his power. The quhilk the faid Schir Robert did, and brocht thame to ane meitting, the fext day of Apryll, the 5eir of God 1608 ; and Chairlly Maxwell with my Lord, and Williame Johnestoun of Lochirbie with the Laird of Johnestoun. Thay mett on the hill befyde the pleace of Ellifeheillis, the faid Schir Robert being with thame ; quhair thay, being mett, the tua ferwandis rydis a pairt off thame, leaffand my Lord and the Laird and Schir Robert ; bot, or euer thay had conferrit ony fpeace, the tua ferwandis fallis in wordis, and alfo in fehottis of pistollattis, the fame cuming be this Chairlly Maxwellis motioune : The quhilk, quhen the nobill menne feis, Johnestoun cryis, ‘*Fy ! Red !*’¹ and spurris to thame. And my Lord, being ryding with pistollattis, cumis behind Johnestoun and sehuttis him throw the hartt, quhairof he fallis : And yit his curragge maid him to draw his fuord ; bot being fehott neir to the hairtt, he fallis deid. The Lord Maxwell, feing him fallyn deid, giffis him na ma fraikis, bot rydis his wayis. Bot albeit he had gottin his lyff, zit he gat the fame with fehame, it being gottin wnder tryfting. Quhairfor the King eftemeit the fame as Treffoun, being done vnder tryft.

IV. LETTERS *from THE KING and Privy Council of Scotland relative to* LORD MAXWELL.

(12.) LETTER *from THE KING to THE PRIVY COUNCIL OF SCOTLAND, as to the escape of Lord Maxwell from the Castle of Edinburgh.*²

RIGHT trustie and weilbelouit counsingis and counfallouris, We greitt 5ou weelle. The leatt efcheap of THE LORD MAXWELL furth of our Castell of Edinburgh, haveing gevein to ws moir nor juft caus of difcontentment at his foly, We have thoct meitt heirwith to direct 5ow how to proceid aganes him. And first, We will this Proclamatioun, heirwith fent, to be publeiffed at all placeis neidfull ; and that 5ow pairefter tak ordour for tryall of all reffeatares and fuppleares, and caus the extremetie of the law to be profequit aganes thame. And alfo 5ou fall, upon reffait heirof, presentlie fend chairges of Treffonne, for the randering of his Castellis and houffis, and 5ou fall put garefounes and keiparis in everie one of the fame, to be interteined vpon the rentis belonging to the houffis, wnto fuch tyme as We doe tak farder ordour thairwith. And als, our will is, that 5ou give particular directiounne to fuche as fall reffave the Castell of Lochmabene, that thay mak delyverie of the fame to our rycht trustie coifing and counfallour the Erll of Dumbar, or to ony wther quhome the faid Erll of Dumbar fall direct, with our wther Warrant, for reffaveing pairof. Furthermore, 5ou fall caus charge the principallis of the faid Lord Maxwell his name and followaris, being ony way men of mark, to find cautione and fuertie, wnder gritt pecuniall panes, that thay fall noway reffaitt, fupplie, nor intercommoune with him. 5ou fall in lyk maner geve speciall ordour to our garifoune, wnder the Lord of Scones command, and als to that wther, wnder Sir W^m Cranftounes charge, that thay mak speciall fearches, for the faid Lord Maxwell his taking and apprehending. And heirof, willing 5ou to be cairfull, and to omit nothing that may haiften ane exemplar pwneihment vpon him, for his prowde contempt, We bid 5ow fairwelle. FROM our Court at ROYSTOUNE, this 14 of Dec. 1607. [JAMES R.]

To our rycht trustie and weilbeloveit counsingis and Counfallouris, the Erll of Dumfermling, our Chancellar and remanent Lordis and otheris of our PRIVIE COUNSALL in that our Kingdome of SCOTLAND.

¹ Agree ; separate ; make up your quarrel.

² From a Collection of State Papers formed by the first Earl of Hadington (at that time Sir Thomas Hamilton), preserved in the General Register House.

(13.) LETTER *from Sir Thomas Hamilton to the King.*¹

Pleafe your moft sacred Maieftie,

KNOWING that your Maieftie will expect and requyre of me ane difcharge of my dewtie, in performing your Maiefties commandement, genuin for perfewing the LORD MAXWELL and SIR JAMES MAKONEILL, for thair treafonabill breaking wairle furth of your hienes Caftell of Edinburgh, becaus I have hard that fum, whois opinion may have place in fum of the circumftances of thair tryell, inclynes to juge, that, vnles the crymes for the whilk they wer imprifoned have bene treafonabill, that thair break of wairle can not import Treafoun, I have bene the more folift to inquire of thair vther offenfis, which may be found treafonabill of the law: And albeit the Examination and re-examination of Sir James Makoneill I have had fmall aduantage, in refpect of his refolution to deny all the poyntis of his crymes, at the Slauchter of his vnle, and taking of his parentis, whilkis might infer Treafoun; yet I hope that fufficient information fall verie fchortlie cum, of the trewth of his moft heynous and vnnatural factis, from thofe to whom my Lord Chancelar hes writtin, to that effect. As to the Lord Maxwell, I have hard of his raifing of fyre at Dalffibill, whan he flew Willie Johnftoun, callit of Efchiefchiellis and ane vther Johnftoun; bot becaus he hes fenfyne had the honour to be admitted to your Royall prefence, I wald not prefume to fummond him for that fact, whill firft I fould knaw your Maieftis mynde thairanent; the knaulege whairof fall lead me to proceid or defit. The progres of the Commiffionars at the mynes² I hope your Maieftie hes hard from thamefelis, and what I know I have writtin to my Lord of Dumbar; becaus I fand him moft defyrous to vnderftand the fucces of that whilk concernit your Maiefties feruice and contentment. Swa, attending moft humblie your Maiefties farder pleafour for my directioun, I pray God long to bleffe ws with the continuance of your moft gracious regne, and your Maieftie with all honour and wiffed contentment. ED^R, this 28 Januar, 1608.

Your moft fared Maiefties moft humbill and bundin feruand,

S. TH. HAMILTON.

(14.) LETTER *from THE KING to the Privy Council to apprehend Lord Maxwell.*³

RICHT truftie and veilbeloveit counfines and Counfallouris, We great 5ow weell. We ar informed that, notwithstanding of the treffonable fact committit be the Lord Maxwell in efchaiping fourth of our Caftell of Edinburgh, and in forcing and hurting of the keipares and poirtaris of the fame, and of our fpeciall commandis and Proclamatiounes fend doune for his taking and apprehending, that, nevertheles, in plane contempt of our authoritie, that he oppinley travellis throuche the countrie, acenmpaigneid with no fewar than twentie horfe, and hes mead his repaire, at fyndrie tymes, to our burgh of Drumfreis; quibiche infolence is no way tollerabill, and fkairfe excuffabill one 5our pairtis, that ony of our declarit tratouris fould affume to theme felffis fo mutche libertie, without controlment. And thairfoir, our pleafour and will is, that vpoun refait heirof, 5ow direct that our Gaird, vnder the command of the Lord of Scoone, to repair to the burgh of Dumfreis, and thare, with that Gaird, vnder Sir W^a Craufounes chairge, to make a prefent diligent fearchie for the faid Lord Maxwell, and either to apprehend him or put him out of thofe boundis. Thairwith alfo the Baillies of Drumfreis wald be chairgit to compeir befor 5ow, and if 5ow can try any thing of thair knowledge of the faid Lord Maxwellis being in thair toune, We ar to will 5ow to inflict ane exemplare pwneithment vpone thame, baith by fynning and wairding. And als, 5ow ar to proceid in rigoure, according to the warrant of our lawis aganes all refleattares and accompaniaris of the faid Lord, that fo wtheris may be affrayed frome coming within the compas of the lyk contempe. And, remitting thofe matteris to 5our fpeciall cair, We bid 5ow fairweill. AT our Palice of QUIHYTHALL, the 2 of Feb^r^y, 1608. [JAMES R.]

¹ From the original, preserved among the *Denmylne MSS.* Adv. Library.

² At this period the King was deluding himself as to the discovery of silver mines, &c.

³ From *Haddington MS.* General Register House.

(15.) EXTRACT from *Letter, the Privy Council to the King*,¹ relative to Lord Maxwell, &c.

MOIST SACREID SOVERAGNE,

WE have hard, to our gritt greiff and forrow, by the report of your Ma. Secretare and be the In-
structiones committit be your moist sacred Ma. to his credeit, how far your hienes is discontented
with the governament of this Estaitt, as of the hail misfordouris and accidentis that fallis out heir. . . .

As to the particular prosecuting of the Lord Maxwellis reffettares, thair is a number of thame
callit, fynned, and wairdit. The rest ar fummondid to particular dyettis, and falbe pwneifchid. As
to the particular Slauchter of Cowhill, that feid is weall knawin to your Ma^{tie}, and no complemt of it
maid by ony to the Counfall, and these brether of Kirkhoufe had alwyis favour, bot not for the Coun-
fall; and the committer of it is come in England. And quhairas your Ma. is informed, that these who
wer appoynted to prosecute the Lord Maxwell hes keipit companie with him, theafe that hes com-
mandement of your Ma^s Guairdis humlie craves tryall of that calunnie; as alsua, that that Cove,
quhilk is the allegit place of his reffeat, may be designed; for we cannot find any countrie man that
knavis any place in Nithisdail or Galloway that careyis that name.

The tryall of that royat, at Drumfres, wes wnder tryall befor your Ma. directioun cam, and falbe
prosecuted with all regour.

The buriall of the Lord Maxwell wes a calunnie quhairwith many mo (than) your Ma. is impor-
tuned; for he lyeis still wburied quhair he wes. And lykwayis the slauchter of Johnestoune of How-
gill ves alyk false.²

AL. CANCELLS. LOTHEANE. VCHILTRE. BALMERINCH. SCONE. HALIRUDHOUS.
S. T. HAMILTONE. BEULIE. COMPTROLLER. JO. PRESTOUN.

(16.) LETTER, *the Privy Council to the King, for Instructiones*.³

MOST GRACIOUS SOUERANE,

ACCORDING to your Maiesteis directioun, We wryte for the Laird of Johnnstoun, his moder and
goode dame, to vnderstand of thame, gif thay wald persist in the persute of that Petitioun, exhibite vnto
your Maiesteie in thair names, whairby thay craved iustice to be execute vpon the sforfeyted Lord
Maxwell, for the Slauchter of the laite Laird of Johnnstoun? Thay come all to this burgh, and the
Laird of Johnnstoun, with his moder and Tutour, presentit thame selffis before ws, and declairit that
they wald insift in that persute and prosecution of that mater, according to the tennour of thair
Petitioun. The auld Lady Johnnstoun, through seiknes and inhabilitie of hir persone, being vnable to
compeir before ws, haueing, with grite difficultie, come to this burgh for this fame errand, we directit
and send the Bischop of Caithnes, the Lord Kildrymmie and Lord Preuey Seale to hir, to vnderstand
hir will and pleafoure in this mater; vnto quhome scho declairit, that scho come heir purpofelie for that
mater, and that scho wald insift, accoirding to the tennour of the Petitioun; sua that now thair restis no
farder bot your Maiesteis will and pleafoure to be declairit, quhat forder your Maiesteie will haif to
be done; wherein, althocht the conclusioun of your Maiesteis Lettre beiris, that we sould proceed to
the administratioun of iustice, 3itt, in respect of a worde cassin in the preface of the Lettre, beiring
that your Maiesteie had not as 3itt gevin a direct ansuer to thair Petitioun, we haif presomed, first, to
acquint your Maiesteie afoir we proceed ony forder; and whateuir it fall pleis your Maiesteie to direct,
in this mater, falbe immediatlie and without delay execute. Thair was a Petitioun gevin in this day
vnto ws be Robert Maxwell, bruthir to the said laite Lord, with some offeris to the partie; bot, becaus
the mater concernit not ws, we wald not mell thairin; alwyse, we haif heirwith send the fame to your

¹ From the *Haddington MS.* General Register House. The remainder of the Letter (which is very long) relates to a great variety of subjects, entirely unconnected with each other. ² The date of this Letter is omitted, but it must be between Apr. 28 and May 9, 1608. ³ From Original *Dennyhne MSS.* Advocates' Library.

Maiestie, to be confidderit of as your Maiestie shall think goode. So, praying God to blisse your Maiestie with all happynes and felicitie, we rest

ED^R, 28 Aprile, 1613.

Your Maiesteis maist obedant subiectis and seruitouris,

AL. CANCELL^S. HAMILTON. MAR. GLENCAIRNE. ALEX^R HAY. LINLY^TGW. GLASGOW. KINGORNE.

TO THE KING his most sacred and excellent Maiestie.

V. (17.) OFFERS OF SUBMISSION *by* LORD MAXWELL *for the Settlement of all differences between him and the surviving relatives of* SIR JAMES JOHNSTONE *of that Ilk, knight.*¹

THIR OFFERRIS following ar maid be me, Johnne, sumtyme Lord Maxwell, for my selff, and in name of my kyn and freindis, to _____, now Laird Johnstoun, and his Tutouris and Curatouris, Dame Sara Maxwell Ladie Johnstoun, younger for the tyme, his mother, Dame Margaret Scott Ladie Johnstoun, elder, his guddame, and to thair kyn and freindes, for the vnhappie Slauchter of vmq^{le} Schir James Johnstoun of that Ilk, kny^t, committit be me.

IN THE FIRST, I humblie confes my offens to God, the Kingis Maiestie, and to the foirfaidis perfones, for the said vnhappie slauchtir, and declairis my selff to be maist penitent thairfoir; craveing first, mercie at the Almihty God for the same, nixt, favour and grace of the Kingis Ma^{tie}, my fouerane lord, and forgifnes of the great offens done to the foirfaidis perfones; testifeing be my soleme aith, vpone my saluatioun and condempnatioun, that the foirfaid vnhappie slauchter was nawayis committit be me vpone foirthocht felonie or fett purpois, bot vpone meir accident: Lyk as, for cleiring thairof, I am content to purge my selff be my greit aith in publict, quhair it pleiffis the parteis to appoint, and do quhat farder homage salbe thocht expedient.

SECUNDLIE, I am content, not onlie for my selff, bot for my haill kyn and freindis, to forgiff the slauchter of vmq^{le} Johnne Lord Maxwell, my fathir, committit be the said vmq^{le} Laird of Johnnestoun and his complices, and to mak all perfones quha wes ather gyltie, culpabill, or airt and pairt of the said slauchter, in securitie thairfoir, sua that thair nor nane of thame fall nevir be trublit for the same be me, nor be nane of my kyn and freindis, directly nor indirectly, in tyme cuming; and, for that effect, fall mak sik forme of securitie as fall agrie with reasonn.

THRIDLIE, becaus Johnstoun, dochter to the said vmq^{le} Sir James, wes; by the suddant and vnhappie Slauchter of hir said vmq^{le} fathir, left vnprovydit of ane sufficient tocher, and for the better avoyding of all inimitie that may arryfe betuix the houffis of Maxwell and Johnstoun, and for mair sair establisching of freindschip amangis thame in tyme cuming, I am content to marie and tak to my wyffe the said, without ony tochir.

FOURLIE, I defyte that the Laird of Johnstoun may be mareit to Dame Maxwell, eldest dochtir to Johne Lord Hereis, and sifter dochtir to me, quha is a person of lyke aige with the Laird of Johnstone. Lyk as, I salbe obleift to pay to the said Laird of Johnstoun, in name of tochir with my said sifter dochtir, tuentie thowfand merk Scottis; and quhat farder salbe thocht expedient, be the sicht of freindis.

FYFTLIE and last, I am content, for the farder satisfioun of the house of Johnstoun, to be Banischt his Maiesteis dominions, for the space of fevin 3eiris, and farder at the will and plesour of the Laird of Johnstoun.

Thir Offeris to be angmentit, at the sicht and discretioun of newtrall freindis, to be chofyn to that effect. Vnder protestatioun alwayis, that thir Offerris befor wryttin, maid vnto the pairtie, be nawayis offensue to the Kingis Maiestie, nor to his hienes Counfall.

¹ From *Sir James Balfour's MS. Collections*, Advocates' Library.

VI. (18.) SUPPLICATION *by* ROBERT MAXWELL, *brother to John, sometime Lord Maxwell, to* THE LORDS OF PRIVY COUNCIL, *to intercede with* THE KING, *and with the private prosecutors, &c.*¹

MY LORDIS OF COUNSAILL, vnto your l. humble menis and schawis your l. fervitour, Robert Maxwell, brothir to Johnne, sumtyme Lord Maxwell: That quhair, it is not vnknawin to your l. the miserabill estait of my said brothir, be the offences committit be him, to his God, the Kingis Maiestie, to the Marques of Hammiltoun and that name, and to the Laird of Johnnestoun and his freindis, besyde manifold vperis misbehaviouris; for þe quhilkis (being now, throw his miserabill estait, brocht to þe knowlege þair of) he moit humblic cravis mercie of God, favour and grace of his Maiestie his Prince, and forgifnes of his offence done to the Marques of Hammiltoun and his freindis, and to the Laird of Johnnestoun and his freindis: Lyk as, for cleiring of his penitencie for þe offence committit be him in Slauchter of þe Laird of Johnnestoun, he, with all humbilnes of mynd, is maist willing to mak satisfacioune to the partie; vnder protestatioun, that the offer of satisfacioune to þe partie fuld nawayis be offensive to his Ma^{tie} nor your l. And his hail freindis haifing, for þat effect, caufet pen certane Offeris in his name, to haif bene presentit to the Laird of Johnnestoun, his moþir, and guddame, and for presenteng thair of, haifing desyrit and eirnistlie entreitit certane of þe Ministrie of Ed^r, and sum of the Bischopis to haif presentit the same; thai and all vper men of qualitie hes alluterlie refusit þe same, without þai had your l. Warrant for þat effect: Sa þat now þair restis na menis quhairby þe Offeris may cum to þe pairteis handis, except your (l.) will athir appoint sum perfones to present the same, or vperwayis that your (l.) wald convene þe partie befor your l., that þe same, in your l. audiens, may (be) red and delyuerit to þame. HEIRFOIR, I maist humblic besaik your (l.) to haif consideratioun of þe premisses, and þat your l. wald gif directioun to sum of þe Ministrie of þis burgh to present þe said Offeris, or vperwayes, that your (l.) wald call þe partie in your presens, to þe effect foirsaid. And sielyk, that it nicht pleis your l. to acquent þe Kingis Maiestie, our souerane, of þe willingnes of my proper, both to satisfie þe pairteis offendit, and maist humblic, and with all dewtifull obediens, to submit him selff in his Maiesteis handis:—And your l. ansuer.

VII. NOTICES *relative to* LORD MAXWELL'S EXECUTION, *his behaviour and dying Confessions on the Scaffold, &c.*

(19.) ACCOUNT *taken from the Denmylne MSS.*²

VPOUN the xvij^o of this monethe adverteifment being maid be the balzies of Ed^r to the late Lord Maxwell, that vpon the nixt Fryday, xxj of this Maij, justice wes to be excuted vpon him, at the mercat croce of this burgh of Edinburghe, and he willed to prepair his conscience and dispoise him selff to die, he professit to thame his willingnes to abyde the pleafour of God and his Prince, and obtenit Licence of the Counfall that fuche ane number of his freindis nicht haue accessse to speik with him, as he fuld requyre, by name. He had diuerse conferences with findrie of them, in presens of ane of the Balzies, bot refusit to ressaue ony assistance or confort from the Ministeris, professing him selff not to be of thair Religioun, bot ane Catholik Romane; wherby, it being foirsene be the balzies of the toun and wtheris, that gif he fuld at his death enter in any discourse of that subiect befor the people, it nicht breid offence and selander, he wes desyrit, and yelded to bind him selff, be promise, to forbear at his death all mentioun of his particular opinioun of Religioun, except the professioun of Cristianitie; whiche he senfyne repented, as he declared to the balzies, when they wer bringing him to the scaffald, whare he declared that as he had iustlie deseruit his death, so he wes reddie patientlie to suffer it, asking mercie of God for his sinnis, and hartlie wishing that his Maiestie nicht be gratioutlie pleased to

¹ From the *Denmylne MSS.*, Advocates' Library.

² Advocates' Library.

accept his lyf and blood as ane different¹ punishment of his offences; and to relent, and remoue his wrathe from his brother and hous, being pleiffed to restore his brother to the rank and place of his predeceffoure, where he nicht, and, as he hoped, wald, do his Maiestie guid and faithfull seruice, as his fairbearis had done to his Maiesties Royall progenitouris. Nixt, he askit forgiuenes of the Laird of Johnestoun, his mother, grandmother and freindis, acknawelegeing the wrong and harme done to theme, with protestatioun that it wes without dishonour or infamie (for the worldlie pairt of it—for so wer these his wordis reported to me.) He lykwayis crawled pardoun of Polloke, Calderwode, and his wther freindis, being present, acknaweleging, that whare as he was borne to haue bene authour of thair honour and faiftie, he had procured to thame hairme and diseredit. And then he retired him selff neir the block, and maid his prayeris to God; which being ended, he tuike his live of his freindis, and of the balzies of the toune; and, suffering his eyes to be covered with ane handcourchef, offered his head to the axe, and suffered deathe, the xxj of Maij, at four a cloke in the efternone.

(20.) NOTICE from *Minutes of the Privy Council*.²

Maij 18, 1613. Ane Warrant past and expd to the Prouest and Balzies of Edinburghe, to tak the lait Lord Maxuell to thair mercat croce, vpoun the xxj of this instant, and thair to caus strik his head from his body. The delay of tua dayis wes thocht meit to be grantit, to the effect he nicht haue leafer to be resolued; and that the Ministeris nicht haue tyme to confer with him, for his better resolutioun.

(21.) NOTICE *preserved by Calderwood*.³

THE Lord Maxwell was beheaded at the mercate cross of Edinburgh, betuixt three and four after noone. He died confortlesse, having none of the Ministrie present to pray for him, or make exhortation to him or the people. He desired them not, neither was he content to receive informatione from them tuiching his Religione. This executione was procured be the Laird of Johnstons friends, specially be Sir Robert Ker, Erle of Rochester, the chief guider of the Court at that time. Papists, nevertheless, tooke boldness to profess their Religione, in fundry parts of the country; for it was well known to them, that Maxwell suffered not for his Papistry.

(22.) NOTICE by *Sir James Balfour*.⁴

THE 21 day of this mounth, Johne Lord Maxwell of Caerlauerock, was takin from the Tolbuith of Edinburghe to the mercat Croffe of the same, quher, on a scaffold, he had his head chopped offe from his bodey, for the slaughter of the Laird of Jhonstone.

Slaughter.

JUN. 28.—HENRIE BLAK, Capitane of the Castell of Kirkwall (Orkney), William Kirknes, Robert Hammiltoun, Williame Davidfoun, alias *Liericcok*, Magnus Bankis, alias *Johnnestoun*, Ar^d Dundas, Magnus Draver, Gilbert Brabner, fudartis,⁵ and keiparis of the hous of Grencroft; Johnne Reid in Selfkarie, Gilbert Blak in Farray, Malcolm Mowat in Etha, and James Mowat, thair.

Dilaitit of airt and pairt of the Slauchter of vinq^{le} Donald Grote, (of Wairis,) Walter Grote, and James Stewin, all in Duncanifbey.

¹ Sufficient?

² Minutes of Privy Council Proceedings, *Dennylne MSS.*, Adv. Library.

³ *MS. Church History*, Adv. Library.

⁴ *Balf. Ann.* II, 42.

⁵ Soldiers.

Williame Sinclair of Etha, oftymes callit, as cautioner for repoirting the Letteris duellie execute and indorfate and perfewing thair of, purchest be Margaret Grote, the relict of vmq^{le} Donald, Malcolme, his sone, Johnne Grote, brother to vmq^{le} Walter, and Allafter Stewin, as brother-sone to vmq^{le} James Stewin.

Compeirit Mr Johnne Mansoun, seruitour to my Lord of Cathnes (Caitness), and producet ane Warrant of the Lordis of Secret Counfall, anent the deserting of this dyet; quhair of the tennour followis.

JUSTICE, Justice clerk and your deputis. Forfamekill as the xxvij day of Junij instant is appointit to Henrie Blak, Malcolme Mowat, Williame Kirknes, and certane vperis pair complices, tennentis and servandis to þe ERLE OF ORKNAY, for pair compeirance befor ȝow, to vnderly the law for þe Murthour of vmq^{le} Donald Grote of Wairis, and sum vtheris, tennentis and servandis to þe ERLE OF CAITHNES: And feing, all differences and questiones standing betuix the saidis Erles of Orknay and Caithnes ar reconciliat and agreit, except þe said Murthour, the perfute quhair of, be baith the saidis Erles consentis, is continewit to ane vper dyet, to be persewit, aper befor þe Justice or his deputis in the bur^t of Ed^r, or in Caithnes. Thairfoir, theas ar to command ȝow to desert þe said dyet, and desit fra all proceeding pairin; dispensing with the personall compeirance of þe pairtie. Quhairanent thir presentis falbe ȝour Warrant. Subferyuit with our handis, ATT ED^r, þe xxvij day of Junij, 1609.

AL. CANCELL^{RIUS}. DUMBAR.

The Justice Desertit the said dyet: Quhairvpoune the said Mr Johnne askit instrumentis; and protestit for the said Williame Sinclair of Etha, his releif of his cautionerie; quhilk the Justice admittit.

Burning the Place of Littlegill — Slaughter — Stouthreif — Horse and Cattle-Stealing, &c.

Aug. 9.—THOMAS JARDANE of Birnok, and Vmphra Jardane his sone.¹

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Johnne Tuedie of Southwoid, . . . Broun of Coulter, Williame Campbell of Walwoid: And certain other crymes of Thift, &c.

PERSEWARIS, Elspeth Bailzie, mother to vmq^{le} Johnne Tuedie; Bessie and Sibilla Tuedeis, his sisteris; Robert Tuedie, his brother; Williame Broun, brother to vmq^{le} Robert Broun; Williame Broun, as sone to the said Robert; Mathow Bailzie, brother to vmq^{le} Alexander Bailzie; and as fader to vmq^{le} Rachael Bailzie, persewis Vmphra Jardane allanerlie; Charles Campbell of Horfclench, neir kynfman to vmq^{le} Williame Campbell of Walwoid; Hew Campbell of Garallane, for himself; Johnne Farquhar in Cavill, for himself; George Slowane in Knokburne, for himself; Williame Campbell, as sone to the said vmq^{le} Williame; Charles Murray, for himself. Sir Thomas Hammiltoun of Bynnies, kn^t, Aduocat to our fouerane lord, for his hienes entreis.

PRELOCOUTOURIS for the pannell, The Laird of Lamnyngtoun, The Laird of Carmichell, The Laird of Covington, Williame Carmichell of Rownetricorfe, Mr Johnne Ruffell, Aduocat.

DITTAY against Thomas Jardane.

FOR airt and pairt with the said Vmphra, his sone, of the tressonabill Raifeing of ffyre, burning and distroying of the Place of Littlegill, with the baill offices, houffes, barnes, insicht and pleniffing, being thairintill, worth the fowme of ffyve thowfeand pundis; committit vpon the faxyt day of July, I^m.V^c.

¹ See Jul. 30, Aug. 9, and Nov. 5, 1605.

fourfour nyne zeiris: And of the tressonabill burning to deid, at that same tyme, within the said Place, of vmq^{le} Alexander Bailzie of Littilgill, Rachaell, dochter to Matthow Bailzie, now of Littilgill, Andro Achiefoun and Katharene Forrest, ordiner fervendis to the said vmq^{le} Alexander, within the said place. ITEM, ffor airt and pairt of the Slauchter of the said vmq^{le} Robert Broun in Coulter; committit be the saidis Thomas and Vmphra, in the moneth of Junij, the yeir of God I^m.V^c. fourfoir faxtene yeiris, vpone the Grene of Coulter, with schottis of hagbuttis and pistolettis. ITEM, ffor airt and pairt of the steilling of the hors, pryce of the peice ane hundreth pundis; with ane grit ox, pryce thairof fyftie merkis, pertening to Williame Broun in Coulter; committit be him and the said Vmphra, his sone, at Mertines, or thairby, in the yeir of God I^m.V^c. fourfoir faxtene yeiris. ITEM, ffor airt and pairt of the Slauchter of Johnne Tuedie of Southwoid, committit be the said Thomas and Vmphra his sone, vpone Harlaw-mure, befyde St Ninianes Kirk, in the moneth of July, I^m.Vj^c. yeiris. ITEM, ffor airt and pairt of the Steilling of faxtene scheip furth of the landis of Scornefald, pertening to Johnnestoun, put be him vpone the saidis landis in girseing; committit be the said Thomas and Vmphra his sone, in the yeir of God I^m.Vj^c. yeiris. ITEM, ffor airt and pairt of the thiftious Steilling, at the leift refetting of faxtene stowin scheip, stowin at his command be vmq^{le} James Thomefoun his man, in the moneth of November, in the yeir of God I^m.V^c.lxxxxix yeiris. AND ffor Cowmoun Thift, and Cowmoun Resset of Thift, fra land to land, fra cuntrie to cuntrie, baith of auld and new; preceeding the nynt day of Maj, I^m.Vj^c. and fyve yeiris.

DITTAY against Vmphra Jardane.

INDYTIT, accuset and persewit of the crymes perticulerlie aboue writtin: And als, accuset and persewit of the crymes *respectiue* and perticulerlie following, viz. FOR airt and pairt of the Steilling of ellevin nolt, price of the peice ten pundis, pertening to Johnne Farquhair in Cavill, furth of his duelling hous thairof; committit be the said Vmphra and his complices, in the yeir of God I^m.Vj^c. and tua yeiris. ITEM, for airt and pairt of the Steilling of ane hors and ane meir, price of the peice ane hundreth merkis, fra George Slowane in Knokburne, furth of his duelling hous thairof; committit be the said Vmphra and his complices, vnder silence and clud of nycht, in the moneth of Junij, the yeir of God I^m. fax hundreth and foure yeiris. ITEM, ffor airt and pairt of the taking fra William Craufurd in Silliehoillis, furth of his duelling hous in Silliehoillis, of ane naig, pryce thairof fyftie pundis; committit be him and the said Thomas his father, in the yeir of God I^m. fax hundreth and thre yeiris. ITEM, ffor airt and pairt of the thiftious Steilling, be way of maisterfull Thift and Stouth-reif, fra Charles Murray, of tua hors, price of the peice, ane hundreth merkis; togidder with his cloik, suord, pistolettis, steilbonet, and purse, with threfcoir pundis, being thairin; committit be the said Thomas and Vmphra Jardanes, vpone the Brokin-calfay, betuix Davieschaw and Littilgill, in the yeir of God I^m.V^c fourfoir fevintene yeiris. ITEM, ffor airt and pairt of the steilling fra Hew Campbell, sone to Hew Campbell in Garallane, furth of his landis of Eistmark;¹ committit be the said Vmphra and his complices, in the 5eir of God I^m.V^c.lxxxxix yeiris.

For the quhilkis crymes *respectiue* aboue writtin, the saidis Thomas and Vmphra Jardanes tuik thamefelfis to our souerane lordis Remiffioun, producet be thame, vnder his hienes Grit feill, of the dait the nynt day of May, the yeir of God I^m. fax hundreth and fyve yeiris. Quhilk Remiffioun the Justice admittit.

LYK AS, the said *Thomas Jardane*, elder of Birnok, being indytit and accuset,

FOR putting handis in vmq^{le} James Thomefoun, his man, binding of him hand and fute; and at his awin hand, bot² ordour of Law or ony Commiffioun gevin to him, drownet and execute to daith the

¹ The articles stolen are not detailed in the Record. ² Without.

faid vmq^{le} James Thomefoun, his man, in Robertoun burne; and sa, is and was airt and pairt of his daith and slauchter; committit in the moneth of November, the yeir of God I^m. fyve hundreth fourfoir nyntene yeiris. ITEM, ffor Cowmone Thift, Cowmone Reffet of Thift, outputing and inputting of Thift, fra land to land, fra cuntrie to cuntrie, at dyuerse tymes, sen the moneth of May, in the yeir of God I^m. sax hundreth and fyve yeiris; quhilk is the dait of his Remiffioun. AND SICLYK, the faid *Vmphra Jardane* his sone, being indyttit and accufet, ffor airt and pairt of Steilling of ane broun horfe of four yeir auld, price ane hundreth merkis, fra Andro Slowane in Laneheid, furth of the landis of Watterheid in Cumnok, in the moneth of Junij, I^m.Vj^c. and fyve yeiris. ITEM, ffor airt and pairt of the Steilling fra Williame Rankene of ane gray hors, pryce thairof I^c li. furth of the landis of Boigcorroche; committit in the moneth of Junij, I^m.Vj^c. and fyve yeiris. ITEM, ffor airt and pairt of the steilling of fourfoir hogis,¹ price of the peice fyftie schillingis, furthe of the landis of Woulferuikis, within the barronie of Douglas, pertening to the Erle of Angus and his tenntentis; committit in the moneth of October, the yeir of God I^m.Vj. and sax yeiris. ITEM, ffor airt and pairt of the Slauchter of vmq^{le} Williame Campbell of Walwoid; committit be him and his complices, at the Kirk of Douglas, be hurting him, deidlie, in his heid and vtheris pairtis of his body, in the moneth of October, or thairby, I^m.Vc. and foure yeiris; at the leift, sen the yeir of God I^m. fyve hundreth fourfoir fevintene zeiris; quhair of he depairtit this lyfe, in the moneth of I^m.Vj^c. and sax yeiris thairefter. ITEM, ffor Cowmone Thift and Reffet of Thift, &c. sen the dait of his faid Remiffioun, viz. the nynt day of Majj, I^m.Vj^c. and ffyve yeiris.

THE pannell and thair preloquuntouris declarit thay will nocht feik delay, nochtwithftanding thay ar nocht fummond, and hes nocht gottin ane copie. Quhairvpoun my Lord Aduocat askit instrumentis.—The pannell askit instrumentis, that na partie competent to perfew thame, bot the perfonis aboue writtin.

The Advocat allegit that Mr Johnne Ruffell can nocht be hard to compeir and defend, becaus the pannell ar att the horne.—It is anfuerit, that *defensio est juris naturalis*; and thay haif obtenit ane delyuerance of Relaxatioun (from the horn) —The Aduocat in the contrar, becaus he producet Hoirning aganis the pannell. —The Aduocat passis fra the allegance.

The pannell allegis, that na proces can be led aganis thame, for ony cryme committit be thame, preceding the moneth of Majj Vj^c. and fyve; becaus his Maiestie hes grantit thame ane Remiffioun, for all crymes committit be thame before the faid moneth. Quhilk Remiffioun thay produceit; and tuik instrumentis thairvpoun; and this but² preiudice of thair defence aganis ony vther cryme.—Allegis the Aduocat, this Remiffioun can nocht fatisfie for the Slauchter of vmq^{le} Johnne Tuedie; becaus it is gewin only to Alexander Jarden; nixt, becaus it is grantit vpoun ane fals cause, viz. vpoun satisfioun of partie, quhilk is nocht; for the mother, or brother, and the sifteris of Johnne Tuedie ar nocht fatisfieit. —The Aduocat askis instrumentis, that the pannell vfis the Remiffioun for the haill crymes contenit in the Dittay, preceding the dait of the Remiffioun.

It is allegeit, that the Remiffioun is null, be Act of Parliament, quhair the pairtie is nocht fatisfieit; and na cryme contenit in the Remiffioun is fatisfieit.—

¹ Young sheep of a year old, or unshorn.

² Without.

The Pannell anfueries, that the Remiffioun standis ; and thay ar content to find Cautioun to fatisfie the pairtie.

Allegis the Aduocat, the Remiffioun can nocht be extendit to Williame Campbell ; becaus it is provydit, that itt fould nocht extend to ony Slauchter, bot thais quhilk ar committit fen the fourfcoir aughtene yeiris.¹—The Aduocat askis instrumentis, that Mr Johne Ruffell grantis the Slauchter ; bot it wes committit befor the fourfcoir and aughtene yeiris.—It is allegeit, that the Slauchter of Williame Campbell can nocht be putt to ane Affyfe ; becaus thay offer to prove that he levit tua yeiris eftir his hurting ; and that he fall offer to be verifeit to the Affyfe, that he reparit to kirk and mercat, be the fpace of twa yeiris eftir his hurting.

The quhilk day, Sir Alexander Jardene of Apilgirth, togidder with Thomas Jarden of Birnok, and Vmphy Jarden becom fouerteis, coniunctlie and feuerallie, to fatisfie all parteis for the quhilkis the faidis Thomas and Vmphy vft Remiffioun, as Law will.

The Aduocat takis instrumentis of the fweiring of that poynt of Dittay, anent the Slauchter of Williame Campbell ; fuorne be Williame Campbell his fone.

QUHILKIS feuerall crymes, aboue writtin, being nawayis comprehendit vnder the faid Remiffioun, and haillilie² denyit be the faid Thomas and Vmphyra to be of veritie, the Justice referit to the knowlege of ane Affyfe of the perfones following.

ASSISA.⁵

James Tailziefeir, in Strangcleuch, ⁴	Williame McCall of Boighous,	Mairtene Mure, in Boigend,
Williame Wallace of Wallacetoun,	George Dunbar of Knokfchyn-	Williame Chamlay, in Nethirtoun,
Johne Broun, in Schaw,	noche,	Mungo Reid of Drumfork,
James Tailziefeir, in Abingtoun,	Anthone Couthird, 3ounger, in	Johne Robfoun, in Craigheid,
James Wallace of Boigheid,	Nethirtoun,	Johne Wilfoun, in Crnik,
Jo. Makmorrane, elder of Glaspen,	Williame Craufurd, in Creoch,	Johne Thomefoun, in Bankend,
Ja ^s Makmorrane, y ^r of Glaspen,	Dauid Durie of Hielare,	Patrik Wilfoun, in Craig.

The Aduocat askis instrumentis of the fvering of the Affyfe ; lyk as, the perfewaris and defendaris, *hinc inde*, Proteftis aganis the Affyfe for Errour, gif thai follow nocht thair knowlege in this matter.

VERDICT. The Affyfe, be the mouth of the faid Dauid Durie of Hiellar, chauceiler, in prefens of the Justice and Lordis of his Maieftis Previe Counfall, thair present, ffand, pronunceit and declairit, be pluralitie of voittis, the faid *Thomas Jardane elder of Birnok*, to be ffylet, culpable and convict of airt and pairt of the drowning and puting to daith of the faid James Thomefoun, his man, committit be him in maner and at the tyme fpecifeit in his Dittay : AND the faid *Vmphyra Jardane* to be ffylet, culpable and convict of airt and pairt of the Slauch-

¹ Since the year 1598. ² Wholly. ⁵ This Assise, *nineteen* in number, is one of the largest which the Editor recollects to have observed as being sworn and officiating on any Criminal Trial, in Scotland. ⁴ ' Straukla,' in another place.

ter of v^mq^le Williame Campbell of Walwoid, committit fen the yeir of God I^m.V^c. fourfcoir fevintene yeiris ; in maner contenit in his Dittay : AND ficylk, ffsand, pronuncet and declairit the faidis Thomas and Vmphra, to be Clene, Innocent and Acquit of the remanent crymes contenit in the faid Dittay, nocht comprehendit vnder the faid Remiffioun, viz. of the Steilling of the faid Andro Slowanes browne hors, of the quhyte-gray hors pertening to Williame Rankene, and of the steilling of the faidis fourfcoir hogis ; in maner, and at the tyme contenit in the faid Dittay : And ficylk, of Commone Thift and Cowmone Reffet of Thift, &c. fen the faid nynt day of May, I^m.Vj^c. and ffyve yeiris.

SENTENCE. For the quhilkis tua Slauchteris, contenit in thair convictioun aboue fpecifiet, committit be thame, as faid is, the Justice, be the mouth of Johnne Laufone, dempfter of Court, decernit and ordanit the faidis Thomas and Vmphra to be tane to the mercat croce of Edinburghe, and thair heidis to be ftrukin frome thair bodeyis ; and thair hail guidis, geir, inficht and pleniffing, to be efcheit and inbrocht to his Maiefteis vfe, as culpable and convict of the tua Slauchteris aboue fpecifeit. Quhilk was pronuncet for dome.

Hamesucken—Remembrance.

Sep. 14.—ANDRO HENDERSONE, fone of v^mq^le Johnne Henderfoun, merchand burges of Edinburghe.

Dilaitit, accufet and perfewit of the crymes contenit in the DITTAY vnderwrittin.

FORSAMEKILL, as ye, haifing confauct ane deidlie feid, rancour and malice aganis Williame and Adame Montgomeris, tua honest men, merchandis burgefis of Edinburghe, for concuring, affifting, mantening and fortifeing of David Johnneftoun, ane of the Bailleis of the faid bur^t, in the executioun of his office, in the taking and apprehending of yow at your motheris hous, about ten oulkis¹ fyne or thairby, for the crewall and fchamefull hurting and wounding of . . . Harper, than your motheris fervand, in the heid, to the grit effufioun of hir bluid ; ye, in revenge of the Law, haveing ferchet and focht the faid Williame Montgomerie dyuerfe tymes at the yet² of his duelling hous, be way of Hamesuckin for his flauchter, leitlie, vpoun the fecund day of September instant, being bodin in feir of weir,³ with ane grit battoun and ane fuord, awaittit the faidis Williame and Adame Montgomeris in Libbertones-wynd-heid, at the yet of the faid Williames duelling hous thair, as thay war, in fober and quyet maner for the tyme, cumand frome thair mercheand-buthes, a littell afoir aucht houres at evin, hame, towardis the faid Williames duelling hous, dreidand na evill, harme, iniurie, or perfute of ony perfones, within sic ane reformet toun, bot to haif levit vnder Godis peax and our fouerane lordis : And thair ye, vnder nycht, fet vpone thame, and crewallie invaidit thame for thair Slauchter, frak at the faid Adame with the faid battoun, preiffing to haif ftrukin him thairwith in the heid, and to haif fellit him : Quhilk ye had nocht failzeit to haif done, war nocht, be the Providence of God, he drew his dager, for defence of his lyfe ; vpone the quhilk⁴ ye brak the faid battoun. And finding yow difapoyntit of your firft intioun, quhilk was to haif ftrukin the faid Adame in the heid with ane battoun, ye thaireftir drew your fuord, and of new fett vpone him, and crewallie invaidit him for his flauchter, hurt and woundit him thairwith in the left hand, to the effufioun of his bluid in grit quantitie ; and

¹ Weeks.

² Gate.

³ Arrayed or provided in warlike manner.

⁴ Upon which dagger.

hes demembrit him of thre fingaris of his left hand ; committit be way of Hamefuckin and brigancie, vnder silence and clud of nycht, vpon set purposis, prouisioun, precogitat malice and foirthocht felonie : And ye ar airt and pairt of the saidis crymes, committit in maner foirfaid : In hie and manifest contemptioun of our soverane lordis autoritie and lawis, in evill exampill of vtheris to commit the lyk barbarus, crewall and inciull crymes and offences, within ane reformat cite, gif ye be nocht rigoroullie pwneist thairfore, be ane seuere and examplarie pwneishment, conforme to the lawis and practik of this realme. To the taikin,¹ ye, estir the committing of the said crewall fact, fled vp the Hie-gait to the Over-bow,² quhair ye was apprehendit with the drawin bludie fuord in your hand, and was committit to waird, within the Tolbuth of Edinburgh, quhairin ye haif remanit, in the irnes, quhill now that ye ar brocht to the bar, to be tryit and pwneischet as said is.

PERSEWARIS, Adame Montgomerie, Williame and Alex^r, his brothers, Sir Thomas Hammiltoun, &c.

PRELOCUTORIS in defence, Mr Johnne Ruffell, Mr Oliver Colt, younger, Mr James Halyday.

My Lord Aduocat passis fra that poynt of Dittay of Mutilatioun, *pro loco et tempore* ; and infistis vpon the Dismembring.

It is allegit, that the dismembring of ane finger, tua, or thre, aucht not to be put to the tryell of ane Assyse, *quia non est crimen ; et digitus non est membrum, sed tantum pars membri* ; and for verificatioune thair of, allegit the lawis and textis of Julius Clarus, and the Ciuill Law.—It is ansuerit, aucht to be repellit. in respect of the Dittay and daylie practik of this judgement.

THE Justice findis proces ; and repellis the allegeance.

The pannell acceptis the Dittay ; and takis instrumentis of the conclusioun of the Dittay, beirand puneishment conforme to the lawis of this realme.—It is allegit, that gif ony dismembring was done be the pannell, (nocht granting the samyn,) that the samyn was done in his awin defence ; in sa far as thair was tua persewaris of him, viz. Adame Montgomerie and his brother, the ane haifing ane battoun, and the vther ane dager ; and thairfoir, the fact lybellit, done be the pannell, was lauchfull.—It is ansuerit be the Aduocat, aucht to be repellit, in respect of the Dittay.—The pannell desyres the persewer, present at the bar, to geve his aithe, quhidder the pannell did the hurt to him in the pannellis defence ; or gif the pannell persewit him first ; quhairupoun the Aduocat askit (instrumentis.)

Adame Montgomerie, present, vpon his grit ayth, declairit, that Andro Henderfoun was the first fetter vpon him, in his brotheris clofe, at his ganging hame to his hous ; quhair, with ane battoun, he inuidit the deponer, of purposis to haif fellit him thairwiith ; quhilk the deponer foirseing,³ drew his dager and kepit⁴ the straik of his battoun thairupoun : And thairupoun and thaireftir, Andro Henderfoun steppit bak and drew his fuord ; at quhilk tyme, the deponer tuik vp Henderfones cloik, quhilk he cuist about his left airme and left hand, of purpose to gaird himself thairwiith : And that the said Andro thaireftir, with his

¹ In proof or testimony.

² Up the High Street to the Over or Upper Bow, now called the

West Bow.

³ Perceiving, *foresceing*.

⁴ Caught the blow ; *keppit* the stroke.

fuord, gaif him ane ftraik vpon his left hand, and throw the cloik, tua ply,¹ cuttit the deponer, and ftrak fra him his thre fingeris.

The Aduocat takis instrumentis of the fweiring of the Dittay be the perfewar, in prefens of the Affyfe; and proteftis for Wilfull Errour, gif thay acquit.—Mr Johne Ruffell producet ane tiket of fax perfones, as witneffis, quha can declair to the Affyfe, that the pannell was perfewit be the tua brether, the tyme contenit in the Dittay; and that the hurt was gevin to Adame, be the pannell, in his awin defence; and thairupoune aikit instrumentis.—The Aduocat anfuerit, that thair is na neccffitie to the Affyfe to reffaue ony witneffis, becaus thair ar witneffis thame felfis,² and duellis within this burgh, and vnderftandis that this fact was committit be the pannell, in maner contenit in the Dittay; and proteftis for Wilfull Errour, gif the Affyfe acquit.

VERDICT. The Affyfe, be the mouth of Dauid Fergushill, mercheand, Proveift of the burcht of Air, chancellor, all in ane voce, fhand, pronunceit and declairit the faid Andro to be Giltie, culpable and convict of the difmembring of the faid Adame Montgomerie of thre fingeris of his left hand; committit at the tyme contenit in the Dittay, vpon fet purpois, prouifoun and foirthocht fellony.—Efter publicatioun of the quhilk Convictioun, THE JUSTICE ordanit the faid Andro to be tane bak agane be the Magiftratis of Edinburgh to his waird, within thair tolbuith thairof; thairin to remane in fure keiping, in the irnes, as ane convict perfone, quhill he war forder advyfet anent his dome and pwneifchment.

(1610, April 18.)—THE pannel was prefented at the bar, by ‘Robert Bannatyne, ane of the Bailles of Edinburgh,’ by virtue of an Act of the Privy Council, dated at Edinburgh, April 12, 1610; in confequence of his Majefty, ‘in his princelie wifdome,’ having fignified to them his Will.

SENTENCE. FOR obedience of the quhilk act and ordinance, the Justice, be the mouthe of Johnne Laufoun, dempfter of Court, decernit and ordanit the faid Andro Henderfoun to be Baneift our fouerane lordis haill dominionis, during his lyftyme; and nocht to returne agane within the famyn, vnder the pane of deid: And thaireftir, ordanit the faid Andro to be tane bak agane to his waird, be the Magiftrattis of Edinburgh, to the tolbuith of the faid burgh, thairin to remane with the remanent wairdouris, quhill he be reddie to imbarque; and that ordour be tane for convoy and tranfpoirt of him to his fchip.

¹ Two folds thick. Lat. *plica*. ² This is a strong illustration of the anomalous office of an Assisor or Juryman, in early times. From the peculiar mode in which he was chosen, from among those of the pannel’s peers, who were resident nearest the spot, and knew the common report of the country, he was himfelf presumed to be a witness; and, in many instances, *de facto*, was a witness of the whole circumstances of the case;—but it is obvious that this very circumstance must have frequently proved a real difqualification to the honest difcharge of fo important a duty. For the hiftory of the ancient modes of choofing Affises, &c. fee the valuable Commentaries of *Baron Hume*, *Burnet* on the Criminal Law, *Maclaurin’s* Trials, &c.

[*Mr Alexander Colvill, Justice-Depute.*]
Slaughter of Alexander Lord Spynie.

[SIR ALEXANDER LINDSAY, LORD SPYNE, whose life unhappily fell an untimely sacrifice to one of those deadly feuds, which the demon of domestic strife then too frequently, indeed almost universally, stirred up in the breasts of our Scottish Nobility and Gentry, of all ages and ranks, urging them to the commission of the most frightful excesses and crimes, and whose wrath and rancour, even the nearest ties of relationship could not appease,—was the fourth son of David, *ninth* Earl of Crawford. Having accompanied King James VI. to Denmark, in his matrimonial expedition, and enjoying his Majesty's intimate personal friendship, the King, on his return to Scotland, in fulfilment of a promise then made, erected the lordship of Spynie, Kinnedder, Raffart, and other lands in the shires of Elgin, Banff, and Inverness, formerly pertaining to the See of Moray, into a free Barony, and conferred upon him (then designed 'Vice Chalmerlane to oure fourane lord') the title of Baron of Spynie,¹ May 6, 1590. This Letter is so extremely characteristic, that the Editor needs no apology for transferring it from the original to this Collection.²

'SANDIE,

'QUHILL³ youre goode happe furneis me with sum better occasion to recompence youre honest and faithfull seruice, utterid be your diligence, and cairfull attendance upon me, speciallie at this tyme, lett this assure, in the inuiolabill worde of your awin Prince and maister, that quhen God randeris me in Skotlande, I fall irreuocablie, and with consent of Parliament,⁴ erect you the temporalitie of Murraye in a temporall Lordshipp, with all honouris thairto appartaining: and lett this serue for cure of youre present difeafe. FROM the Castell of Croneburg, quhaire we ar drinking and dryuing our, in the aulde maner. J. R.'

He also obtained another Charter, creating him a Peer of Parliament, Apr. 17, 1593.⁵ This distinguished Nobleman married Jean, *eldest* daughter of John, *tenth* Lord Glamis, she being also the relict of Robert, Master of Morton, and of Archibald, Earl of Angus. It is probable that this marriage took place on the suggestion, or through the influence, of the King, who thus notices the Countess in one of his Letters;—'Mind *Jean Lyon*, for her auld tout will make you a new horn!'

In order to arrive at the facts relating to this feud, a few quotations shall be made from contemporary sources, the only authentic and satisfactory mode of treating such a subject in a Work of this description. We are informed by *Birrel* and by *Sir James Balfour*, that previous to the fatal skirmish, when Lord Spynie was slain, there had been a similar rencontre, also on the streets of Edinburgh, on the 17th day of June, the same year; which the authorities and the citizens had been wholly unable to put down. That affair is thus related, in the expressive language of the day.

'THE 17 of Junij, (1605,) ane Combat or tulzie foughten at the Salt-tron of Edr, betuix the *Laird of Edzle*, *young*, and hes complices, and the *young Laird of Pittarrow*, *Wischart*. The faucht lastit frae 9 hours at night till 11 at night, twa hours! Thair wer fundrie hurt one both fydes, and ane *Guthrie* slaine, which was *Pitarrow's* man; ane verie prettie young man. The 18 day they wer acufit befor the Counfell, and wardit.'⁶ 'THE 17 day of Junij, a combat betuix the *Lairdes of Edzell* and *Pittarrow*, one the Heighe Streite of Edinbrughe! The fight lasted from 9 in the night till almost 2 in the morning, befor they wer separtated! In this fight diners wer hurte; and one only killed. They wer sumond to compeir befor the Lordes of his Maiesteis Priuey Counsaill, and wer bothe of them committed to priflone.'⁷ Sir Thomas Hamilton, then Lord Advocate, preserves the following interesting notices in his Minutes of the proceedings of the Privy Council,⁸ which tend to throw much

¹ *Reg. Mag. Sig. Lib.* xxxvii, No. 415.

² It has been published before. See *Dalyell's Fragments*, App. 83.

Wood's Peerage, II. 517. And a *fac-simile* of the Letter has been given by Mr J. T. Gibson Craig, in his Contribution to the Bannatyne Club, being 'Papers relative to the Marriage of King James the Sixth.'

³ Until.

⁴ *Acta Parl.* III. 650.

⁵ *Reg. Mag. Sig. Lib.* cxxxix, No. 130. *Robertson's Proceedings*, p. 426.

⁶ *Bir-*

rel's Diary.

⁷ *Balfour's Annals*, II. 7.

⁸ *Lord Hadington's MSS.* Adv. Library, A. 4. 22.

light on the matter. ‘EFTIR the Combat in Edr betuix *Young Pittarro* and *Mr Alexr Lindfay*,¹ vpon the xvij day of Junij, vpon the morne thairefter, *Auld Pittarro* and his sone, and *my lord Chancelloris* message, be his fervand, is send to thame to keip pair houffis, and certane pair bairnes thairin; and that thair not obeying and doing pairof gif occasione of the skaithe and slauchter that followed: Thairfoir thay wer commandit to enter in the Castell of Edr; and furthe pairof, *Pittarro elder* and *younger* to the Blakness, and *Edzell* to Dunbartane. That same day, or the next day thairefter, vpon *the Laird of Edzellis* Supplicationone, be arand, that he wes informed, that the Lordis, having respect to the Slauchter of *William Guthrie*, seruitour to *Pittarro*, had commandit him to waird, albeit he vnderstude pe said *Guthrie* to have reffaued na woundis, bot to have been smored² in the throng; at his desyre, thay send for *David Pringall*, pat had handlit him, and examined him vpon his woundis, and quhidder thay war deidlic or not? And also directed *David Bailzie* and twa vther chirurgiens to vesie the corps, and hand pair report; quhilk monie thoct ane strange and extraordinar forme.’

The occasion of this preliminary quarrel probably arose out of some family difference, which, it would appear, the heads of the respective Houses could not prevent. SIR DAVID LINDSAY, YOUNGER OF Edzell and of Glenesk, married Margaret Wishart, who, likely, was sister of young Pittarrow.

The cause of the second quarrel, which unfortunately resulted in the death of Lord Spynie, can be more satisfactorily accounted for. ‘*DAVID LINDSAY, younger of Edyel*, seeking to revenge the slaughter of his Uncle, *Mr Walter Lindesay*, whom *David, Master of Crawford*, had killed, as he lay in wait of the said *Master*, (who was then, by the decease of his father, succeeded in the Earldom,) through a pitiful mistake, did invade *Alexander Lord Spynie*, and killed him instead of the other! The Nobleman’s death was much regrated, for the many good parts he had, and the hopes his friends conceived, that he should have raised again that noble and ancient *Houfe of Crawford* to the former splendor and dignity; all which perished with him. He that was in place, and escaped the peril, being a base unworthy prodigal, and the undoer of all, that, by the virtue of his ancestors, had been long kept together.’³—‘THE 5 day of July, in rewendge of the Slachter of *Sir Walter Lindfay, the young Laird of Egell* fettis for the *Maister of Crawford* in the hie toune of Edinbrughe; the Lord of Spynnies being with the Maister, quha was trauelland betuix thame, to haue had thame agreitt, *the Maister* being his broder-sone, and *Eagill* his sifter-sone; and being bayth *Lindfayis*, had grit reffone to mowe (him) to rewell to haue them at concord;⁴ bot this perfruit being betuix nyne and ten houris at nycht, thay culd nocht knaw ane be ane wther; *Egell* being the number of aucht men, in geir; and thair being nane with *the Maister* bot *my Lord of Spynnies* and *the Laird of Drumlaymerig*,⁵ quha being all hurt with schottis and straikis, *the Maister* hurt and *my Lord of Spynnies* with mony straikis, thay had gottin ane *Drumeldry* schott throw the airme; *Eagell* passis his wayis in faiftye, and his folkis with him. *The Lord of Spynnies* depairtit off the said hurttis, the 16 day of Julij; bot *the Maister* recoverit his health, bot with grit los of his blude.’⁶

This unhappy Feud was kept alive for many years, and was productive of mutual misery to every member of these families. The diet was not finally deserted against the Earl (formerly the Master) of Crawford, until Jun. 9, 1613.⁶

Before closing this Notice, it is proper to state, that SIR DAVID LINDSAY, ELDER, was called *Lord Edzell*, from the circumstance of his being one of the Ordinary Lords of Session, having succeeded his brother, Sir John Lindsay of Balcarras, the Parson of Menmure (Lord Menmure), on the appoint-

¹ This Notice is preceded, in *Lord Hadington’s Minutes*, by the following remark. ‘EDZELL and *Pittarro* committed to waird; becaus thair neglecting to contene thair sones in thair houses (as thay war commandit be *my Lord Chancellor*) was the occasion of tumult and slauchter. At desyre of *my Lord of Edzell*, the deid corpses of *William Guthrie* was visited be the *Bailzeis of Edinbur* and the Chyrurgians, that saw him examined, gif his woundis wer mortall, and gif he died of thame?’
² Smothered; suffocated. ³ *Spotswood’s Hist.* p. 504. ⁴ Had great reason to move him to rule (or exercise his authority) to reconcile them. ⁵ Sir James Douglas of Drumlanrig, ancestor of the Marquis of Queensberry, a powerful baron, who was most active in suppressing disturbances on the Borders. ⁶ *Anon. Hist. Scot.* MS. Adv. Library, A. 4. 35. ⁷ See this Collection under that date.

ment of that distinguished person to the office of Secretary of State, Feb. 23, 1597.¹ He was the eldest son and heir of David, *eighth* Earl of Crawford; to which title Lord Edzell would have succeeded, had not his father generously conveyed back the title to David *ninth* Earl of Crawford, the grandson of David the *seventh* Earl, who had disinherited his sons for their 'unnatural barbarity' to him.² In order to cement that transaction, and to preserve the most intimate terms with the House of Crawford, Sir David married Lady Helen Lindsay, the daughter of the person who had thus obtained the Earldom on his father's voluntary resignation, viz. David *ninth* Earl of Crawford, who had been a steady adherent to the interests of Mary Queen of Scots; and who married Margaret, daughter of Cardinal Beaton, in April 1546. However piously this respectable man was inclined to preserve the most friendly terms, the deadliest passions seem to have rankled in the bosoms of his son, the Young Laird, and of David, Master of Crawford, the only son of David the *tenth* Earl,³ who had succeeded his father previous to Dec. 11, 1581,⁴ and died, Nov. 22, 1607. At the date of this Trial, therefore, THE EARL OF CRAWFORD, alluded to in these proceedings, and in the Letters, &c., is the *eleventh* Earl, who, at the time of the skirmish on the streets of Edinburgh, was *Master of Crawford*. 'THE YOUNG LAIRD OF EDZELL' was Sir David Lindsay, younger of Edzell, and of Glenesk, and as has already been remarked, married Margaret Wishart, one of the family of Pittarrow. His father having been interdicted from giving him harbour, in any of his houses, 'he built for himself a small Castle called Auchmull, in the parish of Edzell, and another, called Innermusk, in Lochlie, as lurking holes, while he was forced to skulk several years, for the murder of Lord Spynie.'⁵

The Appendix of Original Papers which follows, contains all the additional information on the subject of this deadly Feud, which the Editor can at present obtain.]

Sep. 19.—SIR DAVID LYNDSEY of Edzell, kny^t, (LORD EDZELL,) ane of the Senatouris of our fouerane lordis College of Justice, and Mr Alexander Lyndsfay of Canterland, his sone.

Dilaitit for the Slauchter of vinq¹⁰ Alexander Lord Spynie.⁶

Compeirit and producet ane Act of the Secretit Counfall, extract furth of the buikis thairof, be James Prymrois, ordiner clerk, of the dait the tent of Auguft lastbypast, beirand, that this fix of September instant was appointit to David Erle of Craufurd, of his awin consent, for him self, and takand the burding on him for the remanent perfonas contenit in the Act, to perfew the said Sir David and his said sone, for the foresaid allegit Slauchtir. Accoirding to the quhilk Act, and tennour thairof, the said Sir David and Mr Alexander his sone offeris thame reddie to abyde tryell for the said allegit Slauchter, quhairof thai ar alto-gidder innocent. And proteftis, becaus na partie compeiris to perfew, that thai never be hard heireftir to infist in the perfute for the said allegit Slauchter; and thairupoune askit instrumentis.

¹ *Wood's Peerage*, I. 165; but according to *Lord Hailes' Catalogue*, Feb. 23, 1598. He was afterwards one of the Commissioners of Treasury and Exchequer, called from their number *the Octarians*, Jan. 5, 1595; and was in Mar. 1595 appointed Lord Privy Seal; and, likewise, was Chancellor of the University of St Andrews, &c.

² *Peerage*, *ibid.* and I. 379.

³ Who married Lady Grizel Stewart, eldest daughter of John *fourth* Earl of Atholl.

⁴ *Wood's Peerage*, I. 380. *Reg. Mag. Sig.* xxxv. 467-769, &c.

⁵ *Statistical Account of Scotland*, X. 102, which asserts that 'THE CASTLE OF EDZELL' is one of the most magnificent ruins any where to be met with. It consists of two stately Towers, evidently in different styles, and built at different periods. These are connected by an extensive wall; and large wings went backwards from the Towers. Tradition says that the square Tower, the most ancient, was built and possessed by the Family of *Stirling*, from whom it descended to Lindsay of Glenesk.

⁶ See Jul. 8, 1607, and Jun. 2 and 9, 1613. It appears that he died of his wounds, July 16, 1615. See the foregoing Notice prefixed to this Case.

Compeirit Gilbert Rynd, feruitour for the tyme to vmq^{le} Alexander Lord Spynie, and in name and behalf of the Lord Spynéis bairnes, protestis, that quhatsumeur be done in this Judgement and Justice Court this day, preindge nocht the perfute to be movet at the instance of the said vmq^{le} Lord of Spynéis bairnis, for thair fatheris Slauchter : And thairupoun askit instrumentis.

APPENDIX OF DOCUMENTS illustrative of the preceding Case.

I. LETTER, *the Laird of Edzell to the King.*¹

MAIST SACRED SOUERANE,

IT MAY pleise your Ma^{tie} albeit I hawe stayit hier in Ed^r ane yeir and three moonthifs bygane, craving ewer to be tryit of the onhappie Slachter of my wmq^{ll} LORD OF SPYNIE, quhairof I protest befoir God and your M^{te} I am maist innocent, *my Lord of Crawford*² will nather call me thairfoir, nor staye, baithe privatlye and pwbliklye, yea in face of yo^r M^{ties} ho^{ll} ³ Priwye Counfell, to caluminat me : Quhairfoir, seing my modesté moowife⁴ nocht *my Lord of Crawford* rightlye to consider my innocencye, I maist humilye pray your M^{te} to direct yo^r Thesaurar and Advocatt to call and pwt me to ane honest and onsuspect Triall ; and being tryit innocent, that I maye hawe suretye to liewe in peace, to ferwe y^r M^{te}. I hawe swfferit manye injureise, specialye fyiwe of my servitouris sehott with pistoillis and hwrt, yit hes nocht compleit ;—my self also, during the space foirsaid, nocht wairdit onlye, bot banishit from my verteu ; and yit *my Lord of Crawford* his insolence no^t moowit nor stayit from feiking of my wraik. Praying yo^r M^{te} to consider and to cause ordour be pwt to the premissis, I pray God to grant y^r M^{te} ane lang and prosperus reigne, and to bliss yo^r Royell progenie. Sa kissing humilye y^r handis, I rest ewer,

ED^r, 1608. 16. Aug. Yo^r Sacred M^{teis} maist humill and obedient subiect and servitour,

To HIS MAIST SACRED M^{TE}.

EDZELL.

II. EXTRACT from LETTER, *the Privy Council of Scotland* ' To THE KING *his most sacred and excellent Ma^{tie}, Mar. 28, 1609.*⁵

THAIR was a Petitioun presentit vnto ws, in name of THE LAIRD OF EDYELL, complaining that THE ERL OF CRAUFURDE, vnder the pretext and cullour of a Commissioun granted be your Maie^{stie} to some of his domestiquis and seruandis, for perfute of the Criminallis for THE LORD OF SPYNEIS SLAUCHTER, intended to persew and assedge his HOUSE OF EDYELL, wherein his mouablis and euidentis⁶ ar, and his ludging in this burgh whair he presentlie duellis ; and sua, vnder the pretense of Law, and of your Maie^{stie}s auctoritie, to execute his privat revenge aganis him ; and thairfoir, he craved, that this Commissioun, and the executioun thairof, aganis him and his Houffis, myght be suspendit and dischargit. We could not judge vpoun the tennour and natour of this Commissioun, because it wes never shawne nor presentit in Counsaill, and, as we ar informed, it is nouthir registrat nor signett ; and we wold not presome nor tak vpoun ws to discharge your Maie^{stie}s Commissioun, without your heynes awne allowance ; alwayes,⁷ becaus Edyell hes found caution not to resset thir hornaris in his saidis Houffis, vnder the pane of ten thousand merkis, we haif suspendit the executioun of the said Commissioun aganis the saidis tua Houffis, allanarlie,⁸ vntill the tent day of Aprile nixttocome, that in the meantyme we may know your Maie^{stie}s will and pleasour thairanent, and in all vtheris Commissionis of the lyk nature, not presentit nor showne in Counsaill.

¹ *Denmylne MSS.* Adv. Library.

² David *eleventh* Earl of Crawford, who, at the date of the rencontre at which Lord Spynie was killed, was the *Master of Crawford*.

³ Honourable.

⁴ Moves.

⁵ *Denmylne MSS.* Adv. Library. The Letter, which is very long, craves instructions on a great variety of subjects.

⁶ Title-deeds of his property.

⁷ Nevertheless.

⁸ Only.

III. LETTER, *the Laird of Edzell to the King.*¹

MAIST SACRED SOVERANE,

IT MAY please your Maieſte, Being advertest that THE ERLE OF CRAWFWRD hes sent exprefs to your hienes of that certane Lettres as written be me to my sone, and recoverit be him within the Howſe of Auchinwll, quhair my sone was wont to dwell; quhilkis informis, it was my will and command to slaye the wmq^{ll} *Lard of Spynie*, and sa, plotter and contriver of that vuhappye and wyilld slauchter; thinkand thairbye to avert your Maieſtes woontit fawor from me, and to disgrace me at the hands of all honest men; I hawe chofine and presumit to tak the hardiment humblye to pray your hienes nocht to giwe credit to anye cople of anye Lettre cwming from the handis of my enemyis, wnto the tyme the principall be tryit² to be wrettin, subſcriwit, or directit be my self; for I protest, in presence (of) God, I newer had anye sick innaturall and ongodlie interpryise in my hart, mekle less directit the doing thairof. And to mak this mair manifest to all the world, I have inventit³ Improbatioune, that all liwing may know howe injustlye I am vrit be *the Erle of Crawford*, and howe he quha was the beginner of all thir trowblis, be the Murder of my wmq^{ll} brother *Sir Walter*⁴ onder traist, wald nowe eik⁵ craft to his cruelteis; and in place of repentance, be fals calumnyes, wald also bereawe me of my fame and lyiff, albeit I hawe ewer beine, and yit am maist willing to abyed all ordinar tryell of Lawe. Farther, I most also regrait that the said Erle, being laitlye at Cowrt, hes privelye obtinit ane Commiffione wnto ane numer of hes rioteris and defenderis, for ferching of my sone; and onder colour thairof, hes intentit nocht onlye to surpryise my howſe of Edzell, quhair my haill evidentis, and of vther freindis yit remanis, bot also to berawe me of my lyiff within my awin lwdging in Edr. And to the effect foirſaid, wearis daylye pistollettis and hagbwttis, prohibitit be your Maieſteis Actis, alledging ewer they ar seiking Rebellis. For remeid quhairof, and my awin securitie, in respect of the reafonis foirſaidis, specialye, because your Maieſties honourabill Priwe Counfell hes alreadye grantit ane verie ample Commiffioun, excepting onlye my Howſe of Edzell, within the quhilk I have fwnd Cautione nocht to recept⁶ my sone, nor anye of theise Rebellis, onder the paine of ten thousand merkis, *toties quoties*, I will maist humblye praye your Maieſtie to direct ane Warrant to your hienefs Priwe Counfell of this countrie, to suspend the last priwatlye obtinit Commiffione, as your Maieſtie will have me free of that schaddowe,⁷ be the quhilk my ondeferwit enemye crawis⁸ my lyiff and land; for vtherways, the Counfell, for the reverence they carye to that Commiffione feygned be your hienefs, will nocht mell⁹ thairwith. Hoping for your Maieſteis woontit protectione, nowe, sa mekle the rather that I am so onkyndlye, onnaturalye, and without deserwing, trwblit be that Howſe,¹⁰ of the quhilk ewer of ald, nocht onknowin to your Maieſtie, in thair trowblis, I hawe sa weill meritit vtherways. Yf I find nocht securite hier, I wilbe forcit, altho' be sea, in respect of my aige and inhabilitye, vpon my kneise to beg the faving¹¹ at your hiechnefs self. Thws, maist humblye kissing your hienefs handis, and praying the Eternal lang to preferve your Maieſtie and Royell progenie, I rest ewer,

Your Sacred Maieſteis maist humble and obedient subiect and serviteur,

ED^h, 1609. Penult. Mar^{thi}.

EDZELL.

Slaughter of James Lord Corthorwald.

[THE following Trial, in addition to the preceding Case of the feuds of the Lindsays, affords another, among the many melancholy instances, of the 'deadly feuds' which unhappily existed in Scotland at

¹ *Denmylne MSS.* Adv. Library. ² Judicially proved. ³ Should be *intetit*; raised. ⁴ Sir Walter Lindsay of Balgavies, who was murdered betwixt Breechin and the Place of Edzell, Oct. 25, 1695. See Jun. 2 and 9, 1613, &c. ⁵ Add; join. ⁶ Resett. ⁷ Pretence; mockery. ⁸ Craves. ⁹ Meddle; interfere. Fr. *meler*. ¹⁰ Viz, the House of Crawford. ¹¹ Same.

this period. The arrogant CAPTAIN JAMES STEWART of *Bothwell-muir*, second son of Andrew Lord Ochiltree, well known as the EARL OF ARRAN, and who had been successively Governor of the Castles of Edinburgh and Stirling, Lord Privy Seal, and Lord Chancellor of Scotland, was, in the year 1596, slain, in revenge for his rigorous procedure against his uncle, at Symontoun, near Douglas, in Lanarkshire, by Sir James Douglas of Parkhead, nephew of the Regent Morton. Archbishop Spotswood thus notices these remarkable events.

‘ A little before these stirrs with the Church, *Captain James Stewart* (who had been sometime Chancellor, and carried the title of *the Earl of Arran*) was killed by *James Douglas of Tortherald*. This man, after he was put from Court, had lived obscure, in the North parts; and was entertained by the Lady Salton, his sister-in-law. Being in hope to come again by the office of Chancellery, which was yet void, by the death of *Lord Thirlestean*, he came South, and had a long conference with the King, which did greatly encourage him; but till matters might be better prepared, he took purpose to visit his friends in Kyle. Taking his journey by Symington, nigh unto Douglas, he was advised by his friends in those parts to look to himself, and not ride so openly, because of *Tortherald*, that lived not far off, whose uncle he had followed (as he spake) to the death. His reply (as he was a man proud and disdainfull) “ that he would not leave his way for him, nor for all the name of Douglas !” being overheard by a fellow, and reported to *Tortherald*, did so inflame him, the old ulcer remaining uncured—as he avouched, “ to have his life, at all hazards !” So, getting intelligence that he had taken horse, he made after him, with three of his servants; and overtaking him in a valley called *Catflack*, after he had stricken him from his horse, did kill him without resistance. It is said, that when *Captain James* saw the horsemen following, he asked, “ How they called the piece of ground on which they were ?” And when he heard the name of it, he commanded the company to ride more quickly—as having gotten a response to beware of such a part ! He was a man full of violence; and, when he was in place of rule, executed it with much cruelty—which was now paid home in the end !¹ *Mr Wood*² relates, that ‘ his head was cut off, and carried on the point of a lance, in a kind of triumph, through the country; and his body was exposed to dogs and swine before it was buried !’ In accordance with the usual feelings of those times, dictated by a blind and barbarous revenge, (which was, in those days, considered merely as indicating proper spirit in a man of *gentle blood*,) Sir James was, in his turn, murdered on the streets of Edinburgh !

Two contemporary writers thus briefly state that fact to have occurred, simply, as a matter of course :—‘ THE fewint of Julij, *James Douglas of Torthorwall* flayne be *William Stewart*, sone of Sir *William Stewart*, in rewendge of Captane *James* slaucher.³—‘ The 14 day of Julij, this yeire, *James Douglas of Torthorwall* was killed, one the Heighe streit of Edinbrughe, betuix 6 and 7 houres in the morninge, by *William Steuart*, sone to Sir *William Steuarte*; quho escaped.’⁴—‘ The 18 day of this fame mounth (May, 1613,) the Lord Ochiltreie foelndie, by his grate othe, purged himselfe (in presence of the Lordis of his Maties Priuey Counfall,) in being airte or pairt, ore aney wayes accefforey to the Murthour of the Lord *Torthorell*’s father; and so thay war reconceilled by the Lordes, hartly chapen bandes, and mutually embracing one ane another.’⁵

A very interesting LETTER from the Privy Council to the King, taken from the *Haddington MSS.*, General Register House, is appended. It gives the most authentic account of the matter which can now be procured.]

Sep. 20.—ANDRO LORD STEWART of Vchiltreie, and Andro Stewart, his fervand.

Dilaitit of the Slaucher of vniq^{le} James Lord Torthorell. Compeirit and producet ane Act of Secreit Counfall, extractit furth of the buikis thairof, vnder

¹ *Spotswood’s Church Hist.*, 433.

² *Wood’s Peerage*, I. 123.

³ *Anon. Hist. Scot. MS.*,

Adv. Library. 28.

⁴ *Balf. Ann.*, II.

⁵ *Ibid.* 42.

the figne and fubfcription of James Prymrois, Clerk of Counfall, of the dait the tent day of Auguft laftbypaft; beirand, that Williame Lord Douglas and James Lord Torthorrell compeirit perfonallie befor the faidis Lordis, and promeit in thair prefens, that betuix and the tuentie day of September than nixtocum, quhilk is this day, thay fould ather perfew the faid Andro, criminallie, befor his Maiefteis Justice and his deputis, in the Tolbuthe of Ed^r, ffor airt, pairt, red and counfall of the Slauchter of vniq^{le} James Lord Torthorrell, or ellis, that thai fould reconceill thame felffis with the faid Lord Vchiltrie, and be agreit with him.—And in refpect, that thai tuik betuix and this day to perfew him, quhilk is the laft day contenit in the Act; thairfoir, the faid Lord Vchiltrie, for tryell of his innocencie of the faid allegit cryme, now compeiris, and offeris him reddie to abyde the tryell of the law, for airt, pairt, red and counfall of the faid Slauchter; quhairof he is altogidder Innocent, difaffenting to all maner of continuatioun; protefting, that the faid Williame Lord Douglas and James Lord Torthorrell, nor na vtheris perfones be hard to perfew him for the faid allegit cryme, in ony tyme cuming; in refpect that thai nor nane of thame compeirit to infit in this perfute.

And lykwayis, the faid Lord Vchiltrie askit instrumentis, of the entrie and production to the Justice of *Andro Stewart*, his fervand, to abyde quhatfumeuir tryell can be laid to his charge, for the faid allegit Slauchter. Lykas, the faid Andro Stewart, for himfelf, being perfonallie prefent, offerit himfelf to the tryell of the law, for the Slauchter aboue fpecificit; quhairof he declairit himfelf to be maift Innocent; difaffenting to all continuatioune; and thairupone askit instrumentis.

LETTER, *the Privy Council to the King, anent the Slauchter of the Lord Torthorwall.*¹

MOST SACREID SOUÉRAYNE,

THAIR hes ane wnhappie accident fallin out heir, this morning, betuix fex and fevin of the klok, by the slauchter of *James Douglas of Torthorwell*, committit be *W^a Stewart*, fone to *wmq^{ll} Sr W^a Stewart*, quho, althocht the principall pairtie had agreied with the faid *wmq^{ll} James*, and reflaveit Afflythment and fatisfacioune to his awin contentment, the faid *W^a* misknew this agrement, paft to the horne for not geving affurance, and awaittit the occafion of this morning; quha, finding the faid *James* fimplie accompaunid vpon the Hie Streit, a littill beneth Croce, he difparatlie fett upone him, and, with ane fraick, flew him; and the gaitt² being quyett, he efcheapid. We have cauffit chairge the partie compeire and anfuer, and fall profequent and follow out all wther ordinarie courfe of law and justice quhilk is vfuall and accuftumed in the lyk caiffis. And, in cais of his not compeirance, fall caus denunce him, and pairvpon fall direct Commiffionnes to the ordinarie Magiftratis of the country for the perfute of him, with Proclamatiounes, containing a promes of reward to ony perfones quho will tak him. Quhairof we haif thoct meitt to mak your facred Ma^{tie} aequented, and in all reverence fall conforme our felffis to quhatfumevir forder directioun it fall pleis your hienes to give in this mater.

¹ From the *Earl of Hadington's MSS.*, General Register House.

² Street.

And sua, praying God to grant wnto your sacreid Ma. a long, happie, and prosperous regnne and eternall felicitie, we rest

Your Ma. moift humbill and obedient subjectis and servitouris,
A. CANCELL^s. DUMBAR. CRAFURD. LOTHEANE. LOVAT. BLANTYRE. BALMERINOCH.
HALIROODHOS. BURLY. R. COKBURNE. S. J. SKRYMGER of Dudop. S. T. HAMILTOUN.

[DATE not preserved ; but Jul. 7 (or 14) 1608.]

Child-Murder.

NOV. 9.—BEATRIX WEIR, spous to Johnne Ferrie, buikbinder.

Dilaitit of airt and pairt of the distructioun of an infant bairne, procreat in Adulterie.

Compeirit James Hammiltoun, seruitour to my lord Aduocat, and productet ane Warrant of the Secreit Counfall ; quhair of the temour followis.

JUSTICE, Justice Clerk and your deputtis. Forfamekill as the nynt day of November instant is appointit to Beatrix Weir, spous to Johnne Ferrie, buik-binder, and Bessie Pook, dochter to Williame Pollok, for pair compeirance befor you, to vnderly the lawis for the crewall, barbarus and detestable Murthour of the said Beatrix bairne, procreat be hir in Adulterie: And seing the said Beatrix constantlie abydis be hir denyell of that odious and vyld fact, thinking pairby to eschew pwneifchment, althocht the said Bessie Pollok hes confessit pe fact and Murthour to haif bene committit be pame two, and constantlie standis be hir Confessioun.—It is our Will pairfoir, and We command you, to continev the said dyet for a systene dayis, to pe effect, in this meayne tyme, the tua women may be confrontit, and fuche ordinarie meanis as may discouer and bring to licht the certane treuth of that matter: And that you gif ordour and directioun for committing thame bothe to strait waird, within the Tolbuth of Edr, thair to remane quhill the nixt dyet to be appointit for pair tryell: ffor doing quhair of, thir prententis fall be your Warrant. Att Edr, the sevint of November, 1609.

Jo. PRESTOUN. S^r. R. COKBURNE. L. CRAIG, Cl^s Reg^{ri}.

Conforme to the quhilk Warrant, the Justice committit the said Beatrix Weir to Waird, &c.¹

Witchcraft — Administering Enchanted Drink.

NOV. 9.—JAMES MURE in Mynniehagen.²

Dilaitit of airt and pairt of Bewitching of Margaret Wicht in Dalmellingtoun, and taking fra hir of hir Wittis, be ministrating to hir of ane Inchantit drink.

PERSEWAR, Margaret Wicht. PRELOCOUTOUR for the pannell, Joseph Myller, Aduocat.

The pannell takis instrumentis of his entrie, and offeris him self to the tryell of the Law, disaffenting fra all continuatioun; and protestis for releif of his caution.

THE JUSTICE, in respect thair is na sufficient number of Assyse compeirand this day,³ continewis this dyet to the 3 day of the (Justice) air (of the shire of Air), or soner, vppone xv dayis wairning, to vnderly the law for the said cryme, vnder the panes contenit in the Actis of Parliament; quha fand Sir Johnne Wallace of Carnell, kny^t, cautioner for his entrie, to the effect foirsaid.

¹ No entry appears to show the result of this matter. ² A dependor of the *Mures of Auchindrane* and Minibagan. See their Trial for Murder, Jul. 17, 1611, &c. ³ All the Assisers absent, eighteen in number; 'ilk ane of thame vulawit in the pane of ane hundreth merkis.'

(1610, Feb. 7.)—For the relief of his cautioneris, and tryell of his awin innocencie of the saidis alegit crymes,¹ he now compeiris, and maist willinglie offeris him self to the tryell of the law for the samyn, disassenting fra all continuatioun. And in respect that the said Margaret nor na vtheris compeiris this day to infist in his persute, for the saidis allegit crymes, and that this is the secund dyet keipit be him, for abyding tryell thair of, haifing cum threfcoir myles, or thairby, to that effect; and that the samyn persute is bot malicioullie inventit aganis him, be the said Margaret, for hir awin previe advantage, be raising of Letteris aganis him; and the persones summond be hir vpon his Assyse, of quhome scho hes ressaute grit sowmes of money in compositioun, to abyde at hame: Protestis, in respect of the premisses, for (Sir) Johnne Wallace of Carnall his releif of his cautionerie, and that he be nocht callit, trubellit, or persewit, at the instance of the said Margaret, or ony vther pairtie, for the allegeit crymes aboue specifieit; nather yit that my lord Justice suffer Letteris to be direct aganis him to that effect, in ony tyme cuming: Quhilk protestation the Justice admittit, &c.

[*Sir Williame Hairt, Justice-Depute.*]

Hurting and Wounding — Shooting of Pistolets.

NOV. 17.—ALEXANDER FRENCH, brother to Johnne Frenche, Tutour of Thornydikis.²

Dilaitit of airt and pairt of the Hurting and Wounding, with schottis of pistolettis, of George Home of Bassinden and Andro Home, his brother, as in the following DITTAY.

FORSAMEKILL as it is expresse provydit, statute, and ordanit, be the Actis of Parliament, that na manner of persone nor persones tak vpon hand to beir, weir, or schute with hagbuttis or pistolettis, or have the samyn in thair cumpanies, oppinlie, outwith houffis, vnder the pane of cutting of thair richt hand; as the saidis Actis of Parliament at lenth beiris: And trew it is, that the said Alexander French, accompaneit with Johnne French, Tutour of Thornydykis, his brother, and vtheris thair complices, nocht only hes borne and worne pistolettis vpon thair persones and in thair cumpaneis, oppinlie and avowedlie, within dyuerse pairtis of the boundis of the scherefdome of Beruik, and bailzerie of Lauderdaill, thir dyuerse yeiris bygane, daylie and continuallie, as thair ordiner wappones; bot also, the said Alexander and Johnne, his brother, being surelie informet, that the said Andro Home was to cum furth of the said Place of Bas-

¹ Having been summoned to appear before the Justice this day.

² The pursuers passed from the pursuit of 'Patrik Cranstoun of Corlbies, Robert Ker of the Schaw, Patrik Tait, and Williame Cranstoun, his tua fervandis, Johnne Frenche, callit *the Bassard*, sone naturall to Robert Frenche of Thornydykis; and Thomas Erikyu.'

finden to Reidpeth, for doing of certane his necessar effairis and buffines; thay, vpon the xxv day of September lastbypast, being bodin in feir of weir, with secrettis, plait-slevis, lances, hagbuttis and pistolettis, lay at await in the said Andro his hie way, befyde Fawnes-furd, and thair fet vpon him, and crewallie invaidit him for his Slauchter, schot and dilaschet¹ thair hagbutis and pistolettis at him, hurt his horse, and chaisit him self to the Place of Carolefyde; contravening thairby the tennour of the said Actis of Parliament. Be occasioun of the quhilk perfute, thay being raisit in the cuntrie, and the bruit passand, that the said Andro was slane and tane in to Carrolefyde, and the samyn haifing cum to the said George knowlege, he, to try the certantie thairof, lap on vpon horsebak, and cam ryding to the Place of Carolefyde, in sober maner, him self allane, lipning for na harme, iniurie or perfute to haif bene done to him,—the said Alexander French, accunpaneit with his said brother, and vtheris thair complices, nochtwithstanding of the former iniurie done as said is, being bodin in feir of weir, with hagbuttis, pistolettis and vtheris wappones, *invasive*, convenit thame selffis at the Chapel-wallis befyde Corrbie and dykis² thairof, quhair thai lay darnit³ in secreit maner, awaiting, gif ony wald cum and revenge the former deid; and thair, at the Chapell-dykis, in the said George cuming to the said Place of Carolefyde, vmbiefet his hie-way, and maist crewallie invaidit him for his Slauchter, schot and discharget thair pistolettis and hagbuttis at him, quhairwith thay schot sewin bullettis in his left thie, hurt and woundit him thairwith, to the effusioun of his bluid in grit quantitie: And the said Alexander is airt and pairt of the saidis crymes; and hes thairthrow incurrit the panes and punisichment prescryuit be the said Act of Parliament.

PERSEWARIS, George Home of Bassindene, Alexander Home, his brother; Sir Thomas Hammiltoun.

PRELOCUTOR for the pannell, Mr Williame Oliphant.

It is allegit aganis the first article of the Dittay, anent the generalitie of the beiring and weiring of pistolettis, that the samyn is nocht relevant, nocht condiscending the speciall tyme and place, quhair and quhan the samyn war borne or worne. The Aduocat declairis he persewis the pannell for beiring and schuiting of hagbuttis and pistolettis, the tyme lybellit, outwith the boundis of his duelling houffis, cloiffis and yairdis. Andro Hone, ane of the persewaris, declairis, that in his perfute be the Tutour of Thornydykis, Alexander his brother was in company with him, with ane lance; the Tutour haifing pistolettis, and schuitting at him thairwith.

It is allegit be Alexander French, that this Dittay can nocht be put to the knowlege of ane Assyse; under protestatioun, that he nawayis grantis the Dittay, becaus the samyn was done within the Place of Corrbie, and yairdis thair-

¹ *Deslacher*, Old Fr. to discharge, to let off. ² Walls, stone fences. ³ Hidden, concealed.

of.—It is anſwerit be my lord Advocate, aucht to be repellit, in reſpect of the ſummondis and place thairin deſignit, viz. outwith the Place of Corſbie; nather yit was the Place of Corſbie the ſaid Alexander Frenches duelling place.

It is allegit for the ſaid Alexander, vnder proteſtatioun foirſaid, that the ſaid Alexander, the tyme lybellit, and the ſpace of the moneth befor, duelt and maid his reſidence within Corſbie; lyk as, the perſewar, George Home, aſſitit with ſome perſones, bodin in feir of weir, with hagbutis and piſtolettis, perſewit and invalidit the ſaid Alexander, and ſchot thair hagbuttis and piſtolettis at him, he being then ganging within the corne yaird of Corſbie, at the barne-dur thairof; of the quhilk ſchot the barne-dur can yit record: And vnder proteſtatioun, that he nawayis grantis ony ſchuting, as he ſchot nocht, he aucht nawayis to be put to the knowlege of ane Inqueiſt for the ſaid cryme lybellit, becaus he mycht haif lauchfullie borne and worne piſtolettis, and vſet thame for his awin defence, within his awin duelling place, he being perſewit, as ſaid is.—Anſweris, vnder proteſtatioun, that I nawayis grant Corſbie to be the defenderis duelling place; that he aucht to be put to the knowlege of ane Aſſyſe, becaus the fact lybellit was committit outwith the place of Corſbie and yairdis thairof, in the place lybellit; nather is hagbuttis or piſtolettis wappones of lauchfull defence.

THE JUSTICE referit the ſamyn to the knowlege of ane Aſſyſe.

George Home of Baſſinden, be his aithe, declairit, that Alexander French, being outwith the dykes of Corſbie, ſchot ane piſtolet at his ſervand Johnne Baird, the tyme contenit in the Dittay. The ſaid Andro Home, his brother, lykwayis ſuorne, declairis, that he, being perſewit be Johnne French, Tutour of Thornydikis, with hagbuttis and piſtolettis, the tyme lybellit, the ſaid Alexander Frenche, his brother, followit him with ane lance in his hand, being vpone fute, and perſewit him. The ſaid George Home, be his ayth, declairis, that Alexander French, this tua yeir bygane, hes borne and worne piſtolettis, as his ordiner wappones; contrair the Actis of Parliament.—Upone the quhilkis Declarationis, be the perſeweris athis, gevin as ſaid is, aſkit inſtrumentis.

VERDICT. The Aſſyſe, be the mouth of Johnne Cranſtoun in Baſſinden, chancellor, for the maift part, Clenges the ſaid Alexander Frenche of beiring, weirring and ſchuitting of hagbuttis and piſtolettis; and of ſchuitting of hagbuttis and piſtolettis at Andro Home, brother to George of Baſſinden; and of the tua firſt articles of Dittay foundit thairupoun: AND all, in ane voce, ſindis the ſaid Alexander to be Giltie of his being in cumpanie with Gilbert Cranſtoun; quha, the tyme contenit in the Dittay, ſchot ane hagbute or piſtolett at George Home of Baſſinden, and hurt him thairwith in his left thie; quhilk ſchote was ſchote be the ſaid Gilbert, outwith the barne-yaird-dykis of Corſbie, the ſaid Alexander being remaning within the barne-yaird for the tyme.

THE JUSTICE ordanit the said Alexander Frenche to be committit to waird, within the Tolbuth of Edinburgh, thairin to remane vpon his awin expenffis, vnto the tyme he war advyfet with the Counfall, anent his dome, to be pronuncet thairupone.

Hurting and Wounding — Shooting of Pistolets.

Nov. 17.—JOHNNE FRENCHÉ, Tutour of Thornydkis, and Gilbert Cranftoun, father-brother to Patrik Cranftoun of Corfbie.

THE JUSTICE ordanit Laurence Symfoun of Craighous and James Sandilandis of Gillifwallis, cautioners for the said Johnne, to be in amerciament in the pane of ij^c merkis, for his nocht entrie; and Robert Hepburn in Eist Fentoun, brother to the Laird of Craig, as cautioner for the said Gilbert, in the pane of ij^c merkis: And siclyk, that the said Johnne and Gilbert fould be denunciit rebellis and put to the horne, and all thair moveabill guidis to be escheit, &c.

Resetting and Maintaining Alexander Ruthven — Gowrie's Conspiracy.

Nov. 17.—DAVID SPALDING of Effintullie

Compeirit with M^{ris} Williame Oliphant and Henrie Balfour, his prelocutouris, quha enterand him self vpon pannell, exponit and declairit, that fforfamekill as, vpon finifterus informatioun gevin to the Lordis of Secreit Counfall, command was gevin be thair lordschipis to Sir Thomas Hammiltoun of Bynnies, kny^t, Aduocat to our fouerane lord, for his hiences entreis, to perfew him befor the Justice or his deputis, for the allegit tressonable Ressetting, suppleing, and maintaining of Alexander Ruthven, burges of Perth, his Maiefties declarit tratour, within his duelling places of Effintullie and Enoche, at the tymes particulerlie fet down in the said informatioun; lyk as, crimminal Letteris being direct at the said Aduocattis instance, aganis the said Dauid, be the quhilkis he was charget to find caution actit in the buikis of Adiornall, that he fould compeir befor the Justice or his deputis, this day and place, and vnderly the Law for the saidis allegit crymes, and vtheris contenit in the Letteris direct thairupoun, quhair of he is altogidder innocent: ffor obedience quhair of, vpoun the fourt day of July lastbypast, he stand Harie, Lord St Colme,¹ cautioner for his compeirance this day, &c.; for quhais relief, and tryell of his awin innocencie, he now compeirit; dissassenting fra all maner of continuatioun: And in respect our fouerane lordis Aduocat, nor na vtheris his lordschipis informeris wald infist in his per-

¹ This Nobleman was the second son of James, Lord Down, and brother of James, Earl of Moray. He had the monastery of St Colme's Inch and lands belonging thereto, erected into a temporal lordship, with the title of a Peer of Parliament, as Lord Saint Colme. He died Jul. 12, 1612.

fute, tuik instrumentis, &c. ; and protestit for his said cautioneris relief ; and that he him self fould nocht be callit, trubillit, nor perfewit for the allegit crymes aboue mentionet ; bot that he fould be affoilzeit *simpliciter* thairfra, in all tyme cuning.

Striking a Person within the Tolbooth of Edinburgh, during the Sitting of the Lords of Session.

Nov. 18.—Mr JOHNNE KERR, sone to Andro Ker of Mylnerig, and George Lokhart, seruitour to the Laird of Corstorphin, younger.

Dilaitit, accuset and perfewit, be DITTAY, of the Crymes following.

FORSAMEKILL as, be Act of our souerane lordis threttene Parliament, his Maiestie and estaittis ordanit, that quho enir fould strek or hurt in any tyme thaireftir, any persone within the Vtter-Tolbuth of Ed^r, the tyme that the Lordis of Sessioun fittis for administratioun of Justice, sal incur the pane of daitt ; and fall be accused criminallie thairfoir : Without regard qubairof, and of that respect and reuerance quhilk it became the saidis Mr Johnne and George, or ather of thame, to haif borne to the Lordis of Sessioun, being conuenit in the Inner Tolbuthe of this burcht, for administratioun of Justice to his Maiesties legis, and thairby representing his Maiesties persone and autoritie ; the said MR JOHNNE, vpon the auchtene day of November instant, cam to the Vtter-hous of the said Tolbuth, callit the Mid-hous, and seing the said George Lokhart, seruitour to the Laird of Corstorphin, Younger, following his maister, in companie with my Lord of Kilsithe,¹ defyrous to enter within the said hous ; and he beiring grudge and malice aganis the said George, vpon sum former discoidis betuix the said Mr Johnnes father, him self, and his vmq^{le} brotther Andro Ker and the said George Lokhart, the said Mr Johnne stuid in the said dur, and wald nocht suffer him peceable to pas by, bot forceable rusched the said George, in the bygoing, and had almost strukin him to the grund ; and immediatlie thairefter, drawing his dager, inuidit him thairwith, and strak at him for his Slauchter ; and strak the said George throw the cloik, within the said hous, and had nocht faillit to haif slane him, gif the said Mr Johnne had nocht bene stayit and red be sum gentilmen being present for the tyme, quho wer commandit be my Lord of Kilsith to red² thame ; and tuik the said Mr Johnne to ward, for his said offence : Quhairby he hes transgressed the said Act of Parliament, and incurrit the panes contenit thairin. LYK AS, the said GEORGE LOKHART, vpon the said auchtene day of November instant, about nyne houris, or thairby, befoir none, haifing of lang tyme of befoir confaut ane deidlie feid, haitrent, and malice, aganis the said Mr Johnne Ker, sone to the said Andro Ker of Mylnerig, for certane iniurious langage past betuix thame, and for the said George hurting of Andro Ker, brotther to the said Mr Johnne, in the hand ; and this day, finding the said Mr Johnne standing in the dur of the Mid-hous of the said Tolbuth, quhilk cumis in frome the bak-turnepeek thairof, the said George violentlie rusching the said Mr Johnne fordwaird within the said dur, immediatlie thaireftir drew his dager, and strak at the said Mr Johnne thairwith, for his slauchter, vpon the heid, with the said dager ; and had nocht faillit to haif slane him, gif the said George had nocht been stayed be sum gentilmen, being present for the tyme, quha entred betuix thame, and be commandiment of my Lord of Kilsithe, in quhois presence the said cryme was committit ; quha causit apprehend the said George, and put him in ward : Quhairby he hes lykwayis transgressit the said Act of Parliament, and incurrit the panes thairin contenit.—To

¹ Sir William Livingston of Kilsyth, one of the ordinary Lords of Session, and afterwards a Privy Councillor, &c.

² To separate them ; by no means a safe or easy office in those times, when ' qubingaris' and ' pistolets' were the swift messengers of vengeance. The *redder's* portion, in an affray of this sort, became proverbial—for both parties often joined in punishing his temerity ! Hence, the *redding-straik* was frequently one of the deadliest in the ' *tuilzie*.'

the taikin, the said Lordis of Sesshoun, haiffing callit thame, and ather of thame, befor thair Lordschipis, for tryell of the said cryme, thay, be the saidis perfones awin Confessioun, and Deposition of dyuerse famous witnesses, fand that the saidis Mr Johnne and George, and ather of thame, had contravenit the said act; and Ordanit thame to be put to ane Tryell for the samyn.

Eftir reiding of the quhilkis tua Dittayis, and accusatioun of the said Mr Johnne Ker and George Lokhart, be vertew thair of, our fouerane lordis Aduocat, for verifeing thair of, producet the said Mr Johnne and George awin Confessioun, togidder with certane Depositiones of dyuerse famous¹ Witnesses, suorne and examinat in presens of the Lordis of Sesshoun, in the said matter.

The pannell, Mr Johnne Ker, denyis that poynt of Dittay, quhair he was 'within the Tolbuth,' the tyme of the committing of the cryme; bot was vpon the stair and entrie of the dur. Lyk as, the saidis perfones on pannell, being inquyret, judicillie, be the Justice, Gif thai had any thing to say, quhy the saidis Dittayis producet aganis thame sould nocht be put to the knowlege of ane Assyse? ffor ansuer thairto, maist humlie acknowlegit and confessit the premisses to be of veritie; and referrit thame selfis in his Maiesteis will for the samyn. In respect quhair of, the Justice Ordanit the saidis perfones to be tane bak to waird to the Tolbuth of Ed^r, thairin to remane quhill his Maiesteis will war schawin thairanent.

Wamesucken—Murder under trust.

Nov. 22.—JOHNNE STEWART, sone to vniq^{le} James Lord of Doun, (brother-german to Harie Lord St Colme.)²

Dilaitit of airt and pairt of the murthour of vniq^{le} Johnne Gib in Over Lef-foddie; committit in the moneth of Junij 1608 yeiris.

PERSEWARIS, Bessie Dik, the relict of vniq^{le} Johnne Gib. Sir Thomas Hammiltoun.

THE said Johnne Stewart, being accuset of the said slauchter, maist humblie, vpon his kneysis, in presens of the Justice and Lordis of Secreit Counfall, Confessis the slauchter, and craves God and the Kingis Maiestie pardoun; And offeris to the partie quhat satisfioun he is able to content thame with, be the advyse of his frendis. Quhairupoun the Aduocat askit instrumentis.

The Aduocat producet the DITTAY, following.

JOHNNE STEWART, sone to vniq^{le} James Lord Doun, 5e ar indytit and accuset: Forfamekill as 3e, hauing confaet ane deidlie feid, haitrent, and malice, aganis vniq^{le} Johnne Gib in Over Lef-fodie, caules, without any occasioun gevin be him to 5ou; bot only, for ane suddane discord falling furth betuix 5our horfe-boy and fervand, quhair of the said Johnne was altogidder innocent and ignorant, 5e, vpon the . . . day of Junij, the 5eir of God I^m.Vj^r. and aucht 5eiris, drinkeand at Keltieheuch, in the hous of Johnne Greve pair, avowit maist crewallie and maliciously to bereif pe said vniq^{le} Johnne Gib of his lyfe: And for perforceing pairof, being instantlie bent to feik him at his awin hous, and 5e being slayit be James Craufurd, and sum vtheris quha hapnit than to be in 5our company, 5e, to red

¹ Persons of good fame and credit.

² So described in the second diet. See Note to Nov. 17, 1609.

your self of pat impechment,¹ faythfullie promittit and gaif your hand² to the said James Craufurd, that 3e fould nocht pat nycht go towardis the said Johnne Gibis hous, bot pat 3e wald ryd towardis the brig of Gairny: Nochtwithstanding quhairof, sa fone as 3e gat your horse, 3e raid in all haist to 3e said vmq^{le} Johnne Gibis hous, in Over Lessodie, about pe glomyng of the nycht,³ and chopping⁴ at pe dur, and calling vpone him be his name, he being than lyand in his naikit bed, takand the nychtis rest, and feiring na iniurie, invasioun, nor harme to haif bene done to him, be any perfones, and specialle by 3ow, quha in all tyme preceeding had bene in professit freindschip with him, and had ressaunt dyuerse plesouris and gratitudis of him, sa fone as he hard your voce, instantlie raise in his fark,⁵ and oppint his dur to 3ow; quhair 3e, without ony caus, vpgeving of freindschip, or adverteising him of his skaith or danger, straik him with your dager in the breist, neir the heart, and gaif him pairwith aue deidlie wound, vnder trest, freindschip and credeit: Of the quhilk wound he depairtit this lyfe within les nor fourtie aucht houris pairrefter. AND sua, 3e maist crewallie and vnmerciefullie slew the said vmq^{le} Johnne Gib, vnder clud and silence of nycht, within his awin hous, be way of Hame-suckin and vnder trest; to pe grit contempt of our fouerane lord, his hienes auctoritie and lawis, &c.

TO THE TAIKIN,⁶ that, incontinent pairrestir, 3e returnet bak to the said Johnne Grevis hous in Keltieheuch, and calling furth vpone Nicoll Rowane, inqyret of him, 'quhais man⁷ Johnne Gib was?' Quha answert, that 'he was my Lord Chancelloris man;' 3e said, 'and⁸ he war the Devillis man, 3e had gevin to him the thing that wald flaik⁹ him!' To the taikin also, pat vpone pe morne pairrestir, 3e, cuming in, in the moirning, to ane house in Aberdour, quhair James Baveredge, in Keltieheuch, and Alex^r Kellok war drinking, 3e demandit at James Baveredge, 'Quhat newis?' Quha answert, that 'He hard na newis that was guid!' and, 'That 3e mycht haif bene in your bed that nycht, quhan 3e gaif that hurt to Johnne Gib, quhairof he wald die!' 3e, taking out your bludie dager, said, 'he could nocht be the war,¹⁰ becaus 3e had gevin him bot ane po^r!'¹¹ To the taikin lykwayis, 3e, being charget to find caution, to compeir befor the Justice, at aue certane day bygane, to haif vnderlyne the law for the said cryme, past to pe horne; quhairat 3e haif lyne continuallie senfyne.

THE JUSTICE continewis this matter, anent Johnne Stewartis tryell, to Fry-day nixt, quhill¹² he be advyset with the Counsell.

(Nov. 24.)—THE JUSTICE Ordanis the pannell to be put to ane Assyse; nochtwithstanding his becoming in Will, the last dyet.

ASSISA.

Williame Trumbill of Airdrie; Johnne Dunbar of Mynnieweik; William Cuming of Ernesfyde; The Laird of Partoone, 3ounger; Johnne Johnnestoun of Raiccleuch, tutour of Johnnestoun.¹³

THE pannell of new agane Confessis the Dittay, and craves Godis mercie, &c.

VERDICT. Eftir accusatioun of the said Johnne Stewart, be Dittay, and the said Johnnes Judiciall Confessioun, maid in presens of the Justice and Assyse, granting the said fact; and maist humblie, vpone his kneyis, craveing God, our fouerane lord the Kingis Maiestie, and the partie, pardoun thairfoir; the said Assyse, be the mouth of the said Johnne Johnnestoun, chancellor, all in ane voce,

¹ Hindrance, old Fr. ² A solemn mode of affirmation and promise, still used amongst the peasantry of Scotland; and considered as sacred and binding as an oath. ³ Twilight. ⁴ Knocking at the door. ⁵ Night-shirt. ⁶ In *token*; proof, or testimony of the above. ⁷ Fendal vassal. ⁸ If; *an'*. ⁹ Literally, quench; *stoken*, or *stake*. ¹⁰ Worse. ¹¹ Probably for *power*, only one blow or stroke. 'Purr' is still used, to denote a push made by a bull or an ox, &c. when he runs at and gores another. ¹² Until. ¹³ The rest were 'mercheandis,' and persons of no note.

ffand, pronuncet, and declairit the said Johnne Stewart, accoirding to his awin Judiciall Confessioun, to be ffylet, culpable, and convict of the crewall Murthour and slauchter of the said vmq^{le} Johnne Gib: committit in maner, and at the tyme specifreit in his Dittay.

SENTENCE. To be tane to the place of his Executioune, and thair his heid to be struckin from his body; and all his moveabill guidis to be escheit and inbrocht to his hienes vsê, as convict of the said cryme. Quhilk was pronuncet for dome.

Wearing of Hagbutts and Pistolets—Perjury.

Nov. 22.—ROBERT JOHNNESTOUN, seruitour to my Lord Forbes.

Dilaitit of the beiring and weiring of hagbuttis and pistolettis, contrair the Actis of Parliament; and of Periurie, as the Dittay beiris.

PERSEWAR, Sir Thomas Hammiltoun of Bynnie, kny^t, Aduocat to our souerane lord.

PRELOQUUTOURIS for the pannel, Mr Alexander King, Mr Johnne Ruffell, Mr Robert Learmonth.

My Lord Aduocat produceit ane Decreit of the Lordis of Counfall, decerning the said Robert to haif contrauenit the Actis of Parliament, in bering and weiring of hagbutis and pistolettis; of the dait, at Ed^r, xxvij of Junij. The Aduocat infisit vpon the beiring and weiring of hagbutis and pistolettis, quhairupoun the pannel askis instrumentis. My Lord Aduocat producis his Maiesteis Letter, as Warrant of this persute.

It is allegit be Robert Johnnestoun, that he can nocht be put to ane Affyse, for weiring of hagbuttis and pistolettis, lybellit; becaus, be Act of Parliament, in November, 1600 yeiris, it is speciallie provydit, that sic personis as fall be persewit befor his hienes and Lordis of Secreit Counfall, and tryit be probatioun of Witnesse, giltie of bering and weiring of hagbuttis or pistolettis, fall nocht incur the corporall punisfment in the former Actis, be amputatioun of the rycht hand; bot only to be puncifchit, be wairding of thair personis, escheit of thair guidis-moveabill, or payment of sic pecuniall sowmes of money as his hienes and lordis of Secreit Counfall fall declair: And trew it is, that in the persute, intentit be my lord Aduocat, quha is now persewar aganis Airthour Lord Forbes, for the particuler factis contenit in the persute intentit thairupoun; bot specialiie, of his Lordschip being accompaneit with Dauid Forbes of Petlethie, his brother, Williame Garioche, younger of Kinstair, and the said Robert, now enterit vpon pannel, was challanget *per expressum*; in maner as is contenit in the said Decreit: Be the quhilk Decreit, the saidis Lordis of Counfall, nocht only tuik tryell anent the said Lord Forbes, for him self, bot also anent the saidis Williame Garioche and Robert Johnnestoune thair beiring and weiring of hagbuttis and pistolettis; and finding thame giltie thairof, ordanit the said Robert Johnne-

floun and Williame Garioche to be committit to the tolbutth of Ed^r, and that for weiring and beiring of piftolettis, in the tyme contenit in the Dittay : And thairfore, the faid Robert Johnneftoun can nawayis be put to ane Affyfe. And for verificatioun, producet the Act of Parliament, with the Decreit of Counfell.— It is anfuerit, be my lord Aduocat, that the Act of Parliament ordanis na proceffes intentit befor the Juftice for weiring of hagbutis and piftolettis to ftay, bot quhair the faidis defenderis has been perfewit befor the Lordis of his Maieftis Secreit Counfell, be his Maieftis Thefaurer or Aduocat : And the Decreit of Secreit Counfell produceit beiris na actioun to haif bene intentit or perfewit, be his Maieftis Thefaurer or Aduocat, befor the Counfell, aganis the pannell, for the cryme contenit in the Dittay. Thairfoir, the Decreit of Counfell producet can nocht ftay proces.

It is allegit, that the Juftice can nocht proceid aganis the pannell, for the Periurie, in refpect thair is na Warrant gevin for his perfute thairfoir. And forder, the Warrant producet refolues only anent the puneifchment to be inflicted, be amputatioun of his rycht hand, he being convict of beiring and weiring of piftolettis.—To the quhilk, it is anfuerit, be my lord Aduocat, aucht to be repellit, in refpect of the Warrant gevin to him be the Lordis of Secreit Counfell to perfew the pannell, baith for the beiring and weiring of piftolettis, and for the Periurie contenit in the Dittay.

THE JUSTICE continewis this matter to the xxiiij *infantis*, quhilk is Fryday ; and ordanit the pannell to be tane bak agane to waird.

(Nov. 24.)—THE JUSTICE, haifing acquentit the Lordis of his Hienes Secreit Counfall with the proces perfewit be his hienes Aduocat, aganis the faid Robert Johnneftoun, for bering and wering of hagbutis and piftolettis, and with the haill allegiances and defenffis proponit *hinc inde* be thame, and anfueris maid thairto ; Eftir reding of the Act of Parliament and Decreit of the faidis Lordis of Secreit Counfall, quhairupoun the defenderis alledgeances and defence is foundit, and produceit for verificatioun thairof ; ffindis, with expres auife of the faidis Lordis of Secreit Counfall, that this mater aucht nocht to be put to the knowledge of ane Affyfe, in refpect of the foirfaid Act of Parliament, and Decreit of the faidis Lordis of Secreit Counfall, produceit : And Ordanis the faid Robert to be tane bak agane to the Tolbuthe of Ed^r, thairin to remane, vpone his awin expenffis, quhill he fatisfie his hienes Thefaurer, accordring to the Counfall modificatioune.

Slaughter.

Dec. 29.—WILLIAME GUTHRIE of Ravinfbie.

Dilaitit of airt and pairt of the Slaucher of vinq^{le} Patrik Gairdin of that Ilk ; committit in Maij I^m.V^c. lxxviij.

PERSEWERIS, Robert Gairdin, oy¹ to the defunct, Mr Tho^s Henderfon, substitute to the Lord Aduocat.
PRELOCUTOUR for the pannell, Mr Thomas Hoip.

The pannell takis instrumentis of his entrie; and producet ane Respett, vnder the Previe Seill, of the dait, Jan. 24, 1600, maid and grantit for the space of xix yeiris: And, in respect thair of, allegit that the Justice could nocht put him to the tryell of ane Assyse.—It is anfuert, that the Respett is null; in respect, conform to the Act of Parliament, he fould haif satisfieit the pairtie, and schaw ane Letter of Slanes thairupoune.

THE JUSTICE admittis the Respett producet; and Ordanis the pannell to find caution to satisfie the partie; quha fand Alexander Guthrie, ffear of that Ilk, cautione with himself, to satisfie the partie; conforme to the lawis of this realme.

[*Sir Williame Heart, Justice-Depute.*]

ASSESSORES JUSTICIARIO.

Mr Johnne Prestoun, Prefident,² Walter Lord Blantyre, My Lord Previe Seill,⁵ My Lord Kilsyth.⁴

Barbarous Murder—Shooting with Hagbutts, &c.

Feb. 2, 1610.—JAMES GORDOUN, in Over Auchinrath, eldest sone to Johnne Gordoun of Liecheftoun, and Alexander Gordoun of Oxhill.⁵

Dilaitit of airt and pairt of the Slauchter of vniq^{le} Alexander Abircrumbie of Pitmedden.

PERSEWERIS.

Hectour Abircrumbie of Westhall, Adame, M^cWalter, and Robert Abercrumbie, all fones; Williame Abercrumbie, as oy; Sir Thomas Hammiltoun of Bynnie, kny^t.

PRELOCUTOURIS for the pannell, Mr Alexander King, Mr Thomas Mawer, The Laird of Lesmoir.

DITTAY *against the Pannels.*

FORSAMEKILL as the saidis JAMES GORDOUN and ALEXANDER GORDOUN, with thair complices, with convocatioun of our fouerane lordis legis, to the number of systene perfones, or thairby, all bodin in feir of weir, with jakis, seereittis, steil-bonnettis, lance-stalfis, fuordis, lang culveringis, dagis, and pistolettis, exprellie prohibeit to be borne, worne, vset, or schote with, be the Actis of Parliament, vnder the panes mentionat thairintill; vpon the tuelff day of Marche, the yeir of God I^m.V^c.lxxxiiij yeiris, haifing confaueit ane deidlie feid, rancour, and malice aganis the said vniq^{le} Alexander Abercrumbie of Pitmedden, fet vpon the said vniq^{le} Alexander, at the Moss of Cokftoun, lyand within the scherefdom of Elgyn and Forres, quhair he was passand his tyme at the halking, but⁶ ony company, except his falconeris, in sober and quyet maner, dreidand na evill, harme, iniurie, or perfute of ony perfone, bot to haif levit vnder Godis peax and our fouerane lordis; and thair, expres contrair the tennour of the Actis of Parliament, schot and dilaschet⁷ tuentic schote of hagbuttis and pistolettis at the said vniq^{le} Alexander; quhairby thay schote dyuerse and findrie bulletis in dyuerse pairtis of his body: And haifing circuit him round about, that he was nocht abill to estaipe, thay thairefter pat violent handis in his perfone, tuik frome him his awin horse, and cuist him vpone ane bachillane naig.⁸

¹ *Oe* or *Oye*, grandson.

² Of Fentonbarns, President of the College of Justice.

³ Sir Richard Cockburn of Clerkington.

⁴ Sir William Livingston of Kilsyth, one of the Ordinary Lords of Session.

⁵ The case was argued before the Justice-Depute on Jan. 31; and in consequence of objections being started to the production of a Remission in favour of Alexander Gordon, and of a Relaxation granted to James Gordon by the Duke of Lennox, &c., the Justice continued the diet to this day.

⁶ Without.

⁷ Old Fr. *delascher*, to discharge, &c.

A foundered jade of a horse; selected, no doubt, for the greater dishonour, and to give greater pain to the wounded man by its unsteady and jolting motion. *Shauchilland* has a similar signification.

quhairvone thay convoyit him, as ane captiue and priffoner, the space of ane myle, or thairby, fra the said Mofs, towardis the Place of Licheftoun: And being the lenth of ane half myle to the said Place, ane of the personis that war of thair companie, of the speciall knowlege of the rest, haifing ane charget hagbut in his hand, charget with thre bullettis, preparit for the purposis, at thair speciall command and directioun, behind the said vmq^{le} Alexanderis bak, schot him with thre bullettis throw the body; and thaireftir, maist barbarullie and crewallie, with thair drawin fuordis, cuttit him all in peces; and, as monfteris in nature, left nocht sax inche of his body, airmes, legis, and heid vndevydit, and cut afunder: And sa, was maist monstrouflie and crewallie flane and Murthorit be the personis foirfaidis: And thay and ilk ane of thame ar airt and pairt of the said crewall slauchter; and aucht and fould be puneit thairfoir, and for contravening of the Actis of Parliament, in beiring, weiring, schuitting, and slaying with hagbuttis and pistolettis, in maner foirfaid.

The said James and Alexander Gordoun tuik thame to tua feveral REMISSIONES, producet be thame, for the crymes aboue writtin. The ane, grantit be our fouerane lord, vnder his hienes Grit Seill, to George Marqueis of Huntlie Erle of Enzie Lord Gordoun and Badzenoche, Sir Thomas Gordoun of Glwne, kny^t, the said James and Alexander Gordones, and dyuerse vtheris perfones, thair affisteris and pairt-takeris, for thair tressonable cuming, in opin hostilitie and armour, to the landis of Auldquhannoquhen and Glenlivat, aganis Archibald, Erle of Ergyle, his Maiesteis Lieutenant for the tyme, and aganis his Maiesteis oift and cumpaneis, vnder the said Erles leiding and command, in the moneth of October 1594 yeiris; and for the Slauchter of quhatfumeuir perfone or perfones, committit aganis his Maiesteie or his hienes Lieutenant foirfaid, quhais names ar haldin as for expreffit, in the said Remiffioun; and namlie, for the Slauchter of vmq^{le} Robert Fraiser, his hienes Herauld, &c. As the said Remiffioun, of the dait at Halyrudhous, the secund day of Apryle, 1603 yeiris, in the self proportis.—The vther of the saidis Remiffiounes, grantit be Ludovick, Duik of Lennox, his Maiesteis Lieutenant and Justice, ouer the North partis of this realme, for the tyme, Remittand Johnne Gordoun of Licheftoun, the said James appeirand thair-of and Williame his fones, Alexander Gordoun in Fernauchtie, and Williame Ewin, fervandis to the said James; ffor thair tressonable being in cumpanie, affisting, airt and pairt-taking with George, sumtyme Erle of Huntlie, ffrances, sumtyme Erle of Errole, and certane vtheris his Maiesteis declairit traitouris and rebellis, at the lait Conflict aganis Archibald Erle of Ergyle, &c.

It is allegit, befoir Interlocutour, be Mr Alexander King, that now he may compeir for James Gordoune, becaus he is relaxt; quhilk relaxatioun he producet.—It is allegit, be my lord Aduocat, the Relaxatioun is null; becaus it is execute at Ed^r, and nocht at the mercait croce of the head bur^t of the schyre.—It is ansuerit, the Relaxatioun is guid aneuch at the mercait croce of Edinburghe.

It is allegit that the perfones on pannell can nocht be put to ane Assyse, becaus thay haif obtenit Remiffioun fra the Duik of Lennox, quha had Commiffioun of his Maiesteie to that effect; quhilk Remiffioun he producet. It is alle-

git, that the Remiffioun is null, gevin be the Duik of Lennox; becaus his Commiffioun gevis him power to grant Remiffioun, be advyfe of his Counfall; lyk as, the Remiffioun producet beiris, 'with advyfe of his Counfell,' and yit name of his Counfell hes fubferyuit the famyn. It is anfuerit, that thair is na fpeciall perfones nominat Counfallouris in the Remiffioun, and thairfoir thair is na neceffitie of thair fubfcriptioun; and haldis him at his Remiffioun, quhilk he referris to the Lordis. It is forder allegit, that the Remiffioun is nocht pafte the Seillis, and is exped be ane quha had na place in the office of Thefaurer for the tyme; and forder, the faid Remiffioun has pafte the Register, and thairfoir fould pafte the Seillis.—It is anfuerit, thair is na neceffitie of paffing the Seillis, feing it is grantit be his Maieftis Commiffioun.

THE JUSTICE, with advyfe of his Affeffouris, appointit be the Lords of Secret Counfall, ffindis, that this matter can nocht be put to the knowlege of ane Affyfe, in refpect of the Remiffiones producet. And ordanis the pannell to find caution, for fatisfacioune of the partie perfewaris, according to ordinance of the Lordis of Seffioune.

Quhairupoun the perfones on pannell afkit instrumentis: And ffand my Lord Saltoune and the Laird of Lefnoir cautioneris, conjunctlie and feuerallie, to fatisfie the parties: And the Laird of Lefnoir become obleift to warrand my Lord Saltoune.

The perfewaris proteftis, that this perfute now intentit be thame, and Interlocutor aboue written, gevin thairupoun, be nawayis preiudiciall to thame in ony vther perfute movet aganis the pannell, in ane vther nature or qualitie, in ony tyme cuming: Quhilk the Justice admittit.—Lyk as, the pannell proteftit in the contrair; and afkit instrumentis thairupoune.

Slaughter.

Jul. 25.—WILLIAME GUTHRIE of Ravinfbie, lauchfull fone to vmq^{le} Alexander Guthrie of that Ilk.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Robert Gairdin of Tullois; committit vpon the Mure callit Carbundow-mure, in the lie-way betuix Brechin and Dundie, in the moneth of Nouember, 1589; vpon fet purpois, prouiffioun, and foirthocht felony.

PERSEWARIS, Robert Gairdin, as only fone to vmq^{le} Robert Gairdin of Tullois; Mr Robert Gairdin, appeirand of Blairtoun; Commiffar Clerk of Aberdene, as neir kinfman; Mr Robert ffoullis, fubftitute to our fouerane lordis Aduocat.

PRELOCUTORIS in defence, Mr Johnne Ruffell, The Laird of Guthrie.

The faid Williame Guthrie tuik him to our fouerane lordis Refpett, gevin and grantit to him be his Maieftie, vnder the Previe Seill, for the faid Slauchter, for

the space of nyntene yeiris eftir the dait thairof; quhilk is of dait, at Halyrud-hous, the xxiiij day of Januar, I^m.Vj^c. yeiris; and in respect thairof, allegit, that the said Dittay could nawayes be put to the knowlege of ane Assyse, for the said Slauchter.—To the quhilk it was anfuerit be the Aduocat, that the Respett is null, becaus, conforme to the Act of Parliament, na Respett nor Remiffioun can be grantit without satisfioun of partie; and this perfewar nocht being satisfeit, the Justice aucht to put the pannell to the knowlege of ane Assyse.

THE JUSTICE, nochtwithstanding of the Aduocattis anfuer, eftir reiding of the Dittay and Respett aboue specifeit, Admittis the said Respett; and ordanit the pannell to find caution to satisfie the partie perfewar, conforme to the lawis of this realme; but preiudice alwayis of his lauchfull defensis: Quha, for obedience of the said Justice ordinance, stand, with him selff, Alexander Guthrie ffear of that Ilk, cautioneris, &c.

High Treason — Tyrannical Oppression of the Inhabitants of Orkney and Zetland, &c.

[As the subsequent Trials of PATRICK, *second* EARL OF ORKNEY,¹ and of ROBERT STEWART² and others, contain the most ample information relative to the infamous and almost unparalleled cruelties and oppressions committed by this tyrannical individual, against the unoffending Inhabitants of Orkney and Zetland, it is unnecessary, in this place, to anticipate the extraordinary circumstances which are there detailed. The Editor has been at much pains to procure the most authentic Documents, in illustration of these very remarkable Trials; to which the reader is referred. They contain the fullest and most minute accounts of the shocking atrocities committed by this savage and relentless Noble, whose life, estates, and honours, were at length forfeited, in atonement, so far, for his frightful crimes. He was beheaded at the market-cross of Edinburgh, Feb. 6, 1614.]

Aug. 2.—PATRIK EARLE OF ORKNAY LORD ZEITLAND, &c.

Dilaitit of certane Treffonable crymes, at lenth specifeit and fett down in our fouerane Lordis Letteris, vnderwritten :

FOLLOWIS *the tennour of the Letteris* (DITTAY.)

JAMES, be the grace of God, King of Grit Britane, ffrance and Ireland, defender of the faith. To our Louittis [Johnne Blinell, Ilay Herauld] Messen-geris, our schereffis in that pairt, coniunctie and fenerallie, speciallie constitute, greting. fforfamekill as it is hunlie meanit and compleit to ws be our trustie and weilbelouit counsalour Sir Thomas Hammiltoun of Bynnies, kny^t, our Aduocat, for our intreis, vpon PATRIK, EARLE OF ORKNAY, Lord Zeitland, &c. : THAT quhair, it is expresse statute, ordanit, and obseruet, be our lawis and Actis of Parliament of this our realme, and be the Cowmoun Law and consuetude inuolabillie obserued in all Christiane and ciuile Nationes, that quha euir

¹ See Feb. 1, 1615.

² The Trial of Robert Stewart, 'base sone to vniq^{le} Patrik, lait Erle of Orknay,' and others, will be found under Jan. 5, 1615, of the present Collection.

dois Treafone aganis the Kingis perfone, or his Maieftie; or vfurpes vponethame his fouerane authoritie, in poyntis of royall fouerantie, falbe pweifched as Tratouris. AND trew it is, and of verritie, that the faid Patrik, Erle of Orknay, altogidder vnmynndfull of that dewtie, quhilk, be the bandis of nature, fubiection, and allegiance, he aucht¹ to ws, and infinite fauouris and benifeitis reffaut be him frome ws, hes, be him felff, and vtheris in his name, of his caufeing, command, reffet, affiftance, and rathabitoune, in contempt of ws and our auctoritie royall, committed and perpetrat the moft (cruel) and trefoneable crymes following, at the tymes and in maner vnderwritin: And was and is airt and pairt of the famyn. IN the firft, the faid Patrick, Erle of Orknay, be him felff, his deputis, Magiftrattis, and Judges, appointed and depute be him, in the offices of Scherefschip, Stewartrie, and Bailzerie of our feherefdome and bifchoprik of Orknay, and lordfchip of Zeitland, *refpectiue*, of his caufing, command, affiftance, and rathabitoune, monethlie and ilk moneth, in the yearis of God I^m.V^c. fourfoir nyne, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, and ane thoufeand fax hundreth and ten yeiris, at the leift in ane or vther of the faidis monethis and yeiris, perfewed, accused, proceidit, and pronunced dyuerfe decreittis and fentences aganis vmq^lc Sir Patrik Bellenden of Evie, kny^t, Balfoure of Montquhanie, Robert Menteithe of, Williame Bannatyne of Gairfay, Sinclair 3ounger of Etha, Bruce of Cwltmalundie, Henrie Wardlaw his fervand, Adame Mudie,² with mony vtheris our faithfull and obedient fubiectis of the countreyis of Orknay and Zeitland, accoirding to lawis treffonabillie maid and practized be him felff, direct contrair and repugnant to the lawis of our realme, and Actis of our Parliament, maid be ws and our maift noble progenitouris, Kingis of this our realme, to quhome only the power to mak lawis belongis, as ane peculiar poynt of our and thair regall fouerantie; and thairby decernit thame to haif committit capitall and treffonable crymes; and of his awin prefumptioun and vfurpatioun of our authoritie royall, without ony warrand of ws, hes treffonabillie difpenfit with the poyntes of death, and ordanit the faidis perfones quha war convict and condemned, in maner foirfaid, only to be banifched furth of the faidis boundis of Orknay and Zeitland; and hes treffonabillie adiudget thair landis, guidis and geir to be fforfaltit and efcheit to him felff. AS ALSO, the faid Patrik, Erle of Orknay, be him felff and his foirfaidis, in the monethis and yeiris of God foirfaidis, att the leift, in ane or vther of the faidis monethis and yeiris, treffonabillie perfuadit, induced, counfallit, and commandit Williame Sinclair of Etha, Henrie Sinclair of Tenquhie, Mr Robert Henderfoun, Williame Irwing of Saba, and mony vthir gentilmen of the faidis countreis of Orkney and Zeitland, to

¹ Owes.² A blank of about six lines is left here in the Record.

subferyve and delyuer to him ane Band callit Band-mutus,¹ and thairby obleife thame selfis and thair airis, that thai fould ferue and mantene him aganis quhat-fumeuir perfones, without ony referuatioun of ws;² and that thay fould nevir heir nor know his hurt or skaith, bot fould reveil it within tuentie foure houres, without ony exceptioun of impossibilitie or distance of place, contrarietie of wind, wedder, or vther impediment; vnder the pane of tynfell³ of lyfe, landis, and guidis; contening also this claufe, ‘that gif it happin that þe contravening of this Band, be ony of the saidis subferyveris, fould (fall) nocht cum to þe said Erles knowlege, quhill⁴ eftir the committeris deceife, it fould (fall) be leifum to him to try the samyn eftir þair daithis aganis þair airis, and pwneife þair saidis aris as he mycht haif done the principall offendour: And that the said probatioun of þair contravening of the said Band fould (fall) be sufficient be tua witnessis: Bindand lykwayis the saidis Gentilmen and vtheris of the cuntrie to be judged be the said Erle; and nevir to feik to King, Counsell, nor Sessioune!’ Quhilk Band the said Erle hes debaited to be lauchfull, and hes confest the reffaucing and haveing thairof; althocht it be maist vnnaturall, uniuft, tyrannicall, impossible, and tressonable; bindand men to impossibilities, and inioyning to thame, in caice of contraventioun, the paynes of Treason, ffor naiked conceilling and nocht reveilling his skaith, generallie, in ony matter; it being of verritie, that no man hes power to preseryve or exact such paynes, bot only fouerane poyntes, and that in matteris treasonable allanerlie. Quhairby, the said Erle hes manifestlie and treasonable usurped vpone him our royall authoritie and princelie power, in poyntis of our absolute foueranitie. LYK AS, the said Patrik Erle of Orkney hes tressonable tane vpone him, in the saidis yeiris and monethis, at the leif in ane or vther of thame, to call and persew befor him and his pretendit deputtis and Judges, in his pretendit Jurisdictiones of Orkney and Zeitland, Adame Mudie, and many vtheris our frie and obedient subiectis; and eftir his pretendit maner, haifing accused and convicted thame of dyverse crymes, hes nocht only pronounced aganis thame the Sentence of Banishment, and sforfaltour to him selff of thair landis and guidis; bot thaireftir componed, transacted, and agreid with thame, and treasonable vsurped our royall authoritie and fouerane power, be Remitting to thame the saidis capitall crymes; quhilk no man hes power to do, within this our realme, bot the King and fouerane of the same. AS LYKWAYIS, the said Erle, bereifing our faithfull subiectis of the benifeit of

¹ Query, *Band-mutus*? A bond for mutual protection and defence, secretly and solemnly binding the obligants to maintain each other, in their quarrels, ‘against all deadly.’ These illegal engagements were formally put down by various Acts of Parliament; as ‘Bonds of Manrent’ were the principal means of encouraging and keeping alive those deadly feuds which disgraced the country, and rendered the state of society in Scotland very insecure, and in many instances almost intolerable. ² Without even reserving their lawful allegiance to the king. ³ Loss. ⁴ Until.

our peace and generall protectione, and the fredome of thair travelling and traffique be sea and land, hes, in the yeiris and monethis foirfaidis, att the leift in ane or vther of thame, discharged the passageis and ferreis of Orknay and Zeitland, that nane fould haif entreis or outgoing furth thairof, without his Pasport and Licence; and did incarcerat, in stokis and irnes, the servandis of James Stewart of Granesay, for transpoirting of Robert Menteithe his guidbrother,¹ without his licence; and caused incarcerat the servandis of Frances Mudie, for transpoirting thair said maister;—the men of Sowna, for transpoirting Williame Bannatyne;—and the men of Flottay, for transpoirting of, thair maister; held and detenet thame captiues and priffoneris, in irnes, stokis, cloifs-priffone and firmance, dyuerse dayis and oulkis;² vsurpeing thairby, most tressonablie, our autoritie royall, and bereifing our lauchfull subjectis of the vse and benefite of thair natiue libertie, dew to thame, in thair frie passage and traffique, vnder our peace and protectioun, throw all the pairtis of this our kingdome, be sea or land. AND nocht content thairwith, the said Erle, leifing na foirt of extraordiner Oppressioun and tressoneable violence vnpractized aganis the saidis Inhabitanes of Orknay and Zeitland, at the tymes perticulerlie aboue reherfet, at the leift in dyuerse of the monethis and yeiris foirfaidis, hes compellit the maist pairt of the gentilmenis tennentis of the saidis contreyis of Orknay and Zeitland to work to him all maner of work and laubour be sea and land, in rolling³ and failling his schipis and boittis, working in the flane-querrel,⁴ wynning and beiring furth thairof stanes and red furth thairof, laidning his boittis and schelopes⁵ with stane and lyme, and loifing the same, biging his park dykes, and all vther foirtis of ferveill and paynefull laubour, without ather meit, drink, or hyre.⁶ AND, to conclude the vtter rwyne of the possessouris of the saidis landis and Yles, hes, in the saidis yeiris and monethis, att the leift in dyuerse of the same, imposed, exacted, and tressonabillie vplifted frome thame, dyuerse grit and exorbitant taxationes and impositiones, quhilkis na man may lauchfullie do, within this our realme, bot We, of our souerane power allanerlie; vsurpeand thairby, maist tressonabillie, vpon him, our autoritie royall. FINALLIE, the said Erle, in the saidis monethis and yeiris, at the leift in ane or vther of thame, hes tressonabillie discharget the saidis Inhabitantis of Orknay or Zeitland, to by or sell meill, malt, meit, drink, fische, flesche, butter, nolt, scheip, or ony vther commoditeis, without his Licence, vnder grit penalteis; lykas, he

¹ Brother-in-law.

² Weeks.

³ Rowing with oars.

⁴ Stone quarry.

⁵ Shal-

lops; small vessels.

⁶ This inhumanity of the Earl of Orkney appears, by existing documents, to have been carried to the most frightful excess—and the lives of the unfortunate natives rendered utterly wretched, worse than the condition of galley-slaves, or that of the Christian captives in Barbary—being only paralleled by the ‘ Egyptian bondage and oppression of the children of Israel, under King Pharaoh!’—Reference may be made to the Trials and Documents before quoted.

hes oft and dyuerse tymes, with all rigour, exacted the saidis penalties aganis findrie of the saidis Inhabitantis, for thair lauchfull bying and felling of thair commoditeis and necessaris without his licence. **QUHILKIS** Treasonable crymes aboue writtin, and ilk ane of thame, war done, committed, and perpetrat be the said Patrik Erle of Orknay, be him selff and his complices, and vtheris in his name, of his causing, command, assistance, and ratihabitoune : And thairby, the said Patrik Erle of Orknay hes committed Treafone aganis Ws, and hes tref-soneabillie usurped vpon him the poyntis of oure fouerantie, and inseperable partis of our Royal power and authoritie : And he is airt and pairt thairof : And aucht and fould be pwneisched thairfoir, be the paynes of Treafone, with all rigour ; in example of vtheris to attempt the lyke, gif sa be. **OURE WILL IS HEIRFOIR**, and We charge yow straitlie, and command, that incontinent thir our Letteris sene, ye pas, and in our name and authoritie command and charge the said Patrik Erle of Orknay, committer of treafoneable crymes aboue writtin, in maner foirsaid, vpon fourtie dayis wairning, to find sufficient and responfall cautoun and fouertie, actit in our Buikis of Adiornall, that he fall compeir befoir our Justice or his deputis to vnderly our lawis for the samyn, in our Tol-buth of Edinburgh, the secund day of August nixtocum, in the hour of caus, vnder the paynes contenit in our Actis of Parliament : And that ye charge him personallie, gif he can be apprehendit, and failzeing thairof, at our Castell of Edinburgh, quhairin he hes his remaning for the present, and be oppin proclamatioun at the mercat croce of our burgh of Edinburgh, to find the said fouertie actit, in maner foirsaid, within sax dayis next aftir he be charget be yow thairto : vnder the pane of rebellioun, and putting of him to our horne. The quhilkis sax dayis being by past, and the said fouertie nocht being fundin, that ye incontinent thaireftir denunce the said Patrik Erle of Orknay our rebell, and put him to our horne, and escheit and inbring all his moveabill guidis to our vse, for his contemptioun ; and caus Register thir our Letteris, with your executiones thairof, within fyftene dayis thaireftir, conforme to our Act of Parliament made thair-ant : And gif he find the said fouertie, that ye summond ane Assyse heirto, nocht exceeding the number of fourtie five persones, quhais naines ye fall res-saue, in Roll, subscryuit be the compliner ; ilk persone vnder the pane of ane hundreth merkis. Accordring to Justice. As ye will ansuer to ws thairvpoun. The quhilck to do, We commit to yow, coniunctlie and seuerallie, our full power, be thir our Letteris, delyuering thame be yow, deulie execute and indorsate agane to the beirar. **GEVIN** vnder our Signet at **EDINBURGH**, the fourt day of Junij, and of our regne the aucht and fourtie thre yeiris, 1610.

Ex deliberatione Dominorum Consilij.

*J. BANNATYNE.*¹

¹ Writer to the signet, and nearly related to the now celebrated George Bannatyne.

FOLLOWIS *the tennour of the EXECUTIOUNE*¹ *of the saidis Letteris.*

VPOUN the tuentie day of Junij, the 5eir of God I^m. fax hundreth and ten 5eiris, I JOHNNE BLINSELLIS, Yla Herald, past, at command of thir our fouerane lordis Letteris, within writtin, to his Maiesteis CASTELL OF EDⁿ; and thair, with my displayit coit of airmes, and be found of trumpet, foundit be Siluester Ramfay, trumpeter, I commandit and charget PATRIK, ERLE OF ORKNAY, personallie apprehendit, within the said Castell, and delyverit to him ane just and autentik coppie of the saidis within writtin Letteris, subferyuit with my hand, to find sufficient and responfall caution and fouertie to the Justice Clerk and his deputtis, actit in the buikis of Adiornall, that he fall compeir befor the Justice or his deputis, day and place within specifeit, in pe hour of caus, and vnderly the Law for the tressonabill crymes within reherfit; within fax days nixt estir this my charge; vnder the pane of rebellious and puting of him to the horne. This I did, estir the forme and tennour of thir our fouerane lordis Letteris, in all poyntis; befor thir Witneffis, George Kirkwoid, Albanie herald, Robert Logane, messinger, Siluester Ramfay, trumpeter, and Williame Dalglefche, post in Ed^r, with dyuerse vtheris. And for the mair verification of this my Executioun, subferyuit with my hand, my signet is affixt.

JOHNNE BLINSELL, Ilay Herald. (L. S.)

Thaireftir, my Lord Aduocat producet ane Warrant of the Lordis of his Maiesteis Secreit Counsaill, direct to my Lord Justice, ffor continuation of the said dyet, to the nynt day of August instant. Off the quhilk Warrant the tennour followis.

JUSTICE, Justice Clerk and 5our deputtis. fforfamekill as the secund day of August nixtocum, being appointit to PATRIK, ERLE OF ORKNAY, for his compeirance befor 5ow, to vnderly the Lawis, for certane crymes specifeit and contenit in the Letteris raised pairant: Neuertheles, for some speciall considerationes of his Maiesteis seruice, it is oure Will, and we command 5ou to continew the said dyet, to the nynt day of the said moneth of August nixtocum; conforme to the ordour obseruet in the lyk caiffis: Whearant, thir presentis falbe 5our Warrant. AT EDINBURGH, the xxvij day of July, 1610.

AL. CANCELL^r. DUMBAR.

THE JUSTICE, for obedience of the said Ordinance, continewit the said dyet to the said nynt day of August instant.

My Lord of Orknay takis instrumentis of his compeirance, and declairis quhat

¹ The Legal antiquary will peruse this curious document with much interest. The 'pomp and circumstance' of Ilay Herald, arrayed in his tabard, and attended by Albany Herald, and their respective Pursuivants and Witnesses, after a flourish by one of the trumpeters attached to the Herald's College, personally *apprehends*, as it is legally termed, the Earl of Orkney, and formally charges him, by virtue of the Royal Letters. The present unmeaning and empty form employed by Messengers-at-Arms (being still attached to the Lion King-at-Arms College) bears traces of this ancient ceremony; and still, in the event of the party being *denounced rebel*, the instrument bears this to have been done, 'after three several blasts' of a horn or trumpet, at the market-cross of the head burgh where the rebel (*fictione juris*) resides, or where his usual domicile is situated. If 'furth' of Scotland, the ceremony is *supposed*, by a practical fiction, to be denounced at the market-cross of Edinburgh, pier and shore of Leith; but in truth, it is effected by the Messenger sitting snugly in his chamber, perhaps up eight or ten pair of stairs, signing an attestation, which is also subscribed by two witnesses, termed *concurrents*. It is in the recollection of some practitioners of the Law, that a few Messengers, of the old school, actually went to market-cross, pier and shore, and in these 'good old times,' every man was 'his own Trumpeter!' A rigidly conscientious person of this class, actually carried a model of a horn in silver, regularly perforated, and at each of the places requisite gave 'three several blasts,' by breathing through this curious instrument, much to the edification of the bystanders, who naturally inferred the man to be insane! But he sternly performed his duty, 'through good report and through bad report,' in despite of all such taunts; and was, moreover, the best employed Messenger of his day.

evir allegit cryme is fett down in his Dittay, he had sufficient power and authority grantit to him to do the same; nocht granting thame to be crymes: As fall be justifeit be him, in the awin¹ tyme and place.

(Aug. 9.)—MY Lord Aduocat producet ane Warrant of the Lordis of his Maiesteis Secreit Counsell, anent the continuatioun of this dyet appointit for my Lord Orknayis tryell, to the faxtene day of August instant.² The Erle of Orknay askit instrumentis of his entrie; and offerit him selff to the Tryell of the law, for the allegit crymes contenit in the Letteris, nochtwithstanding of the said continuatioun.

(Aug. 16.)—THE JUSTICE Ordanit this dayis dyett, appointit for tryell of my Lord of Orknay, &c. to defert; in respect that my Lord Orknay was nocht presentit upone pannell.

(Nov. 22.)—MY Lord Aduocat producet the summondis, &c.³ Thaireftir my lord Aduocat producet to the Justice, ane Warrant of the Secreit Counsell, direct to him, anent the continuatioun of this dyet to the nyntene day of December nixtocum.⁴ My Lord of Orknay takis instrumentis, &c.

(Dec. 19.)—ANOTHER Warrant is produced for continuatioun of the trial to Mar. 8, 'nixtocum,' dated Dec. 19, 1610: and is signed 'Al. Cancell⁵. Jo. Prestoun. Blantyre. R. Cokburne. Kilfythe.'

[*Mr Robert Cokburne, Justice-Depute.*]

(1611, Mar. 8.)—A WARRANT, dated March 7, 1611, is again produced, continuing the Trial to 'the fyftene day of May nixtocum,' signed by the Chancellor, 'Jo. Prestoun. A. M. Elphinstoun. R. Cokburne.'—My Lord of Orknay takis instrumentis of his entrie, and nochtwithstanding of the quhilk Warrant of the Counsell, offeris him selff to the Tryell of the Law, for ony crymes that can be laid to his charge; disassenting *simpliciter* to all forder continuatioun.

THE JUSTICE Ordanit the said Erle of Orknay to be returnit back agane to his waird.⁵

[*Sir Williame Hairt, Justice-Depute.*]

Treason—Declining the Jurisdiction of the King and Privy Council.

Aug. 29.—MR ANDRO CREICHTOUN, brother to the Laird of Innernytie.⁶ Dilaitit of the Declyning of his Maiestie and Lordis of Secreit Counsal Judgement; and thairby committing Treafoun, contrair the Actis of Parliament.

¹ In its *own*, or in its proper time and place. ² The Warrant is *verbatim* the same with the former; and is subscribed by the Lord Chancellor and Earl of Dunbar. It is dated Aug. 9, 1610.
³ The Letters and Execution are repeated. ⁴ In same terms as the others. Dated Nov. 20, 1610, and signed by 'E. Glencairne. Sanctandros. Blantyre. Jo. Prestoun. R. Cokburne.'
⁵ An attested copy of the above proceedings, by Sir John Cokburn of Ornestoun, knight, Clerk of Justiciary, is preserved in the General Register House, with various other papers relative to Orkney. ⁶ See Arnot's *Crim. Trials*, p. 37, 67, and 328. The Case of Ogilvie the Jesuite, 1615, in this Collection, &c.

DITTAY against the Pannell.

MR ROBERT CREICHTOUN, proper to the Laird of Invernytie; 3e ar Indytit and accuset: for famekill as, 3e, being takin, be directioun of the Lordis of his Maiesteis most honourabill Previe Counfall, and broght befor þame, vpon the fastene day of August instant, to be examinat vpon sum materis concerning his Maiestie and the estait of this his Kingdome, and requyred be thair Lordschepis to geve 3our aith to thame, that 3e fould faithfullie and treulie ansuer to thame, and declair the veritie of sache thingis as suld be demanded of 3ow, 3e treasoncabillie refused to acknowledge his Maiestie and the saidis Lordis of his most honourabill Previe Counfall to be 3our Judges, bot maist treasoncabillie declyned þair judgement: And efter þat þai had put 3ow in remembrance of þat deutie and subiection quhilk 3e aucht¹ þe our said souerane lord, both in respect 3e was his naturall borne subject within þis realme, and þat 3e war now actuallie resident within þe samyn: And that, be Act of Parliament, maid in þe moneth of May, the 3eir of God I^m.V^c. four scoir four 3eiris, our said souerane lord was declairit, be him selff and his Counfall, to be Judge competent to all persones his hienes subjectis, of quhatfumenir degre, functioun or condition thay be of, spirituall or temporall, in all matteris quhairin thay or ony of thame fould be summond or charget to ansuer to; and that nane fould tak vpon hand to declyne the Judgement of his hienes and his successoris, or þair Counfallis, in the premisses, vnder þe pane of Treafone. Lyk as, for 3our better informatioun and resolutioun, þe said Act of Parliament was than schawin and red to 3ow: 3e neuerþeles, vnnaturallie, rebellioullie, and treasonablie persisting in 3our mischevous purpois, still refused to acknowledge þe Jurisdiction of his Maiestie and his Secret Counfall. Lyk as, vpon the xxiiij day of August instant, 3e being of new broght befor þe saidis Lordis of Secret Counfall, and admonished and exhorted to acknowlege and amend 3our treasoncabill offence, and to acknowlege his Maiestie to be 3our superiour, and his hienes and þe Lordis of Secret Counfall to be 3our lauchfull Judges, and to haif jurisdiction over 3ow, 3e answered, as ofbefoir, that 3e was nawayis better resolved, bot that 3e still abaid be 3our former Deposition and ansuir, that his Maiestie and the Lordis of Secret Counfall was nocht 3our superiouris or Judges. And sua, 3e haif treasoncabillie contemned and declyned the authoritie of our said souerane lord and þe Jurisdiction of his hienes and Lordis of his Secret Counfall; and þairly haif incurret and fould suffer the paynes of Treafone, to be executed aganis 3ow, in 3our body, lyfe, landis, guidis, fame, and memorie; in example of vtheris: Quhilkis 3e can nocht deny; in respect of your Depositiones, extant, and heir productet in Judgement, subscryuit with your hand, most cleirlye verifeing all þe premisses.

Eftir reiding quhair of, and accusatioun of the said Mr Andro, be vertew of the same, and Confessioun maid be the said Mr Andro, in judgement, to the Justice, granting the treuth of the said Dittay, and abyding still at his former Depositiones; quhair vpon instrumentis was tane be our said souerane lordis Aduocat, the Justice referrit the said Dittay to the knowlege and tryell of ane Assyse of the persones following: Thay ar to say;

ASSISA.

James Stewart of Grameslaw, Robert Menteith of Eglislaw, Thomas Lyell of Murchill, Vthreid McDowell of Mondork,² Mr Robert Henderfoan of Holland, Mr Gilbert Gordoun of Chirnes.³

Quhilkis persones of Assyse being chosin, sworne, and admittit, eftir accusatioune of new agane of the said Mr Andro Creichtoune, be Dittay, of the said treasonable cryme, quhilk in the said Justice and personis of Assyse awin pre-

¹ Owed.² Chancellor of the Assize.³ The rest of the Assise, 'mercheandis,' &c.

fens and audience of new agane was grantit and confest, judiciallie, be the said Mr Andro to be of verritie; the said Sir Thomas Hammiltoun, for forder verificatioun of the said Dittay, producet the said Mr Andro Creichtones Depositiones, subferyuit with his hand, in presens of the Lordis of his Maiesteis most honourabill Previe Counfall, and repeittit thairwith the Act of Parliament, the pannellis Judiciall Confessioun, maid in presens of the Justice and Assyse; and thairupoun askit instrumentis; and protestit for Wilfull Errour aganis thame, gif thai acquit him.

VERDICT. That the said MR ANDRO was Culpable and convict of the trefonable Declyneing of his Maieftie and Lordis of his hienes Secretit Counfall to be his Judges, accoirding to his accusatioun aboue writtin, contenit in his Dittay, sufficientlie verifeit to thame be his Depositiones, producit to thame, subferyuit with his hand; as also, be his Judiciall Confessioun, maid in the Justice and thair presence.

SENTENCE. To be tane to the mercait croce of the burgh of Ed^r, and thair to be hangit and demanit as ane Tratour; and all his landis, heritages, tenementis, annuelrentis, takis, steidingis, &c. to be fforfalt and escheit to our souerane lordis vs^e, as culpable and convict, &c.¹

[*Mr Alexander Coluill, Justice-Depute.*]

(1611, Feb. 27.)—THE quhilk day, Mr Andro Creichtoun being, at command of the Counfall, brocht furth of waird out of the Tolbuth of Ed^r, and presentit vponne pannell, to heir Dome of new agane pronuncet vponne him, the Justice ordanit the Counfallis Warrant vnderwrittin, delyuerit to him be my Lord Chancellor, to be oppinlie red in judgment, viz.

JUSTICE, Justice clerk, and your deputtis. Forfamekill as althocht Dome and Sentence was pronuncet aganis Mr Andro Creichtoun, proper to be Laird of Innernytie, ordaning him to haif bene tane to the place of his Executionn, and pair to be hangit and vperwayis demanit as ane tratour, for his trefsonabill declyneing of the Kingis Maieftie and his Counfallis judgement, and for certane vtheris trefsonabill crymes specifeit and contenit in the Sentence and Dome of Convictioun pronunced aganis him: Neuertheles, it hes now plefit the Kingis Maieftie, out of his accustomed gracious dispositioun to clemencie and mercie, to mitigat the rigour of the Sentence pronuncet aganis the said Mr Andro, and to Ordane him to be Banischet his Maiesteis haill dominions; and nevir to returne agane within the same, during his lyve tyme, vnder the pane of deid, to be execute vponne him without forder dome or Sentence to be pronuncet aganis him. THAIRFORE, zow fall, vponne ye sicht heirof, appoint and set ane Justice Court, caus ye said Mr Andro to be exhibit befoir zow, and pronounce new Sentence aganis him, conforme to his Maiesteis gracious fauour, clemencie and mercie, Ordaning him to be BANISHED his Maiesteis haill dominions, and nevir to returne agane within the samyn, during his lyfytyme, vnder the payne to be Hangit quhill he be deid, without ony forder dome or Sentence to be pronunced aganis him; and that, for contravening of pis present Sentence. EFTIR the pronunceing quhairof, zow fall caus returne him bak agane to his waird, thairin to remane, quhill the commoditie

¹ Mr. The Dittay, with the pannellis Depositiones, gevin vp to my Lord Aduocat the day foirsaid.

be had of some schip going out of the cuntrie; quhairby he may be caryed to hir be þe Magiftratis of Ed^r, and sua fend away. And this 5ow failt nocht to do: Whearant þir presentis fall be 5our Warrant. AT ED^r, the xxvj day of Februar, 1611. JAMES R.

The Justice, for obedience of the command thairin contenit, be the mouthe of Alexander Kenmydie, dempfter of Court, decernit,¹ &c. Whilk was pronounced for Dome.

[*Sir William Heart, Justice-Depute.*]

**Slaughter — Intercommuning with Rebels — Treasonable Theft
and Stouthreik, &c.**

Sept. 6.—WILLIAME DOUGLAS of Lyncluden and Grenelaw,² (callit *Williame of Pinzerie*,) eldest sone and appeirand air of Williame Douglas of Baitfurd.

Dilaitet of dyuerse crymes of Slauchter; beiring and weiring of pistolettis; and of the tressonabill crymes of thift committit be him, he being ane landit Gentilman; in manner spacificit in his DITTAY, vnder writtin.

FORSAMEKILL as 5e, haifing confaut ane deidlie ffeid, rancour, and malice, without ony caus, aganis vmq^{le} Thomas Softlaw, burges of Dumfreis, vpon the fyft day of Apryle, or pairby, the 5eir of God Im.Vj^c. and sewin 5eiris, and haifing convocat with 5ow Johne Cunninghame, 5our seruand, and vperis deboifchet men, 5our complices, to þe number of tuentie perfones, or pairby, all bodin in feir of weir, with lance-stalfis, fuordis, quhingeris,³ and with hagbuttis and pistolettis, prohibeit to be borne or worne be dyuerse Actis of Parliament, came to the Brigend of Dumfreis, quhair the said vmq^{le} Thomas was, in quyet and fober maner, vnder Godis peax and the Kingis; and pair, 5e fearcelie fet vpon him, and perfewed him for his slauchter, hurt and woundit him with 5our pistolettis, and vtheris wappones foirfaidis, in þe heid, and dyuerse vperis partis of his body; to the effusioun of his bluid in grit quantitie; off the quhilkis fraikis and woundis he schortlie paireftir departit this lyfe; and sa, was crewallie and vnmerciefullie flane, be 5ou, and 5our saidis complices, of 5our causing, command, assistance, and ratihabitoun; and 5e ar airt and pairt pairof. To the taikin,⁴ that 5e, and 5our saidis complices, being charget to find caution to compeir befor þe Justice, and vnderly þe law for þe said Slauchter, 5e past twyse to the horne for þe said cryme, as the Letteris of Hoirning heirwith producet verifeis.—ITEM, 5e ar indytit and accused, as airt and pairt of þe crewall and fellone Slauchter of vmq^{le} Eduard Maxwell of Croftoun, committed at þe Brigend of Dumfreis, vpon the day of September, or pairby, the 5eir of God Im.Vj^c. and aucht 5eiris, be 5ow þe said Williame Douglas of Lincluden, Johnne Schitlingtoun, 5our servand, Johnne Greir, suordflipper at the Brigend of Dumfreis, and Johnne Dempfter in the College of Lincluden, quho of 5our speciall causing, sending, hounding out, airt and pairt-taiking, resset with the bludie hand, assistance, and ratihabitoun, with pair fuordis, lances, and vperis wappones, *invafue*, invaidit and perfewit þe said vmq^{le} Eduard Maxwell, for his Slauchter, and hurt and woundit him in þe heid, and dyuerse partis of his body, to þe grit effusioun of his bluid. Off the quhilkis woundis he nevir thaireftir convalesced; bot lying in extreame and deidlie payne, be þe space of fyve or sax dayis, in end, vpoun the . . . day of September,

¹ The words of the warrant repeated.

² The family of Douglas of Penzire was descended from George Douglas, the third son of Sir William Douglas of Drumlanrig, who was killed July 22, 1484, near Lochmaben. William of Penzire married Agnes, second daughter of John, sixth Lord Maxwell, (the father of John the seventh Lord Maxwell, whose Treason, escape, &c. form part of this Dittay,) by Lady Elizabeth Douglas, second daughter of David, seventh Earl of Angus. This circumstance explains satisfactorily that part of the Dittay which refers to his resetting, and other transactions with Lord Maxwell, his brother-in-law.

³ A short sword or *hanger*; a kind of cutlass.

⁴ In *token*, proof, or testimony whereof.

or pairby, the 3eir of God 1608 3eiris foirfaid, he depairtit this lyfe; and sua, was crewallie flane be 3ou and 3our faidu complices, of 3our causing, command, refset, affitance, and ratihabitoun: And 3e ar airt and pairt pairof; ffor þe quhilk, 3e haif lyne at þe horne thir tuo 3eiris bygane. 3e ar also Indytit, fforfamekill as þe faid Johnne Greir, being tane with the bludie hand, and immediatlie efter þe committing of þe faid crewall Slauchter of þe faid vmq^{le} Eduard Maxwall, being committit to Waird for þe fame, in our fouerane lordis ordiner Priffone and Pledge-chalmer of Dumfreis, and pair keipit priffoner in the irnes, be the space of foure dayis, the faid Johnne Schitlingtoun, 3our fervand, at 3our command, and be 3our speciall convoy and affitance, haveing provydit him self of gavillokis,¹ craw-irnes,² fyles, and vperis work-lowmes,³ furneist and preparit to him be 3ou and 3owr meanis, come vpon the . . . day of þe faid moneth of September, or pairby, and 3eir of God foirfaid, and in the nyght seafoun brak þe vout and pend⁴ of þe faid prifone, and schure⁵ af þe irnes, quhairin the faid Johnne Greir was loked, and violentlie and forceable relevit him furth of our fouerane lordis Prifone foirfaid, and cayreid him to 3our duelling hous in Lyncluden, wher 3e refset, keiped, and interteneid him dyuerse dayis, nychtis, and oulkis⁶ paireftir: And sua, 3e ar airt and pairt of the contemptuous, insolent, and violent breking of our fouerane lordis prifone, and taking furth pairof, violentlie and perforce, of the faid Johnne Greir, giltie and captiue for þe faid crewall Slauchter of þe faid vmq^{le} Eduard Maxwall of Corstoun, and of þe wilfull refset, supplie, and intertenement of þe faid Johnnie Grier, giltie and fugitiue for þe faid crewal Slauchter; and aucht and fould be pwneifched with the lyk and self fame paynes quhilk þe law hes preseryved aganis þe faid principall malefactour, for his crymes foirfaidis. To the taikin,⁷ that þe faid Johnne Grier and 3e war bothe fugitives, and at þe horne, for þe cryme foirfaid.—ITEM, 3e ar indytit of 3our treaffounabill Intercowmoning with JOHNNE sumtyme LORD MAXWALL,⁸ in the toun of Dumfreis, and in the Castell-3aird pairof, and dyuerse vtheris places within the scherefdomes of Nyddisdail, Annandaill, Kirculdrycht, and Galloway; and for Refseting and suppleing him in 3our hous of Lyncluden, and vperis 3our duelling places, in þe moneth of December, the 3ear of God I^m.Vj^c. and fevin 3eiris, and in þe monethis of Januar, februar, and remanent monethis of þe 3eir of God 1608 3eiris, at þe leift dyuerse dayis and nychtis of þe faid 3eir, eftir that he had committed nottour and manifst Treafone, be his violent and forceable breking Waird furth of þe Castell of Edinburgh, vpon the fourt day of December, or pairby, þe 3eir of God I^m.Vj^c. and fevin 3eiris, and perfewing the Porteris and Keiperis pairof for pair Slauchter, hurting and wounding dyuerse of þame in findrie partis of pair bodeis, to þe grit effufioun of pair bluidis, and perrell of pair lyves; and preiffing, so far as in him lay, treafoneabillie to relief SIR JAMES M^cONEILL, detenit in irnes and frait prifoun within þe faid Castell, for dyuerse odious and treafoneabill crymes;⁹ ffor þe quhilkis manifst Treafones, the faid Johnne Lord Maxwall was nocht only denuncet rebell and tratour, and all our fouerane lordis legis discharget, be Proclamatioun, to intercowmone with, refset, or fuplie him, vnder þe panes of law; bot also, he sforsaltit, be Decreit of Parliament, for þe samyn. To the taikin, that 3e, being dyuerse tymes charget to compeir befor þe Counfell, to anfuer for þe faidu crymes of Refset, supplie, and intercowmoning with þe faid Johnne, sumtyme Lord Maxwall, 3e, knowing 3our awin giltines, difobeyit the charge, and past to þe horne; at the quhilk 3e haif lyne continuallie fenfyne vnrelaxit.—ITEM, 3e ar indytit and accuset, sforsamekill as Johnne Lord Hereis, being directed be þe Lordis of his Maiefteis Secreit Counfall to tak and apprehend 3ow and Eduard Maxwall of Craigtoun, ane nottour rebell and fugitiue, for Thift, Stouth-reif, ffyre-raifing, suppleing and affisting my Lord Maxwall, and dyuerse vtheris treafonable crymes, quhilk þe faid Eduard him self declared vnto 3ow; the faid Lord Hereis, vpon the fyftene day of August lastbypast, cuming, for executioun

¹ A lever used by quarriers of stone, a *pinch* or *prize*.

² Crowbar.

³ Tools.

⁴ Vault and arch.

⁵ Literally *sheared*, as with a reaping-hook.

⁶ Weeks.

⁷ In testimony or proof whereof.

⁸ See

May 13 and Jun. 24, 1609, &c. That nobleman was beheaded, at the Cross of Edinburgh, May 21, 1613. See also Appendix.

⁹ See his Trial, III. 1, &c. Jun. 24, 1609.

of the said directionne, to the hous of Johnne Couthird, in Reid-Castell, whear 3e, with þe said Eduard, and dyuerse 3our complices, war then assemblit, and he him self, and his servendis, commanding 3ow and þe said Eduard, in our souerane lordis name, to be tane with him, and to randir 3our selfis and 3our wappones, 3e trefounabillie difobeyit þe said charge, and with 3our fuordis, pistolettis, and vperis vnlauchfull wapponis, inuaidit and persewed the said Lord Hereis and his servendis for þair Slauchter, hurt and woundit Johnne Geddes, Johnne Couthird, and dyuerse vtheris of thame, in sindrie pairtis of þair bodeyis, to the grit effusioun of þair bloudis, violentlie and forceablie hinderit thame to tak the said Eduard Maxwell, rebell, releifit him fra pame, and gaif him meanis and occasioun to escaip furth of the said hous; and sua, violentlie and trefounabillie withstuid the said Lord Hereis, haifing the Counfallis command and direction to tak 3ow and þe said Eduard Maxwell, standing rebell for Trefone, as said is; and assistit and tuik part with him, in his trefoneable withstanding of the said Lord Hereis, and in his trefoneable persewing of þe said Lord and his companie, for þair Slauchter, and had ane pistolet vpone 3ow at þat tyme: And 3e ar airt and pairt þairof; as 3our awin Depositionn, subferyuit with 3our handis, and þe Depositionn of sum of thais that war present at 3our apprehensioun, cleirly verifeis. ITEM, 3e þe said Williame Douglas of Grenelaw and Lyncluden, eldest sone and appeirand air of James Douglas of Baitfurd, 3e ar indytit and accused, forsakmekill as 3e, being ane landit Gentilman, and heritable proprietor of the saidis Landis of Grenelaw and Lyncluden, and dyuerse vperis landis and heritages, haif committed the trefoneable crymes of Thift and Stouthe-reif vnderwritin, be 3our self and 3our complices, and vperis in 3our name, of 3our causing, command, resset, assistance and ratihabitoun, quhairof 3e war and ar airt and pairt, that is to say, for 3our coming to Dauid Welfches chalmer, in the place of Grenelaw, and trefonabill breking vp, perforce, of his lettrone¹ pair, and steilling furth þairof xxxv li. money, or þairby, quhairof þair was tuo half ducattis, pertening to the vmq^{le} Proveist of Lyncluden, his maister, quhairof 3e sone þairestir wiffillit² ane half ducat with Alexander Gordoun, violor in Wigtoun, for fyve merkis; quhilk being tryit and maid nottour to all þe Proveistis servendis and hail nychtbouris in the countrie, and cuming at last to the Proveistis awin knowlege, he was so heichlie offendit with 3ow for þe same, that he boifit³ aper to droun⁴ 3ow, or at leif to put 3ow af þe cuntrey, and nevir to do 3ow any benefeit or guid; quhilk 3e heiring þairof, be þe counsell of the said Dauid Welfche, past in to þe Proveist chalmer in Grenelaw, quhair he was lyand in his bed, and pulling 3our breikis and schankis⁵ af 3our kneysis, 3e sat doun befor him vpone 3our bair kneysis, cravet God and him pardoun and forgevenes, for þat 3our offence, and swoir and promiseit to him nevir to do þe lyk thairestir. Quhilk trefoneable Thift was committed be 3ow, about nyne 3eir fyne, or þairby; quhilk 3e can nocht deny; lyk as the samyn is cleirly verifeit be þe Depositionnes product. ITEM, 3e ar indytit and accused for þe trefonable Steilling, conceilling and away-taking frome Thomas Fergusoun, seruitour to þe said vmq^{le} Proveist of Lyncluden of an Angell of gold, and sum siluer, furth of his purse, in the 3eir of God Im.Vj^c. and tua 3eir, or þairby. ITEM, 3e ar indytit and accused for the trefoneable Steilling, conceilling and away-taking, vnder silence and cloud of nycht, of tuentie-aucht pecis of gold fra Johnne, sumtyme Lord Maxwell, committed be 3ow in the place of Langholme, quhair 3e war lyand in the chalmer with the said Lord Maxwell, in the 3eir of God 1605 3eir, or þairby. To þe taikin, 3e wiffillit ane of þe saidis peces of gold, being ane double-doubill pistolet, in an oifler-hous besyde the Langholme; and 3e was þairestir apprehendit, and challanget wiffelling sum vper of þe saidis peces, in Dumfreis: for þe quhilkis crymes, 3e war indytit and arreistit to þe Justice Court haldin be my Lord Erle of Dumbar, his Maieftis Heich Commiffioner, in the Middle schyres, in July, 1609 3eir; and was

¹ Literally a reading-desk or pulpit where prayers are read, from O. Fr. *letrin, lectrin, lutrin*. It is frequently employed to signify a box, chest, or desk for holding papers, &c.

² Exchanged; 'changed;' sometimes spelt *quhissellit*.

³ Threatened, as Lord of the Regality, and entitled to sit as Criminal Judge on his trial.

⁴ A common punishment, in the inferior Judicatories, for Theft, &c.

⁵ A kind of long hose.

fugitive pairfoir. ITEM, 3e ar indytit and accuset for 3our treafonabill breking of Johnne Grahame, in the Gait, his kift,¹ vnder clud and filence of nycht, and maisterfull and thiftious Steilling and reveing, furth of þe said kift, of flourtie-foure pundis, being all foure-merk-peces, pertening to þe said Johnne, committed be 3ow in þe 3eir of God 1601 3eiris. ITEM, 3e ar indytit and accused for 3our tressonabill airt and pairt of þe steilling, reifing, and away-taking and conceilling of ane kow, pertening to Meg Miller in Croftis, with þe haill insight of hir hous; committed be 3ow in Julij lastbypast: To the taikiu, 3e brocht ane kift full of meill to (and?) ane lynning wob of hiris,² and fauld (thame?) in Johnne Grahames of the Gait. ITEM, 3e ar indytit and accuset for 3our treafonable Stouth-reif of ane naig, pertening to Robert Symontoun at þe Mylne of Corsemichell; committed in July 1610, lastbypast: To þe taikin, 3e wald nocht restoir þe naig eftir he was tryit vpone 3ow, quhill³ 3e gat fyve pundis money frome þe said Robert for þe samyn. ITEM, 3e ar indytit and accuset for 3our Maisterfull and treafonable Stouth-reiff of ane naig from Johnne McGill in Grenelaw, in August, 1610: To þe taikin, 3e was rydand on him, immediatelic befoir 3e was tane. ITEM, 3e ar indytit and accuset for 3our treafonable Stouth-reif of ane kow, frome Robert Welfche in Dillovodie; committed three 3eir fyne, or pairby; quhilk was than instantlie flane and disponit vpone in 3our hous. ITEM, 3e ar indytit and accused for 3our tressonabill Stouth-reif from Johnne Jehunestoun in Lyncluden, of ane kow, tua 3eir fyne, or pairby; and caufit flae and dispone vpone hir, in 3our hous, at 3our plefour. ITEM, 3e ar indytit lykwayis, for contravening of our fouerane lordis Actis of Parliament, in beiring and weiring hagbuttis and pistolettis vpone 3our persone, and in 3our companie, oppinlie, outwith houffis, within þe seheredom of Drumfreis and stewartrie of Kirkculdbrie; and þat monethlie and daylie; at the leif, in ane or vper of þe monethis, in þe 3eiris of God 1^m.Vj^r. fevin, 1608, 1609, 1610 3eiris: To the taikin, 3e was tane with ane pistolet vpone 3ow, quhilk 3e presentit to Johnne Geddes at 3our taiking. ITEM, 3e ar indytit for Cowmone Thift, Cowmone Reffett of thift, outputing and inputting of thift, fra land to land, fra cuntrie to cuntrie, baith auld and new, notourlie knowin. BE the quhilkis Treafonable crymes aboue writtin, and ilk ane of them *respectiue*, committed be 3ow, and vperis in 3our name, of 3our causing, command, assistance and ratihabitoun, as said is, and quhairof 3e war and ar airt and pairt, 3e haue deferuet and incurrit the paines of Treafone, quhilkis sould be execute vpone 3our body, lyfe, landis and guidis: And 3e haif sforfaltit to the Kingis Maiestie, 3our haill landis, steidingis, rowmes, possessiones, takis, contractis, bandis, reuerfiones, richtis, securiteis, hoip and appeirance of successioun, and all vperis landis, rychtis, guidis and geir quhatsumeuir, moveabill or vnmoveabill, quhilk 3e had, or quhilk 3e mycht haif appertenit, or ony wayis haif befallin to 3ow, and þe samyn sould be adiudget to haif befallin to our said fouerane lord, and to appertene to his hienes, and to remane with him, his croun and successouris, now and in all tyme cuming.

Eftir productioun of the said Dittay, be our said fouerane lordis Aduocat, the said Williame Douglas was put to the tryall of ane Assyse of the persones following, viz.

ASSISA.

Williame Creichtoun of Ryhill,	Thomas Hunter in Burne,	George Mcne in Lyncluden,
Alexander Maxwell of Logane,	Williame Douglafs of Lache,	Thomas Welfche thair,
Johnne Broun of Mullennis,	James McRerik of the Kerne,	Niniane Myller in Ryhill,
James Mairtene in Airdis,	Johnne Greirfoun of Ingliftoun,	Hew Douglas of Belliebocht,
Jo ⁿ Fairies in Carfe of Kynneill,	Johnne Carmichell elder in Spoth, Rodger Padzeane of Newtoun,	

My lord Aduocat askit instrumentis of the sweiring of the Assyse. (1.) My lord Aduocat producet the tua Letteris of Hoirning for the Slauchter of vmq^{le} Thomas Softlaw, togidder with ane Dittay aganis the pannell, and publicatioun

¹ Box, chest.² Hiers.³ After you was publicly accused of the theft, until you got L.5, &c.

of his absence, and Declaratioun of his being fugitiue fra the Justice Court, haldin at Drumfres be my Lord Dumbar, for the said Slauchter. (2.) Lykwayis, my lord Aduocat producet tua Hoirningis aganis the pannell, for the Slauchter of Eduard Maxwall of Troftoun. (3.) For verificatioun of the *thrid* Article of Dittay, respecttis the tua Hoirningis producet. (4.) ffor verifeing the fyft (*fourth*) Article, my lord Aduocat repeittis the notorietie of my Lord Maxwallis fforfaltour, and producet tua Hoirningis aganis the said Lord Maxwall, togidder with Letteris of Publicatioune aganis all our souerane lordis legis, that nane sould reffet him: As also producet Letteris direct aganis the pannell, quhairby he was charget befor the Counfall, and past to the horne for dislobedience. (5.) ffor verificatioune of the *fyft* Article, repeittis the Judiciall Declaratioun maid be my Lord of Dumbar, anent the Warrant gevin to my Lord Hereis, for apprehending of the pannell and Eduard Maxwall of Craigtoun: And sicklyk, producet Letteris of Hoirning, beiring the said Eduard Maxwall to be fugitiue. (6.) Repeittis, for verifeing the *sart* Poynt, the notorietie of the cryme with certane Depositiones. (7.) ffor verificatioun of the 7 Poynt, producet his Depositiones, togidder with his Indytement at the Justice Court of Dumfres, and of his being fugitiue thairfra. (8.) ffor verificatioun of the Pistolettis, repeittis his Deposition producet. (9.) ffor verificatioune of the quhilkis thiftious crymes, tressonable committit be the pannell, and that thairin he hes committit Tressone, my lord Aduocat producet the pannellis Infestment of the Landis of Lyncluden, togidder with ane Contract subferyuit betuix him and the Lard of Lochinvar, subferyveing him self to be 'ffear of Lyncluden;' and repeittis that Act of Parliament, beiring Landit Gentilmen, committing Thift, to incur the cryme of Treadone.

Eftir reiding of the hail poyntis of Dittay, the pannell confessis the samyn to be of veritie, for ffear of his lyfe; and thairfoir becumis in his Maiesteis Will.— My Lord Aduocat repeittis the writtis producet, and the Act of Parliament maid aganist the committeris of Thift, be(ing) landit Gentilmen; and in respect thairof, Protestis for Wilfull Error aganist the Assyse, gif they will acquit.— My lord Aduocat declairit to the pannell, that nochtwithstanding of the admitting of the Assyse, he is content, gif it be admittit be the Justice, that the pannell fall be reponit to his defensis, and haif the assistance of his prelocoutouris to that effect; and lykwayis, to obiect aganis the perfones of Assyse, gif he hes ony lauchfull exceptioun to propone aganis thame, albeit it be nocht the forme of this Judgement: And thairupoun askit instrumentis. Nochtwithstanding of the quhilk offer maid be my lord Aduocat, the pannell offeris him self in his Maiesteis Will, for the hail crymes contenit in his Dittay.

VERDICT. The Assyse, be the mouth of Williame Creichtoun of Ryhill, chancellor, ffand, pronuncet, and declairit the said Williame Douglas of Lyncluden, to be ffylet, culpable and convict of the Reffet with the bludie hand of Johnne

Greir, principall committer of the Slauchter of vni^q^{le} Eduard Maxwall of Trof-toun, immediatlie eftir the committing thair of: And ficlyk, to be ffylet, culpable and convict of the haill crymes of Treafone, and vtheris crymes at lenth fpecifeit and fett down in his Dittay, aboue mentionet.

SENTENCE. The Justice, be the mouthe of Alexander Kennydie, dempfter of Court, decernit and ordanit the faid Williame Douglas to be tane to the Mercat-croce of Edinburgh, and firft, his richt hand to be ftrukin frome his body; and thaireftir, the faid Williame to be hangit at the Mercat-croce vpon ane gibet, quhill he be deid: And all his landis, heritages, &c. to be fforfaltit and efcheit to our fouerane lordis vfe, as giltie and culpable of the faidis treffonabill crymes:—Quhilk was pronuncet for dome.

Sorcery — Witchcraft — Murder.

Sep. 7.—GRISSELL GAIRDNER, relict of vni^q^{le} Johnne Baird, burges of Newburgh.

Dilaitit of certane crymes of Witchcraft and Sorcerie, committit be hir, in maner and at the tymes fpecifeit in hir DITTAY following.

PERSEWARIS, Mr Robert Foullis, fubftitute to our fouerane lordis Aduocat; Alexander Wentoun in Newburgh, for himfelf, and as Informer.

PRELOCOUTOUR for the pannell, Mr Johnne Ruffell, (Advocate.)

IN þE FIRST, for on-laying, be Witchcraft and Inchantment, of ane grevous difeas and feiknes vpon the faid Alexander Wentoun; quhairin he lay in a feirful madnes and ffurie, þe fpace of ten oulkis¹ togidder; and in end, for af-taking of þe faid difeas and grevous feiknes af him, be certain directiones gevin, and vperis devillifche practizes vset be hir, for his recoverie; committit be hir in the moneth of Februare laftbypaft. ITEM, for hir devillifch Sorcerie and Witchcraft, practizet be hir, in laying on the lyk feirfull difeas and vnknawin feiknes vpon Williame Anderfoune, wricht in Newburcht, for certane allegit injuries done be him to Andro Baird, hir fone; in the quhilk grevous feiknes he continewit the fpace of ten dayis togidder, tormentit in maift feirfull maner; and af-taking of þe fame feiknes, be hir, be repeiting thryfe of certain woirdis, quhilk fcho termet prayeris. AND ficlyk, for Bewitching of ane kow, pertening to þe faid Williame, quhairthrow þe haill milk that fcho þaireftir gaif was bluid and worfam;² committed be hir devilrie and Inchantment, in the monethe of Maij laftbypaft. ITEM, for þe Bewitching, be hir devillrie and Inchantment, of James Anderfoune, fone to Margaret Balfour in Newburcht, in on-laying of ane grevous feiknes and difeas vpon him; quhair of, in ane grit ffurie and madnes, within foure dayis eftir on-laying þair of, he deceiffit; and þairthrow, for airt and pairt of his Mur-

¹ Weeks.

² Blood and corrupted or purulent matter.

thour and deid,¹ committed be hir, in þe 3eir of God I^m.Vj^c. and fyve 3eiris. ITEM, for ane cowmone and notorious Witche and abusfeare of þe people, by laying on of feiknes vpon men, wemen, bairnes, and bestiall; and be geving of drinkis, and vseing of vper vngodlie practizes, for af-taking of þe saidis feikneffis and diseases; and be consulting with the Devill, and feiking of responffis fra him, at all tymes this fourtene or fyftene 3eir bygane, for effectuating of hir devillifch intentiones.

It is allegit be Mr Johne Ruffell, as ordiner prelocutor, as he allegit, for my lord (Archbishop) of St Androis,² that my Lord Justice can nocht proceed in this matter, aganis the pannell, vnto the tyme a Precognitioun be tane of the cryme of Witchcraft, for the quhilk this pannell is to be accuset; conforme to ane Commiffioun gevin to my Lord of St Androis, and certane Nobill men, to that effect.—It is anfuerit be my lord Aduocat, that thair is na sic Commiffioun grantit, nather is the Commiffioun product; and albeit thair war ony sic Commiffioun gevin, the samyn is nawayis derogatorie to my lord Justice Jurisdiction; bot that the pannell man be put to ane Affyse, for the crymes lybellit.

It is allegit be the pannell, that the first pairt of the Dittay is nawayis relevant; nather is the samyn relevantlie qualifeit, bot altogidder friuolus and generall; and thairfoir, can nocht be put to ane Affyse. It is anfuerit be the Aduocat, that the allegeance is nawayis relevant, bot man be repellit, in respect of the Dittay and circumstances thair of.

THE JUSTICE remittis the Dittay to ane Affyse, to be cognosset and tryit be thame.

The Aduocat askit instrumentis of the chesing and swering of the Affyse; And protestis for Wilfull Errour, in caice thay acquit hir; in respect of the notorie of the Dittay, and takinnis³ gewin to ilk poynt of the Dittay, and of the swering of Alexander Wentoune.

It is allegit that *Stevin Philp* can nocht be ressaunt vpon this Affyse, becaus Philpis wyfes guidane⁴ and the persewar Alexander Wentounes mother war sifteris.—The said Stevin Philpis ayth being tane thairupoune, declairit thai war sib,⁵ bot knawis nocht how neir of kyn thai war.—*James Durie* repellit be the Justice, af this Affyse, in respect of his declaratioun and ayth gevin thairupoun, that he buir the pannell at na guid will.—It is allegit aganis *Robert Allane*, that he can nocht be admittit Affysour, becaus Anderfones wyfe, quha is pairtie offendit in the Dittay, and Allane are thridis of kyn,⁶ as was reknit.

THE JUSTICE admittis *Allane* vpon this Affyse, for the hail poyntis con-

¹ Death. ² George Gladstones, who was translated from the See of Caithness, anno 1606; but was not consecrated Archbishop, until 1610. ³ Proofs. ⁴ Grandmother. ⁵ Of kin, consanguinity, or relationship by blood. ⁶ Within the third degree of consanguinity.

tenit in the Dittay, except vpon the article confaut in preiudice of Anderfone's wyfe allanerlie.¹

It is allegit that *George Henderfone* can nocht be admittit vpon this Affyse, becaufe the pannell hes Letteris of Lauborrus againft him, quhairupoun fcho hes gevin hir ayth of hir bodelie harme.—Anfueris, nocht relevant, becaus the Letteris ar raiffit fen² the pannellis apprehenfioun for the fact lybellit, and fen the Counfallis ordinance, appointing hir to be tryit.

The pannell, befoir the outpaffing of the Affyse, takis instrumentis, that na poynt of the Dittay is fuorne to the Affyse, bot³ the firft Article, anent Alexander Wentoun, allanerlie.

The Aduocat defyres, for forder informatioun to the Affyse of the pannellis Giltines of the haill crymes lybellit, that the Ministeris⁴ Declaratioun, anent hir lyfe, tred⁵, and converfatioun ; as alfo, Daid Orme, Bailzie of Newburcht, ayth and declaratioun of that pairt of the Dittay, concerning Anderfones wyfe and bairnis, be reffaut.—It is anfuerit be Mr Johnne Ruffell, that thair Declarationis can nocht be reffaut, except thair war infert as perfewaris in the Summondis.

The pannell proteftis that the Declaratioun to be maid be Mr Johnne Cauldeuche, Minister, in this matter, quhairupoune fcho is dilaitit, be nawayis respectit or advertit vnto be the Affyse.—*Mr Johnne Caldeuche, Minister,*⁶ being fuorne maift folemmelie, be the Justice, Deponis, that a fourtene yeir fyne this Griffell Gairdner was than fufpect to be ane wicket woman, and ane Sorcerer ; and be the Depositiones of the Witches execute for Sorcerie and Witchcraft, at Abernethie, Falkland, and Newburcht, fcho was reput to be ane manifest Witch ; bot becaus thair was na precedent fact qualifeit aganis hir, the Prefbiterie thairfoir delayit hir Tryell and accusatioun. And as concerning hir lyfe and converfatioun fen fyne, fcho hes bene fufpect to be ane verrie evill woman ; and for hir privat revenge aganis sic as fcho buir ony malice vnto, hes vset devillifche and vngodlie meanis, be Sorcerie and Incantatioun, to lay on dyuerfe grevous difeaffis on thame ; and fpeciallie, on the perfones fet down in hir Indytement ; quhairthrow the cuntrie and parochin⁷ quhairin fcho duellis hes bene gritlie fclanderit, in fuffering fic ane perfone vnpwneift : For the quhilk caus, the Prefbiterie, efter tryell of the former offences done be hir, alweill to the perfones contenit in hir Dittay as vpone dyuerfe vtheris that ar nocht nominat thairin, direct the Deponer, as thair Moderatour, to notifie the treuth of the premisses to the Counfall, that fume ordour might be tane anent hir Tryell and pwnifchment.—Quhairupoun my lord Aduocat alkis instrumentis.

¹ Only, alone. This remarkable decision of the Justice, however inconsistent with modern practice, was by no means infrequent during the reign of King James VI. ² Since. ³ Excepting.

⁴ Clergyman of the parish of Newburgh. ⁵ Trade ; employment ; occupation. ⁶ See the King's Letter to this Minister, relative to Gowrie's Conspiracy, in this Collection, II. 317. ⁷ Parish.

VERDICT. The Assyse, for the maist part, be the mouthe of Williame Ramfaye, burges of Newburgh, chancellor, ffind, pronuncet, and declairit the said Griffell to be ffylet, culpable, and convict of the haill crymes aboue mentionat.

SENTENCE. The Justice Decernit and ordanit hir to be tane to the Castell hill of Edin', and thair to be wirreit¹ at ane staik quhill scho be deid; and thair-efter hir body to be brunt in asches; and all hir moveabill guidis and geir to be efcheit and inbrocht to our foueran lordis vsé.

Horse and Cattle-stealing.

Oct. 23.—GEORGE BROUN, sone to James Broun, in Cokpen.

Dilaitit, accuffet, and persewit be Dittay, at the instance of Robert Erle of Louthiane, and Mr Thomas Henderfone, Aduocat, substitute to our fouerane lordis Aduocate, of airt and part of the steilling of ane waith naig² a tua yeir fyne, or thairby. ITEM, of steiling of ane naig³ furth of the Park of Newbottill, pertening to Mr Alexander Ambroise, Minister; and of ane staig,⁴ pertening to Thomas Stewinfoun, foster⁵ of the said Park; committit ane yeir and ane half fyne, or thairby. ITEM, for the steilling of ane blak meir,⁶ pertening to Johnne Fyndlafone, furth of the croftis of Leslie; togidder with ane blak staig, pertening to James Clerk; and ane little foirdy⁷ staig; committed vpon the xxvij and xxix dayis of September last. ITEM, for the steiling of thre oxin, pertening to my Lord of Louthiane, furth of Newtown-maynes; committit the xxvij day of September lastbypast.

VERDICT. The Assyse, be the mouth of Barnard Borthuik in Caringtoun, chancellor, ffind, pronuncet, and declairit the said George Broun to be ffylet, culpable, and convict of the haill crymes of Thift, contenit in his Dittay aboue specifreit.

SENTENCE. To be tane to the Park of Newbottill,⁸ and thair to be hangit vpon ane gibbet quhill he be deid; and all his landis, heritages, annuelrentis, heritabill bandis, and vtheris his guidis and geir quhatfumeuir pertening to him, or quhairvnto he is provydit, to be fforfaltit and efcheit to our fouerane lordis use, as convict and culpable of the saidis thiftious and tressonabill crymes.

Compeirit Mungo McCall, bailzie of Edinburgh, and eftir convictioun of the said George Broun, and pronunceatioun of his Dome, askit instrumentis of his entrie vpon pannell; and that he was delyuerit af the toun of Edinburgis handis, be the Justice, to my Lord of Lothiane, to be execute, conforme to his dome.

¹ Strangled. ² A *strayed* horse; or perhaps a horse kept for *waithe* or hunting. It may be stated, however, that the general acceptation of the term '*waithe horse*,' is a stallion who escapes from pasture, and wanders in quest of mares; but in this instance, he seems to have been *wayff*, or strayed. ³ Riding horse. A young unbroken *horse*; a stallion. ⁵ Forester. ⁶ Mare. ⁷ Sorrel-coloured; reddish. ⁸ The practice of executing Criminals near the spot where their crime was committed, did not seem to be much attended to at this period; but this is one among the few instances of a pannel, tried in Edinburgh, being carried to some distance and executed for the greater example.

Theft, &c.—Following the Gipsies, &c.

Nov. 30.—ELIZABETH WARROK, dochter of . . . Warrok in the Potterrow, [Edinburgh].

Dilaitit of airt and pairt of the thifteous Steilling, conceilling, reffetting and away-taking of ane filuer mafer,¹ pertening to Quintene Bouftoun, mercheand burges of Edinburgh, a thre yeir fyne or thairby. ITEM, for ane cowmone Vagabund and follower of the Gipseis, and taking pairt with thame in all thair thiftis and juglareis this ten yeir bygane, contrair the Actis of Parliament. ITEM, for ane cowmone reffetter of Thift.

VERDICT. Fylet, culpable and convict of the saidis crymes.²

(Dec. 8.)—SENTENCE. The Justice Ordanit hir, togidder with GEORGE RAMSAY, sone to Nicoll Ramsay in Lefuaid, (quha become in will, for certane 30wis³ stowin be him furth of the landis of Libertoun, pertening to the tementis thairof, quhilkis war restorit bak agane to the awneris, &c.) to be SCURGET throw the Burgh of Edinburgh: And to be BANISCHET the hail liberteis thair- of, and nevir to be fund within ffoure myles thairto; vnder the pane of deid, viz. The said George Ramsay, vnder the pane of Hanging, but⁴ forder Dome; and the said Elfpeth, vnder the pane of Drowning,⁵ but forder Dome or Law, to be haldin or pronuncet aganis thame.

Piracy, &c.—‘The Englische Pirattis’—Oppression, &c.

[THE transactions of the bold and lawless men, whose trial ensues, and the violence and murders perpetrated by other Pirates, natives of both countries, but chiefly Englishmen, after the accession of King James to the British throne, excited the liveliest interest at the time, both in Scotland and England. Instead, however, of entering into a lengthened detail of the crimes and the punishment of these desperadoes, the Editor will content himself by giving the result of pretty laborious searches, in an Appendix of Original Documents, which sets the matter in the clearest point of view. The sources from which these various and highly interesting Papers have been procured, are, as usual, noted.]

Dec. 8.—PETER LOVE, borne in Lewis,⁶ in Suffex; Johnne Cokis, borne in Walderfweik in Suffolk; Williame Hollane, callit ‘the Batifinan,’ borne in Suffolk; David Howart, Welchman; Nicolas Phillopes, borne in Waillis; Jasperd Staffurd, Irifchman; Anthony Colenis, borne (in Tregwne) in Cornel-seyre,⁷ in Ingland; and Abrahame Mathie, Inglichman.

Dilaitit of the crymes of PIRACIE, contenit in thair Dittay, viz.

¹ *Mazer*, or drinking cup. Mazers were usually, of old, made of the maple-tree. ² The sentence is not recorded. ³ Ewe-sheep. ⁴ Without farther sentence or trial. ⁵ The usual punishment of death inflicted upon women for theft, &c. In cases of Treason they were beheaded—and for Murder, Witchcraft, &c. burning at the stake was adjudged. It seems to have been then considered barbarous, as well as indelicate, to *hang* females, for any crime. ⁶ Most probably Lowestoffe, Suffolk, which was likely pronounced *Lowes* or *Lewes*, by popular corruption. ⁷ Tregony, in the county of Cornwall, navigable by barges from Falmouth.

FORSAMEKILL as from 3owr verrie 3outh, as pernicious and wicket Impes of the Devill, being gevin ower to all foirtis of villaneis, robereis, and oppreffiones, nawayis to be allowed within any Christiane cownone-welth, schaiking af all lauchfull tredis and callingis, but¹ feir of God, reuerence to the Kingis Maiestie or his hienes lawis, 3e betuik 3our selffis to þat damnable tred of Pirracie, as rooges, thevis, and sea-robberis, pillicieing² and oppressing all maner of people, of quhatfumeuir natioun or cuntrie, cuning within þe compas of 3our mercieles power : And namelie, be committing of the perticuler Pirraceis, heirschipis,³ and barbarus Oppreffiones vnderwrittin, quhairof 3e and ilk ane of 3ow ar airt and pairt, in manner as followis. In þe first, 3e and ilk ane of 3ow, being in companie with Capitane Cowart, Capitane Barret, and dyuerse vtheris 3our complices, notorious Pirattis, Revearis,⁴ and Sea-robberis, in the monethis of Maij and Junij lastbypast, lowfed af Ireland,⁵ in þis schip callit þe Pream,⁶ quhairin 3e was takin and apprehendit, be Neill M^cCloud of Lewis and his clan, &c. ; 3e faillit towardis þe French coist, quhair 3e, be way of Pirracie, faucht, affailzeit, buirdit, and be plane force tuik, þe number of fax schipis and tua boittis ; the first þairof, beingane Inglisch schip of þetoun of Bastable ;⁷ the nixt, ane French schip ; thethrid, ane French schip ; the fourt, ane Inglisch schip ; the fyft, ane pink⁸ of Dunkirk ; the saxt, ane Dutch schip ; and þaireftir, tua fischer boittis ; sfurth of þe quhilkis schipis, and speciallie furth of þe French schipis, 3e pilleit, maisterfullie staw,⁹ rest and robbed sevin hundreth Indiane hydys, with tua hundreth pundis Sterling of gold and money ; and siclyk, tuik þe said Dutche schip, quhilk 3e brocht with 3ow as ane pryfe to Ireland, laidnit with ane hundreth kiftis¹⁰ of succour,¹¹ tua kiftis of silverplait, ane kift full of ryellis of aucht ;¹² togidder with ane box of Jewallis, the box being of siluer and moþer-of-perle, of tua fute lang, and coverit with reid crammasie veluet, in þe quhilk was four baifer-ftanes,¹³ with certane bloode-ftanes and dyuerse dyamontis and precious ftanes of grit valew. LYK AS, 3e pilleit and robbed furth of Thomas Snellingis bark, in South-Hamptoun, tua kiftis of quhyte succour, tua pakis of cannell,¹⁴ ane hundreth littill barrellis of conferves, tua grit barrellis of pepper, fourtene bagis of ginger, ane barrell of cuscheneill¹⁵ of ane hundreth wecht ; quhilk box with þe xxix siluer plait, with þe cannell, gynger, pepper, cuscheneill and hydys aboue writtin, 3e turnet out of þe saidis schipis vnto þe Pream, and cayreit þe samyn to þe Lewis,¹⁶ quhair þe samyn was tane, within this present schip, be þe Hieland men. LYK AS, 3e, in þe monethis

¹ Without. ² Pillaging. ³ Plunderings. ⁴ Persons who live by plunder, who *berave* others by violence of their property. ⁵ Loosed and set sail off the coast of Ireland. ⁶ Priam ?
⁷ Barnstable, in Devonshire. ⁸ A small ship built with a round stern, the bends and ribs compassing so as that her sides bulge out very much.—*Bailey*. ⁹ Stole. ¹⁰ Chests, boxes.
¹¹ Sugar. ¹² Rials, or *Pieces of eight*. ¹³ Bezoar-stones, supposed to be an antidote against poison. ¹⁴ Cinnamon. ¹⁵ Cochineal, a scarlet dye. ¹⁶ The Island of Lewis, one of the Western Islands of Scotland, the property of the Clan M^cLeod.

foirfaidis, pilleit and robbed furth of þe faid Dutche fchip, and Inglis fchipis, þair victuallis, faillis and men, quhome 3e compellit to ferue 3ow, as slaves, in all ferueill and flauifch exerceiffes; and brocht the faid Pink to the Blak-rok, in Ireland,¹ quhair þe faidis Capitane Barrett and Capitane Cowart, with nyntene of þair company, paft on fchoir, and was þair fuppryfet; þe faid Pink tane and apprehended be certane boittis with men that come af þe fchoir: And 3e, for feir of apprehenfioun, eftir ane combat fell out betwix 3ow, þe faid Capitane Love, and þe fkipper of the fchip callit þe Pream, loufet out of þat raid,² and come with ane futherlie wynd to the Lewis, quhair 3e tuik and apprehendit Thomas Flemyng (Richiefone) in Anfturper, and his fchip, and ane Flemifche bufche,³ out of þe quhilk bufche 3e tuik fyve Flemyngis, and pat in hir fyve of 3our awin companie; quhilk þaireftir, be ftorme of wedder, was feperat frome 3ow and drevin to Schyteland, quhair þai landit, and detenit þe faid Thomas Richiefone and his fchip with 3ow, to be 3our gaird in the Lewis; ay and quhill 3e and thay, with the faidis tua fchipis, war tane and apprehendit be the Hieland men. AND 3e and ilk ane of 3ow ar airt and pairt of the Robereis and Pirraceis aboue writtin: To þe taikin, 3e and ilk ane of 3ow, at þe leift fum of 3ow, hes Confeffit þe haill premisses to be of veritie, be 3our Depositiones. ITEM, for cownone and notorious Pirattis, Sie-Revaris and Robberis, Spuilziaris⁴ and revaris of leill⁵ menis guidis, alfweill on fie as land, quhaireuir 3e mycht apprehend þe famyn.

ASSISA.

James Lokhart of Ley,

Mathow Baillie of Littilgill,⁶ &c.

The Aduocat afkis instrumentis of the fwering of the Affyfe: And for verifeing of the Dittay, repeittis thair Depofitiounes producet.

VERDICT. The Affyfe, for the maift pairt,⁷ be the mouth of the faid James Lokhart of Ley, chancellor, ffand, pronuncet and declairit the faidis aucht perfones on pannell, to be ffylet, culpable and convict of the haill perticular Pirraçeis and Robberies perticulerlie fet down in the faid Dittay.

DOME. To be tane to ane Gibbet vpon the Sandis of Leyth, within the ffloides-mark, and thair to be hangit quhill thay be deid: And all thair moveabill guidis and geir pertening to thame, and being in thair poffeffioun the tyme of thair taking, alfweill fchip as guidis, geir, jewellis and vtheris being within the famyn, to be efcheit and inbrocht to our fouerane lordis vfe; as culpable and convict of the faidis crymes.

¹ There are two places bearing this name; one in Sligo bay, the other four miles distant from Dublin.

² Road-stead.

³ A Dutch fishing-vessel, called a *buss*.

⁴ Spoilers.

⁵ Leal,

loyal. ⁶ The remainder of the Assise, merchants.

⁷ By a marking in the Record, it appears that *seven* of the Assise, including the chancellor, voted for Cleansing or Acquitting the prisoners; probably from some remarkable deficiency in the evidence adduced by the public prosecutor, for popular feeling against the Pirates was very strong; and slender evidence in such instances was, in those days, enough to convict such pannels as those who were at the bar.

APPENDIX OF PAPERS ILLUSTRATIVE OF TRIALS FOR PIRACY.

I. LETTER *Neill Mccloud of Harris to the Privy Council*.¹

MY LORDIS of Counsell. My dewitie (and) seruice being rememberit, I ressaunt your l. Lettre frome this beirair, Patrik Greve, desiring me to delyner him the Inglishe Pirott, whiche wes tane be my men, with all hir equippage and apparrelling. Suirle, my Lordis, I wes not at the takinge thair-of, for had I bene thair, I fould haif send the said Pirott, as sho wes tane, to his Ma. and Counsell; for fairlie I delyuerit hir to the said Patrik, with all her munitionn, as I ressanit hir my selff, to witt, with all hir faillis, towis, and tua ankeris, with xiiij peeple of grite cairte peeles,² with hir Capitane and nyne of his. As for pe rest, thay war slayne at the taking of pe said Pirott, and foure Dutcheis³ that wer tane be the Capitaue, aucht dayis befor the hulk past to the Meane-land; for I wald nocht hald thame as prifounairis, in respect thay war takin perforce be the Capitane, with twa that deceffit; and I did keepe ane Scottis man in my awin company, to⁴ forder aduife. So I rest.

LEWIS, the 16 of October, 1610.

NEILL M^cCLOUD.

II. TRIAL *of Thirty English Pirates, before the Vice-Admiral of Scotland, his Deputes, and certain Lords of the Privy Council.*

[THE following remarkable Trial is taken from an Official Extract preserved in the Charter-room of THE CITY OF EDINBURGH; and is presented in this Appendix, in illustration of the extent to which Piracy had been practised, and of the unrelenting severity with which it was universally punished in this country, as well as in England. The Editor begs to acknowledge the ready and liberal access which has been afforded to him, and the polite attention of the Town-Clerk, in facilitating this and former researches. A very interesting LETTER by the Privy Council to the King, which follows, (No. III.) fully explains many minute circumstances, and the course of proceedings adopted by them to check Piracy, and prevent, as far as possible, the recurrence of such atrocious and daring crimes.]

CURIA JUSTICIARIE ADMIRALITATIS SCOTIÆ, tenta in Pretorio burgi de Edinburghe, coram Domino Jacobo Weymis de Bogie milite, Vice Admirallo Scotiæ, et Magistris Roberto Lermonth et Archibaldo Atchefone Advocatis, Admirallis deputatis ac Supremæ Curie dictæ Admiralitatis Presidentibus (presentibus ibidem nonnullis ex nobilissimo Ordine Senatorum, Regiæ Majestati a Secretis Consiliis) vigesimo sexto die mensis Julij, anno Domini millesimo sexcentesimo et decimo. CURIA AFFIRMATA.

THE quhilk day, in presens of the said Judges, sittand in judgment, Compeirit perfonallie Maister Robert Cokburne, Advocat, Procuratour Fiscall of the said Admirallie, speciallie constitute, and pro-
ducet ane Dittay aganes certane Pirates, Sie-thives, and Rivers,⁵ to the number efter mentionat; in-
dytting thame and ilk ane of thame vponne the committing of certane manifest barberous robereis and
maisterfull stealthes vponne the Sie, thir dyvers yeires bygane; togidder with ane Precept of the said
Great Admirall of Scotland, fummondng ane number of famous perfonnes to pas vponne the saidis Pi-
rates thair Assyse; and to determine thairin *affirmativé* or *negativé*, conforme to the said Dittay, as they
knew or fuld be speirit⁶ at thame, vnder the panes thairin contenit; and defyrit justice to be minifrat

¹ From Orig. in *Dennylyne Coll. of MSS.* Adv. Library. This Letter is superscribed 'JESUS.'
'pieces' mounted on carriages, similar to the heavy ship guns long in use on board of Pirate-vessels.

² Perhaps

³ Flemings;

Dutchmen.

⁴ Until.

⁵ Reivers; robbers.

⁶ Asked; enquired.

in the said mater, conforme to the lawis and practique of this realme, rait and custome of the said Admiralltie, aganes the perfones Criminallis vnderwrittin; quha, and ilk ane of thame, as they ar efter nominat, enterit and war present vpone pannell. Off the quhilk Dittay and Precept, the tenor followis.

Followis the tennour of THE DITTAY.

INTRANTES.

CAPT. WM. RANDELL,	Rodger Codgen,	Aschtoun Courtney,
Captane Johnne Parkins,	Richard Robiefone,	Robert Croudiss,
George Nicolfone,	Alexander Wifche,	William Peirfie,
Jacob Janfone,	Johne Frieman,	Thomas Peirfie,
Thomas Thomlene,	Edward Brux,	Johne Grafe,
Robert Em,	William Tailzour,	Robert West,
Andro Rawling,	Johne Web,	Johne Schiphird,
Walter Cornifche,	Richard Robifone,	Francis Richtop,
Cornelius Jacobfone,	Benedict Ferres,	Nicolas Dartnoll,
Johne Williames,	Francis Wallace,	Johne Dawfone,

3ea ar indyttit and accusit of 5our lyffes, That 3e and ilk ane of 5ow, in maner, and at 3e tymes *respectiué* efter specifeit, haveing schaikin aff all feir of God, and dew obedience to our soverane lord the Kinges Maiestie, within quabais dominions 3ea and everie ane of 5ow war borne, misregairding his Maieftis auctoritie royal, and loveabill lawis of his hienes realmes and kingdomes, and contempnand all humane societie and honest forme of traid and liveing, as becom Cristiane men borne within sua civill kingdomes, quhairin the trew feir of God is professit and 3e Holie Evangill preichit; takand 5our selffes to ane maist wyld, barbarous, savage, inhumane, and crowell form of lyff, hes amassit¹ 5our selffes in crewis and vnhappie companeis, in maist hosteill and cruell maner, with all ingyneis of ffyre-wark and vapors invasive, of set purpos and intentione to live as commoun roberis, thives, murthereris, and opin Pirates be Sie. LYKAS, 3ea and everie ane of 5ow, in maner and at 3e tymes efter mentionat, hes committit the wyld, filthie, and abhominable Reiffes, Thiftes, Robereis, and Piraceis efter reherfit, als weill in forren Seis as within his Maieftis awin Seis and watteris, not onlie aganes his Maieftis freindis, confiderates, and allayas, bot also aganes his Maieftis frie leiges, being in thair lauchfull traidis of navigatioun, by lying in thair wayes, and thair, maist cruellie and barberoullie, by way of Thift, opin Reiff, Roberie, commoun and avowit Piracie, perfewing of thame in all hosteill maner, as said is, taking of pair perfones captives, puting of thame in feir and dredour of pair lyves, robing and reiveing of thame of pair schipes and gudis, drowning, flaying, and tortering of pair perfones, maist vnumercfullie, ranfomyng, and be setting of vthers vpoune schoir in barbarous and vncouth² pairtes, leif 5our cruell practeiffis and Piraceis fould have bene be thame detectit; and be practeiffing of all vther Sie-Thifts, Robereis and Piraceis, as is particularlie efter deducit. Quhairof 3ea and ilk ane of 5ow ar speciall actoris, doeris, airt, pairt, red, and counsell; quhilk 3ea can not deny. Quhairby, 3ea and ilk ane of 5ow hes demereit and worthilie incurrit the panes of death, to the terror and exempill of vtheris to attempt 3e lyk crymes in tyme cuming; according to the prescript of his Maieftis lawis, and the maist loveabill custome of this kingdome. AND NAMELIE, 5ow *Capitane William Randell*, than Captane of 3e Schip callit THE GRYPHOUND,³ vpoun the first day of Julij, or pairby, 1609 5eiris, being at 3e Long Iland, in Ireland, ane plaice of resort of all Pirates and opin Roberis, accompaneit with 5ow the saidis *Jacob Janfone, Thomas Thomlene, Roger Codgen, Richard Robifone alias Dik Couper, Alexander Wifche, Johnne Friman, George Nicolfoun, Edward Brux, Aschtoun Courtney, and Robert Croudiss,*

¹ Joined; gathered; confederated.

² Strange; unfrequented.

³ Griffin; or, as it is here emphatically styled, Grip-bound.

with dyveris vtheris 5our complices, haveing amassit 5our selffes togidder, with all hosteill maner, within the said schip, as said is; AND 5ow the said *Capitane Johne Parkins*, being than Captane of the Schip callit þe IRON PRYSE, being lyand in the same Rod¹ of Long Yland, with 5our fellow Pirates and complices, in the said Schip, bodin and furnischt lykwayes in hosteill maner, as said is, accompanit with *Captane Harvie*, *Captane Cowvard* and dyvers vther Pirates, Sie-Roberis, and Reifferis, consultand, lurkand, and waittand vpoune þe practeiffing of all kynd of Robercis and Piraceis, vpoun all maner of perfones without exceptionne; 5ea first devydit 5our selffis, in maner efter following, viz. 5ea the said *Jacob Janfone*, *Thomas Thomlene*, *Richard Robifone*, *Roger Codgen*, *Alexander Wijche*, *Johne Friman*, *George Nicolfone*, *Edward Brux*, *Afchtoune Courtney*, and *Robert Croudiss*, the said *Captane Williame Randill* being than abuird in the said *Captane Williame Parkins* Schip foirfaid, in the said month of Julij or þairby, at the leift vpoune dyvers days of the samyn moneth, haveing consultit and plattit with the said *Captane Harvie* maist thifteoullie and piraticallie rest and away-tuik þe said *Captane Randellis* Schip, and tuk faill and coms toward the West-waird, vnder the conduct of þe said *Captane Harvie*, quhom 5ea all, of commoune consent, than choyfit for 5our Captane; and cumand fordward, in the lattere end of þe said moneth of Julij or August, in the said 5eir 1609, at þe leift vpoune sum dayes of 5e samyn monethis, *respectiue*,² 5ea onbefet,² perfewit, and burdit,³ at þe leift ane great number of 5ow, at command and be advyse of the rest, ane pur fischer-man and his bot,⁴ and robit him of his wictuallis and all that he had. AND thairefter, in the said moneth of August, at þe leift vpoune sum dayes þairof, 5ea the saidis Pirates affoirsaidis onbefet and perfewitt, in all hosteill maner, ane French Bark, cumand from þe New-found-land, quhair 5e forceable enterit abuird of þe same, robit and rest þe haill victuallis being pairintill. AND thairefter, in the said moneth of August, October, November, December, or vpoune sum dayis of þe saidis monethis, *respectiue*,⁵ 5ea, haueing returnit bak agane to Ballendræ, vpoune the West pairt of Ireland, and haueing trymit⁵ 5our said Schip, and talking faill and cours to þe Seis for catching of 5our prayes,⁶ vpoune dyvers dayes of þe saidis monethis immediatlie aboue writtin, or sum of thame, 5ea then forgadderit with Captane Peirfie; ane comoune and deiteistabill Pirat and Sie-river, and joyning 5our selff in vnhappie societie with him, vpoune þe thrid day of þe said moneth of November or þairby, or sum dayes of þe samyn, being aff and on with the North Cap,⁷ or neir thairby; and thair, all togidder of on mynd and wickit resolutionne, avaitting and lurking for catching of 5our pray, 5ea the saidis Pirates immediatlie affoirsaidis, forgadderit with ane Schip of Midilburgh callit THE SANCT JOHNE, quhairof Daniell Abeg was maister, being than boun to Lighorne⁸ in Italie, and thair 5ea altogidder being actoris and deid-doeris, airt, pairt, red, and counfell with vtheris, in all hosteill and forceabill maner, invadit and perfewit þe said Schip, buirdit, rest, and variet⁹ hir away to the Coast of Barbarie to Sanctieruce, quhair 5ea and everie ane of 5ow forceable extrudit and pat out þe said *Capitane Harvie*; and haveing electit *Capitane Barrett* to be 5our Captane, enterit into þe said Dutch pryse, and gave þe said schip callit the Gryphound to þe said *Captane Peirfie* and his company; and þair violentlie tuik *William Sanderis* and *Michaell Paterfone* his boy, with sex mo captives and prifoneris; and sua deteinit thame in the said Schip, quhair the said *Captane William Randell* and *Captane Johne Parkins* being arryvit at Sophie in Barbarie, with 5our haill crew, and vicket companie foirfaid, enterit 5our selffes in societie with þe said *Captane Barrett*, and thair 5ea all, accompaniet and assisit with the said *Captane Peirfie*, being tua Schipes togidder, in the monethis of December, Januar, Februar, Marche, Apryll, Maij, Junij, at the leift vpoune dyvers and fundrie dayes of the saidis monethis, or sum of thame, past to the West Yles,¹⁰ quhair 5ea haveing rancounterit at þe Yle Sanct Michaellis with tuo Englissh Schipes, and þair 5ea, with all kynd of hosteill maner, invadit and perfewit the saidis tua Schipes, buirdit thame, and rest and robit thame of þair haill victuallis, and vther furnitur being pairiutill. LYKAS, also 5e þe saidis Pirates immediatlie aboue namet, in the saidis monethis of December, Januar, Februar, March, Apryll, Maij,

¹ Road; road-stead. ² Attacked; beset. ³ Boarded. ⁴ Boat. ⁵ Trimmed; refitted. ⁶ Prey; booty ⁷ The North Cape. ⁸ Bound for Leghorn. ⁹ Wore away; varied her course, &c. ¹⁰ The Azores.

Junij lastbypast, at þe leift vpoune sum or dyveris dayes þairof *respectiué*, 5ea, being boune altogidder to þe North Cap, and haueing forgadderit and met with ane French Schip, 5ea all and everie ane of 5ow, actoris, airt and pairt with vtheris, maist cruellie invadit and persewit an French Schip, callit,¹ quhilk 5e violentlie manit and buirdit, rest and cariet hir away, and maid þe haill cumpanie and trew men being þairintill 5our prifoneris and captives. AND siclyk, vpoune þe nixt day þairefter, being vpoune sum dayes of þe saidis monethis *respectiué*, at that same plaice, or neir by to þe North Cap, 5ea haueing forgadderit with ane Dutch Prem, 5ea altogidder being actoris, airt and pairt with vtheris, in all hosteill maner, invadit and persewit þe said Schip, manit and buirdit hir, tuik all her men and companie captives and prifoneris, and brocht þe said Schip, with hir haill laidnyng, gudis and geir, to þe Cost of Ireland, at þe said Long Yland; in the quhilk journey, 5ea the said *Robert Em* was present, and voluntarie enterit in thair companie, and remanit with thame senfyne, in all þair roberis. AT the quhilk Long Yland, in the saidis monethis of December, Januar, Februar, March, Apryll, Maij, Junij, or sum dayes of þe saidis monethis *respectiué*, haueing strukin fail and cassin anchor, and thair 5ow the saidis *William Peirse, Thomas Peirse, Johne Williames* and *Nicoll Dartnoll*, being thair present, vpoune þe schoir, as maisterles men and vagaboundis, cuming of set purpos from Londoune to Ireland to þe said Long Yland, being ane comoune plaice of resort of all Pirates and Roberis to enter in the wickit fellowschip of Roberie, 5ea all, of 5our awin voluntar accord, and of devyce and plat foirsaid, com to þe said schip, quhairn the said *Captane Parkins, Captane Randell*, and þair wickit companie wer, and enterit in the said schip callit þe Dutch Pryse, as assisteris with þe foirsaidis vther Pirates; AND haueing, in þe saidis monethis *respectiué* aboue writtin, or sum dayes þairof, louffit and maid fail thairfra, vpoune þe same Cost of Ireland, 5ea alltogidder forgadderit with tua French schipes, and þair, in all hosteill maner, as said is, maist cruellie invadit and persewit þe saidis tua French Schipis and þair companie, and violentlie buirdit thame, rest, and robit, and pillied² thame, and away-tuik þe saidis Schipes, with þe haill gudis and geir being þairintill; and pat þe haill men and companie on schoir, in findrie vncouth and barberous partes, to þe mercie of þe Seis; AND thairefter, 5ea all, the foirsaidis Pirates and 5our complices, in the saidis monethis of December, Januar, Februar, March, Appryll, Maij, Junij, and Julij instant, vpoune sum or mae days of þe saidis monethis *respectiué*, be storme of wedder being driven to þe said Long Yland, and thair haueing cassin anchor, and haueing met and forgadderit, consultit, plattit and devysit with *Captane Esson, Captane Bischop*, and vther Pirates and Sie-Roberis; In this mene tyme, 5ow the said *Robert Wast, Walter Cornishe, William Tailzour, Francis Wallace, Francis Richtop, Cornelius Jacobstone, Johne Schipherd, Richard Robifone*, callit Dik þe Hoyser, *Johne Gryse, Andrew Rawling, Johne Web, Benedict Ferres*, and *Johne Dawfoune*, enterit in societie and assistance with þe saidis *Captane Parkins* and *Captane Randell*, and þe rest of þair wicket crew, of 5our awin voluntar accord, 5ea being all maisterles men and vagaboundis, as said is. LYKEAS, vpoune sum of þe dayes of þe saidis monethis *respectiué* abovewrittin, 5ea louffit all togidder, and tuk fail fra the said Long Yland, and cam in 5our cours to þe Cost of Norroway; and thair, haueing foirgadderit with ane Flemis schip, being laidnit than with cornes, and thair 5ea, in all hosteill forme and maner, as said is, enterit abuid of þe said schip, tuik hir and hir haill laydnyng, gudis and geir, and robit hir of hir curceabill³ gudis being þairintill, and detenit þe said schip in 5our companie captive and prifoner be þe space of four dayes or þairby. AND SICLYK, in the saidis monethis of December, Januar, Februar, March, Appryll, Maij, Junij, and Julij instant, and vpoune sum or vther dayes of þe saidis monethis *respectiué*, 5ea all, persisting in 5our vngodlie and deteitabill traid of lyff, haueing foirgadderit vpoune þe same Cost of Norroway, with ane Dutch Schip, callit,⁴ 5ea, being actoris, doeris, airt, pairt, red and counsell with vtheris, in all hosteill maner, as said is, violentlie persewit and enterit abuid, manit and tuik þe said schip and her haill company, as prifoneris and captives, and made ane pryse of þe samyn. AND ALS, 5ow, þe foirsaidis Pirates, in the monethis

¹ The name is left blank.² Pillaged; plundered.³ Merchantable; staple.⁴ Left blank.

immediatly affoirfaidis, at þe leift vponne sum or findrie dayes of þe famyn, continewallie lurkand and awaiting for ʒour pray, haveing foirgadderit vponne þe Coft of Norroway with tua Dutch ſchipes, quhairof þe ane was ane Schip of Dankene, qubilk Schip ʒea all as actoris, doeris, airt, pairt, red and counfell with vtheris, in all hoftell forme invadit and perfewit, as faid is, buirdit þe fame, robit and ſtrypit þe hail companie being pairintill off thair gudis and geir, reft and tuk out of þe faid Schip of Dankene tua peice of ordinance. AND LYKWAYES, in the faidis monethis of December, Januar, Februar, Marche, Appryll, Maij, Junij and Julij instant, or vponn sum or vther dayes of þe faidis monethis *respectiué*, ʒea, the foirfaidis Pirates and Sie-Thives and Rivers, being actores, doeris, airt, pairt, red and counfell with vtheris, haveing foirgadderit vponne þe Coft of Zetland, within this Kingdome, with ane Carvall of Zermouth, quhairof Mr Muriall was maifter, and in all hoftell forme, as faid is, perfewit and invadit þe faid ſchip, as faid is, robit and away-tuk furth þairof, fra the faid Mr Muriall tuentie-fye pund ſtrivling; and from tua Falconeris, being paſſingeris boune to Norroway for bying of halkis,¹ four pund ſtrivling; and thairwithall tuk Johne Colman and Peter Inkiping furth þairof, as captives and priſſoneris with ʒow; and cariet thame quhair ʒe pleaſtit. AND ALSO, in the faidis monethis *respectiué* immediatlie above writtin, and vponne sum dayes thairof, lurking and awaiting continewallie for the compaſſing and catching of ʒour pray, vponne trew ſubiectes, ʒea haveing ſene and foirgadderit with ane Bark of Cathnes, vponne þe Coft of Zetland, quhairof was maifter, ʒea the foirfaidis Pirates, at þe leift þe maift pairt of ʒow, and ʒe all as actoris, doeris, airt, pairt, red and counfell with vtheris, vnder cloud and ſilence of nycht, invadit and perfewit þe faid Bark, buirdit þe famyn, ſtrak and brak vp þe kiftes and vther lokfaſt lumes² being pairintill, robit and tuk furth þairof ane hundreth merk ſterling; and tuk furth ane certane number of ſteikis³ of braid-claith pertening to þe faid maifter, and cariet þe famyn to ʒour ſchipes. AND ʒea and ilk ane of ʒow gat ʒour ſkair⁴ of þe faidis robit gudis, and ſua, at this ſelff fame tyme. AND vponne þe dayes of þe monethis *respectiué* foirfaidis, haveing ʒour cours direct towardis Orknay, thair to have lurkit, landit at þe Caſtell of Kirkwall, and com to þe toune þairof, quhair ʒea and ilk ane of ʒow, as opin and avowit Pirates and Sie-Roberis, behavit ʒour ſelffis maift barberoullie and baſtlie, being eveir and at all tymes drukin, and fechtand amanges ʒour ſelffis, and ſubiecting and giuing of ʒour ſelffis ovir to all kynd of wyce and villanie. LYKAS, ʒe, þe faidis *Robert Croudis, Richard Robiſone*, callit þe Hoyſier, and *Andro Rawling*, in ʒour madd and drukin humoris, perſiſting than in ʒour accuſtomit traid of Piracie, violentlie and perforce enterit and buirdit ane bark pertening to my Lord Erll of Orknay, lyand vponne þe ſchoir, off plane plat and intentione to have robit, ſpolʒiet, and reft hir; quhair ʒe was, in that attempt, tane and apprehendit. LYKAS, ʒe, þe foirfaidis Pirates preſent on pannell, and ilk ane of ʒow, war thair lykwayes tane and aprehendit with the faid Dutch Schip, being laidin with hydys, leid, caunon, arteilʒerie and vther furnitur; and ʒea and ilk ane of ʒow ar actouris, doeris, airt, pairt, red and counfell of þe famyn cryme, and of all and findrie þe premiſſes; As ʒe and ilk ane of ʒow can nocht deny, and ar all comoune Roberis, Thives, and Rivers, auld and new.

Followis the tenor of the PRECEPT.

LUDOUIK DUX OF LENNOX, Erll of Darnlie, Lord Torboltoone, Methvene, and Obigney, &c. Great Admirall of Scotland: To our Louittis, &c. [It is unnecessary, in this place, to insert the Precept of Executions at length, which are in common form.]

QUHILK Dittay and Precept affoirnamet being productit, in preſens of the faidis Judges, and the foirfaidis hail Pirates and Criminallis iudyttit, compeirand and enterand vponne pannell, as faid is, the faid Procuratour Fiſcall aſkit inſtrumentis and Act of Court thairvponne: And than deſyrit the faidis Criminallis to be put to the knowlege of ane Affyſe; and for that effect deſyrit the faid Affyſe to be callit, and the foirfaid Dittay red, as is aboue-ceauit,⁵ in preſens of the pannell and perſones of Affyſe;

¹ Norway was celebrated for the best breeds of falcons, &c., for the sport of hawking, then so much in vogue.

² Literally, *looms*; implying lockers, chests, &c. in which valuable goods and money were stowed away.

³ Webs;

⁴ Share, portion. ⁵ Perhaps for 'conceavit.'

quhilk desyre the saidis Judges thocht reffonabill, and thairfoir Ordanit the officeris of Court to call the names of the said Affyse, efter the Clerkis publict nominatioun, conforme to the Precept about writtin, direct thairanent; quhairof the names compeirand followis.

NOMINA ASSISÆ.

John Landis, merchand,	James Borthuik, merchand,	Williame Duff, skiper,
Robert Halybartoun, merchand,	Johne Mairtene elder, skiper,	Williame Ridoch, skiper,
Johne Maffonne, merchand,	Johne Mairtene younger, skiper,	Johne Watfone, skiper,
Johne Mitchelbill, merchand,	William Weir, skiper,	Johne Moir, skiper,
Johne Hutchehone, merchand,	Johne Wilfonne, skiper,	William Mureheid, merchand.

Quhilkis perfonis of Affyse being reffaut, be consent of the haill Criminallis being vponne the pannell, quha declairit they had na obiectionne nor imputatioune againes thame, nor na caus quhy to repell and fet thame or ony of thame: In the quhilk respect, the foirsaidis Judges tuik the saidis perfonis of Affyse and ilk ane of thame deiplye and solemplye fuorne, vpon 'thair greit aithes,¹ that they and ilk ane of thame fuld leill fuith fay and na fuith conceill, for na thing that be mycht, bot to determine verilie vponne the said Indytment, be thair pairt of Hevin, and as they fould anfuere to God at the dreadfull day of Judgement: Quha instantlie passit vponne the said Affyse. And thairefter caufit reid the foirsaid Dittay to the pannell, in presence of the said Affyse, in maner and conforme to the particular tenour and contentes above mentionat. Quhilk Dittay being judiciallie red, with findrie taikins² and informatiounis of everie ane of thair giltines; compeirit the haill perfonis of the pannell, and heirand the famyn, being accuffit thairvponne, could schaw na lauchfull nor reffonabill caus of thair innocencie of the saidis crymes layd to thair charge; ilk ane of thame for thair awin pairtes, conforme to the said Dittay, and according to thair awin Depositiounis red to thame, and in presens of the said Affyse, quhilk they Confessit; and referrit thame to the Tryell of the said Affyse. Quhairvponne the said Procuratour Fiscall askit instrumentis and Act of Court; and desyrit the said Affyse mycht be removet out of Judgement, and to be incloisit, to the effect they mycht give thair Verdict and determinatioune thairintill, according to thair aithes alredie solemplye gevin in maner foirsaid.

VERDICT. Quhilkis perfonis of Affyse, being removit out of Judgement and incloisit, electit and choysit all with ane consent, the said James Borthuik, as chancellor of the said Affyse; and efter lang deliberatioune, reiding of the said Dittay, togidder with the said perfonis Criminallis thair Depositiounis, and vther notices and informatiounis, and als with thair Confessioune vpoun pannell, being ryplie and at lenth advyfit, and all aggrieand in ane voice, but discrepance or varriance, be the mouth of the said James Borthuik, chancellor, re-enterand agane in Judgment, Decernit and Declairit, and Decernes and Declaires, the foirnamet haill perfonis Criminallis on pannell, and everie ane of thame, to be GILTIE, airt and pairt of the foirsaidis Robereis and crymes contenit in the said Dittay, and Fyllit and Fyllis thame and everie ane of thame thairof, and (that) of everie heid, point, and circumstance of the said Dittay.—Quhairvponne the said Procuratour Fiscall lykwayes askit instrumentis; and Remittit the Dome to the saidis Judges.

Followis THE DOME,

At command of the saidis Judges, be the mouth of Patrick Leveraunce thair Dempfier of Court.

FORSAMEKILL as the saidis *Captane William Randell, &c.*,⁵ present on pannell, and everie ane of thame, ar ffund, be ane conding Affyse, Giltie, art and pairt of the committing of certane vyld Robereis, Piraceis, and Reiffis, contenit in the said Dittay immediatlie befoir writtin, quhairfoir I adijudge thame and ilk ane of thame to be tane to the Peir and schoir of Leith, within the Sic-fluid and mark thairof, and thair to be Hangit vponne ane gibbett till they be deid. And Ordlanes the foirsaid greit Dutche

¹ This singular form of oath illustrates in the strongest manner the anomalous office of a Jury-man, in those times; they being called as *witnesses* of the facts charged against the pannel, as well as Assisors, as has formerly been explained. ² Proofs; evidence. ³ The names of all the prisoners recited here.

Schip callit the Pryfe,¹ haill arteiljirie, ornamentis and apperrelling thairof, bydis, leid, and vther furnitur being thairintill, apprehendit with thame, and all vtheris moveabill gudis and geir, to be efcheat and inbrocht to our fouerane lordis use (but preiudeice to my Lord Admerall of the efcheates of Pirates and Sie-Roberis in tyme cuming). And this I give for Dome.

EXTRACTUM per me, Joannem Young, Scribam et Clericum Principalem dictæ Admiralitatis Scotiæ, sub meis signo et subscriptione manualibus. (L. S.²) JOANNES YOUNG.

III. LETTER, the Privy Council of Scotland to THE KING, 'anent the Ingliſche Pyratis,'³ (Captains Randall and Parkins, &c.)

MOST GRATIOUS AND SACRED SOUERANE,

VPOUNE advertiſment gevin to ws that ſome Pirott ſchippis had bene ſeene in the mouthe of the Firth,⁴ and the ſame ſecundeit by the complaintes of a grite many of your Ma^{ties} ſubiectis, bothe on the Weſt Coaſt and heir on the Eift, of the vnquietnes and hafaird of paſſage, by reaſſoun of the frequencie of Engliſche Pirottis on the ſea; and ſpeciallie, of one of Caithnes, who, in his paſſing home, wes robd' of all that he had: And boith by him, and the repoirt of otheris who mett ſome of theſe Pirottis on the ſea, being certified, that they wer gone toward the Orknay Ylandis, We, being moved and grevit with the complaintis of your Ma^{ties} poore people, and being loathe to impeſche⁵ your Maieſteis vtheris weyghtie affairis, with the aduertifment thairof, whill⁶ we had done ſome thing thairin our ſelfis; and wiſeing that, in a mater of this qualite, (admitting hardlie ony delay, wherin the omitting of the preſent occaſioun nicht do much harme,) your Ma^{tie} ſould rather find ws cairfull of our dewyite, then vtherwayes remiſſe or negligent, we did heirupoun preſentlie direct thrie of the beſt ſchippis at that tyme within the harbour of Leithe, weill mannit and furneiſſit with all weirlyke prouiſioun (your Ma^{ties} awne ſchip at that tyme not being arryved heir.) And hauing gevin vnto thame expres direction and charge to make ſearche, and to follow quhiddelſoever they could apprehend thoſe Pirottis; and our Schippis having mett with thame vpoun the coaſt of the Mayne-land of Orknay, thay having tua failis, the one a Schip aboue 200, the vther a Choife-pinnacle⁷ of 100 (twyn of birth,⁸) eſter a bloodie conflict, in whiche tua of oure men wer killed and ſindrie hurte; the Pinnacle, being excellent in failling, maid choife rather by flicht to faife hir ſelff, then, by ony langer ſtay, to abyde the hafard of taking: and albeit ſho wes followed for a ſpace, yitt did ſho ſtill gayne ground. Wherupoun, the perſuite being left of, the vther gritt Schip in the meane quhyle being boordit, wes broght away be oure ſchippis; and in hir wer takin to the number of threttie able men, beſydes ſome few priſounaris, whom theſe Pirottis did keepe aboorde. Who, after thay had bene dewlie and feuerall tymes examined, at laſt all theſe threttie wer putt to thair tryell and found guiltye: Of whiche number xxvij ar execute and putt to deathe; of whome thair were tua Capitaines, by name Capitaine Perkyne and Capitaine Randell. The other thrie are repyvit and continewit vntill ſuche tyme as your Maieſteis pleaſour be knowne, in regairde that thair is hoip, by thair forder examinatioun, to learne oute ſome thingis tuitcheing the eſtait. We haif alreddy diſcouerit ſome mater of abuſe, hoiping to

¹ There is in the Charter-room of the city of Edinburgh, from which the above remarkable Trial has been taken, a GIFT OF THE ESCHEAT of the Dutch Ship noticed in the foregoing 'Dome,' paſſing under the Privy Seal, and dated at Edinburgh, Aug. 7, 1610, in favour of 'Thomas Young, induellar in oure burgh of Edinburgh, his airis and assignayes aue or ma;' which narrates that theſe Pirates 'wer juſtlic and worthelic execute to the dead, vpoun the morne thaireſtir.'

² The ancient Seal of the Court of Admiralty is remarkable, hauing a Veſſel of War in full ſail, with the arms of Scotland, England, and Ireland, on three ſhields introduced in the centre of the ſmaller ſails; and on the main-ſail is a large eſcutcheon of pretence, containing the quartered arms of the Duke of Lennox, as Hereditary Lord High Admiral, with the motto, 'KEIP.' The legend is, 'SIGILLVM. OFFICII. ADMIRALITATIS. REGNI. SCOTIÆ.'

³ From the Original, preſerved in the *Dennylne MSS.* Adv. Library, A. 2. 40. It is alſo tranſcribed by the Earl of Haddington, in his *MS. Collection*, General Register Houſe, Edinburgh, but probably from an imperfect ſeroll or copy, as there are many minute variations. The moſt important of theſe are noted here.

⁴ Of Forth.

⁵ Fr.; hindrance.

⁶ Until.

⁷ Called a 'Chace-pinnacle' in *Had. MS.*

⁸ Added in *Had. MS.*

in *Had. MS.*

find more oute, wherby this grite increffe of Piracye hathe bene by some, far aganis thair deuyteis to your Ma^{tie}, too muche fosterit and mantenit; bot of the particularis of the same, as vnwilling to commit thame to wryte, your Ma^{tie} falbe certifyed at lenth by your Maiesteis Secretarye of this Kingdome, who is schortlie to mak his repair thither. In the mean quhyle, the personis of those men whose lyves ar spaired falbe faillie kept and maid furthcomeand, ather for forder examinatioun heir, or, vpoun knowlege of your Maiesteis pleafour, falbe broght thither to be tryed. Thair wer also mony pregnant presumptionis that howeur these men now spairit wer deprehendit in the societie of the rest, that the same wes more by enforcement then by consent, which wes¹ affirmed by the most parte of thame who war executed. This company of Pirottis did interteyne one whome they did call thair Perfoune, for saying of Prayeris to thame twyfe a day, who belyke ather wearyed of his cure, or fearing² the ensening (dainger and³) destruction of his flock, had foirfaikin thame in Orknay, and priuelie conveying him felff over land, wes at lenthe deferyed and deprehendit in the burgh of Dundie; and being broght hither, did so cleirly confes and gif evidence aganis the rest; and, being confronted, broght mony of thame to confessioun. Thair being heirwith some likliehoode that his stay with thame had bene by constraint, we haif heirvpoun, in lyke foirt, continewit him frome being putt to tryall vntill your Ma^{ties} pleafour be knowne.

We do vnderstand, by aduertisement from Orknay, that thair be some fyve or sex Pirottis mo deprehendit; bot quidder thay be of this company or not, it is vncertane; alwayes, we do expect thame by the first occasioun of any schipping that dothe come from thense. And since none of ws ar ignorant, that by reafoune of aduertisements, not onlie frome all the corneris of your Ma^{ties} awin dominionis, bot alsua frome foreyne pairtis, your Ma^{tie} hes never almost ony intermissioun or respitt, (your Maiestie, by Godis Prouidence and to your subiectis vnspeakable happynes, being the great Oceauen vnto whiche all revaris and brookis do rinne,) as in dewytie we could not omitt to acquent your Maiestie hierwith, so the feir of troubling your Maiestie with too long a Letter hathe moved ws to refer the particular⁴ relatioun of all the incidentis in this busynes to a more proper occasioun. And concerning all suche other directionis as it pleisit your Ma^{tie}, ather by Commiffioun sent be the Lord Burley, or by Letteris wryttin vnto ony of ws, concerning the Marques of Huntley, the Erl of Errole, or ony vther mater worthie of the advertising, your Maiestie falbe certifyed⁵ of all these oure procedingis by the Secretarie, at his repair be your Maiestie. And so, praying God to blisse your Maiestie with a long, happy, and prosperous reigne, we rest for ever,

Your Maiesteis most humble and obedyent subiectis and seruitouris,

EDINBURGH, 27 July, 1610.

DUNFERMELINE. DUMBAR.

TO THE KING his most sacred and excellent Maiestie, &c.

IV. EXTRACT from *Minutes of Privy Council Proceedings*,⁶ Jul. 4, 1615.

THERE is one CAPTANE MAISONNE of *Lyne*, with fyve or sex others of his companye, in wardie within the Tolbuith of Edinburgh, upon verie probable suspitiounes of Piracye. The estate of the cause is this. *Captane Mason*, some foure yeeres fence, or therby, having purchasid a yeere Tak⁷ of the Assyise-hering⁸ of the Northe Ylles; and vpoun occasion of his haunting of the Ylles that yeere, having enterred in some acquaintance with the Bischop of the Ylles, and haveing transported him to and from Yreland,⁹ he procures of the Bischop, in the moneth of Apryll, 1612, a Lease of a lytle Ylle called Rona; bot neuer com to tak possession of the Ylle, nor to try the worth thair of, whill¹⁰ this yeere.

¹ The *Had. MS.* reads, 'And the same also.'

² 'Foirseing,' in the *Had. MS.*

³ These words added

in the *Had. MS.*

⁴ 'Plaine,' in *Had. MS.*

⁵ 'Aduertyset,' in *Had. MS.*

⁶ *Denmylne MSS.*

Advocates' Library, A. 4. 15.

⁷ One year's lease.

⁸ A tax paid to the Crown upon the quantity of herrings caught at the fishery; which, owing to the expense of collection, was usually farmed out annually.

⁹ Andrew Knox,

Bishop of the Isles, and Abbot of Icolmkill, had livings in Ireland. He was translated to the see of Raphoe, in Ireland, anno 1622.

¹⁰ Until.

Hes a pretty bark, wherewith this last yeere bygone he made fundrye voyages betweene Amsterdame and Lyne, haveing none in equyppage¹ but sex perfoncs. This yeere, when he resolues to come to our Ylles, he takes in at Yairmouth one CAPTAN WILMAN, who had beene a notable Pirott, and had obtaned his Maiefties Remiffion, with two of his brether: And pretending, as he affermes, to come to Rona to have taken poffeffion of the Ylle, and to have tryed the fifheing there, (althoght he was nouthcr prouided with falt, trees, victualles, nor no kynd of outredd for the fifheing,) he comes firft to Orknay, where he takes in other two perfoncs, the one to be a cook and the other to be a pyllot, and makes his adreafs for Rona; but the winds being contrarions, and not darring tak land there, he comes about the Ylles to Mull, where he ftayed foure dayes. In which tyme, there comes to M^cCLEANE a derection and Commiffion from the Counfall, for the perfute of Coll M^cGillefpik and the others Rebels of Ila.² Captane Mafone being acquainted heerwith, he ingyres him felf in that feruice, geveand M^cclaine vnderftand that he would hafard his perfon and fhip in perfute of the Rebelles, vpon hope of his Ma^{ties} confiderationne and rewarde for his feruice. M^cclaine geveand trust to his difcourffis, encourages him to follow that enterpryfe; and furnifhes him with fome victuales, for he had lytle or non of his owne: And fo, leaving M^cclaine his country, he comes bak againe that fame way he went, towards Rona; and having ftayed there fome half a day, and getting information that the Rebelles wer in the Lews, he derectis his courfe from that towards Orknay, to tak in mo men, as he pretended, for the bettar ftrenthening of him againft the Rebelles. In Orknay he taks in fex men, which made his number to be feavintenth perfoncs. And whereas he fhould have gone to the Lews, he directes his courfe for Zetland, and from that to the coaft of Norroway, where, going into a bay under a craig,³ and lying there at ankar couertlie vnder the craig, there comes by a fhip of Copmanhouen.⁴ Vpon the fight wherof, Mafones fhip immediatlie loufes, follows the Copmanhouen fhip, takes her, and bringes her in to the bay, takes the wholl equyppage⁵ oute of her, which wer four or fyve perfoncs, and ftowes thame in Mafones fhip.

Captane Mafone, to excufe him felue of this deide, makes this difcourfe, that when he came to Zetland, Captane Wilman perfaveing ther voyage lyk to proof fruitles, there was no appearance of the Rebelles, he layed to his charge, and earneftlie delt with him to go feek fome adventur by fea; and becaus he refufed to yeeld to fuch a vnhoneft and vnlawfull motion, Captane Wilman ftirred vp the wholl companye of his fhip againeft him, vferped vpon him the charge and commandement of the fhip, depryved him of all charge, and took him aganeft his will to Norroway; and when the pryife was perfewed, ftowed him beneth—and at laft patt him in the pryife, whiche wes a ould lek⁶ fhip, with three of his companye that would not yeeld to follow Wilman, fpoiled him of his owne fhip, which wes a tight and good fhip, and fett him to the fea, to the haifard and perrell of his lyf.

For difcouerie and tryeing of the troth of this difcourfes, the Counfall hes been verie carefull in the examinatioun of fuch of Captane Mafones companye as ar broght heere, and by there examination it is funden that (there) wes neuer any mater of conteftation betweene Maifone and Wilman, that Willman ftirred vp the companye againeft Maifone; and that there was neuer once fuch motion in the fhip, concerning that mater; that Mafone difwadad none of his companye to joyne with Wilman, nor neuer told any of thame that Wilman had a purpofe for Pirracye; but that thay aggreid verie well in all thingis. And the Maifter of the Copmanhouene fhip fayd planelie, that Mafone wes aboue,⁷ in his fhip, when he wes perfewed and taken; and when his fhip wes broght in to the bay and faftened to the other fhip, that Mafone enterred in his fhip, and that Wilman and he fuped togidder and made mirrye vpon the prouifion that wes in his fhip, and drank out his wyne and his beir; and that Mafone lay all night in the pryife, and vpon the morn called for the Maifter of the pryife, and tould him that he behoofed to tak his fhip, feeing Wilman had taken his fhip; and faves, that vpon the morne,

¹ Crew.² See Papers appended to the Trial of Sir James Makconell, III. 1, &c.³ Rock.⁴ The

common name then in use for Copenhagen.

⁵ Crew.⁶ Leaky.⁷ On deck.

both shippes loufe and come togidder the space of foure myles, to witt, Maifon in the pryife, and Wilman with the wholl companyee, except three men and a boy, in Mafones fhip; and when they finder, there wes gryte mirth amonges thame, with drinking mouy good nightis; and the Maifter of the pryife fayes forder, that his fhip is iij^c dollouris bettar nor¹ Mafones fhip.

The two companyees being finder, Captane Mafone come bak againe till Orknay in the Copmanhouen pryife, of purpofe, as appeires, to have taken in fome ma² men; but beeing guyltie, in his owne confcience, of Pirraeye, he durft not tak land, but took him to the fea, and by storme of wedder wes dryven upoun the coaft of Caithnes; and being lyand there, in a harborry, he wes boorded by a fone of the *Larde of Markles*, and he and his foure men were taken and fend heere.

Captan Wilman in Mafones fhip pafte bak againe to that fame bay from which they loufed, and the nixt morning took a fhip of Ruftok, loadned with fifhes, and fet the wholl companyee of the fhip, being nyne in number, vpon a rock in the fea, and kept onlie one with thame; and Wilman come with the pryife and Mafones fhip till Orkney vpon a Sunday, and he pafte to land and wes entertained by the country people, and fome come aboorde and wer mirrie with him. Vpon the morn, being Mononday, two of the *Lairde of Grymmiffayes* fones, and one *Robert Elphinfoun*, comes aboorde of the pryife, wherin Wilman and his fkippar war both for the tyme; and haueing fome conference and fpeatch with thame, and efpying there ftrengh, they commanded Wilman to rander; and he refufeing, the youngest of *Grymmiffayes* fones immediatlie gave him a deadlie ftroak, wherwith he dyed prefentlie; and at that fame infant killed the fkippar by an other ftroak. And fo; the Captane and fkippar being both killed, the reft of the companyee and both shippes randered. In this meantyme there is a Waughtar lyand in Zetland, attending the Fledes Fleitt³ at the fifcheing, and being enformed by *Mr Williame Levingfoun* fchiref-depute, that a Pirote with a pryife wes gone by towards Orknay, this Waughtar, refaueing a pylote from the Schiref-depute, followes the Pirote to Orknay, and comes directlie to this fame harborry where the Pirote and the pryife lay, takes thame both and bringes thame to Leyth, faying, that he had a command and directioun from his Maifteris, the Eftates, that what euer Pirrottes he fand in the Scottifhe Seas, he fhould tak thame and prefent thame with there shippes and goodes to the Kinges Maiefties Counfall here. The Orknay men who killed the Pirrotte and his fkippar followed the Waughtar, and greeveonflie complained of the wrong alledged done to thame in taking of the shippes at there handes, which thay had recouered with the hafard of there lyues; and they alledged that they wanted findrie of there goodes which they had put in the shippes, they being of purpofe to have broght thame aboute to Leyth. The Captane of the Waughtar excufed him felue, that he knew nothing that they had recouered the shippes; but believing the shippes wer ftill in the poffeffion of the Pirrottes, he tooke thame and broght thame heere to the Counfall—and tutching the goodes which they alleged they wanted, the Captane conftantlie affermed, and fo did the Orknay Pylote, that the Shiref-depute delyuered him, that they wanted not a pennie worth of that which he gott in the shippes. The Counfall accepted verie well of the Waughtars doings, hes returned him bak, with thankes, and hes propnyed⁴ him with a coup of lx vnce⁵ weight.

Directioun is geuen for delyuerie of the Copmanhouene fhip to the owuar, he geveand fome reafonable fatisfacioun to the gentlemen who recovered the fame from Captane Mafone.

Bycaus the owners of the fhip of Ruftok are not heer to refaue there fhip and goodes, and becaus the goodes will not keepe in the fhip, therefor derectioun is geuen to roup and fell the wholl goodes beeing within the fhip, and to mak pennie of the fame; to be furth-cumand to the ownaris, whan they fhall come heere; they geveand reafonable fatisfacioun to the gentlemen who recovered the fhip and goodes from the Pirrottes.

¹ More valuable than.

² More.

³ Flemish Fleet.

⁴ Gifted; presented.

⁵ Sixty ounces.

Mutilation and Demembrement.

Dec. 19.—JAMES FORRESTER, sone to vniq^{le} James Forrester, ffather-brother to Sir Robert Forrester of Strahenrie, kny^t.

Dilaitit, accuset, and persewit be Mr David Anderfoun at Ballingarrie, off airt and pairt of the Mutilatioun of the said Mr David of his richt airme; committit vpoun the tuentie day of October I^m.Vj^c. and nyne yeiris, foiranent¹ the said Mr Davidis duelling-hous dur, at the Kirk of Ballingerie; vponne sett purpois, prouisioun, and foirthocht fellonie.

The pannell, eftir reiding of the Dittay, acknowlegis the offence; and maist humblie craves God and his Maiestie pardoun, and the pairtie, for the fame; and offeris him selff in his Maiesteis Will thairfoir.

VERDICT. The Assyse, in ane voce, be the mouth of Andro Cokburne in Treatoun, chancellor, ffland, pronuncet and declairit the said James, conforme to his awin Judiciall Confessioun, to be ffylet, culpable, and convict of the said Mutilatioune.

In respect quhairof, the Justice ordanit the said James to be committit to waird within the Tolbuth of Edinburgh, thairin to remane, as ane convict persone, quhill he be advyset with the Lordis of Secretit Counfall, anent his Dome, to be pronuncet aganis him for the said cryme.

[*Mr Alexander Colvill Justice-Depute.*]

Theft—Fire-raising—Slaughter—Intercommuning with the Clan Gregor—Fight of Bintoich, &c.

[THE interest which now attaches to the proscription and subsequent history of the Clan MAC-GREGOR, induces the Editor to prefix a few explanatory remarks to the present Trial; and especially relative to 'THE FECHT' or 'skirmisch' of 'BINTOICHE,' which is taken notice of in the Dittay. The difficulty of obtaining accurate information regarding such proceedings, and the obscurity in which almost all Highland transactions at this period are involved, render this the more necessary; and it is hoped will plead the Editor's apology with those who deem such enquiries uninteresting.

This Fight or Skirmish of Bintoich, then, is likewise known as 'the Chase of Ranefray,' having been fought, partly, as would seem, at both places; or more probably the Fight took place at Bintoich, and the Chase or pursuit reached as far as Ranefray. 'The Book of Taymouth'² thus narrates the transaction:—'Attoure, Robert Campbell, second sone to the Laird (of *Glenurquhay*) Sir Duncan, persewing ane great number of them (*the Clan Gregor*) through the countrie, in end overtuik them in Ranefray, in the Brae of Glenurquhy; quhair he slew Duncan Abrok Makgregor, with his son Gregor in Ardehylie, Dougall Makgregor McCoulchier in Glengyle, with his son Duncan, Charles Makgregor (M^c) Cane in Bracklie, quha was principallis in that band; and twenty utheris of thair compleifes slain in the chais.' A contemporary historian, Sir Robert Gordon, in his *History of the Earldom of Sutherland*,³ p. 247, says of this affair, that 'here (meaning at Bintoik, which he had previously mentioned) Robert Campbell, the Laird of Glen-Vrquhie his sone, accompanied with some of the Clanchamron,

¹ Directly before or opposite.

² An extremely interesting Family Chronicle, containing valuable notices of Highland History, and illustrating the genealogy of many families in those districts. The Original is in possession of the Noble family of Breadalbane, and, as the Editor has been informed, is likely to be privately printed for the use of THE BANNATYNE CLUB.

³ This curious work might with much propriety have been styled a *History of Scotland*.

Clanab (M^cNabs), and Clanronald, to the number of tuo hundred chofen men, faught againft three feore of the Clangregar ; in which Conflict tuo of the Clan-Gregar were flain, to wit, Duncan Aberigh, one of the Chieftanes, and his fone Duncan (*Gregor* ?) Seven gentlemen of the Campbell's fyd wer killed ther, though they feemed to have the victorie'

It appears rather singular that the slaughter of one of the ClanGregor, at the very time when that Clan was the subject of Letters of fire and sword, should, by the Government, be held a *crime* ; more especially when the MacGregors were again in the very same predicament.]

Mar. 2, 1611.—Johnne M^ckewin, in Kilbryde ; Archibald M^cilvoyll M^clowrin, Donald M^cinowie, in Glencho ; Duncane Caird M^cgregour, Patrik M^cean Dow M^cgregour, Allafter Bowie M^cgregour Clerache, Dougall M^cgregour Clerache M^cgregour, Duncane M^cneill M^cgregour, [Donald M^ceandich M^cgregour,¹] Johnne M^candro.

Dilaitit, accuset and perfewit be Mr Robert Foullis, substitute to Sir Thomas Hammiltoun of Bynnie, kny^t, Aduocat to our fouerane lord, for his hienes intereis, of the crymes *respectiue* following, viz.—THE said *Johnne M^cewin*, ffor airt and pairt of the thiftious Steilling of tuelf fcheip fra the Barrone M^ccaflan, furth of his landis of Innerthonoling ; committit in the moneth of August lastbypaft 1610 yeiris. ITEM, ffor airt and pairt of the thiftious Steilling of tua gait² and ane fcheip fra Adame Colquhoun in Point, furth of the landis of Barrie, in the moneth of December I^m.Vj^c. and fax yeiris. ITEM, ffor airt and pairt of the steilling of ane pair of pleuch-irnes fra Williame Myller in Schennekillis, furth of the landis of Schennekillis, in the moneth of Apryle I^m.Vj^c. and aucht yeiris. ITEM, ffor cownoun Thift and cownone Refset of thift, inputing and outputing of thift, &c. AND for daylie Intercowmoning and keiping cumpanie with the M^cGREGOURIS, affifting and taking pairt with thame, in all thair thiftious deidis, heirfchipsis, robreis and oppreffiones, this thre or four yeir bygane.—THE saidis *Archibald M^cilvoyll M^cLowren*, and *Donald M^cInnowie*, fervandis to Allafter and Allane M^cIndowie in Glencho, ffor airt and pairt of the tressonabill Raifeing of ffyre about Johnne Stewartis hous in the Camrone, in the Lennox, in the moneth of December lastbypaft ; affageing of Duncane, James, and vinq^{le} Johnne Stewartis thairintill ; AND ffor airt and pairt of the slaucher of the said vinq^{le} Johnne Stewart, at the tyme foirfaid.—THE said *Duncane Caird M^cGregour*, ffor cownone Thift and Refsett of thift, outputing and inputing of thift, &c. AND ffor daylie Intercowmoning and keiping of tryftis and confultationes, with *the M^cGregouris*, affifting and taking pairt with thame in all and findrie thair thiftis, reiffis, and oppreffiones, committit be thame this thre yeir bygane.—THE said *Patrik M^cean Dowie M^cGregour*, ffor being in company with *the M^cGregouris*, at the fecht or skirmisch of Bintoiche, in the moneth of Apryle I^m.Vj^c. and four yeiris. AND ffor airt and pairt of the tressonable

¹ ' Tane bak agane to waird, and nocht put to ane Affyse.'

² Goats.

Raifeing of ffyre, burning of the Caftell of Achallader, and of tuentie houffis in Glenlochic; and for the crewall Slauchter of ffourfoir ky¹ at the faid fecht. AND ficklek, ffor airt and pairt of the Slauchter of vinq^{le} Patrik Dow M^cnab, and ane feruand of the Laird of Glenvrcheis, namet M^cLayne, baith flane in the faid fecht of Bintoich. AND, ffor cowmone Thift, cowmone Reffet of thift, outputing and inputing of thift, &c. AND, ffor Intercowmoning and keiping cumpanie with the *M^cGregouris*, in all thair wicket deidis, &c.—THE faid *Allafter Bowie M^cGregour*, ffor Cowmone Thift and cowmone Reffet of thift, outputing and inputing of thift, fra land to land, fra cuntrie to cuntrie: AND ffor Intercowmoning and keiping daylie tryftis and conventiones with *the M^cGregouris*, and taking plaine pairt with thame in all thair violent and thiftious deidis, thir dyuerfe yeiris bygane.—THE faid *Dougall M^cGregour Clerach M^cGregour*, ffor the crewall Slauchter of vinq^{le} Gregour M^cGregour, fone to vinq^{le} Duncane Abroche M^cGregour, be fchuteing of him with ane arrow behind his bak; committit in August I^m.Vj^c. and four yeiris. ITEM, for Intercowmoning with *the M^cGregouris*, contrair the temour of his Maieftis Acts and Proclamationes, at dyuerfe tymes, fen the publicatione of the faidis Proclamations.—THE faid *Duncane M^cNeill M^cGregour*, ffor cowmone Thift, cowmone Reffet of thift, &c. AND als, ffor Intercowmoning with *the M^cGregouris*, affifting and plane pairt-taking with thame, in all thair thiftious deidis, thir dyuerfe yeiris bygane.—THE faid *Johnne M^cAndro*, ffor airt and pairt of the Burning of Johnne Stewartis hous, and Slauchter of the faid vinq^{le} Johnne Stewart; committit in the faid moneth of December, I^m.Vj^c. and ten yeiris; at the leift, for keiping cumpanie with the faidis Archibald M^cilvoil M^cLauren and Duncane M^cInnowie, and the remanent perfones thair complices, quha come furth of Glenco, to the doing of the faidis crymes.

ASSISA.

Johnne Buntene of Ardoche,	Johnne Buchannane,	Williame Colquhoun,
Parlane M ^c Walter of Auchin-	Andro Cuninghame,	Mr Malcolme Colquhoun,
vannell,	Johnne Logane, fear of Drum-	Malcolme Crawford, feruitour
Mungo Buchannane in Tillie-	chapell,	to the Laird of Blair,
chewin,	James Colquhoun, feruitour to	Robert Blair,
Tho ^s Fallafdaill of Ardoch-beg,	the Laird of Kilbirnie,	Dauid Drummond,
Johnne Stewart in Camrone,	Robert Bradie, feruitour to the	Duncane Menzies.
Jo ⁿ Smyth in Auchindownarrie,	faid James Colquhoun,	

VERDICT. The Affyfe, be the mouth of the faid Thomas Fallafdaill, chancel-ler, ffand, pronuncet and declairet the faidis Johnne M^cewin in Kilbryde, Archibald M^cilvoill, Donald M^cInnowie, Duncane Caird M^cGregour, Patrik M^ceandow M^cGregour, Allafter Bowie M^cGregour, and Duncane M^cNeill M^cGregour, to be ffylet, culpable and convict of the feuerall crymes *refpectiue* aboue writtin, con-

¹ Cattle; *kine*.

tenit in thair Dittayis: AND the said Dougall M^cGregour Clerach, to be ffylet, culpable and convict of airt and pairt of the Slauchter of the said v^mq^{le} Gregour M^cGregour, committit be the said Dougall, he being within the age of tuelf yeiris for the tyme; and ficlyk, for Intercoomoning with the M^cGregouris, conforme to the Article of his Dittay. AND ficlyk, ffand, pronuncet and declairit the said Johnne M^cAndro, to be Clene, innocent and acquit of the Burning of the said Johnne Stewartis hous in Camrone; and Slauchter of the said v^mq^{le} Johnne Stewart; and remanent poyntis contenit in his Dittay.

SENTENCE. The Justice, be the mouth of Alexander Kennydie, dempfter of Court, decernit and ordanit the saidis *Johnne M^cEwin, Duncane Caird M^cGregour, Patrik M^cIndow M^cGregour, Allaster Bowie M^cGregour, and Duncan M^cNeill M^cGregour*, to be tane to the Burrow-mure of Edinburgh, and thair, in the ordiner place of Executioun, to be hangit quhill thay be deid; and all thair landis, heritages, guidis, geir, moveable and v^mmoveabill, &c., to be fforfaltit and escheit to our souerane lordis v^{se}, as convict of the saidis crymes.—AND supereidis the pronouncing of Dome vpon the vther thre, quhill he be advyfet with the Lordis of Secreit Counfall thairanent: And ordanit thame to be tane bak agane to their priffone, &c.

[*Mr Robert Cokburne, Advocate, Justice-Depute.*]
Slaughter — Shooting with Pistolets, &c.

Mar. 8.—JOHNE CARUTHERIS in Netholme, funtyme seruitour to Robert Lord Sanquhair.

Dilaitit of airt and pairt of the crewall and v^mmerciefull Slauchter of v^mq^{le} Andro Lyndfay of Raskarrell, brother to v^mq^{le} James Lindfay of Fairgirth, and seruitour for the tyme to my Lord Hereis, be schuiting of him throw the body, with ane pistolett; committit be him and be George Graham, seruitour for the tyme to the said Robert Lord Sanquhair, at the West end of the Brig of Dumfries, vpon the xvij day of September or thairby, about the down-fetting of the sone, in the yeir of God I^m fyve hundreth fourscoir saxtene yeiris; off the quhillk schotte, and be dyuerse vtheris crewall and deidlie woundis, gevin to him with fuordis, quhingeris, and vtheris forbiddin wappones, he schortlie thaireftir depairtit this lyfe.

PERSEWARIS, James Lyndfay of Fairgirth, Hew Lyndfay, his brother, as brether fones; Sir Thomas Hammiltoun of Bynnies.

PRELOCOUTOURIS for the pannell, Mr Thomas Hoip, Aduocat, Mr Johnne Dauling, The Tutour of Bombie (William M^cClellan), The Laird of Enterkyn.

The Aduocat producet the Dittay, and takis instrumentis thairupoun.—The pannell producet Letteris of Relaxatioun, quhairby he is the Kingis frie lege.—The said Johnne Carutheris producet ane Remiffioun, for all crymes preceeding

the dait thairof, and takis him thairto ; and in respect thairof, can nocht pas to ane Affyse. Off the quhilk Remiffioun, of the dait at Quhytehall, the xvij day of November, the yeir of God I^m.Vj^c. and fax yeiris, grantit to him and to Alexander Erle of Home, Lord Jedburgh and Dunglas, Sir Johnne Home of Huttonehall, kny^t, and dyuerse vtheris thair complices, the tennour followis.

REMISSION in favor of the pannell, the Earl of Home, &c.

JACOBUS, Dei gratia, Magne Britannie, francie et Hibernie Rex, defensorque fidei, Cancellario nostro salutem. QUIA, ex nostris specialibus gratia et fauore, Remissimus *Alexandro Comiti de Home, domino Jedburt et Dunglas, et Jacobo Cranstoun* in Huntlie-woid, omnem rancorem animi nostri, sectam regiam et actionem quem seu quas contra dictas personas habuimus, habemus, seu quouismodo in futurum habere vel clamare poterimus, pro arte et parte Oppugnationis et Interfectionis quondam *Leonardi Hailli* in Pleuland, intra domum suam de Pleuland, et Incensionis et Combustionis ejusdem domus per ipsos, in mense Octobri, anno domini millesimo quingentesimo octagesimo octauo commissis. AC ECIAM Remissimus dicto *Alexandro Comiti de Home, Domino Joanne Home* de Huttone hall, militi, *Magistro Samueli Home*, ejus fratri, *Thome Tyrie* Tutori de Drumkilbo, *Alexandro et Joanni Frenches*, fratribus quondam Roberti French de Thornydykis, *Joanni Home* in Kello, *Roberto Home* in Huttone, *Roberto Auehineraw* seruitori dicti Comitis de Home, *Joanni Cranstoun* filio Joannis Cranstoun de Morestoun, *Niniano Chirneyde* seruitori dicti Comitis, *Waltero Trumble* de Ramflat, *Roberto Home* filio Willielmi Home de Aytoun, *Willielmo, Niniano et Archibaldo Homes*, filiis quondam Willielmi Home de St Leonardis, et JOANNI CARUTHERIS, et eorum cuilibet, omnem rancorem animi nostri, sectam regiam et actionem quam seu quas contra dictas personas aut eorum quamlibet habuimus, habemus, seu quouismodo in futurum habere vel clamare poterimus, pro arte et parte Interfectionis quondam *Willielmi Lauder*, Balliui burgi nostri de Lauder, vocat. *Willieme at the West-Poirt*, intra Pretorium nostrum de Lanark; ac pro arte et parte proditorie Incensionis et Combustionis dicti nostri pretorij per dictas personas, in mense Maio, anno domini millesimo quingentesimo nonagesimo octauo commissis. AC pro omni actione et crimine que desuper sequi aut contra dictum Comitem seu aliquam reliquarum personarum antedict. inde quouismodo imputari poterint: Et pro omnibus alijs criminibus, transgressionibus et offensis quibuscunque, per dictum Comitem, vel aliquam reliquarum personarum supra specificatarum, vilo tempore preterito, datam presentium preceden. commissis. (Proditione in nostram personam, Raptu mulierum, et fabricatione false et adulterate monete, tantummodo exceptis.) QUIA dictus Comes, pro seipso, ac nomine reliquarum personarum antedict. eius complicitum, partibus pro dictis Interfectionibus, ac etiam Balliuis, consulibus et communitati dicti nostri burgi de Lauder, pro reparatione nostri Pretorij antedicti, satisfecit, prout nobis lucide constat. VOBIS Precipimus et mandamus, quatenus Literas nostras Remissionis nostro sub magno sigillo, in forma Capelle nostre debita, supra nominatis personis, super premisis, fieri faciatis. DATUM sub secreto sigillo nostro, Apud Quhytehall, decimo septimo die mensis Novembris, anno domini millesimo sexcentesimo septimo, et regnorum nostrorum annis quarto et quadagesimo.

The Aduocat allegit that the Remiffioun is null ; becaus, be Act of Parliament, it is speciallie provydit, that na Remiffioun fall be grantit for Slauchter without satisfioun of pairtie, and is null be way of exceptioun ; and this pairtie is nocht satisfeit, *ergo*, &c.—The pannell offeris to find caution to satisfie the pairtie, conforme to the lawis of this realme ; and allegit that his Maiesteis Remiffioun anes being grantit, can nevir thaireftir be callit in questioun, conforme to the daylie practik of this realme ; and repeittis the lyk practik of Aber-

crumbie of Pitmedden contrair Gordones, quhair the lyk Remiffioun was fuftenit, vpon finding of cautioun.

It is forder allegit, that this Remiffioun nather designes quhair the pannell duellis, nather is the cryme it felff speciallie expreffit in the Remiffioun; and thairfoir, except the faid fact war speciallie expreffit in the Remiffioun, and the pannellis duelling and refidence speciallie designet, the faid Remiffioun is null, and can nocht be admittit.—It is anfuerit, that the pannell is remittit be his Maieftie for Burning of the Tolbuth of Lauder, and Slauchter of the Baillie of Lauder, and all vtheris crymes preceeding the dait of the Remiffioun; and was than fervand to my Lord Home, quha hes tene Remiffioun; and the faid Johnne Carutheris name is infert in the Remiffioun with the remanent perfones committeris of the faid Burning and Slauchter, as being in cumpany with him at that fact: Quhilk designatioun of his name to be Johnne Carutheris, with his style, and that he is the perfone remittit, he offeris to preve be famous witneffes present at the bar.—My Lord Aduocat defyret that my lord Justice and Justice-Clerk fould notifie this matter to the Counfall, and to defyre thair Lordfchips to wryte to his Maieftie, to vnderftand of his Maieftie, quhither this Johnne Carutheris be the perfone quhome his Maieftie hes remittit or nocht.

THE Justice continewis this mater to this day aucht dayes, the xv *instantis*.

(Mar. 15.)—The Justice, befoir Interloquitour, inquiret of the perfewaris, gif thai wald verifie ony vther perfone to be namet Johnne Carutheris nor (*than*) this perfone on pannell, quha was at the fact at Lauder, and wald instantlie preve the famyn? To quhome the perfewar anfuerit, that he wald verifie that thair is dyuerse vtheris fa namit, but had nocht witneffes present; and could nocht verifie that thair was ony vther Johnne Carutheris at the Burning of the Tolbuth of Lauder.—And the defender, being inquyret, Gif he wald verifie him felf to be the perfone fpecificit in the Remiffioun? Anfuerit, that he wald verifie the famyn be the witneffes present at the bar. And for verifeing thairof, producet Johnne Cranftoune, Niniane Chirnefide, Patrik Chirnefide, and Alexander Haitlic. It was allegit be the Aduocat, that thai can nocht be reffaut as witneffes in the faid matter, becaus they ar infert in the Remiffioun as *socij ejusdem criminis* with the pannell, at the fact of Lauder.—Thaireftir it was anfuerit be the pannell, that thai aucht to be reffaut, feing thay war nocht at the Slauchter of Lyndfay, for the quhilk he is this day perfewit; and fa war nocht *socij illius criminis*.

THE Justice reffaut Johnne Cranftane, &c. : Quhilkis all being fuorne, Declarit, that this Johnne Carutheris, present vpon pannell, was in feruice and companie with my Lord Home at the Burning of the Tolbuth of Lauder, and is the felf-fame Johnne Carutheris fpecificit in the Remiffioun: Quhairvpoun the pannell askit instrumentis.

THE JUSTICE, be Interloquitour, ADMITTIS the Remiffioun productet; and Ordanis the pannell to find caution to fatisie the partie perfewar, conforme to the lawis of this realme; according to the modificatioune of the Lordis of Seffioun: And als, that the Remiffioun fall be exped throw the Seillis within fourtie dayis, conforme to the Act of Parliament, vnder the pane of tua hundreth pundis: And that being done, the said Johnne Carutheris to be put to libertie.

For obedience quhairof, the said Johnne Carutheris fband Williame M^cClellane, Tutour of Bombie, with him self, caution to fatisie the partie; conforme to the Lordis modificatioun. Lyk as, Johnne Cranftoun, brother to my Lord of Cranftoun, obleift him to exped the said Remiffioun throw the Seillis, within fourtie dayis, under the pane of iij^e merkis.

Mr Johnne Hay, in name of the Bailleis of Edinburgh, tuik instrumentis of the said Johnne Carutheris entrie vpon pannell, and of the Justice Interloquitour aboue writtin, and the pannellis finding of cautione aboue specifreit; and in respect thair of, and that the Justice had ordanit him to be put to libertie, Proteffit that the Bailleis of Edinburgh fould incur na harme nor inconvenient for setting of him to libertie. Quhilk protestatioun the Justice Admittit, prouyding the said Johnne Carutheris be nocht arreiftit at the instance of ony vther partie, for ony vther caufe.

A bidding from the Raid of the Isles.

Mar. 15.—GILBERT M^cADAME of Watterheid; Donald M^cmillane of Knokingarroche; Robert M^cadame of Smeiftoune; George M^cadame, thair; Johnne M^cnacht of Doungucht; Gilbert Achannane of Murdochat; Robert Ferguffone of M^ckillieftoune; Johnne M^ckill, elder; Johnne M^ckill, younger; Williame Makadame of Craigullane; Thomas Gordoun of Crago; Johnne Neilfon of Corfok.

Dilaitit for the allegit contravening of his Maieftis Proclamatiounes, in nocht accompaneing and passing fordwardis with Andro Lord Stewart of Vchiltrie, his Maieftis Lieutenant, in the profecutioun of his hienes feruice, towardis the repressing of the infolencies of certane the difobedient Inhabitants of the Iles of this kingdome; according to his hienes Proclamatiounes maid to that effect, in the monethis of Maij and Junij, the yeir of God I^m.Vj^e. and aucht yeiris.¹

Compeirit judicillie the saidis Gilbert, &c., and in respect that thai and everie ane of thame had furneiftit furth sufficient able men to the said Leutenent in the foirsaid Expeditioun, and thairupoun had purchest the said Lord Leutenentis Testificat, with his Licence to abyde at hame them selfis, and nocht to pas fordward with his Lordschip, in the said Airmie: Quhilk Licence thay productet

¹ See Notice prefixed to the Trial of *Sir James Makconcell*, May 13, 1609, Vol. III. p. 1, &c.

in Judgment to the Justice, vnder the said Lord Leutenentis subscription, daitit at Air, the xxvij of Julij, I^m.Vj^c. and aucht yeiris. And protestit, that thai nor nane of thame sould be ony wayis trubillit, vnlawit, or persewit for the cauffis aboue mentionet; bot that thai and ilk ane of them sould be Affoizzeit *simpliciter* thairfra, in tyme cuming: Quhilk Protestatioun the Justice admittit.

And in respect that the said Andro Lord Stewart of Vchiltrie, his Maiesteis Lieutenant foirsaid, being personallie present, quha affirmet the Licences aboue written, and granting thairof to be of veritie, Ordanit that nane of the persones foirsaidis sould be callit or trubillit for abyding fra the said Raid of the Iles, in ony tyme coming. Quhairupoun the saidis persones askit instrumentis.

Slaughter.

Mar. 16.—JOHNNE HAMMILTOUN of Hairschaw; Gawin and Archibald Hammiltoun, sones to the said Johnne; Symone and Williame Hammiltoun, brether to Hairschaw; Williame Hamniltoun, brother-sonne to Hairschaw; James Lyddell, sone-in-law to Hairschaw; and Mathow zounge, in Langlie.

Dilaitit of the Slauchter of vmq^{le} Johnne Findlay in Eglischem; quha was flane at the Kirktown of Eglischem, vpon the xvij of ffebruarie, 1611.

PERSEWAR, Archibald ffindlaw, as brother to vmq^{le} Johnne Fyndlaw.

The Justice, of consent of partie, continewis this matter to the thrid day of the nixt Justice-air of the scherefdome quhair the persone abouewrittin duellis¹ (Lanerk.)

[*Sir Williame Heart, Justice-Depute.*]

Slaughter of Probest of Wigtoun—Shooting Hagbutts, &c.

Maij 22.—JOHNNE KENNYDIE of Blairquhan, and Johnne Bairdis, brother germane to the Laird of Kilquhinzie.

Dilaitit of airt and part of the felloun and crewall Slauchter of vmq^{le} Patrik Ahannay of Kirkdaill, Proveist of Wigtoune; committit be thame and thair complices, with schottis of hagbuttis and pistolettis, at the Cruves of the Watter of Crie, in the moneth of December, I^m.Vj^c. yeiris, vpon set purposis, prouifoun, and foirthocht felonie: And for beiring, weiring, and schoitting of hagbutts and pistolettis, contrair the tennour of the Actis of Parliament.

PERSEWARIS, Patrik Ahannay of Kirkdaill, as sone to vmq^{le} Patrik A.; Sir Thomas Hammiltoun of Byris, kny^t, Aduocat to our souerane lord, for his Maiesteis intereis.

PRELOCUTOURIS for the pannell, My Lord of Cassillis, My Lord Vchiltrie, Gilbert Roifs; Mr Johnne Ruffell, Mr Thomas Hoip, and Mr Laurence M^cgill, Aduocatis.

The pannell acceptis the summondis, and speciallie that pairt thairof quhair

¹ ‘Plegijs, Hugone Montgomerie de Auchinhuid, et Joanne Hammiltoun de Hairschaw, pro omnibus; et ipsi ad relevand.’

the defunct was schot with peiftis¹ or dropis, with ane charget hagbut. It is allegit, that this matter can nocht pas to ane Assyse; becaus his Maiestie, of his speciall grace, hes gevin to the perfonen on pannell ane Remiffioun, quhilk thai producet to the Justice, of the dait at Edinburgh, the xvij day of Maij instant: And offeris Cautiounne to fatisfie the pairtie.—It is anferit that this Remiffioun can nocht flay the matter to pas to ane Assyse; becaus, be Act of Parliament, in anno 1593, it is provydit, that all Remiffiounes ar null that ar purchest eftir ane pairtie passis to the horne for the tyme; quhilk allegeance is ressaute be way of exceptioun, the pairtie nocht being fatisfeit.—It is anferit,² that this Act of Parliament is nocht *in viridi obseruantia*, nor hes nocht tane effect in this Judgement of befor: Quhilk allegeance he offeris to verifie, be my Lord Cassillis, and vtheris heir present.

THE Justice continewis Interloquitour vpon this allegeance to ffryday nixt.

(Maij 24.)—My Lord Aduocat, befor Interlocutour, passis fra his lordschipis former allegeance: Quhairupoun the pannell takis instrumentis.

THE Justice, be Interloquitour, Admittis the Remiffioun producet be the perfonen on pannell and thair prelocutouris; and Ordanit thame to find sufficient and responfall Cautioun and fouertie to fatisfie the pairtie grevit; conforme to the lawis and daylie practik of this realme.

Quhairupoun the said Johnne Kennydie of Blairquhan and Johnne Bairdis askit instrumentis: And ffor obedience of the said Justice Ordinance, nominat my Lord of Cassillis, my Lord Vchiltre, Sir Robert McClellane of Bombie, kny^t, Williame Cunninghame of Capringtoun, and Sir James Kennydie of Culzeane, as cautioneris, coniunctlie and feuerallie for thame; lyk as, being all personallie present, in prefence of the Justice, Band and obleist thame, coniunctlie and feuerallie, thair airis, executouris and assignais, to fatisfie the pairtie, viz. the kyn and freindis of the said vmq^{le} Patrik Ahannay of Kirkdail, ffor the slauchter aboue writtin; conforme to the Lawis of this realme.³

¹ Pellets, small shot; but, most probably, what is now termed *slugs*. ² Replied. ³ The arguments are thus expressed in an after part of the Record. As the point started is interesting, and the Counsel engaged were the most eminent of their day, it has been deemed proper to preserve the arguments at length.—It being peremptourlie allegit for the part of the saidis perfonen on pannell, be Mr Johnne Russell, with concurrence of Mr Thomas Hoip and Mr Laurence McGill, Aduocattis, thair preloquitouris, that the said fummondis and Dittay could nawayis be put to the knowlege of ane Assyse, becaus our foverane lord, of his speciall grace and mercie, had gevin and grantit to thame ane Remiffioun for the saidis crymes, and producet the said Remiffioun, past the Grit Seill, of the dait at Edinburgh, the xvij day of Maij instant; quhairvnto thai tuik thame selfis, and offerit responfall cautioneris and fouerteis, at the bar, to fatisfie the pairtie for the crymes contenit in the said Remiffioun, accoirding to the modificatioun of the Lordis of Sessioun, lawis and practik of this realme. To the quhilk it was anferit be our foverane lordis Aduocat, that the foirsaid allegeance aucht to be repellit, and the pannell, nochtwithstanding thair of, should be put to the knowlege of ane Assyse; becaus, be Act of Parliament maid in anno 1593, it is statute and ordanit, that na Respekt nor Remiffioun be grantit at any tyme thaireftir to any persone or perfonen passand to the horne for Thift, Reif, Slauchter,

The pannels bound themselves to relieve their cautioners; and the cautioners also obliged themselves to free each other, *pro rata*, &c.

Slaughter—Shooting with Hagbutts and Pistolets, &c.

JUN. 7.—ROGER GORDOUN in Glasniche, and Johnne Glendoning of Drumrafche.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} George Stewart, brother to vmq^{le} Mathow Stewart of Dunduff; committit the xxj¹ of September, 1601 yeiris, vpone fett purpois, prouifion and foirthocht fellonie: And als, for beiring, weiring, and schuitting of hagbuttis and piftolettis, contrair the tennour of the Actis of Parliament.

PERSEWARIS, Williame Stewart of Dunduff, Johnne Stewart, brether fones.

The perfewaris producet the Letteris deulie execute and indorfate vpone the said Roger Gordoun and Johnne Glendoning; and als, vpone Alexander Gordoun of Hillis, Williame and Robert Gordones, his tua brether, Robert Gordoun of Bannernie, Alexander Creichtoune in Garrick, and Thomas Creichtoun in Balcaffie, quha ar past to the horne for the crymes contenit in the Letteris: And vpone the productione thairof, askit instrumentis; and protestit for the cautioneris relief for repoirting thairof.

Continewit to the morne. Plegio, Wilelmo M'culloche de Mertoun.

PRELOCOUTOURIS for the pannell, Mr Johnne Ruffell, Aduocat, The Laird of Lochinvar.

(Jun. 8.)—The perfewaris declairit, in respect that this Roger Gordoun is only airt and pairt of the Slauchter, and nocht principall actor of the fact, and thairfore, vnto the tyme the principall maliefactouris be apprehendit, quhairby the pannell his giltines or innocencie of that crewall slauchter may be tryit, defyres that he may be continewit to the thrid day of the air [Wigtoun], or soner, vpone xv dayis wairning; and that caution be fund be him to that effect, vn-

Burning, or Heirschip, &c. quhill the pairtie skaithed [viz. until the party shall previously have received pecuniary satisfaction or damages for the loss sustained] be first satisfeid: And gif ony sic Respet or Remiffion fould happin to be grantit, befor the pairtie grevit be first satisfeid, the samyn fall be null, and of nane availl, be way of exceptioun or reply, without ony forder declaratour. Bot trew it is, that the perfonen on pannel, lang befor the purchessing of the said Remiffion, war denounced rebellis and at the horne, and war declairit fugitiues fra his hienes Lawis for the saidis crymes contenit in thair Dittay; the pairtie nawayis being satisfeid as zit: And thairfoir, the said Remiffion vsset and producet is null, be way of reply. And for verifeing thairof, producet the Extract of the Hoiring aganis the pannell.—To the quhilk it was duplyit be the pannell, that thay offerit thame to preve, be my Lord of Caffilis, and tua Ministeris, at the bar, that satisfacioun was offerit be thame to the pairtie grevit, lang befor thair passing to the horne, or purchessing of Remiffion; quhilk was refusset: *Secundo*, it wes nevir *in viridi observantia* that the foirfaid Act of Parliament was authorifet in this Judgement; nather yit could euir his Maiestis fauour and pardoun, being anes grantit, be callit thair-estir in questioun. And thairfoir, takis thame, as ofbefoir, to his Maiestis Remiffion; and offerit caution to satisfe the pairtie.'

¹ In the act of caution the slaughter is stated to have been committed on the 'ellevint.'

der the panes contenit in the Actis of Parliament. [*Plegio, Wilelmo M^cculloche de Mertoun.*]

The Laird of Mertoun americiated ‘in the pane of ffyve hundreth merkis, for nocht entrie of the faid Johnne Glendoning’ on June 8, and Glendoning ordained to be denounced rebel, and all his ‘moveabill guidis to be efcheit,’ &c.

Slaughter.

Jun. 28.—PATRIK MAXWALL of Newark.

Dilaitit of airt and pairt of the Slauchter of vniq^{le} Robert Montgomerie of Skelmourlie, and vniq^{le} Williame Montgomerie apperand of Skelmourlie; committit in the moneth of I^m.V^c.lxxxiiij yeiris.

PERSEWAR, George Montgomerie.

The Laird of Newark productet ane Warrant of the Lordis of Secreit Counfell, direct to the Justice, anent the deferting of this dyet, for the reffonis contenit in the Supplicatioun gevin in to thair Lorfchipsis thairanent; with ane Command on the bak of the faid Supplicatioun and Warrant aboue writtin, commanding the Justice to tak cautoun of ather of the pairteis, befor thair cuming out of Judgement, that thai fall remane and keip waired within this burgh, quhill Tyfday nixt; and that thai fall compeir befor his Maieftis Counfall the faid day, vnder the panes following, viz. of Newwerk, vnder the pane of tua thousand merkis, and George Montgomarie, vnder the pane of ane thousand merkis. Quhilk Warrant is daitit at Edinburgh, the xxvij day of Junij 1611 instant.—For obedience of the quhilk Warrant, and ordinance thairin contenit, the Justice Defertit the faid dyet; and Ordanit the saidis tua pairteis, *hinc inde*, to find cautoun for thair compeirance befor the Lordis of Secreit Counfell the faid day, viz. the fecund day of Julij, vnder the panes aboue specifcit: Lyk as, for obedience of the faid Justice ordinance, compeirit Williame Lord Kilmaweris, and became plege and fouertie for the faid Patrik Maxwell; and siclyk, compeirit James Dunlope of that Ilk, and become fouertie for the faid George, &c.

Slaughter.

[THE Records of the Court of Justiciary do not afford sufficient information regarding the facts connected with the following Case; and, as it relates to individuals of considerable rank, the Editor thought it proper to select even such meagre notices as those which do occur. The Young Laird of Closeburn seems to have been one of the active spirits of these times, and to have been engaged in a laudable share of affairs of honour, and in quarrels *quantum sufficit*, and ‘befitting his degree!’]

In *Lord Hadington's* MS. Collections, the following remarkable entry occurs, under date Feb. 27, 1610. ‘The Lady Hemptisfeild, haveing defyred Andro Quhyt, keiper of the Tolbuith, to bring to hir Young Cloisbyrne, who wes in the Tolbuith wairedit, to speak with hir in his house; he doing it at her desyre, Young Cloisburne schiftit him self away. ffor the quhilk caus, scho being put in the Tolbuith, and thairafter transported to the Castell, socht Licens of the Counfall to be transported to the

toone; quhilk the Lordis refused, vnles scho wald either enter Young Cloisburne, or find cautione to satisfe all parteis be quhome he wes wairdit or arreifted.¹

Closeburn's escape had been effected by his exchanging clothes with the Lady Hemptisfield, a method which has often proved successful in similar emergencies. It may be remarked, that the jailor's house was commonly attached to, or rather consisted of one or more apartments of, the prison.]

JUN. 28.—ALEXANDER KIRKPATRIK, sone to Sir Thomas Kirkpatrick of Cloisburne, kny^t.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} James Carmichell, sone to Johnne Carmichell of Spothe.

PERSEWARIS, Johnne and William Carmichell.

THE Justice, of consent of pairtie, continewis this dyet to the xxiiij of Julij nixt. [Plegio, D. Tho. Kirkpatrick de Cloisburne, milite.]

(Jul. 24.²)—THE Justice, of consent of pairtie, continewis this mater to the thrid day of the nixt Justice-air of the scherefdome of Dumfreis, or soner vppone fyftene dayis wairning: And ordanis caution to be ffund for that effect. [Plegio, D. Thoma Kirkpatrick de Cloisburne.]

Treason—Murder under Trust.

JUN. 29.—PETER WEIR, funtyme in Goitnow in Rig.

Dilaitit of airt and pairt of the crewall Slauchter and Murthour of vmq^{le} Johnne Hammiltoun, merchand burges of Edinburgh; committit, vnder trest, vppone the sevint day of November 1608 yeiris, befyde Monharig burne-fute.

PERSEWARIS, Jonet Small, the relict; Patrik Hammiltoun, as brother; Sir Thomas Hammiltoun of Byres, kny^t, Aduocat to our souerane lord, for his hienes intres.

PRELOCUTOUR for the pannell, Robert Bannatyne, wryter.³

DITTAY against Peter Weir, the pannell.

FORSAMEKILL as vmq^{le} Johnne Hammiltoun, merchand burges of Edinburgh, haifing conqueift⁴ and acqyret to him self the richt of certane landis, occupyit and posselt be Johnne Weir in Over Quhytecleuch, the said Peter Weir, and Margaret Weir in Bagra; and haifing thairupoun obtenit Decretis of Removing, aganis thame and remanent tennentis and occupyeris of the saidis Landis; and for disobediencie of the charges of Hoirning, haifing denuncet the said Peter owr souerane lordis rebell, and put him to the horne, the said Johnne Weir, Mungo Weir, his brother, the said Peter Weir, and Margaret Weir, consultit and devyset anangis thame selffis, how to bereiff the said Johnne Hammiltoun of his lyfe: And for effectuating thairof, caufit certane freindis travell with him, and to cum in tryfing,⁵ and to meit at Monharig, to cownone⁶ thairupone; and affixt the

¹ Minutes of the Proceedings of the Privy Council, *Had. MSS.* A. 4. 22. Advocates' Library.

² The pursuers marked at this diet, are designed 'Johnne C. of Spothe, Williame C. his sone.'

³ One of the brothers of the celebrated George Bannatyne, in honour of whose valuable compilation of early Scottish Poetry, the Club of that name was formed.

⁴ Purchased, in contra-distinction

to having inherited.

⁵ By special agreement or appointment.

⁶ Commune.

sevint day of November I^m.Vj^c. and aucht yeiris to that effect : Lyk as, the said v^mq^{le} Johnne Hammiltoun, for keiping of the said tryft, accompaneit with James Creichtoun in Bar, being cuming rydand furth the hie way, in sober and quyet maner for the tyme, vpone the said sevint day of November, to the appointit place aboue writtin, the saidis Johnne Weir, Peter Weir, Mungo Weir, and Margaret Weir, accompaneit with dyuerse perfones thair complices, being bodin with fuordis, quhingeris, kent-stalfis and otheris wappones *invasiue*, darnit¹ thame felfis in the hie way, befyde Monharig, quhair thai lay at await for the said v^mq^{le} Johnne Hammiltounes by-cuming ; and thair, vnder trest and friendschip, maist crewallie invaidet him for his slauchter, drew him af his hors, and with quhingeris, gaif him threfcoir² bludie woundis, in dyuerse pairtis of his body, to the effusoun of his bluid in grit quantitie ; and crewallie slew and murdreift him out of hand : And the said Peter was and is airt and pairt of the said Murthour. To the taikin, he and the said Margaret Weir, being in cumpanie with the said Johnne Weir, com to the said James Creichtoun, and drew him down af his hors, and held him be force down, quhill the said v^mq^{le} Johnne was murthourit out of hand ; quhairthrow the said James mycht nocht releif him.

James Creichtoun, being suorne, Declairit, that he, being in company with the defunct, the tyme lybellit, vpone the grund of the Land quhair the fact was committit ; and thair, this Peter Weir, with Margaret Weir, drew him af the hors and held him down ; quhairthrow he was nocht able to defend the defunct. — Quhairupoun my Lord Aduocat askit instruments ; and Protestis for Wilfull Errour, gif the Assyse acquit.

VERDICT. The Assyse,³ being ryplie and weill advyset thairwith, togidder with the said Peteris Depositiones, producet be our fouerane lordis Aduocat ; togidder with the Letteris of Hoirning, quhairby the said Peter was fugitiue fra his hienes lawis, for the said cryme, lykwayis producet, for instructing of the Dittay ; thai, be the mouth of Robert Phillope, burges of Sanquhair, ffand, pronuncet, and declairit the said Peter Weir to be ffylet, (be pluralitie of voitis,) of airt and pairt of the Murthour of the said v^mq^{le} Johnne Hammiltoun.

SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair his heid to be strukin from his body : And his haill guidis and geir to be escheit to our fouerane lordis vse, &c.

Treason—Slaughter—Murder under Trust, &c.

[THE TRIAL of the MURES of AUCHINDRAYNE may, without hesitation, be pronounced to be one of the most remarkable, in the whole range of the Criminal annals of this, or perhaps of any other country. In it are unfolded their most hidden transactions, and the secret springs of their most private and craf-

¹ Concealed. ² Three score ; sixty.
and James M'Morrane younger of Glaspen.

³ Among their number were George Maxwell of Drumcowtrane,

tily contrived plots, all of them leading to the perpetration of crimes so singular in atrocity, and of so deep a die, that one can hardly expect to meet with their parallel, even in the pages of Romantic fiction. By the clew, now afforded, may be traced almost the secret thoughts of two of the most accomplished and finished adepts in crime—individuals who murdered by rule, and who carried forward their deadly schemes of ambition, by means of a regularly connected chain of plots and stratagems, so artfully contrived, as to afford them every reasonable prospect of success—and even in the event of the entire failure of their plans, almost to ensure their escape from suspicion; at the least, in their estimation, to warrant their security against ultimate detection, and consequently exempt them from the penalty of capital punishment.

Ambition and the lust of power appear to have been the immediate procuring causes of all the crimes in which these infatuated men were involved. Theirs was not the sudden burst of ungoverned passions, which might have hurried them on to the commission of a solitary deed of frightful but unpremeditated violence—nor were their crimes the consequence of ancient Feuds, inherited from their restless and vindictive ancestors—nor yet had they the too common apology that they originated in impetuous assaults made upon them, and that their hasty quarrels sprung from a fiery and unbridled temper, which had unfortunately terminated in fatal results. On the contrary, the whole of their numerous attempts and crimes may be characterised as cool, calculating, and deliberate acts, anxiously studied, and by slow and patient, but sure degrees, matured and prosecuted, for a long series of years, until at length ‘the measure of their iniquities overflowed,’—and the unlooked-for concurrence of an extraordinary train of circumstances, the most unlikely to have happened, eventually led to a triumphant discovery of their enormous crimes.

It is quite unnecessary here to enter into any detailed account of the facts connected with the crimes of these individuals. Their leading features are already familiar to all, ever since the publication of ‘AUCHINDRANE, OR THE AYRSHIRE TRAGEDY,’ from the pen of Sir Walter Scott; in the preface to which dramatic sketch, the origin and progress of these dark transactions are so fully discussed, that the Editor begs simply to refer the reader to a reperusal of that work.

In addition to the information contained in the ‘Dittay,’ and in the pleadings in this Trial, the Editor has been anxious to collect and lay before the reader the most remarkable circumstances connected with the history of the elder and younger Mures. For this purpose he has for some years past used all exertions to extend his researches in every direction, where authentic illustrative Documents and Records could be procured—and he has now the satisfaction of appending to this highly interesting Case a variety of Papers, which may almost be said to throw all the light that can now be reasonably expected, on proceedings which occurred now above two hundred and twenty years ago.

For the sake of saving too copious quotations in this work, the Editor has, through the liberal permission of the Curators of the Library of the Faculty of Advocates, Edinburgh, published in a separate volume ‘THE HISTORIE OF THE KENNEDYIS,’¹ from the Original MS. in their valuable collection. That History, besides the numerous interesting notices of the Mures of Auchindrayne, Sir Thomas Kennedy of Colzean, who ultimately fell their victim, the Earls of Cassilis, &c., enters most minutely into the Feuds and Conflicts of the Kennedies, Mures, Crawford, &c., and satisfactorily develops the causes out of which the various crimes of Auchindrayne and his son sprung. The state of society, and the habits and manners of the people of Carrick, are very graphically delineated by the author, who was evidently an eye-witness of the many interesting transactions he has recorded.

For the purposes of the present Introductory Notice, it is enough to state, as in reference to the persons who principally figure in this dark tragedy, that so far as respected birth, the MURES OF AUCHINDRAYNE were of most respectable and ancient extraction, and were connected with many of the most opulent and influential families in Ayrshire. They also for a considerable period held a con-

¹ A limited impression of the ‘HISTORIE OF THE KENNEDYIS’ has been printed, uniformly with the works of THE BANNATYNE and MAITLAND CLUBS, and may be had of the Publishers of this Collection.

spicuous station in all the transactions and feuds of the district of Carrick. There is no reason to doubt that the Mures of *MONYHAGEN* and Auchindrayne (which last title was only latterly assumed by them) were cadets of the very ancient and honourable Family of Mure of Rowallan, now represented by the present Marchioness of Hastings, as Countess of Loudoun, &c. In confirmation of this fact, Sir William Mure of Rowallan, knight, in his History of that House,¹ states, that *Andrew Mure of Monyhagen*, the first of the family, was either a son or a grandson of Sir Gilchrist Mure, who died *circa ann.* 1280. It does not appear how or when they became possessors of the Lands of Auchindrayne; but it is certain, that previous to the Wars of Bruce and Baliol, Auchindrayne (i. e. *the Field of Thorns*) belonged in property to Robert Brown; and was, upon his forfeiture, granted by King Robert the Bruce to Henry Annan. By a Charter, dated March 16, 1498, *James Mure of Monyhagen* granted certain lands, in Wigtonshire, in favour of James Mure, his son, and Margaret Wallace, his spouse. One of the witnesses to this deed, is *John Mure*, ‘grandson and heir apparent of the said James;’ which shews him to have been a very old man at that period, and that he was born *circa* 1430. This *John Mure* must have been the grandfather of the old Laird of Auchindrayne, who figures in the present Trial.

It is pretty evident, as appears from a Charter of *Novodamus* of the Lands of Leffenhill, dated Sept. 29, 1671, by Chalmers of Gadgirth, in favour of *John Mure of Auchindrayne*,² that the elder Mure must have been *nearly eighty years of age* at the period of his execution! The grantee is described as heir of *John Mure of Monyhagen*, ‘*proavi*,’ who had in like manner had a Charter of same Lands from Campbell of Loudoun, Sep. 2, 1550.³—This *John Mure*, who obtained the above mentioned Charter 1671, married Bethia Hamilton, daughter of Hamilton of Dalzell, by whom he had at least one son *James*, who probably predeceased him—for he conveyed Auchindrayne to his brother *Hugh Mure*, whose son or grandson sold it early in the last century; and the Family, it is believed, is now extinct in the male line.

To return to *John Mure Elder*, and *James Mure Younger of Auchindrayne*, the subjects of the following Trial, it is worthy of notice, as proving their rank and consequence in the most convincing manner, that *John Mure* the elder married Margaret Kennedy, second daughter of Sir Thomas Kennedy of Bargeny, (*obit*, Nov. 7, 1597,) by Lady Agnes Montgomery, sister to Hugh, *third* Earl of Eglinton,—and that *James Mure* the younger married Helen, second daughter of Sir Thomas Kennedy of Colzean, Tutor of Cassilis, by Dame Elizabeth MacGill, daughter of David MacGill of Cranstoun-Riddell, King’s Advocate, and relict of the celebrated Robert Logan of Restalrig.

On occasion of John, fifth Earl of Cassilis, going on his travels to France, he conferred *THE BAILLIARY OF CARRICK* upon the elder Auchindrayne, for all the period of his life, an office of high trust and respectability, having the Civil and Criminal Jurisdiction of the whole of that extensive and populous district. It had previously been enjoyed by Kennedy of Blairquhan, one of the most powerful Chiefs of the name of Kennedy. The Earl had previously given Auchindrayne grants of a five-merk-land and a two-merk-land, in return for his fealty and service; and besides, ‘the said John to be one his chargis enier quhan he ves out of Carrik.’⁴ Through the influence, as was asserted, of Sir Thomas Kennedy of Colzean, the Tutor of Cassilis, this office was recalled on the Earl’s return, which probably gave rise to the deadly grudge of Auchindrayne, and, after the lapse of many years, eventually terminated in his murder. After the period of this recall, Auchindrayne returned to the allegiance of the Laird of Bargeny, and took a most active lead in all the feuds of that disturbed country.

As the most copious materials occur in the Illustrations appended to the present Trial, and in the ‘*Historie of the Kennedyis*,’ relative to all the transactions of Auchindrayne, the Editor will not en-

¹ Written in or prior to 1657, and printed from the original MS. Crown 8vo, Glasgow, 1825. ² He was eldest son of *Sir John Mure of Auchindrayne*, who was eldest son of *James Mure younger of Auchindrayne*, executed along with his father for the Murder of Dalrymple.

³ See Particular Register of Sasines for Ayrshire, II., 613, where numerous entries occur; but it would be foreign to the purposes of the present work to enter into lengthened genealogical detail and proofs.

⁴ See *Historie of the Kennedyis*, 4to, Edin. 1830, pp. 18, 19.

croach on the prescribed limits of this work, by entering into farther detail. It is hoped that enough is there given to gratify the most anxious enquirer.

Among other curious matters which are mentioned in the present Trial, there occurs the ancient and almost universal superstition, that *the body of a murdered person bleeds at the approach, or at least on the touch, of the Murderer!* This test of guilt, or ordeal, is so remarkable, that the Editor has made every investigation which his opportunities admit; and lays the result before the reader, in the Appendix.]

Jul. 17.—JOHNE MURE OF AUCHINDRANE, elder; JAMES MURE, younger of Auchindrane; and JAMES BANNATYNE of Chapeldonall.

Dilaitit of airt and pairt of the tressonabill Murthour of vmq^{le} SIR THOMAS KENNYDIE of Culzeane, knycht, Tutour of Caffilis, vnder trust, &c.; committit be the said Johnne Mure of Auchindrane elder, in forme and maner, and at the speciall tyme fett down in his Dittay. AND als, for the tressonabill Murthour of vmq^{le} WILLIAME DALRUMPILL, in Air; committit be the saidis Johnne Mure, elder of Auchindrane, (James Mure, younger of Auchindrane,) and James Bannatyne, in forme and maner also contenit in the Dittay, produceit be our fouerane lordis Aduocat aganis thame.

PERSEWARIS, James Kemydie of Culzeane, as sone to vmq^{le} Sir Thomas Kennydie of Culzeane, kny^t, Tutour of Caffillis; Bessie Dalrumpill, as mother to vmq^{le} Williame Dalrumpill; Sir Thomas Hammiltoun of Byres, knycht, Aduocat to our fouerane lord, for his hienes interes.

PRELOCUTOURIS for the perfones on pannell.

Mr Johnne Ruffell, Aduocat; Mr Thomas Nicolfone, Aduocat; Josefhe Myller, Aduocat.

My lord Aduocat producet the Dittay aboue (under) writtin.

DITTAY *against* JOHN MURE, *elder of Auchindrane*; JAMES MURE, *younger of Auchindrane*; and JAMES BANNATYNE, *sometime in Chapeldonane*.

JOHNE MURE, elder of Auchindrane, James Mure, younger of Auchindrane, and James Bannatyne, sumtyme in Chapeldonane, Ye and everie ane of yow, for your owne pairtes, *respective*, ar Indyted and accused of the haynous, crewall, and tressonabill crymes vnderwrittin: FORSAMEKILL AS, be Act of Parlement, maid be oure fouerane lord and Estaittis of this kingdone, in the moneth of July, 1587 yeiris, cap. 51, it is statute and ordaned, that the Mourthour or Slauchter of whatsumever our fouerane lordis liegis, whair the pairtie flayne is vnder the traift, credit, assurance, and power of the flayer, all sik Mourthour and Slauchter to be committit efter the dait of the said Act, the samin being lauffullie tryed, and the perfoun dilaited, fund guiltie be ane Affyse thairof, fall be Treasoun; and the perfones fund culpabill, fall forefault lyfe, landis and guddis. AND TREW IT IS, that ye, the said *Johnne Mure, elder of Auchindrane*, haiving, without any juste cause, conspyred the Mourthour of vmq^{le} SIR THOMAS KENNYDIE of *Cullayne, knycht*, in the moneth of Januar, or thairby, 1597 yeiris, accompanyed with fevin or aucht of your complices in the said interpryse, came

to the Towne of Maybole, and being furelie informed that the said Sir Thomas wes than foupping, vpon the day of the said moneth of Januar, in the howse of Sir Thomas Nisbett in Maybole, and wes to pas, efter supper, from that pairt to his owne howse; ye and your said complices, bodin in feir of weir,¹ with hagbuttis and pistolettis, and vtheris forbiddin and vnlauffull wapinis, dairnit² your self, vnder silence of night, about nyne or ten houres at evin, in ane obscure place, by the whilk³ the said Sir Thomas Kennedies passage laye; and, so sone as ye persaued him, ye fercelie set vpon him, persewed him with all violence and crueltie for his slauchter, schot and delaschit⁴ at him ane great number of schottis of hagbuttis and pistolettis, and still chaiffit and persewed him; whill,⁵ be the Providence of God, and releif of honest nightbouris, he wes delyuered from your crueltie. For the whilk vyld and barbarous offence, ye being summond to vnderly the law, (wes) forced be your owne notour guiltines to go to the horne. THAT feid and inimitie wes schortlie thairefter removed, not onlie be publict and sworne reconciliation maid betuix the said vmq^{le} Sir Thomas Kennedie and yow, the said Johne Mure of Auchindrane, bot also confirmed and strenthened, be allyance and mairiage of your eldest sone vpon the said Sir Thomas his dochter; whairby the said vmq^{le} Sir Thomas wes drawin vnder sik traift, assurance and freindschipe with yow, that he, lipning⁶ altogidder to the same, vpon the tent day of May, the yeir of God 1602 yeiris, being of intentione to ryde to Ed^r for his lauffull buffines, and having no lesf cair of your turnis⁷ nor of his owne,⁸ he send his seruand, Lancelot Kennedie, to wryte aduerteisment to yow, that he wes to tak his jouny towardis Ed^r vpon the nixt day, whilk wes the elleuint day of May, 1602 yeiris, or thairby; to the effect ye might meit him vpon the way, at the Duppil, a littill be-west the burgh of Aire, and informe him of sik buffines as ye wald desyre him to do for yow in Ed^r. Whilk aduerteisment, being writtin at desyre of the said Lancelot Kennedie, be Mr Robert Mure, than schole-maister of Aire, your kinsman, he sent that his Letter to yow, with ane scollar boy, being in his schole for the tyme, called *Williame Dalrumpill*; whilk letter cumming to your handis that efternone that it wes writtin, vmq^{le} Walter Mure in Cloncaird being than in cumpanie with yow, in your place of Auchindrane, ye dispatchit bak the said William Dalrumpill, in haist, directing him to returne to Maybole with diligence, and to deny that he had met with yow, or delyuered the Letter to yow: And incontinent thairefter, consult-ed and resolued with the said vmq^{le} Walter Mure of Cloncaird, to aduerteis Thomas Kennedie of Drumvrquhie, your gude-brother,⁹ of the certaintie of the

¹ Arrayed in warlike manner. ² Hid, concealed. ³ Past which. ⁴ Let off, fired.
Fr. *delascher*. ⁵ Until. ⁶ Trusting, confiding. ⁷ Affairs or matters. ⁸ Than of his own.
⁹ Brother-in-law.

faid vmq^{le} Sir Thomas Kennedie of Cullayne's journey, and of the way whilk he intended to ryde, advyſing the faid Thomas Kennedie of Drumvrquhie to vſe that occaſion to Mourthour the faid Laird of Cullayne, in reuenge of the Slauchter of the vmq^{le} Laird of Barganie; whairof the Laird of Cullayne wes altogidder innocent: And conforme to your faid develifh reſolution, ye, having aduerteifed, and perſuaded, and inſtigat the faid Thomas Kennedie of Drumvrquhie to interpryſe the faid treaſonabill Murthour, alſweill be your meſſage ſend to him be the faid vmq^{le} Walter Mure of Cloncaird, as be ane vther Letter ſend be yow to him with Makadam, your eldeſt ſones ſeruand for the tyme; the ſaidis Thomas Kennedie of Drumvrchie and the faid vmq^{le} Walter Mure of Cloncaird, accompanied with fyve or ſax of thair complices, vmbefet the faid vmq^{le} Sir Thomas his hie-way, neir the pairt whair he had tryſted to meit yow, and vpon the faid ellevint day of May, 1602 yeiris, be your aduerteifment, counſall, and inſtigatioun foirſaid, cruellie and treſſonablie Mourthoured and ſlew him, vnder traift, credit, and aſſurance; of your cauſing, command, counſall, and ratihabition;¹ ffor the whilk treaſonabill cryme, the faid Thomas Kennedie of Drumvrquhie ſtandis forfeitit be Parlement. Notwithſtanding whairof, ye, at all tymes ſen the faid treaſonabill Murthour, aſſiſted and ſupported the faid Thomas Kennedie, bothe within this cuntrie and ſen his going furth thairof; and hes keiped ordinar intelligence and correſpondence with him. AND ye, the faid Johne Mure of Auchindrane, ar airt and pairt of the faid cruell and treaſonabill Murthour, and aucht and ſould be forfeitit, and vnderly the pvneifment of treaſon for the ſame. LYKE AS, ye, feiring the diſcoverie of your guiltines of the faid Treafonabill Mourthour, be the taking, tryall, and examinatioun of the faid Williame Dalrumpill, for eſchewing thairof, ye cauſed quyetlie convoy him to your place of Auchindrane, immediatlie efter the faid Murthour; and cauſed your wyfe keip him quyet within the ſam, ſumtymes within the barne and ſumtymes in the turnepyke-heid;² appoynting James Cuninghame, your ſeruand, to cairie his meit to him for the maiſt pairt, and to ly in bed with him; keiping him verie quyet and ſecret from all vtheris. And nevertheles, finding that, pairtly be his weireing to be keiped as ane cloſe priſoner, and pairtly be the diſcoverie of ſum of your ſeruandis, who got knouledge of his being in your howſe, that he might be more publictly diſcovered, and ye thairby tryed³ guiltie of the faid Mourthour, ye ſend him to Loch-Ranfay, in Arrane, to the Laird of Skelmurlie,⁴ your freind,⁵ convoyed be your ſeruandis, Johne Mure called *the Barroun*, and James Gordoun, now ſtabler in Ed^r, and at that tyme your houſhold ſeruand; whare he, being deteand for

¹ Confirmation. Law Lat. *ratihabere*. ² The top of the *turnpike* or circular ſtaircaſe, common to the towers and reſidences of the principal families in Scotland, at this period. In the courſe of the Trial, it is ſpecified that he was kept 'in *pe chalm* in *pe turnepyke-heid*.' ³ Found on trial to be guilty. ⁴ Sir Robert Montgomery. ⁵ Blood-relation; one related by the ties of conſanguinity.

your caufe, ane lang ſpace, and he lykwayes weireing to remayne in ane barbarous cuntrie, amang rude peopill, who nothing reguardit him, being ane ſtrenger to thame, leivand vnder ane counterfute name of *Williame Mure*, as ye had directed him; efter ſun difcord betuix him and ane of the Laird of Skelmurlies ſeruandis, he came bak to yow to Auchindrane, whair ye cauſed keip him darned¹ in the barne and turnepyke-heid *reſpectiue*, till ye learned that your freind James Mure of Fleit wes going to the Warres in the Low Cuntries; and than ye, be your ſelf and your Lady, perſuaded the ſaid James to tak the ſaid Williame to Flanders with him; whilk he conſenting to do, your wyfe gaued to the ſaid James ane naig, to help to mak the ſaid Williames expenſis; and ye recommended to him the cairefull and ſaif tranſport of the ſaid Williame Dalrumpill, and ſend the ſaid James Gordoun, your ſeruand, to convoy thame and await vpon thame, to the Place of Cauldwell, in thair way to Leith. Lyke as, the ſaid James Mure of Fleit ſend the ſaid Williame to Flanderis to the Warris; whair he ſerved dyueris yeires, and reſſaued dyueris woundis, and ſuſtained many vther miſeries in the ſame: Whairthrow, he, becumming deſyrous to returne to his natiue cuntrie, ye no ſoner hard of his hame-cumming, bot incontinent thair-efter ye ſend for him to the duelling howſe of Walter Mure in Glenheid of Auchindrane; and thairefter, vpon the . . . day of September, or thairby, the yeir of God 1607 yeiris, ye directed the ſaid James Cuninghame, your ſeruand, to convoy him from the ſaid Howſe of Glenheid to *James Bannatyne* houſe of Chapel-Donald; and caſting yow, to forgadder with him be the way,² ye, the ſaid Johnne Mure, elder of Auchindrane, and ye the ſaid *James Mure, eldeſt ſone and apperand aire* of the ſaid Johnne Mure, elder of Auchindrane, meitting with the ſaid Williame Dalrumpill, in the hieway, betuix Auchindrane and Chapel-Donald, ye keiped cumpanie with him be the ſpace of aucht myles, and held dyuers pourpoſes, ſpeeches, and conferences with him; tryed of him the eſtate of the Low Cuntries, and findrie vther materis; till ye, cumming altogether to the houſe of Chapel-Donald, ye, the ſaidis Lairdis of Auchindrane, deſyred the ſaid *James Bannatyne* to keip the ſaid *Williame Dalrumpill*, whom ye than named ‘Williame Montgomerie,’ whilk he ſould vnderſtand farther of your pourpoſe: And ſending vpon the morne thairefter, being Setterday the . . . day of September, 1607 yeiris, for the ſaid James Bannatyne, ye, the ſaid Johnne Mure, elder of Auchindrane, deſyred him to bring to yow, to the Sandis of Girvan, the ſaid Williame, about ten houris at evin; whairin he³ obeying yow, at his cumming with the ſaid Williame, he ſand yow, the ſaid Johnne Mure of

¹ Secreted, concealed.

² Contriving that you ſhould, as if by accident, meet with him on the road.

³ On the margin there is written, ‘he ſimplie lipning (truſting) to trait and freindſchip, cam ſimplie to yow,’ but without a mark where it is meant to be taken in. The Dittay in Hadington’s MS. Collections ſeems the original ſcroll, and bears numerous corrections, in his own hand.

Auchindrane, and James Mure, your eldest lafull sone, attending thame :¹ And at your meitting, ye, the said James Mure, demanding whair the boy wes? And the said James Bannatyne, schawing to yow whair he had lichter fra behind him,² he past fordward to yow, the said Johne Mure elder of Auchindrane; wha, schawing to him that boy wes he wha broght to yow the Letter of aduerteifment of Cullaynes dyet before his Mourthour, and that ye hauing vfed diuers meanes to put him by the way, for eschewing the discouerie of your pairt and guiltines of the said Mourthour, he still returned within the cuntrie; whairby ye, feiring that he sould be the meanes of your wraik, ye wes forced to resolue to mak quyte of him: And the said James Bannatyne, perswading yow rather to giue him sumwhat and fend him away of new, when, as he had almost perswaded yow, and that he and ye wer returning towardis your sone, to move him to allow of the said resolutioun, so sone as ye approached neir vnto him, he crewallie invaided the said Williame Dalrumpill for his slauchter, rusched him to the ground, and, setting his kneyis vpone his airnes, he pat his handis in the said Williames throt, and thairwith worried and slew him: In the whilk fact, ye, the said Johne Mure, elder of Auchindrane, helped, with your owne handis, to hald him downe and finore³ him. AND incontinent thairefter, ye, the saidis Johne Mure, elder of Auchindrane, and James Mure, your sone, and ye, the said James Bannatyne, taking ane spaid and schule, reddie prepared be the said James Mure for the pourpoise, caist⁴ hollis in the sand to have buried him; whilk still schutting and filling with sand and water, swa that ye wes not abill to get his corps covered, ye, the saidis James Mure, younger of Auchindrane, and James Bannatyne, cairied his deid corps in the Sea, sa far as ye could waid, and left his corps thair, to be cairied to the mayne Sea,⁵ be ane vterlie wind;⁶ notwithstanding whair of, within fyve or sax dayes thairefter, the wind and tyde broght bak the dead corps of the said vmq^{1c} Williame, neir to the pairt where ye had mourthoured him: WHILK being tryed,⁷ and the authoris of his Mourthour referched, be all lafull meanes, the constant and vniuersall bruit⁸ and opinion of the haille peopill of the cuntrie, blamed yow and evrie ane of you of the sam: Lykeas, in treuth and veritie, ye thrie are the verie and onlie Murthouraris and slayeris of the said vmq^{1c} Williame Dalrumpill, vnder your traift, credit, assurance, and power; in respect that he wes knowne to you, the said Johne Mure, elder of Auchindrane, at the tymes and in maner before specified; and wes not onlie knowne to yow, the said James Mure, younger of Auchindrane, whan he wes ane scoller in Maybole, and whan he wes keiped in the place of Auchindrane,

¹ Waiting for them. Fr. *attendre*. ² Alighted from horseback, on which Bannatyne and Dalrumpill had 'rode double.' ³ Smother, suffocate. This horrid manner of death is in all respects the same as that lately pursued by the infamous *Burke* and his associates! ⁴ Cast, dug. ⁵ The Ocean. ⁶ An off-shore wind. ⁷ Examined or investigated by the proper legal authorities. ⁸ Report. Fr. *bruit*.

in anno 1602 yeiris, befoir his going to Arrane, and efter his bak-cumming thairfra to Auchindrane; bot also at his going fra Glenheid to Chapel-donald, whan ye, the saidis Johne Mure of Auchindrane, and James Mure, your eldest sone, convoyed him to the howse of Chapel-Donald, recommended him to the said James Bannatyne, and left him in the keiping of the said James Bannatyne; and, thairefter, send for him to cum to yow to the Sandis of Girvan; whilk message he obeyed, and most willinglie and reddelie cam to yow; whan he, being vnder your traift, credit, assurance, and power, ye treasonable slew and murdered him, in maner aboue-writtin: AND yow, and evrie ane of yow, ar airt and pairt thairof, and aucht thairfoir be Decerned to forfeit lyfe, landis, and gudes, and to amit all landis, heretageis, takkis, steidingis, rowmes, possessionis, teyndis, cornis, cattel, gudes and geir, titillis, proffitis, commodities, and rightis whatsumever, directlie or indirectlie perteaning to yow, or ather of yow, at the committing of the saidis Murthouris, or senfyne, or to the whilk ye, or any of yow, had richt, clame, or actioun.

IT IS ALLEGET be the pannell, that na proces can be led aganis thame, becaus thai ar nocht summond to this dyett.—My lord Aduocat anfuers, that thai war summond for thir same crymes of befoir, and being presentit and enterand, wer wairdit,¹ sum of thame in the Castell of Edinburgh, and vtheris in the Tolbuith of Edinburgh; and being accuset for Treasone, may be brocht furth of thair wairdis, and put to ane Assyse. And for verification of the premiffes, producet the Letteris of Horning, quhair thay being summond, past to the horne, for nocht finding of caution to compeir and vnderly the law.

The pannell desyres xxiiij houris to be advyset with the Dittay, becaus the matter, substance, persones, and subiect of the first Dittay is alterit.—The Aduocat in the contrair, becaus the Dittay and the first Letteris agreis in substance, tuiching the Murthour of Sir Thomas Kennydie and Willyame Dalrumpill.—The pannell anfuers, thay differ in circumstances.

The Aduocat thairefter producet the first Summondis, and desyret the famin to be red; and the Justice to advyse, quhidder thay differ fra the Dittay, in substance, or nocht.—THE JUSTICE Ordanis proces, without delay.

The Lairdis of Auchindrane, elder and younger, askit instrumentis, that James Bannatyne is accuset and pannellit with thame, in this proces.—My Lord Aduocat declairis, that he infistis vpon the Summondis, as it is tressonabill.

It is allegit, that this Act of Parliament, quhairvpon the Summondis is foundit, was never *in viridi obseruantia*, in this Judgement, quhill this persute.²

¹ Imprisoned, kept in ward.

² That the act in question was never observed in the practice of this Court; and that this is the first instance of its having been founded on.

—It is anfuerit, that this Act of Parliament hes tane effect aganis Thomas Kennedy of Drummorchie.

It is allegeit, that the affumption of the first pairt of the Dittay, aggreis nocht (with the) woirdis of the Act of Parliament, in thir woirdis, ‘ vnder power, trust, credeit, and affurance ;’ becaus the Laird of Auchindrane had na power over the Tutour of Caffilis : And as to the woird of ‘ affurance,’ it is repointit in the Summondis, that the feid was taikin away, and thairfoir, na affurance.—To the quhilk it was anfuerit, be the Aduocat, that the allegeances aucht to he Repellit, in respect of the Dittay.— For, it is sufficientlie knawin, that foure perfones may haif ‘ power’ over ane ; and the pannell, haifing gevin aduerteifment and directioun to fax to stay the Tutour, thair was mair nor sufficient power : And as to the rest of the allegeance, ‘ credeit, trust, and affurance,’ the Dittay standis relevant, feing thair was na feid standing, and thairfoir, behovet to be flane under trust.

It is allegit, that the Dittay can nocht be relevant, vnles the famyn beir that the pannell was actuall committer of the cryme ; becaus the Act of Parliament beiris, quhair the fact is committit and done be ane man, haifing power and authoritie of the perfone flane ; bot sa it is, that the pannell was nocht present at the committing of the fact ; and sa the perfone flane was nocht vnder his power.—It is anfuerit, that the Dittay standis relevant, in respect that the Pannell was airt and pairt of the fact ; and thairfoir the allegeance aucht to be repellit, in respect of the Dittay.

THE JUSTICE ffindis the Dittay relevant, and Ordanis the famyn to be put to the knowlege of ane Assyse, except the pannell fay forder.

It is forder allegeit, that the naikit affertioun of power, authoritie, and affurance, except the pannell had bene present at the committing of the fact, is nocht relevant. *Item*, thair can na proces be led vpon this Dittay, feing the famyn is foundit vpon ane writ quhilk is nocht product. Anfueris, aucht to be repellit, in respect of the Dittay.—It is allegit, that the Dittay is nocht relevant to infer Treafoun, becaus it is never subsumeit in the Dittay, that the Laird of Cullane was vnder the power of Auchindrane. Anfueris, *vt supra*, that the famyn aucht to be repellit, in respect of the Dittay.—It is allegit, that the wryting of ane Letter be Auchindrane to Thomas Kennedy is nocht relevant to infer, that the pannell was airt and pairt of Cullanes slauchter. Anfueris, aucht to be repellit, in respect of the Dittay.—It is allegeit, that thair is na thing qualifeit in the Dittay, that the cryme was committit be the pannellis causing, counfall, or command ; becaus counsell can nocht infer airt or pairt. Anfueris, aucht to be repellit, in respect of the Dittay.

THE JUSTICE Repellis the hail former allegeances ; and ffindis proces.

It is allegeit, gif the principall slayeris fallis nocht vnder the danger of the Act of Parliament, the perfones nocht present, and yit accuset of airt and pairt, can nocht fall vnder the danger of the said Act: Bot sa it is, that the Tutour of Caffillis was nocht vnder the power or assureance of Thomas Kennydie of Drum-murchie, principall slayer; and na assureance betuix thame, bot feid standing betuix thame. It is anfuert, that thair was na feid standing betuix Drum-murchie and the Tutour of Caffillis; and thairfoir the said allegeance aucht to be repellit, in respect of the Dittay, as it is sett down.

THE JUSTICE Repellis the allegeance, in respect of the Dittay.

Forder, allegis that the principall actouris is nocht discussit. Anfuert, aucht to be repellit, in respect of the Dittay beiring airt and pairt; and that the principall committeris ar fugitiue, and thairby hes tane the cryme vpon thame.

It is allegit, concerning *the Slauchter of Dalrumpill*, that the auld Laird reptis the haill allegeances maid aganis the Act of Parliament, vnder trest, credeit, power, assureance, &c. And for Young Auchindrane, sayis, that Dalrumpill was nawayis vnder his power, credeit or assureance; becaus it is nocht qualifeit, that he was vnder the young Lairdis power; and thairfoir, can nocht infer Treafone aganis him. The Aduocat anfuert, aucht to be repellit, in respect of the Dittay.

THE JUSTICE, be Interloquoutour, Sustenis the Dittay, as it is confauet, alsweill aganis the young Laird as his father.—Quhairvpoun the Aduocat askit instrumentis.

ASSISA.

Sir James Scrymgeour of Dudope, kny ^t , elder, Conftable of Dundie,	Duncane Bayne of Tulliche, Dauid Weir of Auchtiefardill,	Williame Sinclair of Blaufe, George Seatone of North-Rig,
Sir George Elphingstoun of Blithifwod, kny ^t ,	Patrik Stewart of Baithe, Vthreid McDowell of Mondork,	Johne Corbett of Arboill, Patrik Carkettill of Markill,
James Scrymgeour, younger of Dudope,	Robert Merfer of Salene, Mathow Brisbane of Raffene,	Johne Kneiland of Fokane, Sir Dauid Woid of Craig, knycht.

My lord Aduocat tuik instrumentis of the fweiring of the Assyse. My lord Aduocat askit instrumentis of the fweiring of the Dittay, be Bessie Dalrumpill, moder to vmq^{le} Williame Dalrumpill, in that article thairof, concerning the Murthouring her sone.

THAIREFTIR, my lord Aduocat, ffor verificatioun of THE DITTAY to the perfones of Assyse, reptitit to thame the notorietic of the fforfaltour in Parliament of Thomas Kennydie of Drum-murchie, for the tressonabill Murthour of the Laird of Culzeane; reptitit the Hoirning vset aganis the said Thomas, Cloncaird, Thomas M^cAlexander, and remanent thair complices; and the citatioun of the Laird of Auchindrane elder, for the said crymes, in anno 1602; producis the Hoirning vset be the Laird of Culzeane aganis Auchindrane, ffor the intendit

Murthour of the said Laird of Culzeane, in anno 1597; and repeittis the Laird of Auchindranes Confessioun thairof, in Judgment. And for verificatioun of the said Laird of Auchindrane elder his giltines of the Laird of Culzeanis Murthour, and of the giltines of his sone and James Bannatyne, of the Murthour of William Dalrumpill, producet the Hoirning execute aganis thame for the said cryme, in februar 1608; quhairby, thay ganging to the horne, and fleing frome the Law, thay haif tane vpoune thame the giltines of the saidis crymes.

To prove that *Auchindrane elder ressuait the Letter* sent to him be Mr Robert Mure, contening aduerteisment of Culleanis dyet, and broght to him be Williame Dalrumpill, Walter Mure of Cloncaird being present, producet the Deposition of James Mure of Fleit, markit with the Letter O. *pagina tertia*; the Deposition of James Gordoun, O. p. 5; the Young Laird of Auchindranes awin Declaratioun, O. p. 6. And that M^cAdame carreit aduerteisment from Auchindrane to Thomas of Bargaunie thairof, produceit James Gordones Deposition, markit with the said Letter O. p. 10.

For Auchindranes *knowlege of Cullanes Murthour*, vses the Deposition of the Laird of Cauldwell, markit with the Letter G. p. 1, beirand, that Auchindrane sehew to them, that he knew of Cullanes Murthour, befor it wes done, and wald nocht flay it. And vses lykwayis the Deposition of James Mure younger of Auchindrane, his sone, O. p. 6, beirand, that he knew that his father was hevelie suspectit of the Slauchter of the Tutour of Cassillis.

To verifie Auchindrane's *keiping of Williame Dalrumpill in his hous of Auchindrane*, in the chalmer in the turnepyk-heid, and in the barne of Auchindrane, sehortlie eftir the Slauchter of the Laird of Cullane; vses the Deposition of Young Auchindrane, E. p. 6, and D. p. 5; the Deposition of Johnne Mure of Woidland, L. p. 6; the Deposition of Johnne Mure, callit Blak-byres, O. p. 1; and of James Gordoun, O. p. 5 et 10.

To verifie Auchindranes *sending of Dalrumpill to Arrane*, quhilk Auchindrane denyes; vses the Deposition of Patrik Dalrumpill, H. p. 5; of Johnne Mure, in Blak-byres, O. p. 1; of James Mure of Fleit, O. p. 4.; off James Gordoun, O. p. 5 et p. 10.

To verifie *Dalrumpillis sending to Flanderis*, be Auchindrane, quhilk Auchindrane denyis; vses the Deposition of Walter Mure in Glenheid, A. p. 2; off Johnne Mure, in Blakbyres, O. p. 1; of James Mure of Fleit, O. p. 2 et 3; of James Gordoun, O. p. 5.—And that the Lady Auchindrane *causit Williame Dalrumpill change his name*, and call him self *Williame Mure*; vses the Deposition of James Mure of Fleit, O. p. 9; and of James Gordoun, O. p. 10.

To preve Williame Dalrumpellis being in Walter Mure of Glenheidis hous, *ester his returning frome Flanderis*, to wit, vpone the Thurisday befor his Mur-

thour, quhilk Auchindrane denyis; vses the Depofitioun of James Dalrumpill, G. p. 1 et 2; and of Walter Mure, in Glenheid, A. p. 2.

To preve *the bringing of Williame Dalrumpile from Glenheid*, be James Cuninghame, at directioun of the Laird of Auchindrane, quhilk he denyis; vses the Depofitioun of Walter Mure, in Glenheid, A. p. 2; and of James Gordoun, O. p. 5.

To preve the Lairdis of Auchindrane, elder and younger, thair *meitting with Williame Dalrumpile*, in the way betuix Auchindrane and Chapel-Donane, and keiping cumpanie and conference with him the space of fevin or aucht myles, quhill thay thre and James Cuninghame come to Chapel-Donane, quhilk Auchindrane preffis to deny; vses Auld Auchindrane's Depofitioun, E. p. 2; and Young Auchindrane's Depofitioun, E. p. 7; the Depofitioun of Andro M^cAllexander, B.; Johnne Mure of Woidland, C.; Patrik Bannatynes Depofitioun, D. p. 1; Young Auchindrane's Confessioun, D. p. 5; James Dalrumples Depofitioun, G. p. 1 et 2; Williame Roife, L. p. 5; Johnne Mure in Carvell, L. p. 1; James Bannatyne, M. p. 1.

To verifie *the bringing of Williame Dalrumpile*, be James Bannatyne, *to the SANDIS OF GIRVEN*, to the Lairdis of Auchindrane, elder and younger, and MUR-
THERING HIM VNDER nycht, in that place; making ane hole for his burrall, and casting of him in the fea; vses the Depofitioun of Johnne Mure of Woidland, C.; Patrik Bannatynes, D. p. 1.; James Dalrumpillis, G. p. 1 et 2; David Merferis Depofitioun, L. p. 4; Williame Roife, L. p. 5; Johnne Mure in Cairve, L. p. 7; James Bannatyne, M. p. 1 et 2; Johnne Mure in Blak-byres, O. p. 2 et 11; James Gordoun, O. p. 5; James Pennycuiks Depofitioun, maid 27 of Maij; the Young Laird of Auchindrane's Depofitioun, F. p. 2, beirand, that he hard be the bruit of the cuntrie, that his father knew of Dalrumples Murthour, becaus he was fugitiue.

To verifie that *Auchindrane's denyall that he knew Williame Dalrumpile*, or that he brocht him M^r Robert Mures Lettir, is vntrew; and that he knew him, and reffaut the faid Letter from him; vses the Depofitioun of James Dalrumpile, G. p. 1 et 2; James Mure of Fleit, O. p. 3; James Gordoun, O. p. 5; the Depofitioun of James Mure, younger of Auchindrane, D. p. 5.

To verifie *James Mure*, younger of Auchindrane, *his knowlege of Williame Dalrumpill*, and of his keiping quyet in Auchindrane; and of his being at hame, immediatlie befor his Murthour; and his father and the deponneris meiting and conference with him in the way betuix Auchindrane and Chapel-Donane, the day befor his Murthour, and thair cuning altogidder to Chapel-Donane that nycht; produceit the Depofitioun of the faid James Mure, younger of Auchindrane, D. p. 5. *Item*, the Depofitioun of the faid Laird of Auchindrane younger, D. p. 7.

To verifie the dilligence, craft, and subtilitie vsfet be the Lairdis of Auchindrane, to suppres and eschew the tryell of Williame Dalrumpillis Murthour, and of thair awin giltines thair of ; ffirst, my Lord Aduocat vses the verificatioun of thair intentioun to Murthour Hew Kennydie of Garriehorne, onlie devyset and attemptit be thame, to cullour thair going to the horne, and to eschew the haynounsnes of thair fleing fra the law and tryell of thair giltines, of sic ane horrible and abhominable Murthour as Dalrumpillis; the Depositioun of James Dalrumpile, K. p. 1 et 2; and the Depositioun of James Bannatyne.

Defyres lykways the Assyse to haif confideratioun of thair continuall resoirt and friendschip with James Bannatyne, eftir the said Murthour; and thair being at the horne for the samyn; thair suffering the reproches and iniuries, be woird and deid, offerit be him to thame, quhilk thay wald nevir haif induret, gif thair had nocht bene affrayit, that, thair discoirding with him, he sould haif discoverit thair giltines of the said Murthour; vses the Depositioun of Patrik Bannatyne, D. p. 3; the Depositioun of Auld Auchindrane, M. p. 3; and of James Mure of Fleit, O. p. 3.

The geving be the young Laird of Auchindrane to James Bannatyne, ane Lyfrent Tak of his rowne of Chapel-Donane, all writtin with Young Auchindrane's awin hand, contening fourtie penneis be yeir of deutie, denyit and menfuorne be Young Auchindrane; and thairefter confessit, quhan the Tak was recoverit and product, E. p. 8.

The deilling of Young Auchindrane, be him selff and his freindis, with James Bannatyne to go to Ireland, and furnessing of him, to that effect, ane boit, meit and drink, quhilk Young Auchindrane denyit; vses for verificatioun thair of, the Depositioun of Allane Pyper, L. p. 3; David Marfchellis Depositioun, N. p. 1, et O. p. 4 et 8; David Mure, in Girven, his Depositioun, O. p. 4; and James Bannatynes, O. p. 8.

That Young Auchindrane wrait ane Letter with the said James Bannatyne, and in his fauour, to Thomas Kennydie of Drummurchie, the Kingis forfalt Tratour; vses for verificatioun thair of, the Confessioun of the said Young Laird of Auchindrane, O. p. 7; and the Depositioun of Williame Kennydie of Garfar, O. p. 8.

To preve that the fermes (*rents*) of Chapel-Donane, was continuallie payit to James Bannatyne, sen his banishment; vses the Depositioun of James Roise, tenant thair, L. p. 5.

To preve the furnessing of pleniffing, money and necessaris be the Auld Lady Auchindrane to James Bannatyne, continuallie, since his going to Ireland; vses the Depositioun of Williame Pyper, L. p. 1; David Marfchell, L. p. 4; Williame Roise, L. p. 5; James Roise, L. p. 5; James Gordoun, O. p. 10; and be Auchindrane's awin Letter sent to James Bannatyne; Moyfes Lokhartis Letter to James

Bannatyne; Young Auchindranes Letter sent to James Bannatyne; the Lady Auchindranes thre Letteris to James Bannatyne; and hir Letter to James Bannatynes wyfe.

The perfewar defyres the Assyse to haif confideratioun, as of ane verrie materiall circumstance, that James Cuninghame, being the man imployit be Auchindrane to keip Williame Dalrumples quyet in the place of Auchindrane, and to convoy him fra Glenheid to Chapel-Donane, the nycht befor his Murthour, quhairby he, being for the tyme, his actuall fervand, and in his hous of Ballach-toule the nycht of Dalrumpillis Murthour, and thairby mair abill to haif discoverit the circumstances of the Murthour nor (*than*) ony vther; the Laird of Auchindrane hes absentit him, for eschewing of the said tryell: And how the said James Cuninghame, being in the Laird of Caldwellis hous, and the Erle of Abercorne geting knowledge thairof, haifing, as ane Counsalour, commandit Caldwell (*Mure*) to exhibeit Cuninghame befor the Counfell; he, contrair to his pomeis, sufferit him to escaip: He being challangeit for it befor the Counfell, grantit the pomeis, and declairit that Cuninghame was sent to his hous be the Lady Auchindrane; and that, contrair to his pomeis, he sufferit him to escaip; ffeiring, gif he had enterit him befor the Counfell, he fould haif done liarme to his freind. For the quhilk, he become in the Counfellis will; as his Depositioun beiris, H. p. 1.

As lykwayis, how Auchindrane elder directit the said James Cuninghame, by the way to the Laird of Vaynes hous, in Angus, causing him change his name, and to call him self *Williame Broun*, and geving him that name, quhan he recommendit him to the Laird of Vayne, albeit the man was the said James Cuninghame; Quhilk Auchindrane denyis; bot the contrair is provin be James Gordoun, O. p. 5 et 10; be the Laird of Vayne, O. p. 11; Andro Lokhart, O. p. 12, and George Blakis Depositioun, maid at Lundoun, 28 Maj.

Forder, it is defyrit that the Assyis will consider the grit substance contenit in the Letter writtin be Auchindrane to his sone, with his awin hand, impudentlie denyit be him; and nevertheles cleirly verifeit be the Depositionis of David Drummond, seruitour in the Castell, E. p. 15; and be Thomas Home, Constable, *ibid.*; and be the Declaratioun maid be my Lord of Mar, in Counfell; quhilk the Lordis of Secret Counfell, present in this Judgment, hes verifeit.

Thay haif to consider the Lady Auchindranes adverteiffing of James Bannatyne, be Letters, of all the Dyettis of proces led betuix the Laird of Auchindrane and her sone; and hir recommending of him to Thomas Kennydie of Drumurchie, hir brother; provin be Williame Pyper, L. p. 1; James Gordoun, O. p. 10; and be hir awin Miffaue Letter to James Bannatyne.

The Lady Auchindranes absenting hir self, and nocht compeirance befor the Counfall, quhan scho wes charget thairto, vnder the pane of Hoirning, to compeir and Depone hir knowledge of the crymes quhairof hir husband and sone ar

accused ; Thomas Mure, sone to Auchindrane, and Andro Sinclair, half brother to Auchindrane, thair going to the horne, for nocht compeirance to depone in the saidis crymes, quhilk of necessitie man be presumeit to proceid of the stay maid to thame be Auchindrane, elder and younger, for feir that thair Depositiones sould discouer the giltines of the saidis Lairdis. The lyk man be presumet of Thomas Wallace, Johne M^ccaig, and dyuerse vtheris of the Lairdis servandis, going to the horne, for the lyk cause.

Thay haif also to considder verrie cairfullie, the Laird of Auchindrane's hyring James Pennycuik to go to Ireland to Murthour James Bannatyne ; denyit be Auchindrane, and verifeit be the Deposition of the said James Pennycuik, and George Small his servand. And the lyk directioun sent be Auld Auchindrane with George Blak to Ireland, to Williame Carmichell younger of Rowntrie-croce ; verifeit be the Depositiones of George Small, O. p. 11, and be the Examinations of the said James Pennycuik and George Blak, in Lundoun, in May last.¹

Last, thay haif to considder the Letter sent be Auld Auchindrane to the Laird of Stair,² and the forme of Band sent thairwith, to haif bene obtenit, subscriuit be the Laird of Stair, and his freindis, of the name of Dalrumpie.

IN respect of the quhilkis premisses, verifeing the crymes lybellit, and haill materiall circumstances thair of, with so cleir evidences and manifest probatioun, as na man could haif expected, in so covered and craftie Murthouris ; quhairby all dout of obscuritie and scruple is cleirly removet ; in caice the said Assyse or ony part of thame fall happin so unhappellie to forget thame selfis, as to clange³ the saidis Lairdis of Auchindrane, elder and younger, or the said James Bannatyne, quaha hes Confessit his awin giltines, in Judgement ; my lord Aduocat protestis for Wilfull and manifest Errour ; and for all payne that of the Law can follow thairupone.

IT IS ANSWERIT be the pannell to the perticuleris aboue writtin, that the samyn, nather in haill nor in part, aucht to be respectit ; and speciallie, in sa far as the samyn is foundit vpon Deposition of Witnesses ; becaufe, it is speciallie provydit be the Act of Parliament, maid in the yeir of God I^m.V^c. fourfcoir sevin,⁴ cap. 90, that in all causses Criminall, the haill proces and probatioun, and vther instructiones quhatsoeuer, ather be Writ or Witneffis, fall be alleget, reffonet and deducet in presens of pairtie accusit, in face of judgment, and na vther wayes ; quhilk is according to the Cowmoun Law ; seing na witnesses can be reffaut *contra non*

¹ It may be stated here, once for all, that unluckily the DEPOSITIONS, LETTERS, and other productions, which are here so regularly quoted by their proper numbers and pages, are lost ; at least, if among the Records of the Justiciary Court, are in a room filled with loose and unarranged papers, tied up in bundles in such a manner, as to render any ordinary search entirely hopeless—as it would occupy many months' constant investigation. ² John Dalrymple, chief of that name. ³ *Cleanse* ; find innocent, acquit. ⁴ Anno 1587.

citatum ; to the effect that the pairtie may be hard to oppone aganis thame. And trew it is, that all thir Depositiones and writtis, vset be my Lord Aduocat, and speciallie the saidis Depositiones of Witnesfes, hes bene resflaut out of prefens of pairtie ; the pairtie nevir being summonit to obiect aganis thame, done extraiudiciall, and nocht in Judgement : And thairfoir, quhatfoeir the Lordis of Counfall, *per medium inquisitionis*, hes done of befoir, out of prefens of pairtie, aucht nawyis now to be respectit be the Assyse ; according to the decifioun of the Act of Parliament : ffor, as in Ciuile causses, na fayth will be gevin to ony Witnesfes out of prefens of partie, *multo minus in Criminalibus*.

And now, anfuering perticulerlie, ffirst, as to the Forfaltour of Thomas (Kennedy) of Barganie, (Drummurchie,) thair is na thing product. Nixt, he was nocht forfalt for the factis lybellit, bot only for the burning of the house of Auchinfoule. *Tertio*, it tuiches nocht our cause. As to the Hoirmingis, the pannell vses fyve feuerall Relaxatiounes of Auchindrane, elder and younger, *respectiue* ; quhilk thay product. And albeit the Lairdis of Auchindrane, elder and younger, war put to the horne, for thair nocht compeirance, the first dyet, yet that importis na taking of the cryme upone thame ; becaus, thay being giltie for vther crymes, and speciallie, schuiting of pistolettis, ffor the quhilk thing mycht haif bene pwneist be the lawis, thay durst nocht compeir, quhill first thay had obtenit ane Remiffioun of the saidis crymes, quhilk thay mycht lauchfullie do ; becaus, thay knew certanlie, that thair going to the horne wald be purget be thair compeirance and offer to Tryell. As lykwayis, Young Auchindrane compeirit at the first Dyet ; and also Auchindrane elder wald haif enterit willinglie, and to that effect offerit to comper¹ and tak his Remiffioun for the pistolettis, but culd nocht obtene the samyn ; as is notour to my Lord Chancellor and Thesaurer.²—As to the repetitioun of the Deposition of *James Mure of Fleit*, and *James Gordoun*, it is anfuert, *ut supra*. And forder, in caice the pairtie had bene wairnit, as he was nocht, he wald haif repellit the said James Muir, he being ane vagabund, without ony residence, nocht worth the Kingis vulaw ;³ and richt sua, that he was denunceit rebell and put to the horne, for steilling of tua horse and thre oxin fra the Tutour of Nuntoun ; and also, for steilling of ane quhyte naig out of the landis of Skeltoun. Lyk as, the Tutour of Bombie, to move him to be ennemie to Auchindrane elder and younger, and to depone aganis thame, he aggreit⁴ the Tutour of Nuntoun and the said James Mure, anent the steilling of the said guidis. And forder, the Laird of Blairquhand hes promeist him geir and guid deid, to depone aganis thame ;⁵ and (Mure) hes now becum his seruant.

¹ Compromise ; make a composition, or purchase his Remission from the Crown. ² Both of whom, it will be remembered, were then sitting as Assessors. ³ Not being worth, *i. e.* unable to pay the fine or *amerciament* to the king, for his own appearance, &c. ⁴ Reconciled them, and made up their quarrel.

⁵ For the reason of Blairquhand's feud with Auchindrayne, see Hist. of the Kennedyis, p. 19, &c.

And as to Gordoun, can nawayis be respectit, becaus he was nocht aucht 3eiris,¹ the tyme of the committing of the factis quhairvpon he was examinat. Lyk as, the pannell desyres that Gordoun may be presentit in presens of the Affyse, and confrontit with the pannell.—Forder, it is allegit be the pannell, that the Depositiones for (of?) the said James Mure and James Gordoun, and all vtheris of the lyk nature, aucht nawayis be respectit; becaus, it is of veritie, that the lybell and Dittay consits of tua pairtis; the ane substantiall, to infer the pwneifchment lybellit, viz. the committing of the factis lybellit; and the advyse, consent, persuasioun, instigatioun, causing, command, counfall, and ratihabitoun, quhilkis ar the only substantiall poyntis contenit in the lybell and Dittay: And the rest of the poyntis of the said Dittay are only presumptiones, coniecturis, and liklienes.² And seing, the speciall cause quhy the Justice Sustenit the lybell, was the advyse, presumptioun, instigatioun, counsell, command, assistance, and ratihabitoun gevin, be the Auld Laird of Auchindrane, to the saidis Thomas Kenmydie, for Murthouring of the said Laird of Culzean; and that thair is na thing of the said substantiall poyntis provin be nane of the Depositiones; quhatfoeuer Depositiones is maid be the saidis tua persones, or ony vther remanent Witnesses, in materis of the lyk nature, anent ony probabilities or presumptiones, albeit thair war maist violent presumptiones, and indoutit, thay can produce na sentence condampnatour³ in Criminall caussis, bot only ar adminicles to the tortour and questioune. And forder, the Depositiones of the saidis tua persones, being only anent the ressaith of ane Letter, nocht contening the contentis and qualitie thair of, can nawayis induce ony presumptioun, far less probatioun. *Item*, it is to be rememberit, that thir Depositiones tuiches nocht Young Auchindrane. *Item*, tuiching that pairt of Young Auchindrane, and Caldwellis Deposition, thay prove nathing, nather of the fact, nor yit of the knowlege. As also Young Auchindrane's Depositiones previs far les; becaus he mycht haif lauchfullie deponit that his father was suspect befor he was pannellit.

And forder, as to the Depositiones of *Young Auchindrane*, and *Johne Mure of Woodland*, thay can work nathing, seing thair preve na pairt of the Dittay, or factis thairin contenit; ffor as to Young Auchindrane's Depositiones, anent his knowlege of Dalrump to haif bene in his fatheris hous, that previs na pairt of the Dittay. And, quhair it might appeir, be the said Deposition, and vtheris Depositiones conforme thairto, that the said Laird of Auchindrane is improvin, as quha deponit that he never knew the said Dalrumpill,—it is ansuerit, that the same can impoirt na probation of ony pairt of the Dittay; becaus, gifand⁴ and

¹ Eight years old.

² Probabilities, *likelihoods*.

³ Condemnatory.

⁴ Giving or allowing for the sake of argument, but not granting; a common form of expression used in ancient legal proceedings, when Counsel was illustrating a point by arguments, &c.

nocht grantand that the pairtie pannellit had maid ane leising,¹ or vareit and bene inconstant, and sa waverit in his Depositioun, the same can impoirt na probatioun; speciallie, quhair the said vntreuth, &c. is nocht in the substantiall pairtis of the Dittay, bot in vther accidentis and externall circumstances. And as to Johnne Mure of Woidlandis Depositiones, it can nawayis be respectit, for thair particular caussis:—first, he is tenent removeable² to the Erle of Cassillis, and his household seruant; nixt, he is Chalmerlane and factour to ane grit pairt of his lordschipis landis; bot in speciall, is Bailzie of the Barronie of Dalrumple. *Secundlie*, he was vpon the ground, in companie with the Erle of Cassillis, at the slauchter of Barganie, at quhilk time Auchindrane was deidlie hurt. *Thridlie*, he was also in companie with the Erle of Cassillis, at the persute of Auchindrane, in his awin hous. *Fourtlie*, he was in companie with Hew (Kennedy) of Garriehorne, and his convoy throw the landis of Auchindrane, quhair he come in bragging maner, and socht Auchindrane at his awin hous. *Fyftlie*, befor he was examinat befor the Counsell, the Erle of Cassillis causit him sett down sic woirdis as his lordschip thocht expedient, and to be subseruit with his hand; quhilk he nawayis durst alter, befor the Counsell; *et sic prodiit testimonium*. The quhilk writ was producet to him in Counsell, befor he wald depone; quhairby he nicht keip my lordis injunccionis.

ITEM, as to the Depositioun of *Johnne Mure of Blakbyres*, it preuis na pairt of the Dittay, becaus he deponis nathing of knowlege that he hes of Auchindrane, bot a repoit that he had of vther seruantis. And forder, the said Johnne could nevir haif bene witnes fra the beginning, ffor thir caussis:—Becaus, he slew the Laird of Auchindrane's seruand callit Williame Geddies, for the quhilk he was baneischet the countrie; nixt, he come in vpon fair promeissis and conditiones maid to him be the Erle of Cassillis, to purches to him ane Remissioun for that Slauchter, and for the quhilk caus, he promesit to the said Erle to depone quhat he desyret: And last, the said Johnne Mure hes intruset³ him self in ane grit pairt of Auchindrane's lands, and thereby⁴ thinkis to bruike⁵ the samyn.

As to *Patrik Dalrumple's* Depositiones, na fayth can be gevin thairto, becaus he is uncle to the murtherit man.

It is ansuerit, to the Depositioun of *Walter Mure*, and to the rest of the Depositiones befor the allegit Presbiterie, that the saidis Depositiones can mak na fayth; becaus thair ar extra-judiciall, na proces depending aganis ony pairtie, na pairtie haifing intres being callit, bot only ane naikit conventioun of tua or thre Ministeris, nocht Presbiteriallie convenit, quha had na power to tak sic Depositiones: And as the saidis Depositiones, gif thair had bene tane to the saidis Mi-

¹ An untruth or falsehood; *leasing*.

² Tenant at will.

³ Intruded; thrust himself into.

⁴ By perjury, or giving false evidence, &c.

⁵ Enjoy; possess as his property.

nifteris in ane Ciuile caus, wald haif maid na faith, far les in ane Criminale. *Secundlie*, the said Walteris Depositionis preuis na pairt of the Dittay: And albeit the Depositiones war trew and valid, yit thay ar ineffectuall; becaus, albeit it war grantit that Dalrump was fend to Flanderis, that impoirtis nocht the probatioun of ony Dittay.

ITEM, it is anfuerit to *James Dalrumples* Depositionis, that the same can nawayis work aganis thir perfonis pannellit: Becaus, in the first pairt of the said Depositionis, he deponis nothing aganis thame: And as for the last pairt, beirng ane plott to mak ane onfett vpon Garriehorne, the samyn can nawayis work aganis the perfonis pannellit; nather can his Depositionis be regairdit, in respect he deponis his awin turpitude, viz. the forgeing and contryveing of the slauchter of Garriehorne devyfit be him self, as is confessit; and quhilk devyfe of his, he counsellit the perfonis pannellit to put in executioun; and sua, he being devyfer and contryver of the fact, he can nevir be hard to depone in preiudice of the perfonis pannellit. And to purge the onfett maid vpon Garriehorne be Young Auchindrane, the verritie is, that the caus of that onfett was accidentlie, they meitting togidder at the end of the Toun of Air, and Young Auchindrane meiting him in the way, had just caus to mak the onfett vpon him: ffirst, becaus he had tane his fatheris bluid, and nixt, he was at the Slauchter of his mother-brother.¹ And forder, the said James Dalrumpillis Depositionis can nawayis be respectit, becaus he is ferdis of kyn² to Williame Dalrumpill, quha is flane, and is secund and thridis to the Laird of Culzeane. And forder, befor he was present in Counsell to depone, he was movet to depone the samyn, vncitet,³ be my Lord of Abercorne, quhair of he maid adverteisment thairefter⁴ to the Laird of Auchindrane and desyret him tō fett him; becaus he had put all that he had, be submissioun, in Sir Claud Hammiltone's handis.

ITEM, as to the Depositionis of *M^cAlexander*, it preves na pairt of the Dittay nor factis lybellit, bot rather purges the samyn; and forder, can mak na faith, becaus it declairis, that the Lairdis of Auchindrane war content to cum and tuich the corps,⁴ sua that⁵ thay mycht do the samyn in Air, my lord of Cassillis nocht being thair. And to verifie the samyn, produces ane Instrument.⁶ And forder, at that tyme Young Auchindrane was deidlie hurt; and sa could nocht cum. And forder, the said Depositionis can nawayis be respectit, becaus it is extra-judiciall, and one in presens of the partie adverfar, viz. the Erle of Cassillis.

¹ Uncle; mother's brother. ² Within the fourth degree of relationship. ³ Without having received lawful citation. ⁴ Alluding to the well-known popular test, or ordeal, of calling upon the accused or suspected person to come forward and touch the corpse of the murdered party! The superstitious notion then held was, that THE CORPSE WOULD BLEED, immediately on the approach or touch of the Murderer! Powerful use of this circumstance has been made by Dramatists and writers of Romance. See a variety of interesting notices in the APPENDIX to this Trial, with an enquiry into the origin and practice of our ancestors in such cases. ⁵ On condition; provided that, &c. ⁶ A Notarial attestation.

ITEM, as to *Patrik Bannatyne's* Deposition, it aught nawayis to be respectit, for thir cauffis :—*Firft*, becaus he is secund and thridis of kyn with Culzeane, quha is ane pairtie accuser; as also to the Erle of Caffillis: *Nixt*, becaus he is brother to James Bannatyne, quha is *socius criminis*, and is callit and accuset for the samyn cryme: And *last*, his Deposition can mak na fayth, becaus the samyn proceedis onlie *ex auditu*, be relatioun of his brother James Bannatyne; in the quhilk Deposition, he confesses the said James Bannatyne to be thryse contrair¹ in his relatioun. And sua, his Deposition, depending vpon ane contrair relatioun, makis na fayth.—Aganis the hail Depositiones depending vpon *James Bannatynes* relatioun, it is allegit,—gif James Bannatynes fall, all his relations man fall.

And forder, as to *Williame Roifes* Depositione, it is allegit, that the samyn can nocht be respectit, becaus Williame Roifes wyfe and the Laird of Culzeane ar thrydis and ferdis of kyn. As also, his wyfe is father-sifter to James Bannatyne, quha is accuset of the same crymes.—It is allegit aganis the Deposition of *Johnne Mure in Curver*, that the samyn can nawayis be respectit: Becaus the samyn is only ane relatioun made be James Bannatyne: *Secundo*, becaus the samyn is contrair to the Dittay; in sa far as the Dittay beiris, that James Bannatyne, haifing brocht Dalrump to the Sandis of Girven, left him behind him, and raid forwardis to the tua Lairdis of Auchindrane, quhair the Auld Laird conferring with him, the Young Laird past to the said Dalrump; and eftir ane space, Auld Auchindrane and Bannatyne cuning neir thame, he slew him: And in this Deposition it is confessit, that James Bannatyne sould haif said to the Deponer, that Young Auchindrane drew this Dalrump after him, and slew him; quhairby it is eident, that James Bannatyne is contrair, infasar as the Deposition beiris, conforme to the Dittay.

As to the Deposition of *James Bannatyne*, it aucht nawayis to be respectit, for thir argumentis.—*Firft*, becaus he hes tane the cryme vpon him, and for the samyn hes maid offeris baith to the Kirk and pairtie: *Secundlie*, he standis yit at the horne vnrelaxit: As also, is vnder the censure of excommunicatioun; and so is nather Godis man nor the Kingis: *Thridlie*, he is secund and thridis of kyn to the Laird of Cullane and the Erle of Caffillis: *Ferdlie*, he is cum in vpon promeis and condition of his lyfe, quhilk was fet down to him be *Jofias Stewart*, bruther to my Lord Vchiltrie, *James Stewart*, and the Laird of Girvenmaynes; and his Band gevin to that effect, that he fall cum baith saif to Scotland and returne saif to Ireland. Eftir meiting and conference in Ireland, and quhat he had sett down the conditiones, he come over to Buit to his coufing the Laird of Cames,² to quhome he schew the conditiones, and brocht Cames brother,

¹ Contradictory.

² From Ireland to the Island of Bute, to his cousin, . . . Bannatyne of Kames.

callit Rannald Bannatyne, with him to the Largis, quhair he mett with James Stewart, quha brocht him to Kilwinning; and than Josias and James Stewartis mett with him befyde Irwing, to haif fett down the conditiones perfytlie, for his sure returning to Ireland, quhilk sould haif bene put in Rannald Bannatynes handis; bot, vpon fair promeffis, he was movet to leve Rannald behind him: And thairefter, he wes brocht to my Lord of Abercorne, with quhome he was tuentie dayis, or thairby: And thairefter, he was fend to Cliddisdail, to the Laird of Corhous;¹ and sua, be this progres, it is evident, quhat hes bene the indirect deilling of James Bannatyne, fra the beginning. Speciallie, quhan fouir ane pairtie is accuset for ane cryme, and is fugitiue for the same, as in this caise, he can nevir be hard, be his Confessioun and Depositioun, to work ony preiudice to ony vther pairtie; nather can his Depositioun work, sa mekill as the tortour, to the parties, vules he first be subiect to the tortour him self; as is obseruit in the Justice Courtis of all Christiandome: Nather can his Depositioun be regairdit aganis Young Auchindrane, becaus the samyn proceidis vpon malice aganis him; infasar as he was informet that Young Auchindrane had offerit to the Thesaurer, for cleiring of his awin innocencie, to set cautioun, vnder the pane of Fourtie thowseand pundis, to exhibeit the said James Bannatyne befor the Justice:² And it is nocht to be presumet, that ane man giltie of ane haynous cryme, being at his awin libertie, wald willinglie cum in to his awin deid,³ bot vpon promeffis and conditionis. And forder, this argument is infallable; na gritter fayth can be gevin in this matter to James Bannatyne, nor gif⁴ Dalrumple, vpon his deid-bed, had maid his Declaratioun that he was slane be Auchindrane, elder and younger: Bot trew it is, that na fayth wald haif bene gevin thairto, without vther probatioun. This was cleirly decydit, quhan as Robert Ramfay, notter in Stirling, was execute to the death, confessing that the Instrument of Denunceatioun maid be him self, quhairto he was notter aganis the Tennentis of Halbarnes and Auldlistoune, was fals, and past constantlie to the deid with it; yit, quhan as the caus of Improbatioun was advyset be the Lordis of Counsell,⁵ thay respectit nather his first, secund, nor thrid Depositioun, in preiudice of the producer, accoirding to the Cowmoun Law; becaus the Confessioun of ane malfactour may weill preiudge him self, bot na vther.

It is Anfuerit to the remanent Depositiones, depending vpon James Bannatyne's relation—aucht nocht to be respectit, *vt supra*.

As to the Depositiones of *James Pennycuik*, thay aucht to mak na fayth, be-

¹ Bannatyne of Corhous, in the county of Lanark. ² They omit a material part of the offer, viz. to present him 'dead or alive!' It being their purpose to have him murdered in Ireland, *by authority*, and thus for ever to have suppressed evidence of their nefarious wickedness! ³ Death.

⁴ Than if Dalrymple upon his death-bed. ⁵ When the process of Reduction, for the purpose of annulling and setting aside the Instrument, was advised before the Civil Court.

caus he is ane personage infamous and notorioufflie knawin to be infame ; he is denuncet rebell and put to the horne at the instance of Capitane Williame Rig, for steilling of his cloick and his fuord, accompaneit with sevin vtheris, betuix Leyth and Ed', vnder clud of nycht : And this Hoirning, staning for ane manifest Ryote and Oppressioun, is sufficient to mak him infame : And produceit the Hoirning for veryfeing thairof : *Secundlie*, the Depositionn of James Penneucik can nocht be regairdit, in respect the samyn is improvin, in the speciall poynt thairof, befor the Lordis of Secreit Counsell ; in sa far as he, haifing deponit the Obligiatioun ressauit be him from Auchindrane for the sowme of Four-score pund, to haif bene gevin for Murthering of the said James Bannatyne—the contrair thairof was verifeit befor the saidis Lordis, and the said Obligiatioun (proven) to haif bene gevin for borrowit money : Lyk as, the Witnesse quha war examinat thairupoun, deponit, that thai saw the numeratioun¹ of the said money. And sua the said deponer being improvin, in the maist substantiall poynt of his Depositionn, thair aucht no credeit to be gevin to the rest. Forder, the said Depositionn concernis na pairt of the Dittay, nather substantiall nor circumstances thairin contenit. Laft, he is *testis singularis*, deponeing vpon his awin turpitude, viz. that he was hyret to the Slauchter of ane man ; and thairfoir, his Depositionn can nocht be regairdit ; speciallie, haifing consideratioun to the circumstances thairof, viz. that vncoactit or compellit, he past furth of Scotland to London, to mak his Depositionn to his awin guid-brother,² Sir James Hamiltoun, in the quhilk he confessis him self to be restranit fra his allegit pretences, and to mak the said Depositionn for the love and reverence he bure to my Lord of Abercorne, quhome the perfonnes pannellit acknowleges³ as pairtie. Quhilkis haill circumstances, concurrand with the notorietye of his bypast lyfe, verifeit be the Decreit of Secreit Counfall, his Depositionn can mak na fayth.

As for the Depositiones of *George Blak*, the samyn can mak na fayth : becaus he depones that the Laird of Auchindrane sould haif hyret ane Williame Carmichell, being ane discreit Gentilman, *integre fame*, is nevir examinat thairupoun ; and sua the said Georges assertioun, being *testis singularis* in that Depositionn, can nocht worke.

To the presumptioun obiectit aganis *Young Auchindrane*, beiring, that gif he had nocht bene giltie of the Murthour of Dalrumple, he wald nocht haif sufferit the iniurious woirdis and langage of James Bannatyne ; it is ansuerit, that gifand the presumptioun war trew, yit it is nawayis pregnant to infer Treafone aganis Young Auchindrane, seing na substanciall fact is provin. And forder, the caus of his forbeiring of him, at that tyme, was, in respect the said James Bannatyne vtterit his iniurious woirdis and boifing, in his drukinnes,

¹ Telling, or counting out of the money.

² Brother-in-law.

³ Recognise.

quhairvnto he is always subiect. As lykwayis, it was na honour¹ to Young Auchindrane to put handis in his awin man, being in that estait : Lykas, he was reconfeillit with him, at the requiest of Williame Kenydie of Garfar, quaha was examinat befor the Counfell.—It is anfuert, to the presumptioun concerning the Tak² maid be Young Auchindrane to James Bannatyne, quhilk Young Auchindrane denyit that he nevir gaif any to the said James, quhill³ the samyn was provin and producet, &c. ; that the samyn presumptioun is nawayis sufficient to infer the cryme of Treaoun ; becaus the same is nocht ane presumptioun concerning the committing of the cryme lybellit, bot only ane illatioun⁴ vpoun ane vnnecessar consequence ; ffor it nawayis followis that, albeit ony Gentilman gaif ane Tak, for nocht, to ony of his servandis or dependeris, that thairfoir he was airt and pairt with him in committing of ane tressonabill act ; vnles it war sufficientlie verifeit to haif bene done for that caus ; nor yit dois the production of the Tak mak Young Auchindrane's Depositioun to be vntrew ; becaus it is nevir provin that the Tak was gevin to James Bannatyne ; bot, be the contrair, the samyn was tane out of Thomas M^cAllexanderis kift, in quha's handis it was confignit, quhill the conditiones betuix thame war endit ; viz. that the said James sould haif maid richt to Young Auchindrane of the sowme of I^m (1000) merkis, quhilk he had vpone Langschawis land, quhilk he could nocht than presentlie do, in respect the said James had maid his awin wyffe assignay thairto ; quhilk Assignatioun is producet in judgement : Nather is it probable that gif the Tak had bene maid to the said James, conforme to the presumptioun, bot the samyn wald haif bene put in his awin hand, and nocht confignit in ane thrid perfon's hand.

[My Lord Aduocat takis instrumentis of James Bannatynes Declaratioun maid judicially be him ; quaha being demandit, ‘ Gif the Tak grantit to him be Young Auchindrane was delyuerit to him self ? ’ Declarit, it was first delyuerit to him, and thairefter, be consent of him self and Young Auchindrane, it was put in the handis of Thomas M^cAllexander, vpone Auchindrane's feir that the deponent had allegit the production of that Tak sould haif done him grit harme.]

As to the Depositioun of *Allane Pyper*, it aucht nocht to be respectit, becaus he is tennant to my Lord of Cassillis of the foure merk land of Sallachan ; and forder, the said Depositioun proves nathing, nather of the substance nor circumstances of the Dittay. As to the Depositioun of *Williame Roise*, can mak na fayth ; becaus his wyfe and the Laird of Cullane are thridis and ferdis of kyn : And forder, the payment of the maill and deutie inferris na presumptioun. As to the Depositioun of *Williame Pyper*, auent the Lady Auchindrane's furneiffing of James Bannatyne, aucht nocht to be respectit, becaus he is man, tennent, and

¹ It would have been dishonourable.

² Lease, or *tack*.

³ Until.

⁴ Inference. Lat. *illatio*.

servand to the Erle of Cassillis ; as also, is tennent removeable to the Erle of the foure merk land of Sallachan ; nixt, he fauld his maister Ardmillane and Thomas of Bargany to my Lord of Cassillis ; for the quhilk he promeist him V^c merkis. It is anfuert to the presumpitioun anent *the Laird of Cauldwallis* Deposition, of the suffering James Cunninghame to pas away, contrair to his promes, that the samyn is nawayis pregnant aganis the persones pannellit, seing thair is na fact or deid contenit in the same, allegit to be done be thame. It is anfuert, to the presumpitioun resulting vpon the Letter producet—First, the same wrikis nathing aganis Young Auchindrane, becaus it is ane Lettir allegit writtin fra his father to him, never ressaunt be him ; and sa can infer na preiudice aganis him : *Item*, it can work nathing aganis the father, becaus the samyn is nocht subscryuit be him ; lyk as, he denyis the samyn being re-sent ; and thairfoir, he nocht confessing the samyn, nor being subscryuit be him, can work nathing aganis him : And quhair as, it wald appeir the same to haif bene delyuerit to the Counsell be my Lord of Mar, quha is allegit to haif ressaunt the samyn fra the Constable,¹ quhilk Constable is allegit to haif ressaunt the same fra Dormond, ane of the ordineris of the Castell ; and the said Dormond is allegit to haif ressaunt the samyn fra Auchindrane elder, to haif bene delyuerit to his sone : The samyn can mak na fayth, ffor albeit my Lord of Mar and the Constable thair Depositions may be trew, as the persones on pannell will nocht impunge the samyn, yit it followis nocht bot that Dormond hes bene subornet be the vnfreindis of the saidis persones to mak the said narratioune to the Constable : to the effect that thairby he mycht caus ane falsfeit Letter cum in the Counsellis handis :—And to mak the said mater mair cleir, the said Laird of Auchindrane elder offeris to preve and verifie instantlie, be dyuerse famous witneffis subscryveand, and, in speciall, be James Pennycuik, ane of the persones producet aganis him, and vtheris, &c., that Eduard Mekiljohnne, sumtyme seruitour to James Prymrois,² come to the Laird of Auchindrane, thay being baith wairdit in the Tolbuthe, and said to him, ‘ Sir, I haif sene your writ ofbefoir ;’ and being demandit, ‘ Quhair ?’ anfuert, ‘ I was imployit to counterfute ane Letter of youris, allegit directit be you to be Castell of Ed’ to your sone,³ the quhilk contenit ane half-throche of paper⁴ on bayth be sydis, and was nocht subscryued ; the quhilk I counterfute as neir your hand writt as I think was possible.’ Being demandit, ‘ How was it be þis writt quhilk I am now wryting ?’ Anfuert, ‘ It was sumthing smaller.’ Being demandit, ‘ Quhat was be caus be Letter was nocht subscryuit ?’ Anfuert, ‘ It was to mak the matter mair suspitious !’ ffor, sayis he, ‘ it wes gevin me vpon

¹ The Constable of Edinburgh Castle, viz. Thomas Hume.

² Clerk to the Privy Council.

³ Directed from Old Auchindrane, then in the Tolbooth of Edinburgh, to his son, then in ward in the Castle.

⁴ A half through, or half a sheet of writing-paper, then usually of the size which is now termed ‘ foolscap.’

ane grit secreit in the Tolbuthe, and I nevir reveillit nor opnit þe matter quhill now ! James Pennycuik ſpeiris at him, ‘ Quha gaif ʒow this ? ’ Anſuerit, ‘ I will keip þat to my ſelf ! ’

As for the doingis of *the Lady Auchindrane*, the ſamin can nawayis preiudge hir huſband or hir ſone, ſcho being ane woman ; and hir abſenting of hir ſelff was for ane lauchfull cauſe, viz. feiknes, authorizet be ane lauchfull Teſtimoniall.

As for *Thomas Mure* and the reſt going to the horne, for non compeirance, it can be no pregnant preſumptioun to infer Treafone vpon the perſones pannellit.

Eduard Mekill-Johnne, being ſend for, and preſenting him ſelff, ſuorne and examinat, deponis, that he reſſaut the Letter direct be Auld Auchindrane to his ſone, being wairdit in the Caſtell of Ed^r, ffra my Lord of Mar, in preſens of Archibald Prymrois, writter, to be coppeit be the Deponer. Eftir the coppieing quhairof, the deponer, ane grit ſpace thaireftir, cuming to the Tolbuith of Ed^r, and finding the Laird of Auchindrane wryting at ane buird, he come to him and ſaid as followis : ‘ Laird of Auchindrane, I think I haif ſene ʒour writ of befoir.’ Quhairvnto Auchindrane anſuerit, ‘ Quhair ſaw ʒe it ? ’ The Deponer replyt, ‘ I remember I coppeit ane Letter verrie lyk ʒour writ, quhilk I reſſaut to coppie fra ane Noble man ! ’ Bot wald nocht declair to him the Noble man his name that gaif the directioun : And as to the alleget declaratioun than maid be the deponer, that he counterfute the ſaid hand writt, denyis the ſamyn ; bot that the ſamyn was coppeit be him, be directioun, as ſaid is. Quhairvpon my lord Aduocat aſkit inſtrumentis.

Archibald Prymrois, alſo preſent, being ſworne, Declairis, that he was preſent quhan my Lord of Mar delyuerit the Letter to Eduard Mekil-Johnne to be coppeit ; quhilk my Lord than declarit, was interceptit betuix Auld Auchindrane and his ſone ; and the ſamyn Letter being than preſentit be my lord to the Deponer, he verrie hardlie could get the ſamyn red, being ſa evill writtin and evill ſpellit ; Bot to put Auchindrane in remembrance anent that matter, the ſamyn Letter being producet to the Lordis of Secretit Counfell, eftir intercepting thair-of, and ſchawn to the Laird of Auchindrane, and he than inquiryt, ‘ Gif he knew that Letter or the hand writ thairof ? ’ Auchindrane anſuerit, ‘ It was nocht his hand-writ, bot was verrie lyk it.’ And being deſyret to reid the Letter, he red the ſamyn in thair Lordſchipis preſens, verrie diſtinctlie, without ony ſtope : At quhilk tyme, the Lordis of Secretit Counfell, my Lord of Dumbar being preſent, cauſit Auchindrane wryte with his awin hand ane particuler anſuer of all that was demandit him in that matter, to the end thai mycht the better recognoſce and try quhidder the ſamin was writtin be him or nocht : And forder, the deponer knawis nocht.—Quhairvpon my Lord Aduocat alſe aſkit Inſtrumentis.

IN fortificatioun of THE VERIFICATIONIS producet be the Aduocat, and vſet

to the Affyfe, my lord Advocat affirmes, that it is lauchfull and vsuale to the Lordis of his Maiefties Secreit Counfell to examine Witneffes, out of prefens of pairtie, in all crymes treffonable; quhais Depositiones being producet to the Affyfe, makis full faith, vules thai be impugnet be sum lauchfull particular exceptioun proponit aganis the famyn; and can nocht be impugnet, for want of power in the examinaturis; or the Depositiones was reffaut, the pannell nocht being callit thairto.—The Depositiones of *James Pennycuk* and *George Blak*, tane at Court, ar lauchfull, as tane by expres command of the Kingis Maieftie, and in prefens of ane of the Lordis of his Counfell of this Kingdome.—It is abfurd to excufe the pannellis going to the horne, for the treffonabill cryme lybellit, for feir, gif he had compeirit, to haif bene challanged for piftolettis; feing, his being fugitiue for this cryme, inferris aganis him prefumptioun of Treafoun: And in caice he had compeirit, his fchuitting of piftolettis without ony harme done with thame, wald haif inferrit na forder danger, nor (*than*) the panes of ane fyne.—The perfewar neidis nocht to produce *Thomas Kennydeis fforfaltour* for this cryme, becaus the famyn being deducet in Parliament, is judget nochtour to all the fubiectis, and na man can pretend ignorance thairof.—The Relaxationes producet, purges nocht the prefumptioun of thair giltines of the crymes contenit in the Hoirningis; becaus, Auchindrane elder was nocht relaxit fra the hoirning, for lying (in wait) for Collayne in Mayboill, quhill efter his reconciliatioun with the pairtie; at the quhilk tyme, na man was to perfew him: Nather was he relaxt fra the horne for the treffonable crymes lybellit, quhill he was tane and imprifonet in the Tolbuith of Edinburgh, and fa could nocht efchew his tryall.—To the obijectioun aganis *James Mure of Pleit*, it is vntrew and malicious: And he being confrontit with the Deponer, Auchindrane proponit na objectioun aganis him, that tuichet ather his fame or welth.—Attour, the perfewar takis instrumentis, that *the Erle of Caffillis*, being fuorne, in prefens of the Affyfe, vpoun the obijectioun offerit to be verifeit be his aith, hes declairit the famyn to be vntrew. And lykwayis, that *Sir Williame M^clellane of Auchleane, kny'*, being fuorne vpone the poynt of Thift, and reconciliatioun thairof, offerit to be provin be his aithe, he declairit the famyn to be vntrew: And forder, he declairit, befoir the Affyfe, that gif ony imputatioun could be laid to James Mure for the fufpitioun of that Thift, the famyn was cheffie to be imput to Auld Auchindrane, quha houndit him out to the doing thairof.—To the obijectioun aganis *James Gordoun*, for his youthe, the tyme of the factis quhairvpone he hes deponit, anfueris that he was paf ten yeir auld, befoir the committing of the firft of the faidis factis; And being now ane man of perfyte age, may lauchfullie depone of thingis done quhan he was young, the famyn being recent in his memorie.—Attour, the faid James, being confrontit with the Laird of Auchindrane, he than deponit

nathing aganis his persone, age, nor lauchfulnes of his Depositione.—To the generall objectioun, that the Depositiones in Criminall cauffis makis na probatioun, bot ar presumptionis and cauffis of tortour, it is manifestlie vntrew, and contrair to the Law and practiques of this cuntrie.—To the objectioun, that the Depositiones concerning *Mr Robert Mures* Letter ar generall, and preves nathing, it is vntrew ; becaus the Depositiones contenis, that the Letter buir aduerteifment to Auchindrane of the Laird of Culaynes dyet to Edinburgh.—For the Depositiones maid be *Caldwell* and *Young Auchindrane*, referris the confideratioun of thame to the Assyse, it being out of dout, that nather Young Auchindrane wald hurt his father, nor Caldwell his freind, be thair Deposition.—The objectiones aganis *Woodland* ar proponit in jeaft ; becaus at all tymes quhan he cumis to the toun, he viffeitis the Defenderis, his freindis,¹ in ane freindlie maner.—For *Johne Mure*, callit of *Blakbyres*, he was Auld Auchindrane's houshold fervand, sa lang as he had ane hous, and senfyne hes duelt in Blakbyres, vpon Auchindrane's land, familiar with his Lady and him self, frie of all perfute, convictioun, hoirning, or suspitioun of cryme. And the perfewar takis instrumentis of the *Erle of Cassillis* Declairatioun to the Assyse, that his lordschip nevir maid promeis to Blakbyres, to purches² to him Respett, Remiffioun, or vther fauour, for his compeirance.—The *Depositionis* maid to the *Presbiterie*, ar verrie lauchfull and formell ; haifing the force of ane Inquiftioun, for tryell of ane murthourit man and the authoris thairof.³—*Walter Mure* was tenent and fervand to the pannell, and convoyit by the way⁴ by his meanis, becaus he mycht haif controllit his denyall of his sending James Cuninghame to the said Walter Mures hous for Williame Dalrump.—*James Dalrump* his Deposition is lauchfull, albeit thai allege it to be maid to his awin turpitude, and that, be his awin confessioun, he is *socius criminis*; becaus in abhominable and extraordiner crymes, sic as Murthour vpon set purposis, complices ar lauchfull Witneffis, and thair Depositionis makis full faith ; becaus it is confiderit be the Law-makeris, that sic secreit and denyable crymes, can nocht possiblie be provin, bot be complices. James Dalrumpillis kynreid with Cullayne and the Erle of Cassillis, can nocht mak him suspect, becaus he is sifter-son⁵ to the Lady Auchindrane, and sifter-bairnis⁶ with Young Auchindrane, and sa presumet of the Law to beir gritter affectioun to thame.

The perfewar desyres the Assyse to remember Auld Auchindrane's Declariation, in thair presens, that James Dalrumpill maid him adverteifment to set

¹ In this instance, and indeed generally throughout this Trial, the term 'freind' signifies relative or blood-relation, as in the preceding reference to Caldwell, &c. ² Procure. ³ An inquest or

precognition held for the purpose of discovering the perpetrators of a murder; and for bringing them to justice for their crimes, if guilty. ⁴ Put out of the way. ⁵ Nephew. ⁶ Cousin-german.

him,¹ quhilk detectis his fauour to the defenderis, and his vnwillingnes to depone to thair prejudice.

Patrik Bannatynes Deposition man mak fayth, becaus it was maid quhan he was the Kingis lauchfull subiect, frie of all cryme; and his kindreid with the Erle of Cassillis, can nocht mak him suspect; becaus, sen the feid,² he hes bene in speciall freindschip and familiaritie with the Defenderis; quhilk thair can nocht deny: Nather can the said Patrikes Deposition, nor the Deposition of any of the remanent Witneffis, be impungeit, as foundit only *super auditu*, and be relatioun of James Bannatyne; becaus that relatioun was maid be James, quhan he was in verrie grit freindschip with the Lairdis of Auchindrane, elder and younger, and ressauit many fauoris and suppoirtis fra thame.—The Defenderis impungis *Johnne Mure in Curveris* Deposition anent the pulleing of Williame Dalrumpill af James Bannatynes hors; bot never anfuoris to the materiall poyntis thair of, anent thair sending of Cuninghame for Dalrumpill to Glenheid; convoying of him to Chapeldonan; sending for him to Girven Sandis; and Murthouring of him thair.—*James Bannatynes* Deposition man mak full fayth, albeit he be at the horne, and excommunicat for this cryme; but hoirning and excommunicatioun can nocht work famekill aganis him as his awin Confessioun; quhilk Confessioun can nocht stay him to be Witnes, seing he is so necessar a Witnes, as without him na probatioun can be had in this caus, bot be his Deposition; except, be the Confessioun of the remanent defenderis, quhair of thair is no hoip, in respect of thair effronterie, obstinacie, and induratioun. His kinreid with the Erle of Cassillis and Cullzeane is proponit in scorne; becaus the Lairdis of Auchindrane can nocht deny, bot that the said James was professit pairt-taker with thame, in all feidis and querrellis aganis the Erle of Cassillis, and assistit thame in the Invasioun of Garriehorne for his Slaucher. Thair allegeance, that he comes in vpoun promeis and conditioun of his lyfe, is absurdlie qualifeit, as grantit be thame quhois protectioun and faif conduct can (nocht) faif ane hair of his heid. Thair allegeance of his malice aganis Young Auchindrane is impertinent, in respect of Young Auchindrane furneiffing and sending of him out of the countrie, and recommending of him, be his Lettres, to his uncle; and of the fauour and help maid to the said James Bannatyne senfyne, be the Lady and the pannellis remanent freindis. Quhair thay propone, that he wald nocht haif willinglie cum in to his awin deid; it is faiffer for him to cum in and depend vpone Godis fauour and the Kingis mercie, or failseing thair of to die, weill preparit in ane Christiane resolutioun, vpone the scaffold, nor³ to haif bene in hourlie danger to haif bene murthourit, be procurement of the Defenderis, as he mycht haif bene in danger—nocht haifing lafour to haif callit for Godis mercie.

¹ To cite him as a witness.

² Feud.

³ Rather than.

Robert Ramsfayis practise is impertinentlie citet in this caice; becaus he deit for his manifest periurie, and false and contrair Depositiones, justlie working aganis him selff; quhilk maid nocht the evident¹ to fall, and sa verifeit na punifcheable falsset aganis ony vther. Bot heir, thair is ane actuall Murthour, quhair of the Lairdis of Auchindrane ar provin als giltie as James Bannatyne.—The perswar takis instrumentis that *James Pennycuik*, being solemnelie suorne befor the Assyse, hes ratifeit, in thair presens, his hail Depositiones maid in Ingland. His Hoirning makis him nocht infamous, becaus it proceidis vpon ane Decreit of Secreit Counsell, quhilk can nocht be gevin in ane mater impoirting infamie; besyde, that fen² the said Hoirning, he remanit priffoner dyuerse oulkis in the Tolbuith of Edinburgh, quhair ony man that lyket to haif accuset him mycht haif drawin him to pannell, in despyte of his heart.—The Deposition of *Mr Johnne Edmestoun* aganis him can nocht be respectit; becaus Mr Johnne is infamous, being deprehendit and tryit authour of ane infamous lybill aganis the Lordis of Secreit Counsell, Sessioun, Prelattis of this Kingdome, and Magistrates of this Burgh.—Quhair thay allege that James Pennycuikis Deposition concernis nocht this Dittay, the perswar declairis, that he vses his Deposition as ane probatioun of ane consequent fact, quhilk cleiris exceedingly the preceiding Murthour of Dalrump: ffor Auld Auchindrane wald nevir haif hyret ane man to haif murthoret James Bannatyne, gif James Bannatyne had nocht bene able to haif verifeit aganis Auchindrane ane mair dangerous cryme. He is nocht meir lie *testis singularis*, becaus his Deposition is strentened by the Deposition of his fervand *George Small*; and his Deposition vpon his allegit turpitude can nocht repell him in this caice; becaus he is, in effect, ane complice with thame aganis quhome he deponis, and hes purget his giltines thairof, be his tymous repentance, and desisting frome the prosecution of the said purpos. His Deposition can nocht be elydit³ be ony thing writtin to him be Sir James Hamiltoun; becaus that Deposition is maid judiciall, alsweill be his Declaratioun, befor the Lordis of his hienes Secreit Counsell, in Ingland, and be his approbatioun of his hail Depositiones, this nycht, in presens of the Assyse. *George Blakis* Deposition is verrie famous,⁴ and can nocht be drawin in suspicioun, vpon the allegeance of ony malice confauct for want of fourtie merkis of fie.—*Young Auchindrane*s suffering of the iniureis offerit to him be James Bannatyne, standis cleirly verifeit be the reiterat Depositiones of *William Kennydie of Garfur*, he being confrontit with Young Auchindrane.—*Auld Auchindrane*s denyall of his Letter to his sone, can nocht be respectit, seing it is so cleirly verifeit to the Counsell, be Dauid Dormond, and Thomas Home, Constable of the

¹ The writing or Title-deed referred to in his case.

² Since.

³ Evaded; got quit of. Lat.

elidere. ⁴ Worthy of credit.

Castle, and the Erle of Mar, quho ar Witnesses aboue all exceptioun, that the samyn was send be Auld Auchindrane to his sone.—The persewar repeitis the Depositiones maid be *Archibald Prymrois* and *Eduard Mekill-Johnne*, in judgement; and namelie, that pairt, quhairby Archibald Prymrois callis my Lordis of Counsell treulie to memorie, that Auld Auchindrane, at the verrie first sicht of his Letter, red the samyn so ryplie and perfytlie, as gif he had it perquier,¹ quhilk no vther man, nor² the wryter of the Letter, was able to haif done. Repeitis lykwayis the said Eduard Mekill-Johnnes Deposition, quhairby the treuth of his copping of Auchindranes Letter to his sone, at the desyre of ane most honourabill and famous Noble-man, detectis the knaverie and complete of ane socieatie of malefactoris and dyverse.³

Finallie, the persewar repeitis the just suspitioun consauet vpon the pannellis absenting of his wyfe, sone, and brother.

THE DEFENDERIS allegis, that the Young Laird of Auchindrane is frie of the presumptioun of the Hoirning, becaus he compeirit at the day.—Auld Auchindrane is nocht pannellit for lying at wait aganis the Tutour of Cassillis, at Maybole; and sua, na presumptioun can arryse vpon that Hoirning. As for the rest, thay ar purget be compeirance.—As for that pairt anent *James Gordoun*, he being confrontit with Auchindrane, he opponit nothing at that tyme, ather concerning his youthe or vtherwayis; ansueris, that was nocht the place convenient; bot now, *debito tempore*, in this Judgment, he proponis the samyn, conforme to the Act of Parliament; and all vtheris of the lyk nature.—It is ansuerit to that article, ‘that Depositiones ar manifest probationes,’ that the Depositiones vpon conjectouris and presumptiounis of na Law nor practique, ar manifest probatione, bot only sufficient to induce tortour: And trew it is, that all the Depositiones lybellit ar vpon conjectouris.—*Walter Mure*, estir that Auchindrane younger was twyfe enterit, and Auld Auchindrane lang in the Tolbuthe, was duelling actuallie in his awin hous, tane and apprehendit be the Erle of Cassillis, and demittit be his lordship; and sa, his absenting him self can nocht be presumet for this cause.—The malice of *James Bannatyne* towardis Young Auchindrane is cleir, becaus he will preve, be James Gordoun, ane of the witnesses producet aganis him, that James avowit to haif Young Auchindranes lyfe, becaus he offerit to the Counsell to inbring him vnder the pane of Fourtie thousand pundis.—The Depositione of *Mr Johnne Edmestoun* is nocht vsæt as ane sufficient probatioun; but his Deposition, with the vther Deponer with him, aganis quhome thair is na suspitioun, is mair pregnant to tak away James Pennyckis Deposition, than James Pennyckis Depositione is to infer Treafone:

¹ By heart; by rote. Fr. *par cœur*. ² Excepting; but. ³ Detects the knavery and plot (conspiracy) of a society, or association, of malefactors and bankrupts (*dyvouris*)

As *James Pennycuik* is at the horne, sa *George Small*, his seruand, is at the horne, for the same fact; and *George Small* deponis nathing in speciall.—Last, the perones on pannell desyres your honouris of the Assyse to haif confideratioun of the lybell and Dittay; as the samyn was admittit be my Lord Justice, viz. that the speciall poynt making the samyn relevant, was, that *Thomas Kemyddie* of *Culzeane* was flane be the advyse, instigatioun, causeing, command, counfell, and ratihabitoun of *Auchindrane elder*, quhilk is the first pairt of the Dittay; quhairin, thair is nathing provin aganes *Auchindrane elder*, of those substanciall poyntis; nather can the samyn be ony wayes imputtit to *Auchindrane younger*. And as for the secund pairt, quhilk is lybellit conjunctlie aganis *Auchindrane elder* and *younger*, and *James Bannatyne*; the substanciall pairt quhairof is the allegit committing of the Slauchter of *vmq^{le}* (*Williame*) *Dalrumpill*: And the rest of the hail lybell, ar only accidentis, conjectouris, and presumptiones; and seing na pairt of the substanciall poyntis is provin, albeit the hail actiones, presumptiones, and conjectouris war provin, quhilk is nocht grantit; off all law and equitie, obseruit in all cuntreyis, the maist that can be inferrit thairupoune, is the tortour of the perones aganis quhome the presumptiones ar militant; quhilk specialle man haif place in the persone of *Young Auchindrane*, aganis quhome few or nane of the presumptiones ather contenit in the Dittay, or proponit by¹ the samyn, dois militat.

VERDICT OF THE ASSISE. Quhilkis perones of Assyse, estir accusatioun of the saidis perones on pannell, be Dittay, of the *Tressonabill* and *crewall Slauchteris* and *Murthouris respectiue*, aboue specifeit, and fuering that article thairof, anent the *Murthour* of the said *Williame Dalruple*, be the said *Bessie Dalruple*, his mother; and estir production of the hail *Depositiones* aboue writtin, and vther writtis and probatioun for cleiring of the *Pannellis* giltines of the saidis crymes, be our said souerane lordis *Aduocat*; the saidis perones of Assyse remouet altogidder furth of Courte, to the *Counsal-hous* of the said *Tolbuthe*; quhair thai, be pluralitie of voitis, electit and choiset the said *Sir James Scrymgeour* of *Dudope*, kny^t, chancellor; *Ressonet* and voitit vpon the crymes contenit in the said Dittay, and hail circumstances thairof; and being ryplie and at lenth advyset thairwith, togidder with the hail writtis and probatioun vset and producet be our souerane lordis *Aduocat*, for instructing thairof; togidder with the *Pannellis* objectiones proponit be thame, and thair preloquitours aganis the samyn, with my Lord *Aduocattis* ansueris maid thairto; thay reenterit agane in Court, quhair the saidis perones of Assyse, be the mouth of the said *Sir James Scrymgeour* of *Dudope*, kyn^t, thair chancellor, Pronuncet and gaif furth thair determinatioun vnder writtin, subseryuit be the said chancelloris hand, quhairof the tennour followis.

¹ Independent of; besides; *forby*.

“ The Assyfe, for the maist pairt, efter reffoning and voiting vpon the first article of the said Dittay, find JOHNNE MURE ELDER OF AUCHINDRANE to be Giltie, culpable, and convict of airt and pairt of the tressonable and crewal Murthour of vniq^{le} Sir Thomas Kennydie of Culzeane, kny^t, committit in forme and maner contenit in the first pairt of the Dittay. AND siclyk, the saidis perfones of Assyfe, for the maist pairt, findis and declairis the said Johnne Mure elder of Auchindrane, and JAMES MURE OF AUCHINDRANE YOUNGER, and ather of thame, to be Giltie, culpable and convict of airt and pairt of the tressonable and crewal Murthour of vniq^{le} Williame Dalrumple, in maner specifreit in the Dittay.—AND last, thai all, in ane voce, findis and declairis the said JAMES BANNATYNE, callit of Chapel-Donane, to be Giltie, culpable, and convict of airt and pairt of the said tressonabill Murthour of the said vniq^{le} Williame Dalrumple, committit be the saidis perfones, in maner contenit in the Dittay.”

SENTENCE. Efter the pronunceing and declairing of the quhilk determination and delyuerance of the saidis perfones of Assyfe, “ THE JUSTICE, in respect thair of, be the mouth of Alexander Kennydie, dempster of Court, decernit and adiudget the saidis Johnne Mure of Auchindrane elder, James Mure of Auchindrane younger, his eldest sone and appeirand air, and James Bannatyne, callit of Chapel-Donane, and ilk ane of thame, to be tane to the mercat croce of the burcht of Edinburgh, and thair, upone ane scaffold, thair heidis to be strukin frome thair bodeyis: And all thair landis, heritages, takis, steidingis, rowmes, possessiones, teyndis, coirnes, cattell, inficht pleniffing, guidis, geir, tyillis, profiteis, commoditeis, and richtis quhatfumeuir, directlie or indirectlie pertening to thame or ony of thame, at the committing of the saidis tressonabill Murthouris, or senfyne; or to the quhilkis thay, or ony of thame, had richt, claim, or actioun, to be forfalt, escheit, and inbrocht to our souerane lordis vse; as culpable and convict of the saidis tressonabill crymes.”

Quhilk was pronuncet for DOME.

APPENDIX OF PAPERS AND DOCUMENTS ILLUSTRATIVE OF THE TRIAL OF THE MURES OF AUCHINDRAYNE.

I. LETTER *by Sir Thomas Hamilton of Byres, knight, to a Nobleman at Court, relative to the Trial of the Laird of Auchindrayne and his Son, &c.*¹

[THE following LETTER is a rough draught of a Letter transmitted by Sir Thomas Hamilton to some Nobleman high in power and favour at Court, (probably the corrupt Earl of Somerset); and is evidently intended for the King's perusal. This successful Lawyer and Statesman knew well how to

¹ Dec. 11, 1601.—Now, on the tent of December, ane variance being betwix the Erl of Cassillis and the Laird of Bargany, thay mett in Carrik, quhair the Laird of Bargany and sindrie wtheris war slayne, and diuerse Gentilmenne hurtt. This was on 11 day of December, 1601. And on the 12 day of Maij, 1602, Thomas Kennedy, brother to the Laird of Bargany, slew Schir Thomas Kennedy of Colzeane, kny^t, quha had beine Tutour of Caisillis, in the rewenge of the slauchter off his brother. The quhilk Fead continewis as yitt onreconseellit.—*Anon. MS. Hist. of Scotland*, Adv. Library, A. 4. 35.

please his Majesty's taste for flattery—but, if this is to be taken as a specimen, King James must have been much more of a glutton than an epicure! In the same Collection from which this is taken (*Haddington's MSS.*, Adv. Library, Edinburgh), there is preserved another draught, which is evidently the original, and is extremely corrected and altered—but it is so characteristic, that it shall also be preserved here in the original state, though merely a fragment.

‘HONORABIL AND VERTUOUS LORD,

‘BEING informeit be ane wourthie freind, that your lordschip wes very defyrus to have ane trew and ample relatioun of the proces deduced aganis the Lairdis of Auchindrane elder and younger, for the Mourthouris of Sir Thomas Kennedie of Cullayne, knight, and of Williame Dabrimple, I wes exceeding glaid to have rencountred that occasion to offer to your lordschip this discour, as an earnest of my faithful dispositioun to expres my thankfulnes in matters of greater moment, when ever God fould grant me the abilitie to performe any seruice worthie of your honour, and correspondent to that great obligatioun whairin your singular fauour and courtesfis haue exceidinglie engaged to your lo. Bot when I had written at lenth, all that did concerne that pourpofe, and had it reddie to be sent to your lo., report cumming to this cuntrie of his Maiesteis gracious pardoun granted to James Bannatyne, whairas I did confaue that all men wald acknouledge it as ane commendabill effort of his Maiesteis most iuste, gracious, and judicious clemencie; yet, finding that some deuclilh peopill als venomoullie inclyned to find mater of calummie in his Maiesteis most vertuous actionis, as the wesþ to suck poyson out of the sweitest and most holesome floures, I have delayed my first proiect, to send to your lo. the simpill discour of the proceeding aganis those malefactoris, quhill (*until*) efter Tryell of all that has bene murmured aganis his Maieftie in any circumstance of this action, I might mak the more full and perfyte report, allweill of the materiall circumstances of the proces, as of these incidentis, whairin his Maieftie, having expresse his rare and wonderfull iugement, his vnalterabill constancie and’]

[HONORABIL AND VERTUOUS LORD.]

KNAWING, by informatioun of ane wourthie freind, that efter your lordschip hard the vulgar report of the conuictioun and pvnishment of THE LAIRDIS OF AUCHINDRANE, ELDER and YOUNGER, for *the Mourthour of Sir Thomas Kennedie of Cullayne, knight, and of Williame Dabrimple*, yow did desyre to have a full and verie particular relation of the whole proceedingis of that mater, becaus my being ey wites from the beginning to the last act of that proces, makis me abill to giue ane true accompt of euerie circumstance thair of; and the great faouris and courtesfis ressaue of your lo. haue engaged me in stronger bandis of dewtie nor¹ want of abilitie will permit my seruice to discharge; I haue presumed to send to your lo. this discour, rude, informall, and voyde of all ornamentis except treuth, as ane earnest of my desyre to proue thankfull to your lo. and obedient to your commandementis; whilk fould haue foner cum to your lo. handis, had not this tyme of vaicance² impeded me to find, so speidlie as I did with, the helpis of sum ferollis of the lawers and clerkis, to whom the deduction of that proces was speciallie committed; I did coniecture that your lo. cheif respect in this desyre wes to have *the justice of his Maiesteis directionis*, in that action, maid als manifest to the worlde as thay ar in the sight of God, and persuaasion of his owne conscience (albeit his providence, wisdom, justice, and mercie haue fund peopill als abill to suck venome owt of these Royall vertues as the wesþ to extract poyfoun furth of the most beautifull and healthfull floures, whilk in thay owne place,³ I have remarked, naikedlie, as does best befeme treuth,) acknowledging how vnhabill I am to giue the dew luster to these eminent and abundant vertues; and thairfore, if your lo. fall ever think that proces wourthie of the sight of the worlde, I know your wourth and bontie has gevin your lo. power and ane great many rare and excellent spirits, who will be glad to bestow the best floures of thair ingyne and learning, to giue the right foyle to that whilk may concerne his Maieftie, in fame, or your lo.

¹ Than. ² Time of Vacation, when the Courts of Justice do not sit, and when the Lawyers are frequently in the country. ³ The *own* or proper place.

in contentment. And, to the effect the proces may the more easelie to vnderstand, before I cum to the Report thairof, I will premit (*premise*) ane trew Narration of the first motiues which involued the Laird of Auchindrane evill nature in the labirinth of these mischevous interpryffes; which, be the justice of God, and his Maiesteis admirabill providence and inflexibill constancie, being brocht to light, have overthrowne his life and fortunes.

ANE TREW NARRATION *of the first Motiues which involued the Laird of Auchindrane's evill Nature, &c.*

YOUR lo. hes heir the particular Discours of ane Proces, whilk, vpon dyeris respectis, many wyfe men have judged to be verie memorabill. Sum, remarking the bad nature of malicious men, who, measuring be their owne merciles disposition, the affection of vther menis hairtis, can never hope to ressaue frie pardon of those whom thay have mightelie offendeit; and thairfore, forgetting the courtiffie ressaue of those who have remitted to thame great iniuries, faillies nocht to requit thair gude with evill; and at their first advantage, to bereave those of thair lyfe from whom thay ressaue thair owne, as *Auld Auchindrane* did to *Sir Thomas Kennedie of Cullayne*.

Vtheris, did consider, with horrou, the craft and diligence of the Devill vfeis keip in his bondage those who he anis fetteris in his snaires; offering to thame allurements to facilitat to thame the Interpryfes, whilk, in thair worldlie considerationis thay judge most liklie to procur the wished endis of thair proiectis; as *Auld Auchindrane's* resolution to cut af all meanis of discouerie of his guiltines of *Cullayne's Mourthour* be *the Mourthouring of Dalrumpill*; whairin his sin apperis to have bene so odious in the sight of God, as, for his pvneishment, God permittit his sone to be involued in the guiltines of that sam haynous cryme, as ane preparatiue of the vther ruyne of that house: Whilk succedid altogidder contrare to thair expectatioune, and the verie elementis concurring to the discouerie of thair secret sin, that did not oppin thair eyes and hairtis to sie that manis wit is fillie before God, and that thair strenght is bot duft; bot thay fall be blinded with the presumptionne of thair owne judgement; and thairby thinking, that if *Bannatyne*, who wes ey witnesse and actour with thame of *Dalrumpilis Murthour*, wer killed, that thair rested no vther meanes to proue thame guiltie thairof; whilk being constantlie denyed be thame, wald lykwyse cleir *Auld Auchindrane of Cullaynes Murthour*. Thay intended to vse *Penicuke* in *the Murthour of Bannatyne*; and feiring lest *Penicuke* might efteruardis discouer that he had bene moved be *Auld Auchindrane* to kill *Bannatyne*, being fugitiue, as pairtaker with *Auchindrane* and his sone in *Dalrumpilis Murthour*, it aucht (to) put all men in iuste suspicioun that it wes done, for cutting away the meane of the discouerie of *Dalrumpilis Murthour*; thairfore it wes thought expedient that *Quintene Mure of Auchneill* sould kill *Penicuke*, in reuenge of his Mourthouring *Bannatyne*; and sfa, *Auchneill*, knoweing no thing of *Dalrumpilis Murthour*, and being not onlie innocent of *Bannatyne's* Murthour, bot the avenger thairof, he sould be frie of all suspicioun of the fyrst Murthouris, and thay secured of all probatioun that could have bene led aganis thame thairanent; whilk being disapoynted, be *Pennicukis* remorse, and *James Bannatyne's* resolution to end his dangeris and miferies, ather be his Maiesteis mercie, or, be ane fetled resolution, to accept his death, as the iust pvneishment of his great finnis, in patience. It is evidentlie remarqued that the courfes, grounded vpoun the presumptionne of ane manis owne wit, ar the verie instrumentis whilk God vfes to confound thame in the folie of their owne imaginatiounis.

Nather could wyfe men neglect to admire, how loath the Devill is to quyte his possessioun of ane sinneris soule; having so contended to menteane *Auld Auchindrane* in his denyall and impenitence, that efter his convictioun, when his constancie could nothing avall him, thair wes no appearance that he sould aither confes or publictlye repent the crymes for which he was condemned; whilk (*until*) efter ane notabill conflict betuix his sone (*Young Auchindrane*) and the Devill, who still persuaed him, that thair wes no hope of mercie to ane sinner, who had wilfullie and oft periured him self, with horribill execrationis; sum godlie Bischoppis and Ministeris, be lang conference, and many comfortabill af-

furanceis gevin to him of the reddines of Godis frie grace and mercie to all finneris, who, with vnseyued repentance, ar displeasid for thair finnes; and can dispoſe thair foules to hope for pardoun, and beg it at his handis;—he wes moved to mak plane and particular declaratioun of the vnhappy *Murthour of Dalrimpill*, committit be his father and him ſelf, according to *Bannatynes* Confeſſioun and thair conuictioun. Qubairby, finding his conſcience wonderfullie diſburdened, and his foule fullie repleineiffed with affured hope of Goddis abundant mercie; did cheirfullie diſpoſe him ſelf to death, as the only way to ane better and ever permanent lyfe; and vſing his beſt perſuaſionis to his father, that as they wer joyned by bloude, and lykwayes conioyned in the equal guiltines of ſo hynous ane ſin, ſo he wald conſent that thay might joyne in repentance and trew conuerſioun; he did ſo muche peruale with him, that being aſſiſted be the godlie travels of the Biſchopis and Miniſteris, the father wes broght to ſo frie and ſenſibill contritioun, as, in the laſt houres of thair lyfe, and at the tyme of thair death, thair godlie reſolutioun to mak haift to reſſaue the eternal joyes, whilk thay expected affuredlie at Goddis merciſull handis, gawe als great confort to the behalderis of thair Executioun, as thair wicked lyves had bene offenſiue, to thoſe who knew the actionis thairof.

THE dependance of this Proceſ kept menis myndis in great ſuſpens, dyuerſlie diſtracted, in the expectation of the incertane event thairof; the vulgar multitude, alwayes piteing ſuche as ar miſerabil, without reſpect of the dangerous conſequence of the impvritie of ſuche crymes, wiſhing ſaiftie and releif of the priſoneris: wyfe and godlie men, longing for the plaine diſcouerie and exemplar pvneiffment of the haynous tranſgreſſouris, whairof, in thair conſcience, thay judged the defendaris culpabil; and vthers, diſallowing the preparative of the long imprifonement and rigourous Tryall, ever glaid to ſie the appeirances of thair eſcaip; till God, in his owne appoynted tyme, be ſuche meanes as ar before reherſed, did juſtlie determine this long dowtſum cauſe.

And albeit I have many tymes earniſtly conſidered, both the groundis of this cauſe, and meruellous incidentis and accidentis in the progres thairof, yet no thing hes ever appeired ſo ſtrange and extraordinar to me, as the blindnes or rather malice of ane great number of oure peopill of all fortis; who, forgetfull of oure happines in the wyfe, equitabil, clement, and moderat regime of oure moſt excellent King, became dowtfull of the juſtice of his directionis, in this cauſe, [For whan I call to memorie, the whole courſe of his lyfe, from his firſt concepioun to this hour, and do compaire the ſame with the regnes and lyves of vther Kingis, I think we have more reaſon, with thankfulneſs to God, to acknowledge his regne, to be the renouatioun of ane golden aige, nor be¹ malicious pryeing in his holie intentionis and juſte doingis, to reſemble thoſe, who, vewing moſt pure and precious jeuellis, dois not ſo mutche delyte thair eyes with the preſence thairof, as exerciſe thair curioſitie to eſpy taſches² in thame.] For God, having, as it dois weill appeir, decreed in his eternal wiſdome, to appoynt oure King to be the inſtrument of more happines to this Ile, nor³ in oure wiſhes we durſt haue requyred: knowing, that the wonders of his preferuatioun, and of the happines of his moſt rare, moſt excellent, and moſt difficill actionis, ſould mak his Maieſtie more auguſt and venerabil, it fall be eaſie to any man, who fall with ane honeſt mynd and vnpartiall ey, conſider the courſe of his yeiris, manifeſtly to remark, that it hes bene ane continueall exerciſe of perfyte virtue, beautified with the ouercumming of all ſuche difficulties as the wiſdome and courage of man could foircaſt; and whan the dangeris did exceed that meaſour, than did God viſible interpoſe the ſtrength of his owne hand, as the pledge of his loue, and prouf of his caire, not to ſuffer a King, ſo neceſſar for the Chriſtian worlde, to be ouer ſuddenlie tranſlated thairfra, to thoſe bliſſingis, whilk in end he hes prepared for him, among his moſt deir Elect. Bot to deduce the abrege of his lyfe to the owne right ordour, we muſt acknowledge, that it pleaſed God, in his eternal wiſdome, to aſſigne the meanis of his convoy vnto this worlde, to be the happy conjunction of two of the moſt nobill, beautifull, and hopefull Princes, who at that tyme wer to be fund vpon earth;⁴ the ſuces⁵ whairof, being foreſene be the Devill, in his viperous wiſdome, to

¹ Than by. ² Flaws, blemishes. Old Fr. *tasche*.

³ Than.

⁴ Henry Darnley and Mary Stewart, Queen of Scots.

⁵ Success.

be the ouerthrow of his kingdome, in this Ile,¹ he did stir vp vnfaithfull subiectis to be instrumentis of so terrabill tempestis and deidlie stormes, that his Maiesteis lyfe wes, in his motheris wombe, reduced so neir to the durris of the death, as the tender and most delicat stay of that faire excellent lady, be the accurfed poynntis of the crewall daguers of hir faithles treasonabill subjectis, Murthouring in hir owne presence ane of hir seruandis;² bot as hir courage, surpassing the imbecillitie of hir sexe, and ouercumming her dangeris, did offer this ritche present to the worlde, in the yeir of God 1566; whairbye, his Royall parentis, hauing confaued so extraordinarie joy, as thay did accompt it to be the perfection of thair earthlie felicitie. God, who will not suffer those who he hes destinat³ to ane more happie habitation, to abuse thame selfis with the delytis of the wayne schaddowes of this lyfe, suffered the hellisli complottis of damned subiectis, so far to preuaile aganis thame, as the vertuous actionis of the King his father, being interrupted be that most execrabil Tragedie, practised and performed be that infamous and never-aneuch abhorred traitour, *Bothuell*, aganis his lyffe. The contagious exampill of that vnnaturall Treasoun, did so infect the mynd of ane great number of hir Maiesteis powerfull subiectis, that thay wer not afrayd to ryse in oppin rebelloun aganis hir, lay violent handis vpon hir sacred persoun, confyned hir libertie within the miserabill boundis of the wylde and vnuholosome *Craig of Lochlerin*, force hir to the abdication of hir Royaltie; and whan, as the dexteritie of hir courageous devyse, faithfullie assisted be sum of hir vncorrupted subiectis, had fred hir furth of that miserabill bondage, hir rebellis did suddanlie assembl thair forceis, and in oppin Battell, ouerthrowing that number of dewtifull subiectis who did assist hir, did so maliciouslie pursue that victorie, as scho could nocht find in the whole boundis of that lairge Kingdome, which was hir natie inheritance, ane place of saif retrait; wharby hir hard destinie, dryving hir to seik refuge in England, sche found be effectis, that '*incidit in Scyllam cupiens vitare Caribdim*,' not enioyeing in it hir libertie one houre, during the whole space of eighften yeiris of hir lyfe spent in that Kingdome. Bot these afflictionis of hir lyfe, did sa strengthen hir mynd aganis the terrouris of death, and prepaire hir so happelie for the entrance to ane better lyfe, that whan the catastrophe of hir miseris brocht hir to ressaue death, efter ane manner so rare and vnaccustomabill to ane Princeffe of hir birth and estait, as the hardest harted beholders, touched with the strangenes of that rigorous exampill, were driven to extreme grief and compassioun; hir godlie resolution and invincibill courage wes so constant, that scho appeired nocht onlie content bot joyfull, that God, haveing vsed hir troubles in this lyfe for ane expiation of hir sinnes, had gevin hir so full assurance of his mercie and fauour, whair of scho promised to hir self, be the beginning of that dayes passage, ane most blifed and endles fruitioun.—Be thir meanes, his Maiestie being destitute of these helpes of Royall education, whilk the caire and knowlege of so excellent parentis wald have procured to him, and standing subject to the danger of the cruell plottis of those who, having treasonable overthrowne his parentis, could never think thame self frie of impunity for so vnpardonabill Treasoun, so long as he, who, besyde the commoun interest of Princes in the pvneishment of vsurpeing Traitoures, wes bund, be dewtie of bloude and nature, to pvnes those who had vsed bot butcherlie violence aganis the lyves, libertie, and estate of his parentis. Yit God, in his Providence, did so cairefullie watche over him, as haveing disperfed that tracheourous combination, and with progres of tyme turned thair wittis and vapines⁴ of these rebellis to wourk aganis vtheris; his Maiesteis lyfe wes not onlie thairby preserved, bot his quarrell wes be thame reuenged. During this tyme and thir dangerous passages, his Maiestie, growing in graccis and yeiris, and finding his realme so miserablie disordered, as be the ciuill factionis and warris, not onlie the accustomed barbaritie of the Bordouraris and Hielandmen wes increasfed, bot, be infectioun, had so polluted the whole cuntry with crueltie and dissensions, that publict factionis, and privat deidlie feidis, did so disquyet everie manis estait, as thair jakkis, knapscacs, plait-sleves, and pistoles, wer als ordinar apparrell, to the most pairt, as thair doublettis and breachis; becaus, whatever wes the cause of thair conventionis or

¹ In allusion to the overthrow of the Papal power in Scotland, and the blessings to follow from the Reformation of Religion. ² Alluding to the murder of David Rizzio. ³ Predestinated. ⁴ *Wappinnis*; weapons.

meittingis, fightis or frayes wes the occasioun of thair departing, not onlie at Parleментis, conventionis, tryftis, and mercatis, bot lykwayis at Churcheyerdis and Churches, and places appoynted for exercifes of Religioun. The purgatioun of so extraordinar and vniverfall corruption, being the task of his Maiesteis¹

Bot that which I have ever thoght most strange and vnnaturall, in all this actioun, is, that efter so many, so lairge and sensibill praiffes of his Maiesteis pietie, justice, clemencie, extended to all the cornaris, and almost to all the particular² persones of his Kingdome, so many subiectis fould haue bene fund, who, in fauour of two men of so wicked lyfe, fould so lightlie have regarded, and so malicioussly detracted his Maiesteis directionis, gevin for tortouring of *Young Auchindrane*, and refusing libertie to him self and his father, efter so many yeiris imprisonment: Never considering how his Maiesteie, being errie way iuste and equitabill, had, in thir menis particular, so small cause to vse thame with rigour, that if the aspired opinion of his cleir conscience had not certanlie perswaded him of thair guiltines, he wald never have either vexed thair persones, or restrained thair liberties, aganis the courses of ordinar justice of his kingdome.

It is fouslish presumption in subiectis to think, that the Kingis whom God hes chosen as his lieutenantis, to regne ouer so great Nationis, fould haue hairtis of no greater excellence than the vulgar fort! If God had not prepared the hairt of Solomon, in his youth, to command the houris child³ to be deuyded betuix hir and hir neighbour who claimed the leving bairne, what Judge in the world could certanlie have determined to which of the two the living childe did belong? Whilk nevertheless, Salomon, be ane sentence, feming at first most cruell and vniust, did in end most admirablie determine,⁴ to the manifestatioun of the singlar wifdome, whilk God had put in the Kingis hairt.

When oure King, the trew Salomon of oure aige, and the most Godlie, wyfe, and learned King that ever bure ane Regall crowne in any Christian kingdome, trowelie representing, having fra his owne infancie gevin so extraordinar promissis of his iugement⁵

THE just determinatioun of the Proces which did long depend aganis THE LAIRD OF AUCHINDRANE and his eldest sone, having greatlie contented the myndes of manie faithfull subiectis; not that thay did reioice in the calamitie of Gentilmen of that fort,⁶ bot becaus thairby, the justice of God, in the discoverie and pvnishment of most subtile and dark crymes, was maid manifest to hard haired and vnbelieving peopill; hes also buffied many menis pens to send the report thairof to thair freindis abroad; whairin, albeit at first I did intend to keip silence, and remit the publicatioun of that memorabill actioun to those who wer more curious and skilful nor myself; yet, calling to my remembrance sum notabill circumstances, which, during the incertane event of that procedure, did giue bauldenes to peruerfed peopill, to calumniat the true justice of his Maiesteis directiones; which now, to his differred commendatioun, is approued to the whole worlde; I have since thoght it my duetie, truelie to informe your lordship (whom I know to be so curious and cairefull of no thing as of his Maiesteis honour) of the whole substance of that persute, craving your Lo. pardoun, if omitting sum parcellis, scairce necessarie to be recorded, I fall tak bouldenes, in place thairof, to remark, that in the course and progres of the most notabill actionis of his Maiesteis lyfe and regne, whairof no Prince's aige and fortune hathe ever bene more fertile, his holiest, happiest, and most iuste intentionis have never bene frie of the bitter sting of calumnious detractaris.

In this Discours, I will not follow his methode, *qui in medias res non sicus ac notus auditorem rapit*, bot studie to mak the mater so plane to your Lo. as possibill I can, be deduction of the occasionis whilk innoued Auchindranes evill nature, in the laberinth of these mischevous interpyfes, which,

¹ This is left unfinished; a page is left blank to fill up the rest. ² Individual. ³ The well-known story of 'the Judgment of Solomon.' Sir Thomas had, in the course of the long digression which he made regarding the King's 'rise and progress,' touched on very dangerous ground, and travelled very far out of his way, for the purpose of lavishing the most fulsome praise; being certain that the Letter would be subjected to his Majesty's perusal. ⁴ Terminate; result.

⁵ Here the scroll again breaks off, and three blank pages are left, for farther digression and flattery. ⁶ Rank; condition in society.

be the justice of God and his Maiefties inflexibill conftancie, being broght to light, have ouerthrowne his lyfe and fortunes.

BE birth, he (JOHN MURE OF AUCHINDRANE) was a Gentilman of wourfchipfull difcent, fucceeding to that inheritance, which his prediceffouris in bloude and name had poffeffed almoft foure hundreth yeires. By marriage of the dochter of Sir Thomas Kennedie of Barganie, one of the mightiest fubjectis in the cuntrie whair he dwelt,¹ having increffed the ftrenth of his freindfchip and prefumptioun of his haire; and thinking, that no thing could impeid the abfolute power of *Barganies* freindfchip, in Carrick, bot *the Erle of Caffillis howfe*, whilk, be ane long difcent of vertuous Nobilmen, for wourthie feruices done to thair Princes and cuntrie, had differued and reffaued fo lairge recompens in landis, honouris, and iurisdictionis, as extending thair branches in all the cornaris of that cuntrie, and keiping faithfull dewtie and obedience to thair Prince, they had, be lawful meanes, obtaned aduantage of honour and commandement ouer all thair nightbouris; till of lait, the father of this Erle deceaffed, and leiving his fones infantes, thair did not rest of that cheif howfe, any man, abill to menteane the dignitie and rightes thair of, bot for *Sir Thomas Kennedie of Cullayne*, brother to the deceaffed Erle, and vnclie and *Tutour* to this Erle of Caffillis; whom, vpoune emulation and inuie, before mentioned, Auchindrane intended to Murthour: for which pourpofe, having associat to him felf nyne or ten weill chosen compliceis, thay, vpon the day of (January), or thairby, in the yeir of God 1597, come to the towne of Maybole, whair *the Laird of Cullayne* maid than his ordinar refidence, and tryeing² that he wes at fupper in the houfe of (*Sir*) *Thomas Nifbet*, and wes thairfra to go to bed to his owne ludgeing; Auchindrane and his complices darned³ thame felfis in (*Sir*) *Thomas Nifbetis* gairdine, throw which the Laird of Cullaynes way lay to his owne howfe, and, in his paffage, having delaifched⁴ at him aucht or ten fchot of hagbuttis and piftolettis, in the boundis of ane ftraight allay, yit he being faif of any hurt thairwith, and perfaving thame with thair fuourdis, moft cruellie to perfew his lyfe, he being alone, (becaus his feruandis, not thinking that any man had reason to offer him harme, did not attend him,) he was forced for his faiftie to flie; in which chaice thay did approche him fo neir, as he had vndoutedlie bene ouertane and killed, if he had not aduentured to rin afyde and couer him felf with the ruines of ane decayed houfe, whilk, in refpect of the darknes of the night, they did not perfave; bot fill followed to his ludgeing, and fearched all the corneris thair of, till the confluence of the peopill of the towne⁵ reforting, whair thay hard fuche a fray, forced thame to retire. For which fchamefull and barbarous attempt, the faid *Sir Thomas Kennedie of Cullayne*, having focht redrefs be law, did thairby dryve Auchindrane in fuche danger of ruyne, as neceffarlie did conftayne him to couer his malice with fchew of repentance: And for fatisfacioun of his bypaff offence, and gadge⁶ of his future dewtie, to offer his eldeft fone in marriage to *Sir Thomas Kennedie's* dochter: Whilk, be interceffion of freindis, being accepted, and thairefter the marriage accomplifhed, the Laird of Cullayne did fo affect the gude of the Laird of Auchindrane and his hovfe, as it was no lefs dere to him nor⁷ his owne; confidering, that in thair hopes and wifhes, it wes to be poffeffed be the posteritie of thair conioyned difcentis.

In which termes, materis continowed, vpoune Cullayne's part, faithfullie and in haire, and vpoune Auchindrane, in trefonabill profpectionis; whilk,⁸ be the deceas of *Sir Thomas Kennedie of Barganie*, his fone, *Gilbert Kennedie of Barganie*, ane young Gentilman of great courage, fucceeding to him, his inexperienced youth wes feduced be Auchindrane to beleve, that the tyme wes proper to raife his houfe, from the fecund place in the cuntrie to the firft, be the ouerthrow of the *Erle of Caffillis* houfe; whilk he proponed not to be difficill, for many probabill reasonis: Which, finding approbation, in the ambitious mynd of the young Gentilman, all occafionis of haitrent wer fo foftered be feditious instrumentis on thair fyde, that in fclort tyme the pairties wer broght to fuche profpection of inimitie, as *the Laird of Barganie*, intending, in contempt of the Erle, to go by his zet,⁹ in his paffage from Aire to

¹ In the Bailliary of Carriek and shire of Ayr.

² Ascertaining after enquiry; discovering.

³ Concealed; hid;

secreted.

⁴ Let off; fired. Old Fr. *delascher*.

⁵ Maybole.

⁶ Pledge. Fr. *gage*.

⁷ Than.

⁸ Until.

⁹ Contemptuously to go past the Earl's gate, without so much as enquiring after his health, he being his Chief, &c.

., and the Erle, resolving rather to die nor¹ digest that publick indignitie; having bothe firethened thame selfis with fuche forceis, as vpon so suddane occasioun thay could assembill;² thay rencountred vpon the ffieldis, neir the Erles howse of, whan ffoure or ffyve hundred men entring in flight, it wes verie liklie that the eagernes of the Cheifis sould have broght thair peopill to great butcherie, if *Barganies* courage had not carried him so headlong to the rasche invasioun of *the Erles* peopill, lying at cover, vnder the advantage of ditches, as him self rassaving ane deidlie musket schot, and *Auchindrane*, being also maid vnhabill to brak his horse, be ane verie dangerous schot in the thigh, thair trowp, wanting leaderis, fled, and left the feld to the Erles better fortune.

Which, no thing abating *Auchindrane's* malice, he did not cease to stir vp *Thomas Kennedie*, brother to the lait slayne *Barganie*, to be assistand to him, in daylie ambushes, for *the Erles death*; whairin, not prevailling, in respect of the Erles power and circumspectioun; at last, *Auchindrane*, determining rather to ouerthrow honour, promes, conscience, and all bandis of dewtie, nor³ to misf sum fort of reuenge; he concludit to Murthour the before named *Sir Thomas of Cullayne*, ane mater most easie to be atcheved; becaus the Gentilman wes, in his owne confait, fullie secured of all parrell fra thair factioun, for that he had absteaned from assisting his newew *the Erle* in his querrell aganis *Barganie*, alsweill becaus he wes godfather to *Gilbert Kennedie of Barganie*, as that his mother and the Erles grandmother be his father, wes ane dochter of the house of *Barganie*: Which respectis, making him exceidinglie to regrait thair vnnaturall inimitie, he thocht it more agreabill to his dewtie to referue him self newtrall, in thir vnhappie diffentionis of his kinsmen; thairby, to watche occasiounis and referue equall credit and trust of bothe pairties, to be ane instrument of thair reconciliatioun, nor be his kyndnes to one of his kinsmen, be vnnaturall and vndewtifull to the vther.

In this estait, being onlie intentive to his owne adois,⁴ whilk in the moneth of, in the yeir of God,⁵ did requyre his resort to Edinburghe, thair to consult with his lawers in his wech-tie bussines; he send his seruand to *Maybole*, to seik *Auchindrane*, and aduerteis him of his purpose; with direction, if he missed him thair, that he sould certifie him, be Letter, of his intended journey; to the effect *Auchindrane* might, vpon the nixt day, meit him vpon the way, at, and informe him of any thing he wald wish him to do for him in Edinburghe, seing it wes bot one travell for him to do his freindis bussines and his owne. This seruand of *Cullaynes*, missing *Auchindrane* in *Maybole*, desyred *Mr Robert Mure scholemajster at Maybole*, to wryte ane Letter of that substance to *Auchindrane*; who did so, and sent it be ane boy of his schole, called *William Dalrumpill*, who finding *Auchindrane* at his house of *Auchindrane*, with his cusing, *Walter Mure of Cloncaird*, ane deidlie ennemie to *the Erle of Cassillis*; so sone as he fand him self certified of *Cullaynes* pourpouse and dyet, he dismissed the boy, commanding him to returne bak in haist, caireing the Letter with him; directing him farder to schaw to his maister and *Cullayne's* man, that he had not fund him at his howse: And immediatlie thairefter, resolved with his cusing *Cloncaird*, that this occasioun of reuenge of *Barganies* Slauchter, be *Cullaynes* Murthour, wes nocht to be onelipped: And, efter sum deliberatioun, concluded vpon the choise of the actonris, and maner of the execution; making aduertisement thairof, alsweill by Letter sent to *Thomas Kennedie of Drummerquhie*, be *Makadam*, futeman to *Young Auchindrane*, as by message to *Cloncaird*; who, finding *Thomas* most reddie to embrace that opportunitie, the said *Thomas Kennedie*, *Walter Mure of Cloncaird*, and foure or ffyve seruandis with thame, weill armed and horsed, conuoyeing thame selfis neir the way appoynted be *Cullaynes* Letter, for his meiting with *Auchindrane*, didly at await, till *Cullaynes* hy-cumming; who, being in full securitie of his dangerles estait, ryding vpoun ane paiffing naig,⁶ and having with him ane seruand onlie, thay suddenie surpysed him, and with thair pistoles and suourdis gauie him ane number of deidlie woundis:

¹ Than. ² See a full account of these proceedings in 'THE HISTORIE OF THE KENNEDYIS' before referred to— and also ORIGINAL PAPERS in this Appendix. ³ Rather than be deprived of some sort of revenge against the name of Kennedy. ⁴ Affairs; concerns. ⁵ 11th May, 1602. ⁶ A pacing, ambling nag; a hackney, for his journey; not a swift and powerful horse, by which he might possibly have escaped. See 'The Historie of the Kennedyis.'

And, nocht content to haue so barbarouſſie and traitrouſſie bereft him of his lyfe, ſpoyled him of ane thowſand merk of gold, being in his purſe, ane number of golden buttonis vpon his coat, and ſum ringis and vther jouallis: For the which villanous fact, the actual *Mourthouraris* being firſt outlawed and thairefter ſforſalted, and *Auchindrane*, vpon vehement preſumptionis of his devyſe and cauſing execute ſo execrabil ane cryme, being ſummond to vnderly the law, did bouldlie compeir: And ſeing that the perſewaris, for want of ſufficient evidences, wer not than to aduenture his Tryell, fearing that he might be cleuged,¹ and ſo, perpetuallie fred of that cryme; whan he ſaw them adiourne thair perſute, he ſeemed greived thairat, as bragging exceidinglie of his innocencie, whair of he had gevin pruiſ, be offering him ſelf to tryell of law, if thair wer within the kingdome any man of *Cullaynes* kindred or freindſchip, who wald advow² him any wayes participant of the devyſe or executioun of that Murthour, he wald reddelic offer him ſelf in that querrell to the tryell of *COMBAT* to the death: And ſo, wanting ane pairtie,³ wes diſmiſſed; more frie, in the perſuaſioun of the moſt pairt of ſuche as wer preſent, nor in his owne conſcience, whilk geiving him many alarmes, that ſo long as *Dalrumpill*, who wes carrier of the Letter, wes within the cuntrie, the mater might be diſcovered be him. Heiring that *Young Cullayne*, ſone to Sir Thomas Kennedie, had begun to try him verie rudelic, Auchindrane drew Dalrumpill to his houſe, and keiped him cloiſe, be the ſpace of nyne or ten oulkis;⁴ whairwith the boy weireing exceidinglie, he ſent him thairefter to the *Ile of Arrane*, to the *Laird of Skelmurlie*,⁵ his great freind, willing him to keip him as ane boy of *Thomas Kennedie of Drumvquhies*: Whair he being reſſaued and reteaned ane long ſpace, the boy, finding him ſelf neglected and vnprovyded of many neceſſaris, returned to *Munctoun*, to the houſe of ane vncle of his owne;⁶ which came no ſoner to Auchindrane's knowledge, bot incontinent he ſent for him to his houſe of Auchindrane, whair he of new kept him cloiſe, whill, be paction with ane of his couſingis, called *James Mure of Fleet*, he ſend him to Leith, to be transported to the *Low-cuntries*, to ſerve as ane ſodgeour in the *Lord Baleleuchis Regiment*;⁷ hoping that he might either thair end his life, be ſuche accidentis as daylie befallis to ſouldiouris, or at leaſt be ſecure from diſcouerie or perſute of ſuche as he did ſtand in feare off. But whan the ſenſeles blindnes of his conſcience had gevin ſentence of perpetuall ſecuritie to him from all diſcouerie of his abominabil tranſgreſſioun, in reſpect of *Dalrumpillis* abſence, be the ſpace of fyve or ſax yeiris; the ey of Goddis juſtice, whilk never ſleipis, convoyed him back to Aire, the place of his natiuetie, whar, having onlie ſlayed with his mother and ſiſter ane night or two, he did addreſs himſelf to *Auchindrane*, who, aduerteiſed of his returning, and thairby ſtinged with fearfull tormentis of conſcience, he tuke ordour for Dalrumpillis ſtay in the houſe of his ſeruaud, *Walter Mure of Glenheid*: And the nixt day, in the afternone, being the . . . day of September, in the yeir of God . . .,⁸ he ſend his houſehald ſeruaud, *James Cuninghame*, to bring him to him; and rencountering with thame, in his way from his houſe of Auchindrane to ane vther houſe of his, called *Ballachtovle*,⁹ him ſelf and his ſone, *Young Auchindrane*, had conference with *Dalrumpill* ane great pairt of the way, till they came neir the Houſe of *Chapeldonan*,¹⁰ perteaning, by inheritance, to Auchindrane, and poſſeſſed be his tennent and allye,¹¹ *James Bannatyne*, with whom they left that night *Williame Dalrumpill*, calling him be ane changed name, '*Williame Montgomerie*:' Whair he ſtayed all the next day, whill, be directioun of *Auld Auchindrane*, James Bannatyne did bring Dalrumpill, about ten a clok in the night, to the *Sands of Girvan*, whair John Mure, elder of Auchindrane, and James Mure, younger of Auchindrane, wer attending¹² thair cuming: At meitting, *Auld Auchindrane* began to declaire to his man *Bannatyne* that he

¹ Literally *cleansed*; acquitted. ² Avow; openly challenge. ³ Pursuer or proſecutor. ⁴ Weeks. ⁵ Sir Robert Montgomery. He married Margaret, eldeſt daughter of the Laird of Drumlanrig, Sir William Douglas. ⁶ It cannot be traced who this individual was. ⁷ SIR WALTER SCOTT, who raiſed a regiment of his name, and ſerved in the Wars of Maurice, Prince of Orange, againſt the Spaniards. For his ſingular merit and ſervices, he was, Mar. 16, 1606, created Lord Scott of Buccleuch, being the firſt perſon of that celebrated Family who had been ennobled. His ſon, Walter, ſecond Lord Scott of Buccleuch, alſo commanded a Regiment in the ſervice of the States of Holland, and was created Earl of Buccleuch, Lord Whitecheſter, and Eskdale, Mar. 16, 1619. ⁸ 1607. ⁹ Situated near Girvan. ¹⁰ Situated about a mile and a half from Girvan, on the ſea-ſhore. ¹¹ 'Kinnisman to his wyfe' is deleted, and 'allye' interlined. ¹² Waiting. Fr. *attendre*.

had bene in perpetuall feare, since *Cullaynes Slaughter*, to be difcouered as guiltie thair of;—that for efchewing that danger, he had fent furth of the cuntrie this *Dalrumpill*, who broglt to him the Letter of aduerteifment of Cullaynes dyet; and whan as he had materis at that poynt, as be his trauelis,¹ *Young Cullayne* and *Thomas Kennedie* wer maid to allow of the conditionis whilk he had fet downe for reconciliatioun of thair querrell, for the Murthour of Cullaynes father, this man wes unhappellie returned, be whom his whole devyfe wald be difapoynted, and his danger renewed. That he faw no remeid bot to red *Dalrumpill* furth of this lyfe, fince he could not vtherwayes be kept out of his way. Whairvnto *Bannatyne* making anfuer, that it wes ane cruel pourpofe to Murthour the poure innocent youth, fpeciallie feing thay might fend him to *Ireland*, to be faiflie keiped thair, till the agrieance wes perfytted betuix *Cullayne* and *Drumrquhie*: Auld Auchindrane femed to inclyne fumwhat to that expedient; and in the uncertaintie of his refolution, turning towardis the pairt whar his fone fluid, of pourpofe, as appeired, to have confulted with him, *Young Auchindrane* perfaved thame no foner (draw) neir, bot, thairby affuring himfelf of thair affiftance, in executioun of that whilk his father and he had formerlie concluded, he did violentlie inuade *Dalrumpill*, rufhed him to the ground, and never left him till, helped by his father, with his handis and kneis he had ftrangled him. And then, thinking to have buried him in *the Sandis*, whirby no mark fould remayne² whilk might raife any fufpicion of his Murthour, in that place, thay preaffed to mak vfe of ane fpead and fchoule whilk *Young Auchindrane* had broglt with him for the pourpofe; bot finding that no hole wes foner caffin be thame in the Sand, bot wes alfone filled agane with the water and fand that fchot in it, thay wer forced, efter lang travell, to draw him in the fea, alsfar as they durft wade, hoping that ane vtterlie wind³ fould carie his deid corps to *the Coaft of Ireland*: Whilk not fuceceiding according to thair expectatioun, the corps ftaying all the nixt day in the verie place whar they left it, they paffed that day in meruelous anxietie, for feir of difcouerie; till the nixt night, fearching the corps to have buried it, they could not, be any fearcher, find it, becaus the winde had carried it to the Sea, whair it wes toffed continuallie be the fpace of fyve nychtis, till the Fryday following, that God, deineing (*deigning*) to vfe that meane, for manifefatioun of thair hid iniquities, broglt *Dalrumpilis* corps bak to the verie place whair, fex or feven dayis before, he had been Murthoured: Whilk being perfaved be fum cuntrie peopill, the corps wes cairied be thame to the nixt Church yeard, and thair buried.

Bot the report of fo ftrange ane accident, having raifed fufpicion in *the Erle of Caffillis* and fum of his friendis, who had heard of *Dalrumpilis* returning in the cuntrie, that it might be he had pairt in that turne, it wes thought fit be the Erle and dyueris of the Miniftrie⁴ of that boundis, that intimation fould publictly be maid in Aire, being the heid burgh of the fchyre, and at the Paroche-Kirkis to landward, that fuche ane corps, being fund deid vpoun the coaft, wes to be fene at *the Church of Girvan*. Whilk being accordinglie publeiffed, the corps wes raifed, and amongs vtheris, fighted be *Dalrumpilis* mother and his *ffifter*, who efter diligent confideration of the propoition and markis of his bodie, affured thamefelfis and vtheris, that he wes the mourthoured man! The opinion of *Auchindrane*s guiltines of that Murthour becam fo vniuerfall, as it began to be talked of amongis his owne feruandis and in his owne houfe, and thairby himfelf, his fone, and thair man *Bannatyne*, fo confuted, as thay knew not how to cleir thame felf of that vylde imputation; till going to Aire, and meitting with *James Dalrumpill*,⁵ eufing germane to *Young Auchindrane*, by his mother, he did informe thame of the fchamefull opinion wes had of thair guiltines of that foule Murthour; advyfing thame, that feing it wes not faif for thame, to offer thame felfis to the Tryell of Law, for ane Murthour, whair of all men thought thame fo guiltie; and if thay, being challanged be *the Erle of Caffillis*, fould be fugitive for fo haynous a cryme, thair freindis could not with credit do for thame.⁶ It was fitter, that they fould kill *Hew Kennedie of Garriehorn*, fervant to the Erle of Caffillis, for dyueris proba-

¹ Pains; trouble.² By burying him within the flood-mark; so that, on the reflux of the tide, all marks of the struggle and foot-marks, &c. might be effaced.³ An off-shore or outward wind.⁴ Clergy; Ministers.⁵ 'Sisteris sone to the *Lady Auchindrane*, and so eufing,' deleted.⁶ Support or maintain them, while fugitive.

bill querrellis whilk they had against him : Whair of the occasion did presentlie offer, in respect of his being singill ¹ in *Aire* ; whilk being done, thay might ever pretend, that the danger of that cryme, and feir of the rigour of the Erle, wes the onlie caus for the whilk thay wer fugitiue ! In whilk caice, nevertheles, thair freindis might, without reproche, do for thame ; becaus, albeit the fact wes vulaufull, it wes not dishonest, since it proceeded vpon professed querrelis, and might be done publictie ; and so, thay be fugitiue, without infamie ! They presentlie imbrafed the expedient, and provyding thame selfis of pistoles and vther armour, thay invaded Gariehorne,² schott thair pistoles, and vsed all vther meanes to have killed him. Bot finding, that it wes ane mater more difficill, to ouirthrow ane gentilman, armed with gude courage, in ane lauffull defense, nor³ to Murthour innocent men, voyde of apprehension of danger and meanes of defence, all that thay reported of that inuasion, wes ane hurt of Young Auchindrane in his right hand, whairby he became almost lame of it.

Be this new iniurie, THE ERLE OF CASSILLIS persaving that thair lyves wald end, before thair malice aganis him sould diminish, he resolued to strengthen him self be all siche aduantage as Law sould giue him ; and having chalenged thame bothe for the *Murthour of Dalrympill*, and for the Inuasion of his seruant with prohibit vapinis,⁴ thay go to the horne ;⁵ professing alwayes, that if thair vsing pistoles aganis *Gariehorne* might be remitted to thame, thay wald ever be reddie to enter and abyde Tryell of *Dalrumpillis Murthour*. Bot his Maestie, being trewlie informed of thir proceedingis, efter serious considerationn of the circumstancis, than confaued so constant ane opinion of Auchindrane and his sones guiltines of Dalrumpillis Murthour, that he assured him self, that if thay wer tane and dewlie examined, thay wald vndoutedlie be brocht to confess it. And thairbye, inspyred with his accustomed zeale to justice, gave secret Commissioun to the Erle of Abercorne, that he wald not omit ony occasion to apprehend those suspected personis ; whairin the Erles diligence had so gud succes, that within schort space, he did rencounter and tak *Auld Auchindrane*, and enter him prisoner in the Towbuith of Edinburgh ; whair of, hes sone had no sone knowledge, bot imaging with him self, that it wer easie for his father and him self to conceall thair crymes, be obstinat secrecie, if *Bannatyne* sould not be brocht, by examination and confrontation, to reuale the treuth and discredit thair denyall ; he instantly raid to *Ballintrae*, whair *Bannatyne* wes for the tyme, persued him, for all thair saifties, to retire to *Ireland* ; provyded and furneissed him with victuallis and necessaris, aue bot⁶ for his transport, recommended him, by his Letteris, to his vnclie *Thomas Kennedie of Drumviquie*,⁷ gave him assurance that be his absence, he sould not tak any profiteit of the land quhilk he had of thame, nor no vther help, whil thay wer abill to mak to him. And be *Bannatynes* remove, becuming confident, did suspend his Horningis, be caution for his compearance to vnderly law ; desyring no thing so muche as that he might be precipitatlie put to ane Assyse ; vpon hope, that the lak of verification, in ane mater so clandestine and obscure, and the assistance of his great and gude freindis, sould procure to him vndouted absolutour ;⁸ and thairby, being frie of all dangeris of law, wald be more abill to procure his ffatheris libertie and declaratioun of his innocencie. Bot, being anis entered, examined, and vpon great caution⁹ lett to libertie, and thairefter his cautioner chaired to re-enter him, he, remitting no jote of his former confidence, compeired the day appoynted, and being than re-examinat, and be the commendabill industrie of my *Lord Chancelar*, and vtheris of the Counfall, appoynted for his Tryall, drawne in sum materiall contrarietie ; vpon signification thair of to his Maestie, directioun wes returned, that not onlie he sould be reteaned, bot if he wer obstinat, sould be coerced, be *Tortour*, to discouer the trewth ! Whilk being accordingly performed, be those of his Maesties Counfall, to whois secrecie and faith that charge wes committed ; the *Young Auchindrane*, pairtlie confirmed be the strenth of his great courage, unhappelic bestowed in

¹ Single ; unaccompanied. ² Hew Kennedie of Gariehorne, called in the Act of Secret Council, Feb. 5, 1602, ' *The Guidman of the Ballot*,' probably from being Lessee or *tacksman* of that farm. ³ Than. ⁴ *Wappinnis*, weapons, which were by Act of Parliament prohibited from being used by private gentlemen, excepting in his Majesty's service. ⁵ Permit themselves to be denounced rebels and put to the horn, by virtue of Letters of Horning passing under the Signet, rather than present themselves for trial, as was previously arranged. ⁶ Boat.

⁷ One of the forfeited murderers of Sir Thomas Kennedy. ⁸ Acquittal. Lat. *absolvere*. ⁹ Bail ; security.

pruiffis of that kynd, and pairtlie be the craftie advyfes and aduerteifments of his ffather, convoyed to him be the counfile of fum thair welwillaris, who take the advantage of the cairelefines of thair keiparis; he did endure the extremitie of that infufferabill torment, with fuche conftancie, that whairas, it wes hoped that the veritie of the accusation and extremitie of payne fould have forced him to ane trew Confefioun, the event proved fo far contrarie, as he refolving, with filence, and fouffrance of ane fchort payne, to redeme his libertie, and to adde the hope of many yeiris to his lyfe.

The moft pairt of thofe who hard of the event of that Tryall, the forme whairof wes muche miflyked, did confaue fo constant opinion of his innocencie, as not onlie the vulgar fort did publeis the fame, and regrait the extraordinary rigour vfed aganis him, bot fum Nobilmen and Counfallouris did affist his Supplicationis for his libertie, alledgeing many reafonis, why, with reafon, it could not be refufed him: That ane man of his birth and qualitie had reffaued hard aneuch meafour, being *put to Tortour* for ane cryme whilk nather did concerne his Maiefties perfone nor eftait, albeit, efter fo gude prui of his innocencie, be his fingular conftancie in fuffering that tryell; whilk no thing could have refifted, bot the integritie of ane vnfpotted confcience; he fould not be ouercharged with ane fecund oppreffion, in denying to him his natie and lafull libertie; fince he did offer aither to vndergo preffent tryell, or, if his enemies did rather chufe, to prorogat it to ane tyme more fit for thame, he wes content to find caution, not vnder the pane of ane thoufand merkis preferyved be Act of Parlement to ane man of his eftait, bot, for removing of all fcruple of his not compeirance, he fould bind his freindis vnder the payne of *Twentie Thousand poundis* for his re-entrie, whanfoever he fould be chairged to that effect: Which wes fo oft requyred and vehementlie preaffed, that my Lord Chancellor, ouereum with the continouall importunitie of *Young Auchindranes* favouraris, did yeild, that aduerteifment fould go from the Counfall to *HIS MAIESTIE*, of *Auchindranes* fate, and of the inclination of ane great pairt of the Counfall to yeild to the fam. Whairwith, his Maieftie, no whit diverted from his former refolution, fignified his pleafour to be, that in no caice, nor vpoun no condicioun, he fould have ony libertie; being refolved in his confcience, that he wes moft guiltie of that Mourthour; and that God, in his iufstice and appoynted tyme, wald manifef the fam: Whairby, my Lord Chancellor, ftrenthened be the exprefs Warrant of his Maiefties directioun, proceeding of his Royall motine and certain knowledge, did fo dewlie obey his Maiefties command, that many tymes thairefter, whan the moft pairt of the Counfall, abufed with vntrew probabilities, and inclining to muche prepofterous pitie, did preafs that *Young Auchindranes* Supplication might be red and refaue anfueir from the Counfall, be the voices of the moft pairt of thofe who wer preffent, according to the inftitution thairof and cultume inviolablie obferued.

My Lord Chancelar, perfaving, be thair vttering of thais preconfaued opinions, that be pluralitie of voeces it wald be ordaned that libertie fould be granted to *Auchindrane*, vpoun caution, vnder great fowmes for his re-entrie whan he fould be chairged; did oppone to thair opinioun, grounded vpon the vfual forme of that judicatur, his Maiefties expres commandement, proceeding from his abfolute Royall power, whilk he wald never bring in queftioun, fince no man could deny that his Maieftie, vpon caufes knowne to him felf, might commit and reteane in wairde any of his fubiectis, who in his confcience he knew to differue the fam; and that it wes prefumption to his fubiectis, fpeciallie Counfallouris, any wayes to conteft in that poynt, efter his Maiefties lafull pleafour fo oft and fo expreffie declaired.

My nobill Lord, it wer heir verie eafie for me to iufstie the courfe of *HIS MAIESTIES* proceeding in this particular, and not onlie refute the popular errour of the prefumptuous multitude, bot alfo, with infallibill reafonis, to condemn the vntymous pitie of fum of better fort, nather remembring the obligatioun of thair place, nor the pruiffis of fo many bypaff accidentis, whairin his Maieftie, voyde of all paffioun and particular,¹ and onlie moved by confcience, and loue of iufstie, had funnwhat diuerted from

¹ Partiality; bias, or leaning to the *quarrel* or caufe of either of the parties.

the common pathe of ordinar Justice, without respect to popular murmour ; so let the world to sie, in end, be his most notabill conclusionis, how his purposes, tending to vnpartiall Justice, wer assisted be the fauour of God, and be heavenlie inspirationis, conducted to endis, confortabill, and almost miraculous ! Bot, becaus I falbe more abill perfittie to performe that pairt, whan in the end of this actioun I falbe strengthened be the credit of ane faithfull and conscionabill Assyse, and muche more be the Confessioun of the pairties, extorted be the power and Providence of God, I will referue it that place ; and following furth the course of this Narratiue, subioyne thairto the Judicial Procedure and Sentence, whilk was never thocht to be in the way of any probabill expectatioun, till *the Erle of Abercorne*, by secret and instant dealling with sum of his freindis in *Ireland*, fand meanis to tak *James Bannatyne*, and bring him to Scotland, to his howse of Paislay ; whair *Bannatyne*, efter the reherfall of all that Tragedie of *Dalrumpills Murthour*, having subioyned the maner of his owne taking, whairin he feimded to acclame sum promeis, maid for the saistie of his lyfe : The Erle did forthwith iudge that dealling, so contrare to his honour and his Maiesties intention, as he instantlie assured *Bannatyne*, that he never did intend to haue him vpon any futch conditionis. Bot being vnwilling that whan he sould be presented to justice, he sould reproche to him the brek of condicion maid be any whom he had employed for his apprehensoun, whairby the heararis might tak libertie, aither to beleve or not beleve *Bannatyne's* affirmatioun, and thairby bring his honour in question ; he gaue to him libertie to go frie out of his house, with assurance, that for the space of ten dayes he sould be vnperfewed be him or any of his, geving him space to provyde for his saistie, aither within this realme, or be removing furth thairof ; aduerteising him thairwithall, that that terme being expyred, he wald bestow his owne travels and the assistance of all the friendis he had in the world to apprehend him, whairever he might be had, either quick or dead ! So *Bannatyne*, being left to ane bodelie libertie, whilk neuer fred him of terrour of conscience, and fear of death, alswell in respect of the suorde of his Maiesteis Justice hanging aboue his head, as that endles perfute, whilk he knew *the Erle of Abercorne* did intend against him ; bot most of all, in respect of his knowedge, that *Auchindrane* had, of lait, devyfed and practeifed many meanes to *cause Murthour him* in *Ireland*, thairby to prevent the danger quhilk *Bannatynes* Confessioun might bring vpon him, if, be falling in *the Erle of Abercornes* handis, he sould haue bene broght to Ed^t, examined and confronted with him and his sone : Being also informed, that whan *Young Auchindrane* caused deale with *the Erle of Dumbar* for his libertie, he had offered that his cautioneris sould bring *Bannatyne* in, *aither quick or deid* ! The Erle had verie judiciouslie ansuered, that he did well believe that *Young Auchindrane*, being frie, wald vnfaynedlie do his best to bring in *Bannatynes* head, whairof for his pairt he wald be sorie, as losing ane of the best meanis of the discoverie of thair guiltines, whairof he in his conscience wes resolued ! Thir considerationis did force *Bannatyne* to profrat him self at the Counsals seit, offering him self, without any condition, to reveill the whole treuth of that Murthour, and to verifie all that he sould say in *Auchindrane* and his sonis face ; hoping, be the assistance of Gods gude Spirit, to bring thame to ane Confessioun of that vdenyabill treuth ; onlie craiving, that if the Counfall fand him trew in all his speachis, and to be ane meanes to discover the wickednes of these men, who, having drawn him vnhappellie in the participation of thair mischief, had so ingratelie and wickedlie devyfed to Murthour him self, thar Lordschips wald be pleased to recommend him to the Kingis mercie, whois pleasour he sould joyfullie fulfill, wer it in his lyfe or in his death !

He wes commanded to mak ane trew Narration of *the maner of Dalrumpills death* ; whilk being writt be the Clerk of Counfall, and *Auld Auchindrane* broght in and examined and confronted with him, and being contrare to him in all the poyntis of his Deposition ; afferming impudentlie, that *Bannatyne* wes seduced and conduced be his vnfreindis (*enemies*), for desyre of his lyfe and landis, to avow these vtreathis vpon him. They wer so directlie opposite to vtheris, as *Auchindrane* appeired more craftie and *Bannatyne* more simple and trew in his Deposition ; bot bothe of thame so confident, that not

onlie evrie ane of thame menteaned thair owne Declaracione; bot whare as Bannatyne had prostrat him self vpon his kneis, and directing his eyes and handis to Heaven, had, with tearis, exhorted Auchindrane 'to have remorfe of his great wickednes, and to confes that Murthour, whilk God wald not suffer him any longer to conceale! Assuring him, that if he had bene innocente of that cryme, all the land of the Kindome, se¹ the faitie of his owne lyfe, fould never haue persuaded them (him) to pre-judge his maister, who he had so deirly loved and followed in many dangeris, whairin he had adventured his lyfe and estait, without feir or respect of the best subiectis in the cuntrie.'—AUCHINDRANE answered, that 'he hoped God wald nocht so reiect him, as to permit him to confes so infamous vntrewth of him self, and douted not bot God wald move Bannatyne to beir witnes to his innocencie, and how, be what perfonis and meanes, he had been seduced fallie to accuse him!'

Whairby, the Counfall, being broght in admiration² of so great obstinacie, and hoping that the sone, being confronted with *Bannatyne*, might be fund perhappis lefs confident: When thay wer broght in thair presence, and examined, confronted, re-examined, and tryed, be all the best meanes that the experience or judgement of wyfe and well affected Counsalouris could affurd; nothing wes hard bot direct contrarieties, confidentlie confirmed be execrabil oathes! So dyeris whole dayes being spent in Examination of these parties, and many Witneses who wer thought ony wayes abill to furneis light to this obscure caice.

At last, whan no hope of any farder discouerie wes expected, THE LORDIS OF SECREIT COUNSALL concluded, that vpon the day of July instant, these perfonis fould be put to thair TRYALL: And for that pourpose caused Summond ane sufficient number of Gentilmen of gud report, to pas vpon thair ASSYSE; and did lykwayes appoynt my Lords President,³ Secretar,⁴ Justice Clark,⁵ Meidhop,⁶ Killyth,⁷ and Wrightifland,⁸ to be ASSESSOURIS to the Justice in this singular cause, whairin the inclination of the peopell wes so fauorabill to *Auchindrane* and *his sone*, that verie many did allege, that it wes requirit that *Bannatyne* fould be first put to an Assyse; and being convict, as of necessitie he behoued to be, in respect of his owne Confessioun, and Execute to the death, as he had well deserved; his constant ratification vpon the scaffald of his former Depositionis, and seilling the fame with his bloude, at his death, might than put thame in sum opinion of *Auchindrane's* guiltines, whair of vtherwayes they had never sene any appearance. Bot the Lordis of Counfall, thinking it more agreabill to reason, that⁹ [those?] who wer thought all guiltie of ane fact, fould go to ane com [mon Assise?] and that the gentilmen of Assyse, whos consciences [might?] susteane the chaarge of the Judgement to be gevin in so we [ightie?] a cause, fould haue all the thrie Defendaris at ones in thair presence, that so thairby they might be resolued of whatsoeuer they fould think fit to demand of thame. Thair Lordschipis followed thair first ordonnance, and vpon the said [17th] day of Julie, efter ellevin a klok, cumming to the ordinar place of Jugement, did cause bring the Defendaris from thair feural prisonis to the bar, whair Sir Thomas Hamilton of Byres, Knight, his Maiesties Aduocat, compeiring as persewar, did exhibit ane DITTAY aganis the saidis Defendaris, desyring my LORD JUSTICE to put thame to the Tryall of ane Assyse; who, intending no wayes to preiudge the Defendaris of the benefite of Law, gave to thame libertie to name those whom thay desyred to be forespokeris¹⁰ for thame in thair defence; who naming¹¹ ['Mr Johne Ruffell, Aduocat, Mr Thomas Nicolson, Aduocat, and Joseph Myller, Aduocat,'] thay wer presentlie called be thair names; and having accepted vpon thame the Defense of the *Lairdis of Auchindrane*, elder and younger, the Dittay wes oppinlie red in judgement: Aganis which *James Bannatyne* did not oppone any thing; bot declaired, that as he wald not vse any defence why this mater fould nocht pas to the knowledg of an Assyse; so when the

¹ Yea. ² Astonishment. ³ Sir John Preston of Fenton-barns, President of the Court of Session. ⁴ Sir Alexander Hay.

⁵ Sir John Cockburn of Ormiston. ⁶ Sir Alexander Drummond, an Extraordinary Lord of Session.

⁷ Sir William Levingston, an Extraordinary Lord of Session. ⁸ Sir Lewis Craig.

⁹ The MS. torn at this and the following places, which the Editor has supplied from conjecture, within brackets.

¹⁰ Counsel, or *Prelocutors*. ¹¹ Left blank. The names within brackets are taken from the Record.

Affyre fould be chofen, he fuld mak thair burding light, granting in thair prefence fo muche of the Dittay as concerned him, albeit he take God to witnes, that he wes the maift innocent of the thrie.

Thairefter M^{rs} Johne Ruffell and Thomas Nicolfoun, having exponed to my Lord Justice the groundis of the caufe, the qualitie of the Defenderis meriting fauour and respect, the rigour vfed aganis thame in thair lang captiuitie, and extraordinar Tortour of the young man, did craive, that thay might have the benefite of law, whilk allowed to the Defenderis citatioun vpoun fiftene dayes wairning; whairby, reffaving the Copie of the Summondis, containing the Inditement to the whilk thay wer to anfuer, thay might, be that fpace, be advyfit of thair wyfe freindis and learned Counfall, to prepar thair juft Defenis. Whairvnto it wes anfuered, be his Maiefties Aduocat, that thair defyre could not be granted in this caufe, be reafoun, the crymes whairof thay wer to be accused wer treasonabill; in which caice, ane prifoner, being broght from his Maiefteis prifon to the bar, wes, be the ordour of this Judgement,¹ put to prefent Tryall, without any delay or continewation; whilk, with no reafons, could be granted to thame at this tyme; becaus, thrie yeiris ago, thay had bene fummoned for the fame crymes, vpon xv dayes wairning; at whilk tyme, they going to the horne, for thair contumacie, the Auld Laird wes takin be his Maiefties Commiffion, the Young Laird relaxing his [Summondis and entering] had bene deteaned be his Maiefties direction; fo that they had not onlie fyvetene dayes, bot full thrie yeires to prepara thair defenis.

The Defenderis than alledged, that the fummonds, produced be the Lord Aduocat, could not juftlie feclude thame of thair defyre of delay, becaus the Dittay this day produced be him, wes fo different from the tenour of the ould Letteris, in many fubftantiall heidis, and did fo aggravat the cryme, be many circumftances, nowayes mentioned in the former Letteris, that it wes eafie to my Lord Justice and the Lord Affeffouris to difcerne, that no thing conteaned in the former Letteris, could have gotin thame information to prepara thair Defenfes aganis the tenour of the Dittay now layd to thair charge. Which, being confidered be the Lord Justice and Affeffouris, and the auld Letteris and prefent Dittay exactlie conferred;² be Interlocutour, thay ordained prefent proces, refufing to give the Defenderis any vther copie of the Dittay, or delay of proces, till the nixt day.⁵

II. PROCEEDINGS BEFORE THE PRIVY COUNCIL OF SCOTLAND, *in reference to the Feuds and Conflicts recorded in the preceding Trial, &c.*

(i.) WARRANT of Privy Council, (*Apud Edinburgh, Decimo tercio Decembris, 1601.*) commanding the Earl of Caffillis to fet Mure of Auchindrane and others at liberty.

FORSAMEKILL as it is vnderftand to the Lordis of Secrete Counfall, that at the lait CONFLICT and Combat, quhilk hapnit and fell out betuix JOHNNE ERLE OF CASSILLIS, and certane his freindis, on the ane pairt; and GILBERT KENNEDY OF BARGANY, and certane his freindis, on the vther pairt, vpoun the elleviut day of December infant; the faid Erle tuik and apprehendit MURE OF AUCHINDRANE, DAUID KENNEDY of *Maxuelfoun*, and certane vthers of the faid Laird of Auchindrane and Barganyis fernandis; and prefentlie hes thame in his custodie and keeping: And in respect of the Slauchter and bluid quhilk hapnit and fell out at the faid Conflict, it is verie fufpicious that the faid perfonis fould be fufferit to remane in the powar and handis of the faid Erle. THAIRFOIR, the faid Lordis Ordanis Letteris to be direct, chargeing the faid Erle of *Caffillis* to defist and ceis fra all proceeding aganis the perfonis foirfaidis, tane and apprehendit be him at the faid Conflict, be vertew of his office of Bailzerie, or of ony powar or commiffioun grantit to him for that effect; difchargeing him

¹ The practice of this Tribunal. ² Collated; compared with each other. ³ Here the Narrative ends abruptly. As the Report of the Trial is so full, it is likely that the writer had abandoned his original intention of giving a report of the proceedings which took place at the Trial—but merely to resume his Narrative, and continue it down to the period of their execution. This, however, if ever completed, has unfortunately been kept out of the scrolls. An account of the subsequent conduct of these atrocious criminals between the period of their condemnation and execution, must have possessed great interest.

thair of and of his office in that part : As alſua, chairgeing the ſaid Erle to cauſe ſett the ſaid *Laird of Auchindrane* and *David Kennedy of Maxwelfoun*, and all vtheris perſonis tane be him at the ſaid Conflict, at frie libertie, within the toun of Air, without ony violence or harme to be maid to thame be the way, within tuentie four houris nixt efter the chairge ; vnder the pane of rebellious, &c. And, gif he failzie, &c., to denunce him rebell, &c.

(ii.) WARRANT of *Privy Council*, (*Apud Haltryuidhous, quarto Februarij, 1607.*) to denounce JOHN MURE of *Auchindrane and others*.

SEDERUNT.

Lennox,	Fyvie,	Lowdown,	Kinlofs,	Previe feill,	Kilfyth,
Chancellor,	Vchiltrie,	Maifter of El-	Haltryuidhous,	Aduocat,	Tracquair,
Angus,	Newbottle,	phingftoun,	Theſaurar,	Collectour,	Brunt-Iland,
Mar,	Spynie,	Rofs,	Comptrollar,	Clericus Regiftri,	Sir Patrik Mur-
Wyntoun,	Roxburgh,	Dunkeld,	Juſtice-Clerk,	Elimoſinar,	ray.

ANENT oure ſouerane lordis Letteris, raifed at the inſtance of Sir George Home of Spott, knyght, his Maieſteis Theſaurer, and Mr Thomas Hammiltoun of Drumcainre, his Maieſteis Aduocat, for his hienes entereſe ; makand mentioun : That quhair, vpoun the ellevint day of December inſtant, JOHN MURE of *Auchindrane*, Thomas Kennedy of Drummurchy, Hew Kennedy of Bennan, Walter Mure of Cloncard, Hector Kennedy in Bargany, Johne M^calexander in Auchingregane, Thomas M^calexander his broder, James Bannatyne in Chapeltonane, Johne Cathcart of Carloun, Johne Cathcart ſounger of Carloun, Johnne Eccleis of Kildonane, Williame Irwing, Thomas Wallace ſeruitour to the Laird of Bargany, Johne M^calexander of Dalreoch, Thomas Dalrumpill brother to the Laird of Stair, Gilbert Kennedy in Pynmaehir, Gilbert Ramſay ſeruitour to the Laird of Bargany, Moſes Lokhart brother to the Laird of Bar, David Kennedy in Maxvelſtone, Alexander Kennedy ſone to Hew Kennedy in Craigneill, Robert Kennedy ſeruitour to Walter Mure of Cloncard, Mairtene Wilfoun in Newwark, Robert Campbell in Carnychell, Williame Cauldwell of Lochirmoſs, Williame Kennedy in Garfer, Johne Mure of Craigkeane, Johne Mure in Quhytleis, Robert Wallace of Holmiſtoun, George Angus notar in Air, Symone Gilmour thair, Peter Hammiltoun thair, Andro Kennedy thair, Henry Dalruple thair, Hew Kennedy thair, James Blair thair, Johne Blair thair, George Dumbar thair, George M^calmont thair, James Dumbar thair, and . . . Kennedy cowpar thair, with convocatioun of his hienes leigeis, to the nowmer of . . . perſonis ; all bodin in feir of weir, with jakis, corflettis, ſecrettis, lancis, and vtheris waponis, *inuaſive*, and with muſcattis, haquebuttis, and piſtolettis, prohibit to be worne be the lawis of this realme, Actis of Parliament and Secrete Counfall, come furth of the burgh of Air, towardis the toun of Mayboill, reſoluit and diſpoſit to haue attemptit ſome heich interpryſe aganis JOHN ERLE OF CASSILLIS, in cais thay had found him vpoun the feildis : LYKES AS, thay perſaving the ſaid Erle and ſome of his frendis and ſervandis to be vpoun the feildis, befyd the toun of Mayboill, thay immediatlie ſet vpoun thame, ſchot and diſchairgit a nowmer of muſcattis, haquebuttis and piſtolettis amang thame, quhairwith thay flew v^mq^e . . . Spence, maifter of houſhold to the ſaid Erle, and hurt and woundit ſindrie vtheris of his ſervandis : Quhairthrow, as thay haue convocat his hienes leigis in armes, without powar or commiſſioun, ſua haue thay violat his hienes lawis and Actis of Parliament, maid aganis the beiring and weiring of haquebuttis and piſtolettis ; and with that, thay haue brokin his hienes peace, to the diſturbance and ſchaikin lowſe of the hail eſtait of that cuntrey, without remeid be prouydit. AND anent the chairge gevin to the ſaid JOHN MURE OF AUCHINDRANE, &c. to haue compeirit perſonallie, befor the Kingis Maieſtie and Lordis of Secrete Counfall, at ane certane day bigane, to haue anſuerit to the premiſſes, and to haue vnderlyne ſic ordour as ſould haue bene tane thairanent ; as alſua, tuicheing the obſeruatioun of his hienes peace and keiping of guid reull and quyetnes in the cuntrey, vnder the paine of rebellious and putting of thame to the horne : With certificatioun to thame, and (*if*) thay failzeit, Letteris ſould be direct *ſimpliciter* to put

thame thairto : Lyke as at mair lenth is contenit in the said Letteris, executionis and indorfationis thair-of. Quhillkis being callit, and the saidis Perfewaris compeirand personallie, and the saidis Johne Mure of Auchindrane, &c. being oftymes callit and not compeirand, The Lordis of Secrete Counfall thair-foir Ordains Letteris to be direct, to denunce thame rebellis, and put thame to the horne, and to escheit.

(iii.) DECRET OF ABSOLVITOR, (*Apud Haliruidhous, quinto Februarij, 1602,*) by the Privy Council, in favor of JOHN EARL OF CASSILLIS and others, 'for convocatioun of his hienes lieges, and beiring and weiring of hacquebuttis and pistolettis, breking of his hienes peace.'

SEDERUNT.

Chancellor,	Fyvie,	Blantyre,	Secretar,	Prevey feill,	Kilfyth,
Ergyll,	Lowdown,	Haliruidhous,	Comptrollar,	Aduocat,	Sir Patrik Murray,
Angus,	Roxburgh,	Thefaurar,	Collectour,	Tracquair,	Elimofinar.

ANENT OURE fouerane lordis Letteris, raised at the instauce of Sir George Home of Spot, knycht, hie hienes thefaurane, and Mr Thomas Hammiltoun of Drumcairne, his Maiesteis Aduocat, for his hienes intereffe; makand mentioun: That quhair, vpoun the ellevint day of December instant, JOHNE ERLE OF CASSILLIS, Johne Corrie of Kelwod, Hew Kennedy of Penquhirry, Johne Davidfoun of Pennyglen, Oliver Baird of Culleingie, Patrik Mcilveane elder of Gremnat, Johne Mcilveane 3ounger of Gremmat, Hew Kennedy of Garryhorne, vtherwayis callit *the Guidman of the Ballot*, George Fergufoun of Thraif, Alexander Schaw tutour of Gremmat, Johne Mure of Wodland, Johne Mure of Kingmarloch, Johne Dik of Barbesburie,¹ Hew Kennedy of Dangar, Anthone Kennedy 3ounger of Barfalloch, Johne Mure merchant in Mynyboill (Maybole), Quintene Crawford 3ounger of Silliholl, Johne Kennedy of Smetoun, Williame Kennedy of Turneberry, Johne Campbell in Barnefurd, Johne Smyth 3ounger in Caffillis, Johne Calderwode in Girmerstoune, Johne Fultoune in Giltryhill, Johne Fultoune in Mofend, Alexander Baxter porter, Williame Harlaw hagbutter, Robert Fultoun in Giltryhill, Johne Fultoune in Bargennoch, David Fultoun his brother, Thomas Fultoune in Giltrie, Thomas Wode in Caffillis, Quintene Tod in Caffillis, James Davidfoun in Burnemoith, Johne Davidfoun his sone, Johne Mcolme in Mcolmestoun, Johne Malcome in Blairbouy, Johne Bell in Mcolmestoune, Thomas Mortoune in Caffillis, Johne Mortoun his broder thair, Johne Mcary thair, Johne Smyth in Dalruple-holme, Williame Huntar thair, James Corry in Bray of Dalruple, David Mcquhorta in Batlewand, William Campbell in Bra thair, Robert Cunynghame in Bateifloun, Johne Smyth in Drumgoblis, &c.² all men, tenmentis, fervandis, and proper dependaris vpoun the said Erle, with convocatioun of his Maiesteis liegeis, to the nowmer of hundreth perfonis, all bodin in feir of weir, with jakis, steil-bonnettis, corflettis, lancis, and vtheris waponis invafue, and with hacquebuttis and pistolettis, prohibite to be worne be the lawis of this realme and Actis of Parliament; come in hostile and weirlyk maner furth of the toune of Mayboill, and lay at await for vmq^{le} GILBERT KENNEDY of *Bargany*, his freindis and fervandis, as thay wer comeing the hie way fra the burgh of Air towardis the said Lairdis awne duelling hous, and invadit and perfewit thame of thair lyffis, schot and difchairgit a nowmer of hacquebuttis and pistolettis at thame, quhairwith findric of the said Laird of Barganyis cumpany wer hurt and woundit; and at that fame tyme, thay schamefullie, cruellie, and vnmercifullie *stew the said vmq^{le} Gilbert Kennedy of Bargany*: QUIAIRTHROW, as thay haue convocat his hienes liegeis in airmes, without ony lauchfull Warrant or autoritie, sua haue thay violat his hienes lawis and Actis of Parliament maid aganis the beiring and weiring of hacquebuttis and pistolettis, and with that, thay haue brokin and diffoluit his hienes peace in that cuntrey; quhairby mony inconvenientis are lyke to fall out, to the trouble and disquyeting of the hail cuntrey, without remeid be provydit. AND anent the charge gevin to the saidis Johne Erle of Caffillis, *Capitane Johne Forrester*,

¹ Barbestoune. ² A List of one hundred and thirty more names follows. They are unnecessary to be inserted here, though they might no doubt be of some local interest. None of them are persons of rank.

Mr Cristopher Cokburne, Quintene Craufurd, Patrik Reidpeth, Williame Maitland, Williame Fleming, Alexander Forbes, household-men to the said Erle, Anthone Kennedy younger of Balscheroch, Arthour Kennedy his brother, Mr Williame Boyd, Andro Cuninghame, David Girvan, Thomas Kennedy, David Cathcairt, Alexander Baxter, Williame Harlaw, David Craufurd, David Gray, Johne Blair, alsua his householdmen and seruantis, Johne Corrie of Kelwode, Hew Kennedy of Penquhirry,¹ &c. to haue compeirit personallie: As alsua anent the chairage gevin to the said Erle of Cassillis, to haue enterit and presentit the personis particularlie aboue writtin befor the Kingis Maiestie and Lordis of Secreit Counfall at ane certane day bigane, to haue anfuert to the premisses, and to haue vnderlyne sic ordour as fould haue bene tane thairanent; as alsua, tuicheing the obseruatioun of his hienes peace and keiping of guid ruell and quyetnes in the cuntrey, heirefter, vnder the paine of rebelloun and putting of thame to the horne, with certificatioun to thame and² thay failzeit, Letteris fould be direct *simpliciter* to put thame thairto; lyk as at mair lenth is contenit in the saidis Letteris, executionis, and indorfationis thairof. QUHILKIS being callit, and the saidis perfewaris compeirand personallie, and the said *Johne Erle of Cassillis* being lykwayis personallie present, for him self, and in name of the remanent defendaris foirsaidis; quha producit tua Commissionis, subscryuit be his Maiestie, and past his hienes Register and Signet: The ane aganis *Blairquhane younger*,³ Girvenmanis, Hew Kennedy of Bennan, Thomas his brother, and Walter Mure of Cloncard, quhais names ar infert in the said Commissionioun with his Maiesteis awne hand, knowing thair misdeidis, geving powar to the said Erle of Cassillis to convocat his hienes liegeis, and to searche, seik, tak, apprehend and perfew, *with fyre and sword*, the personis aboue writtin, and to weir hacquebuttis and pistolettis to that effect; as the said Commissionioun, of the dait the nynt day of Julij, the zeir of God Im.Vj^c. and ane zeiris, at lenth beiris: And the vther Commissionioun, direct to the said Erle, for the perfute, taking, and apprehending of *Robert Gordoun of Barnerino*, Alexander Gordoun of the Hillis, Williame Mcneilie, Alexander Mckie of Balfair, and Thomas Kennedy of Drummurchy, as suspect guilty of Murthour, Oppressioun, and Refsett of Thift; as in the said Commissionioun, geving powar to the said Erle to convocat his hienes liegeis, assiege houffis, raise fyre, and perfew the saidis personis with all extremitie, and beiring dait the tuentie-ane day of July Im.Vj^c. and ane, at lenth is contenit: Be vertew of the quhilkis Commissionis, the said Erle allegit, that he had lauchfullie proceidit in the hail actioun aboue writtin, quhairvpoun he wes accuset, seing the said *Thomas Kennedy of Drummurchy* and the said *Walter Mure of Cloncard*, and dyuerse vtheris his Maiesteis rebellis, vpone quhome the said Erle presentlie producit Horning deulie execute and regiftrat, and quha standis zit at the horne vnrelaxt, wer present and vpoun the grund with the said vmq^{le} *Gilbert Kennedy of Bargany*, the tyme foirsaid; and the said Erle, being in executioun of his Maiesteis Commissionis, in searching and seiking of the said Thomas, and of the remanent personis thairin contenit, all that fell out in that mater wer lauchfull. QUHAIRUNTO it wes anfuert be the said Mr Thomas Hammiltoun, that the said first Commissionioun can be na Warrant nor autoritie to the said Erle; becaus that lang befor the committing of the crymes aboue writtin, quhairvpoun he is now accusit, the same Commissionioun wes dischairegit be his Maiestie, for the hail personis thairin contenit, except Young Blairquhane; and lauchfull intimatioun and publication wes maid to the said Erle of the said dischairege, lang befor the said tyme, viz. in the moneth of August lastbypast; quhilk the said Adnocat referrit to the said Erles aith: And sua, in respect of that dischairege, and that the said Laird of Blairquhane Younger wes not in cumpany with the said Laird of Bargany the tyme foirsaid, the same Commissionioun can be na Warrant to the said Erle: And as to the last Commissionioun, it was anfuert be the said Adnocat, that the same can be na sufficient Warrant to the said Erle; because the same Commissionioun wes not deulie regiftrat aganis the said Thomas Kennedy of Drummurchy, bot his name infert thairin, lang efter the same wes past the Register

¹ Here the remainder of the names are repeated.² If.³ Blairquhan.

and Signet: And thair was na powar nor licence contenit in the said last Commissioun for beiring and weiring of hacquebuttis and pistolettis; and seing his Maieftie's Register is the reull be the quhilk the said Commissioun fould have been directit, the same can be na Warrant to the said Erle: Vnto the quhilk it wes replyt be the said Erle, that, albeit the first Commissioun wes dischairegit aganis the hail perfonis contenit thairin, except *Young Blaquhane*, zit it stude in full force and effect aganis him; and he being his Maieftie's rebell, and continewing disobediēt to his Maieftie, and being a ordinary hantar and keipar of cumpany with the said Laird of Bargany, oftymes ofbefoir and senfyne, and suspectit to haue bene with him that day, he had gude Warrant and powar to searche him quhaireuer he mycht get knowlege of his being: And as to the said last Commissioun, it wes replyt be the said Erle that he had a special Warrant and directioun fra his Maieftie, to the Keipar of the Register, to register the said Commissioun, as it wes productit to the Register; quhilk Warrant he productit befor the saidis Lordis; fra that it was lauchfull to him to insert ony names thairin, quha wer rebellis, or guilty of sic crymes, in his plefour: And albeit thair wes na mentioun maid in the last Commissioun of hacquebuttis and pistolettis, zit, in respect of the first Commissioun standing vndischarget, as said is, and that the last Commissioun gais him powar to vse all weirlyk ingyne quhilk he could deuyse for apprehensioun of the perfonis thairin contenit, the executioun of the same, in forme and maner as it fell out, was lauchfull: And forder, it wes replyt be the said Erle, that he being the ordinar Judge and Magistrat of the cuntrey, and not a privat persone, thair fould na sic dischairege haue bene purchest quhill¹ first he had bene wairnit to the geving thair of, and that the perfonis, in quhais fauour the same wes grantit, had gevin thair obediēce to his Maieftie, and purgit thame selfis of the Horingis quhilkis thay vnderlay. WITH the quhilkis Anueris and Replyis, and dyuerse vtheris the reffonis and allegatiōis of baith the saidis parteis, the Lordis of Secrete Counsell being weil and ryplie advyset,—THE LORDIS of Secrete Counfall FINDIS and DECLAIRIS the tua Commissiōis aboue written, productit be the said Erle, to be guid, valid, and sufficient; and that thairby he had gude powar and authoritie to searche and seik the saidis perfonis, and vse the same Commissiōis. AND thairfoir the saidis Lordis Affoilzeis² *simpliciter* the saidis Defenderis fra that pairt of the saidis Letteris, tuicheing the convocatioun of his hienes liegeis, and beireing and weiring of hacquebuttis and pistolettis, and breking of his hienes peace: And Decernis thame quyte thairfra in all tyme comeing, and of all offence (that) may be impute to him in the vsing of the saidis Commissiōis.

(iv.) ACT of Privy Council, *The Laird of Cullane against Williame M^cPhadrik*.³

ANENT our souerane lordis Letteris, reasit at the instance of JAMES KENNEDY of *Culzeane*, making and mentioun: That quhair, albeit his Maieftie, be the space of aucht yeiris syne, maid and set furth diuerse edictis and Proclamatiōnis, prohibiting and dischaireging all his heyneis leigeis, that name of thame fould reffet, supplie, nor intercommoun with *Thomas Kennedy*, *Thomas M^cAlexander*, *Thomas Wallace*, and *William Irving*, during the tyme of thair rebellious and remaneing at the horne, for the odious, cruell, and detestable Murthour of vni^q^{le} Sir Thomas Kennedy of *Culzeane*, father to the said complenair, committit be thame, in maner specificit in the said Proclamatioun, vnder certane panes mentiounat thairintill. Nochtwithstanding, it is of treuth, that *William M^cPhedrice*, seruitour to the Laird of *Girvanmanis*, hes continewallie, and almaist ilk day sen the dait of the said Proclamatioun, aganis the tennour of the same, reffett, suppleit, and intercommonit with the said *Thomas M^cAlexander*, and remanent rebellis abouenameit, within his awin duelling house in *Air*; hes keipit mony tryftis and meitingis with him, as namelie, vpoun the xxvj Junij, I^m.Vj. and aucht yeiris, the said *Thomas M^cAlexander* being in his dwelling hous in *Air*; and informatioun thair of being maid to *JOHNE ERLI OF CASSILLIS* and the said Complenair, and thay haueing warrand, power, and commissioun for the perfit of the said *Thomas M^cAlexander*, and being than vpoun the feildis agaitward⁴ towards him, it is

¹ Until.

² Absolves; acquits.

³ *Regist. Secr. Conc. (Acta)*, Aug. 3, 1609.

⁴ On the road or *gait* to apprehend him.

of treuth that the said William M^cPhedrice, being vpon the knowlege and counfall of the said Erll and the said Complenaris said purpois aganis the said Thomas, he lap on horfe and convoyit him self fecritelie away to the said hous, quhair the said Thomas wes for the tyme, and thair intercommvnit with him, reveillit, and difelosit vnto him the said purpois and plat layd down for his perfute: And that he mycht the more saulfe eschew, the said William M^cphedrice horfit him on his awin horfe, and pat him away; in heich and proud contempt of his Maiesteis auctoritie and lawis. For the quhillk the said Williame aucht to be perfewit and pvnist in his perfone and guidis, to the terrour of vtheris to commit the lyke heirafter. And anent the chairage gevin to the said William M^cphedrice to haue compeirit personalie before the Lordis of Secrite Counfall this present thrid day of August instant, to haue anfuert to this complaint, and to haue hard and sene sic ordour tane thairanent, as appertenit; vndir the pane of rebellion and puting of him to the horne: with certificatioun to him and¹ he failzet, Letteris fould be direct *simpliciter* to put him thairto; lyke as at mair lenth is contenit in the saidis Letteris, executionis, and indorfationis thairof; quhilkis being callit, and the said perfewar compeirand personalie, and the said Defender being oftymes callit, and not compeirand, The Lordis of Secrite Counfall thairfoir Ordanis Letteris to be direct to Officearis of airmes, schireffis in that pairt, chargeing thame to pas and denunce the said Williame M^cPhedrice his Maiesteis rebell, and to put him to the horne; and to eschete, &c.

(v.) ACT of Privy Council, *The Kingis Aduocat against Johnne Mure.*²

ANENT our fouerane lordis letteris, reasit at the instance of Sir Thomas Hammiltoun of Bynnies, knycht, aduocat to our fouerane lord, for his hienes interessie, makand mentioun: That quhair the cruell, unworthie, and detestabill Murthour of vmq^{le} SIR THOMAS KENNEDY of *Culzeane*, knycht, and of vmq^{le} WILLIAME DALRUMPLE, sone to Williame Dalruple in Aire, haueing thir mony zeiris bigane lyne obscure and hid, and no perfyte discouerie nor knowlege being had of these who wer the cheiff and principall divifariss, practizaris, and conspiratouris in the same Murthour, the said Aduocat is now informed that the personis following, thay ar to say, JOHNNE MURE, cook in Auchindrane, *Thomas Wallace*, feruitour to Auchindrane, *Andro M^cAlexander*, fometyme feruitour to *James Bellindane*³ in Chapildonane, *James M^ccaig*, sone to Adam M^ccaig, in Girvane, and *George Small*, in Plesance, doeth knaw something in that mater, and can gif some licht, evidence, and probable presumpcioun and circumstanceis, for cleiring of the same: Quhairfore, necessar it is, that thay be examinat heirvpon, in presence of the Lordis of his heynes Preuey Counfall. AND anent the charge gevin to the saidis Johnne Mure, cook, Thomas Wallace, Andro M^cAlexander, James M^ccaig, and George Small, in Plesance, to haue compeirit personalie, befoir the Lordis of Secrite Counfall, this present xx day of Junij instant, to haue anfuert to fuche thingis as fould have bene speirit at thame tuitching the Murthour of the personis foirsaidis, vnder the pane of rebelloun and puting of thame to the horne; with certificatioun, &c. The Lordis ordanis Letteris to be direct, &c., chargeing to pas and denunce the said personis, who compeirit not, his Maiesteis rebellis, and put thame to the horne; and to eschete, &c.⁴

(vi.) SUSPENSIOUN, *James Bannatyne, in Chapeldonall.*⁵

ANENT oure fouerane lordis Letteris, reasit at the instance of *James Bannatyne in Chapeldonall*, makand mentioun, That quhair as, he is informed he is denuncit rebell and put to the horne, be virtew of Letteris, reasit at the instance of *Johnne Erll of Cassillis* and Sir Thomas Hammiltoun of Bynnies, kny^t, his Maiesteis Aduocat for his heynes interessie, ffor the complenair his allegeit not compeiring personallie before the Lordis of Secrite Counfall, at ane certain day bygane, to haue anfuert to ane complaint maid be the said Erll and Lord Aduocat vpon him, tuicheing his allegit beiring and weiring of

¹ An, if. ² Reg. Secr. Conc. (Acta), Jun. 20, 1611. ³ Bannatyne. At this period the name Bannatyne was indifferently spelt, Ballendyne, Bellenden, Bannatyne, and Ballantyne. ⁴ A similar entry occurs, of the same date, to denounce 'THOMAS MURE, sone to (Johnne) Mure of Auchindrayne, and ANDRO SINCLAR, halff-brother to the Laird of Auchindrane, for not appearing to answer at ane certane day bygane.' ⁵ Regist. Secr. Conc. (Acta), Sep. 27, 1611.

hagbuttis and pistolettis, and invading and perfewing of *Hew Kennedy of Garrihorne* and *Thomas Mcquhary*, both feruitouris to the said Erll, and schooting and dischairing of pistolettis at thame, &c. The Lords suspended the said Letters, *simpliciter*, on the ground of Bannatyne's not having been cited to appear, &c.

III. PROCEEDINGS IN PARLIAMENT, *as to the Forfeiture of Thomas Kennedy of Drummurchie, for the Burning of Auchinsoull,—Murder of Sir Thomas Kennedy, &c.*

(i.) *The Forfaltrie of Thomas Kennedie.*

Apr. 26, 1604.—SIR Thomas Hamilton, King's Advocate, took instruments of the Production of the Summons of Treason and executions, &c. in Parliament.¹

Jul. 11, 1604.—The Summons and other documents were again produced in Parliament,² which were of new verified in presence of the Lord Commissioner, (John Earl of Montrose,) and haill Estaittis: And siclyk, the said Aduocat produceit Lettres of Relaxatioun, relaxand the said *Thomas Kennedie* frome all proces of Horning led and deducet aganis him, for quhatfumeuir cause. And thaireftir, the said *Thomas Kennedie* being thryse callit at the tolbuith windo, to haue answerit to the said Summondis of Treassoun, he comperit nocht to anfuert hairto, and thairfoir the said Aduocat (estir that the foirfaid caus of the said Summondis of Treassoun wes fundin relevant be the saidis haill Estaittis aganis the said Thomas Kennedie of Drummurchie) ffor preving of the pointis of the said Summondis of Treassoun aganis the said Thomas Kennedie, and of the reffoun and caus contenit thairin, repetit the Depositiones of the Witnesse reffaut, admittit, sworne, and examinat in prefens of the saidis haill Estaittis vpon the foirfaid reffone and cause; and als repetit the notorieit of the fact of the Burning, and the said Thomas Kennedie acknowlegeing his awin giltines, and taking of the saidis crymes vpon him, throw being fugitive and denuncit Rebell for nocht comperance befor our said fouerane lordis Justice and Lordis of his hienes Privie Counfall *respectiue*, in maner contenit in the Lettres of Horning rasit thairvpon: And lykwayis, the said Aduocat producit diuerse vtheris wryttis and probatiounes, for preving of the said Summondis of Treassoun, and desyrit the saidis Estaittis of Parliament to advyse the foirfaidis probatiounes, and to gif furth thair Dome and Sentence thairintill, according to justice. And thaireftir, the foirfaidis haill probatiounis and Summondis of Treassoun being red, hard, sene and considerit be the saidis Estaittis, and they thairwith being ryplie advysit, the saidis haill Estaittis of Parliament FINDIS, Decernis, and Declaris that the said Thomas Kennedie of Drummurchie hes committit TREASSOUN, in Raifing of the said Fyre, and Burning of the said Place of AUCHINSOULL, in maner specefeit in the foirfaid Summondis: AND thairfoir, Decernis and Ordanis THE DOME vnderwritin to be pronuncit and gevin furth aganis him, be the mouth of David Lyndefay, dempster: Off the quhilk Dome, the tennour followis.

DOME. This Courte of Parliament schawes for Law, that the said THOMAS KENNEDIE of Drummurchie hes committit Treassoun in Raifing of Fyre and Burning of the said Place of Auchinsoull, pertenyng to the said Duncane Craufurde, the tyme and in maner specefeit in the said Summondis of Treassoun, perewit be his hienes said Aduocat, for his grace entres, aganis him: And thairfoir Findis and Declaris, That the said THOMAS KENNEDIE hes amittit, and tynt, and Foirfaltit for euir, all his landis, heretages, rowmes, possessionis, gudis, and geir quhatfumeuir, belonging to him ony maner of way, and quhilkis he hes, had, nicht haue, or clame, within this Realme of Scotland: And Decernis the samin to haue appertenit and to appertene to our said fouerane lord, to be confiscat, and to remane with his hienes, as his propirtie, in all tyme cumming. And als Findis and Declaris, that the said THOMAS KENNEDIE hes amittit and tynt his fame, honouris, and dignitie: And he to be pvnisht as anc Tratour, conforme to the Lawes of this realme. And this I gif for Dome.

¹ *Acta Parl.* iv. 260.

² *Acta Parl.* iv. 267.

(ii.) THE SUMMONDIS OF TRESSOUN of *vmq^{le}* WALTER MURE OF CLONCARDE, *pass^o fra simpliciter* be our *souerane Lordis Aduocat.*¹

Jul. 11, 1604.—THE quhilk day Maister Thomas Rollok, depute for Sir Thomas Hammyltoun of Monkland, knycht, Aduocat to our souerane Lord, and in his lienes name reproducit, in prefens of ane nobill and potent lord, Johne Erle of Montrose, Lord Grahame and Mukdok, Great Commissionar of this present Parliament, and in prefens of the haill Estaittis thairof, the Summondis of Treassoun vnderwrittin; quhilkis wer producit be the said Aduocat, ofbefoir, at Edinburgh, in prefens of the Lordis of Articlis, vpoun the tuentie aucht day of Aprile last bipast: Off the quhilk Summondis of Treassoun the tennour followes.²

[SUMMONS OF TREASON *against Thomas Kennedy of Drummurchie and Walter Mure of Cloncarde.*³]

JACOBUS, Dei Gracia Rex Anglorum, Scotorum, Gallorum et Hibernorum, &c. Fideique defensor: Dilectis nostris Leoni Regi Armorum, Albanie, Snawdoun, Merchemont, Rothefay, Ilay, Rofs, Bute, Carrik, Ormond, Vnicorne, signiferis; Dauid Bryfoun, Robert Stewart, Alexandro Dowglas et Jacobo Chalmeris clauigeris nostris; necnon Joanni Ferguffoun et Joanni Wilkefoun nuncijs, et eorum cuilibet, coniunctim et diuisim. Vobis precipimus et mandamus quatenus legitime summoneatis THOMAM KENNEDIE de *Drummurchie*, fratrem germanum quondam Gilberti Kennedie de Barganie, personaliter, si ejus personalem presentiam habere poteritis, seu aliter apud locum sui domicilij et habitationis; ac etiam apud cruces forales burgorum nostrorum de Air, Irving, Mayboll ac apud portus nostros de Air et Leith, et alia loca necessaria, super premonitione sexaginta dierum, eo quod dictus Thomas de presenti extra regnum nostrum Scotie morari dicitur. Necnon summoneatis legitime ROBERTUM MURE, fratrem germanum et heredem apparentem quondam *Walteri Mure de Cloncarde*, JOANETAM MURE eius sororem germanam, personaliter, si eorum personalem presentiam habere poteritis, vel secus apud locum suorum domiciliorum et habitationis; ac etiam dictos Robertum et Jonetam aliosque agnatos et cognatos dictj quondam Walterj Mure de Cloncard, omnesque alios interesse habentes vel habere pretendentes, necnon Tutores et Curatores dictorum Robertj et Jonete Mures, si quos habent, apud dictos cruces forales dictorum burgorum nostrorum de Air, Irving, Mayboll, et alia loca necessaria, quod compareant coram nobis et nostris Commissionarijs et Locum tenentibus, necnon coram Regni nostri Scotie Ordinibus, Edinburgi, vicesimo die mensis Aprilis proxime futuri, in Parlamento nostro incipiendo decimo die dicti mensis, hora causerum, cum continuatione dierum: ad respondendum nobis, necnon ad instantiam dilecti et fidelis nostri consiliarij Domini Thome Hammyltoun de Monkland, militis, nostri Aduocatj, pro nostro interesse, dictum viz. THOMAM KENNEDIE de *Drummurchie*, pro sua nefaria, scelestâ, facinorosa, et proditoria Occisione et Interemptione quondam Thome Kennedie de Coiff militis⁴ per se suos complices et confortes secum conspiratores in dicto Homicidio, per summum nefas vt sequitur, perpetrato, vndecimo die mensis Majj, anno domini 1602: NECNON pro suo scelesto, nefario, et manifesto Furto, cum violenta rapina coniuncto, vulgariter vocat. *Stuth-reiff*, marsupij seu crumene dicti quondam Thome Kennedie de Coiff militis, cum magna pecunie summa auro et argento signato, summam duorum millium mercarum extenden. quam dictus quondam Thomas cum eo portabat; cum varijs annulis aureis, gemmatis et alijs, ac multis fibulis aureis diploidi tunice et femoralibus dicti quondam Thome confutis, ad valorem mille librarum extenden. in ipso actu Homicidij perpetrato: NECNON pro sua proditoria et nefaria Obsidione, per se et suos complices, ad numerum quinquaginta virorum armatorum, Mansionis et Maneriei terrarum de AUCHINSOULL, jacen. infra vicecomitatum nostrum de Air; ad quod, per occasionem subscriptam, dilecta consanguinea nostra JEANNA COMITISSA DE CASSELLIS, comitata septem vel octo seruis ac comitibus confugerat, salutis sue causa, cum dicta Domina Jeanna et eius serui iter

¹ *Acta Parl.* IV. 271.

² Here the Summons which has already been given is inserted.

³ To prevent

repetition, this Summons (which is a transcript of the other against Drummurchie, with the additions relating to Cloncard) has been preferred.

⁴ A mistake for Cassilis. However, Sir Thomas was often so designed.

facerent a domicilio suo de INCHE in Gallouidia, versus aliud suum domicilium in Villa de MAYBOLL, in balliatu de Carrik et infra vicecomitatum nostrum de Air, decimo octauo die mensis Maij ultimo elapsi, 1603. Et pro maleuolo, crudeli, nefario, abhominabili, et scelesto Incendio Maneriej, in quod, causa euitandi periculi mortis, dicta Domina Jeanna Comitissa de Cassellis et ferui sui confugerunt; e qua mansione et manerie de Auchinsoull, cum idem maneriem combustam essent vndique et conflagraret, metu mortis vehementia flammaram et fumi egredi coacti sunt, vbi post egressum dicte Domine Joanne Comitisse de Cassellis quondam HUGO KENNEDIE, frater germanus et heres apparens dilecti nostri consanguinej Joannis Comitis de Cassellis, Domini Kennedie, Joannes Mcilveiane junior de Grwmnett, Johannes Dik de Barbastoun, Andreas Cunynghame in Knokdone, Quintinus Craufurde, Robertus Hay, Willielmus Kennedie, ferui et comites dicte Comitisse pro tempore, per dictum Thomam Kennedie de Drummurchie et suos complices captiui facti sunt, et vt infra dicitur abducti, et in privatis carceribus detenti. ET PROPTEREA, dictum Thomam ad videndum et audiendum se crimen Lese-Maiestatis per decretum et censuram nostri Parlamenti et regni Scotie Statuum incurrisse; et ideo, tanquam reum, Lese-Maiestatis puniri debere, capitali et vltimo supplicio; necnon amissione omnium bonorum suorum, mobilium et immobilium, terrarum et tenementorum, que dictus Thomas in regno nostro Scotie habet, habere, vel clamare poterit, in futurum. NECNON, dictos ROBERTUM MURE, fratrem germanum et heredem apparentem dicti quondam Walterij Mure de Cloncarde, et JONETAM MURE eius forem germanam, omnesque alios cognatos et consanguineos dicti quondam Walteri, ac tutores et curatores dicti Roberti et Jonete, si quos habent, omnesque alios interesse habentes vel habere pretendentes, ad videndum et audiendum, per regni nostri Ordines in Parlamento nostro supradicto decerni et declarari, quod dictus quondam Walterus Mure de Cloncarde fuit et est reus Lese-Maiestatis, vt qui fuit actor, factor, et perpetrator dicti criminum cum dicto Thoma Kennedie de Drummurchie modo et forma quibus infra dicitur. PRO QUIBUS eiusdem quondam Walteri memoria et fama damnari et aboleri debet, ac eius omnia bona mobilia et immobilia, terre, tenementa, et omnia alia que habuit in regno nostro Scotie, vel habere potuit, ad nos pertinere decerni debeat; et quod ab eisdem dictus Robertus frater et Joneta eius soror, omnesque alij ab eo descendentes, debent excludi imperpetuum, propter rationes et causas subsequentes. PROPTEREA quod in Parlamento nostro tento apud burgum nostrum de Edinburgh, in Scotia, vicesimo nono die mensis Julij, anno domini 1587, per nos et tres dicti nostri regni Ordines statutum est, quod si contigerit aliquem subditorum nostrorum dicti regni Scotie, qui habet terras sibi hereditarie pertinentes, viz. vt vulgariter in dicto statuto dicitur *ony landit man*, fore legitime et secundum juris ordinem, aliquo tempore post dictum statutum futuro, de manifesto furto et vi rapine admisso, id est *Stouth-reiff* esse convictos, incurrent propterea crimen et penam Lese-Maiestatis, hoc est omissionem et forisfacturam vite, terrarum, et bonorum; prout in dicto statuto apertissime continetur. SED sic est in rei veritate, quod dictus THOMAS KENNEDIE de Drummurchie, et prefatus quondam WALTERUS MURE de Cloncarde, cum suis complicibus et consortibus, numero septem, armis, machinis bellicis, et felopis, prohibitis et lege vetitis, instructi, et equis insidentes, dicto duodecimo die mensis Maij 1602, existentes Rebelles et ad cornu nostrum positi, prout per Literas nostras et denunciationem rebellionis clare constare poterit; et ex precogitata feloniam dictum Thomam Kennedie de Coiff militem, imparatum et non-opinantem, ac iter facientem, vno seruo comitatum, a domicilio suo de Coiff versus dictum burgum nostrum de Air, ac inde profecturum Edinburgum negotiorum suorum gerendorum causa, apud Capellam Sanctj Leonardi nuncupat. dimidio miliaris a dicta Vrbe de Air distan. aggressi sunt, ac eundem inuaserunt machinis bellicis ac lanceis transfixerunt et crudeliter occiderunt, et furto, rapina, et vi furtum comitante, id est le *Stouth-reif*, ex marsupio et crumena dicti quondam Thome Kennedie de Coiff predictam summam bis mille marcarum in auro signato, lie *Rois-nobillis*, et *Fyve-pund-peices*, *Angell-nobillis*, et *Portingall-doucattis*, violenter furati sunt et abstulerunt, cum varijs annulis, gemmatis, ac alijs, et multis fibulis aureis diploidi tunice et femoralibus dicti quondam Thome confutis, ad valorem mille librarum extenden. Pro quoquidem crimine, coram Iusticiario nostro vocati,

vt lege subirent, contumaces facti Rebelles declarati sunt, et ad cornu nostrum positi, prout per Literas nostras et denunciationem rebellionis satis clare constare poterit. AC ETIAM statutum est, per aliud actum Parlamenti illustrissime memorie quondam Jacobi V. Scotorum Regis, avi nostri, tenti et inchoati, apud Edinburgh, vicesimo secundo Januarij, anno 1538, quod si quis comberit aliquos in domibus suis, reus Lese-Maestatis erit: Ac etiam, quod omnes Combustiones domorum vel granorum, et omnia Incendia voluntaria seu malitiosa, sicut crimina Lese-Maestatis; idque in odium Incendiariorum, quos leges propter criminis atrocitatem seuerius plecti iubent; sicut in eodem statuto plenius continetur: Quodquidem statutum in Parlamento nostro tento apud Edinburgh, quinto die mensis Decembris, anno domini 1567, repetitum et renovatum est, idque merito crescente in regno nostro Incendiariorum numero et audacia; prout in dicto statuto posteriori latius continetur: SED sic est, quod dictus THOMAS KENNEDIE de *Drummurchie* et dictus quondam WALTERUS MURE de *Cloncarde*, comitati circiter quinquaginta armatis equitibus, per insidias obsiderunt iter dicte dilecte consanguinee nostre JEANNE COMITISSE DE CASSELLIS, proficiscentis e domicilio de Inche in Gallovidia, in vicecomitatu nostro de Wigtoun, versus aliud domicilium suum in Villa de Mayboll et balliati nostro de Carrik et vicecomitatu de Air, die xvij^o mensis Maij, anno domini 1603, et equis citatis in dictam dilectam nostram consanguineam, et eius seruos ac comites, impetum facientes, iter et viam publicam deferere, metu vite sue, compulerunt: Illa autem cum refvgii causa versus Mansionem quandam de AUCHINSOWLL, quam tum inhabitabat *Duncanus Crawfurde de Auchinowll*, cum comitibus et seruis suis citatis equis accederet; qui locus, cum ad effugium commodus videtur, et viderunt ex eo loco dilectam consanguineam nostram seruos et comites eius nisi domo incensa extrahi non posse, illico illato igni domum et eius ambitum vndique incenderunt, e qua crescente fumo et irrumpentibus flammis, ad extremum periculum omnes redacti, in manus dictorum Latronum Incendiariorumque dilecta nostra consanguinea cum suis seruis et comitibus, deditione facta, captiui devenerunt; ex quibus vnus, nomine Joannes Mcgrane, flammis superatus predictam domum combustam egressus priusquam respirare potuerit, crudeliter et nefarie gladijs et machinis bellicis, a dictis Thoma et quondam Waltero et complicibus predictis crudeliter interfectus est: Ac reliqui comites dicte nostre consanguinee, viz. HUGO KENNEDY, frater germanus et heres apparens dicti dilecti nostri consanguinei et consiliarij Joannis domini de Cassellis, Joannes Mcilveyane junior de Grwmsett, Joannes Dik de Barbestoun, Andreas Cunynghame de Knokdone, Quintinus Craufurde, Robertus Hay, Willelmus Kennedy, per dictos Latrones, Predones, et Incendarios captiui facti sunt, et eorum arbitrio abductj, et per eos in domibus, fortalicijs, et Castris de Ardslinchell, et lie Coiff de Craignett, infra dictum vicecomitatum nostrum de Air, proditorie custoditi et detenti sunt, per dies quindecim, aut eo circiter; Nec ab illa captiuitate liberati et redempti fuerunt, donec per se et fidejussores suos obligarentur, quod dictum dilectum consanguineum nostrum Joannem Comitem de Cassellis, cui vt domino et hero suo seruire tenebantur, omnino defererent, et si fecus facerent, magnam pecunie summam soluturos se promitterent, compulsi etiam diris seipfos deuouere, si contra fecissent: IN QUO, non solum Latrocinij, *Stuthreif*, Infidiationis viarum, ac proditorij Incendij crimine irritati sunt; sed etiam, proditorie Vsurpationis autoritatis nostre reos sese facerent. Ac vt hec omnia notoria fiant, idem Thomas Kennedie de *Drummurchie* ac dictus quondam Walterus Mure de *Cloncarde* vocati coram Dominis Secreti Consilij nostri responsuri predicto proditorio crimini Incendij et Captiouis dictarum liberarum personarum et liegiorum nostrorum et alijs suprancementationis, contumaces effecti sunt; Ac propterea etiam Rebelles nobis declarati et denunciati sunt; prout in Literis nostris, ea de re executioni mandatis, latius continetur. QUARE, dictus THOMAS KENNEDIE de *Drummurchie*, per Decretum et censuram Parlamenti nostri et regni nostri Ordinum crienen Lese-Maestatis incurrisse decerni; et ideo, tanquam reus Lese-Maestatis puniri debet capitali et vltimo supplicio, necnon amissione omnium bonorum suorum, mobilium et immobilium, terrarum, et tenementorum, que dictus Thomas in regno nostro Scotie habet, vel clamare et habere poterit in futurum; ac etiam per dictum nostrum Parlamentum et regni nostri Ordines decerni et

declarari debet, quod dictus quondam WALTERUS MURE de *Cloncarde* fuit et est reus dicti criminis, Lese-Majestatis, vt qui fuerit actor, factor, et perpetrator dict. criminum respectiue supramentionat. cum dicto THOMA KENNEDY de Drummurchie, modo et forma antedict. ; pro quibus, etiam eiusdem quondam Walteri memoria et fama aboleri et damnari debent; ac etiam eius omnia bona, mobilia et immobilia, terre et tenementa, et omnia alia que habuit in regno nostro Scotie, vel habere vel clamare potuit, vel prefatus Robertvs et Joneta agnati, cognati, consanguinei, et omnes ab eo descendentes, habere vel clamare potuerunt, in futurum, ad nos pertinere decerni debent, et ab eisdem dictus Robertus nunc frater germanus et dicta Joneta soror germana dicti quondam Walteri, et omnes alii ab eo descendentes, ascendentes, collaterales, et alii quicunque, excludi debent imperpetuum, propter rationes et causas suprascriptas; intimando supradictis personis, et eorum cuilibet, respectiue, quod siue dictis die et loco cum continuatione dierum comparuerint, siue non, nos, dictusque noster Iusticiarius in premissis, iusticia mediante, procedemus et procedet. INSUPER, citetis peremptorie, coram testibus, Alanum Cathcart de Drumjowan, Petrum Algeo feruum Magistri Jacobi Donaldsoun Aduocati, Dauidem Craufurde, Alexandrum Craufurde feruos Domini de Kerse, Duncanum Craufurde, Joannem Mure de Tarquyne,¹ Jacobum Martour in Knokdone, Gilbertum Mure de Auchinsoull, Gilbertum Kennedy de Monunsoun, Arthurum Kennedie filium Dauidis Kennedie de Balfcherocche, Joannem Wilfoun in Dalrumpill, Archibaldum Gellis coquum, Hugonem Kennedie de Garryhorne, Allanum Mctir in Layne, Jacobum Gowdie in Lauderdale, Jacobum Mctrutour in Traboyak, ad comparandum coram nobis dictone nostro Iusticiario, dictis die et loco, cum continuatione dierum, ad perhibendum fidele testimonium in causa predicta, sub pena legis. ET presentes Literas debite executas et indorsatas earundem latori reddatis. ET vos qui presentes executi fueritis, sitis ibidem dictis die et loco, coram nobis seu dicto nostro Iusticiario, portantes vobiscum summonitionis vestre testimonia inscript. pro premissis vel ipsos testes. AD quod faciend. vobis et vestrum cuilibet, coniunctim et diuisim vicecomitibus nostris in hac parte, nostram committimus potestatem. DATUM sub testimonio nostri magni sigilli, apud Edinburgh, xij die Februarij 1604, et regni nostri Scotie tricesimo septimo, anno Anglie, Gallie et Hibernie primo.

THE quhilk Summondis, with the executionnes and Indorsationes thair of, wer producit be the said Sir Thomas Hammyltoun of Monkland knycht, Aduocat to oure souerane lord, in presens of the said Erle of Montrose, Great Commissionar of this present Parliament, and hail Estaittis of the said Parliament, first vpoun the tuentie sext day of Aprile last bipast; and thairefter the said wes producit in thair presens, and presens of the Lordis of Artielis, vpoun the tuentie aucht day of the said moneth of Aprile last bipast: Vpoun the quhilk tuentie aucht day of Aprile, the said Sir Thomas Hammyltoun, Aduocat to oure souerane lord, in his hienes name, past *simpliciter* fra the persute of the said ROBERT MURE, brother germane and apperant air to the said vmq^{le} *Walter Mure of Cloncairde*, and *Jonet Mure* his sister, and thair Tutouris and Curatouris, for thair interessis; as also, past *simpliciter* frome the hail ressones, hail pointis and artielis contenit in the said Summondis of Treassoun, beirand and contenand as is abonewrittin, sua far as the said extendis or may be extendit to the saidis *Robert* and *Jonet Mures*. Lyk as, also this instant day, in presens of my Lord Great Commissionar and hail Estaittis of Parliament, the said Sir Thomas Rollok, Aduocat depute, in absens of the said Sir Thomas Hammyltoun, principall Aduocate, lykwayes past *simpliciter* frome the persute of the saidis *Robert* and *Jonet Mures*, and thair saidis Tutouris and Curatouris for thair interessis; and also past *simpliciter* frome the hail ressones, hail pointis and artielis contenit in the said Summondis of Treassoun, sua far as the said extendis or may be extendit to the saidis *Robert* and *Jonet Mures*, and thair saidis Tutouris and Curatouris: Lykas, the said Sir Thomas Hammyltoun, principall Aduocat foirsaid, vpoun the said xxvij day of Aprile last bipast, had past *simpliciter* frome the saidin, of befoir, in presens of the saidis Lordis of Articles. Vpoun the quhilkis hail premissis, the said Robert Mure, for himself and his said sister, askit Instrumentis.

¹ In *Act. Parl.* IV., 269, he is described John Mure de Carquhene.

IV. LORD FOUNTAINHALL'S *Abstract of the Case of Mure of Auchindrayne*.¹

THE story of the fact is remarkable. AUCHINDRANE, having conceived a deadly feud against THE TUTOR OF CASSILLIS, comes one day to Maybole, with intention to kill him, assaulted him under night, thought to have killed him, had he not been rescued by some of his neighbours. For which fact, Auchindrane and his complices past to the horne. (The Horning was produced by the Advocat.) At lenth, this enmity was taken away, not only by publick and fworn reconciliation, but also by marriage of the said *Auchindrane's eldest sone on the Tutor's daughter*. After which, *the Tutor* lived with *Auchindrane* in all friendship, trust, and assurance imaginable. And going in to Edinburgh, and willing to do *Auchindrane's* busines there, as weill as his oune, he caused his man leive at *the Schoolmaster of Air* his house, a Letter for *Auchindrane*, signifying that he was going for Edinburgh to-morrow, and would gladly meet with him at the West end of Air, at the Duppils, or² he went. This advertisement was sent with a schoolboy called WILLIAM DALRIMPLE, who delivered it to old Auchindrane, sitting with *Walter Muir of Cloncaird*; who, immediately upon his reading of it, sent back the boy, and entreated him to say, that he had neither got him, nor delivered him the Letter. Then, resolved with the said Walter, to advertise THOMAS KENNEDY of *Drummurchy* of the certainty of Culzain's journey, and the way he intended to ride; advising him to use that occasione to revenge himselfe on him. The advertisement, with this advice, (he) sends with on³ *Macadam*, as is clearly proven by the Deposition of Witnesses. *Drummurchy*, by the advertisement, counsell, and instigation forsaid, waites the gentleman, in the place he had tryted⁴ *Auchindrane*; and most treasonably murderours him. Wheirfor,⁵ *Drummurchy* stands forfaitured by Act of Parliament.

He, having turned fugitive, was much assisted and supported by *Auchindrane*; who, fearing that discovery of his accession to the said treasonable Murther might be made by the said *William Dalrumple*; to eschew it, caused him first to be secretly conveyed to his house, wher he keiped him long quiet; at last, sent him to Arran, to *the Laird of Skelmortly*. After some tyme, returning from thence, he sent him away with one that was going to the wars in Flanders, hoping he sould never see him againe. Wheir, having staid some tyme, the boy longed to returne. Being returned, and *Auchindrane* getting notice theiroy, he was troubled—immediately fetched him to his hous, and put him with ane JAMES BANNATYNE, in *Chapeldonald*, his tennent; whom he caused fetch him with him to THE SANDS OF GIRVAN, at 10 a'clock of even; wher they murdered him, and throw him in the Sea, so far as they could waid.

This treasonable Murder, with all its circumstances, is most clearly made out, by the Depositions of Witnesses, who also deponed of a speciall friendship after that, pretended to the said *James Bannatyne*; so that they gave him a life-rent Take⁶ of Chapeldonald. Then they persuaded him to go out of the way to Ireland, giving him a Letter of recommendation to *Drummurchy*: And after he was there, he lacked for nothing. Frequent correspondence betwixt him and *Auchindrane* and his wyfe: Then, caused *James Cunninghame*, his seruand ther, who knew of their concealing of *William Dalrumple*, absent himself, for eschewing of tryall. Also, *the Lady Auchindrane*, for the same reason, absented herselfe.—Proven by Witnesses, that *Auld Auchindrane* would have hyred *James Penny-cuick* to go to Ireland, and their to murder *Bannatyne*.—Then he wrote to *Stairs*, that because he was bruted for the slaughter of *William Dalrumple*, he was willing to transact with him theiroy.⁷

¹ From *Fount. Abstract of Books of Adjournal*, MS. Adv. Library. It was thought proper to preserve the account given by this eminent Lawyer;—but at same time, it appears unnecessary to point out to the reader in how many particulars his *traditional* Account differs from the Record; which renders it probable that his lordship wrote from memory, or noted down the facts from reports then prevalent. ² Before; ere. ³ One. ⁴ Appointed to meet. ⁵ For which fact. ⁶ Tack; lease. ⁷ That is, he was willing to enter into terms of compromise with the relations of the deceased. As they were not wealthy, he considered he could, through the mediation of their Chief, the Laird of Stairs or Dalrymple, easily bribe them to silence; so as either to procure from them 'Letters of Slains,' or at all events, get them to abstain from prosecuting him and his son for the Murder.

All which are so clear evidences and manifest probations, as could hardly be expected, in so covered and crafty Murthers.

V. ILLUSTRATIONS *relative to the* POPULAR SUPERSTITION *of touching the Corpse of a Murdered person, as an ORDEAL or TEST for the discovery of the Innocence or Guilt of suspected Murderers.*

(1.) OPINIONS *entertained by the Ancients on the subject of the Blood.*

FROM the earliest periods of History, sacred and profane, it appears to have been the general opinion of mankind, in all Nations, that the soul, as well as the vital principle, *had their existence in the blood.* This idea was greatly strengthened by the strong and repeated testimonies afforded in the Sacred Scriptures, under the Mosaic dispensation; where it is expressly laid down, as an undeniable principle, that THE BLOOD, with the spirits therein contained, is *the seat and support of life.*¹ Without multiplying quotations from the Pentateuch, which are extremely numerous, it is enough for the purpose of this enquiry, to instance the frequent injunctions of Moses to the Children of Israel, *to abstain from blood.* One of the most remarkable of these passages is, ‘*Blood with THE LIFE thereof, which is THE BLOOD thereof, shall ye not eat;*’²—and the same injunction was repeated throughout the Law of Moses, in almost every various form, which the wisdom and sagacity of the Legislator could devise. It is not unworthy of remark, that the early Christians strictly observed this command, which had been repeated by the Apostles, to abstain from ‘*things strangled, and from blood.*’ This Divine command having been given to the Jews, in the subordinate instance of abstaining from the blood of the lower animals, in making use of their flesh for the ordinary purpose of food, it was by no means unnatural that they should have thence concluded, that THE LIFE or vital principle resided in the blood *after Death*, even after its particles were apparently dissolved, and after the whole mass had returned into its native dust.

A similar opinion is to be found in *Lucretius*³ and other profane writers, as *Empedocles*, *Critias*, &c. who held that THE SOUL *was a suffusion of blood about the heart*—and consequently, that *it is the blood itself.*⁴ According to this opinion, *Homer* gives death the epithet, *purple*: *πορφύρεος δάνατος.*—*Iliad*, v. 5, 83;—*Virgil* likewise alludes to it: ‘*Purpuream vomit ille animam.*’—*Æneid* ix., v. 349. ‘*Undantoque animam diffundit in arma cruore.*’—*Æneid* x., v. ult. Nor are we without frequent instances of this in our English poets. *Milton* says of Abel,

‘He fell, and deadly pale,

 Groan’d out his soul with gushing blood diffused.’

Sir Robert Blackmore also has the following passage:

‘Gasp’g he lay, and from the griesly wound
The crimson life ebb’d out upon the ground.’

Lee, in the tragedy of *Nero*:

‘With many a wound she made her bosom gay;
Her wounds, like floodgates, did themselves display,
Through which life ran in purple streams away.’

And *Cowley*, *David* 4:

‘His life for ever spilt, stain’d all the grass around.’

It was likewise a very early popular opinion, among profane Greek and Latin authors, that the blood

¹ *Gen.* ix. 4. See also *Levit.* &c. *passim.* ² In modern times, that highly distinguished physician, HARVEY, the discoverer of the circulation of the blood, maintained the hypothesis, that *the blood was actually possessed of a living principle*, and that the life of the whole body is derived from it; in which opinion he was supported by the celebrated Mr *John Hunter*, and other anatomists and physicians of eminence. It would be foreign to the subject of this Notice to enter minutely into the opinions of modern writers, who are extremely divided upon the point. ³ ‘That they know well, the soul consists in blood.’ *Creec’h’s Lucret.* B. iii. p. 43. ⁴ *Aristotle de Anima*, lib. I. c. 2; *Cicero*, *Tuscul.* 1; *Macrobius* on the dream of *Scipio*, lib. I. c. 14; *Tertullian* of the Soul, cap. 4.

springs naturally towards that part whence a blow is received¹—and they also affirmed that the soul pursued with enmity a Murderer of the body.² In conformity with this latter idea, we find that *the blood*, according to the ancients, and especially the Jews, was figuratively, but most emphatically, represented as *crying to Heaven for vengeance!*—and that that cry could only be appeased by the shedding of the blood of the Murderer. In the powerful language of Holy Writ, the Almighty, when denouncing Cain, the first murderer, is represented as exclaiming to him, ‘*The voice of thy brother’s BLOOD crieth unto me from the ground!*’

Accordingly, in pursuance of this sentiment, the Jews had an *Avenger of blood*, who was the next of kin to the murdered person—and whose awful, but imperious, duty it was, relentlessly to pursue the Murderer to the death.

There is no doubt that this ancient opinion of *the life being in the blood*, continued to be entertained by THE EARLY CHRISTIANS of the Western Churches of Europe, so late as the tenth century. An able writer³ asserts, that ‘the Holy Church throughout the world did, in its first and purest, and even in the darker ages of the tenth century, or later, observe and keep the precept to abstain from eating blood—and that the Churches of the East and of the South, to this day, reproach the Western Church with the violation of this Apostolical constitution.’ On this point it may likewise be remarked, that *Tertullian* is said to have written in defence of the doctrine, that the soul was *indissolubly* connected with the blood.

From these few scattered hints, the application of the doctrine to the instance in question appears to be natural and easy. The *soul* of a murdered man was considered to linger about *the body* until the Murderer could be convicted, and his blood shed to appease the *manes* of the deceased. According to the remains of this superstitious principle, which are still to be traced in modern times, in various countries, but especially in Great Britain and Ireland, and in Germany, &c., the prevailing idea was, that (even after the blood was dried up and the corpse decayed and mouldered into a mere skeleton, nay, though disjointed into separate bones and fragments) the TOUCH or PRESENCE of the MURDERER would act upon these decayed relics, and that *the life* or blood would, upon Appeal being made, return to manifest the Murder.

A very curious instance of this branch of the superstition has been preserved by Sir WALTER SCOTT,⁴ who, in an early work, relates the circumstances in his usual felicitous manner:—‘Two young men, going a-fishing in the river Yarrow, fell out; and so high ran the quarrel, that the one, in a fit of passion, stabbed the other to the heart with a fish-spear. Astonished at the rash act, he hesitated whether to fly, give himself up to justice, or conceal the crime; and, in the end, fixed on the latter expedient, burying the body of his friend very deep in the Sands. As the meeting had been accidental, he was never suspected, although a visible change was observed in his behaviour, from gaiety to a settled melancholy. Time passed on, for the space of *fifty years*; when a smith, fishing near the same place, discovered an uncommon and curious *bone*, which he put in his pocket, and afterwards showed to some people in his smithy. The Murderer being present, now an old white-headed man, leaning on his staff, desired a sight of the little bone. But how horrible was the issue! *No sooner had he touched it, than it streamed with purple blood!* Being told where it was found, he confessed the crime, was condemned, but was prevented, by death, from suffering the punishment due to his offence.’

(2.) INSTITUTION of the BAHR-RECHT or LAW OF THE BIER, and FORM of the CEREMONIAL.

THERE cannot be a doubt that, from very early times, TESTS or ORDEALS were instituted by the common consent of almost all Nations, for the detection of hidden and atrocious cases of Murder, which had baffled all the ordinary methods of judicial scrutiny. The mysterious doctrines taught by the Metaphysicians of the dark ages, on the subject of an *universal sympathy* and *antipathy* existing in nature, would lead those who believed in their theories to approve of such an obvious Test as that

¹ See quotation from *Lucretius*, ‘*Idque petit corpus,*’ &c. in *Del Rio’s* and *De L’Ancre’s* notices. ² *Plato*, &c.
³ Dr Deacon. ⁴ *Minstreys of the Scottish Border*, II. 425.

of compelling suspected persons to come forward and *touch the murdered corpse*—and accordingly, the *BAHR-RECHT*, or *LAW OF THE BIER*, was early recognized, even by Judicial authority, throughout all civilized Europe. It is extremely probable, that such a striking ceremonial as that just referred to, would first be seized upon by the Clergy; for it would tend, in a great measure, to strengthen their own hands, while it would also promote the interests of ‘Holy Mother Church;’ and, at the same time, the almost miraculous discovery of secret crimes would directly lead a superstitious and ignorant people to give God the glory, and to ascribe to His immediate presence and intervention, the detection and subsequent punishment of the Murderer.

Perhaps it may be premised, that, properly speaking, the recognized *ORDEALS* or Appeals to the immediate interposition of God, being what was termed the *Vulgaris Purgatio*, or *Judicium Dei*, were the *Judicium Ferri callidi, Aquæ, et Ignis, i. e.* Trials by *RED-HOT IRON, FIRE, and WATER*. In process of time, the *JUDICIAL COMBAT*, the *ORDEAL OF THE CROSS*,¹ and the *CROSSED*,² or consecrated bread and cheese, were added to the other Appeals. In the East, no less than *nine* Ordeals are still in use, viz. the Balance, the Fire-ordeal, the Water-ordeal, the Poison-ordeal, Trial by the Cosha or three draughts of consecrated water, the Rice-ordeal, the Ordeal by hot oil, the Ordeal by a red-hot Iron ball or lance-head, the Ordeal by Dharmarch, or drawing forth from a jar of certain Images, cloth, &c. Amongst all these various forms, the touching of a Murdered corpse is not reckoned as a proper Ordeal; but, as will be immediately shown, it was adopted and recognized as a Test, or popular Ordeal, both on the authority of the Church and of the Criminal Tribunals of civilized Europe.

In regard to *THE FORM OF THE CEREMONIAL*, it must have been extremely imposing; and especially, when regulated by the Church, who increased the otherwise solemn spectacle by Processions, the exhibition of their holy relics, lighted tapers, and all the usual machinery of the Romish Church, was admirably calculated to have inspired the guilty mind of the already conscience-struck Criminal with awe and terror, and eventually compel him to confess his enormous crimes, in the face of the assembly.

The mangled body of the murdered person was stretched upon a bier, covered with a fair linen cloth, and placed before the High-Altar; when, after a procession of Priests hymning an anthem, the suspected person was conducted forward to the High-Altar, where, after performing his devotions, the face of the deceased was uncovered before him. He was then called upon to place one hand upon the mortal wound, and often the other upon the mouth of the deceased—and, in that posture, to invoke Heaven to attest his innocence—at the same time calling down its curses and instant vengeance on his head, should he, after such asseverations, be guilty. If, on his approaching the body, or during the above ceremo-

¹ Two pieces of wood were prepared exactly like each other; but on one of them was the form of the Cross. Both being wrapped up in fine wool, were laid on the altar, and after prayers, &c., a Priest approached the Altar, and took up one piece, which if it proved to be that on which the Cross was cut, the accused was found innocent. Other solemnities, unnecessary to be noted, also took place. ² This primitive Ordeal was thus performed. A piece of barley bread and a piece of cheese were laid upon the Altar; and, after various Prayers, at length the Priest fervently petitioned, that ‘if the party accused was guilty, God would send his angel *Gabriel* to stop his throat, that he might not be able to swallow that food.’ This ended, the accused advanced to the Altar, took up the bread and cheese, and commenced eating. If he swallowed deliberately and freely, he was declared innocent—but if he could not swallow them, he was pronounced guilty! This coincides with the Eastern Ordeal of the Rice, &c., and originates in this well-known circumstance, that persons labouring under violent mental excitement, such as accusation of a crime of which they are *conscious of guilt*, are, in a great measure, deprived of the natural supply of *saliva* necessary for the process of mastication and deglutition; and, consequently, it would generally happen, that the strong mental struggle under which the accused was suffering, would be the means of preventing his fulfilling, what, at first sight, appears so foolish and simple a Test. It is hardly necessary to remind the reader, that barley bread which has been baked for several hours, requires a considerable quantity of liquid to enable one to swallow it. The pungency of the cheese would act as a sufficient stimulant to assist an innocent person who was required to undergo this Ordeal; but would merely increase the confusion and hasten the discomfiture of one whose mouth was already parched with conscious fear and remorse. It was almost universally noticed, that *the guilty* greedily snatched large mouthfuls, under the mistaken idea of getting sooner over with it!—and that usually a second or a third attempt to swallow produced cough and constant choking, so as to force them to desist, and either to confess their crime, or permit sentence to be passed against them in silence. On the other hand, *innocent* persons leisurely ate the portion given them, with little or no inconvenience. It will be found, upon examination, that many similar Ordeals and rites proceeded on the like minute knowledge of natural causes.

nial, the blood should gush from the mouth, nostrils, or wound—this was held sufficient evidence of his guilt.

The reader may here be reminded, that the Ceremony, thus shortly and imperfectly described, was only reserved for *extreme cases*, where all legal proof had failed; and where there was strong circumstantial evidence to implicate the party accused, either as ‘guilty actor, art, or part’ of the Murder. It is impossible to state precisely what Nation first practised this Ordeal,—but it was obviously founded on a deep knowledge of human nature. Few even of the most hardened and practised villains could have undergone such a Test unmoved; and when it is considered that the act was performed in the presence of the Judges, Clergy, and the accusers, it would generally be easy to distinguish between the confusion of an innocent person accused of the crime, and the terror and conscience-struck countenance and demeanour of the Murderer; and even should he have nerve enough to brave the worst part of this severe Ordeal, his very confidence and studied boldness would prove the means of his detection. The accidental bleeding of the corpse, also, might overthrow the assumed courage of the Murderer,—and, in fact, was often the means of producing the most abject Confession of the crime; and compelled the recreant felon to utter cries for mercy, which even *the torture* had failed to extort.

Nothing can so well illustrate this remarkable Ceremonial, as the following powerful passage from the pen of the greatest living writer of this age, who has bestowed much attention on such subjects; and has done more towards the elucidation of the manners, customs, and superstitions of this country than any preceding author. ‘The eastern window, richly and variously painted, streamed down a torrent of chequered light upon the high altar. On the bier placed before it were stretched the mortal remains of the murdered man; his arms folded on his breast, and his palms joined together, with the fingers pointed upwards, as if the senseless clay was itself appealing to Heaven for vengeance against those who had violently divorced the immortal spirit from its mangled tenement. The face was bare, as were the breast and arms. The rest of the corpse was shrouded in a winding-sheet of the finest linen, so that, if the blood should flow from any place which was covered, it could not fail to be instantly manifest. He paused before the Bier, and his voice faltered, as he swore by all that was created in six days and six nights, by Heaven, by Hell, by his part of Paradise, and by the God and author of all, that he was free and sackless of the bloody deed done upon the Corpse before which he stood, and on whose breast he made the sign of the Cross, in evidence of the Appeal. No consequences ensued. The body remained stiff, as before. The curdled wounds gave no sign of blood.’¹

Another writer, to whom the Antiquities and History of England has been vastly indebted for the large stores of information rescued by him from sources which may be termed as generally inaccessible, even to the great bulk of antiquaries, has, in a posthumous work, professedly undertaken for the purpose of illustrating the Superstitious observance now under consideration, embodied the result of his enquiries in the following striking passage.²

‘BARON. At thy request th’ Ordeal is prepared:
I grant thee this appeal! What, though it claims
With me no faith? By custom authorized,
Let it be made. At least, this good results,
We better satisfy the common mind.

BENEDICT. Experience, good my Lord, has often proved

¹ Sir Walter Scott’s *Fair Maid of Perth*, vol. ii. p. 306.

² Strutt’s *Test of Guilt, or Traits of Ancient Superstition*; Quarto, Lond. 1808, p. 79;—a posthumous work of the celebrated English Antiquary, Joseph Strutt, published by his son. Unfortunately Mr Strutt did not live to compose the notes which he had intended to prepare illustrative of this remarkable subject, which would have put the Public in possession of all that was worthy of knowing about it. As it is, the Editor has done his best to pave the way, by providing materials for some abler and more successful Antiquary doing justice to such an enquiry, in a regular treatise.

That Providence, in such Appeals as these,
Has manifested suddenly its power,
And struck the guilty mind with sharp remorse—
Enforced confession—or abash'd the heart,
That, coward-like, th' offender has shrunk back
Confused, and manifested signs of guilt
Too plain to be mistaken.

BAR. I, indeed,
Have heard such tales.—Well, Father, then proceed.

BEN. Before the holy Altar lies the corpse—
Here let th' accused come—and come with him
All his accusers—no exception made :
They all must touch the body. 'Tis with us
To scrutinize with care each countenance—
For then 'twill be an index of the heart,
Unless the heart be callous to all good,
Devoid of feeling, nay, be changed to stone.

BAR. Proceed—and may success clear up my doubt !
But miracles, I ween, are out of date.

BEN. Let young Fitzhugh approach—and bring with him
All his accusers.—Now begin the rites.

[*A procession of priests, singing a dirge—and when ranged on both
sides of the altar, conclude with a chorus.*]

BEN. HENRY FITZHUGH, come forward !—Touch the corpse—
May Holy Saints protect the innocent !

HENRY. Thy mangled body, Dorothy, I touch—
And make, with all my soul, Appeal to Heaven !
Ah ! could those ghastly wounds bot speak, they would
Proclaim mine innocence !—But I submit.

BEN. Pass on, my son.—You see, no change appears—

[*Aside to the BARON.*]

Come forward, his accusers—and first, thou,

[*To GRIM.*]

Most loud against him—touch, and make Appeal !

GRIM. Why should I touch her ? No ! I will not yield
To such fond Superstition !—I stand not
Within the pale of accusation !—No !

BEN. What then can hinder thee to make Appeal ?
If thou be guiltless, Heaven is thy friend !

GRIM. Or friend or foe, I will not make Appeal !

BEN. Thou art afraid.—Thy conscience is not clear !

GRIM. 'Tis false !—I'm innocent !—Well, if I must
Join in the folly—What is to be done ?

BEN. Look up to Heav'n, and touch the breathless corpse.

[*GRIM strikes his hand down suddenly—and then starts from the body.*]

RALPH. See ! Where Grim touch'd, the blood has gush'd afresh !—

.....

(3.) OPINIONS relative to the abstract question, whether the CORPSE of a Murdered person BLEEDS on the touch of THE MURDERER? And the causes and consequences of such an exhibition.

It is the Editor's conviction, that the most satisfactory, as well as the most faithful, manner of treating matters of an abstruse and forgotten description, such as the Superstition under examination, is, to afford to the reader miscellaneous extracts from writers of various ages and countries, who have commented on the subject. Besides being the plan laid down at the outset of this work, this mode enables the reader to examine their theories and conclusions in the very language of the respective authors themselves, many of whose works are now of rare occurrence, and are very seldom consulted, excepting for the explanation of similar facts.

In the preceding remarks it has been shown that the ancient opinion was, that the Soul of a Murdered person lingered about the body, until appeased by the discovery of the foul deed, and by the subsequent shedding of the Murderer's blood. It is obvious, therefore, that on the original institution of this Test or Ordeal, during the earlier and in the dark ages, the purpose of requiring the accused to prove his innocence *before the Corpse*, originated in the idea and belief, that by the Murderer's approach, and especially by his polluted *touch*, the Soul was excited to an instant manifestation of its indignation, *by appearing in the form in which it was supposed to subsist*, viz. in that of *blood*.

(i.) To commence, then, with the examples alluded to, *Delrio*,¹ who is the great authority on such subjects, remarks, 'Cadaver coram occifore, propter præcedentem contactum, fanguinem folet fundere. Resp. Varias reddi causas, quidam miraculo tribuunt; quidam casui, quo factum fit aliquando, ut cadaver tum cruorem mitteret, cum præfens erat reus Homicidii. Recenfui alio loco multas hæc de re sententias et auctores laudavi:² Neque adhuc dum video, quid folidius adferatur illa antipathia, ex vehementi odio occifi in occiforem; quod qualitatem latentem et arcanam imprefferit corpori, cum cadavere permanentem: Et huc referendum illud *Lucrctii*:

Idque petit corpus mens unde est faucia amore.
Namque homines plerumque cadunt in vulnere, et illam
Emitat in partem fanguis, unde icimur ictu.
Esti cominus est, hostem ruber occupat horror!

Ut fit vivi amantis et mortui hostis comparatio.³—In treating of ORDEAL BY WATER he thus expresses himself:—'Octavum argumentum, teste *Binsfeldio*, Indicium homicidii ex cadauere fanguinante coram occifore petitur, *videtur soli Divino miraculo adferibendum*: Ergo sentiendum fimiliter de fagis supernatantibus? Respondeo, quid de antecedente sentiam, hoc opere non semel me indicasse; sed esto, fit adferibendum *miraculo*: An eadem ratio huius probæ? Dicis non probas. Ego qui nego discrimen dabo. Nulla in fanguis illa missione causa fubeft suspitionis de pacto cum Dæmone: nihil illic miscetur superstitiofi: non queritur illic a Deo signum; et proinde nec Deus tentatur,' &c.⁴

(ii.) HE also mentions in another place:⁵—'Ex communi opinione Doctorum et Judicum, si cadaver positum coram reo fanguinem emittere inciperet vel ex vulnere, vel ex ore, vel ex naribus, hoc indicium quidam magni faciunt, et de ejus cum alias a me disputatum hoc eodem opere. Ego istud indicium nunquam existimarem sufficere ad torturam, quicquid graves doctores quidam in contrarium dixerint.⁶ Moveor, quia verè est indicium remotum, et quasi prodigiosum, de ejus cum non constat, et incertissimum, quod nullo jure vel causâ juridicè probatâ nobis constat, et tortura maximi est prejudicii. Quare nisi accedant fama, minæ, inimicitæ, vel simile adminiculum, nunquam ad torturam ex

¹ Disquisitionum Magicarum libri sex, &c. *Martini Delrio*, Edit., *Venetii*, 1606. Lib. i. cap. 3, q. 40. ² Comment. in Octaviam Senecæ, ver. 127. ³ Sic *Lemnius*, lib. 2; De occultis naturæ miraculis, cap. 7; *Langius*, epist. 40. *Pictorius*, Dialog. 9; *Gemma*, lib. 1; De caracterism, cap. 6. ⁴ *Delrio*, Lib. iv. cap. iv. quest. v. de proba aquæ frigidæ, &c. ⁵ *Delrio*, lib. v. p. 25. ⁶ Post *Aug. et Parid. Boerius* decisi. 166; *Blanchus* de ind. ad l. fin. de quest. n. 408; *Carrer*. tract. de indic. ; Indi. 27, n. 2; *Novel. regn.* 181; *Menoc. de arb. cas.* 270, n. 16; et de præsu. l. 1, q. 89, n. 128; et alii.

hoc indicio Deum timenti judici procedendum, affirmavit *Farina*, nu. 156 post Ant. Gomez, lii. fufé et prudenter hoc difcutientem d tom. 3 cap. 13 a num. 15, et *Marfl.* in pract. et diligenter num. 181. *Mafeard* et alios.

(iii.) ANOTHER author, who was Counsellor of State to King Louis XIII of France, makes the following interesting observations, under the Title,—‘DES ATTOUACHEMENS DES HOMMES : *Sçavoir fi vn Meurtrier s’approchant, ou touchant le corps d’un homme qu’il a meurtry, en peut faire reiaillir du fang.*—‘ JE commenceray par ce traict commun, que le Corps d’un homme meurtry, eftant touché ou approché de Meurtrier, fait reiaillir du fang, tefmoignant qu’il entre auffi-toft en accusation, et crie vengeance contre luy, voulant comme tirer à compaffion tous ceux qui le voyent, et comme les efmouuoir à luy en faire auoir raifon. *Theodoric* vit dans vne efcaille ou tect de poiffon, qui luy fut feruy à table, la teſte de *Symmachus*, qu’il auoit tué, laquelle le menaçoit, verfant du fang en quantité, dequoy il eut fi grande frayeur, qu’il en mourut bien-toſt apres. Et ne ſçay fi ce qu’on dit y eſt neceſſaire qu’il faut que ce ſoit vn corps fraiſchement aſſaſſiné. Veu qu’un homme d’honneur, faiſant le procez à vn Meurtrier, m’a aſſeuré, que, l’ayant approché du corps qu’il nioit auoir tué, ietta du fang par le nez aſſez abondamment, apres le ſeiziéſme iour de l’homicide commis. Sur quoy *Del-Rio* dit, qu’il ne voit aucune raifon plus folide que celle de l’antipathie qui eſt entre le Meurtry et le Meurtrier, et leur haine, la quelle aggraué certaine qualité latente et cachée, et la tient imprimée dans le corps demeurant encore avec le cadauer; employant là-deſſus ces vers de *Lucrece* : “ Idque petit,” &c.¹ Comme ſ’il auoit quelque conuenance et raport, entre vn amy viuant, et vn ennemy mort !

‘ Mais la verité eſt, qu’on ne ſçauroit colliger de là nulle forte de charme, cauſé par la veuë ou par l’attouchement, vn corps mort eſtant bien d’autre nature, que celui d’un homme viuant. Et de dire que c’eſt quelque diſſenſion cachée, qui tefmoigne l’inimitié qui eſt entre eux, laquelle ce corps ainſi outré, fait encore paroître apres la mort, le declarant par ceſte eſmiſſion de fang. On ne ſçauroit rendre nulle raifon valable de ceſte diſſenſion. Et ſe peut dire, qu’aucuns ont auancé et tenu ceſte experience pour veritable, pour l’auoir parauanture eſſayée ou veuë vne ſeuſe fois et par cas fortuit. Car il ſe peut faire que le corps d’un homme mort, qui a demeuré ſeize iours giſant en repos en quelque lieu, eſtant remué pour ſouffrir quelque viſite de Chirurgiens, eſmouuera par ce mouuement le fang qui ſ’eſt retiré és veines, et le fera fortir en abondance. Mais cela n’arriuera pas pluſtoſt en la preſence du Meurtrier, que du Juge qui luy fait le procez, ou deuant quelqu’autre que ce ſoit.’²

(iv.) THROUGH the kindness of DR SAMUEL HIBBERT, late Secretary to the Society of Antiquaries of Scotland, F.R.S.E., &c. whose philosophical, geological, and antiquarian researches have juſtly entitled him to a very conſpicuous rank in the literature of his country, the Editor has an opportunity of giving the following interesting extract from a rare volume in his Collection, entitled,—‘*Physiologia Epicuro-Gaffendo-Charltoniana* : or a Fabrick of Science Natural, upon the Hypotheſis of Atoms, &c. &c. By Dr Walter Charlton, Phyſician to the late Charles, Monarch of Great Britain.’ London, 1654. In this ſingular treatiſe, the author, in diſcuſſing ‘the cauſe of the freſh cruentation of the Carcaſſ of a Murthered man, at the preſence and touch of the Homicide,’ thus expreſſes his opinion :—‘THE cruentation (and, according to ſome reports, the opening of the eyes³) of the Carcaſſ of a Murthered man at the preſence and touch of the Homicide, is, in truth, the nobleſt of antipathies : And ſcarce any writer of the ſecrets or miracles of nature, hath omitted the conſideration thereof. This Liſe in Death, Revenge of the Grave, or loud language of ſilent Corruption, many venerable and Chriſtian Philoſophers have accounted wholly miraculous or ſupernatural, as ordained and effected by the juſt judgement of God for the detection and puniſhment of the inhumane Aſſaſſine !

¹ The ſame verſes as in *Delrio*’s quotation are here repeated. ² DE L’ANCRE, Conſeiller du Roy, Lnd. XIII. en ſon Conſeil d’Eſtat, ſur l’Incredulité et Meſcreance de Sortilege. Quarto, Paris, 1622, fol. 153. The curious reader is likewiſe referred to the following old authorities,—*Vair*, l. 2, c. 10, De *Fascino*. *Del Rio*, de *Contactu*. *Lemnius*, de *Occultis naturæ miraculis*, cap. 7, &c. ³ See the *Case of Jane Norkott*, afterwards quoted, p. 152.

And, lest we should seem too forward to expunge from the mind of any man the belief of that opinion, which to some may be a more powerful argument than the express command of God, to deter them from committing so horrible and execrable a crime as Murder, we shall so far concur with them as to conceive this effect to be Divine only in the *infliction*, but merely natural in the *production* or *immediate causes*. Because the appearance seems not to transcend the capacity of natural means, and the whole syndrome and series of its causes may be thus explained. It is an opinion highly consistent, that in every vehement passion there is formed a certain idea, as well of the object whereupon the imagination is most intent, as of the good or evil connected unto, and expected from, that object; and that this idea is, as it were, impressed, by a kind of inexplicable figillation upon the spirits, at the same instant the mind determineth to will the present prosecution or avoidance of the object; so that, by the mediation of the spirits (those angels of the mind), the same idea is transmitted to *the blood*, and, through the arteries, diffused into all parts of the body, as well into the nerves and muscles, which are intervient to such voluntary motions as are requisite to the execution of the decrees and mandates of the will concerning the prosecution or avoidance of the object. This being so, we may conceive that the phantasy of the person assaulted by an assassin, having formed an idea of hatred, opposition, and revenge; and the same being characterized upon the spirits, and by them diffused through the blood; though the blood become much less fluid in the veins after death, by reason the vital influence and pulsifick faculty of the heart, which animated and circulated it, is extinct, yet, because at the presence of the Murderer, there issue from the pores of his body such subtle emanations as are consimular to those which were emitted from him at the time he strove with, overcame, and killed the patient; and those emanations entering the dead body, do cause a fresh commotion in the blood, remaining yet somewhat fluid in its veins, and, as it were, renew the former collocation or duell betwixt the yet wholly uncondensed spirits of the slain and those of the Homicide; therefore is it that the blood, suffering an æstuation, flows up and down in the veins to seek some vent or sallyport, and finding none so open as in *that part wherein the wound was made*, it issues forth from thence! And where the Murdered person is destroyed by strangulation, suffocation, or the like unbloody death, so that there is no manifest solution of continuity in the skin or other exterior parts of the body, in that case it hath been observed that the carcass bleeds at *the mouth* or *nose*, or both; and this only because in all vehement strivings, and especially in collocation for life, the spirits and blood flow most plentifully into the arteries and veins of the head, as is visible by the great redness of the eyes and face of every man that fights; and where the blood fixeth in most plenty, there will be the greatest tumult, æstuation, and commotion when it is ferment, agitated, and again set afloat, by the Discordant Effluvia emitted from the body of the near approaching or touching Murderer—and, consequently, there must the vessels suffer the greatest stress, distension, and disruption, or apertion of their orifices.*

This passage fully explains the extraordinary opinions which were formerly entertained by the most eminent physicians, in England, during the reign of King Charles II.

(v.) DR HIBBERT likewise transmitted the following extract from the well-known work, entitled, ‘Ludovici Lavateri Theologi eximii de Spectris, Lemuribus, variisque præfagationibus Tractatus vere aureus.’—‘Aliquis à latronibus interceptus fuit; accedentibus latronibus ad cadaver, *statim cepit recentem sanguinem stillare*, aut aliis signis præsentiam latronis significari. *Plato*, 1, *Legum* 1,² tradit eorum qui occisi sunt animas, sæpe interfectorum animas hostiliter insequitendi. *Marcellus Ficinus* fortè contingere putat, ut occisi hominis vulnus etiam jacente cadavere in eum qui vulneraverat, si modò ille cominus inflet, vulnus ipsum inspiciens, sanguinem rursus eiciat, quod quidem evenire *Lucretius* affirmavit, et *Judices* observarint. *Dido* apud *Virg.* minetur *Æneæ*: Et cum frigida mors anima se duxerit artus, omnibus umbra locis adero; dabis, improbe, pænas.—Similis locus est apud *Horat.* et alios

¹ Lugduni Batav. Apud Henricum Verbiest. Anno 1659.

² Lib. xvi. cap. 5, De Animorum Immort.

Poetas. Latro affedit menſæ, everſo poculo, vinum per ſolidum lignum menſæ manavit omnium magna admiratione.'

To conclude theſe Notices, the Editor, without offering farther obſervations on this branch of the ſubject, preſents a variety of other extracts, all bearing on the ſame point, and tending to ſhow the univerſal concurrence of Lawyers, Divines, Hiſtorians, Phyſicians, and Philoſophers, in the ancient opinions already related as obtaining ſo general a belief over the civilized world, and eſpecially in Europe.

(vi.) 'IN a ſecret Murther, if the dead carcaſſe be at any time thereafter handled by the Murtherer, it will gush out of blood; as if the blood were crying to Heaven for revenge of the Murtherer.'—*King James VI, Dæmonologie*, p. 136.

(vii.) 'I HAVE heard, by credible report, that the wound of a man murdered, renewing bleeding at the preſence of a dear friend or of a mortal enemy. Divers alſo write, that if one paſs by a murdered body (though unknown), he ſhall be ſtricken with fear, and feel in himſelf ſome alteration, by nature.'—*Scot's Discovery of Witchcraft*, p. 170.

(viii.) 'WHO can allege any certaine and firme reaſon, why the blood runnes out of the wounds of a man murdered, long after the Murder committed, if the Murderer be brought before the dead bodie? Galeotus Martius, Jeronymus Maggius, Marſilius Ficinus, Valleriola, Joubert, and others, have offered to ſay ſomething thereof.—Who (I pray you) can ſhew why, if a deſperat bodie hang himſelfe, ſuddenlie there ariſe tempeſts and whirlwinds in the aire?'—*Living Librarie*, fol. Lond. 1621, p. 283.

(ix.) 'WHY dead bodies bleed in the preſence of their Murtherers? Becauſe nothing is ſo hidden from Juſtice as Murder, they uſe not only torments of the body, but alſo the torture of the ſoule, to which its paſſions doe deliver it over, of which *Feare* diſcovering itſelfe more than the reſt, the Judges have forgotten nothing that may make the ſuſpected perſon fearefull. For, beſides their interrogatories, confronting him with witneſſes, ſterne lookes, and bringing before him the Inſtruments of Torture, as if they were ready to make him feele them, they perſuade him that *a carcaſſe BLEEDS in the preſence of his Murtherers*, becauſe dead bodies being removed doe often bleed; and then, he whoſe conſcience is tainted with the *ſyntereſis* of the fact, is troubled in ſuch fort, that by his mouth or geſture he often bewrayes his own guiltineſſe, as not having his firſt motions in his owne power.'—*Five Philoſ. queſt. answered*, 4to, Lond. 1653.

(x.) IN the *Athenian Oracle*, I. 106, there is inserted a particular relation of a corſe falling a-bleeding at the approach of perſons ſuppoſed to have in any way occaſioned its death. The phenomenon is thus endeavoured to be accounted for. 'The blood is congealed in the body for two or three days, and then becomes liquid again, in its tendency to corruption. The air being heated by many perſons coming about the body, is the ſame thing to it as motion is. 'Tis obſerved that dead bodies will bleed in a concurrence of people, when Murderers are abſent as well as preſent; yet legiſlators have thought fit to authorize it, and uſe this trial, as an argument at leaſt, to frighten, though 'tis no concluſive one to condemn them.' *Vid.* alſo p. 193.

(xi.) 'IT is a thing known, yea, by many undeniable inſtances witneſſed, that marvellous diſcovery of concealed Murder, by the bleeding of the body, upon the touch of the Murderer! I confeſs, it

¹ 'What is it that ſhould make men's guilt ſo legible oft in their countenance, even when they ſtudy moſt to conceal it; and thus cauſe them give their tongue the lie, yea, bewray to byſtanders whether they will or not ſome

should be hard to assert the lawful and warrantable practice of such an Appeal to so extraordinary and stupendous a sign from the Lord, where Scripture goeth not clearly before us. But, on the other hand, such a thing so surely tried for such an end, and in the case where all ordinary means of discovery have been wanting, I think, calleth us to a serious remark thereof, while it so visibly seemeth to witness his hand who doth make inquisition for blood!

(xii.) SIR KENELM DIGBY takes it for granted that a Corpse often bleeds on such occasions—and thus accounts for the phenomenon. ‘And to this cause, peradventure, may be reduced the strange effect which is frequently seen in England, when, *at the approach of the Murderer, the slain body suddenly bleedeth afresh.* For certainly the Souls of them that are treacherously Murdered by surprize, use to leave their bodies with extreme unwillingness, and with vehement indignation against them that force them to so unprovided and abhorred a passage! That Soul, then, to wreak its evil talent against the hated Murderer, and to draw a just and desired revenge upon his head, would do all it can to manifest the author of the fact! To *speak* it cannot—for in itself it wanteth the organs of voice; and those it is parted from are now grown too heavy, and are too benumbed, for to give motion unto: Yet some change it desireth to make in the body, which it hath so vehement inclination to; and therefore is the aptest for it to work upon. It must then endeavour to cause a motion in the subtlest and most fluid parts (and consequently the most moveable ones) of it. This can be nothing but THE BLOOD, which then being violently moved, *must needs gush out at those places where it findeth issue!*’

(xiii.) EXTRACT from a Letter, the Rev. H. Cross, Caithness, Jun. 11, 1712, to the Rev. Robert Wodrow.² ‘Some Murders in this cuntry have been discovered, *by causing suspected persons touch the dead corps; which upon their touching have immediatly bled; whereupon some have confessed guilt, and have been executed.* I cannot tak up time in telling the particular circumstances thereof.’

(xiv.) MR BURNETT,³ in treating of presumptive evidence, remarks, that ‘in various Trials for Murder, we find the notion of *the corpse bleeding, if touched by the Murderer*, a circumstance founded on. In *Stewart Abercrombie’s Case*,⁴ we see it stated, in the Information for the prisoner, as a circumstance in his favour, that he had, without fear or dread, gone and touched the body of the person murdered. And in the Case of *Howatson*,⁵ before Lord Justice-Clerk Cockburn, we find it stated and insisted on as a strong circumstance of suspicion against him, *that he had refused to go to the lifting of the corpse.* This even is stated as one of the circumstances in the Interlocutor of relevancy; and perhaps rightly so, on the supposition of *the popular belief of THE MURDERER’S TOUCHING THE CORPSE.*’

(4.) PARTICULAR INSTANCES *where the CORPSES of Murdered Persons have been TOUCHED, as a TEST OF GUILT*—REMARKABLE CRIMINAL TRIALS, *in which this circumstance was founded on*—THE OPINIONS OF LAWYERS, &c.

(i.) THE earliest recorded notice which the Editor has been able to find, in British History, of this superstitious custom, is in Buchanan’s History of Scotland;⁶ who relates, that, in A.D. 972, after the atrocious Murder of KING DUFFUS⁷ by the assassins hired by Donald, Governor of the Castle of Forres, they ‘carried him out so cunningly a back way, that not so much as a drop of blood appeared,’

secret trouble and sore they have within? Doth it not clearly show the power of Conscience, which hath such authority on men, that without violence or constraint from others, doth even force them to confess the truth, and supply the room of witnesses.’—*Fleming’s Fulfilling of the Scripture*, 3d edit. Glasg. 1681.

¹ *Ibid.* ² Wodrow MSS. Orig. Letters. Quarto, XIX. ‘Remarkable Providences.’ Adv. Library, Edinburgh. No traces can be had of the particular instances to which the Rev. Gentleman alludes. They would doubtless prove of much interest, could they be still discovered. ³ *Burnett on Crimes*, p. 529. (Note.) ⁴ Jan. and Feb. 1718. ⁵ James Howatson, tried for Murder, at Dumfries, May 1727. ⁶ *Buchanan’s History of Scotland*, Ed. 1762, i. 247. ⁷ Son of King Malcolm I. He was murdered A.D. 972.

&c.—‘ The executioners of that bloody fact were sent out of the way by Donald ; because there is an opinion, *received from our ancestors*, which as yet obtains amongst the vulgar, *That BLOOD will issue from a dead body, many days after the party's being murdered, IF THE MURDERER BE PRESENT ; just as if the fact had been newly committed.*’ This takes it for granted, that the understanding was, that the TOUCHING of the corpse must have been infinitely more available, towards the discovery of the Murderer.

(ii.) RAPIN¹ records a circumstance, as having occurred at the interment of KING HENRY II. of England, A.D. 1189. That monarch having fallen sick at *Chinon*, caused himself to be carried into the Church, before the Altar ; where, after confessing himself, and expressing repentance, he expired. ‘ His corpse was removed to Font-Evrard, in Anjou, where he was buried, according to his own order. An extraordinary accident rendered the funeral of his body very remarkable. His son RICHARD (*Cœur de Lion*) coming to meet the funeral pomp, in order to attend his father to his grave, upon his approach THE BLOOD in great abundance gushed out of the mouth and nostrils of the corpse ! RICHARD, though naturally very hard hearted, was so moved at this sight, that he burst out into tears, and openly accused himself of being the occasion of his father's death.’ *Hume*² adds, that ‘ he exclaimed, *agreeably to a vulgar SUPERSTITION, that he was his father's MURDERER !*’

(iii.) BUT, without attempting too laborious an investigation of our early Historians and Chroniclers on so insulated a point, it is enough for our purposes to preserve the memory of such Cases as have been peculiarly striking, and which have occurred nearer to our own times. Accordingly, one of the most remarkable instances of *Touching* as a Test of Murder,³ is the Case of the Murder of JOHAN NORKOTT, wife of Arthur Norkott, the incidents of which were fortunately preserved amongst the papers of *Sir John Maynard*, Sergeant at Law,⁴ and afterwards one of the Lord Commissioners of the Great Seal of England, &c. who noted the particulars at the Trial, at the bar of the King's Bench, 4th Car. I. (1628.) This eminent Lawyer's Notes are followed here, as closely as possible, in his own words.

‘ *Johan Norkott* having been murdered, the question was, How she had come by her death ? The Coroner's Inquest, on view of the body, and Depositions of *Mary Norkott*, *John Okeman*, and *Agnes* his wife, inclined to find JOHAN NORKOTT *Felo de se* ;—for the evidence persuaded the Coroner and Jury that she was found dead in her bed, the knife sticking in the floor, and her throat cut—that the night before, she went to bed with her child, her husband being absent—and that no other person, after she had gone to bed, came into the house—the Examinants lying in the outer room, and they must needs have seen or known if any stranger had come in. Whereupon the Jury gave up to the Coroner their *Verdict*, that she was *Felo de se*.

‘ But afterwards, upon rumour among the neighbourhood, and their own observation of a variety of circumstances, which manifested, that she did not, nor, according to those circumstances, could possibly murder herself—the Jury, whose *Verdict* was not yet drawn into form by the Coroner, desired that the *Body, which had been buried, might be taken up out of the grave.* The Coroner assented to their desire ; and THIRTY DAYS after her death, she was taken up, in presence of the Jury and a great concourse of people ; and, in consequence of what transpired, the Jury altered their former *Verdict*.

‘ The persons accused were tried at *Hertford Assizes*, and Acquitted ; but so much against the Evidence, that *Judge Harvey* expressed his opinion, that it were better an Appeal were brought, than so foul a murder should escape unpunished.

¹ *Rapin*, Fol. Lond. 1784, i. 221. ² *Hume's Hist. of England*, 8vo. Edin. 1805, i. 484. See also *Bened. Abb.*, p. 547. *Brompton*, p. 1151. *Mat. Paris*, p. 107. ³ See also *Gent. Mag.* (Sep. 1731,) i. 395. *Ellis's Brand's Popular Antiquities*, ii. 543. ⁴ See *Howell's State Trials*, xiv. 1324. But especially *History of the Works of the Learned*, for the year 1739, Art. 12, to which curious publication *Sir John Maynard's Papers* were originally communicated by *Dr Rawlinson*.

‘ Accordingly, at the ensuing Easter term (*Pafcha*, 4 *Car.*), they were tried on the Appeal, which was brought by the Young Child againſt his father, grandmother, and aunt, and her huſband *Okeman*.¹ *The Miniſter of the Pariſh*² where the Murder was committed, depoſed, “ That the Body being taken up out of the grave, *thirty days after the party's death* ; and lying on the grafs, and the four defendants being preſent, *were required each of them to TOUCH THE DEAD BODY*. *Okeman's* wife fell upon her knees, and prayed to God to ſhew a Token of her Innocency, or to ſome ſuch purpoſe—her very words I have forgot. The Appellees *did touch the dead body* ;—whereupon *the brow of the dead*, which before was of a livid and carrion colour,³ begun to have a *dew or genile ſweat* ariſe on it, which increaſed by degrees, *till the ſweat ran down in drops on the face*. The brow turned to a *lively and freſh colour*, and *the deceaſed opened one of her eyes and ſhut it again* : And this opening the eye was done *three ſeveral times*. She likewiſe *thruſt out the ring or marriage finger three times*, and pulled it in again ; and *the finger dropped blood from it on the grafs*.”

‘ SIR NICHOLAS HYDE, *Lord Chief Juſtice*, ſeeming to doubt the Evidence, aſked the Witneſs, “ Who ſaw this beſides you ? ” *Witneſs*. “ I cannot ſwear what others ſaw—but my Lord, (ſaid he,) I do believe the whole company ſaw it ; and if it had been thought a doubt, Proof would have been made of it, and many would have atteſted with me.” The Witneſs obſerving ſome admiration⁴ in the auditors, he ſpoke further. “ My Lord, I am Miniſter of the Pariſh, and have long known all the parties ; but never had any occaſion of diſpleaſure againſt any of them, nor had to do with them or they with me, but as I was Miniſter.—The thing was wonderful to me, but I have no intereſt in the matter ; but as called upon to teſtify the truth, that I have done.”—Whereupon, applying himſelf to *the Chief Juſtice*, he ſaid, “ My Lord, my brother, here preſent, is *Miniſter of the next Pariſh adjacent*—and I am aſſured ſaw all done that I have affirmed.”

‘ Therefore that perſon was alſo ſworn to give Evidence, and did depoſe, in every point, *viz. the ſweating of the brow—the change of the colour—opening of the eye—and the thrice motion of the finger*, and drawing it in again. Only, the firſt Witneſs added, *that he himſelf dipped his finger in the blood which came from the dead body*, to examine it—and he ſwore *he believed it was blood!*’

Sir John Maynard adds, ‘ I conferred (my Notes) afterwards with *Sir Edward Powell*, Barrifter at Law, and others, who all concurred in the obſervation—and for myſelf, if I were upon oath, can depoſe, that theſe Depoſitions (eſpecially of the firſt Witneſs) are truly reported, in ſubſtance.’

‘ The other Evidence was given againſt the Priſoners, *viz. the Grandmother of the Plaintiff*, and againſt *Okeman* and his Wife—that they confeſſed they lay in the next room to the dead perſon that night, and that none came into the houſe till they found her dead the next morning ; therefore, if the did not Murdler herſelf, they muſt be the Murdherers. To that end further proof was made.

‘ *Fiſt*, That ſhe lay in a compoſed manner in her bed, the clothes nothing at all diſturbed, and her chibi by her in bed.—*Secondly*, Her throat cut from ear to ear, and her neck broken ; and if ſhe firſt cut her throat, ſhe could not break her neck in bed, nor *contra*.—*Thirdly*, There was no blood in the bed, ſaving there was a tincture of blood on the bolſter whereon her head lay—but no ſubſtance of blood at all.—*Fourthly*, From the bed's head there was a ſtream of blood on the floor, which run along till it ponded in the hollows of the floor, to a very great quantity ; and there was another ſtream of blood on the floor at the bed's foot, which ponded alſo on the floor, to another great quantity,—but no continuance or communication of blood of either of theſe two places from one to the other, neither upon the bed—ſo that ſhe bled in two places ſeverally : And it was depoſed, (that on) turning up the mat of the bed, there were clotts of congealed blood in the ſtraw of the mat underneath.—*Fifthly*, The

¹ The individuals on whoſe Depoſitions the original Verdict had been pronounced. ² ‘ A very reverend perſon, as I gueſſed, of about ſeventy years of age. His teſtimony was delivered gravely and temperately—but to the great admiration (*wonder, aſtoniſhment*) of the auditory.’ ³ ‘ That was the verbal expreſſion, *in terminis*, of the Witneſs.’

⁴ Wonder, aſtoniſhment, amazement.

bloody knife was found in the morning sticking in the floor, a good distance from the bed; but the point of the knife, as it stuck, was *towards the bed*, and the *haft* or handle *from the bed*.—*Sixthly*, There was a print of the thumb and four fingers of a left hand. *Sir Nich. Hyde*, Chief Justice, said to the Witnesses, “How can you know the print of a left-hand from the print of a right-hand, in such a case?” *Witnesses*, “My Lord, it is hard to describe—but if it please that honourable *Judge* to put his left-hand upon your left-hand, you cannot possibly place your right-hand in the same posture.” Which being done, appeared so.

‘The Defendants had time to make their Defence—but gave no evidence, to any purpose.

‘THE JURY departed from the bar—and returning, ACQUITTED *Okeman*, and found the other three GUILTY; who, being severally demanded, “What they could say, why Judgement should not be pronounced?” said nothing—but (saying that) each of them said, “I did not do it! I did not do it!”

‘JUDGEMENT was given accordingly, and the Grandmother and the Husband executed; but the Aunt had the privilege to be spared execution, being with child.

‘I inquired if they confessed any thing at their Execution; but did not, as I was told.’

(iv.) THE next case which shall be mentioned, is that of MARIOUN PEEBLES,¹ *alias* Pardone, spouse to SWENE, in Hildiswick, who was, on March 22, 1644, sentenced to be strangled at a stake, and burnt to ashes, at *the Hill of Berrie*, for WITCHCRAFT and MURDER. Marion and her husband having ‘ane deadlie and venefical malice in her heart’ against Edward Halero in Overure, and being determined ‘to destroy and put him down,’ being ‘transformed in the lyknes of ane pellack-quhail, (the Devill changing her spirit, quhilk fled in the same quhail,)’ and the said Edward and other four individuals being in a fishing-boat, coming from the Sea, at the North-banks of Hildiswick, ‘on ane fair morning, did cum under the said boat, and overturnit her with ease, and drowned and devoired thame in the sey, right at the thore, when there wis na danger wtherways.’ The bodies of Halero and another of these hapless fishermen having been found, Marion and Swene ‘wir sent for, and brought to see thame, and to lay thair hands on thame, dayis after said death and away-casting, quhaire thair bluid was evanished and defolved, from every natural cours or caus, shine, and run; the said unquhill Edward *bled at the collir-bain or craig-bane*, and the said ,² *in the hand and fingers, gushing out bluid thairat*, to the great admiration of the beholders—and revelation of the judgement of the Almytie! And by which lyk occasionis and miraculous works of God, made manifest in Murders and the Murderers; whereby, be many frequent occasiones brought to light, and the Murderers, be the said proof brought to judgment, conuict and condemned, not only in this Kingdom, also this countrie, but lykways in maist forrin Christiane Kingdomis; and be so manie frequent precedentis and practising of and tuitching Murderis and Murdereris, notourlie known: So, the foirsaid Murder and Witchcraft of the saidis perfons, with the rest of their companions, through your said Husband’s deed, art, part, rad,³ and counfall, is manifest and cleir to all, not onlie through and by the foirsaid precedentis of your malice, wicked and malishes⁴ practifes, by Witchcraft, Confessionis, and Declarationis of the said unquill Janet Frafer, Witch, revealed to her, as said is, and quha wis desyrit by him to concur and assist with you to the doing thereof; but lykways *be the declaration and revelation of the justice and judgementis of God, through the said issuing of bluid from the bodies!*’ &c.

(v.) A SIMILAR and very remarkable instance is related in the following Trial: In the Dittay of CHRISTIAN WILSON, *alias the Lanthorne*,⁵ accused of Murder, Witchcraft, &c., (which is founded

¹ See *Dr Hibbert's Hist. of Orkney*, &c. to which this remarkable Trial is appended. ² The name left blank. ³ *Rede*; advice. ⁴ Malicious.

⁵ The name given her at her baptism by the Devil. From *Collection of Original Documents*, belonging to the Society of Antiquaries of Scotland, MS. As a specimen of the other charges, take the following: “*Williame Richardstone*, in Dalkeith, haiving felled ane hen of the said Cristianes with ane stone, and wpon her sight therof did immediatly threatne him, and with ane frowneing countenance told him, that he ‘should never cast ane vther stone!’ And immediatly the said Williame fell into ane franicie and madnes, and

upon the examinations of James Wilson, Abraham Macmillan, William Crichton, and Fyfe and George Erskine, &c. led before Sir William Murray of Newtoun, and other Commissioners, at Dalkeith, Jun. 14, 1661,) it is stated, that ‘ Ther being enimitie betuixt the said Christiane and Alexander Willfone her brother, and shoo having often tymes threatned him, at lenth, about 7 or 8 monthes since, altho’ the said Alexander was sene that day of his death, at three houres afternone, in good health, walking about his bussinesse and office; yitt, at fyve howres in that same night, he was fownd dead, lying in his owne howfe, naked as he was borne, with his face torne and rent, without any appearance of a spot of blood either wpon his bodie or neigh to it. And altho’ many of the neiboures in the toune (Dalkeith) come into his howfe to see the dead corpe, yitt sho newar offered to come, howbeit her dwelling was nixt adjacent thairto; nor had shoo so much as any feirning greiff for his death. Bot the Minister and Bailliffes of the towne, taking great suspitione of her, in respect of her cairiage, comandit that shoo should be browght in; bot when shoo come, shoo come trembling all the way to the howfe—bot *shoo refused to come nigh THE CORPS or to TUITCH it*, saying, that shoo “ nevir tuitched a dead corpe in her lyfe!” Bot being earnestly desyred by the Minister, Bailliffes, and hir brother’s friends who was killed, that shoo wold “ bot *twitch the corpses sofastlie*,” shoo granted to doe it—but before shoo did it, the Sone being shyning in at the howfe, shoo exprest her fesse thus, humbly desyryng, that “ as the Lord made the Sone to shyne and give light into that howfe, that also *he wald give light to discovering of that Murder!*” And with these words, shoo *TUITCHEING the wound of the dead man, verie fastlie*, it being whyte and cleane, without any spot of blod or the lyke!—yitt *IMEDIATLY, whill her fingers was wpon it*, THE BLOOD RUSHED OWT OF IT, to the great admiratioun¹ of all the behoulders, who tooke it for *discoverie of the Murder*, according to her owne prayers.—For ther was ane great lumpe of flesh taken out of his cheik, so smowthlie, as no rafor in the world cowld have made so ticht ane incisionne, wpon flesh, or cheis—and ther wes no blood at all in the wovnd—nor did it at all bleed, altho’ that many perfones befor had tuitched it, whill² shoo did tuitche it! And the howfe being searched all over, for the shirt of the dead man, yitt it cowld not be found; and altho’ the howfe was full of people all that night, ever vatching the corpses,³ neither did any of them tuitch him that night—which is probable⁴—yitt, in the morneing, his shirt was fownd tyed fast about his neck, as a brechame,⁵ non knowing how this come to pass! And this Cristian did immediatlie transport all her owne goods owt of her own howfe into her dowghter’s, purposing to flie away—bot was therwpon apprehendit and imprisoned.’

(vi.) THE next instance which shall be cited, refers immediately to the Case of THE MURES OF AUCHINDRANE; being an extract from a ‘ RELATIONE of quhat past betwixt the Commitie⁶ and MR JAMES MITCHELL,’ &c.⁷ January 18, 22, and 24, 1676. In the course of the pleadings as to the lawfulness of inflicting Torture, the following interesting passage occurs. “ Bot in this preparative, the practife is wnparalleled, to put a perfon to it be such a *Tortour*, to turne (contrarie the cowrse of nature and expresse law of God) to be his own accuser; no, not in *Peiter Aroy*, the Highland Rober

tooke his bed, and newer rose agane, but died within a few dayes: And in the tyme of his sicknes, he alwayes cryed owt, that the said Cristiane wes present befor him, in the liknes of ane gray catt! And some tyme eftir his death, James Richardstone, nephew to the said Williame, being a boy playing in the said Cristiane her yaird, and be calling her *Lautherne*, shoo threatned, that ‘ if he held not his peace, shoo sowld cawse him to die the death his nephew (uncle) died of!’ Whairby it would appere that shoo tooke wpon hir his nepheas (uncle’s) death.”

¹ Wonder; amazement. ² Until. That is, many previous trials had been made of other persons suspected, or of those who were near neighbours, perhaps living at enmity with the deceased, who had voluntarily offered themselves to this solemn ordeal, or had been called upon thus publicly to attest their innocence of his blood. ³ Holding the *lyke-wake*. ⁴ Can be proved, by testimony or probation. ⁵ The large collar which goes about a draught-horse’s neck. ⁶ Of the Estates of Parliament. ⁷ *Wodrow’s MSS.* as to ‘ *the Sufferings*,’ Adv. Lib. xxxvi. Quarto, No. 2. This Document relates to the Tortures used to *Mitchell*, who had been accused of an attempt to Murder, by shooting a pistol at *Archbishop Sharpe*, and the *Bishop of Orkney*, Jul. 9, 1668, &c. 29 Car. I., Jan. 7, 1677. See for the particulars of her Trial, *Salut. State Trials*, p. 331, &c.

and Murthrer ! Bot he, being legalie convicted himself, was put to *the Tortour*, to cause him declaire who was his confederats and affociats in committing of such horrid crymes. Bot if any man shall object that about THE LAIRD OF AUCHINDRANE, I answer : 1st, Thair is no paritie in the cawfe ; becaufe he was accused of an horrid and privat Murther, quhair thair was altogether penurie of Witnesses, and not of a deutie contraverted be Apofrats : 2dly, GOD, in a foveraine and fingular way, *witnesed it from Heaven, by his own immediate hand, and proved the Deed against him !* viz. the Corpes of the man Murthered, being buried in *Girvane Kirk-yard*, as a man cast away at sea, and cast owt thaire, *the Laird of Coleaine*, whose servant he had beine befor, driming¹ of him in his sleipe, and that he had a muse-marke wnder his left pape ;² and when he awook owt of his sleipe, wpon searck, found it to be trwe—came to the place, and taking wpe the Corpes owt of the place quhair they were buried, found him to be Murthered. Wpon which, he *sumoned in all the men in that pairt, to touch the Corpes, as the custon was in such cafes* ; and all compeiring, except the saids Laird and his son, who were the Murtherers ; and his dwelling house and familie being neire to the place, *ane young chyld of his, MARIE MURE be name*, seing the people, went to the place ; and *when she drew neire to the Corpes* (to the admiration of all the people,) *did spring owt wpon her in abundance of blood !* Wpon which they were apprehended and put to tryell.”

(vii.) A VERY singular incident is related by *Law*, in his ‘*Memorialls*.’³ Two men having been executed at Glasgow, Jun. 14, 1683, for the Murder of a gentleman (David Monroe) at Inchbelly-bridge ; in consequence of the enormity of the offence, their bodies were appointed to be hung up in irons. For this purpose, the bodies of the Criminals were conveyed to the spot, where, according to the terms of the Sentence, they were to be gibbeted. *Law* relates, that “*Though their entrails were taken out, and their bodies cleansed from all blood, yet when it (the body of one of the culprits) came to the place where the Murther was committed, did gush out in blood, in the arm which was cut ; teitified to be a truth by the beholders ; which was a testimony of their guilt !*”

(viii.) OF a like nature with the last instance, a strange story is told in the *Biographia Scoticana*, which has likewise been elsewhere repeated. That a few days after Mr James Guthrie was executed, and his head placed upon the Netherbow Port of Edinburgh, *Middleton’s* coach coming down that way and passing through the Port, *several drops of blood fell from the head* upon the top of the coach ; —which, as the legend goes, ‘*all their art and diligence could not wipe off !*’ Physicians were called, and desired to enquire if any natural cause could be given for this event—but they could give none ! “*This odd incident being noised abroad, and all means tried, at length the leather was removed, and a new cover put on !!!* But this was much sooner done, than the wiping off the guilt of this great and good man’s blood upon the shedders of it, and the disgrace from this poor Nation !”

(ix.) FEW instances of this description are entitled to the consideration which the following Case possesses, as well in a legal as in a philosophical point of view. In the very remarkable Scottish Trial of PHILIP STANFIELD,⁴ for *Parricide*, (executed Feb. 15, 1688,) the circumstance of the body of Sir James Stanfield of Newmills, who was Murdered near Haddington, in Dec. 1687, *having bled on the touch of his son Philip, the Parricide*, was urged and argued with the utmost earnestness, in Court. *James Muirhead*, Surgeon, one of the Witnesses, swore, that “*upon the prisoner’s affitting to lift the body of his deceased father, Sir James Stanfield, after it had been sewed up,⁵ and clean linen*

¹ Dreaming. ² A mouse mark under his left breast. ³ *Law’s Memorials*, p. 252. ⁴ See *Howell’s State Trials*, XI. 1371.—*Salmon’s State Trials*, p. 610.—*Fountainhall’s Decisions*, I. 484.—See also *Fountainhall’s Diary*.—*Arnol’s Criminal Trials*, p. 33, Note.

⁵ The body had been opened and examined, by *Judicial authority*, for the purpose of determining the precise cause of the deceased’s death. The surgeons to whom this remit had been granted, reported, that Sir James had died from *strangulation*, not from drowning—and that the idea of *felo de se*, which had been attempted to be proved by the son, was utterly impossible.

put on, it DARTED OUT BLOOD *through the linen, from the left side of the neck, which the pannell TOUCHED*—but, that when he (the Witness) and the other Surgeon, *James Crawford*, put on the linen, and stirred and moved the head and neck, before, *he saw no blood at all!*"

This fact was corroborated by other Witnesses—and it is, perhaps, worthy of notice, as the most striking peculiarity of that Case, that Sir James had not been stabbed, shot, or assassinated by the cutting of his throat—but was *strangled*, and then thrown into a water; so that there was no *external wound* on the neck.

A singular feature in this Case of Stanfield, is the rank and eminence of the Public prosecutors, *Sir John Dalrymple*, younger of Stair, *Sir George Mackenzie*, and the gravity with which these superstitious circumstances are argued. The Dittay states, "When his father's dead body was sighted and inspected by Chirurgions, and the clear and evident signs of the Murder had appeared, the body was sewed up, and most carefully cleaned; and his nearest relations and friends were desired to *lift* up his body to the coffin: And accordingly, *James Row*, merchant (who was in Edinburgh at the time of the Murder), having lifted the left side of Sir James, his head and shoulder, and the said *Philip* the right side; his father's body, though carefully cleaned, as said is, so as the least blood was not on it, did (ACCORDING TO GOD'S USUAL METHOD OF DISCOVERING MURDERERS) *blood afresh upon him, and defiled all his hands*; which struck him with such a terror, that he immediately let his father's head and body fall with violence—and fled from the body!—And, in consternation and confusion, cried, *Lord, have mercy upon me!*—and bowed himself down over a seat in the Church, (where the Corps was inspected,) wiping his father's innocent blood off his own murdering hands, upon his cloaths!" But as the arguments are fortunately preserved, and as they shew many of the peculiarities of these superstitions, and give the reasonings of the most eminent Lawyers of that time, it may be proper, and can hardly fail to be interesting, even to the general reader, to enter a little into details.

Sir Patrick Hume,² Counsel for Philip Stanfield, urged, that this is but a superstitious observation, without any ground, either in Law or reason. And *Carpzovius* relates, *Part 3, quest. 122, no. 31*, that several persons had been unjustly challenged, and that he, in his own experience, had *seen a dead body bleed*, in presence of the person who was *not guilty!* And *Matheus de Criminibus* is of the same opinion, Tit. 16, *de questionibus*, num. 12, "de sanguine porro de Cadavere profluente, quod dicitur id de plurimis experimentis comprobetur, tamen cum experimenta falsa sint—ratio vero idonea nulla reddi possit, non putaverim iudicium ad Torturam sufficiens esse, non enim sapientis Iudicis est incerto experimento credere, quod certa ratione dirimendum est." And the truth is, *the occasion* of the dead body's bleeding was, that the Chirurgeon that came out to visit the body did make an incision about the neck, which might be the occasion of the bleeding;—and also the very moving of the dead body, when it was taken out of the grave and out of the coffin, might occasion the bleeding; especially, seeing the body did not bleed for some time after, which certainly was made by the motion and by the incision: As also, a further evidence that it could not be the defender's *touching* the body, the Chirurgions did likewise touch the body, as well as he, and several others present; so that the bleeding could no more be ascribed to *his touching*, than the touching of the other persons present.

Sir James Dalrymple, Lord Advocate, answered, that "although the deceased's servants had made *a mutiny ament the Burial, till the Corps were sighted*, yet the pannel caused bury the Corps that same

¹ This may, no doubt, have been resorted to, for the purpose of proving Philip's participation in the Murder—but, of itself, this ceremony is still universally observed in the middle and lower ranks of life; and is a most affecting spectacle to those who are so deeply interested. It is called "the chesting" or "coffining" of the corpse—a duty almost never (in Scotland) intrusted to hirelings—but is most solemnly performed by the nearest relations, as the last endearing act of respectful and affectionate regard, which they can offer, to the breathless remains of those who had been nearest and dearest to them. ² Along with this gentleman were Sir David Thoires, Mr William Moniepenney, and Mr William Dundas, as counsel for the prisoner.

night! without shewing them!" After Warrant for raising the body had been obtained, the inspection by Surgeons, and the touching, as before detailed, took place; when the pannel let his father's head fall to the ground, and cried out, O God!—and ran away and went to a desk in the Church, where he lay groaning and in confusion, and durst never return to touch the Corpse. And that as there could no *natural* reason be given, but an ordinar and *wonderful Providence of God in this kind of discovery of Murder*, so the fact was never more evident and sure. Though half a dozen of persons were bearing the Corpse, *no man's hands were bloody but the pannels!* That the Corpse being two entire days in the grave, in that weather and season, the blood, by the course of nature, was become stagnant and congealed—so that the former tossing and lifting of the Corpse, and even the incision itself, had occasioned no such effusion, but only some water or gore—but upon *the first touch* of the pannel, *the Murderer*, there appeared *abundance of liquid florid blood!*

Sir David Thoirs, in reply, argued, that the falling of blood from the wound could neither be a ground nor presumption for guilt—and though the pannel was *surprised* to see his father's blood, yet the same did only proceed from *natural duty and affection*, and not from any apprehension of guilt! *Sir Patrick Hume* added, that he offered to prove, that *the pannel had touched his father's body before the incision, AND IT DID NOT BLEED.*

Sir George Mackenzie, in his address to the Jury, asserts that 'GOD ALMIGHTY *himself* was pleased to bear a share in the testimonies which we produce; that Divine power which makes the blood circulate during life, has oft-times, in all Nations, opened a passage to it, after death upon such occasions,—but most in this case!'

The sentence of the Court was, that he should be 'hanged on a gibbet till he be dead—and his tongue to be cut out and burnt upon a scaffold—and his right hand to be cut off and affix on the East Port of Haddingtoun—and his body to be carried to the Gallowlee, betwixt Leith and Edinburgh, and there to be hanged up in chains,' &c.

(x.) BESIDES the class of notices which has already been afforded, it is natural to expect that vestiges of so prevalent a superstition should appear in the ancient Popular Poetry of all Nations. The Editor's present leisure and opportunities do not admit of his entering upon so wide a field as that just alluded to, for the illustration of such an enquiry. It is sufficient to mention, generally, that such traces do appear in the Ballads of Scotland, England, Germany, and other European Nations. The ancient Romance also, and the Drama of all these countries, abound with allusions to this superstition; and some of them make use of the ceremonial of touching the Corpse, as a powerful aid in exciting the feelings, and in heightening the interest of the reader, or auditory.

As a specimen of one of the Scottish Ballads illustrative of this superstition, the Editor may cite the conclusion of the Romantic Ballad of *Young Huntin*, or *Earl Richard*,² as it is too long for insertion at length:—

“PUT na the wite³ on me,” she said,
 “It was my may⁴ Catherine!”
 Than they hae cut baith fern and thorn,
 To burn that maiden in.—

‘It wadna tak upon her cheik,
 Nor yet upon her chin,
 Nor yet upon her yellow hair,
 To cleanse the deidly sin!

¹ The same night the body had been found in the water, having been incrustated with frozen ice, owing to the inclemency of the season; the Murder having been perpetrated in the month of December, during a storm. ² See *Minstrelsy of the Scottish Border*, II., 420—*Herd's Ballads*—*Chambers's Ballads*, &c. ³ Blame. ⁴ Maiden.

‘ *The Maiden touch’d the clay-cauld Corpse,*
 A DRAP IT NEVER BLED;
 The Lady laid *her* hand on him,
 And soon the ground was red!

‘ Out they hae ta’en her, may Catherine,
 And put her mistress in.
 The flame tuik fast upon her cheik,
 Tuik fast upon her chin,
 Tuik fast upon her fair bodye—
 She burn’d like hollin green!’¹

(xi.) BEFORE concluding these notices, it may be remarked, for the benefit of the curious inquirer into the superstitions of his native country, that absurdities greater by far than this Test or Ordeal have been gravely stated and maintained, even before the Supreme Criminal Tribunal of Scotland. Perhaps the most extraordinary instance of this description occurred in *the Trial of THE MARQUIS OF ARGYLL,*² before Parliament, 1661, where the Indictment, after setting forth a variety of alleged Murders and cruelties, proceeds, ‘ That THE LORD from Heaven did declare his wrath and displeasure against the aforefaid inhumane cruelty, by striking the tree whereon they³ were hanged in the said month of June, being a lively fresh growing ash-tree, at the Kirk-yard of *Dunoone*,⁴ among many other fresh trees with leaves. THE LORD struck the said tree immediately thereafter, so that the whole leaves fell from it, and the tree withered, never bearing leaf thereafter, remaining so for the space of two years; after which, being cut down, there sprang out of the very heart of the root thereof a *spring like unto BLOOD, popling up, running into several streams all over the root; and that for several years thereafter,*⁵ till the said Murderers or their favourers, perceiving that it was remarked by persons of all ranks resorting there to see this *Miracle*, they caused hock out the root,⁶ covering the whole with earth, which was full of the said matter like blood!’

There cannot be a doubt that the foregoing Case, monstrous and shocking in the extreme as it is, is merely an *improvement* upon the popular Superstition we have been considering; and the inference they wished to deduce from the whole matter is,—that ‘ *blood will have blood,*’—that God will not suffer Murder to pass over unavenged, even in this world;—and farther, that if man fails to discover guilt, the Almighty will, by *extraordinary* and even *miraculous* means, disclose the Murderer’s horrid secret.

¹ Green holly. ² *State Trials*, (old Edit.) III. 422, and VII. 379.—*Howell*, XI. 1380. ³ The persons thus mercilessly murdered by the commands of Argyll, and massacred by his followers, were thirty-six in number; who were hanged on this single tree, being ‘ special gentlemen of the name of *Lamond*, and vassals to *Sir James Lamond* of Innerin,’ (that Ik.) And on the same day, they ‘ Murdered with durks, and cut down with swords and pistols,’ a number of other unhappy creatures, among whom *John Lamond* in Auchinshalach, ‘ who being about the age of fourscore years, &c. they most cruelly and barbarously stabbed with *durks* and *skanes* at the ladder-foot.’ *The Provost of Rothesay* was shot through the body thrice, yet finding some life in him, they thrust at him with durks and skanes, and at last cut his throat with a long durk; others they cast into holes, their victims ‘ spurning and wrestling, whilst they were suffocated with earth; having denied to them any time to recommend themselves to God!’ These are part of the atrocities of the Marquis’s followers, detailed in the remarkable Dittay above alluded to; and besides this, they murdered and massacred a number of innocent *women*, and inhumanly left their bodies as a prey to ravenous beasts and fowls, and ‘ young and old, yea suckling children, some of them not one month old!’ The reader is referred to the *State Trials* for other particulars, which are too circumstantial to be enumerated here. ⁴ An ancient Castle on the Clyde, of which the Family of Argyle are still the nominal heritable Keepers. It has long since been razed with the ground. The *Dun*, on which it was situated, has a very peculiar and commanding form, and is a beautiful and picturesque object from the opposite coast, and from the river. The ‘ Kirk-yard’ is still surrounded by lofty trees. ⁵ *Ovid’s Metamorphoses* are a trifle to this; but still such execrable and almost blasphemous ravings were not only tolerated, but gravely *discussed* before Parliament! It ought, however, to be kept in mind that the fanaticism which then prevailed had a large share in producing this gross and shocking exhibition, which can only be viewed as solemn mockery of all judicial proceedings, and indeed of every thing sacred. ⁶ Dig up; extirpate.

Slaughter — Shooting of Pistolets, &c.

Jul. 24.—ALEXANDER DUMBAR, Younger of Kilbowak;¹ Robert Dumbar, his brother; Niniane Dumbar, sone to Williame Dumbar of Hemprigis; James Dumbar, sone to Gawin Dumbar, Archedeane of Murray; Thomas Falconer, seruitour to the said Alexander.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Alexander Dumbar of Waftfield (Scheref of Murray); committit the first day of Junij last: And contravening of the Actis of Parliament, in beiring and schuiting of pistolettis, &c.

PERSEWARIS.

Johnne Dumbar of Waftfield, as brother to the defunct; Sir Thomas Hammiltoun.

PRELOCUTOURIS for the Pannell.

Mr Johnne Ruffell, Mr Thomas Hoip, Mr Thomas Nicolfoun, Aduocatis; the Constable of Dundie, elder, the Laird of Monymusk, the Laird of Halkertoun.

The Justice, of consent of ather parteis, continewis this dyet to ffryday nixt. The Affyse wairnit *apud acta*, ilk persone, vnder the pane of twa hundreth merkis.

(Jul. 26.)—The Justice continewis this dyet, as ofbefoir, with consent of ather partie, to Wednisday nixt, &c.

(Jul. 31.)—The persewar passis *simpliciter* fra the persute of the persones on pannell; and is content that thai be put to libertie. Quhairupoune the pannell askit instrumentis.—Compeirit Patrik Dumbar of Blarie, and producet the Counfallis Warrant to the Justice, quhairof the tennour followis.

WARRANT for the *Dumbaris libertie*.

JUSTICE, Justice Clerk, and 5our deputis: Quhear as, Alexander Dumbar of Kilboyak,² (&c.) are to be presentit befor 5ow this present day, to vnderly the lawis for þe slauchter of vmq^{le} the Scheref of Murray: And We, vnderstanding that þe partie persewar will nocht insift in the persute of þir persones, bot ar content and will consent that þai be put to libertie and fredome: Thairfoir 5ow fall tak guid caution of thame, that þai fall compeir befor his Maiesteis Justice, the thrid day of þe nixt Justice-air of the scherefdome quhair þai duell,³ or soner vpon a fyftene dayis wairning, and vnderly þe law for the Slauchter foirfaid; vnder þe panes contenit in the Actis of Parliament: And this caution being fund, 5ow fall put them to libertie and fredome, and suffer þame pas quhair þai pleis: Quhairanent þir presentis fall be 5our Warrant. AT EDINBURGH, the last day of Julij, 1611.

AL. CANCELL^s. JO. PRESTOUN.

Patrik Dumbar of Blarie and Robert Falconer of Ballandro became cautione for thame, coniunctlie and feuerallie, to the effect aboue writtin.

THE Justice, according to the directioun of the former Warrant, ordanit the saidis persones on pannell to pas frie, and nocht to returne to the said Tolbuthe furth of the quhilk thai war brocht. Quhairupoune Alexander Clerk, ane of the Bailleis of Edinburgh, askit instrumentis.

¹ See Jul. 31, 1616.

² The rest of the names are recited.

³ Elgin.

Egyptians remaining within the Kingdom after Proclamation.

Jul. 31.—MOYSES FA, DAUID FA, ROBERT FA, and JOHNNE *alias* WILLIE FA, EGIPTIANIS.

Dilaittit for Abyding and remaining within this Kingdome, they being Egiptianis; contrair the tennour of the Actis of Parliament.

THE ÆGIPTIANIS DITTAY.

MOYSES FA, DAUID FA, and JOHNNE FA, 3e ar indytit and accuset; That quhair, be Act of Parliament haldin at Edinburgh the xxiiij day of Junij, the 3eir of God Im.Vj^c. and nyne 3eiris, it was statute and ordanit that all the vagabundis, foirneris² and cowmone thevis, cowmonlie callit EGIPTIANES, fould haif past furth pairof, and nevir returnet within þe samyn, eftir þe first day of August, the foirsaid 3eir of God Im.Vj^c. and nyne 3eiris, vnder the pane of deathe: And that it fould be leifum to all his Maiesteis guid subiectis, or ony of thamé, to caus tak, apprehend, impriffone, and execute to death, all maner of Egiptianis, alfewill men as wemen, as cowmone, notorious, and condempnet Thevis, only to be tryit be ane Assyse, that þai ar callit, knawin, repute, and haldin in⁵ Egiptianis: NOCHTPELES, 3e and ilk ane of 3ow being vagabundis, foirneris, cowmone thevis, repute, callit, and haldin Egiptianis, in contempt of his Maieftie and his Lawis, hes presumet to remane in this Kingdome, and hes nocht depairtit and abiddin furth pairof, sen þe said first day of August, þe 3eir of God Im.Vj^c. and nyne 3eiris foirsaid; bot be the contrair, 3e and ilk ane of 3ow hes remanet within this Kingdome, in contempt of þe said Act of Parliament, and ar notorioullie knawin to be Egiptianis, and sua repute and haldin: And pairfoir 3e and ilk ane of 3ow aucht to be demanit to þe death, and suffer þe panes pairof; conforme to the said Act of Parliament.

PERSEWAR, Mr Robert Foulis, substitute to our souerane lordis Aduocat.

The Pannell, viz. Moyfes Fa, producet ane Licence, grantit to him be the Counsell; quhilk the Aduocat acceptis, *in quantum*.—It is allegit be the Aduocat, that the conditiones specifeit in the Licence grantit to Moyfes Fa is nawayis keipit be the pannell, viz. that he fould find cautionn for fulfilling the perticular injuncciones specifeit in his Licence: Quhilk cautionn,⁴ for his nocht entrie afoir⁵ the Counsel, is vnlawit in the pane and penaltie of ane Thowseand pundis; and the cautioner being charget for payment to the Thesaurer of the said penaltie, hes past to the horne: And thairfoir, in respect of the wordis of the Act of Parliament, and of the nocht payment of the penaltie, as also in respect that the conditiones specifeit in the Licence is nocht keipit, the said Moyfes Faw hes fallin vnder the danger of the said Act of Parliament, and the pane of daith inflietit vpon him; and the remanent perfones, his complices, aucht and fould be pyneist to the daith, conforme to the said Act: And protestis for Wilfull Errorr aganis the Assyse, gif thai acquit, according to the said Act: And produces the Counfallis Act contrair the cautioner, quhair he wes vnlawit in the sowme;⁶ togidder with the Letteris of Hoirning vset aganis him: And repeittis the Depositionn of James Ballache, testifeing the said Moyfes being in companie and societie with the Egiptianis, and of his geving Band to the said James, for redressing of dyuerse Thiftis: And repeittis the Act of Parliament to the Assyse.

¹ See Jul. 19, 1616.
surety. ⁵ Before.

² Who forcibly take free quarters, &c.

³ As.

⁴ Cautioner;

⁶ The sum or amount.

THE Justice, nochtwithstanding of the allegiance proponit be the said Moyfes Fa, vpon the pretendit Licence producet be him; and in respect of the answeries maid thairto be the Aduocat, referrit the samyn Dittay to the knowlege and tryell of ane Assyse.

VERDICT. The Assyse all in ane voce, be the mouth of Williame Murehead, mercheand burges of Edinburgh, chancellor, ffind, pronuncet, and declairit the saidis Moyfes Fa, Daud Fa, Robert Fa, and Johnne *alias Willie* Fa, notoriouflic knawin to be Egypatianis, at the leif sua repute and haldin, to be ffylit, culpable, and convict of contravening the tennour of the said Act of Parliament, in thair contemptuous remaining and abyding within this kingdome, continuallie, sen the said first day of August, in the foirsaid yeir of God I^m. fax hundreth and nyne yeiris, expres contrair the tennour of the said Act.

SENTENCE. To be tane to the Burrow-mure of Edinburgh, and thair to be hangit quhill thai be deid: And all thair moveabill guidis and geir pertening to thame, to be escheit and inbrocht to our souerane lordis use, as culpable and convict, &c.

Abiding from the Raid of the Isles.

Sept. 17.—JOHNNE M^cMILLANE in Merkelloch, Johnne M^cMillane in Bank, and Cuthbert M^cmillane in Drumreifehe.

Dilaitit for contravening of his Maiesteis Proclamatioun, maid in the yeir of God I^m.Vj^c. and aucht yeiris, in nocht passing forward with his Maiesteis Lieutenant to the Raid of the Ilis.

For releif of thair Cautioneris, and in respect that thai thame felfis ar na ffriehalderis nor landit gentilmen, haifing nather landis nor rentis, bot ar removeable Tennentis, and sa nocht comprehendit vnder the saidis Proclamatioun, thay thairfoir compeirit this day and place, in the hour of caus, and offerit thame felfis to the Tryell of the Law, and to vnderly the rigour thairof, gif it war fund that thai war ony wayis comprehendit vnder the said Proclamatioun: And forder, offerit to mak the Kingis Maiestie assignay to thair hail landis and heritages within this realme, gif thai ony had, at that tyme. In respect of the quhilk premisses, and of thair compeirance this day and place, in the hour of caus, and offer maid be thame in maner aboue specifeit, thay Protestit for thair cautioneris releif; and that thai sould onnawayis be callit, charget, or trubillit for the said allegit cryme in ony tyme cuming.

Resset and Intercommuning with Mr Alexander Ruthven, &c.— Gowrie Conspiracy.

Nov. 7.—DAVID SPALDING of Effintullie.

Dilaitit of the tressonable Resset and Intercowmoning with Mr Alexander

Ruthven, sone to vmq^{le} Alexander Ruthven of Freland, and suppoirting of him with money and vther intertenement, he being his Maiesteis declairit Tratur, fforfalt in Parliament, and fugitiue, for airt and pairt of the treaffonable assist- ing and pairt-taking with JOHNNE, funtyme ERLE OF GOWRIE, Alexander Ruthven his brother, in the treffonable Conspiracie devyset aganis his Maieftie, at Perth, vpon the fyft day of August, 1600 yeiris.

THE Justice continewis this dyet to the fourt day of Marche, quhilk is the first Wednisday thair of : And ordanit the defender to find caution for his compeir- ance that day. *Plegio, Johanne Spalding de Innerrydray.*

PRELOCUTOURIS for the pannell, Mr Thomas Nicolfoun, Mr Andro Aytoun.

(Mar. 4, 1612.)—My Lord Advocat desyres that this mater may be con- tinewit to the tuentie day of Maij nixtocum, in respect that, be his Maiesteis Letter, directioun was gevin that probatioun sould be ministrat to the Assyse, of the pannellis giltines of the fact lybellit : And that, in the meane tyme, his Maieftie may be acquentit with the informeris flaknes in the perfute.

THE Justice continewis this matter to the tuentie day of Maij nixtocum. *Plegio, ut supra.*

PRELOCUTOURIS in defence.

Mr John Ruffell, Mr Andro Aytoun, Mr Thomas Nicolfoun, Mr James Oliphant.

(Maij 20, 1612.)—Compeirit Sir Thomas Hammiltoun of Byres, kny^t, Aduocat to our souerane lord, and declairit, that informatioun was gevin to him be his Maieftie, to follow furth this perfute aganis the pannell, his Informeris furneiffing probatioun in that matter, vtherways to desist : And in respect na diligence is vsed be the Informeris in this eirand, for fortherance of this perfute ; he thairfoir declairit, that he wald nocht insist in perfute of the pannell, at this tyme, bot desyret that the dyet sould desert.—Quhairupoun the pannell and his prelocutouris askit instrumentis, and protestit, that he be nocht callit, charget, or perfewit for the crymes aboue specifeit, in ony tyme cuming. And nochtwith- standing of the premisses, in respect of his innocence of the saidis allegit crymes, as he affirmet, offerit him selff instantlie to the tryell of the Law, disflassenting to all maner of continuatioun ; protesting also, that na Letteris be direct aganis him for the said Cryme in tyme cuming ; becaus this is the fourt dyet keipit be him in this matter.

Slaughter.

Nov. 8.—JOHNNE FARQUHARSOUN of Innerchald, Allaster Farquhar- foun, his brother, Donald Farquharfoun younger, Allaster Farquharfoun, his brother, James Farquharfoun in Achalater, Johnne Robertfoun of Straloch, *alias Barrone Reid*, Johnne Gairdin in Balliemoche, Findla Farquharfoun in Glenylay.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} James Clerk in Auldranie ; committit in anno 1610 yeiris.

Compeirit Thomas Sinclair indueller in Edinburgh, and Robert Auchinlek, wryter, as procuratouris, speciallie constitute be Elspeth Kow the relict, and be Andro Howie, now hir spous, for his entreis ; and be vertew of the Letter of Procuratorie grantit to thame, of the dait at Aberdene the third day of November instant, subscryuit be James Daidfoune and Mr Andro Clerk counoteris,¹ in name, and at command, of the said Elspeth and hir spous, past simpliciter fra the persute of the hail perfonen on pannell, &c.

The pannell protestis that thai nor name of thame be callit or persewit for the said allegit slaughte in ony tyme cuming.

Slaughter—Stouth-reif—Shooting of Culverings, &c.

Nov. 27.—WILLIAME FORBES of Monymusk.

Dilaitit, accuset, and persewit off the crymes following, viz.

FORSAMEKILL as vpon the nynt day of Maij, the 5eir of God I^m. Vc. fourfoir 5eiris, vmq^{le} Alexander Menzeis, sone to vmq^{le} Gilbert Menzeis of Culrie, Proveist of Aberdene, being directit be the said vmq^{le} Gilbert Menzeis of Culrie, his father, to vissie² ane Halk-nest appointit be him to haif bene keipit and preferuet to our fouerane lordis vse and plesoure,³ within the Craig⁴ of Findoun, pertening heritabillie to the said Gilbert Menzeis, oy⁵ to the said vmq^{le} Gilbert Menzeis of Culrie, lyand within the Scherefdom of Kincairdin ; the said vmq^{le} Alexander Menzeis, estir visitatioun of the samyn, and that he had ordanit the tennentis of the saidis landis of Findoun to geve verneft attendance to the keiping of the said halk-nest⁶ for his Maiesteis vse, as said is ; he being in fober and quyet maner returne- and thairfra, cumand agaitwardis to the burgle of Aberdene, trusting in the meane tyme na inquieta- tioun, truble, harme, nor iniurie to haif bene done to him, be ony perfonen ; bot to haif frelie past furth the hie way, as his lienes frie subiect, in respect that he had offendit na man, nather be word nor deid : Neuertheles it is of veritie, that the said Williame Forbes of Monymusk, accompaneit with Alexander Robertfoun, Thomas Dik, and Mylne, then his servendis, and vtheris thair complices, with convocatioun of our fouerane lordis legis, to the number of aucht perfonen, or thairby ; bodin in weir- lyk maner, with secreitis,⁷ steil-bonettis, gantiletis, fuordis, culveringis, and pistolettis, expresse prohibeit to be borne, worne, vsed vpon thair perfonen or in thair companeis, privatlie or oppinlie, outwith houffis, or sekote with, be the Actis of Parliament, vnder the panes thairin contenit ; vpon the said nynt day of May, the yeir of God foirsaid, the said Williame Forbes, with his complices, came tym- oullie in the moirning, befor the sone-ryfeing, to the Cairne⁸ of Loriestoun, lyand within the sche- refdome foirsaid, quhair thay darnet⁹ thamefelfis, maist obscuirly, behind the said Cairne, with thair

¹ Co-Notaries.

² Inspect.

³ King James VI., like many others of his ancestors of the Royal House of Stuart, was passionately fond of the sport of Hawking, and appears to have spared no expense in procuring the finest breeds, from various parts of Scotland (chiefly from the North of Scotland and from the Western Islands and Orkney.) The choicest kinds seem to have been brought from Denmark and Norway ; and, in many instances, the Falconers, who had trained them in those countries, were taken under the King's immediate protection and patronage.

⁴ Craig, a precipitous rock or crag.

⁵ Grandson ; *oe*.

⁶ The books of the Lord High Treasurer abound with entries of payments to men ' for watching a halkis-nest' at such a place, so as to secure the brood, and give timely notice when they were fledged and ready to take wing.

⁷ A shirt of chain-mail, secretly worn under the ordinary dress. ⁸ A heap or pile of stones, commonly erected on an eminence, which marks the place of sepulture of some remarkable persons. Cairns were often reared to preserve the memory of a remarkable Murder, &c.

⁹ Concealed ; hid.

chargit culveringis, placet vponc restis,¹ awaiting the said vmq^{le} Alexanderis bycuming, for his slauchter : Lyk as, thay lay at await for his slauchter behind the said Cairne, continuallie, fra befor the foueryfeing, quhill about aucht houris in the moirning; till at last, haifing perfauet the said vmq^{le} Alexander foliter, him self allane, in sober and quyet maner, cumand by the said cairne, thay, af thair restis, difchargit thair culveringis at him, or euir he was circumspect of thame; and thairwith schote him throw the heart and body with tua bullettis; and thairby, maift schamefullie, crewallie, and vnmercifullie slew him, upone fet purposis, prouifoun, be way of Brigancie,² in vmbefetting the lie way, and sfirthocht fellonie : AND nocht being fatisfeit thairwith, thay feing him fall doun deid with the said schote, thay incontinent thaireftir ruschet fordwaris to him, and with thair fuordis and quhingeris maift schamefullie, crewallie, and tirannoullie gaif the said Alexander nyne bludie woundis about his heart, nochtwithstanding that thay had persanet him lyand deid and flane be thame of befor : AS ALSO, at the samyn tyme, be way of stouthreif, staw,³ rest, and away tuik with thame his fuord, quhinger, cloik, and uther graith being vponc him; had and convoyit the samyn with thame, and disponit thairupoun at thair plesour : And the said Williame Forbes of Monymusk is airt and part of the said crewall Slauchter of the said vmq^{le} Alexander, and of the Maisterfull stouth-reif of his fuord, quhinger, cloik, and vtheris aboue writtin. FOR the quhillis, and for contravening the tennour of the said Act of Parliament, in beiring, weiring, and schuiting of the saidis Culveringis, dagis, and pistolettis, he aucht and fould be puneift, conforme to the Lawis of this realme.

PERSEWARIS, Gilbert Menzies of Pitfoddellis, as eldest brother-sonc; Sir Thomas Hammiltoun of Byres, kny^t, Aduocat, &c.; David Menzeis of Tilliepowreis, as brother.

PRELOCOUTOURIS in defence, My Lord of Mar, My Lord of Moirtoun, Mr Thomas Henderfoun, Mr Alexander Peiblis, Mr James Oliphant, Aduocattis.

Efter the reiding of the said Dittay and accusatioun of the said Williame Forbes of the saidis crymes, the Aduocat, with the pairteis persewaris aboue writtin, his informeris, befor all forder proces, past fra that article of the Summondis anent the ‘Stouth-reif,’ *pro loco et tempore* : As also declairit, that he wald nocht insift vponc that woird of the Dittay beiring ‘foirthocht fellonie :’ And adherit allanerlie⁴ to the Slauchter and committing thairof, in maner contenit in the Dittay, be schottis of hagbuttis and pistolettis; and in beiring and weiring of the saidis hagbuttis, contrair the Actis of Parliament : Quhairvponc instrumentis was tane be the said Williame Forbes of Monymusk and his prelocoutouris; quha, nochtwithstanding thairof, offerit thame selfis reddie to defend for the saidis crymes past fra. And as concerning the Slauchter aboue writtin and remanent crymes lybellit, allegit that the Justice could not put the samyn to the Tryell of ane Assyse, becaus nocht only had the said Williame obtenit tua feuerall Letteris of Slanes fra tua of the brether to the defunct, in respect of thair fatisfacioun contenit thairin; bot also, the Kingis Maiestie, of his special grace and mercie, hes, be his Letteris of Remiffioun, pardonit and remittit the said Williame Forbes of Monymusk for the saidis crymes : And for verificatioun

¹ When the culvering or musket was first introduced, the barrel was so heavy as to require a separate staff, called a *rest*, from which a deliberate aim could be taken. The circumstance of the culverings being placed upon their rests, is noted as an aggravation of the crime, and a strong proof of the malice of the parties. Specimens may be seen in *Grose*, or in the more recent publication of *Meyrick* on Ancient Armour, &c. ² Fr. *brigand, brigancie*. ³ Stole. ⁴ Alone; only.

thairof, producet tua feuerall Remiffiones, baith vnder the Grit Seill ; the ane, for the Slauchter aboue writtin, daitit vpon the xxvij day of Junij laft, and the vther, daitit vpon the first day of August laftbypaft, for beiring and weiring of the hagbuttis and piftolettis ; and vpon the productioun thairof askit instrumentis. To the quhilkis Remiffiones, and his Maieftis pardoun fet down thairin, the faid Williame Forbes tuik him selff, and offerit caution to fatisfie fa mony of the kyn and freindis of the faid vmq^{le} Alexander as ar nocht fatisfeit alreddie, according to the modificatioun of the Lordis of Sessioun, and thair Declaratour to be gevin thairintill.

Quhilkis tua Remiffiones, the Justice admittit ; and ordanit the faid Williame Forbes of Monymusk to find the faid Caution for the parteis satisfioun, in maner aboue specifreit : Quhairupoun the faid Williame Forbes askit instrumentis.

And for obedience of the faid Justice Ordinance, ffaid Williame Forbes of Port-Lethem cautionn with him self, coniunctlie and feuerallie, to fatisfie fa mony of the kyn and freindis of the faid vmq^{le} Alexander, as ar nocht fatisfeit alreddie, for the Slauchter aboue specifreit ; conforme to the modificatioun of the faidis Lordis of Sessioun, and thair declaratour to be gevin thairintill, as law will : Quhairupoun the faid Gilbert Menzeis of Pitfoddellis, as eldest brother-sonne, and the faid David Menzeis, as brother to the defunct, askit actis and instrumentis.

Murder under colour of Law—Drowning for a petty Crime, &c.

[THE Case which follows seems to have taken its origin from feelings of vindictive malevolence, on the part of a Notary in Lanark, a dependent of the Laird of Lee ; who, to gratify his base and revengeful temper, adopted the plan of conspiring against his patron's life and fortune, by accusing him of Murdering a poor man, under colour of Law ! This tale was so well got up, that the Lord Advocate entertained his complaint, and raised Criminal Letters against Lockhart. A more effectual channel was likewise made use of by Weir the Notary, who directly complained, through the Marquis of Hamilton, to the King, who was at all times accessible to such accusations of oppression ; from the double motive of desire to redress the wrongs of his injured subjects, and from his overmastering ' greed of filthy lucre : ' for many were the schemes resorted to by the British Solomon to enrich his coffers with the proceeds of the heaviest fines and pecuniary compositions which could be exacted, as peace-offerings, to appease his Majesty's inflexible justice ! A doubt having arisen in the mind of the Editor as to the truth of the accusation contained in the Criminal Record, he made a pretty extensive search, and has fortunately been enabled to trace the matter to its origin. Without proper vouchers having been produced, the reader would naturally have inferred, from a close inspection of the Record, that the Lord Advocate had been tampered with by some powerful friends of this influential Baron of Lee—and that Lockhart had been really guilty of the atrocious crime imputed to him by his accusers. The Letter from the Privy Council to the King, and the Deposition of Weir, which are appended, satisfactorily explain the matter, and clear the character of the Laird of Lee from the slightest suspicion on this score.]

Dec. 3.—JAMES LOKHART of Lie.

Dilaitit for Drowneing and puting violentlie to death of vmq^{le} James Watfone, in Aucheat-burne, and vtheris crymes specifreit in his Dittay.

In respect of the Advocate's absence, he protestis for relief of Johnne Lokhart of Bar his cautioner : And he farther protestet for relief of George Auchinlek of Balmanno, cautioner for ' his compeirance befor my Lord Justice and his deputis, in the Tolbuth of E^r, vpon the xx day of December instant, and that he be nocht haldin to compeir the said day,' &c.

Dec. 20.—Compeirit James Lokhart of Lie, quha proponit and declairit, fforfamekill as he being charget, &c., in the moneth of October lastbypast, to find cautionn to haif compeirit befor the Justice or his deputis, vpon the saxt day of November thairefter, now lastbypast, in the hour of caus, to haif vnderlyne the Law for the allegit Murthour and putting to death of v^mq^{le} James Watfone, vnder cullour of Law ; as he that was convict of sic meane crymes, as, be the Lawes of this realme, the dome of death could nocht be inflicted vpon ; and for certane vtheris allegit crymes, at lenth specifit in the Letteris direct thair-ament. The said James Lokhart of Lie, the tyme of the geving of the said charge, being furth of this realme, in the pairtis of Ingland, yit nevertheles, be the advyse of his freindis, in his absence, efter knowlege gevin to thame of the said charge, and for eschewing of the danger of Hoirning contenit in the saidis Letteris, in caice of disobediencie, George Afflek of Balmanno became cautioner for his entrie, the said saxt day of November, to vnderly the Law for the saidis crymes ; at the quhilk day, the said George Afflek haifing, in respect of the said Laird of Leyis nocht returning, obtenit of the Lordis of Sessioun thair Lordschipis Warrant, direct to the Justice, for continuatioun of the dyet that day, to this present day : The Justice, for obedience of the said Warrant, of consent of my lord Aduocat, personallie present that day, as persewar, continewit the said dyet to this day. Lykas, the said George Afflek than become cautionn, &c.

In respect that my lord Aduocat nor na vther pairtie compeirit this day and place, as persewaris, to insift in his persute, being oft tymes callit to that effect, thairfoir Protestit for releif of the said George, &c. Quhilk Protestatioun the Justice admittit : Quhairupoun the said Laird of Lie askit instrumentis.

I. LETTER, *the Privy Council of Scotland* to THE KING.

MOST GRACIOUS AND SACRED SOUERANE,

ACCORDING vnto your Maieftie's directionn, send vnto me, for trying of those contradictorie informationis maid to your Maieftie be the MARQUES OF HAMMILTOUN¹ and THE LAIRD OF LEE, anent the executioun of *vmquhile James Watfoun*, and setting to libertie of *Jannet Forreft*, his spous, I caufit warne the Marques and the Laird of Lie to compeir this day, for iustifeeing of thair informationis. The

¹ James, *second* Marquis of Hamilton, a nobleman high in favour with the King, who granted him the Abbey of Aberbrothock, which was erected into a temporal Lordship, appointed him a Privy Councillor, one of the Gentlemen of the Bed-Chamber, Lord Steward of the Household—and subsequently, created him an English Peer, with the titles of Baron Ennerdale, and Earl of Cambridge, Jun. 16, 1619. Besides other great appointments, he was High Commissioner to the Parliament at Edinburgh, August 4, 1621, and was installed Knight of the Garter, Jul. 7, 1623. He died at Whitehall, Mar. 2, 1624-5, ætat. 36. He married Lady Anne Cuninghame, fourth daughter of James, *seventh* Earl of Glencairn.

Marques comperit be Sir Jolme Hammiltoun, his brother, who affermed, that Jedeone Weir, notair in Lanerk, and Clerk of the proces led againis the said vmq^{le} James Watfoun, declairit and shew vnto the Marques, that this Watfone and his spous wer onlie callit and convict, and Watfoun execute, for steilling of ane lamb, and that the wyffe, after her convictioun, wes sett at libertie. And for verificatioun of this his affermatioun, he exhibite the said Jedeone Weir; who, vpoun examinatioun, confessit that he had gevin this informatioun to the Marques, as alwa to your Maiesteis Aduocat, the tyme of the raising of the Criminall Letteris aganis Lie; as your Maiesteie, be his Depositioun, heirwith fend vp, will perfaue. The Laird of Lie compeirand, affermed constantlie, that this Watfoun wes callit and convict, vpoun his awin judiciall Confessioun; and accordingleie execute, for the steilling of nyne scheepe. And for verificatioun heirof, he produceit the proces, writtin every worde with Jedeone Weiris awne hand; whilk, being showne vnto him, he could not deny the same.

This is all that hes bene tryit in this mater; whairby it appeiris, that the Marques hes bene abusid¹ be the said Jedeone Weir, who, vpoun some priuat passioun and miscontentment aganis the Laird of Lie, maid this informatioun. And as for the wyffe, thair wes no thing verifeit aganis hir, bot the stealing of ane lamb, confessit be hir self. Whairpoun she wes dimittit,² in respect that the Assise could gif no verdite aganis hir. At this examinatioun, I wes assistid be the Archiebischop of Glasgw,³ the Erll of Glencairne,⁴ the Lord of Scone,⁵ the President,⁶ Preuie Seill,⁷ Secretair,⁸ Justice Clerk,⁹ Aduocat,¹⁰ and Sir Robert Meluill,¹¹ who all thocht meete that Warrant and directiounould be gevin for deserting of the dyet appointit for the Laird of Lies tryale; whilk accordingleie wes done, whilk the forder knowledge of your Mat^{ies} gracious will and pleafour heirament, whairvnto I fall conforme my telff. And so, with my humble and hartie prayeris vnto God, recommending your sacred Mat^{ie} and all your royall progenye to his faderlie and devyne protectioun, I rest for ever,

Your Maiesteis most humble and obedyent subiect and seruitour,

(EDINBURGH), 28 Nouember, 1611.

DUNFERMELINE.

TO THE KING his most sacred Majestie.

II. ' JEDEAN WEIR, his DEPOSITIOUN, 27 Nouemb. 1611, anent Laird Lie Lockhard,'
referred to in the foregoing Letter.

JEDEONE WEIR, notair in Lanerk, sworne, and demandit vpoun the forme and maner of the Dittay and accusatioun of vmqhile *James Watfoun* in Lie Mure, and Jonnet Forrest, his spous, and of the convictioun and executioun following thairpoun: Deponis, that the said vmqhile James and his spous wer only callit and persewit for the stealing of ane lamb; and that thay wer convict thairof: And that the said James Watfoun wes drownit for the stealing of the lamb; and that the said Jonnet Forrest, his spous, wes sett at libertie: And that this Deponer wes Clerk of the proces; and that the proces is writtin with his awne hand: And this he deponis, so fer as his memorie seruis him. And deponis, that he gais this informatioun to the Marques of Hammiltoun, as alwa to Sir Thomas Hammiltoun of Byris, knight, his Maiesteis Aduocat.

TENET *cum principali*, J. PRYMOIS.

Chest—Falset (Forgery)—Imposture—Perjury, &c.

Dec. 12.—DAVID DONALDSOUN, chopman in the Cannogait.

Duped; imposed upon. ² Dismissed *simpliciter* from the bar. ³ John Spotiswood, the Church Historian, &c. ⁴ James, seventh Earl of Glencairn. ⁵ David, first Lord Scone, who, while he was Sir David Murray of Gospertie, was successively Cup-bearer, Master of the Horse, Captain of the King's Guard, and Comptroller. For the share he had in rendering the King so essential service, on occasion of Gowrie's Conspiracy, he got the Barony of Ruthven, with the Abbacy of Scone, which last was erected into a temporal Lordship; and he was afterwards created Viscount of Stormont. ⁶ John Presten of Fenton Barns, President of the College of Justice. ⁷ Sir Richard Cokburn of Clerkington. ⁸ Sir Thomas Hamilton, afterwards Earl of Haddington. ⁹ Sir John Cokburn of Ormistoun. ¹⁰ Sir Thomas Hamilton. ¹¹ Of Bruntisland, one of the Extraordinary Lords of Session.

Dilaitit of the ffalfiefeing, fforgeing, and counterfuteing of ane fals Assignatioun, &c. fpecifeit in his Dittay following.

PERSEWARIS.

Sir Thomas Hammiltoun of Byres, kny^t, Johnne Alfhunder,¹ indueller in the Cannogait.

DAVID DONALDSOUN, chopman in the Cannogait, 3e ar indytit and accuset, fforfamekill as 3e, haifing ingyret² 3ourfelf in the acquentance of Johnne Alschander, indueller in the Cannogait, ane puir, aged, fimple³ man, wanting childrene and freindis;⁴ of fet purpos to mak 3our advantage, vnlauchfullie, of him, and to defraud him of that fmall portioun of geir quhilk refted⁵ to him for his intertenement,⁶ in his decriped and decayed age; and be 3our flatteris and fubtelteis, promeffing to him 3our affiftance in his actiones and effairis, with his intertenement in 3our houfe; haifing pairby obtenit of him credeit to handill and pervyfe his writtis and eidentis; 3e, in the moneth of September, or pairby, in the 3eir of God I^m.Vj^c. and ellevin 3eiris, thiftiouflic flaw and conceillit frome him, and retaynit in 3our handis, tua Obligationis maid to him; the ane pairof, of the dait the xxj day of Januar, I^m.V^c.lxxxxvij 3eiris, quhairby Johnne 3oung in Dudingftoun was obleift to pay to him the fowme of ane hundreth pundis, and fail3eing pairof to infest him (in) ane annuel-rent; and the vper, of the dait the fyft day of Februare, I^m.Vj^c. and ten 3eiris, quhairby Johnne and Thomas Carffis was bund to the faid Johnne Alschunder to pay to him 3e fowme of ane hundreth and tuelf pundis: And redelyuering to him 3e rest of his writtis, 3e affirnet to him, that 3e had delyuerit to him his hail writtis and eidentis. AND eftir that 3e had thiftiouflic ftowin fra him his faidis Obligationis, in maner and at 3e tyme aboue fpecifeit, and had confiderit with 3our felf that 3e faidis Obligationes wald be vnprofitable to 3ow vnles 3e war maid assignay pairto, and knawing alfo that 3e puir man was nocht altogidder fo fenfles as to denude him felf of his hail guidis, geir, obligationes, and dettis in 3our fauour, being ane ftranger, to quhome he was nawayis obleift, and quhome he had no reffone to trust with his hail moyane and eftait; 3e, falllic, wicketlic, and effrontellie refoluet to fforge, counterfute, and ffalfiefie to 3our felf and 3our awiu behuife ane Assignatioun to the faid Johnne Alschunderis foirfaidis Obligationes and hail remanent guidis and geir: ffor performeance quhairof, knawing that 3e behovet to haif 3e affiftance of fum man quho wald tak vpone him 3e name and represent the perfonage of the faid Johnne Alschunder, 3e firft delt with Ramfay, ane aged begger, to play that perfonage; and eftir 3e had craftillie intyfed him to confent pairto, 3it foirfeing⁷ with 3our felf the grit and mony

¹ Alexander. ² To ingratiate, by artifice and circumvention. From Lat. *in*, and *gyro*, to twist or turn round; to entwine, &c. ³ Weak; facile. ⁴ Childless, and having no blood-relations, &c. to care for him in his old age. ⁵ Remained. ⁶ Livelihood; maintenance. ⁷ Foreseeing

differences, in fauour and stature,¹ betuix him and þe said Johnne Alschunder, wald easlie bewray ʒour falsset, ʒe delt with Cuthbert, cordiner in the Kowgait, quha haifing refuifet to be actour in so pernicious and wiked ane interpryse, at last ʒe delt with Johnne Henrie, cobler in the Cannogait, and finding him bothe fit and willing to play the pairt of so damnable a tragedie, and knawing that gif his face fould be sene bare and vncoverit, it wald be paireftir easlie discoverid, that he haifing the sicht of bothe his eyis nicht easlie be discernit from Johnne Alschunder, quho is blind of one of his eyis, ʒe causit þe said Johnne Henrie cover one of his eyis and þe syde of his face with ane blak clothe, vpon the tuelf day of November lastbypast, and than informet him sufficientlie of all the circumstances necessar to be vsed be him in the representatioun of the persone of the said Johnne Alschunder, for accomplieffing ʒour wicket, pernicious, and fals purposis: And immediatlie paireftir, convoyit him with ʒow to the toun of Leith; and þair travellit with Patrik Glasfurd, notter, to forme ane Assignatioun to ʒow of the foirsaidis Bandis, and of the said Johnne Alschunderis haill remanent guidis; quhilk being done at ʒour desyre, ʒe paireftir convoyit the said Johnne Henrie, cobler, to þe wryting-buithe of the said Patrik Glasfurd in Leyth, in quhais prefens, and in þe prefens of Archibald Norwell, connotour,² and dynerse honest witnesses, altogidder ignorant and innocent of ʒour false, disfaueabill, and wicket purposis, the said Johnne Henrie, cobler, quhome ʒe supposed in place of þe said Johnne Alschunder, and quho, of ʒour speciall causeing, command, counsell and persuasioun, taking vpon him, falselie and mischantlie,³ þe name and personage of þe said Johnne Alschunder, gaif command to the saidis connoteris to subscriue to ʒow and in ʒour fauouris the foirsaid Assignatioun⁴ to the said Johnne Alschunderis Obligationes and guidis. Quhilk being done, and subscriuit be þe saidis Notteris and witnesses insert; and þe Notteris, for dischairge of þair deutie, haifing proponit to ʒow, that resson and conscience requyret that ʒe fould provyde for þe pure auld man Johnne Alschunderis intertenement, during his lyfityme, ʒe consented that þai fould forme ane Bak-Band, obleiffand ʒow to him to þat effect, during his lyfityme; quhilk ʒe subscriued and delyuered to the said Johnne Henrie, affirmeing him self falllie to be the said Johnne Alschunder: AND schortlie paireftir ʒe causet registrat the foirsaidis Obligationnes, and gaif in the said Assignatioun to the Register; and

¹ In point of looks, complexion, personal appearance, and stature. ² Co-Notary. ³ From O. Fr. *meschant*, wicked, worthless, &c. ⁴ By the Law of Scotland, blind or maimed persons, and those who cannot write, may execute Last-wills and deeds of the greatest importance and solemnity, through the medium of two Public Notaries, who, in presence of four or more witnesses, read over and explain the nature of the Deed to be then completed; and on getting the instructions of the party, write out an official and Notarial schedule, or '*docquet*,' as it is called, attesting the fact, and stating precisely the reason of their being called upon to subscribe the deed in question. On the Notaries adhibiting their official signatures—the witnesses likewise, in attestation of the fact, subscribing their names—the writing is perfectly valid in Law.

pairupoun and vpone the said fals Assignatioun 3e raifet Letteris of Poinding and Intromiffioun, and fallie, wicketlie, and thiftiouflic mellit¹ and intromettit with fourtene fcheip pertening to the said Johnne Alschunder, flew and difpouit vpone tua of thame, fauld and difpouit vpone the reft, and waifed and confumed the price pairof in fatifeing the gluttonie of 3our deboifched² affociattis: AND being callit befor þe Lordis of Secretit Counfell, 3e abaid at þe verritie of the said Assignatioun, vpone 3our grit aith, and vpone the perrell of 3our lyfe: LYKAS, 3e haifing abiddin þairat, in prefens of the Lordis of Seffioun, and periuredlie avowed the fame to be ane trew evident, eftir that be þair dilligence in 3our Examinatioun, 3e was put frome all cullour of iuftifeing pairof, 3it 3e maliciouflic and impudentlie preifed to cleir 3our felff, and bring wrangus imputatioun pairof vpone 3our innocent wyfe and hir ffather. QUHAIRBY, 3e haif committed the crymes of Thift, Impofture, Periurie, Falfet, and Diffaitful fuppositioun of ane counterfute perfonage, fallie, wicketlie and diffaueabillie to affume and vfurpe the name and perfonage of the said Johnne Alschunder, to his diffait, preiudice, and manifft oppreffion, in maner aboue writtin. For the quhilk, 3e aucht to be exemplarlie puneifchet, as ane Theif, abufear, impofture, and periured falfer, and perfuader of ane pernicious villane to vfurpe, affume, and tak vpone him the name and perfonage of ane of his Maieftis trew fubiectis, for his diffait and ouerthrow.

THE perfones of Affyfe being chofin, fuorne, and admittit, eftir accusatioun of new agane of the said Dauid Donaldfoun, be Dittay, in thair prefens and audience, of the crymes aboue writtin, and eftir production to thame, be our said fouerane lordis Aduocat, of ane Decreit of the Lordis of Seffioun, of the dait the elleuint day of December instant, ffinding and declairing the foirfaid Assignatioun allegit, maid and grantit to the said Dauid Donaldfone be the said Johnne Alschunder, in maner fpecifeit in his Dittay, to be ffals and fenzeit in the felf, forget, and devyfet be the said Dauid; and thairfoir, decerning and ordaning him to be puneifchet in his perfone and guidis thairfoir with all rigour, in exampill of vtheris.

VERDICT. The Affyfe, be the mouth of Johnne Mathie, bonat-maker, chancellor, ffand, pronuncet and declairit the said Dauid Donaldfoune to be Giltie, culpable, and convict of the crymes of Thift, Impofture, Periurie, Falfet, and Diffaitful fuppositioun of the said Johnne Henrie, cobbler, ane counterfute knaif, fallie, wicketlie and diffaueabillie to affume and vfurpe the name and perfonage of the said Johnne Alschunder, ane pur, aget, fimple man, to his diffait, preiudice, and manifft Oppreffion; in maner fpecifeit and at lenth fett down in the said Dittay.

¹ O. Fr. *mesler*, to intermeddle, &c.

² O. Fr. *desbauché*, debauched, worthless, &c.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair to be hangit vpon ane gibbet, quhill he be deid; and his hail moveable guidis and geir to be efcheit and inbrocht to our fouerane lordis vse, as culpable and convict of the saidis crymes:—And lykwayis, Ordanit thir woirdis, ‘FOR THIFT, FOR FALSET, FOR IMPOSTURE, AND PERIURIE,’ to be writtin in grit letteris vpon tua feuerall paperis, and affixt, ane vpon his bak, the vther vpon his breift, the tyme of his executioun. Quhilk was pronuncet for Dome.

[*Sir Williame Heart, Justice-Depute.*]

ASSESSORES nominat to the Justice be the Lordis of Secreit Counsell.

Mr Johnne Prestoun of Pennicuik, Prefident of the Colledge of Justice; Sir Richard Cokburne of Clarkingtoun, Lord Previe Seall; Sir Alexander Drummond of Medope; Mr Williame Oliphant of Newtown.

‘Invasion’—Taking Captive—Wearing Hagbuts, &c.

Dec. 21.—WILLIAME DOUGLAS, Younger of Drumlanerig.¹

Dilaitit of the Invaiding and persewing of Williame Kirkpatrick of Kirkmichell; and for Vfurpatioun of our fouerane lordis royall pouer and authoritie, in taking him Captive and Priffoner at Dressitland, and thairfra transpoirting him to the place of Drumlanerig, quhair he was detenit; and keiping him in cloise priffone, within the Tour of Drumlanerig, for the space of sax or sevin dayis, or thairby, he being our fouerane lordis frie lege; committit vpon the fyftene day of July, 1610 yeiris: And for contravening of our fouerane lordis Actis of Parliament, in beiring and weiring of hagbuttis and pistolettis.

PERSEWARIS, Williame Kirkpatrick, appeirand of Kirkmichell; Sir Thomas Hammiltoun of Byres, kny^t. PRELOCOUTOURIS in defence, Mr Alexander King, Mr Thomas Hoip, Aduocatis; my Lord of Angus; my Lord of Wigtoun; Sir James Douglas elder of Drumlanerig; my Lord Sanquhar.

It is allegit—na proces at Kirmichellis instance, becaus he is rebell; and producet the Hoirning for verificatioun thairof, at the instance of the Laird of Cloisburne elder, for nocht payment of the pryces of certane victuall. It is ansuerit, aucht to be repellit, in respect he is relaxt; and producet the Relaxatioun thairupoune.—It is forder allegit, that he is at the horne for nocht payment of the Taxatioune.—Thaireftir, my Lord Aduocat declairit that he had Warrant of his Maiestie to persew, and conforme thairto, declairit he wald infit in the pannellis persute, for the crymes contenit in the summondis.

It is allegit be my Lord Aduocat, that this Hoirning for the Taxatioun aganis Kirkmichell can nocht debar him to persew, becaus, be Act of Parliament, in anno 1597, it is appointit that all Hoirningis execute aganis ony pairtie, fall ather be producet judiciallie, or in presens of ane Notter and foure witnesses: And trew it is, that the Regiftratioun thairof is contrair to the said Act. It is

¹ See the Case of Alexander Kirkpatrick, sone to Sir Thomas K. of Cloisburne, kny^t, Jun. 28, 1611.

anfuert that the Act of Parliament in anno 1597 is tane away by a posteriour Act of Parliament, viz. in anno 1600.—It is allegit be my Lord Aduocat, that this Hoirning is nocht competent in the perfone of the pannell, feing it is nocht execute at the pannellis instance for ane criminall caufe; and forder, the pairtie perfewar is relaxt, albeit he haif nocht his Relaxatioun vpoun him. It is anfuert, it is verrie competent to allege na proces at the instance of the perfewar, fa lang as he standis rebell.

THE Justice, with advyse of the Assessoris, ffindis na proces at the instance of Kirkmichell, fa lang as he standis rebell, vnrelaxt.—Quhairupoun the pannell askit instrumentis.

My Lord Aduocat declairis he infistis, for his Maiesteis intreis, in perfute: quhairupoun the pannell askit instrumentis.

It is allegit, that my Lord Aduocat man (*must*) condiscend in the Summondis: *Firft*, that the pannell, anent the beiring of Pistolettis, thai war borne on his perfone: *Secundo*, gif thai war borne in his companie, man¹ condiscend vpone that perfone: *Tercio, non fuit dolo*, becaus gif any was borne in his cumpany, it was by² his knowlege.—It is anfuert, aucht to be repellit, in respect of the Summondis beiring that the Laird of Drumlangrig and his complices, at the leift ane or vther of thame, buir pistolettis at the tyme lybellit, viz. thais quha ar exprefit in the Summondis, and euerie ane of thame, at the leift ane or vther of thame.

THE Justice, with advyse of the Assessoris, ffindis the summondis, as thai ar fett down, to be relevant, beiring that the pannell, with thair complices, lurkit and darnit³ thame felfis in maner lybellit.—Quhairupoun my Lord Aduocat askit instrumentis.

It is allegit, that the pannell can nocht be convenit for *Williame Douglas of Reidhous*, becaufe the said Williame, being convenit for pistolettis afoir the Counsell, was fynet be the Counsell thairfoir; and producet ane Decreit of Counsell, for verifeing thairof: And in respect of the Act of Parliament, in anno 1600, can nocht be perfewit afoir the Justice, for that cryme, of new agane.—It is anfuert, aucht to be repellit, in respect of the Summondis. It is allegit, that Williame Douglas being perfewit at the instance of the pannell, befoir the Counsell, for bering of pistolettis, and the (injury) done to the pannell the tyme lybellit; as the Decreitis beiris: It is thairby tryt,⁴ that the beiring thairof was in Kirkmichellis companie, and nocht in the pannellis company: *Secundo*, feing Douglas is fynet befoir the Counsell fen that cryme, as be the said posteriour Act of Parliament he fuld nocht be of new perfewit befoir the Justice for that cryme, *per consequentiam* the pannell can nocht be perfewit as haifing Douglas in his companie.—It is anfuert be the Aduocat, that it is a verrie evill consequence,⁵

¹ Must. ² Without; contrary to. ³ Concealed; hid. ⁴ Decided. ⁵ A very false conclusion.

and the allegiance aucht to be repellit, in respect of the Summondis.—It is allegit for *Hob Hunter*, that he was deid before the tyme lybellit; quhilk he offeris to preve, be Witnesfes present at the bar.—It is anfuerit, that that probatioun can nocht be reffaut, bot man be tryit be the Affyse.—It is allegit that the Summondis is nocht relevant, except the perfones contenit in the Summondis war the pannellis houshald ferwandis, or cum furth of his houfe with him, be his directioun, and that thai¹ war borne *ex mea scientia*: And that na fact or deid is done with pistolettis to the hurt of ony perfone, quhilk is nocht exprest in the Summondis.—It is anfuerit, aucht to be repellit, in respect of the Act of Parliament and Dittay foundit thairupoun: And forder, seeing the lyk perfute hes oft tymes bene decydet and fund relevant in this Judgement ofbefoir, desyres my lord Justice to advert thairvnto.—It is anfuerit be the pannell, that the preceis wordis of the Law is not to be respectit, bot *anima et ratio legis*, for the Law-maker is nocht to punice perfones for haifing pistolettis in thair cumpany by² thair knowlege, bot³ the breker of the Law be schuting of pistolettis, and beiring of thame of purposis to offend thairwith.—Anfueris the Aduocat, aucht to be repellit, in respect of the Act of Parliament, quhairto he referris him self.

THE Justice, with advyse of the Affessouris, Repellis the allegiances, in respect of the lybell as it is fet down, except for *Reidhous*, quhilk the Justice continewis that matter quhill⁴ the Counsell be advyfet thairwith.

It is forder alleget for the pannell, that feing the Judge has ffund the Dittay relevant, in respect he and his complices darnit and lurkit in maner lybellit; that thairfoir, the pannell can nocht be convenit for *Williame Douglas* beiring of pistolettis; becaus it is cleir, be the Decreit of Counsell producet, that *Reidhous* wes vpon the Ball-grene, playing with him, Kirkmichell, the hail lycht, and sa possibillie could nocht be darnit ofbefoir in the leght; and the perfewer is nocht able to afferme that thai war darnit eftir the boilspell⁵ dissoluit.—It is anfuerit be the Aduocat, it is nawayis contrair, feing *Williame Douglas* mycht haif bene in Kirkmichellis company afoir none, and with the pannell (efter none).

It is allegit be the pannell, that the taking of ane man is nocht capitall, bot is only perfewit as ane Ryote befoir the Counsell; and producet tua practikis⁶ led afoir the Counsell for the lyk cryme.—It is anfuerit, aucht to be repellit, in respect of the cowmoun Law and practik obseruit befoir the Justice in the lyk perfutes ofbefoir: Repeittis *Dumbrekis* practik, M^cgregouris, and Fintreis for verifeing thairof.—It is anfaerit, for *Dumbrekis* practik, that he is nocht fa

¹ Viz. the pistols.

² Without.

³ Unless.

⁴ Until.

⁵ After the party broke

up. This term is commonly written and pronounced *Bonspeil*, signifying a contest between two parishes or parties at 'curling' on the ice, archery, golf, &c. It is likely, in the present instance, to have been a match at 'golf,' or, more probably, *foot-ball*, both of them favourite games in Scotland. The *Ball-green* favours this conjecture.

⁶ Decisions; instances; parallel cases.

mekill convict for taking of the Kingis frie lege, as for Thift and Stouthe-reif; quhilk he referris to his convictioun.—It is allegit be the Aduocat, that *Dumbrek* is convict of Treffone, for the taking and detening of Meldrum of Aquhorteis, and Andro Meldrum his brother. Allegis the lyk for *M^cGregouris*, quha war bayth convict and put to the death for the faidis crymes: And as for *Fintrie*, the Summondis was ffund relevant, albeit he was abfoluet be þe Affyfe.—It is anfuerit be the pannell, thair was ma¹ cryme conioynet in thair Dittayis, nor² fimple Taking only, and mair nor ane Taking; and the Law Ordanis *exercitium Privati carceris*, only to be ane cryme, loco, ‘*Jubens, codice, de Privatis carceribus, et Baldus ibid.*: Quhilk Law is also derogait be ane posteriour Law in that famyn Title, be quhilk (*exercitium privati carceris*) is only punifchet *pena* and the praetyk of³ is only to puneife *pena pecuniaria*; and allegit Julius Clarus.⁴

It is allegit, the Laird of Kirkmichell, the tyme of his taking lybellit, was at the horne, and be vertew of Letters of Captioun, was tane be the Scheref of the fchyre, quhome the pannell affistit allanerlie⁵ in the Taking: And producet the Hoirning and Letteris of Captioun, be the quhilk the Scheref-Depute, Robert Creichtoun, was charget to tak him, being rebell. It is anfuerit, that the allegiance aucht to be repellit, in respect the Letteris quhairupoun the Laird of Kirkmichell is denuncet war suspendit *simpliciter, in foro contradictorio*, and he relaxt be the fpace of ane half yeir of befoir.—It is allegit be the pannell, that the tyme of Kirkmichellis taking, thair was na Relaxatioun fchawin, and na knowlege was gevin of his Relaxatioun to the Schireff; and fa he was *in optima fide* in taking of the Kingis rebell, nocht knawin to him to be relaxt: And forder producet ane Act, quhair Robert Creichtoun was constitute Scheref-depute. It is forder allegit, that gif the Scheref had been perfewit for Taking of the Kingis fre lege, nocht knawn to him to be relaxt, bot charget to tak him; as na Dittay could be relevant aganis him, in lyk manner, na proces aganis the pannell for being in his companie, and affisting the Scheref at that tyme.—It is anfuerit, aucht to be repellit, in respect of the Summondis, Decreit fufpending the Hoirning, and Relaxatioun producet; and the lybell beiring that Young Druulanerig and his complices hurt and woundit Robert Creichtoun for ftaying them to flay Kirkmichell; and fua can nevir allege that thai affistit him in execution of his office.

It is forder allegit, that this Dittay can nocht be comptit ane cryme, in respect the perfone tane was the Kingis rebell; and for verifeing thair of, repeittis the Hoirning producet for nocht payment of the Taxation; and thairfoir the Dittay can nocht be put to ane Affyfe: Quhilk Hoirning is daitit the xj of Februar

¹ More. ² Than. ³ Obliterated in Record. ⁴ An old Commentator. ⁵ Only; merely.

1601. It is anfuerit, that it is nocht onlie for Taking of the Kingis frie lege that the pannell is conuenit, bot for Vfurpatioun of the Kingis authoritie.—It is allegit, that exécept the perfone tane, the tyme of his taking, had bene the Kingis frie lege, it can nocht be fund that the pannell vfurpiti the Kingis authoritie.—It is anfuerit, that the taking of ony perfone but¹ Commiffioun of the Prince is Vfurpatioun of the Kingis authoritie, quhidder he be rebell or nocht.

THE Justice continewis, with advyfe of his Affeffouris, Interlocutour vpon the former allegeances to Tyfday nixt.

It is forder allegit, that as of the Law, *bannitus potest impune occidi, sic multo fortius capi et incarcerari*; quhilk is exprefflie decydit be Baldus, in the foir-faid Law ‘*Jubens*,’ codice ‘*de Privatis carceribus*,’ numero finali: And be Julius Clarus, L. *sententiarum* § *Homicidio*.—It is anfuerit be the Aduocat, that *Banniti*, of the Cowmoun Law, was only thay quha war declairit rebellis for ane capitall cryme.—It is duplyit for the pannell, that of the Ciuill Law, that *Banniti* war alfweill rebellis for crymes, as for pecuniall fowmes; and for preving thairof citit Julius Clarus, L. *sententiarum* § *Homicidium*.

THE Justice Continewis Interlocutour, with advyfe of his Affeffouris, to Tyfday nixt.²

Dec. 24.—Compeirit Williame Douglas, younger of Drumlanerig, quha declairit that he offerit him felf reddie to anfuer and abyd tryell vpon the Summondis and Dittay, at the instance of his hienes Aduocat: And als, is content, that nochtwithftanding the Laird of Kirkmichell be rebell, and was declarit be Hoirning the laft dyet, to pas fra the faid Hoirning vset aganis him, and that he haif place and perfone to ftand in Judgement aganis him, and to infift in his perfute on the Summondis and Dittay producet aganis him: And in respect thairof, the pannell defyret my Lord Justice to pronunce Interlocutour vpon the allegeances and anfueris maid in this caus vpon Setterday laft, quhilk was the laft dyet of this proces.

THE Justice Defertis this dyet, and that in respect that my lord Aduocat and the Laird of Kirkmichell, parteis perfewaris, quha war oft tymes callit to infift in this perfute, compeirit nocht to that effect.—Quhairupone the pannell askit instrumentis; and that nochtwithftanding thairof, he offerit him felf to defend according to the Law, for the haill crymes contenit in the Dittay.

(Apr. 24, 1612.)—MY Lord Aduocat declairit that he wald infift for baithe the crymes contenit in the Summondis, alfweill for taking and incarceration, as beiring and weiring of piftolettis.—The pannell, ffor cleiring of his In-

¹ Without. ² [On the margin of the Record,] “This haill proces preceeding, be ane Act maid vpon the xxiiij day of Apryle, 1612, is be the Justice, with advyfe of the Lordis of Secretit Counfell, ordanit to be deletit furth of the Buikis of Adiornall,” &c.

nocencie of the first pairt of the Summondis, concerning the taking of the Laird of Kirkmichell, &c., producet ane Letter, subscryuit be the Laird of Kirkmichell, and certane famous Witnesfes; quhair of the tennour followis.

I, WILLIAM KIRKPATRICK, appeirand¹ of Kirkmichell, Testifeis and declairis, that þe tyme I went with Young Drumlanerig to the place þair of, quhilk was vpon the xv day of July, I^m.Vj^c. and ten zeiris, it was at my speciall desyre to gang with him, for eschewing of farther inconvenient to my brother and sic vtheris as war in my companie, for allegit wrangis done to his faper; quhair of I was innocent: And declairis þat I wes nocht tane þair against my will; and that efter I come to the Place of Drumlanerig, I was honestlie and courteoullie interteneit, haifing frie libertie to pas quhair I pleisit, as ane frie Gentilman: And being on the morne þaireftir oft and dyuerse tymes requyret be Young Drumlanerig to pas quhair I pleaset, I refuset to go forth, in respect of sum informatioun I had ressaunt; and remanet þair against his will, quhill he forcet me to pas away, always with sic forme of courtesie as he could vse to sic ane Gentilman: And that I was nawayis detenit nor keipit as Captiue or Prisoner: And that þe Letteris raisit at my instance aganis him befoir þe Justice, was by² my knowlege or advyse: Quhilk I testife to be of treuthe. AND consentis þat þir presentis be insert and registrat in the Buikis of Counsell or Adiornall: And to that effect, Constitutis Mr Alexander King, aduocat, my Pro^r, to compeir and consent to þe registering heirof; quhilk is writtin be Williame Penman, wyter in Edinburgh, and subscryuit with my hand, AT ED^B, the ellevint day of Januar, the zeir of God I^m. fax hundreth and twelf zeiris, befoir þir Witnesfes, Thomas Greirfone of Bariarg, James Greir his broþ^r, Sir Williame Greirfone of Lag, kny^t, James Dowie, wyter, and George Bryce, inferter of þe dait and witnesfes heirintill.

KIRKMICHELL, Younger.

LAG, witnes, THOMAS GRIERSONE, witnes, JAMES GRIERSONE, witnes,
J. DOWIE, witnes, GEORGE BRYCE, witnes.

Compeirit the said Mr Alexander King, as pro^r for Williame Kirkpatrick, younger of Kirkmichael, and desyrit the samyn to be insert and registrat in the Buikis of Adiornall, to the effect foirfaid; and alledges, that the said cryme of Taking and Incarceratioun of Young Kirkmichell, can nawayis be put to the knowlege of ane Assyse, in respect of the said Letter and contents thair of: And for better securitie, desyret, as of befoir, the said Letter and Declaratioun to be insert and registrat in the Buikis of Adiornall, therin to remane *ad futuram rei memoriam*.

My Lord Aduocat takis instrumentis of the productioun of the said Letter and Declaratioun thairin contenit. The Pannell declairis he will vse na vther defence in this matter, bot the allegeance immediatlie preceeding, and renunes all vther exceptiones proponit be him in this caus of befoir for this cryme, or competent to him aganis the same. My Lord Aduocat producet HIS MAIESTEIS LETTER, and desyret the clause following, insert thairintill, quhilk concernis this persute, to be insert in the Buikis of Adiornall; quhair of the tennour followis.

AND as for that vther poynt of your Letter, concerning the forder following of that persute intentit aganis YOUNG DRUMLANERIG, sforasmuch as We understand that he, being laitlie reconceillit to Kirkmichell younger, is to compeir befoir our Justice at þe day and place specifeit in your last Summondis raisit against him, and þairby (for clearing him self of that cryme quhair of he is accuset) to alledge that he did naper violentlie apprehend, nor detene the said Kirkmichell. It is þairfoir our speciall

¹ Heir-apparent.

² Contrary to; without.

pleasour, that at þe foirfaid dyet ʒow continow ʒour perfute againt him, and that vpon his allegeing þe foirfaid exceptioun, ʒow do demand of him, gif he will nocht halilie rely pairupoun, renunceing all vther exceptions formerlie proponit in his defence : And vpon his Declaratioun that he will do so, ʒow fall than insist for remitting þe Tryell and furdur consideratioun þair of to the Lordis of our Counsell ; insisting, in the meane tyme, earnestlie, that theafe vther exceptions heirtofoir vsed in his defence, being so dangerous, and by no president warranted, may nocht heireftir be recoirdit in the Registeris of Ad-iornal, as lauchfull or tollerable Defences to be proponit in the lyk Caissis, in ony tyme cuming :¹ Quhairin, nawayis douting of ʒour cair and reddines, We bid ʒow ffairweill. Frome our Court, AT QUHYTEHALL, the nynteneth of Merche, 1612.

And in respect thair of, and of the allegiance proponit be the pannell and his Judiciall Declaratioun, that he renunes all his former Defenssis, proponit of befoir in this cause, for this cryme, or competent to him aganis the fainyn, except vpon the particuler allegeance foundit vpon Kirkmichellis Declaratioun aboue mentionet, subscryuit be him, and producet be the pannell this day ; ffirft, desyres, accoirding to his Maiesteis commandment, that the tennour of the former Defenssis proponit be the pannell in this cause, be deletit furth of the Register of Ad-iornal ; quhilk the Justice hes presentlie ordanit to be done : And nixt, desyret my lord Justice, that he will be advyset with the Counsell, concerning the allegeance aboue writtin, proponit this day be the pannell. My Lord Aduocat declairit that he past fra the perfute of the pannell, for the last pairt of the Summondis, for the beiring and weiring of pistolettis at this tyme and place : Quhairupone the pannell askit instrumentis.

INTERLOCUTOR and Decision of the Justice and Lords of Secret Council.

THE JUSTICE, In respect of this Letter producet be Mr Alexander King, subscryuit be the Laird of Kirkmichell, and circumstaues contenit thairin, with advyse of the Lordis of Secret Counfall, ffindis that this matter can nocht be put to the knowlege of ane Assyse : And siclyk, in respect that the pannell hes this day past fra the hail former Defenssis proponit be him in this cause, for the said cryme, of befoir, in maner contenit in his former Declaratioun, the Justice, with advyse of the Lordis of Secret Counsell, sittand this day in Counsell, Ordanis the hail former allegeances proponit in that matter of befoir, to be deletit furth of the Buikis of Ad-iornal.

Quhairvpon my Lord Aduocat askit instrumentis ; lyk as the pannell also askit instrumentis, vpon the first pairt of said Interlocutour.

Slaughter.

Feb. 12, 1612.—ROBERT SCOTT and ADAME SCOTT, Bailleis of Hawik ;
Jok Scott, belman in Hawik ; Williame Donald, alias
Nymbill, in Hawik ; John Lidderdaill, thair, callit *Jok*
the Deacone ; Hob Scott, thair, callit *Hob the Lonkie* ;

¹ It is obvious that steps had been taken by the Officers of the Crown, in this remarkable Case, to procure the private agreement of the parties ; and on this being effected, the '*dangerus*' Defences, so boldly and ably urged by the eminent Counsel and fore-speakers, would forthwith be expunged from the Record ; or, at all events, never be permitted to be cited as precedents in future. The Defences were accordingly withdrawn, on this understanding, that the matter would be privately adjusted by the Lords of the Privy Council, as umpires. No deletion appears on the face of the Record.

Jok Schorte, thair ; and Williame Johnneftoun, feruitour to *Mariones Hob.*

Dilaitit for airt and pairt of the Slauchter of vmq^{le} Johnne Ellote in Redden, callit Johnne of Rynfiegill, committit within the said Jok Schortis duelling hous in Hawik, in the moneth of July, the yeir of God I^m.Vj^c. and ten yeiris.

PERSEWAR, Bessie Ellote as relict, with the ffyve fatherles bairnes, &c.

PRELOCUTORIS for the pannell, Mr Thomas Nicholfoun and Lawrence Scott, Advocatis.

The perfewar producet the Letteris deulie execute and indorfate ; and in respect thairof, and that scho offeris hir self reddie to perfew, protestis for the releif of George Elphingftoun of Glenfakisbarneheid, and Williame Elphingftoun his brother, of thair cautionerie.

It is allegit, that the Dittay is nawayis relevant to be put to ane Assyfe, in respect that the Dittay beiris that he was fund lying deid in the Irnes ;¹ bot it is of verritie, that vpone the morne thaireftir his committing to waird,² he hangit him self in his awin belt ; and sa, haifing desperatlie put hands in him self, the pannell can nocht be put to the Tryell of ane Assyfe, as airt or pairt of his death.—It is anfuert, aucht to be repellit, in respect the allegeance is contrair to the lybell.

THE Justice remittis the matter, anent the Slauchter of the defunct, and tryell of the treuth of pannellis allegeance, concerning the putting handis in him self, to the knowlege of ane Assyfe.

ASSISA, Jok Ellote, in Braillie, Will Scott, in Branxholme, George Airmeftrang, in Grundunfyde.³

Robert Layng, being fuorne, in presens of the pairtie and Assyfe, and being inquyret concerning Jok Ellotes death, quhat he kenis thairof ? Deponis, he is ane mercheand ; being in the Kirkzaird of Hawik priking fimum skynnis,⁴ and heirring that Jok Ellote was hingand in the steppill,⁵ come, vpone the repoirt thairof, into the steppill, quhair he saw the defunct hingand, in his awin belt ; quhilk belt he cuttit, and thair being lyfe in the defunct, was brocht out, bot shortlie thaireftir he deceift.—*Robert Scott*, being examinat and solempnelie fuorne in the premisses, *est conformis precedenti, in omnibus*

VERDICT. The Assyfe, all in ane voce, be the mouth of James Greiff in Bowmanehill, chancellor, fband, pronuncet, and declairit the saidis perfonas, and ilk ane of thame, to be Cleane, innocent, and acquit of airt and pairt of the Slauchter aboue specifcit.—Quhairvpone thai, and ilk ane of thame, askit actis and instrumentis.

¹ *Irons*, or fetters.

² After his commitment to prison or confinement.

³ *Nimiane*

Quhigholme in Peilbrae, (now written *Whigham* or *Wigham*), and nine other 'Assyfouris' names follow.

⁴ Being a leather merchant.

⁵ The accomodation for prisoners (in England as well as Scotland) was at this period of the most wretched description. Steeples were often fitted up with fetters in their square or lower parts, riveted into the wall, where these luckless victims were detained until Trial, without any Jail allowance. In cases of Witchcraft, &c., iron collars were added ; and it is highly probable that cases of suicide were by no means infrequent, owing to the desperate circumstances of these miserable creatures. See *Sir Walter Scott's Letters on Demonology*, &c.

“RODGER SCOT, Capitane of the Airmetage, Robene Ellote of Dunlabyre, Robene Ellote of Copfchaw, Frances Ellote his brother;” and nine others of lesser note, “vnlawit and americiat, ilk ane of thame, in the pane of ane hundreth merkis,” for thair nocht compeirance to haif past vpon the Assyse.

Irreuerend Speeches against the King, his Council, &c.—Theft, &c.

Mar. 11.—WILLIAME TUEDIE, callit *Coill-hoill*, in Heuchbrae.

Dilaitit of airt and pairt of certane poyntis of Thift, &c. : And for certane vnreuerent and diflanefull fpeiches vtterit be him aganis the Kingis Maieftie, his hienes Counfell, and Iuftices of peax.

DITTAY againft the Pannell.

FORSAMEKILL as it is statute and ordanit, be dyuerfe Actis of Parliament, alfweill maid in his hienes awin tyme, as in his hienes prediceffouris tyme, of guid memorie, that na maner of perfone or perfones presume nor tak vpon hand to vtter or geve out felanderous, reprochefull, or treflonabill fpeiches, aper be woird or writ, aganis HIS MAIESTIE, his Counfell or Nobillitie, vnder the pane of deid; as the faidis Actis at lenth beiris: Nochtwithftanding quhairof, it is of verritie, that pe faid Williame Tuedie, in the moneth of December laftbypast, haifing committit, ofbefoir, dyuerfe Oppreffiones aganis findrie of his hienes peceable subiectis, and speciallie aganis Richerd Powrie, Minister at Dawik, quha haifing complenit vpon pe faid Williame Tuedie to the Iuftices of peax within the Sherefdom of Peiblis for pe famyn, thay directit Johnne Mathiesone in Stobo, and James Ruffell, tua of the Conftabillis of the faid Scherefdom, to fummond and arreift him, to compeir befoir thame, in the Tolbuth of Peiblis, at ane certane day, to haif ordour tane with him for the faidis Oppreffiones; quha, according to pair directioun, cam and fummond and arreiftit pe faid Williame, firft in his Maieftis name, and than in the name of pe Lordis of his hienes Secreit Counfall, and of the faidis Iuftices of peax, to the effect foirfaid; nochtwithftanding quhairof, he, altogidder vmyndfull of his deutie, firft towardis his God, our Souerane lord, and Lordis of his hienes Secreit Counfallis auctoritie, and of the faidis Iuftices of peax, his hienes Judges and ordiner Magiftrattis; nocht only irreuerentlie, reprochefullie, and felanderuffie vtterit and gaif vnfemelie fpeiches to the faidis Conftables againft the faidis Iuftices of peax, be faying that he ‘wald nocht gif ane fcab of his erfe for thame!’ And defyret thame ‘to cum and kifs his erfe!’ Bot lykwayis, the faid Williame, at pe fame tyme, maift treflonabillie, vnreuerentlie, felanderuffie, and vndewtiefullie faid to the faidis Conftables, that he ‘wald nocht gif pe fcab of his erfe’ for his sacred Maieftie and Lordis of his hienes Secreit Counfell; and bad ‘his Maieftie and thame cum and kifs his erfe!’ And fua, be vttering of the faidis treflonabill, vndeutifull, vnreuerent and felanderus fpeiches, he hes contravenit pe tennour of pe faidis Actis of Parliament, and incurrit the panes of death appointed aganis pe contraveneris pairof: Quhilk aucht and fould be execute vpon him, with all rigour, to the terrour and exampill of vperis. AND ficyk, being Indytit and accufet, ffor cuming, in pe moneth of November 1583, to Carrane-mouth, in Stobo-hoip, and pair thiftiouffie ftaw,¹ reft, and away-tuik, fra tua cowmoun Thevis, xxiiij auld fcheip, quhilkis war ftowin² be pame furth of Cliddifdaill: And for letting the faidis Thevis to frie libertie, and nocht prefenting of pame to pe Iuftice. ITEM, ffor airt and pairt of the fteilling and away-taking of ane beir ftak,³ contening tuelf fchevis of beir, committit in Januar, 1600 zeiris. ITEM, ffor airt and pairt of the fteilling of ane quhite wedder-lamb, pertening to Williame Ruffell in Eiftertoun of Stobo, furth of the Knovell-fald; committit in the moneth of Junij, 1601 zeiris. ITEM, ffor airt and pairt of pe Slauchter of vmq^{le} Eduard Curres in Braidfurd, be cafting of ane ftane at him, quhairwith he ftrok him ane deidlie fraik on the hert; be the quhilk fraik, he tuik bed and dwynet in pe fpace of ane zeir, and in end deceiffit of pe faid hurt; committit in Junij, 1596. ITEM, ffor airt and pairt of the fteilling of ane blak zeild⁴ kow, fra James Foulden in Harro of

¹ Stole.

² Stolen.

³ Stack of barley.

⁴ Barren; not giving milk.

Stobo, furth of the Hammer-bank, callit the Braid-flak-heid, in the moneth of November, 1607 3eiris. ITEM, ffor airt and pairt of the steilling fra Patrik Mathiefone, in Harro, of ane quhyte 3ow,¹ furth of pe grund of Harro, in the moneth of December, 1607 3eiris. ITEM, for dryveing to ane bucht² at pe Blak-hill-ftell, in Harro-heid, of aucht 3owis, pertening to Johnne Alexander, in Harro-heid: And ffor the thiftious clipping of the said aucht scheip, and steilling and away-taking of the hail aucht fleiffes of woll; committit in the moneth of Junij, 1602. ITEM, ffor airt and pairt of the steilling, cutting-doun, and away-taking of tuelf grit allour-treyis,³ furth of Dawik-woid, in the moneth of August, 1607 3eiris. ITEM, ffor airt and pairt of the Murthour and Slauchter of Mathiefone, his spoufe, be striking her in dynerfe partis of hir body, quhairof fcho deceiffit pairetir. ITEM, ffor Cowmone Thift, Cowmone Reffet of Thift, outputting and inputing of Thift fra land to land, fra cuntrie to cuntrie, baith of auld and new.

PERSEWAR, Sir Thomas Hammiltoun of Byres, kny^t, Aduocat to our fouerane lord.

PRELOCOUTOURIS for the pannell, Mr Laurence M^cgill and Mr Dauid Aytoun, Aduocatis.

It is allegit, that the pannell aucht to haif bene citet vpone xv dayis wairning. It is anfuerit, aucht to be repellit, in respect the pannell is brocht furth of waird to the Bar; quha hes bene wairdit this foure monethis for the crymes lybellit.—It is allegit that *Johnne Mathiefone* can nocht pas vpone this Assyfe, becaus he is partie and vpgeter of the Dittay, and is Constable, to quhome the allegit speiches was vtterit. Aucht to be repellit, in respect of the perfute at the instance of the Minister of Dawik, quha perfewit the pannell afoir the Counsell, for injurie done; and the said Johnne Mathiefone was alredie reffaut Witnefs, and examinat be the Counsell; and fa may be ane Assyfour.⁴

ASSISA.

Johnne Mathiefone, Constable of the parochin of Stobo; James Ruffell, Constable thair; James Rammage, Constable thair; Johnne Reidschaw in Wester Hoprew; Adame Ruffell, smyth thair.⁵

The Aduocat, for verificatioun of the Dittay, &c., producet ane Decreit of the Lordis of Secreit Counsell, finding the speiches aboue writtin to be cleirlye provin; and protestit for Wilfull Errour, in caife thay Acquit.—The pannell askit instrumentis, that nane compeir to sweir the Dittay.

VERDICT. The Assyfe, all in ane voce, be the mouth of the said Johnne Mathiefone, chancellor, fband, pronuncet, and declairit the said Williame Tuedie to be fyllit, culpable, and convict of the fclanderus, reprocheful, and vnreuerent speiches vtterit be him aganis his Maestie, his hienes Secreit Counsell and Justices of the peace, in maner specifcit and contenit in the first Article of his Dittay, and Decreit of the Lordis of Secreit Counsell, producet, for verificatioun thairof: And as to the remanent crymes aboue writtin, contenit in the said Dittay, fband, pronuncet, and declairit the said Williame to be Cleane, innocent, and acquit thairof.—Quhairvpone the said Williame askit instrumentis.

¹ Ewe. or alder-tree.

² 'Ewe-bucht,' a pen or fold, where sheep are sheltered at night.

³ The *aller*

⁴ The admission of this person and his fellow-Constables, was contrary to every principle of justice; and very strongly shows how extremely arbitrary the proceedings of the Court were, at this period.

⁵ Ten other names are inserted, but they were persons of no note.

THE Justice continewis the pronunceatioun of Dome, to ffryday next, that in the meane tyme he may tak advyfe with the Lordis of Secretit Counfell thair-
anent.

(Mar. 13.)—SENTENCE. The Justice, with advyfe of the Lordis of his
hienes Secretit Counfell, be the mouth of Alexander Kennydie, dempfter of Court,
decernit and ordanit the said Williame Tuedie, in Heuchbra, to be SCURGET
through the Burgh of Edinburgh: And thaireftir to be BANISCHET furth of
his Maiesteis haill dominionis: And nawayis to returne agane within the
famyn, vnder the pane of hanging to the deid, but¹ forder Dome: And being
scourget throw the towne, that the Magistratis of Edinburgh returne him bak
agane to his waird, within thair Thevis-hoill, thairin to remane quhill ane
schip be provydit to transpourt him furth of his Maiesteis dominions, in maner
foirsaid.

Slaughter.

Mar. 13.—ALEXANDER FRENCHÉ, Tutour of Thorniedykis,² and James
Wicht, at Gordoun-mylne, his sifter-sonne.

Dilaittit of airt and pairt of the Slauchter of vmq^{le} Johnne Cranftoun, brother
to Patrik Cranftoun of Corbie; committit be thame vpon the grund and landis
of Boun, in the Merse, vpon the tent day of Februare lastbypast, be wounding
of him in the heid, leg, and dyuerse vtheris pairtis of his bodie, to the effusioun
of his bluid in grit quantitie: Off the quhilkis fraikis and deidlie woundis the
said vmq^{le} Johnne nevir thaireftir convalescit: bot, vpon the first day of Merche
instant, depairtit this lyfe, of the saidis hurtis and woundis.

PERSEWAR, Patrik Cranftoun of Corbie, as brother.

The persewar, be his grit aithe, declairis that he hes most caus to persew: And
fuers the said Dittay to be of verritie, and takis instrumentis thairupoun; and
Protestis for Wilfull Errour, gif the Assyse Acquit. As also, for verificatioun
thairof, haifing vsfet and producet the Depositiones of certane famous Witnesse,
quhilk was oppinlie red in Judgement.

VERDICT. The Assyse, all in ane voce, be the mouth of Hew Bell in Blithe,
chancellor, stand, pronuncet, and declairit the said James Wicht to be ffylet, cul-
pable, and convict of the crewal and vnmerciefull Slauchter of the said vmq^{le}
Johnne Cranftoun. AND siclyk, for the maist pairts, Declairit the said Alexan-
der Frenche, to be ffylet, &c.—SENTENCE. To be tane to the Castell-hill of
Edinburgh, and thair, thair heidis to be strukin frome thair bodeis; and all thair
moveable guidis to be efcheit and inbrocht to his Maiesteis vse, as convict, &c.

¹ Without.

² See the Trial of Sir Patrick Chirnesyde of East Nisbet, and others, Nov. 8,
1616, for Forcible Abduction and Marriage of Adam Frenche of Thornydykes, &c.

Raid of Glenfrwne—Fire-raising—Slaughter.

May 8.—DOUGALL M^cGREGOUR alias *Dougall M^ccandochie*, Callum M^cgregour callit *M^ccalexter scoir*,¹ and Duncane M^ccarlich Culzame M^cgregour.

Dilaitit for being in companie with THE LAIRD OF M^cGREGOUR and his complices, at the Raid and ffeild of Glenfrwne,² in the moneth of ffebruarye 1603 yeiris, aganis the Laird of Lufe, his kyn and freindis: And for being in cunpanie with the Laird of M^cgregour, at the burning of Barnehill, pertening to Colene Campbell of Laweris,³ quhair thai flew nyne men and thre bairnes; Robert Abroche M^cgregour, and Johne M^cfadrik, being thair with thaim.

THE Justice continewis the puting of the perfones foirfaidis to ane Affyse to Thurisday nixt.⁴—Thaireftir, the perfones on pannell, be Ordinance of the Counfall, war ordanit to be delyuerit to the Erle of Lynlythgow, and he to hald Court vpon thame, conforme to ane Commiffioun gevin to the said Erle to that effect.

Treasonable Intercommuning with John, sometime Lord Maxwell, &c.

May 16.—NINIANE AIRMESTRANG callit *Ninianes Thome*, sone to Thomas Airmestrang; and Johnne Amulliekyn, in Cruikis.

Dilaitit ffor the tressonabill Refset, fupplie, Intercowmoning, and accompaneing of JOHNNE, sumtyme LORD MAXWALL,⁵ his Maiefteis declairit Tratour, fforfalt in Parliament, for dyuerse crymes of Treafone and Lefmaieftie, at lenth fpecifeit and contenit in the proces and dome of fforfaltour deducet aganis him: And namelie, the said Johnne Amulliekyn, for Refsetting, Suppleing, and Intercowmoning with the said sumtyme Lord Maxwell, within his awin duelling hous in the Cruikis, and in his barne thairof, vpon the tuentie fax day of Apryle last-bypast; at the quhilk tyme, he haifing reffaut fra the said sumtyme Lord Maxwell the fowme of ten pundis; he, for obedience of the said Lord Maxwell's directioun, past thairwith vpon the morne thaireftir to the Toun of Dumfreis, to the said Niniane Airmestrang, quhair thay bocht ane hagbut and ane pair of fchone,⁶ quhilk was delyuerit be the said Johnne Amulliekin to the said Niniane, to be gevin to the said sumtyme Lord; conforme to the said Johnne Amulliekyn his Depositioun, maid be him in prefens of my Lord Chancellor, and vtheris Lordis of his Maiefteis Previe Counfell: AND ficlyk, the said Niniane, for Intercowmoning and keiping companie with the said Johnne, sumtyme Lord Maxwell,

¹ M^callaster scoroch, q. d. *buck-toothed*.

² See Jan. 20, 1604.

³ This person is understood to have been Colin Campbell of ABERUCHILL, and the *Barnehill*, which is here stated to have been burned, is likely to have been some appendage of that property.

⁴ In consequence of the subsequent order, no further procedure took place before the High Court of Justiciary.

⁵ See his Trial, Jun. 24, 1609, &c., III., 28, &c.

⁶ Shoes.

declairit Tratour, in the said moneth of Apryle lastbypast, be the space of fyve dayis togidder, in the Langwoid and Schillingtonehill; and for bringing of ane hagbut fra James Louk, and delyuering the same to the said Lord Maxwell, his Maiesteis declairit Tratour; and bringing of the said vther hagbut, with the pair of schone ressaunt be him fra the said Johnne Amulliekyn, within the toun of Dumfreis, and delyuering the samyn to the said Lord Maxwell; as at lenth is contenit in thair Dittayis. IN doing quhairof, the saidis Johnne and Niniane had committit manifest Treafone: And thairfoir, according to the Lawis of this realme, had incurrit the panes and pwneischment of tynfell¹ and fforfaltour of lyfe, landis, and guidis, to be inflictit vpon thame; to the terrour of vtheris.

VERDICT. The Assyse, be the mouth of Dauid Bailzie, burges of the Cannogait, chancellor, ffand, pronuncet, and declairit, all in ane voce, the saidis Johnne Amulliekyn, and Niniane Airmestrang, and ather of thame, to be ffylit, culpable, and convict of the crymes aboue specifeit in thair Dittay; and that in respect of thair awin Judicial Confessioun and Depositiones product.—SENTENCE. To be tane to the mercat croce of Edinburgh, and thair to be hangit vpon ane gibbet, quhill thai be deid: And all thair landis, heritages, guidis, and geir, gif thai ony haif, to be fforfaltit and escheit to his Maiesteis vse, as convict, &c.

‘Unbesetting the hie-way’—Slaughter.

JUN. 3.—GAWIN HORNE in Inner Kethie, and Isobel Jak, mother to the said Gawin.

Dilaitit, accusit, and persewit, that thei with their complecis, being bodin in feir of weir, with swordis, durkis, and vther vapones *invasue*, laillie, vpon the faxt day of Januar lastbypast, haifing confaut ane deidlie feid, rancour, and malice causles, aganes wmq^{le} Patrik Low in Naderdaill, came vnder silence and clud of nycht to the toun of Nether Kethie, quhair he was going hame to his duelling hous, in maist peciabill maner, vnder Godis peax and our souerane lordis, and thair Unbeset his hie-way and passage,² and crewallie Invaiddit him for his Slauchter, hurt and voundit him in his body and breist, with durkis and swordis, to the effusione of his bluid in grit quantitie: Of the quhillkis hurtis he newer convalessit, bot continewing bedfast in grit dollour and diseis thairof, vnder the cuir of chirurgeneas, be the space of fourtein dayes, or thairby; quhill at last, the said wmq^{le} Patrik, vpon the twenty day of the said moneth of Januar, depairtit this lyfe: And swa wes crewallie and vnmercifullie flane be thame; and thei and ather of thame wer airt and part of the said crewall Slauchter.

¹ Loss; deprivation. ² Waylaid; lurked, or lay in ambush for, for the purpose of ‘besetting.’ See various Trials in this Collection, where this phrase repeatedly occurs. The highway was likewise said to be ‘umbeset,’ when one party blocked up the road with his retainers, for the purpose of *daring* his rival to pass—or to give battle, and thus force a passage, if he could.

PERSEWAR, Andro Low as fone. PRELOCOUTOUR for the persewar, Mr Williame Livingstoun.
PRELOCOUTOUR for the pannell, Mr Johnne Ruffell, Aduocat.

Protestis for Wilfull Errorr in caise they Acquit.

Mr Johnne Ruffell takis instrumentis, that thair is nane to sweir the Dittay bot ane young boy of saxtene yeir awld ; and swa can mak na faith.—Produces ane instrument subferyuit be the Justice of Peax and the Constabill, for verificatioun of the Slauchter of vmq^{le} Patrik Low and cleiring of the samyn, subferyuit be the said Constabill, Johnne Innes of Knokcorth, ane of the Constabillis of peax ; and schavis that Williame Smairt confessit that he hurt and voundit the said vmq^{le} Patrik.—Quhilk cryme the pannell alluterlie denyit.

VERDICT. The Assyse, be the mouth of George Leslie in Drunblair, chancel-ler, for the maist pairt, ffand, pronuncit, and declairit the saidis Gawin Horne and Issobell Jak to be Clein, innocent, and acquet of airt and pairt of the said Slauchter.

Abiding from the Raid of the Isles.

Jun. 5.—ROBERT MAXWALL of Potterak, Alexander Fergusone of the Yle, Johnne Charteris in Redingwoid, Johnne Wallace in Carnezeill, Thomas Edzer in Holme, and Mr Samuell Kirkpatrik.

Dilaitit for Contravening the Proclamatioun in abyding fra the Raid of the Yles, in anno 1608.

PERSEWAR, Andro Lord Stewart of Vchiltrie.

My Lord Vchiltrie passis fra perfute of Mr Samuell Kirkpatrik. He also passis from the pursuit of *Hew Douglas* and *Thomas Douglas in Dalvene*.—*Williame Greir* provin to be feik, be the Depositioun of Johnne Broun, Minister of Glencairne.—*James Fergusoun of Crochedow*, provin to be feik, be the said Ministeris Depositioun.

THE Justice continewis this matter to the morne, *in eodem statu quo nunc est*.

Jun. 6.—IN respect na pairtie compeiris this day to insift in thair perfute, Protestis for thair cautioneris releif ; and that thai be nocht charget or trubillit for the said allegit cryme, in ony tyme cuning. And thairupoun askit instrumentis.

Mutilation and Demembration.

Jun. 12.—WILLIAME RUTHERFURD of Synewallis, and George Well his seruand.

Dilaitit for the Mutilatioun and Demembring of James Weir, feruitour to Williame Weir in Softlaw ; committit in ffebruar 1611, of the forncst finger of his left hand.

PERSEWER, James Weir.

PRELOCUTORIS in defence.

Sir Robert Stewart, Mr Johnne Rutherford, Mr Johnne Ruffell, Mr Johnne Dauling.

JAMES WEIR, feruitour to Williame Weir in Softlaw, Dilaitit of airt and pairt of the Mutilatioun of Williame Rutherford of Synewallis of his . . . hand, at the leift of the mid-finger thairof; committit in ffebruar 1611.

PERSEWAR, Williame Rutherford of Synewallis.

PRELOCUTORIS in defence.

The Laird of Blaikwoid, The Laird of Lammington, The Laird Symontoun,
The Guidman of the Caveris, Robert Hammiltoun, Aduocat.

It is allegit be Mr Johnne Ruffell, that the Dittay is altogidder irrelevant; and thairfoir can nocht pas to ane Assyse: And as to that article of the Dittay, concerning the demembring James Weir of the finger, quhilk is the only point that fould be tryit in this Judgement, nather mutilatioun nor demembratioun is relevant; becaus, except the haille hand had bene cuttit af, it can nocht be comptit demembratioun; and the finger is nocht ane member, *sed tantum est pars membri*. It is forder allegit, that this Dittay aganis Rutherford and his man can nocht pas to ane Assyse, becaus, gif ony mutilatioun or hurting was done to Weir, the samyn was done in Rutherfordis awin defence, he being in sober maner passand out the hie-way, convoyand ane gentilman to his hors; at quhilk tyme, vnder nycht, Weir, with ane drawin fuord, invaidit Rutherford; and sa, gif ony hurt wes gevin to Weir, it was in Rutherfordis defence.—It is anfuert, that the Dittay is relevant, nochtwithstanding of the allegeance; and desyres the Assyse to cognosce, quhidder the samyn was done in Weiris defence or nocht; quhilk Weir altogidder denyis.—It is allegit be James Weir, that the lybell at the instance of Williame Rutherford aganis him can nocht pas to ane Assyse; and gif ony mutilatioun was done to the said Williame Rutherford, the samyn was done in Weiris awin defence.

Compeirit, Williame Lord Cranftoun, Commiffioner for his Maiestie, and desyret my Lord Justice, that thir tua perfutes, movet in this Judgement, may be remittit to the Commiffioneris, to be tryit befor thame, feing the factis lybellit was done within the boundis of thair Commiffioun: And siclyk, feing thair is ane Court affixt to be haldin within the boundis thairof, quhair justice fall be ministrat to ony partie, conforme to the Lawis of this realme.

THE Justice continewis this matter to Thurisday nixt, vnto the tyme he be advyset with the Counsell, concerning my Lord of Cranstones desyre.

Lawburrows are granted at the instance of the parties against each other, viz. ‘Mr Johnne Rutherford become souertie and Lauborris for Synlawis and his ferwand, &c. vnder the pane of ffyve hundreth merkis, and thre hundreth merkis. William Rutherford of Synlawis for the said Mr Johnne, vnder the pane of thre

hundreth merkis. And James Douglas of Todhoillis for George Weir of Blaikwoid, and for the pannell James Weir, vnder the pane of ane thowfeand pundis, and thre hundreth merkis.'

Thaireftir the Justice abfolutelie, without forder continuatioun of this matter, Remittit the tryell of baith thir actiones, perfewit be ather pairtie aganis vtheris,¹ to the Commiffioneris, to be cognofcet and tryet be thame as accoirdis of the Law.

Abiding from the Raid of the Isles.

Jun. 25.—ROBERT HEREIS, in Lafoun, and five others.²

Dilaitit for contravening of his Maiefteis Proclamatioun, in nocht paffing forward with Andro Lord Stewart of Vchiltrie, his hienes Lieutenant, to the Raid of the Yles, in anno 1608.

PRELOCOUTOURIS in defence, Mr Johnne Halyday, Mr Johnne Belfis.

The perfones on pannell takis instrumentis of thair compeirance, and declairis that thay war nawayis fubiect to the tennour of the Proclamatioun; in respect thai ar nather Erles, lordis, barrones, feweris, frehalderis, or landit gentilmen; and gif the famyn can be tryit³ that thai war sic men, the tyme of the making of the faid Proclamatioun to the faid Raid, thay ar content to affigne, and be thir presentis assignis, thair haill landis and heritages to the Kingis Maieftie, &c. And in respect thair is na pairtie perfewer present to infist in thair perfute, protestis for thair cautioneris releif, and that thai be nocht callit or perfewit, for this matter, at ony tyme heireftir.

Slaughter.

Jul. 1.—ROBERT FORBES, fone to James Forbes of Mylnebowie.

Dilaitit, accuset, and perfewit by DITTAY following.—FORSAMEKILL as he, accompaneit with Williame Forbes, callit of Mylnebowie, and Patrik Forbes his brother, now rebellis and att the horne for the cryme vnderwrittin, and diueris vtheris thair complices, haifing confaut ane deidlie feid, rancour, and malice aganis the faid vmq^{le} Johnne Ker, vnderftanding him to haif bene att the Kirk-toun of Skene, att the mariage of his wyfes fifter; thay, vpone the fyftene day of October laftbypaft, darnit thame⁴ in the hie-way, betuix the faid Kirk-toun of Skene and the faid vmq^{le} Johnne Ker guidfatheris hous, in . . . , quhair the faid vmq^{le} Johnne had his refidence for the tyme; and thair, bodin⁵ with fwordis, dageris, gantilletis, and vtheris wapponnis invafive, lay att wait all that day for the faid vmq^{le} Johnnis hame-cumming: Lyke as, about the ewening, vnder filence and cloud of nycht, the faid vmq^{le} Johnne, lipning for na ewill, harme, or

¹ By both parties against each other.

² This case was continued from Jun. 23.

³ Proved;

instructed.

⁴ Hid; concealed themselves.

⁵ Furnished; provided.

iniurie of ony personnes, bot to haif past hame to his hous in peceabill maner, vnder Godis peax and our fouerane lordis, haifing tane his hors with ane young woman on behind him ; in his hame-passing to his said guidfatheris duelling hous, was vmbesett in the hie-way, be the foirnameit persones ; quhair, befoir ewir he wes aduertesit of thame, thay, with thair wappinnis foirsaidis, maist schamefullie strak him fra his horse, and maist crewallie inuidit him for his slauchter, gaif him twa crewall and deidlie straikis in the heid with their swordis, and hurt and woundit him in dyverse pairtis of his body ; to the effusioun of his blude in grit quantitie : Off the quhillkis crewall woundis, he newir thaireftir convalessit, bot continewand in grit dolour and payne thairof, vnder the cuir of chierurgeonis, be the space of elleuin oulkis¹ or thairby thaireftir ; quhill² at last, the said vni^{le} Johnne Ker, in the moneth of Januar lastbypast, deceissit of the saidis deidlie woundis ; and swa wes crewallie and vnmerciefullie slayne be the saidis (persones) : And the said Robert Forbes is airt and pairt of the said crewall slauchter of the said vni^{le} Johnne Ker ; committit vpoun sett purpois, prouisioun, and foirthocht felony.

PERSEWAR,

Johnne Ker at the mylne of Clwney, as father ; Alexander Gordoun of Clwny, assistit in this persute.
PRELOCUTORIS for the pannell, Mr Johnne Ruffell, (Advocate.)

It is allegit, that this matter can nocht pas to ane Assyse, becaus in November 1611, eftir the allegit hurting, this persewar haifing intentit actioun befoir the Counsell aganis Williame Forbes of Mylnebowie, and Patrik Forbes, his brother, committeris of the slauchter, to haif hard and sene thame decernit to haif committit ane oppin and manifest Ryote and Oppressioun : ffor preving of the quhillk complent befoir the Counsell, the said Johnne Ker vsset the pannell as ane witness to verifie the same ; and sua, haifing anes vsset him as witness in the said matter, thai can nevir be hard to follow him as pairtie. For verifeing quhairrof, producet the Counsellis Act, and ane testificat of his summonding, subseryuit be Alexander Watfone, messinger. Ansuweris, thair was na witness led in the proces afoir the Counsell ; and albeit at that tyme na knowlege of the pannellis giltines was cleirly knawin, yet that can nocht liberat him fra pwneischment, his giltines being tryit³ thaireftir.

THE JUSTICE remittis the same to the Assyse.

VERDICT. The Assyse, be the mouth of Alexander Thome in Eister Cairny, chancellor, all in ane voce, ffind, pronunceit, and declairit the said Robert Forbes to be Cleane, innocent, and acquitt of the slauchter of the said vni^{le} Johnne Ker ; and of airt and pairt of the said Slauchter.

¹ Weeks.

² Until.

³ Proved ; established.

Slaughter.

Jul. 3.—THOMAS MAXWALL of Arenyning,¹ brother to Alexander Maxwell of Logane; Johnne Huttone, messinger in Carlingwark.

Dilaitit of the crymis fett down in the Letteris and DITTAY following. FOR-SAMEKILL as the said Thomas, accompaneit with Johnne Maxwell, sone to the said Alexander Maxwell of Logane, now fugitiue and at the horne for the slauchter vnder writtin, vpon the tuentie nyne day of Apryle lastbypast, haifing con-sauet ane deidlie feid, rancour, and malice againt vmq^{le} Johnne M^cnacht of Kilquhannatie, and vnderstanding that thair was ane tryft² affixt to be keipit at the toun of Carlingwark, betuixt him and Dauid Maxwell of Newark, the said day; the said Thomas and Johnne, his brother-sone,³ and vtheris thair complices, bodin⁴ with fuordis, quhingeris, and vtheris wapponis inuasiue, come to the said toun of Carlingwark, quhair the said vmq^{le} Johnne M^cnacht was rydeing vp and down, attending vpon the said Dauid Maxwell of Newarkis cuning, in sober and quyet maner for the tyne, lipning for na harme, iniurie, or perfute of ony persone, bot to haif leuit vnder Godis peax and our souerane lordis; and haifing first violentlie drawin him af his horse, and thaireftir compellit him to pas with thame in to Johnne Huttone messengeris hous, in Carlingwark, thay thair, efter dyuerse ruche⁵ and hard speiches vtterit to him, drew thair quhingeris and fuordis, and within the said hous persewit him for his slauchter: The said Thomas Maxwell grippit him be baith the airmes, and held him, vnto⁶ the tyme the said Johnne Maxwell, his brother-sone, gaif him tua sfracis, the ane at the hert, and the vther on the left airme: Off the quhilkis, he immediatlie thaireftir deceffit; and sa was crewallie and vnmerciefullie slane be the saidis Johnne and Thomas Maxwellis: And thay and ather of thame ar and war airt and pairt of his said slauchter; committit vpon fet purpois, prouisioun, and foirthocht felonie; in hie and manifest contempt of our souerane lordis auctoritie and lawis.

PERSEWARIS, Johnne M^cnacht, burges of Edinburgh, neir kynfinan; (Capitane) Charles Geddes of Rachan; [Margaret Gordoun, Lady Kilquhannatie, the relict, with the thrie fatherles bairnes, kyn and friendis of vmq^{le} Johnne Maknacht of Kilquhannatie.]

PRELOCUTOURIS for the pannell, Alexander Maxwell of Logane; Johnne Maxwell of Couhaithe; Robert, Maister of Maxwell; Mr Williame Maxwell of Caveris; Mr Alexander King, Aduocat; Adame Cunninghame, Aduocat; Sir Robert Maxwell of Spottis; The Guidman of Cowhill.

The persewaris, vnderstanding Johnne Huttone to be innocent of the slauchter, passés *simpliciter* fra his perfute; quhairupoune Johnne Huttone askis instrumentis.

VERDICT. The Assyse, be the mouth of James Camane of Killochie, chancellor, all in ane voce, sband, pronunct, and declairit the said Thomas Maxwell to

¹ In the Dittay called of Aremein.
furnished.

⁵ Rough; uncouth.

² An appointed meeting.

⁶ Until.

³ Nephew.

⁴ Provided;

be Cleane, innocent, and acquit of the slauchter of the said vmq^{le} Johnne M^cnacht of Kilquhannatie, and of being airt or pairt thairof.

Alexander Maxwell of Logane become plege and fouertie for Thomas M. his brother germane—and Capitane Charles Geddes of Raehan, and Johnne M^cnacht, mercheand burges of Edinburgh, ather of thame become pleges and fouerteis for vtheris,¹ that thai and ather of thame fall obserue and keip his Maiesteis peax to all our fouerane lordis legis, and nawayis to molest or trouble thame in thair perfonas, guidis, or possessiones, vtherwayis nor² be ordour of law and justice; ather of thame vnder the pane of ffyve hundreth merkis.

Murder under trust—Slaughter—Theft.

Jul. 11.—PETRIE M^cGILLIEVORICHE in Brachloche.

Dilaitit of the crewall Murthour and Slauchter of Duncane M^callaster and M^cgilliecreist,³ his tua sifter-sones; and for dyuerse poyntis of thift, (viz.) FOR airt and pairt of the crewall and abhominabill Murthour vnder Trust of vmq^{lo} Duncane M^callaster, his sifter-sonne, be schuitting him with ane hagbut throw the body; committit in the moneth of Apryle, the yeir of God I^m.Vj^c. and thre yeiris. ITEM, for airt and pairt of the thiftious steilling, at the leist ressetting, of fourtie s^cheip, pertening to the Guidman of Campbell-Burnet. AND for airt and pairt of the thiftious steilling of tua oxin and ane kow, pertening to Johnne Leith in Edingerroche; committit a tua yeir fyne, or thairby. ITEM, for airt and pairt of the steilling fra Adame Leith of foure oxin; committit a tuelf yeir fyne, or thairby. ITEM, for cowmoun thift, cowmoun resset of thift, outputting and inputting of thift, fra land to land, fra cuntrie to cuntrie, baith auld and new.

PERSEWAR, Mr Williame Oliphant of Newtoun, Aduocat to our foueran lord.⁴

ASSISA.

Williame Forbes of Monymusk, Younger,	George Jope in Cowclarachie, Johnne Woid in Mylnebowie,	Mr Johnne Horne, seruant to the Laird of Fren draucht,
Mark Mawer of Mawerstown, Edmond Gradane in Kinloche,	Andro Meldrum of Dumbrek, Alex. Irwing, Younger of Lenturk,	Johnne Forbes, seruitour to my Lord Forbes,
Williame Lummisden, brother to the Laird of Cufelnie,	Patrik Mortimer, Mr Patrik Grant, Minister at	George Gordoun, seruitour to the Laird of Lesmoir,
Tho ^s Cowie, burges of Abirdene,	Cromedaill,	Mr Robert Elphingstoun, Tutour of Glak.

VERDICT. The Assyse, be the mouth of the said Williame Forbes of Monymusk, chancellor, all in ane voce, ffind, pronuncet, and declairit the said Patrik to be ffylet, culpable, and convict, according to his awin Confessioun, set down in his Depositiones, of the crymes *respectiue* aboue specified.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair, vpone ane gibbet, to be hangit quhill he be deid: And all his landis, heritages, &c.,

¹ For each other. ² Otherwise than by form of Law.
in the Dittay or proceedings of this murder of M^cgilliecreist.

³ No mention is otherwise made
⁴ He appears here for the first

time, in the Record, as Lord Advocate.

guidis and geir pertening to him, to be fforfault and efcheit to his Maiefteis vfe, as convict and culpable of the faidis thiftious and abhominable crymes.

Slaughter, &c.

Jul. 17.—SUBMISSION betwixt GEORGE (*fifth*) ERLE OF CAITHNES, (WILLIAM) LORD BERRIDAILL, his fone, and (JOHN *seventh*) ERLE OF SUTHERLAND.¹

Compeirit Mr Johnne Manfone and Mr Johnne Sinclair, feruitouris to George Erle of Caithnes, and producet ane WARRANT of THE LORDIS OF SECREIT COUNSALL, anent the deferting of the criminall perfutes appointit, *hinc inde*, aganis the Erles of Caithnes and Sutherland, to be difputit and reffouit afor the Juftice this day : off the quhilk Warrant the tennour followis.

MY LORDIS of Secreit Counfell, vnto your lordfchipis humlie meanis² and fchawis, we your feruitouris, GEORGE ERLE OF CAITHNES, LORD BORRIEDAILL, his fone, ffor our felffis, and in name of our friendis and fervandis, quho ar charget in the matter vnderwritten : That quhair, pe xvij day of Julij instant is appointit vnto ws for our compeirance befor pe Juftice and his deputis, in the Tolbuthe of Edinburgh, to vnderly the Law, for the flautcher of Neill Nathmarne ; the hurting and wounding of Johnne Gordoun of Golfpitour, Donald M^cky, fear of Far, and fome vther friendis and feruandis to THE ERLE OF SUTHERLAND ; the taking and detening priffoner of Angus M^cWiliame,³ and for certane vtheris crymes, fpecifeit and contenit in the Letteris raifit and execute aganis ws at pe instance of pe faidis perfones, and of his Maiefteis Aduocat for his hienes intreis : Lyk as, pe Juftice intendis to proceid in pis matter aganis ws, althocht it be of verritie, that howbeit we wer moft willing and reddie to haif fubmittit our felffis to the Tryell of the lawis, for pe hail crymes contenit in the faidis Letteris ; and for this effect, to haif presentit our felffis in judgement befor the Juftice the day foirfaid : Zit it was your lordfchipis plefure to burdene ws with ane Submiffioun of all matteris queftionable betwix ws and the Erle of Sutherland, and M^cky and pair freindis ; in the quhilk Submiffioun, pir matteris ar speciallie and perticulerlie comprehendit : AND feing thay ar now in your lordfchipis handis, vnder Submiffioun, as faid is, the dyett appointit to ws afor pe Juftice aucht to defert. Heirfoir we befeik your lordfchipis to geve command to the Juftice, Juftice clerk, and pair deputtis, to defert pe faid dyet, and to defist and ceife fra all proceeding pairintill, and to difpens with our perfonall compeirance : Quhairanent pir presentis falbe vnto thame a Warrant, and your lordfchipis anfuer.

APUD ED^B, xvj Julij, 1612. *ffiat ut petitur.* AL. CANCELL^S. J. PRYMROIS.

At command of the quhilk Warrant, the Juftice ordanit baithe the dyettis appointit, *hinc inde*, to this day to defert.

Lykas, Johnne Gordoun, appeirand of Sydra,⁴ compeirand perfonallie in judgement, in name of Sir Robert Gordoun, brother to my Lord of Sutherland, Dun-cane M^cky, fear of Far, Johnne Gordoun, appeirand of Gordoun of Golfpitour,

¹ *Vid.* Jul. 30, 1612. In order to a proper understanding of this FEUD, reference may be made to *Gordon's History of the Family of Sutherland*, Edinburgh, 1813, p. 317, &c. It would occupy too much space to give a suitable outline of the various disputes in which these families were embroiled.

² Complains ; literally, *moans*.

³ *Alias* Herrach (Herraugh).

⁴ The eldest son of John Gordon of Sidderay.

and producet the Letteris raifit be thame, and remanent complineris infert thairin, aganis my Lord of Caithnes, my Lord of Berriedaill, his fone, and remanent defenderis thairin contenit; be the quhilkis, thay and everie ane of thame ar charget to find caution for thair compeirance befor the Justice or his deputis, this day and place, in the hour of caus, to vnderly the law for the slauchter of Neill Nathnear, vniq^{le} Airthour Smyth, taking captiue and priffoner of Angus M^cWilliame, *alias* Herrach, but Commiffioun; and dyuerse vtheris crymes fpecifeit in the faidis Letteris—askit instruments, and proteftis for relief of the faid Sir Robert Gordoun, kny', of his cautionerie.

Slaughter—Fire-raising—Theft—Intercommuning with Clan Gregor.

Jul. 28.—GREGOUR BEG M^cGREGOUR, fone to vniq^{le} Gregour M^ceane; Gregour M^cAllaster Gal t¹ Johnne M^cinleithe;² Johnne Dow M^cgilliephadrik V^crobert; Allaster M^callaster V^ccoule; Patrik M^cgregour Craiginfche; Duncane M^ccoule cheir; Patrik Roy M^cGregour, fone to Johnne M^cphadrik, in Rannache; Gregour M^ceane V^ccoulcheir; Johnne Dow Moir M^cgregour, in Rora.

Being all presentit vpone pannell, dilaitit, accuset, and perfewit be Dittay, at the instance of Sir Williame Oliphant of Newtoun, kny', Aduocat to our fouerane lord, for his hienes intreis, of the crymes *respectiue* following, viz. THE faidis *Gregour Beg M^cgregour, Gregour M^cAllaster Galt, Johnne Dow M^cinleith, and Johnne Dow M^cgilliephadrick V^crobert*, ffor airt and pairt of the tressonabill raising of ffyre, burning and distroying of the hail houffis and biggingis of Glenlocha and Achallader: And for the Slauchter of M^ccoleane, bowman to the Laird of Glenvrquhie, with dyuerse vtheris perfones, to the number of aucht perfones: Burning of thre 3oung bairnes, dochteris to Johnne M^ckifchak: And for Steilling of fax scoir ky and oxin furth of Glenlyoun, committit in Apryle, 1604. AND siclyk, the faidis *Allaster M^callaster V^ccoule, Patrik M^cgregour Craiginche, Duncan M^ccoule cheir, Gregour M^ceane V^ccoule cheir, and Patrik Roy M^cgregour*, fone to Johnne M^cfadrik in Rannache, being indytit and accuset, ffor airt and pairt of the burning and distroying of the hail houffis and bigingis vpone the fourtie merk land of Abervrchill, pertening to Colene Campbell: And for the Slauchter of Duncane Wobster, Johnne Seatone, Patrik Stavache, Johnne M^cgillievorich: Burning of the thre dochteris of Johnne M^ckifchak, steilling and away-taking of auchtene scoir ky, faxscoir peife of horfis,³ aucht scoir scheip and gait, pertening to the faid Co-

¹ The stranger, or travelled.
son of rough, or dark John.

² M^cinleiche, son of the leech, or doctor. Query, M^cindreiche?

³ One hundred and twenty *piece* of horses, as we say *head* of oxen.

lene : And lykwayis for burning of the mylne of Bolquhafter, with the hail houffis, and bigingis vpon the grund and landis of Carne, Downe, and Dillater, pertening to Robert Campbell of Glenfalloche, and of his hail houffis and bigingis vpon his landis of Ardcanknockaur;¹ committit be thame in the moneth of Junij, 1611. ITEM, the said *Gregour M^cgregour Beg*, ffor airt and pairt of the Slauchter of vinq^{le} Solomon Lany, *alias* Buchannane; committit at the Kirk of Kilmaheug, at tuentie yeir fyne, or thairby. ITEM, the said *Johnne Dow Gilliephadrik*, ffor airt and pairt of the steilling and away-taking furth of Glenfynles of ane grit heirfchip² of ky and oxin, pertening to the Laird of Lufe and his tennentis : And Slauchter of vinq^{le} Johnne Reid, wobfter, and Patrik Lang, iervand to the Laird of Lufe; committit vpon the saidis landis of Glenfines, in the moneth of December, 1602. AND ficlyk, the said *Johnne Dow Moir M^cgregour*, in Rora, ffor steilling and away-taking of ane grit number of guidis,³ pertening to my Lord Ogilvie, furth of Glenylay : And ficlyk, for taking and keiping of the Ileand calit Ileand-Varnak,⁴ againft his Maieftis Commiffioner, and herreing⁵ and oppreffing of the hail tennentis and inhabitantis of the cuntrie about;⁶ taking and inbringing of thair hail guidis and beftiall, to the number of aucht fcoir ky and oxin, xvij fcoir fcheip and gait, quhilkis war eittin and flane be thame, wih in the said Ileand.⁷ ITEM, the hail foirnamet perfones indytet and accufet, ffor cowmone thift, cowmone reffet of thift, cowmone foirning,⁸ and oppreffing of his Maieftis peceable and guid fubiectis; and for Intercowmoning with the reft of the furname of M^cgregouris, fugitiues and at the horne, and ffurneiffing of thame with meit, drink, and money; and keiping of tryftis, counfallis, and gaddingis⁹ with thame, contrare the tennour of his Maieftis Proclamations—war all put to the knowlege of ane Affyfe of the perfones following.

ASSISA.

Colene Campbell, appeirand ¹⁰ of Glenvrquhie,	James Campbell, feruitour to the Laird of Lundie,	Johnne M ^c dowgall of Raray, Duncan Menzeis of Comereite,
Johnne M ^c farlane of Arrochar,	Duncane Campbell, Capitane of Carrik, ¹¹	William Sterling of Achyle, Mr James Schaw of Knokhill,
James Campbell of Laweris,	Johnne Drummond, feruitour to my Lord of Perth,	Johnne Buntene of Ardoche, Mr James Kirk, feruitour to my Lord of Argyle.
Dauid Drummond, feruitour to my Lord of Perth,	Alexander Menzeis of that Ilk, Alexander Schaw of Cambusmoir,	

The Aduocat takis instrumentis of the fivering of the Affyfe, and proteftis for

¹ Ardchenachrochtan, the now celebrated inn and farm at the Trossachs. ² Plunder, or spoil.
³ Stock, cattle. ⁴ A small Island, near the western extremity of Loch Katrine, on its north shore, opposite Portnellan. ⁵ Spoiling; plundering. ⁶ Circumjacent. ⁷ The Clau-Gregor had a garrison here, in January 1611; and were besieged by Campbell of Glenurchy's second son, Robert Campbell of Glenfalloch, who abandoned the siege, owing, as is alleged in the *Book of Taymouth*, to a storm of snow. ⁸ Taking free quarters by violence, &c. ⁹ Appointed meetings, councils, and gatherings, or convocations. ¹⁰ Heir-apparent. ¹¹ Captain of the Castle of Carrik, on the banks of Lochfyne.

Wilfull Errour, in caice thay clange the pannell of the crymes contenit in thair Dittay; in respect of the notorietye thair of, and of thair Confessioun.

VERDICT. Eftir accusatioun of the foirfaidis perfonen enterit vponne pannell of the crymes *respectiue* aboue writtin, be our said souerane lordis Aduocat, quhilk was verifeit be thair Depositiones and Confessiounes, maid in presens of ane grit number of the saidis perfonen of Assyse, the said David Drummond, chancellor, in name of the said Assyse, all in ane voce, exponit, pronuncet, and declairit the saidis perfonen on pannell, in respect of thair awin Confessioun, to be flylit, culpable, and convict of the crymes *respectiue* aboue specifeit, contenit in thair Dittayis.—SENTENCE. To be tane to the Burrow-mure of Ed^r, and thair to be hangit quhill thair be deid; and thair haill landis, heritages, and annuelrentis, takis, possessiones, guidis and geir pertening to thame, to be fforfalt and escheit to his hienes vse, as convict and culpable of the saidis crymes.

Slaughter — (Pannel ordained to satisfy the Private Party, notwithstanding of the King's Remission, and 'Letters of Slains' from the Eldest Son of the Deceased.)

Jul. 29.—WILLIAME MURRAY, sone to Williame Murray in Glasfurd, sumtyme fervand to James Hammiltoun of Evindail.

Dilaitit of airt and pairt of the crewall Slauchter of vmq^{le} Archibald Stevinfoun, in Gallowfarvene; committit with schottis of hagbuttis and pistolettis, vponne the xxiiij day of Marche, I^m.Vj^c. and aucht yeiris.

PERSEWARIS, Archibald and Thomas Stevinfonen, as sones; Agnes Finlay, as relict; Gawin Stevinfone, baxter, burges of Ed^r, as neir kynfinan.

The said Williame tuik him self to our souerane lordis Remissioun, grantit to him vnder his hienes Grit Seall, vponne the nynt day of Januar lastbypast, beirand,¹ that his Maiestie, of his speciall grace and mercie, had pardonet and forgevin the said Williame all actioun, cryme, and offence that mycht be imput² to him, for airt and pairt of the Slauchter of the said vmq^{le} Archibald; and in respect thair of, and of his Maiesteis clemencie, mercie, and pardoun expressit thairin, allegit, that the Justice could nawayis put him to ane Assyse, for the said crymes.—To the quhilk it was ansuerit be the persewaris, that the foirfaid Remissioun is null, and thairfoir sould nocht be admittit; in respect, be Act of Parliament, maid be our souerane lord and thre Estaitis, in the moneth of Julij, 1593, cap. 174, it is expresse provydit, statute and ordanit, be his Maiestie and Estaitis foirfaidis, that na Respekt nor Remissioun be grantit to ony persone or perfonen, at na tyme thaireftir, that passis to the horne for thift, reif, slauchter, burning, or heirschip, quhill the pairtie skaithed³ be first satisfeit; and gif⁴ the samyn be

¹ Bearing.

² Imputed.

³ Until the party injured, &c.

⁴ If.

vtherwayis grantit, without satisfioun of pairtie, all sic Respettis and Remiffiones to be null, alswell be way of exceptioun as reply: And trew it is, that the pairtie persewar is nawayis satisfeit, conforme to the said Act; and thairfoir, nochtwithstanding of the foirsaid Remiffioun, the pannell fould be put to ane Assyse, for the said cryme.

To the quhilk it was duplyt be the pannell and his prelocoutouris, that the foirsaid Remiffioun man¹ be admittit, in respect the samyn is grantit vpon the sicut of ane Letter of Slanes gevin be Andro Stevinfoun, eldest lauchfull sone to the said vmq^{le} Archibald, and nerrest of kyn to him, with consent of Agnes Finlay his mother, and Mathow Thomesone, his vncle, beiring satisfioun maid to the said Andro for the said slauchter: And for verificatioun thairof, producet the said Letter of Slanes, of the dait the penult day of Julij, I^m.Vj^c. and ellevin yeiris: And vpon the productioun thairof, togidder wth the Remiffioun aboue writtin, askit instrumentis.

THE JUSTICE, in respect of the Letter of Slanes producet, Admittis the Remiffioun; and ordanis the pannell to find caution to satisfie the pairtie, conforme to the lawis of this realme.—James Murray of Guidisburne, and Gawin Murray of Vdftounheid, become cautioneris, &c.

Slaughter.

Jul. 30.—DONALD M^cKY, fear of Far, Johnne Gordoun, younger of Golfpitour, and vtheris.²

Dilaitit ffor being airt and pairt of the Slauchter of vmq^{le} Johnne Sinclair of Stirkeo, and James Sinclair of Dyn, and remanent crymes contenit in the Letteris.

Compeirit personallie George Murray, seruitour to my Lady Sutherland, quha produceit ane Warrant of the Lordis of Secreit Counfall, &c. off the quhilk the tennour followis.

JUSTICE, Justice clerk, and 3our deputis. Qulairas, thair ar Letteris direct at pe instance of George Sincler of Dyn, as brother to vmq^{le} James Sinclair of Dyn, and mother-brother to vmq^{le} Johnne Sinclair of Stirkeo, and Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our souerane lord, for his hienes intreis, aganis *Donald M^cky*, fear of Far, *Johnne Gordoun*, 3ounger of Golfpitour, *Adame Gordoun* in Geartie, *Murdo Neill*, *Johnne Williamesfoun* in Achines, *Neill Mcallaster Neillfoun* and *Donald Myller*, seruitouris to the said Donald M^cky, fear of Far, and remanent persones defenderis, pair complices, contenit in the saidis Letteris, chargeing thame to compeir befoir 3ow, in the Tolbuth of Edinburgh, the penult day of Julij instant, to vnderly the law, for airt and pairt of the Slauchter of pe saidis vmq^{le} Johnne and James Sinclairis. And seing all matteris questionable betuix THE ERLE OF SUTHERLAND and M^cKY, and pair kyn and freindis, on the ane pairt, and THE ERLE OF CAITHNES, his kyn and freindis, on the vther pairt, is be our moyane and travellis submittit; in the quhilk Submissioun the saidis tua Slauchteris of pe saidis Johnne and James Sinclairis ar speciallie comprehendit, and pe decyding pairof restis in our handis, to be difensit be ws. IT is pairfoir our Will, and

¹ Must.

² Vid. Jul. 17, 1612.

We command 50w to DESERT þe said dyet appointit to þe said penult day of Julij instant, for tryell of þe saidis crymes, and naways to proceid in vnlawing of the saidis perfones defenderis, or þair cautioneris; dispensing with thair non-copeirance, in that respect: Quhairanent þir presentis fall be to 50w ane sufficient Warrant. Subferyuit be ws AT ED^R, the xxv day of July, 1612.

AL. CANCELL^S. LOTHIANE. S^R T. HAMILTOUN.

At command of the quhilk Warrant, the Justice ordanit the said dyet to desert, &c.

Slaughter—Bearing, Weiring, and Shooting of Hagbutts and Pistolets.

Jul. 31.—JAMES HALL of Foulebar; Mr Williame Hall, indueller in Dumbarten, his brother-germane; Thomas Stewart, at the Ferrie-boit of Inchymane.

Dilaitit of airt and pairt of the crewall Slauchter of vmq^{le} Johnne Montgomerie, younger of Scottistoun; committit with schottis of hagbuttis and pistolettis, within the burgh of Renfrew, in the moneth of November, the yeir of God I^m.V^c. fourfcoir nine yeiris: And als, for contravening of the Actis of Parliament, in beiring and weiring of hagbuttis and pistolettis, schoiteing and slaying of the said vmq^{le} Johnne Montgomerie younger thairwith, at the particuler tyme and place aboue mentionet.

PERSEWARIS.

Johnne Montgomerie, elder of Scottistoun, as father; Sir Williame Oliphant of Newtown, kny^t.

PRELOCOUTOURIS for the pannell, Mr Alexander King, Mr Laurence M^gill, Aduocatis.

Sir Johnne Buchannan of that Ilk, kny^t, become fouertie for Thomas Stewart his entrie, vpon xv dayis wairning, to vnderly the law for the slauchter aboue writtin, vnder the panes contenit in the Actis of Parliament.—The said James Hall, and Mr Williame Hall, his brother, tuik thame selffis to tua feuerall Remissiones, grantit to thame be our fouerane lord; the ane beirand, that his Maiestie, of his speciall faouour and grace, remittis and gevis pardoun to the saidis James Hall of Foulbar, and to Mr Williame Hall, his brother, for airt and pairt of the slauchter of the said vmq^{le} Johnne Montgomerie Younger of Scottistoun, and for all actioun and cryme that may follow thairupoun, or may be imput to thame thairfoir; quhilk is daitit at ffalkland, the aucht day of Julij, the yeir of God I^m.V^c. fourfcoir fyftene yeiris (1596), vnder his hienes Grit feill: The vther of the saidis Remissiones beirand, that his Maiestie, of his speciall grace and mercie, gevis pardoun and remiffioun to the said James Hall, feruitour to Archibald Erle of Argyle, and to the said Mr Williame Hall, his brother, and to ather of thame, for all cryme and offence that mycht be laid to thair charge, ffor thair beiring, weiring, or schuiting with hagbutis and pistolettis, contrair to his Maieftis Actis of Parliament, at ony tyme bygane, preceeding the day and dait of the

same Remiffioun, quhilk is daitit at Edinburgh, the tent day of Julij instant, I^m.Vj^c. and tuelf yeiris.

THE JUSTICE admittit the famyn, nochtwithstanding of dyuerse allegeances maid be our fouerane lordis Aduocat in the contrair; and Ordanit the saidis perfonnes vpone pannell to find cautioun to fatisfie the pairtie, conforme to the lawis of this realme: Quhairupone the saidis James and Mr Williame Hallis askit instrumentis: And for obedience of the said ordinance, ffand, with thame selfis, Williame Sempill of Foulewood, and James Wallace of Johnnstoun, cautioneris for thame, to fatisfie the pairtie, &c.

Slaughter, committed by a Youth fourteen years of age.

Aug. 26.—JAMES MIDDELTOUN, sone to vmq^{le} Robert Middeltoun, tailzeour, burges of Edinburgh.

Dilaitit off airt and pairt of the crewall Slauchter of vmq^{le} Clement Mauchane, sone to vmq^{le} James Mauchane, mercheand, burges of Edinburgh, be streking of him with ane durk, vnder the schorte ribbis, vppwardis, on his left fyde, the lenth of aucht or nyne inches, vpone the *diaphragma*, or midreid, quhilk is ane noble pairt; committit within the burgh of Edinburgh, within the duelling hous or ludgeing of Alexander Hunter, burges thair, vpone the threttene day of August instant: Off the quhilk crewall and deidlie straik sa gevin to him, he nevir thair-eftir convaleschet, bot immediatlie thaireftir taking bed within the foir chalmer of vmq^{le} Henrie Lummifden, chirurgane, to the quhilk he was led and cayreit, remanit bedfast in grit dollour and pane, vnder the cure of chirurganes, the fpace of nyne dayis togidder, or thairby; and at last, vpone the xxij day of August instant, about nyne houris afoir none, he depairtit this lyfe, of the said deidlie straik: And sa, was crewallie flane be the said James Middeltoun, vpone set purpois, prouiffioun, and foirthocht felonie; in hie and manifest contempt of our fouerane lordis auctoritie and lawis.

PERSEWARIS, Mr James Mauchane, as brother; Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our fouerane lord.

PRELOCUTOURIS in defence, Mr Johnne Ruffell, Mr Laurence M^cgill.

The persewaris producet the Dittay, with the roll of the Assyse, and desyret proces.—THE JUSTICE Ordanit the Dittay to be red.

Mr Laurence M^cgill, prelocutour, in name of Johnne Carmichell, decone of the Tailzeouris, Alexander Miller, tailzeour to his Maicstie, and of the mother and certane vtheris the pannellis freindis, befoir ony forder proces, and to eschew forder disputatioun in this matter, offerit to the persewaris, that for thair satisfioun for the slauchter aboue writtin, that thai war content to caus the pannell ather imbrace the Sentence of perpetuall Banishment; or vther wayis, to thair power,¹ to mak sic vther satisfioun, baith of honour and guidis, to the

¹ To the utmost extent of their means.

perfewar, as be the advyſe of friendis ſould be inioynet to him, his lyfe being faitit.—The ſaid Mr James Mauchane, as brother, and perfewar of this mater, for anſuer declairit, that, ſeing his brother is flane, aganis the Law of God and his Maieſteis lawis and Actis of Parliament, refuifet altogidder to enter in capitulation of agrement of this matter; and thairfoir deſyret that juſtice be miniſtrat, accoirding to the lawis of this realme.

THE JUSTICE, in reſpect of the perſewaris anſuer and deſyre aboue writtin, Ordanis proces.

It was allegit be the pannell and his prelocoutouris, that this matter ſould nocht pas to the knowlege of ane Affyſe ffor tua cauſſis; *ffirſt*, becaus he is nocht wairnit vpon e fyftene dayis wairning, conforme to the Act of Parliament; *ſecundo*, he was nocht tane *in fragranti crimine*; in reſpect be the Dittay it is affirmet, that the fact was committit vpon Thurisday the xij day of Auguſt instant, and vpon the fyftene day of the ſaid moneth, being Setterday, was tane be the Magiſtratis of Edinburgh, as ſuſpect giltie and culpable of the ſaid fact, albeit¹ the Magiſtratis of the ſaid bur^t had na power ſa to do, the tyme limitat to thame being expyret, viz. xxiiij houres allanerlie² eftir the committing of the fact; and ſa, he nocht being tane *in fragranti crimine*, bot within thre dayis eftir the allegit time of the committing thairof, the pannell, of all equitie, aucht to haif bene ſummond vpon fyftene dayis wairning.—It is anſuerit be my lord Advocat, that the foirſaid allegeance aucht to be repellit, in reſpect of the Dittay beiring the ſlauchter to be committit vpon the xij day, be the pannell, and he to be tane and apprehendit be the Magiſtratis vpon the xv day thaireftir, and committit to waird; quhairin he hes remanit to this hour. And ſa, the Slauchter being committit recentlie, and the pannell tane thairfoir *in fragranti crimine*, he aucht to be put to ane Affyſe, but³ ony citatioun preceeding; ſpeciallie, in reſpect he is brocht fra the priſſone to the bar, be the Magiſtratis, his takeris.

THE JUSTICE Ordanis the pannell to pas to ane Affyſe, nochtwithſtanding of the former allegeances.

It is forder allegit be the pannell, that my lord Juſtice can nocht put the pannell to the knowlege of ane Affyſe, for this cryme; becaus, be ane text of the Cowmone Law, *de delictis puerorum*, the fyft of *the Decretallis*, it is ſpeciallie declairit, that minoris within xiiij yeiris of age committing crymes, ar nocht *doli capaces*, quhilk can nocht be eſtimat to be done be thame *ex certa ſcientia*; and thairfoir, can nocht be perſewit thairfoir: Lyk as, in the accident that fell furth be the ſcolleris of the Grammer-ſcole of Edinburgh, in ſlaying of Johnne M^cmorane, being ane bailzie, and in the executioun of his office, this allegeance being proponit in the perſute intentit aganis thame for the ſaid Slauchter, it was ffound, be Interloquitour of the Judge, in reſpect of thair minoritie, that thai war nocht

¹ Although.

² Only.

³ Without.

doli capaces, and sa wer affoilzeit,¹ and na perfute followit furth aganis thame: Quhilk practique the pannell repeittis, and sayis, that in respect of the Cowmone-law and practique aboue writtin, he being minor *et non doli capax*, he can nocht pas to ane Affyse for the said cryme. *Secundo*, the slauchter aboue writtin was nocht committit vponne set purposis or foirthocht fellonie; in respect thair was na querrell betuix the defunct and the pannell ofbefoir, bot only the defunct missing his dager, quhilk was tane fra him be Capitane Erskine, quha also was with him in companie, and was cassin vp be him vponne ane almerie heid,² the defunct, for wanting thairof, challanget the pannell, and maist outrageouflic abufet him, baith with langaige and fraikis;³ lyk as, the pannell, finding him self sa vset, and feing ane durk vponne the buird besyde him, tuik vp the said durk and defendit him self thairwith, vponne the quhilk durk, haldin out be the pannell for his awin defence, the defunct ran him self; and sa was the caus, him self, of his awin slauchter: And thairfoir, fould nocht pas to ane Affyse.

To the quhilk it is anfuert, be my lord Aduocat, that the foirfaid allegeance of minoritie fould be repellit, becaus it is nocht condiscendit be the proponer of the said James Middeltone's age, quhidder he be past xiiij yeiris or within the samyn, quhilk of necessitie man⁴ be condiscendit vponne; becaus he being past xiiij yeiris of age, *est doli capax*, and sua may be perfewit and pwneist to the daith for the slauchter: Always,⁵ to mak the matter cleir to my lord Justice, it is affirmet be the persewer that he is past sevintene yeiris of aige, befoir the committing of the slauchter, as is manifest, nocht onlie be ocular inspectioun, bot be the extract of the tyme of his birth furth of the Register of the Kirk-buikis of Edinburgh, he being baptizet vponne the 23 day of Julij I^m.V^c.lxxxv.—As to the practique allegit betuix Johnne M^cmorrane and the Chancellor of Caithnes sone, and the rest of the bairnes, quhome the pannell allegis to haif bene perfewit for the said Johnne M^cmorrane's slauchter, it is certane that all the bairnes that war perfewit and accuset for that slauchter war within fourtene yeiris of age; and thair was na Interlocutour gevin in that cause, bot the matter was tane vp be his Maiesteis expres Warrant.—And acceptis the Confessioun of the durk in his handis, and Slauchter thairwith.

Thaireftir the pannell, for fatisfeing the desyre of my lord Aduocatis allegeance, condiscendis that he was within fourtene, at the leist fyftene yeiris of age, the tyme of the committing of the slauchter lybellit. And quhair, it is allegit and affirmet that the haill bairnes perfewit for Johnne M^cmorrane's daith war within fourtene yeiris, thair is na thing product to verifie the samyn. And last, as to the Tes-

¹ Absolved; dismissed.
by words and blows.

² Cast or thrown by him on the top of a cupboard or press.

³ Both

⁴ Must.

⁵ Nevertheless; at all events.

timoniall producet be the perfewar, anent the pannellis baptifme; *ffirst*, it is anfuerit, that na fayth can be gevin thairto, becaus it is nocht regiftrat; *secundo*, it hes na witneffes; *tertio*, of the Law, *teftibus et non teftimonijs credendum eft*.—The perfewar repeitis his former anfwer, with the Testimoniall extractit furth of the Kirkis Register.

The Justice Repellis the allegeances proponit be the pannell; and Ordanis him to be put to the knowlege of ane Affyfe.

ASSISA.

Jo ⁿ Quhyte, culteller, burges, Edr,	Patrik Craig, mercheand, burges of Edr,	James Cathkyn, librar, burges Edr,
Johnne Naper, tailzeour in Poketfleve,	Johnne Mitchelbill, mercheand, burges thair,	Dauid Laufone, mercheand, burges thair,
Johnne Gilbert, tailzeour in the Cannogait,	Patrik Meayne, couper, burges thair,	Thomas Cuthbertfone, culteller,
Johnne Smyth, mercheand, burges of Edr,	Robert Young, maltman,	Troyalus Laufone, baxter, burges of Edr,
Clement Ruffell, mercheand, burges thair,	James Halyburtoun, mercheand, burges of Edr,	Johnne Johnneftoun, tailzeour, burges of the Cannogait.

It was allegit aganis Johnne Quhyte, that he can nocht be admittit vpon this affyfe, becaus *vtro citroque gessit se hoc negotio*, in furtherance of this perfewer, in perfute of the pannell; and desyret the Judge to tak his ayth thairupoun, and to purge him of partiall counfall; quha being fuorne, declairit, that he had gevin na partiall counfall in that matter: In respect quhairof, the Justice admittis him vpon the Affyfe.

The Defender, eftir his accusatioun be Dittay of the Slauchter aboue writtin, vpon his confcience, denyis the famyn; and allegit, that thair was nathing producet to the Affyfe to verifie his giltines of that fact.

Mr James Mauchane, perfewer, and brother to the defunct, being fuorne, gaif his ayth vpon the Dittay, that he had just caus to perfew the pannell for the slauchter of his brother: And repeitis to the Affyfe the notoriety of the slauchter, in maner fet down in the Dittay.—My Lord Aduocat takis instrumentis of the sweiring of the Affyfe; and repeitis, for their forder instructioun, the offer maid be the pannell to the perfewer, ather to imbrace the sentence of Banifchment, or vtherwayis, in honour or guidis, to mak satisfioun to thair power; quhairin the pannell hes confest his giltines of the fact, in maner fet down in the Dittay. And proteftis, in respect thair of, for Wilfull Errour aganis the Affyfe, in caice thay acquit.—It is allegit be the pannell, that the offer allegit maid be him to the pairtie perfewer, in the begyning of the cause, was nocht maid be him, bot be Johnne Carmichell, deacone of the Tailzeouris, and vtheris his brether, the pannellis freindis and weill-willeris, out of thair awin box,¹ quhilk offer was

¹ Out of the box or funds belonging to the Incorporation.

nocht maid to induce ony Confessioun of the cryme, *sed ad evitandum litigationem*.—My Lord Aduocat, as ofbefoir, repeitis the offer, and notorietye of the fact committit; and protestis for Wilfull Errour, gif the Assyse acquit.

VERDICT. The Assyse, all in ane voce, be the mouth of the said James Cathekyn, buikfeller, fband, pronuncet, and declairit the said James Middletoun to be ffylet, culpable, and convict of the crewall slauchter of the said vmq^{le} Clement Mauchane; committit at the tyme and in maner specifeit in the said Dittay.—SENTENCE. The Justice, be the mouth of John Dow, dempster of Court,¹ decernit and adiudget the said James to be tane to the Mercat-croce of Ed^r, and thair his heid to be strukin frome his body; and all his moveable guidis and geir, gif he ony hes, to be escheit and inbrocht to his hienes vsê, as convict of the said Slauchter.²

Horse and Sheep Stealing—Theft—Perjury.

Sep. 18.—ALEXANDER IRWING, sone to vmq^{le} Gilbert Irwing of Wyfbie, James Irwing, sone to vmq^{le} Williame Irwing, brother to the said vmq^{le} Gilbert.

Dilaitit, accuset, and persewit, be Dittay, at the instance of Williame Mannecht in Echt, and Alexander Wilfone, gairdner thair, and be Sir Williame Oliphant of Newtown, kny^t, aduocat to our souerane lord, off the feuerall pointis of Dittay following, viz.

FOR airt and pairt of steilling and away-taking of thre lynning wobbis furth of the houffis of Gulielandis, pertening to ane pure woman thair; committit in Julij, 1610 yeiris. ITEM, ffor airt and pairt of the steilling of sevin naigis and meiris³ furth of the landis of Moufwall and Drummwre; committit in the moneth of October, 1610 yeiris. ITEM, ffor airt and pairt of the thiftious steilling and away-taking of aucht scheip furth of Dronnok, fra James Quhyte thair; committit in September, 1609. ITEM, ffor airt and pairt of the steilling and away-taking of tua naigis and ane mere, pertening to Johne Gillespie, and George Ker, in Robiequhat; committit in October, 1610. ITEM, ffor airt and pairt of the thiftious steilling and away-taking of sax oxin furth of the landis of Lochirgrane, within Drummwre; committit be the said Alexander, in the yeir of God I^m. sax hundreth and aucht yeiris. For the quhilkis feuerall crymes, the saidis Alexander and James Irwingis being arrestit to the Justice Court, haldin be the Commissioneris in the Tolbuthe of Dumfreis the fyftene day of October, I^m.Vj^c. and ellevin yeiris, thay, for thair non-compeirance, war declairit fugitiues and put to the horne, as rebellis and fugitiues, for the saidis crymes. ITEM, the saidis James and Alexander Irwingis war indyttit and accuset, at the instance of the saidis persewaris, ffor airt and pairt of the steilling and away-taking furth of the waird of Echt of ane gray naig, pertening to the said Williame Mannecht, and of ane broun naig, pertening to the said Alex^r Wilfoun, gairdner in Echt; committit vnder silence of nycht, vpon the first day of August lastbypast; quhilkis tua naigis war brocht Southe ower be thame to Ed^r to Thomas Lokeis hous, at the Wast-Point thairof, quhair thair war keipt for the space of thre

¹ This person appears, for the first time, as dempster, in the Record.

² See Nov. 18, 1618, when, after six years' imprisonment, the party relents, and Myddiltoun goes into voluntary exile for life. This arrangement is sanctioned by the Privy Council and the Justice, to whom the matter had previously been submitted.

³ Riding horses and mares.

dayis and thre nychtis ; and vpon the . . . day of the said moneth, being Mononday, the ordinar mercat day of the said burgh,¹ presentit thame to the horse-mercat thair of to be fauld, quhair the saidis tua horsis war challanget in thair possessioun, be Airthour Forbes of Sonnabony ; and thair thairefter apprehendit and committit to waird within the Tolbuth of Ed^r, thair to haif remanit quhill thair tryell. ITEM, ffor airt and pairt of the steilling and away-taking of ane horse furth of the Heuch of Duris, pertening to Thomas Frazer, sone to the auld Laird of Duris ; committit in Junij lastbypast. ITEM, ffor airt and pairt of the steilling, conceilling, and away-taking of ane blak horse, pertening to Johnne Clark in Auchrosle ; committit in the moneth of Maij, 1^m.Vj^e. and ten yeiris. ITEM, ffor the detestable and odious cryme of Periurie, in the periureing and mensveiring² of thame selfis, the tyme of thair examinatioun and vptaking of thair Depositiones ; the said James Irwing, be his grit aithe, affirmeing him selff to be namet Johnne Poole, quhairat he still abaid quhill the contrair was verifeit vpon him, and he maid to confes the treuth thair of ; quhilk was also sworne and affermet be the said Alex^r Irwing, that the said James was namet Johnne Pole. ITEM, thay and ather of thame war indytit and accuset for Cowmone thift, Cowmone reffet of thift, fra the South to the Northe, and fra the Northe to the Southe, in outputing³ of the famyn.

My lord Aduocat, for verifeing the first point of Dittayis, producet ane Precept of the Commiffioneris, be the quhilk the pannell ar denuncet fugitiues, for certane poyntis of thift gevin vp aganis thame ; and repetis the sueiring of the Dittay be the tua persewaris, anent the steilling of thair tua naigis : And in respect thair of, and of the notorietye of the pannellis thiftious lyfe, protestis for Errour, gif thay acquit.

VERDICT. The Assyse, be the mouth of Johnne Abercrombie, in Leith, chancellor, ffind, pronuncet, and declairit the saidis Alexander and James Irwingis to be fflylit, culpable, and convict of the haill crymes *respectiue*, aboue expremit.— SENTENCE. To be tane to the Castell-hill of Ed^r, and thair to be hangit vpon ane gibbet, quhill thay be deid : And all thair guidis and geir to be escheit, &c.

Slaughter.

Nov. 5.—JOHNNE HAY, seruitour to James Hendersone, chirurgane.

Dilaitit, accuset, and persewit be Cristiane Adamesone, the relict of vmq^{le} Niniane Paterfone, staibler in Ed^r, and Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our souerane lord, of the crymes following, viz.

FORSAMEKILL as the said Johnne Hay haifing, in the moneth of Maij bypast, hyret and conducet the said vmq^{le} Niniane Paterfones horse to Roifling-mylne, for hame-bringing of pe said James Hendersones bairne ; and pe said Niniane haifing past with him, of purpois, at his lichtig,⁴ to haif attendit vpon his said hors, the said Johnne Hay, be the way, directit the said vmq^{le} Niniane to ryn befoir, and to attend⁵ his cuming, becaus he was him selff to repair to Lefuaid, thair to speik with his saper and vtheris his freindis ; lyk as, about ten houris at evin, the said Johnne, haifing cum to the said mylne, atogidder ouerfet with drink, and sa, nawayis being able at that tyme of the nycht, and in sa beifstlie estait, to governe him self, let be to haif horfet and cayreit befoir him his said maisteris bairne, without danger of bothe pair lyves ; becaus pe said vmq^{le} Niniane maid sum oppositioun and resistance to that his intentioun, in ryding at pat tyme of the nycht ; he pairfoir, in his beifstlie rage and furie, ran vpon

¹ Now held on Wednesdays.
Fr. *attendre*.

² Manswearing.

³ Selling ; disposing of.

⁴ Alighting.

⁵ Await.

him, and with his kneis and feit possit¹ him vnder his feit, best and dang² him in þe heid, bellie, breiftis, and fydis, and brak and birfet³ his haill intrallis within him : And nocht being fatiseit with that his crewall and outrageous abuse, the said vmq^{le} Niniane, being rissin vp on his feit, the said Johnne come to him and hurritit him maist violentlie over the brae besyde þe mylne, of purposis to haif drowned him in the dambe, quhilk, be resone of þe said downeward fall, he had nocht failseit to haif done, war nocht, be þe Providence of God, he was haldin and stayit be þe stobe and rute of ane trie, his face and heid, nochtwithstanding, being maist schamefullie demanit⁴ and hurt, be occasioun of þe said fall : Off the quhilkis straikis, hurtis, and woundis, sa gevin to the said vmq^{le} Niniane, in maner foirfaid, he nevir paireftir convalessit ; bot being borne and cayreit hame to his duelling hous, tuik bed, quhairin he remanit bedfast, in grit dollour and payne, continuallie paireftir, to þe tyme of his daithe ; and at lenth, vpone Lambes day⁵ paireftir, quhilk was þe first day of August lastbypast, he deceiffit of þe saidis hurtis and woundis ; and at þe hour of his daith, and dyuerse tymes of befoir, during his feiknes, left his deid,⁶ and þe only cause pairof, vpone þe said Johnne : And sa was schamefullie, crewallie, and vnmercifullie flane be þe said Johnne Hay ; and he is airt and pairt of þe said crewall slauchter, committit vpone set purposis, prouisione, and foirthocht felonie ; in hie and manifest contempt of his hienes auctoritie and lawis.

PRELOCUTORIS in defence, Gilbert Hay, as fader to the defender ;

Mr Lawrence McGill, Adame Cuninghame, Johnne Elphinstone of Schank.

It is allegit, be the pannell, that this lybell is nocht relevant, in respect the perticuler day of the moneth of the allegit committing of the fact lybellit, is nocht condiscendit vpone.—To the quhilk it is ansuerit be the persewar, that the allegeance aucht to be repellit, in respect of the Sunmondis beirand the cryme lybellit to be committit, be this defender, in the moneth of May last ; and that be the straikis gevin to the defunct, at that tyme, he deceiffit thairof in August thaireftir.

THE JUSTICE, nochtwithstanding of the allegeance, in respect of the persewaris ansuer, remittis this matter to ane Assyse.

VERDICT. The Assyse, all in ane voce, be the mouth of Thomas Inglis, burges of Ed^r, chancellor, ffand, pronuncet, and declarit the said Johnne Hay to be clene, innocent, and acquit of the Slauchter of the said vmq^{le} Niniane, and of airt and pairt thairof.—Quhairupoun the said Johnne Hay askit instrumentis.

Theft.

Nov. 24.—THOMAS MOWAT, sumtyme seruant to Williame Lord Keith.

Dilaitit of airt and pairt of the thiftious steilling and abstracting fra Williame Lord Keyth, his maister, of ane purse, togidder with sax scoir Angellis of gold, being thairintill, vnder nycht, furth of ane foir chalmer in Ed^r, quhair his said maister was ludget for the tyme ; committit vpone the xijj day of Marche last.

This case was continued to Dec. 23, Jan. 29, Feb. 5 and 12 ; and at length

¹ Pushed. Fr. *pousser*. ² Beat and struck. ³ Bruised. It is sometimes in the Record expressed by '*brast*,' burst. ⁴ Used ; treated. ⁵ Lammas-day, 1st August, or the Feast of St Peter ad Vincula (in bonds) ; supposed to be so named, because lambs were offered at this Mass, in commemoration of the command of our Saviour to the Apostle, 'Feed my lambs.' This metaphorical expression was, as usual, seized upon by the Romish Church, and converted into a source of substantial profit. ⁶ Death.

was prorogated to the Justice-air of 'Sterling, tertio Itineris, vel super premonitione xv dierum.' No procedure is recorded, saving these continuations, owing to the absence of Lord Keith, &c.

'Englisch Pirattis'—Piracy—Theft.

Feb. 2, 1613.—JOHNE DAVIDSON, borne at Ratleiff, belyde Lundoun,
Johnne Lowis, borne in Cairleill, baith Inglish Pirattis.

Dilaitit of Piracie and Thift, committit vpon dyuerse his Maiesteis subiectis, bothe in Ingland and Scotland, viz.

FOR the thiftious steilling of ane schip-boit furth of Ratleif; committit vpon the fourtene day of Januar last, and passing thairwith to the sie: AND for airt and pairt of the buirding of ane catche or oister-bott, and thiftious away-taking of the samyn, vnder silence of nycht; and passing thairwith, furth of the river of Thames to Liefwall, quhair thai buirdit ane Harwadge Hoy, and be way of maisterful thift and stouthe-reif, rest and away-tuik furth thairof ane piece of stuf worth threttie schillingis sterling, togidder with breid, beir, and vther victuallis: AND thairfra, foranent Harwadge,¹ persewit and buirdit ane Yarmouth bark, and tuik furth thairof thre caidis of reid heiring, and ane half barrell of quhyte heiring, with the barkis topfail, the skipperis cloik, and ane stand of apparell, laid over with siluer laise: AND thaireftir, come to Yarmouth-Raid, quhair thai persewit and buirdit ane Scottis bark, pertening to Alexander Law in Kirkcaldie, inuidit the skipper with his companie, being thairin, hurt and woundit the said Alexander Law, skipper, in the heid: AND for dyuerse vtheris crymes of Pirracie, at lenth specifeit in the Dittay.

Quhilkis ('feuerall crymes') war confessit iudiciallie be thame to be of verritie.

VERDICT. The Assyse, be the mouth of Walter Lukkie, skipper in Leyth, chancellor, stand, pronuncet, and declairit the saidis Johnne Davidson and Johnne Lowis to be ffylet, culpable, and convict of the perticuler crymes of Thift and Pirracie aboue specifeit.—SENTENCE. To be tane to the Sandis of Leithe, within the fluid-mark thairof, and thair, vpon ane gibbet to be hangit quhill thay be deid; and all thair moveable guidis to be escheit, &c.

Fire-raising—Burning—Murder—Theft—Piracy.

Mar. 30.—NEILL M'CLAUD, sone-naturall to vni^q^e Rorie M'claud, sumtyme of LEWIS.

Dilaitit of airt and pairt of the crewall Burning of dyuerse houffis, erectit and biggit be the Lairdis of Balcomie, Airdrie, Wormestoun, &c. vpon THE ISLE OF THE LEWIS, and for dyuerse vther crymes, set down in his DITTAY following.

¹ Opposite to Harwich.

NEILL MAKCLAUD, sone naturall to vmq^{le} Rorie Mcclaud, sumtyme of Lewis. 3E ar indytit and accuset, fforamekill as, from 3our verrie 3outhe, 3e being tranet vp in all maner of barbarous crewaltie and wicketnes, and following pe pernitiuous example of 3our godles parentis, kynsfolk, and cuntrie people, haifing committit innumerable oppreffiones, heirfchipis, and violent factis aganis sic perfones as 3e mislyket, duelland within the cuntrie of THE LEWIS, and vtheris HIELAND YLES pairabout, to the heich offence of Almychtie God, displefour of the King's Maiestie, contempt of his royall authoritie, and violatioun of his hienes lawis; ffor forder manifestation of 3our extreame and vnnaturall mischancie,¹ vnderstanding that THE KINGIS most excellent Maiestie, for repressing of the abhominable villaneis, crewalteis, and oppreffiones committit be 3ow and 3our affociatis duelland within pe Yleand of the Lewis, out of his princelie wisdome, had directit ane grit number of his hienes peceable and guid subiectis furth of pe Lawlandis, bodin² with all maner of furnitour, and necessar prouisioun for pair intertenement, towardis pe said Ile of pe Lewis, thair to haif plantit and sett down Tounes and Villages, and to haif establischet all guid ordour and ciuilitie; of purpois, pairby, to haif extirpat and ruteit out pe name of barbaritie furth of thais pairtis: 3E, accompaneit with *Tormond Mcclaud*, 3our broper, and with tua hundredth barbarus, bludie, and wicket Hielandmen, foirneris and avowed malie-factouris, ancient inhabitantis and lawles perfones within the Lewis, quhome 3e conuenit to 3our selff, to resist and withstand the purpois and godlie intentioun resoluēt vpone be his Maiestie, anent pe quyeting of pat cuntrie—come, all bodin in feir of weir,³ with bowis, darloches, tua-handit-fuordis, hagbuttis, pistolettis, and vperis wappones *invasiue*, in oppin and hosteill maner, about a fourtene 3eir syne, or pairby, to the said Ileand of the Lewis, quhair vmq^{le} WILLIAME LORD PITTINWEME, the *Laird of Wormestoun*, the *Laird of Fingask*, the *Laird of Balcomy*, the *Laird of Airdrie*, accompaneit with dyuerse Inlandis Gentilmen, his Maieftis peceable and obedient subiectis war landit, and in planting of dyuerse houffes, pairtie of tymmer, and pairtie of stane and fail,⁴ for pe tyme, lipning for nothing less nor to haif bene inuidit and withstuid in thais pair vertiuous⁵ proceedingis; and pair, maist fearcelie inuidit and perfewit the saidis Lawland Gentilmen and pair companeis, maist crewallie murdreit and flew vmq^{le} Robert Traquair, vmq^{le} James 3oung, vmq^{le} Wedderburne, and dyuerse vtheris, te the number of tuentie tua perfones, maist tressonabillie put handis in the persone of the said *Laird of Balcomie*, be taking him as captiue and prissoner: AS ALSO, maist tressonabillie raist fyre, brunt and distroyit to the grund the haill houffis erectit vp be thame, with pe victuall and furnitour of meill, malt, and vther prouisioun, to the avail⁶ of tuentie thonfeand merkis: AND pair-estir, be way of maisterfull Thift and Stouth-reiff, thiftioulie flall and away-tuik the haill horsis, ky, oxin, scheip, and vther bestiall, pertening to pe said Lawland gentilmen, to the avail of ten thowfeand pundis. And 3e, the said *Neill*, ar airt and pairt of the saidis tressonable and barbarus crymes, and was pe speciall ringleider and Chiftane, with the said *Tormond*, 3our broper, in putting of the samyn to sic mercieles executioun: quhilk 3e can nocht deny. ITEM, 3e ar Indytit and accuset, fforamekill as *Johnne Pullet* and *Robert Blair*, burgeses of Perth, haifing past, with ane Schip pertening to thame, to *Loche-Browme*, to the fischeing, 3e, vnderstanding pairof, come with ane number of thevis and lymmeris, 3our affociatis, to pe number of fourtie men, or pairby, all bodin in feir of weir; and haifing devydit 3our companie in tua severall companeis, and enterit in tua boittis, 3e pairestir rowit af pe land towardis the said schip; and pair, as Pirattis, Thevis, and Sea-roberis, estir discharging of dyuerse muscattis, hagbuttis, and vperis ingynes of fyre-work at the said schip and companie pairof, 3e buirdit the samyn, intromettit with the haill furnitour, mercheandice, wyne, claithe, and vper prouisioun being pairintill, difarmet the merchandis, skipper, and marineris, and tuik af pame pair haill cletthing, and abul3ementis,⁷ pat tua (of) pe companie of the said schip a land, and in maist pitiefull⁸ maner murdreit and flew pe rest of the companie, to the number of sevin or aucht men; and pairestir,

¹ O. Fr. *meschancie*, *meschanceté*, wickedness.
particular quality. ⁵ Virtuous; honourable.

² Provided.

³ In warlike array.

⁴ Thickly cut turf, of a

⁶ Value.

⁷ Dress; apparel.

⁸ Piteous.

disponit vpon the said Schip, mercheandice and guidis being pairin, at pair plefour: And the said *Neill* was and is airt and part of the Thiftis and crewall Murthouris aboue writtin. ITEM, 3e ar indytit and accuset, fforfamekill as 3e, perfeveiring in 3our former devillifche and abhominable tred of lyfe, 3e, accompaneit with dyuerse thevis, foirneris, and brokin men, 3our complices, to the number of thre hundreth perfones, or pairby, all bodin in feir of weir, with fuordis, durkis, bowis, darloches, hagbutis, mufeattis, and pistolettis, refolveing with 3our selff to putt the hail Lawland Gentilmen being than within the said Ileand of pe Lewis to pe fuord, quhairby thay nor na vperis fould haif any power or commandiment in that Ileand to withstand 3our wicket attemptis, in the moneth of Apryle, the 3eir of God I^m.Vj^c. and fevin 3eiris, 3e of new agane come to that pairt of the said Ileand, quhair pe said Lawland Gentilmen had biggit dyuerse Townes and Villageis, and erectit dyuerse houffis: And the bettir to bring 3our wicket refolutioun to pas, 3e, in freindlie maner, humbillit and offerrit 3our selffis to becum peceable and obedient people, and desyrit thame to accept 3ow in seruice, to quhome 3e wald be willing to do all maner of guid and steidable¹ offices, as 3e fould be imployit, in regaird 3e fand (as 3e declairit) pair cuning to pat land to be for na evill intent, bot for guid: And pe saidis Gentilmen, beleveing 3our fair promeissis, and lipning nathing les pan that ony Treafone fould haif bene practizet be 3ow, haifing grantit 3ow sum ouersight,² 3e, with 3our affociattis, maist tressonabillie, vnder trust and freindschip, and in pe dark and maist quyet tyme of the nycht, enterit within the Campment belanging to the said Lawland Gentilmen, raist ffyre, and brunt and distroyit with fyre ane hous erectit and pertening to *Sir George Hay of Nether Liff*, ane vper hous pertening to *the Laird of Airdrie*, ane vper hous pertening to *the Laird of Wormestoun*, ane vper hous pertening to *Johnne Dalgleische*, with dyuerse vperis houffis, newlie buildit within the said Ileand, and alangis pe Sea coist pairof, brunt and distroyit the hail victuallis, furnitour, insicht and pleniffing being within the saidis houffis, to the avail and estimatioun of ten thowseand pundis: And at pe samyn tyme, maist crewallie Murdreist and Slew vniq^{le} *Patrik Giffert*, fervand to the Laird of Airdrie, with dyuerse vtheris fervandis and office men within the said Campment, in pair cuning out of pe saidis houffis, to save thame selffis frome the rage and violence of the ffyre, being all his Maiesteis faithfull and guid subiectis: And 3e, the said *Neill*, ar and war airt and part of the saidis tressonable and crewall factis. AND finallie, 3e, the said *Neill*, in regaird of 3our former abhominable lyfe, feiring 3our awin apprehensioun, and haifing, for 3our gritter suretie and releiff, fled af pe Mayne and Continent-land to ane Craig callit *Birsay*, ane myle within ane Loche, quhilk 3e nammit and fortifeit with men, munitioun, and all maner of prouisioun for 3our intertenement; and haifing also tua boittis provydit, for 3ow and 3our complices passage and repassage fra pe land to pe said Craig, 3e, with 3our affociattis, during 3our abyding within the said Craig, and keeping pairof, come a land, and ran dyuerse furrowes³ throw the cuntrie, and in maist thiftious maner flaw, rest, and away-tuik with 3ow, to pe said Craig, dyuerse guidis and bestial fra pe inhabitantis of the cuntrie about, namelie, fra *Gilliechallum McAllaster Coule* and *Gilliechallum Mcconell*, fra aper of thame, tuelff ky and oxin; quhilkis, with dyuerse heirschchipis of coirne, victuall, and vther necessaris, flouin and rest be 3ow, was transpourtit be 3ow to pe said Craig, in maist thiftious maner; quhair-upoun 3e disponit and interteneit 3our selffis at 3our plefour: And 3e, the said *Neill*, was airt and part of the saidis crymes. To the taikin, 3e haif confessit the hail premisses to be of verritie, the tyme of 3our lait Examinatioun, in presens of the Lordis of his Maiesteis maist honourabill Previe Counsell.

The pannell, be the interpretatioun of Andro Monro, Duncane Cunninghame, and James Logie, fuorne to the trew interpretatioun of all that fall be anfuertit be the pannell,⁴ Confest the hail poyntis of Dittay producet aganis him. Quhair-

¹ Serviceable.

² Oversight; superintendence.

³ Forays.

⁴ This is one of the earliest instances on record of sworn Interpreters being allowed to Highlandmen or foreigners. The practice had no doubt been common long before this period, though the circumstance has not been entered in the Books of Adjournal.

upoune the Aduocat tuik instrumentis. In respect of the quhilk Judiciall Confessioun, the Justice referrit the samyn to the Tryell and knowlege of ane Assyse. And for forder verificatioun of the said Neillis giltines, producet his Depositiones tane in prefens of the saidis Lordis of Secret Counfall, confessing the hail premisses to be of verritie. And in respect thair of, Protestis for Wilfull Errour aganis the Assyse, gif thay acquit.

VERDICT. The Assyse, all in ane voce, be the mouth of David Weymes, skipper in Leyth, chancellor, stand, pronuncet, and declairit the said *Neill*, be reasone of his awin Judiciall Confessioun, to be ffylet, culpable, and convict of the hail tressonable crymes of ffyre-raiseing, Burning, Murthour, and feuerall Thiftis at lenth sett down in his Depositiones, and Dittay foundit thairupoune.—

SENTENCE. To be tane to the Mercat-croce of Edinburgh, and thair to be hangit vpone ane gibbet, quhill he be deid; and thaireftir, his heid to be strukin frome his body, and affixt and fet vpone ane priket, aboue the Neper-boll Point¹ of the said burgh: And his hail landis, heritages, takis, steidingis, rowmes, possessiones, guidis, and geir, pertening to him, to be forfalt and escheit to his Maiesteis vse, &c.

Slaughter.

May 19.—JOHNE WEIR, callit of the Quhytecleuch; Mungo Weir, his brother.

Dilaitit of airt and pairt of the slauchter of vmq^{le} Johnne Hammiltoun, mercheand burges of Edinburgh; committit be thame in the moneth of September, the yeir of God I^m.Vj^c. and aucht yeiris: AND siclyk, the said Mungo Weir, for airt and pairt of the slauchter of vmq^{le} Walter Couthird, in Crawford-Johnne; committit at Lambes last, be schuiting him throw the body with ane pistolett.

PERSEWARIS, Jonet Small, the relict of vmq^{le} Johnne Hammiltoun; Williame Hammiltoun, as brother; Johnne and Mungo Couthirdis, as sones to vmq^{le} Walter Couthird.

ASSISA.

Johnne Gordoune of Earlstoun, Johnne M^cmathe of Corfbank, Eduard Creichtoun of Peiltoun, Johnne Creichtoun of Craufurdstoun, Harie Gordoun of Kilsture, Johnne Masone, burges of Edr.²

Quhilkis crymes war judiciallie confest be thame to be of verritie, in prefens of the said Justice and Assyse.

VERDICT. Fand the saidis Johnne and Mungo, accoirding to thair awin Judiciall Confessioun, to be ffylet and convict of airt and pairt of the said Slauchter.—SENTENCE. To be tane to the Mercat-croce of Edinburgh, and thair, thair heidis to be strukin frome thair bodeyis: And all thair moveabill guidis and geir to be escheit, &c.

¹ The Nether-Bow-Port.

² The rest of the Assise were burgesses.

Slaughter.

JUN. 2.—DAVID ERLE OF CRAWFURD; Harie Lyndfay, callit of Blarie-fadden; Harie Stewart, sone to vmq^{le} James, Lord Stewart of Newtown; and Johne Bellenden, fervandis to the said Erle.

Dilaitit of airt and pairt of the crewall Slauchter of vmq^{le} Sir Walter Lyndfay of Balgaweis; committit betuix the Citie of Brechin and the Place of Edzell, vpon the xxv day of October, 1605 yeiris.¹

PERSEWARIS, Margaret Lyndfay, as dochter; Duncane Hunter of Ballagane, hir spous; Sir Williame Oliphant of Newtown, kny^t.

PRELOCUTORIS in defence, Mr Alexander King, Mr Robert Lermonthe.

Continewit, of consent, to the ix day of Junij instant. My Lord of Tulliebairne² cautiuon for the entrie of the pannell, this day aucht dayis, the ix *instantis*.

JUN. 9.—Margaret Lynd with consent of the said Duncane Hunter of Ballagan, hir spous, for his entreis, being baith personallie present, passis *simpliciter* fra the persute of the said Dauid Erle of Crawford, &c., and renunes all actioun, instance, and persute quhatsumeuir, &c. And forder, product to my Lord Justice, his Maiesteis Remmissioun grantit to the said Erle and remanent his complices, enterit vpon pannell for the said slauchter, daitit at Newmercat, the xxiiij of Nouember, I^m.Vj^c. and aucht yeiris, togidder with tua feuerall Letteris of Slanes, the ane grantit be Dauid Lyndfay of Balgaweis, sone to the said Sir Walter, daitit the xx of Nouember, 1607, the vther gevin and grantit be the said Margaret, with consent of hir said spous, daitit the sevint day of Junij instant, beiring satisfioun and Assythemment to be maid be the said Erle to thame for the foirsaid Slauchter, &c.

THE JUSTICE Admittit the protestatioun, and Ordanit the said dyet appointit to this day to desert; as also, that Johne, Lord Lindfay of Byres, Harie Lyndfay of Kinfawnes, and Maister of Tilliebairne, cautioneris for the said Erle, sould be fred and exonerit, &c.

Incest — Adultery.

JUN. 16.—JAMES STEWART, sone to Allane Stewart, Capitane of Dalkeith.

Dilaitit, accuset, and persewit be Sir Williame Oliphant of Newtown, knycht, for his hienes intreis, of the cryme vnder written, viz. FORSAMEKILL as the abhominable, vyld, and filthie vyce of Incest, being sa odious and detestable in the presence of Almychtie God, and be the same eternall God his expres woird, sa cleirlye condempned: Thairfoir our souerane lord, out of his godlie dispositioun and zeale, be dyuerse his hienes Actis of Parliament, hes expresse statute and ordanit, that quhatsoeuir persone or persones committis the said abhominable

¹ See this Collection, Jul. 8, 1607, and Sep. 19, 1609.

² William, *second* Earl of Tullibardine.

cryme of Incest, fall be pwneifched to the deith; as the faidis Actis of Parliament in thame selffis proportis: Nochtwithftanding quhairof, it is of verritie, that the faid James Stewart, being marrit with Aleifoun Clogie, his lauchfull fpons, dochter to Johnne Clogie, cordiner, burges of Edinburgh, maift schamefullie, but¹ feir of God, or respect to our fouerane lordis lawis, hes gevin the vfe of his body to Katharene Clogie, his wyfes sifter; in the monethis of Marche, Apryle, and Maij, I^m.Vj^e. and tuelff yeiris, in his and hir journeying togidder betuix the burgh of Edinburgh and the toun of Elgyn, and within the faid toun of Elgyn: In the quhilk filthie and incestuous copulation, scho hes procreat to him ane bairne; committing thairthrow the detestable crymes of Incest and Adulterie, to the heiche displefoure and offence of Almychtie God, violatioun of the Kingis Maiefteis lawis, and evill exampill of vtheris to ryn in the lyk filthie and abhominable vyce, gif the famyn be sufferit to remane vnpwneift.

VERDICT. Fylet, culpable, and convict of the faid cryme.—SENTENCE. To be tane to the Mercat-croce of Edinburgh, and thair to be wirreit at ane staik, quhill he be deid; and thaireftir his body to be brunt in asches: And all his moveabill guidis to be efcheit, &c.

Theft—Slaughter—Fire-raising—Oppression, &c.

Jun. 22.—DUNCANE M^cPATRICK M^cGREGOUR, Allafter Cafe (Cafs)² M^cgregour, Johnne Dow M^ccondochie Vayne M^cRobert, Patrik Roy M^ccoulecheir, Ewin Crowbache³ M^cgregour, Johnne M^cneill Corroche.⁴

Dilaitit of airt and pairt of dyuerse pointis of Thift, Slauchter, Burning, and Oppreffhoun following, viz. THE faid *Duncane M^cpatrick M^cgregour*, ffor being in cumpanie with Gregour M^ccondochie Glen, at the burning of the Castell of Achallader and landis of Glenlocha: And ffor being at the ffeild of Benvek,⁵ quhair vmq^{le} Patrik Dow M^cnab, Donald Campbell Oig, fone to Johnne Campbell, and dyuerse vtheris, to the number of fevintene perfones, war flane: And ffor airt and pairt of the slauchter of vmq^{le} Allane M^cdougall, fervand to the Laird of M^ccoule. THE faid *Allafter Cafe M^cgregour*, ffor the crewall slauchter of vmq^{le} Neill M^cweyane, chopman, be ftreking him in the bellie with his awin knyfe, quhairof he deit: ITEM, ffor cowmone foirning, thift, and oppreffhoun. THE faid *Johnne Dow M^ccondochie Vayne*, ffor being at the ffeild of Glenfyules, and of airt and pairt of the heirschip,⁶ rest and tane away af the Landis, pertening to the Laird of Lufe and his tementis: ITEM, ffor airt and pairt of the fteilling of certane ky and horsis, pertening to Walter Sterling of Ballagan, furth of the parochin of Campsie: ITEM, ffor being in companie with the rest of the

¹ Without. ² Short-tempered; passionate.

³ Deformed.

⁴ Hasty; precipitate.

⁵ Bintoik?

⁶ Spoil; booty; plunder.

CLAN-GREGOUR at the Burning of Abervrchle, and heirship brocht furth thair-of: As also, ffor airt and pairt of the Slauchter of vmq^{le} Johnne M^cgillip, ane fidler, vnder my Lord of Tulliebairne: And for cowmoun Thift and foirning.¹ THE said *Patrik Roy M^ccoule-cheir*, ffor being in companie with *Duncane M^cewin M^cgregour*, callit THE TUTOUR,² at the Burning of Abervrchle, quhair fevin men war flane, thre bairnes war brunt, tuentie ky and oxin war stowin, rest, and away-tane: And for Cowmone-thift, Soirning, and Oppreffioun. THE said *Ewin Crowbach M^cgregour*, ffor airt and pairt of the steilling of ane meir fra Robert M^claren: And ffor airt and pairt of the steilling of tua horsis fra M^c-Innerich, in Cregan: And for breking of ane pur mannis hous in Kynnaldie, taking of the said pur man and binding vp his eyne, and steilling and away-taking of the hail inficht pleniffing of the said hous: And for steilling of ane kow fra Donald M^cconcill Vayne, furth of Johnne Stewart Neilsones landis. THE said *Neill Corroche*, ffor being in companie with the said *Duncane M^cewin M^cgregour*, callit *the Tutour*, at the Burning of Abervrchle, and slauchter and heirship aboue writtin, committit be thame: And ffor affisting and taking pairt with the rebellis and fugitiues, that tuik in the Ile callit Ileand-Vernache; and in taking in to the said Ile of aucht scoir ky and oxin, aughtene scoir schein and gait, stowin, rest, and away-tane fra the Inhabitantis of the cuntrie about: And siclyk, ffor airt and pairt of the steilling of ffyve ky fra James Chisholme, Don-drwne: And for cowmone Thift, Soirning, and Oppreffioun.

War all fax put to the knowlege of ane Assyse of the perfones vnderwritten.

ASSISA.

Mr James Kirk, fervand to my Lord of Argyle,	Johnne Buntene of Ardoche,	Allaster M ^c Rannald of Gargow-oche, ⁵
Johnne Stewart Neilfoun of Granniche,	Allaster Colquhoun V ^c James, in Calvin,	George Stewart of Downe-Machreif,
Johnne Makfarlane of that Ilk,	Robert Alexander, notter in Drymmene,	Johnne Stewart of Pitfowrie,
Dauid Drummond, callit the Chalmerlane,	Johnne Buchannane, fervand to my Lord of Madertie,	Patrik Stewart of Balliachan,
Alex ^r Schaw of Cambusnoir,		Dauid Chirnefyde of Poffo.

VERDICT. The Assyse, be the mouth of the said Johnne M^cfarlen of that Ilk, chancellor, ffind, pronuncet, and declairit the saidis fax perfones vponne pannell,

¹ Taking free quarters by force and violence. ² The TUTOR OF GLENSTRAE, styled, in the Record of Secret Council, 21st December, 1613, 'Duncan M^cEwin of Moirinfche, Tutour of Glenstrae.' In the same Record, 31st January, 1611, he is spoken of, to the prejudice of his Ward, as 'now callit THE LAIRD;' and, in the Justiciary Record, 8th May, 1612, as 'THE LAIRD OF M^c-GREGOUR!' In a Letter from the King, from his Court at Roystoun, 23d October, 1611, to the Scottish Council, (who took it into consideration 17th November following,) he is described as 'Duncan M^cEwne, alias Duncane THE TUTOR.' He was cousin-german of Allaster M^cGregor of Glenstray, executed at Edinburgh in 1604; and was Tutor to Gregor M^cGregor, otherwise John Murray, nephew and heir of Allaster, and who, on the King's recommendation, was restored to the Lands of Glenstray, in 1624. Duncan the Tutor assumed the protective surname of DOUGLAS, in compliment, probably, to the *Dowager Countess of Argyle*. ⁵ Lineal ancestor of Macdonald of Keppoch. In the Record, he is sometimes styled 'the Laird of M^cRannald.'

be reffone of thair awin Confessiones, maid in prefens of the maist pairt of the said Affyse, to be ffylet and convict of the haill crymes aboue reherfit.

SENTENCE. To be tane to the Burrow-Mure of Edinburgh, and thair to be hangit vpon the cownoun gibbit, quhill thay be deid : And all thair moveabill guidis to be efcheit and inbrocht to oure fouerane lordis vsê, as culpable and convict of the saidis crymes.

**Fire-raising — Slaughter — Intercommuning with MacGregors
— Slaughter and Houghing of Oxen, &c.**

Aug. 3.—DONALD DARG¹ M^cALLANE, fervand to Johnne Calder ; Donald M^ceane V^cAllaster Bayne ; Johnne M^cfyndlay M^cquiben.

Dilaitit of the crymes *respectiue* following, viz. THE saidis *Donald Darg M^callane*, and *Donald M^ceane V^callaster Bayne*, ffor being in companie with Johnne and Donald Calderis, fones to Thomas Calder in Delneis, vpon the xxj day of Maij last, at the tressonabill Raifeing of ffyre, burning, and distroying of the Hall, kitching, and remanent office-houffis within the precink of the clois of Clwnes, pertening to Colene Campbell of Clwnes : And ffor airt and pairt of the said ffyre-raifeing and burning. As also, ffor airt and pairt of the Slauchter of four horsis and meiris, being vpon the landis of Clwnes at that tyme, pertening to the tennentis thair of : As also ffor cuming, vpoun the xxiiij day of the said moneth, bak agane to the saidis landis of Clwnes, and thair, for airt and pairt of the Burneing of the haill houffis and biggingis within the Myd-toun of Clwnes, callit the Thornyfurd, and Burning of tua barnes and ane stable, in the Nether-toun, quhilkis war left vnbrunt ofbefoir : AND siclyk, ffor airt and pairt of the crewall Slauchter and Hocheing² of threttie heid of ky, oxin, and vther bestiall, pertening to Mr Williame Campbell of Breachlie his tennentis ; committit vpon the xxv day of the said moneth of Maij last : AND ffor airt and pairt of the crewall and vnnatural Slauchter of fourtie heid of guidis, within the Forrest of Leonache ; committit vpon the Monoday befor St Colmes-mefs last. AS ALSO, the said *Johnne M^cfyndla M^cquiben*, off airt and pairt of the Slauchter of vmq^{1c} Patrik M^cgreffie Roy in Budzet, with ane durk ; committit be him a tua yeir fyne, or thairby : AND for being in cumpanie with Robert Abroche M^cgregour, his kyn (and) freindis, Thevis and Soirneris, be the space of ane moneth, in dyerse thair wiket and thiftious deidis.

Quhilk Dittay was verifeit be the saidis perfones Depositiones, producet in proces.

The Aduocat repeittis the Depositiones alreddie producet, and in the Clerkis keping ; takis instrumentis of the fweiring of the Affyse ; and protestis for Wilfull Error, gif thai acquit.

¹ Red-skinned ; ruddy-complexioned. *Roy* signifies red-haired.

² Ham-stringing.

ASSISA.

George Monro of Tarrell, Johnne Mcgillievorich, fervand James Borthuik of Lochehill,
 Alexander Bayne of Logie, to Colene of Bothe, Johnne Stewart of Apyn,
 Hew Campbell of Ballangowne, James Dumbar of Bothe, Mr James Kirk, fervand to my
 Lord Argyle.¹

VERDICT. The Assyse, all in ane voce, be the mouth of Alexander Bayne of Logie, chancellor, fband, pronuncet, and declairit the saidis thre perfonen on pannell, accoirding to thair awin confessione, to be fylet, culpable, and convict of the crymes *respectiue* aboue specifeit.—SENTENCE. To be tane to the Burrowmure of Edinburgh, and vpon the cownone gibbet thair of to be hangit, quhill thay be deid; and all thair moveabill guidis to be escheit, &c.

Stouthreif—Theft—Bearing and Shooting of Hagbutts and Pistolets, &c.

Sep. 3.—GILBERT CRANSTOUN, father-brother to vni^q^o Patrik Cranstoun of Corfbie.

Dilaitit of the crymes following, viz. FOR the thiftious steilling, conceilling, and away-taking, be way of Maisterfull thift and stouth reif, furth of the stable of Corfbie, of ane gray stanet horse,² pertening to Patrik Cranstoun of Corfbie, his brother sone; committit be him vpon the tent day of July last. ITEM, for airt and pairt of the thiftious steilling, conceilling, ressetting, and away-taking of tua schein, pertening to Andro Vaiche in Hammiltoun, vpon Lyne watter; and of four schein pertening to James Tuedie, his fervand; and of tua schein pertening to Johnne Stewart, in Stobo; tua vther schein pertening to James Fouldane, thair, &c.;³ flowin be the said Gibert and his complices, furth of the boundis of Hammiltoun, vpon Lyne Commoune, in the moneth of ffebruar, I^m.Vj^o. and tuelff yeiris. ITEM, for contravening of the Actis of Parliament, in beiring and weiring of hagbutis and pistolettis, and schuitting of George Home of Bassinden thairwith, in his left thie;⁴ committit in the moneth of September, 1609 yeiris. ITEM, for Cownoun Thift, and cownoun resset of thift, outputing and inputing of thift, fra land to land, fra cuntrie to cuntrie, baith of auld and new.

VERDICT. Fylet, culpable, and convict of the haill crymes aboue writtin.—SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair to be hangit vpon ane gibbet, quhill he be deid; and all his moveable guidis to be escheit, &c.

Hearing, Saying, and Celebration of the Mass, &c.

Sep. 14.—MR ROBERT PHILLOPE, Preift; James Stewart, callet *James of Jerusalem*.

¹ The rest of the Assise were tradesmen.
 other petty thefts narrated in the Dittay.

² Stallion.
⁴ Thigh.

³ It is unnecessary to detail the various

Dilaitit of faying and heiring of Messis, contrair the tennour of the Actis of Parliament, &c.

FORSAMEKILL as, be dyuerse Actis of Parliament, speciallie be the fyft Act of our fouerane lordis first Parliament, and be the first Act of his hienes fourtene Parliament, it is speciallie provydit, statute, and ordanit, that na maner of persone or persones, of quahatsumeuir degre or condition may be of, preswme nor tak vpon hand to say Mefs within this kingdome, or zit heir Mefs, nor be present pair-at; vnder the pane of deid, with confiscatioun of thair hail moveabill guidis; as the saidis Actis of Parliament in thame selfis proportis: Nochtwithstanding quhairof, it is of verritie, that the said *Mr Robert Phillope*, Preist, quha ressaunt the ordour of Preistheid in Rome, haifing remanit furth of this kingdome sen the zeir of God I^m.V^c. fourfcoir nuntene zeiris, studeing the Catholique Romane Religion; in the moneth of Maij lastbypast, he returnet hame to this cuntrie, off purposis and intention (as he hes declairit) to convert faules to the Romane Religion; sen the quhilk tyme of his hame cuming, viz. in the monethis of Maij, Junij, and Julij lastbypast, for performing of his former Idolatrous intention, expres contrair the tennour of pe saidis Actis of Parliament, as ane Seminarie Priest, and perverter of his Maiesteis guid subiectis from the trew Religion, professit presentlie within pis realme, he hes seducet and conferrit with dyuerse of his hienes subiectis, doing quhat in him lay, be his fals and hereticall doctrine, to pervert pair faules from the treuth, and to convert thame to his erroneus opinioun: AND for that effect, hes, within the said space, said and celebrat, to pe number of sax or sewin Messis, in dyuerse pairtis and places of pis realme, secreitlie, in dyuerse houffis within the samyn, namelic: ANE of the saidis Messis was said be him in grit solemnitie, with his Mefs-claithes, consecrat alter, Mefs-buik, and with his vther superstitious rites and ceremoneis belanging pairto, within foure or fyve myles to the burgh of Dumfreis, Mr George Aflowane, sone to the Laird of Garroche, being Clerk pairto, and bringer in of the fyre to lycht pe candillis; quhairin the said Mr Robert hes contravenit pe tennour of the saidis Actis of Parliament, and incurrit the panes and pwnesment mentionat pairtill, quhilk aucht and sould be execute vpon him, with all rigour: LYKAS also, it is of verritie, that *James Stewart*, callit of *Jerusalem*, indueller within the burgh of Ed^r, being ane oppin and professit Papist, keiping and beiring companie with Jesuitis, Seminarie Preistis, and excommunicat traffiqueing Papistis, and ane cowmone ressoner in all companeis for pe said Romane Religion, aganis pe trew Religion, professit be his Maiestie and his hienes loyall subiectis within this his kingdom, expres contrair the tennour of pe saidis Actis of Parliament, in the monethis of Januare, Februare, Marche, Apryle, Maij, Junij, Julij, August, September, October, November, December, in the zeiris of God I^m. sex hundreth and nyne, sex hundreth ten, sex hundreth ellevin, and sex hundreth tuelff zeiris,¹ at the leif, in ane or vther of the saidis monethis and zeiris of God, he hes hard and gevin his bodielie presence to dyuerse Messis, said be dyuerse Preistis within this realme, in dyuerse places of pe same; and namelic, the said *James Stewart*, avowing himself to be ane Catholik Romane, in pe zeir of God I^m.Vj^c. and nyne zeiris, or pairby, was present at ane Mefs said be *Mr Patrick Anderson*, Jesuite, within his duelling hous of *Patrik Abercrombie* in Ed^r, in the *Laird of Leyis land*, befyde the buriall zaird of the said burgh: Lyk as, the said James Stewart, accompaneit with the said *Johnne Logane*, portioner of Restalrig,² about ane quarter of ane zeir pairrestir, was present at the heiring of ane vther Mefs, quhilk was said in the said James awin duelling hous in Ed^r, a litill aboue the Nether-boll-Poirt, quhair he duelt for pe tyme, be *Johnne Burd*, Preist, quha was brocht to pe said hous be pe said Johnne Logane to the effect foirlaid, nane being present at that Mefs bot pe Preist, the said James Stewart and his wyfe, with the said Johnne Logane, and ane vther blak man. ITEM, schoirtlie pairrestir, the thrid Mefs was said within the said *James Stewartis* duelling hous in the Cowgait of Ed^r, quhair he duelt for pe tyme, the said James being present him self at the heiring and faying pairto be the Preist. BE the quhilk wilfull heiring and present-being at pe saidis

¹ ' There was a Messe the same moneth (May 16:3) in Edinburgh, in James Stewart's house, who was called *James of Jerusalem*. The Preist and the said James fled. Sundry of the company were taken and wairdit.—*Calderwood's M.S. Church Hist.* Adv. Lib.

² See his Trial, immediately following the present.

feuerall Messis *respectiué* foirfaidis, the said James Stewart hes contravenit þe tennour of the saidis Actis of Parliament, and hes incurrit the panes and pwneifchment mentionet pairintill, quhilk fould be execute vpon him with all rigour, to the terrour of vperis.

Quhilk Dittay being red, in prefens of the saidis Mr Robert Phillipe and James Stewart, and thay accuset, be vertew thairof, of the feuerall crymes aboue speci-feit ; thay and aither of thame confessit, in face of judgement, that thai had contravenit his Maiesteis lawis and Actis of Parliament, in heiring, saying, and being present at dyuerse Messis, in maner specifeit in thair Dittay, ffor the quhilk thay offerit thame selffis, and become in his Maiesteis will : Quhairupoun instrumentis was tane be my Lord Aduocat.

Nochtwithstanding quhairof, the Justice ordanit thame to be put to the knowlege of ane Assyse.¹—The Aduocat, for verificatioun thairof, repeittit to the saidis perfones of Assyse thair former Judiciall Confessioun maid of thair crymes, aboue specifeit ; and thairwith producet thair Depositiones and Confessiones, maid in prefens of dyuerse Lordis of his Maiesteis Previe Counfall, and of the Ministeris,² subferyuit with thair awin handis ; and tuik instrumentis vpon the production thairof.

VERDICT. Fylet, culpable, and convict of the contravening of his Maiesteis Actis of Parliament, viz. the said *Mr Robert Phillipe*, for saying of the feuerall Messis set down in his Dittay ; and the said *James Stewart*, for heiring and being present at the feuerall Messis, also set down in his Dittay : conforme to their awin Depositiones, and ratificatioun thairof in judgement.

THE JUSTICE Ordanit the perfones convict to be returnet to waierd,³ thairin to remane, in strait firmance, vnto the tyme DOME be pronuncet aganis thame.

(Nov. 19.)—COMPEIRIT Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our fouerane lord, and producet ane Warrant, direct fra the Lordis of his hienes Counfall to the Justice ; quhairof the tennour followis.

JUSTICE, Justice clerk, and your deputis : 3ow fall, vpon the sight heirof, appoint ane Justice Court to be haldin within the Tolbuthe of Ed^r, at suche convenient and lauchfull day as 3ow fall think meit ; and pair call befor 3ow JAMES STEWART, callit of *Jerusalem*, and MR ROBERT PHILLOPE, Preit, and pronunce DOME aganis thame, vpon the Sentence of convictioun alreddie gevin aganis þame, as followis, to wit : Decerne the saidis James Stewart and Mr Robert Phillope to be BANISCHET his Maiesteis dominiones ; and to depairt furth þairof, within the space of ane moneth ; and nevir to returne agane within the samyn, without his Maiesteis Licence had to that effect, vnder the pane of deid. Quhairanent þir presentis fall be 3our Warrant. AT ED^r, the xvj day of November, 1613.

AL. CANCELL^r. SANCTANDROIS. ARGYLE.

‘ DOME ’ pronounced, according to the terms of the above Warrant.

Hearing of the Mass.

Sep. 16.—JOHNE LOGANE, portioner of Restalrig.

Dilaitit for the wilfull heiring of ane Mefs, and being present thairat, in com-

¹ All tradesmen.

² Of the gospel ; clergy.

³ Prison.

panie of James Stewart, callit of *Jerusalem*; quhilk Mefs was said in James Stewartis hous, a littill aboue the Nether-boll-Poirt of Ed^r, quhair he duelt for the tyme, in the yeir of God I^m. sex hundreth and nyne yeiris, or thairby, be Johnne Burd, Preift.¹

Andro Logane of Coitfield protestis, in respect of the entrie of the pannell this day, that the vnlaw quhairin he was adiudget the last dyet,² be nocht buikit nor gevin out aganis him: And producet the Counfallis Warrant, subscryuit be my Lord Chancellor, daitit the xv of this instant, Ordaning the said vnlaw nocht to be buiket; bot the said Johnne Logane, for quhome he became cautionn, and now enterit vponne pannell, to be put to ane Tryell for the cryme specifcit in his Dittay.

My lord Aduocat producet the Dittay; and efter reiding thairof, desyret the pannell to be put to the Assyse for the crymes specifcit thairintill.

It is allegit be the pannell, that, as to the first Act of the first Parliament halden be our souerane lord and Estaitis, he can nocht, be vertew thairof, incur the pane and pwneifchment of daith mentionat in the Dittay, becaus the maist that the said Act extendis to, is only daith to be inflictit for sic as the thrid tyme fall be fund culpable and convict of heiring of Mefs, or beis wilfullie present at the heiring thairof: And trew it is, that in the said Dittay, producet aganis him, thair is only mentioun maid of ane Mefs hard be him: *Igitur*, &c.—To the quhilk it is anfuertit be my lord Aduocat, that he infistis only in persute of the pannell for contravening the first Act of his Maiesteis fourtene Parliament, maid aganis wilfull heiraris of Mefs, sen the moneth of Junij 1594, quhilk is the dait of the said Act, quhairvponne the Dittay is speciallie foundit: In respect quhairof, the pannell sould be put to ane Assyse, for heiring, and wilfullie being present at ane Mefs, in maner, and at the tyme contenit in the Dittay.

It is forder allegit be the pannell, that he can nocht be put to ane Assyse for contravening the Act of the xiiij Parliament, becaus he nevir was present at ane Mefs within this realme, bot anes, sen his cuming out of Flanderis, quhilk is four or fyue yeir syne; and the Act aucht only to be extendit aganis sic as hes hard mony Messis: Lykas, the pannell was drawin to the said Mefs be senistrous informatioun, and at the instigatioun of James Stewart, quha inveitit him to his hous to the heiring thairof; and sa, in effect, come thairto contrair his will; for the quhilk cryme he is maist penitent, and craves first God, and nixt his Maieftie and Counfall, and the Kirk, pardoun for the samyn: Lyk as, in respect of his penitence and greif for the said offence, he was ressaunt in fauour with the Kirk

¹ The Dittay is conceived in terms precisely similar to the preceding case. ² On Sep. 14. This marking is inserted—'MP. The Guidman of Coitfeild being vnlawit þis day, for nocht entrie of Johnne Logane, portioner of Restabrig, to haif bene tryit for þe said crymes; the Act of buiking þairof, be þe Counfallis Warrant, was (in respect of Johnne Loganis entrie in ward) difcharget.'

and Seffion of the parochin quhair he duellis ; and hes fenfyne borne office in the Seffion thairof, refoirtit continuallie to the heiring of the woird, and at all tymes was present at the celebratioun of the Communioun and ministratioun of the Sacramentis : Protefting, be God's grace, to continew ane trew and constant Profeffour of the trew Religioun, presentlie profeflit within this realme, to his lyves end ; and for the offence aboue writtin maift humlie becumis in his Maiefteis will.—It is anfuerit be my lord Aduocat, that the allegiance maid be the pannell is na relevant caufe, of the Law, to ftay the puting of him to the tryell of ane Affyfe, vpone the Dittay lybellit ; becaus all perfones man be comptit wilfull heiraris of Mefs that cumis voluntarlie thairto, and patientlie abydis and heiris the famyn ; and it is nocht allegit be the pannell that he was compellit to cum and heir that Mefs ; nather can the famyn be fufteinit, except he purge the famyn be ane violent deid compelling him to refoirt thairto : And albeit the pannell hes communicat fenfyne, and borne office in the Kirk, he anis haifing wilfullie hard Mes, quhilik is ane cryme capitall, be the faid Act of Parliament, na deid done be him, without his Maiefteis pardoun and Remiffioun pafte, can purge that cryme : And forder, to mak it knawin that he was ane wilfull heirar of the Mefs lybellit, it is affirmet that he come to James Stewartis hous at the Nether-boll, and brocht with him Johnne Burd, Preift, quha cravet feruice, James Stewart then being fleiping in his bed ; and being walknit, he anfuerit, that for releif of his confcience he was content to heir him : And than the Mefs was faid in the faid James Stewartis hous, quhair thairefter thay dynet altogidder. This is verifeit be James Stewartis awin Depofitioun, fufcryuit with his hand, and heirwith product, for verifeing the premisses.

THE JUSTICE Repellis the allegiances aboue writtin, and ffindis the Dittay relevant ; and Ordanis the pannell to pas to the tryell of ane Affyfe, for the cryme lybellit.

VERDICT. The Affyfe, all in ane voce, be the mouth of Thomas Fifcher, mercheand, chancellor, fand, pronuncet, and declairit the faid Johnne Logane, conforme to his awin Depofitioun, fufcryuit with his hand, and ratificationis thairof maid in judgement, in thair prefens and audience, to be ffylet, culpable, and convict of the heiring of ane Mefs faid be the faid Johnne Burd, Preift, within the duelling hous of the faid James Stewart ; in forme and maner, and at the perticuler tyme fpecificit in the faid Dittay.

THE JUSTICE Ordanit him to be tane bak agane to waird within the Tolbuth of Ed^r, thair to remane quhill DOME war pronuncet vpone his former convictioun, &c.

(Nov. 26.)—The Lord Advocate produced a Warrant of the Privy Council, dated ‘ at Ed^r, the xvj day of November, 1613,’ ordaining the Justice to ‘ pro-

nunce DOME aganis him, vpon þe Sentence of Convictioun alreddie geven aganis him, as followis, viz.⁷

SENTENCE. That he mak payment to his Maiesteis Thesaurer depute and Reffauer, in his Maiesteis name, of the sowme of ane Thowseand pundis money, as a fyne imposit vpone him.

Incest and Murder.

Sep. 24.—JOHNE RAMSAY of Pryour-Lethame.

Dilaitit for the filthie and abhominable cryme of Incest, committit be him with Margaret Ramsay, his awin dochter : As also, for airt and pairt of the crewall Murthour and slauchter of vmq^{le} Williame Ofett, his awin fervand ; and remanent crymes contenit in the Letteris.

Mr Vmplra Blinshell, Aduocat, as bailzie and procuratour for George, Archebifchope of St Androis, Lord of Regalitie thairof, quha exponit and declairit that the said Johnne is duelland within the boundis of the regalitie of St Androis, and thairby is subiect to the said Lord of Regalitie, his judgement and jurisdic-tioun, for the crymes aboue specifcit : And thairfoir Protestit, that quhatsoeur war done be the Justice this day, fould nawayis preiudge the said Lord of St Androis, nor his privilege of Regalitie thairof.

Michell Ramsay of the Forther vnlawit and americiat in the pane of fyve hundredth merkis, for nocht entrie of the said Johnne. And siclyk, that the said Johnne, for his nocht compeirance, be demuncet rebell and put to his hienes horne ; and all his moveabill guidis to be escheit, &c.¹

Fire-raising—Houghing of Cattle—Oppression, &c.

Nov. 5.—THOMAS CALDER, in Delneis ; Robert Caddell (Calder), sone to Johnne Caddell in Flines.

Dilaitit for airt and pairt of the coming to the landis of Clunes, pertening to Colene Campbell of Clwnes heretable, and maist tressonable and awfullie Rasing of ffyre in the hall, chalmeris, barnis, byris, and scheip-coit thairof, and burning and distroying of the samyn, and be Maisterfull Oppressioun, hoching² and slaying of thre meiris (*mares*) and ane horse, pertening to the said Colene ; committit vpoun the xxij day of Maij lastbypast, vnder sylence and cloud of nycht. AND siclyk, for cuming to the said landis of Clunes, on the xxiiij day of the moneth of Maij lastbypast, att tuell houris in the day licht, and willfullie, awfullie, and tressonabillie Rasing of ffyre, in ane toune,³ callit in Ersch⁴ *Andraane*, and in

¹ No farther notice is taken of this case, which had likely been quashed by Archbishop Gladstones, (translated from the See of *Caitness*, A.D. 1606,) or privately compromised within his Regality.

² Hamstringing.

³ Farm-steading.

⁴ Gaelic.

Scottis *Thorne-furd*; and to the Cot-toun of Clune, and Burning and distroying of the famin, togidder with the haill infycht and pleneiffing, pertening to the said Colene Campbellis tementis thair: And fwa, for committing of oppin and manifest Treafoun.

PERSEWARIS, Colene Campbell of Clunes; Sir Williame Oliphant of Newtoun, kny^t, Aduocat, &c.

THE Justice, of consent of the persewaris, Continewis this matte to the fyftene day of December nixt.

(Dec. 15.)—James Cuning of Alter, cautioner for the said James, vnlawit and amerciati in the pane of tua hundreth merkis, for his non-entrie; and Colene Campbell of Both, cautioner for the said Robert Calder, in the pane of ane hundreth merkis: And the pannels Decernit to be denuncet our fouerane lordis rebellis, &c., and all thair movable guidis to be efcheit, &c.

Murder—Theft—Fire-raising.

NOV. 24.—ALLANE CAMRONE *alias* M^cEandowie of Lochzell; Eugen Camrone in Caldort; and Allane Dow in Clinfelphairne, &c.

Dilaitit for airt and pairt of the crewall Murthour and Slauchter of Johnne Camrone, *alias* Bodache, Allafter Camrone of Glennevas, and vmq^{le} Ewin M^cconcell V^cewin, and remanent crymes of Murthour, Slauchter, Thift, and ffyre-raifeing, at lenth specifcit and fett down in the Letteris.¹

James Gordoun of Knokaspek, as cautioner, for repoirting the Letteris, deulie execute and indorfate, purchest at the instance of Marie Neane Jeane Oig, the relict of the said Johnne; Meriorie Ewin, the relict of the said Allafter; Marie Neane Lauchlane V^callane, relict of vmq^{le} Ewin; with the remanent kyn and freindis, producet the saidis Letteris, deulie execute, &c., be the quhilkis thair ar all denuncet rebellis, and put to the horne.

Usurpation of King's authority—Destroying green Corn, &c.

NOV. 26.—WILLIAME FORBES, elder of Monymusk; Robert, Johnne, and Mr James Forbis, his thre fones; Johnne Forbes, callit of Burnegranes; James Geillis and Johnne Farquhar, domestik feruitouris to Monymusk; and George Raitt, in Coiff.

Dilaitit for vsurpatioun of his Maiesteis authoritie, in taking of Williame Dowgat, (Duguid?) feruitour to George Gairdin; committit the 24 of Julij last: And for contravening the Actis of Parliament, in cutting of certane grene growand coirnes, pertening to Gilbert Menzeis of Pitfoddellis, growand vpon his landis of

PERSEWARIS, Gilbert Menzeis of Pitfoddellis; Williame Dowgat, feruitour to George Gairdin; Sir Williame Oliphant of Newtoun, kny^t, Aduocat.

¹ The Dittays are not inserted in the Record.

THE Justice, with advyse of my lord Aduocat, Continewis this dyet to the thrid day of the Air (of Aberdeen), or foner, vpone xv dayis wairning; and Ordanis caution to be fund be the pannell. Plegio, Joanne Kynnaird de eodem.

Cutting and Destroying Corn.

Nov. 26.—MARGARET IRWING, Lady Pitfoddellis; Gilbert Menzeis of Pitfoddellis, hir spous, for his entreis; David Knowis, his domestik fervand; Johnne Ramfay, his greif; Johnne Philp, Williame Daveny, Williame Dougatt, and Johnne Ramfay.

Dilaitit of airt and pairt of the contravening of our fouerane lordis Actis of Parliament, in cutting and distroying of coirnes; committit in the moneth of July lastbypast.

PERSEWARIS.

Williame Forbes, elder of Monymusk; Sir Williame Oliphant of Newtoun, kny^t, Aduocat.

This case¹ also continued to the same Air. Plegio, Pitfoddellis.

Slaughter.

Dec. 1.—HEW SOMERVELL of Drun.

Dilaitit for airt and pairt of the Slauchter of vmq^{le} Johnne Bryfone, in Gilmertoun, be gevin to him of dyuerse straikis, hurtis, and woundis, with ane lang battone or girth-fling,² in his sydis, schouleris, breift, and bellie, and dyueris vtheris partis of his body, at the dur of his duelling hous in Gilmertoun, vpone the xxiiij of September last; off the quhilkis straikis, he haifing tane bed, and remaning bedfast the space of aucht dayis, in grit dollour and pane, deceiffit thairof vpone the first day of October thaireftir.

PERSEWARIS, Agnes M^cindo, the relict; Patrik and Margaret Bryfone, as bairnes.

PRELOCUTOURIS in defence, Mr Thomas Hoip, Mr Laurence M^cgill.

It is allegit be the pannell, that the Dittay is nocht relevant, in sa far as it is nocht qualifeit thairin, that the cryme was committit vpone foirthocht fellonie; without the quhilk war condiscendit vpone, na cryme can be inferrit: And thairfoir, as the Dittay is qualifeit, it can nocht pas to ane Assyse. And forder, it is affermit be the pannell, that the said Johnne Bryfonis death nawayis proccidit vpone ony straik or hurt gevin to him the tyme lybellit; bot be the contraire, the said Johnne, that same day of the allegit ressaucing of the straikis, past to the Coilpot-hill, and thairfra with his coillis³ come to Ed^r, quhair he fauld the

¹ It is obvious that the preceding cases arose out of the deadly feuds which then raged between the families of Monymusk and Pitfoddels. No information is afforded by the Record, how these Cases terminated—but from their withdrawal to ‘the Air,’ it is likely they were compromised by the intervention of mutual friends.

² Dr Jamieson interprets this word to signify a pole from which a girth, gird, or barrel hoop is made.

³ Coals. GILMERTON, at that period, as well as now, was famous for its collieries and stone quarries, and appears to have been, even in these early times, peopled by a most barbarous and regardless race. The recent atrocious case of Rape and Murder is too fresh in the public mind to require any farther notice of the proverbially savage nature of the colliers and carters inhabiting that village. A bare allusion to the evidence adduced in that shocking Trial is more than enough to justify the preceding observation.

famyn ; and passing hame, that same nycht, to his awin hous, lay down haill and feir ;¹ and his haill famelie being visseit with the hett-fever,² be the space of ane moneth ofbefoir, the said Johnne being also visseit thairwith, in aucht dayis thair-estir, sa reaget thairin, that in end, at the tyme lybellit, he deceiffit of the said ffever, notourlie knawin to the haill cuntrie about. And sa, can nocht pas to ane Assyse, for ony cryme set down in the summondis.

THE Justice findis the Summondis relevant, nochtwithstanding of the former allegiances : and Ordanis the famyn to pas to ane Assyse.

ASSISA.

Mr Pat. Edmeftoun of Wowmet,	Nicoll Crawford, in Nether Lib-	Mr Jo ⁿ Wardlaw, in Libbertoun,
George Ramsay, Nether-houffis,	bertoun,	Symone Henderfoun, thair,
Robert Eddislaw, in Lefuaid,	Henrie Arnote, in Lefwaid,	Dauid Ramsay, in Pethheid,
Nicoll Ramsay, thair,	Michael Craufurd, at Libber-	Geo. Pacok, in Nether Libbertoun,
Gilbert Hay, thair,	toun-Kirk,	Thomas Andro, in Lefuaid.

It is allegit be the pannell (that) George Ramsay, Robert Eddislaw, Nicoll Ramsay, can nocht be reffaut vpon his Assyse, becaus thai ar tennentis, haifing na frie landis of thair awin ; and the pannell being ane landit Gentilman, within the degrie of ane Barroune, halding his landis of Drun, and vtheris pertening to him, immediatlie of the Kingis Maiestie, fould thairfoir be tryit be his peiris, viz. be Barrones ; at the leift, the maist pairt of thame fould be in that rank ; *igitur*, &c. Repeitis the former allegiance aganis the remanent Assyfouris of the lyk qualitie.

THE Justice, vpon tryell of the said George Ramsay and remanent Assyfouris rank and estait, finding thame to be honest, substantious men, Admittis thame vpon the said Assyse.

VERDICT. The Assyse, all in ane voce, be the mouth of Thomas Andro, in Lefuaid, chancellor, fand, pronuncet, and declairit the said Hew Somervell of Drum to be Cleane, innocent, and acquit of the said slauchter.

Witchcraft—Poisoning—Treasonable Murder.

[THE CASE OF ROBERT ERSKINE, which follows, and the subsequent Trial of his three sisters, HELEN, ISOBEL, and ANNAS,³ afford very lamentable proofs of the baneful effects of an all-engrossing spirit of covetousness. There cannot be a doubt that the sordid avarice of these individuals, habitually indulged, and permitted to acquire the entire ascendancy over their minds, rapidly terminated in the perpetration of the highly revolting crimes for which their lives were justly forfeited to the offended laws of their country.

It is melancholy to reflect that these atrocious criminals, whose cold-blooded and calculating crimes form the subject of these Trials, were immediate descendants of the eminently good and pious John Erskine, Baron of Dun, and Superintendent of Angus and Mearns, one of the most active promoters of the Reformation of Religion in Scotland, whose character and public services are well known. This excellent man died Mar. 12, 1591, in the 82d year of his age, having, throughout his long and useful life, bestowed much of his time in attending to the religious and moral education of his children and

¹ Whole and sound.² Probably the Scarlet fever.³ See their Trial in this Collection, Jun. 22, 1614.

their numerous descendants. The Superintendent was the eldest son of John Erskine of Dun, by Margaret Ruthven, daughter of Sir William de Ruthven, first Lord Ruthven, and relict of Alexander, second Earl of Buchan. He married Lady Elizabeth, third daughter of David, seventh Earl of Crawford. John Erskine, the next Baron of Dun, married Margaret, eldest daughter of James, fifth Lord Ogilvy of Airlie. His son, John Erskine of Dun, married Margaret Keith, second daughter of Robert Lord Altrie, last mentioned. This Baron was succeeded by John Erskine of Dun, who married the Honourable Margaret Lindsay, daughter of Sir Alexander Lindsay, first Lord Spynie, (slain 1607,) and was probably the father of Robert and his sisters, Helen, Isobel, and Annas. David Erskine of Dun, the brother of these criminals, and father of their victims, John and Alexander Erskine, married Jean, eldest daughter of Patrick Maule of Panmure, by Margaret daughter of John Erskine of Dun.

It must therefore be obvious, owing to the high respectability of the ancient Family of Dun, and the rank and power of the numerous connexions of the pannels, that every influence must have been used for averting the stain of a public Trial and an ignominious execution; but their crimes were of too deep a dye to admit of the public prosecutor waiving this imperative duty.

One very striking feature of this remarkable Case is, that the brother was urged forward to the perpetration of this crime by the repeated suggestions and solicitations of his sisters; who, with desperate wickedness, goaded him forward to consent to the act. These wretched females were both the prime movers and the actors in this shocking tragedy. Their brother appears to have been a passive instrument in their hands.

It only remains for the Editor to state, that, after much research, he has only been able to procure the following notices, from an authentic source.¹

(Nov. 30, 1613.) ‘ROBERT ERSKINE, vncle to THE LAIRD OF DYNNE, being examinat be foure of the Counfell, depute to that effect, vpon the practize of poifone aganes his tua nephewes, the brether of the Houfe of Dynne; after dyuerfe denyallis and confrontationes with fome who avowed that mater vpon him, he is come to a cleere Confession of the hail treuthe of that mater; to wit, that he wes a deallar, confultor, and confentar to the Murthour of his tua nephewes by poyfone; and that his thre fisteris wer the first movearis of him to that wicked deide, that therby he might atteane to the right of the leving of Dynne. Direction is gevin to the Justice to putte him to the tryall of the lawes, and Commiffion is gevin to the Erle of Mar to apprehend the three fisteris, and fome otheris gevin vp be the said Robert, as guyltie, and to presert thame here to there tryell.’—(Dec. 1, 1613.) ‘Robert Erskyne wes this day execute for the practize of poifone, wherin he wes a counfellour and confentar aganes the tua bretherine of the Houfe of Dynne.’]

Dec. 1.—ROBERT ERSKYN, sone to Johnne Erskyn, appeirand of Dwn, callit *Johnne of Logy*.

Dilaitit, accufet, and persewit, be Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our souerane lord, for his hienes intereis, of the crymes following, viz.

DITTAY *against Robert Erskyn.*

FORSAMEKILL as, be the Law of the Almychtie God, loveable Constitucionnes of all Christiane kingdomes, and Municipall Lawis of this realme, all Witchcraft, Sorcerie, Consultatioun with Witches, seiking of help or resposnes of thame, and vsaris of Poyfone or Poyfoneable herbis, quhairthrow ony Cristiane man, woman, or bairne may take hearme, is prohibeit and discharged, vnder the pane of deid, confiscatioun of all the offendouris moveabillis, and dyuerse vtheris grevous

¹ Minutes of Privy Council Proceedings, Denmylne MSS. Adv. Library. *Balf. Annales*, II. 44.

panes and pwneifchmentis, at moir lenth expreffit in the faidis Lawis, Actis, and Ordinances : Nochtwithftanding quhairof, it is of veritie, that þe faid Robert Erskyn, being blinded with the godles and infatiable defyre of þe landis and leving of Dwn, and knowing perfytlie that he could nevir attene to be full Laird pairof, fo long as Johnne and [Alexander] Erskynis, the tuo lauchfull fones of vinq^{le} Dauid Erkin, his elder lauchfull brother, was on lyfe : ffor removeing of the quhilk impediment, vpone a pretendit mifcontentement confauet be him and his thre fifteris, Ifobell, Helene, and Annas Erkinis, becaus vinq^e Erskyn of Dwn, quho was fone-in-law to the Laird of Pitcur, vpone his deid-bed had nominat Johnne Erkin, Minister at St Ceres Kirk, to be Tutour Testamenter to the faidis tuo ʒoung boyis, his brother-fones, and that be þe faid nominatioun of Tutorie, the faid Robert, as nerrest agnat of bluid to thame, was defraudit of the charge of pais bairnes and þair Eftait ; albeit þe faid Robert his cheif difcontentment was, becaus, be þe furvieing of the faidis tuo bairnes, ʒour (*his*) rycht of fuceffioun to the faid leving was impeidit. The faid Robert, þairfoir, ffor removeing of the faid impediment, in his devillifch difpofitioun, conuenit to him felff his faidis thre fifteris, Ifobell, Annas, and Helene, within the Place¹ of Logy, about Mydfomer, in the ʒeir of God I^m. fex hundreth and ten ʒeiris, and þair treited, confulted, deliberat, and refolued vpone the destruction and Murthour of þe faidis tuo ʒoung childrene, his broper-fones,² be Witchcraft and Poyfoun : AND for this effect, tuo of his fifteris, haifing proponit to ane Dauid Blewhous, that gif³ he wald vndertak to get ane Witche, that, be fun finifterous meanis, wald tak away the lyves of þe faidis tuo boyis that war betuix þe faid Robert and the leving of Dwn, that þe faid Dauid fould reffauie for his rewaird ane poffeffioun, for his lyftyme, out of the landis of Dwn, and fyve hundreth merkis of filuer ; and promeift to caus þe faid Robert, vpon the morne þaireftir, ratifie to þe faid Dauid the former conditioun : Lykas, fchortlie þaireftir, þe faid Robert, cuming to the faid Dauid Blewhous duelling hous, and haifing forgadderit⁴ with him þair, he þan demandit of þe faid Dauid, quhat he had done concerning the purpois inpairtit be his fifteris to him, anent þe diftrucioun of þe faidis tuo bairnes ? And becaus, be þe anfuer maid be him to þe faid Robert and his fifteris, the faid Robert could nocht get his wiket purpois effectuat be þe faid Dauid Blewhous, thairvpon the faidis Annas and Helene, his tua fifteris, of the fpeciall caufeing, fending, hounding out, airt, pairt-taking, counfell, and devyfe, paff, in ane evening, fra þe faid Place of Logy, over þe Cairnemoth, towardis þe Mure-ailhous, and þair forgadderit with ane woman, quha namet hir felf Jonet Irwing, ane notorious Witche and abufer of þe people ; and eftir conference with hir in the faid purpois, thay, for accomplifchment pairof, reffaut of hir ane grit

¹ Mansion-house.² Nephews.³ If.⁴ Met.

quantitie of herbis, quhilkis war brocht with thame (with iniunctioun how to vse the saidis herbis) hame to Logy. Quhilk being fene be þe said Robert, in þair handis, and he altogidder distrusting that thais herbis war hable¹ to do that wicket turne for the quhilk þai war brocht, ffor elering of his dout, he, togidder with Johnne Kirk, past over þe Month towardis the Mure-ailhous, quhair he consultit and conferrit with the said Jonet Irwing, Witche, off quhome at þat tyme he refaueit ane full resolutioun that þe herbis delyuerit be hir to his sifteris was forceable aneuche to effectuat þe former wicket turne: LYK AS, schortlie þaireftir, þe said Robert, returning hame agane, he concurrit and consultit with his sifteris in all þair wicket resolutiones, to þe tyme that þe said poyfoneable drink was gevin be þame to the saidis tuo boyis; quha þaireftir, be þe said Robert his counfall and advyse, tuik þe saidis herbis, and steipit þame amangis aill ane lang space; and þaireftir, it being in deliberatioun betuix þe said Robert and his sifteris, quhidder it fould be cassin out or vsed, in end, it was vniformelie aggreit and concludit amangis thame, that þe drink quhairin the saidis herbis war steipit fould be gevin to the saidis tuo boyis: ffor accomplisment quhair of, tuo of the saidis sifteris, accompaneit with Gilbert Campbell, his horse-boy for þe tyme, haifing also in companie with thame the said *Johnne Erskine*, the eldest of the saidis tuo boyis, past altogidder furth of Logy to þe burgh of Montrois, quhair þe vther boy with his mother remanit and duelt for þe tyme; and þair, of þe said Robert Erskine his knowlege, counsell, and devyse, the said poyfoneable drink was gevin to the saidis tuo boyis, his brother-sones: Quhilk drink, eftir þair ressaueing þairof, wrocht so violentlie vpone þame, that immediatlie þaireftir thay tuik sic ane extraordiner preise² of vomeiting, that na persone expected for þair lyfe: Be occasioun of the quhilk poyfoneable drink, sa miniftrat and gevin to thame, the said *Johnne Erskine*, the eldest of the tuo, contracted sic a deidlie diseas and seiknes, that his skyn turning all blak, and his hail nobill pairtis inwardlie consumeing, he daylie and continuallie þaireftir dwynet³ in grit dollour and pane, to the tyme of his death, viz. to the terme of Witsonday last; at quhilk tyme, he in maist lamentable maner deceiffit, of the said vennemous and poyfoneable drink, vttering befor his death thir or the lyk woirdis, to all sic as war present, “Wo is me, that I evir had richt of successioun to ony landis or leving! ffor gif I had bene borne sum pure coitteris sone, I had nocht bene sa demanet,⁴ nor sic wicket practizes had bene plottit aganis me for my Landis!” AND sa, was crewallie and tressonabillie Murthoret; and be þe foirsaid vnlawfull and poyfoneable drink, cuttit aff be þe said Robert Erskine, his uncle: And he was airt and pairt of the said treasonabill Murthour, and of þe dannable consulting and devyseing with the said Jonet Irwing, ane notorious Witche, ffor

¹ Lat. *habilis*.² Literally, *press*.³ Pined away.⁴ Treated.

making and ministrating of þe said poyfoneable and vennemous drink, for the saidis tuo bairnes Murthour and destruction. LYKAS, the vther of the saidis tuo boyis remanis as zit fair vissit with intollerable payne, and seiknes vniuerfall throw his haill body, be occasioun of the said drink gevin to him at þe time foirsaid; off quhais lyfe þair is na hoip. TO THE TAIKIN of the quhilkis premisses, þe said Robert being examinat be the Lordis of his Maiesteis Previe Counfall; quhairupoune, eftir lang deilling with him þairintill, in end, come to his Confessioun, in maner specifeit in his Depositiones: Lyk as, he being charget, be vertew of Criminall Letteris, to haif compeirit and fund caution that he sould vnderly the Law for þe saidis crymes, was, for his nocht finding caution, denuncet to the horne, and declairit fugitiue fra his Maiesteis Lawis, for the crymes aboue specifeit; at the quhilk Hoirning he hes ever sen syne remanit vnrelaxt þairfra. As þe saidis Letteris of Hoirning, producet aganis him, in the self proportis.

Eftir reiding of the quhilk Dittay, and accusatioun of the said Robert Erskine, be vertew thair of, of the crymes aboue expremit, quhilkis war Confessit be him to be of verritie, the Justice, of his awin consent, referrit the samyn to the Tryell of ane Assyse of the perfones following.

ASSISA.

Mr Ja ^s Durehame of Duntervie,	Sir George Ramfay of Dalhouffie,	Johnne Beatone of Falay,
Mr Francis Bothuell, brother ger-	Mr Alexander Seatoun of Gormok,	Patrick Maxwell of Newark,
mane to vinq ^{le} Johnne, Lord	Cuthbert Cunninghame, Proveist	Aulay M ^c caulay of Ardiacapill,
Halyrudhous,	of Dumbarten,	Duncane Menzeis of Comerie,
Robert Falconer of Ballandro,	. . . . . Menzeis of Weyme,	Mathow Bailzie of Littillgill.
Sir Johnne Prestoun of Vallafeild,	Patrik Auchterlonie,	. . . . . Dunlope of that Ilk.

Quhilkis crymes the said Robert Erskine of new, in the said Assyse presens and audience, confessit and acknowlegit to be of verritie. Quhairupoun instrumentis was tane be our said fouerane lordis Aduocat; and quha, for the said Assyse forder resolution, producet to thaine the said Robert Erskines Depositiones, subscriuit with his hand, and dyuerse of the Lordis of his Maiesteis Previe Counfall; togidder with the saidis Letteris of Hoirning, beiring him to haif bene fugitiue fra his Maiesteis lawis, continuallie sen the committing of the said fact.

VERDICT. The Assyse, all in ane voce, be the mouth of Mr James Durhame of Duntarvie, chancellor, be resson of his former Depositiones, and ratificatioun thair of, maid in judgement, ffand, pronuncet, and declairit the said Robert Erskin to be Giltie, culpable, and convict of airt and pairt of the Murthour and distruction of the said Johnne Erskine, his brother-sonne, be ministrating to him and his said brother of the poyfoneable drink, in maner specifeit in the said Dittay.—SENTENCE. To be tane to the Mercat-croce of Edinburgh, and thair his heid to be strukin from his body: And all his moveabill guidis to be escheit, &c.¹

¹ See the Trial of Helen, Issobel, and Annas Erskine, Jun. 22, 1614.

Horse and Sheep Stealing.

Jan. 28, 1614.—PETER DAUIDSOUN in Heddene; James Wallace, sumtyme duelland in Dundie; and Donald Smyth in Dum-barten.

Dilaitit as follows, viz. The said *Peter Davidfoun* ffor the thiftious steilling, conceilling, reffetting, and away-taking of ane cut-luggit stanet naig, mouf-hewit and ftug-taillit;¹ togidder with ane foird baffoned meir,² haifing thre quhyte feit, alfo ftug-taillit, a faxtene myles beyond Beruik in Ingland; committit about Mydfoner laft. ITEM, for the thiftious steilling and away-taking of ane gray ambland meir, with ane littill foired meir, a fevin or aucht myles abone Annik,³ in Ingland; committit at Lambes laft, &c. AND the saidis *James Wallace* and *Donald Smyth*, ffor airt and pairt of the thiftious steilling, conceilling, reffetting, and away-taking of tua horfe, furth of the landis of Kerfe, &c. &c.

VERDICT. Fylet, culpable, and convict, conforme to thair awin Judiciall Confessiones.—SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair to be hangit quhill thai be deid; and all thair moveabill guidis to be efcheit, &c.

Theft of Title-deeds, &c.

May 20.—PATRIK EVIOT, sone to Finlay Eviot in Mwretoun, and sumtyme fervand to Patrik Eviote of Mwretoun.

Dilaitit, accufit, and perfewit be Sir Williame Oliphant, &c. and Johnne Mathow of Balhouffy, of the crymes following.

DITTAY against the Pannell.

FORSAMEKILL as Johnne Mathow of Balhouffie, in the moneth of Apryle, the 3eir of God Im. sex hundreth threttene 3eiris, haifing repairit towardis the Citie of St Androis, to haif procuret Confirmation of certane his landis, haldin be him of þe Proveift of þe Auld College pairof; and haifing tane his evidentis⁴ with him to that effect, lyke as, vpon the 26 day of the said moneth of Apryle, being the Senjie-flair-day⁵ of St Androis, the said Johnne Mathow, being within þe said burgh, in his cuming alongis the Hie freit pairof, accompaneit only with Alexander Blair, than his fervand, quha than had cayreing vnder his airme the said Johnne Mathow his wallet, quhairin thair was ane grit number of his evidentis and writtis, with tua pair of filk schankis,⁶ ane pair of worfet schankis, ane pair of fyne filk gairtanes, with ane certane quantitie of gray veluet, and vther small necessaris pertening to him, all bund vp togidder within the said wallet; and at þair cuning foiranent Robert Russell his stable, quhair þe said Johnne Mathowis horfe was stablet for þe tyme, the said Alexander Blair, his fervand, haifing than past in to the said stableis house, to geve the saidis Johnne Mathowis horfe sum corne; and in this meane tyme, haifing laid down þe said wallet, with the saidis evidentis and vtheris foirfaidis being pairin, vpon þe buird;⁷ it is of verritie, that þe said Patrik Eviote, fervand to the said Patrik Eviote of Myretoun, of the speciall causeing, directioun, hounding out, and command, reffett, assistance, and rathabitoun of his said master, being for the space of tua or thre dayis ofbefoir, ever attending and following adreich⁸ vpon the said Johnne Mathow and his boy, in all pairtis of þe said Citie of St An-

¹ A crop-eared stoned horse, mouse-coloured and dock-tailed.

² A sorrel-coloured mare, marked with white on her face.

³ Alnwick.

⁴ Title-deeds.

⁵ Synod-fair.

⁶ Stockings.

⁷ Table.

⁸ Dodging,

and following at a little distance.

drois quhairvnto thay maid ony repair: And haifing perfauet the said Alexander Blair pafs fra his maisteris bak, and to enter within pe said Robert Ruffellis duelling-hous, and pair to haif laid down pe said wallet vpon the burd-heid pair of, in maner foirsaid; in maist thiftious maner, he convoyed him self within pe said Robert Ruffellis hous, as the said Alexander Blair was in geving corne to his maisteris horse, and thiftionlie past vp, staw, conceillit, reffet, and away-tuik furth pair of, the said wallet, with the evidentis, silk schankis, worfet schankis, silk gairtenis, gray veluet, and vperis his necessaris pertening to him, being all bund vp togidder pairintill, had and tranpourtit the samyn away with him to sic pairtis and places as he pleisit, nevir making ony restitution nor redelyuerance pair of to the said Johnne Mathow, just awner of the samyn, to his grit hurt and perrell of pe securitie of his landis, be abstracting and withholding of pe saidis evidentis pair of. AND siclyk, ffor the thiftious steilling and away-taking of ane pair of blankettis, pertening to the Lady Balhouffie; and of ane pair of fyne marillit¹ plaidis, pertening to Roife of Cragie. And for cowmone Thift, and Resfett of thift, &c.

VERDICT. Fylet, culpable, and convict of the haill thiftious crymes aboue specifreit.

THE JUSTICE Continewis the pronunceatioun of Dome to the morne: And Ordanit the pannell to be committit to waird, in the meane tyme.

May 21.—SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair to be hangit vpon ane gibbet, quhill he be deid: And all his moveabill guidis to be escheit, &c.

Taking Captive — Slaughter.

Jun. 1.—WILLIAME M^cINTOSCHE of Essie; Martene M^cewin V^cewir; and Lauchlane M^coneill V^clauchlane in Bancher, (and others).

Dilaitit for the taking of Colene Campbell of Clwnes captiue and priffoner; And for the slauchter of vmq^{le} Donald M^cintailzeour, and vtheris crymes.

Colene Campbell of Clwnes producet the Letteris, be the quhilkis thay ar denuncet rebellis, and put to the horne, for nocht finding caution to haif compeirit, &c. And producet lykwayis ane Warrant, subferyuit be my Lord Chancellor, Secreter, and Thefaurer, for deserting the saidis Letteris aganis *Duncane M^cintoshche of Aberairdour*, Williame M^clauchlane V^cwilliame M^cintoshche, Angus Rofs, fervand to Williame M^cintoshche in Boirlum, and Williame Bayne M^coneill V^callaster Vayne, in Delnavert.

Consulting with Witches — Poisoning — Treasonable Murder.

[THE Editor begs to refer the reader to a short introductory Notice prefixed to the Trial of ROBERT ERSKINE,² the brother of the pannells, whose crimes form the subject of the following Trial. It only seems necessary in addition to state, that he has been so fortunate as to obtain the following authentic memorials³ of the proceedings against these unhappy victims of unguided passions, and of base and unbridled avarice. Their fate is written in letters so legible, that he who runs may read.

(Dec. 16, 1613.)—"THE tua sifteris of the deceassed ROBERT ERSKYNE, who iustlye suffered

¹ Variegated; mottled; marbled; or chequered.

² See Dec. 1, 1613.

³ From *Denmylie MSS.* Adv. Library, "Minutes of Privy Council Proceedings." See also *Balfour's Annales*, II., 53.

deathe, for the practyse of Witchcraft and Poyson vsed be him against his twa nephewes, the breetherine of THE HOUSE OF DYNNE, are brought to this Toun; and being examined, are obdured in a constant denyall of all that mater, nochtwithstanding that there late brother past constantlye to deathe, with avowing that detestable cryme vpon thame, as being the first devyfares therof, the motionaris therof to him, and the executoures therof in there own perfonas. They are to be confronted with on who assisted thame in confell and executioun of that deede; and thairefter, in caise of there perfeverance in there denyall, thay are to be pute to the Torture."¹—(Jun. 22, 1614.) "THE xxij day of Junij nixt is appoyntit for the Tryell of HELENE and ISSOBELL ERSKENIS, for the Poyfoning of the twa brether of the Hous of Dynne; and directioun is gevin to the Justice and his Maiesteis Aduocat to proceed in the persute, tryall, and punischment of that mater accordingle."—(Jun. 23.) "THE thrie susteris of the Houffe of Dinne wes this day pannelled, accoofed, and convicted of the Poyfoning of there two coofinges, the brether of Dinne; and Sentence is geven aganes thame to lose there heades; whilk wilbe execute vpon the xxiiij of this instant."]

JUN. 22.—HELENE ERSKINE, Iffobell Erskine, and Annas Erskyne, Sisteris to vmq^{le} Robert Erskyne, brother to the Laird of Dwn, and dochteris lauchfull to vmq^{le} Johnne Erskine, appeirand of Dwn, callit Johnne of Logie.

Dilaitit of airt and pairt of the Poyfoneing of vmq^{le} Johnne Erskine, thair brother-sonne,² be miniftrating to him and to Alexander Erskine, his brother, of ane poyfoneable drink; of the quhilk the said vmq^{le} Johnne Erskine depairtit this lyfe; committit about Witsonday, in anno 1610 yeiris.³

PERSEWAR, Sir Williame Oliphant of Newtown, kny^t, Aduocat to our fouerane lord.

PRELOCOUTOURIS in defence, Mr Thomas Wilfone, and Mr Laurence M^cgill, (Advocates,) Mr Johnne Erskine, Mimister,⁴ Mr Williame Keith, Patrik Bruce.

Mr Thomas Wilfoun and Laurence M^cgill, Aduocatis, produces ane WARRANT of the Lordis of Secretit Counfall, be the quhilk thai war charget to compeir for the thre susteris on pannell, in thair defence; and in respect of the schortenes of tyme quhairupoun thay ar charget, and of the wechtines of the caus quhairupoun the pannell is dilaitit, desyres my lord Justice to grant ane continuatioun to ffryday nixt, that in the meyne tyme thay may haif lasure to advyse with the pairtie in the caus.—The Aduocat anferis, that na continuatioun can be grantit, in respect the perfonas on pannell was charget vpon fyftene dayis wairning; and ane autentik coppie of thair Dittay was delyuerit to thame, at the geving of the said charge.

THE JUSTICE Ordanis proces; and the Summondis to be red.

It is allegit be the pannell and thair prelocoutouris, that the Dittay is nawayis relevant, in thre feuerall poyntis, viz. *ffirsl*, in the allegit consulting with Jonet Irwing, Witche, nocht condiscending vpon the woirdis of consultatioun, or quhat

¹ The Editor has found no satisfactory evidence to establish that the Torture was actually put in force, in this Case.

² Their Nephew, who was the heir-apparent of David Erskine, their eldest brother.

³ The 'Dittay' is a mere echo of their brother Robert's, and is therefore unnecessary to be inserted here. See Dec. 1, 1613.

⁴ At St Ceres Kirk.

refponfe was gevin to the pannell be the Witche. *Secundo*, auent the allegit reffauing of the vennemous or poyfoneable herbis, for the vfe contenit in the Dittay, *non relevat*, except the perfewar war fpeciall vpon the names of the herbis, and qualitie thair of. *Tertio*, as to the allegit iniunctiones gevin for vfeing of the faidis herbis, *non relevat*, except the perticuler woirdis of iniunctioun war fpeciallie fet down in the Dittay.—To the quhilk it is anfuerit, that the allegiance aucht to be repellit, in refpect of the lybell, quhilk he vfes *coniunctim* in the hail pointis, as is qualifeit, viz. that the pannell pafte and confultit with ane Witche, fra quhome thay reffaut the poyfoneable herbis, with iniunctiones how to vfe the famyn, for the away-taking and diftrictioun of thair brother-sones,¹ in maner fpecifeit in the Dittay; in refpect quhair of, the Dittay fould pas to the knowlege of ane Affyfe.

THE JUSTICE findis the Dittay relevant, *coniunctim*; and nochtwithftanding of the allegiance, Remittis the famyn to ane Affyfe. Quhairvpon the Aduocat afkit instrumentis.

ASSISA.

James Douglas of Todboillis,	Adame Cunninghame of Chapell,	Mr Robert Stratoun, in Strathe,
Mr Joseph Hadden,	William Somervell of Pole,	Mr Robert Purves, in Ballache,
Thomas Craingelt of that Ilk,	Johnne Norie, in Brechin,	Johnne Moncur, in Blacok-mure,
Thomas Inglis of Eiftcheill,	Mr Thomas Ramfay, thair,	Johnne Barclay, in Balmakellie,
James Somervell of Spittell,	Robert Barclay, at Marie Kirk,	Johnne Barclay of Johnnitoun.

The Aduocat, for verificatioun of the Dittay, produces ane Letter writtin be Mr Airthour Erfkine, the pannellis father-brother,² thair Confessioun of the cryme lybellit, and thair penitence for the fame; with a defyre of his lordfchipsis fupplie and help, to tranfpoirt thame furth of the cuntrie.

The faid Letter being prefentit to Johnne Erfkin, Minifter, now Tutour of Dwn, and being inquyret gif the famyn was the faid Mr Airthouris hand-writ or nocht, Declairit that the famyn was everie woird the hand-writ of the faid Mr Airthour. Quhairupoun the Aduocat afkit instrumentis.

Thaireftir my lord Aduocat producet the Depofitiones maid be vmq^{le} Robert Erfkine, thair brother, quha pafte to the deid at the Mercat-croce of Ed^r, that the pannell war the only firft proponeris of that wicket fact to him; and that the famyn was committit and done be the perfones on pannell, in maner fpecifeit in the Dittay.—Repeittis the affirmatioun maid judiciallic be *David Blewhous* of his former Depofitiones; quhilk my lord Aduocat caufet reid ouer to Blewhous. Producet lykwayis the Depofitiones maid be *Gilbert Campbell*, and *Johnne Kirk*, in the faid matter; and defyret the Affyfe to cognofce thairupoun; And proteftit for Wilfull Errour, in caice thai acquit the pannell of the faidis crymes.

VERDICT. The Affyfe, be pluralitie of voittis, ffand, pronuncet, and declairit

¹ Nephews.² Paternal uncle.³ Death.

the saids Iffobell, Helene, and Annas Erskynis to be ffylet, culpable, and convict of the haill crymes specifeit in the said Dittay; and that be the repoint and Declaratioun of the said Thomas Craingelt of that Ilk, chancellor.

SENTENCE. To be tane to the Mercat-croce of Ed^r, and thair thair heidis to be strukin frome thair bodeyis: And all thair moveabill guidis to be efcheit, &c.

DOME OF BANISCHEMENT *vpone Helene Erskine.*

(Mar. 22, 1615.)—Helene Erskine, ane of the thre lauchfull dochteris of vinq^{le} Johnne Erskine, appeirand of Dwne, callit *Johnne of Logie*, being brocht furth of waird, out of the Tolbuith of Ed^r, quhairin scho had remanit sen her last convictioun, and presentit vpone pannell, to heir DOME of new agane pronuncet aganis hir, as scho that was convict and the dome of daith pronuncet aganis hir, &c. Ane ACT of *Secretit Counsell* was presentit, and delyuerit to the Justice; quhair of the tennour followis.

APUD ED^r, *decimo sexto die mensis Marcij, anno Domini millesimo sexcentesimo decimo quinto.* FORSAMEKILL AS, by the executioun to the daith of *Robert Erskine* and his tuo sifteris, the imppoysoning of the tuo bretherene of Dwne is sufficientlie pwneisched: And wheras, thair remaneth 5 it, in fure custodie, for the same offence, HELENE ERSKINE, who being moir penitent, thogh les giltie, than the rest, doith mereit the moir commiseratioun: HIS MAIESTIE is thairfoir gracioullie pleasit to fpair hir lyfe, 3it so as scho fall nocht eschapp the pwneischment of hir pairt of the said offence; bot pat scho be BANISHED out of this kingdome, during hir lyfytyme. THAIRFOIR, the Lordis of Secretit Counfall, according to the Kingis Maiesteis will, plesour, and directioun, fend vnto thame in this matter, Ordanis and commandis his Maiesteis Justice, Justice clerk, and pair deputis, to appoint and set ane new Justice Court, to be haldin be thame in the Tolbuthe of Ed^r, at such tyme as thay pleis (to) affix; and pair to call the said *Helene* befoir thame, and to pronounce new sentence and dome aganis hir; ordaning hir to be BANISHED this kingdome, and nevir to returne agane within the same during hir lyfytyme, without his Maiesteis Licence had and obtenit to pat effect; and to depairt furth of this realme, within the space of fourtie dayis estir pe pronunceing of the said new dome, vnder the pane of deid: With certificatioun to hir, and¹ scho sailzie, and depairt nocht furth of this realme, within the terme soirsaid preseryuit vnto hir; and being depairtit furth of pis realme, yf scho returne agane within the same, without his Maiesteis Licence had and obtenit to that effect, that the pane of deid falbe execute aganst hir, without fauour or mercie.

EXTRACTUM de Libris Actorum Secreti Consilij f. d. n. regis, per me, Jacobum Prymrois, clericum ejusdem, sub meis signo et subscriptione manualibus. *JACOBUS PRYMROIS.*

THE JUSTICE, for obedience of the will and ordinance thairin contenit, be the mouth of Johnne Dow, dempster of Court, Ordanit, nochtwithstanding of the former dome of daith first pronuncet, the said Helene Erskine to be BANISCHET, &c.²

Child-Murder.

Jun. 25.—JONET BROUN, dochter to Johnne Broun in Bigger. Dilaitit, fforamekill as Johnne Stewinfone in Bigger, haifing this last yeir

¹ An; if; in case.

² The terms of the Warrant are repeated, *verbatim*, in the Record.

gottin ane bairne with hir, in the filthie cryme of ffornicatioun, fcho, for avoid-
ing the fclander and pwneifchment, conceillit the faid bairne, fua that nane of
the parochin knew hir to haif bene thairwith ; and about the moneth of Marche,
or thairby, laft, being cum to the tyme of hir delyuerie, fcho pafte furth of hir
fatheris duelling-hous to the feildis, neir to the faid toun of Bigger ; and without
feiking of ane meidwyfe, or vther ordiner help, fcho travellit, and was delyuerit of
ane quik madin-bairne ; quhilk chyld fcho strangillit immediatlie, and tuik the
fame to ane dyk-fyde outwith the faid toun of Bigger, and coverit the famyn
with ane number of turves : And fa, be neglecting the ordiner meanis in hir
birth, fcho crewallie murdreift and flew the faid bairne.

The pannell denyis the Murthour of the bairne ; and fays that the bairne
deit fchortlie efter the beiring, being ane lafs-bairne ; and being deid, fcho eirdit¹
the famyn in the grund of ane truff ftak,² in maner fpecifeit in the Dittay.

VERDICT. The Affyfe, be the mouth of Williame Flemyng of Perfilandis,
chancellor, ffand, pronuncet, and declairit the faid Jonet to be ffylet, culpable,
and convict of the Murthour and diftructioun of hir faid infant bairne, conforme
to hir Dittay.—SENTENCE. To be tane to the Caftell-hill of Ed^r, and thair to
be hangit quhill fcho be deid : And hir moveable guidis to be efcheit, &c.

Theft.

Jun. 25.—ANDRO GULE, borne in Clermond, vnder the Laird of Dairfie.

Dilaitit and accufet for the fteilling and away-taking of tua pair of fcheittis,
ane pair of blankettis, ane littill panne, and ane fuord, pertening to Williame
Perfone, in the Hill of Bathe.—Grantit the famyn to be of verritie, and cravet
God mercie thairfor ; and offerit him felf in our fouerane lordis will, and his
hienes Justice will, for the faidis crymes : Quhome the Justice reffaut.

SENTENCE. To be SCURGET throw the burgh of Ed^r, and to be BANISCHET
furth thairfor for euir : And gif euer he war apprehendit for Thift heireftir, fould
be hangit to the deid, but fauour.

Cattle-stealing—Slaughter.

Jul. 15.—GILBERT JOHNNESTOUN, brother to Gawin Johnneftoun in
Annand-holme.

Dilaitit, accufet, and perfewit, be Hew Douglais of Dalwein, as fone, Sir
Robert Dowglais of Carfchogill, as neir kinfman, of vmq^{le} Hew Dowglais of Dal-
wein, ffor airt and part of the thifteous Steilling, conceilling, and away-taking,
vnder filence and clud of nycht, furth of the landis and Maines of Dalwein, of
threttie fax heid of ky and oxin, pertening to the faid vmq^{le} Hew and his ten-

¹ Earthed ; buried.

² Peat or turf stack.

nentis ; committit be him, and vtheris his complices, cowmone and notorious thevis, rebellis, and fugitives, vpon the xxvij day of Auguft, I^m.V^c. fourfcoir fevintene yeiris : AND ficlyk, ffor airt and pairt of the crewall Murthour and flaughter of the faid vinq^{le} Hew Douglas of Dalvene, in the following and redding of the faid guidis, at the tyme foirfaid ; vpoun fet purpois, prowifion, and foirthocht felonie.

ASSISA.

Johnne Lyndfay of Auchinkeoch,
Robert Johnneftoun of Vamphra,
James Greir of Pitfillan,
Capitane James Hunter, burges of Ed^r,

Mr Samuel Kirkpatrick of Auchinlek,
Williame Johnneftoun of Lokerbie,
James McMath of Schaw,
Johnne Bell, burges of Edinburgh.¹

VERDICT. Fylit, culpable, and convict.—Sentence continewit quhill the Justice war advyfet with the Lordis of his Maiefteis Previe Counfall thairanent.

Jul. 16.—SENTENCE. The Justice, ffor obedience of ane WARRANT, direct to him be the Lordis of Secreit Counfall, fubfcryuit be my Lord Prefident, my Lord of Roxburgh, my Lord of Bynning, Secretar, my Lord of Blantyre, and be my Lord of Kildrumnye, be the mouth of Johnne Dow, dempfter, decernit and ordanit the faid Gilbert to be tane to the Castell-hill of Ed^r, and thair to be hangit vpoun ane gibbet, quhill he be deid ; and all his moveabill guidis to be efcheit, &c.

Slaughter.

Dec. 9.—SIR PATRIK HEPBURNE of Vachtoune, kny^t ; James Ker, Patrik Dikfoun, David Allan (Ellem), Patrik Mortoun ftewart, Andro Gyller cuik, George Quhyt horskeipar, Diones Smart huntifman, Williame Carfrae fcheiphird, Williame Drummond, all feruitouris to the faid Sir Patrik.

Dilaitit for airt and pairt of the flaughter of vinq^{le} Robert Broun, feruitour to Mr Richart Dowglais of Brokhollis.

Patrik Dowglais, baxter, burges of Ed^r, producit the Letteris, dewlie execute and indorfat, purcheft be Johnne and George Brounes, as brether, and the faid Mr Richart, as maifter and neir kynfman of the faid vinq^{le} Robert, and our fouerane lordis Aduocat, and proteftit for releif of his cautionerie ; the quhilk the Justice admittit.—Mr John Hepburne of Gilmertoun, as cautioner for the faidis Sir Patrik, for his releif of the faid cautionerie, producet the Counfallis Warrant, ordaning this dyet to be defert, &c.

JUSTICE, Justice clerk, and 3our deputtis : fforfamekill as the nynt day of December instant is appointit to Sir Patrik Hepburne of Vachtoun, kny^t, James Ker, Patrik Dickfone, David Ellem, and vtheris, his feruitouris, for thair compeirance befor 3ow in the Tolbuith of Ed^r, to vnderly our lawis for the flaughter of vinq^{le} Ro^t Broun, feruitour to Mr Richart Dowglais : And feing ye pairteis ar now

¹ The rest were burgesses of Edinburgh.

agreit, and hes chopin¹ handis, in prefrence of diueris of our Nobiletie and of his Maiesteis Counfall : Theis ar thairfoir, in his Maiesteis name, to command 3ow to defert the said dyet, and forbeir all forder proceeding pairintill : Quhairanent þir prefrentis falbe 3our Warrant. AT ED^B, the fewint day of December, 1^m.Vj^r. and fourtein 3eiris.

AL. CANCELL^S. AL. MAR. R. CAITHNES. LYNLY^TGOW. KINGORNE. LOTHEANE.

High Treason—Resisting the King's Lieutenant and his Forces —Rebellion in Orkney, &c.

[THE proceedings which were adopted against PATRICK EARL OF ORKNEY, in the years 1610 and 1611, have already been noticed in a former part of this Collection ;² and as THE REBELLION IN ORKNEY, as a matter of history, has been recorded in almost every History of Scotland, it is unnecessary here to enter into any minute detail or recapitulation. Owing to the relationship which existed between the Earl of Orkney and the King, and the high favour in which that Nobleman had long stood with his Majesty, every device appears to have been resorted to, on the part of the Privy Council and the Lord Advocate, for the purpose of enabling the Earl to prove his innocence of the former accusations of cruel Oppression and Tyranny, which had been brought against him by the wretched inhabitants of Orkney and Shetland, after they had submitted, as long as was consistent with human nature, to endure such barbarous treatment. The Earl was accordingly confined in Edinburgh Castle ; and in the meantime, the Privy Council deputed the Bishop of Orkney to enquire into the truth of these serious charges, and to report to them within a reasonable time.

Owing to his attempts to escape from ward in Edinburgh Castle, the Earl of Orkney was conveyed, as a state prisoner, to the Castle of Dumbarton ; where it was considered he would be in more sure custody, and would, besides, be farther removed from the intrigues in which it had long been conjectured he was busily engaged. Notwithstanding of the vigilance of his keepers, he contrived to instruct his ‘ bafe son,’ ROBERT STEWART, one of the subjects of the following Trial, to proceed to Orkney, under the pretence of uplifting the rents which were due by his tenants, but, in reality, his design was to seize upon the Castle of Kirkwall and other strengths in Orkney, which had been confided to the custody of the Bishop, the Sheriff, &c., to raise the standard of Rebellion, and, finally, to throw off his allegiance to the Crown of Scotland. The Earl had anticipated that, by means of the money to be thus raised, he would easily overcome the fidelity of his keepers, or otherwise provide the means of his own escape. Having ordered ammunition and other supplies to be procured from Norway, he calculated, that in those remote regions, which were rendered almost inaccessible during many months in the year, at that period, when the art of navigation was at so low an ebb, he might assume the despotic rule of these Islands, as an independent Prince.

The successful termination of the Earl of Caithness's Commission of Lieutenancy, the capture of the Castle of Kirkwall, and all his remaining strongholds, the capitulation and unconditional surrender of Robert Stewart and the other rebels, together with the subsequent execution of the ringleaders in this Rebellion, for ever dispelled the absurd reveries and the wicked plots of this guilty man, who was doomed, in February 1615, to forfeit his life upon the scaffold. Reference is here generally made to his two Trials, for the sake of brevity.

It only remains to state, that *Calderwood*, in his MS. Church History,³ preserves the following notice of the Execution of these unhappy and deluded criminals.—(Jan. 6, 1615.) ‘ ROBERT STEWART, fone naturall to the Erle of Orkney, with other five of his complices, convicted of treasonable taking, keeping, and defending of the Castle of Kirkwall and the strengths in Orkney, were hanged at the market croffe of Edinburgh, and died penitent. The said Robert confessed his father, the Earle, who

¹ Struck ; shaken hands.

² Vol. III., p. 81, &c.

³ *Calderwood's Church Hist.*, MS. Adv. Library.

then was wardit in the Castle of Edinburgh, commandit him to doe that which he did ; but granted he gave him a contrare-mand, before he entered in executione. The Gentleman, not exceeding 22 years of age, was pitied of the people, for his tall stature and comely countenance.’

As the details of this Rebellion are entirely unknown to the public, the Editor has the pleasure of laying before his readers a mass of Original State Papers, Dispatches, Examinations, Confessions, and other interesting Documents, which he has appended to this Trial, and to that of the Earl of Orkney, Feb. 1, 1615. As usual, the sources from which these Illustrations have been procured are noted ; and it is hoped, that the whole will be considered as an acceptable addition to the history of that period.]

Jan. 5, 1615.—ROBERT STEWART, bafe sone to Patrik, lait Erle of Orkney ;¹ Thomas Blak, alias Dowglas, funtyme Chalmerlane and Bailjic to the said Erle ; Archibald Murray, wricht in Birsay ; Andro Mairtene, funtyme fervand and secretar to the said lait Erle ; Alexander Layng, also his fervand ; and Thomas Layng, indueller in Kirkwall.

Dilaitit of the Treffonable taking and surprising of his Maiesteis CASTELL OF KIRKWALL, KIRK, and STEIPLE OF KIRKWALL ; treffonable resisting of THE ERLE OF CAITHNES, his Maiesteis Lieutenant ; and vtheris treffonabill crymes, contenit in thair Dittayis following.

DITTAY *against Robert Stewart and others.*

FORSAMEKILL AS, albeit it was mair nor nottour and manifest to 3ow, that our fouerane lord the Kingis Maiestie, and Lordis of his hienes Previe Counfall of þis Kingdome, had depute and autorizet *Sir James Stewart of Killeith*, kny^t, to be Chalmerlane of the Erledome of Orknay and Lordschip of 3eitland ; quha, be resson of þe said office, nocht only became in possessioun, in vplifting to his Maiesteis vse of þe haill rentis, casualities, and deuties of the said Erledome, lordschip, and leving pairof, bot lykwayis, be him self, his fervandis, and substitutis, obtenit the charge, custodie, and keiping of þe haill Palices, Houffis, Castellis, and firenthis within the samyn ; speciallie, þe Castell of Kirkwall, the Hous and Palice of Birsay, and remanent houffis funtyme pertening to þe said *Patrik, lait Erle of Orknay*. As also, 3e, þe said *Robert Stewart*, being bundin, vpon 3our grit aithe, nocht to haif repairit to þe boundis of þe said cuntrie of Orknay and 3eitland, without his Maiesteis Licence, grantit to 3ow for that effect ; nochtwithstanding quhairrof, it is of verritie, that 3e, the said *Robert Stewart*, being oft tymes thraitnet and minasset be the said lait Erle 3our father, vpon a miscontentment confauct be him aganis 3ow, ffor 3our supposet overgeving of þe said Castell of Kirkwall and vtheris Houffis tane and keipit be 3ow, maist treffonabillie schaikng af 3our allegeance and obedience to our fouerane lord, and preferring the unhappie plott and counfall of 3our said ffather to the dew reuerence and regard of his Maiesteis autoritie and lawis, and thairwith making schip-

¹ See Trials of Patrick, Earl of Orkney, Aug. 2, 1610 ; and Feb. 1, 1615.

wrak of ʒour faith, honour, and credeit, quhairin ʒe stuid bund vpon ʒour grit and solemne aith, as said is : Off the speciall caufeing, sending, hounding out, command, counfall, devyfe, and directioun of the said lait Patrik, lait Erle of Orknay, ʒour ffather, in the moneth of Maj lastbypast, or þairby, expresse aganis ʒour former faith and former promeis, adressit ʒour selff furth of thir pairtis to the said cuntrie of Orknay ; quhair ʒe, togidder with *Patrik Halcro*, quha also was imployit and directit be ʒour said ffather to assist ʒow in ʒour intendit Rebellioun, convenit to ʒour selffis the saidis *Archibald Murray*, *Thomas Blak*, *Andro Mairtene*, *Alexander Leggat*, and *Thomas Layng*, with dyuerse vtheris mwtinous and evill dispoſet perſones, ʒour affociatis, plotteris, and practizeris with ʒow, in ʒour hail rebellious and tressonabill courſes following : AND ffirſt, be ʒour craftie and ſubteill meanis, convoyit and poſſeſſit ʒour selff and ʒour affociattis within þe Palice of Birſay, and violentlie expellit furth þairof Barnard Stewart, Keiper of the ſamyn ; drew in to ʒour selff, within the said hous, to the number of threttie perſones, bodin with hagbutis, muſcatis, poulder, leid, and vther maner of weirlyk preparatioun : Lykas, the taking of the said Hous and manning þairof, in maner foirſaid, be ʒow and ʒour rebellious affociattis being maid knawin to *Mr Johnne Fynlayſone*, Schereff depute ; and he, in regaird of his office, and for preventing of ʒour intendit Rebellioun, haifing aſſemblit ane grit number of the beſt affectionat gentilmen and cowmonis of þe cuntrie, in the said moneth of Maj, or þairby, lastbypast, cuming forwardis to the said Hous of Birſay, tane and keipit be ʒow and ʒour rebellious affociattis, as said is ; and haifing, at his cuning þairto, be found of trumpet, in our ſouerane lordis name and authoritie, cauſit charge ʒow to cum furth of his Maieſteis Hous, and to rander þe ſamyn to him, as Judge and Magiſtrat of þe cuntrie, vnder his Maieſtie, without forder trouble to follow þairupoun, under þe pane of Treſſone ; ʒe, with ʒour affociattis, nocht only maiſt treſſonabillie and contemptuouſlie diſobeyit þe said charge (and) reſuiſet altogidder to rander the said Hous, but ſchote furth þairof dyuerſe ſchotis of hagbutis and muſcatis at þe said Schereff and his companie, than eled¹ with our ſouerane lordis authoritie, in þe executioun of his office, and geving of þe former charge : At quhilk tyme, the said Schereff and his cunpany being vnwilling to encounter with ʒow, be way of deid, than left ʒow with ʒour rebellious company, within the said Hous, and returnet to Kirkwall, of intentione to haif ſtayit ʒour Rebellioun fra haifing ony forder courſe. Bot ʒe, altogidder myndet to pas forwardis þairintill, eftir þe Schereffis departing fra the said Hous, convocat ʒour rebellious company togidder, and be the ſpace of ane moneth togidder, keiping ʒour daylie conſultationes and meitingis with vther,² ʒe þair plottit, devyſet, and concludit the treſſonabill intaking and man-

¹ Clothed.² One another ; each other.

ning of the Kirk and Steiple of Kirkwall, the Castell pairof, and Place of the 3airdis, the slauchter and ruiting out of þe Schereff, þe Commiffar, and sic as wald tak pairt with thame aganis 5ow; and for this effect, convocat to 5ow þe hail parochineris and cuntrie people about, pat 5our selff with thame in airmes, and at tua feuerall tymes maid 5our mufteris and wappone-fchawingis, and mufterit togidder the number of nynefcoir perfones, furneift and airmet, for þe maift pairt, with corflettis, hagbuttis, poulder, leid, lances, and vther weirlyk preparatioune: Quhilkis perfones, fa convocat be 5ow, 5e brocht altogidder within the faid Hous of Birsay and vperis houffis þairabout, quhair thay war feiftit and bankettit be 5ow: 5our Captanes and Commanderis war than chofin, and mony promeiffes and vowis maid, that na bak-ftarting fould be, fra 5our intendit Rebellioun, be ony of 5ow, at ony tyme thaireftir, bot to tak eafald¹ pairt with vther to² þe tyme þe lait ERLE OF ORKNAY war repoffeffit to his ancient and former government in that cuntrie. At quhilk tyme, ffor 5our gritter affurance of þe faidis vowis and promeiffis, ane BAND was plottit, maid, and devyfet be 5ow and 5our rebellious affociattis, all writtin be þe faid Andro Martenis hand; quhilk being presentit and producet to 5our hail rebellious company be 5ow, the faid Band (eftir grit aithes maid vpoun 5our fuoirdis³) was fufcryvit be fa mony of 5ow and 5our company as could wryte; and fa mony as could nocht wryte put to þair markis, and gaif þair folemne aithes to abyde þairat to þair lyves end; quhair-in thay war bund to die and leue with 5ow, and to tak eafald pairt with 5ow, in all 5our treffonabill courfes, aganis all perfones quhatfumeuir, his Maieftie, our gracious fouerane, nocht being exceptit, nor his royall authoritie fet apairt; committing thairthrow oppin and manifft Treffone. LYK AS 5e, ffor bringing to pas of 5our former Rebellioun and devillifch conclufioun, about ane moneth or pairby paireftir, vnderftanding that þe Schereff and Commiffar war in securitie within the Toun of Kirkwall, nocht expecting ony fuddane perfute, refolveing with 5our selffis to haif þe Schereff in 5our power, either deid or quik, 5e, the faid Robert Stewart, accompaneit with the faid Archibald Murray, Thomas Blak, Andro Mairtene, Alexander Leggat, Thomas Layng, and vperis, 5our rebellious affociattis, to the number of threttie perfones, all bodin with hagbutis, mufcatis, poulder, leid, and all vther weirlyk prouifion, vpone the xvij day of Julij laft-bypaft, come frome the faid Place of Birsay towardis þe faid Toun of Kirkwall, of intentione to haif affailzeit þe faid Schereff within his ludgeing, and haifing rankit 5our companie at þe Bowa-croce, 5e þair reflaut adverteifment of þe Schereffis being within the Castell; and þairthrow, finding 5our selffis difapointit of 5our expectatioun, 5e þair difcharget 5our volie of mufcattis, and enterit within

¹ Literally, *one-fold*; steadfast; true, &c. ² Until. ³ An ordinary form of military oath, on such occasions; which was borrowed from times of the remotest antiquity.

the Toun, quhair 5e abaid all that nyecht, quhill¹ the morne paireftir ; att quhilk tyme 5e, with Patrik Traill, Williame Paterfone, and vtheris 5our affociattis, come to the duelling hous of Bernard Stewart, within the Toun of Kirkwall, about the brek of day, in the moirning, pryfet vp his bak 5et,² enterit within his clofe, dang at his hall dur with ane garroun ;³ and nocht getting entrie, went about þe faid hous to the hall window, quhair efter vp-dinging of þe faid window, the faid Archibald Murray, in gripping of Bernardis hagbute, was hurt be him with ane rapper⁴ in the hand. Eftir the quhilk tyme, 5e, haifing reteirit 5our felffis bak agane to Birfay, and finding with 5our felffis that 5our rebellious courfes had tane bot littil or na effect ; 5e, to haif the famyn brocht to ane finall poynt, convenit 5our hail forces togidder, and eftir deliberatioun tane be 5ow, the faid Patrik Halero, with þe faidis Thomas Blak, Archibald Murray, togidder with tuentie perfones of 5our rebellious number, of þe speciall directioun of 5ow, þe faid Robert, pafst all, bodin in feir of weir, with muscattis, hagbuttis, poulder, leid, and vther weirlyk furnitour, to the faid Toun of Kirkwall, and þair, vnder nyecht, furpryfet and tuik in þe Kirk and Steiple þairof, quhilk 5e furneift with men, munitioun, poulder, bullet, and vþer neceffer prouifioun for halding and keiping of the faid Steiple : And vpone þe morne paireftir, 5e, þe faid Robert, vnderftanding of þe guid fucces had be Halero and his companie, in þe wyning and taking in of þe faid Kirk and Steiple, 5e, accompaneit with the faid Thomas Layng, Andro Mairtene, Alex^r Leggat, and vþeris 5our rebellious affociattis, to the number of threfcoir fouldiouris and men of weir, come fordwardis to þe faid Toun of Kirkwall, in oppin and arrayit battell, with founding of trumpettis, ftreking of drumis, fchuiting of muscatis, in figne of triumph and victorie, and all vþer weirlyk advancement ; the faid Patrik Halero and his affociattis of 5our rebellious troupe being than within the Steiple, fchuteing out þairof at all perfones that durft kithe in 5our contrair,⁵ and founding vp þair horne to 5ow, for 5our forder incurragement to proceid in 5our treffonabill attemptis. AND being enterit within the faid Toun, maift treffonabillie affaget the faid Castell, and compellit þe Keiperis þairof to rander the famyn, thay being bot of a few number, and nocht able to withftand 5our violent affault ; quhilk being tane in be 5ow, 5e immediatlie paireftir cuttit the brig⁶ þairof for 5our gritter furetie : At quhilk tyme, 5e lykwayis treffonabillie tuik, be force, þe Houfe and Place of þe 5airdis, with the Victuall-hous, and feafit vpone þe hail furnitour of meill, malt, and vther prouifioun for keiping þairof : At quhilk tyme, 5e treffonabillie pat handis in the perfone of þe faid Mr Johnne Fynlafoun, Scheref, being than within þe faid Castell ; as alfo, come to the duelling hous of the faid Barnard Stewart,

¹ Until.² Forced up his back-gate by means of a lever.³ Beat at his hall or front

door with a beam, used as a battering ram, to shatter the door to pieces, or to start it from its hinges.

⁴ Rapier, orsmall sword.⁵ Come forward to take part against you.⁶ Drawbridge.

vnder filence and clud of nycht, brak vp his durris, and tuik him violentlie and aganis his will furth of his bed, led him captiue and priffoner to þe said Castell of Kirkwall, quhair he and the said Schereff war keipit in strait firmance and captiuitie be the space of fyve dayis togidder; and paireftir war cayreit and tranfpoirtit, as captiues and priffoneris, to certane crawis or fchipsis, to be brocht south to sic places as ʒe had appointit; thay being his Maieftis loyall and faithfull fubiectis, doing quhat in þame lay to haif stayit the courfe of ʒour former Rebellioun. THE VERRITIE and trew repoir of the quhilkis ʒour tressonabill and detestabill villaneis cuming to the eiris of HIS MAIESTIE and Lordis of his hienes PREVIE COUNSALL of this kingdome, and thay, for the mair spedie staying and repreffing of the saidis enormities, haifing burdenit and imployit GEORGE ERLE OF CAITHNES, as Leutenent and Commiffioner for his Maieftie to pas over with forces to the said cuntrie of Orknay; and for that effect, ane grit number of fouldiouris and men of weir being wadget and listit, vpoun his Maieftis charges; as also, certane peces of ordinance, poulder, bullet, and vper furnitour for battering of þe saidis strenthis and holdis furpryset and keipit be ʒow; togidder with tua fchipsis and ane pynnadge, being also frauchtit, alsweill for tranfpoirting of þe said Leutenmant and his companie, with þair furnitour and vther victuallis be sea, as convoying and overtaking of þe said Ordinance, poulder, and bullet towardis the said cuntrie of Orknay, for paciefeing of ʒour former Rebellioun, and trubillis raisit be ʒow pairintill: ʒe, making littill or na accompt þairof, nor of þe pernicious example gevin be ʒow to vtheris his Maieftis guid and peceable fubiectis, in vtheris pairtis of his dominionis, in plane contempt of his Maieftie and of his royall authoritie, vpone knowlege gevin to ʒow of the said Leutenentis over-cuning, in maner foirsaid; ʒe maist tressonabillie convenit and mustirit ʒour hail forces and cumpaneis togidder; and for augmenting of ʒour number, drew in dyueris of þe cuntrie people, quhilkis war prest and foreet, be ʒour tyrannie and oppreffion, to tak pairt with ʒow in ʒour former Rebellioun, making vp in number ane airmie of ffyve hundreth men, airmit for ʒour guaird and defence, in so dampnable ane caus. With the quhilk number of airmet fouldiouris, ʒe marchet furth in battel array, out of þe said Toun of Kirkwall, towardis the Carnes, dyuerse dayis of þe moneth of August last, of purpois þair to haif withstod and resistit þe said Leutenent and his fchipsis landing: LYK AS, eftir þe said Leutenent and his cumpanie war landit, ʒe, accompaneit with the number aboue writtin, being all bodin in feir of weir, with hagbuttis, muscattis, poulder, leid, ensignes displayit, and founding of drummis, rankit ʒour selfis in battell array, at the Baw-feild, ane littil fra the said Toun of Kirkwall, quhair ʒe, be schuiting of ʒour muscattis, maist tressonabillie maid resistance to the said Leutenent and

his companie, in pair fordward-cuning to the said Toun, thay being cled with his Maiesteis authoritie and Commiffioun to repres 5our Rebellioun: And vpon the tuentie foure day of þe said moneth of August, *Robert Wynrahame*, ane of his Maiesteis Herauldis,¹ cled with his hienes displayit coit of airmes, accompa- neit with Johnne Johnnestoun, trumpetour, Mr Williame Moffet, Gilbert Dun- das, and Johnne Moffet, as witnesses, accoirding to the directioun of his Maie- stie and Counfall, and of þe said Erle of Caithnes, his Maiesteis Leutenment, being repairing to the Mercat-croce of Kirkwall, thair to haif charget 5ow, in his Ma- iesteis name and authoritie, be found of trumpet, to haif randerit the said Cas- tell, Place of the 5airdis, Kirk, and Steiple, and vtheris houffis and strenthes keipit and haldin be 5ow and 5our rebellious associattis, 5e, and 5our airmet soul- diouris and men of weir, nocht only tressonabillie stayit and maid resistance to the said Robert Wynrahame, his Maiesteis Herauld, in nocht suffering him to repair to þe said Croce, for discharge of his Message, bot maist presumptiouflie pat violent handis on his persone, tuik him, with the said trumpetour and wit- nessis, as captiues and prissoneris, and cayreit him to the said Place of þe 5airdis, quhair thay war keipit and detenit be 5ow as prissoneris be þe sþace of nyne houris, or þairby, ane pairt of þe said Herauldis coit was revin; and efter dely- verie of the said charge be him to 5ow, þe said Robert Stewart, for randerin of the saidis Houffis, his Maiesteis letteris and charges was tane be 5ow frome him, quhilkis ar keipit be 5ow as 5it: And nochtwithstanding þairof, þe saidis Houf- fis and Castell was maist tressonabillie keipit and haldin be 5ow. Vpon the fordward-cuning of the quhilk Leutenment, with his forces, towardis the said Toun, 5e finding 5our felfis vnhab² to keip the feildis, or to hald him out of the Toun, 5e maid 5our flicht and retreit to þe saidis Kirk and steiple, and to the said Castell and Place of the 5airdis: And dyuerse schotes of ordinance being schote at þe said Castell, Steiple, and vperis Houffis forteseit and keipit be 5ow, with dyuerse messages fend to 5ow for þe peceable overgeving þairof, 5e neuirþe- les maist rebelliouflie dissobeyit the saidis messages and charges, and tressonabil- lie schote furthe agane at the said Leutenment and his companie, and slew with the saidis schottis, Williame Irwing, lauchfull sone to vmq^{le} Williame Irwing of Saba,³ James Richefoun, Andro Adamefoun, William Robertfoun; and hurt and woundit James Kneilland, Andro Purves, Williame Flemyng, and Alexander Sudderland, thay being his Maiesteis servandis and faithfull subiectis, than in seruice with the said Leutenment; tressonabillie keipit and held the said Steiple the sþace of fourtie aucht houris þaireftir, or þairby; and held and keipit the said Castell be the sþace of ffyve oulkis, or þairby; nochtwithstanding of sevin scoir schote of ordinance schote pairat, and that ane grit pairt þairof was

¹ He was 'Yla' or Islay Herald.

² Lat. *inhabilis*.

³ Elsewhere called of Cava.

batterit and dung doun with the force of the said cannoun. OFF THE QUHILKIS Treffonabill crymes aboue writtin, viz. the Treffonable diffobeying of the chaarge gevin be þe said Schereff, in his Maiesteis name and autoritie, ffor randerig of the said Houfe and Palice of Birlay, eftir þe intaking þairof; the Treffonable convocatioun and raifeing of men of weir, and mustering of thame in airmes, to þe number foirsaid, and cuming fordwardis with a pairt of thame in battell-aray to þe said Bowa-croce, for the slauchter of the said Schereff; the Treffonabill forgeing, making, and subfcryveing of the foirsaid Band, for taking pairt with the said Robert, in his former treffonabill courfes; and caufeing the subfcryveris, and vperis þair aideris and affifteris, be solemne aithes, to fueir to die and leve with him, aganis all maner of perfones, his Maieftie our sacred fuerane nocht being exceptit; the Treffonabill taking and furprifing of þe said Castell of Kirkwall, Kirk, and Steiple þairof, Place of the Zairdis, and vtheris houffis, mannit and keipit as said is; the Treffonabill taking of þe said Mr Johnne Fynlafoun, Schereff, and Barnard Stewart, captiues and priffoneris, being his Maiesteis frie and faithfull subiectis; the Treffonable refisting of the said Erle of Caithnes, his Maiesteis Leutennent and Commiffioner, in vseing of his said Commiffioun, with his cumpanie and men of weir, and slauchter of his Maiesteis faithfull subiectis, being in his Maiesteis feruice; and beiring out of the said affault maid be the said Leutennent, to the saidis Castell, Kirk, and Steiple; the Treffonabill taking of þe said Robert Winrahame, his Maiesteis Herauld, being directit be his Maieftie and Counfall, with his Maiesteis displayit coit of airmes, to charge the said Robert and his companie, to rander the saidis Houffis and strenthis, be vertew of his Maiesteis Letteris direct for þat effect; and Treffonabill diffobeying of the said charge, and taking of the letteris and charges fra þe said Herauld, and keiping þairof, in maner foirsaid; 3e, the said Robert Stewart, Andro Mairtene, Thomas Blak, Archibald Murray, Alexander Legget, and Thomas Layng, and ilk ane of 3ow, ar airt, pairt, red (*advice*), and counfell; att the leift, of ane or vther of the saidis Treffonabill crymes, committit be 3ow and 3our rebellious affociattis aboue writtin; off the fpecial caufeing, fending, hounding out, airt, pairt, counfell and devyfe of the said PATRIK, lait ERLE OF ORKNAY; quhilk is notourlie knawin. LYK AS, 3e haif Confessit the samyn, be 3our Depositiones.—FOR the quhilkis 3e aucht and fould be pwneift and denuncet as Tratouris; to þe terrour and exampill of vperis to attempt the lyk Rebellioun heireftir.

MY LORD ADUOCAT producet ane WARRANT of the Counfell, direct to his Lordfchip, anent the formeing of the Dittay aganes the perfones on pannell, and thair perfute for the crymes contenit in the Depositiones; quhilk Warrant is daitit the 28 December, 1614. My Lord Justice and Justice Clerk producet, also, ane Warrant, direct be the Counfall to thair Lordfchipsis, for halding of Court,

and miniftrating of Justice vpon the perfones on pannell. My lord Aduocat producet the Dittay; and conforme to the Counfallis Warrant, and for obedience thair of, declairit, he was reddie to infist in the pannellis perfute, for the crymes thairin contenit; and thairupon askit instrumentis.

The pannell being askit, Gif thai had ony prelocutouris for thame to defend; or gif thay had ony thing to allege, quhy the Dittay producet be my lord Aduocat fould nocht pas to the knowlege of ane Affyfe? For anfuer thairto, Robert Stewart declairit, that thai wald vse na prelocutouris, bot God, in this matter.

ASSISA.

Mr Robert Henderfoun of North Rannaldsfay,	Andro Anderfoun, also his fervand,	Williame Sinclair of Tullope,
Ednard Scola, sumtyme Scheref of Orknay,	Henri Sinclair, also his fervand,	Andro Purves, indueller in Edr,
George Mowat of Sewnane,	James Hammiltoun, wrycht,	Williame Robiefoun, thair,
James Irwing, fervand to my lord (Erle of Cathnes),	James Workman, paynter, burges of Edinburgh,	Clement Kincaid, thair,
	Johne Quhyte, wricht, burges of the Caunogait,	George Redik of,
		Robert Keith, mercheand burges of Edinburgh.

It is allegit be Thomas Layng, ane of the perfones on pannell, that George Mowat, James Irwing, (and) Andro Anderfoun ar fervandis to my lord of Caithnes; and thairfoir, h ai nor nane of his lordschipis fervandis can pas vpon the pannellis Affyfe; in respect, that the said Erle and his fervandis war perfewaris of the pannell within the Toun of Kirkwall, Kirk, Steiple, and Castell thair of; and thay war tane and apprehendit be him (the Erle), and (thay) behavet thame felfis as partie, in thair perfute of thair lyves.—It is anfuerit be my lord Aduocat, that the allegiance aucht to be repellit; in respect my lord of Caithnes and his fervandis had na particular¹ of his awin aganis the pannell; bot only was imployit as Commissioner and Leutenent for his Maieftie to pas to Orknay, and thair, in his Maieftis name and authoritie, to apprehend the perfones on pannell, for thair Rebellioun, and halding and furpryfeing of his Maieftis Castellis and Houffis thair: ffor how fall the pannellis giltines of the crymes contenit in thair Dittay be tryit,² bot be sic as best knawis the verritie of the factis mentionat thairintill? And thairfoir, nochtwithftanding of the said allegiance maid aganis the Erle of Caithnes fervandis, they aucht to be admittit vpon this Affyfe.³

THE JUSTICE Admittis THE ERLE OF CAITHNES *fervandis* vpon the Affyfe, nochtwithftanding of the allegiance; and that, in respect of my lord Aduocatis anfuer maid thairto.

¹ Quarrel; feud. ² Proved; established. This forcibly illustrates the remarks which have frequently been made, in various parts of this work, regarding the anomalous character of a Juryman; who was generally selected, as personally knowing the facts of the case; and was *therefore* considered as best qualified to return a true verdict, being in fact a witness in the Trial; and accordingly, deciding on his previous knowledge, whereby he was liable to be biassed by his prejudices.

[PRIVILEGE of his Majesty's Servants in THE CASTLE OF EDINBURGH, as being exempted from passing upon Assyses.]

James Hamniltoune, wricht, and James Workman, ffor thame selffis, and in name of the remanent ordiner fervandis of his Maiesteis CASTELL OF EDINBURGH, funmond to pas vpone this Assyse, declairit, in respect thai war ordiner fervandis to his Maiestie within the said Castell, and thairfoir war, be the Law and daylie practik, exemit¹ fra all maner of Assyses, defyret, according to thair privilege, thay fould nocht pas vpone this Assyse.—My Lord Aduocat declairit, that thair passing vpone this Assyse fould nawayis preiudge thame of thair Privilege: And thairfoir, feing this perfute is a matter that concernis his Maiestie him selff, for Rebellioun committit aganis his royall autoritie, he thairfoir defyret my Lord Justice, that thai fould be admittit vpone the said Assyse, vnder protestatioun, that thair Privilege be nawayis hurt or preiudget heireftir.

QUHILK Protestatioun maid be my Lord Aduocat, in fauouris of the ordiner fervandis of the Castell, the Justice Admittis; and Ordanis thame to be Assyfouris at this tyme, but² preiudice of thair Privilege.

My Lord Aduocat takis instrumentis of the sweiring of the Assyse; and estir reiding of the Dittay, and the pannellis accusatioun, be vertew thairof, of the tressonabill crymes mentionet thairintill; ffor verificatioun thairof, producet my lord of Caithnes Commissioun of Leutenmendric, grantit to him, to the effect thairin contenit, of the dait the saxt day of August, 1614 last; the pannellis hail Depositiones, maid be thame in presens of the lordis of his hienes Previe Counsell; and thair Confessiones, mentionet thairintill; togidder with Robert Wynerahame, Herald, his Executioun³ and deforcement, with the forme and maner thairof, at lenth insert in the said Executioun, subseryuit and stampit be him; all ratifeit and approvin (be his grit aith Judicialle tane be the Justice) to be of verritie, in presens of the pannell: Quhilk Declaratioun his lordschip repeitis to the Assyse, with the Judiciall Confessioun maid in thair presens be the said Robert (*Stewart*), of his giltines of the hail Dittay; and be *Andro Martene*, of the wryting of the Band, and being within the Castell with Robert the tyme of the Assault maid thairto be my Lord of Caithnes; the Judiciall Confessioun maid be *Thomas Blak*, of his taking and halding of the Steiple; the Judiciall Confessioun maid be *Archibald Murray*, of his being in the said Steiple, and cuming with Robert to the Castell, at the intaking thairof, and cutting of the brig; the Judiciall Confessioun maid be *Thomas Layug*, of his being with Thomas Blak

¹ *Exceded*, exempted. ² Without. ³ An official attestation by Heralds and Messengers-at-arms, that they had *executed* the duty entrusted to them. After the rough usage of Islay Herald, already related, and his subsequent '*Execution*,' it is startling enough to the mere English reader, to be informed of his appearance before the Justice, and his making oath, and so forth.

and Patrik Halero, at the taking of the Steiple; and the Judicial Confessioun maid be *Alexander Legget*, of his keiping of the House of the Zairdis vnder the said Robert and his companeis aganis the Leutenment: And in respect of the premisses, protestis for Wilfull Error aganis the Assyse, gif thai Acquit.

ROBERT STEWART offeris him self in his Maiesteis will, ffor the haill crymes contenit in his Dittay.—ARCHIBALD MURRAY offeris him self in his Maiesteis will, ffor being in cumpany with Robert, at the cutting of the brig of the Castell, eftir surpryfeing thairof.

SPECIAL VERDICT *of the Assyse.*

THE ASSYSE, all in ane voce, be þe mouth of þe said Mr Robert Henderfoun, chancellor, ffand, pronuncet, and declairit the foirnamet perfonen on pannell to be GILTIE and convict of the perticuler crymes following, to wit: THE said *Robert Stewart*, bafe sone to þe said Patrick, lait Erle of Orknay, to be Giltie, culpable, and convict of the tressonabill disobeying of the charge gevin be þe said Mr Johnne Fynlafone, Schereff Depute, in his Maiesteis name and autoritie, for randeriing of þe Hous of Birsay, eftir his craftie taking and surpryfeing thairof: OFF the tressonabill convocating and raiseing of men of weir, and multering of thame in airmes, to the number of nyne feoir perfonen, and cuming forwardis with a pairt of thame, in battell aray, to the Bowa-croce, of intencion to haif flane the Schereff: OFF the tressonabill fforgeing, making, and subferyveing of ane Band, for taking pairt with the said Robert in all his tressonabill courfes, and in caufeing the subferyueris and vtheris pair aideris and assisteris, be pair solemne aithes to fueir to die and leve with him aganis all maner of perfonen, his Maieftie our sacred souerane nocht being exceptit: OFF the tressonabill taking and surpryfeing of þe said Castell of Kirkwall, Kirk and Steiple of þe said Toun, with the Place of the Zairdis, and vtheris Houffis pertening to his Maieftie within the said Toun: OFF airt and pairt of þe tressonable taking of þe said Mr Johnne Fynlafoun, Shereff depute, and of Barnard Stewart, captiues and priffoneris, thay being his Maiesteis frie and faithfull subiectis: OFF the tressonable resfiting of þe Erle of Caithnes, his Maiesteis Leutenment and Commissioner, with his companie of men of weir, in executioun of his Commiffioun; and of the slauchter of dyuerse of his Maiesteis faithfull subiectis, being in his Maiesteis seruice with the said Leutenment. AND in the tressonabill beiring out of þe said Assault maid be the Leutenment aganis þe Steiple, Castell, and vtheris strenthis keipit be him within the said Toun of Kirkwall: OFF airt, pairt, red, and counsell of the tressonable taking of Robert Wynrahame his Maiesteis Herald, cled with his Maiesteis coit of airmes, being directit be his Maieftie and Counsell to charge þe said Robert Stewart and his rebellious associatis to rander þe saidis Houffis and strenthis, be vertew of his Maiesteis Letteris to that effect: AND of the tressonabill disobeying of the charges, and taking fra the said Herald of his Maiesteis Letteris and charges, and keiping pairof, in maner specifit in his Dittay: AND that, conforme to þe said Robert and his complices Depositiones; and of his Judiciall acknowledgment of his giltines of þe saidis crymes, and of his Judiciall offer of becoming in his Maiesteis Will, as giltie and culpable pairof. THE said *Thomas Blak, alias Douglas*, to be ffylet, culpable, and convict of the tressonable surpryfeing and taking in of the said Kirk and Steiple of Kirkwall, and halding the samyn aganis þe Erle of Caithnes, his Maiesteis Leutenment: AND for cuming forwardis with þe said Robert Stewart, in oppin and arrayit battell, aganis þe Leutenment at þe Baw-ley; and withstanding of him and his companie, a littill after his landing, and repairing towardis the Toun of Kirkwall for discharge of his Commiffioun: AND for the tressonabill assifting of þe said Robert Stewart, in all his tressonabill interpryfes aganis þe said Leutenment and his companie, fra his intaking of þe said Kirk and Steiple, to þe tyme of þe randeriing pairof to þe said Leutenment. THE said *Archibald Murray*, to be Giltie and convict of the tressonabill plotting, and being vpone the counsell with the said Robert Stewart, within the Palice of Birsay, of þe taking and surpryfeing of þe

Kirk and Steiple, and of þe said Castell; and þaireftir, accoirding þairto, ffor þe trefsonabill cuming with Patrik Halcro, Thomas Blak, and vtheris, and taking and furpryfeing of the said Steiple: AND in the trefsonabill affisting of þe said Robert in taking and furpryfeing of the said Castell, and cuting of þe brig þairof, eftir þai war maisteris of þe same: AND of the trefsonabill keiping of þe Houfe and Palice of Birfay vnder Robert, as Maister þairof, to the tyme he was charget be the Leutennent to rander the famyn. THE said *Andro Martene*, to be Giltie and convict of the trefsonabill making of þe Band specifeit in the Dittay, and devyfeing þairof: AND of his trefsonabill being within the said Castell with Robert, and halding þairof aganis the Leutennent: AND of airt, pairt, red, and counfall with þe said Robert Stewart, in his hailt Rebellioun in Orknay, in maner contenit in his Dittay. THE said *Thomas Layng*, to be Giltie, culpable, and convict of his trefsonabill being in companie with Robert at his cuming with displayit benner, in battell aray, to the Bowa-croce, of intencion to haif slane þe Schereff: AND of the trefsonabill taking and suppryfeing of þe Kirk and Steiple of Kirkwall: AND of his trefsonabill being in companie with Robert, at his cuming with flyve hundreth men in airmes to the Baw-Ley, aganis the Leutennent: AND for his cuming bak to the Place of the ʒairdis, and remaning pair with Robert till a littill befor þe randereng of the Hous þairof; conforme to his Depositiones. AND the said *Alexander Legget*, to be Giltie, culpable, and convict of the trefsonabill affisting and being in companie with the said Robert, with displayit benner, at þe Bowa-croce: AND for being in companie with Robert, and affisting him aganis the Leutennent, in keiping of þe Houfe and Place of þe ʒairdis: AND for the trefsonable affisting and taking pairt with the said Robert, and being in companie with him at the Carnes, in resisteng þe Leutennent pair; conforme to his Deposition.

Vpone the quhilk determinatioun of the said Affyse, my lord Aduocat askit instrumentis.

SENTENCE. In regard of the quhilk convictioun, my Lord JUSTICE, be the mouth of Johne Dow, dempfter of Court, Ordanit the saidis perfonen on pannell to be tane to the Mercat-croce of Edinburgh, and thair to be Hangit vpon ane gibbet, quhill thay be deid: And all thair landis, heritages, takis, fteidingis, rowmes, possessiones, guidis and geir to be fforfalt and escheit to his hienes vse, as Giltie and Convict of the saidis trefsonabill crymes.

APPENDIX OF ORIGINAL DOCUMENTS,

ILLUSTRATIVE OF THE TRIAL OF ROBERT STEWART AND OTHERS.

I. MINUTES OF THE PROCEEDINGS OF THE PRIVY COUNCIL OF SCOTLAND.

(1.) Jan. 14, 1614.—ROBERT STEWART, bafe sone to THE ERLE OF ORKNAY, being brocht befor THE COUNSELL, for geiveing of fuitrie not to repair to these boundis, without HIS MATIES Licence; THE BISCHOPPE OF ORKNAY hes gevin his word and promeis for him; and the Counfell hes tane his awin aithe and promeis, that he fall not repair to the saidis boundis. And this courfe is tane be the Bischopis advyse and speciall procurement.

(2.) Jun. 28, 1614.—THE ERLE OF ORKNAYIS bafe sone having latlie gone to Orkney, aganis his faith and promise maid to the Counfall in the contrair; and he having tane with him some foulldiouris, and furpryfit *the Place of Birfwall* (Birfay) in Orkney, THE COUNSALL, vpoun the first informatioun maid to thame thairof, directed charges aganis him for randereng of the Houfe; and with that, thair wes ane Proclamatioun direct, prohibiting all his MATIES subiectis to supplie him with onie neces-

fairis, or to mak payment to him of ony of the dewtyis of *Orkney* or *Zetland*. The chaarges for rander- ing of the Houfe being execute aganis him, he immediatlie caufes found his trumpet vpon the heid of the Houfe, and difcharges xxx or xl fchote of mufcat at the Officer and witneffes, as wes this day affirmit in prefens of the Counfall be *Sir James Stewart of Killith*.¹ Whairvpon THE COUNSALL has exped ane Commiffione to him, in ample forme, for perfute and affadging of the Houfe, with all kynd of force and wearlyk ingyne.

(3.) Jul. 28, 1614.—THE ERLE OF ORKNAY his bafe fone, accompanyed with three or four fcore of perfones, doeth yett contivne there foolifche courfes in Orknay, and fill keepes *the Houfe of Birfay*. There hes beene fome conference in THE COUNSALL anent the fuppreffing of his infolenceis; and it is thoght be the moft parte of the Counfale, that *Sir James Stewart*, in refpect he is Schiref, Judge, and Chalmerlane of the countrie, fhould be employed in that bufynes. The queftion ftandes anent the forme, how *Sir James* fhall go there, and how he fhallbe accompanyed? Some ar of oppinion that the forces of the countrey ar fufficient to fuppres this REBELLION, althoght the authoures wer ten tymes mo in number. Otheres ar of oppinion, that it is hard for *Sir James Stewarte* to hazard him felf with the countrey people; and that it is expedient that he have three fcore men, vnder wages, to attend vpon him. THE COUNSALE, at there nixt meeting, ar to tak fome courfe in this bufynes.

(4.) Jul. 29, 1614.—SENCE the wrytting of the Notes aboue written, there is fure aduerteifment come from ORKNAY, that the faide *Erle* his bafe fone hes fuppryed *the Church and Steple of Kirkwall*, and the *Girnell-houfe*, (whiche ar places of gryte ftrengh,) and that *the Scheref-depute* hes retereed him felf to *the Cafle*, where he is inclofed be *the Bafarde*; and that there is a publick and oppen REBELLION professed and avowed in that countrey. THE COUNSALE, beeing informed heer-of, this morning airtie (the 29 of this instant) thay convened in the Over Counfale-hous; and *Sir James Stewart* beeing at lengthe hard anent his refolution and purpofe in this bufynes, he hes vnder-tane to go there in perfone, and to adventur and hazard his owne lyff in the fuppreffeing of this REBELLION. He hes gotten a Commiffion to tak vp fyve hundrethe men, vnder wages, and he is verie bufye to amaffe this companyee togidder, at the leaft fa mony as vpon the fuddane he may gett; and both be found of trumpett and ftryking of drwm, warning is geven to all fuche as will ferue to adreaffe thame felves to him, to inroll there names and refane there pay. He is of oppinion that within three or four dayes he fhall have iij^e thouldiours in reddynes, whome he entendes to fend away be fea with the firft occafion. He is to go him felue, be land, accompanyed with fuch voluntares of his kin, frendthip, and acquentance, as he may enduce to go with him; of whome he is of opinion to mak vp a companyee of three or four hundrethe men. *The Lord Lovat* hes promefed him the affiftance of two or three hundreth hable footemen, well furnifhed in all thinges neceffar. There is a ample Commiffion of Lieutenandrie and Jufticiarie exped vnto him, for the perfute of the lymmaris, with fyre and fworde. PROCLAMATIONES ar exped againes all betweene sextie and faxteine yeeres, within the boundes off *Caithnes*, *Sutherland*, and *Orknay*, to go forward with *Sir James*, and to affist him in this feruice; and a other Proclamatiōe, prohibiteing the refatt, fupplee, or furnitheiing of thir Rebelles with ony thing comfortable or neceffar vnto thame; with a promefe of pardoun to fuche of thir Rebelles (who ar not cheef), that will leave *the Bafard*, addrefse thame felues to *Sir James*, and do feruice worthie of favour.

All fchippes and velhelles bowne to *Orknay* ar stayed, till *Sir James* and his company be imbarked and away.

Sir James will, God willing, have his whole forces togidder to fett fordwart, him felf be land, and his footemen be fea, within fyve or fax dayes; and aduerteifment fhallbe fra tyme to tyme fend vpe, of the progres of his proceidings, and of his fuccelle in his feruice.

¹ Afterwards Lord Ochiltree.

(5.) Jul. 7, 1614.—INFORMATIOUN being maid to fume of THE COUNSALL, that ane poit-boy was cum frome *Orkney* with Lettres to the lait ERLE OF ORKNEY, and that he was to returne agane with ane anfuer to theis Lettres, directioun was gevin for the feircheing of him: Lyikas, he was apprehendit vpoun the fyft of this instant within this Burgh, and producet befor *the Counfull*, with ane number of Letteris, the most pairt of thame direct to *Caitnes* men. Becaus the poit-boy was to go towardis *Orkney*, that way, he was verie straitlie examinat vpoun many particularis; whois DEPOSITIOUN, with the copie of that Letter fend be *the Erle* to his sone *Robert*,¹ is heir incloist, immediatlie vpoun his examinatioun. Thrie of *the Gaird* was directed to *Dumbartane* to mak feirche for *the Erle* his wryttis; and to bring frome thence one *Sharp*, *the Erle* his fervand, by whome his Letteris is writtin. They departed frome this Burgh vpoun Twyfsday the fyft of this instant, about ten of the klok at night, and come to *the Castell of Dumbartane* the morne thairefter, about fyve of the klok in the efternone, bot could not have entrie; being anfuert be fum fervandis frome the wall-heid, that *the Constabill* was in *Edinburgh*, and that one *Robert Knok*, wha had the charge of the Hous vnder *the Constabill*, was in *the Toun of Dumbartane*; and whill his return the zettis could not be opined. *The Gaird*, vpoun this refusall, going to *the Toun*, they forgadered,² in the mid-way betuix *the Castell* and *the Toun*, with the said *Robert Knok*; vnto whome they haveing impaired thair Commissioun and warrand, he tauld thame plainlie, that thair was no entrie to be had, that night, within *the Castell*; and appoynted thame the morne, at awght of the klok. They haveing preceisslie keipit that tyme, and come to *the Castell-zett*, thair was many idill ceremonies vsed, befor they could haue entrie; and at laft, being ressaued within the Castell, *Sharp* was amiffing, and had eskaiped; and feirche being maid for the Letteris and wryttes, thair was ane number of comptis and wryttes gottin, bot serving nothing to the purpois.

Thair is an ampill COMMISSIOUN past and exped to *Sir James Stewart*, *Shereff of Orkney*, and his deputtis, for the perfute and affaidgeing of *the House of Birsay*, with fyre and sword, and for apprehending *Robert Stewart*, and exhibitioun of him befor THE COUNSALL.

(6.) Aug. 3, 1614.—COMMISSIONIS being past and expeid to *Sir James Stewart of Killeith*, for suppressing of THE REBELLIONE IN ORKNEY; and he being in the preparatioune of his forces to haue gone thair for that eirand; and promise being maid to him, be *the Lord Lovatt*, of fum thrie or four hundrethe *Hiland-menne*, to haue assisted him in that seruice; fum Gentlemen of the Cuntrey of *Orkney*, being heir, and feiring that siche a number of peple as wald accompany *Sir James* wald be a greit burdyn to the pure cuntrey, and that they wald appease the cuntrey people at thair pleasure, they thairfore delt with *Robert Monteith of Eglefshaw* to mak ane ouerture to THE COUNSALL, for doing of this seruice, with les charges to HIS MA^{TIE} and greittare ease to the cuntrey nor possible could be done be *Sir James*. ROBERT MONTEITH being admittit to audience, he hes offerit and vndertane, in respect of the freindschipe and assurance whilk he will find in the cuntrey, to do this seruice, with the supplie of threescore fouldiouris allanerlie,³ and ane *Herald* and *Trumpett*, at HIS MA^{TIES} charges, with ane ship to transport, he hes vndertane to recover the hail Houses and strentes tane and hauldin in that cuntrey aganis HIS MA^{TIE}; and outhere to apprehend the Rebellis, or then to put theme of the cuntrey: He hes vndertane, yf ony Houses or strentes be assadged, to raise the seage within fourty-aucht houris aftir his cumming in the cuntrey. And for the performance of thir his OFFERIS, he hes offered *the Erle of Caitnes* and *James Sincler of Murchill* cautionouris.

Sir James Stewart being hard vpoun the Offeris maid be *Robert Monteith*, he hes willinglie aggreit that the charge of the seruice be committit vnto him. Whilk accordingle is done; and he is to imbarck with his forces betuix and the tent of this instant; and he hes presentlie fend away fum of the Gentlemen of the cuntrey, to haue the hail cuntrey in reddines to attend⁴ his landing.

¹ See this Appendix, No. (20.)

² Rencountered; met with.

³ Only.

⁴ Await.

(7.) Aug. 24, 1614.—THE EARLE OF CAITHNES,¹ with two shippes well provyded with all warrelyk prouifion, made faile towards ORKNAY, vpon the xx of this instant, haveing the wynd verie faurable; and it is looked that he wes in *Orknay* vpon the 22 of this instant, in the morning. How fone ony aduerteifment shall come from him, or ony others in that countrey, HIS MAIESTIE shall gett notice thereof, with all convenient diligence.

(8.) Oct. 5, 1614.—DIRECTION is geven to the Captane of the Guarde, to send tuelf of his company to Dumbartane, and to bring frome thence, to this burghe, THE EARLE OF ORKNAY. And direction is gevin to the Shiref of Dumbartane to assift the convoy of the Earle from Dunbartane to the Falkirk, where the Shireff of Linlithgow is to receaue him, and to mak his convoy frome thence to this burghe.

(9.) Nov. 17, 1614.—THE ERLE OF CAITHNES, having left THE LAIRD OF RATTER, his brother, as depute for him, in the Officeis of JUSTICIARIE and SHEREFSHIP of ORKNAY; and having gevin directioun to him to demolishe *the Castell of Kirkwall*, conforme to the Warrant of *the Counfall* send to him for that effect, the said *Laird of Ratter*, by his Petitioun, gevin in this day to THE COUNSALL, meant him self,² that he wes a Gentleman of small moyene,³ having nouthor landis nor rentis in *Orknay*; and that his remaining thair vnder the burdeyne and chearge of the saidis Officeis, wald draw him, in shorte tyme, to spend all his rentes, to his greit hurt and inconvenient; besydes the neglect of his awin affaires and busynes, at home. And thairfoir, his desyre was, that he might vnderstand, vpoun what conditione he fould remaine in that cuntry, and vpoun whose chargeis and expenffis the Houfe fould be dimolished? His Petitioune being hard and deulie considerit, THE LORDES hes allowit vnto him ane hundreth markes monethlie, dureing his aboade in that cuntry, for his charges and expenffis. And tutching the dimoleifching of the Houfe, thay haue ordanit him to do the turne, and the expenffis that he fall bestow thairvpone, according as the same falbe verified and testified be *the Bishop of Orknay*, vnder his hand, falbe repayit vnto him be *the Thefourare Depute*.⁴ And whereas, the remaning of *the Laird of Ratter* in that cuntry, wilbe chargeable to HIS MAIESTIE, the cuntry being now reasonable weele satled, without appeirance of ony new commotioun or trouble; thairfoir, his Maieftie wold be pleasit to resolue vpone some course, anent the Governament of that cuntry, and whom his Maieftie will putt in the trust of that charge; to the effect that, vpoun the significatioun of his Maiefties pleasour thairanent, *the Counfall* may tak ordour, and gif directioun thairin accordinglie.

II. DISPATCHES FROM THE EARL OF CAITHNESS, &c. TO THE KING AND SECRETARY OF STATE,⁵ &c.

(10.) LETTER, *the Earl of Caithness to Lord Binning*. (Aug. 25, 1614.)⁶

RIGHT HONORABIL MY VERIE GOODE LORD,

PLEIS your lo. We arryved at Castell Sinclair vpoun the 22 of this instant; whair I stayit that night, and aduerteifed the Caithnes men to be reddie to follow me to Orknay, when I suld command theme. I imbarked with me about threttie of theme, and cam to Selwik, within tuo myles to Kirkwall, vpoun the 23, about sex eftir none.

The 24 I sent the Herald with Notairis, Messingeris, and Witneffes to mak proclamatioune at Kirk-

¹ The procrastinating conduct and vacillation of THE PRIVY COUNCIL, in a matter which bore such a formidable aspect at its commencement, says very little for their ability or zeal, in the discharge of their important trust. The only apology which can be framed for them, is the circumstance of their subserviency to THE KING, who was resident at so great a distance, and without whose *fiat* they dared not take any important step. ² Made supplication and complaint; humbly remonstrated. ³ Means; fortune. From Fr. *moyen*. ⁴ In the Books of the Accounts of the *Lord High Treasurer of Scotland*, Gen. Register House, the following entry occurs, under date April, 1615. 'ITEM, to ane Poist passand to Edr. to my Lord Chancellor, at Dunfermling, to subscriyve ane Commissioun for Walter Richie, for demolishing of THE CASTELL OF KIRKWALL, xxiiij s.' ⁵ Thomas Lord Binning, afterwards Earl of Melrose, &c.; which last title he afterwards exchanged for the Earldom of Haddington. ⁶ From the Original in the *Denmylne Coll.* of MSS. Adv. Library.

wall; who wes presentlie taikin, as he entered the Towne, most iniuriouſſie and diſpytfullie abuſed, bothe in word and deid; the Letters taikin frome him be Robert; and him ſelf, with ane Miniſter, and all otheris that accompanied him, keipit in diuerſe houſes, all that day, till the evening; to whiche they, the ſame day, did ad this alſo, that to the number of thrie hundreth menne, with diſplayed enſigne, did fort¹ out of the Towne, and maid prouocatione to me, whair I lay vpoun the ſhip-board. For that the Proclamacione (were) thus impedit, I wes forced vpoun the 25 to wreitt diuerſe Letteres, and ſend throuche the cuntrey, to aduerteis and command the Gentlemen and vtheris to reſort to me; in whome, for the moſt part, I did not find that reddie willingnes whiche I expected; ſo that I wes forcit to ſend to Caithnes, for ſupplie of my owne menne; who, cuming to me vpoun the 26, and having then aſſembled about two hundreth of the cuntrey menne, we tuik land; and at the ſame tyme, about ten houris, we landit the battering peice with hir careage, whiche, by great force of men, and ſome difficulties throuche the deipnes of the foyll, wes presentlie, and with all poſſibill diligence, drawin neir tuo myles, towardis the Towne; and the ſame day, about thrie aſtirnone, planted at Weyland, within ane half quarter of myle to the Caſtell. We merched in good ordour, with colouris diſplayed; and as we approached, the Rebellis ſorted out,¹ boasting that they wold fight with ws, thought we had bein tuentie to one; and having their Ordinance in reddines to haue played vpoun ws from the Caſtell, Stepill, and Tour of the 3eardis, and diſchargeing one or tuo of the ſame againſt ws, ſo ſoone as we cam vnder their fight, I commandit the Cannoners² to flute at the Caſtell; who did their part ſo weil, that be the ſecund ſchott one of the turrettis vpone the heade of the Houſe wes pearſed and almoſt beaten down, to the great terrour of the Traitouris; and other thrie being fhott, one aſtir another, did all hit, bot not hurt ſo muche.

In the meantyme the Rebellis being provoking and braking ws vpoun the Ball-ley, to the number of ſex ſcoir men, our Captanes and fouldiouris went directlie, and with goode courage, toward theme—and without ony reſiſtance or hurt did compel theme to retreat ſchamefullie. In whiche flight, about fyve of preſſed poore menne of the cuntrey did abandon theme.

The Captanes, fouldiouris, and Gentlemen of the cuntrey, with thair menne, did presentlie follow theme at their heillis, entered the towne the ſame night about ſex houris, incloſed theme in their holdis, and now poſſeſſes the Towne. That night I ludged about the Ordinance, and guairdit it and our ſelfis with the reſt of our menne.

This day we ar buſie about the landing of the great Peice of Ordinance, that we may batter bothe the Caſtell and the other Houſes, which annoyes ws and our men in the Towne; and mak our ſeruce the ſchorter.

The Rebellis ar moſt obſtinate, and maliciouſſie reſolued to hold out to the deathe, thought I have ſent Miniſteris and their owne freindis to inſtruct, admoniſh, and threattin theme.

Their is heir no bread, nor drink, nor vther victuallis to be had for pryce, prayer, or command; ſo that I muſt ather ſeik preſent releif of ſome victuall from Caithnes, or ſuffer the fouldiouris to ſtarue for want. And if they fall endure and continew in thair obſtinacie, as they haue wowed to do, thair will not be pouder, leid, billettis, nor matche to ſerue for this ſeruce; in the which I ſie great dangeris, and manie more difficulties then I culd ſoiſie.

In reſpect whairof, I will intreat your goode lo. to acquent my Lord Theſaurer and remanent Counſallouris; and with all cair and diligence prouyde, betyme, that money, pouder, pillettis, and chieffie ſum reaſonabill quantitie of victuall, whiche can not be had heir, may be ſent to be diſpenſed and ſold to the fouldiouris and vtheris that haue neid, vpoun reaſonabill pryce; whairby our great neceſſities may be ſupplied, with litle or no hurt to his Ma^{ties} money.

As thingis fallis out, ſo fall your lo. be aduerteiſed from tyme to tyme. And now, after the trew

¹ Fr. made a *sortie*.

² Artillery-men.

narratione of our proceedingis and present estaitt, I refer the consideratione and cair of all to your lo. wifdome, and fall euer rest,

Your lo. euer to be commanded,

CAITHNES.

To the right honorabill my verie goode lord, MY LORD OF BINNING, his
Maiefteis SECRETARE OF SCOTLAND.

(11.) *The Erll of Caithnes LETTER to my Lord Thesaurar Depute.*¹

MY VERREY GUD LORD AND COUSING,

I HAUE refrauit findrie of your ll. most kynd Letteris, and your ll. greit cair in sending all thingis necessar for ending of this seruice. I can not gif your l. dew thankis; bot I will account it ever to procede of þe lufe þat 3e beir to HIS MATIE and lufe 3e caryit to me as your kynnisman, quhome your l. fall ever haue pouer to command me, so long as I braith. It hes pleast God, of his mercie, the penult of þis instant, to mak ane finale end of þis seruice in my handis. The forme, maner, and all þat hes hapnit, I haue writtin at greit lenth to my gud *Lord Secretar*. I haue directit þe Pinage home and þe Bark² þat come last; and hes dischargit the Captane, Officeris, and fouldaris, þe last of þis instant. I grant þis seruice hes bene expensue to his Matie; bot quhat hes bene wairit,³ I hoip at my cuming to put it all vp agane, be munitioun, to þe *Castell of Edr*. I hop to bring with me more then tuentie thousand merks worth of brafin ordinance.⁴ As for my panis, hazard, and travellis, I will remit that to his most sacred MATIE. This,⁵ leving to fasche⁶ your ll. with mony woirdis, I end, willing your ll. ever to esteme of me as ane kynnisman þat your ll. fall have ever pour to command, according to my þithe. This taking my leif, I commit your ll. to God, and I fall ever rest

Your ll. cousing, ever reddie to be commandit,

CAITHNES.

AT KIRKWALL CASTELL, þe last of September, 1614.

(12.) *The Erle of Cathnes LETTER to the Secretar,*⁷ *ressuued 10 Oct. 1614.*

MY VERRIE SPECIALL GOOD LORD,

IN respect your Letter, daitit from Edr the fyfte of September, and come in my hands the fourteint of this instante, declaring your lo. diligence for expeding of all necessars for this seruice, quich I haif more nor neid for daylie, I and all that is heir with me hes hote seruice with thir most bluidie and barbarous Rebeles and Traitouris. They haue killed four, and the last is ane Willeam Iruine, ane Orkney Gentleman,⁸ one quho, since his deathe, I haue hard was ane inoyenour, and ane greit freind to the Traitour. God is just in his judgementis, for amongs ws all standing by him he is schote dead, vponne the nyntente of this month, at twa houres in the efter none; ane cuntrie man of myne schote through the arme; and ane fouldiert schott behind beneth the bak; and one flaine in the Castell. All this is done this last dayis skirmishe. Thair is not one day that I am idle, except the Sabothe. My lord, I will assure your lo. thay ar most desperat and cruell Tratours, and (this) is ane verrie strong hould, and nothing can do to thame except the cannone.

Quhair your lo. hes fett doune in your Letter of his Maties advyse, that I fould be spairing to grant pardone to notorions Rebellis and malefactoures, my lord, God forbid þat I fould tak vponne me to grante ony pardone to ony quho hes so heighlie offendit his sacred Matie. Befoir his Matie were not repairit, to his honour, be all the lyffes of thir bluidie Tratoures that is within this diuilisch Castle, I (wald) rather be buried. Heirfoir, my lord, I will be plane with your lo. as to ane faithfull counsellour

¹ From the Original, *Denmylne MSS.* ² Two vessels which had been sent with supplies and dispatches to this Expedition, which were known by the name of the Pinnace and the Barque. ³ Expended. ⁴ See Notice to the Trial of the *Earl of Orkney*. ⁵ Thus. ⁶ Fr.; trouble. ⁷ From a copy preserved in the *Denmylne Collection of MSS. Adv. Library*. ⁸ 'In this siege the Lieutenant lost four men only; namely, *William Irwyn*, son to *William Irwyn of Saba*, *James Richardson*, *Andrew Adamson*, and *William Robynson*; who were killed all by shots from the Castle. Many were wounded and hurt, but thereof recovered.'—*Spotswood's Hist.* p. 520.

to his Maieftie. I find none bot the name of *Sinclar* in all this land bot hes bene in counfell of this Rebellioure, or eles airt and pairt; for thair is ANE BAND, fubfcriuit be SEVIN HUNDRED of this cuntrie people, to *Robert Stewarte* and Patrik Halero, to die and leine with thame. This REBELLIOUNE was devyfit in Edr Castell in Winter laft; and giue God grant me that gud fortune to get on lyue *Robert Stewart* or *Patrik Halero*, his Maieftie will hear of good sporte. I haue *Andro Martine*, quhome I mynd, quhen I find occafion be Sea, to fend him to be examined be your lo. of his Maties moft honourable PRIUIE COUNSALL. I haue caufit him fubfcriue his awin Depofitioune, vpoun the quhilk your lo. will get mater eneuche to gar him fpeak Scottis, giue he lyk to blot his maifter to be the hounder out of his fone to do all that he hes done.

I cannot nor may not ftop the Inhabitanes of this Toune from fpeiking with the Traitous, geving of thame meit and drink, making thame advertiffit quhat I am doing, and making daylie and nightlie advertiffmentes of all that thay can aither heir or fie. I will intreat your lo. to mak me advertiffit, with diligence, of THE COUNSELS mynd quhat I fall do to thame, both men and wemen? I have takin nyne or ten men of Birlay, quho was with *Robert*, and was platters with him in this REBELLIOUNE, and fpeciall keiparis of the Hous of Birlay, quhom I mynd to put to ane Affyfe; and giue thay be conuict, to hang thame, for ane exemple to vthers.

My lord, this feruice is not lyk to have fo haiftie ane end as I would. Your lo. knawis my Commiffioun grantit to me is no longer than two moneth; of the quhilkis thair is fyue weikis and more outgone: And, giue it will pleas your lo. of his Maiefties Priuie Counfell hould me heir, till it pleas God that I putt ane finall end to this mifchante REBELLIOUNE, I would haue ane new Commiffioun, with all priuilege neidfull, to¹ the feruice be endit; for I proteft to God I neur, nor nevir fall, cum to ane cuntrie that may be compairitt in falltett to this cuntrie people! I vfe thame both with lenitie and fair formes, as *the Bifchope* will informe your lo.; and for all pat I can do, thay haue thair fecret moyen and traffecke with the Traitous. And as for *Mr Johne Finlafoune*,² thair is no remaneing heir to him, giue³ I wer once oute of this cuntrie; for man, wyffe, and bairne haits him to the deathe. Thay haue myntit⁴ twyfe to kill him, fince his comeing heir with me, war not I;⁵ bot now, feing thay fie me to tak plaine pairte with him, thay ar begune to behauld him.

Since the beginning of this Letter, I haue flayit to wryte to your lo., hoping evir vpoune better news. The Bark and poift came heir the twentie twa or tuentie thrie,⁶ with all permiiffioun neccellar for the feruice: And efter thair arryvall, I fent to thame in the Castell, if thay wold cum out and put thamefelffis in HIS MAIESTEIS will, *simpliciter*, I wald lett thame cum out.

The penult of this inftante, it hes pleafit God, of his mercie, to end this feruice in my hands. The Houfe is myne, *Robert* in my hands, and all cumed to me except *Patrik Halero*, quhom as yit I haue not feine. All is cumd to his Maties honour, praifit be God. I haue fex flaine to me; many hurte. The fouldier I wraite was hurte is dead. I will affure your lo. it is one of the ftrongeft Houffes in Breitan; for I will bring with me to your lo. cannone billetes, both brokkin lyk goulfe balls vpoune the Castele, and clovin in twa halfis. I could not till now enter withe extremitie with the followars of *Robert*, till I was maifter of the Houfe, for fear of making more adoe, feing the Houfe was fo ftrong; bot now I fall not be flaw to puneifch feueirlie, to mak exemple to vthers to play the lyk. Prefentlie, I am going to drink his Maties good healthe vpoune the Castell heid. *Mr Johne Finlafoune* would haue the Castele in keiping, bot I will not till I heir from HIS MA^{TIES} and your lo., feing it hes cofte his Matie fo deare, and I and myne the dangeour of our lyffes. I will not geiue it him quho fo beiftlie gaiue it ouer for four fchote of mufcate. Always,⁷ quhat your lo^S of his Maties Priuie Comfcell will command me, vpoune your advertiffment, I will follow, and geiue the Houfe to quhome your lo^S pleafis.

¹ Until. ² The Sheriff Depute, whose oppressive cruelties made him to be detested by the inhabitants of Orkney. ³ If. ⁴ Attempted; aimed. ⁵ Had it not been for me. ⁶ The 22d or 23d of September. ⁷ Nevertheless.

I am to expedit the Bark and Pinnage to your lo. with all diligence, and this day to discharge the Capitane, Officers, and soldiars, the last of this moneth.

My lord, by your lo. good care of me, it has pleased his Majesty to graunte me ane Remission, and, to honour me of that I am unworthie, to prefer me to be one of his Majesties most honourable Privie Counsell. I cannot say more but this much, I fall praise to my deathe to stryue, with invye, for loyalty and obedience; and hopes in my Saviour to do his Matie more better service nor this, or then to die; for I protest to God, I craue no grutter honour in this earthe then, by my death in his Majesties service, my treuth and loyalty may be knowin at my end.

As to your lo. manifold good will, and graces I have euer had of your lo. favour, vnderit be me, your lo. fall have this assurance of me, I fall euer be your lo's, and¹ ye fall neuer speak or do any thing to me but as ane trew and faithfull seruand to his Matie, and one that fall euer please, so far as lyes in me, to be answerable to his Majesties lawis. Thus, crauing your lo. pardone that I am so longsum,² I most humbly tak my leue, committing your lo. to the tuitione of the Almyghtie; and I fall euer rest and remaine

Your lo. euer bund to serue yo^r lo.

[CAITHNES.]

AT KIRKWALL CASTELL, the laste of September, 1614.

QUHAT cair and quhat panes and haifard I haue beine in since my coming heir, I will remitt to others to declair; but befor it had not proceedit as it hath done, I rather I had bene buried heir. I assure your lo. the Cannonar has don his dewtie in this service.

(13.) LETTER, *the Earl of Caithness* to THE KING.³

PLEIS YOUR MOST SACRED MAJESTIE,

I HAIFE taikine this boldnes to wryt thir lynes, sins it pleist your most gracious Majesty to honour me so far as to mak schose of me before many thousandis of your subiectis of grytter vourthe, and of more vailloure and visdome then I, to vndergo this service of THE ORCADS, quhiche, praise be to God, is endit now. This last of September, the Castell is in my handis. The REBELLIS for the most part taikin, to dispoone vpon at your Majesties pleasure; and all the countray maid pessabill. And now, I haif no more ado heire, but to do vther directiouns, gifne me be directiouns and command, be your Majesties most honorabill Counsell. And quhan I haife maide ane account to thame, conforme to my employment, I mynd, if it wille pleis your Majesty that I cum to you, to haife that honour as ane kife of your Majesties most gracious hand; hoping in God to do your Majesty more exspectabill service then this, and⁴ euer your Majesty haif ado, or thene to lose my lyfe; for I protest to God, I craife no grytter honour in this eird nor to die in your Majesties service, that be my end your Majesty may know my effectioun and trouthe. Thus, most humbly taiking my leue, my service euer remembered, I end, committing your Majesty to the tuitione of the Almyghtie. I fall euer remane

Your Majesties most humbly and obedient deuoted seruand, to the deithe,

KIRKCALLE CASTLE, the 1 October, 1614.

CAITHNES.

(14.) LETTER, *the Bishop of Orkney* to Lord Binning, *Secretary of State*.

(" Rescued 15 Oct. 1614.)⁵

RIGHT HONOURABLE MY VERY GOOD LORD,

IT wes nather of carelesnes, negligence, nor oblauioun, that my lord and I did not wryte so frequentlie; but our instant care and diligence to bring the service to sum happie end, did hauld us from wryting, till we did see the expectit fruit of labours, which we knewe would not be vnpleasing to HIS MAJESTIE and your honouris. I hoip my Letters with the last poist, *James Gairdner*, and *Robert Winram*, relative to the former, fall prevent thir and geiue satisfioun to your lo. in all anent the end-

¹ If.

² Prolix; tedious.

³ From the Original, *Denmylne MS. Collections*, Adv. Lib.

⁴ If.

⁵ From Copy, preserved in *Denmylne Coll.* of MSS. Adv. Library.

ing of this actionne, quhairin thair is nothing promefit nor done, quhilk is not agreable to his Maties pleafour and your lo. defyre. *Robert (Stewart)* and *Patrick Halcro*, ar transportit this day to be exhibite to your lo. The rest ar keipit priffonars in the Caftle; and my lord and I (efter that *Roberte* and *Patrik Halcro* be difpatchit with *Yung May*,¹ and ane fufficient number of hable men to guaird thame) ar prefentlie going to examine euirie one; and the nixt day, God willing, thay fall fuffer judgement and condigne puneifment. The winds, hailes, fuaws, raines, ar fo extraordinarie in thir places, that all had bene done and accomplieffed befor this day, giue² it had bene poffible. *Andro Martine*, quho was fent with *Robert Winrahame*, would be weill examined be your lo. I hoipe to cum by THE BAND itfelf, quhair of I fent the coppie with his Depofitiounes. Thair is one *Margaret Bicchane*,³ fpos to *Simeone Stewart*, and now Adulteres to *Patrik Halcro*, quho hes revealit and confeffit to me more then any other. If your lo. think that hir Depofitiounes or prefence falbe neceffar, direct me, and it fall be obeyit; for I purpofe to put hir oute of this cuntry, for hir Adulterie. Anent the Articles fent in my laft Letters to your lo., I befeik you to advyfe, and advertteis. And fince your lo. hes geuin me affurance of the paffing of my rightes, (for the quhilkes I fall euir be cairfull to expres my thankfulnes, in all dewtie and feruice,) I fall be difpofed at your lo. pleafour, aither to come South with *the Earle*, or flay heir a litle efter, for my awin buffines, or any feruice fall be committit or commandit to me. As for other things, your lo. will knaw thame be my Letters writin to *my Lord Theafurar*. So praying God euir to fauour, prosper, and preferue your lo., I reft

Your lo. awin affured and obliged in all dewtie,

KIRKWALL, 6 Oct., 1614.

[JA. B. OF ORCADS.]

(15.) LETTER, *the Earl of Cailhness to Lord Binning*.⁴

("Reffaued 15 Oct. 1614.")

MY MOST SPECIALL GOOD LORD,

I RESSAUIT your Letter, datit at Edinburgh the twentie, &c. and cam in my handis the fourte of October. Befor the reffett of your lo. Letter, I wrait greit lenth of the hail proceedingis heir, and of the ending of this feruice that God of his mercy hes maid to come, vtherways nor any man expectit. My lord, war not I vfed the mater fo cannelie,⁵ and maid *Patrik Halcro* to fail thame that was thair in the Caftell, it wald haue bene ane longfum faidge; for I protest to God the Hous hes neuir bene biggit by⁶ the confente of the Diuil; for it is one of the strongeft houlds in Britane, without fellow. I fie be HIS MATIES Letter direct vnto your lo^s of his intentione to *Robert Stewart*, quhilk I thank God I haue nather fend to him, bot this, and vpoune that condition he cam out: Quhilk conditionne was in this forme, gif he wald come furth and put himfelf *simpliciter* in his Maties will, to difpone vpoune him at his Maties pleafour, I fould keip and preferue him from euerie danger of my folkis, till his Maties pleafour and will wer knawin. He defyrit that I wald promife vpoune my honour to preferue him, till I brocht him to his Matie. That I plainlie refufit; for I faid I could not promeis that my felfe might haue acces to his Matie, without the fpeciall licence of the Lordis of his Maties moft honourable PRIUIE COUNSELL. To conclud, he plainlie fubmittit him felf to his Maties will. Bot befor he did this, *Patrik Halcro* had left him, and faid plainlie to him, in the Caftle, 'he wald geive it ouer.' Quhich maid him come out, vpoune the foirfaidis conditiones, and no vtherways. As I fall anfuer to God, *Robert Stewart* hes no farder of me; for I fpak with him, and fmellit that he wald neuir geiv over that Hous to be Torterit, and to be compellit to reveill vpoune his father, to be his wrak. I finding this, I defyrit, gif he wald let *Patrik Halcro* cum oute and fpeik with me, vpoune that fam plaidge that was in for him. He plainlie refufit. I feing it fo, I maid me to be weill contentit with his anfweir, and faid, 'I wald go fordwart with the fiedge.' He paff to the Caftell; and in his companie I put in fecret woord to *Patrik Halcro*, to fie giue the morne he wald

¹ Sinclair of May. ² If.
Denmylne MSS. Adv. Library.

³ Buchanan. See her Deposition, Nov. 1, 1614.

⁵ Had not I handled (or managed) the matter so cautiously.

⁴ From a copy in
⁶ Without.

cum out and speik with me, in the Kirk, vponne plaidges; quho grantit, and cam furth to me. And efter four houres conferens, he and I hand to hand, I maid him to 3eild, that he wald giue it ouer and mak the Hous to be in my handis, vponne conditione I fould promise him his lyffe—quhilk I did. Then he willit me to caus ane *Minister* come in and preiche to thame, quhilk he fould (vfe) meanis that the rest fould be contentit to heir; and so, he fould mak the mater so that he fould be out of suspitione, to¹ the grittest pairte of thame war out of the Castell; and as they cam out, to geiue thame fair countenance. And so, be thir meanis, *Patrik Halcro* maid the Hous and all these that war thair to be in my handis.

The Proceedingis and Ceremoneis tuik mekle of aucht dayes, quhilk was the occasioun that your lo. was so long of getting word; quhairfor I craue your guid lo. to haue me appardonit; for praifit be God, albeit the word hes bene long of comeing, it is good quhen it comes!

I luik pat my word and promise gevin to *Patrik Halcro* fall not be fulfillit. Befoir it wer, I rather be in my grave.² As to the rest I haue in my handis, except *Robert Stewart*, (they) falbe hinged within twa dayis at the Castell yett,³ with fundrie vtheris of the cuntrie men that war ring-leaders to *Robert*, to the exemple of vtheris. The number that fall hang, that was in the Castell, is twelue. I haue sent *Robert Stewart* and *Patrick Halcro* to CASTELL SINCLAIR, to be fuirle keipit thair, till I haue done all that your lo. hes gevin me Commissioun: For now, since the seruice is done, I haue no pleafour to byd heir, for the wedder is both euill and varient, and so is the people; for he that wald rewle heir hes both neid of wit and manneheid, and manie earis and eis. Quhair 3our lo. willes me to conforme all my actionnes to HIS MAIESTIES mynd, I hoipe in my Sauour neur to do, say, nor think that fall be offensue to his Ma^{tie}. Befoir, willingelie, I did any thing that war offensue to his Ma^{tie}, I rather be buried quik. As to this peece of small seruice, I think it bot ane beginning; bot give his Ma^{tie} haue ony seruice of grittar impertance, I houpe ather to die, or giue his Ma^{tie} ane grittar pruiiffe of my affectione and luife. Thanking your guid lo. for the grit cair your lo. hes had that I fould wante nothing that fould furdur this seruice, in my panes, I can render your lo. no farther than the assuurance and continuance of my seruice, as I fall euir remane,

Your awin

KIRKWALL, 7 Oct., 1614.

[CAITHNES.]

(16.) *The ARTICLES sent be THE ERLE OF CAITHNES to THE SECRETAR, to be resolved be THE COUNSALL.*

("Reflaued 10 Oct. 1614.")

I. PLEAS your Honorable lo. to resolue and direct, quhat fall be done with the CASTELL, which is now in my custodie? Whither it falbe repaired or demolished? Thocht it be ane ornament for *the towne of Kirkwall*, and may be esteimed ane place of refuge and securitie for the holl cuntrie, in tyme of forrane Invasions, if any fould happin to be, 3it since it is nather necessare for any ordinarie seruice of his Ma^{tie}, nor ane Hous fit for the habitation of his Maties Officiaris, and may be mor easilie takin be forrane foes, in cais they fould inueid, then recovered agane from them; I remit it to your lo. wifdome, to consider what falbe done with it.

II. Pleas your lo. to giue some directioun for gouernment of thir people. The present Officer, *the Shereff-deput*,⁴ is hated, to the death, be all fortis of men; is of no sufficient qualities for such a place and office; and by his former euill demanor, is so contemned of the basest, that he fall neur, by all apparence, recouer credit, authoritie, and regaird heir; 3ie,⁵ iff he remane heir after me, he is in danger of his lyff, and some new broyl may arryfe.

¹ Until.

² Such cold-blooded and perfidious treachery has seldom been equalled. A King's Lieutenant binding himself by the most solemn engagements to a Rebel on giving up a stronghold, without loss of blood, that a free pardon shall be granted to him—and yet, in his Dispatches, strenuously recommending that his pledge shall be recalled, and that the repentant Rebel shall be put to death, without mercy!

³ Gate.

⁴ Mr John Finlaystone.

⁵ Yea.

III. Thocht ther be great spoyll and lossè of horfe, cattell, scheip, boatis, and now of armour which belonged to HIS MA^{TIE}, 5our lo. wald be plesed to give direction quhat salbe done with that which remanis, and may be recovered from vniust detainers, that his MA^{TIE} be not defrauded and hurt.

IV. For BRISAY, which was the place whence the trubles did spring, your lo. may be pleased to consider, whither it salbe demolished or keiped, with some allowance; and be whome?

V. The Ordinance, which is in the Castell and 5eardis, in number 8 of brase and sax of irone, salbe, God willing, transported vpon the schippis, with all the armour whiche can be had.

VI. *Robert Stewart* and *Patrik Halcro* salbe keiped and brocht with my self.

CAITHNES.

(17.) LETTER, *Lord Binning to his brother Mr Patrick Hamilton.*¹

BROTHER,

¹ THIS morning, *John Stewart* is arryued from *Orkney*; and hes broght in his ship, be direction of the *Erle of Caithnes*, foure of his Prisoneris, with thair Depositions; whom I have re-examined this forenone, and have send to yow the copies of thair Depositions sent from *Orkney*, and of my examination of thame this day; together with the copie of the Letter which the *Bisshop of Orkney* sent with thame. Thay ar now in the *Towbuth*, in the *Irne-houfe*,² becaus the Chancelar and Counfall will be in this Towne this night. I will advyse with thame, whether it be more fit to execute thame to-morrow, or to delay thair Execution for sum dayis, least thair suddane death might mak the detainers of the Castell of *Kirkwall* more desperat and obstinat.

The ERLE OF CAITHNES, with great dexteritie, hes maid himself maister of the Steple and Howfe of the *Yairdis*. He has no lossè, prayfed be God, bot of two of his men flayne and ane hurt. We ar persuaded, that all the prouisions which thay requyre, be thair Letter, wer in *Orkney* before thair Letter came to my handis. I have this day sent to *Leith* two hundreth bullets for the canon and batard,³ and am provyding all vther necessars, which fall be reddie this night and imbarcked to-morrow, God willing, to the effect the ship make faile the morne, if God grant thame prosperous wind.

This I have thocht fit to wryte to yow, to be signified to HIS MA^{TIE} and my Lord Chamberlane; thinking that the copie of the *Bisshop's* Letter, and the prisoneris' Depositions, ar the best information I can giue yow.

I pray yow recommend to his Matie and my Lord Chamberlane the fauorable and spiedie expedition of the *Erle of Caithnes* and *Bisshop of Orkney's* buisnes; and vse all possible haist in the return of HIS MA^{TIES} commandments. So, in haist, I commit yow to God. ED^R, this 13. Sep. (1614.)

Your loving brother,

BINNING.

I HAVE send for the *Justice-depute* and *Justice-Clerk*, and aduerteised my *Lord Chancelar*, who came yesternight to *Pinkie*, and will be heir this efternone.

To my beloued brother, *Majser Patrik Hamilton*, at COURT.

III. (18) BAND OF ASSOCIATION SUBSCRIVIT BY THE REBELLIS IN ORKNAY.⁴

BE IT KEND till all men by thir presentis, Vs, the GENTLEMEN OF ORKNAY, after subscrivand: Forsameikle as, by the frequent intrantis of extraniers in this countrie, the estate of the commonwealth is in danger, and like to perishe, throw the corruption of the Lawes, partialitie of Judges, the greid of Officeris, and Oppression of Magiftratis; quhilk dwanger⁵ the poor ones vnder the yock of servi-

¹ Mr Patrick Hamilton was the fourth son of Thomas Hamilton of Priestfield; and was appointed Under-Secretary of State to his brother. He usually resided at Court, for dispatch of Scottish affairs; and tended, in no small measure, towards elevating his brother's fortunes to the almost unprecedented station and offices which he successively held.

² The *Iron-house*, or *Cage* as it was termed, was constructed for the safer custody of desperate offenders, in the Tolbooth of Edinburgh, whence they were easily conducted to the Court-room, and to execution, without the danger of rescue.

³ Petard; battering piece.

⁴ From a collation of two Copies, preserved amongst the *Dennylne Coll. of MSS.* Adv. Library.

⁵ Dings, drives.

tude and flaverie; confuming his Maties rentis in their own adoes, but¹ vilitie or good fervice to his Matie. QUHILK to prevent, by assistance of God, and favour of his most excellent Matie our fouverane Lord, WE, be the faith and truth of our bodies, now touching the Evangel of oure Saviour Jesus Christ, Bindis and Obleiffis vs, coniunctlie and feuerallie, as neid requires, to be in readines by our perfons, with oure fervandis, kin, freindis, and dependares, in armour, to repreffe all oppreffions and iniquities quhilk fall happin to be intendit aganis the commonwealth of this countrie, at any tyme hereafter; fwa that better order may be establifched, whereby God eternalle may be pleased, and our Souerane lord obeyed and ferved, according to oure dewty, in all respectis. And that this may be the better effectuat, WEE Bind and Obleiffe vs and our afoirfaidis, to concur, attend, and depend vpon ROBERT STEWART, fone naturall to oure native Lord and Maifter PATRIK ERLE OF ORKNAY, as our Heade and Commander, during the abfence of his father, and to mentyne and defend him be our bodies, goodis, and geir, in execution of the premisses, and all other lawfull actions and affaires quhilkis he fhall have to do at ony tyme hereafter, vnder the payne of Periurie and everlafting defame: BECAUSE the faid Robert Stewart is reciproquallie bundin and obleift to vs, that he fhall take no weightie matter in hand, without confent and affent of vs, at leaft any two of vs, under the fame payne, BE this prefent, fubfcrived with oure handis, as followis, At the day , the yeare of God Im. Vj^c. fourtene yeares.²

R. STEWARD.

PAT. GORDON, with my hand.

THOMAS LOWAT, to pe dei^r.

ROBERT MOWAT, with pe hart and handis.

JOHNE REID,³

R. SALETER, to pe dethe; Belie of Birfay.

WILLAME KERKTOUNE, to the dethe.

R. I., in Gerfettar, to the dethe.

R. S., in Nifföhous, in Marwick, to pe dethe.

PA. HALCRO, to the deth.

THOMAS DOUGLAS, to death.

GILBERT GRAY, to pe deithe, with my hand.

WILLAME SINCLARE, to the dethe.

O. S., in Swrne, in Marwick, to the dethe.

O. Q., in Marwick, to pe dethe.

ROBERT GRAY, to the dethe.

T. ST., in Marwick, to the dethe.

IV. EXAMINATIONS AND DEPOSITIONS OF THE REBELS, &c.

(19.) DEPOSITION of *Duncan Mitchel*, 'Poist-boy in Edinburgh.'⁴

At Edinburgh, the fift day of July, 1614. In prefence of the Lordes of Binning, Secretary, the Prefident, Thefaurair-depute, Clerk of Regijfier, Aduocat, Sir Alexander Drummond, and Sir Andro Ker.

DUNCANE MITCHELL, Poist in Edinburgh, fworne and examinat, deponis, that quhen the *Erll of Orknay* was caryed from this Towne towardis *Dunbartane*, the *Erll* directit the Depouner with a Letter to his fone *Robert*, who wes in *ORKNAY* for the tyme; and the depouner paff with the Letter to *Orknay*, and delyverit the fame to the faid *Robert*, fra whome he reffaut ane anfuer, in wryte, to the *Erll*; and broght the fame heir with him to this burgh of *Edinburgh*: And after he had stayit heir twa dayis, he paff with the Letter to *Dunbartane*, and delyuerit it to the *Erll*.

Deponis, quhen he delyverit the Letter to *Robert*, the faid *Robert* wes in *Birfay*; and fayis, that he had a verball directioun and meffage from the *Erll* to *Robert*, that yf he had the *Houfe of Birfay* in his keeping, that he fould keepe the fame to the *Erllis* vfe; for the *Erll* faw litle apeirance of re-leif.⁵ And yf the *Houfe* were not in his keeping, that he fould vfe the best meanes he could to come be it; and that he fould lift frome the Tennentis fo much of thair mailles and dewyteis as he could gett; and that he fould keepe the *Houfe*, in maner foirfaid.

Deponis, when the depouner come to *Birfay*, *Barnard Steuartis* wyffe had the keeping of the

¹ Without. ² The various dates are not preserved in the copy of this Bond. It is asserted that no less than SEVEN HUNDRED persons signed it. See p. 289.

³ A rude attempt at the shape of a heart follows this person's subscription. ⁴ From a transcript preserved among the State Papers in *The Denmyne Coll. of MSS.* Adv. Library.

⁵ From imprisonment.

Houfe, and that *Robert Stewart* had onlie fyve perfones with him in the Houfe: And the yett was kept, as the depouner thoght, be one of *Robertis* feruandis. And the depouner stayed in *Birfay* fouretene nightis: And in the mean tyme of his being thair, *Robert* fend to *Kirkwall*, for fome ma company, and for mufcattis, poulder, and leade; and fayis that xvij perfonis, or thairby, armed with mufcattis, come to *Birfay*; and at thair comeing, thay then avowit the keeping of the Houfe; tooke and brocht in fome of *Barnard Steuartis* goodis to victuall the Houfe, and payit not for thame.

Deponis, that afoir the depouner come away, *the Sheref-depute*, accompanyit with thre or fourefeoir perfonis, come and lay aboute the Houfe, and fend in Message to *Robert Steuart*, defyryng him to come oute, and he wald gif him libertie for xiiij dayis to remayne in the cuntrey, to vplift the Tak-mallis¹ whilk he alledgeit wes dew to his fader, for auld byrunis:² And that *Robert* refuist to come furthe. Quhairupoun, *the Sheref* caufit charge the Houfe to be randerit; quhilk wes refuist be *Robert*, with found of trumpett, and discharge of fome mufcattis out of the Houfe. Lyke as, *the Sheref-depute* schoit in at the Houfe, with the schoit quhair of one Downye Lyell wes hurte. And the depouner stayed bot ane night, after the Houfe was chargeit. And fayis, that *Robert* caufit prepar ane boit to transporte the depouner, be water, to *Caithnes*; and he fend with him a Letter to *the Erll*, and by tung bad him inquire, quhat *the Counsell* wes doing in his busynes—and quhat wes *the Erllis* will that the said *Robert* fould do in Orknay? Denyis, that he brocht ony message from *Robert*, to ony perfonis within this burgh.

Deponis, that vpoun Thurisday, the last of Junij, aboute tua of the cloke in the efter noone, the depouner come to *Dunbartane*, and fand *the Erll* walking in the cloife; and he delyuerit *Robertis* Letter to *the Erll*. And when the depouner tauld *the Erll* that the Houfe of *Birfay* wes tane, *the Erll* anfuerit, ‘The Devill stik him! He might haif tane ane better Houfe!’ And forder, deponis, that *the Erll* said, ‘The Devill stik his foollis head!’ (meaneing be *Robert*), ‘He might haif mellit with *the Scheref-depute*—and yf he had maid him quyte of him, he wald haif had lesse ado!’ And forder, deponis, that *the Erll* said to him, Yf his sone had assaileit *the Castell of Kirkwall*, the Keeparis thair of wald haif delyuerit the same to him, becaus they wer *the Erllis* auld feruandis! And deponis, that *the Erll* defyrit the depouner to commend him to those who assistit *Robert* in the Houfe. And fayis, that vpoun the morne *the Erll* caufit his man, *Shairp*, write ane Letter to his sone; whilk wes vnsubferyuit be *the Erll*, and had no directioun on the bak. And the depouner reffaut lyke wayes ane Letter from *Shairp* to *Robert Steuart*, without subfcription or directioun on the bak, saul onlie ane corse,³ that it might be knowne frome the other Letter. And quhen the depouner come away, *the Erll* defyrit him to will *Robert* ‘to keepe the Houfe; and in no caise to rander the same: And, or⁴ he war tane, it wer better for him to dee with honnour—ffor he wald be putt in perpetuall warde, yf he wer tane!’ Deponis, that *the Erll* inquirt, ‘quhat fauour *Robert* had of the Commonis, and yf thay resortit vnto him?’ And defyrit *Robert* ‘to fend him money, of that quhilk he fould gett frome the Tak-men, for auld restis.’ And fayis, that naue wer present, quhen *the Erllis* Letter wes writtin, bot *the Erll*, his man *Shairp*, and the depouner.

DUNCANE MITCHELL.

(20.) COPIE of the *Erle his Letter to his Sone*.

(Appended to Duncan Mitchell's Deposition.)

ROBERT,

I HAVE red and confidderit your Letter. Yow haue done verie weill in wrytting of your Letter in pe forme 3e do; bot I feir it fall do littill goode. Alwayis,⁵ 3e fall do the best with it, gif we haue ado with it; bot it may be we haue no thing ado with it; for thair is vper materis heir to think vpoun nor siche thingis, as that I beleive HIS MAIESTIE thinkis littill of theis materis. Tak tent that your Holy ffaper betray 3ow not, as he did befoir. The berar fayis, 3e gaif him bot sax pundis. Trewlie

¹ Rents of possessions let upon Lease.

² Arrears.

³ Cross or mark.

⁴ Ere; rather than.

⁵ Nevertheless.

it is litill aneugh to cum and go. Gif yow cum in this cuntrie vpon onie condition, *the Tolbuith* will be your best; ffor qubat condition heis promeist 5ow be onie in ORKNAY, thay bot skorne 5ow; ffor *the Counfall* will not kenne¹ qubat conditionn thay mak to 5ow. Seing 5e haue proceidit so far as 5ow have done, thair is no being heir for 5ow. War not² *Kinlevin* and *pe Bischop*, my Lord had not seine *Dumbartane*, at this tyme. This berar sayis, he will venture to fetche fuche money heir as yow will gif him; bot yow fend Joⁿ Prence with it; for heir he is ane honest man to 5ow. Tak his Band, and fend it with *pe beirar*, for that that 5ow delyuer vnto him; for my lord hes more than mistare³ of it. Restis, the last of Junij, 1614.

POSTSCRIPPT. Caus gif the berar ane coitt,⁴ for he is wirthe⁵ it; and latt him haif his hail waidges; for I will haue nane to gif him, when he cumis heir. His wadges is fyftene pundis. Haist *pe berar* heir agane, for we will get no more silwer frome the Thesaurer. Lat him not stay xxiiij houris.

(21.) DEPOSITION of *Barnard Steuart*.⁶

AT EDINBURGHE, *the xj of August*, 1614. *In presence of my Lordis Binning, President, The-saurer-depute, and Aduocat.*

BARNARD STEUART, sworne and examinat, deponis, that *Robert Halcro of Cava* tauld to the depouner, that he saw a Letter directit be *the Erll of Orknay* to his sone *Robert*; quhairby, *the Erll* willit *Robert* to tak the depouneris lyffe. Demandit, yf he wes persuadit or delt with, be *the Erll*, to joyne with his sone *Robert*, in the present REBELLIOUN IN ORKNAY? Deponis, that he being informit that *the Erll* had gevin ane Commissioun to his sone *Robert*, to intromett with certane dewyteis of *Orknay*; the depouner past to *the Erll*, and demandit of him, yf he had gevin ony fuche Commissioun to *Robert*, becaus he feirit that *Robert*, vnder cullour of that Commissioun, wald mell with the depouneris geir? And that *the Erll* answerit, ‘Yf *Robert* be gone to *Orknay*, THE KING nor yow will be able to mend it—and it is your best to beholde him!’

The said *Barnard Steuart*, for explaining his former depositioun, deponis, that he haueing said to *the Erll*, that seeing *the Duke of Lennox* and *the Erll of Marr* had intreated HIS MAJESTIE in his fauour, that thairfoir, he had done verie happelie, in directing *Robert* to *Orknay*. And *the Erll*, seameing to be in a choler and anger at thir speecheis, thraving⁷ his bearde with his hand, said to the depouner, ‘Yf *Robert* be gone to *Orknay*, THE KING and yow will not mend it—and your best wilbe to beholde him!’

The said *Barnard* being demandit, at quhat tyme he gatt knowlege of the Letter directit be *the Erll* to his sone *Robert*, to take the depouneris lyffe? Deponis, that after *Robert* had bene in *Birsay* fyftene dayis, and behavit him selfe somequhat civille; and thairefter, had maid him self, publiclie and be force, maister of *Birsay*, and expellit the depouner furthe thairof, and detenit his wyffe aganis hir will, the said *Barnard* directit *Robert Halcro of Cava* to persuade *Robert* to putt his wyffe to libertie; and after conference had be *Robert Halcro* with *Robert Steuart*, for that purposis, at *Robert Halcrois* bak-coming from *Birsay*, he declairit to the depouner, that *Robert Steuart* had showne him a Letter of *the Erll of Orknayis* to his sone, commanding him to tak the said *Barnardis* lyffe.

BARNARD STEUART.

(22.) DEPOSITIONS of *Thomas Black*, *Thomas Layng*, *Archibald Murray*, and *Alexander Leggatt*.

AT EDINBURGHE, *the xij day of September*, 1614. *In presence of the Lord Binning, Secretar.*

THOMAS BLAK, borne in the Mernis, and one of the Baillies and Chalmerlaine to *Patrik, laite Erll of Orknay*, examinat, deponis, that quhen *Robert Steuart* tooke the Castell of *Kirkwall*, this depouner

¹ Recognise. ² Had it not been for the interference of Kinlevin and the Bishop, &c. ³ Necessity; need.
⁴ Coat. ⁵ Worthy; deserving. ⁶ From transcript in *Dennmyhe Coll. of MSS.* Adv. Library. ⁷ Twisting.

wes in the Steple of Kirkwall, and xii perfoncs with him. The faid Thomas, being defirrit to declair the fimple treuthe of all his pairt in THE REBELLIOUN OF ORKNAY, deponis, that, when Robert Steuart had tane the Houfe of Birfay, the Schereff paf, and caufit the houfe to be randerit, quhilk wes refusit, and this depouner paf with the Shereff to affist him, and brocht with him twa hundreth men, and ftayed ane night with the Shereff, and vpoun the morne the depouner come bak with the Shereff; and fayis, that aboute tuentie dayis thairefter *Robert Steuart* fend *Patrik Halcro* and *Williamc Paterfoun* to the depouner, to will him to come to Robert, to mak and perfyte his comptis of the reftis, whilkis he was awand to his fader;¹ and the depouner, according to thair defyre, paf voluntarlie to *Robert*, to *the Place of Birfay*, and ftayed thair with him ane night, and come bak agane to his awne houfe, and provydit xvij lb. to pay *Robert*, quhilk he caryed bak to him the nixt day. Quhilk all wes done after that the depouner had bene prefent with the Shereff and forceis of the cuntrey, at the chargeing of the faid Robert and his compliceis, to delyver to him, as his Ma^{ties} Commiffioner, *the Houfe of Birfay*, vnder the pane of Treffoun: And that the faid *Robert* had not onlie difobeyit the charge, but fechoit fome mufcat fhoitis at the Shereff and his company.

Thairefter the depouner come to the Steple of Kirkwall, the day befor the Caftell wes affledgeit be *Robert*, and enterit thairin with *Patrik Halcro*, *Archibald Murray*, *Thomas Layng*, and fome otheris, to the number of ten perfonis. And how fone *Robert* and his company come in fight of the Toun of Kirkwall, he caufit found his trumpettis, and the depouneris company, within the Steple, blew thair horne. And fa fone as *Robert* come and tooke the Caftell, *Patrik Halcro*, *Archibald Murray*, and *Thome Laing* paf oute of the Steple to *Robert*; and thair ftayed onlie three or foure in the Steple with the depouner ane night or twa. And howfone the Caftell wes affured in Robertis poffeffioun, he fend in fome otheris to the depouner, and maid his number to be tuelff perfonis, with whome the depouner kept the Steple till *the Erll of Caithnes* his comeing to Orkney. The depouner grantis that *Archibald Murray* and *Alexander Leggatt* wer at the taking of *the Caftell*.

Deponis, that he agreit with *the Erll of Caithnes*, for him felf, and in name of the reft of his companie, anent the randering of the fteple; and he procurit leve of the Erll to carye out of the fteple his victuallis, armour, and quhat els he had in the fteple pertening to him felf or his company; and grantis that he wes Captane of the companie, being within the Stepill, and maid appointment with the Erll, in maner foirfaid. And declairis, that *Patrik Halcro*, *Archibald Murray*, *Gilbert Gray*, *Johne Guild*, and *Andro Martine*, wer farreft vpoun *Robertis* counfeill of ony in the haill company. Grantis, that euery man within the Steple had a mufcat, and thay had oulie fax pund of poulder amang thame. Grantis, that he boght fome trunfcheour plaittis,² and ane pott, with fome lining cloathe for thair furnifhing in the Steple. And fayis, that *Robert* fend him in ane fedder bed. And the depouner had ane boy of his awne with him all this tyme.

THE faid THOMAS BLAK, being deplie fworne, and demandit, yf he askit of *Robert*, quhat wes his purpois or drift in this REBELLIOUN; or by what meanes he wald beare it oute? Deponis, he nevir askit any fuche queftioun of him. Grantis, that *the Erll of Caithnes* had the Steple maid fuir vnto him or³ it wes renderit; and that *Johne Guild* had delt with the Erll in that mater. And this depouner, how foone *the Erll* fend vnto him, randerit and come furthe to him; and maid appointment, for him felf and his fouldiouris, to rander the fteple to the faid *Erll*; who, be his moyen, formarlie maid with *Johne Guild*, had the Steple in his pouer, befor the depouner returnit vnto it.

Deponis, that thair was no bloode fpilt be thame within the Steple, except that one of thame fechoit *Robert Chalmers* throughe the hand, the tyme that *the Commiffair of Orkney* wes inclofit within the Place of the Yairdis: And the faid *Robert Chalmers* wes affifting the Commiffair in defence thair of.

THOMAS LAYNG, fworne and examinat, deponis, that, at his laite being in *England*, quhen he wes comeing home, *Thomas Davettie* gaif to the depouner tna Letteris, in Skairlburgh,⁴ to bring home to

¹ The arrears of rent, &c., which he was owing to his father.

² Trenchers.

³ Ere; before.

⁴ Scarborough.

the Erll of Orknay, quhich he delyuerit to *the Erll*. And deponis, that he being one of the Keeperis of *the Castell of Kirkwall*, vnder *Sir James Steuart*, thair fell oute some difference and variance betuix the Shereff and the depouner, anent his pairt of the contentatioun¹ quhilk he fould haif had for taking of the Pirott Schip; wherupoun the deponar fled from *the Town of Kirkwall* to *Robert Steuart*, and stayit with him thair ten or tuelf days, befor his coming to *Kirkwall*. And the depouner wes with *Robert* quhen he come with displayit banner and trumpett to the Bow-Croce, accompanied with ane hundreth men in armes, or yairby.

Grantis, that he wes one of these who surprist the Kirk and Steple of *Kirkwall*, and that he stayed in the Steple with *Patrik Halcro* and *Thomas Blak* tua dayis.

Grantis, that he wes with the Shereff quhen he chargeit *Robert* to rander *the House of Birfay*, quhilk *Robert* dissobeyit, and shoit some shoitis oute of the House at the Shereff. And grantis, that ane moneth efter this, the depouner past to *Robert Steuart*, and joyned with him.

Deponis, quhen *the Castell* wes tane, the depouner wes in the Steple, and after *the Castell* wes randerit to *Robert*, the depouner left the Steple and went to *Robert*, and remanit with him in the Place of the Yairdis, quhill the Erll of *Caithnes* come in the cuntrey. Deponis, that he accompanyit *Robert*, quhen *Robert*, with fyve hundreth men, went to the ffeildis aganis *the Erll of Caithnes*, his Maties Lieutenant; and that *Robert* mustertit aganis *the Erll*, at the Bal-ffeild, and vtheris pairtis about *Kirkwall*.

ARCHIBALD MURRAY, in *Birfay*, solemnelie sworne, and demandit, quhen he spak first with *Robert Steuart* after his coming to *Orknay*? Deponis, he spak first with him in *Kirkwall*, bot denyis that *Robert* impaired vnto him ony mater of this REBELLION at that tyme.

Deponis, that the interprise of the taking of the Castle and Steple of *Kirkwall* wes maid first in *Birfay*, and that *Patrik Halcro*, *Andro Martyne*, *Thomas Blak*, *Gilbert Gray*, *Alexander Leggatt*, *Thomas Layng*, and the depouner him self, wer all vpoun the conference, counsaill, and plott of the taking of the Castell and Steple of *Kirkwall*, and the mater wes plotted tuentie dayis afoir it wes putt in executioun. And sayis, that *Robert Steuart* maid the depouner and the rest to vnderstand that his fader wes in missing, and oute of *the Castell of Dunbartane*; and that he wes to come to *Orknay*, and sitt doun *Erll* agane. The beleif quhairof maid thame to follow *Robert* in his interpryiffis.

Deponis, that *Alexander Leggatt* was with *Robert Steuart* the first time quhen the depouner mett with *Robert*; and that thair wes no speecheis betuix the depouner and *Robert*, bot chopping of handis at that tyme.

Demandit, yf thair wes ony purpois amangis thame in *Birfay* aganis the Shereff? Grantis, that *Robert Steuart*, *Patrik Halcro*, and *Thomas Blak*, had speecheis and conferance in *Birfay* anent the taking of the Shereffis lyffe; and when thay come to the Steple, the mater wes communicat to the depouner: And then *Thomas Blak* past frome it. And deponis, thay had shoit the Shereff in the Kirk at that tyme, yf he had not beene gangand with *the Commissair*.

Deponis, that quhen the Steple wes tane, the Keeperis held thame quiet quhill *Robert* come to *the Bow-Croce*; and then *Robert* foundit his trumpett, and they within the Steple blew ane horne; and the depouner stayed bot ane nicht in the steple. And sayis, that *Patrik Halcro* was commandair of the Steple quhen *Robert Chalmers* wes hurte: And efter that, *Thomas Blak* commandit within the Steple; and that *Thomas* assistit *Robert* in all fuche thingis as he commandit. And deponis, that the Steple wes fauld² be *Johnne Guild*, tua dayis befor it wes randerit be *Thomas Blak*.

Deponis, that after he left the Steple, he adressit him self to *Robert Steuart*, and stayed with him all the tyme, till within aucht dayis afoir *the Erll of Caithnes* coming thair.

Deponis, that he wes with *Robert* at the perfute and taking of *the Castell*. And that the Shereff wes kept prisounair fyve dayes after he wes tane.

Grantis, that he was commandit be *Robert* to go to *Birfay* and to keepe *the House*, whilk he did;

¹ Remuneration; salvage.

² Sold; betrayed.

and kept the fame till *the Erll of Caithnes* come and caufit charge the Houfe; quhilk charge the depouner obeyit, and come to *the Erll*.

Deponis, that *Williame Guddell* come furthe of the Castell, and randerit him felf to *the Erll of Caithnes* the day befor the depouner wes fend from Orknay; and that it is commounlie reportit that the faid *Williame* affermis, that *Patrik Halcro* hes *the Erll of Orknayis* Warrant for taking *the Caftell* of Kirkwall.

ALEXANDER LEGGATT, feruand to *Patrik* sometyme *Erll of Orknay*, fworne, and demandit, how foone he fpak with *Robert Steuart* after his comeing to Orknay? Deponis, he fpak not with him quhill tuentie dayis after he come to Orknay.

Grantis, that he wes in this cuntrey at Beltane laft, and that he mett twyfe with *the Erll of Orknay*, and fpak with him and his fone *Robert* in the Castell of Edinburgh. He denyis that *the Erll* or his fone *Robert* had ony conference with the depouner anent THE REBELLIOUN IN ORKNEY.

Denyis, that he was in *Birfay* with *Robert* quhen the Houfe wes chargeit.

Grantis, that he wes with *Robert* tuentie dayis afoir *Robert* tooke *the Caftell*; and that he wes with *Robert* quhen he mufterit at the *Bow-Croce*.

Deponis, how foone the Castell wes tane, the depouner stayit with *Robert Steuart* in *the Place of the Yairdis*, quhill he hard of *the Erle of Caithnes* comeing.

Grantis, that he wes with *Robert* quhen *Robert* mufterit at the Caiones, afoir *the Erll of Caithnes* landit; and that he wes in *the Yairdis* quhen *Robert* mufterit at the Bal-fieild aganis *the Erll of Caithnes*; and that the depouner had the charge of the keeping of *the Place of the Yairdis* fouretene dayis.

Deponis, that he come furthe afoir the cannoun fhoite, being defirit be *the Erll of Caithnes* to come furthe afoir the fhoiting of the cannoun. And the depouner randerit *the Place of the Yairdis* to *the Erll*.

Deponis, that *Robert Steuart*, fone to *Alexander Steuart of Flatt*, had the principall charge of the keeping of the faid Houfe, and that thay wer aboute the number of fourty men, appointit be *Robert Steuart*, bafe fon to *the Erll*, to keep the Houfe to his behoofe.

ALEXANDER LEGGATT re-examinat, and deeplie fworne, and demandit, vpoun quhat occaſioun he went to *the Erll*, quhen he mett with him in the Castell of Edinburgh, about Beltane laft? Deponis, that he being in warde, and haueing ane penſioun of victuall and filuer of *the Erll*, he paft to *the Erll*, and defyrit of him ane precept and warrant to the Chalmerlanis or Takkifinen to mak him payment of the biganes¹ of his penſioun. And that *the Erll* refuſit to gif ane precept, and faid, he fould 'gif directioun to his fone *Robert* to anfuer him.' And *Robert* tauld to the depouner, that he had ane directioun frome his fader in the depouneris fauour.

Deponis, that *Thomas Blak*, *Archie Murray*, *Robert Sclatter*, *Gilbert Gray*, and *Robert Mowatt of Gerſettair*, were moft familiar with *Robert Steuart*, and farreft vponne his ſecreitis.

Deponis, that *Duncane Mitchell*, the poift, caryed Letteris from *Robert Steuart*, efter the taking of *Birfay*, to *the Erll* his fader.

Demandit, quhat Gentilmen of the cuntrey come voluntarilie in to *Robert*, after the taking of *the Caftell*? Deponis, that numberis of people of all rankis come in to him, as namelie, *the Laird of Halcro*, *Frances Mudie*, *the Laird of Grymfayis* fone; and deponis, that *Frances Mudie* faid to *Robert*, that xxiiij Rebellis wald mak five hundert men. The depouner knawis nocht yf thir men come in to *Robert* to affist him in his REBELLIOUN; bot thay eate and drank with him. Deponis, that *George Traill* furneift theep to *Robert*.

THOMAS BLAK, re-examinat, and deiplic fworne, deponis, that efter *the Sherreff* had been at *Birfay*, and gevin charge to *Robert Steuart* to delyuer the Houfe, the depouner being in companie with *the Sherreff*; that the depouner refortit findrie tymes to *Birfay* to *Robert*, and paft and come at his pleaſour.

Deponis, that he knawis no thing of *Thomas Layng* or *Alexander Leggatt*, concerning thair coun-

¹ Bygones; arrears.

faill gevin to *Robert Stewart*; bot the depouner suspectis that *Archibald Murray* wes familiar and prouie¹ with him.

THOMAS LAYNG, re-examinat, and sworne, deponis, that the tyme that he wes in *the Steple*, he wes kept aganis his will be *Thomas Blak* and his companye; and deponis, that all these who joynd *Robert*, outler² subferyvit, or, yf thay could not subferyve, swoir to die and leive with *Robert*. And *Thomas Blak* wes one of these who subferyvit; and the depouner hard the Roll red, wherin the subferyvaris wer contenit, whose names wer *Thomas Blak, Gilbert Gray, Johne Reid, Andro Martine*, and some vtheris whome he remembers not.

Deponis, that after the first taking of *the Steple*, *Patrik Halero* wes Capitane; and when *the Castell* wes tane, *Thomas Blak* wes Capitane; and that the haill company, that come from *Birfay* to tak *the Steple*, come freelie and willinglie for that earand; and that thair wes no violence or force vfit aganis ony of thame to compell thame to go to that earand; and the depouner come all the way fra *Birfay* to *the Steple*, and saw no man forceit be the way.

Deponis, that he hard that *Pettie³ Murray*, who went in the Ship with *the Shereff* and the depouner to *Orknay*, caryed ane Letter frome the Erll to his sone, *Robert*, being in *Birfay*.

Thomas Blak, re-examinat, and demandit, yf he knawis that *Robert Stewart* tooke ane Band or Oathe of these who joynd with him, that thay fould die and live with him? Deponis, that he knawis no fuche thing.

Thairefter, the said *Thomas* grantis, that he subferyuit the Band to die and live with *Robert*, and that these who could not subferyve did sweir vpoun thair sverdis; and that the effect of their Band and Oathe wes, that thay fould esauldlie⁴ tak pairt with *Robert*, and die and live in the caus. And that *Patrik Halero, Gilbert Gray, Johne* and *Patrik Gordoun, Johne Guild*, and the depouner, with *Andro Martine*, subferyvit the Band. And rememberis not yf *Alexander Leggat* subferyuit the Band.

The depouner knawis not quhat Gentilmen of the cuntrey affisit *Robert* with poulder, bullett, victuallis, or counfaillis.

Deponis, that *Johne Guild* and *Patrik Traill* wer the takaris of *the Kingis Herauld*, being accompanyt with a nomber of thair affociatis; and the depouner come furthe of *the Steple* with his company to *the Place of the Yairdis*, and did freindship to *the Herauld*.

ARCHIBALD MURRAY, re-examinat, and demandit, yf he wes sworne be *Robert* to affist him? Deponis, that *Robert* vrgeit no fuche Oathe of the depouner, becaus he wes his faderis auld feruand, and knew that he neidit not to tak ony fuche Oathe of him. And grantis, that he tooke the subferiptionis and oathis of vtheris, who wer not his faderis auld feruandis.

Denyis, that thair wes ony violence or force vfit aganis *Thomas Blak*, in his going to *the Steple*; bot that *Thomas* wes als fordwart, and past als willinglie thair, as ony of the companie.

THOMAS LAYNG, re-examinat, grantis that *Robert Stewart*, being informit be some who saw *the Herauld* going to the Croce, that he wes to mak some Proclamatioun or chargeis, the depouner hard *Robert Stewart* gif directioun to some of the fouldiouris in *the Castell* and *Steple*, as namelic, *Johne Guild*, to go and tak *the Herauld*, and not suffer him vse his Letteris and charges; and that conforme thairto, *Johne Guild* tooke him, and brought him in to the Place of the Yairdis; and the depouner hard that *Johne Guild* tooke him be the Coate of Armes, and preast to haif tane it af him; bot he knawis not yf the Coat wes revin.⁵

ALEXANDER LEGGATT, re-examinat, deponis, that *Thomas Blak* and his fouldiouris wer the takaris of *the Herauld*; and the depouner hard *Robert Stewart* gif directioun to the fouldiouris, to go and stay *the Herauld* fra vseing of his Letteris and chargeis, and to bring him in to *the Place*; whilk directioun wes permit be *Thomas Blak* and *Johne Guild*.

¹ Privy; in his confidence. ² Either. ³ *Patie*; Patrick. ⁴ Sincerely; heartily. *Efsauld*, or *aefsauld*, literally one-fold; upright, without *duplicitie*. A double and deceitful character was then termed *twafauld*. ⁵ Torn

Denyis, that he subferyuit or faw the Band; bot knawis that thair wes ane Band subferyuit, and Oathis gevin to die and live with *Robert* in the caus; and fuche as could not subferyve the Band, patt thair markis to it.

(23.) ANDRO MAIRTENIS *Confessioun*.

AT KIRKWALL, the xiiij day of September, 1614, I, ANDRO MAIRTINE, being examined be my *Lord Liuetennent*,¹ and my *Lord Bifchop of Orknay*,² anent my intelligence of the causis quhy *Robert Stewart*, sone naturall to *Patrik Erle of Orknay*, come to Orknay in this last fomer?—Be quhais directione he came heir?—And for quhat purpose?—Hes anfuered as followis:

FIRST, that quhen I spak with him in Birsay, he schew to me ane Commiffioun, subferyuit be his father, to mak compt with all the Tak-men of the cuntrie, and reffauie payments of all reffis,³ and debitis justlie awand to his father be thame, of the crope sex hundreth and ten (1610), and all yeiris preceding the comeing of my Lord Bifchope to Orknay; with powar also to medle and intromett with all his father's bestiall and moveables, and to dispone thairon. I speirit gif he had ony vther thing ado?—and he said, 'Yis'—bot he wald not tell me. ITEM, I saw ane Letter that came frae his father to him, be *Patrik Murray*, beirar, haueand this claufe in it—'That gif he sped not weill heir, that he sould addres himself to Murkle, to remane quhill tyme seruit better;' bot I remember not of the rest of the contentes. ITEM, anent any conditione betuixt him and *Patrik Halero*, throw his fatheris directione, I am na way vpoune that secreet; bot it appeiris thair be sum wrettin conditione amangs thame; becaus I saw gritt anger, with a fear betuixt thame, for wanting of ane Letter that was a missing among hands, and *Patrik* fend out ane boy to the Toune to mak inquisitione for it; bot qubither thay gat it or not, I knaw not. And I saw thame ryue⁴ my Lords subfcriptione from ane Letter, and thay caist the body of it in the fyre, and kept the subfcriptione. ITEM, about the . . . day of September efter, as the Cannone was twyfe schott in the night at the yrne yett, it patt ane greit feir in thair hartes. Then *Robert* speirit at me on the morne, quhat I thoct of it? And I said, that 'all was lyk to go wrong.'—'This is a fair matter,' said he, (speikand of his father,) 'thair was neur thing lukkit weill yit quhilk he devyfit—God gif I had neur kend his turnis!' ITEM, quhan the commounaris wer trauelland for peax, I advyfit *Robert* to offer cautioune for his personal comperance befor *the Lordis of Counsell*, gif *the Lieuetennant* wald geife him libertie to go to Edinburgh. He anfuert to me, and said, that 'he wald not do so—for the Counsell wold vse him with Tortouris, quhill he reveillit his fatheris interesse in this mater—and that wold he neur doe!' Heirvpoun, I collectit, that all quhilk this yung man hes done, wes be the counsell of his father; quhilk is a great pitie, except it pleas God and his Ma^{tie} to be mercifull to him. And as for my being with him, I wold neur haue bene a nycht in his companie, giue I could haue had meit and drink any vther way, as all the cuntrie knawis quhat necessitie and miserie I was reductit vnto, be pouertie. ITEM, I remember that a great number of this cuntrie men hundit him till folies, and maid ANE BAND of Concurrence and Assistance to him, quhilk he caufit me to wryte; and a gritt number subferyuit the same, quhen I was not with him; bot the contentes of the Band and subfcriptiones ar in his awin keiping, and my memorie cannot serue me to remember on the particulars; bot the writt will declare.

A. MARTYNE.

(24.) DEPOSITIONS of *JOHNE BURNE*, *laying feik and like to die; taikin vp by JAMES, BISCHOP OF ORKNAY, in the said Johne his chalmer, vpon the thrid of October, 1614.*

IMPRIMIS, the said *JOHNE* deponit and confest, that the *EARLE OF ORKNAY* sent him over with

¹ George, Earl of Caithness. ² James Law, formerly Minister of Kirkliston, was promoted to the See of Orkney, in anno 1606; where he remained till he was translated to Glasgow, 1616. ³ Arrears. ⁴ Tear.

his sone *Robert*, to assist him to collect and receive some debts resting unpaid by diverse Takismen of the crop 1609 and 1610 yeares; and promised to allow him ane Thousand markis therof, for his fees. SECONDLY, when he askit of the said *Earle*, 'Why he would send the said *Robert* to ORKNAY, seeing he wes ane young man who appeirandlie wald trouble the countrie?' Deponit, that *the Earle* answered, that 'it was not ane matter to him to know'—and that he wold 'heare other newes or it wes long!' THIRDLIE, being asked, yf he knew any direction given by the said *Earle* to *Robert* for taking of the Houses and introumetting with the Rentis? Deponit, that he saw ane Letter wes broght from *the Earle* be *Patrik Murray* in Kirkwall, in the quhilk the said *Earle* wrote to *Robert*, that 'yf he and *Patrik Halero* could not at that tyme find opportunity to take the Houses, that they should go over quietlie to *Murkell*, and remayne ther vntill they fand fitt tyme and occasion, and all thingis wer made readye for talking of the saidis Houffis. FERDLIE, being asked, why *Robert*, at his first coming to *Kirkwall*, did not take the Castle, seeing, by his own confession, he might have had it deliuered vnto him be the souldiers? Answerit, that it was becaufe he thought not the tyme fitt; and thingis wer not prepared.

JOHNE BURNE. JA. B. OF ORCADS.

RO. COLTART, Notar publict, witness.

(25.) DEPOSITION of ANDRO MARTINE, *servitor to the Earl of Orkney.*

AT EDINBURGHE, the tenth day of October, 1614. In presence of my Lordis Secretair, *Previe Seale*, *Thefaurair depute*, and *Aduocat*.

ANDRO MARTINE, seruitour to *Patrik*, sometyme *Erll of Orknay*, demandit, who wryte that copie of ane Band, whilk wes presentit and shoune vnto him? Deponis, that he acknawlegeis the Band to be his awin hand-wryte.

Demandit, quhair and quhen the Band wes subferyvit? Deponis, that he knowis no thing of the subferyveing thairof.

The said *Andro*, being examinat vpoun his grite and solemne oathie, and demandit, who wryte the principall Band? Deponis, that, in his opinioun, he thinkis that he write the principall Band, quhair-of the copie wes product.

Demandit, yf he subferyvit the Band? Denyis the subferyveing thairof, or that he wes present quhen ony manne subferyvit it.

Demandit, yf he saw ony mannis subscription at the Band? Denyis, that evir he saw the Band vnfaultit, at ony tyme, sen he wryte it; and he saw no manis subscription at it.

Grantis, that *Robert Stewart*, base sone to *the Erll*, tauld to the depouner, that *Gilbert Gray* and *Robert Mowatt* subferyvit the Band, and that *Robert Sclaitter*, *Baillie of Birsay*, markit the Band.

Denyis, that he hard or saw ony man sweir that they could keepe the conditionis of the Band.

Demandit, quhair he saw the Letteris that *Patrik Murray* broght from *the Erll* to his sone *Robert*? Grantis, that he saw it in *Birsay*, in the hinder-end of July last.

Demandit, quhat conference he had with *Robert* anent that Letter? Deponis, he hard *Robert* say in ane anger, that he wald not go to *the Laird of Muirkill*, as he wes desir'd be the Letteris, bot that he wald remane in the countrey.

Demandit, yf he saw *Robert Stewart* and *Patrik Halero* ryve the subscription from ane Letter of *the Erll of Orknayis*? Deponis, that he saw thame ryve it in *the Cufsell of Kirkwall*, the day after *the Erll of Caithnes* had tane *the Place of the Yairdis*. And grantis, that thay wer in a grite anger, for ane other Letter of *the Erlis* that wes in missing; and that thay send ane boy oute of the Castell to *Margaret Buquhainanis* house to seeke the Letter; bot the depounair knawis not yf thay gatt the Letter. And the depouner knawis not quhat wes the contentis of the Letter quhairfra the subscriptione wes revin.

Deponis, that the boy, who wes fend for the Letter, wes towed¹ over *the Castell wall* be the deponer, and that he come back agane; bot the depouner knawis not yf he gatt the Letter.

Demandit, vpoun quhat hoipis *Robert* held *the Castell*; and by quhat meanis he thocht to worke his releiff? Deponis, that the depouner being weyreit in *the Castell*, and desyrous to be oute of it, becaus he mislykit the purposis, he write ane Letter, with² one *Paterfson*, to *William Bellenden*, craving his advyse and counsell quhat he fould do; to whome *William Bellendene* fend anfuwer, desyryng the depouner to come oute, by what meanis he could best. And the depouner having imported this to *Robert Stewart*, and craving libertie of him to go oute, becaus he could serve him, for no purposis, within the Houfe; at the first, *Robert* dissuadit him to go oute, for feir of *the Erll of Caithnes* crueltie: And the depouner haiving said to *Robert*, that ‘this interprife wes not lyke to frame weele;’—*Robert* anfuwerit, that ‘they wald be able aneughe to halde oute, ffor mony alterationis wald occur, quhairby they might keepe *the Castell*, as namelie, *the coming of THE SPANZEIRDIS, the practises of PAPISTS*, and the trouble whairin *THE COUNT PALLATYNE* wes:’ Quhilkis alterationis wald procure thame releif, as *Robert* said to the depouner.

Demandit, who of the cuntrey people steirit vp *Robert* and assistit him in this *Rebellion*? Depones, that *Gilbert Gray, Robert Mowatt, Robert Schwitter, Baillie of Birsay*, Williame Sinclare of Lye, *Gilbert Grayis* sone, and his goode-sone *Gerfetter*,³ wer the principallis who steirit him vp.

Demandit, quhat conference he had with *Alexander Leggatt* concerning ony direction he brocht frome *the Erll* to his sone *Robert*? Deponis, that he rememberis not quhat conference wes betuix thame thairanent.

Demandit, yf he wes in *Birsay* when *Robert Stewart* fend Letteris to his fader with *Duncane Mitchell*, the poist? Grantis, that he wes in *Birsay* at that tyme; and that the depouner, be *Robertis* direction and information, write ane Letter, in his name, to *the Erll* his fader; quhilik Letter *Robert* rave;⁴ and wryte over ane Letter him self. Deponis, that the contentis of the Letter written be the depouner wes, to tell *the Erll*, that *Robert* wes come to *Orkney* to tak vp his debtis; and that he wes troublit be *the Sheriff*, and forceit to leave *the Toun of Kirkwall*—and that he had tane him self to *Birsay*—and that *the Shereff* had conuenit the cuntrey, and come to *Birsay* and persewit him; and had hurte ane man, and slayn ane doig in at the windois; bot he wes myndit to hald oute aganis *the Shereff*.

The depouner denyis that he knew the contentis of the Letter written be *Robert* him self to *the Erll*.

(26.) ANDRO MARTINIS *Letter to the Secretar.*

MY LORD,

SINCE your lo. examined me so fickerlie vpoune my intelligence concerning the grund of *THE REBELLIOUNE* begun in *ORKNAY* be *Robert Stewart* and *Patrik Halero*, and gart me fwear to be plaine, your lo. will excuse me that forget this: Quhen *Robert* and I was in conference, on a tyme, he said, that ‘Gif his father had bene willing, and vfit the counsell of vtheris, quhen he was in *Edinburgh Castle*, he might haue cund away; for thair was men anew offerit to haue cumd or sente men with him to *Orkney*; bot he wold not cum away, becaus he durste not brek waierd.’ I fpeirit ‘How many he might haue gottin to haue cumd with him?’ He anfuwerit, ‘Four or fyne Thowfand, giue⁵ he had pleast.’ Bot he tauld me not quhat men thay war. Of this I thoct good to mak your lo. aduertisement, for faistie of my aithe; and hopes that your lo. will interceid for me, pat, be his MA^{ties} clemencie, I may be remittit for being with *Robert* in companie, at this vuhappie tyme of miserie; I beand aged and depauperat, able⁶ to die of hungar, giue I had not gottin helpe be him in meit and drink. Bot I nevir buire airmes, maid musters, nor watched against *HIS MA^{ties} Licutenant*, efter I hard of his purpose. This I referre to your lo. gud discretioun; and gif ony vther thingis fall cum to my memorie,

¹ Let down by a tow, or rope.

² By.

³ Robert Mowatt. See p. 299, &c.

⁴ Tore.

⁵ If.

⁶ Lat. *habilis*.

quhillis ar omittit at the present, I fall aquent your lo. thairwith. He said also, that quhen they spak with *Sir James Connell*,¹ that *Sir James* wiffit him felfe to be at hame, and *the Erle of Orkney* to haue bein in Orkney, to do for thame felues; the ane in the West, and the vther in the North. So, confending in HIS MA^{TIES} elemencie, and your lo. affectioun toward me, I rest, &c.

EDINBURGHIE, in waird, the tent of October, 1614.

(27.) THE DEPOSITIONS of MARGARITE BUCHANAN, taken vp the first day of November, 1614, before *Johne Sincler of Ratter, James, Bishop of Orkney, and Johne Buchanan.*

FIRST, the said *Margarite* depones and confessis, that *Patrik Halcro* had ane coffer standing in his motheris ehalmere, in Kirkwall. SECONDLIE, deponis and confessis, that, vpon the Sondag efter that *the Erle of Cathenes* come to the Yairdis in Kirkwall, the said *Patrik* sent downe to hir the key of the said coffer, and desired hir to bring vnto him the writtis and Letters whilk wer lockit vp in the same, of whilk writtis thee had ane Warrant of *the Erle of Orkney*, whereof none did knaw but him self. THIRDLIE, thee deponit and confess, that when thee had receaved the key of the said coffer, thee went and openned the same, and fand two writtis only in the same, whilk thee red presentlie, and baith of them were subscribed by the Earle of Orkney. FOURTLIE, deponit and confess, that the ane of them wes ane BAND and WARRANT for the said *Patrik*, for to take and keipe THE CASTLE OF KIRKWALL, wherfoever he might most convenientlie; allowing vnto him therefore, the double of the allowance quhillk the Constables and Keipar of the Castle had ordinarlie of before. FIFTLIE, deponit and confess, that the other writt contened the names of sic as should be associatis and assiteris vnto him in the said interprise; as namelie, *Thomas Laing, Alexander Legatt, Helias Kneland*, and vthers whose names thee can not remember. SIXTLIE, deponit, and confess, that presentlie after thee had red and considered these two Writtis, thee broght them, hir self, to the Castell, and delivered them to *Patrik Halcro* out of hir owne hand. SEVENTLIE, deponit, that when *Patrik* had red the said BAND, he gave it in like manner to *Robert Stewart* to reid; who, after that he had red itt, rave² it with his handis in small peices, and trampitt it vnder his feitt. AUGHTLIE, deponit, that *Patrik Halcro* wes not content with the ryving³ of it, as she perceaved by his countenance and gestur; and when thee fayed vnto Robert, ‘Fye vpon yow, Sir! Why hawe yee done that? It had bene better to have keipte it!’ Deponit, that baith *Robert* and *Patrik* said, ‘that that BAND should not do hurte in tyme coming’—and that ‘*The Earle of Orkney* should not want his head for it!’ NYNTLIE, Deponet, that *Patrik Halcro* was reiding the other writt, wherein the names wer contened, when *Robert* rave the Band—and that thee knawes not certanlie what became of that writt; but that, in hir indgement, it wes riven⁴ also.

JA. B. of Orcads, J. SINCLER of Ratter, JOHNE BUCANANE.

THEIR former Depositions were writtin be me, *Robert Stewart*, Minister at Hoy, at direction of *James B. of Orkney.*

ROBERT STEWART, Minister, with my hand.

(28.) DEPOSITION of JOHN SHARPE, *servant to the Earle of Orkney.*

AT EDINBURGH, the first of November, 1614, in presence of my Lordes Chancellor, Secretar, Prefident, *Previe Scall, Theasaurar depute, Clerk of Register, and Adnuocat.*

JOHNE SHARPE, servand to the *Earle of Orkney*, sworne, and demanded when he entered in servie with the said Earle? Depones, that he entered in servie with him in the moneth of Junij, or Julij, 1613.

Demanded, what he knowes concerning THE REBELLIOUN in ORKNEY? Depones, that he remembers that within sex weeks after he come to the *Earle*, the *Earle* caused the deponer write a Me-

¹ *Sir James Makonell.* See his Trial, III. 1, &c.

² Tore.

³ Tearing.

⁴ Torn.

moriall in thir tearmes, ‘ Yow fhall go to Orkney ; yow fhall fett Takkes, and reule the countrey, as yow did before. Yow fhall fend shippes to Norraway, for fuch things as yow mifter,¹ especiallie, for poulder.’ And this Memoriall was wrotten in *the Cafle of Dunbartane*. Depones, that *Robert Stewart*, the Earles bafe fone, wes not in Dunbartane when this Memoriall was wrotten, but came there within xiiijth dayes thereafter. Depones, that *the Earle* patt this Memoriall in his pocquett ; and the deponer neuer faw it thereafter. And knows not what come of it. And fayes, that this Memoriall was wrotten by my Lordes own dyteing.²

Depones, that thereafter, when my lord wes in *the Cafle of Edinburgh*, the deponer, by my lordes dyteing, wrote a new Memorandum, agreeable in fubftance to the former ; with this addition, ‘ Yow fhall put furth of the countrey of Orknay, fuche as hes no thing to do in it.’

Demanded, yf he hard ony conference betuix *the Earle* and *Robert* anent THE REBELLION IN ORKNAY ? Depones, that he hes hard *the Earle* findrye tymes invey againes *Roberte*, for geveing over the Houfe of Kirkwall to *the Bifhops of Orknay*, calling him ‘ a feeble beaft !’ And he hard *Robert* fay, ‘ Yf he had the Houfe againe, he wald keep it better !’ And *the Earle* answered, that ‘ he trowed he wald do no better.’ And he hes findrie tymes hard *the Earle* defyre *Robert* to ‘ prove a prettie³ manne yf the Houfe come againe in his handis ; ffor it wald ftand him to his lyff !’

Depones, that after *Robert* went to Orknay, the deponer wrotte a new Memorandum, by *the Earles* dytment, to *Robert*, bidding him choofe new Takmen,⁴ and tak vp his refte.⁵ And the remanent of this Memorandum, in fubftance, wes agreeable to the former Memorandums. And this Memorandum wes wrotten in *the Cafle of Edinburgh*.

Thereafter, when *Robert* wes gone to Orknay, the deponer, by *the Earles* dyteing, wrote a Miffive from *the Earle* to his fone *Robert*, oute of *the Cafle of Edinburgh*, willing him to follow his Memoriall, in all things. And depones, that *the Earle* wold not fubfcrive this Letter, for fear of interception by the way ; and the direction, on the bak of the Letter, wes in thir wordes—‘ *For Robert.*’

Depones, there wes a vther Letter written by the deponer for *the Earle*, in the tyme of his beeing in *Edinburgh Cafle*, bearing, ‘ Yow fhall fpeak the countrey menne, and try yf thay will tak your pairte ; and yf the countrey men will tak your pairte, yow fhall reter your felf to Caitlines, and ftay there, and proceede no thing whill I fend yow worde.’ And depones, that *Duncane Mitchell*, the Poaft, caryed the one of thir Letteres, and *Patrik Murray* caryed the other Letter : And that this laft Letter wes not fubfcrived, wanted date, and had direction one the bak, ‘ *For Robert.*’ And all thir Letteres and Memorandums were dyted by my Lord him felue.

Denyes that euer he hade conference or fpeatche with *Robert* anent the REBELLION. Depones, that *the Earle* had copies of all the Memorandums and Letteres wrotten be him, and keepd thame in his pocquett.

Depones, that *Duncane Mitchell*, the Poaft, broght a Letter from *Robert* oute of Orknay to *the Earle*, beareing, ‘ It will pleafe your lo. to tell *the Counfall* in my name, that I am come to Orknay, and am going thouroughe the countrey to tak vp your lo. debtes ; and that I wes perfewed by *the Shiref*, and wes conftrained, for faulsetye of my lyff, to tak *the Place of Birfay* for my refudge.’ The deponer is of oppinion, that this Letter wes wrotten for an excufe of *Robertes* proceedings.

Depones, that *the Earle* caufed wrote a Letter to *Robert*, in the deponeres owne name, thoweing *Robert*, that ‘ yf he come in this countrey, he wold be hanged.’⁷

Denyes that he hard ony fpeatche betuix *the Earle* and *Mitchell*, the Poaft, when he broght *Robertis* Letteres to him.

Demanded, who wer prefent, at the wroting of *the Earles* laft Letteres fend with *Mitchell*, the

¹ Want ; stand in need of.

² Enditing ; dictation.

³ Gallant ; brave.

⁴ That is, to recall the

whole of the Leases granted by the Bishop or other administrators under the new regime ; and to give the Lands to new tenants, who would be subservient to the Earl.

⁵ Arrears of rent.

Poast? Depones, that none were present but *the Earle* and the deponer. And that *Mitchell*, the Poast, ftoode by but hard nothing.

Depones, that *Mitchell*, the Poast, tauld the deponar, that *Robert* had taken BIRSAÿ; and that one *Mudye* come from Kirkwall to Birsay with *Robert*; and that one *Gray* assisted *Robert* in keeping of the Houfe; and that *the Shiref* come and perfewed the Howfe; and that there was shooteing in and shooteing oute; and that one *Downy Lyell* wes hurt, and one *Doig* slayne.

Depones fordar, that after *the Guard* come to seek the deponer, *the Earle* derected the deponer to Orkney; and bad him awaite vpon his sone, and do as he wold command him. And the deponer, asking of *the Earle*, yf he wold wrote a Letter with him, *the Earle* answered, that 'he wold not wrotte, for he feared the deponer wold be taken by the way;' and he saide forder to the deponer, that *Robert* wold not let him want.

JOHN SHARPE.

(29.) DEPOSITION of ROBERT STEWART, 'base sone' to the Earl of Orkney.

AT EDINBURGH, the xiiij day of Nouember, 1614. In presence of my Lord Chancellour, the Erl of Caithnes, the Lordis Secretair, Preuie Seale, Thefaurair depute, and Aduocat.

ROBERT STEUART, base sone to *Patrik Erl of Orkney*, humblit on his knees, and deiplic sworne; and demandit, vpoun quhat occasioun, and by whose infligatioun he maid THE REBELLION IN ORKNAY? Deponis, that he being in grite neede and necessitie, and vnable to keepe this Toun for dett, he past to Orkney to tak vp some of his faderis auld restis, quhairwith he thoght to mak his furnishing oute of this cuntrey. Depones, that his fader haueing confauet ane grite offence aganis him, becaus that he, at the first taking of *the Castell of Kirkwall*, randerit the same bak agane to *the Bischop*; his fader, for that caus, wald skairlie kenne¹ him, or gif him ony maintenance. And deponis, that his fader directit him to Orkney, with Commissioun to mell² with his restis, and to intromett with his goodis in the cuntrey; and that his fader advist and counfallit him to repair the oursight and wrang he had committit by deliuering of the Castell to *the Bischop*; and if by ony meanes he could come be this Castell, to tak it agane. And deponis, that his fader gaif him some Memorialis, in wryte, quhilkis wer writtin be the depouner him self, to his faderis directioun; and the Memorialis boore, that yf *the Castell* come in his handis, he fould send a Schip to *Norroway*, for poulder, bullett, and fuche other necessar prouisioun as wer fitte for keeping of the Houfe.

Grantis, that in this tyme of his being in Orkney, he ressauf tua or three Letteris from his fader; whair of one wes delyuerit to the depouner be *Patrik Murray*, the contentis whair of wes, that he wes informit *the Houfe of Birsay* wes tane; and he advist the depouner, yf he wes not able to keepe the Houfe, that he fould reter him self with *Patrik Halcro* to Caithnes.

Grantis, that he ressauf ane other Letter from his fader, send with *Duncane Mitchell*, the Poist, and that the substance of that Letter wes, for taking and keeping of the Houffes, yf the depouner could come be thame.

Grantis, that his fader, findrie tymes, said to him, that he wald eschapp oute of warde, and come to Orkney.

Deponis, that he acquentit not *Patrik Halcro* with his intioun to tak *the Castell*, quhill *the Shereff* perfewit the depouner at *Birsay*. And grantis, that at that tyme he commvnicat to *Patrik Halcro* the contentis of his faderis Letter send to him with *Duncane Mitchell*, the Poist; and that *Patrik* willinglie yeildit to joyne with him in this REBELLION.

Denyis, that *Patrik Halcro* ressauf any Letteris fra the depouneris fader.

Deponis, that his fader vsed all the meenis he could to haif gottin money, to haif send with the depouner to Orkney, to haif furneist him in thingis necessar for this interprise; bot he could gett nane.

Grantis, that he write to his fader with *Duncane Mitchell*, the Poist, schaweing how the Schereff

¹ Recognise; countenance.

² Literally, meddle; uplift the arrears of rent, &c.

had procedit aganis him in perfute of him at *Birfay*, and quhat had fallen oute among thame in that actioun.

Demandit, what hoipis he had of affiftance frome ony cuntrie people heir? Deponis, he had no hoipis of affiftance from this cuntrey people.

Deponis, that his fader verie oft, in publict audience, wald invey aganis the depouner, and quarrell him for randeriug of *the Cafell* to *the Bifhop*.

R. STEWART.

(30.) DEPOSITION of PATRICK HALCRO.

PATRIK HALCRO folemnellie sworne and demandit, quhat he knawis concerning the beginning of THE REBELLIOUN IN ORKNAY? Deponis, that in Somer, bigane a year, the depouner paft to *Dunbartane* to vifite *the Erle of Orknay*; and that *the Erle*, in a priuat conference betuix thame twa, askit of the depouner, ‘Yff, be ony meanes, he could come be his Houffis agane in Orknay?’ To whome the depouner anfuerit, ‘Your lo. hes been over lang in ftarting. Your lo. had done weele, yf yow had caufit keepe thame better, quhen your lo. had thame!’ And the Erll replyit, ‘That can not now be mendit. Is it not yitt poffible to gett the Houffis agane?’ And the depouner anfuerit, ‘It wilbe hard for your lo. to gett that done, vnles your lo. haif affiurance of the cuntrey people to ftand be yow and affift yow.’ And then the Erll faid, ‘Thay ar a companie of fals people, I can not lippin¹ in one of thame; bot I mynd to fend my fone thair, quaha wilbe your pairt. Will yow affift and tak pairt with my fone?’ And the depouner at the firft planelie refuifit to follow his fone in that earand, faying, ‘he wes over feble a Capitane to follow, in fuche a purpois!’ Bot the Erle haveing delt forder with him, to follow his fone at his comeing to Orknay, the depouner, in end, promeit to follow him, and to tak parte with him at his comeing to Orknay.

Deponis, that after *Robert* come to Orknay, he flew to the depouner, in *Birfay*, the Letter writtin be *the Erll* his fader to him; willing him, yf he wes not able to keepe the Houfe of *Birfay*, to reiteir him with the depouner to *Caithnes*. And grantis, that at that fame tyme he promeit his affiftance to *Robert*, and to tak pairt with him.

Grantis, that according to ane other Memoriall, directit be *the Erll* to *Robert*, for fending to *Noroway* for poulder, they fend ane fhip to *Noroway* for poulder, bot the *Caftell* was randerit or the poulder come home: And the depounair heiris that threefcoir barrellis of this poulder come in *the Erll of Cathnis* handis.

Deponis, that at the firft playing of the cannoun, *Robert* being in his bed, the depouner come to him, and askit of him ‘quhy he wes lyand in his bed, feing the cannoun had difchargeit fax fehoit?’ And he demandit of *Robert*, ‘How he thoght this mater wald left?’ And tauld him, ‘he wald not be able to hald oute. It wer gude for him to tak him to the Sea!’ To whome *Robert* anfuerit, ‘I will not tak me to the Sea; my fader will then fay, I haif febbie gevin ouer his Houfe! I will rather hald oute quhill the Houfe be dung downe abone my heade, or² I rander my felf to *the Erll of Caithnes*, or yitt to *the Counfell*, to be tortourit, quhill³ I confes aganis my fader, the thing that may be his wrack and myne!’

Deponis, that *Robert* faid to the depouner, that ‘his fader wald come to the cuntrey, and thay wer n expectatioun that *the Erll* wald brek warde.’

P. HALCRO.

[*Mr Alexander Coluile, Justice-Depute.*]

Resetting of Egyptians—‘*Johunic Faw.*’

Jan. 25.—WILLIAME AUCHTERLONY of Cairny.

Dilaitit for contravening the Actis of Parliament in resetting of Egiptianis;

¹ Rely; trust.

² Before; ere.

³ Until.

ſpeciallie of Johnne Fall,¹ ane notorious Egiptian and Chiftane of that vnhappie foirt² of people.

Mr James Oliphant, Aduocat, ſubſtitute to Sir Williame Oliphant, his father, Aduocat to our ſouerane lord, producet the Letteris deulie execute, &c.—Compeirit Dauid Lyndſay of Balgaweis, *excufatorio nomine* for the ſaid Williame, and declairit that the ſaid Williame was lyand bedfaſt and deidlie feik, nocht habill to travell to keip this dyet, and offerit him ſelff cautious for the ſaid Williame his compeirance, befor my Lord Juſtice, the thrid day of the nixt Juſtice-air of the Sheref dome quhairin he duellis, or ſoner, vpon fyftene dayis wairning.—Quhilk excuſe the Juſtice, with conſent of the perſewar, admittit, &c.

Rebellion in Orkney—Tyranny and Oppreſſion—High Treason, &c.

[PATRICK EARL OF ORKNEY, the infatuated and ambitious individual, whoſe guilty life at length terminated ignominiouſly upon the ſcaffold, was nearly related to King James VI., and at one period ſtood high in favour with his prince. As the particulars of the crimes for which his life was forfeited to the offended Laws of his country are rehearſed in his former Trial,³ and in that of his natural ſon, ROBERT STEWART,⁴ reference is made to theſe Caſes, and to the illuſtrative Papers appended to them. The various Hiſtories of Scotland may alſo be conſulted, in which the fact of THE REBELLION IN ORKNEY is very briefly noticed, owing to the want of proper materials.

Although his crimes were of a very remarkable deſcription, and indicative of a cruel and blood-thirſty diſpoſition, it muſt not be ſuppoſed that this Nobleman was a rude and unpoliſhed barbarian, wholly unſkilled in the modes of civilized life. On the contrary, much of his earlier life had been ſpent at Court; and his daring crimes and overweening ambition alone prevented him from riſing to the high-eſt eminence, as a Courtier. Like many other unlucky Courtiers of that age, he ſeems to have been obſcured by the prevailing ſtar of that corrupt and worthleſs favourite, Kerr or Carr, Earl of Somerſet, who ſecretly undermined him, and embraced every opportunity of blaſting his character and fame, in the King's eſtimation. Having thus fallen into diſgrace at Court, the Earl of Orkney appears to have commenced a reckless warfare againſt all civilized ſociety, and to have formed the mad project of eſtabliſhing himſelf as an independent and deſpotic Prince, in his Iſland Kingdoms of Orkney and Shetland; and in due time he had alſo reſolved upon entirely ſhaking off the yoke of allegiance to the Crown of Scotland.

Having retired to Orkney, he committed ſuch exceſſes, that, within a very few years after the acceſſion of King James VI. to the Engliſh throne, the oppreſſed people of Orkney preſented numerous ſupplications for redreſs, and loudly complained of their intolerable grievances. Theſe complaints were directed to the Privy Council, (who appear to have been unable to afford any formidable check to his deſpotic cruelty,) as well as to the King himſelf. Sharp remonſtrances were at firſt uſed, but with little effect; and at length the Earl's oppreſſions became ſo formidable in their character and degree, that the Lord Advocate found it neceſſary, in order to quiet the clamours of the people, to bring him to public Trial. Still, however, it appears to have been thought poſſible that he might be reclaimed; and the King uſed every means to delay matters coming to fatal extremities. Contrary to general expectation, the effects of long impriſonment ſeemed only to aggravate the rancour of his cruel diſpoſition. He employed all his time in meditating projects for his eſcape from confinement, ſo that he might wreſt

¹ The celebrated Johnnie 'Faw.' ² Class; ſociety. ³ Aug. 2, 1610, II. 81. ⁴ Jan. 5, 1615, III. 273.

his Castles out of the hands of the constituted authorities; and then boldly to defy the King and the Privy Council of Scotland, after having declared his independence of the kingdom of Great Britain.

The most effectual check which was given to these mad projects, was the sequestration of his revenues, and the withholding from the Earl all supplies, excepting such as were necessary for his bare maintenance, as a state prisoner. This rigorous step, however, appears to have been carried too far, and to have suggested to the Earl the idea of sending his 'bafe son,' Robert Stewart, to Orkney; where, after he had uplifted his 'bygone rents,' &c., he might secretly convey a considerable portion of them to him, to enable him to bribe his guards. When thus provided, he directed his son to use every endeavour to obtain possession of the Castle of Kirkwall, and of the other strengths formerly belonging to the Earl; leaving it to himself to effect his escape from Dumbarton Castle, to which he had been conveyed for greater security. So jealous were the Privy Council of the machinations of this restless and ambitious Nobleman, that after long petitioning, and causing him to endure great privations, it was not until Jan. 28, 1614, that they allowed him, out of his large revenues, the paltry alimēt of '4 lib. Scotts per diem!'

Robert Stewart did, no doubt, succeed in his rash attempt; but in that he was mainly favoured by the accidental circumstance of the high unpopularity of the Sheriff; who, on account of his oppressive conduct and cruel exactions, was detested by the inhabitants so deeply, that, in order to get rid of his thralldom, they even consented to join 'the Bastard' in his treasonable schemes, judging, perhaps, that so long an imprisonment, and such severe discipline in the school of adversity, must necessarily have changed the temper and habits of their natural and rightful lord, whose return they were led by Robert confidently to expect. This feeling was very strongly marked in the 'Band of Affociation, subserived by the Rebellis in Orknay,' which is given in the Appendix. In that interesting document, 'the frequent entrantis of extraniers,'² 'the corruption of the Lawes, partialitie of Judges, the greid of officeris, and oppreffion of Magiftratis,' are dwelt upon as intolerable grievances.

The expedition of GEORGE, *fifth* EARL OF CAITHNESS, the King's Lieutenant, eventually succeeded; and the ringleaders in the Rebellion, as has already been seen, were executed by that person, who, it will be remembered, had formerly rendered himself infamous by his treacherously delivering up his kinsman, *John Lord Maxwell*, to government, after having lured him to Castle-Sinclair, under the mask of friendship and protection.³ The reader will find, from Documents preserved in the Appendix, that the Earl of Caithness intruded himself into this Commission, by eagerly volunteering his services to the Privy Council, so as, if possible, to ingratiate himself with his Sovereign, by quelling a Rebellion which had excited the observation and alarm even of the Court of England.⁴ It is not a little interesting, among all his specious pretexes, to detect and expose the secret springs which appear to have actuated that selfish and cold-blooded Nobleman in undertaking so repulsive an expedition as that against the Rebels in Orkney. Under the mask of patriotism, zeal for his Majesty's honour, and his pretended desire for restoring the peace of the country, it is not difficult to discover the basest motives of hereditary and personal revenge and deadly feud against the fallen Earl of Orkney; as well as a secret design to procure the whole, or at least, a considerable portion, of his extensive territories, as a reward for his patriotic services. But a little research enables us to perceive, that a rooted hatred had long existed between the Earls of Caithness and Orkney, which had frequently broken out into open strife. As an extraordinary instance of the spirit of wanton cruelty and mischief in which these hostilities were

¹ *Balfour's Annals*, II. 50.

² The natives of Orkney, having long been accustomed to be judged by the laws of Denmark, were peculiarly offended at the introduction of *foreign* laws, judges, and settlers in their country, which was the policy too suddenly adopted by the Sheriff and other officers to *civilize* the people. So strongly did they resent these and the other aggressions of the *foreigners*, that they gladly forwarded the Bastard's views for the expulsion of their hated taskmasters.

³ See this Collection, Vol. III., 33, &c. *Gordon's Hist. of Sutherland*, p. 301.

⁴ THE EARL OF CAITHNESS got a pension of a thousand crowns for his services, and was, shortly after his return, made one of the Lords of the Privy Council of Scotland, and was in a fair way to realize all the objects of his ambition, had not his overreaching spirit led him into a train of iniquities which terminated in the ruin of himself and his family, which for many generations did not recover this shock.

carried on by the former, a quaint, but striking passage may be cited, from the graphic pen of Sir Robert Gordon;¹ who states, that in the year 1608, some of the Earl of Orkney's servants had been forced to land in the country of Caithness, 'by a contrarie wind and vehement storme of weather. First, *the Earle of Catteynes* maid them drunk; then, in a mocking iest, he caused sheave the one syd of their beards and one syd of their heads; last of all, he constrayned them to tak their weshell, and to goe to sea in that stormie tempest! The poor men, feareing his farther crueltie, did choyse rather to committ themselves to the mercie of the fenfeles elements and raging waves of the sea, then abyd his furie. So they entered the stormie Seas of *Pentlay-Firth* (a fearfull and dangerous arme of Sea between *Catteynes* and *Orknay*), whence they escaped the furie thereof, by the providence and assistance of God, who had compassion on them, in this lamentable and desperat case, and directed ther course; so that they landed saiflie in *Orknay*. This affront and indignitie wes highlie taken (not without just reason) by *the Earle of Orknay*, who complained therof to THE KING and his *Counsell*. His MAIESTIE did write to the *Councill of Scotland* to punilh *the Earle of Catteynes* seveirly, after dew tryall, as having committed a fact against his authoritie. But when both *the Earles of Catteynes* and *Orknay* came to Edinburghe, readie to informe one against another, they aggredid all their privatt quarrells, by the mediation of freinds, *lest they should reveile too much of either's doings!* So this controversie was past over with silence; and some acknowledgement was maid by *the Earle of Catteynes to the Earle of Orknay*, as a satisfaction for abusing his servants,' &c.

The intriguing Earl of Caithness at length brought ruin upon himself and his family, by endeavouring 'to mak the Lord Forbes wearie of his landis in Catteynes.' This benevolent purpose he tried to effect by constant oppression of his tenants and servants, in virtue of his office of Sheriffship, which he had obtained from the Earl of Huntlie, on his marriage with Lady Jean Gordon, his sister. He secretly caused incendiaries burn all the corns standing in the corn yards of Sansett, in November 1615; and, to remove suspicion from himself, industriously rumoured abroad, that the Fire-raising had been done by Mackay's tenants, with whom the Forbeses were then at feud. The matter, however, having soon been disclosed by the actual perpetrators, the Earl was closely prosecuted; and he only obtained his Remission² after a long interval, 1st, By engaging to satisfy his numerous creditors; 2dly, by resigning into the King's hands the Sheriffship and Justiciary of Caithness; 3dly, by engaging to present to justice the malefactors whom he had employed to burn the corns; and, lastly, to resign to the Bishop of Caithness the House of Strabister, with certain Feu-lands of that Bishopric, amounting to the yearly value of 2000 merkis Scots, in augmentation of the Bishop's scanty revenues. His son, *Lord Berriedale*, was imprisoned for these debts for above five years; but the Earl himself obtained a '*superse-dere*,' or protection from legal 'diligence,' from the Privy Council. The creditors, however, 'apprized,' or sequestrated, all his lands. He was denounced Rebel in 1621, and his own son, Lord Berriedale, applied for and obtained a Commission to pursue his father! After five years' imprisonment, he was released for that purpose, on finding due caution to return to ward after having executed his Commission. In September 1623, Lord Berriedale and Sir Robert Gordon, the King's Commissioners, having taken the field against the Earl of Caithness, he precipitately fled to Orkney, intending to go thence to Norway and Denmark. Castle Sinclair, and his other Castles of Aerigell and Keasse, were immediately taken possession of in the King's name; and the Commissioners succeeded in pacifying the country of Caithness.

George, *fifth* Earl of Caithness, after having passed a miserable life, died, a victim of disappointed ambition, and in comparative obscurity, in Caithness, in the month of February, 1643, at the advanced age of 78.

¹ *Hist. of the Family of Sutherland*, p. 258. ² The author of the *History of King James the Sext*, p. 391, says he became in the King's will, who decreed thus: to pay to the party offended 2000 merks; to renounce his pension of 1000 crowns; to renounce his Sheriffship; and that he 'sould caus the Bishop be ansuerit of his spirituall dewtie ther; and sould redres all quarrells and faultis to peax.'

But to return from this digression, the only person among the Rebels, whose life was saved, was PATRICK HALCRO. He had been instrumental in bringing about a surrender of the Castle of Kirkwall, and had proved the means of preventing much bloodshed, which otherwise must have been occasioned, had the Rebels persisted in their Treason.¹ The advisers of the Crown, therefore, recommended him as a fit object of mercy; and more especially on account of the terms which he had proposed to the King's Lieutenant, at the time of the surrender.

It has formerly been observed, in reference to THE EARL OF ORKNEY, that he had originally been in high favour with the King; and that, in point of exterior, he was a person of courtly manners and polished address. So anxious was the King for his release, that certain Lords of the Secret Council were empowered to offer him the keepership and profits of either of the Royal Palaces of Holyroodhouse, Linlithgow, Stirling, or Falkland, with Ten Thousand pounds of rent, on condition that he should renounce all right to the Earldom of Orkney, and resign the same in the King's hands. But so infatuated and blindly perverse was the Earl, and so intent was he on accomplishing the objects of his visionary ambition, that he absolutely refused these conditions; having, previously to that time, instructed his son to hazard the mad attempt for which they both forfeited their lives. An anonymous author,² already quoted, has given a most faithful and remarkable portrait of the princely habits and lavish expenditure of *Patrick Earl of Orkney*, when he resided in his own territories, surrounded by his vassals and dependents. His sketch cannot fail to be generally interesting. "He had a princelie and royall renew; and indeid behavit himself ther with fik foueraintie, and geve³ I durft fay the playne veritie, rather tyranicallie, be the shaddow of Dence Lawis,⁴ different and more rigorous nor⁵ the Municipall or Criminall Lawis of the rest of Scotland; wherby, no man of rent or purfe mycht enjoy his propertie in Orknay, without his speciall favour; and the same deir boght. Wherby it followit, that fitchit and forgeit faultis was fo devyfit aganis manie of them, that they wer compellit, be emprefonment and finall rewaird, to resigne ther heritable tytlis unto him; and geve he had a steve⁶ purfe and no rent, then was sum cryme devyfit aganis him, wherby he was compellit to lose ather half or hail therof, geve not lyff and all beyd! And his pomp was fo great ther, as he went never from his Castell to the Kirk, nor abrod utherwayis, without the convoy of fiftie muscateers and uthir gentlemen of convoy and gaird. And siclyk, before denner and supper, ther wer thrie trumpetters that foundit still till the meat of the furst service was fet at table; and siclyk, at the second service; and consequentlie, efter the grace. He had also his ships directit to the Sea, to intercep Pirats, and collect tribut of uncouth fibers,⁷ that came yearlie to these Seyis. Wherby he maid fik collectioun of gret gunnis and uthir weapons for weare, as no Hous, Palice, or Castell, yea all in Scotland wer not furneist with the lyk; and yit all this provisoun was spulzeit, in his awen tyme, be the violent hand of the Erle of Caithnes."

It only remains to the Editor to state, that this haughty Earl, according to *Archbishop Spotswood*,⁸ 'took his Sentence impatiently;' on which account, 'some Preachers were desired to confer with him, and to dispose his minde towards death. But they, finding him irrefolute, intreated for a delay of the Execution; which was granted to the sixth day of February. At which time, he was brought unto the Scaffold, guarded by the Magistrates of the City, and in the sight of many people beheaded.' *Calderwood*⁹ gives a fuller account of his death, in these terms. (Feb. 1, 1615.) 'PATRIK EARLE OF ORKNEY was arraigned in the Tolbooth of Edinburgh; and be ane Inqueist of the Nobles and Barrones, was convict of Treafone, for the late REBELLION IN ORKNAY. It was thought, that if he had not,

¹ *Sir Robert Gordon* says, 'This Patrik Haero was afterward in great favour with Earle George (Caithness), and weil interteyned by him for this service.'—*Hist. of Sutherland*, p. 301.

² 'THE HISTORIE AND LIFE OF KING JAMES THE SIXT,' printed for the *Bannatyne Club*, 1825, Quarto, p. 386.

³ If. ⁴ Orkney was

then governed by Danish Law, which was most iniquitously applied by the Earl and his deputies. ⁵ Thau.

⁶ Stiff; well fed. ⁷ Fishers who came from Holland and other foreign countries. ⁸ Spotswood's *Hist.*

Fol. Lond. 1668, p. 520. ⁹ *Cald. MS. Church Hist.* Advocate's Library.

20 dayes before, confessed, that he was the author of the said Rebellion, and come in the King's Will for the same, that hardly he could have been convicted, be any Law. The wifer and elder sort of the Nobilitie with-drew themselves from his Assise. He had sent to the Court to obtaine favour; but no appearance of returning ane answer. The Ministers, finding him soe ignorant, that he could skarfe rehearse the Lord's prayer, intreated the Counsell to delay his Executione some few dayes, till he were better informed, and received the Lord's Supper. Their Petitione was assisted with the request of some Noblemen, and granted. Soe he communicate upon the Lord's day, the 5th of February; and was beheaded, at the Market-crosse of Edinburgh, upon Monday the 6 of Februar; when Sir Robert Ker, Earle of Rochester, was decourted. The King laid the blame of his death on him; but late, as his custome was, when matters was past remedie! It was observed that this moneth is fatall to the King's blood.

The reader is once more referred, for details, to the Appendix of ILLUSTRATIVE DOCUMENTS annexed to the Trial of ROBERT STEWART and others, Jan. 5, 1615; and to the Papers annexed to the present Trial.]

[*Dominus Willielmus Heart de Prestoun, miles Jusficiarius.*]

ASSESSOURIS TO THE JUSTICE.

ALEX ^R ERLE OF DUNFERMELING, Chancellor,	SIR JOHNNE COKBURNE of Ormestoun,
THOMAS LORD OF BYNNING, Secretar,	SIR ALEXANDER HAY of Quhitburgh,
MR JOHNNE PRESTOUN of Pennycaik, President,	SIR WILLIAME LEVINGSTOUN of Killfithe,
SIR GEDIONE MURRAY of Elibank, Thefaurer-depute,	SIR ALEXANDER DRUMMOND of Meidhope;
SIR RICHARD COKBURNE of Clerkingtoun,	all SENATOURIS OF THE COLLEGE OF JUSTICE.

Feb. 1.—PATRIK ERLE of Orknay, &c.

Dilaitit, accuset, and perfewit be Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our souerane lord for his hienes intereis, of the seuerall crymes of Treafone and Lefe-Maieftie, at lenth spacificit and set down in the Dittay following.

DITTAY against the Earl of Orkney.

PATRIK ERLE OF ORKNAY, &c. 3e ar Indytit and accuset, ffor samekill as, certane and sure informatioun being gevin to our souerane lord, the Kingis most excellent Maieftie, and to þe Lordis of his hienes Previe Counfall of this Kingdome, of the manyfold Iniureis, Tyranneis, and haynous Oppressiones, practizet be 3ow vpon dyuerse his Maiefteis peceable and guid subiectis, duelland within the boundis of Orknay and 3eitland: Lyk as, for the better stay of the quhilkis, 3our former Tirranie and Oppressioun fra haifing forder course, and for the mair exact and substantious tryell of 3our giltines þairof, 3e, be his Maiefteis speciall directioun, being committit to waird, within the Castell of Dumbarten, to haif remanit pairin, quhill ordour had bene tane with 3ow, as appertenit: IT is of verritie, that 3e, vpone occasioun of the restrante of 3our former libertie, freitting in 3our awin mynd þairat, nocht only during the tyme of 3our wairding, devyfet all indirect and vnlawful meanis and moyane for 3our brek and escaipe furth of þe said waird, albeit skarrit and hindreit, throw the fidelitie of 3our keiperis fra doing þairof; bot lykwayis, maist treffoneabillie and vndewtfullie schaikand af 3our allegiance and dew obedience to our said souerane lord,

to quhais bountiefull clemencie 3e war sa gritlie bund, 3e maift trefsonabillie plottit, devyfet, and concludit the lait trefsonabill Rebellioun, Vproir, and Infurrectionioun, profecute and followit furth be 3our devyfe and directioun within the said cuntrie of Orknay; in fuafar as vmq^{le} Robert Stewart, 3our bafe fone, eftir mony thraitningis and minatorie speiches vtterit be 3ow aganis him, for his simplicitie in randerung and overgeving of his Maieftis Castell of Kirkwall to James Bifchope of Orknay, quha than had Commiffioun of his Maieftie to command all Castellis, Houffis, and ftrenthis within the boundis of Orknay and Zeitland, and quha, be vertew of the fame Commiffioun, acqyret poffeffioun of the said Castell of Kirkwall and remanent Houffis and Palices within the bounds aboue writtin: AS ALSO, eftir þe said Robert his reconciliatioun with 3ow agane, vpone condition that he fould vndertak quhatfoeuir desperat courfe 3e fould command him to follow, off 3our fpeciall caufeing, fending, hounding out, command, counfell, devyfe, and only directioun, quhome 3e alfo furneift with perticuler iniunctiones, fet down be 3ow in writ, how he fould carie and behave him felff in that 3our trefsonabill intendit interpryfe, he, in the moneth of Maij, or þairby, laft-bypaft, paf furth of þir pairtis to þe cuntrie of Orknay, and þair, haifing forgadderit with Patrik Halcro, quha alfo was fpeciallie employit and directit be 3ow, to aid and affift him in that vnhappie buffines, and to quhome 3e gaif ane securitie, in writ, of certane landis, rowmes, and fteidingis, vpone condition that he fould tak pairt with the said Robert, 3our fone, þairintill: FIRST, accoirding to 3our directioun with the affiftance of vmq^{le} Thomas Blak, Archibald Murray, Andro Mairtene, Thomas Layng, Alexander Legget, and dyuerfe vtheris þair rebellious affociatis, the Houfe and Place of Birlay was trefsonabillie furpryfet and tane in be thame, &c.¹ THE making of the quhillk trefsonabill Vproir and Rebellioun within the said cuntrie of Orknay; the Trefsonabill Surpryfeing and taking in of the said Place of Birlay, Place of the 3airdis, Castell of Kirkwall, Kirk and Steiple pairof, and remanent his Maieftis Houffis within þe said cuntrie of Orknay, keiping and halding of the famyn, in maner foirfaid, and haill trefsonable practizes following þairupoune, war haillilie plottit, devyfet, forget, and concludit be 3ow, and the famyn war maift trefsonabillie put in executioun be the said vmq^{le} Robert, 3our bafe fone, and his rebellious companie; off 3our fpeciall caufeing, fending, hounding out, airt, pairt-taking, counfall, devyfe, and only directioun: LYK AS, dyuerfe Letteris and meffages paf betuix 3ow and þe said Robert, 3our fone, eftir 3our trefsonabill taking of þe said Place of Birlay, incurrageing him þairby to keip the saidis Houffis, and to follow furth þe ref of your iniunctiones gevin to him in that 3our trefsonable interpryfe: LYK AS, þe said vmq^{le} Robert,

¹ Here the whole particulars of the treasonable transactions detailed in Robert Stewart's Trial are rehearsed, which it is unnecessary to repeat in this place. *Vid.* Jan. 5, 1615.

ʒour ſone, and dyuerſe vtheris his affociatis, being examinat vpoun þe verritie of þe premiſſes, in prefens of the Lordis of his Maieſteis Previe Counfall, be þair Depoſitiones, hes grantit and confeſſit, that þe ſaid Rebellioun was firſt intendit¹ be ʒow, and proſeute and followit furth be ʒour ſpeciall directioun and command, gevin to the ſaid Robert, ʒour ſone, and Patrik Halcro, to aid and aſſiſt him þairintill: AND ſiclyk, be the Depoſitiones of James Lyoun, Johnne Scherp, Duncane Mitchell, the ſaid Patrik Halcro, and dyuerſe vtheris perſones examinat in that matter, ʒour giltines of the ſaid Rebellioun is cleirlye verifeit and provin: LYK AS, the ſaid vmq^{le} Robert, ʒour ſone, the day that he was accuſet and perſewit for the treſſonabill crymes aboue writtin, beſoir he was preſentit vpone pannell, being re-examinat, of new, in prefens of dyuerſe Lordis of his Maieſteis Previe Counfall, nocht only maiſt constantlye abaid at all his former Depoſitiones maid be him, concerning that Rebellioun, bot alſo eikit² þairto, that ʒe gaif to him ſelff ane perticuler Warrant, in writt, to pas to the ſaid interpryſe, and to recover the ſaid Caſtell agane vnder his power; as alſo, that ʒe delyuerit to the ſaid Patrik Halcro ane ſecuritie, in writt, of certane landis and rowmes, vpone condioun that he ſould interpryſe the recoverie of the ſaid Caſtell, and aſſiſt Robert þairintill: Quhilkis Confeſſiones and Declarationes was alſo ratifeit and renewit be the ſaid Robert, vpone pannell, in prefens of the Juſtice and Aſſyſouris afoir his Convictioun, and vpone the ſcaſſold, in prefens of the haill people, immediatlye beſoir his executioun. LYK AS, the ſaid Robert, ʒour ſone, and his affociatis, was convict and execute to the daith, for the haill treſſonable crymes aboue ſpecificit, as done and committit of ʒour ſpeciall cauſeing, counſell, and directioun; as the proces of þair convictioun, heirwith producet, beiris. AND FINALLIE, ʒour lordſchepis ſelff being preſentit, vpone the tuelff day of Januar laſt, in prefens of dyuerſe Lordis of his Maieſteis maiſt honourabill Previe Counfall of this kingdome, ʒe þair, be ʒour Depoſitioun, ſubſeryuit with ʒour hand, acknowlegit and confeſſit the geving of the directioun be ʒow to ʒour vmq^{le} ſone Robert, and vtheris his affociatis, for þe ſurpryſeing, taking, and detening of the ſaid Caſtell of Kirkwall, craueing God and his Maieſties pardoun for that ʒour offence, and in all humilitie and ſubmiſſioun offerit ʒour ſelff in his Maieſteis Will for þe ſamyn: As ʒour Depoſitioun, heirwith producet, mair cleirlye teſtifeis: QUHAIRIN, ʒe, as the principall devyſer, fortiſiear, and ſteirar vp of þe ſaid vmq^{le} Robert, ʒour ſone, to the practizeing of the former Rebellioun, hes committit oppin and maniſt Treſſone aganis our ſouerane lord, the Kingis moſt ſacred Maieſtie, and his royall authoritie: AND ʒe ar airt, þairt, red, and counſalour of the haill treſſonabill practizes aboue writtin: ffor the quhilk, ʒe aucht

¹ Contrived; purposed; set on foot.

² Added.

and fould be demanit¹ and puneist as ane *Tratour*; to the terrour and example of vtheris to abstene fra the lyk heireftir.

PERSEWAR, Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our fouverane lord, for his hienes intereis.

PRELOCOUTOURIS in defence,

Mr Alexander King, Mr Thomas Nicolfoun, Mr Alexander Peiblis, James King, Aduocattis.

Mr Alexander King, Aduocat, producet ane *WARRANT* of the Lordis of Se- creit Counfell, for himself and the remanent prelocoutouris, to compeir this day, in defence of the Erle of Orknay, for the crymes contenit in his Dittay.—The foirfaidis *ASSESSOURIS*, nominat to concur with the Justice in this proces, war suorne: Aganis quhome na oppositioun was maid be the pannell: Quhairupoun my Lord Aduocat askit instrumentis.

My Lord Aduocat producet the *DITTAY*, and defyret proces aganis the pannell for the tressonable crymes thairin contenit.

The Dittay, be command of my Lord Justice and his Affessouris, being red, and the pannell accuset, be vertew thairof, of the feuerall poyntis of Tressone and Lefe-Maiestie thairintill, it is allegit, be my Lord of Orknay and his prelocoutouris, that feing thair ar mony grit and haynous poyntis contenit in the Dittay, and that the famyn war nocht knawin quhill² now to the pannell, and na coppie thairof was gevin to him, quhairvpoune the pannell and his prelocoutouris mycht haif consultit, quhilk aucht to haif bene done; defyret, thairfoir, ane tyme to be grantit to the faidis Prelocoutouris, that thay mycht advyse with my Lord of Orknay thairupoun.—It is ansuerit, be my Lord Aduocat, that the pannell is brocht fra the Kingis Waird to the bar, and accuset of crymes committit aganis his Maiesteis autoritie, quhairof he is nawayis ignorant: Na coppie of his Dittay fould haif bene gevin to him, nor na delay fould be grantit, in Tryell thair- of; bot, conforme to the daylie practik of this Judgement, quhair ane persone challenget and committit to waird for Tressone, and brocht to his Tryell, the Dittay quhairupoun he is accuset is summerlie discussit, without delay or conti- nuatioune.—It is allegit be the pannell, that he was nocht wairdit for this cryme, specifit in his Dittay, bot for vther crymes; and this Tressone, quhairupoun he is now dilait and accuset, is committit during the tyme of his imprissonement: And feing, the only caus quhy his prelocoutouris craves this delay to be grantit, is allanerlie³ to confer with his lordschip, anent the verritie of the factis lybellit, quhidder he may plead giltie or innocent thairof: Defyres, as ofbefoir, ane con- venient tyme to be grantit to thame to confer with the Erle thairupoune.

My Lord Aduocat takis instrumentis of the pannellis declaratioune, that he was wairdit for vther crymes; and that the crymes lybellit was committit seu his wairding: And as to the continuatioun cravat be his prelocoutouris for ane

¹ Treated.

² Until.

³ Alone; only.

convenient space, na delay fould be grantit, in respect his lordschip can pretend na ignorance of the crymes contenit in his Dittay, feing he hes bene dyuerfe tymes examinat thairupoun be the Lordis of Secreit Counfall, vpon the verritie thairof.

THE JUSTICE, with advyse of the Affeffouris, Repellis the pannellis allegeance ; bot, *ex gratia*, Grantis ane half hour to the pannel and his prelocoutouris to be advyfit thairupoun.—Quhairupoun my Lord Aduocat askit instrumentis.

The pannell, with his prelocoutouris, haifing ressaunt vp the Dittay, and removet thame felffis apairt to the Counfall-hous to be advyfet thairupoun, returnet within the space grantit to thame for that effect ; and Declairit, that thai wald nawayis impunge or dispute aganis the relevancie of the Dittay : And as to the verritie of the crymes contenit thairintill, speciallie the directiones allegit gevin to hes vni^q^{le} sone, Robert, to practize the Rebellioun lybellit, denyis any sic directioun : And gif any command may be inferrit gevin to his sone, it was nawayis to commit any fact or deid to the offence of his Maiestie, or his heines autoritie ; bot to pas over to Orknay, and to tak intromissioun with his Houffis, guidis, and geir being thairintill, vpon mere ignorance and simplicitie ; nawayes thinking that ony sic command fould infer Treffone, or ony vther cryme or offence aganis his gracious Souerane. And, thairfoir, fleing fra all forder defence of his awin innocencie, hes his refudge to his Maiesteis grace and mercie : And, as of befoir, craves God and his Maiestie pardoun for his oversight and negligence on this poynt ; and in all humilitie and submissioun cumis in (his) hienes Will for the famyn : And ratifeis his former Depositioun, in everie point.

THE JUSTICE referrit the said Dittay to the tryell of the honourabill perfones of Assyse vnder writtin, quha war lauchfullie sunmond to that effect.

ASSISA.

JAMES, ERLE OF GLENCAIRNE,	DAUID, LORD SCONE,	WILLIAME, LORD KILMAWERIS,
GEORGE, ERLE OF WENTOUN,	WILLIAME, LORD SINCLAIR,	JOHNE GRANT of Freuchie,
JOHNE, ERLE OF PERTHE,	JOHNE, LORD HEREIS,	SIR PATRIK HEPBURNE of Wauchtoune,
ROBERT, ERLE OF LOUTHIANE,	JAMES, LORD TORPHICHENE,	ROBERT ARNOTE of Fairny,
WILLIAME, ERLE OF TILLIEBARDIN,	HEW, LORD SENPILL,	SIR HARIE LYNDSAY, elder of Kynfawnes.

My Lord Aduocat takis instrumentis of the sueiring of the Assyse : And for verificatioun of the Dittay, vses the hail Depositiones of the Witnессes productet ; pairtliie subscriyuit be the pairteis, and pairtliie be the Lordis Examinatouris ; speciallie, the Depositiones of the Witnессes mentionat in the Dittay : Produces the Letter of Tak¹ grantit be his Maiestie to Sir James Stewart, contening the Commiffioun of Schereffschip : Repeitis the notoriemie of Mr Johnne Fynlafones office of Schereff deputrie : Repeitis the Commiffioun productet, grantit to my Lord Bischope of Orknay ; and lykwayis, my Lord of Caithnes Commiffioun ;

¹ Lease.

with the thre feuerall Letteris direct to Robert Wynrahame, Yla Herauld, and executiones thair of : Repeitis the Criminall proces led and deducet aganis vmq^{le} Robert Stewart, and remanent perfones his complices ; with the Sentence and dome pronouncet aganis thame, beirand that the hail crymes thairin contenit war done and committit be thame and thair complices, of my Lord Orknayis speciall directioun and command : Repeittis the tua Miſſiues, writtin be Johnne Scherp, at my lordis command, as he affirmes, quhilkes war gottin vponne Duncane Mitchell : Repeittis the Warrant direct be my lord, to etablifche the keiping of the Caſtell of Kirkwall in the perfone of Patrik Halcro : Repeitis the Depofitioun of Patrik Halcro and the ſaid vmq^{le} Robert thairanent : Produces the Band ſubſcryuit be the cuntrie people, for taking eafald pairt with Robert, in the former Rebellioun prãctizet be him in Orknay : Produces ane Charter, grantit be my lord (Earl of Orknay) in faoures of Patrik Halcro, ſubſcryuit at the Caſtell of Dumbarten, of certane landis in Orknay, for taking pairt with the ſaid Robert Stewart in the ſaid Rebellioun, albeit that cauſe be nocht expreſſit in the ſaid Charter : Repeitis the Judiciall Confeſſioun maid be my lord, vponne the tuelf day of Januar laſt, quhairin he hes Confeſſit, that the Caſtell was ſurpryfit be Robert, his ſone, be his directioun : And the ſaid Erles cuming in (his Majeſty's) will for the ſamyn : Repeittis the hail Depofitiones maid be Robert, befor he was pannellit ; his Depofitioun maid the ſamyn day that he was pannellit ; his Judiciall Declaratioun vponne pannell ; and his Declaratioun vponne the Scaffold : With the Depofitiones of Patrik Halcro, James Lyoun, Johnne Scherp, Duncane Mitchell, Duncane M'claren, Barnard Stewart, Mr Michell Mair : And in ſpeciall, thair Depofitiones maid to the Lordis of Secreit Counfell, being confrontit with the Erle : Repeitis his lordſchipis cuming in Will, this day ; and ſpeciallie, his ratificatioun of his former cuming in Will, vponne the tuelf of Januar. And thairupoun aſkit instrumentis : And Proteſtis for Wilfull Errorr aganis the perfones of Affyſe ; and that thai fall incur the lyk cryme and puniſchment of Treafone quhairvponne the pannell is accuſet, gif thai acquit him thair of.

VERDICT. The Affyſe, all in ane voce, be the mouth of James, Erle of Glencairne, chancellor, ſſand, pronouncet, and declairit the ſaid PATRIK, ERLE OF ORKNAY to be GILTIE, culpable, and convict of the treſſonable Rebellioun committit be vmq^{le} Robert Stewart, his baſe ſone, and his rebellious aſſociattis, within the cuntrie of Orknay : Quhilk was done and committit be the ſaid Robert and his complices, of the ſpeciall cauſing, command, devyſe, and directioun of the ſaid Patrik, Erle of Orknay, his ſſather ; in forme and maner ſpecificit in the Dittay and Depofitiones producet be our ſaid ſouerane lordis Aduocat, for verificalioun thair of ; ſpeciallic, conforme to the ſaid Erle of Orknay his awin Depo-

fitioun producet and fufcryuit with his awin hand, and this day ratifeit and renewit be him in judgement; ffor the quhilk he is cum in his Maieftis will.

SENTENCE. The Justice, be the mouth of Johnne Dow, dempfter of Court, Ordanit the faid Patrik, Erle of Orknay, to be tane to the Mercat-croce of the burgh of Ed^r, and thair, vpon Fryday nixt, the thrid of this instant, betuix tua and thre houris eftir none, his heid to be ftrukkin from his body: And all his landis, lordfchipis, leving, heritages, takis, fteidingis, rowmes, poffeffiones, offices, digniteis, rentis, guidis, and geir, to be fforfalt and efcheit to our fouerane lordis vfe, as culpable and convict of the faidis treflonabill crymes.

[It has been thought proper to preserve the following entries. The absence of so many ASSISORS, on such an important occasion, must doubtless have been occasioned by the "grit ftorme and feafone of the 5eir." It is proper, however, to remind the reader, that Calderwood asserts that they '*withdrew themselves from his Affife.*'¹

COMPEIRIT Hew Dunbar, wryter, *excufatorio nomine* for HEW LORD LOWDOWN, and declairit to pe Justice, that pe faid Lord of Lowdown was past pe age of thre scoir 5eiris, viffeit with dyuerfe bodielie infirmiteis, speciallic ane grit dollour,² and fairnes in his richt leg; quhairthrow, in pis grit ftorme and feafone of the 5eir, he is nocht hable to travell to the keiping of this Justice Court, to haif past vpon pe Erle of Orknayis Affyse, conforme to charge gevin to him for pat effect, without the grit haizaird of his lyfe: And producet ane Testimoniall pairupoun, fufcryuet be James Greg, Minister at Lowdown, Mr George Walker, Minister at the Kirk of Auchinlek, and Mr Alexander Wallace, Minister at Galstoun. Quhilk Testimoniall, and excufe mentionat pairintill, the Justice admittit. Quhairupoun the faid Hew Dunbar askit instrumentis; and protestit that pe faid Lord of Lowdown fould be fred and releivit of his vnlaw.

Compeirit lykwayis Mr James Oliphant, Aduocat, *excufatorio nomine* for THOMAS ABERCROMBY OF THAT ILK, and declairit, that he was hevelie diseasit of ane fall; and pairthrow vnable to travell to this dyet, to pas vpon the Erle of Orknayis Affyse, without grit hazard; and producet, for cleiring pe veritie pairof, ane Testimoniall fufcryuit be Mr Williame Glas, Minister at Dunkeld, and be dyuerfe of the Elderis of that parochin. Quhilk Testimoniall and excufe pe Justice admittit, &c.

Compeirit pe faid day, Thomas Fallafdaill, Proveist of Dumbarten, *excufatorio nomine* for ALEXANDER COLQUHOUN OF LUSE, and declairit that he was viffeit with ane grit feiknes, and nocht hable to travell to the keiping of this dyet, being fummond to pas vpon the faid Erle of Orknayis Affyse; and pairupoune producet ane Testimoniall, fufcryvit be Mr Walter Stewart, Minister at Kilpatrik. Quhilk the Justice admittit, &c.

The quhilk day JAMES MARQUEIS OF HAMMILTOUN, WILLIAME ERLE OF ANGUS, JOHNNE ERLE OF MONTROIS, JAMES ERLE OF MURRAY, PATRIK ERLE OF KINGHORNE, ALEXANDER ERLE OF HOME, ALEXANDER GORDOUN of *Clwnie*, SIR ALEXANDER FALCONER of *Halkertoun*, SIR ROBERT BRUCE of *Clackmannane*, JAMES HADDENE of *Glennageis*, SIR WILLIAME STEWART of *Gairmetullie*, JOHNNE BUCHANNANE of *that Ilk*, SIR ROBERT GORDOUN of *Lochinvar*, and WILLIAME DOUGLAS *appeirand of Drumlanrig*, being oft tymes callit, &c. and nocht compeirand, thay, and ilk ane of thame, for pair non-compeirance, war unlawit, and amerciati in the panes contenit in the Actis of Parliament.

¹ See this Coll. III. 312, &c.

² Pain; trouble; disease.

APPENDIX OF ORIGINAL DOCUMENTS,
ILLUSTRATIVE OF THE TRIAL OF PATRICK, EARL OF ORKNAY.¹

(1.) LETTER, THE KING to the *Privy Council of Scotland*, 'anent the oppressed People of Orkney.'²

RIGHT trustie and weilbeloveitt cofines and counfallouris, We greitt 3ow weell. HAVEING red that 3our Lettre, sent with pe COMMISSIOUNE defyreit by those oppresfit peopill, complemantis vpone THE ERLL OF ORKNAY; houfoevir, the same is groundit only vpone civil Horningis, and that the Commissiounne conteanes leveying of menne, befeiging of houffis, reassing of fyre, and dispenfatiounne for Slaughter in the vseing of it, togidder with a WARRANT of concurrence for the country peopill of CAITHNES, which is thocht man³ breid a farther wnquyetnes; and that the lyk Commissiounnes hes not bene grantit, except quhair the REBELLIOUN wes for a criminall caus: 3IT, haveing dewlie considderit the miserie of the poore distresfit peopill, whose hard fameilshing estait is worfe than death; the numberis of thame, whiche is a great presumptiounne that fume of thame hes over iust caus; thair continowall outcryis and exclamatiounnes heir, to the gritt scandell of our kingdome and COUNSELL thair, as if Oppressioun wer tollerated thairin, and that the Counfall wer cairles to remedy it: And then, THE ERLL OF ORKNAYIS awin contempteous Rebelliounne, nevir preassing either to satisfie the pairtie, or relax him self fra the borne: The contenowance of whiche disobediace, albeit for a civeill caus, can have na better constructiounne of ws, than that it is becum of the natur of a criminall. WE, vpone the respectis foirfaidis, being loath that the distresfid fould not have the benefeit of our releiff, and the proud and rebellious not feill the weight of our iust wreath and indignatioun, have concludit to grant the said Commissioun, in forme as it is defyrit, and hes signed and sent heirwith wnto 3ow: Bot, as We have evir bene unwilling to condem ony pairtie unhard, and pairwith loth to cut aff a member quhair pair is any hope of recoverie pairof, We heve thocht meit to will 3ow, by oppin Proclamatioun, chairge THE ERLL OF ORKNAY to compeir befoir 3ow the secund day of Marche nixto-cum, for to give all dew and ressonable fatisfacioun that may be iustlie demandit of him be ony who presently ar complemantis one him, so as We be no farder troubleid and importuned with thair Petitiones;⁴ with certificatioun to him and⁵ he fail of his appeirance that day, that not only the foirfaid Commissiounne salbe grantit to those quho presentlie desyres the same, in suche forme as it is socht, bot thay, in the executiounne pairof, salbe assistid with our power and autoritie, both be sea and land, for the punishing of his Rebelliounne. AND if he do cum pair, at the day foirfaid, 3ow fall tak sum good ordour that he may be furthcummand,⁶ until such tyme that he have either cleirit or fatisfeit all compleaneres aganes him. AND in cais of his not compeirance, 3ow fall thane expedid this present Commissiounne, and delyver it to the pairteis futtareis;⁷ and 3ow fall give until thame suche Warrands for concurrence of the cuntry, or quhatevir ellis may funder the prosequutting of the Commissiounne. For doing quhairof, thir presentis falbe 3our sufficient Warrant. And willing 3ow to be cairfull in the spedie directiounne of this Proclamatiounne, as 3ow wald eschew our reprooff, ffor ony neglect of tyme pairin, WE bid 3ow fairwell. FROME our Court AT CHETFOORDE, the 6 of December, 1608.

[JAMES R.]

To our rycht trustie and weilbeloveit cofines and counfallouris, the Erl of Dumfermling, our Chancellor, and remanent lordis and wtheris of our PRIVIE COUNSALL OF SCOTLAND.

¹ Reference is particularly made to the large COLLECTION OF PAPERS appended to the Trial of *Robert Stewart* and others, for their Rebellion in Orkney, which all relate to this present Case. See this Collection, Vol. 111. p. 283, &c.

² From a Copy preserved by *Lord Haddington* in his MS. Collection of State Papers. ³ Must. ⁴ The number of Supplications and complaints from THE PEOPLE OF ORKNEY to THE KING himself was very great: but he delayed taking any step until importuned to grant this Commission; which, though at length he subscribed, was clogged with the additional delay of ordering the *Privy Council* to charge the *Earl of Orkney*, of new, to appear before them; so as, if possible, to divert the *Earl* from his criminal courses. But he had long contemned the Proclamations and charges of the *Council*; and this new charge would merely appear to him as a fresh proof of their imbecility; and as he could 'call the King his cousin,' so he hoped that the *Council* would not dare to molest him in his Island Kingdom. ⁵ If. ⁶ Forthcoming. ⁷ Suitors; petitioners.

(2.) NOTE OF THE CONFERENCE *had be the Secretare and Aduocat¹ with the Erle of Orknay.*²

MY Lord Aduocat and I repaired to the Castell of Ed^r to THE ERLE OF ORKNAY, and declaired to him that We had commandement from HIS MA^{TIE} to examine him, vpon the causes of THE REBELLION OF ORKNAY. He declaired, that he wes innocent and ignorant thair of. That *Sir James Stewart*³ came to the Castell of Ed^r to him, and schew that his sone *Robert* wes gone to Orknay, whoes actiones thair might breid offence to HIS MA^{TIE} and danger to *the Erle*; who answered, that want of meanes had forced *Robert* to gang thair, to vplift sum reftis⁴ of the Tennantis dewties auchtand to *the Erle*, to help to supplie *the Erles* wantis and his owne. That since it wes evill tane, he wald wryte to *Robert*, that he might retire furth of Orknay, desyring that *Sir James* wald cause convoy his Letter to his sone, and command his doaris to giue ouerflight to *Robert* to transport him self to *Caithnes*. That he neuer wrait any vther Letter to *Robert* since he went to Orknay.

It being replied be ws, that efter *Robert* had tane *BIRSA*, and disobeyed the chaarge vsed be *the Sheref-depute* to rander that Houfe, vnder the payne of Treason, he had writtin to *the Erle*, who, having ressaued his Letter from *Duncane Mitchell*, Poist, he had writtin bak to him with the said Poist. He denyed the wryting of any such Letter to his sone; and when he saw his seruand, *John Schairp*, of mynd to wryte to *Robert* with that Poist, he had dischaarged him to wryte; and that *Schairp* had desyred him not to find fault, that he might fend his owne privat Letter, answering to that which he had ressaued from *Robert*; bot that nather *Schairp* nor *Mitchell*, being broglt to his presence, wald say any thing to the contrarie of this his declaration: Which is the substance of all that he wald say to ws in that poynt; adding, that no thing proceeding from him had occasioned THE REBELLION; bot that the extreame rigour vsed be *Mr John Finlason* to the cuntrie people, and the wrong intended be *Mr John* to the cuntriemen, who, with great haifard of thair lyves, had forced THE PIRATES,⁵ and tane thame and thair schip, had disposed thame to REBELLION. And that thay had perswaded *Robert* to assist thame aganis *Mr John Finlason*, and to be head to thame in thair interpryfes.

Being demanded, what condicion he had made to *Patrik Halcro*, for his joyning in this Rebellion? Denyed that he knew him familiarlie, or even had to do with him; and that no thing had moved *Halcro* to mell in these turnes bot his great affection borne to *Robert*, his sone. Farder, we could not induce him to grant, in ony circumstance, of the proceedingis of his sone in his Rebellioun. We declaired to him, that what he concealed of the cariage of this interpryse wald be detected be his sone *Robert*, *John Schairp*, and *Mitchell*, who wer all in handis. He answered, that he wes confident that thay could say no farder nor he had declaired to ws.

(3.) EXAMINATION of *Patrick Earle of Orkney*, and Re-Examination of *John Schairp* and *Duncan Mitchell*.

AT EDINBURGH, the secund day of Nouember, 1614. In presence of my Lord Chancellour, cecretair, President, Preuie Seale, *Thestaurair-depute*, Clerk of Regifric, Aduocat, and Medope.

PATRIK, ERLE OF ORKNAY, sworne and demandit, yf he knowis *Thomas Layng*? Deponis that he knowis him, and that he wes some tyme his seruand; and rememberis not yf *Thomas Layng* broglt ony Letteris to him oute of England.

Demandit, yf euer he had ony purpos or intentioun to haif brokin warde? Deponis that he had nevir ony suche purpos or intentioun to haif brokin warde.

Demandit, yf he gaif ony directioun or warrand to his bafe sone *Robert*, anent this REBELLION IN

¹ Sir William Oliphant of Newton.

² From the Original, in the *Dennyne Coll. of MSS.* Adv. Library, holograph of Lord Binning, afterwards Earl of Haddington, &c.

³ Of Killeith, afterwards Lord Ochiltree.

⁴ Arrear of rent and duties, &c.

⁵ See this Collection, Vol. III. &c.

ORKNAY, and for taking of the *Houffis* of *Birsay* and *Kirkwall*? Deponis, he never gaif ony fuche directioun to his sone.

Demandit, yf he write ane Letter to his sone with *Patrik Murray*? Grantis, that he write fuche ane Letter, and that the contentis thair of wes onlie to desire his sone to leave the cuntrey of Orkney, and to reter him self to Caithnes to the *Laird of Murkill*.

Demandit, yf he write ane Letter to his sone *Robert*, with *Duncane Mitchell*, poift, and what wes the contentis of the Letter? Deponis, that he rememberis that he caufit wryte ane Letter to *Robert* with the said *Duncane Mitchell*, when the Depouner wes caryed fra the *Castell of Edinburgh* to *Dunbartane*, bot he rememberis not of the contentis of the Letter; nather knowis he yf he subferyuit the Letter, or how it wes directit on the bak.

Demandit, quhat verball directioun he gaif to *Duncane Mitchell*, the poift, to cary to his sone *Robert* at that tyme? Denyis that he gaif him ony verball directioun, bot onlie to desyre his sone to gett him money.

Grantis, that *Duncane Mitchell* broght him ane anfuer fra *Robert*, bearing, that he had tane the *Houfe of Birsay*, becaus the *Schereff* perfewit him. And that he had no other place of refudge to keepe him in; and that his man *Downy Lyell* wes hurt.

Denyis, that he fend ony directioun to his sone with *Duncane Mitchell* anent the taking of *Birsay*, or that he had ony conference with *Mitchell* at his bak-coming fra Orkney, anent *Robertis* taking of *Birsay*, or anent the perfute of the *Schereff*.

Demandit, yf he wryte to *Patrik Halcro* to tak *Barnard Steuartis*¹ lyffe? Denyis the same.

Grantis, that *Patrik Halcro* come to *Dunbartane*, and the Depounair mett with him thair. And denyis, that thair wes ony speeche or conference with thame, bot generall wordis; and fayis, that he nevir spak sax wordis to *Patrik Halcro*.

Demandit, yf he had ony conference with *Barnard Steuarte*, anent his sone *Robertis* going to Orkney? Deponis, he neuir conferrit with him vpoun that subieect.

Demandit, yf he caufit his man *Johnne Schairp* wryte ony Memorialis to his sone *Robert*? or yf the Memorialis contenit a directioun to his sone to fend to *Norroyay* for poulder? Denyis, that ony fuch Memorialis wer writtin be him, or at his directioun; and the depouner rememberis not of ony Memorialis writtin be him to *Robert*.

Demandit, yf he had ony conference with his sone *Robert*, at ony tyme, for geving ouer of the *Castell of Kirkwall* to the *Bifchope*? Deponis, that he fand fault with his sone that he had gevin ouer the Houfe, without taking Inventair, vnder the *Bifchopis* hand, of the goodis within the Houfe. And he had no other caus of offence aganis his sone, for that earand.

Denyis, that euir he had ony conference with his sone, after the geving ouer of this Houfe to the *Bifchope*, anent the taking of the Houfe agane; or that he bad his sone prove any prettye man, yf the Houfe come in his handis agane.

Demandit, yf he gaif ony directioun to *Johnne Schairp* to wryte ane Letter to his sone *Robert*, willing him to follow his Memorialis? The depouner rememberis not of ony fuche Letter.

Demandit, yf he wryte ane Letter to his sone *Robert*, willing him to trye the cuntrey people, yf thay wald tak his parte? Denyis the writting of ony fuche Letter.

Demandit, quhat directioun he gaif to *Johnne Schairp* to carye to Orkney? Deponis, that he directit him not to Orkney, bot fend and directit him heir to his *Majestis* Counsell, with Letteris to the *Erll of Glencairne*, to do² for him at the *Counsellis* handis. And fayis, planelie, that the said *Johnne Schairp* had no directioun from the depounair to go to *Orkney*; and that the said *Johnne* being coming to this burgh, and getting informatioun at the *Cowde-bridge* that *Duncane Mitchell* wes

¹ Keeper of the Castle of Birsay, who had been appointed by Sir James Stewart of Killeith, the new Chamberlain and Sheriff-principal of Orkney, under the King.

² To act or procure for him.

tane, and that the said *Johne* wald be tortourit yf he come to *the Counsell*, the said *Johne* thairvpoun tooke occasioun to efchew.¹

Demandit, yf he caufit mak ane bed for his sone *Robert*, in his awne chalmer, within *the Castell of Edinburghe*, tua nightis afoir his going to Orkney? Deponis, that he caufit to mak his bed in his chalmer, becaus the wyfe of the Houfe quhair he lay, in the Castell, wes grite with childe and at the poynte of hir delyuerye.

Denyis, that he gaif directioun to *Johne Schairp* to write ane Letter in his awin name to *Robert Stewart*, to shaw him, yf he come heir that he wald be hangit.

Demandit, quhat he meaned be that pairt of his Letter writtin to his sone *Robert*, quhilk Letter wes gottin vpoun *Duncane Mitchell*, quhairby he allowit of the forme and tennour of *Robertis* Letter writtin to him? Deponis, that he meaned no thing, bot allowit that *Robert* had writtin the simple treuthe.

Demandit, quhat wes his meaneing in the other poynte of the Letter, bearing, ‘ thair is other materis heir to think vpoun nor fuche thinges as thay. I beleve HIS MAIESTIE thinkis litle of these materis?’ Deponis, that the deathe of the Prince,² and the trouble quhairin the Counte Palatyne³ wes lyke to be, through the invasioun of the Spaniard, maid the depouner to beleve that his Maieftie had other thingis to think vpoun nor⁴ Orkney. And tuicheing that poynte of the Letter, beareing, that ‘ yf his sone come heir, the Tolbuthe wald be his best,’ the depouner meaned no thing, bot that he wald be wardit, bothe for his debt and taking of the Houfe. And grantis, that the Letter bearing thir headis wes all writtin be the depouneris directioun.

Denyis, that euer he had conference with *Patrik Halero*, or fend ony worde or message to him con- teneing a promeis of rewarde, yf he wald affist *Robert*, his bafe sone, in his REBELLION.

JOHNE SCHAIRP, re-examinat, deponis, that afoir he come oute of *Dunbartane*, he knew that *the Gaird* wes seikand him; and *the Erll of Orkney* tauld to the depouner, that *the Gaird* wes seikand him. And deponis, that *the Erll*, in plane termes, directit him to go to *Orkney*; and sayis, that *the Erll* gaif to the depouner ane Letter, directit to *the Erll of Glencairne*, purpoillie to haif showne the fame to the souldiouris of *the Castell of Dunbartane*, yf he had benee stayit be thame, and to mak thame to vnderstand that *the Erll of Orkney* had directit him heir to the Counsell. And sayis, that *the Erll of Orkney* forbad the depouner, in ony cause, to gang to *Edinburghe*; bot to gang to *Dundee*, and swa to *Orkney*.

THE ERLL OF ORKNEY, being confrontit with *Johne Schairp*, vpoun that poynte of his Deposition, tuitcheing the directioun gevin to *Schairp* to go to *Orkney*, and tuitcheing the occasioun of the Letter writtin to *the Erll of Glencairne*, *the Erll* is direct contrair to *Schairp*, in that poynte; and *Schairp* abydis constantlie be his Deposition.

The said JOHNE SCHAIRP his formair Deposition, maid in presence of *the Counsell* yisterday, the first of this instant, being red in the audience of the said *Erll of Orkney*, the said *Johne Schairp* abydis constantlie be it, as a trew Deposition; and the said *Erll* denyis the fame, except in so far as he hes confest be his awne Deposition.

DUNCANE MITCHELL, poist, his Deposition, maid in presence of *the Counsell* vpoun the fyft day of Julij 1614, being red, in the audience of *the Erll of Orkney*, the said *Duncane Mitchell* stooode to it, as ane trew Deposition; and the said *Erll* denyit the fame.

(4.) EXAMINATION of *the Earl of Orkney, Patrik Halero, and Robert Stewart.*

AT EDINBURGHE, *the xv day of Nouember, 1614. In presence of my Lord Chancellor, the Erllis of Cassillis and Caithnes, the Lordis Secretair, President, Previe Seale, Thefaurair-depute, Justice Clerk, Clerk of Register, Aduocat, Sir Andro Ker, and Sir Alexander Drummond.*

PATRIK ERLE OF ORKNEY examinat and demandit, yf he gaif ony directioun to his sone *Robert*

¹ Escape. ² *Henry, Prince of Wales*, who died in November, 1612, at Saint James's. ³ *The Palsgrave*, or *Count Palatine*, whose marriage with *Princess Elizabeth* had been delayed, on account of Prince Henry's death, till the month of February following, 1613. ⁴ *Thau*.

anent THE REBELLIOUS IN ORKNAY, or for taking of *the Houffis of Kirkwall and Birsay*? Deponis, that he nevir gaif ony fuch directioun to his sone.

Demandit, yf he had ony conference with *Patrik Halero*, at his being in *Dunbartane*, anent the taking of *the Houffis of Kirkwall and Birsay*? Deponis, he had no fuche conference with *Patrik*; and that he nevir delt with *Patrik* to affist his sone, yf he come to Orkney. Denyis alsua, that he fend ony directioun to his sone *Robert* or to *Patrik Halero* for sending to *Noroway* for poulder.

(5.) PATRIK HALCRO, re-examinat, humblit on his knees, and deipleie fworne; and his Depofitioun, maid yfternight, being red vnto him, and he demandit vpoun the veritie thairof, he, vpoun his grite and folemne oathe declairit, that his Depofitioun wes trew; and he ratificit the fame, and wald ftand to it.

(6.) PATRIK ERLL OF ORKNAY, deipleie fworne, and confrontit with *Patrik Halero*, vpoun the contentis of his Depofitioun, maid yfternight, in prefence of *the Counfall*; the faid *Erll* denyit the haill contentis of that Depofitioun. And the faid *Patrik Halero* constantlie affermed and avowit, in the *Erllis* prefence, that the *Erll* directit him to tak *the Caffell of Kirkwall*, and to affist his sone *Robert* in that earand; and that his haill Depofitioun wes trew. Quhilk being red, in *the Erllis* audience, wes denyit be him, faying, he rememberit not that evir he had ony fuche conference with *Patrik Halero*, vpoun that fubiect.

(7.) ROBERT STEUART being of new presentit befor the Counfaill, and his Depofitioun, made yfternight, being red vnto him, and he demandit of new vpoun the treuthe and veritie thairof, he deponit and declairit, vpoun his grite oathe, that the fame wes of veritie.

(8.) PATRIK ERLL OF ORKNAY, confrontit with his sone *Robert*, vpoun the contentis of *Robertis* Depofitioun, maid yfternight, as faid is, the faid *Erll* denyit the fame: And the faid *Robert*, in *the Erllis* audience and prefence, affermed and avowit the fame to be of trewtie and veritie, as it wes writtin and red in the *Erllis* audience.

(9.) DEPOSITIONS of *James Lyoun, bafe sone to the Master of Glamis, Mr Michael Mair, and Duncan M^cClellane.*

AT EDINBURGH, *the nyutene day of Nouember, 1614. In prefence of my Lordis Chancellour, Secretair, Clerk of Register, and Aduocat.*

JAMES LYOUN, bafe sone to the late Mr of Glamis,¹ folemmelie fworne and demandit, Yf at ony tyme he paff to *Dunbartane* to vifite *the Erll of Orkney*? Deponis, that in fommer bigane two yeir, *the Erll of Orkney* fend *Mr Michael Mair*, then his Secretarie, to the depouner, he being in the heade of the Cannogait for the tyme, with a commiffioun, defyring the depouner to come to him to *Dunbartane*. Wherupoun the depouner raid with him to *Dunbartane*. And at his comeing thair, *the Erll* layed to his chairge, yf he wald affist him to brek warde oute of *the Caffell of Dunbartane*? And at the first, the depouner refusit to haif ony dealing in that mater. Bot being earniftlie delt with be *the Erll*, and mony fair promiffes maid by *the Erll* to him, in end the depouner yeildit to do his best endevoiris to help *the Erll* to efchape, and to convoy him to *Orkney*. And deponis, that the faid *Mr Michael Mair* wes vpoun *the Erllis* counfaill, in this mater; and proponit the fame to the depouner, in the way, as they wer ryding to *Dunbartane*. And after the depouner had imbraceit this condition, he and the faid *Mr Michael* had diners conferences and fpeeches, anent the meanes and poffibilityis to effectuat thair interprife. And deponis, that the faid *Mr Michael* was imployit be *the Erll* to deale with *the Laird of Cluny*, to imbarck him in this interprife. And the faid *Mr Michael*, with the depouner, had fpeeches with *Cluny* vpoun that fubiect, at *the Town of Leithe*, on the Linkis; and the

¹ This person was probably son of the Hon. Sir Thomas Lyon of Auldbar, second son of John, seventh Lord Glamis. He was styled *the Master of Glamis*, and enjoyed the important office of Lord High Treasurer about the period of ten yeirs, from 1586 to 1595.

Laird promeift to gif his affiftance and furtherance in that mater. And for this effect, they appointit a tryift and meeting to be at Striuling, vpoun the Satterday thairefter, and the depouner and *Mr Michaell* mett vpoun Satterday, at night, at *Striuling*; and *Cluny* came not quhill Sunday, in the moirning, bot fend his man *Dauid Gairdin* thair, vpoun the Satterday, to excufe his abfence. And when thay mett altogidder vpoun the Sunday, thay reafouned vpoun the meanes how to gett *the Earll* out of the Caftell; and refolued to tak him ouer the wall by a cord, and ane instrument of irne,¹ whiche the depouner caufit mak. And *Mr Michaell* promeift to prepair the tow.² And it wes aggreit that when all thingis wer in reddynes for *the Erllis* efchaip, he fould proceid as yf he had fome earand ad in the Houfe, and fend his three Keeparis, one efter another, for difpatche of his earandis; and then he fould come away. And thay aggreit to bring fome horffis to *Dunbuk-Hill*, to haif convoyit *the Erll* and his companie away; and ane horfe fould haif bene broght to the Caftell-wall, for *the Erll* him felf; and *Cluny* fould haif broght thir horffis to *Glasgow*, bot *Cluny* broght not the horffes with him. And the depouner raid to *Dunbartane*, and the faid *Mr Michaell* tauld *the Erll* that the depouner was come, and all thingis wer prepairit and in reddynes for his efchaiping. And then *the Erll* began to fant; and maid choife, rather to fuborne *the Portair* nor³ to haifard to come over the wall; and fo delt with *the Portair* vpoun that fubiect; who reveillit the fame to *the Laird of Buchannane*, who had the charge of the Houfe for the tyme.

Deponis, that at Martymes, in the yeir foirfaid, the faid *Mr Michaell Mair* come of new to the depouner, he being in the heade of *the Cannogait* for the tyme, with a commiffioun frome *the Erll* to come Weft to him agane to *Dunbartane*. And the depouner refufit to go Weft, faying, that ‘ he wald mell no forder with the Erll, nor in nane of his courfes.’ To whome *Maifter Michaell* anfuert, ‘ I fee this man (meaneing he *the Earle*) hes not the grace of God in him; I will lykewayis haif no forder dealling with him!’

Deponis, that after *Robert Steuart*, bafe fone to *the Erll of Orkney*, wes come out of *Orkney*, and fred of warde for keeping of *the Caftell of Kirkwall* aganis *the Bifhop of Orkney*, the depouner, in deling with *Robert* in this Toun, delt with him that he wald mak his addrefse to Courte; and thair vfe his credite to gett his Maiefteis fauour: And fays, that *Robert* wes willing to haif gone to Courte, bot maid his excufe vpoun the want of money, and his faderis offence aganis him for geving ouer of the Houfe of Kirkwall; and *Robert* intreated the depouner to ryde with him to *Dunbartane*, and to interceid for him with his fader, bothe for his fauour and fome money: And the depouner yeildit to ryde with him, and thay raid togidder to *Dunbartane*, and stayed thair bot ane night. And the depouner knawis not yf the Erll fpak with *Robert* that night. And vpoun the morne, the Erll directit the depouner with a Letter to *the Erll of Caffillis*,⁴ being in *Carrick* for the tyme, for fome money. And *Robert Steuart* raid with the depouner to *Carrick*. And when thay come bak agane to *Dunbartane*, *the Erll*⁵ wald not looke vpoun *Robert*, calling him ‘ Feble vnworthie beaft!’ vfeing mony imprecationis and curffes aganis him for geving over of the Houfe, faying, he ‘ wes the wraick of him and his eftate!’ And the depouner being reddy to come away frome *Dunbartane*, the faid *Robert* come to him to *the Toun of Dunbartane*, defiring him to go againe and fpeeke his fader in his fauouris, and to tell him that he wald tak fome disperat courfe, and go oute of the cuntrey, yf he could not procure his fauour. Wherupoun, the depouner went bak agane to *the Caftell*, and eirniſſlie delt with the Erll in *Robertis* fauour; bot the Erll could not with patience heir of him, bot gaif oute mony inveciue and difpytefull fpeecheis aganis him, calling him ‘ Fals, feble beaft,’ for geving ouer of his Houfe. And in

¹ Probably a pulley, having a strong iron to fasten or hook upon the battlements of the Castle, so as to save the necessity of driving in a staple, which would necessarily occasion noise. ² Rope. ³ Than. ⁴ John, fifth Earl of Cassillis, who married Jean, only daughter of James, fourth Lord Fleming, and relict of John Lord Maitland of Thirlestane, Chancellor of Scotland. Through her intrigues, he procured the office of Lord High Treasurer, in 1599, for which he was utterly incapable; and retired from it in disgrace, with the loss of 40,000 merks, &c. See *History of the Kennedies*, Quarto, Edin. 1830. ⁵ Of Orkney.

end, the depouner haueing promiseit in Robertis name, that Robert wald do ony thing the Erll wald command him, the Erll thairvpoune become to be more calme, and to gif eare to the depounnaris speeches in Robertis fauour. Wherupoun, the depouner broghte Robert to the Erle, and tauld to the Erll, that Robert wald do ony thing that the Erll wald bid him; to whome the Erll anfuert, that Robert had not a spirite nor courage to follow ony interprife; and Robert haueing craved of the Erll his fader, that he might haif a ryght of the landis of Westraue or Steanehoufe, the Earll wald yeild to gif him no thing, quhill first he had repairit the wrang he had done, in giving oner of his Houfe; and by recouering of the same agane, to play the pairt of a man. And the Erll haueing desirit the depouner that he wold gif him his worde and promiseis, in Robertis name, that Robert sould go to Orknay and recouer the Houffis agane, the depouner refusit to gif his promiseis or word, saying, 'Robert wald speke and promiseis for him felf!' Whairupoun Robert, in the depounnaris audience, promiseit to the Erll to go to Orknay, and to tak in the Houffis agane. And then the Erll acceptit of him, saying, he 'sould want no thing, and that he wald aduance him so far as he might. And so, the depouner haueing aggreit *the Erll with Robert*, the depouner left thame. And as he wes comeing away, *Duncane M^cClellane*, the Erllis poist, followit the Depouner to the Toun of Dunbartane, willing him to go bak agane to my Lord; and the depouner refusit to go bak, because he vnderstoode that the purposis of his bak-calling wes to haif delt with him to haif gone with Robert to Orknay. And the depouner fearing at that tyme with *James Annand*, sometyme the Erllis seruand, in Dunbartane Towne, the said James askit of the depouner, 'yf he had aggreit the fader and the sone?' And the depouner anfuert, 'thay wer aggreit,' and that '*Robert* must neidis go to Orknay, or thair wilbe no lyffe for him!' To whom *James* replyit, '*The Erll* is ane unhappie man! He knawis *Robert* can do no goode in Orknay. His purposis is to bring him to the scaffolde, and to bring the sclander of his bloode vpoun the King!' And vpoun the morne, the depounair raid fra Dunbartane towards Edinburghe; and *M^cClellane*, the poist, come to Edinburghe with him. And within tuentie dayis thairefter, *Robert Steuart* come to Edinburghe, and lichtit at *Henry Raes* houfe, and askit of him whair the depouner wes? And *Henry Rae* broght *Robert* to the depouner in *George Lafonis* houfe in the heade of *Peblis-wynd*, quhair the depouner ludgeit; and *Robert* tauld to the depouner that he had vndirtane the interprife of Orknay, and wes resolut to go thair. And the depouner asking of him, how he wald be prouydit and furneist with money? *Robert* tauld him, that he had a Letter frome his fader to one *Johnne Smithe*, his fader's mercheant in S^t Androis, to aduance him iij^c merkis of siluer. Whairupoun *Robert* and the depouner past to S^t Androis to haif gevin the money, and haueing stayed thair aucht dayis, *Johnne Smith* refusit to gif the money, vnles he had a Band vnder *the Erllis* hand, for the haill moneyis he was awand him afoir, including thairin the siluer now to be gevin, with the annuell¹ of the haill. And deponis, that thay onlie reslauit at that tyme fra *Johnne Smithe* xx lib. to defray thair chargeis. Deponis forder, that at thair comeing oute of S^t Androis, *M^cClellane*, the poist, come to *Robert* with Letteris fra *the Erll* his fader; and the depouner saw and red ane of the Letteris, whilk wes a lang Memorandum, full of iniunctiones how *Robert* sould carye him felf in Orknay, bothe anent the taking of the Houffis, the intronissiou with the Erllis rentis, and what men he sould putt oute of the cuntrey. And the depouner rememberis weele of ane speciall poynte of the Memorandum, to witt, that *Robert* sould send the Erllis creare,² laidnit with beare and salt goodis, to Brein, in *Norroway*, and thair sell the same, and by poulder³ and bullett with the money that sould be gottin thairfoir. And that, aboue all thingis, *Robert* sould see that the Houffis wer weele furneist. And *M^cClellane* come bak with thame to Leithe. And deponis, that then thay raid to Dunbartane, and *Robert* stayed at the smithis houfe outwith the Toun, and the depouner raid fordwart towardis *the Casfell*. And *the Erll*, being aduerteist that thay wer come to the smithis houfe, he send *Johnne Burne*, his seruand, to haif stayit thame at the smithis houfe. And the depouner forgaddering with *Johnne Burne*, in the way betuix the smithis houfe and *the Casfell*,

¹ Annualrent; interest.² A sort of vessel.³ Purchase gunpowder.

Johnne Burne delt with the depouner to go bak, saying thay had done evill to come, ffor *the Counsell* wald be in suspicioun that thay had some purposis for thair going to Orknay. And he tauld the depouner, that they wald not gett access to the Erll, yitt the depouner wald not be stayed, bot come fordwart to *the Casfell-yett*, and craveing entrie, he wes anfuert ower the wall be one *Robert Knox*, who had the charge of the Houfe, that he wald not gett entree. Whairupoun, the depouner come bak, and being in ane grite anger, becaufe he could not gett entrie, he said to *Johnne Burne*, that he fould reveill all thair practizeis to *the Counsell*, feeing he could not get payment of the moneyis addebtit be *the Erll* to him. Deponis, that *Johnne Burne* askit of the depouner, yf he had prouidit ony men, in *Angus*, to tak with him to Orknay? And the depouner maid him to beleve, that he had prouidit some men in *Angus*, who wer goode fellowis, to haif gone thair. And the depouner named some of their names: And he did this purpoillie, to haif gottin payment of his moneyis.

Deponit, that *Johnne Burne* haveing showne to *the Erll* the depounaris discontentment for the want of his moneyis, and that he had avowit to reveill thair interprife, the Erll, fearing the reveilling and discouerie thair of, fend to the depouner with the said *Johnne Burne* xx f. Sterling; quhilk being refusit be the depouner, *the Erll* fend vther xx f. to him.

Deponis, that when he come bak to the smithis houfe, he said to *Robert*, ' he perfavit that the Erll had no vther courfe bot to bring him to the scaffold!' And *Robert*, waging his head, with a grite fighe, anfuert, ' I feare it falbe fwa!'

(10.) MAISTER MICHAELL MAIR, seruand to *Mr Johnne Scott*, Directour of the Chancellarie; fworne, and demandit, ' yf he knowis of ony purposis that *the Erll of Orknay* had to brek warde? Deponis, he knowis that thair wes some speeches betuix *the Erll*, *the Laird of Clunye*, and *James Ljoun*, vpon that subiect.

THE DEPOSITION maid be *James Ljoun*, in that pairt thair of concerning *the Erll of Orknay* his purposis to brek warde, and the conferenceis, meetingis, and resolutionis tane thairant, betuix *the Laird of Clunye*, *James Ljoun*, and the depouner, being red to the said *Mr Michael*; and he being demandit, yf the same wes trew? Deponis, that he acknowledgeit the Deposition to be trew, as it wes writtin, except in that parte thair of concerning the suborning of *the Portair*, whair of the depouner knowis no thing. *In ceteris conformis.*

(11.) DUNCANE M^cCLELLANE, poist to *the Erll of Orknay*, fworne, and demandit yf he knowis ony thing of *the Erll of Orknay* his purpoillis anent THE REBELLIOUN IN ORKNAY? Deponis, he knowis na thing thair of, and denyis that euir he hard ony conference or speeche betuix *the Erll*, *Johnne Burne*, *James Ljoun*, and *Robert Stewart*, or ony of thame, anent *the Erll* his purposis to brek warde, or anent the fending of *Robert* to Orknay.

Grantis, that the Erll of Orknay fend the depouner with tua Letteris to *Robert Stewart* and *James Ljoun*, and the depouner come to this toun to haif gottin thame heir; and missing thame heir, he past to S^t Androis, and forgadderit with thame comeing oute of the Toun, and delyuerit the Letteris to thame. And fayis, that *Robert Stewart* and *James Ljoun* tauld to the depouner, ' yf thay had gottin siluer in S^t Androis, that thay wald haif gone to Orknay; bot seeing thay gatt not siluer, thay could not go.' And the depouner, haucing gone bak to *Dunbartane* with this anfuert, the Erll fell oute in bitter speecheis aganis *Robert*, calling him ' Fals, feble knaife!' ' Villaine!' and ' Pultrone!' And ' he fould hang him with his awne hand!'

Deponis, that he had the conference betuix *Robert Stewart* and *James Ljoun* be the way, as thay come frome S^t Androis, to witt, yf thay had gottin siluer in S^t Androis, that thay wald haif gone to Orknay and tane the Erlls Houffis. And the depouner tauld thir speecheis to the Erll, when he come bak to *Dunbartane*; wher at the Erll wes heichlie commovit, saying, ' *Robert* was ane feble beaft,'— and ' Or¹ he wer not hangit, he fould hang him with his awne hand; becaus vnworthelie he had left his Houffis, and had not grace to win thame agane!'

¹ Ere; rather than.

Deponis, that at this same tyme, *James Lyoun* said to the depouner, 'Yff we go to Orknay, no man shall haif the credite¹ of carying our Letteris to and fra, bot yow.'

(12.) DEPOSITIOUN, *Robert Steuart, the Earl of Orkney, James Lyoun, and Mr Michael Mair.*

AT EDINBURGHE, the xxij of Nouember, 1614. In presence of my lordis Chancellair, the Erll of Caithnes, the Secretair, Thefaurair-depute, Clerk of Register, and Aduocat.

ROBERT STEUART, base sone to the Erll of Orknay, sworne, and demandit yf he knawis *James Lyoun*, sone to the lait *Mr of Glamis*? Depones, he knawes him very weele.

The DEPOSITIOUN maid be *James Lyoun*, vpoun the six day of Nouember instant, in that poynte thairof tuitcheing the said *James* his interceiding with the Erll of Orknay, in faouris of his sone *Robert*, the Erllis refusall to accept of him quhill he yeildit and promeist to go to Orknay; and tuitcheing all the specheis past betuix thame in that mater, being red to the said *Robert Steuart*, and being demandit, yf the same wes trew? The said *Robert* acknowledgeit the Depositioun to be trew, as it is writtin and fett down.

The hail Depositioun foirsaid, maid be the said JAMES LYOUN, being red to the said ERL OF ORKNAY, and he being demandit, yf the same wes trew? The said Erll deponit, that the same wes most vntrew. And deponit, that the said *James Lyoun* delt with him sundrie tymes to haif brokin wairde, becaus his lyffe wes in danger; and that he ever refusit to harken to *James*, in that mater. And deponis, that he wes ever in an anger with his sone *Robert*, becaus he hantit *James Lyonis* company. And fays, confidently, that he had neuir conference nor speche with *James Lyoun*, anent *Robertis* going to Orknay.

(13.) The ERL OF ORKNAY, JAMES LYOUN, and MR MICHAELL MAIR, being confrontit, vpoun that point tuitcheing the said Erll his purpois of breking of warde, and the conferenceis, specheis, and messageis past in that mater, conforme to the Depositiounis maid thairanent, the said Erll, vpoun his oathe, denyit the same: And the saidis Maister Michaell Mair and *James Lyoun*, vpoun thair grite oathe, avowit and affermed the same to be trew.

(14.) The said ERL OF ORKNAY, ROBERT STEUART, and JAMES LYOUN, being confrontit, vpoun the vther poynte of the said *James Lyonis* Depositioun, tuitcheing the Specheis and Conferenceis betuix thame anent THE REBELLIOUN IN ORKNAY, and how *Robert* wes imployit and directit in that earand? The said Erll, vpoun his oathe, denyit the same: And the said *James Lyoun* and *Robert Steuart*, vpoun thair oathe, avowit the same to be trew.

Slaughter.

Feb. 14.—JOHNNE MAXWALL, callit *Achilles Johnne*, in Dumfreis.

Dilaitit of airt and pairt of the crewall Slauchter of vinq^{le} *Johnne Makculloche*, mercheand burges of Kirkculdbrycht; committit be the said *Johnne Maxwell* and be vinq^{le} *Johnne Maxwell*, sone natural to vinq^{le} *William Maxwell* of Auchinlarie, vpone the landis of the Kirkhous, within ane quarter of a myle to the said burgh of Kirkculdbrycht, in the moneth of Nouember, the zeir of God I^m. sex hundredth and threttene zeiris, be geving to him of tua deidlie straikis in

¹ Trust. We shall confide in no one but you, to carry our Letters to and fro.

the heid, togidder with fyftene bludie woundis in his breift and bellie, and vther fyftene bluidie and deidlie fraikis vpon the bak and fydis ; quhairof he immediatlie deceffit.

PERSEWARIS, Thomas McCulloche of Barholme, Sir Williame Olyphant of Newtoun, kny^t.

PRELOCOUTOUR in defence, Mr Thomas Wilfone, Aduocat.

Eftir reiding of the DITTAY, it was allegit be my lord Aduocat, that na prelocoutour can compeir for defence of the pannell, for the cryme aboue writtin, specifeit in the Dittay ; becaus, immediatlie eftir the committing thairof, Letteris war direct, at the instance of the kyn and freindis of the defunct, aganis the pannell, be the quhilk he was charget to find caution for his compeirance befor the Justice or his deputis, at the day thairin contenit, of lang tyme bygane, to haif vnderlyne the law for the said cryme ; quhilk charge, nocht only he difobeyit and maist contemptiouflie past to the horne, bot also hes remanit fugitiue fra his hienes lawis continuallie fenfyne, for the said fact : And producet the Hoirning, deulie regiftrat, for verifeing thairof.—To the quhilk it is anfuerit, be the pannell and his prelocoutour, that, nochtwithftanding of the said allegeance, he aucht to haif prelocoutouris to defend, becaus he is relaxt fra the said proces of horne ; and producet his Relaxatioun for verificatioun thairof : Quhilk the Justice admittit ; and ordanit his prelocoutouris to be admittit to defend : Quhairupoun the pannell askit instrumentis.

It is allegit be the pannell and his prelocoutour, that the DITTAY producet aganis him come nevir to his knowlege ; and thairfoir, befor ony forder proces be grantit in that matter, he aucht to haif a fyftene dayis grantit to him, to be advyfet thairupoun.—It is anfuerit, that the allegeance aucht to be repellit, in respect he haifing committit the fact, vpon the notorietie quhairof, and for tryell of the pannellis giltines, Letteris war direct, be the quhilk he was charget, vpon a fyftene dayis wairning, to find caution for his compeirance, as said is, befor my lord Justice, at a day contenit in the saidis Letteris ; and for his difobediencie was denuncet and put to the horne : And for cleiring thairof, repeitis the saidis Letteris of Hoirning producet.

THE Justice Repellit the allegeance, and Ordanis the matter to pafs to the tryell of ane Assyse, vnles the pannell fay forder.

ASSISA.

Robert Vans of Campfurd,	Airthour Kennydie, fervand to	Johnne Turnour, Schereff-Clerk
Patrik Vans of Lybrek,	my Lord of Caffillis,	of Wigtoun,
Peter McDowell of Machirnoir,	Patrik Murdoch of that Ilk,	James Hair, indueller in Ed ^r ,
Patrik Ed ^r er, burges of Wigtoun,	Hew Gordoun of Grange,	Gilbert Agnew of Mureithaith,
Pat. Hammiltoun, burges of Ed ^r ,	Alexander Gordoun of Littill	Alexander Agnew of Trong,
Archibald Stewart of Fintillache,	Mondurk,	R ^t Makknab, burges, Quhithorne.

My lord Aduocat takis instrumentis of the fweiring of the Assyse ; and for

cleiring to thame of the pannellis giltines of the crymes conterit in the Dittay, repeittis the Hoirning product, beiring him to be fugitiue for the cryme : As also, defyret Mr Robert Glendonyng, Minister at Kirkeuldbrycht, and Eduard Forrester, Commissar, thair, thair aithes and declaratioun to be tane, quhat thay knaw anent the pannellis giltines or innocencie, in the said matter, for the Assyse forder informatioun.

It was affirmet be the pannel and his prelocutour, that the matter now being put in thair handis, thay fould nocht respect the persewaris informatioun and assertioun in this persute ; bot altogidder denyit the fact lybellit to be committit be him ; in respect he, at the allegit tyme of the committing thairof, was *alibi*, viz. in the Place of Teilling in Angus, lying deidlie feik, quhilk is ane hundreth myles distant fra Kirkeuldbrycht, quhair the Slauchter was committit ; quhilk he wald verifie, be sufficient and famous Witnesses, gif tyme war grantit to him to produce thame.

MR ROBERT GLENDONING, being suorne, Declairit, he could nocht remember that he knew Johnne Maxwell vpon pannel of befor ; bot as to the veritie of the fact lybellit, it is of treuth, that vpon ane Fryday, at evin, in the moneth of November and zeir lybellit, thair come tua litill men to the Toun of Kirkeuldbrycht, with Letteris of Captioun, of purposis, as the deponer was informit, to truble vni^q Johnne M^cculloche, quhair of he was maid foisene be ane of the honest nyctbouris of the Toun : And the deponer, vnderstanding quhair Johnne M^cculloche was, adverteist him thairof, and defyret him to hald him self out of the way ; quhairvpon M^cculloche eschewit that nycht : And vpon the morne thaireftir, being Setterday, the day of his studie,¹ he, heiring of the Slauchter of Johnne M^cculloche, come to the boundis quhair it was committit, quhair he saw tua deid men, Johnne M^cculloche being maist crewallie strukin with ane quhinger, baith on his breist and bellie, and vpon his bak. And forder knawis nocht.

EDUARD FORRESTER, Commissar, suorne, and demandit, quhat he knawis anent the veritie of the premisses ? Declairit, that he saw Johnne Maxwell, presentlie vpon pannel, within the toun of Kirkeuldbrycht, the day of the Slauchter, immediatlie befor the committing thairof ; quha, togidder with vni^q Johnne Maxwell, his associat, come yp to the deponeris chalmere, and offerit to agrie with him anent the Confirmatioun of ane Testament ; and within ane schorte space thaireftir, hard of the committing of the said slauchter. And forder knawis nocht.

My lord Aduocat repeittis the Minister and Commissaris Declaratioun ; and Protestis, in respect thairof, for Wilfull Errour aganis the persones of Assyse, gif thay acquit.

VERDICT. The Assyse, all in ane voce, be the mouthe of the said Peter M^cdowell of Machirmoir, chancellor, sband, pronuncet, and declairit the said Johnne Maxwell to be Giltie, culpable, and convict of airt and pairt of the said slauchter, &c.—SENTENCE. To be tane to the ordiner place of executioun, within the burgh of Ed^r, and thair his heid to be strukin frome his body : And all his moveabill guidis to be escheit, &c.

¹ Viz. the day he studied or prepared his sermons for the following Sabbath.

Treason—Declining the King's Authority—Alleging the Supremacy of the Pope—Hearing and Saying Mass, &c.

Feb. 28.—TRIAL OF JOHN OGILVIE, JESUITE.

[THE proceedings adopted against the ROMAN CATHOLICS and JESUITS, at different periods, after the time of the Reformation of Religion in Scotland, form a prominent part of the Ecclesiastical and Political History of the Country. Owing to the obscure and repulsive appearance of the Criminal Records, much valuable information has necessarily escaped the observation of the historian; but although the subject is one long since forgotten, it appears to the Editor to belong to the duty he imposed upon himself when he undertook the present Collection, to rescue from oblivion all those Trials which have preserved entire the memory of such events.

Among the most remarkable of those persecutions may be reckoned the Case of JOHN OGILVIE, a *Jesuit*, of Scottish extraction, who was a son of Walter Ogilvie of Drum. After an absence of twenty-two years in foreign countries, he returned to Scotland, in the month of May 1615, for the purpose of promoting the growth of the Roman Catholic Religion. There is little doubt that he was one of those enthusiastic individuals, who, at the imminent risk of fortune, and of life itself, scrupled not to lend himself a willing instrument for the accomplishment of some daring, dangerous, and destructive plot, which at that time characterised the whole of the ever-restless and ambitious proceedings of the followers of the Church of Rome, from the date of the formidable, but presumptuous, attempt of the Spanish Armada, and of the Gunpowder Plot, downwards. During the reign of KING JAMES, both before and after his accession to the English throne, seldom did a year pass over without some rumours of fresh attempts of the Jesuits against his life, or against the Religion, as by Law established, in England. There can be no doubt, from a perusal of the State Papers and Histories of this period, that some new attempt on the part of *Spain* and her auxiliaries was about to ripen into action, when the early detection and execution of numerous emissaries of the *Society of Jesus* frustrated its execution.

Without occupying more space, the Editor has merely to mention, that a Special Commission having been granted to THE PROVOST AND BAILIES OF GLASGOW, within whose jurisdiction Ogilvie was taken, his Trial is not recorded in the Books of Adjournal, but was reported by the Commissioners and their Assessors to the Privy Council, from whom their powers directly emanated. There cannot be a doubt that the Report of this Case was drawn up for publication, with the view of being extensively circulated in England. The phraseology is carefully revised, so as to be perfectly intelligible to an English reader; and though imprinted at Edinburgh by Andro Hart, immediately after the Trial took place, it must have been revised by some person skilled in the English Law, and familiar with its technicalities and practice.

The present reprint has been taken from a copy of the valuable Original Edition; in the Library of the Faculty of Advocates, Edinburgh.

Calderwood, a determined enemy to Episcopacy, has preserved the following curious memorials of these events, in his *MS. History of the Church of Scotland*,¹ which the Editor has thought worthy of being inserted in this place:—

Oct. 1614. 'ABOUT the beginning of October, MR JOHN OGILBIE, *the Jesuit*, was apprehendit in Glasgou. He had seduced fundry young men, and of the better fort of the people; and said Masse, in fundry places, within Toun. When the (ARCH) BISCHOP (OF GLASGOW)² challenged him for his hardneffe,³ he answered, that "he hoped to have more freedome, ere it were long." Wherupon, *the Bishop* buffeted him!

' About the beginning of November, THE (ARCH) BISHOP OF ST ANDREWS⁴ sone, *Mr Alexander*

¹ From the Adv. Library MS. ² John Spotswood, the well-known writer of the Church History. He was translated to the See of St Andrews on the demise of *Archbishop Gladstones*. ³ Hardihood; effrontery. ⁴ 'MR GEORGE GLADSTAINS, BISHOP OF ST ANDREWS, departed this life, in the Castle of St Andrews, on the 2d day of

Gledfanes, apprehended *Moffett*, a Messe-Preift, at St Andrewes; who was waired before the *Lords of Secret Counsell* upon the 10 of December, and was waired in the *Cafle of Edinburgh*. Some things the *Bifhops* behoved to doe againft PAPISTS, for honefties fake, leaft they fhould feeme to be advanced to perfecute Minifters profefling purity of Difcipline and God's worfhip.

Upon the 6 of December, 13 or 14 of the Inhabitants of *Glafgow* were convicted for hearing of *Maffe*, and Refetting a *Maffe-Preift*, in Court holden be the *Bifhops* and thrie of the (Council), who hed gotten Commiffione, at the King's directione, to try. The brute¹ went, that they were to be headed, drawn, and quartered; but they were in no danger. *OGILBIE, the Jefuit*, was brought in to *Edinburg*, and examined be the *Bifhop* and fome of the *Lords of Secret Counsell*, to move to confefle where he had been refett, where he had faid Messe, &c. He was not fuffered to take fleep fome nights and dayes together! His braines being lightfome, fecrets were drawn out of him, but came not to the knowledge of the people. *Moffett*, the *Preift*, was examined be the *Bifhop of St Andrewes* and his affociats.

About the middft of Januare (1615), a Warrant was fent from THE KING to fine fome of the receipters of *OGILBIE the Jefuit*, and hearers of Messes, in *Glafgow*; and to banifhe fome others of them out of the King's dominiones. About the end of Januar, THE KING fent down a courfe to be vfed in trying of *JESUITS*, their refetters, and hearers of Messe. This feemed rather a hindrance to the executioun of justice upon the perfones prefently guiltie, then to mean in earnest the repreffing of Papifts.

Upon the laft of February, *OGILBIE the Jefuit*, one of the *Ogillies of the Houfe of Drummure*, was arraigned and pannalled before the *Proveift and Bailliffes of Glasgou*, the King's Judges in that part. At his Examination, before fome of the *Counsell* and the *Bifhop*, he being afked, whither THE KING, being excommunicat be THE POPE, the Pope might depofe him, and loofe his fubjects from the Oathe of allegeance? Answered, and fubfcribed his answers with his hand, that he thought THE KING and his *Counsell* no competent Judges to him, in that matter; and therfor, would not directly anfwere them touching it, but before THE POPE, his ordinar Judge, and his fubftitutes! For this his declinator, he was convicted, in prefence of findry Noblemen, appointed be THE KING to be prefent. He avouched, boldly, that he regarded not the Acts of Parliament nor THE KING's authority, foe farre as they were repugnant to THE POPES authority! Yett had he fmall courage when he come to the Scaffold—died heartlefse and comfortlefse—could not commend himfelfe to God, at the Minifter's defire—but did it after the defire of the hangman.

Some interpreted this Executione to have proceeded rather of a care to bless THE KING's Governement, then of any fincere hatred of the Popilh Religione. Some denied that it was done to be a terrour to the fincerer fort of the Miniftry, not to decline THE KING's authority, in ony caufe whatfoever.² He was the firft *Preift* or *Jefuit* that was executed, fince the *Baffard Bifhop of St Andrewes* was hanged.³

May. Many times before, because his face was diffigured, he had his night-bonnet drawn down to his nose, when the minifters of St Andrewes enquired, "If they fhould pray for him publicly?" he answered, "It was not yett time!" Soe he was never prayed for publicly, but the fame day that he departed; and that was done without his knowledge. Unwilling was he to die, or to fuffer any honest man of the Miniftrie near him, either to waken his confcience, or comfort him. At the defire of his wife and children, he fubfcribed fome few lines, wherein he approved the prefent courfe, to procure the King's favour to them. His flesh fell off him in lumps. Notwithstanding of the great rent of his *Bifhoprick*, he died in the debt of tuentie thousand pounds. This man was both ambitious and covetous. Papifts and bainous offenders were winked at, for bribes given to his fervants and dependers. In his firft diocefan Synod of Fife he fat in pomp with his velvet cufhion before him, and his Clerk, Mr *John Mitchellfonne*, befide him.—Mr *George Gladftains*, BISHOP OF ST ANDREWES, was buried, upon the feventh of June, in St Andrewes. A cannabie (canopy) of blacke velvet was caried above the coffine, be foure men, and yett the corpes was not in the coffin, but buried foone after his death. Mr *William Couper* (BISHOP OF GALLOWAY) made his ifnerall-fermone, full of vile flattery and lyes, and knowne to be sae be the people, and therfor was he derided. It was reported that THE KING bestowed ten thousand merkes upon his buriell.—*Caldewood's Church Hist. MS. Adv. Lib.*

¹ Report; Fr. *bruit*.

² This had frequently taken place, as may be feen by referring to the former portions of this work.

³ Referring to the celebrated ARCHBISHOP JOHN HAMILTON, natural fon of James, first Earl of

The anonymous author of 'THE HISTORIE OF KING JAMES THE SEXT'¹ shortly, but forcibly, narates these transactions, in the following terms:—'DURING this same time and year, in *the citie of Glasgou*, ther hapnit a man, callit MR JOHNNE OGILBIE, *Jesuit*, to be apprehendit ther, be *the Archebischop* and his men, becaus he was tryit² sufficientlie to have fayed Mess^e ther, to sum inhabitants and citizens of that toun; and famonie as wer tryit, wer all empreafonit in *the Castell of Dumbartane*, ther to remayne upoun ther awin expensis; and thereftir relaxit, and confynit for a pecuniall soume, for contravening the Act of Parliament; and fand caution, under great fowmes of money, ather³ of them, not to commit the lyk fault or cryme agayne. *The Jesuit*, in the meyne tyme, was convoyit to *Edinburgh*, and ther keapit in strait waird, and a gaird of men, be the space of eight dayis, with small sustentatioun; and *compellit and withhaldin, perforce, from sleep*, to the great perturbatioun of his brayne, and to compell him *ad delirium*!⁴ And being convoyit therfra to *Glasgou* agane, certen temporall questions wer objected unto him, as naymlie, geve⁵ THE KING was heid of THE KIRK, within his awin dominions, or nocht? To the whilk he answered, "No," &c., and so, consequently, to uther thrie. For the whilks, he was put to the cognitioun of a juré, and be them fund giltie of Treasoun and Leze-Majestie; and so was condamnit to be hangit to the death; whilk was also accomplisht.'

The enquiring reader is referred, for farther particulars, illustrative of this singular subject, to the various Collections of State Papers, and to the Histories of Scotland, especially *Spotswood's History*, where the matter is fully discussed by the Archbishop, who, it may be kept in mind, was one of the Assessors, and the leading examiner, in *Ogilvie's Trial*. The Editor appends to this remarkable TRACT the Examinations of all the persons suspected of having joined *Ogilvie*, in the celebration of Mass, &c., including the declinator of *the Jesuit* himself, which he has taken from an attested copy, preserved in the *Denmylne Collection of MSS.*, Advocates' Library.]

A TRVE RELATION OF THE PROCEEDINGS AGAINST JOHN OGILVIE, A JESUIT,

EXECUTED AT GLASGOW, THE LAST OF FEBRUARIE, ANNO 1615.

Containing fundrie SPEECHES vttered by him at his Arraignment,
and others, that assisted the Commissioners deputed for his
Triall: with all that passed at his Execution.

2 *Pet.* 2. 10. "Audaces, et sibi placentes, dominatum despiciunt, et non horrent dignitates convitiis incessere."—*Tertul. adversus Hermo.* "Hermogenes hæreticus loquacitatem, facundiam existimat, et impudentiam constantiam deputat, et maledicere singulis officium bonæ conscientiæ iudicat."—*Cyprian de duplici martyrio.* "Non statim martyr est qui occiditur, occiduntur pirate, et sicarii, supplicium non faciunt martyrem, sed causa."

EDINBURGH, printed by Andro Hart, anno 1615.

TO THE READER.

It hath beene thought needfull, that a true and perfect Relation of the whole proceedings against John Ogilvie, a Jesuit, lately executed at Glasgow, should bee published; as well for satisfaction of

Arran, who was hanged in Stirling, Apr. 1, 1570. See *Reliquiæ Divæ Andreae*; *Keith's Catalogue of the Bishops*; the works of *the Rev Dr McCrie*, &c.

¹ Printed for THE BANNATYNE CLUB, Edinburgh, 1825. ² Proved. ³ Either; each. ⁴ This barbarous mode of extorting Confession had been prevalent in cases of *Witchcraft*, where the criminals were supposed to be under the direct dominion of Satan. Human nature could not long stand so exquisite a torture. The suspected parties were often driven into a state of *delirium*; and in many instances, they must have been glad to confess any thing which may have been proposed by their examiners, to escape from a life held by such a miserable tenure. ⁵ If.

those, who desire to be informed of his behaviour, during the time of his imprisonment, and at his arraignment and execution, as to obviate the misreports of the enemies of true Religion, who wrest and draw all things, without respect of truth, to their owne advantage. It is knowne within these few yeeres, Henry Garnet and Edward Oldcorne, English Jesuites, being called in question, for that prodigious and damnable Powder-treason; although it was proved by cleare evidences and their own confessions, vnder their owne handes, that they were speciall authors and actors in it, and for the same were executed by publicke justice, not in a corner, but in the open cities of London and Worcester; yet (such is the shamelesse impudencie of that sect) by printed apologies they haue bene iustificed; and, which is more, inserted in a Catalogue of their Martyrs, set fourth at Rome, anno 1608, by the licence and permission of their superiours. By which maner of doing, what may be expected, in this particular, at their handes, any man may easlie perceiue. Euery thing they are about to doe, (bee it neuer so great a mischief,) they cloake with the mantle of Religion: and if the statutes of the kingdome ouer-take any of them, either for practises against the King, or sowing the seed of rebellion amongst the subiectes, it must bee supposed (forsooth) they suffer all for religion. Now were it so, and that, according to the law, for Masse saying they were punished to the death, they could not glorie in it, nor rightly challenge the crowne of martyrdom, their Masse beeing a vile and idolatrous seruice, flatly disagreeing with the faith of Christ, and trueth of the Gospell. But it is not so; albeit wee haue such statutes, for the restraint of Masse abomination within this kingdome, they are not able to instance any one, who, for the transgressing thereof, to this houre hath suffered. His Majesties proceedings with them haue bene more gentle: where death might haue bene inflicted, milder courses haue bene taken: imprisonment for some short time, and banishment fourth of the realme, haue bene the sharpest punishments; so vnwilling was his Highnesse to force, or once to seeme to force, the consciences of any men whatsoever. And to say that which trueth is, if this vnhappy miscreant, who nowe hath his reward, had not discovered his traiterous minde, openly disauowing his Majesties authoritie, and stood to the maintaining of the Popes power, for dethroning kings, and freeing subjects from their oathes of allegiance, hee had felt no harder measure then others, although the circumstances of his fault were much greater; but his peruerse speeches, and insolent carriage beyond all credite, his sowing of doctrines tending to open rebellion, the hande of Iustice could not forbear. What was it, in the hearing of multitudes of people to affirme, 'that he would returne or abide in the kingdome, contrary to the lawes, and his Maiesties commandements? to value his Highnesse authoritie with his old hatte, and the Acts of our Parliament with a rotten figge? to say, it was treason to sweare with the oath of allegiance to the King, and that his Maiestie, by vsurping the Popes power, had lost the right of the kingdome?' Yet these, and diuers other more treasonable speeches, he vttered at his arraignment, which are set down in the processe, so far as could be remembered; for all could not be kept in mind. I am perswaded, the honest minded of those of his own profession will in their hearts condemne, and judge him iustly to haue suffered; for, praised be God, the Jesuits arte hath not so farre preuailed, in planting such opinions in the hearts of people, but euen amongst the aduersaries themselves, they are many that doe no wise approue their seditious and proditorie doctrines. And here, to all our Catholickes (they will be so called) in this kingdome, if nothing further may be obtained, and that still they wil lye in that superstition, wherein they haue bene nuzled, I wish at least so much wisdom, as to beware of Jesuites policie, and not to thinke their practises the cause of the Catholicke Church. It is not religion, as one hath well obserued, they strue for, but souerainitie. It will not content them to haue the Romish faith and ceremonies embraced; the crownes of kings, their scepters and subjects, must all be at the Popes deuotion. This is their speciall worke, and the effect of their blinde obedience, that speciall vowe, I meane, which they, besides the three vowes common to other orders, vow and sweare at their receptions. To this point runs all their seruice, to make the Pope the lord of all the earth; emperours, kings, and princes his dependants; to be remoued, altered, changed, deposed,

and killed, when it pleaseth his holines to giue commiffion. Mariana, a Jefuit, counteth it a wholesome meditation for Kings, to think they may be killed, not only lawfully, but with glory and commendation to the doers. And Cæſar Baroniys, in his *Annales*,¹ recites a brieue of Pope Vrban the Second, ſent to Godfrede, Biſhop of Luca, wherein hee declares, that they are not to be eſteemed murderers, who, burning with the zeale of their Catholicke mother, kills excommunicates. The words of the Refeript are theſe: *Non illos homicidas arbitramur, qui aduerſus excommunicatos, zelo catholice matris ardentes, eorum quoſlibet trucidaffe contigerit.* Bellarmine, that great Doctor, in his controuerſie, *De Romano Pontifice*,² hath theſe expreſſe words, *Papa poteſt mutare regna, et uni auferre atq. alteri conferre, tanquam ſummus princeps ſpiritualis ſi id neceſſarium fuerit ad animarum ſalutem.* That is, the Pope, as chiefe ſpiritual prince, may change kingdomes, and take them away from one, and giue them to another, if it be neceſſarie for the ſauing of ſoules. But Franciſcus Suarius, in his late booke intituled, *Deſenſio Fidei Catholice*, goes beyond all this, ſaying, that any, to whom the Pope permits the doing, may kill or expell the King, who is by ſentence deprived, or, which is all one, if he be declared to haue committed the crime, which by law deſerues that penaltie; and if the Pope neglect to giue power, the lawfull ſucceſſour may take the execution to himſelfe; and if he faile, the community of the kingdome ſucceedes in that right; to wit, to kill and expell him. His wordes are theſe: *Poſt ſententiam condemnatoriam regis, de regni priuatione, latam per legitimam poteſtatem, vel quod perinde eſt, poſt ſententiam declaratoriam criminis habentis talem pœnam ipſo iure impoſitam, poteſt ille qui ſententiam tulit, vel cui ipſe commiſerit, regem priuare regno, etiam illum interficiendo, ſi aliter non potuerit.* In the ſame place:³ *Si Papa regem deponat, ab illis tantum poterit expelli, vel interfici quibus ipſe id commiſerit. Quod ſi nulli executionem imperet, pertinebit ad legitimum in regno ſucceſſorem, vel ſi nullus inventus fuerit, ad regnum ipſum ſpectabit.* And that no man ſhould thinke this his priuate opinion, amongſt the approbations prefixed to the worke, yee haue, in *cenſura Academiæ Complutenſis*, this ſaide: *Nihil eſt in toto hoc opere à noſtro omnium ſenſu diſcordans, quum de hac re ſit omnium noſtrum eadem vox, idem animus, eadēque ſententia.* That is, there is nothing in all this worke, which is not agreeable with our mind, ſeeing herein we haue all one voice, one opinion, and one iudgement. Nowe if this bee the minde of all, it is high time they were all met with, and that *celeris pœna*, by a preſent diſpatch. The knightes templars, erected, as is thought, by the princes of France, to preferue their conqueſt in the Holy Land, when, by keeping the rules of their inſtitution in the firſt yeeres, they had purchaſed a great reputation of holynesse, and thereby drawne to themſelues an infinite wealth, became at laſt intolerable to kinges, and by one uniforme conſent, in the Councell of Vienna, were condemned, and the order abolifhed. The order was of a longer ſtanding by much then our Jefuites, but to kinges nothing ſo dangerous. The writers that mention them, do not agree vpon the cauſes of their generall hatred, and leaue the reader in ſuſpenſe, whether iuſtly they merited extermination or not: But poſteritie ſhall haue an aduantage in vnderſtanding the doctrine of Jefuites by their printed bookes, and their ſeditious practiſes, by the attempts they haue made againſt the eſtates and liues of princes. *Secta hæc rebellis eſt, et nocens regibus.* A rebellious ſect they are, and hurtfull enemies to kinges, cruel affaſins, teaching diſloyaltie, and plotting the deaths of princes, which all Evrope, and thou, France, by the reſt, can teſtifie. O kinges, when ſhall ye awake, and take it in your harts to fulfil Gods decree? When ſhall yee vindicate your crownes from the vniuſt uſurpations of the prieſt of Rome? Shal the diſgrace and violence done to ſome of your ſacred perſons for euer thus lye vnauenged? We know it ſhall not: But God hath his day, who will patiently attend. In the meane time, I ſhall with the Catholikes of this kingdome to conſider and looke more deeply in their profeſſion, then they yet haue done. The myſteries of the Romiſh Religion are not ſeene at the firſt. Surely, ſome of our Papiſtes doe not know them, eſpecially that principle, which bindes

¹ Tomo 11. page 802.² De Pont. lib. 5. cap. 6.³ Lib. 6. cap. 4. num. 18.

them to obey the Pope againſt al the world. Suarius¹ hath taught them, that it is to be held as an article of faith, that the Pope hath power to depoſe kings; and that hee who denyes this power to the Pope, denyes the Catholicke faith. By this is there no meane left to bee a Catholike, and remaine the Kings loyall ſubiect. To beleue the Popes power is ſuch, is vndenyable treaſon: To reſuſe it, is to renounce Catholick religion; which laſt, I perſwade myſelfe all true and naturall Scots will chooſe, and of the choiſe ſhall it neuer repent them. I beſeech God to open their eyes that are cloſed, and giue vs all to be contented with the Scriptures of God, which, by themſelues, are able to perfect vs vnto euery good worke. Farewell.

A TRVE RELATION *of the Proceedings againſt IOHN OGILVIE, a Ieſuit, eſpecially at his Arraignement and Execution, which was at Glaſgow, the laſt of Februarie, beeing on Tueſday, 1615.*

IOHN OGILVIE, alias WATSON, (for, according to the maners of his ſect, he was *multinominis*, a man of diuers names,) came into Scotland at Martimes 1613, and making his reſidence for the moſt part of that winter in the north parts of Scotland, tooke his journey to England a litle before Eaſter. Where, giuing out to ſome of his countrey-men, that he had a ſupplication for ſome wrongs to preſent to his Maieſtie, hee attended the Court ſome two moneths; and falling in acquaintance with a gentleman of the Weſt countrey, after his pretended buſineſſe was done, or the occaſion diſappointed, he returned into Scotland with the ſaide gentleman, in the beginning of Iune thereafter. Vpon this familiaritie, and other intelligences giuen him, he came to Glaſgow in Auguſt following; and finding a kinder receipt by certaine perſons in that citie, (who for that crime haue ſince bene juſtly condemned,) then either he expected, or became them to haue granted, he made ſome haunt and reſort thither at fundry times, till at laſt he was detected, and, by the direction of the Archbiſhop of Glaſgow, who at that time kept his reſidence within the citie, apprehended and committed to priſon. It was the fourth of October, a litle after foure of the clocke in the afternoone, when perceaued to bee ouertaken ſomewhat in company, his examination was differed to the morrow after. There was found with him two or three litle bookes, containing directions for confeſſioun; his budget being in the houſe where he kept at night, was conuoyed out of the way by one of his familiars, and preſented the next day after, ſearch beeing made by the magiſtrates of the citie, therein was found his Maſſe garments, chalice, altar, and the reſt of that ſtuffe, with letters not fit at this time to bee divulgate. Amongſt others, a war-rand to diſpenſe with thoſe who poſſeſt church-liuings, after this tenor, *quo ad diſpenſationem de bonis eccleſiaſticis poteris diſpenſare ut retineant quæ poſſident, dummodo in pios uſus aliquid impendant pro iudicio Confeſſarii diſpenſan-*

¹ *Propoſitio hæc, Papa poteſtatem habet ad deponendos reges hereticos et pertinaces, inter dogmata fidei tenenda et credenda eſt. Infra: Si abjuratur hæc poteſtas, abjuratur catholica fides. Lib. 6, cap. 8, num. 8.*

tis. Hee had in the famin maile diuerſe Reliques, peeces of wood, bones, and a tuſte of Ignatiſ hair, the founder of the Ieſuites order, which I thinke was his chiefeſt ieuell.

In his examination, which was the next morning, before the Archbiſhop of Glaſgow, the Biſhop of Argyle, the Lords Fleming, Boyde, and Killyth, the Proueſt of the citie of Glaſgow, S. Walter Stewart and S. George Elphingſton, knights, he confeſſed his true name to be Iohn Ogilvie; that he was borne in the North of Scotland, and had bene foorth of the countrey 21 yeeres; that hee liued at Grats, in a colledge of the Ieſuites, and was receiued in their order; that he returned into Scotland by the command of his ſuperiour, and was to ſtay there vntill hee were recalled, if no other impediment ſhould offer. Being required to giue his oath, that he ſhould declare nothing but trueth, in ſuch things as ſhould be demanded; he answered, ‘that he would take oath, but with ſome exceptions, namely, if hee were demanded in any thing that touched his eſtate and life, or that might endanger theſe or any of them, he would not anſwere, likewise if the ſame tended to the preiudice of others.’ And when it was replied, that, his exceptions being admitted, his oath was as good as no oath, ſeeing any queſtions that could be propoſed, would concerne ſome of theſe, he was induced at laſt to giue a ſimple oath, which he did vpon his knees; and riſing vp from the ground, ſaid, ‘I will neither lie nor æquiuoate, but what I ſay ſhalbe truth; and what I am aſked, if I find it impertinent for me to anſwere, I will ſay nothing, or declare plainly I will not tel.’

Then being inquired of his comming in Scotland, the time and buſines he came to do, answered, ‘his buſines was to ſaue ſoules.’ Touching the time when he came into Scotland, answered, ‘In the Iune before.’ where hee was deprehended to æquiuoate, notwithstanding of his proteſtation; for he meant of his laſt comming, and was aſked concerning the firſt. But the time at that examination was not vnderſtood. Being inquired of the places where he had bene receiued, denied to tel; and if he had ſaid Maſſe in any place, he answered, ‘hee would not ſay any thing that might worke preiudice to himſelfe or others:’ and becauſe he had profeſſed that hee would not lie, the reply he commonly made to ſuch queſtions, was, ‘I will not tell you.’

The Lordes, finding him thus obſtinate, returned him to a chamber in the Caſtle, which was prepared for him, nothing lacking that was requiſite for one of his qualitie; and there hee was kept to the 8 of December. Now and then conference was giuen him by diuers of the Miniſters, in all which, heate and choler was eſpyed much to ouer-rule him. The ſchole diſtinctions he had in readineſſe, and thereby, when hee could not ſhift the argument, made ſemblance to euade. But of Holy Scripture (as he ſeemed not to be well acquainted there-

with), he made little reckoning, denying it still, after the Iesuites maner, to bee the onely rule of faith.

The 12 of Decenber, he was presented at Edinburgh, before the Lords Commissioners, appointed by his Maiesties Miffiue for his examination and tryall; namely, the Lord of Binning, Secretary, the Lord of Killyth, Sir Gidion Murray, Thefaurer-deputie, and Sir William Oliphant, his Maieftes Atturney-Generall; to whom he answered in al that was proponed, as of before at Glasgou. There, the letters intercepted with him were presented, which he acknowledged to be his; yet beeing demanded, touching certain particulars contained in them, he denied to giue ther lordships any satisfaction: And howbeit there was no perswasion omitted, that might haue induced any good nature to a better resolution, it auailed not. So as their lordships, perceiuing nothing but a pertinacious refusing in him to answer to points most reasonable, and withall apprehending his stay at Court, in the last summer, to haue bene for some worfe seruice then he could speede in, determined, according to the power giuen them, to extort by torments another confession: which being intimated to him, and he replying that he was ready to suffer what they pleased, it was thought fit to proue him with the most easiest forme of tryall that could be used. And here, it being remembered, that in the tryal of some criminal persons, it was found that nothing helped more to find out the trueth of the faults wherewith they were charged, than the with-holding of their naturall rest; it was aduised, that he should be kept without sleepe for some nights, which was accordingly done: and during which time it was perceiued, that hee remitted much of his former obstinacie, and falling to discouer certaine of his receauers in Edinburgh, gaue hope, that, by gentle usage, hee would bee drawne to giue their lordships contentment.

In the meane time, Christmasse approaching, at which time there is an ordinarie cessation from the affaires of Counsell and Sessioun, the Archbishop of Glasgou, beeing to repaire homewards, and vnwilling to discharge himselfe of that prisoner, till hee might at leasure worke him to a better minde, obtained the fauour of their L. to retaine him, in his companie, for a fourth-night after, or till hee shoulde returne himselfe to Edinburgh.

It pleased his Ma. in this time, whilest he was remaining at Glasgou, to send a Commission to the Archbishop of Glasgou, the Lord Bishop of Argyle, the Lord Fleming, S^r George Elphingston, and Iames Hammilton, Prouest of the citie of Glasgou, for trying the said Iesuit his opinion, touching his Highness royal power, and the Popes claimed iurisdiction, maintained by Bellarmine, Suarius, and others of that sort. The questions were these:

1. Whether the Pope be iudge, and haue power, *in spiritualibus*, ouer his Ma-

ieftie, and whether that power will reach ouer his Maieftie, euen *in temporalibus*, if it be *in ordine ad fpiritualia*, as Bellarmine affirmeth ?

2. Whether the Pope haue power to excommunicate Kings, (efpecially fuch as are not of his church,) as his Maieftie ?

3. Whether the Pope haue power to depofe Kings, by him excommunicated ; and in particular, Whether he haue power to depofe the King his Maiefty ?

4. Whether it be no murther to flay his Maiefty, being fo excommunicated and depofed by the Pope ?

5. Whether the Pope haue power to affoyle fubiects from the oath of their borne and natural allegiance to his Maieftie ?

Vpon the 18 day of Ianuarie, the foresaid queftions being red diftinctly vnto him, and he required to declare his opinion thereanent, answered as followeth :

To the firft, ‘ That hee thought the Pope of Rome Iudge to his Maieftie, and to haue power ouer him, *in fpiritualibus*, if the King be a Christian :’ and where it is asked, if that power will reach ouer his Maieftie, *in temporalibus* ? hee fayes, ‘ hee is not obliged to declare his opinion therein, except to him that is Iudge in controverfies of religion, which hee acknowledges to be the Pope, or fome one hauing authoritie of him.’

To the fecond hee answereth, ‘ that the Pope hath power to excommunicate his Maieftie :’ and where it is faid, that the King is not of the Pope his church, hee faith, ‘ that all who are baptized, are vnder the Popes power.’

To the third, where it is asked, if the Pope haue power to depofe his Maieftie, beeing excommunicated ? Answereth, ‘ that hee will not declare his mind, except to him that is Iudge, in controuerfies of religion.’

To the fourth, whether it bee lawfull to flay his Maieftie, being excommunicated and depofed by the Pope ? Answereth, *ut fupra*.

To the fifth, whether the Pope hath power to affoyle fubiects from their borne and naturall allegiance to his Maieftie ? Answereth, *ut fupra*.

In all thefe Articles, he was particularly reſoned with by the Archbiſhop of Glaſgow, Mr Robert Boyd, Principal of the College, a man of rare erudition, and Mr Robert Scot, one of the Miniſters of the citie ; where it was alſo ſignified vnto him, that it concerned him in no leſſe then his life, what anſwere he ſhould make ; if he ſhould ſtand obſtinate in theſe he had giuen, he might know what fauour was to be expected for his other crimes. Not the leſſe, ratifying all that formerly was ſaid, hee added this further, ‘ that he condemned the oathes of ſupremacie and allegiance proponed to be ſworne in England,’ and would needes haue the writer to inferſt thoſe wordes ; to all which hee put his hand, ſubſcribing thus,

IOHANNES OGILVEUS, *Societatis Ieſu*.

Theſe anſweres beeing ſent to his Maieſtie, vnder the teſtification of the fore-

saide Commiffioners, his highneffe gaue order to the Lordes of the Priuie Counsell, for his triall; which was appointed to be at Glasgou, the last of Februarie. Immediately after, the Archbishop of Glasgou directed the Prouest and Baylies of the citie vnto him, to signifie that Tuesday following was appointed for his arraignment; and that hee would not bee accused for Masse saying, or any thing else that concerned his profession, but for the answers that hee had made to the demands propofed to him by his Maiesties Commiffioners. They declared also, that if hee should, vpon better resolution, recall those answeres, and apply himselfe to giue his Maiestie satisfaction, in other points, which of deutie hee was obliged vnto, the said Archbishop would vse his credite with his highneffe and the Lordes of the Priuie Counsell, for his safetie. His answer was, ‘ that he thanked his lordship, for the good will and kindneffe offered; but he was so little minded to recall any thing hee had said, as when hee came to the place, hee would make a commentarie vpon his answeres.’

The Ministers of Glasgou, accompanied with Maister Williame Struthers, one of the Ministers of Edinburgh, did also visite him, some two dayes before, aduising him to the same purpose, and offering him their best counsell and comfort. His answer was, ‘ That he had resolved what to doe; and if hee stood in neede of their comfort, hee should aduertise.’

The Earle of Lowthiane, trusting by conference to bring him to a better minde, went vnto him at diuers tymes, using many persuasions to draw him from his obstinate course: but nothing could preuaile with him, as in the proceedings ye shall perceiue.

THE ARAIGNMENT of JOHN OGILVIE, on Tuesday the last of Februarie, in the town-house of GLASGOW, before Iames Hammilton, Prouest of Glasgou, Iames Bell, Coline Campbell, and Iames Bradwood, Baylies of the citie, Iustices appointed by speciall commission for that busines, by the Lordes of Priuie Counsell. The foresaid IUDGES being assisted by the honourable LORDS there present:—John Archbishop of Glasgou, James Marques of Hammilton, Robert Earle of Lowthiane, William Lord Sanquhar, John Lord Fleming, Robert Lord Boyde, and Sir Walter Stewart, Baylie deputie of the regalitie of Glasgou.

ON Tuesday, the last of Februarie, a litle after 11 of the clocke, in the forenoone, the Court beeing set, Mr William Hay of Baro, Commissar of Glasgou, deputed by speciall commission from Sir William Oliphant of Newtoun, his Majesties Atturney Generall, produced the Inditement following: together with the citation used against those who were to passe vpon the jurie, and the roll of their particular names, subscribed with his hand, according to the custome obserued in those cases.

THE INDITEMENT of JOHN OGILVIE, IESUIT, after the forme of the law of Scotland.—JOHN OGILVIE, by your subscription, a Priest of the late execrable order of IESUITS, you are indited and accused, That, forasmuch as God, the author of all righteous gouvernement, hauing established Kings and Magistrats his lieutenants vpon earth, for repressing of violence, oppression, and vice, and the promoting of pietie and justice, hath, in his particular grace and fauor, blessed this countrey with a more ancient, iust, and permanent descent of lawfull Kings, than any other nation of the world; and extended our felicitie beyond the happines of our antecessors, by the justice, wisdom, and clemencie of his Maiesteis prosperous reigne; and hath not onely rewarded his Maiesteis zeale and righteoufnes with wealth and peace, but also honoured and strengthened him with the accession of the most mightie and flourishing kingdomes of England, France, and Ireland. Which visible fauours, proceeding directly from Gods most bountifull hand, moued the whole Estates of this kingdome, assembled in the Parliament holden at Perth, the 9 of Iulie, 1606, To acknowledge his Maiesties soveraigne authoritie, princely power, royall prerogatiue, and priuilege of his crowne, ouer all estates, persons, and causes whatsoeuer, within the kingdome: And all in one voice, faithfully promise to maintaine, defend, obey, and aduance the life, safetie, honour, dignitie, soueraigne authoritie, and prerogatiue royall of his sacred Maiestie, and priuiledges of his crowne: And to withstand all persons, powers, and estates, who should presume, preasse, or intend any wayes to impugne, hurt, or impair, the same: As also, his Maiestie, with aduise of the whole estates of this kingdome, in the Parliament holden at Edinburgh, the 22 day of May, anno 1584, ratified, approued, and perpetually confirmed, his Majesties royall power and authoritie ouer all estates, as well spiritual as temporall, within this realme: And statuted and ordained, that his Highnesse, his heyres and successouris, by themselves and their Counselles, were, and in all times comming should bee, Iudges, competent to all persons, his Highnesse subjectes, of whatsoeuer estate, degree, function, or condition that euer they be of, spiritual or temporall, in all matters wherein they or any of them should be apprehended, summoned, or charged to answere vnto such things as should be inquired of them, by our said soueraign Lord and his Counsell: And that none of them, who should be apprehended, called, or summoned, to the effect foresaid, should presume or take in hand to decline the iudgement of his Highnesse, his hayres and successours, or their Counsell, in the premisses, vnder the paine of treason: And likewise, by the 48 Act of King Iames the First his Parliament, and diuers other Parliaments thereafter, it is ordained, that all the King his lieges liue and be gouerned vnder the Kings lawes and statutes, and vnder no lawes of other countries and realmes, vnder the paines of treason, and others; (as is) particularly expressed in the Acts before mentioned,

and other lawes of this kingdome. Notwithstanding whereof, it is of trueth and veritie, that you, hauing renounced your naturall allegiance and deutie to your natie and righteous King, and cast off all reuerence, respect, and obedience to his foueraigne authoritie and lawes, and dedicated your mind and actions to the vnlawfull obedience of forraine powers, aduersaries to his Majestie; and resolving, so farre as in you lieth, to seduce his Majesties subjectes from the faith and allegiance due to his Majestie, repaired to his countrey, in the moneth of Iune last past, or thereabout, and by your conferences, intifements, auricular confessions, Masse-saying, and other subtile and craftie meanes, indeuoured your selfe, not onely to corrupt many of his Maiesties lieges, in religion, but also to peruert them from their duetifull obedience due to his Majestie, till you were discouered and apprehended by the Archbishop of Glasgou; who, with diuers his Maiesties Counsellors, and others his good subjectes, used all Christian and charitable meanes to bring you to the sense of your hainous offences, and desire of amendment thereof: But they, losing all their well-intended labours, were (in respect of your peruerse obstinacie) commanded by his Majestie, to enter to your examination, and the tryall of your hainous crimes and transgressions. And especially, the saide Archbishop of Glasgou, and many others of good rauke and qualitie adjoined to him, by his Majestie, for your examination, hauing, vpon the 18 day of Ianuarie last, called you before them, to examine you vpon some particuler interrogatories, prescribed by his Majestie to be demanded of you, as directly concerning his Majesties moste sacred person, life, crowne, and estate. And chiefly, you beeing demanded by them, whether the Pope hath power to depose Kings, beeing excommunicated? And in particular, if he haue power to depose the Kings Majestie, our foueraigne, being excommunicated by him? You answered, treasonably, that you woulde not declare your mind, except to him that is iudge in the controuersies of religion, whom (by your answere made to the latter part of the first interrogatorie, demanded of you that day) you declared to be the Pope, or any hauing authoritie from him: Albeit, by the Acts of Parliament, and lawes of this Realme, made in the yeeres of God 1560 and 1567, it is statuted and ordained, that the Bishop of Rome (called the Pope) shall haue no iurisdiction nor authoritie within this Realme, in any time comming: And thereby, not onely declined treasonably his Maiesties iurisdiction, allowing of the Popes iurisdiction, which is discharged by Acts of Parliament, as said is; but hath committed most damnable and high treason, in not acknowledging that the Pope hath no power to depose his Maiestie, who, holding his crowne and authoritie absolutely, fouerainly, and immediatly of God, may not be deposed by any earthly person, power, or authoritie. And thereafter, being demanded, If it be lawfull to slay his Majesty, being excommunicated and deposed by the Pope?

you answered, *ut supra*; which was, that you woulde not declare your mind till you were before the Pope, or others hauing authoritie from him: Thereby, not onely declining, treasonably, his Maiesties iurisdiction and authoritie royall; but by your not answering clearely, that it is altogether vnlawfull, damnable, and diabolicall, once to thinke that it is lawfull to slay his most sacred Majestie, you haue committed most hainous, pernicious, and vnpardonable treason. And lastly, being demanded, If the Pope had power to assoile his Majesties borne subiectes from their naturall alleageance? you answered, *ut supra*: and thereby, both declined, treasonably, his Highnes iurisdiction and authoritie royall, in refusing to answere before his Maiesties Counsellers and Commiſſioners foresaid, in one matter, meerey concerning his royal power ouer his people, and their subiection to his Maiestie: and also committed wilfull and detestable treason, in not acknowledging, professedly and presently, that none on earth had power to assoile his Maiesteis subiects from their naturall subiection and alleageance to him. But that it may bee knowne that your treason proceeded of forethought felonie and obstinate resolution, you freely and vnrequiredly did adde to your foresaid answeres, this damnable conclusion, that you condemned the oathes of supremacie and alleageance giuen to his Maiestie, by his subiects, in his Dominions; wherby it is apparent, that your erand to this Countrie hath beene, to infect his Highnesse subiects with the poison of your pestilent and treasonable opinion foresaid, to the subuerſion of Religion, ouerthrow of his Maiesties authoritie and crown, and destruction of his most sacred person. And albeit, the course of all his Maiesties life and reigne, hath manifested how vnwilling hee hath euer beene to use the seueritie of his Lawes against those who hath said and heard Masse, and otherwise controuened the Acts of Parliament made against idolatrous papistrice, and practisers thereof, within this Kingdome; desiring rather to reclaime them, by instruction, from their errorrs, to the knowledge and profession of the trueth: And when he found them obdurat, and of desperate resolution, relieuing the countrie of the dangerous progresse of their courses, by their imprisonment and banishment, whereof you had such experience, in the persones of your owne complices, condemned for their manifest crymes, as might verie probable haue made you to haue expected the like; if anie memorie of your natiue duetie and borne alleageance had possessed your mind: But you, being altogether destitute thereof, by the three last articles of your Depositions aboue written, you haue so plainly discouered, that you professedly approue the meanes, and wish the effect, of the ouer-throwe of his Maiesties estate, the destruction of his Highnesse person, and seduction of his natiue subiectes from their subiection and duetifull obedience; that thereby, and by euery one of your foresaid answeres, you haue committed moſte hainous, detestable, and vnpardonable treason, and deseruedly

incurred the most rigorous paines therof to be executed vpon your body, lands, and goods, with all extremities, to the terrour of others.

THE Inditement being read, Maister William Hay, substitute for his Maiesties Attorney, opened the same, to the effect following.—Albeit the Inditement of it selfe be cleare enough, and representeth sufficiently to my Lordes Iustices, their honourable Lordships heere assisting, and to your selfe, Iohn Ogilvie, who standes there accused, the weight and gravitie of the crime by you committed, yet I shall resume it to you in few words, that your answeres may be the more distinct, and without mistaking.

You are not accused of saying Masse, nor of seducing his Maiesteis subjectes to a contrarie religion, nor of any point touching you in conscience, properly; but for declining his Maiesties authoritie, against the lawes and statutes of the land, and for maintaining treasonable opinions; such as we, of this Realme, haue not heard by any auowed. The statutes, mentioned in your Inditement, make it treason not to answer the Kings Maiestie, or his Counsell, in any matter which shall be demanded: You beeing examined by my Lord Archbishop of Glasgow, and other honourable persons adioyned to him, by his Maiesties special Commission, refused to answer vnto diuers interrogatories proponed to you by their Lordships; and, at the same time, professedly auouched the Pope of Rome his iurisdiction, which, by the Lawes of the countrie, is many yeeres since plainly discharged: Therefore, haue you incurred the penaltie contained in the statutes, and the same ought and should be executed vpon you.

It is further laid vnto your charge, that you, being demanded in the particulars, namely, Whether the Pope hath power to depose the Kings Maiestie, our soueraigne? Secondly, Whether it be lawfull to slay his Maiestie, being deposed by the Pope? Thirdly, Whether the Pope hath power to assoile his Maiesties subjects from their naturall allegiance, or not? You denied to giue any answer, touching any of these points, except yee were inquired thereof by the Pope, or others hauing authoritie from him; and so not acknowledging that his Maiesties crowne and authoritie is held immediatly and souerainely of God, the author of all gouernement; that it is detestable, once to thinke, that his sacred Maiestie may bee lawfully killed; and that no man hath power to assoile his Maiesties subjectes from their naturall allegiance to his Highnesse: You haue, in these points, and euery one of them, committed most hainous treason; for the which, what you say in your own defense, I see not. And yet further, that it may be seene, how desperate your resolution is, in al these points, although you were not required concerning the oaths of supremacy and allegiance giuen to his Maiestie by his subjectes, ye freely, and out of your owne motiues, condemned these oathes,

as impious and vnlawfull. Thereby hath it appeared, what a wicked and treasonable mind you foster against his Maiestie, our soueraigne. If you should deny it, heere are your answeres, subscribed with your owne hand, which ye cannot but acknowledge; them I desire to bee read, as likewise the feuerall statutes of Parliament, which you are alledged to haue transgressed; and thereafter, since his Maiestie is pleased that the ordinarie course of tryall be kept vnto you, you shall haue libertie to say for your selfe, either against the relevancie of the Inditement, or verification produced, what you thinke best.

Then were read the statutes of Parliament, mentioned in the Inditement, and the said Iohn Ogilvies answeres to the demands proponed vnto him; which he acknowledged for his owne, and the subscription thereto subioyned: after which, hauing licence of the Court to say what he coulede for himselfe, he spake to this effect:—‘ First, vnder protestation that I doe no way acknowledge this iudgement, nor receiue you, that haue that Commission there produced, for my iudges, I deny any point laid against me to be treason: for if it were treason, it would bee treason in all places, and in all kingdomes; but that,’ saith he, ‘ is knowne not to be so. As for your Actes of Parliament, they are made by a number of partiall men, the best of the land not agreeing with them, and of matters not subiect to their forum, or iudicatorie, for which I will not giue a rotten figge!’

‘ Where I am thought an enemy to the Kings Maiesties authoritie, I knowe none other authoritie he hath, but that which he received from his predecessors, who acknowledged the Pope of Rome his iurisdiction. If the King,’ saith he, ‘ will be to me as his predecessors were to mine, I will obey and acknowledge him for my King; but if he doe otherwise and play the runnegate from God, as he and you all doe, I will not acknowledge him, more than this old hatte!’

Heere the Archbishop of Glasgow interrupted his speech, desiring him to deliuer his mind in a greater calme, and with more reuerent speeches of his Maiestie (for he vttered those things in a vehement passion, and as one transported with fury); hee remembered him, that hee was accused vpon his life, before iudges that were authorized by his Maiesties Commission: to decline the iudgement, or raile against his Maiesties authoritie, was bootlesse, and in a man of his profession, being an Ecclesiasticke, very scandalous. He should rather take another course to amend what he had offended in, and recall his former answeres, if they had not proceeded from a deliberate purpose; or if hee were resolute to maintaine them, to doe it with reason, and in a moderate sort; that this were his best, either for iustifying himselfe, and the opinions he held, or for mouing the Iudges, and their Lordships that were assisting, to commiserat his case: he aduertised him withall, to be more temperate in his speeches concerning his Majestie, otherwise he would not be licenced thus to offend.

To this, Ogilvie made some little answer, 'That hee would take the aduertisement, and speake more coldly:' howbeit, hee would neuer acknowledge the iudgement, nor thinke they had power to sit on his life, but said, 'And for the reuerence I doe you, to stand bare-headed before you, I let you know it is, *ad redemptionem vexationis, et non ad agnitionem Iudicii*.

The Aduocate here insisted, that seeing all his answeres tended to decline the iudgement, and that hee brought no reason why the Inditement should not goe to a tryall, that the Iurie should be chosen and sworne at the Barre, according to the custome.

THE NAMES OF THE IURIE.

Sir Geo. Elphinston of Blythwood,	Hew Crawford of Iordane-hill,	John Dunlop of Powmilne,
Sir Thomas Boyd of Bonethaw,	John Carchore of that Ilk,	John Stewart, burges of Aire,
Sir J ^r Edmeston of Dunraith, elder,	Hew Kennedy, prouest of Aire,	John Dumbar, burges there,
James Murehead of Lachope,	William Makarrel of Hill-houfe,	James Johnston, burges there,
James Robertson of Ernock,	James Blaire, baylie of Aire,	John Cunningham of Rawes.

It was allowed the prisoner to challenge any of the fore-named persons, and to oppose vnto their admiffion: who said, 'He had but one exception for them all: they were either enemies to his cause, or friendes; if enemies, they could not bee admitted vpon his triall, and if they were his friends, they should stand prisoners at the Barre with him.'

The Iurie, being knowne to be all discrete and substantiall persons, were instantly sworne and admitted.

Then was the Inditement read againe, in the hearing of the Iurie, and the evidences shewed them for verification thereof, which ofbefore were produced. And the prisoner, beeing of new remembred to say what hee woulde for himselfe, for the better information of the Iurie, spake these things following:

'I wish these Gentlemen to consider well what they doe. I cannot bee tried nor iudged by them; and whatsoever I suffer here, it is by way of iniurie, and not of iudgment. *Iniuria est, non iudicium*. I am accused of treason, bot haue done none offence, neither will I begge mercy.'

'This is strange,' sayeth the Archbishop, 'you haue done none offence, and yet you are come in his Maiesties kingdome, and hath laboured to peruert his Highnesse subjects; both of these are against the law: In this haue ye not offended?'

'Not,' he answereth; 'I came by commandement, and if I were even now fourth of the kingdome, I should returne: neither doe I repent any thing, but that I haue not been so busie as I should, in that which yee call peruerting. I hope to come to Glasgou againe, and to doe more good in it. If all the haire of mine head were priestes, they should all come into the kingdome.'

'And doe you not,' sayeth the Archbishop, 'esteeme it a fault to goe against the King his commandement, especially in this point of discharging you his king-

dom. If a King haue any power within his kingdome, it seemes hee may rid himselfe and his countrey of those with whom he is offended; and it fauoures of great rebellion to say otherwise.'

To this Ogilvie replied, 'I am a subiect as free, as the King is a King: he cannot discharge me, if I be not an offender, which I am not.' And being asked, for what offences he might be discharged by the King? Answered, 'in the cafes of theft and murther.'

'All this while,' said the Archbishop, 'you come not to answere any thing to the points of your Inditement. Why did you decline his Maiesties authoritie, and refused to shew your opinion anent the Pope his power in deposing Kings, and loosing subiects from their oath of allegiance? And when it was asked you, if it were lawfull to slay the King, being deposed and excommunicated by the Pope, which any loyall hearted subiect will abhorre to think of, why did you not simply condemne it as vnlawfull? For in that you doe not condemne it, you shewe your selfe of the opinion of the rest of your sect, who in their bookes maintaine, that it is both lawfull and commendable to slay Kings, if the Popes commission goe fourth once for it.'

'For the declining of the Kings authoritie,' sayeth he, 'I will doe it still in matters of religion, for with such matters hee hath nothing to doe; neither haue I done any other thing, but that which the Ministers did at Dundie; they would not acknowledge his Maiesties authoritie, in spirituall matters, more than I; and the best Ministers of the land are still of that minde, and if they be wise, will continue so.'

The Archbishop replied, 'that he was mistaken, both in the place and matter; for it was not at Dundie, but Aberdein, where eight Ministers, meeting to a General Assëmbly, contended not against the Kinges authoritie, but that the Assëmbly called to that place and time, could not be discharged by his Maiesties Commissioner: Neither should the fact of a few, taken at the worst, be esteemed the deed of the whole. These haue bene punished for their offences, and some of them haue confessed their errour, and bene graciously pardoned by his Maiestie: All good Ministers professe otherwise, and our religion teacheth us to acknowledge his Maiestie, our onely supreme iudge, in all causes. The King is keeper of both Tables, and his place beares him not onely to the ruling of his subiects in iustice, and preferuing equitie amongst them; but euen to maintaine religion and Gods pure worship, of which he should haue principal care. Your lord, the Pope, hath not onely denied this authoritie to Kings, which God giueth them, but usurpeth to himselfe a power of deposing and killing, when he is displeas'd; and it were the lesse to be regarded, if this his usurpation had gone no further then your pennes; but you haue entred, by this pretended right, the throats of the

greatest Kings, as your practise vpon the two last Henries of France beares witnesse. You are not able to lay such imputation vpon vs, nor our profession, which teaches, that, next vnto God Almightye, all men are bound to feare, serue, and honour their Kings. But what answere you, touching these demandes? Hath the Pope power to depose the King? Or is it not murther to kill him, being deposed by the Pope?

'I refused of before,' said hee, 'to answere such questions, because in answering, I should acknowledge you iudges in controuersies of religion, which I doe not. I will not cast holy things to dogges.'

'And is it,' said the Archbishop, 'a point of faith, that the Pope may depose his Maiestie? Or do you think it a controuersie in religion, Whether his Maiestie (whom God saue) may be lawfully killed or not?'

To this Ogilvie replied, 'It is a question amongst the Doctors of the Church, and many hold the affirmatiue, not improbably: A Councill hath not yet determined the point; and if it shall be concluded by the Church, that the Pope hath such power, I will giue my life in defence of it, and if I had a thousand liues, I would bestowe them that way, if they will make an article of faith of it.' Being vrged to declare his owne opinion, especially in that point, whether it were murther to kill his Maiestie, being deposed by the Pope, he answered, 'that he would not say it were vnlawfull, though he should saue his life by it.' Then going on with a long speech of the Pope his power, affirmed the King to be subject to him, by the vertue of Christes saying to Peter, *Pasce oves meas.* 'That if the King offended against the Catholicke Church, the Pope might punish him aswell as a shepheard or the poorest fellow in the countrey. That in abrogating the Popes authoritie, the estates of Parliament had gone beyond thair limites, and that the King, in vsurping the Popes right, had lost his owne. *Nam qui rapit jus alienum,*' sayeth hee, '*perdit jus ad suum.*'

Being asked touching the oath of allegiance, why he did condemne it, and the famine being read vnto him, he said, 'It was a damnable oath, against God and his trueth, and that it was treason to sweare it; because it brought the Kings person and state in danger; since this kingdome,' sayeth he, 'was Christian, the Popes supreme power was alwayes acknowledged; this being cast off, (as we see in the Act of your Parliament,) against all reason and conscience, and subiectes forced to sweare to a matter so vnlawfull, what maruell that attemptes and dangerous courses be taken against him? *Iustissima lex est, ut quæ agit aliquis, talia patiatur.* But would the King leaue off his vsurping vpon the Pope, hee might liue without feare, aswell as the King of Spaine, or any other Christian prince.' And with this hee intermixed some speeches, of his owne seruice, and the seruice of other Iesuits done to his Maiestie, whereof hee saide, 'Neither Bishop, nor

Minister, nor all the Bishops and Ministers in his Maiesties kingdomes, had done or could doe the like.'

The further hee proceeded in speaking, his speeches still grew to bee the more intollerable; therefore the Archbishop of Glasgow, willing him to make an end, did close all with some wordes to the Iurie, to this effect. Gentlemen, and others, who are named vpon this Affise, though I minded to haue saide nothing, but fitten heere a witnesse of the proceeding, I haue bene forced, by his proud and impudent speeches, somewhat to replie; and must, with your patience, say a little more. It is this same day, two and twentie weekes past, that this prisoner fell into mine handes; since that time hee hath had leifure to thinke enough what course was fittest for himself to take, for satisfiing his Maiestie, whome he had offended: neither hath he lacked counsel and aduise, the best that we could giue him. Besides, hee hath found on our parte nothing but courteous dealing, and better intertainment then (I must now say it) hee hath deserued. Mine owne hopes were, that hee would haue followed another course then I see hee hath taken, and not stande to the answeres which hee made to those demandes, which were moued vnto him by his Maiesties Commiffioners, and you haue seene: But if his answeres at the first were treasonable, they are nowe so little bettered, as in all your hearinges, hee hath vttered speeches moste detestable, made a commentarie worse then the text was, and shewed himselfe to carrie the minde of an arrant and desperate tratour. You perceiue, he obscures not his affection towards the Kinges Majestie, our foueraigne, in all his speeches; preferring the Pope to his Majestie: And, which is more intollerable, affirmeth the Kinges Maiestie to haue lost the right of his kingdome, by vsurping vpon the Pope. Hee will not say it is vnlawfull to kill his Maiestie; hee sayeth, it is treason for subiectes to sweare the oath of alleageance; and meaneth so much, in his last wordes, as the Kinges Maiesties life and estate cannot bee assured, except hee render himselfe the Popes vassall.

Thus hath hee left you little to doe: except that his Majesties pleasure is, the ordinarie forme bee kept with him, you shoulde neuer neede once to remoue: all his speeches haue bene so stuffed with treason, that I am sure the patience of the Noble-men, and others heere present, hath bene much prouoked.

In al that he hath said, I can marke but two things alledged by him, for the Popes authoritie ouer Kinges: the wordes of our Sauour to Saint Peter, *Pasce oues meas*, Feede my sheepe; and the subjection of Kinges, especially of our Kinges, since the kingdome became Christian, to the Pope. For the wordes of our Sauour, howe little they serue his purpose, I haue no neede to tell you. To feed the sheepe of Christ, is not, I hope, to depose Kinges from their estates, nor to inflame the heartes of subiectes against princes: much lesse to kill and dispatch.

them : Wee are better taught then to bee deceiued with such glosses. Saint Peter made neuer that sense of those wordes, and teacheth vs a farre other doctrine, in his first Epistle, fift chapter, and second and third verse.

I will not spende time with such purpose, onely this I muste saye, that whatsoever was Saint Peters prerogatiue, the Pope of Rome hath nothing to doe with it : for hee cannot bee Saint Peters successour, that hath forsaken his doctrine, and gone against his practise directly, both in that and other points of Christian faith. And for the antiquitie of his usurped power, I may justly say, that Master Ogilvie is not well seene in antiquitie, or then speaketh against his knowledge, when he saith, that this power of the Pope was euer acknowledged by Christian Kinges : The Bishops of Rome, for many yeeres, made no such claime, neither did Emperours or Kinges euer dreame of such subjection : Long it was ere the Pope of Rome came to the height of commanding Kinges, and not till hee had oppressed the church, vnder the pretext of Saint Peters keyes, bearing downe all the Bishops within Christendome : which hauing done, then hee made his inuasion vpon princes, and that by degrees. The histories of all ages make this plaine, and the resisting hee found by Kinges in their kingdomes, testifieth that they neuer acknowledged his superioritie. Of our owne, howbeit, as wee lye farre from his feat, so had wee lesse businesse, and fewer occasions of contradiction ; yet can I make it seene, in diuers particulars, when any question fell out anent the prouision of Bishops and Archbishops to their places, the Bulles of Rome were so little respected, as the Kinges predecessors haue always preferred and borne out their owne choice, and the interdictions made upon the realme, by these occasions, not without some imputation of weaknesse to the Sea Apostolicke, haue bene recalled. The superstitions of Rome were amongst vs last embraced, and with the first, by the mercies of God, shaken off : Whatsoever you bragge of your antiquitie, it is false, both in this and all the pointes of your profession else, which I could cleare, if this time or place were fitting. But to you of this Iurie, I haue this only more to say, you are to inquire vpon the veritie of the Inditement, whether such and such things as are alledged to be committed by him, haue bene so or not ? You haue his subscription, which hee acknowledgeth ; you heare him selfe, and how hee hath moste treasonably disauowed his Majesties authoritie : It concernes you onely to pronounce, as you shall find verified by the speeches that you haue heard, and the testimonies produced. For the rest, the Iustices knowe sufficiently what to doe, and will serue God and his Majestie, according to the Commission giuen them.

Maister William Hay, Aduocate for his Majestie, asked instrumentes vpon the prisoners treasonable speeches vttered in the hearing of the Iurie, and his ratification of the former answeres made to his Maiesties Commissioners : Likewise, for

the further clearing of the Inditement, repeated the Actes of Parliament mentioned in the said Inditement, with the Act of Priuie Counsell, made anent his Maiesties supremacie, and the oath of allegiance: And desired the Iurie deeply to weigh and consider the peruerse and diuelish disposition of the partie accused, to the effect they might, without scruple, proceede in his conuiction. And according to his place, protested for Wilfull Errorr, if they should acquite him of any point contained in the saide Inditement.

[VERDICT.] The persons named vpon the Iurie remoued to the higher house, which was prepared for them; and hauing elected Sir George Elphinstone chancellor, all in one voice, found the prisoner GUILTY of the whole Treasonable crimes contained in the Inditement.—[SENTENCE.] Which being reported by the saide Sir George Elphinston, and confirmed by the whole Iurie, then returned into the Court, Judgement was giuen, by direction of the Iustices, That the saide Iohn Ogilvie, for the Treasons by him committed, should be HANGED and QUARTERED.

THE Archbishop of Glasgow demanded, if Ogilvie would say any thing else?

Ogilvie answered, ‘No, my lord, but I giue your lordship thankes for your kindnesse, and will desire your hand.’

The Archbishop said, ‘If you shall acknowledge your faulte done to his Maiestie, and craue God and his Highnesse pardon, I will giue you both hand and heart, for I wish you to die a good Christian.’

Then Ogilvie asked, ‘If he should be licensed to speake vnto the people?’

The Archbishop answered, ‘If you will declare, that you suffer according to the Law, justly for your offence, and craue his Maiestie pardon for your treasonable speeches, you shall be licensed to say what you please; otherwise you ought not to be permitted.’

Then saide hee, ‘God haue mercie vpon mee!’ And cryed alowd, ‘If there be heere anie hidden Catholickes, let them pray for me; but the prayers of hereticks I will not haue.’ And so the Court arose.

[OGILVIE’S *conduct at the time of his EXECUTION.*]

AFTER iudgement was giuen, by the space of some three houres, he remained in the place where he was conuicted, hauing leasure graunted him to prepare himselfe for death. Hee continued a while vpon his knees at prayer, with a colde devotion; and when the houre of execution approached, his handes being tied by the executioner, his spirits were perceiued much to faile him. In going towards the scaffold, the throng of people was great, and he seemed much amazed; and when he was vp, Master Robert Scot and Master William Struthers, Ministers, very grauely and christianly exhorted him to a humble acknowledge-

ment of his offence, and if any thing troubled his mind, to disburthen his conscience. In matters of religion, they faide, they would not then enter, but prayed him to resolue and fettle his minde, and seeke mercie and grace from God, through Iesvs Christ, in whom onely saluation is to bee found. Ogilvie answered, ‘ That he was prepared and resolued.’ Once he said, ‘ That he died for religion ;’ but vttered this so weakly, as scarce he was heard by them that stood by vpon the scaffold. Then addressing himselfe to execution, he kneeled at the ladder foot, and prayed. Master Robert Scot, in that while, declaring to the people, that his suffering was not for any matter of religion, but for haynous treason against his Maiestie, which hee prayed God to forgiue him. Ogilvie, hearing this, faide, ‘ He doeth me wrong.’ One called Iohn Abircrumbie, a man of little wit, replied, ‘ No matter, Iohn, the moe wrongs the better.’ This man was seene to attend him carefully, and was euer heard asking of Ogilvie some token before his death ; for which, and other businesse he made with him, he was put off the scaffold.

Ogilvie ending his prayer, arose to goe vp the ladder, but strength and courage, to the admiration of those who had seene him before, did quite forsake him ; he trembled and shaked, sayng, he would fall, and could hardly bee helped vp on the top of the ladder : He kissed the hang-man, and said, *Maria, Mater gratiæ, ora pro me ; Omnes Angeli, orate pro me ; Omnes Sancti, Sanctæque, orate pro me* : but with so low a voice, that they which stood at the ladder foote, had some difficultie to heare him.

The executioner willed him to commende his soule to God, pronouncing these wordes vnto him, ‘ Say, Iohn, Lord haue mercy on mee ! Lord receiue my soule !’ which he did, with such feebleness of voice, that scarcely hee could be heard : Then was hee turned off, (his left foot for a space taking holde of the ladder, as a man vnwilling to die,) and hung till hee was dead. His quartering, according to the iudgement giuen, was for some respectes not used, and his body buried in a place that is kept for male-factors.

THIS was the ende of that vnhappy man, in whose death, any man that had eyes might see what a gracelesse and comfortlesse religion Poperie is : The power of religion manifesteth it selfe chiefly in the houre of death : The sight of a reconciled God, the assurance and perswasion of fauour through Christ, furnissheth spirite and boldnesse, and maketh a man willing to depart and quite this life : But Popish religion teacheth vncertainetie of saluation, and leadeth a man to other fauours, who can neither helpe nor comfort, in the houre of death. What maruaile, that men, who leane to such rotten and vnprofitable helps, lacking and disappointed of the assistance they hoped for, shewe a faint and cowardly minde at their last !

This onely I haue further to aduertife, that fince his execution, wee haue vnderftood, by fome perfons who vifited him, at times, during his imprifonment, that, amongft other his fpeeches with them, hee faid this, ‘ That if hee had efcaped his apprehenfion at this time, and liued till Whitfunday next, hee fhould haue done that which all the Bifhops and Minifters, both in England and Scotland, fhoulde neuer haue helped ! And, if hee might haue liued at libertie vnto that time, hee woulde willingly haue bene drawne in peeces with horfes, and haue giuen his bodie to haue bene tormented ! Whereof, what fhall any man collect, but that this villane was about fome desperate enterprife ?

God, that in mercie hitherto detected and difappointed the malicious devices of the wicked againft his Church, continue with vs his fauour, and giue vs to depend ftedfaftly on his prouidence. And to all the enemies of God and the King, let it befall, which wee haue feene vpon this wicked and accursed perfon. Amen.

FINIS.

DEPOSITIONS of the JESUITE and Papiſts examined at Glasgo, 5 Oct. 1614.¹

APUD GLASGOW, the fyft day of October, 1614. THIR perſonis, vnderwryttin, wer examineit, in preſens of my Lordis of Glasgou and Argyle ; my Lord Flemyng, my Lord Kilfythe, my Lord Boyde ; the Laird of Mynto, Sir George Elphingſtoun ; James Hammiltoune, Proveſt ; James Bell, James Braidwood, Colin Campbell, Baillies.

ROBERT HEYGAIT, being inquyrit, how lang he hes bene acquent with this *Preiſt* ? Anſwerit, that he neuer ſaw him nor ſpak with him bot within þir twa monethis ſyne, or þairby ; and þat he come doun to him to his awin buithe, and gat ſum paper fra him ; and þairefter ʒeid with him to *Mr William Stewartis* hous, to get ane chopein of wine, quha callit him ſelf ane hors-cowper, and wes going to *Kynntyre* to by hors ;² and employit him to by ane hors. And þairefter, callit him ſelf ane *Preiſt*. Bot of his name he is ignorant ; and neuer ſpeirit for it. And being inquyrit, gif he enterit withe him in RELIGIOUN ? So confeſt ; and þat he brocht him to *Mareoun Walkeris* hous ; and ſaw his buikis : And beleivit that he ſpak to him ; and þat he contentit him of þe Sacrament of þe body of Chriſt ; and þat he is ane Catholik. And being inquyrit, gif he deſyrit him to geive him ane Meſs ? Confeſt he deſyrit þe ſamyn ; and hard þe ſamyn at þe ſaid tyme : And þat þair (wes) with him *Mareoun Walker, William Menteithe, Mathow Adam, Thomas Forret, James Forret*. And being ſpeirit, gif þis Preiſt wes gone to *Sir James Clelandis* hous or not ? Hard *William Menteithe* ſay, þat he wes gone þair. And being inquyrit, gif þe *Lady Maxwell* wes at ony Meſs heir, within þis ſchort ſpace, or at ony Meſs ? Denyit þat he euer ſaw hir. Bot he knawis þat þis *Preiſt* ſpak with hir, þe laſt tyme ſcho wes heir, and þat þe ſaid *Preiſt* ſaid to him, þat he wes ane of THE SOCIETIE OF JESUS. And being inquyrit, how þat þe freindſchip and acquaintance of þe ſaid *Preiſt* wes maid with *James Stewart* ?³ Confeſt, þat he wes þe bringer of þame togidder to confer ; and þat þe ſaid *James* ſtandis ſtill in his former Religioun ; and þat þe ſaid *James* wes deſyrus to ſpeik with þe ſaid *Preiſt*, and he wes erniſt to haif þe ſaid *James* of his Religioun, bot he wald not giue his name þairto. And alſo confeſt, þat þair wes ane wper Meſs ſaid in þe ſaid *Mareoun Walkeris* hous, be þe ſaid *Preiſt*, within tua dayis þairefter ; and

¹ From the Original attested copy, in the *Denmylue Coll. of MSS.*, Adv. Library.

² To purchase horses.

³ Styled *James of Jerusalem*, who figures in this Collection, Vol. III. &c.

pat pair wes present þe said *William Menteith, Mareoun Walker, David Maxwell*, brother to *New-Wark*; and pat pair wes ane wþer *Preiſt* in þis Toun, quha ſtayit ane day heir, and went Eift-throw.¹ And knew not his name; bot he callit him ſelf *Ogilbie*. And being inquyrit, gif pair wes ane wþer Meſs ſaid be þis *Preiſt*, in his awin hous, or nocht? Confeſt pat pair wes ane ſaid pair; and pat he wes Clerk to þe maiſt of þir Meſſis him ſelf; and pat his wyf knew not þairof, bot ſuſpectit þe ſamyn. And at þat tyme, quhen he ſould haue gone to haue bocht þe hors, he raid to *Sir James Clelandis* hous. And þis he declairit be his great ayth.

ROBERT HEIGAIT.

ANDRO SYMMER, declarit, pat he drank with þis *Preiſt* in *James Stewartis* companie, quha intyſt him to his Religioun; bot he wald not grant to him: And pat þai reſſonit wþone Religioun togidder.

ANDRO SYMMER.

THE PREIST being inquyrit, quhat his name wes, he nameit him ſelf *JOHNE OGILBIE*, ſone to *Waltir Ogilbie of Drum*: and pat he hes bein out of þis cuntraye þir twentye twa 3earis: And pat he ſtudet in þe *Colledgis of Olmis and Gratis*; and remanit in *Olmis* twa 3eir, and in *Gratis* fyve 3eir; and pat he hes reſſaut þe *Ordour of Preiſthuid* in *Paris*; and come hame in *Scotland* befoir now, and remanit ſex oukis, or pairby: And pat he now come hame about May laſt, or pairby: And confeſt pat þe budget,² productit on þe buird befoir him, wes his awin. And pat he wes ane of þe ordinar *Jefuittis*: And being aſkit, quhidder THE POPIS Jurifdictioun extendit ouir THE KINGIS dominiounis, in ſpreitwall matteris? Affermit conſtantlie þe ſamyn; and wald dye for it.

JOHANNES OGILBEUS, Societatis Jeſu.

JAMES FORRET, confeſſis, be his great ayth, pat he knew not þis *Preiſt* all þe tyme pat þe *Erle of Eglintoun* wes heir. And wes ſend for be him, be, ſervitrix to *Mareoun Walker*, quho delt with him to come and heir þe Meſs: And for þat effect appointit wþer morne; at quhat tyme he keipit: And þe Meſs wes ſaid be þe ſaid *Preiſt*; being present, *Robert Heygait, Mathow Adam, William Menteithe, Mareoun Walker, Thomas Forret*, his brother. And declairit, pat he wes neuer at ony Meſs befoir or eftir. And pat pair wes ane wþer man, quha callit him ſelf *Dawnie*, ſeducit him to þat Religioun, quhairinto he þan in ane manir agreit: And ſupponis, pat þe ſaid *Dawnie* had directit þis *Preiſt* to him, to draw him forder on: quha perſwadit him to leive THE KIRK—quiblik he did ſen ſyne; quhairof he cravit God forgewnes. And confeſſit, pat, befoir he reſſaut þe Meſſe, þat morning, he maid a Confeſſioun to þe ſaid *Preiſt*, quha gaue him ane abſolutioun, and tuik þe Sacrament.

J. FORRET.

JAMES STEWART, being inquyret, quhen he knew þis *Preiſt*? Be his great ayth, declarit, pat he knew him tuentie dayis ſyne, or pairby; and pat *Robert Heygait* maid his acquentance with þe ſaid *Preiſt*. And eftir þe drinking of ane choppine of wyne, he went with þe ſaid *Preiſt* to þe 3aird of *Mareoun Walker*, quhair he conferrit with him anent his Religioun, and wald nawayis 3eild to him. Bot he had ane guid exſpectatioun of him, and maid him acquent pat he had ane Meſs to ſay; bot he wald not go to it. As to his name, he knowis not þe ſam.

J. STEWART.

WILLIAME MENTEITH, being inquyrit, gif he knew þis *Preiſt* or not? Anſwerit, pat he ſaw him in þis Toun ane monethe ſyne, or pairby; and pat he wes in his companie, in the hous of *Mareoun Walkeris*; and pair hard þis *Preiſt* ſay ae Meſs; and denyit ony mae. And paireftir, being confrontit with *Robert Heygait*, confeſt þan he hard thrie Meſſis, twa þairof in *Mareoun Walkeris*, and ane wþer in *Robert Heygaitis*; and pat he tuik þe Sacrament. And being inquyrit, quhair he gat his beginning of þat Religioun? He anſwerit, pat he firſt wes inſtructit thairin, being ſervand to þe *Laird Kers*, 3ounger, be þe *Lady Angus*, and *Archibald Douglas*, in þe *Place of Moungtoun*, beſyde *Air*, ten or twelf 3eiris ſyne, or pairby. And declairit, pat *Thomas Forret* tauld him of þis *Preiſt*; and pat *Robert Heygait* informit him pat þe ſaid *Thomas* was of þat Religioun. As als, declairit, pat he ſaw *Johnne Wallace of Corsſlat* at þe Meſs, in *Robert Heygaitis* hous, ſaid be þe foirſaid *Preiſt*.

WM MENTEITHE, w^t my hand.

¹ Probably to Edinburgh; he went through the town to the eastward.

² Portmanteau, or small trunk.

THOMAS FORRET, being inquyrit, quhair he had first acquaintance with his *Preiſt*? Declairit, he ſaw him firſt in *Marcoun Walkeris* hous, being fetchit in to him be *Robert Heygat*, and efter lytill conference with him anent þe Religioun, he deſyrit him to cum to Meſs, quhill he did; and befor þe reſſauing pairof, he maid his Confeſſioun, and reſſauit abſolutioun; and pairefter tuik þe Sacrament. And þat pair wes preſent at þe ſaid Meſs, *Mr Johnne Mayne, Marcoun Walker, Mathow Adam, Robert Heygait, James Forret, William Menteith*; and wes at na Meſs ſene ſyne, ſeing be þe ſycht pairof he deſpyſit þat Religioun. And þat þe remanent lykwayis reſſauit þe Sacrament.

THOMAS FORRET.

MATHOW ADAM, being inquyrit, how long he had embracit þe Popiſch Religioun? Declairit, þat, about fyve ȝeiris ſyne, or pairby, he had his entrie pairto in *Danſkin*; and hes fence reſſauit þe Comunioun. And þat he had acquaintance with his *Preiſt* four oukis ſyne, or pairby, be þe moyen of *Robert Heygait*. And ſiclyk, in ſomer laſt, wes acquaint with ane *Dawnie*, ane *Preiſt*, in *Marcoun Walkeris* hous; and þat he wes at thrie Meſſis; þat his *Preiſt* ſaid ane in *Robert Heygaitis*, and twa in *Marcoun Walkeris* hous. And being aſkit, quhat his profeſſioun is preſentlie? Anſwerit, þat he wes of þe Religioun, be þe lawis of his realme.

MATHOW ADAM.

MR JOHNNE MAYNE, being inquyret, gif he knew his *Preiſt* or not? Declairit, be his ayth, he knew him in *Marcoun Walkeris* hous, to þe quhill he wes brocht be *Robert Heygait*; quhair he confeſſit him ſelf to þe *Preiſt*, reſſauit obſolutioun, befor he hard þe Meſs and reſſauit þe Sacrament. And þat pair wes preſent *Marcoun Walker, James Forret, Thomas Forret, Robert Heygait, Mathow Adam, William Menteithe*. And þat, as ȝit, he awowis þat Religioun, and profeſſis þe ſamyn, quhill he be better reſoluit.

MR J. MAYNE.

JOHNNE WALLACE of *Corsflat*, being inquyrit, gif he wes at a Meſs ſaid be his *Preiſt*, or not, in *Robert Heygaitis* hous? Confeſſit, þat he wes preſent pairat, and brocht pairto be þe ſaid *Robert Heygait*.

JOHNNE WALLACE.

THIS is the true copie of pair CONFESSIONIS.

GLASGOW.

Suborning of Witnesses—Perjury—Slaughter, &c.

MAR. 8.—ROBERT GRAHAM, callit of Langboddome; Robert Dunlope and George Wat, wobſter¹ in Edin^r; Adame Blaiklok, duell-and at the Weſt-poirt of Ed^r; James Boyle, wobſter in Edin^r; Johnne Hammiltoun, tailȝeour thair; Adame Moffet, chopman;² Williame Tok, beltmaker at the Waſt-poirt; James Or, fleſcheour in Crawmound.

Dilaitit, accuſet, and perſewit, be Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our ſouerane lord, for his hienes intreis, off the ſeuerall crymes vnderwrittin, contenit in thair Dittayis, eftir ſpecificit, viz.

DITTAY againſt Robert Grahame for Suborning of Witneſſes and Perjury.

THE ſaid ROBERT GRAHAME: Forſamekill as it is expreſſie provydit, ſtatute, and ordanit, be dyuerſe Actis of Parliament, ſpeciallie, be the 80 Act of the ſext Parliament of our ſouerane lordis darreſt guidſehir, King James the Fyft, of famous memorie; and be the 22 Act of the fyft Parliament, and 48 Act of the ſaxt Parliament of our ſouerane lordis darreſt mother, Quene Marie, of worthis memorie, that all ſic perſones as induces ony man to beir falſ Witnes, or ar ſeduſcearis or corrupteris of Witneſſis, induceing pame pairby to depone falſlie, that all ſic perſones ſhall be pwneifchet in thair perſones and guidis, with all rigour, according to the diſpoſitioun of the Cowmone Law, baith the Canone,

¹ Weavers.

² It does not ſeem clear whether this denotes ſhopman, or chapman (*pedlar*), a dealer in ſmall wares. The latter, however, is thought moſt likely.

Ciuite, and Statutes of this realme, that is to say, ather be peirfing and boiring of pair tungis, confifcacioun of pair moveable guidis, and sic vther pwneifchment to be inflictit vpon thame, according to the discretioun of the Lordis: Nochtwithftanding quhairof, it is of verritie, that þe faid Robert Grahame, being ane fraudulent and fals man, ftudeing and imploying his witis thir mony zeiris bygane, how, be craft and diffait, to fuborne and feduce dyuerfe perfones to be Witneffes in findrie actiones, alfweill depending befor the Lordis of Seffion as vther Judicatories of this realme: And making vp to him felf a plane tred and profeffioun pairof, He, for þe manifeftacioun of his forder skill and knowlege in the faid profeffioun, vpon hoip and eferance of his expectit gayne, vnderftanding laillie, that pair was ane Actione of Spuilzie intentit and perfewit befor the Lordis of Seffion, at the instance of Mark Gledftanes, indueller in Edr, aganis James Guidlet and vtheris, iis complices: the faid Robert Grahame, as ane oppin and manifeft coofiner and difflaver, with wonderfull peartnes and double deilling, firft addreffit him felf to the faid Mark Gledftanes, and difcoverit to him the hail secreittis of his actioun; declairing to þe faid Mark, how he had bene in Muffilburgh, and had conferrit with fum folkis pair, quha had reffet fum of þe faid Markis guidis and geir, that was fpuilzeit frome him be þe faid James Guidlet; and that þai war in grit feir leift þe faid Markie fould prevaill in his faid actioun: At quhilk tyme, lykwayis, the faid Robert Grahame, maift fallie and craftillie, declairit to the faid Mark, that he wald find out dyuerfe men to be Witneffes, quha vnderftuid of the fpoliatioun of his guidis; and offerit frelie to him, for gayne and commoditie, to bring thame to him, and to caufe thame be Witneffes for preving of his actioun: Lyk as, according pairto, the faid Robert Grahame, vpon hope of gayne and commoditie, in the letter end of Januar laftbypast, or pairby, conuenit to himfelf Adame Moffet, chopman in Edr, Robert Dunlop, wobfter pair, George Wat, wobfter pair, and Williame Tok, beltmaker pair; quhilkis foure perfones he maift fraudulentlie perfuadit and inducet to vndertak to be Witneffis, to depone in the faid caufe, in faouris of the faid Markie Gledftanes, aganis the faid James Guidlet, albeit þai knew nathing of the verritie pairof. LYK AS, þe faid Robert, immediatlie eftir his induceing and fuborning of the faidis Witneffis, to þe effect foirfaidis, for acqyreing of his forder gayne, past and reveillit þe hail premiffes to the faid James Guidlet, and put him vpon the counfell pairof: The verritie of the quhilk knaverie and difflaitfull deilling of the faid Robert Graham being detectit to the Lordis of Counfell and Seffion, and þai, vpon diligent examinacioun of þe faid Robert, and þe Witneffes foirfaidis, haifing ryppit vp the hail secreit of all pair proceedingis; and in end, finding þe faid Robert Grahame to be bot ane falfe and leying lymmer, the faidis Lordis brocht him to this poynt; and, of his awin consent, maid him to bind him felf and to be content, that in caice it fould be fund be the faidis Lordis, that he ony wayis vareit in his Depositiones paireftir, *that he fould be content to be HANGIT but fauour!* Lyk as, þe faid Robert, being dyuerfe tymes paireftir folemnlie fuorne, in prefens of the hail Lordis, to declair þe verritie, vpon ane only poynt, viz. quhidder or nocht þe faid Robert firft proponit þe purpois to the faid Mark Gledftanes him felf, anent the bringing to him of þe faidis Witneffes, for preving to him of his caus, or gif þe faid Markie focht him firft to that effect; the faid Robert, eftir dyuerfe examinationes and foemne aithes maid be him, haifing constantlie declairit pat the faid Mark firft come to him and proponit þat matter; in end, þe faid Robert, as ane manifeft periuret and lieing lymmer, be his posteriouir Depofitioun, acknowlegit and confeffit, that he firft addreffit him felf to Mark, and maid the firft motioun of þe faid matter to him: In the cairfull and exact tryell of the quhilk matter, be the faidis Lordis of Seffion, thair lordfchipis, be pair fentence and decretit, nocht only hes fund and declairit the faid Robert Grahame to be ane fraudulent and fals fuborner of the faidis Witneffis, feduceing, be craft and difflait, vpon hoip of gayne, thame to depone in the faid caus betuix Gledftanes and Guidlet, quha vnderftuid nathing pairintill: Bot lykwayis, be the fame fentence, he is fund and declairit to be ane fraudulent and fals fuborner of Witneffes, be craft and difflait, in dyuerfe vtheris actiones and cauffes; fpeciallie, in the fraudulent fuborning and feduceing of Witneffes in the caus of fpuilzie perfewit be Quintene Braidfute aganis Coupland; and lykwayis, in the caus of Divorcement perfewit be the Lady Torthorrell aganis my lord hir hufband, and in dyuerfe vtheris

actiones and caussis, moveing the saidis Witneffes, be his intyfeing and fals Subornatioun, to vndertak vpon thame to beir testimonie, and to preve and affirme for treuthe, that, quhair of thay of thame selfis war altogidder ignorant. And be the said Sentence, he is ffund be þe saidis Lordis to haif frequentlie hantit that damnable tred of lyfe, with wonderfull peartnes and double deilling, betuix pairteis, so synelie proveing þe disflaver, chopping, changeing, and triking at his humour, fra hand to hand, that quhairas þe said Robert was evin now, be his inventiones and forgereis of his brane, about þe on-drawing of sum one partie to his designes, quhilk he wald promeis and avow to mak guid, fo incontinent þaireftir he wald discover and detect all to the vther partie, quhome lykwayis, be his fals furnisfe, he wald induce to sum contrarie motioun; in baith, intending nathing bot double and fals deilling, to the preiudice of aither¹ partie. And in end, in the said Robert his tryell and examinatioun, in prefens of the saidis Lordis, he is ffund, be þair said Decreit, to be dyuerfed,² and many tymes menfuorne, and periuret; as the said Decreit beiris. AND þairfoir, the said Robert, as ane manifest seducer and Corrupter of Witneffes, induceing and intyfeing thame, for his awin lucre and gayne, fallie, aganis þair knowlege and conscieuce, to depone in dyuerse caussis, specialie in the caussis aboue writtin; quhair of he is declairit giltie, be the saidis lordis Decreit, and also conforme to his volunter offer aboue specifeit, quhairby he, of his awin consent, was content to be hangit, in caice he war fund to varie in his Depositiones, and þairthrow menfuorne; and as a fals and periuret disflaver, aucht and fould vnderly the pwneischment of death, in maist exemplarie maner, to þe terrour of vtheris.

DITTAY against Robert Dunlop, &c. for Perjury and False-witnessing.

THE saidis ROBERT DUNLOPE, GEORGE WAT, and ADAME BLAIKLOK; fforsamekill as, by dyuerse Actis of Parliament, it is exprellie provydit, statute, and ordanit, that all sic perfonas as beiris ffals Testimonie and Witnessing, in ony caus quhatfoeur, fals pwneisched to the death, according to þe Disposition of þe Cowmone Law, baith Canon, Ciuile, and Statutes of this realme: And trew it is, that the foirnemet perfonas, nochtwithstanding of the saidis Actis, haifing moift wilfullie plunget and fetterit thame selfis in matteris of damnable ffalsetis, and iniust beiring of Witnessing, with sic evidencie of precogitat Periurie, that albeit thay war conscieuous of þair awin malicious and fals intentiones, 5it wald thay rwne heidlongis, and combine and vniformelie agrie togidder to mak merchandice of þair conscieucens, resolvie with thame selfis, to beir testimonie, and effrontedlie for veritie to avow, that (howfoeur in it self) 5it to thame vnkawin, thay being inducet þairto, nocht samekill vpon the hoipis and promiseis of expected gayne, as out of thair continual hant and consuetude of leying, quhilk, throw custome in thame, did turne to nature; quhairin be degrees, thay haifing attynit to sic fynes,³ that gif þair course þairin had nocht happelie bene interruptit, the estait of ony quhatfoeur, without exceptionn, mycht haif bene generallie endangerit: And nanelie, the foirsaidis perfonas, and everie ane of thame, be the convoy and craftie dealing of þe said *Robert Grahame*, callit of *Langboddome*, þair pylet⁴ and leader in þis þair vnconscievable tred of lyfe, haifing fauld thame selfis to all maner of mischiefe, and making schipwrack of all ffaithe and honestie, nocht only vpon reffaut commoditie and gayne be thame and everie ane of thame, laitlie fra Mark Gledstanes, indueller in Edr, offerit thame selfis to depone, as Witneffis, in ane caus perfewit be him aganis James Guidlet, befoir the Lordis of Session, quhair of thay war altogidder ignorant; and quhairin the saidis *Robert Dunlope* and *George Watt* war maist deiplye sworne to geve trew Testimonie; albeit, in þair examinatioun, þair fals and damnable proceeding, by þe vigilant panes tane be the saidis Lordis, was maist happilie brocht to licht: Bot lykwayis, the saidis Robert Dunlope and George Watt, nocht as rasche and rekles liearis be officious testimoneis, bot as Witneffis deliberately ffals, haifing quyte banisched the feir of God, quha is þe witnes of conscieuce, 5e⁵ aganis⁶ þair knowledge and conscieuce, being corruptit and seducet be

¹ Each.

² Contradictory; varying in his evidence.

It is probable, however, that this infers that he was a

dyvour or bankrupt, which was considered most infamous.

³ Refinement. Fr. *finesse*.

⁴ Pilot.

⁵ Yea.

⁶ Against, or contradictory to.

greid of gayne and guid deid, hes gevin fals and vntrew Testimonie, in ane actione and caus perfewit be Williame Cant aganis Thomas Gray, in the quhilk Marioun Crufurd, spous to the said Williame Cant, in absence of hir husband, was speciall doar: And the said *Adame Blaklok* gaif the lyk ffalfe and vntrew Testimonie, in the actione and caus perfewit be pe said Quintene Braidfute aganis Coupland. As everie ane of pair Depositiones, tane in prefens of the hail lordis, testifeing pair acknowledgement of the foirfaidis ffalfettis, in pe selff beiris. AND pairfoir, the saidis persones, and ilk ane of thame, as fals and periuret Witnesfes, of certane knowlege, and aganis the licht of pair awin consciences, deponing in the saidis caussis, as said is, cleirlye tryit by the saidis Lordis, aucht and fould ressaue pair dew and deseruit pwneischment, to the terrour and example of vtheris.

DITTAY against Johnne Hammiltone, &c. for Perjury and False-witnessing.

AS ALSO, the saidis JOHNNE HAMMILTOUN, ADAME MOFFET, and WILLIAME TOK: fforfamekill as, albeit, be the foirfaidis Actis of Parliament, it be expresse provydit, statute, and ordanit, that all ffals Witnesfes, and faules¹ persones, offering thame selffis, for greid and perticuler gayne, to beir ffals Witnessing in ony matter; and all sic as conduces with ony persone, to that end and effect, ar Ordanit to be pwneischet be Banischment, peirfing of pair tungis, dismembiring of pair hand, and be vther panes and pwneischmentis provydit be dispositioun of the Cowmone Law; and forder pwneischment to be inflicted vpone thame, according to the discretioun of the Lordis of Sessioune: Nochtwithstanding quhairof, it is of verritte, that the saidis *Johnne Hammiltoun, Adame Moffet, and Williame Tok*, being corruptit with promeiffes of reward, and be ressait of guid deid and vtherwayis, war seducet and intyfet to be ffals Witnesfis, willinglie and wittinglie offering thame selffis, vpone hoip of reward, to geve ffals Testimonie, in preving of certain actiones, altogidder vnknawin to thame; namelie, the said *Adame Moffet* and *Williame Tok*, conforme to pair Depositiones maid be thame in prefens of the hail Lordis of Sessioun, fauld and conductet thame selffis for reward, to be ffals Witnesfis in the Actione of Divorcement, perfewit be THE LADY TORTHORRELL aganis THE LORD OF TORTHORRELL, hir husband; as also, in ane actione of Spuilzie, perfewit befoir the saidis Lordis, at the instance of *Mark Gledftanes* aganis *Guidlet*: And siclyk, the said *Johnne Hammiltoun*, conforme to his Depositione, maid in prefens of the saidis Lordis, fauld and conductet him selff, as ane ffals Witnes, to haif deponit in the said actione of Divorcement, perfewit be the said Lady Torthorrell aganis hir husband: And albeit the saidis actiones war altogidder vnknawin to thame, zit the foirnameit persones, and ilk ane of thame, aganis thair knowlege and conscience, maist forwardlie and malapairtlye, vnderuik to verifie and preve the samyn; quhilk wikket intentioun thay had nocht failzet, wittinglie and wilfullie, to haif put in practize, gif thay had nocht bene lattin,² be the intervening tryell tane be the saidis Lordis of Sessioun, alsweill be pair Confessiounes, as vther cleir and evident probatioun tane pairintill: And pairfoir, thay, and ilk ane of thame, as persones seducet and intyfet to beir ffals Testimonie, anent the probatioun of the foirfaidis causses, quhairof thay war altogidder ignorant, aucht to ressaue pair dew and deserued pwneischment, to the terrour and example of vtheris.

DITTAY against James Boyle, &c. for Suborning of Witnesses.

IN lyk maner, the said JAMES BOYLE, &c. in the lait tryell and examinatioun, taine of him in prefens of the Lordis of Sessioun, he, conforme to his awin Confessioun and Depositione, and vther probatioun had aganis him, is fund to haif delt with dyuerse Witnesfes, suborning and induceing thame to Depone in dyuerse actiones, quhairof the saidis Witnesfes war altogidder ignorant; speciallie, in the said actione and caus perfewit be pe said *Williame Cant* aganis the said *Thomas Gray*, quhairin, be pe saidis Lordis Sentence and Decreit, he is ffund to haif past the boundis of dentie, and nocht a littil to haif oversene him selff, haifing sa heichlie transgressit pairintill, that his offence, in that behalfe, requyres

¹ *Saulless*, void of soul and conscience.

² '*Lct.*' hindered, prevented.

heichlie to be pwnest : And pairfoir, as ane manifest Suborner and seducer of Witnessis, aucht and fould reffauē his dew and deserued pwnestment, to þe terrour and example of vperis to abstene fra the yk heirefter.

DITTAY against James Or, for Slaughter.

AND last, the said JAMES OR : fforfamekill as, vponē the saxt day of Marche instant, the said James, in his passing furth of þe burgh of Ed^r to Crawmond, haifing forgadderit with *Johnne Chirritie* in Crawmond, vponē the Grene pairof, thay haifing past in to the duelling hous of Thomas Mathiesone pair, quhair thay drank togidder ane hour or pairby : And the said James and Johnne haifing pairrestir come furth of þe said hous, certane speiches haifing fallin out betuix thame, and be occasioun of a lie gevin be þe said Johnne Chirritie to the said James Or ; he, in his beistlie rage and furie, drew ane knyfe or braig, with the quhilke he strak þe said vmq^{le} Johnne Chirritie ane crewall and deidlie straik aboue his left pape ;¹ off the quhilke straik, he immediatlie, within ane hour pairrestir, depairtit þis lyfe ; and sa, was crewallie and vnmercifullie slane, vnder nycht, be þe said Jame Or : ffor the quhilke, he was tane *in flagrante crimine*, and being examinat pairupoun, hes confessit the premisses to be of veritie.

My lord Aduocat producet the DITTAY ; and eftir reiding thairof, in respect the perfonē on pannell could allege nathing aganis the relevancie thairof, to stay proces, desyret the samyn to pas to the knowlege of ane Assyse ; and producet ane roll of the perfonē lauchfullie summond to that effect. Quhilkis perfonē of Assyse being chosin, fuorne, and admittit, eftir accusatioun of the saidis perfonē, be Dittay, of the crymes *respectiue* aboue writtin, quhilkis war verifeit be productioun of the saidis Lordis Decreit, and thair awin Depositiones, maid in presens of the haill Lordis of Sessioun : As also, the said Slauchter was verifeit be the said James Or his awin Confessioun, maid in Judgement, in presens of the Justice and Assyse.

VERDICT. The Assyse, all in ane voce, be the mouth of James Raulstoun, mercheand burges of Edinburgh, ffand, pronuncet, and declairit, conforme to the Depositiones and Decreit producet, and the said Judicial Confessioun maid be the said James Or, the foirnameit haill nyne perfonē vponē pannell to be fylet, culpable, and convict of the feuerall crymes and pointis of Dittay aboue mentionet.

SENTENCE. The said *James Or* to be tane to the Mercat-croce of Edinburgh, and thair his heid to be strukin fra his body ; and all his guidis and gear to be escheit, &c. : AND siclyk, the saidis *Robert Grahamē*, *Robert Dunlop*, *George Wat*, and *Adame Blaiklok*, to be tane to the said Mercat-croce of Edinburgh, and thair to be Hangit, quhill thay be deid ; and all thair moveable guidis to be escheit to his Maiesteis vse : THE saidis *James Boyle*, *Johnne Hammiltoun*, and *Adame Moffet*, to be first Scourget throw the burgh of Edinburgh, fra the Castell-hill to the Nether-boll thairof, and Brunt with ane hett irne vponē the cheik, and thaireftir Banischet this realme of Scotland ; and nevir to be fund agane within the samyn, without his Maiesteis Licence, vnder the pane of deid :

¹ Breast.

AND last, that the said *Williame Tok* be lykwayis Scourget throw the said burgh, and thairefter Banischet this realme; and nevir ffund agane within the samyn, without his Maiesteis Licence, as said is, vnder the pane foirsaid.

Uttering “Tressonable, Blasphemous, and Damnable Speiches” against the King.

[THE Trial of JOHN FLEMING, elder, in Cockburnspath, which follows, is so remarkable in its nature, and the Sentence of death pronounced upon the unfortunate pannel, is so frightfully disproportioned to the pretended *crime* for which he stood charged, that, did it not occur in the authentic Records of a Supreme Tribunal, and were it otherwise unvouched, no honourable mind could for an instant admit the probability of its truth. Had mention been made of this fact in any private correspondence of the period, or in contemporary Memoirs or Annals, it would have been at once discredited by all, as an unprincipled libel on the character of our *British Solomon!* Unhappily, however, for the character of King James VI, the event here recorded is too true, and there can be no doubt that it did actually occur. The names of other victims to the same insane ideas of justice, are inscribed, in characters of blood, on the pages of our Criminal Records. It is unnecessary to recapitulate such instances, at any length, in this place. It is enough merely to refer the reader to the Cases of *Dil-soun*, Aug. 3, 1596;¹ *Tennent*, Oct. 10, 1600;² *Cornuall*, Apr. 25, 1601,³ and *Ross*, executed Sep. 10, 1618.⁴]

May 17.—JOHNE FLEMYNG, elder, in Cokburnespethe.

Dilaitit of dyuerse tressonable, blasphemous, and damnable speiches vtterit be him to Johnne Lawder, Minister, aganis our souerane lordis most sacred persone, &c. viz. FORSAMEKILL as, Johnne Lauder, Minifter at Cokburnespeth, haifing laitlie reprehendit and fund falt with the said Johnne Flemyng, becaus his sone repairit nocht to the Communioun; saying to the said Johnne, that ‘albeit he contemnit þe ordour and discipline of the Kirk, 5it the Kingis most gracious Maieftie, quho is a most religious and godlie Prince, and vnder whois bliffet government the trew Religioun and discipline of the Kirk is establischet and advancet, wald nocht suffer suche contempt and disobedience pas over vnpw-neisched:’ the said Johnne Flemyng, vpone delyuerie of the saidis speiches, schaiking af all feir of God, and that reverent respect, quhilke in conscience, befoir God, and in his dentie and allegiance, he aucht⁵ to HIS MAIESTIE, most tresson-abillie, blasphemouffie, and mischantlie⁶ replyit to þe said Minister, in thir woirdis: ‘ffeind nor THE KING schoote to deid or þe morne—and that he die of þe falling feiknes!’ And it being demandit of the said Johnne, quhat movet him to vtter suche blasphemous and horrible speiches aganis his Maieftie?—maid this scornefull and disdainfull ansuer: ‘War nocht⁷ THE KING and his lawis, he had nocht wantit his landis—and pairfoir, he cairt nocht for þe King—for hanging wald be þe worst of it!’ Be the vttering of the quhilkis damnable and blasphemous

¹ See this Collection, I. 385.

² *Ibid.* II. 332.

³ *Ibid.* II. 349.

⁴ *Ibid.* III. under the

above date.

⁵ Owed.

⁶ Wickedly. O. Fr. *meschantment*.

⁷ Had it not been for the King, &c.

speiches aganis his Maieftie, he had committit moft haynous and vnpardoneable Treffone. Lyk as, he being conuenit and presentit befor the Lordis of his Maiefteis PREVIE COUNSELL for the faidis speiches, the faidis Lordis of Secret Counfell hes tryit the famyn to be of verritie; and thairfoir, Ordanit him to be pwneift *exemplarie*, to the terrour of vtheris.

The Dittay being red to the pannell, (he) maift humble offerit him felf in his Maiefteis Will, for the faid crymes: Quhairupoun my lord Aduocat askit instrumentis. Quhilk Dittay was verifeit, be production of the Counfellis Decreit.

VERDICT. The Affyfe, all in ane voce, be the mouth of Cuthbert Mure, furriour in Edinburgh, chancellor, ffand, pronuncet, and declairit the faid Johnne Flemyng to be Giltie and convict of the faidis Treffonable Speiches vtterit be him, in maner fpecifeit in his Dittay.—SENTENCE. To be tane to the Mercat-croce of Edinburgh, and thair to be hangit quhill he be deid: And all his moveable guidis to be efcheit, &c.

Slaughter.

May 30.—JOHNNE BRAND, Student in the Colledge of Philofophie of Ed^r, fone to vmq^{le} Johnne Brand, Minister at Halyrudhous.

Dilaitit of airt and pairt of the felloun and crewall Slauchter of vmq^{le} Williame King, fone naturall to James King, Aduocat; committit vpon the xxvij day of Maij instant, vpon St Leonardis Craigis, neir to the faid burgh, befyde the Park-dyke of Halyrudhous, be ftreking of him with ane drawin knyfe, vnder the left pape; quhairof he immediatlie deceiffit.

PERSEWARIS, James King, Aduocat, as fader; Mr Alexander King, Aduocat; Mr Adame King, ane of the Commiffaris of Edinburgh, as fader-brether.

The pannell acknowledges the Dittay to be of verritie, and craves God, and our Souerane lord, and the pairtie, maift humble, pardoun for the fact: And gif any meanis of fatisfacioun (refervand his lyfe) may be acceptit, accoirding to his habilitie, is maift willing to fulfill the famyn, accoirding to the perfewaris iniunctioun: Bot gif na vther thing bot his bluid will mitigat the perfewaris wraith, offeris the famyn to be pwneift accoirding to the Law; defyreing the Lord, throw the meritis of the precious bluid of his Sauour Chryft Jefus, to be mercifull vnto his faull!

VERDICT. The Affyfe, all in ane voce, be the mouth of Johnne Mafoun, mercheand in Ed^r, chancellor, ffand, pronuncet, and declairit the faid Johnne Brand, accoirding to his awin Confessioun, to be ffylet, culpable, and convict of the Slauchter of the faid vmq^{le} Williame King.—SENTENCE. To be tane to the mercat croce of Ed^r, and thair his heid to be ftrukin frome his body: And all his moveabill guidis to be efcheit, &c.

Treasonable Fire-raising in Coal-pits.

Jun. 10.—JOHNNE HENRIE in Littill Faufside.

Dilaitit, accuset, and perfewet, be Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our souerane lord, for his hienes intereis, of the crymes vnder-writtin, viz.

FORSAMEKILL AS, albeit be the 146 Act of our Souerane lordis tuelf Parliament, haldin at Ed^r vpon the fyft day of Junij, 1592 5eiris, makand mentioun that his Maieftie and estaittis, for þe better pwneifchment of the wiked cryme of setting ffyre in coil-heuches¹ be sum vngodlie perfonas, vpon privat reuenge and difpyte, haif pairfoir Statute and Ordanit, be vertew of the said Act of Parliament, that þe committing of the said cryme, in ony tyme þaireftir, fall be Trefone; and that the committeris of þe said haynous and detestable cryme, being ordourlie convict þairof, fall suffer and vnderly sic pwneifchment in þair bodeyis, landis, and guidis, as is dew be the law in caufes of Trefone: As in the said Act of Parliament at lenth is contenit. Nochtwithftanding quhairrof, it is of verritie, that þe said John Henrie, being a seruand and workman within the Coil-heuch of Littill Faufyde, and þairthrow best acquaintit with the haill secreit passages and pairtis of the said heuche, haifing confauet ane deidlie rancour and evill will aganis Mungo M^ccall, now of Littill Faufyde, becaus þe said Johnne had nocht that libertie and commandiment vnder him quhilk he had vnder Johnne Levingftoun, his prediceffour; in a devillifch difpyte, and to þe wrak and distructioun, nocht only of the said Mungois coil-heuch, bot to þe grit preiudice of þe cuntrie and Cowmounwelthe, in the monethis of ffebruar, March, and Apryle, in the 5eir of God I^m.Vj^c. and fourtene 5eiris, at the leift, in ane or vther of the saidis monethis, immediatlie eftir þe said Mungo M^ccall acqyret the rycht and poffeffioun of the said coilheuch, come, vnder filence and clud of nycht, to þe said Coilheuch of Littil Faufyde, and enterit þairintill be ane previe hoill and paffadge of his awin, and maift trefsonable pat ffyre within the said heuche, of purpois and intentioun to burne and distroy þe famyn and haill coillis being þairintill: Lyk as, for the gritter fecrecie and down-halding of the said ffyre, he nychtlie, be þe fpace of tuentie dayis togidder, refoirtit to the said heuche in secreit maner, fied, and nureifchet þe said ffyre, stoppit þe haill air and vent hoillis with ftray,² quhairthrow þe said ffyre fould nocht be discoverit: Be reafone of the quhilk ffyre, and stopping of the haill air and vent hoillis, thair arraife sic ane peftiferous and foule air within the heuche, that nane of þe workmen war able to work þairintill; quhairvpon, and be þe pulling furth of ane bottell of ftray furth of ane hoill in the said heuche, quhilk hoill was callit þe said Johnne Henreis vue,³

¹ Coal-pits.

² Straw.

³ Perhaps for view, prospect.

the vehemencie of þe said ffyre was difcoverit. Be þe committing of þe quhilk detestable fact, he hes committed maist haynous and vnpardoneable Treffone.

The pannell denyis the Dittay; and takis instrumentis that na pairtie infistis in his persute bot my lord Aduocat; and that thair is nocht ane fuorne Dittay. My lord Aduocat producet Thomas Cochrane, his lordschipis informer, quhais aithe he desyret to be tane, anent the treuth of the Dittay.

Thomas Cocherane, greif¹ at Littill Faufyde, being fuorne vpon the verritie of the Dittay producet be my lord Aduocat, declairit that Johnne Henrie was giltie of þe cryme contenit þairintill, bot he wald nawayis follow nor perfew him for the samyn, in respect he had na intereis; quhairvpoun my lord Aduocat askit instrumentis.

The Assyse being fuorne, my lord Aduocat takis instrumentis of thair fueiring; and protestis for Errour gif thay acquit.

VERDICT. The Assyse, being ryplie and at lenth advyfet thairwith, togidder with the taikynis² and Depositiones producet for instructing thair of, be pluralitie of voitis, ffand, pronuncet, and declairit, be the mouthe of Alexander Penman in Lyttill Faufyde, chancellor, the said pannell, to be ffylet, culpable, and convict of the treffonable cryme specifit in the said Dittay.—SENTENCE. To be tane to the Mercat-croce of Ed^r, and thair to be hangit vpon ane gibbet, quhill he be deid; and his heid thaireftir to be strukin frome his body, and put vpon ane prik, fixt and fet vp vpon the landis of Littill Faufyde, beyde the said Coilheuche: And all his moveable guidis, gif he ony hes, to be escheit, &c.

Wamesucken—Slaughter.

Jun. 22.—ALEXANDER DAUIDSOUN, in Wester Kerfe.

Dilaitit of the crewall and vnnaturall Slauchter of vnquhile George Suord, his sone in law, be streking of him with ane lance-stalff in the bellie, and gorryng his puddingis, within the said George awin duelling hous in Wester Kerfe, vpon the xxix day of Maij last: Off the quhilk straik he deceiffit, vpon the tuelf day of Junij instant; committit vpon fet purpois, prouisioun, and foirthocht ffellonie, in hie and manifest contempt of his hienes autoritie and lawis.

PERSEWARIS, Patrik Suoird and Johnne Suoird, as brether.

VERDICT. The Assyse, being ryplie and at lenth advyfet thairwith, togidder with the said Alex^r his Judiciall Confessioun and acknowledgement of the said haynous cryme to be of verritie, and his penitencie for the samyn, be pluralitie of voitis, ffand, pronuncet, and declairit the said Alexander Dauidfoun to be ffylet, culpable, and convict of the said crewall Slauchter.—SENTENCE. To be tane to the Castell-hill of Ed^r, and thair to be heidit; and his hail moveabill guidis to be escheit, &c.

¹ Grieve; overseer.

² Proofs; tokens; evidence.

Mutilation and Demembration.

Jun. 30.—JOHNE PITSCOTTIE of Loncardie, Colene Pitfcottie, his eldest sone.

Dilaitit of airt and pairt of the Mutilatioun of Margaret Stewart, spous to Thomas M^dduff of Glenelwart, of hir richt airme ; committit vpon the xxix day of August, 1613.

PERSEWARIS, Margaret Stewart, Thomas Duff of Glenelwart, hir spous.

The persewaris passis fra the persute of the pannell, for the crymes contenit in the Letteris, *pro loco et tempore*. Quhairupone the pannell askit instrumentis.

THE Justice continued this case ' to the thrid day of the Air (of Perth) or soner, vpon xv dayis wairning.' Robert Creichtoun, brother to the Laird of Innernytie, became cautioner for their appearance, &c.

High Treason—Taking and Detaining the Castle of Dynnievaig—Resisting King's Lieutenant, &c.

[As the Editor has already entered so fully into the subject of THE REBELLION IN ILAY by *Sir James Maconeill*, &c., it is unnecessary to occupy further space here ; more especially as *Mr Gregory's* Historical Researches, already far advanced, are exclusively devoted to the elucidation of such points.¹

The following interesting memorials have been preserved by *Calderwood*, in his MS. Church History,² which the Editor believes will prove an acceptable illustration of this subject. They have been discovered since the former sheets were sent to press. 'SIR JAMES M^cKONNELL escaped out of *the Castle of Edinburgh*, where he had been wairdit the space of eighteen years, upon the 24 of Maij, the day after *Angus Ooge*, his brother, and eight or nine of his complices, were brought to *Edinburgh*. It was thought that he escaped not without the privity of these who had credit. In the beginning of July, he entered in *Ila*, with a number of men of THE ISLES, and, within three or four dayes after his landing, took *the Castle*, slew *the Captain* and other three or four. His forces increasng, he went out of and spoiled the lands belonging to *the Earl of Argyle*, compelled the tenants to pay him their maills and duties, and keepest about him five or six hundreth men. Upon the eight of July, *Angus Oge*, brother to *Sir James M^cKonnell*, and his complices, were hanged at the Market Crofs of Edinbr. They affirmed that *George Grahame* assured them, in *the Chancellours* and *Counsell's* name, that they would procure the Kings favour and safety, both of their lives and lands, if they would render the pledges ; and desired them to keep the Houfe till *the King's* favour were obtained, or elis they had not made resistance to *the King's Lievtennant*. Because the said *George* was not troubled by the Counsell or any other, the people thought hard of it.—Aug. 16. *The Earl of Argile* came to Edinburgh, sent from Court be THE KING to passe upone *Sir James M^cKonnell*. He had Commiffione to warne and raise the Sherifdomes nixt adjacent, and to wage shouldiers, upon the King's charges. One of THE KING's Ships, and four pinnages, were sent by Sea, with cannon, musket, powder, bullet, picke, and corflet. *The Counsell* gave their directione, upon the thrid of August. About the middest of September, their forces drawing near to others,³ *Coline Campbell of Kilberrie*, and some with him, were surprisid and taken be *Coll Mackgilespicke* and his followers. *Mr Donald Campbell*, that Gentleman of *the Houfe of Caddell*, accompanied with six or seven hundreth men, went out of *Argiles* Campe, and surprisid, in a suddane, *Col Mackgilespick* and his companye ; killed some, tooke others, and hanged some. *Col* him self and the most part hardlie escaped. *Sir James*, and so many as might flie with him,

¹ See Vol. III. p. 1.

² Advocates' Library.

³ Each other.

fled out of *Kintire* to ILA. All his followers could not flee, because *Mr Donald Campbell* had ceased (*seized*) upon many of the boats. *Argile*, finding it dangerous to remaine long in the fleikls, winter drawing one, for it now was midd-October, and his company dissolving, practised with *Mackgilespicke*. Col rendered THE CASTLE OF DUNNIVEGE, *Coline Campbell of Kilberrie*, and himself to the Earle.

A number of ORIGINAL PAPERS are appended to this Trial, which, in addition to those already furnished, afford ample and suitable illustrations of this remarkable passage of History. But for *Mr Gregory's* work, the Editor would have deemed it his duty to have made still further researches. To that gentleman's History, reference is made for the minuter particulars attending that subject, and, in general, for all other topics connected with the Fends and Insurrections which took place in the Isles and West-Highlands.]

Jul. 3.—ANGUS OIG M^cDONALD,¹ Allaster M^callaster, Angus M^callaster, Allaster M^carliche, Johnne M^ccondochie, Johnne Gair M^cmoylane.

Dilaitit of the tressonable taking, keiping, and detening of his Maiesteis Castell of Donyvage, in Yla, and resisting of the Laird of Caddell, his hienes Leutenent and Commissioner, &c. ; as in THE DITTAY following :—FORSA MEKILI AS, thay, accompaneit with *Coill M^cgillespik* and vperis, pair complices, all rebellis and brokin men,² to the number of ffyftie perfones or pairby, in the moneth of November last, maist tressonabillie convocat thame selffis in airmes, come forwardis in oppin and arrayit battell to his Maiesteis Castell and stenth of Dynnivaig, in Yla ; and pair, be craft and policie, tuik in the said Castell, whilk thay stuffit³ and furneissit with muscattis, hagbuttis, poulder, leid, and vper weirlyk furnitour,⁴ for halding pairof : Quhilkis tressonable practizes, sa interpryfet be thame and thair complices, being maid knawin to the Lordis of his Maiesteis Secreit Counsell ; and thay, for redres of the saidis rebellis enormiteis, haifing directit the Laird of Caddell,⁵ with companeis of wageit men of weir, as Leutenent to his Maiestie, with ane Herauld,⁶ and trumpettar, to charge thame, in his hienes name and autoritie, to rander the said Castell, and to recover the samyn fyrrth of pair handis. LYK AS, the said Leutenent with his forces, togidder with the said Herauld and trumpeter, haifing cum to the said cuntrie of Ilay, to the effect foirsaid, the foirnamet perfones, with pair rebellious associattis, vnderstanding pairof, directit furth ane grit number of pair rebellious cumpany aganis the said Herauld and trumpeter, and maist tressonabillie stayit and interruptit thame fra cuming forwardis to be said Castell, for geving of the said charge ; quhairthrow, for feir of pair lyfes, thay durst nocht cum forwardis to the said hous : Lyk as, eftir his Maiesteis Leutenent had plantit him self with his forces round about the said Castell, and had salutet the saidis rebellis,

¹ See May 13, 1609, &c., and Note to the Introduction to *Sir James Makconell's* Trial, Vol. III. p. 1, &c.—and Vol. I. p. 224, where the Trial of *Angus Makconell*, his father, occurs. ² Outlaws, and men attached to no particular Clan, who, for pay and the hope of plunder, would join in any enterprise. ³ Provisioned. ⁴ Furnishing ; provision. ⁵ Campbell of Calder, or Caddell.

⁶ Robert Wynrahame, Albany (Ylay) Herauld.

being pairin, with nyne feoir schottis of ordinance, schote be thame pairat, the saidis perones on pannell, nochtwithstanding of þe said Assault maid be þe said Lieutenant to þe said Castell, maist tressonablie held out, keipit and detenit þe samyn aganis him, he being cled with his Maiesteis authoritie, as Leutenent and Commiffioner, for releifing þairof; and tressonabillie schote furth agane, out of þe said Castell, at þe said Leutenent and his companie dyuerse schottis of muscattis, and pairwith slew *Capitane Craufurd*, with foure vther of his Maiesteis faithfull servandis and subiectis, quha war in seruice with the said Leutenent, in the executioun of his Commiffioun. AND the saidis perones on pannell, and ilk ane of thame, ar airt and pairt of the saidis tressonable crymes.

My Lord Aduocat producet the Dittay, with the roll of the Assyse; and desyret proces.

ASSISA.

Mr Rannald Bayne, burges of Ed^r, Hucheoun Frafer of Kilboig, James Sprewle of Cowden, Andro Meldrum of Dumbrek, Williame Cunningheam of Dolphingtoun.¹

The Aduocat, for verificatioune of the Dittay, producet the pannellis Depositiones, and takis instrumentis vpon the productioun thairof, &c. And protestis for Wilfull Error, gif thay acquit.

VERDICT. The Assyse, all in ane voce, be the mouthe of the said James Sprewle, chancellor, ffind, pronuncet, and declairit the saidis perones on pannell, and ilk ane of thame, conforme to thair awin Depositionis, and approbatioun thairof in judgement, to be ffylet, culpable, and convict of airt and pairt of the hail tressonable crymes contenit in the Dittay.—SENTENCE. To be tane to the Mercat croce of Ed^r, and thair to be hangit vpon ane gibbet, quhill thay be deid: And all thair moveable guidis to be escheit and inbrocht: And all thair landis, heritages, and annuelrentis pertening to thame, to be sforfaltit to his Maiesteis vse, &c.

APPENDIX OF DOCUMENTS,

ILLUSTRATIVE OF THE TRIAL OF ANGUS OIG M^cDONALD, &c.

I. OFFERIS to be presentit to our maiest gracios souerane and his hienes honorabill Counsall, in the name of Angus M^cDonald of Durnavaig, his freindis and followeris.

FIRST, with all humelite, I adheir to my former OFFERIS, maid and subscriuit with my hand, in presens of THE COUNSALL, at *Glasco*, in the yeir of God I^{mo}.Vj^o. and syf yeir, and delyuerit to my Lord of *Shone* to haif bene schawin to HIS MAIESTIE; promeing to performe euery heid of the samin.

Secondlie, I offer my self to abyid the tryell of the lawis of this HIS MAT^{ES} realme, twiching my obediens to his hienes and *Counsallis* derectiounes, in all poyntis; and keeping of all dewateis appertenyng to a loyall subiect, ewir sen HIS M^{TE} past to mak residens within his hienes kingdom of ENGLAND.

¹ The remainder 'burgesses of Ed^r.'

Thridlie, feing I haif compleitlie payit all bygane males¹ of his hienes propper landis, within IYLA and KYNTYIR, pofefit be me, heirtofoir, and hes obtenit HIS MA^{TES} *Controllerris* difcharge thairof, I offir, in lyk manir, in all tym cuming, during my lyftym, to mak thankfull payment of the full Rentall of the faidis landis, wnto the quhillkis I and my foirbeiris hes bene kyndlie tenentis;² and that termelé and yerlé,³ wnder the pane of tynfall⁴ of all kyndis of rycht, tytill, or poffeffioun that I can cleame to ony landis within ony part of HIS MA^{TES} dominionis; his hienes refpecting for the present *the Waf landis of IYLA*, quhill thai be pleneifcht and manwrit.⁵

Ferdlé, I offir fufficient cautioune, within *the Law-landis*, that I falbe obedient to the lawes of this HIS MA^{TES} cuntré of SCOTLAND; and to that effect, fall compeir befor *the Counfull* of the faid realme, vpone lauchfull premonitione, quhairfoewir the famin fall fit.

Fyftlé, I offir to concur with thais quhomvnto it fall seme guid to (his) hines to gif Commiffioun, with my haill freindis and followaris, and to fet fordwart and afift fic reformatione of the barbarité of thir cuntreis of THE WAST and NORTH IYLES of this HIS MA^{TIS} kingdome of SCOTLAND, as it fall pleas his hienes beft to dewyfe, be thir presentis, fubferyith with my hand, AT KILNACHTANE, IN IYLA, the aucht of September, 1606. ANGUS M^CDONALL of Dwnewaig.

II. LETTER, *Angus M^cdonall of Dwnwaig* to THE KING. Sep. 10, 1606.

PLEIS 3OUR EXCELLENT MA^{TIE},

IT is knawin to 3OUR MA^{TEIS} honorabill *Counfaie*, within 3our hienes realme of *North Britane*, quhat hes bene my behaviour evir fen 3our hienes part out of thir the North partis of 3OUR MA^{TEIS} dominioun; how many futtis, and how mony offeris of all dewiteis that it become a loyall fubiect to his dred fouerane, I haif maid to pair Lo.; and how that, efter I haid fullilie fatisfeit and compleitlie payit all byrun maillis addebtit be me to 3OUR MA^{TEIS} *Comptroller*, I obtenit his difcharge pairupoun. I fend with his lo. to haif bene presentit to 3OUR MA^{TIE} certane Speciall OFFERIS, fubferyuit with my hand, befor 3our hienes COUNSALE in *Glefw*, in the moneth of Junij, 1605, of the quhillk I haif as 3it receavit na anfuer nor⁶ quhat 3OUR MA^{TIE} refoluis and derectis me to do; and being refufit of Licence to haif cum and presentit my felf perfonalie befor 3our hienes, to haif maid my awin fupplicatioun out of my awin mowth, I am enforceit to mak the famyn be a mediat perfone, *my Lord Bijchop of the Iyles*,⁷ quhome-by I haif gewin credeit to offer, in my name, to 3OUR MA^{TIE} my lyfe and all þat I may command, to be vfit as it fall pleife 3our hienes direct; befeiking 3OUR MA^{TIE}, for the caufe of God, to refpect my aige and pair eftait, and to lat me knaw 3our hienes awin mynd, fignet with 3OUR MA^{TEIS} awin hand; and gif it mycht pleife 3OUR MA^{TIE} to continew me the poffeffioun of thais kyndlie rowmes,⁸ quhillkis my forbearis⁹ and I hes haid of 3OUR MA^{TIE} and 3our hienes royall progenitouris, I fall nocht onlie paye the dewiteis and maillis vfit and wount pairfoir, bot also fall find fufficient fouertie for obedience to 3OUR MA^{TEIS} lawis, in all poyntis, and in all tyme cuming; or vpirwayis, that it mycht fein guid to 3OUR MA^{TIE} to let me kend,¹⁰ how and quhairupoun I fall leive; for it falbe knawin, I fall feik na vther refuge bot onlie 3OUR MA^{TEIS} clemencie, nor na vther leiving bot that quhillk of 3OUR MA^{TEIS} princelie liberalitie it fall pleis 3our hines beftow vpoun me; as at mair lenth the beirar will informe 3OUR MA^{TIE}. And fua, I befeik God to blifs 3our hienes with a long and prosperous ring.

3OUR MA^{TIES} maift humbill and obedient fubiect,

IYLAYE, the tent of September, 1606.

ANGUS M^CDONALL of Dwnwaig.

¹ *Mails*, rents, fen-duties, &c.

² Feudal Tenants, termed *kindly*, from the circumstance of their being *natives*, born on those lands which had been possessed by their ancestors for many generations. Such persons were seldom ejected, so long as they paid the almost nominal rents of those lands, which they were thus permitted to occupy by a sort of hereditary title, after the decease of the former tenant. They were styled *Nativi* in old Charters.

³ Termly and yearly.

⁴ Loss; forfeiture.

⁵ Stocked and manured.

⁶ Than.

⁷ ANDREW KNOX, of the family of Ramfurly, who had been Minister of Lochwinnoch and Paisley, was appointed Bishop of the Isles, Apr. 2, 1606, having been the first Protestant Bishop of that See.

Reference may be made to the Trial of Sir James Mackoneill, *Appendix*.

⁸ Possessions held by him as '*kyndlie Tenant*.'

⁹ Ancestors.

¹⁰ Know; understand.

III. LETTER, *the Privy Council to THE KING.* May 27, 1608.

MOST SACRED SOUERANE,

THIS beirar, *the Bifchope of the Ilis*, haueing the occafoun to repair to your Maieftie for fome materis concerning the feruice in THE ILIS, We haif committit vnto him the relatioun vnto your sacred MAIESTIE how far we haue procedit in that bufynes, and what courfe is tane for the furtherance and profequotion of that feruice, vnto whose fufficiencie remitting all thingis, We pray God to grant vnto your Maieftie, efter a long and happy reigne, eternall felicitie. FROM your Maiefteis burghle of EDINBURGHE, the 27 of May, 1608.

Your Maiefteis moft humble and obedient fubiectis and feruitouris,

AL. CANCELL^s. ABERCORNE. J. BALMERINO^r. D. SCONE.
BEWLY. HALYRUDHOUS. JO. PRESTOUN.TO THE KINGIS moft excellent MA^{TIE}.IV. LETTER, *Lord Wchiltrie to THE KING.* May 27, 1608.

MOST SACRED AND GRATIOUS SOUERAN,

I RESSAVID your MA^{TEIS} Lettir, with *Alifjer Ogis* Remiffioun, and falbe cairfull to gif vnto your MA^{TIE} full contentment and fatisfactioun in everie particular of the Letter. I haif reiteinit the Remiffioun in my handis, quhill I haiff ane certaintie of *Alifjeris* conformitie; quhairin I expect to find him anfuerable, in fome meafour, to that great favour quhilk it hes plefit your MA^{TIE} to beflow wpone him. In all wtheris your MA^{TEIS} directionis, quhairin it fall pleis your sacred MA^{TIE} to burdens me, I fall haif ane speciall cair and regard to approve my felff worthie of that trust quhilk your lienes reposis in me; having na wthir thing zit to acquyt your heines inestimable favouris, bot ane hart difpofit, in all finceritie, to difcharge that dewtie quhilk your MA^{TIE} expectis, and quhilk to my awin credit appertenis, and to facrifice my lyffe and all that I haiff, in the executioun of all your MA^{TEIS} royall directionis. And fua, recommending your sacred MA^{TIE}, with your royall progenie, to the protectioun of God, I reft

50^r Ma^{TIES} moift humbill and obedient feruitour,

EDINBURGH, the xxvij of Maij, 1608.

AL. WCHELTRIE.

TO THE KYNGIS moft excellent MA^{TIE}.

V. 'COPY of THE LIEUTENNENTIS LETTER to the Counfall, to be fend to Courte with Sir Alexander Hayis Letter, &c.' Aug. 18, 1608.

PLEIS YOUR LORDSCHIPIS,

I CAUSIT wey oure ankeris and depairtit from YLA the 14 of this instant, at efter none, and arryved at *Dowart*, in MULE, the 15 of the fame monethe; and that with gryte difficultie, in respect of the greateft tempeft of wedder and contrarie tyddis, quhairby we wer put in great dangeir all pat nycht; quhairthrow I failit downe ane of the mastis of my awne fchippe. Att oure out-coming from YLA, we mett *the Ingliſhe gallay*, with ane vther ſhipp, that caryis the munitionn and ordinance, the quhilk gallay, yf it had not pleafit God to haif givin hir that luke¹ to anker in *the Sound of YLA*, ſho could not haif efchaupt faiff, in respect of the gryte tyddis heir, and hid gait to pas throw, the quhilk ſho appeiris to be verie vnmeit: And finding hir nawife fufficientlie furneift with victuall, to remane heir to avait on this ſervice, yf it war bot for the ſpace of aucht dayis; and not being certane of ony victuallis to come heir to furneift hir, bot onlie, at my ſpeciall requieft, *Sir Williame St Johnne*, HIS MAIESTEIS *Admirall* heir, hes tane vpoun him, out of his awne furnitour,² to ſupplie hir with viveris, quhill bak advertieſment come from your ll.; and ſeing we have no ſervice in thir *Ylandis* that ſho is meit for, and knowing hir to be gryte expenſis to HIS M^{TIE}, vpoun the avifeſment with *the Admirall*

¹ Luck; good fortune.² Provision.

and remanent *Capitaneis* of THE ENGLISH FLEITT, and especialie with him wha is present *Governour* of hir, wha be painfull experience knawis, and hes declairit to ws, how difficile it is to keepe hir saiff, yncaffin away, lett bee to do ony good office with hir, I haif thoct good to crave your ll. aduise, quhidder sho falbe direct bak agane to ENGLAND, with all expedition, as we think all expedient—or yf sho fall be continewit heir—and to what vse, and how sho falbe furneist—for we knaw not. As to the ship caryare of the batterie and instrumentis appertening thairto, albeit we think not meit to keepe the ship heir, bot remit hir bak with the gally, for hir better preservation, yit, for fundrie cauffis tending to the forder and finall ending of this service, we think it expedient to keepe the munition with the instrumentis, the quhilk I fall sie to be put in sic suritie, as I falbe answerable to HIS MA^{TIE} and your ll.

Thir thingis I haif thocht good to communicat vnto your ll., imparting vnto your ll. oure opinioun heir, and craving your ll. forder resolutioun in the premisses, quhilk I think, God willing, to follow furth. Vpoun the 16 of this instant, I directit Commissionaris to the *Houfe of Dowart*, quhairin McCLAYNE haueing his residence for the tyme, promesit to delyuer the Houfe; the quhilk he did vpoun the 17 of this instant. I ressaueing the same, hes furneist with men and viveris that Houfe to be keipit during HIS MA^{TIES} and your ll. pleafour. I haif proclamit Courte to be haldin, the xxij of this instant, in *Arrofe of MULL*, when I think, be Godis grace, to tak ordour with pat Yland, in executioun of pat pairt of my Commission, in distroying of lumsfaddis,¹ birlingis,² and Hieland gallayis.

I find this ane gryte difficultye, that in respect of the great nomber of theis vashellis, quhilkis ar intertenyt vpoun the mayne-schoir, quhilkis ar so offensive to the *Yllismen*, that onles they keepe the lyk counter with pame, they can not eschape thair oppressioun, nather can I iustlie spoilsie pame pairt, vnles the lyk ordour be tane with these that ar vpoun the mayne-schoir, opposith to THE NORTH and WEST YLLIS; and thairfoir, yf it wald pleis your ll. to gif me lyk pouer and Commission, for the abolishing of sic vashellis vpoun the mayne-schoir, as I haue with in THE YLLIS, I fall do accordinglie with both. The quhilk Commission I expect, with diligence; into the quhilk Commission, I wald desyre your ll. to include the intaking and asfedgeing and dimoleiing of all sic Houffis vpoun the mayne-schoir, apperteneing to ony Yllifinan, or that may be ayd or ressett to ony fugitiue rebell out of THE YLLES.

I will not trouble your ll. with farder Letteris quhill mair occasioun be offerit; bot, requeisting your ll. to haif bak answer, becaus I can not depart out of this Yll, withoute ressett of the same, I rest,

Be your ll. alwise to be commandit,

DOWART, in Mull, 18 August, 1608.

A. VCHILTRIE.

VI. LETTER, the *Privy Council* to THE KING. Oct. 6, 1608.

MOST SACRED SOUERAYNE,

THIS Nobleman, the Lord Vchiltrie, whome it pleasit your heynes to prefer to the charge of Leutenandrie of THE YLLIS of this your Maiesteis kingdome, hes, with verie greate cair, pane, and travellis, and with greate hafaird of his persone, broght that service to ane goode perfectioun, by the entrie and exhibitioun befor ws of a noumer of the principallis and Chiftanes of THE YLLES; and by his awne promeis and Band, to mak some otheris of thame, whome he hes not presentit, answerable and obedyent; as mair particularlie he will informe your sacred MA^{TIE}. And sua, recommending him to your Maiesteis gracious regard and consideratioun, We pray God to blisse your sacred Maiesteie with all happynes, and restis for evir,

Your Maiesteis most humble and obedyent subiectis and feruitouris,

AL. CANCELL^S. ARGYLL. CRAFORD. BUKCLUGHE. ABERCORNE. BLANTYRE.

EDINBURGH, 6 October, 1608.

TO THE KINGIS most excellent MAIESTIE.

¹ Lymphads.

² A *birlin* is a small sort of vessel, peculiar to the Western Islands of Scotland.

VII. LETTER, *the Privy Council to THE KING.* Oct. 13, 1608.

MOST SACRED SOUERANE,

THE beirar, *the Bifhop of the Yllis*, having the occafion to repair towardis your facred MAIESTIE, we haif thought meit to accompany him with this our testimonie and approbatioun of his dewtiful cariage and behaviour in your MAIESTEIS feruice, in THE YLLIS, wherin he hes caryed him felff with verie goode credite and reputatioun; and is able, be his counfall and advyfe, (in respect of his awne credite and freindfhippe among the Yllifmen,) to do vnto your MAIESTIE goode feruice thair. And fua, recommending him vnto your facred MAIESTIE, and most huimelie befeiking your heynes to heir him, in fuche thingis as he will propone, anent the profequitioun of this feruice, We pray God to bliffe your facred Maieftie with all happynes and felicitie, and reftis for ever,

Your Maiefties moft humble and obedyent fubiectis and feruitouris,

AL. CANCELL^s. ROSS. TORPHECHIN. BUKCLUGHE. HALYRUDHOUS.
CL^s. REG^{ri}. A. ELPHINSTON. S. T. HAMILTON. JO. PRESTOUN.

EDINBURGH, 13 October, 1608.

TO THE KINGIS moft excellent MAIESTIE.

VIII. THE COPIE ANGUS OGE'S *firft* LETTER to *Sir Oliver Lambert.* (No date.)

MY HONORABILL GOOD LORD,

I HAVE receavet your Letter, and hes vnderftand be your meaning, that ye wuld hawe me to rander this Hous to yow into THE KYNGS name. My Lord, as to that, if I had not receavit ane better Warrant frome *my Lord Chancler and Counfell of Scotland* to rander thame this HOUS OF DUNYWEGE, I wald obey your lo. or any wper fubiect, hawing his MAIESTEIS Warrant. My lord, if ye doubt of this, fend me your awin Secretar, or anie wper pat can reid, and I fhall let him fie my Warrant frome *the Counfell*, defyring me to keip this *Cafell*, wnto the tyme that his MA^{tie} wilbe¹ declairit to me. The quhilk my Warrant fall testefie. And if yow will trouble me, efter I have obeyit his highnes will, be yow affurit that I fall complayne to his MA^{ties} *Counfell*. Not troubling your lo. any forder, comitts yow to God. FROME DUNYWEGE, the 14 of this instant month. And if ye will fend any of your awin men, ye fall hawe frie paffage to pas and repas to and fro.

Your friend, to your deserwing,

ANGUS OG MA^cDONALL.IX. EXTRACT from MINUTES of *Privy Council Proceedings.* Apr. 1614.

THE HOUSE OF DVNYVEG, in YLA, being possessed and kepted be THE BISCHOP OF THE YLES his brother, and two or three servandes, the fame Houfe hes bene of late furpryfed and tane be one *Ronnald Oig*, alegeand to be Bastard fone to vmq^{lc} *Angus M^cconcell of Dvnyveg*, whom the said *Angus* did neuer, in his tyme, acknowlege to be his fone. This *Ronnald*, being a vagabound fellow, without any certane residence, come latelie to YLA, and finding the Houfe to be but flenderlie kepted, refolued to furpryfe and tak the fame: And for this effect, he and his complices, being four or fyue in number, retered thame felues to ane wood, neare by the Houfe, whair thay made fome laderes, and with thame, one day, airlie in the morning, thay clam the vtter wall, kepted thame felues obscure whill the yettes were opined; and then they took the Houfe, and put *the Bifhopes* folkes oute thereof. The reporte whereof coming to young *Angus M^cconcell*, lafull brother to *Sir James*, who wes within fex myles of the Houfe for the tyme, he immediatlie, according to the cuntrye fasshoun, fend the Fyrecrofe² athorte the countrye, warning all the countrye people, who wer affected to HIS MAIESTEIS obedience, to ryfe, and concur with him in the recouerie of the Houfe. And fo he, with fuch assistance as come to him, inclofed the Houfe. Thay within held good for fex dayes, being weel prouyded

¹ Probably this should be read, "wnto the tyme that his MA^{ties} will salbe."

² The Fiery Cross. See *the Lady of the Lake*, and other works of Sir Walter Scott, for illustrations of this remarkable custom.

with pulder, lunt,¹ and bullett, whereof thay fand good flore in the Houfe; and thay wer prodigall enough in bestowing the same vpon the befeagares; bot in end, perceauing that thay war not able to keepe the Houfe, thay in the night eshued² at a bak yett, in a litle boat with sex oares, which lay at the Castell; and took with them such goodes as thay fand in the Houfe.

Angus followed thame, bot what farder has fallen oute, is not as yitt come to *the Counfelles* knowledge. *Sir James M^cconceill* is *the Counfelles* informar of all this bufynes; and as he faves his brother hes offered to delyuer the Houfe bak againe to *the Bishopes* sermandes, who refused to reffau the fame. *The Counfell* haveing hard at lenth *Sir James* discourse, made in this earand, and looking thortlie to heere from *the Erle of Ergyle*, or els from *the Bishope*, the constant and certane truth of all this mater, thay haue referued all deliberation bearin, till thay heere from *the Bishope* or *Erle*.

X. SIR JAMES M^cDONALD HIS OFFERIS.

FIRST, I offer, if it might please HIS MA^{TIE} of his clemencie to give me ILAY, I would pay eight thowfand merkis yearlie thairfoir; and find sufficient caution of Lordis and Barrounes for good payment and obedience, be my selfe, and all THE CLANNIS that shall dwell there: And craves but a fevin yeare Tak, to try me.

Secondlie, I offer, if HIS MA^{TIE} please to hold ILAY in his awin hand, to mak it worth Ten Thowfand merkis yearlie to HIS MA^{TIE}; and to transport my selfe, my brethir, and my kin to IRELAND, or to whatsumewir other place HIS MA^{TIE} will appoynt ws; and his highnes to give ws one yearis duetie or rent of ILAY, to by land with; and in the mein tyme, I shall go with *the Bishop* of THE ILES, and thall, God willing, ather get the Houfe and his pledgis, without any chairgis to HIS MA^{TIE}, or than returne heir to mynd my owne waird, within fourtie dayis. Provyding, if I get this done, I haue assurance of HIS MA^{TIE} and COUNSALL, that my self and my brothir shall get leave to go, presentlie thereafter, with my lord *Bishop* to Courte, and get a kifs of HIS MA^{TIE} hand; and my cautionaris shall remaine bound for me, that I and my brother shall returne bak heir to HIS MA^{TIES} COUNSALL, to abyid such order as it shall pleas his highnes to joyne to ws. And I shall leive my sone heir, as pledge for my performance in all, and for satisfactioun to HIS MA^{TIE} and COUNSALL. I shall bring *Rannald M^callaster*, who first took the Houfe, and *Ronnald M^cdonald Vallich*, to suffer for their fault; and *Coll M^cgillaspie* to be kept in Irnes, during HIS MA^{TIES} pleasour. My cautionaris falbe *the Erle of Tullibairne*, *Lord Burlie*, *Sir Ronnald M^cSorte*, *Johnne Campbell of Cadell*, *Malcum Tofhe*,³ and *the Laird of Grant*; every one for Fyve Thowfand merkis—and my sone to die if I fail.

And last, I offer, without ony condition of land or money, that if it please HIS MA^{TIE} to give me libertie, vpon such suretie by cautionaris as I am able to performe, or pledgis, I shall transport my self and my brothir and kin out of all HIS MA^{TIES} dominiounes, having HIS MA^{TIES} Letter of Recommendation to THE ESTAITTIS OF HOLLAND; and libertie to tak vp men, if we be employit; with HIS MA^{TIES} frie pardoun for all byganis.

Fire-raising—Theft—Reset of Theft.

Jul. 14.—JOHNNE M^cALLASTER M^cJAMES, in Daill of Rothiemurchus;
Andro M^callaster M^cJames, in Kynveachie; Johnne Dow
M^ckay, in Duchill.

Dilaitit of airt and part of the tressonable Raifeing of ffyre, Burneing and destructioun of the Houffis and bigingis pertening to vniq^{le} George Dunbar in

¹ Match.

² Escaped; *eschewed*.

³ Probably meaning *the Laird of MacIntosh*.

Clwne; and thiftious Steilling and away-taking of the hail infycht and pleneiffing, guidis and geir, being within the saidis Houffis, to the avall of ane thowfeand merkis; at the leift, of the thiftious Refsetting of the saidis guidis and vtheris contenit in the Letteris direct thairupoune, eftir the thiftious steilling thairof be David McWilliam and his complices; committit in October, 1598 5eiris.

PERSEWAR, Mr Robert Dumbar, fone to the said vmq^{le} George Dumbar.

The Justice, with advyse of my lord Aduocat, continewis this matter to the thrid day of the next Justice-air of the schereffdome of Innernes, quhairin thay duell, or foner, vpon xv dayis wairning, to vnderly the law for the crymes aboue fpecifeit: And ordanis caution to be ffund for the defenderis compeirance to that effect; vnder the panes contenit in the Actis of Parliament.

Johnne Roife of Glenbeg, as cautioner for the entrie of the perfonen on pannell, tuik instrumentis of thair entrie; and protestis he may be fred of his cautionrie. Gregour Grant of Gartmoir become souirtie, that thai and ilk ane of thame fall compeir, &c.

[*Sir Williame Heart, Justice-Depute.*

ASSESSOURIS to the Justice, in this cause,—MY LORD ARCHBISHOP OF ST ANDROS; SIR GEDIONE MURRAY, Thesaurar-depute; MY LORD CLERK OF REGISTER, (Sir Alexander Hay of Whitburgh); MY LORD OF KILSYTHE.]

Treasonable Resetting of Jesuits and Trafficking Papists, &c.

[AFTER the details which have already been given in the Case of OGLIVIE,¹ it seems unnecessary to occupy farther space in attempting to elucidate the present Trial. It must, however, be interesting to the reader that there should be preserved, in this place, some remarks made by *Calderwood*, in his larger MS. History,² which strongly depict the popular feeling, in relation to these State prosecutions against the Jesuits.

‘William Sinclair, Robert Wilkie, (and) Cruikshanks were convicted, upon the fourteen of August, for Resetting *the Jesuits* above named, and hearing of Massé. The day following, betwix four and five afternoone, they were brought furth, with their hands bound, to the Scaffold, sett up beside the Crosse, and a gallows in it, according to the custome of Executione. While a great multitude of the people was gazing to see the Executione, there was a Warrant presented to the Magistrats of Edinburgh, to stay the Execution; soe they were carried back again to their wairds. The people thought this forme of dealing rather mockery then punishment!’]

Jul. 14.—WILLIAME SINCLAIR, agent in Edinburgh; Robert Wilkie, browdinst³ in the Cannogait; and Robert Cruikshank, staibler in Ed^r.

Dilaitit of the tressonable Resetting of Mr James Moffett, Mr Johnne Ogilvie, and Mr Johnne Campbell, Jesuites and Traffiqueing Papistis, within thair duelling houffis, dyuerse dayis and nychtis, in the monethis of August, September, and October lastbypast, &c. viz.

DITTAY against the Pannell.

FORSAMEKILL AS our most gracious and sacred Souerane lord, furth of pat godlie zeill ever borne

¹ See his Trial, Vol. III., p. 330, &c.

² Church Hist. MS., Adv. Library.

³ Embroiderer, a lucrative employment in those times; not *browster*, or brewer.

be his Maieftie to þe maintenance of the trew RELIGIOUN, presentlie (to the honour and praife of Almychtie God) professit and establichet within this Kingdome, and for the ruteing out of all Papistcall and Idolatrus Religioun, with the blinded professouris pairof, furth of the samyn; be mony godlie lawis and Actis of Parliament, deulie maid and publeift, alswell in his hienes minoritie, as since his acceptatioun of the government in his awin persone, hes nocht onlie expresse statute and ordanit, that na professit JESUITE, SEMINARIE PREISTIS, nor TRAFFIQUEING PAPISTIS (being all suorne ennemeis to his sacred Maiefties crowne and estait) be fund within this his hienes realme, or ony part of the samyn, vnder dyuerse capitall panes mentionat pairintill; bot lykways, be dyuerse vtheris guid and godlie Lawis, Actis, and constitutiones of Parliament, speciallie, be the 120 Act of his hienes tuelf Parliament, haldin at Ed^r vpon the fyft day of Junij, 1592 5eiris, his Maieftie and Estaitis than convenit, hes, be vertew of the said Act, decernit and declairit, that in tyme pairrestir following, the RESSETTING of the saidis JESUITIS, SEMINARIE PREISTIS, and TRAFFIQUEING PAPISTIS, aganis the Kingis Maieftie and Religioun, presentlie professit within this realme, is and fall be ane just caus to infer the cryme and payne of TRESSONE aganis the said receperis:¹ As the said Act of Parliament, ratifeit and approvin in dyuerse his Maiefties Parliamentis, haldin senfyne, in the selff proportis. AND albeit it be of verritie, that vmq^{le} *Mr Johnne Ogilvie*, alias *Watfone*, *Mr James Moffett*, alias *Halyburtoun*, and *Mr Johnne Campbell*, alias *Sinclair*, all professit JESUITES and MESS-PREISTIS, with dyuerse vtheris of that vnhappie and curlet sect, war directit frome ROME, this last 5eir, 1614, be THE POPE and his CARDINALIS, to cum to this cuntrie and vtheris partis of his Maiefties dominiones, to put in executioun, na dout, sum feirfull and treffonabill conclusioun, as persones maist meit for sic ane dangerous employment; and haifing, according to pair commissioun, cum to this cuntrie, in the monethis of Junij or Julij, the 5eir of God foirlaid; quhair, estir pair cumming pairto, in all pairtis and companeis quhair thay refoirtit, speciallie, the said *Mr Johnne Ogilvie*, ane vyld and abhominable Tratour, quha iustlie ressauit his deseruet pwneifchment, be pair perverse speiches and insolent cariages, maist treffonabillie and oppinlie condampned and difavowit his Maiefties fouerane autoritie, setting vp and mantaining, in place pairof, THE POPE OF ROME his vsurpet power for excommunicatting, deposing, and dethroneing KINGIS, and absolueing subiectis from the othe² of pair naturall allegiance; intending na les, be thais pair treffonabill speiches and informations, nor³ to haif waknit and steirit vp ane oppin and feirfull REBELLIOUN. THEIR pernicious and vnhappie miscreantis, schakin loufe be þe autoritie of pair Generallis, to put in executioun sic treffonabill attemptis, nochtwithstanding of his Maiefties Lawis and Actis of Parliament maid aganis the receping of thame and vtheris of pair devillische sect, war, in the monethis of Julij, August, September, and October lastbypast, at the leif, in ane or vther of the saidis monethis, maist treffonabillie resset, harbourit, and interteneit be 5ow, and everie ane of 5ow, viz. the saidis *Williame Sinclair*, *Robert Wilkie*, and *Robert Cruikshank*, within pair (5our) duelling houffes, in maner as followis; that is to say: THE said *Mr James Moffett*, alias *Halyburtoun*, ane professit JESUITE, a PREIST, and TRAFFIQUEING PAPIST, haifing cum to this burgh of Ed^r, to pervert, be his erroneis doctrine, our fouerane lordis subiectis fra þe trew RELIGIOUN presentlie professit, was, for that effect, maist treffonabillie resset, harbouret, and interteneit be the said *Williame Sinclair*, in ane or vther of the saidis monethis of Julij, August, September, and October lastbypast, dyuerse dayis and nichtis, within his duelling hous in Ed^r; and all necessar comferte, releif, and intertenement ministrat to him, at all occasions, as gif he had bene (ane of) his Maiefties faithfull and loyall subiectis and professouris of þe trew RELIGIOUN; estir he was knawin to þe said *Williame Sinclair* and his wyfe to be of the contrair⁴ RELIGIOUN, be þe informatioun of ane James Colt, he keipit daylie focieatie and companie with þe said JESUITE, vpon the stretis, keipit trystis and meittingis with him and with the said vmq^{le} *Johnne Ogilvie*, ane notorious Tratour, within the duelling house of *Robert Wilkie*, in the Cannogait, and duelling hous and stable of *Robert Cruikshank*, and within the Abbay

¹ Receivers; resettters.² Oath.³ Than.⁴ Opposite; adverse.

3airdis, and in dyuerse vtheris pairtis of this burgh of Edr and suburbis pairt; committing pairthrow, maist oppin and vnpardonable Tressone, and according to the said Act of Parliament, incurring pairthrow the panes and puneishment expressit pairintill. LYK AS, the saidis *Mr James Moffett*, *Mr Johnne Campbell*, and *Mr Johnne Ogilvie*, all professit and avowed JESUITES, war, in ane vther of the saidis monethis, tressonabillie reffett, hurdit,¹ keipit clofe, with thair horffis and provisoun, be the said *Robert Cruikshank*, staibler, within his duelling hous and stable in Edr, be the space of dyuerse dayis and nyctis, war interteneit be him pairintill, and furneist with all maner of conforte, help, and releiff, according to his habilitie, committing pairthrow, oppin and manifest TRESSONE, conforme to the said Act of Parliament. AND siclyk, the saidis *Mr James Moffett* and vmq^{le} *Mr Johnne Ogilvie* war maist tressonabillie reffet, harbouret, and interteneit, in ane or vther of the saidis monethis, be the said *Robert Wilkie*, within his duelling hous in the Cannogait, of certane knowlege that thay war JESUITES, infasar as three feuerall MESSIS² war said be the said *Johnne Ogilvie*, within 3our chalmer, of 3our special knowlege; to the quhillkis MESSIS, dyuerse perfones maid pair resoirt, and the said Robert keipit the dur, and was quhyles within and quhyles without. BE the wilfull and tressonable Resfetting of the quhillkis JESUITES, SEMINARIE PREISTIS, and TRAFFIQUEING PAPISTIS, professit and avowed enemeis to his Maiesteis persone, Croun, and estait, and trew RELIGIOUS presentlie professit, and that within thair duelling houffis, and vtherways, as is aboue declairit, the foirlsaidis perfones, and ilk ane of thame, according to the tennour of the said Act of Parliament, hes incurret the pane and puneishment of TRESSONE, viz. to be pwneist and demanit³ as Tratouris, and pair haill landis and guidis fforfalt and escheit to his Maiesteis vse; to the terrour of vtheris to abstene fra the lyk heireftir.

WILLIAME SINCLAIR, eftir reiding of the Dittay, declairit, that it is of treuth that he hes offendit God and the Kingis Maiestie, by Resfetting of *Mr James Moffet*, Jesuite, in the moneth of October last; quhilk he did only vpone simplicitie:⁴ And denyis the Resfet of *Mr Johnne Ogilvie*, or *Mr Johnne Campbell*, Jesuites, at ony tyme: As also, denyis the Resfetting of the said *Mr James Moffet*, in the monethis of July, August, and September, set down in the Dittay. My lord Aduocat acceptis his Confessioun, in that he acknowleges his Resfetting of *Moffet*, in the moneth of October; and adheris only thairto, aganis Williame Sinclair.

It is allegit be Williame Sinclair, for him selff and remanent perfones vpone pannell with him, that the Dittay is nocht relevant, nather can the samyn be put to the knowlege of ane Assyse, except it war speciallie condiscendit thairin, that *Mr James Moffet* said Mefs, and was a traffiker aganis the Kingis Maiestie and the Religioun.—It is ansuerit be my lord Aduocat, the allegiance aucht to be repellit, in respect of the Dittay and Act of Parliament, beirand distinctlie, that nocht only the Resfetteris of the Sayeris of Mefs committis Tressone, bot also the Resfetteris of Jesuites, Seminarie Preistis, and Traffiking Papistes aganis the Kingis Maiestie and Religioun, committis Tressone. And trew it is, that the said *Mr James Moffet* is ane notorious Jesuite, and ane traffiker aganis the Religioun professit within this realme, as is confessit be the said Williame Sinclair

¹ Literally, *hoarded*; concealed with extreme caution, as one would a hoard of money. ² Masses.
³ Used; treated. ⁴ Goodnature; without any treasonable intent.

him felf, in his awin Depofitioun, beirand, that Moffet declairit to him, that he was cum to this cuntrie to venter his lyfe for the faiftie of faules that war in danger; and fa, was fufficientlie knawin to the faid Williame, that he was ane Jefuite and traffikeing Papift aganis his Maieftie and Religioun: Be receyting of the quhilk Jefuite thaireftir, he has fallin vnder the danger of the faid Act of Parliament.

It is forder allegit be the pannell, that he can nocht pas to ane Affyfe for the Receyting of Jefuites, except, conforme to the Act of Parliament, made in anno 1593, cap. 164, he had refset thame, *fcienter et prudenter*, be the fpace of thre nychtis togidder, or thre nychtis at feuerall tymes; be the quhilk Act, it is provydit, that gif it be fa tryit,¹ that the perfone convict for the *firft* falt, his efcheit fall fall; ffor the *fecund* falt, fall amit² his Lyfrent; and (ffor) the *thrid* falt, fall incur the crymes of Treffone. And thairfore, except the faid Recept be fa tryit, the Dittay is nocht relevant.—It is anfuerit, that the allegiance aucht to be repellit, in refpec the faid Act of Parliament nawayis derogattis the Act of Parliament quhairupoun the Dittay is foundit: And thairfoir, nochtwithftanding of the faid allegiance, fould pas to ane Affyfe.

It is forder allegit be the pannell, that be the Act of Parliament maid in anno 1600 5eiris, cap. 18, thair can be na forder exactit of the Recepteris of Jefuites, bot ane pecuniall payne; quhilk he is content to pay, accoirding to the Lordis modificatioune: And thairfoir, the Dittay for Treffone can nocht pas to an Affyfe.—It is anfuerit, that the allegiance aucht to be repellit, nochtwithftanding of the faid Act quhairupoun the famyn is foundit, in refpect the famyn nawayis derogatis the Act of Parliament maid be his Maieftie and Estaittis, in anno 1592, bot ratifies the faid Act in everie poynt.

It is allegit be the pannell, that he can nawayis pas to ane Affyfe for Reffetting of the faidis Jefuites, nather is the Dittay relevant aganis him, in refpect, be ane Act of Parliament maid at Edinburgh, in anno 1609, cap. *quinto*, it is thair planelie explanet and declairit, that all Actis maid ofbefoir aganis the Reffetteris of Jefuites, &c. haif full force, and be put to dew executioun aganis the faid Reffetteris, fa fone as intimatioun and denunciatioun beis maid of the faidis Jefuites, Seminarie Prieftis, and vtheris contenit thairin, at the Mercat-croce of the heid burgh of the fchyre quhair thay duell, and Mercat-croce of Edinburgh;² bot fa it is, that thair was na intimatioun nor denunciatioun maid at ony Mercat-croce of the faid *Mr James Moffet* his name, befoir his Reffetting within the pannellis hous, to be ather a Jefuite, Seminarie Preift, or of ony vther ordour: And thairfoir, the faid Dittay for his Recept can nocht pas to ane Affyfe.—It is anfuerit be my lord Aduocat, that the explanatioun repeitit be the pan-

¹ If it so turns out upon Trial.

² Lose.

³ As the *commune forum*.

nell, fet down in the said last Act of Parliament, nawayis derogatis or takis away the former Act of Parliament maid aganis the Refsetteris, quhairupoun the Dittay is confauet; bot be the contrair, the said Act is Ratifeit, and ordanit to haif frie strenth, effect, and executioun, accoirding to the tennour thairof; and the explanatioun of the said Act, in anno 1609, is only in fauouris of sic as Refsettis Papiftis ignorantlie, nocht knowing thame to be Papiftes, or of ane contrair Religiou: Bot it was fufficientlie vnderftuid to the pannell, befoir *Moffettis* Refset, that he was ane Catholik ffather, and was cum to venter his body for the Catholik Faith, as is confeffit be his Depofitioun: And thairfoir, the said allegiance aucht to be repellit, and the pannell pas to ane Affyfe.

INTERLOCUTOR of *Relevancy*.

THE JUSTICE, with advyfe of the Affeffouris present, Repellis the hail allegiances proponit be the pannell; and ffindis the Dittay relevant: And Ordanis the famyn to be put to the knowlege of ane Affyfe.

ASSISA.

Thomas Fifcher, mercheand bur- ges of Edinburgh,	Robert Halybruntoun, merchand thair,	Dauid Williamefone, elder, mer- cheand thair,
Eduard Johnestoun of Ryhill,	Johnne Inglis, fkyenner thair,	Capitane James Hunter, burges thair,
Williame Cocherane, mercheand burges of Edinburgh,	Nicoll Vduard, mercheand thair, Williame Nemok, tailzeour thair,	Alexander Broun, elder, mer- cheand thair,
Dauid Mitchell, merchand thair,	Thomas Weir, peuderer thair,	
Alexander Speir, mercheand thair,	James Weill, mercheand thair,	Jo. Fairlie, younger, burges thair.

My lord Aduocat takis instrumentis of the fuering of the Affyfe: And for VERIFICATIOUN of the Dittay, producet the pannellis Depofitiones, viz. the said William Sinclairis Depofitioun, all writtin and fubfcriuit with his hand; and the vther tua Depofitiones maid in prefens of dyuerfe Lordis of his Maieftis Secret Counfell, confeffing thair particular Refsetting of the Jefuites, in maner fpecifeit in thair Dittay, and thairupoun askit instrumentis; and proteftis for Wilfull Errour, gif thay Acquit.

VERDICT. The Affyfe, all in ane voce, be the mouth of Dauid Williamefone elder, chancellor, ffand, pronuncet, and declairit the saidis *Williame Sinclair*, *Robert Wilkie*, and *Robert Cruikshank* to be ffylet, culpable, and convict of the trefsonable Refsetting of the saidis Jefuites, in maner fpecifeit in thair Dittay; accoirding to thair awin Depofitiones, producet for verificatioun thairof.

SENTENCE. To be tane to the places of thair Executioun, and thair to be execute to the daith, and vtherwayis demanit as Traturis: And all thair landis, guidis, and geir to be fforfalt and efcheit to his Maieftis vfe.

Aug. 15.—THE quhilk day, THE JUSTICE being fitand in Judgement, ane WARRANT was producet be him, and ordanit to be red, quhilk was direct to him fra his Maieftie, &c. viz.

JAMES R.

TO our trustie and weilbelouit SIR WILLIAME HEART, kny^t, deputy Justice generall, in our kingdome of Scotland. QUHAIR AS, Williame Sinclair, Aduocat, Robert Wilkie, imbroderar, and on Cruikschank, a staibler, ar convicted and condemned of Treassone, for the Wilfull Receipt and supplying of Moffet the Jesuite: It is our plefour, that 3e proceid to the finall pronunceatioun of the Sentence and Executioun of the pwneischment provydit by our Lawis in the lyk caices againt thame, with all convenient expeditioun: For doing quhairof, these presentis fall be 3our sufficient Warrant. GEVIN at Sarisburrie, the 26th of Julie, 1615.

For obedience of the quhilk WARRANT, the Justice ordanit the saidis Williame Sinclair, Robert Wilkie, and Robert Cruikschank, to be broght furth of Waird to the Mercat-croce of Edinburghe; and thair to be Hangit vpon ane gibbet, quhill thay be deid: And all thair landis, heritageis, guidis, geir, and vtheris pertening to thame, to be florfalt and escheit to our souerane lordis vsē, &c.

Eftir the pronunceatioun of the quhilk Sentence, the samyn was intimat to thame be Johnne M^cNacht, bailzie of Edinburgh, to quhome directioun was gevin be the said Justice, for causinge put the samyn to executioun, conforme to the Warrant aboue specifeit.

Aug. 30.—BEING of new agane brocht furth of Waird, and presentit vpon pannell, be the Bailleis of Edinburghe, as thay quhais dome and executioun thairof, &c. was of our souerane lordis meir mercie and grace delayit and superceidit, THE JUSTICE, for obedience of his Maiesteis posterioir WARRANT, direct to my lord Archebischope of St Androis, My Lord of Bynning his hienes Secretar. and Sir Gedione Murray his hienes Thesaurer depute, quhairof the tennour followis, pronounced Sentence accoirdingly.

JAMES R.

WHEARAS, We ar credible informet, that Williame Sinclair, ane Aduocat before þe Sessioun, Robert Wilkie, browdinster, and on Cruikschank, ane staibler, is convict of Treafone, for Ressetting of Moffet and Ogilvie the Jesuite: It is our pleafour, that Williame Sinclair and Robert Wilkie, be Banischet our dominiones during our plefour: And that þe said Cruikschank be Banischet the town of Edinburghe during our plefour. GEVIN at Sallsberrie, the xxvij day of Julij, 1615.

Quhilk DOME and SENTENCE, the saidis perfones, in all humilitie, inbracet and acceptit vpoun thame, &c.

[CURIA *Judiciarie*, *s. d. n. regis tenta in Pretorio ciuitatis Glasguen. per D. Will. Hecart.*]

Treasonable Ressetting of Jesuits—Hearing of Mass, &c.

Sept. 5.—SIR JAMES CLEILLAND (KNEILLAND) of Monkland, kny^t, Williame Maxwell of Cowglene,¹ Robert Vrie, wryter, burges of Paislay.

Dilaittit of the tressonable Ressetting of Mr Johnne Ogilvie, Jesuite, within thair duelling houffis: And heiring of dyuerse Messis said be him thairintill;

¹ See their Examinations appended to the Trial of *John Ogilvy*, Vol. III., 330.

contrair the Actis of Parliament ; committet in the monethis of July, August, and September, 1614 yeiris ; at the leift, in ane or vther of the faidis monethis.

PERSEWAR, Sir Williame Oliphant of Newtoun, kny^t, Adnocat to our foueraue lord.

PRELOCUTORIS in defence, The Laird of Keir, the Laird of Mufchett, the Laird of Pollok, Johnne Cranftoun, Mr Johnne Halyday, Aduocat, Mr Thomas Pollok, Aduocat.

THE Justice, with advyfe of my Lord of St Androis, my lordis Kilsythe, Clerk of Register, and his Maiefteis Aduocat, continewis this matter to the faxt day of December nixt, to be tryit at Edinburghe : And Ordanis the pannell to find Cautioun for thair entrie that day and place, in the hour of caus, vnder the panes following, viz : The faid Sir James Kneilland, vnder the pane of Ten Thowfeand merkis ; the faid Williame Maxwell, vnder the pane of Fyve Thowfeand merkis ; and the faid Robert Vrie, vnder the pane of Fyve Hundreth merkis money.

The perfones on pannell offeris thame felffis to the Tryell of the Law for the faid cryme, diffaffenting to the faid continewatioun ; and thairupoun askit instrumentis : And for obedience of the faid Justice Ordinance, the faid Sir James Kneilland fband Sir Johnne Home of Huttonhall cautioner for him ; the faid Williame Maxwell fband Sir Johnne Maxwell of Pollok, kny^t, cautioner for him ; and the faid Robert Vrie fband Alexander Cocherane of that Ilk, cautioner for him, that thai fall compeir befor the Justice and his Deputis, in the Tolbutth of Edinburghe, the faid faxt day of December nixt, in the hour of caus, and vnderly the Law for the faidis crymes, vnder the feverall panes aboue writtin.

COMPEIRIT Harbert Maxwell, burges of Edinburghe, and producet ane Warrant of the Lordis of Secreit Counfell, anent the deserting of the dyet appointit for tryell this day.

JUSTICE, Justice-clerk, and 5our deputis : 5e fall, vpon the ficht heirof, desert the dyet appointit for Tryell of Sir James Kneilland of Monkland, Williame Maxwell of Cowglen, and Robert Vrie, burges of Paislay, the faxt day of December nixtocum, ffor the Refetting of vni^q^{le} Mr Johnne Ogilvie, Jefuite : Anent the quhilk, thir presentis falbe 5our Warrant. Subferyuit AT ED^B, 1^o xxij day of November, 1615. SANCTANDROIS. S^B J. MURRAY. ALEX^B HAY. S^B J. OLIPHANT. KILSYTH.

The pannell difaffentis to all forder continuatioun ; and proteffit, in refpect that this is the fecund dayet keipit be thame in this matter, first at Glasgou, and now at Edinburgh, that their cautioneris be fred, viz., Sir Johnne Home of Huttonhall for the faid Sir James, and Alex^r Cocherane of that Ilk, for the faid Robert Vrie.

Hearing of Mass, &c.

Sep. 13.—MR JAMES MOFFET, alias HALYBURTOUN, ane Jefuite Preift. Dilaitit of the Trefsonable Hearing of Mafs within this cuntrie, specialle within the place of Auchindoun, a tuentie yeir fyne or thairby : And for con-

travening the Actis of Parliament in refoirting within this cuntrie, he being ane Jesuite and Seminarie Preift, directit from Rome, to peruert his Maieftis subiectis from the trew Religioun; and vtheris crymes contenit in his DITTAY.

DITTAY against Mr James Moffet.

[The preamble is similar to those which precede, and founds upon the Act 29th July, 1587. It then states,]

“THAT 5e, being tranet vp at scoles and Colledges within this Kingdom, and haifing accomplischet 5our course in the College of St Androis, quhair 5e was laureat; and haifing paireftir applyit 5our mynd to the studie of Theologie, and dyuerse tymes maid 5our privat exerceifis within pe New Colledge pairof, 5e, in 5our awin sulische opinioun, playing the rwnigait¹ frome the trew Religioun, first studeit and professit be 5ow within this Kingdome, adressit 5our self to the place of Auchindoun, quhair 5e, aganis the saidis Actis of Parliament, hard ane Mefs, and was present at pe Celebratioun pairof, the Auld Laird of Auchindoun and Mr James Gordoun being present withe 5ow, at the heiring of pe faymn: LYK AS, 5e, haifing schortlie paireftir past furth of this cuntrie to ROME, in Italie, and haifing pair reslaute the ordour of a Jesuite Preift, and haifing remanit furth of pis cuntrie be the space of tuentie yeiris togidder, studieing to pe said Roman Religioun, 5e being ane professit Jesuite, expres contrair the tennour of the foirsaid Act of Parliament, and in manifest contempt pairof, and of his Maieftis royall authoritie, in the moneth of Julij, 1614, returnet to this realme, be directioun of CLAUDIUS AQUAVIVA, 5our Generall, off plane purpois and intentioun to pervert and seduce his Maieftis subiectis frome the trew Religioun presentlie professit; refoirtit in dyuerse partis of this cuntrie, speciallie, within the burgh of Edinburghe, Cannongate, and Citie of St Androis, quhair 5e was tane, apprehendit, and brocht to this burgh of Edinburghe, and Tolbuth pairof, quhairin 5e haif bene detenit priffoner, as ane Jesuite Preift, and a perverter of pe Kingis Maieftis subiectis from the trew Religioun, presentlie professit,” &c.

The pannell, efter reiding of the DITTAY and his accusatioun of the crymes mentionet thairintill, offerit him selff in his Maieftis Will for the samyn: Quhairupoun my lord Aduocat askit instrumentis.—Thairefter my lord Aduocat producet the WARRAND following:—

JUSTICE, Justice-clerk, and 5our deputis: 5ow fall appoint a Justice Court to be haldin in the Tolbuth of Ed^r at siche convenient day as 5ou think goode; and pairin 5ou fall put Mr James Moffet, Preift, to the knowlege of ane Assyse for siche crymes as fall be gevin in Dittay againes him, be his Maieftis Aduocat, and proceed and minister Justice vpon him, conforme to pe lawis of this realme; Bot yf the said Mr James fall happin to cum in his Maieftis will, 5ow fall pronunce his Maieftis will as followis, to wit: That the said Mr James fall be Banischet his Maieftis dominiones, and nevir return agane within the samyn, vnder the pane of deid: And that he act him selff, judiciallie, to depairt and pas away betuix and siche a day as 5ow fall appoint, and nocht to returne vnder the said payne: And forder, that he find caution actit in the Buiks of Secret Counfall to this same effect, vnder the pane of Thre thousand merkis, to be incurrit be his cautioner, beyde the pane of deid to be execute vpon him selff, in caice he failzie in the premisses. And this Dome being pronuncet, and he haveing actit him selff, that 5ow send him bak agane to his waird, quhill the said caution be fund, and quhill a schip be in reddines quhairin he may be transpoirtit. Quhairanent pir presentis fall be 5our Warrand. AT EDINBUR^r, the xxij day of August, 1615.

AL. CANCELL^r. SANCTANDROIS. SCONE. BINNING. J. PRESTOUN. AL. DRUMMOND.

¹ Runagate; *renegado*.

SENTENCE was pronounced accordingly. He was adjudged to 'depairt and pas away furth of his Maiesteis dominiones, betuix and the tuentie day of October nixtocum, wind and wedder fervand.'

Slaughter.

Nov. 29.—JAMES KING, funtyme of Barro; Alexander Lummidene of Clova; Mr Gilbert Arnauld, indueller in Aberdene; and David King in Hoy, in Orknay.

Dilaitit, accuset, and persewit at the instance of Elizabeth Seatoun, only dochter to vmq^{le} Alexander Seatoun, than ffiar of Meldrum, Johnne Vrquhart of Craig-Fintrie, hir spous, for his intereis, Johnne Seatoun now of Meldrum, &c., off airt and pairt of the Slauchter of the said vmq^{le} Alexander Seatoun, with schottis of hagbuttis and muscattis; committit vpon the landis of Barro, in the hie-way betuix Meldrum and the Kirkton of Bourtie, vpon the xxvij day of August, 1590: And siclyk, ffor beiring and schuitting of Hagbuttis, muscattis, and pistolettis, &c.

Mr Robert Fairlie, feruitour to Mr Alex. King, Aduocat, produceit ane War-rand of his Maiestie, daitit at Newmarket, the sixtenth of November, 1615, anent deserting this dyet. The Diet was deserted accordingly.

Letters of Exemption

IN FAVOUR OF THE PROVOST, BAILIES, COUNCIL, AND COMMUNITY OF
The Burgh of Aberdeen.

Dec. 2.—Compeirit personallie Mr Thomas Nicolfone, Aduocat, in name of the Provost, &c. of Abirdene, and producet to my Lord Justice LETTERS OF EXEMPTION, vnder the Previe seill, quhair of the tennour followis.

JAMES, be the grace of God, King of Scottis: To all and findrie our schereffis, stewartis, Justice, Justice Clerkis, Thesaurer, Aduocat, and all vtheris Judges and ministeris of our Lawis, thair deputis and officeris, present and to cum, leigis, and subiectis, quhome it esseiris, to quhais knowlege thir our Letteris fall cum, Grating. Wit 3e ws, vnderstanding that the Provost, bailleis, counfall, and communitie of our burgh of ABERDENE, ar oft tymes atteichet and summondit to pas vpon Inqueistis and Assyis to our burgh of Ed^r and utheris pairtis outwith pair boundis and Jurisdictiones, in crymes committit far distant fra thame, quhair of thay ar altogidder ignorant; and that thay had ane Exemption to the effect vnderwrittin gevin and grantit to thame be ws, with advyfs of vmq^{le} our rycht trest coung James Erle of Moirtoun, Lord Dalkeith, &c. Regent to ws our realme and legis for the tyme; as the samym Exemption, of the dait at Aberdene, the thrid day of September, the 3^{er} of God Im^{ve} threfcoir fourtene 3^{eris}, deulie and ordourlie past and admittit in the Justice Court baldin at our said burgh of Aberdene, immediatlie pairefter, be vmq^{le} Sir Johnne Bellenden, our Justice clerk for the tyme, at mair lenth beirs. AS ALSO, considering, how vpon the occasioun of Commissiones of Leutenendries and Justiciareis, grantit in fauouris of the Noblemen of the cuntrie, or to vtheris, for administraioun of Justice passing vpon our Rebellis, and disorderit persones for revenge of privat

quarrellis and contraverfeis betuix pairtie and pairtie; the faidis Proveift, bailleis, counfall, and communitie ar oft tymes drawin furth of pair awin Toun to vtheris pairtis of the cuntrie, to the grit hazard of pair lyves and wrak of pair guidis; albeit, that accoirding to the libertie of frie Burgh, quhair with thay and pair prediceffouris ar infest and foundit, thay aucht only to attend vpon our selff, being in the ffeildis in proper perfone, or with our Leutenent, in defence of our realme aganis forane nationes. AND haifing confideratioun, that our faid Burgh of Aberdene lyes within the North pairts of our realme, far diftant fra ws, and of the guid, trew, and thankfull fervice done to ws and our prediceffouris be the Proveift, bailleis, counfall and communitie of our faid Burgh, alfweill in tyme of weir as of peace; and of pair reddie and deutiefull obedience towardis ws, quhair of we haif daylie prouif and experience, and refpecting pair guid mind to continew pairin hereftir: THAIRFOIR, we haif gevin and grantit, and be thir our Letteris gevis and grantis to the Proveift, bailzeis, counfall, communitie, burgefis, craftifmen, and induelleris of our faid Burgh of Aberdene, present and to cum, fpeciall LICENCE to remane and abyde at hame fra all Raidis, Conventionis, Oiftis, Affemblis, Airmeis, Gatheringis, Wappon-fchawingis or Weiris, to be maid be ony our Iuftices, be Commiffioun of Leutenendrie, Iufticiarie, or vther Commiffioun quhatfumenir, to be grantit be ws, or meiting of thame in ony pairt within our realme in tyme cuming, except pat aither our selff be present in proper perfone, or that our Leutenent, accompaneit with the remanent of our realme, be vpon the defence of the cuntrie, aganis forane nationes, or that our selff pas for repreffing of Rebellis and Traitouris, aganis our perfone within the cuntrie: And fra all compeirance or paffing vpon ony Affyffis or Inqueiftis, in quhatfumenir crymes or actiones, (except fic crymes as ar committit within our faid burgh, friedome thair of, and tua myles about the famyn,) Exemis¹ and difcharges thame and ilk ane of thame pairfra, during all the dayis of pair lyftymes. And willis and grantis pat pay in doing pairof fall incur na payne, fskayth, cryme, nor danger in pair perfones, landis, or guidis, nor be callet nor accufet pairfoir criminallie nor civillie, be ony maner of way, in tyme cuming, nochtwithftanding ony our Actis, statutis, ordinances, Letteris, proclamationes, or charges quhatfumeuir, fpeciall or generall, maid or to be maid in the contrair; anent the quhilkis, and all panes contenit pairintill, We haif difpenfit, and be thir our Letteris difpenfis with the Proveift, bailleis, counfall, communitie, burgefes, craftifmen, and induelleris of our faid burgh, present and to cum, for euir. DISCHARGEING heirfoir, 50w, all and findrie our Schereffis, Stewartis, Iuftices, Iuftice clerkis, Thefaurer, Aduocat, and all vtheris Judges and minifteris of our lawis, 5our Deputis and officeris, present and to cum, off all calling, accufeing, atteiching, arreifting, fummonding, wairning, poynding, trubilling, or ony wayis intrometting with the faidis Proveift, bailleis, counfall, communitie, burgefis, craftifmen, and induelleris of our faid Burgh, present or to cum, pair landis or guidis, in ony wayis, in tyme cuming, for pair faid remaning and abyding at hame fra our faidis Raidis, Airmeis, and vtheris foirfaidis, and fra all and findrie Inqueftis and Affyffis, to be committit, as faid is; and of 5our offices in pat pairt, be thir our Letteris. GEVIN vnder our Previe Seill, At Dalkeithe, the faxtene day of Maij, the 5eir of God I^m. ffyve hundreth fourfoir tuelff 5eir, and of our regne the tuentie ffyve 5eir.

PER Signaturam manibus f. d. n. Regis ac Secretarij fubfcriptam.

[*D. Will. Heart, Iufticiarius-deputatus;*

ASSESSORES Iufticiario, D. Alex. Drummond de Meidhoip, D. Will. Levingftoun de Killythe,
Senatores Collegij Iufticie f. d. n. Regis.]

Barbarous Slaughter and Maiming of Sheep—Oppression, &c.

[THE following Case is altogether unparalleled, even in the annals of Border or Highland revenge. On account of its fngularity, it has been confidered neceffary to make some investigation into the

¹ Exempts.

subject, for the information of the curious enquirer. The story is so forcibly told in the proceedings before the Criminal Court, that the Editor shall not weaken its effect by attempting to rehearse the facts in this place. It is enough for the purposes of this Collection, that the reader is informed, that the property of *Howpaslot*, an esate of one of the most ancient branches of the name of *Scott*, having, by some means, come into the temporary possession¹ of *Sir James Douglas of Drumlanrig*, a powerful Border Baron, who had distinguished himself by the activity with which he aided the suppression of the disturbances on the Marches, *the Lady Howpaslot* appears to have been roused into fury at the very idea of the domains of her ancestors coming into the hands of a Douglas. She therefore instantly held a council of war in the *Town of Hawick*, of which *Drumlanrig* was the Superior, in the month of April, 1615, at which she and her friend, *Jean Scott of Satchells*, presided. The bravos and ruffians who figure in this Trial, and of whom every Clan had a few to do their worst work, at once undertook to execute the orders of these infuriated females, and, as will be seen by the subsequent proceedings, they succeeded in effectually preventing *Drumlanrig* from ‘pleniffing,’ or stocking, the farms. These villains greedily engaged to maim and destroy the whole of the sheep which had been brought to the grounds; and this cruel and barbarous act they performed in a manner almost too horrible to be related.

Sir James Douglas did not long survive the perpetration of this atrocious fact, having died Oct. 16, 1615. He was succeeded by his son *Sir William*, who was afterwards created *Viscount of Drumlanrig*, *Lord Douglas* of Hawick and Tibbers, Apr. 1, 1628; and *Earl of Queensberry*, Jun. 13, 1633. *Sir William* actively pursued these heartless ruffians, and was successful in bringing all of them to deserved punishment. In the Appendix to this Trial, the reader will find a characteristic Letter from this Nobleman to his kinsman, *Murray of Lochmaben*, the Original of which the Editor has fortunately discovered in the Advocates’ Library.

In an interesting communication from SIR WALTER SCOTT, Bart., on the subject of this Trial, with which the Editor has been favoured, some interesting particulars are detailed, regarding THE SCOTTS of the Border. No apology need be made for enriching these pages with the following extract:—

‘OUR Name were very clannish. I have, for the time, in my possession, a BAND or ASSOCIATION between *Sir Walter Scott of Branholm, knight, Laird of Buccleuch*, and about fifty of the most important men of his kin and Clan, [dated 3d June, 1589.] It proceeds upon an Association made to the same purpose by SIR WALTER SCOTT, the father of the Chief, and is calculated to secure against any Clansman taking any “room” or possession over the head of another of the Name. Any one who was accused of having done so, bound himself to stand by the award of five men, to be mutually chosen, bearing the Name of Scott. Even if the Chief should encroach upon the possessions of any inferior person of the Name, he declares he will submit the cause, in like manner, to four persons of the Name of Scott; which shows an independence on the part of the Clansmen which I was not prepared for. The BAND is the property of my cousin and relative, *William Scott, Esquire, of Raeburn*. It seems to have been calculated to prevent kinsmen from going to law with each other, and to secure a species of justice within the Clan, to the advancement of the “guid and godlie purposes” of their Chief. The “guid and godlie purpofe” of *the Cordiner* and *the Suchler* seems to have been intended for the same reason. HOWPASLOT was an old inheritance of *the Scotts*, and, on whatever grounds Douglas possessed it, returned to the Name again. *Douglas*, you are aware, was *Lord of Hawick*, to which *Buccleuch* afterwards succeeded.

‘Of the people mentioned in the Trial, I know little. *Satchells* is probably the place of the name, lying on the *Ale* or *Teviot*, now part of *John Corse Scott of Synton’s* property. The individual termed

¹ It is by no means unlikely that *Howpaslot* was ‘conquest’ by means of Wadset, Apprising, or other legal ‘Diligence;’ for it is certain, that it was but a short period in the occupation of *the Laird of Drumlanrig* or his Tenants. The summary mode by which his ‘*guidis*’ were disposed of, may have precipitated his bringing these matters to a close, and his accepting of a pecuniary accommodation.

William Scott, called in Satchells, may have been the father of *Walter Scott of Satchells*, the Historian of the Clan, terming himself,

An old Souldier, and no Scholler,
And one that can write nane,
But juft the letters of his name.'

The singular work here quoted by SIR WALTER SCOTT, a copy of which is in the Editor's Collection, is titled, 'A TRUE HISTORY of feveral honourable FAMILIES of the right honourable NAME OF SCOT in the Shires of Roxburgh and Selkirk, and others adjacent. Gathered out of Ancient Chronicles, Histories, and Traditions of our Fathers, by *Capt. Walter Scot*. EDINBURGH, printed by the Heir of *Andrew Anderfon*, Printer to his moft sacred *Majesty*, City, and Colledge, 1688.' It was composed by the author at the very advanced age of *Eighty-eight*! He states that he was fifty-seven years in active service, abroad and in Scotland, having entered the army at the age of twenty-nine. Although he boasts of being illiterate, he seems to have had much of the spirit of a staunch Member of the *Roxburghe, Bannatyne, or Maitland Clubs*—for he concludes his extraordinary work with the following '*L'Envoye*.'

'Therefore be gone my Book, stretch forth thy VVings and fly
Amongst the Nobles and Gentility:
Thou'rt not to fell to Scavengers and Clowns,
But given to worthy persons of Renown!
The Number's few I've printed, in regard
My Charges have been great, and I hope Reward;
I cauf'd not print many above twelve-score,
And the Printers are engaged that they shall print no more!'

The Editor, thinking that the Original CONTRACT or BAND OF ASSOCIATION between the heads of the powerful FAMILIES of the NAMES of KER and SCOTT, will prove most acceptable, as preserving the memory of times so powerfully depicted by *Sir Walter Scott* in many of his works, he has, after examining the ancient Records, procured a transcript, which is also appended to the present Trial. So able an abstract of the renewal of this '*Band*' has been given by *Sir Walter Scott*, that it has not been deemed necessary to apply for liberty to present the reader with a copy of it.]

Feb. 20, 1616.—GEORGE SCOTT, cordiner in Hawik, '*the Souter*,' callit *Mariones Geordie*; Walter Scott, sone to *Braidis Andro*; Ingrem Scott, and Jok Scott, callit *the Suckler*.

Dilaitit of the crewall and barbarus Slauchter of threfcoir fcheip, or thairby, perteinig to the Laird of Drumlangrig; committit vpon the Landis of How-pastot, in the moneth of Apryle last, conform to the Dittay following.

DITTAY *against George, Walter, Ingram, and Jok Scot, alias the Suckler*.

FORSAMEKILL AS, albeit be dyuerse loveabill lawis and Actis of Parliament, it be expresse provydit, statute, and ordanit, that all Slayers of Horffis, oxin, or vther cattell and guidis,¹ fall be estemit and pwneist as Thevis; as the saidis Lawis and Actis of Parliament in tham selfis proportis: Nochtwithstanding quhairof, it is of verritie, that sic is the perversè dispositioun of dyuerse persones, quha, preferring þair awin privat grudge, and revenge arryving þairupoun, to

¹ Stock; sheep.

the dew reuerance and obedience of his Maiefties authoritie and lawis, ceiffis nocht to profecute and follow furthe all godles and indirect meanis to effectuat pair malice, be sic monftruous and vnward of crewaltie, as the lyk quhair of hes nocht bene hard amangift the *wyld Irifch* and favadge people, let be within any reformet and ciuile pairt of his Maiefties dominionis : And namelie, the perfones perticulerlie aboue writtin, be the infligatioun, na dout, of fun perfones of gritter qualitie and condition nor thame felffis, vpone confideratioun, that þe landis and leving of *Howpaslet* war deulie and lawfullie conqueift and acqyret be vmq^{le} SIR JAMES DOUGLAS of *Drumlangrig*, *knucht*, and he pairby fetlet in poffeffioun þairof, be pleniffing of the famyn with his beftiall and guidis ; thay and vtheris of þair vnhappie focieatie, altogidder diflanceing that þe faid *Laird of Drumlangrig* fould inioy or poffeffe ony landis or poffeffiones within that pairt of this kingdome ; and pairfoir, plotting and devyfyng all godles and vnlauchfull meanis how to interupt his peceable poffeffioun of the faidis Landis, and to lay the famyn waift, and pairby to mak thame vuproffitable to him and his pofteritie—in the moneth of Apryle laftbypaft, the faidis *George Scott*, *Walter Scott*, *Ingreſ Scott*, and *Jok Scott*, callit *the Suckler*, haifing assemblit and convocat to thame felffis *Williame Scott*, callit in *Satchellis*, and vtheris, pair complices, ffirst keipit ane generall meitting within þe *Toun of Hawik*, quhair, in þair devillifche counfell, it was concludit and aggreit vnto amangis thame, that, within a fyve or fex dayis þairefter, they fould all meit togidder, vnder nycht, vpone the faidis landis of *Howpaslet*, and pair to flay and diftroy the faid *Laird of Drumlangrigis* hail beftiall and guidis being pairupoun : LYK AS, accoirding to the foirfaid damnable conclufioun, the faid *George Scott*, accompaneit with the faid *Williame Scott*, callit of *Satscheillis*, vpone the . . . day of þe faid moneth of Apryle laftbypaft, come, vnder filence and clud of nycht, fra the faid *Toun of Hawik*, to *Eilrig-burne-fute*, and the faid *Williame Scott* being than muſſellit ;¹ at the quhilk place, the faid *Jok Scott*, callit *the Suckler*, met with thame ; and þairfra, thay thre paft vp the watter, be the fpace of thre quarteris of ane myle, to ane Cleuch,² callit *Birny-cleuche*, betuix *Eilrig* and *Howpaslet* ; quhair, accoirding to þe former appointment, the faidis *Wattie* and *Ingreſ Scottis* met with thame : ffra the quhilk place thay foure, accompaneit with the faid *Williame Scott*, callit of *Satschellis*, come to the faidis landis of *Howpaslet* ; and pair, being bodin³ with fuordis, bandit flaffis, and vtheris wappones, provydit be thame for þe purpois, in ane Cleuch-fyde, quhair þe faid *Laird of Drumlangrig* his fcheip war lying in pair lairis,⁴ maift barbaruffie and inhumanelie, as favadge and crewall beiftis, deftitute of naturale

¹ Disguised ; *muſſled*. Old Fr. *emmuſelé*.
hollow between precipitous banks, &c.

² A rocky ascent, or cliff. It alfo fignifies a cleft or
³ Furnished. ⁴ Beds ; folds.

reasone, with pair drawin fuordis and vtheris wappones foirfaidis, ran throw þe haill flok of scheip, flew, lamet, and menzet¹ to the number of threfcoir of the said scheip, quhairof fouretie or pairby war flane, be streking of² pair heidis, and cutting thame in tua throw pair bakis ; and the rest of thame, pair spaldis³ and legis wer strukin away fra thame in maist barbarous maner, and war sa left spreuleing in pair deid-thrawis⁴ vpon the grund of the saidis landis ; committing pairthrow maist haynous and vnihard of Crewaltie and Oppressioun : And the saidis persones aboue complenit vpon, and ilk ane of thame, ar airt and pairt of the saidis crewall, monstrouous, and vnihard of crymes : ffor the quhilk, thay aucht and fould be pwneist be ane exemplarie pwneischment, to the terrour and example of vtheris to commit the lyk heireftir.

THE VERITIE of pair giltines of the quilkis haynous crymes is cleirlye provin, be the TAIKINIS⁵ following, viz. 1. BE the Depositioun maid be þe said *Jok Scott*, callit *the Suckler*, quha was send for be THE LADY HOWPASLET to cum to þe *Toun of Hawik* ; and at his cuning, haifing met with þe LADY, and with *Jean Scott*, callit of *Satschellis*, and with þe said *George Scott*, callit *Mariones Geordie*, at þe *Croce of Hawik*, it was pair concludit amangis thame, that *the Laird of Drumlangrigis* scheip fould be all flane : AND for that effect, according to þe appointment than maid, a thre dayis paireftir, *Jok the Suckler* come to *Eilrig-burne-fute*, quhair, in the glomeing,⁶ he mett with the said *Mariones Geordie*, and with *Williame Scott*, callit in *Satschellis*, quha was with þame in companie ; quhilk *Williame Scott* was than mussellit. Lyk as, at þe said *George Scottis* defyre, the said *Jok the Suckler* past with 30w and the said *Willie Scott* vp the watter, the space of thre quarteris of ane myle, to ane cleuch callit *Birnie-cleuche*, betuix *Eilrig* and *Howpaslett*, quhair þe said *Wattie Scott* and *Ingrem Scott* met with thame, the said *Wattie* and *Ingrem* haifing plaidis and blew bonnettis : ffor the quhilk place thay past togidder to *the lands of Howpaslett*, quhair the said *Laird of Drumlangrigis* scheip lay, and pair flew þame, in maner speifeit in þe Dittay and þe said *Jok the Suckleris* Depositioun.—2. To the taikin lykwayis, the said *George Scott* persaveing þat *the Suckler* wald nocht pas forwardis to the committing of the fact, he pairfoir drew his fuord, and pairwith thraitnet *the Suckler*, that gif he past nocht with him and thair complices to þe deid, he fould hew *the Suckler* pairwith in peces.—3. LYK AS, in regaird of the former Depositioun sa maid be *the Suckler*, the said *George Scott* being presentit befoir my *Lord Justice Clerk*, my *Lord Aduocat*, and my *Lord Justice*, and examinat pairupoun ; the said *George* was content to tak the giltines of þe said cryme vpon him, gif *the Suckler* wald affirme the vereitie pairof, in his face :

¹ Maimed.
death.

² Off.

³ Shoulders. O. Fr. *espaule*.

⁴ Struggling in the agonies of

⁵ Tokens ; proofs.

⁶ Twilight ; after sunset.

Lyk as, the said *George* and *the Suckler*, being confrontit, he ratifeit and renewit his former Deposition and haill circumstances pair of in the said *George* face; and offerit to haif fochin þe Singular Combat with the said *George*, vpon the verritie pair of.—4. To the taikin lyk wayis, þe said *George*, haifing ane dog named *Hyde-the-bastard*, he being convenit at dyuerse tymes with his companjeonis, brak out in thir woirdis, saying, ‘ Sa lang as I and my Bastard brother levis (meaning be his dog), *Howpaslet* fall nocht plenifche.’—5. To the taikin also, eftir þe slauchter of the said schein, the said *George* being suspectit pair of, and vrget be *James Douglas* to geve ane test,² quhair he was þat nycht of þe barbarous slaying of thame; becaus he could nocht geve þe said test and cleir him self pair of, he querrellit the said *James Douglas* pairupoun, within the *Towne of Hawik*, and presentit ane bendit³ pistolet to him, of purposis to haif slane him pair with; quhilk he wuld half schote, gif he had nocht bene stayit be *James Weymes*, *Johnne Scott* callit *Bony Jony*,⁴ and *James Lechen*, quha tuik þe pistolett frome him.—6. To the taikin lyk wayis, the said *George*, being examinat in þe premisses be þe saidis Lordis Examinatouris, vpon the xxviij of December last, and being demandit, quhair he was the tyme of the keiping of the Justice Court of Jedburgh? Declairit, that he come the day of the halding of the said Justice Court to the Toun of Jedburgh, quhilk was vpon ane Thurisday; and vpon the Tyfday and Wedisday of befor, was also in Jedburgh, in maner specifit in his Deposition: Lyk as, the said *George* being removet for a tyme, and of new re-examinat, he was contrair to his former Deposition, declairing, þat vpon the Sondag, Monondag, Tyfday, and Wedisday befor the Court, and vpon the Thurisday, the day of halding pair of, he was within the *Town of Hawik*, accompaneit with the perones set down in his posterioir Depositione.—7. To the taikin also, the said *Walter Scott*, at his cuming with *Jok the Suckler* to *Birniecleuche*, the said *Jok the Suckler*, haifing refusit to pas forwardis with him to þe slaying of þe said schein, the said *Walter*, nochtwithstanding his refuseall, earnestlie delt with him to cum fordwardis, saying to him, ‘ JOK, thow art als giltie alreddie as thow canst be, cum fordwardis pairfoir with ws to the deid; and paireftir, thou fall gang with us *Northe*, quhair we will be weil trett and interteneit; for we haif ane place prepairit for our ressett.’⁵—8. To the taikin lyk wayis, the saidis *Walter* and *Ingrems Scottis*, the tyme of pair lait apprehending in þe *Northe*, being inquiryt, gif ony of thame knew *Jok the Suckler*? Thay denyit to pair takeris⁶ that evir thay knew him: Bot being brocht to waird to þe *Tolbuth of Edr*, quhair þe said *Jok* being presentit to

¹ Shall not be stocked.
Johnnie.

² Proof or testimonial.
⁵ Reception and concealment.

³ Cocked.

⁴ *Bonny*, or handsome.

⁶ Examinators.

thame, thay nocht only knew, bot be his name askit him faying, ‘ Quhat now, *Jok!* How come thow heir—and quhairfoir ar thow wairdit¹ in this hous?’ SA that be þe taikinis aboue written, þe faidis perfonis giltines of the faid fact is cleirlye provin.

PERSEWARIS, Williame Douglas of Drumlangrig, Sir Williame Oliphant of Newtoun, kny^t, Aduocat.
PRELOCOUTOURIS in defence of George, Wattie, and Ingrem, allenarlie,
Mr Thomas Nicolfoun, Laurence Scott, Adame Cunninghame, Aduocattis.

Efter reiding of the DITTAY fet down in the fummondis, at command of my Lord Justice and Affeffouris, it is declairit be Mr Thomas Nicolfoun, as prelocoutour for George, Walter, and Ingrem Scottis, that he acknowlegis the cryme fet down in the Dittay to be haynous and worthie of condigne puneifchment; bot as to the Dittay it selff (nocht granting the cryme thairin mentionet to be of veritie) againis the pannell, alledgis the famyn is nawayis relevant to pas to the knowlege of ane Assyse; nather can the committing of the fact lybellit infer daithe, becaus the grund and fundatioun thairof is vpone tua Actis of Parliament, the first quhairof is the 100 Act of his Maiesteis sevint Parliament, haldin in October 1581, quhilk is only extendit agains the flayeris and hocheris² of horffis, oxin, and vther cattell, the tyme of laubouring the grund; and the vther Act is the 82 Act of his hienes ellevint Parliament, haldin vpone the xxix of July 1587, quhilk is only ane Ratificatioun of the first: Bot the Dittay beiris only the Slauchter and Hocheing of fcheip, quhilk is nawayis expreffit nor prohibeit be the faidis Actis: And, thairfoir, the Dittay and Actis of Parliament being difconforme, the famyn can nawayis pas to ane Assyse; specialie, in respect na penall Statute may be forder extendit nor³ the famyn is fet down *per expreffum*: quhilkis Actis he defyret to be red.

It is anfuert be my Lord Aduocat, that the mynd and intentioun of the lawis, and making thairof, man⁴ be advertit vnto, quhilk is the puneifchment of all haynous and deteftable crymes, committit be quhatfumeuir way and be quhatfumeuir perfone: ffor, als it is estemit ane haynous cryme, be the faidis Lawis, to hoche ane ox or ane horfe, fa the cryme is far moir haynous to flay and cut af ane haill flok of four or fyve fcoir fcheip, and thairby to displenifche and lay waift ane gentilmannis poffeffioun and rowme; quhilk the haill lawis and Actis of Parliament, vnder the name of ‘ vther cattell,’ exprefflie forbidis, and concludis puneifchment agains the committeris: In respect quhairof, the Dittay is maift relevant to pas to ane Assyse, nochtwithftanding of the allegeance aboue writtin.

THE JUSTICE Repellis the allegeance; and ffindis the Dittay relevant to pas to the knowlege of ane Assyse. Quhairupone the Aduocat askit Instrumentis.

¹ Imprisoned.

² Hamstringers.

³ Than.

⁴ Must.

ASSISA.

Thomas Wauche of Schawis,	Robert Hunter in Halywoid,	Adame Trumble in Lyntlawis,
Johne Coluile in Preiftoune,	Rodger Padzeane of Newtoun,	Peter Broun in Durisdeir,
Gilbert Greirfoun of Beochane,	Thomas Greirfoun of Barjarge,	Johne Mcmorrane of Glaspene,
George Lyell in Spachhouffis,	Archibald Menzeis in Enoche,	James Williamesone in Craufurd-
Malcolme Dalrumpill of Wat-	Patrik Hair in Glenquhirrie,	toun.
terfyde,	Rob. Phillope, burges of Dumfreis,	

OBJECTIONS *against certain Assisors passing upon the Inquest.*

It is allegit aganis *Thomas Wauche*, that he can nocht be ressaunt vpon this Assyse, becaus he duellis nocht within the foure-halvis-about. Anfueries, aucht to be repellit, in respect he duellis within the Kingdome of Scotland, and he is summond to pas vpon the tryall of ane haynous cryme.—The Justice admittis him vpon the Assyse.

It is allegit aganis *Johne Coluile*, that he can nocht pas vpon this Assyse, becaus he is tennent to *my Lord of Angus*, quha is cum to Ed^r at the desyre of *the Laird of Drumlangrig* to assist this persute. Anfueries, aucht to be repellit, in respect the Erle of Angus nocht present, nather as persfewer or defender.—‘Admittis.’

It is allegit aganis *Gilbert Greirfoun*, that he can nocht be admittit, becaus he is tennent to *the Laird of Lag*, quha is present at the bar, assisting the Laird of Drumlangrig in this persute. Anfueries, aucht to be repellit, in respect he is ane sewar and na removeable tennent.—The Justice, vpon the geving of Gilbert Greirfones ayth, that he is ane fsewar, and that he gais na partiall counsell, in preiudice of the pannell, admittis him vpon this Assyse.

It is allegit aganis *Robert Phillope*, that he can nocht pas vpon this Assyse, becaus he is the Laird of Drumlangrigis pensfioner.—The Justice, in respect of Robert Phillipis ayth, gevin be him, that he is nocht Drumlangrigis pensfioner, and that he hes na guid deid of him, bot as ane vther gentilman of the cuntrie respectis and honouris him, Ressaues him vpoun the Assyse.

It was, eftir his admissioun and ressaueing, allegit be Laurence Scott, in name of the pannell, that *Robert Phillope* can nocht pas vpon this Assyse, becaus he is Bailzie Clerk to the Laird of Drumlangrigis Regalitie. Anfueries, he can nocht be declynet nor put af the Assyse, eftir his ayth tane, and purgatioun of partiall counfall; speciallie, feing it is vpon tryell of ane cryme, quhilk is *factum obsecrum et clandestinum*.—The Justice ordanis him to remane ane Assyfour.

THAIREFTIR, the Dittay being of new red, in presens and audience of the Assyse, with the Taikynes producet be the persfewer for verificatioun thair of, it is allegit be Mr Thomas Nicolfone, in name of *George Scott, Walter and Ingrem Scottis*, that the Taikynnis producet and red for cleiring of the Dittay, sould nawayis be respectit be the persfones of Inqueist, nather ar the fadis Taikynnis concluding argumentis to verifie the Dittay. And *ffirst*, the Depositiones maid be *Jok Scott*, callit *the Suckler*, sould nawayis be respectit, becaus he being apprehendit for the samyn fact, and haifing confessit him self to be *socius eiusdem criminis*, his Deposition can nocht work aganis ony honest man quha is innocent; and thairfoir sould nocht be respectit. *Secundo*, as to the Taikin foundit vpon *George Scottis* dog, albeit the samyn be na grund to infer the Slauchter of the schein lybellit, 5it he denyis it. *Tertio*, the Taikin for slaying and querrelling of *James Douglas* inferris nathing; becaus he was nocht bund to confes or schaw him any test quhair he was the nycht of the slaying of the

fcheip; and as to the Taikin it felf, denyis the famyn. *Quarto*, concerning his Depofitioun maid be him, quhair he was the tyme of the Juftice Court of Jedburgh; the famyn inferris nathing for probatioun of the Dittay; And as to his contrair Depofitioun, that he was in Hawik, it can nawayis infer him to be culpable of the cryme. And allegis, that the hail former Taikynnis previs na thing aganis *Walter* and *Ingrem Scottis*. *Item*, the laft taikin anent *Walter* and *Ingrem*, that thay war tryet the tyme of thair taking, gif thair knew *Jok the Suckler*; thair granting or nocht granting thairof can nawayis infer thame to be giltie of the fact.

THE *Laird of Drumlanerig*, being fuorne, and his aithe tane thairof, gif¹ he hes juft caufe to perfew the pannell for the crymes contenit in the Dittay, as giltie and culpable thairof? Declairit, that this Dittay is fuorne to him to be of veritie, be honeft and credible men, viz. that *George*, *Walter*, and *Ingrem* war thre of thame that was at the flaughter of his fcheip, in maner fpecifeit in the Dittay: And thairfoir, be his ayth, declairit that he hes juft caus to perfew thame, as doaris of fic ane odious fact. And as to *Jok Scott*, callit *the Suckler*, he hes alfo hard of his meitting and keiping tryftis with thame in that matter; bot, in respect he is nocht certanelie informet that he was at the doing of the deid, he can nocht perfew him as ane principall committer: And finallie, declairit, that gif he war nocht perfuaidit, in his confcience, that the faidis *George*, *Wattie*, and *Ingrem Scottis* war the fpecial flayeris of the fcheip, (be quhais directioun the famyn was done, remittis that to thame felffis,) he wald nocht haif followit thame thairfoir.—Quhairvpon my lord Aduocat askit instrumentis.

My Lord Aduocat, for preving of the Dittay, repeittis *the Laird of Drumlanrigis* ayth and Declaratioun: Producet the Depofitiones of *Jok Scott*, callit *the Suckler*; and repeittis his ratificatioun thairof in judgement, and constant affirmatioun of the veritie thairof in the vtheris thre faces:² And lykwayis, repeitis the Actis of Parliament red, quhairvpon the Dittay is foundit: And defyres the Affyfe to confidder the haynoufnes of the cryme; and Proteftis for Wilfull Error aganis thame, gif thay Acquit the pannell thairof.

VERDICT. The Affyfe, all in ane voce, be the mouthe of the faid Thomas Wauche of Schawis, chancellor, fband, pronuncet, and declairit the faidis *George Scott*, *Walter Scott*, and *Ingrem Scott*, to be ffylet, culpable, and convict of the actual flaying of the faid Laird of Drumlanrigis fcheip, in maner fpecifeit in the Dittay: AND fielyk, fband, pronuncet, and declairit the faid *Jok Scott*, callit *the Suckler*, to be Culpable, ffylet, and convict of being vpon the counfell and foirknawlege of the fact aboue writtin, and in keiping of dyuerfe tryftis and meattings with the vther thre, conforme to his awin Depofitioun: And Clengis

¹ If.² When confronted with them,

him of the actuall deid, be fleing away fra the doing thairof, befor it was committit.

SENTENCE. The Justice, be the mouth of Johnne Dow, dempfter of Court, Decernit and Ordanit the saidis *George Scott*, *Walter Scott*, and *Ingrum Scott*, to be tane to the Mercat-croce of Edinburgh, and thair to be hangit vpon ane gibbet, quhill thay be deid: And all thair moveabill guidis and geir to be escheit and inbrocht to his Maiesteis vse, as culpable and convict of the crynes aboue spicifeit. AND lykwayis, Ordanit the said *Jok Scott*, callit *the Suckler*, to be tane bak to waird, thair to remane vnto the tyme he (the Justice) be advyset with the Lordis of Secreit Counfall, anent his dome.¹

APPENDIX ILLUSTRATIVE OF THE PRECEDING TRIAL.

I. LETTER, *the Laird of Drumlanrig to Murray of Lochmaben.*²

RICHT WORTHIE AND LOWING BROTHER,

SE remember, in on of my former Letteres, I schew 5ow, pat I had gotin sum tryall³ of that uyld and barbarous uillanie quhilk was comitit, in pe slaying of my scheip, quhen I was last at Court; quhairin I did than write pe more spairinglye, being lothe (in respect of 5owr griter affaires) to trubill 5ow with it, till I had brocht it till sum further cleirnes; quhilk now I have done, and hes tuo fallowis presentlie in hand pat war actoris in it; pe on callit *Jok Scott the Sukler*, quho hes confessit pe simpell treuth, in all poyntis, both of his auin pairte, and pe rest pat war with him at pat filthie actionn; to wit, *Geordie Scott the Soutor*, callit *Mariounes Geordie*, *Watt Scott*, callit *Braidis Wattie*, *Willie Scott*, callit of *Satchelis*, and *Ingrum Scott*. This *Suecler*, in his Confessioun, he condiscendis cleirlie both vpoun pe tyme, place, and forme of thair meiting and pairting, with all wther takinis and circumstances pat pass amongst thame, quhen they war togidder (as his Depositionn beiris.) Nochtwithstanding this vther, callit *Geordie Scott the Soutor*, (quhom I have also in handis,) standis 5it to his denyall, altho they be many grit presumptionis of his guiltines; aluays⁴ *the Suckler*, being fundry tymes examinat and confrontit with him befor THE LORDIS OF COUNSALL, he abydis constantly at everye poynt of his first Confessioun; and offeris, nocht only to fecht *the Soutor* on it, bot all pe rest, everie on of thame efter another, quhensoeuer they can be had, gif it will pleis HIS MA^{TIE} and THE COUNSALL to suffer him. The vther thrie ar fugitiues for that and vther crymes of Thift and Slauchter; and, as I wnderstand, ar all out of the countray, sum in *Irland*, and sum ellis quhair; vtherwayis, befor this tyme, I think I had fund meanis to haue gotin thame in handis, (5it according till our auld Scottis proverb, 'Ane 5ule feist may be quat at Pafe!' Quhen perhapis they may imagin it be forgot.) In the meintyme, let me intreit 5ow, pat 5e will do me that fauowr to motioun this maiter to HIS MA^{TIE}, quhairby I may have it, by his Letter, recommended to pe Counfall, nocht only for pe exact tryall and punisment thairof to pe daithe, for pe wrang that is alredie done, bot also to terrifie all other malefactoris from attempting pe lyk heirefter; quhilk, I protest to God, I ponder more in respect of pe preparatiue and consequens pat may follow thairvpoun to pe preiudice of pe commoneweill of pe countray, in cais it be lichtlie passit over vnpunischt, than for any particular of my awin. Now, gif 5e find it expedient, it war nocht amis, seing the *Shanfler*⁵ and *Secretar*⁶ (quha knawis pe

¹ It is likely that the Suckler had been promised his life, when he turned informer; but being a most dangerous character to turn loose on society, the public prosecutor appears to have been instructed by the Council to rake up a few of his former misdeeds, and have him cleverly put out of the way. See the following Case, Jun. 21, 1616.

² From the Original, preserved among the *Denmylne MSS.* Adv. Library. ³ Proof; evidence. ⁴ Nevertheless.

⁵ The Lord Chancellor, Alexander Earl of Dunfermline.

⁶ Thomas Earl of Haddington.

hail estate and progress of this business) ar to be with HIS MA^{TIE} at Court, that 3e sould haue thame neir-hand by, quhen 3e propoun it to HIS MA^{TIE} at Court, in cais he hapin to defyre thair opinioun in it. And this, I wald befeik 3ow to do with all þe conuenient haift 3ow can, þat I may haue 3owr anfuer with HIS MA^{TIES} Letter befor þe seuinth or aucht of þe nixt month, becaus I do intend, God willing, at þat tyme, to haue thir tuo fallowis, at leift on of thame, put to the tryall of ane Assyse; at quhilk tyme (if nocht befor thane) I do affuir my self þat God fall mowe þe hart of him quho standis most obstinatlie to his denyall, euin to confes the treuth, as þe other hes done: albeit thair be sum buffie-headit men heir, quhom I will nocht name at this tyme, þat wald wis þe contrair; and ar deiling, be all meanis possibill, so far as in thame lyes, to þat effect; bot be þe grace of God, and HIS MA^{TIE} fauowr, with 3owr help, I howp to disapoynt þame. As for the rest of my particularis, I trust 3ow will nocht be forgetfull of thame; and when 3ow find 3owr auin tyme, will let me knaw, þat I may luik for in þame. So I haue no more to say, bot always efter on¹ I rest,

3owris in quhat I can to serue 3ow,

EDINBURG, the vi day of
Januar, 1616.

DRUMLANGRIG.

3ow will do me þe fauowr to present my humbill seruice to 3owr lady.

To his muche honoured and worthie broþer JOHN MURRAY of Lochmaben, Grume of his Ma. Bed-chamber, Thes.

II. "CONTRACT BETUOX THE SCOTTIS AND THE KERRIS."

(It has already been noticed, in the Introduction to the present Trial, that the Editor has been fortunate enough to discover the Original BAND or CONTRACT referred to by *Sir Walter Scott*, preserved in Record of Deeds,² Mar. 23, 1564. This remarkable and interesting document is preceded by a solemn entry in the Register, in these words. "In presens of the Lordis of Counsale, compeirit (SIR) WALTER SCOTT of *Branchholme*, with his Curatouris vnderwrittin, personalie, except ane nobill and mychté lord, *James Duke of Chatteaulrault*, quha compeirit be *Maister David Borthuik*, his procuratt, one that ane pairt; and SIR WALTER KER of *Cesfurde*, kny^t, for him self, and takand the burding vpoune him for his barnis, and the remanent of his kynd frendis, specifeit and contentit in the Contract vnderwrittin, personalé, on that vther pairt; and gais in the samyn, subscriuit with thair handis, as followis; and desirit the samyn to be insert in the Bukis of Counsale, and to haue the strenth of ane Act and Decreit of the Lordis thairof, and thai to interpone thair auctoritie to the samyn," &c.

It is only necessary, farther, to refer the reader to the valuable annotations of *Sir Walter Scott*, appended to 'The Lay of the Last Minstrel,' for a perfect knowledge of the deadly Feuds which had so long raged between two of the greatest Border Families, the SCOTTS and KERRS, to 'staunch' which was the professed object of the present BAND.)

AT EDINBURGHE, þe xxij day of Marche, the 3eir of God I^m.V^c.lxxiiiij 3eiris. It is appointit, aggreit, and finalé concordit, betuix rycht honorabill menne, SIR WALTER KER OF CESFURDE, KNY^t,³ for him self, and takand þe burding vpoune him for his barnis,⁴ and for his bruder *Mark Commendatér of Newbottle*, and his barnis; *Johnne Hume of Coldenknowis*, and his bairnis; *Andro Ker of Fawdounsyde*, his bairnis and breder;⁵ *Thomas Ker of Marfingtoun*, his fader-bruder,⁶ and þair bairnis; *George Ker of Lyntoune*, his bairnis, his oyis,⁷ and bruder-bairnis;⁸ *Richard Ker of Gaitshaw*, his bairnis and breder; *Andro, Williame, and Johnne Kerris*, brethler to *Sir Thomas Ker of Pharnyhirst*, kny^t; *Mark Ker of Kippeghaw*, and his sone *Robert Ker* of Bothtowr; *Robert Ker* elder, burges of Edinburgh; and all vperis þair barnis, brether, kynne, freindis, menne, teuentis and servandis, except þe freindis vnder specifeit, nocht comprehendit vnder þis appoyntment, one þat ane pairt; AND WALTER SCOTT OF BRANCHHOLME AND BUKCLEUCH,⁹ with consent and assent of ane rycht nichté

¹ Always after one; steady; unchangeable. ² General Register House, Vol. VII. fol. 131. ³ Ancestor of the Ducal Family of *Roxburghe*. He married *Isabel*, daughter of *Sir Andrew Kerr of Fernuhirst*. ⁴ Children.
⁵ Brothers. ⁶ Uncle. ⁷ Grandchildren. ⁸ Nephews and Nieces. ⁹ He married *Lady Margaret Douglas*, eldest daughter of *David*, seventh *Earl of Angus*, niece of the Regent Morton. This great man died Apr. 17, 1574. It was his son who performed the matchless exploit of relieving *Kinnmout Will*, Apr. 13, 1596, from the Castle of Carlisle, being accompanied with a mere handful—only 200 horse!

and noble lord, *James Duike of Chatteaularault, Erle of Arane, Lord Hammiltoune, &c.*; *Sir Johne Maxwell of Terreglis, kny^t*; *Sir Johne Bellendene of Auchnoule, kny*, Justice Clerk; *Maister Johne Spens of Condé*, Aduocat to our fouerane Lady; *Andro Murray of Blak-Barony, Michell Balfour of Burlye, Thomas Scott of Haning, and Robert Scott of Thirlytane*, Curatouris to þe said WALTER, for þair interes, for him self, and takand þe burding vpoune him for HIS HAILL SURNAME, and þe Relict and bairnis of vmq^{le} *Sir Walter Scott of Branxholme, kny^t*, his gudeschir,¹ and als for *Williane Craystoune of that ilk*, his bairnis and breder, the brether of vmq^{hile} þe *Laird of Chisholme*; *Johne Glandstans of that ilk*, and his bernis; *James Langlandis of that ilk*, and his bairnis; *Walter Vache of Syntoun*, and his barnis; and for *James Ormiftoun of that ilk*, conditionally, as followis; and als, for all vperis his kynne, freindis, servendis, menne, tennentis, assistaris, and pairtakeris, one þat vper pairt; in maner, forme, and effect, as efter followis. THAT IS TO SAY, þe said LARD OF BUKCLEUCHT, nor na vper for quhome he takis burding, as said is, fall ony way perfew þe said LARD OF CESFURDE, nor na vper comprehendit vnder þis present appointment, criminalé nor civilie, for ony Slauchter or blude committit in tyme bipaft, and is content to be perpetuallie secludit þairfra, *per pactum de non petendo*; and fall neuer move actioun, beir hatrent, grudge, or displefour þairfor, bot bury and put þe samyn vnder perpetuale silence and obliuione; and to leif in perfite amité, lufe, and Cristiane nychtburheid, in all tymes cuming. PROVIDING always, þat heirby þat þe said LARD OF BUKCLEUCHT, and all vperis quhame he takis burding, be na wayis preiugit anent þair actionis quhatfumeuir þat þai haif intentit or may intent aganis *Sir Thomas Ker of Phairneyhirst, kny^t*, *Sir Andro Ker of Hirfell, kny^t*, *Robert Ker of Woodheid, Johne Haldane of that ilk, Gilbert Ker of Prymsydloch, James Ker of Torbet, Robert Ker of Gradene, Andro Ker of Hietoune*, þair barnis, brether, and seruandis, and all vperis þat ar nocht comprehendit vnder þis appointment; bot þat þai may perfew and obtene þe samyn as þai think maist expedient, be þe law; and þat becaus þe saidis personis, being requirit be þe said LARD OF CESFURDE to cum with him, and to do þair deuore, for þair pairt of þis appointment, hes refusit to do þe samyn; and als, becaus þat in þis present appointment, þair is na proffett nowther gevin nor takin, quhairby þe said LARD OF BUKCLEUCHT, and his frendis and vperis foirsaidis, ar preiugit anent þair saidis actionis; and þat it is þe exprefs mynd of all þe pairteis presentlie contractaris, þat þe samyn be füllelie reservit: AND siclyk, vpone þe vper pairt, þe said LARD OF CESFURDE, nor na vperis quhome-for he takis þe burding, fall in ony wyife perfew þe said LARD OF BUKCLEUCHT, nor na vperis his kynne, freindis, servendis, menne, teuentes, assistaris, or pairt-takararis, criminalé or civilé, for ony slauchter or blude committit in ony time bipaft; and is content to be perpetuallie secludet þairfra, *per pactum de non petendo*; and fall nevir move actioun, beir hatrent, grudge, or displefour þairfoir, bot bury and put þe samyn vnder perpetuall silence and obliuione, and to leif in perfite amité, lufe, and Cristiane nychtbourheid, in all tyme heirefter. ATTOUR, it is heirby exprellie and faythfullie contractit, þat for mair suir removeing, stenching,² and away-putting of all inymité, hatrent, and grudge, standand and confavet betuix þe saidis pairteis, throw þe vnhappie slauchter of þe said vmq^{le} *Sir Walter Scott of Branxholme, kny^t*,³ and for þe better continuance of amité, favour, and freindschip amangis þame in tyme cuming, the said SIR WALTER KER of *Cesfurde, kny^t*, fall, vpoun the xxij day of Marche instant, cum to THE PARROCHE KIRK OF EDINBURCHT, now commonelie callit SANCT GEILLIS KIRK, and þair, befoir none, in sycht of þe pepill present for þe tyme, reuerently vpone his kneis ask God mercy of þe slauchter foirsaid; and siclyk, ask forgevenes of þe same fra þe said LARD OF BUKCLEUCHT, and his freindis, quhilkis salhappin be þair present; and þairefter promise, in þe name and feir of God, þat he and his freindis fall trewlé keip þair pairt of þis present Contract, and fall stand trew freindis to þe said LARD OF BUKCLEUCHT and his freindis, according heirvnto, in all tyme cuming. THE quhilk þe said LARD

¹ Grandfather.² Stauching; extinguishing.³ This great man was unhappily slain on the streets of Edinburgh, in October, 1552. To pave the way for a lasting reconciliation between the Clans, a Remission was granted to Sir Walter Kerr of Cessford, and to John Kerr of Ferrihirst, under the Great Seal.

OF BUKCLEUCHT fall reuerentlé accept and ressaue, and promise, in þe seir of God, to remit his grudge, and neuer remember þe same; bot fall observe and fulfill his pairt of þis present Contract to þe said LARD OF CESFURDE, according to þe tennour pairt of, siclyk, in tyme cuming. AND als, *Thomas Ker*, secund sone to þe said LARD OF CESFURDE, fall, God willing, solempnizate and compleit þe band of matrimony, in face of Christis Congregatioune, with *Scott*,¹ syster to þe said LAIRD OF BUKCLEUCHT, betuix þis and þe last day of Maij nixt tocum, but ony tocher² to be payit be hir said bruder, or ony vþer freindis with hir: And þe said LARD OF CESFURDE fall provide þame ane honest and ressonable sustentatioune and leving, efferand³ to pair estait and conditione; and als, fall caus þe said be infest in her virginité, in coniuinct-fee or lifrent, with hir said future spous, and pair airis lauchfullie gottin or to be gottin betuix þame, quhilk failzeing, þe said *Thomas* airis quhatsumeuir, in all and haill landis or annualrent of þe auaill of ane hundreth merkis be zeir, to be haldin of þe Superior be Resignatioune or Confirmatione, at þe plesour of hir said bruder; and pairestir, þe said to be infest in coniuinct-fee or lyfrent with hir said future husband, at his and his said faderis gude will and pleasour, in sik landis and leving as þai pleis mak hir; quhilk is referrit in pair will. AND siclyk, *George Ker*, eldest sone and apperand air to þe said *Andro Ker of Fawdownsyd*, fall, God willing, solempnizeat and compleit þe band of matrimony, in face of Christis Congregatioune, with *Jonett Scott*, fader-syster to þe said LARD OF BUKCLEUCHT, sa sone as þai fall be of perfyte age and habitie for mariage, but payment of ony tocher to be payit be him, or vþer hir freindis with hir. AND gif it fall happin þe said *George* to deceis, befoir þe compleiting of þe said mariage, þan and in þat cais, his nixt bruder þat fallhappin to appeir or succeid air to his said fader or him, fall marie the said *Jonet*, tocher-fré; and siclyk, failzeing of hir be deceis, befoir þe said mariage, þan and (in) þat caise þe said *George*, and failzeing of him be deceis, his nixt bruder soirsaid, fall solemnizeat and end mariage with hir nixt syster þat fallhappin þan be alyve, tocher-fré; and sua, salang as þe said *Andro* fall haif ane sone, and the said *Jonet* ane syster, þe ane to marie þe vþer tocher-fré, as said is; ay and quhill mariage be anis complete amangis þame: AND gif (it) fallhappin þe said mariage to failzie in þe saidis *Georgis* or ony vþer his brederis defalt, þan and in þat cais, þe said LARD OF CESFURDE, be the tennour heirof, oblistis him and his airis to pay and deliuer the fowme of ane thousand merkis to þe said *Jonett*, or to hir vþer syster to quhome þe said mariage fall failzéd, within XL dayis nixt estir þe said failzéd be knawin. ATTOURE, becaus þe said LARD OF CESFURD hes of befoir requyrit and desyrit, vnder þe forme of instrument, *Sir Thomas Ker of Pharnyhirst, kny^t*, *Sir Andro Ker of Hirsell, kny^t*, and *Gilbert Ker of Prynnydloch*, for þame and pair freindis to adheir, concur, and assist to him in þis present agreance, and þat þai haif refuset þe samin, as is aboue writtin, thairfoir þe said LARD OF BUKCLEUCHT, nor his airis, fall nocht aggré with þame, or ony of þame, by⁴ þe awyfe of þe said LARD OF CESFURD and his airis; and gif it fallhappin þe said LARD OF BUKCLEUCHT, or his airis, to aggré with þe saidis *Sir Thomas*, *Sir Andrev*, and *Gilbert*, or ony of þame, by⁴ þe awyfe of þe said LARD OF CESFURD, befoir þe compleiting of mariage betuix þe said *George* or ane of his brethir with the said *Jonet* or ane of hir systeris, as said is, without þe said LARD OF CESFURDE be previe and consent pairto, than and in þat cais, þe said *George*, nor nane of his brethir, salbe haldin or astrictit to compleit þe said mariage, bot salbe fré pairt; nochtwithstanding þis present Contract, and siclyk as gif the samyn had neur bene maid. AND lik wyife, gif it fallhappin þe said LARD OF BUKCLEUCHT to aggré with þe saidis personis, or ony of þame, estir þe compleiting of þe said mariage betuix, ony of þe said *Androis* sonis and þe said *Jonet*, or ony hir systeris, by⁴ þe awyfe of þe said LARD OF CESFURDE, than and in þat caise, þe said LARD OF BUKCLEUCHT oblistis him, with auise of his Curatouris soirsaidis, to content

¹ JANET, the eldest sister of Sir Walter Scott of Buccleuch, was married to Sir Thomas Kerr of Fernihirst, in anno 1569; 2. MARGARET, to Sir John Johnston of that ilk; 3. ELIZABETH, to 'the Captain of Crawford,' Sir John Carmichael of Meadowflat.—*Wood's and Crawford's Peerages*. ² Without any dowery or marriage-portion. ³ *Effeyring*; corresponding. ⁴ Without; contrary to; independent of.

and pay to þe said LARD OF CESFURDE þe soume of ane thowfsand merkis, as for þe tocher of þe said *Jonet*, or ony vper her sifter þat hapnis to be nearest, within XL dayis nixt eftir þe said aggreance, gif it happynnis to be maid, as said is; but¹ ony exceptionne or remeid be vertew of þis present Contract, quhairby þe said mariage fuld be tocher-fré, as is aboue specifeit, to be proponit or allegeit in þe contrar. PROVIDING alwayis, þat gef þe said LARD OF BUKCLEUCHT aggré with þe saidis *Sir Thomas*, *Sir Andro*, and *Gilbert*, or ony of þame, with auise of þe said LARD OF CESFURDE, than and (in) þat cais þe said LARD OF CESFURDE fall not laubour nor desyre þat pair offeris, ellis² offerit, be diminißit, bot rather þat þai be augmentit. AND zit, mairouer, becaus pair is particularelie deidlie Feid and actionis betuix þe said WALTER KER OF CESFURDE, *hnycht*, and þe said *James Ormsfoune of that ilk*, thairfoir þai salbe compromittit³ in *David Spotiswod of that ilk*, and *Thomas Hoppringill of that ilk*, to be chofin for þe pairt of þe said LARD OF CESFURDE; and in *James Langlandis of that ilk*, and *Nicholace Ruyserfurd of Hundley, hnycht*, to be chofin for þe pairt of þe said *Lard of Ormsfoune*; and in odmanne and ourmanne,⁴ in caise of vareance or discord betuix þe saidis Jugis, to be comunel⁵ chofin be bayth þe saidis LARDIS OF CESFURDE and BUKCLEUCHT, anent þe taking, be þe said *Lard of Ormsfoune*, of þe *landis of Nether Ancrome* and *Bailleie* pairt, in Tak, our þe said LARD OF CESFURDE heid, it being his kyndlie rowme⁶ of befoir, as he allegis; and anent þe slauchter of vmq^{le} . . . *Best*, seruant to þe said LARD OF CESFURDE: AND als, anent all vper materis, actiones, querrellis, and debeittis betuix þame; and þai to be bund to abyde at þe decreit and sentence of þe saidis Juges and ouermanne, or maist pairt of þame, deliuerand in þe saidis materis, quhilkis salbe haldin to deliuer pairin, betuix þis and þe first day of August nixtocum; and ane compromit⁷ to be maid pairupone, and extendit in ampill forme, as vse is in sic caissis. AND gif it salhappin þe said *Lard of Ormsfoune* to reclame fra þe Decreit to be gevin be þe saidis Jugis and ouermanne, or maist pairt of þame, and nocht to abyde pairat, and fulfil his pairt pairt, as he fall be ordanit be þe same, than and in þat caise, þe said LARD OF BUKCLEUCHT fall refuse him, and fall nowther manteine, fortifé, nor assist him pairrester, in ony tyme cuming; bot fall tak pairt and fortifé, in honest and lesum⁸ maner, with þe said LARD OF CESFURDE, in his contrar. AND gif þe said LARD OF CESFURDE salhappin to reclame fra þe said Decreit to be gevin as said is, than and in þat caise, þe said LARD OF BUKCLEUCHT fall tak pairt with þe said *Lard of Ormsfoune*. AND finalé, þe saidis pairteis, be þe tennour heirof, bindis and oblißis þame and pair airis, þat þai and personis abouewrittine, for quhame þai haue takin burding, respectiué, for þair awin pairtis as said is, fall in all tyme cuming keip and retene amité, freindschip, lufe, favour, and kyndnes, ilkane to vperis,⁹ without ony grudge, or occasioun to be mouit in þe contrar, be þame or ony of þame, to vperis,¹⁰ be ony maner of way, in tyme cuming. AND gif it salhappin ony contraverfé or pley to fall betuix ony of þe freindis abouewrittin, comprehendit vnder þis present Contract, for taking of vperis steding or rowme,¹¹ owther in tyme bigane or tocum, thanne and in þat caise, þe mater salbe first schawin to þe saidis LAIRDIS OF CESFURDE and BUKCLEUCHT, be quhais auise þe saidis pairteis sal cheis¹² foure frendis, with ane ouermanne as þai can aggré one, for ending and deciding of þe said contraverfé; and gif þe pairteis can nocht aggré one þe said ouerman, þan and (in) þat cais þe saidis LARDIS OF CESFURDE and BUKCLEUCHT fall cheis ane ouermanne quhame þai can aggré one; quhilk ouermanne being chofin be þame, it fall nocht (be) lesum to þe pairteis to refuse him, bot to approve and chuse him: and gef þe saidis LARDIS can nocht aggré one þe said ouerman, than and in þat cais, þai fall huimlé fwte¹³ and desyer þe QUENIS MAIESTIE and COUNSALE to cheis ane ouermanne; quha being chofin, þe pairteis salbe haldin and bund to stand content with him, and to abyde at his and þe Arbitratouris delyuerance, or maist pairt of þame delyuerand; vpon þe contra-

¹ Without, &c.² Already.³ Compromised; referred to the arbitrament of.⁴ Umpire and

Oversman.

⁵ Mutually.⁶ Certain property held by him and his ancestors as *kyndlie tenants*.⁷ Award;

Decreit Arbitral.

⁸ Lawful.⁹ To each other; each party to the other.¹⁰ Each other.¹¹ For

taking each other's farm-steding or possession.

¹² Elect; choose.¹³ Make suit; petition.

verfé pat falhappin to be debatabill for þe tyme, but¹ ony declaratioune to be maid in þe contrar. AND for obseruing, keping, and fulfilling of all and findré þe premisses, aþer of þe faidis pairteis bindis and oblißis þame faithfullie to vþeris,² in þe maist strait forme and sicker stile of obligatioune can be dewisit, but³ fraud or gyle, na remeid nor exceptiounne of law quhatfumeuir to be proponit or allegeit in þe contrar; renunceand þe famin, for þame, pair airis, executouris, and assignais, for now and evir, be þir presentis. AND for þe mair securité, þai ar content þat þis present Contract be infert and registrat in þe Bukis of Counsale, and decernit to haue þe strenth of ane Act and Decreit of þe Lordis pairof; and þat Letteris and executorialis to be direct pairvponne, for compelling of aþer of þe faidis pairteis to fulfill þe samyn, for pair pairteis, to vþeris, in forme as efferis: AND for acting and registrating heirosf, þe faidis parteis makis and constitutis, be þir presentis,⁴ [*Maister David Borthuik*] thair vndowtit and irrevocabill procuraturis, gevand and committand to þame, coniuñctlé and feueralé, þair full power, expres bidding, and charge, to compeir befor þe Lordis of our souerane Ladeis Counsale, quhatfumevir dayis and place lauchfull; and pair desyir þis present Contract to be registratt in þe faidis Bukis of Counsale, and þe faidis Lordis to interpone pair auctorité pairto; promittand⁵ to abyd ferme and stabill, &c. IN WITNES of þe quhilk thing, bayth þe faidis pairteis and Curaturis abouewritin, for pair intereis, hes subferiuit þis present Contract with pair handis; and als DAME JONET BETOUNE,⁶ þe relict of þe faid vmq^{lc} *Sir Walter*, hes, in signe of hir consent to þe premisses, subferiuit þe famin with hir hand, day, 3eir, and place foirfaides, befor þir Witneßis, *Sir James Douglas of Drumlanrig, knycht, Johne Stewart of Trocquair, Patrik Murray of Fallowhill, Murray of Cokpule, and Thomas Sinclair*, Writter to þe Previe Seall, with vþeris diuerse.

[*Sic subscribitur*] WALTER KER OF CESFURD. WALTER SCOT OF BUKCLEWCH. JANET BETOUNE, LADY OF BUKCLEWCH. JAMES.⁷ THOMAS SCOT OF HANYNG. M. JOHNE SPENS, Curatour aboue writtin. JOHNE MAXVELL. J. BELLENDENE, as Curatour. ROBERT SCOT OF THIRLSTANE,⁸ with my hand at þe pen, led be *David Lauté*, Notare Publict.⁹

III. BAND *subscreit at KELSO, be THE BARONIS, &c. of the Scherefdomes of BERWIK, &c.* 6th April, 1569.

(THE Editor believes that little apology will be deemed requisite for once more encroaching on the limits of this work, in his desire to preserve, in this place, the following remarkable document, the original of which is deposited in the General Register House, Edinburgh. The reader will readily perceive, that it is chiefly from an extensive perusal of such original and authentic Papers, that he can expect to arrive at a minute knowledge of the internal state of Scotland during the darkest periods of our History.)

BE IT KEND till all men be þir present letteres, WE THE BARONIS, landit men, Gentilmen, Inhabitantis of THE SCHIEREFDOMES of BERWIK, ROXBURGH, SELKIRK, PEBLIS, and Proveßtis and Baillies of Burrowis and Townis within þe faidis boundis, in name of þe Inhabitantis of þe samyn, vnder-subferiand, to be bundin and obleist, and be þe tennour heirosf, bindis and obleißis ws to þe KINGIS MAIESTIE, oure souerane lord, and his dearest coußing JAMES ERL of MURRAY, Lord Abernethie, REGENT to his hienes his realme and lieges, as followis: THAT IS TO SAY, fforfamekill as my faid

¹ Without. ² Each other. ³ Without. ⁴ In all deeds where a clause for Registration is inserted, a blank is left to insert the name of the Procurators. In the present instance, all the parties appeared personally, with the exception of the Duke, who had granted a procuration to the person whose name is filled up, according to custom, in the Register. ⁵ Promising. ⁶ This able Lady has been rendered immortal by *Sir Walter Scott*, in his Lay of the Last Minstrel. She was daughter of *John Beatoun of Creich*, and possessed the hereditary abilities of her family to such a degree, that the superstition of the vulgar attributed them to magic. After her husband's murder, she rode at the head of her Clan. ⁷ James Duke of Chastelherault, who uniformly adopted this princely mode of subscribing his name. ⁸ Ancestor of Lord Napier; a better swordsman than an expert clerk. ⁹ It was by no means unusual, at that period, that persons of considerable rank were but indifferently skilled in scholarship. All business of importance was of old transacted by churchmen or notaries; the office of which last was frequently performed by priests, who thereby added considerable emoluments to the revenues of their monastery.

lord Regentis grace hes at all tymes, and specialie sen his acceptatioun of pe regiment of pis realme, takin greit and paynefull travellis in pe quieting of pe bordouris pairof, and namelie of pe rebellious people Inhabitantis of pe cuntrie of LIDDISDAILL, and vtheiris Thevis, AND we having regard to the innumerabill slauchteris, fyre-rafingis, heirschippis, and detestabill enormities, dalie committit be pame vpoun pe peceabill and trew subiectis of pis realme, in tymes bipast, quhairin pai ar nocht abill to execute pair crueltie, gif we, in pe feir and obedience of God and our fouerane lord, aufauldie¹ concour togidder to refist pame, THAIRFOIR we, and euerie ane of ws, underscrivand, be thir present letteres, avowis and declairis our selffis obedient subiectis to THE KINGIS MAIESTIE, oure onelie fouerane lord and his authoritie, and professit inymeis to all Thevis, Inhabitantis of THE CUNTRIE OF LIDDISDAILL, ESKDAILL, EWISDAILL, and ANNANDERDAILL; and in speciall, to all personis of pe fuirnames of ARMESTRANG, ELLOT, NKSOUN, CROSER, LITTILL, BATESOUN, THOMSOUN, IRWING, BELL, JOHNNESTOUN, GLENDONYNG, ROUTLAIGE, HENDERSOUN, and SCOTTIS OF EWISDAILL, and wperis notorious Thevis, quhair enir pai dwell, and to pair wyffis, bairnis, tennentis, and seruandis; Oblifland ws, pat we nor nane of ws at ony tyme heireftir, fall refset, supplé, or intercommoun with ony of pe saidis Thevis, pair wyffis, bairnis, or seruandis, or gif pame meit, drink, hous, or herbry; or suffer ony meit, drink, or victuallis to be bocht, had, or cairit to pame, furth or throw our landis, bailleries, townis and boundis, quhair we may lett:² Nor zit fall we tryift or haue intelligence with pame, in previe or apairt, without knawlege and leif of THE WARDANE obtenit to pat effect: Or suffer pame to resort to Marcattis or tryiftis, throw oure boundis: Nor zit permit pame, pair wyffis, bairnis, tenentis, or seruandis, to dwell, remane, or abyde, or to pasture pair gudis³ vpoun ony landis outwith LIDDISDAILL, except sic⁴ as within viij dayis eftir pe dait heirof, fall find sufficient and responfall fouerteis⁵ to THE WARDENIS OF THE MARCHES and their clerkis, that pai fall reforme all enormities committit be pame in tyme bipast, and keip gude rewle in tyme cumming, and be obedient to pe Lawis, quhen pai falbe callit vpoun: AND all vtheris not findand pe said fouertie, within pe said space, we fall persew to pe deid with ffyre, sward, and all vther kynd of hostilitie, and expone⁶ pame, and all þing in pair possessioun, in pray to pe men of weir, as oppin and knawin inymeis to God, THE KING oure fouerane, and this Commoun-weill, without fauour, assurance, or freindschip, Renunceand all kyndnes, Bandis, promiseffis, assurances, and conditionis, pat we or ony of ws hes enterit in with pame, in ony tyme bigane, befoir pe dait heirof, as we will anfuer to God, and vpoun our dewitie and allegiance to our fouerane lord his authoritie, and Regent foirsaid. AND in caise we failzie in ony pairt of pe premissis, or revelis not pe contravenaris of pis BAND, gif we knaw pame, we ar content to be pyneist pairfoir, according to THE GENERAL BAND, and panis contenit pairin. AS ALSUA, in caise in pe resiftence or persfute of ony of pe said Thevis, it fallhappin ony of pame to be flane and brint, or ony of ws and our freindis to be harmit be pame, we fall euir esteme pe qwerrell and deidlie Feid equall to ws all, and fall nenir aggré with pe same Thevis, bot togidder, with ane consent and avyfe: And in pe menetye fall tak afauld, trew, and plane pairt, ilk ane with vther, and specialie, fall assist THE LARD OF BUKCLEWCH, and vtheris LARDIS maist ewest⁷ to pe saidis Thevis, at all occasionis convenient. THIS our present BAND quhill pe frst day of August nixtocum in full effect and force inviolablie to endure, to pe effect a perpetuale

¹ Sincerely; heartily; literally, *one-foldly*, without duplicity. Even to this day, *two-fold*, *two-faced*, &c. are employed to denote *double* or deceitful persons. ² Hinder. ³ Flocks of sheep, or cattle. ⁴ Such persons. ⁵ Cautioners. ⁶ Expose; give them up. ⁷ Nearest in point of local situation. It must be confessed, that this very remarkable Document gives rather an unfavourable view of the state of the *Borders* at the commencement of the reign of King James VI.; but reference to other 'Bands' and State Papers, which are faithfully conveyed to the public in the works of *Sir Walter Scott*, *Redpath's Border History*, and similar sources of information, prove the picture to be correct and unexaggerated. The influence of THE KING and his Lieutenants was but small, when opposed by the more powerful Barons; who could, in an incredibly short space of time, by means of their signal-fires, &c. alarm the country, and gather a prodigious force, with which they could easily overwhelm the royal troops. The usual policy of the Crown, therefore, was to appoint, as WARDENS OF THE MARCHES, the most stirring spirits of the time; who, vain of their 'brief authority,' were enjoined into the measures of the King and Council, and thus preserved 'guid rewle' on the Border. The private Feuds of the several Clans were also turned by the Government to good account; and by means of such 'Bands' as the present, the more unruly tribes were kept in check.

and perfyte ordour anent þe repressing of þe saidis Thevis may be takin in þe menetyme. IN WITNES QUHAIROF, we haif subferyuit þe samyn with our handis, as followis, AT KELSO, þe sext day of Aprile, the 5eir of God I^m.V^e. three scoir nyne 5eris.

S ^r NICHOLAS RUTHERFURD of Huudoley,	ANDRO KER.	ALEX ^r L. HOME. ¹
knyt.	GILBERT KER of Prinsydlouch.	WALTER KER of Cesfurd.
JHONE RUTHERFURD of Huinthill.	JOHNE EDMESTOUNE of yat Ilk, kny.	BUCCLEWTH, kny.
JHONE MOW of yt Ilk.	WILLIAME DOWGLAS of Cavers.	THOMAS KER of Fernhurst.
RICHARD RUTHERFURD, Provost of Jedbur ^t .	JHONE HALDANE.	WILLIAME KER.
JAMES SCOTT, Baillie of Selkirk.	THOMAS TRUMBUEL of Bederowill.	PATRIK MURRAY of Faulahill.
JAMES GLEDSTANES of Coklaw.	RICHART RUTHERFURD of Edzerstone.	WALTER KER of Dolphinstone.
WATT SCOTT in Beilhauch.	ALEXANDER COKBURN.	ANDW.
WATT SCOTT of Tuschelaw.	ROBERT SCOT off Edilstane.	ANDRO KER of ffa . . .
HECTOR TURNBULL, Tutor of Mynto.	THOMAS MAKDOWELL.	T. CRANSTOUNE of yt Ilk.
CUTHBERT CRANSTOUN of Thirlstanemanis.		THOMAS KER of Nether Howdane.
ROBERT SCOTT, Baillie of Hawyke.		

Sheep-Stealing—Common Theft and Reset of Theft.

Jun. 21.—JOK SCOTT, alias callit *Jok the Sukler*, sone to Thome Scott in Nether Braidlie.

Dilaitit of airt and pairt of the thiftious Steilling and away-taking fra Adame Almoufe, ane of the Laird of Chisholmes tennentis, furth of that pairt of the landis of Chisholme callit Moullie, occupyit be the said Adame, ffoure schein pertening to him; committit in the moneth of October, 1612. ITEM, off tua schein, viz. ane 5ow² and ane hog,³ pertening to George Scott, callit of Deringstoun, furth of his landis of Castell-hill; in the moneth of Februar, 1613. ITEM, off ane blak 5ow, pertening to Rowie Scott, callit *Rowie of Huttkill*, furth of the Lyn besyde Eilrig; at Mertimes, 1614. ITEM, off sevin 5ow schein, pertening to James Rowie in Raeburne, ffurth of the landis of Raeburne, in Eskdaillmure; in the moneth of October, 1613 yeiris. ITEM, ffor cownone Thift, and cownone Resset of Thift.

PERSEWARIS, Rowie Batie, callit James Rowie; Rowie Scott, in Vtterfyde; Walter Scott, his sone; informeris to his Maiesteis Aduocat: Sir Williame Oliphant of Newtoun, kny^t.

PRELOCUTOUR in defence, Mr Vmphra Blindschellis, Aduocat.

The pannell denyis the hail poyntis of Thift contenit in his Dittay.

ASSISA.

Frances Airmestrang, callit of Andro Airmestrang of the Kirk-	Walter Gledstanes of Quhytelaw,
Kynmonthie, ⁴ toun,	Robert Wauch of Hoip,
Williame Airmestrang, his sone, Williame Airmestrang in Nether	Robert Scott in Schellifwoid,
in Gryftail, Wrae,	Robert Airmestrang, callit <i>Rattas</i> ,
Alexander Airmestrang in Wallis, George Langlandis of that Ilk,	Williame Airmestrang, callit
Johne Ellote of Fallin-afche, Lancie Airmestrang in Qubit-	<i>Bald</i> , ⁵
Thomas Airmestrang in Gingillis, hauch,	Hectour Trumbill of Clarielaw.

VERDICT. The Assyse, having ressonit and voittit vpon the pointis of the

¹ The two principal columns contain autograph subscriptions, the third is all written in the same hand.

² Ewe.

³ A year-old sheep.

⁴ A descendant of *Kimont Will*, famous in History and

Border Ballad.

⁵ *Bauld*, bold; intrepid. Bald-headed was uniformly written and pronounced *beld*.

Dittay, and being ryplie and at lenth advyset thairwith, togidder with dyuerse Depositiones product be our fouerane lordis Aduocat, for verificatioun of the said *Jok Scott* his giltines of the saidis crymes ; as also, vpon confideratioun had be thame to the sweiring of thais tua pointis of Dittay, suorne in their presens be the saidis thre persewaris ; thay all, in ane voce, be the mouth of the said George Langlandis of that Ilk, chancellor, ffand, pronuncet, and declairit the said *Jok Scott*, callit *the Suckler*, to be ffylet, culpable, and convict of airt and pairt of the hail poyntis of Thift aboue specifeit ; and of cowmone Theft, and Resset of Thift.—SENTENCE. To be tane to the Mercat-croce of Edinburgh, and vpon ane gibbet thair set vp, to be Hangit quhill he be deid : And all his guidis to be efcheit, &c.

Egyptians or Gipsies contemptuously repairing and abiding within the Realm.

[THE following is one of the instances of the persecution of the once formidable race of GIPSIES, whose numbers were so considerable, as to excite the legislature to make various enactments for their banishment and extirpation. Notice of this pursuit has been preserved in *the Denmylne MSS.* Adv. Library, among various Minutes of the Proceedings of the Privy Council of Scotland, in the following brief memorandum. August 28, 1616. “ ANENT that mater of EGIPTIANIS, now lyand in *the Tolbuith of Edinburgh*, thay war only convict for contraveining the Act of Parliament, in not departing furth of the Kingdome ; and no vther cryme was layed to thair charge, and no cryme is knawin whairvpon thay may be challengit. *The Counsell*, according to HIS MA^{TIES} direction, hes gewin Warrant for staying the pronouncing of Dome, till HIS MA^{TIES} farder pleasour be knawin.”

The Editor has found no other trace of the fate of these unhappy creatures ; but it is hoped that the King contented himself with ordering their banishment from the country, under the usual certification.]

Jul. 19.—JOHNE FAA, Egiptiane¹ ; James Faa, his sone ; Moyfes Bailzie, Egiptiane ; and Helene Broun, spous to Williame Bailzie, Egiptiane.

Dilaitit of contravening of the Act of Parliament, maid in anno 1609 yeiris, in thair contemptuous repairing to this cuntrie, being repute and haldin to be Egiptianis, and abiding thairintill, nochtwithstanding thairof, &c. viz.

DITTAY against Johnne Faa, &c.

FORSAMEKILL AS, be Act of Parliament, haldin at Edinburgh, vpon the xxiiij day of Junij, I^m.Vj^c. and nyne zeiris, it is expresse provydit, statute, and ordanit, that all Vagabundis, Soirneris, and cowmone Thevis, cowmonlie callit EGIPTIANIS, fould depart furth of þe kingdome, and remane perpetuallie furth pairrof ; and nevir to haif returnet agane within the samyn, nor be fund pairintill, eftir þe first day of August þaireftir, in the foirfaid zeir of God I^m.Vj^c. and nyne zeiris, vnder the pane of deid ; and that it fould be liefum to all his Maiesteis

¹ See Jul. 31, 1611.

guid fubiectis, or ony ane of thame, to caus tak, apprehend, impriffone, and execute to death, all maner of Egiptianis, alfweill men as wemen, as cowmoun, notorious, and condampned Thevis; only, to be tryit be ane Affyse that thai ar callit, knawin, repute, and haldin Egiptianis: As the said Act of Parliament at lenth proportis. NOCHTHELES, it is of verritie, that the foirfaidis perfones, being Egiptianis, sua callit, knawin, repute, and haldin, in contempt of þe said Law and Act of Parliament, as Vagabundis, hes lurkit and remanit within this kingdome, sen þe making and publicatioun of the said Act, and nawayis hes past away furth þairof: At þe leift, aganis þe tennour of þe said Act, hes, sen þe said first day of August, 1609 ʒeiris, repairit within this cuntrie, and ar tane and apprehendit as Vagabundis, and maisterles lymmeris¹ and thevis, reput and haldin, knawin and callit to be Egiptianis; quhairin thay and ilk ane of thame hes contravenit þe tennour of þe said Act of Parliament, and incurrit þe panes and pwneschment mentionet þairintill; quhilk aucht and sould be inflictit vpon thame, with all rigour, to þe example of vþeris of þair race and unhappie Companie to eschew þe lyk heireftir.

PERSEWER, Sir Williame Oliphant, kny^t. PRELOCUTOR in defence, Mr Thomas Wilfoun, Aduocat.

IT is allegit be the pannell and thair prelocutour, that the Dittay is nawayis relevant to pas to ane Affyse, in respect it is nocht subsumet thairintill, that the perfones dilaitit was within the cuntrie, the tyme of the making and the publicatioun of the said Act of Parliament, quhilk is the grund of this persute; nather yit is the pannell tane and apprehendit for ony Thift, Soirning, or Oppressioun, nor accuset thairfoir: Off all quhilkis crymes, thay ar willing to byde ane tryell: And thairfoir, the Dittay, as it is fet down aganis the pannell, can nocht pas to ane Affyse.—It is ansuerit be my lord Aduocat, that the allegiance aucht to be repellit, in respect of the Dittay and Act of Parliament.

THE Justice Repellis the allegiance; and Ordanis the pannell to pas to ane Affyse.

VERDICT. The Affyse, be the mouth of Thomas Creichtoun, mercheand in Edinburgh, chancellor, ffind, pronuncet, and declairit the saidis *Johnne Faa*, *James Faa*, his sone, *Moyfes Bailzie* and *Helene Broun*, all Vagabundis, and repute and haldin to be Egiptianis, to be ffylet, culpable, and convict of contravening the tennour of the said Act of Parliament.

THE Justice Continewit the prouneatioun of Dome vpon the perfones foirfaidis, quhill he be advyfet with the Lordis of Secreit Counfall: And ordanit thame to be returnit to waird, to the Tolbuth of Edinburgh, in the meyne tyme.

Jul. 24.—SENTENCE. The Justice, in respect na cautioun could be ffind

¹ In our old Laws, this term was always applied to denote a worthless scoundrel, a professed thief, or *reiver*. At present it is applied solely to females of loose character.

be thame, for thair departour furth of his Maiesteis dominionis, and that thair fould never returne agane within the samyn during thair lyftymes, ilk ane of thame vnder the pane of ane thowfeand merkis money; accordring to ane Ordinance of the Lordis of Secret Counfall, direct for that effect, vnder my Lord Chancelloris subscription, daitit the xxiiij day of Julij instant; be the mouth of Johnne Dow, dempster of Court, Ordanit the saidis Johnne Faa, James Faa, his sone, Moyfes Bailzie, and Helene Broun, Egiptianis, and sa reput and haldin, tane and apprehendit, to be tane to the Burrow-Mure of Edinburgh, and thair to be HANGIT quhill thay be deid; and all thair moveabill guidis to be escheit, &c.

Quhilk was pronuncet for Dome; and that, conforme to the Ordinance of the Lordis of Secret Counfell, of the dait above expremitt.

Slaughter.

Jul. 31.—ALEXANDER DUMBAR of Kilboyak, and others.¹

Dilaitit for the Slauchter of vmq^{le} Alexander Dumbar of Waftfield.

PERSEWARIS, James and Thomas Dumbaris, as brether.

THE Justice, for cauffis moveing him, speciallie, that the pairties war vnder the termes of aggrement, Ordanit the dyet to Defert.

Usurping his Majesties Authority—Convocation of the Lieges—Murder under Colour of Law, &c.

[THE particulars of this very remarkable and keenly contested Case² are so fully narrated in the proceedings which follow, and in the various Histories of the *Family of Gordon and Sutherland*, that it is unnecessary for the Editor to add any thing farther. It only seems proper to give, in this place, the following notice from the MS. Collections of *Sir James Balfour*, preserved in the Library of the Faculty of Advocates; which, though only relating to the preliminary arrangements, forcibly shows the spirit with which such matters were conducted, even before the Supreme Criminal Tribunal of the kingdom, where the parties were connected with noble and powerful families.—August 28, 1616. ‘THIS day being appointit to THE LAIRD OF GEICHT, *Johnne Gordon, Sheref-depute of Aberdein*, and the rest of thair complices, for thair compeirance before the Justice and his deputis, in the Tolbuith of Edinburgh, to vnderly the lawis for the slaughter of vmq^{le} *Frances Hay*; the Sheref-depute, accompanied with sum Gentilmen of the name of *Gordon*, and vtheris, came to this burgh, with outwarde shew, and apperance to have presented himselff to his tryell; and by his Petition, gewin in this day to *the Counsell*, he craved Licence to sum Gentilmen of his name to accompany and assist him at the Bar: Which was grantit to sex perfonen selected and maid choise of be himselff. *The Erle of Erroll* came lykwayes heir, for perfute of that mater, he haveing procurit ane Licence from *the Counsell*, convenit at *Aberdene*, for his cuming heir; with condition that he fould keip his lodging, and not come furth thair of, without *the Counsellis* Warrant. He, be Petition gewin in this day to *the Counsell*, cravit Licence that he might go to the bar, to assist the perfute of that mater; bot, in regard he was excommunicat, it was not thought expedient that he fould go in persone to the bar, becaus it was suspectit

¹ See Jul. 24, 1611. On Jan. 15, 1617, “Sir Williame Hairt, his Maiesteis Justice, Ordanis the dyet to defert.” Whereupon George Duff, writer, protests for relief of the cautioners, &c. ² See also two entries immediately following this; and especially, that of *George Gordon of Geicht*, Feb. 26, to June 27, 1617.

that the excommunication would be obiectit aganist him, to debar him from proces: And als, becaus HIS MA^{TIES} *Advocat* was pairtlic perfewar in the Letteris, who wald profecute that mater, als weill as if *the Erle* war present. The Court being fenfit, *the Justice, Justice Clerk*, with the hail memberis of the Court, and the pairteis perfewaris being all present, and *the Sheref-depute* being constantlie looked for to compeir, he notwithstanding absentit him self; and is thairfoir declairit fugitiue, and his cautioneris vnlawit.']

Aug. 28.—JOHNNE GORDOUN of Clubisgoule, Scherref-depute of Aberdene.¹

Dilatit ffor airt and pairt of the Vfurpatioun of our Souerane lordis royall power and authoritie, in the arrogant and presumptuous cuming, with convocatioun of ane grit number of his Maiesteis legis, vpon the xvij day of December I^m.V^c. and fyftene yeiris, to the duelling hous of *Williame Hay of Logyruif*; and without ony lauchfvll Warrant, authoritie, or Commissioun, puting violent handis in the persone of vni^q^{le} *Frances Hay, sone to vni^q^{le} George Hay of Ardlethame*, bringing him perforce and aganis his will furth of the said hous, cayreing him with ane grit number of men in airmes to the burgh of Aberdene, as ane captiue and prissoner; committing him in priffone, within the ludgeing of *George Gordoun of Geicht*, ane of his principall takeris, callit "*the Bony Wyfes Inne*," in the Gallowgait of Aberdene, keiping and detening him in maist strait firmance thairintill, be the space of fourtie aucht houris; nocht suffering any man of his kyn or freindis to haif access to him, during all that tyme: Committit be the said *George Gordoun of Geicht, Williame Hay*, his sone in law, *Johnne* and *Alexander Gordones*, his brether, James Baird his seruand, and vtheris thair complices. Off the speciall causing, sending, hounding out, airt, plane pairt-taking, counfelling, devyseing, command, assistance and ratihabitoun of the said Johnne Gordoun Scherref depute of Aberdene, and quha, during the tyme of the said Frances imprisonment within the said Inne, resoirtit dyuerse tymes thairto with the said Laird of Geicht, to countenance and assist the vnlauchfull keiping and detentioun of the said vni^q^{le} Frances thairintill: AND sicklyk, the said Johnne Gordoun of Clubbisgoule, pretendit Schereff depute of Abirdene, being giltie in his own conscience, befoir God, of parcialitie and preoccupyt opinioun, and knowing weill aneuch that the tyme of his priuilege, gif he ony had, was expyrit; notwithstanding thairof, to the heich offence of Almichtie God, contempt of our Souerane lordis princleie power, and to the grit scandall of the Justice of this kingdome, ffor his presumptuous and arrogant vfurpatioun and assumeing to him self, with ane evill conscience, of the place and office of the Criminall Judge, in presenting him self in Judgement, and setting down thairintill as Judge, ffenceing of Court, and calling and accuseing befoir him of the said vni^q^{le} *Frances Hay*, for the allegit Slauchter of vni^q^{le} *Adame Gordoun*, brother germane to the said

¹ See Feb. 26, 1617, &c.

Laird of Geicht; and for nocht admitting and suffering prelocoutouris to compeir and defend the said vmq^{le} Frances, the tyme of the said perfute; bot be the contrair, debarring *Mr Williame Barclay, Aduocat*, quha was reddie to compeir in his defence, and quha had mony guid and sufficient exceptiones to haif proponit, to haif stayit¹ his puting to the knowlege of ane Assyse, for the said allegit cryme; be sending of *George Leslie of Kinragie*, with ane commissioun to the said Mr Williame, discharging him, vpon the perrell of his lyfe, to compeir in the said Frances defence; and assureing him, gif he sa did, fra he war anes down the stair,² thair sould be tuentie quingeris put intil him: And sua, for debarring of the said vmq^{le} Frances, and defrauding him of the benifeit of lauchfull defence, quhilk God and nature hes indifferentlie allowit vnto all men: AND for the maist partiall proceeding aganis the said vmq^{le} Frances, nochtwithstanding of the premisses, in putting him to the knowlege of ane Assyse of ane number of persones selectit and maid chose of be the said *Laird of Geicht*, perfewar, and his freindis, and altogidder adicitit to thair mynd and directioun; quha, accoirding thairto, convictit him of the said allegit Slauchter: AND for the partiall and wilfull pronouncing vpon the said convictioun, of the Dome and Sentence of daithe aganis the said vmq^{le} Frances, to loise his heid: AND for that effect, maist partiallie and vndentifullie, aganis the office of ane Judge, delyuering of the said Frances bak agane to the said *Laird of Geicht* and his complices, the pairtie perfewaris, quha tuik him to thair awin privat priffone; and vpon the morne thairefter, caryeit him furth at ane bak zet, to ane hole betuix tua mottis,³ quhair thay crowned thair tragidie with so boutcherlie mangling and demaning⁴ the puir gentill-man, be geving to him sex feural straikis vpon his schoulderis, heid, and nek, as the lyk hes nevir or feldome bene hard or sene: AND sa, vnder the pretext and cullour of law, and scandall of Justice, ffor the crewall and barbarus maffacaring and slauchter of the said vmq^{le} Frances, be the said *Johnne Gordoun*, scheref-depute, his pretendit vsurpeing Judge; quha thairthrow in a heich degrie hes contemptit and abuset his Maiesteis royall name and autoritie, in making it a cloke and cover to the revenge of the perticuler querrell of him selff and his freindis. In maner specifieit and sett down in the criminall Letteris direct aganis him thairupoun.

THE Justice, be the mouth of *Thomas Young*,⁵ dempster of Court, Ordanit *Adame Gordoun* of *Boighoill* (as cautioner and fouertie for *John Gordon*'s entry) to be vulawet in the pane of ffyve hundreth merkis, for the nocht entrie: And that the said *Johnne Gordoun* fall be denuncet our fouerane lordis rebell, and put to his hienes horne; and all his moveabill guidis to be escheit, &c.

¹ Delayed; prevented.

² By the time he got down stairs.

³ To a hollow betwixt two

moats or fosses; the ground being probably selected, or constructed, so as to prevent a rescue of the unhappy victim of their barbarity.

⁴ Using; treating.

⁵ Who appears in this office for the first time.

Murder under Colour of Law, &c.

Aug. 28.—GEORGE GORDOUN OF GEICHT,¹ Williame Hay, his sone in law; Johnne Alexander, Robert and Patrik Gordones, brether to the said Laird of Geicht; Johnne Gordoun of Clubifgoule, Scheref depute of Aberdene; Williame Gordoun in the Maynes of Geicht, servand to the said Laird; Johnne Sinclair, brother to the Laird of Achannachie; Andro Nicolfoun, servand to the said Williame Hay; Patrik Cantlie in Airdifferie, and Andro Mylne, ffalconer.

Dilaitit for the usurpatioun of our fouerane lordis authoritie, &c.² at the instance of Mariorie Keith the relict of vmq^{le} *George Hay of Ardlethame*, as mother; George Hay, as brother to vmq^{le} Frances Hay, sone to the said vmq^{le} George Hay of Ardlethame; and of Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our fouerane lord, for his hienes intreis. The said Mariorie, &c. producet the Letteris deulie execute and indorfate; vpone the production quhairof, the saidis perfewaris askit instrumentis, and proteffit for releif of thair cautioneris.

Murder under Colour of Law, &c.

Aug. 28.—GEORGE GORDOUN OF GEICHT, and others above mentioned, and James Baird,³ in the Maynes of Geicht, servand to the Laird of Geicht.

Sir William Oliphant of Newtoun, kny^t, producet his Maiesteis Letteris deulie execute and indorfate, raifit at his lordschepis instance, as Aduocat to his Maieste, for his hienes intreis allanerlie.⁴

Forcible Abduction and Marriage of a Minor, without having obtained the lawful consent of his Guardians.

Nov. 8.—SIR PATRIK CHIRNESYDE OF EIST NISBET, Alexander Cranftoun of Burnecastell, Johnne Cranftoun, brother to Williame Lord Cranftoun, Williame Home of Hardeifnylne, and Williame Moffet, his servand.

Dilaittit of violent Rape and Raveifching,⁵ taking, and detening of Adame Frenche of Thornydykis, ane 5oung bairne scarce past xiiij 5eiris of age, furth of the Toun of Hadingtoun; and thairfra transpoirting him to Rymmiltoun-law,

¹ See Feb. 26, 1617. ² As in the previous case. ³ This person is omitted (probably by a clerical error) in the former case. ⁴ Alone; solely. ⁵ These terms, in the Ancient Criminal Law of Scotland, as has been frequently noticed in this work, signify merely the act of carrying off by violence, or against the will of the party so abused. The term employed to denote RAPE, as now understood in Scotland and England, was 'FORCEING.' 'Rapt' and 'Raveifching' only inferred what is at present technically termed 'Forcible Abduction.' A stronger illustration of the meaning formerly attached to these phrases could hardly be adduced than the present Trial.

and thairfra, as ane captiue, to Eift Nisbet; and thairfra to Beruik, quhair, but (*without*) consent of Sir Johnne Home of North Beruik, Donatour to the Gift of his Waird and Mariage, he was mareit to Jean Chirneyde, dochter to the said Sir Patrik; committit in the moneth of November, 1615 5eiris.

PRELOCUTOURIS in defence, Mr Alexander Peiblis, Johnne Belfis, Mr Robert Fairlie, Aduocatis. PRELOCUTOURIS in perfute, Sir George Home of Manderstoun, Sir Williame Oliphant of Newtoun. PERSEWARIS, Sir Williame Oliphant of Newtoun, kny^t, for his hienes intreis; Sir Johnne Home of North Beruik, kny^t, as Donatour to the Waird of the said Adame French mariage, for his intreis.

The Aduocat, with Sir Johnne Home of North Beruik, kny^t, as persewaris, produces the fummondis. Eftir reiding thairof, the Aduocat produces, for Sir Johnne Home of North Beruik his intreis, the Gift of the said Waird and Mariage of Adame Frenche of Thornydykis.

The Pannell, befor farder proces, desyres my lord Justice to heir Adame French of Thornydykis, presentlie in Judgement, quha is the persone allegit ravischet and tane away, to mak his awin Declaratioun of the forme and maner thairof; and thaireftir, thay fall cun to thair Defencis in the cause.—My lord Aduocat Disassentis to ony Declaratioun to be maid be the said Adame Frenche, in this matter; and desyres the pannell to cun to thair awin allegences, quhy the fact lybellit fould nocht pas to ane Assyse.

THE Justice Ordanis the pannell to propone thair defensis aganis the lybell and relevancie thairof.

Adame Frenche of Thornydykis, being personallie present, disassentis fra this perfute; and thairupoun askit instrumentis.

It is allegit be my lord Aduocat, that the disassenting of Adame Frenche fould nocht be respectit, becaus he is naither persewar nor defender in the caus; and the Aduocat, with the persewar, haifing sufficient intreis for the King, may persew.—It is ansuerit, that my Lord Aduocatis ansuer touching the perfute, movet be his lordschip and Sir Johnne Home, nawayis can stay this young Gentilman to disassent thairfra, *sed valeat cum processu quantum valere potest*.

It is allegit be the pannell and thair prelocutouris, that Sir Johnne Home hes na intreis to persew this caus, being criminall; becaus his only intreis is as Donatour to the waird and marriage of Adame Frenche; quhilk Gift, *per se*, can geve him na intreis to persew criminallie, becaus, be the Gift of Waird, he hes nather intreis *in personam neque in rem*: *In personam*, becaus this young Gentilman, befor the intending of this caus, was past fourtene yeiris compleit, and hes electit and chosin Curatouris to him, for administratioun of his persone: *In rem*, he has na intreis, becaus howbeit it may appear be the Gift producet, that Sir Johnne Home is Donatour to the Waird of this young Gentilman, yet, *in rei veritate, res aliter se habet*, as Sir Johnne Home will nocht deny, and as fall be maid cleir to

the Judge ; in fa far as (at) the tyme of v^mq^{le} Robert French deceis, father to this young Gentilman, haifing tua father-brether¹ on lyfe, viz., James and Johnne Frenches ; James haifing ane cair of the bairnes educatioun and standing of the hous, delt for the Gift of the Waird and Mariage, to the vtilitie of the bairne ; bot, becaus he was nocht hable to discharge that administratioun of the bairne as become him, in respect of dyuerse trubbillis and cummoris² he come vnto, he makis chose of the said (*Sir*) *Johnne Home of North Beruik*, as ane trustie freind to him and the bairne, borrowis his name to the said Gift, and infertis his name thairintill ; nocht that the said Sir Johnne fould rype³ any commoditie thairof, bot vseing the said Sir Johnnes name, nocht being hable to discharge the office him selff. For cleiring⁴ of this, it is of verritie, that nocht-withstanding of the inserting of the said Sir Johnnes name in the Gift, the said v^mq^{le} James French intromettit with the haill leving pertening to the said bairne, during his lyftyme, keipit the said bairne in his custodie, at leift was in the custodie of his guidfchir on the mother fyde,⁵ within the place of Hardiesmylne, and that but⁶ interruption, challenge, or questioun made be the said Sir Johnne, anent the custodie of the bairne, or vplifting of the maillis⁷ and deuteis of his leveing : For forder qualificatioun of this argument, it is lykwayis of verritie, that eftir the deceis of the said v^mq^{le} James Frenche, v^mq^{le} Johnne Frenche, younger brother to the said James, being seruet and retouret air⁸ to the said v^mq^{le} James his brother, nocht only intromettit with the said v^mq^{le} James his leving, bot lykwayis with the haill rentis of the said bairnes leving, *Tutorio nomine*, the said v^mq^{le} Johnne being seruet and retouret Tutour to him ; quhairby it is cleir that this Gift of Waird of the said minor can gif the said Sir Johnne no intreis to perfew this cause, his name being only borrowit to it, as said is. Lyk as, thair is actioun depending at the instance of the bairne and his Curatouris befor the Lordis of Seffioun aganis the said Sir Johnne for his intromiffioun with the maillis and deuteis of his landis, and for transferring and translating of the Gift of the Waird in the persone of the minor, as tane to his awin behuif, and the said Sir Johnnes name only borrowit thairto. And fa, haifing nather entreis *in personam neque in rem minoris*, his Gift can geve him na intreis to perfew this caus. *Secondlie*, albeit it war grantit, as it is nocht, that the Gift was tane to the behuif, utilitie, and proffeit of the said Sir Johnne, yet the Gift of the Waird can geve the said Sir Johnne na intereis to perfew this caus, being ane Criminall persute, without the expres concurse, assistance, and rathabitoun of the said minor him selff, aganis quhome the Rapt lybellit is allegit to be com-

¹ Paternal uncles.² Literally *cumbers*, encumbrances, difficulties, embarrassments ; but in this instance it denotes strife, feud, &c., as the word then denoted.³ Reap.⁴ Elucidating.⁵ Maternal grandfather.⁶ Without.⁷ Rents.⁸ Served and retoured heir.

mittit; quha nocht only refuiffis to concur and affist the faid Sir Johnne; bot, be the contrair, compeiris with the defenderis, and affistis thame; affirneing all that was done be thame, to be lauchfullie done, and quhat was done to him was at his awin defyre, and be his awin speciall confent.

It is anfuerit, be my lord Aduocat, and the faid Sir Johnne Home, that the faid Sir Johnnes entreis is sufficientlie qualifeit and instructit for perfute of the actioun lybellit, feeing it is lybellit that he is Donatour to the Waird and marriage of Adame Frenche, aganis quhome the hail wrongis lybellit war committit, being our fouerane lordis frie lege; and that the custodie and keiping of minoris, quhais landis fallis in our fouerane lordis handis be reffone of Waird, properlie pertenis to the Donatour of the Waird and Mariage: Lyk as, it is expresse qualifeit in the faid Summondis, that the faid minor was in the faid Sir Johnnes possessioun mony yeiris befor the tyme lybellit, furth of quhais possessioun it was nocht lauchfull to the defenderis nor nane of thame to mell¹ with him, in maner lybellit, nor tak him furth of his possessioun: Lyk as, complent being made of befor be the faid Sir Johnne, befor the Lordis of Secretit Counfell, aganis the speciall persones his away-takeris, viz. Williame Home and Williame Moffet, the faid Sir Johnne was ffund to be ane pairtie compliner to call for exhibitioun of the faid bairne; in quhais favour ane sentence was gevin and pronuncet, ffinding and declairing that the saidis Williame Home and Williame Moffet had committit ane verrie grit offence and ane most pernicious and wicket preparatiue and example, in trayning and taking away the faid Adame Frenche out of the faid Toun of Hadingtoun, quhair he was placet at the scole be the faid Sir Johnne; in respect quhair of, the faid Sir Johnne hes indoutit rycht and intreis to persew the actioun lybellit; and speciallie, to informe and concur with our fouerane lordis Aduocat, quha hes speciall entreis be him selff, in his hienes name, to persew the crymes lybellit. As ffor the impertinent² discourse, that the richt of the Waird was tane to the behove of the bairne be the advyse of vmq^{le} James and Johnne Frenches his father-brether, that alledgeance is nather releveant nor instructit; and sa, na respect aucht to be had thairto: And yit, to anfuer to the first pairt, anent James intromissioun, the allegeance is altogidder irrelevant; for albeit he had intromettit, that establisches na richt of the Waird in his persone, bot the Donatour had sufficient intreis to persew the intromitteris with the maillis and douteis of the Waird landis: And, to mak the matter mair manifest, James deceift within fyftene dayis efter Robert his brother: Lyk as, vmq^{le} Johnne was ane actuall seruand to the faid Sir Johnne, during his lyfytyme, eftir the dait of the faid Gift. And as to the last pairt of the secund allegeance, beiring that the faid Adame French difassentis fra the perfute, and concurris with the defenderis,

¹ O. Fr. *mesler*, to intermeddle; to interfere.

² Irrelevant; not pertinent.

affirmyng that all [that] was done to be done of his awin consent, it is anfuerit, as of befor, that his disaffenting fra the persute can nocht preiudge ony of the persewaris: And as to the last pairt of the said allegeance, quhilk appeiris to be proponit aganis the intreis, it is rather affirmatioun that the said Sir Johnne hes intreis nor¹ oppositioun aganis the samyn; and gif it fall pleis the pannell to propone it, as ane defenſe in the cause, thay fall haif ane direct anfuer; ffor, be the proponing of that allegeance, it is grantit that the Donatour hes intreis; and that he is Donatour, it is verifeit be the Gift producet: Bot to mak this matter cleir, it is anfuerit directlie, that ane cryme being committit aganis pairteis quha hes intreis, the Confessioun of the pairtie offendit can nevir tak away thair intreis, nather yit the Kingis intreis efter committing of the cryme, ffor, albeit wrang had bene done to ane maior,² and the maior wald renunce the actioun, that can nawayis preiudge the Kingis Maieſteis intreis, nor na vther pairtie quha is preiudget; as is cleir in the haill article of the Cod. L. vnica Codice *de Raptu Virginum*, et *Lege Raptores*, C. *de Episcopis et Clericis*: And to mak this matter the mair cleir, it is speciallie declairit be the Act of Parliament maid in October 1612, that the declaratioun of the persone ravischet fall nawayis preiudge the Kingis Maieſtie of his intreis to persew the committer of the cryme: And to cleir this matter forder, the said Adame Frenche, eftir his away-taking, be ane Letter, all writtin and subſcryuit with his awin hand, grantit and confessit that he was tane away aganis his will and vndone; as the Letter heirwith producet beiris.

To the quhilkis it is anfuerit be the pannell, that the allegeances proponit be thame aganis the said Sir Johnne Homes intreis standis relevant, nochtwithſtanding of my Lord Aduocattis anfuer; becaus the defendaris affirmes constantlie, that of the Law nor Practique of Scotland, the Donatour of the Waird or Mariage of ony persone hes na actioun criminall competent to him for ony wrang done to the minor, without the concurſe of the minor quha is offendit, bot that the Gift of the Waird inferis to the Donatour only ciuile actioun, *per ſe*: And howbeit the keiping of the minor during the Waird pertenis to the Donatour, yit gif the minor be past xiiij yeiris, *et ſic ſui juris*, divertis him ſelf willinglie out of the companie of the Donatour, paſſis forwardis to the electioun of his curatouris, thair is na actioun competent of the law to the Donatour, for exhibitioun and delyvering to him of the minor. Lyk as, Williame Home being ſummoned befor the Counſell, for exhibitioun of the said Adame Frenche, and being be Ordinance of the ſaidis Lordis, thaireftir, ſequeſtrat in the handis and cuſtodie of *James Archbiſchope of Glasgow*, vpon ane Supplicatioun gevin in be the said Adame him ſelf to the saidis Lordis, the saidis Lordis, be thair Decreit, Ordanit the said Adame to be put to libertie to pas and repas at his plesour, nocht-

¹ Rather than the contrary argument.

² A person arrived at lawful age, or majority.

withstanding of the Gift of the Waird disponit to the said Sir Johnne Home, quhais entreis could be na impediment to stay the said Adames libertie: Lyk as, conforme to the said Decreit, being put to libertie, he frelie, volunterlie, and willinglie repairit to the Place of Eist Nisbet, quhairin he hes remanit sensyne, as to ane speciall freind; and, gif neid beis, the said Adame, be his awin Declaratioun, will declair his intentioun of passing to Eist Nisbet. And for instructing thair of, produces the bairnes grevis,¹ to be considerit be my lord Justice, desyring the samyn to be red as ane speciall pairt of the proces. As to the Letter producet be my lord Aduocat, the said Adame denyis the same altogidder to be his hand writt, and thairfoir na respect fould be had thairto: Lyk as, the said Adame being personallie present, Judicialle declairis he can nocht wryte; and this Letter producet be my Lord Aduocat was writtin by² his knowlege in *the Guidman of Manderstones* hous, the tyme of his sequestratioun; and in case it war his hand writt, it could mak na faith in judgement, being direct be ane minor. As to the Act of Parliament producet, quhilk is in anno 1612, the alledgeance foundit thairupoun militatis nawayis in this eirand, nather is this perfute foundit vpon that Act of Parliament; and quhan as my lord Aduocat foundis a perfute thairupoun, it fall haif the awin ansuer.³ *Igitur, &c.*

The Aduocat, for him self, and for the partie, repeittis his former ansueris, with this additioun, that the minor being in the Donatouris possessioun of his Waird and Mariage, lyk as, he was be the space of fyve yeiris befor the Rapt lybellit, could nocht haif been tane out of his possessioun, in maner contenit in the Summondis; and the away-takeris of him aucht to be pwneist according to the desyre of the Summondis. As to the impertinent discourse, that the Waird was tane to the behuif of the bairne, thair is nathing producet to verrifie the samyn; and albeit it war verifeit, it is altogidder irrelevant, in respect of the former ansuer; and specialle, in respect that the Defenderis had na intreis, in maner lybellit, to haif mellit with the minor: And quhairas thair is mentioun maid of the electioun of his Curatouris, thair was na Curatouris chosin the tyme of the committing of the crymes lybellit, quhilk was done in November 1615, the Curatouris being alledged chosin in Julij thaireftir, 1616. And quhair mentioun is maid of the bairnes libertie and sequestratioun, that is nawayis pertinent to this purpos, in respect of the lybell. *Igitur, &c.*

It is allegit be the pannell, that the electioun of the Curatouris be Adame Frenche in July 1616, is sufficient, nochtwithstanding of his away-taking of befoir; and that be reffone that howbeit the Curatouris was nocht chosin befoir

¹ Probably *grievances*. There is marked on the margin of the Record, 'Thir grevis tane vp and keipit be my lord Justice.' ² Without; beside; contrary to. ³ Its own, *i. e.* a special answer to the pursuit so founded.

the allegit Rapt, yit he was maior befor the allegit Rapt, past fourtene yeiris of age, &c. *Igitur*, &c.—It is anfuert thairto be my lord Aduocat and the persewar, that na respect aucht to be had, quhidder he was past xiiij yeiris of age the tyme of the committing of the crymes or nocht, quha being at that tyme in the custodie and keiping of the Donatour to the Waird, and na curatouris chosin to him, the defenderis had na intres to haif mellit with him, as is lybellit. And quhair it is allegit, that the Missiue uset and producet for the said Adame, aucht nocht to be respectit, in respect of his minoritie; it is anfuert, that the samyn aucht to be respectit, being all writtin and subseryuit with his awin hand: And to convert that argument aganis the defenderis, na respect aucht to be had to his Declaratioun, nather be word or writ this day, in respect of his minoritie. As to the Testimoniall producet for his age, na respect aucht to be had thairto, for the reffones aboue writtin, speciallie, in respect he was baptizet the xij of November, 1601, and was tane away in November 1615, sua that it is nocht constant¹ thairby, quhidder he was past xiiij yeiris or nocht the tyme of the Rapt lybellit. *Igitur*, &c.

It is allegit for the Defenderis, that the Dittay is nawayis relevant to infer aganis thame any criminall perfute, nather can thay pas to the knowlege of ane Inqueist thairfoir; becaus the fact contenit in the Dittay, it is *vel Raptus vel Plagium*: *Raptus*, of the Law, it is nocht; becaus *raptus et raptura* of the Law is only concerning Virginis, and nocht more. *Cap. de Raptu Virginum, toto titulo*:—Bot quhidder it be *vel Raptura vel Plagium*, yit the Dittay is nocht relevant, becaus *ad crimen Plagii vel Raptura, oportet accedat et interveniat vis et violentia*: *Oportet de jure ut deportatur de loco in locum, clandestinè, violenter*, and that his freindis and kinefmen be debarrit fra haifing acces to him, quhairby he is depryvet of the libertie of ane frie ledge: Bot sa it is, that nane of thir perticuleris, without the quhilkis the Dittay can nocht be relevant, is set down in this Dittay; ffor first, thair is no violence nor violent fact set down thairin; it is nocht lybellit that he was violentlie, quyetlie, and clandestanlie transpoirtit fra place to place; or that he was detenit, *quasi in carcere*; or that he was debarrit fra his freindis, or fra haifing acces to his freindis, or thay to him; bot be the contrair, it is affirmet in the Dittay, that he frelie, volunterlie, and willinglie past with Williame Home, his mother-brother,² out of the Hous of Mr Williame Bowie, quhilk inferris a frie away-cuming, being with his mother-brother, and nerrest of his kyn, haifing na kyn of the father syde knawin to him: And sa, the Dittay is altogidder irrelevant. As to that pairt of the Dittay, beiring that the remanent defenderis are airt and pairt thairof, thay can nocht pas to ane Assyse vpone that point of the Dittay; becaus, gif thair be nocht

¹ Clear; apparent.

² Maternal uncle.

ane cryme committit be the principallis, nor a relevant cryme fet doun against thame, the perfones can nocht be alledgit to be airt and pairt thairof; and albeit it war relevant for the principallis, it is nawayis relevant aganis the remanent perfones, as airt and pairt; becaus airt and pairt, of the Law, is, *qui prodet vel auxilium vel consilium; auxilium, vel ante factum, vel in facto, vel post factum*: Thair is nather *auxilium* nor *consilium* relevantlie lybellit aganis thir defenderis, *neque ante factum, in facto, vel post factum*; ffor thair is nathing lybellit aganis thame, bot that he was first tranfpouertit to Rymmiltone-law, and thaireftir to Eift Nifbet; and that thaireftir he was mareit to Jeane Chirnesyde, quhilk is na qualificatioun of violence *cum matrimonia sunt libera de jure*; and the mariage of ane minor, eftir his compleit age of xiiij yeiris, quha hes *consensum* of the Law, can nocht be comptit ony violent fact, becaus it proceidis of his awin propper fact; speciallie, feing the mariage proceidit vpon the Proclamatioun of his bands, publictly, in the parochie kirk, quhilk takis away the grund of the argument of violence vset aganis him. *Igitur, &c.*

It is anfuert be the perfewaris, for verifeing of thair Sunmondis, and haill memberis thairof, that the famyn is verrie relevantlie confauct, and aggreis with the Lawis and practique of the realme of Scotland, Ciuile, and Commoun Law, and Lawis of all Nationis maist ciuile, Ingland and ffrance; and thir anfuertis ar proponit be him to verifie all the memberis of the propositioun contenit in the Sunmondis, and to elyde¹ the exceptiones proponit be the pannell, baith for the principallis, and thais that ar callit for airt and pairt: And as to the ffirst member of the propositioun, the perfewaris alledges, that the famyn is fufficientlie verifeit be the haill article of the Cod. L. nono, Tit. 20. ad Legem Fabiam *de Plagiariis*; lyk as, be the Lawis and practique of this realme, the taking of ony frie perfone is capitall, and fumtyme thocht to be trefsonable: It was fund to be capitall aganis *George Meldrum of Dumbrek*, for taking of *Mr Alexander Gibson*; lyk as, he was perfewit and pwneift to the death thairfoir: *The Marquis of Huntlie*, and *the Erles of Craufurd* and *Bothuell*, war perfewit criminallie, for the taking of vni^{le} *Thomas Maijter of Glammes*, and put to the knowlege of ane Inqueift. As concerning the Ravifcheing, that pairt is verifeit to be capitall, be the Act of Parliament maid in the dayis of King James the Fyft, of worthie memorie, in the moneth of Marche, 1540, cap. 118; and ficlyk, be the foirnameit Act, in October, 1612; be the Ciuile Law, the fame member anent the Ravifcheing is capitale, toto Titulo et Lege vnica *de Raptu Virginum* et *Lege Raptores*, Codice *de Episcopis et Clericis*: And albeit the fuidis Lawis chieflie makis mentioun of violence committit against Wemen, yit the Glofs and haill Jurifconsultis resolues, that the fame lawis hes place quhair ane man is ravifched:

¹ Cut off; redargue. Lat. *elidere*.

And albeit na violence war lybellit, yit thair is sufficient circumstances lybellit to infer the violence; beiring directlie, that quhan the said *Adame Frenche* defyret to be bak agane to Hadingtoun, the principall perfones defenderis, at the leif *Williame Home, Alexander Cranstoun of Moriestoun, and Williame Moffet*, of the speciall causing, counfalling, and devyfeing of the hail perfones contenit in the Summondis, had the said Adame in thair power, and tauld to him planelie that he fould nocht returne, bot that it behovet him to go to Eift Nisbet, to marie the Lairdis dochter; and this was done be thame, eftir that the said Adame was tane and apprehendit be the said *Williame Home*, (and) was craftillie movet, persuaidit, and intyset to pas with thame furth of Hadingtoun, of intentioun to haif visseit *Margaret Haitlie*, his guidame, and siferis, albeit that was nocht thair intentioun; bot that followit quhilk thay proponit to thame selffis frome the begynning, to keip him in thair handis quhill he war mareit with *Eijl Nisbetis* dochter: Lyk as, he was quyetlie and secreitlie convoyit and cayreit fra Hadingtoun to Rymmiltone-law, in the Merse, than the duelling-hous of the said Alexander Cranstoun of Moriestoune, and thairfra, be the said Williame Home, Alexander Cranstoun, Johnne Cranstoun, and Williame Moffet, to the Place of Eift Nisbet; and thairfra, furth of the realme of Scotland, to the Toun of Beruik in England, quhair he was secreitlie mareit *clandestinè*: Quhilk anfuere is sufficient to infer the conclusioun of the lybell, in respect of the circumstances contenit in the Dittay: And yit to mak the Dittay relevant, of the Law, albeit thair war na violence lybellit, quhan parteis are feducet and intyset, the cryme remanis capitall, as is contenit in the lybell; and alleges Godfredus, ad dictam Legem *Raptors*, et Bald ibidem; Farinacius de *Delictis carnis*, quest. 146, Tit. 16, numero 40; Chessa. de *consuetudine Burgund.* Rub. 1, pag. 57; Salicotus ad dictam Legem vnicam, Cod. de *Raptu Virginum*, quhais woirdis ar thir schortlie, ‘*quod persuasio dolosa, in talibus, plus est quam violenta tractio.*’ Forder, be ane expres Statute maide be Henrie the Third of France, it is ordanit, that quhosoever fall be fund to haif subornet or intyfit ane chyld, minor, and within xxv yeiris of age, without consent of thair parentis, or vtheris in quhais custodie thay ar, falbe pwneift to the daithe, without ony pardoun. This Law was set down, *per expressum*, in the grit Code of the said King Henrie, Lib. 60, Tit. 2°, Stat. 8°. Lyk as, in the sevint buik of Papon. de *crimine Raptus*, it is expresse ffund and declairit, that ane Woman, for seduceing or intyfeing of ane young man to marie hir dochter *clandestinè*, was condampnit to the daithe. Lyk as, be the Lawis of England, this cryme is pwneift with fyve yeiris impriffonement, and ane grit fyne at the Princes will; and this Law was set down quhair ony perfone is ravifchet fra thair parentis, tutouris, or guardianis: And of this Law mentioun is maid in the 555 leif of the Registar of the Lawis

of England. Julius Clarus, § *Raptus*, num. 6, ait, ‘*Raptum viri etiam puniri pena Raptus, ac si Virgo rapta esset.*’ Be the Lawis of the Maiestie of Scotland, *Quon. Attach. cap. 95, de Raptu heredis Maritagium debentis, et ejus pena, &c.* Be the self same Law of the Maiestie, in findrie pairtis, Ravifching of Men or Wemen, whois Mariage pertenis to the Prince, is appointit to be criminallie perfewit befor the Justice. And last, Ravifcheing is sa odious ane cryme in Scotland, that the samyn is exceptit furth of Remiffiones, as ane cryme maist haynous and detestable.—In respect of the quhilkis alledgeances, proponit for verificatioun of the propositioun contenit in the Summondis, the Dittay is relevant aganis the hail persones on pannell. And that pairt of the lybell, ‘airt and pairt,’ is verrie relevant aganis all persones, and speciallie appointit to be lybellit be Act of Parliament; and the Law is verrie expres in that, that all the persones that concurris and assistis the fact quhilk is capitall, ar all culpable as the committeris thairof: Bot in this caice, it is lybellit expresse, that Williame Home and William Moffet intyset and tranet¹ the said Adame furth of Hadingtoun, and convoyit him to Rymmiltounelaw, quhair he was ressaute be the said Alexander Cranstoun; quhilk Alexander and Johnne Cranstoun convoyit him thairfra to Eist Nisbet, and thairfra altogidder to Beruik, quhan he was mareit *clandestinè*, as said is, and ressaute be the said *Laird of Eist Nisbet*, and keipit be him quhill he mareit with his dochter, purpoissie done to preiudge the said Sir Johnne Home of the double availl of his Mariage; quhilk makis the hail pannell nocht only to be assisteris of the fact, bot airt and pairt, and direct doaris thairof. And to verifie that he was seducet, intyset, and cayreit away aganis his will, repeittis the foirsaid Letter, all writtin and subseryuit with his awin hand; and the Decreit gevin to the Secret Counfall, ffinding ane wrang done, be the away-taking of him. And thir argumentis ar proponit, nocht only to verifie the propositioun of the Summondis, bot also to clyde the exceptiones proponit be the persones on pannell aganis the relevancy of the Dittay.

To the quhilk it is ANSWERIT be the persones on pannell and thair prelocutouris, that the pannellis allegeance proponit aganis the irrelevancie of the Dittay standis relevant, nochtwithstanding of all the arguments proponit be my lord Aduocat aganis the samyn: ffor, as to the Lawis Ciuile, French Lawis, Inglis (Lawis, and) Municipall Lawis of this realme, thay ar verrie pertinentlie citit be my lord Aduocat, for confirmatioun of the propositioun of the Dittay, and to infer the conclusioun thairof, gif the subsumptioun war relevant, quhilk is *factum*; ffor it is nocht contravertit with² my lord Advocat, that *Raptus Virginis*, Ravifcheing of wemen, *vel crimen Plagij*, as the taking of his Maiesteis frie lege, is capi-

¹ Trained; led away craftily, or by stratagem.

² It is not controverted, even according to the doctrine laid down by the Lord Advocate.

tall of the Law, and may be criminallie perfewit at his Maiefteis Aduocattis instance; bot the queftioun in this judgement¹ is, quhidder gif this pannell haif committit ony of thir crymes, at the leift quhidder the famyn be relevantlie lybellit to infer the cryme cravet; ffor his lordfchip will nocht deny, that of the Law, to aither of thir crymes thair aucht to intervene *vim et violentiam*, and the remanent circumftances allegit be me ofbefoir, viz. *Abductio per violentiam*, *Deportatio de loco in locum clandestinè*, *Seclusio parentum*, quhairby nather of thame fould haif accets to the partie ravifchet, and detenit, and withaldin fra thair kyn and freindis, *quafi et tanquam in carcere*; fua that without thir circumftances concur in this caice, it can nather be *Raptus* nor *Plagium*; and consequentlie, thay can nocht pas to the knowlege of ane Affyfe thairfoir. As to the instances citet be my lord Aduocat, betuix *Dumbrek* and *Mr Alex^r Gibfone*, nixt betuix vniq^{le} *Thomas Maifter of Glammis* and *the Erles of Huntlie, Craufurd*, and *Bothuell*, thay militat nathing in this caice; ffor as to *Dumbrek*, he expreflie committit *crimen Plagii*, in taking of the Kingis Maiefteis frie lege, quyetlie and clandestinlie, by² all his freindis knowlege, be plane violence and force, being accompaneit with ten or tuelf perfones in hofteill and weirfair maner, with wappones prohibeit to be borne or worne, tranfpoirting of him from place to place vnder nycht, debarring his freindis to haif acces to him, and be carieing him to the Caftell of Harbottill, in England; fua that the pwneifchment inflictit vpon him was dew, accoirding³ to the fact. As to the fecund instance, anent *the Maifter of Glames*, it lykwayis far les militatis in this caice, ffor it is notour, as my lord Justice, his Affeffouris,⁴ and my lord Aduocat knawis rycht weill, that *the Erles of Huntlie, Craufurd*, and *Bothuell*, being banded againft the Kingis Maiefteis authoritie, deprehendit *the faid Maifter of Glammis*, in the Kingis Maiefteis high way, chaiffit him to the Hous of Kirkhill, and pat ffyre thairto, quhillk inferris *crimen Plagij* of the Law, and ane gritter puneifchment: And as to that part of the Dittay, beiring that the faid Adame was intyfet and feducet, that is nawayis relevant to infer ane cryme, ffor ffraud is nocht capitale, of⁵ the Municipall Law of this realme, nor yit accoirding to⁶ the practique of the fame: And as to the Lawis citet to infer the famyn to be *crimen capitale*, and speciallie the Law of the Maieftie, *Quon. Attach.*, I oppone⁷ the daylie cufrome of this Judgement, the Municipall Law of this realme, and speciallie the Act of Parliament in anno 1612, ffor it is expreflie fet down in the Dittay, that the faid Adame Frenche come with the faid Williame Home out of the faid Mr Williame Boweis hous, the famyn can infer na Rapt; nocht only

¹ Court; tribunal. ² Without; against; beside. ³ Corresponding; conformable. ⁴ It was the uniform custom, in all cases of difficulty and interest, for several Members of the Privy Council to sit in judgment with the Justice, as Assessors. Their names are only occasionally inserted in the Record in remarkable Cases. ⁵ According to. ⁶ Corresponding with. ⁷ Oppose.

for the argumentis, that he was, *sui juris*, past the age of xiiij yeiris, bot his being in companie with his kynsmen, can nocht infer ane Rapt, speciallie, quhair he is nocht detenit *per vim nec violentiam* fra the presens of his freindis. And quhair as, my lord Aduocat affirmes the Mariage to haif bene clandestine, and sa, nocht lauchfull, the contrair is affirmit—it was nocht clandestine; becaus thair preceidit Proclamatioun of Bandis,¹ the mariage was maid publictly in the paroch Kirk, within the town quhair the parentis of the Gentilwoman had residence, off the speciall consent and assent of the said Adame; the said Williame Home being present at the time of the geving of his consent, and in companie with him, being his mother-brother. And sua, thair being nathing qualifeit in the subsumptioun of the Dittay to infer ony violence, the pannell can nocht pas to the knowlege of ane Assyse thairfoir: ffor as to thais wordis set down in the Dittay, that thai wald nocht suffer him to pas bak agane, thair is nathing producet to instruct that point of the Dittay, nor na pairt thairof, tuicheing the allegit fact; ffor, be the Cowmone Law and diuerse Doctouris, sic as Julius Clarus, Baldus, Hostiensis, and remanent Doctouris treittand *de crimine Plagij vel Raptu Virginis*, thay conclud the samyn nawayis to be ane cryme quhairvpone ony pairtie may be accuset criminallie, except thair concur violence and violent deidis to that effect. This is cleir in the Cowmone Law, Digest. *de Incendio, Rapina, et Naufragio*, &c.; sua that the haill Doctouris and Cowmone Law concludis, that *nunquam fit Raptus sine vi et violentia. Igitur, &c.*

The Persewaris repeitis thair former ansueris, with the haill argumentis proponit for verificatioun of the propositioun of the Summondis: and lykwayis repeitis the Summondis, and haill pairtis thairof, quhillkis ar relevantlie lybellit, as ane direct ansuer to the last argument proponit. And as to the consent of the said Adame, ansueris as ofbefoir, that ane fact capitall being committit, the pairtie aganis quhome the samyn is done may mak na² confessioun nor declaratioun to the prejudice ather of the Kingis Maiestie, or the pairtie interreist.³ *Igitur, &c.*—To the quhilk it is ansuerit, that the pannell declairis, that as yet thai haif proponit na alledgeance vpone ony contrair Confessioun of the pairtie; bot gif ony sic allegeances he hes to propone, referues the samyn to be proponit *suo loco*: And thairupoun askit instrumentis.

THE JUSTICE continewis Interlocutour vpone the allegeances foirsaidis, and ansueris maid thairto, to the morne, the nynt of November instant. The pairteis and Assyse wairnit, *apud Acta*: And Ordanet the pannell to find Cautioun for thair compeirance the morne, to the effect foirsaid.

The Laird of Eist Nisbet elder, become fouertie for the entrie of Alexander Cranftoun of Burnecastell, vnder the panes contenit in the Actis of Parliament.

¹ Bans.² Is not entitled to make any confession, &c.³ Interested.

—The said Alexander become cautionne for the entrie of Eist Nisbet, Johnne Cranstoun, Williame Home, and Williame Moffet, the morne, vnder the panes, &c.

Nov. 9.—THE JUSTICE, befoir Interloquitour to be pronouncet be him in the matter, Ordanit the perfonen on pannell, and fiklyk the said *Sir Johnne Home of North Beruik, knycht*, perfewar, to find caution for keiping of his Maiesteis peace, in nocht trubilling and molesting of vtheris,¹ by way of deid, in thair bodeyis, landis, or guidis, vtherwayis nor by ordour of Law and justice, under the panes following, viz. The said *Laird of Eisi Nisbet*, the said *Sir Johnne Home* of North Beruik, and *Alexander Cranstoun*, ilk ane of thame vnder the pane of fyve thowseand merkis ; and the saidis *Johnne Cranstoun* and *Williame Home* vnder the pane of I^m (1000) merkis, for ather² of thame.

James Faufyde, younger of that Ilk, become plege and fouertie for Sir Patrik Chirnesfyde ; Johnne, Maister of Cranstoun, for Alex^r Cranstoun ; Alexander Chirnesfyde, younger of Eist Nisbet, for Johnne Cranstoun ; and the said Alexander Cranstoune of Burne Castell, for Williame Home, that thair fall keip his Maiesteis peace, and that Sir Johnne Home of North Beruik, kny^t, fall be harmles and skaithles of thame in his body, landis, possessiones, and guidis, and onnawayis³ fall be molestit nor trubillit be thame or ony of thame thairintill, nor be na vtheris of thair causing, sending, hounding out, command, resset, assistance, or rathabitioun, quhome thay may stop or lat,⁴ directlie nor indirectlie, vtherwayis nor be ordour of Law and Justice, &c.

Sir George Home of Manderstoun, Johnne Home, younger of Aytoun, and David Home of Wedderburne, younger, become pleges and fouerteis, coniunctlie and feuerallie, for Sir Johnne Home of Northberuik, that Sir Patrik Chirnesfyde, &c. fall be harmeles and skaithles, &c.⁵

(Nov. 20.)—MY LORD ADUOCAT, befoir Interloquitour, declairis he will nocht insift any forder at this present, in persute of the perfonen on pannell, for the crymes lybellit : And in respect of the haynousnes of the fact, and evill preparatiue⁶ and consequence quhilk may follow, desyres that caution may be tane of the defenderis for thair entrie, vpone a fyftene dayis wairning, to abyde tryell for the samyn, &c.—It is allegit be the pannell and thair prelocoutouris, that in respect of the allegeances proponit, alsweill dilatour as peremptour in this cause, and of my Lord Aduocattis answaris maid thairto, quhilk lyes at Interloquitour, his lordschip, as perfewer, can nocht be hard to refeill⁷ fra this persute ; nather can the pannell be astricted to find caution, seing thay ar willing, vpoun my lord Justice Interlocoutour, to defend thame sellfis, as accoordis of the Law : And in all humilitie abydis his lordschipis Interloquitour thairupoune.

¹ Each other.

² Each.

³ In nowise.

⁴ Hinder.

⁵ In the same terms as above.

⁶ Precedent ; example.

⁷ Resile ; draw back.

Mr Alex^r Peiblis, as prelocutour for Adame Frenche, personallie present, produces ane Supplicatioun to my lord Justice, for his lordschipis informatioun in this caus, anent the said Adames passing away sth of Hadingtoun with the pannell, and that the samyn was of his awin frie will and consent; and desyret the samyn to be red, and to remane in proces; and takis instrumentis vpon the productioun thairof.—It is allegit be my lord Aduocat, that eftir his Declaratioun aboue writtin, that he desistis fra this persute, the persones on pannell, and far les the said Adame Frenche, quha is nawayis convenit, ather as persewar or defender in this matter, can be sufferit to produce ony informatioun or vther allegeance in this cause; nather aucht my lord Justice to admit the productioun thairof, eftir the Declaratour foirsaid.

The pannell desyret the Supplicatioun foirsaid to be red, befor my Lord Justice geve any Interloquitour, quhidder my lord Aduocat may reseill *pure et simpliciter, vel pro loco et tempore*.—The Supplicatioun gevin vp agane to the pannell, at command of my lord Justice.

THE JUSTICE findis that my lord Aduocat may verrie weill desist fra this persute and tak vp his proces, seing he is persewar of the caus; and that, nocht-withstanding of the alledgeance maid be the pannell in the contrair.

The pannell takis instrumentis of the productioun of the former Supplicatioun be Adame Frenche, and that the said Adame Frenche is personallie present, reddie to declair, baith be woird and writ, that he past away with his Mother-brother of his awin frie will and consent.—My lord Aduocat, in the contrair, sayis the samyn sould nocht be admittit.

The parties find caution 'that thai fall compeir befor the Justice, or his deputis, the thrid day of þe nixt Justice-air of the Schereshome quhair thai duell ["Beruik"], or s^oner vpon xv dayis wairning, to vnderly the law for the crymes aboue specifit; vnder the panes contenit in the Actis of Parliament.'

Slaughter.

Nov. 13.—ROBERT ROBERTSOUNE, seruitour to James Fawfyde, younger of that Ilk.

Dilaitit of airt and pairt of the crewall Slauchter of v^mq^le Johnne Faufyde, fervand also to the said James Faufyde, be streking him in the bellie with ane knyfe, within the barne of Faufyde, vpon the tent day of November instant; quhairof, vpon the tuelf day of this instant moneth, he deceissit.

PERSEWAR, James Faufyde, Younger of that Ilk, as maister.

The pannell Confessis the cryme, and craves Godis and the pairteis pardoun, and mercie for the samyn.

VERDICT. The Affyse, all in ane voce, be the mouthe of Johnne Hall in Prestoune, chancellor, ffand the said Robert to be Culpable and conuict of the said crewall Slauchter.—SENTENCE. To be tane to the Castell-hill of Edinburghe, and thair his heid to be strukin frome his body; and all his moveabill guidis to be efcheit, &c.

Falsset—Perjury.

Dec. 20.—ALEXANDER CUIK, Notter, Schereff clerk of Beruik.

Dilaittit of Falsset, committit be him in his office of Notarie, in geving out tua feuerall extractis of ane Seasing, of tua feuerall daittis: And of Periurie, eftir he was solempnelie fuorne, in prefens of the Lordis, to declair the veritie in the premissis.

DITTAY against the Pannell.

FORSAMEKILL AS, it is exprellie provydit, statute, and ordanit, be dyuerse Actis of Parliament, maid aganis false Notteris, and false periuret Witnessis, that gif ony Notter committis ffalsset, and beis convict and fund giltie pairof, (he) fall be pwneist to the daithe: And siclyk, quhair ony Witnes depones ffalslie, fall lykwayis be pwneist, be pearceing of pair tungis, and efcheiting of all pair moveabill guidis; and forder pwneischment to be inflictit in the persone of je faidis ffals Witnesses, at the sight of and discretion of je Judge, accoirding to the qualitie of je fact: As je faidis Lawis and Actis of Parliament in thame selfis proportis. Nochtwithstanding quhairof, it is of veritie that je said *Alexander Cuik*, being imployit as Notter be *Johnne Home of Slegden* for geving Seasing to him of je Landis of Eister Pleulandis, giftet and disponit to him be our Souerane lord, as vaikand¹ in his Maiesteis handis be je fforfaltour of vmq^{le} *Frances Erle Bothuell*; and that, conforme to ane Precept direct furth of je Chancellarie to Adame Cokburne, Schereff depute of je Scherefdome of Beruik for je tyme, vnder je Quarter Seill, for geving Seasing to je said Johnne Home pairof; and to extract and draw furth to him ane Instrument pairupoun; the said Alexander maist ffalslie and erroneousslie, for his awin gane and lucre, extraetit out of his Prothogoll² tua feuerall Extractis of je foirfaisdis Instrumentis of Seasing, of tua dyuerse daittis, the ane of je dait je xxij of Februar 1592, and the vper in anno 1593: As je faidis tua Extractis productet, vnder je faidis Alexanderis subscription, beiris. Lyk as, in regaird of je said ffalse Extract of je foirfaisd Seasing, ane actioun of Improbatioun being intentit, and as zit depending befor je Lordis of Sessioun, at je instance of his Maiesteis Aduocat, and *Walter, Lord of Balclouch*, as heritour of je Lordschip and barrony of Haillis, quhairof je faidis landis of Eister Pleulandis ar pairt and pertinent, and lykwayis at je instance of *Alexander Haultie*, burges of Ed, as takisman pairof, aganis je said *Johnne Home*, ffor improving of je foirfaisd Instrument of Seasing, extractit be je said *Alexander Cuik*, and gevin to je said Johnne Home of the faidis Landis; and je said Alexander being dyuerse tymes fummond in je said actioun of Improbatioun, to haif gevin Testimonie and declaratioun pairanent; and, in end, compeirand befor je faidis Lordis, vpone the tuelf day of December instant, and being examinat in pair lordschepis haill prefens, anent je trew dait of je foirfaisd Instrument of Seasing, and being solempnelie fuorne to declair je verritie pairin, the said *Alexander Cuik* than affirmet, constantlie, that je trew dait of je said Seasing was vpone je xxij day of Februari, 1591, to the quhilk he was Notter; and abaid at je Extract of je Instrument gevin furth be him to je said Johnne Home pairupoun; and pairwith declairit that je vther Extract of je fame Seasing, drawin furth be him to *Alexander Haultie*, beiring dait je xxij of Februar, 1^m.Vc.

¹ Lat. *vacare*. Fr. *vaquer*.

² Protocol-book—an official Register ordained to be kept by every Notary.

fourcoir threttene, was ffalfe; AND pe said Alex^r being paireftir, vpone the xvij and xix dayis of pis instant moneth, re-examinat, in pe saidis Lordis prefens, and folempnelie fuorne to declair pe verritie, concerning pe dait of pe saidis tua Extractis, he vareit fra his former Depofitiones, maift impudentlie: Lyk as, his Prothogoll buik was viciat be him, in pe dait foirfaid, fcoiring out ‘ primo,’ and putting in ‘ tertio;’ and pairefter fcoiring furth ‘ tertio,’ and wryting agane ‘ primo.’ Quhairin he hes declairit him felff to be ane ffals and infamous Notter; and be his contrair Depofitiones, maid in his examination, to be ane manifest ffals and menfuorne Witnes: Lyk as, pe saidis Lordis of Counfell, be pair Decreit, gevin vpone his tryell and Examination, hes fund pe said Alex^r to be ane ffals Notter and manifest Periuret Witnes: As the Extract pairof, vnder pe fubfcription of *my Lord Clerk of Register*, daitit pe xix day of pis instant, togidder with his Depofitiones, maid in prefens of pe saidis Lordis, beiris. LYK AS, for verifeing of his ffalfet abone writtin, pair was ane Band maid be him to the said *Alexander Haitlie*, quhairin he obleift him felff to ftand and abyde at the Inftrument extractit be him, daitit pe 23 of Februar, 1593, he procureing his Maieftis Remiffioun for pe famyn. FOR pe quhilk ffalfet and Periurie, committit be pe said Alexander, he aucht and fould be pwneift to pe daith, in example of vtheris.

ASSISA.

James Levingftoun of Jerifvoid,	Jo ⁿ Keir, mercheand burges, Ed ^r ,	Thomas Mulliekyn, mercheand
George Logane of Bonytoun,	Patrik Somervell, mercheand	burgies of Edinburghe,
James Nafmyth of Poffo,	burgies thair,	James Halyburtoun, mercheand
Joseph Douglas of Pompharfoun,	Robert Halyburtoun, mercheand	burgies thair,
Johne Gairdin, merchand burges	burgies thair,	Jo ⁿ Mitchelhill, mercheand burges
of Edinburghe,	Jo ⁿ Keir, skipper, burges thair,	thair,
James Douglas in Lugtoun,	Johne Reid, indueller in Leyth,	Rob. Moffett, merch ^d burges thair.

The Aduocat takis instrumentis of the fweiring of the Affyfe: And for verifeing of the Dittay, producet the tua Inftrumentis of Seafing, vnder the pannellis fubfcription, baith to ane effect, of dyuerfe daittis: Producet lykwayis, the pannellis feuerall Miffiue Letteris, direct to *Alexander Haitlie*, beirand, that the Seafing extractit to him, of the dait the xxij of Februar, I^m.V^c. fourfcoir threttene, was the trew Extract, and that he wald abyd thairat: Producet alfo, dyuerfe Letteris, writtin be the pannell to *Williame Ker*, beirand that the Seafing extractit to him, of the dait the xxij of Februar I^m.V^c. fourfcoir ellevin, was the trew Extract, and that he wald abyde thairat: And ficlyk, producet ane Letter, direct be him to the Lordis of Seffion, being feik for the tyme, all writtin and fubferyuit with his hand, teftefeing the said Extract gevin to the said *Williame Ker*, daitit in anno 1591, to be the only trew Extract: Producet alfo, the pannellis Depofitiones, maid be him in prefens of the Lordis, beiring the Confefioun of the Extract of the Seafing in anno 1591, to be the trew Extract, and the vther, of the dait 1593, to be ffals: And vpone his Re-examination, beiring the Seafing gevin in anno 1593 to be trew, and the vther in anno 1591 to be ffals: Togidder alfo with his Prothogoll-buik, alfo producet, quhair it is twyfe mendit in the dait of the said Seafing. And laft, producet the Lordis Decreit, ffinding the pannell to be ane ffalfé Notter, and ane manifest

periuret Witnefs. And vpon the production thair of, askit instrumentis; as also vpon the pannellis Judiciall Confessioun of the said ffalset.

Quhilk crymes he Confessit, judiciallie, in thair presens and audience, to be of verritie; and cravet God mercie for the samyn.

VERDICT. The Assyse, all in ane voce, be the mouth and declaratioun of the said George Logane of Bonytoun, chancellor, ffand, pronuncet, and declairit the said Alexander Cuik to be ffylit, culpable, and convict of the saidis crymes, spcifeit in his Dittay.—SENTENCE. To be tane to the Mercat-croce of Ed^t, and thair, as ane ffalfe Notter and Periuret Witnes, to be Hangit vpon ane gibbet, quhill he be deid; and all his moveabill guidis to be escheit, &c.

[*Sir Williame Heart of Prestoun, Justice-Depute.*

ASSESSOURIS TO THE JUSTICE, nominat be the Lordis of Secreit Counfell, conforme to thair lordschip Actis of Counfell, daitit the xx of Februar, 1617.

Sir Richard Cokburne of Clerkingtoun, kny ^t ;	Sir Alexander Drummond of Meidhope, kny ^t ;
Lord Previe feill;	Sir Andro Hammiltoun of Reidhous, kny ^t ; and
Sir Williame Levingtoun of Kilfythe, kny ^t ;	Sir James Skene of Curriehill, kny ^t . ¹]

Usurping his Majesty's Authority—Murder under Colour of Law.

Feb. 26, 1617.—GEORGE GORDOUN of Geicht.

Dilaitit of Vfurpation of our souerane lordis authoritie, in the violent and vnlauchfull taking of vmq^{le} Frances Hay, sone to vmq^{le} George Hay of Ardlethame, ffurth of the Place of Logyruif, pertening to Williame Hay, ffear of Brunthillis, his brother-in-law, vpon the xvij day of December, 1615 yeiris; bringing him as ane captiue and prissoner to the burgh of Aberdene; keiping and detening him in captiuitie, in a priuat hous or ludgeing of the said Laird of Geicht, within the Gallowgait, callit 'the Bony wyfe's Inn,' for the space of ffourtie aucht houris, or thairby, &c.²

PERSEWARIS, Sir Williame Oliphant of Newtown, kny^t, Aduocat to our souerane lord, for his Maiesteis intreis; Mariorie Keith, as mother to the said vmq^{le} Frances Hay.

PRELOCUTOURIS in defence, The Laird of Clwny, (Alexander Gordoun,) the Laird of Strathdoun, Mr Thomas Nicolfone, elder, Mr Alexander Peibles, Mr Robert Fairlie, Aduocattis.

The JUSTICE and ASSESSOURIS, with the advyse of ather partie, alsweill persewar as defenderis, continewis this dyet to Fryday nixt, the last of this instant. The persones of Assyse wairnet *apud Acta*; ilk persone vnder the pane of thre hundreth merkis.

Alexander Gordoun of Clwny become fouertie for the entrie of the said Laird of Geicht, &c., vnder the pane of ffyve thowfeand merkis money.

¹ All ordinary Lords of Session, with the exception of Sir Alexander Drummond, who was an Extraordinary Lord. ² See Aug. 28, 1616, where the Dittay is inserted. The great importance of this remarkable Case induces the Editor to preserve all the useful information which is to be gathered from the Records.

[*Sir Willame Heart and Mr Alexander Coluile, Justice-Deputes.*]

PERSEWARIS, Sir Willame Oliphant of Newtoun, kny^t; Mariorie Keith, as mother; George Hay, as brother to the defunct; Willame Hay, ffeiar of Brunthillis, George Hay, his brother.

PRELOCOUTOURIS in perfute and fortificatioun thairof, Frances Erle of Errole, Laurence lord Oliphant, My Lord Jester, Alexander Keith of Ludquharne.

PRELOCOUTOURIS in defence, George Marqueis of Huntlie, My lord of Eglington, My lord Viscount of Lauderdaill, My lord Ochiltrie, Mr Thomas Nicolfoune, and Mr Alexander Peiblis.

Feb. 28.—THE lord Aduocat producet his Maiesteis WARRAND, anent the perfute of the pannell for the crymes contenit in the Summondis, daitit at Quhytehall, the 17 of ffebruare instant; and desyret the samyn to remane in proces.

Eftir reiding of the Dittay, it is allegit be the pannell and his prelocoutouris, that thair is dyuerse substantiall heidis contenit thairintill, quhilkis ar nawayis infert in the coppie gevin to thame be the Messinger executour of the Summondis; and producet the coppie, subseryuit be the Messinger, for verificatioun thairof: And in respect that na autentik coppie is delyuerit, desyres ane continuatioun of this dyet to the morne, to the effect thai may be advyset with the Dittay, and vpone thair Defenffis to be proponit be thame aganis the samyn.—It is ansuerit be my lord Aduocat, that the allegeance foirfaid aucht to be repellit, and na continuatioun fould be grantit, in respect of the Summondis and Executiounes thairof, producet, beiring ane autentik coppie to be delyuerit to the pannell: And forder, thair was na necessitie to charge the pannell, or to geve him ane coppie of the Summondis, bot only to his cautioneris, quha become fouertie for his entrie to vnderly the law for the crymes lybellit.

THE Justice Repellis the allegeance; in respect of my lord Aduocatis ansuer.

Thaireftir the pannell, nochtwithstanding of my lord Justice interlocutour, desyres ane convenient tyme to be grantit to thame to reid and consider the Summondis producet; and that thai may haif libertie to remoue thame selffis apart, to aduyse thairupoun.—Quhilk the Justice grantit; and ordanit the Summondis to be gevin vp to the pannellis prelocoutouris, to be advyset thairupoune.

It is allegit be Mr Thomas Nicolfoun, for the pairt of the pannell, that he did na wrang in taking of frances Hay *privata autoritate*; becaus it is of verritie, that vpone Fryday, the fyftene day of December, immediatlic preceeding the day of his allegit taking, quhilk was vpone the xvij day of the said month, the said vmq^{le} *Frances Hay* had flane vmq^{le} *Adame Gordoun*, brother to the pannell, for the quhilk he fled; and sa, the said Laird of Geicht, being the avenger of bluid, viz. the eldest brother of the said Adame, it was lauchfull to him to ferche and feik the malefactour, to the effect he mycht be presentit to the Justice: Lyk as, be Act of Parliament, maid in the dayis of King James the first, of worthie memorie, Parlamento sexto, cap. 89, the Scheref and hail cuntrie is

commandit to ferehe and feik the man-flayer, being certifeit of the Slauchter; and fa, mekill mair mycht the avenger of bluid, be doing na wrang in the taking: Lyk as, eftir the taking of him, he presentit him to the Schereff but¹ ony hurt of fence, or iniurie done to him: And that it is lauchfull to ony of the people, alfweill as to the avenger of bluid, it is cleir, be ane verrie trew example; ffor gif ane Theif fteill ony mannis guidis, it is lauchfull to the perfone fra quhome the guidis ar ftowin, to convene his kyn and freindis, and raife the cuntrie, and perfew the Theiff fa lang as he is *in fuga*, ay and quhill he apprehend him, or put him out of the cuntrie; and this he may do but ony Warrant of ane Magiftrat; as is cleir and nottour be the daylie practique of the cuntrie: *Ergo*, in this cryme of Slauchter, quhilk is of far gritter importance than fteilling of guidis, it was lauchfull to ony of the people, *multo magis* the avenger of bluid, to apprehend the malefactour, and delyuer him to the Justice: And as it was lauchfull to the pannell to ferehe, feik, tak, and apprehend the malefactour, and delyuer him to the Justice, evin fa it was lauchfull to him to do the famyn with conuening of his freindis, (nawayis granting he did the famyn,) and with quhatfumeuir airmes; ffor vtherwayis, this abfurditie fould follow, that the malefactour fould efcap, and the innocent perfone fould be flane; in fa far as, gif the innocent perfone fall preife to apprehend the malefactour airmet with hagbutis and piftolettis, namelie, haifing the benefit of ane houfe, it war eafie for him to fla fie as focht him; and fa he fould nocht be apprehendit. *Secundo*, for this caus he did na wrang, becaus it is an reule of the Law, that *conceffo aliquo extremo, conceduntur omnia media, per que pervenitur ad illud*; than it is fubfument, gif it was lauchfull to tak the man-flayer, as is afoir provin, *ergo*, it was lauchfull to vfe all the midiffis² be the quhilk he fould be taken, baith of airmour and vtherwayis.

It is anfuerit be my lord Aduocat, to the *firft* pairt, anent the avenger of bluid, thair is nather Law nor reffone can mak *the Laird of Geicht* the avenger of bluid, bot only the Kingis Maieftie, his Justice, and vtheris haifing power and authoritie of his Maieftie. As for the argument proponit vpon the Act of Parliament maid in the dayis of King James the ffrift, the allegeance foundit thairupoun is altogidder irrelevant, impertinent, and altogidder repugnant and difconforme to the Act; be the quhilk, it is ftatute, that the Man-flayer fould be perfewit be the Schereff, and the cuntrie to concur; and gif the malefactour be tane be the Schereff, he fould be put in fure firmance, quhill³ the Law be done vpon him; and gif he be tane reid-hand,⁴ to be done with that fone.⁵ It is nevir allegit that the Schereff followit the allegit malefactour, nather that he was

¹ Without.
 commiffion of the fact.

² Means.

³ Until.

⁴ With the red or bloody hand; instantly after

⁵ Sun; day; before sunset of that day.

tane with reid-hand ; sua that the allegiance is altogether irrelevant, quhilk is founded vpon that Act, as direct repugnant thairto : And as to that pairt of the allegiance, beirand that the Laird of Geicht tuik and apprehendit the allegit malefactor, that alledgeance contenis ane grit absurditie, haifing nather Warrant, grund, nor fundament, nather of the Lawis of the realme, nor of the Ciuile Law ; feing, be the Lawis of this realme, the Schereff is appointit to follow the Man-slayer ; and be the Ciuile Law, it is nocht leifum¹ to ony privat man to tak and apprehend ony persone, without ane Commiffioun and Warrant frome the Magiftrat : Leg. *Neminem*, Cod. *de exhibendis Reis*, lib. 9, Tit. 3, Leg. vltima, *Neminem exhibendum esse in iudicio precipimus, nisi de cuius exhibitione Iudex pronunciauerit*. Item, Bartolus, ad dictam Legem : Et Domaderius, cap. 15, num. 40, idem asserit : Et toto titulo, Codice *de Plagiariis* : Et lege *Raptores*, de Episcopis et Clericis : Item, Julius Clarus, § finali quest. 31, in principio : Be the quhilkis premisses, it is cleir, that ane privat persone, and speciallie the pairtie, had na power to tak the allegit malefactor. As to the argument proponit vpon the example of the profecutioun and following of ane Theif, it is altogidder impertinent to this purpois ; feing the Theif is followit, *in ipso actu*, immediatlie eftir the committing of the cryme, with the guidis and geir of the followeris ; quhilk is permittit be the Lawis of this realme, be the Actis of Parliament maid thairanent, and the vniuersall consuetude of the same, it is lauchfull to ony man, in following of his awin guidis and geir, to apprehend the Thevis ; and albeit the Theif be slane in the following, the Slayer is maid frie be the lawis of the realme. It is absurditie to think that the Schereff him selff may follow ony man committer of the Slauchter, and instantlie put handis in him, at his awin hand, *nisi in flagranti crimine*, quhilk is nocht allegit in this caice ; and albeit he war tane *in flagranti crimine*, or reid-hand, as the Act of Parliament beiris, the Law ought to be done vpon him within that sone. And quhair it was allegit, that gif it war lauchfull to the Laird of Geicht to persew or tak him, it was lauchfull to tak him with convocatioun of our fouerane lordis legis, and with wapponis forbiddin ; it is ansuerit, that the first propositioun is altogidder absurd, in respect of the first ansuer maid be the persewaris ; and consequentlie, the taking with convocatioun of his sfireindis, and forbiddin wappones, feing he had na authoritie, nather to tak, nor beir forbidden wapponis : In respect quhairof, the first allegiance, and haill argumentis thairin contenit, aucht to be repellit.

It is duplyit for the pannell, that his allegiance proponit ofbefoir standis verrie relevant, nochtwithstanding of ony ansuer maid thairto ; and quhair the famyn is querrellit,² that thair is no law that makis the avenger of bluid, bot

¹ Lawful.² Disputed ; argued.

the samyn pertenis only to the Kingis Maiestie, it is anfuert, that the pannell makis no questioun thairin *quo ad executionem*; bot the Law callis him the ane avenger of bluid, *quia habet jus prosequendi secundum formam juris*. As to that pairt, alledgeing the difconformitie betuix the allegeance and the Act of Parliament, it is duplyit, that thair ar verrie conforme; becaus be baith the Actis allegit, the Kingis haill legis ar commandit to concur and assist the taking of the malefactour with the Scheref, *ergo*, thair was na wrang done, feing the Schereff was in serching; and in respect that he could nocht serche in all pairtis; and the notoriety of the fact, and the maliefactouris fleing, being *in fuga*, and sa taking the cryme vpon him, quhatfoeuer was done be the pannell man be estemit as concurring with the Sher e speciallie, haifing respect, that the pannell tuik the malefactour but ony wrang or hurt of his body, or iniurie done to him, and referuit him saif but ony iniurie, quhill he was presentit to the Schereff, &c.¹

THE JUSTICE, with advyse of his Assessoris, Continewis all forder disputatioun in this mater to the morne, the first of March, 1617.—The Laird of Clwny again becomes his surety.

[*Mr Alexander Coluile, Justice-Depute.*]

DECLINATURE OF THE JUDGE.

Mar. 1.—IT is allegit be the pannell, that Mr Alexander Coluile can nocht be Judge in this cause, in respect he is fourtis of kyn to the Countes of Errole; my Lord of Arrole, hir husband, being persewar, viz. The said Mr Alex^r Coluiles grandame was ane dochter of the Houfe of Lochlevin, quha is ane; the said Mr Alexanderis guidfchir, tua; the said Mr Alexanderis father, thre; and him self the fourt: And referris the probatioun of this rekning to Mr Alexanderis awin ayth of verritie.—It is anfuert be my lord Aduocat, that this Declinatour can nocht be ressaunt this day, becaus Mr Alexander Coluile, being Justice-depute in this Judgement, quhilk is ane ordiner and Supreme Jurisdiction, na declinatour aucht to be proponit aganis him; at the leift, na kinreid² fould be ony caus to declyne him. *Secundo*, the declinatour can nocht now be ressaunt, becaus the Court being fenfit yesterday, he sitting as Judge, the persewaris and defenderis compeirand with thair prelocutouris, thair is ane Interlocutour pronuncet in this caus; and eftir pronouncing thair of, ane peremptour exceptioun (was) proponit be the pannell aganis ane member of the Dittay; eftir the quhilk, ane declinatour can nocht be proponit.

To the quhilk it is anfuert be the pannell, that the declinatour exceptioun

¹ It has not been deemed expedient to insert the whole of the arguments of the parties in this keenly contested case, which are extremely prolix, and occupy above sixty pages of the Record. The opening of the pleadings has been given as a specimen of the procedure of the Court at this early period.

² No objection on the ground of kindred or relationship.

standis relevant, nochtwithstanding of my lord Aduocattis twa answers; namelie, the *ffirst* beirand, that Mr Alexander is ane Ordiner Judge of this Court, creat, electit, and suorne; that pairt of the answer *non relevat*; becaus the creatioun and admissioun of Mr Alexander Coluile takis nocht away the pannellis exceptioun declinatour, *ex superveniente causa*, vpon consanguinitie of bluid to the perswar; ffor than it fould follow, that in an actioun persweit befor the Lordis of Sessioun, quha are supreme Judges of the land in ciuile cauffis, at the instance of ane persone, quhais brother is ane of the Lordis of Sessioun, it fould follow that he fould be Judge to his brother, perswer in the caus persweit be him aganis ane vther, quhilk can nocht be: As to the *secund* member of the answer, beirand, that the pannell can nocht be hard to propone this Declinatour this day, be resson that in ane Court haldin yisterday in the samyn caus, Mr Alexander sat as Judge, befor quhome the pannell proponit dyuerse exceptiones dilatour and peremptour, aftir the proponing quhair of, the pannell can nocht be hard to propone ony exceptioun declinatour, be resson that ane exceptioun declinatour is the first exceptioun fould be proponit in judgement; —to the quhilk it is answerit, that nochtwithstanding of the said secund answer, the exceptioun declinatour standis relevant aganis the said Mr Alexander Coluile, be resson thair was ane sufficient judgement and iudicatorie establischet yisterday by¹ the said Mr Alexander, to wit, Sir Williame Heart, ordiner Justice, quha sat in judgement, and pronuncet Interloquitour in this caus; sa that this exceptioun, gif it had bene proponit yisterday, could nocht be respectit, becaus the Judgement had bene ane perfyte Judgement without him, quhilk is nocht this day in this caice; and sua, be the presens yisterday of the said Sir Williame Heart, and his absence this day, the caice is alterit: In respect quhair of, the exceptioun standis relevant, nochtwithstanding of the answer. And forder, quhair it is answerit, that Mr Alexander Coluile is Justice-generall, *in criminalibus*, thair can no exceptioun of consanguinitie be proponit aganis him as depute, it has nather Law to sustene the answer, and it is aganis the daylie practise; ffor thair is na Judge in Scotland that hes that priuilege to sit *in causa consanguinei*, bot only the Lordis of Sessioun; quhilk is done of necessitie, for vtherways thair will be no judgement thair, quhilk is nocht in this caice,—ffor the removeing of ane only Judge may be suppleit be the sitting of ane vther, *vbi non est penuria*: And this was practizet in the grittest pannell that was in our dayis, betuix the Lairdis of Caddell and Ardkinglas, for the slauchter of the Laird of Caddell; in the quhilk, the Justice-depute was set,² as being depute to the Erle of Ergyle, quha bakit² the persute; lyk as, the Kingis Maiestie haveing chosin dyuerse Judges *successiué* eftir vtheris, thay war all declynit, pairtlie vpon consanguinitie with the Erle of Ergyle, and pairtlie as being pensioneris to sic as assistit

¹ *Forbye*; besides; independent of.² Declined.³ Backed; countenanced; supported.

the perfute; and namelie, Mr Thomas Henderfoun, Commiffar, was fet, becaus he was within greis¹-defendant with the Hous of Bafs; and Mr Thomas Nicol-foun, as pensioner to my Lord Ogilvie, quha fortifeit the perfute.

It is allegit be the perfewaris, that the declinatour aucht nawayis to be reffault for the refones proponit of befoir; and specialie, that this Court is a Supream Court *in suo genere, viz. in criminalibus*, and that the said Mr Alexander Coluile hes alreddie fittin and voittit in this caufe, eftir the proponeing of dilatour and peremptour exceptiones thairin, na declinatour exceptioun being proponit aganis him: And quhair it is allegit be Mr Alexander Peibles, that the Lordis of Sefsioun will be declynit, viz. ane brother may nocht judge in ane vther brotheris caus, nor the fone in the fatheris caus, *et e contra*; that is of verritie, in respect of ane special Act of Parliament maid thairanent; but in all vther cauffis, thair is na exceptioun, nather of affinitie nor confaguinitie, that will declyne ony of the Lordis of Sefsioun. As to the practique allegit concerning *Arkinglas* proces, that aucht nawayis to be respectit in this Judgement, becaus the Justice Generall was partie perfewer, and affisit the perfute, and fa nane of his deputis could fit; bot we ar nocht heir in that caice.

THE JUSTICE, with advyse of his Assessoris, continewis Interloquitour vpon the allegeances foirfaidis, and anfueris maid thairto, anent the declinatour proponit aganis him, to Tyfday nixt.—The Assyse wairnit *apud Acta* for thair compeirance the said day, ilk perfone vnder the pane of ffoure hundreth merkis.

DECLINATURE of two of the Assessors.

Mar. 4.—It is allegit be my lord Aduocat, that my Lord of Meidhoip can nocht be Assessor to the Justice in this caus, in respect my Lord Marques of Huntlie, and my Lord of Meidhopes wyfe, ar within greis-defendant, viz.: My Lord Marques is ane; his Lordschipis mother, the Countes of Huntlie, tua; and hir father, James Duik of Chattellerault, thrid; on the ane syde: And the Bischope of St Androis, brother to the Duik, ane; the Laird of Blair, his fone, tua; and my Lord of Meidhopes wyfe, the Laird of Blairis dochter, the thrid; on the vther syde. In respect quhairrof, he can nocht be Assessor.

It is lykwayis allegit be my Lord Aduocat aganis Sir Andro Hammiltoun of Reidhous, that his lordschip can nocht be Assessor to the Justice in this caufe; because my Lord Marques and he ar ferdis of kyn, and fa within greis-defendant, viz.: my Lord Marques is ane; his Lordschipis mother, the Countes of Huntlie, tua; James, Duik of Chattellerault, hir father, thred; and Beatoun, the Duikis mother, quha was sifter to the Laird of Creiche, fourt; on the first pairt:—And siclyk, the Laird of Creiche-Beatoun, brother to the Duikis mother, ane; the Lady Balcleuch, dochter to the said Laird of Creich, tua; my Lord of Reidhouse mother, the said Lady Balcleuches dochter, thrid; and my Lord of

¹ Certain degrees of near relationship, called *degrees-defendant*.

Reidhous, him self the fourt. In respect of the quhilk rekuing, the veritie quhair of is sufficientlie knawin to my Lord him self, he can nocht be Assessor in this cause.—It is answerit be Mr Thomas Nicolson, as prelocutour for the pannell, that he can nocht be bund to geve ane answer to the tua allegiances foirfaidis, foundit vpon the declinatour of the tua Assessouris; becaus in the last Court haldin on Setterday, the first of this instant moneth of Marche, thair was ane Declinatour exceptioun proponit be the pannell aganis the Justice him self, quhy he could nocht sit as Judge in this cause, viz., that he was within greis-defendant to the Countess of Errole; my Lord of Errole, hir husband, being ane persewar. To the quhilk declinatour, dyuerse answeris, duplyis, and triplyis war proponit, quhilk as yet ar nocht descuffit, bot the Judge continewit Interloquitour vpon the said exceptioun-declinatour to this day: And thairfoir, *ante omnia*, befoir ony alledgeance may be had ather be persewer or defender, Interloquitour man¹ be first pronuncet vpon the said allegiance, conforme to the ordour of the proces; quhilk man be done of necessitie; for, gif the Justice find the declinatour relevant, quhilk will be provin be his awin aith of veritie, than consequentlie he can nocht sit as ane Judge; and gif he be removet as Judge incompetent, he can nocht pronunce Interloquitour in the allegiances proponit aganis my Lord of Meidhoip and my Lord of Reidhouse as Assessouris, quhidder thay may be Assessouris or nocht, *qui vbi non est Judex, ibi nec Assessor, nec processus, nec sententia interloquutoria, litiscontestatio, nec sententia definitiva*: And thairfoir, quhill first it be pronuncet vpon the foirfaid declinatour proponit aganis the Judge him self, thair can na allegiance be proponit or discuffit aganis the Assessouris.

It is answerit be my lord Aduocat, as of befoir, that the said Declinatour aganis the Judge, as Justice-depute, can nocht be reslaui, in respect of the estait of the proces.

THE Justice continewis the dyet, and Interloquitour vpon the exceptiones-declinatour aboue written, to Fryday nixt, the sevint of Marche instant: And Ordanis Cautioun to be of new fund be the pannell for his entrie that day, to vnderly (the Law) for the said cryme, vnder the pane of ffyve thousand merkis.

The Assyse wairnit thairto, *apud Acta*, ilk persone vnder the pane of ffyve hundreth pundis money.

[*Mr James Bannatyne and Mr Alexander Coluile.*]

COMPEIRIT judicialie Williame Hay, seruitour to my lord Erle of Errole, and producet ane Commiffioun of Justiciarie, vnder his Maiesteis Caschet² and Court signet, subscriyuit be my Lord Chancellor, my Lord of Mar thesaurer, and

¹ Must. ² A silver stamp, bearing an exact *fac-simile* of the King's signature, invented for the purpose of abridging labour to the King, whose subscription is required to so many documents. It is still in use, and is affixed to certain writings not requiring his Majesty's 'sign-manual.'

my lord Marqueis of Hammiltoun; quhairby Mr James Bannatyne of Newtyld is constitute his Maiesteis Justice be Commissioun. As also producet thairwith ane Act of Counfall, beirand the said Mr James acceptatioun of the said Commissioun of Justiciarie and office thair of, and geving his ayth in thair lordschipis presens, for his faithfull discharge of the said office. Of the quhilk Commissioun and Act of acceptatioun and creatioun, the tennour followis :

COMMISSION in favour of Mr James Bannatyne of Newtyld.

JAMES R.

JAMES, be the grace of God, King of Grit Britane, France, and Ireland, defender of þe faithe. To all and findrie our legis and subiectis quhome it effeiris, to quhais knowlege thir our letteris fall cum, greting. FORSAMKIL AS George Gordoun of Geicht, being callit and convenit befor our Justice, in our Tolbuthe of Edinburghe, to haif vnderlyne þe law for þe taking, detening, and executioun of vni^q^{le} Frances Hay, and for beiring, weiring, and schuiting of hagbutis and pistolettis, and for þe persute and invasioun, hurting, wounding, and mutilatioun of the thre brether of Brunthillis; in maner, and at þe tyme specifeit and contenit in the Criminall Letteris direct pairupoun: And dyuerse dyettis being keipit to this effect; in end, the matter hes ressaüt ane delay and continuatioun, by the age, infirmitie, and seiknes of Sir Williame Heart, quho may nocht attend pairupoun; and by ane declinatour proponit aganis Mr Williame Coluile, colligue to þe said Sir Williame, in the office of Justiciarie, sua that now the delay and hinder of Justice procedis vpon the want of ane vn suspect Judge. QUHAIRFORE, We, with advyse of the Lordis of our Secreit Counfall, haif maid and constitute our louit *Mr James Bannatyne of Newtyld*, oure Justice in that pairt, to the effect vnderwritten; Geveand, grantand, and committand to him our full power and commissioun, expres bidding, and charge, to vse and exerce the office of our Justice in all and findrie thingis concerning the Tryell of þe said George Gordoun of Geicht, vpon the perticuler crymes and pointis of Dittay specifeit and contenit in þe Criminall Letteris raiset aganis him. And for this effect, to fence, hald, and continew Justice Courtis, ane or ma, within the Tolbuth of our burgh of Edinburgh, suitis to mak be callit, absentis to amerchiat, and to creat officeris and memberis of Court neidfull, if neid beis; and in the saidis Courtis the said George to call, be Dittay to accuse, and him to the knowlege of ane Assyse to put; and as he fall happin to be fund culpable or innocent of þe crymes contenit in the saidis Criminall Letteris, or any of thame, to caus Justice be ministrat vpon him, conforme to þe lawis of our realme; Assyffis neidfull to this effect, ilk persone vnder suche panes as fall be thocht meit, to summond, wairne, chuse, and caus be suorne, and generallie all vper thingis to do, exerce, and vse, quhilkis for executioun of þis our Commissioun, ar requisite and necessar; ferme and stable halding, and for to hald all and quhatsoeur thingis fall be lauchfullie done heirin. GEVIN vnder our signet, Att Edinburghe, þe fourt day of Marche, and of our regune þe xiiij and fiftie 3eiris, 1617.

AL. CANCELL^s. AL. MAR. HAMMILTON.

APUD EDINBURGHE, *quarto die mensis Mareij, anno domini millesimo sexcentesimo decimo septimo*, Red, past, voittit, and allowit.

J. PRYMROIS.

ACT of Acceptation by Mr James Bannatyne.

APUD Ed^r, *quarto die mensis Marcij*, 1617. The quhilk day *Mr James Bannatyne of Newtyld*, being maid and constitute our fouerane lordis Justice, for trying of George Gordoun of Geicht, vpon the crymes specifeit and contenit in the Criminall Letteris raisit aganis him, at the instance of the mother, broþer, and freindis of vni^q^{le} Frances Hay, and at the instance of the brether of Brunthill, and of our fouerane lordis Aduocat, for his hienes intreis; as in the Commissioun maid to the said Mr James pairvpoun, of the dait of thir presentis, at lenth is contenit. The said Mr James compeirit personallie, befor the Lordis of Secreit Counsell, Acceptit the said Commissioun vpon him, and gave his aithe

that he fall discharge the said Commissioun vprichtlie and faithfullie, accordring to his knowlege; as he will anfuer to God and the Kingis Maiestie pairupoun.

Extractum de libris Actorum Secreti Consilij f. d. n. Regis, per me Jacobum Prymrois Clericum ejusdem, sub meis signo et subscriptione manualibus. JACOBUS PRYMROIS.

[*Mr James Bannatyne and Mr Alexander Cohile.*]

Mar. 7.—THE Justice continewis this matter to the morne, the aucht of this instant. The Assyse wairnit thairto, *apud Acta*, &c.

The Laird of Geicht protestis, that the production of the said Commissioun of Justiciarie, and fenceing of this dayis Court, fould nawayis preiudge him of his declinatour the nixt dyet, nor ony vther declinatour proponit be him of befoir in this cause.—My lord Aduocat protestis in the contrair.

[*Mr James Bannatyne.*]

Mar. 8.—THE perfewaris, nochtwithstanding of the former declinatour proponit aganis the tua Assessouris, ar content that thai remane Assessouris in this caus, conforme to the Counsellis Act maid anent thair constitutioun; and passis fra the saidis declinatouris.

Mar. 11-12.—THE ‘disputatiounis’ proceeded at great length, on both sides, on this day, ‘Tyfday the xj instantis,’ and the following day, on the merits of the cause. They are very prolix, and unnecessary to be inserted in this place.

Mar. 13.—THE Justice and Assessouris, ffor obedience of ane WARRANT of the Lordis of Secretit Counfall productet be my Lord Justice Clerk, continewis this Justice Court, and all forder disputatioun in this cause, to the aughtene day of Junij nixtocum; and Ordanis the pannell to find caution, &c.

JUSTICE, Justice Clerk, and 3our deputis. 3ow fall, vpone the sight heiroy, continew 3our Court and dyet appointit for Tryell of George Gordoun of Geicht, ffor the taking, deteing, and executioun of vmq^{le} Francis Hay; and for pe beiring and weiring of haquebutis and pistolettis; and for pe persute and invasioun of the brejer of Brunthillis, vntill the aughtene day of Junij nixtocum; takand new caution, conforme to pe ordour: Quhairanent thir presentis fall be 3our Warrant. ATT ED^R, the xij day of Marche, 1617.

AL. CANCELLS. AL. MAR. BYNNING.

My lord Aduocat declaris that he consentis to the former continewatioun, only becaus of his Maiesteis Letter, direct to the Lordis of Secretit Counfall, in that matter, and vpone na vther respect.—The parties find caution for keeping of his Majesties peace, &c.

(Jun. 18.)—THE Justice, be directioun of his Maiestie, continewis this dyet to the xxvij of Junij instant, &c.

(Jun. 27.)—THE Justice, be directioun of the Kingis Maiestie, declairit be my lord Aduocat, Continewis all forder disputatioun in this proces, and tryell of the perticuler crymes *respectiue* contenit in the summondis, to the thrid day of the nixt Justice-air of the scherefdome quhair the parteis, alsweill perfewaris as defenderis, duellis (‘Aberdene’), or soner vpone xv dayis wairning: And Ordanis

the Laird of Geicht to find Cautioun for his compeirance, to the effect and in maner aboue writtin, vnder the pane of ffyve thowfeand merkis, conforme to his Maieftis directioun, reportit be his Maieftis Aduocat, as faid is.

The faid Laird ffind Williame Gordoun of Rothemay, ffear of Cairneburrow, fouertie for his entrie, &c.

[*Mr Alexander Coluile, Justice-Depute.*]

Adultery—Bigamy.

Mar. 14.—ALEXANDER THOMESONE, fskynmer, burges of Edinburghe, brother to Johnne Thomesone, Leyth; Johnne Guthrie, *alias* callit Williame Laird, and Jonet Cuthbert.

Dilaittit of the crymes of Adulterie, committit be thame, in maner, and at the tymes specifit in thair Dittayis.

The pannell acknowleges the crymes contenit in thair feuerall Dittayis, and craves God and the Kingis Maieftis pardoun; and offeris thame in his Maieftis will thairfoir.

VERDICT. The Assyse, be the mouthe of George Carnebie, indueller in Edr, all in ane voice, ffind the faidis perfones to be ffylet, culpable, and convict.—
SENTENCE. In respect of the quhilk convictioun, THE JUSTICE, conforme to ane Warrant of the Kingis Maieftie, quhairof the tennour followis:

TO OUR JUSTICE GENERALL of our Kingdome of SCOTLAND, and his deputis quhatfoeuir, quhome thafe presentis may concerne; and to all and each of thame.

JAMES R. QUHAIRAS, by expres Warrant and command frome ws, our Aduocat is criminallie to accufe and perfew befoir yow one Alex^r Thomesoun and one Jonet Cuthbert, tuo famous and notorious Adulteraris: Although thair cryme and offence thairin be capitall, and most, by our Lawis, infer payne of death against thame, zit, out of our princelie grace and mercie, We ar pleded to mitigat the feveritie or extremitie of Law in thair behalf. Requyreing yow, by these presentis, in caice of pair convictioun, to ordane the faid *Alexander* to be Banisched our dominiones, and his escheit to be furthwith vptakin for our vse be our thesaurer: AND that ye faid *Jonet* be Banisched our burgh of Edr, and the pairtis of ye cuntrie pairabout. In which behalf, and for performeing of ye whole premiffes, these falbe to yow ane Warrant sufficient. GEVIN at Whytehall, the 26th of Januare, 1617.

Ordanit and Adjudget the faid *Alexander* to be banisched his Maieftis hail dominionis, and nocht to returne within the samyn at na tyme heireftir, without his Maieftis Licence, vnder the pane of deid; as also, that his hail moveable guidis be escheit, &c. AND ficyk, Ordanit the faid *Jonet* to be banischet furth of the burgh of Edr and tuelf myles thairaboutis, and nawayis to be fund thair-intill, at na tyme heireftir, without his Maieftis Licence, vnder the faid pane of deid. And as concerning the faid *Johnne Guthrie*, Ordanit him to be tane bak to the Tolbuth of Edr, therein to remane in fure firmance, vnto the tyme Dome be pronuncet against him.

SENTENCE *against Johnne Guthrie, alias Williame Laird.*

Compeirit Sir Williame Oliphant of Newtoun, knycht, Aduocat to our fourane lord for his hienes intreis, and producet his Maiefteis Warrant, direct to the Justice, quhair of the tennour followis :

To our JUSTICE GENERALL of our Kingdome of SCOTLAND, and his deputis quhatfoeur, whome these presentis may concerne ; and to all and each of thame.

JAMES R. QUHAIRAS, by expres Warrant and command from Ws, our Aduocat is criminallie to accuse and perfew, befor yow, on *Johnne Guthrie*, for mariage of tuo wyfes, and keiping (belydis thame) of a thrid woman for his concubene ; whiche being a cryme so odious and intollerable amongst Christianes, and mereiting to be most exemplarie puneished : THEASE ar pairfoir exprellie to will and command yow, in caice of the said Johnnes convictioun, to caus pronounce and execute Dome and Sentence of Death aganis him, according to þe ordinance of our Lawis maid for pwneifchment of fuche offenderis. In which behalf, and for performeing of þe whole premisses, these fall be to yow ane Warrant sufficient. GEVIN at Whytehall, the 26th of Januar, 1617.

THE JUSTICE Ordanit the said Johnne Guthrie, *alias* Laird, to be tane to ane gibbet, befyde the croce of Ed^r, and thair to be HANGIT quhill he be deid ; and all his moveable guidis to be escheit and inbrocht to his Maiefteis vse, &c.

[*Archibald Earl of Ergyle, Justice General; Mr Alex. Coluile, his depute.*]

Slaughter.

Jul. 16.—JOHNE KIRKPATRIK, seruand to Mr Walter Kynnynmonth of Callinche (Kilduncane.)

Dilaitit of airt and pairt of the Slaughter of vmq^{le} Andro Kynnynmond, sone to David Kynnynmond of that Ilk ; committit vpon the tent day of Junij last-bypast, viz. The said Johnne being in companie with Mr Walter Kynnynmond, appeirand of Kilduncane, his maister, Jedione Kynnynmond, brother to the said Mr Walter, Patrik Kynnynmond, sone to the said Mr Walter, Hew Dik, seruand to the said Mr Walter, Thomas Fentoun, messinger citiner¹ in St Androis, Thomas Fentoun, his sone, thair, Johnne Clelland, and . . . Clelland, sones to Robert Clelland of Fernlaw, and . . . Broun, citiner of St Androis, with convocatioun of his Maiefteis leiges, to the number of tuentie perfones, or thairby, all bodin in feir of weir, with fuordis, daigeris, plait-flevis, hagbutis, and pistolettis, exprellie prohibeit to be borne, worne, vsed, or schote with, be the Actis of Parliament ; haifing confauct ane deidlie feid, rancour, and malice aganis the said vmq^{le} Andro, vmbefet² his hie way and passage, vpon Cires-mure, ane myle or thairby fra the burch of Couper ; quhair he, being only accompaneit with ane seruand of his awin, war, in sober and quyet maner, for the tyme, cunning furth of the hie way, lipning for na harme, &c., and thair set vpon the said vmq^{le} Andro, schot him throw the body with hagbutis, and crewallie hurt and demanit³

¹ Citizen ; inhabitant ; probably inferring that he was not a free *burgess*.
' waylaid.'

³ Abused. Literally, treated ; used.

² Beset ; blockaded ;

him and his seruand with fuordis, in dyuerse pairtis of thair bodeyis, to the effusioun of thair bluid in grit quantiteis : Off the quilkis (woundis) and hurtis gevin to the said vmq^{le} Andro, he immediatlie deceiffit, &c.

VERDICT. The Assyse, be pluralitie of voittis, stand, pronuncet, and declairit the said Johnne to be ffylet, culpable, and convict of airt and pairt, &c.

The Justice superceidis the pronouncing of Dome, &c.¹

[*Mr Alexander Coluile, Justice-Depute.*]

Child-Murder.

Jul. 24.—BESSIE DUNCANE, feruitrix to George Craig in Eister Dudingstoune.

Dilaitit of the crewall and vnnaturall Murthour and putting to death of ane young infant man-bairne of hir awin, immediatlie eftir the beiring thairof, be putting it vnder the fra of the bed quhairupone scho lay ; and thaireftir lying thairupoun, and smoiring² the said infant to deid : committit in ane bak hous of the said George Craigis, vnder nycht, vpon the fourtene day of Julij instant ; Williame Borthuik, sone to Johnne Borthuik in Waster Dudingstoun, ane young boy of xvij yeiris of age, being the father thairof.

The said Bessie, with teiris, in grit penitencie, confessit the Dittay to be of verritie ; and cravet God mercie for the samyn.

VERDICT. The Assyse, all in ane voce, be the mouth of Johnne Levingstoun, bailzie of Dudingstoun, stand, pronuncet, and declairit the said Bessie, in respect of her awin Judiciall Confessioun, to be ffylet, culpable, and convict, &c.

SENTENCE. To be tane to ane gibbet at the mercat croce of Ed^r, and thair to be Hangit quhill scho be deid ; and all hir moveabill guidis and geir, gif scho ony hes, to be escheit, &c.

Falset—Forgery—Perjury.

Nov. 17.—MR JOHNNE MUREHEID, Notter in Tueidmouthe.

Dilaitit of airt and pairt of the formeing and wryting of ane fals nyntene-yeir Tak,³ and counterfuteing of vmq^{le} Johnne Nisbet of Swannisfeild his subscriptioun thairto (allegit fetter⁴ of the said Tak) eftir his deceife : And of periureing him self, in maner fet down in his Dittay.

The pannell allegit that my lord Justice can nocht be Judge competent to him, in this matter ; becaus he (the pannell) is ane stranger, quha hes duelt and had his continuall residence out of this cuntrie within the toun of Tued-mouth, in England, thir dyuerse yeiris bygane ; and thairfoir, conforme to the Act of Par-

¹ No farther entries occur ; so that it is probable a Remission was granted.

² Smothering ; suffocating.

³ A Lease for nineteen years.

⁴ The landlord or proprietor of the ground, who set it in Lease.

liament, aucht to be remandit fra this Judicatorie to the Justice of Ingland, at the leift, to the Bifchope of Dureham, within quhais diocie he duelt, the pannell being ane Ecclefiasticall perfone, fervand at the Kirk of Tuedmouth: And laft, he appaillis to his Maieftis mercie and clemencie; and offeris him felf in his hienes will, for the crymes contenit in the Dittay.

My lord Aduocat, for verificatioun of the Dittay, producet the pannellis Depositiones, with the fals Tak, quhill is fund to be ffals and ffengeit befor the Lordis of Seffioun, and in respect thair of ordainit to be cancellat and diftroyit: And anfuerand to the allegeances maid be the pannell, fayis, that nochtwithftanding thair of, he aucht to be put to ane Affyfe, in respect the Act of Parliament allegit, is only in faouris of fic perfones as duellis in Ingland, and being citet for flauchter, thift, burning of houffis, and vtheris crymes, perticulerlie expreffit thairin, quhair of the cryme lybellit is nawayis comprehendit, and ar fugitiue thairfoir; and the pannell, cuning willinglie to this cuntrie to beir witneffing in ane matter betuix tua Scottis perfones, was nawayis fugitiue: And as to the privilege of his profeffioun, that he is ane Ecclefiasticall perfone, fayis that the famyn aggrages his offence: And thairfoir, fould be juftlie puneift for the ffalfet and Periurie confeffit be him and contenit in his Dittay.

THE JUSTICE, nochtwithftanding of the pannellis allegeances, Remittis him to the tryell of ane Affyfe.

ASSISA.

Eduard Johnneftoun, Proveift of Annan, James Douglas, bailzie of Dalkeith,
Johnne Ramfay, mercheand burges of Ed^r, James Nafnyth of Poffo.¹

VERDICT. The Affise, all in ane voce, be the declaratioun of Eduard Johnneftoun, chancellor, ffand the faid Mr Johnne to be ffylet, culpable, and convict of the fforgeing and fformeing of the faid fals Tak; and of counterfuteing of the faid vmq^{le} Johnne Nifbetis fubfcriptioun thairto, eftir he was deid; and Periuring of him felf, in maner fpecifeit in his Dittay.—SENTENCE. To be tane to the mercat croce of Ed^r, and thair vpone ane gibbet to be Hangit quhill he be deid; and all his moveabill guidis to be efcheit, &c.

Usurpation of the King's Authority—Hamesucken, &c.

Jan. 9, 1618.—THOMAS MELDRUM of Idene,² Walter Grant, his fervand, James Grant in Tulliebo, his brother, and Johnne Roifis, alfo his feruand.

Dilaitit of Vfurpatioun of our fouerane lordis authoritie, in cuning, vnder filence and clud of nycht, to Johnne Meldrum of Ordley his duelling hous of

¹ The remainder are 'mercheandis in Ed^r.' George Drummond of Cattifelbok (*Cat's-elbow*), Mr Johnne Rutherford, Proveift of Jedburgh, and six others, were each 'vnlawit in ye pane of ane hundredreth merkis,' for not passing on the said Assise. ² See Nov. 20, 1618, &c.

. . . . , and thair, be way of Hamefucken, clymning the walls thairof, tiring¹ the ruif of the chalmer quhair he lay bedfast, nocht weill convalesfit of ane fever quhairwith he was afflictit and visseit, be the space of tuentie foure oulkis ofbefoir : And for taking of him furth thairof, and cayreing him as ane captiue and priffoner to the place of Idene, quhair he was detenit in privat and strait priffone, be the space of foure dayis and foure nychtis ; vrgeing him, all that tyme, to difcharge certane actiones quhilk he had depending aganis the said Thomas : And for the haill remanent crymes contenit in the Letteris : Committit vpon the aucht of Maij, 1612 yeiris.

PERSEWAR, Johnne Meldrum of Ordley, Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our fouerane lord, for his hienes intreis.

PRELOCUTOURIS in defence, Mr Thomas Hoip, Mr Thomas Nicolfone, Mr James Lawtie.

THE JUSTICE, for obedience of the Warrant of the Counsell, direct to him, subferyuit be my Lord Chancellor, continewis this dyet to the xvj instantis : And Ordanis the pannell to find caution for thair compeirance that day, vnder the panis contenit in the Actis of Parliament.—Patrik Meldrum, ffear of Idene, become fouertie for the said Thomas, his father, &c.

(Jan. 16.)—Continued, by Warrant of the Secreit Counsell, to the xxj instant.

(Jan. 21.)—The Justice, of consent of pairtie, continewis this matter to the thrid day of the nixt Justice-air of Aberdene, or soner, vpon xv dayis wairning. George Seatoun of Schettin and the said Patrik Meldrum become pleges and fouerteis, coniunctlie and feuerallie, &c.

[*Mr Alexander Coluile, Provoft of Kilmondy, Justice-Depute.*]

Slaughter—Convocation of the Lieges, &c.

Jan. 14.—WILLIAME JOHNNSTOUN, callit *of Lokerbie* ; Archibald J., his brother ; Mungo and Hercules J., fones to the said Williame ; Williame J., fone to vinq^{le} George J., in Lokarbie ; Williame J., in Grenesyde ; Thomas Harknes, in Lokarbie ; Johnne Chalmer, thair ; Andro Chalmer, thair ; Johnne Johnnestoun, fone to David J., in Cleuchheid ; Williame J., in Auldwallis ; Patrik J. of Mylnebank, his brother ; Johnne J., in Turmour, callit *of Lokarbie* ; Andro J., his fone ; Archy Halyday, in Turmour ; Andro Chalmer, thair ; Johnne Beil, in Lokarbie ; Francis Bell, thair ; James Kennydie, in Bektoun ; Andro Chalmer, in Dames.

Dilaitit of airt and pairt of the Slaughter of vinq^{le} James Johnnestoun, in Kirktoone ; committit with convocatioun of our fouerane lordis leigis, vpon the

¹ Forcing a passage, by breaking through the roof. Fr. *tirer* ; and A. S. *tyr-an*, to tear.

xxv day of April, 1617, be geving to him of dyuerse crewall and deidlie woundis in the heid, left airme, left hand, and left pape:¹ Off the quhilkis he nevir conualeffit, speciallie of the woundis reffaut in his heid, threfcoir and nyne banes being tane furth thairof; and at last, vpon the first day of December last, he deceffit, being vnder cure of the saidis woundis sevin monethis and ten dayis ofbefoir.

PERSEWARIS, Agnes Johnnestoun, the relict, Sir Williame Oliphant of Newtown, kny^t.

PRELOCOUTOURIS in defence.

Mr Thomas Nicolfone, Mr Alexander Peiblis, Mr James Oliphant, Adame Cuninghame.

The Justice, of consent of pairtie, continewis this dyet to the xxv of Februar nixt, and Ordanis the pannell to find caution for thair entrie that day, vnder the panes contenit in the Actis of Parliament: Quha for obedience of the said ordinance, ffind James Johnnstoun of Wastraw, and Archibald Douglas of Kelheid, brother to my lord of Torthorrell, bayth personallie present, cautioneris and fouerteis, conjunctlie and feuerallie, for thair re-entrie, &c.

(Feb. 25.)—Compeirit Mr James Oliphant, and producet ane Warrant of the Lordis of Secreit Counfell, procuret be the (saidis) perfones (on pannel), daitit the xix day of Februare instant, be the quhilk the Justice is ordanit to continew this dyet to the xxvij day of Marche nixtocum, &c. Which desire was granted; Robert Johnnstoun of Raecleuch becoming cautioner for the pannels' entrie.

PERSEWAR, Andro Johnnestoun, as fone.

PRELOCOUTOUR in perfute, Sir Robert Gordoun of Lochinvar, kny^t.²

(Mar. 27.)—It is declairit be the pannell, befoir thair cum to thair allegiance, be way of informatioun to the Justice, that it wald pleis his Lordschip vnderstand, that the matter fell furth eftir this maner. My Lord of St Androis that now is, being Archebifchope of Glesgow for the tyme, haifing ane cair to haif the hail Kirkis within his dyocie³ sufficientlie plantit; and eftir vizitatioun, cuming to the Kirk of Dryfdaill, quhair it was fund be him that the watter of Dryfe ran sa violentlie, eftir ane speat,⁴ throw the hail kirk yaird and landis adjacent thairto, that the Kirk it self was liklie to becun ruinous and decay, except the course of the said watter had bene divertit and drawin ane vther way thairfra: For remeid quhairof it was aggreit, with consent of the hail gentilmen of the parochin, that the said watter sould be divertit ane vther way; and according thairto, it was appointit, that vpon the said xxv day of Apryle, the said Williame Johnnstoun, with assistance of the parochin, sould cum, with spaidis and schuiles, to mak ane watter-gang: In the doing quhairof, the said vinq^{le} James Johnnstoun, with his fones, come bodin in feir of weir, and maid interruptioun to the perfones foirsaidis that war casting the said watter-gang, and inuidit and persewit dyuerse of the perfones that war working, for thair slauchter; be occasioun of the quhilk

¹ Breast.

² These in addition to the persons abovenamed.

³ Diocese.

⁴ Flood.

perfute and invasioun ane fraik was gevin to the said vmq^{le} James vpon the heid with ane spaid or schule, be quhat persone the pannell knawis nocht: Eftir the quhilk fraik he convaleffit, and was at tua feuerall Justice-Courtis in Jedburgh; was also at the Parliament in Ed^r; raid in dyuerse pairtis of the cuntrie, and within England; and thaireftir, fell feik of ane fever, quhair of he deceiffit; as is nottour to the hail cuntrie.

Quhilk being premittit,¹ it is allegit peremptourlie for the pannell, that thay can nocht be put to ane Assyse for the cryme lybellit, in respect the said vmq^{le} James Johnnstoun, for quhais slauchter thai ar persewit, was slane at the horne, and deceiffit vnrelaxit thairfra, ffor ane criminall cause, viz. ffor airt and pairt of the Slauchter of vmq^{le} Hew Dowglas of Dalvene. *Igitur*, &c.—To the quhilk it is ansuerit be the persewaris, that the allegeance aucht to be repellit, becaus the said vmq^{le} James was relaxt fra the said Hoirning: And producet the Relaxatioun for verificatioun thair of.²—It is duplyt be the pannell, that the Relaxatioun producet meittis nocht the Hoirning; becaus the said vmq^{le} James Johnnstoun is relaxt fra the horne lang eftir the tyme lybellit of the fraikis gevin to him quhair of he deceiffit, to wit, lang eftir the xxv day of Apryle, 1617, he nocht being relaxit quhill the xxvij of October thairefter.—To the quhilk it is ansuerit be the persewaris, and allegit,³ that the Hoirning quhair-upoun the said allegeance is foundit is null, becaus the said vmq^{le} James Johnnstoun being designet be the said Letter of Hoirning to haif ane certane duelling-place, viz. in Twnnergathe, the tyme of the raising thair of, he is nather charget personallie nor at his duelling-place, quhilk aucht to haif bene done; he being ane Scottis subiect, duelland within Twnnergath, quhair he duelt the tyme of the geving of the charge to him, be oppin proclamatioun; lyk as, he duelt thairin dyuerse yeiris of befor.—It is ansuerit be the pannell aganis the allegeance, foundit be the persewaris vpon the nullitie of the Hoirning, that the said allegeance aucht to be repellit, in respect of the privilege and Dispensatioun fet down in the Letteris of Hoirning producet, quhilk sustenis the charge gevin to him, be oppin proclamatioun at the croce of Dumfreis, to be als lauchfull as gif he war charget personallie or at his duelling-place, for the ressonne specifit in the Letteris.

It is allegit be the persewaris, as to the Relaxatioun and allegeance maid thairupoun, that the said Relaxatioun is lauchfull and sufficient in the self; becaus the samyn is purchest be the said vmq^{le} James, and he lauchfullie relaxt, be vertew thair of, lang befor his daithe.—The pannell repeittis thair former ansuer.

¹ Premised.

² On margin, '1 Aprilis, 1618. This Relaxatioun gevin vp agane to Andro Johnnstoun, producer thair of.'

³ Pleased; urged as a plea.

It is ffordere allegit be the pannell and thair prelocoutouris, that thair can nocht be put to ane Assyse for the cryme lybellit, becaus the said v^mq^{le} James Johnstoun was flane and deit at his Maiesteis horne ffor ane criminall cause, viz. ffor the steilling of tua horse pertening to James M^cmathe in Knokinhair; committit be him in the moneth of September, 1597; ffor the quhilk, being persewit criminallie befor the Justice, and chargit to vnderly the Law within the tolbutth of Ed^r, vpon the xxj day of Januar, 1607 yeiris, was, for nocht finding of caution, denuncet and declairit fugitiue fra his hienes lawis for the said cryme: And ffor verificatioun thair of, producet the Extract of the Hoirning.—To the quhilk it is ansuerit be the persewaris, that the Summondis and Dittay aucht to pas to ane Assyse, nochtwithstanding of the allegiance proponit be the pannell, foundit vpon the tua criminal Hoirningis producet; becaus the said v^mq^{le} James Johnstoun of Kirkcaldy was nocht only relaxt fra the first Hoirning befor his deceis, bot also becaus it is speciallie provydit be Act of Parliament, maid in the moneth of October, 1612 yeiris, that all persones duelland vpon and within the boundis of the lait Bordouris of this kingdome, speciallie within the boundis of the scherefdom of Dumfries and stewartrie of Annandail, quhair the said v^mq^{le} James duelt, ar fred and relevit of all and quhatsumeur criminell cauffis that could be laid to thair charges, ffor quhatsumeur ffyre-raisingis, slauchteris, thiftis, and stouthes, or vther criminall cauffis quhatsumeur, befor his Maiesteis going in Ingland, quhilk was in Apryle, 1603 yeiris, &c.

THE JUSTICE continewis Interlocutour, vpon the allegiances foirfaidis, to Wednisday nixt. The Assyse wairnit *apud Acta*, ilk persone vnder the pane of ij^c merkis. Williame Douglas, younger of Caschogill, become fouertie for the entrie of the hail persones on pannell, &c.

(Apr. 1.)—THE Justice, be directioun of the Lordis of Secreit Counfall, Ordanis the persones on pannell to find caution for thair entrie and compeirance of new agane, befor the Justice or his deputis, the thrid day of the nixt Justice-air of the scherefdom or stewartrie quhairin thay duell; or soner, quhan or quhair it fall pleis his Maiestie, vpon xv dayis wairning, &c. Williame Douglas of Caschogill pleige and fouertie, &c.

Inbading—Hurting and Wounding—Slaughter.

Feb. 13.—HEW FALCONER of Innerlochtie; Hew Falconer, his sone; Frances Hay and Alexander Hay, sones to Williame Hay of Mayne; Thomas Grant, brother to James Grant in Daltulleis; Lauchlane Grant of Wester Elcheis; Johne Grant, his sone.

Dilaitit of airt and pairt of the invading, hurting, and wounding of Thomas Grant of Cardellis, and slauchter of v^mq^{le} Patrik Grant, his sone; committit within the burgh of Elgyn, the xj of November last, 1617.

PERSEWARIS, Thomas Grant of Cardellis, as father; Johnne Grant, appeirand of Cardellis, as brother; Sir Williame Oliphant of Newtoun, knycht, for his Maiesteis intreis.

THE JUSTICE, of consent of ather pairteis, and according to ane directioun gevin to his lordschip be the Lordis of Secreit Counfall, continewis this matter to the thrid day of the nixt Justice-air of the scherefdomme quhair the defenderis duellis, (Elgyn,) or foner, vpone xv dayis wairning, &c.

Sir Alexander Gordoun of Clwnie, kny^t, become fouertie for the said Thomas Grant, vnder the pane of tua thowfeand merkis; Sir Alexander Falconer of Halkertoun, kny^t, become fouertie for the said Hew Falconer and his sone; James Hay, appeirand of Mayne, become fouertie for Frances and Alexander Hayis, his tua brether; and Robert Innes of Balvany for Lauchlane and Johnne Grant—all vnder the panes contenit in the Actis of Parliament.

Slaughter.

Mar. 18.—WILLIAME JOHNNSTOUN, callit of Lockerbie, and Johnne Carrutheris of Rammerfeallis.

Dilaittit of airt and pairt of the Slaughter of vmq^{le} Cristopher Wigholme,¹ burges of Sanquhar; committit in Junij, 1594.

PERSEWAR, Niniane Wigholme, as sone; Sir Williame Oliphant, knycht.

PRELOCUTOURIS in defence, Mr James Oliphant, Adame Cuninghame, Aduocattis.

The persewar passis fra the perfute of the said Johnne Carrutheris *pro loco et tempore*.—It is allegit for Williame Johnnstoun, that he can nocht be put to the knowlege of ane Assyse for the crymes lybellit, in respect his Maiestie and Estaittis, be Act of Parliament, maid in October 1612, hes, for the reffone mentionet thairintill, geving ane generall pardoun to all maner of perfones duelland within the boundis of the lait Bordouris of this Kingdome, for all maner of crymes committit be thame preceding his Maiesteis going in Ingland, &c.—To the quhilk it is ansuerit, that the allegeance aucht to be repellit, in respect of the summondis beiring the fact lybellit to be perfewit be the pairtie, with concurse of his Maiesteis Aduocat; quha is speciallie exceptit in the said Act, and hes power, be vertew thairof, to perfew.

THE Justice continewis Interloquitour to Fryday nixt; and Ordanit the pannell to find cautioun for his compeirance, as also for the entrie of his brother, the said day.—Robert Somerwell of Smailhomes become fouertie, &c.

(Mar. 20.)—THE JUSTICE ordanit cautioun to be ffund, that the said Williame and Frances fall compeir befor the Justice or his deputis, the thrid day of the Justice-air of the scherefdomme or stewartrie quhairin thay duell, or foner, vpone xv dayis wairning.—Robert Somerwell of Smailholme, and Williame Johnnstoun of Currielaw, become pleges and fouerteis, &c.

¹ This name is now written *Wigham*, and *Whigam*.

Slaughter.

Mar. 18.—ROBERT SYMMER, sone to the Laird of Balzordie.

Dilaittit of the crewall Slauchter of vmq^{le} Dauid Graham, sone to vmq^{le} James Grahame of Leuchland ; committit vpon the xxix day of Apryle, 1616 yeiris, vpon the Hauche of Infche, neir to the Mekill-mylne of Brechin, be streking him throw the body with ane rapper-fuord ; quhairof, within sex or sevin dayis thaireftir, he deceiffit.

PERSEWER, James Grahame, as brother to the defunct ; James Keith of Harviestoun, brother-in-law ; Sir Robert Grahame of Morphie, neir kinsman ; Sir Williame Oliphant of Newtoun, kny^t.

PRELOCUTOR in defence, Mr George Symmer.

The pannell, being accufet be Dittay, of the slauchter of the said vmq^{le} Dauid Grahame, denyis the samyn, with the hail circumstances fet down in the Dittay, concerning the said slauchter.

ASSISA.

Dauid Lyndfay, in Brechin,	Dauid Gairdin of Lawtoun,	Johnne Cob, citiner of Brechin,
James Ramfay, thair,	Patrik Guthrie of Kinblakmonth,	Williame Carnagy, skynner, burges
Johnne Vdny of Kethik,	James Halyburtoun, mercheand	of Edinburgh,
James Smyth, in Brechin,	burgess of Edinburgh,	Williame Ruthvene of Bandane,
Andro Thomesoun, thair,	Johnne Peter, wryter, burges thair,	Williame Elder, tailzeour, burges
Johnne Anderfoun, burges of	Laurence Heiring, brother to	of Edinburgh.
Montrois,	Lethindie,	

VERDICT. The Assyse haifing reffonit and voittit vpon the pointis of the said Dittay, and being ryplie and at lenth advyfet thairwith, togidder with the Letteris of Hoirning producet be his Maiesteis Aduocat, beiring the said Robert to haif bene denuncet rebell in Maij, 1616, for nocht finding of caution to haif compeirit befor the Justice to haif vnderlyne the Law for the said slauchter ; ffor the quhilk fact, he hes bene fugitiue and furth of the cuntrie senfyne ; togidder with ane Commiffioun, and vther probatioun producet alsò be his hienes Aduocat, for instructing the said Dittay—thay all in ane voce, be the mouth of the said Johnne Vdny, chancellor, fand the said Robert to be FYLET, culpable, and convict of the said Slauchter.

SENTENCE. To be tane to the Mercat-croce of Edinburgh, and thair his heid to be strukin frome his body ; and all his moveabill guidis to be efcheit, &c.

Intercommuning with the Clan-Gregor.

Mar. 18.—COLENE BRUCE, sumtyme duelland in the Middilhauch of Huntingtour.

Being brocht furth of the Tolbuth or Waird-hous of Edinburgh, quhairin he hes bene wairdit thir dyuersè monethis bygane, and presentit vpon pannell, be directioun of the Lordis of Secreit Counfall, to heir and sic the dome vnder-writtin pronuncet aganis him, as he that became in his Maiesteis will ofbefoir,

ffor the affisting, reffett, fupplie, and intercownoning with THE CLANGREGOUR; and accoirding to his Maiefteis will than publeift and declairit, vpone the faxt day of Auguft, 1605, was ordanit to be Banifchet his Maiefteis haill dominiones, nevir to be ffund agane within the famyn, vnder the pane of deid, for the faid cryme.—(See this Collection, II. p. 457.)

SENTENCE. The Justice of new agane, conforme to ane Warrant and delyuerance of the Lordis of Secreit Counfall, fubferyuit be my Lord Chancellor, and be my Lord of Mar, Grit-Thefaurer, daitit the xvij day of Marche instant, Ordanit the faid Colene Bruce to be Banifchet, as of befoir, his hienes haill dominiones, and nevir to be fund within the famyn, vnder the pane of deid, but forder fauour: Lyk as, to be returnet bak agane to the faid waird be the Magiftratis of Edinburgh, to be keptit be thame thairin, in fure firmance and captiuitie, vnto the tyme a Schip be prepairit, quhairin he may be tranfpoirtit.

Slaughter at a Funeral.

Jun. 10.—JOHNNE JOHNNESTOUN of Tunnergathe; Blench Bell, his spous ('*paft fra'*); Johnne, *alias Jok*, Williame, ffances, and James, four fones to the faid Johnne; James Johnneftoune; Andro Johnneftoune, in Kirketoun; Williame, ffancie, and George, his thre brether; Dauid Bell, callit of Craighous; Williame Johnneftoune, in Hilbank; Johnne, his brother; Williame and Johnne Johnneftoune, in Schaw; Williame J. in Hilbank; Johnne, his brother; James Johnneftoun, in Hill ('*paft fra'*); Patoun Bell, in Yle ('*paft fra'*); Jok Burges, in Kirkhouffes ('*paft fra'*); Jok Johnneftoune, in Foulraw ('*paft fra'*); James Johnneftoune, fone to Twnergathe; ffances J. in Myreheid; James J. in Court; James Bell, in Twnergathe ('*paft fra'*); Johnne Bell, in Holmheid ('*paft fra'*); George Johnneftoune, fone to Johnne Johnneftoune of Twnergathe.

Dilaitit of airt and pairt of the Slauchter of vniq^{le} Frances Johnneftoune, brother-germane to Williame Johnneftoune of Lockerbie; committit vpone the xxj day of Apryle laft, at the Buriiall of Thomas Johnneftoun, 5ounger of Fingland, befyde the Kirk of Twnergathe, and 5aird thairof.

PERSEWARIS, Williame Johnneftoune of Locherbie, brother; Sir Williame Oliphant, kny^t.

James Johnneftoun of Waftrow became fouertie for the entrie of James of the Hill, the thrid day of the nixt Justice-air of the fcherefdome quhair he duellis; or foner, vpone xv dayis wairning.—Johnne J. of Twnergarth, fouertie for the entrie of Patoun Bell, Jok Burges, Jok J. of Foulraw, and James Bell of Twnergathe.—And Johnne Carmichell in the Maynes, fouertie for the entrie of Johnne Bell in Holmeheid.

THE JUSTICE, of consent of the perfewaris, continewis this dyet aganis the remanent personis nocht paft fra, to the fevint day of Auguft nixt; and Ordanis thame to ffind fouertie for thair entrie that day.

James Gordoun of Buithill, brother to Lochinvar, fouertie for the entrie of

Johnne of Twnergathe and his fones—Johnne of T. fouertie for Frances of Myreheid, &c.—Johnne Gordoun of Hiffilfeild, for Andro J. in Kirktown, &c.

(Aug. 7.)—The Justice, of consent of pairtie, continewis this dyet to the xvij of November nixt.—Niniane Johnnestoun of Powdene, cautioner for Twnergathe and Andro J. of Kirktown—and thay, conjunctlie and severallie, for the entrie of the remanent perfonas.

(Nov. 18.)—Continued to the thrid day of the nixt Justice-air of Dumfries, or foner, vpon xv dayis wairning.

Slaughter at a Funeral.

Jun. 10.—JAMES JOHNNSTOUN of Wastraw; William J. of Locherbie; Archibald, his brother; Nicolas Cairleill, spous to the said Williame ('*past fra'*'), and others.¹

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Andro Johnnstoun, sone to Johnne Johnnstoun of Twnergathe; and Slauchter of vmq^{le} Johnne J., brothergermane to Andro J. of Kirktown; committit the xxj day of Apryle last, within the Kirk-zaird of Tounergathe, at the Buriall of Thomas Johnnstoun, 5ounger of Fingland.

PERSEWARIS.

Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our souerane lord; Johnne Johnnstoun of Twnergathe, as father to the said vmq^{le} Andro; Johnnstoun of Kirktown, as brother to the said vmq^{le} Johnne.

The same procedure takes place in this case as in the preceding; and is finally, on Nov. 18, continued to the Justice-air of Dumfries, &c.

Rape—Forcing and shamefully Abusing, &c.

Jun. 17.—MR DAVID WEDDERBURNE, indueller in Dundie, and Andro Crystie, indueller in Leith.

¹ The other pannels follow:—Mungo Johnnstoun, sone to the said Williame; Williame J., brother-sone to the said Williame of Locherbie; Andro Chalmer, in L. ('*past fra'*'); Johnne C. and Andro C., his tua fones, thair ('*past fra'*'); Williame Brydane, in Gymmenbie ('*past fra'*'); Mathow Brydane, thair ('*past fra'*'); Heekie Johnnstoun, thair ('*past fra'*'); Andro Grahame, in Locherbie; Williame Grahame, in Westwoid ('*past fra'*'); Hercules Johnnstoun, in Locherbie; Margaret J., wedow, in Nitholme ('*past fra'*'); Williame Kennedie, 5ounger of Hallaithes; Johnne K. of Hallaithes ('*past fra'*'); Johnne Chalmer, in Studrigis ('*past fra'*'); Thomas Harknes, oistler in Locherbie; Johnne Johnnstoun of Turmour, callit of Locherbie; Dorathie J., his spous ('*past fra'*'); Andro J., his eldest sone; Andro J., brother to the said Johnne of Twrmour; Williame J., also his brother; Johnne Bell, his servand ('*past fra'*'); Thomas J. of Fingland; Johnne J. in Burs, callit of Fingland; Johnne J., callit *Gavinis Johnne*; Gib Mundell, in Lairdholme ('*past fra'*'); Adie Blaikklok, thair, callit of Birkkay ('*past fra'*'); Hercules J., callit *the Bastard*, in Locherbie; Johnne J., sone to Williame J. of Auldwallis ('*past fra'*'); George J. in Mylnebank; Johnne J., sone to David J. of Cleuchheidis; Mungo Kennydie in Astork; Andro Irwing, alias Myller, in Wyliehoill ('*past fra'*'); Mathow Thorbrand, thair ('*past fra'*'); Williame T., thair ('*past fra'*'); James Grahame, in Quhytestanehill ('*past fra'*'); Thomas Manekktoun, in Midge-bray ('*past fra'*'); David M., thair ('*past fra'*'); Symone Hall, thair ('*past fra'*'); Johnne Corrie, in Preistbuttis; Gawin Smyth, thair; Thomas Johnnstoun, callit *Geordeis Thome*, thair; Johnne Kennydie of Hallaithes ('*past fra'*')

Dilaitit of the Foirceing and schamefull abusing of Jonet Crambie, dochter to vmq^{le} George Crambie, burges of Bruntieland, and Jonet Broune, hir mother; committit within the dwelling-houfe of Alexander Anderfone in Bruntieland, vpon the xxvj day of Marche last.

PERSEWARIS.

Jonet Brown, as mother to the said Jonet Crambie; Sir Williame Oliphant of Newtoun, kny^t. PRELOCOUTOURIS in defence, Mr Thomas Nicolfoun, Mr Vmphra Blindschell, Mr Johnne Ruffell.

It is allegit be the pannell and thair prelocoutouris, that na proces can b grantit in this matter, nather can thai (bē) put to the knowlege of ane Affyse for the cryme lybellit; becaus the said Jonet Crambie, speciall pairtie perfewar, to quhome the allegit cryme is done, is nocht present to perfew thame for the samyn.—It is anfuert be my lord Aduocat, that the allegeance aught to b repellit, in respect that the mother is present, and is reddie to perfew, quha is sufficient; or ony of the kyn and freindis to perfew, with concurrence of his Maiesteis Aduocat.—It is replyit be the pannell, that the mother is only for her (awin) intereis; quha can nocht perfew thame for the allegit cryme, t pairtie allegit offendit being on lyfe.—It is anfuert, that the allegeance aucht to be repellit, in respect of the former answer.

The pannell desyres the mother to be solemnelie suorne, vpon the verritie of the Dittay, befoir thai cum to thair defense.—The mother refusis to geve her aith vpon the Dittay, as it is qualifeit, in respect scho was nocht present; bot declairis that hir dochter past saif and hail furth of hir hous; and come bak agane to hir hous schamefullie abuset, &c.; quha than repointit to hir that scho was forcet be the pannell, in maner specifeit in the Dittay.—The pannell takis instrumentis, that the mother refusiffing to sweir; and protestis for remeid of law, for thair schamefull sclander.

THE JUSTICE Ordanis the pannell to find caution for thair compeirance the thrid day of the nixt Justice-air of the scherefdome quhairin thai duell,¹ or soner, vpon xv dayis wairning, to vnderly the law for the samyn, vnder the pane of I^m merkis for ilk ane of thame.—Mr Johnne Elphinstoun, indueller in Leith, become fouertie for the said Andro, vnder the pane of I^m merkis. Andro Watson, bailzie and burges of Bruntieland, become fouertie for the said Mr David, vnder the said pane.

Slaughter.

Jun. 20.—JAMES STEWART, sone to vmq^{le} Johnne Stewart of Kilpatrik.

Dilaitit of the cryme following, viz. fforfamekill as, he haifing consauet ane deidlie ffeid, rancour, and malice aganis Andro Cuninghame in Belliemichell, in

¹ Forfar and Edinburgh.

Arrane, in the moneth of Maij laft, come bodin in feir of weir,¹ with ane fuord and vther wappones, *inuafue*, to the faidis Landis of Belliemichell, of purpois to haif darnet² himfelf in the brome,³ neir to the faid Androis hous, thair to haif murthouret him: In his cuming to the quhilk brome, being efpuyt be ane Jerveife, fervand to the faid Andro, quha was addreffing him felf in to the faid Androis hous, to geve him adverteifment of the faid James being thair; the faid James followit the faid Jerveife, and befor he could cum to his maifteris hous, ouertuik him, and with ane fuord ftrak him in the bellie, and flew him thairwith.

The pannell confeffes the Slauchter of Jerveis; and offeris to fatisfie the pairtie and the Kingis Maieftie for the famyn, feing nane perfewis him bot his Maiefteis Aduocat, for his hienes intreis.—The Aduocat takis instrumentis of the pannellis confeffion of the cryme.

VERDICT. The Affyfe, be the mouth of Mr Donald Campbell, chancellor, all in ane voce, in refpect of the faid James Judiciall Confeffion, ffand and declairit the faid James to be ffylet, culpable, and convict of the Slauchter of the faid vmq^{le} Jerveis.—SENTENCE. To be tane to the Cattle-hill of Edinburghe, and thair his heid to be ftrukin frome his body; and his hail guidis and geir to be efcheit, &c.

Thett.

Jul. 2.—GILBERT ELLOTE, callit *Gib the Galzart*.⁴

Dilaitit of the thiftious fteilling of ane purfe fra Johnne Airmeftrang, callit of the Holme, vnder filencè and clud of nycht, within the duelling hous of Alexander Young in Selkirk, in the moneth of Maij laft, be taking the faid purfe, with ffourtie pundis being thairin, furth of the faid Johnne Airmeftrangis breikis, in maift thiftious maner; and drinking of ten merkis of the money that was thairin; and abstracting the reft of the ffourtie pund, vnto the tyme the famyn was challanget vpon him, and reftoirit bak agane thaireftir to the faid Johnne Airmeftrang, awner thairof.

The pannell declairit that he nawayis ftaw⁵ the purfe, in maner fpecificit in the Dittay; bot allanerlie, that he being in Alexander Youngeis hous, in Selkirk, ryfeing in the moirning, ffand the purfe vpon the fflore of the chalmer; quhilk he retenit, and fpendit of the money that was thairin ten merkis allanerlie,⁶ in recompance to the faiffer;⁷ and reftoirit the faid purfe, with the reft of the money

¹ Furnished in warlike manner.

² Concealed; hidden.

³ Broom; *planta genista*.

⁴ ‘Williame Johnstone of Wamplray, called *the Galliard*, was a noted freebooter. His *nom de guerre* seems to have been derived from the dance called *the Galliard*. The word is still used in Scotland to express an active, gay, dissipated character.’—*Border Minstrelsy*, i. 230. It is right, however, to inform the reader, that this *sobriquet* was very prevalent on the Border.

⁶ Only.

⁷ Salvage money, and for restoring what was lost.

⁵ Stole.

being thairin, to the said Johnne Airmstrang, sa fone as he vnderstuid the samyn pertenit to him; affirmeing, that the said Johnne Airmstrang wald nawayis insist aganis him for Thift.—The Aduocat anfuertis, that his Declaratioun maid can nocht be respectit; bot he fould be put to ane Assyse, in respect of his depositioun maid be him, in presens of the Justice, confessing the steilling of the purse and money thairintill, in maner specifeit in the Dittay.

The Justice Ordanis him to pas to ane Assyse, nochtwithstanding of his former allegiance and Declaratioun maid be him thairintill.

VERDICT. The Assyse, be the mouth of Johnne Scott of Sundelishoip, chancellor,¹ for the maist pairt, stand, pronuncet, and declairit the said Gilbert to be ffylet, culpable, and convict of the away-taking furth of Alexander Youngis hous in Selkirk, of the said Johnne Airmstrang his purse, with ffourtie pundis being thairintill; quhilk purse was delyuerit bak agane to the said Johnne, and hail sowne aboue specifeit, except ten merkis thairof allanerlie: And Clanges him of the steilling of the samyn.—SENTENCE. To be SCURGET throw the burgh of Edinburgh; and also to be actit to be Banischet furth of this realme, and neuer to be ffund agane within the samyn, without his Maiesteis Licence, vnder the pane of deid, but fauour.

The said Gilbert actit himself to depairt furth of this realme, within xx dayis eftir the dait heirof; and nevir to be ffund agane within the samyn, without his hienes Licence, vnder the pane of deid.

MURDER.

Jul. 8.—JOHNE MENZEIS and Andro Menzeis, brether to Williame Menzeis of Castelhill; Raulff Dalzell at the mylne of Durisdeir, James Barbour in Colymme, Hectour M^cQuhynzie in Thornehill, Jonet M^cRone, spous to Johnne Williamsoun in Dufdeir, Johnne Williamsone hir spous for his intreis, Marioun M^cRone, sifter to the said Jonet.

Dilaitit of airt and pairt of the crewall Murthour and Slauchter, vnder nycht, of Patrik Douglas, fone to Hew Douglas of Balliebught; committit the fyftene day of Marche last, at the gavill of the said Johnne Williamsones hous, in Dufdeir, in his ganging furth of the toun of Dufdeir to the place of Moirtoun.

PERSEWAR, Hew Douglas of Belliebucht, Sir Williame Oliphant, kny^t.

PRELOCUTORIS in defence, Mr Thomas Nicolfoun, Mr Lucis Stewart, James King.

THE Justice, with consent of my Lord Aduocat, continewis this matter to the thrid day of the nixt Justice-air of the Scheref dome of Dumfreis, or soner vpon fyftene dayis wairning; and ordanis the pannell to find Cautioun for thair re-entrie to that effect.—The Laird of Dalzell, elder, and Williame Menzeis of

¹ The remainder are merchants and burgesses of Edinburgh.

Castelhill, become pleges for Johnne and Andro Menzeis—and Robert Douglas of Cafchogill for the entrie of Hectour M^cQuhynzie.

Slaughter—Demembration.

[THE Case which follows, affords one among numerous other instances, of the unhappy consequences resulting from the deadly feuds, which occurred almost daily; and strongly points out their prevalence in Scotland, to a very lamentable extent. *Sir James Balfour*, in his *Annales*,¹ states, that ‘*the Young Laird of Cultmalindie-Bruce*, in Perthshyre, killed *Tofchoke Laird of Minewaird*, sister sone to *Sir James Campbell of Lawers*, in the toune of Perth. *Cultmalindy*, the committer of the slaughter, fled.’ But *Fleming*, in his MS. Diary or Chronicle,² gives a much more minute detail of this affair, in the following passage, extracted from the Original MS. :—‘*Vroun* Midfomer-day, the xx of Junij, 1618 yeiris, at twa efternoon, (*David*) *Tofcheoch of Monivaird younger* flaine in the South-gait of Perth be *Lourence Bruce younger of Cultmalindeis*, his brother, and diuers thair affociates. The twa that was with *Monyvaird*, the ane deidlie hurt, bot deit not; the vther, his richt hand clene strukin fra him. This done in a moment of time. All the committeris thairof eschewit out of the towne, befor any of the townis-men hard of ony siche thing.’]

Jul. 29.—PETER BLAIR, brother-germane to Andro Blair of Gairdrum.

Dilaitit of airt and pairt of the ffelloun and crewall Slauchter of vmq^{le} David Tofcheoche, 3ounger of Monyvaird; and Demembring of David Malloche, his feruand, of his richt hand; committit within the burgh of Perth, vpon the xxiiij day of Junij laft.³

The said Andro (as cautioner for his brother) nocht compeirand nor enterand the said Peter, the Justice ordanit him to be in ane amerceament and vnlaw, viz. tua hundreth merkis: Lyk as, the said Peter was decernit, for his nocht compeirance, to be denuncet rebell and put to the horne, and all his moveabill guidis to be escheit, &c.

Slaughter—Demembration.

Jul. 29.—LAWRENCE BRUCE, appeirand of Cultmahundie; Alexander Bruce, his brother; Williame Oliphant of Gask; Laurence Oliphant his brother; Alexander Fleming of Moneis; Williame Douglas of Annatroche; Johnne New, fervand to my Lord Oliphant; Donald Paterfone, fervand to the Maister of Oliphant, and George Tyrie, messinger in Perth.

Dilaitit of airt and pairt of the above slaughter, &c.

Eduard Tofcheoche, elder of Monyvaird, as ffather o vmq^{le} David Tofcheoche, 3ounger of Monyvaird, produced the Letters deulie execute and indorfate vpoun Peter Blair, brother-germane to Andro Blair of Gairdrum; be vertew quhairof the saidis Laurence, &c. ar denuncet rebellis and put to the horne, for nocht

¹ Orig. MS. Adv. Library.
1618, Nov. 17, 1619, Mar. 12, 1623.

² Orig. MS. preserved in Adv. Library.

³ See Dec. 4,

finding of caution for their compeirance this day and place, in the hour of caus, to haif vnderlyne the law, &c. Vpoun the production of the quhilkis Letteris, the said Eduard, with Archibald Campbell, brother to the Laird of Laweris, askit instrumentis; and Protestit for releif of George Bischope of Orknay, cautioner.

Slaughter.

Jul. 29.—ALEXANDER HERVIE in Innerrowrie.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} George Robertfone, serwand for the tyme to Patrik Con of Auchry; committit within the duelling hous of Thomas Chalmer in Turray, in anno 1599 yeiris, be streking him in the bellie with ane knyfe, quhair of he deceift.

PERSEWAR.

Alexander Soure, as brother on the mother fyde, and serwand for the present to the Laird of Skeane. PRELOCUTORIS in defence.

Frances Erle of Errole, The Erle of Rothes, The Laird of Balquhanne, (Johnne Leslie,) Mr Thomas Nicolfoune, Aduocat.

The persewar, with Mr Andro Skene, productet Hoirning aganis the pannell, quhairby he is denuncet vpone the xxv of Julij instant, for nocht finding of caution to compeir this day to vnderly the law for the said cryme; and thairupoun askit instrumentis, and protestit for his cautioneris relief, in respect na report was maid to the officer, of the finding of ony caution, quhairby ane Assyse mycht haif bene summond.—The pannell takis instrumentis of his entrie, and protestis for his cautioneris releiff: And as to the Hoirning productet, allegis the samyn is null, in respect caution was fund be him for his compeirance lang befor his denunciatioun, viz. vpone the xxij day of Julij of befor: And as concerning the Slauchter lybellit, he offeris him self to the tryell of the Law for the samyn, as altogidder innocent thairof, disassenting to all maner of continuatioun; and thairupoun askit instrumentis.

THE JUSTICE continewis this dyet to the secund of December nixtocum; and Ordanis the pannell to find caution for his entrie that day, vnder the panes content in the Actis of Parliament.

The pannell, for obedience of the Justice ordinance, ffand Jonne Leslie, ffear of Balquhanne, cautioner for his compeirance befor the Justice or his deputis, the saidis day and place.—The said Alexander Hervie being suorne, maid fayth that he dred¹ bodelie harme of Alexander Soure (Sowre), infasar as he had affirmet, in presens of dyuerse famous² persones, that ‘ gif he gat nocht his intent befor the Justice, that he sould wair³ his mother sone vpone him also !’ And thair-

¹ Dreaded; feared.

² Persons of good fame and credibility.

³ Literally, expend; i. e. that he would hazard his own life in his endeavour to be revenged of him.

foir, defyret Lauborris of him.—The said Alexander Soure declairit he had na cautionne, becaus he was bot ane pur man; and offerit *cautionem juratoriam*.¹

THE JUSTICE Ordanit him ather to find caution and lauborris for the indemnitie of the pannell, vnder the pane of ij^c merkis, or ellis to be tane to waird, to remane thairin quhill caution war fund.

Compeirit Mr Andro Skeane, and become fouertie and lauborris for the said Alexander Soure, that the said Alexander Hervie fall be harmeles and skaythles of him in his perfone, landis, and guidis; and nawayis to be molestit or trubillit be him thairin, nor be na vtheris of his causing, &c. vnder the pane of tua hundreth merkis.

(Jul. 30.)—Alexander Gourlay of Southane, in Fyfe, become plege, fouertie, and lauborris for Alexander Sowre, &c. Mr Andro Skeane relieved.

(Dec. 2.)—THE JUSTICE, in respect name of the Affyse compeiris, continewis all tryell in this matter to the thrid day of the nixt Justice-air of the Scheref dome of Aberdene, &c.—Johnne Leslie, fear of Balquhane, become fouertie and lauborris for the said Alexander Hervie, that the said Alexander Sowre fall be harmeles and skaitthles of him, &c. vnder the pane of foure hundreth merkis.

Stealing of a Purse.

Jul. 30.—JOHNNE BROUNE.

Dilaitit of the steilling of ane purse, with xxij li. being thairin, in Carnewath mercat, vpon Mydfomer-day last, quhillk pertenit to James Walker, cordiner in Lynlythgow; and he being schortlie thaireftir challenget, made restitution of the said purse and money bak agane to the said James.

VERDICT. Convict of the steilling of the said purse.—SENTENCE. To be Scurget throw the burgh of Edinburgh, and Brunt² vpon the cheik: And to be Banisheit his Maiesteis haill dominiones, speciallie this his kingdome of Scotland; nevir to be fund agane within the samyn, vnder the pane of deid, but³ faour.

Forging of an infamous Pasquil against the Scottish Nation, &c.

[THE CASE of MR THOMAS ROSS forms one of a series of sanguinary and barbarously vindictive acts of KING JAMES VI, which, unquestionably, must leave an indelible stain on his memory and character, as a despotic and cruel tyrant. It has already been frequently shown, in the course of this work, that whenever there occurred the slightest attack on his personal dignity, or any speech, lampoon, or other writing, at all infringing on his kingly prerogative, &c. his Majesty was relentless in the severity of the punishment, which he never failed to cause be inflicted on the luckless offender. As so many shocking Cases of this description have already been given in the present Collection, it is enough, without fatiguing the reader with any recapitulation, barely to refer him, among other cases of a

¹ Juratory caution.

² Burnt; branded.

³ Without.

similar nature, to the Trials of *Dikson*,¹ Aug. 3, 1569; *Tennent*,² Oct. 10, 1600; *Cornwall*, Apr. 25, 1601; and *Fleming*,⁴ May 17, 1615; which are the leading instances of the insane and blood-thirsty spirit above alluded to.

With regard to the facts attending the case of Mr Thomas Ross, there seems to be no reason for doubting that they occurred almost exactly as they are narrated in the abstract of the Dittay, which has been preserved in the Books of Adjournal. In case, however, that this example should prove *infectious*, the Record informs us, that the offensive papers were ‘gevin vp agane to my lord Aduocat,’⁵ to be destroyed—‘as nocht worthie to remane in ane Register, to offend the earis or eyis of the posteritie!’ Every search has been made in the *Deumylne Collection* of MSS., and other Collections in the Advocates’ Library, the Warrants of the Privy Council of Scotland, and other similar sources, but no trace can now be had of the *Theses* and *Annexa*, which must have proved very interesting and curious at this distance of time.

In order that the reader may have an opportunity of judging for himself, the Editor has made every enquiry in his power, for the purpose of elucidating this disgraceful and sanguinary page of the personal history of ‘the British Solomon.’ *Sir James Balfour*⁶ gives the following account of this extraordinary tragedy. “THE 20 of August, this 5eire, *Mr Thomas Rosse*, a brother of the House of *Cragie*, in *Perthshyre*, was sentenced by the Justice-Generall to losse his head,⁷ at the Croffe of *Edinbrughe*; and thereafter, the same head to be affixed one the jayle—for propofunge certane villanous and opprobrious Thefes, in defamatiōe of his anen natiue country and countreyemen, and affixing them on a Church-dore, in *Oxford*, before fermon, one a Tuefday; offring them to be publickly dispute, and himfelue (miferable wretche!) to defend them. This sentence was put in executione within 2 dayes thereafter.”⁸—Another authority⁹ narrates the proceeding thus. “MR THOMAS ROSS, Minister at *Cargill*, having been convicted by an Affize, at *Edinburgh*, of writing, at *Oxford*, in *England*, against the Scots Nation, was executed at *Edinburgh*.¹⁰ His right hand was first stricken off; thereafter, he was beheaded, quartered, and put upon the Ports. He was of the House of *Craigie*, being a son of *John Ross*, Laird of *Craigie*, and went to Court. He wrote very unnaturally, and whereof he was not wise, against the Scots Nation. He was conveyed to Scotland in a ship. *Mr Thomas Ross* was insane, and his infirmity was pled in his defence. He affixed to the door of *St Mary’s Church*, in *Oxford*, a Latin Thesis, in which were ten propositions; wherein he attempted to prove, that the English ought not to allow so many of the Scots to remain among them. The King was ridiculously incensed, and instead of confining him, as one in his condition needed to be, he sent him to Scotland, along with strict orders that he should suffer death.”

It seems very singular, when all circumstances are considered, that so remarkable an occurrence has been entirely passed over in silence by *Spotswood* and *Calderwood*, in their Church Histories.

There cannot be a doubt that *Mr Thomas Ross* was a man of an ancient, influential, and highly respectable Family; and the Editor believes, that having embraced Episcopacy, he had gone to prosecute his studies in *Oxford*. It would appear, from the preceding notices, that *Ross* had previously

¹ See Vol. I. 385.

² *Ibid.* II. 332.

³ *Ibid.* II. 349.

⁴ *Ibid.* III. 359.

⁵ *Sir William*

Oliphant of *Newton*.

⁶ *Annales*, MS. Adv. Library—and II. 70, *Edin.* 1824.

⁷ “In September 1618,

Mr Thomas Ros, sone to the Lard of *Cragie*, wes, for vreting, at *Oxford*, in *England*, aganis the Scottis nationn, being send to Scotland be schip, convict be ane Assyse, his richt hand first struckin aff, thairefter beheadit.”—MS. Adv. Library.

⁸ An obvious oversight of *Sir James Balfour*, who had probably noted down the day of his intended execution—omitting to rectify the date, after the King’s Warrant had been received.

⁹ *The Rev.*

James Scott’s transcript of the *Diary* or *Chronicle* of *John Mercer*, who was appointed Town-Clerk of *Perth*, Oct. 6, 1623, and lived to a great age. Orig. in Adv. Library. The Editor has the pleasure of notifying, that this interesting *Diary* is preparing for publication by his friend *James Maidment, Esquire*, as his contribution to the *Maitland Club*, the Members of which have chiefly directed their attention to the printing of Historical works illustrative of Scottish affairs.

¹⁰ “2 Sep. 1618. MR THOMAS ROSS, Minister at *Cargill*, went to Court; and thair, for sum infamous writtings, and railing aganes the Scottis Nationn, werie onnaturallie, being on of the sones of the Hous of *Cragie*; quhair of he wes not wyise. He wes headit in *Edinbrughe*, quhairerit, and putt wpon the Portis.”—*Fleming’s (Mercer’s) Chron.* MS. Adv. Library.

been *Minister of Cargill*; and as he is so designed in these accounts, it is likely that he had not been deprived of his living before the period of his execution. The conduct of KING JAMES in the whole of this matter, and his barbarous treatment of *Ross*, become altogether inexplicable, when it is considered, that at this very time, he was struggling to force Episcopacy upon the people of Scotland, as the permanent and established Religion of the country. In such circumstances, it seems strange indeed that he should have so rancorously pursued so zealous a convert to the forms and tenets of the Church of England, at the precise time that that person (a *Minister*, too, of the Kirk of Scotland) was doing every thing in his power to qualify himself for effectually pleading and maintaining the establishment of Episcopacy—a measure so near James's heart. *Ross*, however, had, for the indulgence of some mad and absurd frolic, written the Pasquil or Thesis in question, and affixed it to the Church-door of *St Mary's, Oxford*, as was then usual at all the great Universities in Europe, where public disputations were often held.¹ It was pleaded by the unfortunate man, that he had done so in a fit of *insanity*, which seems to have been credited by his contemporaries;—but all these circumstances combined, could not induce the King to save his life; on the contrary, they only inflamed his rage the more against poor *Ross*.

The only thing which can be urged in palliation of the rigorous sentence, which the King insisted on being put in execution, is, that at the time when KING JAMES succeeded to the English Throne, and for a long time after, the Scotch were peculiarly unpopular in England, and such swarms of needy adventurers had travelled southward, that not only were the greatest jealousy and hatred manifested on the part of the English, but it actually became necessary that a legislative enactment should be made, to prevent bloodshed and scenes of violence throughout the country. As remarkable instances of the rancorous feelings which existed against the Scotch, a curious passage may be cited from *Calderwood*,² which forcibly illustrates the state of the public mind, in England, upon this subject.—‘THE SCOTISHMEN lying at Court were in danger of their lives, be reafone of the great malice of the English conceived against them. *Sir John Ramfay's* brother smote *the Lord Montgomeries* brother on the face, with a rod, for a lie given him at a Horse-race. There were present about ane hundredth Scottish-men, all in danger to be maffaced, if the English had not been stayed by a Counfellow. *James Maxwell*, one of the Gentlemen of the King's Chamber, pulled ane Englishman's eare till it bleade. Oure countrymen durst not repair foe frequently to the Exchange or Comedies as they did before. *The Lord of Kinloffe* was in great danger at a Comedie, but was convoyed secretly away be ane aged gentleman, who was weill acquent with his father. This lybell was affixed in open places,—

‘THE SCOTS DOE WHIPPE OUR NOBLEMEN WITH RODS—THEY KILL OUR FENCERS TRATROUSLY UNDER TRUST.’

‘*The Lord Sanquhar* indeid hired two Scottishmen to kill ane English fencer, who, six or seaven years before, had putt furth his eye at fencing! They killed him in an Innes, whilles he was putting the cupe to his head. To content the English, the King consented that *Sanquhar* should be *hanged*. For the greater contempt of our Nobility, he was hanged among a number of Theaves!’

It is barely possible that the King may have discovered certain indications at Court, which, in a manner, forced him to sacrifice *Ross*, for the purpose of checking in the bud any future attempts at

¹ It may be esteemed worthy of remark here, that a shadow of this ancient custom is still observable at the Scottish Bar, where, previous to the inauguration of each candidate for admission into the body of the Faculty of Advocates, a *Thesis*, with its *Annexa*, is publicly notified on the walls of the Parliament-House—and especially at the *outer-door* of that Hall. It intimates that a public disputation, “*Disputatio Juridica*,” is to be held on a certain day, under the auspices of the Dean of Faculty; and the subject-matter of the *Thesis* is thus notified. Originally, the candidate had stontly to maintain his ground against all comers, in the Latin tongue. It is almost unnecessary to add, that this *Disputatio Juridica* has now degenerated into a piece of empty form; in point of fact, it is “elegantly understood”—as no disputation whatever takes place, excepting that which is apt to arise with the printer and book-binder, who are the only parties at all benefited by this edifying solemnity. It is high time that such an useless waste of money should be prevented—and the sum at present bestowed in this way appropriated to the support of the splendid Library under the charge of the Faculty. ² *Church History*, Adv. Library, MS. ad ann. 1612.

fomenting these national jealousies. This, however, is merely matter of conjecture, and the only plausible apology which can be adduced for the perpetration of so tyrannical an act.

A very extraordinary instance of the same insane rage upon the part of the King, we learn from a rare Poem, entitled, a 'Counter-buffe to Lyfimachus, Junior, calling himself a Jesuite;' quarto, 1640, pp. 16;¹ where the fate of STERCOVIUS, a Pole, is alluded to. That stranger had unhappily appeared in Scotland in the dress of his native country, which attracted the attention of the idle, and brought down upon him the derision and abuse of the populace.

' Hither he came, clade all in antique fort,
Where seen in streets the subject of a sport,
He foone became to childifh gazers, who
With skriecks and clamours hifs him to and fro,
Till forced he was with flame and speed to pack him,
And to his feet and loathsome cabin take him !'

Nettled at such rude and inhospitable treatment, he published 'a Legend of Reproaches' against the Scottish Nation, shortly after his return home; which, having reached the ears of his 'most sacred Majesty,' he procured the *arrest and execution* of the hapless STERCOVIUS! This out-herods Herod, with a vengeance! The death of this Pole was accomplished at an expense to the King of no less a sum than *six hundred pounds sterling*—an immense sum in those days. The instrument whom JAMES employed was one *Mr Patrik Gordon*,² a subject of Scotland, then resident in Poland. With a dexterity for which the sapient James was celebrated, he attempted to extort the price of this innocent man's blood from the *Royal Burghs of Scotland!* It is believed, however, that he was foiled in that attempt, by the Privy Council declaring themselves incompetent judges of the matter.³

In a very curious Collection, privately printed at Edinburgh, 1828, 'A Third Book of Scottish Pasquils,'⁴ the cases of *Ross* and *Stercovius* are particularly noticed; and a copious extract from the 'Counterbuffe' is there given. That singular Poem introduces *Ross's* story thus—which is enough for our present purpose.

. . . . ' A Scot of ancient race,
A scholler, too, as thou art, lived a space
In England's Court; and for some private hate,
A Pasquill did against his country wreat,
As thou haft done in fouler fort; more full
Of vild aspersions from thy phrantick skull!
Well, then, King *James* of lasting memorie, who
Could not brook that any calummie
Should be asperft upon his native land—
After some tryall there, he gave command
The Lybeller should home go, and sustaine
Of doome unpartiall laws th' unpitied paine.
And here being tryed, judged, and adjudged, they fand
That he should lose his head and faultie hand;
Which straight was done, in public view—and fo
I thinke the matter with thyself will go !'

THE FAMILY OF ROSS OF CRAIGIE, near Perth, were probably a branch of the Family of the ancient *Earls of Ross*, and were reckoned among the most respectable Families in the shire. Many

¹ A copy is in the valuable Collection of David Laing, Esquire. ² Probably the author of the 'History of the Valiant Bruce,' in heroic verse. Dort, 1615; quarto. ³ See Decreet of Lords of Privy Council, in *Charter-room of the City of Edinburgh*. ⁴ Prefatory Notice, xii. The two preceding 'Books' bear date, 1827, and 1828.

particulars concerning them are to be found in History so early as the reign of Robert Bruce, and in the records of the Religious Houses at Perth, to which they were benefactors. *Nisbet*, in the Appendix to his second Volume,¹ gives a list of some of the distinguished Families in the Kingdom to whom they were allied.²

It cannot be disguised, that however honourably born this family may have been, various members of it figured in Books of Adjournal, and others of them suffered the last punishment of the Law, for their crimes. JOHN ROISE of Craigie, James and Williame Roise, his brothers, John Roise, servant to v^mq^{le} James Roise in Maitlandis, Lancelot Moncrief, servant to the Laird of Craigy, were, along with William Lord Ruthven, Henry Lord Methven, and others, brought to the bar of the Court of Justiciary, Nov. 12, 1571, for Oppression, Hamesucken, Convocation of the Lieges to the number of two hundred armed persons, besieging the Place of Dupplin, &c.³ This appears to have proceeded entirely from one of those deadly Feuds which were unhappily so common in Scotland at that time. Their antagonist was Laurence Lord Oliphant. But the most atrocious instance which the Editor can at present recollect, occurs in *Fleming's Chronicle*,⁴ under date Apr. 8, 1608; where it is recounted, that 'PATRIK EVIOT, brother-german to the Laird of Balhousie, wes murtherit in Blelok be his wife, JONET ROSS, quha wes air to the Lairdship of Craigie and Kynfawnes, both. He wes schote with ane gun in his bed, sleiping, be James McNair. Thairefter, they wer both taikin and execute—and brunt, efter they wer hangit, in the Playfeild of Perth, the 17 of Majj, 1608. The heid and arme putt wp on the Castell-Gawill-Port.' It will be recollected how narrow an escape *Patrick Eviot*, the husband of *Jonet Ross*, had previously made, when he was attacked by Sir Henry Lindsay of Carreston.⁵

After the death of JONET ROSS, the heiress of Craigie, (who seems to have wished to transfer, by marriage, her large estates to her blood-stained paramour, *James McNair*,) her uncle, *Robert Ross*, succeeded to the Estate of Craigie. *The Laird of Balhousie* at this time was *Colin Eviot*. The Reverend Mr Scott informs us, that "*Patrick*, his brother, had suffered trouble and loss by a sentence of Parliament, for the friendship he had expressed to the Earl of Gowrie, in 1600. *The Eviots* had been proprietors of the lands of Balhousie and Muirton, near Perth, for more than three hundred years. They were great benefactors to the Religious Houses, especially to the Black Friars' Monastery, at Perth; and some of the younger sons of the Family were in Clerical Orders. *Colin Eviot* was succeeded by his son *Patrick*, who, before 1618, had sold the lands of Balhousie to *John Matheu*, and was himself designed *Patrick Eviot of Muirton*. He was married, and had children."

The reader's indulgence is requested for the minuteness and prolixity of this Notice; which, however, has proceeded from the Editor's anxiety to throw all the light in his power on so extraordinary a Trial.]

Aug. 20.—MR THOMAS ROISE, sone to v^mq^{le} Johnne Roife of Craigie.

Dilaitit of the devillische and detestable fforgeing, ffsengeing, blasphemous vttering, and by writ publictlie exposeng, of ane villaneous, infamous, and devillische Writt, all writtin with his awin hand, concerninge ane PASQUEILL or THESE; togidder with ten feuerall abhominable ARTICLES or APPENDICES, confirning the famyn—that all SCOTTISMEN aucht to be schote⁶ furth of THE COURT OF ENGLAND, excepting his gracious MAIESTIE, his sone, and ane verrie few vtheris, and that the INGLISCHMEN ar nichtillie blindet, fylet, and diffauet,

¹ *Nisbet's Heraldry*, App. to Vol. II., p. 23. ² See MS. Transcript of *Mercer's Chronicle*, before quoted, and noticed by *the Reverend Mr Scott*, Adv. Library. ³ See this Collection, Vol. I., p. 25.

⁴ *Advocates' Library*, MS. ⁵ See this Collection, Vol. II., p. 409; Feb. 1, 1601.

⁶ Ejected; thrust out by violence.

(althocht quik-fichtit vtherwayis,) that thay fould suffer sic ane vnprofitable and pernicious multitude and filthie aff-scoureingis of people to radge and dominire within thair boundis and intrallis, &c.

My lord Aduocat producet the said Mr Thomas Roise Dittay, togidder with ane directioun of the Counsell, vnder forme of Act, ordaning him to persew the said Mr Thomas for the crymes thairin contenit.

DITTAY against Mr Thomas Roise.

MR THOMAS ROISE, sone to vni^q^e *Johne Roise of Cragie*, 3e ar indytit and accuset, FORSAMEKILL AS, albeit it be expresse provydit, statute, and ordanit, be dyuerse Actis of Parliament, alsweill maid be his Maiestie as be his hienes progenitouris, of worthie memorie; speciallie, be the 43 Act of the secund Parliament of King James the first, intitulat, ‘that Liefing-makeris tynes thair lyfe and guidis:’ And siclyk, be ane Act maid be King James the secund, the 100 Act, contenit in the auld prentit Actis of Parliament, the foirsaid Act is ratifeit in all pointis, and Ordanit to be put in executioun in all tyme cuning; be the whilk, it is statute, ‘that Leafing-makeris fall tyne lyfe and guidis to the King, and be at his Will:’ As lykwayis, be the 134 Act of the aucht Parliament, haldin be his Maiestie, our darrest souerane, him selff, and his hienes Estaittis, in the moneth of Maij, 1584; and in the tent Parliament, haldin also be his Maiestie and his Estaittis, the tent of December, 1585, *articulo primo*, intitulat, ‘Authouris of sklanderous speiches or writtis salbe pwneifchet to the deathe.’ Quhilkis Actis ar ratifeit and approvin in his Maiesteis fourtene Parliament, haldin the aucht of Junij, 1594: And be dyuerse vtheris Actis, alsweill maid be his Maiesteis selff as his Maiesteis progenitouris of renowned memorie, that all Liefing-makeris and telleris of thame, quhilk may ingender discord betuix the Kingis Maiestie and his people, quhair euir thay may be gottin, fall be chal-langet be thame that power hes, and tyne thair lyfe and guidis to the King; and that nane of his subiectis, of quhatfumeuir functioun, degrie, or qualitie, fall presume or tak vpon hand, privatlie or publictly, in Sermones, declamationes, or familiar conferences, to vtter ony fals, sklanderous, or vntrew speiches, to the disdayne, reproche, or contempte of his Maiestie, his Counfall, and proceid-ingis; or to the dishonour, hurt, or preiudice of his hienes, his parentis, or progenitouris; or to meddle in the estairis of his hienes and his estait, steiring vp his hienes subiectis to mislyking, seditioun, or vnquyetnes; and that nane presume or tak vpon hand, publictly to declame, or privatly to speik or wryte ony purposis of reproche or sklander of his Maiesteis persone, estait, or gouerna-ment; quhairby ony mislyking may be movet aganis his hienes and his nobilitie, and loveing subiectis, in tyme cuning; vnder the pane of death, to be inflictit vpon thame with all rigour: As the saidis Actis of Parliament in thame selffis

proportis. NOCHTWITHSTANDING quhairof, it is of verritie, that ye, the said *Mr Thomas*, in the moneth of Julij lastbypast, contrair to the tennour of the saidis Actis of Parliament, hes falslie, sklanderuslie, calumniousslie, dispytefullie, and devillischlie, within the toun of *Oxford*, in ENGLAND, fforget, ffenzeit, and blasphemousslie vtterit, and be writt expofet publictlie to be red and defendit be yow, (as ye affirme by your devillische writt,) within THE VNIUERSITIES OF OXFURD, CAMBRIDGE, PAREIS, and vtheris places mentionet in that villaneous, infamous, and devillische Writt; all writtin with your awin hand, in Latine, ane Propofitioun or These, contening ten feuerall abhominable articles and (appendices), confirmeing the samyn, that all SCOTTISMEN aucht to be schote furth of *the Court of ENGLAND*, (excepteing his gracious MAIESTIE, his sone, and ane verrie few vtheris,) and that the INGLISCHMEN ar nichtilie blind, fylet, and diffauit (althocht quik-sichtit vtherwayis) that thai sould suffer sic ane vnprofitable and pernicious multitude and filthie aff-scoureingis of people to radge and dominire within thair boundis and intrallis. To the quhilk Propofitioun, ye haiff sett down and subioynet ten feuerall fals reasones, leasngis, and vntreuthis, for confermeing your devillische propofitioune. (Quhilkis ten reasones ar repeatit in this place as ane pairt of your Dittay, bot purpoisslie omittit and left out heirof, as nocht worthie to remane in ane Register, to offend the earis or eyis of the posteritie.¹) The quhilk blasphemous, iniurious, sklanderous, and devillische propofitioun, and ten reasones, as ye terme thame, subioynet be yow thairto, for confirmatioun thairof, all writtin with your awin hand, ar ffals and manifest leasngis and vntreuthis; and war affixt be yow (maist impudentlie, as ane liar and defamear of your countrie and natioun, nocht worthie to haif inioyit the naturall air thairof) vpon *the Marie-Kirk-dur* of the said VNIUERSITIE OF OXFURD, vpon ane Twisday, being ane preiching-day, in the said moneth of Julij last, as the people war dissolueing and skailling fra the sermone, and as *Doctour Godwene, Vice-Chancellour of the Vniuersitie of OXFURD*, was cuming out of the Kirk; to the intent the samyn mycht be publictlie red and disperfit amangift his Maiesteis subiectis of ENGLAND: Off plane purposis and intentionn thairby to haif steirit thame vp to the crewall, barbarous, and vmercifull murdering, massacreing, and assasine of the hail SCOTTIS people, alsweill noble men and counsalouris as vtheris of the SCOTTIS NATIOUN quhatsumeuir, his Maiesteis guid subiectis and servandis, attendantis vpon and about HIS MAIESTEIS royall persone in Court; quhilk could nocht haif bene-accomplischet without the extreme danger and perrell of HIS MAIESTEIS sacreid persone, his gracious QUENE, and of THE PRINCES hienes. In the doing quhairof, ye haiff

¹ (Marked on the margin,) 'Thir Thesis, with the argumentis or reasones subioynet pairto, ar gevin vp agane to my lord Aduocat.'

fforget, maid, and writtin innumerable leafingis, ffalfe, fklanderous, and vntrew speiches and wrytingis, quhilk mycht haif ingenderit discoird betuix his Maieftie and his guid fubiectis; to the difdane, reproche, and contempt of his Maieftie and his noble progenitouris and thair proceedingis, and of your natie countrie, nocht worthie to haif the name of ane borne fubiect thairin; and thairby, hes medlit with his hienes effairis, eftait, and gouvernement, maift ffalflie, barbarullie, and vnnaturallie; contravening thairthrow (ye being ane SCOTTISMAN, albeit vnworthie) the tennour of the Lawis and Actis of Parliament thairof, and incurring defervetlie the panes and pwneifchment aboue written, mentionet thairintill; quhilk aucht and fould, in maift exemplarie maner, be inflictit vpone yow, with all rigour; to the terrour and example of vtheris to attempt the lyk. Quhilk is mair nor nottour, and ye can nocht deny.

MY LORD ADUOCAT producet the faid Mr Thomas Roifs Dittay, togidder with ane directioun of the Counfell, vnder forme of Act, Ordaning him to perfew the faid Mr Thomas for the crymes thairin contenit.

The faid Mr Thomas, eftir reiding of the Dittay, and his accusatioun of the crymes mentionat thairintill, acknowleges and confesses the famyn crymes to be of veritie; declairing that THE THESIS producet war writtin be him furth of ane mad and diftemperat humour, being *inops mentis* for the tyme; quhilkis he now, from his heart, repentis; craueing God, his Maieftie, and hail cuntrie people¹ pardoun for that his offence: And offeris him self in his Maiefteis will, being a gracious Prince, quhais Royall difpofitioun, in all his proceedingis, hes ever inclynet rather to mercie, quhilk is the richt hand of God, nor² to the rigour of Justice, quhilk is his left hand: Defyreing thairfoir, in all humilitie, my lord Justice and Lordis of his Maiefteis Counfall present,³ to interceid at his Maiefteis handis, for fauour in his behalff.

My lord Aduocat takis instrumentis of the pannell his Judiciall acknowledge-ment and Confessioun of the cryme contenit in his Dittay.

THE JUSTICE findis the Dittay relevant, and Ordanis the famyn to be put to the knowlege of ane Affyse of the perfones fummond to that effect.

ASSISA.

James Somerwell of Spittell,	Johne Levinftoun of Hayneing,	James Hoppringile of Heriote
James Levingftoun of Jerifwoid,	Robert Johnnftoun of Wamfray,	mylne,
Patrik Hunter of Hiltarvet,	Ja ^s Douglas, portioner of Lugtoun,	Robert Phillope, Schereff-clerk
Johne Achiefoun, portioner of	Eduard Johnneftoun, elder, bur-	of Dumfreis,
Inuerefk,	ges of Edinburgh,	Mr James Ord,
George Redik, Shereff-depute of	Johne Ker, portioner of Duding-	George Carnebie, burges of Edr,
Kirkcudbrycht,	ftonne,	Hew Rois of Balnamukie.

Eftir sweiring of the Affyse, the faid Mr Thomas of new agane, in thair

¹ Countrymen.

² Than.

³ Sitting as Assessors. Their names are not recorded.

prefence and audience, confesses the wryting and affixing of the THESES and APPENDICES following thairupone; and that the THESES producet ar the famyn that was writtin and affixt be him: And as ofbefoir, he offeris him selff in his Maiesteis will for that offence.

My lord Aduocat takis instrumentis of the sweiring of the Assyse: and for verificatioun of the Dittay, produces the foirfaidis THESIS or PROPOSITIOUN, with the ten fals and vntrew ARGUMENTIS or REASONES following thairupone, all writtin with the said Mr Thomas awin hand. Repeittis the said Mr Thomas Judiciall Confessioun, first maid in prefens of the Justice, and thaireftir renewit be him in the said Assyse prefens and audience; and his becuming in his Maiesteis will, as guiltie and culpable of the saidis crymes: And lykwayis produces, for the said Assyse forder informatioun, the said Mr Thomas awin Depositiones maid and subferyuit be him at Edinburgh, the xj August instant, in prefens of his lordschip, as his examinatur, nominat and appointit be the Lordis of his Maiesteis Secreit Counsell. And in respect thairof, and that the said Mr Thomas, eftir reiding of his Depositiones to him judiciallie, in prefens of the Justice and Assyse, abydis thairat, and that thairby the saidis crymes ar clerlie verifeit and provin with sa manifest probabilities; in caice ony of thame acquit the pannell, (as he thinkis nane of thame will be sa voyde of knowlege or conscience sa to do,) Protestis for wilful and manifest Errour, with all perrel of the Law that may follow thairupone.

VERDICT. The Assyse,¹ being ryplie and at lenth advyset thairwith, togidder with the villannous and infamous Pasqueill or Theses, and damnable Appendices subioynet thairto; his Judiciall Confessioun and acknowledgeing thairof, and becuming in his Maiesteis will for the famyn, as altogidder guiltie and culpable thairof; his subferyuit Depositiones, producet be our fouerane lordis Aduocat, for cleiring and instructing of the said Dittay; togidder with the feuerall Actis of Parliament quhairvpon the said Dittay is foundit; thay all in ane voce, be the repoint and declaratioun of the said Johnne Levinstoun, chancellor, ffind, pronuncet, and declarit the said Mr Thomas to be Giltie, culpable, and convict of the said devillische fforgeing and expofeing, be writt, of the said villannous and ffalfe Theses, and ffalfe and damnable Appendices subioynet thairto; and affixing the famyn (thay being manifest lewis and vntreuthes) vpon the said Kirk dur, in forme and maner specifeit in his Dittay; and of the famyn Dittay, and hail crymes contenit thairintill, and of contravening, thairthrow, the tennour of the saidis Actis of Parliament; quhairby he hes incurrit and fallin vnder the danger,

¹ Mr Alexander Hammiltoun of Kinglas; Raulf Ker, bailzie of Lauder; Robert Montray of Seyfeild, Allardice of Skadowie; Charles Cairnecrofe of Birkfueip; Johnne Paterfone, Schereiff-clerk of Fyfe; Johnne Haitlie in Sneip; Daud Ramfay in Pethheid of Lefuaid, Portions of Glenkirk, and Robert Creichtoun, brother to Innernytie; ilk ane of thame vulawit in the pane of ane hundreth merkis, for thair nocht compeirance vpon the said Mr Thomas Assyse.

and within the compas of the panes and pwneifchment mentionet thairintill, juftlie merited be him.

THE JUSTICE, in regard of his convictioun, Ordanit him to be tane bak to ward, and to be keipit in irnes, quhill his Maieftie by acquentit with his convictioun, and quhat exemplarie pwneifchment fall be execute vpon him for his offence.

Sep. 10.—SENTENCE. The Justice, conforme to ane Warrant and directioun of his Maieftie, direct to my Lord of Bynning, his hienes Secreter,¹ be the mouth of Johnne Dow, dempfter of Court, Ordanit the said Mr Thomas to be tane to the Mercat-croce of Edinburgh, and thair, vpon ane scaffold, first his rycht hand to be strukin aff, and thairefter his heid to be strukin frome his body: And his heid to be thaireftir affixt and fet vpon ane irne prik vpon the *Nether-boll-Poirt*; and his said rycht hand to be also affixt vpon the *Wast-Poirt* of the said burgh of Edinburgh: And his haill moveable guidis and geir, &c. (gif he ony hes) to be efcheit to his Maiefteis vfe, as convict and culpable of the said haynous cryme.

CURIA JUSTICIARIE, &c. per M. Rob. Fairlie, Justiciarium f. d. n. Regis, hac in parte, virtute Commissionis Dominorum Secreti Consilij, specialiter constitut.

Utilitation.

Nov. 4.—WALTER SCOTT, sone to Johnne Scott in Newark.

¹ The following extraordinary composition has fortunately been preserved among the *Denmylne MSS.*, Advocates' Library—but the King's 'Warrant and directioun' has probably been too pithy to have been filed by that obsequious courtier the 'Secreter,' even in his private Collection, as being considered too strong meat for posterity! Having the fear of his Majesty before his eyes, he perhaps felt that his own head and hand might be called on to answer for disobeying the strict injunctions given him.

MOST SACRED SOUERANE,

THE furious wrethe MAISTER THOMAS ROS, wes, according to your MAIESTIES commandement, put to his tryall, and convicted of the haynous crymes conteaned in his diuelish Pasquil, produced for verificatioun of his guiltines, to the Assyse. The Dome is delaied till your MA^{TIE} be pleased to signifye your royall determination in it.

His malitious frenesie is so mixed with presumption of his owne wourth, as he thinkis the vfe of his learning and eloquence necessar to the world; and that his passioun having furneissed so much stuf, in so bad a pourpose, he is able, in ane subiect so wourthie and true as the commendation of your Royall guiftes of bodie and mynd, and most princelie actions, to kythe miracles in dew publeiffing thairof! To this sence, he spak in judgement: And leaning to your MAIESTIES euer gracious clemencie, multiplied exemples of diuine and humane Histories, to the commendatioun of the famous Princeis who had gracioullie pardoned heigh offences; adding exemples of manie, who being transported be passion to madnes, had thairefter recovered thair fetled judgement, and done great and wourthie materis; promising no les of him self.

Your MAIESTIES Aduocat has wyfelie considered, that the infame of his Dittay meritis not to be infert in the Register of the Adiornall. Always I haue sent to James Douglas the copie of the proces, that when your MA^{TIE} desyres to sie it, he may haue it reddie, and may conceale it from all vthers. So exspecting the signification of your MAIESTIES farder pleafour, anent this vnnaturall and furious foole, I besek God long to preferue your MAIESTIE in perfection of all honour, happines, and contentment.

Your most sacred Maiefteis most humble, faithfull, and bund subiect and seruant,

ED^R, 22 Aug. (1613.)

BINNING.

TO THE KINGIS most sacred MAIESTIE.

Dilaitit of airt and pairt of the hurting, wounding, and mutilatioun of Adame Dalgleifche, sone and appeirand air to Johnne Dalgleifche of Deuchar, of thre fingeris of his left hand; committit in the moneth of August, 1617 yeiris, at Muriefones-hill, beyde the burgh of Selkirk, vpon fet purposis, prouifoun, and foirthocht felonie.

PERSEWARIS, Adame Dalgleifche, Sir Williame Oliphant, kny^t.
PRELOCOUTOUR in defence, Mr Thomas Nicolfone, Aduocat.

It is allegit be the pannell and his prelocoutour, that this matter can nocht be put to ane Assyse; becaus, gif ony hurt or mutilatioun was gevin be him to the persewer, nocht granting the samyn, it was done in his awin defence; infasar as, vpon the sevint of August 1617, the pannell was set vpon be Adame Dalgleifche, persewar, neir to the toun of Selkirk, and was crewallie hurt be him: ffor the quhilk, the said Adame, vpon the xxvj day of Marche 1618, being summond befor the Scheref of Selkirk and his deputis, to vnderly the Law for the hurting and wounding of the said Walter Scott, defender, in the heid, to the effusioun of his bluid in grit quantitie, was, be ane Assyse of xv sworne men, fund gyltie, and convict of the bluid and bluid-wyte: And productet the Rolment of Court, for verificatioun thairof, vnder the subscriptionn of Alexander Wilkiefoun, clerk of the said Schereff-Court. *Secundo*, the Dittay is nawayis relevant to pas to the knowlege of ane Assyse, becaus *mutilatio est tantum amputatio membri*; and thair is na member cuttit af, ffor the persewaris haill hand, and fingeris thairof, ar yit extant be occulour inspectioun; and he is able to move his hand and fingeris, and to grip thairwith.

It is ansuerit be the persewaris, that the allegeances foirfaidis aucht to be repellit, in respect of the summondis and Dittay productet; with ane Testimoniall of the Chirurganes, subscryuit be the Deacone and thre of his bretherene, testiefeing the mutilatioun, togidder with the persewaris awin mutilat hand, mutilat in thre fingeris thairof schawin judiciallie to the Judge. And as to the Rolment of Court productet, na respect fould be had thairto, the samyn being altogidder null and repugnant to the lawis of this realme; be the quhilk, ane Sentence is gevin out in ane Criminall matter, the pairtie accused nocht compeirand, convictand him of ane cryme; quhairas, be the Law, (he nocht being present nor compeirand,) he aucht nocht to haif bene put to ane Assyse; bot the maist that could haif bene done be the Schereff in that Judicatorie, was allanerlie, to haif vnlawit him *in pena contumacie*: And albeit the Schereff and his depute wald geve out his or thair Testimoniall, that the said Adame Dalgleifche, quha is mutilat, was the persewar, na respect fould be had thairto, becaus that is na pairt of thair office: And thairfoir, na respect fould be had to the Rolment of Court.

To the quhilks, it is replyit be the pannell, that the Rolment of Court is sufficient to instruct his allegeance; becaus, quhatevir the pannell did, it was in

his awin defence, in respect of the forme of proceeding vsset in the Scheref Court, quhilk is, to put the pairtie accusset to ane Assyse, albeit he be absent and compeiris nocht; always,¹ it is sufficient to instruct that pairt, that he is convict of the bluid and bluid-wyte, and was *contumax*,² and compeirit nocht; quhairupoun he tuik the cryme vpon him: And as for that pairt of the allegeance maid be the pannell, that the taking away of the finger is nocht *amputatio membri*, becaus the finger is nocht *membrum*, bot *pars membri*, as sayis BALDUS, Leg. *non sunt liberi*, ff. *de statu hominum*,—whois wordis ar, *Nota, digitus non dicitur membrum sed pars officialis membri; et sic amputans digitum non dicitur amputare membrum*: And BARTOL. Confilio 201, sayis, *Queritur numque digitus sit membrum? Respondetur quod non, sed potius pars siue officium membri; per Legem, non sunt liberi*, ff. *de statu hominum*.—*Tertio*, the persewar is nocht mutilat in thais thre fingeris, becaus he is able to grip with thame and hald; and sa thay ar nocht vnprofitable.—*Last*, thair can na payne of the body be inflictit, albeit the thre fingeris was mutilat, as is allegit; becaus na pane corporall can follow, feing na death followit; bot only ane arbitrarie and pecuniall payne, to be modifeit be the Judge.

It is ansuerit be the persewaris, to that pairt of the allegeance proponit, that the cutting af of ane finger is nocht mutilatioun, it is nocht pertinent to this purpois; becaus the persewar compleinis that he is mutilat of thre fingeris, quhilk ar nocht cut aff, bot mutilat and maid vnhable, quhairby he hes nocht the full and rycht vse, nather of his thre fingeris, nor yit of that hand: And as for the mutilatioun it self, and verritie thair of, it is verifeit be oculour inspectioun, and be the Chirurges Testimoniall producet: And quhair it is allegit, that the Rolment of Court producet, is only vsset bot to verifie that the persewar is culpable of the bluid and bluid-wyte, repeitis the ansuer maid thairto of befoir, with this eik,³ that the Schereff had na power to put him to ane Assyse, he nocht compeirand; sa that the Declaratioun maid be the Inqueist, aucht nawayis to be respectit: And as to the Schereff, he had nocht power to geve ony Declaratioun thairupoun; and the parteis contumacie and absence is na cause to convict him of the bluid or bluid-wyte; and becaus of his absence, he could be na forder convict bot in payment of the vnlaw; sua that, in respect of the premisses, na respect aucht to be had to the Rolment of Court or ony pairt thair of: And albeit a pairtie be *contumax* and compeir nocht, that contumacie convictis him nocht of the cryme; vtherwayis, gif ane pairtie war *contumax*, it war nocht neidfull to put him to ane Assyse of new, quhilk war ane grit absurditie; feing, findrie persones being summoned to compeir befoir the Justice Generall and vtheris Judges in Criminall causses, thay purge thair contumacie, and offer thame selfis to ane tryell; and cowmonlic thay ar clanget be the Assyse; as was

¹ At all events.² Contumacious; showed contempt of Court by not appearing.³ Addition.

ffund in this Judgment, betuix *Cunninghame* and *Wylie*. And as to the Doctouris of the Law allegit, na respect aucht to be had thairto in this Judicatorie, in respect of the inviolable practique obseruet within this realme; quhairin, mutilatioun of ony part of ane mannis persone, be the quhilk he is frustrat of the rycht vse thairof, is put to ane Assyse determinatioun; the Justice advyfes and resolues vpon the pwneischment, be advyse of the Lordis of Secreit Counsell.

THE perfewar Restrictis this Lybell to the mutilatioun of the thre last fingers of his left hand allanerlie.

It is forder allegit be the pannell, that he can nocht be put to ane Assyse for the mutilatioun lybellit; in respect, gif ony hurt or mutilatioun be gevin to the perfewar, it was done be the perfewar him self, in drawing of his awin fuord the tyme lybellit; quhilk he has dyuerse tymes confessit to Andro Scott Chirurgane, and vtheris; and desyres the perfewaris ayth to be tane thairupoun.

The perfewar, being solemnlie fuorne vpon the last allegiance, anent the mutilatioun be him self with his awin fuord; he, be his grit aith, denyit the samyn; and affirmet that he was mutilat be Walter Scott, defender, and na vther: Quhairupoun my lord Aduocat askit instrumentis.

THE JUSTICE ffindis the Dittay relevant; and remittis the samyn to the tryell of ane Assyse.

ASSISA.

Robert Trumble of Huttrilburne, Johnne Trumble of Howdene, James Kene, bailzie of Selkirk, James Pringill in Tynneis.¹

The perfewar, be his grit ayth, swore the Dittay to be of verritie: Quhairupoun my lord Aduocat askit instrumentis. And in respect thairof, and of the Chirurganes Testimoniall producet, with the evidence of the mutilatioun, be sehawing of the perfewaris mutilat fingeris, Protestis for Wilfull Errour, gif the Assyse acquit.—The pannell repeittis the allegiances maid be him of befoir, now to the Assyse, speciallie, that pairt thairof, that the cryme was committit in his awin defence, and that he was perfewit be the perfewar, and is convict thairof, and of the bluid and bluid-wyte, as the Rolment of Court beiris.

VERDICT. The Assyse, be the mouth and declaratioun of James Wauch in Selkirk, chancellor, fand the said Walter Scott to be ffylet, culpable, and convict of the mutilatioun of the said Adam of thre fingeris of his said left hand, in manner and at the tyme specifeit in the said Dittay.

THE JUSTICE, in respect of the former convictioun, Ordanit the pannell to find caution for his compeirance befoir the Justice or his deputis, in the Tolbuth of Edinburgh, the ellevint day of November instant, to heir sic Dome and pwneischment to be inflictit vpon him for the said cryme, as fall be inioynet be

¹ The rest of the Assise were persons of no note.

the Lordis of Secreit Counfall: And that he onnawayis depairt furth of the burgh of Edinburgh, in the meane tyme; vnder the pane of ffyve thowfeand merkis money.—George Scott of Castelfyde, Robert Scott of Hertwoidmyres, Walter Scott in Loquharret, and Williame Mitchelhill, burges of Selkirk, become cautioneris and fouerteis, &c.

Nov. 11.—CONTINUED to the xiiij day of Januar nixt.

(Jan. 13, 1619.)—THE JUSTICE, of consent of Adame Dalgleifche, perfewer, continewis the pronouncing of Dome, to the tent day of Februar nixtocum.

(Feb. 11.)—THE dyett DESERTIT, be directioun of the Thesaurer for the Kingis pairt; in respect the pairteis ar agreit be my Lord of Balcleuches Decreit gevin thairin, to quhome the matter was submittit.

Slaughter.

Nov. 11.—GAWIN NISBET, sone to Robert Nisbet of Dalzell, and James Scott in Ardblairis.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} James Hammiltoun in Brigbrae; committit at ane Oisler-hous, callit the Woman-hill, in the moneth of . . . , 1617.

PERSEWAR, Robert Hammiltoun, as brother.

THE Justice, of consent of aither pairtie, continewis this dyet to the thrid day of the air (of Lanerk), or soner, vpone xv dayis wairning, &c.

[*Mr Alexander Coluile.*]

Cutting and Carrying away of Growing Timber.

Nov. 18.—DAVID SPALDING of Effintullie, and Alexander Robertfone of Myddill Downie.

Dilaitit of airt and pairt of the cutting down of certane grit growand treyis, and away-taking thairof, furth of Johnne Erle of Mar his Forrestis and woidis, within the boundis of Braemar, Cromar, Strathdie, and Glengarie.

In respect of thair compeirance, offerit thame selffis to the tryell of the Law, as altogidder innocent thairof; and proteffit for thair cautioneris releif; and that thai fould nocht be trubillit or charget for the saidis allegit crymes.

Slaughter.

Nov. 18.—JAMES MYDDILTOUN, sone to Robert Myddiltoun, tailzeour, burges of Edinburghe.¹

The famyn day compeirit personallie, in judgement, Robert Wynrahame, Herauld, and productet ane Supplicatioun, quhilk was gevin in to the Lordis of his Maiesteis Secreit Counfall, be James Myddiltoun, sone to Robert Myddiltoun,

¹ See Aug. 26, 1612, where the whole particulars of the Trial are inserted.

tailzeour burges of Edinburghe, anent the said James puting to libertie; togidder with the saidis Lordis of Secreit Counfall thair Warrant and delyuerance on the bak thairof. Off the quhilk SUPPLICATIOUN and delyuerance the tennour followis.

MY LORDIS OF SECREIT COUNSALL, vnto your lordschipis humlie meanis and schawis I, your feruitour, *James Mydiltoun*, sone lauchfull to vmq^{le} Robert Mydiltoun, tailzeour burges of Ed^r, That quhair, vpon occasioun of that vnhappie accident of the slauchter of vmq^{le} *Clement Mauchane*, committit be me, I was takin, presentit to iustice, and convict for pe fame, and the dome of death was pronuncet aganis me accoirdinglie thairfor: And pe pairtie, from tyme to tyme, thir sex 3eiris bygane, haifing gevin eir to the offeris of Assythement,¹ quhilkis war by me and my freindis maid and offerit vnto thame; in end, by submissioun of pe matter vnto your lordschipis Sentence and Decreit, as gevin and pronuncet pairintill, quhairby I am decernit to be BANISCHET pe realmes of Scotland and Ingland, and ordanit never to returne agane within the same, without Licence and consent of Sir Johnne Cokburne of Ormestoun, kny^t, Justice clerk, and Mr James Mauchane, brother to the said vmq^{le} Clement Mauchane, first had and obtenit pairto, vnder the pane of deid, to be execute vpon me without fauour; conforme to pe Sentence and dome alreddie gevin and pronuncet aganis me in pis matter. Accoirding quhairvnto, I am maist willing to act my self in pe buikis of Adiornall: In consideratioun quhairof, I humblie beseik your lordschip to geve Warrant and command, heirby, to the Justice clerk and his deputis to tak me actit in the buikis of Adiornall, in maner and to the effect foirsaid, vnder pe pane aboue writtin: Quhairanent pir presentis fall be vnto pe Justice clerk and his deputis ane Warrant sufficient: And your lordschipis anfuere.

APUD ED^r, xvij Nouembris, 1618, THE LORDIS Ordanis the Justice, Justice clerk, and his deputis, to appoint and fet a Justice Court, and to tak pis supplicant actit in pe buikis of Adiornall, that he fall depairt furth of the realmes of Scotland and England, within pe space of ane moneth eftir pe dait heirof; and returne (nocht) agane within pis realme, vnder the pane of deid: And he haifing actit him self, as said is, Ordanis pe said Justice to caus put him to libertie: And Ordanis this supplicant, that, during the tyme of his remaning within pis cuntrie, he hant² nocht Kirk nor mercat, and that he weir nocht a sward.

AL. CANCELL^s. SANCTANDROIS. LAUDERDAILL. CARNAGY. J. PRYMROIS.

AND accoirding to the said WARRANT, the said Robert Wynrahame desyret my Lord Justice to tak the said James Mydiltoun actit; lyk as, the said James Mydiltoun, immediatlie thaireftir, being, be directioun of the Justice, brocht furth of waird be George Foulis, his Maiesteis Maister Cunzeour,² and ane of the present Bailleis of Edinburghe, and presentit vpon pannell, conforme to the foirsaid Supplicatioun and Warrant on the bak thairof, maist willinglie become actit, bund, and obleift, that he fall depairt and pass of the realmes of Scotland and England, within the space of ane moneth, &c.⁴ Quhairvnto my Lord Justice interponet his authoritie and Decreit: And in respect of the former Act, and for obedience of the said Warrant, Ordanis the said James Mydiltoun to be fred and

¹ A compensation or *solatium*, by way of fine, paid to the relations of the murdered party.

² Haunt; frequent. ³ Coiner; Master of the Mint. This officer (George Foulis of Ravelston) was the son-in-law and successor of GEORGE BANNATYNE, the far-famed Compiler of the greatest body of Ancient Scottish Poetry now extant; in honour of whom the Literary Association, termed THE BANNATYNE CLUB, assumed his name.

⁴ As above narrated.

releit furth of the said Tolbuth and waird of Edinburghe be the Proveist and bailleis of Edinburghe.

The said James Mydiltoun, *olim in carcere*, and now at libertie furth of waird, Ratifeis, approves, and affirms the Band maid and subferyuit be him and his freindis, anent his Banifchment, &c., and payment of the fowmes of money thairin contenit, &c.

Slaughter.

Nov. 20.—PATRICK HEROUN of Kierochtrie.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Robert Gordoun of Bairnairny; committit within the duelling hous of Andro M^cDowell, mercheand in Monygof, in the moneth of September last.

PERSEWAR, Alexander Gordoun of Barnernie, eldest sone.

The pannell protestis for his cautioneris releif; and offeris him self to the tryell of the Law, for the said allegit cryme, quhair of he is altogidder innocent; difassenting to all maner of continuatioun.

THE Justice Continewis this dyet, of the perseweris consent and desyre, to the thrid day of the nixt Justice-air of the scherefdome quhair the pannell duellis, (Wigtoun,) or soner, vpon xv dayis wairning. And ordanis caution to be ffund be him for his entrie to that effect, vnder the panes contenit in the Actis of Parliament: Quha fund Sir Patrick M^ckie of Larg caution for his entrie, &c.

Usurping King's Authority, by taking Captive and Detaining, &c.

Nov. 20.—THOMAS MELDRUM of Idene;¹ Walter Grant, his fervand; James Grant in Tilliebo; Johnne Roife, fervand to the said Thomas.

Dilaitit for taking and apprehending of Johnne Meldrum of Ordley captiue and priffoner, furth of his duelling house of Ordley, vpon the viij day of Maij, 1612 yeiris, vnder nycht; cayreit him to the said Thomas duelling hous of Idene, quhairin he was detenit, *in privato carcere*, be the space of foure dayis and foure nychtis; and thairfra, cayreit him to Sir Alexander Gordoun of Clwneis hous, quhair he was detenit, *in privato carcere*, the space of tua dayis and tua nychtis; and thairfra brocht him, as ane captiue, all the way to the burgh of Edinburghe, to the duelling hous of Alexander Watfone, quhairin he was detenit, *in privato carcere*, as ane priffoner, the space of xxiiij houris: Vfurpeand thairby his Maiesteis autoritie vpon thame, in taking and detening of the said Johnne, *in privato carcere*, but² Commissioun or autoritie, be the spaces foirsaid.

PERSEWARIS, Johnne Meldrum of Ordley; Sir Williame Oliphant, kny^t.

PRELOCUTOURIS in defence, Mr Thomas Hoip, Mr Thomas Nicolfone, elder.

¹ See Jan. 9, 1618.

² Without.

It is allegit be the pannell, that na proces can be grantit at Johnne Meldrumis instance, becaus he is rebell and at his Maiesteis horne; and producet fyve feuerall Hoirningis for verifeing thair of.—My lord Aduocat declairis he infistis in the perfute for the Kingis Maiesteis intreis aganis the pannell, quha had na power to tak and detene the said Johnne, in maner lybellit.

It is allegit be the pannell, that gif the Dittay war trew, (nocht grantand the samyn,) that thai did na wrang in taking and detening of the said Johnne Meldrum, becaus the tyme of his taking, he was rebell and at the horne; and repeittis the Hoirningis producet for instructing thair of: And as the pannell could nocht be callit for Slauchter of ane rebell at that tyme, far les can thai be perfewit for his taking.—It is anfuerit be my lord Aduocat, as perfewer, that the exception aucht to be repellit; *ffirst*, becaus he infistis vpon the hail lybell *coniunctim*, as ane cryme to infer the conclusioun thairin contenit, viz. taking and detening of Johnne Meldrum *in privato carcere*, as the lybell beiris: *Secundo*, adheirand to the first anfuer, geveand¹ the said Johnne had bene rebell, the pannell had na Warrant to tak or apprehend him, thay nor nane of thame being Magistrattis, haifand na Jurisdictioun, power, nor commissioun; feing the pannell could nevir haif bene accuset for suffering a rebell to pas vp and down the cuntrie, nather warthayastRICTIT of the Law² to tak him, nather mycht thay tak him.

It is duplyit be the pannell, that the exceptioun standis relevant, nochtwithstanding of the anfuer, insafar as the Kingis Maiesteis rebell can haif na benifeit of his Maiesteis Lawis; and thairfoir, as nocht being the Kingis frie leige, it was lauchfull to the pannell to tak him; and in the Law it is cleir, *quod capere Bannitum vnicuique permittitur*, L. finali Cod. *de Maleficis et Machematicis*; Baldus in Lege prima, Cod. *de Summa Trinitate*: And the resson of the Law is, *quia Bannitus habetur pro fugitivo; et fugitivum quilibet potest capere*; Bald. in Lege *qui bonis*, Cod. *qui bonis cedere*: And it was nevir practizet in this Judicatorie, that Hoirning being obiectit and producet, ather for hurting, slaying, or taking of ony man, proces was grantit. And it being now opposit, that the persone tane was the Kingis Rebell, the pairtie perfewit was nevir, nor can nevir be put to the knowlege of ane Assyse. Lykas, it is allegit, that *the Laird of Drumlangrig*, being accuset for taking of *Kirkmichell*, was nocht put to ane Assyse. It is forder eikit to the allegeance, that the pannell had ane speciall intreis to tak him, becaus he was rebell and at the horne for nocht removeing fra his landis of Woidheid, quhilkis landis of Woidheid he violentlie possessit, and opprest the tennentis. Lyk as, the said Thomas Meldrum of Iden, finding the said Johnne Meldrum to be nyne or ten tymes his Maiesteis rebell, and haifing letteris of Captioun to tak and apprehend him, the said Johnne being

¹ Giving or granting, for the sake of argument.

² Bound by law.

ane fugitiue and ane howlat,¹ nocht appeirand in the day; and it being cum to the pannellis knowlege, the tyme lybellit, that he was cum, vnder filence of nycht, and enterit withiin the houffis, the pannell, vpon suddantie, being adverteist by the spyis, nocht haifing the occaßioun² of ane meßfingier, was forcet of neceßitie, *propter periculum fuge*, to pas him felf, with his awin domeßtik fervandis, and to feafe vpon the faid Johnne, of intentioun to exhibeit him to Jußtice, he being his Maießeis rebell for cauffes Criminall, fic as for invading *the Guidman of Harthill, &c.*, as the Hoirningis beiris: Lyk as, with all convenient dilligence, the pannell brocht the faid Johnne Meldrum to Edinburghe, of intentioun to exhibeit him to jußtice; and in the meane tyme, he being feafit vpon and put in waird, at the inßtance of dyuerße perßones, baith for dett, ryottis, and oppreßiones. Quhair vpon the pannell meanit him felf³ to the Lordis of Secreit Counfell; quha, be thair Warrant and directioun, vpon the xxj of Maij, 1612, Ordanit the faid cautioun for obferveing his Maießeis peace, and his perßonall compeirance, quhan euir he fould be charget thairto, vnder the pane of V^m (5000) merkis, as the Ordinance, heirwith producet, beiris. Sua that the pannell, being *in proßeçione proprie injurie*, for freithing⁴ him felf and his tennentis of ane manifeßt oppreßfour, *et quum latitabat tanquam fugitivus*, as faid is, he was *in optima fide* to tak him; and nather the captor nor detentioun can be comptit criminall, becaus it is lauchfull, *cuilibet ex populo*, to tak ane notorious malefactour, and to exhibeit him to jußtice; and his detentioun is nocht *culpa*, becaus he was preßentit to jußtice.

It is anßuerit be my lord Aduocat to the firßt pairt of the Duply, that he repeitis his former anßuer; for albeit ane rebell may nather perßew nor defend in judgement, that is na reaßone quhairfoir everie privat man fould tak him at his awin hand, and detene him in his privat hous, as is fet down in the lybell. Quhair the defender wald compair ane rebell *cum bannito*, nocht grantand to the Law allegit, quhilk makis na mentioun *de Bannito*, ffor *Bannitus* was properlie callit he quha tranßgreßsit aganis the Empyre or the Eßtait. As to the allegeance proponit aganis all the perßeweris rebelliones, thair is nocht ane proponit for ane criminall caufe perßewit criminallie; and as to the haill ciuile Hoirningis, repeittis as of befoir. And quhair it is allegit, that he was rebell at the inßtance of Thomas Meldrum him felf, ane of the pannell, for nocht removeing fra his landis of Woidheid, it is anßuerit, that albeit he was partie aganis him, that gave him na authoritie to tak him at his awin hand, fpeciallie being duelling and remaning in his awin hous, and vpon his awin heritage of Ordley, and nawayis being fugitiue fra his Maießeis lawis at that tyme. As to the Hoirning vßet aganis him, at the inßtance of his Maießeis Aduocat for the tyme, the Guidman of Hearthill

¹ Owl. Such persons were likewise often termed *night-hawks*.

² Opportunity; convenience.

³ Made suit; complained.

⁴ Freeing; ridding.

and his bairnis, is na Criminall Hoirning, becaufe it proceedis frome ane perfute agitaf afoir the Counfell; and ffordere, to purge that Hoirning, he was relax thairfra, lang ofbefoir, viz. in *anno* 1609. As to the Letteris of Captioun producet, na refpect fould be had thairto, becaus thair is ane executioun producet; quhairupoun I tak instrumentis, defyreing the hail blankis thairintill to be feoirit; and allegis, that na refpect fould be had thairto, becaus the Letteris of Captioun ar nocht direct to him, nor to nane of the perfones that concurret with him in the taking of the faid Johnne Meldrum: Lyk as, na refpect aucht to be had to the faidis Letteris of Captioun, becaus thair is na executioun producet. As to the Warrant of the Secret Counfell, producet, the perfewar acceptis the famyn, and alledges that this Warrant, gevin vpon the xxj of Maij, 1612, could be na Warrant to the perfones on pannell, nor nane of thame, to haif tane him vpon the aucht day of Maij preceeding, and to haif keipit him *in privatis carceribus* to the faid xxj day, *quum carcer est meri imperij, et non competit privato*; and ane Ordiner Judge hes nocht power to keip ane perfone tane *in privato domo* attour¹ the fpace of xxiiij houris. Sua, infiftand vpon the hail lybell coniunctlie; as is confauet, the hail argumentis proponit for the pannell aucht to be repellit.

It is forder exceptit be the pannell, that with the Hoirningis producet, and allegeances foundit vpon the rebellious of the perfewar, the defender did na wrang to tak or detene the perfewar, for the reffones foirfaidis. And quhair it is allegit, that he mycht nocht detene him, *quia carcer est meri imperii*; *ffirft*, it is allegit, that quhan ane rebell is tane *ad hunc finem*, to present him to the Judge Ordiner, thair is na wrang done, quhilk is in this caice; as is decydit in the Law laillie allegit, *quod ait Pretor, Si debitorum ff. Digest. que in fraudem creditorum*: And thairfoir, feing the defender tuik the perfewar, being ane rebell, and detenit him quhill² he broch him to the fait of Justice, and thair presentit him, thair can be na vfurpatioun of the Kingis authoritie: And as for the fpace of detentioun, it may be langer or fchorter, according to the diftance of the place; as is cleir in Julius Clarus, L. quinta § finali, *fi captus, et aliquis potest illum detinere, et captum Judici presentare, etiam post septem dies*. And the fame Clarus fchawis, quhair it was practizet contra Dominum Joannem Stephanum, *qui furem septem dies detinuit, &c. sed cum compertum fuerit, quod Judici et officialis obtulerit, absolutus fuerit*.—*Secundo*, it is nocht capitall, bot the gritteft pane that is inflictit is, *tot dies manere in carcere publico, quot illum in privato incluserit*: ffor albeit Lex vnica, Cod. *de privato carcere*, appointis it *penam maiestatis*, yit it is mendit be the nixt Conftitutioun immediatlie thair-effir following, quhilk appointis the pane foirfaid. Ita Cujacius, &c.: And, gif neid beis, fall be provin be the confuetude of all Nations; and gif *privati*

¹ More than; above.² Until.

carceres (quhairin thay ar done be manifest vsurpatioun) ar nocht capitall, *multo minus* can the pannell fall under ony corporall pwneifchment, haifing tane ane manifest oppreffour, and presenting him to Justice. *Last*, as to the Relaxatioun fra *Harthillis* Hoirning, it is null, becaus the Kingis Aduocat and the pairtie is thairintill ordanit to be summond, quhilk is nocht done.

My lord Aduocat, anfuerand to the first pairt of the secund allegeance, sayis, that the persewer is formallie contrair to the pannell, and that the lybell contenis ane sufficient Criminall caus, to put the pannell to the knowlege of ane Assyse; And quhair it is allegit, that the pannell brocht the persewer and presentit him to ane Judge, desyres the pannell to condiscend vpon the name of the Judge to quhome he was presentit; ffor it is treuthe, that quhan he was brocht to Ed^r, he brocht him to the calsay,¹ and than tuik instrumentis of his setting to libertie; and thairefter, certane of his creditouris, be vertew of Captioun, tuik him and pat him in waird. And quhan it is allegit that the taking of perfones and keeping of thame in *privatis carceribus* is nocht capitall, the direct contrair is of verritie; becaus the said cryme is nocht only capitall, bot, be the rigour of the Law, is tressonable; as was decydit befor the Justice General aganis *the Erles of Huntlie* and *Crafurd*, ffor taking of *the Majster of Glames*. As to the practique of *the Laird of Drumlanrig*, in that caice it was alleget, for defence of *Drumlanrig*, that *Kirkmichell* was tane be vertew of Letteris of Captioun, direct to *the Schereff of Nidisdail*, and na Interlocutour was pronuncet in that cause, becaus the persewar past fra the persute thairof, *pro loco et tempore*. In respect quhairof, the lybell standis relevant; and, nochtwithstanding of the saidis allegeances maid be the pannell in the contrair, sould be put to the knowlege of ane Assyse.

THE JUSTICE continewis his Interlocutour to the thrid day of the nixt Justice air of the scherefdome of Aberdene, or soner, vpon xv dayis wairning.—Patrik Meldrum ffear of Iden become souertie for the entrie of the saidis Thomas Meldrum of Iden, his father.

Slaughter—Horse-stealing.

Nov. 20.—JOHNNE MELDRUM of Ordley.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Cristian Watfone, spous to Alexander Bythe sumtyme in Scottistoun, in manner specifeit in the Letteris; committit in Marche 1614: And for airt and pairt of the Steilling of tua horfis fra Thomas Meldrum of Idene; committit in September, 1608.

PERSEWARIS, Alexander Bythe, as spous; Thomas Meldrum of Idene; Sir Williame Oliphant, kny^t.

PRELOCUTOR in defence, Mr Vmphra Blindschellis, (Advocate.)

¹ Causeway; the paved public streets within the gates.

THE JUSTICE continewis this dyet, for tryell of baithe the crymes aboue written, to the thrid day of the nixt Justice-air of the Sherefdom of Abirdene, &c.—Mr Williame Levingstoune become fouertie, &c.

Slaughter—Demembration.

Dec. 4.—WILLIAME STEWART, at the mylne of Dalcrove.

Dilaitit of airt and pairt of the Slauchter of vinq^{le} Daid Toscheoche, younger of Monyvaird, and of airt and pairt of the Demembring of Daid Malloche, his ferwand, of his rycht hand; and remanent crymes contenit in the Letteris; committit the 24 of Junij last, within the burgh of Perth.¹

Compeirit Hew Campbell *excusatorio nomine* for *Annas Grahame Lady Monyvaird*, and producet the Letteris deulie execute and indorfate, togidder with ane Testimoniall, subscryuit be the said Annas, and be Mr Johne Menteith Minister at Monzie, and Mr Daid Drummond Minister at Creiff, testifeing the said Annas Grahame to be newlie delyuerit of hir birth; and thairthrow, vnhable to travell to the keiping of this dyet and persute of the said Williame Stewart for the said cryme: And in respect thairof, protestit for releif of the Lairdis of Laweris and Inchebrakie, cautioneris for repoirting and persute of the saidis Letteris.

THE JUSTICE continewis the dyet to the thrid day of the nixt Justice-air of the Scherefdom of Perth, or soner, vpone xv dayis wairning; and ordanis the pannell to find cautioun for his re-entrie. *Plegio, Waltero Stewart de Heildoun.*

PERSEWAR, Daid Malloche, sumtyme fervand to vinq^{le} Daid Toscheoche.

(Feb. 25, 1620.)—THE persewer declaris, that at the tyme of the raising of the Letteris aganis the pannell, informatioun was gevin to him that the said W^m Stewart was in companie with Laurence Bruce of Cultmalundie, Alexander Flemyng of Moness, Alexander Bruce, and remanent perfonnes thair complices, at the away-streking of his hand; bot senfyne, he hes tryit² that he is altogidder innocent thairof, nather was he vpone the grund at the committing of that fact: In respect quhairof, he passis *simpliciter* fra the said Williame his persute.

Continued to the air of Perth, tertio Itineris, or soner, vpone xv dayis wairning. Thomas Layng, indueller in Leyth, cautioner.

Slaughter.

Dec. 9.—ROBERT CAMPBELL, sone to Colene Campbell, burges of Glesgow.

PERSEWARIS, Thomas Symfoun at the Waft-poirt of Edinburghe, as brother to the defunct; Sir Williame Oliphant of Newtoun, kny^t.

¹ See this Collection, Jul. 29, 1618, and Nov. 17, 1619.

² Proved; ascertained.

The pannell takis instrumentis of his entrie, and offerris him selff to the tryell of the Law for the said allegit cryme; affirmeing him selff to be altogidder innocent thairof; and disaffentis to all forder continuatioun, in respect that, to the keiping of that dyet, and cleiring of his innocencie of the allegit Slauchter aboue writtin, being out of the cuntrie this threttene moneth bygane, he being maid foirfene¹ thairof, be Letteris direct to him, and ressaute be him in *Spaine*, he hes cum furth of *Spayne*, and left his affairs thair vnperfyttit, haifing na vther errand to returne hame bot to cleir him selff of sic ane haynous imputatioun; quhairof he is innocent.

INTERLOCUTOR. The Justice continewis this matter, and all tryell to be tane thairintill, to the thrid day of the air (Renfrew), or foner, vpon xv dayis wairning; and Ordanis the pannell to find caution for his re-entrie to that effect, vnder the panes contentit in the Actis of Parliament: Dischargeing in the meane tyme all letteris to be direct aganis him or his cautioner, except he be resident within the cuntrie for the tyme, nocht vpon the poynt of his voyadge; nather that ony Letteris be direct in the tyme of wynter: And declaris, that in caice he be charged vpon the poynt of his voyadge, for his compeirance vpon a fyftene dayis thaireftir, in caice at the day of compeirance it be allegit be his cautioner that he could nocht guidlie enter him, becaus he was boun² to his voyadge furth of the cuntrie the tyme of the geving of the charge, respect and consideratioun fall be had to the said allegeance, the samyn being lauchfullie verifeit and provin to be of veritie: And last, the Justice Discharges the haill perones summond vpon this Assyse fra all compeirance herein in tyme cuming, in respect this is the secund dyet keipit be thame, and nathing is done thairintill, &c.

[CURIA *Justiciarie f. d. n. Regis, tenta in pretorio de Edinburghe, per M. Patricium Sandis, Justiciarium f. d. n. Regis, hac in parte, virtute Commissionis Dominorum Secreti Consilij.*]

Slaughter.

Jan. 15, 1619.—ANDRO WAST, mafone burges of Dundie.

Dilaitit of airt and pairt of the Slauchter of vni^{le} Alexander Tailzeour, his prenteis, be throwing ane four-futtit stule at his breift and heart, and geving him ane deidlie fraik thairwith; committit within his awin duelling hous, in Dundie, in the moneth of Januar, 1611; quhairof he deceift, in Februar thaireftir, being cayreit fra Dundie to his fatheris hous in Elgyn, in ane horse-litter, in grit dollour and payne, quhair he deceiffit of the said deidlie hurt.

PERSEWARIS, Johne Tailzeour, mafone burges of Elgyn, as father; Sir W. Oliphant of Newtoun, kny^t

PRELOCUTOR in defence, Mr Alexander Peiblis.

It is allegit be the pannell, that the Dittay, as it is qualifeit, is nawayis relevant to pas to ane Assyse; becaus it is cleir, be the Dittay, that eftir the allegit fraik gevin to the defunct with the stule lybellit, he travellit the space of foursoir myles frome Dundie to Elgyn; quha, eftir his coming to Elgyn, be the exces of travell, he contractit ane fever, quhairof he deceift.—It is anfuert be my lord Aduocat, that the allegeance aucht to be repellit, in respect of the Dittay beiring the defunct to haif ressaute ane deidlie fraik, quhilk was the cause of his daithe.

¹ Acquainted.

² Prepared; furnished; equipped.

THE JUSTICE findis the Dittay relevant ; and Ordanis the samyn to be tryit be ane Assyse.

The Aduocat takis instrumentis of the sueiring of the Assyse ; and thaireftir declairit, that feing they ar all induelleris in Dundie, to quhome the treuth of this matter was best knawin ; and that the defunct ressaunt ane deidlie straik, quhair of he deceift, protestis for Wilfull Errour, gif thay acquit.—The pannell protestit in the contrair, affirmeing that the Defunct past haill and feir¹ furth of Dundie to Elgyn, and travellit lxxx myles thaireftir, vpon fute.

VERDICT. The Assyse, be the repourt and declaratioun of Robert Moreife, merchand in Dundie, chancellor, ffand, pronuncet, and declairit, all in ane voce, the said Andro Wast to be Clene, innocent, and acquit of the said crewall Slauchter.

Slaughter—Proof in exculpation, by Witnesses, refused.

Jan. 15.—JAMES SCRYMGEOUR in Balquhadlie.

Dilaitit of airt and pairt of the Slauchter of vinq^{le} Johnne Eduard in Acharne, be streking him ane deidlie straik in the heid, in September 1617 ; quhair of he deceiffit in Januar thaireftir.

PERSEWARIS, Johnne Eduard, as sone ; David Eduard, as brother ; Sir W. Oliphant, kny^t.

PRELOQUITOURIS for the pannell, Mr Thomas Hoip, Mr William Oliphant, younger.

It is allegit be the pannell and his prelocutouris, that the Dittay is nawayis relevant to pas to ane Assyse, nather in the distinct memberis nor *conjunctim* ; nather can ony Homicid be tryit or pwneift, except the samyn proceid vpon ffoirthocht ffellony. As to that member of the Dittay, beiring the defunct to haif bene best and dung with ane rung,² *non relevat* to infer ane cryme. *Secundo*, as to that article thairof, quhair the pannell haket his heid with ane quhinger,³ (nocht granting the samyn,) it is na capitall cryme, bot ane ryote ; the tryell quhair of pertenis to the Counsell. *Tertio*, quhair it is allegit, that he was strukin to the grund, and hurt in his nobill pairtis, *non relevat*, vnles the persewar condiscend quhat intrallis or noble pairtis was brokin. *Quarto*, as to that point of the lybell, quhilk is the chiefest member, beiring, that be occasioun of the haill straikis preceeding, he dwynet and pynet away to the tyme of his daith, *nullo modo relevat*, vnles he fay *positiue*, that he deceift be thais straikis ; *nam non dici potest prebere occasionem mortis, nisi sit causa mortis*.—It is anfuert be my lord Aduocat, that the allegeance foirfaid aucht to be repellit, in respect of the lybell beirand, that the defunct deceift of the straikis lybellit.

It is forder allegit be the pannell, that the Dittay, as it is mendit, is nawayis relevant ; becaus the preceeding qualificatioun can nocht be estemit *causam mortis*, except it war lybellit, that the defunct, immediatlie estir the allegit straikis, he

¹ Whole and sound, or hearty.

² Basted and violently struck with a cudgel or heavy staff.

³ Hacked or *notched* his head with a sort of hanger or short sword.

fell down in found¹ to the grund; or ellis, that be the ftraikis he contractit a deidlie difeafe and lay bedfast, ather immediatlie eftir the ftraikis to be the caus of a fupervenient difeais; ffor be the cowinoun consent of all Laweris, *vulnus non dicitur causa mortis, quando a die vulneris vsque ad vigefimum primum diem nulla supervenit febris vulnerato.* Panormitanus, ad Cap. *presbiterium, extra de Homicidium.* In the quhilk place, Panormitan and all the Canoniftis consentis, *quod hoc fit judicium medicorum*; ffor if ony ffever had followit, gif he had convalesfit thaireftir, the ffever falling out vpon the ftraik was na caufe of deathe; *multo magis* in this caice, na fever following vpon the allegit ftraik gevin. In respect quhairof, the Dittay is nawayis relevant, *hoc autentico maxime*, that in the Dittay it is confest, that the perfone flane was threfcoir ten yeiris of age, fa that it was nocht poffible to him to reffaue deidlie woundis, and to leave in health fa ang but² feiknes.

It is aufuerit be the perfewaris, that the allegiance aucht to be repellit, in respect of the Dittay beiring deidlie woundis, in maner qualifeit in the Dittay; and that he dwynet and continewit in grit pane to the tyme of his deceis.

It is duplyit be the pannell, that my lord Aduocattis reply is only in respect of the laft member; and thairfoir the vther tua, as nocht relevant, fould be scoiret out of the Summondis.

My lord Aduocat declairis, he infiftis vpon the Dittay *conjunctim*, as it is confauct.—The pannell allegit in the contrair, that it can nocht be conjoynet.—It is allegit *peremptorie* be the pannell, that it can nocht be affirmet that *Johanne Eduard* deit of the allegit ftraikis, in respect of the lybell, quhilk beiris, that he levit be the fpace of foure monethis (albeit, *in rei veritate*, he levit quhill a thre dayis befoir Fastrenifevin,³ quhilk was the 18 of Februar): becaus *secundum sententiam omnium medicorum, nullus lethaliter vulneratus potest vivere ultra quadraginta dies.* Jul. Clarus ad § Homicidium, vbi fubdit, *quod ita observat communis silus, et si vulneratus post illatum vulnus ambulaverit, non presumitur decessisse ex vulnere.* Lege vnica, Cod. de *Emendatione servorum.* Bartol. ad Legem finalem, ff. *ficarijs*, particulo preterea extra de *Clerico percussore.* Pharmacus de *Homicidio*, Tit. 14, quest. 125, num. 46, vbi testatur de communi medicorum opinione, *Vulneratum qui ultra quadraginta dies vitam porrigit, non presumitur ex vulnere decessisse.* And be all thair consentis, gif the pairtie nocht onlie leave,⁴ bot also gif he leave in healthe, without feiknes, and walk vp and down in healthe, as ane haill man, the fpace of thre dayis, it is accoidit, that the wound can nocht be the caufe of daithe: And the grund⁵ of this is tane out of the law of Moyfes, Exod. cap. 21, ver. 21. Off the quhilkis it is fubfumet, nocht onlie that the defunct levit fourtie dayis, bot neir-hand foure tymes fourtie

¹ In a swoon or fainting fit. ² To live, in health, so long without sickness. ³ Fasten's-eve; the day before the commencement of Lent. ⁴ Live; survive. ⁵ Ground; warrant.

dayis, ffor he deit vpon the 16 or 17 of ffebruar 1618 : During the quhilk tyme, he was nocht onlie frie of feiknes, nor nevir lay bedfast, except in the ordiuer tyme of rest, in the nycht ; bot also, he walkit vp and down the cuntrie and parrochines about, as ane haille man, and nevir tuik bed quhill aucht dayis befor his deceis, at quhilk tyme he was tane with ane fever, quhair of baith he and his wyfe deceisfit.—Nather can the accuser, quhilk is the defunctis sone, be hard to allege in the contrair ; becaus, at Martines thaireftir, he forcet his father out of his awin hous ; and the particuleris of this exceptioun the pannell offeris to prove be Witnesses, quha are fummond be the Lordis delyuerance : Quhilkis Letteris, proceeding vpon the said delyuerance, thay produce, and desyres that the Witnesses may be callit and admittit thairupone. *Last*, the lybell can nocht be fustenit *ad hunc effectum*, to pwneis the pannell to death, becaus *nullum Homicidium morte punitur, nisi homicidium dolosum et deliberatum sive ex feloniam ; aut culposum vel casuale non puniuntur ad mortem*. And for proveing of this propositioun, the pannell cites the third Parliament of King James the first, cap. 51, Quhair the Estaitis distinguisches betuix Slauchter of suddentie, and Slauchter of ffoirthocht ffellonie ; and declairis ffellonie to be pwneist be death ; bot the vther, that the partie skaithed fall follow, and the partie trespassand defend, according to the course of the auld Lawis of this cuntrie : And sielyk, in the 6 Parliament of King James the first, cap. 95, quhilk contenis the same distinctioun, and closes this article, that gif it be ffoirthocht ffellonie, he fall die thairfoir. Vpon the quhilkis it is subsumet, that it was nevir lybellit, nor can be lybellit, that this Slauchter was committit vpon ffoirthocht ffellonie ; bot be the contrair it is trew, that quhateuir the pannell did, he did it as maister to Findlay Ramfay and vniq^{le} Johnne Eduard, being baith his tennentis, *et sic dans operam rei licite* ; in sa far as Johnne Eduard, being decernit in Court, in Junij 1617, of his awin consent to haif done wrang in teilling and sawing¹ of ane peice of land pertening to the said Finlay Ramfay ; and be the Act of Court, the officer was ordanit to pas the tyme of scharing, and scheir and leid the coirnes, as sawin vpon Finlay Ramfayis grund ; lyk as, the saidis coirnis war arreistit be the officer, vpon the sext of Junij 1617 ; and thaireftir, in the tyme of scheiring, the said officer haifing past to the grundis, and scharne the coirnes, and being leiding the samyn away, the said Johnne Edward cam maist prouddie and contemptuoullie (his maister being vpon the grund), and defoiret the officer in his presens ; quhairupone the officer brak his wand :² Lyk as, the defunct being commandit be his maister to desist, he maist prouddie repynet contrair his Maisteis lawis ; and the pannell being present, haifing ane littill stalff in his hand, strak the defunct thairwith vpon the heid, and did no forder ; nochtwithstanding quhair of,

¹ Tilling or ploughing, and sowing. ² Broke his staff or wand of office, symbolical of his being *deforced*, as it was termed, *i. e.* violently and forcibly interrupted in the execution of his office.

the defunct prouddie cayreit away the coirnes to his awin 3aird, walking foundlie vpon his feit, without any appeirance of hurt. And for verifeing thair of, producet the deforcementis.

It is anfuerit be the perfewaris, to the firft allegiance, proponit *peremptorié*, the famyn aucht to be repellit, in respect of the Dittay, Lawis and practique vniuerfallie obseruit in this Judgment, and all vther Criminall Courtis within this realme, quhairin Dittayis ar evir fund relevant, and remitted to the knowlege of ane Inqueist, being lybellit and fet down in maner as this Dittay is lybellit; and that the perfone offendit deceiffit throw the hurtis and woundis gevin to him: And quhair it is meant,¹ that he furvivet efter the geting of the hurtis the space of fyve monethis, that pairt is nawayis relevant mair nor was the firft; in respect that the Dittay beiris, that the defunct was hurt and woundit vpon the nynt of September 1617, and he deceffit thair of vpon the aucht or nynt of Januar thaireftir, 1618; quhilk Dittay beiris lykwayis, that he dwynet continually fra the tyme of his hurting to the hour of his daith.—Quhair it is allegit, that WITNESSES aucht to be reffaut vpon this allegiance, anfueris, na Witnesfes can be reffaut in Criminall cauffis, conforme to the Lawis of this realme, except in matteris of Treffone: And albeit Witnesfes mycht be reffaut, yit thay can nocht be reffaut vnto the tyme the allegiance be ffirst fund relevant; and gif it war fund relevant, thair aucht na Witnesfes be reffaut befor the Assyse, feing the haill poyntis confistis *in facto*, and the tryell thair of is remittit to the Assyse, quha becumis bayth tryeris and Witnesfes thairin:² And as to the Lordis deliuerance grantit for funmondng the Witnesfes, it aucht nocht to be respectit, becaus it is privat, and grantit be the Lordis *parte non citata*. As to the last allegiance, beiring, that na man fould be pwneist to the daithe, except it be done vpon ffoirthocht fellonie, the perfewer denyis that propofitioun altogidder, in respect of the vniuerfall practique of this realme; be the quhilk, all perfones criminallie perfewit for Slauchter ar put to the knowlege of ane Inqueist, and pwneist to the daithe; this lybell contenand ane verrie relevant caufe, qualifeit with all the circumftances neccffar aganis the pannell, as committer of the Slauchter, with all circumftances of the Law requifite.

It is duplyit, that Witnesfes may be examinat befor the Assyse, vpon the treuth of the exceptioun peremptour; and being remittit be the Judge, with the lybell, to the Inqueist, thay may cognofce thairupoun, and vpon the Witnesfes Depofitiones, fa far as the famyn may geue thame licht concerning the fact: And be speciall Act of Parliament, maid in his Maiefteis xj Parliament,

¹ Represented. Literally, complained. ² For an elucidation of the ancient practice upon this point, reference is made to Mr Hume's valuable Commentaries on the Criminal Law of Scotland. The present case affords ample illustration of the doctrines held relative to the Law of Evidence, in matters Criminal, at the commencement of the Seventeenth Century.

cap. 90, it is statute, that all writtis, Witnesfes, and other probatioun, fall be led and deduced befor the Affyse, and that for tryell of the treuthe, *quia probationes in criminalibus debent esse luce meridiana clariores*; Lyk as, Witnesfes war admittit in the Criminall caufe persewit be *Strauchane* aganis *Geillis Johnne-stoune*. And quhair it is affirmet, that the Warrant is purchest for summond- ing of Witnesfes, *parte non citata*, it is nocht ane Warrant against justice, bot for fortherance of justice, and cleiring the treuthe. And as to the last, the samyn is foundit vpon tua Actis of Parliament, quhilk can nocht be derogat be ane contrair custome; lyk as, my lord Aduocat is nocht hable to schaw quhair this exceptioun, being proponit, was repellit.

INTERLOCUTOR *of Relevancy.*

THE JUSTICE REPELLIS the haill allegiance, in respect of the Dittay, and anferis maid be my lord Aduocat in fortificatioun thair of. And Ordanis the Dittay, quhilk is ffund relevant, to pas to the knowlege of ane Affyse.

Quhairupoun my lord Aduocat askit instrumentis.

THE JUSTICE, in respect thair is nocht ane number of substantialis persones, landit men, accoirding to the qualitie and rank of the defender, present, to pas vpon his Affyse, Continewis all forder tryell of this matter to the thrid day of the nixt Justice-air of the scheref dome quhair the defender duellis, or soner, vpon fyftene dayis wairning: And ordanis the pannell to find caution for his re-entrie to that effect, vnder the panes contenit in the Actis of Parliament; with this restrictioun, that na Letteris be direct furth in this matter befor the first day of Junij nixt.

Quhairvpon the said James Scrymgeour, defender, askit instrumentis; and quha, for obedience of the said Justice ordinance, ffand Johnne Scrymgeour of Ballanscho cautioner, to the effect, and vnder the panes foirsaid.

[*Mr Patrik Sandis, Justice-Depute.*]

Slaughter committed at a Bridal.

Jan. 29.—JOHNNE SWYNE, fervand to the Laird of Randiesfurd.

Dilaitit of airt and pairt of the crewall Slaughter of vniq^{le} Johnne M^ccairtour, fervand for the tyme to Jonet Mayne, wedow, in Menstrie, be streking him with ane durk in the bellie, quhair of he deceiffit; committit at ane brydell,¹ in the evening eftir supper, within the sayd Jonet Maynes duelling-hous, vpon the xxij day of December last, being Tyfday befor 3ule.²

PERSEWAR, Gilchryft M^ccairtour in Buttergask, as father.

The pannell confessis the cryme, and cravis Godis mercie and pardoun for the samyn.

VERDICT. The Affyse, all in ane voce, ffand, pronuncet, and declairit the said

¹ Bridal (*bride-ale*), wedding.

² Yule, or Christmas.

Johnne Swyne, conforme to his awin Judiciall Confessioun, to be ffylet, culpable, and convict of the said Slauchter.—SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair his heid to be strukin frome his body; and all his moveabill guidis to be escheit, &c.

Child-Murder.

Jan. 29.—BESSIE WEIR, fervand to James Lowriestone in Over Gogar.

Dilaitit of the crewall and vnnaturall Murthour of hir awin infant bairne, borne and brocht furth be hir, in fornicatioun, to James Threipland in Biggar; committit vpon the xx day of Januar instant, about midnicht, within ane 3aird lyand to the said James Lowriestones hous in Over Gogar, immediatlie eftir hir delyuerie thairof.

VERDICT. The Assyse, all in ane voce, be the mouth and declaration of Robert Wilkie in Rathobyres, chancellor, in respect of the said Bessie hir Judiciall Confessioun of the said cryme, ffand, pronuncet, and declairit her to be culpable and convict thairof.—SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair hir heid to be strukin frome hir body; and all hir guidis, gif scho ony hes, to be escheit, &c.

[*Mr Alexander Coluill, Justice-Depute.*]

Slaughter.

Feb. 3.—HABBIE RAE in Moufwall, Pait M'keg, servitour to the Laird of Lag, and twenty others.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Johnne Carutheris, callit of Dormont; committit vpon the secund of Januar last, with schottis of hagbutis and pistolettis, within the dwelling-hous of Johnne Mundallis in Torthorrell.

PERSEWARIS.

Margaret Johnnestoun, as mother; Frances Carutheris, as brother; Sir Williame Oliphant of Newtoun, kny^t, PRELOCUTORIS in defence, Mr Thomas Hoip, Mr James Hammiltoun.

Continued to the Justice-air of Dumfries, 'tertio Itineris, vel super premonitione xv dierum.'

Slaughter.

Feb. 3.—JAMES DOUGLAS of Moufwall; Johnne and Williame Greirfones, his fervandis; Johnne Carleill, sone to Thomas C. in Bankis; Johnne Blak in Moufwall; and Habbie Dikfone, thair.

Dilaitit for the above Slaughter. These persons were all 'denuncet rebellis, and put to the horne, for nocht finding of cautioun for thair personall compeirance.'

(Jul. 21.)—CONTINUED to the air of Dumfries, *tertio Itineris*, &c. Johnne Lord Fleming, cautioner.

[*Mr Alexander Coluile of Blair, Justice-Depute.*]

Slaughter.

Mar. 10.—MR THOMAS DOUGLAS, Minister at Balmirrienoche.

Dilaitit of airt and pairt of the Slauchter of vniq^{le} Thomas Creichtoun of Bodumcraig; committit betuix Balmirrienoche and Couper in Fyfe, vpone the xiiij day of Februar laft, 1619.

THE Justice, in respect of the feiknes of Jeane Carmelie, the defunctis relict, quha can nocht be presnt to concur in this persute, continewis this matter to the thrid day of the nixt Justice-air of the Scheref dome of Fyfe, or soner, vpone fyftene dayis wairning: And ordanis the pannell to find caution for his re-entrie; quha ffland James Douglas of Moirtoun, portioner of Gogar, &c.

Treasonable Murder under trust, credit, and assurance.

Apr. 2.—JOHNE MAXWELL of Garrarie, and George Maxwell, his sone.

Dilaitit of the crewall and odious Murthour under trust, credeit, and assurance, of vniq^{le} Johnne M^cKie of Glashek; committit vpone the viij day of Julij 1618; in forme and maner specifit in the Dittay producet against thame, viz.

DITTAY against Johnne Maxwell of Garrarie, and George Maxwell, his sone.

FORSAMEKILL AS, in the ellevint Parliament haldin by our fouerane Lord and Estaittis of this kindome, att the burgh of Ed^r, the xxix day of Julij, 1587, cap. 51, it is statute and Ordanit, that the Murthour and Slauchter of quhatsumeur his Maiesteis legis, quhair the partie flane is vnder the trust, credeit, assurance, and power of the slayer, all sic Murthour and Slauchter to be committit esfir the dait of the said Act, the samyn being lauchfullie tryed, and the persones dilaitit fund giltie thair of be ane Affyse, fall be Treffone; and being fflund culpable, fall fforfalt lyfe, landis, and guidis; as in our said Act of Parliament at mair lenth is contenit. AND trew it is, that the said *Johnne Maxwell of Garrarie*, haifing, in his politique and craftie maner, vpone sic conditiones of satisfioun and recompence best knawin to him self, conqueift and acquyrat fra the said vniq^{le} *Johnne M^cKie of Glashek* his hail worldlie moyane¹ and estait; and thairby drawin him to his daylie companie and attendance, alswell within his hous of *the Garrarie*, as vther partis of the cuntrie quhair he maid his repair and residence, he, furth of his avaricoufe and churlishe dispositioun, lotheing and weireing² of the said *Johnne M^cKie* his companie, in the moneth of Julij, in the yeir of God I^m. Vj^{te}. and aughtene yeiris, to red and exoner him self of his cumpanie, devyfet and concludit in his devillishe heart, the pitifull³ and tressonable Murthour of the said vniq^{le} *Johnne M^cKie*, as followis; and finding the said vniq^{le} *Johnne* to be alwayis under his trust, credeit, assurance, and power; in sa far as, be the space of nyne monethis, or thairby, preceeding the tyme foirsaid of the said intendit Murthour, the said vniq^{le} *Johnne* was for the maist part resorting and making his daylie residence with him, at bed and buird, within his *Place of Garrarie*, sua that thairby na suspitioun of iniurie to be done be the said *Johnne Maxwell* towardis the said *Johnne M^cKie* could be thoct vpone be him; the said *Johnne Maxwell*, for effectuating of his tressonable and devillishe plott, vpone the xvij day of the said moneth of Julij, in the yeir of God foirsaid, knawing the tyme of the said vniq^{le} *Johnne M^cKie* his dyet, in cuming to his *Hous of Garrarie*, vnder the silence and elud of nycht, accompaneit with the said *George Maxwell*, his sone, and vtheris thair complices, bodin⁴ with fflordis and vtheris wapponis *inuafiré*, in the said vniq^{le} *Johnne* his cuming to the said *Place of Garrarie*, pat violent handis in his persone, band baith his handis and

¹ Means.

² Getting fatigued or wearied.

³ Piteous.

⁴ Furnished; provided.

feitt, and thaireftir, in maift crewall and mercieles maner, playing the pairt of hangmen and burriowis,¹ with ane hair tedder,² strangillit and wirreit him to deid; and haifing, be that violent and crewall meane, bereft him of his lyfe, thay thaireftir cayreit him to ane peit mofs or burne, callit *the Burne of Raniefoun*, within ane half myle to the faid *Hous of Garrarie*, quhairin they flang him: And fa, the faid vmq^{le} *Johne McKie of Glassak* was maift trefonabillie and crewallie murdreift and flane be the faid *Johne Maxwell of Garrarie*, and *George Maxwell*, his sone, he then being vnder thair trust, credeit, affurance, and power, in maner befoir deducet; and thay, and aither of thame, ar airt and pairt of the faid trefonabill and barbarous Murthour, committit vnder trust and credeit; vpon set purpois, prouifoun, precogitat malice, and foirthocht fellonie, in hie and manifest contempt of our fouerane lordis authoritie and lawis, and expres aganis the tennour of the faid Act of Parliament; incurring thairthrow the pane and pwneifchment aboue writtin, expreffit thairintill, viz. as Tratouris and Murthouraris of the faid vmq^{le} *Johne McKie*, vnder trust, to fforfalt thair lyvis, landis, and guidis, to the terrour and example of vtheris to attempt the lyk heireftir.

PERSEWARIS, Niniane McKie, eldest sone to the defunct; Sir Williame Oliphant of Newtoun, kny^t,
Aduocat to oure fouerane lord.

PRELOCOUTOURIS in defence, Mr Alex. Peiblis, Mr Laur. Mcgill, Adame Cunninghame, Aduocattis.

The Aduocat producet his Maiefteis Warrant, daitit at New-mercat, the 13 of Januar, 1619, commanding him to infist in the pannellis perfute, for the Murthour contenit in the Dittay: Quhilk Warrant his lordschip tuik vp agane.—My lord Aduocat declairis, that he is nocht prepairit, at this tyme, to perfew in this matter; and thairfoir defyret the famyn mycht be continewit to the fevint of July nixt.—The pannell, with thair prelocoutouris, altogidder difassentis to the faid continuatioun, and offerit thame felffis instantlie reddie to abyde the tryell of the Law for the faid cryme, as altogidder innocent thairof; and thairupoun askit instrumentis.

THE Justice, nochtwithftanding of the pannellis offer and declaratioun, continewis this dyet to the faid fevint day of Julij nixt; and Ordanis the pannell to be tane bak to waird to the tolbutth of Edinburgh.

The pannell offeris cautioune for thair compeirance the faid day; and allegit, in respect thairof, thay fould nocht pas to waird.

THE Justice Ordanit thame to geve in their Supplicatioune to the Counfall, be quhais Warrant and authoritie thai war committit, and to crave thair libertie and fredome furth thairof, vpon their offer of cautioune to thair lordschipis, for thair entrie, the day foirfaid; and accoirding as the Counfall fould command, in that matter, it fould be obeyit.

PRELOCOUTOUR in defence, My Lord Maxwell.³

(Jul. 7.)—THE JUSTICE, be directioun of the Lordis of Secret Counfall, and conforme to thair Lordschipis expres Warrant, continewis this dyet, and all tryell to be tane thairintill, to the xv day of December nixtocum: And Ordanis the pannell to find cautioune for thair compeirance and re-entrie that day, to vnderly the law for the faid Murthour, ather⁴ of thame vnder the pane of thre

¹ Old Fr. *boureaux*, an executioner.
Prelocutors.

² A hair *tether* or balter.

³ In addition to the above

⁴ Each of them.

Thowfeand merkis. Quha, for obedience of the faid ordinance, ffand Eduard Maxuall of Hillis cautionn.

In refpect of the quhilk cautionn fund be thame, the Juftice ordanit the Provoft and Bailleis of Edinburgh to put them to libertie furth of thair waird, &c.

[ASSESSORES JUSTICIARIO, *Dominus Willielmus Levingftoun de Kilfith, et Dominus Georgius Erskin de Innerteill, Senatores Collegij Jufticie.*]

PRELOCUTORIS in perfute, My Lord of Gairleis, The Laird of Larg-McKie.

PRELOCUTORIS in defence,¹ The Maifter of Maxwell; The Guidman of Hillis; Edward Forrefter, Commiffar of Kirkeudbright; Johnne Young, notter.

(Dec. 15.)—THE pannell takis instrumentis of thair entrie; as alfo, that *my Lord of Gairleis* compeiris to perfew thame of thair lyves; and proteftis for thair cautioneris releif.—The perfewaris producet the Dittay, with the Letteris and Roll of Affyfe; and proteftis for thair cautioneris relief, and defyret proces.

The perfones on pannell denyis the hail crymes contenit in the Dittay, and paffis fra all difputatioun aganis the relevancie thair of; and offeris thame felfis to the tryell of ane honeft and vnfulpectit Affyfe.

ASSISA.

Johnne Dalrumple of Schalloche,	Johnne Maitland of Clonhie,	Andro Craufurd of Barquharrie,
Andro Bruce of Bofark,	Johnne Kirkpatrick of Bracho,	David Welfche of Colliestoun,
Williame Middlemeift, Conftable	Gilbert Baird of Killinzie,	Walter Cant of Waft-mylne,
of Dumbartene,	George Logane of that Ilk,	James Birnie of Browbrie,
Duncane Hunter of Ballagane,	Williame Cunninghame of Pol-	Malcolme Dalrumpill of Water-
Williame Creichtoun of the Hill,	quharne,	fyde.

It is allegit be the pannell, that *Johnne Dalrumple* can nocht pas vpon thair Affyfe, becaus he is nocht ane landit man of that qualitie and rank quhilk fould be admittit to pas thairupoun; the faid Johnne Maxwell of Garrarie being ane landit Gentilman, in the rank of ane Barroun, worth thre thowfeand merkis of zeirlie rent, and aboue. *Secundo*, the faid Johnne is vset and producet be my Lord of Gairleis, ane of his perfewaris, as ane Witnes befor the Counfell, and hes gevin his Depofitioun in this matter alreddie; and in refpect thair of, can nocht be ane Affyfour. *Tertio*, he is man, tennent, and fervand to *Jofiah Stewart*, quha hes affistit this perfute fra the firft begynning thair of, and behavet him felf as partie.—It is anfuerit be my lord Aduocat, that the allegiance aucht to be repellit, as altogidder irrelevant, the faid *Johnne Dalrumple* being ane Gentilman of guid fame, and haifing fufficient moyane of his awin, quhairupone he levis: And his Depofitioun maid be him as ane Witnes can nocht ftay him to be ane Affyfour: And as to that part, that he payis mail and deutie to *Jofias Stewart*, wha is partie aganis thame, *non relevat*, becaus he is nocht ane perfewar, nor compeiris nocht in this Judgement to perfew, nather payis he ony deutie to him bot for his teyndis, quhilk teynd-deutie can nawayis ftay him to pas vpon this Affyfe.—It is allegit be the pannell, that, with the teynd-deutie, he is alfo fubiect to the faid *Jofias* in daylie feruice.—The faid *Johnne Dalrumple* being fuorne, declaris he is no forder fubiect to *Jofias*, bot only in payment of his teynd.

THE Juftice admittis *Johnne Dalrumple*, and Ordanis him to be purget of partiall counfall; quha, being of new fuorne, declarit he had gevin na partiall counfall, in this matter, in fauouris of this perfewar aganis the perfonis on pannel;—quha was thairfoir admittit.

It is allegit aganis *Walter Cant of Weftmyle*, that he can nocht be admittit vpon this Affyfe,

¹ In addition to the Prelocutors who are already noted, under date, April 2, and Jul. 7.

becaus he is nocht duelland within Galloway, nor the foure halfis thairabout, conforme to the Act of Parliament, in anno 1579.—It is anfuert be my lord Aduocat, that the allegiance aucht to be repellit, becaus he is duelland within Scotland; and the Act of Parliament citet is only in matteris of Perambulation, for tryell of methis and marches, and is nocht extendit to the crymes of Slauchter and Mutilatioun, &c.—It is allegit, that he can nocht be admittit, becaus of the foirfaid Act of Parliament, for *ex argumeto a paritate rationis*, gif the perfones of Inqueift, in matteris of Perambulation, man (*must*) be induellaris within the boundis of the Scherefdom qubair the landis lyis, or foure halfis about, *multo magis*, in tryell of a Slauchter or Murthour committit, fould the Affyfouris be induellaris within the boundis of the Scherefdom qubair the fact was done, or four halfis about.—Anfuert, *Statuta sunt stricti juris, et non admittent extenfionem*.

The lyk exceptioun proponit aganis *Andro Bruce of Bofark*, quha duellis nocht within the Sherefdom, or foure halfis about.—My lord Aduocat repeatit his former anfuert for *Andro Bruce*.

It is forder allegit that *Walter Kant* is man, tennent, and fervand to *my Lord of Murray*, quha affistis this perfute; and thairfoir, can nocht pas vpon this Affyfe. The said Walter being fuorne, gif he be man, tennent, or fervand to the Erle of Murray? Declairis, he is ane of his Lordschipis vassallis, and haldis his landis of him in ffev.

THE Justice, nochtwithftanding of the former allegiances maid aganis the saidis Walter and Andro, and that the said Walter is ane ffevwar, Admittit thame vpon the Affyfe.

It is allegit aganis *Duncane Hunter of Ballagane*, that he can nocht pas vpon this Affyfe, becaus he is ane removeable tennent to the *Laird of Drumlangrig*, quha affistis this perfute, and is within degreis-defending to the *Lord of Gairleis*, perfewar. The *Laird of Ballagan* being fuorne, declairit that he is *Drumlangrigis* vassall, and na removeable tennent; quhome the Justice, in that respect, admittit.

It is allegit aganis *Eduard Maxwell in Laroche*, that he can nocht pas vpon this Affyfe, becaus *non habet in bonis*, and is nocht worth the Kingis vnlaw. *Secundo*, thair is bluid and deidlie ffeid ftanding betuix the pannell and him vnreconceillit. *Tertio*, he is alreddie reflaut witnes, and hes deponit in this matter, being producet be *my Lord of Gairleis* to that effect.—Anfuert, becaus he hes alreddie deponit as ane Witnes, he may the mair cleirly be admittit ane Affyfour.

THE Justice, in respect thair is na penurie of Affyfouris, Ordanis him to ftand by.

David Welfche of Colliestoun admittit, of consent.

THE lord Aduocat, for verificatioun of the Dittay, producet ane Testimoniall, fubferyuit be dyuerse Gentilmen and vtheris, testifeing the forme of *Glassakis* binding, the tyme of his out-taking of the burne; and that he hes bene first strangillit, befor his casting thairin. As lykwayis, producet the pannellis Depofitione, with the Depofitiones of dyuerse famous Witneffes, reflaut and examinat be the Lordis of Secreit Counfell, in that matter; and thairupoun alfo askit instrumentis; and proteftis, in respect thairof, for Wilful Errour, gif the Affyfe acquit.—The pannell proteftit in the contrair, gif thay convict thame of that detestable cryme; quhairof, vpon thair kneyis, with grit and soleme aithes, thay affirmet thame felffis to be altogidder innocent.

VERDICT. The Affyfe, for the maift pairt, be the mouth and declaratioun of William Cunninghame, chancellor, ffand, pronuncet, and declairit the saidis *Johne Maxwell of Garrarie*, and *George Maxwell*, his lauchfull fone, to be GILTIE, culpable, and convict of airt and pairt of the trefsonabill and barbarous

Murthour of the said vmq^{le} *Johnne M^cKie of Glassuk*, committit be thame in forme and maner spacificit in thair Dittay.

SENTENCE. The Justice, be the mouth of Andro M^ccairtney, dempster of Court, adiuget thame to be tane to the Mercat-Croce of Edinburgh, and thair, thair heidis to be strukin frome thair bodeis: And all thair landis, heritages, tenementis, annualrentis, takis, steidingis, rowmes, possessiones, coirnis, cattell, inficht pleneiffing, guidis, and geir, to be sforfalt and escheit to our fouerane lordis vsē, as culpable and convict of the said treffonable and detestable cryme: Quhilk was pronuncet for Dome.¹

Hurting and Wounding.

Jun. 2.—NORMOND ROBIESOUN, sone to Robert Robiefoun, mercheand burges of Sterling.

Dilaitit of airt and pairt of the Hurting and Wounding of Johnne Robene, sone naturall to Johnne Robene, notter, burges of Sterling, in the casting of him doun to the grund, and louping vpone his bak with the hail force of his body; and thairthrow breking of his bak-bone, and mutilating and making him impotent thairof, he being ane young boy of nyne yeiris of age, or thairby; committit in the Valay of Sterling, in the moneth of September, 1617 yeiris.

PERSEWARIS, Johnne Robene and his father; Sir Williame Oliphant, kny^t.

PRELOCOUTOUR in defence, Mr Thomas Nicolfoun, elder, Aduocat.

THE Justice continewis this dyet to the thrid day of the air of the scherefdome of Sterling, or soner, to ane fyftene dayis wairning; and ordanis the pannell to find caution for his re-entrie. Robert Robiefoun, mercheand, his father, becomes cautioner.

Slaughter.

Jul. 2.—JOHNNE M^cDOWELL of Freuche.

Dilaitit of airt and pairt of the crewall Slauchter of vmq^{le} Alexander M^ckie of Balseir.

PERSEWAR.

Sir Williame Oliphant of Newtoun, kny^t.

PRELOCOUTOUR in defence.

Mr Thomas Hoip.

THE Justice continewis this matter to the thrid day of the nixt Justice-air of

¹ Sir Johnne Dumbar of Mochrum, kny^t; James Kennydie of Crugiltoun; Alex. Dumbar, appeirand of Mochrum; Hew Kennydie of Areis; Adame Ahannay, burges of Wigtoun; Robert Maxwell of Barvannok; Vthreid Campbell of Areis; Johnne Carutheris of Wadfute; Harie Cunninghame of Kildonnane; Johnne Broune, younger of Carlatyre; George Gordoun of Barkeoche; Johnne M^cdowell of Freuche; Patrik Ahannay of Kirkdaill; Alex. M^cculloche, appeirand of Netoun; Alex. Cunninghame of Powtoun; Fergus Dumbar, burges of Stranraer; and Adame Lyndfay, burges of Quhithorne, vnlawit, for thair nocht compeirance vpone the said Assyse; ilk ane of thame in the pane of ane hundredth merkis.

the scherefdome quhair the pannell duellis, (Wigtoun,) or foner, vpone xv dayis wairning. Plegio, Pat M^dowall de Creoches.

Hurting and Wounding—Masterful Theft and Stouthreif.

Jul. 11.—JOHNE MURRAY, sone to Thomas Murray, in the Stanehous of Geicht.

Dilaitit of the invading of Andro Meldrum of Rothiebirsbane, his maister, in eunning out the hie way betuix Kynrofehyre and the fferrie-lyde : Hurting and Wounding him, with ane fuord, in the heid and face, of purposis to haif slane him : And thaireftir, Steilling and away-taking, be way of maisterfull Thift and Stouth-reif, of his maisteris bonnet-caice, togidder with tua pair of silk schankis,¹ tua pair of silk gairtanes,² tua pair of roses³ of taffitie, tua small lynning schankis, thre bonnet mutches,⁴ thre pair of handis,⁵ fyve overlayers,⁶ ane peirlet lane⁷ ruff, tua naipkynnys, ane kame-caife,⁸ with ane brusch, with certane vther necessaris, being within the samyn, worth tua hundreth pundis ; by and attour⁹ certane writtis and eidentis,¹⁰ being also thairintill ; committit in the moneth of Maij last.

PERSEWARIS, Mr Andro Meldrum of Rothiebirsbane ; Sir Williame Oliphant of Newtone, kny^t.

THE Justice, in respect thair is nocht ane sufficient number of Assyse compeirand, continewis this dyet to the xxj instantis : And Ordanis the pannell to be tane bak to waird, to the said day.

Andro Frafer of Staniewoid, William Keyth of Seatoun, James Seatoun, brother to the Laird of Mony, Mr Robert Elphingstoun, Tutour of Glak, Johnne Ogilvie, 5ounger of Glassfall, and Alexander Frafer, indueller in Leyth, nocht compeirand on Assyse, the Justice ordanit ilk ane of thame to be vnlawit in the pane of ane hundreth merkis.

ASSISA.

Robert Frafer of Durres,	James Hervie of Elrig,	Nicoll 5ule, mercheand,
James Cheane, in Elrig,	Andro Hervie, his brother,	Johnne Penman, mercheand,
Mr Robert Elphingstoun, Tutour of Glak,	James Keith of Craig,	Mathow Bailzie of Littilgill,
James Gairne of Blakfurd,	Mr James Stewart, Commiffar of Dunkeld,	Johnne Fairholme, mercheand,
Johnne Arbutnot of Carnegaw,	Clement Ruffell, mercheand,	Thomas Broun, lokfmyth.

Jul. 21.—THE Aduocat takis instrumentis of the sweiring of the Assyse ; and producet the pannellis Depositiones, for verificatioun of the Dittay ; and protestis for Wilfull Errour, gif thay acquit, &c.

VERDICT. The Assyse, be the mouth of the said Mr Robert Elphingstoun,

¹ Silk stockings. ² Garters. ³ Rosettes for the knees. ⁴ Caps. ⁵ Probably a sort of *mittens* or gloves. ⁶ A broad folding collar, falling over the shoulders and worn below the ruff, which was fastened about the neck. ⁷ A pearled lawn ruff ? ⁸ Comb-case. ⁹ Over and above: ¹⁰ Writings and Title-deeds.

chancellor, ffand, pronuncet, and declairit, all in ane voce, the said Johnne Murray, conforme to his awin Judiciall Confessioun and Depositiones producet, to be ffylet, culpable, and convict of the haill crymes aboue expremit.

SENTENCE. To be tane to the mercat croce of Edinburghe, and thair to be Hangit, quhill he be deid, and all his moveable guidis to be efcheit, &c.

Taking the King's Free Liege—Famishing one of the Lieges to Death 'in privato carcere.'

Nov. 10.—PATRICK COWIE, in Kincairdin ; Johnne Dow, his fervand ; Johnne Anderfone, cordiner thair ; Thomas Cowie, querriour thair ; and David Miller, falter in Eifter Kincairdin.

Dilaitit of the taking and keiping of vmq^{le} Thomas Davidfoun, hynd and fervand to Alexander Leask, in Porter, be the space of fyftene dayis, *in privato carcere*, within the said Patrik Coweis hous ; and thairfra cayreing him to the pitt of Tullieallane, quhair, throw want of intertenement,¹ he ffamifchet and deit of hunger ; and remanent crymes contenit in the Letteris.

PERSEWARIS, Sir Williame Oliphant, kny^t ; Alexander Leask, as Maifter.

The Justice continewis this matter to the thrid day of the nixt Justice-air of the Scherefdome quhair the defenderis duellis, (' Clakmannane,') or foner, vpon xv dayis wairning : And Ordanis thame to find new cautionn, &c. ; quha ffand Sir George Bruce of Carnok, kny^t, personallie present, for thair re-entrie.

Mutilation and Demembration.

Nov. 17.—WILLIAME OLIPHANT of Gask.

Dilaitit for airt and pairt of the Demembering of David Malloche, fervand for the tyme to vmq^{le} David Toscheoche of Monyvaird of his rycht hand.²

Compeirit Lawrence Oliphant of Coudie, and producet ane Warrant of the Lordis of Secreit Counfall, direct to my Lord Justice ; quhair of the tennour followis.

WARRANT of the Lordis of Secreit Counfall.

JUSTICE, Justice clerk, and 3our deputtis. Forfamekill as the xvij day of November instant is appointit to Williame Oliphant of Gask, for his compeirance befor 3ow, to vnderly the Lawis for the Mutilatioun and Disfmembering of David Malloche : Nochtwithftanding, according to the Kingis Maiefteis expres Warrant, command, and directionis in this matter, theafe ar to command 3ow to continew the said dyet to the tuentie fyve of Februar nixtocum ; to the effect, in the meane tyme, the said Williame may tak some courfe for satisfioun of his partie : And that 3ow tak cautionn of the said Williame for his personall compeirance the said day, and difpenfe with him and his cautioner for his nocht compeirance at this dyet : Quhairanent thir presentis falbe 3our Warrant. AT EDⁿ, the xvj day of November, 1619. AL. CANCELL^r. MAR. MELROIS. LAUDERDAILL.

THE Justice continewis the said dyet to the said xxv day of Februar nixtocum ;

¹ Sustenance.

² See Jul. 29 and Dec. 4, 1618.

³ Peter Oliphant of Rescobie.

and Ordanis caution to be fund for the said Williame Oliphant his compeirance that day, &c.—Gilbert Adamefoun of Scoureing-burne become fouertie, &c.

(Feb. 25, 1620.)—COMPEIRIT Laurence Oliphant of Condie, and product ane Warrant of the Lordis of Secret Counfell, quhair of the tennour followis.

JUSTICE, Justice clerk, and your deputtis. Quhair as, the xxv day of Februar instant is appointit to Williame Oliphant of Gask, for his compeirance befor you, to vnderly the law for the slauchter of the Laird of Monyvaird, and mutilatioun and demembring of David Malloche, his fervand, of his rycht hand,¹ and vtheris crymes specifeit in the Letteris raisit thairanent: Neuertheles, this is to command you to continew the said dyet to the nynt day of Junij nixtocum, vpoun new caution, conforme to the ordour: And that you dispens with the personall compeirance of the pairtie: Quhairanent thir presentis fall be your Warrant. At Halyrudhous, the xxiiij of Februar, 1620.

AL. CANCELL^s. MAR. MELROIS. LAUDERDAILL.

Sir Johnne Carmichell of Medowflat, Capitane of Craufurd, becomes fouertie, &c.

(Jun. 9, 1620.)—THE dyet deserted, by command of another Warrant, signed ‘ Al. Cancell^s. Melrois.’

[IF it were necessary still farther to prove the melancholy effects of the DEADLY FEUDS which raged in Scotland previous to the Eighteenth Century, perhaps few better illustrations could be adduced than what is contained in the present Case. The following affecting document is taken from the *Denmylne MSS.*, and requires no comment.]

LETTER, *the Privy Council of Scotland to the King, relative to the DEADLY FEUD between the Lairdis of Culmalundie and Monyvaird.*²

MOST SACRED SOUERANE,

WHEREAS your MAJESTIE was pleaisit, tua yeiris fyne, or thairby, to recommend vnto ws the satling and remoueing, by ane amicable forme and mauer, the deadlie ffeade standing betuix THE LAIRDIS OF CULMALUNDIE and MONYVAIRD and thair ffreindis,³ vpoun occasioun of the slaughter of THE LAIRD OF MONYVAIRD; and to move the pairtie greened to accept of fuche OFFERIS as the offendaris might reafounable performe: WE accordinglie wrote for sa mony of the ffreindis as we know to haif cheif interesse in that mater, and vsed the best meanes we could to haif broght the same to some freindlie dresse; bot that dyet being cassin af, vpoun alledgeance that some of the speciall ffreindis wer omittit and not writtin for, we appointit a new dyet, and wrote for the whole ffreindis that wer gevin vp, who returnit thair answer to ws, in write, vnder thair handis, that thay could not medle in that mater, nor tak burdyne for *Monyvaird*, who is the principall pairtie haueand interessè, in respect of his minoritie. Whairupoun the mater desertit, and we could go no forder thairin. At this secund dyet *Culmalundie eldair* exhibit befor ws OFFERIS, in write, vnder his hand, maid to the pairtie, contening the fowme of ane Thousand crownes for the Assythement of that Slaughter, with the Banishment of *Alexander Bruce his sone*, and *George Tyrie*, Messinger, who wer alledgeit to be the actual slayaris of *Monyvaird*, during your MA^s plefour: And at that same tyme, we causit him gif fatisfactioun to *Duncane Campbell* and *David Malloche*, who wer deadlie hurte quhen *Monyvaird* was slayne, by payment making to thame of twa Thousand pundis: Quhairupoun thay haif gevin ane discharge of thair interessè in that mater; as the same produceit befor ws beiris.

¹ The local saying,—

‘ AFF HANDS IS FAIR PLAY—DAVIE MALLOCH SAYS NAY!’

seems quaintly to allude to this incident.

² *Sir James Balfour's MS. Collections*, Adv. Lib.

³ Blood-relations.

This feade has altogidder vndone *Auld Culmalundie*; for his estait is exhaustit and wrackit, and he is become verie waik of his judgement and vnderstanding, by the greif that thir troubles hes brocht vpon him; whilkis wer the occasioun of his wyffis deathe, and of the exyle and banishment of his fones and freindis, now be the space of foure yeiris; in the quhilk exyle, tua of his freindis of goode rank and qualitie hes depairtit this lyffe.

This being the effect of oure dealing in this buffynes, We haif benee intreated be the pairtie, humelie to present the same to your Maiesteis consideratioun. And so continewing our vncessant prayeris vnto God for youre MA^s long and happie reigne, We rest,

YOUR MA^s humble and obedient subiectis and seruitouris,

AL. CANCELL^r. MAR. MELROS. GEORGE HAY.

HALIERUDIIOUS, xxj of Marche, 1622.

TO THE KING his most sacred and excellent MAIESTIE.

Taking Captive—Murder—Masterful Theft and Stouthreif.

Dec. 8.—DUNCANE CAMPBELL of Glenlyoun.

Dilaitit of airt and pairt of the violent Taking and Apprehending of vniq^{le} Allane M^rrannald in Swymart, cayreing and keiping him captiue and priffoner ane nycht, within the said Duncane his Place of Megernie:¹ And for Murdreising him with durkis, vpon the morne eftir his taking, ane myle or thairby fra the said Hous: And be way of Maisterfull Thift and Stouth-reif, steilling and away-taking fra him of his purse, with ane thowfeand pundis of gold and siluer being thairintill; committed in anno 1601 yeiris.

PERSEWAR, Angus M^rrannald of Vlladill, as brother.

THE JUSTICE continewis this matter to the thrid day of the nixt Justice-air of the Sheref dome quhair the defender duellis, (Perth,) or foner, vpon xv dayis wairning.

Archibald Campbell of Glencarradell become cautioner for his re-entrie.

Murder.

Dec. 8.—JOHNNE MOITT in Wassthouffis, aboue Newbottile.

Dilaitit of the crewall and vnnaturall Murthour and Slauchter of Bessie Broun, his vniq^{le} spous, be streking hir in the heid, and wounding hir thairin with ane grit kent,² to the effusioun of hir bluid; committit be him vpon ane Setterday, at evin, in the moneth of October last; quhair of scho deceissit within tuellf houris thaireftir.

PERSEWAR, Sir Williame Oliphant, kny^t.

PRELOCOUTOUR in defence, Mr Alexander Cuming.

It is allegit be the pannell, that na proces can be led aganis him, vnles thair

¹ In Glenlyoun, Perthshire. In the preface to Douglas's Baronage, notice is taken of a very remarkable Red-book, (*an Leavar-diurig*), written in the Celtic character, which was destroyed in the fire which consumed Miggerny Castle. It is there remarked, that 'some extracts from this book are in the hands of several Families in the Highlands.' See likewise, Prefatory Notice to HISTORY OF THE KENNEDIES, Edinburgh, 1830. 4to. ² Staff, or cudgel.

war ane pairtie informer to assist his Maiesteis aduocat, and to fueir the Dittay to the Assyse, the Dittay being ffund relevant to pas thairto ; and feing nane of the kyn and freindis of the woman flane compeiris to persew, or to informe his Maiesteis Aduocat in this persute, the Justice can nocht put him to ane Assyse. —It is answert be my lord Aduocat, that the allegiance is impertinentlie proponit be the pannell ; and sayis, that albeit the freindis of the pairtie flane and he wald collude¹ togidder, yit, feing the Prince wantis ane subject, be the fact committit, the Kingis Aduocat hes verrie guid intreis to persew, without ony informer : And thairfoir, nocht only sould the Dittay pas to ane Assyse, bot he, for committing of the ffact lybellit, sould be exemplarie pwneist for the samyn, being fund giltie thairof.

VERDICT. The Assyse, for the maist pairt, be the mouthe of Thomas Hog, in Eisthouffis, chancellor, ffund, pronuncet, and declairit the said Johnne Motte to be ffylet, culpable, and convict of the said Slauchter.—**SENTENCE.** To be tane to the Castelhill of Edinburghe, and thair his heid to be strukin frome his body ; and his hail guidis to be escheit, &c.

Slaughter—Clearing and Shooting of Hagbuts and Pistolets.

Dec. 22.—**JOHNE LYDDELL** of Halkerstoun.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Johnne Bell, servand to Johnne Lord Borthuik ; committit vpon the landis of Hauch-heid, vpon the aucht of October last, quhair the said Johnne Lyddell, with ane charget hagbut in his hand, invaidit the said vmq^{le} Johnne Bell for his slauchter, schote him in his lichting² of his horse with tua bullettis, at the left pape, throw the heart ; and flew him with the said schote : And for contravening of the Actis of Parliament, in beiring and schuiting of hagbutis and pistolettis, &c.

The Justice, of consent of aither pairtie, continewis this matter to the nyntene of Januar nixt : And Ordanis the pannell to be returnet to Waird to the Tolbuth of Edinburghe, out of the quhilk he was tane.

PERSEWARIS, Barbara Levingstoun, the relict ; Sir Williame Oliphant of Newtoun, kny^t, his Maiesteis Aduocat, for his lienes intreis.

PRELOCUTORIS in defence, James Lyddell, in Leyth ; Mr Johnne Cranstoun, Minister thair ; Mr Laurence M^cgill, and Mr David Prymrois, Aduocattis.

(Jan. 19, 1620.)—**IT** is allegit be the pannell, that the Dittay in that point thairof, ‘ airt and pairt,’ is nocht relevant, except the persewar condiscend vpon the names of the persones that war complices or associattis.—Answert, aucht to be repellit, in respect of the Act of Parliament, sustening airt and pairt to be

¹ Enter into collusion with each other, to defeat the ends of public justice. ² Alighting.

relevant aganis any persone accuset of ane cryme.—The pannell denyis the hail Dittay to be of verritie.

THE JUSTICE remittis the tryell thairof to the Assyse.

Barbara Levingstoun, relict, being solemlie sworne, declairit, that the Dittay is of verritie; and that selo hes just caus to persew the pannell for the Slauchter of hir husband. Quhairvpoun my lord Aduocat askit instrumentis, and Proteftis for Wilfull Errour aganis the Assyse, gif thay acquit: As also, tuik instrumentis of the productioun of the hagbut, quhairwith the said vmq^{le} Johnne Bell was slane.

VERDICT. The Assyse, be pluralitie of voittis, ffind, pronuncet, and declairit the said Johnne Lyddell of Halkerstoun to be Clanget, innocent, and acquit of the said Dittay, and hail crymes aboue writtin mentionet thairintill.

In respect quhairof, the Justice ordanit him to be put to libertie furth of the said Tolbuth of Edinburghe, quhairin he was wairdit, and na langar to be detenit thairintill for the saidis crymes; he making satisfioun to the javellour¹ for his expensfis.

Slaughter.

Jan. 19, 1620.—ALEXANDER GRAHAME, sone to vmq^{le} David Grahame, in Arduthie, and Johnne M'kane, sone to Williame M'kane, burges of Montroise.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Mr Alexander Keith, brother to Sir George Keith of Drumtochtie; committit be thame, in companie of Robert Grahame, brother to the said Alexander, vpone the Sandis of Montrois, vnder nycht, vpone the tent of December last.

PERSEWARIS, Sir George Keith of Drumtochtie, kny^t, James Keith of Harviestoun, Mr Williame Keith, brother to the defunct; and Sir Williame Oliphant, kny^t.

PRELOCUTORIS in defence, Mr Alexander Peiblis, Mr Roger Mowat, Aduocattis.

The persewaris productet Hoirning aganis Robert Grahame, sone to David Grahame of Arduthie.

The persones on pannell offerit thame selffis to the tryell of the Law, for the crymes contenit in the Summondis, quhairof thay declairit thame selffis to be innocent; difassenting *simpliciter* to all forder continuatioun.—My lord Aduocat declairis that this Slauchter was committit vnder nycht, quhairof as yit na certane licht of the pannellis guiltines thairof is brokin vp; and thairfoir, desyres thame to be put vnder cautioun, for thair re-entrie, vpone xv dayis wairning.

THE Justice continewis this dyet to the thrid day of the nixt Justice-air of the Scherefdome quhairin the pannell duellis, (Forfar,) or soner, to ane fyftene dayis wairning.

¹ Gaoler; jailer. Old Fr. *javilleur*.

Slaughter.

Jan. 21.—**JOHNNE DUNCANE**, baxter¹ in Dudingstoun.

Dilaitit of the crewall Slauchter of vmq^{le} Johnne Buchannan, baxter, indueller of the Cannongait; committit in the hie-way betuix Eifter and Wester Dudingstoun, vpone the saxt of Januar instant, be streking of the said Johnne Buchannan with ane knyfe, vnder the left pape; quhairof, within tuelf houris thair-eftir, he deceiffit.

PERSEWARIS, Margaret Robertfoun, the relict; Sir Williame Oliphant, kny^t.

The pannell acknowleges the cryme, and craves God, his Maiestie, and the pairtie pardoun thairfoir.

VERDICT. The Assyse, all in ane voce, in respect of the pannellis Judiciall Confessioun maid be him, confessing the said cryme to be of verritie, ffand, pronuncet, and declairit the said Johnne Duncane to be ffylet, culpable, and convict, &c.—SENTENCE. To be tane to the Castell hill of Edinburgh, and thair his heid to be strukin from his body; and all his moveable guidis to be escheit to his hienes vse, as convict of the said cryme.

Murder—Horse-stealing.

Feb. 25.—**JAMES REOCHE**.

Dilaitit of airt and part of the crewall Murthour and Slauchter, vnder nycht, of vmq^{le} Alexander Sandiesone, fervand to Hew Falconer of Innerlochtie; committit in September, vpone Michelmes Evin, in anno 1618, at the zett of Innerlochtie, in staying the said James, and resisting him and his brother in the steiling and away-taking of the said Hew Falconeris horse furth thairof, be schuteing the said Alexander throw the body with ane pistolett.

PERSEWARIS, Hew Falconer of Innerlochtie, his maister; Sir Williame Oliphant of Newtoun, kny^t.

It is alleget be the pannell, that the allegit Slauchter was nocht committit be him; bot the defunct, being ravischeing ane woman, the pannellis brother being thair present, and he in companie with him, imployit thair help to preserve the woman and to set hir frie; for the quhilk, the defunct, haifing ane knyfe in his hand, invalidit the pannellis brother thairwith; quhairupoun the pannellis brother, for his awin saiftie, drew ane pistolet frome his syde, and schote the defunct thairwith; and sa, the fact being committit be his brother, the pannell can nocht be perfewit thairfoir.—It is anfuerit be my lord Aduocat, that the allegeance aucht to be repellit, in respect of the Dittay beiring him to be airt and part of the defunctis slauchter; and that the Slauchter was committit be thame in the steiling of ane horse fra the defunctis maister, haifing cum that eirand to the Hous, at that tyme of the nycht.

¹ Baker.

ASSISA.

Mr James Stewart of Ladywall, Mr James Forbes of Haughtoun, Alex. Farquhar, tailzeour burges of
 Walter Hay in Forrefteris-fait, Johnne Roife, proveist of Nairne, Edinburgh,
 Williame Douglas of Erlefmylne, Mr Daid Stewart, and Johnne Caddell, burges of
 Alex^r Brodie, chalmerlane of Patrik Weymes, fervandis Edinburgh,
 Kinloife, to the Earl of Murray, Alex. Home, burges thair,
 Daid Dumber in Tarves, Thomas Hunter, burges thair.

The Aduocat takis instrumentis of the fuering of the Assyse; and producet, for instructing the Dittay, the pannellis Deposition, maid in presens of the Lordis of Secreit Counsell; and protestis for Wilfull Errour, gif thay acquit.

VERDICT. The Assyse, all in ane voce, fand the said James Reoche to be fylet, culpable, and convict of airt and pairt of the Slauchter of the said v^mq^{le} Alexander, committit vnder nycht, in the steilling of the said Hewis horse.—
 SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair his heid to be strukin frome his body; and his hail guidis confiscat to his Maiesteis vse.

Hamesucken—Slaughter.

Mar. 8.—JOHNNE ROGERSOUN, in Bratmureland.

Dilaitit of the crewall Slauchter of v^mq^{le} Katharene Broun, spous to Hew Broun in Windiehillis,¹ be (by) cuning be (by) way of Hamesuckin to hir duelling hous in Windiehillis, in the moneth of Apryle 1613 yeiris, quhair scho was in sober maner for the tyme; and thair crewallie invaidit hir for hir slauchter, becaus scho had houndit hir dog at his scheip; tuik hir be the spaldis,² and violentlie slang hir over tua kyis³ bakis; thaireftir threw hir fydis to ane tymber bed,⁴ and thairby brak hir hail intrallis within hir; and thaireftir, with his feit and handis, crewallie punschet and strak hir vpon the bak, wambe,⁵ and fydis, and brak hir heart-pypes thairwith; sua that thairby scho tuik bed, and keipit the bed the space of sax dayis, or thairby, continuallie vometing hir heart-bluid; and in the moneth of Maj thaireftir, scho deceifit of the saidis hurtis; and sa, was crewallie and vnmerciefullie flane be the said Johnne Rogerfonne: And he is airt and pairt of the said slauchter; committit vpon set purpois, prouifoun, and foirthocht felonie, as at lenth is contenit in the said Dittay.

PERSEWAR, Hew Broun in Windiehillis, as spous to the defunct.

PRELOCUTORIS in defence, the Laird of Cloisburne; Adame Cunninghame, Aduocat.

The pannell offeris him self to the tryell of the law for the cryme foirsaid, quhair of he is altogidder innocent.

ASSISA.

Johnne Padzeane, younger of Newtoun, Thomas Wauche, elder of Schawis,
 Mr Alexander Flemyng, minister at Dalgarnok, Thomas Wauche, his sone.⁶

¹ The crime is thus briefly described in another place.—² be geving hir dyerse bauch, blae, and blodie straikis, in dyerse partis of hir bodie. ³ Fr. *épaules*, shoulders. ⁴ Cows. ⁵ That is, dashed her with violence against or upon a wooden bedstead. ⁶ Belly. ⁶ The rest of the Assise are persons of no note.

VERDICT. The Affyse, all in ane voce, be the repourt and declaratioun of the said Mr Alexander Flemyng, chancellor, ffand, pronuncet, and declarit the said Johnne Rogerfoun to be Clene, innocent, and acquit of airt and pairt of the slauchter, and hail circumstances thair of spacificit in his Dittay.

Forgery—Falsct—Counterfeiting a Subscription to a false Bond.

Apr. 20.—THOMAS DEMPSTER, sunntyme of Murefk.

Dilaitit of airt and pairt of the ffalssefeing, fforgeing, and devyfeing and counterfuteing of the subscription of ane ffalfe Band of Reuerfioun, &c. spacificit in his DITTAY following, viz.

FORSAMEKILL AS, albeit the said Thomas, be his birth, was ane gentilman borne, provydit, be vertew of his parentis and predicesouris, to the successioun and richt of dyuerse landis, rowmes, and possessiones; the quhilkis, be his leud and godles misgovernment, ar maist schamefullie and vnworthielie spendit and put away, to the impoverisheing alsweill of him selff, as preiudice and disapointment of his posteritie: SIT the said Thomas, altogidder sensles of that his miserable cairage, nawayis being movet thairwith, bot rather resolveing to rwn heidlongis in all godles and cruiket courfes, as a man fault and gevin over to the practize of the samyn; amangis vtheris, his vnlauchfull and damnable proceidingis, a fourtene 3eir fyne or pairby, he maist fallie, fraudulentlie, and diffaitfullie plottit, devyset, forget, and drew vp ane false and counterfute BAND, contening the tennour of ane fals and simulat Reuerfioun, as gif the samyn had bene maid and subferyuit be vmq^{le} *Walter Barclay of Toweis*, quhais name and subscription was also fallie counterfute be the said Thomas, with the Witnesfes subscriptiones insert thairintill; beirand in effect, that the said vmq^{le} *Walter Barclay* confessit and grantit him to haif ressauit fra vmq^{le} *James Dempster of Auchterles*, his father, ane Reuerfioun maid and subferyuit be vmq^{le} *Patrik Barclay*, sunntyme of *Towie*, his father, in fauouris of vmq^{le} *Johnne Erle of Buchan, Lord of Glendovachie*, subferynit at the *Castle of Banff*, the first day of July 1547 3eiris, for redemeing and outquyteing fra the said vmq^{le} *Patrik* and his airis, *Lairdis of Towie, of the Landis of Collane*, with the fischer-heaven and remanent pairtis, pendicles, and pertinentis of the samyn, lyand within the Lordschip of Glendovachie, and Sherefdom of *Bauff*, vpone payment and delyuerance of ane handreth angellnobles gold and wecht; with ane nyntene 3eir Tak, estir the Redemptioun, contening frie Office and jurisdiction of Bailzerie, with payment of thre-3eoir merkis, as for the 3eirlie maill thair of allanerlie: And that be vertew of the foirfaid simulat Band, the said vmq^{le} *Walter Barclay of Toweis* obleist him to delyuer bak agane the samyn Reuerfioun to the said *James Dempster*, father to the said Thomas, at quhat tyme or how sone it fould happin him, and his airis, to be distressit or put at for delyuerie, or exhibitioun of the samyn, be the airis maill of the said vmq^{le} *Erle of Buchan*, and vtheris haiffand richt thairto; and thairwith to pay to the said *James Dempster* and his airis, the sówme of ten thowfeand pundis of liquidat expensis, in caice of failzie: As the said Band, contening the tennour of the said fals Reuerfioun, with dyuerse vtheris clausses at lenth set down thairintill, all fallie fforget, devyset, and counterfute, first be the said Thomas, and thairestir writtin over at his command and directioun be *Airthour Meldrum*, Scule-maister and Reidar at Kintor, and ante-daitit be him, at the said Thomas command, at Lambes last, daitit at Mure-esk, the first day of October 1585, be the space of threttie-foure 3eiris of befor, in the selff proportis. LYK AS, in ane actioun of Improbatioun intentit laittie befor the Lordis of Counfell and Sessioun, at the instance of *Sir Patrik Barclay*, now of *Towie elder*, and *Patrik Barclay younger* his sone, with concurrence of our sowerane lordis Aduocat, for Improbatioun of the foirfaid Band and Reuerfioun, ingrossit thairintill, the saidis Lordis of Counfell and Sessioun, ester tryell tane be them in the premiffes, hes ffand and declarit be thair Decreit, gevin vpone

the secund day of Marche instant, conforme to the said *Thomas* awin Confessioun and Deposition, subseruyit be his awin hand, in thair haill Lordschippis presens, that the foirsaid Band and Reuerfioun foirsaid, ingrossit thairintill, is fals and fenzeit, falllie forget, fabricat, and devyset be the said *Thomas*, and the said *Airthur Meldrum*, at his command and directioun: And that the said *Airthur*, be his command and directioun, counterfute the names and subscriptions of *Patrik Chalmer*, *Alexander Frazer*, and *Alexander Watfoun*, thre of the Witneses infert thairintill: And that the said *Thomas* him self counterfute, and pat to with his hand the name and subscription of the said v^mq^{le} *Walter Barclay of Towie*, allegit maker of the said Band, with the names of *George Leslie*, and *James Innes*, uther tua Witneses infert thairintill: AND in respect thairof, the samyn Band was, be thair Lordschippis directioun, in thair Lordschippis presens, immediatlie cuttit, cancellit, and destroyit, and declairit to mak na fayeth in judgement, nor outwith, in tyme cuming: AND the said *Thomas*, for his former falssett, (was) also Ordanit be the saidis Lordis Decreit to be pwneist in his persone and guidis, conforme to the lawis of this realme; quhilk aucht and sould be execute vpon him with all rigour, to the terrour and example of vtheris to attempt the lyk. As the saidis Lordis Decreit, togidder with the said *Thomas*, his awin and the said *Airthur Meldrumes* Depositiones, confessing cleirly the falssett aboue writtin, product be our said fouerane lordis Aduocat with the Dittay aboue specifit, for verificatioun thairof, at lenth beiris.

The pannell allegit, that in respect the ffalfe Reuerfioun quhairupoun he is accuset, was nevir vsēt nor abiddin at be him, to the hurt of *the Laird of Towie* or ony vther, that thairfoir the Justice could nocht put him to ane Assyse.—It is anferit be my Lord Aduocat, that the allegiance aucht to be repellit, in respect of the Dittay, and of the Lordis Decreit, quhairupoun the samyn is foundit, finding the Reuerfioun to be ffallic fforget be the pannell, and that *the Laird of Towie's* subscription was falllic counterfute, and put thairto be the pannell; and thairfoir Ordaning him to be pwneist, conforme to the Lawis of this realme.

THE Justice Repellis the pannellis allegiance, in respect of the anfer; and Ordanis the Dittay to pass to ane Assyse.

ASSISA.

George Logane of Bonytoun, elder,	James Halyburtoun, mercheand,	Archibald Law, goldsmyth,
William Lauder, bailzie of	Patrik Elis, 5ounger, mercheand,	Harie Hoip, mercheand,
Dumbar,	Capitane Patrik Heiring,	George Hammiltoun, mercheand,
Malcolme Stevinsoun, Tutour of	Johnne Dougall, mercheand,	Eduard Johnnestoun, mercheand,
Hirdmestoun,	Johnne Schaw, mercheand,	William Crystiesoun, tailsour.
Michell Ramfay of Forther,	Johnne Smyth, mercheand,	

VERDICT. The Assyse, be the repourt and declaratioun of the said Chancellor, all in ane voce, ffind, pronuncet, and declairit the said *Thomas Dempster* to be ffylet, culpable, and convict of the haill ffalfettis set down in his Dittay aboue writtin.—SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair his heid to be strukin frome his body; and all his moveable guidis and geir pertening to him to be escheit to his Maiesteis vse, &c.¹

¹ The frequency of the crime of Forgery, during some years preceding the date of this Trial, seems to have induced the Public Prosecutor to make several severe examples. Not a few of the criminals were persons of considerable rank in society, who, by desperate courses, had been reduced to the worst shifts to procure the means of subsistence.

Murder.

JUN. 14.—ROBERT HODGE in Spitteltoun, and James Mitchell, myller at Dalmahoy mylne.

Dilaitit of airt and pairt of the Slauchter and Murthour of vmq^{le} Patrik Mitchell, skynner; committit in Marche last or thairby, be streking him with kentis and flailis, in dyuerse pairtis of his body, and douking him in the mylneleid or dan of Dalmahoy-mylne; quhair of he within xxiiij houris deceffit.

PERSEWAR, Johnne Mitchell in Langfyde, as father.

PRELOCUTORIS in defence, Mr Robert Lermonthie, The Laird of Dalmahoy.

THE Justice continewis this dyet to fryday nixt.

JUN. 16.—COMPEIRIT Johnne Mitchell, persewar, and declairit that the perfonen on pannell ar altogidder innocent of the crymes contenit in the Letteris; and thairfoir he past *simpliciter* fra thair persute, as innocent thairof.—The pannell takis instrumentis of the persewaris Declaratioun, and passing *simpliciter* fra thair persute; and nochtwithstanding thairof, offerit thame selfis to the tryell of the Law for the said allegit crymes, feing thair is ane sufficient number of honest men heir present, quha war summoned be the persewar to pas on thair Assyse, and quha best knowis the verritie of that matter; and thairfoir, as of befoir, desyret my lord Justice that thai mycht be put to ane tryell, &c.

THE Justice, in respect of the persewaris declaratioun and passing fra the pannellis persute, Ordanis the dyet to desert; and na Letteris to be direct aganis thame, in this matter, in any tyme cuming, at the instance of thair persewaris.

Murder committed under Trust and Friendschip.

JUN. 16.—HARIE GORDOUN of Haddo.

Dilaitit of the crewall Murthour and Slauchter of vmq^{le} Johnne Johnnestoun, servand and neir kynfinan to the Laird of Caskieben, be schuiting him throw the body with ane double musket, charget with fyve bullettis, vnder trust and freindschip, at the dur of the said Hareis duelling-hous, the xxiiij of Marche last.

Robert Johnnestoun, in Corshill, as father to vmq^{le} Johnne, togidder with Sir Williame Oliphant, producet the Letteris, deulie execute and indorfate, &c.

THE Justice Ordanit Adame Gordoun of Boighoill, as cautioner, to be vnlawit for nocht entrie of the said Harie, in the pane of Tua hundreth merkis: And siclyk, that the said Harie be denunciect rebell and put to the horne, and all his moveabill guidis to be escheit, &c.

Murder by Drowning, &c.

JUN. 16.—DONALD NEILSONE of Assint, Neill Neilfone, his sone, and Neill M'Eane Allaister.

Dilaitit for taking vmq^{le} Donald M^cAllaister V^cEane V^cHenrie, binding him hand and fute, and casting him in ane boit; and thaireftir cayreing him to ane craig¹ in the Sea of Clafneffie, in Affint, quhair the fie overflowing the faid craig, he was pitiefullie² drownit and cayreit away to the grit Ocean-fie; and fa, crewallie Murthouret be thame.

Michaell Anderfone, tailzeour in the Potter-raw, as cautioner, amerciaded for nocht repoirting of the Letteres deulie execute and indorfate, and perfewing thairof, purcheft at the instance of Johnne M^cAngus V^cHenrie, neir kynnifman of the faid vmq^{le} Donald, viz. 100 merkis for the faid Neill M^cEan Allaister; and for the vther tua defenderis, ather of thame in tua hundreth merkis.

Slaughter.

Jun. 20.—WILLIAME JOHNNESTOUN, elder of Kellobank; Williame Johnneftoun, 3ounger, his fone; and Johnne Johnneftoun, alfo his fone.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Williame Johnneftoun of Kynnel-heid; committit in anno 1619.

PERSEWAR, Jeane Johnneftoun, as dochter.

ASSISTERIS of the perfute, Robert Johnneftoun, callit of Moflope, Thomas Johnneftoun of Beirholme, James Johnneftoun of Erfchag.

PRELOCUTOURIS in defence, Mr Thomas Nicolfone, elder, Mr Laurence M^cgill (Advocates.)

The perfewaris paffis *fimpliciter* fra the pannellis perfute, for the crymes foirfaidis: Quhairvpon the pannell askit instrumentis.

Continued, 'for the Kingis pairt,' to the third day of the next Justice-air, or fooner, on xv days warning.

Taking captibe and prisoner—Oppression, &c.

Jul. 12.—WILLIAME GARIOCHE, fone to James Garioche of Kinfair, and Thomas Anderfone in Awfurd.

Dilaitit for being in companie with *Alexander Forbes*, funtyme of *Toweis*, vpon the xxj day of Januar, 1620 laft, bodin³ with foure piftolettis and tua lang gwnes, fuordis, durkis, and vtheris wappones *invafué*; and cuming airlie in the moirning, befor the brek of day, to the duelling-hous of George Garioche, in Tuliechetlie, fone-in-law to Johnne Bonar, in Tulliechetlie, quhair the faid Johnne was, in fober and quyet maner, for the tyme, lying in his bed; and be plane force and violence entering within the faid hous, pat violent handis in the perfone of Barbara Forbes, ane fervand thairof, drew hir to the ffyre, and in maift barbarous and crewall maner held hir aboue the famyn, thraitning to cast hir thairin,

¹ Craig, or rock.

² Piteously; lamentably.

³ Furnished; provided.

and to burn hir quick,¹ gif scho reveillit nocht to thame quhair the said Johnne Bonar was : AND lykwayis, ffor the putting violent handis in the perfone of Robert Broun, ane vther fervand of the said hous, and halding ane drawin durk to his breift, thiraitning to strek him thairwith, gif he also reveillit nocht to thame quhair the said Johnne Bonar was for the tyme : AND laft, vpone knowlege gevin to the said Alexander Forbes of Toweis and his complices, that the said Johnne Bonar was in his bed within the said hous, ffor thair cuming to him to his bedfyde, and drawing him furth of his bed in maift violent maner, taking him captiue and priffoner, and cayreing him furth of the said hous be the space of tua myles, to the watter of Lochell, and douking² him dyuerse tymes thairin ; and thair compelling him to yeild to the furneiffing to the said Alexander Forbes, and delyuering to him of ffyve hundreth merkis money ; and becaus of the said Johnne Bonar his refuifall of performeing thaireftir of his promeis, ffor cayreing him with thame, as ane captiue and priffoner, to the duelling-hous of Robert Merfar of Edindowie, and keiping him thairin, as ane captiue and priffoner, be the fpace of tua dayis and tua nichtis togidder : AND for beiring and weiring of hagbuttis and piftolettis, contrair the tennour of the Actis of Parliament.

Compeirit personallie the said Williame Garioche and Thomas Anderfones, and maift willinglie offerit thame selffis to the tryell of the law, difassenting *simpliciter* to all maner of continuation : And thairfoir protestit for thair cautioneris (Mr Williame Forbes of Craigievar, and Alexander Hill, litfter,³ burges of Aberdene) releif.—Compeirit on the vther part, Johnne Forbes, elder of Brux, as procurator, speciallic constitute, for the said Johnne Bonar, perfewar, and be vertew of ane Letter of procuratioun, fufcryuit with his hand, of the dait the aucht day of July instant ; bearing, that the said Johnne, in regard of his grit age and inhabilitie to travell to the keiping of this dyett, and that he vnderftuid the saidis Williame and Thomas, quha had fund cautione, war innocent of the haill crymes aboue writtin, Ordanit the said Johnne Forbes of Brux to pas *simpliciter* fra thair perfute, &c. Quhilk protestatioun the Justice admittit.

House-breaking—Stouthreif—Theft.

Jul. 21.—PATRIK GRANT of Davachnoir ; Duncane Grant, in Wester Bunlody ; James M'allaster Vic Eane Oig, in Inchebroun ; Ewin M'neill V^cquyane, in Littill Clwne.

Dilaitit for breking of Johnne Grant of Glenmoriestoun his hous of Belmacaene, in Vrquhart ; breking vp of fourtene lokit kiftis⁴ being thairin ; steilling and away-taking of certane guidis and geir being within the saidis kiftis, all pertening to the said Johnne Grant ; committit in Apryle, 1615 yeiris.

¹ Alive.

² Ducking.

³ Dyer.

⁴ Locked chests.

PERSEWAR, Johnne Grant of Glenmoriestoun.

The persewar passis *simpliciter* fra the perfute of the said Ewin ; and declairis him to be innocent thair of.

Continued to the thrid day of the nixt Justice-air of the scherefdom quhair thay duell, or soner, vpon xv dayis wairning. Johnne Grant, appeirand of Ballindalloche, become fouertie, &c.

Taking captive—Oppression—Starving to death.

Jul. 26.—ROBERT M'COULE, in Wester Kindrogine ; Robert Glas, thair ; and Johnne Bowy M'kerra Dowy, in Straloche.

Dilaitit for Usurpatioun of our fouerane lordis autoritie, in taking of vmq^{le} Allaster M'gilliemule, in Innerridrie, ane simple pur man, furth of the duelling hous of Johnne Roy M'gilliemule, vpon the landis of Bordland, within the scherefdom of Perth, binding him hand and fute, and cayreing him, as ane captiue and priffoner, with thame to the Castell of Blair, in Athole, and stryppit him naikit of his claithe, and thaireftir casting him in the pit of the said Castell, quhair, in the deid tyme of winter, viz. in December last, he fameifchet with hunger and cald, eftir he had remanit foure dayis and foure nichtis thairintill : And thaireftir cayreing him out of the said pitt to ane gibbet (being deid) vpon the landis of Blair, quhair thay hang him vp as ane malefactor, but power or commissioun gevin to thame, or ony preceeding tryell tane of his guiltines of ony cryme.

THE Justice ordanit Johnne Fergusone of Belnacult, in Straloche, as cautioner and fouertie, to be vnlawit for nocht entrie of ilk ane of the saidis personis, in the pane of ane hundreth merkis : And siclyk, that thay fall be denuncet rebellis and put to the horne, and all thair moveabill guidis to be escheit, &c.

Hurting and Wounding—Demembration.

Nov. 3.—JOHNNE STEWART of Hulreid ; James Blaikwoid, his fervand ; and Johnne Pollok, sone to Johnne Pollok, in Caldcoittis.

Dilaitit of airt and pairt of the crewall Hurting and Wounding of Johnne Allanfone, sone to Andro Allanfone, in Waterfute, in his heid, be geving to him of fevin bludie woundis thairintill, tua crewall woundis in his schoulderis and airmes : As also, of dismembring him of his thombe and thre fingeris of his left hand ; committit vpon the landis of Gorballis, pertening to Sir George Elphingstoun of Blytheswoid, kny^t, in his cuning frome Glasgow to his fatheris hous, in Watterfute, in the moneth of Junij last ; vpon set purpois, prouifioun, and sfoirtocht ffellonie.

PERSEWAR, Johnne Allanfone.

PRELOCUTORIS in defence, Mr Thomas Hoip, Mr James Hammiltoun.

It is allegit be Mr Thomas Hoip, as prelocoutour for Johnne Stewart of Hulreid, that the Dittay can nocht be put to ane Assyse aganis the said Johnne, nor his men, becaus per Legem, *si quis in rixa*, &c. ; quhair ane persone, callit for ane cryme and is fugitiue thairfoir, the remanent persones, his allegit complices, enterand, can nocht be tryit be ane Assyse, or perfewit for the samyn : As also, he takis instrumentis of that poynt of the Dittay, beirand the fact lybellit to be committit vpon foirthocht felonie. It is forder allegit be Mr Thomas, that the Dittay is nawayis relevant to pas to ane Assyse, for Dismembring, feing the perfewar wantis nocht ane member, bot onlie his thombe and tua fingeris, *quia digitus non est membrum, sed tantum pars membri*.

Mr James Hammiltoun, as prelocoutour for Johnne Pollok, takis instrumentis, that the perfewar is willing to pas fra the said Johnne Pollokis perfute *simpliciter*, as altogidder innocent of the cryme lybellit ; and protestis, in caice he perfew nocht Pollok, that the perfewaris cautioneris be vnlawit : And thairfoir, in respect of Pollokis innocencie, he offeris him to the tryell of ane Assyse. Takis instrumentis also of the perfewaris declaratioun, beirand that he nevir saw the said Johnne Stewart and remanent persones on pannell befoir his cuming to the grund of Gorballis, that day of his hurting thairupoun ; as also, that Johnne Stewart said thease wordis at that tyme, ' It is ane mervellous matter we can nocht get James Pollok and Johnne Allansone red !'

THE Justice repellis the allegeances aboue writtin, concerning the Law allegit be Mr Thomas Hoip, and concerning the dismembring, in respect of the Dittay : And Ordanis the samyn to be put to ane Assyse.

VERDICT. The Assyse, all in ane voce, ffand the saidis Johnne Stewart, James Blaikwood, and Johnne Pollok to be Clene, innocent, and acquit, &c.

Slaughter.

Nov. 17.—JAMES MURE, in Dalnahoy,¹ and Thomas Aikman, thair.

Dilaitit of airt and pairt of the Slauchter of vni^{le} Johnne Weir, in Dalnahoy ; committit with stanes, rungis,² and vtheris wappones *invasiue*, vpon the last day of September lastbypast, vpon fet purpois, prouisioun, and foirthocht felony.

PERSEWARIS, Margaret Wynrahame, the relict ; Thomas and William Weir, brether.

PRELOCOUTOUR in defence (for Thomas Aikman), Mr Robert Lermonthe.

VERDICT. The Assyse, all in ane voce, ffand the said *Thomas Aikman* to be Cleane, innocent, and acquit : And siclyk, that the said *James Mure* is Giltie, culpable, and convict of the said slauchter.—SENTENCE *against Mure*. To be tane to the Mercat croce of Edinburghe, and thair his heid to be strukin froone his body ; and all his moveable guidis to be escheit, &c.

¹ See Jun. 14, 1620.

² Cudgels ; staves.

Slaughter.

Dec. 1.—**JOHNE BROWN**, tailgeour, hantand¹ in Craufurdmure.

Dilaitit of airt and pairt of the crewall Slauchter of vmq^{le} James Williamfone, in Glengeich; committit the xxvj day of November lastbypast, within the duelling hous of Johnne Gibfone, elder, in Craufurdtown, be hurting him with ane fuord in the heid, airmes, and vtheris pairtis of his body; quhairrof, vpon the morne thaireftir, being the xxvij day of November, at tuelf houris in the day, he deceiffit.

PERSEWARIS, Symone Williamfone, burges of Edinburghe, and Robert Williamfone, brethir to the defunct; James Williamfone, brother-in-law; Sir Williame Oliphant, kny^t.

ASSISA.

Mathow Bailzie, of Littillgill,	Thomas Johnnstoun of Beirholme,
Mr James Bailzie, fone to Mathow,	Williame Tailzeifeir of Herklaw,
Johnne Makmath of Corfbank,	Johnne Vmphray in Glenmuklek. ²

The said Robert Williamfone, brother to the defunct, fuoir the Dittay to be of verritie: Quhairvpoun my lord Aduocat askit instrumentis; and protestit for Wilfull Error aganis the Assyse, gif thay acquit.

VERDICT. The Assyse, all in ane voce, be the declaratioun of the said Mathow Bailzie, chancellor, ffand the said Johnne Brown to be ffylet, culpable, and convict of airt and pairt of the said crewall Slauchter.—**SENTENCE.** To be tane to the Mercat-croce of Edinburghe, and thair his heid to be strukin frome his body; and all his moveabill guidis to be efcheit, &c.

Slaughter.

Dec. 15.—**SIR JAMES MAXWALL** of Calderwoid, kny^t; Alexander Lyndfay of Dunrod; Johnne Lyndfay, his brother naturall; and James Maxwell, fone to Williame Maxwell of Newlandis.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Alexander Lekkies of that Ilk; committit in September 1601 yeiris.

PERSEWARIS, Alexander Lekkies of that Ilk, as fone; Adame Cuninghame of Markinfche, the spous of Euphame Maxwell, relict of the said vmq^{le} Alexander, for his intreis; Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our fouerane lord.

PRELOCUTOR in defence, Mr Thomas Hoip, Aduocat.

The Justice, conforme to ane Warrant of the Secreit Counfall, direct to him, quhairrof the tennour followis:

JUSTICE, Justice Clerk, and your deputis. Quhairas the fyftene day of December instant is appointit to Sir James Maxwell of Calderwoid, kny^t, W^m Maxwell of Newlandis, James, Jⁿ, and James Maxwell his fones, Alex^r Lyndfay of Dunrod, and James Wauchope in þe Airdis, ffor pair compeirance befor you, to vnderly the lawis for the Slauchter of vmq^{le} Alex^r Lekkies of þat Ilk: Nochtwithstanding, for certane cauffis moveing ws, it is our will, and we Command you to continew þe said dyet, vntill the

¹ Dwelling, but having no fixed residence.

² The rest of no note.

fextene day of Januar, in the 5eir of God I^m.Vj^c. tuentie tua 5eiris : And that 3e tak new caution of thame, conforme to the ordour. Quhairanent thir presentis fall be 3our Warrant. AT ED^B, the tuelf day of December, 1620.

AL. CANCELL^S. MAR. MELROIS. NITHISDAILL. LAUDERDAILL. CARNEG Y.

Continewis this dyet to the said xvj day of Januar, in anno foirfaid.—Sir Alexander Hammiltoun of Innerweik, kny^t, elder, and Alexander Levingftoun of Belstane, become pleges and fouerteis for the entrie of the saidis Sir James, &c.

(Jan. 16, 1622.)—SIR James Maxwell compeirit, and personallie productet ane WARRANT of the Lordis of Secreit Counfall, proceeding vpone ane Supplicatioun gevin in by thair Lordschippis ; quhair of the tennour followis.

MY LORDIS OF SECREIT COUNSALL, vnto 3our L. humlie meanis¹ and schawis, we 3our feruitouris, *Sir James Maxwell of Calderwoid*,² sone to vmq^l *William Maxwell of Newlandis, Alex^r Lyndsay of Dunrode*, and *Joⁿ Lyndsay*, his brother naturale, That quhair, the fextene day of Januare nixtocum is appointit to us for our compeirance befor his Maieftis Justice, to vnderly the Law for the Slauchter of vmq^l *Alex^r Lekie of that Ilk*, at the quhilk day the Justice intendis to proceed in this matter ; albeit it be of verritie, that be pe mediatioun and travellis of some weill affectit Noblemen, Barrones, and Gentilmen, commoun and indifferent³ freindis to both us pairteis, who hes delt and travellit betuix us, for bringing of this vnhappie ffeid, whilk hes bene of so long continuance betuix our Houffis, to some termes of aggrement and reconciliatioun : Thay brocht pe matter to this poynt, that I, pe said *Sir James*, fall superceid and continew the profecutioun and following out of pe actioun of Reductioun, quhilk I haif presentlie in dependance befor pe Lordis of Counfall and Sessioun, aganis pe said *Laird of Lekkie*, and that I fall suffer the same to rest and sleip⁴ till pe said fextene day of Januar nixtocum ; and that the Criminall dyet foirfaid, appointit for our Tryell befor pe Justice, fall be continewit till Witfunday nixt ; to the effect, that in this meane tyme, forder travellis may be tane for bringing of the ffeid and querrell betuix us to ane more happie and finall conclusioun : AND with this appointment of freindis, bothe we pairteis restit weale satisfeit and content. THAIRFOIR we besaik 3our Lo. to geve command to pe Justice, Justice clerk, and pair deputies, to continew pe dyet foirfaid, appointit for our compeirance befor thame, to vnderly the Law for pe Slauchter, vnto pe said terme of Witfunday nixtocum ; and that pai dispenfe with our personall compeirance, and tak new caution for us, conforme to pe ordour : And to discharge thame of all proceeding aganis us in the mean tyme, and of thair offices in that pairt, quhill pe said terme of Witfunday : Whairanent thir presentis fall be pair Warrant. And 3our Lordschippis anfuert. [*Followis the Lordis deliquerance.*] APUD ED^B, *quarto Decembris*, 1621, *ffiat ut petitur*, to the six day of Junij nixtocum : Becaus the *Erle of Mar*, being personallie present, testifeit pe consent and appointment within writin.

AL. CANCELL^S.

For obedience of the quhilk Warrant, the Justice continewis this dyet in the same forme, force, and effect, with all tryell of the pannell for the Slauchter aboue writtin, to the said xix day of Junij, &c.—Sir George Elphingftoun of Blythefwoid, kny^t, became fouertie for the entrie of the said Laird of Calderwoid, &c.

(Jun. 19, 1622.)—THE Laird of Calderwoid productet his Maieftis Letter following :

¹ Complains. ² It is likely the following words are omitted in the record, through a clerical error : ‘ Kny^t, James Maxwell,’ sone, &c. ³ Disinterested. ⁴ When no proceeding takes place in suits before the Court of Session for *year and day*, the process is technically said to *fall asleep*, and is revived by a Summons of *Wakening*, &c.

JAMES R.

TRUSTIE and weilbelout, We greit 5ow weil. WHAIR AS, We be credible informet that *Sir James Maxwell of Calderwood, kny^t*, and *Alexander Lindfay of Dunrod*, with thear complices, ar fummond, to vnderly our Lawis, for pe Slauchter of vmq^{le} *Alexander Lecky of that Ilk*, alleadged committed be thame, We ar well pleased to grant vnto the said *Sir James* a Respitt for the same, during the space of certane monethis eftir the dait heirof: AND thairfoir haif thought goode, by these presentis, to will and requyre 5ow not to medle in any wyfe, nor to tak cognitioun of the said cause, till the fyft day of October nixt. Wherein We expect 5owr conformitie to our pleafour. GEVIN at our Court of Grenewiche, the first of Junij, 1622.

THE Justice continewis, &c. Sir Johnne Hammiltoun of Lettrik, and James Maxwell of Kirkconnell, cautioneris, &c.

PRELOCOUTOURIS in defence, Joseph Myller, Aduocat; Archibald Hammiltoun, Commiffar of Lanark.

(Oct. 5, 1622.)—JOSEPH MYLLER producet tua feuerall Testimoniallis, the ane subferyuit be the Minister of Lanark, and dyuerse elderis of the Sesshoun of that Kirk; and the vther subferyvet be the Minister of Carlouk, and certane of the elderis of that Kirk, testifeing the deceife of *Sir James Maxwell of Calderwood, kny^t*: And vpon the production thairof askit instrumentis.

The Laird of Dunrod presentit to the Justice ane LETTER of HIS MAIESTEIS, quhair of the tennour followis.

To o^r trustie and weilbelout, o^r Justice, Justice clerk, and pair deputeis whatsoeuir.

JAMES R.

Trustie and wellbelout, We greete 5ow well. Whairas, We haue bene pleased to write to o^r Counsell, willing thame to employ their best meanes, for reconcilioun of *Sir James Maxwell of Calderwood* and *Alexander Leckie of that Ilk*: We haif lykwayis thocht by these presentis to will and requyre 5ow nocht to proceid in the criminall action intendit aganis the said *Sir James Maxwell* and his complices, for the Slauchter of vmq^{le} *Alexander Leckie of that Ilk*, till 5e fall vnderstand by o^r said Counsell that pai haif gevin vp all forder deilling in that matter. So, expecting 5o^r conformitie to this o^r ples^r, we bid 5ou fare weil. GEVIN at Windefore, the feavinthe day of August, 1622.

Conforme to the quhilk directioun of his Maiestie, the Justice deferris all proceeding aganis the pannell.

The said Johnne Lyndfay difassentis to the said continuatioun, and affirms him self to be innocent of the said Slauchter; and thairfoir offeris him self presentlie to the tryell of the Law for the samyn.—The Justice Ordanis him, with the remanent defenderis vpon pannell, to find caution. James Lyndfay of Scheillis, and Alexander Levingstoun of Belstane, become cautioneris, &c.

[*Mr Robert Fairlie, Justice-Depute.*]

Taking captive King's free lieges—Cruel oppression—Murder, &c.

Feb. 7, 1621.—JAMES PARK in Cathkyn, and George Park in Wester Gremlear, his brother.

Dilaitit of air and pairt of the Taking of vmq^{le} William Knox, in Cathkyn, furth of his duelling hous, vnder silence of nycht, and with cudgellis and rungis besting and dinging him in the breist, fydis, bak, and bellie; thairby breking

and brufeing his haill intrallis and nobill pairtis within him, fetting thair feit betuix his leggis vpon his ball-cod,¹ and forceing thairby his ftanes to loup vp in his lifkis ;² binding him thairefter with ane coird, or hair-tedder, to ane horſe and ane ſled,³ and cayreing him with thame as ane captiue and priſſoner to the toun of Hammiltoun : Off the quhilkis hurttis and dedlie woundis, he deceiffit, in the moneth of Januar ; the ſamyn being done to him in the moneth of October of befor, in the yeir of God I^m.V^c.lxxxxvj yeiris.

PERSEWARIS, Johnne Knox, as fone ; Sir Williame Oliphant, kny^t.

PRELOCUTORIS in defence, Mr Tho^s Hoip, Mr Ja^s Hammiltoun, Mr Lueis Stewart, (Advocates.)

It is allegit be the pannell, that the Dittay contenis tua feuerall crymes ; the firſt, for taking and apprehending of his Maieſteis frie lege but⁴ Commiſſioun, quhilk is treſſonable ; the vther cryme, for Murthour and Slauchter of him, in in maner lybellit. As to the firſt cryme, quhilk inferris the cryme of Treſſone, *non relevat*, becaus, taking without imprifſoning *in privato carcere*, and detening him thairin, *per ſpacium viginti quatuor horarum*, can nocht, be⁵ the law, infer *penam privati carceris*. And as to the Murthour lybellit, *non relevat* to pas to ane Aſſyſe, except it war condifcendit, at quhat tyme he contractit the deidlie feiknes, eftir the geving of the ſtraikis quhairupoun daith followit, as is alleggit in the lybell. My lord Aduocat conioynes the tua crymes lybellit, and concludes thairin only *penam capitis* to be inflictit vpon the committeris ; and thairfoir defyres the Juſtice to put the haill lybell *coniunctim* to the knowlege of ane Aſſyſe.—The perſewar, Johnne Knox, declairis that he will nocht perſew at this tyme, becaus the ſpeciall perſones that ar ſummoned, and beſt knawis the treuth of the pannellis giltines, ar nocht present : And thairfoir, defyres that the matter may continew to ane fyftene dayis wairning, and the pannell put vnder new caution.—The pannell difaſſentis to the ſaid continuatioun ; and in reſpect, thair is ane ſufficient number of Aſſyſe present, all ſummoned be the perſewar, offeris thame ſelffis to the tryell of the law for the haill crymes lybellit ; quhairof thay declair thame ſelffis to be altogidder innocent : And proteſtis, in reſpect of thair former offer, that thay be nawayis trubillit or perſewit for the ſaidis allegit crymes, in any tyme cuming.

THE Juſtice continewis this matter to ane fyftene dayis wairning ; and ordanis the pannell to find caution, &c. Williame Anderſone, portioner of Littil Govane, became cautioner, &c.

[*Mr Alexander Coluile, Juſtice-Depute.*]

Uſurping King's authority—Taking captive &c.

Feb. 9.—RICHARD GRAHAME of Hoſpitalscheillis, and Robert Merſar, meſſinger in Abirdene.⁶

¹ Teſtes.

² Reins.

³ Sledge, or cart without wheels.

⁴ Without.

⁵ By.

⁶ Cautioners, ' George Erle of Marſhell, and James Garioche of Kinfair.'

Dilaitit for cuming to Patrik Farquhar, burges of Abirdene, his duelling-hous thair, and maist violentlie, but ordour of Law,¹ or concurrence of the Magiftratis of the said burgh, and without ony Commiffioun or vther Warrant, putting violent handis in the perfone of the said Patrik Farquhar, taking him furth of his said hous; and thairfra, cayreing him, as ane captiue and priffoner, to the said Richerd Grahames Hous of Overcraig: As also, for cayreing him to the priffone of Stanehyve, quhairin he was keipit be the fpace of tuentie dayis: LYK AS, he was keipit and detenit in the said Richerd Grahames Hous, *tanquam in privato carcere*, be the fpace of tuentie foure houris; vfurpeing thairby our fouerane lordis authoritie vpone thame: AND sic lyk, for tranfpoirting him to the duelling hous of Mr Williame Reid in Cowie, quhairin he was keipit in ftrait firmance the fpace of vther xxiiij houris: Vfurpeing thairby our fouerane lordis authoritie vpone thame.

PRELOCUTORIS in defence, Mr James Oliphant, Mr Roger Mowat, Aduocattis.

The said Patrik Farquhar declairit, that the saidis Letteris war altogidder raifit but² his warrant, and by³ his knowlege; and without ony informatioun gevin be him to our fouerane lordis Aduocat, or to the said James Keyth,⁴ or ony vther thairintill: And thairfoir, he renuncet all actioun Criminal or Ciuile that he had or could allege aganis the said Richard and Robert, and past *simpliciter* fra thair perfute, as altogidder frie and innocent thairof.—My lord Aduocat declairis, that thair is collufioun and fecreit aggrement betuix Patrik Farquhar and the perfones on pannell; and defyres the pannell thairfoir to be put vnder new caution, for thair compeirance of new agane, vpone xv dayis wairning, for his Maiefteis intereis allanerlie.—Johnne Grahame, indueller in Edinburgh, becomes cautioner to the above effect.

My lord Justice Ordanit na letteris to be direct furth aganis the pannell, at the instance of the said Patrik, for the crymes foirfaidis, in ony tyme cuming, in respect of his former declaratioun.

Slaughter.

Feb. 23.—JOHNNE BELLENDEN, indueller in Edinburghe.

Dilaitit of airt and pairt of the Slauchter of vni^o James Dalmahoy, burges of Edinburgh.

PERSEWARIS.

Agnes and Helene Dalmahoy, fifteris; Sir Johnne Dalmahoy of that Ilk, kyn^t; Andro Ker of Zair.

PRELOCUTORIS in defence, James Borthuik of Newbyres, Mr Laurence M^cGill.

THE JUSTICE, of consent of pairtie, continewis the dyet to the fevint of Marche

¹ Without legal warrant. ² Without. ³ Beside; past; without; contrary to. ⁴ Of Harviestoun, cautioner for producing the Letters duly executed against the pannell.

nixtocum. And ordanis the pannell to be tane bak to waird, thair to remane quhill the said day.

Mar. 7.—CONTINEWIS this matter to Fryday nixt, the nynt *instantis*.

Mar. 9.—THE perfewaris passis fra the perfute of the pannell, *pro loco et tempore*.

Slaughter.

Mar. 30.—MR JAMES BAILZIE, sone to Mathow Bailzie of Littilgill.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} James Dalmahoy, merchand burges of Edinburgh.

PRELOCOUTOURIS in defence, Mathow Bailzie of Littilgill, Mr James Hammiltoun.

The saidis Mathow, and Mr James, declairit, that Mr James Bailzie, his sone, the tyme of the geving of the charge to him, for his compeirance, was and is as yit hevielie diseasit with seiknes, that he is nocht able to travell to the keiping of this dyet, &c.

Johnne Loverance, Minister at Robertoun being solemplie fuorne, declairit, that he is Minister at the Kirk of Robertoun, and within this thre dayis visseit Mr James Bailzie within the parochin, quhair he was lying bedfast, heavilie diseasit with seiknes, and nawayis of habilitie to travell, vpon horse or fute, to the keiping of this dyet; as he fould ansuer to the grit and Almychtie God. —*Johnne Dunfyre* in Robertoun, also fuorne, is conforme to the said *Johnne Loverance*, Minister.—*Mungo Inglis* thair, lykwayis deiplie fuorne, depones conforme to the Minister.

THE Justice ordanit caution of new agane to be ffund for the said Mr James Bailzie, that he fall compeir the thrid day of the nixt Justice-air of Lanerk, or soner, vpon xv dayis. The said Mathow becomes cautioner.

[*Mr Robert Fairlie, Justice-Depute.*]

Murder under trust, credit, and assurance.

Apr. 13.—GEORGE ERLE OF CAITHNESS, and James Sinclair in Diran.

Dilaitit of airt and pairt of the crewall and treffonabill Murthour and Slaughter vnder trust, credit, and assurance of vmq^{le} Thomas Lyndfay in Scraibster in Kaithnes; committit be thame and thair compliceis, in forme and maner specifeit in the Letteris.

Robert Monro of Aldie, Commiffar of Kaithnes, as brother on the mother syde, to the said vmq^{le} Thomas, producit the Letteris deulie execute and indorfate vpon the said Erle and James Sinclair, be the quhilkis, thay and ather of thame ar denuncet rebellis and put to the horne, for nocht finding of caution, to haif compeirit befor the Justice or his deputis this day.

THE Justice, vpon the production of the saidis Letteris deulie execute,

indorsat, and regiftrat, adjudget the said Erle and James Sinclair, in respect thair of, and of thair nocht compeirance personallie this day, to be ffugitiues fra his Maiesteis lawis for the said tressonabill Murthour, as culpable and fugitiue thairfoir.

[*Mr Alexander Colvile, Justice-Depute.*]

'Forcing'—Rape.

Jun. 27.—JAMES M^cNACHT in Igisaird, and Thomas Weir in Gairdingholme-fute.

Dilaitit of the fforceing of v^mq^{le} Jonet M^crone, fervand for the tyme to Thomas Weir in Gairdingholme-fute, and abusing hir, in the moneth of November, 1620 yeiris, in sic soirt, that within tuentie dayis thaireftir scho deceiffit.

PERSEWAR, Williame Campbell, coufing-germane to the defunct.

PRELOCUTOURIS in defence, Mr Lueis Stewart, and Adame Cuninghame, (Advocates.)

The pannell desyres to vnderstand the persewaris entreis to persew; and that he declair how neir of kyn he is to Jonet M^crone.—The persewar declairis he is coufing-germane to the said v^mq^{le} Jonet, viz. scho was his father-sister dochter; and thairfoir hes guid intreis to persew.—It is allegit be the pannell, that he can nocht be estimat ane lauchfull persewar, becaus the persewaris father was the defunctis bastard-brother; and sa, of the Law, can nocht persew, his father being bastard; the verritie quhairof referris to the persewaris ayth: Quha declairit the allegeance to be of verritie.

THE JUSTICE, in respect thair was na lauchfull persewar to infit in this perfute, Ordanis the dyet to desert.

The pannell takis instrumentis thairupoun, and affirms that thair ar altogidder innocent of the crymes lybellit; and gif ane lauchfull persewar, ather for the parteis or the Kingis entreis, war present, thay wald maist willinglie offer thame selffis to the tryell of the law for the saidis crymes; and disassentit, *simpliciter*, fra ony continuatioun, without ony exceptioun to be proponit aganis ony lauchfull persewar or persones of Assyse, being honest and vnsuspect persones; protesting, in the meane tyme, for thair cautioneris relief, fund for thair compeirance this day.

Slaughter.

Jul. 19.—HENRIE BAIRD, at the Mylne of Mukard.

Dilaitit of the crewall Slaughter of v^mq^{le} Robert Huttone, duelland within the parochin of Mukard, befyde Castell Campbell, be casting of ane otter-stalff, with ane tua-granet fork of irne at the end thair of, at the said v^mq^{le} Robert, quhilk peirfit him in the bellie, quhairof he immediatlie thaireftir deceiffit; committit vpon the nynt of July instant, vpon set purpos, prouisioun, and ffoir-thocht ffellonie.

PERSEWAR, Johnne Huttone, at the Kirk of Mukard, as brother to the defunct.

The pannell confessis the fact, and craves God mercie.

VERDICT. The Assyse, all in ane voce, ffand the said Henrie Baird, conforme to his awin Judiciall Confessioun, to be ffylet, culpable, and convict of airt and pairt of the said Slauchter.—SENTENCE. To be tane to the Castell-hill of Edinburgh, and thair his heid to be strukin fra his body; and all his moveable guidis to be escheit, &c.

Convocation of Lieges—Wearing of Hagbutts—Slaughter, &c.

Jul. 20.—WILLIAME DOUGLAS of Drumlangrig; James Douglas of Mouffell, his brother; Johnne Douglas of Killievarrene, his brother naturall; Robert Greir, younger of Lag; and others.¹

Dilaitit for contravening his Maiesteis Actis of Parliament, in making of convocatioun of his hienes legis: AND beiring and weiring of hagbutis and pistolettis: AND for airt and pairt of the Slauchter of vni^q^{le} Thomas Coupland in Cafchogill: AND demembring of Robert Douglas, sone to Sir Robert Douglas of Cafchogill, kny^t, of his left lug:² Committit in Maij lastwas, vpon the tuelf day thairof, at the Mofs of Cafchogill.

PERSEWARIS, Margaret Corfbie, the relict; Williame, Robert, and Thomas Couplandis, as fones; and Coupland, as dochter to the said vni^q^{le} Thomas; Sir Robert Douglas of Cafchogill, kny^t, as father to Robert Douglas, and maister to vni^q^{le} Thomas.

PRELOCUTORIS, Mr Thomas Hoip; Mr Thomas Nicolfone, younger; and James Dowie, wryter.

Convocation of Lieges—Wearing of Hagbutts—Slaughter, &c.

Jul. 20.—SIR ROBERT DOUGLAS of Cafchogill, kny^t; Robert Douglas, his sone; Johnne Paterfone, in Cafchogill; Thomas Paterfone, thair; Williame Coupland, thair; Hob Coupland, thair; Mathow Cowane, thair; and twenty-seven others.

Dilaitit for contravening of the Actis of Parliament, in making of convocatioun of his Maiesteis legis; beiring and weiring of hagbutis and pistolettis; and invading of the Laird of Drumlangrig, his brother, and remanent persewaris, with sehottis of hagbutis and pistolettis; committit at the Mofs of Knockconnie, pertening to David Douglas, heritour thairof, vpon the tuelf day of Maij last.

¹ The rest of the pannels^s were, 'Duncane Hunter of Ballagan; James Johnnstoun of Lochhous; James Johnnstoun, callit *Braikinfyde*, James Johnnstoun, callit *Croftheid*, James Douglas, and Robert Grahame, all four servandis to the said James of Lochehous; Archibald Douglas, servand to the Laird of Mouffell; Robert Creichtoun, sone to Creichtoun of Craufurdtonn; Thomas Bell, sone to *Reidcloke*; James Douglas, callit *in Glenmeid*; Christie Airmestrang in Bigholme, his sone in law; Andro Hunter in Auchinbaithe; James Douglas, Thomas Mairtene, Johnne Paterfone, callit *the fukler*, all servandis to the said Laird of Drumlangrig; Hob Hunter in Crarieknow; and Johnne Rig, messinger.'² Ear.

PERSEWARIS, Williame Douglas of Drumlangrig; James Douglas of Mouffell, his brother; Johnne Douglas of Killievarrane; James Johnnstoun of Lochelous; Robert Dalzell, sone naturall to Sir Robert Dalzell of Eliok, kny^t; Sir Williame Oliphant of Newtoun, kny^t.

Ane WARRANT was producet to my lord Justice, quhair of the tennour followis.

JUSTICE, Justice Clerk, and 5our deputis; ffor samekill as the tuentie day of July instant is set and affixed for perfute of *Williame Douglas of Drumlangrig*, and certane his speciall freindis and kynsmen befor 5ow, for pe slauchter of v^mq^{le} *Thomas Coupland*, with hagbuttis and pistolettis; as also, for perfute of *Sir Robert Douglas of Cafchogill*, and certane his freindis and pairt-takeris, for making of convocatioun of his Maiesteis legis, and beiring, weiring, and schuiting of hagbutis and pistolettis, contrair his Maiesteis Actis of Parliament; as the Letteris, *hinc inde*, raifit be ather pairtie thairintill, beiris: AND becaus, be the mediatioun of freindis, the saidis actiones ar liklie to pak up and agrie, and that no forder truble be had amangis pame pairintill: It is pairfoir our will and plefour, that 5e continew the saidis dyettis to the thrid day of pe nixt Justice-air of the Scherefdome quhair pe saidis pairteis duellis, or soner, vpone fyftene dayis wairning; dispendand with thair nocht compeirance befor 5ow this day, and takand new caution for pe hail perfonas re-entrie contenit in the Letteris, to that effect, vnder the panes contenit in the Actis of Parliament. Quhairnent thir presentis fall be to 5ow ane sufficient Warrant. Subferyuit at Edinburgh, the xx day of July, 1621.

HAMILTOUN. AL. CANCELL^s. MAR. MELROS.

THE Justice continewis the saidis tua dyettis to the thrid day of the nixt Justice-air of the Scherefdome of Dumfreis, quhairin the hail perfonas duellis, or soner, vpone fyftene dayis.

Compeirit personallie . . . Douglas of Caveris, Scheriff of Teviedaill, and become fouertie for the said Williame Douglas of Drumlangrig: And siclyk, Johnne Wilfone of Croglene, James Menzies of Enoche, and Malcolm Dalrum-pill of Enoche, souerteis, conjunctlie and feuerallie, for Sir Robert Dalzell of Eliok, James Douglas of Mouffell, &c., that thay fall compeir, &c.—And on the vther pairt, compeirit Sir Williame Douglas, younger of Cafchogill, kny^t, and become plege and fouertie for his father, and hail remanent defenderis, &c.

[*Mr Robert Fairlie, Justice-Depute.*]

Slaughter—Wearing of Hagbutts and Pistolets, &c.

Aug. 24.—CAPITANE JAMES JOHNNSTOUN of Thornik.

Dilaitit of the felloun and crewall Slauchter of v^mq^{le} Williame Johnnstoun, brother germane to Robert Johnnstoun of Wamfray: And for contravening of the Actis of Parliament, in beiring, weiring, and schuiting of hagbutis and pistolettis, and slaying the said v^mq^{le} Williame Johnnstoun thairwith; and remanent crymes contenit in the criminall Letteris.

THE Justice ordanit James Johnnstoun of Braikanfyde, cautioner for the said Capitane, to be vnlawit and amerciast, for nocht entrie of the said Capitane, in the pane of fyve hundreth merkis: And siclyk, that the said Capitane James, for his nocht compeirance, fall be denuncet rebell, and put to the horne; and all his moveabill guidis to be escheit, &c.

[*Mr Alexander Colvile, Justice-Depute.*]

Slaughter in Single Combat, or Duel, while in Foreign Service.

[THE following Trial is one which possesses considerable interest and importance, as well from the light which it throws on the application of the LAWS OF DUELLING, in Scotland and in the Low Countries, as from the rank and situation of the parties implicated. *Captain Harry Bruce*, who had subsequently been employed to superintend the martial exercises of CHARLES, PRINCE OF WALES, afterwards the unfortunate KING CHARLES I, was rigorously pursued, by the vindictive and mercenary spirit of the relatives of *Captain John Hamilton*, in the Supreme Criminal Tribunal of Scotland, after he had long before been honourably acquitted by Court Martial in Flanders—under the impression, no doubt, that they would either extort a large sum of money from this new Court favourite, or procure his ruin or death. The DUEL OR SINGLE COMBAT referred to in this case, and into which *Bruce* had been dragged by the rashness and insolence of his antagonist, had taken place no less than about *seventeen years* previous to those proceedings !

The reader may here be referred to the Case of “*Capitan Johne Rig, Archeour of the Gaird of France,*” in a former part of this Collection, Vol. II., p. 382.]

NOV. 14.—CAPITANE HARIE BRUCE, seruitour to THE PRINCE his Hienes.

Dilaitit of airt and pairt of the Slaughter of vmq^{le} Capitane Johnne Hammiltoun; committit in ane Singular Combat, in the Law Countreyis of fflanderis, in anno I^m.Vj^c. and fyve yeiris.

PERSEWARIS, Margaret Hammiltoun, as sifter; Sir Williame Oliphant of Newtown, kny^t.

PRELOCUTOR in defence, Mr Robert Foullis.

The pannell producet ane WARRANT and command of the Lordis of Secretit Counfall, quhair of the tennour followis.

ACT OF THE LORDS OF PRIVY COUNCIL.

AT EDINBUR^t, the threttene day of November, the 5eir of God I^m. sex hundreth tuentie ane 5eiris. ANENT the Supplicatioun presentit to the Lordis of Secretit Counfall be *Capitane Harie Bruce*, seruitour to THE PRINCE HIS HIENES, makand mentioun, that quhair, the xiiij day of November instant is appointit vnto him, vpon the complent of *Margaret Hammiltoun*, as sifter, with the remanent kyn and freindis of vmq^{le} *Capitane Johnne Hammiltoun*, ffor his compeirance befor the Justice or his deputis, in the Tolbuthe of Ed^t, to vnderly the law for the Slauchter of þe said vmq^{le} *Capitane Johnne Hammiltoun*, committit be the said *Capitane Harie*, in ane Singular Combat, in the Law Countreyis of fflanderis, some sevintene 5eiris ago; lyk as, the Justice intendis to proceid aganis him, in that matter, althocht it be of verritie, that gif respect be had to the nature and qualitie of the perfute, and to the circumstances of the Slauchter, quhan, quhair, and vpon quhat occasioun it fell out, it will be fund that the tryell thairof can no way be propper nor competent befor the said Justice, nor in no vther Judicatorie within this Kingdome; becaus the said Slauchter was committit outwith his Maiesteis dominiones, within the territoireis of the *Esfaitis of the Law Countreyis*, in ane Singular Combat, quhairvnto the said *Capitan Harie* was vrged and drawin by the grittest respectis of credeit and reputation quhairwith a Gentilman could be assailzeit: AND howeuir the said *Capitane Johnne Hammiltoun* and he be borne Scottisemen, and in that respect obleist in all submissiue deuteis of allegiance to thair naturall Soverane, 5it the tyme of that vnhappy slauchter, and dyuerse 5eiris befor, thay war bothe in actuall seruice, and suorne *Officeris* to the saidis *Esfaitis*, and alse far subiect to thame and to thair Judgement and Jurisdiction, in all matteris, alswell impoirting lyfe and death, as guidis and geir, as gif thay had

bene thair naturall-borne subiectis : And thair was no difference betuix thame and the natiues of the cuntry, in pointis of subiectioun to the saidis *Esfaitis* and pair lawis, the saidis *Esfaitis*, at that tyme, being pair fouerane Judges in all matteris, of quhatfumeur qualitie, occurring within thair boundis. AND twitching the matter it self, the treuth is, as was clerlie verifeit befor the *Counsell of Weiris*¹ establifhed be the saidis *Esfaitis*, for trying and censuring of matteris of this kynd, that the said *Capitane Harie* was dyuerse tymes challenget to the Combat be the said vmq^{le} *Capitane Johnne Hammiltoun*, nochtwithstanding of the mony offeris maid be the said *Capitane Harie* to geve him all dew satisfacioun and resson, in the matter contravertit betuix thame, that, in respectiue termes of consideratioun, could be craved ; bot the moir the said *Capitane Harie* eschewit his Challenge, he was so much the moir earnest in following of the fame, objecting vnto the said *Capitane Harie* the reproche of cowardice, and protestting to abuse him, in his private revenge, accoirdinglie : And so, the said *Capitane Harie*, finding him self interest and tuiched in so heigh a poynt of credeit and reputatioun, quhilk being anes lost, was nevir to be recoverit, bot wald cary with him to the grave ane infamous imputatioun, and an ignominious spott of vnworthie cowardice ; and haifing respect, pairwithall, to his birth and parentage, quhilk he was lothe to blemishe, in a matter of this kynd ; and aboue all thingis, haveing eur befor his eis the equitie of his caus, with ane full and constant assureance, that God, who is pe trew sercheour of the heart, and vpon quhois devyne Providence the event of such duellis dependis, wald iustifie his pairt, in that uniuert Challenge quhilk was revertit vpon him, he acceptit and vndertuik the Challenge, quhairin it plesit God to iustifie and cleir the equitie of his caus, by making the said vmq^{le} *Capitane Johnne* to vnderly the dew desert of his error and raschenes : Quhairvpon, the said *Capitane Harie*, being callit befor the said *Counsell of Weir*, and the forme and circumstances of pe samyn being narowlie examined and ryped vp be thame, the qualitie of the said *Capitane Harie* and pe said vmq^{le} *Capitane Johnne*, thair perones being sborne and actuall Officeris in the airmie, making thame subiect vnto the said *Counsell of Weir*, and punisheable be the lawis of that *Esfait* ; thay stand, that pe said *Capitane Harie* had done nothing vnbeseeameing the deutie of a fouldiour, suppointit with the testimonie of a good conscience : And pairfoir, restoitit him to his place and charge, quhairin he serued with good credeit dyuerse zeiris pairrestir. AND quhair as, he looked that this forme of tryell, vsed aganis him be the said *Counsell of Weir*, who wer only Judges to him in this caice, fould haif securet and warranted him frome any new persute, zit the sifter and freindis² of the said vmq^{le} *Capitane Johnne* callit him, for pe same Slauchter, befor his Maiesteis Justice, in the sax hundreth and fyve zeir of God ;³ quhair of informatioun being send vnto him frome hence, he maid his addres to HIS MAIESTIE, aquentit his hienes with the perticuleris of this matter, and all that proceidit pairin ; quho, eftir consideratioun pair of, nocht only vtterit his discontentment that any such matteris fould haif bene walknit heir, bot HIS MAIESTIE was gracioullie plesit to grant vnto the said *Capitane Harie* his Remission for that deid, and wrait a Letter vnto the *Lordis* of his Maiesteis *Previe Counsell* ffor discharginge the Justice to meddle in that matter : Quhilk Remission and Letter being delyuerit to the lair *Erle of Dumbar*, and presentit vnto the saidis *Lordis*, as some of thame rememberis ; the sleuth and negligence of those who war trusted with the said *Capitane Harie* his effairis, sufferit his Letteris to perrishe ; and the matter has eur restit and sleipt sensyne till now. AND quhairas this matter is alreddie tryed and censured by those whome it properlie concerned, humblie thairfoir desyreing the saidis *Lordis* that thay wald geve command to the Justice, Justice clerk, and thair deputtis to desert the said dyet, and to desist and ceis fra all proceiding thairintill ; lyk as, at mair lenth is contenit in the said Supplication. Quhilk being red, hard, and considerit be the saidis *Lordis*, and thay being pairwith weill advyset, THE LORDIS OF SECREIT COUNSALL findis it verrie necessar and expedient, that pai vnderstand HIS MAIESTEIS Will and plesour in this matter, afoir thay gif ony finall sentence or

¹ Council of war ; court-martial.² Blood-relations.³ Anno 1605 ; a mode of expression by no means

infrequent in pleadings, &c., for the sake of brevity.

directioun thairanent : And thairfoir the saidis Lordis Ordanis and commandis his Maieftie Justice, Justice clerk, and thair deputis, to continew the said dyet to the tuintie nynt day of Marche nixtocum, and to desist and ceis fra all forder proceeding pairin, quhill the said day ; takand new cautioun of this supplicant, for his compeirance to his tryell the said day, conforme to the ordour obseruet in fuche caices ; to the effect that in this meane tyme the saidis Lordis may haif convenient tyme and lasure to informe HIS MAIESTIE anent the estait of this matter ; and to attend HIS MAIESTIE'S gracious Will and pleasour pairanent. For quhilk purpois the saidis Lordis Ordanis ane Missiue Letter to be writtin to his Maieftie.

EXTRACTUM de Libris Actorum secreti Consilij, s; d. n. Regis, per me Jacobum Prymrois, clericum ejusdem, sub meis signo et subscriptione manualibus. JACOBUS PRYMROIS.

Accoirding to the quhilk ACT, and for obedience of the ordinance mentionet thairintill, the Justice continewis this dyet, with all tryell to be tane for the said cryme, to the said tuintie nynt day of Marche nixtocum.—Mr James Bruce, indueller in Edinburghe, becomes cautiouner for his entry, &c.

(Mar. 29, 1622.)—COMPEIRIT Mr James Bruce, indueller in Edinburghe, as he that was cautioun for the said *Capitane Harie* his entrie, and producet

ACT OF SECREIT COUNSALL.

APUD HALYRUIDHOUS, xxvj die mensis Martij, anno dom. 1^m. Vj^c.xxij^o. THE Lordis of Secreit Counfall, accoirding to ane Warrant and directioun in writ, signed be THE KINGIS MA^{TIE}, and this day presentet vnto thame, Ordanis and Commandis the Justice, Justice clerk, and pair deputis to Desert be dyet appointit to *Capitane Harie Bruce* for his compeirance befor thame, to vnderly the law for be Slauchter of v^mq^{le} *Johne Hammiltoun*, and to desist and ceise frome all proceeding aganis him at this dyet. Quhairanent the Extract of pir presentis fall be vnto thame a Warrant. EXTRACTUM, &c.

JACOBUS PRYMROIS.

Followis also the tennour of HIS MAIESTIE'S Letter and directioun to the Lordis of Secreit Counfell, anent the premisses.

JAMES R.

RICHT trustie and weilbelouit counsingis and counsalouris, and richt trustie and belouit counsalouris, We greit 5ow weil. WE war pleaed to wryte to 5ow about tuelf 5eiris ago, concerning *Capitane Harie Bruce*, willing that no legall proceeding sould be permitted to be vsed aganis him for be Slauchter of v^mq^{le} *Joⁿ Hammiltoun*, in respect that be samyn was committed out of oure dominiones ; AND now, being credible informed, that of late some haif gone about to reueive pat perfute, nochtwithstanding of our former commandement, We haif thoght guid, by theis presentis, to will and requyre 5ow to discharge o^r Justice generall, Justice clerk, and pair deputis, and all v^{peris} o^r Judges and officeris quhatfumeuir, to grant ony Summondis or proces against be said *Capitane Harie* for be foirsaid Slauchter, or in ony wayis prefume to medle or call him in questioun for be samyn. And thus, most earnestlie recommending to 5o^r speciall cair, We bid 5ow fairweill. GEVIN at o^r manno^r of Theobaldis, the xiiij of Marche, 1622.

Accoirding to the quhilk Act of Counfall and ordinance thairin contenit, the Justice DESERTIT THE DYET aboue writtin.

APPENDIX TO THE TRIAL OF CAPTAIN HARIE BRUCE.

[SEVERAL Cases have already occurred in the course of this Collection, illustrative of the state of the Law and practice, in Scotland, as to DUELLING, interchanging of CARTELS, and Slaughters committed in SINGLE COMBAT. The preceding Trial is one of much interest ; and the subject led the Editor to make some enquiries into various affairs of

honour, which had happened about the same period of this King's reign. Among others which have hitherto been noticed in this work, none appear to have excited greater interest than the quarrel between the sons of LORD CRANSTOUN and of SIR GEDEON MURRAY, which had nearly terminated in the most fatal manner. Although unconnected with the Case of *Captain Harie Bruce*, the following documents throw much light upon the opinions and practices of the Nobility and gentry in feuds and affairs of honour. It has been thought proper to preserve them in this place, as a memorial of transactions which tend to give a complexion and character to the spirit and genius of those times.]

I. LETTER from the Privy Council of Scotland to King James VI., relative to the CHALLENGE, &c. between the sons of LORD CRANSTOUN and of SIR GEDEON MURRAY.¹

PLEAS YOUR MOST EXCELLENT AND SACRED MA^{TIES},

AS WE hope that your highnes hathe long since vnderstood of sum CHALLENGE OF COMBAT betuix the secound sone of THE LORD CRANSTOUN and SIR GEDEON MURRAY his sone, begun betuix the yowthes, vpon licht cawffis of verie small moment; and of the ordour taken be ws for preventing thame meiting, and calling of thame to there ansuer; and of the cowrfe taken for there reconcilioun, whiche wes done in prefens of the hole COUNSALL, wheirby all probabilitie of forder Challenging betuix the pairteis then, in appeirans, wes removed; so when, vpon privie information maid to ws, sum fear was apprehendit of a new breache betuix the pairteis, by interchangeing of CARTELLIS privilye betuix thame selfis, whowever we wald have bene forye that the folyeis of the childrene, or the hard event which follow fuche accidentis, fuld have empairod or diminifched the love and affectioun which heirtofoir haith bene and doeth still continew betuix there parentis, (bothe of quhome haithe worthelie deferved, and have behaved thame selfis most dewtfullye and faythfullye as thay have bene employed in your Maties fervis,) yit heirin we war so muche more justlie moved to advert to fuche a noveltye, that efter a reconcilioun once maid befor your Maties COUNSELL, ather the keiping of your highnes peace fuld be so lytle regairdit, or the ordour takin by ws for the observeing therof so far contemned, as that any durft presume or attempt any new querrelling. Wheirvpon both the fatheris wer charged to compeir, and bring with thame and exhibite there sones; whiche being accoirdinglie and dewtfullye obeyit by bothe of thame, efter a verye hard and exact tryall² takin, in regaird of the vnwillingnes of aither³ of the yowthes, vpon thair first questioneing, to confes what new maiter haid passid betuix thame; at last, it being found that THE LORD CRANSTOUNIS sone wes the Challenger, by a CARTELL, wrettin efter the reconcilioun maid; we therwpon committed him cloise prisoner in the *Casile of Blaknes*. The other, whowever, being provoked, yit, in regaird he did obscure and conceale it, (being some presumptioun that he intendit to keip the meiting, and so to mak a breache of your Maties peace,) wes adiudget to be committed in *Ed^r Casfell*, in frie waerde, haveing haid fredome granted vnto him furth thairof within xlviij houris, and confyned within this Burgh and a myle about the same; where as, the said *Lord Cranstounis sone*, thir fourtene dayes past, haveing lyn cloise prisoner in *Blaknes*, and in the mean whyle making suite often by Bill⁴ to be releived, confessing, in most humble maner, his offence, and offering all satisfacioun that fuld be injoynd be ws, wes, by directioun, brocht from the place of his imprisonment by the *Liettenant of your MA^{TIES} GAIRD*, and presented befor ws; where, in the presence of *Sir Gedeon Murray* and his sone, he did humblye, vpon his knies, craive pardoun of your MA^{TIES} for the offence done, and did intreat ws to be suitters for the same to your sacred highnes, on his behalf; haveing heirwithe confessed, also, the great wrong he haid done vnto your Maties COUNSELL, in preswming to renew ony Challenge efter reconciliounes maid; and theirwith vttering most apparent signes of inward forrow for offending of his so loveing father, vnto whome he knew this his bypast behaviour wes so distastefull, as without ony intercessioun he culd expect at his handes no favour. He then to the partie challanged, in pre-

¹ *Denmylne MSS.*, Advocates' Library, A. 2, 40.
or 'Supplication' to the Lords of Privy Council.

² Enquiry; examination.

³ Both.

⁴ A Bill,

fence of bothe fathers, did there confes the wrong he haid done him, offering him what satisfioun he wald demand; and did there protest, that howevir, in his yowthfull folye, he haid aferyved the last reconcilioun as a maiter extorted by constraint or command of THE COUNSELL, that yit nottheles this his present aggriment wes of meire affectioun, whiche he intendit all bypast eylist¹ abolished to continew heirefter.

There wes sum jealousye in this mater takin by SIR GEDEON, as that the LORD CRANSTOUN, whowevir not a direct vrger of his sone to this *Challenge*, haid nottheles intendit to tak some advantage, to the preiudice of the credite and honour of him and his sone; and by the speiches delyvered by SIR GEDEON in our preiudice, we did conceave no lefs: Bot yit, that this impressioun, not being cleirit, might tak no deiper roote, we then did questioun THE LORD CRANSTOUN theirow; who, in presence of SIR GEDEON, by his great oathe, vnrequyred, did protest that he wes so far from countenauncing or allowing of his sones actioun and cariage in this busynes, as on the contrarye, these fevin yeiris past, no incident whatfoever that haid interveynd haid so muche greivit him; and that he did assure him self that SIR GEDEON wes no les in confieence perswadit, since he haid foirwarned him, immediatlie vpon his knowledge of the first *Challenge*; and vpon his sones depairtour the last tyme frome him, suspecting the humour of the yowthe, and yit, vpon his confieence, nocht knowing of any thing intendit, did of new certifie SIR GEDEON of his fearis. Whiche declaratioun, being delivered with so great attestations by one not muche accustomed to sweiring, did not onlye remove all feruipule and jealousye frome SIR GEDEON, as he then affirmed, but left none of the beholderis vnsatisfyed, and fullie perswadit of that Noble-mannis innocencye. THE COUNSELL, havinge taken ane verye striet and exact tryall of all circumstanceis whiche might inferre any the least suspitioun of THE LORD CRANSTOUNIS allowanee, airte, pairte, or connivence at his sonis actioun, in the examining wherof, the farder that we did drywe we still fand the father the more cleare of all imputatioun; and, in our judgement, SIR GEDEON is fullye perswadit theirow; lykas, in our presence he did profess no lefs. And howevir, that heirvpon all pairteis, bothe eldar and younger, wer reconceiled, yit, becaws of the offence done to your MATIES by JAMES CRANSTOUN, in pressing to renew any querrell, efter aggriment ones maid in presence of COUNSELL, we have theirvpon adiudget the said *James Cranstoun*, that betuix and the first of October nixt, he fall depairt your MATIES dominiones, and remaine furthe of the same, and naway returne bak, vntill that your MATIES speciall Licence and Warrant be purchest; and have takin sovertye and cawtioun, bound vnder a great fowme, for that effect. AND becaws there wilbe a necessitie of provisoun to be maid by the father for the sones furneing, in his going beyond See, therefore we have committed him prifoner in his father's owin keiping, vntill the tyme of his depairture; who is to refraine, endureing that space, his sone of all sache libertye, wheirbye any furder harme might be feared.

AND albeit the reconcilioun and aggriment wes fullye maid, so as in our judgementis there did not remayne the least scruple of any furder grudge amonges the pairteis, yit the noveltye of the caice, and the hairme whiche the impunitye thairof might produce, if vpon this example, others who haif bene formerlye reconceilit, wald now preise to renew and reviuie there olde querrellis, we culd nocht, in our dewtye to your MATIE, suffer this to go vnpunished; whiche moved ws, (however earnestlie and humblye entreated by SIR GEDEON MURRAY to recall our Sentence and determinatioun aganis the said *James Cranstoun*,) nottheles, for ane exemplarye punishment, and efferyng² of others to commit³ the lyk insolence, to continew our resolutioun takin in the maiter for his BANISCHEING, as said is. As lykwayis, ather of the two fathers bund and obleist, not onlye for these there sones, betuix whome this *CHALLENGE* hes past, bot for all others of there sones come to mannis aige, everie ane of thame vnder the payne of Ten Thowfsand merkis, that thay fall keip your MATIES peace, that no CARTELLIS falbe sent by the one to the other; and that the pairtye vnto whome any falbe sent, fall

¹ Offence; from *oculus* and *ledere*. Danish, *overlast*, molestia, incommodum.

² Affraying; terrifying. Fr.

effrayant. ³ A strange form of speech, then in use, to express 'from committing.'

immediatlie, with all possible diligence, acquaint the Counsell with the CHALLENGE sent to him ; otherwayes the payne forsaide to be incurrit. And hoiping that nothing heirin is left vndone, whichè in sic a caise wes requisite, and fullye expecting your MA^{TIES} good allowance and favorable constructure of our proceedingis, wischeing thay may prove good mettall when thay come to the tryall of the trew tuitchestone, vnto whome we do most humblye pray for the continuance of all happines, We doe rest

Your sacred Maiesteis most humble and obedyant subiectis and seruitouris,

AL. CANCELL^S. DUMBAR. WIGTOUN. KILSAYTH. J. PRESTOUN. ALEX^R HAY. S. T. HAMILTON.
EDINBURGH, the tent of August, 1610.

TO THE KING, his most sacred and axcellent MAIESTIE, &c.

II. LETTER, *the Privy Council to the King.*¹

MOST GRATIOUS AND SACRED SOUERANE,

We ressaue your MAIESTEIS Letter, twitcheing your MA^{TIES} censure² of that lait committit ryott be THE ERLL OF LOTHEANE, and anent the fyne whilk your MAIESTIE wold haif to be imposed vpon him for that caus ; whairin, as your MAIESTEIS most excellent and rair wisdome in the censuring of that mater so iuditiously, by the circomstanceis sett down in your MAIESTEIS Lettre, and the directioun gevin be your MAIESTIE anent the pvnishing thairof, is verye weeel warrandit with infallible groundis of iustice and reafoun ; yitt, becaus siche heich fynes in ryottis of this qualitey hathe not bene vsuall to be imposed vpon any personis heir, we wilbe bauld to intreate your MAIESTEIS fauour, for a mitigatioun of the fyne to Thrie Thousand merkis, whiche in all oure opinionis is answerable⁵ to the qualitey of the offence committed. He is full prisouner, and fall so continew whill the pairtye in some measour ressaue satisfioun. And howeur this ouersight, by⁴ all oure expectationis, hes fallen oute in his persone, we hoip that this your MAIESTEIS censure of him, will mak him moir consideratlie and respectiuelie to looke to his future cariage and behaviour.

AND whereas your MAIESTIE doeth mervell that no tryale hes bene tane be ws of the infolencie committit be THE LORD OF CRANSTONIS sones aganis THE ERLE OF LOTHEANE, it will pleis your MAIESTIE we did nevir heir of any complaint in that mater, the pairtye being silent, and no informatioun gevin be him thairin : Alwayes,⁵ we haif causit demand of him, yf he will persew? He hes promiseit to gif informatioun to your MAIESTEIS Aduocat, and to furneis probatioun ; whairin we shall tak siche exact tryall, and accordingleie inflict such pvnishment as the course of iustice, in siche a caise, requireth. And so, praying God to blisse your Maieftie with all contentment and happyues, we rest for ever,

Your Maiesteis most humble and obedyent subiectis and seruitouris,

AL. CANCELL^S. ARGYLE. MONTROSE. GLENCAIRNE. BALFOUR. GLASGOW.

EDINBURGH, xv May, 1611.

TO THE KING, his most sacred and excellent MAIESTIE.

‘ Forcing’—‘ Desloiring’—Rape.

Dec. 5.—ANDRO WISCHERT of Mwretoun.

Dilaitit of the schamefull sforcing and desloiring of Bessie Leslie, dochter naturall to George Leslie of Auldraig, aganis hir will, scho being ane young virgane nocht past ellevin yeiris of age ; committit in maner and at the tyme specifeit in the Letteris.

PERSEWARIS, Bessie Leslie, George Leslie of Auldraig.

PRELOCOUTOURIS in defence, Mr Laurence Mc Gill, Mr Roger Mowat.

¹ *Denmylue MSS.* Adv. Library.

² Judgment.

³ Commensurate ; corresponding to.

⁴ Contrary

to ; against.

⁵ Nevertheless ; at all events.

The pannell offeris him felff to the tryell of the Law for the cryme contenit in the Letteris; quhairof, as he allegit, he is innocent; and difassentis fra all maner of continuatioun: And proteftis, in respect of his compeirance this day and place, to vnderly the law, and that thair is nocht ane sufficient number of Assyse present, that na Letteris be direct aganis him in tyme cuming; speciallie, in respect this perfute is malicioufflie intendit aganis him, being ane man of thre scoir ten yeiris of age, at the instance of the said George Leslie of Auldrcraig, quha compeiris nocht this day to assist this perfute.

THE Justice ordanit the Assysouris, lauchfullie summoned and nocht compeirand, to be vnlawit.— Levingstoun of Donypace become caution for the said Andro his entrie, vpone xv dayis wairning, &c.

[CURIA JUSTICIARIE, *s. d. n. Regis, tenta in pretorio de Edinburgh, xx Marcij 1622, per Magistrum Alexandrum Coluile de Blair, Jusiciarium; necnon per Dominum Walterum Stewart de Mynto, ballivum Regalitatit de Glesgow, virtute cujusdam deliberationis Dominorum Secreti Consilij.]*

ASSESSOURS TO THE JUSTICE, appointit be the Lordis of Secreit Counfall:

James Archebifchope of Glesgow,¹ Sir George Erskyne of Innerteill,² Mr Joⁿ Weymes of Craigtoun.³

**Witchcraft—Sorcery—Charming—Incantation—Soothsaying
—Abusing the People.**

Mar. 20, 1622.—MARGARET WALLACE, spous of Johnne Dunning, mercheand burges of Glesgow.

Dilaitit, accused, and perfewit of the feuerall articles and poyntis of Dittay following. DITTAY *against the pannel*,⁴ *Margaret Wallace.*

FORSAMEKILL AS, albeit be the devyne law of Almychtie God, fet down in his sacred woird, speciallie in þe 20 chap. of *Leviticus*, and 18 chap. of *Deuteronomie*, aganis þe vsaris and practizaris of WITCHCRAFT, SORCERIE, CHARMING, and SOTHESAYING, and against the SEIKERIS *of help and resposnsis of thame*, thraitning and denunceing to þe committeris of sic devillisch practizes the pwneischment of daith. As also, be dyuerse Actis of Parliament, and Municipall lawis of this Kingdome, alsweill publeift and fet furth be his Maiestie, in his awin tyme, as in the dayis of his maist noble progenitouris; namelie, be þe 73 Act of the Parliament, haldin be his hienes darrest moþer, Quene Marie, of

¹ James Law, formerly Bishop of Orkney. In the year 1615, he succeeded Archbishop Spottiswood, the well-known author of the Church History published in his name; and died in November, 1632.

² Lord Innerteil, one of the Ordinary Lords of Session. ³ An Ordinary Lord of Session.

⁴ This Dittay contains only the four Articles or points of which the Assise convicted this victim of superstition. The nature of the remaining points are clearly defined in the very interesting pleadings, which the Editor has carefully preserved at length, in consequence of their marking, in a striking manner, the prevailing opinions held by the most eminent Scottish lawyers, on the subject of Witchcraft, &c. The subject is so extraordinary, that it was thought advisable to print the pleas and arguments without curtailment.

worthie memorie, it is expresse provydit, statute, and ordanit, that na maner of persone or persones, of quhatfumeur estait, degrie, or condition they be of, presume, nor tak vpon hand to vse any maner of *Witchcraft*, *Sorcerie*, or *Negromancie*, nor gif thame selfis furth to haif ony sic craft or knowlege, thair-by abuiseing his hienes people and subiectis; and that na persone seik ony help, respons, or consultatioun at ony sic vsaris or abusaris foirsaidis, vnder the pane of death, alweill to be execute vpon the vsar and abusar, as to the seiker of the respons or consultatioun; as in the saidis Lawis and Actis of Parliament at mair lenth is contenit. NOCHTWITHSTANDING quhairof, it is of veritie, that the said *Margaret Wallace*, schaiking of all feir of God, reuerence or regaird to our souerane lordis autoritie and lawis, haifing confauct ane deidlie haitrent and evill will aganis *Cuthbert Greg*, couper, burges of Glesgow, becaus of certane speiches vtterit be him aganis hir and vni^q^{le} *Cristiane Grahame*, ane notorious Witche, and laitlie execute for Sorcerie and Witchcraft, at Witsonday a thre 3eir syne, or pairby, the said *Margaret Wallace*, furth of þe malice of hir heart, promiseit and avowit that scho fould mak the said *Cuthbert*, within few dayis pair-estir, nocht of habilitie to work or wyn to him self ane caik of breid; accoirding to the quhilk devillische promiseit and damnable vow, the said *Cuthbert* schortlie thaireftir, be the said *Margaret* hir devillische Inchantment, Sorcerie, and Witchcraft practizet be hir vpon him, he was visseit and grevoullie trubillit with ane strange vnnaturall and vnknawin disseis, maist crewallie and lamentabillie tormentit with continuall sueiting, be the space of fyftene dayis togidder, and pairby wes brocht to sic infirmitie and waiknes, nane expecting his lyfe, that he was nocht hable to steir or move himself: And the said *Margaret*, as ane Witche and Sorcerar, being suspectit as the onlayer and causer of the said grevous and heavie disseis, was sent for by certane of þe said *Cuthbertis* freindis, and requeisit to cum and vizeit him; and estir mony malicious refusallis maid be hir, in end scho come to him; at quhais cuming, scho, to manifest hir skill for his help, tuik him be þe schaikill-bane¹ with the ane hand, and laid hir vther hand vpon his breist, and without ony word-speiking, saif only be moveing of hir lipis, past fra him at that instant; and vpon þe morne paireftir, returning bak agane to the said *Cuthbert*, scho tuik him be þe airme and bad him aryse, quha at that tyme, and fyftene dayis befor, was nocht abill to lift his legis without help; 3it scho, haifing vrget him to ryse, and taking him be the hand, as said is, brocht him out of his bed, and paireftir led him but² the hous; quha, immediatlie paireftir, be hir Sorcerie and Charmeing practizet be hir, walkit vp and down þe fluir, without help or suppoirt of ony; and fra that tyme quiklie recoverit and convalessit of þe former

¹ Wrist.² To another apartment. In small houses, consisting merely of a 'but' and a 'ben,' the 'but' is the outermost room or kitchen; the 'ben' is a better sort of apartment, where, upon great occasions, company is received. The master and mistress usually sleep in the 'ben' or inner room.

grevous diseais : Quhairin þe said *Margaret* hes committit manifest Sorcerie and Witchcraft, in laying on and taking af seikneffis, be hir devillische meanis, vset and practizet be hir vpon the said *Cuthbert*, in maner soirsaid. AND siclyk, about foure 5eir syne, or þairby, the said *Margaret Wallace*, being within þe duelling hous of *Alexander Vallange*, mercheand burges of Glesgow, and haifing fallin in ane grit and suddane seiknes within þe said hous, scho incontinent þair-efter, as ane consulter and seiker of help and responffis of Witches and Sorceraris, instrumentis of the Devill þair maister, send for vinq^{le} *Cristiane Grahame*, ane notorious Witche, and quha is laitlie conviet and brunt for hir devillerie and Witchcraft, practizet aganis dyuerse his Maiesteis guid subiectis, in Glesgow and þairaboutis ; quhilk vinq^{le} *Cristiane Grahame*, haifing cum to the said *Margaret* to þe said Hous, scho tuik þe said *Margaret* furth þairof to hir awin buith,¹ quhair, be the said *Cristiane* hir devillische charmes practizet vpon the said *Margaret*, the said *Margaret* was curet of hir former suddane seiknes. And þe said *Cristiane Grahame*, with the said *Margaret Wallace*, cuming togidder bak agane to the said hous, and at þe turnepok-fute þairof, meitting with *Margaret Vallange*, dochter to the said *Alexander*, thay, at þe leif ane or vther of thame, laid þe said crewall seiknes, be þair Sorcerie and Witchcraft, vpon the said *Margaret Vallange*, ane 5oung infant bairne, quha immediatlie þaireftir, in grit suddantie, fell down to þe grund, the haill power of hir body being tane away frome hir ; and with pitiefull sereiches, schoutis, and cryis, lying in that horrible payne, nocht hable to arryfe, was tane vp be *Margaret Montgomerie* hir moþer, spous to þe said *Alexander*, and brocht in be hir in hir airmes to þe hous, and þair remanit with continuall schouteing and crying, nocht being of habitie to move or gang be þe space of xxiiij houris þaireftir, quhill² þe said *Margaret Wallace*, vnfent for, come in to vizeit hir ; lyk as, þe said *Margaret*, as sone as scho huikit vpon þe said bairne, declairit that it was the suddane transe or diseais that scho had tane the day befoir, and þairfoir willit and desyret the bairnes mother to send for *Cristiane Grahame* to cure and releif hir þairof : And the said *Margaret Montgomerie* haifing absolutelie refuifit sa to do, saying to hir, ‘ scho wad commit hir bairne to God, and nocht mell³ with the Devill or ony of his instrumentis,’ the said *Margaret Wallace* maist blasphemouffie and devillischlie anfuerit agane, that þe said ‘ *Cristiane Grahame* could do als mekill, in that eirand, in cureing of that diseais, as gif God him selff wald cum out of Hevin and cure hir—and albeit þe deid-straik⁴ war laid on, scho could tak it af agane—and without hir help þair could be na remeid to the bairne !’ Lyk as, schortlie þaireftir, without the motheris knowlege, the said *Cristiane Grahame* was brocht in be þe said *Margaret Wallace* to þe said bairne ; at

¹ Her husband's booth, or shop.² Until.³ Fr. *mêler*.⁴ Literally, death-blow.

quhais cuming, the said *Margaret* listit vp þe bairnes heid, and the said *Cristiane* tuik hir be þe schaikill-bane,¹ and brocht þe bairne furth of hir bed, quhair scho was lying bedfast in grit payne of befoir; and þairefter, setting hir down vpon ane stuille, with some croces and signes maid vpon hir, and be vttering of dyuerse woirdis, (nocht knawin quhat thay war,) restoirit hir to hir helth. Quhairin, the said *Margaret Wallace* hes planelie declairit hir selff to be ane oppin and manifest consulter with the said *Cristiane Grahame*, ane notorious Witch, and ane seiker of help and resposnsis of hir, in her devillisch airt; alsweill for cureing of her selff, as in practizeing with her, be Sorcerie and Witchcraft, to þe cure and help of þe said *Alexander Vallange* bairne, in maner and forme aboue writtin: And þe said *Margaret Wallace* is airt and pairt of þe devillisch practizes abouewrittin, practizet be the said *Cristiane Grahame*, at the time and in maner foirsaid. To the taikin,² the said *Cristiane Grahame*, the day of hir accusatioun and persute, being þe xxvj day of October last, 1621, willinglie, of hir awin accoord, in Judgement, befoir hir convictioun, the Assyse being incloset, affirmet, and with oppin speache declairit, that þe said *Margaret Wallace* was airt and pairt with hir in all hir wiket deidis; and ressauit fra hir sum cullourit filk and worfet, for practizeing of Witchcraft against sic persones to quhome þe said *Margaret* buir invy; and quhan willinglie scho wald nocht geve þe said *Margaret* sic materiallis, the said *Margaret*, as scho saw thame in þe said *Cristianes* handis, wald violentlie reif þame from hir: Lyk as, vpon the morne þaireftir, scho being at þe staik befoir hir executioun, ratifeit and renewit the haill premisses to be of verritie.

ITEM, a tua 3eir syne, or þairby, *Margaret Mure*, dochter to vmq^{le} *Archibald Mure*, burges of Glesgow, being hevelie diseasit with ane strange and vncouth seiknes, and nocht liklie to haif recoverit þairof, the said *Margaret Wallace*, geving out hir selff to haif skill in þe cure of the said seiknes, scho come to the duelling-hous of *David Scheirar*, couper, burges of Glesgow, and þair finding *Marioun Mure*, his spous, saper-sister to the said *Margaret Mure*, lamenting and weiping for the said *Margaretis* seiknes, the said vmq^{le} *Cristiane Grahame*, be þe said *Margaret Wallace* hir devyse and directioun, a littill þaireftir, come to þe said hous; and þe said *Margaret Wallace*, being acquentit with þe caus of þe said *Mariones* greif, desyret þe said *Cristiane Grahame* to help þe bairne; quhais ansuer was to the said *Margaret Wallace*, that the said *Margaret Wallace* and scho behovet to go first to the place aggreit vpon betuix thame, quhillk place was knawin to þe said *Margaret* hir selff: Accoirding to the quhillk appointment, the said *Margaret Wallace*, with the said *Cristiane Grahame*, past, that same nycht, betuix ellevin and tuelf houris, vnder silence and clud of nycht, to the 3aird of *James Fynlay*, burges of Glesgow, quhair thay remanet the space

¹ Wrist.² In token, testimony, or proof whereof.

of ane hour togidder, practizeing Sorcerie and Witchcraft, for cuiring of þe said bairne, and taking the said feiknes af hir, be vnlauchfull meanis; lyk as, þat samyn nycht, the said feiknes wes tane af þe said bairne, and scho convalessit pairof. To the taikin, the said *Margaret Wallace*, in hir going to þe 5aird þat nycht, tynt hir pantoun;¹ lyk as, þe said *Marioun Mure*, for þe foirfaid cuir, gaif to þe said *Margaret Wallace* and *Cristiane Grahame* ane guife,² with ane pynt of wyne, within aucht dayis þaireftir. ITEM, a tua 5eir fyne, or þairby, ane discoird haifing fallin out betuix *Alexander Boig*, finyth in Gorballis, and þe said *Margaret Wallace* and *Johnne Dymning*, hir husband, about the bying of ane irne studie³ to *Williame Weymes*, mercheand burges of Glesgow, ane complant was maid vpon him be þe said *Margaret* to *Sir George Elphingstoun of Blitheswoid, kny^t*, his maister; and becaus scho ressaunt na amendis at þe said *Sir George* handis, becaus he tryit⁴ hir complent to be vniust, and only maid vpon malice, the said *Margaret*, maist impudentlie, in presens of þe said *Sir George* and *his Lady, James Pollok*, and *George Thomesone*, his tenmentis, oppinlie thraitnet and avowet to do to þe said *Alexander Boig* ane evill turne: ffor effectuating quhairof, scho, be hir Devillerie, Sorcerie, and Witchcraft, prepairit and practizet be hir, laid ane crewall and feirfull feiknes vpon *Boig*, the said *Alexanderis* bairne, of foure 5eir auld, within few dayis þaireftir; quhilk bairne, with continuall fueiting and vomeiting, deceissit within tua dayis thaireftir. AND last, þe said *Margaret Wallace* is, and hes bene thir aucht or nyne 5eiris bygane, ane cownoun consulter with Witches, speciallie with the said *Cristiane Grahame, Katharene Blair*, and vther Witches and Sorceraris, and ane feiker of help and responsis of thame, alsweill for hir awin cure and releif of dyuerse feiknesses and diseassis quhairwith scho hes bene vissit, as for þe cure and help of hir freindis and aquentance in þair feiknesses and diseassis; as also, for þe overthrow and destruction of dyuerse persones, men, wemen, and bairnes, be Sorcerie, Witchcraft, Charmeing, and Incantatioun, and vperis devillisch and vnlauchfull meanis, expresse prohibeit and forbidden be the Lawis of Almychtie God, and Municipall Lawis of this kingdome; thairby abuseing the people, and puting thame in grit dreddour⁵ and feir of hir and of hir devillisch practizes, vsset and practizet be hir aganis sic of our souerane lordis peceable subiectes to quhome scho hes borne ony grudge, or vtterit ony malicious thaitningis. BE the committing of þe quhilkis perticular practizes aboute writtin, as also be the hanting, vseing, and frequenting of þe vnhappie socieatie and companie of þe said Witches and Sorceraris, instrumentis of the Devill, fauld and gevin over to him for committing of all maner of mischeif, and in assisting and

¹ Slipper. Fr. *pantoufle*.² Goose.³ Purchasing of a smith's stithy, or anvil.⁴ Ascertained upon examination.⁵ Dread; terror.

taking pairt with thame in þe practize of all foirt of Witchcraft and Sorcerie, and in the feiking of help and responffis of thame, baith for cureing of vnaturall and vnknawin feikneffes, and for þe malicious inflicting and laying on of dyuerse feirfull and horrible feikneffes and difeaffis vpon dyuerse perfones, for þair overthrow and diftructioun, in maner foirfaid, the faid *Margaret Wallace* hes contravenit the tennour of þe faidis Lawis and Actis of Parliament, and incurrit the panes and pwneifchment of daith fet down þairintill; quhilk aucht and fould be execute vpon hir, with all rigour, to þe terrour and example of vtheris heireftir.

PERSEWARIS, Sir Williame Oliphant of Newtoun, kny^t; Alexander Boig, fmyth in Gorbellis; Johnne Robertoun, querriour, burges of Glefgow, for thame felffis, and as informeris to his Maiefteis Aduocat of the hail pointis of Dittay.

PRELOCOUTOURIS in defence, Johnne Dynning, mercheand in (Glefgow); Mr Alexander Peiblis, Mr Robert Lermonth, Mr Thomas Nicolfone, younger, (Advocates.)

COMPEIRIT Sir Walter Stewart of Mynto, kny^t, and producet ane delyuerance of the Lordis of Secretit Counfell; quhair of the tennour followis.

SUPPLICATIONOUN of *Ludouik, Duik of Lennox.*

MY LORDIS OF SECRETIT COUNSALL, vnto your Ll. humlie meanis and fchawis I your feruitour, LODOUIK DUIK OF LENNOX, lord and heritabill Bailzie of the Regalitie of Glefgow, and Sir Walter Stewart of Mynto, kny^t, my depute of þe faid Bailzerie: That quhair, þe tuentie day of Marche instant is appointit to Margaret Wallace to compeir befor the Justice, in the Tolbuith of Edr, to vnderly the law for sum poyntis of Witchcraft laid to hir charge: And quhair as, fcho duellis within þe boundis of my Regalitie, and fua is fubiect to me, my office and Jurisdictione, 5it I will nocht contest in that poynt, nor stand out aganis þe courfe tane be your Ll. for hir tryell; bot for the preferuatioun of þe liberteis and privileges of my office and Jurisdiction, my humble defyre and Petitione vnto your Lo. is, that my faid depute may be admittit to fit with his Maiefteis Justice in the tryell of the faid Margaret, and to judge pairn with him accoirdinglie—and your Lo. anfuer.

[*Followis the Lordis delyuerance, vpon the bak of the foirfaid Supplicationoun.*]

APUD ED^R, *vix Marcij, I^m. Vj^c.xxij.* FIAT ut petitur. AL. CANCELL^S. MAR. MELROIS.

Vpon the productioun of the quhilk delyuerance, the faid Sir Walter askit instrumentis.

THE JUSTICE Ordanit the faid *Sir Walter* to sitt down with him, with the remanent Assessoris.

THE Dittay being red, and the *ffirst Article* thair of, concerning hir laying on of ane grevous feiknes vpon Cuthbert Greg, couper, burges of Glefgow, be Sorcerie and Witchcraft, and aff-taking of the faid feiknes be the lyk devillifche and vnlouchfull meanes; as the *ffirst Article* beiris; quhilk the pannell haillilie denyit.—It is thaireftir allegit be Mr Alexander Peiblis, as prelocoutour for the pannell, that the Dittay and *ffirst Article* thair of can nawayis be put to the knowlege of ane Assyse; becaus it is nocht lybellit, nor fet down in the Dittay, that the fact lybellit was done be the pannell, or the feiknes inflictit be hir. Nixt, it is nocht lybellit *quibus mediis, quibus modis, et quibus malis artibus*, the samyn was accomplifchet; becaus Witchcraft can nocht be accomplifchet as

Witchcraft, bot¹ be characteris, signes, croces, poyfonet watteris, poyfonet asches, poyfonet oyles, powderis, figures, pictouris, poyfonet herbis, ruittis, vennemous oyles, woirdis, speiches, by incalling and invocatioun of the name of Sathan, quha, at the accomplifchment quhairof, hes promiseit to geve his prefens to thame; without the quhilkis, or ony of thame, Witchcraft can nocht be accomplifchet: Nather is it lybellit, that this fact and deid allegit is committit be the pannell, be ony of thir meanis: And fa, that Article can nocht pas to ane Assyse.—To the quhilk it is anfuerit be my lord Aduocat, that the allegiance aucht to be repellit, in respect of the lybell and hail poyntis thairrof, tane *conjunctim*; be the quhilk it is affirmet *positiue*, that this feiknes was laid on be the pannell vpone *Cuthbert Greg*, be hir Sorcerie and Witchcraft; and he purget, and releuit, and restoirit to his helth be hir Sorcerie and Witchcraft: And fa, the Dittay, as relevant in that poynt, fould pas to ane Assyse.

It is forder allegit be the pannell and hir prelocutouris, that the woirdis ‘laying on and taking af’ ar altogidder generall, and can nocht pas to ane Assyse, nevir condiscending in speciall quhat was done; as is fet down in the former definition of Witchcraft.—To the quhilk it is anfuerit be the perfewaris, that thair is no necessitie to condiscend vpone the forme of the on-laying and af-taking of feiknesses, quhidder be woirdis, signes, croces, and vtherwayis, the perfewaris nawayis being previe thairto, nather can thai be vrget to condiscend thairupoun, feing the Witches, practizeris of that vnlauchfull and godles meane, ar best acquentit with the poyntis of thair awin craft: And thairfoir, it being lybellit, relevantlie, that, be hir Sorcerie and Witchcraft, the feiknes was baith laid on and tane af be hir, the samyn fould pas to the knowlege of ane Assyse, as relevant.

It is forder allegit be Mr Thomas Nicolfone, as prelocutour for the pannell, that of the Law *multa indicia debilia nunquam faciunt indicium indubitatum, quia nunquam ea que natura sunt dubia possunt facere rem indubitatum; ut multa integra vnum sanum, multa non alba vnum album*. This is the opinioun of *Pharinacius*, and of *Delrio* in his 5 sect. pag. 728; at the leift, except that thair war ane coherence and necessar subordinatioun of *illa multa indicia*. Bot sa it is, in this poynt of dittay, thair is confuset feuerall articles, quhilkis, *per se*, ar *indicia debilia*; and thair is na coherence amangis thame selffis, in sa far as the promiseing to do him ane evill turne, and the subsequent feiknes, ar nawayis coherent, nather can the ane follow vpone the vther. *SECUNDO, circumstantie indictionum sine quibus ad inquisitionem non proceditur sunt quis, quando, ubi, cum quibus, quomodo circumstantia, quomodo est huic x sui, vt quibus instrumentis factum esse dicatur, vt sint pulveres, vnguina determina mortuorum*. And quhair it appeiris to be allegit in the reply, that *de medijs non potest constare*, becaus

¹ Excepting; unless.

they are knawin only to the Witches and thair Maister, thair is heirin ane manifest equivocatioun, in sa far as be the determinatioun of the hail traiteris *de Veneficijs, hec duo sunt disperata signa media*; it is grantit *sine medijs*, condiscending vpon *medijs*, a lybell may stand relevant; becaus *hec SATANA stragemata quibus ille naturaliter vtatur medijs sunt plerumque incognita*; bot of all necessitie, to the lybelling of ane deid of Witchcraft, *accedere oportet superstitionem vt dicatur surpassè res aliquas facta vel verba que sapiant incantationem vel dicatur nominatim exercuisse actum aliquem qui ex communi maleficiorum praxi ad malificium dirigitur*. This is DELRIO's opinioun, ceitting the hail treiteis *de Veneficijs*, in his thrid sect. pag. 711; et libro 5, sect. 16, pag. 774. And the premisses, sa authorizet be the hail learnet wryteris, ar of infallible verritie; for this reasone, becaus thair can be na deid of Witchcraft lybellit relevantlie, bot man¹ be sa lybellit, as it is possible, *per rerum naturam*, to the Assyse to cognosce thairupovn; bot it is subsumet, that except sum sensible actioun or signe, or vther thing be lybellit, it is impossible to the Assyse to cognosce thairupoun, *quia nihil est in anima quod non sit prius in sensu*.

The persewaris repeittis thair former ansuer, foundit vpon the hail memberis of the Dittay, tane *coniunctim*; quhilkis memberis coheris verrie pertinentlie—a promise to inflict the seiknes, and laid on—the on-laying of the seiknes, be Inchantment, as the Dittay beiris—and the taking be the hand of the persone vizeit with the seiknes, and releifing him thairof be moveing of hir lips, &c.: And as for the tryell of the Assyse, the deidis ar verrie publict and knawin; and referris the verritie thairof to the Depositiones of the Witneses alreddie tane, and to be tane in that matter, and to the Assyse awin knowlege.—The pannell adheris to thair former exceptioun, vncondiscending in speciall, *quibus modis, quibus medijs, et quibus malis artibus* to infer Witchcraft.

The pannell quarrellis that pairt of the lybell be the quhilk it is said, that scho inflicted the seiknes be Witchcraft, nocht condiscending quhat maner of Witchcraft was vsed for inflicting thairof. And quhair it is said, that the memberis coheris, becaus of a promise and the effect following, the pannell oppones the authority of *Pharinatius*, confirmet be *Delrio*, in the 718 page of his 3 sect.; quhair it is said, *immo mine² delictum subsecutum inimicia non sufficiunt ad penam sortilegij; quia huiusmodi indicia sunt tantum remota*. As lykwayis, a stronger authoritie, pag. 717; quhair it is affirmet, and bakit with resson,³ in thir termes, *mine subsecute damno—et si male fame sit minans indicium, sunt insertum ratio potest enim pars offensa alios habere inimicos qui hoc tegmine preter scelus perpetrarunt*: Nather is thair necessitie to affirme *alium fecisse*; becaus the possibilitie of ane instance aganis ane generall reule evinces the incertantie

¹ Must:² Threatening expressions.³ Backed, seconded by argument.

thairof: *Additur, quod in criminalibus nunquam ex presumptionibus proceditur ad condemnationem, sed probationes debent esse luce meridiana clariores.* And as to the vther pairt, concerning the af-taking of the feiknes, thair is na deid lybellit bot ordinarie deidis of vizeiting a patient, be a freind or a phifitioun, to wit, graipping of the pulfes or chaikill-bane and breift, quhilk is the steiring of the spreittis-vitall, and is the ordiner behauour vset and practizet be the visitouris of ony patient; and becaus that eftir thais ordiner remedeis the patient arraise, and that scho maid him to ryfe, *est elenchus dilirij.* And forder, the pannellis former authorities man¹ be respectit, becaus thair is na contrair practeis producet.—My lord Aduocat repeitis his former anfuere.

THE *Secund Article of Dittay* being red, and the said Margaret being accuset thairby, viz. that vpone a discord fallin out betuix hir and *Johne Robertoun*, querriour, a thre yeir syue, scho thraitnet and avowit to be avengit vpone his flesche; quhairvpon a difeis was inflictit be hir vpon him, quhairin he yit continewis, and that be hir Sorcerie and Witchcraft practizet be hir vpon him.—It is allegit be the pannell, aganis the said secund Article of Dittay, that the samyn is nawayis relevant anent *Johne Robertoun*; being altogidder coincident with the former Article, and cayreing thairwith far les probabilitie nor² the former; ffor thair is na member thairof relevant to infer Witchcraft, for sa mekill thairof as consistis in fact, tuiching *Robertoun* his inhabilitie to work this thre yeir bygane, throw the inhabilitie of his feiknes, quhilk is manifest fals in the self: ffor it is evident, be oculer inspectioun, to luik to him presentlie at the bar, that he hes sufficient strench of body to work: As also, it fall be verifeit, gif neid beis, that he, being an querriour of his craft,³ hes wrocht, thir dyuerse yeiris bygane, to dyuerse persones, namelie, to *Sir George Elphingstoun of Blitheswoid*, *George Andersone in Woildsyde*, and to the pannell, be wyuning of stanes furth of the querrell;⁴ and repeitis the former allegeance maid aganst the first Article. *Igitur, &c.*—To the quhilk it is anfuereit be the persewaris, that the allegeance aucht to be repellit, in respect of the Dittay, quhilk is relevant in it self. And as to that point consistin *in facto*, the persewar referris the tryell thairof to the Witnesses producet and to be producet, and to the persones of Assyse, quaha aucht to cognosce vpon the hail poyntis of Dittay, consistin *in facto*.

It is forder allegit be Mr Thomas Nicolfone, that the said secund poynt of Dittay is altogidder irrelevant; becaus of the Law, *indicium minarum et damni subsequenti*, quhilk is the only substance of this point, and is nawayis relevant of the Law, *quoties delictum ex intervallo dicitur subsequuntum*; bot sa it is, in this Dittay, it is lybellit, that the thraitning of *Johne Robertoun*, and the inflicting of the difeis, was within this yeir and this half, quhilk is *ex intervallo*; And

¹ Must.² Than.³ To his trade.⁴ Stone quarry.

quhair as, it appearis that this feiknes is inflicted immediatlie eftir ane vther thraitning maid to the wyfe of *Johnne Robertoun*, *nullo modo relevat*; becaus *vt mine et damnum subsecutum faciunt indicium, oportet vt sit eadem persona cui mine et damnum dicuntur inferri*; sa that the thraitning to the wyfe, and inflicting feiknes vpon hir husband, is na relevant poynt. *Item, mine et damnum subsecutum nullum omnino faciunt indicium, nisi mine fuerint specificate, seu de eodem quod subsecutum est in specie*; ffor ane general thraitning to do ane evill turne, nocht condiscending vpon the speciall evill turne, can haif na coherence with ane speciall skaith following thairaftir, to mak it *venefice*; becaus *mine et damnum subsecutum* ar comptit *aliquale indicium maxime respectu predictionis*, as ane maner of fute-faying; and that can be comptit na fute-faying quhilk ony man could lykways foirtell by¹ ane Witche, viz. *predicere de genere et subsecutum esse speciem*.—My lord Aduocat adheris to his former ansuer.

THE *Thrid Article of Dittay*, anent ane discord that fell out betuix the pannell and *Jonet Harper*, and of ane thraitning and vow maid to mak the said *Jonet Harper* in a worfe cais nor² hir poyfonet swyne; and anent ane feirfull feiknes quhairin scho schortlie thaireftir fell be the pannellis Sorcerie, Incantation, and Witchcraft—It is allegit be the pannell and his prelocoutouris, that the thrid Article is nawayis relevant, nevir condiscending quhat maner of Inchantment scho was bewitched with, and be quhat factis and deidis this was done, and quhat was vsæt be the pannell for that effect.—It is ansuerit be my lord Aduocent, that the allegeance aucht to be repellit, in respect of the Dittay.

THE *ffourth Article of Dittay*, anent the pannell hir being within *Alexander Vallange* hous, quhair scho fell in ane grit and suddane feiknes; and hir sending for vmq^{le} *Cristiane Grahame*, ane notorious Witche, and consulting with hir for hir relief of that feiknes; and eftir the said *Cristiane* hir cuning, of the pannellis passing out of the said *Alexander Vallange* hous to hir awin buith, with the said *Cristiane*, quhair scho was charmet and curet; and thaireftir the same feiknes, be devillerie and Witchcraft, cassin vpon *Alexander Vallange* bairne; and anent the said *Cristiane Grahame* hir cuning with the pannell to the bairne, and cureing hir, be taking af agane of the said feiknes; and for airt and part of the af-taking and on-laying of feiknes, and of af-taking the samyn agane af the said bairne with the said *Cristiane*; and consulting and practizeing of Witchcraft with hir for that effect, &c. The samyn being red, and the pannell indytit thairof—It is allegit be the pannell and hir prelocoutouris; aganis the said fourt Article, that the first part thairof is nawayis relevant, beiring that scho contractit ane suddane diseise, and for cureing thairof, send for *Cristiane Grahame*, ane notorious Witche, except it had bene expresse lybellit, that the tyme the

¹ Besides; *forbye*; independent of.

² Than.

pannell fend for hir, scho was ane notorious Witche, of the pannellis knowlege, and that scho fend for hir as ane notorious Witche, *ad hunc effectum*, to cure hir of that difeis: And it is nocht lybellit nather, that quhan *Cristiane* come, the pannell consultit with hir as with ane Witche; ffor, it is supponit¹ that ane Notter² war hangit for ane ffals Instrument, and he had gevin the excipient ane Seifing tuentie yeiris afoir, is that Seifing, gevin sa lang befoir, ffalfe? Na mair can that be ane poynt of Dittay, the pannellis sending for *Cristiane Grahame*, except scho was knawin to hir at that tyme to be ane Witche. The secund member is nawayis relevant, beiring that scho curet the pannell in the buithe, for that makis ane contradictiounne, that scho was deidlie diseaset quhan scho come, and thaireftir raife and past to the buithe, and thair was curet. The thrid member is nawayis relevant, beiring that the pannellis feiknes was cassin on the bairne, being lybellit that the samyn was done be the pannell, or be *Cristiane Grahame*, or be ane or vther of ws (thame). The fourt member is nawayis relevant, becaus it is confessit in the Dittay, that the pannell was curet in the buithe; and thaireftir come out of the buithe to the hous, and cuist it on the bairne: Gif the pannell was curet in the buith, quhair was the feiknes? *Hoc est impossibile*. As to the rest of the poyntis of that Article, that scho come down to the hous, vnset for, quhair the bairne was; that can be na poynt of Witchcraft. That the pannell declairit it was the feiknes scho had, *non relevat*, except it had bene verifeit and tryit³ that hir self had bene bewitched. And as for that member thairof, desyreing to fend for *Cristiane Grahame* to help her, *non relevat* to infer Witchcraft, except scho had knawin the said *Cristiane* to be ane notorious Witche. As to the rest of that Article, quhilk the pannell alto-gidder denyis, vpon hir aith and conscience, quhan the judge demandis hir; and albeit it war grantit, yit it is na poynt of Witchcraft, bot rather Blasphemie, and blasphemous speiches, quhilk can nocht coheir with this lybell of Witchcraft; bot is content, quhan evir scho fall be tryit and fund giltie, to vnderly the pwneischment of the lawis of the cuntrie. That poynt of the Dittay, that *Cristiane Grahame* come at the pannellis desyre and curet the bairne, is nocht relevant to infer the cryme of Witchcraft aganis the pannell, except the samyn had bene done at hir speciall command, *malis artibus et veneficis artibus*, for the hailing of hir. It is nocht lybellit that the samyn was done be the pannell, or at hir command, or be ony Sorcerie or Witchcraft vsset be hir for that effect: And as to *Cristiane Grahame*, quhat scho did, the pannell can nocht be pwneist thairfoir. And as to *Cristiane Grahames* pretendit Confessioun, quhilk is nocht product, it can nocht be respectit, *quia est dicta socia dicti criminis*; nather is the samyn relevant, albeit it war trew, as it is nocht, ffor hir confessioun can nocht

¹ Supposed, or argued, for the sake of illustration. ² Notary public. ³ Proved; established legally.

work aganis Margaret Wallace, *quia dicit se esse sociam dicti criminis ; et dicente se sociam criminis non creditur, quia ex suo dicto est infamis et sic testimonium perhibere non potest ; precipué, quia malefici, venefici qui ad fortilegos divinosque concurrunt nullatenus ad testimonium sunt admittendi.* And quhair as it may appeir, that *in crimine venefici, vt in casu excepto, etiam infames admittuntur ; hoc verum non est nisi cum dupliciti cautela, vna quod confessio infamis sit jurata non enim ei creditur nisi testi, et non testi nisi jurato : The secund cautell is, non fidem facit dictum socij nisi confirmatum sit in tormentis.* Dammoderius, Tit. *de Reprobatione.*

The persewaris allegis, that the haill allegeances proponit aganis the ffourt Article aucht to be repellit, in respect of the Article and haill memberis thair of, tane *coniunctim* ; and quhair it is allegit that the Article is nocht relevant, except it war affirmet that *Margaret Wallace* knew *Cristiane Grahame* to be ane Witche, that pairt aucht to be repellit, in respect of the expres woirdis of the Dittay, beiring, ‘ that the said *Margaret Wallace* affirmet that *Cristiane Grahame* had als grit knowlege as God him selff, and as gif God him selff wald cum out of Hevin and cure hir ! Albeit the deid-straik war laid on, scho could tak it af agane !’ As to the argumentis proponit aganis that pairt of the Dittay foundit vpon the Depositiones of *Cristiane Grahame*, that pairt is verrie relevant, and the argument is only proponit aganis the probatioun ; to the quhilkis argumentis sufficient answers fall be maid the tyme of the verificatioun of that poynt of the Dittay ; at quhilk tyme, it fall be maid cleir, baith be Law and practique, that in matteris of Treffone and Witchcraft, and vtheris caices exceptit, wemen, *socij criminis*, and infame¹ perfonas ar admittit Witneffis.

The pannell, adheirand to hir former allegeance, affirmes that that member of the Article of Dittay is nawayis relevant, becaus scho is summond to answere to ane lybell of Witchcraft, and that pairt of the lybell inferrit be the persewaris repeating thais odious and vnrehairfable speiches, as ane argument of the pannellis knowlege of *Grahame* to haif bene ane Witch, the samyn ar woirdis of Blasphemie : Quhilkis being plane Blasphemie, (nocht granting the speiking thair of,) scho is nocht haldin to answere to that pairt thair of, in this persute ; nather dois the lybell conclude ony thing aganis the pannell, to infer hir to haif knowlege that *Cristiane Grahame* was ane Witche, (vnder protestatioun, the pannell denyis thame altogidder to be of verritie, as of befor,) yit the samyn being bot woirdis, can nocht infer ane cryme of Witchcraft, it nocht being confessit be the pannell to be trew ; nather can it furneise a Dittay of Withcraft, quhairvpon scho may be accuset, nor repute nor estemit a Confessioun, nocht being maid judiciallie, bot allegit spokin be ane wyfe to ane vther, vpon certane

¹ Persons declared, or considered, infamous by law.

altercationes arryfeing amangis thame. *Igitur, &c.* And to the anſuer *de ſociis criminum*, thair is na anſuer maid ſpeciallie to that pairt, quhair it is ſaid, *non creditur ſocij testimonio, niſi confirmatur tormentis*. As to ony Confeſſioun maid be *Grahame* eftir hir convictioun, *nihil operatur, et non relevat* to put the pannell to ane Affyſe thairfoir.

THE *ffyft Article of Dittay* being red, anent the cureing be Sorcerie and Witchcraft of *Margaret Mure*, dochter to vmq^{le} *Archibald Mure*, of ane ſtrange and vnknawin diſeaſe, be taking af the ſaid ſeiknes af the ſaid bairne, be the help and aſſiſtance of *Criſtiane Grahame*, and conſulting with the ſaid *Criſtiane* thairanent, being a notorious Witche; the ſaid *Margaret Wallace*, with the ſaid *Criſtiane Grahame*, haifing paſt, vnder ſilence and clud of nycht, to the ʒaird of *James Fyndlay*, burges of Gleſgow, quhair thay abaid togidder the ſpace of ane hour, practizeing Sorcerie and Witchcraft for cureing the ſaid bairne, and taking the ſaid ſeiknes af hir; as at lenth is ſet down in the ſaid ffyft Article: And the ſaid *Margaret* being accuſet thairof—It is allegit be the ſaid *Margaret* and hir prelocutouris, that the ſaid *ffyft Article* is nawayis relevant, nor na pairt thairof; nevir condeſcending in ſpeciall quhat ſcho did, quhat Sorcerie or Inchantment ſcho vſet or applyit, or quhat was practizet be hir for taking af the ſeiknes af the bairne; nor yit condeſcending vpone the meanis of Sorcerie or Witchcraft, quhidder be ſignes, woirdis, croces, incantatioun, invocatioun of the Devillis name; without the quhilkis, Witchcraft can nocht be accompliſchet.—It is anſuerit be the perſewaris, that the allegiance aucht to be repellit, in reſpect of the article of Dittay, beirand the ſeiknes to be tane af the bairne be the pannellis Sorcerie and Witchcraft, practizet be hir and *Criſtiane Grahame*, for the bairnes help, and cure thairof be vnlauchfull meanis.

THE *Saxt Article of Dittay* being red, and the ſaid *Margaret* accuſet thairof, viz. that ſcho, haifing conſauet ane deidlie haitrent aganis *Robert Mure*, mercheand burges of Gleſgow, thraitnet him with mony outrageous ſpeiches, ſaying to him, ‘Thow ſall gang hame to thy hous, and ſall bleid at thy noiſe ane quart of bluid, bot ſall nocht die quhill (*until*) thow ſend for me and ask me forgivenes;’ quhairvpone ſchortlie thaireftir, be the ſaid *Margaret* hir Sorcerie and Witchcraft practizet vpone him, he contractit ane grevous and ſuddane ſeiknes, quhairof he deceſſit; quhilk is confeſſit in preſens of Witneſſes—It is allegit be the pannell and hir prelocutouris, aganis the *ſaxt Article*, that the ſamyn is nocht relevant, for the particuler anſweris and argumentis maid to the haill Articles of befoir, quhilk the pannell repeittis, and everie ane of thame, as ane ſufficient allegiance, *brevitatis cauſa*, to ſtay the ſamyn to pas to ane Affyſe: And as to hir pretendit Confeſſioun, maid in preſens of Witneſſes, can nocht be reſpectit, becaus *eſt Confeſſio extra-judicialis que non tenet contententem niſi in iudicio fac-*

tam: And albeit it war grantit, as it is nocht, that scho maid ony sic Confessioun, scho may reseill¹ thairfra; and sa is na relevant poynt to pas to ane Assyse; quhilk is confirmet be the authoritie of SALICOTUS, L. finali, codice *de Probationibus*; *probationem seu Confessionem sponte factam potest reus revocare, et confessus non est condemnandus nisi constet de corpore delicti, id est damnum datum esse malificium facinoris.* Libro 1 de Contraversiis, cap. 28. *Item*, we haif ane expres text, *Lege prima, § Divus, ff. de Questionibus*; *Confessiones reorum pro exploratis facinoribus haberi non oportere, et Confessio extrajudicialis non sufficit ad qualificationem delicti.* JULIUS CLARUS, Lib. 5, § finali, quest. 55, num. 2. *Immo Confessio, facta coram Judice non sedente pro tribunali est tanquam facta privata et ex ea reus non potest condemnari.*

It is answert be the perswairis, that the fact Article is verrie relevant, being tane *coniunctim*, becaus it contenis ane promeis to do the deid, the doing of the deid, and the confessioun thaireftir of the doing thair of. And as to the Confessioun, that the samyn is maid extra-judicialle of ane cryne committit, that extra-judiciall Confessioun is lauchfull and valid to condampne the pairtie quha hes confessit. Dammoderius, cap. 54, num. vltimo.—It is duplyt be the pannell, that the samyn is contrair to the text, and Dammoderius speikis na thing of ane extra-judiciall Confessioun; and repeatit thair perticuler answert maid to the particular Articles of Dittay of befoir.—The perswair also repeatit the hail particular answert maid of befoir.

THE *Sevint Article of Dittay* being red, and the pannell accuset thairby, that a ffyve or sex yeir syne, scho being convenit befoir the Sessioun of the Kirk of Glasgow, and accuset be *Mr Archibald Glen*, Minister at Carmunnok, ffor rayleing on the said vni^{le} *Robert Mure*, brother-in-law to the said *Mr Archibald*, and raleing on *Elspeth Arbuckle*, his mother, and for taking away of the said *Robert Mure's* life be Sorcerie and Witchcraft; and that the said *Margaret*, in revenge thair of, schortlie thaireftir, be hir Sorcerie and Witchcraft, laid ane feirfull and vnknawin feiknes vpon the said *Mr Archibald*, quhair of, he continuall sueitting, he deceifit; and sa, was airt and pairt of his daith; quhilk scho hes confessit, senfyne, in presens of witnesses. It is allegit and answert be the pannell, *vt supra*, against the *sevint Article*, baith anent the fact and pretendit Confessioun lybellit, ffor thair is na thing qualifeit of Sorcerie, or Withcraft, or Inchantment, done to the said *Mr Archibald*: for the treuth is, that the man deceifit of ane consumption of his lichtis;² nather is it lybellit that scho inflictit ony thing vpon him be signes, croces, inchantit herbis, oyles, claithes, or ony vther meanis.—The perswairis answert, that the said allegiance aucht to be repellit, in respect of the *sevint Article of Dittay*, relevant in the self, and answert maid of befoir.

¹ Withdraw; retract; *resile*.

² Lungs; pulmonary consumption.

THE *Aucht Article* being red, and the pannell indytit, fforfamekill as fcho, haifing confauct ane deidlie haitrent aganis *Williame Mure*, flefcheour, a fyve yeir fyne, for calling *Crijtiane Grahame* ‘ane rank Witche,’ fcho, in revenge thairof, come to the faid *Williame*, vpone the Hie Streit of Glefgow, and in grit wraithe faid to him, ‘Go thy wayis hame, bludie boutcher that thow art, thow fall nevir fie the calfay¹ agane, bot fall fuddanlie fchute to deid in thy awin chyre!’² Accoirding to the quhilk thraitning be the faid *Margaret* hir Sorcerie, Devillerie, and Incantatioun, ane feiknes was laid vpone the faid *Williame*, and vpone the morne thaireftir, in his awin chyre, in grit fuddantie deceiffit: Quhilk fcho hes confeffit to be of verritie, in prefens of Witnelles; and fa is airt and pairt of his death.—It is allegit be the pannell aganis the *Aucht Article, ut fupra*, with this eik,³ that thair is nathing qualifeit thairin of Witchcraft done be hir to him, bot that fcho gaif him evill woirdis, and be thais woirdis he deceiffit. As to the pretendit Confeffioun thairin contenit, anfueris thairto *ut fupra*.—My lord Aduocat repeittis the woirdis of the Dittay, and former anfueris maid be him to the haill former poyntis thairof.

It is forder allegit be the pannell and hir prelocoutouris to *the Nynt Article*, anent the bewitching of *Allane Speiris*, in maner thairin fpecificeit, without offence of my lord Aduocat, that all thais Articles contenit in the Dittay ar meir⁴ fabulous, refolveing only vpone ‘he faid and fcho faid.’⁵ And forder, oppones to his lordfchip all the authoriteis foirfaidis; and na practiques in the contrar ar producet, bot ane naikit affertioun.—My lord Aduocat repeittis the Dittay, quhilk is verrie relevant, and als relevant a Dittay as ever was maid in Scotland, vpone fic a fubiect; quhilk is mair relevant in everie article nor the Dittayis producet aganis *Barbara Naper*, *Ewfame M^ccalzeane*, and *Agnes Sampfone*, quha war put to ane Affyfe, and convict, &c.⁶

The pannell addis forder, that *damnum infecutum ex longo intervallo* is nocht relevant; pag. 717, Lib. quinti, fectionis tertij Martij Dalrio.

THE *Tent Article of Dittay* being red, and the pannell thairby accufet, beiring that a tua yeir fyne, or thairby, ane difcord falling out betuix hir and *Alexander Boig*, fmyth in Garboillis, about the bying⁷ fra hir and *Johne Dynning*, hir husband, of ane irne studie to *Williame Wemyes*, fcho thraitnet to do the faid *Alexander* ane evill turne; ffor performeing quhairof, fcho, be hir devillerie and Witchcraft practizet be hir, laid ane crewall feiknes vpone the faid *Alexanderis* bairne, fa that, with continuall fueitting, within tua dayis the bairne deceiffit, &c.—AND fielyk, *the Laft Article of Dittay* being red, and fcho alfo accufet thairof, beiring hir to haif bene thir aucht or nyne yeiris bygane ane cowmoun

¹ Causeway, or street. ² Chair. ³ Addition. ⁴ Merely. ⁵ Mere matter of idle hearsay, without foundation in truth, and not supported by legal evidence—‘says he’ and ‘says she.’
⁶ See their Trials, in this Collection, Vol. II., pp. 230, 242, and 247. ⁷ Purchasing.

confulter with Witches, speciallie with *Cristiane Grahame*, *Katharene Blair*, and vther Witches and Sorceraris, and ane seiker of help and responsses of thame, baith for distructioun of dyuerse perfonnes, men, wemen, and bairnes, be Sorcerie, Witchcraft, and Incantatioun, and vtheris devillifche meanis, exprellie forbidden be the Lawis of Almychtie God, and Municipall Lawis of this Kingdome ; as also for cureing and help of hir self, in dyuerse feiknesses, and of dyuerse hir freindis and acquentance, &c.

IT is allegit be the pannell and hir prelocutouris against the *Tent Article*, that the samyn is nawayis relevant, for the argumentis befoir proponit, with this additioun, that in accomplifcheing of Witchcraft, practizeing thair of, the maner, forme, and qualitie of Inchanting is necessarilie requyret, quhilk is nocht heir lybellit ; nather that thair was ony Witchcraft vset be the pannell be ony Article of the Dittay, and be woirdis, signes, croces, ruitis, herbis, poyfone, or be inchantit pictouris, speiches, or be invocatioun of the Devillis name, without the quhilkis Witchcraft can nocht be accomplifchet.—As to the *Last member of the Dittay*, it is sa generall, that it mereittis na anfuer. As to that poynt of the Dittay, anent consulting with *Cristiane Grahame* and *Katherene Blair*, that is altogidder generall and irrelevant, nocht condiscending vpon the tyme and place, *quando et vbi*, nor yit condiscending quhairvpon they consultit, quhidder vpon Witchcraft or vthirwayis ; and that the pannell, the tyme of thair meitting, knew thame to be Witches, and consultit vpon Witchcraft with thame as Witches : And quhair as, scho helpit hir freindis, *non relevat*, nocht condiscending thair names, or quhairwith they war helpit. ITEM, it is anfuerit to that pairt of the Lybell, *per totum*, quhair it is said, that the pannell inflictit diseaffis, be Inchantment, and Sorcerie, and Witchcraft, nocht condiscending quhat soirt of Inchantment or Sorcerie ; *quia vt inquisitio sit valida, oportet sit clara, certas delicti qualitates et circumstantias continens, de quibus posset Judex judicare* : Bot, *de incantamentis in genere nemo Judex potest judicare* : Ergo, the species of the Inchantment man¹ be expreffit be sum signe or speciall deid ; *et ratio est, quia ne per incertitudinem, generalitatem, et obscuritatem tollatur reo defensio*. DELRIO, Lib. 5, sect. 2, pag. 617. I argu, *a simili*, iff it war lybellit, that a man had burst out ane vther manis guttis with rolling over ane beift vpon him, *non relevat*, except ye say quhat beift, and sic ane beift as mycht haif done it ; ffor ane mous could nocht haif done it ! Ewin sua, it being only lybellit, it was done ‘ be Inchantmentis :’ And gif thay war speciall, I wald contend, that thai war naturall meanis, and na Sorcerie. And thairfoir, the generalitie is altogidder irrelevant, takand away my exceptioun ; for gif thay war speciall, we mycht reffone and dispute quhidder thay war Inchantmentis or no Inchantmentis.

¹ Must.

ITEM, *per totum* to the haill lybell, *non relevat* ‘vncouth feiknes,’ except it war in lyk maner qualifeit, quhat is vncouth;¹ ffor quhat can the Affyse cognosce quhat is vncouth or nocht vncouth, it nocht being condiscendit quhat is ‘vncouth feiknes,’ quhilk is to be judget be thame quhidder it be vncouth or nocht? And for the fueiting, *nullo modo relevat*, for the proponer suat² in ane feiknes ane haill moneth, and fueitting is ane naturall purgatioum. *Igitur*, &c.

The Aduocat repeitis the haill Articles aboue writtin, quhilkis ar speciall in thame felffis.

THE JUSTICE and ASSESSOURIS continewis thair Interloquitour, vpon the haill allegeances aboue writtin, to the morne; and Ordanis the pannell to be tane bak agane to waired, in the mean tyme. The Affyse wairnet *apud Acta* to compeir agane the morne, the xxj *in instantis*, in the hour of caus; ilk persone vnder the pane of tua hundredth merkis.

INTERLOQUITOUR of the Judges and Assessoris.

Mar. 21.—THE JUDGES and Assessoris, be thair Sentence-Interloquitour,³ Repellis the haill allegeances aboue writtin, in respect of the Dittay, and answaris maid be his Maiesteis Aduocat, in fortificatioum thair of. And as to *the last Article*, quhilk is generall, ffindis the samyn relevant, with ony ane of the ten Articles of Dittay, *et non per se*: And thairfoir, Ordanis the samyn to pas to ane Affyse, viz. the haill ten Articles of Dittay, as relevant; and the last general Article, with ony ane of the ten.

ASSISA.

Johnne Lawfoune, mercheand burges of Glesgow,	Robert Bell, wrycht thair, James Mitchell, tailzeow;	Airthour Gilmour, mercheand, James Fallis, mercheand,
Jo ⁿ Dikfoune, mercheand thair,	Patrik Bell, elder,	Johnne Boyd, mesoune,
Andro Fales, mercheand thair,	Williame Anderfoune, cordiner,	Johnne Anderfoun, cordiner,
George Louk, mercheand thair, Williame Neilfoun, maltman thair,	Johnne Gilmour, mercheand,	Andro Ker, cordiner, burges of Glesgow.

OBJECTIONS against Assisers.

It is allegit be the pannell aganis *Johnne Dikfoune*, that he can nocht be admittit vpon hir Affyse, becaus thair is inimitie and evill will betuix *Johnne Dymning*, the pannellis husband and him, vneconceillit this ten yeir bygane: Lyk as, the said Johnne Dikfoune, being dyuerse tymes travellit with to be reconceillit with the said Johnne Dymning, refusit.—It is answarit, the allegeance aucht to be repellit as nawayis relevant, becaus inimitie is na caus, except he say, that thair was bluid betuix thame.—It is forder allegit, that he can nocht be admittit, becaus he hes behavit him self as partie, and hes gevin partiall Counfall, in preiudice of the pannell; in sa far as scho, being tane be the Proveist, Bailleis, and Counfall of Glesgow, without ane Warrant, out of hir awin hous, was put in waired in the Castell be thame: In the quhilk taking and committing of hir to waired, the said Johnne Dikfoune wes ane speciall assister of the saidis Proveist and Bailleis.—It is answarit be the persewaris, that the allegeance mereitis nocht ane answar, feing he did nothing but the dutie of ane honest citizen and burges, to assist the Magiftrat to apprehend a malefactor, being suspect of sic haynous crymes.—Johnne Dikfoune, being

¹ Strange; indescribable.

² Sweated.

³ Interlocutory sentence, or judgment.

solemlie fuorne, and declairing that, to his knowlege, thair was nevir discord nor inimitie betuix Johnne Dunning and him, the Justice thairupoun, and vpon his declaratioun that he had gevin na partiall counfall in this caufe, admittis him.

It is allegit aganis *Walter Sterling*, mercheand, that he can (nocht) be vpon this Affyse, becaus he is brother-in-law to vmq^{le} *Robert Mure*; thair being ane speciall poynt of Dittay fet doun aganis the pannell, for allegit iniurie done to Robert Mure.—Anfuerit, aucht to be repellit, becaus thair is na perfute movet aganis the pannell be the kyn and freindis of Robert Mure, and thairfoir fould be admittit.—It is forder allegit, that *Walter Sterling*, brother-in-law to Robert Mure, can nocht be admittit, becaus ane Dittay being fet doun aganis me for ane wrang done to Robert Mure, ilk poynt of Dittay is fund relevant and ordanit to pas to ane Affyse; the said *Walter* can nocht be ane Affysour aganis me, being perfewit vpon my life.—My lord Aduocat anfueris *ut supra*, that nochtwithstanding thair of he fould be admittit, except Robert Mure, or sum of his freindis, war ather perfewaris or defenderis, or vpegevaris of the Dittay, or Informeris to his Maiesteis Aduocat thairin.—THE JUSTICE Ordanis *Walter Sterling* to stand by; and to call ane vther.

It is allegit against *Williame Neilfone*, elder, that he can nocht pas vpon this Affyse, becaus he is brother-in-law to *Johnne Nicoll*, wryter, quha hes behauit him self as pairtie, in geving informatioun of the Dittay, and is present at the bar assisting the perfewaris in this perfute.—Anfueris, the allegiance aucht to be repellit, becaus Johnne Nicoll is nocht a perfewar, nor the Summondis is nocht raist at his instance.—*Williame Neilfoun*, being fuorne, and purget be his ayth of partiall counfall, is admittit be the Justice.

Williame Anderfone, cordiner. It is allegit aganis him, that he can nocht be admittit vpon this Affyse, becaus the pannell, haifing skill in chirurgerie, fauld to him sum drogis, quhilk he haifing post-poit the pannell in payment, scho thairfoir perfewit him be ordour of Law thairfoir; quhairvpon ane inimitie fell out betuix thame, quhilk is yet vneconceilit.—The said *Williame*, be his grit (aith) being purget of partiall counfall, is admittit.

VERIFICATIOUN of the perticuler poyntis of Dittay.

MY Lord Aduocat takis instrumentis of the sweiring of the Affyse; and, for verificatioun of the perticuler poyntis of Dittay following, vses and produces the probatioun and Witnessis efter specifeit. And first, for Verificatioun of the *ffirst Article (of Dittay)* anent *Cuthbert Greg*, produces *Charles Pollok* and *Margaret Dunning* as Witnessis, desyreing thair Depositiones to be tane.

Chairlis Pollok, couper, burges of Glesgow, sworne judiciallie, and examinat in presens of the Judges, pairteis, and Affysouris, and purget of partiall counfall, mareit, of the aige of threttie yeiris, declairis, that a thre yeir syne, or thairby, ane differ¹ being betuix *Cuthbert Greg* and *Cristiane Grahame*, for ane dog quhilk *Cristiane* desyret fra him, and he refusit, anfuering to hir agane, ‘I rather ze and my huffie² baith (meaning be *Margaret Wallace*) war brunt or³ ze get my dog!’ Quhair of *Margaret Wallace* getting knowlege, scho comes to *Cuthbert* and fayis to him, ‘ffals land-loupper loun that thow art, fayis thow that *Cristiane Grahame* and I fall be brunt for Witches? I vow to God I fall do to ze ane evill turne!’ And declairis, that, within foure or fyve dayis thaireftir, the said *Cuthbert* fell seik. Being inquyret, gif he hard hir fay thir woirdis, ‘that he (*she*)

¹ Quarrel; *difference*; altercation.

² *Cummer*; gossip.

³ Rather than.

fould mak *hir* (*him*), within few dayis, nocht of habilitie to wyn ane caik of breid?' Denyis that he hard sic woirdis—bot only that scho fould 'do him ane evill turne.' Sayis, he saw *Cuthbert Greig*, the tyme of his feiknes, fueitting and brocheing¹ in ane vncouth feiknes, fairlie handillit, quhairby he was nocht able to gang; bot knawis nocht how lang he swat, or abaid in that estait. Demandit, gif he saw Margaret Wallace cum in to Cuthbert, at ony time of his feiknes? Declairis, he saw hir nocht within that hous; and forder, knawis nocht anent that first Article of Dittay.

Margaret Dynning, the spous to Andro Lennox, suorne and examinat vpon the first Article, concerning Cuthbert Greg, and desyret to tell the treuth, sa far as she knawis thairanent; Depones, that the tyme of Cuthbertis feiknes, the deponer and Margaret Montgomerie, with Margaret Wallace, past all thre togidder vp to Cuthbertis hous, to visseit him, the tyme of his feiknes; at thair in-cumming, declairis, scho saw Margaret Montgomerie, with Margaret Wallace, pass to his bed-syde quhairin he lay, and that the said Margaret Wallace sat down with hir bak to him, the deponer hir self nocht being able to wyn ben the hous, becaus of the thrang of peopill in the hous, at that tyme: And forder knawis nocht.

FOR *the Second poynt of Dittay*, concerning *Johnne Robertoun*, querriour, desyres the said Johnne Robertoun, as persewar, his ayth to be tane, and that poynt of Dittay to be suorne be him, gif he has just caus to persew the pannell as giltie thairof? Quha, being solemplie suorne, declairit, that the said Margaret Wallace avowit 'to be avengit vpon his ffeische!' And that schortlie thaireftir, conforme to the Dittay, the feiknes was laid vpon him; and thairfoir, hes just caus to persew the said Margaret, for that poynt: And eikis² thairto, that sen the making of that vow be hir, he was nevir able to wyn him self fyve f. (shillings.) Quhairvpon my lord Aduocat askit instrumentis.

Chairles Pollok being productet, and suorne vpon the secund Article of Dittay, anent the said Johnne Robertoun, querriour; declairis, he knawis na thing thairof, except allanerlie, that he saw him hevelie diseasit.

As to the *Thrid Article of Dittay*, referris the notorietye of the pannellis giltines thairof to the Affyse.

FOR verificatioun of *the ffourt Article*, my lord Aduocat productet Cristiane Grahames Depositioun, tane be *my lord Archebischope of Glesgow*. As also, produces *Marioun Mitchell*, the spous of Johnne Hunter, and desyres hir to be examinat, and her Depositioun to be writtin.

Marioun Mitchell, the spous of Johnne Hunter, tasker,³ suorne, and examinat

¹ Commonly pronounced *broiching*; in the last stage of exhaustion, through profuse perspiration. The English word *sweltering* conveys something of the same meaning.

² Adds; subjoins.

³ Day-labourer.

vpone the ffourte Article of Dittay, in prefens of the Judges, Affyfouris, and parteis, judicialle, Depones, that four yeir fyne, or thairby, Margaret Wallace and Robert Stewart come to the duelling-hous of Alexander Vallange, in Glesgow, quhair the deponer was fervand for the tyme, and callit for ane choppin of aill; quhilk was brocht be ane boy to thame, namet James Synfone; and in drinking thairof, betuix Robert Stewart his taking the cope and offering it to Margaret Wallace, the said Margaret tuik ane suddan brasche of feiknes, vnknawin to the deponer quhat feiknes it was, quhairin the said Margaret was sa extremelie handillit, that scho was liklie to ryve hir selff:¹ Thaireftir scho cryis, ‘Bring me hither my deir burd!’—And Margaret Montgomerie, the guid-wyfe of the hous, being present, anfueris hir, ‘Quhilk deir burd wald ze haif? I beleif,’ sayis scho, (thinking it had bene *Johne Dynning*, hir husband,) ‘he is nocht at hame!’ ‘Na,’ anfuerit Margaret Wallace, ‘bring me *Cristiane Grahame*, my deir burd!’ All this quhyle, Margaret Montgomerie was halding hir be the ane hand, and Cristiane M^cclaulchane be the vther. Thaireftir, at hir desyre, Robert Stewart past, and with grit dilligence brocht Cristiane Grahame to hir, at quhais suddane cuming, Margaret Montgomerie sayis to Robert, ‘Jesús saif ws! I beleif thou hes met her be the way!’ And Cristiane Grahame anfuerit, ‘ffayth, he met me nocht, bot come and brocht me out of my awin chalmer; and fra I hard that my burd was sa diseasit, I sped me hither!’ Sayis, thaireftir, that Cristiane Grahame tuik Margaret Wallace be the schaikill-bane,² and kift hir; and in hir airmes cayreit hir down the stair, saying to hir, ‘Nothing sould aill hir.’ Eftir quhais outgoing, Margaret Vallange, dochter to the said Margaret Montgomerie, ane infant bairne of foure yeir auld, followit thame down the stair; and in the ganging out at the zet,³ over the dur-threschold, scho fell down in a suddane and grevous payne, and grat vehementlie. Incontinent thaireftir, the said Margaret Wallace come bak agane, and declairit that the bairne was greting at the stairfute; and desyret hir mother to bring her vp. And thaireftir, the bairnes mother cuming to hir and taking her vp, the bairne cryis, ‘Mother, mother, ding me nocht, for thair is ane preyne⁴ raschet throw my fute!’ And the bairne, being brocht vp to the hous, grat continuallie all that nycht, and quhill⁵ the morne at that same tyme of the day. The Deponer forder declairis, that scho and the bairnes father and mother sat vp all that nycht, and walkit⁶ the bairne; and that vpon the morne thaireftir, the said Margaret Wallace come to vissit the bairne, and desyret Margaret Montgomerie, hir mothir, to send for Cristiane Grahame, making all that tyme ane grit mone⁷ for the bairnes feiknes: To quhome Margaret Montgomerie anfuerit, ‘I haif nothing ado with Cristiane Grahame, and

¹ This attack was probably a hysterical affection, or rather a kind of convulsion fit.

² Wrist.

³ Gate; wicket.

⁴ Pin.

⁵ Until.

⁶ Watched.

⁷ Moan; lamentation.

will nocht fend for hir! ffor gif God hes laid on that feiknes on my bairne, he will, at his awin plesour, tak it af agane!' Sayis thairefter, that Margaret Wallace maid anfuere to hir, 'Gif 3e knew of Cristiane Grahame skill, and quhat scho can, 3e wald nocht refuse to fend for hir; for scho can do alsfe mekill as God in the Heavin!' Deponis forder, that sehortlie thaireftir, Margaret Wallace, by¹ the said Margaret Montgomeris knowlege, broecht the said Cristiane Grahame in to the hous, the bairne being lying as ane deid stock in the bed, and haifing gevin over greting for the tyme; and at thair incooming, ane heip of grene webbis² being lying on the fluir, Margaret Wallace lap over the same, and cumis to the bairne, and takis hir vp out of hir bed, and fettis hir on Cristiane Grahames knie; and declairis, that eftir the bairne had sittin ane sehorte space vpon the said Cristianes knie, scho grew better, and eftir that mendit.

FOR verificatioun of *the ffyft poynt*, my lord Aduocat producet certane Depositiones tane befor *the Bischope of Glesgow*;³ with ane vther Deposition tane befor *the Commissar of Glesgow*; as also, producet certane Depositiones tane be the said *Archebischope*, at command of the Secreit Counfall; and thairwith produces Andro Mure, chirurgane, as Witnes; desyring him to be suorne, and his Deposition to be writtin.

Andro Mure, chirurgane, mareit a fevintene yeir fyne, of the age of xliij yeiris, suorne, and purget of partiall counsell; being inquiryet, quhat he knowis concerning the ffyft Article of Dittay, red in his audience? Depones, he knowis nothing of Margaret Mures feiknes specifeit in the said Article, except that he himself, cuning down the Brig-gait,⁴ he saw Cristiane Grahame cum furth of Marioun Mures hous; quha thaireftir come to the deponer, and desyret him to gang in to the said Marioun: And the deponer, at hir desyre, haifing past in to the hous, at his incuming ane roistit hen was fett down on the buird;⁵ and the deponer, with David Scheirar and the said Marioun Mure, sat down at the buird togidder; and within ane sehorte space thaireftir, Margaret Wallace come in to thame: Declairis, at Margaret Wallace incuming, ane guife⁶ was fett down on the buird: And the deponer, persaveing that sic intertenement wald draw him to charges, he payit his choppine of wyne and come his way, and left the rest of the cumpanie behind him. And forder kuawis nocht.

FOR verificatioun of *the Saxt Article, Sevint, and Aucht Articles*, produces the Deposition of Alexander Montgomerie and vtheris, subscryuit be *my Lord of Glesgow*; togidder with ane Testimoniall of the Minister, testifeing Mr Alexander Montgomerie his feiknes, that he was nocht able to travell, without hazard

¹ Without; contrary to. ² Webs of newly weaved, or unbleached, linen cloth. ³ James Law, Archbishop of Glasgow; who had been translated from the See of Orkney, anno 1610. ⁴ The Bridge gate of Glasgow. ⁵ A roasted fowl was set upon the table. ⁶ Goose.

of his lyfe: And referris the notorietye of the pannellis giltines of the faidis Articles to the Affyfe.

FOR preveing of *the Nynt Article of Dittay*, produces Robert Dykes, Johnne Pincartoun, Thomas Wilkyne, and Johnne Thomefone, as Witneffes, defyreing thair Depositiones to be tane, for the Affyfe better informatioun.

Robert Dyhis, maltman in Ruglen, mareit, fuorne and examinat, in prefens of the Judges, Affyfouris, and pairtie, in judgement, vpone the Nynt Article, to declair the verritie, and purget of partiall counfell, Depones, that at command of vmq^l Allane Spens, the deponer come to Johnne Dynning, and defyret ane ficht of his elwand,¹ and, conforme to the Dittay, the ellwand was brokin; and a fyftene dayis thaireftir, or thairby, the faid Allane Spens being in Glesgow, and fleing ane fchoure,² come befoir Johnne Dynningis buthe-dur,³ quhair the deponer hard Margaret Wallace, Johnne Dynningis wife, fay thir woirdis to Allane, ‘ Away, deboifchet knave!’ Depones, the faid Allane Spens fell feik; bot knawis nocht how fone eftir thais woirdis war spokin this feiknes fell⁴ to him. Declairis, he come in to him the tyme of his feiknes, and faw him hevelie difeasit with continuall fueitting.

Thomas Wilkyne, burges of Ruthirglene, mareit, fuorne in prefens of pairtie, Judges, and Affyfouris, in judgement, Depones, he knawis nocht Margaret Wallace, befoir his cuning to Edinburgh. As to that Article of Dittay concerning Allane Spens feiknes, declairis, he was hevelie difeasit with ane fuddane and grevous feiknes, quhairof he deceiffit; bot knawis nocht quhat or quha war the causeris thairof.

Johnne Thomefone, burges of Ruthirglene, mareit, and fuorne vpone the nynt Article of Dittay red to him in judgement, in prefens of the pairteis, Judges, and Affyfouris, is conforme to the faid Thomas Wilkyne.

Johnne Pincartoun, fuorne and demandit vpone the nynt Article, quhat he knawis thairintill? Depones, he was narrest dur nychtbour⁵ to Allane Spens, and faw Johnne Dynningis elwand brokin, at quhilk tyme the faid Johnne Dynning and Allane Spens war likelie to go by the earis for breking of the faid elwand. Declairis, that he hard Margaret Wallace, fcho being present with hir husband, fay to him, ‘ Go your wayis joy, let him allane,’ (meaning be Allane Spens,) ‘ I fall tak ane amendis thairof!’ Sayis he knew that Allane Spens fell in ane hevie difeas, bot knawis nocht quhat was the caus thairof.

FOR verificatioun of *the Tent Article* of Dittay, my lord Aduocat vfes the aithe and declaratioun of *Alexander Boig* in Garboillis, perfewar thairof, and defyres that Article to be fuorne be him to the Affyfe, for thair better informa-

¹ Ell-wand, yard measure.

² For shelter from the shower.

³ Shop door.

⁴ Happened.

⁵ Next-door neighbour.

tioun: Quha being fuorne, declairit that he had just caus to perfew the said Article, as is set down thairintill, aganis the pannell.

Produces also George Thomefone and James Pollok, Witnesses, desyreing thair Depositiones to be ressaunt for preving of the said tent Article of Dittay.

George Thomefone, duelland vnder Sir George Elphingstoun of Blithesfoid, kny^t, fuorne and examinat in judgement, Quhat he knawis anent the said tent Article of Dittay? Depones conforme thairto, that he hard Margaret Wallace and Alexander Boig flyteing with vther; and that scho said to him, in a grit rage and furie of mynd, that scho fould 'do to him ane evill turne,'—or fould 'gar get to him ane evill turne!' And within thre dayis thaireftir, the said Alexander his bairne fell feik, and deceffit of sueitting and vther grevous panes.

James Pollok, gairdner to Sir George Elphingstoun, fuorne and examinat vpon the said Article, Depones, he being working at the hedge within the 5aird, he hard Margaret Wallace and Alexander Boig flyteing togidder; and that in hir anger scho said to him, scho fould 'do to him ane evill turne!' And schortlie thaireftir, his bairne contractit ane feiknes, and deceffit.

My lord Aduocat takis instrumentis of the Witnes judiciall declaratioun aboue writtin; quhilk he repeitis to the Assyse, with the vther Depositiones product be him.

THE JUSTICE and ASSESSOURIS continewis this dyet to the morne. The Assyse wairnit to be present the morne, at xj houris; ilk persone vnder the pane of iij^c merkis.

OBJECTIONS *be the Pannell to hir pretendit CONFESSIOUN, and haill Probatoun adducet.*

Mar. 22.—IT IS OBJECTIT be the pannell and hir prelocutouris aganis *hir pretendit Confessioun*, maid be hir befor the Lordis of Secreit Counsell, that the samyn can preve nathing of the haill Dittay, nor na pairt thairof. And as to that pairt of hir allegit Confessioun, quhair as scho confessit 'that scho was content, in caice it fould be provin that scho was in *Cuthbert Gregis* hous, to grant the haill Dittay!' Anfueris thairto, that is na Confessioun of the Dittay, nor of na pairt thairof; ffor the Dittay is set down vpon Witchcraft, and that the pannell practizet Witchcraft vpon the persones contenit in the Dittay, be Sorcerie and Inchantment; scho hes nocht confessit the samyn be hir Deposition, nor na pairt thairof; sua that hir Deposition can be na probatioun of Witchcraft, nor of practizing thairof; bot only, that gif it fall be provin aganis hir, hir being in Gregis hous, quhilk scho hes denyit, scho hes thairin committit onlie a lie, and being perfewit and provin, is content to vnderly the pwneifchment appointit aganis Leafing-makeris. *Secundo*, be the Confessioun contenit in hir

Deposition befor the Counsell, scho is only content, gif that haill Article be provin aganis hir, than to confes all the rest to be trew; bot albeit it be provin that scho was in the hous, it is nocht confessit thairby that scho was ane Witche. *Tertio*, it is nawayis provin be the Deposition productet, that scho was within the hous, becaus thair is only ane woman productet as a Witnes to verifie the same. It is forder allegit, that thair can be na probatioun vpon that hir Confessioun maid befor the Counsell, becaus the samyn is na poynt of Dittay.

It is ansuerit be the persewaris, as to the obiection maid aganst the Deposition maid be the pannell befor the Counsell, that obiection aucht nocht to be respectit, in respect of the Judicial Confessioun maid befor the Lordis of Counfall, quhilk bindis hir; be the quhilk it is manifest, that scho hes denyt the treuth, in respect of the probatioun led be dyuerse of the Witneses productet, verifeing hir to haif bene in Gregis hous the tyme of his seiknes, quhilk the persewaris referris to the Inqueistis knowlege and Witnes Deposition. And desyres it may be rememberit to the Assyse, quhat sentence was gevin aganis *Patrik Cheyne*, vpon the lyk Deposition.

It is forder allegit be the pannell, that the Deposition maid befor my Lord of Glesgow, the samyn can mak na fayth, in respect his Lordschip had na warand to that effect.—It is ansuerit be the persewaris to that obiection, that the samyn aucht to be repellit, in respect of my Lord of Glesgowis Judicial Declaration maid be his Lordschip, that he had ane special Letter direct to him be the Lordis of Secret Counsell, for taking of the saidis Depositiones, and of the article subioynet to hir Depositiones subscriuit be the Clerk of Counsell.

It is allegit be the pannell, that nather the first nor secund Deposition of *Cristiane Grahame* can be respectit: *ffirst*, becaus it is nather hir principall Deposition, nor Extract thairof; nocht the principall, becaus it is nocht subscriuit be hir, nocht the Extract, becaus nocht (subscriuit) be ane Clerk of Court: *Secundo*, can preve nathing, becaus it is maid, scho nocht being suorne to that effect: *Tertio*, it is maid be the partie being absent aganis quhome it is deponit, quha, gif scho had bene requyret, wald haif compeirit, and offerit to haif bene confrontit with hir; quha, gif scho had bene confrontit, wald haif denyt the samyn: Lyk as, scho cum of set purpos to the Tolbuth, befor hir Conviction, and offerit hir selff to haif bene confrontit, quhilk was denyt. *Last*, hir Deposition can work nathing aganis the pannell, being ane condampnet persone; and the Deposition aucht nawayis to be respectit, except it war instantlie verifeit be the proces, that befor the making of the said Deposition, or the tyme of the making thairof, that the said Cristian Grahame had confessit the haill poyntis of Dittay than laid to hir charge: ffor as the woirdis ar confaet, thay ar spokin be comparifone, that eftir scho had denyt the poyntis of Dittay laid to hir

charge, and declairit hir self to be altogidder innocent thairof, and the pannell being at that tyne ane honest woman, sua repute and haldin, seho sayis, ‘ seho was als frie of Witchcraft as seho or ony vther in the toun !’ Forder, the Confessioun can nocht be respectit, becaus it is nocht maid befor ane Judge haifing power to tak her Confessioun, thair being na Commissioun producet for taking of the said Confessioun. Nixt, the Deposition beiris nocht that seho was ony wayis interrogat or speirit¹ at, and is nocht maid in judgement, becaus the Assyse was than incloset, being than hir Judges. Last, it beiris nocht that this pannell was airt or pairt of ony Sorcerie, bot of sic deidis as seho did, and confessit to haif done : And referris to the Assyse, hir Confessioun, that seho was innocet of all. And as to the worfettis,² thay ar na pairt of Witchcraft, be reveing³ or drawing thame furth of hir purse.

It is ansuerit thairto be the persewaris, that the obiectiones maid aganis the tua Depositiones producet is nawayis relevant, and is nocht to be respectit be the Assyse, becaus the samyn is subscriuit be *my Lord Archbifchope of Glesgow*, as Lord of the Regalitie, and quha was present the hail tyme of Cristiane Grahames tryell, nocht onlie as Lord of the said Regalitie, bot also as being ane of the Lordis of his Maiesteis Previe Counfall ; and thairby, be vertew of his office and autoritie, haifing sufficient power to tak cognitioun of quhatfumeuir ryote or offence committit to ony of his Maiesteis subiectis, be quhatfumeuir maner of way, within that pairt of his dyocie,⁴ or ony pairt of the kingdome. *Igitur, &c.* — To the quhilk it is ansuerit be the pannell, that the Deposition was nocht subscriuit be *my Lord of Kilsythe*, to quhome the Commissioun was grantit, bot is allanerlie subscriuit be the Proveist and Bailleis of Glesgow, quha ar pairteis : Lyk as presentlie, at the dyteing heiroy, Gabriell Cunninghame, standing at the bar, hes professit him self to be a partie and informer to my lord Aduocat. Last, her Deposition can nocht be respectit, becaus seho alleges hir self to be participant of the same cryme ; and sa hir Deposition, of the Law, can mak na fayth, except seho had confessit seho had maid hir Deposition or Confessioun eftir tortour.

To the quhilk it is ansuerit be the persewaris, that the saidis Depositiones ar subscriuit be the Proveist and Bailleis of Glasgou, quha war a pairt of the Commissioneris nominat and appointit to the tryell of the said Cristiane Grahame, as also subscriuit be vther tua men of grit credeit, viz. Mr Johnne Bell and Mr Robert Scott, Ministeris of Glasgou, quhais subseriptiones ar sufficient to geve autoritie to the Depositiones, as evir has bene fund in this judgement, in all matteris of Witchcraft, and specialie, in the proces of *Euphame Mcalzeane, Barbara Naper, and Agnes Sampson*. The last pairt aucht nocht to be

¹ Enquired. ² The coloured worsted threads formerly noticed. ³ Stealing. ⁴ Diocese.

respectit, in respect *scilicet criminis* ar ressaunt and admittit in all crymes of Tressone, Erracie,¹ and Withecraft.

Quhairvnto the pannell and hir prelocutouris anfuers to thais tua memberis of my lord Aduocattis anfuers, that the tua Ministeris befor quhome Cristiane Grahame hir Depositioun was maid, that thai war honest men, it is nocht denyit; bot it followis nocht, becaus thay are honest men, thairfoir thay had power to tak hir Depositioun, in ane matter concerning hir lyfe, without Commissioun. For anfuers to the proces allegit aganis *Euphame Mcalzeane, Barbara Naper, &c.*, agreis thairto, in regaird thay war examinat be Mr James Carmichell, to quhome speciall Commissioun was gevin for that effect. Last, it is declairit be the pannell, that evin in the cryme of Erracie or Lese-maestie, a pairtner of ane cryme² is nocht to be credited without tortour; and repeittis the tortouring of *Sprote* in Tressone, becaus he was partiner of the Tressone.

It is objectit be the pannell and hir prelocutouris, aganis the Depositioun maid be *Margaret Grahame*, dochter to Cristiane Grahame, befor the Commissar of Glesgow, it can nocht be respectit; first, becaus it is not maid judiciallie, befor ane Judge haifing power to that effect: *Secundo*, befor ane Commissar, without ane Commissioun, quha had na power in matteris of Withecraft, and vtheris concerning lyfe and daithe: *Tertio*, was nocht requyret Witnes befor ane Judge haifing Commissioun, nor sworne to that effect: *Quarto*, hir Depositioun can nocht be respectit, in respect of hir age, scho nocht being past xvij³ yeiris: *Quinto*, in all hir Depositiones, nevir a word deponet that scho knew Margaret Wallace to be ane Witche, or a practizer of Withecraft; bot only that hir mother and scho past to the zaird togidder, tynt hir pantoun, quhilk was put one agane be Cristiane Grahame, &c.: *And* quhair, it is affirmet in the Depositioun, that scho tuik ane schooe, and pat in sum seidis thairin, that is nocht lybellit, and can nocht be respectit, becaus nathing followit thairupoun: *La/z*, na Depositioun can be respectit at all, of ony persone, as Witnes, bot only sic as ar producet in Judgement,⁴ to the effect the pannell may object aganis thame, quhidder thay may depone aganis hir or nocht. And thairfoir, of all Law, it is inviolablie obseruet, that na faith is gevin to Testimoniallis, bot as Witnessis, in a matter of fourtie schillingis.

It is anfuersit be the perswar, as to the allegance and objectioun aganis *Margaret Grahame*, the samyn aucht to be repellit, it being tane befor ane Judge-Ordiner, judiciallie, viz. the Commissar of Glesgow: And as to hir age, scho hes deponet scho is past xiiij yeiris, quhilk is referrit to the Assyse knowlege; and that than scho mycht haif mareit lauchfullie, mekill mair to beir witnessing in

¹ Heresy.² *Particeps criminis*.³ *Sic*; xij?⁴ This is the first time that this objection is recorded as having been started by the Counsel for the pannell.

obscure factis, sic as ony thing concerning vmq^{le} Cristiane Grahame and Margaret Wallace, quhais companie scho resoirtit daylie. And forder, the perfewar referris to the Assyse knowlege, quhat thay know of hir Depositione; and speciallie, gif it was grantit befor my Lord of Glesgow, the pannell hir self, and sum of the Inqueist: And forder, producet the dome and sentence of convictioun to the Assyse, quhair the Proveist and Bailleis of Glesgow war Commisioneris appointit and set for tryell of Cristiane Grahame, and sa had power to ressaue Cristiane Grahames ayth, for haifing Commiffioun thairto.

It is anfuertit be the pannell, as to that pairt of the anfuertit anent Margaret Grahames age, the Deposition producet beiris na sic thing.—My lord Aduocat, for anfuertit thairto, declairis, he produces ane vther Deposition of hiris of the same dait, beiring hir former age: Quhilk is referrit to the Assyse.

Item, the pannell anfuertis to that poynt, anent the production of Cristiane Grahames Sentence of Convictioun, that the pannell acceptis the same; and protestis that the perfewaris repetitioun thairto, for instructing of the Assyse, anent that alledgeance proponit be the pannell, that Cristiane Grahames Deposition, beiring Margaret Wallace to be airt and pairt of all confest be hir to haif done, preves nawayis hir to be gilty of Witchcraft; becaus the convictioun producet, beiris hir to haif denyit all the poyntis of the lybell anent Witchcraft; and scho confesses that scho was pairt-taker of sic thingis as scho confesses hir self to haif done, it man (*myself*) be of na deidis impoirting Witchcraft.—The last objectioun proponit be the pannell is nocht to be respectit, in respect of Cristiane Grahames Confessioun and convictioun producet; quhairin scho is convict of tua poyntis, conforme to hir awin Confessioun, viz. the secund and fourt poyntis of Dittay quhairupone scho was indytit.—It is anfuertit be the pannell, that the said convictioun proccidis vpon the admitting of the hail Articles thairto to the knowlege of ane Assyse, sua that the finding of hir gilty of ony of the Articles is nocht the grund of the sentence of Convictioun; ffor thais tua Articles, a pairt quhairto scho is convict, was nocht relevant without the hail Articles had bene admittit; and forder, thir tua poyntis quhairto Grahame is convict, is na poynt of our Dittay.

It is objectit be the pannell aganis *Marioun Mures* Deposition, subseryuit be my Lord of Glesgow, the samyn can nocht be respectit, for the ressones foirsaidis; with this additioun, that gif the said Marioun Mure war now producet as Witnes at the bar, scho wald be repellit; for this resson, becaus be the Deposition it is confest that scho is father-sister to the bairne quha is alleget to haif bene bewitched or curet be the pannell, as being within degreis-defending to the said bairne mentionet in the Dittay. And forder, it is objectit, that scho had gevin partiall counfall in the caus, quhilk defens is tane fra us be production of

ane Testimoniall, and nocht hir selff. And repeittis all the rest of the objectiones aganis the vther Testimoniall.—The last objectioun aucht to be repellit, in respect of the Depositioun of *Marioun Mure*, tane be my Lord of Glesgow, quha had Commissioun of the Counfell, as he hes deponit, and is testifeit be James Prynrois, clerk of the Counfell. Lyk as, the samyn Depositioun is subseryuit be the Laird of Mynto, and the Proveist and Bailleis of Glesgow, Commissiouneris for Tryell of the said Cristiane Grahame: And as to the objectioun, that scho was within degreis-defending to the bairne, it is ansuerit directlie, that Commissioun be the Counfell for hir examinatioun, the pannell being present, and nathing objectit be pannell in the contrair, is sufficient to elyd¹ that pairt of the said objectioun.

It is objectit be the pannell aganis the Depositioun of *Mr Alexander Montgomerie* productet, that the samyn can mak na fayth, it nocht being maid befor ane Judge, nor he suorne to that effect; nor nane inqyreing sic thing of him: And speciallie, aucht to haif bene summond befor ane Judge-Ordiner, and to haif deponit judiciallie; in respect that letteris war direct, summonding him to compeir befor the Justice in this judgement, and hes nocht compeirit, being summond to that effect; and speciallie, his Depositioun could nocht haif bene ressauit gif he had compeirit, becaus it wald haif bene objectit contrair him, that he and Margaret Montgomerie are brother-bairnes of the hous of Hefil-heid,² quhais dochter is allegit to haif bene witchet, be ane speciall poynt of Dittay gevin in aganis this pannell; and sa, his extra-judiciall Confessioun out of all judgement, subseryuet be him without Witnes, could nocht be respectit.—To the quhilk the persewaris ansueris, that this last objectioun aucht to be repellit, in respect of the Testimoniall productet, beiring Mr Alexander to be seik, subseryuit be ane Minister, quhilk excuises his absence: Quhilk Depositioun is referrit to the tryell of the Assyse.

IN respect of the quhilkis Depositiones and Verificationes productet to the persones of Inqueist, for thair forder informatioun of the pannellis giltines of the perticular poyntis of Dittay aboue written, Protestis for Wilfull Errorr aganis thame, gif thay acquit.

VERDICT. The Assyse, for the maist pairt, FYLES *Margaret Wallace* of the *first* Article of Dittay,³ anent Cuthbert Greg, couper, and haill circumstances thair of: AND sielyk, all in ane voce, ffyles hir of the *fourth* poynt of Dittay, and haill circumstances mentionet thairintill, anent the consulting with vmq^{lc} Crif-

¹ Cut off, &c. Lat. *elidere*. ² The Montgomeries of Hazelhead, a respectable family in Ayrshire.

³ The Articles of Dittay of which the pannel is found guilty, are rehearsed at length at the commencement of the Trial, being the only part of the Dittay preserved at full length in the Record. The remainder of the points are pretty largely recapitulated in the preceding arguments, which are of great importance, as they completely illustrate the state of the Law and practice on this extraordinary subject. More freedom of discussion was permitted in this Trial, than in any of the previous cases of a similar nature.

tianè Grahame, ane notorious Witche, for cureing of hir self of ane suddane diseafe, be taking the samyn of hir, and laying it vpon Alexander Vallange bairne; and thaireftir cureing the said bairne of the said diseafe, in forme and maner specifeit in the Dittay: AND lykwayis, for the maist pairt,¹ ffyles hir of the *fyft* poynt, anent the cureing of Margaret Mure of the seiknes quhairwith scho was visseit, be Sorcerie and Witchcraft, and consulting with Cristiane Grahame for that effect, in maner contenit in the said *fyft* Article: AND in lyk maner, all in ane voce, ffyles hir of the *tent* Article of Dittay, and haill circumstances thair of, anent the seiknes laid vpon Alexander Boig his bairne, be Sorcerie and Witchcraft, in maner specifeit in that Article: AND last, all in ane voce, ffyles hir of the generall poynt, as ane cownoun consulter with Witches, thir aucht or nyne yeiris, namelie with vmq^{le} Cristiane Grahame, laitlie convict and brunt for ane notorious Witche, and with Katharene Blair, and vther Witches, and seiken² of help and responsis of thame, alsweill for cureing of hir self of dyuerse seiknesses, and cureing of hir freindis and acquaintance, as for inflicting of dyuerse crewall diseissis vpon dyuerse persones to quhome scho buir ony haitrent; and distructione of thame thairby, be devillrie, Incantatioun, and Witchcraft, expresse forbidden be the Lawis of Almychtie God, and municipall Lawis of this realme. AND CLANGES hir of the haill remanent poyntis of Dittay, and crymes thairin contenit.³

SENTENCE. The Justice, be the mouth of James M'cairtour,⁴ dempster of Court, Ordanit the said Margaret Wallace to be tane to the Castell-hill of Ed^r, and thair to be wirreit⁵ at ane staik to the deid; and hir body thaireftir to be brunt in asches: And all hir moveabill guidis to be escheit, &c.

Slaughter.

Mar. 27.—MR JOHNNE STEWART of Dowellie, and Thomas Stewart, his brother.

Dilaitit of airt and pairt of the Slaughter of vmq^{le} Johnne Low in Gairnetullie; committit vpon the xvij of Januar, 1614 yeiris.

PERSEWARIS, James Low, as brother; Andro Low, burges of Perth, neir kynsman; Sir W. Oliphant. PRELOCUTORIS in defence, Mr Luis Stewart, Mr Robert Lermonth.

It is allegit that this matter can nocht pas to ane Assyse, in respect thai haif obtenit his Maiesteis Remission, vnder his hienes Greit Seal, quhilk thay vse and produce, daitit the xxiiij day of Marche, 1618 yeiris.—The Justice ordanis the pannell to find caution to satisfie the pairties; quha, togidder with James Soutter of the Mylnetoun of Fornocht, band and obleist thame, &c.

¹ 'By a plurality of voices,' as it was more recently expressed.
Laufoun, chancellor.

⁴ Who appears for the first time in this office.

² Seeking.

⁵ Strangled.

³ 'Johnne

**Intercommuning with the MacGregors—Slaughter—Theft—
Fire-raising, &c.**

Apr. 23.—JOHNNE MOIR M^cEANE CHERE¹ CHAMRONE (Cameron), and
Duncane (Moir) M^ceane Chamrone, his brother.

Dilaitit of the crymes following, viz. The said *Johnne Moir*, ffor being in companie with vmq^{le} Allaster M^cGregour of Glenstra, Johnne Dow M^cGregour, his brother, and vtheris thair kyn and freindis, togidder with the Clan-Chamrone and Clan-Anveroche, and vtheris brokin men and foirneris, to the number of ffoure hundreth perfones, convocat in battell array, vpone the landis of *Glenfrune*,² pertening to the Laird of Lufe,³ in ffbruar, 1603 yeiris; quhair vmq^{le} Alexander Colquhoun of Lufe, accompaneit with certane his freindis, war convenit, at that tyme, be vertew of oure fouerane lordis Commiffioun, to resist the faidis M^cGREGOURIS cruell interpryfes and intentiones. AND for airt and pairt of the steilling and away-taking of sex hundreth ky and oxin, aucht hundreth fcheip and gait, fourtene scoir horse and meiris, with the hail pleniffing, guidis and geir of the four-pund-land of Lufe, pertening to the inhabitantis thairof. AND siclyk, the said *Duncane Moir M^ceane Chamrone*, ffor being in companie with Robert Abroche,⁴ Johnne Dow M^callaster,⁵ and vtheris thair complices, ane aucht yeir fyne, or thairby,⁶ at the Slauchter of vmq^{le} James Menzies, brother to the Barrone of Comerie, and Burning of his hous;⁷ and fa was airt and pairt of the faid slauchter, and burning of the faid hous. TO THE TAIKIN,⁸ he hes confessit that he paid thre hundreth merkis to the Barrone of Comerie and his freindis, in Assythement⁹ of the Slauchter and Burning; as at lenth is contenit in the Dittay.¹⁰

PERSEWAR, Sir Williame Oliphant; Johnne Colquhoun, indueller in Leyth, as informer.

The perfones on pannell, being enterit, declairit that nane of the freindis of the Barone of Comerie could perfew thame for the Slauchter of James Menzies; becaus thai had reffaut satisfiounne for the Slauchter and Burning, fra Duncane. And the said Johnne Moir confessit his being at the ffieid of Glenfrune, bot denyis that he did ony skayth thairat.

¹ John 'the large,' the son of John of 'the mouse colour.' ² See this Collection, II. 430, for an account of the Battle of Glenfruin, &c. ³ Luss, on the banks of Loch-Lomond. ⁴ M^cGregor. Named *Abroche* after his father Duncane, viz, 'of Lochaber.' ⁵ It appears from the Records of the Privy Council, that he was killed in February, 1611. ⁶ Robert Abroche received the Royal pardon, previous to December, 1612. ⁷ As the Menzieses were both interested and most zealously active in furthering the cruel persecutions directed against the Clan-Gregor, so they were particularly obnoxious to the vengeance of that Clan. ⁸ In testimony or *token* whereof.

⁹ That compensation shall thee nought avail,
Which erst necessity, not Justice gave;
Howe'er in others it be held sustainable—
But shall be quoted as sound proof of guilt,
And practical confession of thy crime.

Anon.

¹⁰ The Dittay is not preserved on record.

The Justice Ordanis the Dittay to pas to the knowlege of ane Assyse, &c.

ASSISA.

Johne Naper of Kilmahew,	George Nicoll, cuik in Ed ^r ,	Vmphra Colquhoune, indueller in
Johne Darleith of that Ilk,	James Mitchell in Chapelton,	the Cannogait,
Johne Danielstoun of Dal-	Johne Williamfoun, thair,	Williame Buchannane, thair,
quherne,	Williame Gow in Drymmene,	Adame Clerk, litster in Edinburgh,
Mungo Buchannane in Tillie-	Robert Moriefoun, burges of	Patrik Colquhoun, alias Cowane,
chevin,	Dumbartane,	tailzeour in Edinburgh,
W ^m Buntene in Auchinfoule,		George Mitchel, staibler thair.

VERDICT. The Assyse, all in ane voce, ffind, pronuncet, and declairit the saidis Johne and Duncane to be ffylet, culpable, and convict of the crymes *respectiue* aboue writtin.—SENTENCE. To be tane to the Castell-hill of Ed^r, and thair, thair heidis to be strukin fra thair bodeyis; and thair guidis to be efcheit and inbrocht to his Maiesteis vse, &c.

Suborning of Witnesses—Perjury.

JUN. 22.—ANDRO TRUMBLE in Belfches, Robert Ker in Bewlie, James ȝoung in Belfches, and Daud Trumble in Lustruthir.

Dilaitit of Suborning of Witneffes, and for beiring of ffalfe-witneffing.

My lord Aduocat productet the Dittay, with ane Warrant direct to the Justice be the Lordis of Sesshoun, for putting the pannell to the tryell of ane Assyse, for the crymes spacificit in thair Dittay.¹

ASSISA.

Gilbert Ker of Lochtour, Williame Ker of Lyntoun, Johne Glendonyng of Drumrafche, George Kincaid, mercheand in Edinburgh, Mr Thomas Ker, sone to the Guidman of Yair.²

My lord Aduocat takis instrumentis of the fueiring of the Assyse; and for verificatioun of the Dittay, productet the Depositiones maid in presens of the Lordis of Sesshoun, subseryuit be my Lord of Melrois,³ *in presentia Dominorum*; And also, productet ane Decreit of the saidis Lordis, vnder the subscriptioun of Mr Thomas Hay, clerk, daitit the xxij of Junij instant, ffinding and declairing the said Andro Trumble to be a periured and ffals man, and ane corrupter and seducer of Witneffes to depone ffalflie; and also, ffinding the saidis Robert Ker, James ȝoung, and Daud Trumble, Witneffes foirsaidis, seducet be the said Andro, to be in lyk maner perjuret and ffalfe Witneffes; in respect, thay first declairit be thair solemne aithes, that thai war nawayis seducet, be the said Andro Trumble, to beir ffals witnes in his cause of Spuilzie, persewit be him aganis Williame and Walter Mydilneftis; and thaireftir, being mair straitlie and narrowlie examinat, confessit the verritie of the said seductioun, and the ffalset of thair Depositiones. And vpon the productioun thair of, askit instrumentis, and

¹ The Dittays are so extremely prolix and uninteresting, that it has not been deemed necessary to insert them here. ² The rest burgesses. ³ Sir Thomas Hammliton of Binning, &c. afterwards Earl of Hadington, Lord President of the College of Justice, &c. one of the greatest men of his time.

proteffit for Wilfull Errorr aganis the saidis perfones of Affyfe, gif thay acquit ; specialle, in refpect of the pannellis offering thame in his Maiefteis will for the said crymes.

VERDICT. The Affyfe, all in ane voce, be the repourt of Nicoll Edger, mercheand burges of Edinburghe, Chancellor, ffand, pronuncet, and declairit the saidis Andro, Robert, James and Dauid, to be ffylet, culpable, and convict.—
SENTENCE. The saidis *Andro Trumble*, *Robert Ker*, and *James Young*, to be tane to the Castell-hill of Edinburgh, and thair to be Hangit quhill thai be deid ; and thair hail moveabill guidis to be efcheit to his Maiefteis vfe.—And the said *David Trumble* to be tane to the Mercat-croce of Edinburghe, and thair his tounge to be pearcet with ane hett boitkyn ; and thaireftir Banifchet this realme, and nocht (thaireftir) to be fund thairintill, vnder the pane of deid.

ASSISORS fined for being absent.

SIR WILLIAME McDOUGALL of McCAIRSTOUN, Sir Johnne Scott of Newburgh, Raulf Ker, bailzie of Lauder, Sir Robert Scott of Thirlstane, Williame Johnnestoun of Lockerbie, Williame Borthuik, elder of Johnnstoun-burne, Sir Archibald Murray of Blakbarrony, Mr Johnne Home of Swanscheill, James Fairbairne of West Gordonne, Johnne Elphinstoun of Schank, Alexander Cranftoun of Moriestoun, Johnne Cranftoun of Thornydykis, Sir Robert Scott of Hayneing, David Vaufe of Blaufe, Williame Home of Hardeifmylne, Williame Bennet, fernetour to the Erle of Roxburgh, Johnne Symontoun, younger, of that ilk, Gilbert Ellote of Stobis, Robert Logane, ffiear of Bonnytoun, Mr Johnne Ker, clerk of Selkirk, Adame Gairdin, mercheand,—and twelve others, mercheands,—ilk ane of thame, for thair nocht compeirance, to pas vpon the said Affyfe, war vnlawit in the pane of ane hundreth merkis.

Taking captiue—Scourging—Slaughter, &c.

Jun. 26.—SIR WILLIAME KEYTH of Ludquhairne, kny^t, and Hew Charteris, his fervand.

Dilaitit for allegit airt and pairt of the Taking and Apprehending of Alexander Pedder, myller at the mylne of Feachfeild, vnder nycht, furth of his duelling hous, mother-naikit as he was borne ; and for cayreing him, as ane captiue and priffoner, to the Place of Feachfeild, and breking vp of the zettis and durris of the said place ; fcurgeing him with fuord-beltis and horfe-brydillis vp and down the hall thairof, to the effufioun of his bluid. AND ficlyk, for allegit airt and pairt of the daith and Slauchter of vinq^{le} Andro Frafer, ane young infant bairne, fone to Andro Frafer, younger of Mukallis : AND for contraveining the Actis of Parliament, in beiring and weiring of hagbutis and pistolettis PERSEWARIS, Andro Frafer, younger of Mukallis, as father ; Alexander Pedder, myller ; Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our fouerane lord, for his hienes entreis.

PRELOCOUTOURIS in defence, Mr Thomas Hoip, Mr Roger Mowat.

Compeirit the said Sir Williame and his fervand, togidder with the said prelocoutouris, and exponet and declairit, that thai war informet, Criminall Letteris

war direct out aganis thame, vpon threfcoir dayis wairning, at the instance of Andro Frafer, &c. chargeing thame and certane vtheris¹ to find caution for thair personall compeirance this day and place, in the hour of caus, to vnderly the law for the above allegit crymes: For obedience of the quhilk charge of Hoirning, and tryell of thair innocencie of the saidis allegit crymes, the said Sir Williame Keyth, and Hew Charteris, compeirit and offerit thame selffis of the Law, as altogidder innocent thairof. And in respect na pairtie compeiris to infist in thair perfute, being oft tymes callit to that effect, protestit for thair cautionneris relief, and that thai, na nane of thame on nawayis fould be callit or perfewit for the saidis allegit crymes, in ony tyme cuming; and thairupoun askit instrumētis.

Johnne Forbes, eldest sone and appeirand air to Mr Duncane Forbes of Bannagask, as cautioner and fouertie, for repoirting the above Letteris, deulie execute and indorsate, and perfute thairof, &c., vnlawit vnder the panes following, viz. vpon the said Sir Williame Keyth, and Nathaniell Keyth of Coklaw, ilk ane of thame vnder the pane of v^c merkis; and vpon ilk ane of the remanent defenderis, in the pane of ane hundreth merkis.

House-breaking—Theft.

Jul. 3.—ANDRO RUTHERFURD, suntyne serwand to Mr James M^cGill of Cranftoun.

Dilaitit of airt and pairt of the breking of the said Mr James M^cgillis Place of Cranftoun, and breking vp of ane kist,² within the Woman-hous³ thairof, pertening to Malie Newlandis, and steilling xxx li. furth thairof; committit in Majj laft.

The pannell offerit him self in the Kingis Maiestie and the Laird of Cranftones will, for the said cryme: Quhairvpon, the Justice ordanit him, of his awin consent, to be Banischet the parochin of Cranftoune; and at na tyme heirefter to be fund thairintill, vnder the pane of deid. And ordanit him to find caution for his compeirance vpon fyftene dayis wairning, to vnderly the law for the said cryme, gif in ony tyme cuming he beis fund within the said parochin; quha fund Thomas Rutherford in Borthiuk-manes caution for that effect.

Fire-raising—Slaughter.

Jul. 24.—DONALD M^cANGUS of Glengarie.

¹ There were 4 Nathaniell Keyth of Coklaw, Williame Keyth, sone to Alex. Keyth of Bodome, Robert Marshell, Gilbert Wairdene, Gilbert Hucheoun, and Alexander Forbes, all feruitouris to the said Sir Williame; Johnne Keyth, sone to Alex. Keyth, vnclē to the said Sir Williame, George Keyth, callit *Caitnes*, George Johnne Dow M^cfarlane, Alexander Fordyce, and Thomas Murray, feruitouris to the said Nathaniell Keyth, vnclē to the said Sir Williame.² Chest. ³ Probably that part of the Offices of Cranstoun, where the female domestics resided.

Dilaitit of the tressonable Raifing of ffyre, Burning of xxvij Houffes, with the inficht being thairin, pertening to Mr Johnne M^cKenzie, Archedeane of Rofs; and Slauchter of dyuerse his tennentis.

PERSEWAR, Mr Johnne M^cKenzie, Archedene of Rofs.

The persewar passis fra the pannellis perfute *pro loco et tempore*, for the crymes contenit in the Letteris.

The pannell offeris him selff to the tryell of the law for the saidis crymes, as altogidder innocent; and disassentis to the said continuatioun. And for obedience of the Justice ordinance, ffind Sir Donald Gorme of Slait, kny^t, personallie present, cautione for his entrie, to the effect foirsaid.

Resetting of a Jesuit-Priest.

Aug. 6.—ANDRO HATHOWIE, burges of Glesgow, and Jonet Pollok, his spous.

Dilaitit of the tressonabill Recept of George Mortimer, ane Jesuite Preist, &c.¹

VERDICT. The Assyse, be pluralitie of voittis, be the repourt and declaratioun of George Moore of Powmadie, chancellor, ffind the saidis Andro and Jonet to be ffylet, culpable, and conviet, &c.—SENTENCE. The Justice, conforme to ane Warrant of the Lordis of his Maiesteis Secret Counfall, decernis and ordanis the saidis *Andro* and *Jonet* to be Banischet furth of this kingdome of Scotland, during all the dayis of thair lyftymes: And to be committit to waird, thairin to remane, quhill caution be fund to the Proveist and Bailleis of Glesgow, for obedience of the said dome, and thair nocht returning agane; vnder sic panes, as fall be set down be the saidis Proveist and Bailleis, in thair Act to be maid thairupoun.

[*Mr Robert Fairlie, Justice-Depute.*]

Theft.

Sep. 20.—HENRIE KYNLOCHE, sumtyme post-maister, indueller in the Cannogait.

Dilaitit of the thiftious steilling of ane blak cloik, lynet throw with blak veluet, ane grograne taffitie cloik, lynet with figuret fatene, and tua pair silk schankis, pertening to Alexander Lord of Kildrymmie, furth of his Place, at the bak of the Palice of Halyruidhous; committit in November 1621 lastbypast.

The pannell confessis the cryme specifit in his Dittay, with all humilitie: Seing the guidis stowin ar restorit to the rychteous owner thairof, offeris him selff in the Kingis Maiestie and his lienes Counfellis will, for the said cryme.

WARRANT of the Lordis of Secret Counfall.

APUD HALYRUIDHOUS, *decimo quinto mensis Maij*, 1622. FORSAMEKILL AS Henrie Kinloche, sumtyme post-maister in the Cannogait, being tane and put in waird, within the Tolbuthe of the Canno-

¹ The Dittay, which is recorded at length, is similar to those already reported.

gait, quhairin he presentlie remanis, ffor certane poyntis of Thift committit be him: Off the quhilkis, necessar it is that he be tryed, and that some pwneifchment be inflictit vpon him, to the terrour of vtheris to offend in the lyk heireftir. Thairfoir, the Lordis of Secreit Counfall Ordanis his Maiesteis Justice, Justice-clark, and thair deputis, to appoint ane Justice Court to be haldin in the Tolbuthe of Edinburghe, at suche ane day as thay fall think expedient; and to caus the said Henrie to be exhibit and producet befor thame; and thair to accuse him of the said cryme of Thift, according to the per-ticuler Dittay, that fall be gevin in aganis him. And Ordanis his Maiesteis Aduocat to insist in the perfute of him; and gif the said Henrie fall confes the said cryme, and become in his Maiesteis will for the same, that than thay pronouce dome and sentence aganis him, ordaning him to be Banist the realmes of Scotland and Inghland, and nevir to returne agane within the samyn during his lyfytyme, vnder the pane of deid.

Extractum, &c.

JACOBUS PRYMOIS.

SENTENCE was pronounced in conformity to this Warrant.

'Rapt and Ravishing'—(Forcible Abduction)—Adultery.

[THE following brief notice of an ancient *Crim. con.* Case, affords a specimen of the mode in which affairs of gallantry were managed in the Western Islands and Highlands of Scotland. Sir LAUCHLAN M^cFINGANE (MACKINNON) of Strathardill, having fallen in fancy with *Mary M^cConnell (MacDonald)*, the wife of *Ranald of Benbecula*, makes the best use of his winning arts, and carries off the lady, by violence, from her husband. It would appear, from the charge of Adultery being also preferred against this knight errant, that the consent of the lady had in all probability been previously obtained to the arrangement. *Ranald M^cAllan V^cEan*, the injured husband, was brother to *Donald M^cAllan M^cEan*, CAPTAIN OF CLANRANALD, and grandfather of *Donald MacDonald of Benbecula*, who became Captain of Clanranald, anno 1725. This gay and *captivating* deceiver, Sir Lauchlan, was one of several Hebridian Chiefs, who had been knighted by KING JAMES VI, in the latter part of his reign, to ensure their more ready acquiescence in the schemes so zealously projected by him, for the civilization of their semi-barbarous tribes. A Gift of his Escheat was granted by the King, Dec. 12, 1622.¹

The Editor begs to refer the reader to the forthcoming work of Mr GREGORY, already alluded to, for more copious illustrations of matters connected with the Hebrides and West Highlands.]

NOV. 8.—SIR LAUHLANE M^cFINGANE of Strathardill, kny^t.

Dilaitit of the Rapt and Raveifcheing of Marie M^cconneill, sifter to Sir Donald M^cconneill of Slait, and spouse to Rannald M^callane V^ceane of Castelwirrie;² committing Adulterie with hir, and remanent crymes contenit in the Letteris.

James Logie, wryter, producet the Letteris deulie execute, indorsate, and regiftrat; quhairby the said Sir Lauchlane is denuncet rebell, and put to the horne, for nocht finding of cautioun, to haif compeirit to haif vnderlyne the law.

Slaughter.

Mar. 12, 1623.—WILLIAME OLIPHANT of Gask, and Alexander Flemyng of Monuefs.³

Dilaitit of airt and pairt of the Slauchter of vmquhile David Tofcheoch of Monyvaird.⁴

¹ See Record of the *Privy Seal* and *History of the Macdonalds*. ² Castletirrim. ³ Peter Oliphant of Rescobie, and Johnne Erle of Wigteun, cautioners for the pannels' entry. ⁴ See Jul. 29, 1618, &c.

Compeirit Mr James Campbell, sone to the Laird of Laweris, for him self, and in name and behalf of the remanent kyn and freindis¹ of the said vmq^{le} David, and in name of Annas Grahame, Lady Monyvaird, and past fra the said Williame Oliphant of Gask his persute, *pro loco et tempore*.

Compeirit personallie, Mr Johnne Oliphant, as procuratour for Williame Oliphant of Gask, and producet ane Warrant and delyuerance of the Lordis of Secreit Counfall, commanding the Justice to desert the dyet appointit this day for the said Williame Oliphant; quhair of the tennour followis.

WARRANT of the *Secret Counsell, concerning Williame Oliphant of Gask, for Monyvairdis Slauchter.*

MY LORDS OF SECREIT COUNSALL, vnto your ll.² humble meanis and schawis, I, your seruitour, *Williame Oliphant of Gask*: That quhair, I am charget to compeir befor his Maiesteis Justice, in the Tolbuth of Edinburghe, vpon the xij day of Marche instant, to vnderly the Law for the Slauchter of vmq^{le} *David Toscheoche of Monyvaird*, and vtheris crymes speifeit in the Letteris raised thairupoun. Lyk as, the Justice intendis to proced aganis me in that matter, albeit it be of veritie that HIS MAIESTIE, being treulie informet of the forme and maner how that vnhappie Slauchter fell out, and how that dyuerse come to the sray quho war bothe ignorant and innocent of the Slauchter, and wald haif bene lothe to haif bene actoris thairin, or to haif medlit thairwith; HIS MAIESTIE was pairupoun graciousslie pleisit, by his Letteris writtin and direct to your Lo., to recommend to your Lo. the settling of that ffeid³ by some amicabill and freindlie dresse, and by making of siche Assythement⁴ and satisfioun, as convenientlie may be performed: AND in the meane tyme, it was his Maiesteis expres will, and speciall command, and directioun vnto your ll., that all proces Criminnall and Ciuill aganis me, for that caus, sould rest and ceis, till some generall course war concludit vpon and tane in that matter: As his Maiesteis Letter, exhibeit vnto your ll. in the sex hundreth and nyntene 5eir of God beiris. ACCOIRDING quhairvnto, your Lo. hes nocht onlie gevin Warrant to desert findrie dyettis, quhilkeis formerlie war appointit for my tryell in this matter, bot with that your ll. tooke verrie grit panes, in tua or thre feuerall dyettis, to haif settled this ffeid, and caused wairne ane grit number of *Monyvairdis* speciall freindis to that effect: And at þir dyettis your ll. causit satisfioun to be maid to *Duncane Campbell* and *David Malloche*, who war bothe deidlie hurte and woundit at the slauchter of *Monyvaird*, the on haiveing his hand cut aff, and the vther being deidlie woundit in the heil; bot anent the satisfioun for *Monyvairdis* Slauchter, whairin thair was verrie honorable Offeris maid; the same was cassin af, be refone of *Young Monyvairdis* minoritie, his freindis in the mean tyme refusing to medle pairin, or to tak burding for him; sua that the nocht settling of this bussines proceedis nocht frome the default or vnwillingnes of the offenderis, quho in heart and affectioun wold do mair nor goodlie thay may in þat matter, bot frome the refusall of *Monyvairdis* freindis to deale thairin, during his minoritie. IN consideratioun quhair of, I man⁵ maist humlie besek your ll. to geve command to the Justice, Justice clerk, and pair deputtis to desert the said dyet, and to desist and ceise fra all proceeding aganis me or my cautioneris pairintill; discharginge thame pair of, and of pair offices in that pairt, till some generall course be takin for the finall settling of that ffeid. And your ll. ansuer. (followis the delyuerance on the bak pair of.)

APUD EDINBURGHE, *xj Marcij*, 1623. FIAT ut petitur,

GEO. CANCELL^r. MAR. MOIRTOUN. WIGTOUN. ROXBURGH. MELROIS.
LAUDERDAILL. R. COKBURNE. ALL. HAMMILTOUN. J. PRYMROIS.

THE Justice, for obedience of the said Warrant, and command thairin, Ordanit

¹ Blood-relations. ² Lordships. ³ Feud. ⁴ Compensation or *solatium* paid to the deceased's nearest of kin, on account of being deprived of their relation. ⁵ Must.

the said dyet to DESERT aganis the said *Williame Oliphant*: AND of consent of the said Mr James Campbell, continewis the dyet aganis *Alexander Flemyng of Monneß*, to ane fyftene dayis wairning; and cautioun to be fund be him for his entrie to that effect.

Johne Erle of Wigtoun of new becomes cautioun for the said Alexander, to enter him befor his Maiesteis Justice or his deputis, the thrid day of the nixt Justice-air of the scherefdome quhair he duellis, (Perthe,) or foner, vpon xv dayis wairning, &c.

Slaughter.

JUN. 4.—THOMAS GOWDIE, mercheand, burges of Dumfreis.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Harbert M^ckie, younger, in Dumfreis; committit vpon the last day of December lastbypast; be geving to the said vmq^{le} Harbert M^ckie, at the Brig-end of Dumfreis, of ane grit and deidlie straik, with his fute, in the said vmq^{le} Harbert his secreit pairtis; ane vther, at the left pape, vpon the heart; and ane thrid, on his left schoulder, quhairby his schoulder-bayne was strukin out of joynt: Off the quhilkis straikis he nevir convalesset, bot being instantlie borne hame to his hous, tuik bed; quhairin he lay bedfast, in grit dollour and payne, of the saidis hurtis, vnder the cure of chirurganes, be the space of tuentie dayis thaireftir; and, in end, vpon the xxvj of Januar thaireftir, now bypast, he deceiffit of the saidis hurtis and woundis.

PERSEWARIS.

Katharene Edjer, relict;
Agnes Maxwell, mother;
Eduard and Johne M^ckie, his
tua brether.

PRELOCOUTOUR

for the persewaris.
Johne Maxwell of
Chonhathie.

PRELOCOUTOURIS

in defence.
Mr Lueis Stewart,
Mr Thomas Nicolfoun,
younger, Advocattis.

The pannell, eftir reiding of the Dittay, to informe the Justice of the secreit proceedingis of thir persewaris, and how maliciousslie thair proceed aganis him, declairis, that thair was nevir querrell nor discoird betuix him and vmq^{le} Harbert M^ckie, for quhais slauchter he is wrangusslie and injustlie persewit; bot as the treuth is, ane contraverfie falling out betuix ane Thomas Craik and the pannell, in craveing of ane sowme of money addetit be Craik to him, and sum woirdis and dry cuffis¹ being gevin be ather of thame to vther, the Bailzie of the Regalitie of Lyneluden, viz. Johne Maxwell, brother to Kirkconnell, within quhais Regalitie the contraverfie fell out, for putting the pairteis to quyetnes, commandit thame to waird, quhill cautioun war fund for keiping his Maiesteis peace; quhairvpon, the said vmq^{le} Harbert M^ckie, with ane number that assistit him, laid handis vpon the pannell, brocht him, with grit violence, to the Waird-

¹ Dry blows, *i. e.* upon which no blood had followed; fisty-cuffis.

hous, pat him in the stokis; and becaus the buittis that was than vpone his legis wald nocht, convenientlie, be stowit and placet within the hoillis of the stokis, thai maist insolentlie strak him vpone his bak, dung down the over¹ bar of the stokis, and dancet thairupoun with thair feit and kneysis, as also vpone his breift and bellie, quhairthrow he was almost confoundit in that painful agony. And quhair, in the Dittay, it is allegit, that thair wes straikis gevin to the said vmq^{le} Harbert, quhair of he deceiffit; the verritie thair of is, that ane yeir or thairby, of befoir, he being strukin in at the left pape be ane Ahannay, with ane durk, a fevin inches or thairby, with grit difficultie was than curet, bot never fullilie convalesfit; sua that the corruptioun² gadding within the wound, raisit vpone him ane new fever, quhair of he deceiffit; as is sufficientlie knawin to the haille cuntry. Lyk as, it was declairit be the said vmq^{le} Harbert to dyuerse inhabitantis of the said burgh of Dumfreis, that, lang befoir that contraverfie of the pannellis, he was strukin in the secreit pairtis, quhilk he ever declairit would be his deid. And sa, the premisses being considerit, the said persute is maist wrangullie inventit, and vpone greid of geir to be obtenit of this pannell be thir schameles persewaris; and, vnder cullour of justice, thay haif followit furth this persute aganis him, albeit the defunct him self, in presens of his chirurgane and vtheris, cleirlye absoluit and fred the pannell of all persute done to him.— Quhilk being premitit,³ for informatioun, it is allegit be the pannell and his prelocutouris, that this Dittay can nocht pas to ane Assyse, becaus the said vmq^{le} Harbert M^ckie, the persone allegit slane, the tyme lybellit of his slauchter, was rebell and at his Maiesteis horne, for ane criminall cause, viz. ffor nocht compeirance befoir his Maiesteis Commisioneris within the Tolbuthe of Jedburgh, vpone the tuentie sevint day of Apryle, I^m. Vj^c. and nyntene yeiris, in ane Justice court, haldin be thame the saidis day and place, to haif vnderlyne the law for beiring and weiring of hagbuttis and pistolettis, and contravening the Actis of Parliament maid thair-
anent. And for verificatioun thair of, productet the Letteris of Hoirning, &c.

Continued to the thrid day of the nixt Justice-air of Dumfreis, &c.—The said Thomas Goudie, defender, be his aithe gevin, declairit that he dred⁴ bodelic harme of the said Eduard M^ckie, ane of his persewaris; and thairfoir desyret caution and lauborreis of him, conforme to the ordour, vnder sic pane as his lordschip fould pleis modife. Johnne Maxwell of Conhathie become souertie, &c., vnder the pane of ffyve hundreth merkis money, *toties quoties*.

Slaughter of two MacFarlanes—Barbarous Torture and savage Murder of a Buchanan by some of the Clan MacFarlane.

[In the whole range of the Criminal Records of this country, remarkable though they unquestion-

¹ Upper.

² Purulent or corrupted matter.

³ Premised.

⁴ Dreaded.

ably are, the Editor believes it would be difficult to point out a Case possessing incidents of such varied and frightful interest, as those brought forward, so prominently, in the following Trial. It is not his intention, in this place, to recapitulate the leading facts of the present truly horrible Case. He has not been able to throw much additional light upon the facts recorded in the Books of Adjournal from contemporary documents. All that he at present deems worthy of remark is, that *tradition* has preserved pretty accurate outlines of the general features of this 'Romance of real life' in the district where they occurred—an additional proof, were such requisite, of the fidelity with which historical and extraordinary events are handed down, from father to son, in THE HIGHLANDS OF SCOTLAND.

The only Paper which the Editor has discovered, illustrative of the other side of the question, is the 'SUPPLICATION,' preserved among the Warrants of PRIVY COUNCIL, which is appended to this Trial. That document is given here as an act of common fairness to the CLAN MACFARLANE. The reader is left to draw his own conclusions as to the relative demerits and guilt of the several parties.]

JUN. 6.—GEORGE BUCHANANE, in Gartincaber; Johnne B., his sone; Patrik B., sone to George B. of Archinar (Auchmar); Patrik M^cwreift, his fervand; Johnne Beg Buchannane, in Ballindewar; Johnne B., his sone; Johnne Keir, in Gartnalinch;¹ Thomas Buchannane, in Drongie; and Archibald B., his brother.

Dilaitit of airt and pairt of the Slauchter of vmq^{le} Duncane M^cfarlane, sone to Andro Moir M^cfarlane, in Voneffene; committit vpon the saxt day of Apryle last, within the town of Kippienoche, in Drummond, in the Lennox.

PERSEWARIS.	PRELOCOUTOURIS	PRELOCOUTOURIS
Robert and Thomas M ^c farlane, as brether;	for the perfewaris.	for the pannell.
Sir Williame Oliphant, kny ^t .	The Young Laird of M ^c farlane; Mr David Prymrois.	Alexander Douglas of Maynes; Mr Robert Nairne.

Compeirit the said Robert M^cfarlane, &c., and producet the criminal letteris, deulie execute and indorfate, vpon the hail perfonis defenderis aboue writtin; and offerit thame sellis reddie to perfew the defenderis for the said cryme, and defyret proces.

The said Alexander Douglas of Maynes, cautioner for the entrie of the hail defenderis, with Mr Robert Nairne, Aduocat, producet ane WARRAND and command to the Justice, proceeding vpon the following

SUPPLICATIOUN, *gevin into the Lordis of Secretit Counfall, be the foirfuidis hail defenderis, and in their names.*

MY LORDIS OF SECRETIT COUNSALL, vnto your Lo. humlie meanis and schawis WE, your feruitouris, PATRIK BUCHANNANE, appeirand of Auchmar; George Buchannane, in Gartincaber; Johnne Buchannane, his sone; Johnne Buchannane, in Ballindorne; Johnne Buchannane, his sone; Thomas Buchannane, sone to vmq^{le} Williame Buchannane, in Blairneborg; Archibald Buchannane, his broþer; Donald Keir, in Gartnalhinche; and M^ccaula, ferui-

¹ Perhaps for Gartranich, or Gartrahnich.

tour to the said Patrik Buchannane: THAT quhair, the fact day of Junij instant is appointit vnto ws for our compeirance befor the Justice or his deputtis, in the Tolbuth of Edin^r, to vnderly the law for the Slauchter of vmq^{le} Duncane M^cfarlane, sone to vmq^{le} Andro Moir M^cfarlane, in Kipnoche: Lyk as, the Justice intendis to proceid aganis ws in the said matter, althoght it be of verritie, that gif your ll. war informed of þe certane treuth of this buffines, how and vpon quhat grund and occasioun the Slauchter fell out, and quhat just caus of wraith and displeasour was gevin to vs thairin, we persuaid our selfis that your lo., in honnour and justice, wald nocht think this perfute to mereit ony fauour: FOR the treuth is, that þe said vmq^{le} *Andro Moir M^cfarlane*, quho, during the whole course of his vnhappie lyfe, was knowin to be ane notorious theif and lymner, haifing stowin sum goodis frome certane of his Maiesteis guid subiectis in THE LENNOX, some foure or fyve 5eiris since, or þairby; and þe said vmq^{le} *Williame Buchannane*, out of his trew haitrent and detestatioun of fuche thevische doingis, haifing maid some inquierie, and having tane panes and travell to speir out and try the goodis, in end, he tryed the goodis to be stowin be the said vmq^{le} *Andro Moir M^cfarlane*, who, by course of Justice, was constraned to mak redres and satisfioun for the same: AND the said vmq^{le} *Andro*, haifing confauet ane deidlie haitrent and malice aganis þe said vmq^{le} *Williame* for speiring¹ of thir goodis, he resolued, out of the pryde and malice of his wikked heart, to be revenged vpon him, eftir þe most detestable and crewall maner that the heart of him could devyse: And knowing that the Gentilman was accustomed at some tymes, for his recreatioun and pastyme, to go to þe hunting, in þe Mure about the Ducher, he maid chose and took hold of that occasioun to do his turne; and haueing, be some previe moyane, bene maid acquentit with þe Gentilmannis dyet for his pastyme, he, accompaneit with his tuo sones, and sewin or aucht vtheris lawles lymmaris,² come to the said Mure, and lay at await for the Gentilman; and howsone he come þair, about aucht of þe cloke in þe moirning, without ony company bot foure hunting doggis, thay layed handis vpon him and band him fast, that he mycht not steir; and haifing consultit amang thame selfis, eftir quhat forme and maner thay sould dispathe him, thay resolued, in end, that his presumptioun and malapeartnes to speir out þe saidis goodis deserued ane extraordinar deathe, by torture; quhilk thay maid him to vnderly, the space of ten houris, in maner following, to wit: Thay band him fast to ane trie, at the said hour of aucht in the moirning; and everie hour thaireftir, till sax at nicht, quhilk maid vp ten houris, thay gaif him thre crewall straikis with ane durk, in fuche partis of his body as war nocht to bring present daithe; and haifing this way maggillit him with threttie straikis, till þe full number of

¹ Enquiring; searching after.

² Thieves; worthless characters.

ten houris war outrwn, thay than gaif him þe laft deidlie ftraik, at the heart; quhairwith he fell deid to the ground! And haifing tirred¹ him naiked, becaus his towng was the instrument quhairby, as thay alleged, he offendit, in fpeiring out of þe former ftowin goodis, thay cuttit his throte, tooke his toung out of his heid, flew his foure dogis, cuttit ane of thair toungis out, and pat it in the Gentilman his mouthe; and pat his toung in the dogis mouthe: And nocht content heirwith, bot the forther to fatisfie þair inhuman and barbarous crewaltie vpon the naked corpis, thay flitt vp his bellie, tooke out his whole intrallis, and pat thame in ane of the dogis belleis, eftir thay had opnit the dogis bellie and tane out his intrallis, quhilkis thay pat in þe Gentilmannis bellie: And fo left him lyand naked, and the foure deid dogis aboue him; quhair he lay aboue the eard the fpace of aucht dayis thaireftir, or² he was found: FOR the quhilk deteftabill boutcherie and Murthour, thir lymmeris being callit to thair tryell, befoir his Maiefteis Justice, thay tuik the cryme vpon thame, and paft to the horne; quhairat the faid *Andro* remainit till þe hour of his deathe, and the reft of his complices remanis þairat as zit: Aganis quhome your Lo. paft ane ampill Comiffioun, for þe perfute of thame with ffyre and fuord. AND quhair as, this deteftable and moir than barbarous Murthour fould haif bred, in the heart and confcience of thois lymmeris, fome remorfè and fealling of this fyn, and ane abftinane and forbearance frome all forder impietie, zit þe faid *Andro* continewit in his accuftomet thevifche trade of Thift, Reaffe, and Oppreffiou, and could nevir be reclaimed þairfra, till the hour of his deathe: AND, for his laft Thift, he, a littill befoir his deathe, ftaw an ox fra me, the faid *George Buchannane*, and cayreid the famyn to ane Houfe in ,³ quhair he and his wyfe hes thair ordiner reflètt; and how-fone we vnderftuid of the ftelling of the ox, we followed the tred⁴ directlie toward the faid houfe; and haifing fend for the *Erle of Pearth*⁵ his Officer, to affift ws in rypeing⁶ of the Houffes þairabout, the lymmar and his faid fone, being in the Houfe foirfaid, and þair guiltie confcience ftanding vp aganis thame, as ane burreaw⁷ to tak vengeance of thame, thay difguifet þame felffis in weamenis apparell, and preift⁸ to flie away; whilk being perfaued be ws, and we thinking that thay keipit nocht þe ordiner paife of wemen, and zitt nawayis fufpecting that thay war the lymmaris, we followit, in a foft pace, to remark quhat courfe thay held; and the faid *Duncane M^cfarlane*, luing over his fchoulder, and feing ws follow, he turnes about, and prentit ane lang hagbute at ws; quhilk being fyred, by the Prouidence of God, mifgaue: And with that, he and his father drew þair fuordis, and come dryveand

¹ Violently stripped, by tearing off the clothes. ² Ere; before. ³ Left blank. ⁴ Tread; foot-marks—probably by means of the *slouth-hound*, or blood-hound. ⁵ As Lord of the Regality, whose Bailie would, upon application, grant warrant to search, &c. ⁶ Searching. ⁷ Fr. *bourreau*, a hangman; an executioner. ⁸ *Pressed*; made every effort.

vpone ws with all þair force; and or evir we preift to perfew thame, thay gaif me, the said *George*, ane deidlie straik, whairat thay strak me deid¹ to the grund, and in the opinioun of the rest of my companie I was a deid man; and thay hurt and woundit vther thre of ws: And sua, we finding no longer tyme, with furetie, to be beholdaris and sufferaris, we tuik ws to our just and lauchfull defence, quhairin the vnhappie lymmer was worthielie flane, and his sone, who vnhappielie was in companie with him, and who maid the first onfet with his hacquebut or euir we knew quhat he was, was lykwayis killed; the fader being rebell and at the horne for þe Murthour foirsaid, and he and his quhole bairnis being þe most notorious lymmeris of that Clan. AND howeuir it may be obiectit, for þe pairt of þe young man, that he was nocht acceffour to þe Murthour foirsaid, and that he sould nocht be pwneift for his fatheris deid, it is of treuth that continewallie sen þe fader was rebell for the Murthour foirsaid, the said Duncane, his sone, remanit and attendit vpone him, was airt and pairt with him in all his thevische and wicked deidis; and in affisting and taking pairt with his fader aganis ws, in our just and lauchfull defence, was flane: At quhose lyke-walk, that nycht, the ox foirsaid, stowin be þe fader and þe sone, was flane and eittin.

THIS being the trew and simple discourse of all that hes past in this bussines, We humblie present the samyn to your Lo. consideratioun, quhairby your Lo. may perfaue how mischantlie² and barbaruslie the innocent and hermeles Gentilman was murdreift and flane, and quhilke was þe ground and occasioun of the succeding slauchteris; quhairin, becaus þair is grit appeirance of disorder to arryfe, to the disturbance and brek of þe peace of þe countrey, seing THE CLAN-FARLANE gois about þair privat revenge, and our freindis [THE BUCHANANS] on þe vþer pairt, will be cairfull of þair awin defence: We will humlie beseik your Lo. to tak suche course and ordour heiranent, as your Lo. sall think fitteft for the peace of þe Countrey; and we, for our pairtis, will be willing to vnderly quhateuir your Lo., in honnour and justice, sall preseryve to ws. And becaus this can nocht be done vpone the suddane, bot will requyre some tyme and lafouir to be tane ordour with and fatled; We most humlie beseik your Lordschipis to geve command to þe Justice, Justice-Clerk, and þair deputis, to DESERT þe said dyet, and to desist and ceis fra all proceeding aganis ws thairin, or calling of our cautioneris for our entrie; dischargeing thame þairof, and of þair offices in that pairt: Quhairanent þir presentis sall be þair Warrant.

AND your Lordschipis humlie I beseik.

ORDINANCE of the Lordis of Secreit Counsell, on the above Supplication.

APUD *Halyrudhous*, quinto Junij, 1623. THE LORDIS Ordanis and commandis the Justice, Justice Clerk, and þair deputis, to continew the dyet within writtin to þe xiiij day of Junij instant:

¹ Insensible; in a dead swoon.

² Old Fr. *meschamment*, wickedly.

And Ordanis thir complineris to mak OFFERIS to the pairtie, and to present the Offeris to þe 5OUNG LAIRD of M^cFARLANE, yf he be in the toun, and to þe speciall freindis attending this dyet, quhome the saidis Lordis Ordanis to remane in this toun of Edinburghe till some ordour be tane for fatling of the matter within writtin, and for the peace and quyetnes of þe Countrey. And Ordanis the Justice to dispens with the personall compeirance of þe pairtie, vpon new caution, conforme to þe ordour.

GEO. CANCELL^s, I. P. D.

And thairwith also productet OFFERIS, in writt, conforme to the Ordinance about writtin; quhilk was presentit be *the Young Laird of Buchannane* to the Justice, to be delyuerit to *the Young Laird of M^cFarlane*, also personallie present.

THE JUSTICE, for obedience of the Counfallis ordinance, Continewis the dyet to the xiiij *instantis*: And Ordanit the perfewaris to confidder vpon the Offeris in the meane tyme: And siclyk Ordanis cautionn to be fund for the hail defend-eris re-entrie that day, vnder the panes contenit in the Actis of Parliament.

Mr Daud Prymrois protestit, that this Warrant, and Offeris presentit this day, nawayis prejudge the perfewaris of thair lauchfull perfute, for the slauchter of thair freind and kinsman.

The Laird of Maynes become cautionn for re-entrie of the hail defenderis, contanit in the Letteris, the day foirsaid, &c.

JUN. 14.—COMPEIRIT personallie, THE LAIRD OF M^cFARLANE, ELDER, as CHEIFF to the perfewaris, and desyret proces on the ane pairt; and on the vther pairt, Compeirit Alexander Douglas of Maynes, as cautioner for the de-fenderis entrie this day, and productet,

WARRANT of the Lordis of Secreit Counfull, &c.

MY Lordis of Secreit Counfell, vnto 5our Lordschipis humlie meanis² and sehawis I, 5our seruitour, George Buchannane, appeirand of that Ilk: That quhair, for obedience of 5our Lordschipis ordinance, I, in name of my freindis quho war callit for the slauchter of vmq^{le} Duncane M^cFarlane, haif maid Offeris to the pairtie; quhairin I haif offerit, that thay, or I, in pair names, fall submit thame selffis to þe ERLES of MAR, MENTEITH, WIGTOUN, and LINLITHGOW: As þe coppie of my Offeris, heirwith productet, beiris. Whairanent, as 5itt, thay haif r turnet no anfuer; sua that it appeiris my Offeris ar reiectit. And gif 5our Lordschipis fall nocht find thir Offeris to be sufficient, I, in pair names, offeris to caus thame submit all thair differences to 5our lordschipis, and to do thairin as 5our lordschipis fall think meitt. Heirfoir, I befeik 5our ll. to confidder of thir Offeris, and to do thairin as 5our ll. fall think meit for þe peace of þe cuntrey. And becaus the matter can nocht be presentlie settled and put to ane poynt, that 5our lps. will geve a new Warrant to the Justice, Justice-clerk, and pair deputis, to continew þe dyet appointit to my freindis for pair tryell befoir thame, vnto such reffonabill day as 5our lps. pleissis. And 5our lps. anfuer.

APUD Halyrudhous, *duodecimo Junij*, 1623. THE LORDIS OF SECREIT COUNSALL Ordanis and Commandis the Justice, Justice-clerk, and pair deputis, to proceid and minister justice in þe matter within writtin, aganis Johnne Buchannane, sone to *Johnne Beg*, and *Archibald Buchannane*, sone to vmq^{le} *Williame Dow*. And to Defert þe dyet for þe remanent persones charget to compeir to vnderly þe Law for þe Slauchter within writtin: Quhairanent þir presentis fall be vnto þe said Justice, Justice-clerk, and pair deputis, a sufficient Warrant.

GEO. CANCELL.

¹ In presentia dominorum (Secreti Consilij.)

² Complains; literally, *moans*, or *bemoans*.

THE Justice Ordanis THE DYET TO DESERT vpon the hail defenderis infert in the Letteris, except as above; and justice to be profecute and followit furth aganis thame, conforme to the ordour. And Ordanit the said Alexander Douglas, as cautioner foirfaid, to be vnlawit for nocht entrie of the saidis Johnne and Archibald Buchannanes, in the pane of ane hundreth merkis for ather of thame. And siclyke, that the saidis Johnne and Archibald fall be denuncet our fouerane lordis rebellis, and put to the horne; and all thair moveable guidis to be efcheit, &c.

APPENDIX TO THE PRECEDING TRIAL.

SUPPLICATION *by the Kin and Friends of vmq^hle Duncane M^{ac}Farlane to*
THE LORDS OF PRIVY COUNCIL.¹

MY LORDIS OF SECREIT COUNSELL, vnto yo^r lo^{ps} humelie menis and schawis we, yo^r feruitouris, the KIN and FREINDIS² of vmq^hile DUNCANE M^cFARLANE, sone to vmq^hile *Andro M^cFarlane*, in Kipnoche: THAT quhair, the said vmq^hile *Duncane*, a young boy of the aige of xvj yeiris, or thairby, being most shamefullie and cruellie slayne be certane of THE NAME OF BUQUHANNANE, vpon fett purpos, prouifoun, and foirthocht fellouny; we, foirbearring to atone priue revenge, and in most submissiue obedience to HIS MAIESTIE and his Lawis, haueing resolued, be the ordinar course of iustice, to follow out the tryall of that slauchter; we, for this effect, raised Letteris, and charged the Criminallis to thair tryall befor HIS MAIESTEIS Justice, vpoun the fact of this instant: At the quhilk day, we, lookeing that the course of iustice sould haif had place, conforme to the Lawis of the Kingdome, notwithstanding, it is trewth, that yo^r lo^{ps}, vpoun the sinister and wrong information of the pairtie, concerning the slauchter of vmq^hile WILLIAME DOW BUQUHANNANE, w^{lk} thay aggregreit³ with siche circumfstances, and after siche a detestable maner, as might mak we, who ar innocent, to feame odious.

AND towcheing the occasions of the slauchter of the young boy and of his fader, and of the forme and maner thair of, grantit ane WARRANT for continewatioun of our dyet, till the xiiij of this instant; by the quhilk, not onlie we, bot the Gentlemen of the Cuntrie, who ar summoned vpoun the Assise, ar verie far preiudgen and troublit, and the course of iustice is interruptit and hinderit; and we persuaue oure selfis that yo^r lo^{ps} in yo^r awne honourable regaird and dispositioun to iustice, wald neur haue grantit siche ane Warrant, yf yo^r lo^{ps} had bene treulie informed anent the slaughtair of the innocent and harmles young boy; ffor althocht we will not preafe to extenuat the slauchter of vmq^hile *Williame Dow*, who, to our regrait, wes mischeantlie⁴ and vnworthelie slayne, yitt we may treulie afferme vnto yo^r lo^{ps}, that anent the forme, maner, and circumfstances of the slauchter, as is punctuallie sett down in THE PETITION givin in to yo^r lo^{ps}; and anent the forme, maner, and occasions of the slauchter of the young boy and his fader, as is lykwayes sett down in the Petitioun, and q^{lk} wes the ground whervpoun yo^r lo^{ps} wer moved to grant the said continewatioun, the pairty hes verie far ouersene thame selfis, and past the boundis of modestie; and hes abufed yo^r lo^{ps} with thair sinister and wrong information; quhilk, yf thay be able to iustife and mak good, as thay haif sett down in the Petitioun, first, anent the maner of the slaughtair of *Williame Dow*, and how that the slaughtair of the boy procedit vpoun occasioun of thair following of ane stollin ox, quhilk thay alledgedit in thair BILL⁵ wes stollin be the said Andro, and eattin at his lykewalk;⁶ and that the boy, assisting his fader, presentit ane hagbute, w^{lk} misgaif, and thairefter concurring w^t his fader in persute of the *Buquhannanis* wes slayne;

¹ From the Original, preserved among the *Warrants of Secret Council*, General Register House, Edinburgh.

² Blood-relations.

³ Aggravated.

⁴ Wickedly; O. Fr. *meschantement*.

⁵ Bill of Supplication.

⁶ See this Trial, p. 549.

we ar content, without forder ceremonie, to tak the partie be the hand,¹ and to renunce o^r Criminnall perfute againes thame: ffor the treuthe is, that thay come to the boyis houfe, quhairof he wes tenment to the *Erle of Perth*, vpoun sett purposis and provisioun; and the boy, apprehending his danger, after he hard the shoute raifed be thame, he fled for faultie of his lyffe; whome thay followit ane lang way; and haueing ouertane him, and he being thair prifoner, thay brocht him bak half ane myle, and in cauld bloode, cruellie and barbarouffie flew and manglit him, but² pitie or compaffioun, with xvij deadlie woundis, with durkis; and haueing caffin him on his bellie, quhair he lay deade vpoun the ground, thay, the forder to fatisfie thair raige vpoun the poore corps,³ cuttit his bak in tua with fwerdis.

This is the simple trewthe of the bussynes, w^{lk} we will stand to: And thairfoir, we will humble beseike y^r lo^{ps} to caus thair Petitioun to be exhibite be the saidis personis befoir yo^r lo^{ps}, to the intent the trewthe of the circumstanceis of the slaughteris, as thay ar sett down in the said Petitioun, may be examined be yo^r lo^{ps}, and ordour tane thairin accordinglie. AND seeing, we haif, in all modestie, and w^t grite patience, as humble and deuitifull subiectis [to HIS MA^{TIE}] socht the benefeit of his Lawis, We humelie beseike yo^r lo^{ps} that the fame may be grantit vnto ws, and that no forder continewation be grantit to o^r⁴ pairty: And yo^r lo^{ps} ansuer.

DELIVERANCE by the Lords of Privy Council. [On the back of the foregoing Petition.]

APUD Halyrudhoufe, decimo Junij, 1623. THE LORDIS Ordanis a Maiffer to pas and warne both the pairtyis, the *Barone of Achyll*, *David Drummond of Innermaith*, and *Mr Alex^r Seatoun of Gargonnok*, to compeir befoir the Lordis, vpoun Thursday nixt, to heir and sie ordour tane in the mater within-writtin, as accordis.

GEO. CANCELLS.

Usurpation of the King's authority—Taking captive, &c.

Jun. 18.—ALEXANDER GORDOUN, appeirand of Erlestoun, and James Gordoun, messinger.

Dilaitit of the Vfurpatioun of our souerane lordis authoritie, in taking and apprehending of Johnne Glendoning of Drunrasche, and keiping him captiue and prifoner be the space of thre houris, *in privato carcere*, he being his Majesteis frie lege, and thair haifing na power nor commissioun for that effect; committit in Februar, or thairby, last.

The persewar passis *simpliciter* frae the pannellis perfute: Quhairvpoun thay askit instrumentis.

THE JUSTICE ordanis caution to be ffund be the said Alexander, for his entrie, vpoun xv dayis (wairning) for the Kingis pairt; quha fund Vthreid M^c-Dowell of Mondurk, fouertie, &c.

Resetting of a stolen Purse, &c.

Jun. 18.—JOHNNE DOUGLAS in St Leonardis, and Agnes Mustard his spous.

Dilaitit of the Thiftious Resetting of ane stowin purse, with ffyve hundreth pundis of gold; and tua jewellis being thairin, worth thre thowfeand pundis; pertening to Sir Johnne Scott of Newburgh; stowin fra him be Margaret Ahannay.

¹ To be reconciled. ² Without. ³ By way of retaliation, no doubt, for the horrible butchery committed upon the person of *Buchanan*, before referred to. ⁴ Probably for *outher*, i. e. either party.

PERSEWARIS, Sir Johnne Scott of Newburgh, Sir Williame Oliphant, kny^t.

PRELOCOUTOURIS in defence, The Laird of Maynes, Mr Laurence M^cGill, James King.

Eftir the reiding of the Dittay, and accusatioun of the pannell of the crymes thairin contentit; it was allegit be the pannell and thair prelocoutouris, that the first pairt of the Dittay is nawayis relevant, anent the reffett of the stowin purse and jewellis thairin; vules the principall steiller war first callit, and ather convict and pwneist for the cryme, or ellis declarit fugitiue thairfoir: For, gif the principall steiller thairof, viz. Margaret Ahannay, war accuset in this judgement, for the said allegit cryme, it wald be allegit and verifeit be hir, that gif ony purse was apprehendit or gottin be hir fra the persewar, that it was *precium pudicitie*, gevin be him to hir. And thairfoir, quhill first scho be callit, na proces.

THE JUSTICE, in respect na dilligence is vsct aganis the said Margaret Ahannay, Ordanis the pannell to find cautionn for thair re-entrie, vpoun xv dayis wairning: Quha fand James Douglas, portioner of Lugtoun, and Williame Douglas, hatmaker, burges of Edinburghe.¹

Slaughter.

Jun. 27.—COILL M^cGILLESPIK M^cDONALD in Collonfay, Archibald M^cDonald, his sone, and four others, ‘seruitouris to the said Coill.’

Dilaitit of airt and pairt of the fellone and crewall Slauchter of v^mq^{le} Malcolme M^cphie of Collonfay, Donald Oig M^cphie, Dougall M^cphie, Johnne M^cquhirrie, and Ewir Bayne, alias Quhyte; committit in Februar last.

PERSEWARIS, Marie M^cdonald, the relict; Donald Oig M^cphie, as sone; Katharene, Anne, and Fynwall M^cphies, as dochteris to v^mq^{le} Malcolme; Murdoche M^cphie in Ilay, as brother to v^mq^{le} Donald Oig, and Dougall M^cphie, and as nerrest of kyn to v^mq^{le} Johnne and Ewir.

Johnne Quhyte, wryter, producet the Letteris duellie executed, &c. and protestit for releif of Archibald Campbell, brother to the Laird of Caddell, cautioner for reporthing thairof.—Coll M^callaster, ffiear of Dounskye, as cautioner for the said Coill, &c. vnlawit, for nocht entrie of ilk ane of the saidis perfones, in the pane of ane hundreth merkis. And siclyk, the Justice Ordanis that the saidis Coill, &c. fall be denuncet our souerane lordis rebellis, and all thair moveabill guidis to be efcheit, &c.

Taking Captive and Strangling, &c.

Jul. 2.—JOHNNE GRANT of Glenmoreistoun, Finlay M^cean Roy in Invermoreistoun, and Alexander Dow M^cean Roy, his brother.

Dilaitit for Vfurpatioun of our souerane lordis autoritie, in taking of v^mq^{le} Donald M^cffindlay V^cnorofiche, mercheand, vpone the landis of Glenmoreistoun, binding his handis behind his bak, and cayreing him, as ane malefactor, to ane

¹ It is likely that this pursuit was abandoned. At least no farther notices occur in the Record.

woid neir to the landis of Glenmoreiftoun ; quhair thay, as hangmen, hang him vp vpon ane trie of the said woid, and wirreit him to deid ;¹ and thaireftir cuttit him down, and, with thair durkis, gaif him dyuerse fraikis in the breift and bellie, to the effuſioun of his bluid in grit quantitie ; and thaireftir, cayreit him to ane burne-bra,² vnder the quhilk they bureit him, be caſting the ſaid bray vpon him ; committit in the moneth of September, 1602 yeiris.

PERSEWARIS, Fynlay Vik-finlay V^cnorofyche, in Kintail, as brother ; Sir Williame Oliphant of Newtoun, kny^t, Aduocat to our fouerane lord.

James Logy, wryter, producet the Letteris, duellie execute, &c., and proteſtit for releif of Mr Alexander M^ckenzie of Culcovie of his cautionrie.—Patrik Grant of Carroun, as cautioner for the pannell, Ordanit be the Juſtice to be in ane amerciament, for nocht entrie of the ſaid Johnne Grant, in the vnlaw of V^c merkis ; and of ather of the ſaidis Fynlay and Duncane, in the pane of ane hundredreth merkis.

[*Mr Alexander Coluile, Juſtice-Depute.*]

Slaughter.

Jul. 9.—JAMES STEWART, Stewart-depute of Menteith ; Duncane Stewart, his brother-germane, and others.³

Dilaitit of the Slauchter of vmq^{le} Robert M^cphatrik Campbell, and vmq^{le} Malcolm M^ccall ; committit in Apryle laſt, vpon the landis of Dochallie, on Lochow-ſyde.

INTRAN. *fimiliter.*

ALLASTER M^cPHATRIK V^cALLASTER, in Balquhiddel ; Robert Dow M^ccondochie V^cJAMES, thair ; Duncane Oure Stewart M^cinrie, thair ; Archibald Stewart, thair ; and Williame M^cphatrik Stewart, thair.

Dilaittit for the crymes aboue writtin.

PERSEWAR, Patrik Campbell, in Kenderoche, brother to vmq^{le} Robert.

The Laird of Keir takis instrumentis of the entrie of the fourtene on pannell (Stewarts), and proteſtis, in that reſpect, for his awin releif, as cautioner, &c. ; and as to Duncane Stewart, declairis he hes fallin feik, ſen his cuming to Edinburgh, and thairfoir could nocht compeir.—Sir Mungo Murray proteſtis for his releif, as cautioner for the others, ‘ the ffyve men of Balquhiddel.’

THE JUSTICE, with conſent of the perſewar, continewis this matter to ane xv dayis wairning ; and Ordanis the pannell to find cautioner for thair entrie.—The Laird of Keir, and Sir Mungo Murray, of new become cautioneris.

¹ Strangled him to death. ² Burn-brae, a ſloping bank, along the foot of which a *burn* or rivulet runs. ³ Their names are, Alexander Stewart, *alias* M^cean, in Glenſinglas ; Johnne, Archibald, and Andro Stewartis, his thre ſones ; Patrik Stewart of Stragartnay ; Johnne Stewart, his brother ; Robert Stewart, ſone to Andro Stewart of Blairgarrie ; Patrik M^cKyndlay Gill, in Glenſinglas ; Walter M^ceandowie, *alias* Stewart ; Johnne M^cintyre, ſeruitour to James Stewart ; Gilliechreift Dewar, Duncane M^ceane Vaill, and Donald Reoch, ſervand to the ſaid James Stewart.

My Lord of Murray, present, obleift him to Warrant and releif the Laird of Keir of his former cautionerie, &c.

Breaking Gardens—Theft, &c.

Jul. 23.—JOHNE RATE, and Alexander Deane, cramer.¹

Dilaitit for the breking of the yairdis² of Barnetoun, Piltoun, Barnebougall, Craikcruik, Cragyhall, Langhirdmeftoun, Carlowrie, and Libbertoun, and dyuerfe vtheris yairdis, within Eift and West Louthiane: Steilling and away-taking furth thairof, off dyuerfe herbis, bie-fkeppis,³ fyboes,⁴ plantis, kaill-feid, artechoiffis,⁵ diftilled watteris, plaittis and trunfcheouris,⁶ with ane tyn-ftoupe,⁷ furth of the place of Langhirdmeiftoune; committit at dyuerfe tymes, within this moneth bygane.

The perfones on pannell confeffis the Dittay, and crymes thairin contenit.

VERDICT. Fand the faidis Johnne and Alexander, conforme to thair awin Judiciall Confeffioun, to be ffylet, culpable, and convict, &c.

THE Justice Ordanit thame to be tane bak to waird, thair to remane quhill he be advyfet with the Lordis of Secreit Counfall, anent the Dome to be pronuncet aganis thame, for the faidis crymes.

Jul. 25.—SENTENCE. The Justice Ordanit the faidis Johnne Rait and Alexander Deane to be tane to the Burrow-mure of Edinburghe, and thair to be Hangit quhill thay be deid; and thair hail moveable guidis to be efcheit, &c.: And that by virtue of the following WARRANT of the Lordis of Secreit Counfall.

JUSTICE, Justice clark and 3our deputis. 3ow fall pronounce Sentence of daith againft Johnne Rait and Alex^r Deane, cramer, who was convict ofbefoir in Muffilburghe, for the breking of 3airdis and fleilling of findrie bie-fkepys furth of the fame; and who, fince thair apprehenfion, haif of lait bene convict befor 3ow of the fame crymes; committit be thame fince thair laft convictioun and pwneifment following thairupoun. And that 3ow caufe the Sentence of daith be execute vpone thame: Quhairanent theife prefentis fall be vnto 3ow ane fufficient Warrant. Gevin at Halyrudhous, the xxiiij day of July, 1623.

GEO. CANCELL^s. GLENCARNE. NITHSDAILL. OLIPHANT. HAMILTON.

Sorcery—Witchcraft.

Aug. 1.—THOMAS GREAVE.

Dilaitit of dyuerfe poyntis of Sorcerie and Witchcraft following, viz.: For cureing of the perfones following, be Sorcerie and Witchcraft, to wit: ANE fone of Archibald Arnote in the Wayne, of ane heavie and vncouth⁸ feiknes: ANE fone of Andro Geddis in Freuchie, alfo hevilie diffeift: ANE bairne of Thomas Kilgoures in Falkland, viffeit with ane grevous feiknes. ITEM, ffor cureing, be

¹ Huxter; one who keeps a petty booth for the sale of small wares. ² Gardens. ³ Bee-hives. ⁴ A young or small sort of onion. ⁵ Artichokes. ⁶ Trenchers. ⁷ Tin flagon. ⁸ Strange; unusual; unaccountable.

Sorcerie and Witchcraft, and making of certane croces and finges,¹ off Daudid Chalmer in Lethame, and be caufeing wafche his fark² in ane South-rynnand watter, and thairefter putting it vpon him; quhairby he reffaut his helthe. ITEM, ffor cureing of ane woman in Ingrie, beyde Leslie, of ane grevous feiknes, be taking the feiknes af hir and puting it vpon ane kow; quhilk kow thaireftir ran woid,⁴ and deit. ITEM, ffor cureing off Alexander Laufones bairne, in Falkland, of grit feiknes, be Sorcerie, and making of certane signes, and vttering of dyuerse vnknawin woirdis. ITEM, ffor cureing of ane woman, duelland beyde Margaret Douglas, of ane grit and panefull feiknes, be drawing hir nyne tymes bakward and fordward be the leg. ITEM, ffor cureing of Michael Glassies wyfe, in the Mynes of Forthe, of ane grevous feiknes, be cauffing brek ane hoill in the wall, vpon the North fyde of the chymnay, and putting ane hefp⁴ of yairne thre feveral tymes furth at the said hoill, and taking it bak at the dur; and thaireftir, caufeing the said Michaelis wyfe ix tymes pas throw the said hefp of yairne, and thairby to procure hir help. ITEM, ffor cureing, be devillerie and Witchcraft, of Williame Kirkis bairne, in Tulliebule, of the feiknes callit *Morbus caducus*,⁵ be fraiking bak the hair of his heid, taking ane lang claith, with certane vnguent and vther inchantit matter, furth of ane buist,⁶ and rowing⁷ the bairne nyne tymes within the said claith, vttering, at ilk tyme of the putting about of the claith, dyuerse wordes and croces and vther signes; and be that meanis pat the bairne asleip; and thairby, throw his devillerie and Witchcraft, curet the said bairne of the said feiknes. ITEM, vnderstanding that Johnne Fifcher, in Achalanskay, was hevielie diseasit of a grevous and vnknawin fever, vpon aduerteifment gevin to him thairof, he caufit bring the said Johnne Fifcheris fark to him; quhilk fark being brocht, the said Thomas, turning it over, cryit out at that instant, ‘Allace! the Witchcraft appointit for ane vther hes lichtet vpon him!’ And, luyking at the breift of the fark, he tauld ‘that the feiknes was nocht cum as zit to his heart.’ And eftir some croces and signes maid be the said Thomas vpon the fark, delyuerit the fark to Jonet Patoun, the said Johnne Fifcheris mother, commanding hir, with all fpeid to ryn to him thairwith; and declairit to hir that ‘Gif scho come thairwith, befor his heart was assaulted,’ he fould convaless; At quhais cuming to him with the said fark, the said Johnne hir fone was deid. ITEM, ffor practizeing of dyuerse poyntis of Sorcerie vpon Williame Beveridge, in Drumkippie, in Salen, and cureing him thairby of ane grevous feiknes, be caufeing him pas throw ane hefp of yairne thre feuerall tymes; and thairefter burning the said hefp of yairne in ane

¹ Crosses and signs. ² Shirt. ³ Mad. ⁴ A hasp of yarn is equal to twelve ‘cuts,’ or six ‘heer.’ Each ‘cut’ goes six score times round the reel. ⁵ Epilepsy, or the falling sickness. Perhaps it may refer to consumption, ‘decay’ or ‘decline.’ ⁶ Out of a small box or chest. ⁷ Wrapping; rolling.

grit ffyre, quhilk turnet haillilie blew. ITEM, ffor cureing of Margaret Gibfones ky,¹ in Balgonie, be putting thame thryfe throw ane hespe of yairne, and casting of certane inchantit watter, inchantit be him, athort² the byre; and thairby making thair milk to cum to thame agane, quhilk thay gaif nocht ane moneth ofbefoir.³ ITEM, at Martimes, 1621, Elfpeth Thomefone, sifter to Johnne Thomefone, portioner of Pitwar, being viffet with ane grevous feiknes, the said Thomas com to hir hous in Corachie, quhair, eftir fichting and gripping of hir, he promeist to cure hir thairof; and fo this effect callit for hir fark, and defyret tua of hir nerrest freindis⁴ to go with him: Lykas, Johnne and Williame Thomefones, hir brether, being sent for, past with the said Thomas, in the nicht feafone, fra Corachie towardis Burley, be the space of tuelff myles; and inioyned the tua brethir nocht to speik ane woird all the way; and quhat euir thay hard or saw, nawayis to be effrayed, faying to thame, 'it mycht be that thai wald heir grit rumbling, and sic vncouth and feirfull apparitiones, bot nathing fould annoy thame!' And at the ffurde be-eist Burley, in ane South-rynning watter, he thair wufche the fark; during the tyme of the quhilk wasching of the fark, thair was ane grit noyfe maid be ffoullis,⁵ or the lyll beiftis,⁶ that arraife and flichtered in the water. And cuming hame with the fark, pat the famyn vpon hir, and curet hir of hir feikens: And thairby committit manifest Sorcerie and Witchcraft. ITEM, ffor cureing of Williame Coufines wyfe, be Sorcerie and Witchcraft, be caufing hir husband heit the coulter of his pleuch, and cule the famyn in watter brocht from Haly Well of Hillfyde; and thaireftir, making certane coniurationes, croces, and signes vpon the watter, caufet hir drink thairof for hir helth; and thairby, be Sorcerie, curet hir of hir feiknes. ITEM, ffor cureing, be Sorcerie and Witchcraft, of James Mwdie, with his wyfe and childrene, of the fever; and namelie, in cureing of his wyfe, be caufeing ane grit ffyre to be put on, and ane hoill to be maid in the North fyde of the hous,⁷ and ane quik hen⁸ to be put furth thairat, at thre feuerall tymes, and tane in at the hous-dur, widderschynnes;⁹ and thaireftir, taking the hen and puting it vnder the feik womanis okftar,¹⁰ or airme; and thairfra, cayreing it to the ffyre, quhair it was haldin doun and brunt quik thairin; and be that devillifch maner, practizet be him, curet hir of hir feiknes: ffor the quhilk, the said Thomas refflavit xx lib. fra hir husband. AND laft, ffor commoun Sorcerie and Witchcraft, practizet be him, and abufeing the people thairby; expres aganis Godis devyne Law, and Actis of Parliament maid aganis Sorceraris.

VERDICT. The Affyfe, being ryplic advyset thairwith, togidder with certane

¹ *Kine*; cattle.

² Athwart; across.

³ Which they had not yielded for the space of a

month.

⁴ Kinsmen; relations.

⁵ Water-fowl.

⁶ Little 'beasts'; *Scotticé*, for some

sort of small birds or fowls, such as snipes, &c.

⁷ A hole to be made in the north wall of the

house.

⁸ A live fowl.

⁹ Backwards; contrary to the course of the sun.

¹⁰ Arm-pit.

Depositiones producet be Mr Johnne Cowdoun, Minister at Kynrois, Mr Edmond Myles, Minister at Cleifche, Mr Robert Coluile, Minister at Cleifche, ffor verificatioun thairof; thay, be the declaratioun of Williame Dempstartoun, chancellor, ffland, pronuncet, and declairit the said Thomas Greave to be ffylet, culpable, and convict of the hail poyntis of Dittay aboue writtin.—SENTENCE. To be tane to the Castell-hill of Edinburghe, and thair to be Wirreit at ane staik, quhill he be deid; and his body thaireftir to be Brunt in asches, as culpable and convict of the saidis crymes of Sorcerie and Witchcraft.

Offices of the Clerkship of Justiciary-general and Master of the Ceremonies, &c.

NOV. 28.—SIR ARCHIBALD NAPER of Merchinfloou, kny^t, Thesaurer-depute to our fouerane lord of this Kingdome, producet his Maiesteis Gift, grantit to him, vnder his hienes Previe seall, of the Offices of the CLERKSCHIP OF JUSTICIARIE-GENERALL, and MAISTER OF THE CEREMONEIS at the Creatioun of all Erles, Lordis, and Barrones, and of all vther solemne Assambleis, quhair honourable ceremoneis ar accuſtomat and necessarrie to be vsfet, within the kingdome of Scotland; with all richtis, privileges, liberteis, feyis, casualteis, proffetit, and deuteis quhatfumeur, pertaining and belonging thairto; during all the dayis of the said Sir Archibaldis lyftyme: Vacand in his Maiesteis handis, be dimiffioun of Sir Johnne Cokburne of Ormestoun, kny^t, laſt Justice Clerk, and Maister of the said Ceremoneis. Dated at Roystoun, the sext day of November, 1623.—Which Gift was ordanit to be infert in the Registeris of Adiornall, *ad futuram memoriam*.

Commission of Justiciary,

IN FAVOUR OF SIR GEORGE ERSKINE OF INNERTEILL.

JAN. 23, 1624.—MY Lord of Innerteill, as Justice to our fouerane Lord, producet his Maiesteis Commiffioun of Justiciarie; and defyret the samyn to be infert in the Register of Adjournal, *ad futuram memoriam*.

JAMES R.

JAMES, by the grace of God, King of Grite Britane, France, and Ireland, defender of the ffaith: To all and findrie our leigis and subiectis whome it effeiris, to whose knowledge thir our Letteris fall come, greating. FORSAMEKILL AS, the place and Office of the JUSTICE of this our Kingdome is now voyde, and the administratioun of Justice, in matteris propper to that judgement, ceaffes by the absence of those who formarlie suppleit that place: AND whear as, the frequent occasioun, daylie occurring within this our kingdome, requyres a present choise to be maid of some sufficient and qualifeit persone to exerce the said place and office: And We, vnderstanding the goode affectioun of our trustie and weilbelouit counsalour, *Sir George Erskine* of Innerteill, to do ws seruice, and that he is a persone of sound and vpricht judgement, and vtherwayis accomplischet and furneist with giftis anfuerable to the

¹ From the peculiarity of this document, it has been thought right to preserve it entire, without abridgement.

dignitie of fuche ane employment : Thairfoir, We haif maid and constitute, and be the tennour heirof makis and constitutis, the said Sir George our JUSTICE, and geves to him the Office thairof, with all honnouris, digniteis, prevelegis, and prerogatiues belonging thairto ; to be posselt, bruket, vsed, and exerced be him als frelie and ample, in all respectis and conditiones, as ony vtheris his prediceffouris in the said Office formerlie bruket the same ; with power to him to senfe and hald Justice-Courtis within the Tolbuith of our burghes of Edinburghe, and vtheris pairtis of our Kingdome, according as the necessitie of oure seruice schall requyre, and to proceid and minister justice in all and sundrie materis occurring in that judgment, and vpon all persones of quhatfomeuir qualitie, that fall be presentit in judgement befoir him, to abyde thair tryell ; and according as thay fall be fund Guiltie or Innocent of the crymes to be obiectit vnto thame, and to be laid to thair charge, to caus justice be ministrat vpon thame, conforme to the lawis of our realme : Afllyffes neidfull, to this effect, vnder the vsuale and accustomed panes, to summond, wairne, choofe, and caus be suorne ; and to creat officiaris and memberis of Court neidfull ; and all vther thingis neidfull towardis the executioun of this our Commissioun to do and vse, whiche laughfullie, in such caises, may be done ; ferme and stable halding, and for to hald all and quhatfomeuir thingis fall be laughfullie done heirin. CHARGEING heirfoir yow, all our said leiges and subiectis, to reuerence, acknowledge, and obey our said Justice, in all and everie thing tending to the executioun of this our Commissioun : As yow and everie ane of yow will answeir to us vpon the contrair, at your perrell. This our Commissioun, dureing our will and pleafour, and ay and quhill we discharge the same, to indure. GEVIN vnder our signet, AT ED^B, the tuentie day of Januare, and of oure reigne the lvij and xxj yearis, 1624.

GEO. CANCELL^S. MELROS. LAUDERDAILL. R. COKBURNE. KILSAYTH.
W. OLIPHANT. A. HAY. AR. NAPER. J. HAMILTON.

[*Sir George Erskyne of Innerteill, knyght, Justice.*]

Egyptians — Vagabounds — Sorneris, &c.

Jan. 23.—CAPITANE JOHNNE FAA, Robert Faa, Samuell Faa, Johnne Faa younger, Andro Faa, Williame Faa, Robert Broun, Gawin Trotter, all Egypatianis, Vagaboundis, and commoun Thevis, &c.

Being enterit vpon pannell be the Magiftratis of Ed^t, dilaitit, accuset, and persewit be Sir Williame Oliphant of Newtoun, kny^t, of the cryme vnderwrittin, viz. FORSAMEKILL AS, ffirst, be Act of Secreit Counfall, maid in the moneth of Junij, or thairby, in the yeir of God 1603, and Proclamatioun following thairupoun, commanding and chargeing the Vagaboundis, Soirneris, and commoun Thevis, commonlie callit EGIPTIANES, to pas furth of this Kingdome, and to remane perpetuallie furth thairof, and nevir to returne agane within the samyn, vnder the pane of daithe ; quhilk Act of Secreit Counfall, and Proclamatioun following thairupoun, be the 13 Act of our souerane lordis 20 Parliament, haldin at Edinburgh vpon the 24 of Junij, the yeir of God 1609 yeiris, is ratifeit, approvin, and confirmet be his Maiestie and Estaitis of Parliament than convenit ; and the same Act ordanit to haif force and executioun, eftir the first day of August nixt thaireftir following, in the foirsaid yeir of God 1^m.Vj^e. and nyne yeiris ; eftir the quhilk tyme, gif ony of the saidis Vagaboundis callit EGIP-

TIANES, alfwieill wemen as men, fall be fund within this kingdome, or ony pairt thairof, it fall be leafun to all his Maiefteis goode fubiectis, or ony of thame, to caus tak, apprehend, impriffone, and execute to death, the faidis Egiptianes, ather men or wemen, as commoun, notorious, and condempned Theves, by ane Affyfe, only to be tryed¹ that thay ar callit, knawin, and repute and haldin Egiptians: In the quhill caice, quhatfoeur of the Affyfe hapins to clange ony of the foir-faidis perfones, Egiptianes, pannelled as faid is, falbe perfewit, handillit, and cenfuret as committeris of Wilfull Errour. As the faidis Actis of Secreit Counfall, Proclamatioun following thairupoun, and Act of Parliament aboue writtin, deulie publeift, in the felff propertis. Nochtwithftanding quhairof, it is of verritie, that the foirnamet aucht perfones inpannelled, and ilk ane of thame, being Vagaboundis, Soirneris, cowmoun Thevis, callit, knawin, repute, and haldin EGIPTIANES, in plane contempt of his Maiefteis lawis and Actis of Parliament, hes proudlie repairit to this kingdome, remanit and abiddin within the famyn, and nawayis depairtit nor pafit furth thairof, fen the faid first day of Auguft, 1609 yeiris, appointit for thair away-paffing; incurring thairthrow the pane and pwneifchment aboue writtin, mentionet in the faid Act of Parliament.

ASSISA.

James Lokhart, elder of Lie, Leith of Hairthill, Williame Sydferff of Ruchelaw.²

VERDICT. The Affyfe, for the maift pairt, be the declaratioun of the faid James Lokhart of Lie, chancellor, ffand, pronuncet, and declairit the faidis perfones (being all Vagaboundis, and repute and haldin for EGIPTIANIS) to be Giltie, culpable, and convict of contravening the tennour of the faid Act of Parliament, &c.

THE JUSTICE continewis the pronunceation of Dome, vpon the former³ conviction, to the morne; that in the meane tyme he may advyfe with the Lordis of Secreit Counfall thairanent: And ordanit the pannell to be tane bak to waird, in the meane tyme.

Jan. 24.—SENTENCE. To be tane to the Burrow-Mure of Edinburgh, and thair to be HANGIT quhill thay be deid; and thair hail moveabill guidis, gif thay ony haif, to be efcheit to his Maiefteis vfe, &c.⁴

Egiptians—Sorneris, &c. (Females.)

Jan. 29.—HELENE FAA, the relict of vmq^{le} Capitane Johnne Faa; Lucrece Faa, fpous to James Broun; Elfpeth Faa, brether-dochter to the Capitane; Katharene Faa, relict of vmq^{le} Eduard Faa;

¹ Proved; established.

² The remainder are burgesses of Edinburgh. James Hopper of Bourhouffis, the Laird of Coulter-Cuming, Ogilvie of Boyne, Maxwall of Cowhill, and six others, ('mercheandis,') are 'vnlawit 100 merkis ilk ane of thame.'

³ Preceding.

⁴ See the following article, Jan. 29, and Mar. 22, where the proceedings against their helpless widows are recorded.

Meriore Faa, spous to James Faa; Jeane Faa, the relict of vmq^{le} Andro Faa; Helene Faa, the relict of vmq^{le} Robert Campbell; Margaret Faa, dochter to vmq^{le} Eduard Faa; Iffobell Faa, the relict of vmq^{le} Robert Broun; Margaret Valantyne, relict of Johnne Wilfoun; Elspeth Faa, dochter to vmq^{le} Henrie Faa.

Dilaitit for contravening the 13 Act of his Maieftis tuentie Parliament, haldin at Edinburgh, the 24 of Junij, 1609 yeiris, maid aganis EGIPTIANIS, chargeing thame, alfweill wemen as men, to pas furth of this kingdome, and to remane perpetuallie furth thairof; and nevir to be fundin within the famyn, eftir the first day of August thaireftir, in the said yeir of God 1609, vnder the pane of deid: And the foirnamet perfones, being all Theves, Vagaboundis, and Egiptianis, sa repute and haldin, and tane as people of that vnhappie race and societie, hes, be thair remaning within this kingdome eftir the tyme foirsaid, appointit for thair away-paffing furth thairof, contravenit the tennour of the said Act of Parliament, and incurrit the pwneifchment aboue writtin, mentionet thairintill.

VERDICT. Giltie, culpable, and convict of the contravening of the foirsaid Act of Parliament.—SENTENCE. To be tane to the place of thair executioun, in some convenient pairt, and thair to be DROWNED quhill thay be deid; and all thair moveabill guidis, gif thay ony haif, to be confiscat to his Maieftis vse, &c.

(Mar. 22.)—THE above persons, together with ALEXANDER FAA, sone to Eduard Faa, JOHNNE FAA and FRANCIE FAA, sones to vmq^{le} Capitane Johnne Faa, and HARIE BROUN, brother to vmq^{le} Robert Broun, being brocht furth of waird, and presentit of new agane vponne pannell, as thay that war convict of EGIPTIANES, and the Dome of daith pronuncet aganis ellevin of thame, vponne the xxix day of Januar last, the executioun quhairof was superceidit, be the Lordis of Secreit Counfallis Warrant and directioun, vnto the tyme our fouerane Lordis will and pleafour war knawin thairanent.

HIS MAIESTIS *Letter and Directioun sent to the Counfall.*

To our right trustie and right weilbelouit counfalour, SIR GEORGE HAY of Kynfawnes, kny^t, our Chancellor, and to our right trustie and right weilbelouit coufinges and counfalouris, and vtheris our trustie and weilbelouit counfalouris, THE ERLS, LORDIS, and vtheris of our PREVIE COUNSELL, in our kingdome of SCOTLAND.

JAMES R.

RIGHT trustie and right weilbelouit counfalour, right trustie and right weilbelouit coufens and counfalouris, and vtheris our trustie and weilbelouit counfalouris, We greete yow well. We haue vnderstood, by your Letter of the 29 of Januar last, that a number of these Theeves and counterfooted Vagabondis, commonlie callit EGIPTIANIS, being apprehendit be your directioun, war thereftir put to a Criminall tryell, and being lawfullie convicted, that eight of the men wer executed, and that the rest, being aither childrene and of lesse-age, and wemen with chyld, or geving sucke to childrene, 5e haue therefore committed thair perfones to priffone, superceiding the executione of the Sentence pronouncd

aganis thame, till yee should acquaynte ws, and know oure further pleafoure thairanent. IN whiche regard, these are to certefie to yow, that as We allow well of the courfe taiken for executeing of the men, so now, in colde bloode, (these children and weemen haueing beene soe long kepte prisoneris,) and cheffie in respect of that which yee wryte to be the present estaite of most part of these weemen, We can not bot inclyne to pittie and compassion of them. WHEREFORE, as We ar willing that their lyues be spared, soe that nather thame felues, nor any others of that kynd may be therby emboldned to presume vpon our clemencie, yee fall caus thame act them felues to depairt, with thair childrene, furth of that our kingdome, between and such a competent day as yee shall think fittig, for that effect, to prescribe; vnder the payne of death, to be inflicted (without any forder proces or dome) vpon them, whosoever they can be apprehendit within our said kingdome, efter the said day. AND for your putting them to libertie, (nochtwithstanding the Sentence pronouced against them,) vpon condition foirsaid, these shalbe vnto yow a Warrant sufficient. And soe We bid yow farewell. FROM our Honour of HAMPTON, the 13 of Merche, 1624.

THE JUSTICE, conforme to his Maiesteis Letter and directioun, causit the hail Egiptianis aboue writtin, presented vpon pannell, act thame selffis, lyk as thay and ilk ane of thame, of there awin frie motiue, and with the blessing of God to his Maiestie and Counfall, become actit and obleist to depairt and pas away with thair childrene furth of this realme; and nevir to be fund thairintill, eftir the tuentie-tua day of Apryle nixtocum, vnder the payne and pwneifchment of daith, without ony forther proces or doome, to be inflicted but fauour¹ vpon them, quhaireuir thay fall be fund or apprehendit, within this kingdome, eftir the said day.

Treasonable and Masterful Theft and Stouthreiff.

Mar. 3.—[DAME MARGARET OGILVIE, COUNTESS OF MARSCHELL,²

SIR ALEXANDER STRAUCHANE of Thornetoun, kny^t, (hir spouse,) and Mr Robert Strauchane, Doctour in Physik.

Dilaitit of the Maisterfull Thift and Stouthe-reiff, ffurth of the Place of Benholme, pertening to vmq^{le} GEORGE ERLE MARSHALL, of certane his Lordschipis jouellis, siluer-plait, houshald-stuff, gold, siluer, euidentis, writtis, and vtheris guidis, at lenth expressit in the criminall Letteris direct thairupoun, at the instance of our fouerane lordis Aduocat; committit in October 1622, a littill befor the said Erles deceife.³

PERSEWAR.

Sir Williame Oliphant, kny^t.

PRELOCOUTOURIS in defence.

Mr Thomas Hoip, Mr Lueis Stewart.

The perfones enterit on pannell takes instrumentis of thair entrie, and protestis for releif of Sir George Afflek of Balmano of his cautionerie. There was presented the following

WARRANT of the Lordis of Secret Counfall.

APUD ED^{rs}, *secundo die mensis Marcij*, 1624. THE Lordis of Secret Counfall, ffor some speciall

¹ Without fauour or mercy. ² Daughter of James, *sixth* Lord Ogilvy of Airly. She was the second wife of George, *fifth* Earl Marischal. ³ He died at Dunottar Castle, Apr. 2, 1623, in the seventieth year of his age. He had studied at several foreign Universities, and was an accomplished and learned individual. Besides his Embassy, he had filled the high office of Lord High Commissioner to the Parliament of Scotland, by Commission under the Great Seal, Jun. 6, 1609.

considerationes moveing thame, Ordanes and commandis the Justice, Justice-clerk, and thair deputis, to continew the dyet appointit to DAME MARGARET OGILVIE, COUNTES OF MARSCHELL, Sir Alexander Strauchane of Thornetoun, hir spous, and vtheris perfonas specifeit in the Criminall Letteris raifit pairupoun, ffor pair compeirance befoir þe Justice, vpone the thrid day of Marche instant, to vnderly the Law for the crymes of Thift and Stouthereiff of the houthald stuff, insight pleniffing, filuer plait, and vtheris goodis pertening to the lait Erle of Merfchell, and at lenth specifeit in the faidis criminall letteris raifit at þe instance of his Maiefteis Aduocat, vntill the secund day of Julij nixtocum; takand new caution of þe defenderis, for pair compeirance that day, conforme to the ordour. Quhairanent þe Extract of þis Act fall be vnto þe said Justice, Justice-clerk, and thair deputis, ane sufficient Warrant.

EXTRACTUM de Libris Actorum Secreti Conflij, f. d. n. Regis, &c. JACOBUS PRYMROIS.

Sir George Afflek of new becomes cautioner for the faidis Dame Margaret, &c., vnder the panes contenit in the Actis of Parliament.

[*Mr Alexander Coluile of Blair, Justice-Depute.*]

(Jul. 2.)—ANOTHER Warrant, dated ‘at Halyrudhous, the first day of July’—and signed by ‘Geo. Cancell^s. Mar. Morton. Linlithgow. Melros. Lauderdale. Aw. Carnegie’—directs the case to be continued ‘vntill the xxvij of July instant, vpone new caution:’—‘And that yow dispens with the personall compeirance of the Lady Marschell and Doctour Strauchane.’

(Jul. 27.)—A THIRD Warrant, dated ‘at Halyrudhous, the xxij of July,’ and subscribed, ‘Geo. Cancell^s. Mar. Melros. Lauderdale. J. Kokburne. Kilsayth.’—David Levingstoun of Donypace becomes cautioner for their entry on the aucht day of December nixt.

(Dec. 8.)—No procedure is entered in the Record of this date.

[*Sir George Erskine of Innerteill, kny^t, Justice.*]

Treasonable and Masterful Theft, &c.

Mar. 3.—JAMES KEITH of Benholme.

Dilaitit of airt and pairt of the tressonabill¹ and theftious steilling, be way of Maisterfull-thift and Stouthereiff, in the moneth of October, 1622 yeiris, fforth of the Place of Benholme, off ane grene coffer, pertening to vniq^{le} GEORGE ERLE MARSCHELL, with the jowellis and vtheris vnder writtin being thairintill, als pertening to his lordschip, viz. of Portugall ducattis, and vtheris spaces² of foreigne gold, to the avail³ of tuentie thowfand pundis, or thairby; threttie-sax duflane of gold buttones; ane ritche jowell, all set with dyamontis, quhilk the said vniq^{le} Erle ressaunt as ane gift gevin to him the tyme he was Ambassadour in Denmark, worth sex thowfand merkis; the Quene of Denmarkis pietour in gold, set about with ritche dyamontis, estimat to fyve thowfand merkis; ane jasp stane for

¹ *Treasonable*, as being committed by a landed Gentleman, in terms of an Act of Jac. VI. ² *Species*. ³ *Worth; value*.

fteming of bluid,¹ eftimat to fyve hundreth French crownes; ane chenzie² of equall perle, quhairin was foure hundreth perles gritt and fmall; tua chenzeis of gold, of tuentie-foure vnce wecht; ane vther jowall of dyamontis fet in gold, worth thre thoufeand merkis; ane grit pair of bracelettis, all fett with dyamondis, pryce thair of fyve hundreth crownes; the vther pair of gold bracelettis, at fex hundreth pundis the pair; ane turcas³ ring, worth ten French crownes; ane dyamond fet in ane ring, price xxviiij French crownes; with ane number of vther fmall ringis, fet with dyamondis and vtheris ritche ftanes in gold, worth thre hundreth Frenche crownes; mair, fextene thoufeand merkis of filuer and gold, reddie cunzeit,⁴ quhilk was within the faid grene coffer; togidder with the hail Tapeftrie, filuer-work, bedding, and vther guidis, geir, and pleniffing, being within the faid Place, particulerlie fpecifeit and fet down in the Criminall Letteris direct aganis the faid James Keyth of Benholme and his complices.⁵ AS ALSO, for airt and pairt of the thiftious ftelling and away-taking, be way of maifterfull Thift and Stouthe-reiff, in the moneth and yeir of God foirfaid, furth of the faid Place, of ane grit clothe bag, with the faid vmq^{le} Erle his hail eidentis⁶ and writtis of his landis and leving of Benholme, and vtheris his landis and barroneis, being thairintill; and remanent capitall crymes contenit in the faidis Criminall Letteris, &c.

Andro Barclay of Vnthank, as cautioner, is decernit and ordanit to be in ane amerciament, viz. for nocht entrie of the faid James Keyth, in the pane and vnlaw of ane thoufeand merkis: And ficlyk, that the faid James be denuncet our fouerane lordis rebell, and put to his hienes horne; and his hail moveabill guidis to be efcheit and inbrocht to his Maiefteis vfe, as fugitiue fra his hienes lawis for the faidis crymes.

Stealing Corn, &c.

Mar. 24.—HARIE MENTEITH of Panfteid; James and Williame, his tua fones; Andro Menteith, fone-naturall to the faid Harie; Johnne Menteith, callit of Balderftoun; and fix others.

Dilaitit of the thiftious ftelling and away-taking, furth of Thomas Kincaid of Warieftoun his barnes of Saltcoittis, in the Eift-Kerfe, lyand in the barrony

¹ Various virtues were anciently attributed to certain precious stones, such as the present, (*stemming* of blood,) as antidotes against poison, &c. The following curious entry occurs in the Books of the *Lord High Treasurer of Scotland*, Feb. 9, 1504.—‘ITEM, to the faid *Williane* [*Foular*, potingary.] for ANE BLUDESTANE, and thre vnce vjir fluf, for THE QUENE, for bleding of þe nefe; eftir ane R. (*recipe*) of *Maifter Robert Schaw*, xxij f.’

² Chain, or string. ³ Turquois. ⁴ Ready coined.

⁵ The above highly interesting detail shows, in a very striking point of view, the immense wealth which was accumulated and enjoyed by many of the Scottish Nobility at this period. Other portions of this Collection prove that considerable riches were possessed by some of the smaller Gentry, where such a display might not have been expected. ⁶ Title-deeds.

thairof, and feherefdom of Sterling, off threttie bollis of aittis, faxtene bollis of peis, and tuentie bollis beir, pertening to the said Thomas Kincaid.

The perfewar producet our fouerane lordis Letteris, be vertew quhairof the saidis perfonas, and ilk ane of thame, ar denuncet rebellis, and put to the horne, for nocht finding of cautioun to haif compeirit, &c.; and proteffit for relief of Johnne Kincaid portioner of Gogar, his cautioner.

[*Mr Alexander Coluile of Blair, Justice-Depute.*]

Murder.

Jun. 5.—JAMES GALBRAITH, in Lekkies.

Dilaitit of the Murthour and Slauchter of vmq^{le} James Broke in Kirkpatrick, his brother-in-law; committit vnder nycht, betuix Kirklistoun and Corstorphin, in thair cuming furth the hie-way togidder towardis Edinburgh, in the moneth of Apryle last, in the begynning thairof.

ASSISA.

James Tennent of Lynhous,
Johnne M^cFarlane of Arrochar,

James Burnet of Barnes,
Alexander Lokhart of Braidshaw.¹

The pannell confessis, in prefens and audience of the Assyse, the Murthour and Slauchter contenit in his Dittay.

VERDICT. The Assyse being ryplie and at lenth advyset with the Dittay, togidder with the said James Galbraith his awin Confessioun maid in judgement, with his Depositioun maid be him, vpon the thrid day of Junij instant, in prefens of the hail lordis of Counfell and Sessioun, confessing the Murthour aboue writtin, thay all in ane voce ffind, pronuncet, and declairit the said James to be ffylet, culpable, and convict.—SENTENCE. To be tane to the Mercat-croce of Edinburgh, and thair his heid to be strukin frome his body; and his hail guidis and geir to be efcheit, &c.

Theft—Slaughter—Fire-raising—Intercommuning with the MacGregors, &c.

Jul. 17.—JOHNNE ROY M^cFARLANE, sone to Andro of Gortane, and others.²

Dilaitit of the feuerall crymes of Thift and Slauchter following, viz. The said *Johnne Roy M^cFarlane*, ffor airt and pairt of the Slauchter of vmq^{le} Williame M^cclane in Blairvak, servand to vmq^{le} Duncane M^cfarlane of Blairvak, for the tyme; committit vpon the thrid day of October lastbypast, 1623 yeiris: And

¹ The rest of the Assise were tradesmen. James Tennent, chancellor. ² The remainder of the pannels were, 'Johnne Beg M^ccauife M^cfarlane (in Stukewa), Duncane M^ccorrie M^cewin (M^cfarlane in Ardlowie), Johnne M^cinnair M^cfarlane in Garboyle, Thomas Moir M^cfarlane, (sone to Duncane Dow M^cfarlane in Morlagane,) Allaster Blair (in Brachairne), Johnne (Dow) Blair, his sone, Johnne Gar M^cgilliemichell, (seruitour to Robert Abroche M^cGregour,) Duncane Bayne M^ccartnay, (seruand to Robert Abroche M^cgregour.)'

ficlyk, for airt and pairt of the trefsonable Raifing of ffyre, and Burning of the houfe of Abervrchill, pertening to vmq^{le} Colene Campbell of Abervrchill, being in company with Johnne Dow M^cCondochie Bayne, his maifter, and vtheris his complices, at the faid Burning; committit a ten yeir fyne, or thairby. ITEM, the faid *Johnne Beg M^cCauife M^cfarlane*, ffor the thiftious refsetting of ane blak kow, quhilk was ftowin be Johnne Roy M^cWilliame M^cfarlane, furth of the landis of Balliemoir, fra Andro M^cWilliame M^cfarlane, in the moneth of December laft: And ficlyk, for airt and pairt of the fteilling of tua ky furth of the landis of Clofvrak, pertening to Callum M^cfarlane, indueller thair: And alfe, for airt and pairt of the thiftious fteilling, at the leift refsetting, of ane blak horfe, ftowin be Duncane M^ccorriche M^ceane M^cfarlane, furth of the cuntrie of Argyle; committit in Marche laft. ITEM, the faid *Duncane M^ccorrie M^ceane M^cfarlane*, ffor airt, pairt, and being in company with Johnne Roy M^cWilliame M^cfarlane, at the fteilling of ane broun kow, a four yeir fyne, or thairby: And for airt and pairt of the fteilling of nyne lambes, pertening to Johnne M^ccorrie M^cfarlane and Patrik M^ccorrie M^cfarlane in Ardnulrig, furth of the Mure of Ben-Mourlig, in the moneth of Junij I^m.Vj^c.xxij yeiris: And alfo, for airt and pairt of the fteilling of ane gait¹ furth of the landis of Glencroe, in the moneth of October, the yeir of God I^m.Vj^c. tuentie tua yeiris: And in lyk maner, for airt and pairt of the fteilling of ane blak horfe out of Argyle, in the moneth of Merche laftbypaft: And for thiftious fteilling of ane fcheip fra vmq^{le} Malcolmne M^cfarlane, in Innersnamet,² in the moneth of Julij, 1616 yeiris. ITEM, the faid *Johnne M^cInnair M^cfarlane*, ffor airt and pairt of the fteilling of ane broun kow furth of the landis of Glencroe, furth of ane grit number of vther ky, in dryveing thame to the Mercat, to be fauld; committit a fevin yeir fyne, or thairby: And ffor airt and pairt of the fteilling of ane blak kow, a four yeir fyne, furth of the faidis landis of Glencroe. ITEM, the faid *Thomas Moir M^cfarlane*, fone to Duncane Dow, ffor airt and pairt of the fteilling of fyve ky, pertening to George Maidlanes in Letter, and vtheris, the Laird of Killythes tennentis: And ffor airt and pairt of the fteilling of nyne lambes, furth of Craigcoftane,³ pertening to Patrik Glas M^cfarlane thair, in the moneth of Junij, 1623 yeiris: And ffor airt and pairt of the thiftious refsetting of ane ftowin kow, quhilk was ftowin be Callum M^ccauife in Clakbowie, fra Colene Campbell of Ardkinglas, in the moneth of November, 1622 yeiris: And ffor ane commoun foirner⁴ and oppreffour, vpone dyuerfe his Maiefteis fubjectis: And for common Thift and Refset of thift. ITEM, the faidis *Allaſter Blair* in Bracherie, and *Johnne Blair*, his fone, ffor airt and pairt of the fteilling of foure ky, furth of the landis of Difcher, in Menteith, a

¹ Goat. ² Inversnaid?

³ Afterwards the residence of Rob Roy M^cGregor, who acquired this property in *anno* 1705. ⁴ One who oppressively takes free quarters, &c. by violence.

fyve yeir fyne, or thairby, quhilk pertenit to . . . Logane, fervand to the Laird of Auchinbrek. ITEM, the said *Allaster*, ffor the steilling of tua oxin fra the Laird of Buchamane, furth of the landis of Salloche, a fyve yeir fyne, or thairby. ITEM, the saidis *Allaster*, and *Johne Dow Blair*, his sone, ffor the thiftious steilling of thre ky, furth of the landis of Drongie, pertening to Robert Campbell of Drongie, a foure yeir fyne, or thairby: And forder, for the thiftious recept¹ of tua stowin horse, stowin be the said Robert Abroche, furth of the North partis of this realme, a yeir fyne, or thairby. ITEM, the said *Allaster*, ffor the thiftious ressetting of ane grit quantitie of the guidis and geir rest, stowin, and away-tane furth of Balwill, be Robert Abroche, Johnne M^ccairtour, Donald Darleith, and vtheris thair complices, quhilkis pertenit to Johnne Fallasdaill, bailzie of Dunbartane: And last, the said *Johne Blair*, ffor steilling of ane kow, furth of the landis of Clofrak, pertening to Parlen M^cneill, thair, a foure yeir fyne, or thairby. ITEM, the said *Johne Gar M^cgilliemiell*, ffor airt and pairt of the thiftious steilling, be way of Maisterfull Thift and Stouth-reiff, furth of Murray, in the North, fra dyuerse of the Inhabitantis thairof, in the moneth of Julij last, of ffyftie ffyve oxin and ky, with dyuerse horse, scheip, gait, insicht and pleniffing, quhilk war drewin² be the said Johnne Gar, and be Robert Abroche, his maister, and vtheris thair complices, to the Wast partis of this realme, quhair the fanyn was fauld and disponit vpone to thair vse: And siclyk, for ane commoun Soirner and Oppressour, in keiping daylie and nychtlie company with Robert Abroche M^cgregour, and passing with him throw dyuerse partis of the cuntrie, soirning and committing oppressioun vpone dyuerse his Maiesteis subiectis, inhabitantis thairintill; forceing and compelling thame to furneise meit, drink, and vther prouisioun, aganis thair will, and without payment of ony money for the same; in hie and manifest contempt of his Maiesteis auctoritie and lawis. ITEM, the said *Duncane Bayne M^ccartnay*, ffor ane commoun Soirner and Oppressour; speciallic, for cuming to the duelling-hous of Neill M^cclaren in Innernandie, in the heid of Balquhiddel, in May last, and thair forcet and compellit him to furneise to the said Duncane, meit, drink, and vtheris necessaris; and becaus ane kid was refusit be the said Neill to be flane and eittan, at the said Duncanes defyre, the said Duncane thairupoun maist crewallie inuidit the said Neill for his slauchter, gaif him ane crewall and deidlie wound in the heid, to the effusioun of his bluid in grit quantitie; quha, be occasioun of the said straik, being irritat with rage and furie, with ane grit caber³ in his hand, rynnand at the said Duncane in revenge thairof, strak Donald M^cIntyre (quha was ane redder⁴) in

¹ Reset.² Driven.³ A large rafter, beam, or joist.⁴ A peace-maker, who, in this

instance, got the *redding-straik*, the proverbial recompense of those who, through their good nature, endeavour to separate angry combatants. The foregoing details afford a highly unfavourable picture of the state of society, in 'Rob Roy's country,' at the close of the reign of James VI.

the foirheid, and fellit and flew him thairwith; and sa, the said Duncane was airt and pairt of the Slauchter of the said vinq^{le} Donald M^cIntyre: ITEM, ffor cuming to the said Neill M^cclarens hous, vnder nycht, and steilling furth thairof of his haill inficht pleniffing, guidis, and geir, to the avail of fourtie pundis money.

The foirnamet haill perfones, dilaitit and accufet of the crymes *respectiue* above writtin, haifing denyit the samyn to be of verritie, war put be the Justice to the knowlege of the perfones following.

ASSISA.

Johnne M ^c farlane of Arrochar,	Duncane M ^c Innoyer in Gortane,	Parlane M ^c Corrie in Ardleifch,
James Garbraithe in Garbell,	Patrik Roy M ^c Innoyer,	Patrik M ^c farlane in Pullochre,
Dougall M ^c farlane in Tullichin- taill,	Andro M ^c farlane in Drumfad,	Johnne Dow M ^c farlane,
Thomas M ^c farlane,	Malcolme M ^c Williame in Downe,	Donald Dow M ^c farlane,
Johnne M ^c farlane in Kenmore,	Duncane M ^c farlane in Port- Chapell,	Harie Dow, feruitour to Johnne Erl of Mar, &c.
Duncane M ^c farlane, thair,	Johnne M ^c Innoyer,	

VERDICT. The Assyse, all in ane voce, be the repoint and declaratioun of the said Andro M^cfarlane in Drumfad, chancellor, ffind the saidis perfones on pannell, and ilk ane of thame, to be ffylet, culpable, and convict of the feuerall crymes about writtin.—SENTENCE. To be tane to the Burrow-mure of the burgh of Edinburgh, and thair to be Hangit quhill thay be deid; and all thair moveable guidis to be escheit to his Maiesteis vse, as giltie of the saidis crymes.

Sheep and Cattle Stealing, &c.

Jul. 21.—ADIE VSCHER, borne in Birkinhauch, in Liddisdail, servand to Robert Ellote of Reidheuche.

Dilaitit of airt and pairt of the steilling of sex ky (*cattle*) furth of Schewingfcheill-Castell, pertening to Williame Heroun of Chipchese, in the moneth of November last: ITEM, ffor airt and pairt of the steilling of sextene gaitis (*goats*) furth of Emmetisshauch, pertening to Will Charletoun of Emmetisshaugh; Will Vscher, his sone, being in cumpany with him at the steilling thairof; committit in September last: ITEM, ffor airt and pairt of the steilling of tua ky furth of Hafilsyde, in Ingland, the ane blak, the vther broun, pertening to Williame Chairletoun of Hafilsyde; committit be him and the said Will Vscher, his sone, in October last: ITEM, ffor airt and pairt of the steilling of an yellow brandit ox, furth of the landis of Heifilefyde, in the said moneth of October last, pertening to the said Will Chairletoun; the said Will Vscher, his sone, being in companie with him at the committing thairof: ITEM, ffor airt and pairt of the steilling of sextene gaittis furth of the landis of Leipieleifche, in October last; quhilk pertenit to Mathew Robfoun of Leipieleifche; the said Will, his sone, being with him at the steilling thairof: ITEM, ffor steilling and away-taking, about Hallowmes last, of tua schein

furth of Richartoun-fute, pertening to Archie Henderfoun, and Johnne Robie-foun, thair; committit be him and the said Will, his sone: ITEM, ffor airt and pairt of the steilling, furth of Burnemouth, of fyve schein, pertening to Johnne Nixyne, thair; the said Will Vscher being at the steilling thair of: LAST, ffor airt and pairt of the steilling of ffyve schein, about St Thomas-Evin laft, fra Johnne Ellote, callit *the Dod*, and Johnne Elliot, callit *the Gyde*: AND ffor commoun Thift and Refset of Thift.

PERSEWARIS, Mr (Williame) Heroun of Chipelese, Will Chairletoun of Hilliefyde, Sir Williame Oliphant of Newtown, kny^t, Aduocat.

ASSISA.

The Laird of Riddell,	Ragnell (Reginald?) Bennell,	Johnne Govane of Cardrono,
Williame Middlemeft of Chapell,	The Laird of Mertoun,	James Douglas of Cowthroppill.
George Ker of Newhall,	Andro Ker of Broulandis,	Patrik Cranftoun of Corfbie,
Andro Douglas of Priestfoun,	W ^m Trumble of Phillopehauche,	Robert Edzger of Wodderlie,
Williame Bennet,	James Nayfmyth of Poffo,	Robert Lauder of that ilk.

VERDICT. The Assyse, all in ane voce, in respect of the said Adie his Judiciall Confessioun of the crymes foirfaidis to be of verritie, be the mouth of the said Laird of Riddell, chancellor, ffand, pronuncet, and declairit the said Adie Vscher to be ffylet, culpable, and convict of the crymes foirfaidis.—SENTENCE. To be tane to the Burrow-mure of Edinburgh, and thair to be Hangit quhill he be deid; and all his moveabill guidis to be efcheit, &c.

Sheep and Cattle Stealing, &c.

Jul. 21.—WILL VSCHER, sone to the said Adie Vscher.

Being presentit vpon pannell, in prefens of my Lord Justice, Confessit him selff to be Giltie and culpable of the particular Thiftis contenit in his ffatheris convictioun: And offerit him selff in his Maiestie and Counfallis will for the famyn.—SENTENCE. The Justice, in regard of the said Will Vscher his minoritie, nocht being past saxtene yeiris of age, with advyse of the Lordis of Secreit Counfall, ordanit the said Will to be Bancifchet his Maiesteis hail dominions, and nocht to be ffund thairintill in ony tyme cuning, without his Maiesteis Licence, vnder the pane of deid, &c.

[*Sir George Erskine of Innerteill, kny^t, Justice.*]

Murder under trust—Stouthreich—Piracy, &c.

Nov. 3.—JOHNNE BROUN, skipper in Brunteilland; Robert Broun, mariner, his sone, thair; David Dowie, burges and awner thair; and Robert Duff, in South Quenis-fferrie.

Dilaitit and accuset of airt and pairt of the schamefull, crewall, and vnnuerceifull Murthour vnder trust of thre Spanische mercheand young men; and steilling

and appropriating to thame selfis, be way of Maisterfull Thift, Southe-reiff, and Peiracie, off the guidis and mercheandice being within thair felipis-boddome, pertening to the saidis Mercheandis; committit a thre yeir fyne, or thairby, in thair cuning fra the Point of S^t Johnnes, in Spayne, to Callife, be casting the saidis thre Spanische Mercheandis over-burde, and thaireftir appropriating of thair guidis and mercheandice to thame selfis, and making money thairof, to thair awin vse.

PERSEWAR, Sir Williame Oliphant of Newtown, kny^t, Aduocat.

DITTAY against the persons on pannell.

JOHNNE BROUN, skipper in Bruntieland, maister and owner of ane quarter of the schip vnderwritten, ROBERT BROUN, your sone, awner of ane vther quarter thairof; DAVID DOWIE, mariner, burges of Bruntieland, awner of the half thairof; and ROBERT DUFF, indueller and mariner in South Quenifferrie, YE ar indytit and accuset, FORSAMEKILL AS the traffique and commerce betuix mercheand and mercheand, in expoirting of commoditeis frome ane cuntrie to ane vther, hes, in all weill-governet Kingdome and Commoun welthis, bene estimat the ground and fundamentall caus, nocht only of grit welth and ritches to the inhabitantis, but also ane grit help and furtherance to intertene freindschip and correspondence betuix Princes; quhairthrow mony loveabill Lawis, vpon guid advyse and deliberatioun, hes bene publeist and fet furth be thame and thair estaitis, for advancement of thair tred, and reiking out of schipis and veschellis for the better vphald and continuance thairof; and thairupoun, the art of Nauigatioun, with the perones expert thairintill, alfweill for thair skill and dexteritie in sailing, as fidelitie in that tred, be the saif convoying of the merchandis and passangeris, with thair merchandice and guidis, committit to thair trust, hes becun famous and of goode estimatioun throw the hail world: LYK AS, the failleris of this Kingdome, being, for thair skill and fidelitie in that tred, nathing inferiour to ony vther cuntrie, people, or natioun, haif commonlie, in regaird thairof, bene sa respectit be strangeris in forayne partis, that thay, with thair schipis, hes bene preferrit in seruice to ony vther people quhat-fumeuir. Nochtwithstanding quhairof, it is of verritie, that ye and ilk ane of yow, schaiking of all feir of the Omnipotent and Almychtie God, regaird to the ancient goode fame of this cuntrie and kingdome of Scotland, quhairof ye ar namet maist vnworthlie to be inhabitantis and natiue borne people; as also, to the grit obloquy, schame and reproche, and oppin discredet of the hail failleris of this kingdome resoirting to forayne partis, prejudice and disapointing of all lauchfull commerce and tred with ony of the Mercheandis of the samyn, and employment of the hail seafairing men with thair schipis and barkis in tyme cuning, a thre yeir fyne or thairby, ye being in S^t Johnnes, a Sie-poirt within the Kingdome and dominioun of Spayne, togidder with the schip callit, quhairof ye, the said Johnne Broun, was maister and awner of ane quarter, and ye, the said David Dowie, awner of ane half, and ye, the said Robert Broun, awner of the fourt quarter; and being frauchted be ane Gilzeane Thasktone, a Spanzaird, to pas fra the said Point of S^t Johnes to the Point of Caillife, with ane laiding of Walnuttis, chestanis,¹ and certane Spanische irne; and accoirding thairto, haifing tane in the said laiding, togidder with thre Spanische young men, quha war directed be the said Mercheand to await vpon the discharge of the said Merchandice, and to make mony thairof at the said schipis arryvell at hir appointit Poirt aboue writtin,² ye, befor your cuning abuid of the said schip in S^t Johnnes, plottit, contrivet, and devyset the crewall and barbarous Murthour of the saidis thre strangeris, and the appropriating to your selfis of the hail guidis and merchandice imput within the said schip; and drew vp ane Band to that effect, quhairvnto ilk ane of yow, with the remanent equippage of the said schip put to your handis; and thaireftir, cuning all aboird, heasit vp sail, and past to the Sea: And being in the middis of Sea, far frae ony land, ye, vpon schamefull and damnable greid and covetousnes, vpon fet

¹ Chestnuts.

² As supercargoes.

purpois, deliberationn, and ffoirthocht fellony, fulifchilie apprehending that the al-feing eie of the Almychtie did nocht luik down, nor wald bring to licht your maist horrible and detestable Murthour and Pirracie, ye being also secundit, aidit, and affistit be James Hall in Kirkeuldbrycht, Johnne Gibfoun in the Erles-fferrie, James Carrane in Tradache, in Ireland, Robert Kincavill, cuik of the schip, with ane Irische boy, namet Thomas Cur; all of yow, being nyne in number, within schip-buird, ye maist crewallie and vnnaturalle, aganis the Lawis of Nationes, haifing the saidis thre strangeris in your power, and for the vnlauchfull acqyreing and appropriating to your selffis of the saidis guidis and merchandice, violentlie, and but¹ pitie or commiserationn, threw them all thre ouerbuird, ane estir vther, in the raging seas; and thairby crewallie and vnnmerciefullie, vnder trust, credeit, and assurance, Murdreift and bereft thame of thair naturall lyves; thay haifing na refudge nor bak-dur to eschew your crewaltie: Quhilk being done, ye, in plane mokage² and skorne of the Almychtie, as gif his deryne Maieftie had approvin that your horrible fact, maid ane Prayer, and sang vp ane Pfalme: And thaireftir, as Thevis and maisterfull Sea-robberis, divertit your curse fra Callise,³ and past with your said schip and laiding thairof to Myddilburgh in Zeilland, quhair the saidis walnuttis and chestanes war fauld and maid money of, be ane or vther of yow, in name and to the behuif of the hail company and equippage;⁴ and the samyn money, thaireftir, was pairtit amangis yow: Lyk as, the irne was brocht hame to Brvntieland, quhair the samyn was fauld, for reddie money.—Committing thairby maist horrible Murthour and Slauchter vnder trust and credeit, the saidis thre strangeris being vnder your power and command, within your schip; and lykwayis Maisterfull Thift, Stouthe-reiff and Pirracie, in appropriating of thair guidis and merchandice to your selffis: Off the quhilkis, ye, and ilk ane of yow, ar and war speciall actouris, airt and pairt; and thairfoir, aucht and fould, in maist exemplarie maner, be pwneift, to the terrour of vtheris.

My lord Aduocat, estir reiding of the Dittay, and the pannellis accusatioun of the saidis crymes, at length fet down thairintill; and that in respect na obiectioun was maid be the pannell or ony vtheris in thair names, aganis the relevancie thairof, defyret my lord Justice to put the samyn to the tryell of ane Assyse of the perfones summond to that effect.

My lord Aduocat takis instrumentis of the sweiring and admissioun of the Assyse, and that na obiectioun is maid aganis thame be the pannell. And for Verificatioun of the poyntis of Dittay and crymes thairin mentionet, producet the Depositioun maid be the foure perfones on pannell, viz. the said Johnne Broun, Robert Broun, and Dauid Doweis Depositiones, maid be thame in prefens of the Laird of Bombie, the Commiffar of Kirkeuldbrycht, and the Bailleis thairof, vpon the xxviiij day of August last, confessing the Murthour and thiftious taking and appropriating of the guidis and merchandice to thame selffis. Togidder with the said Johnne Broun and Dauid Doweis Depositioun, tane in prefence of the Erle of Melrois, vpon the xv of September last. Produces also the Depositiones of Robert Duff, tane in prefens of the said Erle of Melrois, on the vij day October last, beirand the said Johnne Broun, and Dauid Dowie, to be casters of the first Mercheand overburd. Produces the pannellis hail Depositiones maid be thame in prefens of my Lord of Melrois, vpon the nynt day of October last. Togidder with the Depositioun of Robert Kincavill, cuik of the schip, and ane of

¹ Without.² Mockery.³ Calais.⁴ Crew.

the equippage thair of in that veadge,¹ tane in presens of James Weymes of Bogy, Vice-Admirall at Kirkcaldie, vpon the 28 of Junij last. With the Deposition of the said Robert Duff, maid in presens of my lord Aduocat him self, vpon the 27 of October last. And last, vses and produces the Declaratioun of Robert Meluill and Robert Cellok, vnder thair hand-writt and mark put thairto, detecting and oppening vp the pannellis giltienes of the haill poyntis contenit in thair Indytement. And vpon the production of the verifications aboue writtin, askit instrumentis: And protestit for Wilfull-Errour aganis the persones of Assyse, gif thay acquit the pannell of the detestable crymes aboue written.

VERDICT. The Assyse, all in ane voce, be the repoir and declaratioun of Stewin Philp, elder, mercheand in Dyfert, chancellor, ffand, pronuncet, and declairit the haill foure persones on pannell to be Giltie, culpable, and convict of the crymes aboue specifreit.—SENTENCE. To be tane to the Mercat-Croce of Edinburgh, and thair to be Hangit vpon ane gibbet, quhill thay be deid: And thaireftir, thair heidis to be strukin fra thair bodeyis: And tua of them to be fet vp vpon prikis of irne at *Leith*; and the vther tua to be sent to *Brunteiland*, to be fet vp vpon prikis thair: And thair haill moveabill guidis to be escheit to his Maiesteis vse.

[*Mr Alexander Coluile, Justice-Depute.*]

MURDER, &c.

Nov. 13.—HARIE LISTOUN, indueller in the bak of Plesance (of Edinburgh), callit the Bak-Raw.

Dilaitit, fforfamekill as the said Harie, haifing, without ony just caus, confauet ane deidlie haitrent and evill will against vmq^{le} James Mayne, seruitour to Robirt Young, maltman, burges of Edinburghe, with ane settillit purpois and resolution to bareiff him of his lyffe, be on meine or vther; laitlie, vpon the last day of August lastbypast, come in the twielicht, eftir setting of the sone, betuix fevin and aucht houris at evin or thairby, to the said Robert Young, his peise-land, besyde the Seanis,² near to the Burrow-mure of the said burgh, quhair the said vmq^{le} James was in sober and quyet maner for the tyme, keiping his said maisteris peise, and vtheris his coirnes, than growand and standing stoukit³ vpon the ground of the saidis landis; and thair, the said Harie, being bodin with ane grit rung or battone in his hand, and with knyves and vtheris invasiue wappones, first vpbraidit the said James Mayne with woirdis, alledging that he was ane commoun Theiff, and had stowin ane grit number of the said Harie his beanes and peise, growand neir to the said Robert Youngis land, and lyand contigue

¹ One of the crew in that voyage.

² Sciennes, so called from a religious house dedicated to St Katherine of Sienna, in the immediate vicinity of Edinburgh.

³ Cut down and put up in stouks, ricks, or shocks.

thairto ; and thaireftir, becaus the faid James purget him felff of that calummie, and anfuert him, be woird, that he was als honeft as him felff ; the faid Harie, thairupoun, ran vpone the faid James, and rwfchet him (being ane aget man of threfcoir fourtene yeiris of age) to the grund, dang him in the heid, craig,¹ fchoulderis, and fydis with the faid battoun, lap vpone his breift and bellie with his feit and kneysis, punchet him as alfo vpone the heart, and thairby brak and birfet his intrallis and noble pairtis ; in maift infolent maner cuttit his cleithing in peices with knyves, and thaireftir harrellit and drew him be the heillis the fpace of ane quarter of ane myle af the faidis landis, to ane laich volt in S^t Geillie Grange, and impriffonet him thairintill, *tanquam in privato carcere*, he being in the deid-thraw :² Lyk as, within thre houris efter his imputing within the faid volt, he deceiffit of the faidis ftraikis : And the faid Harie, vnderftanding of his daith, to fuppres the Murthour of the faid puir man fra the world, caufit him to be bureit fecreitlie in the nycht, in ane obscure place. And fa, the faid vinq^{le} James Mayne was fchamefullie, crewallie, and barbaruffie Murthouret, and thairefter fecreitlie bureit, be the faid Harie and his complices ; and he is airt and pairt thairof ; committit vpone fet purpois, prouiffoun, and foirthocht fellony.

PERSEWARIS.

Jonet Watsoun, the relict ; Euphame Cuninghame, fifter-dochter ;³ Sir Williame Oliphant, knycht ; Robert Young, as maifter.

PRELOCUTORIS in defence.

The Laird of Innerleyth, The Laird of Lugtoun, Mr Lueis Stewart, and Mr Johnne Oliphant, Aduocatis.

It is allegit be the pannell, and be Mr Lueis Stewart, his prelocutour, eftir reiding of the Dittay, that the famyn is nawayis relevant to pas to the knawlege of ane Affyfe, as it is fett down ; nawayis affirmeing thairin, that the pannell was the actuall committer of the flauchter lybellit ; and fua, nocht concludand, *de homine occifo*, the famyn can nocht pas to ane Affyfe.—It is anfuert be my lord Aduocat, the allegeance aucht to be repellit, in refpect of the Dittay beirand *per expreffum*, that the defunct reffauit dyuerfe ftraikis with ane battoun in the heid, and was punchet in the breift and bellie, and his hail noble pairtis brokin within him ; and be occaffoun thairof the defunct deceiffit ; quhilk was gevin to him be the pannell, and that he deceiffit off the famyn ftraikis gevin to him be the pannell, the tyme lybellit.

It is allegit, that the Dittay contenis dyuerfe and feuerall⁴ memberis, ilk member thairof being ane cryme be the felff, viz. ffirst, that the defunct was ftrukin with a battoun : 2. His claithis cuttit with knyves : 3. The defunct was harrellit be the heillis af the landis lybellit, to the Grange : 4. Was caffin in ane laiche volt, *tanquam in privato carcere*, quhairin he was detenit captiue and priffoner ; quhairin, it is affirmet, that the defunct deceiffit : Quhilkis, being feuerall crymes,

¹ Throat ; neck² Half dead ; in the *throes*, or agonies, of death.³ Niece.⁴ Separate.

man (*must*) be discuffit feuerallie. The Aduocat declairis that he conjoynes the hail crymes togidder, and devydis na pairt of the Dittay; and fayis, that the famyn is verrie relevant, as it is fet down, to pas to the knowlege of ane Assyfe.

It is allegit be the pannell, that the famyn can nocht pas to ane Assyfe, becaus he offeris him to prove, be sufficient Witnesfes present at the bar, that the said James Mayne deceffit be hanging himself within ane laiche volt in the Grange, eftir he was committit thairin for steilling of certane beanis and peife, and eftir he had remanit thairin the space of tua or thre houris; quha was brocht thairto, frie of ony hurt or woundis, in ony pairt of his body.—It is anfuerit, aucht to be repellit, in respect the allegeance consistig *in facto*; and gif ony probatioun be tane, it man be proponit to the Assyfe, quha, for thair informatioun, may tak the Witnesfes declaratioun, gif thay fall think it expedient, or reject the famyn.¹

THE JUSTICE Ordanis the Dittay to pas to the knowlege of ane Assyfe: And the exceptioun proponit be the pannell, anent the defunctis putting handis in him self, feing it consistis *in facto*, REMITTIS THE TRYELL THAIROF TO THE ASSYSE; AND THE PROBATIOUN TO BE VSET BEFOIR THAME.

ASSISA.

Mr Johnne Cant of the Grange,	Johnne Stevinfoun, maltman,	Robert Wilfoun, beltmaker,
Johnne Marshell, burges of Edr,	Johnne Lowrie, maltman,	James Johnnestoun, maltman,
Adame Marshell, maltman thair,	Adame Bar, tailzeour,	Frances Stevinfoun, chirurgane,
Johnne Campbell, staibler thair,	Robert Moubray, suordflipper,	Johnne Fluiker, chirurgane,
Johnne Bordland, litfter,	Johnne Ahannay, baxter,	Johnne Clarkfoun, smyth.

It is allegit be the pannell aganis ffrances Stevinfoun and Johnne fluiker, chirurganes, that nather of thame can be admittit vpon this Assyfe, becaus thay haif behavet thame selfis as pairteis, in passing, at the desyre of the perfewaris, and for guid deid gevin to thame, to the defunctis graiff, sevin dayis eftir his buriall, and taking him vp and fichting the deid corpis, ffor ane pre-

¹ This Case is most important, as being the first on Record, where the Lord Advocate voluntarily admits of WITNESSES being examined before THE ASSISE, in relation to facts arising out of the assertions contained in the Dittay. The practice formerly was for the Advocate, as public prosecutor, previous to framing the Dittay, to examine the pannell and such witnesses as could be obtained, immediately after the commission of the crime, before the Lords of Privy Council, or a Commissioner; and the Declarations, Confessions, and other evidence so produced, were founded upon in Court. They were there held as conclusive, and not liable to be redargued by leading of fresh evidence at the time of the Trial. The want of attention to this circumstance, or rather the ignorance of the ancient mode of procedure in matters Criminal, would induce any one, at first sight, to form a very erroneous estimate of the policy, and more particularly of the administration of our Laws. The notion seems anciently to have been, that it was an act of flagrant contempt in a pannel to dispute the validity of the evidence led before so high a tribunal as that of the Privy Council, and probably in the face of his own repeated Confessions or Declarations, on being examined, previous to trial. The Justice, therefore, repelled any attempt on the part of Counsel for the pannel bringing forward Witnesses in proof of his innocence; until, at length, the voice of the country prevailed, and THE ASSISE WERE MADE JUDGES OF THE LAW AS WELL AS OF THE FACT. It is not a little singular to observe here, that one of the Assise (the very Justice of the Peace in the vault of whose house the alleged suicide took place, and who was afterwards chosen Chancellor of the Assise) is brought forward as the principal evidence, along with three of his servants!

cognitioun in fauouris of this perfewar, anent the tryell of this mater.—It is anſuerit be the Aduocat, the allegiance is nawayis relevant to ſtay thame to be admittit vpon this Affyſe; becaus, quhatevir was done be thame in raiſeing and ſichting of the corpis, was done be command of the Bailleis of Edinburghe.

Robert Young, perfewar, being ſuorne, gif he has juſt cauſe to perfew this Dittay as it is ſett down, declairit, that he has juſt cauſe to perfew, vpon this reaſone only, becaus he, haifing gottin knowlege of James Maynes daith, and cuming to the Grange to vnderſtand the forme thair of, and haifing ſeane the deid corpis, deſyret Mr Johnne Cant to keip him vnbureit quhill the morne at nyne houris, that his wyfe and freindis (nicht) come to ſie him; quhilk the ſaid Mr Johnne promeiſt ſould be done; and nochtwithſtanding thair of, he was bureit, be the pannellis ſervandis, lang befor ſex houris in the moirning: And thairfoir, in reſpect of his buriall, ſecretly, by¹ promeis, he had juſt cauſe to perfew the pannell, as giltie of the ſaid James Maynes daithe.

The Aduocat takis inſtrumentis of the ſueiring of the Affyſe, and of the production of the defunctis claithes be the relict, all cuttit be the pannell, the tyme contenit in the Dittay: And proteſtis, in caice thay acquit, for Wilfull Errour.—The pannell proteſtis in the contrair, gif thay ffyle; and that the Witneſſes may be tryit for preving that the only cauſe of the defunct his daithe procedit fra his putting violent handis in his awin perſone, be his feirfull and crewall hanging him ſelf, and thairby deuoiring him ſelf to daith, within ane laich volt of the Grange, pertening to Mr Johnne Cant, ane of the Affyſe, eftir the pannell had apprehendit him in his peiſe, and tane him with tua grit wallat-full of ſcheillit beanis, ſtowing be him af his peiſe-rig, and brocht him to the ſaid Mr Johnne Cant, as Juſtice of Peace, to haif remanit with him vnto the tyme he had bene tryit and pwneift for the ſaid Thift. And for cleiring of the veritie of the foirſaid allegiance to the ſaid Affyſe, deſyret the Witneſſes following, all preſent at the bar, viz. the ſaid Mr Johnne Cant, ane of the Affyſe; Robert Stark, James Scott, and James Wallace, his thre ſervandis; James Borthuik, indueller in Edinburghe; James M^cCorne, in the Seanis; Williame Mure, ſervand to Robert Young, ane of the perſewaris, and Johnne Girdwoid, alſo his ſervand, to be callit vpon and examinat be the ſaid Affyſouris, eftir thair inchoiſeing.²

VERDICT. The ſaidis perſones of Affyſe thaireftir removet altogidder furth of Court to the Affyſe-houſe, quhair, be pluralitie of voittis, thay electit and chuiſet the ſaid Mr Johnne Cant in chancellor: And thaireftir, the ſaidis hail

¹ Contrary to.

² This ſeems an extraordinary ſtep. The *Assise*, after they are enclosed in the *Assise-house*, call before them and examine the Witneſſes offered, without the direction of the Judge, or the interrogation of Counsel for either party.

WITNESSES being fiorne and examinat be thame, thay all, but¹ discrepance, cleir-
lie verifeit be thair declarationes, that the said James Mayne come vpon his feit,
without ony hurt, as appeirit, in ony pairt of his body, to the Grange, a littill
afoir sex houris at evin, the day contenit in the Dittay, being brocht thairto be
the pannell, for the caufe contenit in his exceptioun; and being put in the laich
volt, at the defyre of the pannell, to be keipit thairin be the said Mr Johnne
Cant, as Justice of Peace, vnto the tyme he war tryit, and that Robert Young,
his master, war brocht to that effect; he, within tua houris thaireftir, the volt
dur being lokit vpon him, was fund hingand in tua horse girthes or coirdes,
deid, and his mouth fameand;² and thairby, that he had devoiret³ him selff. Eftir
quhais tryell and examinatioun, the saidis perfonis of Affyse reffonit and voittit
vpon the poyntis of the said Dittay, and being ryplie and at lenth advyset thair-
with, togidder with the DEPOSITIONES aboue writtin, maid be the saidis WIT-
NESSES, thay re-enterit agane in court, quhair thay all, in ane voce, be the repoint
and declaratioun of the said Mr Johnne Cant, chancellor, ffand, pronuncet, and
declairit the said Harie Liffoun to be Cleane, innocent, and acquit of the slauchter
and murthour of the said James Mayne; and of airt and pairt thairof.

Quhairvpon the said Harie Liffoun and his prelocoutouris askit instrumentis.

Incest.

Nov. 19.—JAFFRAY IRWING of Robgill.

Dilaitit of the filthie and detestable cryme of Incest; committit be him with
Agnes Cairletoun, spous to vmq^{le} George Irwing of Bonfchaw, his brotheris
wyfe; quha buir to him, in that filthie copulatioun, thre fones, namet Frances,
George, and Edward Irwingis, and ane dochter; quhilkis war all baptizet in
England; contrair the tennour of the Actis of Parliament.

My lord Aduocat takis instrumentis of the pannellis Confessioun; and pro-
testis for Wilfull Errorr, gif thay acquit.

VERDICT. The Affyse, all in ane voce, in respect of the said Jaffra his Judi-
ciall Confessioun, ffand, pronuncet, and declairit, be the repoint and declaratioun
of Raulff Ker, burges of Lauder, chancellor, the said Jaffra to be ffylet, culpable,
and convict of the said cryme of Incest, contenit in his Dittay.—SENTENCE.
To be tane to the Mercat-croce of Edinburghe, and thair his heid to be strukin
from his body; and all his moveabill guidis to be escheit, &c.

¹ Without difference in their testimony.
devorare.

² Foaming, or frothing.

³ Destroyed. Lat.

GENERAL APPENDIX.

APPENDIX.

* * * SINCE the preceding Volumes were sent to Press, various important PAPERS having been discovered by the Editor, illustrative of facts narrated in the Trials, it has been thought proper to preserve a selection from them in this APPENDIX.

No. I.

PAPERS RELATIVE TO THE DEADLY FEUD BETWEEN THE EARLS OF EGLINTON AND GLENCAIRN, &c.

I. LETTER, *the King to the Privy Council, 'for tryall of the authouris of the Conflict betuix Erle of Glencairne and the Maister of Wintoun, at St Johnestoun.'*¹ August 6, 1606.

RIGHT trustie and welbelouit Cousins and Counselloris, We greet 3ow well. The report of that broyle whiche did fall furth in THE TOUN OF PERTH, betuix THE ERLL OF GLENNCAIRNE and THE MAISTER OF WINTOUN, immediatlie befor the last sessioun of Parliament keipit thair, did offend ws muche; speciallie, in respect of 3e circumstances of 3e tyme and place, quhen as, (beside the greit hazard in bringing many of THE NOBILITIE then present in the toun, to haue enterit in blood with v3eris, and thairby to haue revied that new mortified monstres of DEIDLIE FEED,) it wes a reddie way to haue flayit the progres of 3at sessioun of Parliament, to 3e greit preiudice and hurt of 3e Estait, and to 3e hinderances of all our services thair. Qulhairvpoun, We ar moved the moir earnestlie to desire the knowlege of 3e beginning of 3e misdemeanour, and qulhairvpoun the famin proceidit, and whiche pairtie wes first author thairof. And thairfoir, have thocht meet, heirby, to will 3ow to tak particuler tryell befor 3ow of 3e first beginning of that truble, how the famin fell furth, and whiche of the tuo pairteis began the invasioun; and thairwith to try, whidder it wes vpoun a precogitat or foirtocht intentioun, or if 3e fame fell furthe be mere accident, or *chaud m3ele*, vnintendit be ony of the tuo pairteis against the v3er? And heirof, willing 3ow to certifie ws, particularlie, of the whole trenth of that matter, in all the circumstances of the famin, oure plesour is, that, in the mein tyme, specialle directioun be gevin be 3ow to OUR JUSTICE GENERALL, HEICHE CONSTABLE, or thair deputies, or to ony v3er Judges appointed by Commissioun to proceid criminallie in the tryall of that matter, to

¹ From *MS. Collection of State Papers*, by Sir Thomas Hamilton, afterwards Earl of Melrose and Haddington.

defert all dayis, and to suspend and continew all proceffes intendit befor thame be ony of these pairteis against vper, ay and quhill our forder plesour be signifeit vnto thame, efter We haue dewlie confiderit the tryall taikin be 3ow in that matter. And so We bid 3ow richt hairtlie fairwell. FROM our Manowr of GREINWICHE, pe 6 of August, 1606. [JAMES R.]

To our traftie and welbelouit coufins and counfellouris, THE ERLL OF DUMFERMLING, our Chancellour, and remanent Lordis and vperis of our COUNSALL OF ESTAIT, in oure kingdome of Scotland.

II. LETTER, *the Privy Council to the King, as to Deadly Feud between the Earls of Eglinton and Glencairn, and Lord Sempill, &c.*¹ Aug. 27, 1606.

MOST SACRED SOUERANE,

ACCORDING to 3our hienes directioun, signified vnto ws by 3our MA^{TIES} faithfull counsellour THE ERLL OF DUMBAR, we did call and conuene befor the Counfell the ERLIS EGLINTOUN and GLENCAIRNE, and THE LORD SEMPILL, with a nwmer of thair freindis, whome we knew to haue cheifest interes in the present FEED standing betuix thame, and efter that we had declairit vnto thame the greit paines and travellis whiche 3our sacred MAIESTIE took in 3our awin persone, for extinguifcheing of the name and memorie of DEIDLIE FEEDIS, what good succes had followed vpoun 3our MAIESTIES travellis, in fum of the greittest FEEDIS of this kingdome, and how that 3our MA^{TIE} had now recommendit vnto THE COUNSELL the removing this FEED, whiche hes bene of so long continuance, and be reffoun of pe minoritie of THE ERLL OF EGLINTOUN could not whill now tak effect, we bardinit thame with a Submissioun, conforme to the Act of Parliament. The ERLL OF GLENCAIRNE pretendit that thair wes a quarrell betuix him and EGLINTOUN, and that a Submissioun wes vnecessar; and, in end, he directlie refusit to submitt, becaus the Submissioun imported aganis him of the Slauchter of vmq^{le} THE ERLL OF EGLINTOUN, which he wald never tak vpoun him; bot offeris him redly to tak tryall of the lawis for that Slauchter; whiche tryall, in his pairt, aucht to preceid the Submissioun. We rememberit him of ane Submissioun subfcriyvit be himself in this sam matter, agreable, in evrie word, to that whiche wes now desirit when this matter wes last in handis afoir THE COUNSELL, in Februar 1604. Bot he, standing vpoun his innocencie of that Slauchter, refusit to submitt. EGLINTOUN maid no refusall, bot pretending some excuse vpoun the schortnes of the wairning, he only craved a continuatioun to be advifit with his freindis, becaus this wes the first tyme that ever he wes chairgit in this matter, for his MAIESTIE; and THE LORD SEMPILL verrie frelie, for 3our MA^{TIES} satisfacioun and obedience, without ony ceremonie, offerit to submitt. We have grauntit vnto EGLINTOUN, with his awin consent, the 20 day of November nixt, to be advyfit with his freindis, and to come prouydit in this matter. We have no assurance of THE ERLL OF GLENCAIRNES obedience, bot we hope that he will conforme himself to 3our MA^{TIES} plesour: And THE LORD SEMPILL will be obedient.

We had lykwayis in hand the proces of GLASGOW, whairin we haue fund verrie greit infolence and ryatt committit be MYNTO and a number of the commonis of the toun; and hes committit the personnes guiltie to waird within the burgh of Linlithgow, whill 3our MA^{TIES} plesour be knawin.

This is all we haue done at this meiting, wherof we haue thocht meet to mak 3our sacred MA^{TIE} acquainted; to the effect 3our hienes may give directioun thairin, as 3our MA^{TIE} fall think good; which we fall prosequute and follow out. And sua, praying God to blifs 3our sacred MAIESTIE with a long, happy, and prosperous reigne, We rest

3our Ma^{ties} maist humble and obedient subiectis and fervandis.²

LYNLITHGOW, 27 of August, 1606.

¹ From the same *MS. Coll.* as the preceding. *Hamilton*, in his transcript.

² The subscriptions have not been transcribed by *Sir Thomas*

No. II.

SOCIETIE AND COMPANIE OF THE BOYES.

LETTER *from the Privy Council to the Marquis of Huntly.*¹ Jan. 20, 1607.

EFTER our verry hairtty commendationis to 3our good lordschippis, We ar informed of a verry greit infoleneye begvn and lyk to grow to a greiter heicht within the boundis of 3our ll. office be JOHNE GORDOUN, *callit of Geyche*, FORBES of *Corfindae*, PATRIK M^CINNEIR, and sum vperis, quho, having affociat vnto thame feluis ane number of dobofchet and lawles lymmeris, calling thame feluis YE SOCIETIE AND COMPANY OF BOYES, thay haue most vnlauffullie and feditiousslie bund thame feluis in ane fellowschip, with aithis, vowis, and protestationis of mutuall defence and perfute; and pat euery one of pair quarrellis falbe comoun to all; and that the purpose and interpryse of ony one of thame falbe prosequuted, bakkit, and followed out, be the hale SOCIETIE, against all and quhatsumeur, without respect of persons. Lykas, thir same lymmaris keipis thame selfis togidder, committing oppin and avowed reiffis, heir-schippis, and vperis enormities, in all partis, quhair thay may be maisteris and commaunderis. QUHILK proud and detestable attempt, as it is odious to be hard of in a peceable estait, subiect to a PRINCE whome GOD hes airmitt with power and force able to suppress the same; so the same caryes with it no lyttill sclander and preiudice to your ll. honour and credit, that within 3our boundis, quhair 3our ll. may commaund, such ane handfull of lymmaris dar presume to attempt suche interpryses; and We ar certane pat the knowledge heirof being broght to HIS MA^{TIE}, will mak his hienes wonderfullie till admeir 3our ll. long patience and connivance, in not apprehending, punisheing, and suppressing of thir lymmaris; and quhat constructionis may be maid heirvpoune to HIS MA^{TIE} against 3our ll., we remitt to 3our ll. consideratioun. Alwayes,² we ar heirby to requieit and desire 3our ll. that, with all convenient speed, 3ow tak ordour for apprehending of the saidis persons, and some vperis THE CHYFTANES of that laules SOCIETIE, and put thame heir befor THE COUNSELL; and that 3our ll. prosequute *with fyre and sword* the hail rest of thair followaris, and never leue of pe perfute of thame whill they be apprehendit, pvnish, and altogidder suppress; as 3ow respect HIS MA^{TIES} seruice, the peace of pe cuntry, and 3our awin credite, honour, and reputatioun, and as 3our ll. wald eschew that hard censure and construction which HIS MA^{TIE} man³ mak of 3our behaviour, in this point. Sua we commit 3ow to God. FROM EDINBURGHE, pe 20 of Januar, 1607.

To our verry honourable good Lord, THE MARQUISE OF HUNTLY.⁴

No. III.

TRIAL OF THE MURES OF AUCHINDRANE.⁵

LETTER, *the Earl of Cassillis to the King.*⁶ Dec. 3, 1608.

MAIST SACRED SOUERANE,

IT may pleis 3our gracious MA^{TIE}, I hane taikin this bauldnes, vpon the farder tryall of the

¹ From *Haddington's MS. Coll.*

² Nevertheless; at all events.

³ Must.

⁴ A Letter from the

Privy Council, 9th Feb. 1608, directs him, by HIS MAJESTY'S command, between and Mar. 10 next, to prepare to depart out of the kingdom; and to give assurance for discharge of his offices, during his absence.

⁵ See this

Collection, III. 121, &c.

⁶ From *Dennyline MSS.* Adv. Library.

trechrous MURTHOURIS of my vncle THE LAIRD OF CULZEANE, and of the boy¹ quha careit the Lettir of his dyett, committet be THE LAIRD OF AUCHINDRAINE and his sonne; and now farder cleirit, be the greit paine and cayr of MY LORD CHANCELARE, quha hes broicht them to sik contrarietie in thair DEPOSITIONIS, that all indifferent men may be perswadit off thair guyltines of bayth thais Murthouris. Nochtwithstanding quhairof, thai still continew in aue denyall. I wald maift humelie befeik your MA^{TIE} that it micht be your MA^{TIES} gracious plefoure to graunt ane WARRAND to THE CHANCELLER and COUNSALL OF SCOTLAND to PUTT thame to YE BUITTIS,² quhairthrow thai may be broicht to þe mair evident Confessioun. So, maift hartlie vyffing your MA^{TIES} lang prosperitie and happinefs for euer, I remane,

Your MA. maift humbill seruant and subiect,

EDINBURGHE, the thrid of December, 1608.

CASSILLIS.

To THE KING his maift excellent MAIESTIE.

No. IV.

PAPERS IN FARTHER ILLUSTRATION OF THE TRIAL OF MR THOMAS ROSS.
(See Vol. III., p. 445.)

[THE circumstances attending the Case of MR THOMAS ROSS are so very remarkable in their nature, that it was deemed proper to institute a still more rigorous search after the grounds and Warrants upon which his almost unexampled Trial was founded. After having carefully examined the Acts of the Privy Council, and many other authentic sources, the Editor has the satisfaction of having at length discovered the identical copy of his Trial, which had been transmitted to Court, for the information of KING JAMES VI. Besides the proceedings which have already been printed, it contains a translation of the offensive THESIS and ANNEXA, which, as has already been seen, were ordered to be taken up by the public prosecutor, and upon no account to enter the Records. Annexed to it are the DEPOSITIONS of the unhappy man, which, in expectation of a free pardon, he voluntarily emitted before the Privy Council of Scotland. The original draught of the KING's Letter to the Secret Council, to bring him to Trial and execution; and, in compliance with the King's known wish, their cruel recommendation, that Ross should suffer an ignominious death, have also been obtained. These interesting documents were found in a Volume of *Sir James Balfour's* invaluable *MS. Collections*, in the Advocates' Library, which had accidentally been mislaid when the Editor conducted the former enquiry.

The reader has here the painful satisfaction of finding, that the conduct of KING JAMES and his COUNCILLORS was still more inexcusable than had at first been conjectured. It is now clearly proved, beyond the shadow of a doubt, that the PASQUILL, or THESIS in question, had not been *printed* or industriously *disseminated* by its unhappy author; but that it had merely been affixed on the door of the College,—that, *de facto*, no person had read it, excepting the Vice-Chancellor of Oxford, to whom it had been brought by a student,—that this student, instantly on the Thesis having been hung up, had only perused a few lines of the Paper, and brought it, without delay, to his superior,—and that, after the examination, confession, and imprisonment of ROSS, the Vice-Chancellor had transmitted the THESIS to Court, requesting instructions how the poor man should be disposed of.

¹ William Dalrymple.

² The torture of the boots. The younger Auchindrane was put to the torture, which he bore with remarkable fortitude.

That Ross was *insane*, as well as in the most abject poverty, there can now be no doubt. Altogether, indeed, his Case is one of the most pitiable on record.

It only remains to the Editor to state, that he is indebted to GEORGE SMYTHE, Esquire, Advocate, for the following authentic information, regarding THE FAMILY OF ROSS of Craigie, at and shortly previous to the period of Mr Thomas Ross's execution, Sep. 10, 1618. Such additional notices and evidence as have fallen under the Editor's observation are inserted in the foot-notes, along with the verifications of Mr Smythe's memoranda.

‘ I. JOHN ROSS OF CRAIGIE appears to have been the father of (1.) *John Ross* of Craigie. (2.) *James Ross of Creytoun*, who acquired certain lands at the East end of Forgundenny from Walter Oliphant of Newton, in Feb. 1539.¹ He married *Marjory Stewart*; by whom he left a daughter, *Janet*,² who married Patrick Lyndfay of Dowhill.³ (3.) *Thomas Ross of Maitlands*, who was killed at the battle of Pinkie.⁴ *Grissell Duncanson*, his relict, afterwards married Alexander Crichton of Forgound.⁵ His son, *James*, was killed in an affray with the Oliphants, Nov. 12, 1571.⁶

‘ II. JOHN ROSS OF CRAIGIE was infest in the Lands of Hilton Malar, Sep. 17, 1539.⁷ He was served Tutor-at-law to *Janet Ross*, his niece, Mar. 17, 1543.⁸ He is mentioned by KNOX, in his History of the Reformation,⁹ along with “the pensionars of the Prelates, Oliver Sinclair, and utheris, who were faithful to them in all things,” and informed them of all proceedings at Court. He married *Isobel Liddell*,¹⁰ who had previously borne a number of children to Patrick Hepburn, Bishop of Moray, so notorious for his gallantries. He was killed at Pinkie, and left four sons and three daughters.¹¹ (1.) *Thomas*. (2.) *John*. (3.) *James*, who had a Charter of the Lands of Pitheveles to him and *Catharine Mcgie*, relict of umq^le Alexander Menzies of that Ilk, his spous, Apr. 7, 1566.¹² He afterwards married *Janet Robertson*, relict of umq^le Thomas Fowlis, burges of Perth.¹³ He left no issue; for his brother, *John*, was served heir to him, Nov. 3, 1582.¹⁴ (4.) *William*. (5.) *Barbara*. (6.) *Alison*. (7.) *Grissell*.

‘ III. THOMAS ROSS of Craigie married *Jean Hepburn*; by whom he had one daughter, *Margaret*,¹⁵ who married John Seytoun, apparent of Lathrisk. Jean Hepburn was infest in the lands of Hilton Malar, in liferent. After the death of Thomas Ross, she married Peter Oliphant of Turings.¹⁶

‘ IV. JOHN ROSS of Craigie succeeded, as heir of entail, to the lands of Craigie, upon the death of Thomas. He married *Agnes Hepburn*; and had by her, (1.) *Patrick*, who married *Beatrix Charterhouse* (*Charteris*.) She was infest in the lands of Hilton Malar, in liferent, Apr. 9, 1575.¹⁷ After his death, which took place before that of his father, his relict married Robert Leckie, apparent of Kypdarroch.¹⁸ (2.) *Mr Robert Ross*,¹⁹ who was infest in the estate of Craigie, and was designed “fiar of Craigie” before his father's death, which took place about 1601.²⁰ He married *Margaret Eviot*. He seems to have sold the lands of Craigie to Mr David Moncreif, son of William Moncreif of that Ilk, before 1620. (3.) *Mr Thomas Ross*, the unfortunate subject of the preceding Trial. (4.) *Andrew*.²¹

¹ *Sheriff Records of Perthshire*, Jan. 12, 1573.

² May 20, 1588, James Lindsay, apparent of Dowhill, was

served heir to *Jonet Ros*, his mother, in a piece of land and orchard in the barony of Forgundennie; and fishing in the Water of Earn.—*Inquisit. Return*. Perth, (1055.)

³ *Sh. Rec.*, Jan. 12, 1573.

⁴ *Ibid.* Apr. 22,

1573.

⁵ *Ibid.* Jan. 12, 1573.

⁶ See this Collection, I. 25.

⁷ *Sh. Rec.*, Nov. 3, 1591.

⁸ *Ibid.*

⁹ Knox's Hist. of Ref., p. 28.

¹⁰ *Sh. Rec.*, Mar. 14, 1550.

¹¹ *Ibid.* Jan. 5, 1549.

¹² *Ibid.* Apr.

28, 1573.

¹³ *Ibid.* Jun. 12, 1577.

¹⁴ *Ibid.*

¹⁵ She was returned heir to her father, in

the lands of Mayler, lying within the barony of Craigy, Feb. 19, 1574.—*Inquis. Return*. Perth, (36.)

¹⁶ *Sh.*

Rec., Jan. 15, 1574, and Apr. 20, 1575. ‘ Apr. 16, 1600, *Peter Oliphant of Twings*, having acquired an annual-rent of 150 merks out of the Maynis of Malar, Barclay's-hauch, &c., in the barony of Craigy, from *John Ros of Cragy*, and *Agnes Hepburn*, his spouse, under reversion of 1400 merks, with their joint consent, sells his right to Mr John Moncreiff of Easter Moncreiff, and Jane Spens, his spouse. This was confirmed by Charter under the Great Seal, Jun. 28, 1602.—*R. g. Mag. Sig.*, XLIII., 262.

¹⁷ *Sh. Rec.*, Jun. 9, 1596.

¹⁸ *Ibid. cod. loco.*

¹⁹ It appears, by the Great Seal Register, that, on May 21, 1602, *Robert Ross of Cragy*, in consideration of the price of 4150 merks, sold to Christian Moncreiff, eldest daughter of William Moncreiff of that Ilk, the Mill of Craigy, with the Mill-lands, and three quarters of the town of Craigy, lying in the Barony of Craigy and Sheriffdom of Perth. This Charter of Sale was confirmed by King James VI, Jun. 28, 1602.—*Reg. Mag. Sig.*, XLIII., 261.

²⁰ *Sh.*

Rec., Oct. 13, 1598, and Jan 13, 1601.

²¹ *Ibid.*, Oct. 9, 1591.

To these notices, the following additional information may be annexed.

V. MR ROBERT ROSS of Craigie, above mentioned, seems, from entries in the Kirk Session Records of Perth, to have been reduced to a state of the utmost poverty and destitution. Mr James Scott, in his Extracts from these Records, has the following melancholy entry:—‘ On the 21st of November, 1620, *Andrew Ross*, in name of *Mr Robert Ross*, sometime of *Craigie*, his brother, produced before the Session the said *Mr Robert's* Supplication, showing his present misery, and divers diseases wherewith he is vexed, craving support. Three pounds were taken out of the Thesaurie and delivered to the said *Andrew*, to give this brother.’¹

The Editor has not been fortunate enough to obtain any material information regarding the personal history of *Mr Thomas Ross*. From his own DEPOSITIONS,² however, it is abundantly clear, that he must have endured great privations while in England. In that document he actually asserts, in the most solemn manner, that he was driven, by his desperate circumstances, to adopt the unhappy step which ultimately proved the cause of his destruction, in the vain hope, that the wit and talent he had thus exhibited in so bad a cause, would not only plead his apology with the King and Court, but become the means of his future advancement. *Mr Scott* merely remarks, as in reference to this matter, that ‘ it appears, from a Supplication to the [Kirk] Session, a considerable time before, that *Mr Thomas Ross* had been a long time in the Prison of Edinburgh.’

In conclusion of the disagreeable subject, it is only necessary to add one other entry, from the Kirk Session Records of Perth. It is pleasant to remark, that that charitable body had all along acted in the kindest manner towards this truly unfortunate family; and farther, that they appear to have been actuated by the same pious feelings, in numerous other cases of a similarly distressing description.—‘ Jan. 9, 1621. Mr John Guthrie, Minister, reported, that he had given *thirty shillings*, which he had received from the Thesaurie, to *Andrew Ross*, to bear his expenses, when he passed to the visitation of [*his brother*] unquhil *Mr Thomas Ross*, before his execution.’³

The Editor has failed in tracing the period when Ross was admitted a Master of Arts, and at what University, although he was politely assisted in his enquiries by the REVEREND DR LEE, who gave him access to the Rolls of the Universities of St Andrews and Glasgow. He fears he has already encroached too much on the limits of this work, and now leaves the reader to draw his conclusions as to the usage and cruel fate of the unfortunate Mr Thomas Ross.]

I. LETTER, *the King to the Privy Council of Scotland, with instructions as to Mr Thomas Ross.*⁴ [*Sine data.*]

RIGHTIE trustie and rightie welbeloued cofen and counfellour, and trustie and welbeloued counfellour, WEE greete yow well. WEE fende yow here encloued, a LIBELLE, (written by a villanous caytiffe, or rather monster, of our owne contrie,) whiche, in time of Disputations at OXFORDE, was affixed vpon a gate of one of the Colleges, as THESESE to haue bene disputed: And a feholler, hauing taken doune and red the first six lines, (not daring to be conscious to him selfe of reading furdur of such purpos,) presentlie caried to the VICE CHANCELLOUR; who, suspecting who mighte be the penner, fente for him; and hauing gotten his CONFESSION, that not onlie he was the author, but likewise, that he wolde maintayne all to be trew which he had fette doune therein, the Vice Chancellour discretelie and dewtifullie committed him cloffe prifoner to the Castle of Oxforde, and fente the Libelle to vs, that WEE mighte declare oure pleasour, bothe concerning it and the author. Whiche, his discrete cariage, hath, in our iugement, deferued to be, by a Letter of thankes frome our wholle COUNSELLE,

¹ *Mr James Scott*, Minister at Perth's Extracts from the *Kirk Session Records of Perth*, II., 8, &c. See this Appendix, p. 588, &c.

² *Scott's* Extracts from *Kirk Session Records of Perth*, II., 8.

⁴ From the Original draught, preserved amongst the *Denmylne Papers*, Adv. Library. It is carefully corrected, and interlined in many places.

there acknowledged. WEE likewise fende yow the perfon of the man, to be cenfured by yow, willing yow firfte to examine him, and thereafter aduefe of the forme of punifhment whiche yee fall thinke fitte to be inflicted vpon him. For, although by the Lawes of this our kingdome, it be not permitted for to vfe extraordinarie punifhmentes, yat hath it euer bene lawfull for the KINGES there, to denefe and inflicte punifhmentes, according to the qualitie and nature of the offence, which in this particulare can be no leffe then Treafon [!] For if no man make queftion but that the writing of an inuectiue¹ againfte THE KING and his progenie is Treafon, in the higheft degree, and in our opinion it is a grevous faulte, (and WEE could more eafilie forgiue the writeing againfte our felfe,) then² againfte the wholle Nation frome whence WEE ar fprunge. And if it wer a mater capitall in Germanie for STARCOIUS³ (being a German, a mere ftranger to Scotland, and one who, perchance, had bene hardlie vfed by fome particulare perfon there) to haue written againft that wholle Kingdome, how much more muft it be capitall to this fellow, who, being Scottes borne, hath fo villanoullie, filthilie, yea, and falllie, defamed his owne contrie, by writing in fuch forte againfte his contriemen, the fpecialler of our feruantes, [and perfuaded a courfe to be taken againft them, which poffiblie could not be performed, without manifft danger and manifft violence againft our felfe,⁴] and fo much the more is his offence greenous, as that, by the fpace of two monethes before, he continuallie vaunted that he wolde do fuch a feate. It is therefor our pleafour, that yee aduife vpon his punifhment, and hauing refolued, that yee aduertife vs with all expedition. So fare yee well.

II. LETTER, *the Privy Council of Scotland to the King.* Jul. 30, 1616.

MOST SACRED SOUERANE,

WE refiaued youre MAIESTEIS Letter, with the infamous LIBELL writtin be that wretched and vnhappy fellow ROSSE, and we imparted the fame to youre MAIESTEIS COUNSELL; who, with all dew reuerence and moft humble thankis, doe acknowledge youre MAIESTEIS fingulair cair and prudent directioun, alfweill in this, as in all otheris thingis importing the credite and reputatioun of this youre MAIESTEIS Kingdome; and thay haif writtin thair awne thankis to *The Vice Chancellaire of Oxfoorde*, for his wyfe and kynd refolutioun and proceedingis, in that mater.

We haif aduifed with THE LIBELL, and with the Lawis and Constitutionis of this Kingdome, maid agains the writtaris and fettaris oute of fuche infamous Libellis; and we find the fame to be capitall, and pvnifhable in the heigheft degree. This fellow is not as yitt come heir; and becaus of the approtecheing vacauce,⁵ and diffolueing of THE COUNSELL, we haif gevin directioun to THE MAGISTRATIS OF EDINBURGH, howfoone he fall aryve, to committ him cloife prifounair in thair *Irne-Houfe*,⁶ and to lay him in irnis; and vpoun thair aduertifment, we fall conueene and examine him; and accordinglie, we fall gif directioun for his tryall and convictioun, and fall fuperceid the pronouncing of Doome, till we vnderftand youre MAIESTEIS forder pleafour, anent the forme of his pvnifhment. Oure opinioun is that he falbe HANGED at *the Mercatt-Croce of Edinburghe*, and his heade affixt on one of *the Portis*. But in this we fubmitt oure felfis to your MAIESTEIS directioun; qulhairunto we fall conforme our felfis. And fo, praying God to bliffe your MAIESTIE with a lang and happy reignne, we reft

Your Maieftis moft humble and obedyent fubiectis and feruitouris,

AL. CANCELL^r. BINNING. S. W. OLIPHANT.

HALYRUDHOUS, penult July, 1616.

TO THE KING his moft facred and excellent MAIESTIE, &c.

¹ The original words had been 'such an execrable inuectiue.' ² On the margin, 'that one should write against his own countrie.' ³ See the Introduction to *Ross's Triad*, III., p. 445, &c. ⁴ The words within brackets are added on the margin. ⁵ 'Vacauce;' vacation. ⁶ Their strong iron room, or 'cage,' as it was afterwards called, in which desperate criminals were confined previous to their execution.

III. *Followis* THE THESE, *with* THE APPENDICES *adionet thairto, translated.*¹

THAT all SCOTTISMEN aucht to be throwin furthe and expellit out of THE COURT OF ENGLAND, (excepting his gracios MA^{TIE}, his sone, and few vtheris,) and that þe ENGLISCHMEN ar nichtieie blindit, deceavit, and fyllet, albeit thay be vtherwayis ane Natioun full of eyis, and quick-sichtit, that sufferis fo vnproffittable and pernicious a multitude and pudle of raskallis to rage and bear dominion within thair entrallis and bowellis. Off quhilkis blasphemis (5e haif writtin) that 5e wald rander and follow out the maist iust reafones, by Godis grace, at ane vther occasioun, moir lairglie and accuratlie, bothe by profe and verfe. Bot now 5ow put furth 5our finger to schaw only the fontanes, and theafe in few number, be reffone 5e inlaikit lafer² and helpis to performe the samyn.

I. SANCT JEROME, AUGUSTIN, and STRABO wryttis, that SCOTTISMEN of auld war men-eitteris, or eatteris of menis flefche; and trewlie, (as 5e beleve,) for as 5it the flefche whilk the ancient Scottis fswallowed stikis in the jawis and teith of the Courtiours, quhairby thay ar provoikit to fuche ane infatiable avarice and intollerable pryde.

II. JOSEPHUS wryttis, in his booke against Appion, that, in the tyme of Amenophis, King of Ægypt, thair raget and rauaget vp and doun tua hundreth thowseand lipperis in Ægypt, quha, by vnlauchfull meanis, and by mervellous craftines and subillitie, emptied and pilleid³ all þe substance and riches of Ægypt; whilk wald haif bene haillie vndone, gif this vnhallowit menzie⁴ had nocht, by the wisdome of the King and Nobillis, bene cassin out and expellit: Sua, peace and peace,⁵ THE KING and COUNSALL OF ENGLAND fall be vndone, and go doun, iff this companie or baud that robbis Kingdomes and landis be nocht fent bak to thair wouted feattis and flallis.

III. THE seaven leane ky⁶ of Pharao confwmet and d'stroyit the fevin fatt and weil fed ky, and 5it war nocht fatiseit; and the fevin deaff and toome⁷ earis of corne, blasted with the East wind, fswallowed vp the fevin big and fatt eares, and war nocht filled: Swa, these Courtiours, by thair begynning, and offspring, and first estait, being most miserable, thay distroy, overturnes, and consumes INGLAND, ane maist plentiefull cuntrie; and ar nocht 5it filled with fo grit and evill conqueiffit⁸ ritches, acqyret by the sehupwrak of þe haill Kingdome of England.

IV. THAY quha, in pair 5outh-heid,⁹ war trvbillit with famine and hunger, can nocht, quhan thay ar cum to thair full growne aige, by no plentie, be fatiat:¹⁰ Sua, it befallis vnto these, quha of maist sklender begynning, by mad mirriement and sport of Fortoun, ar cayreid vp to the heichest top: Zea, gif pair war gevin vnto his maist bountiefull and liberall MAESTIE ane thowseand philosophik stones, quhairby the haill Oceanus nicht be convertit in gold: 5itt, these wald nocht be filled, gif the Cantabrik or Bilkay Sea of Spayne, war gevin vnto thame to drink; thay wald nocht suffer ane thriftie bird to drink ane dropie thairof.

V. THAY spend more in pair gairtanis, and ribbens¹¹ in the latchettis of thair schooes, than pair fateris bestowis in þe intertenement of pair haill famelie. O quhat tymes ar these! O quhat maneris be these! O the infamy of the world and reproche of the earthe! Now pair is mony Smerde Magiens, but thay vaunt thame selfis fa to be.

VI. THESE Scottis Courtiours (verrie few exceptit) haif the disloyaltie or vnfaithfulnes of the Carthaginians; the menfwrone aithes of the Phrygianis or Trojanis; the luxurie of the Perfians; the avarice of Mydas, King of Phygia; the crewaltie of the Effedonis, ane people of Sythia; (quhilk people fugis at pair parentis funerallis, and drinkis in 5air skullis, and eattis pair flefche mingled with vther beiftis;) the prophanitie of Epicurus; the deceat of Synon; mair wyld than a carian, a bettill, or elok vnder the wingis of ane Eagle; thay vse the spuilzeis¹² of Spartacus, (this Spartacus was a Thra-

¹ From the identical copy of the Dittay, which had been transmitted for THE KING'S inspection, preserved among Sir James Balfour's MS. Collections, Adv. Library, Edinburgh. ² Wanted leisure. ³ Pillaged; plundered.

⁴ Train; company; gang. ⁵ So, or in like maner, piece-meal. ⁶ Seven leau kine. ⁷ Empty. ⁸ Ill-gotten, or acquired. ⁹ Youth; minority; less-age. ¹⁰ Satiated. ¹¹ Garters and ribands. ¹² Spoils.

cian fenfer¹ quha with Chyfus and Oenomaus brak out of the Fence-Scole of Lentulus, and drestit ane army of fervandis, and overcame Clodius Glaber his army, and spuilzeit all Campania, and overthrew Lentulus army and Cassius troupes, bot was defeat by Craffus,) and the fearcenes of Virratus (the Portugall Lusitanus, quha frome pastor become ane hunter, and paireftir the chiftane of ane army, trablet the Romaynes, and defeat thame in Spayne, and at lenth was slayne be treaffone, procureit be Cæpio), and the leafings of the Candians or Cretes.

VII. VNTO his schyneing and royall MATIE, be vnturbed health and increse of glorie ! Bot God, frome the heavnes, perfew these Courtiours with blak fyre and brimstone ! I shall, so long as I leave, for thair distructionn, sehaw my self Coriolanus, and nocht Themistocles ; that is to say, ane oppin ennymie, and nocht ane secreit freind.

VIII. O INGLISCHE ! Inglische ! The most expert and wyfest Natioun in weir,² the terrour of the Spanzaird, triumpharis over France and Guyene by so long a tyme, in quhat benumbnes or droufines ar ze fallin ? Ze, quha in weir and battell ar intometable,³ now ze fall go doune quikiie by distait, at vayne appeirances of imaginarie matteris, and by the toyis of fals acufaris and delatouris, in quhome thair is nocht so muche fauorines or witt as in the quhyte of ane egge ! Sitt all the wealth and commodities of your most flurischeing kingdome, is cayreit away in boittis and crearis,⁴ thiftionflie, to Scotland ; and incontinent, being helpit with your awin commoditeis, thay will vtterlie trampill vnder fute your Natioun and countrie, and will cut your throttis with your awin fuorde, befoir ze be awar ! Quhat a patient Socrates will indure thease iniureis ! Quha may nocht snuff or smell gritter sehortlie to follow ?

IX. ZE haue gottin out of Scotland ane most worthie PRINCE ; nocht ane thowfeand Kingis, counterfute Stage-playeris, quhytted tombes !⁵ Thair is hingand aboue your heidis, or lying vpon your schoulderis, ane moir hard servitude and shearp par captivitie than over Naciones quhilkis ar subdewid and overcum by weir ! For, eftir the Romanes had overthrawn, in weir, the Syrianis and the Ægyptianes, thay gave thame to be governet be thair awin cuntriemen ! Thay exactit only tribute dew frome the vanquished ! Sall, thairfoir, those barbarous people possess and injoy the first places, in Courte, in Counsaie, in Kirk, in Nobilitie, in Landis, offices, functiones, and giftis of Ingland ? Thair furlie, the libertie and glorie of Ingland is evanished ! Now, Ingland is hailyly⁶ delyuerit over in the handis of Scottis Courtiouris, and the Judges haif enterit pair nekis vnder the zoike of theiffis ! O, the Warld is turned vp fyde doun ! We ar now overturned vnto the auld mafs and chaos of confusoun ! Lett sum revengde spring out of my bones, that may chestize with fyre and fuord the Scottis Court and her possessoures. Geve thankis, ze Scottis Courtiours, vnto my povertie, and nocht vnto the barrannes and penurie of my ingyne, gif I airmé nocht all Ingland to cut your throttis. Bot the Lord preserve ever more his awin annoynted, both weilbelouit and electit !

X. REMOVE this stinking pompe, pudle, and trifles of the Scottis Court, and pride of this hautie, fekles,⁷ and impotent commontie. Thane, fall thair be few in your boundis that fall be beggeris, nidie,⁸ ragget—than, the treyis, gibbettis, and gallouffis of all the cuntrie fall nocht be laiden with the wecht of the hangit vp carcades !⁹ The Scottisfmen, as loch-leitches, and wormes in coirnes, drinkis out the sap of your cuntrie, and soukis out your merche,¹⁰ by inlaik quhair of so many ar led and drawin to thift and robbie ! Those Courtiours draw out gritter welthe furth of your howellis, by your knowlege,¹¹ than France, Germany, and Spayne, is able to affoord ; quhilkis guidis, whan thay ar thus pullet¹² away, quhat fall þe maisterfull and niedie cowmontie¹³ of Ingland do or vudertak, bot to east thame

¹ Fencer ; gladiator. ² War ; the art military. ³ Indomitable. ⁴ Boats and *cr. ars*. Crears were a sort of vessel much in use in the Western Islands, to which they appear to have been peculiar. ⁵ Whited sepulchres. ⁶ Wholly ; entirely. ⁷ Weakly ; feeble, &c. ⁸ Needy. ⁹ Carences. ¹⁰ Sucks out your marrow. ¹¹ Without your knowledge ; secretly ; by stealth. ¹² Perhaps, for ' *pilleit* ;' pillaged ; plundered. ¹³ Destitute and needy ' commonalty,' or common people.

felfis heidlong in ane golff,¹ quhilk mycht leave² fufficientlie, without manis hearme, gif thofe howlattis and ftymeis³ war fehote⁴ away.

O, worthieft Inglicfhunen ! Wey the force and reafones of this my Counfall, quhair of I haif fkairce recited the tent pairt ; and 3e fall perfare that I am come to 3our cuntrey as ane helthfull ftarr, quhilk thir Courtiours haif drowned with the fea wallis, as the Lycaonian Starr, or Vrfa Maior, to quhome it war ane villanie to have fo drowned fuche ane ftarr.

Bot we fall nocht all die to day vnrevendget !

IV. *Followis the tennour of THE DEPOSITIONES of Mr Thomas Roifs.*

AT EDINBURGH, the ellevint day of Auguft, 1618. In prefens of Sir Williame Oliphant of Newtoun, his Maiefteis Aduocat.

MR THOMAS ROISS, humblet on his kneis, and deiplic fuorne vpone his folempne oathe, fays, that he will declair the treuthe in all and everie thing that fall be demandit of him. Demandit, yf THE THESIS, and APPENDICES pair of, producet and fehawin vnto him, and writtin on thre fydis of paper, be his awin hand-writt ? Depones and grantis, that thay ar his awin hand-writt—and that na vther perfone wrait ane word or Lettir pair of.

Demandit, quhat moved him to wryte them ? Depones, that he, being ane gentilman borne, depryved of all benifeit that he nicht expect of his fatheris eftait, and being reducet to the extreme point of miferie and povertie, and haveing reflauct mony infupportable iniureis of his cuntrie men, at Courte ; he, being efchamed to beg, and difdaneing to steill, and haveing no meanis quhairby to intertene⁵ him felf, ffinding no comfote nor releif of his contriemen at Courte, he pairfoir, being in difpair and mad, out of his diftemperat humour and frenyfie, and fair aganis his heart, without ony fetled refolutionn, and without ony purpois to do evill, bot to fehaw the greif of his heart, and to move pitie and compaffioun towardis him, wrait thir THESES ; thinking, that the wryting pair of, in this his mad humour and difpofitioun, wald raper procure pitie nor⁶ wraithe, at HIS MA^{TIES} handis ; and that God, peradventure, wald moue HIS MA^{TIES} heart, who is a prudent and wyfe Prince, to think that the deponer was drevin, vpone plane miferie and neceffitie, to wryte thame ; and pat pairfoir HIS MA^{TIE} wald pitie his diftres and miferie, and help him : And he apprehendit that fome weill-myndit Courtiours wald interceid for him, and fehew HIS MA^{TIE} that he quho had done fo weill vpone a evill fubieect, wald do far better vpone a goode fubieect, gif he war employed ; bot, yf it fould pleis God to move HIS MA^{TIE} to think vtherwayis of this matter, and to tak it in evill pairt, it behooved the deponer to abyde Godis will and the KINGIS MA^{TIES}.

Demandit, quhat he did with thir THESES, eftir the wryting thair of ? Deponis, that he affixt thame on a dur of the Kirk, callit ST MARIES KIRK, at OXFURDE, vpone Twifday, being a preiching day, in the moneth of July laft, immediatlie as the people war diffolueing frome the Sermone, and as DOCTOR GODWENE, VICE-CHANCELOUR of the VNIUERSITIE of OXFURD, was cuming out of the Kirk. And depones, that immediatlie eftir pai war affixt, ane man, quhome the deponer knowis nocht, tooke thame down, and cayreid thame to pe Vice-Chancellor. And grantis, that THE THESES now producet and fehowne vnto him ar pe fame verrie Thefes, and that fame Paper quhilk he wrait and affixt, as faid is.

Demandit, yf at ony tyme afoir pe wryting of THE THESES he was in conference with ony perfones pairanent ? Depones, that ane moneth afoir the affixeing of THE THESES, he was in conference with pe Vice-Chancellor ; and regrated vnto him his hard eftait and conditioun, and the vnthankfulnes of his cuntrie men, the Courtiours, quho wer his gritt vnfreindis.⁷ And he fehew the Vice-Chancellor that he had a purpois to go to France, and intreited him that he mycht haif a *viaticum*⁸ to transf-

¹ Gulf.

² Who might live, &c.

³ Owls and bats.

⁴ Thrust ; driven.

⁵ Support ; maintain.

⁶ Than.

⁷ Enemies.

⁸ In this fenfe, *viaticum* feems to have been a term employed to denote a charitable contribution raifed by authority, within the Universities, for enabling poor ftudents to undertake journeys to foreign parts, &c.

point him. Quhairvnto the Vice-Chancellor 5eildit. Bot the deponer being efchamed to go through the Colledges to collect the fame, he reffaut only foure or fyve pund Sterling, and fendit it as he gat it; quhairas, gif he had reffaut all that wald haif bene gevin, in caice he had tane panes to go throuche the Colledges to haif collectit it; or yf he had gottin ony *viaticum* frome HIS MA^{TIE}, he wald nocht haif writtin thir THESES, bot wold haif gone to France.

Grantis also, that he regraited the vnkynd deilling of the Scottis Courtiouris towardis him, to Sir Harie Schaveill, Principall of Eittin Colledge, befyde Wyndfoir; bot denyis, vpon his gritt aithe, that he impaired his purpois to wryte THE THESES, outh^r to the Vice-Chancellor or to him.

Demandit, be whosé advyse he wrait thir THESES? Or, yf he had conference with ony perfone thairanent? Depones, vpon his grit oathe, that he had no advyse, counfall, nor informatioun gevin to him in that matter; bot being at Greenwich, a littill eftir he went to Oxurde, he adrest him selff to one of THE KINGIS Chaipaines, quho is a heiche² tall man, and was walking in Grenewitche Hall for þe tyme. His name he knowis nocht. And he intreated the Chaipaine to tell THE KINGIS MA^{TIE}, that he was borne away; and that he had long waited on, without ony help or suppoirt; and that he was now drevin to grit povertie; and that he wald pray God for the weifair of HIS MA^{TIE} and his childrene—bot, for his cuntriemen, the Courtiouris, quha had bene so vnthankful vnto him, he fould rather be lyk Martius Coriolanus vnto tham, nor³ Themistocles.

Grantis also, that afoir his passing to Oxurde, he forgaderit with on Johnne Line, Scottifman, a taillour, duelland in Titler streit; and that he tauld him, that wer not for þe respect and reuerance that he cayreid to HIS MA^{TIE}, he was halflingis myndit (yf he gat nocht some suppoirt to carye him to France) to fett vp some THESES, aither in Oxurde or in France, against the Scottis Courtiours, and that it was goode for THE KING to fend some of thame away. And the deponer desyret Johnne Line to acquet THE KINGIS MA^{TIE} heirwith, be Petitioun; and he craved Johnne Lynes advyce, how he might efchew the wryting of these THESES; bot Johnne Lyn had no advyce in the matter. And sayis, vpon his grit oathe, that he nevir reveillit forder of this matter to ony perfone, bot so far as he hes confest, concerning the Chaipaine and Johnne Lyn. And denyis, vpon his oathe, that evir he gave out or disperfit ony coppeis of thir THESES.

Demandit, yf at ony tyme eftir he had meditat vpon the wryting of THE THESES, and afoir his affixing of the same, he communicat the matter to ony perfones, or schew þe THESES vnto thame? Depones, that he only reveillit the matter to his oift⁴ in Oxurde, callit Johnne Ewing, taillour, and to his wyffe, in this maner, to wit, that he was going to wryte something quhairof the haill scollaris of Oxurde wald schortlie get knowlege, and wald heir of it; thairfoir, let me be quyet a quhyle, and lett no man truble me. And this was xxiiij houres afoir þe affixing of the THESES.

Demandit, how it was knowne that he had writtin and affixt the THESES? Depones, that the Vice-Chancellor knew his hand-writt, and fend for the deponer within a quarter of ane hour eftir the affixing of the same, and askit of the deponer, 'Gif he had writtin thame?' Quhilk the deponer grantit. Quhairvpon the Vice-Chancellor fend him prifoner to the Castell of Oxurde; quhair he was straitlie keipit ten dayis; till thre Scottifmenne of the Gaird war fend to bringe him to Courte. Denyis that, during his abode in Oxurde Castell, he had speiche with ony perfones anent this matter, bot⁵ with his keipparis and vtheris prifoneris; quho askit of him, the cause quhairfoir he was wairdit? To quhome he anfuerit, becaus he had writtin some littill thing aganis his cuntrie-men, the Courtiours, advyfeing THE KING to fend some of thame hame.

Depones, that quhen he come to Courte, he was putt in a Inne, befyde Charing Croce, quhair he stayed thre nychtis and two dayis; and that he was examinat be the Duke of Lennox,⁶ the Marqueis

¹ Either. ² High. ³ Than. ⁴ Host; landlord. ⁵ Unless; except. ⁶ Ludovick, second Duke of Lennox, who had held some of the highest honours in Scotland. He was Great Chamberlain, Lord High Admiral, and Lord High Commissioner to the Parliament of Scotland, 1607. The Duke of Lennox was successively created Earl of Richmond, (Oct. 6, 1613,) Earl of Newcastle and Duke of Richmond, (May 17, 1623,) Master of the Household, first Gentleman of the King's Bedchamber, and one of the Knights Companions of the Order of the Garter. He died Feb. 16, 1624, *at* 50, without being survived by any of the issue of either of his three marriages.

of Hammiltoun,¹ the Vicount Fentoun,² the Lord Hay,³ and Sir Williame Alexander.⁴ And pat pair-
 efter he was convoyed to (a) schip of Prestoun, lyand at Southwark, be Mr Johnne Broun and Patrik
 Logane, Scottifmenne, and be ane Inglishchman of the Gaird.

M. T. Ros,⁵ with my hand.

T. W. OLIPHANT.

No. V.

DOCUMENTS RELATIVE TO THE 'EGYPTIANIS,' OR GIPSIES.

[IN many parts of the preceding Volumes, TRIALS have been inserted, from time to time, regarding the remarkable Asiatic people, commonly known in early times, in Scotland, by the name of EGYPTIANS. It seemed to the Editor to be desirable to afford to the enquiring reader some traces of their wanderings in Scotland, during the fifteenth and sixteenth centuries; and for that purpose, he has examined as many of the earlier Records as his opportunities have, at present, permitted.

It is sufficient, for the purposes of this Collection, to remind the reader, that, from whatever country that singular race took their origin, (which, though there be much room for difference of opinion on the general question, was assuredly Oriental,) and whatever the causes may have been which prompted their emigration, or occasioned their expulsion, from their native soil, this wandering people first made their appearance in Europe early in the fifteenth century. They succeeded, in spite of numerous decrees of expulsion and persecution, in making good their settlement in various kingdoms, and especially in the countries of Poland, Germany, Hungary, France, Spain, Italy, England, and Scotland. It is very remarkable, that, although they have now been resident in Christendom for nearly *four hundred years*, they have preserved themselves as a separate and peculiar race, in *all* the countries where they have sojourned; and have all along been characterised by their distinctive manners, customs, language, and superstitions, which have been kept almost pure and unimpaired, from the date of their first emigration. Indeed, few instances have occurred, in any country, where any considerable portion of them have steadily settled in towns, or followed any

¹ James, *second* Marquis of Hamilton, a great favourite of King James VI. He was created an English Peer, by the titles of Baron of Emmerdale, in Cumberland, and Earl of Cambridge, June 16, 1619; was a Gentleman of the Bedchamber, Steward of the Household, and Lord High Commissioner to the Scottish Parliament, 1621; and Knight of the Garter, Jul. 7, 1623. Died Mar. 2, 1624-5, *ætat* 36.

² Alexander, Viscount of Fentoun, eldest son of Sir Thomas Erskine of Gogar, created Earl of Kellie, Mar. 12, 1619; and father of Thomas, *second* Earl of Kellie. Obit, Feb. 1633.

³ John, *eighth* Lord Hay of Yester, created *first* Earl of Tweeddale, Dec. 1, 1646. ⁴ Of Menstrie, the celebrated Peet, who obtained a Grant of Nova Scotia, in America, by Charter, Sep. 10, 1620. He was created Viscount of Stirling, &c., Sep. 4, 1630; and Earl of Stirling, Viscount of Canada, and Lord Alexander of Tullibody, June 14, 1623: and died at London, Feb. 1640, but was buried at Stirling, Apr. 12, 1641.

⁵ MR THOMAS ROSS, present Minister at *Cargill*, obtained a GIFT, under the Privy Seal, of THE VICARAGE OF CARGILL, with the fruits, rents, teinds, &c., and 'with the Manse and gleib thairof,' lying within the diocese of Dunkeld, and sheriffdom of Perth; 'during all the dayis of his lyftyme.'—*Register of Presentations to Benefices*, Vol. III, Jul. 26, 1606.

sedentary or useful handicraft. On the contrary, they have literally wandered from place to place, seldom remaining above a few days in one spot, "living in tents," and subsisting by plunder or knavery.

In those kingdoms, where they have effected a steady footing, they have all along been distinguished by the name of BOHEMIANS, GITANOS, ZINGARI or CINGARI, ZIGEUNERS, TZINGANYS, GIPSIES, and EGYPTIANS.

As so much has been written regarding the origin and history of the Gipsies, by *Hoyland, Grellmann, &c.*¹ it is only necessary to premise these facts, in the briefest manner. The reader will find several very curious and interesting essays on the history of the Scottish Gipsies, written in a popular and entertaining form, in the two first volumes of *Blackwood's Magazine*, and also in the *Encyclopædias*. The Editor has just been informed, that a work is at present preparing for publication, which professes to embrace all that is known regarding the history of these wanderers, especially in the various districts of Scotland, which renders it still less necessary to enlarge in this place.

It may be remarked, that in the fifteenth century, THE EGYPTIANS uniformly, in the numerous countries to which they migrated, gave themselves out to be *Christian Pilgrims*—and their leaders assumed the titles of KINGS, DUKES, COUNTS, or LORDS of LITTLE EGYPT; from which country they always pretended they had been expelled by the *Saracens*, on account of their RELIGION. Certain it is, that at present they appear to profess *no religious belief whatever*, and they lead the most immoral lives, and herd together like hordes of savages, in a promiscuous state, wholly unknown to any other race now extant in Europe, living "without God and without hope in the world." With their characteristic cunning, it is likely that this assumption of the appearance of *Pilgrims* was only in accordance with the superstitious and prevailing customs of the times. Under this character they had the address to impose upon almost all the Sovereigns of Europe, and obtained passports and privileges from them; and even THE POPE himself was not protected from their artifices, by his boasted *infallibility*.

In examining the Books of *the Lord High Treasurer* of Scotland, the following entries occur. They are here laid before the reader, without further comment.

' Jul. 17, 1492. Item, to Peter Ker to passe to THE KING² to the Hwnthall,³ to get the Letteris subscrivit to THE KING OF ROWMAIS, iij f.

' Jul. 19. Item, to THE KING OF ROWMAIS messinger, at the Kingis command, xx li.

' Maij 2, 1501. Item, to *Peter the Moryene*,⁴ quhen he passit his way to France, iij li. x f.

¹ *Hoyland's Survey of the Gipsies*—*Grellman. Hume on Crimes. Mackenzie's Obs. on the Statutes, &c.* See also *Acta Parl.; Burnet's Hist. of Reformation, &c.* ² JAMES IV. ³ Of Glenfynlas, or Glenartnay, where the King was in use to resort at that season of the year. ⁴ It appears by other entries in the Records, that this person, and certain '*More laffès*,' were minstrels and servants to the Queen.

‘ Maij 10, 1502. Item, to THE ERLE OF GRECE, be the Kingis command, xiiij f.

‘ Jun. 28. Item, to ANE KNYCHT OF GRECE, be the Kingis commande, vij lib.

‘ Item, for ane ring of gold, fet with ane dyamant, and tua rubyis, in maner of *flour de lice*, iiij lib.

‘ Feb. 24, 1503. Item, in Drumfreife, to *Peter the Moriene*, ix f.

‘ Dec. 11, 1504. Item, quhen *the More las*¹ wes cristinit, giffin to put in the caudill, ix f.

‘ Apr. 22, 1505. Item, to THE EGYPTIANIS, be THE KINGIS command, vij lib.

‘ 1530. Item, to THE EGIPTIANIS that danfit before THE KING, in Halyrudhous, xl. f.’

These are the only early notices the Editor has hitherto met with, in that valuable Record. It is very probable, however, that some of them have no reference to Egyptians. A variety of other documents have been obtained from the Records of the Privy Seal, &c., which follow this brief and imperfect notice.]

I. LETTER from King James IV. to the King of Denmark, in favour of Anthony Gawin, Earl of Little Egypt, &c. Anno 1506.²

ILLUSTRUSSIME, &c. ANTHONIUS GAWINO, EX PARVA EGYPTO COMES, et cætera ejus comitatus, gens afflictæ et miseranda, dum Christianam orbem peregrinationes studio Apostolicæ Sedis (ut refert) jussu, suorum more peregrinans fines nostri regni dudum advenerat, atque in fortis sue et miseriarum hujus populi, refugium, Nos pro humanitate imploraverat ut nostros limites sibi impune adire, res cunctas, et quam habet societatem libere circumagere liceret. Impetrat facile quæ postulat miserorum hominum dura fortuna. Ita aliquot menses bene et catholice, (sic accepimus,) hic versatus, ad te, REX et Avuncule, in DACIAM transitum parat. Sed Oceanum transmissurus nostras Literas exoravit, quibus celsitudinem tuam horum certiore redderemus, simul et calamitatem ejus gentis Regiæ tuæ munificentiae commendarem. Ceterum errabundæ EGYPTI fata, moreque et genus eo tibi quam nobis credius notiora quo EGYPTUS tuo regno vicinior, et major hujusmodi hominum frequentia tuo diversatur imperio. Illustrissime, &c.

II. LETTER, under the Privy Seal, by King JAMES V. in favour of ‘ Johnne Faw, Lord and Erle of Little Egypt.’³ Feb. 15, 1540.

JAMES, be þe grace of God, King of Scottis: To oure Schereffis of Edinburghe, principall, and within the constabularie of Hadingtoun, Berwik, Roxburghe, Selkirk, Perth, Forfar, Fife, Clakmanane, Kinrofe, Kincardin, Abirdene, Banf, Elgin and Fores, Narne, Innernese, Lintlithq^w, Peblis, Striviling, Lanark, Renfrew, Dunbertane, Air, Drumfreis, Bute, and Wigtoun; Stewartis of Annanderdale, Kirkcudbrycht, Menteithe, and Stratherne; Baillies of Kile, Carrik, and Cunynghame; and paire deputis; Provestis, aldermen, and baillies of oure burrowis and cieteis of Edinburgh, Hadingtoun, Lawder, Jedburgh, Selkirk, Peblis, Perth, Forfar, Cowper, Sanctandrois, Kincardin, Abirdene, Banf,

¹ Dec. 2, 1512, she is styled the ‘*QUEENS blak madin*,’ and on Feb. 1612-13, ‘*Blak Elene*.’ And on Jul. 19, 1513, ‘*Blak Margaret*’ gets a payment of xlviij s. They do not appear to have been Egyptians, but Negroes. The notices, however, are so curious that they are given along with the rest. ² *M.S. Reg.* 13. B. II. Taken from *Pinkerton’s Hist. of Scotland*, quarto, Lond. 1797, vol. ii. p. 444. ³ *Reg. Secr. Sig.* xiv., 59. A very unfaithful transcript of this document had formerly been published in the Appendix to *Maclaurin’s Criminal Trials*.

Elgin and Fores, Narne, Innernese, Linlithq^w, Striuling, Lanark, Glasg^w, Ruthirglenne, Renfrew, Dunbertane, Air, Drumfreis, Wigtoun, Irwyne, Kirkeudbriecht, Quhitterne; and to all vperis Schereffis, Stewartis, proveffis, aldermenne, and bailleis within oure realme, greting. FORSAMEKILL as it is huimlie menit and schewin to ws be oure louit, JOHNNE FAW, LORD AND ERLE OF LITILL EGIPT; That quhair he obtenit oure Lettres vnder oure grete feile, direct to 5ow, all and findry oure saidis Schereffis, stewartis, baillies, proueffis, aldermen, and baillies of burrois, and to all and findry vperis havand autorité within oure realme, to assist to him in executioun of justice vpoun his cumpany and folkis, conforme to þe lawis of EGIPT, and in puniſſing of all þaim þat rebellis aganis him: NEUIR-ÞELES, as we ar informyt, SEBASTIANE LALOW, Egiptiane, ane of þe said Johnnis cumpany, with his complices and pairt-takaris vnder-writtin, þat is to say, ANTEANE DONEA, SATONA FANGO, NONA FINCO, PHILLIP HATFEYGGOW, TOWLA BAIL5OW, GRASTA NEYN, GELEYR BAIL5OW, BERNARD BEIGE, DEMER MATSKALLA, NOTFAW LAWLOWR, MARTYNE FEMINE, rebellis and conspiris aganis þe said JOHNNE FAW, and hes removit þame allutterly out of his cumpany, and takin fra him diuerse fowmes of money, jowellis, claithis, and vperis gudis, to þe quantité of ane grete fowme of money, and on na wyfe will pafs hame with him, howbeit he has biddin and remanit of lang tyme vpoun þame, and is bunding and obliſt to bring hame with him all þame of his company þat ar on live, and ane testimoniale of þame þat ar deid: And als, þe said JOHNNE hes the said SEBASTIANIS Obligatioun, maid in Dunfermling, befor our Maister houffald, þat he and his cumpany suld remane with him, and on na wyfe depart fra him, as the famin beiris. In contrar þe tenour of þe quhillk, þe said SEBASTIANE, be finifter and wrang informatioun, fals relatioun, and circumventioun of ws, hes purchest our writingis, discharging him and þe remanent of þe personis aboue writtin, his complices and pairt-takaris of the said JOHNNIS cumpany, and with his gudis takin be þame fra him, causis certane our liegis assist to þame and þair opinionis, and to fortify and tak þair pairt aganis þe said JOHNNE, þair lord and maister; sua þat he on na wyfe can apprehend nor get þame to haue þame hame agane within þaire awin cuntré, eftir þe tenour of his said Band, to his hevy dampnage and skaithe, and in grete perell of tynfall of his heretage, and expres aganis justice. OUR WILL IS HEIRFOR, and we charge 5ow straitlie, and commandis, þat, incontynent þir our Letteres sene, 5e and ilk ane of 5ow, within þe boundis of 5our Offices, command and charge all our liegis þat nane of þaim tak vpoune hand to resset, assist, fortify, supplé, manteine, defend or tak pairt with þe said SEBASTIANE and his complices aboue writtin, for na buddis nor vper way, aganis the said JOHNNE FAW, þair lord and maister; bot þat þai, and 5e, inlikwise tak and lay handis vpoune þame qubareuir þai may be apprehendit, and bring þaim to him to be pvnist for þair demeritis, conforme to his lawis: And help and fortify him to pvnis and do justice vpoune þame for þair trespassis: And to þat effect, len to him 5oure presonis, stokis, fetteris, and all vper thingis necessar þairto, as 5e and ilk ane of 5ow, and all vperis oure liegis, will anſuer to ws þairupoune, and vnder all hieaft þane and charge þat eftir may follow; swa þat þe said JOHNNE have na caus of complaynt heirupoune in tyme cuming, nor to resort agane to ws to þat effect, nochtwithſtanding ony oure writingis finifterly purchest, or to be purchest, be þe said SEBASTIANE, in þe contrar. AND ALS, charge all oure liegis, þat nane of þaim molest, vex, inquiet, or trouble þe said Johnne Faw and his cumpany, in doing of þair lefull besynes, or vperwayis, within our realme, and in þair passing, remanyng, or away-ganging furth of þe famyue, vnder þe þane aboue writtin: And siclike, þat 5e command and charge all skippars, maisteris, and marinaris of all schippis within oure realme, at all Portis and Havynnis quhair þe said JOHNNE and his cumpany fallhappin to resort and cum, to refaue him and þame þairin, upoune þair expenes, for furing of þame furth of oure realme to þe partis beyond sey: As þai and ilk ane of þame siclike will anſuer to ws þairupoune, and undir þe þane forsaid. SUBSCRIT with oure hand, and under oure Priue Seile, AT FALKLAND, þe fiveteine day of Februar, and of oure reigne the xxviij 5eir.

Subſcript. per Regem.

[JAMES R.¹]

¹ *Reg. Sc. Sig.* XIV. f. 59.—Vide also Apr. 25, 1553, and Apr. 8, 1554, Remission of Andro Faw, &c., for murder of Ninian Smaill.

III. PRECEPT to the Earl and Lord of Little Egypt; granting power to him to hang and punish all Egyptians within the Kingdome of Scotland. Dated, May 26, 1540.

PRECEPTUM Litere JOHANNIS WANNE, filii et heredis quondam JOHANNIS FALL, MINORIS EGIPTI COMITIS ac DOMINI, et MAGISTRI EGIPTIORUM, infra REGNUM SCOTIE existen.—DAN. fibi potestatem predictos EGIPTIOS ad fibi obediend. et parend. plectere et punire, &c. APUD ST ANDROS, Maii 26, 1540.¹

IV. ACT of the Lords of Council, relative to JOHN FAW,² &c. Jun. 6, 1541.

THE quhilk day, anentis the complaintis gevin in be JHONE FAW, and his brether, and SEBASTIANE LOWLAW, EGIPTIANIS, to THE KING'S Grace, ilkane pleinzeand vpon vther of diverse faltis and iniuris: And that it is aggreit amang thame to passe hame, and to haue the fame decydit before THE DUKE OF EGIPT: The Lordis of Counsaile, being avifit with the pointis of the saidis complaintis, and vnderstanding perfittlie the gret thiftis and seathis done be the saidis EGIPTIANIS vpon our soverane lordis liegis, quaireuer thai cum or refortis: ORDANIS Lettres to be direct to the Proveftis and Ballies of Edinburgh, Sanct Jhonstoun, Dundee, Monrofe, Aberdene, Sanct-androis, Elgin, Forrefe, and Inuernefe; and to the Schirefis of Edinburgh, Fif, Perth, Forfair, Kincardin, Aberdene, Elgyn, and Forefe, Banf, Crummarty, Inuernefe, and all vtheris Schirefis, stewartis, proveftis, and ballies, quhair it happinnis the saidis EGIPTIANIS to refort,—to command and charge thame, be oppin proclamatioun at the mercat croces of the heid Burgh of the Scherefdomes, to depairt furth of this realme, with their wis, barnis, and companeis, within xxx dayis efter thai be charget therto, vnder the pane of deid: Notwithstanding ony vtheris Lettres or privilegis grantit to thame be the Kingis grace: Becaus his Grace, with avife of the Lordis, hes dischargit the famin, for the causis foirfaidis; with certificatioun, and³ thai be fundin in this realme, the saidis xxx dayis being past, thai falbe tane and put to deid.

V. RESPITE, granted to the Captain of the Egyptians and his three sons, for the Slaughter of Ninian Smaill.⁴

ANE RESPITT maid to ANDRO FAW, CAPITANE OF THE EGIPTIANIS, GEORGE FAW, ROBERT FAW, and ANTHONY FAW, his sons; for airt and pairt of the Slauchter of umquhile NINIANE SMAILL, fervand to John Lard, Smith; committit and done in the moneth of Marche, the yeir of God Im.Vc. liij yeiris, upon suddantie: and for all actioun and cryme that may follow thairupoun: And for the space of xix yeiris to indure. AT LYNLYTHGOW, the xxij day of March, 1553.

VI. RESPITE to John Faw, and other Egyptians, for the above-mentioned Slaughter. Apr. 8, 1554.⁵

ANE RESPITT maid to JOHNN FAW, EGIPTIANE, ANDRO GEORGE, NICHIOAH GEORGE, SEBASTIANE COLYM, GEORGE COLYM, and uthers EGIPTIANIS, now being within this realme; for arte and parte of the Slauchter of umquhile Niniane Small; committit within the toun of Lintoun—19 years. AT LINLYTHGW, Apr. 8, 1554.

VII. ACT of Privy Council, 'anent some Egyptianis.' Nov. 10, 1636.⁶

APUD ED^B, 10 Novembris, 1636. FORSAMEIKLE AS SIR ARTHURE DOUGLAS of Quhittinghame haveing latelie tane and apprehendit some of the vagabound and counterfut theives and limmars, callit EGYPTIANIS, he presentit and delyverit thame to the Shereff-principall of the shirefdome of Edinburgh, within the constabularie of Hadington, quhair they have remained this month, or thairby; And

¹ This short entry is all that occurs in *Reg. Secr. Sig.*, under the above date. ² *Acta Dom. Con.*, XV., 155.
³ If; an. ⁴ *Reg. Secr. Sig.*, XXVII., 3. ⁵ *Reg. Secr. Sig.*, XXVII., 36. ⁶ *Reg. Secr. Concilia*.

quhairas, the keeping of thame longer within the said Tolboith, is troublefome and burdenable to *the town of Hadington*, and fosters the saids theives in ane opinion of impunitie, to the incourageing of the rest of that infamous byke¹ of lawles limmars to continow in thair theivish trade: THAIRFOIR, *the Lords of Secret Counsell* ORDANS the *Shireff* of Hadinton or his deputs to pronounce DOOME and SENTENCE OF DEATH aganis so manie counterfoot Theives as ar men, and aganis so manie of the weomen as wants children, ORDANING the men to be HANGIT, and the weomen to be DROWNED: and that fuche of the weomen as hes children to be SCOURGIT throw the burgh of Hadinton and *Brunt in the cheeke*: And Ordanis and commandis the Provest and Baillies of Hadinton to caus this doome be execute vpon the saidis perfons accordinglie.

No. VI.

OFFICES OF THE CLERKSHIP OF JUSTICIARY-GENERAL AND MASTER OF THE CEREMONIES, &c.

(See Vol. III., p. 558.)

[IN reference to the preceding entry in the Record, it may be interesting to insert the following singular Letter from Mr Alexander Colville, Justice-Depute, to Viscount Annan, which has been recovered from *Sir James Balfour's MS. Collections*, on account of its throwing some farther light on those important appointments; and besides, it is a curious document, and is highly characteristic of the parties concerned, and of the spirit of those times. It has also been thought proper to present to the reader a notice which occurs in the Books of Adjournal, containing the appointment of Sir George Elphingstoun of Blytheswood, knight, as Sir Archibald Napier's successor, in the first year of the reign of KING CHARLES I.]

I. LETTER,² *Mr Alexander Coluile, Justice-Depute, to Viscount Annan.*³
Dec. 20, 1622.

RIGHT HONORABLE,

YOUR Lo. shall be advertiffed that he who is presentlie JUSTICE CLERC, (*the Lard of Ormefftown*,) is so afflicted with extreame aage, blindnes, and vther infirmitie, that he is altogether disinabled ather to valk abrod, or discharge his place; and by all appearance, is not long to survive. And becawfe it concernes me so neir, that feruis HIS MA^{TIE} as Justice deput, to be veil or ewill yoked,⁴ in cace it pleis God that I live, I haue aduentured thir few lynis, being confident of your lo. goodnes, that HIS MA^{TIE}, by your lo. informationn, might be the better prepared aganis the importunitie of vnfit futors⁵ for that place (of Justice clerk), quhilk aucht nocht to be giwen to thois that fut⁶ it, bot to thois that

¹ Usually applied to denote a hive or nest of wasps, wild bees, or hornets.

² *Denmylne MSS.* Adv. Library.

³ Sir JOHN MURRAY, a *protégée* of the Earl of Morton, and a distinguished favourite at Court, was successively Gentleman of the Bedchamber, and Master of the Horse, &c to James VI. He acquired great wealth and estates; and was created VISCOUNT OF ANNAN, and Lord Murray of Lochmaben; and afterwards EARL OF ANNANDALE, Mar. 13, 1624-5. ⁴ Well or ill yoked; having a good or bad partner, or coadjutor. ⁵ Suitors; applicants. ⁶ Petition for.

ar vorthie of it. And as the lywis of men ar mor pretious then their goods, so lett the vorthines of him be respected, to quhome the lywis of men ar to be trusted; for if he quho is to be inclosed with Assyors, (quha for the most ar rud and ignorant,) depending much vpon THE (Lord Justice) CLERC his informatioun; if he, I say, be not a found conscientious man, and frie of baife bribrie, he may prove a pernitiuous instrument, and be the cawse that iniquitie may be committed; as wee haue zit in memorie, of on THOMAS SCOT of *Abotjhall*, quho was Justice Clerk to KING JAMES THE FYFT, of happie memorie, quho being strukin with a terror of conscience, at the hour of his death, for his ewill cariage in that place, dyed in disperatioun, crying, ‘ I am damned! I am damned!’ Zit among all vperis, young men, and men of great CLANNIS ar most dangerous for that place. Ceacing farther to fache your lo. earis, and referring all to your lo. prudence; vishing, that, by a happie election of such ane Officiar, God may gett glorie, HIS MA^{TIE} contentment, and the people securitie, by getting right quhen thair lywes shall be in question, and your lo. praise and thankis for being a good instrument. Thus, resting confident that your lo. will tak my boldnes in good part, I rest,

Your lo. affectioned and humble seruitour,

ED^R, 20 Dec. 1622.

A. COLVILLE.

To the right honorable his speciall good lord, MY LORD VICOUNT OF ANNAN.

II. EXTRACT *from the Books of Adjournal, Dec. 2, 1625.*

(Dec. 2, 1625.)—SIR GEORGE ELPHINSTOUN of Blythifwoid, kny^t, ane of the Lordis of his Maiefties Previe Counfall, product ane Gift, grantit to him be our lait souerane lord, James the saxt, of most happie memorie, vnder his hienes Previe Seill, off THE OFFICES of ‘ CLERK of OUR JUSTICIARIE GENERALL, AND MAISTER OF CEREMONEIS at the Creatioun of all Erles, Lordis, and Barrones, and of all vther soleme Asssembleis, quhair honourable Ceremoneis ar accustomed and necessar to be vsed, within this our said Kingdome of Scotland.—Quhilkis Offices ar now vacand in our handis and at our gift and dispositioun, be dimissiou maid thair of in our handis be SIR ARCHIBALD NAPER of Merchistoun, kny^t, thesaurer deput of our said kingdome of Scotland.’ Dated ‘ AT BISSAME, the nyne and tuentie day of August, the 5eir of God 1624, and of our regne the 58 and 22 5eiris.’

The said Sir George gaif his aithe *de fideli administratione* in the said Clerkshipp of Justiciarie, in presence of the said Justice depute.

No. VII.

REMARKABLE EXAMINATIONS AND CONFESSIONS OF PERSONS ACCUSED OF WITCHCRAFT, SORCERY, &c.

[AMONG the circumstances which peculiarly characterize the earlier Criminal proceedings of SCOTLAND, as well as those of ENGLAND, FRANCE, and GERMANY, &c., none are more prominent than the unmitigated rigour with which the profession as well as the practice of Witchcraft, Sorcery, and Necromancy, were punished. The hecatombs of innocent victims, whose lives were sacrificed to satisfy the gloomy superstitions of Nations termed Christian and civilized, but

who, in reality, were only emerging from a state of semi-barbarism, sufficiently attest the justice of this observation.

After the period of the Reformation from Popery, the Legislators of those countries which had embraced the new Religion, seemed to vie with each other in the zeal which they manifested in 'rooting out from the land' every vestige of the professors of these 'works of darkness.' In Scotland, as the reader has already had sufficient opportunity of remarking, great exertions were made during the reign of KING JAMES VI, when hundreds of helpless creatures were destroyed, under form of law,—for those who were tried before THE HIGH COURT OF JUSTICIARY bore a very small proportion to the very great numbers who were tried and condemned by the LORDS OF REGALITIES, BARON BAILIES, and by the ROYAL COMMISSIONERS. A very striking fact, mentioned by *Baron Hume* in his valuable Commentaries,¹ may be here briefly noted, that 'no fewer than *fourteen* Commissions² for Trial of Witches were granted, for different quarters of the country, *in one sederunt*, of the 7th of November, 1661; which year seems to have been the most fertile period of this sort of accusation!' It is proper to remark, that such Commissioners had very ample powers granted to them; for their Commissions were expressly conceived for the examination and trial, &c. of so many persons, *nominatim*, and a large blank was commonly left for the insertion of such other persons as might be 'de-laited,' or accused, during their sittings. Besides this, their jurisdiction extended over considerable districts of country. As one unhappy creature was almost universally induced to accuse *several others* of the same crime for which he or she was to suffer, and as the evidence taken in one Trial was held to be conclusive in other cases, where the pannels were thus proved to be 'notour Witches,' it was competent for these Commissioners to try any number of persons, and to 'justify them to the death;' a practice which they were by no means slack of performing.

Many very painful Trials for Witchcraft, &c. have already been laid before the reader; but perhaps there cannot be adduced a more touching proof of the nefarious wickedness which must have been perpetrated in Scotland, during the reign of KING JAMES VI, than the following memorandum, which is preserved by *Thomas, Earl of Haddington*, (a noted instrument of the King in all cases, of whatever description,) in his Minutes of Privy Council proceedings.³ He relates, under date December 1, 1608,—'THE ERLE OF MAR declairit to THE COUNSALL, that fiv wemen wer tane in *Broichtoun*, as WITCHES; and being

¹ HUME on *Punishment for Crimes*, II., 559.

² Granted by the Lords of Privy Council.

³ *Haddington MSS.*, A. 4, 22. Adv. Library. While *Sir Thomas Hamilton*, he held the great Offices of *Secretary of State*, *Lord Advocate*, *President of the College of Justice*, &c.; and in all of those stations forwarded his master's views with unremitting zeal and ability.

put to ane Affyfe,¹ and convict, albeit thay perfeverit constant in thair denyell to the end, *5it thay wer BURNIT QUICK,² eftir sic ane crewell maner, that sum of thame deit in despair, renunceand³ and blasphemand; and vtheris, HALF BRUNT, brak out of the fyre, and wes cast in QUICK in it agane, quhill⁴ thay wer brunt to þe deid.*

It is hardly necessary to remind the reader, that matters were no better in ENGLAND; where, as he must perfectly recollect, the most shocking atrocities were perpetrated, during the reigns of CHARLES I and CHARLES II, and also under the Puritans of OLIVER CROMWELL's time. The infamous proceedings, publicly authorized, of HOPKINS *the Witch-finder*, and other worthless impostors, who pretended to be able, by certain cruel means practised by them, to detect real and counterfeit Witches, are also well known, and are highly calculated to bring discredit on the judicial proceedings of any country. Upon the evidence of these wretches, added to that of the ignorant and superstitious peasantry, and of the equally superstitious Clergy of those times, the lives of hundreds were wantonly sacrificed, to satisfy their diseased appetite for the marvellous; while other misguided individuals, conscientiously no doubt, thought, that by acting thus, they were 'doing God service.'

SIR WALTER SCOTT having so largely discussed this extraordinary subject in his recent work on Demonology and Witchcraft,⁵ it would be as presumptuous as it is unnecessary for the Editor to enter farther into the matter. In that curious and able work, the learned author, in his usual felicitous style, notices numerous Examinations and Confessions of persons accused of Witchcraft, in Scotland, in the sixteenth and seventeenth centuries. Of these, the most remarkable documents unquestionably are the Confessions of ISSOBELL GOWDIE and of JANET BREADHEAD; which, indeed, may safely be pronounced to be by far the most *unique* and wonderful, in the Records of this, and perhaps of any other country. The Editor has been induced, in compliance with the repeated desire of literary friends, contrary to his own private opinion, to annex to this work the CONFESSIONS of these unhappy women, and a few other similar EXAMINATIONS. Such declarations were commonly taken before Presbyteries, or certain Special Commissioners, who usually ranked among their number the leading Clergy of those districts where their hapless victims resided. The details of all such cases, and, in particular, those which are now annexed, are repulsive and shocking to every well-regulated mind; but, as recording the superstitions and crimes common at the period in question to all the civilized

¹ Before the Baron Bailie of the Regality of BROUGHTON, near Edinburgh; one of the most extensive jurisdictions, of that description, in Scotland. ² ALIVE; *i. e.* without having been previously 'wirreit,' or strangled. ³ Renouncing their baptism. ⁴ Until. ⁵ LETTERS on Demonology and Witchcraft, by *Sir Walter Scott, Bart.* Lond. 1830.

nations of Europe, they will by many be deemed, in some measure at least, of historical importance; although at same time, it must be confessed, they afford a lamentable exhibition of the human mind, at its lowest ebb of degradation.]

I. DEPOSITION of *John Kincaid (Witch-finder)*,¹ relative to the *Devil's mark found on Patrik Waton and Manie Haliburton*.²

AT DIRLTON,³ of 5eiris. The quhilk day, in prence of All(exan)der Levingtone of (Salt)coitis, James Borthuik, Chalmerlane of Dirlton, Johne Stalker, bailzie thair, James Foirman, Drem, Mr James Achefoun, in North Beruik, and Williame Daliell, notar, PATRIK (WAT)SON, in West Fentoun, and MENIE HALLYBURTON, his spous, bruided and long suspect (of) Witchcraft, of thair awne fre-will, vncompellit, heiring that I, *Johne Kincaid*, vnder subferyvand, wes in the toune of *Dirltone*, and had some skill and dexteritie in trying of THE DIVELLIS marke, in the perfonis of such as wer suspect to be WITCHES, came to the *Broadhall*, in the *Casfell of Dirlton*, and defyrit me, the said *Jo. Kincaid*, to vse my tryall of thame, as I had done on vtheris; whilk when I had done, I fand the *Divellis marke* vpon the bakfyde of pe said PATRIK WATSON, a little vnder the point of his left shoulder, and vpon the left fyde of the said MENIE HALLIBURTON hir neck, a little aboue hir left shoulder; whair of thay war not sensible, nether came furth pair of any bloode, efter I had tryed the famen als exactlie as euer I did any vthers. This I testifie to be of veritie, vpon my credite and conscience. IN witness quhair of, I have subferyvit thir presentis with my hand, day and place foirsaid, befor thir witnessis aboue spacificit.

(Sic subferibitar.) J. K. ALEX. LEVINGTON, witness. JA. BORTHUIKE, witness.
JOHNE STALKER, witness. JAMES FORMAN, witness. M. J.
ACHESONE, witness. W. DALIELL, witness.

(*Indorsed*.) Testificat of J(ohne Kincaid,) finding the witches mark vpon Manie Haliburtonne.

II. CONFESSION of *Manie Haliburton*.⁴

AT DIRLTOUN, the ⁵. of, 1649. In prence of Johne (Stalker) bailzie of Dirlton, James Levington, thair, Joⁿ in Lawhill, thair, James Speir, Richard Fergusson, Wa. Hanady, and Wa. Daliell. Compeirit MANIE HALLIBURTON, prifoner within the *Casfell of Dirlton*, suspect of the cryme of Witchcraft, dilaidet guiltye be AGNES CLERKSON, lait sufferrar for the said cryme, as also be PATRIK WATSONE, spous to the said Manie, who lykevyle sufferit thairfoir; and confessit, that auchtein yeir fyne, or thairby, hir dochtir being seik, scho first sent for *Patrik Crystifone in Abirladie*, to cum and cure hir dochtir, and he refusing, went hirself for him, who refused to cure hir; and within ⁶. dayis thairefter came the DEVILL, in licknes of a man, to hir hous, calling himself a phisition, and said to hir, that he had goode salves (and namelie oylispek⁷) whairwith he wold cure hir dochtir; and aggrieng with him for some of his salves, quhilk he gave hir, sho gave him tuo Inglis shillingis: He than departed, and promised to come agane within eight dayes, whilk accordinglie he did; bot or ⁸ he went away the first tyme, she gave him milk and breade; and *Patrik Watson* coming in, he sent for a pynt of Ale: Bot at the second coming, he stayit all night, and vpon the morne airlic (*Patrik* being furth) in came the DIVELL and lay down with hir, (scho being sit in bed,) and had carnall copulatioun with hir, his nature being cold: He defyreit hir to renunce Christ and hir baptisme, and become his servand; quhilk scho did: And fayed, that hir dochtir had

¹ From Original, in General Register House, Edinburgh. ² He is elsewhere designed 'the common prickler.'

³ Obliterated in Orig.

⁴ From Orig. Gen. Register House.

⁵ Obliterated.

⁶ Left blank in Orig.

⁷ Oil of spike or spikenard.

⁸ Ere; before.

the wyte¹ of all hir wicid(nefs);² wiffing fho had nevir bene borne.—THIS Depofition was renewed, in all the particulars, by the faid *Manie*, in the forfaid place, on Sunday the firft of Julij, 1649, before Alex^r Levingtoun of Saltcottis, James³.,, Johne Stalker,, W^m Dabiell, and Mr Joⁿ McGhill, minifter at Dirltoun.

M. J. MAKGHILL, ALEX. LEVINGTON, witnes; J. BORTHUIK, JAMES LAUDER, JOHNNE STALKER, W. DALIEL, WILLIAME DALIELL, WALTER MARSHALL.

Jul. 2, AT HADINTOUN. Whilk day, THE PRESBITERIE, having red and confidered the former DEPOSITIONS and CONFESSION of *Manie Haliburton*, find the famyne a fufficient ground for futing⁴ the Judge competent to grant a Commiffion for trying and judging her according to Law.

J. STIRLING, Cl^k.

III. ACT OF PRIVY COUNCIL *anent Geillis Johnnstoun, fufpected of the crime of Witchcraft.*⁵

ANENT our fouerane lordis Letteris, readit at the instance of GELIS JOHNNSTOUN, relict of vinqhull Johnne Duncane in Muffilburgh, makand mentioun, That quhair fome malicious perfonis, hir vnfreindis, haueing dilaitit her to THE PRESBITERIE OF DALKEITH, as a perfon fufpect of WITCHCRAFT, the faid Prifbiterie hes thairvpone convenit hir before thame, and hes haldin hir in proces before them, thir fevin oulkis⁶ bigane; albeit it be of veritie, that the faid complenair is ane honneft woman, who hes levit thir threttie yeiris in the toune of Muffilburgh, in gude fame, credeit, and reputatioun; and wes nevir fufpected nor bruted⁷ with ony fuche develifche and deteftabill doings; and fcho hes at all tymes presentit hir felff before the faid PRISBITERIE, quhan thay callit for her felff to thair tryall-examinationis, and quhatfumeur forme of procedoure thay pleafit vfe aganis hir: And althocht the cryme of Witchcraft be ane of the heich pointis of the Crowne, proper to be tryit before his Maieftis Justice and his deputis, and quhairin the faid PRISBITERIE can have no warrant, auctoritie, nor jurifdictioun to cognofce or determine, nevirtheles, thay continewalie fafche⁸ the faid complenair with citationis and fummendis to compeir before thame, purpoiffie, as appeiris, to bring hir fame, credeit, and reputatioun in queftioun, and to lay vpoun hir this foull and havie felander of fa deteftable a cryme, quhairof fcho is moft innocent; and gif thay had ony prefumptionis aganis the complenair of hir guiltynes of the faid cryme, thay fould haue gevin informatioun thairof, outhir⁹ to THE LORD OF REGALITIE quhair fcho duellis, before quhome the faid complenair hes fund caution to be anfuerable for this fame deid, qubanevir fcho falbe callit; or then, to his heynes JUSTICE GENERALL and his deputis; and fould have concurrit, be thair informatioun, to the perfute of hir, and fould not haue vfit fuche a prepofterous forme of proceeding before thame felffis, quhich can produce na kynd of fentence nor determinatioun. IN refpect quhairof, THE MINISTERIS of the faid PRISBITERIE aucht and fould be difchargit of all proceeding aganis the faid complenair, in the mater above writtin, for the cauffis foirfaidis. AND anent the charge gevin to Mr Andro Blakhall, Minifter at Innerck; Mr Patrik Turnour, Minifter at Borthuik; Mr William Penman, Minifter at Creichtoun; Nathaniell Harlaw, Minifter at Ormeftoun; Mr Alexander Ambroife, Minifter at Newbotle; Mr Johne Nymbill, Minifter at Cranftoun; and Mr George Ramfay, Minifter at Leffwaide; all MINISTERIS of THE PRESBITERIE OF DALKEITH, being convenit for the tyme withiu the Kirk of Dalkeith, to haue compeirit be ane or tua of thair number, fufficientlie instructit, for the ref, before THE LORDIS OF SECRITE COUNSALE, this present day, to haue hard and feue thame difchaigrit of all proceeding aganis the faid complenair in the mater foirfaid, and of thair officeis in that part: Lyke as, at mair lenth is contenit in the faidis Letteris, executiounis, and indorfationis thairof. QUHILKIS being callit, and the faid perfewar com-

¹ Blame. ² Wickedness. ³ Obliterated. ⁴ Suing; petitioning. ⁵ *Acta S.creti Consilii*,
General Register House, Edinburgh. ⁶ Weeks. ⁷ Reported. ⁸ Trouble. *O. Fr. fischer.* ⁹ Either.

peirand, be William Duncane hir sone, and Mr George Ramfay, Moderatour of the Presbiterie of Dalkeith; Nathaniell Harlaw, Minister at Ormestoun; Mr Patrik Turnour, Minister at Borthuik; and Mr William Penman, Minister at Creichtoun; with some vtheris of the said Presbiterie being personallie present, the reassonis and allegationis of the pairteis present being hard and considerit be the Lordis of Secrite Counsaile, and thay ryple aduifit thairwith, the Lordis of Secrite Counsaile DISCHAIRGEIS the *Ministeris of the said Presbiterie* of all proceeding aganis the said Gelis Johnnstoun, in the mater foirsaid, and of all thair officeis in that pairt; and REMITTIS the said Geillis to be persewit and tryit, outhir before the Justice-Generall and his deputis, or before the Lord of the Regalitie of Dunfermling, as accordis of the Law; but¹ preiudice alwyse to the said *Presbiterie* to vse all ordinar and lauchfull meanis, quhairby thay may get tryall, be vtheris, of the said *Gelis Johnnstoun* hir practiceis and dealing in the said cryme of Witchcraft; and to gif informatioun thairof to the said Justice Generall and his deputis, or to the Lord of the Regalitie of Dunfermling and his deputis, before quhome justice falbe ministrat, conforme to the lawis of this realme.

IV. CONFESSION of *Jonet Watstone*; and *Notices relative to Christiane Wilstone and Jonet Paisloun, all accused of Witchcraft, June 1661.*²

JONET WATSTONE confessed, that in Apryle last bypast, or thairby, shoe being at the buriell of the *Lady Dalhousie*,³ ther was ane rix-dollar given to *Jean Bughane*, to be pairted among a certain number of poore folks, wherof shoe was one. And the said *Jean Bughane* did run away with the said money, so that schoe gott no pairt of it. And schoe come home to hir awne house, being verrie grieved and angrie at it, wished to have a mendse of *Jean Bughane*. Vpone the which THE DEIVILL apeired vnto her, in the liknes of *ane prettie boy, in grein clothes*; and asked, ‘What aild her? And what amendse shoe wold have, he should give her.’ And at that tyme THE DEIVILL gaive hir his markis; and went away from her in the liknes of *ane blak doug*:—And constantlie, for three dayis thairefter, ther was a *great bee* come to her; and vpon ane morning, when shoe was cheinging her schirt, it did fit down vpon her shoulder, (shoe being naked,) wher shoe had one of the markis.

As also, about the tyme of the last Baille-ffyre night, shoe was at a Meitting in *Newtoun-dein* with THE DEAVILL, who had *grein clothes* vpon him, and ane blak hatt vpon his head; wher schoe denyd Christ, and took her self to be the servant of THE DEIVILL. Wherfor shoe acknowledged that schoe was, from her heart, forrowfull for the doeing of it. And likewise, he then gave her a new name, and called her ‘WEILL-DANCING JENOT’—and promised her money at the nixt Meitting.

And also, that vpon ane vther night, THE DEIVILL was verie heavie vpon her in her bed. As also, schoe confessed that *Bessie Moffit, Elspeth Grahame, and Jenot Mikeljohn* come to her house, and tooke her away to that Meating; when they all danced together: At which tyme, when schoe renuned her baptifme, THE DEIVILL laid his hand vpon her head, and bad her ‘give all ower to him that was vnder his hand,’ and shoe did so. Quhilk haill premiffes shoe confessed, in preffens of the vnder subferyvers, without compulsione.

W. CALDERWOOD, (Minister of Dalkeith,) WILLIAME SCOTT, (Baillie of Dalkeith.)

AND. MACMILLONE, witnes. ROBT HARDIE, witnes. JOHNE FOORD, witnes.

HENRIE WILSTONE, witnes. JA. CALDERWOOD, witnes. ALEX. A: D DICKSONES mark.

WILLIAM BRYSON, witnes. JA. VTERSIDE, witnes.

¹ Without. ² Original in *MS. Coll. of Soci ty of Antiquaries of Scotland*. This Proof was led under a Commission, June 6, 1661, ‘direct be THE KINGIS MAJESTIE, with consent of the Estaitis of Parliament,’ to Sir William Murray of Newtoun, Sir James Richardson of Smeiton, Patrick Scott of Langschaw, Major John Biggar of Woolmot, &c.; who examined a great variety of WITCHES. Their CONFESSIONS, however, are uninteresting and commonplace, with the exception of this and the other Extracts which follow. ³ LADY MARGARET CARNEGIE, daughter of David, Earl of Southesk, spouse of *William, Lord Ramsay*, created *Earl of Dalhousie*, June 29, 1633.

V. DEPOSITION *as to the Devil carrying off a Witch in a Whirlwind, &c.*

AT DALKEITH, the 10 of Junij, 1661.—THE quhilk day, WILLIAM SCOTT, Bailiffe, having ordained some of the neighbours in the toune of Dalkeith to be in redines, the morrow eftir, for guarding of CHRISTIANE WILSONE, a Witch, to Nidrie, to be confronted their by ane vther Witche; and Johne Steivin, being one of the number ordained to be in redines, said to JENNOT COOKE,¹ that he wes 'goinge the morrow to convoy the said CHRISTIANE to Nidrie,' as afoirsaid, and that he wold goe and mak his gun cleane, for that purpose; to the which Jennot answaired, 'Will not yow think it a sport, if THE DEVILL raise a whirrell of wind, and tak her away from among yow by the gette² the morrow!' And it fell out, that in passing a burne,³ when they wer nigh Nidrie, their arose futche a sudden tempest of wind, which was like to blow the compagnie off their foot—and it did blow the said Christiane Wilfone down in the water . . .⁴, so that for a long tyme they could not gett her vp againe—it being a faire and calme day, both befor and efter. WITNESSES, Johne Steivin, James Wilfone, candill maker, Thomas Richardfone, wright, Bessie Waker, Jonett Bruntoun, and James Blaikie, baxter.⁵

JOHNE STIWENE, witnes. James I. W. Wilfones mark.

VI. DEPOSITION *of John Kincaid, in Tranent, 'the comon pricker,' as to finding the Devil's mark on Jonet Paistoun.*

DALKEITH, 17 Junij, 1661.—THE quhilk day, JONET PAISTOUN, being dilaitit, as is afoirsaid, THE MAGISTRAT and MINISTER caufed *Johne Kincaid*,⁶ in Tranent, *the comon pricker*, to prik her—and found tuo marks wpon hir, which he called THE DEVILL his markis, which apeared indeid to be so, for shoe did nather find the prein⁷ when it was put into any of the said markis, nor did they blood when they were takin out again. And quhan shoe was asked, 'Quhair shoe thought the preins wer put in?' Shoe pointed at a part of hir body distant from the place quhair the preins wer put in—they being preins of *thrie inches*, or pairabout, in lenth. Quhilk *Johne Kincaid* declairis upon his oath, and verifies by his subscription to be true. WITNESSES pairto, Mr W^m Calderwood, Minister at Dalkeith, and Williame Scott, Bailze: Martin Stevinsone and Thomas Calderwood, Elders; Major Archibald Waddell, Johne Hunter, David Douglas.

I. K. W. CALDERWOOD, Minister. WILLIAME SCOTT, Bailzie.
MARTIN STEVENSON, Elder. THOMAS CALDERWOOD, Elder.

VII. CONFESSIONS *of Iffobell Gowdie, spous to John Gilbert, in Lochloy.*

(1.) ISSOBELL GOWDIES FIRST CONFESSION.

AT AULDERNE,⁸ the thretein day of Aprill, 1662 yeiris. IN PRESENCE of MASTER HARIE FORBES, Minister of the Gospell at Alderne; WILLIAM DALLAS of Cantrey, Shereffe deput of the thereffdom of Nairne; THOMAS DUNBAR of Graing; ALEXANDER BRODIE, Y^r of Leathin; ALEXANDER DUNBAR of Boath; JAMES DUNBAR, appeirant therof; HENRIE HAY of Brightmanney; HEW HAY of Newtowne; WILLIAM DUNBAR of Clune; and DAVID SMITH, and JOHNE WEIR, in Aldern; WITNESSES to THE CONFESSION efter specifreit, spokin furth of the mouth of ISSOBELL GOWDIE, *spous to Johne Gilbert, in Lochloy.*

THE quhilk day, in presence of me, JOHNE INNES, *Notar Publict*, and Witnesfes abownamet, all vnder subferywand, the said ISSOBELL GOWDIE, appeirng penitent for hir haynows finnes of Witch-

¹ Another Confessing Witch. ² By the way. ³ Rivulet. ⁴ Obliterated—but it looks like 'streyne.'
⁵ Baker. ⁶ The counterpart of the English *Mathew Hopkins*, the Witch-Finder, whose villainous impostures deprived many poor creatures of their wretched existence. ⁷ A long plu, or bodkin, which this fellow used for pricking. ⁸ A Parish and Burgh of Barony in the Shire of NAIRN, on the Murray Frith.

craft, and that tho haid bein ower lang in that service; without ony compulsitouris,¹ proceedit in hir CONFESSEONE, in maner efter following, to wit. As I wes goeing betuix the townes² of *Drumdewin* and *the Headis*, I met with THE DIVELL, and ther covenanted, in a maner, with him; and I promeisit to meit him, in the night time, in *the Kirk of Aulderne*; quhilk I did. And the first thing I did ther that night, I denyed my baptifme, and did put the on of my handis to the crowne of my head and the vther to the sole of my foot, and then renuncet all betuixt my two handis, ower to *the Divell*. He wes in the Readeris dask, and a blak book in his hand.³ *Margret Brodie*, in *Aulderne*, held me vp to *the Divell* to be baptifed be him; and he marked me in the shoulder, and fuked owt my blood at that mark, and spowd it in his hand, and, sprinkling it on my head, said, '*I baptise thé, JANET, in my awin name!*' And within a quhill we all remoowed. The nixt tym that I met with him ves in *the New Wardis of Inshoch*, and haid carnall cowpulation and dealling with me. He wes a meikle, blak, roch⁴ man, serie cold; and I found his nature als cold within me as spring-wall-water. Somtymes he haid buitis and sometymes shoes on his foot;⁵ but still his foot ar forked and cloven. He vld be somtymes with ws lyk a dear, or a rae. *Johne Taylor* and *Janet Breadhead*, his vyff,⁶ in *BelmaKeith*, *Douglas*, and I my self, met in *the Kirk-yaird of Nairne*, and ve raised an vnchristened child owt of its greff; and at the end of *Bradleyis* corn-field-land, just opposit to *the Milne of Nairne*, we took the said child, with the nailis⁷ of our fingeris and toes, pikles of all fortis of grain, and blaidis of keall,⁸ and haked⁹ thaim all verie small, mixed altogither; and did put a pairt therof among the muk-heapes¹⁰ of *Bradleyes* landis, and therby took away the ffruit of his cornes, &c.; and we pairted it among two of our COEVENS.¹¹ When we tak cornes at *Lambes*,¹² we tak bot abowt two sheawes, whan the cornes ar full; or two stokis of keall, or therby, and that giwes ws the fruit of the corn-land, or keall-yaird, whair they grew:¹³ And it may be, we will keip yt while *Yewll* or *Pace*,¹⁴ and than devyd it amongft ws. Ther ar threttein perfones in my COVEN.¹⁵

The last tyme that ovr COVEN met, we, and an vther COVEN, wer dauncing at *the Hill of Earfeat*; and befor that, betwixt *Moynes* and *Borgholl*; and befor that we ves beyond *the Meikle-burne*; and the vther COVEN being at *the Downie-hillis*, we went from beyond *the Meikle-burne*, and went besydl them, to the howffis at *the Wood-end of Inshoch*; and within a qwhyll went hom to our howffis. Befor *Candlmas*, we went be-east *Kinloffe*, and ther we yoaked an plewghe of paddokis.¹⁶ THE DIVELL held the plewgh, and *Johne Yowng* in *Mebefowne*, our Officer, did drywe the plewgh. Paddokis did draw the plewgh, as oxen; quwickens wer sowmes,¹⁷ a riglen's horne wes a cower,¹⁸ and an piece of an riglen's horne wes an fok. We went two feuerall tymes abowt; and all we of the COEVEN went still wp and downe with the plewgh, prayeing to THE DIVELL for the fruit of that land, and that thistles and brieris might grow ther.

When we goe to any hous,¹⁹ we tak meat and drink; and we fill wp the barreillis with ovr oven²⁰

¹ Indicating, in the outset, that no TORTURE or compulsion had been resorted to, for the purpose of extorting Confession; but that she came forward, and voluntarily made her Declaration, bewailing her former offences. ² Farmsteadings.

³ It is a singular circumstance, that in almost all the CONFESSEONS of Witches, their initiation, and many of their meetings, are said to have taken place within CHURCHES, Churchyards, and consecrated ground; and a certain ritual, in imitation, or mockery, of the forms of the Church, is uniformly said to have been gone through.

⁴ Rough; hairy; *hirsute*. ⁵ Throughout this Confession, *foot* is used for *feet*. ⁶ See her Confession, which follows this, (No. VIII.) ⁷ Parings of the nails. In such incantations, the nails and joints, &c. of dead men were commonly made use of. ⁸ *Kail-blades*; the leaves of colewort. ⁹ *Hacked*; chopped. ¹⁰ Dung-heaps; *middens*.

¹¹ Companies; Witches' Conventicles. Perhaps from Lat. *convocare*. The word *core* is still in use (in the Gipsy, flash, or slang Vocabulary) as an associate, *chum*, or companion, &c. ¹² Lammas: 1st August.

¹³ This symbolical mode of taking the fruit, crop, or produce of land, &c., is frequently alluded to in Witch-Trials. The soil apparently bore only straw and empty ears; but the real produce was, in due season, conveyed to the barns of the enchanter. The milk of a dairy was taken by means of a hair *tether*, rope, or halter, passing under the door, and attached to one of the stalls where the cattle stood, &c. The Witch procured the entire produce by '*milking the tether!*' Another method is afterwards recited in this CONFESSEON. ¹⁴ Until Christmas or Easter. ¹⁵ The number *thirteen* is still proverbially called '*the Devil's dozen*;' in Scotland. ¹⁶ Yoked a plough of frogs. ¹⁷ Dog-grass, or *quick-grass*, served for *soymes* or *soams*; being the traces, chains, or iron links, by which, of old, the oxen were yoked to the plough. The *soyme* (*soyme*) was fastened by a hook to the *soule* or *sole* (swivel.) ¹⁸ The coulter of the plough was formed of the horn of a half-castrated ram, called a *riglen*; q. d. a *ridgel-ram*. ¹⁹ Enter by stealth. ²⁰ *Awin*; *oven*.

piſh again; and we put boofomes¹ in our beds with our husbandis, till ve return again to them. We wer in *the Earle of Murreyes*² hous in *Deruway*, and ve gott anewgh ther, and did eat and drink of the beſt, and brougth pairt with ws. We went in at the windowes. I laid a little horſe, and wold fay, ‘HORSE AND HATTOCK, IN THE DIVELLIS NAME!’³ And than ve vold flie away, quhair ve vold, be ewin⁴ as ſtrawes wold flie wpon an hie-way. We will flie lyk ſtrawes quhan we pleas; wild-ſtrawes and corne-ſtrawes wilbe horſes to ws, an⁵ ve put thain betwixt our foot, and fay, ‘HORSE AND HATTOCK, IN THE DIVELLIS NAM!’ An quhan any flies thes ſtrawes in a whirlewind, and doe not fanc-tifie them felues,⁶ we may ſhoot them dead at owr pleaſour. Any that ar ſhot be vs, their fowell will goe to Hevin, bot ther bodies remainis with ws, and will flie as horſis to ws, als ſmall as ſtrawes.⁷

I was in *the Downie-hillis*, and got meat ther from *THE QWEIN OF FEARRIE*, mor than I could eat. *The Quein of Fearrie* is brawlie clothed in whyt linens, and in whyt and browne cloathes, &c.; and *THE KING OF FEARRIE* is a braw man, weill favoured, and broad faced, &c.⁸ Ther wes elf-bullis rowtting and ſkoylling wp and downe thair, and affrighted me.⁹

¹ *Besoms*; brooms. ² Alexander Stewart, fourth Earl of Moray. ³ THE following remarkable circum-
stances were communicated to the ingenious *John Aubrey, Esq.*, F. R. S., by one *Stewart*, a tutor in the family of *JAMES*, second LORD DUFFUS; from whose recital, *Stewart* states, he had it, and that his lordship had it from his father, *Alexander*, first *Lord Duffus*, who had, in like manner, heard the tradition from *William Sutherland of Duffus*, grandfather of *James, Lord Duffus*, who died about the year 1626. It closely corresponds with the particu-lars contained in the Depositions of *Isobel Gowdie* and *Janet Broadhead*, in reference to this branch of FAIRY SUPER-STITION. As *Aubrey's* work is now exceedingly scarce, little apology is required for quoting the interesting commu-nication, which he has, fortunately, preserved at length:—

‘As soon as I read your letter of May 24, (1694,) I called to mind a story which I heard long ago, concerning one of the LORD DUFFUS (in the *shire of Murray*) his predecessors; of whom it is reported that, upon a time, when he was walking abroad in the fields, near to his own house, he was suddenly carried away, and found the next day at *Paris*, in THE FRENCH KING’S cellar, with a silver cup in his hand. That, being brought into THE KING’S presence, and questioned by him, “Who he was?”—and “how he came thither?” He told his name, his country, and the place of his residence; and that on such a day of the month (which proved to be the day immediately preceding), being in the fields, he heard the noise of a whirlwind, and of voices crying “HORSE AND HATTOCK!” (this is the word which THE FAIRIES are said to use when they remove from any place;) whereupon he cried “HORSE AND HATTOCK!” also; and was immediately caught up and transported through the air, by THE FAIRIES, to that place: Where, after he had drank heartily, he fell asleep, and before he awoke, the rest of the company were gone, and had left him in the posture wherein he was found. It is said THE KING gave him the cup which was found in his hand, and dismissed him.

‘This story (if it could be sufficiently attested) would be a noble instance for your purpose; for which cause I was at some pains to enquire into the truth of it, and found the means to get the present *Lord Duffus's* opinion thereof; which shortly is, that there has been and is such a tradition; but he thinks it fabulous. This account of it his Lordship had from his father, who told him that he had it from his father, the present Lord’s grandfather. *There is yet an old silver cup in his lordship’s possession still, which is called “THE FAIRY CUP,”*—but has nothing engraven upon it except the arms of the Family.

‘The gentleman by whose means I came to know the *Lord Duffus's* sentiment of the foregoing story, being tutor to his lordship’s eldest son, told me another little passage of the same nature, whereof he was an eye-witness. He reports, that when he was a boy at school, in the town of *FORRES*, yet not so young but that he had years and capa-city both to observe and remember that which fell out, he and his school-fellows were, upon a time, whipping their tops in the Churchyard, before the door of the Church. Though the day was calm, they heard a noise of a wind, and, at some distance, saw the small dust begin to arise and turn round; which motion continued advancing till it came to the place where they were: Whereupon they began to bless themselves. But one of their number (being, it seems, a little more bold and confident than his companions) said, “HORSE AND HATTOCK WITH MY TOP!” And imme-diatly they saw the top lifted up from the ground, but could not see what way it was carried, by reason of a cloud of dust which was raised at the same time. They sought for the top all about the place where it was taken up, but in vain; and it was found afterwards in the Churchyard, on the other side of the Church. *Mr Stewart* (so is the gentleman called) declared to me that he had a perfect remembrance of this matter.—*Aubrey’s Miscellanies*, p. 209.

⁴ Like; even as; in like manner.

⁵ And; if.

⁶ The children in the kirkyard of *Forres* (see the preceding Note on *HORSE AND HATTOCK*) appear to have been adepts in this branch of the Fairy creed; which was, no doubt, familiar to all classes of the peasantry of Scotland, as numerous traces of it are to be found in various districts, at the remotest distance from each other.

⁷ The above details are, perhaps, in all respects, the most extraordinary in the history of WITCHCRAFT of this or of any other country. Any comment would only weaken the effect of such very remarkable descriptions. ⁸ It is a thousand pities that the learned Examinators have so piously declined indul-ging the world with the detailed description of these illustrious personages. Under the singularly descriptive powers of *Isobel Gowdie*, much might have been learned of FAIRY-LAND and its Mythology.

⁹ It is evident that *Isobel’s* gossiping had again been cut short here, as *irrelevant*. Not so the more objectionable parts of her Confession, which were obviously drawn out of her, and listened to with the utmost complacency by her reverend inquisitors.

When we tak away any coves milk, we pull the tow, and twyn it and plaitt it in the vrong way, in *the Divellis* name; and we draw the tedder (fua maid) in betuixt the coves hinder foot,¹ and owt betuixt the coves forder foot, in *the Divellis* name; and therby tak with ws the kowes milk. We tak sheips milk ewin fo. The way to tak or giev bak the milk again, is to cut that tedder. Whan we tak away the strenth of anie perfonen eall,² and givies it to an vther, we tak a litle qwantitie owt of each barrell or stand of eall, and puts it in a flowp, in *the Divellis* nam; and, in his nam, with owr awin handis, puttis it amongft an vtheris eall, and gives her the strenth and substans and heall of hir neightbouris eall. And to keip the eall from ws, that we haue no power of it, is to sanctifie it veill. We get all this power from *the Divell*; and when ve seik it from him, ve call him 'owr LORD!'

Johne Taylor and *Janet Breadhead*, his wyff, in Bellnakeith, *Bessie Wilfone*, in Alderne, and *Margret Wilfone*, spows to *Donald Callam* in Alderne, and I, maid an pictur of clay, to distroy *the Laird of Parkis* meall³ children. *Johne Taylor* browght hom the clay, in his plaid newk;⁴ his wyff brak it verie small, lyk meall,⁵ and sifted it with a siew,⁶ and powred in water among it, in *the Divellis* nam, and vrought it werie fore, lyk rye-bowt;⁷ and maid of it a pictur of *the Lairdis* fones. It haid all the pairtis and merkis of a child, such as heid, eyes, nose, handis, foot, mowth, and litle lippes. It wanted no mark of a child; and the handis of it folded down by its fydes. It was lyk a pow,⁸ or a flain gryce.⁹ We laid the face of it to the fyre, till it strakned;¹⁰ and a cleir fyre round about it, till it ves read lyk a cole.¹¹ After that, we wold rost it now and then; each other day¹² ther wold be an piece of it weill roften. *The Laird of Parkis* heall maill children by it ar to suffer, if it be not gotten and brokin, als weill as thes that ar borne and dead already. It ves still putt in and taken out of the fyre, in *the Divellis* name. It wes hung wp wpon an knag. It is yet in *Johne Taylor's* hows, and it hes a cradle of clay about it. Onlie *Johne Taylor* and his wyff, *Janet Breadhead*, *Bessie* and *Margret Wilfones* in Alderne, and *Margret Brodie*, thair, and I, wer onlie at the making of it. All the multitud of our number of WITCHES, of all the COEVENS, kent¹³ all of it, at owr nixt meitting after it was maid. And *the Witches* yet that ar vntaken, haw thair awin poweris, and owr poweris quhilk we haid befor we wer takin, both.¹⁴ Bot now I haw no power at all.

Margret Kyllie, in, is on of the vther COVEN, *Meftie Hirdall*, spows to *Alexander Rofs*, in Lonheid, is on of thaim; hir skin is fyrie. *Iffobell Nicoll*, in Lochley, is on of my COEVEN. *Alexander Elder*, in Earleseat, and *Janet Finlay*, his spows, ar of my COEVENS. *Margret Hasbein*, in Moynes, is on; *Margrat Brodie*, in Alderne, *Bessie* and *Margrat Wilfones*, thair, and *Jean Marten*, ther, and *Elfpet Nishie*, spows to *Johne Mathow*, ther, ar of my COVEN. The said *Jean Mairten* is MAIDEN¹⁵ of owr COVEN. *Johne Young*, in Mebestowne, is OFFICER to owr COEVEN.

Elfpet Chifsholme and *Iffobell More*, in Alderne; *Magie Brodie*,, and I, went in to *Alexander Cumings* litt-hows,¹⁶ in Alderne. I went in, in the likenes of a kea,¹⁷ the said *Elfpet Chifsholm* wes in the shape of a catt. *Iffobell Mor* wes a hair, and *Magie Brodie* a catt, and¹⁸ We took a threid of each cullor of yairne that wes in the said *Alexander Cuming* his litt-fatt,¹⁹ and did cast thrie knots on each threid, in *the Divellis* name; and did put the thriedis in the fatt, witherfones²⁰ about in the fatt, in *the Divellis* name; and thairby took the heall strenth of the fatt away,

¹ Feet. ² Strong ale. ³ Male. ⁴ In the nook, or corner, of his plaid. ⁵ Pounded, or powdered it, like meal. ⁶ To make the plaster fine, and free from earthy particles. ⁷ Probably a sort of stir-about, or hasty-pudding, made of rye-flour. ⁸ In another Deposition it is thus expressed, 'lyk a pow or fudge.' A fudge was a sort of scone, or roll, of a pretty large size. Perhaps this term signifies, as large as the quantity of dough or paste necessary for making this kind of bread. ⁹ A flayed sucking pig, after being scalded and scraped. ¹⁰ Shrivelled with the heat. ¹¹ Red like a coal. ¹² Each alternate day. ¹³ Knew. ¹⁴ This is something new in Witch stories, and lets in additional light on these charms. ¹⁵ Each Coven appears to have had an OFFICER for the men, and a MAIDEN for the women; but whether the province of these personages was to preside over them, or to act as messengers, to call them together, does not seem so certain. ¹⁶ Dye-house. ¹⁷ Jackdaw. ¹⁸ This and the preceding spaces are left blank in the Deposition. ¹⁹ Dying-vat. ²⁰ *Widdershins*, contrary to the direction and ordinary course of the sun.

that it could litt nothing bot onlie blak, according to the color of *the Divell*, in quhoes nam we took away the strenth of the rycht colouris that wes in the fatt!

ALL quhilkis of the premisses, fwa spokin and willinglie Confest and declairit furth of the mowth of the said *Iffobell*, in all and be all thingis as is abow fett downe, I, the said *Johne Innes*, Notar Publict, law writtine thir presenttis; and with the saidis Witnessses abow namet, in farder testimonie and witnesssing of the premisses to be of weritie, We law subferywit the sament with our handis, day, yeir, and place aboue specifeit.

JOANNES INNES, Notarius Publicus.¹

MR HARY FORBES, Minister at Auld Earn, Attestis.

W. DOLLAS of Cantray, Shereff-deput, Attestis.

A. BRODIE, witness to the said Confessione.

HEN. ROSE, Minister at Nairne, Attestis the forsaid

HEW HAY of Newtown, Attestes.

Declaratione, as to the principal substantialis.

W. SUTHERLAND of Kinsterie, Attestis these Confessionis.

GEORGE PHINNE, in Kirkmichael, Attestis.

JO. WEIR, in Alderrie, Attestis.

(2.) ISSOBELL GOWDIES SECOND CONFESSION.

ATT AULDERNE, the third day of May, 1662 yeiris, abowt the howris of two or thrie in the efternoore, or therby: IN prefrence of MASTER HARRY FORBES, &c.²

THE quhilk day, in prefrence of me, Johne Innes, Notar Publict, and Witnessses, all vnder-subferywand, the said ISSOBELL GOWDIE, professing repentance, &c.³ Efter that tym ther vold meit bot fomyntymes a COVEN, fomyntymes mor, fomyntymes les; bot a Grand Meitting vold be about the end of ilk Quarter. Ther is threitein perfones⁴ in ilk Coeven; and ilk on of vs has an SPRIT to wait wpon ws, quhan ve, pleas to call wpon him. I remember not all the Spritis names; bot thair is on called 'SWEIN,' quhilk waitis wpon the said Margret Wilson in Alderne; he is still⁵ clothed in grafs-grein; and the said Margret Wilson hes an niknam called, 'PIKLE NEIREST THE WIND.' The nixt Sprit is called 'RORIE,' who waitis wpon Bessie Wilson, in Alderne; he is still clothed in yallow; and hir nikname is 'THROW THE CORNE YAIRD,' [.].⁶ The third Sprit is called 'THE RORING LYON,' who waitis wpon Iffobell Nicoll, in Loehlow; and [he is still clothed] in sea-grein; her niknam is 'BESSIE RULE.' The fowrth Sprit is called 'MAK HECTOR,' quho [waitis wpon Jean] Martein, dawghter to the said Margret Wilson; he is a young-lyk Devill, clothed still in grafs-[green. Jean Martein is] MAIDEN to the Coven that I am of; and hir nikname is 'OVER THE DYKE WITH IT,' becaus THE DIVILL [always takis the] Maiden in his hand nix him, quhan ve dance Gillatrypes;⁷ and quhan he vold lowp from he and she will fay, 'Ower the dyk with it!' The nam of the fyft Sprit is 'ROBERT THE [RULE,' and he is still clothed in] fadd-dun, and seimis to be a Comander of the rest of the Spritis; and he waitis wpon Margret Brodie, in Alderne. [The name of the saxt Sprit] is called 'THEIFF OF HELL WAIT WPON HIR SELFE,' and he waitis also on the said Bessie Wilson. The name of the sevint [Sprit is called] 'THE READ REIVER,' and he is my owin Spirit, that waitis on my felse, and is still clothed in blak. The aucht Spirit [is called] 'ROBERT THE JACKIS,' still clothed in dune, and seimes to be aiged. He is ane glaiked gowked Spirit! The woman's [nikname] that he waitis on, is 'ABLE AND STOWT!'⁸ The nynt Spirit is called 'LAING,' and the woman's nikname that he waitis wpon is 'BESSIE BAULD.'⁹ The tenth Spirit is named 'THOMAS A FEARIE,' &c.¹⁰—Ther wilbe many vther Divellis, waiting wpon [our] MAISTER DIVELL; bot he is bigger and mor awfull than the rest of the Divellis, and they all reverence him. I will ken them all, on by on, from vtheris, quhan they appeir lyk a man.

¹ His Latin *docquet*, with his motto, '*Amor meus cruci fixus*. 1661,' are affixed. It is unnecessary to preserve this, as it is in common form. ² As in preceding Deposition. ³ The same preamble is repeated, with the account of her baptism and carnal dealing, &c., in similar terms as in her preceding Confession. ⁴ The DEIL's dozen. ⁵ Ever; always. ⁶ This paper is unluckily very much mutilated at the ends of the lines; which mutilation commences here. Where the sense can be made out, the words are conjecturally supplied, within brackets; if not, a small blank is left in this transcript. ⁷ Probably a dance then popular among the vulgar. ⁸ Viz. Bessie Hay. ⁹ Viz. Elspet Nishie. ¹⁰ Issobell, as usual, appears to have been stopped short here by her interrogators, when she touched on such matters.

Quhen we reafe the wind, we tak a rag of cloth, and weitts¹ it in water; and we tak a beetle² and knokis the rage³ on a stane, and we fay thryfe ower,

‘ I KNOK this ragg wpon this stane,
To raise the wind, in THE DIVELLIS name;
It fall not lye⁴ vntill I please againe!’

[Whan] we wold lay the wind, we dry the ragg, and fay (thryfe ower,)

‘ WE lay the wind in THE DIVELLIS name,
[It fall not] ryfe quhill we (or I) lyk to reafe it againe!’

And if the wind will not lye instantlie [after we fay this,] we call wpon ovr Spirit, and fay to him,
‘ THIEFFE! THIEFFE! conjure the wind, and caws it to [lye].’

We haw no power of rain, bot ve will reafe the wind quhan ve pleas.—He maid vs believ [.] that ther wes no GOD befyd him.

As for Elf-arrow-heidis, THE DIVELL shapes them with his awin hand, [and syne deliueris thame] to Elf-boyes, who whyttis and dightis⁵ them with a sharp thing lyk a paking neidle; bot [quhan I wes in Elf-land?] I saw them whytting and dighting them. Quhan I wes in the Elfes howffis, they will haw werie them whytting and dighting; and THE DIVELL gives them to ws, each of ws fo many, quhen Thes that dightis thaim ar litle ones, hollow, and bofs-baked!⁶ They speak gowftie⁷ lyk. Quhen THE DIVELL gives them to ws, he fayes,

‘ SHOOT thes in my name,
And they fall not goe heall hame!’

And quhan ve shoot these arrowes (we fay)—

‘ I SHOOT yon⁸ man in THE DIVELLIS name,
He fall nott win heall hame!
And this falbe alfwa trw;
Thair fall not be an bitt of him on lieiw!’⁹

We haw no bow to shoot with, but spang¹⁰ them from of the naillis of our thowmbes. Som tymes we will misse; bot if thay twitch,¹¹ be it beaft, or man, or woman, it will kill, tho’ they haid an jack¹² wpon them. Qwhen we goe in the shape of an haire, we fay thryfe ovr:

‘ I SALL goe intill ane haire,
With sorrow, and sych, and meikle caire;
And I fall goe in THE DIVELLIS nam,
Ay whill I com hom [againe!]’

And instantlie we start in an hair. And when we wold be owt of that shape, we vill fay:

‘ HAIRE, [haire, God fend thé caire!]
I am in an hairis liknes juft now,
Bot I falbe in a womanis liknes ewin [now.]’

When we vold goe in the liknes of an cat, we fay thryfe ower,

‘ I SALL goe [in till ane catt,]
[With forrow, and sych, and a blak]shot!
And I fall goe in THE DIVELLIS nam,
Ay quhill I com hom againe!’

¹ Wet. ² A piece of flatted wood, somewhat resembling a cricket-bat, which washerwomen use for knocking clothes, in cleansing them. ³ Rag. ⁴ Be allayed. ⁵ Shapes and trims them as a carpenter, with edged-tools.
⁶ Boss also signifies hollow, or empty. Perhaps this expresses that these Elves were diminutive and *hump-backed* creatures resembling the *trows* or *trolls* of FAIRY SUPERSTITION; whose propensities are uniformly described as being malignant, and hostile to mankind. ⁷ Roughly; crossly; gruffly. ⁸ Yonder. The preceding and following rhymes are probably *unique*, even in the history of TRIALS for WITCRAFT, and show, in a very forcible manner, the criminality of the bigoted, though learned and well-intentioned, individuals who dragged forward such wretches to public trial and an ignominious death. ⁹ On life; *alive*. ¹⁰ Jerk. ¹¹ Touch. ¹² A coat of mail; defensive armor.

And if ve [wold goe in ane craw, then] we fay thryfe ower :

‘ I SALL goe intill a craw,
With forrow, and fych, and a blak [thraw !
And I fall goe in the Divellis nam,]
Ay quhill I com home again !’

And quhen ve vold be owt of thes shapes, we fay :

‘ CATT, catt, (or craw, craw,) [God] fend thé a blak fhott ! (or blak thraw !)
I wes a catt (or craw) juft now,
Bot I falbe [in a woman’s liknes evin now.]

Catt, catt, (or craw, craw,) God fend the a blak shot ! (or a blak thraw !)

Giff we, in the [shape of an catt, an craw, an] haire, or any vther liknes, &c., go to any of our neighbouris howffis, being Witches, we will [fay,]

[‘ I (or we) CONJURE] thé Goe with ws (or me) !’

And presentlie they becom as we ar, either cats, hearis, crowes, &c., and goe [with ws whither we wold. Quhan] we wold ryd,¹ we tak windle-ftrawes, or been-ftakes,² and put them betwixt owr foot,⁵ and fay thryfe,

‘ [HORSE] and hattok; horfe and goe,
Horfe and pellattis, ho ! ho !’⁴

And immediatlie we flie away whair [eur we wold] ; and least our husbandis fould mis vs owt of owr beddis, we put in a boofom, or a thrie [leggit stoole beyde thame,] and fay thryfe ower,

‘ I LAY down this boofom (or stool,) In THE DIVELLIS name,
Let it not steir [Qubill I] com again !’

And immediatlie it feimis a voman, beyd owr husbandis.

Ve can not turn in the lik[nes⁵ of] Quhen my husband fold beeff, I vfed to put a fwellowes feather in the hyd of the beaft, and [fay thryfe,]

‘ [I] PUTT owt this beeff in THE DIVELLIS nam,
That meikle silver and good pryce com hame !’

I did ewin so [qubeneuir I putt] furth either horfe, noat,⁶ vebs,⁷ or any vther thing to be fold, and still⁸ put in this feather, and said the [samu wordis thryfe] ower, to caws the comodities sell weil, &c. thryfe ower,

Owr Lord to hunting he [is gone]
. marble stone,
He fent vord to Saint Knitt⁹

[Quhan we vold heall ony for, or brokin limb, we fay thryfe ower,]

.
.

He pat the blood to the blood, Till all vp flood ;
The lith to the lith, Till all took with ;
Owr Ladie charmed hir deirlic Sone, With hir tooth and hir towng,
And hir ten fingeris—
In the name of THE FATHER, THE SON, and THE HALIE GAIST !¹⁰

¹ Ride. ² Bean-stalks. ³ For feet. ⁴ See Note to ‘ Horse and hattock,’ p. 604. ⁵ There is a tradition in MORAYSHIRE, that Witches could not appear in the shape of a dove or a lamb ; the one being emblematical of THE HOLY SPIRIT, the other being the emblem of the AGNUS DEI. Perhaps the hiatus might not improperly have been so supplied. ⁶ Nolt, cattle. ⁷ Webs of cloth. ⁸ Uniformly ; constantly ; always. ⁹ After this fragment, a considerable portion of the MS. is unfortunately torn off. It is probable that the two first lines of the next Charm are mutilated. ¹⁰ It has been often remarked by the Editor, in the course of the numerous WITCH TRIALS which occur in this Collection, that a great proportion of the charms, in use to be repeated by these unhappy women, were actually paraphrases of portions of the *Mass-Book*—and in some cases, such as in the Case of ANNIE SAMSON, there appears to have been used doggrel versions of THE CREED, &c. ! Others were taken from ancient popular rhymes and songs, such as the above fragment, ‘ Our Lord to hunting he is gone,’ &c., which, unfortunately, is mutilated.

And this we say thryfe over, straiking¹ the for, and it becomes heall. 2^{di}, For the BEAN-SHAW,² or pain in the heance,³—‘ WEE ar heir thrie *Maidens* charming for the bean-straw; þe man of the Middle-earth, blew beaver, land-feaver, maneris of flooris, the Lord fleigged⁴ the Feind with his holy candles and yeird foot stione!—Thair she fittis, and heir she is gon!—Let hir nevir com heir again!’—3^{di}, For THE FEAVERIS, we say thryfe over, ‘ I FORBID the qwaking-feavers, the fea-feaveris, the land-feaveris, and all the feaveris that ewir God ordained, owt of the head, owt of the heart, owt of the bak, owt of the fydis, owt of the kneysis, owt of the thieghes, fra the pointis of the fingeris to the nebes⁵ of the toes; owt fall the feaveris goe, [fom] to the hill, fom to the hap, fom to the stione, some to the stok. In Saint Peiteris nam, Saint Paullis nam, and all the Saintis of Hevin: In the nam of THE FATHER, THE SONE, and of THE HALIE GOST!’⁶—AND when we took the frwit of the fishes from [the] fisheris, we went to the shore, befor the boat wold com to it; and we wold say, on the shoredfyd, thrie feuerall tymes ower,

‘ THE fisheris ar gon to the sea,
And they vill bring hom fishe to me;
They will bring them hom intill the boat,
Bot they fall get of thaim bot the smaller fort!’

So we either steall a fish, or buy a fish, or get a fish from them [for nowght,] an or ma.⁷ And with that we haw all the fruit of the heall⁸ fishes in the boat; and the fishes that the fishermen tham selues will haw, will be bot froath, &c.

The first woyag that ewer I went with the rest of owr COVENS wes [to] Plewghlandis; and thair we shot an man betuix the plewgh-filtis, and he presentlie fell to the ground, wpon his neife⁹ and his mowth; and than THE DIVELL gaw me an arrow, and cawfed me shoot an woman in that feildis; quhilk I did, and she fell down dead.¹⁰ In Winter 1660, quhen Mr Harie Forbes, Minister at Alderne, wes feik, we maid an bagg of the gallis, flesh, and guttis of toadis, pickles of bear,¹¹ pairings of the naillis of fingeris and toes, the liewer of ane hair, and bittis of clowtis. We steipit this all together, all night among watter, all haked¹² throw vther. And whan we did put it among the water, SATAN wes with ws, and learned ws the wordis following, to say thryfe ower. They ar thus,

‘ HE is lying in his bed,—he is lyeing feik and fair;
Let him lye intill his bed two monethis and [thrie] dayes mair!
2^{di}, Let him lye intill his bed,—let him lye intill it feik and fore;
Let him lyne untill his bed monthis two [and] thrie dayes mor!
3^{di}, He fall lye intill his bed, he fall lye in it feik and fore;
He fall lye intill his bed [two monethis and] thrie dayes mor!’

Quhan we haid learned all thes wordis from THE DIVELL, as said is, we fell all down [wpon owr] kneis, with owr hear down ower owr showlderis and eyes, and owr handis lifted wp, and owr eyes

¹ Stroking; gently rubbing.

² The *boneshave* or *boneshaw*, signifies the *SCIATICA*. From an amusing, published specimen of THE EXMOOR DIALECT, Devonshire, it appears, that the term is also known in England. The peasantry of that district use a singular *Charm* for its cure. ‘ The patient must lie upon his back, on the bank of the river or brook of water, with a straight staff by his side, between him and the water; and must have the following words repeated over him, viz.

“ Boneshave right—Boneshave straight—
As the water runs by the stave—Good for Boneshave!”

They are not to be persuaded but that this ridiculous form of words seldom fails to give them a perfect cure.’ *Exmoor Scolding*. P. 8. Note.

³ Haunch.

⁴ Affrighted; terrified.

⁵ Nibs; extremities.

⁶ It appears

very singular to us who live in the Nineteenth Century, that SATAN should have taught his servants to invoke THE SAINTS, and even THE HOLY TRINITY. The charms recited by his disciples are usually fragments of ancient Monkish rhymes; and most of them were such as many good Roman Catholics of the lower orders, even in these times, would not scruple to use, for the supposed cure of their bodily ailments.

⁷ One or more.

⁸ Whole.

⁹ Nose.

¹⁰ Issobell previously explained, that these poaching excursions took place, when the Witches were careering in mid-air, mounted on windle-straws and bean-stalks, &c. The DEVIL usually made them pick up such of the Elf-arrows as fell short of or missed their mark.

¹¹ Grains of barley, or *bear*.

¹² Hacked; minced into small pieces.

[stedfastlie fixed wpon] THE DIVELL; and said the forfaidis wordis thryfe ower to THE DIVELL, striktlie, against Maister Harie Forbes [his recovering from the said feiknes.] In the night tym we cam in to Mr Harie Forbes chalmer, quhair he lay, with owr handis all smeared [. out] of the bagg to swing it wpon Mr Harie, quhair he wes seik in his bed; and in the day tyme [. ane of owr] nwumber, quho wes most familiar and intimat with him, to wring or swing the bagg [wpon the said Mr Harie, as we could] not prevaill in the night tym against him; quhilk wes accordinglie done. Any of [.] comes in to your howffes, or ar set to doo yow evill, they will look vncowth lyk, thrawn [.] hurlie lyk, and thair clothes standing owt. The Maiden of owr Coven, Jean Mairten, wes [. We] doe no great mater without owr Maiden.

And if a child be forspoken,¹ we tak the cradle [.] throw it thryfe,² and than a dowg³ throw it; and then shakis the belt abow the fyre [. and then cast it] downe on the ground, till a dowg or catt goe ower it, that the feiknes may com [. wpon the dowg or] catt.

ALL quhilkis wer swa spokin furth of the mouth of the said ISSOBELL GOWDIE, &c.⁴

[Indorfed] ED^R, 10 July, 1662. Considered and found relevant be THE JUSTICE DEPUTE.

‘Tak cair of this peaper. See the Justice deputis judgement of it. Show this to the Commissionaris.’

HAVEING read and considered THE CONFESSIONS of ISOBEL GOWDIE, within contened, as particulie SATHAN, Renunciation of Baptism, with diverse malefices, I find that a Commission may be verie justlie pass, for hir last Tryall. (Sic subseribiter) A. COLUILLE, (Justice-depute.)

(3.) ISSOBELL GOWDIES THIRD CONFESSION.

AT AULDERNE, the fyftein day of May, 1662 yeiris, IN prefence of Master HARIE FORBES, Minister of the Gospell at Alderne, Mr HEW ROSSE, Minister at Nairn; JOHNE INNES of Edingeth; HEW HAY of Newtown; Mr ALEX DUNBAR, Schoolmaster and Session Clerk of Alderne; GEORGE PHINNEY, in Kirkmichaell; and Johne Weir, and Androw Easie in Alderne; and many vtheris, WITNESSIS to THE CONFESSION efter sett down, spoken furth of the mouth of ISSOBELL GOWDIE, spous to Johne Gilbert in Lochloy.

THE quhilk day, in prefence of me, JOHNE INNES, Notar Publict, and Witnesfes all vnder subserywand, the said ISSOBELL GOWDIE, appeiring to be most penetent for hir abominable finnes of Witchcraft, most ingenwoslie procedit in hir CONFESSION therof, in maner efter following; to witt. First, as I wes goeing betwixt the townis of *Drumdevin* and *the Headis*, THE DIVELL met with me, and thair I covenanted with him, and promiseit to meit him, in the night tym, in *the Kirk of Alderne*; quhilk I did. He stood in the Readeris dask, and an blak book in his hand; quhair I cam befor him, and renuncet JESUS CHRIST and my baptisme; and all betuixt the soale of my foot and the crown of my head, I gaw frielie wp and ower to THE DIVELL. *Margaret Brodie*, in Alderne, held me wp to THE DIVELL, wntill he re-baptised me, and marked me in the shoulder, and with his mouth sucked out my blood at that place, and spowted it in his hand, and sprinkling it wpon my head and face, he said, ‘I baptise ye, JANET, to my self, in my own nam!’ Within a whyll thereafter we all removed. And within few dayes he cam to me, in *the New Wardis of Inshoch*, and ther haid carnall cowpulation with me. He wes a werie meikle blak roch man. He will lye als hewie wpon ws, quhan he hes carnall dealling with ws, lyk an malt-secke. His memberis ar exceiding great and long; no mans memberis ar so long and bigg as they ar. He wold be amongst ws lyk a weath horfe amongst mears. He wold lye with ws in prefence of all the multitud; neither haid we nor he any kynd of shame; bot

¹ Bewitched. ² This seems to allude to passing the child, &c., through an enchanted hoop, ring, or belt, a very common popular charm in those days. ³ Dog. ⁴ The same form and subscriptions as in the preceding Confession, with the Notarial Attestation, &c. of JOHN INNES.

especiallie *he* hes no shame with him at all. He wold lye and hawe carnall dealling with all, at euerie tym, as he pleafed. He wold haw carnall dealling with ws in the shap of a deir or any vther shap that he wold be in. We wold never refuse him. He wold com to my hows-top in the shap of a crow, or lyk a deir, or in any vther shap, now and then. I wold ken his woice, at the first heiring of it, and wold goe furth to him and haw carnall cowpulation with him. The youngeft and l wstieft women will haw werie great pleafour in their carnall cowpulation with him, yea much mor than with their awin husbandis; and they will haw a exceiding great desir of it with him, als much as he can haw to them, and mor; and never think shame of it. He is abler for ws that way than any man can be (Alace! that I fould compair him to ane man!) onlie he ves heavie lyk a malt-seck; a ludg nature, verie cold, as yce.

He wold fend me now and then to *Aulderne* fom earandis to my neightbouris, in the shap of ane hair. I wes on morning, abowt the break of day, going to *Aulderne* in the shap of ane hair, and *Patrik Papleyis* ferwandis, in *Kilhill*, being going to ther labouring, his houndis being with them, ran efter me, being in the shap of ane haire. I ran werie long, bot wes forcet, being wearie, at last to take my own hous. The dore being left open, I ran in behind ane chift, and the houndis followed in; bot they went to the vther fyd of the chift; and I was forcet to run furth agane, and wan into ane vther hows, and thair took leafour to fay,

‘HAIR, hair, God fend th  cair!
I am in a hearis liknes now,
Bot I fall be ane voman ewin now!
Hair, hair, God fend th  cair!’

And so I returned to my owin shap, as I am at this instant, again. The dowgis will fom tymes get fom byttis¹ of vs, quhan ve ar in hairis,² bot will not get ws killed. Quhan ve turn owt of a hairis liknes to owr awin shap, we will haw the byttis, and rywis, and scrattis³ in owr bodies. Quhan we vold be in the shap of cattis, we did nothing but cry and wraw,⁴ and rywing, and as it ver, wirrieing on ane vther; and quhan ve com to owr awin shap again, ve will find the scrattis and rywes on our skins, werie for. Quhan on of vs or mor ar in the shap of catis, and meitt with ony vtheris owr neightbouris, we will fay,

‘DIVELL SPEID TH —GOE THOW WITH ME!’

And immediatlie they will turne in the shap of ane catt, and goe with ws. Quhan we wilbe in the shap of crowes, we will be larger than ordinar crowes, and will sitt wpon brenches of treis. We went in the shap of rewkis⁵ to *Mr Robert Donald Jones* hows, *THE DIVELL*, and *Johne Taylor*, and his wyff, went in at the kitchen chimney, and went down wpon the crowk.⁶ It wes about *Lambes*,⁷ in anno 1659; they opened ane vindow, and (we) went all in to the hows, and gott beiffe and drink thair; bot did no more harme.—We went in to *the Downie-hillis*; the hill opened, and we cam to ane fair and lairge brow rowme, in the day tym. Thair ar great bullis rowtting and skoylling ther, at the entrie, quhilk feared me.⁸

Bot that quhich troubles my confcience most, is the killing of severall perfones, with the arrows quhich I gott from *THE DIVELL*. The first woman that I killed wes at *the Plewgh-landis*; also I killed ane⁹ in the East of *Murrey*, at *Candlmas*¹⁰ last. At that tyme *Bessie Wilson*, in *Aulderne*, killed on thair; and *Margaret Wilson*, ther, killed ane vther; I killed also *James Dick* in *Canniecaill*: Bot the death that I am most of all forrie for, is the killing of *William Bower*, in *the Milltowne of Moynes*; *Margaret Brodie* killed ane voman, washing, at *the Burne of Tarres*; *Bessie Wilson* killed ane man at *the Bushe of Strutheris*; *Bessie Hay* in *Aulderne* killed ane prettie man called *Dunbar*, at the Eist

¹ Bites.

² In the shape of hares.

³ Tears and scratches.

⁴ *Caterwaul*, like cats.

⁵ Rooks.

⁶ The *crook*, on which the ‘rail-pot’ hangs, over the fire.

⁷ *Lammas*, the 1st day of August.

⁸ Alarmed,

frightened me. See her *CONFESSION*, Apr. 13, 1662, page 604.

⁹ Ane; one.

¹⁰ The purification of the blessed Virgin Mary, Feb. 2d.

end of the *Towne of Forres*, as he was coming owt at an gait; *Margaret Brodie* in Alderne killed on *David Blak*, in Darnvay. *Janet Breadhead*, spows to *Johne Taylor*, told me, a litle befor she wes apprehendit, that *Margaret Wilfone* in Alderne shot *Alexander Huchcon*, in Alderne; *Janet Breadheid* shot *Johne Falconer*, in the Park. The most of ws all wer ther, at that tyme. *Bessie Wilfone* killed on *William Man*, at Burgie; *Margaret Wilfone* killed on *Johne Lee*, and *Janet Breadheid* killed a fuy¹ at Burgie; *Bessie Wilfone* in Alderne, on an first Monday of the Reath, took a bagg maid of hairis lieweris,² the flesh, guttis and gallis of toadis, naillis of fingeris and toes, and fwinged it on an young man called *Thomas Reid*, and he died. *Bessie* and *Margaret Wilfones* in Alderne, *Johne Taylor* and his wyff, *Margrat Brodie* and I, and THE DIVELL, wer together, and *Mr Harie Forbes*, Minister at Alderne, goeing to *Moynes*. THE DIVELL gaw *Margret Brodie* an arrow to shoot at him, quhilk the did; bot it cam short; and *the Divell* cawfed tak it wp again. We desiret to shoot again, bot *the Divell* said, ‘No; we wold not gett his lyff at that tyme!’ *The Divell* cawfed me to shoot at *the Laird of Park*,³ as he was croceing *the Burne of the Boath*; bot I missed him.

We wold goe to feuerall howflis, in the night tym. We wer at *Candlmas* last in *Graingehill*,⁴ quhair we got meat and drink anewgh. THE DIVELL sat at the heid of the table, and all the COVEN abowt. That night he desirit *Alexander Elder*, in Earlseat, to say the grace befor meat, quhilk he did; and is thus:

‘WE eat this meat in THE DIVELLIS nam,
With forrow, and fych,⁵ and meikle flame;
We fall destroy hows and hald;
Both sheip and noat in till the fald.
Litle good fall come to the fore
Of all the rest of the litle store!’

And than ve began to eatt. And quhan ve laid endit eatting, we looked steadfastlie to THE DIVELL, and bowing owrfelwes to him, we said to *the Divell*,

‘We thank thé owr Lord for this!’ &c.

The wordis which we spak, quhan we maid the pictur, for distroyeing of *the Laird of Parkis* meall-children, wer thus:

‘IN THE DIVELLIS nam, we powr in this water among this mowld (meall),⁷
For lang duyning and ill heall;
We putt it into the fyre,
That it may be brunt both flik and stowre.
It falbe brunt, with owr will,
As any flikle⁸ wpon a kill.’

THE DIVELL taught ws the wordis; and quhan ve haid learned them, we all fell downe wpon owr bare kneysis, and owr hair abowt owr eyes, and owr handis lifted wp, looking steadfast wpon THE DIVELL, still saying the wordis thryfe ower, till it wes maid. And then, in THE DIVELLIS nam, we did put it in, in the midst of the fyre. Efter it had skrukned⁹ a litle befor the fyre, and quhan it wes read lyk a coale, we took it owt in THE DIVELLIS nam. Till it be broken, it will be the deathe of all the meall children that *the Laird of Park* will ewer get. Cast it ower an Kirk, it will not brak quhill¹⁰ it be broken with an aix, or fom fuch lyk thing, be a man’s handis. If it be not broken, it will last an hundreth yeir. It hes ane cradle about it of clay, to preferue it from skaith;¹¹ and it wes rosten each vther day, at the fyr; fom tymes on pairt of it, fom tymes an vther pairt of it; it vold be a litle wat with water, and then rosten. The bairn vold be brunt and rosten, ewin as it ves by ws. It wanted

¹ Sow. ² Hares’ livers. ³ John Hay of Park. ⁴ Belonged to Brodie of Lethin. ⁵ Sighing; lamentation. ⁶ The rest was probably omitted in writing down the Confession, as being blasphemous. ⁷ It is writtin *meall* in the other Confession; and the metre (such as it is) requires this liberty. ⁸ *Mowld* signifies ‘earth’ or ‘dust.’ ⁹ Stubble. ¹⁰ Until. ¹¹ Harm; injury.

no mark of all the pairtis of an child, little lippis, &c., and the handis of it folded downe by its fydis. *Johne Taylor* and *Janet Breadheid* his wyff, *Bessie* and *Margret Wilfones* in *Aulderne*, and I my selfe, with *THE DIVELL*, wer onlie at the making of it; bot all the multitud of all ovr *COEVENS* got notice of it, at the nixt meitting; for all ovr actis and deidis, betuixt grett Meittingis, moft be geven accompt of, and notted¹ in his book at each Grand Meitting—bot all my owin *COVEN* gott notice of it werie fchortlie. *THE DIVELL* him self cam to me, to my awin hows, and bad me meitt him in *Johne Tayloris* hows, to help thaim to mak the faid pictur. All *THE COVEN* did flie lyk cattis, keas, hairis, and rewkis, &c. bot *Barbara Ronald*, in *Brightmanney*, and I, still² read on an horfe, quhich ve vold mak of a straw or beein-stalk.³ *Bessie Wilfone* wes still in the liknes of a rewk.

Quhan we ar at meat, or in any vther place quhateuir, *the Maiden* of each *COVEN* fittis abow the rest, nixt *THE DIVELL*; and she ferwis *THE DEVILL*, for all the old peopill that he cairis not for, and ar veak and wnmeit for him. He will be with hir and ws all lyk a weath-horfe efter mearis; and somtymes a man, bot werie wilfull⁴ in carnall cowpulation at all tymis; and they ewin fo als wilfull and defirous of him. Som tymis, among ovr felwis, we wold be calling him ‘*BLAK JOHNE*,’ or the lyk, and he wold ken it, and heir ws weill aneughe; and he ewin then com to ws, and fay, ‘I ken weill anewgh what ze wer fayeing of me!’ And then he vold beat and buffet ws werie for. We wold be beattin if ve wer abfent any tyme, or neglect any thing that wold be appointit to be done. *Alexr Elder*, in *Earlfeat*, vold be werie oft beattin. He is bot foft,⁵ and cowld never defend him self in the leift, bot greitt and cry, quhan he vold be fcurging him. Bot *Margret Wilfön*, in *Aulderne*, wold defend hir self fynlie, and cast wp hir handis to keip⁶ the stroakis off from hir; and *Bessie Wilfone* wold fpeak cruftie with hir townge, and wold be belling again to him ftowtlie. He wold be beating and feurgeing ws all wp and downe with cardis⁷ and vther fharp feurges, like naked gwhaftis; and we wold be still cryeing, ‘*Pittie! pittie! Mercie! mercie, ovr Lord!*’ Bot he wold haw neither pittie nor mercie. Whan he vold be angrie at ws, he wold girne at ws lyk a dowge, as iff he wold fwellow ws wp. Somtym he vold be lyk a flirk, a bull, a deir, a rae, or a dowg, &c., and haw dealling with ws; and he vold hold wp his tail wntill we wold kiffle his arce. And at each tyme, quhan ve wold meitt with him, we behoowit to ryfe and mak our curtefie; and we wold fay, ‘Ze ar welcom ovr Lord!’—and ‘How doe ze, my Lord!’ &c. Quhan we wold tak the fruit⁸ (fruit?) away of anie perfones midden or dunghill, we wold fay thus, (when we wold putt haiked fleth of an vnchristned child, dowgis and fheipis fleth, and pairingis of naillis, &c., all baked throw-vther):—

‘ We putt this intill this ham,⁹
 In our Lord *THE DIVELLIS* nam.
 The first handis that handles thé,
 Brunt and scalded fall they be!
 We fall distroy hows and hald,
 With the fheip and nout¹⁰ intil the fald,
 And litle fal come to the fore
 Of all the rest of the litle-store!¹¹

We killed an ox, in *Burgie*, about the dawing of the day, and we browght the ox with ws hom to *Aulderne*, and did eat all amongst ws, in an hows of *Aulderne*, and feasted on it.

THE DEVILL wold giw ws the brawest lyk money that ewer wes coyned; within fowr and twantie houris it vold be horfe-muke.¹² Alace! I deferw not to be fitting heir, for I haw done fo manie evill

¹ Noted; recorded.

² Constantly; always; uniformly.

³ Bean-stalk.

⁴ Wanton.

⁵ Uncourageous; simple; unresisting.

used in carding wool, flax, &c.

⁶ *Kip*; ward off.

⁷ Scourges made of cords—not ‘cairds,’ or instruments

spirit, ‘fushion,’ (Fr. *foison*); that is, the fertilizing power.

⁸ The Editor never before met with this word; it evidently means strength.

⁹ Flame; home; destination.

¹⁰ Nolt;

cattle.

¹¹ The last four lines are the same with the conclusion of the *WITCH-CRACE*, in this Confession, p. 612.

¹² Horse-dung. In other Witch cases, money thus procured is usually said to have been turned into ‘*sclaitt-stanis*.’

deidis, especiallie killing of men, &c. I deferw to be reivin wpon iron harrowes, and worfe, if it culd be devyfit!

And quhan we tak away the fruit of cornis, at *Lambes*,¹ we tak an wooll-sheeir, and cuttis or clips onlie thrie stakis² of it, and plaitis vther thrie rudis together, and faves,

‘ WE cutt this corne in our Lord THE DIVELLIS nam,
And we fall haw the fruit of it ham!’

And this thryse ower; and so we haw the fruit of that field. Ewin so, quhan we tak keall or the lyk, &c. And we lay all vp till *Yewll*, *Pace*, or Halie dayes; and pairtis it among vs, and feaftis on that together.

Wpon the quhillkis all and fundrie of the premisses, swa spokin and willinglie Confest be the said *Iffobell Gowdie*, I, the said *Johne Innes*, Notar publict, haw wretten thir presentis, and with the Witnesses abow and vnder namet, haw subfcriuit the samen with our handis, day, moneth, place, and yeir abow fett doun.

JOANNES INNES, Notarius Publicus.⁵

MR HARY FORBES, Minister of Auld Earn, Attestis.

HEN. ROSE, Minister at Nairne, Attestis the foirsaid Declaratioun, as to the principal substantialis.

HEW HAY of Newtowne, Attestes.

JO. WEIR, in Auldearne, Attestis.

GEORGE PHINNIE, in Kirkmichael, Attestis.

(4.) ISSOBELL GOWDIE'S FOURTH CONFESSION.

AT AULDERNE, the tuantie fevinth day of May, 1662 yeiris. In presence of MASTER HARIE FORBES, Minister at Aulderne; PATRIK CAMPBELL of Boath; MR ALLEX^R DUMBAR, Schoolmaster and Clerk of the Session of Aulderne; GEORGE PHINNEY, in Kirkmichael; HEW HAY of Newtowne; and JOHNE WEIR, in Aulderne; WITNESSES TO THE CONFESSION of ISSOBELL GOWDIE, spows to Johne Gilbert, in Lochloy.

THE said day, the said ISSOBELL, professing repentance for hir former finnes of Witchcraft, and that she had bein ower long in THE DIVELLIS service; without ony compulsitouris, proceedit in hir CONFESSION, in maner efter following: That is to say. I acknowledg, to my great grieff and tham, that fyftein yeiris since I denyed FATHER, SON, and HOLIE GOST, in the *Kirk of Aulderne*; and gaw over my bodie and fowll to THE DIVELL; he standing in the Readeris Dask of *Aulderne*, and an blak book in his hand: *Margret Brodie*, in Aulderne, held me wp to THE DIVELL, quhill⁴ I did this, and quhill he marked me one the shoulder, and sowked out my blood thairat, and spitted it in his hand, and sprinkled it on my head, and baptifed me ‘JANET,’ in his owin nam. Efter that, he had carnall cowpulation with me, in the *New Wardis of Inshoch*; and still thairefter, fra tym to tym, at owr pleasour.

The names of THE COEVEN ar thes.⁵ *Bessie Wilfone*, in Aulderne; *Janet Burnet*, ther; *Elfpet Nishtie*, ther; *Margret Brodie*, ther; *Margret Vilfone*, ther; *Bessie Hay*, ther; *Johne Taylor*, in Belmakeith; *Janet Breadhead*, his spous; *Barbara Ronald*, *Iffobell Nicoll*, in Lochloy; my self, with *Jean Mairten*, our MAIDEN; and *Johne Young*, in Mebestoun, owr OFFICER. THE NAMES OF OWR DIVELLIS, that waited upon us, ar thes. First, ROBERT, the *Jakis*; SANDERIS, the *Read Reaver*; THOMAS, the *Fearie*; SWEIN, the *roaring Lion*; THIEFFE OF HELL, *Wait upon hir self*; MAKHECTOUR; ROBERT, the *Rule*; HENDRIE LAING; and RORIE. We wold ken them all, on by

¹ *Lammas*, 1st August; *Festum S. Petri ad Vincula*.

² Stalks; stems.

³ The long Latin *docquet* and

motto, before referred to, are annexed.

⁴ Until.

⁵ The principal purpose of this renewed Examination seems to have been to get a more detailed account of the persons composing her COEVEN, &c., besides getting a solemn Confirmation of her former Declarations; so that the rest of that unhappy Society might in due time be brought to Trial and punishment.

on, from vtheris. Som of thaim apeirit in fadd-dun, fom in graffe-grein, fom in sea-grein, and fom in yallow. THE NIK-NAMES that THE DIVELL gaw wnto ws wer, PIKELL NEIREST THE VIND, this wes *Margret Wilsones* niknam; *Bessie Wilsones* niknam ves THROW THE CORN-YAIRD; *Elspet Nishies* niknam ves BESSIE BALD; *Jean Mairtenis* niknam, quho ves MAIDEN, is OWER THE DYK WITH IT; *Bessie Hayes* nickname is ABLE AND STOUT.

I haw fein the Elf-arrowes maid. The *Divell* dights¹ them, and the *Elf-boyes* quhytes² them. We got ewerie on (of) ws fo many of thaim from the *Divell*, to shoot at men.³ I my self killed on *William Bower*, at Miltoun of Moynes. This griewis me mor than any thing that I ewer did. *Margret Brody* killed an woman, washing, at the *Burn of Tarras*. *Bessie Wilson* killed an man, at the *Bush of Strutheris*. *Bessie Hay* killed on *Dunbar*, at the East end of the town of *Forres*, coming owt at a gait. *Margret Brodie* shot at on *David Blak*. *Margret Wilson* killed on *Alexr Hucheon*, in Aldern. *Janet Breadhead*, now in prifon, killed *Johne Falconer*, in Park. Ther were thrie killed East the cowntrie, at *Candmas* last: I killed on, *Margret Brodie* on, and *Bessie Wilson* on. I shot on *James Dik*, in Connicavell; *Margret Brodie* killed on *W^m Cruikshank*; *Margret Wilson* killed on *Johne Ley*; *Janet Breadhead* killed a fuyne,⁴ also she killed an vther man at *Burgie*; and *Bessie Wilson* killed on thair, namet *W^m Man*. We killed an ox, and brought it to *Bessie Hayes* hows, in Alderne; and we did eat him thair. I shot at the *Laird of Park*, as he ves crossing the *Burn*⁵ of *Boath*; bot, thankis to God now, that he preferwit him. *Bessie Hay* gaw me a great cuffe,⁶ becaus I missed him.

Margaret Brodie shot at *Mr Harie Forbes*, at the Standing-stanes, bot she missed; and speirit, ‘If she fould shoot again?’ And the *DIVELL* said ‘Not!—For we wold nocht get his lyf at that tym.’ We intentit⁷ feuerall tymes for him, quhan he ves feik. *Bessie Hay*, *Jean Mairten*, the Maiden, *Bessie Wilson*, *Margret Brodie*, *Elspet Nishie*, spows to *Johne Mathow*, and I myself met in *Bessie Wilsones* hows, and maid an bag against him. The bag wes maid of the flesh, guttis, and gallis of toadis, the liever of a hear,⁸ pikles of corn, and pairingis of naillis of fingeris and toes; we steipit all night among water. The *Devell* learned ws to fay thes wordis following, at the making of the bag:—

‘He is lying in his bed—and he is feik and fair,

Let him ly in till that bedd monthes two and dayes thrie mair!

He sal ly in till his bed, he salbe feik and fair—

He fall lye in till his bedd monethes two and dayes thrie mair!’

And quhan we haid said thes wordis, we wer all on our kneysis, our hair abowt our showlderis and eyes, holding wp our handis to THE *DIVELL*, that it⁹ might destroy the said *Mr Harie*. It ves intentit that ve, coming in to his chalmer, in the night tym, we fould swing it on him. And becaus we prevailed not at that tym, *Bessie Hay* vndertook and cam in to his chalmer to wisit him, being werie intimat with him; and she brought in of the bag in hir handis, full of the oyll thairof, to haw fswowng and casten dropis of it on him; bot ther wer fom vther worthie persons with him at that tym, by quich God prevented *Bessie Hay*, that she got no harm don to him, bot fswang a litl of it on the clothes of the bed quhair he lay.

Johne Taylor and his wyff, *Bessie* and *Margret Wilsones*, and I, maid a pictur for the *Laird of Parkis* maill children.¹⁰ *Johne Taylor* brought hom the clay in his plaid newk; his wyff sifted it; we powred in vater in a cowg¹¹ amongst it, and wrought it for,¹² and maid a pictor of it, lyk a child, als big as a pow. It wanted no mark of the imag of a bairn, eyes, nose, mouth, litle lippies, and the hands of it folded down by its fydis. The vordis that we said, quhan we maid it, ver thes:—

¹ Dresses. ² Blocks them out. ³ See the CONFESSION of Apr. 13, 1662, where *Issobell* tells us they were licensed to sport, in this manner, when riding on straws through the air; and that they had power to kill all who did not sanctify themselves, &c. ⁴ A sow. ⁵ On good authority, *Issobell* and her master ought to have known, that the Laird was out of their power while crossing a running stream. ⁶ A smart slap, or blow.

⁷ Tried; essayed. ⁸ A hare's liver. ⁹ Viz. Their charmed bag. ¹⁰ See the former CONFESSIONS.

¹¹ A sort of wooden dish.

¹² Sore; extremely.

‘ WE put this water among this meall,
 For long dwyning¹ and ill heall;
 We put it in intill the fyr,
 To burn them vp both flik and flour,
 That be brunt with our will,
 As any flikill² on an kill!’

THE DIVELL fitton on an blak kift. We wer al on our kneysis, and owr hair about our eyes, looking on THE DIVELL stedfastlie, and owr handis lifted vp to him, saying the vordes ower. And by this the bairnis died, &c. All this, with a great many mor terrible thingis, the saidis Witneffes and Notar hard the said *Iffobell* CONFES, and most willinglie and penetently speak furth of hir ovin mouth. IN wittnes quhairof, WE haw subferyuit thir presenttis, with owr handis, day, yeir, and place, abow fett down.

ITA EST Joannes Innes, Notarius Publicus, in fidem premifforum, rogatus et requisitus, subscribo.

JOANNES INNES, No^{rius} Publicus.

MR HARY FORBES, Minister of the Gospel, at Old Earn, Attests.

W. SUTHERLAND of Kinsterrie, Attestis. HEW HAY of Newtowne, Attestes.

ALL DUNBAR, Schoolmaster and Clerk to the Session of Oldearne, Attests.

GEORGE PHINNIE, in Kirkmichel, Attests. JO. WEIR, in Auldearne, Attestes.

VIII. CONFESSION of *Janet Breadheid, spouse of John Taylor, in Belmakeith.*

AT INSHOCH, the fourteenth day of Aprill, 1662 yeiris. IN presence of PATRIK DUNBAR of Benaferrie,³ Shereff principall of the Shereffdome of Elgin and Forres; HEW HAY of Newtowne; ARCHBALD DUNBAR, in Meikle Penick; ARCHBALD DUNBAR, in Lochloy; WALTER CHALMER, in Balnaferrie; JAMES COWPER, in Inshoche; JOHNE WEIR, in Aulderne; and ane great multitud of all fortis of vther perfones; WITNESSES to THE CONFESSIONS and DECLARATIOUN efter fett downe, spokin farth of the mowthe of JANET BREADHEID, spous to Johne Taylor, in Belmakeith.

THE quhilk day, in presence of me, JOHNNE INNES, Notar Publict, and Witneffes abownamet, vnderfubferyuand, ⁴[the said] JANET BREADHEID, professing repentance for hir former finnes of Witchcraft, and that she haid bein over long in the [samin] service; without any preffuris,⁵ proceedit as followis, to witt. FIRST, I knew nothing of Witchcraft wntill I wes mari[et with] my husband, Johne Taylor; andsit wes he, and Elspet Nishie, his mother, that entyfed me to that craft. And the first [thing] that we did wes, we maid some drowgries,⁶ of dowgs flesh and sheipis flesh, against Johne Hay, in the Mure; and therby took away his cornes, and killed his horse, noat,⁷ theip, and vther guidis;⁸ and layed it abowt his hows, to tak away his awin lyffe; and therefter, he shortlie died. Onlie my mother-in-law and my husband did this, to learne me; and this wes my first [lesson] from them, &c.⁹ When they gott me to consent to this craft; first, they haid me to the Kirk of Nairne, in the nycht [tyme;] and THE DIVELL wes in the Readeris dask, and an book in his hand. And at that meitting, Bessie Wilfone, in Auld[erne;] Margret Wilfone, spows to Donald Callam, thair; Margret Brodie, thair; Barbara Friece, ther; Helen Inglis, spows to William [. . . .] thair; Janet Burnet, thair; Elspet Makbeith, thair; Elspet Nishie, spows to Johne Mathew, in Aulderne; Mariore Taylor, [spous] to Robert Barrie, ther; Bessie Hay, ther; Archibald Man, ther; Mariorie

¹ Pining; lingering sickness; gradual wasting away.

² Stubble.

³ The Dunbars of Balnaferrie and Westfield were *heritable* SHERIFFS of Murray.

⁴ A considerable part of this paper having been destroyed by mice, the Editor has supplied the blanks from conjecture, after a careful comparison with other similar Examinations. The words so supplied are put within brackets.

⁵ Without the application of TORTURE, or other ‘legal compulsions;’ voluntarily.

⁶ Drugs; enchanted charms.

⁷ Nolt, cattle.

⁸ Farm stock; ‘bestial.’

⁹ A pretty experiment, indeed, for enticing a novice to be initiated!

Man, his daughter, ther; Elspet Makhomie, relict [of] wmq^{ll} Allexander Huchefon, ther; Bessie Friece, spous to Johne Gilbert, ther; Iffobell Friece, spows to Androw Miller, ther; Agnes Torrie, spows to William Yowng, ther; Elspet Chifolme, spows to vmq^{ll} Makhomie, ther; Allexander Elder, in Earlfat; Janet Finlay, his spows; Elspet Laird, in Miltoun of Moynes; Johne Robertfon, in Leathin; Grifall Sinklar, his spows; Allexander Sheipheard, in Miltoun of Moynes; Janet Man, his spous; Mariorie Dunbar, in Brightmanney; Kyllie, in Vester Kinfray; Allexander Ledy, ther; Elspet Gilbert, in Leathinbar; Agnes Brodie, in Leathin; Janet Smith, spows to Robert Frafer, in Arry; Bessy Peterkin, in Torrich; Allexander Bell, in Drumdewin, a charmer; Iffobel Nicoll, in Lochloy; Bessie Young, ther; Elspet Falconer, spows to James Inglis, in Penick; Bessie and Margret Huchcons, ther; Walter Ledy, ther; wer all ther that night. Johne Taylor, my husband, wes then Officer; bot Johne Yowng, in Mebestoune, is now Officer to my COE[VEN.] Quban I cam first ther, THE DIVELL called tham all be thair names, on the book; and my husband, than [OFFICER,]¹ called thame at the dore. And when that was done, Bessie Wilfon, in Aulderne, fat down nixt THE DIVELL;² [Bessie] Hay, thair, fat nixt him, on the vther sid; Janet Burnet fat nixt hir; and Elspet Nishie, spows to the said Johne [Mathew,] fat nixt Bessie Wilfon, hir mother. She wes THE MAIDEN to hir motheris Coeven. All the rest fat downe [as] they to cam.³

The nixt thing, efter quhat wes done that night, THE DIVELL lay with them all abowt. And then for me, my husband presented me, and he and Margrat Wilfon, in Aulderne, held me vp to THE [DIVELL to] be baptifed: And efter I haid put my on hand to the foallis of my foot, and the vthir hand to the [crown of] my head, and renunced my baptifme, and all betuixt my two handis to the Divell, the Divell [marked me] in the shoulder, and fuked out my blood with his mowth, at that place; he spowted it in his hand, and [sprinkled it] on my head. He baptifed me thairvith, in his awin nam, 'CHRISTIAN.' And than immediatlie thairefter, [they all returned] each to ther awin howffis. Within fyw dayes thairefter, he cam to me to my hows, quban my hub[and] was furth, in the morning, at the plewgh, to sie the mark quich he gaw me; and he did lye with me in the naked [bed,] and haid carnall cowpulation with me; and gaw me ane piece of money, lyk a testain. He was a meikle, roch, blak man, cloven footed, werie cold; and I fand his nature within me als cold as spring-well-water. He promeisit to sie me again, within eight dayes, quhill he did, and haid carnall cowpulation with me again, and gaw me an vthir piece of money, lyk the first; bot they both turned read,⁴ and I got nothing for thaim. He cam again within twantie dayes, and still⁵ once in the twantie dayes, and lay with me at each tym continually.

[We] met in the place of Darnvay⁶ nixt that, and thair we did eat and drink, &c. Efter that, we vold still meit [euerie] ten, twelve, or twantie dayes continwally.

Whan we haid Great Meittingis, Walter Ledy, in Penick, my [huf]band, and Allexander Elder, nixt to THE DIVELL, wer Ruleris; and quban ther wold be but fewar, I my self, the deceassit Jean Suthirland, Bessie Hay, Bessie Wilfone, and Janet Burnet wold rule thaim. The first thing that we did, except the taking of meat, wes taking of the cornis of Drumdewan, and [then] pairted that amongst ws. 2dly, We float noat⁷ in plewghes. 3dly, Agnes Grant, who wes brunt on the hill of,⁸ gott hyre from Elspet Monro, to destroy the Lairdis of Park and Lochloy, and thair [posteritie.] And then I and my husband, Elspet Nishie, and Bessie and Margret Wilfones, in Aulderne, con[veened] our felwes with THE DIVELL, in Elspet Nishies hows; and then touk dowgis flesh, and theipis flesh, and [haked] it werie small with an aix, and feithed it an hail fornoon in a pot, among water: And than I took it owt; and THE DIVELL, with his awin hand, did put it in a theipis

¹ See *Issobell Gowdie's Confessions*; where it is stated that this worthy was OFFICER to a *Coven*. ² She being MAIDEN to the *Coven*.

³ As they happened to come in; promiscuously.

⁴ Red.

⁵ Uniformly;

constantly.

⁶ The seat of THE EARLS OF MORAY. See *Issobell Gowdie's Confessions*.

⁷ Shot *nolt*, or

cattle, in ploughs, with elf-arrows.

⁸ Left blank, in the original.

bagg, and he steiring it still¹ abowt with his handis. We wer wpon our kneyes, owr hair about owr eyes, and owr handis lifted up, and ve looking stedfastlie wpon THE DIVELL, praying to him, repeating the vordis quhich he learned vs, that it fould kill and destroy the Lairdis of Park and Lochloy, and thair meall-children and posteritie. And then we cam to Inshoch, in the night tym, and skatered it wpon, and down, abow, and about the gait, and vther places quhair the Lairdis and thair fones wold most haunt; and then ve, in the lyknes of crowes and rewkis flood abow the gait, and in the treis oposit to the gait. It wes apointed so, that if any of them fould twitch² or tramp wpon any of it, als veill as it or any of it to fall on thaim, it fould strik thaim with byllis,³ &c. and kill them: Quhilk it did; and they fhortlie died. We did it to mak that hows airles.⁴ It wold wrong non els bot they. And it wes Keathren Sowter, that wes brunt,⁵ that [shot] William Hay, the last Laird of Parkis brother, for⁶ on Gilbert Kinley. It wes only that bagg that wes the death of both the last Lairdis of Park.

Alfo, four yeir since, I and my husband, Iffobell Gowdie, spows to Johne Gilbert, in Lochloy, and Bessie and Margret Wilsones, in Alderne, maid [a pictur] of clay, lyk the Laird of Parkis eldest sone. My husband brought hom the clay in his plaid [newk. It] wes maid in my hows; and THE DIVELL him self with ws. We brak the clay werie small, lyk meil, [and] sifted it with a siew, and powred in vater amongst it, with wordis that THE DIVELL learned vs, [in the DI]VELLIS nam. I brought hom the water, in a pig,⁷ out of the Rud-wall.⁸ We wer all wpon owr [kneyes,] and our hair about owr eyes, and owr handis lifted vp to THE DIVELL, and owr eyes stedfast looking [vpon him,] praying, and saying wordis which he learned ws, thryfe ower, for destroyeing of this⁹ Lairdis [meall] children, and to mak his hows airles. It wes werie fore wrowght, lyk rye-bowt. It was about the bignes of a feadge or pow. It was just maid lyk the bairne; it wanted no mark of any mail child, such as heid, face, eyes, nose, mouth, lippes, &c., and the handis of it folded downe by its fydis. It wes putt to the fyre, first till it scrunked,¹⁰ and than a cleir fyre about it, till it wes hard. And then we took it owt of the fyre, in THE DIVELLIS nam; and we laid a clowt abowt it, and did lay [it] vp on a knag, and sometimes vnder a chift. Each day we vold water it, and then rost and bek¹¹ it; and turn it at the fyre each other day, whill¹² that bairne died; and then layed it vp, and stejred¹³ it not wntill the nixt bairne wes borne: And then, within half an yeir efter that bairn wes borne, [we] took it owt again out of the cradle and clowt, and vold dip it now and than among water, and beck [it] and rost it at the fyre, each other day once, as ve did against the vther that wes dead, wntill that bairn [died] alfo. ALL quhilkis of the premisses, swa spokin and willinglie Confessit and declarit furth of the mouth of the said JANET BRED[HEID,] in all and be all thingis as is abow sett downe, I, the said JOHNE INNES, Notar Publict, haw writtine thir presentis, and with THE WITNESSES abownamet, in farder testimonie and witnessing of the premisses to be of veritie, We haw subscrivuit the famen with our handis, [day, month,] yeir, and place abow specifit.

JOANNES INNES, *Notarius Publicus*.¹⁴

HEW ROSE, Minister at Nairne, Attestis thir premisses, confessed in my presence, Aprile 15, 1662.

MR HARY FORBES, Minister of the Gospel at Old Earn, Attestis.

ARCHIBALD DUNBAR, witness, Attestis. W. SUTHERLAND off Kinsterie, Attestis the premisses.

[JOHNE WE]IR, in Alderne, Attestis; Confessed in my presence, Apryll 15, 1662.

J. COUPER, Attestes. W. CHALMER, witness to the premisses, confest in my presentis, 15 of Apryll.

IHEW HAY Attestes the premisses, Confest 15 Appryll, 1662.¹⁵

¹ Ever; constantly.

² Touch.

³ Boils.

⁴ Heirless.

⁵ For Witchcraft.

⁶ At the

instigation of.

⁷ Earthen jug, or jar.

⁸ The ROOD, or HOLY-CROSS, well.

⁹ The present Laird's

male children. The last two Lairds are stated to have been destroyed by the charned bag.

¹⁰ Got parched, or

shrivelled; *shrunk*.

¹¹ Bake.

¹² Every alternate day, until that child died.

¹³ Stirred.

¹⁴ The

long Latin docquet is annexed.

¹⁵ Some farther marking had at one time been on the margin; but only a few

of the *letters* at the end of each line now remain. It appears to have been the Judgment of the Justice-depute, from a fragment of a Memorandum on the back of the CONFESSIO; so that it is probable she had been tried at one of the

'JUSTICE-AIRS'—and of course would, on her own Confession, be condemned to be burnt.

No. VIII.

CONTINUATION OF NO. XVIII. OF THE GENERAL APPENDIX OF
DOCUMENTS ILLUSTRATIVE OF GOWRIE'S CONSPIRACY.

(See VOL. II. pp. 299 to 313.)

WHEN the Editor was in the progress of completing his collection of materials for illustrating the truth of the EARL OF GOWRIE'S CONSPIRACY against KING JAMES VI, one of the Volumes of *Sir James Balfour's* MSS. had been misplaced. Since that time, however, the Editor has had the advantage of again inspecting that truly valuable repertory of historical information, and now submits a few more of those highly interesting Papers, which, he is happy to notice, place the conduct of the celebrated *Mr Robert Bruce* in a much more favourable point of view. In justice to the memory of that eminent individual, it has been thought proper to insert them in this Appendix. Throughout the protracted controversy between *Bruce* and THE KING, the latter, obviously, had the worst of the argument—and tyrannically put down his able but dauntless and pertinacious antagonist by a most unlawful stretch of arbitrary power, after he failed in all his attempts at foiling him with his own weapons.

The relentless persecution of *Bruce* must, assuredly, be accounted an additional blemish in the character of KING JAMES VI, by every unprejudiced person. The reader is once more referred to the text, and to the documents and authorities formerly quoted, in reference to this subject.

(18.) LETTER, *Mr Robert Bruce* to THE KING.¹

PLEAS 5OUR MAIESTIE,

WPOON the directione fend to me by 5our hienes CONSELL, I thought it meitt be my awin letter to testife my resolucione to 5our M. in that mater of GOWRIE. 5our M. can not be ignorant in quhatt termes I passit my resolutioun at *Sanct Jonnestowne*.² That resolutioun is as 5itt extant, subferywitt be monie honest vitneffis. To that resolutioun, both in mater and maner, I adhear; and fra it I am nott myndit to pas, be GOD his grace. This resolutioun gaue 5our M. perfytt contentment than, and I doubt nott bott itt vill do the lyke 5itt. So luiking that 5our MAIESTEIS scruple falbe fullie fatified, in that mater, I rest,

TO HIS MAIESTIE.

5our M. his most humble and obedient subiect,
ROBERT BRUCE.(19.) LETTER, *Mr Robert Bruce* to THE PRIVY COUNCIL.³

PLEAS 5OUR HONORIS,

I RECEAWED 5our Letteris on Setterday the 13 off this instant; and for fatisfactionne thairoff I haue directed my Letter, containing my avin⁴ resolutioun in that mater, unto his M. My resolutioun nov is relative to my resolutioun att *Sanct Jonstoun*, quhilk vas dyttit⁵ by HIS MAIESTEIS selff, and subferywet by monie honest vitneffis (befyd me) quha ar 5itt liewing. This resolutioun gawe his M.

¹ From Orig. preserved among the *Denmylne MSS.* Adv. Lib. A. 2. 52. No. 25. It is undated. ² Perth, having been dedicated to St John as Patron Saint, was long known by this name. ³ From the same Coll. No. 26; also undated. ⁴ Own. ⁵ *Endited*, composed.

perfyt contentment then, and I doubt nott bot itt will do the lyk ȝitt; for vnto thatt resolutioun I adhear both in matter and maner; and I am reddie to testifie the same, so oft as his M. pleases, by my awin hand wreitt. Sa, luiking that ȝour honoris fall not be forder trublit in that mater, I rest,

ȝour honoris to be commandit to his povar, in God,

To HIS M. most honorable PRIUVE CONSELL.

ROBERT BRUCE.

(20.) LETTER, *Mr Robert Bruce to THE KING.*

MAY IT PLEIS ȝOUR M.

HEIRING that my cuming to *Aberdene* was interpret to spring of contempt, I thoct it my bundin dewtie to purg my selfe to þe vtermost thairof, for I compt contempt of GOD and his Lewtennent þe heighest cryme that is; And thairfoir, for purgation, I say, that quhatsoever is done with ane warrand of GOD and man can nocht incur þe suspition of a contempt, lat be ane actual; and in deid, gif thair had bene ane prefeription or limitation of tyme in any Licience, I had failȝeit in passing þe boundis thairof; ȝea nocht onlie that, but I avaittit upon þe proper tyme quharfoir my Licience wes gevin me, and tuik þe benifeit quben þe necessitie of my infirmitie confranit me; and being moir respectiue than that, I tuik it nocht quhill THE BISCHOP OF MURRAY brocht me þe adwyse of þe BISCHOPPIS OF SANCT ANDROS and GLASGOW to do so: And giff I had refaut þe meifest signification that culd be, that þe imbracing of þe benifit at that tyme wald nocht stand with ȝOUR HIENESS contentment, I wald most glaidlie haiff abstainit thairfra; for I haif layed my compt, be GODIS grace, never to involue me in that giltines. So, to end, thair is no thing done be me quhairfoir my former benifeit suld be retrenchit; and most humilie I creave that ȝour M. censure go nocht befor my procuring, but that my reparing to *Aberdene* for my better helth and confort of my wyff and childrin may stand with ȝour M. fauor. So resting ever,

ȝour M. most humbill subiect and orator,

INDERNES,¹ ye 20 viij of Merche (1606?)

ROBERT BRUCE.

To THE KINGIS most excellent MAIESTIE.

(21.) SUPPLICATION, *Mr Robert Bruce to THE PRIVY COUNCIL.*²

MY LORDIS OF SECRET COUNSALL, vnto your lordschipis humblie menis and schawis I, your seruitour, MR ROBERT BRUCE, Minister, That quhair, the last day when I wes brocht befor your ll., I wes commandit and ordaneit be ȝour ll. to adressè my selff to the burgh of *Invernes*, and thair to remane and within four myllis abute the same, dureing his MAIESTEIS will and pleasour; lykeas, the tyme for my adressè thair daylie approtechis; quhairvnto, althocht I acknowledge my selff bundin in conscience befor GOD and in my alledgeance to THE KINGIS MAIESTIE, my Souerane,* to gif all dew obedience, as by GODIS grace I mynd neur to be disobedyent to HIS MAIESTIE or your ll., in ony of your ll. directionis, in this kynd; yitt, the indispositioun and inhabilitie of my persone, conioyned with my grite aige, forceis me humblie to schew vnto your ll. how vnable I am to vndertak and to vnderly fuche a jorney and charge; ffor I am become so feible and waik,³ and my aigeit and weyryed⁴ persone is so far worne and waisted with greif, cair, and vtheris visitationis quhairwith it hes pleast THE LORD in his mercye to chastice me, that hardlie dow⁵ I travell any quhair, without haifard of my lyff: And yf it fall pleas GOD to visite me with feiknes, outhat at *Invernes* or be the way, it is not liklie that I fall overcome⁶ the same. And tuotching the imputatioun layed vpoun me, whilk wes the caus of HIS MA^{TEIS} offence,⁷ and of this hard course tane with me, I thank GOD I wes frie and innocent thairof, and I cleirit my selff of the same in your ll. presence, it being a poynt verrie far fra my professioun to be a movair or steirair⁸ vp of Seditioun, as HIS MA^{TE} wes informed of me; and fra my hait I deteast fuche Seditious practizes, as being most impious and wicked, and repugnant to the

¹ Inverness. ² It is unsigned, and no deliverance indorsed, but it is evidently the original, having the marks of the ribbon usually passed through Letters and bills, &c., when sealed and sent to a distance. ³ Weak.

⁴ Weary; spent.

⁵ Am I able to travel.

⁶ Survive, recover.

⁷ Displeasure.

⁸ Stirrer.

Holy Ordinanceis of God, quhairby we are commandit to gif all dew obedyence to our superioris. And as I feliew vnto your ll., my comeing to this burgh the tyme of the Parliament wes vpone a meere necessitie, and to eschew the danger of horneing, quhairwith I wes threattned, for xxij merkis. And dureing the schorte tyme of my aboade heir, whilk wes not xxxvj houris, I spak not with a Parliament man, except *the Lord Kilfayth*,¹ whome I employed to be cautioner for me; and had no kynd of meddling with the affairis of the Parliament, becaus thay concerneit me not; bot keipit my selff very quyet till my away-going. And dureing the tyme of my Warding in *the Castell of Edr*, my cariage wes so modest, calme, and peceabill, withoute meddling with thir matteris of THE KIRK now in questioun, as I hoip nothing can be obietit vnto me. And yf HIS MA^{TIE} wald be gratiouflie pleisit to suffer me spend the few remanent of my aigeit and weyryfome dayes at my awne houe, I wilbe verrie glaid and willing to be perpetuallie confynned thair, and tua myllis thairabout; and I fall neur transcend that boundis, nor medle with ony matter concerneing the pollicie and governement of THE KIRK. Most humblie befeiking your ll. to haif confideratioun of this my estate; and outhere be your selffis, or be your intercessioun at HIS MAIESTEIS handis, to grant me some ease and releiff in this heaue charge layed vpoune me, whilk wilbe my vtter ouerthrow and wrak. And your ll. anfuere.

(22.) LETTER, *The Archbishop of St Andrews*² to THE KING.

MOST SACRED SOVERANE,

IT may please your most excellent MA^{TIE}, I haue seene your MA^{TIES} directioun sent to THE EARLE OF DUNBAR about MR DAVID LYNDSEY his intemperance in preaching. I haue tane baldnes to give anfuere and avyse, in maist humble and submissiue maner. The man vas input³ be your MA^{TIE} vpon my rasche and oft repeated fute. He hes oft done veill aganes the feditious, albeit instantlie. The vordes he spak, to my gryt greiff, wer to reprehend your MA^{TIE} for toleratioun and advancinge off PAPISTES, quha ever foght your MA^{TIES} wrak; and this was efter jat I had congratulat to the peipill your MA^{TIES} lait wonderfull delyverie.⁴ Ester Sermon, I convened *the Bailles*, and *Counfall*, and sent pame to him to querrell him for his vnreverent usage; quhilk wrocht this effect that the daye follovinge he preached ane palinod,⁵ sa impudentlie flatteringe to your MA^{TIES} praise, and vilipendinge all the Princes of Europe be name, in your MA^{TIES} respect,⁶ that all men esteimed he vas makand penance for the former dayes infolence, with supererogatioun.

This his foolie⁷ is nocht worthie of your MA^{TIES} wrathie; and as for me, I will nocht give advyse to honour sick ane⁸ with publict censure, at sic ane tyme. I haue advyfed with your MA^{TIES} most trustie servantis of our societie, quha thinkes meit to transport him, but noyce,⁹ to a landwart¹⁰ Kirk; and to assume to me ane¹¹ mor vyse¹² and fast,¹³ quhilk your M. fall see accomplished, but your MA^{TIES} empfechement.¹⁴

My Lord of Dunbar hes employed him selff sa faythfullie, eafaldlie,¹⁵ and fortunatlie, in this lait service, that I presume to advyse your MA^{TIE} to give him credit in your MA^{TIES} service, in our gryttest turne, in this Parliament; for quhatfumever is glansed to your MA^{TIE} in the contraire, is aither *panici terrores*, or prevaricatioun.

SIR, I lacke moyen to do quhat I wald in your MA^{TIES} service. I heir, daylie, foule vanities quhilkis I think I am called to repreffe. I want formall rycht and rent. Supplie this, SIR, in this your approachinge Court, and than se fall nocht neid to wreit hither; but the punished fall feik thither toward your MA^{TIE} for obteneing pardone. Finallie, your MA^{TIES} erandis in the credit off *the Earle of Dunbar*, or of ane off lyk dispositioun, is heir possibill and easie. *Non debet sub tali tantoque*

¹ Sir William Livingston, one of the Ordinary Lords of Session, who succeeded Sir John Preston, Lord Fentonbarns, Jun. 6, 1609. His son was created Viscount of Kilsyth and Lord Campsie, by patent, Aug. 17, 1661.

² George Gladstones, translated from the Sec of Caithness anno 1606, but not consecrated till anno 1610. Died May 2, 1615. ³ Inducted, *put in*. ⁴ From the Earl of Gowrie's Conspiracy. ⁵ Lat. *palinodium*, recantation after professions of repentance. The term is still used both in the Civil and Ecclesiastical Courts. ⁶ In comparison to the King. ⁷ Folly. ⁸ Such a one. ⁹ Translate him without bustle or noise. ¹⁰ To a country or landward Parish Church. ¹¹ One, viz. another Minister. ¹² Wise. ¹³ Steady, sure.

¹⁴ Without hindrance or trouble to your Majesty. ¹⁵ Sincerely, without duplicity, (q. d. *one-foldly*), in contradistinction to *two-fold*, double, deceitful. The word is now nearly obsolete.

principe precarium esse imperium. This,¹ I humbly recommend your MATIES perforce and eftait to GOD his mercifull Providence, I remaine,

Your MATIES maist humble oratour and obedient servant,

EDINBURGHE, nynt of Februar, 1606(-7.)

To THE KINGIS most excellent MATY.

SANCTANDROIS.

No. IX.

BOND by JOHN fifth EARL OF CASSILLIS, to his Brother HEW KENNEDY, commonly called THE MASTER OF CASSILLIS, to pay him and his accomplices 1200 merks yearly, &c. to commence from the date of their taking the Life of THE LAIRD OF AUCHINDRAYNE.

(See VOL. III. pp. 124, 581, &c.)

[In the preceding Collection, and also in the 'Historical and Genealogical Account of the principal FAMILIES of the Name of KENNEDY,' recently published,² all the incidents then discovered relative to the accumulated acts of villainy perpetrated by THE LAIRD OF AUCHINDRAYNE and his son have already been disclosed. The public being likewise in possession of the leading features of this extraordinary case, from the graphic pen of SIR WALTER SCOTT, who has prefixed an introductory notice to his dramatic poem, 'AUCHINDRAIN, or the Ayrshire Tragedy,' it is altogether unnecessary to attempt even a brief sketch of their lives and crimes in this place.

The Historical Account above referred to, and the present Collection, contain a great variety of Documents which have been brought forward, alike to illustrate the Trials of the Lairds of Auchindrane, and the extraordinary state of society and manners in the important district of Carrick and the adjoining shires. But no Papers which have hitherto been discovered appear to the Editor to afford so striking a picture of the savage state of barbarism into which that country must have been sunk, as the following BOND by the EARL OF CASSILLIS to his brother and heir apparent, Hew Master of Cassillis. The uncle of these young men, Sir Thomas Kennedy of Culzean, Tutor of Cassillis, as the reader will recollect, was murdered, May 11th, 1602, by Auchindrayne's accomplices.

The MASTER OF CASSILLIS, for many years previous to that event, was in terms of open personal hostility to his brother. During all that period, however, the Master maintained habits of the closest intimacy with Auchindrayne and his dissolute associates, and actually joined him in various hostile enterprises against his brother the Earl.³ The occurrence of the *Laird of Culzean's Murder* was embraced by their mutual friends as a fitting opportunity to effect a permanent reconciliation between the brothers; "bot (as 'the Historie' quaintly informs us) the cuntry thocht that he wald not be ertainist in that cause, for the auld luiff betwix him and Auchindrayne."⁴ The unprincipled Earl, (whose *sobriquet*, and that of some of his ancestors, was *King of Carrick*, to denote the boundless sway which he exercised over his own vassals and the inhabitants of that district,) relying on his brother's necessities, held out the infamous bribe contained in the following Bond, to induce his brother, the Master of Cassillis, to murder his former friend, the old Laird of Auchindrayne. Though there be honour among thieves, it would seem that there is none among assassins; for the younger brother insisted upon having the price of blood assured to him by a written document, drawn up in the form of a regular BOND!

Judging by the Earl's former and subsequent history, he probably thought that, in *either* event, his purposes would be attained, by "killing two birds with one stone." On the other hand, however, it is but doing justice to the Master's acuteness, and the experience acquired under his quondam preceptor Auchindrayne, that we should likewise conjecture that, on his part, he would hold firm possession of his BOND, to be used as a checkmate against his brother, should he think fit afterwards to turn his heel upon him, or attempt to betray him into the hands of justice.

The following is a correct copy of the Bond granted by the Earl, as transcribed from the original.]

WE, JOHNE EARLE OF CASSILLIS, Lord Kennedy, &c., Bindis and Oblissis ws, that howfovrne our broder HEW KENNEDY of Brounfoun, with his complices, talkis THE LAIRD OF AUCHINDRANEIS lyf, that we fall mak guid and thankfull payment to him and pame of pe sowme of tuelff hundreth merkis, 5eirlie, togidder with corne to sex horsis, ay and quhill⁵ we reffaw⁶ pame in houshold with our self: Beginning pe first payment immediatlie after pair committing of pe said deid. ATTOUR,⁷ howfovrne we reffaw pame in houshold, we fall pay to pe twa ferwing gentillmen pe feis, 5eirlie, as our awin houshold ferwandis. And heirto we Obliss ws, vpoun our honour. SUBSCRIVIT with our hand, AT MAYBOLE, pe ferd day of September, 1602.

JOHNE ERLE OFF CASSILLIS.

¹ Thus. ² The Quarto Edition, Edin. 1830. ³ For the confessed purpose of taking his life, in following out their deadly Feud. ⁴ Historie of the Kennedies, p. 59. ⁵ Aye and until. ⁶ Receive. ⁷ Moreover.

GENERAL INDEX.

GENERAL INDEX

TO CRIMINAL TRIALS, &c.

DURING THE REIGNS OF

KINGS JAMES IV AND V, MARY QUEEN OF SCOTS, AND KING JAMES VI.

* * THE reader, in consulting the following INDEX, is requested to remark, that owing to the Editor's having been under the necessity of sending the TRIALS which occurred during the reign of KING JAMES VI. to press, before the introductory portions of this work were compiled, it became requisite for him to page the earlier reigns in Vol. I. thus, * 1, * 2, &c. In order to avoid the annoyance and trouble of consulting *separate* INDICES of persons and matters, the Editor has bestowed a great deal of time and labour in constructing an extremely copious GENERAL INDEX, which he may venture to say embraces every circumstance contained in the work, which is at all likely to be esteemed interesting and useful to the historian, lawyer, antiquary, or genealogist. The most prominent of the ancient words and phrases, and the leading historical facts, superstitions, &c., have also been incorporated, so as to render the work more acceptable, and also as useful as possible to the public, as a book of reference.

- ABBOT OF UNREASON, I. * 116, * 121, * 123 ;
Insurrection in Edinburgh, * 409 ; in the
Mearns, &c., 15, 81. See Robin Hood, &c.
- Abbreviator of the King's Household Books, I.
* 313.
- Abduction, Forceful, I. * 104, * 180, * 182 ;
Kincaid, &c. * 421 ; Oliphant, 24 ; Carnecroce,
244 ; Gray, 297 ; Aikenhead, 362 ; Fleming,
377 ; Laird of Corhouse, 378 ; Laird of Thor-
nydykes carried off, when 14 years old, and
married against his consent, III. 402. See
Rape, Forcing, &c.
- Aberbrothock, Abbot of, I. * 127 ; David, * 136,
* 185 ; Ambassador to France, 281 ; Geo., 16 ;
John, 89 ; Ja., II. 575.
- ABERCORN, LORD (EARL OF), Ja., II. 496, 544 ;
III. 138 ; his activity as to the Laird of Auch-
indrane's being brought to justice, *ib.* 168, &c.
- Abercromby of Gourdy, Dav., I. * 405 ;—of that
Ilk, Alex., I. * 441 ; Tho., II. 60 ; III. 318 ;—
of Ley, Alex., slain by Witchcraft, I. 206 ;—of
Murthlie, Tho., II. 49 ;—of Pitmedden, Alex.
Bigamy, Adultery, I. 110 ; his place burnt,
160 ; most barbarously Murdered, III. 78 ;—

- Mr Ro., Jesuite, I. 312, &c.;—of Straruthie, And., II. 534;—of Westhall, Hector, III. 78.
- Aberdeen, General Remission to Inhabitants, I. * 113; Bailies and community remitted for abiding from the Armies of Solway and Werk, &c., * 242; Bailies deforced, * 250; burgesses exempted from Assises of Barons, &c., * 377; III. 379; absolved for not taking Mr Ja. Gordon, &c. I. 343;—Bishop of, Wm., I. * 162; Elect (Bishop of), I. * 263;—Raid of, I. 183.
- ABERNETHY, LORD, of Saltoun. See Saltoun.
- Abertarf, Raid of, I. * 392.
- Aberuchill, burnt, III. 232, 250, 566.
- 'Able and Stowt,' a Witch's nickname, III. 606.
- Achallader, Castle of, burnt by the MacGregors, III. 114, 232, 249.
- Achannane of Murdochat, Gilb., III. 118.
- Achesoun of Gosford, Alex., I. 2, 156;—of Inneresk, Jo., portioner, III. 9, 452.
- Achyle, Baron of, III. 552.
- Adam, Geo., beheaded, I. 95.
- Adamesoun of Scouringburne, Gilb., III. 480.
- Adder's-skin, used in Witches' charms, I. 245.
- Adiesoun, Dav., hanged for horse-stealing, &c., II. 357.
- Adjournal, Books of, I. * 477, *et passim*.
- Administering the Holy Sacraments, in the Popish manner, &c. See Sacraments, &c.;—enchant-ed drink, III. 68.
- Admiral, Lord High, his jurisdiction, I. * 129, 93.
- Adois, business, II. 185, &c.
- Adreiche, III. 265.
- Advocate, King's, I. * 315, 101;—Faculty of, not liable to pass on Assises, II. 112;—for the poor, I. * 315.
- Adultery, James Davidsons, I. * 27; Mr John Elphinstoun, * 356, * 459; Lady Elphinstoun and Drummond of Medope, * 465; Pat. Vrequhard, 11; Wm. Carnebye, 13; Amullekyne, 78; banished, 80; Eliz. Prestoun, 83; and Poisoning, And. Glencorse, burnt, 84; Abercrombie, 110; Ja. Myllar and Marjory Blaikie, 167; Hay of Dalgattie, II. 46; curious pleadings recorded in this case, *ib.*; Gray banished, 369; Norwall banished, 387; Heislop and Gray *carted* through Edinburgh, and banished the burgh, 401;—and Child-Murder, Ryburne of that ilk, 415; Roise of Dunskeillie beheaded, 481; Jardine of Birnok, 491;—and Incest, Ja. Stewart, 'wirreit and brunt,' III. 248; Jo. Guthrie, hanged, 428; Alex. Thomson and Jonet Cuthbert, banished, *ib.*
- Afald, sincere, &c., III. 275, 395, *et passim*.
- Afflek. See Auchinlek.
- Agnew, Patrick, Sheriff of Wigtoun, taking bribe to discharge a Murderer, I. * 63; Oppression, &c., * 89; prevents Court being held, * 91; remitted for Slaughter, * 252, 141;—of Mureis-haith, Gilb., III. 328;—of Trong, Alex. *ib.*
- Aguirre, Mr Fra., Spaniard, I. 329.
- Ahannay of Kirkdaill, Pat. Provost of Wigtoun, slain, III. 119, Pat. *ib.* 477;—of Sorby, I. * 95; Jo., Provost of Wigtoun, II. 540; Marg., stealing a purse, III. 552.
- Aiken, Bessie, condemned for Witchcraft, II. 25; pleads pregnancy, and is, after long imprisonment, banished for life, 29, 52.
- Airdry, Laird of, III. 245; his lands in Lewis burnt and wasted, *ib.*
- AIRLY, LORD. See Ogilvy.
- Airth of Smetoun, Geo., I. * 201.
- Aitchison of Aitchison's haven, Mark, denounced, I. 276;—of Gosford, Alex., 2, 156;—of Inveresk, Jo., portioner, III. 9, 452.
- Aitchison's haven, Witch convention there, I. 245.
- Akergill, Fortalice of, besieged by E. of Caithness, &c., I. * 394; taking, 283.
- ALBANY, Alex., DUKE OF (brother of K. JA. III.), Intercommuning with, I. * 16, * 17, * 18, * 40, * 71; John, Governor of Scotland, * 231; fielding against, near Glasgow, * 237, * 238, * 241, * 264; sends a great horse to the King, * 275;—Arthur, PRINCE, (youngest son of K. JAMES V,) his birth, I. * 309; baptism, death, *ib.*; cups and chalice made at his birth, *ib.*; Albany Herald, III. 86.
- Alchymy, I. * 120.
- Aldermen (Bailies of burghs), a term formerly in common use, in Scotland, I. * 10, * 418, &c. &c.
- ALDOBRANDINE, CARDINAL, II. 589.
- Ale, price of, I. * 389; enchanted, II. 524; Witches' mode of taking, III. 605.
- Ale-cellar, King's, yeoman of, I. * 313; grooms of, *ib.* See Yeoman, &c.

- ALEXANDER, PRINCE OF SCOTLAND, I. * 232;—
of Drummeldrie, Tho., portioner, II. 368;—
of Menstrie, Sir Wm. (the poet), III. 590.
- Allakayis (lackeys), I. * 289.
- Allan of Corsfurd, Ro., I. 35.
- Allanedonnand, burning Castle of, I. * 256.
- Allerdes of that Ilk, Jo., II. 362; Jo., fiar, fined,
363;—of Skadowie, III. 453.
- Allhallowmass, I. * 391, &c.
- Almerie, what, III. 239.
- Almosar, Master (Elemosinar or Almonar), I.
* 289.
- Almous-gowns, the King's public Almous, I.
* 278, * 305, * 312, &c. See Bedesmen.
- Allouris (allars), cutting, II. 522; III. 221.
- Alsunder, Jo., swindler, a curious case, III.
209.
- Altar, King's and Queen's, I. * 320.
- ALTRIE, LORD, I. 178; Ro., 283, 284; II. 50.
- Ambassadors from Almane, I. * 283;—Emperor,
I. * 304, * 306;—of England, I. * 273, * 276,
* 283;—expenses, * 285, * 284, * 301, * 318;
—at K. James VI. baptism, * 479;—to demand
redress for Kinmont Will being taken by force
from Castle of Carlisle, 364;—from Q. Eliz. as
to Gowrie's Conspiracy, II. 313, 315;—of
Flanders, I. * 243;—of France, I. * 262,
* 263, * 274, * 281, * 283;—at baptism of K.
JAMES VI. * 479;—Palsgrave, I. * 301.
- Amisfield burnt, I. * 348.
- Amullekyne of Dempstartoune, Cuth., Adultery,
I. 78; banished, 80; Jo., hanged, III. 223.
- Amzerk wine, I. * 389.
- Ancrum Mure and Moss, Army of, I. * 332,
* 359; Raid of, I. * 332.
- And, an', if, III. 75, &c.
- Andersmes, II. 437.
- Andersoune, Jonet, drowned, I. * 162; Thomas,
hanged for coining, * 397.
- Andesoune, Paul, hanged, I. * 400.
- Angel-nobillis, III. 178.
- ANGUS, EARL OF, Stouthreif of his horses, I. * 23;
of his lance, * 25, * 78; Raid against Border
Thieves, * 134; raising Siege of Newark, * 139,
* 188; battle of Kitticrocehill, * 237, * 238,
&c.; * 266, * 269;—Arch. * 382, 75; Treason,
96; outlawed, 97; Forfeited for Raid of Ruth-
- ven, 119, 178; Arch., bewitched to death, 216,
240, *note*, 243; III. 61;—Wm., I. 275; Com-
mission of Justiciary, &c., to use fire and sword
against the Clanchattan, &c., 280; act to ap-
prehend him as a Conspirator against 'the trew
Religioun,' 281; Offers presented by him, 301;
to abide trial, &c., 303, 306; trial for Conspiring
against the Religion, 310; summons of Treas-
on, 314; doom, 316; the 'Spanish Blanks,'
&c., 317; II. 67; his Raid of Dumfries, 105,
371, 423, 474, 510; III. 318;—Da. (7th Earl),
390; his daughter La. Marg. married to Sir
Walt. Scott of Branxholm, *ib.*; Bond by Bor-
der Barons to assist, I. * 127;—Bell the Cat.
* 187, &c.; Intercommuning with and assisting,
* 160, * 187, * 201; John Mathesone, behead-
ed, * 202, * 209, * 243, * 244, * 246, * 254;—
COUNTESS of (Dame Jean Lyoun), charm to
secure her favour, 240; accused of Witchcraft,
241, *note*; 242;—MASTER OF, Geo., * 78;—
Wm., his liferent forfeited, 258;—of Hoprig,
Alex., * 84.
- ANNAN, VISCOUNT, Jo., III. 595.
- Annandale, Portuys (Porteous-roll) of, I. * 321.
- ANNE of Denmark, QUEEN, impeded by storms
on her passage to Scotland raised by Witches,
I. 211, 218, 222, 236; taxation of 100,000*l.* on
account of her approaching accouchement,
306; her pearls and jewels abstracted; curious
trial of Marg. Hartsyde, II. 544.
- Ansenye (Royal Standard), I. * 268, * 324;—
bearing one called the 'Haly Gaist,' * 330.
- Anstruther of that Ilk, Jo., I. * 141, 60, 72;
younger, 255;—Magistrates of, assisting E.
of Bothwell, 310.
- ANTRIM, MARQUIS OF, III. 2; Randal, *ib.*
- Anysle, Ralph, Intercommuning with D. of Al-
bany, I. * 17.
- Ape, I. * 285.
- Apotesyde, Place of, burnt, &c., II. 510.
- Apparel, curious list of, carried off from Kilbirny,
II. 508; III. 478. (See also under each ar-
ticle of dress.)
- Appeal to the Deity, in cases of Murder, III.
184; form of the ceremonial, *ib.* &c.
- Apprising, Forgery of, I. * 255.
- Aqua vitæ, flagon of, I. * 308.

- Aquaviva, Claudius, General of the Jesuites, III. 378.
- Aqueus, Stephanus, French Ambassador, I. * 281.
- Archers of the King's Guard, I. 299;—do. of France, II. 380; duel in France, *ib.*
- Archery, I. * 272, * 274, * 278; trial of skill between King JAMES V. and 5 English Archers. * 283, * 285; pellok-bows, * 293, * 297; cross-bows, &c., * 305; English bows and arrows, * 307; gainzies (bolts for cross-bows), * 309; bow, arrows, &c., to Q. MARY of Guise, * 324.
- Archibald of Blackhall, Wm., I. * 404.
- Armorial bearings embroidered on King's robes, &c., I. * 301;—of Forfeited Traitors, publicly torn and defaced, * 490; II. 241; their dead bodies exhibited in Court at forfeiture, *ib.*, &c.
- Armour. See under each separate article; Stouth-reif of Horse and, II. 453.
- Arm-pits, a girl tortured by burning under, &c., to detect Theft, II. 45.
- Arms, banners, &c., at Funerals, I. * 288, * 297; &c. &c.
- Arras-werk (Tapestry), I. * 274, * 293, &c.; New Tapestry from Flanders, * 298, * 310; 'Chalmer of the antique Historie,' * 312, * 318, * 320.
- ARTHUR, PRINCE, son of K. JAMES V. See Albany;—Sir Ja., baptizing, &c., in fashion of Papistry, I. * 420.
- Armstrang of Hairlaw, Ade, I. * 398; Christie callit *the Bull*, I. * 398; Ro. callit *Rattas*, III. 396; Wm. callit *Bald*, *ib.*;—of Gilnockie, Jo. I. * 152, &c. See Johnnie A.;—of Quhithauch, Simon, hanged, I. * 251; Simon, murdered, * 137; 93; Simon, yr. tried for Raids of Falkland, &c. 293; denounced, 306; Lancie, III. 396;—of Kinmont, Wm., freed from irons in Castle of Carlisle, and carried off by Buckcleugh, I. 363; Q. ELIZ. demands redress by her Ambassador, 364; Relations of this event, II. 504; Fra., III. 396; Wm. his son, *ib.*; Tho., son to 'Sandeis Ringane,' Murder of the Warden of the West Marches, II. 363; his right hand struck off and hanged at Cross of Edr., and his body gibbeted in irons on Burrowmure, 364; Da., son to 'Sandeis Niniane,' hanged, 441; Ingrie and 12 others burn Castle of Langholm, &c. 450; 479; Ringane, callit *New-maid Ringane*, Resisting King's Guard, hanged, 452; Tho., called *the mercheand*, 567; Niniane's Thome hanged for Intercommuning with Lord Maxwell, III. 223;—of the Langholme, Johnne, II. 451; Burning Castle of L., &c. *ib.*; And., slaughter, 567;—of Rowanburne, Will, hanged for Resisting King's Guard, &c. II. 452; Alex., hanged for Murder of Warden of the West Marches, 505; of Flaskholme, Archie, Fire-raising, &c. II. 479;—of Arkiltoune, II. 491; his wife ravished, *ib.*;—of Tweidane, Ninian, Slaughter, &c. II. 509;—of Kirktonehill, Ebbie, Slaughter, II. 567; And., III. 396;—of Cannabie, Ja., Slaughter, II. 567;—of the Gyngellis, Wm., III. 11, 43; Tho., 396;—of the Holme, Jo., his purse stolen, III. 441; Arch., Intercommuning with, I. * 17, * 101, * 172, * 271; Richard, Resetting, I. * 34, * 36; *Blak Jok*, hanged, I. * 152; John hanged, * 172; Francis, &c. 93; *the Lairdis Jok*, II. 520; Christopher and 16 others, I. * 171; Simon hanged, I. * 172; gift of his escheat, * 250;—Clan of, respited for a year, I. * 235;—Johnnie, notices relative to, I. * 152; gift of his escheat, * 245;—of Mangertoune, Thomas, I. * 152, &c., * 171, * 245; II. 509.
- Armstrang's 'Good night,' II. 505.
- Army of Norhame, I. * 35.
- Armitage (see Hermitage), Castle of, I. * 284; Captain of, III. 220.
- Arbitration, Judicial, to compromise Feud between Lairds of Playne and Cammismort, I. * 167.
- Ardross, Laird of, tears the King's Letters, I. * 271.
- Ardendraucht, Place of, burnt, I. * 98.
- Ardochbeg, burnt, I. * 225.
- Ardwell, burning of, I. * 56.
- ARGYLE, EARL OF, Colin, I. * 2; Arch., * 78; Remitted for Resetting the Master of Montgomery, &c. I. * 105; appointed Justice-General and Master of Household, * 244; remission for Fire-raising in Mull, &c. 247; * 263; resigns Mackane's lands in Isles to the Crown,

- * 312, * 353, * 441, * 461, * 478, * 503, * 505, &c. * 512; Colin, 88, 114, 116; Arch., 263, 289; Commission of Fire and sword against Jesuites, &c. 336; Lieutenant, 342; liability for the Campbells and Macgregors, II. 62, 63; sits as Justice-General, 428, 491; his conduct in reference to the Clan-Gregor, 431; shamefully betrays MacGregor, 434; flight to Spain, III. 3; proceedings against those who opposed him as King's Lieut., 79;—MARQUIS OF, alleged prodigies at Dunune, III. 199; detail of infamous barbarities committed by his followers, *ib.*
- Arrow-schot, II. 536.
- Arran, Office of Justiciary of, I. * 103; the Bastard of, (see Hammilton,) * 227, &c.
- ARRAN, James, EARL OF, I. * 227; respited, * 232, * 237; 'held furtle' at the Netherbow Port of Edr., * 241; arraying Battle against Duke of Albany, *ib.*; Gift of monastery of the barony of Hamilton, * 255; Gift of nonentry of Finnart, &c. *ib.*;—REGENT, * 267, * 268, * 310; * 462, 116;—(Stewart,) Ja., slain by Sir Ja. Douglas of Parkhead, III. 66.
- Artillery, breaking King's, at Glasgow, I. * 234; fring against King, &c. * 255; dragged by oxen, * 260, &c. (see Oxen); stones formerly used in place of metal-bullets, *ib.* * 263, * 265, * 267, * 295; imported, * 307, * 310; sent to Hermitage, * 324;—Master of, I. * 268, * 286; his fees, * 315.
- Arrot of that Ilk, Geo., I. * 180.
- Arnot of Chapel, Da., III. 9;—of Fairny, Ro., III. 316;—of that Ilk, Jo., I. * 94; Jo., Provost of Edr., I. 170; Sir Jo. examined as to Logan's Treason, II. 288; Treas. depute, III. 10;—of Wodmylne, Jo., yr., Slaughter, Shooting Pistolets, &c. curious arguments recorded, II. 53; finds caution for 10,000 *l.*, 60, 73;—of Incheok, Da., II. 63.
- Arbuthnot of Lyntusk, Jo., I. 119;—of that Ilk, Ja., I. * 402, 284; Ro., fiar, II. 362;—of Brichtie, Jo., I. * 402;—of Fyndowrie, Dav., II. 362;—of Carnedaw (Carnegaw), Jo., II. 387; III. 478.
- Ardehattan, Commendator of, Jo., invaded, I. * 465; Prior of, III. 14.
- Aroy, Peter, Highland robber, tortured to discover his accomplices, III. 195.
- Arroquhar, Burning of, I. * 240.
- Assessors to the Justice-depute, II. 3; declined on account of relationship, deadly feud, &c. *ib.*, 82.
- Assises, Exemption from, pleaded, I. * 418; granted to Inhabitants of Perth, * 418; burghesses of Aberdeen exempted from Assises of Barons, &c., * 577; III. 379; Ministers claimed exemption, 24; protest for expenses, 94; Advocates exempted from, II. 112; full exceptions against an Assise, 143; three of King's Guard sit on Assise, 559; instance of a large number (19), III. 57; trial of a *fact* remitted to Assise, 'and the Probatioun to be vset befor thame,' 574; two 'chirurganes' sit on Assise, *ib.*; Proof led by Assise *after they were enclosed* in the Assise-house, 575.
- Assise declared Infamous and Perjured for Wilful Error, I. * 72; Protestation against a Verdict, * 449; Assise tried for acquitting a Witch, 244; see *Error*; confined till Verdict returned, * 131; imprisoned for year and day, I. * 203; wine brought to, at Sir Jas. Hammilton's Trial, * 305; Great (*Magna Assisa*), * 391; often considered as witnesses in the cause, III. 60, and *note*, 107, 280, &c.
- Assoinzie (Fr. *essoyne*), excuse for absence, &c. II. 65.
- Asound, swooning, II. 525.
- Assinloss of that Ilk, Ja., I. * 420.
- Aslowne, Laird of, I. 65;—of Garroche, III. 253; Mr Geo. his son, assists in a Mass, *ib.*
- Assurance, judicial, I. * 144.
- Assythment, for Mutilation, I. * 335; for Slaughter, * 371; for cutting off the ears, * 475; II. 74, 403; III. 537.
- Ashintallie, Place of, besieged, II. 63.
- Assisting Thieves and Rebels, I. * 144; Traitors, * 160, * 187, * 201, * 202, * 205; the English, * 332, * 337, * 338 See *Intercommuning*, &c.
- Askomell, in Kyntyre, burnt, III. 5.
- Assembly of the Kirk, convoking an unlawful, II. 3; Moderator and Ministers tried, 494; banished, 503, &c.

- Assignment, Forging, Perjury, &c. III. 208.
 Assoilzie, II. 466, &c.
 ATHENS, ARCHBISHOP OF, and of the Isles of Scotland, I. * 387.
 Athole, Royal Hunting in, I. * 279.
 ATHOLL, EARL OF, John, I. * 78, * 190, * 391, * 469; appointed Justiciar of Atholl, 83, 178, 284, 309; denounced, 310; Commission of fire and sword against Jesuits, &c., 336; II. 63, 97, 235, 297, *note*; III. 14, *note*, 22.
 Atkinson of Sleichhoussis, Henry, Oppression, &c., I. * 179.
 AUBIGNY, LORD, present of horses and hounds to him and 'Madame Dobinze' sent by the King to France, I. * 277; Esme, * 337.
 Auchinames, Laird of, waylaid, I. * 204.
 Auchincassel burnt, I. * 348.
 Auchincraw of East Restoun, Geo., I. 270;—Wm. and Hary, tried for Slaughter of Geo. Home of Spott, II. 99.
 Auchindoune, Mass celebrated, II. 530. See Gordon.
 Auchindrane, Laird of (John Mure), I. * 130, * 138, &c.;—And. Sinclair, his half-brother, III. 139;—bond betwixt Earl and Master of Cassillis for Murdering him, 622;—Lady, III. 138, 149. See Mure.
 Auchinleck of Balmanno, Geo., I. 57; wounded, 98, 100; III. 207; Sir Geo., III. 562;—(Afflek) of Cumlege, Arch. I 99;—of that Ilk, Gilb., I. * 404, 74;—of Schethin, Wm. * 454; of Tuedy, Ja., * 404.
 Auchinloss of that Ilk, Ja., I. * 420.
 Auchinsoull burnt, III. 176.
 Auchmowtie, Ro., surgeon, curious case of trial for, II. 112; beheaded, 113, *note*, 124.
 Auchnacoy. See Gordon, I. * 150.
 Auchterallane, Laird of, II. 453.
 Auchterlony of Cairny, Wm., Resetting Johnnie Faa, III. 307.
 Alderne, remarkable proceedings against Issobell Gowdie, &c., for Witchcraft, III. 602, &c.;—Kirk of, the Devil initiates Witches in 'the Readeris dask' there, III. 602, &c.
 Auldjoyes, Jonet, Forcible Abduction of, I. * 421.
 Anrum potable, I. * 120.
 Auto da fé, I. * 209, &c. (See Heresy.)
 Avenger of blood, III. 183.
 Avery, King's, Yeoman of, I. * 313.
 AVONDALE, Andro, LORD, I. * 78, * 224; respited, * 237; Keeper of Dumbarton Castle, * 241, * 268.
 Ayfald, what, II. 30, *et passim*.
 Ayr, Insurrection between inhabitants and neighbours, I. * 204; Justice-aire of, I. * 56, * 73; Doctrines of Reformation preached at, I. * 407; Sheriff of, slays the Earl of Cassillis, I. * 136; Intercommuning with him, * 137. See Campbell of Loudon.
 Aysoun, 'Baron' of Tulymet, Jo., slain, I. * 334.
 Aytoun, of Dinmure, And., II. 53, 60;—(of that Ilk) Laird of, Warden Depute of East Marches, I. * 323;—Raid of, I. * 110, * 112, * 117.

B.

- BACHILLANE naig, what, III. 78.
 Bags, for Witch-charms, &c., III. 609 *et seq.* 618.
 Bahr-recht, or law of the bier, touching the corpse of murdered persons to discover the murderer, III. 183, &c. See Corpse and Touching.
 Baillie-Court, drawing knives, and stabbing in, I. * 330.
 Baillies of Edinburgh tried for freeing a Homicide, I. * 442 to * 450; Jurisdiction of, II. 43;—of Leith wounded, I. * 403;—of Renfrew wounded, * 458.
 Baillie (Baillie) of Bagbie, Wm., I. * 127; Feud with Lord Somerville, * 382;—of Carphin, James, yr., * 385, 35;—of Chapelgill, Ja., * 81;—of Cormestoun, Tho., slain, * 175; Wm., * 404;—of Gervestoun (Jerristoun), Ro. * 167; Tutor of, Tho., 36, 87; Ro., II. 541;—of Hillis, Ja., II. 562;—of Lamington, Wm., I. 36, 87;—of Littlegill, Alex., 149; and Rachaell, his daughter, slain, &c., 184; II. 491; Math., *ib.*, 555; III. 54, 101, 264, 478, 493; Mr Ja., his son, *ib.*; Slaughter,

- 498 ;—of St John's Kirk, Jo., II. 368 ;—Wm. one of King's Guard, slain, II. 559.
- Baird of Auchmaddy (Auchmedden), Geo., I. * 454 ; Gilb., II. 394 ; Hen., beheaded for Slaughter, III. 499 ;—of Kilquhinzie (Culleinzie), III. 119 ; Jo., his brother, Slaughter, *ib.* 172, 475 ;—of Posso, Geo., I. * 81, * 87, * 133.
- Baiser-stanes, what, III. 100.
- Balance, Ordeal of the, III. 184.
- Balcasky, Martin, using Heretical books, I. * 219 ; remitted, * 252.
- Balcanquall, Mr Walt., one of the banished Ministers, I. * 137 ; II. 5, &c.
- Balcomie, Laird of, III. 245 ; his lands in Lewis burnt and wasted, &c., *ib.*
- Balfour of Bandone, Peter, I. 27, 255 ;—of Bello, Da. I. 255 ;—of Burley, David, remitted, I. * 240 ; Mich. * 345 ; Sir Mich., 280 ; Da., brother to Laird of, II. 135 ; Mr Wm., brother to, Housebreaking, &c., 383, III. 9 ; Sir Ja., his brother, *ib.* ; Mich., 391. See Burley ;—Geo., Prior of Charterhouse, I. 48 ; Treason, 86 ;—of Kirktoune, Dav., 28 ;—Laird of (of that Ilk), 74 ;—of Makcormastoune, Geo., 392 ;—Marg., Witch, 373 ; Alison, 374 ; tortured with the ' caschielawis,' 375 ; the inhuman torture of her husband, son, and daughter to extort confession, *ib.* 376 ; her declaration at the place of execution, *ib.* ;—of Mountquhanie, III. 82 ;—of Pitculloch, Mr Pat., II. 343, 430 ;—of Pittendreich, Sir Ja., Captain of Edr. Castle, I. * 479, * 512 ; and Dep. of ' French Paris,' &c. ; Intercommuning with, 33 ;—Mr Wm., Rioting to restore Popery, * 416.
- Bale-Fires, ' Balis' of Fire for raising the country, in case of invasion, I. * 269, * 280, &c.
- Balhagartye, Laird of, I. * 454.
- Ballagane, Laird of, (Dunc. Hunter,) Intercommuning with, I. * 369.
- Ballatt against King of England, I. * 295.
- Ball-cod, III. 496.
- Ballenden of Auchnoull, Sir Louis, Justice Clerk, I. 142 ; Sir Jo., II. 459, *note* ; Sir Jo., Justice-Clerk, III. 391 ;—Sir Ja., II. 413. See Bannatyne and Bellenden.
- Ball-green, III. 214 ; playing ' the boilspell,' *ib.*
- Ballingall of that Ilk, Wm., I. * 404, * 425 ; Arch., his brother, slain, *ib.* ; of Riggis, Ja., * 404.
- Ballogy, fortalice of, destroyed by King's command, I. 344.
- Balmane, Laird of, I. * 284.
- Balmanno of that Ilk, Alex., I. 100.
- BALMERINOCII, LORD, Ja., Secretary, II. 274, 456 ;—496, 542, 544 ; tried for treasonable correspondence with THE POPE in King's name, 568 ; his Declaration and Confession, 575 ; sentenced to be beheaded, 580 ; Documents illustrative of his Trial, *ib.* ; Narrative by himself, 588 ; his Speech when convicted, 600 ; Calderwood's account, 601, &c. ;—Jo., restored in blood, 569.
- Balnmoon, Laird of. See Collese.
- Balrinnes (or Glenlivet), battle of, I. 361.
- Balsonit, sorit, horse, I. * 400.
- Band (Bond), General, breaking the King's, I. * 208, 205 ; liability as to, II. 521 ;—of Association, by the Rebels in Orkney, III. 293 ; torn by Ro. Stewart, 304, 395.
- Bandene, alias Ruthvene of that Ilk, Wm., yr., II. 397 ; funeral of, 473.
- Bandis (bans), proclamation of, III. 413.
- Band-mutus, what, (perhaps Lat. *mutus*, implying secrecy,) III. 83 ;—of Manrent, I. * 373 ; III. 83, *note*, &c. ;—betwixt the Scotts, III. 381 ; betwixt them and the Kerrs, 390 ; the Border Barons, &c., 394.
- Bannachra, Castle of, Sir Humphrey Colquhoun Murdered at, by the MacFarlans, II. 431.
- Bannatyne of Coig, John, I. * 405 ;—of Corhous, Jo., Slaughter, I. * 179 ; respited for Mutilation, * 241, 65, 72 ; Wm., Forcible abduction, 378 ; II. 108, 131 ; III. 145 ;—of Gairsey, Wm., slaughter, I. 393 ; III. 82 ;—John, exempted from Hosts, warding, &c., I. * 247 ;—Ja., in Chapell Donald, Murder of the Laird of Culzeane, II. 461, &c. See Muir of Auchindrain and his Trial, III. 127, &c. ; proposal to murder him when in Ireland, 139 ;—Tho., Lord Newtyle, I. 9 ; Tho., Justice-depute, 41, &c. ; Alex., Justice-depute, 58, &c. ;—of Kames, Hector, Slaughter of Laird of Wes-

- ter Kames, II. 131; III. 144;—of Newtyle, Tho., I. 9; Mr Ja. II. 460; appointed Justice-depute, III. 426. See Bellenden and Ballanden.
- Bane, King and Queen of. See Bene.
- Banner, Royal, I. *114, *267;—to the Trumpets, I. * 308, &c. See Standard.
- Bannerman (Heritable Banner-bearer), I. * 268.
- Banishment to county of Aberdeen, I. *203;—from Cranstoun, III. 540;—from Edinburgh, I. * 399;—from Scotland, * 157, * 161, * 366, * 375, * 388, * 394, * 396, * 402, * 406; and right hand struck off, * 432, *ib.*; for Adultery, 80; shooting in King's palace, 187;—England, Ireland, and the Isles, II. 40; III. 541, 542, &c.;—beyond sea, I. * 160;—from Stratherne, * 346.
- Baptising, in the fashion of Papistry, I. * 420; after excommunication, 189;—a cat (by Witches) 218; a more remarkable instance, 237; II. 543.
- Baptism of PRINCE JAMES (eldest son of King James V.), I. * 302; painting his arms, &c., *ib.*;—of PRINCE ARTHUR, * 309;—KING JAMES VI. at Stirling, * 479;—of PRINCE HENRY, 338; preparations for, and expenses of, 339, &c.;—renouncing, III. 601;—form of Witches' baptism, &c., *ib.*, 603, 610, 614, 617, &c. See Witchcraft, *passim*.
- Bar of Justiciary Court, how kept, I. * 2.
- Barbarous slaughter and maiming of sheep, III. 380.
- Barbed harnessing for King's horse, I. * 321.
- Barclay of Cullarnye, Dav. I. 60;—of Johnstoun, Jo., III. 268;—of Ladyland, Da., I. * 451; Hew, 281;—of Matheris, Dav. * 190, * 199;—of Rynd, Tho., * 158;—of Stercovy, Rob., * 88;—of Strowy, Jo., 25;—of Towie (Tollie), Walt., 65; Pat., slaughter of a Messenger-at-arms, 381; acquitted, 385; Sir Pat., II. 348; his brother Wm. tried for Perjury, hearing Mass, &c. *ib.*; Walt., III. 486; Tho. Dempster of Muresk beheaded for Forging a Bond in his name, *ib.*; Sir Pat. and Pat. yr. *ib.*;—of Touche, Wm., remitted, I. * 250;—of Vnthank, Andrew, III. 564;—of Syde, Alexander, I. * 404; Geo., II. 130; Jo., his son, tried for Slaughter, *ib.* 134;—of that ilk, Walter, * 441.
- Bardowy, Laird and Lady of, &c. See Hamilton.
- Barholme, Laird of, slain, I. 81; II. 523.
- Bark, King's little, a ship, I. * 298.
- Barmkine, (barmekyne), what, III. 13, 17, &c.
- Barnehill, burnt, III. 223.
- Barras See Tournament, III. 42.
- Barrett, Capt., English Pirate, III. 100.
- Barroune of Kynnauld, Geo., II. 128;—Jo. *alias* Mc'Duff, Officer of Strathbraan, hanged for Gowrie's Conspiracy, II. 153, &c., 246. See Macduff, and 394, *note*.
- Barsalloch, burning of, I. * 104.
- Barskeocht, attempt to restore Popery at the Place of, I. * 430.
- Barry, Tho., forging Regent's signature, right hand struck off, I. 19.
- Basane (Bison) skins, I. * 321.
- Basin of solid gold, weighing 10 lb. 1½ oz. I. * 295. See Gold, &c.
- Bass, Laird of. See Lauder.
- Bassoned-meir, a soid, III. 265.
- Bastie, Sir Anthony D'Arcie de la, Guardian and Lieutenant of Lothian and the Merse, &c., slain, I. * 235, * 261, * 265, * 267.
- Batard, what, III. 293.
- 'Batounnis and roungis,' striking with, a Minister, II. 416; naked people, 454, &c. See Hurting and Wounding.
- Battery, *pendente lite*, I. * 73.
- Battiesoune, Jo., *alias* *Jok of the Scoir, Prikil up Archie*, and Adie, his brothers, hanged for Slaughter, Horse and Cattle-stealing, II. 443.
- Battle, Dunkeld, I. * 98; Stirling, 100; Glasgow-Muir, * 114; Corrichie, * 183; Kitty-crocehill, near Glasgow, * 237; Haddenrig, * 324; Anerum-muir, * 332, * 359; Pynkie-cleuche, * 360, * 378, 51; Langside, I. 1, 5, &c.; Inveresk or Musselburgh, 51; Barrinnes, or Glenlivet, 361; Dryffe-Sands, III. 30. See Field; Fight, &c.
- Bauche straikis, what, II. 84; III. 485, &c.
- Bauld, Bessie, a Witch's nickname, III. 606.
- Baver (beaver hat) to K. JAMES V., I. * 305.
- Bawbeis (Balbeis), forging, I. * 364, * 365, * 392;

- Forbes of Monymusk and Pitsligo, * 442.
See Forgery.
- Baw-field, III. 277.
- Baxter, King's master, I. * 313.
- Bayne of Logie, Alex., II. 98; III. 252;—of Wester Logie, Alex., II. 484;—of Tullich, Dun., yr., I. 200, 204; Alex, 353; Dun., III. 134.
- Beads, golden, for K. JAMES V., I. * 301; amethyst, * 307; pearl, *ib.*, &c.
- Bean-shaw (boneshave), charm for, III. 609 and *notes*.
- Bear-leader of England, I. * 118.
- Bear-tooth for THE PRINCE, I. * 307.
- Beatoun (Betoune, Bethune), Abbot of Abbirbrothok, Ja., II. 575;—of Bailiescraigs, Jo., I. * 137;—of Balfour, Ja., * 136, 60, 191; Da., II., 60;—of Capildra, Arch., * 328;—CARDINAL, * 310, * 318; goes to France, * 323; Murder of, * 337;—of Creich, Ro., * 345; Dav., 60; Ja., 308; Jo., III. 394, *note*;—Mr James, aiding English at Broughty, I. * 345;—Lady Buckleuch, Janet, III. 394; of Falay, Jo., 264;—of Melgund, Ja., I. * 136, * 157; David, 79;—of Westhall, (*alias* Belouche), Ro., a declared rebel, 74.
- BEDFORD, EARL OF, at K. JAMES VI. baptism, I. * 479.
- Beds, the King's 'Lettacamp' (*Lit de camp*), I. * 273; price of, at Justice-aires, * 390, &c.
- Bedesmen, the King's, I. * 263, &c.
- Beef, price of, at Justice-aire, I. * 390.
- Beggars, 'strang and idill,' I. 303.
- Beheading, capital punishment, see Treason, Murder, &c. *passim*;—with a sword, I. * 425.
- Beill, House of, to be kept against the English, I. * 280.
- Beil-Fyres. (See Bale-fires), I. * 262.
- Beirope of that Ilk, Ro., II. 515.
- Bek, Jo., Slaughter, II. 523.
- Bell, alarm, II. 31;—of Alby, Wm., I. * 431;—the Cat. See Angus;—for Prince's Chapel, * 306;—Wm., hanged for Rape, II. 475.
- BELLARMINE, CARDINAL, answers K. JAMES VI., II. 570, &c. See Balmerinloch.
- Bellenden of Auchmoull, Mr Tho., Justice-Clerk, I. * 254;—of Ewie (Ewie), Tho., 377; Sir Pat., III. 82;—Maister John, translating of the 'Cronykill,' I. * 274, * 276, * 279; 'Titus Leuius,' * 279, * 282;—Jo., Slaughter, III. 497. See Ballenden and Bannatyne.
- Belts, I. * 307, &c.
- Ben, what, III. 509, *note*.
- Bene, King of, I. * 115, * 278; Queen of, * 278.
- Bernardino, Seigneur Don, I. 332.
- Berge, Jaques de la, a Fleming, robbed betwixt Edinburgh and Leith, II. 441.
- Bernehill, Burning of, I. * 36.
- Bertoun of Over Barntoun, Robert, absence from the Armies of Arran and Angus, the 'King's Lieutenants,' I. * 237.
- BERRIEDALE, MASTER OF, Jo., I. 368;—LORD, Wm., 368; III. 231; Feuds between E. of Caithness and E. of Sutherland, *ib.*; imprisoned, &c., 310. See Caithness and Sinclair.
- Berwick, English Herald, I. * 283.
- Berwickshire, Inhabitants of, get Remission, I. * 14; Barons fail in their Bond, * 146.
- Besieging house of Summerdail, I. * 225, (See Dumbarton, &c.); Frendraucht, * 328; Coldingham, * 331; Lochmaben Castle, * 332; Dumbarton Castle, * 334; St Andrews, *ib.*; Langholm, * 338; town of Haddington, * 342; Akergill, * 391; house of Penkill, * 403; Wauchtoune, &c. Jo., Leyis beheaded, 8; Dupplin, 25; Edinburgh, 30; House of Strechin, 65; Warriston, 81; Kirkhill, 174; Fedderat, 205; King, &c., in Tolbooth of Edinburgh, II. 29; Place of Ashintillie, 63; Auchmedden, and deflowering the Laird of Vrinoch's daughter, 394; Tower of Newbie, &c., 464.
- Besetting the way. See Umbesetting.
- Bestiality, Jo. Jak, *alias* Scott, 'wirreit and brunt in ashes,' II. 491.
- Beverage, John, a Dominican Friar, burnt for Heresy, I. * 210, * 211, &c.
- Bewes, Mons., Ambassador, I. * 281, * 283.
- BEWLIE, LORD, Ja., II. 581, 604. See Hay.
- Bible, in English, persons burnt for using. See Heresy, Reformation, &c.
- Bie-skeppis, robbing a garden of, III. 555.
- Bier, law of the, *Bahr-recht*, III. 183, *et seq.*
- Bigamy, I. 110; Jo. Guthrie hanged, III. 428;

- Alex. Thomson and Jonet Cuthbert, banished, III. 428. See Adultery, Incest, &c.
- Biggar of Woolmot, Major Jo., III. 601, *note*.
- Bikkertoun of Casch, Wm., shooting Laird of Balmanno near King's person, I. 98 ;—Hen. beheaded, * 162.
- BINNING, LORD, Tho., III, 14, 312, 452, &c., *passim*. See Haddingtoun and Hamilton.
- Bintoich, Fight of, III. 112. See Clan Gregor.
- Birgeame, Raid of, I. * 338.
- Birlingis, what, III. 368.
- Birnie, of Browbrie, Ja., III. 475.
- Birsay, Palace of, III. 273, &c. See Trials of E. of Orkney and his base son, 272, 308, and illustrative documents.
- Birth-pains, Witch-charm to allay, I. 237.
- Bishop of Brechin, Alex., I. 392 ;—Captain, English Pirate, III. 105.
- Bischoptoun, Laird of, invades Provost of Glasgow, I. * 361.
- Bissett, Habakkuk, W. S., assaulted, &c. I. 286 ; his curious form of process, *ib. note*, 298.
- Biting off a finger, I. 34. See Demembration and Mutilation.
- Black, Henry, hanged, Common Theft, &c., I. * 413 ; Hen., Captain of the Castle of Kirkwall, and 11 others, Slaughter, III. 53 ; Tho., chamberlain to E. of Orkney, 273 ; hanged, 283 ; his Deposition, 296 ; John, Dominican Friar, disputation with Willox the Reformer, I. * 417 ; Freir, John, wounded, in the Cowgate of Edr., * 475 ;—Saturday, what, I. 56, *note*.
- Blackadder of that Ilk, And. (Laird of), I. * 42 ; Felony and Slaughter in the King's Palace, * 100 ;—Hume of, * 413, &c. See Hume ;—of Tulliallan, John, beheaded, * 151 ; * 271 ; * 275 ; * 347 ;—Castle of, besieged by the English, * 269 ;—Capt. Wm., invaded for his slaughter, * 488 ; hanged and quartered for K. HENRY (Darnley's) Murder, * 489, * 509 ;—of Taisiss, Wm., 59.
- Blackhall of that Ilk, Alex., I. 382.
- Black-maill, Scott of Tuschelaw beheaded, I. * 145 ; Johnnie Armstrang, * 153 ; Messengers taking, hanged, * 356. See Skatt.
- Blaiklok, Adam, hanged for Perjury, &c., III. 358.
- Blackness, Castle of, its Dungeon and kitchen—Tower, I. * 312.
- Blair of Adamtoun (Edentoun), Dav., yr. I. 71 ; Da., II. 106 ;—of Ardblair, John, I. * 371 ; And., 166 ; Pat., II. 63 ;—Athole, Castle of, man starved to death in the Pit of, III. 491 ; dead body hanged on a gibbet, *ib.* ;—of Bagray, Alex., unbesetting, &c., II. 103 ;—of Balgillo, Wm., I. * 157 ; II. 49 ; Jo., 105 ;—of Balthayok, Alex., yr., Deposition as to Gowrie's Conspiracy, II. 188, 241 ; Tho., remitted, I. * 254, * 343 ; Feud with Laird of Kinfauns, &c. * 424 ; Alex., * 452 ; Alex., yr., II. 49, 60, 166 ;—of Freirtoun, Alex., I. * 452 ;—of Fynnech, Walt. II. 439 ;—of Gairdrum, And., III. 443 ; Peter, his brother, slays young Laird of Monyvaird, &c., *ib.* ;—of that Ilk, John, I. * 331, 50, 71, 87, 282 ; II. 390, 433 ; Jo., yr., *ib.* ;—Ja., bailie of Ayr, III. 345 ;—of Melgynche, Jo., I. * 452 ; of Middle Auchindrain, Jo., * 457, 71 ;—of the Stroud, 56.
- Blanerne, Laird of, I. * 413.
- Blanks, the Spanish, Trials for conspiring against the Religion, &c., I. 310 ; Tract as to, 317, &c.
- Blantyre, Commendator (Prior) of, Walt., I. 267, 372 ; II. 496, 581 ;—LORD, Walt., II. 3, 273, 274, 327, 496.
- Blawin-hornis (for the chase), &c., sent by K. HENRY VIII. to K. JAMES V., I. * 270.
- Bleeding of Corpses, on the touch of the Murderer, III. 143, 165 ; curious illustrations of this superstition, 182, &c. See Corpse and Touching.
- Blind Harry, the Minstrel, I. * 116.
- Blinkscale, Dav., hanged for Theft, I. * 151.
- Blood, opinions of the ancients as to the *life* residing in, III. 182, &c. See Touching ;—alleged spring of, at Dunoon, 199 ;—Devil baptizes his converts with, 602, &c. See Witchcraft ;—' stemming of,' Jasp-stane for, III. 564, &c., and *note*.
- Blood-hound, III. 548.
- Bludwyte, what, II. 468.
- Bluidie-hand, II. 376, *note*.
- Bluid-stane, used as a charm for ' bleding of the nese,' III. 564, *note*.

- Blynschelis, Mr Humph., Justice-Depute, I. 179, *et seq.* &c.
- Bodin in feir of weir, what, I. 49, *et passim.*
- Bodies, dead, of Traitors produced in Judgment before passing sentence of Forfeiture, II. 241, 277, 405;—man starved to death, and his dead body afterwards gibbeted, III. 491.
- Boig of Geicht, Mass celebrated, II. 530.
- Boird-stane, used in Witchcraft, I. 252.
- Boilspell, the, III. 214.
- Boitkyn, hett, the tongue pierced with, for Perjury, &c. III. 539.
- Bone bleeding on a Murderer's touch, III. 183. See Touching, &c.
- Bonar of Balgirscho, Alex., II. 65;—of Kelty, Walter, remitted, I. * 240; Wm., 28;—of Rossy, Wm., I. * 408; II. 103;—Ja., burnt for Incest with his sister, I. 22;—Wm., Murderer, acquitted, II. 531.
- Boice, (Boece), Mr Hector, Pension to, I. * 279.
- Bonnet-caice, III. 478.
- Bonspeill, what, III. 214.
- Bonyalla, III. 2.
- Bonyngtoun, Laird of, I. * 470. See Wylie, Wod;—house of, broken into by the young Laird; title-deeds stolen, II. 340; is hanged, 347;—Laird of Latoune remitted, *ib. note*; accomplices hanged, *ib.*
- Bonkle, Tho., beheaded, &c. I. 158;—Jos., beheaded, II. 417.
- Bontyne of Ardoch, John, I. * 178, * 361; II. 439; III. 114, 233, 250.
- Bonfires, for rejoicing, I. * 262;—to alarm the country, * 269, &c. See Beil-Fyris.
- Books, using heretical, I. * 209, * 216, * 217.
- Border Barons, Bond by, to assist Earl of Angus, I. * 127; neglected to be fulfilled, * 146;—Bonds betwixt them, III. 381, 390, 394;—expedition to, I. * 307, 302;—by King in person, 303;—Thieves, Raid against, I. * 184;—Resetting, * 208.
- Borderers, complaint of, against the English, I. * 279; received as Cautioners, * 467.
- BOTHWELL, (Ramsay,) LORD, John, Treason, I. * 3, * 4, &c. ;—(Hepburn,) LORD, Patrick, * 188; remitted, * 243; Gift of nonentry, * 255, * 379;—James, * 412;—EARL OF, James, Conspiracy to seize on person of MARY QUEEN OF SCOTS, * 461; notices of his first marriage to Lady Jane Gordon, *ib.*; his summons of Treason, * 462; challenged by Arran to Judicial combat, * 463; breaks ward from Castle of Edr., * 464; Laird of Quhitsum's protest against outlawry, * *ib.*; his servant slain, * 468, * 470; tried for K. HENRY'S (Darnley) Murder, * 489; Narrative written by him after his flight from Scotland, * *ib.*, 95, 145;—Francis, High Treason, 171; Forfeited, 181; uses charms and Witchcraft to take the King's life, 240, *note*; acquitted, 258; forfeited, 259; proclamation for his pursuit, 260, *et seq.*; forfeited for invading King in Holyroodhouse, &c. 272, 274; his posterity forfeited, *ib.*; his resetters and assisters, &c. 287; tried for Conspiracy against the King at Holyroodhouse and Falkland, 293; doom of forfeiture, 297; Act that none backbite him, &c. 302; again charged with Treason, 303; denounced, *ib.*; Proclamation, 308; another rehearsing his Treasons, 340; taking Leith, II. 21; Resetting one of his adherents, 124;—COUNTESS OF, Dame Mary Douglas, convicted for High Treason, I. 218; ordered to be apprehended, 281; her Letter recalled by the King, 350, 362, &c.;—Mr Fra., (brother to Jo., L. Haliruidhouse,) II. 92; III. 9, 264, &c. See Lord H.
- BORTHWICK, LORD, Wm., I. * 78, * 311; John, * 336, * 363, * 412, * 425, * 454, 27; Adultery, 83, 84;—Ja., feud with Lairds of Craigmillar and Bass, 352; Riot at his apprehension, &c.;—Jo., III. 482;—Tutor of, Wm., Murder committed by him, II. 423;—of Johnstounburne, Wm., III. 539;—of Newbyres, Ja., III. 497;—MASTER OF, Thomas, remitted for Intercommuning with Rebels, I. * 242, * 468;—LADY, Incest and Adultery, I. 84;—of Cruikstoun, Wm., I. * 143; Assise for, * 266;—Ro., the celebrated founder of Cannons, (artillery), I. * 267;—of Adestoune, Da., I. * 425;—of Collielaw, Bern. I. 381;—of Pryncado, T., I. * 166, * 434;—of Glengelt, Mich., I. * 434;—of Raschaw (Rilischaw), Ro., I. * 166;—Jo.,

- 27;—Mr Mark, Justice-depute, I. 349;—of Lochhill, Da., King's Advocate, I. 47;—Ja., III. 252;—of Gordonishall, Jo., I. 60;—of Middleton, Tho., I. 64.
- Borthwickshells, Place of, burnt, I. * 37.
- Boswell of Auchinleck, David, I. * 201, * 369, 148;—Ja., 46;—Jo., 72;—Ja., fear of, II. 130;—Jo., 355;—Ja., 390;—of Duntrine-
Jemen, Jo., II. 130.
- Boss-baked, hump-backed, III. 606.
- Boun, what, III. 466.
- Bourdeaux, Piracy committed there, I. 37.
- Bourtrie-buss, what, II. 458.
- Bouskat, (Bukkat), Captain Johanne, Commissioner of the Artillery, I. * 261, 262.
- Bower, Laird, concerned in the foreknowledge of Gowrie's conspiracy, II. 257, &c. See Sprout and Logan.
- Bows and Arrows, &c. See Archery.
- Bowmaker of Cardone, Ja., I. * 166;—English, * 278.
- Boy, Slaughter by a, of *eight* years, I. * 16; Silver, belonging to K. James V, * 302.
- Boyman, Jonet, Witchcraft, burnt, I. 38.
- Boyd, And., brother to Kilmarnok, II. 555;—of Banhaithe, Ro., I. 171;—of Boneschaw, Sir Tho., III. 345;—Jo., acquitted of Poisoning, I. 399;—Quintin slain, II. 515;—of the Kyppis, Ja., I. 171; wounded, 187;—LORD, Rob., I. * 451, * 453, * 478, 55, 171; III. 339;—MASTER of, Tho., Slaughter, I. 171;—of Penkill, Adam, besieged in his house by Laird of Bargany, I. * 403, 55;—of Pet-kindy, Rob., I. * 88;—of Portincorse, Ro., I. 420;—Mr Ro., Principal of Glasgow College, III. 338.
- Boyes, heavy irons for the legs, III. 3.
- Society of the, II. 532; Jo. Forbes beheaded, 535, 581.
- Boyle of Kelburne, Jo., II. 430;—Ja., scourged through Edr., and branded on the cheek, for Suborning witnesses, III. 358.
- Braemar, stealing wild horses from, I. * 247.
- Braidis, Andro, hanged, III. 382.
- Bracelets, I. * 295, * 307, * 321, &c. See New Year's gifts.
- Brakanhill, supplying the English at, I. * 344.
- Branding, punishment of a female, I. * 346; three persons scourged, branded, and banished for Perjury, &c. III. 358, 445, 595.
- Brand, Mr Jo., Minister, I. * 500, * 511; Jo., student, his son, beheaded for Slaughter, III. 360.
- Breach of Trust, pleadings relative to, II. 549, &c.
- Brechin, Feud between citizens of, and Tenants of Balnamoon, I. * 431;—BISHOP OF, Aud., II. 261, 274.
- Bread, selling light, I. * 360.
- Breadhead, Janet, Witch, III. 614; her Confessions, 616 *et seq.*
- Breadhouse, Yeomen of the King's, I. * 313.
- Breame, Mons. de, French Ambassador, I. * 479.
- Breaking on the Wheel (or row), I. 241.
- Bribe, taking a, to discharge a Murderer, I. * 63.
- Bridal, Slaughter at a, III. 471; Jo. Swyne, beheaded, *ib.*
- Bridge of Dee, Army at, I. 176.
- Bridles, scourging with, I. * 454; barbarously scourging naked people with bridles, &c., 455, &c. See Scourging.
- Brigancy, I. * 91, * 469, 145; II. 70, &c.; Tho. Cuninghame, sword-slipper, hanged, 359, 458.
- Brigantynes, I. * 289.
- Bringing in the English, I. * 17, &c. See Englishmen.
- Brisbane of Bishoptoun, John, I. * 163, * 382;—of Raslene, Math., III. 134;—of Middil Walkinschaw, Jo., slain, I. 69.
- Broadick Castle, burnt, I. * 139; Capt. of, 286.
- Brocheing, what, III. 526.
- Brodestar (Embroiderer), King's, I. * 315, * 320, &c.
- Brodie of that Ilk, Alex., Feud with the Laird of Altyre, I. * 356, 68;—Dav., II. 71;—Chamberlain of Kinloss, Alex., III. 485;—of Leathin, Alex., yr., 602;—Margt., Witch, 606, 614, &c.
- Broke, Ja., Murdered, III. 565.
- Broken men, outlaws of no clan, &c., II. 70, 432; III. 364, 537. See Sorners, &c.
- Bronkard, Sir Hen., sent as Ambassador from Q. ELIZ. to JAMES VI., to congratulate him on his escape from Gowrie's Conspiracy, II. 315.
- Brood-mares, King's, I. * 316.
- Brothersyde, Wm., beheaded, I. * 160.

- Broughton, Regality of, I. 185; barbarous treatment of Witches at their execution, III. 598.
- Broughty-craig, supplying English at, I. * 344, * 345, &c. * 361.
- Broune, Thomas, beheaded for Slaughter, I. * 15; Ro., Brigancye, * 469; Jo., beheaded for Slaughter, III. 493; Jo. and three others hanged, &c., for Piracy and Murder under Trust, 569;—of Carslatyre, Jo., yr., 477;—Bessie, murdered by her husband, 481; Jo. Moitt beheaded, 482.
- Brounfield (Bruntfield), Adam, Slaughter, II. 506;—of Eastfield, 480; Nicol, his son, Slaughter, *ib.*;—of Greenlawdene, Steph., yr., slain, I. * 451; Steph., II. 405;—of Hardaikeris, Adam, I. * 451; Alex., Slaughter, II. 480;—of Quhytehous, Nicoll, 480;—of Todrig, Ro., far, 480;—Geo., beheaded, I. 77; Stephen, Captain of Tamtallon, slain, 113, *note*; ‘Singular combat’ between his brother and Jo. Carmichael, *ib.*; Jo., yr., slain, II. 480.
- Brown of Colstoun, Mr Wm., Tutor of, I. * 243; Geo., * 388, * 426; Jo., brother to, II. 456;—of Cultermannis, Rich., I. * 76, * 175;—of Carsleuch, Jo. Langside, I. 10; Slaughter, 81;—of the Land, Jo., II. 492;—Jo., bailie of Musselburgh, II. 555;—Geo., hanged and forfeited for Horse and Cattle-stealing, 98;—Jonet, hanged for Child-Murder, III. 269;—Jo., scourged and branded for stealing a purse, 445;—of Coulter, Ro., slain, 54; the Laird of Birnok and his son beheaded, 58;—of Mulennis, Jo., 93.
- Bruce of Airth, Jo., slain, I. * 98; Ro., Stouthreif, * 132, * 167; Sir Alex., 304, 351; Feud with Lord Levingstoun, &c., 352; II. 297; Sir Jo., 457;—of Bofark, And., III. 475;—of Braklmuir, And., I. * 148;—Brakanhill, supplying the English at, * 344;—of Bynning, Ro., * 204; slain, * 399; Ro., 27, 155;—of Carnok, Geo., II. 457; Sir Geo., III. 479;—of Clackmannan, Sir Dav., I. * 42; Ro., 276; quarrel with Bailies, &c., of Perth, 277, 292; Sir Ro., III., 318;—Colin, Intercommuning with MacGregors, II., 456; banished, under pain of 5000 merks, 457; banished of new for life, III. 437;—of Colp-
- malindeis, Hector, I. * 88; Laurence, Feud with Lord Oliphant, * 488, 375; Mr Alex., far, 457; III. 82; Laur., yr., and Alex., his brother, Slaughter, &c., 443, 465; Offers for reconciling Feud with Laird of Monievaired, 480;—of Earlshall, Sir Wm., I. * 427; Peter, 24;—Mr Edward, Justice-depute, 110; Capt. And., II. 484;—of Fyngask, Jo., I. * 158; Pat., Slaughter, II. 427, 457;—Capt. Harie, Duel while on foreign service, a remarkable case, III. 502; illustrative Papers, 504;—History of the Valiant, 448;—of Kinloss, Edw. See Kinloss;—of Kynnaired, David I. * 343; Mr Ro., Minister, 261, 304; reprimands the King, 360; II. 9; his conduct as to Gowrie’s Conspiracy, 234, 299, &c.; III. 619, &c.;—of Mungowellis, Ja., I. * 132;—of Pitfowlis, Arch., 382;—Mr Ro., Seminary Priest, 167, 328, 329, &c.;—Helen, burnt for coining, &c., II. 74.
- Bruier, Ralph, the English Captain of the Castle of Roxburgh, I. * 379.
- Brunstoun, Laird of, sent with horses to KING OF FRANCE, I. * 322.
- Bruntisland, Pirates’ heads affixed there, III. 572.
- BUCCLEUCH, LORD, Walt., II. 581; his Regiment, III. 164. See Scott.
- BUCHAN, LORD JA., Tresson, I. * 2; Jo., * 190; Rob., 88;—EARL OF, II. 133; Jo. III. 486;—(Bucquhane) of Auchnacoy, Alex., I. * 454;—MASTER OF, Ja., II. 413; Ja., his son, Slaughter, *ib.*
- Buchanan of Auchmar, Pat., yr., III. 564;—of Balloch, Ro., I. * 451;—of Blairlosk, Tho., I. 285;—of Buchlyvie, Jo., murdered by Macgregors, II. 432;—of Camroune, J., I. * 441;—of Drumnakill, Rob., * 167; Jo., yr., *ib.*; Walt., * 441, * 451;—of Drumfoid, Jo., 285;—of Gartuavertane, James, remitted, * 253;—Mr George (the Historian), * 290; dress, &c., to him on Q. MARY of Guise’s entry into Edr., * 294;—of Ibert, Jo., II. 438;—of that Ilk, George, I. * 150; besieging Castle of Dumbarton, &c., * 236, * 344, * 385; Geo., 289, 306; Jo., III. 318; Geo., yr., 550; Offers to submit the case of torture and Murder of one of his Clan, *ib.*;—

- of Lany, I. * 441, * 453;—of Spittal, Edmund, * 386; Robert, 306;—of Stanyflat, Pat., * 166;—Robert Waltersoune, II. 439;—Jo. (Sir), 544; his wife (Margt. Hertsyde) tried for abstracting Queen's jewels, *ib.*; declared 'Infamous,' 556; sentence recalled, 557; Jo., servant to L. Madertie, III. 250; Marg., her Deposition as to Orkney Rebellion, 304; Wm., barbarously tortured, and then Murdered, in the most savage manner, by MacFarlanes, 545, &c.
- Bucht, what, III. 221.
- Buckholme, Keeping House of, I. * 338.
- Buist, a box or chest, I. 253;—'to keip hostis in' for the PRINCE'S Chapel, * 306.
- Buitis, boots or bootikins, instruments of torture, I. 219, 222, 376; 57 strokes inflicted, *ib.*
- Bukkat, Capt. (See Bonskat.)
- Bullets, using *poisoned*, I. * 90; Lord Maxwell traitorously murders the Laird of Johnstone with two, 337.
- Buntene. See Bontyne.
- Burgundy, Herald, I. * 277.
- Burne, Simon, executed, I. * 264.
- Burning of Minto, I. * 19; Place of Fastheuch, * 23; a 'Pele' in Bothill, * 25; Covantoune, * 26; Hirdmanstoune, * 27; Quhitslaide, * 30; Place of Riddale, * 34; Town of Selkirk, * 35; Borthluikscheillis, * 37; Town of Dumfreis, * 39; Drumskey and Ardwell, * 56; Newby, * 60; Blindhauche, * 61; Branxholme and Ancrum, * 69; Dunskey, * 95, 103; Ardendracht, * 98; Thurestoun, * 99; Lochfergus, * 100; Kirk of Monyvaird, * 101; Lochaber, *ib.*; Weyme, * 103; 107, 116; Barsalloch, * 104; Innermessane, * 124; Broadick Castle, * 139; Cousland, * 141; Lag, * 160; Howpaslot, * 172; Davy, Dykes, Ardrossir, &c., * 175; Cungearstoun, * 201; Ardochbeg, * 225; Grenok, * 232; Town of Bute, * 240; Arroquhire, *ib.*; Craigy, *ib.*; Peill of Knokschenoch, * 242; Roseneath, the Lennox, and Craiginche, * 246; Mull, Tyree, and Morvern, * 247; Kirkmaquho, * 249; Castle of Allanedonnan, * 256; Balbegys, * 334; Town of Durrisdeer, Amisfield, &c., * 347; Newbottle and Dalkeith, by the English, * 349; corns of Sprowstoune, * 375; Kirkmichael, * 405; Dornoch, 68; place of Littlegill, 108; place of Pitmedden, 160; Moit, Davidshaw, and Littlegill, 184; place of Dunnibirsell, and Murder of the E. of Murray, 284; Babertoun, 290; Kirk of Lochmaben, 305; Luss, &c., by the Macgregors, II. 432; house of Langholm, &c., 450; Littlegill, 491; Askomell, III. 5; Castle of Achallader, 114; Glenlochie, *ib.*; Tolbooth of Lauder, 116; Auchinsoull, 176; Barnehill, 223; Auchalader, Glenlocha, &c., 232; Aberuchill, *ib.*, 250, 566; Island of Lewis burnt and wasted, 244; Comerie, 537; 27 houses belonging to the Archdean of Ross, 540.
- Burning of Corns, I. * 27, * 375, * 405; Wm. Donald, hanged, 45.
- at the stake, punishment of death, for Females, I. * 190; husband, for murder of his wife, 14; Jo. Bonar, burnt for Incest with his sister, 22; And. Thomesoun, Burning corns, 70; Andro Glencorse, for Poisoning and Adultery, 84;—Mr Adam Colquhoun, hanged and burnt for Poisoning, &c., * 419. See Murder, Witchcraft, &c.
- Burnet of Barns, Wm., I. * 422; II. 430; Ja., III. 565;—of Leyis, Alex., I. * 470;—Janet, Witch, III. 614, &c.
- Burntisland, Expenses of King's Ships there, I. * 324.
- Burdeous (*Bourdeaux*?) Wines, I. * 349, * 377; price of, * 389.
- Burriow, an executioner, III. 474, 548, &c.
- BURLEY, LORD, Mich., II. 274, 587; III. 9; Sir Ja., his brother, *ib.*, 370. See Balfour.
- Busche, what, III. 101.
- But the house, what, III. 509.
- Bute, Remission to Inhabitants, I * 113; Town burnt, * 240;—Pursuivant, * 277, * 278, * 286, * 305.
- Butter of Gormok, Pat., I. * 88; Jo., Slaughter, * 367; * 371; Pat., II. 63; besieging the place of Assintullie, 67.
- Bylis, a game, I. * 117.
- Bynnie of that Ilk, Tho., I. * 127.
- Bynning, Jo., hanged and quartered for the Murder of K. HENRY (Darnley), I. 95. See K. Henry, &c.

C.

- Caball, Geo., hanged and quartered for uttering forged money, I. * 137.
- Caber, ane grit, III. 567.
- Cache-puill, (Tennis,) game of, I. * 271.
- Cachet, (Cashet,) King's, counterfeited, I. 157.
- Caddell of Aslowne, Ja., I. * 172; Jo., * 454.
- Cadgearis, what, II. 385, 444.
- Cadenhead, Wm., hanged for Horse-stealing, I. * 411.
- Page, or Iron-house for felons, III. 293, &c.
- Cairns, what, III. 204, *note*.
- Cairns of Barnbauchill, Rich., I. * 85;—Wm., of Orchardtoun, * 131.
- Cairletoun, Agnes, wife of the Laird of Bonshaw, Incest with her husband's brother, Jaffray Irvine of Robgill, who was beheaded, III. 576.
- Cairncross of Allanschaw, Ja., I. * 432;—Robert, callit *Mekill Hob*, 'Ravishing' or Forcible abduction of Lady Warreistoun, 244;—of Calfhill, Nic., * 2, 244; II. 368;—of Birk-sneip, Cha., III. 453.
- CAITHNESS, BISHOP OF, And., I. * 79, 149;—Robert Bishop Elect, * 337; seizing Teinds, &c. *ib.*; his Bailie imprisoned, * 395;—Commissary of, imprisoned, * 222;—Postulate of, Alexr., * 337;—hawks brought from, * 297, * 298;—EARL OF, George, Murder, &c. * 394; Imprisoning his brother David, * 395; Convocation at Water of Elmsdene, * 395, 200, 367; III. 12, 31; assaults Geo. Lord Gordon on the streets of Edr., 32; betrays his kinsman Lord Maxwell to the Privy Council, *ib.*; Submission betwixt him and E. of Sutherland, 231; appointed King's Lieutenant for quelling Rebellion in Orkney, (*q. v.*) 273; dispatches to the King, &c. from Orkney, 286; got pension of 1000 Crowns for his services, 309, *note*; sketch of his career, *ib.* 310; stripped of his ill-gotten fortune, and dies in obscurity, *ib.*; Murder under trust, 498; fugitated, 499;—COUNTESS OF, (L. Jean Gordon,) III. 32;—MASTER OF, Jo., I. 368.
- CALJETANE, CARDINAL, II. 576, 589.
- Cake, charmed, made of meal got from 9 *maryit madyinnis*, &c., II. 537.
- Caldcleuch, Mr Jo., Letter from the King to him as to Gowrie's Consp. II. 317; III. 97.
- Caldwell, Laird of, Intercommuning with, I. * 357; slain, 17, &c. (See Muir.)
- Calder, Wm., scourged and banished, II. 94.
- Caley, Oppressing Laird of, (Lennox,) I. * 53.
- Callandar of Ballinchoiche, Ro., I. * 130.
- Calmis, (moulds for casting base money,) II. 75.
- Calp paid by Laird of Ardincaple to MacGregor, II. 436, *note*.
- Calumnious speeches against the King, an Englishman hanged, I. 385. See K. JA. VI.
- Cambuskenneth, Adam, Commendator of, I. 88, 119.
- Cambusnethane, Laird of, I. * 480.
- Cameroun of Glennevas, Allaster, slain, III. 258;—Jo., alias Bodache, slain, III. 258;—of Locheldy, (Lochzell or Locheill,) Allan, II. 68;—Allan M'Eandowie, Murder, &c. III. 258. See Clan Cameroun.
- Cammiskeyth, attempt to restore Popery at the Place of, I. * 430.
- Campbell of Aberuchill, Colin, II. 438; III. 223; Hereschip and burning of Aberuchill, 232, 250, 566;—of Ardkindlas, Colin, I. * 224, * 229, *note*;—Ja., * 431, 68, 100;—Jo., 285; assaulted, 286; acquitted for slaughter of Laird of Calter, 263; tried and diet deserted, 391; betrays Laird of MacGregor, II. 433; Argyll attempts to get MacGregor to slay him, 436;—of Ardgarthmay, Arth., I. * 223;—of Ardoch, Jo., * 164;—of Auldornok, Jo., * 138;—of Ardintinny, Don., * 227; Sir Arch., III. 22, 23;—of Auchinbrek, Sir Doug., III. 10, 23, 26;—Prior of Ardchattan, 14;—of Auchinvelling, Jo. I. 285;—of Areis, Vthreid, III. 477;—of Bothe, Dm., I. 68;—Colin, II. 528; III. 258;—of Bargour, Charles, I. * 353;—of Blairskaith, Alex., respited, * 241;—of Blairnerne, Colin, 392;—of Breachlie, Mr Wm., his cattle

- houghed, &c. III. 251;—of Balnagowne, Hew, 252;—of Clwnes, Colin, 251; his Place burnt, &c. *ib.*; his horses houghed, &c. 257; taken prisoner, &c. 266;—of Crwnan, Geo., II. 63;—of Cesnock, Geo., I. * 84, * 352; John, * 136; George, II. 106;—of Calder, (Caddell,) Sir John, * 217, * 224; Archibald, * 359; John, 68; Sir John, slain by Laird of Ardkinglas, 363; trial, 391; Jo., II. 517; III. 12, 14, 22; King's Lieutenant in Yla, 364, 370; Archibald, brother to Laird, 553;—Captain of Carrik, Dunc., 233;—of Clewis, Ja., I. * 84;—of Dowchall, Geo., I. 46;—of Clovingall, Dav., * 58;—Mr Dougall, Dean of Brechin, 285;—of Easter Denhead, Da., II. 63;—of Glenurquhar, (Glenorchy,) Jo., * 223; Sir Duncan, 282; Colin, yr., II. 433; Robert, son of Sir Dun., slays Duncan Abroch MacGregor, and others of the Clan, at the Chase of Ranefroy or Fight of Bintoich, III. 112; Colin, yr., 233;—of Glenlionne, Arch., I. * 223; Colin, 260, 263, II. 403; Dunc., Murder, &c. III. 481;—of Glenco, I. 263;—of Horscleuche, Geo., (Cha.?) II. 128; Charles, 129, 426; III. 54;—of Gelt, Geo., II. 406;—of Glenfalloche, Ro., III. 233; Hereschip and burning of his property, *ib.*;—of Innerlevene, John, I. 68;—Commendator of Halywod, Tho., II. 507;—Hew, (son of Commendator of Halywod,) Slaughter, II. 507;—Mr Jo., Justice-depute, I. 366;—of Garallane, Hew, III. 54;—of Innerlewir, Dunc., I. 391;—of Glencarradale, Arch., III. 481;—of Innerraw, Tutor of, II. 62; Mr. Jo., Jesuite, resetting, III. 371; Ro., Slaughter, 465;—of Kinzeanleuche, Ro., I. * 369, * 407, * 485;—of Knoknane, Alex., I. 31;—of Kethik, Pat., II. 63; slays Laird of Gourdie's son, 80;—of Kilberrie, Colin, taken at Durnievaig by Macgillespie, III. 363; retaken, 364;—of Laweris, Ja., I. * 223; Sir Jo., III. 22; Sir Arch. his brother, *ib.*, 23; Colin, 223; Ja., 233; Sir Ja., 443; Mr Ja., his son, 543;—of Lochinyell, I. 263;—of Loudoun, Hew, slays Earl of Cassillis, * 136, * 148; respited, * 267; remitted, * 242; Mathew, younger of, * 352; Sir Hugh, * 403, * 428; Sir Math., * 455; Hew, feud with Laird of Calder, &c. 352;—of Lundy, Sir John, * 168, * 185; Ambassador to Flanders, * 243, * 276; to the Emperor, * 306, * 307; Colin, II. 63;—of Muretoun, Jo., slain, I. 264;—of Persie, (Persar,) Arch., I. 263; II. 63;—of Shankstoun, John, I. * 11; Ro., * 83; Jo., * 405; Ja., * 491; Jo., II. 106; Geo., yr., Slaughter, 461;—of Skelldoune, Geo., I. 20; Cha., 31;—of Skellingtoun, (Skerrington,) Alex., I. * 82; Cha., * 352; II. 426;—of Skipniche, Arch., marries Lady Glamis, I. * 188; falls over rocks of Edr. Castle, and is killed, * 194; Jo., * 382, * 386;—of Soutarhouse, Wm., slain, I. 264;—of Terrinzeane, Sir Hew, II. 109;—of Walwoid, Wm., II. 426; slain, III. 54; the Laird of Birnok and his son beheaded, for that slaughter, 58.
- Canongate, daft Queen of, I. * 124.
- Canochson, of Dunnevaig and Glynnnes, Alex. John, Fireraising, &c., I. * 246; James's brother, * 305;—Alex., * 278;—Jo., * 281.
- Cannell, what, III. 100.
- Cant of the Grange, Mr Jo., III. 574;—of Wastmylne, Walt., 475.
- Canna, burnt, I. 228.
- CANTERBURY, ARCHB. of, Geo., II. 262; his Account of Sprott's Trial and Execution, *ib.*, &c.; Bancroft, 586.
- Cannane of Killochie, Jo., III. 229.
- Captive, Taking, I. * 171, * 205, * 437; II. 423, 450; III. 552;—and strangling, 553.
- Capons, price at Justice-aires, I. * 389.
- Carccre*, famishing a man *in privato*, III. 479.
- Carbraithe, Mr. Wm., Perjury, &c. See Galbraithe.
- CARDINAL, The, See Beaton.
- Cardines, Lady, oppression of, I. * 52.
- Cards, playing, I. * 310, &c.
- Carey, Sir Jo., governor of Berwick, III. 316.
- Carkannis, I. * 299. See New Year's Gifts.
- Carkettill of Fynglenne, John, stealing a gold chain, I. * 336;—of Marcle, (Markill,) Jo., I. 10; Pat., Mutilation, &c., II. 456; III. 134.
- Carlisle, English Herald, I. * 275, * 276, * 278;

- Castle of, broken into by Laird of Buckleugh, and Kinmont Will freed from irons, I. 363; redress demanded by Queen ELIZ. 364, 365;—LORD, presents a horse to the King, I. * 300.
- Carmichael of Balmadie, Dav., I. 60;—Eliz., mistress of K. JAMES V., I. * 311;—of that Ilk, (Laird of,) remitted, Wm., I. * 243; Jo., * 323, * 386, * 426, * 437; Jo., yr., 8, 72, 119, 122; Sir Jo. resigns Wardenship of the West March, 275, 350; II. 11, murdered, 363; Armstrong hanged in irons, 364;—of that Ilk, Alex. Armstrang of Rowaneburne, hanged, 504; Sir John, Capt. of Crawford, I. * 87, * 311; III. 480;—of Meadowflat; Jo., I. * 229, 48; Sir Jo., III. 392, 480;—of Pityschaw, Ja., II. 105, Jo., yr., 491;—of Rowntreicross, Wm., I. 119; II. 1; III. 54; Wm. yr., 139,—of Spoth, (Spott,) Jo., III. 123; Ja., his son, slain, *ib.*;—of Vderine, II. 517; Ja., his son, slain, *ib.*;—of Wrightislandis, Gaw., I. 149.
- Carstairs, Jo., false weights and measures, 88; absurd vacillation of JA. VI. in granting and recalling precepts, *ib.*, &c.
- Carmylie, Ro., hanged for Falsing, I. 87.
- Carneburgh, (Carnebog,) siege of, I. * 121, * 231.
- Carnebye, Wm., Adultery, I. 13.
- Carnegie of Colluthie, Mr Dav., I. 242, 304;—of that Ilk, Jo., I. 297, his daughter carried off by Ja., son of Lord Gray, *ib.*;—of Kinnaird, Ro. I. * 180; Sir Jo. 27;—of Seatoune, Jo. I. 27.
- Carpentry, (Fr. *Carpendu*?) I. * 310.
- Carrick, Bailie Court interrupted, I. * 58;—Castle of, Lochfyne, III. 233.
- Carschore (Garthschore) of that Ilk, Jo., III. 345.
- Carruthers of Dormont, Jo., slain, III. 472; Fra. his brother, *ib.*;—of Holmends, (Howmaynes,) John, Feud with Laird of Closeburn, I. * 430; II. 559; Jo., Slaughter of Laird of Raskarrell, III. 115;—of Mousewald, heiress found caution not to marry a traitor or ‘brokkin man,’ I. * 434;—of Rammerscaillis, Jo., III. 436;—of Wadfute, Jo., III. 477;—of Warrambie, Cha., Slaughter, II. 475; Wm., hanged for Burning Newby, Slaughter, &c., I. * 60.
- Cartels, III. 504, 505. See Duel and Singular Combat.
- Carterhaugh, Hereschip of, I. * 37.
- Carting, punishment of, II. 401.
- Carvers, the King’s, I. * 313.
- Carnall, Laird of, I. * 457. See Wallace.
- Casar, Francis, Italian, I. * 375.
- Caschielawis, (or caspicawis,) an instrument of torture, I. 375, and *note*.
- Cashett, King’s, II. 597; III. 425, and *note*.
- Cass, passionate, III. 249.
- Cassanzeis, Raphael, Spaniard, I. * 315, * 320, * 123.
- CASSILLIS, EARL OF, DAVID, Just. Depute, I. * 87; Gilb., * 191, * 199; Slaughter, * 130; Slain, * 136; Oppression, * 181; Gift of his moveables escheated for Wilful Error, * 142; Slaughter of, * 242; passes in Pilgrimage, * 245; Treason, * 271, * 339, * 384; Treasurer, * 417, * 453, * 454, * 456; Hew, 30, II. 39; Jo., 461; Feuds with the Kennedies, III. 124, &c. 171; Bond betwixt him and his brother as to Murdering Laird of Auchindrayne, 622;—Tutor of, (Abbot of Crossragwell,) I. * 245; Tho., 472. See Kennedy of Culzeane;—COUNTESS OF, Marg., I. 119; Jean besieged by the Muirs, &c., in Auchinsoull, which they burnt, III. 177;—MASTER OF, I. 94; Tho., 141; Hew made prisoner by Laird of Drummurquhie, after burning of Auchensoull, III. 178; bond betwixt E. of Cassillis and his brother to murder Laird of Auchendrayne, 622.
- Casting a boy into the fire, I. * 59.
- Casting down a Mill, I. * 179.
- Castleary, Laird of, slain, I. * 149.
- Cathkyn, Ja., librar., (bookseller,) III. 66.
- Catslack, Cap. Ja. Stewart, (E. OF ARRAN,) slain there, III. 66.
- Cat, baptized by Witches, I. 218; a very remarkable instance, 237; Witches assume shape of, II. 524; drawn through a ‘cruik,’ 542; Christened, 543; Witches take form of, III. 605, 607, 611, &c.
- Cattle-stealing, I. * 27, * 28; M·Clellan of Gilestoun beheaded, I. * 64; Pott, hanged, I. * 87, * 171, * 218; barbarous slaughter of, * 336;

- houghing, * 431; and slaying, * 433; cutting the backs of, * 455; Stealing, Wm. Donald, hanged, 45; and Perjury, Arch. Croser, hanged, 111; Battiesons, hanged, II. 443; Beirope of that ilk, II. 515.
- Cattle, bewitched, how restored, I. 238.
- Cattle, houghing of, I. * 103, * 431, * 433; cutting their backs, * 455.
- CATHCART, LORD, Allan, I. * 333, 88, 178; II. 106, 572;—of Carbeistounne, Allan, I. 72, 101;—of Carleton, Robert, mutilated, I. * 336, * 343, * 350; Jo., * 457; II. 106; III. 171; Jo., yr., *ib.*;—of Clowlynan, Allan, * 74;—Ro., writer, slain, II. 109;—of Drummisnod-dane, Wm., I. * 458;—of Drumgowane, (Drumjowan,) Allan, I. * 58, * 458; II. 110; III. 180;—Kirk of, attempt to restore Popery at, I. * 450;—Ro., writer, slain, II. 109, 445;—of Waterhead, Wm., I. * 458;—of Woodhead, Wm., I. * 458.
- Catour, King's, I. * 313.
- Caudle at Baptisms, I. 3, * 302, * 309, &c.
- Caution found by an heirress not to marry a Traitor or 'broken man,' I. * 434;—Borderer's surety taken, * 467.
- Caution of 'Colleraith,' what, I. 23, 186.
- Caverhill of Foulage, Jo., I. * 87.
- Cecil, Sir Wm., Englishman, I. * 510; Sir Ro., Secretary of State to Q. ELIZ., II. 313; his death, 581, and *note*.
- Cedrons and garnets for the King, I. * 320.
- Ceremonial of touching Murdered Corpses by persons accused or suspected of the crime, III. 184; opinions of ancient and modern authors, 182, 187.
- Ceremonies, Master of, III. 558, 595.
- Ceremony, singular, at meeting of Makconeill and Coll M^cGillespic, III. 20.
- Cesfurd, Laird of, Warden of the Marches, I. * 264. See *Kerr*.
- Chains, gold, of KING JAMES V., I. * 292, * 295; great gold, * 301, * 302. See *New Year's gifts*, * 321; one of xvij ounces, * 322;—stealing a gold, I. * 336; and pearl, &c., III. 564.
- Chains, hanging in, I. * 137, * 358.
- Chalices, Eucharistic, &c., spoliation of, I. * 353. See *Reformation*.
- Challenge, Judicial, of the Master of Forbes as a Traitor, I. * 185; III. 505, &c. See *Duel*; *Singular Combat*.
- Chalmer of Antique Historie, (Tapestry Work,) I. * 312;—of dace, (dais,) II. 341;—Yeomen of the King's, * 313; Grooms of, *ib.*;—of Drumlochie, Wm., * 371; II. 63;—of Fed-derauche, Wm., I. * 470;—of Gaitgirth, Ja., * 428;—of Seggydene, Wm., * 452;—of Strathie, Dav., * 88;—of Tulykerye, Tho., * 470.
- Chalmers, (ordnance,) I. * 306.
- Chamberlain, King's, his Jurisdiction, II. 91.
- Champanzee, French Herald, I. * 268.
- Champion, the King's, (Kemp,) I. * 271.
- Champley, Sir Rich., I. * 122.
- Chamrone, Jo. Moir M^cEane Chere, and Dunc. Moir M^cEane. Slaughter, &c., beheaded, III. 537. See *Cameron*.
- Chancellor of Quodquene, Wm., I. * 169; acquitted of Slaughter, * 175;—of Scheilhill, Ro., II. 474.
- Chandelaris, for the PRINCE'S Chapel, I. * 306.
- Chapel-Royal, Oppressing Sacrist and Sub-dean of, I. * 96; stand of cloth of gold for, * 297; 'geir' for, * 320.
- Chapel-graith, * 278; reliques, *ib.*, * 308.
- Chaplane, Peter, hanged for coining bawbeis, I. * 364.
- Chariot, Queen MAGDALENE'S, I. * 291; Queen MARY of Guise's, * 293, * 320.
- CHARLES IX. K. OF FRANCE, Embassy from, at K. JAMES VI. Baptism, I. * 479;—PRINCE OF WALES, III. 502; *Duel* in Flanders between his Tutor, Capt. Bruce, and Capt. Hamilton, *ib.*
- Charletoun of Emmetisbauch, Will., III. 568;—of Hisliesyde, Wm., 569.
- Charming, III. 508, &c. See *Witchcraft*, *Sorcery*, &c.
- Charms for Witchcraft, &c., remarkable, to take life of K. JA. VI., I. 218; for healing diseases, 230, 237; corpses disinterred and 'junted' to prepare, 233, 237, 239; baptizing a cat, 218; another remarkable instance, 237; charm to allay birth-pains, *ib.*; bewitched cattle, how restored, 238; to take away a man's life, *ib.*; by E. Bothwell, to take

- King's life, 240; with a toad to take the King's life, 245; shirts, clothes, &c., 250; 'boird-stane,' 252; wheat, worsted, &c., II. 25; worts, woodbine, &c., 26; dipping shirts, slaying a red cock, and baking a 'bannock' with his blood, *ib.*, and 27; South-running water, *ib.*, and 422, III. 556; firing water, burning straw, &c., *ib.*; garland of woodbine, 27; broom and camomile, *ib.*; quicksilver, 28; nettles and 'alschinder,' *ib.*; salt water, *ib.*; live coal, *ib.*; sheep's dung, *ib.*; 'Spain'ie' seed, 29; roasting a goose with 4 or 5 kittens sewed in it, *ib.*; Ja. Reid, 421; grease, *ib.*; raw flesh, 422; silk points, *ib.*; wax picture, *ib.*; hair belt, with Devil's 'clawis,' 478; 'sayneing and croceing,' *ib.*; 'tail'ie of raw inchantit flefche,' 524; drinking with the Witch, 526; charmed water, 536; charms for witched cattle, *ib.*; 'Rowne-trie,' *ib.*; cakes of 9 'curneis' of meal got from 9 'maryit madynniss,' 537; fochsterrie leawis, 538; coloured silk and worsted, III. 511; drawing 9 times backwards and forwards by the leg, 554; hasp of yarn, &c., *ib.*; red-hot coulter of a plough, 557; burning a live fowl, *ib.*; unchristened child, 603; a remarkable series of charms and superstitions, *ib.* to 618.
- Charter, Forging, erasing, and falsifying, I. * 387; a Notary and two others hanged, II. 104.
- Charteris (Charterhouse) of Amisfield, Jo., I. * 88; Ro., * 148; Feud with Laird of Kirk-michael, * 132, * 166; Jo., 97, 304; Sir Jo., II. 509;—of Astrowane, Ro., I. * 455;—of Cuthilgurdy, Patrick, Fire-raising, &c., * 141, passes in pilgrimage beyond seas, * 244;—of Kinfawnis, Tho., using a forged Instrument, * 222; Jo., Feud with the Laird of Balthay-ock, * 424.
- Charterhouse of Perth, Prior of, II. 166.
- CHATELERAULT, DUKE OF, Ja., I. * 439; Intercommuning with, * 466, * 478; III. 390.
- Chaud-mele*, III. 579.
- Chekkar-hous door, Usher of, I. * 316.
- Chennen of Chennentoune, Ro., III. 9.
- Chepman, Walter, printer, I. * 118.
- Chere, mouse-coloured, III. 537, &c.
- Chess, game of, I. * 263.
- Chestanis, III. 570.
- Chesting, or coffining, ceremony of, III. 197.
- Cheyne, Alex., beheaded for Perjury, Oppression, &c., II. 453;—of Arnage, Wm., I. * 470;—of Essilmonthe, Pat., I. * 470, 286, 375, 382; II. 394, *note*;—of Pennan, Ja., Rapt and Ravishing, Besieging House of Auchmedden, &c., II. 394; Banished, 400;—of Straloch, Ja., I. 286; feud with Laird of Barrauch, 353, 382; II. 41, 423.
- Cheys-wayme, I. 173.
- Chipre, King of, I. * 277;—Prince of, * 278.
- Child, unchristened, III. 603;—forespoken, 610.
- Child-Murder, I. * 412, * 421; Meg Dow burnt, 186; Jonet Pollok, *ib.*; Issobell Pratt, hanged, 371; Agnes Cowan, hanged, II. 402, 463; Issob. Thomson, hanged, 540; Jonet Brown, hanged, III. 269; Bessie Duncan, hanged, 430. See Murder.
- Chirnesyde of East Nisbet, Sir Pat., a remarkable case of Forcible Abduction of the Laird of Thornydykes, (14 years old,) and marrying him to Jean, his daughter, III. 402; Alex., yr., 414;—of Posso, Da., 250.
- Chisholme of Cromlix, (Crumlecks,) Ja., I. 28, 173; Sir James, II. 569, *note*;—of Dundorne, Sir James, I. 267; denounced, 283; offers presented by him, 301; II. 569, *note*;—Ja., Commendator of Inchaffray, I. 267;—of that Ilk, Geo. * 133; III. 391, 396;—Mr Jo., Jesuit, I. 328, 329, &c.;—Wm., 331;—Wm., Bishop of Vaison, II. 569;—B. of Dumblane, *ib.*, *note*, 575, &c.
- Christeson, Friar John, Heresy, &c., I. * 407.
- Christie, Ro., E. of Gowrie's porter, his Deposition, II. 187; And., Forcing (Rape) and shamefully abusing, III. 439.
- Churches, Parish, destroyed, I. * 353. See Reformation;—Witch-meetings and initiations held within, and in consecrated ground, III. 603 and *note*, &c.
- Clairschaw, a kind of harp, I. 282.
- Clam-she l of silver for the King's hawks' meat, I. * 305, * 320, * 322.
- Clan-Anveriche, II. 432; III. 537;—Buchanan, barbarous torture, &c., III. 345;—Cameron, Captain of, I. * 355, fire and sword against,

- 280; II. 432. See Chamrone;—Donald, III. 1, 19;—MacFarlan, murder Sir Hum. Colquhoun, &c., II. 431; two of the Clan slain, barbarous torture of a Buchanan, III. 545;—Gregor, I. * 164; Commission of fire and sword, 282, 289; Murder and Reiff on Laird of Lusse's lands, II. 413; Intercommuning with, 414; seven score persons murdered in the Lennox, 315; 3 persons hanged, *ib.*; Field of the Lennox, or Conflict of Glenfraine, 430, &c.; Fight of Bintoich, or Chase of Ranefray, III. 112; Jo. McEwin and 4 MacGregors hanged, 115, &c. See MacGregor;—Intercommuning with, II. 414, 456; III. 112, 232, 254, 437, 537;—Gun slay the Laird of Duffus, I. * 149;—Hamerone, II. 432;—Ian Averiche, (Clan-Anveroche, or Abroche,) 432; III. 537;—Lawrene, II. 440;—Layne, I. * 106; Feud with Clanranald, I. * 169; III. 1;—Quhattane, I. * 81; * 243; fire and sword against, 280;—Ranald, Feud with McLeans, I. * 169; Captain slain, 33; fire and sword against, 280; Captain of, III. 19, 25, 542;—Tarlich, 19.
- Clans of Armstrang, Tailour, and Clans of Lid-disdale (then in Debateable Lands and in the Woods) respited for a year, I. * 235; Clans to keep 'guid reule,' 302; Armstrang, II. 504.
- Clarencieux, English Herald King at Arms, I. 264, * 270.
- Clark, Jonet, Witch, 'wirreit' and burnt, I. 206.
- Clasnessie, Sea of, Assint, III. 489.
- Clay figures, made by Witches, to torment or take away life, III. 605, &c.; how used, *ib.*
- CLEMENT VIII., POPE, II. 570.
- Clelland (See Kneiland) of Fermlaw, Ro., III. 429;—of Fessauch, Jo., I. 71;—of Monkland, Sir Ja., Resetting Jesuits, III. 376.
- Clephane of Carslogie, I. 60, 309;—of Pitcorphy, And., 60.
- Clinge, to pronounce a verdict of innocence; to 'assolzie' or acquit a pannel, II. 155, &c.
- Clenche, what, III. 383.
- Clipping and cutting coin, I. * 233.
- Clifford, Sir Tho., I. * 189; Letter to K. HENRY VIII., * 198.
- Clock. (See Knok.)
- Cloaks, velvet, &c., stolen, III. 541.
- Closeburn, Laird of, I. 178. See Kirkpatrick.
- Cloth of Gold, presented by King of England, I. * 266; given to English Ambassador, * 273, * 289; Coronation Robes, &c., * 301.
- Cloths of State, I. * 320.
- Clout, black, a woman burnt for 'casting of Wiecraft,' with a, I. 400.
- Coal-pits, Fire-raising in, III. 361; Jo. Henrie hanged, and his head fixed on a spike, *ib.*
- Coat-armour, to Heralds, I. * 301.
- Cochrane of Balbachlaw, Ja., I. 27, 155, 169;—of that Ilk, Jo., I. * 150; Wm., 133; Alex., III. 377;—of Pitfour, Jo., I. * 88; Da., 279.
- Cockburn of Clerkingtoun, Tho., I. * 169; Mr. Rich., yr., Secretary, 267, II. 10; Sir Rich., 274, 496, 568; III. 208, 312; Lord Privy-Seal, 418;—of Choslie, Wm., I. * 223; II. 441;—of the Glenne, Jo., I. * 424;—of Henderland, Wm., beheaded, I. * 144, * 270;—of that Ilk, Wm., I. * 147; Alex. 107;—John, Piracy, I. 93;—of Langtoun, Ja., I. * 134; John, * 366, * 480; Ja., 35; Pat., Tutor of, 190, 265; II. 98;—of Newbigging, Pat. I. * 143;—of Newhall, I. * 143;—of Newholm, Jo., I. 190;—of Wester Newton, Jo., I. * 473;—of Ormistoun, Wm., Oppressed, I. * 140; John, * 171; breaks ward from Edr. Castle, * 334, * 339; John finds caution, * 486, 107; Sir Jo., Justice-Clerk, 261, 267; Clerk-Register, II. 3, 367, 442; his marriage, 459; Justice-Clerk, 581; III. 87, 208, 312; resigns his office, 558; Singular Letter in regard to, 595;—Mr. Ro., Justice depute, II. 521;—of Seraling, (Skirling,) Sir William, Stouthrief, I. * 25; Slaughter and Mutilation during Parliament, 26; Wm., Stouthrief, &c., I. * 174; remitted, * 249, * 453, * 455, * 473; Keeper of Edr. Castle, * 479, 71, 190;—of Templehall, Mr. Sam., I. 149;—of Tretoune, Dav., I. * 137;—Will., Hamesucken, I. * 15; Stouthrief, Killing Hares, &c., *ib.*
- Cocleus, sends a book to K. JAMES V., I. * 284.
- Cockpen, Poor's-box stolen, II. 387.
- Coena Domini, I. * 263. (See Bedesmen.)
- Coffer, stealing one with writings, II. 93; Grissell Mathow drowned, and her accomplice scourged and banished, 94.

- Coffining or chesting, ceremony of, III. 197.
- Cokkie, Ja., Treason, hanged, I. 45.
- Cokkylzeis, Collar of, I. * 265.
- Coining. See False Money, Uttering, &c.
- Coin, clipping and cutting, I. * 233.
- Coinzie-house, Mint, II. 399, &c.
- Coiners, false, I. * 324, * 440. See False Money, Forging, &c.
- Colpna, Laird of, Slain, I. * 470.
- Colpland of Udauche, Tho., I. * 150.
- Collese of Balnamoon, Ro., his tenants oppressed by citizens of Brechin, I. * 431;—of Pitforquhie, Tho., a man banished for hurting his ox in the plough, II. 127.
- Colquhoun of Camstrodane, Ro., I. * 451; Jo., yr., II. 426, 432; Adam and Ja. slain by MacGregors, 432;—of the Glenne, Pat., I. * 42;—of Kirkcoun, Tho., I. * 150:—of Luss, Sir John, I. * 78, * 170, * 178; besieging Dumbarton Castle, * 236, * 344; Jo., * 451, * 453; Alex., 289; Feud with Lord Levingstoun, &c., 352; Laird of, slain by Jo., his brother, who was beheaded, 359; Murder and Rieff by Laird of Macgregors, II. 414, 418, 419, 430. See Field of Lennox; Alex. 418; Sir Humphrey Murdered, 431; Sir Alex. *ib.*, 540; III. 318; Alex. 537;—of Barnehill, Walt., slain by MacGregors, II. 432; Jo., *fiar* also slain, *ib.*;—of Traseill, Pat., III. 250.
- Colville of Blair, Mr. Alex., Justice-Depute, III. 508, &c.;—Alex., Commendator of Culrose, II. 527;—Mr. Hary, Parson of Urquhart, slain, I. 386; Gilb. Pacok beheaded, 388; Master of Orkney outlawed, 392; Sir Pat. Bannatyne of Stenhouse, &c. 393; Wm. Bannatyne of Gairsay, &c., acquitted, 397; Mr. Alex., (of Blair,) Justice-Depute, II. 527; declinature, III. 422; remarkable Letter from him as to appointment of Justice-Clerk, 595;—of Ravinniscraig, Wm., Oppression done to, I. * 32, * 87;—of Strathurdie, Mr. Jo., I. 270;—of East Wemyss, Treason, &c., I. * 255, * 257, 148; Ja., Treason, 278, 320, 409, *note*;—of Uehiltrie, Sir Wm., I. * 32, * 33; slain, * 65, * 68; Sir Ja., I. * 167, * 172, * 185.
- Coldinghame, Abbey of, Spuilzie of Teind-sheaves, I. * 208; demanded of the Pope for a natural son of K. JA. V., * 311; ordered to be defended, * 324; Prior of, John, natural son of K. JA. V., I. * 311; Raid of, I. * 331; besieging Place of, * *ib.*
- Collerayth, caution of, I. 23, 186.
- Collars given to KING JAMES V., 'Cokkilzeis,' I. * 215; the Empriouris, I. * 277; invested with Order of the Garter, * 283, * 289; the Golden Fleece, *ib.*; St. Michael, *ib.*; of Steel, (armour,) I. * 317; to deer-hounds, of purple velvet, with gilded chains, &c. I. 312.
- Collier, King's, I. * 313.
- Colour of Evil Spirits' Dresses, &c. III. 606.
- Colkitto, (Coll Keitach,) III. 25.
- Colstoun, Tho., Englishman, slain, II. 539; Alex. Keith beheaded, 540.
- Colbrandispath, House of, taken, I. * 237.
- Colping, I. * 230. See Forestalling, &c.
- Colt, Mr. Oliver, yr., Justice Depute, II. 562.
- Comerie, house of, burnt, and Ja., the Baron's brother, slain by the MacGregors, III. 537.
- Combat, Judicial, (under a Special Licence,) I. * 185, *note*, &c.; Bruntfield and Carmichael, II. 113, *note*, III. 164;—Singular, II. 112. See Duel.
- Comeray, Isle of Little, I. * 232.
- Compter, the King's, I. * 315.
- Congiltoun of that Ilk, Henry, I. * 85, * 159; assisting Lord Hume, * 241; Robert, * 369; Robert, yr. of, slain by poison, * *ib.*; Pat., 107; Wm. II. 343;—Tutor of, I. * 366; Hen. Langside, 5;—Mass and Sacraments in Popish form celebrated at Place of, I. * 428.
- Congil of that Ilk, Pat., I. 154.
- Con of Auchry, Wm., I. * 453; Pat., 389, 390; II. 94; III. 444.
- Conspiracy, Master of Forbes, beheaded, I. * 183;—LADY GLAMMIS, beheaded, * 187, &c. See Forbes and Glammis; JOHN EARL OF GLAMMIS sentenced to be hanged, * 198; acquitted and restored by Parliament, * 199;—to seize on person of Mary Queen of Scots, * 461;—against the Regent, 32, 40, 70. See Bothwell, Falkland, Witchcraft, &c.;—against Protestant Religion, 310. See GOWRIE, &c.;—Concealment of, I. * 198, 199; John Lyonne beheaded, * 202; Alex. Makke banished, * 203;—Geo. Sprott for Gowrie's Consp., 256;

- hanged and quartered, 259; Execution, and behaviour on the scaffold, 260, &c.;—against King's life by Witchcraft, I. 209, 230, &c. See Witchcraft, &c.
- Convocation of the lieges, I. * 201, * 203, * 206, * 207, * 238; in Orkney, and Slaughter of EARL OF CAITHNESS, * 253; in Cupar-Fife, * 367; at Elmsdene Water, by Earl of Caithness, * 395, * 409, * 410, * 413; in Edr., * 436; in fenced Sheriff Court of Ayr, * 456; of an unlawful Assembly, II. 3.
- Convocation of Witches. See North Berwick, &c.
- Connell, Ja., and 12 others, forfeited for abiding from Raid of Stirling, II. 85.
- Conjuration, Witches', for healing Diseases, I. 230, 237; III. 608, *et seq.*
- Confession extorted by 'waking' Witches, &c., I. 50; Ogilvie, a Jesuite, III. 331, 332.
- Consecrated ground, Witch-meetings held there, and in Churches, III. 603, and *note*.
- Constable, Lord High, his Jurisdiction, I. * 351, * 476, 98; II. 91.
- Conspeckell, II. 99.
- Corbet of Ardbo, (Arboill,) Jo., II. 555.
- Corroche, hasty, precipitate, III. 249.
- Coroners, I. * 418, &c.
- Corn, stealing, III. 564;—exporting, I. * 365;—burning, * 127, * 375, * 405; And. Thome-soun burnt, 70, 110.
- Corrichie, Battle of, I. * 183.
- Coronation of KING JAS. IV., I. * 114; Queen MAGDALENE, * 287; of Queen MARY of Guise, * 299, &c.; new Crowns, *ib.*; Lords and Ladies warned to attend, * 300.
- Corpus Christi Play, I. * 121.
- Corpses disinterred by Witches, and 'junted' for charms, &c., I. 233, 237, 239; of Traitors disinterred, and bones produced at Forfeiture, II. 241, 246, 277, 405; inspected by Surgeons, to report if deceased died by wounds, III. 62; Superstition as to the Murderer's touch causing the corpse to bleed, III. 143, 165; curious illustrations of, 182, &c.; corpse of a murdered man raised and inspected seven days after his burial, 574.
- Corry of Kellwood, Tho., I. * 86, * 127, * 138; Geo., * 457, 89; Jo., II. 106; III. 172;—Laird of, I. * 62.
- Cornwall of Bonhard, Nich., I. 268;—Arch., Exhibiting King's picture on the gibbet, II. 349; hanged, and his body exposed 24 hours with a paper on his forehead, 351; gibbet taken down and burnt, *ib.*
- Corstorphin, College of, I. * 333.
- Cordiner, King's Master, I. * 315.
- Covens, Witches', consisted of 13 in each, III. 603, &c.; each had a Maiden and an Officer, 605; grand meetings, 606.
- Covantoune, Burning and Hereschip of, I. * 26.
- Cousland, Burning of, I. * 141.
- Courschet, what, II. 392.
- Cook, King's Master, I. * 310, * 313; Court, *ib.*; Stealing from Queen Dowager's chief Cook, * 406.
- Coulter of a plough, Witch-charm with, III. 557.
- Cowper, Justice-aire of, I. * 272;—insurrection against the Bailies, &c., I. * 367;—man burnt for Heresy, I. * 297;—Magistrates of, assisting E. of Bothwell, I. 310;—LORD, JA., II. 600, *note*.
- Cowart, Capt., English Pirate, III. 100.
- Cowdene, Sir Ja., false Notary, I. * 459.
- Cowie, Army at, I. 175;—Pat., and four others, starving a man to death *in privato carcere*, III. 479.
- Cradle, State, PRINCE JAMES'S, I. * 302.
- Craftsmen, Insurrection of, against Bailies of Cupar, &c., I. 367.
- Craiganis, Laird of, slain, I. * 44.
- Craigy, Tutor of, respited, I. * 237;—Lady (Jonet Logan), pension to, * 305, * 312; Dule dress to, * 320.
- Craiginche, Burning and Hereschip of, I. * 246.
- Craignethan, Castle of, keeping, I. 316.
- Craig of Craigsfintray, Jo., I. * 454; his wife's Incest and adultery, * 459;—of Craigistoun, Wm., II. 64; Slaughter of the Laird of Carnehill, 105;—fortalice of, ordered to be demolished, I. 348;—Jonet (aged 11), ravished, II. 566; Jo. Errole, hanged, 567;—Tho., Justice-depute, I. * 477, &c., 1; Sir Lewis, II. 568.
- Craig, the throat or neck, III. 573.
- Craingelt of that Ilk, John, I. * 216, * 339; he and his son Robert mutilated of their left arms, * 383; Tho., III. 268;—Geo., tried for Gow-

- rie's Conspiracy, II. 151; hanged, 155; his Deposition, 157, 246.
- Craill, Magistrates of, assisting the E. of Bothwell, I. 310.
- Crames of Edinburgh, I. * 416.
- Cranstoun of Burnecastell, Alex., III. 402; remarkable case of Forcible Abduction, &c., *ib.*, 413;—of Corsby, Jasper, I. * 147; Pat. III. 69; Jo., his brother, slain, 222; Tutor of Thornydykis beheaded, *ib.*; Gilb., uncle to Laird, hanged for Stouthreif, &c., 252; Pat., 569;—of Maynis, Cuth., I. * 337;—of Doddis, Cuthb., Assisting the English, * 338;—of Doddo, Sir Wm., Slaughter, 20;—of that Ilk, (Laird of,) Destroying Woods in Ettrick Forrest, * 71; John, * 147, * 166, * 167; * 336; Wm., * 414; houghing and slaying cattle, * 433, * 434; Jo., 20; Mr Wm., yr., feud with Laird of Edmonstoun, 353, *ib.*; Gilb. Lauder slain, 362;—Sir Jo., Resetting a declared Traitor, II. 124; Mr Tho., his brother, hanged for Gowrie's Conspiracy, 155; his Deposition, 156; behaviour on the scaffold, 155, *note*, 246, 506; Wm., III. 391; Tho., 396;—of Ladyside, Wm., I. 84,—LORD, Wm., III. 226; Jo., his brother, 402; proceedings in duel between his son Ja. and Sir Gideon Murray's son, 505; with E. of Lothian, 507;—of Mains, Cuthbert, Assisting the English, I. * 337;—of Monktonhall, Ja., II. 467;—of Morestone, (Mureistone,) Tho., I. 107, 270, 306; Resetting him, when a declared Traitor, II. 124, 517; Jo., III. 116; Jo., his son, remitted, *ib.*; Alexander, 410, 539;—MASTER OF, Jo. 414;—of Skaittibus, Richard, Murder of David Riccio, I. * 486;—of Thirlestane, Cuthbert, * 451; III. 396;—of Thornydykis, Jo., III. 539;—Sir Peter, pursued for his Slaughter, I. * 400; Mr Tho. See C. of that Ilk, and GOWRIE;—Sir Wm., II. 517.
- Craw of Restoune, Geo., I. * 139.
- Craudoche, what, II. 437.
- Crawford of Auchincross, Geo., I. 49;—of Auchinsoull, Dunc., III. 179; his house burnt and Countess of Cassillis, &c., besieged therein,

ib., &c.;—of Auchinvie, Hew, I. 49;—Tho., of Auchnames, * 205; * 164;—of Baithlem, (Baidland?) And. 58; of Barquharrie, Andrew, III. 475;—of Beircrofts, II. 105;—of Beaux, George, I. * 84;—of Birkhead, * 331;—of Camlarg, Jo., invaded in a fenced Sheriff Court, in Ayr, * 456; Assaulting in the same Court, * 458, 49, 72;—of Caverhill, Ro., II. 454;—of Clolellane, Robert, I. * 405, * 457;—of Corbishill, Edward, 205;—of Crawfordland, John, * 385, * 420, * 428;—Tho., Captain of Crawfordjohn, remitted, * 254;—of Craiglynsche, Jo., 19;—COUNTESS OF, Mariota, and 18 others, Oppression, &c., * 178;—of Drongane, Jo., * 74, * 88, * 136, * 137, * 150; Insurrection, &c., * 204, * 242, * 369;—of Drummiskoy, Wm., * 458, 71;—EARL OF, John, I. * 78; David, * 185, * 198; Alexander, dies, * 266, * 270; Treason, * 271; David, * 408, 75; slays the Lord Chancellor Glammis, 79, 85, 116; High Treason, &c., 171; feud with Laird of Guthrie, 352; eating flesh in time of Lent, 369; II. 274, 380, 396, 574; III. 15; Slaughter of Laird of Balgaweis, 248;—of Farme, Gawin, 87;—of Fedderett, Geo., 206;—Feud with Kennedies, * 150;—of Giffertland, * 331;—of Haining, Archibald, * 132;—of Heidmark, Jo., 49;—of Jordanehill, Capt. Tho., 171; Hew, III. 345;—Ja., goldsmith, barbarously torturing a girl to detect a supposed theft, II. 44;—of Kerse, David, I. * 55; hindering the Court of the Bailie of Carrick, * 58, * 86; Barth., * 130, * 136; * 350, * 458; feud with Sheriff of Ayr, &c., 352;—of Kilbirnie, * 82; Laur., remitted, * 255; Hugh, * 361, * 385, * 451; Jo., II. 508;—Place of, broken into, *ib.*; curious list of, carried off, *ib.*;—of Kerehill, Jo., I. * 150;—of Lefnorijs, (Lochnoreis,) Wm., taking Castle of Lochdoune, &c., * 73; Geo., 136; Geo., 349; Ravishing of Lady Lefnorese, *ib.*, * 369; Slaughter of Laird of Corsintoun, * 82; Geo., * 413, 49;—MASTER OF, David, * 346; Wm., * 347; Da. kills Mr Walter Lindsay, III. 62; is wounded by young Laird of Ed-

- sell and his friends, but recovers, *ib.*;—Nicol of Oxfangs, Justice Clerk, sworn, I. * 126, * 168, * 272;—of Previck, Jo., slain, * 170;—of the Schaw, Jo., 72;—of Sillihole, Quint., yr., III. 172.
- Crawfordjohn, K. J. A. V. visits, I. * 310; Tapestry, &c., removed to, *ib.*, * 311; QUEEN there, *ib.*
- Crawford-Mure, Gold mines at, I. * 298; QUEEN'S Crown made of Scottish gold, *ib.*; present of unwrought Scottish gold to Duke of Guise, * 300, * 322. See Gold.
- Creichtoun of Bellibocht, Ninian, I. * 199, * 229; remitted, * 244;—of Brunstoun, * 339; Ja., yr., 169; Jo., 372;—of Blackburne, Jo., * 88;—of Benestoune, 27;—Tho., of Auchnaines, * 205, * 164;—of Bodumeraig, Tho., slain, III. 473;—of Conzie, Geo., I. * 329;—of Cranstoun-Riddell, Sir Pat., * 62;—of Crawfordtoun, And., Treason, &c., * 134; Jo., Slaughter, II. 71; III. 247;—of Camnay, Pat., I. * 178;—of Carco, Ja., 191; Mr Ro., II. 71;—of Cluny, Ro., I. 307; Sir Ro., Slaughter, II. 76, 433;—of Drylaw, Wm., I. 393; Alex., 155;—of Darnehauche, Wm., II. 491;—of Elliok, Mr Robert, Queen's Advocate, I. * 408, &c., 13, 47;—of Fedderat, Geo., * 184;—of Forgound, Alex., III. 583;—of Frendraucht, Sir Ja., I. * 126; Wm., his house besieged, &c., * 329, * 455, 209; Ja., 284;—of Hartwode, Jo., * 55;—of the Hill, Wm., III. 475;—of Innernytie, Jo., II. 49, 76; 'Umbeset' by Laird of Bagray, 103; Sir Jo., 105, 112; Mr And., his brother, declines jurisdiction of King and Council, III. 87; sentenced to be *hanged*, 89; banished for life, 90; Ro., his brother, 363, 453;—of Kilpatrick, Ro., slain at the horn, I. * 77; Jo., * 134;—LORD (of Sanquhar). See SANQUHAR;—of Lugtoun, Pat., 10, 136, 137;—Lady Newtoun, Jonet, Rape of, * 258;—of Nauchtane, David, Captain of Edinburgh Castle, * 258;—of Newhall, Alex. * 127, * 174, * 424; hearing Mass, 38, 155;—of Peiltoun, Edw., III. 247;—of the Quarter, Rob., I. * 81; Jo., Slaughter, 190;—of Ryhill, Jo., * 455; Wm., III. 93;—of Ruthvennis Jo., I. 178, * 191; Adam, banished for life for Slaughter, 165; Ja., shooting with pistols, &c., 371; II. 60;—of Scottistoun, Wm., slain, I. * 172;—of Strathurd, Jo. * 367; Sir Pat., II. 343; Jo., yr., 430;—Sheriff of Dumfries, Ninian, I. * 165;—Tutor of Sanquhar, Jo., * 397, * 398;—Mr Wm., Jesuite, 311; engaged in trafficking against the Religion, &c., *ib.*, &c.; Letter as to King's correspondence with the Pope, II. 582.
- Creich, Laird of, married to Madame Gressmore, I. * 298, * 297, * 305.
- Cressonis of mailze, I. * 317.
- Crearis, a sort of Highland galley, III. 20, 587.
- Crechdow, Margaret Montgomery, Lady of, oppressed, I. * 57.
- Creation of Earls, Lords, and Barons, Master of Ceremonies at the, III. 558.
- Cristall, King, I. * 274, * 277.
- Crimen Falsi*, I. * 346.
- Crows, Witches take form of, III. 607, 611, *et seq.* See Witchcraft, &c.
- Crowbache, deformed, III, 249.
- Crossar, Andrew, drawn and hanged for Slaughter, Hereschip, &c., I. * 61; Arch., hanged for Cattle-stealing, &c. 111.
- Crownar of Renfrew, hurt in execution of his office, I. * 106.
- Crowns (coins), forged, II. 99.
- CROWN and KING'S Jewels stolen, I. * 133; the QUEEN'S Crown made, * 298; the KING'S Crown made, * 299; Crowns for KING and QUEEN, * 322.
- Crossragwell, Abbot of, Wm., I. * 138; passes in Pilgrimage with Earl of Cassillis, I. * 245.
- Crowne-bennet, order of, (Batchelor's degree?)
- Croque, Monsr. de, I. * 504.
- Crosses, funereal, of white satin for velvet pall, I. * 287; silver for Prince's Chapel, * 306.
- Cross-bows, K. JAMES V., I. * 305. See Archery; maker to the King, * 316.
- Cross, Ordeal of the, III. 184.
- Cross, fyrie, to raise the country, III. 23, &c.
- Crowetts, for Prince's Chapel, I. * 306.
- Crossned, Ordeal of, III. 184.
- Cruickshank of Durlae, Dav. I. * 150.
- Crucifixes, I. * 320.

- Cruikshank, Ro. III. 371.
- Crummy of Carribdin, Pat., I. 270.
- Cuffis, dry, III. 544.
- Cuik, Alex., False notary hanged, III. 418;—of Vrinoch, Wm., II. 394; his daughter Marjorie ravished, Ja. Chene of Pennan Banished, 400.
- ‘Culzeouris,’ to be punished, I. * 66.
- Cultellar, King’s, I. * 315.
- Culrose, Abbot of, And., I. * 42; Ja., slain, * 151; Alex., 267, 293; II. 527; his son appointed Justice-depute, *ib.*
- Cultermanis, Laird of, I. * 426. See Brown.
- Culverin, double, engraved with the King’s arms, Vnicornes, Thrissillis, and Fleurdeleyces, I. * 325.
- Cumming of Alter, (Altyre,) Alex., Caution for his sons, I. * 227; barbarous Slaughter of cattle, * 336; Feud with the Laird of Brodie, &c., * 356;—Ja., fiar, Slaughter, II. 427;—Ja., III. 258;—of Culter, John, I. * 184; Mr Arch., 87;—of Erneside, Alex., I. * 391;—Jo., II. 41; Wm., fiar, 427;—Wm., III. 75;—the Monk, hanged for false writts, I. 362.
- Cummoris, feuds, &c. III. 404.
- Cumnock, Kirk of, Slaughter of the Laird of Corsintoun there, during Mass, I. * 82.
- Cumray, Remission to Inhabitants, I. * 113.
- Cunache, Laird of, I. * 454.
- Cuneistoun of Ettradour, Geo., II. 63.
- Cuninghame of Akinbar, Wm., respited, I. * 252;—of Auchinamys, Tho., yr., I. * 133;—of Auchinbarvic, Edw., slain, I. * 132, * 133; Ro., * 164; Ro., * 420;—of Barnis, Jo., yr., I. 60; Ja., uncle to Laird, II. 534;—of Boningtoun, Jo., I. 97; Wm., Tutor of, 379; II. 108;—of Birkschaw, And., I. * 456;—of Bartaneholm, Dav., I. * 137;—of Craiganis, Wm., slain, I. * 44, * 87; Gabriel, * 164; Wm., Tutor of, * 361; II. 390;—of Cuninghamehead, Rob., Oppression, &c., I. * 57, * 164; Wm., * 382, * 420, * 423, * 428, * 450; II. 390;—of Capringtoun, Jo., I. * 137, * 148; Slaughter, * 148, * 164; Mutilation, * 201, * 428; Wm., yr., * 457, * 491, 29; Wm., 91, 355; II. 107, 367; III. 120;—of Camlarg, Jo., I. 19;—of Clovinbayth, I. 69;—of Chapell, Adam, III. 268;—of Caignestane, I. * 456;—of Cochrane, Cuthbert, I. * 385;—of Cloncaird, Wm., I. * 457;—of Croy, Jo., I. * 385;—of Clavanis, Adam, I. * 148;—of Dalbeyth, Daniel, II. 106;—of Dolphingtoun, Wm., III. 365;—of Drumquhassill, And., I. * 170, * 441, * 451, 71; Jo., executed for Raid of Ruthven, &c., 139;—of Enterkin, I. * 457;—of Fenyk, (Fenwick,) Wm., I. * 170;—of Forresterhill, And., slain, I. 95;—of Gलगarnok, Wm., I. * 137, * 148; Oppression, * 148; Feud with Sempills, * 164, * 385, * 428; Wm., * 441; Jo., * 451, 69; his ‘oy’ and natural son slain, 183; Ja., yr., feud with Laird of Houston, 354; II. 367; Slaughter, 389; Sir Ja., III. 9;—of Hacket, (Aikit,) Rob., I. * 137, * 164; Wm., * 420, 17; poisoned by his wife, 80; Alex., 355;—of Knokdone, And., III. 179;—of Kildonnane, Harie, III. 477;—of Lagland, Alex., I. * 148; Adam, Tutor of, * 164; Wm., * 375; Hew, II. 106;—of Mountgreenan, Ro., I. * 358;—of Markinsche, Adam, III. 493;—of Monk-tounhall, Alex., I. * 458;—Provost of Dunbarton, Cuthbert, III. 264;—of Polquhirne, Da., I. * 458; Alex., 355; Wm., II. 180; III. 475;—of Powtoun, Alex., III. 477;—of Rawes, Jo., III. 345;—of Ross, James, I. * 358; Jo. slays Earl of Eglington, 355;—of Robertland, David, I. * 148, * 164, * 177, * 385; II. 13;—Tho., hanged for Hame-sucken, Foraying, Oppression, &c., II. 359;—of Tourlands, Wm., I. 265; II. 359; Treason, &c., 366; his Confession, 368; beheaded, and his estate forfeited, 369;—of Waterstoun, Hew, I. * 428.
- Cuninghames, Feud between them and the Mures, I. * 57; with the Sempills, * 164, * 282.
- Cuninghamehead, house of, kept against the King, II. 366; Wm. C. of Towerlands beheaded and forfeited, 369.
- Cunynburgh of Skowlag, Wm., respited for Field of Linlithgow, I. * 241.
- Cupar. See Cowper.
- Cup-bearers, King’s, I. * 312.

Cupboard of Silver, the little, I. * 307.
 Curragh, a light boat of the Isles, III. 5.
 Currou of Logymegill, And., I. * 88, * 405 ;
 one of his sons slain, and another mutilated,
 * 408 ; Steph., shooting with pistols, &c.,
 371.

Curses, Witch, II. 526. See Witchcraft, &c.
 Cuthbert, Jonet, Adultery, banished, III. 428.
 Cut of yarn, what, III. 556.
 Cutting growing timber, &c., I. 71 ; II. 522.
 Cunzeartoune, Burning of, I. * 201.
 Cunzeok wynis, (Cogniac ?) I. * 349, * 377.

D.

DACRE, LORD, I. * 121, * 122, * 260, * 261,
 * 263.
 ‘ Daft’ person, curator to, I. * 254.
 Dalgarno of that Ilk, Gilb., I. * 150.
 Dags, shooting with, I. 371 ; II. 370.
 Dalgleish, Mr Nicoll, publicly praying for the
 banished Ministers, I. 136, 369 ;—of Deuchar,
 Jo., III. 455 ; Adam, his son, mutilated, *ib.*
 Dalglese, (Dalgliesh,) John, hanged for Burning
 Branxholm and Ancrum, &c., I. * 69 ; Geo.,
 hanged and quartered for K. HENRY (Darn-
 ley’s) Murder, * 490 ; his Deposition, * 495.
 DALHOUSIE, EARL OF, Wm., III. 601 ; Lady
 Dalhousie’s Funeral, *ib.*
 Dalhoussy, House of, I. * 336.
 Dalkeith, Q. MARGARET’S horses, &c. burnt at,
 I. * 118 ; burnt by the English, * 349.
 Dallas of Cantrey, Wm., Sh. depute of Nairne,
 III. 602, 606.
 Dalmahoy, (Laird of,) of that Ilk, Alex., I. * 127,
 * 159, * 166, * 469, 34 ; Besieges house of
 Warriston, 81, 83, 107, 154 ; Sir Jo., III.
 497.
 Dalrymple of Enoche, Malc., III. 501 ;—of
 Schalloche, Jo., III. 475 ;—of Stair, Ja., I.
 * 352, * 405 ; Jo., II. 106 ; III. 139 ;—of
 Wattersyde, Malc., III. 387, 475 ;—Wm.,
 II. 391 ; Murdered on the sands of Girvan
 by the Laird of Auchindrain, *ib. note.* See
 also Trial of Mure of A., III. 129, &c. ; his
 corpse bleeds on being touched by Mure’s
 grandchild, 196.
 Dalzell, ‘ the Barroune of,’ I. * 62, * 414. See
 Nesbit ;—of Elliok, Sir Ro., III. 501 ;—of
 that Ilk, Laird of, William, I. * 53, * 65,
 * 82, * 85 ; Ro., * 382 ; Wm., his brother,
 slain, * 387 ; Ro., 35, 71 ; Ro., yr., II. 506 ;
 —of Kype, Alex., I. 35.

Dames of Honour, I. * 293.
 Damiet, Mr Jo., an Eucharter, &c., II. 27.
 Damyostage, I. * 290.
 Dances, Witch, III. 603 ; ‘ Gillatrypes,’ 606,
 &c. See Witchcraft Trials, *passim.*
 Dancers. See Morrice-dancers, I. * 114, * 119.
 Dand or Dandy, familiarly used for Andrew, I.
 65, &c.
 Danielstoun of Dalquherne, Jo., III. 538.
 Darg, a day’s work, &c., II. 451 ;—red-skinned,
 III. 251.
 Darlochis, II. 432 ; III. 245.
 Darnaway, Witches’ revels there, III. 604, 617.
 Darne, to lie in ambush, hid or concealed, II. 410,
 428 ; III. 124, 128.
 DARNLEY, HENRY. See King Henry.
 Darleith of that Ilk, Jo., III. 538.
 Darsy, Sir Anthony, I. * 261, &c. See Bastie.
 DAUPHIN OF FRANCE, Hackneys and hawks
 sent to, I. * 306, * 307.
 Davidson of Camis, Harrie, I. * 432 ; Dav.,
 Slaughter, &c., II. 370 ;—Thomas, hanged, I.
 * 142 ; John, hanged in chains for Piracy,
 * 358 ; Jo., Piracy, hanged within flood-
 mark, III. 244 ; Peter, hanged, 265 ; Alex.,
 and his four sons beheaded for Slaughter, &c.,
 362.
 Davidsoun of Callelie, Walt., hanged for horse,
 cattle, and sheep stealing, II. 441 ;—of Penny-
 glene, Jo., II. 106 ; III. 172.
 David’s Tower, I. * 265, * 306. See Edr. Castle.
 Davy, Besieging and Burning house of, I. * 175.
 Daw, Tho. and Alex., breaking into Bonning-
 toun, and stealing Title-deeds, &c., II. 347 ;
 Alex. hanged, *ib.*
 Day-Foray, II. 453.
 Dead body of a traitor produced in Court at pass-
 ing sentence of Forfeiture, II. 241, 277, 405 ;

- Fra. Mowbray's dead body gibbeted, drawn, and quartered, &c., 407.
- Deadly Feud, I. * 138, * 143, &c. See Feud.
- Dean, Alex., hanged for breaking Gardens, &c., III. 555.
- Deanis, Pat., hanged for Murdering a pregnant woman, II. 517.
- Dearth, I. 351.
- Deboischet, III. 529.
- Decapitation, capital punishment of, in cases of Murder, Treason, &c., *passim*; with a sword, I. * 425.
- Declinature of jurisdiction, I. * 443, &c. See Jurisdiction, Assessor, Assise, Privy Council, &c.;—Mr And. Creichtoun sentenced to be hanged, III. 89; banished for life, 90;—of King's authority, 330.
- Deer, ABBOT OF, I. * 414;—chasing and wounding deer, &c., I. * 139; slaying, 48;—deer-dogs, I. * 312; collars of Purple velvet, gilded chains, &c. to them, *ib.*
- Defloiring a girl of eleven years of age, III. 507. See Rape and Forcing.
- Deforcing a Messenger, &c., I. * 71, * 157, * 334, * 356, * 437, * 484, 59. See Wand of peace, Messenger, &c.
- Deid-straik, III. 510.
- Deidthrowis, what, III. 384, 573.
- 'Deill amang us,' Robert Henry, beheaded, I. * 368.
- Delgatye, Laird of, I. * 454.
- Delirium, ad*, Witches 'waked' to extort confession, &c. I. 50;—Ogilvie, a Jesuite, cruelly used, III. 331, 332; hanged, *ib.*
- Demembration, I. * 94; '*de suis testiculis*,' 253; of the ears, * 475; II. 509. See Mutilation of the nose, *ib.*; of three fingers, III. 58;—And. Henderson banished for life, 60; Forrester, 112; thumb and three fingers, &c., 491.
- Dempster, And., hanged for Theft, I. * 179;—of Auchterless, Jo., I. * 150; Ja., * 454; Jo., Slaughter, * 148; Ja., III. 486;—of Balraye, Cha., I. 29;—of the Court of Justiciary, * 8; form of a Forfeiture pronounced by him, * *ib.*, * 47, * 184, &c.;—of Muresk, Tho., beheaded for Forgery and Falset, III. 486;—of Murehouse, Jo., I. * 150.
- Denmark, Ambassadors from, I. * 281; to, III. 562, 563;—gunpowder and cannon brought from, I. * 295;—Herald, * 268, * 277, * 28;—KING OF, Christiern, II. 268; Letter from, as to Earl of Little Egypt, III. 592;—QUEEN OF, her picture set in gold and diamonds, III. 563.
- Dennistoun of Colgrain, Robert, I. * 361; Ja., II. 438.
- Dennum (Denholm) of Creehanc, Peter, I. * 456.
- Deserting the diet, on account of Plague, II. 426, &c.
- Desserts, King's, grooms of, I. * 313, * 314.
- Devil. For various popular superstitions, see Witchcraft *passim*;—assumes the shape of 'ane naikit infant bairne,' &c., II. 524; his feet cloven, III. 603; his amours with Witches, *ib. et seq.* See Witch Trials.
- Devil's mark, pricking Witches to discover, III. 599, 602.
- Witch-grace before meat, III. 612.
- Devoiret, destroyed, applied to a *felo de se*, III. 576.
- Dewar of that Ilk, Wm., I. * 143.
- Diamonds, target of gold with marmadyne of, I. * 293; golden cross to set, * 294.
- Dice, playing at, I. * 264.
- Dick, Mr Alex., Provost of Orkney, Convocation, &c., I. * 413;—of Barbesburie, (Barbestoun,) Jo., III. 172; taken prisoner by Laird of Drummurquhie, 179.
- Dickson of Belchester, John, I. * 398; Murdered—John, his son and heir, broken on the wheel for the parricide, 241;—Pat., II. 515;—of Bouchrig, (Buchtrig,) Ro., I. * 398; II. 442;—of Hassingtonne-maynis, Ro., II. 336; his son, Mr Alex., slain, *ib.*;—of Wynkstoune, Jo., slain, I. 34.
- Diksoun of Hirdrig, Ja., II. 534.
- 'Dik the Devillis bairnis,' bringing in, I. * 174.
- Dilaschet, fired or shot off, II. 409, 485; III. 70, 78, 128.
- Dingwall, Castle of, keepership, I. * 232;—LORD, I. 178;—Pursnivant, I. * 272, * 273.
- Dirige and saul-mess, I. * 293, * 297.
- DIRLETOUN, LORD, Tho., II. 246. See Erskine:—Castle of, Witches pricked for Devil's mark, in the Broad-hall, III. 599.

- Dischingtoun of Ardross, I. * 156; Wm., * 402.
 Discord, fomenting, between King and Barons,
 Wm. Scot hanged, I. * 206.
 Dittay, (Indictment,) unduly executed, I. * 452.
 Divorce, sentence of, on ground of impotency, I.
 * 460.
 Doctor, the French, returns home, I. * 310.
 Dog, Devil appears in form of a, I. 235.
 Dogs, hunting. See hounds;—horrid torture and
 Murder of a Gentleman, and slaughter of his
 four dogs, &c. III. 548.
 Dolace, (Doles, Dallas?) of Buddet, Wm., yr., I.
 201;—of Cantra, * 359.
 Donald of the Grange, Da., II. 63;—Wm., hang-
 ed, I. 45.
 Donaldsoun, Da., hanged for Falset, Perjury, &c.,
 III. 208.
Doli capax, III. 238, &c.
 Dollar, Vicar of, burnt for Heresy, I. * 210.
 Dorche, (Droiche or Dwarf,) Maister John, I.
 * 278; dresses to, * 282; Jane the French,
 * 296; the Little Turk, * 308.
 Dorloch, (dorlache,) a short sword, dirk or dag-
 ger, II. 70, &c.
 Dornoch, Town of, burnt, I. 68.
 Dor-schot, II. 536.
 Dosell, the Lord, Lieut. of K. of France, I. * 375.
 Dougal, Robert, beheaded for Slaughter, I. * 15.
 Douglas, Mr. Alex., Provost of Elgin, his widow
 slain, II. 42, 557; Alex., B. of Murray, her
 son, *ib.*;—Mr Alex., Provost of Elgin, I.
 * 391;—of Annatroche, Wm., Slaughter, &c.;
 III. 443;—of Bone-Jedburgh, Geo., I. * 43;
 * 147; Wm., Oppression, &c., * 176, * 181;
 Mr Robert, Slaughter, Burning, &c., * 201,
 * 328;—Mr Arch., Parson of Glasgow, I. 95;
 Darnley's Murder, 142; remitted by the King,
 147; acquitted, 154;—of Borg, Fra., mutilat-
 ed, I. * 465, 154;—of Boncle, Wm., I. 119;
 —of Baitfurd, Wm., III. 90; Wm., his eldest
 son, beheaded, 95;—of Belliebocht, Hew, III.
 93; Pat., his son, slain, 442;—of Brokhollis,
 Mr Rich. his servant slain, III. 271;—Bailie
 of Dalkeith, Ja., III. 431;—of Caveris, Ja.,
 (Sh. of Teviotdale, *i. e.* Roxburghe,) I. * 142,
 * 147, * 208, 265, 293; II. 125, 375, 442;
 Wm., III. 396, 501;—of Cunjeartoun, Wm.,
 I. * 181;—Castle of, withheld against the
 King, I. 97;—of Cowthroppill, Ja., III. 569;
 —Captain of, I. * 263;—of Caschogill, Arch.,
 I. * 166, 242, 244; Ro., 265; Sir Ro., III.
 270; Wm., 435; Wm., yr., *ib.*; Ro., 443;
 Ro., his son, loses his left ear, 500; Sir Ro.
 invades Laird of Drumlanrigat Moss of Knock-
 connie, Slaughter, &c., *ib.*;—of Cruick, Wm.,
 I. * 456;—of Dalwein, (Dalvene,) Hew, slain,
 III. 270; his cattle, &c., stolen, *ib.*; Hew, *ib.*,
 271, 435;—of Drumlanrig, Wm., I. * 39; Sir
 Wm., * 62; Slaughter of the Laird of Kil-
 patrick at the horn, * 77, * 78; Ja., * 187,
 * 142, * 151, * 269, * 328, 480; his cattle
 of Kirkhope stolen, * 348, * 370, * 442; Sir
 Ja., 259, 265, 304, 572; III. 9, 62; Sir Wm.,
 III. 164; Wm., yr., Invasion, taking captive,
 &c., 212, 318; Sir Ja., *ib.*; barbarous maim-
 ing and slaughter of his sheep on Howpaslet
 by the Scotts, 381; three Scotts hanged, 389;
 illustrative Papers, *ib.*; Jok *the Sukler* hanged,
 396; Sir Wm., 381; Sir Ja., 394; Wm.,
 Slaughter and Demembration at the Moss of
 Caschogill, 500;—Earlsmill, David, I. * 391;
 Wm., II. 72, 80; Wm., his son, slain, *ib.*; 85,
 110, 368; III. 485;—Gawin, Provost of St
 Giles, (the Poet,) I. * 79;—Ro., Provost of
 Lincluden, I. 142; Slaughter, 167; Theft in
 his chambers, III. 92;—of Glaspene, Jo., I.
 119;—Geo., slaughter, II. 1; Jo., Resetting
 a stolen purse, III. 552;—Geo., 'wirreit'
 (strangled) for Forging base money, II. 353;
 Tho., alias Blak, Rebellion in Orkney, III.
 273; hanged, 283; his Deposition, 296;—
 of Glenbervy, Arch., I. * 328;—of Harwood,
 Leonard, I. * 424;—Jonet, wife of Sir David
 Lindsay, I. * 275, * 292, &c.;—Jane. See
 Lady Glammis;—of Kelheid, Arch., III.
 433;—of Killievarrene, Jo., slaughter, III.
 500, 501;—Arch. of Kilspindie, (*Greysteill*),
 I. * 195, * 197, * 239, * 256, * 258, * 393,
 * 398; Wounding him, *ib.*, * 415, * 443, 3;
 Sir Pat. II. 49;—of Langnudrye, Fra., I. 27;
 Geo., yr., 170; II. 1;—of Lynchuden and
 Grenelaw, Wm., III. 90; beheaded, 95;—of
 Lache, Wm., III. 93;—of Lugtoun, Ja.,
 portioner, III. 452;—of Lochleven, Sir Rob.,

- I. * 78, * 198, * 328, * 496, 36; Ro., yr., 119;—of Moirinsche, Dunc., (MacGregor, Tutor of Glenstray,) III. 250;—of Mousewald, (Moussell,) and 5 others, Ja., Slaughter, III. 472, 500, 501;—of Moirtoun, (portioner of Gogar,) Ja., III. 473;—of Manis, Alex., I. * 130; Math., * 339, * 344; Malc., hanged and quartered for Raid of Ruthven, &c., 139; Alex., III. 546;—of Nevay, Jo., II. 145;—Patrick and two others hanged, I. * 151;—of Pennyland, Geo., I. * 201, * 226;—of Punfeith, Arch., I. 87;—of Park, Geo., I. 119;—of Pingerie, Wm., III. 90; Treasonable Theft and Stouthreif, &c., *ib.*; beheaded, 95;—of Preistoun, And., III. 569;—of Parkheid, James, assisting, I. * 205; his son found caution, * 226; summoned for Treason, * 306; Geo., outlawed, 97, 122; Sir Ja. slays Capt. Ja. Stewart, (E. OF ARRAN,) III. 66;—of Pettindreich, David, remitted, I. * 239; Lady P.'s servants wounded, * 408, * 454;—of Pumfraystoun, (Pompharstounne,) Rob., I. * 166, * 333; Jos., 155; bewitched, 251; III. 417;—of Quhittinghame, Wm., I. * 159; respited for Field of Linlithgow, * 241; remitted for assisting E. of Angus, * 243; freed from ward, * 330, 57, 142, 280; Sir Ja., II. 496; Sir Arth., III. 594;—of Reidhouse, Wm., III. 213;—of Spittall, Fra., I. 11;—of Stanypath, Arch., I. 155; his widow tried for oker (usury), II. 101;—of Spott, Ja., I. 270, 347; II. 21;—of Torthorwald, Ja., slays the Laird of Newtounne, II. 1, 107; slays Capt. Ja. Stewart, (E. of Arran,) III. 66; is slain on the High street of Edr., *ib.*; Letter of Privy Council to the King, 67;—of Todhoill, Ja., yr., shot in the belly, II. 378; III. 227; Ja., 268;—Mr Tho., Minister, struck, &c., II. 416; Slaughter, III. 473; Walt. Graham scourged, and his right hand struck off, 417;—of Todhills, James, I. * 382, 36, 119;—of Walterstounne, Jo., I. 21;—of Wellis, Ja., I. 34.
- Douglasses, Intercommuning with, I. * 177.
- Douking, &c., Murder by, III. 488; to give up 500 merks, 490.
- Dove, Witch-superstition as to the, III. 608, *note*.
- Dow, Meg, burnt for Sorcery, Child Murder, &c. I. 186, 237?
- Doward, Castle of, delivered to King's Lieut., III. 368. See MacLean.
- Downe of Raty, Rob., I. * 150.
- DOWNE, LORD, Ja., I. 116; III. 72; Jo., his son beheaded for Murder under trust, 74.
- Dragon, enamelled, I. * 304.
- Dress. See Apparel, and under each article.
- Drink, administering enchanted, III. 68.
- Drinking pieces of fine gold, 15 lbs. 5 oz. to be coined, I. 339; another of 12 lb. 5 oz. to be coined, *ib.*; with a Witch, to remove enchantment, II. 526.
- Drowning, punishment of death, I. * 162, *ex speciali gratia*, * 394, II. 94, III. 208, 561;—a servant, III. 55; under colour of law, 206; murder by, 489.
- Drowis, birth or labour pains, throes, I. 252.
- Drowgries, III. 616.
- Drugs to K. JAMES V. and the Lady Margaret, I. * 323.
- DRUMLANRIG, VISCOUNT, WM., III. 381.
- Drummond of Auchtermuthill, Mr Moreis, II. 555;—of Auchterarder, Ja., I. 28;—of Abernytie, Wm., I. * 158;—of Blair, Geo., I. * 371, 74, 91; Harie, II. 433;—of Balloch, Wm. I. * 441; Geo., yr. 15; Geo., 76;—of Ballyclone, * And., forging a charter, his right hand struck off, &c. I. * 387;—of Bordland, Malc. I. 28, 77;—of Culcherie, Mr Moreis, II. 438;—of Cattis-elbok, Geo., III. 431;—of Carnok, Alex., I. * 158, * 166; remitted for assisting Earl of Angus, &c. * 242; Ro. * 453; Pat., yr. 119; Sir Ro., II. 569;—of Coquhalzie, Jo., slays Laird of Gourdie's son, II. 80;—Da., Chamberlain to Lord Da., (Perth,) II. 528, III. 233, 250;—of Drill, Ro. I. 382; Sir Ed., II. 569, 575, &c.;—Geo., 'wirreit and brent in assis,' for uttering forged money, II. 365; Pat., do. do. 383;—Jo., Chamberlain of Stratherne, III. 233;—'Genealogie' of the family of, I. * 196;—of Innermaith, Da., III. 552;—of Innerpeffry, Jo., I. * 158, * 169, * 189;—LORD, Justice-depute, I. * 19; John, * 78, * 387, *note*; violence done to a Herald, I. * 268; David,

- * 373 ; Pat. 116 ; Da., III. 22 ;—of Leidcreif, George and his son Wm. slain, I. * 366 ; papers relative to, * 371 ;—Letchill, Ja., II. 187 ;—of Megour, Alex., I. * 441 ;—of Medope, Alex., wasting Lord Elphingstoun's goods and adultery with Lady D., I. * 465, 91, II. 54 ; Sir Alex., III. 169, 312, 418 ; declined as an assessor, 424 ;—of Monzie, Pat., I. 77 ;—of Pitkennectie, Jo., I. 76 ;—of Pitcairns, Ja., deposition as to Gowrie's consp. II. 189 ;—of Ricartoun, * Hary, I. * 388, 91 ;—of Slipperfield, Jo., I. 255, ' Ischar to his Matie,' II. 92.
- Drumskey, burning of, I. * 56. (See Dunskaith.)
- Dryburgh, David, Comm. of, I. 119.
- Dryffe-Sands, battle of, III. 30 ; 700 of the Maxwells slain, *ib.*
- Dryhope, house of, to be destroyed, I. 276.
- Ducats, Portugal, III. 178, 563.
- Duchall, Place of, treasonably detained, 70.]
- Dudley, Sir Andrew, English Captain of Broughty, I. * 346.
- Duel or ' Singular Combat,' without *Licence*. (See also Judicial Combat) ; curious case and pleadings on trial for, II. 112 ; Auchmowtie beheaded, 113, 124 ; Bruntfield and Carmichael, 113, *note* ; between Gluffer and Hepburn, 114, *note* ; in France, Cap. Jo. Rig, ' Archeour of the Gaird of France,' 382 ; while in foreign service in Flanders, Capt. Harie Bruce, III. 502 ; between E. of Lothian and Lord Cranstoun's sons, 507.
- Dudingstoune of Sandfurd, Stephen, I. * 404 ;—of Pitkapil, Arch., I. * 404.
- Duff of Glenelwart, Tho., III. 363 ; his wife's right arm cut off, *ib.*
- DUFFUS, LORD, Alex. and Ja., III. 604, *note* ; Fairy-cup belonging to, *ib.* ;—KING, Murderers of, III. 191 ;—Laird of slain, I. * 149.
- Duggeoun Stokkes, I. * 320.
- Dule-Dresses, I. * 287, &c., (Mourning).
- Dummy Carpitane, I. * 301.
- Dumbreck, Place of, taken and kept against the King's Guard, II. 429.
- Dumfries, Burning Town of, I. * 39 ;—Convention at, I. * 360 ;—Justice-Aire of, I. * 39 ;—Raid of, at Lammas Eve, I. * 75, 155 ; E. of Angus's Raid, II. 106, 130, 134.
- Dumbarton, Castle of, besieged and taken, I. * 232, * 236, * 238, * 334.
- Dumb young man, barbarous Murder of, II. 388.
- DUMBLANE, BISHOP OF, Wm., I. 185, * 275 ; Ro., 264, 332 ; Geo., II. 325 ; Wm., 569, *note*.
- Dunbar of Blantyre, Jo., invaded, &c., I. * 181 ;—of Barcurroch, Adam I. * 458 ;—of Barmuir, Jo., I. 36 ;—of Bennagefield, David, I. * 376 ;—of Baldtone, Gawane, I. * 428 ;—of Baldork, Da., II. 95, 143 ;—burgh of, Remission to inhabitants, * 243 ;—of Burgye, Ro., II. 145, 484 ;—of Blairie, Pat., II. 484 ;—III, 200 ;—of Bothe, Ja., III. 252 ; Alex., 602 ; Ja., yr., *ib.* ;—of Balnaferrie, Pat., III. 616. See D. of Westfield ;—of Cumnock, Alex., I. * 357, * 359 ; James, *ib.* ; Pat., yr., * 370, * 374, * 391 ; Sheriff of Elgin, * 392 ;—of Conje, Alex., I. * 376, * 391 ; Pat., II. 71 ;—of Clune, Geo., his house burnt, and horses and cattle houghed, &c., II. 68 ; Roise of Ballivot tried, 138 ; Wm., III. 602 ;—Captain of, I. * 311 ;—Castle of, freeing a prisoner from ward, I. * 81, * 261, * 263 ; MARY Q. OF SCOTS carried to, I. * 480 ;—of Corsingtoun, Pat., slain, I. * 82 ;—of Craichlaw, Jo., yr., II. 143 ;—of Durris, Robert, I. * 357, * 391 ;—of Enterkyn, Wm., II. 96, 105, 106, 143 ;—EARL OF, GEO., II. 267, 273 ; L., High Treas., 274, 387, 496, 568 ; his death, 581, *note* ; III. 92, 621 ;—of Grangehill, Robert, I. * 359 ;—of Grange, Tho., III. 602 ;—Mr Gawin, the Archdean of St Andrew's, I. * 79 ; KING JAMES V. Master, * 265, * 266 ; Treasurer of Ross wounded, * 328 ; Mr Gawin, Archdean of Murray, III. 200 ; Ja., his son, slaughter, *ib.* ;—of Hempriggis, Wm., II. 484 ; Ninian, his son, slaughter, III. 200 ;—of Knockschinnoch, Geo. III. 57 ;—of Kilbowak, Alex., yr., Slaughter, &c. ; III. 200 ; Ro., his brother, *ib.*, 399 ;—of Leacht, Jo., II. 95 ; his son Pat. tried for bearing Pistolets, and slaughter, *ib.* ;—of Lochieles, Da., kept prisoner for 12 'oukkis', (weeks,) II. 516 ; two of his servants slain, *ib.* ; Alex., *ib.* ;—of Mochrame, John, I. 141, 398, * 428, * 491 ; Sir Jo., III. 477 ; Alex.,

- yr., *ib.*;—of Moyness, Jo., I. 285; II. 68, 143, 368;—of Mynnieweik, Jo., III. 75;—Pat., Sheriff-dep of Elgin and Forres, II. 143;—Sheriff of Murray, nobly slain with the Earl of Moray, I. 358; II. 143; Alex., 528, 564; maltreats a messenger, *ib.*;—of Tarbert, (Tarvet,) Ja., I. * 357, * 376, * 391, * 392; Mr Ja., II. 484;—Wm., the Poet, I. * 117;—of Westfield, (and Balnafferrie,) Sheriff of Murray, Alex., slain, III. 200; Jo., his brother, *ib.*, 399; Ja. and Tho., his brothers, *ib.*; Pat., 616.
- Dunavertiche, Castle of, keeping, I. * 316.
- Dunbrek of Frefield, Wm., I. * 391;—of Urcane, Wm., I. * 391. See Dumbrek.
- Duncane, Geillis, Witch, I. 215, 236; Bessie hanged for Child-Murder, III. 430; Mr And. Minister, &c., tried, II. 494; banished, 503; Jo., elder, and yr., Mutilation, &c. 539; Jo., Slaughter, beheaded, III. 484.
- Duncansoun of Standandstones, Dav., I. * 184. See Robertson.
- Dunduff of that Ilk. See Stewart.
- Dundas of Arnestoun, Sir Ja., wearing Pistolets, II. 67;—of Breistmiln, Gaw., I. 155;—of that Ilk, James, Feud with Wauchopes, I. * 144; keeping Inchgarvy, * 281; Geo. * 424, 10, 72, 136, 137, 159; Walt., II. 10;—of Newliston, Jo., I. 155; Striking a person while King was sitting in judgment, II. 358; fined 1750 merks, 359;—of Priestinch, Da., Incest with Countess of Eglinton, I. 100, 345, 346; II. 22, 555.
- Dundee, Constable of. See Scrymgeour;—Justice-Aire of, I. * 115, * 263; Bailies and community remitted, * 240; Reformation preached, * 406.
- Dundervisheid, Fishing of, violently occupied, I. * 177.
- Dundrennan, Abbot of, Oppressing his officer, I. * 54; Theft from him, * 75; Oppressed, * 163.
- DUNFERMLING, EARL OF, Alex., L. Chan., II. 274, 325, 496; III. 312, 579.
- Dunfermling, Commendator of, Ro, (Pitcairn,) I. * 436, 88, 101.
- Dunkiesoun, Mr Jo., Minister, I. 261, 304.
- Dungeon (Donjon) Tower, and kitchen, in Castle of Blackness, I. * 312.
- DUNKELD, BISHOP OF, I. * 393; Peter, II. 159; Field of, I. * 98, * 106.
- Dunnyvaig, Castle of, Arch. Stewart, Captain, I. * 258, * 305; Surrendered, III. 3; taken by Sir Ja. MacConeill, 17; detained by Angus Og, 363; Surrendered, 364; Angus hanged, 365. See MacConeill.
- Dunlop of Auchlinskeych, Arch., I. 57;—Bessie, remarkable case of Witchcraft, I. 49; burnt, 58;—of Crawfield, Hew, I. 58;—of Hapland, Jo., I. 63;—of that Ilk, (Laird of,) I. * 82; Alex., * 360; slays his son Andrew, * 402; Ja., * 457, 63, 67, 169; III. 122, 264;—of Powmylne, Jo., III. 345;—Ro., hanged for Perjury, III. 358.
- Dunnyne, Kirk of, I. * 240.
- Dunoon, Kirk-yard of, alleged prodigies, a spring of blood, &c., III. 199.
- Dunrobin, Mass celebrated, II. 530.
- Dunskaitl, (Dunskey,) Place of, burnt, I. * 95, * 103; Castle of, besieged, I. * 231.
- Dunwedy, Robert, Stouthrief, I. * 41; Slaughter of Laird of, I. * 40.
- Dupplin, Place of, besieged, &c., I. 25, &c.
- Durie of Hielare, Da., III. 57.
- Dury of that Ilk, Robert, gift to, I. * 256; Dav., 60;—Dean John, Convocation, &c. I. * 436; Mr Ro., Minister, tried, II. 494; banished, 503.
- Durrisdeer, Town of, burnt, I. * 348.
- Durhame, Archdean of, Ambassador, I. * 283;—of Duntervie, Mr Ja., III. 264;—of the Grange, Ro., I. 74.
- Durk, slaughter with a, III. 471, 481; torture and barbarous Murder of a Gentleman, and slaughter of his four hunting dogs, 548.
- Dutch Miners, at gold mines, I. * 298.
- Dutch horse, I. * 301.
- Dutchman to 'pley' before the Lords, I. * 307; Shipwrecked, * 308; given to Servants of Lord of the Fair, * 309.
- Dwarf, the King's. See Dorche.
- Dwne, Robert, of Rate, unjustly acquitted, I. * 169;—Peter, Slaughters, Fire-raising, &c. I. * 362.
- Dysart, Kirk of, Slaughter at, I. 24; Magistrates, assisting E. of Bothwell, 310.
- Dyvoor, a bankrupt, III. 154.

E.

- EAFALD, III. 275, *et passim*.
- Ears, cut off, punishment, I. * 157, * 206; De-membration, by cutting off a man's, * 475.
- Edgebuckling-brae, abiding from the Host at, I. * 345.
- Edingtoun of that Ilk, Jo., I. * 164.
- Edinburgh, Burgh of, besieged, I. 30; furnishing victual to Rebels, *ib.*, &c.; St Andrew's Port, * 351; 'lang walpynniss' ordered to be kept in 'buithis,' &c., * 362; Butter-tron, * 396; Insurrection, Robin Hood, &c., * 409, * 410; Craner, * 415; Tumult to restore Popery, * 416, &c.; at Holyrood-House, * 434, * 435; Magistrates tried for freeing a Prisoner, * 442, to * 450; Magistrates obstructed in apprehending Lord Borthwick, 354; KING, &c., besieged in the Tolbooth, II. 29; Ro. Auchmowtie tries to escape from Tolbooth, beheaded, 113, *note*, 124; Gowrie Conspiracy proclaimed at the Cross, II. 238; public rejoicings, 244, 245; Plague in Edr., 426; young Lairds of Edzell and Pittarow, and their 'complices,' fight several hours at the Salt-tron, 61;—Castle, Captainship of, I. * 258; the Lord's Hall in David's Tower, * 265; the Gun-house, *ib.*; the Captain's Tower, *ib.*; victualled against the English, * 270, *ib.*; sums expended on repairing fortifications, munitions, &c., * 298, * 306; Chalmers taken from head of David's Tower after Coronation, * 306; Register-House, * 312, * 323; munitions, &c., * 317, * 322; Captain escapes from ward, * 331; proceedings against the Rebels, detainers of the Castle, 33, &c.; Guns fired for KING's delivery from Gowrie's Consp., 238; remarkable escape of Lord Maxwell and Sir Ja. Makconieill from the Castle, III. 37, 28, &c.; Servants in Edr. Castle exempt from Assises, III. 281;—Bailies and Sheriff of, Jurisdiction of, I. * 129; Stabbing in their fenced Court, I. * 330;—Justice-aire of, I. * 26, * 38, * 60, * 72, * 76;—Magistrates of, their Jurisdiction, I. * 129, 98; tried for freeing a prisoner, * 442, to * 450; mode of delivering over a criminal for execution, III. 98;—Ministers of, conduct as to Gowrie's Conspiracy, II. 234, 235, 299, &c.; III. 618;—Provost of, searching him for his slaughter, I. * 393; Wounded with a quhingar, * 399; a culprit asks pardon at the Cross of Ed. in linen clothes, bare-footed, &c., *ib.*;—Raid of, I. * 356.
- Edringtoun, Castle of, Caution to keep, I. * 158, * 324.
- Edmistoune, Lady, Horse-stealing from, I. * 476.
- Edmonstoun of Ballintoun, Ja., I. 28; Arch., II. 540;—of Burnhousis, Da., II. 18;—of Ednem, Ja., I. * 85;—of Duntreithe, Wm., * 88, * 166, * 167, * 170; James, respited, I. * 244, * 453; executed for Raid of Ruthven, &c., 139; Sir Ja., 266, 392; Convoking an unlawful Assembly, II. 3; 105, 366; Sir Ja., elder, III. 345;—of that Ilk, (Laird of,) Jo., Feud with Laird of Niddry-Marischall, I. * 143, * 144, * 190; Assise to, * 286; young Laird, * 456; Jo., 107; Sir Jo., 154, 169; remarkable consultation of a Witch, 235; Sir Jo., I. 265, 266; feud with Laird of Cranstoun, 352, 396;—of Newton, Jacob, I. * 266; II. 438;—of Wowmet, (Woolmot,) Da., I. 168; Jo., his brother, slain, *ib.*, 265; the Laird slain, II. 52, 403; Mr Pat. III. 260.
- Edmonstoun-Edge, Raid of, II. 21.
- Edzare of Blaischaw, Ro., II. 490;—of Creaken, I. * 95;—of Inghistoun, Jo., I. * 456, 107? Slaughter, II. 71;—of Kirkblane, Clem., II. 490;—of Weddirlie, Oliver, Tutor of, I. * 147; Jo., * 393, * 413, 107? Ro., III. 569.
- Edzearstoun, caution to keep Castle of, I. * 179; besieged, * 286.
- Edzell, Castle of, III. 63.
- Eggs, Island of, burnt, I. 228; III. 19.
- Eggs 'to bikkir the Castle,' &c., I. * 271;—price of, at Justice-aire, * 390.
- EGLINTOUNE, COUNTESS OF, Jean, Incest with, I. 100; Helen Kennedy, complaint on her husband's slaughter, 354;—EARL OF, Hew, Spuilzie, Oppression, &c., * 59; Oppression,

- Stouthreif, * 74; Slaughter, * 132, * 133, * 185; keeper of Little Cumray, * 232; respited, * 237; abiding from Solway, * 254, * 381, * 466; Langside, 5, 114, 116; slain by the Cuninghames, 355; Hew, *ib.*; III. 419; Feud with Earl of Glencairn, 580;—MASTER OF, Arch., I. * 132; Hew, * 199; remitted, * 253, 133; Ro., feud with the Laird of Honstoun, 352; feud with E. of Glencairn, 354, 355.
- Egypt, Earl of Little, III. 591; Letter from K. of DENMARK as to, 592; from K. JAMES V., *ib.*; Precept to him to punish all Egyptians within Scotland, 594.
- Egyptians, dance before the King, I. * 273; King Cristall, * 274; King of Cipro, * 277; expelled from Scotland, * 310; consulted for poisoning, 196; following them punished with scourging and banishment, III. 99; Moyses, Dav., Ro., and Jo., *alias* Willie Fa, hanged, 201; Resetting Johnnie Faw, 307; Jo. Faa and 3 others hanged in default of caution, 397; Capt. Jo. Faa and 7 others hanged, 559; Helen Faa and 10 others, their widows and daughters, 560; sentenced to be drowned, 561; they, along with Alex. Faa and 4 others, their sons, ordered out of the Kingdom, under pain of instant death, 560; Documents and notice relative to Gipsies or Egyptians, 590; dance before the King at Holyrood, 592; Letter from K. of DENMARK to K. JAMES IV. in favour of the E. of Little Egypt, &c., *ib.*; ditto from K. JAMES V. in favour of Jo. Faw, 'Lord and Erle of Little Egypt,' *ib.*, &c.
- Eklis of that ilk, Mungo, I. * 138; James, * 369;—of Kildonane, Jo., III. 171.
- Elder, Henry, hanged for Sacrilege, I. * 394.
- Eldermen, (Aldermen, or Bailies,) I. * 423, &c.
- Eleist, an eye-sore, grudge, &c., I. 349; II. 157.
- Elf-Arrows, I. 192, 193, 198; how made, III. 607, &c.; how shot, *ib.*, 615;—boys, 607, 615;—bulls, 604, 611, *et seq.*;—folk, in the hills consulted, I. 196;—grippit, 53;—land, III. 607;—shot, I. 231;—charm for, II. 536.
- Elfes-howssis, III. 607.
- Elgin, Cathedral of, Sacrilege committed there, I. * 376;—and Fores, Justice-aire of, * 389; Proclamation of, *ib.*;—Sheriff of, * 392.
- Elimosinar, the King's Master, I. * 312, * 313, &c. See Almous; his Priest, * 313; Prince's, * 314.
- ELIZABETH, QUEEN, Embassy from, at Baptism of K. JAMES VI., I. * 479; Letter to, as to French Paris's execution, * 511, 348; demands redress for Laird of Buckcleugh's carrying off Kinmont Will, by force, out of Carlisle Castle, 364; sends an Ambassador to congratulate K. JAMES VI. on his escape from Gowrie's Consp., II. 315; expostulates with JA. VI. as to his correspondence with the POPE, 571;—PRINCESS, married to the Palsgrave, III. 322.
- Ellen of Butterdene, Alex., I. * 147.
- Ellendonnan, Burning of Castle of, I. * 256.
- Ellen-na-Muk, Island of Muk burnt, I. 228.
- ELLESMERE, LORD, (Sir T. Egertoun,) Lord Chan. of England, II. 591; his speech as to L. Balmerinock's Treason, *ib.*
- Elliot of Bellelie, Ro., I. * 434;—of Burngranes, Jo., II. 559; Wm., his son, Slaughter, and resisting King's Guard, has his right hand cut off, and then hanged, 560;—of Copschaw, Jo., 473; acquitted of Masterful Theft, &c., 474; Breaking Torwodlee, &c., 520; Murdering the Laird, &c., *ib.*; Ro., III. 220;—of Dunlabyre, Ro., III. *ib.*;—of Fallinesche, Wm., called *Gawenis Willie*, I. * 466; Ro., yr., II. 509; Wm., 521; Jo., III. 396;—of Fiddeloune, Gawin, II. 509; Dememoration, *ib.*; Wm., 559; Niniane, his son, resists King's Guard, &c., *ib.*; his right hand struck off and he hanged, 560;—of Horsliehill, Wm., slays the Laird of Hassindene, I. * 456; sentenced to be beheaded, *ib.*; Gawane, same Slaughter, * 466; Wm.'s sentence of Banishment recalled, *ib.*;—of Lamestone, Wm., * 466;—Jo., in Redden, *alias* of Rynsiegill, *felo de se* in Hawick Steeple, III. 219; Gilb., *alias* *Gib the Galzart*, scourged and banished, 442;—of Reidheuche, Ro., II. 522; III. 568;—of Stobbis, Gilb., III. 539;—Will 'callit *Woddir-neck*' hanged, I. * 413; David of the Heuchons hanged, 65.

- Elmere, Slaughter of the Laird of, I. * 17, 22.
- Elmsdene, Water of, Convocation at, against Queen's Lieutenant, I. * 395.
- Elphame (Faerie), Court of, I. 52, 56, 162; Queen of, 162. See Faerie, &c.
- Elphingstoune of Balnaglak, Jo., II. 507;—of Barntoune, Sir Ja., Secretary, 159;—of Blythiswod, Sir Geo., I. 393; present to his wife, II. 238; III. 134, 345, 491, 494, 512; appointed Justice-Clerk and Master of Ceremonies, 596;—of Glensakisbarneheid, Geo., 219;—of Glak, Ja., I. 48; Mr Ro., Tutor of, III. 230, 478;—of Henderstone, Jo., I. * 81, * 87; Dionese, * 424, * 469;—Mr John, Murder, Adultery, &c., * 359;—LORD, Alex., * 78, * 167; Ro., * 465; his Lady's Adultery with Laird of Medope, *ib.*; II. 63; Alex., 496;—MASTER OF, Alex., I. 116, 381, 393; II. 62, 63, 131, 159, 496;—of Schank, Jo., III. 243, 539.
- Elva, a name given the Devil, I. 235.
- Elvandis, (elu-wands,) II. 90; III. 529.
- Elwald, John, (*Jok Unhappy*), hanged, I. * 167; And., hanged, * 151.
- Elwalds, I. * 263.
- Elyde, what, III. 409, 535.
- Embassy, to THE EMPEROR, I. * 304, * 306;—to England, * 273, * 318, * 320;—France, * 273;—Italy, *ib.*
- Embroidery, of Crowns, Scottish Thistles, &c., I. * 301; Armorial bearings, *ib.* See also Tapestry, &c.
- Emerald, great, in Scottish Crown, I. * 299.
- EMPEROR, THE, I. * 271; gives a Collar to K. JAMES V., * 277; Ross, Herald, sent to, * 304; Sir John Campbell, Ambassador, * 306; dispatches from, * 308.
- Enchanted drink, administering, III. 68.
- Enchantments, seeking, &c., I. 70. See Incantation, Witchcraft, &c.
- England, Ambassadors to and from. See Ambassador, Henry VIII., &c.;—Admiral of, I. * 303;—defence of the realm against, * 280;—Commissioners of, * 300;—no one to pass into, without license, * 264;—Protector of, swearing fealty to him, * 378.
- English Army, &c., Supplying, I. * 344, * 379;—corresponding and trafficking with, I. * 400; Symone Heryng hanged, *ib.*;—taking pay from the, * 348;—Pirates, *eight* hanged, III. 99; *thirty* hanged, 103; Papers as to Pirates, 108; *two* hanged, 244;—Thieves, suffering to escape; I. * 223; guiding, * 432;—selling victual, flesh, &c. See victual, &c.
- Englishmen, bringing in, I. * 17, * 34, * 61, * 144, * 181, * 393, * 405;—that 'nane be fey cumand be reffaut, becaufe of the Pestilence,' I. * 294; banqueted at Yule, * 300.
- Ennoche, Laird of, I. * 62.
- Ensenze, Royal Standard. See Ansenze.
- ENȚIE, EARL OF, Geo., III. 25.
- Epilepsy, charm for, II. 29.
- Equippage, crew of a vessel, III. 571, 572, &c.
- Eresche Willie, I. * 310; Marioun, II. 542, &c.
- Ermine, spotted, to line KING's kirtle, &c. I. * 300.
- Ernside, Tower of, broken into, I. * 223.
- ERROL, COUNTESS OF, Helen, dule weid (mournings) for Prince JAMES, I. * 310; Agnes, 260; tried for Intercommuning with Earl Bothwell after his forfeiture, 366; Eliz., 389; Agnes Sinclair, II. 411; her dresses, &c., stolen, *ib.*; banished, Writ of Error against Assise, 412;—EARL OF, Wm., I. * 78; Justice depute, * 82; 'gaddering' between him and Lord Gordon, * 263; George, * 337; Lord High Constable's jurisdiction, * 351, * 392; Francis, 209, 262; denounced, 283; Offers presented by him, 301; to abide Trial, 303, 306; tried for Conspiring against the Religion, 310; Summons of Treason, 314; doom, 316; Tract regarding 'the Spanish Blanks,' 317; Trial ordered, 363; And., 367, 389; Fra., II. 133; II. 428; III. 419, 444;—Jo., hanged for Forcing a child of 11 years old, II. 567;—the LADY, Marriage Dresses to, I. * 321.
- Error, Wilful, on Assise, punished by imprisonment for year and day, and declared Infamous and Perjured, I. * 72; Laird of Phillorth, &c., * 148, * 165, * 166; Imprisonment for year and day, * 203, 219, * 253; form of

- Protestation against a verdict, * 449; for acquitting a Witch, 244; absolved by KING in person, 247; Milligan, &c., II. 79.
- Errosie, heresy, II. 499; III. 533, &c.
- Erskine of Auchterforfar, Arth., Slaughter, II. 101;—of Brechin, Sir Tho., Secretary, I. * 185;—Dav., Adam, Wm. See Dryburgh, Cambuskenneth, Paisley;—of Dun, John, the Reformer, I. * 210, &c., * 347; Justice depute, * 389, * 407, * 431; Ro., yr., 74; Jo., yr., III. 261; notice of family, *ib.*; his son tried for Poisoning, &c., *ib.*; beheaded, 264; Helen, Issobell, and Annas also tried, 266; condemned to be beheaded, 269; Helen banished for life, *ib.*; Da., Jo., and Alex., his grandsons, poisoned by their uncle, Ro. E., 262; Jo. dies, 263;—of Gogar, Sir Alex., I. 120; Sir Tho., II. 152, 166, &c. See Gowrie Conspiracy; his deposition, 181; created Lord Dirletoun, 246; Viscount Fentoun, 582; E. of Kelly, *ib.*, *note*;—of Inner-teill, Sir Geo., III. 475, 508; gets a Commission of Justiciary, 558;—of Logy, Jo., (apparent of Dun,) 261; Ro., his son, tried for Witchcraft, Poisoning his two nephews, &c., *ib.*, &c.;—LORD Robert, Justice depute, I. * 62, * 78, * 165; John, * 168, * 185; one of the Guardians of K. JAMES V. in his infancy, * 259; John, * 382; Guardian to K. JAMES VI. * 479;—of Little Sauchy, Ro., 119, 126.
- Escape, suffering English Thieves and Captives to, I. * 223. See Prisoner, Murderer, Thief, &c.
- Escheat, valuable, of Wm. Hume, I. * 307.
- Eskdale, Thieves of, I. * 40;—Raid of, * 104, * 181;—Porteous Roll of, * 117.
- Esplene of Newbigging, Tho., II. 555.
- Esson, Captain, English Pirate, III. 105.
- Eton College, III. 589.
- Ettrick-Forest, destroying Woods in, I. * 71.
- Everis, Sir Wm., sends for Hawks, I. * 274; Dispatches from, * 295; writings to, * 304; horse taken from him, * 323, * 324; Sir Ralph, * 359.
- Evidence of Witnesses in exculpation of Slaughter refused, III. 467.
- Evil Spirits, nicknames of, III. 606; colour of their dresses, &c., *ib.*
- Evil-willit Sandy, I. * 173;—blast of wind, 53, 233.
- Eviot of Balhoussye, Pat., I. * 432, * 452; Colin, II. 159; Pat., his brother, forfeited in Parl., *ib.*, 234; murdered by his wife, Jonet Ross, who was hanged and burnt, II. 409, and *note*; III. 449;—of Mwretoun, Pat., 265; his servant hanged for stealing Title-deeds, *ib.*
- Examinations, remarkable, for Witchcraft, Sorcery, &c., III. 596.
- Excommunication, receiving Holy Sacrament while under, I. * 365, * 375; Priest baptizing, &c., after, 189.
- Execution, curious, of letters against the E. of Orkney, III. 86, 281.
- Exemption from Hosts, warding, &c., I. * 247; from Assises, see Assise.
- Expeditions to the Isles, &c. See Isles, &c.
- Expenses, Clerk of the King's, I. * 313; Assise protests for, 94.
- Eye-leist, what, I. 349; II. 157; III. 506, and *note*.
- Eye-schot, II. 536.
- Eyes of a Murdered corpse, superstition that they open on the touch of the Murderer, &c., III. 188; case of Johan Norkott, 193.

F.

- FA (FAW) Moyses, Da., Ro., and Jo., *alias* Willie, hanged, III. 201; Resetting Jo. Fa, 307; Letter from K. JAMES V. in favour of 'Johnne Faw, Lord and Erle of Little Egypt,' 592.
- Faerie, Court of, I. 49, 52, 53, 162;—Queen of, III. 604;—King of, *ib.*;—Faerie-cup, belonging to Lord Duffus, *ib.*, *note*.
- Fair-folk, (Fairies,) carried off by, I. 57, &c.; II. 25, 537.

- FAIR, LORD OF, present given to two Dutchmen, his servants, I. * 309.
- Fairbairne of West Gordoun, Ja., III. 539.
- Fairley (Farneley) of Braid, Arch., yr., I. * 166; Rob., * 368, * 424, 11; Alex., 255; II. 124, 343, 397, 467;—David, of Colmistoun, waylaid, I. * 178; Jo., 72; II. 343, 397.
- Fairlye of that Ilk, Jo., I. * 420;—Mr Ro., Justice depute, III. 541.
- Falahlill, Laird of, slain, I. * 68, * 69.
- Falcons, I. * 294. See Hawks.
- Falconer of Ballandro, Ro., I. 29; II. 363; III. 200, 264;—Barbara, K. JAMES V. gives her tocher, I. * 324;—of Findowne, Geo., * 347;—of Halkertoune, Alex., II. 430; Sir Alex., III. 318, 436;—of Innerlochtie, Hew, Slaughter, 435; Hew, yr., *ib.*; Alex. Sandiesoun, his servant, slain, 484; Ja. Reoche beheaded, *ib.*;—of Kilhill, Pat., II. 362.
- Falconer, King's Master, I. * 315.
- Falconers sent with 'merlzeonnis' and Hawks to France, I. * 266; to K. of England, * 284; to France, * 295, * 317; to K. of England, *ib.*, * 318; setting King's hawks, * 323.
- Falkland, Palace of, I. * 312; wild-boars sent to, *ib.*;—KING assaulted there, 275, 358; houses of assailants to be demolished, 276;—Raid of, *ib.*; E. of Bothwell tried, 293; forfeited, 297;—Assault between the King's Master carver, &c., 291; a Court of Justiciary held there, *ib.*, &c.; Keeper of, 308.
- Fallasdail, Da., with Tho. and Ja., his sons, slain by MacGregors, II. 432; Tho., 433, 439;—Tho. of Ardochbeg, III. 114.
- Falsing of evidents, Ja. Sowtare hanged, I. 85. See Forgery, Notary, &c.
- False Notary, hanged, II. 35. See Notary.
- Falset, II. 453, &c. See Perjury.
- False money, Making or forging, Symontoun of that Ilk, and others, I. * 76, * 324; Henry Wynd beheaded, 'ex gratia,' * 393, * 396. (See Loranes, Hardheids, Bawbeis, Testanis, &c.)—* 440; Lions, * 487; Hardheids, 64, 82; half merks, 133; Testanis, three women strangled and burnt, II. 74; Walt. Murray and two others burnt, 100; Tho. McAlexander of Drummochreynne and three others 'wirreit' (strangled), and two more hanged, II. 353; Allan Napier 'wirreit and brint,' 403; Dow and McClaren hanged and forfeited, 418; importing, I. 66.
- Famines in Scotland, I. 51, 351.
- Famishing a man to death, *in privato carcere*, in pit of Tulliallane, III. 479; in Pit of Castle of Blair, 491.
- Famous witness, what, III. 74.
- Fameand, foaming, III. 576.
- Farny of that Ilk, And. I. * 408.
- Farnylaw, Sir Geo. Chaplain, slain, I. * 20.
- Farquharson of Innerchald, Jo., &c., Slaughter, III. 203;—of Newtoun, Jo., I. * 476.
- Fastheuch, Burning Place of, I. * 23; Hereschip of, 35.
- Fastcastle, Heiresses of, I. * 179; correspondence as to Gowrie's Conspiracy. See *Logan and Sprott*.
- Fasternis-evin, I. * 123; II. 78; III. 468.
- Fausyde, Jo., slain, III. 415; Ro. Robertsoune beheaded, 416.
- Fawside of that Ilk, I. * 166; Geo., remitted, * 243; Tho., 6, 10, 107; Mr Ro., yr., 149; Mr Ro., III. 9; Ja., yr., 415.
- Fawlow of Wallis, Geo. I. * 147.
- Fayette, Monsr. la, I. * 264.
- Feadge, what, III. 605, *note*.
- Faalty, swearing, to Protector of England, I. * 378.
- Feane, *alias* Cunningham, Jo., 'Secretar to the devill,' conspiring KING's death by sorcery, &c., burnt, I. 209; 'newes from Scotland,' &c. 213; strangled and burnt, 223, 236.
- 'Fearie, Thomas à,' an evil spirit, III. 606, 614, &c.
- Febill Hob, Stouthreif, * 182.
- Fedderat, place of, besieged and taken, I. 205.
- Felony, forethought, James Spottiswood, jr. I. * 15; Laird of Spottiswode, I. * 16; Robert Kilgour, hanged, I. * 134; * 148, * 159.
- Female, burning, I. * 190;—fool, Queen's. See Fool and Dwarf;—female culprits, punishment of death by drowning, I. * 162, * 190.
- Fencing a court, what, I. 46.
- Fentoun, John, of that Ilk, slain, I. * 61, * 106,

- * 121 ;—of Ogill, I. * 404, David, *fiar*, * 405, Ja., * 408, Dav., 27 ;—VISCOUNT, II. 582. See Erskine of Gogar, III. 590.
- Feid, feud, III. 543, &c.
- Feir of weir, what, II. 70, &c.
- Fellis (hills) II. 519.
- Fergusone of Auchinsoule, Wm. I., * 457 ;—of Belnacult, Jo., III. 491 ;—of Ballewehane, Tho., II. 528 ;—*alias* Barroune, &c. See II. 394, *note* ; also Macduff ;—of Craigdarroche, Jo., I. * 79, Tho., *yr. ib.*, * 140 ; Tho., remitted, * 248 ; Jo., 241 ;—of Dirltullych, *alias Barroune*, F., I. 39 ;—of Glenbowar, Dunc., I. * 457 ;—Fergus, * 10, of Kilkerran, Duncan, *yr. of*, oppressed, I. * 58 ; Bernard, convocation, &c. * 456, II. 106 ;—of Mackilliestoun, Ro., III. 118 ;—of Stroymuk, Pat., I. 39 ;—of the Yle, Jo., II. 355, 360, Alex., III. 225 ;—of Crochedow, Ja., III. 225 ;—of Thraif, Geo., 172.
- Fernie of Nig, Alex., II. 104 ; Finlay, his son, hanged for forging his father's signature to a charter, 105.
- Ferrymen ordered, under pain of death, not to raise their fare to persons passing to the army, I. * 270 ; tried for persons drowned, 185.
- Ferries stopt against deserters from the army, I. * 273.
- Fethye, David, perjured notary, declared infamous, his right hand struck off, I. * 402 ;—of Incheok, Dav., I. * 137.
- Feud, deadly, I. * 138, * 143, * 144, * 150, * 163 ; betwixt inhabitants of Ayr and neighbourhood, * 204, * 244, * 251 ; Earl of Marischall and Lord Gordon, * 263 ; and Lord Forbes, * 264 ; Lord Uchiltree, * 352 ; Lairds of Brodie and Altyre, &c. * 356 ; Gordons and Stewarts, * 366 ; Lindsay and Somervilles, * 369, * 383 ; Dunbars and Cumyngs, 370 ; Drummonds and Blairs, * 371 ; Dunbars and Inneses, 376 ; Baillies and Somervilles, 382 ; Lairds of Whiteford and Pollock, * 384 ; Charteris and Blairs, * 424 ; Citizens of Brechin and Tenants of Balnamoon, * 431 ; between Gordons and McClellans, 453 ; Stirrings and Kincaids, 458 ; Laird of Colpmalindeis and Lord Oliphant, * 488 ; Rosses and Oliphants, 25, &c. ; Maconeill and Maclean, &c., 224 ; Lairds of Pitfour and Kinfauns, 276 ; E. of Menteith and Leckie of that ilk, 282 ; Colquhouns and Galbraiths, 290 ; Laird of Closeburn and Lord Maxwell, 298 ; E. of Montrose and Lairds of Calder and Slamanno, 347 ; list of persons under deadly feud, *in anno* 1595, 352 ; Lord Maxwell and Laird of Johnstone, 360 ; narrative as to history of, and the subsequent feud, III. 29 ; Lairds of Gardyn and Guthrie, 373 ; Lairds of Grange and Phairnyhirst, II. 4 ; Lairds of Auchindrane and Culzeane, (see Mure and Kennedy) 35, 37 ; Master of Spynie and the Master of Ogilvie, 130, &c., fined 5000*l.* each, &c., 146 ; Kerrs and Turnbulls at Jedburgh, 370, 421 ; battle of Dryfe Sands, III. 30 ; Lairds of Drumlanrig and Johnstone, 31 ; young Lairds Edzell and Pittarrow, 61 ; Lord Torthorwald slain by Lord Ochiltree, &c., 65 ; Kennedies and E. of Cassillis, 124, 170, 172 ; Earls of Caithness and Sutherland, 231, 235 ; Lairds of Pitfoddels and Monymusk, 258, 259 ; E. of Caithness and L. Forbes, 310 ; Scotts and Kerrs, agreement of their quarrels, &c., 390 ; Lairds of Ormistoun and Cessford reconciled, 393 ; Lairds of Cultmalundie and Monievaird, 480 ; the Buchanans and MacFarlanes, and barbarous torture and murder of a Buchanan, 545 to 552 ; Earl of Glencairn and Master of Wintoun, Papers illustrative of, 579 ; Earls of Eglintoun & Glencairn and Lord Sempill, 580.
- Fian. See Feane and 'Newes from Scotland.'
- Fidder of lead, what, I. * 310.
- Field (see Battle) of Melrose, I. * 133 ; Linlithgow, * 228 ; the Lennox, or Conflict of Glenfruite, II. 418, 424 ; and notice to Trial of Laird of Glenstra, 430 ; III. 223, 537.
- Fife, Sheriff of, invaded in a fenced Court, I. * 136.
- Fifty-shilling pieces forged, II. 99.
- Findoune, Craig of, Hawks' nests preserved there for the King, III. 204.
- Fingask, Laird of, his lands in Lewis wasted and burnt, III. 245.
- Finlawson of Killeth, Jo., I. 10 ; Matho, II. 376, 480.
- Finlaysone, Mr Jo., Sheriff-depute of Orkney,

- III. 274; taken prisoner, 277; hated by the people, 289; complained against, 292.
- Fire and sword, Commission of, II. 559, *et passim*.
- Fire-Ordeal, III. 184.
- Fire-raising. See Burning;—a 'Pele' in Bothill, I. * 25; and Hereschips in Badenoch, * 45, * 162, * 176; Balbegys, * 334; female branded and banished, * 346; Durrisdeer, &c., Rich. Latimer of that ilk hanged, * 348, * 370; Robert Paterson hanged, * 375; Hume, * 405; Commendator of Saul-seat, &c., 12; at Auchinleck, 72; at Littlegill, 108; at Horstoune, 109, 110; Pitmedden, 160; Moit, Littlegill, &c., 184; Mull, Tyree, Coll, Kintyre, &c., 226; Dunnibirsell, 284; Crwvy, II. 41; Field of the Lennox, 430, &c., 441; Apotesyde, 511; Turnbull of Wauchope, &c., *ib.*; Sir Ja. Makconneill, III. 1; Don. M^cAngus of Glengarie, 540;—in Coal-pits, Jo. Henrie, hanged, and his head put on a spike, 361.
- Fire-Cross, to alarm the country, III. 23, 369, &c.
- Fishing. See Salmon-fishing;—Violent occupation of, I. * 177, * 395.
- Fishings, how Witches took the fruit of, III. 609, &c. See also Witchcraft and Charms.
- Fisnowme, what, II. 478.
- Five-pund pieces forged, II. 99, 354.
- Flaconis, for Prince's Chapel, I. * 306.
- Flagranti crimine*, person taken *in*, III. 421. See also Red-hand, &c.
- Flaillis, Murder with 'kentis' and, III. 488.
- Flanders, Embassy to, I. * 243; tapestry brought from, * 298;—exporting wheat and corn to, * 365;—Herald of, * 277.
- Fleming of Barrochane, Wm., I. * 170; Alex., Pat., and Ja., his sons, Forcible abduction, &c., 377;—Chronicle MS., extracts from, II. 247, &c.;—Jo., Rape of Earl of Lennox's daughter, I. * 60; Jo., hanged for 'tressonable, blasphemous, and damnable speiches' against the King, III. 359;—of Kilmacolme, Geo., I. * 170; Ja., 69, 70;—LORD, John, slain, * 61, *note*, * 131, * 141, * 226;—Malcolm, * 141, * 149, * 185; respited for Resetting English Traitors, * 239; appointed Sheriff of Tweeddale and Peebles, * 246; one of the Guardians of K. JAS. V., in his infancy, * 259; Assise between him and Lord Drummeljar, * 272; Tocher given to his sister, * 272, * 310; denounced, 291, 293. See WIGTOUN; Jo., III. 339, 472;—of Moness, Alex., II. 528; Slaughter, &c., III. 443, 465;—of Persielandis, Wm., III. 270;—of Spittall, Ja., II. 467;—of Torbeddo, Jo., slain, I. * 72.
- Flesh, selling to the English, I. * 379; in time of Lent, 369. See Lent.
- Fletcher, And., Lord Milton, I. 257.
- Fleurie, James, Ambassador, I. * 283.
- Flewd, James, Englishman, I. * 282.
- Flisk, Parson of, John Waddell, I. * 471; Ja. Balfour, *ib.*
- Flood-mark, *eight* English Pirates hanged within, III. 99; *thirty* others hanged, 103; *two* more, 244. See Piracy, &c.
- FLORENCE, DUKE OF, Letters to, II. 571.
- Foirspoken, what, II. 536; a child, III. 610.
- Fool of England, I. * 114; THE KING'S, * 115; Gillemowband, * 271; Malcolm the Fule, * 273; John Lowise, * 317, &c.;—THE QUEEN'S (Mary of Guise) Serat, a female, costly dresses of satin, &c. to her, * 293, * 294, * 301; dress of green and yellow velvet, * 307, * 322.
- Foot-Band, I. * 268.
- Foot-ball, game of, II. 364.
- Foot-mantles, I. * 288.
- Foray, day, II. 453.
- Foraying, 'ryming of ane forrow,' II. 360; Tho. Cuninghame hanged, *ib.*
- Forbes of Ardmurdo, Wm., I. * 186; Jo., his son, murdered, 77;—of Blakoun, Abr., 382;—Barb., Adultery with the Laird of Dalgettie, (her husband,) II. 64, 104;—of Burnegranes, Jo., III. 258;—of Brux, Alex., I. * 175, * 208; Lady Brux slain, *ib.*; Jo., III. 490;—of Bannagask, Mr Dunc., 540;—of Corssinday, Wm., I. * 163, * 175, 382; Jo., his brother, one of 'the Societie of the Boyis,' Slaughter, &c., II. 532; beheaded, 535, 581;—of Carnebo, Ja., I. * 186;—of Corse, Wm., 284;—of Carnelhill, Pat., slain, II. 105;—of Craigievar, Mr Wm., III. 490;

- of Dalmanache, Alex., I. * 172;—of Drumtochty, Jo., * 186;—Sir David, knt., slain in ward, * 406;—of Fynzeak, Jo., * 454;—of Haughtoun, Mr Ja., III. 485;—Mr Jo., Moderator of Assembly, II. 494; banished, 503;—LORD, Alexander, I. * 3, * 6, &c.; John, Slaughter of Laird of Meldrum, * 150, &c.; Fire-raising, &c. * 163; Feud, * 263, * 274; Wm., 263; Jo., Commission against Jesuites, &c., 336; Lieutenant, 342; Arthur, III. 76;—MASTER OF, Jo., Slaughter of Laird of Meldrum, I. * 149, * 163, * 175; beheaded, * 183; Papers illustrative of his Trial, * 185; remitted, * 246; gift of his escheat, * 249, * 279, 65, 119; Jo., 284;—of Monymusk, Duncan, coining ‘Bawbeis,’ * 441, * 454; Wm., 284; III. 200; Slaughter, &c., 204; Wm., yr., 230; Wm., 258; Ro., Jo., and Mr Ja., his sons, *ib.*, 259;—of Mylnebowie, Jo., II. 494; his son, Jo., yr., slain, *ib.*; Ro., his son, Slaughter, III. 227;—of New, Jo., II. 555;—of Pitlethie, Da., III. 76;—of Petslego, John, Mutilation, * 172; coining ‘Bawbeis,’ * 442; gift of his escheat, 248; Alex., 40;—of Portlethen, Wm., III. 206;—of Reres, Arthur, I. 40;—of Sonnahony, Arth., III. 242;—of Tolleise (Toweis), Alex., I. * 208; III. 489, 490;—of Tolquhone, Wm., I. 284.
- Forcing, II. 405. See Rape, &c., 463;—Wm. Bell hanged, 475; Jo. Errole hanged, 566; III. 439; Ja. McNacht and Tho. Weir, 499; And. Wischert of Muretoun, 507.
- Fordoun, Kirk of, Minister struck at designation of Manse and Glebe, II. 362.
- Forestalling and Regrating, I. * 227, * 230, 139, 351; II. 527, &c.
- Forfar, Justice-aire of, I. * 272.
- Forfeiture, John, LORD BOTHUILE, I. * 4; John Ross of Mountgrenane, * 8; John, EARL OF LENNOX, recalled, * 12; Mathew, MASTER OF LENNOX, recalled, *ib.*; Robert, LORD LYLE, recalled, *ib.*; Torquill Makcloide of the Lewis, * 45; John Lindsay of Wauchope, * 48, &c. &c. (See High Treason);—Armorial bearings of forfeited traitors torn and defaced, * 490; Corpses of Traitors produced in Court, and bones disinterred, previous to sentence, &c., II. 241, 277.
- Forgery of the King’s Sign-manual, I. * 113; Regent’s, 19; of the King’s Casket, 157;—of Apprising, * 255; of an Instrument, * 222, 45; John Soutare hanged, 85; Ro. Carmylie hanged, 87; of a Charter, a Notary, and two others hanged, II. 104; of an Assignment, &c., Jo. Donaldsoun hanged, III. 208;—of a Discharge, I. * 375; Jo. Halyday and five others hanged, II. 34;—of a Bond, &c., Tho. Dempster of Muresk beheaded, III. 486; forger hung in chains, I. * 137. See False money, Coining, &c.
- Forgiveness publicly asked at Cross of Edr. barefooted, in linen clothes, &c. I. * 399.
- Forman of Rutherford, Sir John, I. * 42, * 107;—Mr Ro., Dean of Glasgow, * 79, * 156;—Dean Wm., Heresy, * 330.
- Forres, Kirk of, Sacrilege, stealing chalices, &c. from, I. * 393.
- Forrester of Boquhane, Ro., I. * 453;—of Corstorphin, (Laird of), II. 10; yr. of, III. 73;—of Durrisdale, Walt., I. * 404;—Dav., burgess of Stirling, slain, 351; Edw., Commissary of Kirkcudbright, III. 329;—of Garden (Carden), Alex., 351; feud with E. of Man, &c., 352, 354; Sir Ja., II. 502;—of Killemuke, Alex., I. * 216;—of Meadowfield, Ja., * 176;—of Myethill, Alex., 354;—of Puldoir, Dunc., 354;—of Strahenrie, Sir Ro., III. 112; Ja., his nephew, tried for Dememoration, *ib.*;—Rob., burnt for Heresy, I. * 210, * 211, * 216;—of Gammelscheills, John, * 414;—Tho., murdered, * 350;—Wm., escheated, * 253.
- Forret of that ilk, John, I. * 408;—Dean Tho., burnt for Heresy, * 210, * 214, &c.; Memoir of, * 213.
- Forster of Skipinche, Sir Dunc., I. * 62.
- Forsyth of Dykes, Dav., I. 36.
- Fotheringhame of Powrie, Tho., I. * 4, 74.
- Fountainhall’s MS. Abridgement, I. 257; his Narrative of Auchindrayne’s Case, III. 181.
- Four-half-about, objected against an Assisor, II. 50. See Assise, &c.
- Four-pound-pieces, forging, &c., II. 354, 365.

- Four-merk-pieces, II. 353.
- Foulis of Browniesyde, Tho., I. 35;—of Colintoun, Ja., * 252, 35; II. 10;—of Ravelstoun, Geo., ‘Maister Cunseour,’ III. 459;—Ja., Clerk Register, I. * 168; Ja., Justice-depute, 372.
- Fowlis, Lady. See Roise and Monro.
- Fowls (poultry), poisoning, punished by banishment for life, II. 336; Witch-charm, burning a live fowl, III. 557.
- Fram, Tho., hanged for Cattle-stealing, II. 541.
- France, Ambassadors from, I. * 262, * 263, * 265, * 274, * 281, * 285, * 321, * 322;—Heralds of, * 268, * 296;—Ipotygar returns to France, * 322;—KING OF, bonfires and rejoicings ‘for nonelities of the Triumphe gat in Lumbardy,’ * 262; presents of Hawks, &c., sent to, 266, * 295; hackneys and hawks sent, * 306; present of a horse from, * 306;—Licence to pass to, * 244;—Lord Maxwell’s Herald, * 85;—miners from, employed at Scottish gold mines, * 298.
- Fraser (Frisell) of Creichie, Jo., II. 104;—of Durres, Ro., III. 478;—Ja., &c., Rioting, Choosing a Lord of Inobedience, &c., I. * 410;—of Kilboig, Hu., III. 365;—of Knok, Jo., I. * 133;—of Kynnell, I. * 424;—LORD FRASER, of Lovat. See LOVAT; And., II. 600, *note*; Tutor of, Tho., I. 68, 285;—of Mukallis, And., yr., III. 539; his infant son And. slain, *ib.*;—of Phillorth, Alex., I. * 148, * 199, 284;—of Ro., Herald, slain, III. 79;—of Staniewoid, And. III. 478.
- Freind, blood-relation, III. 129, 151, &c.
- Freland of that Ilk, Ja., I. * 170.
- French Army, Stouthrief of part of their pay, I. * 361;—Ladies and Gentlemen in the Suite of QUEEN MAGDALENE, I. * 287, * 288, * 289, &c.; Q. MARY of Guise, * 292, &c.;—Soldiers, Slaughter and Wounding of, I. * 377;—Wines, purchasing high-priced, * 349, * 377.
- Frenche of Frencheland, Ro., yr., II. 467;—of Thornydykes, Rob., I. * 147; Feud with E. of Montrose, 352; II. 83; Jo., Tutor of, III. 69, 72; Ro., *ib.*; Jo., the *Bastard*, *ib.*; Alex., brother to the Tutor, Hurting and Wounding, *ib.*; Remission to, 116; Alex., Tutor of, Slaughter, 222; beheaded with Ja. Wicht, his nephew, *ib.*; Adam (14 years old) carried off and married against his consent, &c., 402; remarkable case of Forcible Abduction argued at length, *ib.*, &c.; Ro., his father, 404; Ja. and Jo., his uncles, *ib.*
- Frendraught, besieging Place of, &c., I. * 328.
- Frontellis, I. * 320.
- Fullerton of Ardoch, Wm., I. * 158; II. 430;—of Crosbie, Jo., I. * 137; Da., II. 106;—of Crago, Wm., jr., I. 79;—of Dreghorne, Jo., I. * 428; Wm., 183;—of that Ilk, Alex., I. * 177.
- Funeral Ceremonies, I. * 120, * 259, * 287, * 288; ‘pow-penny,’ * 293; Dirige and Saul-mess, *ib.*; Arms, torches, candles, &c., used at, * 297; Offering, * 304, &c.;—of James Duke of Ross, I. * 120; Slaughter at a funeral, III. 439.
- Funt-stane, the baptismal font, I. 52.
- Furious person, Slaughter by, I. * 363.
- Furrier, King’s, I. * 315.
- Futhie of Futhie’s-miln, Pat., I. 268.
- Fyete, La., D. of Albany’s messenger. See Fayette.
- Fyrie-Cross, to alarm the country, III. 23, 24.
- FYVIE, LORD, ALEX., II. 159; Provost of Edr., 244, 417, 457. See Dunfermling.

G.

- Gaberlengie, Adam Turnbull called, slain, I. * 61.
- Gainjies, (bolts for cross-bows,) I. * 309. See Archery.
- Gairdin of Bandoch, Tho., slaughter of Laird of Guthrie, I. 372; feud, 373;—of Blairtounne, Mr Ro., yr., II. 528; III. 80;—of that Ilk, Pat., I. * 157; feud with the Laird of Auld-bar, 352; slain, II. 528; III. 77;—of Latounne, Geo., II. 103; Da., III. 437;—of Legatstoun, Tho., Hamesucken and Slaughter,

- II. 103 ;—of Leys, Dav., I. * 138, * 347 ;
 II. 135, 235 ;—of Tullois, Ro., slain, II. 528 ;
 III. 80.
- Gairdner, Marg., inhumanly tortured, II. 44 ;
 Grissell 'wirreit' and 'brunt' for Witchcraft,
 &c. ; III. 95.
- Gairne of Blakfurd, Ja., III. 478.
- GAIRLEIS, LORD, Alex., II. 572 ; III. 475.
- Galbraith of Balquharne, James, I. * 386 ;—
 of Culcreuche, hanged, I. * 13 ; Humphrey,
 Tutor of, * 166 ; Andro, respited, * 240 ;
 James, * 385, * 386 ; Ro., 289, 291 ;—of
 Gartscadden, Walt., I. * 150, * 385 ; attempt-
 ing to restore Popery, * 427 ;—of Polgavie,
 Jo., I. * 166 ;—Mr Wm., Minister of Penny-
 cuik, Banished for Perjury, II. 476 ; Ja., be-
 headed for Murder, III. 565.
- GALLOWAY, BISHOP OF, Dav., I. * 79 ; Stouthreif
 from, I. * 94, * 99, * 272 ; Alex., * 387 ;
 Gawin, II. 261, 274 ;—Mr Norman, burnt
 for Heresy, I. * 210, *note*. See Gourlay ;—Mr
 Pat., I. 304 ; Minister to the King, II. 156,
 187 ; his Sermon on Gowrie's Conspiracy, in
 Edr., 248 ; another in Glasgow, 252.
- Gall, James, Fire-raising, &c., I. * 334.
- Galt, travelled, III. 232.
- Gallayis, Highland vessels, III. 368.
- Gallowsheills, Guidwife of, bewitched, I. 236.
- Galzart, (Galliard,) what, III. 441.
- Galzeart, Captain, his Company, * I. 377.
- Game, Killing, with culverings and pistols, I.
 * 395.
- Gardens, breaking, III. 555 ; two men hanged, *ib*.
- Gareoche of Kilstair, Ja., I. * 184 ; Wm., yr.,
 III. 76 ; Ja., 489 ; Wm., his son, Oppression,
 &c., *ib*, 496.
- Garscadden, attempt to restore Popery at, I. * 429.
- Garnets in Scottish Crown, I. * 299 ; and ' ce-
 dronis,' * 320.
- Garter, Order of the, I. * 283, * 289.
- Garlies, Laird of, I. * 414. See Stewart.
- Garthland, Laird of, Burning Ardwell, &c., I.
 * 56. See Macdowall.
- Garytour, or warder, I. 8.
- Garroun, what, III. 276.
- Gartshore (Carschore) of that Ilk, Jo., III. 345.
- Gascony wine, Stouthrief of, I. * 54, 55.
- Gawin, Anth., E. of Little Egypt, III. 592 ; Let-
 ter to K. JAMES IV. from K. OF DENMARK
 as to, *ib*.
- Gawistoun, (Galstoun,) Laird of, I. * 278, * 491.
- Geddes of Cuthilhall, Geo., I. * 131 ;—of Rauch-
 ane, Cha., I. 353 ; Capt. Cha., III. 229.
- Geese, price of, at Justice-Aires, I. * 389.
- Geikie, Wm., acquitted of the barbarous Murder
 of a Dumb young man, II. 388.
- Gemmill of Templehouse, Pat., I. 19.
- General Band. See Band.
- Gentill John, the English Fool, I. * 115.
- Gentillwomene, presents given by K. JAMES V.
 to, I. * 297, &c.
- Gib, Ja., Shooting at the Laird of Kyppis in
 Holyrood, I. 187, &c. ; King's Warrant to put
 him to death, *ib*. ; Banished for life, 189 ; Jo.,
 'wirreit and brunt' for uttering base money,
 II. 356 ; Jo., Murdered under trust, III. 74 ;
 —of Carribber, Ja., yr., II. 502.
- Gib the Galzart, scourged and banished, III. 442.
- Gibbet. See Cornwall ; taken down and burnt,
 II. 351.
- Gibbetting in irons. See Irons.
- Giffen of Cardrono, Jo., I. * 133.
- Gifford of Sheriffhall, Wm., I. * 384 ; Ja., and
 his brother Jo., slain, 168.
- Gift, New-Year's, I. * 115.
- Gigha, Island of, Gift of lands of, I. * 246 ; burnt,
 229.
- Gillatrypes, a Witch-dance, III. 606.
- Gilbert, Mr Tho., Justice-depute, I. 73.
- Gilchrist, Jo., and two others, hanged for falset,
 I. 362.
- Gilding false money and vending it, Allan Napier
 'wirreit and brunt,' II. 403.
- Gillespy, Thomas, hanged, I. * 87.
- Gille-mowband, a Court Fool, I. * 271.
- Gilmour, Wm., Witchcraft, &c., I. 101.
- Gilnockie, Tower of, I. * 152, &c. See Johnnie
 Armstrang.
- Gilzeam of Monachtie, Tho., II. 145.
- Girdle of Solid Gold from the mine at Crawford-
 mure, set with a Sapphire, I. * 299.
- Girdill, (girdle,) burning a woman on a red hot,
 II. 391 ; Alex. Rowan hanged for this barba-
 rity, &c. 393.

- Girnego, Place of, I. * 394.
- Girmalling of Victual, I. * 181.
- Girth, (Sanctuary,) Slaughter within, I. * 258.
- Girth-Sting, what, III. 259.
- Girvan, Sands of, Wm. Dalrymple murdered there, III. 181, &c. See Mure.
- Gissene, (gizzene or jizzen,) child-bed, I. 51.
- Gladsmure, Raid of, I. * 331, * 339.
- Gladstones of Coklaw, John, I. * 414; Ja., yr., II. 512; Ja., III. 396;—of that Ilk, Walt., I. 166; Ja., Slaughter, II. 472; Jo., III. 391;—of Quhytelaw, Walt. * 396;—of Wynnyngtoun-hauch, Jo., II. 472, 523.
- Glaiked, gowked, III. 606.
- GLAMMIS, LORD Jo., Justiciar, I. * 19, * 136, * 158; condemned, * 198; restored by Parl., * 199; found caution, 10,000 merks, * 327, * 346;—Jo., Lord Chancellor, slain, 79; Pat., II. 105; Slaughter, &c., 386, 496; Jo., III. 61. See KINGHORN;—MASTER OF, I. 78; Tho., of Baldukie, 117, 119, 174; his 'base son,' Ja. Lyoun, III. 323; Tho., 409;—LADY Jonet, I. * 157; Using Charms, &c., 158; Assisors refuse to pass on her Assise, * 157, * 158; Licence to pass beyond seas, in Pilgrimage, * 244; her defence, * 192; case reported to the King, * 193; her execution, * 194; Burnt, * 187, &c.; Papers illustrating her Trial, * 191; her husband, trying to escape from Edr. Castle, is dashed to pieces, * 194, * 197, &c.; John Lyoun beheaded for concealing Conspiracy, * 202; Alex. Makke banished for do. * 203; Gift of her escheat, * 246; her two daughters, * 291.
- Glammis, Castle of, I. * 306;—Keeper of, and Baky, * 290.
- GLASGOW, ARCHBISHOP OF, Rob., Protection to his Tenants until his return from Rome, I. * 41; Ja., * 79; Gav., Chancellor, * 185; Ja., 55; Ro., * 264; Archb. Ja. Spottiswood, II. 261, 274; Ja., 584, 585; Jo., 596; buffets Ogilvy the Jesuite, III. 330; Geo., *ib.*, note, 339; curious notice of his death and funeral, Ja., 406, 508, 620;—attempt to restore Popery at, I. * 430;—Castle and Town, taken, I. * 234;—Mure of, * 114; Raid of, * 331;—Provost of, invaded, * 361;—Raid of, * 331; Riot by Laird of Minto and the Townspeople, III. 580;—Regality of, 508, 513, &c.
- Glass, Tho., 'wirreit and brunt' for uttering forged money, II. 355.
- Glen of the Bar, James, I. * 382, * 385, * 451;—of Lynthills, Hew, II. 439.
- Glenarknay, Hunting of, I. * 278, * 298.
- GLENCAIRN, Sir Wm., MASTER OF, I. * 137; * 184, * 190, * 199; his son wounded, * 207; * 238; Alex., Governor and Justiciary of Kintyre, * 258; Assise on, * 264, * 306; Wm., * 229, * 456; Ja. 69;—EARL OF, Cuthb., * 62, * 78; respited, * 238; Raid of Kintyre, * 319; Raid of Glasgow-muir, * 331; Alex., * 350, * 386, * 466, * 478; Ja., 91, 114, 116, 265; feud with Laird of Glengarnock, 352; feud between him and the Master of Eglintoun, 354; Earl of Eglintoun slain by Ja., C. of Ross, 355; his servant slain, II. 426; III. 207, 316; Feud with Master of Wigtoun, Papers illustrative of, 579; with E. of Eglintoun, Lord Sempill, &c., 580.
- Glenschamrowne, II. 435. See Clan Cameron.
- Glencorse, Andro, burnt for Poisoning and Adultery, I. 84;—of that Ilk, Jo., II. 507.
- Glendinning, Laird of, slain, I. * 60;—of Partoune, Ninian, * 85;—Simon, Messenger-at-arms, slain, * 48.
- Glendoning of Drumrasche, Jo., Slaughter of Laird of Dunduff's brother, II. 604; III. 121, 538; taken captive by Laird of Earlstoun, 552;—Mr Ro. Minister of Kirkcudbright, 329.
- Gleneviot, field of, II. 48, note.
- Glenfruite, Conflict of. See Field of Lennox—II. 430; III. 537, &c.
- Glengarnock, Laird of. See Cuninghame.
- Glengarrie, III. 20. (See Makangus.)
- Glengore, (*Lues Venerea*,) vid. Grantgore.
- Glenfinlas, Hunting of, I. * 295, * 298.
- Glenislay, Hereschip of, I. 263.
- Glenlivet, (or Bahrinnes,) battle of, I. 361.
- Glenlocha, burnt, III. 232.
- Glenquhome of the Wra, And., I. * 81.
- Gloming, (gloaming,) III. 3, 75, 384.
- Glorat, Laird of, murdered, I. * 170.

- Gloves of plate, I. * 303, * 317.
- Godwene. Dr. Vice Chan. of Oxford, III. 451, 588.
- Gold Mines, I. * 298; Dutch and French miners, * 298; present of unwrought Scottish gold to Duke of Guise, * 300; a piece purchased by the King, * 306; by Queen, * 311.
- Golden Fleece, Order of the, I. * 283.
- Goldsmith's work, I. * 284, * 295, &c.; great Basin of solid gold, weighing 10lb. 1½ oz., * 295; gold whistles for King, * 304; hawk-bells, &c., * 321; drinking pieces, weighing 15 lb. 5 oz., 339; another piece, weighing 12 lb. 5 oz., ordered to be coined, *ib.*
- Goose, green, roasted with kittens stuffed in it, a Witch-charm, II. 29.
- Gorbals, man wounded there, &c., III. 491.
- Gordon of Auchnacoy, I. * 150;—of Auchanachie, Jo., yr., 284, 393; III. 402;—of Auldtonleyis, Jo., I. 284 —Mr Alexander, (Postulate of Caithness,) departs to France, * 308, * 337;—of Auchindoune, William, I. * 150, * 454; Sir Patrick denounced, 283, 284; Offers presented by him, 301, 307; Trial for Conspiring against the Religion, &c., 310; doom, 316; Tract as to the ' Spanish Blanks,' 317; III. 371;—of Abirzeldie, Alex., I. * 470;—of Auchinye, Wm., * 150;—of Airdis, Jo., II. 558;—of Blalak, Jo., I. 94;—of Buckie, Jo., 175;—of Barskeoche, John, * 366, * 398; attempting to restore Popery, * 427, 81, 84; Geo., III. 477;—of Boigis, Jo., Sh.-dep., of Aberdeen, II. 387;—of Banernie, (Barnerino, Bairnairmy,) Ro., III. 121, 173; suspected of Murder, &c., *ib.*; slain, 460;—of Boighoillis, Adam, 401, 488;—of Craigmiln, Ja., I. 94;—of Culquha, Jo., 159;—of Cluny, Sir Tho., 284; III. 79?; Alex., 228, 318, 418; Sir Alex., 436, 460;—of Craig of Auchindoir, Wm., I. 284; deleted from Summons of Forfeiture, 300;—of Cairnburrow, Jo., yr., 284; Wm., fiar, III. 428;—of Corrachrie, Pat., I. 284;—of Creehye, Ja., 470;—of Culquhodilstane, J. * 150;—of Collindach, II. 558;—of Chimes, Mr Gilb., III. 88;—of Crago, Tho., 118;—of Clubisgoule, Jo., Sh.-depute of Aberdeenshire, Murder under colour of law, &c., 399;—of Dalpersye, Wm., I. 94;—of Dawane, Tho., 94;—of Dorth, (Dort,) slain, 361;—of Earlstoun, Jo., III. 247; Alex., yr., Usurping King's authority, &c., 552;—of Geycht, Geo., yr., I. * 453; Wm., 284; slain at Balrinnis, 361; Wm., II. 42; Geo., Murder under colour of law, &c., III. 399, 402; Jo., Alex., Ro., and Pat., his brothers, 402, 418; found caution, 5000 merks, 428; Jo., 581;—of Garlarg, Roger, I. * 75;—of Glenluce, Laur., III. 9;—of Glwne, (Clunie?) Sir Tho., III. 79;—of Golspitour, Jo., wounded, III. 231; Jo., yr., *ib.*; Slaughter of the Lairds of Stirko and Dyn, 235;—of Grange, Hew, 328;—of Halheid, Ro., I. 94;—of Hillis, Alex., III. 121, 173;—of Haddo, Harie, Murder under trust, 488;—Capt. Jo., beheaded, I. 358;—Lady Jane, her marriage to Ja., E. Bothwell, * 461;—of Kandmoir, Geo. 94;—of Kilsture, Harie, III. 247;—of Knokaspek, Ja., 258;—LORD, Alex., Field of Dunkeld, I. * 98; respited, * 231; Feud betwixt him and Earl of Erroll, * 263; John, * 387; Geo., assaulted on streets of Edr. by the E. of Caithness, III. 32;—of Lesmoir, Jo., yr., I. 284;—of Letterfourie, Pat., 284;—of Lochinvar, John, Oppression, * 53, * 75; James, * 199; remitted, * 252, * 274; John, * 366, * 384, * 398, * 428, * 453, 114; Sir Jo., 141, 184, 304; II. 14; Sir Ro., married to Lilius Ruthven, 297, *note*; Slaughter of his page, 558, 572; III. 121, 318, 433;—of Leichestoun, Jo., 78, 79; his son, Ja., tried for a barbarous Murder, *ib.*; pleads Remission, and finds caution, 80;—of Little Mondurk, Alex., 328;—of Pitlurg, Jo., I. 136, 141;—Mr Pat. III. 446;—of Park, Jo. I. * 453;—Sir Ro., (brother of Jo., 7th E. of Sutherland,) III. 231;—of Rothemay, William, 428;—of Strathdoun, (Strathowne, or Strathdon,) Alex., I. 260, 367, 418;—of Scheves, Sir Geo. * 453;—of Sydra, (Siddery,) Jo., III. 231; Jo., yr., *ib.*;—of Traquhane, Alex., I. * 453;—of Zelstoun, II. 558.
- Gorgetts, I. * 303. See also Armour, &c.

- Gourlay, Mr Norman, burnt for Heresy, I. * 210 ;
—of Kincaig, Wm., * 156, * 253 ; Alex.,
invaded, &c., * 347.
- Gorme of Slaitt, Donald, I. 348 ; Donald, (*SAS-
SENACH,*) III. 19, 25, *note* ; Sir Don., 541 ; his
sister forcibly carried off, &c., 542.
- Gormock, Laird of, (John Butter,) I. * 367, * 371.
- Gotterby ford, where the routed Maxwells were
drowned, III. 30.
- Gonzolles. See Grossolez and Duke of Milan,
I. * 269.
- Govane, of Cardrono, Jo. III. 569 ;—Jo., Theft,
I. 15.
- Gowdie, Tho., Slaughter, III. 544 ; Issobell, her
four remarkable Confessions of Witchcraft,
&c., 602 to 616.
- Gowdis of French Crowns, I. * 307.
- GOWRIE, EARL OF, Wm., I. 107 ; Raid of Ruth-
ven, 111, 116 ; nicknamed Greysteil, II. 287 ;
family left by him, 297, *note* ; Ja., *ib.* ; Jo.,
Provost of Perth, 293 ; killed at Perth, II.
148, &c., See Gowrie Conspiracy ; Wm.,
his brother, &c., forfeited in Parl., 159 ; was
educated by Mr Ro. Rollock, 215 ; Jo., his
traffic in Magic, 218, 219, 220 ; his and his
brother's corpses, 233 ; transported to Edr.,
241, 247 ; his armorial bearings torn and de-
faced, 241 ; their quarters affixed at Stirling,
Perth, and Dundee, *ib.* ; bodies hanged and
quartered in Edinburgh, 246 ; Original Let-
ters by him, 329 ;—COUNTESS OF, Dorath.,
I. 119 ; II. 167.
- GOWRIE'S CONSPIRACY, II. 146 ; trial of Cran-
stoune Craingelt and M^cDuff, 148 ; hanged
at Perth, 155 ; their Depositions, 156, &c. ;
the Forfeiture of the Earl of Gowrie's bro-
thers in Parliament, 159, &c. See Gowrie.
- ABSTRACT OF THE LEADING FACTS.
- A. Henderson of Latoune, Chamberlain of Scone,
and A. Ruthven, sent by E. OF GOWRIE a
private message to the KING at Falkland, at
4 a.m. of the morning of the Conspiracy, II.
165, 168, 175, 221 ; they return in haste to
Perth, 175 ; deliver their message to GOWRIE
at 10 a.m., *ib.* ;—THE MASTER OF RUTH-
VEN also goes privately to Falkland to the
KING, on the same morning, II. 164, 171 ;
his interview with THE KING, 175, 209 ;
rides back to E. OF GOWRIE in haste, 172 ;
—THE KING invited to go *secretly* to Perth,
to be accompanied by a few domestics only,
165, 211 ;—story of the man with a hoard of
gold, 164, 171 ; more particular details, 210 ;
KING is lightly dressed in a hunting-suit,
without a dagger or arms of any kind, 185,
passim ;—has only a hunting-horn, 215 ;—
the Noblemen and Courtiers in his suite
clothed in green hunting-dresses, and unarm-
ed, saving their side-arms, 214, 220, 315 ;—
THE KING is induced by the Master of Ruth-
ven to go to Perth, 153, 164, 165, 169, 171,
210, &c. ;—is engaged in hunting from Falk-
land to Perth, 171, 174, 212 ;—slays a buck,
ib. ;—is met by E. OF GOWRIE on the Inch of
Perth, 172, 176 ;—the Earl sends out for
dinner, 157, &c. ; had dined previously, 172,
176 ; the dessert consisted of strawberries,
&c., 157, 172 ;—KING'S suite dine after the
King, in another apartment, 172, 214 ;—
GOWRIE comes from THE KING into the
Hall, and drinks his '*scoll*,' 172, 214, &c. ;
he leads out the suite, after dinner, to the
gardens, 172, &c. ;—he and his servants re-
port that THE KING had '*ridden away*,' 150,
151, 153, 156, 165, 169, 173, 183, 185, 187 ;
—KING'S servants cry to horse, ('*horssis !*
horssis !') 173, 216 ;—GOWRIE'S porter, in
spite of his master's threats, denies that THE
KING had departed, 181, 186 ;—the porter's
Deposition, 187 ;—THE KING is drawn by
THE MASTER OF RUTHVEN into the Gallery
Chamber, and turret, 149, 153, 184, &c. ;—
all the doors are locked by the Master of R.,
149, 151, 153, 165, 177, 186, 214 ;—Andro
Hendersoun, the Chamberlain of Scone, was
'the man in armour,' 149, 151, 153, 165,
169, 177, 214, 222 ;—his dagger is seized
upon by the Master of R., 149, 153, 177,
215, 222 ;—and used against THE KING,
149, 153, 215, 222 ;—but is at length wren-
ched from the Master of R. by Hendersoun,
149, &c. ;—Henderson's Depositions, 174,
179 ; his Letter to THE KING *in anno* 1608,
321 ;—the Master of R. tries to bind THE

KING's hands, 149, 151, 169, 178, 184, 216, 223;—grasps THE KING by the mouth and beard, 149, 151, 169, 178, 216;—threatens to take THE KING's life, 149, 151, 153, 165, 169, 215, 216;—THE KING screams for help out of a window, 149, 151, 153, 165, 169, 173, 178, 181, 185, 186, 189, 223;—his cries are heard by the Duke of Lennox, E. of Mar, &c., 152, 165, 168, 173, 217, &c.; their Depositions, 171, 174;—KING is seen by his suite struggling at the window, 165, 173;—his face red, and a hand seen grappling him, *ib.*, 216, &c.;—Sir Jo. Ramsay hastily enters by a back stair, 150, 151, 153, 165, 169, 178, 217;—the door is opened to him by And. Henderson, 150, 152, 153, 165, 169, 178, 223;—Ramsay, after a mortal struggle, drives the Master of R. out of the chamber, 150, 152, 165, 169;—Death of the MASTER OF RUTHVEN, 154, 156, 158, 166, 169, 173, 182, 197, 217;—the Master had on a *pyne-doublet*, and King cried, 'Fy strik him laich,' &c., 158, 183;—Ramsay had the King's hunting-hawk on his fist, at his first outcry, 179, 183;—King sets his foot on the hawk '*leische*,' 183;—King pushes the Master of R. down the 'blak turnpyke,' 183, 217;—The Earl had *two* drawn swords, 150, 152, 154, 156, 159, 166, 169, 179, 181, 182, 190, 191, 197, 198, 199, 217;—his company have drawn swords, 150, 152, 154, 156, 158, 166, 169, 188, 190, 194, 195, 196, 217;—Cranstoun ascends 'the Black turnpike' with THE EARL, 150, 169; he is wounded, 151; run through the body by Ramsay, 156; also by Herries, *ib.*, 182;—Tullibardin's servants resist THE EARL's entrance, 156, 197;—Door defended by Ramsay, Erskine, and Herries, 150, 156, 166;—THE EARL forces an entrance, 154;—is armed with a steel-bonnet, 156, 158, 179, 182, 190, 191, 200, 217;—gets a '*py-doublet with tail-pieces*' made, before THE KING's visit, 158;—THE EARL slain in the Chamber, 151, 156, 166, 173, 190, 217;—Craigingelt, &c. keeps the back gate with a two-handed sword, 152, 158, 197; where he got that sword, 158, 159;—Erskine, Ramsay, and

Herries, wounded by THE EARL's accomplices, 152, 170, 182, 217;—Lennox, Mar, &c., attempt to burst open door of Gallery chamber, 173, &c.; they do not succeed until E. of GOWRIE and his brother are slain, *ib.*;—threats to hang and kill KING's servants, 152, 192, 198, 217;—and to blow up the house with gunpowder, 152, 154, 189, 190, 192, 194, 196, 197, 198, 200, 236;—a joist is brought by EARL's assisters, and gate forced, 152, 154, 174, 181, 188, 195, 196, 197, 198, 199, 200, 236;—the Bailies of Perth ring the alarm bell, and come to KING's assistance, 186, 189, 195, 218; they demand to see the KING, &c., 187, 197, 198, 200;—called to account for their conduct, 236;—KING makes an oration at Cross of Edr., 246, 248;—Anniversary ordered to be observed, 237, 243, 246; public Thanksgivings, 240; public rejoicings, 243, 244, 245, &c., 247.

DEPOSITIONS of Witnesses:—D. of Lennox and E. of Mar, 171, 184;—And. Henderson, 174, 179, 221;—Abbots of Inchaffray and Lundores, 180, 181;—Sir Tho. Erskine, 181;—Sir Jo. Ramsay, 182;—Grahame and Moncrieff, 184;—Ray, 186;—Gowrie's porter, 187;—Blair and 19 others, 188;—Wemyss of Bogie, 218;—Mr Wm. Rynd, 219.

APPENDIX OF ORIGINAL CONTEMPORARY DOCUMENTS, *viz.*

- I. Depositions of 329 Witnesses as to Conspiracy, II. 171.
- II. Interrogatories put to Witnesses, 191.
- III. Report by Bailies of Perth of Examination of 355 Witnesses, 192.
- IV. The Earle of Gowrie's Conspiracie, called 'the King's Narrative,' printed in 1600, 208.
- V. De Execrabili et nefanda fratrum Ryvenorum, &c., Conjuracione, printed 1601, 223.
- VI. A short Discovrse, &c., printed 1600, 231.
- VII. Extracts from the Records of the Privy Council, 232.
- VIII. Extracts from Lord High Treasurer's Account, 237.
- IX. Extracts from Records of Burgh and Sheriff of Perth, 242.
- X. Extracts from Records of City of Edr., 244.

- XI. Extracts from Birrel's MS. 'Diarey,' 245.
 XII. Extracts from Fleming's MS. Chronicle, 247.
 XIII. Discourses, Sermons, and Orations, 247 ;
 1. Mr Pat. Galloway, preached in Edr.,
 248 ; 2. Mr Wm. Cowper, do., 251 ; 3. Mr
 Pat. Galloway, preached in Glasgow, 252 ;
 An Oration delivered in Glasgow, 255.
 XIV. Trial of Geo. Sprott, Notary in Eymouth,
 256 ; his Deposition on the scaffold, 260 ;
 Archb. of Canterbury's account of, 262 ;
 narrative of his execution, 275.
 XV. Forfeiture of Logan of Restalrig, 276 ; his
 Letters to the E. of Gowrie, 281 ; Deposi-
 tions of Witnesses, 287 ; Letters, &c., 292.
 XVI. Johnston's MS. Narrative of the Conspi-
 racy, 293.
 XVII. Another MS. Narrative, 297.
 XVIII. Papers as to Conduct of Mr Ro. Bruce
 and Ministers of Edinburgh, 299 ; additional
 Papers, III. 618.
 XIX. Original Letters, &c., illustrative of the
 Conspiracy, 313.
 XX. Original Letters of Earl of Gowrie, 329.
 XXI. Facsimile of his subscription, 332.
 XXII. Additional Documents, III. 619, &c.
 Grace, Witch, before meat, III. 612 ; after meat, *ib.*
 Grahame of Arduthie, Dav., III. 483 ;—of Bal-
 gowan, Jo., in King's Suite at Gowrie's Con-
 spiracy, II. 166, 172 ; his Deposition, 184 ;—
 of Balivic, Wm., I. 282 ;—of Bankell, Ja., I.
 * 130 ;—of Calandare, Jo., I. 76 ;—of Claver-
 house, Jo., I. * 136 ; Wm., 282 ;—of Craig,
 Da., Slaughter of Spens, the E. of Cassillis's
 servant, II. 400 ; Gilb., yr., do., 480 ;—Da.,
 beheaded for Fintrie's Treason, I. 359 ; Wal-
 ter scourged, and his right hand struck off,
 &c., II. 417 ; Alex., Slaughter, III. 483 ;
 Annas, Lady Monyvaird. See Toscheauch,
 &c. ;—of Fyntrie, Sir Dav., Walt. and Ja., his
 brothers, Oppression, &c., I. 74, 111 ; Da.,
 173 ; beheaded, 257, 258, 311 ; II. 97 ; Ja.,
 his brother, tried for slaughter, *ib.* ;—of Gil-
 lesbe, Rob., I. * 85 ;—of Gormok, (Garcock?)
 I. * 373 ;—of Hospitalscheillis, Rich., Op-
 pression, &c., III. 496 ;—of Halzairdis, Mr
 Jo., Justice-depute, I. 80, &c., 282 ; slain,
 359 ;—of Knokdoliane, Robert, I. * 130,
 * 369, 136, 141, 255 ; Jo., 266, 282 ; II. 86,
 433, 445 ;—of Langboddome, Ro., Suborning
 Witnesses, and Perjury, III. 354 ; hanged, 358 ;
 his accomplices beheaded, hanged, scourged,
 and branded, *ib.* ;—of Leuchland, Ja., III.
 437 ;—Da., his son, slain, *ib.* ; Ro. Symmer,
 beheaded, *ib.* ;—MASTER OF, Robert, I. * 332 ;
 —of Morphie, Hen. I. 28 ; Sir Ro., III. 437 ;
 —of Panhollis, Wm., I. 282 ;—Richard, War-
 lock, I. 235, 241, 243, 244, 245, 249 ; burnt at
 the Cross of Edr., 358 ; Christian, Witch, burnt,
 509 ;—of Southfield, Alex., yr., I. * 346 ;—
 of Thornik, Ro., I. 111, 282 ; II. 166 ; Depo-
 sition as to Gowrie's Consp., 188 ;—of Ur-
 quhill, Jo., in King's suite at Gowrie's Consp.,
 II. 166, 172 ; his Deposition, 184, 366 ;—of
 Westraw, II. 541 ; Jo., his brother, *ib.* ;—of
 Westhall, Jo., slain, I. * 179 ;—Wm., called
 ' Singand Willie,' I. * 398.
 Grant of Ballindalloch, John, I. * 175, * 357 ;
 Intercommuning with Norman Leslie, * 358 ;
 Fire-raising, * 370 ; Jo., yr., III. 491 ;—of
 Carroun, John, I. * 370 ; Pat., III. 554 ;—of
 Cardellis, Tho., wounded, III. 435 ; Pat., his
 son, slain, *ib.* ; Jo., yr., 436 ;—of Culcabok,
 I. * 175 ; remitted, * 247 ;—of Davachmoir,
 Pat., House-breaking, Stouthrief, &c., III.
 490 ;—of Freuchy, James, Slaughter, I. * 175,
 * 244 ; respited, * 245, * 247 ; Jo., 285 ;
 III. 316 ; of Gartmoir, Gregour, III. 371 ;—
 of Glenmoriestoun, Jo., his house of Belma-
 caene plundered, III. 490 ; taking a man cap-
 tive and strangling him, 553 ;—of that Ilk,
 Jo., III. 14 ; *note*, 370 ; Jonet, Witch, ' wir-
 reit at ane staik' and burnt, I. 206 ;—of Wes-
 ter Elcheis, Lauch., Slaughter, &c., III. 435 ;
 Jo., his son, *ib.*
 Grantgore, or ' glengore,' *Lues Venerca*, I. * 110,
 * 117, 252.
 Grand Jury, I. * 391.
 Gratz, Jesuites' College there, III. 336.
 Grawie, Jonet, Witchcraft, II. 1.
 Gray of Ballegarno, Alex., remitted, I. * 246 ;—
 of Baldarran, Gilb., I. 148 ; II. 514 ;—of Bal-
 legernocht, Pat., I. 28 ;—Dav., Adultery, ban-
 ished Edr. for life, and fined L.40, II. 369 ;—

- of Dunnynald, And., I. 148;—of Kinggornie, And., II. 362;—LADY, (of England,) I. * 118;—LORD, (of England,) I. * 378, * 379;—LORD Andrew, Justiciar, I. * 3; on the South of the Forth, I. * 22, * 56, * 67; Justice-General, I. * 51, * 61, &c., * 78; Pat., Oppression, &c., * 177, * 375, * 414; Resetting rebels, 41, 266, 348;—JO., hanged for taking Black-maill, I. * 356;—MASTER OF, I. 74; Pat., 144, 148, 153; Counterfeiting the King's Stamp or Cashet, 157, 267, 275, 348;—of Schiellhill, Geo., I. 74.
- Gray-Steill, I. * 116, * 124. See Douglas;—also a *soubriquet* for Wm. E. of Gowrie, II. 287.
- Gray-meill, Jockie, (John Gordon,) a Warlock, I. 235, 236, 239, 240, 246; II. 542.
- Graves, remarkable Superstition practised by alleged Witches, I. 202; opened by Witches, for charms, 218, 233, 237, 239.
- Greave, Tho., burnt for Witchcraft, &c., III. * 555.
- Grene webbis, what, III. 528.
- Greece, the Friar that 'come furth of,' I. * 308;—the Earl of, III. 592; ane Knight of, *ib.*
- Greenside, Rood of, Heretics burnt at, I. * 210.
- Greenock, Burning gates and doors of, I. * 232.
- Greynslaw of Newtoun, I. * 147;—of Little Newtoun, Jo., II. 442; his six sons slain by Turnbulls, *ib.*
- Greenshelis of that Ilk, Wm., I. 36.
- Greis-defendant, what, III. 424.
- Greir, (Grierson,) of Barjarg, Tho., I. 298; III. 217; Ja., his brother, *ib.*; Tho., 384;—of Crawfordtoun, I. * 132;—of Drum, Gilb., I. 298;—Gilb., &c., Fire-raising, I. * 160, * 167;—of Isle, I. * 132;—of Pitfillan, Ja., III. 271.
- Griersoun of Beochlane, Gilb., III. 387;—of Halydayhill, Jo., scourging naked people, cutting the backs of cattle, &c. I. * 455;—of Inglis-toun, Jo., III. 93;—Isobel, Witchcraft, Sorcery, &c., a remarkable case, II. 523; 'wir-reit' and 'brunt in assis,' 526;—of Lag, John, I. * 165, * 166; remitted, I. * 248; Roger, 111, 178; Wm., 304; Sir Wm., III. 217; Ro., yr., Slaughter, 500.
- Grey-Friars of Edinburgh, Theft of Plate stolen from KING revealed in confession to, I. * 271.
- Gresmore, Madame, marriage presents to, I. * 297; sewing gold to, * 298; Tocher given with her to the Laird of Creicht, * 305.
- Grievances, Articles of, presented for the Kirk, II. 9.
- Griffon, (Grifound,) James, Welshman, 'propy-nit,' I. * 281; sent to Flanders. * 284.
- Grooms of King's Chamber, Wine-cellar, &c., &c., I. * 313.
- Grozolez, one of the King's Keepers, I. * 269. See Gonzolles and Duke of Milan, * 270.
- Grote, John, freight of his ship to Orkney, I. * 305;—of Wairis, Don., slain, III. 53.
- Grundistoun of Kyngask, Tho., I. * 404, 60.
- Gryce, flain, III. 605.
- Grynter, '*granitarius*,' I. * 382; II. 385.
- Guards, King's, Resisting, II. 452; Ringane and Will. Armstrang hanged, 453; two Elliotts have their right hands struck off, and then hanged, 559; three of the Guards sit as Assis-sors, *ib.*;—Scots, in France, Capt. Jo. Rig, tried for a Duel in France, 382.
- Gudelaith of Strabrok, Jo., I. * 424;—of Uphall, Harie, II. 555.
- Gude-wychtis, (good-neighbours, brownies,) I. 52, 162, &c. See Faerie, &c.
- Guidame, what, III. 96.
- Guidschir, what, II. 520; III. 404.
- Guid-nychtbouris, I. 162.
- Guild, Ja., Theft by an alleged idiot, I. * 415.
- GUISE, DUKE OF, I. * 296; present of unwrought gold from the mine at Crawford-mure, * 300; hackneys and halks sent to, * 306.
- Gullane, Jo., hanged for taking Black maill, I. * 356.
- Gunner, King's master, I. * 314, &c.
- Gunpowder-Plot, II. 572.
- Gun-powder, I. * 295, &c.; King's Miln for, * 325;—gun-'stans,' formerly used for Artillery, * 260, * 363.
- Guns, I. * 295. See Artillery; Iron, * 325; first mention of, in Criminal Records, II. 461.
- Guthry of Balnabreich, Jo., respited, I. * 254;—of Colestonne, Hen., I. 74;—of Gagye, Ja., 372;—Ja., Capt. of Creichtoun, * 143;—Mr Ja., his head fixed on Netherbow Port, III. 196; drops blood on Middleton's coach, *ib.*; Jo., hanged for Bigamy and Adultery, 428;—of

that Ilk, Alex., Justice depute, I. * 72, 74 ; slain, 372 ; Isobel Wood, his relict, pursues the Laird of Bandoch, *ib.* ; Alex., Slaughter, II. 101 ; Ja, son of Alex., sent, slain, *ib.* ; Alex., the old Laird, slain, 103 ; Alex., fiar, III. 78, 80 ;—of Kincoldrum, Alex., I. 15 ; Da., yr., 74, 258 ; Slaughter, II. 101 ;—of Kinblakmonth, Pat., III. 437 ;—of Kynbach, Tho., I. * 411 ;—of Langlands, Wm., Slaughter, II. 101 ;—of Pitnowes, Pat., Slaughter,

130 ; discharged, 131 ;—of Ravensbie, Wm., Slaughter of the Lairds of Gairdin and Tullois, II. 528 ; III. 77, 80.

Guvane of Cardrono, Wm., I. * 147.

Gypsies. See Egyptians ; following them punished with scourging and banishment, III. 99.

Gyre-Falcons, I. * 320.

Gysaris, I. * 114, * 118, * 123.

Gyves, heavy irons, called *boyes*, III. 3. See Irons, Torture, &c.

H.

HABIRGEOUN, (Haberschoues,) of mail, I. * 289, * 270.

Hackneys, (horses,) sent to KING of FRANCE, &c., I. * 306.

Haddenrig, Battle of, I. * 324.

Haddington, Raid of, I. * 356 ;—Supplying English in, * 350, * 353.

HADDINGTON, EARL OF, (Sir Tho. Hamilton,) III. 21, &c., *passim* ;—VISCOUNT, (Ramsay,) Jo., II. 91.

Hagbuts, (Hawkbuttis, hacquebutis,) importation from Holland, I. * 307, * 310, * 321 ; Act anent wearing, 299 ; lang, II. 70, 103, 128 ; shooting with, 485. See Pistolets ; III. 213.

Haig of Bemerside, I. * 87 ? * 144 ; Robert, * 242 ; II. 419.

Haitlie, Ja., one of King's Guard, sits on an Assise, II. 559 ;—of Lambden, * 451, —of Mellestanes, Jo., I. * 229, *note*, * 359 ; Tho., his brother, *ib.*, 2.

Hail and feir, III. 260, 467.

Hakket of Pitfirrane, Patrick, I. * 351.

Halberts, I. * 289.

Halero, Pat., engaged in the Rebellion in Orkney, III. 274, 289, 291 ; is present when Ro. Stewart tears the Bond of Association, 304 ; his Deposition, 307 ; his life saved, 311 ;—Ro. of Cava, III. 296.

Halden, (Haddene,) of Bellysoule, Ro., I. 15 ;—of Glennageis, Ja., II. 426 ; Tutor of, Da., 430, 439 ; Ja., III. 318 ;—of that Ilk, Geo., II. 467 ; Jo., III. 391 ;—of Kelour, Sylvester, I. * 157 ; Wm., * 424.

Haliburtoun of Inchearne, I. 231 ; Wm. II. 355 ; Mr Ja., Provost of Dundee, Intercommuning with, I. * 467 ; Mr Ja., alias Moffatt, Jesuite, III. 331, 371, 377 ; banished, 379 ;—Memie, Witch, pricked for Devil's mark, 599 ; her Confession, *ib.* ;—of Moreislaw, II. 425 ;—of Muirtoun, (Mertoun,) Walt., I. * 147 ; And., yr., * 230 ; Ralph, * 432 ; Hen., 107 ; Jo., II. 515 ;—and DIRLETON, LORD, Pat., II. 283, *note* ;—of Petcur, Geo., I. * 180, 74 ; Sir Ja., II. 49 ;—of Walstruther, Geo., I. * 469.

Haliday, Jo., and five others, hanged for Forging a discharge, II. 34.

HALIS, LORD, Pat., Master of the King's Household, I. * 2 ;—MASTER OF, Patrick, * 160 ; remitted, * 243, * 263.

Hall-door, Usher of the King's, I. * 313.

' Halie Lyg,' the, (Spanish Armada,) I. 228.

Halket, attempting to restore Popery at the Place of, I. * 430.

Halkerstoun, Colonel, I. 334.

Halkryggis, with ' head-geir and teslotis,' I. * 317.

Hall, And. and Wm., (*Fat-sow* and *Wantoun-pyntill*.) I. * 181 ; slain, * 201 ; Lyell hanged for Horse-stealing, &c., * 432 ; Andro of the Sykis, and Perseis Jok, Slaughter, 37 ;—of Foulbar, Adam, I. 66 ; Ja., Slaughter of the young Laird of Scottistoun, III. 236.

Hallowmes, III. 568.

Halsclaithe, neckcloth, I. 253.

Haly-water-fatt, in Prince's Chapel, I. * 306.

Hamesucken, William Cokburne, I. * 15, * 58,

* 59, * 172, 176, * 180; during the Plague in Perth, * 219, * 347, * 366; in Monastery of Paisley, * 382; in Provost of Edinburgh's house, * 399, * 403, * 410, * 412; William Fergusone beheaded, * 425; Lord Saltoun, * 476; Oliphant, 24; Montgomery of Scottistoun, &c., 60; Bonkle beheaded, 158; II. 37, 70; and slaughter of Laird of Guthrie, 103; Tho. Cuninghame hanged, 359, 464; Irving of Moncoffer, &c., 493; Jo. Henderson banished, III. 58; and Slaughter, 362; Alex. Davidson beheaded, *ib.*; Tho. Meldrum of Idene, 431; and unmerciful Slaughter of a woman, 485.

Hamiltoun of Auchinhowy, Alex., yr., slain, I. * 150;—of Ardrie, Gav., 36;—of Auchnaglen, Jo., 378; his daughter carried off, *ib.*;—of Bardowy, Alan, Intercommuning with, * 150; Mariota Maxwell, Lady of, *ib.*, * 204, * 250, * 257; Jo., 22; Ja., yr., 378—of Bordland, Geo., Tutor of, 19;—of Bairfurd, (Bairfute,) Sir Ja., * 431; Arch., II. 405; his wife ravished, *ib.*;—of Bynning, I. * 471; Jo., 155;—of Briggs, Ro., * 399;—of Bothwellhauche, Da., * 404; his widow charged for REGENT MURRAY'S Murder, 23; his servant hanged, 31; Arthur tried, 87; Da., 88; Arth., 119; Da., (alias of Monkton-mains,) 266;—of Blair, Jo., II. 600, *note*;—Castle of, detaining, I. * 234; breaking ward for escape of a Heretic, * 352;—of Crawfordjohn, Sir James, knt., * 414;—of Caudor, Mr Ja., 378;—of Corse, Ro., 119;—of Crawford, Sir Ja., Incest with Marion, his natural daughter, 167;—Commissary of Lanark, Arch., III. 495;—Capt. Jo., slain in a duel in Flanders, 502;—of Cruikwell, Ja., I. * 450;—of Cochno, (Colechnoch,) And., * 450, * 451, * 480; Claud, 71;—of Cammiskeith, Laird of, * 82; Jo., * 137; Wm., Tutor of, * 427;—Claud, ('son to my Lord Duke,') * 450, 69, 89, 331; Sir Claud, III. 143;—of Cumnok, Jo., slain, II. 419;—David hanged for Regent Murray's Slaughter, I. 31; Jo., Parson of Craufordjohn, Mutilation, &c., II. 474; Jo., Murdered under trust, III. 123;—of Dalsersf, Pat., I. * 385; Wm., II. 61;—of Drumcairn,

Tho., Lord Advocate, I. 366; II. 3, &c., *passim*; his brother, Pat., Under Secretary, III. 293, &c. See Binning, Haddingtoun, &c.;—of Evandale, Sir Ja., beheaded, I. * 195; Ja., III. 234;—of Finnart, Sir Ja., I. * 152, * 172, * 227; beheaded, 228; Respited for Fielding against D. of Albany, * 237; Captain of Dumbarton, * 241; Gift of his non-entry to E. Bothwell, * 255; Gift of part of his escheat, * 256; keeping Castle of Craignethan, * 316;—of Ferguslie, John, * 361, * 382;—of Grange, Thomas, * 424; Jo., present in KING'S suite at Gowrie's Conspiracy, II. 172;—of Gairewis, Dav., I. 19;—of Gartlavoch, Pat., *ib.*;—of the Grange of Kilmarnok, Jo., II. 555;—of Garene, Ja., *ib.*;—of the Hill, Gav., I. 36; Wm., 378;—of Henschaw, John, * 410;—of Haggis, Ja., 119;—of Hairshaw, Jo., Slaughter, III. 119; his sons, &c., *ib.*;—Sir Ja., Sheriff of Linlithgow, confiscated for Heresy, I. * 211; present to furnish him furth of the realm, * 309; his wife, * 311;—of Innerwick, Ja., respited, * 240, * 413, * 468; Alex., * 486; Sir Alex. III. 494;—of Inchemauchane, Ro., I. * 471, 139; II. 3, 13, 390;—Jo., scourged and branded for Perjury, III. 358. (See Branding, Perjury, &c.)—Kath., accused of Heresy, escapes through the King's influence. I. * 211;—of Kincaple, Jo., * 414;—of Kinglass, Mr Alex., III. 453;—of Libberton, Ja., I. 191; Sir Ja., his servant, killed, II. 453, 485;—LORD, I. 178; Jo., 285, 298;—of Lettrik, Sir Jo., III. 495;—of Lekprevieck, And., I. * 404;—of Samuelstoun, Ja., 27; Jo., yr., 270; Pat., II. 82;—MARQUIS OF, Jo. III. 31; Ja., 206, 207, 318, 339, 590;—of Newhouse, Ro. I. 36;—Patrick, Martyr, * 211, * 228;—of Philipstoun, Math., Langside, &c., 21, 22;—of Parkhead, Arthur, 36;—of Portmanno, Wm., 59;—of the Peill, (of Levingstoun,) Ja., 345; Claud and Alex., his sons, denounced, *ib.*;—of Pedderishburne, Jo., * 404;—of Pedderistoun, Jo., 26;—of Pardovane, Wm., his son slain, * 476;—of Prestoun, * 477; Geo., yr, 36; Geo., 149, 286;—of Priestfield, Tho., * 486;—Mr Pat.,

- Under-Secretary of State, III. 293;—of Rottenyards, Wm., I. 19;—of Roploch, Gawin, II. 195;—of Reidhouse, Sir And., III. 418; declined as an Assessor, 424;—of Stanehouse, Ja., Slaughter, I. 179; remitted, 247; escape from Castle of Edr., * 331; Jo., * 450, 36;—of Sanquhar-Lindesay, Wm., * 149, * 172; Sir Wm., 30;—of Sorne, Wm., 141;—of Schawtoun, Jo., 69;—of Silvertounhill, And., * 414; II. 540;—of Spittelscheill, Ja., yr., II. 540; Murder under trust, *ib.*; beheaded, 561;—of Scheirell, Ja., 540;—of Woodside, Ja., I. * 420;—of Woodhall, Ja., 36.
- Hand, right, struck off, (punishment,) I. * 388, * 402, * 431, 20, 372; II. 363, 417, 421, 560; III. 198, 454.
- Hanging Image of St Francis, I. * 286;—in chains, punishment of death, * 137, * 358.
- Hangitschaw, Hereschip of, I. * 35.
- Hannay, Rob., &c., Choosing Abbot of Unreason, Insurrection in Edinburgh, &c., I. * 409.
- Hares, killing in forbidden time, I. * 15;—Witches take form of, III. 605, 607, &c.
- Harehead, Hereschip of, I. * 18.
- Harlaw, Wm., Heresy, &c., I. * 407.
- Harden, house of, to be destroyed, I. 276.
- Hard-heads, (*hardits*), or Lions, coins, forging them, I. * 440; what, * 487, 64, 82.
- Hardie of Bounmylnerig, Ja., II. 441; Tho., his son, hanged for Masterful Stouthreif, *ib.*
- Harnessing, I. * 295. See Tournament, &c.; * 317, * 320, * 321, * 323.
- Harn-pan, skull, II. 384.
- Harrett of the Coittis, Geo., Slaughter, II. 423; denounced, *ib.*
- Hart of Liviellands, Wm., I. 366; Lord Advocate, II. 2; Justice depute, 18.
- Harvie, Capt., English Pirate, III. 104.
- Hasp of yarn, what, III. 556; Witch-charms with, 555, 556, &c.
- Hastiludium, III. 42.
- Hathoway, And., and his wife banished for Resetting a Jesuite, III. 541.
- Hat-pieces, forging, II. 99; uttering, 365.
- Hattit kit, what, II. 285.
- Hattok, horse and, III. 604, and *note*, &c.
- Haubert, Nicholas, alias French Paris. See Paris.
- Haw, Robert, hanged, I. * 70.
- Hawick, Raid of, I. 10.
- Hawking, Laird of Pitmedden barbarously murdered whilst, III. 78.
- Hawks, Stouthreif of, from rock of ErneCraig, I. * 106; sent to France, * 266; to England, * 274, * 284, * 285; from the Isles, * 294; sent to France, * 295; from Caithness, * 297, * 298; Hawk-hoods, * 305; silver clamshell for King's Hawks' meat, *ib.*, * 320, * 322; sent to K. of FRANCE, &c., * 306, * 317; K. of ENGLAND, * 317, * 318;—Hawk-bells of gold, * 321; brought from Norway, * 322; setting (entering) the King's, * 323.
- Hay, Mr Andro, Parson of Renfrew, I. * 486;—Sir Alex., Secretary of State, II. 328; his Letter of appointment, 585, *note*;—of Ardlethame, Geo., III. 400; Fra., his son, Murdered, under colour of Law, *ib.*, &c.; he received *six* strokes with the axe on the shoulders, head, and neck, before decapitation, 401, 402, 418;—of Barro, Mr Wm., Commissary of Glasgow, III. 339;—of Brunthillis, Wm., far, 418;—of Dalgattie, Wm., I. 66; Alex., Adultery with Eliz. Clark, &c., II. 46; with Barbara Forbes, (his wife,) 64, 104, 112, 130;—of Easter Kennet, Alex., I. 268;—Father Edmund, I. 333;—of Edinvaill, Tho., slain, II. 427;—of Gourdie, Wm., I. 262; his son Ja. slain, *ib.*; his son Wm. slain, II. 80, 85; And., *ib.*; Geo. Rattray, &c., beheaded, 85;—Jo., Slaughter, III. 242; acquitted, 243;—of Kynmwdie, Mr Alex., II. 528;—of Lynplum, Wm., I. 337; II. 105, 467;—of Logyruiff, Wm., III. 400;—of Lochloy, Witch-plot to cut off him and his male-issue, 617, &c. See Hay of Park;—of Melgynche, Peter, I. 3;—of Mukhaldis, John, * 392;—of Mayne, Ja., * 408; Wm., his nephew, slain, II. 41; his left hand mutilated, 42; Wm., 557; his uncle slain, *ib.*; Ja., yr., *ib.*; Wm., 435; Fra. and Alex., his sons, Slaughter, III. 435; Ja., yr., 436;—of Mynzeane, Geo., I. * 143, * 166;—of Monktonne, Geo., II. 467;—of Nethertoun, Geo., Prior of Charterhouse, 166; his Deposition as to Gowrie's Conspiracy, 188;—of Nether Liff, Sir

- Geo., his property in Lewis wasted and burnt, III. 246;—of Newtown, Hew, 616;—of Park, Jo., I. * 391, 68; Witch-plot to take lives of his male children, III. 605, 612, *et seq.*;—Mr Peter, Deposition as to Gowrie's Consp., II. 188; Bessie, a Witch, III. 606, &c.;—of Quhitburgh, Sir Alex., 312;—of Rannes, Mr Ja., False imprisonment, II. 43;—of Smithfield, Jo., I. * 148;—of Scroggis, Tho., II. 368;—of Tallo, Wm., remitted, I. * 243; Jo., yr., hanged and quartered for K. HENRY'S (Darnley's) Murder, * 490; his Deposition, * 496; his Confession, * 500; Jo., 27, 145;—LORD OF JESTER, Jo., * 62, * 78, * 141, * 147, * 149; remitted, * 243; Wm., 146; Ja., 262; Jo. III. 590, and *note*.
- Head of a Thief sent to Edr., I. * 274.
- Hearts of gold, rings, &c. I. * 295.
- Heart-shot, II. 536.
- Heart-pypes, III. 485.
- Heer (hair) of yarn, what, III. 556.
- Heiress, caution found by, not to marry 'ane cheif Tratour' or 'brokkin man,' I. * 434. See Abduction.
- Hempisfield, the Lady, III. 122.
- Henchmen, King's, I. * 114.
- Henderland, breaking Kirk of, I. * 98. See Cockburn.
- Hendersoune of Bengoure, Jo., I. * 471;—of Dryden, Ja., yr., 169; Ja., II. 405;—of Fordell, Ja., I. 60;—Geo., cutting growing timber, &c., II. 522;—Mr Hen., Heresy, I. * 255; Christ., hanged, * 173; Jo., hanged, * 206;—of Latoune, Andro, Chamberlain of Scone, employed at Gowrie's Conspiracy, II. 149, &c. *q. v.*;—his Depositions, 174, 179, 221; Letter to the King as to Lord Scone, 321;—of North Rannaldsay, Mr Ro., III. 280.
- HENRY II., KING of England, his dead body bleeds on the approach of his son, &c., III. 192;—VII., I. * 5, * 262;—VIII., * 2; Embassy from, * 265; present of cloth of gold, * 266; of 'blawin hornis, leschis, and dog-collaris,' * 270, * 272; Embassy to, * 276, * 277; complaint as to the 'brek of the Bordouris,' * 279; solemnly confirms peace with Scotland, * 283; present of Hawks to, * 482; ballatt against, * 295; writings from, * 296; advertised of Birth of PRINCE JAMES, * 302; Ross Herald sent to, * 312; hawks sent to, * 317, * 318; Embassy to, * 320, * 321;—IV., KING, of FRANCE, * 77, *note*; II. 380; KING (DARNLEY), I. * 466, * 478; his Marriage to MARY QUEEN OF SCOTS, * 478, * 488; Murdered at the Kirk of Field, * 479; Trials for his Murder, * 488 to * 492; Documents illustrative of, * 493 to * 513; Wm. Tailor and Andro M'Caig murdered along with the King, * 492;—Murder of the King and the two REGENTS, 35; Jo. Bynning hanged and quartered, 95; Geo. Hume of Spott, 101; acquitted, 107; EARL OF MORTON'S Trial, 114;—Mr Arch. Douglas, Parson of Glasgow, 142, &c. See Treason;—PRINCE, (eldest son of K. JA. VI.,) born, 360; his baptism at Stirling, 338, 361; his death, III. 322, *note*.
- Henrie, Jo., hanged for Fire-raising in Coal-pits, III. 361; his head fixed on a spike, *ib.*
- Henrysoune, Mr Ja., Justice Clerk, I. * 79;—Rich., slain, * 408.
- Henslie (Ainslie?) of Fawlay, Wm., I. 37.
- Hepburn of Alderstone, (Sir) Ro., Lieut. of King's Guard, II. 453, 559;—Sir Alex., I. * 62;—of Athelstonford, Geo., 9;—of Beynstoune, Pat., * 73;—of Boltoun, Pat., * 359; Jo. hanged and quartered for Murder of K. HENRY (Darnley,) * 490; his Deposition, * 498; his Confession, * 500, 114, 145;—of Bonhard, Adam, II. 405;—of the Craggis, Sir Adam, I. * 62, * 78; III. 72; Ro., his brother, *ib.*;—of Fortoune, Hary, I. 9, 107;—of Gilmerton, Wm., * 462, *note*; Mr Pat., 156, 169; Mr Jo., III. 271;—of Kirklandhill, Pat., I. 9, 155;—of Lufnes, Sir Pat., II. 60, 74;—of Markill, Ro., 368;—of Quhitsum, suffering English Thieves to escape, I. * 223; Alex., protests against Bothwell's outlawry, * 464;—Richard, alias *Red Richie*, slain, * 365, * 366; Marion burnt for forging base money, II. 74;—of Richardtoun (Riccartoun), Pat., I. 290; II. 340;—of Smetoun, Adam, I. * 364; Mr Pat., 156,

- 169;—II. 84, 343;—of Wauchtoun, Sir Pat., I. * 159; Waylaying, * 169, * 172; gift of his own escheat, * 249, * 347, * 356, * 395, * 468, 114; Slaughter, III. 271, 316;—of Whytecastell, Sir Pat., knt., tried for Murder of K. HENRY (Darnley), I. * 489.
- Heralds, Danish, I. * 268, * 275, * 277;—English, * 275, * 283, * 296;—of Flanders, * 277;—King's, allowances to, * 114, * 118; their Coats-armorial, * 301;—of the Nobility, * 86;—striking one, * 268;—assaulting, in execution of their duty, 175; Ro. Fraser slain, III. 79; Ro. Winrahame taken prisoner in Orkney, his coat of arms torn, &c., 278.
- Heres of Cowsland, Sir Hugh, defends the KING at Perth, II. 152, &c. See Gowrie's Conspiracy, 172.
- Hereis of Kirktonne of Essie, Geo., II. 355, 430, 559.
- Hereschip, of the Place of Spittale, I. * 17; Mynto, * 18; Harehead, *ib.*; Quhytmure, * 19; Hangitschaw, * 23; Covantoune, * 26; Syntoune, * 31; Fastheuche and Hangingschaw, * 35; Town of Selkirk, *ib.*; Merecleuche, * 36; Carterhauch, * 37; Badenoch, * 45; Innermeffane, * 51; Blindhauche, * 61; Cruickstoun, * 70; Davy, Dyke, Ardroseir, &c., * 175; Towghe, * 240; Kildrummy, * 246; Lennox, Roseneath, and Craiginche, *ib.*; Kenlochow and Trouternes, * 256; Dullady, * 344; Durrishdeer, Amisfield, &c., &c., * 348; Cummegirthe, * 393; Winterclenche, * 398; Glenislay, 263; II. 453; and 'Day-Foray' by Arinstrongs, *ib.*; Torwodlie, 5000 merks worth carried off, and Laird slain, &c., 520; by the MacGregors, III. 232, &c. See Burning, Stouthreif, &c.
- Heresy, prosecutions for, I. * 209; Memoirs relative to early Martyrs, * 209 to * 216, &c.; Richard Pollok restored, * 252; gift of Cousland and Cant's escheat, *ib.*, * 255; man burnt at Cowper, * 297; Dean Forman, * 330; Paul Methven, * 406; Friar John Christeson, Wm. Harlaw, John Willok, * 407.
- Heretical books, using, I. * 209, * 216, * 217, * 252.
- Heretics burnt at the Rood of Greensyde, &c., * 210, &c.; to search for, in the Westland, (Lollards of Kyle,) * 287; Stirling, &c. * 296; escape from Hamilton Castle, * 352.
- Heriot, Geo., goldsmith, I. 270; II. 159; waits on King to intercede for Mr Ro. Bruce, 310;—of Ramorny, Walt., I. * 425;—of Tra-bronne, Andro, * 143; respited for the Field of Linlithgow, * 241; forfeited, * 261; James, * 395, * 425, * 451, * 468, 72; his brother slain, 158, 190.
- Hering of Drimmy, Arch., II. 63;—of Glas-clune, Ja., I. * 367;—of Lethindie, Jo., (Da.?) II. 433; Laur., brother to the Laird, III. 437;—of Little Blair, And., Slaughter, I. 262;—Capt. Pat., Sorcery and Witchcraft, II. 23, 355, 368; III. 487.
- Hermitage, Castle of, I. * 284, * 300; artillery sent to, * 324, * 494; Capt. of, III. 220.
- Heroun of Chipchese, Wm., III. 568;—of Kierochtrie, Pat., Slaughter, 460.
- HERRIES, LORD; And., I. * 55, * 78; Herb., * 224; Wm., * 242, * 327, 184, 304; II. 386; Jo., 465, 596; proposal to marry his daughter to young Laird of Johnstone, III. 51, 91, 115, 316;—Andro, Fire-raising, &c., I. * 242; Ro., abiding from Raid of the Isles, III. 227.
- Hertsyde, Margt., (Mrs, afterwards Lady, Buchanan,) remarkable Trial for Abstracting pearls and jewels from QUEEN ANNE (of Denmark,) her mistress, II. 544; declared 'Infamous,' and doomed to pay 4800*l.*, and to be Banished to Orkney for life, Aug. 10, 1608, 556; recalled by the KING, by special Warrant, Nov. 15, 1619, 557.
- Hervie, Alex., Slaughter, III. 444;—of Elrig, Ja., 478; And., his brother, *ib.*
- Heryng, Symone, hanged, I. * 401; John, his son, hanged, *ib.*; both of them put to the torture, *ib.*, *note*.
- Hett-fever, what, III. 260.
- Highlands, Procl. for invasion of, I. 303, 355.
- High-school of Edr., Riot at, when a Bailie was shot by Wm. Sinclair, one of the boys, I. 195, *note*, 349, 362. See Sinclair of May.
- Hill, Tho., and others of the King's Guard, sit on an Assise, II. 559.
- Hirdmanstoune, burning of, I. * 27.

- Hodge, Ro., Murder, III. 488.
- Hog, a year old sheep, III. 56, 396, &c., *passim*.
- Hogingis, (armour,) I. 317.
- HOLYROODHOUSE, LORD, Jo., (Bothwell,) II. 261, 273, 496, 505, 506; III. 9;—Keeper of, I. * 314; Park of, enlarged, * 321;—Slaughter committed within the Sanctuary, or Girth, I. * 258; Organs for the Chapel, * 321; David Riccio Murdered, * 478; Shooting within, punished by banishment for life, 187; King invaded, 272, 357; E. of Bothwell tried, 293; forfeited, 297; King's Master Stabler slain, 357; II. 505; Gypsies dance before K. JAMES V. there, III. 592;—Abbot of, Robert Cairncross, I. * 185, I. 254.
- Holywood, Robert, Abbot of, Lord High Treasurer, I. * 287, *note*, * 288.
- Homage done to the Devil by Witches, I. 210, 217, 239; III. 609, *et seq.* See Witchcraft, *passim*.
- Home, Alex., beheaded, Treason, I. * 201;—of Aytounne, Geo., I. 11, 136; Pat., II. 10, 379, 381; Wm., III. 116; Ro., his son, remitted, *ib.*; Jo., yr., 414;—of Argaties, Pat., I. 119; Dav., 136, 369;—Black John, 140;—of Blackadder, found caution for 20,000*li.*, I. * 230; remitted, * 247; expelling him, * 272, * 413;—of Bassendyne, Geo., and And. his brother, wounded, &c., III. 69; wounded again, 252;—of Barro, Cristell, I. * 405;—of Broxmouth, Geo., I. * 413, 154; II. 379; Sir Geo., 402;—of Ballicass, Wm., Slaughter, II. 336;—of Balandyne, Wm., II. 336;—of Coldaneknowis, Jo., I. * 180, * 182, * 184, * 190, * 199, * 229, * 360, * 393; Sir John, * 405, * 432, * 468, * 487; Ja., yr., 11; Jo., yr., 244; Wm., II. 12; Sir Jo., married Beatrix Ruthven, 297, *note*;—Castle of, recovering, I. * 237; supplying English in, * 360;—of Carrolside, Jo., I. * 432, 2; Ro., II. 442;—of Cranstane, Jo., I. 37;—of Crammiecruiik, Geo., 205;—Cuthb., hanged for uttering base money, II. 353;—of Deans, Alex., I. 155; Geo., II. 502;—Elizabeth, Tocher to, I. * 317;—EARL OF, II. 494; Alex., Remission to, III. 116, 318;—Gilb., Wm., and Tho., Hamesucken, &c., I. * 180;—of Godscroft, Mr Ja., II. 442;—of Hardeismylne, Wm., Forcible Abduction, &c., (a remarkable case,) III. 402, 539;—of Hntounhall, Alex., I. * 487, 48; Sir Jo., Remission to, III. 116; Mr Sam., his brother, also remitted, *ib.*; Sir Jo., 377;—of that Ilk, Alex., Great Chamberlain, I. * 2;—of the Hauch, Ro., I. 107, 270; II. 368, 474; his son tried for Slaughter of Lord Spynie, 529;—of Jobnnescleuche, Gawin, II. 502;—LORD, (EARL OF,) Geo., I. * 143, * 166; Feud with Laird of Edmonstoun, * 180; Spuilzie, &c., * 208; Remissions for assisting him, * 233, * 243; Summoned, * 310; Alex., beheaded, I. * 233; his head taken down from Tolbooth of Edr., * 242; his forfeiture, * 259, * 261, * 262; Assise to, * 286, * 351; Alex., * 393, * 398, * 432, 308; II. 394; III. 396;—Marg., Prioress of North Berwick, I. * 347;—of Manderstonne, Alex., I. * 442, * 487, 5; Slaughter of Lord Methven, &c., 30, 102; II. 13; Sir Geo., III. 493, 414;—MASTER OF, I. * 15;—of Ninewells, And., escheated for Wilful Error, I. * 253, * 432;—of North Berwick, Alex., I. 289, 304; II. 81; Sir Jo., 502; III. 403, 414;—of Prendergaist, Wm., I. * 365; his five sons invaded, &c., *ib.*, 269;—of Polwart, Alex., I. * 146, 159; Pat., 205; II. 402; Sir Pat., 572;—of Rentounne, Alex., II. 582;—of Redheuche, Rob., I. * 413; Cuthb., his son, hanged for vending base coin, II. 353;—of Rowiestounne, Da., II. 403;—of Spott, Geo., I. * 43, * 140, * 272, * 413; tried for Darnley's Murder, 101; acquitted, 107, 149; slain, II. 98; Sir Geo., 218;—of St Leonardis, Wm., III. 116; three of his sons remitted, *ib.*;—of Slegden, Jo., III. 416;—of Swanscheill, Mr Jo., III. 529;—of Wedderburn, Geo., I. * 15, * 195; treasonably assisting, * 237, * 239, * 265, * 267, 154, 205, 289; Da., his brother, II. 397; Da., yr., III. 414;—(Tutor of,) Alex., I. * 140;—Mr Wm. beheaded, I. * 233, *note*; taking down his head from Edr. tolbooth, * 243; his gold and jewels escheated, * 307.
- Homicide set at liberty, I. * 442; Magistrates of Edr. tried for so doing, * *ib.* to * 450; Culpable—see Slaughter.
- Hood, Robin, I. * 117, * 275; his banner,

- dresses, &c., *ib.*; the King's, *ib.*; Insurrection in Edr., * 409; in the Mearns, &c., 15.
- Hope, David, hanged, Treason, I. * 142.
- Hopkins, Math., Witch-finder, III. 598.
- Hopper of Bairhoussis, Ja., III. 460.
- Hoppringle of Blyndley, Rob., I. * 230; Assisting the English, * 338; Geo., II. 83;—of Buckholm, Jo., I. 265;—the Clan of, * 71;—of Craigleithe, Alex., * 374, * 433, * 434;—of Heriote-mylne, Ja., III. 452;—of that Ilk, Geo., I. * 433; Ja., 265; Tho., III. 393;—of Muirhouse, Jo., I. * 432;—of Newhall, Alex., * 433;—of Torwoodlee, Dav., * 24; George, * 230; Assisting the English, * 337, 265; Murdered, II. 520; Place of, spoiled, *ib.*; Geo., *ib.*;—of Trynlieknewis, Alex., I. * 374, * 414; John, yr., * 433; Alex., * 434;—of Tynnes, James, * 166, * 339;—of Smallerraig, Jo., * 230;—of Whitebank, Ja., 84, 265, 349; II. 376, 403;—of Woodhouse, Ja., I. 89, 107.
- Horn, being at the, Laird of Kilpatrick slain, while I. * 77; Discussion by Lords of Privy Council, and Act anent Reset of Rebels, &c., I. * 78, * 80. See Rebel, Treason, &c.
- Horne-Hunter, Laird of, I. * 38.
- Horns, 'blawin,' I. * 270; for PRINCE JAMES, * 307.
- Horse and armour, Stouthrief of, II. 453.
- Horse and hattok! a Witch-ery, III. 604; and *note*, 608, &c.
- Horse-racing, I. * 121; III. 447.
- Horses, King's, I. * 301. See Stud.
- Horse-stealing, I. * 22, * 23, * 41, 96. See Stouthrie f.&c.; wild horses and mares, * 247; Paul Andesoune hanged, * 400; Wm. Cadendhead hanged, I. * 411; Lyell Hall hanged, * 432; Moffat hanged, 386; Moffat and Adiesoune hanged, II. 357, 359; Davidson of Callelie hanged, 441; Beirop of that Ilk, 515; Alex. and Ja. hanged, III. 241; Peter Davidson and two others hanged, 265.
- Horseburghe of that Ilk, Alex., I. * 133, * 424;—of Harkes, Alex., II. 128, 355;—Tho., hanged, and afterwards decapitated, and his right hand struck off, &c., for Murder and Robbery, II. 422.
- Horslie, John, Englishman, I. * 273.
- Houghing of Horses, I. * 103;—of Cattle, * 431, * 433; Rose of Kilravok, II. 67;—of Oxen, &c., Jo. Johnstoun of Lochhouse, beheaded, 425; III. 251; three men hanged, *ib.*
- Hounds sent to France, I. * 277; expense of the King's, I. * 282; K. JAMES VI. offers a horse, worth L.100, for recovery of two strayed, II. 242; proclamations against their detainers, *ib.*
- House-breaking, during Plague in Perth, I. * 219; house of Bonyntoune broken, II. 340; young Laird hanged, 347; Alex. Daw hanged, *ib.*; Lord Chancellor's house broken, 352; Wm. Creichtoune hanged for do., 353; Moffat and Adieson hanged, 357; And. Reid, 411; And. Rutherford banished, III. 540.
- Household, Master of KING'S, I. * 244; Members of, * 312, * 313; PRINCE'S, * 314; Expenses of, * 317, * 323; his Jurisdiction, II. 91.
- Houstoune of that Ilk, (Laird of,) I. * 82; Jo., * 150, * 167; * 350; Pat., 382; Umbesetting the gait, * 450, 19; Rob., his brother, Slaughter, 69; Pat., 141; Sir Pat., Slaughter by, 182; Feud with Master of Eglington, 352; with young Laird of Glengarnock, 354, 378; Sir Jo., II. 572;—of Lany, Jo., II. 343.
- Howard, Lord Hen., II. 319, 409.
- Howiesoune, Mr Jo., Forging an Act of Parliament, &c., II. 14.
- Howp, (hope,) what, II. 519.
- Howpaslot, Tower of, Stouthrief from, I. * 23; burnt, * 172; Laird of, destroying Woods, &c., I. * 71; barbarous maiming and slaughter of threescore of sheep there, III. 381, &c. See Scott.
- Howlattis and Stymeis, III. 588.
- Huchesone, Sir David, Provost of Rosling, Heresy, I. * 255.
- Hudeskull, I. * 288.
- Hume. See Home.
- Hunter of Ballagane, Dunc., Intercommuning with, I. * 369; III. 248, 475, 500;—of Hagburne, Ja., Stouthrief, &c., II. 567;—of Halkburn, T., I. * 432;—of Hill-Tarvet, Pat. III. 452;—Hunter of Hunterstoun, Ro., I. 71;—

- HUNSDON, LORD, I. * 510.
- HUNTLE, EARL OF, Alex., Justiciar, I. * 60, * 62, * 78, * 107; Battle of Corrichie, * 183; Geo., * 163, * 175; challenges the Master of Forbes, judicially, * 185; Jo., gift of the Master of Forbes's, &c., escheat, * 249, * 300, * 302, * 384, * 462, *note*; * 469, * 494, * 503, * 512; Intercommuning with, 33, 75; High Treason, &c., 171; pardoned, 181; Raid against him deserted, 267; denounced, 283; Offers presented by him, 301; to abide trial, 303, 306; Trial for Conspiring against the Religion, 310; Summons of Treason, 314; doom, 316; Tract as to 'the Spanish Blanks,' 317; Slays the Earl of Murray, 358; Trial ordered, 363; warrant from Privy Council to prosecute, *ib.*, &c.;—MARQUIS OF, Geo., III. 24, 79, 409, 419; Warrant from Privy Council to prosecute the 'Societie of the Boyes' with fire and sword, 581.
- Hunting, barbarous torture and savage Murder of a Gentleman, &c., III. 547;—King's Master of, I. * 240; corn destroyed, * 272;—in Megotland, I. * 272, * 285; in Glenarkney, * 278; in Athole, * 279; in Glenfinlas, * 295; the Hunts, * 311, * 323.
- Hurcheone, a hedgehog, I. 253.
- Hurting Crownar of Renfrew, I. * 106;—and wounding, I. * 200; breaking a boy's backbone, III. 477; Jo. Murray hanged, 479, 491, &c. See Wounding.
- Hussie, what, III. 525.
- Huttone, Ro., slain with an 'Otter-stalff, with an tua-granet fork of irne at the end thairof,' III. 499; Hen. Baird beheaded, 500.
- Hyde-the-bastard, III. 385.

I.

- IDIOT, curator to, I. * 254; Theft^e by one, * 415.
- Idolatry, I. 30. See Mass, &c.
- Ilay, Governor and Sheriff of, I. * 258;—Herald, * 272; III. 81; interesting form of Execution of Summons against E. of Orkney, 86;—Island of, burnt and harried, I. 229.
- Images of Our Lady and St John, I. * 320; hanging Image of St Francis, * 286; breaking Image of St Magdalene, * 335; casting down, in Kirk of Air, *ib.*
- Importation of Artillery, &c. I. * 307.
- Importing and uttering forged money, I. * 137;—Alex. Thomson hanged and forfeited, II. 404. See Forgery, Uttering, &c.
- Impotency, Decree of Divoree on the ground of, I. * 460.
- Imprecation, awful, of K. JA. VI. as to Sir Tho. Overbury's murder, II. 600, *note*.
- Imprisoning, I. * 159, * 165, * 171, * 381; II. 43; III. 212.
- Imp-Tree, or Fairie's Trysting-place, I. 52, 58.
- Incantation, I. 51, 70, 101, 161, 209, 230, &c. See Witchcraft, Sorcery, &c.
- Incarceration, I. * 165. See Imprisoning, &c.
- Incest, I. 459; and Adultery, Ja. Bonar burnt, 22; Marioune Reid, 41; Gilb. Young, 42; Eliz. Prestoun, 83; Marg. Scott, 84; Dame Grizell Scott, *ib.*; Da. Dundas with Countess of Eglinton, 100; Gothray M'Culloch of Ardwell, 134; Sir Ja. Hamilton, 167; Ja. Stewart 'wirreit' and 'brunt,' III. 248; Jo. Ramsay of Pryour-Lethame, 257; Jaffray Irwing of Robgill beheaded, 576.
- Incheaffray, Commendator of, &c., I. * 387; Ja., 267; II. 159; present at Gowrie's Conspiracy in KING's suite, 172; his Deposition, 180.
- Inchegarvy, House of, keeping, I. * 281.
- Indictment. See Dittay.
- Infamous and Perjured, &c., Assise declared, I. * 73, * 203; forger, * 375, * 387; Notary, * 402; Margt. Hertsyde declared, for abstracting QUEEN's jewels, II. 556; recalled, 557.
- Inglis of Eistscheill, Tho., III. 268;—of Inglis-tarvet, Alex., I. 60;—of Kilmany, Jo., * 160; Alex., yr., *ib.*;—of Langlandhill, Wm., False money, &c., * 76, * 81; Jo., * 226;—of Murdestoune, Tho., 35;—of Scheill, Wm., * 457;—Wm. hanged for Treason, * 142;—of Wintermure, Mungo, * 226.

- Ingyret, what, III. 209.
- Innerleithen, Stealing out of Kirk of, I. * 25.
- Innermessane, Burning of, I. * 124.
- INNERMEITHE, Richard, LORD, * 136; John, * 346, * 417; Ja., 91, 114; Jo., III. 22.
- Innerwick, Laird of, I. * 413. See Hamilton.
- Innes, And., alias *Cow the jegat*, I. * 376; alias *the Scolar*, *ib.*; Mr Alex., 382; Ro., notary, hanged for falsifying a Charter, II. 104;—of Auchluncarye, Ja., I. * 411;—of Balvany, Ro., III. 436;—of Caibo, Alex., I. * 391;—of Crombye, Alex., * 465, 68;—of Coitis, Ro., 382;—of Dranye (Drymye,) Ja., * 376, * 391;—of that Ilk, Alex., yr., * 169; Wm. oppressed, * 376; Sacrilege, &c., *ib.*, * 391;—of Innermarkie, Ro., * 391; Oppression, taking ransom, &c., * 411; invades Comendator of Ardhattan, * 465, 284; beheaded for Murder of E. of Murray, 362;—of Knokcorth, Jo., III. 225;—of Lewcharis, Ja., I. * 376; Jo., 201;—of Monbenys, Ja., 376;—of Rothnakenzie, Ro., * 169;—of Touchis, Walt., * 186.
- Inobedience, Lord of, I. * 409. See Abbot of Unreason, Robin Hood, &c.
- Interlining Signet Letters, I. * 346.
- Intercommuning with Duke of Albany, I. * 16, * 17, * 18; with Thieves of Leven, * 17; Sheriff of Ayr, * 137, &c.; Rebels of Carrick, Bute, and Arran, * 140, &c.; Englishmen, * 332; at Broughty-craig, * 344, * 345; with Laird of Caldwell, * 357; rebels, * 358; Laird of Ballagane, * 369; English, * 406; D. of Chattellarault, &c., against the QUEEN, * 466; with E. of Mar, 136, &c.; Countess of Errol for resetting with E. Bothwell, 366; with the Clan Gregor, II. 414; with Lord Maxwell, III. 91; two persons hanged for, 223, &c. See under parties' names.
- Interpreters allowed to Highlanders, earliest recorded instance, III. 246.
- Insight plenishing, II. 70, 443.
- Insulis, Jo. de, III. 2, &c. See Isles.
- Inscheoch, remarkable Witch-Confessions there, III. 616, *et seq.*
- Insurrection against the King, Dunkeld, I. * 106; in Burgh of Air, * 204.
- Instrument, using a forged, I. * 222; falsing and forging, 45.
- Intoxication, (using potions, drugs, poison, &c.,) I. * 158, * 369, * 419.
- Invading, &c., for Slaughter, I. * 356.
- Invasion of a Sheriff in his fenced Court, I. * 136;—Judicial Arbitration for, * 167, * 172, * 181, * 201, * 238;—of Master of Sempill, * 343;—in a fenced Court, * 456;—of a Minister, &c., II. 416;—Walter Grahame scourged, and his right hand struck off, 417; and taken captive, III. 212;—by the English, I. * 269.
- Inveraray, K. JAMES V. at, I. * 278, * 279.
- Inveresk, battle of, I. 51.
- Ireland, Rebels in, I. * 348.
- Iron-house or 'Cage' for felons, III. 293, &c.
- Irons, punishment of hanging in, I. * 137, * 358; Armstrong, II. 364; Stanfield, III. 198.
- Irving of Ardtanfund, Jo., II. 532; his servant slain by 'the Societe of the Boyis,' *ib.*;—of Benschaw, Edw., * 431; Geo., III. 576; Agnes Cairletoun, his wife, commits Incest, *ib.*;—of Drum, Alex., I. 206, 284;—of Kynnok, Jo., II. 99;—of Lenturk, Alex., yr., III. 230;—of Moncoffer, Ro., Hamesucken, &c., II. 494; acquitted, *ib.*;—of Robgill, Dav., I. * 431; Jaffray beheaded for Incest with his brother the Laird of Benschaw's wife, III. 576;—of Saba, (Cava,) Wm., III. 82; his son Wm. slain, 278;—of Wysbie, Gilb., III. 241; Alex., his son, and Wm., his nephew, hanged for horse and sheep stealing, Perjury, &c. *ib.*
- Isla (Yla) Herald, taken prisoner in Orkney, his coat of arms torn, &c., III. 278, 283, 317, &c.
- Island-Lochbroom, Castle of, I. * 305.
- Island-Vernak, in Loch-Katrine, detained against King's Commissioner, III. 235.
- Isles, Angus of the, I. * 46;—Arch., alias *the Clerk*, * 256;—BISHOP OF, Geo., (John,) * 79, * 105; Alex., * 387; and RAPHO; And., III. 14, 109, 366;—Donald of the, I. * 45, * 231, * 234, * 254; besieges Makkanne, * 262; sustentation of, in Castle of Edr., * 270;—Expedition to, by K. JAMES IV., * 120, * 266; Cannons which passed there, * 272, * 275; silver plate for the King's use, * 302; new Expedition, * 303;

fitting up Ships, &c., *ib.*; victualling, &c., *ib.*; Letters from Queen, * 304; hostages sent to Dunbar, Tamtallon, and the Bass, * 305; Sasine taken of MacKany's lands, * 307; Ships to carry Islesmen to the Borders, for defence of the kingdom, * 324; Proclamation for an expedition against the Islesmen

and Highlanders, 355;—Halks brought from, * 294;—Sir John of, * 116;—KINGS OF THE, III. 1;—LORD OF, Jo., I. * 46; III. 2;—Raid of, 118, 202, 225. Italian Minstrels, I. * 123, &c. See Minstrels. Italy, Embassy to, I. * 273.

J.

JACK (piece of armour) covered with velvet, I. * 312.

Jackis, Robert the, an Evil Spirit, III. 606, 614, &c.

Jak, Rich., beheaded for Slaughter, I. * 27; Tho., II. 384;—*alias* Scott, Jo., burnt for Bestiality, 491.

Jakkis that plays vpoun the Veolis, I. * 316.

JAMES III., KING, I. * * 6; masses for his soul at Cambuskenneth, * 295; Chaplain 'fingand for his fawle,' * 315.

JAMES IV., KING, I. * 1 to * 124, *passim*; his Coronation, * 114; Selections from his private and public Expenditure, from * 114 to * 124; married, * 117; his sports, see App., *passim*; skilled in surgery, &c., * 124; his Funeral Obsequies, * 259; Letter from KING OF DENMARK, as to the Earl of Little Egypt, III. 592. See Q. MARGARET.

JAMES V., KING, I. * 125 to 325, *passim*; Stouthreif of his Mangonels and Artillery coming from Stirling Castle, * 132; Crown and Jewels stolen, * 133; Raid against Border Thieves, &c., * 152; attempt to take him and Duke of Ross out of Stirling Castle, * 233, * 239; Palace of Linlithgow held against him, &c., * 255; Selections from his Treasurer's Accounts, * 259; Keepers during his infancy, *ib.*, * 261; Rockers and nurses, * 263; Invested with the Collar of 'Cokkilzeis,' * 265; sent to Craigmillar Castle, * 266; supposed attempt to carry him to England, * 267; silver plate stolen from, * 271; spends Pasche at Stirling, * 274; Masses said for his soul's health, * 278; his 'Almous,' or charities, * 278; at Inveraray, *ib.*, * 279;

solemnly ratifies peace with England, * 283; shoots with English Archers, *ib.*; invested with Order of the Garter, *ib.*, * 289; Golden Fleece, *ib.*; and St Michael, *ib.*; sends Hawks to K. of ENGLAND, * 284, * 285; returns from Argyle, * 284; his study, *ib.*; Englishman employed to make Viols to him, * 285, * 286; Prayers offered up for his prosperous return from France, * 286; Barons, &c., warned to attend King's reception, *ib.*; entry with QUEEN MAGDALENE into Edr., * 287; the Queen's Coronation, death, &c., *ib.*; at Tantallon, * 290; married to Q. MARY OF GUISE, * 292; costly dresses on that occasion, *ib.*; * 293, &c.; public entry, *ib.*; hunting of Glenfinlas, * 295; sends falcons to France, *ib.*; his natural sons and daughters. See Lord James, Lady Jane, &c.; his 'jurnall' * 297; his great Matin-book, *ib.*; his writing books, *ib.*; gifts to 'Gentill-wemene,' *ib.*; his 'pettis' at Falkland, * 299; Plays and festivities at Uphalyday, *ib.*; his QUEEN Crowned, *ib.*; both get new Crowns, *ib.*; his Robe-Royall, kirtle, and hood, * 300; Golden Rosary, * 301; birth and Baptism of PRINCE JAMES, * 302; dress for Sea expeditions, *ib.*; New expedition to the Isles, * 303, * 309; Letter from the Queen, * 304, 'baver' (beaver hat) to him, * 305; 'skin-coat,' (buff jerkin,) *ib.*; visits Orkney, *ib.*; his Privy purse, * 305; at Glamis, * 306; Embassy to THE EMPEROR, *ib.*; Expedition to the Borders, with the Barons of Lothian, &c., * 307; goldsmith work and jewels delivered to him, in Holyroodhouse, *ib.*; at Crawfordjohm, * 310; demands Abbacies of

Coldinghame and Melrose for his natural sons from THE POPE, * 311; Royal Household, * 312; death of QUEEN DOWAGER, * 318; his Dule dresses, *ib.*; goes to the Borders, * 319; sends to Norway for Hawks, * 322; sends horses to the K. OF FRANCE, *ib.*; REGALIA, Crowns for him and his Queen, *ib.*; in Peebles, * 323; drugs to him and Mrs Margaret, *ib.*; Gypsies dance before him, at Holyrood, III. 592; Letter by King, in favour of Johnne Faw, *ib.* See Prince Arthur and Prince James.

JAMES VI., KING, born in Edr. Castle, I. * 479; his Baptism, *ib.*; 'Histories' of, * 490; Raid of Ruthven, &c., 111 to 139, &c. See Treason; his life conspired against by Witches, 209; the interest taken by him in examining Witches, 213, 216, 218; he and his Queen assailed by Witches, on their passage from Denmark, 211, 218, 222, 236; Earl Bothwell uses Witchcraft to take his life, 240, 245; also used by Ewfame MacalJane of Cliftonhall, 247, &c.; invaded by Earl of Bothwell, &c. in Holyroodhouse, 272; Oration by him in St Giles's Kirk, 357; assailed at Falkland, 275, 276; Presides in person in the Court of Justice, 247, 270, 294; II. 161, &c.; Bothwell tried for Raids of Falkland and Holyrood, 294; forfeited, 297; Taxation of L.100,000, previous to the birth of PRINCE HENRY, 306; Baptism of the Prince, at Stirling, 338; preparations for reception of Ambassadors, &c., 339; an Englishman hanged, for slandering him, 385; examines a Witch at Linlithgow, 400; is Besieged in the Tolbooth of Edr., 29; Edw. Johnnestoun fined 3500 merks, 34; vacillation of the King in granting and recalling Precepts, &c., 88, &c.; Gowrie's Conspiracy, 146, &c. *q. v.*; Appendix of Documents illustrative of, 171 to 332, &c.; is present in Parl. at forfeiture of the E. of Gowrie's brother, &c., 161; offers a horse, worth L.100, for two strayed hounds, 242; Proclamations against the detainers, *ib.*; is made a burgess of Perth, and signs Guild-Book, 247; Embassy from Q. ELIZ., congratulating him on his escape from Gowrie's Consp., 313, 315;

circulars written to the Clergy, 317; Letter from Jo., E. of Gowrie to him, 330; F. Tennent hanged for writing Pasquils, 332; fines Kincaid of Craighouse 2500 merks, and 'his broune horse!' 339; King's relentless cruelty in the case of Cornwall, for trivial offences against the Kingly dignity and office, 349, &c. See also under Dicksoun, Tennent, Ross, Narne, &c., for similar instances; gibbet ordered to be taken down and burnt on which Cornwall had *attempted* to show King's portrait! 351; singular Letter from him, as to punishment of a Mass-Priest, 530; Proceedings against Lord Balmerinoch, for treasonable correspondence with THE POPE, 568; Q. ELIZ. expostulates with him, 571; Gunpowder Plot, 572; his Letter to the Lord Advocate, 577; listens behind the tapestry to hear his Courtiers praise him, (they being aware of his presence,) 590, 592, 593; his awful imprecation as to Sir Thomas Overbury's Murder, 600, *note*; Tuedie scourged and banished for 'vnreverent' speeches as to the King, III. 220; Jo. Ogilvy, Jesuite, declines King's authority, 330; is kept from sleep *ad delirium!* 332; hanged and quartered, *ib.*; Relation of the arbitrary proceedings against him, *ib.*, &c.; his conduct on the scaffold, 350; Jo. Flemyng hanged, for uttering speeches against the King, 359; proceedings against Mr Thomas Roise for writing a Pasquil against the Scots nation, 445; his right hand struck off, and then beheaded, &c., 454; illustrative Papers, 582; at an expense of L.600 he gets Stercovius, a Pole, put to death, *in Poland*, for writing 'a Legend of reproaches' against the Scots! 448. See also Trials *passim*.

JAMES, PRINCE and Steward of Scotland, (DUKE OF ROTHESAY, eldest son of KING JAS. V.,) his birth, I. * 302; baptism, *ib.*; his state Cradle, *ib.* and * 303; his Arms, *ib.*; silver work, * 303; reward to messenger who brought 'tithingis' of his birth to the King, *ib.*; messengers sent to K. OF FRANCE, * 305; his nurse, * 306; silver Plate, Chapel 'geir,' &c., * 306; bear-tooth for, * 307; horn for, *ib.*; his death, * 309; 'dule-weidis' (mourn-

- ing) for, * 310 ; his household establishment, * 314. See Prince Arthur and Albany.
- JAMES, LORD, Commendator of Kelso, (natural son of K. JA. V.,) I. * 277, * 295, * 296, * 305 ;—Commendator of St Andrews, (natural son of K. JA. V.,) * 295, * 297.
- JANE, LADY, (natural daughter of K. JA. V.,) I. * 297, * 300, * 314 ; Dule dress to, * 320 ; Bessy M^ccaw, her nurse, * 325.
- Jane, the French Dwarf, I. * 296.
- Jamesoun, Wm., (*Wantoun Will*,) beheaded, I. * 219.
- Jardine of Apilgirth, John, I. * 393, * 398, * 442 ; Alex. burns Place of Littlegill, 108 ; warded in Edr. Castle, *ib.* ; breaks ward, 135 ; Alexr., yr., Slaughter and Fire-raising, 184, 304 ; Sir Alex., III. 57 ;—of Birnok, Tho., II. 465 ; Burning Littlegill, Rape, Adultery, &c., 491 ; III. 54 ; beheaded, 58 ;—Da., Alex., &c., Slaughter, &c., II. 484 ;—of Dyke, Jo. I. * 142.
- Jasp-stane, ' for stemming of bluid,' III. 564.
- Javelins, I. * 289.
- Javellour, what, III. 483.
- Jedburgh, Abbot of, John, I. * 334 ; Commendator of, * 451 ; And., * 483, * 486 ;—Army of, Conspiring its destruction, * 183 ;—Justice-aire of, * 16 ; Expenses of, * 22, * 27 ; Proclamation, * 64, * 67, * 115, * 309, * 318 ;—Kirk of, Plundering, * 37 ;—Raid of, * 256, * 421, * 422 ;—Rioting in the town of, between the Kerrs and the Turnbells, II. 370.
- Jedwart-stavis, order to put down, and ' for vsing of speris, axis, halbertis, bowis, and culueringis,' I. * 262, * 289, * 295, * 320 ; ordered to be kept in ' buithis,' in Edinburgh, * 362, * 403. See other weapons under their names.
- Jerveswood, Laird of, I. * 82. See Livingstoun.
- Jester, King's. (See Fool ;) I. * 124, &c.
- Jesuites, College, at Gratz, III. 336 ;—trafficking with, I. 172 ; proclamation against, 281, 336 ; Commission of fire and sword against, 337 ; Jo. Ogilvie tried, III. 330 ; hanged and quartered, 332 ; relations of the proceedings against him, *ib.*, &c. ; his conduct on the scaffold, 350 ; his Deposition, &c., 352 ; Resetting, 371 ; three persons banished, 376 ; Sir Ja. Clelland, &c., *ib.* ; Resetting two persons banished, 541.
- Jesus, embroidered with crown of thorns, &c., I. 308. See the Appendices to the early reigns for relics, Church ornaments, &c.
- Jewels, KING'S, diamonds, &c., retained for payment of 5900 merks due to a goldsmith, I. 344 ; QUEEN'S Pearls and jewels abstracted, II. 544 ; stolen from E. Marischall, III. 562 ; one of them 6000 merks value, 563 ; another, 5000 merks, *ib.* ; a curious enumeration of other valuable jewels, 564.
- JOHN, LORD, natural son of KING JAMES V., I. * 308.
- Johnnestoun of Auchinsbork, Geo., I. * 86 ;—of Auchrynnie, Jo., Murder, shooting, &c., II. 493 ; acquitted, *ib.* ;—of Beirholme, Tho., III. 489, 493 ;—of Brakinsyde, Ja., I. 48 ; III. 501 ;—of Brwme, Ro., II. 465 ;—of Briggis, Ja., III. 35 ;—of Caskieben, Geo., I. 284 ; III. 488 ; Jo., his servant, Murdered, *ib.* ;—of Cleuch-heidis, Da., 439 ;—of Creychtmond, Geo. I. * 454 ;—of Cottis, Ro. * 397, * 398, * 442 ;—Craigburne, Jo. * 442 ; Ro., 11 ; Tho., 34, 48 ;—of Corry, Adam, * 229, * 230 ;—Christian, forcibly carried off, 362 ; Ed., acquitted of Mutilation, &c., II. 461 ; Ja., slain, III. 432 ;—of Currielaw, Wm., 436 ;—of Dunsbellie, (*viz.* of that Ilk, *q. v.*) Sir Ja. denounced for breaking Ward from Castle of Edr., I. 297, 305 ; slays Lord Maxwell, *ib.*, 346, 362, 452 ; liability as to General Band, 521 ; is slain by Jo., L. Maxwell, III. 36 ;—of Erschag, Ja., 489 ;—of Elphingstone, And., I. * 330, * 336, * 442 ; Pat., yr., 148 ; Ja., 255 ; Pat., II. 343 ;—of Eschescheillis, Wm., I. * 165 ; Wilkin, III. 35 ; slain, 49 ;—Edw., hanged, I. * 87 ; Edw., Treason, Besieging King, &c., in Edr. Tolbooth, fined 3500 merks, II. 29 ; Ja. ' wirreit,' (strangled,) for Forging coin, &c., 353 ; Jo., Wearing Pistols, &c., III. 76 ;—of Fingland, Tho., yr., 438 ; Slaughter at his funeral, *ib.*, 439 ; Tho., *ib.* ;—of Foulraw, Jok, 439 ;—Geillis, Witch, Act of Privy Council, 600 ;—of Gratno, Tho., I. * 85 ;—of Hayhillis, Wm., 431 ;—of Haisliebray, Ja., 355 ; his sons slay the Parson of

- Lochmaben, *ib.*; III. 35;—of Howgill, slain, 50;—of that ilk, (Laird of,) Adam, I. * 41; Jo., his Offers, * 148; found caution of 10,000 merks, * 229, * 274; Hereschip of his cattle by the English, &c., * 348, * 387, * 469, 48; Sir Ja., Slaughter, &c., 184; King's declaration as to his pledges, 346; slays Lord Maxwell, 360; II. 461, 509, 596; III. 29; his picture hanged with the head downwards at the Cross of Edr., 31; shot dead by Lord Maxwell, at a conference, *ib.*, 36; with *two* POISONED bullets, 37;—Tutor of Johnnestoun, Jo., 75;—Jok the Galgeart, I. * 397; Jo., bailie of Water of Leith, III. 9; Gilbert, hanged for Cattle-stealing, &c., 270;—John, (Commendator of Saul-seat,) Fire-raising, &c., I. 12;—of Kynnelheid, Wm., slain, III. 489;—of Kirkhill, Wille, I. * 398;—of Kellobank, Ja., * 402; Wm., 48; Slaughter of Laird of Kynnelheid, III. 489; Wm., yr., and Ja., his sons, *ib.*;—of Kirktoun, Ja., slain, 432, 435; And., 439; his son Jo. slain at a Funeral, *ib.*;—of Lochhouse, Jo., Slaughter, Houghing Oxen, &c., beheaded, II. 425; Ja., III. 500;—of Lockerbie, (Turmour,) Wm., 37; his Deposition as to the Laird of Johnstone's Slaughter, 46, 271; Slaughter, &c., 432; Arch., his brother, *ib.*; Wm., Slaughter, 436; Fra., his brother, slain at the young Laird of Fingland's funeral, 438, 439; Wm., 539;—of Mossope, Ro., 489;—of Myreheid, Fra., 439;—of Mostoune, Pat., slain by Lord Glamis, &c., II. 386;—of Newtoun, Ro., I. 13;—of Newbie, Ro., II. 465, 466; Tower of, besieged by widow of Jo., yr., &c., 465; Jo., sen., *ib.*;—of Powdene, Simon, remitted, I. * 244; Tho., 48; Ninian, III. 439;—of Perisbehill, Gav., I. * 431;—Parson of Tunnergarth, Jo., slain, II. 441;—Provost of Annan, Edw., III. 431; of the Quavis, Jo., bringing in Englishmen, Stouthreif, &c., I. * 393;—of Racleuch, Jo., (Tutor of Johnstoune,) III. 75; Ro., 433;—of Ryhill, Edw., 375;—of Tunnergathe, Jo., Slaughter of Laird of Lockerbie's brother at a Funeral, 438; Blench Bell, his wife, *ib.*; Jo., Wm., Fra., and Ja., his sons, *ib.*; And., his son, is slain at the same Funeral, 439;—of Thornik, Capt. Ja., Slaughter of Laird of Wamphray's brother, 501;—of Wamphray, Jo., I. * 86; Ro., III. 271; Sir Ja., 392; Wm., alias *the Galliard*, 441, *note*; Ro., 452; Wm., his brother, slain, 501;—of Westraw, Ja., I. * 436; *vmq^{le}* Halbert, *ib.*, 439; Ja., 10; slain, 38; Ja., 184; Ro., his brother, slain, *ib.*; II. 461, 506; Ja., III. 433, 438; Slaughter at a Funeral, 439;—Mr Wm., Minister of Lochmaben, slain, I. 355.
- Jollie, Alesoune, Slaughter by Witchcraft, &c., I. 397; acquitted, 399.
- Jousting, see Tournament, I. * 118, * 323. See Barras. For particulars as to tilting and weapons for the tournament, &c., see the Appendices.
- Jowp-alane, what, II. 156, *note*.
- Judicial Combat. See Combat and Duel.
- Judicium Dei*, appeal to heaven—Ordeals for proof of innocence or guilt of supposed Murderers, III. 184, &c. See Touching, &c.
- 'Junting' dead bodies by Witches, I. 218, 233, 238, 239; II. 477.
- Juratory caution, III. 445.
- Jurisdiction of Bailies, II. 43;—of Bailies and Sheriff of Edr., I. * 129;—Declinature of, 443; II. 4, 81, &c. See Declinature;—King's Chamberlain, 91;—of King and Privy Council, declined, 494; III. 87; Mr And. Creighton sentenced to be *hanged*, 89; banished for life, 90; of Lord High Constable, I. * 351, * 476, 98; II. 91;—of Magistrates of Edr., I. * 129, 98;—in Maritime causes, *ib.*;—Master of King's Household, II. 91;—Sheriff of Peebles, I. * 350.
- Jurnall, the King's, I. * 297.
- Jury. See Assise, Evidence, Wilful Error, Proof, &c.
- Justice, administration of, early Regulations for, I. * 11, * 64, * 389, 162, &c.
- Justice-Clerk, sworn, I. * 126, * 235, * 236, * 254, * 272, * 315, * 328; his jurisdiction declined, * 443; III. 558; and Master of Ceremonies, *ib.* 595; remarkable Letter as to the 'ordour' of this appointment, *ib.* 596.
- Justice Courts, anent, I. * 162.

- Justices-General, Earl of Argyle, I. * 244; Sir Simon Preston, * 477; sits in person, II. 428, 491, &c.
- Justice-airs, Signet made for, I. * 256; Proclamations for regulating, * 64, * 389, &c.
- Justiciary of Atholl, I. 83;—Commission of, III. 558;—Serjeant of, I. * 2;—of the West Marches, * 239.
- Justify, to execute or put to death, legally; II. 550, *et passim*.

K.

- KEAS (rooks), Witches take form of, III. 605, &c.
- Keiller, John, a Dominican Friar, burnt for heresy, I. * 210, * 211, &c.; conveying and supplying him, * 221.
- Keir of Cowclaraquhy, Tho., I. * 454;—Mr Tho., Invading Lord Saltoun, * 476.
- Keith of Auchquhirsik, Alex., II. 539; Wm., his son, beheaded for slaying an Englishman, *ib.*;—of Benholme, Ja., Masterful Theft, &c., III. 563;—of Bodome, Alex., 540; Wm., his son, *ib.*;—of Coklaw, Nath., 540;—of Craig, Ja., 478;—of Drumtochtie, Sir Geo., 483; his brother Mr Alex. slain on the sands of Montrose, *ib.*;—of Harviestoun, Ja., 437, 483;—of Inchegarnok, Pat., I. * 148;—of Innergy, Sir Wm., * 78;—of Littledean, Mark, * 229;—LORD, Wm., III. 243;—of Ludquhairn, Wm., I. 382, 384; his house besieged, 388; the Laird taken prisoner, &c., *ib.*; II. 128; Alex., III. 419; Sir Wm., Scourging, Slaughter, &c., 539;—of Northfield, Arch., I. * 148;—of Seatoun, Wm., III. 478;—of Troop, Jo., Fire-raising, II. 41.
- Kello, Mr Jo., Minister, hanged and burnt, I. 14.
- KELLY, EARL OF, Tho., II. 582, *note*. See Erskine of Gogar.
- Kelman, Alex., and Wm. Gardin, hanged for uttering base money, I. 385.
- Kelso and Melrose, James, Abbot of, (natural son of K. JAMES V.,) I. * 277, * 295;—of Kelsoland, Tho., * 170;—Town of, resetting E. of Bothwell, 291; fined 1700 merks, 292; remarkable 'Band' subscribed there, III. 394.
- Kemp, (Champion,) the King's, I. * 271.
- Kene, Ja., Bailie of Selkirk, III. 457.
- Kent, a great staff or bludgeon, II. 519; III. 481, 488, &c.
- Kent, Ro., Oppression, Hamesucken, &c. I. 60.
- Kennedies, Feud betwixt them and the Crawfords, I. * 150;—Historie of the, III. 125 &c.
- Kennedy of Ardmillane, Tho., II. 10, 106;—of Areich, Hew, III. 477;—of Attiquane, Geo., I. * 86; Geo., yr., slain, *ib.*;—of Brunstoun, Wm., * 427;—of Bogend, * 457;—of Blairquhan, Ja., * 138, * 150, * 182, * 219; Jo., II. 106, 108; III. 119, 140;—of Bardrochat, Jo., I. * 138;—of Barquheny, Hew, 84;—of Balliarrak, Alex., Slaughter of Spens, a servant of the E. of Cassillis, II. 400;—of Barsalloch, Anth., yr., III. 172;—of Balscherroche, Da., 180;—of Bargany, Tho., I. * 42; Alex., * 138, * 167; oppressed in Air, * 204; his officers deforced, * 251, * 336, * 369; Besieges house of Penkill, * 403; Tho., 20, 141; II. 35; Gilb., 106; Laird of, slain, III. 129; Gilb., 170; slain, 172;—of Balmaclennochan, Gilb., I. * 138; Geo., * 369, * 427, * 457;—of Beunane, Jo., * 138, * 403; Hew, II. 106; III. 171;—Blairquhynnequhy, Hew, I. * 427, * 454;—of Culvane, Pat., 20;—Tutor of Cassillis, Tho., 373;—of Corse, Da., Slaughter, II. 480;—of Coiff, (or Culzeane, Tutor of Cassillis,) Sir Tho., slain, III. 177;—of Craigneil, David, Oppression, I. * 55;—of Culzeane, (Tutor of Cassillis,) Jo., slain, * 334; David, 405; Tho., 373; Sir Tho., waylaid by Laird of Auchindrane, II. 35; Tho., yr., 36; Sir Tho., 49, 390; murdered, 565; III. 127, &c. See Muir of Auchindrain; Sir Ja., 120, 127;—of Cove, (Coiff,) Tho., I. * 138, * 405;—of Craigneil, Hew, II. 35;—of Crugiltoun, Ja., III. 477;—of Daljerrok, Pat., yr., I. * 457;—Sir Dav., Capt. of Lochdoun, * 73;—of Dunneyne, Tho., * 138;—of Drumquharne, Alex., 20;—of Drum-

- murquhie, Tho., III. 128, 129, 133; was the principal murderer of Sir Tho. Kennedy of Culzeane, 134; his forfeiture, 140, 166, 173; summons of Treason, 177; forfeited, 180;—Dean Gilbert and Schir James, attempting to restore Popery, I. * 427;—of Dalquharrane, Dunc., * 350, * 457;—of Drumnellane, Pat., * 138; Jo., yr., * 181; Jo., * 453, * 457;—of Dangar, Jo., III. 172;—of Glentig, Alex., I. * 138, * 181;—of Giletree, Jo., * 150;—of Garriehorne, Hew, proposal and attempt to murder, III. 137, 165, 172, 177, 180;—Sir Gavin, oppressed, I. * 55;—of Girvanmains, Hew, respited, * 244, * 457; Sir Hew, * 488, 48; II. 106;—of Glenmuk, Geo., abiding from Raid of Dumfries, 134;—of Garfar, Wm., III. 153;—of Hallaithe, Jo., 439; Wm., yr., *ib.*;—of Kirkmichaell, Gilb., I. * 138; Mr Lambert, II. 106;—of Knokdone, Ja., * 138, * 181; Walt., II. 106;—of Knokroche, Tho., I. * 182;—of Knokdaw, Tho., Mutilation, * 335; Fergus, II. 106;—of Leswalt, Sir David, oppressed, I. * 89, * 95, &c.;—of Lechland, Martin, slain, * 130;—of Monunsion, Gilb., III. 180;—of Maxweltoune, Da., yr., Slaughter, &c. II. 461; III. 170;—Ninian, burnt for Heresy, I. * 215;—of Penquhirrey, (Banquherrie,) II. 10; Hew, III. 172, 173;—Provost of Ayr, Hew, 345;—of Smetoune, Jo., 172;—Tho., ‘Revising,’ I. * 182;—of Turneberry, Wm., III. 172;—of Yet, Alex., I. * 138.
- Keris, Laird of, I. * 457. See Schaw.
- Kerr of Ancrum, Wm., slaughter, I. 36; Wm., yr., 149; Ro., II. 380;—of Bowdene, Jo., 460;—of Bothtowr, Ro., III. 390;—Bailie of Lauder, Raulf, 453, 539;—of Broulandis, And., 569;—of Cesfurd, And., I. * 127; slain, * 133; Walt., * 147; Geo., Tutor of, *ib.*; Sir Walter, * 230; breaking the Band, * 208, * 351, * 378, * 468, * 512; Wm., Warden of the Middle Marches, 293; Sir Ro., yr., 308, 337, 342; II. 11; (see Lord Roxburgh;) Sir Walt., III. 390; remarkable penance enjoined to him for the Slaughter of Sir Walt. Scott of Branxholme, 391; Feud with the Laird of Ormistoun reconciled, 393, 396;—of Caveris, Tho., I. 337; II. 365; assaulted in Jedburgh, 370, 430;—Capt. Tho., I. 344;—of Craling, Tho., (brother to Fairnirst,) II. 370; slain, 445;—of Dolphingtoun, Mark, I. * 29, * 68, * 88, * 127; And., * 208, * 229; Walt., * 468; III. 396;—of Fawdousyde, And., I. * 432, * 451, * 468, 46; III. 390, 396;—of Fentoune, And., II. 466;—of Grenehill, Ja., 519;—of Graden, And., I. * 147; admitted to free ward, * 419; Tutor of, II. 429; Jo., his son, *ib.*; Ro., III. 391;—of Gateshaw, And., I. * 69; Lancelot, * 147; Rich. III. 390;—of Greenhead, And., I. * 166; Gilb., yr., * 201; Gilb., * 230; And., 149;—Mr Geo. to be warded and tried, 280; trafficking with Papists as to ‘the Spanish Blanks,’ 311, &c.; Ro. hanged for Perjury, &c. III. 539;—of Hirsell, Sir Walt., I. * 379; Sir Jo., 282; Adultery, &c., 293; II. 381, 476, 515; Sir And., III. 391;—of the Hoill, Tho., II. 476;—of Kerrisland, Robert, I. * 388, 71;—of Kippeschaw, Mark, III. 390;—of Linton, Ja., I. * 32; Geo., * 139; Ja., * 166; Geo., * 201; III. 390; Wm., 538;—of Lyntellie, Ja., II. 378;—of Littledene, 380, 476;—of Lochtour, Gilb., III. 538;—of Mylnerig, And., II. 506; Mr Jo., his son, strikes a person in the Tolbooth during the sitting of the Lords of Session, III. 73;—Mark, Commendator of Newbottle, (*q. v.*) III. 390;—of Mersingtoun, Ja., I. * 127, * 166, * 182, * 190, * 229; Tho., * 468; III. 390;—of Newtown, Ro., I. 337;—of Newhall, Geo., III. 569;—of Pharnirst, (Fernirst,) David, (And.,) I. * 18, * 28, &c., * 88, * 127, * 327; Sir John, * 379; Sir T., * 468; Invaded by Lord Hume, &c., * 487; And., 280, 337; II. 11; Sir And., Provost of Jedburgh, 370; Shooting with hagbuts, Slaughter, &c., 378; Tho., his brother, slain, 421; Sir Tho., III. 390, 396;—of Primsyde-Loche, Ralph, I. * 30, &c.; Gilb., III. 391, 396;—of Pryoraw, Tho., II. 475;—of Steilstokbrayis, Ja., 515;—of the Schaw, Ro., III. 69;—of Sunderlandhall, Tho., I. * 139;—of Spylaw, Sir Jo., II. 405;—Surname of,

- agreement of their Feud with the Scotts, remarkable Contract, &c., III. 390;—of Trearne, Ro., I. * 388;—of Torbet, Ja., III. 391;—of Whiterig, Ja., I. * 69;—of Woidheid, Ro., III. 396;—of Yair, (Zair,) Wm., I. * 87; Tho., * 177, * 230; And., III. 497; Mr Thos., his son, 538.
- Key, Slaughter committed with a large, I. * 396.
- Keyme, Spuilzie of, I. * 112.
- Kids, price of, at Justice-aires, I. * 390.
- Kilbaberton, Lady, healed by a Witch-prayer, I. 234.
- Kilbirny, Place of, broken into, II. 508.
- Kildrummy, besieging Castle of, I. * 246.
- Kildrymmie, Alex., Lord of, III. 541; his cloaks, &c., stolen, *ib.*
- Kilgour, Ro., beheaded, I. * 134.
- Kilnockie, Laird of. See Johnnie Armstrang.
- KILMAWERIS, LORD, Assise on, I. * 263; Wm., III. 122, 316.
- Kilpatrick, Laird of, Ro., slain while at the horn, I. * 77. See Crechtounne.
- Kilsythe, Lord. See Levingstoun.
- Kilwinning, Commendator of, Gawin, freed from ward, I. * 436; Intercommuning with D. of Chattellerault, * 466, * 478.
- Kincaid of Cottis, Dav., (Constable of Edr. Castle,) I. * 158, * 230; Ja., 77; Clem., 255; II. 343;—of Craighouse, Jo., forcible Abduction, II. 336; extraordinary and avaricious conduct of K. JA. VI., 337; he fines the Laird 2500 merks and to give him his 'broune horse,' 339;—of Crymperamp, Ja., I. * 239;—Da., Wounding, &c., * 158;—of Gogar, Jo., portioner, III. 565;—of that Ilk, Tho., respited for Resetting English Traitors, &c., I. * 239; Ja., yr., wounded, &c., * 458, 73; Ja., 98; Malc., his son, slain, *ib.*; II. 337;—Jo., Witch-finder, III. 599; mode of pricking for discovering the Devil's mark, &c., *ib.*, 602;—of Warrestounne, Jo., I. 72; Murdered by his wife, her nurse, and servant, 241, *note*; II. 445; his wife beheaded, 446, 502; her Nurse burnt, 446; Ro. Weir, broken on the wheel, &c., 450; Tho., his barns robbed, III. 564;—Wm. and John, forcible Abduction, I. * 421.
- Kindly Tenants, III. 18; what, 366, *note*;—lands, 18, &c.; rowmes, 366.
- King's chamber, Wounding in, I. * 85. See Chalmer;—Palace, Slaughter and felony committed in, * 100.
- KING, THE, fomenting discord between him and his Barons, I. * 206;—shooting near his person, 98, 100, 187;—Conspiring his death by Witchcraft, 209, 230;—slandering, an Englishman hanged, 385. See Treason, K. JA. VI., &c.
- King of Barrocht, (Barrauch,) Wm., 208; Feud with Laird of Straloch, 353; Ja., Slaughter, III. 379;—of Bourty, Wm., I. * 148;—of Thieves, the, * 155.
- KINGHORN, EARL OF, Pat., II. 572; III. 318;—attempt to restore Popery at town of, I. * 430; assisting E. of Bothwell, 310.
- Kinlochow, Hereschip of, I. * 256.
- Kinloss, ABBOT OF, takes oath of K. HENRY VIII. to ratify the Peace, I. * 283, * 285; Edw., 267, 293; II. 139, 159, 319;—LORD, Edw. 319; III. 447. See Bruce.
- Kinmont, Will of, freed from Carlisle Castle by Laird of Buckcleugh, I. 363, 364, &c.
- Kinnaird of Cowbyn, Walt., II. 484;—of that Ilk, Jo., far of, Slaughter of the Laird of Ruthven's servant, 427; Wm., son of, acquitted of Murder under trust, 472; Jo., III. 259;—of Inchesture, Jo., I. * 88, * 424, 28; Ja., II. 427; Pantoun, 472; Ja., yr., acquitted of Murder under trust, *ib.*
- Kinnear of Henderstounne, Jo., I. * 404;—of that Ilk, Da., II. 397; Jo., yr., 430.
- Kinninmonth, (Kinmond,) of Callinche, (Kil-duncane,) Mr Walt., yr., III. 429;—of Hill, Wm., I. * 424, * 452;—of that Ilk, Da., III. 429; his son And. slain, *ib.*
- Kinross of Kippenross, Ja., I. 15, 299.
- KINTAILL, LORD, Colin, III. 19, 25.
- Kintyre, Governor, Sheriff, and Justiciary of, I. * 258; Earl of Glencairn's Raid, * 319; horrible barbarities committed there, 224, &c.
- Kirk, see Assembly, &c., grievances, II. 9;—Mr Ja., (servant to E. of Argyle,) III. 233, 250, 252.
- Kirk of Field. See Morton, Darnley, &c.

- Kirkaldy of Grange, Ja., I. * 208; remitted, * 250, * 253, * 337, * 338; Sir Wm., Intercommuning with, * 466, * 478, 33; Wm., II. 3;—Mr Ja., Treason, hanged, I. 45.
- Kirkaldy, Town of, assisting the Earl of Bothwell, I. 310.
- Kirkbride, Rector of, slain, I. * 329.
- Kirkcudbright, Justice-aire of, I. * 52, * 75; expenses, * 317.
- Kirkhill, house of, besieged, I. 174.
- Kirkmaquho, Burning of, I. * 249.
- Kirkmichaell, Laird of, Feud between him and the Laird of Amisfield, I. * 132; Town of, burnt, * 405.
- Kirkoswald, attempt to restore Popery, I. * 427.
- Kirkpatrick, Sir Alex., knt., his servant slain, I. * 86;—of Auchinleck, Mr Sam., III. 271;—of Brakoch, (Bracho,) Ro., I. * 456, 111; Jo., III. 475;—of Closeburn, Sir Tho., I. * 41, * 165; remitted, * 248; to present two Thieves, * 287; Roger, * 398, * 405, * 431, 78, 80, 178; Tho., 259, 264, 289, 298, 304; Sir Tho., III. 123; Alex., *ib.*; his son tried for Slaughter of Laird of Spott's son, *ib.*, 212; of Ellisland, Jo., yr., I. 111;—of Friarscarse, Tho., * 398;—Jo., Slaughter, III. 429;—of Kirkmichaell, Sir Alex., I. * 127; Roger, yr., slain, * 132, * 165; Deadly Feud with the Laird of Amisfield, &c., *ib.*; the Laird mutilated, *ib.*; Wm., * 190; remitted, * 248, * 398, * 405; taken prisoner by young Laird of Drumlanrig, &c., III. 212; Wm., yr., *ib.*;—of Knok, Roger, I. * 87, * 132.
- Kirkton of Stewartfield, Adam, I. * 147;—of the Tower, 349.
- Kirkwall, Castle of, I. * 257; Convocation at, * 413; seized by E. of Orkney's base son, III. 272, &c. See Orkney.
- Kirkwood, Ja., beheaded, I. * 165.
- Kitchen, King's, Grooms of, I. * 313; 'Turnebroches' in, *ib.*;—door, groom of the, *ib.*;—Court, grooms in, *ib.*
- Kittycrocelhill, near Glasgow, Battle of, I. * 237, * 238, * 247.
- Knapska-bonnetis, II. 475.
- Knapscall, a steel bonnet, II. 158, 179.
- Kneland, (Clelland,) Mr And., Justice-depute, II. 426, &c.;—of Foskane, Jo., III. 134;—of that Ilk, Wm., I. 35, 63;—of Knowhobbilhill, Arthur, I. 35;—of Monkland, Sir Ja., resetting Jesuites, III. 376.
- Knives, drawing and stabbing with, in a fenced Court, &c., I. * 330.
- Knockschenoch, Burning the Peile of, I. * 242.
- Knok, (clock,) K. JAMES V.'s, I. * 300, * 305, * 311; the Prince's, * 311, * 316.
- Knollis, Sir Wm., Preceptor of Torphechin, Lord High Treasurer, I. * 2. See Torphechin.
- Knowis of that Ilk, Rob., I. * 361; mutilated, * 364; wounding, * 365.
- Knox, And., Parson of Paisley, III. 14. (See B. of the Isles); Mr Ja., III. 21; Wm., cruelly abused and Murdered, 496;—of that Ilk, (Laird of,) * 150;—of Ramfurly, III. 366; And., Bishop of the Isles, *ib.*
- Kyle, Alex., Stouthrief of Gold and Silver work, I. * 395;—Lollards of, I. * 287.
- Kyndly lands, III. 18, &c., rowmes, 366; tenants, III. 18; what, 366, and *note*.
- Kynloche, Hen., banished for theft, III. 542.

L.

- Labawtie. See Bastie.
- Ladies of rank consult Witches, I. 54.
- Lag, Burning Place of, I. * 160;—Laird of, see Grierson.
- Laing, Alex., Rebellion in Orkney, III. 273; hanged, 283; Tho. hanged for same crimes, *ib.*; his Deposition, 296;—Hendrie, an Evil Spirit, III. 606, 615, &c.
- Laidlaw of Rafflat, Jaquie, Slaughter, &c., II. 370.
- Laird, Wm., *alias* Jo. Guthrie, hanged for Bigamy and Adultery, III. 429.
- Lairdis Jok, II. 520. See also Armstrang.
- Lalow, Sebastian, &c., Egyptians, III. 593.
- Lamb, Witch-superstition as to, III. 608.
- Lambes, (Lammas,) III. 243, and *note*, 614.
- 'Lammas-Evyn,' Raid of Dumfries at, I. * 75.

- Lanark, Justice-aire of, I. * 115, * 116.
 Land-louper loun, III. 525.
 Land-ill, what, I. 51.
 Lanctoun of Erleshauch, Pat., II. 467.
 Lang-irmis, (50 stone weight,) an instrument of torture, I. 376.
 Langlandis of that Ilk, Ja., III. 391, 393; Geo., 396.
 Langside, Battle of, I. 1, 4, 5, &c.. 41.
 Language, Treasonable, spoken against the King, I. * 251. See K. JAMES VI.
 Langholme, Castle of, I. * 284; house of, burnt, &c., by the Armstrangs, II. 450, 479;—Raid of, I. * 338, * 356.
 La Plume, French Page, I. * 307.
 Lardner, King's, Yeoman of great and petty, I. * 313; Grooms in, *ib.*
 La Touche departs to France, I. * 308.
 Latimer of that Ilk, Rich., hanged, High Treason, receiving English pay, Fire-raising, &c., I. * 348.
 Lathries, Tho., surgeon in Perth, beheaded, II. 85, 100.
 Lauderdale, Inhabitants get Remission, I. * 14.
 LAUDERDALE, VISCOUNT, III. 419.
 Lauder (Lawder) of Balbardie, Gilb., I. * 487, 133; Wm., yr., *ib.*;—of Bass, Sir Robert, * 78; yr., * 143; remitted, * 243; respited, * 250, * 413; Mr Ja. slain by his servant, 89; Geo., 304; Feud with Lord Borthwick, 352; II. 10;—of Blythe, Sir Alex., Just.-dep., Provost of Edr., I. * 76, * 79;—of Fountainhall, Sir Jo., I. 257;—Gilb., slain by the Cranstouns, I. 362;—of Halltoun, Wm., I. * 159, * 167, * 333, * 487, 11; Sir Wm., 169;—Henry, King's Advocate, I. * 400;—of that Ilk, (Laird of,) Sir Alex., I. * 62; Ro., * 147, * 468; Rich., yr., *ib.*; Ro., III. 569;—Justice-aire of, I. * 14, * 115; Tolbooth burnt, III. 116;—Raid of, I. * 335, * 384;—Supplying English at, I. * 344, * 360; swearing fealty to English General, * 378;—of Todrik, Cuthbert, hanged and drawn for Theft, Resetting Thieves, &c., I. * 51;—Wm., beheaded, Treason, &c., I. * 344; Walter beheaded, 89; Wm., Forgery, banished and declared infamous, I. * 375; Wm., bailie of Lauder, slain, III. 116; Wm., bailie of Dunbar, 487;—of Winnoquhe, Alex., I. 74.
 Lauristoun of that Ilk, Tho., &c., (Assisors,) imprisoned for year and day, I. * 203.
 Laven, Castle of, I. * 381.
 Lavendar, (Laundry-woman,) French, I. * 291; King's, * 313.
 Lavers, two silver, I. * 323.
 Law, day of, I. 351.
 Lawburrows, breaking, I. * 94, * 269.
 Lawmond of Innerynne, (that Ilk,) I. * 198; Sir John, * 336; Sir Ja., III. 199; 36 of his followers massacred by Marquis of Argyll, *ib.*
 Lawson of Hieriggis, I. * 333;—of Humbie, Ja., 265; II. 459, *note.*
 Lawvete, Chaplains of, to pray for King's (Ja. V.) return, I. * 286.
 Lead for Prince Arthur's burial, I. * 309.
 Learmouth of Dairsye, Sir Pat., I. 23, 114;—of the Hill, Wm., I. 270;—Mr Ro., Justice-depute, I. 366.
 Leasing-making, Wm. Scott hanged, I. * 206.
 Leasing, III. 142.
 Leask of Auchinad, Tho., I. 382;—of that Ilk, Wm., I. 382;—of Haddo, Pat., I. 382.
 Leaver-diarig, or Red-book of Miggerny, III. 481, *note.*
 Leckpreveck of that Ilk, Alex., jr., beheaded, I. * 62;—Robert, banished, I. * 161.
 Lefnorys, Laird of, Remission for Slaughter, I. * 82.
 Legatt, Alex., his Deposition as to Orkney Rebellion, III. 299.
 Leidereiff, Laird of, slain, I. * 367, * 371.
 Leith of Harthill, Pat., I. * 454; II. 540; III. 560;—Raid of, I. 27, &c.;—Ships arrested there for the use of the Army, I. * 270; Court of Justiciary held there, from Nov. 1571, to Aug. 1572, 25; again in 1596-7, II. 3; assisting Bothwell in taking, II. 21; *eight* English Pirates hanged within flood-mark, III. 99; *thirty* others hanged, 103; Papers as to Pirates, 108, &c.; *two* more hanged, 244.
 Leighton of Ullishavin, (Usan,) Tho., remitted, I. * 252, 264.
 Lekky of Croy, Walt., I. * 166;—of that Ilk, Rich., . * 166; Walt., 282; Alex., slain by

- Laird of Calderwood, &c., III. 493 ;—of Kypdarroch, Ro., yr., III. 583.
- Lennox, County or District of, Burning and Hereschip of, I. * 246 ; Murders and Stouthriefs by the Macgregors, II. 414, 415 ; severals hanged, *ib.* ;—Field of, 418, 424, 430 ; said to have been instigated by the Duchess of Lennox, 434. See MacGregor, 457 ; III. 223 ;—of Caly, Wm., oppressed, I. * 53 ; Wm., yr., Killing Salmon, &c., * 54 ; Striking a Messenger-at-arms, * 75 ;—DUKE OF, Esme, I. 98, 122 ; Lud., King's Lieutenant, 303, 307, 344, 348 ; assists King at Gowrie's Conspiracy, II. 153, 165 ; his Deposition, 171 ; married to Sophia Ruthven, 297, 590 ; III. 12 ; Great Admiral of Scotland, III. 106 ; heritable Bailie of Regality of Glasgow, 513 ; his Offices, &c., 589, *note* ; his death, *ib.* ;—DUCHESS OF, said to have instigated the Hereschip of the Lennox, II. 434 ;—EARL OF, Jo., Forfeiture recalled, I. * 12 ; slain at Field of Linlithgow, * 228 ; Jo., respited, * 231 ; arraying Battle against Duke of Albany, * 241, * 269 ;—MASTER OF, Math., Forfeiture recalled, I. * 12 ; Rape of his Daughter, * 60 ;—Math., I. * 78 ; Captain of Castle of Dumbarton, * 246 ; dresses for his sisters, * 296, * 297, * 305, * 321 ;—REGENT slain, 41, &c., 87 ;—of Woodhead, Jo., I. * 167.
- Lent, killing, selling, or eating flesh in time of, I. 369.
- Leprosy, charms for, II. 28.
- Leslie, Agnes, relic of the Provost of Elgin, slain, II. 41, 557 ; Alex. B. of Murray, her son, *ib.* ;—of Auchorties, *alias* Bannachy, Jo., I. 119 ;—of Auldraig, Geo., III. 507 ; Bessie, his natural daughter, (11 years old,) forced and defloired, *ib.* ;—of Barres, Wm., I. * 454 ;—of Buchanistoun, Hen., I. * 148 ;—of Boquhane, (Balquhan,) Will., I. * 184 ; Jo., 119, 175, 207, 209, 300 ; Jo., *fiar*, III. 444 ;—Captain of Blair, Geo., II. 394 ;—of Cunlie, Wm., I. 209, 255 ; II. 14 ;—of Coklarochy, Wm., I. * 184 ;—of Crechie, Wm., and his wife, Witchcraft, I. 209 ;—of Camellis, Geo., I. 209 ;—of Conrak, Wm., II. 530 ;—of Cultis, Jo., slain by Witchcraft, I. 208 ; Jo., his brother, I. * 298 ; clothes for his marriage, * 318 ;—Geo., Yule-Dress to, I. * 320 ;—of that Ilk, I. * 454 ;—of Kinragie, Alex., I. * 148 ; Geo., III. 401 ;—of Kynnyrie, Walt., I. * 391 ; of Largie, Jo., I. 119 ;—of New Leslie, Geo., I. * 184 ; Norman, MASTER OF ROTHES, gift to, I. * 257, * 299, * 300, * 312 ; supplying him, * 358, &c. ;—of Pitcaple, Alex., I. * 184 ;—Rob., Treason, II. 278 ;—of Touche, Geo., I. * 454 ;—of Warthill, Wm., Burning Place of Pitmedden, I. 161, 209 ;—of Warderis, (Wardes,) Alex., yr., Oppression, &c., I. * 328, * 454 ; Jo., slain by Witchcraft, 206, 207, 209 ;—Wm., (son of Geo. E. of Rothes,) I. * 357.
- Lethingtoun of Saltcoittis, Pat., I. 142.
- Lethmont of the Craig, Ja., I. * 469.
- Lettacamp beds, the King's, (*Lits-du-camp*), I. * 273, * 283 ; Standards for, * 290.
- Lettronis, (desks, Fr. *lectrin*), I. * 320.
- Levingstoun of Little Airds, Ro., I. 11 ;—of Belstane, Jo., I. 35, 159 ; Alex., III. 494, 495 ;—of Bandone, Tho., II. 76 ;—of Castlecary, Arch., slain, * 149 ; John, * 404 ;—Christian, 'wirreit and brunt in assis' for Witchcraft, &c., II. 25 ;—of Donypace, Alex., I. * 167, * 383 ; Jo., yr., 119, 351 ; II. 394 ; Jo., 446 ; Jean, his daughter, murders her husband, and is beheaded, *ib.*, &c., 502 ; III. 508 ; Da., 563 ;—of Greenyards, Hen., I. * 453 ;—of Haining, T., I. * 421 ; Mr Tho., brother to the Laird, II. 405 ;—of Halhill, Alex., I. * 62 ; Tho., 36 ;—Jean (Lady Warriestoun), Murders her husband, II. 446 ; her subsequent conduct, confession, and appearance on the scaffold, *ib.*, &c. ; her nurse burnt, 447 ; Ro. Weir, her servant, broken on the wheel, 450 ;—of Jerviswood, (Giriswod,) Ja., I. * 82, * 87, * 167 ; Wm., * 451, 36 ; Ja., II. 541 ; III. 417, 452 ;—of Kilsythe, Wm., remitted, I. * 241 ; Sir Wm., 114, 293 ; II. 496 ; Lord Kilsyth, 597 ; III. 73, 312, 418, 621 ;—LORD, Alex., I. * 167, * 177, * 414 ; Wm., 116 ; Alex. 293, 304 ; Proclamation that none accompany him to his 'day of Law,' 351 ; Feud with Lairds of Airth and Luss, 352. See Linlithgow ;—MASTER OF, Alex., I. 91, 114 ;—of Pantoun,

- Tho., II. 502;—of Pantoskane, (Bantaskan,) Alex., I. 292;—of Prestoune, Jo., I. * 421; II. 10;—of Saltcoittis, Pat., II. 343;—of Westquarter, Ro., I. 59; II. 502;—of War-randhill, Alex., I. * 385.
- Leven, Thieves of, bringing them in, I. * 17, &c., * 238.
- Lever-Schot, what, II. 536.
- Levying War against the King's Lieutenants, I. * 134.
- Lewis, Island of. See Macleod; Lands of, set, I. * 102; Hereschip and Burning, &c., III. 244.
- Leyis, Jo., besieging Wauchton, &c., beheaded, I. 8.
- Libbis, magical incantations, I. 77.
- Lichtis, lungs, III. 521.
- Liddell of Halkerstoune, Ninian, slain, I. 46.
- Liddisdail, Inhabitants free to frequent markets, &c., I. * 245; remitted, *ib.*;—good rule to be kept, * 111;—Raid against Border Thieves, * 134, * 152.
- Life, opinions of the ancients that it was resident in the blood, III. 182, &c.
- Lindesay, Alex., Captain of Fynnevin, I. * 347;—of Auchinskeach, Jo., II. 490; III. 271;—of Ballingscho, Sir Jo., I. 280; II. 135;—of Blairiefedden, Harie, 135; Da., his uncle, *ib.*; Harie, Slaughter, III. 248;—of Brodland, Alex., II. 363; Mr Ja., his son, Slaughter of Lord Spynie, 529;—of Barrese, Jo., 529; Mr Jo., his son, Slaughter of Lord Spynie, *ib.*;—of Balcarras, Sir Jo., Lord Menmure, III. 62;—of Balgaveis, (Balgavy,) Mr Walt., I. 282; Sir Walt. Murdered, III. 62, 65; by the Master of Crawford, *ib.*, 248; Da., *ib.*, 307;—of Barnyardis, Dav., I. 28;—of Ballul, Mungo, * 166, * 451; II. 438, 439;—of Carrestoune, Sir Harie, Shooting Hagbuts and Pistolets, 409, 529;—of Canterland, Mr Alex., Slaughter of Lord Spynie, III. 63;—of Covingtoun, (Colbintoune,) Jo., Remission, I. * 257, * 369; Feud with Somervilles, *ib.*, * 383, * 437, * 469, 15; Fire-raising, 109, 166; II. 452; Geo., his brother, Slaughter of Lord Spynie, 529;—of Corsbasket, Alex., yr., I. * 62;—Sir Da., yr., fights young Laird of Pittarrow and their 'complices' at the Salt-tron of Edr., III. 61, 65;—Mr Da., Minister, I. 304; his conduct as to Gowrie's Conspiracy, III. 621, &c., (*q. v.*);—of Dowhill, Adam, I. * 160; remitted, * 239, * 253; Ja., II. 416; Pat., III. 583;—of Dunrod, I. * 62; Jo., * 132; Ro., * 382, 73, 88; Ro., 133; Alex., Slaughter of Laird of Lokky, III. 493; Jo. his natural brother, *ib.*;—of Edzell, Sir Dav., I. 74, 85; Da., far, &c., tried for Slaughter of LORD SPYNE, II. 529; trial, III. 61; notice of the facts, &c, *ib.*, 64; Letters to the King, *ib.*;—of Evelik, Jo., II. 515;—of Faisdew, Alex., 135;—of Fairgirth, Jo., I. 15; Ja., III. 115;—of the Grange, Bernard, II. 452;—of Glenesk, III. 63;—Mr Jo., Parson of Menmure, I. 101;—of Kynfawnes, Harie, I. 267, 279; III. 248, 316;—of Kynnetillis, Da., II. 529; Harie, his son, Slaughter of Lord Spynie, *ib.*;—LORD, of BYRIS, Jo., I. * 134, * 166, * 185; gift of his escheat given to Douglas of Kilspindy, * 239; Treason, * 271; Pat., * 472, * 473; Murder of David Riccio, * 479, * 500, * 503, 29, 85, 91; Ja., 293, 345, 346; Jo., III. 248;—of the Mount, Sir David, Lion King of Arms, I. * 261; Keeper of K. JA. V. in his infancy, *ib.*; King's Usher, * 265, * 273; his wife Jonet Douglas, * 275, * 276, * 278, * 292; payment for their services, * 304;—MASTER OF, summoned for Treason, * 268;—of Pyotstoun, Wm., * 201;—of Quarrellhill, Da., II. 76;—of Raskarrell, And., slain, III. 115;—Rolland beheaded, I. * 159;—of Scheillis, Ja., III. 495;—of Wauchope, Jo., forfeited, I. * 48;—of Woodheid, Sir Jo., II. 135, 136;—of Woodwrae, Sir Jo., 529.
- Lingot, of gold, large, I. * 307.
- Linlithgow, besieging Palace of, I. * 238, * 242;—COUNTESS OF, Helenor, II. 546, *note*;—EARL OF, (see Levingstoun,) Alex., 496, 544; charged with education of the royal family, 546, *note*;—Field of, I. * 228, * 238, * 239, * 240;—Keepership of, * 316;—Raid of, 19;—withholding, * 255.
- Linkhop, Ro., tried for Slaughter, for drowning 60 persons in a ferry-boat, I. 185.
- Lion, a coin, (Hardits or hardheads,) striking, I.

- * 440, * 487;—King at Arms, * 63. See Lindsay, Stewart, &c.;—one of King's Ships, * 317.
- Lisk, what, II. 417; III. 496.
- Listoun, Harie, Murder, &c., III. 572.
- Litter, I. * 291, &c.
- Little, Wm., Provost of Edr., I. 143, 261, 268.
- Littlegill, Place of, burnt, I. 108; again, 184; II. 482;—Laird of, and his daughter, slain, 184; III. 54. See Bailie.
- Litt-hows, what, III. 605; litt-fatt, *ib.*
- Litster, Jo., burnt for Sodomy, II. 491.
- Liveries, Royal, for King's Household, &c., I. * 312, * 313, &c.
- Lochaber, burning of, I. * 101.
- Lochbroom, Castle of, Island, I. * 305.
- Lochdoun, Treasonably taking Castle of, I. * 73; Sir Dav. Kennedy Capt. of, *ib.*
- Lochfergus, burning of, I. * 100.
- Lochinvar. See Gordon.
- Lochirmachus, Laird of, I. * 414.
- Lochleven, Lady, Mistress of K. JAMES V., I. * 298.
- Lochmaben, Castle of, Besieging, I. * 332;—Parish Kirk of, burnt, 305.
- Lochmaben-stane, Raid of, I. * 397, * 398.
- Lochmalearies, (or Lochmabalies,) 40 d. pieces, so called, I. 134.
- Lochmalony of that Ilk, James, I. * 404.
- Lockerby-lick, what, III. 30.
- Lockfast places, breaking up, Wm. Burrell hanged, I. 59.
- Lofthouse, (Loftus,) Robert, banished for concealing 'Paise-Penneis,' *q. v.*
- Logan of Bonington, Geo., II. 10; III. 417, 487; Ro., fiar, 539;—of Brownhill, Geo., I. * 458;—of Cotfield, Ro., * 159; Jo., 10, 72; And., yr., 148, 265; And., III. 255;—of Cowstoune, Jo., II. 355;—of Drumchapill, Jo., fiar, III. 114;—of Grantoune, And., II. 368, 397;—of that Ilk, Geo., 130; III. 475;—Jo., portioner of Restalrig, fined 1000 *l.* for hearing Mass, 254;—Jonet. See Lady Craigy;—of Parsonisknowis, Ja., I. 149;—of Rais, 63;—of Restalrig, Sir Ro., * 176; Ro., 148; denounced for Bothwell's Conspiracy, 283; again, 335; Gowrie's Conspiracy, II. 146; Forfeiture of his son, 276; Letters to E. of Gowrie, 257; his *five* Letters, with *fac-simile*, (from the Original MSS.,) 281; Depositions of seven witnesses, 287, (see *Sprott*;) his bones produced in Court, 277; and forfeited, 291;—of Sheriffbrayis, Jo., I. 34.
- Logie, Ro., bailie of Queensferry, II. 555.
- Logy-Meigle, Laird of. See Currou.
- Lokkart of Bar, Jo., I. * 137, * 204, * 352; effecting the escape of a Heretic, *ib.*; Spoliation of Churches, altars, &c., * 353, * 491; Geo., II. 106, 145; Moyses, his brother, Slaughter, &c., 461; III. 171;—of Braidschaw, Alex., 565;—of Cleghorn, Steph., I. * 3, * 4; Mungo, 36, 87; Allan, jr., *ib.*; II. 357;—Geo., strikes a person during the sitting of the Lords of Session, III. 73;—of Kirkwood, Gavin, I. 36;—of Lee, Ja., I. * 76; Allan, beheaded, * 159; Ja., * 232; Allan remitted, * 257; Ja., * 404; Hamesucken, &c., * 410; Mungo, 35; Ja., 36; II. 3, 21, 49; Wearing Pistolets, 61; Invaded by Lord Somerville, *ib.*, 540; III. 101; Murder under colour of law, 205;—of Wicketschaw, Steven, I. 36.
- Lokman, (Hangman,) I. * 274.
- Lollards of Kyle, I. * 287. See Heretics.
- Lorane of Harwood, Hector, II. 510; Wm., his brother, slain, *ib.*; Hector also slain, *ib.*
- Loranes, forging false, I. * 397.
- Lords and Ladies warned to come to the Coronation, I. * 300, &c.
- Lorimers, spurriers, &c. II. 399, &c.
- LOTHIAN, EARL OF, II. 273; Ro., 568, 575; theft from, III. 98, 316, 339; Duel with Lord Cranstoun's sons, 507.
- LOUDOUN, LORD, Hew, III. 318.
- Loupe, Laird of, III. 5; Tutor of, *ib.*
- Louthiane, Mr Wm., Priest, degraded, I. * 275; beheaded for Slaughter, * 151.
- Louranstoun of that Ilk, Tho., I. * 85.
- LOVAT, LORD, I. * 359; Alex., to present Rebels, * 390; Hew, 33; Simon, 285; And., II. 600, *note*; Sim., III. 20, 284.
- Love, Capt. Peter, and 7 other English Pirates, hanged within flood-mark, III. 99.
- Lovell of Ballumby, Sir Hen., oppressed, I. * 177; he and Jo., yr., 37; are denounced Rebels, 41.
- Low, Jo., slain, III. 536.

- Lewis, Jo., hanged within flood-mark for Piracy, III. 244.
- Lowise, Jo., King's Fool, I. * 317; Ja., messenger, slain, * 379;—of Menner, (Manor,) Tho., * 87.
- Lowrestoune, Laird of, I. 284.
- Lowrye of Cairnhill, Math., I. 70;—Pat., ' *Pait the witch*, ' Sorcery, Witchcraft, &c., ' *wirreit and brunt*, ' II. 477.
- Lowsoun (Lawson) of Humby, Ro., I. 77.
- Ludquhairn, House of, besieged, I. 388. See Keith.
- Lues Venerea, vid. Grantgore.
- Lugs, cutting off a man's, I. * 475. See Ears.
- Lumfaddis, what, III. 368.
- Lumbart-sleeves, I. 51.
- Lummisden of Airdry, Wm., I. * 157; Ro., II. 60;—of Blanerne, Pat., I. * 144; Jo., yr., * 230;—of Cuschnie, III. 230; Wm., his brother, *ib.*
- Lundores, Commendator of, Pat., II. 53; his servant slain, *ib.*, 73; one of the King's suite at Gowrie's Conspiracy, 172; his Deposition, 181.
- Lundy of Balgony, And., I. * 338; Rob., * 426;—of Conland, Ro., I. 17; And., II. 92;—of Gorthie, Geo., II. 112; his son David slain, *ib.*;—of that Ilk, Jo. I. * 183, *note*; Wm., * 426;—of Strathairlie, Jo., I. * 157; And., * 404.
- Lung-Schot, what, II. 536.
- Lunze, the loins, II. 28.
- Lunt, what, III. 369, &c.
- Luss, Lady, waylaid for her slaughter, I. * 178. See Colquhoun.
- Luterale, (Lutterell,) Sir John, English Captain at Broughty, I. * 345.
- Lute and case to K. JAMES V., I. * 278; strings, * 284; wires for, *ib.*, * 285, * 286.
- Lutherans, diet for their accusation, I. * 278.
- Lyddell of Halkerstoun, Jo., Slaughter, III. 482.
- Lyell of Murthill, Wm., I. * 404; Tho. III. 88;—of Stanypath, Geo., I. * 85; Jo., * 144, * 147, * 179; John, * 384, * 396; Geo., II. 343; Geo., *fiar*, 563.
- Lying in wait, II. 61. See Besieging, Umbesetting, &c.
- Lyke-walk, III. 549, 551.
- LYLE, ROBERT, LORD, Great Justiciar of Scotland, I. * 2; Forfeiture recalled, I. * 12, * 19; John, Lord, seizing a Messenger's letters, &c., I. * 157; denouncing Lord Sempill rebel, * 170; slays a Chaplain, * 178.
- Lymmeris, what, III. 398, 547, &c.
- Lyon of Auldbar, Sir Tho., I. 352; II. 287, *note*; III. 323; of Baldukie, (Master of Glammis,) I. 117, 119, 174;—of Balgellie, Wm., I. 119;—of Colmelegy, Wm., I. * 150;—of Cossynis, Jo., yr., I. 119;—of Easter Ogill, James, slaughter, I. * 408, 119; II. 62;—George, (brother of Jo. L. Glammis,) I. * 328; Ja., ' base son ' to the Master, III. 323;—Jo., beheaded for concealing Lady Glammis's Conspiracy, &c., I. * 202;—Wm., flies from justice, I. * 194; dies in Flanders, *ib.*, * 197. See the proceedings against LADY GLAMMIS for pretended Treason, &c., *v.* Glammis.
- Lysymachus jun., ' a counter-buffe to,' III. 448.

M.

- MACADAM of Craigullane, Wm., III. 118;—of Smeithistoune, Ro., III. 118;—of Watterheid, Gilb., III. 118.
- MacAlexander of Dalreoch, Jo., II. 106; III. 171;—of Drummochreyne, Tho., strangled (' *wirreit* ') for Forging and uttering base coin, II. 353.
- MacAllane of Castlewirrie, (Castletirrim,) Ran., V^cEane, III. 542; his wife carried off, &c., *ib.*;—Don. Darg and two others hanged, III. 251. See also MacAljeane.
- MacAllaster, Donald Mole, hanged for slaughter, &c., I. * 51; Allaster and Angus hanged for Treason, III. 364; Don. V^cEane V^cHenrie, murdered by drowning, &c., III. 489;—of Dounskye, Coll, *fiar*, III. 553;—of Largs, Donald, remitted, I. * 258;—of Loupe, Alex., remitted, I. * 255.

- MacAlzeane of Cliftounhall, Mr Tho., I. * 444 ;
—Euphame, (of Cliftounhall,) Witch, I. 216 ;
Plots against the life of her father-in-law,
237, 245 ; Conspires against the King's life,
for which she is tried, and for Witchcraft,
Sorcery, &c., 247 ; burnt alive, 257 ;—Mr
Hen., Justice-depute, I. 98, &c., 248 ;—Pat.,
alias Moscrop, Advocate, husband to Eufame,
I. 247, &c.
- MacAlzerach, Michael Dow, an aged man, ban-
ished for Common Theft and Robbery, I. * 53.
- MacAngus (MacDonald) of Glengarie, Don.,
and 13 others, slaughter, II. 413 ; III. 19,
20, 25 ; Fire-raising and Slaughter, 540.
- MacAphie of Colonsay, III. 27.
- MacArrel of Hillhouse, Wm., III. 345.
- MacArliche, Jo., hanged for Treason, III. 365.
- MacAulay of Ardincapill, Alex., I. * 361 ; Walt.,
* 453 ; Aulay, 167, 290, 307, 392 ; II. 105 ;
Intercommuning with the Clan Gregor, 414,
430 ; MacGregor refuses to take part against
him, 435 ; he pays *Calp* to MacGregor, 436,
540 ; III. 264.
- MACBRAIR of Almagill, Ro., 166 ; II. 506 ;—of
that Ilk, Arch., beheaded for Slaughter, 158 ;
—Sir Jo., Slaughter of, I. * 39 ; a Canon of
Glenluce (heretic) escapes from Hamilton
Castle, * 352.
- MacBrek, Arch., hearing Mass, &c., II. 442.
- MACCAIG, Andro, Murdered with K. HENRY,
(Darnley,) I. * 492.
- MacCall of Boighous, Wm., III. 57 ;—of Little
Fawside, Mungo, his Coal-pits set on fire, III.
361.
- MacCalzeane. See MacAlzeane.
- MacClellan of Auchleane, Sir Wm., III. 150 ;—
of Bomby, Wm., * 85 ; Oppressed, * 90 ;
Stouthrief, Forgery, Cattle-stealing, Oppres-
sion, I. * 55 ; Sir Ro., III. 120 ;—of Middle
Third, Pat., I. * 55 ;—Patrick of Gilestone,
Slaughter, I. * 61 ; beheaded for Cattle-steal-
ing, * 64 ; Pat., Slaughter, * 95 ; Thomas,
respited, * 245 ;—Wm. of Nuntoun, Tutor of,
* 190, * 219, * 229, * 384, * 453 ; Tho.,
* 453, 304 ; Wm., II. 355 ; III. 117.
- MacClennoqhane, Dug. and Pat. hanged, I. * 88.
- MacClويد of Dunvegane, Besieged in his House
of Summerdail, I. * 225 ; Besieging Castles
of Carnebog and Dunskaith, * 231 ; Resetting
Donald of the Isles, &c., * 254 ;—of the
Lewis, Torquill, Treason, I. * 45, &c. ;—of
Mynzenes, Jo., I. * 225.
- MacCondachquhy of Ballemnoch, Allan MacGil-
lespik, respited, I. * 253 ;—Jo. Dow Camp-
bell, Tutor of Innerraw, II. 62 ; Jo. hanged
for Treason, III. 364.
- MacConeill of Dunnivaig and Glynnnes, Angus,
Treason, Murder, &c., I. 224, 348 ; his and
his wife's Depositions, III. 9 ; Offers to the
King, 363 ; Letter to the King, 366 ;—of
Knokrynsay, Sir Ja., Treasonable Fire-rai-
sing, &c., III. 1 ; his remarkable escape from
Edr. Castle, 3 ; barbarities towards his father
and mother, &c., 6 ; burns Askomell, *ib.* ; re-
moved from Blackness, 7 ; escapes from Edr.
Castle, *ib.* ; retaken, 8 ; sentenced to be be-
headed, 10 ; escapes and gets to Spain, 3, 10 ;
his deposition, *ib.* ; illustrative documents, 12,
&c. ; E. of Argyle's Report, 27 ; singular
ceremonies, on his meeting with Coll MacGil-
lespic, 20 ; his Offers made to the King, 370 ;
Angus Oig, his brother, III. 3, *note*, 4 ; tried
for Treason, &c., 363 ; hanged along with five
others, 365 ; illustrative documents, *ib.* ; Of-
fers to the King, *ib.* ;—Rannald Oig, his bas-
tard brother, III. 369 ;—Mary carried off, &c.,
III. 542 ;—of Slaitt, Sir Don., III. 542 ; his
sister carried off, *ib.* See Gorme.
- MacCoule, Ro., starving a man to death, and then
gibbeting his dead body, &c., III. 491.
- MacCulloch of Ardwell, And., I. * 93 ; a rebel,
* 384 ; Gothray, *ib.* ; Incest, 135 ;—of Bar-
holm, Ja., slain, I. 81 ; II. 523 ; Tho., *ib.*,
539 ; III. 328 ; Alex. of Cardernes, I. * 218,
* 219, * 229, *note* ;—of Cardines, Ninian,
Oppression, I. * 52 ; Tearing King's Letters,
* 53 ; Alex., * 253 ;—Jo., merchant, slain,
III. 327 ; Jo. Maxwell, beheaded, *ib.* ;—of
Killaisor, (Killaser,) I. * 93, * 95 ;—of
Myreton, (Merton, Mortoune,) Sir Alex., I.
* 91, * 161 ; Wm., 134, 141 ; II. 539 ; III.
121 ;—of Netoun, Alex., yr., III. 477 ;—of
Torhouse, I. * 398.
- MACDONALD of Ardnamurchan, Chief of the Clan

- Ian, III. 20;—Coll MacGillespik, Slaughter, III. 553;—of Dunnievaig. See Makconeill;—of Glengarie. See MacAngus;—Jo. See Muidertach;—of Keppoch, Alex., III. 22, 25, 250, *note*;—of Largie, III. 26. See MacIan and MacKane.
- MacDonell, Alex., gets gold sword, &c., from L. Lieut. of Ireland, III. 2;—of Benbecula, Ran., III. 542; his wife forcibly carried off, &c., *ib.*;—Don., Capt. of Clanranald, (in 1725,) *ib.*;—of Scothouse, Don., III. 19.
- MacDowell of Barjarg, Alex., Slaughter, II. 515;—of Croches, Pat., Slaughter, II. 515; III. 478;—of Freuche, Fergus, I. * 139, * 181, * 218, * 219; Jo., Slaughter, II. 515; Slaughter of the Laird of Balseir, 477;—of Garthland, And., I. * 88; Uthred, yr., Slaughter, 84; Treason, 119, 127; II. 131; Euf. Dumbar, Lady G., Slaughter, 515;—of Knockincrosehie, Jo., I. 85;—of Machermoir, Peter, II. 455; Ro. and Jo., his sons, Mutilation, &c., 492; III. 328;—Tho., of Maccaristounne, (Mackerstounne,) tried for Hamesuckin, &c., I. * 176, * 456, * 469, * 479; II. 10, 14; Sir Wm., III. 539;—of Mondork, Tho., I. * 139; Veltred, II. 492, 506, 540; III. 88, 134, 552.
- MacDowgall of that Ilk, (Dunnollych,) III. 14; Allan, his son, *ib.*;—of Raray, Jo., III. 233;—of Steidrig, Alex., I. * 456.
- MacDuff, *alias* Barroune, hanged for Gowrie's Conspiracy, II. 155, 246;—of Fadony, *alias* Barroun, *alias* Fergusson, Da., II. 394; singular instance of Designation in the names of Highlanders, *ib.*;—of Glenelwort, Tho., III. 363; his wife's right arm cut off, *ib.*
- MACÉANDOWIE, *alias* Camerone of Lochzell, Allane, Murder, &c., III. 258.
- MacEwin, Jo., and four MacGregors hanged, III. 112.
- MACFARLAN of Ardleische, Walt., I. * 224, * 317;—of Arroquhar, And., * 451; denounced, 348; feud with Earl of Mar, &c., 352; Jo., III. 233, 565;—of Auchinvaunell, Parlane MacWalter? III. 114;—of Blairwak, Dunc. III. 565; Wm. MacClaue, his servant, slain, *ib.*;—Clan, Murder Sir Humphrey Colquhoun at Bannachra, II. 431; barbarous torture and savage Murder of a Buchanan, III. 546, &c.;—Geo., taken, I. * 306;—of Gortane, And., III. 565; Jo. Roy, his son, and 8 others, Slaughter, Fire-raising, &c., *ib.*; hanged, 568;—of that Ilk, Sir John? I. * 72, * 224; Dunc. * 223, * 224, * 453, 69, 141; Jo., III. 250, 546, 550;—Isob., branded and banished, I. * 346;—Jo. MacRobert, hanged for burning Ardochbeg, Sorning, &c., * 225;—Ro., Christiana, and Dunc. find caution, * 227.
- MacFingane. See MacKinnon.
- MACGHEE, John, of Plomtounne, Oppression, I. * 54.
- Macgill of Cranstoun-Riddell, Mr Da., Lord Advocate, I. 206, &c., *passim*; Mr Ja., III. 540; his house broken, &c., *ib.*;—Dame Eliz. Lady Culzeane, II. 36; relict of Sir Tho. Kennedy, 391;—of Nisbett, Mr Da., I. 261, &c.;—of Rankellor-nether, Clerk Register, * 479; Ja., Advocate, II. 112.
- MacGilleoun, (MacLean,) Hector, of Doward, I. * 169, * 241;—John Oig, Treason, * 50;—of Lochbuy, Jo., his son slain, * 247, * 252.
- MacGillespie, Coill, III. 19, 20; strange ceremony at meeting with Makconeill, *ib.*, 27; takes Castle of Dunnievaig, 363; surrenders to Argyle, 364.
- MacGillibreid, Jo. MacEwin, &c., I. 225.
- MacGhilliehallum (Stewart) of Tennandrie, Jo. Dow, II. 528; Allaster, his brother, hanged, 529.
- MacGillievoriche, Petrie, hanged for Murder under trust, III. 230.
- MacGregor of Glenstray, (Chief,) Allester, II. 102, 414, 419. See account of Field of Lennox, or Conflict of Glenfruinne, 430; he and four others hanged and quartered, 433; Documents illustrative of the history of this affair, *ib.*, &c.; was infamously betrayed by Argyll, 434; his Declaration, 435; hanged his own height above the rest of his Clan, 434; III. 223; Dun., Tutor of, 250; Allaster, 537;—Intercommuning with. See Clan Gregor;—Laird of, I. * 317, * 319; II. 62; Jo. Dow, his son, and others, 63; Murder

- and Reiff on the Laird of Luss's lands, II. 414 ; Mac-Coule-kere, I. * 164;—of Moirinsche, Dun., (Dowglas,) Tutor of Glenstray, III. 250 ;—Pat., I. * 170 ; Jo., &c., beheaded, II. 419 ; Dugall and Neill hanged, 424 ; Jo. Dow MacEwin and ten others hanged, 436 ; Neill hanged, 438 ; Malc. and three others hanged, 439 ; Dougall, &c., Slaughter, III. 223 ; Gregor Beg and nine others hanged, 232 ; Dunc. MacPatrik and five others hanged, 249 ;—Ro. Abroche slain, 223, 537.
- MacGrume, Eugenius, hanged, I. * 81.
- MACHECTOR, an Evil Spirit, III. 606, 614, &c.
- MACLAN of Ardnamurchan, Jo., I. * 233, * 229 ; III. 20 ;—of Castletirrim, Ran., 542 ; his wife forcibly carried off, *ib.* ; Don. MacAllan, Capt. of Clan Ranald, 19. See MacDonald.
- MacIveane of Gremmat, Pat., III. 172 ; Jo., yr., *ib.* ; made prisoner by Laird of Drummurquhie, 179.
- MacIntosh, (Malcolm Tosche,) of Abirairdour, Dunc., III. 266 ;—Captain of Clanquhattane, I. * 243 ;—of Dunnachtie, Lach., 33, 285 ; II. 97, 102, 507 ;—of Esseiche, (Essy,) Wm., Slaughter, II. 102 ; and taking captive, III. 266 ; Hector, 'allya' and kinsman of, I. * 256—Intercommuning with, * 175 ;—Laird of, * 116 ; respited, * 243, * 286 ; Will., his son, and five others, Slaughter, II. 507 ; Sir Lauch., III. 14.
- MACJAMES, Jo. Macallaster and And., Fire-raising, &c., III. 370.
- MACKANE, (See also MacIan,) besieged by Donald of the Isles, I. * 262 ; Sasine taken of his lands, * 307 ; Earl of Argyle resigns them in the hands of the Crown, * 312 ;—of Ardnamurchan, Jo., Slaughter, III. 483 ;—of Rasa, Alex. MacGilbetoun, Besieging Summerdail, &c., I. * 225.
- MacKe, Alex., banished for selling Poison, &c., I. * 203.
- MacKenzie of Culcovie, Mr Alex., III. 552 ;—of Cultellan, Rorie, II. 413 ;—of Fardane, Alex., yr., I. 200 ;—Mr Jo., Archdean of Ross, 27 of his houses burnt, III. 541 ;—of Kintail, Jo., respited, I. * 245 ; Colin, I. 285 ; Kenneth, 337 ;—of Roystoun, Sir Ja., (Lord Roystoun,) 257 ;—of Sturdrum, Alex., yr., 200.
- MacKie of Balseir, Alex., slain, III. 477 ;—Donald, respited, I. * 248 ; Pat. hanged for Forging money, 134 ; Harb., slain, III. 544 ;—of Far, Y, (Odo,) invades Sutherland, &c., I. 68 ; Don. wounded by the E. of Caithness, III. 231 ; Don., fiar of, Slaughter of the Lairds of Stirkeo and Dyn, 235 ;—of Glassak, Jo., Murdered under trust, &c., 473 ; Jo. Maxwell of Garrarie and Geo., his son, beheaded, 477 ; Nianiane, 474 ;—of Larg, Sir Pat., 460, 475 ;—of Myrtone, Jo., I. * 92 ; Rich., * 384 ; Arch. 134 ;—of Sanday. * 170.
- MacKillope, 'the fiddler,' slain, II. 437.
- MacKinnon (of that Ilk) of Strathordill, Sir Lauch. III. 19 ; Forcible Abduction, 542.
- MacKippoune, Duncan Dow, hanged, I. * 225.
- MACLEAN and Clanranald, Feud between, I. * 169 ;—of Coll., Lauch. III. 19 ;—of Doward, I. * 231, * 234 ; respited, * 245, * 246, * 254, * 258 ; Lauchlan, Treason, Murder, &c., 224 ; murders threescore persons, 229 ; four-score men slain, besides women and children, 230 ; III. 6 ; Hector, (Eachin Oig.) 19, 25 ; delivers his Castle to the King's Lieut., 368 ;—of that Ilk and Harris, Rorie-more, 19 ;—of Lochbuy, (see Macgilleoun,) I. * 234, * 247 ; Hectour Owr, III. 19 ;—Lord, (Laird,) I. * 281 ; English ship taken by, * 281 ; sends Hawks to the King, * 294 ;—Wm., slain, &c., III. 565.
- MacLeod of Assint, (see MacClويد,) I. 68 ; Neil Angussone burns Dornoch, &c., *ib.* ; beheaded, 69 ;—of Dunvegane, remitted, * 234 ;—of Harris, Neill, III. 102 ;—Tormond, wastes and burns Lewis, 245 ; Piracy, *ib.* See MacClويد.—of the Lewis, Torquill, High Treason, I. * 45 ; his lands let to Earl of Huntlie, &c., * 102, 107 ; Neill takes English Pirates, III. 100 ; Neill, natural son to Rorie, Fire-raising, Piracy, &c., 244 ; hanged, &c., 247.
- MacLellane. See MacClellane.
- MACMATHE of Corsebank, Jo., III. 247, 493 ;—of Schaw, Ja., III. 271.

- MacMillan of Knockingaroch, Don., III. 118.
- MacMorran of Glasspen, Jo., III. 57; Ja., yr. *ib.* 124; Ja., III. 387;—Jo., bailie of Edinburgh, killed by a boy, at a riot in the High School, there, 195, *note*; 349, 362, III. 239.
- MacMoylane, Jo. Gair, hanged for Treason, III. 364.
- MACNACHT of Doungoucht, Jo., III. 118;—Ja., Forcing, (Rape,) III. 499;—of Kilquhannite, Jo., slaughter, I. * 327; slain, III. 229.
- MacNachtene of Dundarroch, Alex., I. 68.
- MacNeill, Chief of the Clan, Torquill, gift of Giga's lands, I. * 246;—of Gaeya (Gigha) Gillicallum, I. * 246.
- MACONEILL of Dunnyaig and Glennis, Angus, I. 224, 348; Ja., III. 1. See MacConeill.
- MACPHATRICK, Allaster, &c., slaughter, III. 554.
- MacPhie of Collonsay, Malc., &c. slain, III. 553.
- MACQUHARYE of Auchtule, Ja., I. 35.
- MACRANALD-BANE, Donald, High Treason, I. * 45.
- MacRanald of Easter Leyis, Allan, II. 96; his son Allester slain, *ib.*; slaughter, 98;—of Gargowche, Allaster, III. 250;—of Kep-poche, *ib.*, *note*;—of Vlladill, Angus, 481; Allan, his brother, murdered by the Laird of Glenlyoun, *ib.*
- MacRerik, of the Kerne, Ja., III., 93.
- MacRinnyll of Barneill, Ja., I. * 138.
- MacRone, Janet, Forced, III. 499. *
- MACSORLE of the Route, Sir Ja., III. 19, 23, Sir Ronald, 370.
- MACTEYR, Gilbert, beheaded, Stouthreif, &c. * 361.
- MACWALTER of Auchinvannell, Parlane, III. 114.
- MacWilliam *alias* Herrach, Angus, wounded and made prisoner by E. of Caithness, III. 231.
- MACERS, I. * 316.
- Machetema, Cornelius de, Dutchman, slain by the E. of Cassillis, Lo. Sempill, &c., in time of Parliament, I. * 236, * 238.
- Madman, slaughter by an alleged, I. * 363. See also Idiot, Slaughter, &c.
- MAGDALENE, QUEEN, (of James V.,) I. * 190; convoy from France, * 251; entry into Edr., * 287; Coronation, interment, and obsequies, *ib.*; Public mourning, *ib.*, *note*; 'grathing and bowelling,' (embalming,) * 292; 'saul-
- mess' and 'Dirige,' I. * 293; suffrage for, * 297, * 304, * 310, * 319, * 322.
- Magistrates of Edr. tried for freeing a Prisoner, I. 442 to 450; form of delivering up a criminal to be executed, III. 98.
- Magna Assisa*, I. * 391.
- Magnus, Doctor, (Ambassador,) I. * 271, * 283.
- Maidens of Witch-covens, III. 605, 613, &c.
- Maiden, 'grathing' of the, at the QUEEN'S entry into Edinburgh, I. * 119.
- Mailzie-coittis, II. 432.
- Mairtin, And., Secretary to the Earl of Orkney, Rebellion in Orkney, &c., III. 273; hanged, 283; his Confession, 301.
- Maistres, the auld, I. * 311;—the Lady, * 304.
- Maitland of Auchingassill, Ja., I. * 127; John, 159;—of Clonhie, Jo., III. 475;—of Lethingtoun, Rich., I. * 338; Sir Wm., Secretary, * 479; at Riccio's murder, *ib.*, * 507, * 512, * 513;—of Thirlestane, Sir Jo., (Lord Chancellor,) I. 172.
- Malcolmetoische, in ward, in Edr. Castle, I. * 286. See MacIntosh.
- Malcolm the Fule, (Fool,) I. * 273;—Mr Jo., Minister of Perth, (afterwards Principal of St Leon. Coll., St Andrews,) II. 330; Letter from Jo., E. of Gowrie, to him, *ib.*
- Malesoune, a father's, II. 479.
- Malloch, Da., mutilated. See Toscheauch and Oliphant.
- Maltmen, ordered to have ale and malt ready for the Army, I. * 270.
- Mangertoun, Laird of, (Armstrang,) I. * 153; Tho., * 171.
- Mangonels and Artillery, Stouthreif of, I. * 132.
- Manrent, Band of, form of one, I. * 373, &c. See Band.
- Mauwell, Mr Ninian, Englishman, Intercommuning with, I. * 406.
- Manswearing, II. 453. See Perjury.
- Marches, West, Raid of, I. * 161;—Just. of, * 239.
- Mares, King's, (for breeding,) I. * 316, See Royal Stud, &c., and under the names of the Kings and Queens, &c.
- MARGARET, QUEEN, (of JAMES IV.,) her marriage, I. * 117, * 188; her horses, &c., burnt at Dalkeith, * 118; her faction, * 259; at

- the Castle of Blackadder, I. * 261; at Harbottill, in England, * 262; returns to Edinr., * 266; recovers her wardrobe, *ib.*; interview with the KING, her son, at Craigmiller, *ib.*; supposed attempt to carry him off to England, * 267; her death and funeral, * 318; Barons and Clergy summoned to attend her 'Tyement,' * 319; Embassy to England, * 320.
- Mark, the Devil's, searching for, &c., III. 601, and Witchcraft *passim*.
- Marchmond Herald, I. * 268, * 273, * 274, * 281.
- March-stones, demolishing and overthrowing them, I. 66.
- Mariones, Geordie, hanged, III. 382.
- MARISCHALL, COUNTESS OF, Dame Marg. Ogilvie, Treasonable and Masterful Stouthreif, &c., III. 562;—EARL OF, Wm., I. * 78, * 259; Feud with Lord Gordon, * 263; with Lord Forbes, * 264, * 300, * 302; Akergill besieged, &c., * 394; Geo., 116, 178, 268, 283, 304; Feud with Laird of Meldrum, 353; II. 41, 572; III. 32, 496; his plate, jewels, &c., seized, a little before his death, by the Countess, &c., 562;—MASTER OF, I. 44; II. 494.
- Marjoribanks of Ratho, Tho., I. 155.
- MARR, COUNTESS OF, Agnes, I. 119; Annabill, *ib.*, 265;—EARL OF, Ja., REGENT, * 423; Jo., 117; Forfeited for Raid of Ruthven, 119, 178; Jo., 267, 304; that none accompany him to his 'day of Law,' 351; Feud with Laids of Garden and Arrochar, 352; Kirk's grievances, II. 9; assists the KING at Gowrie's Conspiracy, 149, 165, 172; his Deposition, 174, 496; III. 22, 205; Lord High Treasurer, 438, 458, 597.
- Marrabas bonnet, I. * 297.
- Marriage of K. JAMES IV., I. * 117;—of K. JAMES V., * 293, &c. See also K. JA. IV., V., VI., and Q. MARY.
- Marriage-presents, I. * 297. See Tocher;—Dress to Lady Errol, * 322, &c.
- Married maidens, charmed cake, &c., II. 537.
- Married women, arguments as to their liability to be tried, &c., I. 41, &c.
- Marrying 'in the fashion of Papistry,' I. * 420;—after excommunication, 189.
- Marshall of Innerpethie, Geo., I. 76;—of Pitcairns, Ja., 132.
- Martain, Jean, 'Maiden' to a Witches' Coven, III. 606, &c.
- Martyrs, Scottish Notices relative to, I. * 209 to * 216. See Heresy, Reformation, &c.
- MARY OF GUISE, QUEEN, (of K. JAMES V.,) her Marriage, I. * 292; triumphal entry, * 293; her nurse, midwife, &c., * 295; embroidery work done by her, in gold and silver, * 296; her CROWN-matrimonial was made of Scottish gold, * 298; goldsmith work for, * 299; belt or girdle of gold of 'the mynde' (mine,) with a sapphire, *ib.*; her Robe-Royal, &c., * 300; her Coronation, * 299, * 300, * 301; Sceptre, * 302; writes to the King, in the Isles, * 304; at Glamis, * 308; at Crawfordjohn, * 311; gets Specimen of Gold from the royal Mines, *ib.*; her dule-dresses for the QUEEN DOWAGER, * 319; gold chains, &c., from France, *ib.*; State bed of crimson velvet, &c., *ib.*; Collar of gold set with pearls, * 321; her Painter, *ib.*, 322; Dule-gowns for her and her Ladies, * 322, * 323; CROWN, * 322; golden belt weighing 19½ oz., *ib.*; goes to Peebles, * 323; her materials for Archery, * 324; silver dish stolen from, * 386; her chief Cook robbed, * 406.
- MARY QUEEN OF SCOTS, Conspiracy to seize her person, I. * 461; notices relative to Bothwell's first marriage, *ib.*; Married to Darnley, * 478, * 488; David Riccio murdered in her presence, * 479, &c.; she is warded in her Palace of Holyrood, * 482, &c.; E. Bothwell tried, * 488; French Paris, * 489; Queen's person seized at 'Foul-brigis,' and carried to Dunbar Castle, *ib.* See French Paris's Depositions, * 502, &c. as to her alleged part in DARNLEY'S Murder.
- Masking dresses, &c., I. * 284.
- Mason, Capt., English Pirate, III. 109.
- Mason, King's Master, I. * 315.
- Mass, Celebration of the, I. * 427, * 435. See Reformation, &c.;—Lady Seytounne, &c., 14, 30, 31, 35, 38; hearing it celebrated, II. 348, 442; Mass-priest chained in his Mess-claithe, &c., for 2 hours, and then all his 'Popische

- baggage brunt,' and he Banished for life, II. 531; Mr Ro. Phillope and Ja. Stewart banished, III. 252; Jo. Logan, portioner of Restalrig, fined 1000 *l.*, 254; Jo. Ogilvie hanged, 330; Moffet, 377.
- Mass, ornaments of the, destroyed, I. * 353. See Reformation.
- Massacre of 36 Lamonds, by command of the Marquis of Argyle, III. 199.
- Masses for the soul (see Saul-Mess) of K. JA. IV., I. * 259;—trental for K. JA. V. at Quithorne, * 278; before our Lady of Paisley, *ib.*;—trental of, 'for Britonaris saulis, quhilkis perist at the Port of Aire,' * 279.
- Maser (mazer) stolen, III. 99.
- Massindew (*Maison-Dieu*) in Jedburgh, I. * 377.
- Master of Artillery, I. * 268;—of Ceremonies, III. 558.
- Masterful beggars to be punished, I. * 67;—Reiving by Messengers, * 155;—Stouthreif, Tho. Hardie hanged, II. 441, 473. See Stouthreif, &c.
- Mathow of Balhoussie robbed of his Title-deeds, &c., III. 265; Pat. Eviot hanged, *ib.*;—Grissell, stealing a coffer with writings, II. 93; Drowned in the North Loch of Edr., 94; her accomplice scourged, *ib.*
- Mathesoune, Jo., II. 343;—Jo., jr., Oppression, &c., beheaded, I. * 202.
- Matin-book, I. * 296; King's great, * 297, &c.
- Maule (Mawll) of Panmure, Rob., I. * 141; remitted, * 256; Tho., taking captive, &c., * 345.
- Mawer of Mawerstoun, Mark, III. 230;—of Staynies, Mark, II. 484.
- Maxton of Cultoquhay, Rob., I. * 88; Pat., 77.
- Maxwell of Aikenhead, Jo., I. * 43; Walt., * 130; Jo., Tutor of, 289;—of Arenyning, (Aremein,) Tho., Slaughter, III. 229;—of Auchinlarie, Wm., 327; Slaughter by his son Jo., *ib.*;—of Barvannok, Ro., 477;—of Boisfield, Jo., I. * 402;—of Bratoch, Ro., 110;—of Calderwood, Ja., 36; Ja., yr., *ib.*, 133; Sir Ja., 105; Slaughter of the Laird of Lekkie, III. 493; his death attested, 495;—of Castlemilk, Ro., I. 111;—of Conhaithe, Rob., * 151; Harb., yr., slain, *ib.*; Edw., brother to, II. 465; Jo., III. 229, 544;—of Cowestanes, Ro., slain, I. 157. See M. of Kirkhill;—of Crostoun (Trostoun?) Edw., slain by Wm. Douglas of Lyncluden, &c., III. 90, 95;—of Craigtoun, Edw., rebel, 91;—of Caveris, Mr Wm., 229;—of Cavense, Harbert, II. 259; taken prisoner after burning of Langholme, by the Armstrangs, 450, 479, 490, 492;—of Cowhill, Arch., 485, 492; Wm., yr., *ib.*; acquitted of Slaughter of the Laird of Kirkhill, 490; III. 229, 560;—of the Coittis, Harb., slain, II. 492;—of Cowglene, Wm., Resetting Jesuites, III. 376;—of Dalquhorne, Pat., slain, II. 71;—of Dun-cowtedir, Ro., I. 111;—of Dunwiddie, Sir Ro., 133, 157; slain, 167; II. 492; Ro., III. 11, 35, 41;—of Dargavell, Pat., I. 378; his daughter Rebecca carried off, *ib.*;—of Drum-cowtrane, Geo., III. 124;—of Foulbar, Jo., I. * 385;—of Garvarie, Jo., and Geo., his son, Murder under trust, III. 473; beheaded, 477;—of Gribtoun, Wm., Hamesncken, Besieging Tower of Newbie, &c., II. 464, 485;—of the Hillis, Edw., 485; III. 475;—Jo., callit '*Achilles Johnne*,' beheaded for Slaughter, 327;—of Keltoun, Ro., I. 289;—of Kirkeconnell, Jo., *ib.*; Ja., III. 495;—of Kirkhill, (Kirkhous or Crovestaues,) Ro., slain, I. 157; II. 485; Wm., *ib.*; III. 11; Cha., 35; Wm., 41;—LORD, Feud between him and Lord Crichton of Sanquhar, I. * 53, * 75, * 85; Slaughter of the Laird of Kilpatrick while at the horn, * 77, * 124; Caution to present felons to trial, * 142;—Rob., * 149, * 151; Justice-depute, * 163, * 184, * 190, * 199; Keeper of Treif Castle, and Steward of Kirkcudbright, * 232; Keeper of Lochmaben Castle, * 233; Steward of Annandale, * 237; Justiciar of West Marches, * 239; Great Admiral, * 251; accompanies Q. MAGDALENE from France, *ib.*, * 259, * 264; keeping Castle of Hermitage, * 284, * 300; pointed for debts, * 307; John, * 387, 111, 114; created EARL OF MORTON, 275; made Warden of West March, *ib.*; Feud with Laird of Closeburn, 298, 305; slain by Sir Ja. Johnstone, *ib.*, 360, and *notes*; III. 30;—Jo., Treason, II. 557; escapes from Edr. Castle, III. 3, 11,

- III. 47; Murders the Laird of Johnstone, 31; summons of Treason, &c., 33; the Murder is committed with *two poisoned* bullets, 37; sentence, 40; illustrative Papers, 41, &c.; Offers by him, viz. to marry the deceased Laird's daughter, without tocher—that the young Laird should marry LORD HERRIES's daughter with a dowry of 20,000 merks—and to be banished for 7 years, &c., 51; his execution, &c., 52; Ro., his brother, petitions Privy Council to intercede with the KING, 52;—Intercommuning with, 91, 223;—Theft from Lord M. 92;—of Logane, Alex., 93, 229; Jo., his son, *ib.*;—of Mersyde, Wm., II. 490;—MASTER OF, Ro., III. 229, 475;—of Newlandis, Wm., 493; Ja., his son, Slaughter of Laird of Lekkie, *ib.*;—of Nether Pollock, Jo., I. * 42; Jo., yr., 19, 133;—of Newark, Pat., * 150; Geo., 19, 69; Pat., 355; II. 131; Slaughter of the Laird of Skelmourlie and his son; III. 122; Da., 229; Pat., 264;—of Orchardtoun, Sir Ro., 31;—of Poterak, Ro., 225;—of Pollok, Sir Jo., 377;—of Stanelie, Jo., I. * 130, * 170; Gabriel, attempting to restore Popery, * 427; Pat., slain, 133;—of Southbar, Tho., 69;—of the Schottis, Sir Ro., II. 485;—of Spottis, Sir Ro., his Deposition as to the Laird of Johnstone's Slaughter, &c., III. 43, 229;—of Teling, Alex., Taking Theftboot, I. * 427, 41; Dav., yr., *ib.*; Hugh, II. 600, *note*;—of Tinwald, Edw., Fire-raising, I. 110, 289; II. 105; III. 44;—of the Tower, Ro., 45;—of Terriglis, Sir Wm., I. * 426; Sir Jo., * 428; III. 391;—Wm., 'wirreit' (strangled) for uttering base money, II. 355.
- Maxwell's thorns, III. 30.
- May, Mr Dunc., Fomenting jealousies between the KING and his Barons, &c., I. * 329.
- Maybole, attempt to restore Popery at, I. * 427.
- Mayne, Jo., Forging *harditts*, I. 82.
- Measures, false, II. 88.
- Megerny (Miggerny) Castle burnt, &c., III. 481; the *leavar-diariq*, or Red-book of, *ib.*
- Megotland, Hunting in, I. * 272; none to hunt there till the KING's arrival, * 282, * 285; killing deer and roes there, 48.
- Meldrum of Achquhartis, And., II. 428; oppressed and taken captive, *ib.*;—of Drumbrek, And., 49; Geo., yr., Treason, Oppression, &c., 428; beheaded and forfeited, 430; Place of, kept against the King's guard, 428; And., 557; III. 230, 365; Geo., 409;—of Fivy, Geo., I. * 187, * 229; respited, * 254; Sir Geo., * 370;—of Haltoun, Geo., yr., II. 76;—Laird of, (Alex. Seytoun,) slain, I. * 149, * 175, &c.. See Seytoun;—of Idene (Edane,) Pat., * 150; Tho., Hamesucken, &c., III. 431; Pat., *fiar*, 432; Tho., Usurpation, &c., 460; Pat., yr., 464;—of Moncoffer, Mr Wm., slain, II. 76;—of Ordley, Jo., oppressed, &c., III. 431, 460; Slaughter, &c., 464;—of Rothiebirdsane, And., hurt and robbed, &c., 478;—of Segie, Tho., I. * 157; Da., II. 99.
- Mell, what, III. 405, 510, &c.
- Melrose, ABBOT of, waylaid, I. * 182; his sheep driven to Linlithgow, * 274; Abbacy of, solicited of THE POPE for a natural son of K. JAMES V., * 311, 205; Commendator of, Ja., II. 380;—Field of, I. * 133;—LORD, Tho., III. 538, &c. See Binning and Hadington, &c.
- 'Melteithe,' a meal, price of, at Justice-aire, I. * 390.
- Melville, Mr And., Master of King's Household, I. 185; his wife lost at sea, *ib.*; II. 91;—of Bruntisland, Sir Ro., 568, *note*; III. 208;—of Carnbee, Jo., yr., I. * 157; Jo., * 160; Sir Ja., 306; Sir Jo., yr., II. 234;—of Halhill, Sir Ja., I. 242;—of Murdocairny, Sir Ro., 267, 293, 350; II. 3, 496, 568;—of Raithe, Sir Jo., I. * 172, * 184, * 190, * 199; remitted, * 250; judicially murdered, * 339;—Capt. Ro., 309;—of Wester Touche, Jo., remitted, * 250.
- MENTEITHE, EARL OF, Alex., I., * 164; Jo., 282;—of Eglischaw, Ro., 82, 88, 285;—MASTER OF, Wm., * 164;—of Pansteid, Harie, and his sons, &c., Stealing corn, &c., III. 564;—of West Kerse, Wm., I. * 167; Sir Jo., II. 600, *note*.
- Menjet, (meinzeit,) what, III. 384, &c.
- Menzie, train, &c., III. 586.

- Menzeis of Auchinsell, Ro., I. * 456;—of Castelhil, Wm., III. 442; Jo. and And., his sons, Murder, *ib.*;—of Combreise, (Comerie,) Dunc., 233, 264; Ja., his brother, slain, 537; his house burnt by the MacGregors, *ib.*;—of Culterawis, Mr Alex., I. 467;—of Culrie, Gilb., Prov. of Aberdeen, III. 204; Alex., his son, slain, *ib.*;—of Enoche, Ja., 501;—of that Ilk, Ro., I. * 76; Alex., III. 233, 583;—of Pitfoddellis, Gilb., 205, 206; his green corn cut, &c., 258, 259; Marg., his wife, *ib.*;—of Tilliepowreis, Dav., 205;—of Weem, Ja., I. 141; Alex., 392, 433; III. 264.
- Merche, marrow, III. 587.
- Merecleuche, Hereschip of, I. * 36.
- Merleounis and Hawks sent to France, I. * 266.
- Mermadyne, a trinket of diamonds, I. * 293.
- Mertene, Jo., Bailie of Blaischaw, II. 490.
- Mertoune of Cammo, Tho., I. 310.
- Mertrik-skins, what, I. * 321.
- Merse, Inhabitants of, get Remission, I. * 174; Raid, * 267; charged to defend the country, * 324.
- Merser of Awdy, Laurence, I. * 352, 59;—of Edindowie, Ro., III. 490;—of Mekillour, Laur., II. 63;—of Sawling, Gabriel, I. 134; Ro., III. 134.
- Messenger at Arms, deforcement of, I. * 71, &c. See Deforcement;—maltreated by Sheriff of Murray, II. 564;—deprived for neglect, I. * 63; for ignorance, * 217;—falsifying an execution, * 155; evidents, hanged, 85; his servant hanged, 87;—forging and signeting false Letters, &c., scourged and deprived of his office, II. 455;—hanged for taking black-maill, I. * 356;—imprisoning one and his witnesses, * 345; taking, &c., 205;—Oppression and frauds by, * 154;—sentence against fugitive, * 155;—Slaughter of, * 48, * 379, * 381; Wm. Wauchope beheaded, II. 402;—striking, I. * 75; causing one to eat the whole copies of the Letters to be executed by him, &c., 346;—wounding one, and tearing his Letters, &c. 354.
- Methven of Barnfield, Mr Jo., II. 562;—LORD, Henry, I. * 224, * 355; besieges Place of Dupplin, &c., 25; slain, 30; III. 449.
- Middilmast, (Middlemeist,) Geo., of Grerstone, (Greistoune,) slain, I. * 81, * 87; Tho., * 133, * 147;—of Lilslic-Chapell, Wm., II. 378; Jo., his brother, slain, *ib.*; Slaughter of the Laird of Craling, 445; Wm., Constable of Dumbarton, III. 475;—of Chapell, Wm., III. 569.
- Middletoun, Ja., Slaughter, (a youth of 14,) III. 237; sentenced to be beheaded, 241; banished for life, after six years imprisonment, *ib.*, note, 458;—of Killhill, Jo., I. 29.
- Middle-zerd, (earth,) I. 57, 164; man of the, III. 609. See also Witch Trials.
- MILAN, DUKE OF, I. * 272. See Grossolez.
- Milk, cow's, Witches mode of taking, III. 603; note, 605.
- Miller, Sir Constene, banished, and his right hand struck off, I. * 432.
- Mines, Gold, in Scotland, I. * 298; Dutch miners, *ib.*; Silver, * 302, * 306, &c.
- Ministers (Clergy) exemption claimed by them against passing on Assises, I. 24; praying for the banished, 136, &c.; striking a minister, &c., II. 360; do. while Privy Council was sitting, 416; scourged through Edr., and right hand struck off, 417; the Moderator and several Members of Assembly tried, 494; banished, 503. See Reformation, Assembly, &c.
- Minor, Slaughter by, I. * 16, * 396; acquitted, 453; mutilation by, I. 160.
- Minstrels of England, I. * 118, * 122; French, * 267, 292; Italian, * 314, &c., Violers, * *ib.*
- Mint irons, using them in coining, Alex. Reid hanged, II. 398.
- Minto, Hereschip of, I. * 18; Burning of, 19; Kirk of, 'Pas-pennys' found at, I. * 18.
- Mischancie, III. 5, &c.
- Mischantlie, III. 549, &c.
- Misrule, Lord of. See Robin Hood, &c.
- Missillit, (mussillit,) to go disguised, or masked, I. 246; Proclamation against riding 'missillit,' 266, 306; III. 383.
- Mitchell, Mr Ja., notice of his Trial for firing at Archb. Sharpe, III. 195, 196; Ja., Murder, by striking with 'kentis and flailis,' and then 'douking' in a 'mylne-leid or dam,' 488.
- Mitchelson of Mortoune, Alex., 155.

- Moder-nakit, stark naked, II. 70; III. 539.
- Moffat of Grantoun, Ro., I. * 397, * 398;—of Helbeth, Ja., his son, hanged for Forging and vending base money, II. 353;—of Hewek, Edw., I. * 86;—of Knock, I. * 397, * 398;—Symone, hanged for horse-stealing, &c., I. 386; Nicol, hanged for do., house-breaking, &c., II. 357; Moffat, a Mass-priest, warded, III. 331; Adam, scourged and branded for Perjury, 358; Mr Ja., *alias* Haliburtonne, Jesuite, resetting him, 371; tried for hearing Mass, &c., 377; banished, 379; Wm., Forcible Abduction, &c., (a remarkable case,) 402.
- Moitt, Jo., beheaded for the murder of his wife, III. 481.
- Molle (Mow) of that Ilk, Jo., Hamesucken, &c., I. * 176, * 230;—Slaughter, 256; II. 476, 515; Tho., his brother, 559; Jo., III. 396.
- Moncrieff of that Ilk, Jo., I. * 88; Wm., * 343, * 379, * 466; Alex., his son, taking wages to serve against the QUEEN, * *ib.*; beheaded and quartered, * 467; William yr., 10, 37; Wm., II. 159; Hew, his brother, forfeited in Parl., *ib.*; Mr Jo., Advocate, 166; Wm., 234, 513; III. 583;—of Easter Moncrieff, Mr Jo., Sheriff-dep. of Perthshire, II. 244; III. 583, *note*;—of Pitreirf, (Pittenerieff,) Jo., with Gowrie previous to his Conspiracy, II. 176, 179, 183; his Deposition, 184.
- Moncur of Balluny, Jo., Oppression, &c., I. * 178, * 180;—of Chapelton, Jo., I. * 424; Pat., II. 384, 528;—of that Ilk, II. 528; Jo., his son, *ib.*
- Monocords, a musical instrument, I. * 116.
- MONTROSE, MASTER OF, Wm., abiding from Solway, I. * 241; Jo., 282, 347; married Eliz. Ruthven, II. 297, *note*;—EARL OF, Wm., * 78, * 165, * 167, 74; Jo., 114, 275, 282, 304; Feud with Laird of Calder, &c., 347; Feud with Laird of Thornydykes, 352; combat with Laird of Calder at the Salt Tron, Edr., 361; Chancellor, II. 159; his house broken into and goods stolen, 352, 430, 496, 568, 596; Ja., III. 318;—Reformation preached in town of, I. * 406.
- Montfoid, Jo., yr., of that Ilk, Oppression, &c., I. * 74; Ja., yr., * 133.
- Montrule, Madame, I. * 294, * 295.
- Monyvaird, Kirk of, burnt, slaughter of six score Murrays, with their wives and children, I. * 101;—Lady, III. 465, 480, 452.
- Mons-Meg, I. * 117, &c.
- Montgomery of Auchinlude, Hew, I. 61; III. 119;—of Broomland, Ja., I. * 388;—of Brunstane, Adam, I. 61;—of Giffen, Pa., I. * 420;—of Hazlehead, (Heislet, Heislop,) Hugh, I. * 204, * 369, * 388, * 420, 36; and his spouse oppressed, &c., 60, 61, 99; Mr Alex. and Marg., ‘brother-bairnes’ to Laird, III. 535;—of Lainslaw, Neill, remitted, * 253; Sir Neill, * 335, * 360, * 369, * 388, * 402, 63, 169; II. 376, 390;—LORD, Justice, I. * 272;—of Makbehill, Robert, I. * 339;—Dame Mariota, (Lady Sempill,) Imprisoning, &c., I. * 381;—MASTER OF, Assise on, I. * 264;—Capt. Ro., 60, 61;—of Scottistoun, Jo., Oppression, &c., I. 60, 66; III. 236; Jo., yr., slain, *ib.*;—of Skelmorlie, Geo., I. * 170; he and Wm., yr., his son, slain, 133; Trial of Maxwell of Newark, III. 122; Sir Ro., 129, 164;—of Stair, (or Stane,) Mr Wm., I. * 161; Hugh, * 388.
- Monorgane (Monorgund) of that Ilk, And., I. * 88, * 177; Gilb., * 424.
- Monro of Aldie, Ro., III. 498;—of Assint, Ro., I. 191; Hugh, 194;—of Dalcarthy, I. * 408;—of Fowlis, Mr Hector, I. 192; remarkable superstition, 202, &c., 285. See Fowlis;—of Kildrummodyis, Hector, I. 203;—of Killry, Hector, I. 198;—of Newmore, And., I. 194;—of Urquhart, Jo., I. 194.
- Monteith of Kerse, Sir Wm., II. 23; Wm., yr., *ib.* See Menteith.
- Monyest, most, III. 23.
- Monypenny of Kynkell, Alex., I. 60;—Mr Mungo, wounding, I. * 328;—of Pitmilly, yr., I. * 478;—of Pilrig, Pat., I. 10; Da., 155; Pat., 186.
- Moore of Powmadie, Geo., III. 541.
- MORAY, EARL OF, &c. See Murray.
- Morbus caducus*, III. 556.
- Morrowing-gift, I. * 115.
- Morrice-dancers. See Dancer, I. * 124.

- Moryene, Peter the, III. 591.
 Morverne burnt, &c., I. * 247.
 Moranvelay, Monsr., I. * 296.
 More, the, I. * 278; III. 591;—the More lass, *ib.*; christened, 592.
 Morious, what, II. 432.
 MORTON, EARL OF, (Douglas,) I. * 269; Ja., * 370, * 374, * 384, * 438, * 439, * 469; Riccio's Murder, * 479, * 496, * 503; his servant John Geddes slain, 1, 4, &c.; REGENT, Conspiracy against, 32, 70, 72, 111; Process of Treason, and doom of Forfeiture, &c., 113; executed, 115; his head ordered to be taken down from Tolbooth, 116, (note,) 121, 146, 178; Wm., 276, 330, 333; Lord Lieutenant, 342; III. 205;—EARL OF (Maxwell,) Jo., created Warden of the West Marches, I. 275; deprived of Earldom on restoration of title and estates to heir of the Regent, III. 28;—MASTER OF, II. 494; Ro., III. 61;—of Randerstoune, Alex., I. * 404;—of Walkinschaw, Ja., I. * 344.
 Mortymer of Craigievar, Ja., yr., I. 94;—of Flemingtoun, Jo., yr., II. 385;—Geo., Jesuite-Priest, Resetting him, III. 541.
 Moscrop, Mr Jo., plotted against by Witches, I. 237; hanged, II. 35. See MacAlzeane.
 Mosman, Wm., beheaded, I. * 159.
 Mourning, Public, the first instance was for Q. MAGDALENE, I. * 287, *note*; for PRINCE JAMES, * 310; for Q. MARGARET, * 318, * 320, * 322, * 323, &c. See also under the names of Kings and Queens, &c.
 Mousewald, Slaughter of Laird of, I. * 41.
 MOUNTEAGLE, LORD, detects the Gunpowder Treason, II. 590.
 Mow, Wm, Parricide, II. 18; came in the King's will, and fined 1000 £., 19.
 Mowat of Busby, Charles, I. * 166, * 167; remitted, * 254, 29, 63; slain, 79;—of Boquhally, Pat., * 454; Magnus, II. 49;—Tho., Theft, III. 233;—of Sewnane, Geo., III. 280;—of Gersettair, Ro., III. 299.
 Mowbray of Barnbongall, Rob., I. * 333, * 335 * 436, 154; Francis, his son, slays Mr Wm. Schaw, 363; Alex., his brother, II. 22; Ro., 320, *note*, 405;—Francis, High Treason, his dead body produced in Court; sentence pronounced, and his corpse gibbeted, drawn, and quartered, &c., II. 277, *note*; details and illustrations of this remarkable case, 405;—of Pitlouer, Ja., I. 60, 78;—(Mowtray?) of Seyfield, Geo., I. 255; II. 99.
 Mowtray of Markinche, Geo., I. 59, 64;—of Seyfield, Ro., III. 453. See Mowbray.
 Moydart, John, (Mudyartach, Moderat, &c.) I, * 323, * 392, &c. See next article.
 Muidertach, John, (MacDonald,) I. * 323, * 392.
 Muirhead of Bulles, Jo., I. * 55;—Kathr. burnt for Witchcraft, I. 395; Mr Jo., notary, hanged, III. 430;—of Lachope, Ja., yr. II. 541; Ja., III. 345.
 Muirfowl, price of, at Justice-aires, I. * 389.
 Muk, Island of, burnt, I. 228.
 Mule, the King's, foot-mantles, &c., for, I. * 288.
 Mull, Island of, burnt, &c., I. * 247.
 Mullikine, Agnes, *alias* Bessie Boswell, banished for Witchcraft, I. * 432.
 Multray of Markinche, &c. See Mowtray.
 Mummyn, (mumming,) Southrief, by way of, I. * 50, * 51, * 271.
 Munitions, see Artillery, I. * 295, * 298, * 306, * 317; expenses of, * 325.
 Munroe, Da., murdered, III. 196; corpse of one of the Murderers bleeds, on approaching the place of murder, *ib.*
 MURDER.—ADAMSOUNE, And., beheaded and quartered, I. * 84; Eliz., murdered by her husband, * 355;—Aitkyne, Ro., beheaded, I. * 475;—Armstrong, Jo., hanged, I. * 173; And., David Riccio's murder, * 485; Sim, *alias* *Wantoun Simie*, Murder of K. HENRY, (Darnley,) * 489; Tho., for murder of Warden of the West Marches, II. 363, has his right hand struck off, and hanged, and then gibbeted in irons, 364. See Armstrong;—BASTIE, Sir Anthony D'Arcy de la, murdered, I. * 235;—Bikertoun, Hen., beheaded, I. * 162;—Black, Hen., and 11 others, III. 53;—Blackadder, Capt. Wm., hanged and quartered for murder of K. HENRY, (Darnley,) I. * 489;—Bonar, Wm., acquitted, II. 531;—BOTHWELL, EARL OF, Ja., murder of K. HENRY, (Darnley,) * 488;—Brown, Jonet, hanged,

III. 269; Jo. and 3 others hanged for piracy and murder, under trust, III. 569;—Burn, Jo., I. * 426;—Bynning, Jo., hanged and quartered for DARNLEY'S murder, 95;—CAITHNESS, EARL of, Geo., * 394, III. 498;—Calder, Tho., &c., II. 516;—Campbell of Arkinglase, Jo. I. 391; of Glenlyoun, Dunc. III. 481;—Camerone, Allan, *alias* MacEandowie of Lochzell, &c. III. 258;—Canochsonne, Alex. John, I. * 170;—Colquhoun, Mr Adam, Treasonable Slaughter and Poisoning, &c., I. * 419, hanged and burnt, *ib.*; Helen, Poisons her husband, 80;—Cowan, Agnes, hanged, II. 402;—Craiganis, Murder of Laird of, I. * 163, * 164, &c.;—Cranstoun of Skaittisbuss, Rich., Murder of David Riccio, I. * 486;—Cruikshank, Ja., hanged, and his head and right hand affixed at Dundee, &c., II. 384;—Cuninghame of Aiket, Wm., poisoned by his wife, I. 80; Pat., beheaded, II. 18;—DALGLIESH, Geo., hanged and quartered, for K. HENRY, (Darnley's,) Murder, I. * 490, his Deposition, * 495, his Confession, * 500;—Deanis, Pat., hanged, II. 517;—Dow, Meg, burnt, I. 186;—Dowglas, Mr Arch., Darnley's Murder, I. 142, acquitted, 154; Pat., burnt, I. 363;—Duncan, Bessie, hanged, III. 430;—ELLIOT of Copschaw, Jo., II. 520;—Elphinstoun, Mr John, Adultery, &c., I. * 356—Erskine, Ro., III. 260, beheaded, 264; Helen, Isabell, and Annas, tried, 266; sentenced to be beheaded, 269; Annas banished, *ib.*;—FERGUSSONE, John of Craigharroch, I. * 79; Wm., decapitated with a sword, I. * 425;—Fischeare, Jo., beheaded, I. * 174;—Fotheringhame, James, hanged, I. * 344;—Frude, (Ford?) Laird of, murdered, I. * 426;—GAIRDNER, Grissell, Witch, 'wirreit' and 'brunt,' II. 195;—Galbraith, Ja., beheaded, III. 565;—Geikie, Wm., yr., acquitted, II. 388;—Glen, Wm., I. * 426;—Glorat, Laird of, Murdered, I. * 170;—Gordon of Auchindoun, Sir Pat., and 26 others, &c., I. 284; Ja., barbarous Murder of Laird of Pitmedden, III. 78; of Clubisgoule, Jo., III. 399, 402; of Haddo, Harie, III. 488;—Gracy, Wm., hanged, I. * 344;—HAITLIE, Alex., I. * 451;—

Haitlie, Wm., II. 472;—Hamilton, Tho., called '*unsanyt*,' I. * 126; of Benestoun, Jo., slain, 85; Ja., of Spittelscheill, II. 540, beheaded, 561;—Harrott, Wm., I. * 456;—Haubert, (Howbert,) Nicholas, *alias* French Paris, Murder of K. HENRY, (Darnley,) I. * 489; his Deposition, Aug. 9, * 502; his Deposition, Aug. 10, * 506;—Hay of Tallo, Jo., (apparent of,) hanged and quartered for K. HENRY, (Darnley's,) Murder, I. * 490; his Deposition, * 496; his Confession, * 500;—Henderson, Christopher, hanged, I. * 473; John, hanged, I. * 206; of Boltoune, Jo., hanged and quartered for Darnley's Murder; * 490, his Deposition, * 498; his Confession, * 500;—Hepburne of Whytecastell, Sir Pat., sent., Murder of K. HENRY, (Darnley,) I. * 489;—Hinchelwoid, Ja., hanged, II. 540;—Hodge, Ro., III. 488;—Horsburgh, Tho., hanged, and his head and right hand struck off, II. 423;—Hume of Spott, Geo., Darnley's Murder, &c., I. 101; acquitted, 107;—Hunter, Pat., and John, * 426;—HUNTLE, EARL of, Geo., I. 284;—INNES of Innermarkie, Ro., beheaded for Murder of E. of Murray, I. 362;—JOHNSTONE, Wm., David Riccio's Murder, I. * 485; Jo. of Auchrynnie, and 3 Forbeses, II. 493;—KELLO, Mr Jo., Minister, hanged and burnt, I. 14;—Kinnaird, Ja., and Wm., I. 472;—LAUDER of Bass, Mr Ja., slain, I. 89; Walter, beheaded, *ib.*;—Leighton of Ullishaven, John, Murders his mother and servant, I. * 344;—Listoune, Harie, III. 572; Lital-Johne, Thomas, beheaded, I. * 361;—Lockhart of Lee, Ja., III. 206;—Louthian, Sir Wm., beheaded, I. * 151;—MAXWELL of Garrarie, Jo., and Geo. his son, beheaded, III. 473;—LORD, Jo. for treasonable murder of the Laird of Johnstone, &c. III. 32, &c.;—Menzies, Jo. and And., &c., III. 442;—Mitchell, Ja., III. 488;—Moitt, Jo., beheaded for Murdering his wife, III. 481;—Muir, (See Muir of Auchindrane);—MURRAY, EARL of, Ja., murdered, and place of Dynnibirsell burnt, I. 284;—Wm., Murder of K. HENRY, (Darnley,) * 489;—MACCLARENE, Malc., I. * 441;—MacCulloch, Arch., of Ard-

- well, murdered, I. * 99;—MacDonald, Gillespie, MacInnes, Dow, &c. hanged, II. 415; MacDormond, Ja., I. * 441;—MacGillievoriche, Petrie, hanged, III. 230;—MacGrasycht, Jo., I. * 441;—MacGregors, see MacGregor, and Slaughter;—MacKie, Allaster, tried for Reiff, &c., along with the Laird of MacGregor, II. 413; hanged, 414;—MacLean of Dowart, Lauchlan, I. 224;—MacNeill of Dunnievaig, Angus, I. 224;—NEILSON of Assint, Donald and Neil, his son, III. 489;—Nicolsonne, (Nukilsoune,) William, II. 363, acquitted, *ib.*;—ORMESTOUNE of that Ilk, Ja., Murder of K. HENRY, (Darnley,) I. * 489, his Confession, &c., * 511; Hob, uncle to the Laird, Darnley's Murder, I. * 489;—PARK, Ja., III. 495;—Paterson, Geo., I. * 426;—Peebles, *alias* Pardoun, Marioun, 194, murdered corpses bleed on her *touch*, *ib.*;—Pennycuik, Jo., hanged, and right hand struck off, 372;—Pollak, (Powok,) Hugh and Archibald, beheaded, I. * 81; Jonet, 186;—Powrie, Wm., hanged and quartered for K. HENRY, (Darnley's.) Murder. I. * 490; his Depositions, * 493, &c.; his Confession, * 500;—Pratt, Isab., hanged, 371;—QUHITE, Wm., David Riccio's Murder, I. * 483;—RAMSAY, Jo., hanged and decapitated, &c., II. 404; of Pryour Lethame, Jo., Incest and Murder, III. 257;—Reoche, Ja., beheaded, III. 484;—Robertsonne, Alex., the Murder of David Riccio, I. * 486;—Roise of Duns-kellie, William, beheaded, II. 481;—Ross, Jonet, heiress of Craigie and Kinfawns, burnt for the Murder of her husband, brother to the Laird of Balhoussie, II. 409, and *note*;—SAWLIE, Jonet, and Lady Ullishaven, (in state of pregnancy,) murdered, I. * 344;—Schaw, Christian, Murder of Regent Murray, I. 23;—Scott of Cambusmichaell, Tho., hanged, drawn, and quartered for David Riccio's Murder, I. * 478;—Sinclair, Ja., III. 498;—Spens, Alex., beheaded, II. 76;—Stanfield, Philip, III. 196; hanged in chains, &c., 197;—Steill, John, called *Kempp*, hanged, I. * 126;—Stewart, Pat., beheaded for atrocious Murder, &c., II. 393; Jo. son to Ja., L. Doun, beheaded for Murder under trust, III. 74;—Stirling, Helen, Lady Ullishaven and her servant murdered by her son, I. * 344;—Swan, Jo., beheaded, II. 542;—SYMPILL (Sempill,) LORD Jo., I. * 163; Wm., LORD, * 164, * 166; Sir John, I. * 163;—Robert, MASTER of, I. * 163, * 166;—TOMSOUNE, Issob., Child Murderer, hanged, II. 540;—Tod, William, beheaded, I. * 355; Geo., Murder of David Riccio, * 486;—Trumble, Tho. and Walt., I. 77; And., 85;—Tulliallan, Laird of, beheaded, I. * 151;—ULLISHAVEN, Lady, &c., Murdered, I. * 344;—VILLOUR, Sebastian de, * Murder of K. HENRY, (Darnley,) escapes, I. * 490;—WALDY, Wm., hanged, I. * 344;—Wardlaw, Marion, II. 423;—Watson, Ja., Murder under trust, hanged, II. 540;—Weir, Beatrix, III. 68; Peter beheaded, 123; Bessie beheaded, 472;—Weinys, And., beheaded and quartered, I. * 84;—Wilsonne, Pat., Murder of K. HENRY, (Darnley,) I. * 489; Cristian, (*alias the Lanthorne*,) III. 194; a murdered corpse bleeds on her touch, 195;—Wright, William, decapitated with a sword, I. * 424;—YAIR, Henry, murder of David Riccio, I. * 481; hanged, drawn, and quartered, * 482;—Young, Ja., David Riccio's Murder, I. * 484; Jo. hanged, 85.
- Murder, remarkable Bond betwixt Earl and Master of Cassillis, for the Murder of the Laird of Auchindrayne, III. 622.
- Ordeals for discovery of, III. 183; superstitions as to touching the corpses of Murdered persons, 143, 165, 182, &c.; Bar-recht or law of the bier, 183; form of the ceremonial, 184; Trials where *touching* was founded upon, 191.
- , treasonable, or under trust. See Murder *passim*.
- under colour of law, III. 399, 418, &c. See also under Murder.
- Murderer, setting free a, I. * 208.
- Murdoch of Camlodden, Pat., mutilated, II. 492;—of that Ilk, Tho., I. * 138; Pat., III. 328;—*alias* MacKie, Wm., Mass Priest, chained at the cross for two hours, and then all his '*Popische baggadje brunt*,' and he banished for life, II. 530.

- Mure of Annestoun, John, I. *382, 71;—of Ar-rochill, Jo., I. * 130;—(Mure) Adam, hanged for Stouthreif, by way of ‘mummin,’ I. * 51;—of Auchindrayne, Jo., I. * 130, * 138, * 369, * 457, II. 10; shooting at the Laird of Culzean, &c. 35; denounced rebel, 37, 106, 390, 460; Ja., yr., slaughter of Laird of Culzean, &c. 538, 560, 565; their Trial, III., 124; his family, 126; created Baillie of Carrick, *ib.*; forfeited and beheaded, 156; Documents illustrative of their trial and crimes, *ib.*, &c.; young Laird put to the torture, 170; Tho., his son, 175; And. Sinclair, his half-brother, 139, 175; Dalrymple’s body bleeds, on being touched by Mary Mure, John’s grandchild, 196; Letter from E. of Cassillis to the KING, 581; young Auchindrayne tortured, 582; Bond betwixt the Earl and Master of Cassillis, to Murder the Laird of Auchindrayne, 622;—of Auchiusoull, Gib., III. 180;—of Balmaghane, Peter, I. * 54;—of Bogend, Martin, * 130;—of Cloncaird, Pat. I. * 150; Walt., II. 106, 109, III. 128, 135, 171, 173, summons of Treason passed from, 177;—of Craig-Skene, John, II. 460, III. 171;—of Caldwell, Laird of, I. * 82; Sir Jo., &c., * 343; Robert, his son slain, * 350; intercommuning with him and William, his son, rebels, * 357, * 385, * 388; Laird slain, 17; Robert, 18, 71, 91; Robert, brother of John, slain, 183, II. 565;—of Fleit, Ja., III. 130, 135, 136, 164;—Geo., hanged for slaying two Ministers, I. 361; Wm., messenger, slain, 381; Ja., beheaded for slaughter, III. 492.—of Glenheid, Walt., III. 135, 164;—Ja. brother of Laird of Auchindrayne, I. * 369;—of Kettie-muir, Ad., I. 35;—of Knockmarloch, Ro., II. 130; Jo., III. 172;—of Moneyhagen, 126; And., *ib.*; Ja., *ib.*;—of Nesbet, John, I. * 404;—Patrick, oppression, I. * 89, 90, 91;—of Rowallan, * 420, * 428, Jo., feud with the Cuninghames, &c., I. * 56; Mungo, * 137; Wm., yr., 171, II. 390;—of Randerstoun, Wm., II. 565;—Mr Ro., Schoolmaster of Ayr, III. 128;—of Skaithmuir, Alex. I. * 404;—of Tarquyne, (Carquene,) Jo., III., 180;—of Woidland, John, 135, 136, 172.
- Mures, deadly Feud between them and the Cuninghames, I. * 57.
- Murray of Aberscorse, Hucheoune, I. * 391;—Sir Adam, knt., * 49;—of Abercairny, And., * 88;—of Aiket, (Haykit,) Cha., his son Jo. slain, II. 53, 73;—of Arbeny, Jo., 166; called ‘*Mcill Johnne*,’ 174; was wounded at Gowrie’s Conspiracy, *ib.*; his Deposition, 189;—of Balvaird, And., I. * 408, 308; II. 49, 54; slays Laird of Gorthie’s son, 112; Sir And., Letter to the KING, defending himself against Henderson’s accusations, 323, 581;—of Banheid, Wm., I. * 347;—‘Blak Johnne,’ Treason, * 71;—of Blackbarony, And., remitted, * 258, * 415; Jo., 141, 185; Sir Arch., III. 539;—of Broucliton, Ja., Wilful error, I. * 219; George, II. 430, 521; Slaughter, 539, 540;—BISHOP of, And., I. * 6, * 31, * 42, * 79; Alex., * 222; Pat., *ib.*, * 343, * 358; Alex., II. 557; Pat. III. 583, 620;—of Cowbairdie, I. 175;—of Cockpule, Cuth., Treason, * 11, * 398, * 454; Cha., 136, 304; III. 394;—Cathedral of, Sacrilege committed there, I. * 376;—and ARGYLL, COUNTESS OF, the relict of Regent Murray, 102; her daughter, *ib.*;—Dean of, oppressed, * 176;—EARL OF, Ja., Lt.-Gen. of the North for 5 years, * 238; respited for taking the E. of Huntly, &c., * 239, * 282; discharged of his Lieutenandry of the North, * 290, * 298; goes to France, * 303; money sent to him, * 308, * 466, * 478, * 503; murdered, 284, 300, 357; Ja., III. 318; Alex., Witches’ revels at Darnaway, 604;—of Eli-bank, Sir Gedion, II. 509; III. 312, 337; proceedings as to the duel between his son and a son of Lord Cranstoun, 505;—of Fawlohill, *alias* Philiphauch, Jo., slain, I. * 69; Ja., * 127; Pat. * 148, * 332; III. 394, 396;—of Galdwall, Da., I. 76; Pat., hanged for House-breaking, Theft, &c., II. 383;—of Gospertie, Sir Da. See Lord Scone;—of Gudisburne, Ja., III. 235;—Jo., Leiche, banished for uttering base coin, II. 99; Walt., his brother, and 2 others, ‘wirreit at ane staik, and brunt in asses,’ 100; Wm., Slaughter, III. 235; Arch., Rebellion in Orkney,

- 273; hanged, 283; his Deposition, 296; Jo., hanged for Stouthreif, &c., 479;—of Laichlaw, Jo., I. * 441;—of Letter-Bennettis, Wm., 89;—LORD, OF TULLIEBARDIN, Jo., II. 496. *Vide* TULLIEBARDIN;—of Lochmaben, Jo., III. 389, 390;—of Newtonn, Sir Wm., 601, *note*;—of Pardowis, Ja., I. 119;—of Polmais, Jo., 282; II. 54;—Ro., Justice-depute, 76;—REGENT, Conspiring his Murder, I. * 510; field of Langside, 6; forging his signature, 19; Murdered, 23; David Hamilton hanged, 31; George Mowtray tried, 59; Arthur Hamilton in Bothwellhauch tried, 87; Laird of Spott tried, 101; acquitted, 107; III. 394;—of Romannos, Wm., I. * 147, * 166; Wm., yr., of, * 332, * 424;—of Spainjedail, Jo., 349;—of Tibbermure, Pat., * 407;—of Tulliebardine, Sir Wm., * 468; Sir Jo., 116, 304, 347; Wm., yr., II. 49, 54, 74; Sheriff of Perthshire, 243, 387; Sir Jo., 426;—Tutor of, I. 289;—of Touchadam, Jo., * 3;—of Udstoune, Gavin, * 404; II. 474; III. 235;—Wm., Capt. of Barrow, slain, I. * 395.
- Murrays, six score of, with their wives and children, burnt and slain by the Drummonds, at the burning of the Kirk of Monyvaird, I. * 101.
- Murrionis, what, II. 432.
- Muschett of that Ilk, III. 377;—of Orchardheid, Da., II. 438;—of Tolgarth, Geo., I. 299.
- Musgrave, Sir John, (Englishman,) Intercommuning with, I. * 34; Burning of Selkirk, 35, * 119, * 121.
- Mussilburgh, milns of, burnt. I. * 363;—Raid of, * 339; Battle of, 51, *note*.
- Mustard, Agnes, Resetting a stolen purse, containing 500*l.* in gold, and jewels worth 3000*l.*, III. 552.
- Mustouris. See Waponschawing.
- Mutilation, during Parliament, I. * 26, * 158; by a Minor, * 160; Judicial Arbitration, * 167, * 181, * 201; Assise imprisoned for year and day, * 203, * 246; of a Bailie of Aberdeen, * 250, * 254, * 356, * 405, * 437, * 453; by biting off a finger, 34; of a left eye, II. 456; Forrester, III. 112.
- Mutton, price of, at Justice-aires, I. * 389.
- Mwildis, earth from dead men's graves, &c., used as a charm, I. 251. See Grave, and Charm.

N.

- NAIG, a bachillane, III. 78; a naig, 98; a staig, *ib.*; a paissing-naig, 163.
- Nairne, Kirk of, Witches initiated there, &c., III. 616, *et seq.*
- Nairnshire Witches, list of, III. 616, *et seq.*
- Napier, Allan, 'wirreit at ane staik and brint in assis,' for uttering base money, &c., II. 403;—of Ballekinrane, Jo., I. * 384; Tho., II. 439;—Barbara, Witch, I. 216; tried, 242; pleads pregnancy, 243; is acquitted? 244, *note*; the Assise is tried for Wilful Error, 244;—of Blakzairdis, Ro., II. 438;—of Edinwillie, (Edinbellie,) Sir Arch., I. 154, 372; II. 339;—of Kilmahew, Jo., I. * 178; Ro., * 361; Peter, murdered by the MacGregors, II. 432; Jo., 438, 439; III. 538;—LORD, Arch., his bones proposed to be raised, and sentence of forfeiture to be pronounced, II. 277, *note*; III. 394;—of Merchinstonc, Jo., I. * 42; Arch., appointed Justice-depute, * 415, * 419, * 443, * 447, 46, 72; II. 10; Jo., yr., 339; Jo., fiar, 433; Sir Arch. appointed to the Offices of 'Clerkschip of Justiciary-Generall and Maister of the Ceremonies at the Creatioun of all Erles, Lordis, and Barrones,' &c., III. 558;—of Wowmet, (Woolmot,) Arch., the 'gudeman' of, slain, II. 339;—of Wrychtishoussis, Mr Wm., I. 20, 46, 159.
- Narne of Alliefargie, Laur., II. 63;—Mr Peter, murdered, under form of law, 349, 351.
- Nasmyth of Inwar, Ja., II. 394;—of Posso, Mich., I. * 429, *note*, * 450; Ja., III. 417, 431, 569;—Wm., banished for forging Testanis, I. * 394.
- Nativi tenentes*, III. 366, *note*; and see Kindly Tenants.
- Neilsoun of Assint, Donald, Murder by drown-

- ing, III. 489; Neill, his son, *ib.*;—of Corsok, Jo., 118;—of Craigeaffy, Jo., I. * 140; Alex., fiar of, Slaughter, II. 515;—of Graniche, Jo. Stewart, III. 250;—Jo., alias *Suppit-out*, drawn and hanged, I. * 63; Alex., Forgery, II. 17;—of Madinpap, Rob., I. * 87.
- Neilstoun, Kirk of, attempt to restore Popery at, I. * 430.
- Nelson, Thomas, 'Cubicular' to KING HENRY, (Darnley,) his Deposition as to the Murder, I. * 501.
- Nesbit of Dalzell, Jo., Baroun of, I. * 62, * 82; Geo., * 139, * 230; respited, * 245; 'the Barroune of' Dalzell, * 414; Ro., III. 459; Gaw., his son, Slaughter, *ib.*;—Sir Dav., Assisting the English, I. * 332;—of Greneholme, Alex., II. 507;—Hen., Provost of Edr., 22; Sir Tho., III. 128;—of that Ilk, Adam, I. * 142; Philip, * 144; slain, * 244; Geo., * 393; Tho., his son, Slaughter, II. 517; Philip, 563;—of Raschill, Hew, I. 119.
- Netherbow-Port of Edr., the Earl of Arran 'held furthe' at, I. * 241.
- Nevene of Kirkwode, John, I. * 402.
- Newall, Arch., slain, I. 158.
- Neville, Sir Hen., his three Letters as to the Earl of Gowrie, II. 315.
- Newark, Laird of, I. * 177;—Siege of, * 139, * 270.
- Newbottle, Abbay of, I. * 272; gilt chalice stolen, *ib.*;—ABBOT of, (see Kerr,) I. 101, 184, 244; Mark, II. 159; III. 390;—LORD, Mark, his chambers broken, &c., II. 357, 380, 496;—Town of, burnt by the English, I. * 349; Slaughter of French soldiers there, * 377.
- Newby, Place and miln of, Burnt, I. * 60; besieged, &c., II. 464.
- Newcastle, in England, I. * 281.
- 'Newes from Scotland, declaring the damnable life of Dr Fian,' Warlock, &c., I. 213.
- Newtounne, house of, to be cast down, I. 343, 344;—of that Ilk, Wm., * 85, * 346; pursued for his Slaughter, * 349; Treason, Fire-raising, &c., *ib.*, * 386, * 469, * 486;—Lady (Jonet Creichtounne,) rape of, * 258;—of Mitchellhill, Dav., * 141, * 144.
- New-Year's day festivities, I. * 282;—gifts, * 115, * 271, * 295, * 299, * 307;—Mass, * 284, * 295.
- Nicknames, Border, I. * 90, &c., &c.; of Evil Spirits and Witches, III. 606, 614, &c.
- Nicoll, Issobell, Witch, III. 614, &c.
- Nicolson, Geo., Ambassador from Q. ELIZ., his Letter as to Gowrie's Conspiracy, II. 313.
- Niddry-Marischall, Laird of, Feud with Laird of Edmonstoun, I. * 143; with Laird of Dundas, * 144; waylaid, * 169. See Wauchope.
- Nik of the Fell, what, II. 519.
- Nishie, Elspet, Witch, III. 606, 614, &c.
- NITHSDALE, EARL OF, III. 28.
- 'Nobillis of paiss,' coins, I. * 18; Angell, III. 178; Roise, *ib.*
- Noble of Ferme, Ja., I. * 450, 71.
- Non-sunt*, striking coins so called, I. * 440.
- NORFOLK, DUKE OF, I. * 210, * 283, *note*, * 287.
- Norham, Siege of, I. * 117.
- Norkott, Johan, her corpse disinterred, and *touched* by persons suspected of her Murder, &c., a remarkable case, III. 192.
- NORTHAMPTON, EARL OF, Hen., his Speech as to L. Balmerinoch's Treason, II. 593; was involved in Sir Tho. Overbury's murder, *ib.*
- Northberwick, Kirk of, the great Convention of Witches with the Devil there, I. 212, 235; a more detailed account, 239, 243, 245. See Witchcraft;—Prioress of, Invasion, &c., * 347.
- Northland-men, not to return home from Army, under pain of death, I. * 270, &c.
- NORTHUMBERLAND, EARL OF, I. * 4, &c., * 272, * 273, * 276, * 279, * 280, * 281.
- Norwall, Wm., banished for life, for stealing Poor's-box, Adultery, &c., II. 387; hanged as a False Notary, 389.
- Norway, K. JAMES V. sends to, for Hawks, for Falconry, I. * 322.
- Nory of Buchquhopill, Rob., I. * 88.
- Notaries deprived for ignorance, neglect, &c., I. * 217; hanged for falsifying 'evidents,' 85; his servant hanged, 87; Tho. Majoribanks hanged, II. 34; Jo. Moscrop hanged, 35; Ro. Innes hanged for falsifying a Charter,

104; Norwall hanged for acting without a Warrant, 389;—Perjured, right hand struck off, Banished and declared Infamous, I. * 402, * 432; Alex. Cuik hanged, III. 418; Mr Jo. Muirheid hanged, 430;—Protocol book, I. * 217. See also Messenger.

Nurse, French, I. * 295, * 310;—to K. JAMES V., * 263, * 271; to his eldest son PRINCE JAMES, * 306. See P. JAMES;—to Prince Arthur, * 309;—LADY JANE, * 325.

O.

OATHS taken, by swearing upon swords, III. 275.

OBIGNY, LORD, horses and hounds sent to France to him and to 'Madame D'Obinze,' I. * 277.

Obsequies, Funeral, of K. JAMES IV., I. * 259; Q. MAGDALENE, I. * 287, * 288, &c. See under the various names of Kings and Queens, &c.;—Offering at, I. * 304, &c.

OCHILTRIE, LORD, STEWART OF, AND., I. * 177, * 199, * 335; Feud with, * 352, * 428; intercommuning with D. of Châtellerault, &c., * 466, * 478, 88, 91, 162, 306; denounced, 310; II. 3; Kirk's grievances, 9, 107; 1000 l. gifted by the KING, 238, 380, 445; Warden of West Marches, 453; III. 9; Slaughter of Lord Torthorwald, 66; Raid of the Isles, 118, 225; Letter to the KING, 367, 419;—MASTER OF, I. 49.

Octavians, the, II. 568; III. 63.

Odoneill, Irish Rebel, I. 348.

Officers of Witch-covens, III. 605, &c.

Ogilvy of Balfour, Ja., I. 375; II. 134;—of Balnagrow, Jo., I. * 157;—of Boyne, Walt., I. * 217; Alex., * 462, *note*; III. 560;—of Boigside, Ja., shooting bagbuts, &c., II. 134;—of Cragbone, Walt., I. * 150;—of Craig, Jo., his houses, &c., to be cast down, I. 348; Sir Jo., slaughter, &c., II. 130; Mr Da. and Fra., his brothers, *ib.*, 235;—of Cukistoane, Ja., I. * 138;—of Dunlugus, Sir Walt., I. * 179, * 182; Sir Geo., 284, 382;—of Drummis, (Drum,) Alex., I. 264; Walt., III. 330; Jo., his son, a Jesuite, cruelly persecuted and hanged, *ib.*, &c.;—of Findletter, Sir Walt., I. 284; II. 133;—of Gassall, Jo., yr., III. 478;—of Inchemartin, Pat., remitted, I. * 240, 28, 141;—of that Ilk, Alex., abiding from Solway, I. * 255; David, * 404; Gilb., 74, 91;—of Innerquharitty, Jo., I. * 138;

remitted, * 240; Sir Jo., 75; II. 134;—Jo., called *Reid Johnne*, II. 134; Alex., called *Blak Sandie*, *ib.*;—Jo., Jesuite, his Trial, III. 330; kept from sleep *ad delirium*, 331, 332; hanged and quartered, *ib.*; Relation of the proceedings, *ib.*, &c.; conduct at his execution, 350; his Deposition, &c., 352; Resetting him, 371;—of Keillour, Arch., II. 430, —LORD, OF AIRLIE, Ja., I. * 136, * 138, * 244, * 270, * 470, 75, 114, 116, 263; II. 297, *note*; Hereschip of his lands of Gleny-lay, &c. III. 233;—MASTER OF, Ja., I. 348; 375; Slaughter of the Laird of Kerse's son, and Wounding Lord Spynie, II. 130, 133, 135; fined L.5000, 146; Sir Jo., Pat., and Fra., his brothers, *ib.*, 235;—of Mygyvie, And., I. 28;—of Quheich, Jo., I. 264;—of Quhytefield, Dav., I. 348.

Ogill, Mr D., assaulted, I. 337;—of Hartree-wood, Henry, I. * 386, 27.

Oker, taking usurious interest, &c., II. 101.

Olipphant of Condie, Laur., III. 479;—of Gask, Wm., slaughter, III. 443; Laur., his brother, *ib.*; Demembration, 479; Wm., slaughter, 542;—of Kelly, Alex., invaded for his slaughter, I. * 347; oppressed, *ib.*;—of Keltye, I. * 453;—LORD, Laur., Justiciar, I. * 14, &c.; Jo., oppressed, * 108; Laur. invaded for his slaughter, * 488, 25, 27; slaughter, 44, 89, 92; slaughter, II. 512; III. 419, 443;—MASTER OF, Laur., I. * 395, 119; Jo. slain, II. 514; III. 443;—of Newtown, Sir Wm., King's Advocate, III. 232, &c.; Walt., 583;—of Pittocker, Peter, I. 24;—Pursivant, I. * 273;—of Rescobie, Peter, III. 479, 542;—of Turingis, Peter, I. 25, 27; III. 523;—Wm., Justice-depute, I. 101.

Olivers of Gagy, I. * 317;—in Stryndis, tried at

- Justice-aire of Jedburgh for numerous crimes, I. * 28, &c.; four of them hanged, * 30.
- Oneill presents K. JAMES V. with a horse, I. * 303. See Steid, &c.
- Oppression done to the Lairds of Ravinniscraig and Vchiltrie, I. * 32;—to Lady Cardines, * 52; Laird of Caly, * 53; Abbot of Dundrennan's officer, * 54; Sir Gavin Kennedy, * 55; Laird of Niddry-Marischall, * 73; Laird of Bass, *ib.*; Laird of Leswalt, I. * 89; Ardwell, * 90; Lord Drummond, * 108; Mr D. Lindsay, * 141; John Petcarne, &c., * 159; Laird of Congiltoun, * 158, * 160, * 169; Dean of Murray, * 176; Moncur of Balluny, * 178, * 180, * 181; John Mathesoune, beheaded, * 201; Laird of Bargany, * 204; Hepburn, &c., 87; 'cietineris' of Brechin, * 431; Tho. Cuninghame hanged, II. 359; and Perjury, &c., three persons hanged, beheaded, and scourged, II. 453;—and Murder, 516; by E. of Orkney against Inhabitants of O. and Zetland, III. 81, 312, 489, 491. See Orkney.
- Or, James, beheaded for slaughter, III. 358.
- Orde of that Ilk, And., I. * 150.
- Ordeals, popular, for the Discovery of Murder, III. 183, &c.
- Orders of K. JAMES V., invested with the Collar of Cokkilzeis, I. 265; the Garter, * 283, * 289; St Michael, * 283; the Golden Fleece, *ib.*; mending the King's, * 292, &c.
- Organs, I. * 122, * 279, * 290, * 321.
- ORKNEY, BISHOP OF, I. * 211; Adam, 101, 267, 270, 293; Trial of Mitchell for firing a pistol at, III. 195; Rebellion in Orkney, 293, &c.; Ja., 301, 304; Geo. 444; Ja., 508;—EARL OF, Ro., to seize and expel the Spaniards, I. 267; Pat. seizing 'the Ark of Noy,' 336; attempt to poison him and cut him off by Witchcraft, 373; Tho. Palpla executed, 374; II. 76, 77; Ro., 97; Pat., tyrannical oppression of Inhabitants of O. and Zetland, III. 81; curious form of the execution of dittay, 86; Trial of Ro., natural son of Pat. E. of O., 272; he, along with 5 accomplices, is hanged and forfeited, 283; illustrative Papers, *ib.*; Trial of Pat. E. of O., 308; notices of, *ib.*; beheaded and forfeited, 318; illustrative Papers, 319; conference between the Secretary, Lord Advocate, and the Earl, 320; his Examination, *ib.*, 322;—MASTER OF, Jo., Witchcraft, attempt to poison his brother, the Earl, &c., I. 373; tried for slaying the Parson of Urquhart, 392, 397.
- Orkney and Shetland, withholding the rents, I. * 182; Convocation of lieges in arrayed battle, and slaughter of EARL OF CAITHNESS, * 253; Lease of Lordship and Isles of, to Oliver Sinclair for 3000 merks yearly, * 257, * 258; K. JAMES V. visits, * 305; Convocation there, * 413; Rebellion by the Earl and his base son, III. 272 to 307, and 308 to 327; Bond of Association by the Rebels, 293; Depositions of Rebels, 294, &c.; Bond torn by Ro. Stewart, 304; Deposition of Ro. Stewart, 306; Letter from the KING, as to the oppressed people of Orkney, 319.
- Orme, Da., bailie of Newburgh, III. 97;—of Mugdrum, Da., I. 270, 309.
- Ormistoun of Brigend, Ro., I. 268;—Deer-park of, chasing and wounding Deer, I. * 140;—of that Ilk, Geo., * 147; Ja., deforcing a Messenger, I. * 334; at DARNLEY'S Murder, 145; Ja. III. 391; Deadly feud with Laird of Cessford, reconciled, 303;—*Rob*, alias *Hob*, I. 145;—of Smailholm, Jo., I. 270.
- Ormond, Pursuivant, I. * 273, * 281, * 306, * 317, 226.
- Oronsay, Island of, burnt, I. 229.
- Orphies, (*orfevererie*,) gold embroidery, I. * 301.
- Orrok of that ilk, Ro., I. * 186, 60;—of Sillibawbe, his wife portioned by K. JA. V., I. * 324. See Tocher, &c.
- Otterburn of Redhall, Mr Adam, remitted, I. * 252; sent to London to treat a Peace, * 283; * summoned, * 310; Tho., 154, 375, II. 528.
- Otter-stalf, Ro., Huttone, slain with, III. 499; Hen. Baird beheaded, 500.
- Oulk, week, III. 601, *et passim*.
- Outing forged money, II. 74. See Uttering.
- Overbury, Sir Tho., murdered, II. 593; K. JAMES VI., awful imprecation, 600, *note*.
- Over the dyke with it, a Witch's nickname, III. 606. See Nicknames.

Ovens for the King's Ships, I. * 303.
 Oxen employed to drag heavy Artillery, I. * 260,
 * 263, * 267;—Geo. Dempstar banished for
 hurting an ox in the plough, II. 127.
 OXFORD, EARL of, I. * 118;—St Mary's, Pas-

quil against the Scottish Nation, affixed on
 door of, III. 447, &c. See Roise.
 Oye, (o, or oe,) a grandchild, I. 183, II. 520, III.
 78.
 Oylispek, what, III. 599.

P.

Pace, (Pasche,) Easter, III. 603, *et passim*.
 Paddokis, 'plewghē' of, a singular Witch-charm,
 III. 603.
 Padjeane of Newtoun, Rodger, III. 93, 387;
 Jo., yr., 485.
 Pages, I. * 289, * 294, * 307, * 321.
 Pailjeonis, (Pavilions,) I. * 273, * 283, * 310,
 * 323. See Hunting, &c.
 Painting, art of, I. * 117, * 119, * 259; pictures
 brought from Flanders, * 284, * 287, * 310;
 QUEEN'S Painter, * 321, *ib.*, * 323.
 Paisehe, Easter, II. 528, &c.
 Paisley, Commandator of. See Claud Hamilton;
 Wm., I. 119;—Monastery of, Hamesucken
 at, * 382; attempt to restore Popery, * 427;
 detaining the Abbey, &c., 45.
 Paistoun, Jonet, Confession of Witchcraft, III.
 601; Devil's marks found on her, 602.
 Palace, shooting within, punished by Banishment
 for life, I. 187. See King, Holyrood, &c.
 PALATINE, COUNT, III. 322; THE COUNTESS,
 I. * 308.
 Pall, funeral, I. * 287, * 288, &c.
 Palinode, what, III. 621.
 Palpla, Tho., poisoning, executed, I. 374.
 PALSGRAVE, THE, I. * 301; III. 322.
 Pamfara! tantara! II. 601 and *note*.
 Paniter, Patrik, Abbot of Cambuskenneth, Secre-
 tary, I. * 79; Ambassador, * 273.
 Pannel permitted, before conviction, to assign a
 Reversion, I. * 374.
 Pantoun of Pitmedden, Jo., I. * 184;—of Tulle-
 maid, Ja., * 470.
 Pantoun, a kind of slipper, III. 512.
 Pantry, the KING'S, I. * 313.
 Pansis of mailje, I. * 317.
 Panmure, Place of, Imprisoning a messenger in,
 I. * 345.

Papist Lords, proceedings against them. (See
 Angus, Huntlie, Erroll,) I. 306, &c.
 Papists, Resetting, I. 167; trafficking with, to
 alter the Religion, 172, 371.
 PARMA, DUKE OF, I. 327, 328, 329.
 Parliament, Mutilation during sitting of, I. * 26;
 —printing false Act of, II. 2, 14.
 Park, QUEEN'S, Wounding a Keeper of, I. * 381.
 Park of Bagray, Alex., warded, I. * 357, * 451;
 —of Gilbertfield, Ja., * 170; Rob. * 404;—
 Ja. and Wm., Murder, Oppression, &c., III.
 495;—of that Ilk, Walt., I. * 170.
 Pardoune, the, I. * 278.
 Paris, French, *alias* Nicholas Haubert, Murder
 of K. HENRY, (Darnley,) I. * 489; his first
 Deposition, * 502; his second Deposition,
 * 506; Execution at St Andrews, * 489,
 * 510; Letter from Regent Murray to Q.
 ELIZABETH as to, * 511; his head and a leg
 sent to Edr., *ib.*, 152.
 Parkins, Capt. Jo., English Pirate, III. 104.
 Parricide, Jo. Diksoun, yr. of Belchester, broken
 on the 'row' or wheel, I. 241; Wm. Mow, II.
 18; Philip Stanfield, III. 196; his father's
 corpse bleeds on being *touched* by him, 197;
 notices of the trial, *ib.*, 198; hanged, his
 tongue cut out and burnt, his right hand struck
 off and affixed on the Port of Haddington, and
 his body gibbeted in irons, *ib.*
 'Pas-pennys' found, I. * 18; what they were,
ib.;—concealing, * 32.
 Pasquills, writing against the KING, F. Tement
 hanged, II. 332;—forging one against the
 Scottish Nation, III. 445; Mr Tho. Roise's
 right hand and head struck off, &c., 445; il-
 lustrative Papers, 582.
 Pasmets of Gold, I. * 302, and Excerpts from
 Treasurer's Books, *passim*.

- ‘ Patesar,’ King’s, I. * 313.
- Paterson of Caverhill, Ninian, I. * 87; Bartie, ‘ wirreit and brunt’ for Sorcery, &c., II. 535; Tho., * 421, * 469;—Helen, hanged for coining bawbeis, I. * 365;—Jo., Sh.-clerk of Fyfe, III. 453;—of Leuchrie, And., II. 343.
- ‘ Patroune’ of the King’s Ships, I. * 298; silver ‘ quhissill with ane lang chenȝe to him,’ *ib.*
- PAUL V., POPE, II. 570, *note.*
- Pavier, a French rope-dancer and posture-Master, II. 238.
- Pawtoun, Mr Wm., Minister, Treason, &c., I. 20.
- Pax, cover for the, in PRINCE’S Chapel, I. * 306.
- Peace between England and Scotland solemnly ratified, I. * 283.
- Pearl beads, I. * 307; and Jewels abstracted from the QUEEN, II. 544; from E. Marischall, III. 563, 564.
- Pedder, Alex., scourged ‘ mother-naikit’ with ‘ suord-beltis and horse-brydillis,’ III. 539.
- Peebles, Justice-aire of, I. * 24, * 72.
- Peebles-shire, Barons fail in Bond, I. * 146;—Baron of Findowie, Alex., with Gowrie before his Conspiracy, II. 158, 176; his Deposition, 191;—Justice-aire of, I. * 24, * 172;—Privileges of the Sheriff, * 350;—Marioun, *alias* Pardoun, corpses of Murdered persons bled on being *touched* by her and her husband, III. 194;—of Chapelhill, Oliver, I. * 132;—Tho., hanged and quartered for Coining, &c., * 440.
- Peices, a term applied to massive plate, II. 520.
- Peirsie, Capt., English Pirate, III. 104.
- Peirsoun, Alisoun, burnt for Witchcraft, &c., I. 163;—of Cairny, Da., II. 103.
- Peistis, lead drops or slugs, III. 120.
- Pellock-bows, I. * 293.
- Pendykillis and frontellis, I. * 320.
- Penkill, House of, besieged, I. * 403.
- Penman, taken prisoner by Buccleuch, I. * 273.
- Penny, Sir Jo., Chaplain, slain, I. * 178.
- Pentland, Captain Jo., Slaughter, banished, I. 46.
- Pennycuke, of that Ilk, John, I. * 127, * 143, * 159; acquitted of Mutilation, &c., * 203, * 333, * 424, 11; denounced, 276; his brother ‘ spuilȝied,’ 396; Gilb., II. 49, 129, 376, 379.
- Perjury, Arch. Croser hanged, I. 111; Wm. Barclay, II. 348; Alex. Cheyne beheaded, 453; Alex. Wastland hanged, *ib.*; Alex. Croy scourged, *ib.*; Mr Jo. Galbraith stands at the cross, and is Banished for life, 476; III. 76; Da. Donaldsoun hanged, 208; Ro. Grahame of Langboddome, &c., hanged, 358; Alex. Cuik, notary, 416, hanged, 418; And. Turnbull and two others hanged, 538; Da. Turnbull’s tongue pierced with ‘ ane hett boitkyn,’ and banished, 538.
- Perrot, Sir Jo., Deputy of Ireland, III. 2.
- Perth, Bailies and community remitted for burning Craigy, I. * 240; exempted from Assises, * 418;—Conflict between E. of Glencairn and Master of Wintoun, III. 579;—Convocation on the South Inche, I. * 451;—EARL OF, Jo., III. 233, 316, 548;—Feud with Laird of Craigy, I. * 432;—Hamesuckin to Keepers of the Gates of, * 219;—Justice-aire of, * 265, * 272;—K. JA. VI. made a burgess, and subscribes Guild-book, II. 247;—Plague in, Housebreaking during the, I. * 219;—Quarrel with Laird of Clackmannan, 276, &c.; conduct as to Gowrie’s Conspiracy, 186, &c., 192, &c. See GOWRIE;—Reformation preached at, * 407;—Spey-Tower of, * 177.
- Pestilence, (see Plague,) ‘ that nane mak mercate with Inglis menne,’ because of the, I. * 294; the pestilence ‘ but mercy,’ 51, 302; diet deserted on account of, II. 426.
- ‘ Pets’ kept by K. JAMES V., I. * 299.
- Pettigrew of Over Cottis, Walter, I. * 388.
- Phillope, Mr Ro., banished for saying Mass, &c., III. 252;—Ro. Sh. Clerk of Dumfries, III. 452.
- Philosopher’s stone, I. * 120.
- Pickery, an aged man banished for, I. * 53, II. 43.
- Pigs, price of, at Justice-aire, I. * 390.
- Pikle neirest the wind, a Witch’s nickname, III. 606.
- Pilgate, I. * 291.
- Pilgrimages beyond seas, Lady Glammis, &c., I. * 244; Earl of Cassillis, &c., * 245;—to Qubithirne, I. * 117;—to Rome, I. * 240;—in Scotland, I. * 371;—to St James in Gal-

- licia, I. * 101;—to St John of Amiens in France, I. * 107;—to St Ninians, I. * 106;—to St Thomas of Canterbury, I. * 107.
- ‘Pilniewinkis,’ an instrument of torture, I. 215.
- Pink, a small ship, III. 100.
- Pinkertoun, Alex., beheaded, I. * 164.
- Pinkie-cleuche, Battle of, I. * 360, * 378, 51, and *note*, &c.
- Pipers, English, I. * 115; of St Johnstoun, tocher given to him, * 279.
- Piracy, Capt. Ja. Cockburn and 5 others hanged, I. * 131; Alex. John Canochson, * 170; * 273; hanged in chains, * 358; Walt. Cowsland, 37, 93;—the English Pirates, III. 99; *eight* hanged within flood-mark, 101; *thirty* Pirates tried by Vice-Admiral, 102; hanged at Leith, 107; Documents as to Piracies by the English, 108. &c.; Jo. Davidson, and Jo. Lewis, English Pirates, hanged within flood-mark, 244;—and Murder under trust, Jo. Brown and three others, 569; hanged, and their heads affixed at Leith and Burntisland, 572. See Pirates.
- Pirated goods, Stouthrief of, I. * 87.
- Pirates, Expedition against, I. * 298; English, * 379. See Piracy.
- Pissane of mailze, I. * 288, * 317.
- Pistoletts, Act anent bearing, I. 299; shooting with, 371, II. 22; curious legal arguments on this point, 53, &c.; Lockhart of Lee, II, 61, 128, 129; Turnbull of Mynto, II. 370; Maxwell of Cowhill, 485; Wm. Douglas, yr. of Drumlanrig, III. 212, &c. See Wounding, Slaughter, &c.
- Pistuletts, (coins,) forged, II. 99; gilding, 100.
- Pit and gallows, I. * 396, II. 43;—of Tulliallane, III. 479; of Blair Castle, 491, persons starved to death there, *ib.*
- Pitblado of that Ilk, Alex., I. * 404.
- Piteairn, Rob., Commendator of Dunfermling, I. * 436, 88, 101;—of that Ilk, Hen., II. 53;—of Ramsay’s Forthar, Hen., II. 10.
- Pitcur, Tutor of, I. * 406; Sir David Forbes, knt., slain in ward, under his custody, *ib.*
- Pitmedden, place of, Burnt, I. 160.
- Pitscottie of Loncardie, Finlay and David, his great grandson, I. * 258; Jo. Mutilation, III. 363; Colin, yr., *ib.*
- Pittarrow, Laird of. See Wischart.
- Pittenerief, Laird of, I. * 504.
- Pittendreich, Lady, &c. See Douglas.
- PITTENWEEM, LORD, Wm. III. 245; his lands in the Island of Lewis burnt and wasted, &c. *ib.*;—PRIOR of, Violence committed by, I. * 156, 117; Wm., 279;—Magistrates of, assist Earl of Bothwell, 319.
- Plague, in Perth, Housebreaking during the, I. * 219; in Stirling, ‘gude rule anent,’ * 262; in Selkirk, * *ib.*; on the English Borders, * 294; that ‘na Inglis men be sey cumand be ressaut,’ * *ib.*; in Edr., diet deserted, II. 426, &c.
- Planis, Monsr. de, French Ambassador, I. * 261, * 263.
- Plate. See gold, silver, basin, &c.
- Play-coats, &c., I. * 282, * 299.
- Players, I. * 114, * 115, * 118, * 299.
- Plenishing, insight, what, II. 70, &c.
- Plewgh of paddokis, a curious Witch-charm, III. 603.
- Plumber, King’s, I. * 314.
- Plume, de la, French Pursuivant, I. * 296.
- Pluscardin, PRIOR of, Alex., supplying Master of Rothes, I. * 358; invaded, in presence of the Holy Sacrament, * 376.
- Poison, Conspiring the KING’s destruction by, I. * 187;—selling, * 203; purchasing, II. 337; poisoning fowls, *ib.*; banishment for life, *ib.*;—Slaughter by, I. * 368; Helen Colquhoun, 80; Andro Glencorse burnt, 84; Lady Fowlis, 185, 191, &c.; Master of Orkney, 373; Jo. Boyd acquitted, 399; Ro. Erskine, III. 260; beheaded, 264; Helen, Issobel, and Annas, 266; sentenced to be beheaded, 269; Helen banished, *ib.*
- Poisoned bullets, I. 90; Laird of Johnstone slain with two, III. 37.
- Poisoning and treasonable Murder, &c., I. * 419; Mr Adam Colquhoun hanged and burnt, * 420; and Incantation, &c., B. Patersoun ‘wirreit’ and burnt, II. 535.
- Poison-Ordeal, III. 184.
- Polmude, Laird of, slain, I. * 106.

- Pollok of that Ilk, David, Theftboot, I. * 143 ; Charles, Tutor of, * 384, * 402. See Maxwell.
- Polwort of Rottonraw, Wm., denounced for Forcible Abduction, &c., 345.
- POMER, DUKE OF, I. * 322.
- Poor's-box stolen, II. 387.
- POPE, THE, treasonable correspondence with, II. 568, &c. ; Lord Balmerinoch's Confession, 575 ; King's Letter to Lord Advocate, 577 ; Documents illustrative of, 580, &c. ; his alleged Supremacy, III. 330, &c.
- Popery, attempting to restore, I. * 410, * 427 ; See Reformation, &c.
- Poplicie, (sciatica, or palsy ?) I. * 422.
- Porquier, John, Frenchman, murdered, I. * 361.
- Portincraig, Raid of, I. * 336.
- Portar of Lag, Ja., Hereschip done to, I. * 90, &c. ; Thomas, beheaded, I. * 92.
- Porterfield of that Ilk, Mr Jo., I. * 450, 19 ; Wm., slaughter, 69.
- Porters, King's, I. * 313.
- Portingall-doucattis, III. 178, 563.
- Portuys, (Porteous-roll,) I. * 321.
- Portwise (Porteous) of Gernkirk, (Glenkirk,) Jo, I. * 81 ; Tho., 190 ; II. 467 ; III. 453 ; —of Halkschaw, Pat., I. * 147 ; Wm., * 422, * 424.
- Pott, Richard, hanged, I. * 87.
- Poultryman, King's, I. * 313.
- Poultry, price of, at Justice-aires, I. * 390.
- Power of Silverwood, Jo., I. * 458.
- Pow-aixes, II. 432.
- Pow-penny, at Funeral obsequies, I. * 293, * 297.
- Pow, what, III. 605, &c.
- Powrie, Wm., hanged and quartered for Murder of K. HENRY, I. * 490 ; his Depositions, * 493, &c.
- Poynd-faldis, destroying, I. * 163.
- Prayer, Witches', virtue of, I. 232 ; form of, 234, 237 ; III. 95.
- Praying publicly for the banished Ministers, I. 136.
- Pregnancy, pleaded by a condemned Witch, I. 243 ; II. 29, 52.
- Pregnant women, Murder of two, I. * 344 ; striking and producing abortion, * 412, * 421, 456 ; Murder of, II. 517 ; Pat. Deans hanged, *ib.*
- Prentado, Laird of, I. 166. See Borthwick.
- Prestoun of Craigmillar, I. * 159 ; Geo., * 333 ; Sir Simon, Justice-General, * 477 ; Da., 255 ; Feud with Lord Borthwick, &c., 352 ; Sir Geo., II. 455 ;—Simon, of that Ilk, Battery *pendente lite*, Oppression, &c., I. * 73 ; Geo., * 159, * 347, * 381, * 477 ;—Ja., Provost of Edr., Justice-depute, I. * 126, * 129 ;—Jo., Justice-depute, I. * 143 ;—of Valleyfield, Ja., yr., I. 15 ; Sir Jo., II. 456, 555 ; III. 264 ;—Eliz. acquitted of Incest, &c., I. 83 ;—of Hattrie, Geo., murdered, II. 18 ;—of Pentounbarns, Mr Jo., Collector Gen., II. 274 ; President, III. 78 ;—of Pennycooke, Mr Jo., President, II. 328 ; Collector, 496, 568, 598 ; III. 312.
- 'Preyne,' pin, III. 527 ; used for pricking Witches, to discover Devil's mark, 602, &c.
- Pricking for Witchcraft, to find Devil's mark, III. 599, 602.
- Priests, Jesuite, Resetting, III. 541, &c. See Jesuite ;—Seminary, Resetting them, 167, 172 ; proclamation against, 281.
- PRINCE OF SCOTLAND, Alex., (brother of KING JA. IV.,) I. * 232. See also JAMES.
- Printing a vitiated Act of Parl., II. 2, 14 ; or striking coins with Mint-irons, II. 398 ; Alex. Reid hanged, 399.
- Prisoner freeing from ward, I. * 81 ; English, * 351 ; Magistrates of Edinr. freeing Paterson, * 442, &c. ;—taking, I. * 171, * 437 ; III. 212, 489, 495, 497, 539.
- Privy Council, declining their Jurisdiction, II. 494 ; III. 87 ; Mr And. Creichtoun sentenced to be hanged, 89 ; banished for life, 90 ; they write the KING as to the English Pirates, 108 ; they present Captain of a Dutch Waughtler with a silver cup, for escorting two English Pirate vessels to Leith, 111.
- Privy Purse, King's, I. * 305.
- Procession, I. * 116 ; public, for prosperity of the KING, and return of the REGENT, * 270.
- Proclamation to regulate Justice-Aires, I. * 64, * 388.
- Protection, Special, to Tenants of Archbishopric of Glasgow, I. * 41 ;—breaking the King's, I. * 106.

- Prothogoll-buik, (Protocol,) Notary's, I. * 217 ; III. 416, 417, &c.
- Prothonotary, English, at Ratification of Peace with England, I. * 283 ; at his departing to France, * 307, * 321.
- Protestation against the Verdict of an Assise, I. * 449.
- Proof in exculpation on a Trial for Slaughter, by Witnesses, refused, III. 467 ; Assise ordained to take proof of a fact, 574 ; Probation led *after the Jury was enclosed* in the Assise-house, 575.
- Provisions, prices of, at Justice-aires, I. * 389, &c.
- Prymrois, Mr Da., Justice-depute, II. 562.
- Pudrache, of the country of Balquhidder, II. 424, 432, &c.
- Purdie, Jo., Herald, slain, I. 362.
- Purgatio Vulgaris*, what, III. 184.
- Purse, Stealing, III. 441, 445 ; Resetting a stolen, &c., 553.
- Pursuivant, mocked, &c., I. * 367.
- Pyker, or petty thief, II. 552, &c.
- Pyle of the Raw, Jok, slaughter, I. 37.
- Pyndalfe, what, I. * 58.
- Pyne-doublet, definition of, II. 158, 183. See 'Secretit.'
- Pynouris, employed to transport Artillery, &c., I. * 260.
- Pyote of Fovertie, Alex., I. * 404.

Q.

- Quails, live, I. * 310.
- Quarrel-holes, Convocation at, I. 174.
- Quartering the bodies of Traitors, Forgers, &c., the limbs being placed on Tolbooths, Ports, &c., I. * 440, &c., * 467, * 481, * 484, * 491. See Treason, &c.
- QUEENSBURY, EARL OF, Wm., III. 381.
- QUEEN'S CHARIOT, I. * 291, * 293, * 320 ; Coronation, I. * 287, * 299, * 300, * 301 ; Crown and Jewels, I. * 298 ; made of Scottish gold, *ib.*, * 322 ; Household, I. * 314 ; Master of, goes to France, * 317 ; Master Usher, &c., I. * 314 ; Painter, I. * 321, * 322, * 323.
- Querrell, young Laird of, slain, I. * 368.
- Question. See Torture, Rack, &c.
- Quhingear, (*pugio*, a whinyard,) a sort of short sword or cutlass, I. * 401, &c. ; III. 90, 467, *et passim*.
- Quhippo of Leyhoussis, Tho., slain, II. 455 ;—Ro., Theft, II. 81 ; hanged, 85.
- Quhissill for 'Patroune' of the King's ships, I. * 298 ;—golden, for the King, I. * 304 ; another with 'ane Dragoun anaaulit,' * *ib.*
- Quhissillit, exchanged, III. 92.
- Quhitefurde of that Ilk, John, I. * 384, 91, 133 ; Adam, yr., *ib.* ;—of Mylnetonne, Jo., I. * 404 ; * Adam, II. 376.
- Quhitelaw of that Ilk, Pat., I. * 169, * 364, * 480 ;—of Newgrange, Pat., I. 119.
- Quhithirne, Pilgrimage to, I. * 117 ; trental of Masses for K.J.A.V., * 278 ;—Malcolm, Prior of, attempting to restore Popery, * 427.
- Quhitsuide, Burning Place of, I. * 30.
- Quinta essentia*, I. * 120.
- Quhuslaris, (ifers ?) I. * 292.
- Qwickens, sowmes of, what, III. 603.

R.

- RACHLIE, (Rachlin,) Island of, III. 26.
- Rack, punishment of the, torture or question, I. * 401. See Torture.
- Rae, English Pursuivant, I. * 286, * 287 ;—Habbie, and 21 others, Slaughter, III. 472.
- Raeburn of that Ilk, Jo., I. 17. See Ryburn.
- Ragment and rhyme, in name of 'Johnne the Commoune-wele,' I. * 15.
- Raid, abiding from the, of Aytoun, I. * 103, &c. ; of Eskdale, * 104 ; of Aytoun, * 110, * 112, * 117 ; against the Border Thieves, * 134 ; of Tampallon, * 138 ; of West Marches,

- * 161; of Werk, * 240; of Solway, * 241; of Jedburgh, * 256; of East and South Borders, * 259; Border-Raids, * 267; of the Merse, *ib.*; against the Border Thieves, * 271, * 282; of Glasgow, * 331; of Coldinghame, *ib.*; of West Marches, *ib.*; of Ancrum, * 332; of Dumfries, *ib.*; of Dumbarton, * 334; of St Andrews, *ib.*; of Lauder, * 335; of Portincraig, * 337; of Langholme, * 338; of Gladismure, * 331, * 339; of Musselburgh, * 339; of Edgebucklingbrae, * 345; of the Muir of Roslin, *ib.*; of Langholm, Hadingtoun, and Edinburgh, * 356; of Abertarf, * 392; a Warden-Raid or 'Day of Trew,' * 397, &c.; of Lochmabane-stane, *ib.*, * 398; of Dunse and Langtoun, * 404; of Lauder, *ib.*; of Jedburgh, * 421, &c.; of Stirling, * 467, * 470, &c.; of Crawford-Douglas, * 483; of Brechin, 6; of Hawick, 10; of Linlithgow, 19, &c.; of Leith, 27, &c.; of Ruthven, 111, 113, 116, 119, 130, 132, 139, &c.; of Stirling, 133; of Dumfries, 155; of Aberdeen, 183; against the E. of Huntley, 267; of Falkland, 276; of Woolmot, II. 21; of Stirling, 85; E. of Angus's, at Dumfries, 105, 120, 134; of the Isles, III. 118, 202, 225; of Glenfrwne, (*q. v.*) 223.
- Rait of Halgrene, Wm., I. 15; II. 362; Da, fiar, *ib.*;—of Tibberta, Ro., I. 17.
- Rallie, Capt, hanged for counterfeiting the Great Seal, I. 361.
- Ralstoun of that Ilk, Jo., I. * 43; Tho., * 130; Hugh, * 170.
- Ramsay of Ardbikie, Ja., II. 63;—of Balmain, Jo., elder, 363;—of Balmouthe, yr., fined for invading . . . Ballenden, on High Street of Edr., 234, 240;—of Banff, Neische, I. * 88, * 232;—of Clatty, Geo., 28;—of Cockpen, James, remitted, * 241, 10;—of Dalhousie, Nicholas, * 140, * 159; treasonable language against the KING, * 251; in ward, * 336; George, deforcing Messenger, * 356, * 422, * 471, 10, 27; Geo., yr., 244; Sir Geo., III. 264; the Lady of, her Funeral, 601;—of the Forther, Jo., II. 128; Mich., III. 257, 487;—of Halhouse, Jo., imprisoned, I. * 203;—of Hawis, (Lawis,) Hen, * 207; Jo., * 336;—Jean, Lady Warreistoun, 'revised,' (carried off,) 244;—Jo., hanged, and his head fixed on the Nether-bow of Edr., for Murder, &c., II. 404;—Sir Jo., of West Barns, (afterwards Visc. Hadingtoun, &c.) Assault committed within Falkland Palace, 91; saves KING's life at Perth, 150, &c. See Gowrie Conspiracy; gets grant of a sword and bloody dagger added to his Arms, 298, &c.;—of Jordanstoun, Dav., I. 22;—of Kynmont, escheated, * 253;—LADY, (Margt. Carnegie,) her Funeral, III. 601;—of Laweris, Hen., I. * 158;—LORD, of Dalhousie, Jo., II. 91; William, III. 601, *note*;—of Murye, Wm., I. 5, 6;—of Panbryde, Hen., * 345;—of Poltoun, Wm., * 423; Oliver, 27;—of Pryour-Lethame, John, Incest and Murder, III. 257;—of Quhytehill, Jo., II. 124, 454;—of the Rinde, Ja., 128.
- Randell, Capt. Wm., and 29 other English Pirates, hanged within flood-mark, III. 99.
- Ranefray, Chase of, III. 112. See Fight of Ben-toich, Clan-Gregor, &c.
- Randolph, English Ambassador, I. 144.
- Ransom, exacting, I. * 18, 31, * 411, &c.
- Rape (Rapt) of Earl of Lennox's daughter, I. * 60. See instances of former misapplication of this term, III. 402, &c.; John Steill (*Kempy*) hanged, I. * 126; of Jonet Creichtoun, Lady Newtoun, * 258; Lady Lefnorse, * 349; of Jonet Auldjoye, * 421; of Lady Warreistoun, 244; Laird of Vrinoch's daughter, II. 394; Ja. Chene of Pennan banished, 400; Hen. Sinclair of Quhytkirk, 405; Jo. Broun acquitted, 463; Wm. Bell hanged, 475; Jo. Errole hanged, 566; Wm. Wischert of Mwretoun, III. 507. See also Ravishing, Forcible Abduction, Forcing, &c.
- Raphaell, a Spaniard. See Cassanzeis.
- RAPHOE, BISHOP OF, III. 14.
- Rate, Jo., hanged for breaking Gardens, &c., III. 555.
- Ratray of Balnocard, I. * 232;—of Craighall, II. 85; Geo., his servant, &c., beheaded, *ib.*;—of Kinvaid, I. 25.
- Ratihabition, II. 70, &c.; of Slaughter, I. * 381. 'Raveisching.' See Forcible Abduction, Rape,

- &c.; remarkable instance of the former misapplication of the terms 'Raveisching' and 'Rape,' III. 402.
- Ray, And., bailie of Perth; Deposition in Gowrie's Conspiracy, II. 186.
- Reavaris, what, III. 100, &c.
- Rebellion in Orkney, III. 272 to 327; Band of Association by the Rebels, 293; Depositions of the Rebels, 294, &c.
- Rebels, assisting, I. * 144, * 165;—slain at the horn, * 80.
- Red-book of Miggerny, III. 481, *note*.
- Red-cross, bearing the English, I. * 360.
- Red-hand, what, II. 376; III. 420.
- Redding-straik, what, III. 73, 567.
- Redik, Geo., Sh.-dep. of Kirkcudbright, III. 452.
- Redpath of that Ilk, (Laird of,) I. * 147; Wm., * 414, * 477; Wm., yr., 10, 41;—of Grinlaw, Wm., 205.
- Reformation of Religion, commencement of, I. * 209, * 339; Case of Sir James Melville of Raith, *ib.*; Spoliation of Churches, altars, &c., * 353;—preached at Dundee and Montrose, * 406; at Perth and Ayr, * 407; at Kirkoswald, Maybole, Paisley, &c., * 427; a great many individuals warded, *ib.*, &c.; at Holyroodhouse, * 434; tumults, * 435.
- REGENTS of Scotland, ARRAN, I. * 267; returns to Scotland, * 270; Ancrum-Muir, * 360; MURRAY, * 421; MARR, * 423; Murray conspiring his death, * 510, 6; Forgery of his signature, 19; Murder of THE KING (Darnley) and the two Regents, 35; LENNOX, 41; Conspiracy against Regent MORTON, 32, 70, 72; Murder of Regents MURRAY and LENNOX, 87. See under their names, &c.
- Register House, in Castle of Edr., I. * 312, * 317, * 323, * 325;—Clerk of, * 315, &c.
- Regrating, I. * 227, &c. See Forestalling.
- Rehabilitation, form of Letters of, I. * 110.
- Reid of Aikenheid, Jo., I. 21;—Alex., hanged for using Mint irons, II. 399;—of Colliestoun, And., I. 382;—of Drumfork, Mungo, III. 57;—of Freyndlasheid, Jo., I. 41, 42;—Ja., 'wirreit and brunt' for Sorcery, &c., II. 421;—Marioune, Incest, I. 41, 42;—of Thirdpart, Da., II. 514;—Thom. See Bessie Dunlop's Trial, I. 49, &c.;—of Turnberry, John, slain, * 220; James, beheaded for this Slaughter, *ib.*
- Reidiche of Airdrie, Geo., II. 490;—of Barnewhowrie, Ro., 490.
- Reif of an anchor and cable, I. * 106;—(here-ship) of Summerdaill, * 225.
- Reiver, Sanderis the Read, an Evil Spirit, III. 606, 614, &c.
- Reiving, masterful, I. * 155.
- Religion, Protestant. See Reformation, Jesuites, &c.;—trafficking for alteration of, I. 172; the Spanish Blanks, 310.
- Reliques, I. * 278; of St Duthos, * 283; of St Mahago, * 306; of St Andrian of May, *ib.*, &c.
- Remission, General, to Inhabitants of Berwickshire, the Merse, and Lauderdale, I. * 14.
- Renfrew, attempting to restore Popery at, I. * 429.
- Rentoune of Bylle, David, I. * 140;—of the Scheillis, Jo., acquitted of Masterful Stouthreif, &c., II. 442.
- Reoche, Jo., Murder, beheaded, III. 484.
- Replegiation to a Regality, I. * 382, 16, &c.
- Reres, Lady, I. * 509, &c.
- Rescuing a felon, I. * 142.
- Resetting, the Traitors of Levyn, I. 18, 19, &c.; 'Hob the King' and 'Dand the man,' 32; Armstrangs, 33, 34; Rebels, 36; Border Thieves, * 208; Englishmen, * 346; Seminary Priests, 167; a declared Traitor, II. 124; a stolen purse, III. 552; Rebels, Act anent, I. * 80; Jesuites, III. 371. See Jesuites.
- Restis for culverins, &c., what, III. 205, and *note*.
- Revels, Witch, III. 603, 604, &c. See Witchcraft *passim*.
- 'Revising,' (Forcible Abduction,) I. * 104, * 180, * 182, * 241.
- Rhenish Wine, presented to K. JA. V., I. * 308.
- Rhymes, Witches', III. 607, *et seq.* See also Witch-Trials.
- Riccio, David, (vulgarly Rizzio,) Murdered, I. * 478; Scott of Cambusmichael hanged, drawn, and quartered, * 480; Henry Yair hanged, &c., * 481; remarkable Supplications of persons accused, * 483, * 484, * 485.
- Rice Ordeal, of the East, III. 184.

- Richardson of Smetoun, Ja., 155; II. 10, 343; Sir Ja., III. 601, *note*.
- RICHMOND, DUKE OF, I. * 271, * 272.
- Riddale, Burning the Place of, I. * 34.
- Riddell of that ilk, (Laird of,) 'Hereschip' of, I. * 34, * 166; Walt., 71; Jo., yr., II. 476; III. 569.
- Riding furth of burgh, in 'Routing,' I. * 95;—with the English, * 359.
- Rig of Carberrie, Ja., I. 72, 84.
- Riglen's horn, what, III. 603.
- Rimbursin, ruptured, I. * 404.
- RINGRAIF, THE COUNTIE, I. * 401.
- Rings, &c. See New-year's gifts.
- Rioting within burgh, choosing a Lord of Inobedience, &c., * 409; to restore Popery, * 416; at High School of Edr., (*q. v.*) 195, *note*, &c.; at the apprehension of Lord Borthwick, 354, &c.
- Rix-dollar, III. 601.
- ROBERT, LORD, (natural son of K. JAMES V.) I. * 305, * 308.
- Robertoun of Ernok, Ja., I. 36, 88, III. 345.
- Robertson of Dulcabene, Pat., Slaughter, I. * 431;—Dunc. scourged for taking wages against MARY Q. of SCOTS, * 467;—of Fascallie, Alex., II. 63, 394; Ro. 433;—of Glengennet, Dunc., II. 394;—of Killischawie, Ja., II. 394;—of Middle Downie, Alex., carrying timber out of Braemar, &c., III. 458;—of Pitcastell, Dunc., II. 394;—Ro., beheaded for Slaughter, III. 415;—of Smythstoune, Jo., II. 105;—of Straloch, Jo., *alias* 'Barrone Reid,' III. 203;—of Strowane, Alex., I. * 107; Ro., II. 394, 433; his *cradoche* harried, 437, III. 22. See Duncansoun.
- Robin Hood. See Hood.
- Robsoun of Barvanes, Jo., II. 515;—of Leipielesische, Math., III. 568.
- Rochell wines, I. * 349, * 377.
- Roes, killing deer and, I. 48.
- Rogersoune, Jo., Hamesucken and Slaughter, III. 485.
- Roise, (Ross,) of Ballivot, Jo., burning of Clunie, Murder, houghing cattle, &c., II. 138; put to the torture, *ib. note*, and 144; objections against the Assise, 143;—of Dunskieth, Nich. I. 68; Will. Murder, under trust, &c., II. 481; beheaded and forfeited, 484;—of Glenbeg, Jo., III. 371;—Jo., Provost of Nairn, III. 485;—Kath., Lady Fowlis, Witchcraft, Poisoning, &c., I. 185;—of Kilravock, Hugh, I. 191; Wm., houghing and slaying horses and cattle, &c., II. 67, 130;—of Pitcalany, Nicolas, II. 481;—of Swanstoune, Jo., I. 72;—Mr Tho., writing a Pasquil against the Scots Nation, III. 445; his right hand struck off and then beheaded, 454; Papers illustrating this remarkable case, 582 to 590; his Depositions, 588;—of Thorne-toun, Ro., I. 23. See Ross.
- Roise-nobillis, III. 178.
- Rokkeris and Nurses to K. JAMES V., I. * 263; to the Prince, * 314, &c.
- Rollok of Duncrub, And., Oppressed by Laird of Keltly, &c., I. * 240, * 373; Sir Walt., Tutor of, II. 63;—Mr Ro., Principal, superintended the education of E. of Gowrie, and his brother, II. 215, 329;—portioner of Craigie, Geo., II. 540.
- Rolls, Writers of the, I. * 315; Keeper of, * 316.
- Rome, messenger sent to, I. * 281; directions sent to, as to giving benefices to natural sons of K. JAMES V., * 311;—Embassy to, I. * 274.
- Rona, Island of, III. 109.
- Ronald, Barbara, Witch, III. 614, &c.
- Rood of Greenside, Heretics burnt at, I. * 210.
- Rooks, Witches take form of, III. 611, 613, &c.
- Rope-dancer, French, II. 238.
- Rorie, an Evil Spirit, III. 606.
- Roring Lyon, the, an Evil Spirit, III. 606.
- Rosary, golden, I. * 301.
- Rosedow, attempting to restore Popery at, I. * 429.
- Roseneath, Burning and Hereschip of, I. * 246. See Burning, Hereschip, &c.
- Roslin, Provost of, Heresy, I. * 255;—Muir, Raid of, I. * 345.
- Ross, (Roiss,) of Auchlossin, Nic., I. * 184;—of Balnagowan, Alex., I. * 352, 191, 192; Sir Da., 195; Geo., 285, II. 483;—of Balnamukkie, Donald, I. 201; Hu., II. 484, III. 452;—BISHOP of, Ja., I. * 185, * 211; Ro., I. * 254; Ambassador to England, * 277; to France,

- * 278; assault on treasurer (Mr Gawin Dunbar), in Cathedral of Ross, I. * 328, * 399; Dav., II. 273, 274;—Christian, burnt for Witchcraft, I. 194;—of Craigie, Jo., * 88, * 187; remitted, I. * 249, * 406, * 432, * 451, 25; Treason, 130; Mr Ro., II. 394; Jonet burnt for the Murder of her husband, the Laird of Balhousie, 409, and *note*; plaids stolen, III. 266, 446, 472, 449; Jonet, *ib.*, notices of the Family, 583;—of Drumgrange, Jo., II. 130;—DUKE of, I. * 5; Ja., death and burial, I. * 120, * 233, * 239;—Gillb., Prov. of Maybole, II. 560;—of Halkhead, Sir John, I. * 4, &c.;—of Hanyng, Geo., I. * 137; Jo., 6, 89; Mr Math., II. 106, 108;—of Holme, Dav., I. 201;—Herald sent to the EMPEROR, I. * 304, * 307, to the K. of ENGLAND, * 312; waits on French Ambassador, * 322;—Helen, Tocher to her daughter, I. * 312;—Ja., beheaded and quartered, for taking wages against MARY QUEEN of SCOTS, &c., I. * 467;—LORD, Ninian, I. 150, * 344;—LORD, OF HALKHEAD, I. 71;—of Maitlandis, Tho., I. 27, III. 583;—of Mountgrenane, Jo., Treason, I. * 8;—of Pettheavles, James, Treason, I. 130;—of Prestoune, Tho.; I. * 399.
- Rossie of that Ilk, Dav., I. 74.
- ROTHES, Geo., EARL of, Intercommuning with, I. * 110, * 185; remission to him and his accomplices, I. * 249, * 283; dresses to John, his son, * 299; And., * 466, * 478, 91, 114, 304; III. 444;—MASTER of, (Norman Leslie,) I. * 337, supplying him, * 358.
- ROTHESAY, DUKE of, James, Prince and Steward of Scotland. See Prince James.
- Rothsay, Remission to Inhabitants of, I. * 113; Castle besieged, I. * 240;—Provost of, murdered, III. 199; inhuman barbarities of Argyll's followers, *ib.*;—Herald, I. * 282, * 286, * 287; banquets, Englishmen, * 300, * 304; sent to London, * 304.
- Routing, riding furth of burgh, in, I. * 95.
- Round, to whisper, II. 185, 214, 588.
- Row, breaking on (the wheel,) I. 241, II. 450.
- Rowan of Sandiedub, Nicoll, II. 391, Alex., his son hanged for barbarous cruelty—burning a woman on a red-hot 'girdill,' *ib.*, 393.
- Rowallan, Feud between Laird of, and the Cunningham, I. * 56; * 428, &c. See Mure.
- Rowmais, King of, III. 590.
- Rowll, John, Prior of Pittenweem, Deforcing, &c., I. * 157.
- Rowne-tree, II. 536. See Charms.
- Roxburgh, Barons of, fail in their Bond, I. * 146;—Castle of, supplying the English in, * 360, * 379;—Justice-aires, expense of, * 317;—LORD, Ro. II. 351.
- ROXBURGHE, LORD, Ro., II. 548.
- Roy, red-haired, III. 251.
- Royston's, Lord, MS. Abridgment, I. 257.
- Ruid-day, II. 376.
- Ruid-well, III. 618.
- Rule, Bessie, a Witch's nickname, III. 606;—Robert the, an Evil Spirit, *ib.*, 615, &c.
- Rum, Island, of, III. 20.
- Rungis and batounis, striking a Minister with, II. 416; naked people struck with, and scourged, 454.
- Russell, Hieronymus, burnt for Heresy, I. * 215; Mr Jo., Justice-depute, 169.
- Rutherford, of Auchingorthe and his son respited for 'Revising,' I. * 241;—of Edgearstoun, Jo., I. * 20; Rich., III. 396;—of Hundolee, (Hondelye,) Jo., I. * 35; Geo., * 127, * 147, * 208, * 440; Sir Nich., III. 393, 396;—of Hunthill, Jo., I. * 208, 280; Wm., yr., *ib.*; Jo., and Tho., yr., tried for Raids of Falkland, &c., 293; Jo., III. 396;—of that Ilk, Helen, Herschlip of her tenants, I. * 204;—Jo., hanged, I. * 142; Mr Nicoll, * 440;—Rich., Provost of Edr., 46; of Jedburgh, III. 396, 431; Jo. and Wm. tried for cruel Slaughter, II. 519; Wm. beheaded, 520; And., House breaking, &c., III. 540;—of Synewallis, Wm., Mutilation, 225.
- Rutherglen, attempt to restore Popery at, I. * 430.
- Ruthven, Mr Alex. See MASTER of;—Alex., Resetting him, III. 72, 202;—of Ballindene, (see also Bandene,) Wm., I. * 342, * 347; funeral of Laird of, II. 473; Wm., III. 437;—of Foreland, (Frieland,) Alex., and Harie, his brother, forfeited in Parl., II. 159; Wm., 241; Alex., III. 203; Intercommuning with his son Alex., 72, 202;—Hary, *alias* Free-

land, uses treasonable expressions against the King, II. 325; Depositions relative to, *ib.* to 329;—Holy Well of, 538;—of that Ilk, (Laird of,) I. 13; Wm., yr., *alias* Bandene, II. 397;—LORD, Wm., I. * 141, * 177; gift of Laird of Gorthy's escheat, * 248, * 342; Pat., murder of David Riccio, * 479, * 503, &c.; Wm., besieging Place of Dupplin, &c., 25; invaded, 89; tried for Slaughter, 90; and DIRLETON, II. 283;—MASTER OF, Wm., remitted for Besieging Castle of Rothesay and Burning Bute, I. * 240, * 479; Alex., killed at Gowrie's Conspiracy, II. 148, &c. See GOWRIE;—pensioner of Ross, Alex., II. 98;—Raid of, I. 111, 113, 116, and 119 to 130, &c.; Lairds of Mains, Drumquhassill, and Duntreath, executed, 139, &c.;—Surname of, not to come within 10 miles of

King's person, &c., II. 239, 240;—Wm., brother of Jo., Earl of Gowrie, &c., forfeited in Parliament, 159.

Ryburn (Raeburn) of that Ilk, Jo., Adultery and Child-Murder, II. 415.

Rye-bowt, what, III. 605, 618.

Ryellis of aucht, what, III. 100.

Rynd of Kerse, Jo., yr., Slaughter, II. 101; Wm., 130; Pat., his son, slain by the Master of Ogilvie, &c., *ib.*; Harie and Gilb., his sons tried, 135;—Nicol, wounds Provost of Edr., I. * 399; makes public confession at Cross, with bare feet, in linen clothes, &c., *ib.*; II. 235;—Mr Wm., preceptor to Jo., Earl of Gowrie, 158, 176; his Deposition as to Conspiracy, 219; is 'extremely booted,' (put to torture in the boots,) 220, 238, *note*, 319. See GOWRIE'S Conspiracy.

S.

Sabbati, Dies, Saturday, I. * 115.

Sacrament, Holy, abusing the, after the manner of Papistry, I. * 428; receiving, while under Excommunication, I. 365, * 375.

Sacrilege, hanging an image of St Francis, I. * 286; breaking an image of St Magdalene, * 335; casting down one in Kirk of Air, *ib.*; spoliation of Churches, Altars, &c., * 353; striking a Rector in Cathedral of Aberdeen, &c., * 356; invading Prior of Pluscardin, &c., 376; stealing chalices, &c., * 393; this crime punished by drowning and hanging, *ib.*

Sadler, King's Master, I. * 315;—Sir Ralph, I. * 286, * 301.

Saidler, Christian, burnt for Witchcraft, &c., II. 25.

Saiffer, what, III. 441, *note*.

Salamander, the, one of the King's ships, I. * 298, * 316.

SALISBURY, EARL OF, (Cecil,) Sir Ro., II. 581; his death, *ib.*, *note*; his speech as to L. Balmerinoch's Treason, 592.

Salmon Fishing, in close-time, I. * 40, * 54; destroying, I. * 163.

SALTOUN, LADY, III. 66; LORD ABERNETHY OF, I. * 177; Wm., besieging Fren draucht,

&c., * 329; invaded, * 476; Alex., 116; Jo., II. 273, 572.

Salutation, singular ceremony at the meeting of Makconeill and Coll MacGillespie, III. 20.

Sampson, Agnes, (Annie, the wise wife of Keith,) Witch, I. 216; her Trial, 230; her Witch-prayer or conjuration, 234; another, 237; 'wirreit' and 'brunt in assis,' 241.

Samuelstoun, Laird of, taken by Lord Hamilton, I. 358.

'Sanct,' the, John Scott, the celebrated faster, so called, I. * 311.

Sanctuary. See Holyrood, Torphechin.

Sanday, Piracy and Murder in the Road-stead of, I. * 171.

Sandelandis of Calder, Sir Ja., I. * 159, * 237; goes in Pilgrimage to Rome, * 240; remitted, * 256; Jo., yr. of, found caution for L.10,000, licence to go to France, * 333; escapes from ward, *ib.*; Ja., 70; feud with E. of Montrose, 347; feud with Sheriff of Ayr, 352, 359; fights a combat with E. of Montrose, 361;—of Cruvy, Ja., I. * 156;—of Gilliswallis, Ja., III. 72;—of that Ilk, (Laird of,) Jo., * 147; takes two thieves, I. * 273, * 424;—of Sla-

- manno, Sir Ja., I. 248, 282; feud with E. of Montrose, 347, 348; feud with Sheriff of Ayr, &c., 352; II. 365, 555.
- Sangweleris, (wild boars,) I. * 311, * 312.
- Sanquhar, slaughter of inhabitants, I. 305;—Kirk of, attempt to restore Popery at, I. * 430;—LORD CRICHTOUN OF, Ro., I. 49, * 53; Wm., * 229, * 232; Feud with Lord Maxwell, I. * 53, * 78, * 85, * 109, * 124; with the Laird of Drumlanrig, * 269; Wm., slain, I. * 353, * 354; Ro., 372, 375; II. 394; III. 115; Wm., 339; hanged for killing a fencing-master, 447;—Tutor of, I. * 397, * 398; Wm., II. 71.
- Saphire, for MARY OF GUISE'S golden girdle, I. * 299; King's ring, * 323.
- Satin, for dresses, I. * 292, &c., &c.
- Saturday, termed '*dies Sabbati*' in ancient writings, I. * 15;—Black, what, I. 56, *note*.
- Saul-Mess and Derige, &c., I. * 293, * 297; II. 530.
- Saulseat, (*Sedes animarum*.) Commendator of, John, Fire-raising, &c., I. 12.
- SAVOY, DUKE OF, Letters to, II. 571.
- Saw, Witch's salve, I. 53; II. 28, &c. See Witchcraft, *passim*.
- Sayneing and croceing, a Witch-charm, II. 479, &c.
- Sceptre, KING'S, I. * 117;—QUEEN'S, I. * 302, &c. See under their names.
- Schafferonis, I. * 299.
- Schalmers, (musicians,) I. * 292.
- Schaikill-bane, III. 509, &c.
- Schankis, (hose,) I. 51. See also App. to the earlier reigns, III. 265, 478, &c.
- Scharge, scharg, what, III. 538.
- Scharp, Jo., slain, II. 427;—Mr Jo., Minister, tried, II. 494; banished, 503.
- Schaw of Barragane, John, I. * 382;—of Broiche, Jo., I. * 450;—of Cambusmoir, Alex., III. 233, 250;—of Cammysmort, Judicial Arbitration, I. * 167;—Elizabeth, (mistress of K. JAMES V.,) I. * 277;—of Glennure, Geo., II. 128; Adam, his brother, tried for shooting hagbuts, &c., *ib.*;—of Greenock, Jo., I. 19, 63, 67, 171;—of Grymmet, Jo., I. * 457; Alex., Tutor of, III. 172;—of Haly, Jo., oppression, &c., I. * 57, * 453, * 457;—of Kerise, Jo., slaughter, I. * 58; Quintin, (Tutor of,) * 137, * 150, * 457;—of Knokhill, Geo., I. * 167; Mr Ja., III. 233;—of Sauchy, Alex., I. * 167, * 327; Ja., II. 62, 63, 502;—of Sornebeg, I. * 343; Jo., II. 106, 109;—Mr Wm., slain, I. 363;—of Welwood, Adam, I. 19.
- Schaveill, Sir Harie, III. 589.
- Scheilling, (scheill,) what, II. 519.
- Scherand wine, price of, I. * 389.
- Schellopes, small vessels, III. 84.
- Scoir, (scoroch,) buck-toothed, III. 223.
- Scola, Edw., sometime Sheriff of Orkney, III. 280.
- Scoll, (scoill,) drinking a, what, II. 172.
- SCONE, LORD, II. 273; Andro Henderson complains of him, 321; his exculpation, 322, 457, 496, 572; III. 208, 316;—Regality of, I. * 424.
- Scott, of Abbotsford, Sir Walter, Bart., Letter from, as to the name and Clan of Scott, III. 381;—of Abbotshall, Wm., I. 261, 304; Tho., Justice-Clerk to K. JAMES V., singular anecdote of his death, &c., III. 596;—of Allanhauche, Ro., I. * 127, * 147, * 400;—of Balbertoune, Ro., I. 28;—of Balwery, Sir Wm., I. * 62, * 78, * 134; Wm., * 425; Sir Ja., 261, 304; subscribes the forfeited Lords' Band, 346; II. 49;—of Bonyntoune, Ro., I. * 400, * 414; Adam, * 450; Jo., II. 339;—of Branxholme, Sir Walter, found caution of 500 merks, I. * 152; caution of 20,000 merks, * 229; Treason, * 272, * 332; to depart this realm, 261, 308, 346; Band or Association between him and 50 of his Clan, III. 381, 390; remarkable penance enjoined on Laird of Cessford, for his murder, 391;—of Bowhill, Ro., II. 339; his three brothers slay Napier of Wowmet, *ib.*;—of Bukleuche, Sir Walt., I. * 127; Treason, * 272; takes Penman prisoner, * 273, * 456; Keeper of Liddisdale, 342; takes Will of Kinnmont out of the Castle of Carlisle, with sound of trumpet, &c., 363; QUEEN ELIZ. demands redress, 364; relations of that remarkable event, II. 504; III. 390, 396;—of Burnfoot, Adam, I. * 400;—of Burthauche, Jo., I. * 147;—Capt. of the Airmetage, Roger, III. 220;—of Castlesyde, Geo., III. 458;—Dav., '*callit Lady*,

- I. 27, 33, &c.;—of Deloraine, Jo., Resetting Traitors, &c., I. * 23;—of Deringstoun, Geo., III. 396;—of Dryhope, Adam, his brother, II. 405;—of Edene, Tho., I. * 456;—of Edilstane, Ro., III. 396;—of Edschaw, Walt., I. * 17, 27, 38; Phil., * 69, * 147, * 456;—of Fenwick, Simon, I. * 147;—of Goldielands, Walt., I. 276;—of Harden, Wm., I. * 400; Walt., his houses to be demolished, 276; denounced, *ib.*;—Geo., Walter, and Ingram Scott, hanged for barbarous cruelty, maiming and killing sheep, &c., 380; illustrative Papers, 389; Jok, *alias the Sukler*, hanged, 396; Walt., Mutilation, 455;—of Hanyng, Tho., I. * 400, * 456, * 457; Ro., II. 509; Tho., III. 391; Sir Ro., 539;—of Hartwodmyres, Ro., III. 458;—of Hassindene, Wm., I. * 147; oppressed, I. * 252; Dav. slain, * 456;—Hob, called *of Colyford*; Mr John *the Clerk* hanged, I. * 450; Mich. scourged for cattle-stealing, * 157; Hercules denounced, 305; Adie, called *the Peck*, hanged, II. 365;—of Howpaslot, Walt., I. * 18, * 71, * 88; Tutor of, (Rob.,) * 147; Rob., * 173, * 230, * 400; Lady, III. 381;—of Horsehill, Ro., I. * 434;—Jo., baillie of Mussilburgh, II. 555;—John, *'the Sanct'*, a celebrated faster, I. * 311;—of Langschaw, Patrick, III. 601, *note*;—of Linflar, Walt., I. * 88;—Margaret, nurse to PRINCE ARTHUR, I. * 309;—Marg., Incest and Adultery with Lord Borthwick, 84;—of Munzie, Pat., I. * 88;—of Newburgh and Gemmilseuch, Mr Arth., II. 451; Sir Jo., III. 539; his purse stolen, 552;—of Pitgorno, Tho., Justice-depute, I. * 163, * 168;—of Qhitchester, Robert, I. * 19, * 21, * 23, &c.;—Rob., *'callit Bellit Robin'*, I. * 27;—of Raeburn, Wm., III. 381;—Ro. and Adam, bailies of Hawick, &c., acquitted of slaughter, III. 218, 396; Pa., baillie of Selkirk, 396;—of Robertoun, Jo., I. * 147;—of Sintoune, Ro., slain, I. * 61; Walt., * 127; Walt., yr., * 400;—of Satchells, Lady, III. 381; Capt. Walt., (Author of Metrical Hist. of Name of Scot,) 382; Wm., 383;—of Sundelishope, Jo., III. 442;—Surname of, remarkable Contract betwixt, and the Kerrs, III. 390;—of Thirlestane, Ro., I. * 400, * 456, 379; Sir Ro., II. 562; III. 301, 393, 539;—Tho., Ambassador to England, &c., I. * 276; Justice-Clerk, * 328;—of Tuschelaw, Walt., I. * 22, &c.; Dav., * 36; Adam, called *the King of Thieves*, * 142, * 144; beheaded, * 145, * 270; Wm., * 433, * 434, * 450, * 456; Walt., 84; III. 396;—Sir Wm. jun., Felony done to him, I. * 60;—Wm., hanged, I. * 206; Dame Grizell, *ib.*
- Scougall of that Ilk. See Skowgall.
- Scourging with a bridle, &c., I. * 454; naked people, cutting the backs of Cattle, &c. * 455; naked people with 'roungis and batounis,' and 'leisching' them with belts, three persons beheaded, hanged, and scourged, II. 454; Messenger scourged and deprived, *ib.*; with a belt and murdering, 531; with sword-belts and horse-bridles, &c., III. 539;—punishment of, I. * 157, * 206, * 458, * 467; II. 94, 417, 455; for following Gypsies, III. 99; for 'vnreverent speiches' against the KING, &c., 220; for Theft, 443, 445.
- Scrabister, House of, detaining, I. 337.
- SCOPE, LORD, Warden of England, I. 365.
- Serymgeour, Constable of Dundee, (of Dudhope,) Ja., I. * 177, * 268, * 269, * 324, * 347, 41, 178; to bear a Cornet Blanche and the King's Banner and Standard, 342; Sir Ja., 392, 413; III. 134; Ja., yr., *ib.*;—of Balbegys, Alex., his houses, Jonet his daughter, &c., burnt, I. * 334;—of Balbouchtie, Ja., I. * 404;—of Ballinscho, Jo., III. 471;—of Glaswell, Ja., I. 27, 75.
- SEAFORTH, EARL OF, III. 19.
- Seal, great, Counterfeiting, Captain Rallie hanged, I. 361.
- Seanis, (Sciennes,) near Edinburgh, III. 572.
- Seatoun-thorne, a Witch trysting-place, II. 543.
- Secreitt, a pyne doublett, or chain mail worn under the dress, II. 84, 149, 158, 183, 185; III. 204, *et passim*.
- Secret members, cutting off, putting hot ashes and live embers in the *scrotum*, &c., II. 393; Pat. Stewart beheaded for these crimes, 394;—stroke upon, with the foot, III. 542.
- Secret Council, declining the Jurisdiction of the,

- &c., II. 494; Case of Ministers holding an unlawful General Assembly, &c., *ib.*
- Sedition, in burgh of Ayr, I. * 204; in Edinburgh, bearing a banner called the Haly Gaist, &c., * 330.
- Selbie of Bittilsdane, Ro., II. 515.
- Selkirk, Barons of the shire fail in Bond, I. * 147; Justice-aire of, * 22, * 38, * 71;—Pot-Loch of, * 19;—Town of, burnt, * 35; ‘herreit be Thevis and Pestilence,’ * 262.
- Seminary Priests, III. 372. See Papists, Jesuites, &c.
- Sempill of Beltrees, Jo., 70; convicted of Treason, in Conspiring the REGENT'S Slaughter, I. 72; Sir Ja., II. 309;—of Blenescheillis, Jo., I. * 476;—of Cathcart, Wm., * 388; Gabriel, yr., 66;—Colonel, Wm., 173, 327;—of Craighait, Gabriel, excommunicated, &c., * 365; Ro., 66;—of Ernok, 67;—of Fulwood, John, * 163, * 170, * 382, * 385, 141, 183; II. 439; Wm., III. 237;—LADY, (Dame Mariota Montgomery,) Imprisoning, &c., I. * 381;—of Ladymure, Gabriel, * 163;—LORD, John, * 163; Wm., * 164, * 166; unjustly denounced a rebel, * 170, * 190; remitted, * 256; Treason, * 271, * 381; Ro., * 385, * 421, * 426, * 476, 141, 265; Hew, III. 316; Feud with Earls of Eglington and Glencairn, &c., 580;—MASTER of, Ro., I. * 163, * 166; found caution not to resort to France or Scotland, * 226, * 256, * 343; invaded, * 343; slays Lord Creichtoun of Sanquhar, * 353; pardoned, * 354; found caution for 20,000 merks; And., 66, 67, 133;—Mathew beheaded, * 165;—of Noblistoun, Ro., * 361;—of Thirdpart, Wm., * 388, * 429.
- Sempills, Feud with the Cunynghames, I. * 164, * 166, &c., * 282; Pareis, Horse-stealing, * 476.
- Serat, Q. Mary of Guise's Fool, (a female,) I. * 293, * 294, * 301, * 307, * 322.
- Serjeand of Justiciary, I. * 2.
- Servitour, domestic, original signification of, II. 67.
- Session, Signet made for the Court of, I. * 256.
- Setlington of Auchinskeiche, Jo., I. * 456;—of Stanehouse, Jo., * 140.
- Sewers, who served up the King's meats, I. * 312.
- Sewing gold, I. * 296; silver *ib.*, 319.
- Sey-Revaris, Pirates, (*q. v.* and Piracy,) I. * 273.
- Seytoun of Auchinhuif, Jo., I. * 454;—of Caraldeston, Jo., * 465;—of Gargunnoch, Mr Alexander, III. 552;—of Kylesmure, Sir Wm., II. 509;—LADY, Dame Mary le Pyeris, I. 14;—of Lathreise, John, yr., * 404, * 465;—LORD Geo., * 78; Justice depute, * 85, * 199; Licence to, * 111; abiding from Solway, * 243, * 338, * 381, *note*, * 387; mutilation of Laird of Borg, * 465, 114; Ro., 154, 178;—of Lumford, Jo., * 48;—MASTER OF, 94;—of Meldrum, Alexander, slain, * 149, * 175, * 183; feud with Earl Marischall, 353; Geo., Tutor of, his coffer with writings stolen, II. 93; Alex., fiar, slain, III. 379; Jo., *ib.*;—of Mony, James, 478;—of Northrig, Tho., I. 169; Geo., III. 134;—of Parbroath, Da., I. 270; Comptroller, 347;—of Pitmedie, (Pitmedden,) Jo., 59;—of Pitvady, Jo., 64;—of Rungavy, Wm., * 387; Dav., 28;—of Touche, * 421; Ja., 64;—of Tulliebody, Sir Ninian, * 147, * 167; Ro., * 453; Walt., * 465, * 466; Ja., II. 62.
- Sharpe, Archbishop, notice of the Trial of Mitchell, for firing a pistol at him and Bishop of Orkney, III. 195, *note*, &c.
- Sheep, barbarous cruelty in maiming and killing, III. 380; George, Ingram, and Walter Scott hanged, 389; illustrative Papers, *ib.*; Jok Scot, alias *the Sukler*, hanged, 396;—selling sheep to the English, I. * 179, * 181;—stealing, (see also Stouthreif, &c.,) * 22, * 87; from Queen's Park, * 388; Hob Scott and four others hanged, * 450; Achilles Henderson scourged and banished, &c., 7; Adie Usher hanged, III. 568; Will Usher banished, 569;—stealing wool from live sheep, I. * 206.
- Sheriff, bribe taken to discharge a Murderer, I. * 63; Invasion of, in a fenced Court, * 136, * 456. See Jurisdiction, &c.
- Ship of gold, &c., I. * 295.
- Ships of War, KING JAMES V.'s, Salamander, I. * 298, * 316; Little Bark, *ib.*; Unicorn, *ib.*, 317; Expedition against the Pirates, * 298;

- wood for, * 300; victualling for the Isles, * 303, (see *Isles*); ensigns, standards, &c., for ships, *ib.*; Ovens for, *ib.*; silver plate, &c., * 304; keeping the Ships, * 316; the Lion, * 317.
- Shirts, King's, embroidered with gold and silver work, * 301, &c.
- Shooting near the KING's person, 98, 100; within KING's Palace, punished by Banishment for life, 187, &c. See Holyrood;—with Pistolets, 371. See Pistolets, &c.
- Sib, of kin, &c., III. 96.
- Sibbett, (Sibbald,) of Cair, Dav., I. 16, 17;—of Lethome, Dav. * 426;—of Rankelour-over, Alex. 60; Tho., Tutor of, III. 9.
- Siege of Newark, I. * 139; of Makkanes House by Donald of the Isles, * 262; of Blackadder by the English, * 269; of Palace of Glasgow by Earl of Lennox, * 269, &c. See Battle, Field, &c.
- Signet, three new ones made, I. * 256.
- Signet-Letters, interlining, I. * 346;—Forging, a Notary and his servant hanged, 85, 87; Messenger scourged and deprived, II. 455.
- Silver Mines, I. * 302;—'pece,' (plate,) stolen, * 179; boy of K. JA. V., 302; 6 great and 4 small, * 323; two lavers, *ib.*; dish stolen, * 386;—Vessels, Master of the King's, * 313;—work, King's, three cases of, taken with him to the Isles, * 302, * 303; cases for, * 323.
- Simson of Craighous, Laur., III. 72;—Sir Duncan, burnt for Heresy, I. * 210, * 211, &c.
- Sinclare, (Sinclair, St Clare,) of Auchinfranko, William, I. * 85; Slaughter, * 151; slain, * 327;—of Blause, William, III. 134;—of Burgh, Hew, I. 375;—Captain Geo., III. 32;—Da., imprisoned by his brother, E. of Caithness, I. * 395;—of Drydane, Edward, * 166, * 336;—of Dyn, Ja., slain, III. 235; Geo., (his brother,) *ib.*;—of Etha, Wm., 82;—of Galdwaldmore, with William, Edward and George, his sons, slain, I. 299;—of Hiefield, George, * 169;—of Hirdmanstoun, William, Slaughter, * 468; Witch consulted to allay his lady's birth-pains, 237;—of Ley, James, his son Adam drowned for Sacrilege, * 393; Wm., III. 303;—of Little Blair, Robert, I. * 347;—of Longformacus, Math., * 477;—of Loquhoy, Hen., 387;—LORD, Henry, * 78, 60, 310;—Margaret, Lady, * 182; remitted, * 249;—MASTER OF, servant slain at Dysart, * 408, 3;—of Mey, (May,) Sir Wm., 195; Wm., yr., III. 9, 291;—of Myreside, Wm., I. * 347;—of Murchill, Ja., III. 285;—of Pitcairns, Oliver, I. * 252; Captain of Tappallon, * 254; Protection to, *ib.*; gift, * 256; Lease of Orkney and Shetland, &c., for Rent of 3000 merks, * 257, * 258; gift, *ib.*; Keepership of Castle of Kirkwall, *ib.*; found caution to answer for all crimes, &c., * 329;—of Ratter, John, (brother to Earl of Caithness,) III. 286; Justice and Sheriff depute of Orkney, *ib.*, 304;—of Ravinsnuk, Oliver, II. 476;—of Rosling, Sir Wm., I. * 159; Respited for Abiding from the Raid of Solway, * 241; remitted, * 242, 33; Witch consulted for recovery of his Lady's health, 232; II. 10; Wm., 467;—of Strone, Henry, &c., pursued for Slaughter, I. * 413;—of Stirkco, Jo., slain, III. 235;—of Tenquhie, Hen., 82;—of Tullope, Wm., 280;—of Whitekirk, Hen., I. 155; Hamesucken, Rapt and Forcing, II. 405;—William, Resetting Jesuites, &c., III. 371; banished, 376.
- Singers, I. * 115. See also Minstrels, &c.
- Singular Combat, (see Duel,) trial for Slaughter in France, II. 382; in Flanders, III. 502; illustrative Papers, 504.
- Sinton, (Robert Scott,) Laird of, slain, I. * 61.
- Skaith, III. 612, &c.
- Skatt, (a sort of black maill,) levying, II. 528.
- Skellingtoun, (Skerringtoun,) Laird of, Remitted for Slaughter, I. * 82.
- Skene of Curriehill, Sir Jo., Justice Clerk, II. 3; Lord Clerk Register, 273, 568; Sir James, III. 418.
- Skin-coats, to K. JAMES V., I. * 305.
- Skirling, Elspet, and two others 'wirreit and brunt in assis,' for forging and uttering base money, II. 74. See Uttering, &c.
- Skirving of that Ilk, Harie, II. 534;—of Plewlandhill, Wm., I. 55.
- Skoll, (skoill,) meaning of drinking scoills, II. 172 and *note*, 312.

Skowgall of that Ilk, yr., I. * 143; Jo., * 361, 155.
Skrukned, what, III. 612.

Skye, Isle of, I. * 225.

Skyir-Thurisdlay, (Furisdlay,) I. * 40.

Skyunner of Balzordye, George, I. 27.

Slack, what, II. 519.

Slaines, Letters of, II. 486, 604, *note*; pannel made to satisfy private party, notwithstanding of Remission, &c., III. 234.

Slandering and calumniating the King, Jo. Dickson, Englishman, hanged, I. 385. See K. JAMES VI.

Slanes, house of, to be cast down, I. 342.

SLAUGHTER.—ACHESOUN of Gosford, Alex., I. 2;—Adam, Geo., beheaded, 95;—Agnew, Sheriff of Wigton, And., remitted, * 252;—Allan, Jok, beheaded, 10;—Angus, Geo., notary, II. 480;—Angussone, (McLeod,) Neill, beheaded, I. 69;—Armstrang. See under that name;—ARGYLE, EARL OF, Arch., * 247;—Arnauld, Mr Gilb., III. 379;—Arnot of Woodmylne, Jo., yr., II. 53; arguments as to shooting with Pistolets, &c., *ib.*, &c.;—Attiquane, Laird of, slain, I. * 86;—Auchinceraw, William and Hary, II. 98;—Auchinfranko, Laird of, slain, I. * 327;—Auchinhervy, Laird of, slain, * 132, * 237;—BAILLIE of Howgait, Arch., slain, * 257; Tho., 38;—Bailzie, Mr Ja., III. 498;—Baird, Hen., beheaded, 499;—Bairdis, Jo., 119;—Ballindroicht, Laird of, slain, I. * 204, * 257;—Balluny, Lady, (Marg. Douglas,) slain, * 343;—Bannatyne of Corehouse, John, * 179; of Stenhouse, Sir Pat., 393; of Gairsey, Wm., *ib.*; acquitted, 397; of Kames, Hector, II. 131; in Chapell Donald, Ja., 461, &c. See Muir of Auchindrain;—Bardowy, (Perdowy,) Laird of, slain, I. * 204;—Barclay, Rob., sentenced to be beheaded, * 396; banished, *ib.*; of Towie, slays a Messenger, 381; acquitted, 385; Ja., slays Laird of Earlsmyln's son, II. 72, 80;—Bastie, Sir Anthony d'Arcy de la, slain, I. * 235;—Battiesoune, *Jok of the Scoir, Priket up Archie*, and Adie, hanged, II. 442;—Bek, Jo., 523;—Bell of Curre, Slaughter of Laird of Mousewald, I. * 41;—Bellenden, Jo., III.

497;—Bickerton, John, of Casche, I. * 60;—Bissate, Tho., yr. of Querrell, slain, * 368;—Blacater, Andro, of that Ilk, * 100; Jo., * 379; of Tullyallan, beheaded, * 151, * 271, * 275;—Black, Hen., and 11 others, III. 53;—Blair of Balthayok, Tho., I. * 343, * 424; Patrick, beheaded, * 374; Peter, III. 443; Tutor of Bahnyill, Alex., I. * 424;—Blakhall, Wm., of that Ilk, * 100;—Bog, Ja., * 476;—Bonkle, Tho., beheaded, 158; Jos., beheaded, II. 417;—Borthwick of Cruikstonne, Wm., respited, I. * 235, * 241, * 266;—Bowman, Christian, Lady of Brux, slain, * 208;—Boyd of Banhath, Ro., 171; Jo., 399; of the Kyppis, Ja., 171; LORD, Robert, *ib.*; MASTER OF, Thomas, *ib.*;—Brothersyde, Wm., beheaded, * 160;—Brand, John, student, beheaded, III. 360;—Broune, Tho., beheaded, I. * 15; of Carsleuch, Jo., 81; Jo., beheaded, III. 493;—Bruce of Cultmalundie, Laur., yr., &c., 443; of Fyngask, Pat., II. 427; Capt. Harie, III. 502;—Bruntfeld, Geo., alias *Cullug*, beheaded, I. 77; Alex., of Hardaikeris, II. 480; Adam, 506;—Bryntschele, Jo., beheaded, I. * 164; Pat., 63;—Buchanan, Geo., and 8 others, III. 546;—Butter of Gormock, John, I. * 367, * 371;—CAIRNS, Wm., of Orchardtoun, * 131; Wm., yr., remitted, * 252;—CAITHNESS, EARL OF, John, slain, * 253; George, * 394;—Campbell of Ardkinlas, acquitted, 363;—of Auchinhowie, Colin, * 204; hanged, * 251; his escheat granted to the Laird of Keir, *ib.*; of Bargour, Charles, his estate escheated, * 250; Hew, II. 507; Robert, III. 466; of Kethick, Pat., II. 80; of Lowdown, slaughter of Earl of Cassillis, I. * 136; of Pofortour, John, slain, * 251; of Skerrington, Cha., respited, * 257;—Canochson, Alex. John, * 246;—Carkettill of Marele, Jo., 10;—Carrutheris, Jo., of Warrambie, II. 475; Jo., in Netholme, III. 115;—CASSILLIS, Gilbert, EARL OF, I. * 130; slain, * 136; Gilb., respited, * 236;—Castleary, Laird of, slain, * 149;—Cesfurd, Laird of, slain, * 133;—Chalmer of Seggydene, David, * 331; of Drumlochy, Wm., * 374;—Chanrone, Jo. and Dunc.,

beheaded, III. 537 ;—Chancellor, Wm., of Quodquene, I. * 175 ;—Charteris of Cuthilgurdy, John, slain, * 343 ; of Kinlevin, John, * 334 ; of Kinfawnis, Tho., and his brothers, * 334, * 343 ; of Lochtoun, Robert, remitted, * 254 ;—Clan Cameron, slaughter by the, * 355 ;—Clark, Jonet, burnt, 206 ; Cochrane of Pitfour, John, yr., * 334 ; of that Ilk, Wm., 133 ;—Cokburne, Sir Wm., of Scraling, * 26 ;—Colquhoun, Pat., and Mr Adam, * 170 ; Jo., beheaded, 359 ;—Colville, Sir Wm., of Vchiltree, slain, * 65, * 68, &c., * 112 ; Sir David, Priest, * 405 ;—Congiltoun, Hen., Tutor of, 5 ; Jo., II. 401 ; Hen., I. * 368 ; Patrick, *ib.* ; Oliver, young Laird of, poisoned, * 369 ;—Corsintoune, Laird of, slain, * 82 ;—Cranstoun of Doddo, Sir Wm., 20 ;—Craig of Craigistoun, Wm., II. 105 ;—Craiganis, Laird of, slain, I. * 163, * 164, &c. ;—Craigtoune, Laird of, slain, * 343 ;—Crawford, Tho., of Auchnanes, * 205 ;—EARL OF, David, slays the Lord Chancellor Glamis, 79, 85 ; Laird of Balgaweis, III. 248 ;—Creichtoun, Robert, of Kirkpatrick, slain at the horn, * 77, * 78, &c. ; of Ruthvennis, Adam, banished for life, 165 ; of Scottistoun, Wm., slain, * 254, * 257 ; of Craufurdton, John, &c., II. 71 ; of Cluny, Sir Ro., 76 ; LORD, Wm., slain, I. * 340 ; of Quarter, Jo., 190 ; And., *ib.* ;—Culros, Abbot of, slain, * 151 ;—Cumyng of Altyre, Alex., * 374 ; James, II. 427 ;—Cuninghame, John, of Capringtoun, I. * 148 ; Ja., of Glogarnock, II. 389 ; of Auchinharvy, Edward, slain, I. * 237 ; of Aiket, William, 17 ;—DAVIDSON, Alex., beheaded, III. 362 ;—‘ Deill amang us,’ (Robert Henry,) beheaded, I. * 368 ;—Dekesoune, Jo., beheaded, * 81 ; Wm., beheaded, * 87 ;—Dempster, Sir Henry, Chaplain, slain, * 343 ;—Dingvale of Kildun, slain, * 247 ;—Dischingtoun of Ardross, &c., * 156 ;—Dougal, Ro., beheaded, * 15 ;—Douglas of Annatroche, Wm., III. 443 ; of Drumlanrig, Wm., Slaughter, I. * 78 ; Ja., slays Rector of Kirkbride, * 329 ; Jo., his brother, * 387 ; of Garschogill, Arch., * 256 ; Geo., II. 1 ; of Mouswall, Ja., and 5 others,

III. 472 ; of Pinzerie, Wm., beheaded, III. 95 ; Mr Ro., Burning, &c., I. * 201, 167 ; Mr Tho., Minister, III. 473 ; Wm., &c., 500 ;—Doune, Ja. Stewart, Captain of, slain, I. * 332 ;—Drummond of Coquhalzie, Jo., II. 80 ;—Duffus, Laird of, slain, I. * 149 ;—Dunbar of Cumnock, Pat., yr., * 370 ; Alex., *ib.* ; of Kilboyak, Alex., and his brother, III. 200, 399 ; of Mochrum, Jo., Slaughter of, I. * 112 ; Pat., II. 95 ; Ro., Ja., &c., III. 200 ;—Duncan, Jo., beheaded, III. 484 ;—Dunlop of that Ilk, Alexander, I. * 402 ;—Dunwedy, Pat., Slaughter of Laird of Glendinning, &c., hanged, * 60 ;—EDINBURGH, Treasurer of, slain, * 126 ;—Edzare of Inglistoune, Jo., II. 71 ;—EGLINTOUN, EARL OF, Hugh, I. * 132 ;—Eldmere, Laird of, slain, * 17 ;—Elisonne, Sir Alex., Chaplain, respited, * 257 ;—Elliot of Horseshill, Wm., sentenced to beheaded, * 456 ; sentence of Banishment for life recalled, * 466 ; Ninian and Wm., their right hands struck off, and then hanged, II. 559 ;—Elphingstoun, Geo., respited, I. * 249 ;—Erskine of Auchterforfare, Arth., II. 101 ;—Ewmond, Sir Martin, Chaplain, slain, I. * 332 ;—FALCONER of Innerlochtie, Hew, III. 435 ; Hew, his son, *ib.* ;—Farquharson of Inverchald, Jo., &c., 203 ;—Fentoun of that Ilk, slain, I. * 61, * 106, * 121 ; of Ogill, Ja., * 408 ;—Fergusson of Bracansyde, Ro., slain, * 232 ;—FLEMING, LORD, John, slain, * 61, *note*, * 131, * 141, * 144, * 236 ; of Moness, Alex., III. 443, 542 ;—FORBES, MASTER OF, Jo., I. * 149, * 175, * 183 ; Arth., 40 ; of Mouymusk, Wm., III. 204 ; Ro., 227 ; of Reres, Arth., 89 ; Jo., beheaded, II. 532 ;—Forrester of Newtoun, John, remission to Alex., his son, I. * 250 ;—Forsythe of Nyde, Ja., respited, * 251 ;—Fotheringhame of Powry, Wm., remitted, * 248 ;—Frenche, Alex., Tutor of Thornydykis, beheaded, III. 222 ;—Fullarton of Crago, Wm., jun., I. 79 ;—GALBRAITH, Mr Ro., * 172 ;—Gardin, David, slain, * 270 ; John, beheaded, * 404 ; Tho., of Bandoch, 372 ; of Legatstoun, Tho., II. 103 ; Da., his brother, *ib.* ;—Gladstanes of Coklaw, Jo., I. * 414 ; of that Ilk, Ja.,

472; Jo., Herald, beheaded, 362;—GLAMMIS, LORD, Pat., II. 386;—Glendoning of Drumrasche, Jo., 604;—Gordon of Crauchlaw, Wm., remitted, I. * 252; of Golspitour, Jo., yr., III. 235; of Kenmure, Sir Alex., I. * 231; of Lochinvar, James, remitted, * 252;—Gortly of that Ilk, Geo., I. * 2; 8, 255;—Gourlay of Kinraig, Wm., respited, * 253;—Gothrasoune, James, publicly flogged for Slaughter, committed in his *eighth* year, * 16;—Gowdie, Geo., III. 544;—Grahame, Alex., 483; of Craig, Da., II. 400, 480; of Gillesbe, Ro., I. * 85; Ja., II. 97; of Knoekdoliane, Ro., I. * 386; of Thornok, Ro., remitted, * 248; of Westhall, John, slain, * 179;—Grant of Ballindalloch, John, * 175; of Culcabok, John, *ib.*; of Freuchy, James, *ib.*; of Glenmoristoun, Jo., III. 552; Jonet, burnt, I. 206; Tho. and Jo., III. 435;—Gray of Bandirrane, Gilb., &c. II. 514;—Grerstoun (Greiftoun,) Laird of, slain, I. * 81, * 87;—Guthrie, Mr Hugh, slain, * 343; Laird of, slain, 372; of Kincaldrum, Alex., &c., II. 101; Wm. of Ravenshie, 528; III. 77, 80;—HAITLIE, Alex., I. * 451;—Halkhede of Petfurane, Jo., remitted, * 237;—Hall of Foulbar, Ja., III. 236;—Hamilton of Bardowy, Allan, slain, I. * 204, * 250, * 257; of Crawfordjohn, Sir Ja., * 414; of Hairshaw, Jo., his sons, &c., III. 119; of Stanehouse, Ja., I. * 179;—Harkness, Malye, Agnes, and Jo., * 442;—Hay, Jo., III. 241; acquitted, 243;—Henry, Jo. and Ja., I. * 453; Ro., ('*Dèill amang us*,') beheaded, * 368;—Hepburn of Elstanefurd, Geo., and 77 others, * 1; of Kingstoun, Adam, I. 3; of Wachtoune, Sir Pat., III. 271;—Hereis, Andro, respited, * 242;—Hering of Little Blair, And., 262;—Heroun of Keerochtrie, Pat., III. 460;—Hervie, Alex., 444;—Holyrood, Slaughter committed within the *Girth*, (sanctuary,) I. * 258;—Horne, Gawin, and his mother, III. 224;—Houstoun, Pet., &c., I. * 350; Arch., beheaded, *ib.*; Rob., 69; Sir Pat., 182, 183;—Howdene, Sir Jo., * 365;—Hume of Ballicass, Wm., II. 336; of Coldingknows, I. * 377; of Manderstoun, Alex., 30; of Wed-

derburne, Da., I. * 102; Mark, &c. 2;—Hunter, And., hanged, * 366; of Ballagane, * 369; of Polmude, Edw., slain, * 106;—Hyviesoune, John, beheaded, * 388;—INNES, Sir Alex., Chaplain, slain, * 332; Mr Alex., Minister of Birnay, II. 557; Jo., 41;—JAK, Rich., beheaded, I. * 27; Tho., beheaded, * 384; Issobel, III. 224;—Jamesoun, Wm. (*Wanton Will*), beheaded, I. * 219;—Jardine of Apilgirth, Alex., yr., 184; Tho., of Birnok, II. 491; beheaded with Vmphra, his son, III. 58;—Jarding, Jo., Slaughter of Laird of Dunwedy, I. * 40; Cha., * 442; Da., &c., II. 485; Wm., and 6 others, 492;—Johnnestoune of Gratno, Tho., * 85; of that Ilk, Ja., 184; of Kellobank, Wm., Wm., yr., and Jo., his sons, 489; of Loch-house, Jo., beheaded, II. 425; of Lockerbie, Wm., &c., III. 432; of Thornik, Capt. Ja., 501; of Tunnergathe, &c., Slaughter at a Funeral, 438, 439;—Jollie, Alisoun, I. 397; acquitted, 399;—KEITH, Alex., beheaded, II. 539; of Ludquhairn, Sir Wm., III. 539;—Kennedy of Baliarrak, Alex., II. 400; of Bargany, Tho., I. * 86; Alex. and 74 others, * 138; of Blairquhan, Jo., III. 119; of Corse, Da., II. 480; of Culzeane, John, slain, I. * 334. See Kennedy; of Girvanmains, and 250 others, respited for Slaughter of a Dutchman, * 236, * 238;—Kere, John, beheaded, * 149;—Kerr of Ancrum, Wm., 36; of Gateschaw, * 68; Mr Mark, 377;—Kincaid, Tho., 355;—King of Barro, Ja., III. 379; Da., in Hoy, *ib.*;—Kinnaird of that Ilk, John, fiar, II. 427;—Kirkpatrick, Alex., III. 123; Jo., 429;—Kirkwood, Ja., beheaded, I. * 165;—Knowis, Ro., * 399;—LATHEIS, Tho., beheaded, II. 85;—Lauder, Gilb., * 467; of that Ilk, Rich., yr., *ib.*; Jasper, (alleged madman,) beheaded, * 363; William, * 487;—Leidcreif, Laird of, slain, * 367, * 371;—Leighton of Ullishavin, Tho., remitted, * 252, 264;—Leslie of Kynmury, Walt., yr., remitted, * 255;—Lettir, Laird of, slain, * 204;—Levingstoun, Ro., * 399; of Warranehill, Ja., Remission to Jo., his son, * 257;—Lindsay of Barnyards, Dav., * 28; of Blariefadden, Marie,

III. 248 ; of Dunrod, Alex., and Jo., his brother-naturall, 493 ; of Colbyntoun, John, respited, I. * 238 ; of Edzell, Da., fiar, &c., slay LORD SPYNE, II. 529 ; tried, III. 61 ; notice relative to, *ib.* ; documents, 64 ; Mr Alex., his son, 63, &c. ; Mr George, slain, I. * 250 ; Marg., Lady Kersbank, 83 ; Rolland, beheaded, * 159 ;—Linkhop, Robert, 185 ;—Lochland, Laird of, slain, * 130 ;—Lockhart of Lee, Alan, beheaded, * 159 ; remitted, * 257 ; of Wikkitschaw, Alexander, remitted, * 253 ;—Logan, Sir Ro., of Restalrig, * 176 ;—Lokie, Ja., writer, 393 ; acquitted, 397 ;—Loudoune, Lady, (Dame Isobell Wallace,) * 136 ;—Louthian, Sir Wm., beheaded, * 151, * 275 ;—Lufe, (Love,) And., * 334 ;—LYLE, LORD John, * 178 ; MASTER OF, William, * 178 ;—Lyddell of Halkerstoun, John, III. 482 ;—Lynne, Walter, beheaded, I. * 203 ;—Lyon of Eister Ogill, James, * 408 ; II. 62 ; Alexander, I. * 470 ;—MACALESTAR, Donald Mole, hanged, * 51 ; Allaster MacPhatrick, &c., III. 554 ;—MacAllane, Donald Darg, and two others, hanged, 251 ;—MacAngus of Glengarrie, Donald, and thirteen others, II. 413 ; III. 540 ;—MacArthur, Gilb., beheaded, I. * 63 ;—MacBrair of Almagill, Ro., 166 ; of that Ilk, Arch., beheaded, 158 ;—MacCaig, David, beheaded, * 396 ; MacCiellan of Bomby, Tho., slain, * 237, * 244, * 252 ; of Gilestoun, Pat., * 61, * 95 ; Tho., * 215 ;—MacCondachie of Ballemanach, Allan MacGillespik, respited, * 252 ;—MacCulloch of Kilasere, Henry, * 244 ; of Torhouse, Geo., remitted, * 252 ;—MacDonald, Eugenius, Captain of Clan Cameron, * 355 ; Coill MacGillespik, and five others, III. 553 ;—MakDowell of Freuche, Fergus, I. * 218, * 219 ; Jo., &c., II. 515 ; III. 477 ; of Garthland, Vihred, 84 ;—MacEwin, John, and four MacGregors hanged, 112 ;—MacFarlane, Jo. Roy, and eight others hanged, 565 ;—MacGillebreid, Jo. MacEwin, &c., I. * 225 ;—MacGregor, Jo., &c., beheaded, II. 419 ; Allaster of Glenstra, 432 ; beheaded and quartered, with severals of his Clan, 433 ; Papers relative to him and the Field of the Len-

nox, &c., *ib.* ; Jo. Dow MacEwin, and ten others, hanged, 436 ; Neill, and four others, hanged, 438 ; Male., and four others, hanged, 439 ; Dougall, &c., III. 223 ;—MacHischok, Gilb., and 3 others, hanged, II. 418 ;—MacIntosch, Angus Williamsoune, and five others, II. 96 ; of Esseich, Wm., &c., 102, 507 ; Wm., son to Laird of, &c., 507 ;—MacKane, John, III. 483 ;—MacKie of Far, Don., I. * 352 ; Don., fiar of, III. 235 ;—MacLean of Doward, Hector, I. * 246 ; Allan, his son, * 247 ;—MacMurquhe, Donald MacAlex., respited, * 246 ;—MacNacht, Matho, of Dungeuche, * 231 ; of Kilqubannite, John, * 327 ;—MacRannald of Easter Leyis, Allan, II. 98 ;—Machetema, Cornelius de, Dutchman, slain in time of Parl., I. * 236, * 238 ;—Marschell, David, II. 493 ;—Maxwell, yr. of Conhathie, slain, * 151 ; of Cowstanes, slain, 157 ; of Calderwood, Sir Ja., 493 ; of Newark, Geo., 133 ; Pat. III. 122 ; Arch., I. 157 ; John, ‘callit *Achilles Johnnie*,’ beheaded, III. 327 ; Ja., 493 ; of Dunwiddie, Sir Rob., slain, I. 167 ; II. 492 ; of Dalquharne, Pat., slain, 71 ; of Cowhill, Arch. and Wm., yr., 485, 492 ;—Meldrum, Laird of, slain, I. * 149, * 175 ; of Moncoffer, slain, II. 76 ; of Ordley, Jo., III. 464 ;—Melville of Hervistoune, Ro., remitted, I. * 250 ;—Merser, Ja., and three others, 39 ;—Middletoun, Ja., III. 237 ; sentenced to be beheaded, 241 ; banished for life, *ib.*, note, 458 ;—MONTGOMERY, MASTER OF, Jo., Slaughter of Laird of Craiganis, I. * 44 ; of Skelmourlie, Ro., and Wm., yr., his son, slain, I. 133 ; III. 122 ; MONTROSE, E. OF, Wm., remitted, I. * 239 ;—Mosman, Wm., beheaded, * 159 ;—Mowe of that Ilk, John, * 256 ;—Muir, Jo. and Ja., yr. (See Muir of Auchindrain ;) Ja. beheaded, III. 492 ;—Multrare of Markinche, Tho., slain, I. * 105 ;—Muncur of Balluny, Jo., * 343 ; Marg. Douglas, Lady Balluny, slain, *ib.* ; of Slanis, And., remitted, * 250 ; Jo., 41 ;—Murray of Balvaird, And., slays Laird of Gorthie’s son, II. 112 ; of Broughton, Geo., 539 ; of Drumdewan, Ro., slain, I. * 255 ; of Newhall, Wm., * 26 ; of Newrrow, Ro., slain, * 248 ; of Romannos, Wm.,

- yr., I. * 332;—Myllar, Jo., 167;—NESBET of that Ilk, Adam, slain, * 244;—Nesbit, Ed. and Tho., II. 517; Wm., 562; Gawin, III. 458;—Newlands, Walter, of that Ilk, slain, I. * 236;—OCHILTREE, LORD, And., III. 66;—OGLIVIE OF AIRLIE, LORD, James, remitted, I. * 243, * 270; MASTER OF, and his accomplices, II. 130, 146;—Oistillare, Sir Ro., I. * 343;—Oliphant of Gask, Wm., III. 443; Laur., his brother, *ib.*; William, 542; LORD, Laur., 44, 88, 92; II. 512;—Or, Ja., beheaded, III. 358;—ORKNEY, MASTER OF, Jo., conspiring death of his brother the Earl, I. 373; slaughter of the Parson of Urquhart, 392;—PACOCK, Gilbert, beheaded, 386;—Park, Ja. and Geo., III. 495;—Paterson, Ro., I. * 452;—Peirsoun, John, cook, a minor, * 396;—Pentland, Captain, Jo., 46;—Perdowy, (Bardowy,) Laird of, slain, * 204;—Pollock, Ro., II. 21;—Portar, Tho., beheaded, I. * 92;—Porteous of Glenkirk, Thomas, 190;—Porterfield of that Ilk, William, 69;—Purves, Sir Rich., Chaplain, * 257;—Pyncartoune, Alex., beheaded, * 164;—QUHITEFURD of that Ilk, Jo., 133; Adam, yr., *ib.*;—RÆE, Habbie, and 21 others, III. 472;—Ræburn of that Ilk, Jo., I. 17;—Ramsay of Dalhousy, remitted for slaying his brother, * 239;—of Kynmont, Alex., escheated, * 253; Nicholas, beheaded, * 374; Wm., beheaded;—Ratray, George, beheaded, II. 85; of Kinballoch, Pat., slain, I. * 255;—Reid, Ja., beheaded, * 220; of Turnberry, John, slain, * 220;—Reidpeth of Deringtoun, Andrew, slain, * 248;—Rewll, And., beheaded for slaying his son, II. 21;—Robertson of Dulcabene, Pat., I. * 431; Robert, beheaded, III. 415; of Straloch, Jo., 203;—Rogersoun, Jo., 485;—Ross of Craigtoune, James, slain, I. * 343;—Rothuene, Friar William, * 229;—Rutherford, William, beheaded, II. 519;—RUTHVEN, LORD, William, I. 90;—Ryland, Laird of, slain, * 126;—Rynd of Kerse, Jo., II. 101;—SALTOUN, LORD ABERNETHY OF, I. * 329;—Sandelandis of Calder, Sir Ja., respited, * 237; slays Sir Alex. Stewart, &c., 359;—SANQUHAR, L. CREICHTOUN of, Ro., slain, I. * 353;—Schaw, David, * 327; of Keirise, Jo., * 158;—Schoriswod and 12 others, * 350;—Scott, Adie, called *the Peck*, hanged, II. 365; of Branhholm, Sir Walt., I. * 144; of Cambusmichaell, Tho., hanged, drawn, and quartered for Murder of David Riccio, * 478; Ro., and 7 others, acquitted, III. 218; Walter, &c., II. 339;—Scottistoun, Laird of, slain, I. * 172;—Scrymgeour, Ja., * 405;—SEMPILL, LORD, Ro., * 353;—Setoun, Alex., of Meldrum, slain, * 149, * 173, &c.;—Sibbett, (Sibbald,) Jo., * 425;—Sinclair, And., * 441; of Auchinfranko, Wm., * 151; slain, 327; George, remitted, * 254; Mr Hector, Parson of Kilbride, slain, * 256, * 329; of Hirdmanstoun, * 468; Alex. and Olipher, his brothers, *ib.*; James, * 257; of Strome, Edw., and 30 others, respited for Slaughter of EARL OF CAITHNESS, &c., * 253; Wm., a school-boy, shoots a Bailie of Edr., 195, *note*, &c., 349, 362;—Skirving, Geo., &c., 4;—Slose of that Ilk, Ja., 171;—Sloune, Friar Alexander, slain, * 229;—Smyth, Ro., alias Henry, beheaded, * 374;—Somerville of Drum, Hew, III. 259;—Spottiswode, James, jr., remitted, I. * 15; Jo., of that Ilk, II. 455;—SPYNE, L., Alex., 135, 146;—Stevenson, Sir William, Chaplain, slain, I. * 256;—Stewart, Capt. of Doune, James, slain, * 332; Christian, burnt, 399; of Dowellie, Mr Jo., and Tho., his brother, III. 536; Dutho, beheaded, I. * 350; Eufame, * 382; Harie, III. 248; Ja., II. 413; Ja., beheaded, III. 441; Ja. and Dunc., &c., 554; Jo., beheaded, I. 165; of Porterstoun, Wm., * 163, * 175; Robert, brother of Earl of Orkney, II. 76; hanged, &c., III. 283; Mr Thomas, I. * 149; Wm. and Harie, 79; William, brother of Lord Ochiltree, &c., II. 109, 445;—Stirling of Baldorane, Luke, I. 97; of Ballagan, Walt., 97; of Ballindroicht, Andrew, slain, * 204, * 257; of Bankeir, Andrew, slain, * 250, * 257; of Craigburnat, Jo., yr., 97; of Glorat, Walter, his brother, slain, * 332; Jo., 97; Helen, Lady Ullishaven, slain, * 344, * 350, * 411; of Keir, Sir Jo., knt., slain, * 258, * 327; of Letter, Ro., slain, * 204;—Stoby, Sir William, Chaplain.

- I. * 248;—Stonebyres, Laird of, slain, * 126, *note*, * 132, * 238;—Strathachin of Lethinturk, Jo., yr., * 175, * 200; remitted, * 246; Tho., 79;—Sutherland of Duffus, Wm., slain, * 149;—Swyne, Jo., beheaded, III. 471;—Symmer, Robert, beheaded, 437;—Sympill, of Foulwod, John, I. * 163, * 166, * 333; Math., beheaded, * 165; of Nobilstoun, Ro., * 333;—TAIT, James, II. 475;—Tennant, Arch., of Leuenax, (Linhouse,) slain, I. * 180;—Thief, Slaughter of a common, * 72;—Thomson, George, Minister, 133;—Thrisle, Wm., and four others, 77;—Tulliallan, Laird of, beheaded, I. * 151, * 271, * 275; (see Blackadder);—Tulloch of Tannoquehis, Robert, and Alexander, yr., II. 110; Alexander, and Ja. his brother, 563; and William Cuik, 565;—Tullymet, Baron of, slain, I. * 334;—Turnberry, Laird of, slain, * 219;—Turnbull, Tho. and Walter, 77; Thomas, apparent of Mynto, and 11 others, II. 370; And., beheaded, 377; Hector of Stanyledge, and 3 others, 442; Hector of Lylslie, 445; Hector of Wauchope, 511; acquitted, *ib.*;—Twedy of Dravay, Adam, I. 190; of Drummelzeare, Jo., * 141; Ja., his son, remitted, * 249; James, 190; Gilb., Slaughter of Laird of Polmude, * 39; Ja., and four others, 34; of the Wrae, Wm., 190;—Twenty men, women, and children, slain, * 175;—VAUSE of Many, John, respited, * 250;—Veitch, Andrew, 204; of North Syntoune, Ja., yr., 204;—Vic Kewyn, John Dow MacKewyne, and above 30 others, 33;—WALLACE, Dame Isab., Lady Loudoune, * 136;—Wallanche of Pittedy, John, slain, * 244;—Wast, Andrew, III. 467;—Wauchope, Geo., II. 52;—of Nudrie, Arch., I. 168; Ro. ? Wm., his son, 403; Banished, 410;—Weir of Blakwod, Tho., * 180; Jo., bailie of Lanark, 184; of Quhytecleuch, Jo., and Mungo, his brother, beheaded, III. 247; Ralph, slain, I. 159; of Stonebyres, William, slain, * 126, *note*, * 132, * 159, * 238;—Williamsoun of Termet, Ang., II. 507;—Winrame, Mr Ro., I. 23;—Wood of Banblane, II. 72; of Bonyngtoun, James, I. * 343, * 433;—YOUNG, Alexander, II. 20.
- Sled, what, II. 531.
- Sleep, Witches 'waked' and prevented from, I. 50; a Jesuite 'waked' *ad delirium!* III. 332.
- Sleich, Pat., hanged for Assisting the Earl of Bothwell, &c., II. 21.
- Sleuth-hound, III. 548.
- Slogan, slughorn, II. 504.
- Slose of that Ilk, Ja., Slaughter, I. 171.
- Slowane, (Aslowane,) of Garroche, Jo., I. * 55; II. 490.
- Small, Sir Tho., Chaplain, slain, I. * 405.
- Small, Niniane, an Egyptian, Respite for his Slaughter, III. 594.
- Smeatoun, hanged for breaking Ward, I. 360.
- Smith, Donald, hanged, III. 265;—King's smith and 'knok' (clock) maker, I. * 305, * 313;—Sir Tho., Clerk of the English Council, II. 590;—William, *alias* Chesman, Fomenting jealousies between the KING and his Barons, I. * 329.
- Smollett, Tobias, murdered by the MacGregors, II. 432.
- Smore, to smother, or suffocate, III. 131, 430.
- Snawdoun, Herald, Justice-depute, I. * 366.
- Snow-storm, I. 362.
- Society and company of the Boyes, II. 532; Jo. Forbes, beheaded, 535; III. 581.
- Sodomy, John Swan and John Litster burnt, II. 491, *note*.
- Softlaw, Tho., slain, III. 90.
- Soir-hewit horse, what, I. 8.
- Soir-bassoned meir, what, III. 265.
- Soirdy-staig, what, III. 98.
- Solway, Battle of, I. * 329;—Raid of, * 241, * 242, * 244, * 254, * 256.
- Somer of Balzordie, Geo., I. 74, 90.
- Somer-scheill, what, II. 519.
- SOMERSET, DUKE OF, I. * 117;—EARL OF, (Sir Ro. Carr,) II. 600, and *note*.
- Somerville of Cambusnethan, Sir Jo., I. * 62, * 78; * 167, * 388, * 404, * 451, 35, 63; II. 105;—of Drum, Hew, Slaughter, III. 259;—of Garidwoid, Ja., II. 555;—of Humby, Ja., I. 4, 23, 255;—Ja., slain, II. 567;—LORD, Hugh, * 167; Oppression, &c., * 169, * 175, * 185, * 199; John, * 369; James, invaded, * 382; Feud with the Lindsays, * 383, * 438;

- Hugh, I. 94, 114, 116, 178; Gilb., Feud with Laird of Lee, II. 61;—of Plane, Da., *ib.*;—of Pole, Wm., III. 268;—of Smailholmes, Ro., 436;—of Spittal, Ja., 268.
- Soothsaying, III. 508. See Sorcery, Witchcraft, &c.; curious pleadings, 517, &c.
- Sorcery, to be enquired into at Justice-Aires, I. * 66; Sir Wm. Stewart, Lion King of Arms, executed, * 510; Bessie Dunlop, 49, &c., (see Witchcraft,) 101, 161; Lady Fowlis, 185, 191, &c.; Monro of Fowlis, 201; Bessie Roy, 207; John Feane, 209, &c.; Agnes Sampsoune, 230; Commission for examining Witches, &c., 261; Captain Pat. Hering, II. 23; Jonet Stewart and three others, 'wirreit and brunt in assis,' 25; Ja. Reid, do., 421; Pat. Lowrie 'wirreit and brunt,' 477; Bartie Patersoun, do., 535; Beigis Tod, do., 542; Margaret Wallace, a remarkable case, 508; burnt, 536; Tho. Greave, burnt, 555. See Witchcraft, Incantation, Charming, &c.
- Sorley-Buy, III. 2.
- Sorners, what, I. 264; II. 70, 432. See Egyptians.
- Sorning, I. * 225; Messengers hanged, * 356; II. 415; III. 201, 250, &c.
- Sonter, Geordie the, hanged, III. 389.
- SOUTHAMPTON, E. OF, II. 584. (See Howard.)
- Souls of persons shot by Witches, III. 604.
- Sound, a fainting-fit or swoon, III. 468, &c.
- Soutter of Mylnetoun of Fornocht, Ja., III. 536.
- SOUTHESK, EARL OF, Dav., III. 601, *note*
- Sowmes of quwickens, what, III. 603.
- Sowtare, Jo., hanged for 'falsing of evidents,' I. 85; Kath. burnt for Witchcraft, III. 618.
- SPAIN, KING OF, protects Argyle, Sir J. MacDonald, &c., on their flight thither, III. 3.
- Spald, what, II. 525; III. 384, 485.
- Spalding of Essintullie, Da., III. 72; Resetting Alex. Ruthven after Gowrie's Consp., *ib.*, 202; cutting timber, &c., 458;—of Innerrydray, Jo., III. 203.
- Spaniard, Cassanzeis, the, I. * 315.
- Spaniards, Proclamation anent their arrival, &c., I. 267; 30,000 to be enlisted for altering the Religion, 311, &c.; anent their 'arryvaill,' 349; lieges to be in readiness, 355, &c.
- Spanish Armada, I. 228, &c.;—Blanks, Conspiracy, &c., I. 310;—merchants, three murdered under trust, III. 569.
- Speeches, 'vureverent,' against the King and Council, III. 220; Wm. Tweedie, scourged and banished, 222; 'blasphemous,' &c., Jo. Flemyng hanged, 359. See K. JAMES VI. &c.
- 'Spelair,' English, (rope-dancer, &c.,) I. * 118.
- Speus of Bodom, Wm., I. * 148;—of Condie, Jo., Queen's Advocate, * 373; III. 391;—of Wester Kames, Jo., slain by Laird of Kames, II. 131; Ninian, *ib.*;—of Kilspindie, Tho., I. * 88;—of Lathalland, Ja., I. * 404;—of Maristoun, Jo., I. * 201;—Rich., servant to the E. of Cassillis, slain, II. 400, 461, &c. (See Mare of Auchindrain,) 480, 493;—of Wolmerstoun, David, I. * 201.
- Spey-Tower of Perth, I. * 177.
- Spice-house, King's, Yeoman of, I. * 313; Groom of, * *ib.*
- Spirits, Evil, nick-names of, III. 606.
- Spittale, Hereschip of the Place of, I. * 17.
- Spittell of Lewchat, Wm., I. * 404.
- Spott, Laird of, I. * 413, &c. See Hume and Douglas.
- Spottiswode of that Ilk, (Laird of,) jr., slaughter, Forethought Felony, I. * 15; George, * 15; Felony, &c., * 16; David, * 413; Ninian, 107; feud with Sheriff of Ayr, &c., 352; his brother George slain, II. 401; Wm., 402; Jo., slaughter of the Laird of Leyhoussis, 455; Da., III. 393.
- Sprache, (spraiche,) hue and cry, II. 463, 519; III. 3, &c.
- Sprewle of Cowdoun, Tho., I. * 402; Jo., 169; Ja., fiar, II. 438; Ja., III. 365;—of Lady-mure, Jo., I. 60.
- Sprott, Geo., Trial for concealment of Gowrie's Conspiracy, II. 256; hanged and quartered, 259; his Deposition upon the scaffold, 260 Account of Trial and Execution by Archbishop of Canterbury, (Abbot,) 262; Sprott's Examinations, 272; Narrative of his Execution, 275; is tortured in 'the boots,' *ib.*
- Spuilzie, (See Hereschip.) I. * 57, * 59; of Keyme, * 112; E. of Caithness, &c., * 394; of Laird of Pennycuik's brother, 391;—of Teind sheaves, * 104, * 208.

- SPYNE, LORD, Alex., warded for Raid of Falkland, I. 278; reopened, 280; denounced, 305, 307, 375; deadly feud with the Master of Ogilvie; is wounded, II. 130; tried for slaughter, shooting pistols, &c., 135; fined L.5000, &c., 146, 235; slain, 529; Sir Da. Lindsay of Edzell, &c., tried, III. 61; notice relative to, *ib.*; Documents illustrating do., 64;—MASTER OF, Alex., II. 529;—LADY, Jean, II. 529.
- ST ANDREW'S, ARCHBISHOP OF, (James Duke of Ross,) I. * 120; Ja., (Beatoun,) doors of his lodging forced, * 257; Chancellor, * 269, *353; Jo., attempting to restore Popery, *427; Geo., III. 96, 621; Letter to King as to Gowrie's Conspiracy, *ib.*;—Castle of, to be delivered up, I. *283; assisting rebels, *337, * 338;—Court of Justiciary held there, II. 568;—Magistrates assist E. of Bothwell, I. 310;—Prior of, Jo., * 79;—Raid of, I. *334.
- St Andrian of May, relique of, I. * 306.
- St Barnaby's Day, Battle of, I. * 100.
- St Colmis-Inch, Commendator of, (Tutor of Murray,) I. 289, 291; Hary, 393; III. 72.
- ST COLME, LORD, Harie, III. 72; Jo., his brother, beheaded for Murder under trust, 74.
- St Colmes-Mess, III. 251.
- St Duthos, relict (*relique*) of, I. * 283.
- St Francis' Altar, I. * 252.
- St Gele, (Giles of Edinr.,) I. * 252; tumult, &c., in the city of Edinburgh, * 417.
- St James in Galicia, Pilgrimages to, I. * 101.
- St John of Ameas, in France, Pilgrimages to, I. * 107.
- ST JOHN, LORD, Geo., I. * 151; Walt., * 185; Sir Wm., English Admiral, III. 367.
- St Leonard's, Chaplain of, I. * 314; Chapel, III. 178.
- St Magdalene, breaking image of, I. * 334.
- St Mahago, relique of, I. * 306.
- St Mary de Foresta, I. * 400.
- St Mary of the Lowis, Kirk of, sacrilege, I. 400.
- St Michael, order of, I. * 283.
- St Niniane, Pilgrimages to, I. * 106.
- St Thomas of Canterbury, Pilgrimages to, I. * 107.
- St Thomas-evin, III. 569.
- Stable, King's, Squire of, I. * 313; Yeoman of, *ib.*
- Stag-hounds, I. * 312.
- Staik and naig, what, III. 98; a soirdy staik, *ib.*
- Stake, Witches 'wirreit' (strangled) before being burnt, I. 186, &c. See Witchcraft, Sorcery and Burning, &c.
- Stalfurde, Captain Hilbert, and 28 other Englishmen, Piracy, I. * 379. See Piracy.
- Stalls, choral, demolished, I. * 353, &c. See Reformation.
- Stamp, Forging the King's, I. 157.
- Standard, Royal, I. * 114.
- Standard-bearer, heritable, I. * 268.
- Stanfield, Philip, Parricide, III. 196; his father's corpse bleeds on his touch, 197; curious notices of this case, *ib.*, 198.
- Stanhope of Stanhope-miln, Jo., II. 124, 355.
- Starving to death, III. 479, 491.
- Steel of Houstone, Jo., II. 506;—*Kempy*, hanged, I * 126.
- Steel-bonnet, the King's, I. * 273, * 283; typpet to, * 283, * 320; II. 70.
- Steelbow goods, what, I. * 162.
- Steelbow tenant, what, I. * 162, * 471.
- Steel-saddles, I. *290, *295, * 300, * 312, * 321.
- Steeple, prisoners confined there, where no tol-booths or prisons, III. 219, and *note*.
- Steming of bluid, Jasp-stane for, III. 564.
- Stercovius, a Pole, put to death *in Poland*, at the instance of K. JA. VI., for writing a 'Legend of reproaches' against the Scots, III. 448.
- Steward of the King's Household, I. * 313.
- Stevenson of Hirdmanscheillis, Ja., I. * 393, * 424, * 469, 155, Jo., 156, II. 128;—of Hirdmestoun, Malc., Tutor of, III. 487;—of that Ilk, Jo., I. 35.
- Stewart, Arch., Captain of Dunnyaig, I. * 258;—of Appyn, Jo., III. 252;—Allane, Capt. of Dalkeith, III. 248; Ja., his son, Adultery and Incest, 'wirreit' and 'brunt,' 249;—of Ardgoware, Ja, I. * 170;—of Ardineulye (Arntullie,) Geo., I. 25; Jo., yr., II. 80;—Sir Alex., slain, I. 359;—of Auchmadies, Sir Ja., II. 63;—of Brig, Ja., I. * 454;—of Balquhudder, Allan, I. * 319; Commission of fire and sword against, 282;—of Barscube, John, I. * 163;—Mathew, * 382;—of Bogtonne, Jo., I. * 402;—of Blairgarrie, And., III. 554;

Ro., his son, Slaughter, *ib.*;—of Bonskeid, Jo., slain, II. 528; Jo., his son slain, *ib.*;—of Baithe (Beith,) Pat., III. 134;—of Bonningtoun, Josias, II. 461;—of Bothwell-Muir, (Earl of Arran, &c.,) Capt. Ja., I. 91, 94; slain, III. 66;—of Ballieachan, Sir Ja., II. 63; Pat., III. 250;—of Bodinschawes, Ja., II. 63;—of Barclaw, Math., I. 136, 137, 159;—of Barskimming, Hary, II. 106;—of Carstairs, Sir Wm., II. 109, 445; Wm. his son, *ib.*;—of Craigyhall, Ja., I. * 143; respited, * 247; Harie, 348, II. 37, 502;—Christian, burnt for Witchcraft, &c., 399;—of Cragyhall, Jo., and Geillis Seitoun his spouse, Forcible Abduction, I. * 421;—Commissary of Dunkeld, Mr Ja., III. 478; Ja., Stewart-depute of Menteith, &c.; Slaughter, 554;—of Castelmylk, I. * 40, (A Tutor of,) I. * 480;—of Cardonald, Allan, I. * 42; Ja., 98;—of Cullelony, Alex., II. 63;—of Daldow, Adam, I. * 130;—of Dowellie, Mr Jo. and Tho. his brother, Slaughter, III. 536;—Downe-Machreif, George, III. 256;—of Dunduff, Wm., I. * 405, II. 10; Math., 35; shooting at the Laird of Culzeane, 37; banished Scotland, England, and Ireland, and all their Isles, and fined 1000 merks, 40, 106, 461; Geo. his brother slain, 604; Wm., *ib.*, III. 121;—of Facastell, Robert, II. 63;—of Fintillache, Arch., III. 328;—of Flaswood, Tho., I. 58;—of Flatt, Alexander, III. 299;—of Foulage, John, I. 268;—of Foulbar, Jo., I. * 382;—of Force (Forss, Foss,) Ja., II. 63;—Alex. of Garlies, Wilful Error, I. * 219; Alex. yr., * 366, * 398, * 414, * 455, 304, 467. See Lord Gairlies;—of Gaus-toune, Tho., I. * 230, * 405, 63, 166;—of Garne-tullie (Grantully,) Sir Tho., I. 141, II. 433, 528; Sir William, III. 318;—of Gramsly (Gramesay,) Ja., (brother to the Earl of Orkney,) I. 387, III. 84, 88; two of his sons kill several English Pirates, and take two ships, 111;—of Hawrig, (Hallrig,) John, I. * 130, * 402;—of Heildoune, Walt., III. 465;—of Hulreid, Jo., III. 492;—Hercules, hanged, I. 362;—of Houstoun, Sir Wm., I. 375, II. 110;—John beheaded, I. * 165;—Jo. son of Ja. L. Doun, beheaded for Murder under trust, III. 74;—Ja., 'of Jerusalem,' banished for hearing Mass, &c., III. 252, 352;—of Innermeith, Wm., I. 306;—Josias, denounced, I. 306, III. 144; Jonet and three others 'wir-reit and brunt in assis,' for Witchcraft, &c., II. 25;—of Killeith, Sir Ja., Chamberlain of Orkney and Zetland, III. 273, 284, (See Lord Ochiltrie;) Sheriff of, 285;—of Kilpatrick, Jo., III. 440; Ja., his son, beheaded for Slaughter, *ib.*;—of Kynnaird, Wm., II. 528;—of Kirkhill, Sir Lud., his MS. Collections, I. * 478;—of Kilbattan, Nin., *fiar*, II. 131;—of Latheris (Lathrisk,) Rob., I. * 126;—of Lekprevick, Ja., II. 445;—of Ladywall, Mr Ja., III. 485;—Lady Marg., Rape of, I. * 60;—LORD JAMES (afterwards REGENT,) I. * 421;—LORD of Newtown, Ja., III. 248; Harie his son, Slaughter, *ib.*;—of Minto, Ro., respited, I. * 239; Math., 98; Sir Walt., bailie of Regality of Glasgow, III. 508, 513;—of Newtown, Ja., slain, II. 1, 107;—of Pitfowrie, Jo., III. 250;—of Porterstoun, I. * 163, * 175;—Pat. beheaded for atrocious cruelty and murder, 393;—Quhytlaw, Hercules, I. 270;—Robert, natural son of Pat. Earl of Orkney, Treason, Rebellion in Orkney, &c., III. 272; hanged along with five others, and forfeited, 283; illustrative Papers, *ib.* to 307. See Trial of his father, 308, &c.; tears the 'Band' by the Rebels, 304; his Deposition, 306;—Ro., bailie of Linlithgow, II. 559;—of Rossythe, Hen., I. 135;—of Roisland, Jo., I. 276;—Ro., (brother of the E. of Orkney,) Slaughter of Laird of Moncoffer, II. 76;—of Schawtoun, Adam, I. * 148;—Sheriff of Bute, Nimian, I. * 170;—of Schuittingleis, Alex., slain, I. 89;—of Seytoun, Wm., II. 110;—of Todlaw, Wm., remitted, I. * 256;—of Tulliemett, Wm., I. 306;—of Traquair, Wm., I. * 147, * 166, * 177, * 230; John, * 406, * 426; Sir Jo., 89; Wm., 276, II. 379, III. 394;—of Torboltoun, Jo., I. * 83;—of Tenandrie, Jo., Dow MacGilliechallum, II. 528; Allaster, his brother, hanged, 529;—of Tuedy, Ja., I. * 130;—of Tynneis, Ja., I. 270; his house demolished, 276;—of Tullich, Wm., II. 393;—of Vchiltrie, LORD,

- Andrew, I. * 428, &c. See Ochiltrie;—
Walter (brother of Lord Ochiltrie,) I. * 335;
Ja., his son, 19; Wm., (do.,) II. 109, 445;
—Sir Wm., (Lion King at Arms,) executed
for Sorcery, and Conspiring death of Regent
Murray, I. * 510;—Wm., brother to Lord
Ochiltrie, Slaughter, II. 109, 445;—Wm.,
Capt., of Dumbarton, II. 433.
- Stik, to stab, II. 30, &c.
- Stikle, stubble, III. 612.
- Stilberry, Tho., English skipper, Piracy, hanged,
I. * 381.
- Stinkand-style, in Edr., what, II. 416, 462.
- Stirling of Auchyle, Ja., I. 15; Wm., III. 233;
—of Baldorane, Luke, I. 97, 355;—of Bal-
lagane, Luke, I. * 451; Walt., 22; Here-
schip of Horses and cattle, by MacGregors,
III. 249;—of Bankeir, And., I. * 150;—of
Breakky, Dav., I. * 158;—Besieging Castle
of, I. * 238, * 242;—of Craighernard, Jo.,
Feud with the Kincaids, I. * 458;—Field of,
I. * 100, &c.;—of Glorat, Wm., I. * 150;
Geo., * 227;—of Keir, Sir John, I. * 130,
* 155, * 167, * 177, * 199; I. * 251; slain,
* 258; one of the Guardians of K. JAMES V.,
in his infancy, * 259; sent to relief of Makkane
against Donald of the Isles, * 262, * 477,
71; Sir Ja., 114; Sir Arch., 299, II. 502,
III. 377, 554;—Raid of, I. * 467, * 470;
abiding from, Forfeiture, &c., II. 85;—
Town and Castle of, withholding against the
King, I. 112, 116, 133.
- Stodart of Sheilgreen, Jo., II. 35.
- Stolps, King's silver, I. * 282; to bring in his col-
lation, * 298, &c. See Gold and Silver-plate.
- Stomacher, I. * 307.
- Stouthrief, William Cockburne, I. * 15;—Symon
Furde, *ib.*;—remarkable enumeration, I. * 20;
—of Earl of Angus's Horses, I. * 23; his lance,
25;—Robert Dunwedy, I. * 41;—by way of
'Mummy'n,' I. * 50, 51;—of Pirated goods,
I. * 88;—from Bishop of Galloway, I. * 94;
—of King's Artillery, I. * 132;—Capt. Ja.
Guthry, I. * 143;—Bikkerton, beheaded, I.
* 162;—Hugh, Lord Somerville, I. * 169;—
Alex. Jo. Canochsonn, &c., I. * 170, * 176,
* 203; John Henderson, hanged, * 206;
during Plague, * I. 219; from Tower of Ern-
side, * 223; Sir Ja., Thrift, &c., * 334;
Gilb. MacTeyr, beheaded, * 351;—of the
pay of the French Troops at Brouchy, * 361;
of Horses, &c., 393, II. 385;—and Murders
by the Macgregors, 414, 415; several hang-
ed, *ib.*;—Johnstonne of Lochhouse, beheaded,
425; Tho. Hardie, hanged, 441; Roise of
Dungkellie, beheaded, 481; Allaster Stewart,
hanged, 528; Ja. Hunter of Hagburne, II.
567; Wm. Douglas of Pinzerie, beheaded,
III. 95, 205, 252; Jo. Murray, hanged, 478;
Jo. Grant of Davachmoir, 490; Countess of
Marischall, and Sir Alex. Strathachane, her
husband, &c., 562; Ja. Keith of Benholme, 563.
- Story, And., hanged, I. * 87.
- Strabogie, Mass celebrated, II. 530.
- Straitoun of Lowriestoun, Sir Alex., II. 495.
- Strakned, what, III. 605.
- Strang, Capt. Geo., I. 309;—of Balcasky, John,
yr., I. * 141, 60;—of Kildrymmie, Ro., I. 60.
- Strangling at the stake and burning, a capital
punishment, for Witchcraft, &c., *q. v.* (See
also Burning;—at the stake, I. * 393. See
Witchcraft;—a child, 371; taking captive and,
III. 553.
- Strathachin of Balwissie, I. * 345;—of Brig-
toun, Alex., I. * 207;—of Claypottis, John,
I. 27;—of Lethinturk, Jo., yr., Slaughter, I.
* 175; Concealing the Master of, Forbes's Con-
spiracy, warded, * 200; Da., * 206; remitted,
* 246;—of Monboddo, Jo., I. 28;—of Thorn-
toun, John, I. 17; Sir Alex., and his wife
Dame Marg. Ogilvie, (Countess of Marischall,)
Masterful Stouthrief, &c., III. 562.
- Strathbogie, house of, to be cast down, I. 343, 344.
- Strathnaverne, Inhabitants respited, I. * 248.
- Stratoun, David, burnt for Heresy, I. * 210, &c.;
—of Craigy, Dav. I. 29.
- Strauchane, Wm., Messenger, scourged and de-
prived, for signeting false Letters, &c., II.
455; Mr Alex., Minister, tried, 494; banished,
503; Mr Ro., Masterful Stouthrief, &c., 562.
- Straws, Witches ride on, superstition, III. 604, &c.
- Streamers for the King's ship, I. * 303.
- Strechin, House of, besieged, I. 65.
- Striking a person, whilst the King was sitting in

- judgment, II. 358; fined 1750 merks, 359;—a Minister, 416; Walt. Graham scourged, and his right hand struck off, 417;—During sitting of the Lords of Session, III. 73.
- Strudgeoun of Myllerland, Adam, II. 490;—of Toweroce, Harb., II. 490.
- Stud, Royal, I. * 301, &c., * 306; the King's Brood-mares, * 316.
- Study, K. JAMES V.'s, I. 284.
- Stug-tailit, what, III. 265.
- Stymeis, bats, III. 588.
- Suborning of Witnesses, III. 354; several persons beheaded, hanged, scourged, and branded, 358; And. Turnbull and 2 others hanged, 539; Da. Turnbull's tongue pierced with 'ane hett boitkyn,' and he banished, *ib.*
- Substancious man, 'quhat is,' I. * 161.
- Suckler, Jok the, III. 382, 389; hanged, 396.
- SUFFOLK, EARL OF, Tho., II. 589.
- Suffrages for Q. MAGDALENE, I. * 297, &c. See Obsequies, Funeral ceremonies, &c.
- Summerdaill, House of, besieged, I. * 225.
- Sumpterman, King's, I. * 313.
- Superstitions. See Witchcraft, Charms, &c.;—touching the Corpse of a Murdered person, as a test of guilt or innocence, III. 143, 165; 182, &c.
- Supplications, remarkable, of persons charged as Conspirators at David Riccio's Murder, I. * 483, * 484, * 485.
- Supremacy of the Pope, maintaining the, III. 330, &c. See Balmerinoch.
- Surgeons provided for the Army of the Borders, I. * 325; Report of, in case of Mutilation, &c., 7;—two sit on an Assise, III. 574.
- SURREY, COUNTESS OF, I. * 18;—EARL OF, * 187, * 270.
- SUSSEX, EARL OF, L. Lieut. of Ireland, III. 2.
- Sutherland of Clyne, And., yr., Resetting him, I. * 395;—COUNTESS OF, Dame Jean Gordon, 348, 530;—of Duffus, Wm., slain, * 149; Oppression, &c., * 222; Alex., * 391; Wm., II. 143. See Duffus;—EARL OF, I. * 149, *note*; John, * 336, * 370, * 391, * 411; Alex., * 462, *note*, 94; Hugh, 114; Jo., Submission between, and E. of Caithness, III. 231;—of Evelik, Wm., I. 68;—of Greifschip, And., * 391;—of Kinsterrie, Wm., III. 616.
- Swan, Jo., burnt for Sodomy, II. 491, *note*.
- Swarff, swooning, I. 251, &c.
- Swasche, an alarm drum, &c., II. 30.
- Swascheris (Swescheouris,) what, II. 245.
- Swearing fealty to English Protector, I. * 378.
- Swearing upon swords, III. 275.
- Sweetmeats brought to K. JAMES V., I. * 308.
- Swein, an Evil Spirit, III. 606.
- Swesche-talburne, I. * 314, &c. See Swasch.
- Swimming, singular dexterity displayed by the Laird of MacGregor, II. 434.
- Swintoun of that Ilk, Jo., I. * 147, * 159; gift of his escheat for wilful error to his 8 daughters, * 253; Warden-depute of the East Marches, * 323, * 414; Ro., 282.
- Sword-belt, scourging with, II. 454.
- Sword, decapitation with a, I. * 425; great, * 289; of Honour, * 260; a case to it, * 296; two-handed, * 289; II. 70. See Gowrie's Conspiracy, III. 245.
- Sword-slipper, King's, I. * 315.
- Swyne, Jo., beheaded for Slaughter at a bridal, III. 471.
- Swyngill-trie, Murder of a pregnant woman and her child with, II. 517; Pat. Deanis hanged, *ib.*
- Sydeserf of that Ilk, Pat., I. * 143, * 386; Pat., yr., Slaughter, 4; Jo., 10, 155;—of Ruchlaw, II. 467; Wm., 534; III. 560.
- Sydney, Sir Ro., II. 318.
- Symbolical mode by which Witches took the fruits of the ground, &c., III. 603, and *note*. See also Witchcraft, *passim*, for similar instances.
- Symmer of Balzordie, III. 437; Ro., his son, Slaughter, *ib.*; beheaded, *ib.*;—David, Bailie of Edinburgh, freeing a Prisoner, I. * 442 to * 450; Protestation against the Verdict, * 449.
- Symontoune of Hardingtoune, I. * 455;—of that Ilk, Jo., forging and making False money, * 76; Wm., * 382; Jo., yr., III. 539.
- Symsoune of Bannans, Jo., I. 200;—Edw., hanged for Stouthreif by way of 'Mummyn,' * 51.

T.

- TABLETS, I. * 295, * 299, &c. See New-year's gifts.
- Taikin, what, II. 470.
- Tailor, King's, in the Wardrobe, I. * 313; Master, * 315; Queen's Master, *ib.*
- Tailzeour, Wm., murdered at Kirk of Field with K. HENRY, (Darnley,) I. * 479, * 492.
- Tailziefeir of Herklaw, Wm., III. 493.
- Tait of Adamehill, Cha., yr., II. 95;—of Bairerse, Geo., 475; James, his brother, acquitted of Slaughter, 476;—of Barnbarrache, Tho., I. * 85;—of Cherritreis, Wm., II. 475; Ja., his son, slain, *ib.*;—of Pirne, Alex., I. * 147, * 332; Geo., * 424, * 469.
- Talbonaris, I. * 267, * 273, * 292; Swische, * 314.
- Tale-teller, the King's, I. * 116, * 123.
- Tamptalloun, Raid of, I. * 138, * 140, * 243, * 244, * 263, * 274; the warks at, * 298; withheld against the King, 96.
- Tantara! pamfara! II. 601, and *note*.
- Tapestry. See Arras werk;—new Tapesscherie brocht furth of Flanders, I. * 298, * 300.
- Tarbert, Ja., writer, hanged for falsifying a Charter, II. 104.
- Target or targe, an ornament generally worn in the bonnet, I. * 292, * 293, * 321. See also New-year's gifts.
- Tarlasoune of Moingeis, Jo., yr., II. 394.
- Tasker, III. 526, &c.
- Tax remitted to Town of Selkirk, it being 'hereit be Thevis and Pestilence,' I. * 262.
- Taylor, Jo., Warlock, III. 614, &c.
- Taymouth, Buik of, III. 232.
- Tearing the King's Letters, I. * 53, * 271, * 334.
- Tears, superstition that Witches could shed none, I. 211.
- Tedder, a halter, III. 474, &c.
- Teind sheaves. See Spuilzie.
- Tennent, Francis, writing Pasquils against the King, hanged, II. 332; his tongue ordered to be cut out, before his execution, *ib.*; afterwards dispensed with, *ib.*;—of Kairnes, Ja., II. 430; Jo., 467;—of Leuenax, (Linhouse,) Arch., slain, * 180; Ja., 155; II. 21, 259, 455; III. 9, 565;—Mungo and Francis, Sedition, &c., * 330;—of Williamstoune, Arch., I. 27.
- Tennis, game of. See Cache-puill.
- Ten-shilling pieces forged, II. 99.
- Testament, New, persons burnt for using it. See Heresy.
- Testanis, striking false, I. * 394, * 440; three women 'wirreit and brunt in assis,' II. 74.
- Testicles, Demembration of, I. * 253; putting hot ashes and live embers in the *scrotum*, &c., II. 393; Pat. Stewart beheaded, 394; cruelty in trampling, &c., III. 496.
- Tests of guilt or innocence of suspected Murderers, popular, III. 184, &c.
- Tithes paid to the Devil, superstition of Witches, being annually decimated, 'paying kane (or 'teynd') to hell,' I. 164, &c.
- Theft, from the Abbot of Dundrennan, I. * 73;—Common, Johnston, Story, and Gillespie, hanged, I. * 87; Douglas, &c., hanged, I. * 151, * 159; Turnbull, (*Blak-Sow*), hanged, * 169; Armstrong, &c., * 173; John Elwald, (*Jok Unhappy*), hanged, * 176; Young Laird of Tulydury, hanged, * 358; John Robsoun, alias *Paulis Jok*, hanged, * 384; of a silver dish of QUEEN REGENT'S, * 386; from the QUEEN Dowager's chief Cook, * 406; by an alleged Idiot, * 415; Armstrongs and Elliots, 93; barbarous torture of a girl, to detect alleged Theft, II. 44;—masterful, &c., 74; treasonable and masterful, Countess of Marischall, &c., III. 562; Keith of Benholme, 563, &c. See Stouthrief, Hereschip, Reiving, Stealing, &c.
- Theftboot, taking, I. * 143, * 427.
- Theses publicly defended, III. 447, and *note*; Thesis and *annexa* by Mr Thomas Ross, 451, 586. See Ross.
- 'Thief of Hell wait wpon hir selfe!' an Evil Spirit, III. 606, 614.
- 'Thief!' a Witch call, 607.
- Thieves, assisting, I. * 144;—letting escape from justice, I. * 149, * 223;—taking Theftboot,

- * 427 ;—Raid against the Border Thieves, I.
* 134, * 152, * 271.
- THIRLESTANE, LORD, Jo., (Lord Chancellor,) I.
172, 267, 304 ; dies, III. 66.
- Thistles, embroidered on the King's Coronation
Robes, &c., I. * 301.
- Thomesone, Agnes, Witch, I. 216 ; Alex., hang-
ed and forfeited for importing and uttering
base coin, II. 404 ; Alex., banished for Adul-
tery, III. 429 ; Gilb., hanged for stealing dur-
ing the Burning of the Town of Dumfries, I.
* 39 ; Issob., Child-Murder, hanged, II. 540.
- Thornetoun, Laird of, I. 284.
- Thorns, ancient Witch's and lover's trysting-places,
I. 52, 58. See also Imp-Tree, II. 543 ;—Max-
well's, where Lord M. was slain, III. 30.
- Thornsyle of East Nesbit, Ninian, I. * 147.
- Thraive of corn, &c., what, I. * 58.
- Threads, Witch-charm with, III. 605, &c.
- Thrift, Sir James, Chaplain, &c., Fire-raising,
Stouthreif, &c., I. * 334.
- Throche, a sheet of writing paper, III. 148.
- 'Throw the Corne-yaird,' a Witch's nickname, III.
606.
- Thurestoune, Place of, burnt, I. * 99.
- Thurso, Fishings of, violently occupied, I. * 395.
- Tibberis, burnt, I. * 348.
- Tildar, Sir William, Englishman, I. * 4.
- Tindall, *alias* Tinwall, Margt., tried for Oker
(Usury,) II. 101.
- Tirring, what, III. 432, 548, &c.
- Title-deeds, Theft of, II. 340 ; Ja. Wod, far of
Boningtoun, tried, *ib.* ; hanged, 347 ; III.
265 ; Pat. Eviot hanged, *ib.*
- Toads used in Witch-charms, I. 218, 245.
- Tobacco, pipe of, said to be *drunk* or quaffed,
III. 11.
- Tochers given by the King, I. * 272, * 279, * 312,
* 317 ; to Barbara Falconer, * 324.
- Tod of Sereschaw, Sir Tho., I. * 5.
- Tok, Wm., scourged and banished for Perjury,
III. 359.
- Tomb-stones, stealing, I. 48.
- Tongs, red-hot, used for torturing a girl, for the
purpose of detecting alleged Theft, II. 45.
- Tongue, cut out by the root before execution, II.
335, and burnt, III. 198 ;—pierced with ' ane
hett boitkyn,' 539 ;—a gentleman's throat cut,
his tongue taken out, the tongue of one of his
dogs put in his mouth, &c., a case of extreme
barbarity, 548.
- Tooth-powder, silver clam-shell for holding K.
JA. V.'s, I. * 320, * 322 ; his ' pyke-teithe,'
* 321.
- Torches. See Funeral-ceremonies, &c. ;—at the
Baptism of PRINCE JAMES, * 302.
- Torphechin, LORD, I. 27 ; Ja., III. 316 ;—Pre-
ceptor of, I. * 2 ;—Sanctuary of, * 151.
- Torsenzie, the Lady, goes mad, after a Witch
consultation, I. 236.
- TORTHWALD, LORD, Ja., slain, III. 65 ; notice
of facts, *ib.* ; Lord Stewart of Ochiltrie tried,
66. See Stewart, &c.
- Torture, the rack, or question, I. * 401 ; wrench-
ing the head with cords, 215 ; mode of tor-
turing Witches, 217, &c. See Witches ;—
barbarous, inflicted on Feane, 219, &c. ; Ali-
son Balfour and Tho. Palpla, 375, 376 ; the
young Laird of Auchindrane tortured, III.
170, 196 ; Mr Ja. Mitchell, *ib.* ; Peter Aroy,
a Highland robber, *ib.* ;—instruments of, the
' Pilniewinkis,' 215, 376, 377 ; ' boots' or
' bootikins,' 219, 222, 376, 377 ; Mr Wm.
Rynd ' extremely booted,' 220, 238, *note* ;
Sprott *booted*, 275 ; ' turkas,' (*torquois*), pin-
cers to tear off the nails, 222 ; needles thrust
under the nails, *ib.* ; ' caschielawis,' or ' caspi-
cawis,' 375, 376, 377 ; the ' lang imis,' of 50
stone weight, 376 ; scourging with ' towis,'
(ropes,) *ib.* ; a ' harrow-bore' used, II. 46 ;
—most barbarous torture and savage Murder,
III. 545 ;—inhuman, inflicted on a girl, to
detect alleged Theft, II. 44 ;—' waking,' *i. e.*
systematically preventing sleep, to extort con-
fession, in the case of Witches, I. 50 ; a Jesuite
' waked' *ad delirium* ! III. 332.
- Tortus, Math., II. 570.
- Torwoodlee, Place of, harried, and the Laird
Murdered, &c., II. 520.
- Toscheauch, And., Lion King at Arms, violence
committed on him by Lord Drummond, I.
* 268 ;—of Monyvaird, And., 28 ; II. 383 ;
Edw., III. 443 ; Da., yr., slain, *ib.*, 465 ;
Annas Grahame, Lady M., *ib.* ; Offers for

- reconciling the Feud betwixt him and the Laird of Cultmalundie, III. 480, 542.
- Touching murdered corpses, a popular mode of detecting the guilt or innocence of the suspected criminal, III. 143, 165; illustrations relative to this superstitious practice, 182, &c.; form of the ceremonial, 184; remarkable Trials where *touching* was founded on, &c., 191; K. DUFFUS's murderers, *ib.*; K. HENRY II. of England, 192; Johan Norkott, *ib.*; Marioun Peebles, *alias* Pardoun, 194; Mr Ja. Mitchell, 195; Mary Mure, 196; Da. Munroe, *ib.*; Mr Ja. Guthrie, *ib.*; Philip Stanfield, *ib.*; Marquis of Argyll, 199, &c.
- Tournament, I. * 118, * 123, * 293, * 300, * 317, * 320, * 321, * 323, &c.
- Towers of Bristo, Geo., I. * 513;—of Inverleith, Sir Ja., * 140, * 159, * 190, * 199, * 421; Jo., 72; II. 60, 74; Sir Geo., 513.
- Towis, (ropes.) scourging with, to extort Confession, I. 376.
- Trafficking with Seminary Priests, Jesuites, &c., I. 172.
- Traill of Blebo, Jo., II. 60, 397.
- Traitor, Judicial Challenge of a, I. * 183; Ar-morial bearings of forfeited Traitors publicly defaced, * 490; II. 241; their quarters exposed on the tops of Tolbooths, Ports, &c., I. * 440, * 491, &c. See Quartering;—their dead bodies produced in Court, at forfeiture, II. 241, 277, &c.
- Translation of 'the Cronyklus' and 'Titus Livius' at the expense of K. JAMES V. See Bellenden.
- Transporting Cattle to England, I. * 60.
- Traquair, Lady, I. * 161, * 177; Assise on, * 280. See Stewart.
- Treason, High, (Field of Stirling,) Ja., E. OF BUCHAN, I. * 2;—Jo., L. BOTHWELL, * 4; Jo. Ross of Mountgreenan, * 8; Cutlib. Murray of Cokpule, * 11; Don. MacRanald Bane, * 45; Torquill Makcloide of the Lewis, *ib.*; Jo. Lindsay of Wauchope, * 48; Jo. Makklane of Lochboy, * 50; Ja. Elwald hanged, * 133; LORD LINDSAY, *ib.*; Crechtoun of Craufurd-toun, *ib.*; Cokburne of Henderland beheaded, * 144; Jo. MASTER OF FORBES beheaded, * 183; LADY GLAMMIS burnt, I. * 187, &c.; Alex. Hume beheaded, * 201; E. OF ARRAN's Treason, * 233, * 246; Sir Ja. Hamilton of Finnart, * 227; beheaded, * 228, &c.; Sir Ja. Colville of East Wemys, * 255, * 257; Alex. LORD HOME, Chamberlain, * 261, * 262; And. Heriot of Tra-broune, *ib.*; George Home of Wedderburn, * 267; E. OF CRAWFORD, L. LINDSAY, &c., * 271; E. OF CASSILLIS, L. SEMPILL, *ib.*; Laird of Bukleuche, * 272; Jo. Wallace of Carno, * 274; men of the Isles, * 275; Ja. Douglas of Parkhead, * 307; Sir Ja. Melville of Raith beheaded, * 339; Rich. Latymer of that Ilk hanged, * 348; Wm. Newtoun of that Ilk, * 349; Ja. EARL BOTHWELL conspiring to seize the person of MARY Q. OF SCOTS, * 460; Murderers of KING HENRY, (Darnley,) tried, and illustrations, &c., * 488 to * 513; Dav. Hammilton hanged, 31; Con-spiracy against the REGENT, 32, 40; Inter-communing with Rebels in Town and Castle of Edr., 33; Mr Ja. Kirkaldye and Ja. Cokkie hanged, 45; Conspiring REGENT MOR-TON's death, 70; Jo. Sempill of Beltreis for ditto, 72; Geo. Balfour, Prior of Charter-house, 86; Arth. Hamilton, Murder of RE-GENTS MURRAY and LENNOX, 87; Jo. Bynning hanged and quartered for K. HENRY (Darnley's) Murder, 95; Arch., E. OF AN-GUS, 96; Geo. Hume of Spott, 101; acquitted, 107; Ja. EARL OF MORTON, 114; Wm. E. OF GOWRIE, 116; Forfeiture of the EARLS OF ANGUS and MAR, 119; RAID OF RUTH-VEN, from 111 to 132, 139; Lairds of Mains, Drumquhassill, and Duntreath, hanged and quartered, *ib.*; K. HENRY (Darnley's) Mur-der, Mr Arch. Douglas, 142; acquitted, 154; Pat. MASTER OF GRAY, tried for counterfeit-ing King's stamp, 157; EARLS OF HUNT-LIE, CRAWFORD, and BOTHWELL, 171; Angus McConcill of Dinnievaig and L. McLean of Dowart, 224; COUNTESS OF BOTHWELL, &c., 268; convicted, 274; E. OF BOTHWELL, &c., tried for Raids of Falkland and Holyrood, 293; forfeited, 297; EARLS OF ANGUS, HUNT-LIE, and ERROL, &c., for Conspiring against the Protestant Religion, &c., 310;

- summons, I. 314; doom, 316; Tract as to 'the Spanish Blanks,' 317; Convocation of an unlawful Assembly of the Kirk, II. 3; Pat. Sleich hanged, 21; Besieging the KING, &c., in Edr. Tolbooth, Edward Johnnestoun fined 3500 merks, 29; GOWRIE'S CONSPIRACY, 146, &c. See GOWRIE; Mr Tho. Cranstoun, Geo. Craingingelt, and Jo. M'Duff, hanged, 148; Forfeiture of Lord Gowrie's brothers, 159; Wm. Cuninghame of Towerlands, 366; forfeited and beheaded, 369; Geo. Meldrum, yr. of Dumbrek, beheaded and forfeited, 428; Ja., L. BALMERINOCHE, Corresponding with THE POPE, &c., in King's name, 567, &c.; Sir Ja. Makcneill, III. 1; Pat., E. OF ORKNEY, 81; declining Jurisdiction of the King and Privy Council, 87; Mr And. Creichtoun sentenced to be hanged, 89; banished for life, 90; Ro. Stewart, (natural son of E. of Orkney,) Rebellion in Orkney, &c., 272; hanged and forfeited along with 5 others, 283; illustrative Papers, *ib.*; Trial of Pat., E. OF ORKNEY, 308; beheaded and forfeited, 318; illustrative Papers, 319; Angus Og M'Concill 363; hanged, 365; illustrative Papers, *ib.*, &c. See also treasonable Fire-raising, Murder, Theft, &c.
- Treasonable Murder, Fire-raising, &c. See under Murder, Theft, &c.
- Treasurer's, Lord High, Accounts of Reign of K. JAMES IV., I. * 114, * 124; Reign of JAMES V., * 259 to * 325; and notices from these Records, quoted in illustration, *passim*.
- Tred, following the, III. 548.
- Treif, Castle of, keepership, I. * 232.
- Trew, day of, or Warden Raid, I. * 397, &c.
- Trinkets given by KINGS of Scotland to favourites and courtiers, I. * 295, &c. See New-year's gifts, Gold, and under names of Jewels, &c.
- Trotter of Prentonene, Geo., I. * 413.
- Troup of Begishill, Alex., I. * 150.
- Trouternes, 'Hereschip' of, I. * 256.
- Trows, or trolls, what, III. 607, *note*.
- Trump (Jew's harp) played on at Witches' convocations, I. 217, 246.
- Trumpets, Banners to the, I. * 308; War, * 314.
- Trust, breach of, pleadings relative to, II. 549, &c.;—Murder under, III. 74, &c. See also Murder.
- Tuilgies and 'cummeris' in the streets of Edr., &c., I. * 362.
- Tulliallane, Pit of, a man famished to death in, III. 479.
- TULLIBARDIN, EARL OF, Jo., II. 572, Wm., III. 14, *note*, 18;—MASTER of, William, II. 297, *note*, (See Murray of T., &c.,) 572, III. 248, 370.
- Tullo, (Tulloch,) of Moncoffer, Tho., I. * 150;—of Tannachie, Ro., II. 72, 80; his son Alex. slays the Laird of Earlsmyln's son, *ib.*, 110; Alex. and Ja., tried for Slaughter, 563, 565.
- Tumults within burgh, Robin Hood, &c., I. * 409, * 410; to restore Property, * 416, &c.; at Holyroodhouse, * 434; to alter the Religion, * 435, &c. See Edr., Holyroodhouse, &c.
- Tung-schot, what, II. 536.
- Tunneargathe, Parson of, slain, II. 441.
- Turcas-ring, III. 564, and *note*.
- Turing of Foverne, Gilb., remitted for Abiding from the Raid of Solway, &c., * I. 242.
- Turk, the Little, dress to, I. * 308, * 319.
- Turkas, (*turquois*), pincers used in torture, for pulling off the nails, I. 222.
- Turnberry, Laird of, slain, I. * 219.
- Turnebroches, in King's Kitchen, I. * 313.
- Turnbull of Airdrie, Wm., II. 259, III. 9, 75;—And., beheaded, II. 377; And. and two others hanged for Perjury, &c., III. 538;—of Apotesyde, Lady (Marg.,) II. 510;—Place of, set on fire, *ib.*;—of Barnehills, Hector, Slaughter of the Grameslaws, II. 441; Geo., his brother and Gavin, his uncle, *ib.*;—of Bedrule, Walt., I. 265; Tho., III. 396;—of Belsis, George, Slaughter, Unmerciful Oppression, &c., II. 419; sentenced to be hanged, and his right hand to be struck off, 421; tried for Incest, Adultery, &c., hanged and forfeited, 425; Hector, 442, 445;—of Bewlie, Ro., slain, II. 372, 378;—of Blindhauche, Ro., I. * 88;—Adam of Chamberlain, Newton, slain, I. * 61; David, tongue pierced with 'ane hett boitkyn,' and banished, *ib.*;—of Clarielaw, Hect., II. 511, III. 396;—of the Firth, Hector, Slaughter, &c., II. 370;—of Hallrule, Geo., I. * 35;

- of Hoppisburne, Tho., II. 509, 510;—of Howay, Walter, I. * 144;—of Howdene, Jo., III. 457;—of Huttril-burne, Ro. III. 457;—Jo., one of King's Guard, sits as Assisor, II. 559;—of Lylslie, (Lilliesleaf,) Hector, Slaughter of Laird of Craling, II. 445;—of Minto, Wm., I. * 147; Tho. apparent of, &c., Slaughter, wearing dags and pistols, II. 370; Tho. 445; Hect. Tutor of, III. 396;—Peter, '*callit the Monk*,' hanged, I. * 413;—of Philiphauche, Adam, I. * 43; Rob., Tutor of, * 148; Wm., III. 569;—of Qubitehope, I. * 22, &c.;—of Rawlat, Tho., Oppression, &c., I. * 252; Walt., II. 419, 424; Wm., his son, slain, 419; Adam, his servant, hung in irons, by the feet and shoulders over a beam for 12 days! *ib.*; Walt., remitted, III. 116;—of Stanyledge, Hector, Slaughter of Laird of Little Newton's six sons, II. 441;—of Tofts, John I. * 34;—of Wauchope, Hect., II. 473; Tho., *yr.*, *ib.*, 509, 510; acquitted of Slaughter, 512.
- Turner, Jo., Sh. clerk of Wigtoun, III. 328.
- Turnour of Ardwell, Jo., II. 490.
- Turnepyke, a circular stair-case, III. 129, &c.
- Turnit ale, what, II. 525.
- Turquoise stone in the Coronation Ring, I. * 300.
- Twa-handit-swoirdis, I. * 289; II. 70, 432; III. 245. (See Gowrie's Conspiracy.)
- Twa-mark pieces forged, II. 99.
- Tweddale of Baukhead, Ro., I. 35.
- Tweedy, of Draway, Adam, Cutting off a man's ears, I. * 475; Slaughter, 190;—of Drummel-care, John, I. * 43, * 88, * 141, * 147; Ja., * 229; Oppression, I. * 24, * 76; James * 384; Wm., * 475; Ja., 135; Slaughter, 190;—John, Tutor of, slain, 204; Ja., feud, 353; Geo., slain, 541, 562;—of Frude, Ja., murdered, I. * 426; Ja., * *ib.*;—Jo., in Linton, I. * 205;—of Southwood, Jo., slain, III. 54; the Laird of Birmok and his son beheaded, 58;—Wm., scourged and banished for '*vnreverent speeches*' against the King and Council, III. 220;—of the Wrae, Wm., Slaughter, 190, II. 467.
- Tympanes, (timbrels,) I. * 119.
- Tynnakillis of Tanny velvet, what, I. * 301.
- Tynneis, house of, to be destroyed, I. 276.
- Tynto of Crympcramp, Rob. I. 5.
- Typpet to Steel bonnet, I. * 283; riding, *ib.*
- Tyree, Island of, burnt, &c., I. * 247.
- Tyrannical Oppression of the Inhabitants of Orkney and Zetland, III. 81, 312. See also Orkney, Ro. Stewart, &c.
- Tyrement. See Funeral Ceremonies, Obsequies, Suffrages, &c.
- Tyrie of Drunkilbo slain, I. 165, 325; Thomas, Tutor of, *ib.*, 332; Remission to, III. 116.
- TYRREWNE, (TYRONE,) EARL OF, Irish rebel, I. 348; III. 2.
- Tyrwit, Sir Wm., and 16 Englishmen, go on a Pilgrimage to the Shrine of St Niniane, I. * 106.

U.

- UCHILTRE, LORD STEWART of. See Ochiltrie.
- Udny of Kethik, Jo., III. 437.
- Ugstone of Foddercarne, (Fettercairn?) Alex., I. 28.
- Ullishavin, Murder of Lady, I. * 344, * 350, * 411. See Murder, &c.
- Umbesetting the hie-gaitt, I. * 169, * 182, * 200, * 204, * 356, * 412, * 432, * 450, * 469; to Lord Oliphant, * 488, 58; Ewing, 380; Mure of Auchindrane, II. 35, 37; and Theft, &c., 74, 103; III. 224, and *note*, &c. See also Stouthreif, Hurting, Wounding, &c.
- Uncouth, strange, III. 524, &c.
- Underfute, what, II. 27.
- Undergore, what, II. 27.
- Unfriend, enemy, III. 588, &c.
- Unhappy Jok, hanged, I. * 176.
- Unicorn, the Great, King's Ship of War, I. * 298; sent to France with the Cardinal, * 323;—Pursuivant (Robert Fraser) slain, II. 72.
- Unicornis, two, the supporters of the Arms of Scotland, (*temp.* JAC. V.,) I. * 308.
- Unlaw, what, III. 140.
- Unreason, Abbot of, I. * 116, * 121, * 123; In-

- surrection in Edr., I. * 409; in the Mearns, &c., 15, 81. See Lord of Inobedience, Misrule, Robin Hood, &c.
- Uphaly-day, what, I. * 115, * 299.
- Urie, Ro., Resetting Jesuites, III. 376.
- Urquhart of Alderne, Ja., I. * 224;—of Burrisgardis, Alex., I. * 336, * 357, * 391;—of Craig-Fintrie, Jo., III. 379;—Tutor of Cromartie, Jo., I. 285;—Ja., Warrant for him to deliver up or slay his two brothers, * 391;—LORD, Adam, 293;—Parson of, slain, 386; Gilb. Pacok beheaded, 388, (see Colville;)—Tho., Sheriff of Cromarty, * 169; Walt., 193.
- Urquhill, Laird of, present at Gowrie's Conspiracy, in the King's suite, II. 172. See Grahame.
- Usher, Adie, hanged for Sheep and Cattle-stealing, III. 568; Will banished, 569.
- Usher of the Chekkar-hous door, I. 316;—of the King's Inner Chamber-door, * 313;—of Outer do., *ib.*;—Prince's Master, * 314;—Queen's Master, *ib.*
- Usurping King's authority, I. * 159, * 208; and Murder under colour of law, III. 399, 418; and Hamesucken, 431, 497, 552.
- Usury, (Oker,) II. 101.
- Uttering forged money, I. * 137; Kelman and Gardin hanged, 385; Arneill, II. 17; three women 'wirreit and brunt in assis,' 74; Rauff Wallace burnt, 79; Walt. Murray and two others burnt, 100; Macalexander and three others 'wirreit,' and two more hanged, II. 353; Geo. Drummond, 365, and Pat. D., 383, 'wirreit and brunt'; Allan Napier, do., 403; Alex. Thomson hanged and forfeited, 404; Dow and MacClaren, do., 418. See also under Coining, Forgery, &c.

V.

- VAGABOND, and follower of Gypsies, scourged and banished, III. 99; four Faws hanged, 201. See Egyptianis, Fa, &c.
- VAISON, BISHOP OF, (Wm. Chisholme,) II. 569; account of his Family, &c., *ib.*, *note*; attempts to make him a Cardinal, 570.
- Vallem of Woodwrae, Dav. II. 385; James and Geo., his sons, hanged, 386. See Wallein.
- Vandyke, Sir Anth., II. 297, *note*, and 319, *note*.
- Vane-organ, what, I. 4, 7; II. 21, 449, 512.
- Vause (Vans) of Barnbarroch, I. 373; Jo., II. 539;—of Blause, Da., III. 539;—of Campfurd, Ro., 328;—of Irsalk, Pat., Stouthrief, &c., I. * 94;—of Lochslin, (Lochslum,) Jasper, * 376; Jo., 204, 284;—of Lybrek, Pat. III. 328;—(Waus) of Many, respited, I. * 250; remitted, * 251, * 470;—of Ruthvennis, Alex., 94.
- Veadge, III. 572.
- Veils, mourning, I. * 287.
- Veitch, (Vaiche or Weche,) of Dawik, Wm., I. * 147, * 166, * 469; his son Pat. slain, 190; Jo., II. 430;—of that Ilk, James, I. 155;—of Kingside, Jo., I. * 141, * 144; Wm., * 424;—of North Syntoune, Ja., yr., 204; II. 368; of Syntoun, Walt., III. 391;—of Tourhope, Ja., I. 204.
- Velvet, I. * 301, &c. See App. to Reigns of K. JA. IV. and K. JA. V.
- Verdict, Protestation against one, for Wilful Error, I. * 449. See Assise, Error, &c.
- Vere of Stonebyres, I. * 126; murdered, * 132, * 159, * 238. See Weir.
- Vernour of Auchindunny, Tho., I. * 143; Robert, II. 21.
- Vessels, grooms of the King's, I. * 313; Silver, *ib.*, &c. See Silver, Gold, Plate, &c.
- Viatium*, what, III. 588.
- Victual, girmalling, I. * 181;—selling to the English, * 379, * 476; to Rebels in Edr., 30, 34.
- Violars, the King's, (Minstrels,) I. * 314, * 316.
- Viols for the King, (musical instruments,) I. * 285.
- Vulgaris purgatio*, popular Ordeals for the detection of Murderers, III. 184, &c. See Touching, &c.

W.

- WADDELL, Jo., Parson of Flisk, I. * 472.
 Waff, (vaff,) a signal, II. 287.
 Waith-naig, what, III. 98, 610.
 Waking (Walking) of Witches, what, I. 50; a Jesuite waked *ad delirium!* III. 332.
 Walcar, Sir Jo., Umbesetting, &c., I. * 204.
 Waldegrave, Ro., Printing a vitiated Act of Parliament, II. 2, 7, 14.
 WALES, PRINCE OF, Cha., III. 502.
 Walk, to wake or watch, III. 527.
 Walker, Hen., Spuilzie, I. 390.
 Wallace of Boigheid, Hew, II. 130;—James, III. 57;—of Carmyre, Hugh, I. 36;—of Carno, (Carnell,) James, * 137; John, Treason, * 273; Hew, * 428, * 457, * 486, * 491, 36; John, II. 106; Sir John, III. 68;—of Cragy, John, I. * 251; Pension to his widow, *ib.*, 244;—Tutor of Craigy, Wm., * 137; Hew respited, * 237;—of Ellerslie, Wm., * 344, * 382, 141;—of Holmestoune, Ro., II. 130;—Ja., hanged, III. 265;—of Johnstoun, Wm., I. * 344, 35, 159, 169; Ja., III. 237;—Marg., Witchcraft, Sorcery, &c., III. 508, ‘wirreit and brunt,’ 536; proof allowed in this case, 525, &c.;—of Maryford, Hew, I. * 420;—of Newtoun, Adam, * 137;—Rauff, Coining and uttering base money, II. 75, 77; ‘wirreit and brunt in assis,’ 79;—of Seweltoun, Edw., 106;—of Wallace-toun, Wm., III. 57.
 Wallein of Wodwra, Alex., I. * 347. See Vallem.
 Walpynnis, anent (lang) in buithis, I. * 362.
 Wambe, what, II. 417.
 Wanebrasis, (belly-bands or girths,) I. * 290.
 Wane-ill, what, I. 51.
 Wand of Peace, ceremony of breaking, on occasion of a Messenger’s Deforcement, &c., I. * 75, * 157, * 437, * 484; III. 469.
 Wantonness and ‘her marrowis,’ I. * 124.
 Wantoun-Pyntill, I. * 181; slain, * 201.
 Wantoun Will, beheaded, I. * 219.
 Wapenschawing, I. * 309, * 311, 349; general, 354.
 Warbeck, Perkin, I. * 5, 116.
 Ward, breaking, I. * 331, 108, 135, 297, 305, &c.;—Free, granted to William, Master of Forbes, * 187.
 Warden Raid, or ‘Day of Trew,’ I. * 397.
 Wardens of Marches, hindering them from taking Rebels, I. * 165; their fees, * 315; Lord Maxwell slain, 360; Sir Jo. Carmichael slain, II. 363, 504.
 Warding MARY Q. OF SCOTS, in her Palace of Holyrood, &c., I. * 482.
 Wardlaw of Curryhill, Alex., I. 1, 34, 107;—Hen., Queen’s Chamberlain of Dunfermline, II. 555;—Mr Ja., Justice depute, I. 159, &c.;—of Kilbabertoun, Hen., * 158; imprisoned for Wilful Error, * 203; Alex., * 424; Ro., yr., 64;—of Torry, Jo., * 136.
 Wardrobe, Yeomen of King’s, I. * 313; Grooms in, *ib.*; Tailor in, *ib.*
 Wark, Raid of, I. * 240, * 242, * 257.
 Warristoun, Laird of, I. * 62; House of, besieged, 81, 83; Lady ‘raveished,’ (carried off by violence,) 244;—Laird of, Murdered by his wife, &c. See Kincaid and Levingstoun.
 War trumpets, I. * 314.
 WARWICK, EARL OF, I. * 379.
 Wasche, strang or stark, (urine,) used in Witches’ charms, I. 245.
 Wast, And., Slaughter, III. 466.
 Wastland, Alex., hanged for Perjury, Oppression, &c., II. 453.
 Wat, Geo., hanged for Suborning Witnesses, III. 356.
 Water-Ordeal, III. 184, 187.
 Watsoun, Ja., Murder under trust, hanged, II. 540; James, drowned for lamb-stealing, III. 208;—Jonet, her Confession of Witchcraft, 601;—Patrick, Warlock, pricked for Devil’s mark, 599;—of Sauchtonhall, Mr Ja., portioner, II. 105.
 Wauch of Hoip, Ro., III. 396;—of Keip, Ro., II. 474;—of Schawis, Tho., III. 387, 485; Tho., his son, *ib.*
 Wauchope of Caikmure, Adam, I. * 468, 27, 6 156;—of Cleghorne, Geo., II. 113; his son

- Ja. slain in a 'singular combat' or duel, *ib.* ; his antagonist beheaded, *ib.*, *note*, 124 ;—Feud, I. * 143, * 144 ;—Geo., swearing fealty to Protector of England, &c., * 378 ; Slaughter, II. 52 ;—Gilb., slain, 562 ;—of Nudry-Marscheall, Gilb., I. * 143, * 144 ; waylaid, * 169, * 176 ; Geo., * 388 ; Wm., yr., killing game, * 395 ; Gilbert, *ib.* ; Wm., 72, 107 ; Arch., yr., 168, 270, 305, 358 ; II. 52 ; Arch., (Ro.?) 29, 403 ; Wm., his son, slays Laird of Wowmett, *ib.* ; Banished, 410 ;—of Stottin-cleuch, Wm., II. 562 ; his brother Gilb. slain, *ib.* ;—Wm., beheaded for Slaughter, 402.
- Wauchtoune, Castle of, besieged, Hereschip, &c. I. 8.
- Waughter, Capt. of a Dutch, brings two English Pirate vessels to Leith, and is 'propnyed with a (silver) coup of lx vnce weight,' III. 111.
- Waylaying, (see Umbesetting, &c.,) I. * 169 ; Lady Luss, &c. * 178.
- Weath-horse, what, III. 98, 610, 613, *et seq.*
- Weche. See Veitch.
- Wedderat, Geo., slain, I. * 467, * 487.
- Wedderburn, Castle of, recovering, I. * 237 ; victuals furnished to, * 272 ;—Mr Dav., Forcing (Rape) and shamefully abusing, III. 439 ;—Lady, Assise on her and Lady Traquair, I. * 280.
- Wedonynpha, ('wyten-on-fa,') what, II. 27.
- Weights, false, II. 88.
- Weir, (Vere, Were,) of Auchtyefardell, Wm., I. 35 ; II. 376 ; Jo., his brother, 506 ; Da., III. 134 ;—Beatrix, III. 68 ;—Bessie, beheaded for Child-Murder, 472 ;—of Blackwood, Tho., Slaughter and Rape, I. * 180 ; Ja., 36, 71 ; Geo. III. 227 ;—of Clowburne, Jo., II. 453 ; of Halcraig, Alex., I. 36 ;—of Howburne, Henry, I. 72 ;—of Kirktonne, Tho., 36 ;—of Newtown, William, * 87 ;—of Quhytecleuch, Jo., and Mungo, his brother, beheaded, III. 247 ;—Ro., broken on the wheel, &c., for Murder of Laird of Warristoun, II. 445 ;—Tho., Forcing, (Rape,) III. 499 ;—Wm., beheaded, 123.
- Wells, holy, Superstitions practised at, II. 538, &c.
- Welsche of Colliestoune, Da. III. 475 ;—Mr Jo., Minister, tried, II. 494 ; banished, 503.
- Wemyss of Bogie, Ja., Deposition as to Gowrie's Conspiracy, II. 218 ; Sir Ja., Vice Admiral, III. 102 ;—of Craigtoun, Mr Jo., 508 ;—of that Ilk, Dav., I. 233, 310 ;—of Logie, 280 ;—of Pittencrieff, Sir John, married Dorothea Ruthven, II. 297, *note* ;—of Vnthank, Tho., I. * 157.
- Westhall, Laird of, slain, I. * 179.
- West Marches, Raid of, I. * 331 ; Commission to rule, &c., 304.
- WESTMORELAND, EARL OF, I. * 271.
- Westraw, Laird of, slain, I. 36.
- Weyme, Burning Place of, I. * 103, * 107, * 110.
- Wharton, Sir Henry, I. * 348 ; burns Durisdeer, Amisfield, &c., *ib.* ; LORD, * 401 ; treasonable Letter, addressed to him, *ib.* ;—Tho., * 273 ;—Sir Tho., * 401.
- Wheat, exporting to Flanders, I. * 365.
- Wheel, breaking on the, I. 241 ; II. 450, and *note*.
- Whirlwind, superstition relative to, I. 164 ; that Devil carried off a Witch in a, III. 602 ; that Witches shoot people who do not 'sain' or 'sanctifie' themselves, 604.
- Whistle, silver, in common use before room-bells, I. * 396. See Quhissill.
- Whitefarde of that Ilk, John, I. * 384, 91 ;—of Myltoun, Jo. 70 ; Adam, yr., conspiring Murder of REGENT MORTON, *ib.*
- WHITEHORN, BISHOP OF, (*i. e.* Galloway,) I. * 163.
- Whitelaw of that Ilk, I. * 169 ; Patrick, * 364, * 480 ;—of Newgrange, Pat., 119.
- Whyte, Rowland, II. 318.
- Widderschynnes, what, III. 557, 605.
- Wigtoun, burgh of, oppressed, I. * 93 ;—EARL OF, Jo., II. 572, 596 ; III. 542 ;—Justice-Aire of, I. * 56, * 74, * 88 ; expenses, * 317 ;—Provost of, II. 540 ; slain, III. 119 ;—Sheriff of, takes bribe to discharge a Murderer, I. * 63 ; Oppression and Hereschip, * 89 ; Prevents a Court from being held, * 91.
- Wild-boars brought from France, ('sangweleris' Fr. *sangliers*,) I. * 311, * 312.
- Wild-fowl, killing, I. * 395.
- Wild horses and mares, stealing, I. * 247.
- Wilful Error on Assise. See Error and Assise.
- Wilfurd, (Wolford,) Sir Ja., (English General of

- Hadington,) I. * 349; burns the towns of Dalkeith and Newbottle, *ib.*, 353.
- Wilkie, Ro., banished for Resetting Jesuites, III. 371;—of Saughton, Tho., portioner, II. 128.
- Wilkin, nickname for Wm., I. * 190, &c.
- Will, declared by the KING, in person, I. 247.
- Williamson of Termet, Angus, Slaughter, II. 507; Lach., yr., *ib.*; Angus, 528;—Wm., Oker, (Usury,) II. 101.
- Willock, Jo., the Reformer, Heresy, &c., I. * 407, * 417, *note*. See Reformation.
- Willoughby, Sir Hugh, I. * 345;—LORD, II. 320.
- Wilman, Capt., English Pirate, III. 110.
- Wilson of Cruglin, (Croglene,) Jo., I. * 140; III. 501.
- Wilsoun, Christian, *alias* 'the *Lanthorne*,' a murdered corpse bleeds at her touch, III. 195; her Confession of Witchcraft, 601; carried off by the Devil in a whirlwind, 602;—Bessie, a Witch, 606, &c.;—Margaret, a Witch, *ib.*
- Wind, blast of evil, I. 233;—Witch-charm for raising, III. 607.
- Windows, glazed Church, destroyed, I. * 353. See Reformation.
- Wine, Rhenish, presented to K. JA. V., I. * 303;—prices of, at Justice-aires, * 64, * 389;—purchasing high-priced, * 349, * 377, * 458.
- Wine-cellar, King's, Yeomen of, I. * 313; grooms of, *ib.* See Yeomen, &c.
- Winrahame, Ro., *Isla Herald*, taken prisoner in Orkney, his coat of arms torn, &c., III. 278, 283, 317.
- Wintercleuche, Hereschip of, I. * 398.
- WINTOUNE, EARL of, Geo., III. 316;—MASTER of, Conflict at St Johnstoun with E. of Glencairn, III. 579;—of Strichtmartyne, Tho., I. * 177.
- 'Wirreit at ane stake,' Witches strangled before being burnt, 186, &c.
- Wischart of that Ilk, James, I. * 404;—of Mwretonn, And., 'Forceing and Defloiring' a girl of 11 years old, III. 507;—of Pittarrow, Mr Ja., Gift to his widow and children, I. * 235, * 496, 178; Jo., 284; Sir Jo., II. 363; young Laird and his friends fight young Edzell at the Salt tron of Edr., III. 61.
- Wissillit, exchanged, III. 92.
- Witchcraft, to be enquired into at Justice-aires, I. * 66; Agnes Mullikine, *alias* Bessie Boswell, banished, * 432; Jonet Boyman, burnt, 38; remarkable case of Bessie Dunlop, 49; burnt, 58; using and seeking Enchantments, &c., 70; Violet Mar, 76; Wm., Gilmour, 101; Alesoun Peirsoun, 161; Jo. Myllar, 167; Lady Fowlis, 185, 191, &c.; Mr Hector Munro of Fowles, 201; Meg Dow, burnt, 186; Jonet Grant and Jonet Clark, burnt, 206; Bessie Roy, acquitted, 207; William Leslie of Crechie, and his wife, 209; John Feane, *alias* Cuninghame, 'Secretar to the Devill,' &c., burnt, 209; Agnes Sampsoune, 230; Barbara Napier, 242; Ewfame Mac-Alzeane, 247; Fra. E. OF BOTHWELL, 258; forfeited, 259; Nin. Chirmeside, his servant, 259; Commission for examining Witches, &c., 261; Kath. Muirhead, burnt, 359; Jo., MASTER OF ORKNEY, 373; Alison Balfour, her husband, son and daughter suffer unheard of tortures, 375, 376; Alison Jollie, 397, acquitted, 399; Christian Stewart, burnt, 399; Capt. Pat. Hering, II. 23; Jonet Stewart and three others 'wirreit' and 'brunt in assis,' 25; Bessie Aikin, banished for life, 52; Pat. Lowrie, 'wirreit' and 'brunt,' 477; Issobel Greirsoune, 523; 'wirreit' and 'brunt in assis,' 526; Bartie Paterson, do., 535; Issobell Haldane's Depositions, 537; Beigis Tod, 'wirreit' and 'brunt,' 542; Ja. Mure, III. 68; Grissell Gairdner, 'wirreit' and 'brunt,' 95; Marioun Peebles, *alias* Pardoun, burnt, 194; corpses of Murdered persons bleed on her touch, *ib.*; Christian Wilson, *alias* the *Lanthorne*, *ib.*; a corpse bleeds on her touch, 195; and Poisoning, &c.; Ro. Erskine, beheaded, 260; his sisters Issobell and Annas, beheaded, 267; Helen, banished, *ib.*; Margt. Wallace, (a remarkable case, with pleadings,) 508; proof allowed, 505; 'wirreit,' and 'brunt,' 536; Christian Grahame, 509, &c.; Tho. Greave, burnt, 555; Remarkable Examinations of persons accused, 596; barbarous treatment of Witches at their execution at Broughton, 598; pricking and finding Devil's mark, 599; Confession of Manie Haliburtonn, *ib.*; Geillis

- Johnstone, III. 600; Confessions of Jonet Watson, &c., 601; remarkable Confessions of Issobel Gowdie, 602, and of Janet Breadheid, 616;—pleading (*quibus medijs, modis, et malis artibus*), as to how it was accomplished, III. 512, &c.
- Witches consulted by ladies of rank, I. 54, 55; by the Archb. of St Andrews, 164; pay *teynd* to the Devil, *ib.*; 'wirreit' (strangled at a stake,) and burnt to death, 186, &c. See Witchcraft; Great Sabbath, or Convocation at Northberwick Kirk, 212, 217, 239, 245; they 'junt' dead bodies, for making Witch-charms, 218, 233, 237, 239; initiation of Witches, 234, &c.; carouse with the Devil in a ship and then destroy it, 235; baptize a cat, 218; a singularly curious charm, 237; restoring bewitched horses and cattle, 238; form of homage done to the Devil, 210, 217, 239; III. 609, &c.;—Witch in a state of pregnancy respited, 243;—Convention at Aitchison's haven, 245;—Commission for examining, 261;—Master of Orkney consults Witches for the death of the Earl, 373;—burnt *quick*, (alive,) who in their despair blasphemed and renounced their baptism, &c., III. 598;—pricking to find Devil's mark, 599, 602. See Witchcraft, &c.;—their Covens consisted of 13 each, 603;—symbolical mode of taking the fruits of the ground, dairy, &c., *ib.* and *note*, 614, &c.;—their dances, 603;—their revels and feasting, 604, &c.;—they set 'beesomes,' (brooms,) in bed with their husbands in their place, *ib.*, 608; or 'thrie leggit stooles,' *ib.*;—clay figures to take away life, 605;—took forms of 'keas,' hares, cats, &c., *ib.*;—grand Meetings, 606, 613;—remarkable nicknames of Witches, *ib.*;—how they shot with elf-arrows, 609;—form of homage to the Devil, *ib.*, *et seq.*
- Witches-bridle, a collar for extorting confession, I. 50; modes of torturing, 217.
- Witch-dances, III. 603;—Gillatrypes, (a dance,) 606, &c. See also Witch trials, *passim*.
- Witch-grace to the Devil, before meat, III. 612;—after meat, *ib.*
- Witch-prayer, charm, or conjuration, for healing diseases, &c., I. 234, 237, III. 95.
- Witness, famous, what, III. 73.
- Witnesses, Suborning, III. 352; several persons beheaded, hanged, scourged, and branded, 354; proof in exculpation of slaughter, by, refused, III. 467; And. Turnbull, and two others, hanged, 539; Da. Turnbull's tongue pierced with 'ane hett boitkyn,' *ib.*
- Wooderspyne of Brighous, Ja., found Caution, I. * 487, 27; Umbesetting, &c., 58.
- Wode, (Woid, Wood,) Mr Alex. Vicar of Northberwick, Invasion, &c., I. * 347;—of Balbegnocht, Walt., I. 28, II. 73, 128, 454;—of Bonyngton, Ja., I. * 343, * 347, * 433; Ja., yr., 'fear' of, tried for breaking into Bonyngton, and stealing title-deeds, II. 340; is hanged, 347; Pat., 340;—of Colpna, Jo., slain, I. * 469; Alex., 382;—of Craig, Dav., I. * 347, 371; Sir Dav., striking Ministers, and Obstructing the designation of a Manse and glebe, &c., II. 360; acquitted, 363; III. 134;—of Galestoun, Jo., I. * 451;—of Lam-mielethan, Alex., II. 397;—of Latoune, (or Banblane,) Wm., II. 63, Slays Unicorn Pursuivant, 72; tried for breaking into Bonyngton, stealing title-deeds, &c., 340; condemned to be hanged, 347; is remitted, *ib.*, *note*;—of Largo, Sir Andro, I. * 121; remission to, * 250; he redeems lands for the KING, * 322, * 424;—of Stonyside, Jo., I. * 437;—of Wodstoune, Arch., I. 29.
- Wolves, mention made of, I. * 116.
- Woodbine, used in Witches' charms, II. 26, 27, 28; Woman, burnt on a red-hot 'girdill,' II. 391.
- Woman-house, III. 540.
- Women, capital punishment, by drowning and burning, I. * 162, * 190, &c. (See Burning, Drowning, Females, &c.)—pregnant, Murder of, I. * 344; striking, * 412, &c. See Pregnant, hurting, * 421;—married, liability to punishment for crimes, argued, I. 42, &c.
- Woods, destroying, I. * 71.
- Wool, stealing, from live sheep, I. * 206.
- Woolmot; Raid of, II. 21; Laird of, slain, 52; 'Gudeman' of, slain, 339. See Edmonstoune.
- Worle, King's, Master of, I. * 315.
- Wormestoun, Laird of, III. 245; his lands, &c. in Lewis, burnt and wasted, *ib.*

- Worsome, bluid and, what, II. 478 ; III. 95.
 Worsted, clews of, used in Witchcraft, I. 253.
 Woulf of Wadelie, Jo., I. 155.
 Wounding in the King's Chamber, I. * 85.
 Wounding, I. * 159 ; Judicial Arbitration, * 167 ;
 —Countess of Craufurd, * 180, * 181, * 201 ;
 Mr Gawin Dunbar, * 328, * 401 ; a Bailie of
 Leith, * 403, * 410, * 412 ; an Officer,
 * 437 ; in Perth, * 451 ; females, * 454 ;
 Auchincraw, 381 ; Frenche, III. 69, 72.
 Woux, a watch, I. 386.
 Wraw, Witch's cries, while in the shape of cats,
 III. 611. See also Witchcraft.
 Wright, (carpenter,) King's master, I. * 314.
 Writer, of the Casualties, King's, I. * 315 ; hang-
 ed for falsifying a Charter, II. 104.
 Writing Pasquils against the King, F. Tennent,
 hanged, II. * 332.
 Wylie of Bonytone, Jo., I. * 81, Tho., * 87, * 470.
 Wynd, Henry, beheaded, ' *ex gratia*,' I. * 393.
 Wyndis, Alex., of that Ilk, I. * 37.
 Wyot, Henry, Englishman, I. * 3, 6.

Y.

- Yarn, hesp of, Witch-charm with, &c., III. 556,
 605.
 Ycolmkill, Jo., Commendator of, I. * 105.
 Year, first day of, regulated, II. 102.
 Yeomen of the King's Ale-cellar, Avery, Bread-
 house, Great Lardner, Petty Lardner, Spice-
 house, Stable, Wardrobe, and Wine-cellar, I.
 * 313, &c.
 YESTER, JO., LORD HAY of, I. * 149, * 265 ;
 his Assise, * 274, * 324.
 YORK, DUKE OF. See Perkin Warbeck ;—
 Council of, I. * 295, * 323, * 324.
 Young, Gilb., Incest, 42 ; Ja., hanged for Per-
 jury, &c., III. 539 ; Jo., Warlock, Officer to
 a Witch-coven, 614, &c. ;—Nicoll, slain, I.
 * 442 ; Magistrates of Edr. tried for setting the
 Murderer to liberty, *ib.* to * 450 ; Protestation
 against the Verdict, * 449, * 452 ;—Oliver,
 bailie of Perth, II. 187 ; his Dep. as to Gow-
 rie's Consp., 188 ;—Sir Peter, King's Almo-
 ner, II. 544.
 Youth, slaughter committed by a boy of *eight*
 years old, I. * 16 ; by a lad 14 years old, III.
 237 ; sentenced to be beheaded, 241 ; banish-
 ed for life, *ib.*, *note*.
 Yule of Garmiltoune, Jo., I. 27 ;—Ja., banished
 for Intercommuning with the English, I. * 406.
 See Treason, Intercommuning, &c.

Z.

- Zetland, Inhabitants of, barbarously oppressed by
 the Earl of Orkney, III. 81.
 Zow, an ewe, III. 396, &c.
 Zule, And., scourged and banished for Theft, III.
 270 ;—Christmas, III. 389, &c., *passim*.
 See under Letter Y, for all similar words.

THE END.

University of California
SOUTHERN REGIONAL LIBRARY FACILITY
405 Hilgard Avenue, Los Angeles, CA 90024-1388
Return this material to the library
from which it was borrowed.

UCLA LAW LIBRARY.

MAR 28 1996

I.L.L.



3 1158 00993

UC SOUTHERN REGIONAL LIB



D 000 006

TACK A